

**June 22, 2022 CITY COUNCIL AGENDA**  
**CERTIFICATION**

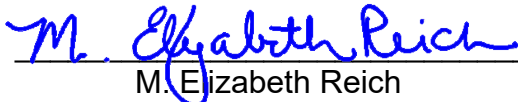
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated June 22, 2022. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



\_\_\_\_\_  
T.C. Broadnax  
City Manager

\_\_\_\_\_  
June 17, 2022

Date



\_\_\_\_\_  
M. Elizabeth Reich  
Chief Financial Officer

\_\_\_\_\_  
June 17, 2022

Date





# Memorandum



DATE June 17, 2022

CITY OF DALLAS

TO Honorable Mayor and Members of the City Council

SUBJECT **June 22, 2022 City Council FINAL Agenda - Additions/Revisions/Deletions**

On June 10, 2022 a DRAFT City Council Agenda for June 22, 2022, was provided for your review. This memorandum outlines any additions, revisions or deletions made to the FINAL agenda after the distribution of the DRAFT agenda. In addition, we have highlighted agenda items which have been briefed to the City Council and/or Committee by briefing memorandums.

Additional items and deletions to the DRAFT agenda are outlined below, including *revisions* to the FINAL agenda are underlined in blue and *deletions* are strikethrough in red. A brief explanation for revisions along with staff's contact information is provided.

## Additions:

70. 22-910 Authorize **(1)** settlement of the lawsuit styled City of Dallas v. Delta Air Lines, Inc., et al., Cause No. 3:15-CV-02069-K - Estimated Revenue Foregone: Aviation Fund \$200,000.00 annually over a six-year period until the expiration of the current Use and Lease Agreements at Love Field; **(2)** a facilities lease agreement at Dallas Love Field with Delta Air Lines, Inc. for scheduled airline passenger service support space; and **(3)** a facilities use agreement at Dallas Love Field with Southwest Airlines for terminal storage and support space - Estimated Net Annual Revenue: \$470,761.40
71. 22-1430 An ordinance **(1)** appointing 10 full-time municipal judges and 18 associate (part-time) municipal judges for the City of Dallas municipal court of record for a two-year term ending May 31, 2024; **(2)** designating an administrative municipal judge; **(3)** establishing the annual salaries for the administrative municipal judge, the municipal judges, and the associate municipal judges; **(4)** providing a severability clause; and **(5)** providing an effective date - Not to exceed \$152,000.00 annually - Financing: General Fund
72. 22-1431 An ordinance amending the Dallas City Code by adding a new Chapter 38A, "Commercial Promoter Program" by **(1)** providing a commercial promoter registration program, registration fee, and safety plan requirements for commercial promoters; **(2)** amending Chapter 27, "Minimum Property Standards," of the Dallas City Code by amending Section 27-46 to include violations of Chapter 38A in the definition of code violations in the habitual nuisance properties program; **(3)** providing a penalty not to exceed \$2,000.00 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and \$500.00 for all other violations; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Estimated Revenue: Convention and Event Services Fund \$26,250.00 annually (see Fiscal Information)

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73. 22-1457 Authorize an amendment to Resolution No. 21-2047, previously approved on December 8, 2021, to allow the City to subordinate its liens to a financial institution's liens in relation to the development of Highpoint at Wynnewood, a mixed-income, multifamily development located 1911 Pratt Street Dallas, TX 75224 (Project), subject to the requirements of the Comprehensive Housing Policy (CHP) - Financing: No cost consideration to the City
74. 22-1054 An ordinance abandoning portions of three water easements and a drainage easement to Urban Smart Growth LP and Central Carroll Interests LLC, the abutting owners, containing a total of approximately 39,259 square feet of land, located near the intersection of North Central Expressway and Carroll Avenue - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee
75. 22-1405 Authorize a development agreement ("Agreement") and all other necessary documents with I-20 Lancaster Development, LLC and/or its affiliates for a City Subsidy in an amount not to exceed \$34,210,966.00 comprised of **(1)** an amount not to exceed \$2,800,000.00 in the form of an economic development grant payable from the City's Public/Private Partnership Fund ("PPP Grant"); and **(2)** an amount not to exceed \$31,410,966.00 plus an additional grant in lieu of interest payable from future University TIF District funds ("TIF Subsidy") in consideration of the University Hills Phase I Project on property generally bounded by Interstate Highway 20 (Lyndon B. Johnson Freeway), Lancaster Road, and the DART rail line in Tax Increment Financing Reinvestment Zone Number Twenty One (University TIF District) - Financing: Public/Private Partnership Fund (\$2,800,000.00) and University TIF District Fund (\$31,410,966.00) (subject to annual appropriations from tax increments)
76. 22-1406 Authorize the following: **(1)** the designation of approximately 11.0 acres of property located at the current address of 2323 North Field Street as depicted in Exhibit A and further described in Exhibit B attached to the resolution, in Dallas, Texas as City of Dallas Neighborhood Empowerment Zone No. 20 ("NEZ No. 20"), pursuant to Chapter 378 of the Texas Local Government Code, which has been determined will promote an increase in economic development in the zone, establish boundaries for the zone, and provide for an effective date for the zone; **(2)** a real property tax abatement with Hunt Realty or an affiliate thereof, including North End L.P. ("Owner") exempting 50% of the taxes on the added value to the net new tangible real property for a period not to exceed ten years; and **(3)** a business personal property tax abatement with Goldman Sachs & Co. LLC or an affiliate thereof ("Goldman Sachs" or "Tenant") exempting 50% of the taxes on the added value to the net new tangible business personal property for a period not to exceed five years; and **(4)** a Chapter 380 Economic Development Grant Agreement with Tenant in an amount not to exceed \$4,000,000.00 for job retention and creation; and **(5)** a Chapter 380 Economic Development Grant Agreement with Owner and/or Tenant or affiliates thereof in an amount not to exceed \$375,000.00 associated with expedited permitting and soft construction costs grant; all of which will promote state or local economic development and to stimulate business and commercial activity in the municipality in connection with jobs created and retained in association with a new office development in accordance with the City's Public/Private Partnership Program - Financing: Public/Private Partnership Funds (\$4,375,000.00) and Estimated Revenue Foregone - City ad valorem real personal property taxes estimated up to

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\$12,257,000.00 over a ten-year period and City ad valorem business personal property taxes estimated up to \$1,381,703.00 over a five-year period

77. 22-1481 Authorize **(1)** rescinding the construction contract awarded to Post L Group, LLC, previously approved on November 10, 2021 by Resolution No. 21-1850, for the construction of Fire Station No. 41 Replacement facility; and **(2)** to re-advertise this project located at 5920 Royal Lane - Financing: No cost consideration to the City
- 78.22-1259 Authorize an Interlocal Agreement with Dallas County to accept \$10,000,000.00, to be granted to the City of Dallas for the redevelopment of 4150 Independence Drive, Dallas, Texas 75237, and to provide for housing opportunities for unsheltered youth (ages 18-24) with a targeted focus on LGBTQIA+ via a co-run RFP and ensuing program development to serve the most vulnerable segment of the population, defined as at or below 30 percent Area Median Income - Financing: FY22 Dallas County ARPA Fund \$10,000,000.00
79. 22-1424 Authorize **(1)** an increase in appropriations in an amount not to exceed \$470,000.00 in the Operating Carryover Fund from General Fund Contingency Reserve; and **(2)** a transfer in an amount not to exceed \$470,000.00 from General Fund Contingency Reserve to the Operating Carryover Fund for the management of a diverse forestry canopy including preventative and reactive maintenance - Not to exceed \$470,000.00 - Financing: Operating Carryover Fund and General Fund Contingency Reserve (See Fiscal Information)

#### **Revisions:**

20. 22-1404 Authorize an amendment to the professional consulting contract with Michele S. Williams, ~~LLC-dba-Community-Equity-Strategies~~ [a sole proprietorship](#), for phase II consulting services and community input for drafting a new Comprehensive Housing Policy, action plan, and accomplishment measures that incorporates the recommendations from the equity review conducted by TDA Consulting, Inc. for a term of one year, in an amount not to exceed \$306,704.00 – Financing: General Fund \$306,704.00  
**This item is being revised to make updates to the AIS and Resolution. Please contact David Noguera, Director, Department of Housing & Neighborhood Revitalization, at 214-670-3619, for more information.**
43. 22-1274 Authorize the **(1)** acceptance of a grant from the Environmental Protection Agency (EPA) State Environmental Justice Cooperative Agreement (SEJCA) (Grant No. AJ-02F05001, CFDA No. 66.312) grant in the amount of \$200,000.00 to purchase and deploy non-regulatory air monitoring equipment in up to five (5) neighborhoods in the 75211 and 75212 zip codes, for the period October 1, 2021 through September 30, 2023; **(2)** receipt and deposit of funds in an amount not to exceed \$200,000.00 in the EPA State Environmental Justice Cooperative Agreement Fund; **(3)** establishment of appropriations in an amount not to exceed \$200,000.00 in the EPA State Environmental Justice Cooperative Agreement Fund **(4)** execution of the grant agreement with the EPA and all terms, conditions, and documents required by the agreement; and **(5)** coordination of initiatives, activities and partnerships necessary to fully implement the goals set forth in the SEJCA Grant Work Plan; **(6)** and execution of ~~a Memorandum of Understanding (MOU)~~

[Subrecipient Agreements](#) between the City and the sub-recipients of this grant (Texas A&M University – Transportation Institute, Center for Applied Research (TAMU-TTI-CARTEEH), Children’s Health (Children’s), and Positive Breathing – Asthma Chasers (PB-AC) – Not to exceed \$200,000.00 – Financing: EPA SEJCA Grant Funds

**This item is being revised to update the AIS and Resolution. Please contact Carlos Evans, Director, Office of Environmental Quality & Sustainability, at 214-670-1642, for more information.**

50. 22-8 Authorize a five-year service price agreement for non-engineering environmental consulting, investigative and remediation services with AECOM Technical Services, Inc., Alan Plummer and Associates Inc. dba. Plummer Associates, Inc., Apex TITAN, Inc., Aptim Environmental & Infrastructure, Inc., Arredondo, Zepeda & Brunz, LLC, ~~W&M Environmental, a Division of~~ Braun Intertec Corporation, Burns & McDonnell Engineering Company, Inc., EA Engineering, Science and Technology, Inc., Enercon Services Inc., EnSafe Inc., Ensolum, LLC, Freese and Nichols, Inc., Gresham Smith and Partners, Groundwater & Environmental Services, Inc., Halff Associates, Inc., Incontrol Technologies, Inc., Lynn Clark Associates, Inc., dba. LCA Environmental, Inc., Modern Geosciences, LLC, Raba Kistner, Inc., Terracon Consultants, Inc., Texas Green Star Environmental, LLC dba. Green Star Environmental, Weston Solutions, Inc., Wood Environment & Infrastructure Solutions, Inc. for citywide use, most advantageous proposers of forty-two - Total estimated amount of \$29,417,509.07 - Financing: General Fund (~~\$12,202,518.74~~ [\\$11,602,518.74](#)), Park and Recreation Facilities (B) Fund (\$4,660,556.25), Aviation General Fund (\$3,250,000.00), Sanitation Operation Fund (\$1,879,434.08), Facilities (H) Fund (\$1,132,500.00), Public Safety (G) Fund (\$1,132,500.00), Water Construction Fund (~~\$690,000.00~~), Sewer Construction Fund (\$345,000.00), Storm Water Drainage Construction Fund (\$3,625,000.00), Convention Center Fund (~~\$150,000.00~~ [\\$500,000](#)), Nas Redevelopment Fund (\$250,000.00), [Lead Hazard Control and Healthy Homes Grant \(\\$250,000.00\)](#), and Cultural Facilities (F) Fund (\$100,000.00)

**This item is being revised to make updates to the AIS and Resolution. Please contact Danielle Thompson, Director, Office of Procurement Services, at 214-670-3874, for more information.**

54. 22-1478 Authorize an ~~two-year~~ [eighteen-month](#) subrecipient agreement to provide legal services to residential tenants at risk of eviction and homelessness due to financial hardships brought on by the COVID-19 pandemic for the Office of Equity and Inclusion - Legal Aid of NorthWest Texas, most advantageous proposer of two - Not to exceed ~~\$250,000~~ [\\$500,000](#) - Financing: Coronavirus State and Local Fiscal Recovery Funds

**This item is being revised to make updates to the AIS and Resolution. Please contact Danielle Thompson, Director, Office of Procurement Services, at 214-670-3874, for more information.**

55. 22-1117 Authorize **(1)** ~~Supplemental~~ [Renewal](#) Agreement No. 1 to exercise the first of two one-year renewal options, with REKJ Builders, LLC, for residential rehabilitation repair services to homes with code violations that residents cannot afford to repair for the Department of Housing & Neighborhood Revitalization, and **(2)** an increase in appropriations in an amount not to exceed \$500,000 in the Dallas Tomorrow Fund

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to be used for associated costs - Not to exceed \$500,000 - Financing: Dallas Tomorrow Fund (subject to annual appropriations)

**This item is being revised to make updates to the AIS and Resolution. Please contact Danielle Thompson, Director, Office of Procurement Services, at 214-670-3874, for more information.**

61. 22-1369 Authorize **(1)** a Conditional Chapter 380 Economic Development Loan Agreement with MLK Kingdom Complex, LLC (Developer) in an amount not to exceed \$350,000.00 sourced with the South Dallas/Fair Park Opportunity Fund; and **(2)** a [Chapter 380 Conditional Grant Agreement](#) with Developer in an amount not to exceed \$100,000.00 sourced with the Southern Dallas Investment Fund, for construction costs to develop 3101 Martin Luther King Jr. Blvd. and 2904 Meadow Street of Dallas, Texas into the MLK Wellness Complex and parking – [Total amount not to exceed \\$450,000.00](#) Financing: South Dallas/Fair Park Opportunity Fund ~~not to exceed~~ \$350,000.00 and 2017 Proposition (I) Bonds Fund ~~not to exceed~~ \$100,000.00 ~~in a combined total amount not to exceed \$450,000.00~~
- This item is being revised to make updates to the AIS and Resolution. Please contact Joyce Williams, Director, Small Business Center Department, at 214-970-5624, for more information.**

- PH2. 22-1333 A public hearing to receive comments on proposed amendments to the Project Plan and Reinvestment Zone Financing Plan ("Plan") for Tax Increment Reinvestment Zone Number Eleven, the Downtown Connection Tax Increment Financing ("TIF") District ("District") to: **(1)** create two sub-districts within the ~~Zone~~ [District](#): **(a)** Downtown Connection Sub-district (original District boundary) and **(b)** Newpark Sub-district; **(2)** increase the geographic area of the District to add approximately 14.2 acres to create the Newpark Sub-district to facilitate anticipated redevelopment; **(3)** increase the total budget of the District (Downtown Connection Sub-district budget) from \$231,593,554.00 Net Present Value (NPV 2005 dollars) (approximately \$454,707,775.00 total dollars) to \$402,897,888.00 NPV (approximately \$1,059,227,817.00 total dollars, an increase of \$171,304,334.00 NPV (approximately \$604,520,042.00 total dollars); **(4)** modify the Downtown Connection Sub-district budget to add a line item for a public safety building to replace Fire Station #18; **(5)** establish a termination date for the Newpark Sub-district of December 31, 2052; **(6)** establish the percentage of tax increment contributed by the City of Dallas during the term of the Newpark Sub-district at 90%; **(7)** establish a total budget for the Newpark Sub-district of \$90,329,182.00 NPV 2022 dollars (approximately \$223,786,626.00 total dollars); **(8)** request Dallas County participation in the Newpark Sub-district at 55% for twenty years beginning in 2027; and **(9)** make corresponding modifications to the District boundary, budget, Plan, and participation agreement with Dallas County; and at the close of the hearing, consider an ordinance amending Ordinance No. 26020, as amended, previously approved on June 8, 2005, and Ordinance No. 26096, as amended, previously approved on August 29, 2005, to reflect these amendments - Financing: No cost consideration to the City

**This item is being revised to update the AIS. Please contact Robin Bentley, Director, Office of Economic Development, at 214-671-9942, for more information.**

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**Deletions:**

34. 22-1275 Authorize **(1)** a Development Participation Contract with Texas Trees Foundation for the donation of privately funded design plans for a City of Dallas 2017 General Obligation Bond Program Project identified as the Southwestern Medical District Streetscape Plan/Harry Hines Boulevard Improvements (Market Center DART Station to Mockingbird Lane); and **(2)** an Operating and Maintenance Agreement with Texas Trees Foundation for non-standard public improvements associated with the Harry Hines Boulevard Improvements Project (Market Center to Mockingbird Lane) - Financing: This action has no cost consideration to the City (see fiscal information for potential future costs)  
**This item was deleted to bring back at a later date. Please contact Dr. Ghassan Khankarli, Director, Department of Transportation, at 214-671-8451, for more information.**

A memorandum was previously provided to Committee and/or City Council regarding the following items. A link to the memorandums is attached for more information.

15. 22-954 Authorize **(1)** the sale of up to 10 Land Transfer Program lots to Masa Design Build LLC, and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program - Estimated Revenue: General Fund \$12,996.49; **(2)** the release of lien for all non-tax City liens, notices, or orders that were filed on up to 10 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots to the City of Dallas; and **(3)** execution of a development agreement with Developer for the construction of up to 10 single-family homes on the Land Transfer Program lots - Estimated Revenue Foregone: \$73,003.82  
[The Housing and Homelessness Solutions Committee was be briefed by memorandum regarding this matter on April 25, 2022.](#)
59. 22-1318 Authorize a public hearing to be held on August 10, 2022 to receive comments on amending Dallas City Code Chapter 15D; SEC 15D-15 Definitions; Sec 15D-16 Driving Wrecker To A Police Scene Prohibited; Exception; SEC 15D-17 Soliciting Wrecker Business At A Police Scene Prohibited; Presence At Scene As Evidence Of Violation; SEC 15D-21 License Application; Change of Zone; SEC 15D-22 License Qualifications; SEC 15D-50 Emergency Wrecker Service Zones; Wrecker Rotation List; SEC 15D-52 Requirements and Operating Procedures For Emergency Wrecker Service; SEC 15D-53 Rapid Response Program; SEC 15D-55 Notification of Police Department; SEC 15D-56 City-Owned Wreckers - Financing: No cost consideration to the City  
[The Public Safety Committee was briefed by memorandum regarding this matter on June 13, 2022.](#)
60. 22-1218 Authorize the **(1)** acceptance of a donated 2019 Protector Targa 310 boat with an estimated value of \$250,000.00 from Victor Vescovo to the Dallas Police Department - Financing: This action has no cost consideration to the City (see Fiscal Information)  
[The Public Safety Committee was briefed by memorandum regarding this matter on June 13, 2022.](#)



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75. 22-1405 Authorize a development agreement ("Agreement") and all other necessary documents with I-20 Lancaster Development, LLC and/or its affiliates for a City Subsidy in an amount not to exceed \$34,210,966.00 comprised of **(1)** an amount not to exceed \$2,800,000.00 in the form of an economic development grant payable from the City's Public/Private Partnership Fund ("PPP Grant"); and **(2)** an amount not to exceed \$31,410,966.00 plus an additional grant in lieu of interest payable from future University TIF District funds ("TIF Subsidy") in consideration of the University Hills Phase I Project on property generally bounded by Interstate Highway 20 (Lyndon B. Johnson Freeway), Lancaster Road, and the DART rail line in Tax Increment Financing Reinvestment Zone Number Twenty One (University TIF District) - Financing: Public/Private Partnership Fund (\$2,800,000.00) and University TIF District Fund (\$31,410,966.00) (subject to annual appropriations from tax increments)  
[On June 6, 2022, the Economic Development Committee was briefed regarding this matter.](#)

Please feel free to reach out to me or Kimberly Bizer Tolbert, Deputy City Manager if you have questions or should you require additional information at this time.



T.C. Broadnax  
City Manager

c: Chris Caso, City Attorney  
Mark Swann, City Auditor  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizer Tolbert, Deputy City Manager  
Jon Fortune, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager  
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager  
Robert Perez, Interim Assistant City Manager  
Carl Simpson, Interim Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Genesis D. Gavino, Chief of Staff to the City Manager  
Directors and Assistant Directors





**RECEIVED**

**2022 JUN 17 PM 9:25**

**CITY SECRETARY  
DALLAS, TEXAS**

**City of Dallas**

*1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201*



**Public Notice**

**220629**

**POSTED** CITY SECRETARY  
DALLAS, TX

**COUNCIL AGENDA**

**June 22, 2022**

**9:00 AM**

(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 Chamber, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live 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 the 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.

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

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

## **Rules of Courtesy**

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

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

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to

## **Información General**

El Concejo Municipal de Dallas se reúne regularmente los miércoles a partir de las 9:00 a.m. en la Sala del Consejo, en el piso 6, El Municipio, 1500 Marilla. Las reuniones de la agenda del Consejo se transmiten en vivo por time Warner City Cable Canal 16. Las reuniones informativas se llevan a cabo el primer y tercer miércoles de cada mes. Las reuniones del orden del día (votación) del Consejo se toman el segundo y cuarto miércoles del mes. Cualquier persona que desee hablar en la reunión debe inscribirse en la Oficina del Secretario de la Ciudad llamando al 214-670-3738 antes de las 5:00 p.m. del último día hábil antes de la reunión. Los ciudadanos pueden averiguar el nombre de su representante y su distrito de votación llamando a la Oficina del Secretario de la Ciudad.

Los intérprete de lenguaje de señas están disponibles con un aviso de 48 horas de anticipación llamando al (214) 670-5208 V/TDD. La Ciudad de Dallas está comprometida con el cumplimiento de la Ley de Estadounidenses con Discapacidades. **La agenda del Consejo está disponible en formatos alternativos a pedido.**

Si tiene alguna pregunta sobre esta agenda o comentarios o quejas sobre los servicios de la ciudad, llame al 311.

## **Reglas de Cortesía**

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

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

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben 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

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.

Ayuntamiento Municipal, será expulsada de la cámara si el oficial que este 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 precisara al oficial que este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

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

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

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

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

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

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

*"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."*

**AGENDA  
CITY COUNCIL MEETING  
WEDNESDAY, JUNE 22, 2022  
ORDER OF BUSINESS**

The City Council meeting will be held by videoconference and in the Council Chambers, 6th Floor at City Hall. Individuals who wish to speak in accordance with the City Council Rules of Procedure must sign up with the City Secretary's Office.

The public is encouraged to attend the meeting virtually; however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols.

The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the City Council meeting on Spectrum Cable Channel 95 and [bit.ly/cityofdallastv](https://dallascityhall.webex.com/dallascityhall/j.php?MTID=mdf82fb896daec5e600e88192054e70dc):

<https://dallascityhall.webex.com/dallascityhall/j.php?MTID=mdf82fb896daec5e600e88192054e70dc>

Public hearings will not be heard before 1:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

OPEN MICROPHONE

MINUTES	Item 1
CONSENT AGENDA	Items 2-65
DELETIONS	Item 34
ITEMS FOR INDIVIDUAL CONSIDERATION	Items 66-69
ADDITIONS	Items 70-79
ZONING	Items Z1-Z10
PUBLIC HEARINGS AND RELATED ACTIONS	Items PH1-PH5

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



Invocation and Pledge of Allegiance

Agenda Item/Open Microphone Speakers

## **VOTING AGENDA**

1. [22-1266](#) Approval of Minutes of the June 8, 2022 City Council Meeting

## **CONSENT AGENDA**

### **City Attorney's Office**

2. [22-1301](#) Authorize **(1)** settlement of the claims filed by Vandergriff Honda in the related lawsuits styled Vandergriff Honda v. The City of Dallas, Texas, Case No. 3:20-cv-03704, and Vandergriff Honda v. The City of Dallas, Texas, Devin Mallard, and American Honda Finance Corporation, Cause No. 471-00324-2021; and **(2)** return of impounded vehicle in as-is condition and payment of financial compensation not to exceed \$75,000.00 - Not to exceed \$75,000.00 - Financing: Liability Reserve Fund

**Attachments:** [Resolution](#)

3. [22-1314](#) Authorize payment of the final judgment in the lawsuit styled Katherine V. Homan v. City of Dallas, Phil Sikes in his Official Capacity as Building Official, and Methodist Hospitals of Dallas, Cause No. DC-19-02758 - Not to exceed \$65,325.00 - Financing: Liability Reserve Fund

**Attachments:** [Resolution](#)

4. [22-1299](#) Authorize payment of the property damage claim filed by Tom's Mechanical, Inc., Claim No. GL-22-32624 - Not to exceed \$33,867.63 - Financing: Liability Reserve Fund

**Attachments:** [Resolution](#)

5. [22-1310](#) Authorize settlement of Lamont McFarland's claim in the lawsuit styled Lamont McFarland et al. v. City of Dallas, Cause No. CC-21-01773-B - Not to exceed \$75,000.00 - Financing: Liability Reserve Fund

**Attachments:** [Resolution](#)

6. [22-1312](#) Authorize settlement of the lawsuit styled Ana Garcia v. City of Dallas, Cause No. CC-21-00424-B - Not to exceed \$47,000.00 - Financing: Liability Reserve Fund

**Attachments:** [Resolution](#)



7. [22-1295](#) Authorize settlement of the lawsuit styled Angelica Balleza Arevalo v. City of Dallas, Cause No. CC-21-03597-C - Not to exceed \$38,000.00 - Financing: Liability Reserve Fund

**Attachments:** [Resolution](#)

8. [22-1400](#) Authorize the **(1)** acceptance of a grant from the Texas Veterans Commission Fund for Veterans' Assistance (Grant No. TBD) in the amount of \$50,000.00 for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2022 through June 30, 2023; **(2)** establishment of appropriations in an amount not to exceed 50,000.00 in the FY22-23 South Oak Cliff Veterans Treatment Court Fund; **(3)** receipt and deposit of funds in an amount not to exceed \$50,000.00 in the FY22-23 South Oak Cliff Veterans Treatment Court Fund; and **(4)** execution of the grant agreement and all terms, conditions and documents required by the agreement - Not to exceed \$50,000.00 - Financing: Texas Veterans Commission Grant Funds

**Attachments:** [Resolution](#)  
[Schedule A](#)

#### City Controller's Office

9. [22-1345](#) A resolution approving notes issued pursuant to a commercial paper program to finance improvements at Dallas Love Field - Financing: No cost consideration to the City

**Attachments:** [Resolution](#)

#### Department of Aviation

10. [22-1114](#) Authorize a construction services contract for construction services of Crossfield Taxiways Project at Dallas Love Field with Flatiron Constructors, Inc., lowest responsible bidder of four - Not to exceed \$48,618,432.00 - Financing: 2021 AVI Commercial Paper Fund (\$22,156,749.42) and Aviation Passenger Facility Charge - Near Term Projects Fund (\$26,461,682.58)

**Attachments:** [Map](#)  
[Resolution](#)

11. [22-1171](#)

Authorize a construction services contract for construction services to the Dallas Love Field Emergency Medical Service Suite Renovation Project with JC Commercial, Inc., lowest responsible bidder of five - Not to exceed \$770,777.00 - Financing: Aviation Construction Fund

**Attachments:**    [Map](#)  
                                  [Resolution](#)

12. [22-1099](#)

Authorize a professional services contract with InterVISTAS Consulting Inc. to provide a financial feasibility study for a potential Consolidated Rental Car (ConRAC) Facility at Dallas Love Field - Not to exceed \$421,184.00 - Financing: Aviation Construction Fund

**Attachments:**    [Map](#)  
                                  [Resolution](#)

13. [22-1115](#)

Authorize Supplemental Agreement No. 2 to the professional services contract with HNTB Corporation to provide construction support services for the Runway 13R/31L Reconstruction Project at Dallas Love Field - Not to exceed \$1,214,073.00 from \$9,965,821.00 to \$11,179,894.00 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund

**Attachments:**    [Map](#)  
                                  [Resolution](#)

**Department of Code Compliance**14. [22-1326](#)

An ordinance amending Chapter 17, "Food Establishments," of the Dallas City Code, by amending Section 17-10.2; **(1)** revising the permit application fees for mobile food units; **(2)** revising annual inspection fees for Class II, Class III, and Class IV mobile food units; **(3)** providing a penalty not to exceed \$500.00; **(4)** providing a saving clause; **(5)** providing a severability clause; **(6)** and providing an effective date - Financing: Estimated Revenue Foregone \$87,631.00

**Attachments:**    [Ordinance](#)

**Department of Housing & Neighborhood Revitalization**

15. [22-954](#) Authorize **(1)** the sale of up to 10 Land Transfer Program lots to Masa Design Build LLC, and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program - Estimated Revenue: General Fund \$12,996.49; **(2)** the release of lien for all non-tax City liens, notices, or orders that were filed on up to 10 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots to the City of Dallas; and **(3)** execution of a development agreement with Developer for the construction of up to 10 single-family homes on the Land Transfer Program lots - Estimated Revenue Foregone: \$73,003.82

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)

16. [22-1307](#) Authorize a development loan agreement with Builders of Hope CDC and/or its affiliates, for the acquisition and development of a 36-unit mixed-income affordable multifamily complex to be known as Trinity West Villas, located at Singleton Boulevard and Pointer Street Dallas, Texas - Not to exceed \$1,906,419.00 - Financing: HOME Investment Partnership Program Funds (\$611,227.47) and Neighborhood Stabilization Program (NSP) Funds (\$1,295,191.53)

**Attachments:** [Map](#)  
[Resolution](#)

17. [22-1311](#) Authorize the Dallas Public Facility Corporation to acquire, develop, and own Standard Shoreline, a mixed-income, multifamily development to be located at 10715 Garland Road (Project) and enter into a seventy-five-year lease agreement with OP Acquisitions, LLC or its affiliate for the development of the Project - Financing: No cost consideration to the City

**Attachments:** [Map](#)  
[Resolution](#)

18. [22-953](#) Authorize (1) the sale of up to 16 Land Transfer Program lots to Covenant Homes Construction & Renovation LLC, and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program - Estimated Revenue: General Fund \$16,000.00; (2) the release of lien for all non-tax City liens, notices, or orders that were filed on up to 16 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots to the City of Dallas; and (3) execution of a development agreement with Developer for the construction of up to 16 single-family homes on the Land Transfer Program lots - Estimated Revenue Foregone: General Fund \$34,541.77

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)

19. [22-956](#) Authorize (1) the sale of up to 6 Land Transfer Program lots to Texas Heavenly Homes Ltd., and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program - Estimated Revenue: General Fund \$6,513.11; (2) the release of lien for all non-tax City liens, notices, or orders that were filed on up to 6 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots to the City of Dallas; and (3) execution of a development agreement with Developer for the construction of up to 10 single-family homes on the Land Transfer Program lots - Estimated Revenue Foregone: General Fund \$27,446.46

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)

20. [22-1404](#) Authorize an amendment to the professional consulting contract with Michele S. Williams, ~~LLC dba Community Equity Strategies~~ [a sole proprietorship](#), for phase II consulting services and community input for drafting a new Comprehensive Housing Policy, action plan, and accomplishment measures that incorporates the recommendations from the equity review conducted by TDA Consulting, Inc. for a term of one year, in an amount not to exceed \$306,704.00 - Financing: General Fund \$306,704.00

**Attachments:** [Resolution](#)  
[Exhibit A](#)

**Department of Planning and Urban Design**

21. [22-1340](#) An ordinance authorizing a correction to **(1)** Ordinance No. 31958 (Planned Development Subdistrict No. 165) within Planned Development District No. 193, the Oak Lawn Special Purpose District; **(2)** Ordinance No. 32126 (Planned Development District No. 508); and **(3)** Ordinances No. 32085 (Planned Development Subdistrict No. 164) within Planned Development District No. 193, the Oak Lawn Special Purpose District - Financing: No cost consideration to the City

**Attachments:** [Maps](#)

**Department of Public Works**

22. [22-1271](#) A resolution **(1)** declaring six properties unwanted and unneeded, and authorizing their advertisement for sale by sealed bid (list attached to the Agenda Information Sheet); **(2)** establishing a minimum bid amount for each surplus property; and **(3)** authorizing the sale and conveyance of a deed to the highest qualified bidder - Estimated Revenue: General Fund \$72,000.00

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)

23. [22-767](#) A resolution authorizing the conveyance of a water easement and a temporary construction easement containing a total of approximately 66,780 square feet of land to North Texas Municipal Water District for the construction, maintenance and use of water facilities across City-owned land located at Lake Ray Hubbard - Estimated Revenue: Wastewater Construction Fund (\$6,254.00) and General Fund (\$15,000.00)

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)

24. [22-768](#) A resolution authorizing the conveyance of a water easement and a temporary construction easement containing a total of approximately 121,027 square feet of land to North Texas Municipal Water District for the construction, maintenance and use of water facilities across City-owned land located at Lake Ray Hubbard - Estimated Revenue: Wastewater Construction Fund (\$18,231.00) and General Fund (\$15,000.00)

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)

25. [22-1219](#)

An ordinance abandoning a portion of a street easement to SEVA, Ltd., the abutting owner, containing approximately 443 square feet of land, located near the intersection of Cockrell Hill Road and Interstate Highway 30; and authorizing the quitclaim - Revenue: General Fund \$6,645.00, plus the \$20.00 ordinance publication fee

**Attachments:**    [Map](#)  
                              [Ordinance](#)  
                              [Exhibit A](#)  
                              [Exhibit B](#)

26. [22-1282](#)

Authorize the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. Alvin Julius Scott, Sr., et al., Cause No. CC-22-00337-A, pending in Dallas County Court at Law No. 1, to acquire a wastewater easement of approximately 11,826 square feet of land located near the intersection of University Hills Boulevard and Camp Wisdom Road for the University Hills Infrastructure Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$2,225.00, increased from \$9,990.00 (\$8,900.00, plus closing costs and title expenses not to exceed \$1,090.00) to \$12,215.00 (\$11,125.00 being the award, plus closing costs and title expenses not to exceed \$1,090.00) - Financing: Water Utilities Capital G Fund

**Attachments:**    [Map](#)  
                              [Resolution](#)

27. [22-1141](#)

Authorize a construction services contract for the construction of Bonnie View Road from Ann Arbor Avenue to Cummings Street - Camino Construction, LP, lowest responsible bidder of seven - Not to exceed \$2,503,547.50 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$2,165,922.50), Water Capital Improvement F Fund (\$212,248.00), Water Construction Fund (\$3,300.00), Wastewater Capital Improvement G Fund (\$119,977.00), and Wastewater Construction Fund (\$2,100.00)

**Attachments:**    [Map](#)  
                              [Resolution](#)

28. [22-1154](#) Authorize a construction services contract for the construction of Street Reconstruction Group 17-3003 (list attached to the Agenda Information Sheet) - David Bowers dba HD Way Concrete Service, LLC, lowest responsible bidder of six - Not to exceed \$4,015,910.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Funds) (\$2,597,815.00) Water Capital Improvement F Fund (\$669,283.00), Water Construction Fund (\$29,650.00), Wastewater Capital Improvement G Fund (\$689,762.00), and Wastewater Construction Fund (\$29,400.00)

**Attachments:** [List](#)  
[Maps](#)  
[Resolution](#)

29. [22-1286](#) Authorize acquisition from Wilbow-Timberlawn, LLC, of approximately four acres of land located near the intersection of Samuell Boulevard and Grove Hill Road for the 4600 Samuell Boulevard Future Park Project - Not to exceed \$1,207,600.86 (\$1,200,000.00, plus closing costs and title expenses not to exceed \$7,600.86) - Financing: Equity Revitalization Capital Fund (\$107,600.86) and General Fund (\$1,100,000.00)

**Attachments:** [Maps](#)  
[Resolution](#)  
[Exhibit A](#)  
[Exhibit B](#)

30. [22-1278](#) Authorize an amendment to an existing lease agreement with SOHO/Davis FG, LLC to extend the lease agreement for an additional seven-years for approximately 4,290 square feet of office space located at 11910 Greenville Avenue, Suite 100, to be used as a Building Inspection North Central District Office for the period November 1, 2022 through October 31, 2029 - Not to exceed \$531,231.12 - Financing: Building Inspection Fund (subject to annual appropriations)

**Attachments:** [Map](#)  
[Resolution](#)

31. [22-1265](#) Authorize an increase in the purchase from Paradise Baptist Church, also known as Paradise Missionary Baptist Church, of approximately 239,246 square feet of land, located near the intersection of University Hills Boulevard and Camp Wisdom Road for the University Hills Infrastructure Project - Not to exceed \$60,000.00, increased from \$357,000.00 (\$350,000.00, plus closing costs and title expenses not to exceed \$7,000.00) to \$417,000.00 (\$410,000.00, plus closing costs and title expenses no to exceed \$7,000.00) - Financing: Water Utilities Capital G Fund (\$60,000.00)

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)  
[Exhibit B](#)

32. [22-1309](#) Authorize a ten-year lease agreement with R. G. Colling, LLC, for approximately 8,333 square feet of office and warehouse space located at 10903 Shady Trail, Building A, Suite 160, to be used for office and warehouse for storage of program material and supplies for the Women, Infants and Children Program for the period July 1, 2022 through June 30, 2032 - Not to exceed \$1,124,853.82 - Financing: Health and Human Services Commission Grant Funds (subject to annual appropriations)

**Attachments:** [Map](#)  
[Resolution](#)

#### Department of Sanitation Services

33. [22-1083](#) A resolution authorizing the adoption of an amended and restated Local Solid Waste Management Plan for the City of Dallas - Financing: This action has no cost consideration to the City (see Fiscal Information)

**Attachments:** [Resolution](#)  
[Exhibit A](#)

#### Department of Transportation

34. [22-1275](#) ~~Authorize (1) a Development Participation Contract with Texas Trees Foundation for the donation of privately funded design plans for a City of Dallas 2017 General Obligation Bond Program Project identified as the Southwestern Medical District Streetscape Plan/Harry Hines Boulevard Improvements (Market Center DART Station to Mockingbird Lane); and (2) an Operating and Maintenance Agreement with Texas Trees Foundation for non-standard public improvements associated with the Harry Hines Boulevard Improvements Project (Market Center to Mockingbird Lane) Financing: This action has no cost consideration to the City (see fiscal information for potential future costs)~~

**Attachments:** [Map](#)  
[Resolution](#)



35. [22-1281](#) Authorize a Beautification and Maintenance Agreement, for a ten-year period, with The Bottom District Community Development Foundation, to upgrade existing signs and posts with custom signs, street toppers and decorative posts for the Bottom Beautification Project within the following limits: between Interstate 35E to the west, Corinth Street to the east, Hutchins Avenue to the south, and the Trinity River Floodplain to the north - Financing: This action has no cost consideration to the City (see Fiscal Information)

**Attachments:** [Map](#)  
[Resolution](#)

36. [22-1304](#) Authorize a construction contract for the Tornado-Damaged Signals Group 1 project consisting of re-construction of traffic signals located at Midway Road and Killion Drive, Preston Road (SH 289) and Preston Royal Center (North of Royal Lane), and Lenel Place and Walnut Hill Lane - Durable Specialties, Inc., lowest responsible bidder of two - Not to exceed \$1,255,550.10 - Financing: Federal Highway Administration (FHWA) Emergency Relief Program Fund

**Attachments:** [Map](#)  
[Resolution](#)

37. [22-1303](#) An ordinance amending Chapter 28, "Motor Vehicles and Traffic" of the Dallas City Code by amending Section 28-41.1.1 "Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes" to (1) provide definitions; (2) designate authority; (3) provide for permissible behavior and define what constitutes an offense; (4) provide a penalty not to exceed \$200.00; (5) provide a saving clause; (6) provide a severability clause; and (7) provide an effective date - Financing: This action has no cost consideration to the City (see Fiscal Information)

**Attachments:** [Ordinance](#)

38. [22-1305](#) An ordinance amending Chapter 43, "Streets and Sidewalks," of the Dallas City Code by amending Article X. "Dockless Vehicle Permit" to (1) provide definitions; (2) designate authority; (3) provide permitting guidelines and requirements; (4) provide a saving clause; (5) provide a severability clause; and (6) provide an effective date - Estimated Revenue: General Fund \$200,000.00 (see Fiscal Information)

**Attachments:** [Ordinance](#)

**Office of Community Care**39. [22-1402](#)

Authorize **(1)** the acceptance of additional grant funding from the Texas Health and Human Services Commission (HHSC); **(2)** the receipt and deposit of additional grant funding from the Texas Health and Human Services Commission (Contract No. HHS000802300001, CFDA No. 15.557) for the Special Supplemental Nutrition Program for Women, Infants and Children; **(a)** in the amount of \$458,925.00, increasing the FY 2022 Administrative allocation from \$14,869,740.00 to \$15,328,665.00, for the period October 1, 2021 through September 30, 2022; **(b)** an increase in appropriations in an amount not to exceed \$458,925.00 in the FY 2022 WIC Program - Women, Infants and Children Grant Fund; **(c)** to redistribute an additional \$179,015.00 to the FY22 Administrative allocation for the period of October 1, 2021 through September 30, 2022 and **(3)** execution and agreement to all terms and conditions of an amendment or other document required to receive such additional funding - Not to exceed \$458,925.00, from \$14,869,740.00 to \$15,328,665.00 - Financing: Health and Human Services Commission Grant Funds

**Attachments:** [Resolution](#)  
[Attachment A](#)

40. [22-1308](#)

Authorize **(1)** the third amendment to Contract No. HHS000455600001, with the Texas Health and Human Services Commission, Department of State Health Services for the Lactation Support Center Services Program (LSCS) to increase by \$407,500.00, from \$1,599,020.00 to \$2,006,520.00; **(a)** to amend the term of the contract period from September 1, 2019 through August 31, 2022 to September 1, 2019 through August 31, 2023; **(b)** to accept additional grant funds for FY 2023 budget for Amendment No. 3, in the amount of \$407,500.00 for the continuation of the LSCS Program; and **(2)** execution of the third amendment to the contract and all terms, conditions, and documents required by contract - Not to exceed \$407,500.00, from \$1,599,020.00 to \$2,006,520.00 - Financing: Department of State Health Services Grant Funds

**Attachments:** [Resolution](#)  
[Attachment A](#)

Note: Agenda Item No. 41 and PH2 must be considered collectively.

**Office of Economic Development**

41. [22-1334](#) Authorize a development agreement and all other necessary documents with One Newpark GP, LLC and/or its affiliates for a City Subsidy in an amount not to exceed \$96,100,000.00 comprised of (1) an amount not to exceed \$4,100,000.00 in the form of an economic development grant payable from the City's Public/Private Partnership Fund ("PPP Grant") and (2) an amount not to exceed \$92,000,000.00 payable from future Downtown Connection TIF District funds ("TIF Subsidy") in consideration of the One Newpark Project, a 38-floor, 1,345,845 square foot mixed-use, mixed-income development to be constructed on 1.7 acres at the southeast corner of S. Akard Street and Canton Street in Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) - Financing: Public/Private Partnership Fund (\$4,100,000.00) and Downtown Connection TIF District Fund (\$92,000,000.00) (subject to annual appropriations from tax increments)

**Attachments:**

[Map](#)  
[Resolution](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Exhibit C](#)  
[Exhibit D1](#)  
[Exhibit D2](#)  
[Exhibit E](#)  
[Exhibit F](#)  
[Exhibit G](#)  
[Exhibit H](#)  
[Exhibit I](#)  
[Exhibit J](#)  
[Exhibit K](#)  
[Exhibit L](#)  
[Exhibit M](#)  
[Exhibit N](#)  
[Exhibit O](#)  
[Exhibit P](#)

**Office of Environmental Quality & Sustainability**

42. [22-1316](#) An ordinance correcting **(1)** a municipal setting designation at property generally located between Lemmon Avenue, Shorecrest Drive, Mockingbird Lane, and Denton Drive, and adjacent street rights-of-way **(2)** a municipal setting designation at property located near the intersection of Lemmon Avenue and McKinney Avenue and adjacent street rights-of-way; **(3)** a municipal setting designation at property located near the intersection of Norwood Road and Halifax Street and adjacent street rights-of-way; and **(4)** a municipal setting designation at property located near the intersection of Singleton Boulevard and Chalk Hill Road and adjacent street rights-of-way - Financing: No cost consideration to the City

**Attachments:** [Maps](#)  
[Ordinance](#)  
[Exhibit A](#)

43. [22-1274](#) Authorize the **(1)** acceptance of a grant from the Environmental Protection Agency (EPA) State Environmental Justice Cooperative Agreement (SEJCA) (Grant No. AJ-02F05001, CFDA No. 66.312) grant in the amount of \$200,000.00 to purchase and deploy non-regulatory air monitoring equipment in up to five (5) neighborhoods in the 75211 and 75212 zip codes, for the period October 1, 2021 through September 30, 2023; **(2)** receipt and deposit of funds in an amount not to exceed \$200,000.00 in the EPA State Environmental Justice Cooperative Agreement Fund; **(3)** establishment of appropriations in an amount not to exceed \$200,000.00 in the EPA State Environmental Justice Cooperative Agreement Fund **(4)** execution of the grant agreement with the EPA and all terms, conditions, and documents required by the agreement; and **(5)** coordination of initiatives, activities and partnerships necessary to fully implement the goals set forth in the SEJCA Grant Work Plan; **(6)** and execution of ~~a Memorandum of Understanding (MOU)~~ [Subrecipient Agreements](#) between the City and the sub-recipients of this grant (Texas A&M University - Transportation Institute, Center for Applied Research (TAMU-TTI-CARTEEH), Children's Health (Children's), and Positive Breathing - Asthma Chasers (PB-AC) - Not to exceed \$200,000.00 - Financing: EPA SEJCA Grant Funds

**Attachments:** [Resolution](#)

**Office of Procurement Services**

44. [22-1162](#) Authorize **(1)** a five-year service price agreement for the maintenance and repair of meter test bench systems for the Water Utilities Department - OW Investors LLC dba MARS Company in the estimated amount of \$1,632,511.10; and **(2)** a five-year master agreement for the purchase of portable meter testers for the Water Utilities Department - Sensus USA, Inc. in the estimated amount of \$80,406.00, lowest responsible bidders of two - Total estimated amount of \$1,712,917.10 - Financing: Dallas Water Utilities Fund

**Attachments:** [Resolution](#)

45. [22-1382](#) Authorize a cooperative purchasing agreement for **(1)** the purchase and installation of Ubiquia equipment for the Red Cloud and Tietze Park Smart City Initiatives; and **(2)** a five-year software licensing agreement to provide data and software maintenance and support for the Department of Public Works with Facility Solutions Group dba American Light LP through an interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard) agreement - Total not to exceed \$264,987.10 - Financing: General Fund (subject to annual appropriations)

**Attachments:** [Resolution](#)

46. [22-1287](#) Authorize a three-year master agreement for the purchase of aluminum sign blanks for the Department of Transportation - Vulcan, Inc., lowest responsible bidder of two - Estimated amount of \$2,620,188 - Financing: General Fund

**Attachments:** [Resolution](#)

47. [22-1160](#) Authorize a three-year service price agreement for electric motor repair services for the Water Utilities Department - Allen's Electric Motor Service, Inc. in the estimated amount of \$2,442,422 and Evans Enterprises, Inc. in the estimated amount of \$124,266, lowest responsible bidders of five - Total estimated amount of \$2,566,688 - Financing: General Fund (\$10,000) and Dallas Water Utilities Fund (\$2,556,688)

**Attachments:** [Resolution](#)

48. [22-1161](#) Authorize a three-year service price agreement for equipment fluid sampling test analysis services for the Water Utilities Department - Tribologik in the estimated amount of \$506,285 and SGS North America in the estimated amount of \$133,500, lowest responsible bidders of two - Total estimated amount of \$639,785 - Financing: Dallas Water Utilities Fund (\$618,035) and Stormwater Drainage Management Fund (\$21,750)

**Attachments:** [Resolution](#)

49. [22-1288](#) Authorize a three-year service price agreement for citywide electrical services - KE Industrial LLC, lowest responsible bidder of three - Estimated amount of \$2,664,545 - Financing: General Fund (\$131,107.99), Capital Construction Fund (\$2,187,154.62), Dallas Water Utilities Fund (\$240,511.07), Sanitation Operation Fund (\$80,771.32), and Stormwater Drainage Management Operations Fund (\$25,000.00)

**Attachments:** [Resolution](#)

50. [22-8](#) Authorize a five-year service price agreement for non-engineering environmental consulting, investigative and remediation services with AECOM Technical Services, Inc., Alan Plummer and Associates Inc. dba. Plummer Associates, Inc., Apex TITAN, Inc., Aptim Environmental & Infrastructure, Inc., Arredondo, Zepeda & Brunz, LLC, ~~W&M Environmental, a Division of~~ Braun Intertec Corporation, Burns & McDonnell Engineering Company, Inc., EA Engineering, Science and Technology, Inc., Enercon Services Inc., EnSafe Inc., Ensolum, LLC, Freese and Nichols, Inc., Gresham Smith and Partners, Groundwater & Environmental Services, Inc., Halff Associates, Inc., Incontrol Technologies, Inc., Lynn Clark Associates, Inc., dba. LCA Environmental, Inc., Modern Geosciences, LLC, Raba Kistner, Inc., Terracon Consultants, Inc., Texas Green Star Environmental, LLC dba. Green Star Environmental, Weston Solutions, Inc., Wood Environment & Infrastructure Solutions, Inc. for citywide use, most advantageous proposers of forty-two - Total estimated amount of \$29,417,509.07 - Financing: General Fund (~~\$12,202,518.74~~[11,602,518.74](#)), Park and Recreation Facilities (B) Fund (\$4,660,556.25), Aviation General Fund (\$3,250,000.00), Sanitation Operation Fund (\$1,879,434.08), Facilities (H) Fund (\$1,132,500.00), Public Safety (G) Fund (\$1,132,500.00), Water Construction Fund ([\\$690,000.00](#)), Sewer Construction Fund (\$345,000.00), Storm Water Drainage Construction Fund (\$3,625,000.00), Convention Center Fund (~~\$150,000.00~~[500,000.00](#)), Nas Redevelopment Fund (\$250,000.00), [Lead Hazard Control and Healthy Homes Grant \(\\$250,000.00\)](#), and Cultural Facilities (F) Fund (\$100,000.00)

**Attachments:** [Resolution](#)  
[Ensafe Protest Letter Received - Non-Engineering](#)  
[Response Letter to EnSafe Inc. Protest Letter-Non-Engineering](#)

51. [22-1156](#) Authorize a one-year service contract in the amount of \$650,000, with two one-year renewal options in the total amount of \$2,200,000, as detailed in the Fiscal Information section, for financial assistance for eligible homeless persons and risk mitigation funds for landlords for the Office of Homeless Solutions - CitySquare, most advantageous proposers of two - Total not to exceed \$2,850,000 - Financing: General Fund (\$2,200,000) (subject to appropriations) and American Rescue Plan Act Homelessness Assistance and Supportive Services Program Fund (\$650,000)

**Attachments:** [Resolution](#)

52. [22-1159](#) Authorize a service contract for non-profit public facility improvement projects for the Office of Budget and Management Services - Legal Aid of Northwest Texas in the amount of \$211,396 and First Presbyterian Church of Dallas dba The Stewpot in the amount of \$188,604, most advantageous proposers of four - Not to exceed \$400,000 - Financing: FY 2021-22 Community Development Block Grant Fund

**Attachments:** [Resolution](#)

53. [22-1300](#) Authorize a three-year service contract, with one one-year renewal option, for parking meter and citation management for the Department of Transportation - SP Plus Corporation, most advantageous proposer of five - Not to exceed \$9,659,302.50 - Financing: General Fund (subject to annual appropriations)

**Attachments:** [Resolution](#)  
[Conduent Protest to City of Dallas Solicitation BG22-00018902](#)  
[City Response to Conduent Protest](#)

54. [22-1478](#) Authorize an ~~two-year~~ [eighteen-month](#) subrecipient agreement to provide legal services to residential tenants at risk of eviction and homelessness due to financial hardships brought on by the COVID-19 pandemic for the Office of Equity and Inclusion - Legal Aid of NorthWest Texas, most advantageous proposer of two - Not to exceed ~~\$250,000~~ [\\$500,000](#) - Financing: Coronavirus State and Local Fiscal Recovery Funds

**Attachments:** [Resolution](#)

55. [22-1117](#) Authorize (1) ~~Supplemental~~ [Renewal](#) Agreement No. 1 to exercise the first of two one-year renewal options, with REKJ Builders, LLC, for residential rehabilitation repair services to homes with code violations that residents cannot afford to repair for the Department of Housing & Neighborhood Revitalization, and (2) an increase in appropriations in an amount not to exceed \$500,000 in the Dallas Tomorrow Fund to be used for associated costs - Not to exceed \$500,000 - Financing: Dallas Tomorrow Fund (subject to annual appropriations)

**Attachments:** [Resolution](#)

56. [22-1335](#) Authorize the purchase of battery back-up units used in traffic signals for the Department of Transportation with Paradigm Traffic Systems, Inc. in the amount of \$402,790 and Texas Highway Products, LTD in the amount of \$412,624 through The Local Government Purchasing Cooperative (BuyBoard) agreement - Total not to exceed \$815,414 - Financing: General Fund

**Attachments:** [Resolution](#)

#### Park & Recreation Department

57. [22-1298](#) Authorize supplemental agreement No.1 to the interlocal agreement between the City of Dallas and the Richardson Independent School District for additional amenities to the park - Not to exceed \$158,295.20 - Financing: Capital Gifts, Donations and Development Fund (See Fiscal Information)

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)

58. [22-1289](#) Authorize the First Amendment to the Interlocal Agreement with Dallas County for the Right of Way boundary survey, and preparing easement documents and legal descriptions for the Cypress Waters Trail located at South Belt Line Road heading east to South North Lake Road- Not to exceed \$159,833.00 - Financing: Stormwater Drainage Management Fund

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)

#### Police Department

59. [22-1318](#) Authorize a public hearing to be held on August 10, 2022 to receive comments on amending Dallas City Code Chapter 15D; SEC 15D-15 Definitions; Sec 15D-16 Driving Wrecker To A Police Scene Prohibited; Exception; SEC 15D-17 Soliciting Wrecker Business At A Police Scene Prohibited; Presence At Scene As Evidence Of Violation; SEC 15D-21 License Application; Change of Zone; SEC 15D-22 License Qualifications; SEC 15D-50 Emergency Wrecker Service Zones; Wrecker Rotation List; SEC 15D-52 Requirements and Operating Procedures For Emergency Wrecker Service; SEC 15D-53 Rapid Response Program; SEC 15D-55 Notification of Police Department; SEC 15D-56 City-Owned Wreckers - Financing: No cost consideration to the City

**Attachments:** [Resolution](#)



60. [22-1218](#) Authorize the **(1)** acceptance of a donated 2019 Protector Targa 310 boat with an estimated value of \$250,000.00 from Victor Vescovo to the Dallas Police Department - Financing: This action has no cost consideration to the City (see Fiscal Information)

**Attachments:** [Resolution](#)

#### Small Business Center Department

61. [22-1369](#) Authorize **(1)** a Conditional Chapter 380 Economic Development Loan Agreement with MLK Kingdom Complex, LLC (Developer) in an amount not to exceed \$350,000.00 sourced with the South Dallas/Fair Park Opportunity Fund; and **(2)** a [Chapter 380 Conditional Grant Agreement](#) with Developer in an amount [not](#) to exceed \$100,000.00 sourced with the Southern Dallas Investment Fund, for construction costs to develop 3101 Martin Luther King Jr. Blvd. and 2904 Meadow Street of Dallas, Texas into the MLK Wellness Complex and parking - [Total amount not to exceed \\$450,000.00](#) Financing: South Dallas/Fair Park Opportunity Fund ~~not to exceed~~ \$350,000.00 and 2017 Proposition (I) Bonds Fund ~~not to exceed~~ \$100,000.00 ~~in a combined total amount not to exceed \$450,000.00~~

**Attachments:** [Maps](#)  
[Resolution](#)  
[Exhibit A](#)

#### Water Utilities Department

62. [22-1165](#) Authorize **(1)** an increase in the construction services contract with Ark Contracting Services, LLC for additional work associated with the relocation of a 48-inch diameter water transmission pipeline along Ranchview Drive and Ranch Trail in the City of Irving - Not to exceed \$695,156.07, from \$3,010,639.00 to \$3,705,795.07; and **(2)** the receipt and deposit of funds from the City of Irving in an amount not to exceed \$257,207.75 for the City of Irving's share of the project cost within Irving Corporate limits - Financing: Water Construction Fund (\$695,156.07)

**Attachments:** [Map](#)  
[Resolution](#)

63. [22-1052](#) Authorize a construction services contract for improvements to the Jim Miller Pump Station and Reservoir - Eagle Contracting, LLC, lowest bidder of four - Not to exceed \$35,936,000.00 - Financing: Water Capital Improvement F Fund (\$25,000,000.00) and Water Capital Improvement G Fund (\$10,936,000.00)

**Attachments:** [Map](#)  
[Resolution](#)

64. [22-1164](#) Authorize a professional services contract with Halff Associates, Inc. to provide engineering services for storm drainage and erosion control improvements at 3 locations (list attached to the Agenda Information Sheet) - Not to exceed \$791,300.00 - Financing: Storm Drainage Management Capital Construction Fund

**Attachments:** [List](#)  
[Maps](#)  
[Resolution](#)

65. [22-324](#) Authorize an increase in the construction services contract with Rebcon, Inc. for additional work associated with the White Rock Lake Dam and Spillway Maintenance Improvements Project - Not to exceed \$543,030.65, from \$5,997,105.00 to \$6,540,135.65 - Financing: Water Capital Improvement G Fund

**Attachments:** [Map](#)  
[Resolution](#)

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

### **City Secretary's Office**

66. [22-1267](#) 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)
67. [22-934](#) Election of Officers of the City Council: Mayor Pro Tem and Deputy Mayor Pro Tem
68. [22-1401](#) City Council Seating and Office Selection

### **Office of Government Affairs**

69. [22-1224](#) Consider adopting the recommended districting plan for the 14 City Council districts, approved by the Redistricting Commission on May 10, 2022, and filed with Mayor Eric Johnson on May 16, 2022, including consideration of proposed modifications or changes (posted at [www.dallasredistricting.com](http://www.dallasredistricting.com)) to be implemented at the next general election of the City Council conducted on May 6, 2023 - Financing: No cost consideration to the City

**Attachments:** [Resolution](#)  
[Exhibit 1](#)

**ADDITIONS:**

Closed Session

(Sec. 551.072 T.O.M.A.)

- Deliberate the purchase, exchange, lease, or value of real property for development services and other city business operations.

**OTHER ITEMS FOR INDIVIDUAL CONSIDERATION****City Attorney's Office**

70. [22-910](#) Authorize (1) settlement of the lawsuit styled City of Dallas v. Delta Air Lines, Inc., et al., Cause No. 3:15-CV-02069-K - Estimated Revenue Foregone: Aviation Fund \$200,000.00 annually over a six-year period until the expiration of the current Use and Lease Agreements at Love Field; (2) a facilities lease agreement at Dallas Love Field with Delta Air Lines, Inc. for scheduled airline passenger service support space; and (3) a facilities use agreement at Dallas Love Field with Southwest Airlines for terminal storage and support space - Estimated Net Annual Revenue: \$470,761.40

**Attachments:** [Resolution](#)

**Court & Detention Services**

71. [22-1430](#) An ordinance (1) appointing 10 full-time municipal judges and 18 associate (part-time) municipal judges for the City of Dallas municipal court of record for a two-year term ending May 31, 2024; (2) designating an administrative municipal judge; (3) establishing the annual salaries for the administrative municipal judge, the municipal judges, and the associate municipal judges; (4) providing a severability clause; and (5) providing an effective date - Not to exceed \$154,204.00 annually - Financing: General Fund

**Attachments:** [Ordinance](#)

**Department of Convention and Event Services**

72. [22-1431](#) An ordinance amending the Dallas City Code by adding a new Chapter 38A, "Commercial Promoter Program" by (1) providing a commercial promoter registration program, registration fee, and safety plan requirements for commercial promoters; (2) amending Chapter 27, "Minimum Property Standards," of the Dallas City Code by amending Section 27-46 to include violations of Chapter 38A in the definition of code violations in the habitual nuisance properties program; (3) providing a penalty not to exceed \$2,000.00 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and \$500.00 for all other violations; (4) providing a saving clause; (5) providing a severability clause; and (6) providing an effective date - Estimated Revenue: Convention and Event Services Fund \$26,250.00 annually (see Fiscal Information)

**Attachments:** [Ordinance](#)

**Department of Housing & Neighborhood Revitalization**

73. [22-1457](#) Authorize an amendment to Resolution No. 21-2047, previously approved on December 8, 2021, to allow the City to subordinate its liens to a financial institution's liens in relation to the development of Highpoint at Wynnewood, a mixed-income, multifamily development located 1911 Pratt Street Dallas, TX 75224 (Project), subject to the requirements of the Comprehensive Housing Policy (CHP) - Financing: No cost consideration to the City

**Attachments:** [Resolution](#)

**Department of Public Works**

74. [22-1054](#) An ordinance abandoning portions of three water easements and a drainage easement to Urban Smart Growth LP and Central Carroll Interests LLC, the abutting owners, containing a total of approximately 39,259 square feet of land, located near the intersection of North Central Expressway and Carroll Avenue - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

**Attachments:** [Ordinance](#)  
[Exhibit A](#)

**Office of Economic Development**

75. [22-1405](#) Authorize a development agreement ("Agreement") and all other necessary documents with I-20 Lancaster Development, LLC and/or its affiliates for a City Subsidy in an amount not to exceed \$34,210,966.00 comprised of **(1)** an amount not to exceed \$2,800,000.00 in the form of an economic development grant payable from the City's Public/Private Partnership Fund ("PPP Grant"); and **(2)** an amount not to exceed \$31,410,966.00 plus an additional grant in lieu of interest payable from future University TIF District funds ("TIF Subsidy") in consideration of the University Hills Phase I Project on property generally bounded by Interstate Highway 20 (Lyndon B. Johnson Freeway), Lancaster Road, and the DART rail line in Tax Increment Financing Reinvestment Zone Number Twenty One (University TIF District) - Financing: Public/Private Partnership Fund (\$2,800,000.00) and University TIF District Fund (\$31,410,966.00) (subject to annual appropriations from tax increments)

**Attachments:**    [Map](#)  
                          [Resolution](#)  
                          [Exhibit A](#)  
                          [Exhibit B](#)  
                          [Exhibit C](#)  
                          [Exhibit D](#)

76. [22-1406](#) Authorize the following: (1) the designation of approximately 11.0 acres of property located at the current address of 2323 North Field Street as depicted in Exhibit A and further described in Exhibit B attached to the resolution, in Dallas, Texas as City of Dallas Neighborhood Empowerment Zone No. 20 ("NEZ No. 20"), pursuant to Chapter 378 of the Texas Local Government Code, which has been determined will promote an increase in economic development in the zone, establish boundaries for the zone, and provide for an effective date for the zone; (2) a real property tax abatement with Hunt Realty or an affiliate thereof, including North End L.P. ("Owner") exempting 50% of the taxes on the added value to the net new tangible real property for a period not to exceed ten years; and (3) a business personal property tax abatement with Goldman Sachs & Co. LLC or an affiliate thereof ("Goldman Sachs" or "Tenant") exempting 50% of the taxes on the added value to the net new tangible business personal property for a period not to exceed five years; and (4) a Chapter 380 Economic Development Grant Agreement with Tenant in an amount not to exceed \$4,000,000.00 for job retention and creation; and (5) a Chapter 380 Economic Development Grant Agreement with Owner and/or Tenant or affiliates thereof in an amount not to exceed \$375,000.00 associated with expedited permitting and soft construction costs grant; all of which will promote state or local economic development and to stimulate business and commercial activity in the municipality in connection with jobs created and retained in association with a new office development in accordance with the City's Public/Private Partnership Program - Financing: Public/Private Partnership Funds (\$4,375,000.00) and Estimated Revenue Foregone-- City ad valorem real personal property taxes estimated up to \$12,257,000.00 over a ten-year period and City ad valorem business personal property taxes estimated up to \$1,381,703.00 over a five-year period

**Attachments:** [Resolution](#)  
[Exhibit A](#)  
[Exhibit B](#)

#### Office of Bond and Construction Management

77. [22-1481](#) Authorize (1) rescinding the construction contract awarded to Post L Group, LLC, previously approved on November 10, 2021 by Resolution No. 21-1850, for the construction of Fire Station No. 41 Replacement facility; and (2) to re-advertise this project located at 5920 Royal Lane - Financing: No cost consideration to the City

**Attachments:** [Map](#)  
[Resolution](#)

**Office of Homeless Solutions**

78. [22-1259](#) Authorize an interlocal agreement between the City of Dallas (City) and the County of Dallas (County) for the City's acceptance of funds in an amount not to exceed \$10,000,000.00 from the County's allocated ARPA State and Local Fiscal Recovery funds (ARPA SLFR Funds) for the period of September 1, 2022 to September 30, 2024 to be used: (i) for the redevelopment of 4150 Independence Drive, Dallas, Texas 75237; and (ii) to provide housing opportunities and supportive services for unsheltered youth (ages 18-24) with a focus on LGBTQIA+ youth at or below 30% Area Median Income (collectively, the Target Populations) - Financing: FY22 Dallas County ARPA Fund \$10,000,000.00

**Attachments:** [Resolution](#)  
[Exhibit A](#)

**Water Utilities Department**

79. [22-1424](#) Authorize **(1)** an increase in appropriations in an amount not to exceed \$470,000.00 in the Operating Carryover Fund from General Fund Contingency Reserve; and **(2)** a transfer in an amount not to exceed \$470,000.00 from General Fund Contingency Reserve to the Operating Carryover Fund for the management of a diverse forestry canopy including preventative and reactive maintenance - Not to exceed \$470,000.00 - Financing: Operating Carryover Fund and General Fund Contingency Reserve (See Fiscal Information)

**Attachments:** [Resolution](#)

**PUBLIC HEARINGS AND RELATED ACTIONS****Department of Planning and Urban Design****ZONING CASES - CONSENT**

- Z1. [22-1341](#) A public hearing to receive comments regarding an application for a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay on the west line of Pleasant Drive, north of the intersection of Pleasant Drive and C.F. Hawn Freeway with consideration for a Specific Use Permit for an office showroom/warehouse and an ordinance granting a Specific Use Permit for an office showroom/warehouse

Recommendation of Staff: Approval of a Specific Use Permit for an office showroom/warehouse for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions, in lieu of a new subdistrict within Subdistrict 1 of Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2

Recommendation of CPC: Approval of a Specific Use Permit for an office showroom/warehouse for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions, in lieu of a new subdistrict within Subdistrict 1 of Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2

Z212-130(RM)

**Attachments:** [Case Report](#)

- Z2. [22-1227](#) A public hearing to receive comments regarding an application for an ordinance granting a Specific Use Permit for a surface accessory remote parking use on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north of the intersection of Metropolitan Avenue and Octavia Street

Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, and staff's recommended conditions

Recommendation of CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, and staff's recommended conditions

Z201-343(JM)

**Attachments:** [Case Report](#)



- Z3. [22-1342](#) A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property within Planned Development District No. 216, on the east line of Noel Road, between Spring Valley Road and Southern Boulevard  
Recommendation of Staff: Approval, subject to a revised development plan, landscape plan, and conditions  
Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions  
Z212-163(MP)

**Attachments:** [Case Report](#)

- Z4. [22-1343](#) A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the preservation criteria and exhibits for Historic Overlay District No. 20, the Ambassador Hotel (1312 S. Ervay Street), on property zoned Subdistrict No. 2 within Planned Development District No. 317, the Cedars Special Purpose District, on the northwest corner of St. Paul Street and Ervay Street  
Recommendation of Staff: Approval as amended  
Recommendation of CPC: Approval per staff recommendation as amended, and Landmark Commission recommended condition with changes  
Z212-213(LVO)

**Attachments:** [Case Report](#)

ZONING CASES - INDIVIDUAL

- Z5. [22-1346](#) A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District and NS(A) Neighborhood Service District regulations and uses including multifamily and retail and personal service, on property zoned an IR Industrial Research District, on the southwest corner of Sylvan Avenue and Singleton Boulevard  
Recommendation of Staff: Approval, subject to a development plan, landscape plan, and conditions  
Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions  
Z212-145(MP)

**Attachments:** [Case Report](#)

- Z6. [22-1348](#) A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open enrollment charter school use on property zoned an R-7.5(A) Single Family District, on the north line of Lake June Road, between Conner Drive and Pleasant Drive  
Recommendation of Staff: Approval, subject to a development plan, a traffic management plan, and conditions  
Recommendation of CPC: Approval, subject to a development plan, a traffic management plan, and conditions  
Z212-158(RM)

**Attachments:** [Case Report](#)

- Z7. [22-1349](#) A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for TH-1(A) Townhome District regulations and uses including residential uses within a shared access subdivision on property zoned an R-1/2 ac(A) Single Family District, at the northwest corner of Alpha Road and Hillcrest Road  
Recommendation of Staff: Approval, subject to a development plan, landscape plan, and staff's recommended conditions  
Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions  
Z212-166(MP)

**Attachments:** [Case Report](#)

- Z8. [22-1350](#) A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an R-10(A) Single Family District on the north line of Blue Ridge Boulevard, north of the intersection of Blue Ridge Boulevard and Pomeroy Drive  
Recommendation of Staff: Approval for a five-year period, subject to a site plan and conditions  
Recommendation of CPC: Approval for a five-year period, subject to a site plan and conditions  
Z212-168(RM)

**Attachments:** [Case Report](#)

- Z9. [22-1347](#) A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 135 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest line of Turtle Creek Boulevard, between Cedars Springs Road and Dickason Avenue  
Recommendation of Staff: Approval, subject to a development plan, landscape plan, and staff's recommended conditions  
Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions  
Z212-155(RM)

**Attachments:** [Case Report](#)

#### ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

- Z10. [22-1414](#) A public hearing to receive comments regarding an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on a property zoned a CS Commercial Service District with a D-1 Liquor Control Overlay, on the southeast corner of South Belt Line Road and C.F. Hawn Expressway  
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.  
Recommendation of CPC: Denial without prejudice  
Z212-156(OA)  
Note: This item was deferred by the City Council before opening the public hearings on May 25, 2022 and June 8, 2022, and is scheduled for consideration on June 22, 2022.

**Attachments:** [Case Report](#)

**Budget and Management Services**

- PH1. [22-1339](#) A public hearing to receive comments on the Proposed FY 2022-23 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds; and at the close of the public hearing, authorize final adoption of the FY 2022-23 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$32,997,962 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$14,120,128; **(b)** HOME Investment Partnerships Program in the amount of \$6,440,498; **(c)** Emergency Solutions Grant in the amount of \$1,268,197; **(d)** Housing Opportunities for Persons with AIDS in the amount of \$8,469,139; and **(e)** estimated Program Income and One-Time Revenue in the amount of \$2,700,000 - Financing: No cost consideration to the City (see Fiscal Information)

Note: This item was considered by the City Council at a public hearing on May 25, 2022, and was held under advisement until June 22, 2022, with the public hearing open.

**Attachments:** [Resolution](#)  
[Schedule A](#)  
[Schedule B](#)  
[Schedule C](#)

Note: Agenda Item No. 41 and PH2 must be considered collectively.

### Office of Economic Development

PH2. [22-1333](#) A public hearing to receive comments on proposed amendments to the Project Plan and Reinvestment Zone Financing Plan ("Plan") for Tax Increment Reinvestment Zone Number Eleven, the Downtown Connection Tax Increment Financing ("TIF") District ("District") to: **(1)** create two sub-districts within the ~~Zone~~ [District](#) : **(a)** Downtown Connection Sub-district (original District boundary) and **(b)** Newpark Sub-district; **(2)** increase the geographic area of the District to add approximately 14.2 acres to create the Newpark Sub-district to facilitate anticipated redevelopment; **(3)** increase the total budget of the District (Downtown Connection Sub-district budget) from \$231,593,554.00 Net Present Value (NPV 2005 dollars) (approximately \$454,707,775.00 total dollars) to \$402,897,888.00 NPV (approximately \$1,059,227,817.00 total dollars, an increase of \$171,304,334.00 NPV (approximately \$604,520,042.00 total dollars); **(4)** modify the Downtown Connection Sub-district budget to add a line item for a public safety building to replace Fire Station #18; **(5)** establish a termination date for the Newpark Sub-district of December 31, 2052; **(6)** establish the percentage of tax increment contributed by the City of Dallas during the term of the Newpark Sub-district at 90%; **(7)** establish a total budget for the Newpark Sub-district of \$90,329,182.00 NPV 2022 dollars (approximately \$223,786,626.00 total dollars); **(8)** request Dallas County participation in the Newpark Sub-district at 55% for twenty years beginning in 2027; and **(9)** make corresponding modifications to the District boundary, budget, Plan, and participation agreement with Dallas County; and at the close of the hearing, consider an ordinance amending Ordinance No. 26020, as amended, previously approved on June 8, 2005, and Ordinance No. 26096, as amended, previously approved on August 29, 2005, to reflect these amendments - Financing: No cost consideration to the City

**Attachments:** [Map](#)  
[Ordinance](#)  
[Exhibit A](#)

**MISCELLANEOUS HEARINGS****Office of Environmental Quality & Sustainability**

- PH3. [22-1315](#) A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 1400 Triple B Holdings, LP located near the intersection of West Commerce and Neal Streets and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to 1400 Triple B Holdings, LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City  
Recommendation of Staff: Approval

**Attachments:** [Map](#)  
[Ordinance](#)  
[Exhibit A](#)

- PH4. [22-1313](#) A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Dallas Independent School District located near the intersection of Bickers and Greenleaf Streets and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Dallas Independent School District by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City  
Recommendation of Staff: Approval

**Attachments:** [Map](#)  
[Ordinance](#)  
[Exhibit A](#)

- PH5. [22-1337](#) A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Preston Forest SC, LLC located near the intersection of Preston Road and Forest Lane and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Preston Forest SC, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City  
Recommendation of Staff: Approval

**Attachments:** [Map](#)  
[Ordinance](#)  
[Exhibit A](#)

**EXECUTIVE SESSION NOTICE**

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

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

# Agenda Date: June 22, 2022

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	V	SEC	N/A	Approval of Minutes of the June 8, 2022 City Council Meeting
2.	N/A	C	ATT	\$75,000.00	Authorize (1) settlement of the claims filed by Vandergriff Honda in the related lawsuits styled Vandergriff Honda v. The City of Dallas, Texas, Case No. 3:20-cv-03704, and Vandergriff Honda v. The City of Dallas, Texas, Devin Mallard, and American Honda Finance Corporation, Cause No. 471-00324-2021; and (2) return of impounded vehicle in as-is condition and payment of financial compensation not to exceed \$75,000.00 - Not to exceed \$75,000.00 - Financing: Liability Reserve Fund
3.	N/A	C	ATT	\$65,325.00	Authorize payment of the final judgment in the lawsuit styled Katherine V. Homan v. City of Dallas, Phil Sikes in his Official Capacity as Building Official, and Methodist Hospitals of Dallas, Cause No. DC-19-02758 - Not to exceed \$65,325.00 - Financing: Liability Reserve Fund
4.	N/A	C	ATT	\$33,867.63	Authorize payment of the property damage claim filed by Tom's Mechanical, Inc., Claim No. GL-22-32624 - Not to exceed \$33,867.63 - Financing: Liability Reserve Fund
5.	N/A	C	ATT	\$75,000.00	Authorize settlement of Lamont McFarland's claim in the lawsuit styled Lamont McFarland et al. v. City of Dallas, Cause No. CC-21-01773-B - Not to exceed \$75,000.00 - Financing: Liability Reserve Fund
6.	N/A	C	ATT	\$47,000.00	Authorize settlement of the lawsuit styled Ana Garcia v. City of Dallas, Cause No. CC-21-00424-B - Not to exceed \$47,000.00 - Financing: Liability Reserve Fund
7.	N/A	C	ATT	\$38,000.00	Authorize settlement of the lawsuit styled Angelica Balleza Arevalo v. City of Dallas, Cause No. CC-21-03597-C - Not to exceed \$38,000.00 - Financing: Liability Reserve Fund
8.	N/A	C	ATT	GT	Authorize the (1) acceptance of a grant from the Texas Veterans Commission Fund for Veterans' Assistance (Grant No. TBD) in the amount of \$50,000.00 for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2022 through June 30, 2023; (2) establishment of appropriations in an amount not to exceed 50,000.00 in the FY22-23 South Oak Cliff Veterans Treatment Court Fund; (3) receipt and deposit of funds in an amount not to exceed \$50,000.00 in the FY22-23 South Oak Cliff Veterans Treatment Court Fund; and (4) execution of the grant agreement and all terms, conditions and documents required by the



ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					agreement - Not to exceed \$50,000.00 - Financing: Texas Veterans Commission Grant Funds
9.	N/A	C	CCO	NC	A resolution approving notes issued pursuant to a commercial paper program to finance improvements at Dallas Love Field - Financing: No cost consideration to the City
10.	2	C	AVI	\$48,618,432.00	Authorize a construction services contract for construction services of Crossfield Taxiways Project at Dallas Love Field with Flatiron Constructors, Inc., lowest responsible bidder of four - Not to exceed \$48,618,432.00 - Financing: 2021 AVI Commercial Paper Fund (\$22,156,749.42) and Aviation Passenger Facility Charge - Near Term Projects Fund (\$26,461,682.58)
11.	2	C	AVI	\$770,777.00	Authorize a construction services contract for construction services to the Dallas Love Field Emergency Medical Service Suite Renovation Project with JC Commercial, Inc., lowest responsible bidder of five - Not to exceed \$770,777.00 - Financing: Aviation Construction Fund
12.	2	C	AVI	\$421,184.00	Authorize a professional services contract with InterVISTAS Consulting Inc. to provide a financial feasibility study for a potential Consolidated Rental Car (ConRAC) Facility at Dallas Love Field - Not to exceed \$421,184.00 - Financing: Aviation Construction Fund
13.	2	C	AVI	\$1,214,073.00	Authorize Supplemental Agreement No. 2 to the professional services contract with HNTB Corporation to provide construction support services for the Runway 13R/31L Reconstruction Project at Dallas Love Field - Not to exceed \$1,214,073.00 from \$9,965,821.00 to \$11,179,894.00 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund
14.	All	C	CCS	REV- \$87,631.00	An ordinance amending Chapter 17, "Food Establishments," of the Dallas City Code, by amending Section 17-10.2; (1) revising the permit application fees for mobile food units; (2) revising annual inspection fees for Class II, Class III, and Class IV mobile food units; (3) providing a penalty not to exceed \$500.00; (4) providing a saving clause; (5) providing a severability clause; (6) and providing an effective date - Financing: Estimated Revenue Foregone \$87,631.00
15.	7, 4	C	HOU	REV \$73,003.82	Authorize (1) the sale of up to 10 Land Transfer Program lots to Masa Design Build LLC, and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program - Estimated Revenue: General Fund \$12,996.49; (2) the release of lien for all non-tax City liens, notices, or orders that were filed on up to 10 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					to the City of Dallas; and (3) execution of a development agreement with Developer for the construction of up to 10 single-family homes on the Land Transfer Program lots - Estimated Revenue Foregone: \$73,003.82
16.	6	C	HOU	GT	Authorize a development loan agreement with Builders of Hope CDC and/or its affiliates, for the acquisition and development of a 36-unit mixed-income affordable multifamily complex to be known as Trinity West Villas, located at Singleton Boulevard and Pointer Street Dallas, Texas - Not to exceed \$1,906,419.00 - Financing: HOME Investment Partnership Program Funds (\$611,227.47) and Neighborhood Stabilization Program (NSP) Funds (\$1,295,191.53)
17.	9	C	HOU	NC	Authorize the Dallas Public Facility Corporation to acquire, develop, and own Standard Shoreline, a mixed-income, multifamily development to be located at 10715 Garland Road (Project) and enter into a seventy-five-year lease agreement with OP Acquisitions, LLC or its affiliate for the development of the Project - Financing: No cost consideration to the City ..title
18.	4	C	HOU	REV - \$34,541.77	Authorize (1) the sale of up to 16 Land Transfer Program lots to Covenant Homes Construction & Renovation LLC, and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program - Estimated Revenue: General Fund \$16,000.00; (2) the release of lien for all non-tax City liens, notices, or orders that were filed on up to 16 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots to the City of Dallas; and (3) execution of a development agreement with Developer for the construction of up to 16 single-family homes on the Land Transfer Program lots - Estimated Revenue Foregone: General Fund \$34,541.77
19.	4	C	HOU	REV- \$27,446.46	Authorize (1) the sale of up to 6 Land Transfer Program lots to Texas Heavenly Homes Ltd., and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program - Estimated Revenue: General Fund \$6,513.11; (2) the release of lien for all non-tax City liens, notices, or orders that were filed on up to 6 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots to the City of Dallas; and (3) execution of a development agreement with Developer for the construction of up to 10 single-family homes on the Land Transfer Program lots - Estimated Revenue Foregone: General Fund \$27,446.46
20.	All	C	HOU	\$306,704.00	Authorize an amendment to the professional consulting contract with

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Michele S. Williams, <del>LLC dba Community Equity Strategies</del> <a href="#">a sole proprietorship</a> , for phase II consulting services and community input for drafting a new Comprehensive Housing Policy, action plan, and accomplishment measures that incorporates the recommendations from the equity review conducted by TDA Consulting, Inc. for a term of one year, in an amount not to exceed \$306,704.00 - Financing: General Fund \$306,704.00
21.	6, 14	C	PNV	NC	An ordinance authorizing a correction to (1) Ordinance No. 31958 (Planned Development Subdistrict No. 165) within Planned Development District No. 193, the Oak Lawn Special Purpose District; (2) Ordinance No. 32126 (Planned Development District No. 508); and (3) Ordinances No. 32085 (Planned Development Subdistrict No. 164) within Planned Development District No. 193, the Oak Lawn Special Purpose District - Financing: No cost consideration to the City
22.	6	C	PBW	\$72,000.00	A resolution (1) declaring six properties unwanted and unneeded, and authorizing their advertisement for sale by sealed bid (list attached to the Agenda Information Sheet); (2) establishing a minimum bid amount for each surplus property; and (3) authorizing the sale and conveyance of a deed to the highest qualified bidder - Estimated Revenue: General Fund \$72,000.00
23.	Outside	C	PBW	REV \$21,254.00	A resolution authorizing the conveyance of a water easement and a temporary construction easement containing a total of approximately 66,780 square feet of land to North Texas Municipal Water District for the construction, maintenance and use of water facilities across City-owned land located at Lake Ray Hubbard - Estimated Revenue: Wastewater Construction Fund (\$6,254.00) and General Fund (\$15,000.00)
24.	Outside	C	PBW	REV \$33,231.00	A resolution authorizing the conveyance of a water easement and a temporary construction easement containing a total of approximately 121,027 square feet of land to North Texas Municipal Water District for the construction, maintenance and use of water facilities across City-owned land located at Lake Ray Hubbard - Estimated Revenue: Wastewater Construction Fund (\$18,231.00) and General Fund (\$15,000.00)
25.	6	C	PBW	REV \$6,645.00	An ordinance abandoning a portion of a street easement to SEVA, Ltd., the abutting owner, containing approximately 443 square feet of land, located near the intersection of Cockrell Hill Road and Interstate Highway 30; and authorizing the quitclaim - Revenue: General Fund \$6,645.00, plus the \$20.00 ordinance publication fee
26.	8	C	PBW	\$2,925.00	Authorize the (1) deposit of the amount awarded by the Special

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Commissioners in the condemnation proceedings styled City of Dallas v. Alvin Julius Scott, Sr., et al., Cause No. CC-22-00337-A, pending in Dallas County Court at Law No. 1, to acquire a wastewater easement of approximately 11,826 square feet of land located near the intersection of University Hills Boulevard and Camp Wisdom Road for the University Hills Infrastructure Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$2,225.00, increased from \$9,990.00 (\$8,900.00, plus closing costs and title expenses not to exceed \$1,090.00) to \$12,215.00 (\$11,125.00 being the award, plus closing costs and title expenses not to exceed \$1,090.00) - Financing: Water Utilities Capital G Fund
27.	4	C	N/A	\$2,503,547.50	Authorize a construction services contract for the construction of Bonnie View Road from Ann Arbor Avenue to Cummings Street - Camino Construction, LP, lowest responsible bidder of seven - Not to exceed \$2,503,547.50 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$2,165,922.50), Water Capital Improvement F Fund (\$212,248.00), Water Construction Fund (\$3,300.00), Wastewater Capital Improvement G Fund (\$119,977.00), and Wastewater Construction Fund (\$2,100.00)
28.	3	C	PBW	\$4,015,910.00	Authorize a construction services contract for the construction of Street Reconstruction Group 17-3003 (list attached to the Agenda Information Sheet) - David Bowers dba HD Way Concrete Service, LLC, lowest responsible bidder of six - Not to exceed \$4,015,910.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Funds) (\$2,597,815.00) Water Capital Improvement F Fund (\$669,283.00), Water Construction Fund (\$29,650.00), Wastewater Capital Improvement G Fund (\$689,762.00), and Wastewater Construction Fund (\$29,400.00)
29.	7	C	PBW	\$1,207,600.86	Authorize acquisition from Wilbow-Timberlawn, LLC, of approximately four acres of land located near the intersection of Samuell Boulevard and Grove Hill Road for the 4600 Samuell Boulevard Future Park Project - Not to exceed \$1,207,600.86 (\$1,200,000.00, plus closing costs and title expenses not to exceed \$7,600.86) - Financing: Equity Revitalization Capital Fund (\$107,600.86) and General Fund (\$1,100,000.00)
30.	10	C	PBW	\$531,231.12	Authorize an amendment to an existing lease agreement with SOHO/Davis FG, LLC to extend the lease agreement for an additional seven-years for approximately 4,290 square feet of office space located at 11910 Greenville Avenue, Suite 100, to be used as a Building Inspection North Central District Office for the period November 1, 2022 through October 31, 2029 - Not to exceed \$531,231.12 - Financing: Building

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Inspection Fund (subject to annual appropriations)
31.	8	C	PBW	\$60,000.00	Authorize an increase in the purchase from Paradise Baptist Church, also known as Paradise Missionary Baptist Church, of approximately 239,246 square feet of land, located near the intersection of University Hills Boulevard and Camp Wisdom Road for the University Hills Infrastructure Project - Not to exceed \$60,000.00, increased from \$357,000.00 (\$350,000.00, plus closing costs and title expenses not to exceed \$7,000.00) to \$417,000.00 (\$410,000.00, plus closing costs and title expenses no to exceed \$7,000.00) - Financing: Water Utilities Capital G Fund (\$60,000.00)
32.	6	C	PBW	\$1,114,013.96	Authorize a ten-year lease agreement with R. G. Colling, LLC, for approximately 8,333 square feet of office and warehouse space located at 10903 Shady Trail, Building A, Suite 160, to be used for office and warehouse for storage of program material and supplies for the Women, Infants and Children Program for the period July 1, 2022 through June 30, 2032 - Not to exceed \$1,124,853.82 - Financing: Health and Human Services Commission Grant Funds (subject to annual appropriations)
33.	N/A	C	SAN	NC	A resolution authorizing the adoption of an amended and restated Local Solid Waste Management Plan for the City of Dallas - Financing: This action has no cost consideration to the City (see Fiscal Information)
34.	2	C	TRN	NC	Authorize (1) a Development Participation Contract with Texas Trees Foundation for the donation of privately funded design plans for a City of Dallas 2017 General Obligation Bond Program Project identified as the Southwestern Medical District Streetscape Plan/Harry Hines Boulevard Improvements (Market Center DART Station to Mockingbird Lane); and (2) an Operating and Maintenance Agreement with Texas Trees Foundation for non-standard public improvements associated with the Harry Hines Boulevard Improvements Project (Market Center to Mockingbird Lane) - Financing: This action has no cost consideration to the City (see fiscal information for potential future costs)
35.	4	C	TRN	NC	Authorize a Beautification and Maintenance Agreement, for a ten-year period, with The Bottom District Community Development Foundation, to upgrade existing signs and posts with custom signs, street toppers and decorative posts for the Bottom Beautification Project within the following limits: between Interstate 35E to the west, Corinth Street to the east, Hutchins Avenue to the south, and the Trinity River Floodplain to the north - Financing: This action has no cost consideration to the City (see Fiscal Information)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
36.	6, 11, 13	C	TRN	GT \$1,255,550.00	Authorize a construction contract for the Tornado-Damaged Signals Group 1 project consisting of re-construction of traffic signals located at Midway Road and Killion Drive, Preston Road (SH 289) and Preston Royal Center (North of Royal Lane), and Lenel Place and Walnut Hill Lane - Durable Specialties, Inc., lowest responsible bidder of two - Not to exceed \$1,255,550.10 - Financing: Federal Highway Administration (FHWA) Emergency Relief Program Fund
37.	All	C	TRN	NC	An ordinance amending Chapter 28, "Motor Vehicles and Traffic" of the Dallas City Code by amending Section 28-41.1.1 "Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes" to (1) provide definitions; (2) designate authority; (3) provide for permissible behavior and define what constitutes an offense; (4) provide a penalty not to exceed \$200.00; (5) provide a saving clause; (6) provide a severability clause; and (7) provide an effective date - Financing: This action has no cost consideration to the City (see Fiscal Information)
38.	All	C	TRN	REV \$200,000.00	An ordinance amending Chapter 43, "Streets and Sidewalks," of the Dallas City Code by amending Article X. "Dockless Vehicle Permit" to (1) provide definitions; (2) designate authority; (3) provide permitting guidelines and requirements; (4) provide a saving clause; (5) provide a severability clause; and (6) provide an effective date - Estimated Revenue: General Fund \$200,000.00 (see Fiscal Information)
39.	All	C	OCC	GT	Authorize (1) the acceptance of additional grant funding from the Texas Health and Human Services Commission (HHSC); (2) the receipt and deposit of additional grant funding from the Texas Health and Human Services Commission (Contract No. HHS000802300001, CFDA No. 15.557) for the Special Supplemental Nutrition Program for Women, Infants and Children; (a) in the amount of \$458,925.00, increasing the FY 2022 Administrative allocation from \$14,869,740.00 to \$15,328,665.00, for the period October 1, 2021 through September 30, 2022; (b) an increase in appropriations in an amount not to exceed \$458,925.00 in the FY 2022 WIC Program - Women, Infants and Children Grant Fund; (c) to redistribute an additional \$179,015.00 to the FY22 Administrative allocation for the period of October 1, 2021 through September 30, 2022 and (3) execution and agreement to all terms and conditions of an amendment or other document required to receive such additional funding - Not to exceed \$458,925.00, from \$14,869,740.00 to \$15,328,665.00 - Financing: Health and Human Services Commission Grant Funds
40.	All	C	OCC	\$2,006,520.00	Authorize (1) the third amendment to Contract No. HHS000455600001, with the Texas Health and Human Services Commission, Department of

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					State Health Services for the Lactation Support Center Services Program (LSCS) to increase by \$407,500.00, from \$1,599,020.00 to \$2,006,520.00; (a) to amend the term of the contract period from September 1, 2019 through August 31, 2022 to September 1, 2019 through August 31, 2023; (b) to accept additional grant funds for FY 2023 budget for Amendment No. 3, in the amount of \$407,500.00 for the continuation of the LSCS Program; and (2) execution of the third amendment to the contract and all terms, conditions, and documents required by contract - Not to exceed \$407,500.00, from \$1,599,020.00 to \$2,006,520.00 - Financing: Department of State Health Services Grant Funds
41.	14	C	ECO	\$3,500,000.00	Authorize a development agreement and all other necessary documents with One Newpark GP, LLC and/or its affiliates for a City Subsidy in an amount not to exceed \$96,100,000.00 comprised of (1) an amount not to exceed \$4,100,000.00 in the form of an economic development grant payable from the City's Public/Private Partnership Fund ("PPP Grant") and (2) an amount not to exceed \$92,000,000.00 payable from future Downtown Connection TIF District funds ("TIF Subsidy") in consideration of the One Newpark Project, a 38-floor, 1,345,845 square foot mixed-use, mixed-income development to be constructed on 1.7 acres at the southeast corner of S. Akard Street and Canton Street in Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) - Financing: Public/Private Partnership Fund (\$4,100,000.00) and Downtown Connection TIF District Fund (\$92,000,000.00) (subject to annual appropriations from tax increments)
42.	2, 6	C	OEQ	NC	An ordinance correcting (1) a municipal setting designation at property generally located between Lemmon Avenue, Shorecrest Drive, Mockingbird Lane, and Denton Drive, and adjacent street rights-of-way (2) a municipal setting designation at property located near the intersection of Lemmon Avenue and McKinney Avenue and adjacent street rights-of-way; (3) a municipal setting designation at property located near the intersection of Norwood Road and Halifax Street and adjacent street rights-of-way; and (4) a municipal setting designation at property located near the intersection of Singleton Boulevard and Chalk Hill Road and adjacent street rights-of-way - Financing: No cost consideration to the City
43.	1, 6	C	OEQ	GT	Authorize the (1) acceptance of a grant from the Environmental Protection Agency (EPA) State Environmental Justice Cooperative Agreement (SEJCA) (Grant No. AJ-02F05001, CFDA No. 66.312) grant in the amount of \$200,000.00 to purchase and deploy non-regulatory air monitoring equipment in up to five (5) neighborhoods in the 75211 and 75212 zip codes, for the period October 1, 2021 through September 30, 2023; (2)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					receipt and deposit of funds in an amount not to exceed \$200,000.00 in the EPA State Environmental Justice Cooperative Agreement Fund; (3) establishment of appropriations in an amount not to exceed \$200,000.00 in the EPA State Environmental Justice Cooperative Agreement Fund (4) execution of the grant agreement with the EPA and all terms, conditions, and documents required by the agreement; and (5) coordination of initiatives, activities and partnerships necessary to fully implement the goals set forth in the SEJCA Grant Work Plan; (6) and execution of <del>a Memorandum of Understanding (MOU)</del> <a href="#">Subrecipient Agreements</a> between the City and the sub-recipients of this grant (Texas A&M University - Transportation Institute, Center for Applied Research (TAMU-TTI-CARTEEH), Children's Health (Children's), and Positive Breathing - Asthma Chasers (PB-AC) - Not to exceed \$200,000.00 - Financing: EPA SEJCA Grant Funds
44.	All	C	POM	\$1,712,917.10	Authorize (1) a five-year service price agreement for the maintenance and repair of meter test bench systems for the Water Utilities Department - OW Investors LLC dba MARS Company in the estimated amount of \$1,632,511.10; and (2) a five-year master agreement for the purchase of portable meter testers for the Water Utilities Department - Sensus USA, Inc. in the estimated amount of \$80,406.00, lowest responsible bidders of two - Total estimated amount of \$1,712,917.10 - Financing: Dallas Water Utilities Fund
45.	5, 14	C	POM	\$264,987.10	Authorize a cooperative purchasing agreement for (1) the purchase and installation of Ubiquia equipment for the Red Cloud and Tietze Park Smart City Initiatives; and (2) a five-year software licensing agreement to provide data and software maintenance and support for the Department of Public Works with Facility Solutions Group dba American Light LP through an interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard) agreement - Total not to exceed \$264,987.10 - Financing: General Fund (subject to annual appropriations)
46.	All	C	POM	\$2,620,188.00	Authorize a three-year master agreement for the purchase of aluminum sign blanks for the Department of Transportation - Vulcan, Inc., lowest responsible bidder of two - Estimated amount of \$2,620,188 - Financing: General Fund
47.	All	C	POM	\$2,566,688.00	Authorize a three-year service price agreement for electric motor repair services for the Water Utilities Department - Allen's Electric Motor Service, Inc. in the estimated amount of \$2,442,422 and Evans Enterprises, Inc. in the estimated amount of \$124,266, lowest responsible bidders of five - Total estimated amount of \$2,566,688 - Financing: General Fund



ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					(\$10,000) and Dallas Water Utilities Fund (\$2,556,688)
48.	All	C	POM	\$639,785.00	Authorize a three-year service price agreement for equipment fluid sampling test analysis services for the Water Utilities Department - Tribologik in the estimated amount of \$506,285 and SGS North America in the estimated amount of \$133,500, lowest responsible bidders of two - Total estimated amount of \$639,785 - Financing: Dallas Water Utilities Fund (\$618,035) and Stormwater Drainage Management Fund (\$21,750)
49.	All	C	POM	\$2,664,545.00	Authorize a three-year service price agreement for citywide electrical services - KE Industrial LLC, lowest responsible bidder of three - Estimated amount of \$2,664,545 - Financing: General Fund (\$131,107.99), Capital Construction Fund (\$2,187,154.62), Dallas Water Utilities Fund (\$240,511.07), Sanitation Operation Fund (\$80,771.32), and Stormwater Drainage Management Operations Fund (\$25,000.00)
50.	All	C	POM	\$29,417,509.07	Authorize a five-year service price agreement for non-engineering environmental consulting, investigative and remediation services with AECOM Technical Services, Inc., Alan Plummer and Associates Inc. dba. Plummer Associates, Inc., Apex TITAN, Inc., Aptim Environmental & Infrastructure, Inc., Arredondo, Zepeda & Brunz, LLC, <del>W&amp;M Environmental, a Division of</del> Braun Intertec Corporation, Burns McDonnell Engineering Company, Inc., EA Engineering, Science and Technology, Inc., Enercon Services Inc., EnSafe Inc., Ensolum, LLC, Freese and Nichols, Inc., Gresham Smith and Partners, Groundwater & Environmental Services, Inc., Halff Associates, Inc., Incontrol Technologies, Inc., Lynn Clark Associates, Inc., dba. LCA Environmental, Inc., Modern Geosciences, LLC, Raba Kistner, Inc., Terracon Consultants, Inc., Texas Green Star Environmental, LLC dba. Green Star Environmental, Weston Solutions, Inc., Wood Environment & Infrastructure Solutions, Inc. for citywide use, most advantageous proposers of forty-two - Total estimated amount of \$29,417,509.07 - Financing: General Fund ( <del>\$12,202,518.74</del> <u>\$11,602,518.74</u> ), Park and Recreation Facilities (B) Fund (\$4,660,556.25), Aviation General Fund (\$3,250,000.00), Sanitation Operation Fund (\$1,879,434.08), Facilities (H) Fund (\$1,132,500.00), Public Safety (G) Fund (\$1,132,500.00), Water Construction Fund (\$690,000.00), Sewer Construction Fund (\$345,000.00), Storm Water Drainage Construction Fund (\$3,625,000.00), Convention Center Fund ( <del>\$150,000.00</del> <u>\$500,000.00</u> ), Nas Redevelopment Fund (\$250,000.00), <u>Lead Hazard Control and Healthy Homes Grant (\$250,000.00)</u> , and Cultural Facilities (F) Fund (\$100,000.00)
51.	All	C	POM	\$1,950,000.00	Authorize a one-year service contract in the amount of \$650,000, with two

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					one-year renewal options in the total amount of \$2,200,000, as detailed in the Fiscal Information section, for financial assistance for eligible homeless persons and risk mitigation funds for landlords for the Office of Homeless Solutions - CitySquare, most advantageous proposers of two - Total not to exceed \$2,850,000 - Financing: General Fund (\$2,200,000) (subject to appropriations) and American Rescue Plan Act Homelessness Assistance and Supportive Services Program Fund (\$650,000)
52.	14, 2	C	POM	\$400,000.00	Authorize a service contract for non-profit public facility improvement projects for the Office of Budget and Management Services - Legal Aid of Northwest Texas in the amount of \$211,396 and First Presbyterian Church of Dallas dba The Stewpot in the amount of \$188,604, most advantageous proposers of four - Not to exceed \$400,000 - Financing: FY 2021-22 Community Development Block Grant Fund
53.	All	C	POM	\$9,659,302.50	Authorize a three-year service contract, with one one-year renewal option, for parking meter and citation management for the Department of Transportation - SP Plus Corporation, most advantageous proposer of five - Not to exceed \$9,659,302.50 - Financing: General Fund (subject to annual appropriations)
54.	All	C	POM	\$500,000.00	Authorize an <del>two-year</del> <u>eighteen-month</u> subrecipient agreement to provide legal services to residential tenants at risk of eviction and homelessness due to financial hardships brought on by the COVID-19 pandemic for the Office of Equity and Inclusion - Legal Aid of NorthWest Texas, most advantageous proposer of two - Not to exceed <del>\$250,000</del> <u>\$500,000</u> - Financing: Coronavirus State and Local Fiscal Recovery Funds
55.	All	C	POM	\$500,000.00	Authorize (1) <del>Supplemental</del> <u>Renewal</u> Agreement No. 1 to exercise the first of two one-year renewal options, with REKJ Builders, LLC, for residential rehabilitation repair services to homes with code violations that residents cannot afford to repair for the Department of Housing & Neighborhood Revitalization, and (2) an increase in appropriations in an amount not to exceed \$500,000 in the Dallas Tomorrow Fund to be used for associated costs - Not to exceed \$500,000 - Financing: Dallas Tomorrow Fund (subject to annual appropriations)
56.	All	C	POM	\$815,414.00	Authorize the purchase of battery back-up units used in traffic signals for the Department of Transportation with Paradigm Traffic Systems, Inc. in the amount of \$402,790 and Texas Highway Products, LTD in the amount of \$412,624 through The Local Government Purchasing Cooperative (BuyBoard) agreement - Total not to exceed \$815,414 - Financing: General Fund

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57.	12	C	PKR	\$158,295.20	Authorize supplemental agreement No.1 to the interlocal agreement between the City of Dallas and the Richardson Independent School District for additional amenities to the park - Not to exceed \$158,295.20 - Financing: Capital Gifts, Donations and Development Fund (See Fiscal Information)
58.	6	C	PKR	\$159,833.00	Authorize the First Amendment to the Interlocal Agreement with Dallas County for the Right of Way boundary survey, and preparing easement documents and legal descriptions for the Cypress Waters Trail located at South Belt Line Road heading east to South North Lake Road- Not to exceed \$159,833.00 - Financing: Stormwater Drainage Management Fund
59.	All	C	N/A	NC	Authorize a public hearing to be held on August 10, 2022 to receive comments on amending Dallas City Code Chapter 15D; SEC 15D-15 Definitions; Sec 15D-16 Driving Wrecker To A Police Scene Prohibited; Exception; SEC 15D-17 Soliciting Wrecker Business At A Police Scene Prohibited; Presence At Scene As Evidence Of Violation; SEC 15D-21 License Application; Change of Zone; SEC 15D-22 License Qualifications; SEC 15D-50 Emergency Wrecker Service Zones; Wrecker Rotation List; SEC 15D-52 Requirements and Operating Procedures For Emergency Wrecker Service; SEC 15D-53 Rapid Response Program; SEC 15D-55 Notification of Police Department; SEC 15D-56 City-Owned Wreckers - Financing: No cost consideration to the City
60.	N/A	C	N/A	NC	Authorize the (1) acceptance of a donated 2019 Protector Targa 310 boat with an estimated value of \$250,000.00 from Victor Vescovo to the Dallas Police Department - Financing: This action has no cost consideration to the City (see Fiscal Information)
61.	7	C	SBC	\$450,000.00	Authorize (1) a Conditional Chapter 380 Economic Development Loan Agreement with MLK Kingdom Complex, LLC (Developer) in an amount not to exceed \$350,000.00 sourced with the South Dallas/Fair Park Opportunity Fund; and (2) a <a href="#">Chapter 380 Conditional Ggrant Agreement</a> with Developer in an amount <a href="#">not</a> to exceed \$100,000.00 sourced with the Southern Dallas Investment Fund, for construction costs to develop 3101 Martin Luther King Jr. Blvd. and 2904 Meadow Street of Dallas, Texas into the MLK Wellness Complex and parking - <a href="#">Total amount not to exceed \$450,000.00</a> Financing: South Dallas/Fair Park Opportunity Fund <del>not to exceed</del> \$350,000.00 and 2017 Proposition (I) Bonds Fund <del>not to exceed</del> \$100,000.00 <del>in a combined total amount not to exceed \$450,000.00</del>
62.	Outside	C	DWU	\$695,156.07	Authorize (1) an increase in the construction services contract with Ark Contracting Services, LLC for additional work associated with the relocation of a 48-inch diameter water transmission pipeline along

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Ranchview Drive and Ranch Trail in the City of Irving - Not to exceed \$695,156.07, from \$3,010,639.00 to \$3,705,795.07; and (2) the receipt and deposit of funds from the City of Irving in an amount not to exceed \$257,207.75 for the City of Irving's share of the project cost within Irving Corporate limits - Financing: Water Construction Fund (\$695,156.07)
63.	7	C	DWU	\$35,936,000.00	Authorize a construction services contract for improvements to the Jim Miller Pump Station and Reservoir - Eagle Contracting, LLC, lowest bidder of four - Not to exceed \$35,936,000.00 - Financing: Water Capital Improvement F Fund (\$25,000,000.00) and Water Capital Improvement G Fund (\$10,936,000.00)
64.	1, 3, 9	C	DWU	\$791,300.00	Authorize a professional services contract with Halff Associates, Inc. to provide engineering services for storm drainage and erosion control improvements at 3 locations (list attached to the Agenda Information Sheet) - Not to exceed \$791,300.00 - Financing: Storm Drainage Management Capital Construction Fund
65.	9	C	DWU	\$543,030.65	Authorize an increase in the construction services contract with Rebcon, Inc. for additional work associated with the White Rock Lake Dam and Spillway Maintenance Improvements Project - Not to exceed \$543,030.65, from \$5,997,105.00 to \$6,540,135.65 - Financing: Water Capital Improvement G Fund
66.	N/A	I	SEC	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)
67.	All	I	SEC	N/A	Election of Officers of the City Council: Mayor Pro Tem and Deputy Mayor Pro Tem
68.	All	I	SEC	N/A	City Council Seating and Office Selection
69.	All	I	OGA	NC	Consider adopting the recommended districting plan for the 14 City Council districts, approved by the Redistricting Commission on May 10, 2022, and filed with Mayor Eric Johnson on May 16, 2022, including consideration of proposed modifications or changes (posted at <a href="http://www.dallasredistricting.com">www.dallasredistricting.com</a> ) to be implemented at the next general election of the City Council conducted on May 6, 2023 - Financing: No cost consideration to the City
70.	N/A	I	ATT	REV- \$200,000.00 REV \$470,761.40	Authorize (1) settlement of the lawsuit styled City of Dallas v. Delta Air Lines, Inc., et al., Cause No. 3:15-CV-02069-K - Estimated Revenue Foregone: Aviation Fund \$200,000.00 annually over a six-year period until the expiration of the current Use and Lease Agreements at Love Field; (2)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					a facilities lease agreement at Dallas Love Field with Delta Air Lines, Inc. for scheduled airline passenger service support space; and (3) a facilities use agreement at Dallas Love Field with Southwest Airlines for terminal storage and support space - Estimated Net Annual Revenue: \$470,761.40
71.	All	I	CTS	\$154,204.00	An ordinance (1) appointing 10 full-time municipal judges and 18 associate (part-time) municipal judges for the City of Dallas municipal court of record for a two-year term ending May 31, 2024; (2) designating an administrative municipal judge; (3) establishing the annual salaries for the administrative municipal judge, the municipal judges, and the associate municipal judges; (4) providing a severability clause; and (5) providing an effective date - Not to exceed \$154,204.00 annually - Financing: General Fund
72.	All	I	CCT	REV \$8,750.00	An ordinance amending the Dallas City Code by adding a new Chapter 38A, "Commercial Promoter Program" by (1) providing a commercial promoter registration program, registration fee, and safety plan requirements for commercial promoters; (2) amending Chapter 27, "Minimum Property Standards," of the Dallas City Code by amending Section 27-46 to include violations of Chapter 38A in the definition of code violations in the habitual nuisance properties program; (3) providing a penalty not to exceed \$2,000.00 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and \$500.00 for all other violations; (4) providing a saving clause; (5) providing a severability clause; and (6) providing an effective date - Estimated Revenue: Convention and Event Services Fund \$26,250.00 annually (see Fiscal Information)
73.	1	I	HOU	NC	Authorize an amendment to Resolution No. 21-2047, previously approved on December 8, 2021, to allow the City to subordinate its liens to a financial institution's liens in relation to the development of Highpoint at Wynnewood, a mixed-income, multifamily development located 1911 Pratt Street Dallas, TX 75224 (Project), subject to the requirements of the Comprehensive Housing Policy (CHP) - Financing: No cost consideration to the City
74.	2	C	PBW	REV \$5,400.00	An ordinance abandoning portions of three water easements and a drainage easement to Urban Smart Growth LP and Central Carroll Interests LLC, the abutting owners, containing a total of approximately 39,259 square feet of land, located near the intersection of North Central Expressway and Carroll Avenue - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee
75.	12, 8	I	ECO	\$4,375,000.00	Authorize a development agreement ("Agreement") and all other

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					necessary documents with I-20 Lancaster Development, LLC and/or its affiliates for a City Subsidy in an amount not to exceed \$34,210,966.00 comprised of (1) an amount not to exceed \$2,800,000.00 in the form of an economic development grant payable from the City's Public/Private Partnership Fund ("PPP Grant"); and (2) an amount not to exceed \$31,410,966.00 plus an additional grant in lieu of interest payable from future University TIF District funds ("TIF Subsidy") in consideration of the University Hills Phase I Project on property generally bounded by Interstate Highway 20 (Lyndon B. Johnson Freeway), Lancaster Road, and the DART rail line in Tax Increment Financing Reinvestment Zone Number Twenty One (University TIF District) - Financing: Public/Private Partnership Fund (\$2,800,000.00) and University TIF District Fund (\$31,410,966.00) (subject to annual appropriations from tax increments)
76.	14	I	ECO	\$4,375,000.00	Authorize the following: (1) the designation of approximately 11.0 acres of property located at the current address of 2323 North Field Street as depicted in Exhibit A and further described in Exhibit B attached to the resolution, in Dallas, Texas as City of Dallas Neighborhood Empowerment Zone No. 20 ("NEZ No. 20"), pursuant to Chapter 378 of the Texas Local Government Code, which has been determined will promote an increase in economic development in the zone, establish boundaries for the zone, and provide for an effective date for the zone; (2) a real property tax abatement with Hunt Realty or an affiliate thereof, including North End L.P. ("Owner") exempting 50% of the taxes on the added value to the net new tangible real property for a period not to exceed ten years; and (3) a business personal property tax abatement with Goldman Sachs & Co. LLC or an affiliate thereof ("Goldman Sachs" or "Tenant") exempting 50% of the taxes on the added value to the net new tangible business personal property for a period not to exceed five years; and (4) a Chapter 380 Economic Development Grant Agreement with Tenant in an amount not to exceed \$4,000,000.00 for job retention and creation; and (5) a Chapter 380 Economic Development Grant Agreement with Owner and/or Tenant or affiliates thereof in an amount not to exceed \$375,000.00 associated with expedited permitting and soft construction costs grant; all of which will promote state or local economic development and to stimulate business and commercial activity in the municipality in connection with jobs created and retained in association with a new office development in accordance with the City's Public/Private Partnership Program - Financing: Public/Private Partnership Funds (\$4,375,000.00) and Estimated Revenue Foregone-- City ad valorem real personal property taxes estimated up to \$12,257,000.00 over a ten-year period and City ad valorem business personal property taxes estimated up to \$1,381,703.00 over a five-year period

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
77.	13	I	BCM	NC	Authorize (1) rescinding the construction contract awarded to Post L Group, LLC, previously approved on November 10, 2021 by Resolution No. 21-1850, for the construction of Fire Station No. 41 Replacement facility; and (2) to re-advertise this project located at 5920 Royal Lane - Financing: No cost consideration to the City
78.	3, 8, 10	I	OHS	NC	Authorize an interlocal agreement between the City of Dallas (City) and the County of Dallas (County) for the City's acceptance of funds in an amount not to exceed \$10,000,000.00 from the County's allocated ARPA State and Local Fiscal Recovery funds (ARPA SLFR Funds) for the period of September 1, 2022 to September 30, 2024 to be used: (i) for the redevelopment of 4150 Independence Drive, Dallas, Texas 75237; and (ii) to provide housing opportunities and supportive services for unsheltered youth (ages 18-24) with a focus on LGBTQIA+ youth at or below 30% Area Median Income (collectively, the Target Populations) - Financing: FY22 Dallas County ARPA Fund \$10,000,000.00
79.	All	C	DWU	\$470,000.00	Authorize (1) an increase in appropriations in an amount not to exceed \$470,000.00 in the Operating Carryover Fund from General Fund Contingency Reserve; and (2) a transfer in an amount not to exceed \$470,000.00 from General Fund Contingency Reserve to the Operating Carryover Fund for the management of a diverse forestry canopy including preventative and reactive maintenance - Not to exceed \$470,000.00 - Financing: Operating Carryover Fund and General Fund Contingency Reserve (See Fiscal Information)
Z1.	5	PH	PBW	NC	<p>A public hearing to receive comments regarding an application for a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay on the west line of Pleasant Drive, north of the intersection of Pleasant Drive and C.F. Hawn Freeway with consideration for a Specific Use Permit for an office showroom/warehouse and an ordinance granting a Specific Use Permit for an office showroom/warehouse</p> <p>Recommendation of Staff: Approval of a Specific Use Permit for an office showroom/warehouse for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions, in lieu of a new subdistrict within Subdistrict 1 of Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2</p> <p>Recommendation of CPC: Approval of a Specific Use Permit for an office</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					showroom/warehouse for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions, in lieu of a new subdistrict within Subdistrict 1 of Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2 Z212-130(RM)
Z2.	7	PH	PNV	NC	A public hearing to receive comments regarding an application for an ordinance granting a Specific Use Permit for a surface accessory remote parking use on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north of the intersection of Metropolitan Avenue and Octavia Street Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, and staff's recommended conditions Recommendation of CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, and staff's recommended conditions Z201-343(JM)
Z3.	11	PH	PNV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property within Planned Development District No. 216, on the east line of Noel Road, between Spring Valley Road and Southern Boulevard Recommendation of Staff: Approval, subject to a revised development plan, landscape plan, and conditions Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions Z212-163(MP)
Z4.	2	PH	PNV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the preservation criteria and exhibits for Historic Overlay District No. 20, the Ambassador Hotel (1312 S. Ervay Street), on property zoned Subdistrict No. 2 within Planned Development District No. 317, the Cedars Special Purpose District, on the northwest corner of St. Paul Street and Ervay Street Recommendation of Staff: Approval as amended Recommendation of CPC: Approval per staff recommendation as amended, and Landmark Commission recommended condition with changes Z212-213(LVO)



ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
Z5.	6	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District and NS(A) Neighborhood Service District regulations and uses including multifamily and retail and personal service, on property zoned an IR Industrial Research District, on the southwest corner of Sylvan Avenue and Singleton Boulevard</p> <p>Recommendation of Staff: Approval, subject to a development plan, landscape plan, and conditions</p> <p>Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions</p> <p>Z212-145(MP)</p>
Z6.	5	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open enrollment charter school use on property zoned an R-7.5(A) Single Family District, on the north line of Lake June Road, between Conner Drive and Pleasant Drive</p> <p>Recommendation of Staff: Approval, subject to a development plan, a traffic management plan, and conditions</p> <p>Recommendation of CPC: Approval, subject to a development plan, a traffic management plan, and conditions</p> <p>Z212-158(RM)</p>
Z7.	11	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for TH-1(A) Townhome District regulations and uses including residential uses within a shared access subdivision on property zoned an R-1/2 ac(A) Single Family District, at the northwest corner of Alpha Road and Hillcrest Road</p> <p>Recommendation of Staff: Approval, subject to a development plan, landscape plan, and staff's recommended conditions</p> <p>Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions</p> <p>Z212-166(MP)</p>
Z8.	3	PH	PBW	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an R-10(A) Single Family District on the north line of Blue Ridge Boulevard, north of the intersection of Blue Ridge Boulevard and Pomeroy Drive</p> <p>Recommendation of Staff: Approval for a five-year period, subject to a site plan and conditions</p> <p>Recommendation of CPC: Approval for a five-year period, subject to a site plan and conditions</p> <p>Z212-168(RM)</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
Z9.	14	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 135 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest line of Turtle Creek Boulevard, between Cedars Springs Road and Dickason Avenue</p> <p>Recommendation of Staff: Approval, subject to a development plan, landscape plan, and staff's recommended conditions</p> <p>Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions</p> <p>Z212-155(RM)</p>
Z10.	8	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on a property zoned a CS Commercial Service District with a D-1 Liquor Control Overlay, on the southeast corner of South Belt Line Road and C.F. Hawn Expressway</p> <p>Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.</p> <p>Recommendation of CPC: Denial without prejudice</p> <p>Z212-156(OA)</p> <p>Note: This item was deferred by the City Council before opening the public hearings on May 25, 2022 and June 8, 2022, and is scheduled for consideration on June 22, 2022.</p>
PH1.	N/A	PH	BMS	NC	<p>A public hearing to receive comments on the Proposed FY 2022-23 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds; and at the close of the public hearing, authorize final adoption of the FY 2022-23 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$32,997,962 for the following programs and estimated amounts: (a) Community Development Block Grant in the amount of \$14,120,128; (b) HOME Investment Partnerships Program in the amount of \$6,440,498; (c) Emergency Solutions Grant in the amount of \$1,268,197; (d) Housing Opportunities for Persons with AIDS in the amount of \$8,469,139; and (e) estimated Program Income and One-Time Revenue in the amount of \$2,700,000 - Financing: No cost consideration to the City (see Fiscal Information)</p> <p>Note: This item was considered by the City Council at a public hearing on</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					May 25, 2022, and was held under advisement until June 22, 2022, with the public hearing open.
PH2.	2, 14	PH	ECO	NC	<p>A public hearing to receive comments on proposed amendments to the Project Plan and Reinvestment Zone Financing Plan ("Plan") for Tax Increment Reinvestment Zone Number Eleven, the Downtown Connection Tax Increment Financing ("TIF") District ("District") to: (1) create two sub-districts within the <del>Zone</del> <u>District</u> : (a) Downtown Connection Sub-district (original District boundary) and (b) Newpark Sub-district; (2) increase the geographic area of the District to add approximately 14.2 acres to create the Newpark Sub-district to facilitate anticipated redevelopment; (3) increase the total budget of the District (Downtown Connection Sub-district budget) from \$231,593,554.00 Net Present Value (NPV 2005 dollars) (approximately \$454,707,775.00 total dollars) to \$402,897,888.00 NPV (approximately \$1,059,227,817.00 total dollars, an increase of \$171,304,334.00 NPV (approximately \$604,520,042.00 total dollars); (4) modify the Downtown Connection Sub-district budget to add a line item for a public safety building to replace Fire Station #18; (5) establish a termination date for the Newpark Sub-district of December 31, 2052; (6) establish the percentage of tax increment contributed by the City of Dallas during the term of the Newpark Sub-district at 90%; (7) establish a total budget for the Newpark Sub-district of \$90,329,182.00 NPV 2022 dollars (approximately \$223,786,626.00 total dollars); (8) request Dallas County participation in the Newpark Sub-district at 55% for twenty years beginning in 2027; and (9) make corresponding modifications to the District boundary, budget, Plan, and participation agreement with Dallas County; and at the close of the hearing, consider an ordinance amending Ordinance No. 26020, as amended, previously approved on June 8, 2005, and Ordinance No. 26096, as amended, previously approved on August 29, 2005, to reflect these amendments - Financing: No cost consideration to the City</p>
PH3.	6	PH	OEQ	NC	<p>A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 1400 Triple B Holdings, LP located near the intersection of West Commerce and Neal Streets and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to 1400 Triple B Holdings, LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City</p> <p>Recommendation of Staff: Approval</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
PH4.	6	PH	OEQ	NC	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Dallas Independent School District located near the intersection of Bickers and Greenleaf Streets and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Dallas Independent School District by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City Recommendation of Staff: Approval
PH5.	11	PH	OEQ	NC	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Preston Forest SC, LLC located near the intersection of Preston Road and Forest Lane and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Preston Forest SC, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City Recommendation of Staff: Approval

**TOTAL \$261,098,265.76**





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1266

**Item #:** 1.

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Approval of Minutes of the June 8, 2022 City Council Meeting





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1301

**Item #:** 2.

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

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** City Attorney's Office

**EXECUTIVE:** Christopher J. Caso

### **SUBJECT**

Authorize **(1)** settlement of the claims filed by Vandergriff Honda in the related lawsuits styled Vandergriff Honda v. The City of Dallas, Texas, Case No. 3:20-cv-03704, and Vandergriff Honda v. The City of Dallas, Texas, Devin Mallard, and American Honda Finance Corporation, Cause No. 471-00324-2021; and **(2)** return of impounded vehicle in as-is condition and payment of financial compensation not to exceed \$75,000.00 - Not to exceed \$75,000.00 - Financing: Liability Reserve Fund

### **BACKGROUND**

Plaintiff Vandergriff Honda filed two lawsuits against the City of Dallas seeking return of a vehicle impounded by the Dallas Police Department and eventually incorporated into its fleet, as well as compensation for loss of use/lost value and attorneys' fees. The City and Vandergriff Honda have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Naman, Howell, Smith, & Lee, PLLC.

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

A confidential memorandum regarding this matter will be provided to the City Council on June 17, 2022.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Liability Reserve Fund	\$75,000.00	\$0.00	\$0.00



June 22, 2022

**WHEREAS**, plaintiff Vandergriff Honda filed claims in two related lawsuits styled Vandergriff Honda v. The City of Dallas, Texas, Case No. 3:20-cv-03704, and Vandergriff Honda v. The City of Dallas, Texas, Devin Mallard, and American Honda Finance Corporation, Cause No. 471-00324-2021, seeking return of a vehicle impounded by the Dallas Police Department and eventually incorporated into its fleet, as well as compensation for loss of use/lost value and attorneys' fees; and

**WHEREAS**, plaintiff Vandergriff Honda has agreed to a proposed settlement of the claim whereby the City will return the impounded vehicle in as-is condition and pay financial compensation to Vandergriff Honda and all other persons having an interest in the settlement proceeds, the total amount of \$75,000.00; and

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

**Now, Therefore,**

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

**SECTION 1.** That the proposed settlement of the claims filed by plaintiff Vandergriff Honda in two related lawsuits styled Vandergriff Honda v. The City of Dallas, Texas, Case No. 3:20-cv-03704, and Vandergriff Honda v. The City of Dallas, Texas, Devin Mallard, and American Honda Finance Corporation, Cause No. 471-00324-2021, and return of the impounded vehicle in as-is condition and payment of financial compensation in an amount not to exceed \$75,000.00 is hereby approved.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to pay Vandergriff Honda and all other persons having an interest in the settlement proceeds, the amount of \$75,000.00 from Liability Reserve Fund, Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor MVORM001.

**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.



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1314

**Item #:** 3.

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

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** City Attorney's Office

**EXECUTIVE:** Christopher J. Caso

### **SUBJECT**

Authorize payment of the final judgment in the lawsuit styled Katherine V. Homan v. City of Dallas, Phil Sikes in his Official Capacity as Building Official, and Methodist Hospitals of Dallas, Cause No. DC-19-02758 - Not to exceed \$65,325.00 - Financing: Liability Reserve Fund

### **BACKGROUND**

Plaintiff Katherine V. Homan filed a lawsuit against the City of Dallas, the City's Building Official, and Methodist Hospital seeking to invalidate a zoning change sought by Methodist Hospital and approved by City Council vote. The district court entered a final judgment against the City on September 28, 2020 and ordered the City to pay Homan's attorney fees and costs of court. The judgment was affirmed on appeal. Plaintiff is represented by Thomas M. Whelan of the firm McGuire, Craddock, & Strother, P.C.

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

The City Council was briefed in executive session on October 20, 2021.

A confidential memorandum regarding this matter will be provided to the City Council on June 17, 2022.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Liability Reserve Fund	\$65,325.00	\$0.00	\$0.00

June 22, 2022

**WHEREAS**, a lawsuit styled Katherine v. Homan v. City of Dallas et al., Cause No. DC-19-02758, was filed by the plaintiff, Katherine V. Homan, seeking a declaratory judgment, injunctive relief, and attorney fees from the City of Dallas for authorizing a zoning change sought by Methodist Hospital and approved by a simple majority vote of the City Council when a three-fourths vote was required; and

**WHEREAS**, the court entered final judgment against the City of Dallas on September 28, 2020, for the total amount of \$65,000.00 plus costs of court; and

**WHEREAS**, the final judgment was affirmed on appeal; and

**WHEREAS**, it is in the best interest of the City to pay the sums awarded in the final judgment for this lawsuit in the total amount of \$65,325.00, representing \$65,000.00 in attorney fees and \$325.00 in costs of court.

**Now, Therefore,**

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

**SECTION 1.** That payment in satisfaction of the final judgment in the lawsuit styled Katherine V. Homan v. City of Dallas, et al., Cause No. DC-19-02758, in an amount not to exceed \$65,325.00 is hereby approved.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to pay Katherine V. Homan and McGuire, Craddock, & Strother, P.C., and all other persons having an interest in the final judgment proceeds, the amount of \$65,325.00 from Liability Reserve Fund, Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor MVORM001.

**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.



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1299

**Item #:** 4.

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

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** City Attorney's Office

**EXECUTIVE:** Christopher J. Caso

### **SUBJECT**

Authorize payment of the property damage claim filed by Tom's Mechanical, Inc., Claim No. GL-22-32624 - Not to exceed \$33,867.63 - Financing: Liability Reserve Fund

### **BACKGROUND**

Tom's Mechanical, Inc. filed a claim against the City of Dallas seeking compensation for alleged property damage and other damages sustained on March 24, 2022, when a Dallas Fire- Rescue vehicle, a 2014 Ford F-350, rear ended a 2019 Chevrolet Express 2500 cargo van owned by Tom's Mechanical, Inc. The City and Tom's Mechanical, Inc. have reached a proposed settlement subject to City Council approval.

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

A confidential memorandum regarding this matter will be provided to the City Council on June 17, 2022.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Liability Reserve Fund	\$33,867.63	\$0.00	\$0.00

June 22, 2022

**WHEREAS**, a claim was filed by Tom's Mechanical, Inc., Claim No. GL-22-32624, seeking compensation for alleged damage and other damages sustained on March 24, 2022, involving a Dallas Fire-Rescue vehicle; and

**WHEREAS**, claimant Tom's Mechanical, Inc. has agreed to a proposed settlement of the claim whereby the City will pay Tom's Mechanical, Inc., and all other persons having an interest in the settlement proceeds, the total amount of \$33,867.63; and

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

**Now, Therefore,**

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

**SECTION 1.** That the proposed settlement of the claim filed by Tom's Mechanical, Inc., Claim No. GL-22-32624, in an amount not to exceed \$33,867.63 is hereby approved.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to pay Tom's Mechanical, Inc., and all other persons having an interest in the settlement proceeds, the amount of \$33,867.63 from Liability Reserve Fund, Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor MVORM001.

**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.



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1310

**Item #:** 5.

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

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** City Attorney's Office

**EXECUTIVE:** Christopher J. Caso

### **SUBJECT**

Authorize settlement of Lamont McFarland's claim in the lawsuit styled Lamont McFarland et al. v. City of Dallas, Cause No. CC-21-01773-B - Not to exceed \$75,000.00 - Financing: Liability Reserve Fund

### **BACKGROUND**

Plaintiff Lamont McFarland filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on November 4, 2019, involving a Public Works Department vehicle. The City and Mr. McFarland have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Reyes Browne Reilley.

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

A confidential memorandum regarding this matter will be provided to the City Council on June 17, 2022.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Liability Reserve Fund	\$75,000.00	\$0.00	\$0.00

June 22, 2022

**WHEREAS,** a lawsuit styled Lamont McFarland et al. v. City of Dallas, Cause No. CC-21-01773-B, was filed by the plaintiff, Lamont McFarland, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on November 4, 2019, involving a Public Works Department vehicle; and

**WHEREAS,** the plaintiff has agreed to a proposed settlement of the case whereby the City will pay Lamont McFarland, Reyes Browne Reilley, and all other persons having an interest in the settlement proceeds, the total amount of \$75,000.00; and

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

**Now, Therefore,**

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

**SECTION 1.** That the proposed settlement of Lamont McFarland's claim in the lawsuit, styled Lamont McFarland et al. v. City of Dallas, Cause No. CC-21-01773-B, in an amount not to exceed \$75,000.00 is hereby approved.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to pay Lamont McFarland, Reyes Browne Reilley, and all other persons having an interest in the settlement proceeds, the amount of \$75,000.00 from Liability Reserve Fund, Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor MVORM001.

**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.



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1312

**Item #:** 6.

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

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** City Attorney's Office

**EXECUTIVE:** Christopher J. Caso

### **SUBJECT**

Authorize settlement of the lawsuit styled Ana Garcia v. City of Dallas, Cause No. CC-21-00424-B - Not to exceed \$47,000.00 - Financing: Liability Reserve Fund

### **BACKGROUND**

Plaintiff Ana Garcia filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on May 29, 2019, involving a Public Works Department vehicle. The City and Ms. Garcia have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Thompson Law, LLP.

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

A confidential memorandum regarding this matter will be provided to the City Council on June 17, 2022.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Liability Reserve Fund	\$47,000.00	\$0.00	\$0.00



June 22, 2022

**WHEREAS,** a lawsuit styled Ana Garcia v. City of Dallas, Cause No. CC-21-00424-B, was filed by the plaintiff, Ana Garcia, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on May 29, 2019, involving a Public Works Department vehicle; and

**WHEREAS,** the plaintiff has agreed to a proposed settlement of the case whereby the City will pay Ana Garcia, Thompson Law, LLP, and all other persons having an interest in the settlement proceeds, the total amount of \$47,000.00; and

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

**Now, Therefore,**

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

**SECTION 1.** That the proposed settlement of the lawsuit, styled Ana Garcia v. City of Dallas, Cause No. CC-21-00424-B, in an amount not to exceed \$47,000.00 is hereby approved.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to pay Ana Garcia, Thompson Law, LLP, and all other persons having an interest in the settlement proceeds, the amount of \$47,000.00 from Liability Reserve Fund, Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor MVORM001.

**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.



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1295

**Item #:** 7.

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

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** City Attorney's Office

**EXECUTIVE:** Christopher J. Caso

### **SUBJECT**

Authorize settlement of the lawsuit styled Angelica Balleza Arevalo v. City of Dallas, Cause No. CC-21-03597-C - Not to exceed \$38,000.00 - Financing: Liability Reserve Fund

### **BACKGROUND**

Plaintiff Angelica Balleza Arevalo filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on February 23, 2021, involving a Dallas Water Utilities vehicle. The City and Ms. Arevalo have reached a proposed settlement subject to City Council approval. Plaintiff is represented by John R. Salazar, P.C.

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

A confidential memorandum regarding this matter will be provided to the City Council June 17, 2022.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Liability Reserve Fund	\$38,000.00	\$0.00	\$0.00

June 22, 2022

**WHEREAS,** a lawsuit styled Angelica Balleza Arevalo v. City of Dallas, Cause No. CC-21-03597-C, was filed by the plaintiff, Angelica Balleza Arevalo, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on February 23, 2021, involving a Dallas Water Utilities vehicle; and

**WHEREAS,** the plaintiff has agreed to a proposed settlement of the case whereby the City will pay Angelica Balleza Arevalo, John R. Salazar, P.C., and all other persons having an interest in the settlement proceeds, the total amount of \$38,000.00; and

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

**Now, Therefore,**

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

**SECTION 1.** That the proposed settlement of the lawsuit, styled Angelica Balleza Arevalo v. City of Dallas, Cause No. CC-21-03597-C, in an amount not to exceed \$38,000.00 is hereby approved.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to pay Angelica Balleza Arevalo, John R. Salazar, P.C., and all other persons having an interest in the settlement proceeds, the amount of \$38,000.00 from Liability Reserve Fund, Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor MVORM001.

**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.



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1400

**Item #:** 8.

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

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** City Attorney's Office

**EXECUTIVE:** Christopher J. Caso

### **SUBJECT**

Authorize the **(1)** acceptance of a grant from the Texas Veterans Commission Fund for Veterans' Assistance (Grant No. TBD) in the amount of \$50,000.00 for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2022 through June 30, 2023; **(2)** establishment of appropriations in an amount not to exceed 50,000.00 in the FY22-23 South Oak Cliff Veterans Treatment Court Fund; **(3)** receipt and deposit of funds in an amount not to exceed \$50,000.00 in the FY22-23 South Oak Cliff Veterans Treatment Court Fund; and **(4)** execution of the grant agreement and all terms, conditions and documents required by the agreement - Not to exceed \$50,000.00 - Financing: Texas Veterans Commission Grant Funds

### **BACKGROUND**

This item will authorize the acceptance and execution of the 2022-23 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance. The Commission awarded the City a one-year grant with the project period from July 1, 2022 through June 30, 2023. The Veterans Treatment Court (VTC) seeks to identify veterans with chemical dependency who have at least one unadjudicated City of Dallas criminal citation. Eligible veterans will be offered an opportunity to participate in the VTC Program where their criminal citations will be adjudicated and they will be assessed and assigned a case manager and referred to services such as alcohol/drug treatment and recovery support services. The VTC docket will be held at the South Oak Cliff Community Court, which is located inside the Dallas Area Rapid Transit Police Headquarters at 2111 South Corinth Street.

The Texas Veterans Commission has awarded the City \$50,000.00 in support of the VTC program.

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

On June 26, 2019, City Council authorized the acceptance of the 2019-20 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the

South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2019 through June 30, 2020; and execution of the grant agreement and all terms, conditions, and documents required by the grant by Resolution No. 19-0934.

On June 24, 2020, City Council authorized the acceptance of the 2020-21 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2020 through June 30, 2021; and execution of the grant agreement and all terms, conditions, and documents required by the grant by Resolution No. 20-0964.

On June 23, 2021, City Council authorized the acceptance of the 2021-22 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2021 through June 30, 2022; and execution of the grant agreement and all terms, conditions, and documents required by the grant by Resolution No. 21-1150.

**FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Texas Veterans Commission Grant Funds	\$12,000.00	\$38,000.00	\$0.00

June 22, 2022

**WHEREAS**, on June 26, 2019, City Council authorized acceptance of the 2019-20 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2019 through June 30, 2020; the establishment of appropriations in an amount not to exceed \$100,000.00 in the 2019-20 Veterans Treatment Court Grant Fund; the receipt and deposit of funds in an amount not to exceed \$100,000.00 in the 2019-20 Veterans Treatment Court Grant Fund; and execution of the grant agreement and all terms, conditions, and documents required by the grant by Resolution No. 19-0934; and

**WHEREAS**, on June 24, 2020, City Council authorized acceptance of the 2020-21 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2020 through June 30, 2021; the establishment of appropriations in an amount not to exceed \$100,000.00 in the 2020-21 Veterans Treatment Court Grant Fund; the receipt and deposit of funds in an amount not to exceed \$100,000.00 in the 2020-21 Veterans Treatment Court Grant Fund; and execution of the grant agreement and all terms, conditions, and documents required by the grant by Resolution No. 20-0964; and

**WHEREAS**, on June 23, 2021, City Council authorized the acceptance of the 2021-22 Veterans Treatment Court Grant in the amount of \$50,000.00 from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2021 through June 30, 2022; establishment of appropriations in an amount not to exceed \$50,000.00 in the 2021-22 Veterans Treatment Court Grant Fund; the receipt and deposit of funds in an amount not to exceed \$50,000.00 in the 2021-22 Veterans Treatment Court Grant Fund; and execution of the grant agreement and all terms, conditions and documents required by the agreement by Resolution No. 21-1150; and

**WHEREAS**, the City of Dallas seeks to continue the South Oak Cliff Veterans Treatment Court docket at the South Oak Cliff Community Court that will incorporate alcohol/drug treatment, recovery support services, screening, assessment, case management, and program coordination specifically for veterans; and

**WHEREAS**, the Fund for Veterans' Assistance of the Texas Veterans Commission has awarded the City a one-year grant with the project period from July 1, 2022 to June 30, 2023; and

**WHEREAS**, the Texas Veterans Commission's Fund for Veterans' Assistance has made grant funds available during the 2022-23 fiscal year and partially during the 2021-22 fiscal year to offer veterans facing criminal charges for substance abuse and possession an opportunity to enter a substance abuse recovery program in lieu of jail time; and

June 22, 2022

**WHEREAS**, the grant funding would benefit the City in its endeavor to reduce crime and help affected veterans become drug free and self-sufficient; and

**WHEREAS**, the City finds it in the best interest of the City's residents that the grant funds be accepted for the 2022-23 fiscal year and partially during the 2021-22 fiscal year; and

**WHEREAS**, the City agrees that in the event of loss or misuse of the grant funds, the City will return the funds identified as ineligible to the Texas Veterans Commission; and

**WHEREAS**, the City designates the City Manager or his designee as the grantee's authorized official, who has the power to apply for, accept, reject, alter, or terminate the grant on behalf of the City.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to accept the Texas Veterans Commission Fund for Veterans' Assistance (Grant No. TBD) for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2022 through June 30, 2023, and execute the grant agreement with the Texas Veterans Commission in an amount not to exceed \$50,000.00 and all terms, conditions, and documents required by the agreement, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$50,000.00 in the FY22-23 South Oak Cliff Veterans Treatment Court Fund, Fund S384, Department ATT, Unit 290C, various Object Codes per the attached Schedule.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in the amount not to exceed \$50,000.00 in the FY22-23 South Oak Cliff Veterans Treatment Court Fund, Fund S384, Department ATT, Unit 290C, and Revenue Code 6516.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed \$50,000.00 from the FY22-23 South Oak Cliff Veterans Treatment Court Fund, Fund S384, Department ATT, Unit 290C, various Object Codes per the attached Schedule.

**SECTION 5.** That the City Manager is hereby authorized to reimburse the Texas Veterans Commission Fund for Veterans' Assistance of 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.

June 22, 2022

**SECTION 6.** That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

**SECTION 7.** That this contract is designated as Contract No. ATT-2022-00019532.

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



**SCHEDULE A**  
**Fund S384 Unit 290C**

**Texas Veterans Commision - Veterans Treatment Court Grant**

ATT	BUDGET (July 1, 2022 - June 30, 2023)	
<i>Obj.</i>		
3070	Professional Services	\$ 38,000
3361	Professional Development	\$ 12,000
	<b>Total</b>	<b>\$ 50,000</b>



## Agenda Information Sheet

**File #:** 22-1345

**Item #:** 9.

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

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** City Controller's Office

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

A resolution approving notes issued pursuant to a commercial paper program to finance improvements at Dallas Love Field - Financing: No cost consideration to the City

### **BACKGROUND**

On December 9, 2020, City Council authorized the Love Field Airport Modernization Corporation (LFAMC) to establish an Airport System Commercial Paper Program, effectively, the Love Field Airport Modernization Corporation Airport System Commercial Paper Notes, AMT Series (the "Notes"), in an aggregate principal amount not to exceed \$150,000,000.

Commercial paper provides interim financing for capital projects. The use of commercial paper permits more cost-efficient use of capital as short-term debt is issued to closely match the amount and timing of the award of capital project contracts. Commercial paper notes are normally sold at rates of interest that are lower than rates available at the same time on long-term debt. Outstanding commercial paper is periodically reduced by refinancing it with long-term debt.

Pursuant to the provisions of section 147(f) of the Internal Revenue Code of 1986 (the "Code"), it is necessary for City Council, on a periodic basis, to approve the Notes and the projects to be financed and refinanced with the proceeds thereof, in order to enable the Notes to qualify as tax-exempt obligations under the Code. On April 25, 2022, a designated hearing officer of the LFAMC conducted a precursory public hearing with respect to the Notes and the Eligible Projects, in compliance with the provisions of section 147(f) of the Code.

The City's bond counsel with respect to the LFAMC, McCall, Parkhurst & Horton L.L.P., recommend annual City Council approval by Resolution to ensure compliance as it relates to the Code and the tax-exempt status of the Notes.

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

On December 9, 2020, City Council authorized a resolution authorizing the approval of Love Field Airport Modernization Corporation with respect to establishing a Commercial Paper Program to finance improvements at Love Field Airport; the issuance of Love Field Airport Modernization Corporation Airport System Commercial Paper Notes, AMT Series, in an aggregate principal amount at any one time outstanding not to exceed \$150,000,000, to provide interim financing to pay Project Costs for Eligible Projects and to refund obligations issued in connection with Eligible Projects by Resolution No. 20-1875.

**FISCAL INFORMATION**

No cost consideration to the City.

June 22, 2022

**WHEREAS**, the Love Field Airport Modernization Corporation (the “Corporation”) was created under the auspices of the City of Dallas, Texas (the “City”); and

**WHEREAS**, the City owns and operates Love Field (the “Airport”), an airport located in the City at 8008 Herb Kelleher Way, Dallas, Texas 75235; and

**WHEREAS**, on December 3, 2020, the Board of Directors of the Corporation adopted a resolution (the “Commercial Paper Resolution”) approving and authorizing the issuance of Love Field Airport Modernization Corporation Airport System Commercial Paper Notes, AMT Series, in an aggregate principal amount at any one time outstanding not to exceed \$150,000,000 (the “Notes”), to provide interim financing to pay project costs of various capital improvements at the Airport (the “Eligible Projects”) and to refund obligations issued in connection with Eligible Projects; and

**WHEREAS**, on December 9, 2020, the City Council (the “Council”) of the City adopted a resolution approving the Commercial Paper Resolution; and

**WHEREAS**, pursuant to the provisions of section 147(f) of the Internal Revenue Code of 1986 (the “Code”), it is necessary for the Council, on a periodic basis, to approve the Notes and the projects to be financed and refinanced with the proceeds thereof, in order to enable the Notes to qualify as tax-exempt obligations under the Code; and

**WHEREAS**, on April 25, 2022, a designated hearing officer of the Corporation conducted a public hearing with respect to the Notes and the Eligible Projects, in compliance with the provisions of section 147(f) of the Code; and

**WHEREAS**, it is deemed necessary and advisable that this Resolution be adopted.

**Now, Therefore,**

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

**SECTION 1.** That the Notes and the Eligible Projects to be financed and refinanced with the proceeds of the Notes in accordance with the Commercial Paper Resolution are hereby approved, consistent with the approval procedures for exempt facility bonds for an airport pursuant to section 142(a)(1) of the Code, as set forth in section 147(f) of the Code.

**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.



## Agenda Information Sheet

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**File #:** 22-1114

**Item #:** 10.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize a construction services contract for construction services of Crossfield Taxiways Project at Dallas Love Field with Flatiron Constructors, Inc., lowest responsible bidder of four - Not to exceed \$48,618,432.00 - Financing: 2021 AVI Commercial Paper Fund (\$22,156,749.42) and Aviation Passenger Facility Charge - Near Term Projects Fund (\$26,461,682.58)

### **BACKGROUND**

Dallas Love Field has developed a Five-Year Airside Capital Improvement Program. This program is based on the results of the Love Field Pavement Evaluation Study performed in 2017 and on the requirements of the Federal Aviation Administration (FAA), which showed that all existing taxiways and connectors located on the west side of the terminal are reaching the end of their useful life. In addition, it is necessary to reconfigure and reconstruct the taxiways and connectors to conform to current FAA safety standards.

Garver, LLC provided design documents and will be providing construction administration services for the Crossfield Taxiways Project at Dallas Love Field. In the design Garver reconfigured the current taxiways D and E, to make more efficient and safer movements of aircrafts. During the design, the Department of Aviation coordinated an agreement with the FAA to provide financial grants. FAA Grants 3-48-0062-061-2021 and 3-48-0062-061-2021 will be used to assist in the necessary improvements of the Crossfield Taxiways Project.

This action will authorize a construction contract with Flatiron Constructors, Inc. for the construction of the Crossfield Taxiways at Dallas Love Field. This project will include the construction of Crossfield Taxiways between the existing Taxiway M and Taxiway C and connecting taxiways, construction of the proposed Remains Over Night (RONs) and Deicing areas, analysis of the location of the Run-up Area to recommend relocation/reconfiguration.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	October 2020
Completed Design	September 2021
Begin Construction	August 2022
Complete Construction	May 2024

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

On August 26, 2020, City Council authorized an engineering services contract with Garver, LLC to provide design, planning, construction document and construction administration services for the design of the Crossfield Taxiways Project at Dallas Love Field, in an amount not to exceed \$4,669,300.00 by Resolution No. 20-1216.

**FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
2021 AVI Commercial Paper Fund	\$22,156,749.42	\$0.00	\$0.00
Aviation Passenger Facility Charge - Near Term Projects Fund	\$26,461,682.58	\$0.00	\$0.00

**DBE INFORMATION**

In accordance with US CFR 49, Part 26 for Disadvantaged Business Enterprise (DBE) participation on projects wholly or partly funded through federal grant dollars, the DBE participation on this contract is as follows:

Contract Amount	Procurement Category	DBE Goal	DBE %	DBE \$
\$48,618,432.00	Construction	15.00%	16.34%	\$7,946,130.00
• This contract exceeds the DBE goal.				
Flatiron Constructors, Inc- Non-local; Workforce - 0.00% Local				

**BID INFORMATION**

The following four bids were received and opened on March 25, 2022:

\*Denotes successful bidder

**Bidders****Bid Amount**

*Flatiron Constructors, Inc. 385 Interlocken Crescent	\$48,618,432.00
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Suite 900  
Broomfield, CO 80021  
Webber \$54,023,487.00  
Mario Sinacola & Sons \$54,615,570.50  
Austin Bridge & Road, LP \$56,492,963.41

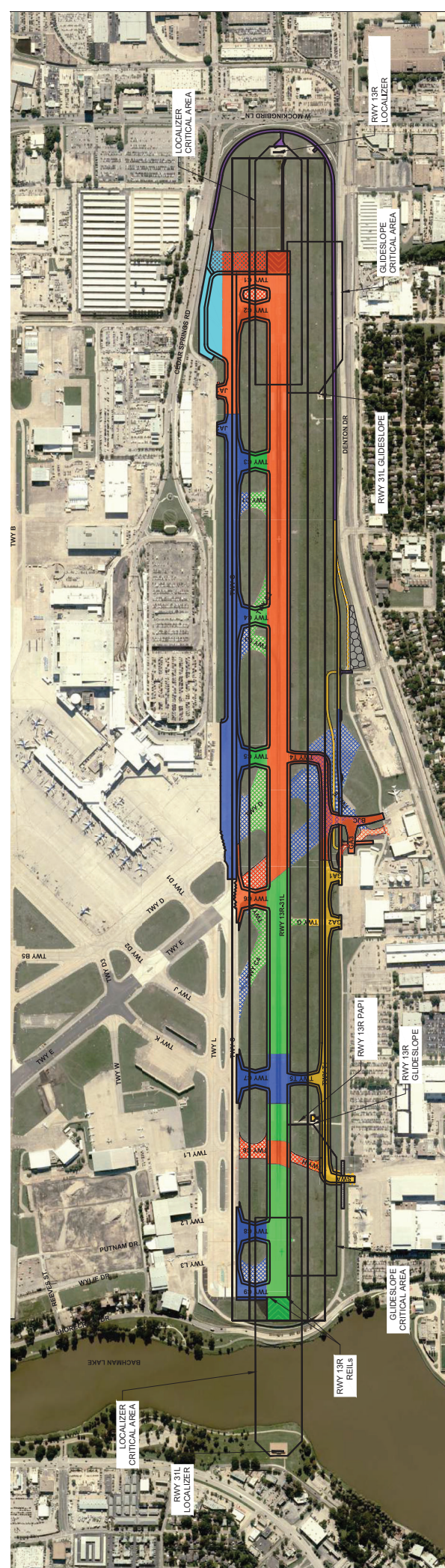
**OWNER**

**Flatiron Constructors, Inc.**

Michael Murphy, Vice President Texas Operations

**MAP**

Attached





June 22, 2022

**WHEREAS**, on August 26, 2020, City Council authorized an engineering services contract with Garver, LLC to provide design, planning, construction document and construction administration services for the design of the Crossfield Taxiways Project at Dallas Love Field, in an amount not to exceed \$4,669,300.00, by Resolution No. 20-1216; and

**WHEREAS**, on October 7, 2021, Administrative Action No. 21-6238 authorized an Other Transaction Agreement with the Federal Aviation Administration (FAA) to provide engineering support services for the construction of the Crossfield Taxiways Project at Dallas Love Field, in an amount not to exceed \$19,672.66; and

**WHEREAS**, Dallas Airport System was awarded FAA grants 3-48-0062-061-2021 and 3-48-0062-062-2021 to use towards the funding of the Crossfield Taxiways Project in the amounts of \$17,036,836.00 and \$13,333,333.00 respectively; and

**WHEREAS**, the FAA has identified the Crossfield Taxiways Project as a high priority project for Coronavirus Aid Relief and Economic Security Act grant funding; and

**WHEREAS**, the Department of Aviation employed the Request for Bids process in accordance with City of Dallas and Federal Aviation Administration procurement guidelines for construction services; and

**WHEREAS**, construction bids were publicly advertised, received and opened on March 25, 2022 for the Crossfield Taxiways Project at Dallas Love Field as follows:

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
*Flatiron Constructors, Inc. 385 Interlocken Crescent Suite 900 Broomfield, CO 80021	\$48,618,432.00
Webber	\$54,023,487.00
Mario Sinacola & Sons	\$54,615,570.50
Austin Bridge & Road, LP	\$56,492,963.41

**WHEREAS**, Flatiron Constructors, Inc. was identified as the lowest responsive and responsible bidder of four in accordance with City of Dallas procurement guidelines; and

**WHEREAS**, it is now necessary to authorize a construction services contract with Flatiron Constructors, Inc., lowest responsive bidder of four, for the construction of the Crossfield Taxiways Project at the Dallas Love Field, in an amount not to exceed \$48,618,432.00.

June 22, 2022

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a construction services contract with Flatiron Constructors, Inc., lowest responsible bidder of four approved as to form by the City Attorney, for construction services of Crossfield Taxiways Project at Dallas Love Field, in an amount not to exceed \$48,618,432.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$48,618,432.00 to Flatiron Constructors Inc. in accordance with the terms and conditions of the contract as follows:

2021 AVI Commercial Paper Fund  
Fund 0795, Department AVI, Unit W125  
Object 4599, Activity AAIP, Program AVIW125, Commodity 92500  
Encumbrance/Contract No. CX-AVI-2021-00017287  
Vendor VS96112 \$22,156,749.42

Aviation Passenger Facility Charge - Near Term Projects Fund  
Fund A477, Department AVI, Unit W125,  
Object 4599, Activity AAIP, Program AVIW125, Commodity 92500  
Encumbrance/Contract No. CX-AVI-2021-00017287  
Vendor VS96112 \$26,461,682.58

Total amount not to exceed \$48,618,432.00

**SECTION 3.** That the Chief Financial Officer is hereby authorized to reimburse funds in a total amount not to exceed \$30,370,169.00 from the FAA grants 3-48-0062-061-2021 and 3-48-0062-062-2021 for the funding of the Cross-field Taxiways Project to Aviation Passenger Facility Charge - Near Term Fund A477, Department AVI, Unit W125, Object 4599.

**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 Information Sheet

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**File #:** 22-1171

**Item #:** 11.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize a construction services contract for construction services to the Dallas Love Field Emergency Medical Service Suite Renovation Project with JC Commercial, Inc., lowest responsible bidder of five - Not to exceed \$770,777.00 - Financing: Aviation Construction Fund

### **BACKGROUND**

Dallas Fire Rescue currently responds to emergency medical services in Dallas Love Field. Services have been provided from an existing single room on the terminal concourse. It is forecasted that Dallas Love Field Airport will service 20,000,000 passengers annually by 2025; a substantial increase from previous years. With an increase in passenger volume and corresponding increase in emergency medical calls, a larger Emergency Medical Service (EMS) suite is needed to cater to the increase in demand. This project will build a dedicated EMS suite specifically for stabilizing and assessing patients for either transport or release.

On April 22, 2022, five bids were received for the construction of the Dallas Love Field Emergency Medical Service Suite Renovation Project. JC Commercial, Inc., was determined to be the lowest responsible bidder.

This action will authorize a construction services contract for construction services to the Dallas Love Field Emergency Medical Service Suite Renovation Project with JC Commercial, Inc.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	November 2022
Complete Construction	October 2023

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

On August 14, 2019, City Council authorized a professional services contract with VAI Architects Incorporated to provide design and construction administration services for Emergency Medical Service Renovation Project at Dallas Love Field by Resolution No. 19-1086.

**FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Aviation Construction Fund	\$770,777.00	\$0.00	\$0.00

**M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$770,777.00	Construction	32.00%	32.39%	\$249,652.75
• This contract exceeds the M/WBE goal.				
• JC Commercial, Inc- Non-local; Workforce - 0.00% Local				

**PROCUREMENT INFORMATION**

The following five bids were received and open on April 22, 2022:

JC Commercial, Inc.	\$770,777.00
Azteca Enterprises, Inc.	\$799,531.00
Holt Construction Corp	\$773,816.00
Pecos Construction LLC	\$858,943.00
TM Source Building Group Inc.	\$920,512.00

Bid was awarded based on the lowest bid.

This award is for the construction services contract for construction services to the Dallas Love Field Emergency Medical Service Suite Renovation Project in an amount not to exceed \$770,777.00.

**Bidder****Bid Amount**

JC Commercial, Inc. 1801 Lakepointe Drive, Suite 129 Lewisville, Tx 75057	\$770,777.00
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**OWNER**

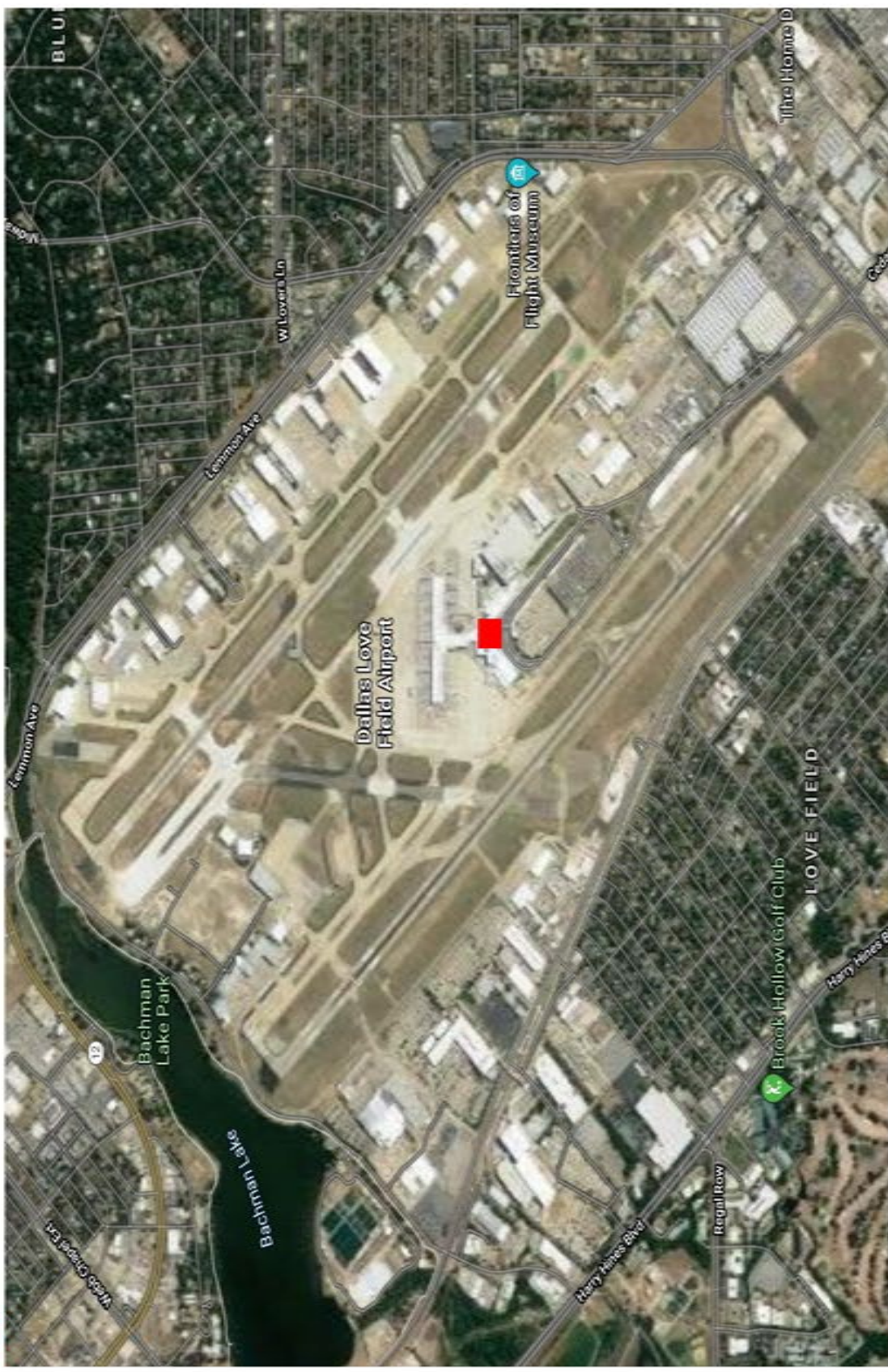
**JC Commercial, Inc.**

Larry Wagnor, Chief Executive Officer

**MAP**

Attached

# DAL EMERGENCY MEDICAL SUITE RENOVATION PROJECT LOCATION MAP



 DAL Emergency Medical Suite

June 22, 2022

**WHEREAS**, it is forecasted that Dallas Love Field Airport will service 20,000,000 passengers annually by 2025; a substantial increase from previous years; and

**WHEREAS**, Emergency Medical Service (EMS) calls have increased substantially and are projected to continue to rise with the number of passengers; and

**WHEREAS**, a larger and dedicated EMS suite is needed to cater to the increase in demand; and

**WHEREAS**, on August 14, 2019, City Council authorized a professional services contract with VAI Architects Incorporated to provide design and construction administration services for Emergency Medical Service Renovation Project at Dallas Love Field, by Resolution No. 19-1086; and

**WHEREAS**, the Department of Aviation employed the request for Bids process in accordance with the City of Dallas procurement guidelines for construction services; and

**WHEREAS**, bids were publicly advertised, and bids were received and opened on April 22, 2022, for the Dallas Love Field Airport Emergency Medical Suit Renovation Project as follows:

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
*JC Commercial, Inc.	\$770,777.00
Azteca Enterprises, Inc	\$799,531.00
Holt Construction Corp	\$773,816.00
Pecos Construction LLC	\$858,943.00
TM Source Building Group Inc	\$920,512.00

\* Denotes successful bidder

**WHEREAS**, it is now necessary to authorize a construction services contract with JC Commercial, Inc., as the lowest competitive bidder of five, for the Dallas Love Field Emergency Medical Service Suite Renovation Project in an amount not to exceed \$770,777.00.

June 22, 2022

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a construction services contract with JC Commercial, Inc., approved as to form by the City Attorney, for construction services to the Dallas Love Field Emergency Medical Service Suite Renovation Project, in an amount not to exceed \$770,777.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$770,777.00 to JC Commercial, Inc., in accordance with the terms and conditions of the contract from the Aviation Construction Fund, Fund 0131, Department AVI, Unit W357, Object Code 4599, Activity AAIP, Program AVIW357, Commodity 93856, 99037, 34015, 47537, 90638, Encumbrance/Contract No. AVI-2022-00018549, Vendor VS0000012563.

**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.





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1099

**Item #:** 12.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize a professional services contract with InterVISTAS Consulting Inc. to provide a financial feasibility study for a potential Consolidated Rental Car (ConRAC) Facility at Dallas Love Field - Not to exceed \$421,184.00 - Financing: Aviation Construction Fund

### **BACKGROUND**

Rental Car Operators at Dallas Love Field currently operate out of multiple buildings and many run separate shuttles for pick up and drop off at the terminal. A Consolidated Rental Car (ConRAC) Facility, housing all rental car operations will consolidate shuttle activity; thereby reducing curb side congestion and provide for better customer experience.

The scope of this contract includes data collection, coordination with various stakeholders, and financial feasibility analysis of a ConRAC operations.

On December 17, 2021, two Statement of Qualifications were received for the ConRAC Financial Feasibility Study at Dallas Love Field.

On January 28, 2022, two Request for Proposals were received for the ConRAC Financial Feasibility Study at Dallas Love Field.

This action will authorize a professional services contract with InterVISTAS Consulting Inc. to complete the study.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Analysis	July 2022
Complete Analysis	April 2023

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

This item has no prior action.

**FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Aviation Construction Fund	\$421,184.00	\$0.00	\$0.00

**M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$421,184.00	Professional Services	38.00%	50.34%	\$212,034.00
• This contract exceeds the M/WBE goal.				
• InterVISTAS Consulting Inc- Non-Local; Workforce - 0.00% Local				

**PROCUREMENT INFORMATION**

The following two firms submitted both Statement of Qualifications and Request for Proposals:

Demattei Wong Architecture  
InterVISTAS Consulting Inc.

<b><u>Selected Firm</u></b>	<b><u>Contract Amount</u></b>
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InterVISTAS Consulting Inc.	\$421,184.00
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**OWNER**

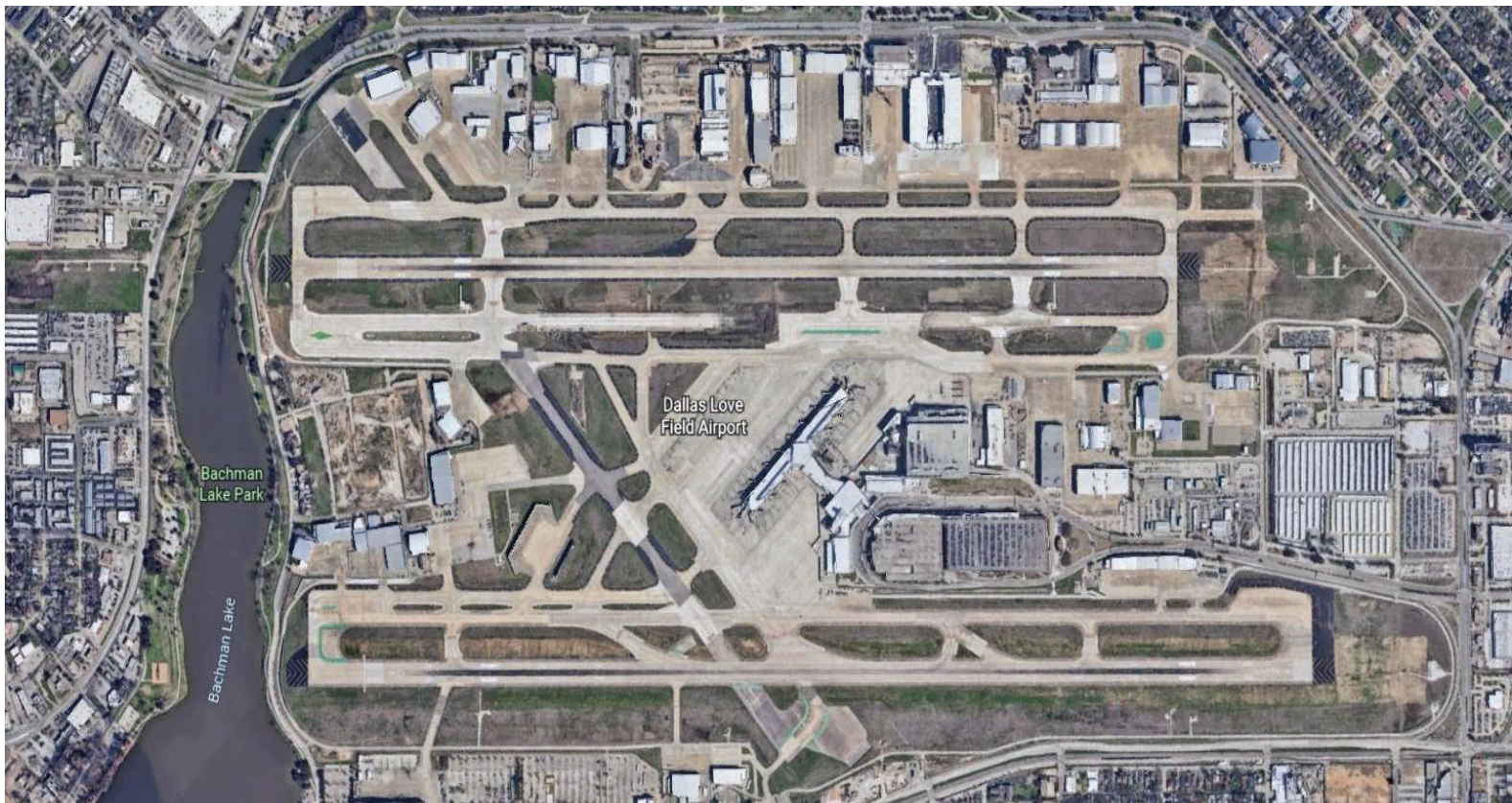
**InterVISTAS Consulting Inc.**

Brian Mohr, Executive Vice President

**MAP**

Attached

# Dallas Love Field Airport



June 22, 2022

**WHEREAS**, rental car operators at Dallas Love Field currently operate out of multiple buildings and many run separate shuttles for pick up and drop off at the terminal; and

**WHEREAS**, a Consolidated Rental Car (ConRAC) Facility housing all rental car operations would consolidate shuttle activity, thereby reducing curb side congestion and provide for better customer experience; and

**WHEREAS**, a previous site selection study for a potential ConRAC was conducted under the Department of Aviation's airport planning contract; and

**WHEREAS**, traffic patterns at Dallas Love Field have changed due to the pandemic and it is necessary to determine the financial viability of a ConRAC; and

**WHEREAS**, on December 17, 2021, two Statement of Qualifications were received for the ConRAC Financial Feasibility Study at Dallas Love Field in response to the City's Request for Proposals; and

**WHEREAS**, on January 28, 2022, two Request for Proposals were received for the ConRAC Financial Feasibility Study at Dallas Love Field; and

**WHEREAS**, InterVISTAS Consulting Inc., was determined to be most qualified proposer of the two; and

**WHEREAS**, it is now necessary to authorize a professional services contract with InterVISTAS Consulting Inc., to provide a financial feasibility study for a potential ConRAC at Dallas Love Field, in an amount not to exceed \$421,184.00.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a professional services contract with InterVISTAS Consulting, Inc., approved as to form by the City Attorney, to provide professional consulting services for a Consolidated Rental Car (ConRAC) Facility financial feasibility study at Dallas Love Field, in an amount not to exceed \$421,184.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$421,184.00 with InterVISTAS Consulting, Inc., in accordance with the terms and conditions of the contract from the Aviation Construction Fund, Fund 0131, Department AVI, Unit W280, Object 3070, Activity ACIP, Program AVIW280, Commodity Code 91846, Encumbrance/Contract No. CX AVI-2022-00018002, Vendor VC24880.

June 22, 2022

**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 Information Sheet

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**File #:** 22-1115

**Item #:** 13.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize Supplemental Agreement No. 2 to the professional services contract with HNTB Corporation to provide construction support services for the Runway 13R/31L Reconstruction Project at Dallas Love Field - Not to exceed \$1,214,073.00 from \$9,965,821.00 to \$11,179,894.00 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund

### **BACKGROUND**

On April 25, 2018, City Council authorized a professional services contract with HNTB Corporation for design, planning, engineering and construction document services for the Runway 13R/31L Reconstruction Project at Dallas Love Field.

The project includes the replacement of the existing pavement system, improvements to the existing drainage and storm water control system, replacement of airfield lighting improvements to communications pathways and Aircraft Rescue and Firefighting roadway system, and reconstruction portion of the Vehicle Service Road.

On May 27, 2020, City Council authorized Supplemental Agreement No.1 to the professional services contract with HNTB Corporation to provide full time on-site construction support services for the Runway 13R/31L Reconstruction Project at Dallas Love Field.

This action will authorize Supplemental Agreement No. 2 to the extend Resident Project Representative and professional services contract with HNTB Corporation. This will allow HNTB Corporation to continue to provide full time on-site construction support services for the Runway 13R/31L Reconstruction Project at Dallas Love Field.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	April 2018
Completed Design	January 2020
Began Construction	March 2021
Complete Construction	October 2022

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

On April 25, 2018, City Council authorized a professional services contract with HNTB Corporation for design, planning, engineering and construction document services for the Runway 13R/31L Reconstruction Project at Dallas Love Field by Resolution No. 18-0598.

On May 23, 2018, City Council authorized an Other Transaction Agreement with the Federal Aviation Administration (FAA) to provide Limited Design and Implementation Reimbursable Agreement for analyzing the impact on FAA facilities due to the Runway 13R/31L Reconstruction Project at Dallas Love Field by Resolution No. 18-0735.

On May 27, 2020, City Council authorized Supplemental Agreement No. 1 to the professional services contract with HNTB Corporation to provide full time on-site construction support services for the Runway 13R/31L Reconstruction Project at Dallas Love Field by Resolution No. 20-0730.

**FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Aviation Passenger Facility Charge - Near Term Projects Fund	\$1,214,073.00	\$0.00	\$0.00

Original Contract	\$ 5,096,677.00
Supplemental Agreement No. 1	\$ 4,869,144.00
Supplemental Agreement No. 2 (the action)	<u>\$ 1,214,073.00</u>
Total	\$11,179,894.00

**DBE INFORMATION**

In accordance with US CFR 49, Part 26 for Disadvantaged Business Enterprise (DBE) participation on projects wholly or partly funded through federal grant dollars, the DBE participation on this contract is as follows:

Contract Amount	Procurement Category	DBE Goal	DBE %	DBE \$
<u>\$1,214,073.00</u>	Professional Services	24.36%	73.76%	\$895,441.00
• *This item reflects previous Business Inclusion and Development Policy DBE goal.				
• This contract exceeds the DBE goal.				
• Supplement Agreement No. 2 -40.29% Overall DBE participation				
• HNTB Corporation - Local; Workforce - 46.00% Local				

**OWNER**

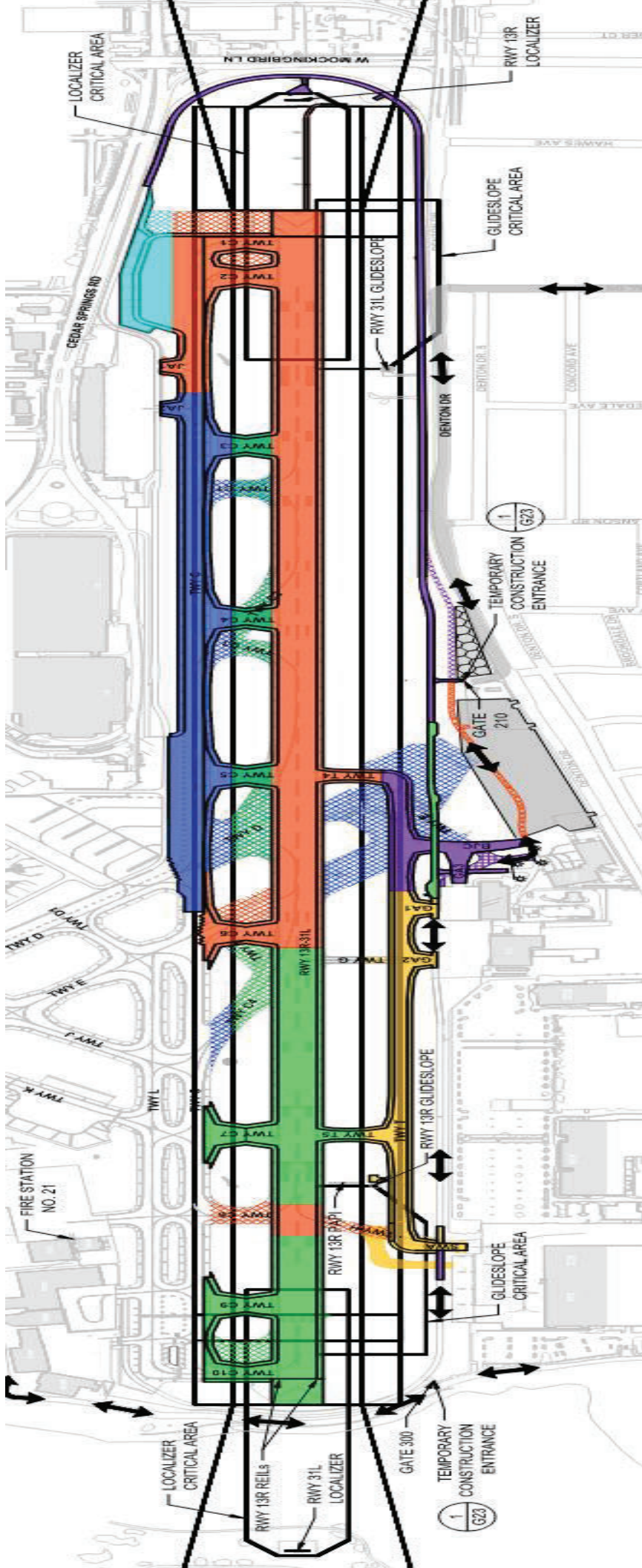
**HNTB Corporation**

Stephen Knobbe, Vice President

**MAP**

Attached





June 22, 2022

**WHEREAS**, on April 25, 2018, City Council authorized a professional services contract with HNTB Corporation for design, planning, engineering and construction document services for the Runway 13R/31L Reconstruction Project at Dallas Love Field in an amount not to exceed \$5,096,677.00, by Resolution No. 18-0598; and

**WHEREAS**, on May 23, 2018, City Council authorized an Other Transaction Agreement with the Federal Aviation Administration (FAA) to provide Limited Design and Implementation Reimbursable Agreement for analyzing the impact of FAA facilities due to Runway 13R/31L Reconstruction Project at Dallas Love Field in an amount not to exceed \$98,676.67, by Resolution No. 18-0735; and

**WHEREAS**, on May 27, 2020, City Council authorized Supplemental Agreement No.1 to the professional services contract with HNTB Corporation to provide full time on-site construction support services for the Runway 13R/31L Reconstruction Project at Dallas Love Field in an amount not to exceed \$4,869,144.00 to increase from \$5,096,677.00 to \$9,965,821.00, by Resolution No. 20-0730; and

**WHEREAS**, it is now necessary to authorize Supplemental Agreement No. 2 to the professional services contract with HNTB Corporation to continue providing full time on-site construction support services for the Runway 13R/31L Reconstruction Project at Dallas Love Field in an amount not to exceed \$1,214,073.00 to increase from \$9,965,821.00 to \$11,179,894.00.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the professional services contract with HNTB Corporation, approved as to form by the City Attorney, to provide construction support services for the Runway 13R/31L Reconstruction Project at Dallas Love Field, in an amount not to exceed \$1,214,073.00, increasing the contract amount from \$9,965,821.00 to \$11,179,894.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,214,073.00 to HNTB Corporation in accordance with the terms and conditions of the Supplemental Agreement No. 2 to the professional services contract from Aviation Passenger Facility Charge - Near Term Projects Fund, Fund A477, Department AVI, Unit D019, Activity AAIP, Object 4116, Program AVID019, Commodity 92500, Encumbrance/Contract No. CX-AVI-2018-00005887, Vendor 352433.

June 22, 2022

**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.



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1326

**Item #:** C.

**STRATEGIC PRIORITY:** Quality of Life, Arts & Culture  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Department of Code Compliance  
**EXECUTIVE:** Carl Simpson

### SUBJECT

An ordinance amending Chapter 17, "Food Establishments," of the Dallas City Code, by amending Section 17-10.2; **(1)** revising the permit application fees for mobile food units; **(2)** revising annual inspection fees for Class II, Class III, and Class IV mobile food units; **(3)** providing a penalty not to exceed \$500.00; **(4)** providing a saving clause; **(5)** providing a severability clause; **(6)** and providing an effective date - Financing: Estimated Revenue Foregone \$87,631.00

### BACKGROUND

To better support small business operations following the COVID-19 pandemic, City of Dallas Code Compliance is seeking approval to reduce certain fees associated with the mobile food industry. Informed by the City of Dallas 2021 Fee Study on Mobile Food Units (MFU), Code Compliance intends for the fee for the customer to be revised to the pre-2020 Fee Study rates and run through the end of the current fiscal year. The request requires no fee refunds. The temporary fee roll back represents a reduction in projected revenue.

<u>Fee Description</u>	<u>Old Fee</u>	<u>Current Fee (full Cost)</u>	<u>Projected Revenue Budget (June-Sept)</u>	<u>Revenue to be Collected</u>	<u>Revenue Foregone</u>
7468-Food Permit Application Fee	121	197	135,390	81,234	(54,156)
7492-Mobile Food Unit Permit Fee (General Service)	240	408	25,107	14,813	(10,294)
7492-Mobile Food Unit Permit Fee (Vehicle Inspection)	185	330	52,683	29,503	(23,181)
Total			213,181	125,550	(87,631)

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

The Quality of Life, Arts & Culture Committee was briefed on Mobile Food Units - Update on March 29, 2022.

**FISCAL INFORMATION**

The fee roll back represents an estimated revenue foregone of \$87,631.00 for Fiscal Year 2022.

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

An ordinance amending Chapter 17, “Food Establishments,” of the Dallas City Code, by amending Section 17-10.2; revising the permit application fees for mobile food units; revising annual inspection fees for Class II, Class III, and Class IV mobile food units; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

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

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

“(d) Permit application fee.

(1) An applicant for a permit for a food establishment shall pay the city an application fee for each separate and distinct fixed facility and for each mobile food unit [~~preparation vehicle~~] inside the city from which the establishment is to be operated.

(2) Effective until September 30, 2022, t[~~F~~]he applicant shall pay a nonrefundable fee according to the following schedule:

	<b>Fixed Facility</b>	<b><u>Class I and Class II Mobile Food Unit</u></b>	<b><u>Class III and Class IV Mobile Food Unit</u></b>
Application Fee	\$197	<u>\$121</u>	\$481
Reinstatement fee after lapse of permit for failure to pay annual inspection fee by due date: existing facility or vehicle under same ownership”	\$199		

(3) Effective October 1, 2022, the applicant shall pay a nonrefundable fee according to the following schedule:

	<u><b>Fixed Facility</b></u>	<u><b>Class I and Class II Mobile Food Unit</b></u>	<u><b>Class III and Class IV Mobile Food Unit</b></u>
<u>Application Fee</u>	<u>\$197</u>	<u>\$197</u>	<u>\$481</u>
<u>Reinstatement fee after lapse of permit for failure to pay annual inspection fee by due date: existing facility or vehicle under same ownership</u>	<u>\$199</u>		

SECTION 2. That Subparagraph (A) of Paragraph (2), “Mobile Food Unit,” of Subsection (g), “Annual Inspection Fees: Catering Services and Mobile Food Establishments,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code, is amended to read as follows:

“(A) Effective until September 30, 2022, a food establishment that operates a mobile food unit inside the city shall pay the city a nonrefundable annual inspection fee in accordance with the following schedule:

<b>Type of Operation</b>	<b>Each Vehicle</b>
<u>Class I mobile food unit (produce trucks, ice cream carts, grocery trucks)</u>	<u>\$300</u>
Class II mobile food unit	<u>\$240</u> [408]
<del>Class II mobile food unit limited to a mobile kiosk/coffee cart</del>	<del>\$240</del>
Class III and IV mobile food unit	<u>\$185</u> [330]”

SECTION 3. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 4. That Chapter 17 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. 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 6. 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 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

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

Passed \_\_\_\_\_





## Agenda Information Sheet

**File #:** 22-954

**Item #:** 15.

**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 4, 7  
**DEPARTMENT:** Department of Housing & Neighborhood Revitalization  
**EXECUTIVE:** Majed Al-Ghafry

### **SUBJECT**

Authorize **(1)** the sale of up to 10 Land Transfer Program lots to Masa Design Build LLC, and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program - Estimated Revenue: General Fund \$12,996.49; **(2)** the release of lien for all non-tax City liens, notices, or orders that were filed on up to 10 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots to the City of Dallas; and **(3)** execution of a development agreement with Developer for the construction of up to 10 single-family homes on the Land Transfer Program lots - Estimated Revenue Foregone: \$73,003.82

### **BACKGROUND**

On May 22, 2019, City Council adopted the Land Transfer Program via Resolution No. 19-0824. The purpose of the Land Transfer Program is to incentivize: (1) the development of quality, sustainable housing that is affordable to the residents of the City and (2) the development of other uses that complement the City's Comprehensive Housing Policy, economic development policy, or redevelopment policy. Specifically, the Land Transfer Program authorizes the City to sell qualifying city-owned real property and resell tax-foreclosed real property to for-profit, non-profit and/or religious organizations in a direct sale at less than fair market value of the land, consistent with the authorizing state statute or city ordinance.

In March 2022, an eligible developer, Masa Design Build LLC submitted an application (proposal) to purchase a total of 10 Land Transfer Program lots. Housing Department staff evaluated the application pursuant to the standards set forth in the Land Transfer Program guidelines, which included determining whether the developer met the eligibility standards to be deemed a "Qualified Participating Developer" and underwriting the proposal. The application was determined to be "complete" and was assigned a score by Housing Department staff. Housing Department staff collaborated with the qualified participating developer regarding the terms of sale of the vacant lots as well as the terms related to the construction and subsequent sale of single-family housing units to income eligible homebuyers.

The Developer being considered for the sale of 10 lots is Masa Design Build LLC, based in Dallas, Texas. The Developer is a limited liability corporation formed in Texas in 2012 and is licensed with the City of Dallas as a General Contractor and is MWBE certified. The company has ten years of home building experience. To date, the applicant has constructed and sold market rate homes and affordable housing in Dallas and the surrounding area. The company does have experience constructing and selling in southern Dallas to homebuyers in the income range as the Land Transfer Program. The applicant has a current line of credit to support this project 1.05 times. The Managing Partner of the company is Nishad Kolothody.

The proposal indicates the construction of 10 single family units ranging from 1,350 square feet to 1,525 square feet with a minimum of three bedrooms and two baths. The price range of the proposed units will be \$179,000.00 - \$198,500.00 targeting homebuyers in an income range of 60.00% - 120.00% AMI, of which 4 units will be used to target homebuyers in an income range of 60.00% - 80.00% AMI. The developer intends to market the City of Dallas Homebuyer Assistance Program to those homebuyers categorized in the 60.00% - 80.00% AMI range.

The development terms applicable to each lot are as follows:

- **Vacant Lot Sales Price:** Attached as **Exhibit A**.
- **Single-Family Home Sales Price:** The sales price of the home cannot exceed the 2021 HUD HOME homeownership sales price for the Dallas, TX HUD Metro FMR Area and must be affordable based on the income of the targeted homebuyer.
- **Targeted Income of Homebuyer:** Six units will target homebuyers in an income range of 80.00% - 120.00% AMI, and four units will target homebuyers in an income range of 60.00% - 80.00% AMI.
- **Construction Timeframe:** Developer must apply for a construction permit and close on any construction financing within 60 days of purchase from the City. In addition, Developer should complete construction and sale of each affordable housing unit to an income eligible homebuyer within two years of the date of acquisition of the vacant lot utilized for construction of the unit.
- **Restrictive Covenants:** Developer must: (1) sell each lot to an income eligible household and (2) prior to the sale, must provide to Department of Housing and Neighborhood Revitalization staff written documentation of the income of the proposed purchaser and the sales price. After sale of the home, the property must be occupied as an income eligible household's principal residence during the entire term of the affordability period.
- **Affordability Period:** Once the property is sold to an income eligible household, it must be occupied as the household's principal place of residence for at least five years. If the original purchaser re-sells the property during the affordability period, the property may only be sold to another income eligible household.

- **Right of Reverter:** Title to the property may revert to the City of Dallas if Developer has  
1. failed to take possession of the land within 90 calendar days after receiving the deed to the parcels of real property; 2. failed to complete construction of all required housing units or other required development on the real property, or failed to ensure occupancy by eligible households within the development timeframe set forth in the development agreement; 3. incurred a lien on the property because of violations of city ordinances and failed to fully pay off the lien within 180 days of the City's recording of the lien; or 4. sold, conveyed, or transferred the land without the consent of the City.
- **Unit Sales Price:** Units must be sold to an income eligible homebuyer at a final sales price between \$179,000.00 - \$198,500.00.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Project	June 2022
Complete Project	June 2024

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

[The Housing and Homelessness Solutions Committee was be briefed by memorandum regarding this matter on April 25, 2022.](#)

### **FISCAL INFORMATION**

Estimated Revenue: General Fund \$12,996.49

The City of Dallas will receive revenue from the sale of the lots, see attached **Exhibit A**, in the amount of \$12,996.49. For tax foreclosed lots, the sales price for each lot is a minimum of \$1,000.00 for lots up to 7,500 square feet and an additional \$0.133 per square foot for lots which exceed 7,500 square feet. Surplus lot(s) shall be offered at fair market values. A discount is available if project underwriting indicates that the discount is needed either to ensure the viable sale, lease or lease-purchase to an income-qualified buyer.

Estimated Revenue Foregone: General Fund \$73,003.82

In addition, **Exhibit A** details the Estimated Foregone Revenues from the release of non-tax City liens: \$73,003.82

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,412,250.00	Construction	32.00%	32.00%	\$451,920.00
• This contract meets the M/WBE goal.				
• Masa Design Build LLC. - Local; Workforce - 20.00% Local				

**OWNER****Masa Design Build LLC**

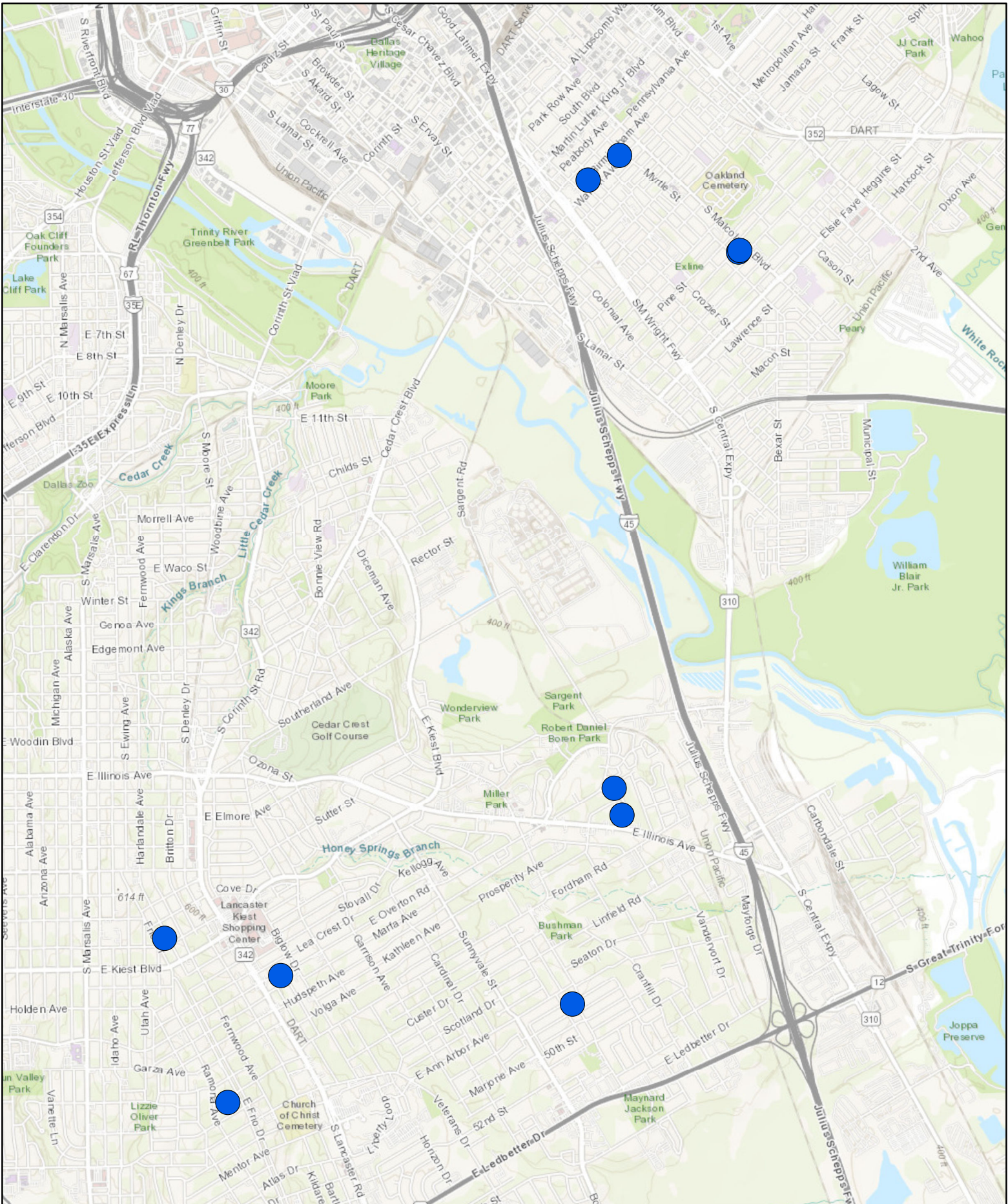
Nishad Kolothody, Managing Partner

**MAP**

Attached



**Land Transfer Lots Requested by Developer  
Masa Design-Build**



June 22, 2022

**WHEREAS**, on May 9, 2018, City Council adopted a Comprehensive Housing Policy (CHP) that set citywide production goals for homeownership and rental units for the next three years along with respective income bands that will be prioritized within the production goals and also set forth various programs, tools and strategies to be used to meet the production goals while also overcoming concentrations of poverty and racial segregation by Resolution No. 18-0704; and

**WHEREAS**, on May 22, 2019, City Council authorized amendments to the City of Dallas Comprehensive Housing Policy to establish a Land Transfer Program by Resolution No. 19-0824; and

**WHEREAS**, Masa Design Build LLC (Developer) submitted a proposal to purchase 10 vacant Land Transfer Program lots to develop 10 single-family affordable housing units; and

**WHEREAS**, the surplus lots are being sold in accordance with 272.001(g) of the Local Government Code and the tax foreclosed lots are being sold pursuant to 34.051 of the Texas Property Tax Code; and

**WHEREAS**, to assist in the affordable housing production goals established in the Comprehensive Housing Policy, the City desires to enter into a development agreement with Developer.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager hereby authorizes the (1) sale of up to 10 Land Transfer Program lots to Masa Design-Build LLC , and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program; (2) release of lien for all non-tax City liens, notices, or orders that were filed on up to 10 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots to the City of Dallas; and (3) execution of a development agreement with Developer for the construction of up to 10 single-family homes on the Land Transfer Program lots, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to execute all documents, including, but not limited to deed without warranty (subject to right of redemption for tax lots), restrictive covenants, deed of trust and any necessary documents to effectuate the sale of up to 10 Land Transfer Program lots shown in **Exhibit A** to Developer pursuant to the terms of development as described herein, approved as to form by the City Attorney. All lots may revert to the City if City Manager or his/her designee determines that the Developer has:



**SECTION 2.** (continued)

1. failed to take possession of the land within 90 calendar days after receiving the deed to the parcels of real property;
2. failed to complete construction of all required housing units or other required development on the real property, or failed to ensure occupancy by eligible households within the development timeframe set forth in the development agreement;
3. incurred a lien on the property because of violations of city ordinances and failed to fully pay off the lien within 180 days of the City's recording of the lien; or
4. sold, conveyed, or transferred the land without the consent of the City.

Upon determination by the City Manager that a condition described above has occurred, the City Manager is authorized to execute an instrument, approved as to form by the City Attorney, exercising against the parcel of real property the City's possibility of reverter with right to reentry. The City shall file notice of the reverter and reentry of the land by the City in the real property records of the county in which the parcel of real property is located, which notice must specify the reason for the reverter and reentry. The City shall provide a copy of the notice to the Developer in person or by mailing the notice to the Developer's post office address as shown on the tax rolls of the City or of the county in which the land is located.

**SECTION 3.** That each tax foreclosed lot shall be sold to the Developer for a fixed price of \$1,000.00 for up to 7,500 square feet of land purchased under a single proposal, plus \$0.133 for each additional square foot of land purchased under the proposal, as detailed in **Exhibit A**. The proceeds from sale will be deposited to General Fund, Fund 0001, Department DEV, Balance Sheet Account 0519.

**SECTION 4.** That the City will provide Developer with a 120-day right of entry and due diligence period. During this period, the Developer will identify lots with significant development challenges that may be undevelopable or may require significant remediation. Following the 120-day period, Developer must submit a final list of requested lots. The City may extend the due diligence period, as determined in the City's sole discretion.

The City Manager may authorize minor modifications to the project to reduce the amount of lots sold to Developer and to modify the sales price, so long as such modification complies with the CHP.

June 22, 2022

**SECTION 5.** That the City Manager is hereby authorized to release all non-tax City lien notices and orders that were filed on the lots sold to Developer, shown in **Exhibit A**, prior or subsequent to the deed transferring the lots to the City of Dallas, approved as to form by the City Attorney.

**SECTION 6.** That in addition to the conditions set out in the sections above, the development agreement shall include the following:

1. Developer is required to design, redevelop and construct a single-family home, for-sale to income eligible homebuyers, on each Land Transfer Program lot obtained by Developer from the City. Developer shall submit a development plan and the development plan must be approved by the City.
2. Upon transfer of ownership of the lots from the City to the Developer, Developer must maintain all vacant lots in compliance with all applicable city, state and federal regulations including maintaining the lots free of high weeds.
3. No liens shall exist on the lots, except for liens related to the development of each lot. However, Developer shall ensure that each lot is free from liens or other encumbrances at the time of sale to each income eligible homebuyer.
4. Developer shall ensure that all single-family homes (units) have access to public sewer, public water, public road and any other necessary utilities.
5. All Project costs must be reasonable and customary and conform with the Comprehensive Housing Policy, and any other applicable City regulations.
6. Each unit must range from 1,350 square feet to 1,525 square feet with a minimum of three bedrooms and two baths.
7. Units must be equipped with the following Energy Star rated appliances in conformity with the development standards outlined in the Comprehensive Housing policy: refrigerator, range/oven, dishwasher and garbage disposal.
8. Units must meet applicable Section 504 Rehabilitation Act and Uniform Federal Accessibility Standards requirements. If units are presold, Developer must make the unit accessible upon the request of the prospective buyer.
9. Six units must be sold to a homebuyer in an income range of 80.00% -120.00% of the area median income (AMI), and four units must be sold to a homebuyer in an income range of 60.00% - 80.00% AMI. Units must be sold to an income eligible homebuyer at a sales price between \$170,000.00 and \$198,500.00.



**SECTION 6.** (continued)

10. All income eligible homebuyers must meet the eligibility criteria set forth in the Comprehensive Housing Policy – DHAP, or a successor program.
11. Developer shall construct and sell each unit to income eligible homebuyers within two years from the date of sale by the City to Developer. Developer may receive a one-year extension of any deadlines in the development agreement, subject to prior approval of the City Manager or designee.
12. Developer shall submit a marketing plan to the City for review and approval prior to construction. The marketing plan must identify the steps it is proposing to take in marketing the housing units to income eligible homebuyers.
13. The term of affordability for each unit is five years from the filing date of the deed transferring the unit from Developer to homebuyer, which shall be enforced by the restrictive covenants filed against each property.
14. The City Manager may authorize minor modifications to the Project to reduce the amount of lots sold to Developer and to modify the purchase price.
15. Developer shall obtain a building permit for at least one unit within 60 days from the date of sale to Developer from the City.

**SECTION 7.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to this transaction, until such time as the documents are duly approved by all parties and executed.

**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.

**Exhibit A**  
**Masa Design-Build, LLC**

Lot #	Street #	Street Name	Neighborhood	CD	Area (SF)	Purchase Price	Type	Proposed Homebuyer AMI	Non- Tax Lien Amount
1	2631	WARREN AVE	Bertrand	7	7059	\$ 1,000.00	tax foreclosed	60-120%	\$ 16,354.48
2	2424	BIRMINGHAM AVE	Bertrand	7	6517	\$ 1,000.00	tax foreclosed	60-120%	\$ 2,070.46
3	2734	EXLINE ST	Bertrand	7	7670	\$ 1,022.61	tax foreclosed	60-120%	\$ 20,919.30
4	2730	EXLINE ST	Bertrand	7	8020	\$ 1,069.16	tax foreclosed	60-120%	\$ 18,940.76
5	1918	E OVERTON RD	Oak Cliff	4	6572	\$ 1,000.00	tax foreclosed	60-120%	\$ -
6	3135	HARLANDALE AVE	Oak Cliff	4	7418	\$ 1,000.00	tax foreclosed	60-120%	\$ 4,176.61
7	3735	HUMPHREY DR	Oak Cliff	4	18234	\$ 2,427.62	tax foreclosed	60-120%	\$ 8,368.33
8	3607	HUMPHREY DR	Oak Cliff	4	11863	\$ 1,580.28	tax foreclosed	60-120%	\$ 668.42
9	1530	FORDHAM RD	Oak Cliff	4	10131	\$ 1,349.92	tax foreclosed	60-120%	\$ -
10	4611	BONNIE VIEW RD	Oak Cliff	4	11612	\$ 1,546.90	tax foreclosed	60-120%	\$ 1,505.46
<b>TTL Purchase Price</b>						<b>\$ 12,996.49</b>	<b>TTL Non-Tax Lien Amount</b>		<b>\$ 73,003.82</b>



## Agenda Information Sheet

**File #:** 22-1307

**Item #:** 16.

**STRATEGIC PRIORITY:** Housing & Homelessness Solutions  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Department of Housing & Neighborhood Revitalization  
**EXECUTIVE:** Majed Al-Ghafry

### **SUBJECT**

Authorize a development loan agreement with Builders of Hope CDC and/or its affiliates, for the acquisition and development of a 36-unit mixed-income affordable multifamily complex to be known as Trinity West Villas, located at Singleton Boulevard and Pointer Street Dallas, Texas - Not to exceed \$1,906,419.00 - Financing: HOME Investment Partnership Program Funds (\$611,227.47) and Neighborhood Stabilization Program (NSP) Funds (\$1,295,191.53)

### **BACKGROUND**

Builders of Hope CDC submitted a proposal under the City's Notice of Funding Availability (NOFA), issued on August 7, 2020, as amended, to receive gap financing in the form of a cashflow loan to support acquisition and development of affordable housing units located within the City limits. The NOFA was issued by the Department of Housing and Neighborhood Revitalization (Housing) in accordance with the City's Comprehensive Housing Policy (CHP).

The Department of Housing and Neighborhood Revitalization administers programs to appropriately incentivize private investment for the development of quality, sustainable housing that is affordable to the residents of the City. Specifically, Housing administers the New Construction and Substantial Rehabilitation Program which, when necessary, seeks to provide financial assistance to new developments or to substantially rehabilitate existing developments. All projects seeking financial assistance are required to submit a Notice of Intent to apply for financial assistance through the NOFA to Develop Affordable Homeownership and Rental Housing. As outlined in the NOFA, multiple sources of funding are available, however, proposed projects must meet specific thresholds to qualify for the use of a specific funding source. At minimum, each proposed project must be composed of at least five affordable units and must achieve a fundable score as outlined in the NOFA solicitation. The proposed Trinity West Villas project received a fundable score of 94 points.

Trinity West Villas (TWV) is a 36-unit mixed income multifamily project located within an 18-acre mixed multifamily and single-family subdivision in the Singleton/Trinity West community at Singleton Boulevard and Pointer Street. The proposed development includes 36 multifamily units located

directly in the heart of West Dallas, a community situated adjacent to downtown Dallas that has seen the development of several market rate/above market rate multifamily units within the past 10 years with the projection of 4,000 more units within the next five years. Three of the 36 units will be made available to households earning at or below 50.00% of Area Median Income (AMI) to satisfy Low HOME and Low NSP requirements, six of 36 units will be made available to households earning between 50.00% - 65.00% of AMI to satisfy High HOME requirements, and the remaining 27 units will be reserved for residents earning up to 120.00% of AMI. The affordable units will be deed restricted for a period of 20 years. The 36 units are comprised of 12 1-bedroom, 12 2-bedroom, and 12 3-bedroom units ranging from 550-975 square feet.

The unit mix and rental rates are as follows:

Unit Type	AMI	Units	Rent
1BR	50.00% Low HOME/NSP	1	\$ 778.00
1BR	65.00% High HOME	1	\$ 993.00
1BR	Market/High NSP	10	\$1,075.00
2BR	50.00% Low HOME/NSP	1	\$1,001.00
2BR	65.00% High HOME	3	\$1,281.00
2BR	Market/High NSP	8	\$1,425.00
3BR	50.00% Low HOME	1	\$1,157.00
3BR	65.00% High HOME	2	\$1,470.00
3BR	Market/High NSP	9	\$1,800.00

The project will include common area amenities, such as open space, dog park, sitting areas, fire pits, outdoor grills, security cameras and lighting, security booth at entry, new sidewalks, and modern security features. Other amenities include access to computer technology and financial counseling. The site will also be served by fiber optic broadband service and feature a Homestead Preservation Center ("HPC") on the site which will provide a resource to all homeowners and renters who may be facing displacement as well as an Economic Mobility Center.

Total development costs are anticipated to be approximately \$7,279,182.00 which includes the \$1,248,462.00 acquisition price for the property. The construction budget is anticipated to be approximately \$4,848,466.00 which is \$134,679.61 per unit. The anticipated financing sources and uses are as follows:

Financing Sources	Amount
Deferred Developer Fee	\$ 652,063.00
Land Seller Deferred Interest	\$ 770,000.00
TREC Loan	\$ 500,000.00
City of Dallas HOME Funds	\$ 611,227.47
City of Dallas NSP Funds	\$1,295,191.53
Construction Loan	\$3,450,700.00
<b>Total</b>	<b>\$7,279,182.00</b>

Proposed Uses	Costs
Acquisition	\$1,248,462.00
Hard Costs	\$4,848,466.00
Soft Costs	\$ 443,039.00
Developer Fee	\$ 661,744.00
Financing Fees	\$ 77,471.00
<b>Total</b>	<b>\$7,279,182.00</b>

Staff recommend approval of this item as it furthers the mixed-income housing goals of the CHP, meets the threshold requirements of the NOFA, and the financial gap has been confirmed by third-party underwriting.

### **ESTIMATED SCHEDULE OF PROJECT**

Construction Commence August 2022  
Construction Complete August 2023

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

The Housing and Homelessness Solutions Committee was briefed regarding this matter on May 23, 2022

### **FISCAL INFORMATION**

Fund	FY 2022	Future Years	Future Years
NSP Fund	\$1,295,191.53	\$0.00	\$0.00
HOME Fund	\$ 611,227.47	\$0.00	\$0.00
Total	\$1,906,419.00	\$0.00	\$0.00

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
<del>\$4,848,466.00</del> <a href="#">\$7,400,000.00</a>	Construction	32.00%	<del>32.00</del> <a href="#">46.28</a> %	<del>\$1,551,509.12</del> <a href="#">\$3,425,000.00</a>
<ul style="list-style-type: none"> <li>This contract <del>meets</del> <a href="#">exceeds</a> the M/WBE goal.</li> <li><a href="#">Builders of Hope CDC - Local; Workforce 100.00%</a></li> </ul>				

**OWNER**

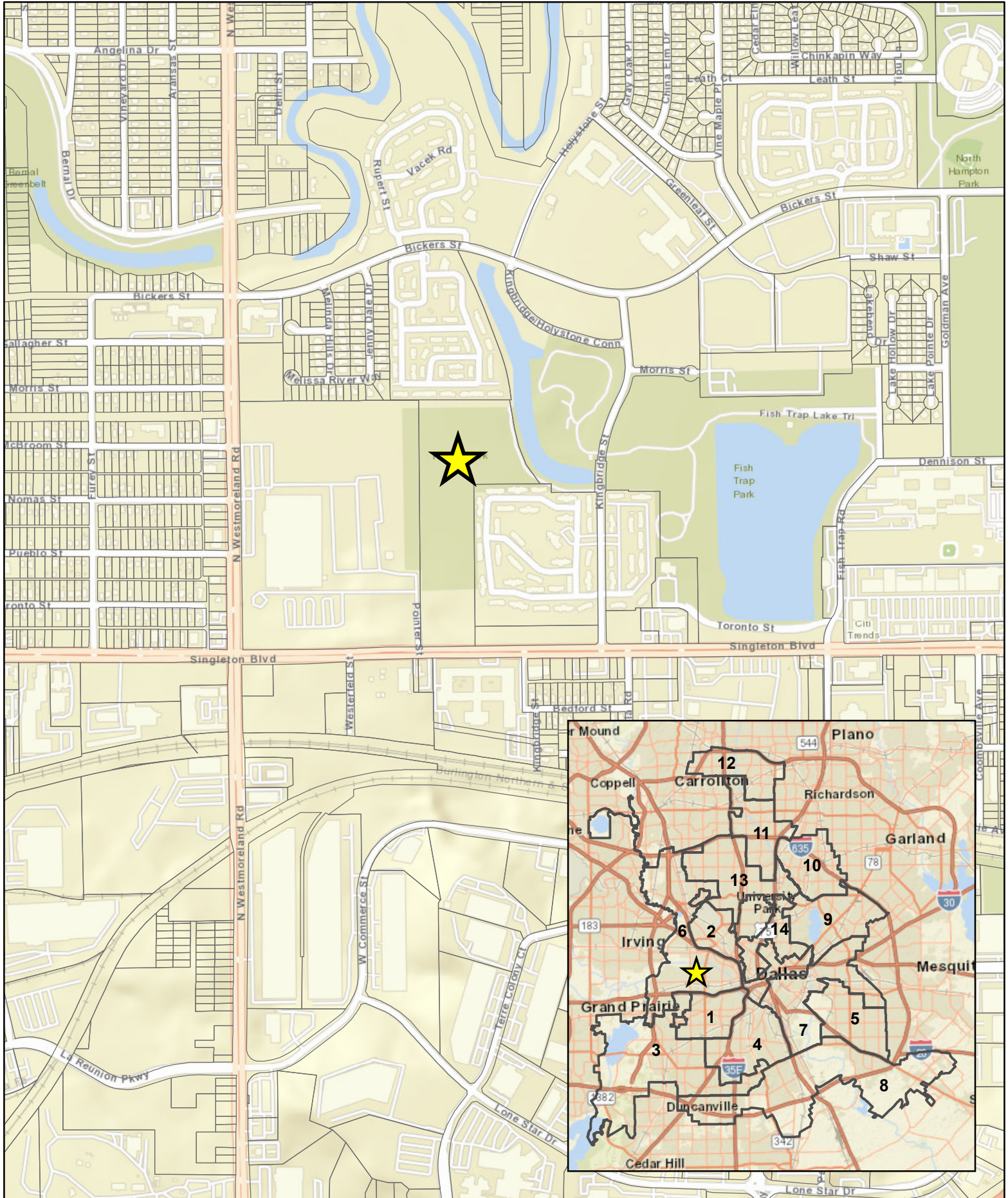
Builders of Hope CDC

**MAP**

Attached



# Trinity West



June 22, 2022

**WHEREAS**, on May 9, 2018, City Council authorized the adoption of the Comprehensive Housing Policy ("CHP") by Resolution No. 18-0704; and

**WHEREAS**, after the adoption of the CHP City Council authorized multiple amendments to the CHP in order to correct inconsistencies and to facilitate effective implementation by Resolution No. 18-1680 on November 28, 2018, by Resolution No. 19-0884 on June 12, 2019, by Resolution No. 19-1041 on June 26, 2019, by Resolution No. 19-1498 on September 25, 2019, by Resolution No. 19-1864 on December 11, 2019, and by Resolution No. 21-1450 on September 9, 2021; and

**WHEREAS**, on August 7, 2020, the City issued a Notice of Funding Availability, as amended, in accordance with the CHP; and

**WHEREAS**, on December 1, 2021, Builders of Hope CDC submitted an application for gap financing and received a fundable score (94); and passed a third-party underwriting; and

**WHEREAS**, on May 23, 2022, the Housing and Homelessness Committee was briefed regarding this item; and

**WHEREAS**, to assist in the affordable housing production goals established in the CHP, the City desires to enter into a development loan agreement with Builders of Hope CDC and/or its affiliates ("Developer") in an amount not to exceed \$611,227.47 in HOME funding, and a development loan agreement in an amount not to exceed \$1,295,191.53 in Neighborhood Stabilization Program (NSP) funding for a total of \$1,906,419.00 for the development of Trinity West Villas; and

**WHEREAS**, the Developer has proposed the development of a 36-unit multifamily complex known as Trinity West Villas located in the Singleton/Trinity West community at Singleton Boulevard and Pointer Street ("Development"); and

**WHEREAS**, the Developer proposes to develop new construction of 36 units, including 12 1-bedroom, 12 2-bedroom, and 12 3-bedroom units ranging from 550-975 square feet; and

**WHEREAS**, upon completion of the Development, at least three of the 36 units will be made available to households earning at or below 50.00% of Area Median Income (AMI) to satisfy Low HOME and Low NSP requirements, six of the 36 units will be made available to households earning between 50.00% - 65.00% of Area Median Income (AMI) to satisfy High HOME requirements, and the remaining 27 units will be reserved for residents earning up to 120.00% of Area Median Income (AMI). The affordable units will be deed restricted for a period of 20 years.



June 22, 2022

**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 the following agreements with Builders of Hope CDC and/or its affiliates, approved as to form by the City Attorney, for the acquisition and development of a 36-unit mixed-income affordable multifamily complex to be known as Trinity West Villas, located at Singleton Boulevard and Pointer Street: a HOME development loan agreement in an amount not to exceed \$611,227.47 (Loan Agreement); and a Neighborhood Stabilization Program (NSP) development loan agreement in an amount not to exceed \$1,295,191.53 (Loan Agreement), (collectively, "Agreements"), and 1) any financing and associated documents related to the Agreements, 2) subordinations to the senior lender, and 3) release of liens and termination of deed restrictions on the property upon satisfaction of all applicable conditions.

**SECTION 2.** The terms of the Agreements shall include but are not limited to the following:

1. HOME funds will be used for hard and soft constructions costs, as allowed by federal regulations governing the use of the HOME funds and the CHP. NSP funds will be used for acquisition costs and other allowable development costs, in accordance with the CHP and regulations. All funds will be provided on a reimbursable basis;
2. The term of the Loan Agreement(s) is 35 years beginning from the effective date;
3. Loan amortization is 35 years, with an interest rate of 0.00% simple annual interest;
4. The term of the loan in the Loan Agreement(s) shall be 35 years and ends on the maturity date. The maturity date and the repayment schedule shall be defined/detailed in the Loan Agreement(s) and other financing documents for the loan, in accordance with the CHP;
5. Developer shall complete construction of the 36 units within two years of the effective date, which may be extended by the Director for up to two years (unless prohibited by the applicable regulations);

**SECTION 2.** (continued)

6. Developer must provide a total of 36 units. Of the 36 units, at least three of the 36 units will be made available to households earning at or below 50.00% of Area Median Income (AMI) to satisfy Low HOME and Low NSP requirements, six of the 36 units will be made available to households earning between 50.00% - 65.00% of Area Median Income (AMI) to satisfy High HOME requirements, and the remaining 27 units will be reserved for residents earning up to 120.00% of Area Median Income (AMI). The affordable units will be deed restricted for a period of 20 years;
7. The units in the Development shall each have from 550 to 975 square feet of rentable living space. The unit mix will include 12 1-bedroom apartments, 12 2-bedroom apartments, and 12 3-bedroom apartments. The requirements of this subsection may be modified by the Director;
8. All project costs must be reasonable and customary and conform with the CHP, and any other applicable regulations;
9. Developer shall adhere to the requirements of the CHP, including but not limited to the New Construction and Substantial Rehabilitation Program and the Appendix 1 – Single Family Development Underwriting (including but not limited to Ongoing Project Requirements, Reporting and Record Keeping, and Structure of Transaction), authorized by Resolution No. 19-1498;
10. Developer must execute a promissory note for the total each loan amount;
11. The City's lien for the Agreements may be subordinate to a financial institution's lien, subject to the requirements of the CHP. In the event subordination agreements are required, the City agrees to provide the subordination document in a form acceptable to the City;
12. Developer shall execute and record deed restrictions on the property. The deed restrictions may be recorded senior to other financing documents such that the HOME covenant is not extinguished in the case of foreclosure by a senior lender and shall be recorded to secure the 20-year affordability period for the affordable HOME units, which shall also include a 15-year voucher period for the voucher units, which are subject to the requirements or amended requirements of Chapter 20A of the Dallas City Code and the CHP;
13. Developer shall execute and record a deed of trust on the property, including the leasehold and all improvements to secure payment and performance which will be released once all terms and conditions of the Loan Agreements are met. Developer shall execute one deed of trust for the total loan amounts.

**SECTION 2.** (continued)

14. The City shall maintain a first or second lien position. The lien will run concurrently with the lien associated with the loan, and will be released upon satisfaction of the obligations detailed therein, and within the Agreements (subject to the City's review and approval). The City's liens associated with loan agreements may be subordinate to a financial institution's, subject to the requirements of the CHP. If subordination agreements are required, the City agrees to provide the subordination documents in a form acceptable to the City;
15. Developer must provide payment and performance bonds or guarantees, or acceptable equivalent methods of guarantees to the City in the total amount of the construction of the Development;
16. The Loan Agreements shall be nonrecourse and the City's remedies are limited to foreclosure only, in the event of an uncured default;
17. A default under the HOME Loan Agreement shall constitute a default under the NSP Loan Agreement, and vice versa;
18. Although the term, the maturity date, and the amortization are anticipated to be for a period of 35 years, the Director may adjust the terms so that it is coterminous with the term of the lender;
19. Repayment of loan principal and interest should be an annual surplus cash payment. The City's surplus cash loans funding will be structured with note provisions requiring that at least 50.00% of eligible cash, as defined in the CHP, in excess of \$50,000.00 be paid annually to subordinate lenders (including funding partners and related parties) on a prorated basis.

The HOME/ NSP agreements are conditioned upon:

1. Approval of construction and permanent financing documentation in a form acceptable to the City;
2. The United States Department of Housing and Urban Development federal requirements including environmental review, site and neighborhood standards, cost reasonableness, subsidy layering, and underwriting;
3. Developer shall make a good faith effort to comply with the City's Business inclusion and Development goal of 32 percent participation by certified Minority/ Women-owned Business Enterprises for all hard construction expenditures of the Development (i.e. public and private improvements) and meet all reporting requirements of the City of Dallas Office of Economic Development Business Workforce and Inclusion Division;

**SECTION 2.** (continued)

4. All conditions listed in the CHP for developer programs;
5. Final underwriting; and
6. Closing on all other financing for the Development.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to encumber funds and disburse funds to Builders of Hope CDC (337558) Encumbrance/Contract No. HOU-2022-00019252 as the City receives and reviews reimbursement requests and related supporting documentation submitted by Developer, for eligible expenditures and accepts supporting evidence as defined in the agreements for the total amount not to exceed \$1,906,419.00 from funding sources listed below:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>
HM21	HOU	520F	3015	\$611,227.47
NS08	HOU	412A	3015	\$465,212.86
NS10	HOU	478C	3015	\$829,978.67

**SECTION 4.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to this transaction, until such a time as the loan documents are duly approved by all parties and executed.

**SECTION 5.** That the City Controller is hereby authorized to record notes receivable - developers loan in balance sheet account 033F and deferred revenue-home loans in 0859 in NSP fund NS08 and NS10 for the amount of the loan, and in HOME fund HM21 for the amount of the loan.

**SECTION 6.** That these contracts are designated as Contract Number HOU-2022-00019252.

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



## Agenda Information Sheet

**File #:** 22-1311

**Item #:** 17.

**STRATEGIC PRIORITY:** Housing & Homelessness Solutions  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 9  
**DEPARTMENT:** Department of Housing & Neighborhood Revitalization  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize the Dallas Public Facility Corporation to acquire, develop, and own Standard Shoreline, a mixed-income, multifamily development to be located at 10715 Garland Road (Project) and enter into a seventy-five-year lease agreement with OP Acquisitions, LLC or its affiliate for the development of the Project - Financing: No cost consideration to the City

### **BACKGROUND**

OP Acquisitions, LLC (Applicant), a Texas limited liability company, submitted an application to the Dallas Public Facility Corporation (Corporation) for the development of the Standard Shoreline, a 300-unit mixed income multifamily development to be located at 10715 Garland Road (Project). The Corporation will own the site and improvements and lease the Project back to the Applicant or its affiliate. Pursuant to the Texas Public Facility Corporation Act, Chapter 303 of the Texas Local Government Code, as amended (Act), any public facility owned by a Public Facility Corporation is exempt from all ad valorem taxes. To qualify as a public facility, pursuant to the Act, a multifamily property must reserve at least 50.00% of the units for residents earning at or below 80.00% of the area median income (AMI). The Project will reserve a minimum of 51.00% of the units for residents earning at or below 80.00% AMI and 49.00% of the units will be market rate.

The Applicant will be a limited liability company owned by Ojala Partners, LP (Ojala). Ojala, a limited partnership authorized to do business in Texas, is a real estate development firm that specializes in mixed-income and workforce multifamily projects throughout Texas. Ojala has completed 17 mixed-income developments totaling almost 5,000 units using the Public Facility Corporation structure and other affordable housing programs.

The Project will consist of 300 residential units including 282 multifamily units and 18 single family rental units. The anticipated unit mix includes 69 studio units, 141 1-bedroom units, 81 2-bedroom units, and nine (9) 3-bedroom units. The units will include energy efficient appliances, granite countertops, in-unit washer/dryers, and other Class-A features. The Property will also include a swimming pool with outdoor grills and fire pits, fitness center, business and conference rooms, a

common area lounge, and approximately 3,000 square feet of creative office and artist space along the property's Garland Road frontage. The Project requires a zoning change. Further Council action will be required to approve the zoning change. The Market Value Analysis (MVA) market type is uncategorizable as the land is not currently developed with residential uses.

The Applicant is consulting with the Office of Innovative Public Safety Solutions (OIPSS) for security input, community activities and the Crime Prevention Through Environmental Design (CPTED). The Applicant and OIPSS will continue to work together to ensure the community is secure and take proactive measures to ensure the safety of the residents that will include security cameras with Dallas Police Department access, individual entry key fobs, lighting, and security access gates/entry points.

The site is currently owned and occupied by Shoreline Church. Because Shoreline Church is not subject to property taxes, this proposed DPFC development does not result in any foregone revenues of the City.

The anticipated unit mix and rental rates are as follows:

Unit Type	AMI	Units	Rent
Studio	80.00%	35	\$1,246.00
Studio	Market	34	\$1,275.00
1BR	80.00%	72	\$1,335.00
1BR	Market	69	\$1,425.00
2BR	80.00%	41	\$1,602.00
2BR	Market	40	\$1,815.00
3BR	80.00%	5	\$1,852.00
3BR	Market	4	\$2,240.00

The 80.00% AMI rents are meant to provide housing to the "missing middle" of the market: residents that earn above 60.00% AMI but would be cost burdened by market rents. These incomes range from approximately \$49,840.00 to \$71,200.00 in the City based on family size. These incomes represent a wide variety of employment sectors including, but not limited to, teachers, first responders, government employees, etc.

Total development costs are anticipated to be approximately \$66,419,868.00 which includes the acquisition price for the land. The development budget less soft/financial costs is anticipated to be approximately \$57,972,785.00, which is \$193,243.00 per unit.

Proposed Financing Sources		Amount
Construction Loan		\$ 48,572,985.00
Developer/Investor		\$ 16,190,995.00
Total		\$ 64,763,980.00
Proposed Uses		Amount
Development		\$57,972,785.00
Soft Costs		\$6,430,663.00

Financial Costs	\$2,016,420.00
Total	\$66,419,868.00

The Project will be owned by the Corporation and leased to the Applicant and other potential owners for a period of 75 years. In consideration for the Corporation's participation in the Project, the Corporation is estimated to receive \$10,739,636.00 over the initial 15 years of the lease. This includes (1) a \$250,000.00 structuring fee paid at closing; (2) 15 years of lease payments starting at \$200,000.00 and increasing by 2.00% in years 2-10 annually; (3) lease payments in years 11-75 that will increase by the Consumer Price Index (CPI) with a cap of 3.00%; (4) a 15.00% sales commission after repayment of debt, equity, and preferred equity returns upon first sale of the Project anticipated in year 15 of the lease term and estimated at \$5,081,491.00 in proceeds to the DPFC, and (5) a 2.00% sales commission on all future sales. In the event of a sale throughout the life of the Project, the Corporation will continue to receive the annual lease payments. Upon termination of the 75-year lease, the Project will be owned free and clear by the Corporation. The revenues of the Corporation will be used to fund operations and the provision of additional affordable and workforce housing throughout the City.

The Corporation's estimated revenues were calculated by the Corporation's partnership counsel and financial advisors. Market rent comps and current construction costs were analyzed to ensure the project costs were reasonable for the market. Corporation financial advisors also confirmed that but for the ad valorem tax exemption, the Project would not be economically feasible and would not attract responsible debt and equity investment in the property. The Corporation's revenue consideration and affordability levels were also analyzed to confirm that the ad valorem tax exemption does not over subsidize the Project.

The City is authorized by the Act to create a public facility corporation for the purposes established in the Act, including the financing, acquisition, construction, and leasing of public facilities under the Act. On June 24, 2020, City Council authorized the creation of the Corporation to further the public purposes stated in the Corporation's articles of incorporation and bylaws pursuant to the Act by Resolution No. 20-1035. Section 6.2 of the Corporation's bylaws requires City Council approval by written resolution prior to entering into any agreement that would result in a property tax exemption. Per Section 7.3 of the Corporation's bylaws, any Public Facility related to multifamily residential development of the Corporation shall not proceed unless (1) the development of the Public Facility could not be feasible but for the Corporation's participation, and (2) the development of the Public Facility is in furtherance of the City of Dallas's Comprehensive Housing Policy (CHP), as amended.

Staff and the Corporation's Counsel and Financial Advisors have confirmed that this Project would not be feasible but for the Corporation's participation and that the Project furthers the goals of the CHP. Staff recommend approval of this item to allow this mixed-income housing development to move forward.

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

On March 22, 2022, the Dallas Public Facility Corporation Board of Directors approved the negotiation and execution of a term sheet with the Applicant.

The Housing and Homelessness Solutions Committee was briefed regarding this matter on May 23, 2022.

**FISCAL INFORMATION**

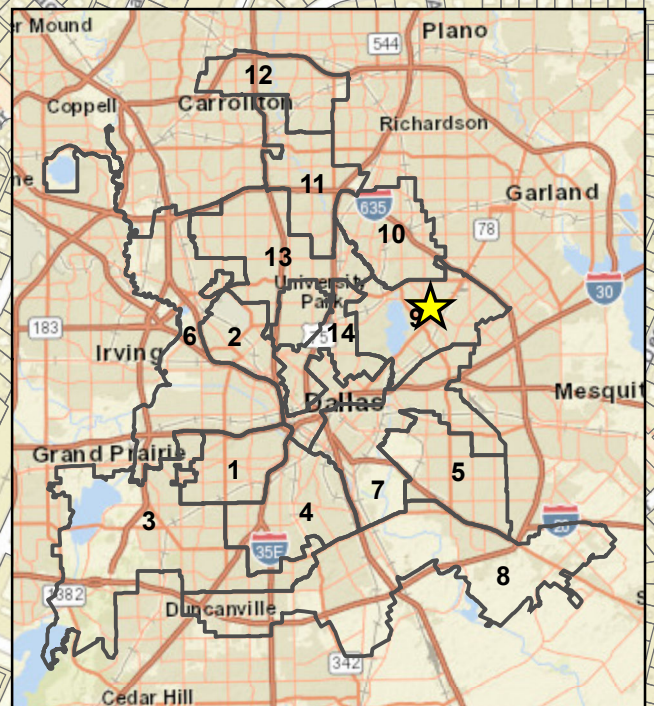
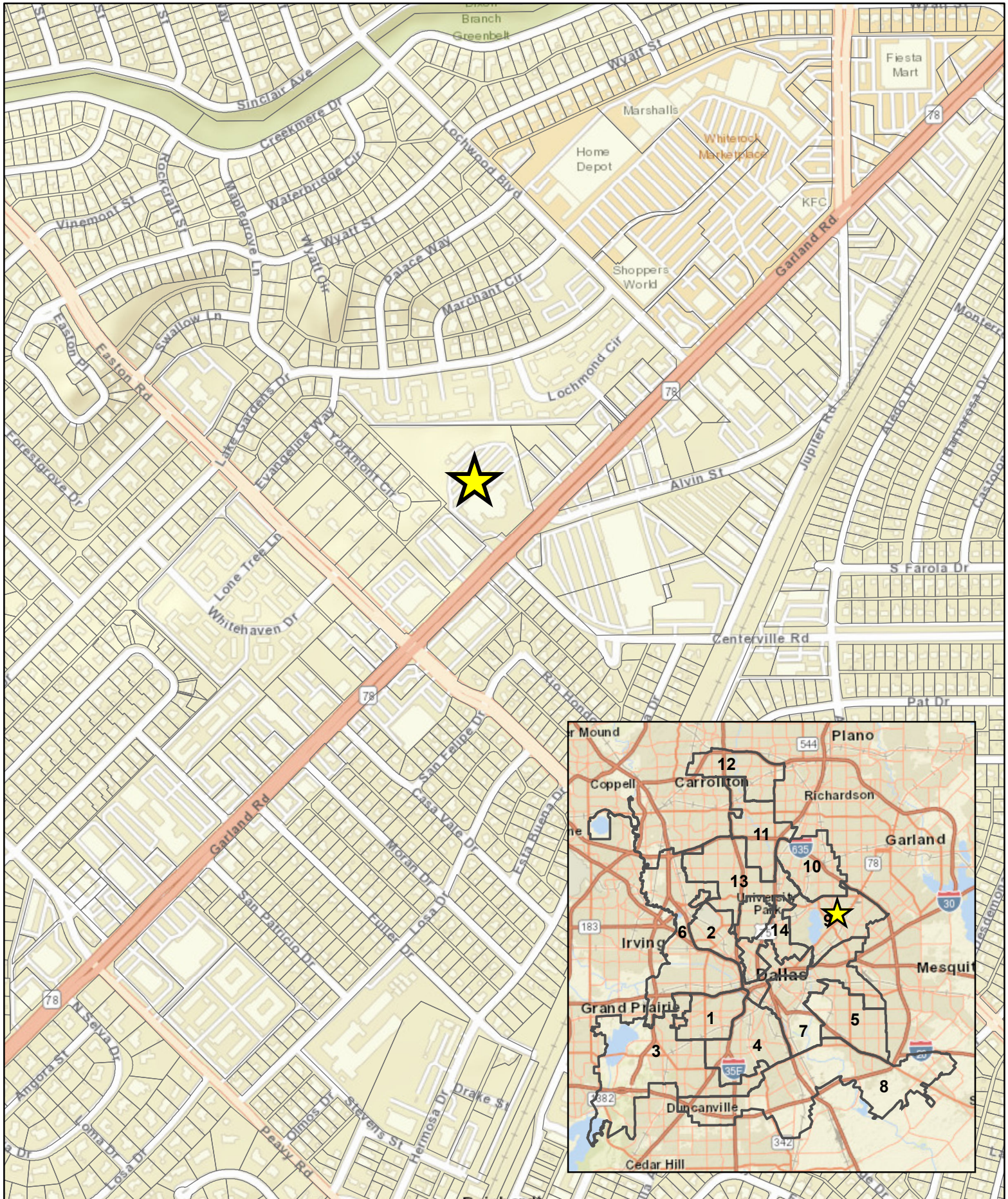
No Cost Consideration to the City

**MAP**

Attached



# Standard Shoreline





June 22, 2022

**WHEREAS**, City of Dallas (City) is authorized by the Texas Public Facility Corporation Act, Chapter 303 of the Texas Local Government Code, as amended (Act) to create a public facility corporation for the purposes established in the Act, including to provide for financing, acquisition, and construction of public facilities under the Act; and

**WHEREAS**, on June 24, 2020, City Council authorized the creation of the Dallas Public Facility Corporation (Corporation) to further the public purposes stated in the Corporation's articles of incorporation and bylaws pursuant to the Act by Resolution No. 20-1035; and

**WHEREAS**, the Corporation, on behalf of the City, is empowered to finance the costs of public facilities that will provide decent, safe, and sanitary housing at affordable and market rents for residents of the City; and

**WHEREAS**, OP Acquisitions, LLC (Applicant), a Texas limited liability company, submitted an application requesting that the Corporation partner with Applicant or its affiliate for the acquisition, construction, and equipping of Standard Shoreline, a proposed 300-unit residential housing development to be located at 10715 Garland Road (Project); and

**WHEREAS**, the Applicant proposes to develop new construction of 300 residential units including 282 multifamily units and 18 single family rental units with 69 studio units, 141 1-bedroom units, 81 2-bedroom units, nine (9) 3-bedroom units, and Class A common area amenities; and

**WHEREAS**, upon completion of the new construction, at least 151 of the 300 units will be available to rent to households earning at or below 80.00% of area median income (AMI) and 149 of the 300 units will be at market rate rents subject to a lease agreement between the Corporation and Applicant; and

**WHEREAS**, pursuant to the Act, the Project will be exempt from all ad valorem taxes; and

**WHEREAS**, that but for the Corporation's participation the Project would not be economically feasible and the Project furthers the goals of the City of Dallas's Comprehensive Housing Policy, as amended; and

**WHEREAS**, on March 22, 2022, the Corporation adopted a resolution declaring its intent to enter into a lease agreement with the Applicant or its affiliate and the authorization to negotiate and execute a term sheet with the Applicant; and

**WHEREAS**, pursuant to the Act, the City desires to authorize the Corporation's ownership of the Project to be located in an uncategorizable Market Value Analysis (MVA) market type and a lease agreement with the Applicant or its affiliate in order to provide mixed-income, workforce housing to the "missing middle" of the market: residents that earn above 60.00% AMI but would be cost burdened by market rents in the City.

**Now, Therefore,**

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

**SECTION 1.** That the City of Dallas, acting through its Governing Body, hereby authorizes the Corporation to acquire, develop, and own Standard West Commerce and enter into a 75-year lease agreement with the Applicant or its affiliate for the development of the Standard Shoreline to be located at 10715 Garland Road.

**SECTION 2.** That it is FURTHER RESOLVED that the City of Dallas hereby confirms that its Governing Body has voted specifically to authorize the development to move forward.

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



## Agenda Information Sheet

**File #:** 22-953

**Item #:** 18.

**STRATEGIC PRIORITY:** Housing & Homelessness Solutions  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 4  
**DEPARTMENT:** Department of Housing & Neighborhood Revitalization  
**EXECUTIVE:** Majed Al-Ghafry

### **SUBJECT**

Authorize **(1)** the sale of up to 16 Land Transfer Program lots to Covenant Homes Construction & Renovation LLC, and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program - Estimated Revenue: General Fund \$16,000.00; **(2)** the release of lien for all non-tax City liens, notices, or orders that were filed on up to 16 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots to the City of Dallas; and **(3)** execution of a development agreement with Developer for the construction of up to 16 single-family homes on the Land Transfer Program lots - Estimated Revenue Foregone: General Fund \$34,541.77

### **BACKGROUND**

On May 22, 2019, City Council adopted the Land Transfer Program via Resolution No. 19-0824. The purpose of the Land Transfer Program is to incentivize: 1) the development of quality, sustainable housing that is affordable to the residents of the City and 2) the development of other uses that complement the City's Comprehensive Housing Policy, economic development policy, or redevelopment policy. Specifically, the Land Transfer Program authorizes the City to sell qualifying City-owned real property and resell tax-foreclosed real property to for-profit, non-profit and/or religious organizations in a direct sale at less than fair market value of the land, consistent with the authorizing state statute or city ordinance.

In March 2022, an eligible developer, Covenant Homes Construction & Renovation LLC submitted an application (proposal) to purchase a total of 16 Land Transfer Program lots. Housing staff evaluated the application pursuant to the standards set forth in the Land Transfer Program guidelines, which included determining whether the developer met the eligibility standards to be deemed a "Qualified Participating Developer" and underwriting the proposal. The application was determined to be "complete" and was assigned a score. Staff collaborated with the qualified participating developer regarding the terms of sale of the vacant lots as well as the terms related to the construction and subsequent sale of single-family housing units to income eligible homebuyers.

The Developer being considered for the sale of 16 lots is Covenant Homes Construction & Renovation LLC, based in Dallas, Texas. The Developer is a limited liability corporation formed in Texas in 2017 and is licensed with the City of Dallas as a General Contractor and is MWBE certified. The company has five years of home building experience as well as home renovation experience. To date, the applicant has constructed and sold market rate homes and affordable housing in Dallas and the surrounding area. The company does have experience constructing and selling in southern Dallas to homebuyers in the income range as the Land Transfer Program. The applicant has a current line of credit to support this project 1.15 times. The Managing Member of the company is Wendell Lockhart.

The proposal indicates the construction of 16 single family units ranging from 1,521 square feet to 1,790 square feet with a minimum of three bedrooms and two baths. The price range of the proposed units will be \$180,000.00 - \$215,000.00 targeting homebuyers in an income range of 60 - 120% of the area median income (AMI), of which 7 units will be used to target homebuyers in an income range of 60 - 80% AMI. The developer intends to market the City of Dallas Homebuyer Assistance Program to those homebuyers categorized in the 60 - 80% AMI range.

The development terms applicable to each lot are as follows:

- **Vacant Lot Sales Price:** Attached as **Exhibit A**.
- **Single-Family Home Sales Price:** The sales price of the home cannot exceed the current HUD HOME homeownership sales price for the Dallas, TX HUD Metro FMR Area and must be affordable based on the income of the targeted homebuyer.
- **Targeted Income of Homebuyer:** Nine (9) units will target homebuyers in an income range of 80 - 120% AMI, and seven (7) units will target homebuyers in an income range of 60 - 80% AMI.
- **Construction Timeframe:** Developer must apply for a construction permit and close on any construction financing within 60 days of purchase from the City. In addition, Developer should complete construction and sale of each affordable housing unit to an income eligible homebuyer within two years of the date of acquisition of the vacant lot utilized for construction of the unit.
- **Restrictive Covenants:** Developer must: 1) sell each lot to an income eligible household and 2) prior to the sale, must provide to Department of Housing and Neighborhood Revitalization staff written documentation of the income of the proposed purchaser and the sales price. After sale of the home, the property must be occupied as an income eligible household's principal residence during the entire term of the affordability period.
- **Affordability Period:** Once the property is sold to an income eligible household, it must be occupied as the household's principal place of residence for at least five years. If the original purchaser re-sells the property during the affordability period, the property may only be sold to another income eligible household.

- **Right of Reverter:** Title to the property may revert to the City of Dallas if Developer has 1) failed to take possession of the land within 90 calendar days after receiving the deed to the parcels of real property; 2) failed to complete construction of all required housing units or other required development on the real property, or failed to ensure occupancy by eligible households within the development timeframe set forth in the development agreement; 3) incurred a lien on the property because of violations of city ordinances and failed to fully pay off the lien within 180 days of the City's recording of the lien; or 4) sold, conveyed, or transferred the land without the consent of the City.
- **Unit Sales Price:** Units must be sold to an income eligible homebuyer at a final sales price between \$180,000.00 - \$215,000.00.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Project      August 2022  
Complete Project   August 2024

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

This item was distributed as a Friday memo on June 10, 2022.

### **FISCAL INFORMATION**

Estimated Revenue: General Fund \$16,000.00

The City of Dallas will receive revenue from the sale of the lots, see attached **Exhibit A**, in the amount of \$16,000.00. For tax foreclosed lots, the sales price for each lot is a minimum of \$1,000.00 for lots up to 7,500 square feet and an additional \$0.133 per square foot for lots which exceed 7,500 square feet. Surplus lot(s) shall be offered at fair market values. A discount is available if project underwriting indicates that the discount is needed either to ensure the viable sale, lease or lease-purchase to an income-qualified buyer. The City of Dallas will also collect recording fees at closing to ensure property legal documents are properly recorded.

Estimated Revenue Foregone: General Fund \$34,541.77

In addition, **Exhibit A** details the Foregone Revenues from the release of non-tax City liens: \$34,541.77

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$2,830,617.00	Construction	32.00%	32.00%	\$905,797.00

- |   |
|---|
| • This contract meets the M/WBE goal.   |
| • Covenant Homes Construction & Renovation LLC - Local; Workforce - 100.00% Local |

**DEVELOPER**

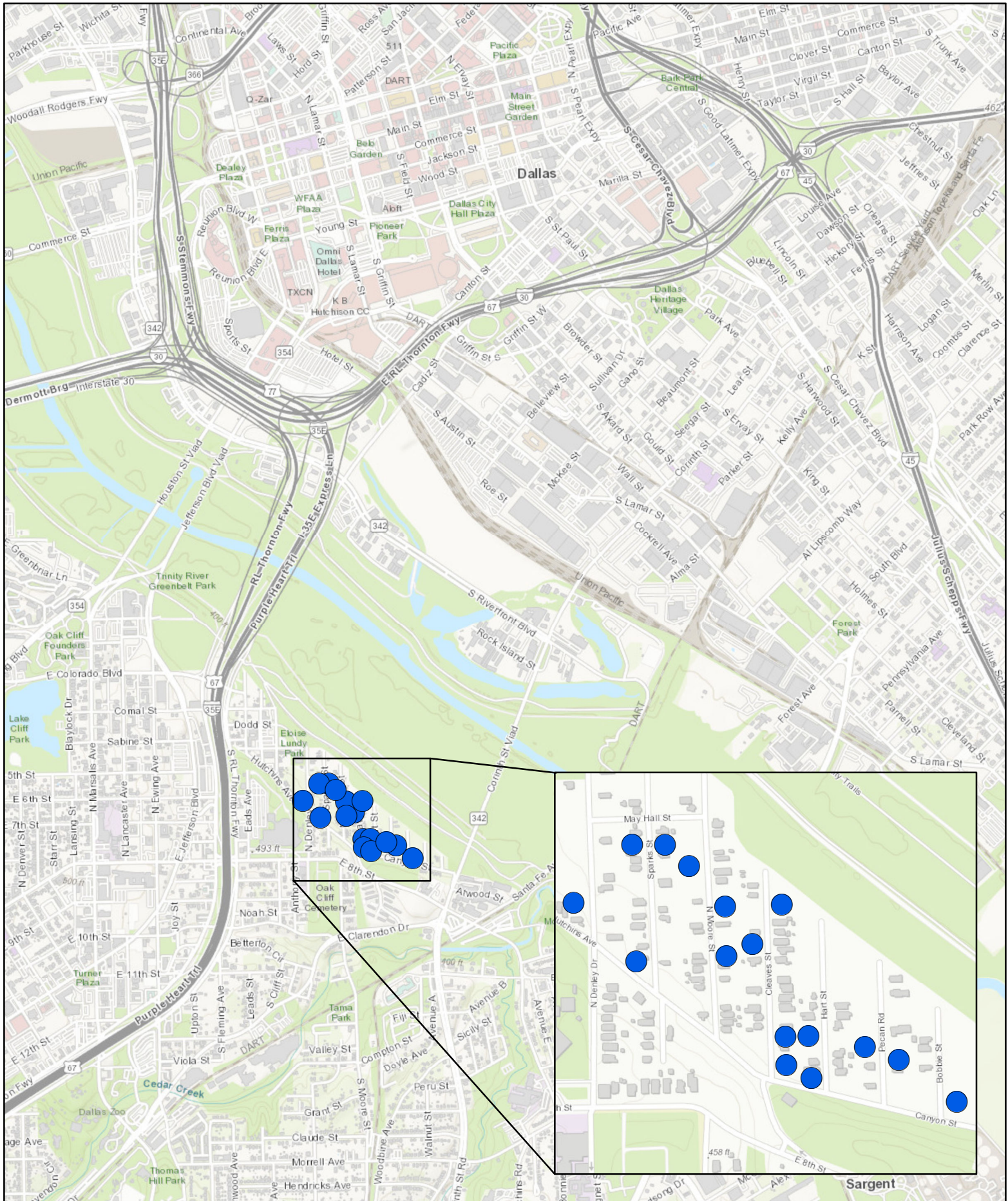
Covenant Homes Construction & Renovation LLC  
Wendell Lockhart, Managing Member

**MAP**

Attached



# Land Transfer Lots Requested by Developer Covenant Homes





June 22, 2022

**WHEREAS**, on May 9, 2018, City Council adopted a Comprehensive Housing Policy (CHP) that set citywide production goals for homeownership and rental units for the next three years along with respective income bands that will be prioritized within the production goals and also set forth various programs, tools and strategies to be used to meet the production goals while also overcoming concentrations of poverty and racial segregation by Resolution No. 18-0704; and

**WHEREAS**, on May 22, 2019, City Council authorized amendments to the City of Dallas Comprehensive Housing Policy to establish a Land Transfer Program by Resolution No. 19-0824; and

**WHEREAS**, Covenant Homes Construction & Renovation LLC (Developer) submitted a proposal to purchase 16 vacant Land Transfer Program lots to develop 16 single-family affordable housing units; and

**WHEREAS**, the surplus lots are being sold in accordance with 272.001(g) of the Local Government Code and the tax foreclosed lots are being sold pursuant to 34.051 of the Texas Property Tax Code; and

**WHEREAS**, to assist in the affordable housing production goals established in the Comprehensive Housing Policy, the City desires to enter into a development agreement with Developer.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager hereby authorizes the 1) sale of up to 16 Land Transfer Program lots to Covenant Homes Construction & Renovation LLC , and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program; 2) release of lien for all non-tax City liens, notices, or orders that were filed on up to 16 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots to the City of Dallas; and 3) execution of a development agreement with Developer for the construction of up to 16 single-family homes on the Land Transfer Program lots, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to execute all documents, including, but not limited to deed without warranty (subject to right of redemption for tax lots), restrictive covenants, deed of trust and any necessary documents to effectuate the sale of up to 16 Land Transfer Program lots shown in **Exhibit A** to Developer pursuant to the terms of development as described herein, approved as to form by the City Attorney. All lots may revert to the City if City Manager or his/her designee determines that the Developer has:

June 22, 2022

**SECTION 2.** (continued)

1. failed to take possession of the land within 90 calendar days after receiving the deed to the parcels of real property;
2. failed to complete construction of all required housing units or other required development on the real property, or failed to ensure occupancy by eligible households within the development timeframe set forth in the development agreement;
3. incurred a lien on the property because of violations of city ordinances and failed to fully pay off the lien within 180 days of the City's recording of the lien; or
4. sold, conveyed, or transferred the land without the consent of the City.

Upon determination by the City Manager that a condition described above has occurred, the City Manager is authorized to execute an instrument, approved as to form by the City Attorney, exercising against the parcel of real property the City's possibility of reverter with right to reentry. The City shall file notice of the reverter and reentry of the land by the City in the real property records of the county in which the parcel of real property is located, which notice must specify the reason for the reverter and reentry. The City shall provide a copy of the notice to the Developer in person or by mailing the notice to the Developer's post office address as shown on the tax rolls of the City or of the county in which the land is located.

**SECTION 3.** That each tax foreclosed lot shall be sold to the Developer for a fixed price of \$1,000.00 for up to 7,500 square feet of land purchased under a single proposal, plus \$0.133 for each additional square foot of land purchased under the proposal, as detailed in **Exhibit A**. The proceeds from sale will be deposited to General Fund, Fund 0001, Department DEV, Balance Sheet Account 0519.

**SECTION 4.** That the City will provide Developer with a 120-day right of entry and due diligence period. During this period, the Developer will identify lots with significant development challenges that may be undevelopable or may require significant remediation. Following the 120-day period, Developer must submit a final list of requested lots. The City may extend the due diligence period, as determined in the City's sole discretion.

The City Manager may authorize minor modifications to the project to reduce the amount of lots sold to Developer and to modify the sales price, so long as such modification complies with the CHP.

June 22, 2022

**SECTION 5.** That the City Manager is hereby authorized to release all non-tax City lien notices and orders that were filed on the lots sold to Developer, shown in **Exhibit A**, prior or subsequent to the deed transferring the lots to the City of Dallas, approved as to form by the City Attorney.

**SECTION 6.** That in addition to the conditions set out in the sections above, the development agreement shall include the following:

1. Developer is required to design, redevelop and construct a single-family home, for-sale to income eligible homebuyers, on each Land Transfer Program lot obtained by Developer from the City. Developer shall submit a development plan and the development plan must be approved by the City.
2. Upon transfer of ownership of the lots from the City to the Developer, Developer must maintain all vacant lots in compliance with all applicable city, state and federal regulations including maintaining the lots free of high weeds.
3. No liens shall exist on the lots, except for liens related to the development of each lot. However, Developer shall ensure that each lot is free from liens or other encumbrances at the time of sale to each income eligible homebuyer.
4. Developer shall ensure that all single-family homes (units) have access to public sewer, public water, public road and any other necessary utilities.
5. All Project costs must be reasonable and customary and conform with the Comprehensive Housing Policy, and any other applicable City regulations.
6. Each unit must range from 1,521 square feet to 1,790 square feet with a minimum of three bedrooms and two baths.
7. Units must be equipped with the following Energy Star rated appliances in conformity with the development standards outlined in the Comprehensive Housing policy: refrigerator, range/oven, dishwasher and garbage disposal.
8. Units must meet applicable Section 504 Rehabilitation Act and Uniform Federal Accessibility Standards requirements. If units are presold, Developer must make the unit accessible upon the request of the prospective buyer.
9. Nine (9) units must be sold to a homebuyer in an income range of 80 -120 percent of the area median income (AMI), and seven (7) units must be sold to a homebuyer in an income range of 60-80 percent AMI. Units must be sold to an income eligible homebuyer at a sales price between \$180,000.00 and \$215,000.00.

June 22, 2022

**SECTION 6.** (continued)

10. All income eligible homebuyers must meet the eligibility criteria set forth in the Comprehensive Housing Policy – DHAP, or a successor program.
11. Developer shall construct and sell each unit to income eligible homebuyers within two (2) years from the date of sale by the City to Developer. Developer may receive a one-year extension of any deadlines in the development agreement, subject to prior approval of the City Manager or designee.
12. Developer shall submit a marketing plan to the City for review and approval prior to construction. The marketing plan must identify the steps it is proposing to take in marketing the housing units to income eligible homebuyers.
13. The term of affordability for each unit is five (5) years from the filing date of the deed transferring the unit from Developer to homebuyer, which shall be enforced by the restrictive covenants filed against each property.
14. The City Manager may authorize minor modifications to the Project to reduce the amount of lots sold to Developer and to modify the purchase price.
15. Developer shall obtain a building permit for at least one (1) unit within 60 days from the date of sale to Developer from the City.

**SECTION 7.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to this transaction, until such time as the documents are duly approved by all parties and executed.

**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.

**Exhibit A****Covenant Homes Construction & Renovation, LLC**

<b>Lot #</b>	<b>Street #</b>	<b>Street Name</b>	<b>Neighborhood</b>	<b>CD</b>	<b>Area (SF)</b>	<b>Purchase Price</b>	<b>Type</b>	<b>Proposed Homebuyer AMI</b>	<b>Non- Tax Lien Amount</b>
1	402	BOBBIE ST	The Bottom	4	4052	\$ 1,000.00	tax foreclosed	60-120%	\$ 5,374.34
2	402	CLEAVES ST	The Bottom	4	4013	\$ 1,000.00	tax foreclosed	60-120%	\$ -
3	408	CLEAVES ST	The Bottom	4	3611	\$ 1,000.00	tax foreclosed	60-120%	\$ -
4	431	CLEAVES ST	The Bottom	4	4132	\$ 1,000.00	tax foreclosed	60-120%	\$ -
5	438	CLEAVES ST	The Bottom	4	3797	\$ 1,000.00	tax foreclosed	60-120%	\$ -
6	401	HART ST	The Bottom	4	2307	\$ 1,000.00	tax foreclosed	60-120%	\$ -
7	411	HART ST	The Bottom	4	3780	\$ 1,000.00	tax foreclosed	60-120%	\$ -
8	424	N MOORE ST	The Bottom	4	2949	\$ 1,000.00	tax foreclosed	60-120%	\$ -
9	501	N MOORE ST	The Bottom	4	2387	\$ 1,000.00	tax foreclosed	60-120%	\$ -
10	406	N MOORE ST	The Bottom	4	5876	\$ 1,000.00	tax foreclosed	60-120%	\$ -
11	421	N DENLEY DR	The Bottom	4	2792	\$ 1,000.00	tax foreclosed	60-120%	\$ 10,467.10
12	408	PECAN DR	The Bottom	4	3819	\$ 1,000.00	tax foreclosed	60-120%	\$ -
13	411	PECAN DR	The Bottom	4	3947	\$ 1,000.00	tax foreclosed	60-120%	\$ -
14	405	SPARKS ST	The Bottom	4	2274	\$ 1,000.00	tax foreclosed	60-120%	\$ -
15	441	SPARKS ST	The Bottom	4	2530	\$ 1,000.00	tax foreclosed	60-120%	\$ 9,052.85
16	442	SPARKS ST	The Bottom	4	3666	\$ 1,000.00	tax foreclosed	60-120%	\$ 9,647.48
<b>TTL Purchase Price</b>						<b>\$ 16,000.00</b>	<b>TTL Non-Tax Lien Amount</b>		<b>\$ 34,541.77</b>

**Exhibit A**  
**Covenant Homes Construction & Renovation, LLC**

Lot #	Street #	Street Name	Neighborhood	CD	Area (SF)	Purchase Price	Type	Proposed Homebuyer AMI	Non-Tax Lien Amount
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15	441	SPARKS ST	The Bottom	4	2530	\$ 1,000.00	tax foreclosed	60-120%	\$ 9,052.85
16	442	SPARKS ST	The Bottom	4	3666	\$ 1,000.00	tax foreclosed	60-120%	\$ 9,647.48
<b>TTL Purchase Price</b>							<b>\$ 16,000.00</b>	<b>TTL Non-Tax Lien Amount</b>	<b>\$ 34,541.77</b>



## Agenda Information Sheet

**File #:** 22-956

**Item #:** 19.

**STRATEGIC PRIORITY:** Housing & Homelessness Solutions  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 4  
**DEPARTMENT:** Department of Housing & Neighborhood Revitalization  
**EXECUTIVE:** Majed Al-Ghafry

### **SUBJECT**

Authorize **(1)** the sale of up to 6 Land Transfer Program lots to Texas Heavenly Homes Ltd., and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program - Estimated Revenue: General Fund \$6,513.11; **(2)** the release of lien for all non-tax City liens, notices, or orders that were filed on up to 6 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots to the City of Dallas; and **(3)** execution of a development agreement with Developer for the construction of up to 10 single-family homes on the Land Transfer Program lots - Estimated Revenue Foregone: General Fund \$27,446.46

### **BACKGROUND**

On May 22, 2019, City Council adopted the Land Transfer Program via Resolution No. 19-0824. The purpose of the Land Transfer Program is to incentivize: 1) the development of quality, sustainable housing that is affordable to the residents of the City and 2) the development of other uses that complement the City's Comprehensive Housing Policy, economic development policy, or redevelopment policy. Specifically, the Land Transfer Program authorizes the City to sell qualifying City-owned real property and resell tax-foreclosed real property to for-profit, non-profit and/or religious organizations in a direct sale at less than fair market value of the land, consistent with the authorizing state statute or city ordinance.

In March 2022, an eligible developer, Texas Heavenly Homes Ltd. submitted an application (proposal) to purchase a total of 6 Land Transfer Program lots for the construction of 10 for sale affordable housing units. Housing staff evaluated the application pursuant to the standards set forth in the Land Transfer Program guidelines, which included determining whether the developer met the eligibility standards to be deemed a "Qualified Participating Developer" and underwriting the proposal. The application was determined to be "complete" and was assigned a score. Staff collaborated with the qualified participating developer regarding the terms of sale of the vacant lots as well as the terms related to the construction and subsequent sale of single-family housing units to

income eligible homebuyers.

The Developer being considered for the sale of 6 lots is Texas Heavenly Homes Ltd., based in Dallas, Texas. The Developer is a limited partnership formed in Texas in 2004 and has 18 years of home building experience. To date, the applicant has constructed and sold market rate homes and affordable housing in Dallas and the surrounding area. The company does have experience constructing and selling in the target area of southern Dallas, specifically in The Bottom neighborhood, to homebuyers in the income range as the Land Transfer Program. The applicant currently privately owns 84 properties in The Bottom neighborhood and has completed the construction and sale of 2 units for the Housing Department with 7 units under construction from a previous development agreement with the City of Dallas. In addition, the applicant is working with the neighborhood association and Texas Capital Bank on beautification efforts in The Bottom through a grant sponsored by the bank and applicant. The applicant has a current line of credit to support this project 1.10 times. The General Partner of the company is Hanover Development and Richard LeBlanc serves as CEO of both entities.

The proposal indicates the construction of 10 single family units ranging from 1,200 square feet to 1,772 square feet with a minimum of two bedrooms and two baths. Lots 611 N. Denley, 607 N. Denley, 603 N. Denley and 527 N. Denley will be re-platted to accommodate 8 cottage type housing units with a minimum of 1200 square feet, two bedrooms, one bath and 1-car garages. Lots 505 N. Denley and 427 N. Denley will have traditional build housing units with a minimum of 1482 square feet, three bedrooms, two baths and 2-car garages. The price range of the proposed units will be \$172,500.00 - \$235,000.00 targeting homebuyers in an income range of 60 - 120% area median income (AMI), of which 4 units will be used to target homebuyers in an income range of 60 - 80% AMI. Specifically, the 8 cottage type housing units will have a price range of \$172,500 - \$176,000 and the 2 traditional build units will have a price range of \$220,000 - \$235,000. The developer intends to market the City of Dallas Homebuyer Assistance Program to those homebuyers categorized in the 60 - 80% AMI range.

The development terms applicable to each lot are as follows:

- **Vacant Lot Sales Price:** Attached as **Exhibit A**.
- **Single-Family Home Sales Price:** The sales price of the home cannot exceed the current HUD HOME homeownership sales price for the Dallas, TX HUD Metro FMR Area and must be affordable based on the income of the targeted homebuyer.
- **Targeted Income of Homebuyer:** Six (6) units will target homebuyers in an income range of 80%-120% AMI, and four (4) units will target homebuyers in an income range of 60%-80% AMI.
- **Construction Timeframe:** Developer must apply for a construction permit and close on any construction financing within 60 days of purchase from the City. In addition, Developer should complete construction and sale of each affordable housing unit to an income eligible homebuyer within two years of the date of acquisition of the vacant lot utilized for



construction of the unit.

- **Restrictive Covenants:** Developer must: 1) sell each lot to an income eligible household and 2) prior to the sale, must provide to Department of Housing and Neighborhood Revitalization staff written documentation of the income of the proposed purchaser and the sales price. After sale of the home, the property must be occupied as an income eligible household's principal residence during the entire term of the affordability period.
- **Affordability Period:** Once the property is sold to an income eligible household, it must be occupied as the household's principal place of residence for at least five years. If the original purchaser re-sells the property during the affordability period, the property may only be sold to another income eligible household.
- **Right of Reverter:** Title to the property may revert to the City of Dallas if Developer has: 1) failed to take possession of the land within 90 calendar days after receiving the deed to the parcels of real property; 2) failed to complete construction of all required housing units or other required development on the real property, or failed to ensure occupancy by eligible households within the development timeframe set forth in the development agreement; 3) incurred a lien on the property because of violations of city ordinances and failed to fully pay off the lien within 180 days of the City's recording of the lien; or 4) sold, conveyed, or transferred the land without the consent of the City.
- **Unit Sales Price:** Units must be sold to an income eligible homebuyer at a final sales price between \$172,500.00 - \$235,000.00.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Project      August 2022  
Complete Project   August 2024

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

City Council will be briefed by memorandum regarding this matter on June 10, 2022.

### **FISCAL INFORMATION**

Estimated Revenue: General Fund \$6,513.11

The City of Dallas will receive revenue from the sale of the lots, see attached **Exhibit A**, in the amount of \$6,513.11. For tax foreclosed lots, the sales price for each lot is a minimum of \$1,000.00 for lots up to 7,500 square feet and an additional \$0.133 per square foot for lots which exceed 7,500

square feet. Surplus lot(s) shall be offered at fair market values. A discount is available if project underwriting indicates that the discount is needed either to ensure the viable sale, lease or lease-purchase to an income-qualified buyer. The City of Dallas will also collect recording fees at closing to ensure property legal documents are properly recorded.

Estimated Revenue Foregone: General Fund \$27,446.46

In addition, **Exhibit A** details the Foregone Revenues from the release of non-tax City liens: \$27,446.46

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,619,641.00	Construction	32.00%	32.00%	518,285.00
• This contract meets the M/WBE goal.				
• Texas Heavenly Homes, Ltd. - Local; Workforce - 94.87% Local				

### **OWNER**

**Texas Heavenly Homes, Ltd.**  
Richard LeBlanc, CEO

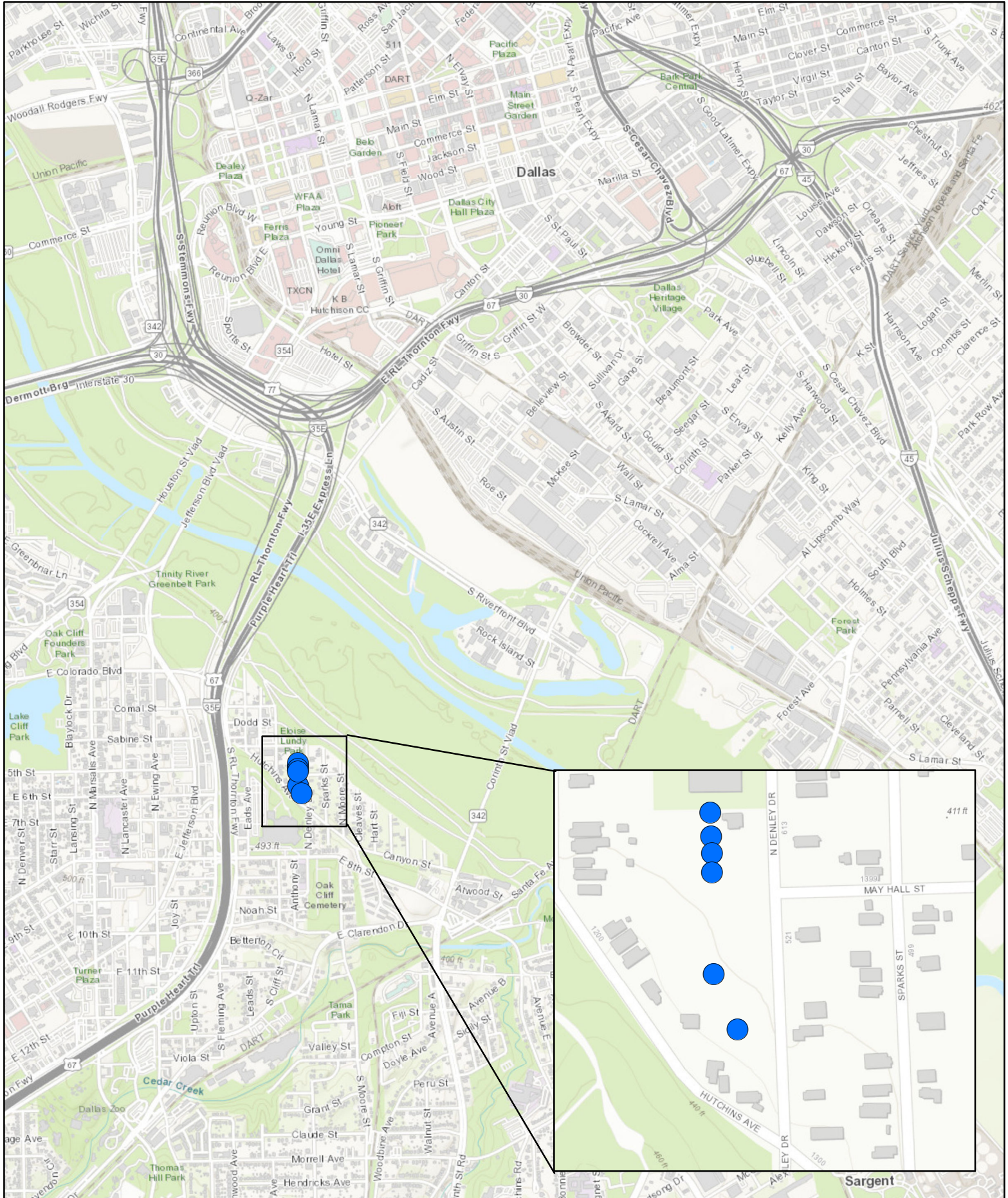
### **MAP**

Attached



# Land Transfer Lots Requested by Developer

## Texas Heavenly Homes



June 22, 2022

**WHEREAS**, on May 9, 2018, City Council adopted a Comprehensive Housing Policy (CHP) that set citywide production goals for homeownership and rental units for the next three years along with respective income bands that will be prioritized within the production goals and also set forth various programs, tools and strategies to be used to meet the production goals while also overcoming concentrations of poverty and racial segregation by Resolution No. 18-0704; and

**WHEREAS**, on May 22, 2019, City Council authorized amendments to the City of Dallas Comprehensive Housing Policy to establish a Land Transfer Program by Resolution No. 19-0824; and

**WHEREAS**, Texas Heavenly Homes, Ltd. (Developer) submitted a proposal to purchase 6 vacant Land Transfer Program lots to develop 10 single-family affordable housing units; and

**WHEREAS**, the surplus lots are being sold in accordance with 272.001(g) of the Local Government Code and the tax foreclosed lots are being sold pursuant to 34.051 of the Texas Property Tax Code; and

**WHEREAS**, to assist in the affordable housing production goals established in the Comprehensive Housing Policy, the City desires to enter into a development agreement with Developer.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager hereby authorizes the 1) sale of up to 6 Land Transfer Program lots to Texas Heavenly Homes, Ltd., and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program; 2) release of lien for all non-tax City liens, notices, or orders that were filed on up to 6 Land Transfer Program lots sold to Developer prior to or subsequent to the deeds transferring the lots to the City of Dallas; and 3) execution of a development agreement with Developer for the construction of up to 10 single-family homes on the Land Transfer Program lots, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to execute all documents, including, but not limited to deed without warranty (subject to right of redemption for tax lots), restrictive covenants, deed of trust and any necessary documents to effectuate the sale of up to 6 Land Transfer Program lots shown in **Exhibit A** to Developer pursuant to the terms of development as described herein, approved as to form by the City Attorney. All lots may revert to the City if City Manager or his/her designee determines that the Developer has:



June 22, 2022

**SECTION 2.** (continued)

1. failed to take possession of the land within 90 calendar days after receiving the deed to the parcels of real property;
2. failed to complete construction of all required housing units or other required development on the real property, or failed to ensure occupancy by eligible households within the development timeframe set forth in the development agreement;
3. incurred a lien on the property because of violations of city ordinances and failed to fully pay off the lien within 180 days of the City's recording of the lien; or
4. sold, conveyed, or transferred the land without the consent of the City.

Upon determination by the City Manager that a condition described above has occurred, the City Manager is authorized to execute an instrument, approved as to form by the City Attorney, exercising against the parcel of real property the City's possibility of reverter with right to reentry. The City shall file notice of the reverter and reentry of the land by the City in the real property records of the county in which the parcel of real property is located, which notice must specify the reason for the reverter and reentry. The City shall provide a copy of the notice to the Developer in person or by mailing the notice to the Developer's post office address as shown on the tax rolls of the City or of the county in which the land is located.

**SECTION 3.** That each tax foreclosed lot shall be sold to the Developer for a fixed price of \$1,000.00 for up to 7,500 square feet of land purchased under a single proposal, plus \$0.133 for each additional square foot of land purchased under the proposal, as detailed in **Exhibit A**. The proceeds from sale will be deposited to General Fund, Fund 0001, Department DEV, Balance Sheet Account 0519.

**SECTION 4.** That the City will provide Developer with a 120-day right of entry and due diligence period. During this period, the Developer will identify lots with significant development challenges that may be undevelopable or may require significant remediation. Following the 120-day period, Developer must submit a final list of requested lots. The City may extend the due diligence period, as determined in the City's sole discretion.

The City Manager may authorize minor modifications to the project to reduce the amount of lots sold to Developer and to modify the sales price, so long as such modification complies with the CHP.

June 22, 2022

**SECTION 5.** That the City Manager is hereby authorized to release all non-tax City lien notices and orders that were filed on the lots sold to Developer, shown in **Exhibit A**, prior or subsequent to the deed transferring the lots to the City of Dallas, approved as to form by the City Attorney.

**SECTION 6.** That in addition to the conditions set out in the sections above, the development agreement shall include the following:

1. Developer is required to design, redevelop and construct a single-family home, for-sale to income eligible homebuyers on each Land Transfer Program lots obtained by Developer from the City. Developer shall submit a development plan and the development plan must be approved by the City.
2. Upon transfer of ownership of the lots from the City to the Developer, Developer must maintain all vacant lots in compliance with all applicable city, state and federal regulations including maintaining the lots free of high weeds.
3. No liens shall exist on the lots, except for liens related to the development of each lot. However, Developer shall ensure that each lot is free from liens or other encumbrances at the time of sale to each income eligible homebuyer.
4. Developer shall ensure that all single-family homes (units) have access to public sewer, public water, public road and any other necessary utilities.
5. All Project costs must be reasonable and customary and conform with the Comprehensive Housing Policy, and any other applicable City regulations.
6. Each unit must range from 1,200 square feet to 1,772 square feet with a minimum of two bedrooms and one bath.
7. Units must be equipped with the following Energy Star rated appliances in conformity with the development standards outlined in the Comprehensive Housing policy: refrigerator, range/oven, dishwasher and garbage disposal.
8. Units must meet applicable Section 504 Rehabilitation Act and Uniform Federal Accessibility Standards requirements. If units are presold, Developer must make the unit accessible upon the request of the prospective buyer.
9. Six (6) units must be sold to a homebuyer in an income range of 80 - 120 percent of the area median income (AMI), and four (4) units must be sold to a homebuyer in an income range of 60 – 80 percent AMI. Units must be sold to an income eligible homebuyer at a sales price between \$172,500.00 and \$235,000.00.

June 22, 2022

**SECTION 6.** (continued)

10. All income eligible homebuyers must meet the eligibility criteria set forth in the Comprehensive Housing Policy – DHAP, or a successor program.
11. Developer shall construct and sell each unit to income eligible homebuyers within two (2) years from the date of sale by the City to Developer. Developer may receive a one-year extension of any deadlines in the development agreement, subject to prior approval of the City Manager or designee.
12. Developer shall submit a marketing plan to the City for review and approval prior to construction. The marketing plan must identify the steps it is proposing to take in marketing the housing units to income eligible homebuyers and renters.
13. The term of affordability for each unit is five (5) years from the filing date of the deed transferring the unit from Developer to homebuyer, which shall be enforced by the restrictive covenants filed against each property.
14. The City Manager may authorize minor modifications to the Project to reduce the amount of lots sold to Developer and to modify the purchase price.
15. Developer shall obtain a building permit for at least one (1) unit within 60 days from the date of sale to Developer from the City.

**SECTION 7.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to this transaction, until such time as the documents are duly approved by all parties and executed.

**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.

**Exhibit A**  
**Texas Heavenly Homes, Ltd.**

<b>Lot #</b>	<b>Street #</b>	<b>Street Name</b>	<b>Neighborhood</b>	<b>CD</b>	<b>Area (SF)</b>	<b>Purchase Price</b>	<b>Type</b>	<b>Proposed Homebuyer AMI</b>
1	611	N DENLEY DR	The Bottom	4	11358	\$ 1,513.11	tax foreclosed	60-120%
2	607	N DENLEY DR	The Bottom	4	6453	\$ 1,000.00	tax foreclosed	60-120%
3	603	N DENLEY DR	The Bottom	4	6853	\$ 1,000.00	tax foreclosed	60-120%
4	527	N DENLEY DR	The Bottom	4	7229	\$ 1,000.00	tax foreclosed	60-120%
5	505	N DENLEY DR	The Bottom	4	5409	\$ 1,000.00	tax foreclosed	60-120%
6	427	N DENLEY DR	The Bottom	4	3259	\$ 1,000.00	tax foreclosed	60-120%



**Exhibit A**  
**Texas Heavenly Homes, Ltd.**

Lot #	Street #	Street Name	Neighborhood	CD	Area (SF)	Purchase Price	Type	Proposed Homebuyer AMI	Non-Tax Lien Amount
1	611	N DENLEY DR	The Bottom	4	11358	\$ 1,513.11	tax foreclosed	60-120%	\$ -
2	607	N DENLEY DR	The Bottom	4	6453	\$ 1,000.00	tax foreclosed	60-120%	\$ -
3	603	N DENLEY DR	The Bottom	4	6853	\$ 1,000.00	tax foreclosed	60-120%	\$ -
4	527	N DENLEY DR	The Bottom	4	7229	\$ 1,000.00	tax foreclosed	60-120%	\$ 9,199.61
5	505	N DENLEY DR	The Bottom	4	5409	\$ 1,000.00	tax foreclosed	60-120%	\$ 4,064.56
6	427	N DENLEY DR	The Bottom	4	3259	\$ 1,000.00	tax foreclosed	60-120%	\$ 14,182.29
<b>TTL Purchase Price</b>							<b>TTL Non-Tax Lien Amount</b>		
							<b>\$ 6,513.11</b>	<b>\$</b>	<b>27,446.46</b>



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

File #: 22-1404

Item #: 20.

**STRATEGIC PRIORITY:** Housing & Homelessness Solutions  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Department of Housing & Neighborhood Revitalization  
**EXECUTIVE:** Majed Al-Ghafry

### SUBJECT

Authorize an amendment to the professional consulting contract with Michele S. Williams, **LLC dba Community Equity Strategies** a sole proprietorship, for phase II consulting services and community input for drafting a new Comprehensive Housing Policy, action plan, and accomplishment measures that incorporates the recommendations from the equity review conducted by TDA Consulting, Inc. for a term of one year, in an amount not to exceed \$306,704.00 - Financing: General Fund \$306,704.00

### BACKGROUND

On March 1, 2022, the Department of Housing and Neighborhood Revitalization (Housing) entered into an amended contract with TDA Consulting, Inc. to provide an equity review of the Comprehensive Housing Policy (CHP), as requested by the Housing and Homeless Solutions Committee. The results of the equity review provided 11 recommendations to consider for the Comprehensive Housing Policy.

On April 27, 2022, City Council adopted the 11 recommendations to incorporate into the CHP. Housing negotiated an agreement with Michele S. Williams, **LLC dba Community Equity Strategies consulting group** per Administrative Directive (AD) 4-5 Special Need/Justification for Other Service Contracts to provide professional services to gather community input, draft the new CHP, action plan and accomplishment measures, per the attached Exhibit A. Phase I of the agreement was executed pursuant to Administrative Action.

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

On April 27, 2022, City Council adopted the 11 equity review recommendations to incorporate into the CHP, by Resolution No. 22-0664.

### FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
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General Fund	\$306,704.00	\$0.00	\$0.00
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June 22, 2022

**WHEREAS**, on April 27, 2022, City Council adopted the 11 equity review recommendations to incorporate into the Comprehensive Housing Policy (CHP), by Resolution No. 22-0664; and

**WHEREAS**, City entered into a consultant contract with Michele S. Williams, ~~LLC dba Community Equity Strategies~~ a sole proprietorship, to begin phase I of a plan of action to revise the CHP to incorporate the 11 equity recommendations; and

**WHEREAS**, City desires to move forward with phase II of the plan of action to revise the CHP to incorporate the 11 equity recommendations.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager authorizes execution of an amendment to the professional consulting contract with Michele S. Williams, ~~LLC dba Community Equity Strategies~~ a sole proprietorship, for phase II consulting services and community input for drafting a new Comprehensive Housing Policy, action plan, and accomplishment measures that incorporates the recommendations from the equity review conducted by TDA Consulting, Inc., for a term of one year, for attached Exhibit A, in an amount not to exceed \$306,704.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in accordance with this resolution in an amount not to exceed \$306,704.00 to Michele S. Williams, ~~LLC dba Community Equity Strategies~~ a sole proprietorship from Professional Consulting Contract No. HOU-2022-0001964, General Fund, Fund 0001 Department HOU, Unit 5510, Code 3070, Encumbrance HOU-2022-00019649, Vendor VC25042.

**SECTION 3.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the contract, until such time as the contract documents are duly approved by all parties and executed.

**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.



## **City of Dallas Project HOPPE**

### **Scope of Work Outline**

**May 12, 2022**

#### **DELIVERABLES:**

1. Planning, organizing, and conducting a two-day summit and a series of additional meetings to bring key community stakeholders/interested parties together, brief them on the goals and timeline for developing the new policy, facilitate discussions around specific policy elements requiring community input, and obtain input to guide the creation of a mission statement, policy objectives, and policy framework that addresses all of the policy requirements in David Noguera's Project HOPPE vision and outline document (as detailed below)
2. A draft CHP that:
  - Incorporates the policy requirements in David Noguera's Project HOPPE vision and outline document
  - Folds in the 11 recommendations from the Race Equity Assessment
  - Incorporates the input, ideas, and suggestions from the community stakeholder two-day summit and other planning meetings
  - Establishes the CHP vision, goals, and objectives
  - Outlines a process for developing the strategic road map
3. Regular presentations/briefings for the City Council that uses story maps and other tools to show progress and set the foundation for Council approval of the revised CHP

#### **TIMELINE:**

May 2022 to January 2023

#### **SCOPE OF WORK:**

Community Equity Strategies' scope of work in providing the City of Dallas with the deliverables outlined above will be as follows:

##### ***Phase 2***

2.1 More in-depth community engagement, including events to gather stakeholder input to inform policy development

- Organize and conduct a series of community stakeholder input events, including a 2-day summit and a series of additional meetings

- Document input in a manner that facilitates the development of the new policy and allows for effective Council briefings and supports Council adoption

## 2.2 Policy development

- Draft policy objectives that reflect community stakeholder input and that address each of the policy goals outlined in David Noguera's Project HOPPE vision statement and outline:
  - *Policy must empower community to be engaged in housing activities*
  - *Policy must measure affordable housing needed in the city*
  - *Policy must cultivate participation of third-party partners to run housing programs and advocate for housing resources*
  - *Policy must leverage faith-based community to support housing activities*
  - *Policy must empower staff to adjust to market changes*
  - *Policy must serve the masses of low-income homeowners in need of home repair services*
  - *Policy must embrace compliance framework for housing investment decisions, operations and long-term planning activities*
  - *Policy must establish dedicated funding streams for new and existing programs, initiatives and council designated projects*
  - *Policy must support the consolidation of performance measurement requests to focus staffing resources on production*
  - *Policy must balance capacity building efforts with production performance goals*
  - *Policy must balance demands of historic residents with needs of incoming residents*
  - *Policy must mitigate hazards and threats to new and existing housing developments citywide*
  - *Policy must establish leadership on fair housing practices*
  - *Policy must establish design standards for housing construction*
  - *Policy must establish connectivity standards for all communities where housing investments take place*
  - *Policy must mitigate housing developments located in food deserts*

- *Policy must establish professional development expectations for all staff and volunteers who serve on boards, commissions, taskforces, and neighborhood councils*
- Create an outline for how the policy objectives will create the framework for the City's development of a strategic roadmap and funding strategy that enables it to forge a sustainable path to achieving greater equity per the recommendations that the Council adopted

### 2.3 Communication, including regular presentations to the City Council and community stakeholders

- Work with city staff and local CES subcontractor(s) to produce and distribute publicity materials to help maximize participation of critical stakeholders in the community engagement process
- Work with local CES subcontractor(s) to produce and present comprehensive communication materials, including story map(s), that will guide the community stakeholder input process and inform the City Council and other stakeholders around project progress, the community-driven mission statement, and the community-driven policy objectives
- Provide briefings that include presentation materials to City Council committees and the full Council per the plan determined with Housing Department Director

### 2.4 Project management

- Creation and implementation of a comprehensive project management plan and timeline that reflects the work outlined above and results in providing the City with the deliverables by the dates agreed upon, including:
  - Supervision of the work of local CES subcontractor(s)
  - Close coordination with City of Dallas Housing Department staff

### **Phase 2 Cost:**

- Community engagement, policy development, communications, project management, and administrative work performed by Christine Campbell, John Gilvar, and Michele Williams, including travel:

**\$ 167,904**

- Work performed by local CES subcontractor(s), including:



- In-person representation at *ad hoc* local meetings
- Development of story map and other presentation materials as needed
- Presentation assistance
- Community organizing and event planning for community engagement activities:

**\$ 111,300**

- Food and supplies for community engagement events:

**\$ 27,500**





## Agenda Information Sheet

**File #:** 22-1340

**Item #:** 21.

**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 6, 14  
**DEPARTMENT:** Department of Planning and Urban Design  
**EXECUTIVE:** Majed Al-Ghafry

### SUBJECT

An ordinance authorizing a correction to **(1)** Ordinance No. 31958 (Planned Development Subdistrict No. 165) within Planned Development District No. 193, the Oak Lawn Special Purpose District; **(2)** Ordinance No. 32126 (Planned Development District No. 508); and **(3)** Ordinances No. 32085 (Planned Development Subdistrict No. 164) within Planned Development District No. 193, the Oak Lawn Special Purpose District - Financing: No cost consideration to the City

### BACKGROUND

On August 11, 2021, the City Council approved Ordinance No. 31958 for an amendment to Planned Development District No. 193; on property located on the west line of Vine Street, between Cole Street and Laclede Street, to create Planned Development Subdistrict No. 165 for GR General Retail District uses on property zoned GR General Retail within Planned Development District No. 193, the Oak Lawn Special Purpose District.

Subsequent, to the passage of the ordinance, it was discovered that the condition regarding the parking requirements use inadvertently missed the include the approved parking ratio for an office use. The correction ordinance includes the correct language for the parking section:

#### ***SEC. S-165.109. OFF-STREET PARKING AND LOADING.***

*(a) In general. Except as provided in this section, consult Part I of this article for specific off-street parking and loading requirements for each use.*

*(b) Office use. For office uses that contain underground parking, one space per 1,000 square feet of floor area is required.*

On January 26, 2022, the City Council approved Ordinance No. 32126 for an amendment to Tract 13 (A) for Multi-Family MF-2(A) Tract within Planned Development District No. 508, located on the north line of Singleton Boulevard, east of North Westmoreland Road to allow for additional uses, increase

in height, increase in maximum number of dwelling units, and modifications to side yard requirements, and modified parking requirements.

Subsequent to the passage of the ordinance it was determined that the Sec. 51P-508.107.(b)(3)(C) inadvertently omitted to include the following language: ***“For multifamily uses. Required off-street parking: One space per bedroom with a maximum of two spaces per dwelling unit.”*** to reflect the intent of the amendment, as included in the CPC recommended conditions.

On December 8, 2021, the City Council approved Ordinance No. 32085 for a Planned Development Subdistrict for P Parking Subdistrict uses and an automobile or motorcycle display, sales, and service (outside display) use on property zoned a Parking [P] Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, located on the south line of Dorothy Avenue, west of Bowser Avenue, to allow modified development standards primarily related to permitted uses, setbacks, height, lot coverage, and landscaping to allow an automobile or motorcycle display, sales, and service (outside display) use, except that service of automobiles and display, sales, and service of motorcycles are proposed to be prohibited.

Subsequent to the passage of the ordinance it was determined that the Ordinance incorrectly indicated the Planned Development Subdistrict No. 164. The correct number is Planned Development Subdistrict No. 166. The proposed correction ordinance will reflect the correct PDS number.

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

This item has no prior action.

#### **FISCAL INFORMATION**

No cost consideration to the City.

#### **MAPS**

Attached





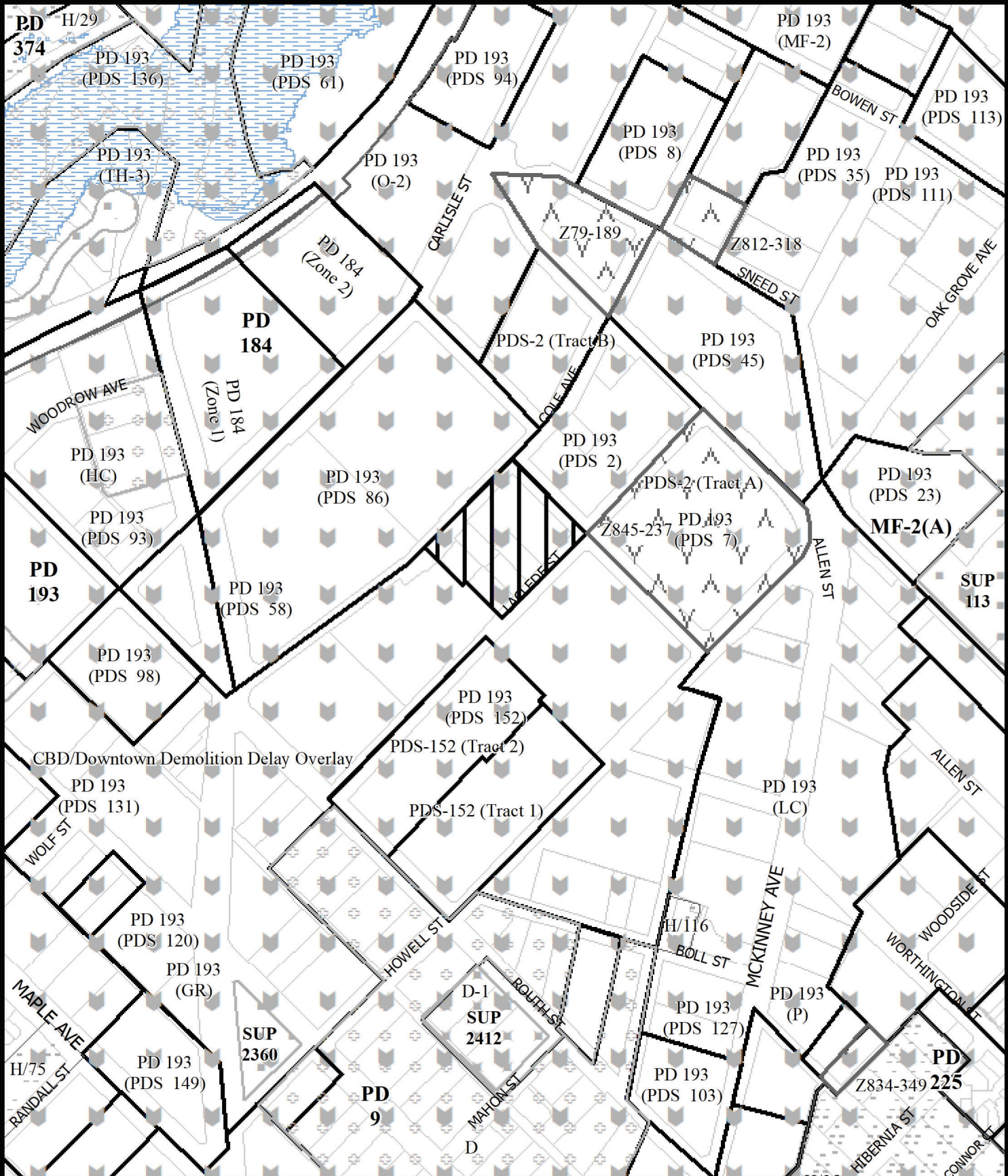
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# ZONING MAP

Case no: **Z201-140**

Date: 4/20/2021



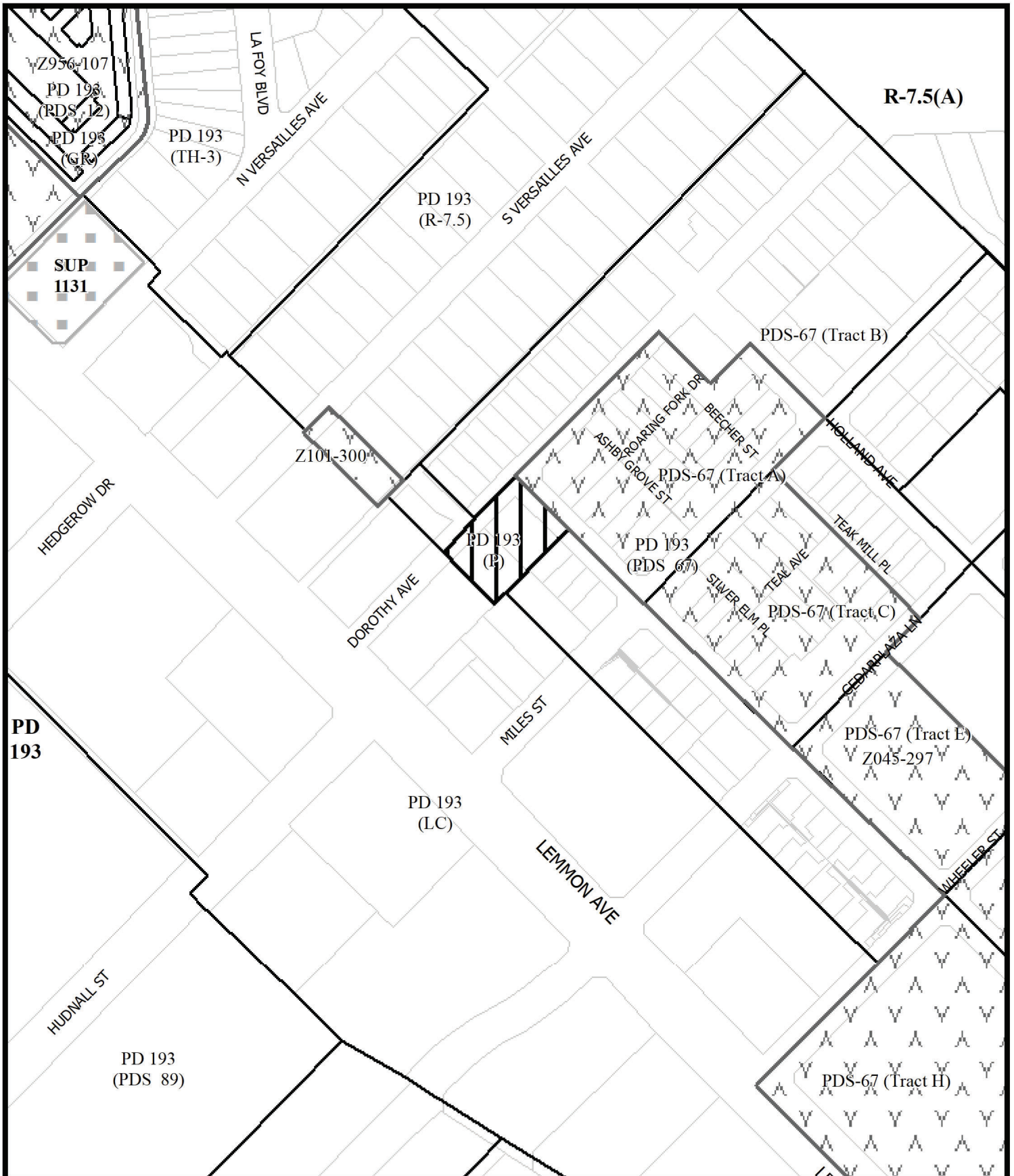


1:3,600

# ZONING MAP

Case no: **Z201-233**

Date: 5/10/2021



1:2,400

## ZONING MAP

Case no: Z201-305

Date: 11/17/2021





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1271

**Item #:** 22.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

---

### **SUBJECT**

A resolution **(1)** declaring six properties unwanted and unneeded, and authorizing their advertisement for sale by sealed bid (list attached to the Agenda Information Sheet); **(2)** establishing a minimum bid amount for each surplus property; and **(3)** authorizing the sale and conveyance of a deed to the highest qualified bidder - Estimated Revenue: General Fund \$72,000.00

### **BACKGROUND**

This item declares six properties unwanted and unneeded and authorizes their advertisement for sale and subsequent sale by sealed bid. These properties have been routed to City departments and outside agencies to determine whether any had a need for the properties.

Texas Local Government Code Section 253.008 authorizes municipalities to sell real properties owned by the municipality through an advertised sealed bid under Section 272.001.

Among the various conveyance and closing requirements, all properties will be advertised for sale by sealed bid, subject to minimum bid amount, with a reservation of all oil, gas and other minerals in and under the properties and a restriction prohibiting the placement of industrialized housing.

Upon receipt of the highest qualified bid, a deed, approved as to form by the City Attorney, will be prepared to convey the property to the highest qualified bidder. Staff will ensure the highest bidders are qualified to bid and be awarded the properties.

These properties will return to the tax rolls upon conveyance.

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

This item has no prior action.

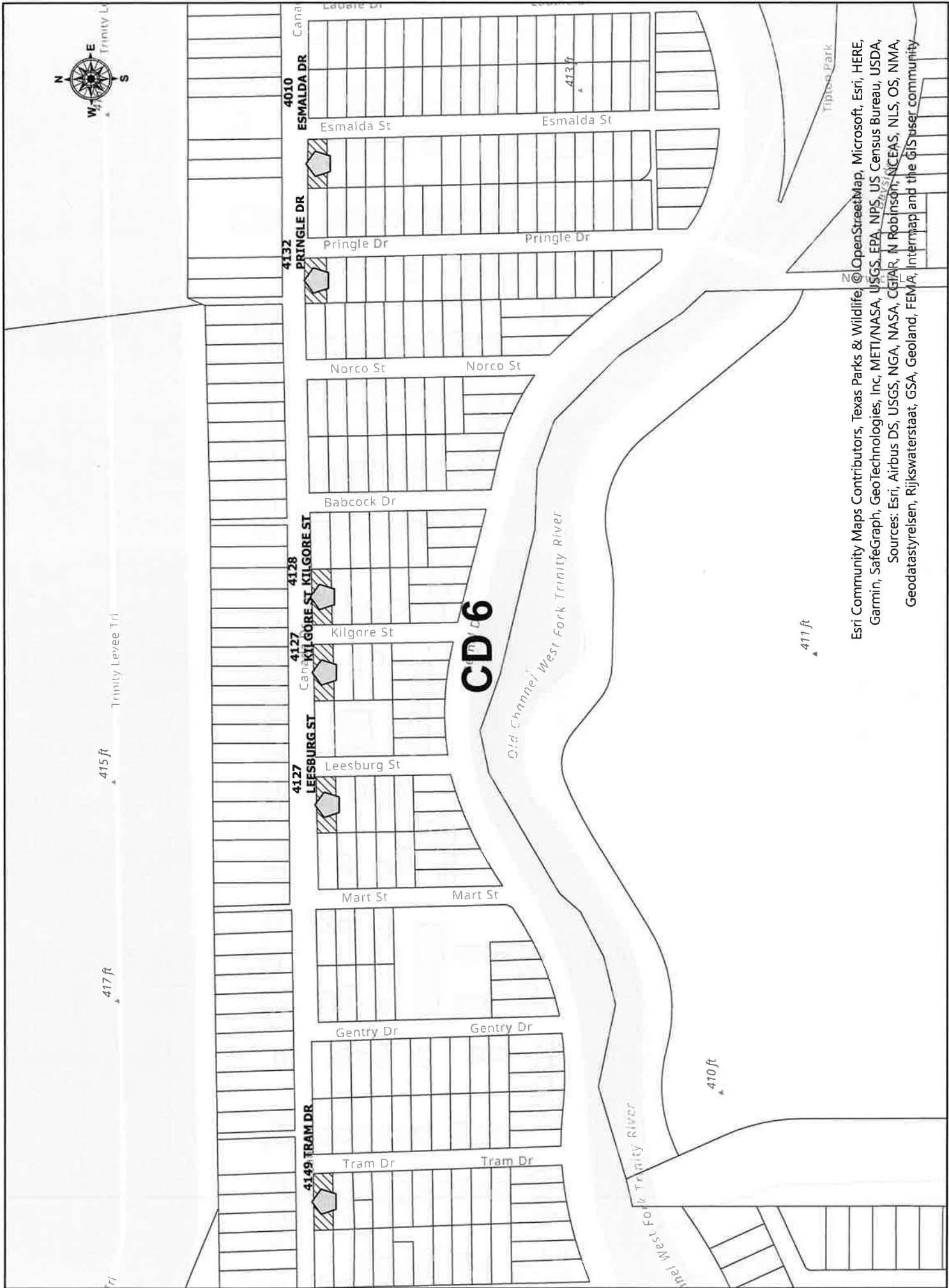
**FISCAL INFORMATION**

Estimated Revenue: General Fund \$72,000.00

**MAP**

Attached





Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community



June 22, 2022

**WHEREAS**, the City of Dallas ("City") is the owner of six (6) tracts of land located in the City of Dallas, Dallas County Texas as described on Exhibit "A", attached herein and incorporated by reference, and which are no longer wanted or needed for municipal use; and

**WHEREAS**, said City properties are currently developable and may be disposed of by sealed bid in accordance with the provisions of Section 2.24 of the Dallas City Code, and in compliance with State law; and

**WHEREAS**, pursuant to Section 2-24 (g) of the Dallas City Code, the procedures required by Section 2-24 of the Dallas City Code that are not required by state law may be waived.

**Now, Therefore,**

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

**SECTION 1.** That the City-owned properties listed on Exhibit "A", attached herein and incorporated by reference are declared unwanted and unneeded by the City Council and are to be advertised for sale pursuant to State law, with the minimum bid as specified on Exhibit "A".

**SECTION 2.** That the Director of Public Works is authorized to advertise the properties listed on Exhibit "A" for sale by sealed bid, subject to minimum bid as specified on Exhibit "A".

**SECTION 3.** That the advertisement of the properties shall state:

- (a) that the City of Dallas is not required to accept any bid or offer or to complete a sale and; therefore, reserves the right to reject any and all bids received;
- (b) that the sale shall be by a deed in a form approved by the City Attorney;
- (c) that the sale 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;

**SECTION 3. (continued)**

- iv) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record and applicable to the property or any part thereof; and
  - 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 **GRANTEE**.
- (d) that, to the maximum extent allowed by law, the sale shall be strictly on an "AS IS, WHERE IS, WITH ALL FAULTS" basis;
- (e) that as a material part of the consideration for the sale, the grantee and the City shall acknowledge and agree and provided in any relevant instrument that, to the maximum extent allowed by law, (a) **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) **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 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 representations 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 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

**SECTION 3.** (continued)

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, (e) 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, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other 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. 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.

- (f) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

**SECTION 4.** That, upon the conclusion of the sealed bid sale that has been advertised and conducted pursuant to Section 2-24 and state law, as applicable, subject to the minimum bid requirement, the highest qualified sealed bid received for the surplus properties shall be deemed the sales price and shall be conclusive of the fair market value of such properties and shall be accepted by the City.

**SECTION 5.** That, upon receipt of the consideration from the highest qualified bidder, the City Manager or designee is authorized to execute a deed in a form approved by the City Attorney to be attested by the City Secretary, and other miscellaneous closing documents upon approval as to form by the City Attorney.

**SECTION 6.** That the sale proceeds shall be deposited into the General Fund, Fund 0001, Dept PBW, Bal Sheet 0519 and Department of Public Works – Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Dept PBW, Unit 1181, Object 5011 and any remaining proceeds shall be transferred to the General Capital Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8118.

**SECTION 7.** That if a title policy is desired by **GRANTEE**, same shall be at the expense of the **GRANTEE**.

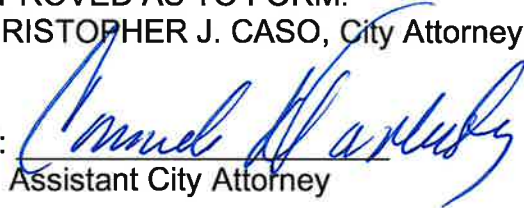
**SECTION 8.** That all closing costs shall be paid by **GRANTEE**.

June 22, 2022

**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.

APPROVED AS TO FORM:  
CHRISTOPHER J. CASO, City Attorney


BY:

  
Assistant City Attorney

Field Notes Describing City of Dallas Property in Block 3/7150

Being situated in the W.C. McGowan Survey, Abstract No. 859, City of Dallas, Dallas County, Texas, and being all of Lot 19 of Block 3 (Block 3/7150, Official City of Dallas Block Numbers) of the Olive-Dale Addition No. Two, an addition to the City of Dallas dated June 7, 1948 and Recorded in Volume 12, Page 347 of the Map Records of Dallas County, and being a portion of that property conveyed to the City of Dallas by Deed dated July 6, 1973 and recorded in Volume 73133 Page 952 of the Deed Records of Dallas County, Texas and containing 6,350 Square Feet, or 0.146 Acres of land, according to the map or plat thereof.

This description is approved as to form.

  
\_\_\_\_\_  
Scott Holt, RPLS  
Chief City Surveyor

3/18/2022  
\_\_\_\_\_  
Date

Field Notes Describing City of Dallas Property in Block 6/7155

Being situated in the D.A. Leonard Survey, Abstract No. 771, City of Dallas, Dallas County, Texas, and being all of Lot 8 of Block 6 (6/7155, Official City of Dallas Block Numbers), of the Ledbetter Gardens Addition, an addition to the City of Dallas dated July 8, 1946 and Recorded in Volume 10, Page 25 of the Map Records of Dallas County, and being all of that property conveyed to the City of Dallas by Deed dated August 5, 1983 and recorded in Volume 83156, Page 3035 of the Deed Records of Dallas County, Texas and containing 7,300 Square Feet, or 0.168 Acres of land, according to the map or plat thereof.

This description is approved as to form.



Scott Holt, RPLS  
Chief City Surveyor

3/18/2022  
Date

Field Notes Describing City of Dallas Property in Block 7/7155

Being situated in the D.A. Leonard Survey, Abstract No. 771, City of Dallas, Dallas County, Texas, and being all of Lot 1 of Block 7 (7/7155, Official City of Dallas Block Numbers), of the Ledbetter Gardens Addition, an addition to the City of Dallas dated July 8, 1946 and Recorded in Volume 10, Page 25 of the Map Records of Dallas County, and being all of that property conveyed to the City of Dallas by Deed dated August 5, 1983 and recorded in Volume 83156, Page 3026 of the Deed Records of Dallas County, Texas and containing 7,300 Square Feet, or 0.168 Acres of land, according to the map or plat thereof.

This description is approved as to form.

  
\_\_\_\_\_  
Scott Holt, RPLS  
Chief City Surveyor


3/18/2022  
\_\_\_\_\_  
Date



Field Notes Describing City of Dallas Property in Block 5/7155

Being situated in the D.A. Leonard Survey, Abstract No. 771, City of Dallas, Dallas County, Texas, and being all of Lot 9 of Block 5 (5/7155, Official City of Dallas Block Numbers), of the Ledbetter Gardens Addition, an addition to the City of Dallas dated July 8, 1946 and Recorded in Volume 10, Page 25 of the Map Records of Dallas County, and being all of that property conveyed to the City of Dallas by Deed dated January 21, 1983 and recorded in Volume 83018, Page 527 of the Deed Records of Dallas County, Texas and containing 7,300 Square Feet, or 0.168 Acres of land, according to the map or plat thereof.

This description is approved as to form.

  
\_\_\_\_\_  
Scott Holt, RPLS  
Chief City Surveyor

3/18/2022  
\_\_\_\_\_  
Date

Field Notes Describing City of Dallas Property in Block 2/7150

Being situated in the W.C. McGowan Survey, Abstract No. 859, City of Dallas, Dallas County, Texas, and being all of Lot 1 of Block 2 (Block 3/7150, Official City of Dallas Block Numbers) of the Olive-Dale Addition No. Two, an addition to the City of Dallas dated June 7, 1948 and Recorded in Volume 12, Page 347 of the Map Records of Dallas County, and being a portion of that property conveyed to the City of Dallas by Deed dated July 6, 1973 and recorded in Volume 73133, Page 952 of the Deed Records of Dallas County, Texas and containing 6,350 Square Feet, or 0.146 Acres of land, according to the map or plat thereof.

This description is approved as to form.



Scott Holt, RPLS  
Chief City Surveyor


  
Date


Exhibit A

## Field Notes Describing City of Dallas Property in Block 2/7155

Being situated in the D.A. Leonard Survey, Abstract No. 771, City of Dallas, Dallas County, Texas, and being all of Lot 14 of Block 2 (2/7155, Official City of Dallas Block Numbers), of the Ledbetter Gardens Addition, an addition to the City of Dallas dated July 8, 1946 and Recorded in Volume 10, Page 25 of the Map Records of Dallas County, and being all of that property conveyed to the City of Dallas by Deed dated December 14, 1984 and recorded in Volume 84252, Page 3532 of the Deed Records of Dallas County, Texas and containing 7,300 Square Feet, or 0.168 Acres of land, according to the map or plat thereof.

This description is approved as to form.

  
\_\_\_\_\_  
Scott Holt, RPLS  
Chief City Surveyor

  
\_\_\_\_\_  
Date



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-767

**Item #:** 23.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

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### **SUBJECT**

A resolution authorizing the conveyance of a water easement and a temporary construction easement containing a total of approximately 66,780 square feet of land to North Texas Municipal Water District for the construction, maintenance and use of water facilities across City-owned land located at Lake Ray Hubbard - Estimated Revenue: Wastewater Construction Fund (\$6,254.00) and General Fund (\$15,000.00)

### **BACKGROUND**

This item authorizes the conveyance of a water easement and a temporary construction easement containing a total of approximately 66,780 square feet of land to North Texas Municipal Water District for the construction, maintenance and use of water facilities across City-owned land located at Lake Ray Hubbard. The easements are needed for the proposed Wylie to Rockwall Relocation Project. The purchase price is based on an independent appraisal.

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

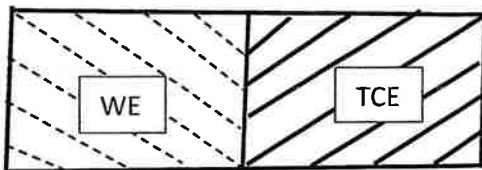
This item has no prior action.

### **FISCAL INFORMATION**

Estimated Revenue: Wastewater Construction Fund (\$6,254.00) and General Fund (\$15,000.00)

### **MAP**

Attached



Water Easement ("WE") approx. 26,332 sqft

Temporary Construction Easement ("TCE") approx. 40,448 sqft



June 22, 2022

**WHEREAS**, the City of Dallas owns a tract of land which is used for the Lake Ray Hubbard; and

**WHEREAS**, North Texas Municipal Water District has requested a water easement and a temporary construction easement containing a total of approximately 66,780 square feet of land over and across City-owned land located in Rockwall County, Texas; and being more fully described in Exhibit "A" attached hereto and made a part of hereof for all purposes; and

**WHEREAS**, North Texas Municipal Water District, a Water Control Improvement District, has the power of eminent domain and proposes to purchase easement rights to said Property at fair market value.

**Now, Therefore,**

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

**SECTION 1.** That upon receipt of **TWENTY ONE THOUSAND TWO HUNDRED FIFTY-FOUR DOLLARS AND NO/100 (\$21,254.00)** from North Texas Municipal Water District, the City Manager or designee is hereby authorized to execute a Water Easement and a Temporary Construction Easement, to be attested by the City Secretary, approved as to form by the City Attorney.

**SECTION 2.** That the sale proceeds shall be deposited into the General Fund, Fund 0001, Department PBW, Balance Sheet 0519 and Department of Public Works – Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred General Fund, Fund 0001, Department PBW, Unit 1181, Object 5011. Any remaining proceeds shall be transferred to the Wastewater Construction Fund, Fund 0103, Department DWU, Unit CS40, Revenue Code 8428.

**SECTION 3.** That this Resolution is designated for City purposes as Contract No. PBW-2022-00018912.

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

APPROVED AS TO FORM:  
CHRISTOPHER J. CASO, City Attorney

BY:

  
Assistant City Attorney

# Exhibit A

NORTH TEXAS MUNICIPAL WATER DISTRICT  
WYLIE TO ROCKWALL RELOCATION  
NTMWD PROJECT NO. 101-0526-18  
PARCEL NO. 5B  
WATER EASEMENT  
OWNER: CITY OF DALLAS  
0.605 ACRES OR 26,332 SQUARE FEET

Being a 0.605 acre (26,332 square feet) tract situated in the Joseph Strickland Survey, Abstract Number 187, Rockwall County, Texas, being part of that certain tract of land described as Fourth Tract in deed to the City of Dallas recorded in Volume 65, Page 354 of the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at a ½" iron rod found (Northing=7,046,431.32 feet, Easting=2,591,964.25 feet) on the north line of said City of Dallas tract, being on the existing east right-of-way line of State Highway 205 according to deed to the State of Texas recorded in Volume 32, Page 534 of the Deed Records of Rockwall County, Texas, said point being the southwest corner of that certain tract of land described as Parcel 2 in Judgement Number 003-01472-2019 in favor of the State of Texas recorded in Instrument Number 20200220000238790 of the Official Public Records of Collin County, Texas, being the southeast corner of a Right-of-Way tract for State Highway 205 recorded in Volume 388, Page 371 of the Deed Records of Collin County, Texas;

THENCE North 89 Degrees 17 Minutes 23 Seconds E, along the north line of said City of Dallas tract and the south line of said State of Texas tract, passing at 110.50 feet, a 5/8 inch iron rod found (cap destroyed) at the southeast corner thereof, being the southwest corner of that certain tract of land described in Special Warranty Deed to Bear Camp Residential, LP recorded in Instrument Number 20201216002263780 of the Official Public Records of Collin County, Texas, and continuing a total distance of 732.58 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set at the POINT OF BEGINNING (Northing=7,046,440.40 feet, Easting=2,592,696.66 feet);

THENCE North 89 Degrees 17 Minutes 23 Seconds East, 30.00 feet, along the south line of said Bear Camp tract and the north line of said City of Dallas tract, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set;

THENCE, over and across said City of Dallas tract, the following:

South 00 Degrees 42 Minutes 38 Seconds East, 91.84 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set;

South 65 Degrees 52 Minutes 54 Seconds West, 633.17 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set;

South 88 Degrees 22 Minutes 54 Seconds West, 178.48 feet, to a to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set on the west line of said City of Dallas tract and the east right-of-way line of State Highway 205;

THENCE North 01 Degrees 13 Minutes 06 Seconds West, 30.00 feet, along said line to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set; and back through said tract the following:

North 88 Degrees 22 Minutes 54 Seconds East, 172.30 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set;

# Exhibit A

NORTH TEXAS MUNICIPAL WATER DISTRICT  
WYLIE TO ROCKWALL RELOCATION  
NTMWD PROJECT NO. 101-0526-18  
PARCEL NO. 5B  
WATER EASEMENT  
OWNER: CITY OF DALLAS  
0.605 ACRES OR 26,332 SQUARE FEET

North 65 Degrees 52 Minutes 54 Seconds East, 607.49 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set;

North 00 Degrees 42 Minutes 38 Seconds West, 72.13 feet, to the POINT OF BEGINNING and containing approximately 0.605 acres or 26,332 square feet of land.

Kent M. Mobley 10-14-2021  
Kent M. Mobley, RPLS  
Texas Registration No. 4796

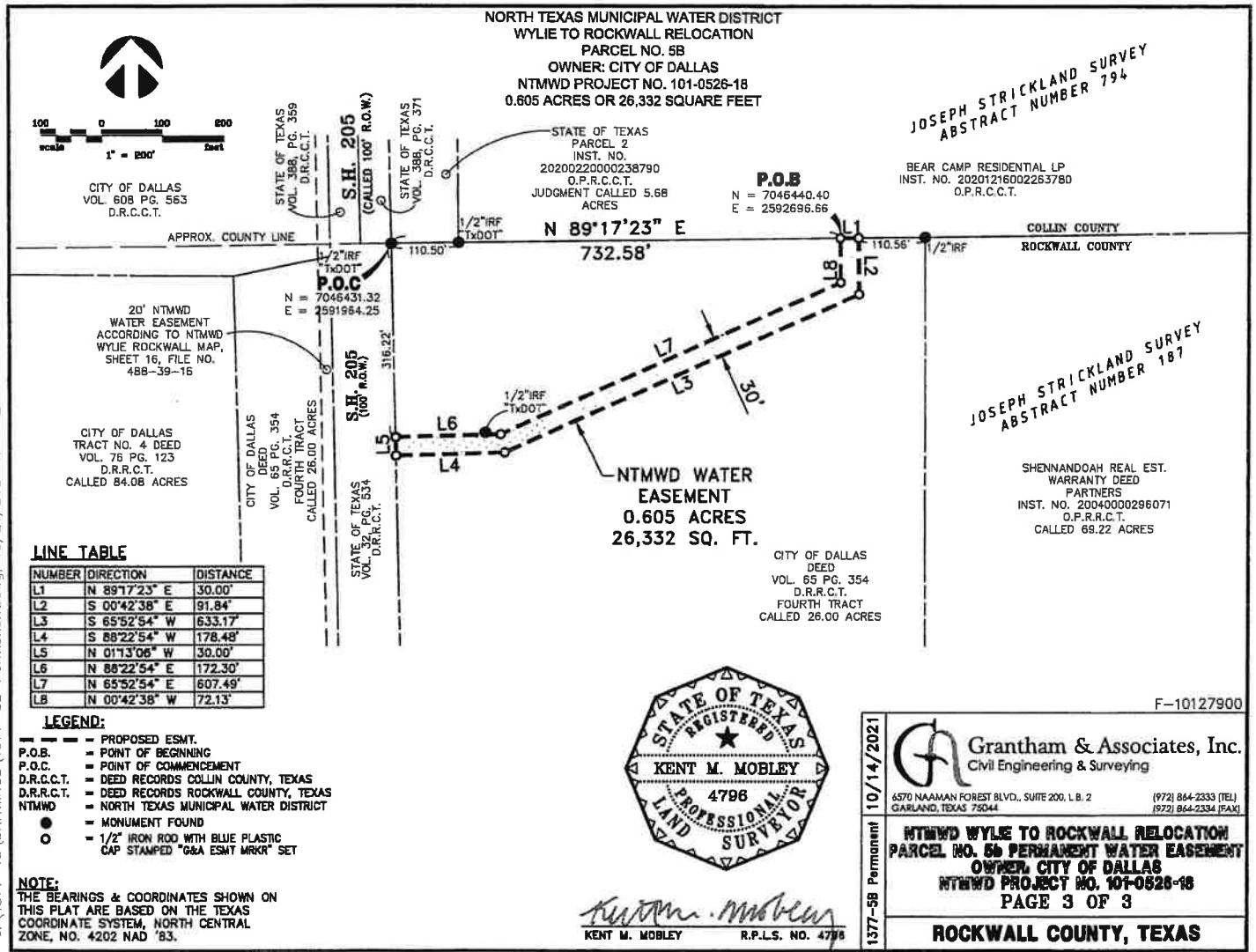


## Notes:

1. A drawing of the same date accompanies this description.
2. Bearings and coordinates expressed herein are referred to the Texas Coordinate System, North Central Zone, Number 4202, North American Datum, 1983.
3. This survey was performed without the benefit of a title report. There may be easements and/or covenants affecting this property not shown hereon.

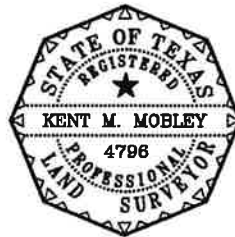


# Exhibit A



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1377-19



Kent M. Mobley  
KENT M. MOBLEY R.P.L.S. NO. 4796

F-10127900

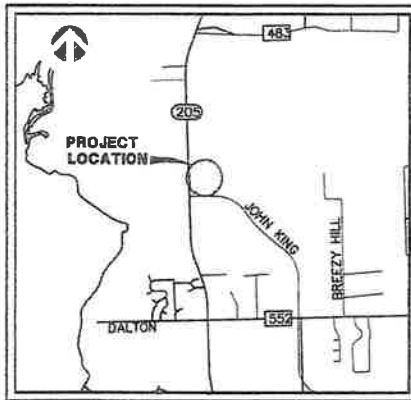
10/14/2021

**Grantham & Associates, Inc.**  
Civil Engineering & Surveying

4570 NAAMAN FOREST BLVD., SUITE 200, L.B. 2 GARLAND, TEXAS 75044 (972) 864-2333 (TEL) (972) 864-2334 (FAX)


**NTMWD WYLIE TO ROCKWALL RELOCATION**  
**PARCEL NO. 5B PERMANENT WATER EASEMENT**  
**OWNER: CITY OF DALLAS**  
**NTMWD PROJECT NO. 101-0526-18**  
**PAGE 3 OF 3**

**ROCKWALL COUNTY, TEXAS**



LOCATION MAP

F-10127900

1377-58 Permanent	10/14/2021		Grantham & Associates, Inc. Civil Engineering & Surveying	
			4570 NAAMAN FOREST BLVD., SUITE 200, L.B. 2 GARLAND, TEXAS 75044	
			(972) 864-2333 (TEL) (972) 864-2334 (FAX)	
			<b>NTWWD WYLE TO ROCKWALL RELOCATION</b> <b>PARCEL NO. 54 PERMANENT WATER EASEMENT</b> <b>LOCATION MAP</b> <b>OWNER: CITY OF DALLAS</b> <b>NTWWD PROJECT NO. 101-0628-18</b> <b>ROCKWALL COUNTY, TEXAS</b>	

# Exhibit A

NORTH TEXAS MUNICIPAL WATER DISTRICT  
WYLIE TO ROCKWALL RELOCATION  
NTMWD PROJECT NO. 101-0526-18  
PARCEL NO. 5B  
TEMPORARY CONSTRUCTION EASEMENT  
OWNER: CITY OF DALLAS  
0.929 ACRES OR 40,448 SQUARE FEET

Being a 0.929 acres (40,448 square feet) tract situated in the Joseph Strickland Survey, Abstract Number 187, Rockwall County, Texas, being part of that certain tract of land described as Fourth Tract in deed to the City of Dallas recorded in Volume 65, Page 354 of the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at a one-half inch iron rod found (Northing=7,046,431.32 feet, Easting=2,591,964.25 feet) on the north line of said City of Dallas tract, being on the existing east right-of-way line of State Highway 205 according to deed to the State of Texas recorded in Volume 32, Page 534 of the Deed Records of Rockwall County, Texas, said point being the southwest corner of that certain tract of land described as Parcel 2 in Judgment Number 003-01472-2019 in favor of the State of Texas recorded in Instrument Number 20200220000238790 of the Official Public Records of Collin County, Texas, being the southeast corner of a Right-of-Way tract for State Highway 205 recorded in Volume 388, Page 371 of the Deed Records of Collin County, Texas;

THENCE North 89 Degrees 17 Minutes 23 Seconds East, along the north line of said City of Dallas tract and the south line of said State of Texas tract, passing at 110.50 feet a five-eighths inch iron rod found (cap destroyed) at the southeast corner thereof, being the southwest corner of that certain tract of land described in deed to Bear Camp Residential, LP recorded in Instrument Number 20201216002263780 of the Official Public Records of Collin County, Texas, and continuing a total distance of 732.58 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set at the POINT OF BEGINNING (Northing=7,046,440.40 feet, Easting=2,592,696.66 feet);

THENCE, over and across said City of Dallas tract, the following:

South 00 Degrees 42 Minutes 38 Seconds East, 72.13 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set;

South 65 Degrees 52 Minutes 54 Seconds West, 607.49 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set;

South 88 Degrees 22 Minutes 54 Seconds West 172.30 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set at a point on the west line of said City of Dallas tract and the east right-of-way line of State Highway 205;

THENCE North 01 Degrees 13 Minutes 06 Seconds West, 50.00 feet, along said line and back through said tract the following:

North 88 Degrees 22 Minutes 54 Seconds East, 162.01 feet;

North 65 Degrees 52 Minutes 54 Seconds East, 564.71 feet;

# Exhibit A

NORTH TEXAS MUNICIPAL WATER DISTRICT  
WYLIE TO ROCKWALL RELOCATION  
NTMWD PROJECT NO. 101-0526-18  
PARCEL NO. 5B  
TEMPORARY CONSTRUCTION EASEMENT  
OWNER: CITY OF DALLAS  
0.929 ACRES OR 40,448 SQUARE FEET

North 00 Degrees 42 Minutes 38 Seconds West, 39.29 feet, to a point on the south line of said Bear Camp Residential, LP tract and the north line of said City of Dallas tract;

THENCE North 89 Degrees 17 Minutes 23 Seconds East, 50.00 feet, along said line to the POINT OF BEGINNING and containing 0.929 acres or 40,448 square feet of land.

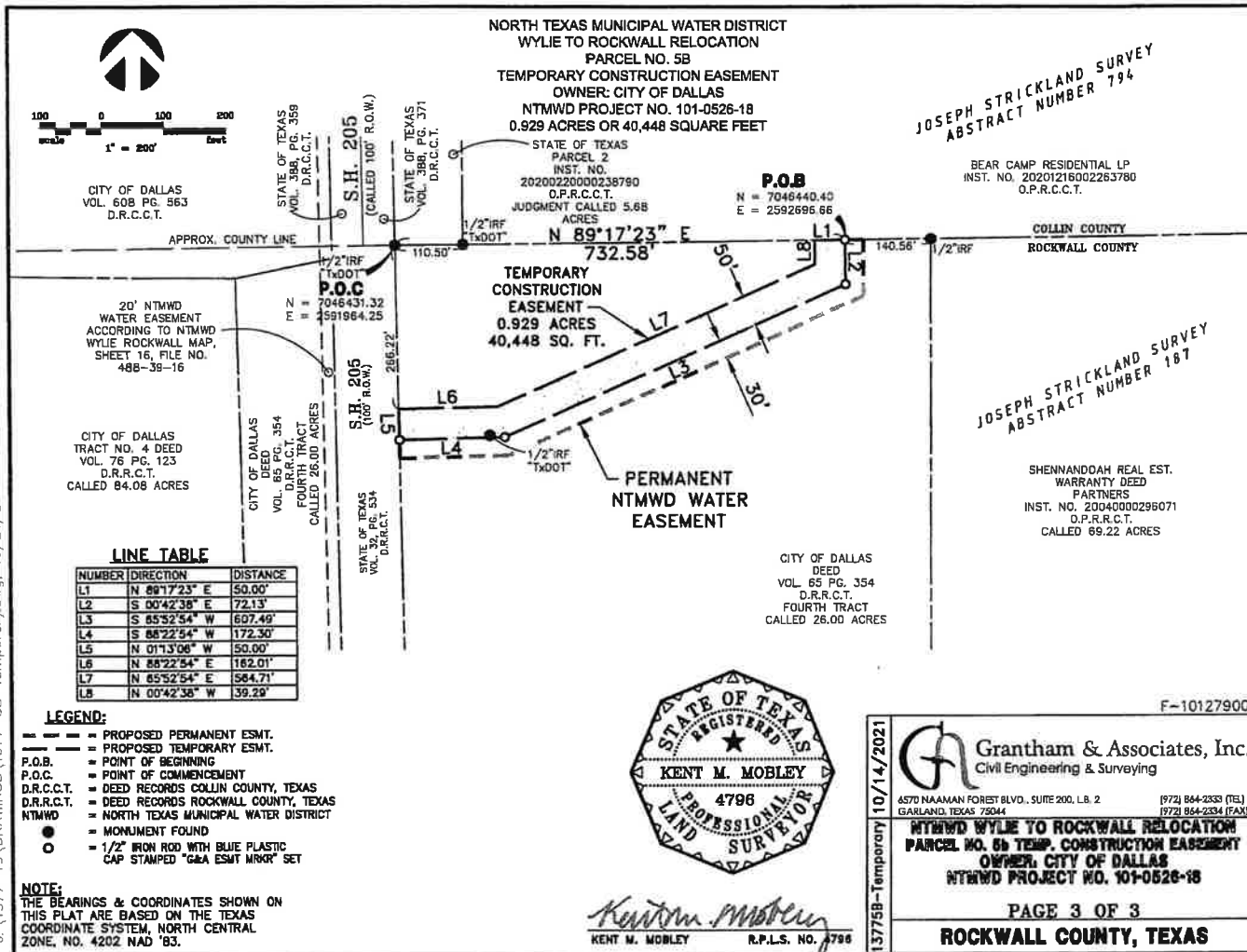
Kent M. Mobley 10-14-2021  
Kent M. Mobley, RPLS  
Texas Registration No. 4796



Notes:

1. A drawing of the same date accompanies this description.
2. Bearings and coordinates expressed herein are referred to the Texas Coordinate System, North Central Zone, Number 4202, North American Datum, 1983.
3. The temporary construction easement shall expire as noted in the easement agreement.
4. This survey was performed without the benefit of a title report. There may be easements and/or covenants affecting this property not shown hereon.

J:\1377-19\DRAWINGS\1377-5B Temporary.dwg, 10/21/2021 1:10:15 PM




# Exhibit A



LOCATION MAP

F-10127900

1377-58 Permanent		<b>Grantham &amp; Associates, Inc.</b> Civil Engineering & Surveying
	6570 NAAAMAN FOREST BLVD., SUITE 200, L.B. 2 GARLAND, TEXAS 75044	
	(972) 864-2533 (TEL) (972) 864-2534 (FAX)	
	<b>RTWWD WYLE TO ROCKWALL RELOCATION</b> <b>PARCEL NO. 5b PERMANENT WATER EASEMENT</b> <b>LOCATION MAP</b> <b>OWNER: CITY OF DALLAS</b> <b>RTWWD PROJECT NO. 101-0526-18</b>	
<b>ROCKWALL COUNTY, TEXAS</b>		

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# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-768

**Item #:** 24.

---

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

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### **SUBJECT**

A resolution authorizing the conveyance of a water easement and a temporary construction easement containing a total of approximately 121,027 square feet of land to North Texas Municipal Water District for the construction, maintenance and use of water facilities across City-owned land located at Lake Ray Hubbard - Estimated Revenue: Wastewater Construction Fund (\$18,231.00) and General Fund (\$15,000.00)

### **BACKGROUND**

This item authorizes the conveyance of a water easement and a temporary construction easement containing a total of approximately 121,027 square feet of land to North Texas Municipal Water District for the construction, maintenance and use of water facilities across City-owned land located at Lake Ray Hubbard. The easements are needed for the proposed Wylie to Rockwall Relocation Project. The purchase price is based on an independent appraisal.

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

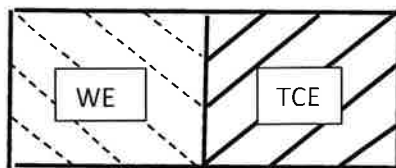
This item has no prior action.

### **FISCAL INFORMATION**

Estimated Revenue: Wastewater Construction Fund (\$18,231.00) and General Fund (\$15,000.00)

### **MAP**

Attached



Water Easement ("WE") approx. 42,381 sqft

Temporary Construction Easement ("TCE") approx. 78,646 sqft





June 22, 2022

**WHEREAS**, the City of Dallas owns a tract of land which is used for the Lake Ray Hubbard; and

**WHEREAS**, North Texas Municipal Water District has requested a water easement and a temporary construction easement containing a total of approximately 121,027 square feet of land over and across City-owned land located in Rockwall County, Texas; and being more fully described in Exhibit "A" attached hereto and made a part of hereof for all purposes; and

**WHEREAS**, North Texas Municipal Water District, a Water Control Improvement District, has the power of eminent domain and proposes to purchase easement rights to said Property at fair market value.

**Now, Therefore,**

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

**SECTION 1.** That upon receipt of **THIRTY THREE THOUSAND TWO HUNDRED THIRTY-ONE DOLLARS AND NO/100 (\$33,231.00)** from North Texas Municipal Water District, the City Manager or designee is hereby authorized to execute a Water Easement and a Temporary Construction Easement, to be attested by the City Secretary, approved as to form by the City Attorney.

**SECTION 2.** That the sale proceeds shall be deposited into the General Fund, Fund 0001, Department PBW, Balance Sheet 0519 and Department of Public Works – Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred General Fund, Fund 0001, Department PBW, Unit 1181, Object 5011. Any remaining proceeds shall be transferred to the Wastewater Construction Fund, Fund 0103, Department DWU, Unit CS40, Revenue Code 8428.

**SECTION 3.** That this Resolution is designated for City purposes as Contract No. PBW-2022-00018914.

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

APPROVED AS TO FORM:  
CHRISTOPHER J. CASO, City Attorney

BY:   
Assistant City Attorney

# Exhibit A

NORTH TEXAS MUNICIPAL WATER DISTRICT  
WYLIE TO ROCKWALL RELOCATION  
NTMWD PROJECT NO. 101-0526-18  
PARCEL NO. 5A  
WATER EASEMENT  
OWNER: CITY OF DALLAS  
0.973 ACRES OR 42,381 SQUARE FEET

Being a 0.973 acre (42,381 square feet) tract situated in the Joseph Strickland Survey, Abstract Number 187, Rockwall County, Texas, being part of that certain tract of land described in deed to the City of Dallas recorded in Volume 64, Page 96 of the Deed Records of Rockwall County, Texas, and part of a tract of land described in deed to the City of Dallas recorded in Volume 65, Page 354 of said Deed records and being more particularly described as follows:

COMMENCING at a ½ inch iron rod found (N=7,044,522.66 feet, E=2,591,904.87 feet) at a southeast corner of said City of Dallas tract recorded in Volume 64, Page 96, being the northeast corner of that certain tract of land described in deed to Charles P. Hickman recorded in Instrument Number 20180000010007 of the Official Public Records of Rockwall County, Texas, being on the west right-of way line of State Highway 205 according to deed to the State of Texas recorded in Volume 32, Page 534 of the Deed Records of Rockwall County, Texas, and being on the east line of an existing North Texas Municipal Water District 20 foot easement as shown North Texas Municipal Water District Wylie to Rockwall Plan Sheet 16 of File No. 488-39-16);

THENCE South 88 Degrees 25 Minutes 27 Seconds West, 20.00 feet, along the north line of said Hickman tract and crossing said existing 20 foot easement;

THENCE North 01 Degrees 13 Minutes 06 Seconds West, 177.39 feet, over and across said City of Dallas tract and along the west line of said existing easement, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set at the POINT OF BEGINNING (N=7,044,699.44 feet, E=2,591,881.07 feet);

THENCE, over and across said City of Dallas tracts, the following:

South 88 Degrees 46 Minutes 54 Seconds West, 30.00 feet to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set;

North 01 Degrees 13 Minutes 06 Seconds West, crossing at 553.32 feet the common line between said City of Dallas tracts, and continuing a total distance of 1,412.71 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set;

North 88 Degrees 46 Minutes 54 Seconds East, 30.00 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set on said existing easement;

South 01 Degrees 13 Minutes 06 Seconds East, crossing back through said City of Dallas tracts, 1,412.71 feet, along said existing easement, to the POINT OF BEGINNING and containing approximately 0.973 acres or 42,381 square feet of land.

# Exhibit A

NORTH TEXAS MUNICIPAL WATER DISTRICT  
WYLIE TO ROCKWALL RELOCATION  
NTMWD PROJECT NO. 101-0526-18  
PARCEL NO. 5A  
WATER EASEMENT  
OWNER: CITY OF DALLAS  
0.973 ACRES OR 42,381 SQUARE FEET

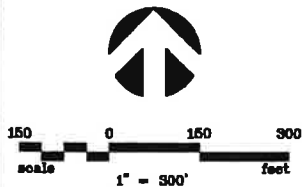
Kent M. Mobley 10-14-2021  
Kent M. Mobley, RPLS  
Texas Registration No. 4796



## Notes:

1. A drawing of the same date accompanies this description.
2. Bearings and coordinates expressed herein are referred to the Texas Coordinate System, North Central Zone, Number 4202, North American Datum, 1983.
3. This survey was performed without the benefit of a title report. There may be easements and/or covenants affecting this property not shown hereon.

**NORTH TEXAS MUNICIPAL WATER DISTRICT  
WYLIE TO ROCKWALL RELOCATION  
NTMWD PROJECT NO. 101-0526-18  
PARCEL NO. 5A  
OWNER: CITY OF DALLAS  
0.973 ACRES OR 42,381 SQUARE FEET**



CITY OF DALLAS  
VOL. 608 PG. 563  
D.R.C.C.T.

BEAR CAMP RESIDENTIAL LP  
INST. NO. 20201216002263780  
O.P.R.C.C.T.

JOSEPH STRICKLAND SURVEY  
ABSTRACT NUMBER 187

**LINE TABLE**

NUMBER	DIRECTION	DISTANCE
L1	S 88°46'54" W	30.00'
L2	N 01°13'06" W	1412.71'
L3	N 88°46'54" E	30.00'
L4	S 01°13'06" E	1412.71'
L5	N 02°06'30" W	81.83'
L6	N 01°13'06" W	177.39'

20' NTMWD  
WATER EASEMENT  
ACCORDING TO NTMWD  
WYLIE ROCKWALL MAP,  
SHEET 16, FILE NO.  
488-39-16

CITY OF DALLAS  
DEED  
VOL. 65 PG. 354  
D.R.R.C.T.  
FOURTH TRACT  
CALLED 26.00 ACRES

CITY OF DALLAS  
TRACT NO. 4 DEED  
VOL. 76 PG. 123  
D.R.R.C.T.  
CALLED 84.08 ACRES

CITY OF DALLAS  
DEED  
VOL. 64 PG. 96  
D.R.R.C.T.  
CALLED 4 ACRES

**NTMWD WATER  
EASEMENT  
0.973 ACRES  
42,381 SQ. FT.**

**JOHN KING BLVD**

CITY OF DALLAS  
DEED  
VOL. 61 PG. 412  
D.R.R.C.T.  
CALLED 5.62 ACRES

APPARENT R.O.W. PER  
CITY OF ROCKWALL  
ENGINEERING RECORD  
DRAWINGS FOR JOHN  
KING BLVD. PHASE 6

JOE J. KATIN  
SPECIAL WARRANTY DEED  
INST. NO. 20150000020492  
O.P.R.C.C.T.  
CALLED 27.054 ACRES

CITY OF ROCKWALL  
INST. NO. 20080000398717  
O.P.R.C.C.T.

CITY OF DALLAS  
MONUMENT "EE16-1 9-12"

CITY OF DALLAS  
MONUMENT

CHARLES P. HICKMAN  
WARRANTY DEED  
INST. NO. 20180000010007  
O.P.R.C.C.T.  
CALLED 29.06 ACRES

**P.O.B**  
N = 7044699.44  
E = 2591881.07

**P.O.C**  
N = 7044522.66  
E = 2591904.87

**LEGEND:**

- = PROPOSED ESMT.
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- D.R.C.C.T. = DEED RECORDS COLLIN COUNTY, TEXAS
- D.R.R.C.T. = DEED RECORDS ROCKWALL COUNTY, TEXAS
- NTMWD = NORTH TEXAS MUNICIPAL WATER DISTRICT
- = MONUMENT FOUND
- = 1/2" IRON ROD WITH BLUE PLASTIC CAP STAMPED "G&A ESMT MKRR" SET

**NOTE:**  
THE BEARINGS & COORDINATES SHOWN ON  
THIS PLAT ARE BASED ON THE TEXAS  
COORDINATE SYSTEM, NORTH CENTRAL  
ZONE, NO. 4202 NAD '83.



KENT M. MOBLEY R.P.L.S. NO. 4796

1377CITYOFDALLAS-01 10/14/2021

**Grantham & Associates, Inc.**  
Civil Engineering & Surveying

6570 NAAMAN FOREST BLVD., SUITE 200, L.B. 2  
GARLAND, TEXAS 75044

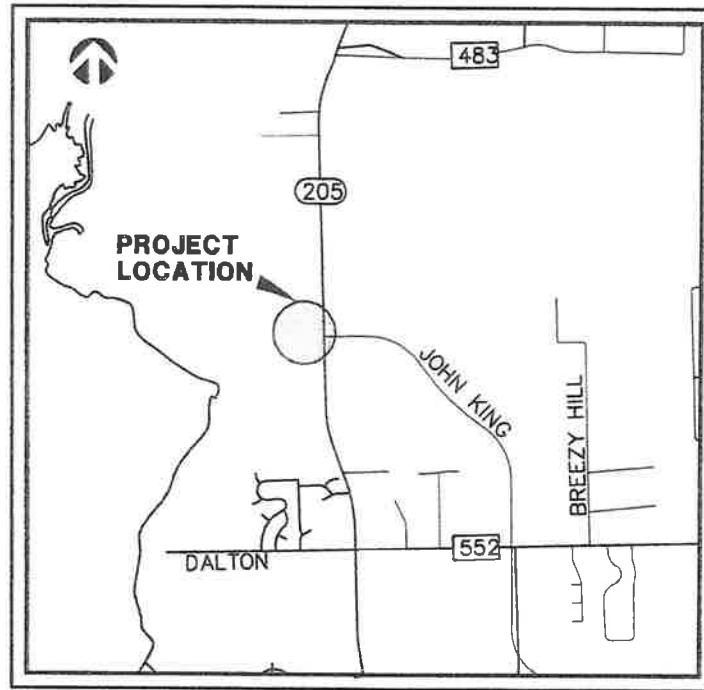
(972) 864-2333 (TEL)  
(972) 864-2334 (FAX)

**NTMWD WYLIE TO ROCKWALL RELOCATION  
PARCEL NO. 5a PERMANENT WATER EASEMENT  
OWNER: CITY OF DALLAS  
NTMWD PROJECT NO. 101-0526-18**

**PAGE 3 OF 3**


**ROCKWALL COUNTY, TEXAS**

# Exhibit A



LOCATION MAP

F-10127900

1377CITYOFDALLAS-01 10/14/2021	 <b>Grantham &amp; Associates, Inc.</b> Civil Engineering & Surveying	
	6570 NAAMAN FOREST BLVD., SUITE 200, L.B. 2 GARLAND, TEXAS 75044	
	(972) 864-2333 (TEL) (972) 864-2334 (FAX)	
	<b>NTWWD WYLE TO ROCKWALL RELOCATION          PARCEL NO. 5a PERMANENT WATER EASEMENT          LOCATION MAP          OWNER: CITY OF DALLAS          NTWWD PROJECT NO. 101-0520-18          ROCKWALL COUNTY, TEXAS</b>	

# Exhibit A

NORTH TEXAS MUNICIPAL WATER DISTRICT  
WYLIE TO ROCKWALL RELOCATION  
NTMWD PROJECT NO. 101-0526-18  
PARCEL NO. 5A  
TEMPORARY CONSTRUCTION EASEMENT  
OWNER: CITY OF DALLAS  
1.805 ACRES OR 78,646 SQUARE FEET

Being a 1.805 acre (78,646 square feet) tract of land situated in the Joseph Strickland Survey, Abstract Number 187, Rockwall County, Texas, being part of that certain tract of land described in deed to the City of Dallas recorded in Volume 64, Page 96 of the Deed Records of Rockwall County, Texas, and part of that certain tract of land described in deed to the City of Dallas recorded in Volume 65, Page 354 of the Deed Records of Rockwall County, Texas being more particularly described as follows:

COMMENCING at a ½ inch iron rod found (Northing=7,044,522.66 feet, Easting=2,591,904.87 feet) at a southeast corner of said City of Dallas tract recorded in Volume 64, Page 96, being the northeast corner of that certain tract of land described in Special Warranty Deed to Charles P. Hickman recorded in Instrument Number 20180000010007 of the Official Public Records of Rockwall County, Texas, being on the west right-of way line of State Highway 205 according to deed to the State of Texas recorded in Volume 32, Page 534 of the Deed Records of Rockwall County, Texas, and being on the east line of an existing North Texas Municipal Water District 20 foot easement as shown North Texas Municipal Water District Wylie to Rockwall Plan Sheet 16 of File No. 488-39-16);

THENCE South 88 Degrees 25 Minutes 27 Seconds West, 20.00 feet, along the north line of said Hickman tract and crossing said existing 20 foot easement;

THENCE North 01 Degrees 13 Minutes 06 Seconds West, 127.39 feet, over and across said City of Dallas tract and along the west line of said existing easement, to the POINT OF BEGINNING (Northing=7,044,649.45 feet, Easting=2,591,882.13 feet);

THENCE, over and across said City of Dallas tracts, the following:

South 88 Degrees 46 Minutes 54 Seconds West, 80.00 feet;

North 01 Degrees 13 Minutes 06 Seconds West, 1512.92 feet;

North 88 Degrees 46 Minutes 54 Seconds East, 80.00 feet, to a point on the west line of said existing North Texas Municipal Water District 20 foot easement;

South 01 Degrees 13 Minutes 06 Seconds East, 50.00 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set;

South 88 Degrees 46 Minutes 54 Seconds West, 30.00 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set;

South 01 Degrees 13 Minutes 06 Seconds East, 1412.92 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set;

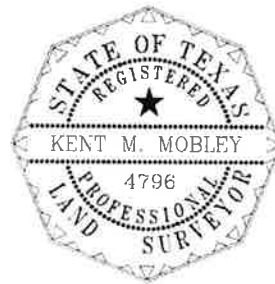
# Exhibit A

NORTH TEXAS MUNICIPAL WATER DISTRICT  
WYLIE TO ROCKWALL RELOCATION  
NTMWD PROJECT NO. 101-0526-18  
PARCEL NO. 5A  
TEMPORARY CONSTRUCTION EASEMENT  
OWNER: CITY OF DALLAS  
1.805 ACRES OR 78,646 SQUARE FEET

North 88 Degrees 46 Minutes 54 Seconds East, 30.00 feet, to a ½ inch iron rod with blue plastic cap stamped "G&A ESMT MRKR" set on said existing 20 foot North Texas Municipal Water District easement, and

South 01 Degrees 13 Minutes 06 Seconds East, 50.00 feet, to the POINT OF BEGINNING and containing 1.805 acres or 78,646 square feet of land.

*Kent M. Mobley 10-14-2021*  
Kent M. Mobley, RPLS  
Texas Registration No. 4796



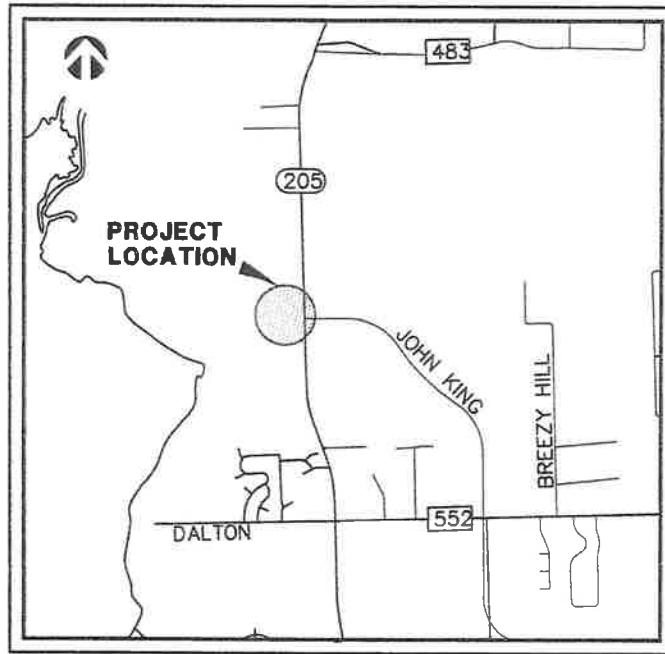
Notes:

1. A drawing of the same date accompanies this description.
2. Bearings and coordinates expressed herein are referred to the Texas Coordinate System, North Central Zone, Number 4202, North American Datum, 1983.
3. The temporary construction easement shall expire as noted in the easement agreement.
4. This survey was performed without the benefit of a title report. There may be easements and/or covenants affecting this property not shown hereon.






# Exhibit A



LOCATION MAP

F-10127900

1377CITYOFDALLAS-01 10/14/2021	 <b>Grantham &amp; Associates, Inc.</b> Civil Engineering & Surveying 6570 NAAMAN FOREST BLVD., SUITE 200, L.B. 2 GARLAND, TEXAS 75044 (972) 864-2333 (TEL) (972) 864-2334 (FAX)
	<b>NTMWD WYLE TO ROCKWALL RELOCATION</b> <b>PARCEL NO. 8: PERMANENT WATER EASEMENT</b> <b>LOCATION MAP</b>
	<b>OWNER: CITY OF DALLAS</b> <b>NTMWD PROJECT NO. 101-0526-18</b>
	<b>ROCKWALL COUNTY, TEXAS</b>

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# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1219

**Item #:** 25.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

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### **SUBJECT**

An ordinance abandoning a portion of a street easement to SEVA, Ltd., the abutting owner, containing approximately 443 square feet of land, located near the intersection of Cockrell Hill Road and Interstate Highway 30; and authorizing the quitclaim - Revenue: General Fund \$6,645.00, plus the \$20.00 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of a portion of a street easement to SEVA, Ltd., the abutting owner containing approximately 443 square feet of land. The area will be included with the property of the abutting owner for the expansion of an existing parking lot. The abandonment fee is based on Dallas Central Appraisal District values.

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

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

This item has no prior action.

### **FISCAL INFORMATION**

Revenue: General Fund \$6,645.00, plus the \$20.00 ordinance publication fee

### **OWNER**

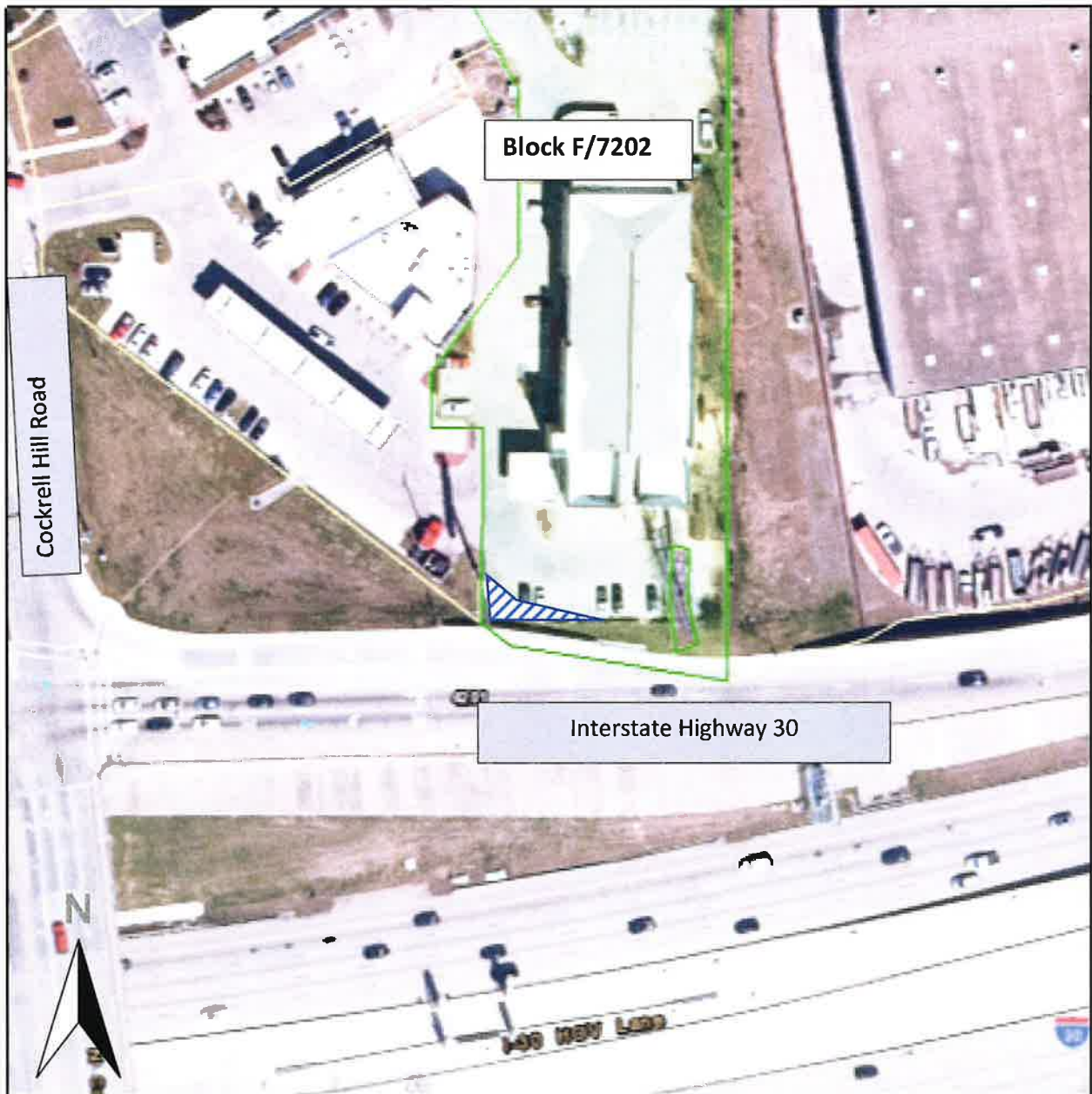
**SEVA, Ltd.**

Bhakti Management Corporation, General Partner

Sudarshan Majmundar, Member

**MAP**

Attached



Abandonment Area:



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

An ordinance providing for the abandonment of a portion of a street easement located adjacent to City Block F/7202 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to SEVA, Ltd; 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; 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 SEVA, Ltd., a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portion of a street easement is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

**Now, Therefore,**

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

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

**SECTION 2.** That for and in monetary consideration of the sum of **SIX THOUSAND SIX HUNDRED FORTY-FIVE AND NO/100 DOLLARS (\$6,645.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, and 10, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, the reverter, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. Provided however, that if **GRANTEE**, its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 9 of this ordinance, but no later than the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

“(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator’s action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005”;

or (ii) the date that is the sixth anniversary of the passage of this ordinance; THEN this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE**.

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

**SECTION 4.** That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department PBW, Balance Sheet 0519 and Department of Public Works - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department PBW, Unit 1181, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

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

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

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

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance 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

**SECTION 8.** (continued)

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 file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Public Works. **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 Public Works.



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

**SECTION 12.** That this ordinance is also designated for City purposes as Contract No. PBW-2021-00015233.

**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:  
CHRISTOPHER J. CASO,  
City Attorney

BY

  
Assistant City Attorney

ALI HATEFI, Director  
Department of Public Works

BY

  
Lolita Williams for (May 13, 2022 10:50 CDT)  
Assistant Director

Passed \_\_\_\_\_.

**STREET RIGHT-OF-WAY ABANDONMENT  
INTERSTATE HIGHWAY 30  
ADJACENT TO CITY BLOCK F/7202 OF TURNPIKE WEST SEC NO 2  
IN THE P. LACY SURVEY, ABST. NO 776,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Being a 443 square foot (0.0102 acre) tract of land situated in the P. Lacy Survey, Abstract Number 776, Dallas County, Texas, and being part of Interstate Highway 30 and a tract of land described as Parcel 3A, in Donation Deed to the City of Dallas, as recorded in Volume 98113, Page 4914, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), being adjacent to City Block F/7202, said 443 square foot tract being more particularly described as follows:

**BEGINNING** at a 5/8-inch iron rod with cap stamped "JONES & CARTER" found at the intersection of the northeast line of said Interstate Highway 30, Parcel 3A and the west line of Lot 2A and the east line of Lot 2B of Block F/7202 of Turnpike West Sec No 2, as recorded in Instrument No. 20070175053, of the Official Public Records of Dallas County, Texas, said point bears South 54 degrees 50 minutes 10 seconds East, a distance of 315.79 from a 5/8-inch iron rod found at the most northerly northeast corner of said Parcel 3A, said point also bears South 00 degrees 00 minutes 10 seconds West, a distance of 91.85 feet from an "X" cut in concrete found at an interior corner of said Lot 2A and said Lot 2B;

**THENCE** South 54 degrees 50 minutes 10 seconds East, departing the west line of said Lot 2A, with the northeast line of said Parcel 3A, a distance of 22.62 feet to an "X" cut set in concrete;

**THENCE** South 81 degrees 50 minutes 34 seconds East, continuing with the northeast line of said Parcel 3A, a distance of 51.62 feet to a 1/2-inch iron rod with cap stamped "PJB SURVEYING" set;

**THENCE** North 89 degrees 59 minutes 50 seconds West, departing the northeast line of said Parcel 3A, a distance of 69.59 feet to a 1/2-inch iron rod with cap stamped "RPLS 5632" found;

**THENCE** North 00 degrees 00 minutes 10 seconds East, a distance of 20.35 feet to the **POINT OF BEGINNING** and containing 443 square feet (0.0102 acre) of land;

(For SPRG use only)

Reviewed by: G.S.

Date: 5-5-22

SPRG No. 5900

**STREET RIGHT-OF-WAY ABANDONMENT  
INTERSTATE HIGHWAY 30  
ADJACENT TO CITY BLOCK F/7202 OF TURNPIKE WEST SEC NO 2  
IN THE P. LACY SURVEY, ABST. NO 776,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

A plat accompanies this legal description.

Basis of Bearings is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum 1983 (NAD83), adjustment realization 2011.

I, Patrick J. Baldasaro, a Registered Professional Land Surveyor, do hereby certify that the legal description and accompanying plat is an accurate representation of alley dimensions.



 4-24-22

Patrick J. Baldasaro, RPLS  
Texas Registration No. 5504  
PJB Surveying LLC  
TBPELS Firm No. 10194303

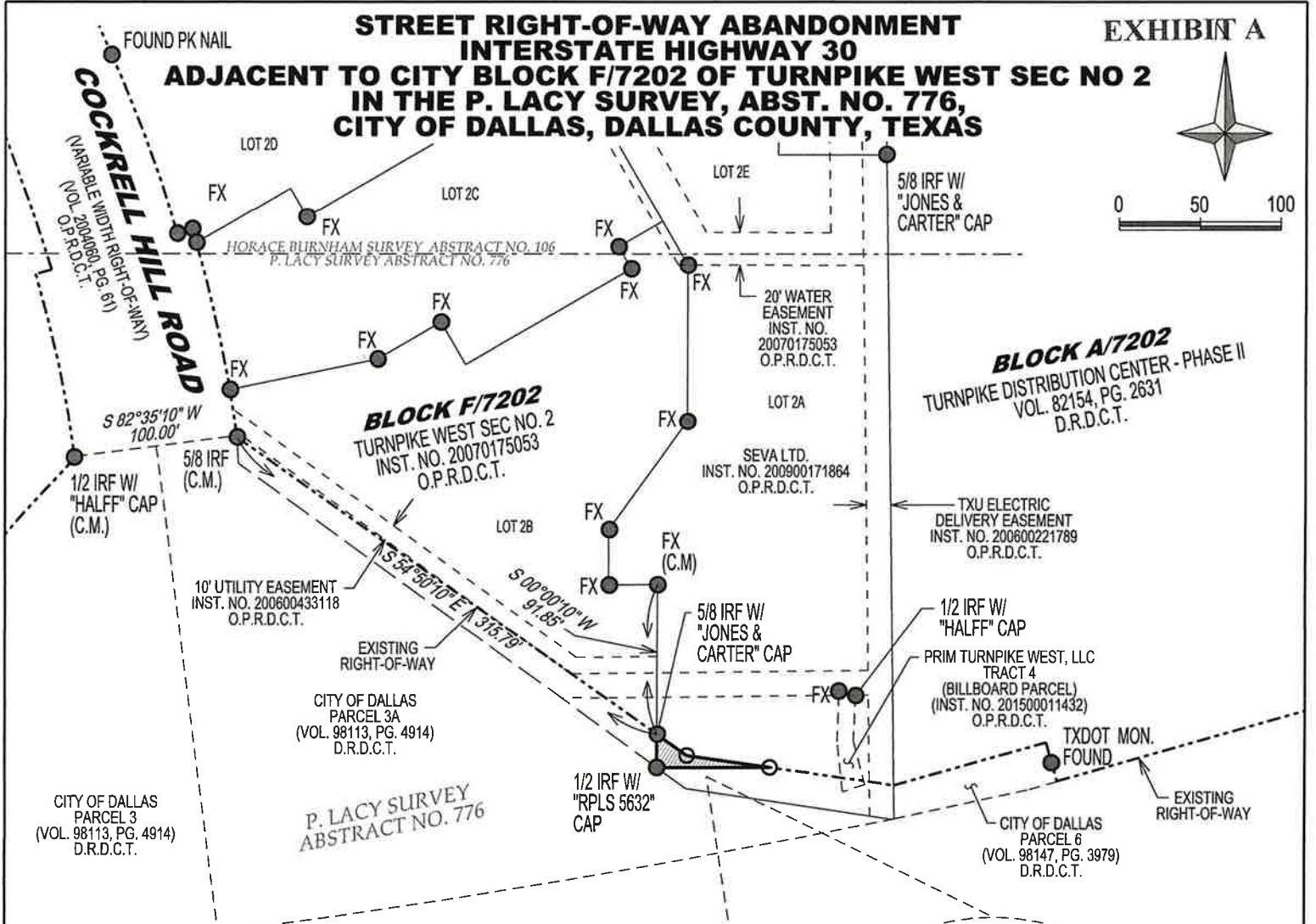
(For SPRG use only)  
Reviewed by: G.S.  
Date: 5-5-22  
SPRG No. 5900

# STREET RIGHT-OF-WAY ABANDONMENT INTERSTATE HIGHWAY 30 ADJACENT TO CITY BLOCK F/7202 OF TURNPIKE WEST SEC NO 2 IN THE P. LACY SURVEY, ABST. NO. 776, CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A



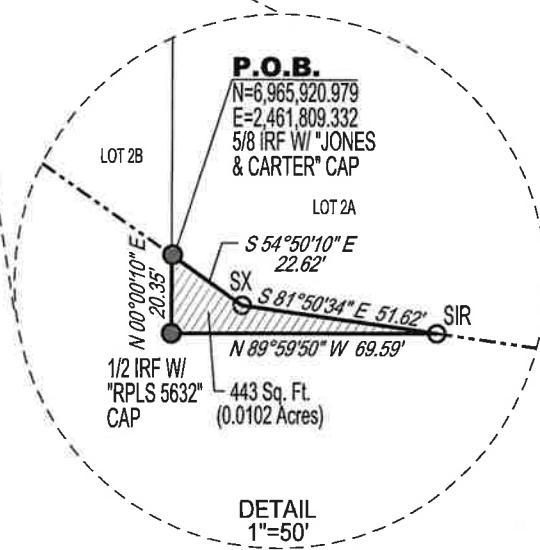
0 50 100



**INTERSTATE HIGHWAY 30**  
(VARIABLE WIDTH RIGHT-OF-WAY)  
TEXAS TURNPIKE AUTHORITY  
PARCEL 5-1  
(VOL. 4472, PG. 89)  
D.R.D.C.T.



(FOR SPRG USE ONLY)  
REVIEWED BY: G.S.  
DATE: 5-5-22  
SPRG NO. 5900



Basis of Bearings is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum 1983 (NAD83), adjustment realization 2011.

## LEGEND

SIR	1/2" IRON ROD W/ RED CAP STAMPED "PJB SURVEYING" SET (UNLESS OTHERWISE NOTED)
IRF	IRON ROD FOUND (AS NOTED)
SX	SET "X" CUT
FX	FOUND "X" CUT
(C.M.)	CONTROLLING MONUMENT
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
M.R.D.C.T.	MAP RECORDS DALLAS COUNTY TEXAS
VOL. PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NUMBER
SQ. FT.	SQUARE FEET

Page 3 of 3

## STREET RIGHT-OF-WAY ABANDONMENT

INTERSTATE HIGHWAY 30 & COCKRELL HILL ROAD			
PJB SURVEYING, LLC			
TEXAS FIRM NO. 10194303			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
J. CARNEY	S:\PJB Surveying\Projects\TX SEVA Prop I-30 (McGlickey)	1" = 100'	4/19/22
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
D. TEAGUE	P. BALDASARO	Exhibit	2162

# **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.



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1282

**Item #:** 26.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

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### **SUBJECT**

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. Alvin Julius Scott, Sr., et al., Cause No. CC-22-00337-A, pending in Dallas County Court at Law No. 1, to acquire a wastewater easement of approximately 11,826 square feet of land located near the intersection of University Hills Boulevard and Camp Wisdom Road for the University Hills Infrastructure Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$2,225.00, increased from \$9,990.00 (\$8,900.00, plus closing costs and title expenses not to exceed \$1,090.00) to \$12,215.00 (\$11,125.00 being the award, plus closing costs and title expenses not to exceed \$1,090.00) - Financing: Water Utilities Capital G Fund

### **BACKGROUND**

On October 27, 2021, City Council authorized the acquisition of this property by Resolution No. 21-1773 and on August 11, 2021, City Council authorized acquisition through the use of condemnation by Resolution No. 21-1216. The property owner was offered \$8,900.00, plus closing cost and title expenses not to exceed \$1,090.00, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing on June 2, 2022, the Special Commissioners awarded the property owner \$11,825.00.

This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$2,225.00 more than the City Council originally authorized for this acquisition.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

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

On August 11, 2021, City Council authorized acquisition by Resolution No. 21-1216.

On October 27, 2021, City Council authorized the use of condemnation by Resolution No. 21-1773.

**FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Water Utilities Capital G Fund	\$2,225.00	\$0.00	\$0.00

Resolution No. 21-1773               \$9,990.00

Additional Amount (this action)   \$2,225.00

Total Authorized Amount           \$12,215.00

**OWNER**

Angela Hickman Scott

Alvin'a Scott

Alvin Scott, Jr.

Andrew Scott

**MAP**

Attached



E. Camp Wisdom Rd.

582 ft



University Hills Blvd

Wisdom Hall

BLOCK 6629

Founders Hall

350 ft

350 ft

573 ft

University Hills Blvd

University of  
North  
Texas  
Dallas

SUBJECT:



June 22, 2022

**A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD, AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED, THE LAWSUIT ARISING FROM THE CONDEMNATION PROCEEDING FOR THE AWARD.**

**IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:**

"CONDEMNATION PROCEEDING": Cause No. CC-22-00337-A, in Dallas County Court at Law No. 1, and styled City of Dallas v. Alvin Julius Scott, Sr., et al., filed pursuant to City Council Resolution No. 21-1216.

"PROPERTY": Approximately a total of 11,826 square feet of land for a wastewater easement located in Dallas County, as described in the Condemnation Suit.

"PROJECT": University Hills Infrastructure Project

"OFFICIAL OFFER": \$8,900.00

"AWARD": \$11,125.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,090.00

"AUTHORIZED AMOUNT": Not to exceed \$12,215.00

"DESIGNATED FUNDS":

\$9,990.00 from Equity Revitalization Capital Funds, Fund 0719, Department HOU, Unit W490, Activity N/A, Program HOEQ0049, Object 4250, Encumbrance CX-HOU-2020-00014616.

\$2,225.00 from Water Utilities Capital Improvement G Funds, Fund 5116, Department DWU, Unit PS42, Activity N/A, Program 720274, Object 4250, Encumbrance CX-DWU-2022-00019591.

**WHEREAS**, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and

**WHEREAS**, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made an Award which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and

**WHEREAS**, the owner of the PROPERTY objected to the AWARD, which converted the CONDEMNATION PROCEEDING into a lawsuit; and

June 22, 2022

**WHEREAS**, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD.

**Now, Therefore,**

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

**SECTION 1.** That the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the District Clerk of Dallas County, Texas, to be deposited by the City Attorney with the Clerk and in the amount of the CLOSING COSTS and TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 2.** That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

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

APPROVED AS TO FORM:  
CHRISTOPHER J. CASO,  
City Attorney

BY Christopher C. Genta / LTP  
Assistant City Attorney



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1141

**Item #:** 27.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

### SUBJECT

Authorize a construction services contract for the construction of Bonnie View Road from Ann Arbor Avenue to Cummings Street - Camino Construction, LP, lowest responsible bidder of seven - Not to exceed \$2,503,547.50 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$2,165,922.50), Water Capital Improvement F Fund (\$212,248.00), Water Construction Fund (\$3,300.00), Wastewater Capital Improvement G Fund (\$119,977.00), and Wastewater Construction Fund (\$2,100.00)

### BACKGROUND

This action will authorize a construction services contract with Camino Construction, LP for the construction of Bonnie View Road from Ann Arbor Avenue to Cummings Street. The project was funded in the 2017 Bond Program under the street reconstruction category. The scope consists of replacing the existing street pavement that is in deteriorating condition with new 40' wide, 9-inch thick, reinforced concrete pavement with curb and gutter. Also, it includes driveway approaches, sidewalks, drainage improvement, water and wastewater improvements, and other miscellaneous items necessary to complete the project.

Camino Construction, LP is Lewisville-based corporation, and is a registered vendor with the City of Dallas.

The following chart illustrates Camino Construction, LP's contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TRN</u>
Projects Completed	2	1	0	0
Active Projects	2	0	0	0
Change Orders	0	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

If this project is not awarded for construction at this time, the street will continue to deteriorate causing additional pavement cracking and potholes to form, creating additional maintenance costs for the City and potential damages to vehicles utilizing the street. Field conditions may also change, which will require modifications to the engineering design plans, requiring additional funding and time to address.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction            August 2022  
Complete Construction       July 2023

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

This item has no prior action.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Street and Transportation (A) Fund (2017 General Obligation Bond Fund)	\$2,165,922.50	\$0.00	\$0.00
Water Capital Improvement F Fund	\$ 212,248.00	\$0.00	\$0.00
Water Construction Fund	\$ 3,300.00	\$0.00	\$0.00
Wastewater Capital Improvement G Fund	\$ 119,977.00	\$0.00	\$0.00
Wastewater Construction Fund	\$ 2,100.00	\$0.00	\$0.00
Total	\$2,503,547.50	\$0.00	\$0.00

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$2,503,547.50	Construction	32.00%	34.49%	\$863,500.00
<ul style="list-style-type: none"> <li>• This contract exceeds the M/WBE goal.</li> <li>• Camino Construction LP - Non-local; Workforce - 75.00% Local</li> </ul>				

### **PROCUREMENT INFORMATION**

The following seven bids were received and opened on April 15, 2022:

\*Denotes successful bidder

**Bidders****Bid Amount**

* Camino Construction, LP 1208 Metro Park Blvd Lewisville, Texas 75057	\$2,503,547.50
Estrada Concrete Company	\$2,630,037.00
Jeske Construction Company	\$2,718,288.15
Texas Standard Construction	\$2,754,552.75
XIT Paving and Construction	\$3,181,875.00
Tiseo Paving Company	\$3,325,061.00
DDM Construction Corporation	\$4,190,255.00

**OWNER****Camino Construction, LP**

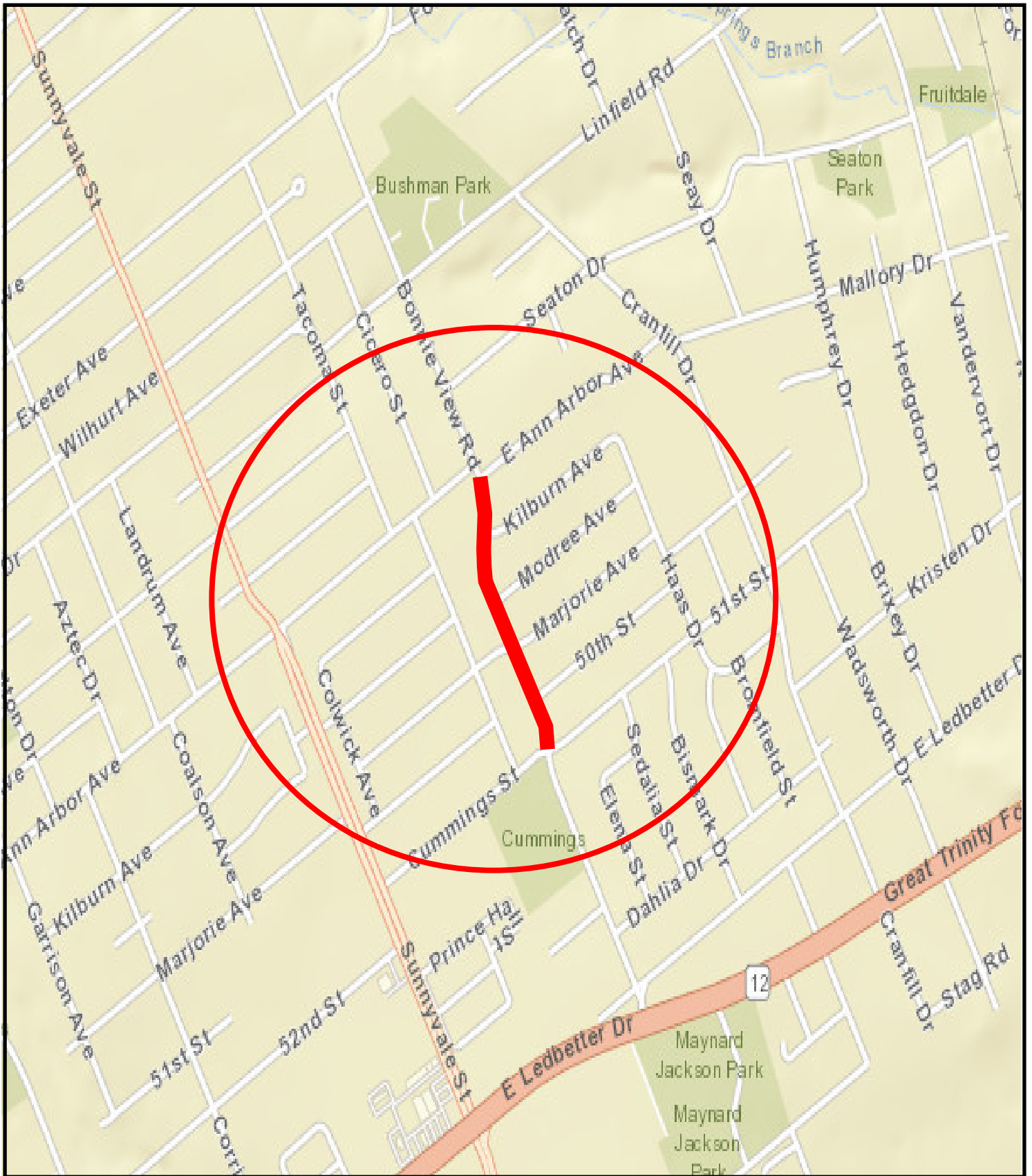
Rogelio Ayala, General Manager

**MAP**

Attached



**STREET RECONSTRUCTION  
BONNIE VIEW ROAD  
FROM ANN ARBOR AVENUE TO CUMMINGS STREET**



**COUNCIL DISTRICT 4**

June 22, 2022

**WHEREAS,** on April 15, 2022, seven bids were received for the construction of Bonnie View Road from Ann Arbor Avenue to Cummings Street as follows:

<b><u>Bidders</u></b>	<b><u>Amount</u></b>
Camino Construction, LP	\$2,503,547.50
Estrada Concrete Company	\$2,630,037.00
Jeske Construction Company	\$2,718,288.15
Texas Standard Construction	\$2,754,552.75
XIT Paving and Construction	\$3,181,875.00
Tiseo Paving Company	\$3,325,061.00
DDM Construction Corporation	\$4,190,255.00

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a construction services contract with Camino Construction, LP, approved as to form by the City Attorney, for the construction of Bonnie View Road from Ann Arbor Avenue to Cummings Street, in an amount not to exceed \$2,503,547.50, this being the lowest responsible bid received as indicated by the tabulation of bids.

**SECTION 2.** That in order to reimburse and finance the authorized disbursements described herein, the City intends to issue one or more commercial paper notes as part of its General Obligation Commercial Paper Notes Series A, and Series B, and use the proceeds thereof to reimburse the disbursements described herein.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,503,547.50 to Camino Construction, LP in accordance with the terms and conditions of the contract, as follows:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V200 Activity SREC, Object 4510, Program PB17V200 Encumbrance/Contract No. CX-PBW-2022-00018764 Vendor 144735	\$ 2,165,922.50
Water Capital Improvement F Fund Fund 4115, Department DWU, Unit PW42 Object 4550, Program 722147 Encumbrance/Contract No. CX-PBW-2022-00018764 Vendor 144735	\$ 212,248.00

June 22, 2022

Water Construction Fund  
Fund 0102, Department DWU, Unit CW42  
Object 3221, Program 722147X  
Encumbrance/Contract No. CX-PBW-2022-00018764  
Vendor 144735 \$ 3,300.00

Wastewater Capital Improvement G Fund  
Fund 5116, Department DWU, Unit PS42  
Object 4560, Program 722148  
Encumbrance/Contract No. CX-PBW-2022-00018764  
Vendor 144735 \$ 119,977.00

Wastewater Construction Fund  
Fund 0103, Department DWU, Unit CS42  
Object 3222, Program 722148X  
Encumbrance/Contract No. CX-PBW-2022-00018764  
Vendor 144735 \$ 2,100.00

Total amount not to exceed \$ 2,503,547.50

**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.





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1154

**Item #:** 28.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

### SUBJECT

Authorize a construction services contract for the construction of Street Reconstruction Group 17-3003 (list attached to the Agenda Information Sheet) - David Bowers dba HD Way Concrete Service, LLC, lowest responsible bidder of six - Not to exceed \$4,015,910.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Funds) (\$2,597,815.00) Water Capital Improvement F Fund (\$669,283.00), Water Construction Fund (\$29,650.00), Wastewater Capital Improvement G Fund (\$689,762.00), and Wastewater Construction Fund (\$29,400.00)

### BACKGROUND

This action will authorize a construction services contract with David Bowers dba HD Way Concrete Service, LLC for the construction of two local street reconstruction projects as Street Reconstruction Group 17-3003.

The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, replacement of the drainage system, and water and wastewater improvements.

David Bowers dba HD Way Concrete Service, LLC is a Grand Prairie-based corporation, operating within the corporate city limits of Grand Prairie, Texas.

Following are the locations and construction costs for each project:

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
Dove Creek Way from Myrtlewood Drive to Swansee Street	3	\$2,979,840.00
Grassy Ridge Trail from Penguin Drive to Scottsboro Lane	3	\$1,036,070.00

The following chart illustrates David Bowers dba HD Way Concrete Service, LLC's contractual activities with the City of Dallas for the past three years:

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

If this project group is not awarded for construction at this time, the streets will continue to deteriorate causing additional pavement cracking and potholes to form, creating additional maintenance costs for the City and potential damages to vehicles utilizing the street. Field conditions may also change, which will require modifications to the engineering design plans, requiring additional funding and time to address.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction      August 2022  
Complete Construction      December 2023

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

This item has no prior action.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Street and Transportation (A) Fund (2017 General Obligation Bond Funds)	\$2,597,815.00	\$0.00	\$0.00
Water Capital Improvement F Fund	\$ 669,283.00	\$0.00	\$0.00
Water Construction Fund	\$ 29,650.00	\$0.00	\$0.00
Wastewater Capital Improvement G Fund	\$ 689,762.00	\$0.00	\$0.00
Wastewater Construction Fund	\$ 29,400.00	\$0.00	\$0.00
Total	\$4,015,910.00	\$0.00	\$0.00

**M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

<b>Contract Amount</b>	<b>Procurement Category</b>	<b>M/WBE Goal</b>	<b>M/WBE %</b>	<b>M/WBE \$</b>
\$4,015,910.00	Construction	32.00%	35.00%	\$1,405,568.50
• This contract exceeds the M/WBE goal.				
• David Bowers dba HD Way Concrete Service LLC - Local; Workforce - 67.00% Local				

**PROCUREMENT INFORMATION**

The following six bids were received and opened on April 8, 2022:

\*Denotes successful bidder

**Bidders****Bid Amount**

*David Bowers dba HD Way Concrete Service, LLC 2760 Autumn Breeze Grand Prairie, TX 75052	\$4,015,910.00
Jeske Construction Company	\$4,172,194.00
Camino Construction, L.P.	\$4,199,210.00
Tiseo Paving Company	\$5,114,498.25
DDM Construction Corporation	\$5,170,760.04
SYB Construction CO., Inc.	\$6,312,538.00

**OWNER****David Bowers dba HD Way Concrete Service, LLC**

David W. Bowers, President

**MAP**

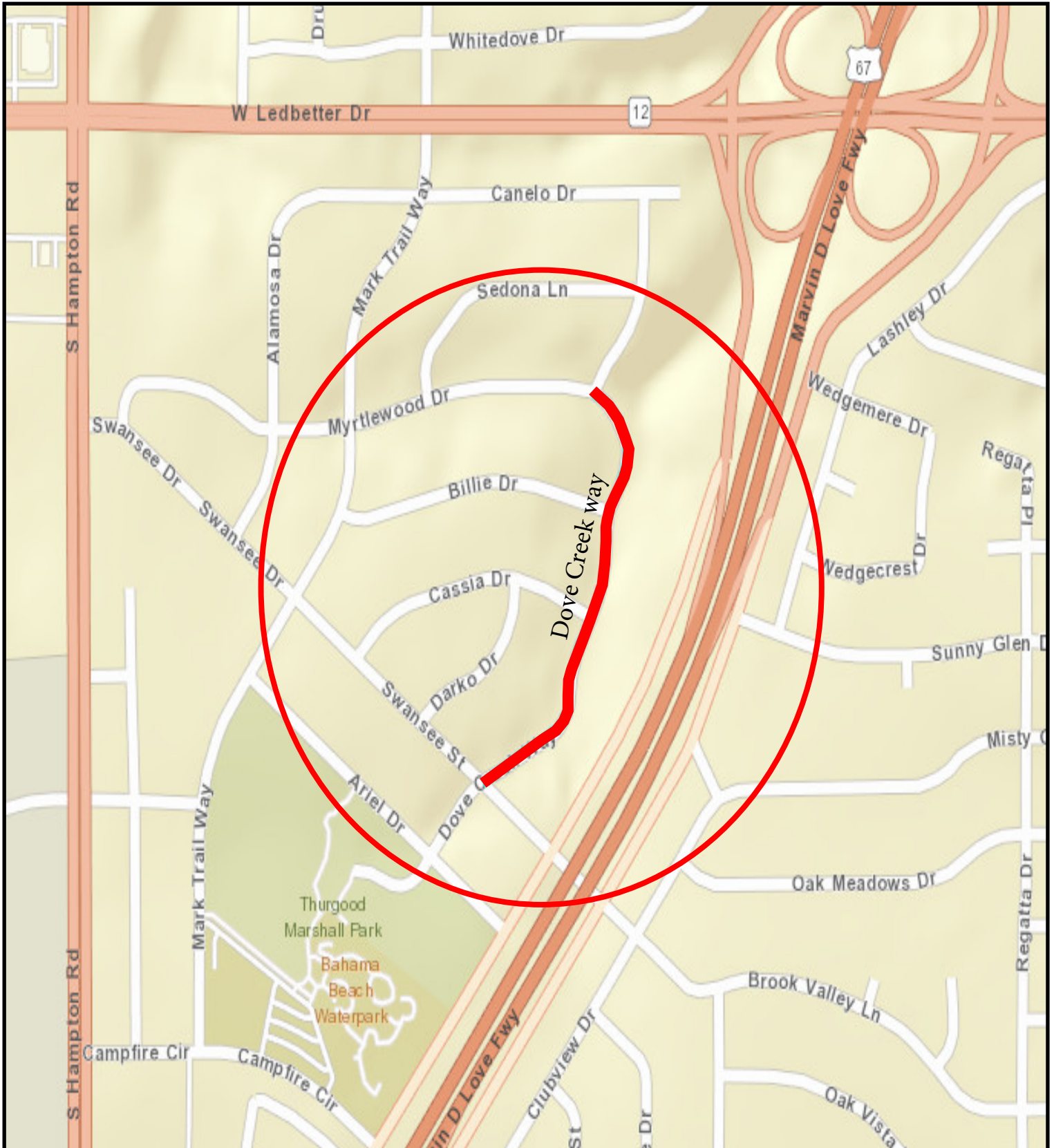
Attached

## Street Reconstruction Group 17-3003

### Street Reconstruction - Local Streets - Improvements

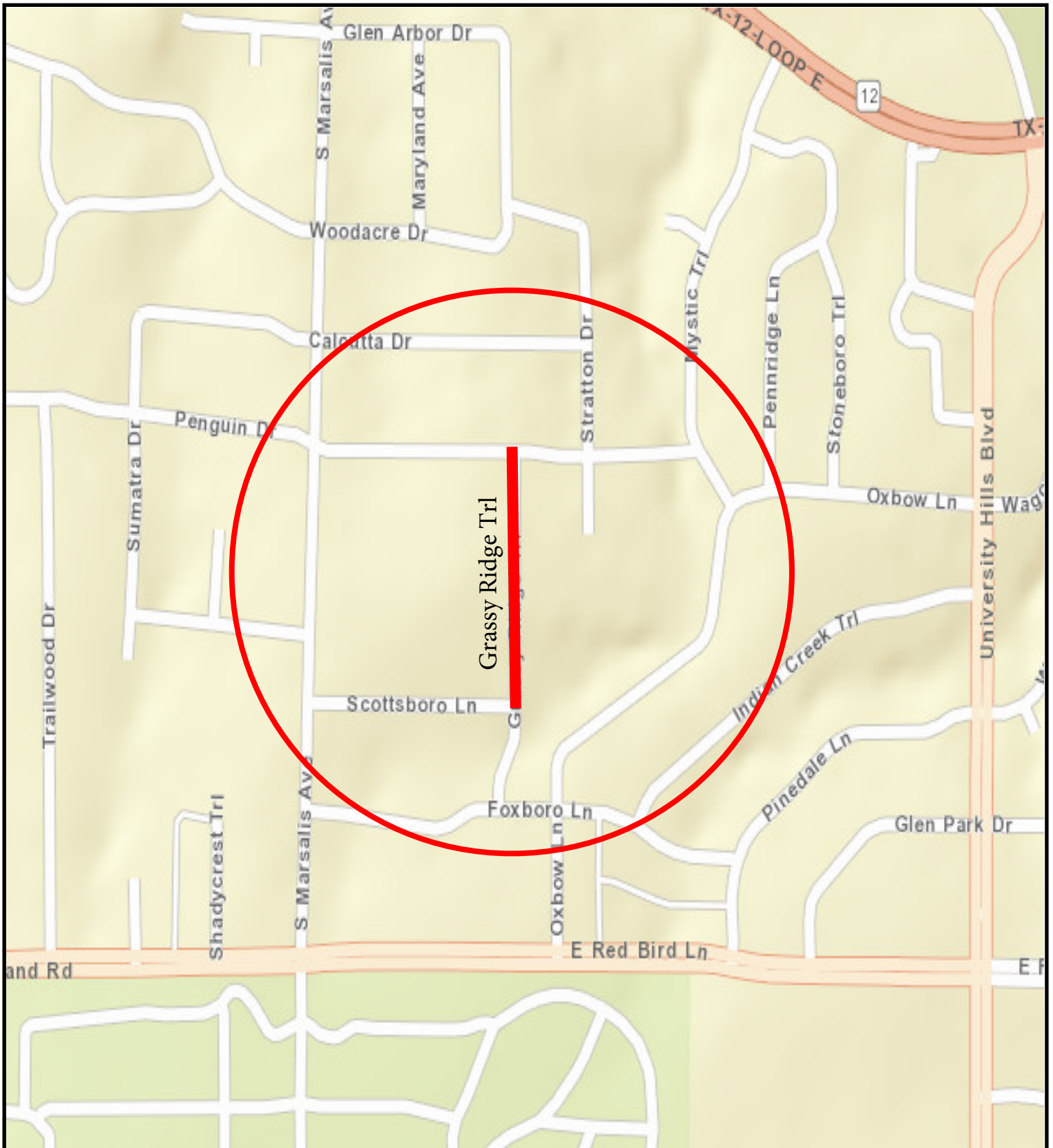
<b><u>Project</u></b>	<b><u>Council District</u></b>
Dove Creek Way from Myrtlewood Drive to Swansee Street	3
Grassy Ridge Trail from Penguin Drive to Scottsboro Lane	3

**STREET RECONSTRUCTION  
DOVE CREEK WAY FROM MYRTLEWOOD DRIVE  
TO SWANSEE STREET**



**COUNCIL DISTRICT 3**

**STREET RECONSTRUCTION  
GRASSY RIDGE TRAIL FROM PENGUIN DRIVE  
TO SCOTTSBORO LANE**



**COUNCIL DISTRICT 3**

June 22, 2022

**WHEREAS**, on April 8, 2022, six bids were received for the construction of Street Reconstruction Group 17-3003, as follows:

<b><u>Bidders</u></b>	<b><u>Amount</u></b>
David Bowers dba HD Way Concrete Service, LLC	\$ 4,015,910.00
Jeske Construction Company	\$ 4,172,194.00
Camino Construction, L.P.	\$ 4,199,210.00
Tiseo Paving Company	\$ 5,114,498.25
DDM Construction Corporation	\$ 5,170,760.04
SYB Construction CO., Inc.	\$ 6,312,538.00

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a construction services contract with David Bowers dba HD Way Concrete Service, LLC, approved as to form by the City Attorney, for the construction of Street Reconstruction Group 17-3003, in an amount not to exceed \$4,015,910.00, this being the lowest responsible bid received as indicated by the tabulation of bids.

**SECTION 2.** That in order to reimburse and finance the authorized disbursements described herein, the City intends to issue one or more commercial paper notes as part of its General Obligation Commercial Paper Notes Series A, and Series B, and use the proceeds thereof to reimburse the disbursements described herein.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$4,015,910.00 to David Bowers dba HD Way Concrete Service, LLC, in accordance with the terms and conditions of the contract, as follows:

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V245	
Activity SREC, Object 4510, Program PB17V245	
Encumbrance/Contract No. CX-PBW-2022-00018919	
Vendor VC24911	\$1,909,215.00

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V246	
Activity SREC, Object 4510, Program PB17V246	
Encumbrance/Contract No. CX-PBW-2022-00018919	
Vendor VC24911	\$ 688,600.00

June 22, 2022

Water Construction Fund  
Fund 0102, Department DWU, Unit CW42  
Object 3221, Program 720269X  
Encumbrance/Contract No. CX-PBW-2022-00018919  
Vendor VC24911 \$ 29,650.00

Water Capital Improvement F Fund  
Fund 4115, Department DWU, Unit PW42  
Object 4550, Program 720269  
Encumbrance/Contract No. CX-PBW-2022-00018919  
Vendor VC24911 \$ 669,283.00

Wastewater Construction Fund  
Fund 0103, Department DWU, Unit CS42  
Object 3222, Program 720270X  
Encumbrance/Contract No. CX-PBW-2022-00018919  
Vendor VC24911 \$ 29,400.00

Wastewater Capital Improvement G Fund  
Fund 5116, Department DWU, Unit PS42  
Object 4560, Program 720270  
Encumbrance/Contract No. CX-PBW-2022-00018919  
Vendor VC24911 \$ 689,762.00

Total amount not to exceed \$ 4,015,910.00

**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.





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1286

**Item #:** 29.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

### **SUBJECT**

Authorize acquisition from Wilbow-Timberlawn, LLC, of approximately four acres of land located near the intersection of Samuell Boulevard and Grove Hill Road for the 4600 Samuell Boulevard Future Park Project - Not to exceed \$1,207,600.86 (\$1,200,000.00, plus closing costs and title expenses not to exceed \$7,600.86) - Financing: Equity Revitalization Capital Fund (\$107,600.86) and General Fund (\$1,100,000.00)

### **BACKGROUND**

This item authorizes from Wilbow-Timberlawn, LLC of approximately four acres of land located near the intersection of Samuell Boulevard and Grove Hill Road for the 4600 Samuell Boulevard Future Park Project. This property will be used for development of a future park. The consideration is based on an independent appraisal. There are no relocation benefits associated.

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

The Dallas Park and Recreation Board authorized acquisition on October 7, 2021.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Equity Revitalization Capital Fund	\$ 107,600.86	\$0.00	\$0.00
General Fund	\$1,100,000.00	\$0.00	\$0.00
Total	\$1,207,600.86	\$0.00	\$0.00

**OWNER**

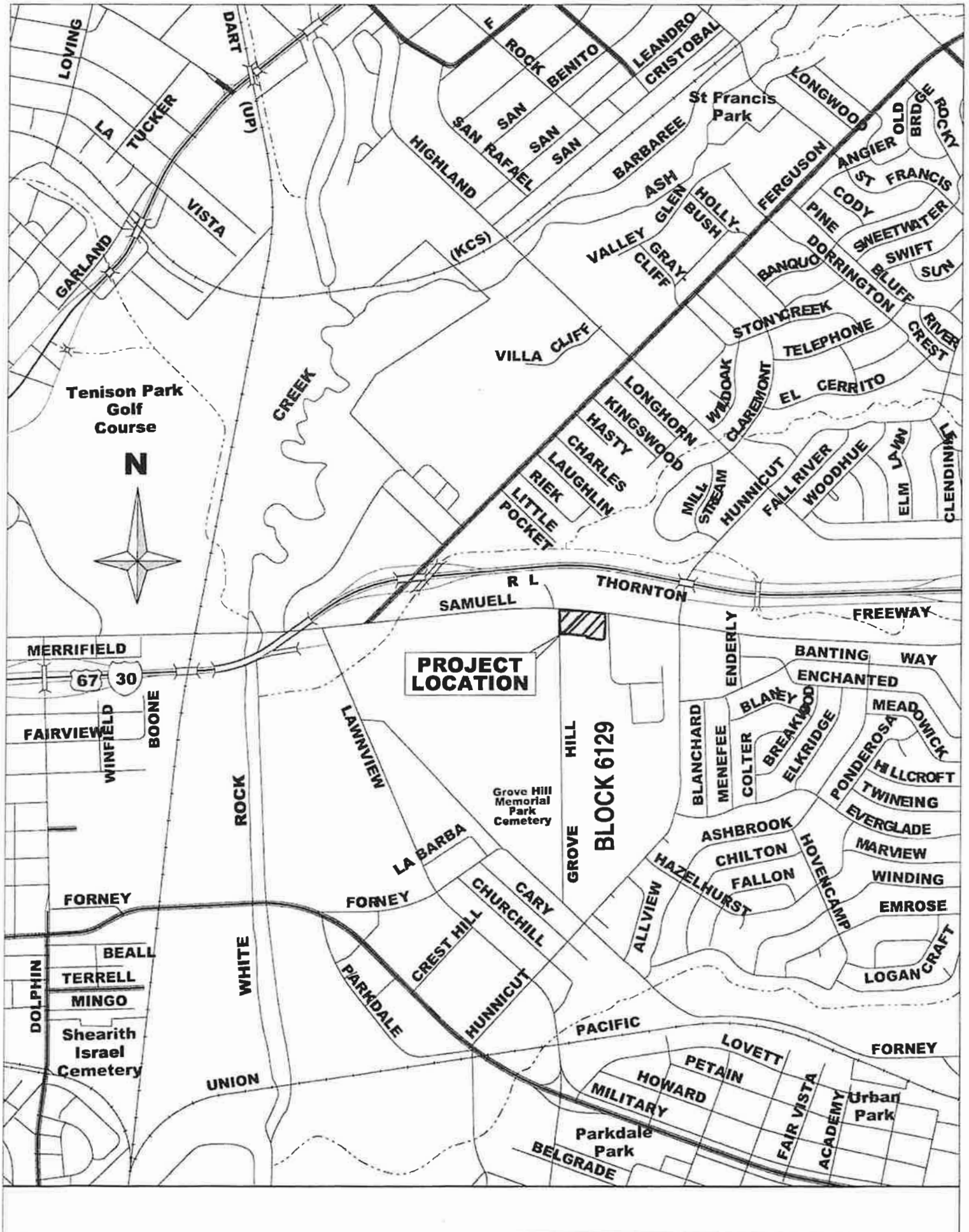
**Wilbow-Timberlawn, LLC**

Jason Massey, Senior Vice President

**MAP**

Attached

# MAP



COUNCIL DISTRICT 7

June 22, 2022

**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 4 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": 4600 Samuell Boulevard Future Park Project

"USE": The construction, maintenance and use as park property. The property is not officially dedicated as municipal park land until such time the property is developed for its intended use. Provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

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

"OWNER": Wilbow-Timberlawn, LLC, 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": \$1,200,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$7,600.86

"AUTHORIZED AMOUNT": Not to exceed \$1,207,600.86

**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.

June 22, 2022

**SECTION 3.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**SECTION 4.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 5.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

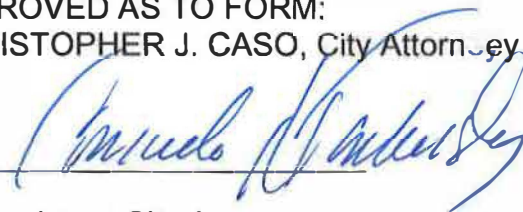
**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES \$1,100,000.00 payable out of General Fund, Fund 0001, Department PBW, Unit 3008, Object 4210, Program Number PBCUR049, Activity Code PB51, Encumbrance/Contract No. PKR-2022-00018634; and \$107,600.86 payable out of Equity Revitalization Capital Fund, Fund 0719, Department HOU, Unit W489, Object 4210, Program Number HOEQ0066, Encumbrance/Contract No. PKR-2022-00018634. 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:  
CHRISTOPHER J. CASO, City Attorney

BY:



Assistant City Attorney



**Field Notes Describing a 171,576 Square Foot (3.939 Acre)  
Tract of Unplatted Land to Be Acquired in Block 6129**

Being a 171,576 Square Foot (3.939 Acre) Tract of unplatted land situated in the D.A. Murdock Survey, Abstract No. 998, City of Dallas, Dallas County, Texas, lying in Dallas City Block 6129, and being a portion of the property conveyed to UHS of Timberlawn, Inc. and recorded in Volume 96174, Page 7523 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at a Type I concrete Texas Department of Transportation monument found on the North property line of said UHS of Timberlawn, Inc. property, being also on the South Right-of-Way line of Samuell Boulevard (a 120-foot wide public street), at the Point of Tangency of a curve to the Northwest, from which a 5/8-inch diameter iron rod found bears North 08°29'01" West, a distance of 0.48 feet;

**THENCE** South 81°57'10" East with the common line between Samuell Boulevard and said UHS property a distance of 458.90 feet to the Northwest corner of a tract of land conveyed to MM Tennyson Village, LLC by deed recorded in Instrument Number 201900326291 of the Official Public Records of Dallas County, Texas, being also the Northeast corner of the herein described tract of land and falling on the Northeast corner column of a rock wall (not monumented):

**THENCE** South 05°20'59" West, departing the last said South line of Samuell Boulevard and with the common line between said UHS and MM Tennyson Village properties, a distance of 317.35 feet to a 5/8-inch diameter iron rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD Cap") set at the Southeast corner of the herein described tract of land:

**THENCE** North 81°57'10" West, departing the common line between said UHS and MM Tennyson properties, over and across a portion of said UHS tract a distance of 223.33 feet to a 5/8" I.R. w/COD Cap set at an outside corner of the herein described tract of land:

**THENCE** North 08°00'02" East, continuing over and across a portion of said UHS tract a distance of 12.00 feet to a 5/8" I.R. w/COD Cap set at an inside corner of the herein described tract of land:

**THENCE** North 81°57'10" West, continuing over and across a portion of said UHS tract a distance of 314.32 feet to a 5/8" I.R. w/COD Cap set at the intersection with the East Right-of-Way line of Grove Hill Road (a 50-foot wide public street), being also the West property line of said UHS property and the Southwest corner of the herein described tract of land:

**Field Notes Describing a 171,576 Square Foot (3.939 Acre)  
Tract of Unplatted Land to Be Acquired in Block 6129**

**THENCE** North  $00^{\circ}56'46''$  West with the common line between said UHS property and Grove Hill Road a distance of 306.54 feet to a  $5/8''$  I.R. w/COD Cap set at the intersection with the said South line of Samuell Boulevard, at the non-tangent beginning of a Curve to the Right:

**THENCE** Southeasterly along said Curve, having a Radius of 2,804.79 feet, a Central Angle of  $02^{\circ}17'00''$ , an Arc Length of 111.77 feet and a Chord which bears South  $83^{\circ}05'40''$  East a distance of 111.76 feet to the **POINT OF BEGINNING**, containing 171,576 Square Feet, or 3.939 Acres of land.

**BASIS OF BEARINGS:** Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Realization of 2011.

*Scott Holt*  
4/5/2022





Type I TxDOT  
Monument  
**CONTROLLING  
MONUMENT &  
POINT OF BEGINNING**  
N=6976188.65  
E=2516445.51

N=6976202.09  
E=2516334.58

**SAMUELL BOULEVARD**  
(120-Foot Right-of-Way)

458.90', S 81°57'10" E

N=6976124.42  
E=2516899.83

R = 2,804.79'  
Δ = 02°17'00"  
L = 111.77  
Ch. Brs: 111.76'  
S 83°05'40" E

UHS of Timberlawn, Inc.  
Vol. 96174, PG. 7523

**BLOCK  
6129**

**Unplatted**

**Unplatted**

**BLOCK  
6130**

SCI Texas  
Funeral Services, Inc.

306.54', N 00°56'46" W

**GROVE HILL ROAD**  
(50-Foot Right-of-Way)

N=6975895.63  
E=2516339.64

171,576 Sq. Ft.  
(3.939 Acre)  
**Tract to be Acquired**

314.32' N 81°57'10" W

UHS of Timberlawn, Inc.  
Vol. 969174, PG. 7523

**Unplatted  
BLOCK  
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223.33'  
N 81°57'10" W

MM Tennyson  
Village, LLC  
Int. #201900326291

317.35', S 05°20'59" W

N=6975808.50  
E=2516870.25

**BLOCK  
6129**

**Unplatted**

N=6975851.64  
E=2516650.82

12.00'  
N 08°00'02" E

N=6975839.75  
E=2516649.15

**D.A. MURDOCK SURVEY**  
**Abstract No. 998**

**Sheet 3 of 3**

5/8" I.R. w/COD Cap Set

Basis of Bearings: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.  
All Coordinates shown are State Plane values  
No Scale, No Projection.

PROPERTY ACQUISITION			
Dallas Park & Recreation			
4600 Samuel Boulevard			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
Holt	N:\ENGR\SURVEY\HOLT\Timberlawn.dgn	As Noted	3-15-22
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Prunty	Holt	Block 2/416	N/A



# EXHIBIT "B"

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

## WARRANTY DEED

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

That Wilbow-Timberlawn, LLC, a Texas limited liability company (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 MILLION TWO HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,200,000.00) 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 \_\_\_\_\_, 2022.

### GRANTOR

WILBOW-TIMBERLAWN, LLC,  
a Texas limited liability company

By: \_\_\_\_\_  
Jason Massey, Sr. Vice President

\* \* \* \* \*

STATE OF TEXAS  
COUNTY OF DALLAS

This instrument was acknowledged before me on \_\_\_\_\_  
by Jason Massey, Senior Vice President of Wilbow-Timberlawn, LLC, a Texas limited  
liability company, on behalf of said limited liability company.

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

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Public Works  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Mark A. Proctor

Warranty Deed Log No. 51172 / Block No. 6129

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*Scott Holt*  
4/5/2022





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**SAMUELL BOULEVARD**  
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Vol. 96174, PG. 7523

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Vol. 969174, PG. 7523

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**Abstract No. 998**

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**Sheet 3 of 3**

PROPERTY ACQUISITION			
Dallas Park & Recreation			
4600 Samuel Boulevard			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
Holt	N:\ENGR\SURVEY\HOLT\Timberlawn.dgn	As Noted	3-15-22
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Prunty	Holt	Block 2/416	N/A



## Agenda Information Sheet

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**File #:** 22-1278

**Item #:** 30.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 10

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

---

### **SUBJECT**

Authorize an amendment to an existing lease agreement with SOHO/Davis FG, LLC to extend the lease agreement for an additional seven-years for approximately 4,290 square feet of office space located at 11910 Greenville Avenue, Suite 100, to be used as a Building Inspection North Central District Office for the period November 1, 2022 through October 31, 2029 - Not to exceed \$531,231.12 - Financing: Building Inspection Fund (subject to annual appropriations)

### **BACKGROUND**

This item authorizes an amendment to an existing lease agreement with SOHO/Davis FG, LLC to extend the lease agreement for an additional seven-years for approximately 4,290 square feet of office space located at 11910 Greenville Avenue, Suite 100. The seven-year extension will provide for the continued use as the Building Inspection North Central District Office.

The North Central Building Inspection District Office provide services that include the intake of contractor's registration, review, and processing of permit applications and inspections by the City of Dallas.

The seven-year extension will begin on November 1, 2022 through October 31, 2029.

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

On September 10, 2008, City Council authorized a seven-year Lease Agreement by Resolution No. 08-2480.

On November 10, 2015, City Council authorized a First Amendment to Lease Agreement by Resolution No. 15-2090.

**FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Building Inspection Fund	\$0.00	\$69,565.98	\$461,665.14

**OWNER****SOHO/Davis FG, LLC**

SOHO FG Member, LLC, its governing person

PDP Forest Green GP, LLC, its manager

Patrick J. Davis, Manager

**MAP**

Attached





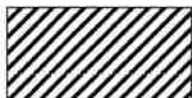
A/8410

8414

GREENVILLE AVENUE

FOREST LANE

8411



LEASED PREMISES

11910 GREENVILLE AVENUE  
SUITE 100



June 22, 2022

**WHEREAS**, on September 10, 2008, by Resolution No. 08-2480, the City Council of the City of Dallas authorized a seven-year lease agreement dated September 17, 2008, (the "Lease") between the City of Dallas, a Texas municipal corporation ("City"), as tenant, and ARI-Forest Green, L.P., a Delaware limited liability partnership, ("Landlord") as landlord, for approximately 4,290 square feet of office space in a six-story office building, located at 11910 Greenville Avenue, Suite 100, Dallas, Dallas County, Texas (the "Premises") to be used by the Building Inspection's North Central District; and

**WHEREAS**, on June 29, 2011, ARI-Forest Green, L.P., conveyed certain real property, which included the Premises, to ARI Forest Green Management, LLC, a Delaware limited liability company (hereinafter "Landlord") as successor in interest; and

**WHEREAS**, the Lease expired on September 30, 2015; and

**WHEREAS**, the City's occupancy was extended to October 31, 2015 pursuant to the holdover provision in Section XV of the Lease; and

**WHEREAS**, on November 10, 2015, by Resolution No. 15-2090, City Council authorized the First Amendment to Lease Agreement dated November 1, 2015, to extend the lease terms for an additional seven years; and

**WHEREAS**, on April 3, 2017, ARI Forest Green Management, LLC, conveyed certain real property, which included the Premises, to SOHO/Davis FG, LLC, a Delaware limited liability company (hereinafter "Landlord") as successor in interest; and

**WHEREAS**, the Lease, as amended, expires by its own terms on October 31, 2022; and

**WHEREAS**, the parties desire to renew, extend, modify and/or amend the lease to extend the term for an additional seven (7) year term ("Extension Term"), at an amended rental rate and amended terms.

**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, be and is hereby authorized to execute a Second Amendment to Lease Agreement between SOHO/Davis FG, LLC, a Delaware limited liability company and the City of Dallas.

**SECTION 2.** That the special terms and conditions of the Second Amendment to Lease Agreement are:

- (a) The term of the Lease is extended for an additional seven (7) years (the "Extension Term") beginning November 1, 2022 and ending October 31, 2029,

June 22, 2022

**SECTION 2.** (continued)

- (b) provided however, that City and Landlord retain the right to terminate the Lease as provided elsewhere therein.
- (c) Monthly Rental Payments during the Extension Term shall be as follows: (subject to annual appropriations):

November 1, 2022 – October 31, 2029	\$6,324.18 per month
-------------------------------------	----------------------

- (d) Modify the Lease, as amended, with the addition of Section **XXVI** as follows:

Counterparts: **Electronic Signatures.** Landlord and City consent to the use of **electronic signatures** on this Amendment and all documents relating to the Lease and this Amendment, including, but not limited to, any amendments, written approvals, or Notices to any of the foregoing (collectively, the "Lease Documents"). Landlord and City agree that any **electronic signatures** appearing on the Lease Documents are the same as handwritten signatures for the purposes of validity, enforceability and admissibility, and that any electronically signed Lease Document shall, for all purposes of the Lease Documents and applicable law, be deemed to be "written" or "in writing", to have been executed, and to constitute an original written record when printed, and shall be fully admissible in any legal proceeding. For purposes hereof, "electronic signature" shall include, DocuSign and AdobeSign, and have the meaning set forth in the Uniform Electronic Transactions Act, as the same may be amended from time to time.

- (e) All other terms and conditions of the Lease, as previously amended, not expressly amended hereby, shall remain in full force and effect.

**SECTION 3.** That the Chief Financial Officer be and is hereby authorized to draw warrants payable to SOHO/Davis FG, LLC, or its successors and assigns on the first day of each month in advance during the Extension Term beginning November 1, 2022 in the amount specified below:

November 1, 2022 – September 30, 2023: (subject to annual appropriations)	\$6,324.18 per month
October 1, 2023 – September 30, 2024: (subject to annual appropriations)	\$6,324.18 per month
October 1, 2024 – September 30, 2025: (subject to annual appropriations)	\$6,324.18 per month
October 1, 2025 – September 30, 2026: (subject to annual appropriations)	\$6,324.18 per month

June 22, 2022

**SECTION 3 . (continued)**

October 1, 2026 – September 30, 2027: \$6,324.18 per month  
(subject to annual appropriations)

October 1, 2027 – September 30, 2028: \$6,324.18 per month  
(subject to annual appropriations)

October 1, 2028 – September 30, 2029: \$6,324.18 per month  
(subject to annual appropriations)

October 1, 2029 – October 31, 2029: \$6,324.18 per month  
(subject to annual appropriations)

**SECTION 4. That the payments will be charged as follows:**

November 1, 2022 – September 30, 2023: Fund Building Inspection Fund, Fund 0150, Department DEV, Unit 3151, Object 3330, Activity BI13, Encumbrance/Contract No. CX-DEV-2022-00018742, Commodity 97145, Vendor VC17098, Amount \$6,324.18.

October 1, 2023 – September 30, 2024: Fund Building Inspection Fund, Fund 0150, Department DEV, Unit 3151, Object 3330, Activity BI13, Encumbrance/Contract No. CX-DEV-2022-00018742, Commodity 97145, Vendor VC17098, Amount \$6,324.18.

October 1, 2024 – September 30, 2025: Fund Building Inspection Fund, Fund 0150, Department DEV, Unit 3151, Object 3330, Activity BI13, Encumbrance/Contract No. CX-DEV-2022-00018742, Commodity 97145, Vendor VC17098, Amount \$6,324.18.

October 1, 2025 – September 30, 2026: Fund Building Inspection Fund, Fund 0150, Department DEV, Unit 3151, Object 3330, Activity BI13, Encumbrance/Contract No. CX-DEV-2022-00018742, Commodity 97145, Vendor VC17098, Amount \$6,324.18.

October 1, 2026 – September 30, 2027: Fund Building Inspection Fund, Fund 0150, Department DEV, Unit 3151, Object 3330, Activity BI13, Encumbrance/Contract No. CX-DEV-2022-00018742, Commodity 97145, Vendor VC17098, Amount \$6,324.18.

October 1, 2027 – September 30, 2028: Fund Building Inspection Fund, Fund 0150, Department DEV, Unit 3151, Object 3330, Activity BI13,

June 22, 2022

**SECTION 4 . (continued)**

Encumbrance/Contract No. CX-DEV-2022-00018742, Commodity 97145, Vendor VC17098, Amount \$6,324.18.

October 1, 2028 – September 30, 2029: Fund Building Inspection Fund, Fund 0150, Department DEV, Unit 3151, Object 3330, Activity BI13, Encumbrance/Contract No. CX-DEV-2022-00018742, Commodity 97145, Vendor VC17098, Amount \$6,324.18.

October 1, 2029 – October 31, 2029: Fund Building Inspection Fund, Fund 0150, Department DEV, Unit 3151, Object 3330, Activity BI13, Encumbrance/Contract No. CX-DEV-2022-00018742, Commodity 97145, Vendor VC17098, Amount \$6,324.18.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to draw warrants payable to the respective telephone and communication companies upon receipt of a bill for such services or other applicable charges throughout the lease term.

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

APPROVED AS TO FORM:  
CHRISTOPHER J. CASO, City Attorney

BY:   
Assistant City Attorney



## Agenda Information Sheet

**File #:** 22-1265

**Item #:** 31.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

---

### **SUBJECT**

Authorize an increase in the purchase from Paradise Baptist Church, also known as Paradise Missionary Baptist Church, of approximately 239,246 square feet of land, located near the intersection of University Hills Boulevard and Camp Wisdom Road for the University Hills Infrastructure Project - Not to exceed \$60,000.00, increased from \$357,000.00 (\$350,000.00, plus closing costs and title expenses not to exceed \$7,000.00) to \$417,000.00 (\$410,000.00, plus closing costs and title expenses no to exceed \$7,000.00) - Financing: Water Utilities Capital G Fund (\$60,000.00)

### **BACKGROUND**

This item authorizes an increase in the purchase from Paradise Baptist Church, also known as Paradise Missionary Baptist Church of approximately 239,246 square feet of land located near the intersection of University Hills Boulevard and Camp Wisdom Road for the University Hills Infrastructure Project. This property will be used for wastewater infrastructure improvements and street construction for the University Hills area bounded by University Hills Boulevard.

The consideration is based on an independent appraisal in the amount of \$350,000.00 presented to the property owner and that amount subsequently negotiated between the property owner and City staff. The negotiated amount of \$410,000.00 is considered appropriate as the actual costs of potential condemnation proceedings combined with the potential for an award by Special Commissioners or a Jury in excess of this settlement amount may very possibly exceed this negotiated settlement. Additionally, delays to the project caused by the additional time necessary for condemnation proceedings may cause the project to incur costs far outweighing the additional negotiated amount.

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

On March 9, 2022, City Council authorized acquisition from Paradise Baptist Church, also known as Paradise Missionary Baptist Church, land located near the intersection of University Hills Boulevard

and Camp Wisdom Road for the University Hills Infrastructure Project by Resolution No. 22-0486.

**FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Water Utilities Capital Improvement G Fund	\$60,000.00	\$0.00	\$0.00

Resolution No. 22-0486                \$357,000.00

Additional Amount (this action)    \$60,000.00

Total Authorized Amount            \$417,000.00

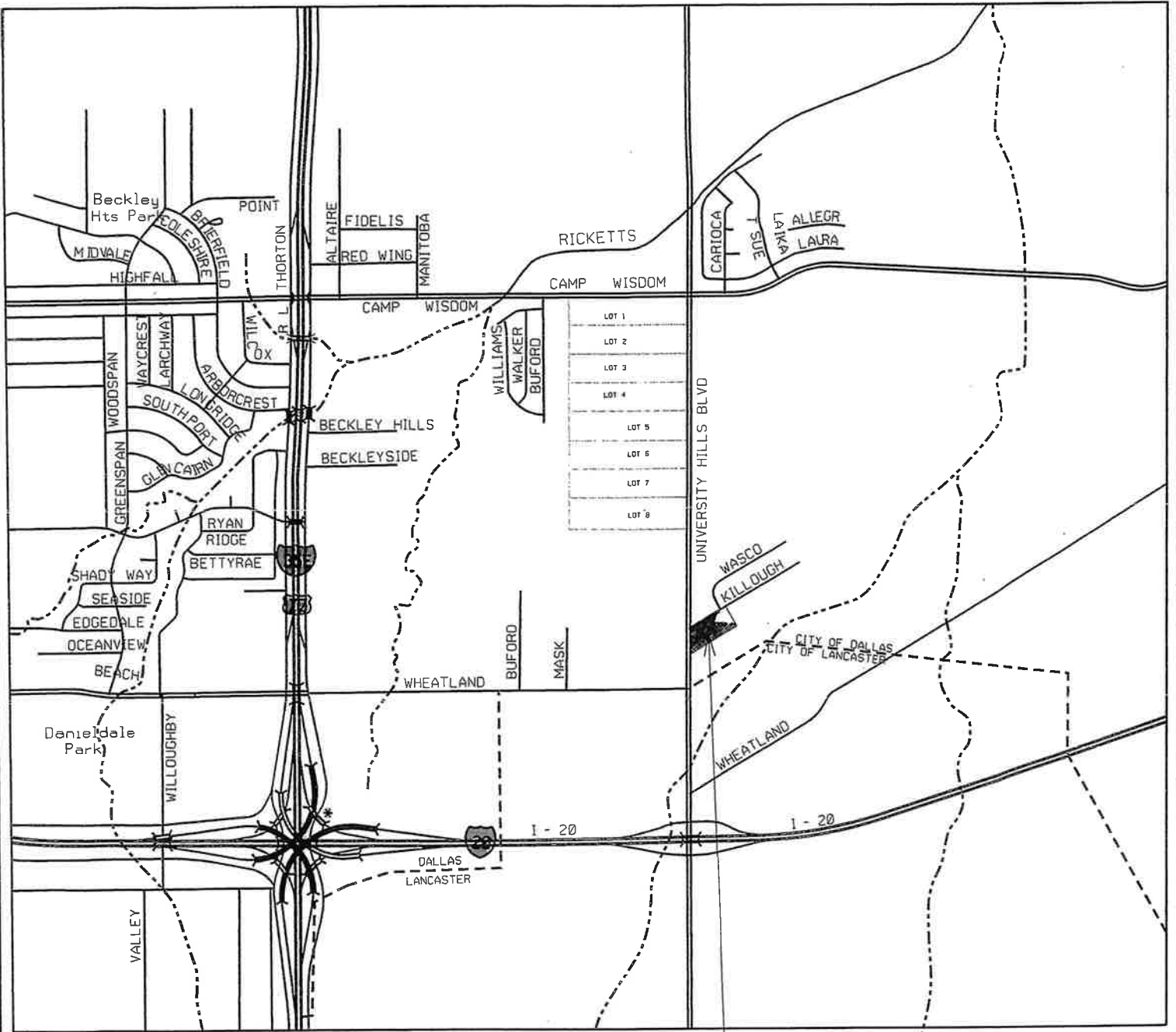
**OWNER**

**Paradise Baptist Church, also known as Paradise Missionary Baptist Church**

Gregory Williams, Trustee and Chairman of Finance Department

**MAP**

Attached



Subject: [REDACTED]

June 22, 2022

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

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

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

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

**Now, Therefore,**

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

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

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 22-0486 approved by the Dallas City Council on March 9, 2022, to authorize the purchase amount of \$357,000.00, (\$350,000.00 plus closing costs and title expenses not to exceed \$7,000.00).

“PROJECT”: University Hills Infrastructure Project

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

“OWNER”: Paradise Baptist Church, also known as Paradise Missionary Baptist Church, 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.

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



June 22, 2022

**SECTION 1.** (continued)

"PROPERTY": Approximately 239,246 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

"FIRST RESOLUTION PURCHASE AMOUNT": \$350,000.00

"SETTLEMENT AMOUNT": \$60,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$7,000.00

"REVISED AUTHORIZED AMOUNT": \$417,000.00

**SECTION 2.** That the City Manager and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to 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, provided however the City has satisfactorily completed its due diligence (environmental and title).

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

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

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

\$281,000.00 from Street and Alley Improvement Fund, Fund 0715, Department PBW, Unit W672, Activity PB51, Program PBWINFW672, Object 4210, Encumbrance/Contract No. DWU-2021-00017754.

\$136,000.00 from Water Utilities Capital Improvement G Fund, Fund 5116 Department DWU, Unit PS42, Activity N/A, Program 720506, Object 4210, Encumbrance/Contract No. DWU-2022-00018798.

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

June 22, 2022

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

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

APPROVED AS TO FORM:

Christopher J. Caso, City Attorney

BY:

  
Assistant City Attorney

FIELD NOTES DESCRIBING A 239,246 (5.4923 ACRE) TRACT TO BE ACQUIRED  
IN CITY BLOCK 7607 CITY OF DALLAS, DALLAS COUNTY, TEXAS

All that certain lot, tract, or parcel of land lying and being located in Dallas County, Texas:

Being a 239,246 square foot (5.4923 acre) tract of land out of the S. C. Atterbury Survey, Abstract Number 14 and being part of Lot 7, Block 7607, Official City of Dallas Block number and being part of OAK CLIFF PLANTATIONS, an addition to the City of Dallas recorded in Volume 8, Page 263, Map Records, Dallas County Texas, same also being part of a called 6.92 acre tract of land conveyed to PARADISE MISSIONARY BAPTIST CHURCH, recorded in Volume 2003049, Page 2440 of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows;

**Commencing** at a 1/2" iron rod found at the northwesterly corner of Lot 11 of said OAKCLIFF PLANTATIONS addition, same being the northeasterly corner of said Lot 7 of said addition, same also being along the southeasterly right of way line of Killough Boulevard, a 50 foot wide right of way;

**Thence** S 59° 01' 55" W, along the northeasterly line of said Lot 7 of said addition, same being the southeasterly line of Killough Boulevard a distance of 138.71 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set (State Plane Coordinates N: 6923894.8294, E: 2490434.8815) for the **POINT OF BEGINNING**;

**Thence** S 30° 57' 31" E, departing the last mentioned common line and crossing said Lot 7 a distance of 14.39 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set at an angle point;

**Thence** S 58° 58' 12" W, a distance of 4.99 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set at the beginning of a curve to the left;

**Thence** with said curve to the left, having a radius of 165.00 feet, a central angle of 57°59'00", an arc length of 166.98 feet, (chord bears S 29° 58' 42" W and is 159.95 feet in length) to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

**Thence** S 00° 59' 12" W, a distance of 44.67 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set at an angle point;

**Thence** S 44° 00' 48" E, a distance of 17.07 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

**Thence** S 89° 00' 48" E, a distance of 357.49 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set along the northeasterly line of said Lot 7, same being the southwesterly line of said Lot 11 of said addition;

*Scott Holt*  
FIELD NOTES APPROVED:  
5/17/2022  


FIELD NOTES DESCRIBING A 239,246 (5.4923 ACRE) TRACT TO BE ACQUIRED  
IN CITY BLOCK 7607 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**Thence** S 30° 58' 05" E, along the last mentioned common line a distance of 43.20 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH found at the southeasterly corner of said Lot 7, same being the northeasterly corner of Lot 8 Block 7607 of said addition;

**Thence** S 59° 01' 55" W, departing the southwesterly line of said Lot 11 and along the common southeasterly line of said Lot 7 and the northwesterly line of said Lot 8 a distance of 914.26 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set in the east line of University Hills Boulevard, of variable width right of way;

**Thence** N 00° 57' 48" W, along the east line of said University Hills Boulevard a distance of 437.65 feet to an "X" cut set in concrete at the northeasterly corner of said Lot 7 and at the intersection of said University Hills Boulevard with the aforementioned southeasterly line of Killough Boulevard;

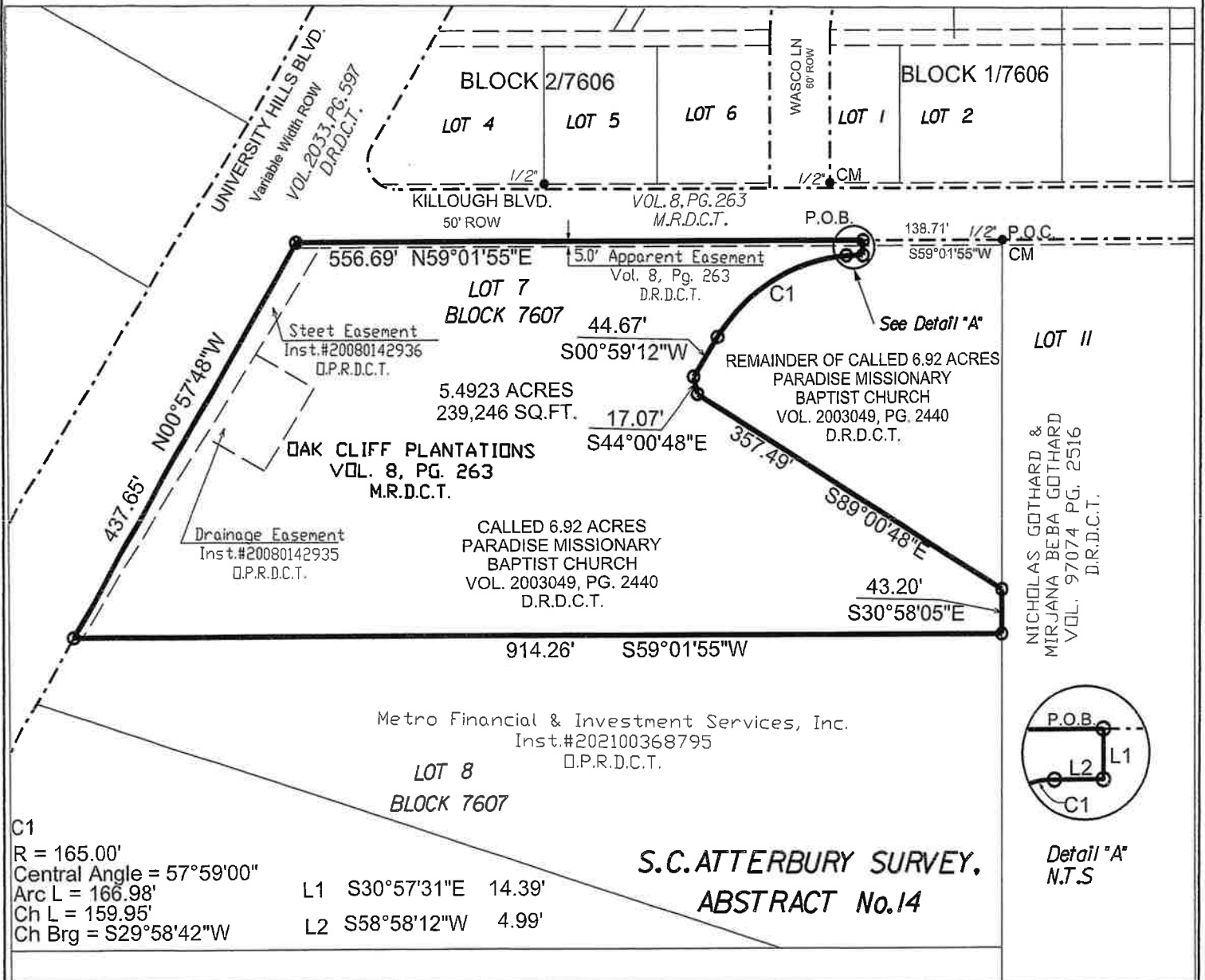
**Thence** N 59° 01' 55" E, with the southeasterly line of said Killough Boulevard same being the northwesterly line of said Lot 7 a distance of 556.69 feet to the **POINT OF BEGINNING** and containing approximately 239,246 square feet (5.4923 acres) of land within the metes recited.

Bearings are based on the Texas State Plane Coordinates System, North Central Zone 4202, North American Datum of 1983.



  
05/12/2022

**FIELD NOTES DESCRIBING A 239,246 SQUARE FOOT (5.4923 ACRE) TRACT TO BE ACQUIRED IN CITY BLOCK 7607, CITY OF DALLAS, DALLAS COUNTY, TEXAS**



## LEGEND

D.R.D.C.T. Deed Records, Dallas County, Texas  
M.R.D.C.T. Map Records, Dallas County, Texas

VOL.	Volume
PG.	Page
INST. #	Instrument Number
ROW	Right of Way

P.O.C. POINT OF COMMENCING  
P.O.B. POINT OF BEGINNING

CM CONTROLLING MONUMENT  
 ○ BDS TECH Pink 5/8" Capped Iron Rod set  
 ● Iron Rod End (Size As Noted)  
 ⊗ "X" CUT Set

— — — Ex. Easement line  
 \_\_\_\_\_ PROPERTY LINE  
 - - - - - RIGHT OF WAY LINE  
 \_\_\_\_\_ SUBDIVISION LINE

0 150



SCALE 1"=150'



**BASIS OF BEARING:** Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

Utter

S. Ephraim Osabutey 05/12/2022

Page 3 of 3



# EXHIBIT B

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

## WARRANTY DEED

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

That Paradise Baptist Church, also known as Paradise Missionary Baptist Church, a Texas non-profit corporation (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 FOUR HUNDRED TEN THOUSAND AND 00/100 DOLLARS (\$410,000.00) 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 \_\_\_\_\_, \_\_\_\_\_.

Paradise Baptist Church, also known as Paradise Missionary Baptist Church  
a Texas non-profit corporation

\_\_\_\_\_  
Gregory Williams  
Trustee and Chairman of Finance Department

\_\_\_\_\_  
Charles Sheffield  
Trustee

# EXHIBIT B

\_\_\_\_\_  
Terry Sheffield  
Trustee

\* \* \* \* \*

STATE OF TEXAS  
COUNTY OF DALLAS

This instrument was acknowledged before me on \_\_\_\_\_  
by Gregory Williams, Trustee and Chairman of Finance Department of Paradise Baptist  
Church, also known as Paradise Missionary Baptist Church, a Texas nonprofit  
corporation on behalf of said nonprofit corporation.

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

STATE OF TEXAS  
COUNTY OF DALLAS

This instrument was acknowledged before me on \_\_\_\_\_  
by Charles Sheffield, Trustee of Paradise Baptist Church, also known as Paradise  
Missionary Baptist Church, a Texas nonprofit corporation on behalf of said nonprofit  
corporation.

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

STATE OF TEXAS  
COUNTY OF DALLAS

This instrument was acknowledged before me on \_\_\_\_\_  
by Terry Sheffield, Trustee of Paradise Baptist Church, also known as Paradise  
Missionary Baptist Church, a Texas nonprofit corporation on behalf of said nonprofit  
corporation.

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

# EXHIBIT B

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Public Works  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: LaWanda Armstrong

Warranty Deed Log No. 50660



FIELD NOTES DESCRIBING A 239,246 (5.4923 ACRE) TRACT TO BE ACQUIRED  
IN CITY BLOCK 7607 CITY OF DALLAS, DALLAS COUNTY, TEXAS

All that certain lot, tract, or parcel of land lying and being located in Dallas County, Texas:

Being a 239,246 square foot (5.4923 acre) tract of land out of the S. C. Atterbury Survey, Abstract Number 14 and being part of Lot 7, Block 7607, Official City of Dallas Block number and being part of OAK CLIFF PLANTATIONS, an addition to the City of Dallas recorded in Volume 8, Page 263, Map Records, Dallas County Texas, same also being part of a called 6.92 acre tract of land conveyed to PARADISE MISSIONARY BAPTIST CHURCH, recorded in Volume 2003049, Page 2440 of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows;

**Commencing** at a 1/2" iron rod found at the northwesterly corner of Lot 11 of said OAKCLIFF PLANTATIONS addition, same being the northeasterly corner of said Lot 7 of said addition, same also being along the southeasterly right of way line of Killough Boulevard, a 50 foot wide right of way;

**Thence** S 59° 01' 55" W, along the northeasterly line of said Lot 7 of said addition, same being the southeasterly line of Killough Boulevard a distance of 138.71 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set (State Plane Coordinates N: 6923894.8294, E: 2490434.8815) for the **POINT OF BEGINNING**;

**Thence** S 30° 57' 31" E, departing the last mentioned common line and crossing said Lot 7 a distance of 14.39 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set at an angle point;

**Thence** S 58° 58' 12" W, a distance of 4.99 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set at the beginning of a curve to the left;

**Thence** with said curve to the left, having a radius of 165.00 feet, a central angle of 57°59'00", an arc length of 166.98 feet, (chord bears S 29° 58' 42" W and is 159.95 feet in length) to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

**Thence** S 00° 59' 12" W, a distance of 44.67 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set at an angle point;

**Thence** S 44° 00' 48" E, a distance of 17.07 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

**Thence** S 89° 00' 48" E, a distance of 357.49 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set along the northeasterly line of said Lot 7, same being the southwesterly line of said Lot 11 of said addition;

*Scott Holt*  
FIELD NOTES APPROVED:  
5/13/2022  


FIELD NOTES DESCRIBING A 239,246 (5.4923 ACRE) TRACT TO BE ACQUIRED  
IN CITY BLOCK 7607 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**Thence** S 30° 58' 05" E, along the last mentioned common line a distance of 43.20 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH found at the southeasterly corner of said Lot 7, same being the northeasterly corner of Lot 8 Block 7607 of said addition;

**Thence** S 59° 01' 55" W, departing the southwesterly line of said Lot 11 and along the common southeasterly line of said Lot 7 and the northwesterly line of said Lot 8 a distance of 914.26 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set in the east line of University Hills Boulevard, of variable width right of way;

**Thence** N 00° 57' 48" W, along the east line of said University Hills Boulevard a distance of 437.65 feet to an "X" cut set in concrete at the northeasterly corner of said Lot 7 and at the intersection of said University Hills Boulevard with the aforementioned southeasterly line of Killough Boulevard;

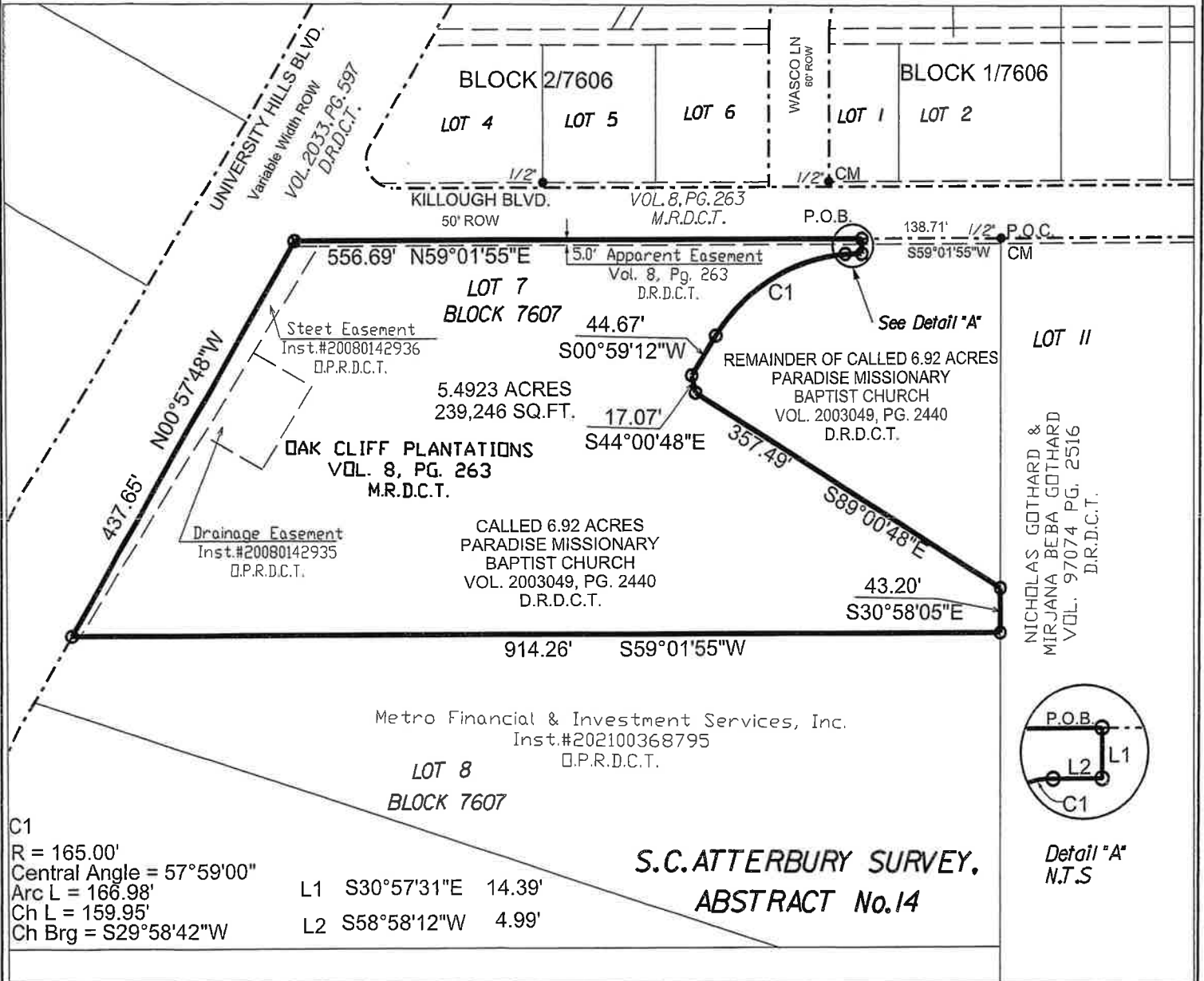
**Thence** N 59° 01' 55" E, with the southeasterly line of said Killough Boulevard same being the northwesterly line of said Lot 7 a distance of 556.69 feet to the **POINT OF BEGINNING** and containing approximately 239,246 square feet (5.4923 acres) of land within the metes recited.

Bearings are based on the Texas State Plane Coordinates System, North Central Zone 4202, North American Datum of 1983.



*[Handwritten Signature]*  
05/12/2022

FIELD NOTES DESCRIBING A 239,246 SQUARE FOOT (5.4923 ACRE) TRACT TO BE ACQUIRED IN CITY BLOCK 7607, CITY OF DALLAS, DALLAS COUNTY, TEXAS





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1309

**Item #:** 32.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

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### **SUBJECT**

Authorize a ten-year lease agreement with R. G. Colling, LLC, for approximately 8,333 square feet of office and warehouse space located at 10903 Shady Trail, Building A, Suite 160, to be used for office and warehouse for storage of program material and supplies for the Women, Infants and Children Program for the period July 1, 2022 through June 30, 2032 - Not to exceed \$1,124,853.82 - Financing: Health and Human Services Commission Grant Funds (subject to annual appropriations)

### **BACKGROUND**

This item authorizes a ten-year lease agreement, with the City's option to terminate after year five, with no penalty, with R. G. Colling, LLC, for approximately 8,333 square feet of office and warehouse space located at 10903 Shady Trail, Building A, Suite 160. This lease will provide for office and warehouse space for storage of program material and supplies for the Women, Infants and Children ("WIC") Program. This new site will replace the WIC Warehouse currently located at 2233 Valdina Street, Suites 105 and 107.

The WIC Program is a United States Department of Agriculture program administered in Texas by the Texas Health and Human Services Commission ("HHSC"). The countywide program has been administered by the City of Dallas since 1974 and is overseen by the Office of Community Care. The Special Supplemental Nutrition Program for WIC Program provides nutritious foods through Electronic Benefits Transfer cards redeemed at local grocery stores, nutrition education, breastfeeding promotion and support, and referrals to health services. The program serves pregnant, postpartum and breastfeeding women, infants and children under age five.

The lease term will begin on July 1, 2022 through June 30, 2032.

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

This item has no prior action.

**FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Health and Human Services Commission Grant Funds	\$24,997.49	\$100,614.94	\$ 999,241.40

**OWNER****R. G. Colling, LLC**

Randal Colling, Governing Member

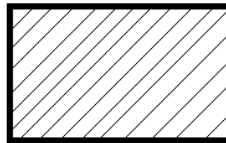
**MAP**

Attached

I-35E N. N. STEMMONS FREEWAY

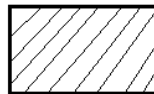
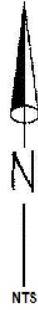
WALNUT HILL LANE

N/6509



SHADY TRAIL

H/6509



**SUBJECT PROPERTY**  
10903 SHADY TRAIL, STE. 160

June 22, 2022

**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, be and is hereby authorized to exercise a lease agreement (the "Lease") between the City of Dallas, as tenant, hereinafter referred to as "City" and R. G. Colling, LLC, or its successor and assigns, as landlord, hereinafter referred to as "Landlord", for approximately 8,333 square feet of office and warehouse space located at 10903 Shady Trail, Building A, Suite 160, Dallas, Dallas County, Texas (the "Premises") to be used by the Women, Infants and Children ("WIC") Program Services for the Office of Community Care.

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

- (a) The lease is for a term of ten (10) years, beginning July 1, 2022 and ending June 30, 2032.
- (b) Monthly "Base Rental" payments during the term shall be as follows: (subject to annual appropriations):

July 1, 2022 – June 30, 2023	\$6,944.17
July 1, 2023 – June 30, 2024	\$7,152.49
July 1, 2024 – June 30, 2025	\$7,367.07
July 1, 2025 – June 30, 2026	\$7,588.79
July 1, 2026 – June 30, 2027	\$7,817.67
July 1, 2027 – June 30, 2028	\$8,055.23
July 1, 2028 – June 30, 2029	\$8,298.28
July 1, 2029 – June 30, 2030	\$8,548.27
July 1, 2030 – June 30, 2031	\$8,805.20
July 1, 2031 – June 30, 2032	\$9,069.08

- (c) City shall pay fixed monthly common area maintenance fees ("CAM"), as "Additional Rental". CAM includes pro-rata costs for Operating Costs which shall include expenses for insurance, Premise utility and maintenance and common area maintenance and repairs and exterior operations. The fixed monthly Additional Rental cap payments during the term shall be as follows otherwise contemplated under the Amended and Restated Lease Agreement, a sum of money not to exceed as follows (subject to annual appropriations)

July 1, 2022 – June 30, 2027	\$1,388.33
July 1, 2027 – June 30, 2032	\$1,429.98

The monthly rental payments shall begin upon the latter of (i) July 1, 2022, or (ii) the date certain leasehold improvements and conditions as specified in the Lease are completed by Landlord and accepted by City and a Certificate of Occupancy for the Premises is delivered to City ("Rental Commencement Date"). If the Rental

**SECTION 2 (continued)**

Commencement Date is other than the first of the month, rent for the resulting partial month shall be prorated by days.

- (d) City shall be responsible for the installation, maintenance and expense of its electrical, gas, telephone, communication and premise security services or systems it elects to obtain to the Premises; janitorial and routine maintenance, which routine maintenance shall include interior bulb replacements and interior HVAC filters on a quarterly basis, interior pest control and treatments for the Premises; Premise plumbing, i.e., clogged toilets or drains, janitorial sinks, unless the problem is part of the general plumbing main lines.
- (e) Landlord shall pay all charges for water, sewer and sanitation charges for the Premises; all utility connections to the Premises; outdoor property pest control and treatments, building repairs and maintenance and general property security, i.e., fencing, gates, electrical gates, repair and maintenance of common areas, including without limitation parking areas; all equipment and systems, including, but not limited to, all electrical, mechanical and plumbing systems, including heating and air conditioning equipment, front and rear doors, interior and exterior light fixtures and exterior bulb replacements, exhaust fans, and windows.
- (f) Landlord shall repair and maintain in good repair the roof, foundation, exterior walls, exterior lighting.
- (g) Landlord shall provide adequate dumpster facilities for City's trash removal requirements.
- (h) Landlord shall provide City with a Certificate of Occupancy for the Premises.
- (i) Landlord shall make any improvements, and repairs or maintenance to the Premises necessary to comply with the Americans with Disabilities Act, Texas Accessibility Standards and the City of Dallas' Fire Code at its sole expense.
- (j) Landlord shall certify to City no asbestos containing material ("ACM") nor other hazardous material is located on the Premises or used in the leasehold improvement materials. If any ACM or other hazardous material is discovered, Landlord, at its sole cost and expense, will remove the ACM or other hazardous material and City reserves the right, in its sole determination, to terminate the Lease upon the determination of ACM or other hazardous material with no penalty or other claim.
- (k) Landlord shall pay all real estate taxes when due on the Premises.



**SECTION 2** (continued)

- (l) City has the right to terminate the Lease on the last day of any current fiscal year due to non-appropriation of funds.
- (m) City shall have an additional one-time right to terminate at the end of the fifth year of the Lease, without penalty, by providing Landlord, "Notice to Terminate" within ninety (90) days of the end of the fifth year.

**SECTION 3.** That the Chief Financial Officer be and is hereby authorized to draw warrants for the Base Rental payable to R. G. Colling, LLC, or its successors and assigns on the first day of each month in advance during the lease term beginning July 1, 2022 in the amount specified below:

July 1, 2022 – September 30, 2022: (subject to annual appropriations)	\$6,944.17 per month
October 1, 2022 – June 30, 2023: (subject to annual appropriations)	\$6,944.17 per month
July 1, 2023 – September 30, 2023: (subject to annual appropriations)	\$7,152.49 per month
October 1, 2023 – June 30, 2024: (subject to annual appropriations)	\$7,152.49 per month
July 1, 2024 – September 30, 2024: (subject to annual appropriations)	\$7,367.07 per month
October 1, 2024 – June 30, 2025: (subject to annual appropriations)	\$7,367.07 per month
July 1, 2025 – September 30, 2025: (subject to annual appropriations)	\$7,588.79 per month
October 1, 2025 – June 30, 2026: (subject to annual appropriations)	\$7,588.79 per month
July 1, 2026 – September 30, 2026: (subject to annual appropriations)	\$7,817.67 per month
October 1, 2026 – June 30, 2027: (subject to annual appropriations)	\$7,817.67 per month

June 22, 2022

**SECTION 3 (continued)**

July 1, 2027 – September 30, 2027: (subject to annual appropriations)	\$8,055.23 per month
October 1, 2027 – June 30, 2028: (subject to annual appropriations)	\$8,055.23 per month
July 1, 2028 – September 30, 2028: (subject to annual appropriations)	\$8,298.28 per month
October 1, 2028 – June 30, 2029: (subject to annual appropriations)	\$8,298.28 per month
July 1, 2029 – September 30, 2029: (subject to annual appropriations)	\$8,548.27 per month
October 1, 2029 – June 30, 2030: (subject to annual appropriations)	\$8,548.27 per month
July 1, 2030 – September 30, 2030: (subject to annual appropriations)	\$8,805.20 per month
October 1, 2030 – June 30, 2031: (subject to annual appropriations)	\$8,805.20 per month
July 1, 2031 – September 30, 2031: (subject to annual appropriations)	\$9,069.08 per month
October 1, 2031 – June 30, 2032: (subject to annual appropriations)	\$9,069.08 per month

**SECTION 4.** That the payments will be charged as follows:

July 1, 2022 – September 30, 2022: Fund FY 2022 WIC Program - Women, Infants and Children Grant Fund, Fund F679, Department MGT, Unit 211C, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$6,944.17.

October 1, 2022 – June 30, 2023: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$6,944.17.

**SECTION 4 (continued)**

July 1, 2023 – September 30, 2023: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$7,152.49.

October 1, 2023 – June 30, 2024: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$7,152.49.

July 1, 2024 – September 30, 2024: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$7,367.07.

October 1, 2024 – June 30, 2025: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$7,367.07.

July 1, 2025 – September 30, 2025: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$7,588.79.

October 1, 2025 – June 30, 2026: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$7,588.79.

July 1, 2026 – September 30, 2026: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$7,817.67.

October 1, 2026 – June 30, 2027: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$7,817.67.

July 1, 2027 – September 30, 2027: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$8,055.23.

October 1, 2027 – June 30, 2028: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$8,055.23.

July 1, 2028 – September 30, 2028: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$8,298.28.

**SECTION 4** (continued)

October 1, 2028 – June 30, 2029: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$8,298.28.

July 1, 2029 – September 30, 2029: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$8,548.27.

October 1, 2029 – June 30, 2030: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$8,548.27.

July 1, 2030 – September 30, 2030: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$8,805.20.

October 1, 2030 – June 30, 2031: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$8,805.20.

July 1, 2031 – September 30, 2031: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$9,069.08.

October 1, 2031 – June 30, 2032: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$9,069.08.

**SECTION 5.** That the Chief Financial Officer be and is hereby authorized to draw warrants for the Additional Rental payable to R. G. Colling, LLC, or its successors and assigns on the first day of each month in advance during the lease term beginning July 1, 2022 in the amount specified below:

July 1, 2022 – September 30, 2022: (subject to annual appropriations)	\$1,388.33 per month
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October 1, 2022 – September 30, 2023: (subject to annual appropriations)	\$1,388.33 per month
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October 1, 2023 – September 30, 2024: (subject to annual appropriations)	\$1,388.33 per month
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June 22, 2022

**SECTION 5 (continued)**

October 1, 2024 – September 30, 2025: (subject to annual appropriations)	\$1,388.33 per month
October 1, 2025 – September 30, 2026: month (subject to annual appropriations)	\$1,388.33 per
October 1, 2026 – June 30, 2027: (subject to annual appropriations)	\$1,388.33 per month
July 1, 2027 – September 30, 2027: (subject to annual appropriations)	\$1,429.98 per month
October 1, 2027 – September 30, 2028: (subject to annual appropriations)	\$1,429.98 per month
October 1, 2028 – September 30, 2029: (subject to annual appropriations)	\$1,429.98 per month
October 1, 2029 – September 30, 2030: (subject to annual appropriations)	\$1,429.98 per month
October 1, 2030 – September 30, 2031: (subject to annual appropriations)	\$1,429.98 per month
October 1, 2031 – June 30, 2032: (subject to annual appropriations)	\$1,429.98 per month

**SECTION 6.** That the payments will be charged as follows:

July 1, 2022 – September 30, 2022: Fund FY 2022 WIC Program - Women, Infants and Children Grant Fund, Fund F679, Department MGT, Unit 211C, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$1,388.33.

October 1, 2022 – September 30, 2023: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$1,388.33.

October 1, 2023 – September 30, 2024: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$1,388.33.

**SECTION 6 (continued)**

October 1, 2024 – September 30, 2025: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$1,388.33.

October 1, 2025 – September 30, 2026: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$1,388.33.

October 1, 2026 – June 30, 2027: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$1,388.33.

July 1, 2027 – September 30, 2027: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$1,429.98.

October 1, 2027 – September 30, 2028: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$1,429.98.

October 1, 2028 – September 30, 2029: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$1,429.98.

October 1, 2029 – September 30, 2030: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$1,429.98.

October 1, 2030 – September 30, 2031: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$1,429.98.

October 1, 2031 – June 30, 2032: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018927, Commodity 97145, Vendor VC24267, Amount \$1,429.98.

June 22, 2022

**SECTION 7.** That the Chief Financial Officer is hereby authorized to draw warrants payable to the respective telephone, electric, gas, communications, premise security, signage, janitorial, pest control and treatment, tax service fee companies and reimbursement of pro-rata share of ad valorem taxes to Landlord upon receipt of a bill for such services or other applicable charges throughout the lease term.

**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:  
CHRISTOPHER J. CASO, City Attorney

BY: *Consuelo Tankersley*  
Assistant City Attorney



## Agenda Information Sheet

**File #:** 22-1083

**Item #:** 33.

**STRATEGIC PRIORITY:** Environmental & Sustainability  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** NA  
**DEPARTMENT:** Department of Sanitation Services  
**EXECUTIVE:** Carl Simpson

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### **SUBJECT**

A resolution authorizing the adoption of an amended and restated Local Solid Waste Management Plan for the City of Dallas - Financing: This action has no cost consideration to the City (see Fiscal Information)

### **BACKGROUND**

Local Solid Waste Management Plans (LSWMP) are required at both the regional and local levels, by state law, under the Texas Health and Safety Code, which also provides for the content and approval requirements of these plans. Their purpose is to identify current and future solid waste management needs, to evaluate program and technical options for meeting these needs, and to define a course of action for future waste generated in the city. Dallas's current plan was developed beginning in 2011 and adopted by the City Council in February 2013.

The City achieved several important milestones over the last decade, including the construction of a Materials Recovery/Recycling Facility on the McCommas Bluff site in support of our residential recycling collection operations, and the adoption of the Multi-Family Recycling Ordinance, which requires most apartment properties provide access to recycling for their tenants.

The process to update the LSWMP began in Spring 2021, with a survey of residents and commercial stakeholders covering many aspects of the City's integrated solid waste management system including: recycle and garbage collection, brush and bulky item collection, household chemical collection and disposal, resident drop off locations, and multi-family and commercial recycling. Over 5,500 people participated in the survey, and the distribution of responses from across the City closely mirrored survey responses received during the development of the Comprehensive Environmental and Climate Action Plan (CECAP). The results of the survey were used to engage stakeholders in meetings, and ultimately guided the goal setting process for the plan. Individual stakeholder meetings were conducted virtually with community stakeholders, City departments, and neighborhood coalition groups.

The LSWMP update provides for updated goals and objectives in pursuit of the City's material



management challenges. The goals and objectives have been updated to align with those adopted as part of CECAP, most recent data collected during the current system review and recent stakeholder engagement conducted as part of the LSWMP Update. The updated goals and objectives recall the core ideas from the 2011 LSWMP objectives and indicate the needs to continue progress toward the City's long-term Zero Waste goal while focusing the near-term goals in alignment with those adopted by CECAP. The intention of the updated goals and objectives is to provide strategic targets for the City to utilize as part of current and future program and infrastructure planning efforts.

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

On April 22, 2020, City Council authorized an agreement for solid waste consulting services for the Department of Sanitation Services with Burns & McDonnell Engineering Company, Inc, for on-call solid waste consulting services and to update the City of Dallas' existing LSWMP.

On April 16, 2021, the Environment and Sustainability Task Force was briefed on initial progress on the LSWMP update.

On May 3, 2021, the Environment and Sustainability Committee was briefed on initial progress on the LSWMP update.

On November 1, 2021, the Environment and Sustainability Committee was briefed on community and stakeholder engagement and further progress on the LSWMP update.

On February 11, 2022, the Environmental Commission was briefed on draft goals and objectives developed for the LSWMP update.

On March 7, 2022, the Environment and Sustainability Committee was briefed on draft goals and objectives developed for the LSWMP update.

On May 2, 2022, the Environment and Sustainability Committee was briefed by memorandum on the status of the LSWMP update.

On June 6, 2022, the Environment and Sustainability Committee was presented with the final draft of the LSWMP for consideration to advance to the full City Council for adoption.

### **FISCAL INFORMATION**

This action has no cost consideration to the City. Future year appropriations for LSWMP initiatives will be established through the annual budget development process, subject to City Council approval.

June 22, 2022

**WHEREAS**, Chapter 363, Subchapter D, of the Texas Health and Safety Code requires local governments to develop a Local Solid Waste Management Plan; and

**WHEREAS**, on February 27, 2013, Council Resolution 13-0449, authorized a Local Solid Waste Management Plan for the city of Dallas; and

**WHEREAS**, following adoption of the Local Solid Waste Management Plan, the City achieved several important milestones, including the construction of a Materials Recovery/Recycling Facility on the McCommas Bluff site in support of the City's residential recycling collection operations, and the adoption of the Multi-Family Recycling Ordinance, which requires most apartment properties provide access to recycling for their tenants; and

**WHEREAS**, on May 27, 2020, the City Council unanimously adopted the Comprehensive Environmental and Climate Action Plan (CECAP) directing the City Manager through the Office of Environmental Quality & Sustainability, to coordinate City of Dallas initiatives and partnerships necessary to implement the actions and goals set forth in the CECAP, convene an Environment and Sustainability Advisory Committee, towards implementation of a permanent board or commission, and provide annual reporting on progress towards meeting the goals and measurable targets set forth in the CECAP plan through Resolution No. 20-0688; and

**WHEREAS**, the City engaged various stakeholders, including residential, commercial, community and neighborhood coalition groups, as it undertook a review of the existing Local Solid Waste Management Plan for the purpose of addressing the City's material management challenges while also aligning the Plan's goals and objectives with those adopted as part of CECAP; and

**WHEREAS**, the City Council now desires to adopt an amended and restated Local Solid Waste Management Plan, attached hereto as Exhibit A, as a long-term planning vehicle for the City's future solid waste management needs; and

**WHEREAS**, the City Council recognizes that the policy and program recommendations contained in the Local Solid Waste Management Plan may necessitate changes to rules, ordinances, and/or policies and will require ongoing collaboration with key stakeholders, public-private partnerships, and coordination with private solid waste collection franchisees and multifamily site recycling collection permittees of the City.

**Now, Therefore,**

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

June 22, 2022

**SECTION 1.** That the document attached hereto and made a part of this Resolution entitled Dallas Local Solid Waste Management Plan 2022 (Exhibit A) is hereby adopted, and supersedes prior local solid waste management plans adopted by the City Council of the City of Dallas.

**SECTION 2.** That the City Manager is directed to continue to inform and involve the City Council, the Environmental Commission, and other stakeholders as work progresses on the City's waste diversion initiatives.

**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.

# Local Solid Waste Management Plan Update



## City of Dallas

June 1, 2022

Prepared by:

**BURNS**  **MCDONNELL**<sup>TM</sup>

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## LIST OF ABBREVIATIONS

<b><u>Abbreviation</u></b>	<b><u>Term/Phrase/Name</u></b>
AAGD	Apartment Association of Greater Dallas
AC	Alley Cat
AD	Anaerobic digestion
ADT	Articulating Dump Truck
ASL	Automated Side Loader vehicles
AUF	Airspace Utilization Factor
BEV	Battery Electric Vehicle
BIC	New York City Business Integrity Commission
BOMA	Building Office Managers Association
BOPA	Battery, Oil, Paint, and Antifreeze
Burns & McDonnell	Burns & McDonnell Engineering Company, Inc.
BTU	British Thermal Unit
C&D	Construction and Demolition Debris
CAA	Clean Air Act of 1976
CCC	Customer Convenience Center
CCRC	Customer Convenience and Recycling Center
CECAP	Comprehensive Environmental and Climate Action Plan
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CHP	Combined Heat and Power
CIP	Capital Improvement Plan
City	The City of Dallas
CNG	Compressed Natural Gas
COG	Council of Governments
CPI	Consumer Price Index
CPT	Certified power train
CSR	Customer Service Representative
CY	Cubic Yard

<b><u>Abbreviation</u></b>	<b><u>Term/Phrase/Name</u></b>
DCEMB	Dallas Clean Energy McCommas Bluff, LLC
DFR	Dallas Fire-Rescue
DFW Metroplex	Dallas-Fort Worth Metroplex Area
DSNY	New York City Department of Sanitation
DISD	Dallas Independent School District
ECC	Environmental Collection Center
EFM	Equipment and Fleet Maintenance
ELR	Enhanced Leachate Recirculation
EPP	Environmentally preferred purchasing
EPR	Extended Producer Responsibility
EPS	Expanded polystyrene, "Styrofoam"
EREF	Environmental Research and Education Foundation
FCC	Fomento de Construcciones y Contratas, S.A. dba FCC, S.A
FL	Front Loader vehicles
FOG	Fats, oils, and greases
FTEs	Full time employees
FY	Fiscal year (October through September)
GCCS	Gas Collection and Control System
GHG	Greenhouse gas
GVW	Gross Vehicle Weight
HANTx	Hotel Association of North Texas
HCCC	Home Chemical Collection Center
HDPE	High density polyethylene
HEO	Heavy Equipment Operator
HHW	Household hazardous waste
HOAs	Homeowner Associations
ILA	Interlocal Agreement
LNG	Liquified Natural Gas

<b><u>Abbreviation</u></b>	<b><u>Term/Phrase/Name</u></b>
2011 LSWMP	Local Solid Waste Management Plan
LSWMP Update	Local Solid Waste Management Plan Update
MFRO	Multi-family Recycling Ordinance
MPC	Master Planned Community
MGD	Million Gallon per Day
MRF	Materials recovery facility
MSW	municipal solid waste
NCTCOG	North Central Texas Council of Governments
NGO	Non-Governmental Organization
NGV	Natural Gas Vehicle
NO <sub>x</sub>	Nitrogen Oxide
NRDC	The Natural Resources Defense Council
NTMWD	North Texas Municipal Water District
OEQS	Office of Environmental Quality and Sustainability
OCC	Old Corrugated Cardboard
ONP	Old Newspapers
OS	San Antonio Office of Sustainability
OSHA	Occupational Safety and Health Administration
PAYT	Pay-as-you-throw
PET	Polyethylene terephthalate
PM	Particulate Matter
PP	Polypropylene
PPP	Public-private partnerships
PSA	Processing Service Agreement
PVC	Polyvinyl Chloride
RAP	Rubberized Asphalt Paving
RCRA	Resource Conservation and Recovery Act
RDF	Refuse-derived fuel

<b><u>Abbreviation</u></b>	<b><u>Term/Phrase/Name</u></b>
RFCSP	Request for Competitive Sealed Proposal
RFP	Requests for Proposals
RIN	Renewable Identification Number
RMDP	Recycling Market Development Plan
RMDZs	Recycling Market Development Zone
RNG	Renewable Natural Gas
SA	Semi-automated Vehicle
SARA	Superfund Amendments and Reauthorization Act of 1986
SDG	Sustainable Development Goal
SMM	Sustainable Materials Management
SOP	Standard Operating Procedure
SO <sub>x</sub>	Sulphur Oxide
SS WWTP	Southside Wastewater Treatment Plant
STA	US Composting Council's Seal of Testing Assurance
STAR	The State of Texas Alliance for Recycling
SWANA	Solid Waste Association of North America
SWDA	Solid Waste Disposal Act
SWMD	San Antonio Solid Waste Management Department
SWOT	Strengths, Weaknesses, Opportunities, and Threats
TCEQ	Texas Commission on Environmental Quality
TAC	Texas Administrative Code
TCE	Texas Campaign for the Environment
TPH	tons per hour
TPY	tons per year
TxDOT	Texas Department of Transportation
URO	Universal Recycling Ordinance
USCAE	U.S. Corp of Army Engineers
U.S.	United States

<b><u>Abbreviation</u></b>	<b><u>Term/Phrase/Name</u></b>
U.S. EPA	U.S. Environmental Protection Agency
USDA	United States Department of Agriculture
WWTP	Wastewater Treatment Plant

## EXECUTIVE SUMMARY

### Purpose

The City of Dallas' (City) Local Solid Waste Management Plan Update (LSWMP Update) evaluates progress toward the goals and recommendations in the 2011 LSWMP adopted by City Council in February 2013. The purpose of the LSWMP Update is to identify current and future material management needs, evaluate programs, policies, and infrastructure options for meeting these needs, and to define a course of action for managing future waste generated in the City. The City and its consultant, Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell), developed the LSWMP Update by evaluating existing programs, policies and infrastructure and analyzing progress the City has made over the last decade toward the previously adopted goals and recommendations. The intent is to establish goals, objectives and recommendations that offer strategic direction for the City to establish a resilient material management system that provides the ability to continue advancing progress towards Zero Waste in alignment with the City's Comprehensive Environmental & Climate Action Plan (CECAP).

### Stakeholder Engagement

The LSWMP Update development process engaged stakeholders from the community and multiple City departments. Community stakeholders included representatives from multiple generator sectors (sectors include single-family, multi-family and commercial and are further described in the Updated Goals and Objectives section) for the purpose of gathering insight and opinions regarding the current material management systems and needs for the future of the system. The City engaged multiple stakeholder groups throughout the LSWMP Update development process. Table ES-1 describes the City's engagement approach and stakeholders.

**Table ES-1: Description of Stakeholder Engagement Approaches**

<b>Engagement Approach</b>	<b>Description</b>	<b>Stakeholders Engaged</b>
<b>Surveys</b>	Developed and released two surveys to the public to gather initial feedback later to gather feedback on options and recommendations.	More than 5,500 survey respondents that included single-family, multi-family and commercial generators.
<b>Interviews</b>	Conducted informational interviews of key stakeholders to gather feedback on their perspectives around current and future material management.	Neighborhood associations, City departments, non-governmental organizations (NGOs), local chambers of commerce.
<b>Educational Video</b>	Worked with City's Communication Department to develop an educational video about the LSWMP Update.	Single-family, multi-family and commercial generators; City leadership (e.g., City Council members and staff).
<b>Public Meeting</b>	Held an in-person public meeting at the Latino Community Center with option to attend virtually.	Single-family, multi-family and commercial generators.
<b>Public Comment Period</b>	The City published the draft LSWMP Update for public comment in anticipation of presenting to City Council for adoption.	Single-family, multi-family and commercial generators.
<b>Presentations to City Leadership</b>	Presented to the Environmental and Sustainability Commission (formerly Environmental and Sustainability task force) and the City Council's Environmental and Sustainability sub-committee.	City leadership and staff.

The key takeaways from the comprehensive stakeholder engagement effort are incorporated throughout the LSWMP Update to inform the options and recommendations that have been developed. Further detailed information about the surveys, interviews, public meetings and presentations to City leadership is provided in Appendix A.

### Updated Goals and Objectives

A key consideration of the updated goals and objectives is to balance the demand for resources to meet near-term goals that strategically position the City to make significant progress toward its long-term Zero Waste goal by 2060 as originally established as part of the 2011 LSWMP. The LSWMP Update has been developed to build on the 2011 LSWMP objectives and update them to:

1. Align with goals and objectives related to materials management adopted by the Comprehensive Environmental and Climate Action Plan (CECAP).
2. Acknowledge changes in the materials management landscape (e.g., recycling commodity markets, regulatory and policies adopted, technology innovations).
3. Incorporate the extensive system analysis and stakeholder engagement conducted as part of the LSWMP Update.



The following updated objectives are meant to guide policies, programs and infrastructure to support progress toward the City's near- and long-term goals.

1. Empower residents and businesses to reduce the amount of discarded material generated through proactive education, outreach and compliance efforts.
2. Establish and implement innovative operational best practices to provide efficient, cost effective, and environmentally responsible service.
3. Provide excellent customer service and support residents and businesses to maximize diversion from landfill.
4. Operate a clean, green and efficient waste system that seeks to generate energy from organics.

The level of direct control of a material stream determines the City's ability to increase the City's recycling rate and set realistic, achievable goals. The level of control varies by generator sectors including single-family (e.g., material generated by single-family detached households), multi-family (e.g., material generated by apartment complexes), and commercial (e.g., material generated by properties, facilities and business operations). The City has direct control over material generated by the single-family sector, because it collects, hauls, processes and/or disposes of this material on a daily basis. The City only has influence over material generated by the multi-family and commercial sectors supported by regular reporting requirements from private-sector haulers active in the City.

Figure ES-1 illustrates the level of control that the City has over the various material types and indicates the volume of material generated by that sector (circles are not to scale and are presented for informational purposes only).

**Figure ES-1: Control of Material by Sector**

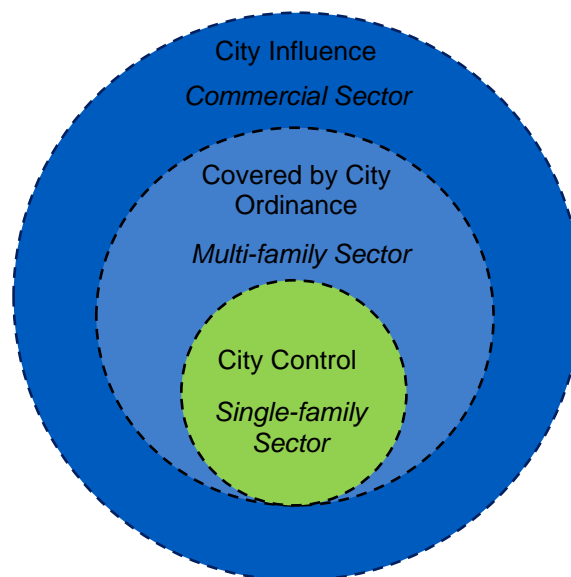


Table ES-2 shows the material management goals adopted by CECAP and how the LSWMP Update addresses them.

**Table ES-2: Description of How LSWMP Update Addresses CECAP Goals**

<b>No.</b>	<b>Goal</b>	<b>Description of How LSWMP Update Addresses CECAP Goals</b>
<b>1</b>	Actively promote source reduction, recycling and composting to the Dallas community.	Evaluates the City's education, outreach and compliance programs and provides recommendations on how to enhance its capabilities.
<b>2</b>	Develop a comprehensive green procurement plan.	Supports on-going cross-departmental efforts to develop a comprehensive green procurement plan by providing discussion about the impact of purchasing policy on source reduction efforts.
<b>3</b>	Improve solid waste, recycling and brush/bulky item collection frequency.	Evaluates the City's current brush and bulky item collection program and provides recommendations on approaches to scale separate collection on a City-wide basis.
<b>4</b>	Improve potential for electric waste collection vehicles.	Incorporates case studies on collection systems that have incorporated Battery Electric Vehicles (BEVs) provides considerations for implementing a BEVs on a pilot basis.
<b>5</b>	Update and implement the Zero Waste management plan.	Establishes realistic goals and metrics by sector (reference Table ES-3) and strategic approaches to achieve these goals.
<b>6</b>	Expand efforts to reduce illegal dumping by implementing recommendations identified in the Litter and Illegal Dumping Assessment Study.	Evaluates the City's Household Hazardous Waste (HHW) and electronics management programs, including a high-level evaluation of the progress made toward the recommendations of the Litter and Illegal Dumping Assessment Study.
<b>7</b>	Encourage the development of material markets focusing on creating new economic opportunities.	Interviewed the City's Economic Development Department and Chambers of Commerce as part of the stakeholder engagement effort and leveraged the statewide Recycling Market Development Plan (RMDP) to provide information on economic opportunities related to material markets.
<b>8</b>	Continue to capture gas and expand capacity from landfill for reuse and evaluate for City operations.	Evaluates the Landfill's gas collection system and provides recommendations to continue to expand capacity to beneficially reuse Landfill gas.
<b>9</b>	Adopt an ordinance to implement a City-wide organics management program.	In addition to the recommendations related to separately collecting brush and bulky items, the LSWMP Update evaluates the City's non-exclusive franchise ordinances and provides near- and long-term recommendations on increasing organics recycling from the commercial sector.

Table ES-3 summarizes of the updated goals for each generator sector including the goal type and metrics (e.g., recycling rate, program participation, etc.) and organized by 2030 goals and long-term Zero Waste goals (e.g., 2060).

**Table ES-3: Updated Goals by Sector**

<b>Generator Sector</b>	<b>Single-Family</b>	<b>Multi-family</b>	<b>Commercial</b>
<b>Goal Type and Metrics</b>	Recycling rate, capture rate, disposal per capita.	Program participation; reporting compliance.	Program participation; reporting compliance.
<b>2030 Goals</b>	35% recycling of organic waste by 2030. 60% recycling of paper waste by 2030. 35% reduction in waste landfilled by 2030.	90% reporting compliance and verification of entities covered under the Multi-family Recycling Ordinance (MFRO).	Expand Green Business Certification to increase participants year-over-year. 90% reporting compliance and verification from non-exclusive franchise haulers.
<b>Zero Waste Goals</b>	80% recycling of organic waste by 2050. 90% recycling of paper waste by 2050. 45% reduction in waste landfilled by 2040.	Analyze data to establish goals consistent with future program in place.	Analyze data to establish goals consistent with future program in place.

### Guidance for Reading the LSWMP Update

The LSWMP Update is organized into three overall sections: (1) introductory sections, (2) program, policies and infrastructure sections, and (3) appendices. The introductory sections provide key context about the LSWMP Update, materials management trends, regulations, projected material management needs, and regional facilities and infrastructure. Program, policies and infrastructure sections are dedicated to discussion of a specific aspect of the City’s material management system where each has unique characteristics requiring a customized approach based on varying generators, material types and customers. The appendices provide detailed information compiled and analyzed throughout the LSWMP Update development process.

Each section of the LSWMP Update is intended to be structured consistently, but customized based on unique characteristics. The introductory sections are structured to provide more general information about materials management, material projections and composition profiles, and regional infrastructure. The program, policy and infrastructure sections each begin with a current system review, evaluation of the recommendations from the 2011 LSWMP, relevant case studies, an evaluation of options and key findings and recommendations. Relevant feedback from the stakeholder engagement efforts precedes the evaluation of options but may be incorporated in other locations throughout the LSWMP Update as appropriate. Table ES-4 indicates how the LSWMP Update is organized, listing each section with a brief description of the content included.

**Table ES-4: LSWMP Update Section Organization and Description**

No.	Title	Description
Introductory Sections		
1.0	Overview, Goals and Objectives	Describes the purpose, key terms, updated goals and objectives, and guidance for reading the LSWMP Update document.
2.0	Planning Studies, Regulatory and Trends Review	Includes applicable planning studies and regulations, roles of government entities in solid waste management, and current solid waste management industry trends.
3.0	Planning Area Characteristics	Reviews the planning area characteristics such as population, economic projections, and projected material management needs.
4.0	Facilities and Infrastructure	Review of material management facilities and infrastructure in the North Central Texas region and presents information on public-private partnership approaches.
Programs, Policies and Infrastructure Sections		
5.0	Transfer Station System	Review of the operational capacity of the program, policy and infrastructure and evaluation of options to support continued strategic usage to meet near- and long-term goals and objectives established by the LSWMP Update.
6.0	Refuse and Recycling Collection	
7.0	Brush and Bulky Item Collection	
8.0	Landfill Operation	
9.0	Recycling Processing	
10.0	Organics Management	
11.0	Multi-Family and Commercial Sector	
12.0	HHW and Electronics Management	
13.0	Public Education, Outreach and Compliance	
Appendices		
A	Stakeholder Engagement Summary	Provides data and results of the stakeholder engagement efforts.
B	Regional Facilities Map	Map of the materials management, processing and disposal facilities in the region.
C	Transfer Station System Evaluation	Detailed technical evaluation of the City’s transfer station system, refuse and recycling collection, and Landfill programs and operations.
D	Refuse and Recycling Collection Evaluation	
E	Landfill Operation Evaluation	
F	Implementation and Funding Plan	Presents a detailed implementation and funding plan matrix that indicates the priority, funding mechanism, difficulty of implementation, and responsible party for each key recommendation of the LSWMP Update.

## Key Findings and Priority Next Steps

The following summarizes the most salient key findings and recommendations related to reaching the City's 2030 goals and long-term Zero Waste goals.

- **Continued population growth strains landfill capacity and emphasizes the importance of zero waste infrastructure.** The continued population growth of the Dallas-Fort Worth Metroplex area will continue to strain the materials management infrastructure and facilities in the region including landfills, Material Recovery Facilities (MRFs) and organics processing facilities (e.g., composting, anaerobic digestion). As landfills continue to fill at an accelerated rate and the regional disposal capacity declines, tonnages to the McCommas Bluff Landfill (Landfill) will likely increase and make the Landfill's airspace an increasingly valuable commodity for the City. These same regional market dynamics will correspondingly increase the importance to divert material from disposal through single-stream recycling and organics processing, as well as reuse and source reduction. Currently, the existing recycling capacity can handle the amount of material processed for recycling, but as recycling quantities increase from the single-family, multi-family and commercial sectors, there will be a need for additional infrastructure development throughout the region. Similarly, as diversion of organic material increases, there will be a need for the City to increase processing capacity via public-private partnerships.
- **Upgrade critical processing and disposal infrastructure.** To achieve the near-term 2030 goals and long-term Zero Waste goals, the City must upgrade its transfer station system to manage multiple material streams, engage in a long-term planning effort to maximize Landfill capacity, expand its organics processing capacity, and increase accessibility to HHW and electronics recycling locations.
- **Adjust collection vehicle fleet routing, fuel mix, and fueling infrastructure.** The City is in the process of developing a comprehensive re-route of collection vehicles to provide refuse and recycling collection service more efficiently and is considering expanding the use of natural gas vehicles (e.g., Compressed Natural Gas (CNG), Renewable Natural Gas (RNG)). To support these efforts, the City must expand the available fueling infrastructure for the collection vehicle fleet to support more natural gas vehicles. Additionally, the City should evaluate on consider piloting Battery Electric Vehicles (BEVs) as part of its collection fleet and evaluate the needs to provide the charging and maintenance requirements associated with these vehicle types.
- **Near-term focus on the single-family sector to achieve 2030 CECAP goals.** Since the City directly manages single-family sector materials, the LSWMP Update is able to establish specific actions for the City to achieve the 2030 CECAP goals. To meet the 2030 goals and progress

toward Zero Waste, the City must include organics in its recycling rate and make significant efforts to increase the amount of material recycled under its direct control (e.g., single-stream recycling, yard trimmings, brush). The City must implement separate collection of brush and bulky items to increase its recycling rate and leverage cross-departmental collaboration to expand education, outreach and compliance efforts to increase the capture rate of single-stream material (e.g., scaling the “Take-a-Peek” program City-wide).

- **Implement mandatory programs in the long term to continue progress toward Zero Waste.** When voluntary programs have been shown to drive up the capture rate from the single-stream recycling program, the City should implement mandatory programs such as material bans and residential recycling requirements to increase the capture rate of single-stream recyclables from 60 to 80 percent. Mandatory programs should be considered after the City successfully implements voluntary approaches.
- **Renew interlocal agreement (ILA) with Dallas County to support HHW and electronics management.** The City should extend the current agreement in a similar structure to the existing ILA on a one-year basis with multiple available extensions to ensure that the short-term needs of the City will be met but provides the flexibility to explore other options to minimize future costs as the City continues to grow. As the City considers options for the future of the Household Chemical Collection Center (HCCC) and Battery Oil Paint and Antifreeze (BOPA) programs, working with Dallas County to provide an outlet for HHW and electronics serves to minimize the amount of litter, illegal dumping, and prohibited set outs (e.g., tires) critical to sustaining public health and community cleanliness.
- **Maintain the Multi-family Recycling Ordinance (MFRO) and continue to increase the percentage of covered entities in compliance year-over-year.** The City should continue to implement and increase the compliance from generators and haulers as part of the MFRO, monitoring new developments that come online and continuing to support affected entities with education and outreach. the City must leverage its cross-departmental permit review process to ensure new developments provide access to recycling.
- **Adjust existing requirements on non-exclusive franchise haulers.** Material generated by multi-family and commercial sectors represents the next major opportunity for the City to make progress toward Zero Waste. In the near-term the City should adjust franchise and permitted recycling hauler reporting requirements to include more comprehensive tonnage data reports including refuse, recycling and other divertible tonnages currently collected and the location with they are processed and disposed. After the requirements of franchise hauler reporting has been implemented and analyzed, the City will determine the requirements for haulers to offer diversion

services to customers and establish the enforcement mechanisms to ensure that this maintains a level playing field among franchise haulers. The City should consider incentivizing haulers to recycle by providing credits on franchise fees for haulers that recycle single-stream and/or organic materials.

- **Long-term implementation of commercial recycling requirements to position the City for the development of an exclusive or zoned franchise system.** As a long-term consideration after adjusting the franchise and permitted recycling hauler requirements and ensuring that the available recycling processing capacity supports increased tonnage, the City should implement requirements to contract with franchise haulers to recycle based on the levels of material generation quantity, facility size (square footage) or business size (number of employees). Targeted commercial recycling requirements should be rolled out in a phased approach and would position the City establish an exclusive or zoned franchise system in the future.

The implementation and funding plan (reference Appendix F) prioritizes recommendations and next steps developed as part of the LSWMP Update. Table ES-5 presents the highest priority next steps for the City to continue working toward Zero Waste on a sector-by-sector basis for near-, mid- and long-term considerations. For the purposes of the implementation and funding plan, near-term is zero to three years, mid-term is four to eight years (e.g., through 2030), and long-term is eight years and beyond.

**Table ES-5: Priority Next Steps by Sector**

<b>Timing</b>	<b>Infrastructure</b>	<b>Single-Family</b>	<b>Multi-family</b>	<b>Commercial</b>
<b>Near-term</b>	<ul style="list-style-type: none"> <li>• Upgrade transfer stations to separately manage organics and maintain high level of service for residential customers.</li> <li>• Develop composting facility as part of public-private partnership.</li> <li>• Develop long-term Landfill master plan to maximize site life.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase capture rate from blue roll-cart program by enhancing education, outreach, and compliance efforts.</li> <li>• Implement separate collect and process yard trimmings and brush.</li> <li>• Renew interlocal agreement with Dallas County on short-term basis.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase MFRO compliance from covered entities year-over-year.</li> <li>• Continue to support covered entities with education and outreach.</li> </ul>	<ul style="list-style-type: none"> <li>• Expand Green Business Certification Program</li> <li>• Leveraging cross-departmental efforts to provide technical assistance.</li> <li>• Require submission of more comprehensive and verifiable data including refuse, recycling and other tonnages including the location with they are processed and disposed.</li> </ul>
<b>Mid-term</b>	<ul style="list-style-type: none"> <li>• Explore purchase of additional CNG/RNG vehicles.</li> <li>• Install additional natural gas fueling stations.</li> <li>• Explore electric solid waste collection vehicle pilot project.</li> </ul>	<ul style="list-style-type: none"> <li>• Establish more convenient HHW and electronics collection</li> <li>• Work with County to develop permanent or satellite facility in southern areas of City.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor new multi-tenant developments that come online.</li> <li>• Leverage permit review process to ensure new developments provide accessibility to recycling.</li> </ul>	<ul style="list-style-type: none"> <li>• Adjust non-exclusive franchise ordinance to require haulers offer key services.</li> <li>• Implement targeted commercial recycling requirements in a phased approach.</li> </ul>
<b>Long-term</b>	<ul style="list-style-type: none"> <li>• Increase CNG/RNG electric vehicle fueling capacity.</li> </ul>	<ul style="list-style-type: none"> <li>• Implement mandatory recycling program (e.g., material bans, recycling requirements) to further increase capture rate.</li> <li>• Evaluate feasibility to expand capabilities of BOPA collection program.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue implementation efforts and support haulers and apartment managers to increase compliance year-over-year.</li> </ul>	<ul style="list-style-type: none"> <li>• Implement zoned or exclusive franchise system with compliance mechanisms to ensure that this maintains a level playing field among franchise haulers.</li> </ul>



## 1.0 OVERVIEW, GOALS, AND OBJECTIVES

### 1.1 LSWMP Update Overview

#### 1.1.1 Purpose

Planning for and implementing an integrated solid waste system is a complex and challenging endeavor requiring a collaborative multi-departmental approach considering technological, institutional, legal, social, economic, and environmental factors. Developing a Local Solid Waste Management Plan Update (LSWMP Update) for the City of Dallas (City) is a critical step in determining how effectively the City has worked toward its goals described in the existing LSWMP and how the City will approach material management going forward as growth continues and market factors continue to evolve. Title 30 of the Texas Administrative Code (TAC) provides guidance for local and regional solid waste management plans. The City's LSWMP developed in 2011 and adopted by the City Council in February 2013 is in conformance with 30 TAC §330.

The LSWMP Update has been organized in a manner consistent with the City's material management services and programs and substantively addresses the requirements of 30 TAC §330 Subchapter O and meets the requirements of 30 TAC §330.641(f). This provision allows updates to an approved plan to provide for changes to data and information contained in the plan which do not substantially change the scope or content of the goals and recommendations of the plan<sup>1</sup>. Further description of the LSWMP Update section layout is provided in Section 1.4.1.

The purpose of the LSWMP Update is to identify current and future solid waste management needs, evaluate programs, policies, and infrastructure options for meeting these needs, and to define a course of action for future waste generated in the City. It is the City's goal to update programs, policies and infrastructure based on what has been accomplished over the last decade, and to establish an implementation plan that aligns with the goals established by the Comprehensive Environmental and Climate Action Plan (CECAP) and maintains progress toward its long-term Zero Waste goal, with as much stakeholder and community feedback as possible.

As the City pursues solutions to its material management challenges, it is increasingly apparent that there is no single strategy, technology, or program offers a complete solution; rather, a combination of methods is needed to provide for appropriate and cost-effective management of the varying types of solid waste in accordance with the unique properties of these various solid waste stream components. The City and its

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<sup>1</sup> 30 TAC §330 Subchapter O is provided at the following hyperlink:  
[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=5&ti=30&pt=1&ch=330&sch=O&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=330&sch=O&rl=Y)

consultant, Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell), developed this LSWMP Update to meet its planning requirements and with a focus on the next five years of implementation, understanding that the LSWMP Update will be continually updated going forward as the City works toward its long-term Zero Waste goal.

### 1.1.2 Stakeholder Engagement

The LSWMP Update development process engaged stakeholders from multiple City department and the community. Community stakeholders included representatives from multiple generator sectors (reference Section 1.2.2) for the purpose of gathering insight and opinions regarding the current material management systems and needs for the future of the system. The City engaged multiple stakeholder groups throughout the LSWMP Update development process. Table 1-1 describes the City's engagement approach and the stakeholders that were engaged.

**Table 1-1: Description of Stakeholder Engagement Approaches**

<b>Engagement Approach</b>	<b>Description</b>	<b>Stakeholders Engaged</b>
Surveys	The City developed and released two surveys to the public to gather initial feedback later to gather feedback on options and recommendations.	More than 5,500 survey respondents that included single-family, multi-family and commercial generators.
Interviews	Conducted informational interviews of key stakeholders to gather feedback on their perspectives around current and future material management.	Neighborhood association, City departments, non-governmental organizations (NGOs), local chambers of commerce.
Educational Video	Worked with City's Communication Department to develop an educational video about the LSWMP Update.	Single-family, multi-family and commercial generators; City leadership (e.g., City Council members and staff).
Public Meeting	Held an in-person public meeting at the Latino Community Center with option to attend virtually.	Single-family, multi-family and commercial generators.
Public Comment Period	The City published the draft LSWMP Update for public comment in anticipation of presenting to City Council for adoption.	Single-family, multi-family and commercial generators.
Presentations to City Leadership	Presented to the Environmental and Sustainability Commission (formerly Environmental and Sustainability task force) and the City Council's Environmental and Sustainability sub-committee.	City leadership and staff.

The key takeaways from the comprehensive stakeholder engagement effort are incorporated throughout the LSWMP Update to inform the options and recommendations that have been developed. Further detailed information about the surveys, interviews, public meetings and presentations to City leadership is provided in Appendix A.

### 1.1.3 City Department Collaboration

This section describes the City departments that work together to manage the programs and policies related to materials management.

- **Department of Sanitation Services.** The Sanitation Department is responsible for provision of solid waste services including collection of refuse, recycling, brush and bulky items from residential customers and operation of key infrastructure including the transfer station system and Landfill. The Sanitation Department also provides education, outreach and compliance services in coordination with the Office of Environmental Quality and Sustainability and Code Compliance (OEQS).
- **Office of Environmental Quality and Sustainability (OEQS).** OEQS provides education, outreach and compliance efforts related to environmental and sustainability messaging. OEQS manages several programs including the City's Multi-family Recycling Ordinance (MFRO), the Materials Recovery Facility (MRF) agreement with its contract recycling processor the Interlocal Agreement (ILA) with Dallas County (County) and Batteries, Oil, Paint, and Antifreeze (BOPA) collection program as part of the Household Hazardous Waste (HHW) and electronics management program. Additionally, OEQS manages the City's environmentally preferred purchasing (EPP) strategies, such as procuring recycled-content products and waste minimization efforts.
- **Department of Code Compliance.** The Code Compliance Department is responsible for inspections and data collection related to compliance of the City's Code of Ordinances. This group is ancillary to the materials management programs but has the potential to serve a critical role supporting the City to achieve its long-term Zero Waste goal.

## 1.2 Key Terms

### 1.2.1 Material Types

This section presents definitions of a selection of key terms used throughout the LSWMP Update that are necessary for a comprehensive understanding of the current material management programs, policies and infrastructure that the City will consider implementing.

- **Municipal solid waste (MSW).** MSW is used to refer to the entirety of waste stream that is generated by everyday activities in homes, institutions such as schools and hospitals, and commercial sources such as restaurants, offices, and small businesses. MSW can be further categorized by material types, as described below. Different categories of MSW require different methods of handling for best management practices. MSW does not include hazardous, industrial, agricultural, or mining, wastes.
- **Refuse.** The portion of MSW that cannot practically be recycled, reused, or otherwise diverted is refuse. Refuse is considered true waste because there are no viable recycling methods other than disposal. While alternative methods to managing this residual waste stream are commercially available (e.g., waste-to-energy, chemical recycling), for the purposes of this LSWMP Update the City is not considering energy recovery from refuse as a viable means of recycling. Further discussion of the refuse and recycling collection, transfer station system and Landfill operations are provided in Section 5.0, 6.0 and 8.0, respectively.
- **Single-stream recycling.** Single-stream recycling refers to materials that are typically accepted through municipal curbside recycling programs, processed through materials recovery facilities (MRFs), and sold as commodities to markets where the material is then repurposed. Recyclables include items such as plastic and glass containers, aluminum and steel cans, cardboard, and other various paper products accepted in roll carts collected by the City. Further discussion of the refuse and recycling collection program and recycling processing operation is provided in Section 6.0 and Section 9.0, respectively.
- **Bulky items.** Bulky items consist of items generated from households or commercial customers that are too large to be placed inside a customer's regular roll cart and are collected by the City's brush and bulky item collection program. Further discussion of the brush and bulky item collection program is provided in Section 7.0.
- **Organics.** Organics are plant or animal-based materials. Organics have the potential to be recycled through composting, mulching, or anaerobic digestion processes. Within the category or organics, there are three sub-categories: yard trimmings, brush and food scraps, used throughout the LSWMP Update to describe the material stream and associated processing options. Depending on processing technology, yard trimmings, brush and food waste may be processed together or separately. Further discussion of organics management is provided in Section 10.0.
  - **Brush and yard trimmings.** Dry leaves, grass clippings, brush, tree branches, stumps, and other plant trimmings generated by residential customers or commercial landscaping

contractors are collected from residences comingled with bulky items and disposed. This material is also delivered directly to the Landfill for grinding and on-site use.

- **Food waste.** Putrescible fruits, vegetables, meats, dairy, coffee grounds, and food-soiled paper products generated by residential, multi-family and commercial sector generators. Pre-consumer food waste is considered kitchen waste from food preparation and post-consumer food waste is plate waste discarded after food has been served. Some food waste is collected by private sectors haulers that provide this service and composted at private sector processing facilities, but most food waste is discarded with refuse.
- **Household Hazardous Waste (HHW) and electronics.** HHW and electronics refer to common household chemicals or other materials that should not be disposed of in MSW landfills due to their potential for environmental contamination, health and safety impacts. For the purposes of the LSWMP Update, HHW and electronics refer to the materials generated and delivered to the Household Chemical Collection (HCCC) facility, which is the building operated by the County. Further description of HHW and electronics management and specific material types are provided in Section 12.0.

### 1.2.2 Generator Sectors

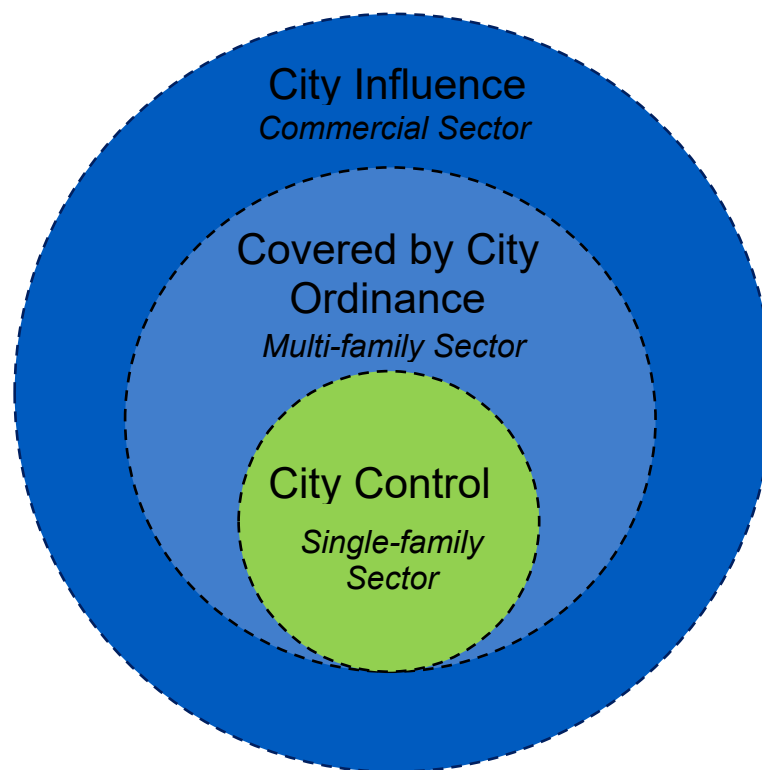
This section presents definitions of generator sectors described throughout the LSWMP Update that are necessary for a comprehensive understanding of the updated goals and objectives described in Section 1.3.

- **Single-family sector.** The residential sector includes material generated by single-family households. Material generated by the single-family sector is under direct control of the City as part of its services provided to residents.
- **Multi-family sector.** The multi-family sector consists of apartment complexes with three or more units and covered under the MFRO. The City does not have direct control over this material but does require that recycling service is provided to multi-tenant complexes. Permitted multi-tenant recycling haulers are required to provide reporting to the City of recycling activity on an annual basis.
- **Commercial sector.** The commercial sector consists of a wide variety of properties, facilities and business operations including material offices, retail, wholesale establishments, restaurants and institutional entities such as schools, libraries, and hospitals. The City does not have control of this material, but non-exclusive franchise haulers are required to provide reporting of refuse collected from entities in the City.

The amount of direct control of a material stream determines the City's ability to increase the City's recycling rate and set realistic, achievable goals. The City has direct control over material generated by the single-family sector, because it collects, hauls, processes and/or disposes of this material on a daily basis. The City only has influence over material generated by the multi-family and commercial sectors supported by regular reporting requirements from private-sector haulers active in the City.

Figure 1-1 describes the level of control that the City has over the various material types and indicates the volume of material generated by that sector (circles are not to scale and are presented for informational purposes only).

**Figure 1-1: Control of Material by Sector**



### 1.2.3 Generation, Recycling and Disposal

This section provides definitions used regarding the total amount of solid waste managed by the City and the material disposal or processing streams that comprise total generation quantities.

- **Generation.** Solid waste generation is the total quantity of material collected and disposed in the City among all generator sectors. Total generation is the quantity of material that the City must manage through various disposal and recycling programs and services. Although materials generated in the City and exported to processing or disposal facilities outside the City are

considered part of the total material generated, these quantities are not included for the purposes of the material projections and forward-looking analysis due to data limitation as part of the LSWMP Update.

- **Recycling.** For the purposes of the LSWMP Update, recycling is defined consistently with Texas Health and Safety Code §361.421(8) to include typical recyclables, composting, land application of biosolids/sludge, and pyrolysis of post-use polymers; and to exclude source reduction, energy recovery and reuse. Recycling materials are processed at a MRFs for sale on the secondary material commodity market or composted/mulched. Recycling and recycling rates include MSW material that is generated among all generator sectors, collected and processed through single-stream MRFs and yard waste and organics material that is mulched, composted, or otherwise diverted from landfill disposal.
- **Disposal.** Disposal refers to all remaining material placed in landfills that has not been processed for sale on the secondary material commodity market, composted, or otherwise diverted. Disposed materials include some quantities of materials that were not recovered prior to disposal but could potentially be recovered through improvement of recycling programs, policy, infrastructure, or education, outreach and compliance efforts.

### 1.3 Updated Goals and Objectives

This section presents the updated goals and objectives as part of the LSWMP Update. The goals and objectives have been updated to align with those adopted as part of CECAP, most recent data collected during the current system review and recent stakeholder engagement conducted as part of the LSWMP Update.

The updated goals and objectives recall the core ideas from the 2011 LSWMP objectives and indicate the needs to continue progress toward the City's long-term Zero Waste goal while focusing the near-term goals in alignment with those adopted by CECAP. The intention of the updated goals and objectives is to provide strategic targets for the City to utilize as part of current and future program and infrastructure planning efforts.

#### 1.3.1 Goals

The following quantitative goals established by the LSWMP Update are consistent with the goals adopted by CECAP:

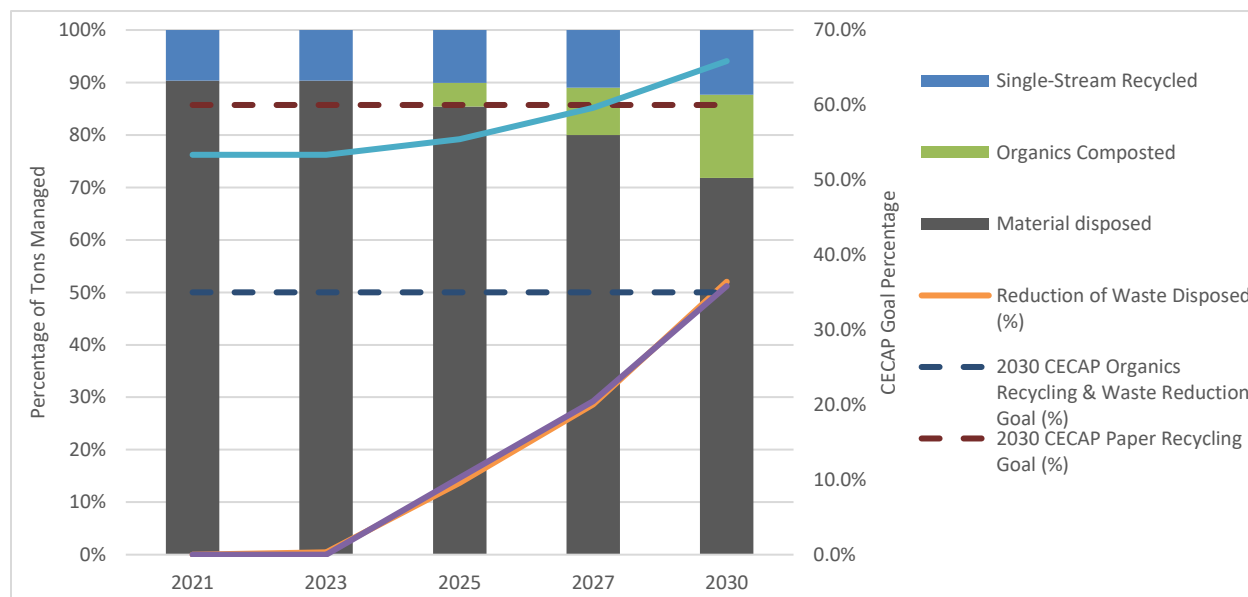
1. Achieve 35% and 80% diversion of organic waste by 2030 and 2050, respectively, from the single-family sector.

2. Achieve 60% and 90% of paper waste by 2030 and 2050, respectively, from the single-family sector.
3. 35% and 45% reduction in waste landfilled in 2030 and 2040 from 2021 tons disposed, respectively, from the single-family sector.

The 2011 LSWMP established long-term Zero Waste goals to establish a vision and empower the City to take effective action to increase its recycling rate. The options, recommendations, and implementation and funding plan as part of the LSWMP Update are focused on meeting the near term 2030 goals established by CECAP; however, the long-term goal for the City is still to strive to achieve Zero Waste by 2060 as originally established as part of the 2011 LSWMP.

The updated goals are intended to focus on the single-family sector, as this is where the City has direct control over the material management. Figure 1-2 shows the pathway to achieve its 2030 LSWMP Update goals assuming that the City would increase the capture rate of recyclables in roll carts to 60 percent by 2030 through increased education, outreach and compliance measures and implement separated collection and processing of yard trimmings and brush.

**Figure 1-2: Pathway to 2030 LSWMP Update Goals in Single-Family Sector**



The City has elected not to establish tonnage-based goals for the multi-family and commercial sectors since the City only has influence over the material rather than direct control. The 2030 goals for the multi-family and commercial sectors are based on program participation and reporting compliance/verification of current and updated requirements of entities covered under the Multi-family Recycling Ordinance, participation in the Green Business Certification program and non-exclusive franchise haulers, as follows:



- 90 percent reporting compliance and verification of entities covered under the Multi-family Recycling Ordinance by 2030.
- Increasing the number of participants in the Green Business Certification program year-over-year between 2021 and 2030.
- 90 percent reporting compliance and verification from non-exclusive franchise haulers by 2030.

Although tonnage-based goals for the multi-family and commercial sectors will be critical for the City to achieve its long-term Zero Waste goal additional data collection, verification and policy implementation are required before data-driven tonnage goals can be adopted for these sectors. Further discussion of multi-family and commercial data collection and policy considerations are provided in Section 11.0.

### 1.3.2 Objectives

The objectives are consistent with CECAP and incorporate the updated system evaluation and stakeholder feedback received during the LSWMP Update development process. Table 1-2 presents the materials management-related CECAP goals.

**Table 1-2: Materials Management-Related CECAP Goal**

No.	CECAP Goal
1	Actively promote source reduction, recycling and composting to the Dallas community.
2	Develop a comprehensive green procurement plan.
3	Improve solid waste, recycling and brush and bulky item collection frequency.
4	Improve potential for electric waste collection vehicles.
5	Update and implement the 2011 LSWMP.
6	Expand efforts to reduce illegal dumping by implementing recommendations identified in the litter and illegal dumping assessment study.
7	Encourage the development of material markets focusing on creating new economic opportunities.
8	Continue to capture gas and expand capacity from landfill for reuse and evaluate for city operations.
9	Adopt an ordinance to implement a city-wide organics management program.

Based on the goals adopted by CECAP, the City has updated the objectives for the LSWMP Update to guide policies, programs and infrastructure to support progress toward its 2030 goals and the long-term Zero Waste goal.

1. Empower residents and businesses to reduce the amount of discarded material generated through proactive education, outreach and compliance efforts.
2. Establish and implement innovative operational best practices to provide efficient, cost effective, and environmentally responsible service.
3. Provide excellent customer service and support residents and businesses to maximize diversion from landfill.
4. Operate a clean, green and efficient waste system that seeks to generate energy from organics.

#### 1.4 Guidance for Reading the LSWMP Update

This section provides guidance reading the LSWMP Update, including the content provided in each section, information about each section is structured, how case studies and benchmarking are utilized, the approach to evaluating options and a description of the implementation and funding plan. The LSWMP Update is organized into three overall sections: (1) introductory sections, programs, (2) policies and infrastructure sections, and (3) appendices. The introductory sections provide key context about the LSWMP Update, materials management trends, regulations, projected material management needs, and regional facilities and infrastructure. Program, policies and infrastructure sections are dedicated to discussion of a specific aspect of the City's material management system where each has unique characteristics requiring a customized approach based on varying generators, material types and customers. The appendices provide detailed information compiled and analyzed throughout the LSWMP Update development process. Table 1-3 indicates how the LSWMP Update is organized, listing each section with a brief description of the content included.

**Table 1-3: LSWMP Update Section Organization and Description**

No.	Title	Description
Introductory Sections		
1.0	Overview, Goals and Objectives	Describes the purpose, key terms, updated goals and objectives, and guidance for reading the LSWMP Update document.
2.0	Planning Studies, Regulatory and Trends Review	Includes applicable planning studies and regulations, roles of government entities in solid waste management, and current solid waste management industry trends.
3.0	Planning Area Characteristics	Reviews the planning area characteristics such as population, economic projections, and projected material management needs.
4.0	Facilities and Infrastructure	Review of material management facilities and infrastructure in the North Central Texas region and presents information on public-private partnership approaches.
Programs, Policies and Infrastructure Sections		
5.0	Transfer Station System	Review of the operational capacity of the program, policy and infrastructure and evaluation of options to support continued strategic usage to meet near- and long-term goals and objectives established by the LSWMP Update.
6.0	Refuse and Recycling Collection	
7.0	Brush and Bulky Item Collection	
8.0	Landfill Operation	
9.0	Recycling Processing	
10.0	Organics Management	
11.0	Multi-Family and Commercial Sector	
12.0	HHW and Electronics Management	
13.0	Public Education, Outreach and Compliance	
Appendices		
A	Stakeholder Engagement Summary	Provides data and results of the stakeholder engagement efforts.
B	Regional Facilities Maps	Maps of the materials management, processing and disposal facilities in the region.
C	Transfer Station System Evaluation	Detailed technical evaluation of the City’s transfer station system, refuse and recycling collection, and Landfill programs and operations.
D	Refuse and Recycling Collection Evaluation	
E	Landfill Operation Evaluation	
F	Implementation and Funding Plan	Presents a detailed implementation and funding plan matrix that indicates the priority, funding mechanism, difficulty of implementation, and responsible party for each key recommendation of the LSWMP Update.

### 1.4.1 Section Layout

Each section of the LSWMP Update is intended to be structured consistently, but customized based on unique characteristics. The introductory sections are structured to provide more general information about materials management, material projections and composition profiles, and regional infrastructure. The program, policy and infrastructure sections each begin with a current system review, evaluation of the recommendations from the 2011 LSWMP, relevant case studies, an evaluation of options and key findings and recommendations. Relevant feedback from the stakeholder engagement efforts precedes the evaluation of options but may be incorporated in other locations throughout the LSWMP Update as appropriate.

### 1.4.2 Case Studies and Benchmarking

Each section provides case studies and benchmarking data from refuse and recycling collection programs in peer cities to inform the development of the options that are further evaluated. The case studies and benchmarking cities were selected based on challenges that the City is encountering related to the program, policy or infrastructure addressed in each section.

### 1.4.3 Options Evaluation








Each of the options and specific tactics identified in the LSWMP Update is evaluated based on the following criteria:

1. **Recycling potential.** Indicates if implementation of the tactic would increase the City's capability to separately manage material for recycling. Depending on the option and/or tactic recycling potential may include recycling, organics, bulky items or HHW.
2. **Operational impact.** Indicates if implementation of the tactic would have an operational impact on staffing, equipment, infrastructure currently used to run one or more programs.
3. **Financial impact.** Indicates if implementation of the tactic would have financial impacts including increases or decreases to operational and capital costs or if the tactic would realize cost savings.
4. **Environmental impact.** Indicates if implementation of the tactic would have a positive (e.g., emissions reduction) or negative (e.g., increased emissions) environmental impact including greenhouse gases (GHG) or other emissions such as particulate matter (PM), nitrous oxide (NOx) or sulfur oxide (SOx).
5. **Policy impacts.** Indicates if implementation of the tactic would have policy implications related to the existing City Code of Ordinances or require developing and adopting new policy.

6. **Stakeholder “buy-in”.** Indicates if implementation of the tactic has stakeholder “buy-in” among City departments, residential customers, commercial entities, environmental groups, or any other group that would be impacted by the tactic.
7. **Compatibility with existing programs.** Indicates if implementation of the tactic would cause an interruption to the continuity of ongoing programs and services or require changes to current operations.

Depending on the specific option and/or tactic, the evaluation may include both quantitative and qualitative assessments which support the assigned relative ratings for the criteria of each tactic. The meaning of the rating differs for each option and/or tactic but can generally be described as “green circle is favorable or low impact,” “yellow triangle is neutral or medium impact,” and “red square is less favorable or higher impact.” Table 1-4 provides an example summary of the options evaluation.

**Table 1-4: Example Summary of Options Evaluation**

Description	Recycling Potential	Operational Impact	Financial Impact	Environmental Impact	Policy Impact	Stakeholder “buy-in”	Compatibility with Existing Programs
<b>Option Title</b>							
Description of tactic.							

#### 1.4.4 Implementation and Funding Plan

The key findings and recommendations are incorporated into the implementation and funding plan summarized in Appendix F. Each recommendation from the LSWMP Update is provided with the following indicators:

1. **CECAP Goal.** Indicates the material management-related CECAP goal(s) that the recommendation/tactic supports.
2. **Priority.** Indicates the urgency with which the City plans to implement the recommendations on a high, medium or low basis.
3. **Recycling potential.** Indicates if implementation of the tactic would increase the City’s capability to separately manage material for recycling on a high, medium or low basis.
4. **Difficulty of implementation.** Indicates if implementation of the recommendation would be difficult to implement based on operational impact, policy impacts, stakeholder “buy-in” and compatibility with existing programs on a high, medium or low basis.
5. **Financial impacts.** Indicates the costs of each recommendation on a high, medium or low basis, where high financial impacts are reflective of significant increased cost or capital expenditure.

6. **Funding source.** Indicates if the funding source for the recommendation would be part of a bond offering or other fundraising approach.
7. **Implementation timing.** Provides a general indication of when the proposed recommendation will be implemented on a near-term (one to three years), mid-term (three to five years), or long-term (five to 10 year) basis.
8. **Responsible party.** Indicates which City department or external organization is responsible for the implementation of each recommendation.

## 2.0 PLANNING STUDIES, REGULATORY, AND TRENDS REVIEW

This section provides a broad perspective of the historic and current state of the MSW management environment in which the City is developing this LSWMP Update. It provides a review of relevant existing planning studies, a summary of relevant laws and regulations, and information on key trends in MSW management.

### 2.1 Review of Relevant Planning Studies

Understanding prior MSW and community planning projects completed at the local, regional, and state levels is a critical step in effectively and efficiently developing the LSWMP Update for the City. To inform development of this LSWMP Update, Burns & McDonnell reviewed the following studies and plans presented chronologically.

- **Landfill Management and Operations Assessment.** In 2000, R. W. Beck completed performed a management and operations assessment of the McCommas Bluff Landfill (Landfill).
- **Transfer Station Evaluation.** In 2006, R. W. Beck performed an operational review of the City's three transfer stations and transfer fleet to evaluate the efficiencies of the City's transfer operation to determine the City's cost to operate its system.
- **Local Solid Waste Management Plan 2011 - 2060<sup>2</sup>.** In 2011, the City contracted with HDR to develop a Local Solid Waste Management Plan (2011 LSWMP) consistent with the requirements of 30 TAC §330. The contract included a formal planning process to identify the policies, programs and infrastructure needed to effectively manage municipal solid waste and recycling materials. Considering economic growth, environmental stewardship, and the City's policies around fiscal responsibility, the plan included goals to systematically reduce the volume and toxicity of wastes, and ways of maximizing diversion and opportunities to recover raw materials and clean energy from the waste stream. The plan included a series of programmatic, policy and infrastructure development recommendations along with a timeline for implementation.
- **Resource Recovery Planning and Implementation Study<sup>3</sup>.** In 2014, the City began the planning process to determine where recyclable materials would be processed when its existing contract with

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<sup>2</sup> City of Dallas. 2013. "Local Solid Waste management Plan 2011-2060" Available online:

[https://dallascityhall.com/departments/sanitation/DCH%20Documents/pdf/DallasLocalSWMP\\_Vol-I-II.pdf](https://dallascityhall.com/departments/sanitation/DCH%20Documents/pdf/DallasLocalSWMP_Vol-I-II.pdf)

<sup>3</sup> City of Dallas. 2014. "Consulting Services in Support of Resource Recovery Planning and Implementation."

Available online:

<https://dallascityhall.com/departments/sanitation/DCH%20Documents/pdf/ResourceRecoverPlanningAndImplementation.pdf>

Waste Management Recycle America expired in 2016. This evaluation included the including the option to take a more active role in a future processing facility by developing a City-owned and managed facility or entering into a public-private partnership. The City evaluated technologies including single-stream recycling, mixed waste processing, gasification and anaerobic digestion and as a result of the analysis and recommendations, released a Request for Competitive Sealed Proposals (RFCSP) as described below.

- **Recycling Processing Request for Competitive Sealed Proposals.** In 2014, Burns & McDonnell developed an RFCSP, as well as the contract for recycling processing services between the City and the selected vendor. Fomento de Construcciones y Contratas, S.A. dba FCC, S.A (FCC) was selected and worked with the City to develop the Materials Recovery Facility (MRF) located on the Landfill site. FCC has and has been operating the MRF since 2016. Further discussion and evaluation of the FCC MRF and contract including key contract terms, accepted materials and annual tonnage processed is provided in Section 9.0
- **North Central Texas Council of Governments (NCTCOG) Regional Solid Waste Management Plan 2015 - 2040<sup>4</sup>.** This plan was developed by NCTCOG in 2015 and covers a 25-year planning period for the NCTCOG, the 16-county regional planning area in the North Central Texas region. The primary purpose of this plan is to inventory closed landfills, quantify regional landfill capacity in relation to projected future growth in waste generation, identify the region's most prominent needs and problems, and outline activities and priorities to be initiated throughout the planning period. NCTCOG is currently working with Burns & McDonnell in the process of updating this regional planning effort.
- **Draft Facility Condition Assessments.** In 2016 the City contracted with AECOM Technical Services to complete a draft Facility Condition Assessment to evaluate the conditions of the transfer station system and other operational buildings including the Sanitation Department heavy shop, administrative building at the Landfill and Eco Park.
- **Evaluation of Collection Methods and Alternatives.** In 2017 the City contracted with Burns & McDonnell to complete a review of collection operations to evaluate the current methods of collection and provide recommendations to increase collection efficiency related to residential refuse, recycling, brush and bulky material collections as well as fleet maintenance. The recommendations were used to support the three-month separated brush and bulky item collection

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<sup>4</sup> North Central Texas Council of Governments (NCTCOG). 2015. "Planning for Sustainable Materials Management in North Central Texas 2015-2040." Available online: <https://www.nctcog.org/envir/materials-management/materials-management-plan>



pilot that was held from October – December 2021. Further discussion of brush and bulky item collection is provided in Section 7.0.

- **TCEQ Study on the Economic Impacts of Recycling<sup>5</sup>.** This 2017 study, completed by the TCEQ as outlined in House Bill 2763 of the regular session of the 84<sup>th</sup> Texas Legislature, documented the quantities of MSW recycled and landfilled in Texas. The report provides a state-level understanding of 2015 recycling and landfill disposal quantities and composition and provides key economic and market trend data. . The study also includes comprehensive information and recommendations on funding methods to increase recycling and identified infrastructure needs and opportunities for rural and underserved areas,
- **Solid Waste Landfill Market Study.** In 2018, the City contracted with Burns & McDonnell to complete a Solid Waste Landfill Market Study, which updated prior landfill market studies completed by Burns & McDonnell on behalf of the City to identify the market rate for disposal in the region to determine the impact of the City's current landfill tipping fees.
- **Litter and Illegal Dumping Assessment Study.** In 2018 the City contracted with Burns & McDonnell to complete a study to evaluate the City's ongoing efforts and costs to address litter and illegal dumping. This cross-departmental effort included Dallas Water Utility (DWU), the Marshall's office, the Office of Environmental Quality and Sustainability (OEQS), the Sanitation Department, and Code Compliance. The study and provides recommendations for how the City can implement a more strategic and preventative approach to combatting litter and illegal dumping including:
  - Develop a geographically-focused approach
  - Improve local/regional collaboration
  - Implement proactive and preventative methods
  - Increase community engagement and public education
  - Reduce illegal dumping from construction activities and commercial sources
  - Enhance enforcement of litter and illegal dumping policies.
- **Initial Operational Assessment.** In 2020, Burns & McDonnell completed a study to provide the City with a planning-level understanding of key managerial and operational issues facing the Sanitation Department and present key findings and recommendations that are included in the LSWMP Update.

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<sup>5</sup> Texas Commission on Environmental Quality (TCEQ). July 2017. "Study on the Economic Impacts of Recycling." Available online: <https://www.tceq.texas.gov/p2/recycle/study-on-the-economic-impacts-of-recycling>.

- **TCEQ Recycling Market Development Plan<sup>6</sup>.** In September 2021, the TCEQ published a Recycling Market Development Plan (RMDP) to promote the use of recyclable materials as feedstock in processing and manufacturing. Similar to the Study on the Economic Impacts of Recycling, the RMDP provides state-level estimates of recycling and landfill disposal quantities statewide and estimates the resulting economic benefits of recycling. The RMDP also provides a plan recommendations to increase recycling, developed based on the key barriers and opportunities identified across the State.
- **City of Dallas Comprehensive Environmental and Climate Action Plan (CECAP)<sup>7</sup>.** The CECAP was published in 2020 and provides a framework for achieving significant and measurable reductions in carbon emissions, enhancing environmental quality equitably, and creating a more sustainable infrastructure resilient to the negative effects of climate change. The AECOM-developed CECAP communicates goals among eight key environmental sectors including buildings, energy, transportation, solid waste, water resources, ecosystems and green space, food and urban agriculture, and air quality. Solid waste is a key focus of the CECAP and the plan defines nine goals to mitigate waste-based carbon emissions, several of which will be addressed as part of the development of the LSWMP Update. Table 2-1 lists the nine solid waste goals and identifies how they are addressed in the LSWMP Update.

**Table 2-1: Description of How LSWMP Update Addresses CECAP Goals**

No.	CECAP Goal	How LSWMP Update Addresses Goal
1	Actively promote source reduction, recycling and composting to the Dallas community.	Evaluates the City’s education, outreach and compliance programs and provides recommendations on how to enhance its capabilities.
2	Develop a comprehensive green procurement plan.	Supports on-going cross-departmental efforts to develop a comprehensive green procurement plan by providing discussion about the impact of purchasing policy on source reduction efforts.
3	Improve solid waste, recycling and brush and bulky item collection frequency.	Evaluates the City’s current brush and bulky item collection program and provides recommendations on approaches to scale separate collection on a City-wide basis.

<sup>6</sup> Texas Commission on Environmental Quality (TCEQ). August 2021. “Recycling Market Development Plan.” Available online: <https://www.tceq.texas.gov/assets/public/assistance/P2Recycle/Recyclable-Materials/2021%20Recycling%20Market%20Development%20Plan.pdf>

<sup>7</sup> City of Dallas. 2020. “Comprehensive Environmental and Climate Action Plan.” Available online: <https://www.dallasclimateaction.com/cecap>

No.	CECAP Goal	How LSWMP Update Addresses Goal
4	Improve potential for electric waste collection vehicles.	Incorporates case studies on collection systems that have incorporated Battery Electric Vehicles (BEVs) provides considerations for implementing a BEVs on a pilot basis.
5	Update and implement the 2011 LSWMP.	Establishes realistic goals and metrics by sector and strategic approaches to achieve these goals.
6	Expand efforts to reduce illegal dumping by implementing recommendations identified in the litter and illegal dumping assessment study.	Evaluates the City's Household Hazardous Waste (HHW) and electronics management programs, including a high-level evaluation of the progress made toward the recommendations of the Litter and Illegal Dumping Assessment Study.
7	Encourage the development of material markets focusing on creating new economic opportunities.	Interviewed the City's Economic Development Department and Chambers of Commerce as part of the stakeholder engagement effort and leveraged the statewide Recycling Market Development Plan (RMDP) to provide information on economic opportunities related to material markets.
8	Continue to capture gas and expand capacity from landfill for reuse and evaluate for city operations.	Evaluates the Landfill's gas collection system and provides recommendations to continue to expand capacity to beneficially reuse Landfill gas.
9	Adopt an ordinance to implement a city-wide organics management program.	In addition to the recommendations related to separately collecting brush and bulky items, the LSWMP Update evaluates the City's non-exclusive franchise ordinances and provides near- and long-term recommendations on increasing organics recycling from the commercial sector.

## 2.2 Regulatory and Policy Review

Prior regulations and policies related to material management, as well as trends and the current regulatory climate, have largely shaped the state of material management and defined the environment in which this LSWMP Update is being developed. This section provides a summary of federal and state regulations, policies, and trends.

### 2.2.1 Role of the Federal Government in Regulating Solid Waste

The federal government sets basic requirements for regulations which help provide regulatory consistency across the United States and protects public health and the environment, which helps to provide consistency across the U.S. The United States Environmental Protection Agency (U.S. EPA) is responsible for

hazardous and non-hazardous solid waste management through the Office for Solid Waste and Emergency Response. There are three four major pieces of federal legislation pertaining to solid waste management:<sup>8</sup>

- Prior to 1965, solid waste management was entirely dependent on the judgement and decisions of individuals or local departments of health and sanitation. In 1965, Congress made its first attempt to define the scope of the nation's waste disposal problems by enacting the Federal Solid Waste Disposal Act (SWDA), which financed statewide surveys of landfills and illegal dumps.
- The first significant federal legislation governing the disposal of non-hazardous and hazardous waste was passed in 1976 under the Resource Conservation and Recovery Act (RCRA). RCRA established landfill construction, management, and closure guidelines. It also regulates hazardous waste management facilities that treat, store, or dispose of hazardous waste. In 2006 the U.S. EPA delegated the primary responsibility of implementing RCRA hazardous waste programs to the TCEQ<sup>9</sup>. RCRA has been amended three times since its inception:<sup>10</sup>
  - 1984 Hazardous and Solid Waste Amendments, requiring the phasing out of landfill disposal of hazardous wastes and granting the U. S. EPA with regulatory authority over landfills (Subtitle C Hazardous Waste and Subtitle D Non-hazardous waste).
  - 1992 Federal Facility Compliance Act, strengthening enforcement of RCRA at federal facilities.
  - 1996 Land Disposal Program Flexibility Act, providing regulatory flexibility for land disposal of certain wastes.
- The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, known as Superfund, was enacted by Congress to address abandoned hazardous waste sites in the United States. CERCLA was subsequently amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) to stress the importance of permanent remedies, provide for increased state involvement, and increase federal funding.<sup>11</sup> The Office of Air and Radiation regulates solid waste-related air emissions, enforcing the Clean Air Act of 1976 (CAA) and its subsequent amendments.<sup>12</sup>

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<sup>8</sup> Texas Center for Policy Studies. 1995. "Texas Environmental Almanac." Available online:

<http://www.texascenter.org/almanac/>

<sup>9</sup> Texas Commission on Environmental Quality. "Chapter 335- Industrial Solid Waste and Municipal Hazardous Waste" Available online:

[https://www.tceq.texas.gov/assets/public/legal/rules/hist\\_rules/Complete.06s/06032335/06032335\\_pro\\_clean.pdf](https://www.tceq.texas.gov/assets/public/legal/rules/hist_rules/Complete.06s/06032335/06032335_pro_clean.pdf)

<sup>10</sup> U.S. Environmental Protection Agency. 2017. "History of the Resource Conservation and Recovery Act (RCRA)." Available online: <https://www.epa.gov/rcra/history-resource-conservation-and-recovery-act-rcra>

<sup>11</sup> U.S. Environmental Protection Agency (U.S. EPA). 2017. "Superfund: CERCLA Overview." Available online: <https://www.epa.gov/superfund/superfund-cercla-overview>

<sup>12</sup> U.S. EPA. 2020. "Summary of the Clean Air Act 42 U.S.C. §7401 et seq. (1970)." Available online: <https://www.epa.gov/laws-regulations/summary-clean-air-act>

- Following the ecological impacts from the Exxon-Valdez Oil Spill, in 1980, Congress passed the Natural Resource Damages Assessment (NRDA) Act, to provide for habitat restoration, replacement and/or preservation following remediation under CERCLA. The U.S. Department of Interior governs actions under the NRDA Program<sup>13</sup>.

In addition to federal legislation, there are various ongoing policy development and implementation efforts relates to SMM. To address food loss and waste nationwide, the U.S. EPA established a national goal on September 16, 2015 to reduce food loss and waste by 50 percent by 2030. The Food Loss and Waste Reduction Goal was a joint effort with the U.S. Department of Agriculture to address food insecurity and reduce landfill methane emissions. Achieving the target 50 percent reduction is equivalent to reaching a total disposal rate of 109.4 pounds of food waste per person per year.

Recently, the U.S. EPA developed a National Recycling Strategy identifies objectives and actions needed to create a more resilient and cost-effective recycling system nationwide including integrating recycled materials into product and packaging designs<sup>14</sup>. The National Recycling Strategy supports implementation of the National Recycling Goals developed to there are national policies that in place and under development to guide lawmakers to develop and implement future legislation.

On November 17, 2020 the U.S. EPA established the National Recycling Goal of 50 percent by 2030 to provide the benchmarks needed to evaluate the success of the collective efforts to significantly improve the nation's recycling system. The metrics identified in the National Goal are based on the broad objectives of the draft National Recycling Strategy and are divided into four categories: assessing recycling performance, reducing contamination, increasing processing efficiency and strengthening recycled material markets. The National Recycling Goal aims to create standardized definitions for the recycling industry to keep pace with today's diverse and changing waste system. The following lists the measures that will be used to track the progress toward the National Recycling Goal.

- **Measure 1:** Reduce contamination in recycling. This will be calculated by examining the percentage of contaminants in the recycling stream.
- **Measure 2:** Make the national recycling processing system more efficient. This will be measured by tracking the percentage of materials successfully recycled through recycling facilities compared to the inbound material.

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<sup>13</sup> Further information on the National Resource Damage Assessment and Restoration Program is available online: <https://www.doi.gov/restoration>

<sup>14</sup> U.S. EPA. "National Recycling Strategy Part One of a Series on Building a Circular Economy for All". Available online: <https://www.epa.gov/system/files/documents/2021-11/final-national-recycling-strategy.pdf>

- **Measure 3:** Strengthen the economic markets for recycled materials. This will be measured by tracking the average price per ton of recycled material on the secondary materials commodity market.

The related National Recycling Strategy identifies objectives and actions needed to create a more resilient and cost-effective recycling system nationwide. The draft National Recycling Strategy was open for public comment until December 4, 2020 and is expected to be finalized in late 2021. The National Recycling Strategy will be aligned with and support implementation of the National Recycling Goals.

National organizations other than the federal government also play a role in national solid waste policies and trends. The Recycling Partnership has been working to develop an initiative called the Circular Economy Accelerator Policy<sup>15</sup> to support the collective U.S. residential recycling collection system to develop a collaborative public-private policy solution that includes:

- A packaging and printed paper fee paid by private-sector brands to support residential recycling infrastructure and education.
- A disposal surcharge on waste generators to help defray recycling operational costs for communities.

Packaging and printed paper fees would be based on a needs assessment and data-driven plan. Fees would be calculated to address the level of investments that are needed to provide recycling access to residents on par with disposal, provide education and outreach to residents to reduce rates of inbound contamination, and enhance MRF capabilities to efficiently sort and process collected materials. A third-party Non-Governmental Organization (NGO) would set and collect fees based on the established needs and disburse funds in order to meet statutory goals.

Combined, this dual-policy solution is intended to bring key stakeholders together to create funding mechanisms that could address the infrastructure, education and operational challenges facing the recycling collection system.

### 2.2.2 Role of the State Government in Regulating Solid Waste

Texas has a long-standing solid waste material management regulatory program, initiated with the Texas Solid Waste Disposal Act and passed by the state legislature in 1969. This Act required the Texas Health Department to adopt regulations pertaining to the design, construction, and operation of landfills and other processing facilities. Today, the TCEQ holds jurisdiction over solid waste material management. Several

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<sup>15</sup> For more information on the Accelerator Policy see the report “Accelerating Recycling: Policy to Unlock Supply for the Circular Economy” here: <https://recyclingpartnership.org/accelerator-policy/>

other major pieces of state legislation from the state Senate and House of Representatives have been enacted:

- The 1983 Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act, which established the Municipal Solid Waste Management and Resource Recovery Advisory Council, prescribed criteria and procedures for regional planning agencies and local governments that wanted to develop solid waste management plans.
- The 1987 House Bill 2051 established a preferred hierarchy via state policy for the management of hazardous waste, municipal waste, and municipal sludge. Figure 2-1 illustrates a current version of the municipal waste management hierarchy.
- The 1989 Senate Bill 1519 established a solid waste disposal fee program to fund the state's MSW regulatory programs. It required the state's regional planning agencies (Councils of Governments, COG) to develop regional solid waste management plans and to provide grant funding to support development of local plans.
- The 1991 Omnibus Recycling Act (Senate Bill 1340), set a statewide recycling goal of 40 percent of its MSW by January 1, 1994 and directed several state agencies to develop a joint market study and strategies to stimulate markets for recycled goods.
- The 1993 Senate Bill 1051 expanded state recycling programs and amended the state's 40 percent recycling goal. The goal became a 40 percent waste reduction goal, aimed at reducing the total amount of material disposed of in the state through recycling as well as source reduction.
- The 1993 House Bill 2537 addressed the risks associated with methane gas release from closed landfills by establishing a process for the TCEQ to review proposals and issue permits to build atop closed MSW landfills.<sup>16</sup>
- The 2007 Texas Computer Equipment Recycling Law required manufacturers to establish and implement a recovery plan for collection, recycling, and reuse of computer products.<sup>17</sup>
- The 2013 House Bill 7 reduced the disposal fees that landfills are required to pay to TCEQ from \$1.25 per ton to \$0.94 per ton and reduced the percentage allocated to Councils of Governments (COGs) to 33.3 percent.
- The 2015 House Bill 2736 required the TCEQ to conduct a study to quantify the amount of materials being recycled in the state, assess the economic impacts of recycling, and identify ways

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<sup>16</sup> Texas Center for Policy Studies. 1995. "Texas Environmental Almanac." Available online:

<http://www.texascenter.org/almanac/>

<sup>17</sup> Texas Commission on Environmental Quality. "Guidance for the Texas Recycles Computers Program"

Available online: <https://www.tceq.texas.gov/p2/recycle/electronics/computer-recycling.html>

to develop new markets to increase recycling. The TCEQ completed *Study on the Economic Impacts of Recycling* in 2017.

- The 2019 House Bill 61 is the “Slow Down to Get Around” legislation that establishes a misdemeanor violation for vehicles that do not adhere to the Transportation Code’s requirements of slowing and moving 2 lanes away from a solid waste collection vehicle.
- The 2019 Senate Bill 649 required the TCEQ to produce a plan to stimulate the use of recyclable material as feedstock in manufacturing. The bill also requires the TCEQ to develop an education program outlining all the ways that recycling provides economic benefits to the state.
- The 2019 House Bill 1435 authorized the TCEQ to inspect the facility or site before a permit for a proposed MSW management facility is issued, amended, extended, or renewed.
- The 2019 House Bill 1953 prohibited TCEQ from treating post-use polymers or recoverable feedstocks as solid waste if the substances are converted (by pyrolysis or gasification) into other valuable products.
- The state procurement office requires that state agencies give preference to specific types of products known as “first choice purchasing options.” These preferred products have a 10 percent price preferential (meaning they should be preferred even if they cost up to 10 percent more than products that do not contain recycled content) and must suit the needs of the purchasing agency. Preferred products include:
  - Re-refined oils and lubricants (to be 25 percent recycled content, if quality similar).
  - Certain paper products, including paper towels, toilet paper, toilet seat covers, printing, computer and copier paper, and business envelopes (a state agency is to procure the highest recycled content that meets their needs and is offered by the Comptroller).
  - Certain plastic products including trash bags, binders, and recycling containers.
  - Steel products.
  - Additionally, the state comptroller may give priority to Rubberized Asphalt Paving (RAP) material made from scrap tires by a facility in this state if the cost, as determined by life-cycle cost-benefit analysis, does not exceed the bid cost of alternative paving materials by more than 15 percent. (Texas Government Code §2155.443).
- In addition to state legislation, a rule adopted by the TCEQ, the Governmental Entity Recycling Program, became effective July 2, 2020 and requires local government entities in Texas to create and maintain a recycling program for their operations, as well as create a preference in purchasing for products made of recycled materials when the cost difference is less than 10 percent.



As part of the Governmental Entity Recycling Program, entities must give preference to products made with recycled materials, so long as the products meet applicable specifications as to quantity and quality and the average price of the product is not more than 10 percent greater than the price of comparable non-recycled products. The TCEQ rules require municipalities to:

1. Separate and collect all recyclable materials.
2. Provide procedures for collecting and storing recyclable material and making contractual or other arrangements with buyers of recyclable materials.
3. Evaluate the amount of recyclable material recycled and modify the recycling program as necessary to ensure that all recyclable materials are effectively and practicably recycled.
4. Establish educational and incentive programs to encourage maximum employee participation.

To establish a governmental entity recycling program, municipalities should review purchasing procedures, prioritize purchasing products that are recyclable or contain recycled content, encourage the community to buy recycled, and leverage the Texas Smart Buy Membership program (State of Texas Cooperative Purchasing program). The requirements of the governmental entity recycling program are covered as part of the sustainable procurement policy adopted by the City in May 2021. The sustainable procurement policy guides the City in making procurement decisions that positively impact social, economic and environmental health by establishing a working group to maintain an environmentally preferred products list, identify sustainability labels and standards to use in writing specifications, analyze citywide purchases for efficiency and waste reduction opportunities, and make other recommendations to achieve these ends.

### 2.2.3 Recent State Legislative Trends

The Texas Legislature meets on a biennium, or every other year. When the Texas Legislature is in session, a variety of Senate and House bill proposals relating to solid waste material management are introduced. During the recent 2021 legislative sessions, the Texas Legislature passed the following bills that could have an impact on the solid waste industry:

1. House Bill 1322 requires agencies such as TCEQ to provide plain-language summaries of any proposed rules.
2. House Bull 1869 amends the definition of debt in the Tax Code to include debt for “designated infrastructure” including landfills.
3. House Bill 1118 increases cybersecurity requirements for state and local entities, including compliance with cybersecurity training.

4. House Bill 2708 provides some municipalities access to certain hazardous waste remediation fees for reimbursement related to environmental cleanup at used battery recycling facilities.
5. House Bill 3516 requires TCEQ to adopt rules for the treatment and beneficial use of oil and gas waste, including permitting standards for commercial recycling.
6. House Bill 4110 increases recordkeeping requirements and documentation needed when a person attempts to sell a catalytic converter to a metal recycling facility.
7. Senate Bill 211 creates a 30-day deadline to file a petition on a TCEQ ruling, such as a permit issuance or other decision under the Solid Waste Disposal Act.
8. Senate Bill 1818 defines liability and reasonable care criteria for scrap metal recycling transactions with an end user/manufacturing facility.

Throughout the recent 2021 session and subsequent special sessions, additional topics of interest to state legislators were discussed based on proposed bills, but were not enacted. These topics include<sup>18</sup>:

1. Regulations related to the ability of the State to restrict local government ability to enact prohibitions on the sale or use of a container or package.
2. Regulations that for any product listed as recycled, remanufactured, environmentally sensitive be certified as accurate.
3. Regulations relating to municipal solid waste management services that cap the fee of gross receipts of a collection service provider to two percent.<sup>19</sup>
4. Regulations relating to the authority of certain municipal employees to request the removal and storage of certain abandoned or illegal parked or operated vehicles.
5. Creation of an eight-member council that advises state agencies and local governments on environmental justice issues (15-member review board advises the council) and the creation of an Office of Environmental Justice within the TCEQ.
6. Development of the Texas Clean and Healthy program, a rebate system for recyclable materials with verified end markets and direct economic relief.<sup>20</sup>

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<sup>18</sup> North Central Texas Council of Governments. 2021. "87<sup>th</sup> Session Legislative Matrix." Available online: [https://nctcog.org/nctcg/media/Environment-and-Development/Documents/Materials%20Management/87th-Legislative-Matrix\\_Solid-Waste.pdf](https://nctcog.org/nctcg/media/Environment-and-Development/Documents/Materials%20Management/87th-Legislative-Matrix_Solid-Waste.pdf)

<sup>19</sup> North Central Texas Council of Governments. 2021. "House Bill 753 One-Pager." Available online: <https://www.nctcog.org/nctcg/media/Environment-and-Development/Committee%20Documents/RCC/FY2021/HB-753-One-Pager.pdf>

<sup>20</sup> North Central Texas Council of Governments. 2021. "Texas Clean and Healthy Initiative." Available online: [https://www.nctcog.org/nctcg/media/Environment-and-Development/Committee%20Documents/RCC/FY2021/Texas-Clean-and-Healthy-Initiative\\_Summary.pdf?ext=.pdf](https://www.nctcog.org/nctcg/media/Environment-and-Development/Committee%20Documents/RCC/FY2021/Texas-Clean-and-Healthy-Initiative_Summary.pdf?ext=.pdf)

7. Amendment of the water code to restrict direct discharge or waste or pollutants into a classified stream segments that has had low phosphorus level at or below 0.06 mg/L in 90% or more of water quality samples for 10 years.
8. Regulation to allow a county to regulate solid waste services and ability to establish a mandatory program to collect a fee for solid waste services through the county tax assessor-collector's office.
9. Stricter regulations for locations of new landfills or the horizontal expansion of existing landfills in environmentally sensitive areas, such as over sole source aquifers or within special flood hazard areas.
10. Regulation related to the discharge of preproduction plastic, including prompt and environmentally responsible containment and cleanup, additional stormwater permit requirements, monitoring and implementation of best management practices.

#### 2.2.4 Role of the City of Dallas in Regulating Solid Waste

Chapter 18 of the Dallas City Code regulates the collection and disposal of MSW and defines Sanitation Services as the department of the City that is responsible for the operation of the City's solid waste collection and disposal utility. This provides the regulations for the following aspects of solid waste management:

1. Proper material set -outs
2. Collecting from residences, duplexes, apartments, institutions, commercial establishments and mobile home parks
3. Collection and removal of recyclable materials from multifamily sites
4. Collection and removal of material from the Downtown Area
5. Solid waste not handled by the Sanitation Services Department
6. Charges for disposal of solid waste
7. Collection and removal of illegally dumped materials on private premises
8. Penalties for violation
9. Weeds, grass and vegetation
10. Junked vehicles
11. Private solid waste collection service
12. Tires

### 2.3 Solid Waste Material Management Industry Trends

Solid Waste management philosophy, trends and practices have evolved significantly since the 2011 LSWMP. Key MSW management trends that may influence development of the LSWMP Update include,

but are not limited to, Sustainable Material Management (SMM), the waste management hierarchy, Zero Waste philosophy, circular economic practices, and several other local and national material management industry trends. This section provides perspective on key MSW management trends that may influence the development of the LSWMP Update and the industry moving forward.

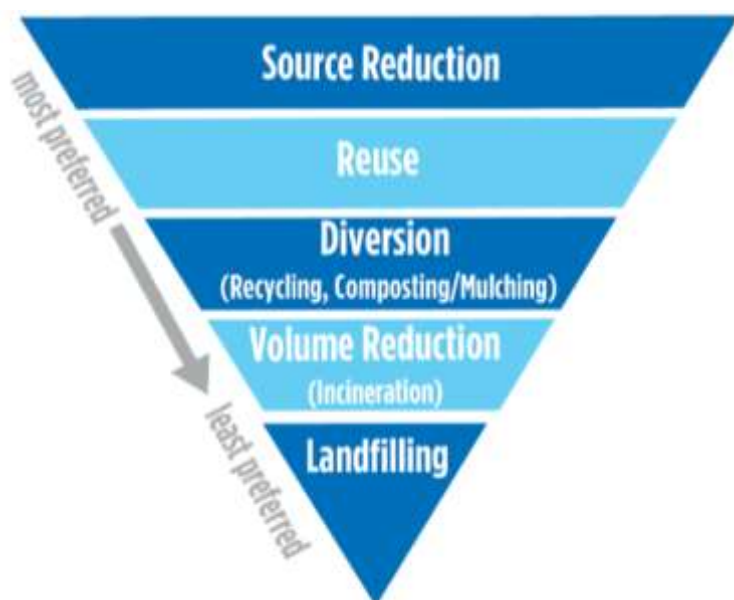
**Sustainable Materials Management.** SMM is a systematic approach to using and reusing materials more productively over their entire life cycles.<sup>21</sup> SMM encourages changes in how communities think about the use of natural resources and environmental protection, and goes beyond traditional thinking about waste reduction, reuse, recycling, and disposal. SMM emphasizes the consideration of a product's life from manufacturing to disposal and the need to make sustainable choices throughout that life cycle. An SMM approach seeks to:

- Use materials in the most productive way with an emphasis on using less.
- Reduce toxic chemicals and environmental impacts throughout a material's life cycle.
- Provide sufficient resources to meet the material needs of today and the future.

It has been a trend for the material management industry to apply the broad view of SMM to better plan for their community's economic and environmental future. For example, as discussed in Table 2-2, several cities in Texas (including Dallas) have adopted plans with high diversion goals, which typically include addressing SMM concepts.

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<sup>21</sup> U.S. Environmental Protection Agency (U.S. EPA). 2017. "Sustainable Materials Management Basics." Available online: <https://www.epa.gov/smm/sustainable-materials-management-basics>

**Figure 2-1: U.S. EPA's Waste Management Hierarchy**

**Waste management hierarchy.** The waste management hierarchy, developed by the U.S. EPA, has been adopted by many communities as a guide to managing MSW. This hierarchy is used as a tool in implementing an SMM approach to waste management. It was developed in recognition that no single waste management approach is suitable for managing all materials and all waste streams in all circumstances. The hierarchy ranks various management

strategies from most to least environmentally preferred. It places emphasis on reducing, reusing, and recycling as key to SMM.<sup>22</sup>

**Circular economy.** Like an SMM approach to planning for a community's future, the concept of a circular economy considers environmentally and economically sustainable decision-making throughout a material's life cycle. It offers a shift from the traditional linear manufacture-use-dispose concept of materials to a circular economy model that keeps resources in use for as long as possible, maximizes life and extracted value, and emphasizes that used materials are recovered and regenerated for other uses.

This economic approach allows the cycle to begin again while minimizing material disposal. Circular economy approach is a central theme in recycling market and economic development initiatives and is a

**Figure 2-2: Circular Economy**

<sup>22</sup> U.S. Environmental Protection Agency. 2017. "Sustainable Materials Management: Non-Hazardous Materials and Waste Management Hierarchy." Available online: <https://www.epa.gov/smm/sustainable-materials-management-non-hazardous-materials-and-waste-management-hierarchy>

goal of the City's CECAP to encourage the development of material markets and focusing on creating new economic opportunities within the City.

**Zero Waste.** Zero Waste is a philosophy that encourages the redesign of resource life cycles so that all products are reused. Zero waste is not a static, defined benchmark of eliminating landfill disposal of waste, but is rather a vision or philosophy around which communities and society should develop and adapt their materials management systems and culture. A number of industry organizations, states, and cities have begun setting zero waste goals. While diversion recycling rate is a common metric used to evaluate zero waste progress, 100 percent diversion recycling is not the ultimate goal of zero waste; rather, the focus is on continuous improvement and progressively working toward maximizing use of resources, and minimizing adverse environmental impacts and material disposal.

A comparison of the accepted municipal and industry definitions of zero waste shows that there are a number of prominent or key concepts across zero waste philosophies:

- Zero Waste as a guiding vision, philosophy, or set of principles (rather than a numeric goal); Zero Waste as striving for continuous improvement, not an absolute term or goal.
- System and material life cycle approach.
- Minimize waste generation and promote waste prevention.
- Circular economy.
- Supporting economic value, stimulation, and job creation.
- Minimization of environmental and health impacts (e.g., greenhouse gas emissions, landfill burial, water pollution).
- View used materials as resources, not waste and maximize recovery of materials.
- Extended producer responsibility (EPR).
- Adherence to the materials management hierarchy.

**High Recycling or Zero Waste Goals by Other Texas Cities.** Over the last 10 years, several cities (including Dallas) in Texas have developed MSW management plans that include goals to recycle or divert a high percentage of material from being landfilled. Some of these cities have specifically developed “Zero Waste” plans, while others have preferred to use terminology such as “high diversion.” Zero Waste is a philosophy that encourages the redesign of resource life cycles so that all products are reused. The goal for Zero Waste is that no MSW be sent to landfills or waste-to-energy facilities. Zero Waste is more a goal or

ideal rather than a hard target, as multiple cities with zero waste plans set maximum goals that still include some MSW going to landfills (e.g. 80% landfill diversion)<sup>23</sup>.

It has become common for cities to set short-, mid-, and long-term goals for recycling and diversion and to develop progressive programs and strategy implementation plans to meet those benchmarks. Texas cities that have established high diversion or zero waste goals include but are not limited to those presented in Table 2-2.

**Table 2-2: Texas Cities with High Diversion or Recycling Goals**

City	Goal	Recently Published Recycling/Diversion Rate	
		Percent	Year
Dallas <sup>1</sup>	40% recycling rate by 2020 60% recycling rate by 2040 Zero Waste by 2060	20%	2020
Austin <sup>2</sup>	20% reduction in per capita solid waste disposal by 2012 75% diversion by 2020 90% diversion by 2040	42%	2015
Fort Worth <sup>3</sup>	30% residential recycling rate by 2021 40% total City recycling rate by 2023 50% total City recycling rate by 2030 60% landfill diversion by 2037 80% landfill diversion by 2045	30%	2018
San Antonio <sup>4</sup>	60% single-family residential recycling rate by 2025	36%	2019

1. City of Dallas, 2011-2060 Local Solid Waste Management Plan. These long-term Zero Waste goals were adopted as part of the 2011 LSWMP and are consistent with the LSWMP Update; however, the 20 percent reflected here is only considering residentially collected refuse and recycling and omits any organics that may be collected from the single-family sector.
2. City of Austin, Zero Waste Strategic Plan adopted in 2009. The City of Austin is currently in the process of updating their plan. While these figures may not change, the metrics to evaluate progress toward them may be adjusted as part of the plan update.
3. City of Fort Worth, 2017-2037 Comprehensive Solid Waste Management Plan.
4. City of San Antonio, Recycling and Resource Recovery Plan, 2013 Update.

**U.N. Sustainable Development Goals (SDGs).** The U.N. SDGs are a collection of 17 interlinked global goals designed to be a "blueprint to achieve a better and more sustainable future for all". The SDGs were

<sup>23</sup> While waste-to-energy plays a critical role in an effective integrated solid waste management system, material that is processed for thermal or chemical recycling would not count toward Zero Waste. Further discussion is provided in the waste-to-energy and emerging technologies section below.

set up in 2015 by the United Nations General Assembly and are intended to be achieved by 2030. While the LSWMP Update does not include goals or objectives related to the U.N. SDGs, commercial entities in the City may use this system to support its materials management practices and policies.

**Recycling Measurement.** Traditionally, a recycling rate has been calculated as a means to measure recycling efforts. A recycling rate indicates the percentage of MSW generated that is recycled. In support of the use of transparent and consistent methods to measure materials recycled, the Solid Waste Association of North America (SWANA) technical policy for Measuring Recycling (T-6.4), published in 2018, defines recycling rate as the proportion of generated MSW that is recycled and is typically calculated utilizing the following formula, where totals are measured by weight in tons<sup>24</sup>.

$$\frac{\text{total recycled}}{\text{total recycled} + \text{total disposed}} \times 100\% = \text{recycling rate percentage}$$

The recycling rate may vary depending on the material types and generators that are included in the calculation. For example, including commercially generated material is challenging because there is no mandatory reporting requirement that the City could use to collect, verify and analyze tonnage data and is unaware of any recycling that is currently being conducted in the commercial sector.

Over the past decade, the weights and composition of materials in MSW streams have changed. For example, there is now typically less newspaper but more cardboard, and individual plastic bottles and aluminum cans weigh less. Some consumer packaging contains multiple materials, making recycling more challenging. Due to these factors, some communities are considering alternative methods to recycling measurement, other than recycling rates as described above:

- **Single-stream recycling collected.** The amount of residential recyclables collected annually on a pounds per household basis.
- **Capture rate.** Percentage of recyclable material that is recycled versus disposed.
- **Disposal rate.** Based on per capita/employee disposal quantities.
- **Contamination rate.** The amount of contamination (i.e., material that is not accepted by the City's contract recycling processing facility) present in the residential recycling program on a percentage basis. Contamination rate includes both non-recyclable contaminants and MRF process residue.
- **Participation rate.** Based on how frequently a resident or business recycles over a defined time period (e.g., monthly).

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<sup>24</sup> Solid Waste Association of North America Technical Policy T-6.4, Measuring Recycling, available at <https://swana.org/TechnicalandManagementPolicies.aspx>



- **Life cycle analysis.** Analysis of the total environmental impacts associated with a product or process and evaluation of opportunities to reduce impacts throughout its life cycle, using methods such as replacing virgin material inputs with recycled material.
- **Carbon footprint.** Quantification of greenhouse gas reductions through increased use of recycled materials as product inputs (life cycle analysis) and reduction of material landfilled, which reduces the generation of greenhouse gases due to decomposition.

**Environmental justice and equity.** Environmental justice and equity considerations related to material management are critical trends that municipalities are considering related to economic development, future infrastructure and transportation needs. Equity is a key consideration that informed the recommendations and goals adopted by set by the City's CECAP (e.g. considering equity to determine siting of any future transfer stations or solid waste management facilities). An example of this is the City's Multi-Family Recycling Ordinance (MFRO). A critical intended impact of the policy is to increase the environmental justice and equity for its residents related to solid waste material management by providing increased access to recycling among residents who live in multi-family tenant dwelling units. Further description related to the MFRO is provided in Section 11.0.

**Waste-to-energy and emerging technologies.** While recycling and disposal have been considered traditional solid waste material management methods in Texas, some components of the solid waste stream can be converted into energy or further processed. In the 2011 LSWMP, several waste-to-energy technologies were evaluated. Following that effort as part of the 2014 Resource Recovery Planning and Implementation Study, the City further evaluated several emerging technology options including the following, with brief descriptions:

- **Mixed waste processing.** A mechanical process to segregate recyclable materials from the solid waste stream to increase the recovery or recyclables from residential or commercial garbage (e.g. mixed waste) and preparation of materials to be sold at market.
- **Gasification.** A technologically-advanced process that converts the carbon-containing materials in mixed waste (such as paper, plastic, wood, rubber and other organics) into a synthesis gas or "syngas" composed primarily of carbon monoxide and hydrogen used as fuel to generate electricity or as a chemical building block in the synthesis of gasoline or diesel fuel
- **Anaerobic digestion.** A biological process by which organic matter found in the solid waste stream decomposes in the absence of oxygen, producing and using biogas to generate energy and producing a compost product marketed as fertilizer or soil amendment.

As part of the results and recommendations of the 2014 Resource Recovery Planning and Implementation Study, the high cost of development and implementation of mixed waste processing, gasification and

combustion technologies drove the City to pursue the development of a single-stream recycling facility. While waste-to-energy does have a role in a balanced integrated solid waste management system, the philosophy of Zero Waste excludes transformation of material through thermal or chemical processing as a viable pathway to achieving Zero Waste.

Over the past several years, many local governments in the United States (U.S.) have considered one or more of these technologies to manage aspects of their solid waste material streams.

The Texas cities included in Table 2-3 have considered and evaluated various technologies for their communities, but none have implemented any waste-to-energy or other conversion technologies. Key reasons for deciding against implementation of these technologies included preferring to focus on more traditional recycling (e.g. single-stream) and organics diversion programs and the relatively low cost of landfill disposal.

**Table 2-3: Summary of Texas Cities' Efforts to Evaluate Conversion Technologies**

City	Year	Summary
San Antonio	2011	Evaluated the feasibility of waste-to-energy and concluded that those technologies are not economically feasible “at this time or in the foreseeable future.” City decided to focus zero waste implementation efforts including increasing traditional recycling strategies and implementing food waste diversion programs.
Waco	2013	Issued request for proposals for waste-to-energy and received five responses. City declined to further pursue proposals as none of the companies were in commercial operation in the U.S. at the time.
Killeen	2013	While the City entered into negotiations for a gasification facility, the private company did not secure financing and the project was terminated.
Dallas	2014	The City evaluated the feasibility of technologies such as single-stream processing, mixed-waste processing, anaerobic digestion and gasification and elected to focus on the more proven single-stream recycling by developing a MRF under a Public-Private Partnership (PPP) structure to increase diversion from landfill.
Fort Worth	2016	City’s request for proposals for recycling processing included consideration of alternative technologies. However, City decided to continue contracting for recycling via single-stream processing.
Houston	2017	Evaluated “One Bin for All” approach, where all MSW would be collected together (i.e. mixed waste), but City declined to enter into contract for “One Bin for All” concept.

Although none of the Texas cities have moved forward to include waste-to-energy as part of their materials management system, other U.S. cities have implemented various technologies because high population density, limited landfill capacity, and land-locked geographies make the technologies more economically viable. Some examples of recent waste-to-energy or alternative conversion technologies that have been

implemented include Fiberight (<https://fiberight.com/facilities/>) in Bangor, ME and Enerkem (<https://enerkem.com/company/facilities-projects/>) in Edmonton, CAN. The most recent combustion waste-to-energy facility developed in the U.S. was implemented by the Solid Waste Authority of Palm Beach County, Florida in 2015<sup>25</sup>. Although waste-to-energy project is not being actively pursued in the near-term, the City would consider these as long-term options to support the continued development of a robust integrated solid waste management system.

**Landfill Trends.** As regulations become more restrictive and it becomes increasingly more challenging to obtain permits for new landfills, the MSW industry is seeing an increase in the vertical and horizontal expansion of established landfills. Owners are more commonly seeking to extend the useful life of their landfill by expanding the landfill footprint, improving operations, or implementing additional technologies such as enhanced leachate recirculation (a process in which liquids or air are added into a landfill to accelerate degradation of the waste and prolonging its useful life).

Landfill capacity is a finite resource in the region and permitting new landfills is becoming increasingly difficult. Closing facilities such as the DFW Landfill operated by Waste Management may cause tonnage flows to shift among facilities in the region, where displaced tonnage from closing landfills are required to be disposed at other facilities. Further discussion of the disposal marketplace is provided in Section 4.1.1.2.0.

**Landfill Tipping Fees.** The Environmental Research and Education Foundation (EREF) has conducted annual studies comparing landfill tipping fees across the country since 2016. In 2019, average per-ton landfill tipping fees in Texas are lower than both the national average and the South Central Region (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas) average. In 2020, the average landfill tipping fees in Texas remained below the national average but rose slightly higher than the regional average. The average tipping fees in Texas increased while both the regional and national averages decreased slightly in the year from 2019-2020.<sup>26</sup> This increase could be attributed to differences in economic growth across regions and landfill capacity, as well as that EREF received responses from a slightly different set of landfills from one year to the next. The multi-year trends developed by EREF show increasing tip fees nationally and in all regions over the period from 2016 - 2020.

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<sup>25</sup> Solid Waste Authority of Palm Beach County. "Renewable Energy Facility 2" Available online: <https://www.swa.org/Facilities/Facility/Details/Renewable-Energy-Facility-2-11>

<sup>26</sup> Environmental Research & Education Foundation (EREF). March 2020 and January 2021. "Analysis of MSW Landfill Tipping Fees." Available online: <https://erefndn.org/bibliography/datapolicy-projects/>

The tipping fees shown in Table 2-4 reflect the average of posted tipping fees at surveyed landfills. Negotiated tipping fees between a landfill and individual haulers may be lower.

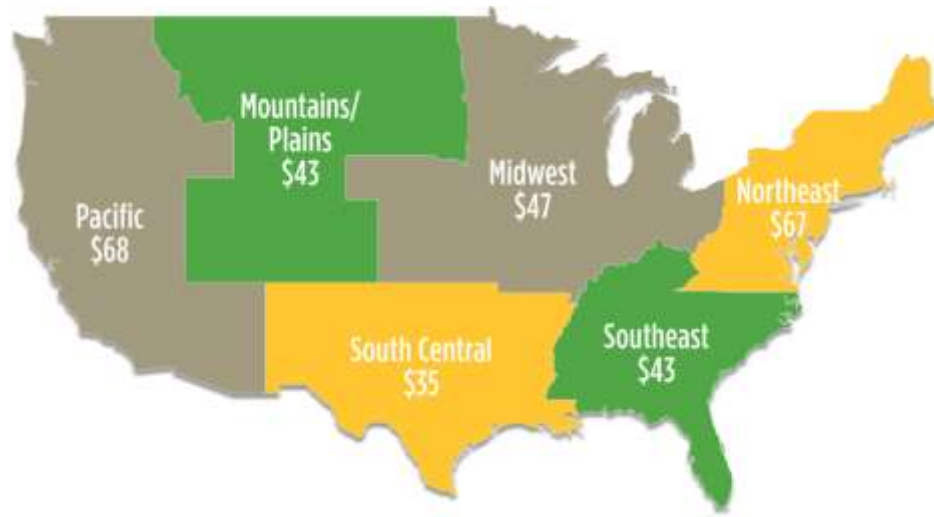
**Table 2-4: Average Per-ton Landfill Tipping Fees**

	2019	2020	Difference	Percent Increase
Texas	\$40.18	\$42.22	\$2.04	5.1%
South Central Region	\$40.92	\$39.66	(\$1.26)	(3.1%)
United States	\$55.36	\$53.72	(\$1.64)	(3.0%)

Source: Environmental Research & Education Foundation (EREF)

Figure 2-3 shows the average landfill tip fees in different regions around the U.S. to highlight the difference in landfill tip fees.

**Figure 2-3: National Average Landfill Tip Fees by Region, 2018**



Source: Environmental Research & Education Foundation (EREF)

More specific to the Dallas-Fort Worth Metroplex Area (DFW Metroplex), Table 2-5 describes policies to increase landfill disposal rates implemented at the cities of Dallas, Fort Worth, and Garland and Dallas have implemented policies to increase landfill disposal rates.

**Table 2-5: Landfill Rate Policies**

City	Policies Implemented
Dallas	Raised its gate rate tipping fee from \$25.00 per ton in 2017 <sup>27</sup> to \$34.88 per ton in 2021 <sup>28</sup> . Customers with long-term disposal contracts may pay a lower tipping fee than the gate rate.
Fort Worth	Raised its tipping fee from \$41.77 per ton in 2020 to \$46.77 per ton in 2021. Additionally, Fort Worth has established an additional \$5.00 per ton surcharge for certain commercial customers at the Southeast Landfill.
Garland	Raised its tipping fee from \$40.00 per ton in 2019 to \$42.00 per ton <sup>29</sup> in 2021 for non-contract automated vehicle customers <sup>30</sup> .

Fort Worth raised its tipping fee from \$41.77 per ton in 2020 to \$46.77 per ton in 2021. Additionally, Fort Worth has established an additional \$5.00 per ton surcharge for certain commercial customers at the Southeast Landfill. The City of Garland has raised its tipping fee from \$40.00 per ton in 2019 to \$42.00 per ton<sup>31</sup> in 2021 for non-contract automated vehicle customers<sup>32</sup>. The City has raised its gate rate tipping fee from \$25.00 per ton in 2017<sup>33</sup> to \$34.88 per ton in 2021<sup>34</sup>. Customers with long-term disposal contracts may pay a lower tipping fee than the gate rate. As disposal facilities close in the region and the tonnage flows shift, this local and regional trend of rising tipping fees may continue going forward. Further discussion of disposal facilities in the NCTCOG region is provided in Section 4.0.

**Organics Diversion.** A recent trend in solid waste material management is the focus on separating and diverting organic waste material from disposal. Organic waste represents a significant fraction of the solid waste stream and represents opportunities for municipalities to increase diversion from landfill disposal through composting or other organic waste processing technology. Municipalities are increasingly implementing organics diversion programs focusing on collection of yard waste and/or food waste. For

<sup>27</sup> Burns & McDonnell. 2018. "Solid Waste Landfill Market Study – Draft Report."

<sup>28</sup> City of Dallas. "Rate Changes Effective October 1, 2021." Accessed April 7, 2022. Available online: <https://dallascityhall.com/departments/sanitation/Pages/Commercial-Landfill.aspx>

<sup>29</sup> City of Garland. "Hinton Landfill Fees." Accessed 8/4/21. Available online: <https://www.garlandtx.gov/3696/Locations>

<sup>30</sup> Based on landfill market research conducted by Burns & McDonnell, the gate rate at the C.M. Hinton Landfill was \$40.00 as of 2019 contracted rates for commercial haulers range from \$21.00 to \$23.50 per ton.

<sup>31</sup> City of Garland. "Hinton Landfill Fees." Accessed 8/4/21. Available online: <https://www.garlandtx.gov/3696/Locations>

<sup>32</sup> Based on landfill market research conducted by Burns & McDonnell, the gate rate at the C.M. Hinton Landfill was \$40.00 as of 2019 contracted rates for commercial haulers range from \$21.00 to \$23.50 per ton.

<sup>33</sup> Burns & McDonnell. 2018. "Solid Waste Landfill Market Study – Draft Report."

<sup>34</sup> City of Dallas. "Rate Changes Effective October 1, 2021." Accessed April 7, 2022. Available online: <https://dallascityhall.com/departments/sanitation/Pages/Commercial-Landfill.aspx>

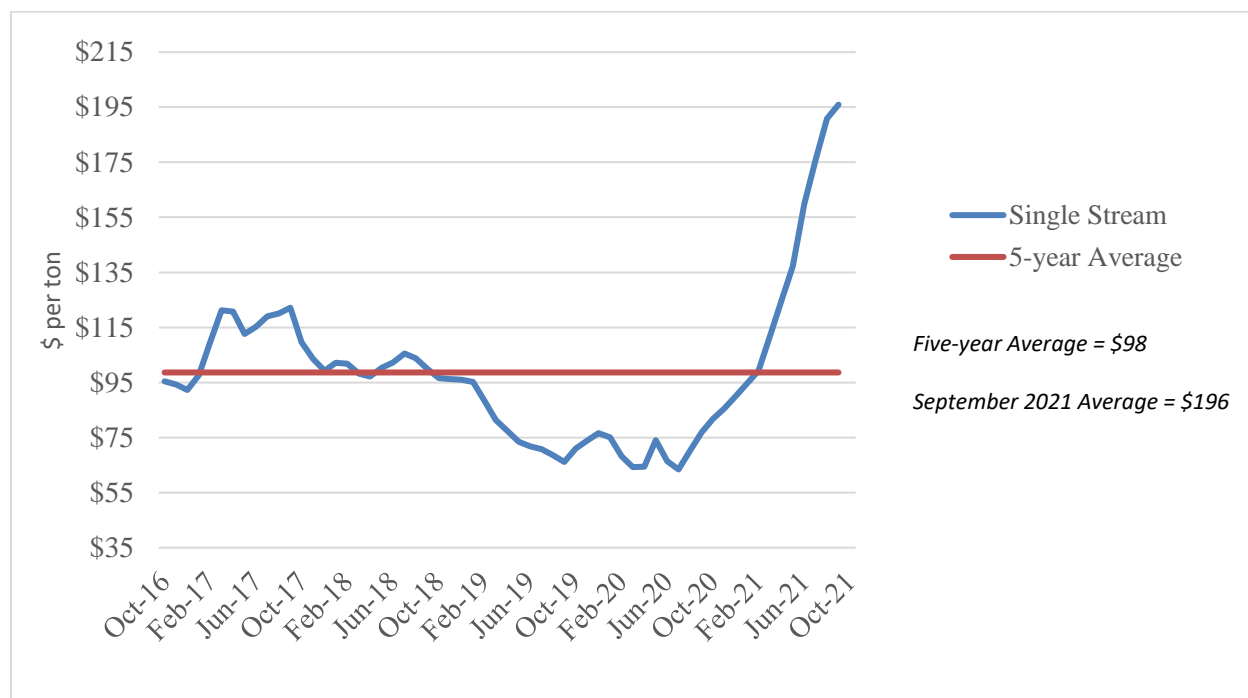
example, the Texas RMDP showed that the quantity of yard trimmings, brush and green waste recycled in Texas increased statewide from 2.3 million tons in 2015 to 5.8 million tons in 2019.

**Recycling Processing Fees.** The per-ton fees that a municipality pays for the processing of recyclable and organic materials collected from its customers are impacted by the market value of recovered materials and the level of contamination present. MRFs typically charge per ton for processing a municipality's recyclable materials and offer a share of the revenue generated through sale of the material back to the municipality. In 2008, at the beginning of the recession, many MRFs changed their cost recovery structure by charging higher processing fees that would fully recover all processing costs rather than relying on material revenues. As a result, MRFs were then typically willing to offer municipalities a greater share of material revenues. Table 2-6 compares the average single stream materials processing fees and recyclable materials revenue shares in Texas before and after the 2008 recession.

**Table 2-6: Average Single-Stream Recyclables Processing Fees and Municipal Revenue Shares**

Fee/Revenue	Prior to 2008	After 2008
Processing fee per ton	\$30-40	\$60-90
Recyclables revenue share to municipality	40-70%	50-90%

This is consistent with the \$73.46 per ton rate that FCC charges the City. The average value of single stream materials varies based on the composition of the materials (i.e. quantity of paper, plastics, metal, and glass) and the quality of the materials. The market for this material fluctuates based on many factors, including the state of international end-markets. In 2018, China began decreasing the amount of recycled material it imported based on rising levels of contamination, causing the price for this material to drop as the market adjusted to changes in the end-markets for this material. The average blended market value of processed recyclable materials in the Southwest region of collected single stream (paper, plastics, metal, and glass) from municipal collection programs has ranged from about \$52.00 per ton to \$110.00 per ton over the five-year period from 2016 to 2021 with a five-year average of \$72.00 per ton. Figure 2-4 illustrates the changes in the average value of single stream materials in Texas over this period.

**Figure 2-4: Single Stream Material Revenue (per Ton)<sup>1</sup>**

1. Source: recyclingmarkets.net

Starting in September 2020, the price for single-stream materials on the secondary commodity market has rebounded from about \$60.00 per ton to \$175.00 per ton in October 2021. This may be a result of the response from recycling processors to develop additional domestic end-market capacity at paper mills, plastic reclamation facilities, and scrap metal processing facilities due to the restrictions on international end-markets. While the increased revenues from single-stream materials will support MRFs to continue processing materials, the market remains volatile and other macro-economic or policy shifts may impact the revenues from these materials going forward.

The volatility in market prices for recyclables and the shifting practices of private MRF operators were determining factor in the City's decision to enter into a PPP for the processing of its recyclables to minimize the City's long-term risk while still ensuring that recyclables are processed and diverted.

**Municipalized Collection Systems.** In Texas, many cities provide solid waste material management services either with City resources or through a single private hauler contracted to provide those services. A small number of cities have an open market system in which several private haulers are permitted to operate within the city; however, open market systems are much more common for commercial, rather than residential, services. Generally, cities of smaller size in Texas may choose to contract for solid waste management services, likely due to limited resources available for operation of a municipalized system. Among some smaller cities and many cities with higher populations, there is a split between those that have

municipally and privately provided services. This approach is consistent with cities of comparable size in Texas. Table 2-7 shows the top 10 largest cities in Texas and how residential collection, recycling processing, disposal and transfer operations are managed.



**Table 2-7: Comparison Solid Waste Service of 10 Largest Texas Cities<sup>1</sup>**

City	Population	Residential Collections	Recycling Processing		Landfill		Transfer Station	
			Ownership	Operations	Ownership	Operations	Ownership	Operations
Houston	2,310,000	M	P	P	P	P	<b>M</b>	<b>P</b>
San Antonio	1,508,000	M	P	P	P	P	<b>M</b>	<b>P</b>
Dallas	1,331,000	M	<b>M</b>	<b>P</b>	M	M	M	M
Austin	950,807	M	P	P	P	P	N/A	N/A
Fort Worth	874,401	P	P	P	<b>M</b>	<b>P</b>	N/A	N/A
El Paso	679,813	M	P	P	M	M	N/A	N/A
Arlington	395,477	P	P	P	<b>M</b>	<b>P</b>	N/A	N/A
Corpus Christi	325,780	M	P	P	<b>M</b>	<b>P</b>	M	M
Plano	287,064	M	P	P	M	M	M	M

■ M = Municipalized, P = Private, **Bold** = Public-Private Partnership N/A = Not Applicable

**Alternative Fleet Fueling.** Over the last five years there has been an increase in the manufacture and deployment of alternative fleet fueling options including Compressed Natural Gas (CNG) and battery-powered solid waste collection vehicles and other equipment typical of municipal fleets (e.g. passenger vehicles, pickup trucks, etc.). Cities with ambitious greenhouse gas reduction goals are considering the purchase and implementation of these types of vehicles to support that effort. In the City's CECAP, one of the goals is to explore the potential for electric waste collection trucks to replace short range vehicles over time as part of a fleet replacement program. The requirements, challenges and potential financial impact of implementing battery-powered electric vehicles in the City's fleet is provided in Section 6.0. Additionally, the NCTCOG is currently developing a feasibility study for the manufacture of Renewable Natural Gas (RNG) for use in vehicle fleets in the DFW Metroplex.

### 3.0 PLANNING AREA CHARACTERISTICS

To properly plan for the City's future solid waste and recycling management needs, an understanding of the factors that will impact those needs is important. This section describes the City's current demographic and economic characteristics as well as anticipated future growth. To the extent that data is available, the material generation in the City is presented. As the population and economic activity of the City and region continue to grow, the volume of materials generated will increase accordingly. Anticipated growth of residents, businesses and development in the City is one of the primary factors the City and North Central Texas region must consider in planning for future materials management. Following description of the demographic and economic characteristics of the City, this section presents material generation forecasts and waste characterization information on a statewide and regional basis that provide the baseline for various analyses included throughout the LSWMP Update such as evaluating facility capacities (e.g., transfer station system, Landfill, FCC MRF, etc.), future operational requirements for the City's programs (e.g., curbside collection, brush and bulky item collection), estimating diversion potential from the residential and commercial sectors, and identifying key material types to target for diversion.

#### 3.1 Demographic and Economic Characteristics

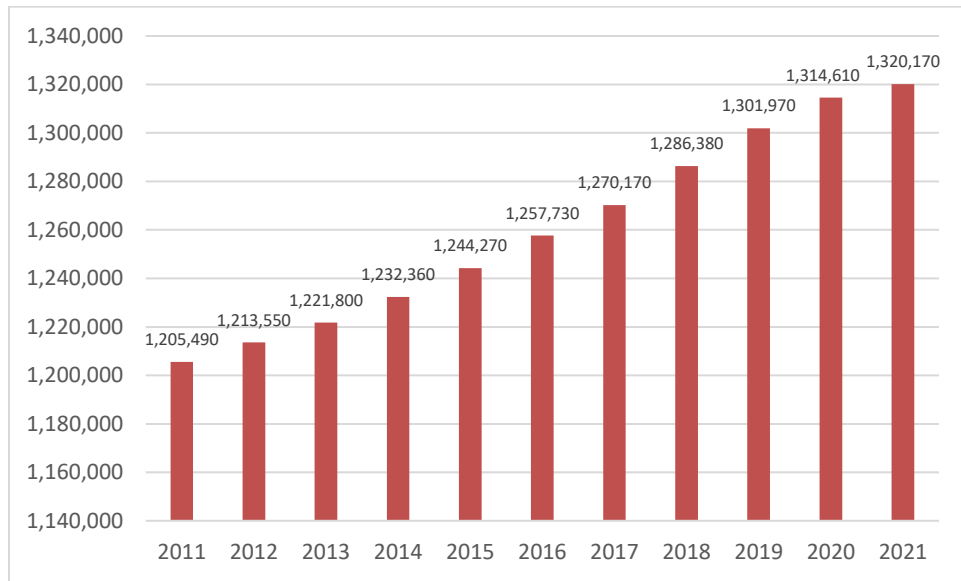
The population and economic growth the City experiences in the coming years will directly determine the quantities of material generated in the City. Anticipated material generation quantities will impact future materials management planning aspects addressed throughout this LSWMP Update including infrastructure development, public-private partnership development, and appropriate timing of continued system and program development. This section presents a selection of existing population data and projections and economic development information to provide an understanding of the planning area considerations under which this LSWMP Update has been developed.

##### 3.1.1 Historical and Current Population

The City's population has grown since the 2011 LSWMP was published, from a population of approximately 1,205,490 in 2011 to 1,320,170 in 2021<sup>35</sup> representing a 0.91% compound annual growth rate. Figure 3-1 presents the City's population growth from 2011 to 2021 based on regional population data published by NCTCOG. The NCTCOG population dataset and projections are used in the LSWMP Update rather than data generated by the U.S. Census Bureau because it is based on the local region.

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<sup>35</sup> North Central Texas Council of Governments Regional Data Center. "2021 NCTCOG Population Estimates (City)" Available online: <https://data-nctcoggis.opendata.arcgis.com/datasets/NCTCOGGIS::2021-nctcog-population-estimates-city/about>

**Figure 3-1: Historical Population Growth (2011-2021)**

### 3.1.2 Single-Family and Multi-Family Household Distribution

Many municipal planning efforts, including solid waste and recycling management, categorize residential populations into two general categories – single-family and multi-family. The City’s total residential population is distributed between these two categories. In the City, the single-family population is defined as residents living in single-family (one-unit) homes. The multi-family population is defined in Chapter 18 of the Code of Ordinances as residents living in structures with eight or more housing units (e.g., apartment complexes, condominiums, etc.). All single-family households and duplexes are serviced by the City collection vehicles, which has approximately 249,000 customers.

This distinction is important because material generated by multi-family households requires planning and management different than that of single-family households. Multi-family material is generally collected and managed in combination with commercially-generated material, and services and information are provided directly to multi-family property owners and managers, rather than directly to residents, as for single-family customers. Multi-family complexes are required to provide recycling services to tenants per the MFRO. Further discussion of the MFRO is provided in Section 11.0.

As part of the development process of the MFRO, the City compiled the number of multi-family properties by size, shown in Table 3-1.

**Table 3-1: Number of Multi-family Properties by Size<sup>1</sup>**

<b>Number of Properties</b>	<b>Property Size (number of units)</b>	<b>Total Units</b>	<b>Percent of Total Units</b>
498	8-19	5,753	3%
561	20-99	25,483	12%
344	100-199	50,132	24%
421	200+	124,229	60%
<b>1,824</b>		<b>205,597</b>	<b>100%</b>

1. Source: Code Compliance multi-tenant property inspection data October 2014 – October 2017

For the purposes of the projections presented further in this section, consistent with the assumptions of the 2011 LSWMP, Burns & McDonnell assumed that 47.1 percent of the City's population lives in single-family homes and 52.9 percent of the City's population lives in multi-family properties<sup>36</sup>.

### 3.1.3 Changing Collection Environments

This section discusses changing collection environments related to development trends and the City's approach to determining if proposed developments can be serviced by the Sanitation Department. A shift toward more condensed development is an ongoing trend among many cities in the North Central Texas region to reduce development sprawl and create more environmentally and socially conscious housing.

Currently planned residential growth throughout the City includes both in-fill development as well as large master planned communities (MPCs) that are developed based on Form-Based Code (e.g., SmartCode<sup>37</sup>). Form-Based Code specifications incorporate elements of New Urbanism (i.e., development that creates walkable, mixed-use neighborhoods) to accommodate environmental techniques such as reduced usage of impervious cover (e.g., pavement, asphalt, cement), increased usage of green spaces (e.g., parks, fields, gardens), and more walkable or multi-modal transit (e.g., bicycle lanes, trolley tracks).

Form-Based Code specifications result in compact mixed-use and high-density developments that can create challenges for solid waste collection to be performed safely and efficiently. If zoning requirements and design codes do provide accessibility for solid waste collection vehicles or equipment, challenging collection environments are built such as:

- **Inaccessible alleys.** Service location in narrow or obstructed alleys.

<sup>36</sup> North Central Texas Council of Governments. "Metrolplex Area Sub-Regional Solid Waste Study." 2003

<sup>37</sup> SmartCode is a model transect-based planning and zoning document based on the tenants of Form-Based Code intended to keep settlements compact and rural lands open by reforming the patterns of separated-use zoning. More information on SmartCode is available at the following link: <https://smartcodecentral.com/>

- **Private drives with limited maneuverability.** Service locations only accessible by private drives.
- **Cul-de-sacs with inaccessible set outs.** Service locations on Cul-de-sacs that are too small or contain obstructions.
- **Hammerhead or dead ends.** Service locations on hammerhead (i.e., dead-end streets that end in a “Y” shape) or dead-end streets with undersized turn radii.
- **Boulevards.** Service locations on arterial roads that contain obstacles for collection due to multi-modal transportation lanes.

The City’s Development Services conducts a pre-development process to review submittals to support the permit review process. City staff provide a cursory review to identify any major violations (e.g., not meeting minimum right-of-way, located in a thoroughfare, etc.) so the developer can adjust before the submission is fully evaluated. Development Services works collaboratively with other departments such as Dallas Fire-Rescue (DFR) and DWU in the pre-development process to identify any challenges that would cause the submission to ultimately be denied. Based on discussions with City staff, there are currently limited considerations in the pre-development process to ensure that the submission accounts for solid waste collection vehicle accessibility and meets the minimum standards to ensure that Sanitation Department equipment will be able to service these properties safely and efficiently.

Multiple cities across Texas are experiencing collection challenges associated with the implementation of SmartCode development, including Austin, Fort Worth, and San Antonio. Each of these cities have indicated that applications for new developments are provided to its solid waste and recycling collection group for initial review. It is clear, however, that even though this initial review process may be sufficient for the needs of fire truck equipment, the needs of solid waste and recycling collection vehicles require additional attention in regard to interim applications or amendments.

Although the City Code requires the Sanitation Department to provide services for all residences and duplexes, single-family attached properties with eight or less units cause a challenge for providing collection service. These types of properties may take the form of condominiums or in-fill properties added as additional units on existing lots or dividing existing home into multiple units. These types of properties are considered single-family properties and are often constructed based on form-based zoning specifications.

The challenge with single-family attached properties is that when they include challenging collection environments (e.g., private drives) the Sanitation Department has to consider removing the customer from service because they may not be able to safely or efficiently collect set outs, ultimately requiring the customer to hire a private sector service provider. Over time, if increasing numbers of City customers are

served by private-sector haulers they may be subject to higher rates for refuse and/or recycling service and require more collection vehicles to travel the City's roads causing increased repair needs.

Higher density developments and single-family attached units result in challenging collection environments that will inhibit the Sanitation Department's or other hauler's abilities to provide services to single-family and higher-density residences.

The proliferation of higher-density developments presents operational challenges for collection services. Collaborate with Development Services to ensure that the Sanitation Department is included in the pre-development process and that form-based code specifications meet the needs of collection equipment to minimize the development of challenging collection environments. Additionally, amend the City Code to define single-family attached properties more clearly as either the responsibility of the Sanitation Department to provide service, or have them covered under the MFRO to ensure that residents have access to cost-effective services and are not forced to hire private sector collection service providers

#### 3.1.4 Population Projections

The NCTCOG previously developed the 2040 forecast to provide the estimated number and distribution of population, households and employment by member city for the North Central Texas region.<sup>38</sup> Burns & McDonnell extrapolated the projection for the City to estimate the total population through 2040. Burns & McDonnell selected this 19-year planning period based on the expectation that the Landfill would be nearing capacity at that point. In 2040 the Landfill would have approximately 15 years of useful life, and the City will must need to determine if the disposal operation could be expanded or if there is a need to prepare to change disposal practices. Additionally, the regional population is also growing, which may impact the volume of material generated outside of the City and imported for disposal at the Landfill. Further discussion about regional landfill capacity is provided in Section 4.0 and detailed information and analysis related to the Landfill is provided in Section 8.0 and Appendix E.

The LSWMP Update projects the population growth based on the historical compound annual growth rate of the City as published by the North Central Texas Council of Governments where the population has grown from 1,205,490 in 2011 to 1,320,170 in 2021, representing an annual growth of 0.91 percent<sup>39</sup>. Using the growth rate of 0.91 percent, the City's population is projected to reach 1,568,974 in 2040.

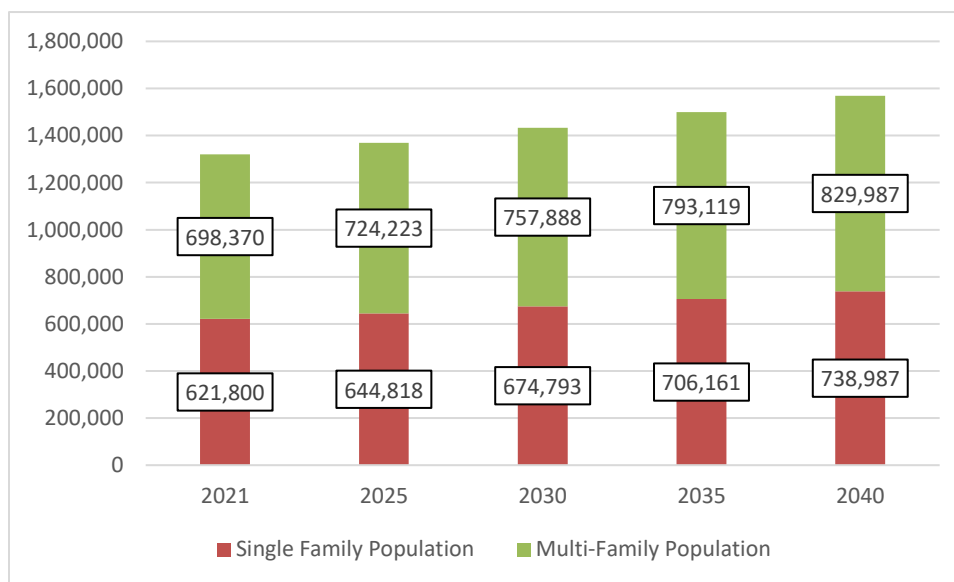
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<sup>38</sup> North Central Texas Council of Governments. Regional Data Center. 2040 Demographic Forecast by District. Available online at: <https://data-nctcogis.opendata.arcgis.com/datasets/2040-nctcog-demographic-forecast-district/explore>

<sup>39</sup> North Central Texas Council of Governments. "2021 NCTCOG Population Estimates (City)." 2021. Available online at: <https://data-nctcogis.opendata.arcgis.com/datasets/NCTCOGGIS::2021-nctcog-population-estimates-city/about>

The total population is further divided into single-family and multi-family populations based on the respective population distributions presented in the previous section (refer to Section 3.1.2) and is held constant through 2040<sup>40</sup>. Figure 3-2 shows the projected single-family and multi-family population growth of the City over the next 19 years, from 2021 through 2040.

**Figure 3-2: Population Projection (2021-2040)**



## 3.2 Economic Characteristics

The City is part of the larger Dallas-Fort Worth (DFW) Metroplex, the largest metropolitan area in Texas and the fourth largest in the U.S.<sup>41</sup> A primary driver of the population growth the City has experienced (refer to Section 3.1.3) is the economic development that has taken place. This section provides information on employment and economic development in the City.

### 3.2.1 Current Regional Employment

Current employment figures for the DFW Metroplex region are provided for informational purposes. Table 3-2 presents the employees in the DFW Metroplex as of March 2022 as reported by the U.S. Bureau of Labor Statistics.

<sup>40</sup> The distribution of population is held constant for the purposes of these projections, since no historical data on the number of permitted construction was conducted as part of the LSMWP Update; however, there is an anecdotal trend in the City that number of multi-family dwellings being developed outpaces the number of single-family dwellings. Further discussion of multi-family generation sector is provided in Section 11.0.

<sup>41</sup> New Census Bureau Estimates Show Counties in South and West Lead Nation in Population Growth, U.S. Census Bureau Press Release April 18, 2019. Retrieved September 2019 from <https://www.census.gov/newsroom/press-releases/2019/estimates-county-metro.html>



**Table 3-2: Employees in the DFW Metroplex<sup>1</sup>**

<b>Major Non-Farming Industry Sector</b>	<b>Employees (Number in Thousands)</b>
Trade, Transportation and Utilities	876.6
Professional and Business Services	722.1
Education and Health Services	483.5
Government	453.2
Leisure and Hospitality	392.4
Financial Activities	360.7
Mining, Logging and Construction	225.7
Manufacturing	293.2
Other Services	126.8
Information	85.6
<b>Total</b>	<b>4019.8</b>

1. Source:  
[https://www.bls.gov/regions/southwest/summary/blssummary\\_dallasfortworth.pdf](https://www.bls.gov/regions/southwest/summary/blssummary_dallasfortworth.pdf)

### 3.2.2 Economic Development

Continued growth within the City is inevitable and the City's proactive planning strategies will allow it to manage growth and maximize benefits for the community. With this continued growth, material generated by businesses and institutions will continue to increase and will need to be managed. This increase will include material generation associated with construction and development as well as ongoing business operations and increased employment. There are many underway, planned, and prospective development activities that may be realized within the City over the next several years. Burns & McDonnell conducted interviews as part the stakeholder engagement efforts with several departments within the City that support and manage its growth and development including the following, with brief descriptions:

- **Economic Development.** The City's Economic Development Department strategically engages the business community to overcome obstacles to growth and cultivate markets by leveraging the City's strengths in professional services, technology and logistics. Economic Development provides strategic investments to support the development of the City's economy.
- **Convention and Event Services.** The City's Convention and Event Services Department oversees the operation and development of the Kay Bailey Hutchinson Convention Center Dallas (Convention Center) and other key buildings in the City's Convention Center District. Convention and Event Services is currently in the process of developing a master plan for the Convention Center

District to support the redevelopment of the Convention Center and study multimodal transportation and urban development of the Cedars neighborhood.

- **Development Services.** The City's Development Services supports the private development process of residential and commercial properties including permit and plan reviews, approval and inspection services, and internal multi-departmental reviews.

### 3.3 Material Generation, Recycling and Disposal

Understanding current and projected solid waste generation, disposal, and recycling rates allows the City to appropriately plan for the types and quantities of material it will need to manage moving forward. Future solid waste management system requirements, including services, programs, and infrastructure are highly dependent on quantities of material and material type distribution. This section provides a baseline understanding of the material generation rates and presents material generation forecasts by sector.

#### 3.3.1 Material Generation Rate

Based on the 2019 tonnages delivered to the Landfill and MRF, Burns & McDonnell categorized material delivered in five material types and estimated the per-capita material generation rates for each to develop the basis for the material projection forecasts. The per-capita figures are generated by dividing the annual tonnage of each material by the 2019 City population and 365 days per year, multiplied by 2,000 pounds per ton to calculate the pounds per capita per day.

**Table 3-3: Generation Rate of Material**

<b>Material Type</b>	<b>2020 Annual Tons</b>	<b>Pounds/Capita /Day<sup>1</sup></b>
Municipal Solid Waste	1,389,898	5.79
C&D	176,279	0.73
Contaminated Soil	46,705	0.19
Recycling	60,541	0.25
Other	4,238	0.2
<b>Total</b>	<b>1,677,662</b>	<b>6.99</b>

1. The per-capita figures are generated by dividing the annual tonnage of each material by the 2020 City population of 1,320,170 and 365 days per year, multiplied by 2,000 pounds per ton to calculate the pounds per capita per day. Pounds per capita per day is assumed to be representative of growth from residential and commercial generators since population growth would have a corresponding impact on commercial material generation (e.g., increased development activity).
2. Other material includes dead animals, slaughterhouse waste, grit trap grease, and septage waste disposed at the landfill.

The following provides further detail of each material type including how each material is managed and the constituent materials that compose each material stream, and how each is further analyzed in the plan. capita generation and how each material category and how each material is managed.

- **Municipal Solid Waste.** MSW tons include refuse, yard waste, brush and bulky items generated by the residential and commercial sectors and collected by the City or private haulers. The majority of this material is generated within the City limits, but some materials may be collected from surrounding municipalities and delivered to the Landfill.
- **Construction & Demolition.** C&D tons include material generated by the commercial sector as part of development within the City including new construction, renovation, deconstruction and demolition projects. The materials in the C&D stream may include concrete, lumber, rebar, gypsum, plastic, and cardboard.
- **Contaminated Soil.** Contaminated soil includes inert materials generated by the commercial sector that have become contaminated with gas, oil, or other chemicals that require it be disposed at the Landfill.
- **Recycling.** Recycling tons include curbside collected single-stream material, separated bulk metal, recycled electronic equipment, and tires generated by residential and commercial sector. Curbside single-stream materials are collected curbside from single-family residences and bulk metal, electronics and tires are delivered to the Landfill and diverted from disposal.
- **Other.** Other material includes dead animals, slaughterhouse waste, grit trap grease, and septage waste generated by the commercial sector and disposed at the Landfill.

In the 2011 LSWMP, the reported annual disposal for 2010 was 5.67 pounds per person per day. Based on the tonnage and per capita generation figures shown in Table 3-3, the generation rate is now 6.99 pounds per person per day, about 1.32 pounds per person per day higher than it had been in the 2011 LSWMP, likely due to the increase in population and associated commercial development and construction.

### 3.4 Material Generation Forecast

This section presents the baseline material generation forecast and breakdown of material generation forecasts for key materials and generator types. The per capita generation rates (see Section 3.3.1) serves as the basis for the material generation forecasts. Table 3-4 presents the forecast of material to be delivered to the Landfill and managed annually between 2021 and 2040.

**Table 3-4: Material Generation Forecast**

<b>Material Type</b>	<b>2021</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>
Municipal Solid Waste	1,395,777	1,447,446	1,514,731	1,585,144	1,658,830
C&D	177,025	183,578	192,112	201,042	210,388
Contaminated Soil	46,903	48,639	50,900	53,266	55,742
Recycling	61,557	63,836	66,803	69,909	73,158
Other	4,256	4,414	4,619	4,834	5,059
<b>Total<sup>1</sup></b>	<b>1,685,518</b>	<b>1,747,913</b>	<b>1,829,165</b>	<b>1,914,194</b>	<b>2,003,176</b>

1. Totals may not sum exactly due to rounding.

### 3.4.2 Material Generation Forecast by Sector

This section provides a baseline understanding of the material generation for from residential and non-residential sectors, and presents material generation forecasts by sector. In FY 2021 the City collected a total of 256,750 tons of refuse and 181,844 tons of brush and bulky items from residential customers. These tonnages include all City-collected material processed in the transfer station system and delivered directly to the Landfill.

To account for any errors in data entry (e.g., City staff coding material incorrectly), the material generation forecasts initial year of FY 2021 is based on the average material collected by the Sanitation Department from FY 2016 – FY 2020 and projected out one year to FY 2021 based on the estimated population<sup>42</sup>. The material generation forecast shows City-collected residential and non-City collected material that would be delivered generation to the Landfill through 2040 to provide perspective on the expected tonnage total expected generation that that would need to be managed by the City’s collection fleet compared to the amount of material that is delivered to the Landfill by other generators including commercial entities, multi-family properties, and single-family residents located outside the City. For the purposes of this analysis, multi-family material is included in the tonnage of commercial material. Further discussion of multi-family tonnage generation is provided in Section 11.0.

Table 3-5 shows the projected tonnages generated for both single-family residential and commercial tons, broken down by sector and material type from 2021 through 2040. Figure 3-3 shows the material forecast projection broken down by sector from 2021 through 2040.

<sup>42</sup> The average FY 2016 – FY 2020 refuse collected by the Sanitation Department is calculated by adding the average tonnage delivered to all the transfer stations (203,884 tons) and the average direct hauling to the Landfill (84,154 tons) including recycling vehicles that were identified as hauling refuse to support operations. The average FY 2016 – FY 2020 brush and bulky items collected is calculated by adding the average tonnage delivered to all the transfer stations (68,606 tons) and the average direct hauling to the Landfill (83,791 tons).

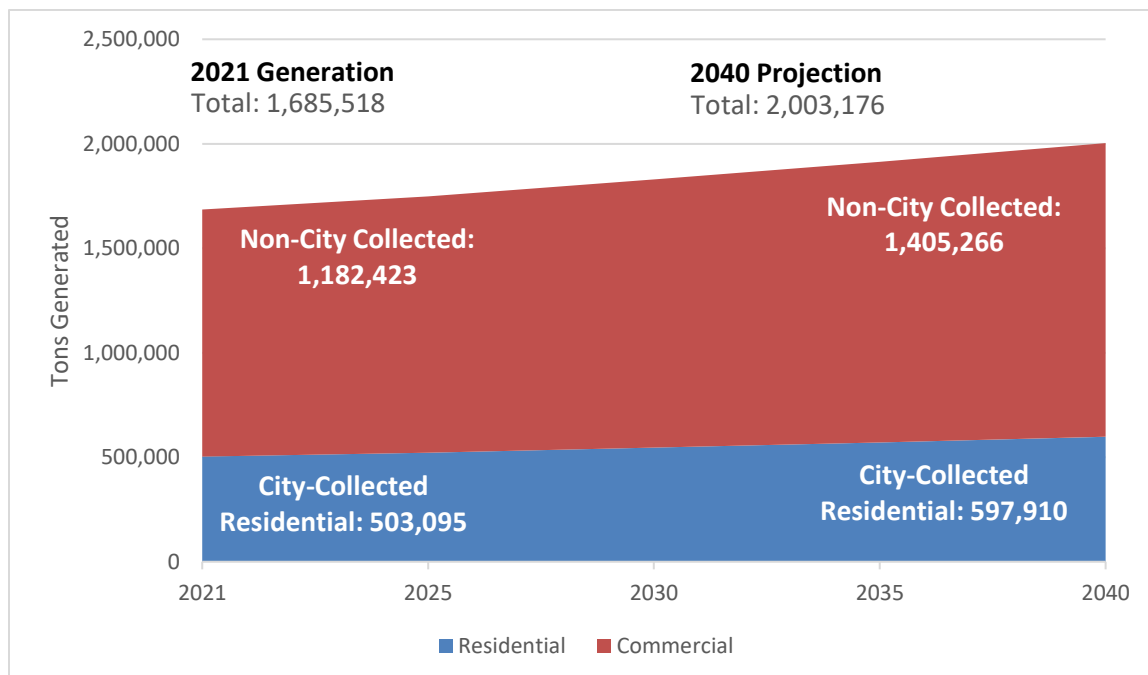
**Table 3-5: Material Generation Delivered to the Landfill Forecast by Sector and Material Type**

Material Type	FY 2021	FY 2025	FY 2030	FY 2035	FY 2040
<b>City-Collected Material</b>					
Refuse	289,257	299,965	313,909	328,501	343,772
Brush and Bulky Items	153,041	158,707	166,084	173,805	181,884
Recycling <sup>1</sup>	60,797	63,047	65,978	69,045	72,255
<b>Subtotal</b>	<b>503,095</b>	<b>521,719</b>	<b>545,971</b>	<b>571,351</b>	<b>597,910</b>
<b>Non-City Collected Material</b>					
Refuse	953,478	988,775	1,034,738	1,082,838	1,133,174
C&D	177,025	183,578	192,112	201,042	210,388
Contaminated Soil	46,903	48,639	50,900	53,266	55,742
Other	4,256	4,414	4,619	4,834	5,059
Recycling <sup>2</sup>	761	789	825	864	904
<b>Subtotal</b>	<b>1,182,423</b>	<b>1,226,194</b>	<b>1,283,194</b>	<b>1,342,844</b>	<b>1,405,266</b>
<b>Total<sup>1</sup>Total<sup>3</sup></b>	<b>1,685,518</b>	<b>1,747,913</b>	<b>1,829,165</b>	<b>1,914,194</b>	<b>2,003,176</b>

1. Represents residential recycling material collected by the City.

2. Represents recyclables generated by the commercial sector and separated for diversion at the Landfill.

3. Totals may not sum exactly due to rounding.

**Figure 3-3: Material Generation Delivered to the Landfill Forecast by Sector**

The material generation forecast, in conjunction with the waste characterization information presented in the next section, will serve as the baseline for various analyses included throughout the LSWMP Update such as evaluating facility capacities (e.g., transfer station system, Landfill, FCC MRF, etc.), future

operational requirements for the City’s programs (e.g., curbside collection, brush and bulky item collection), estimating diversion potential from the residential and commercial sectors, and identifying key material types to target for diversion.

### 3.5 Waste Characterization

Waste characterization is the analysis of the composition of a waste stream. This section presents statewide waste characterization data from the 2020 TCEQ Recycling Markets Development Plan<sup>43</sup> as well as regional waste characterization data developed through studies conducted by the NCTCOG.<sup>44</sup>

#### 3.5.1 Statewide MSW Characterization

Of the estimated 36.5 million tons of material disposed of in landfills in Texas in 2019, approximately two thirds were MSW<sup>45</sup> and the remaining third was comprised of C&D material and other materials (e.g., sludge, septage, tires, and medical waste). All three categories include both recyclable and non-recyclable materials that end up in landfills across the state. Table 3-6 presents the high-level distribution of material disposed of in Texas landfills in 2019.

**Table 3-6: Tonnage Disposed in Landfills by Waste Type (2019)**

<b>Material Type</b>	<b>Percentage<sup>1</sup></b>	<b>Tonnage Disposed</b>
MSW	64.0%	23,379,895
C&D	21.3%	7,772,988
Other <sup>2</sup>	7.4%	2,700,795
Industrial <sup>3</sup>	7.3%	2,683,279
<b>TOTAL</b>	<b>100.0%</b>	<b>36,536,957</b>

1. Percentages rounded for ease of presentation.
2. Other includes solid waste other than MSW and C&D materials such as brush, sludge, septage, contaminated soil, regulated and non-regulated asbestos-containing material, tires, and medical waste. Does not include Class 1, Class 2, or Class 3 non-hazardous industrial waste (NHIW).
3. Includes Class 1, Class 2, and Class 3 materials disposed in landfills. NHIW waste is also disposed in industrial landfills in the State.

<sup>43</sup> Texas Commission on Environmental Quality (TCEQ). September 2021. “Recycling Markets Development Plan.” Available online here: <https://www.tceq.texas.gov/assets/public/assistance/P2Recycle/Recyclable-Materials/2021%20Recycling%20Market%20Development%20Plan.pdf>

<sup>44</sup> North Central Texas Council of Governments (NCTCOG). Regional Recycling Survey and Campaign. <https://www.nctcog.org/envir/materials-management/regional-recycling-survey-and-campaign>

<sup>45</sup> The TCEQ defines municipal solid waste (MSW) as “solid waste resulting from, or incidental to, municipal, community, commercial, institutional, and recreational activities; it includes garbage, rubbish, ashes, street cleanings, dead animals, medical waste, and all other nonindustrial waste (30 TAC 330.3).”

MSW composition varies from region to region based on various factors, such as percentages of residential versus commercial sectors, access to recycling programs, and vegetative growth. Multiple large cities in Texas and regional planning agencies, including, but not limited to San Antonio and El Paso and the NCTCOG, have completed solid waste characterization studies over the past five years. Burns & McDonnell reviewed these studies to develop an estimate of MSW composition as part of the RMDP<sup>46</sup>. For commercial MSW, Burns & McDonnell estimated the composition based on the El Paso and Dallas waste characterization studies, since those were the only identified recent studies to separately evaluate the composition of commercial MSW.<sup>47</sup>

Table 3-7 presents the estimated composition and tonnage of MSW disposed in Texas by material category.

**Table 3-7: Composition of MSW Disposed by Material Category (2019)**

<b>Material Group</b>	<b>Material Category</b>	<b>Percentage<sup>1</sup></b>	<b>Tonnage Disposed<sup>2</sup></b>
<b>Paper</b>	Cardboard	9.2%	2,151,346
	Office Paper	1.3%	306,471
	Mixed (Other recyclable)	6.7%	1,564,396
	Other (Non-recyclable)	11.1%	2,605,198
	<b>Subtotal</b>	<b>28.3%</b>	<b>6,627,411</b>
<b>Plastics</b>	PET#1	1.7%	387,469
	HDPE #2	1.4%	319,683
	Plastics #3-7	0.9%	201,516
	Plastic Bags & Film Wrap (Recyclable) <sup>3</sup>	0.6%	142,345
	Plastic Bags & Film Wrap (Non-recyclable) <sup>4</sup>	2.6%	607,687
	Other Plastic	7.6%	1,765,513
	<b>Subtotal</b>	<b>14.8%</b>	<b>3,424,213</b>
<b>Metals</b>	Ferrous	1.9%	433,491
	Non-Ferrous	1.2%	283,481
	<b>Subtotal</b>	<b>3.1%</b>	<b>716,972</b>
<b>Glass</b>	Glass	3.9%	908,487
	<b>Subtotal</b>	<b>3.9%</b>	<b>908,487</b>
<b>Organics</b>	Yard Trimmings, Brush, and Green Waste	3.2%	753,345
	Food and Beverage Materials	18.5%	4,320,480
	Textiles	2.7%	635,265
	Diapers	0.6%	149,192
	Other Organics	5.9%	1,376,755
	<b>Subtotal</b>	<b>30.9%</b>	<b>7,235,037</b>
	Clean/Unpainted C&D Aggregates	0.1%	13,882
	Clean/Unpainted C&D Wood	4.9%	1,156,627

<sup>46</sup> Composition based on waste characterization studies for other cities and regional planning agencies in Texas, including, but not limited to, San Antonio, El Paso, and NCTCOG.

<sup>47</sup> Data from the City of Dallas waste characterization study was included in the 2015 Study on the Economic Impacts of Recycling. This data was also used for the Recycling Market Development Plan since additional commercial composition data (other than from the City of El Paso) was unavailable.

Material Group	Material Category	Percentage <sup>1</sup>	Tonnage Disposed <sup>2</sup>
<b>C&amp;D Materials</b>	Other C&D Materials	5.9%	1,384,577
	<b>Subtotal</b>	<b>10.9%</b>	<b>2,555,086</b>
<b>Other</b>	Batteries	<0.1%	5,214
	Electronics	1.1%	265,697
	Paint	<0.1%	194
	Tires	1.1%	263,798
	Other	5.9%	1,377,786
	<b>Subtotal</b>	<b>8.2%</b>	<b>1,912,689</b>
<b>Subtotal Recyclable<sup>4</sup></b>		<b>53.2%</b>	<b>12,438,104</b>
<b>Subtotal Non-recyclable<sup>4</sup></b>		<b>46.8%</b>	<b>10,941,791</b>
<b>TOTAL</b>		<b>100.0%</b>	<b>23,379,895</b>

1. Percentages based on material category tonnage divided by total tonnage. Percentages rounded for ease of presentation.
2. Composition based on waste characterization studies for other cities and regional planning agencies in Texas, including, but not limited to, San Antonio, El Paso, and NCTCOG.
3. Film plastics are recyclable and are included within the RMDP. However, only a portion was assumed to be recyclable in the estimated tonnage of materials that could potentially be recycled, reflective of commercial generators generating high-quality, clean and dry film in sufficient quantities to bale on-site. Burns & McDonnell estimated this to be 20 percent of commercial film, or 142,345 tons out of 750,032 tons landfilled. The remaining 607,687 tons of film plastics were assumed to be non-recyclable.
4. Quantity includes MSW metals that would likely be processed through scrap metal processors. Recyclable materials include the following material categories that could be diverted from disposal: cardboard, office paper, mixed (other recyclable) paper, PET #1, HDPE #2, ferrous metal, non-ferrous metal, glass, yard trimmings, brush and green waste, food and beverage materials, and textiles.

The estimated MSW composition for Texas are compared to the national composition of MSW disposed as reported by U.S. EPA<sup>48</sup>. Paper accounted for a higher percentage of MSW disposed in Texas; 28.3 percent in Texas versus 13.1 percent nationally. This may be due to higher rates of disposal of cardboard and other potentially recyclable paper products. Metals and plastics accounted for a lesser percentage of MSW disposed in Texas; 3.1 percent in Texas versus 9.9 percent nationally for metals, and 14.6 percent in Texas versus 19.2 percent nationally for plastics. In addition, food and beverage materials, yard trimmings, brush, and green waste and glass accounted for a lesser percentage of the MSW disposed in Texas in comparison to average composition of MSW disposed nationally. Table 3-8 compares the composition of MSW disposed post diversion in Texas to the national composition.

**Table 3-8: Composition of MSW Disposed by Material Group/Category in Texas versus United States (2019)**

Material Group/Category <sup>1</sup>	Texas	National	Difference
Paper	28.3%	13.1%	15.2%
Plastics	14.6%	19.2%	(4.6%)
Metals	3.1%	9.9%	(6.8%)

<sup>48</sup> U.S. Environmental Protection Agency. Advancing Sustainable Materials Management: 2017 Fact Sheet. 2019. Available online at [https://www.epa.gov/sites/production/files/2019-11/documents/2017\\_facts\\_and\\_figures\\_fact\\_sheet\\_final.pdf](https://www.epa.gov/sites/production/files/2019-11/documents/2017_facts_and_figures_fact_sheet_final.pdf)



<b>Material Group/Category<sup>1</sup></b>	<b>Texas</b>	<b>National</b>	<b>Difference</b>
Glass	3.9%	4.9%	(1.0%)
Food and Beverage Materials	18.5%	22.0%	(3.5%)
Yard Trimmings, Brush, and Green Waste	3.2%	6.2%	(3.0%)
Other	28.4%	24.7%	3.7%
<b>TOTAL</b>	<b>100.0%</b>	<b>100.0%</b>	

1. Material groups and categories revised to allow comparison of Texas and national composition of MSW disposed. Material groups and categories not listed above are included in Other. Texas composition based on previously cited studies. National data based on previously cited data from the U.S. EPA.

### 3.5.2 Statewide C&D Composition

Like MSW, the composition of C&D materials varies from region to region. Burns & McDonnell developed a Texas-specific estimate of C&D materials composition based on the C&D waste characterization completed for the North Central Texas Council of Governments as part of a C&D MRF Feasibility Study<sup>49</sup>. The C&D MRF Feasibility Study included waste characterization data from more than 600 loads of C&D material. This study is the only publicly available comprehensive C&D waste characterization study in Texas of which Burns & McDonnell is aware.

Table 3-9 present the estimated composition and tonnage of C&D material disposed in Texas by material category.

**Table 3-9: Composition of C&D Materials Disposed by Material Category (2019)**

<b>Material Group</b>	<b>Material Category</b>	<b>Percentage<sup>1</sup></b>	<b>Tonnage Disposed</b>
<b>C&amp;D Materials</b>	Concrete/Cement	28.5%	2,215,302
	Bricks/Cinder Blocks	6.5%	505,244
	Asphalt	5.4%	419,741
	Drywall/ Gypsum	3.9%	303,147
	<b>Subtotal</b>	<b>44.3%</b>	<b>3,443,434</b>
<b>Paper</b>	Cardboard	5.9%	458,606
	Other	1.3%	101,049
	<b>Subtotal</b>	<b>7.2%</b>	<b>559,655</b>
<b>Metals</b>	Ferrous	5.0%	388,649
	<b>Subtotal</b>	<b>5.0%</b>	<b>388,649</b>
<b>Organics</b>	Yard Trimmings, Brush, and Green Waste	3.3%	256,509
	Wood Packaging	2.7%	209,871
	Scrap Lumber	7.4%	575,201
	Soil	21.1%	1,640,101
	<b>Subtotal</b>	<b>34.5%</b>	<b>2,681,682</b>
<b>Other</b>	Refuse	1.6%	124,368

<sup>49</sup> North Central Texas Council of Governments. Construction and Demolition Material Recovery Facility Feasibility Study. August 2007.

Material Group	Material Category	Percentage <sup>1</sup>	Tonnage Disposed
	Other	7.4%	575,201
	<b>Subtotal</b>	<b>9.0%</b>	<b>699,569</b>
<b>Subtotal Recyclable<sup>2</sup></b>		<b>68.6%</b>	5,332,270
<b>Subtotal Non-recyclable</b>		<b>31.4%</b>	2,440,719
<b>TOTAL</b>		<b>100.0%</b>	<b>7,772,989</b>

1. Percentages rounded for ease of presentation.

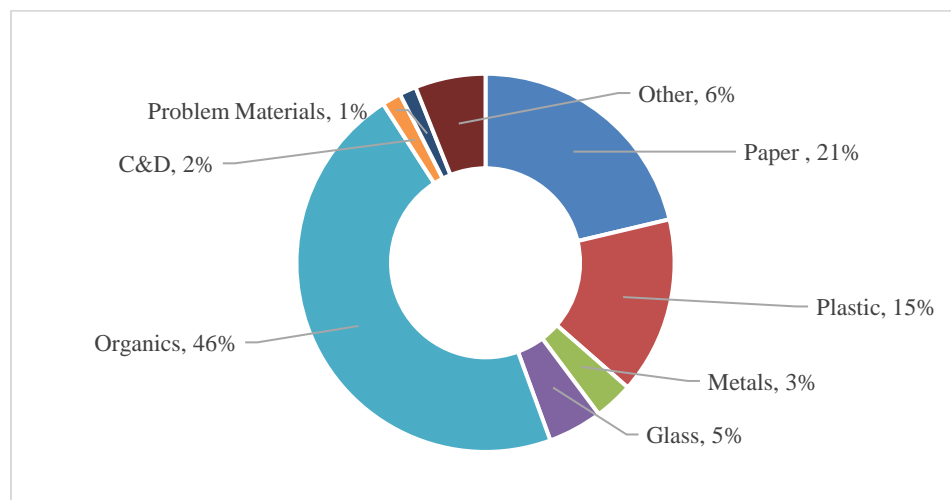
2. Recyclable materials include the following material categories that could be diverted from disposal: concrete/cement, bricks/cinder blocks, asphalt, drywall/gypsum, cardboard, ferrous metal, yard trimmings, brush and green waste, wood packaging, and scrap lumber.

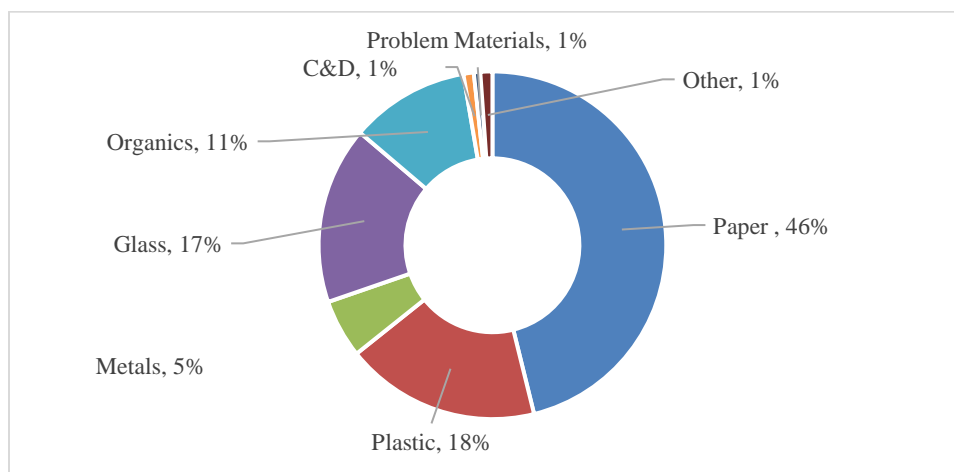
### 3.5.3 Regional Waste Characterization

Burns & McDonnell assessed the regional waste composition profile of residential refuse material disposed in the Dallas area in a series of regional waste characterizations conducted in 2018, 2019 and 2020. The 2019 and 2020 evaluations included sorting waste and recycling samples to generate the composition profile of both disposal and recycled material streams.

Even though samples of material from the City were sorted, the composition profile represents the wider North Central Texas region and cannot be used to estimate of tonnages of individual refuse materials generated by the City with a high degree of confidence due to limited sample size. Rather, the regional waste composition provides an understanding of the composition of refuse disposed among all the cities in the region and is used to generate a capture rate figure on a material-by-material basis as shown in Figure 3-4 and Figure 3-5.

**Figure 3-4: 2020 Regional Waste Composition of Residential Refuse, North Central Texas**



**Figure 3-5: 2020 Regional Recycling Composition of Residential Recycling, North Central Texas**

During the 2020 sorting event the City provided 12 samples each of refuse and recycling. Based on these samples, 16.7 percent of the refuse stream contained potentially recyclable materials. Conversely, 30.3 percent of the recycling stream contained contamination. Note that the level of contamination in the recycling samples may be higher than what is estimated as part of a typical MRF audit due to differences in material handling, processing, and small samples size. Further information related to the City's recycling audit is presented in Section 9.0.

Material sorted as part of the waste characterization was not compacted in a waste hauling vehicle nor delivered to the MRF. This resulted in moisture as part of the organic fraction of the recycling being counted where this high moisture material would likely lose volume in handling and processing at a MRF. Additionally, given the small sample size, any outlying material category (e.g., if one sample contained a large amount of cat litter) provided by the City would skew the rate of estimated contamination.

### 3.5.4 Regional Capture Rate

As part of the NCTCOG Regional Recycling Survey and Campaign, the capture rate was a key metric of the data collection and analysis, rather than the traditional recycling rate, to generate a more impactful education and outreach campaign. A capture rate provides insight on individual types of recyclable materials to target for increased recovery and supports the development of focused education/outreach campaign materials.

The capture rates from the NCTCOG waste characterization study were derived by using the composition profile of hand sorted refuse and recycling to calculate the capture rate of between four and 12 samples delivered by each city, where each recycling sample represented about 100 pounds of material and each refuse sample represented about 250 pounds of material.

Low capture rate indicates where opportunities exist to increase material recovery through single-stream recycling and provides an understanding of how effectively a curbside recycling program operates. Table 3-10 compares the capture rate on a material-by-material basis for recyclables among the North Central Texas region for 2019 and 2020 on a region-wide basis.

**Table 3-10: Regional Capture Rate by Individual Recyclable Materials**

<b>Material Category</b>	<b>2019 Regional Capture Rate</b>	<b>2020 Regional Capture Rate</b>	<b>Year-over- Year Change</b>
Recyclable OCC	58.8%	62.4%	3.6%
Mixed Paper	34.1%	27.7%	(6.3%)
<b>Paper Subtotal</b>	<b>41.1%</b>	<b>38.0%</b>	<b>(3.2%)</b>
PET Containers	24.9%	26.5%	1.6%
HDPE Containers - Natural	28.0%	34.2%	6.1%
HDPE Containers - Colored	25.8%	26.1%	0.4%
#3-#7 Containers	11.3%	12.7%	1.4%
<b>Plastic Subtotal</b>	<b>22.2%</b>	<b>23.7%</b>	<b>1.5%</b>
Aluminum Used Beverage Containers	26.1%	31.0%	4.8%
Ferrous Metal Food Containers	14.2%	18.4%	4.2%
<b>Metals Subtotal</b>	<b>19.5%</b>	<b>24.4%</b>	<b>4.8%</b>
Recyclable Glass	34.4%	33.9%	(0.5%)
<b>Glass Subtotal</b>	<b>34.4%</b>	<b>33.9%</b>	<b>(0.5%)</b>
<b>Regional Capture Rate</b>	<b>29.8%</b>	<b>28.7%</b>	<b>(1.3%)</b>

Approximately 435,000 tons of recyclables are sold to market annually in the North Central Texas region and among all of these material categories the recycling system is operating at a capture rate of less than 30 percent.

Burns & McDonnell also developed the capture rate for the samples provided by each participating city on an aggregated and individual basis. Table 3-11 shows the capture rate for the aggregated participating cities compared to the City, based only on the materials that were delivered to the site during the 2020 sorting event (e.g., composition profiles were not extrapolated across the tonnage in the region as shown above).

**Table 3-11: 2020 Participating City and Dallas Capture Rate**

<b>Recyclable Material</b>	<b>2020 Dallas Capture Rate</b>	<b>2020 Participating Cities Capture Rate</b>
Recyclable OCC	87%	84%

<b>Recyclable Material</b>	<b>2020 Dallas Capture Rate</b>	<b>2020 Participating Cities Capture Rate</b>
Mixed Paper	49%	52%
PET Containers	52%	51%
HDPE Containers - Natural	56%	58%
HDPE Containers - Colored	61%	52%
#3-#7 Containers	26%	31%
Aluminum Used Beverage Containers	63%	57%
Ferrous Metal Food Containers	24%	41%
Recyclable Glass	60%	59%
<b>Total</b>	<b>61%</b>	<b>59%</b>

The capture rate of material delivered to the sorting site by the City at 61 percent is slightly higher than the capture rate of the aggregated samples at 59 percent. Based on these results, there is opportunity for the City to improve in the capture of key and highly valuable recyclable materials including mixed paper, PET, HDPE and ferrous metal.

## 4.0 FACILITIES AND INFRASTRUCTURE

### 4.1 Current System Review

This section provides a regional perspective of the currently installed material management facilities and infrastructure in the North Central Texas region and in the City, compares the current infrastructure to what was in place at the time of the 2011 LSWMP, and presents data and analysis that supports the current system findings. The information presented is intended to support further discussion included throughout the LSWMP Update that indicates the ability of the current facilities and infrastructure system capacity to meet future material management requirements. Appendix B provides maps of the regional material disposal and processing facilities and infrastructure map of the 16-County region of the NCTCOG.

#### 4.1.1 Landfills

This section provides an overview of existing landfills in the City and region, analysis of historic and projected regional landfill capacities, and a brief summary of the Landfill facility.

##### 4.1.1.1 Regional Type I Landfill Facilities Overview

There are presently 18 active Type I landfills (landfills that accept all types of MSW, including C&D materials and special waste) in the NCTCOG region among Collin, Dallas, Denton, Ellis, Johnson, Navarro, Parker, and Tarrant Counties. Table 4-1 identifies the Type I landfills currently in operation in the region and provides disposal and remaining capacity data, as reported by the TCEQ for FY 2020.<sup>50</sup> Information about active Type IV landfills in the NCTCOG region is provided in Section 4.1.5.1.

**Table 4-1: NCTCOG Type I Landfill Disposal and Remaining Capacities, 2020**

Permit	Permit Holder/Site Name	Owner	County	Tons Disposed <sup>1</sup>	Remaining Capacity (Tons)	Remaining Site Life (Years) <sup>2</sup>
2294	121 Regional Disposal Landfill	North Texas Municipal Water District	Collin	946,399	72,081,975	76
62	McCommas Bluff Landfill	City of Dallas	Dallas	1,617,121	59,891,574	35

<sup>50</sup> Texas Commission on Environmental Quality (TCEQ). September 2020. "Municipal Solid Waste in Texas: A Year in Review; FY 2020 Data Summary and Analysis." <https://www.tceq.texas.gov/downloads/permitting/waste-permits/waste-planning/docs/187-21.pdf>

<b>Permit</b>	<b>Permit Holder/Site Name</b>	<b>Owner</b>	<b>County</b>	<b>Tons Disposed<sup>1</sup></b>	<b>Remaining Capacity (Tons)</b>	<b>Remaining Site Life (Years)<sup>2</sup></b>
996C	City of Grand Prairie Landfill	City of Grand Prairie	Dallas	244,567	4,940,267	32
1394B	Hunter Ferrell Landfill	City of Irving	Dallas	192,161	3,114,830	33
1895A	Charles M Hinton Jr Regional Landfill	City of Garland	Dallas	586,097	17,707,706	30
1025B	DFW Recycling and Disposal Facility	Waste Management	Denton	915,892	2,139,153	2
1312B	Camelot Landfill	Republic/Farmer's Branch	Denton	716,332	32,006,486	45
1590B	City of Denton Landfill <sup>3</sup>	City of Denton	Denton	388,067	27,677,394	72
42D	Skyline Landfill & Recycling Facility	Waste Management	Ellis	1,772,283	21,205,467	15
1209B	CSC Disposal and Landfill	Republic	Ellis	20	17,184,946	100
1745B	ECD Landfill	Republic	Ellis	154,599	29,260,015	160
1195B	Republic Maloy Landfill <sup>4</sup>	Republic	Hunt	139,346	19,559,746	100
534	City of Cleburne Landfill	City of Cleburne	Johnson	525	7,143	14
1417C	Turkey Creek Landfill <sup>5</sup>	Waste Connections	Johnson	663,541	8,247,586	5
2190	City of Corsicana Landfill	City of Corsicana	Navarro	101,539	11,121,239	110

Permit	Permit Holder/Site Name	Owner	County	Tons Disposed <sup>1</sup>	Remaining Capacity (Tons)	Remaining Site Life (Years) <sup>2</sup>
47A	Weatherford Landfill	City of Weatherford	Parker	125,686	112,811	2
218C	South East Landfill	City of Fort Worth	Tarrant	732,522	16,244,574	22
358B	City of Arlington Landfill	City of Arlington	Tarrant	933,193	34,493,232	37
<b>Total<sup>6</sup></b>				<b>10,229,890</b>	<b>376,996,143</b>	<b>37</b>

1. Tons disposed in the region does not reflect total MSW generation, as a certain amount of MSW is recycled and diverted as well as imported and exported from the region each year.
2. Remaining years are calculated based on the annual airspace utilization factors reported to TCEQ for each landfill in pounds per cubic yard. The remaining years reported by TCEQ shown in this table do not take population growth into account. Discussion about the remaining landfill capacity taking population growth into account is provided in Section 4.1.1.2.
3. In 2021 the City of Denton Landfill received approval for a vertical and lateral expansion of the existing facility that increases permitted disposal acreage to 107.6 acres and capacity by about 40,000,000 cubic yards (CY). The permit expansion is included in the remaining capacity and site life figures presented.
4. In 2021 the Republic Maloy Landfill received approval for expansion of the existing facility that increases permitted disposal acreage to 206.2 acres and capacity by about 30,080,000 CY. The permit expansion is included in the remaining capacity and site life figures presented.
5. In 2020 the Turkey Creek Landfill received approval for a vertical expansion of the existing facility that increases permitted final cover elevation from 814 ft-msl to 946 ft-msl permitted and capacity by 4,850,000 CY. The permit expansion is included in the remaining capacity and site life figures presented.
6. Total may not sum exactly due to rounding.

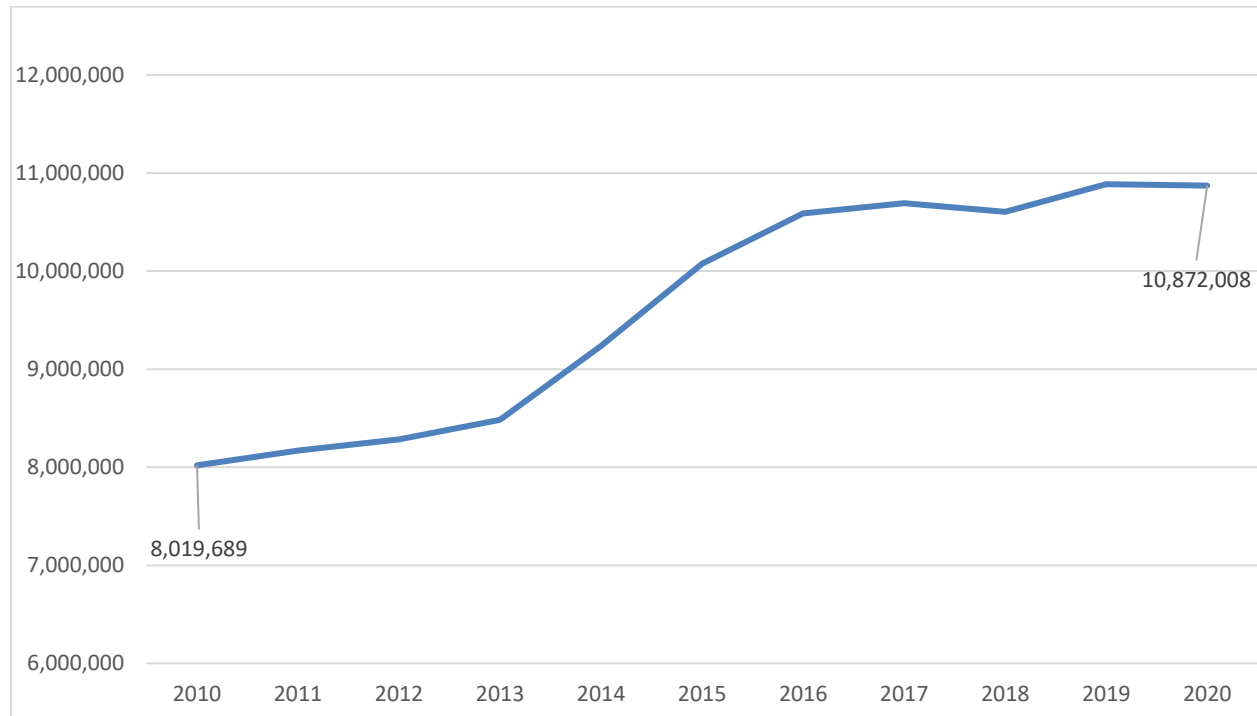
There are a limited number of landfills outside the NCTCOG region where material generated within the City or region flows. One example is the Itasca Landfill in Hill County to the south of the City (Heart of Texas Council of Governments region) owned and operated by Republic Services and provides disposal capacity for material generated in Dallas, Denton, and Tarrant counties and others located in the NCTCOG region. The Itasca Landfill accepted 354,206 tons in 2020 and has an estimated 33,335,362 tons, or 94 years, of remaining capacity.

#### 4.1.1.2 Historic and Projected Regional Landfill Capacities

Figure 4-1 illustrates how remaining regional landfill capacity disposal has changed from 2010–2020. During this time, total annual regional disposal has trended upward, from 8.0 million tons in 2010 to 10.8 million tons in 2020. Data is based on past annual TCEQ summary reports.<sup>51</sup>

<sup>51</sup> Texas Commission on Environmental Quality (TCEQ). Annual Summary of Municipal Solid Waste Management in Texas archive. [https://www.tceq.texas.gov/permitting/waste\\_permits/waste\\_planning/wp\\_swasteplan.html](https://www.tceq.texas.gov/permitting/waste_permits/waste_planning/wp_swasteplan.html)



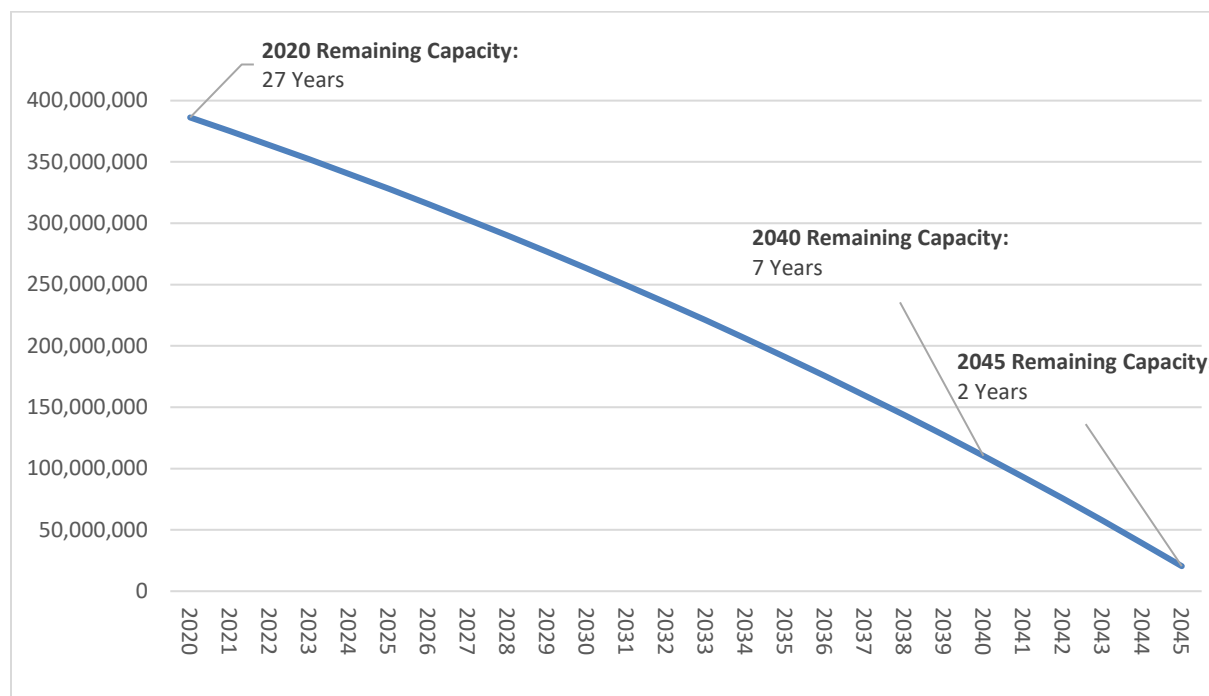
**Figure 4-1: Annual Regional Disposal, Type I and IV Landfills (Tons)**

Based on data from the TCEQ’s 2020 annual review of MSW generation and facilities in Texas, the region has approximately 37 years of total Type I Landfill capacity remaining at current reported annual disposal rates. When the 2011 LSWMP was developed, the TCEQ 2011 annual review of MSW generation and facilities in Texas projected that the region had 46 years of available disposal capacity. In the 10 years that has elapsed the regional disposal capacity has decreased by about 10 years.

However, these estimates do not account for future population and economic growth and actual total remaining landfill life.<sup>52</sup> Based on population projections from the NCTCOG,<sup>53</sup> the population of the region is projected to grow at an annual rate of 2.2 percent from 2020–2045. Figure 4-2 shows the projected remaining NCTCOG region landfill capacity through 2045, taking into account future population and economic growth and assuming no landfill capacity is added through existing landfill expansion or new permitted landfills.

<sup>52</sup> Data from the TCEQ’s 2020 MSW annual report, presented in Table 4-1 and discussed in this section, is reflective of the way data has traditionally been presented by TCEQ in its MSW annual reports. TCEQ data provides an understanding of facilities and capacities at a given point in time and does not incorporate population and economic growth projections.

<sup>53</sup> 2040 NCTCOG Demographic Forecast. NCTCOG Regional Data Center. Accessed February 2021. [https://data-nctcoggis.opendata.arcgis.com/datasets/6e99f37880d845758788c18f5a2c36f2\\_10](https://data-nctcoggis.opendata.arcgis.com/datasets/6e99f37880d845758788c18f5a2c36f2_10)

**Figure 4-2: Projected NCTCOG Remaining Regional Types I and IV Landfill Capacity, 2020-2045**

As of 2020 the estimated remaining landfill capacity of the region is approximately 386.3 million tons. If annual disposal quantities, totaling approximately 10.8 million tons in 2020, were to increase at the same rate as regional population projections, the remaining NCTCOG regional landfill capacity would be fully depleted in the year 2047. This equates to total remaining landfill life of 27 years for the region, from the year 2020. Taking into account accelerated growth of both population and economic growth continues to accelerate, the projected 27 years of remaining landfill life would be depleted at a proportionally accelerated rate.

As landfills in the region close and the total disposal capacity decreases, tonnage flows will shift to the available disposal capacity and market pressure will cause the value of airspace to increase over time. This may cause tonnages to flow outside of the region (e.g. to the Itasca Landfill located in Hall County) where there is available capacity at a lower tipping fee. Further discussion and evaluation on the impacts of decreasing regional disposal capacity related to the Landfill is provided in Section 8.0.

#### 4.1.1.3 McCommas Bluff Landfill Facility

The City owns and operates the Landfill, located at 5100 Youngblood Road just north of the intersection of Interstates 45 and 20. The Landfill public operating hours are 5:00 a.m. to 8:00 p.m. Monday – Friday and 6 a.m. to 4 p.m. on Saturdays. Figure 4-3 shows the Landfill permitted boundary including the entrance roads and all ancillary facilities.

**Figure 4-3: McCommas Bluff Landfill Facility<sup>1</sup>**

1. Current cell may shift as part of ongoing operations. Further detail of ongoing operations provided in Section 8.0 and Appendix E.

The Landfill is a Type I facility and is permitted to accept all non-hazardous waste from both the City's collection program and third-party customers (Permit No. 62). The Landfill consists of a total permit boundary of 965 acres with a waste disposal footprint of 877 acres. About 1,600,000 tons of material are disposed at the Landfill annually and the City reported an expected life of 35 years in the 2020 annual report submitted to TCEQ based on the current operational performance and permitted capacity.

Further detailed description and evaluation of the Landfill is provided in Section 8.0 and Appendix E.

#### 4.1.2 Transfer Stations

This section provides an overview of transfer stations in the region and a description of the City's transfer station system.

##### 4.1.2.1 Regional Transfer Station Facilities Overview

Transfer stations are facilities that are used to consolidate MSW from multiple collection vehicles into larger, high-volume transfer vehicles for economical shipment to distant disposal or processing facilities.

Transfer stations can be used for material destined for landfilling, recycling, and/or composting. With a nationwide trend toward larger disposal and processing facilities, there has been an enhanced need for transfer stations. When transport distances are longer, transfer stations allow collection vehicles to be more productive by maximizing the amount of time spent collecting material rather than driving to a distant facility.

There are presently 17 active transfer stations in the NCTCOG region, located among Collin, Dallas, Denton, Ellis, Johnson, Navarro, Parker, Somervell and Tarrant Counties. Table 4-2 identifies the transfer stations currently in operation in the region as reported by the TCEQ in 2020.<sup>54</sup>

**Table 4-2: Transfer Stations in NCTCOG Region**

<b>Permit</b>	<b>Permit Holder/Site Name</b>	<b>Owner/Operator</b>	<b>County</b>	<b>2020 Tons<sup>1</sup></b>
2045A	Custer Solid Waste Transfer Station	North Texas Municipal Water District	Collin	315,048
53A	Lookout Drive Transfer Station	North Texas Municipal Water District	Collin	178,639
1494	Parkway Transfer Station	North Texas Municipal Water District	Collin	109,414
40284	Town and Country Recycling Facility	Champion Waste & Recycling Services	Collin	48,110
2275	North Texas Recycling Complex Transfer Station	Republic Services	Tarrant	4,728
2306A	WC Minnis Drive Transfer Station	Waste Connections	Tarrant	193,327
40052	Southwest Paper Stock Transfer Station	Southwest Paper Stock	Tarrant	24,954
40181	Somervell County Transfer Station	Somervell County	Somervell	12,169

<sup>54</sup> Texas Commission on Environmental Quality (TCEQ). September 2021. "Municipal Solid Waste in Texas: A Year in Review; FY 2019 Data Summary and Analysis." <https://www.tceq.texas.gov/downloads/permitting/waste-permits/waste-planning/docs/187-21.pdf>

Permit	Permit Holder/Site Name	Owner/Operator	County	2020 Tons <sup>1</sup>
40186	Westside Transfer Station	Waste Management of Texas	Tarrant	215,181
1145	Bachman Transfer Station	City of Dallas	Dallas	160,177
60	Fair Oaks Transfer Station	City of Dallas	Dallas	84,100
1453	Southwest Westmoreland Transfer Station	City of Dallas	Dallas	75,804
12	Garland Transfer Station Facility	City of Garland	Dallas	117,078
1263	Mesquite Transfer Station Facility	City of Mesquite	Dallas	64,159
227	University Park Transfer Station	City of University Park	Dallas	13,059
40196	Community Waste Disposal Transfer Station	Community Waste Disposal	Dallas	119,120
40168	City of Cleburne Transfer Station Facility	City of Cleburne	Johnson	77,395

1. Tons represent all material processed at the facility on an annual basis and may include refuse, recycling, and organic waste. Tons presented are based on TCEQ annual reporting data.

#### 4.1.2.2 City Transfer Station System

The City has three transfer stations that support the collection and disposal of refuse, recycling and bulk/brush material described below.

- Bachman Transfer Station.** The City of Dallas Bachman Transfer Station (Bachman, or BTS) is located at 9500 Harry Hines Boulevard, Dallas, TX. Bachman is also known as the Northwest Transfer Station. Bachman began operation in 1981 under TCEQ permit number 1145. According to the transfer station permit and the Site Operating Plan (SOP) provided by City staff, dated February 1994, Bachman has a design capacity of 2,000 tons per day (TPD) and serves as the City's main transfer station accepting refuse, recycling and brush/bulk loads (as needed).
- Fair Oaks Transfer Station.** The City of Dallas Fair Oaks Transfer Station (Fair Oaks, or FOTS) is located at 7677 Fair Oaks Avenue, Dallas, TX. Fair Oaks is also known as the Northeast Transfer

Station. Fair Oaks began operation in 1969, but has undergone several major renovations. The facility currently operates under TCEQ permit number 0060. According to the transfer station permit and the Site Operating Plan (SOP) provided by City staff, dated February 1994, Fair Oaks has a design capacity of 400 TPD and serves one of the City's smaller transfer stations accepting refuse and recycling material.

- **Westmoreland Transfer Station.** The Westmoreland Transfer Station (Westmoreland) is located at 4610 S. Westmoreland Avenue, Dallas, TX. Westmoreland is also known as the Southwest Transfer Station. Westmoreland began operation in 1985 under TCEQ permit number 1453. According to the transfer station permit and the Site Operating Plan (SOP) provided by City staff, dated February 1994, Westmoreland has a design capacity of 400 TPD and serves as one of the City's smaller transfer stations accepting refuse and recycling materials.

When the 2011 LSWMP was developed, the City's transfer station system's physical infrastructure was identical to the current system; however, since that point the City has begun to manage single-stream recyclables at the transfer stations. While Bachman and the satellite transfer stations support the City's current transfer needs for both refuse, recycling, brush and bulky waste during typical operations, the transfer station system struggles to handle and transfer material without extended operating hours when it becomes inundated with material during unanticipated surges in volume.

Further detail and evaluation related the transfer station system and each of the City's transfer stations is provided in Section 5.0.

### 4.1.3 Material Recovery Facilities

This section provides an overview of MRFs in the region and a description of the FCC MRF located at the Landfill.

#### 4.1.3.1 Material Recovery Facilities Overview

This section provides an overview of Materials Recovery Facilities (MRFs) in the region and provides a high-level overview of the MRF located at the Landfill.

MRFs are designed to receive, process, segregate and bale various recoverable commodities and prepare them for sale on the secondary material commodity market. There are presently eight active MRFs in the NCTCOG region, located among Collin, Dallas, Denton, and Tarrant Counties. Table 4-3 identifies the MRFs currently in operation in the region and provides the owner and/or operator, location, and materials accepted.

**Table 4-3: NCTCOG Materials Recovery Facilities and Accepted Materials<sup>1</sup>**

<b>Permit Holder/Site Name</b>	<b>Owner/Operator</b>	<b>County</b>	<b>Residential Materials Accepted<sup>2</sup></b>
Pratt MRF – Denton	Pratt Industries	Denton	Gen 1
Waste Connections MRF – McKinney	Waste Connections	Collin	Gen 1
Republic MRF - Plano	Republic Services	Collin	Gen 2
Republic MRF – Fort Worth	Republic Services	Tarrant	Gen 2
Waste Management MRF – Arlington	Waste Management	Tarrant	Gen 2
CWD MRF - Dallas	CWD	Dallas	Gen 2
FCC MRF – Dallas	FCC Environmental Services	Dallas	Gen 2
Balcones MRF – Dallas <sup>3</sup>	Balcones	Dallas	-
Waste Management MRF – Dallas <sup>3</sup>	Waste Management	Dallas	-

1. This list includes facilities known to process single-stream recycling materials. Reference Table 11-3 for other facilities in the region that process commercial recycling based on data submitted as part of the MFRO.
2. Based on 2018 interviews with the respective residential MRF operators. First generation MRFs (Gen 1) report accepted materials as: cardboard, mixed paper, kraft bags, paperboard, office paper, glass bottles and jars, aluminum cans, steel cans, PET bottles and HDPE bottles and jugs. Upgraded or second generation MRFs (Gen 2) report accepting all Gen 1 materials plus cartons, clean pizza boxes, aerosol cans, aluminum foil, PP #5 containers, and bulky plastics.
3. Commercial MRF processing little to no residential recycling.

Across the NCTCOG region, there is a reported total of nearly 600,000 tons per year (TPY) of MRF processing capacity currently installed. There is approximately 140,00 TPY of installed processing capacity at the FCC MRF. Compared to other MRFs in the region, this facility accepts a robust set of materials including items such as cartons, pizza boxes, rigid plastic and aluminum foil.

#### 4.1.3.2 City Material Recovery Facility

During the development of the 2011 LSWMP, the City operated a voluntary curbside recycling collection program with a reported 64 percent participation rate and material was delivered to Greenstar Recycling. Understanding that the City's 2011 LSWMP called for substantial recycling increases, the City issued the Request for Competitive Sealed Proposals (RFCSP) focused on identifying viable partnership options to increase recycling. Vendors had the option to develop proposals based on either or both of the following options: (1) vendor constructs and operates MRF at the Landfill (building ownership transfers to City at the end of the contract); or (2) vendor provides processing services at its own location (vendor site option). For the McCommas Bluff option, the City offered a 15-acre site and the City initiated permit modification to include a MRF at the Landfill.



As a result of the RFCSP process, the City entered into a long-term contract with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A (FCC) in November 2015 to design, build and operate a MRF at the Landfill. FCC designed and built the MRF from November 2015 through December 2016, and the 15-year processing agreement between the two parties started on January 1, 2016. The initial term of the agreement has since been extended an additional three years. There is the possibility for one 10-year extension and at the conclusion of the processing agreement, the City will take ownership of the MRF building (excluding processing equipment).

The FCC MRF began operations in 2017 and is approximately 60,000 square feet and is designed to process up to 40 tons per hour. In addition to the processing facility, the site includes a 15,000 square foot administrative and operations facility. The FCC MRF and administrative and operations facility located at the Landfill is shown in Figure 4-4.

**Figure 4-4: MRF Building Located at the Landfill**



The FCC MRF accepts City-collected single-stream recycling, single-stream recycling from other municipalities in the region, and commercial recycling. Although there are times when the facility has become fully utilized, there has been few instances of sustained unplanned downtime and the facility continues to accept and process the City-delivered material. However, if the City were to implement a policy that increased the amount of commercial recycling flowing to the FCC MRF, the capacity made available for the City's curbside single-stream collection may become constrained and would require that recycling material collected by the City be stored using the transfer station system.



The City pays a rate of \$73.46 per ton that is adjusted annually based on a contractually-based rate adjustment (that only applies to the operation component of the rate) and receives 50 percent of the revenue of material sales, based on the higher of actual sales or index pricing. The City and FCC conduct MRF audits on a semi-annual basis to ensure that the processing efficiency of the equipment meets the contractually obligated 95 percent efficiency and to calculate revenue sharing. As of the most recent audit conducted in September 2021, the contamination of the City's material is about 25 percent by weight.

The City provides disposal of residuals and contamination from materials delivered by the City at no cost to FCC and receives about \$16.60 per ton host fee for guaranteed tonnages and a \$1.11 per household public education fee. FCC also provides \$40,000 annually for community outreach and \$25,000 annually for managerial education support, although these are not paid directly to the City and are provided as in-kind services.

Further discussion and evaluation of the MRF and processing agreement are provided in Section 109.0.

#### 4.1.4 Organics Processing Facilities

This section provides an overview of organics processing facilities in the region and the City's current organics processing system.

##### 4.1.4.1 Organics Processing Facilities Overview

TCEQ regulation and oversight of organics processing regulations vary depending on the types of materials a facility accepts and therefore TCEQ does not actively regulate all organics processing facilities. Burns & McDonnell has compiled an inventory of known active organics processing facilities, although there may be additional organics processing operations in the region that are small scale or do not generate a compost product that is marketed commercially. Table 4-4 identifies major organics processing facilities within the Denton, Collins, and Tarrant County areas that accept a combination of yard trimmings and food scraps.

**Table 4-4: Organics Processing Facilities in NCTCOG Region<sup>1</sup>**

<b>Site Name</b>	<b>County</b>	<b>Accepted Materials<sup>2</sup></b>
Plano Pure Products	Collin	Vegetative materials only
Living Earth	Collin	Vegetative materials only
Sustainable Soil Solutions	Collin	Vegetative materials only
The Organic Recycler of Texas	Collin	Vegetative materials only
City of Denton Yard Waste Facility	Denton	Putrescible and vegetative materials
Living Earth	Denton	Putrescible and vegetative materials
Living Earth	Dallas	Putrescible and vegetative materials
Soil Building Systems	Dallas	Vegetative materials only
The Organic Recycler of Texas	Dallas	Putrescible and vegetative materials
City of Grand Prairie Landfill	Dallas	Vegetative materials only
Hunter Ferrell Landfill	Dallas	Vegetative materials only
Charles M. Hinton Jr Regional Landfill	Dallas	Vegetative materials only
City of Mesquite Municipal Compost	Dallas	Vegetative materials only
Alpine Materials LLC	Tarrant	Vegetative materials only
Living Earth	Tarrant	Putrescible and vegetative materials
Living Earth – Fort Worth SE Landfill	Tarrant	Putrescible and vegetative materials
Living Earth – City of Arlington Landfill	Tarrant	Putrescible and vegetative materials
Silver Creek Materials Recovery Facility	Tarrant	Vegetative materials only
The Organic Recycler of Texas	Tarrant	Putrescible and vegetative materials
Thelin Recycling	Tarrant	Vegetative materials only
Living Earth – City of Arlington Landfill	Tarrant	Putrescible and vegetative materials

1. Landfill facilities with organics processing operations that market processed material are shown. Some landfills in the region process organics for use in operations and are not included.
2. Accepted materials are categorized as putrescible or vegetative. Putrescible materials have high moisture content and include, but are not limited to, pre- and post-consumer food waste, biosolids, sludge, or liquid waste. Vegetative materials are cellulosic with low moisture content and include, but are not limited to, tree branches and limbs, grass, shrubs, yard waste, lumber, dry animal bedding, or floral trimmings.

Among the operators that Burns & McDonnell has had discussions with, there is limited capacity for accepting additional third-party material and operators carefully consider specification of any unprocessed material that is accepted to avoid challenges related to high levels of contamination.

#### 4.1.4.2 Current Organics Processing System

The City currently contracts with a processor to grind clean yard waste and wood waste that are delivered to the Landfill. Figure 4-5 shows the clean yard waste and wood waste processing area at the top of the landfill.

**Figure 4-5: Clean Yard Waste and Wood Processing Area**

This material is processed for volume reduction and used to support the landfill operations on an as-needed basis by providing clean fill and roadbase because it is not permitted to be used as alternative daily cover or to be sold commercially. When the 2011 LSWMP was developed, the City processed yard waste and brush material either at Bachman or the Landfill on an as-needed basis and co-collected bulky items and brush were not diverted from disposal. Since then, the grinding operation has become more consistent but bulky items and brush are still not diverted from disposal.

The City's Southside Wastewater Treatment Plant (SS WWTP) is able to process an inbound flow of 50-55 Million Gallons per Day (MGD). The SS WWTP was developed to meet regulatory standards prior to discharging material into receiving streams (rivers, lakes, etc.) Previously, there had been two conservation efforts that added to the SS WWTP's capacity to install low flow toilets and enforced lawn irrigation standard. The water conservation efforts reduced the volume of influent flow dramatically and have allowed the facility to operate with excess capacity.

Treatment is multi-stage process that treats both liquid and solid wastes. Initially liquid material flows through liquid process flow including a fine screen, influent pump station, grit removal, clarifiers, diffused aeration, final clarifiers and chlorine disinfection. Solids are then treated by pumping material through a thickener, anaerobic digestion system, dewatering system (to about 15% solids), and then finally directly land applied as a soil amendment. Biogas from the digesters is used to fuel internal combustion engines connected to electricity generators and provides over 40 percent of the plant's electrical needs. The SS WWTP has a total of six mesophilic anaerobic digestion units operated by Ameresco. Figure 4-6 shows an overhead of the SS WWTP.

**Figure 4-6: Southside Wastewater Treatment Plant**

The City is in the process of considering if the SS WWTP shall accept food waste from commercial generators. Accepting material from high volume generators of food waste may boost biogas generation from anaerobic digestion but must be pre-processed to remove inorganic contaminants and ground into a slurry before it can be pumped into SS WWTP.

Further discussion and evaluation of the organics processing management is provided in Section 11.0.

#### 4.1.5 Construction and Demolition Facilities

This section provides an overview of regional construction and demolition (C&D) processing facilities in the region including Type IV landfills and C&D processing facilities.

##### 4.1.5.1 Type IV Landfill Regional Overview

A Type IV landfill only accepts brush, construction or demolition waste, and other similar non-household or non-putrescible waste (organic waste that decomposes without causing odors or attracting pests). There are three Type IV Landfills in the NCTCOG region as indicated in Table 4-5.

**Table 4-5: Regional Type IV Landfills**

<b>Permit</b>	<b>Permit Holder/Site Name</b>	<b>County</b>	<b>2020 Tons</b>	<b>Remaining Site Life<sup>1</sup> (years)</b>
1983C	Fort Worth C&D Landfill	Tarrant	403,606	11
1749B	Lewisville Landfill	Denton	10	100
664	City of Stephenville Landfill	Erath	16,290	27
2278	Osttend C&D Waste Landfill/380 McKinney	Collin	222,212	24

1. Remaining years are calculated based on the annual airspace utilization factors reported to TCEQ for each landfill in pounds per cubic yard.

When the 2011 LSWMP was developed, the Osttend C&D Waste Landfill/380 McKinney facility had not been active at that point. Although there is still an estimated 57 years of Type IV landfill capacity in the region, as Type I landfills close, the tonnage directed to Type IV facilities may accelerate the depletion of the region's Type IV landfill capacity.

#### 4.1.5.2 Regional C&D Processing Facilities Overview

The only mixed C&D materials recovery facility in the region is Champion Waste & Recycling's Town & Country Recycling Facility in Celina, which opened in 2015 as a single-stream construction. The facility separates construction material using a combination of processing equipment and sorting labor. Materials recycled throughout the process include cardboard, wood, concrete, metal, plastics, wall board, paper, and aluminum. Figure 4-7 shows the type of equipment and labor required as part of Champion's operation.

**Figure 4-7: Champion Construction MRF Materials Processing Line**

Source: <https://www.championwaste.com/>

Champion staff assists contractors with generating waste diversion reports that qualify towards a project's Leadership in Energy and Environmental Design (LEED) certification. However, without a regulatory

obligation to provide recycled C&D tonnage or diversion metrics, Champion does not generate regular reports regarding the diversion of material from projects in the City.

In addition to Champion's mixed C&D processing capability, there are a number of material-specific processors throughout the region processing materials such as concrete/aggregate and scrap metal and disposal facilities in the region may manually sort mixed C&D loads to divert high-value materials such as scrap metal.

Local markets are available for key C&D materials including concrete/aggregate, metals, cardboard, plastic, lumber, and gypsum. Concrete/aggregate, metals, cardboard, and plastic have established end-markets that are strong and consistent. Lumber and gypsum markets are more limited or intermittent. The market prices for materials fluctuate like any, but the materials with strong markets provide incentive for processors to dedicate resources to separate and sell. There is a high demand in the local market for clean, processed concrete/aggregate given the high level of local construction and industrial activity. Cardboard and plastic generated as part of construction projects are typically taken to one of the local MRFs and sold along with other residential and commercial materials in the secondary materials markets. Wood or gypsum is often ground on the processor's site and used as part of disposal operations, composted, or otherwise repurposed on site. C&D material processors seek alternative end-markets for lumber to process it into a commodity product. There are limited local markets for hard to recycle materials such as treated wood and painted gypsum (once painted, gypsum becomes difficult to recycle). Processors struggle to separate and recycle these materials in a cost-effective way.

#### 4.1.6 Household Chemical Collection Center

This section provides a high-level description of the Dallas County Home Chemical Collection Center (HCCC) and the City's Household Hazardous Waste (HHW) program.

To manage HHW, the City participates in a regional program with Dallas County. This serves as an important outlet for residents to drop off hard-to-recycle materials including the processing, diverting, and safe disposal hard-to-recycle materials such as plastic film, batteries, electronics, paint, household cleaners, automotive fluid, fertilizers, and pesticides.

City residents can take material to the HCCC, which is located at 11234 Plano Road in northeast Dallas. The County's facility is open Tuesday (9:00 am – 7:30 pm), Wednesday (8:30 am – 5:00 pm) and Thursday (8:30 am – 5:00 pm) and two Saturdays per month (9:00 am – 3:00 pm). Additionally, Dallas County and the City host distinct mobile collection events to accept either BOPA (batteries, oil, paint and antifreeze)

or HHW materials meant to provide more convenient access for City residents who do not live near the HCCC.

Dallas County began offering a regional HHW program in 1997 and has owned and operated its permanent HCCC since 2002. The program offers facility drop-off of material to residents of its 16 participating cities (including Dallas), as well as hosting large mobile events and “mini” mobile events per year (separate from the City’s BOPA mobile collection events). The County bills participating cities on a monthly basis after actual costs are assessed. Costs for each City are divided into operating costs, based on the City’s population, and disposal costs, based on the City’s actual participation for each billing period. The current agreement with the County expires in 2023, at which point the City will need to determine if it should continue participating in the current HHW program or identify alternative approaches to managing HHW materials.

Further detail and evaluation related to the City’s current HHW program and future considerations are provided in Section 12.0

## 4.2 Public-Private Partnerships

The City has engaged in PPPs to develop materials management infrastructure and may take this approach to develop facilities going forward to meet future disposal and processing needs.

PPPs can be an effective model to provide needed infrastructure without the full financial risk falling on either the City or the private business. Effective PPP exist when both local governments and the private industry collaborate to share resources, capital investment, risk, and revenue. When considering a public-private partnership, a local government should consider the degree to which it wants to be involved in the operations and capital investment of a facility.

There are advantages and disadvantages to the different types of arrangements and which entity takes ownership of the land, capital investment, and operations. While the processing services agreement is the most common option, public-private partnerships are gaining more appeal as a means to share risk among market volatility. Table 4-6 provides an overview of the different public-private partnership options available to local governments and private businesses.

**Table 4-6: Examples of Public-private Partnership Options for Recycling Operations**

<b>Responsibility</b>	<b>City-Owned and Operated</b>	<b>City-Owned with Private Operations*</b>	<b>Privately Owned and Operated on City Land</b>	<b>Processing Services Agreement</b>
<b>Land Ownership</b>	City	City	City	Private
<b>Capital Investment</b>	City	City	Private	Private
<b>Operations</b>	City	Private	Private	Private

The FCC MRF was successfully developed by PPP and the LSWMP Update indicates where the City could consider future PPPs, such as developing additional organics processing capacity.

### 4.3 Current System Findings Key Findings and Recommendations

This section provides a brief summary of current system key findings and recommendations for each type of material management facility including landfills, transfer stations, MRFs, organics processing, C&D processing, and HHW processing.

**Landfill capacity.** While there is currently sufficient capacity for the City’s disposal needs, the life of the Landfill may decrease more rapidly than currently projected if population growth and development increase in the future. Similarly, the projected landfill capacity in the region may decrease more rapidly than projected further increasing the value of airspace for disposal. Based on data from the TCEQ’s 2020 annual review of MSW generation and facilities in Texas, the region has approximately 37 years of total Type I Landfill capacity remaining at current reported annual disposal rates which has been depleted by ten years since the development of the 2011 LSWMP. However, these estimates do not account for future population and economic growth and actual total remaining landfill life. Taking these factors into account, the total remaining landfill life in the region is about 27 years, about ten years less than projected by TCEQ. As landfills in the region close and the total disposal capacity decreases, tonnage flows will shift to the available disposal capacity and market pressure will cause the value of airspace to increase over time. Further discussion of the capacity of the Landfill to meet future disposal demands is provided in Section 8.0

**Transfer station system.** The City’s transfer station system is currently sufficient to meet its needs but encounters challenges during periods of unanticipated surges of inbound material and working with aging buildings and equipment. When the 2011 LSWMP was developed, the City’s transfer station system’s physical infrastructure was identical to the current system; however, since that point the City has begun to manage single-stream recyclables at the transfer stations. The City is able to effectively utilize Bachman in conjunction with the two satellite stations to aggregate materials for transfer to the Landfill or MRF;



however during surges of higher than typical inbound volume, the transfer station system struggles to complete daily operations. While Bachman and the satellite transfer stations support the City's current transfer needs for both refuse and recycling (and occasionally brush and bulky loads, as needed) during typical operations, the transfer station system requires extending working hours to manage material when it becomes inundated during unanticipated surges in volume.

Further discussion of the capacity of the transfer station system to meet future material management demands is provided in Section 5.0.

**FCC MRF.** The current agreement with FCC has been sufficient to meet the City's recycling processing needs. Although there are times when the facility has become fully utilized, there has been few instances of sustained unplanned downtime and the facility continues to accept and process the City-delivered material. However, if the City were to implement a policy that increased the amount of commercial recycling flowing to the FCC MRF, the capacity made available for the City's curbside single-stream collection will become constrained and would require that recycling material collected by the City be stored using the transfer station system. Further discussion of the current agreement and capacity of the FCC MRF to meet future single-stream recycling processing demands is provided in Section 9.0.

**Organics processing.** The City's current contract to grind clean yard waste and wood waste delivered to the Landfill is sufficient to meet the City's needs. When the 2011 LSWMP was developed, the City processed yard waste and brush material either at Bachman or the Landfill on an as-needed basis and co-collected bulky items and brush were not diverted from disposal. Since then, the grinding operation has become more consistent but bulky items and brush are still not diverted from disposal. Among the organics processing operators in the region, there is limited capacity for accepting additional third-party material and operators carefully consider specification of any unprocessed material that is accepted to avoid challenges related to high levels of contamination. The SS WWTP has available capacity to accept organics material from high volume generators of food waste which could boost biogas generation from anaerobic digestion; however, this material must be pre-processed to remove inorganic contaminants and ground into a slurry before it can be pumped into SS WWTP. Additionally, the SS WWTP would require further infrastructure development to accept this material delivered this way. Further discussion and evaluation of the organics processing is provided in Section 10.0.

**C&D disposal and processing.** The current capacity for C&D disposal in the region has been sufficient to meet the City's needs. Although there is still an estimated 57 years of Type IV landfill capacity in the region, as Type I landfills close the tonnage directed to Type IV facilities may accelerate the depletion of the region's Type IV landfill capacity. The only mixed C&D materials recovery facility in the region is

Champion Waste & Recycling's Town & Country Recycling Facility. In addition to Champion's mixed C&D processing capability, there are a number of material-specific processors throughout the region processing materials such as concrete/aggregate and scrap metal and disposal facilities in the region may manually sort mixed C&D loads to divert high-value materials such as scrap metal.

**HCCC facility and BOPA events.** The current agreement with Dallas County to operate the HCCC and City-hosted BOPA events are able to meet the City's HHW management needs. Since the agreement with Dallas County expires in the next two years, the City needs to determine if the current arrangement will support the City's future HHW management needs. Further discussion and evaluation of the City's future HHW management needs and options is provided in Section 12.0.

## 5.0 TRANSFER STATION SYSTEM

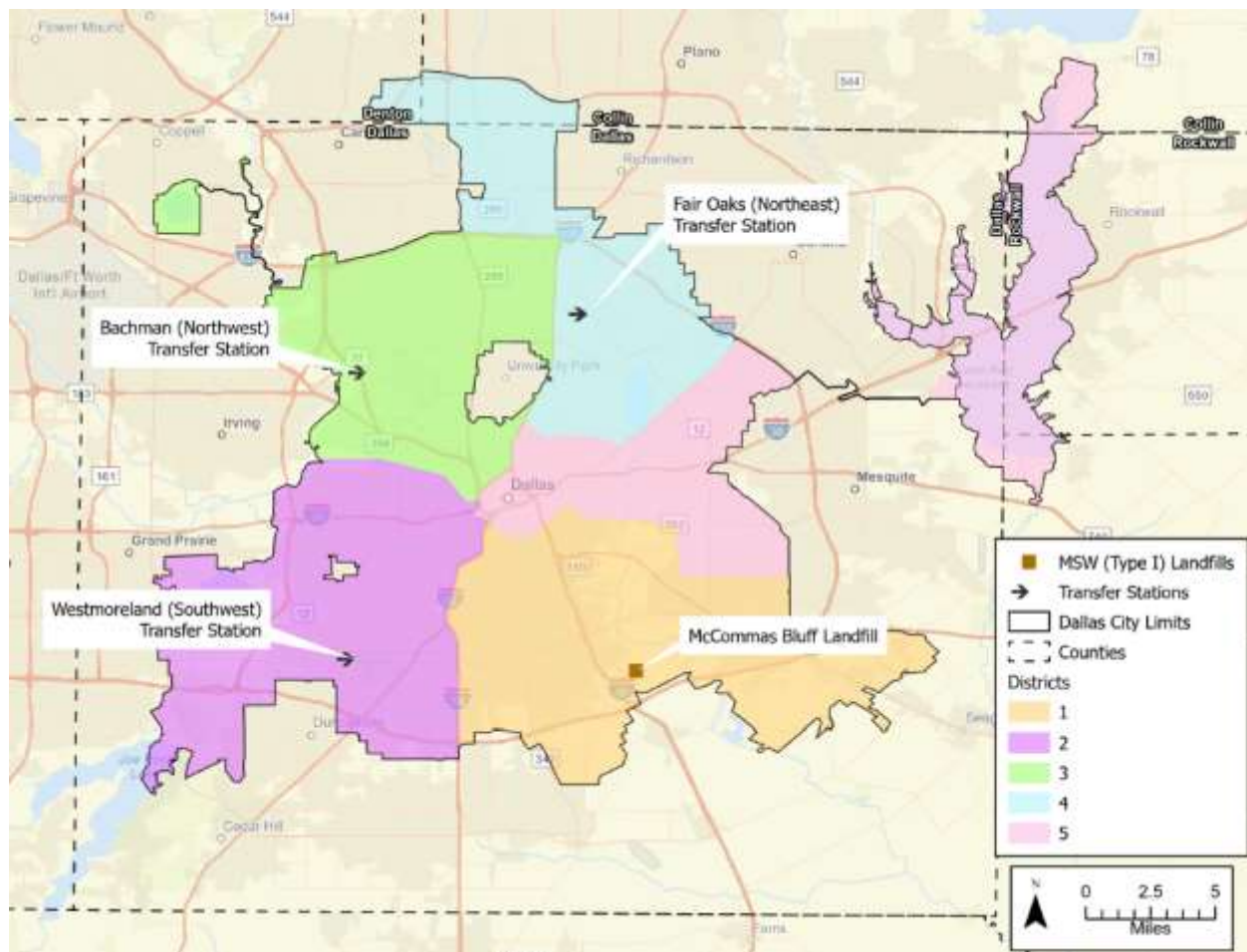
The transfer station system is critical to the long-term material management needs of the City and supports the collection operations to minimize the environmental impact and maximize operational efficiency and supports the capabilities of the services offered by the Sanitation Department and OEQS. The City must support the aging transfer station system to ensure it can be utilized on a sustained, long term basis to meet the operational, financial and environmental needs to reach Zero Waste.

Further detailed technical evaluation of the transfer station system collection operation is provided in Appendix C. City has evaluated several potential options to support the immediate and long-term needs of the transfer station system.:

### 5.1 Current System Review

The transfer station system consists of the City's three transfer station facilities that collectively shorten haul times for the Sanitation Department's collection system. All materials accepted at the transfer stations are hauled to the Landfill for disposal and to the MRF for recycling. The transfer stations are operated via City-owned equipment and City personnel. The transfer stations are geographically located in the northeast, northwest and southwest areas of the City, allowing for more efficient transfer and disposal of material. The transfer station system consists of three transfer stations including Bachman, the largest facility in the northwest region of the City, and two smaller transfer stations called Fair Oaks and Westmoreland facilities located in the northeast and southwest regions of the City, respectively. Figure 5-1 shows the location of the City's transfer stations.

**Figure 5-1: Transfer Station Locations and Sanitation Department Collection Districts**



Further description and an in-depth evaluation of each transfer station is provided in Section 4.0 and Appendix C.

The transfer station system is critical in supporting the operations of the City's collection and Landfill and recycling processing operations and serve the following customers:

- **Sanitation Department.** City-operated waste collection vehicles, which have tared weights, including automated side-load or rear-load compactor trucks that deliver larger loads collected from the City’s residential customers and from City department locations.
- **Residential customers.** City of Dallas residents drop off materials using light-duty vehicles such as pickup trucks or small trailers that deliver small loads that are self-hauled six days per week at Bachman and on Wednesday and Saturdays at Fair Oaks and Westmoreland.
- **Commercial customers.** Cash and account customers that use residential or light-duty vehicles such as pickup trucks or small trailers that deliver small loads that are self-hauled including roofing, scrap metal or other C&D material. Commercial customers with roll-off or compacting vehicles

are accepted at Bachman. City-operated light-duty or pickup vehicles providing material generated from various City department operations (e.g., parks and recreation) are included with commercial customers.

The transfer station system was originally designed and constructed in the late 1970's and early 1980's to only accept refuse. Since then, recycling program have become introduced as part of standard solid waste systems and the transfer stations now accept both recycling and brush/bulk material. This has created challenges leveraging the transfer station system to maximize current and future diversion from the Landfill.

As part of the LSWMP Update, operations were observed including a review of key daily activities and discussions with transfer station staff and management. The following lists key challenges identified as part the analysis provided in Appendix C and informed by discussions with transfer station system staff and management:

- Managing multiple material streams and customer types reduces the City's ability to utilize full permitted capacity of transfer station system
- Unexpected changes on number and timing of inbound loads create challenges to manage and process material safely and efficiently.
- With more volume than expected is delivered, staff is not able to transfer material out of facility quickly enough and are forced to store material on the tipping floor, which constrains space and increases customer queues.
- With less volume than expected is delivered, heavy equipment operators and transfer trailers sit idle waiting for material to arrive.
- Material is stored in the pit and on the transfer floor on Monday and Tuesday at Bachman then operators manage and transfer the stored material later in the week contributing to space constraints in the transfer building.
- The vehicle scales and scalehouse designs cause increased wait times at facilities and transfer trailer scales are on a separate system than inbound customer scales.
- Truck drivers and crew leaders are working positions and are expected to fill in as heavy equipment operators at times of peak tonnage flows minimizing the capacity for transfer fleet to be responsive during peak tonnage flows.
- Equipment not optimal size for certain materials (e.g., loads from 60 CY brush trucks are larger than some wheel loaders can manage in one push) and others require upgrade to key components in-house to proactively minimize maintenance needs and damage to transfer building floors.
- Transfer fleet trucks and drivers are dispatched to Bachman and a designated small satellite facility, but may be forced to operate reactively and "chase waste" when material flows fluctuate from

anticipated inbound volumes, limiting management's flexibility to adapt when inbound flows change unexpectedly. This is particularly challenging for transfer trucks designated to haul recyclables based on changing tonnage flows.

Further detailed information and analysis related to these challenges are provided in Appendix C.

## 5.2 Evaluation of 2011 LSWMP Recommendations

This section evaluates the recommendations presented in the 2011 LSWMP, indicating the progress that has been made toward the recommended policies and/or programs. Additionally, this section identifies any fundamental changes that have been made related to programs, policies or forecasts as it relates to the transfer station system and consistency with CECAP goals.

Table 5-1 lists the recommendations from the 2011 LSWMP related to the transfer station system with a brief description of progress to date and potential next steps as part of the LSWMP Update.

**Table 5-1: Evaluation of 2011 LSWMP Recommendations**

<b>2011 LSWMP Recommendation</b>	<b>Progress to date</b>	<b>Potential Next Steps</b>
Assess methods to optimize the available disposal capacity.	Unable to maximize capacity of current system due to delivery of multiple material streams.	Evaluate capital and operational changes to maximize existing capacity.
Maintain transfer station capacity to reduce effects of traffic and air quality impacts.	Utilize transfer station system to minimize environmental impacts of transportation.	Evaluate options to maintain sufficient capacity to meet future needs, especially for new material types (e.g., separately collected brush, food waste)
Develop other infrastructure, as needed, to implement plan.	Current infrastructure aging and not able to efficiently process multiple material types.	Evaluate option to develop new transfer station or rebuild on existing sites.

In the 2011 LSWMP the capacity of the transfer station system was deemed to be sufficient to manage operations and support the City to achieve its Zero Waste goals. Based on the evaluation of the transfer station system, the introduction of multiple material streams has significantly impacted the capacity of the transfer station system to manage material streams separately for recycling. Without the ability to manage multiple materials effectively among the transfer stations, the City has struggled to meet goals identified in the 2011 LSMWP and there are instances when the system is unable to meet the current service demand during surges in tonnage, most notably at Bachman.

CECAP set goals to recycle 35 percent of organic waste, 60 percent of paper waste and achieve a 35 percent reduction of waste landfilled by 2030. The City must address the challenges with the transfer station system to be in a position to achieve these goals in the time frame established by CECAP.

### 5.3 Case Studies

This section provides descriptions of transfer stations that demonstrate configurations or operational considerations that would support the City's long-term planning needs related to the future of the transfer station system. The following section provide perspective about separating customers by type and multi-material streams.

#### 5.3.1 Separating Customers by Type

Separating customers by type is a key consideration for the City and is a challenge shared by other transfer station facilities. The Bow Lake Recycling & Transfer Station located in King County, Washington is an example of a facility that was designed and constructed to intentionally separate self-haul or manual unload customers from large compacting solid waste vehicles. The facility opened in 2012, with expanded recycling added in 2013, and replaced an older 33,000 square foot station built in 1977. The upgraded transfer building is approximately 68,000 square feet, processes approximately 267,000 tons annually and cost approximately \$88 million when constructed<sup>55</sup>. The high capital cost may be due in part to the multiple operational areas of the facility segregated by customer type and sophisticated traffic control system. **Error! Reference source not found.** shows the facility layout of the Bow Lake Recycling & Transfer Station.

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<sup>55</sup> More information about the Bow Lake Recycling & Transfer station is available at the following links:  
<https://kingcounty.gov/~media/depts/dnrrp/solid-waste/facilities/documents/factsheet-Bow-Lake.ashx?la=en>  
<https://interfaceengineering.com/work/bow-lake-transfer-and-recycling-station>

**Figure 5-2: Bow Lake Recycling & Transfer Station**

The facility shown has dedicated queuing lanes with stoplights for self-haul customers, larger solid waste collection vehicles, and transfer trailers as well as both inbound and outbound scales managed by a scalehouse building. The queuing allows for traffic management in the site, and there are separate entrances and exits for all three customer types and a dedicated drop-off area for self-haul customers. The facility layout and traffic design effectively separate customers by type which increases the ability to manage and transfer material in the transfer building and decreases operational safety risks.

### 5.3.2 Manage Multiple Material Streams

Based on the need to make additional infrastructure investments at the transfer station, the City of Georgetown, Texas is developing a new transfer station at the site of its existing transfer station. Beyond the longer-term capacity of a newer, upgraded transfer station, one of the key advantages is that it would allow the simultaneous acceptance of several material streams including, trash, recycling, and organics, for transportation to the appropriate disposal or processing location. The upgraded transfer building is permitted at approximately 23,000 square feet with three individual transfer bays and a design capacity of 1,080 tons per day. The facility will utilize an existing citizen convenience drop-off center that contains six roll-off containers, and the hours of operation and have not yet been finalized. Figure 5-3 shows an early conceptual rendering of the City of Georgetown transfer station currently in the design phase. While some elements of the site plan have changed since the conceptual design, the primary transfer station building is similar to the conceptual design shown in Figure 5-2. The estimated capital cost for this facility is approximately \$11.6 million.



**Figure 5-3: Conceptual Rendering of City of Georgetown Transfer Station**



The Georgetown transfer station will be able to manage multiple material streams because the tipping floor is adequate size and there are three transfer trailer bays that provide the ability to separately manage refuse, recycling and brush and yard trimming materials. The ability for the upgraded facility to manage multiple material streams is dependent on the capability to swiftly transfer material out of the building by utilizing three transfer truck bays. There is also an area of the site dedicated to storing full transfer trailers during the day that are hauled at night during reduced traffic hours.

## 5.4 Options Evaluation

This section analyzes a series of options related to the transfer station system that have been identified based on the operational analysis, stakeholder engagement, evaluation of recommendations from the 2011 LSWMP, and case studies.

Based on the results of the outreach activities conducted as part of the LSWMP Update. The transfer station citizen drop-off program is popular among residents where about 40 percent of respondents indicated they visit a drop-off facility at least once per year. Further information about the methodology of the stakeholder engagement is described in Section 1.0 and the comprehensive detailed results are provided in Appendix A.

The following presents options that are evaluated in the following sections including a brief description of the option and evaluation approach:

- **Maximize existing capacity of the transfer station system.** Describes adjustments to the transfer fleet equipment and operations, increased diversion of self-haul customers from tipping floors, and increased coordination with collection operation that would maximize the existing capacity of the transfer station system.

- **Upgrade site layout and/or transfer buildings.** Evaluates impact of upgrading existing facilities to overcome existing challenges.
- **Separately receive and process brush and yard trimmings.** Evaluates the impact on operations to manage material streams for processing in the transfer station system including separate handling of brush and yard trimmings using the existing equipment and staffing resources available.
- **Major expansion or rebuild of Bachman.** Describes a major expansion or rebuild of Bachman that would support the long-term needs of the City, including any future programs developed.

Each of the following sections provide an overview of each option and specific tactics and evaluates the impact of each options' components based on the criteria detailed in Section 1.4.3. A high-level summary of the evaluation criteria for each tactic within the options is provided in Section 5.5 to support the key findings, recommendations and implementation and funding plan.

#### 5.4.1 Maximize Existing Capacity

**Overview.** Maximizing the existing capacity among the transfer station system without expanding the existing transfer buildings can be accomplished with the following approaches:

- **Increase number of transfer trucks, trailers and drivers.** The City currently has 26 transfer trucks and trailers and 18 drivers<sup>56</sup>. Based on the evaluation provided in Appendix C, if the City were to increase the number of transfer trucks, trailers and drivers by they would be able to better meet surge demands and more proactively deploy equipment and drivers rather than reacting to real-time needs that cause challenges transferring material out of the facility. The City should consider multiple trailer types to increase the ability to transfer the current and future material streams that may require separate transfer including the following:
  - **Tipper trailer.** Tipper trailers can haul refuse and brush and bulky items for disposal at the Landfill because they have access to trailer tipper equipment.
  - **Ejector trailer.** Ejector trailers are the only ones that can haul recycling because there is no trailer tipper at the FCC MRF.
- **Adjust operations to store material in transfer trailers on site.** With more transfer trucks, trailers and drivers, City staff would increase equipment availability and have a higher degree of flexibility to manage materials into transfer trailers for storage to minimize storing material in the transfer building. To accomplish this, transfer station operators would store material utilizing idle

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<sup>56</sup> City staff has received approval to hire five additional truck drivers and purchase three new trucks and six new trailers (three for refuse and three ejector trailers). If successfully hired, the number of FTEs will increase to 22, the number of trucks will increase to 29 and number of trailers will increase by 32.

transfer trailers, maneuvering and staging them on-site with a yard tractor to and hauling the transfer trailers to the Landfill for disposal after the transfer stations are closed to customers for the day. This would allow materials to be moved out of the transfer buildings the same day they are delivered to minimize overnight storage of in the transfer buildings, but may require a modified permit that supports storing material in trailers as part of the operations. The adjusted operations would be most applicable at Bachman.

- **Separate Sanitation Department vehicles from self-haul and manual unloading customers.** Separating Sanitation Department vehicles from self-haul or manual unloading customers is critical to maintaining a safe operating environment in the transfer buildings by reducing excess traffic and maintaining a physical separation between these customers and larger collection vehicles. This is most important at Bachman due to the current practice of storing material in the building throughout the week. When the pit and tipping floor are used to store material, the space constraints increase the risk for vehicle collisions or damage to the transfer building. Separating customer types can be accomplished by increasing the number of staff or upgrading the scalehouse at the entrance of Bachman to manage the flow of self-haul and manual unload customers into the building. This would allow the City to reserve adequate unloading space for Sanitation Department vehicles. Holding self-haul or manual unload customers near the entrance to Bachman would provide an opportunity to request customers take better advantage of the Dry Gulch drop-off facility instead of entering the transfer building, as applicable, and collect data to track the number of times customers have used the facility to streamline billing processes and other information that would support capital upgrades to the Dry Gulch drop-off facility.
- **Increase coordination with collection operation.** Increasing the frequency of communication between transfer station supervisors and collection supervisors to provide accurate estimates of when Sanitation Department vehicles are expected to arrive at a transfer station would increase the capability of City staff to make proactive and real-time operational adjustments to clear material from tipping areas as soon as it is delivered. Increased communications could be accomplished via dedicated radios and leveraging on-board equipment to identify changes in expected route completion time on a real-time basis (e.g., equipment breakdown, unanticipated high levels of traffic, etc.).

**Recycling potential.** Maximizing the existing capacity of the transfer station system to support processing of yard trimmings, brush or other organic materials on a separated basis provides high diversion recycling potential.

**Operational impact.** Increasing the equipment and staffing to clear the transfer floor daily and more frequently communicating with the collection operation minimizes safety risks and reduces overtime demand required to clear material stored in transfer buildings throughout the work week. Storing material in extra trailers on site may present challenges due to space constraints at transfer stations and adjustments to the typical hauling operating schedule to work at night. Separating customer types at transfer stations would increase the amount of floor space available so that the City could consider managing material types separately, particularly during surges in material. If the refuse and recycling collection program transitions to five day per week collection (reference Section 6.4.1), residents may be able to be accepted at the transfer stations before Sanitation Department vehicles arrive (e.g., between 7:00 AM and 10:00 AM). Overall, maximizing existing capacity would have a medium operational impact because it would require additional staff and equipment to operate transfer trucks and provide traffic control, but would allow the transfer station system to manage additional material while minimizing overtime demand.

**Financial impact.** Maximizing the existing capacity would require the purchase of additional equipment (e.g., transfer trailers or yard tractors), staff and pursuing small to medium-sized capital projects (e.g., upgrading scalehouse system at Bachman). The financial impact of this option is less than building upgrades or site re-designs efforts, and therefore this option would have a medium financial impact.

**Environmental impact.** Maximizing existing capacity would allow separate management of more recycling and brush and yard trimmings. If material is recycled or composted rather than disposed the City would realize environmental benefits and the option would have a low impact.

**Policy impact.** Better tracking the number of uses by customer at the transfer stations would allow the City to better regulate customers that are frequent users of the disposal allowance provided by the City. There would be a medium policy impact if the City enforces the maximum number of uses throughout the transfer station system by turning away customers that utilize the free residential drop-off program excessively and contribute to the traffic congestion among facilities.

**Stakeholder “buy-in”.** There is medium stakeholder buy-in on this option because while there is a high level of buy-in for increasing the capacity of the transfer stations but , there is lower buy-in from an operational perspective related to space constraints of storing material in idle transfer trailers on site and hauling material at night. Additionally, enforcing a maximum number of uses of the residential drop-off program may result in backlash due to perceived reduction in service.

**Compatibility with existing programs.** This option has a medium compatibility with existing programs because there would be changes in hauling operations, traffic control, and enforcing a maximum number of uses of the residential drop-off program.

#### 5.4.2 Upgrade Site Layout and/or Transfer Buildings

**Overview.** Upgrading the transfer building and/or equipment would help to overcome current challenges and transition the transfer station system to meet the City’s long-term needs. Bachman, Fair Oak and Westmoreland transfer buildings were constructed in 1978, 1969, and 1983, respectively. The transfer stations in the system have undergone several upgrades since they were initially installed. Table 5-2 presents the challenges and recommended upgrades to address the challenges for each transfer station in the system.

**Table 5-2: Transfer Station System Operational Challenges and Recommended Upgrades**

<b>Operational Challenge</b>	<b>Recommended Upgrades</b>		
	<b>Bachman</b>	<b>Fair Oaks</b>	<b>Westmoreland</b>
Limited floor space and reinforced walls to manage separate material streams.	Relocate control tower to direct and coordinate customers and equipment operators in the transfer building to manage separate management of material streams.	Reinforce back wall to support tipping floor operations.	Relocate break room and bathrooms to increase maneuverability in the transfer building.
Dangerous or inefficient entrance/egress in transfer building.	Upgrade scalehouse and scale to provide more effective traffic control that separates self-haul customers from Sanitation Department vehicles.	Reconfigure entrance and exit so back of transfer building can be used as an exit.	Adjust entrance so right hopper is not impacted by inbound vehicle traffic.
Dangerous or inefficient vehicle traffic patterns around site.	Upgrade scalehouse and scale to provide more effective traffic control that separates self-haul customers from Sanitation Department vehicles.	Reconfigure entrance and exit so back of transfer building can be used as an exit.	Install scale outside transfer building with scalehouse to minimize number of overweight collection vehicles that need to use the transfer trailer scales.
Self-haul and/or manual unload customers increase traffic in transfer building.	Upgrade Dry Gulch to accept increased numbers of customers to minimize traffic in the transfer building.	Large numbers of self-haul and manual unload customers crowd facility on Wednesdays and Saturdays. Increase size of queuing areas to more efficiently manage vehicle traffic.	Large numbers of self-haul and manual unload customers crowd facility on Wednesdays and Saturdays. Increase size of queuing areas to more efficiently manage vehicle traffic.
Facility damage and aging structures.	Re-build operations tower to better direct customers on tipping floor and upgrade pit so material does not need to be lifted to be placed into the transfer truck bay.	Reinforced walls to support tipping floor operations.	Reinforced walls to support tipping floor operations.
Inadequate utilities (e.g., lighting, three phase power, wireless internet, scale system).	Upgrade Dry Gulch to have three phase power to allow for compactors.	Upgrade lighting system.	Upgrade lighting system.

**Recycling potential.** Upgrading the site layouts and transfer buildings would help overcome the existing challenges and position the City to better manage increasing volumes of refuse, recycling and commingled brush and bulky items in the future. These upgrades on their own would not necessarily provide the ability to separately collect brush and yard trimmings citywide and represent a medium recycling potential.

**Operational impact.** Increasing the capacity of Dry Gulch and upgrading the scalehouse and scale to provide more effective traffic control would allow for better management of current material streams and increase the transfer station system efficiency. Once Dry Gulch is upgraded, in combination with the steps defined in Section 5.4.1 to maximize existing capacity, the City would be able to manage some or all separately collected brush and yard trimmings at Bachman. During construction, operations may be impacted requiring alternative measures to be taken to manage customers among the transfer station system. It may be necessary to suspend customer drop off service during this period to ensure that Sanitation Department vehicles are able to deliver collected material. Therefore, this option has a medium operational impact.

**Financial impact.** A 2016 draft Facility Conditions Report developed by AECOM assessed the condition of the substructure, shell, interior, services, equipment and furnishings of each transfer station building. The budgetary estimate to replace the systems and subsystems that were identified as deficient, presented in Table 5-3, provides an estimate of the order of magnitude estimate of capital costs to replace deficient systems and/or subsystems of the existing transfer buildings.

**Table 5-3: Estimated Replacement Cost of Transfer Buildings Systems/ Subsystems**

<b>System/Subsystem</b>	<b>Bachman</b>	<b>Fair Oaks</b>	<b>Westmoreland</b>	<b>Total</b>
Substructure	\$257,854	\$172,756	\$160,527	\$591,137
Shell	\$1,455,497	\$1,075,545	\$634,857	\$3,165,899
Interiors	\$151,509	\$108,514	\$102,121	\$362,144
Services	\$560,623	\$337,519	\$300,770	\$1,198,912
Equipment & Furnishings	\$135,294	\$29,750	\$26,338	\$191,382
<b>Total<sup>1</sup></b>	<b>\$2,560,777</b>	<b>\$1,724,084</b>	<b>\$1,224,613</b>	<b>\$5,509,474</b>

1. Cost estimates are based on 2016 dollars, and do not include any upgrades, repairs or replacements that have occurred since the draft Facility Conditions Report was provided to the City.

The recommended upgrades identified to overcome operational challenges would require significant capital expenditures including expanding Dry Gulch, relocating the control tower in Bachman to better manage multiple material streams, upgrades to scalehouse and scale systems at multiple facilities, and reconfiguring traffic flows among the sites and transfer buildings. While the financial impact of this option is more than the options to maximize existing capacity, it is less than major expansions or rebuilding efforts and would have a medium financial impact. Since the assessment was drafted in 2016, there is also a need to update the estimates provided in Table 5-3. The City's capital improvement schedule indicates that \$1.5 million

are budgeted to renovate Bachman to increase waste flow in FY 2023 and FY 2024, \$1.8 million is budgeted between FY 2022 and FY 2025 to provide repair and improvements to the transfer station facilities, and \$1 million is budgeted between FY 2023 and FY 2024 to renovate Fair Oaks in combination with repairs to the City's Northeast Service Center.

**Environmental impact.** Upgrades to the transfer sites or buildings will allow continued management of multiple material streams on a separated basis. Although there may be more vehicles or more hauling trips required to transport separately managed material, if material is recycled or composted rather than disposed, the City would realize environmental benefits and the option would have a low impact.

**Policy impact.** Upgrading the site layout and/or transfer buildings would have a low policy impact.

**Stakeholder “buy-in”.** Upgrading the site layout and/or transfer buildings would have a high level of stakeholder “buy-in” since it would help overcome the existing operational challenges.

**Compatibility with existing programs.** Upgrades indicated would help overcome existing operational challenges in line with existing programs.

#### 5.4.3 Separately Receive and Process Brush and Yard Trimmings

**Overview.** As part of this option City crews would separately collect brush and yard trimming material using the existing equipment and staffing and the option would require Bachman to receive, store, handle, and transfer material without commingling the material with refuse, recycling, or mixed brush and bulky items. The Fair Oaks and Westmoreland facilities are not configured to receive large brush loads in addition to the refuse and recycling material that is currently delivered. At Bachman, dedicated transfer trailers would need to be re-allocated from their current roles to haul separated brush material to a processing facility with a trailer tipping equipment, since ejector trailers are required to transfer recycling materials. This additional material stream would need to be processed inside the transfer building, since brush material cannot be stored outside the transfer building.

**Recycling potential.** If Bachman were able to separately manage and transfer brush material, the total tons of clean brush that could be collected and potentially recycled is estimated as 45 percent of the current brush and bulky items collected, or about 69,000 tons per year, and has high recycling potential<sup>57</sup>.

**Operational impact.** To separately receive, store and transfer about 69,000 tons per year of source separated brush delivered to Bachman, there would need to be a dedicated area of floor space and between one to three transfer trucks, trailers and drivers to haul material to a composting facility, depending on the

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<sup>57</sup> Tonnage range based on estimated percentage of clean brush set out as part of the separated brush collection pilot. Further discussion of the results of the separated brush collection pilot is provided in Section 7.2.



volume of brush separately collected. Although the total tons of material processed through Bachman would not increase substantially, there would be an increase in the number of inbound vehicles based on separate collection of brush/yard trimmings and bulky items. This would have a high operational impact due to increased vehicle traffic in the transfer building and because the hauling operation would need to haul the materials separately, requiring more trips from Bachman to the processing and/or disposal facility. The additional effort to manage this material separately would potentially increase the volume of material that is stored in the transfer building throughout the week and increase the risk of vehicle collisions and other safety challenges.

**Financial impact.** Separately managing brush and yard trimmings at Bachman would require storing additional material in the transfer building throughout the week. It would cause additional overtime demand on staff and hauling operations due to additional handling efforts and require increased overtime in addition to the current overtime demand. Therefore, this option would have a high financial impact.

**Environmental impact.** Maximizing existing capacity would allow separate management of more recycling and brush and yard trimmings. If material is recycled or composted rather than disposed the City would realize environmental benefits and the option would have a low impact because the option would minimize emissions related to avoided disposal.

**Policy impact.** There is a medium policy impact related to this option because the City would need to implement separate brush and yard trimmings collection.

**Stakeholder “buy-in”.** This option has medium stakeholder “buy-in” because separately collecting and processing brush and yard trimmings will support the City’s long-term recycling goals but would cause operational and safety challenges due to space constraints and increased vehicle traffic in transfer buildings.

**Compatibility with existing programs.** Separately receiving and managing brush and yard trimmings has low compatibility with existing programs, since it would require separately managing an additional material stream.

#### 5.4.4 Major Expansion or Rebuild of Bachman

**Overview.** As part of this option the City would complete a major expansion or rebuild of Bachman to expand the tipping floor and number of transfer truck bays to better manage multiple material streams. Although Fair Oaks and Westmoreland would benefit from increasing permitted capacity, dedicating the resources for a major expansion or capital upgrade at Bachman would provide the most long-term beneficial impact to the transfer station system. While the current square footage of Bachman transfer building is sized at 24 square feet per permitted ton, which is consistent with the City of Georgetown’s upgraded transfer station at 22 square feet per permitted ton, the City is unable to separately manage multiple material streams

because there are only two transfer truck bays and limited transfer trucks and drivers. Variations in operating hours also contribute to the discrepancy. Without dedicated bays for materials that are intended to be handled separately, future operators will experience similar challenges to ongoing operations. If additional material streams are added and Bachman is unable to transfer the material shortly after it is delivered, it could cause even more material to be stored in the transfer building, increasing the risk of safety challenges. A major expansion or rebuild could reconfigure the facility layout, add an additional transfer bay, and support future programs that the City would seek to implement to advance towards its recycling goals.

**Recycling potential.** Expanding Bachman to have a dedicated third bay for organics (including brush, yard trimmings and potentially residential food waste) would allow the City to make significant progress toward its recycling goals.

**Operational impact.** A major expansion or rebuild of Bachman would require a construction effort that could halt operations and cause a high level of disruption to operations. If collection vehicles are directed to the Landfill during this time, there would be significant operational impact on collections due to the increased time for collection vehicles to travel across the City rather than consolidate materials at the transfer station. For example, between FY 2016 and FY 2020 Bachman had an annual average of about 32,000 transactions from Sanitation Department vehicles and if each of these vehicles were required to direct haul material to the Landfill at an estimated round trip time of 60 minutes<sup>58</sup> the collection operation would fall behind on collections due to the 32,000 hours of driving time to direct haul material for disposal or recycling compared to the current ability to deliver to Bachman and head back to the collection route in significantly less time. If a major expansion or rebuild of Bachman were to be developed, it is possible to schedule construction phasing so that the facility would not be non-operational throughout construction but would still have a significant impact on the ability of the collection operation to manage material collected in the north part of the City.

**Financial impact.** There would be high capital costs associated with a major expansion or rebuild of Bachman. Table 5-4 describes the major cost items related to this type of construction project.

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<sup>58</sup> 60 minutes round trip is used for example purposes, and may be longer in practice based on wait times for unloading at the Landfill.

**Table 5-4: High Level Cost Items of Major Transfer Station Expansion or Rebuild**

<b>Cost Item</b>	<b>Description</b>
Building shell/envelope	Costs of pre-engineered metal or pre-fabricated materials to construct the building exterior.
Structural foundation	Poured concrete to construct the structural foundation, retaining walls, ramps in and out and other components of a major expansion or rebuild.
Paving	Pavement poured at the site based on the expected vehicle traffic loading.
Sitework	Earthwork/grading, utilities interconnections, landscaping, vegetation, gates, fencing and other site development needs.
Site Plan Preparation	Preparation of engineering design and site plans. Typically range from 8-10 percent of construction costs.
Project Management	Preparation of legal documents and other miscellaneous site and project management.

**Environmental impact.** If collection vehicles are required to direct haul material to the Landfill, there would be a high environmental impact of the additional road miles traveled and potentially increased numbers of collection vehicles required to keep up with service demand. This would occur only during the construction period.

**Policy impact.** If the City pursues a major expansion, there would be low policy impact; however, if the City seeks to build a new transfer station at a different location there would be a high policy impact related to the decision about where to site a new large transfer station facility.

**Stakeholder “buy-in”.** If construction operations for a major expansion or rebuild required customers to go to the Landfill as well, it may contribute to increased traffic congestion at the Landfill or increased occurrences of illegal dumping. Although the transfer station system would benefit from a major expansion or rebuild, there would be challenges related to service interruption and would therefore have medium buy-in.

**Compatibility with existing programs.** There would be low compatibility with existing programs if all or part of Bachman were forced to shut down during the construction of a major expansion or rebuild.

## 5.5 Key Findings and Recommendations

This section presents the key findings and recommendations related to approaches to maximize the usage of the transfer station system based on the current system review, evaluation of case studies and stakeholder engagement. Depending on the specific option and/or tactic, the evaluation may include both quantitative and qualitative assessments which support the assigned relative ratings for the criteria of each tactic. The

meaning of the rating differs for each option and/or tactic but can generally be described as “green circle is favorable or low impact,” “yellow triangle is neutral or medium impact,” and “red square is less favorable or higher impact.” Further description of the criteria is provided in Section 1.4.3. Table 5-5 provides a summary of the evaluation of the transfer station system options.

Table 5-5: Summary of Transfer Station System Options Evaluation

Description	Recycling Potential	Operational Impact	Financial Impact	Environmental Impact	Policy Impact	Stakeholder "buy-in"	Compatibility with Existing Programs
<b>Maximize Existing Capacity</b>							
Add more transfer trucks, trailers and drivers.	●	●	■	▲	●	●	●
Adjust hauling operations to store material in transfer trailers and haul at night.	●	▲	●	●	●	■	■
Reduce traffic congestion by separating Sanitation Department vehicles from self-haul and manual unload customers	●	●	●	●	■	●	●
Increase communication protocols and leverage on-board vehicle technology.	●	●	●	●	●	●	●
<b>Upgrade Site Layout and or Transfer Building</b>							
Implement recommended upgrades at each transfer station.	●	▲	▲	●	●	●	●
<b>Separately Receive and Process Brush and Yard Trimmings</b>							
Separately receive and manage separately collected brush and yard trimmings at Bachman using the existing equipment and staffing.	●	■	■	●	▲	▲	■
<b>Major Expansion or Rebuild of Bachman</b>							
Expand existing building to better manage multiple material streams.	●	■	■	▲	●	■	■
Rebuild the transfer building at Bachman or an alternative location.	●	■	■	▲	■	■	■

### 5.5.1 Key Findings

Each of the following key findings supports the corresponding recommendation in the subsequent section.

1. **Self-haul and manual unload customers cause challenges in the transfer buildings.** The high volume of self-haul and manual unload customers minimizes the capacity of the transfer stations to manage multiple material streams and presents safety risks to customers.
2. **Managing multiple material streams and customer types minimizes the City's ability to utilize full permitted capacity of transfer station system.** Processing recycling and brush and bulky items limits the capacity of the transfer station system and indicates the current transfer station system would be unable to manage additional separated materials (e.g., brush and yard trimmings separated from bulky items). Unexpected changes on number and timing of inbound loads create challenges to manage and process material safely and efficiently.
3. **Fair Oaks and Westmoreland are not able to store material in the transfer building overnight due to permit restrictions.** The transfer fleet must prioritize these facilities over Bachman when there are surges of material.
4. **Storing material in Bachman's transfer building throughout the week minimizes the City's ability to manage multiple materials.** Material is stored when the transfer fleet is unable to haul all the material out of Bachman's transfer building during daily operations and causes space constraints in the transfer building required to separately manage and transfer out recycling and clean brush.
5. **The vehicle scales, scalehouse designs and traffic flow cause challenges during surges of material.** The traffic flows at the transfer stations result in increased traffic congestion due in part to the location and capabilities of scale and scalehouses. Notably at Westmoreland, vehicles that exceed the weight of the scale must encircle the facility several times to weigh at the transfer trailer scales and then deliver material in the transfer building.
6. **Transfer fleet trucks and drivers are dispatched reactively.** Without clear indications of when surges of material are approaching, the transfer station operators' ability to proactively deploy resources to meet service demand is limited.
7. **The City must address the existing challenges with the transfer station system to achieve the goals set by CECAP.** CECAP set goals to recycle 35 percent of organic waste, 60 percent of paper waste and achieve a 35 percent reduction of waste landfilled by 2030 in the single-family sector. The City will not be able to achieve these goals without being able to consolidate material collected in the north part of the City for transfer to processing facilities in the southern areas of the City.

### 5.5.2 Recommendations

Each of the following recommendations are components of the planning level implementation & funding plan provided in Appendix F.

1. **Implement key operational adjustments and capital upgrades to maximize existing capacity among the transfer station system.** Implement the number of transfer trucks and drivers required to meet the operational needs of a separated brush and bulky item collection program. Additionally, execute upgrades to the various transfer station buildings and facilities including increasing the capacity of Dry Gulch to effectively divert the majority of self-haul and manual unload customers from the transfer building at Bachman. Move forward to comprehensively upgrade the transfer station system including reconfiguring transfer station sites as necessary, upgrading transfer buildings, and integrating the hardware and software of scales and scalehouses.
2. **Concurrently with implementation of key operational and/or capital upgrades, transfer brush and yard trimming loads through Bachman on a pilot basis.** As transfer station operational and capital upgrades are being planned and executed, begin processing separated brush material through Bachman on a regular basis for transfer to the Landfill's existing brush grinding operation until an available composting facility is identified. During the separated brush and bulky item collection pilot a small amount of material was processed at Bachman, but there was not enough room in the transfer building to maintain this throughout the pilot.
3. **Develop engineering design study and preliminary construction phasing plan for major expansion or rebuild of Bachman.** Prepare for a future major expansion or rebuild of Bachman by developing a series of options that would effectively route traffic through the site and maintain the capability to expand services while maintaining continuity of service through strategic construction phasing. This engineering design study would provide the configurations required to manage separately collected brush and potentially separately collected food waste in the future.

## 6.0 REFUSE AND RECYCLING COLLECTION

Refuse and recycling collection is provided by the Sanitation Department to single-family customers using multiple equipment types and crew configurations to collect roll carts both in the alley and at the curb. The Sanitation Department is the exclusive provider for single-family and duplexes in the City, although commercial customers can request roll cart service. Further description of collection provided by the Sanitation Department to commercial customers is provided in Appendix D. Providing this service is critical to supporting progress toward the City's recycling goals, as it allows the Sanitation Department direct control over the collection, transportation, processing and disposal of material. The Sanitation Department has been in the process of re-routing its refuse and recycling collection vehicles to increase the operating efficiency in coordination with recently implemented on-board technology over the past year. This section presents considerations to incorporate as part of the ongoing re-routing effort to position the City's operations to increase the efficiency of current program and support implementation of future programs to increase recycling.

As part of the LSWMP Update, select on-route refuse and recycling collection operations were observed as part of the Collection Operation Observations on February 8 and 9, 2021 including both alley and curbside collection services. Additionally, discussions were held with various members of management and staff to discuss ongoing operations and collect data. Further detailed technical evaluation of the refuse and recycling collection operation is provided in Appendix D. The City has evaluated several potential scenarios to adjust services to support providing more efficient services.

### 6.1 Current System Review

The City's refuse and recycling collection operation services approximately 250,000 households across five collection districts. Chapter 18 of the City's Code of Ordinances establishes that collection services, including collection, removal, disposal and processing of refuse and recycling must be provided by the Sanitation Department for all single-family residences and duplexes. The following refuse and recycling collection services are provided by the Sanitation Department (further discussion of brush and bulky item collection services, including yard trimmings, is provided in Section 7.0):

- **Refuse.** Once per week collection and disposal of refuse contained in 64 and 96-gallon carts from approximately 250,000 households. All residential customers receive refuse collection from City crews and residents can request additional carts for an additional monthly fee. The City also provides "Packout" services at an additional charge for collection on private drives.
- **Recycling.** Once per week collection and processing of recyclables contained in 96-gallon carts from approximately 249,000 households. Recycling collection is voluntary, and residential



customers may elect not to receive this service (e.g., do not have a recycling roll cart) resulting in fewer recycling households serviced.

- **Commercial.** Collection is provided to a limited number of commercial customers via roll carts. Multi-family and commercial properties may receive service for up to 10 refuse and 10 recycling roll carts. The Sanitation Department provides front-load and roll-off service for City facilities on an as-needed basis. A contractor provides this service for about 300 locations, but the City maintains equipment to provide supplemental service as needed. collects a small number of larger solid waste dumpsters.

The City is organized into five collection districts that operate independently but coordinate closely, where each district has a manager of operations. Figure D-1 shows the collection areas of the City by day, the Sanitation Department collection districts, and the location of the transfer stations and Landfill.

**Figure 6-1: Sanitation Department Collection Districts and Collection Day Boundaries**

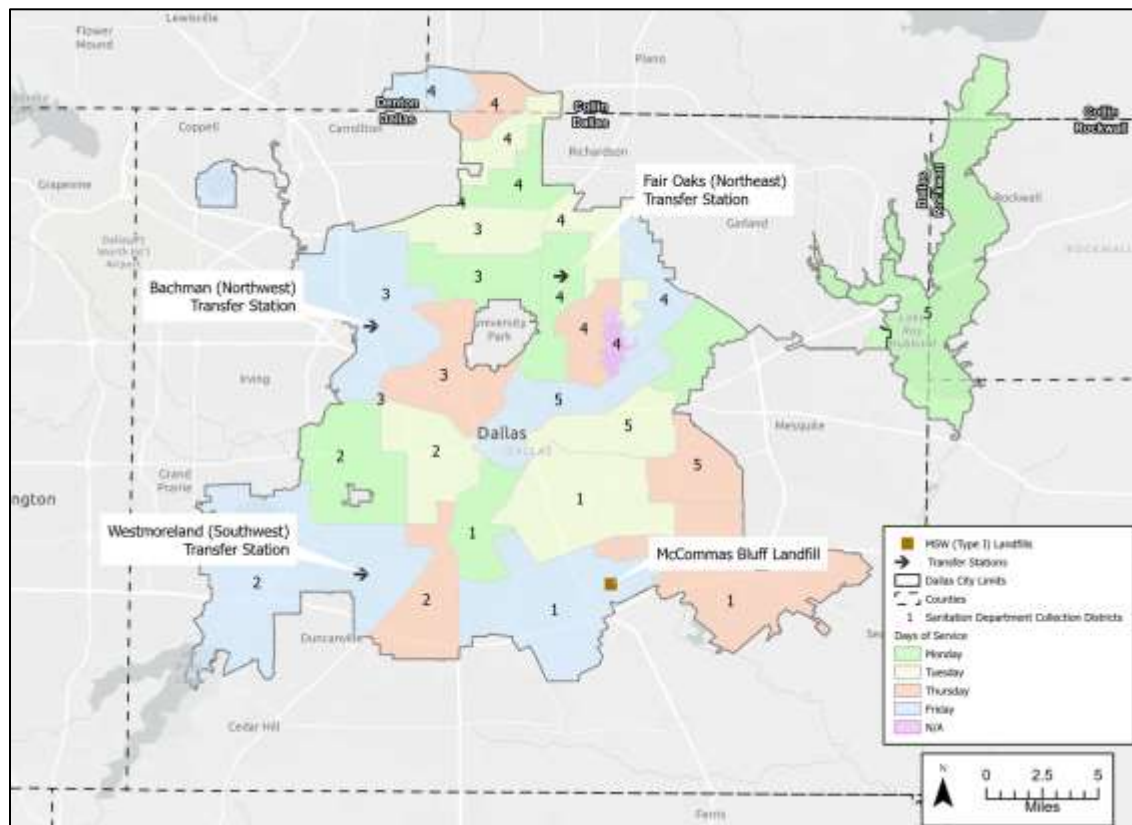
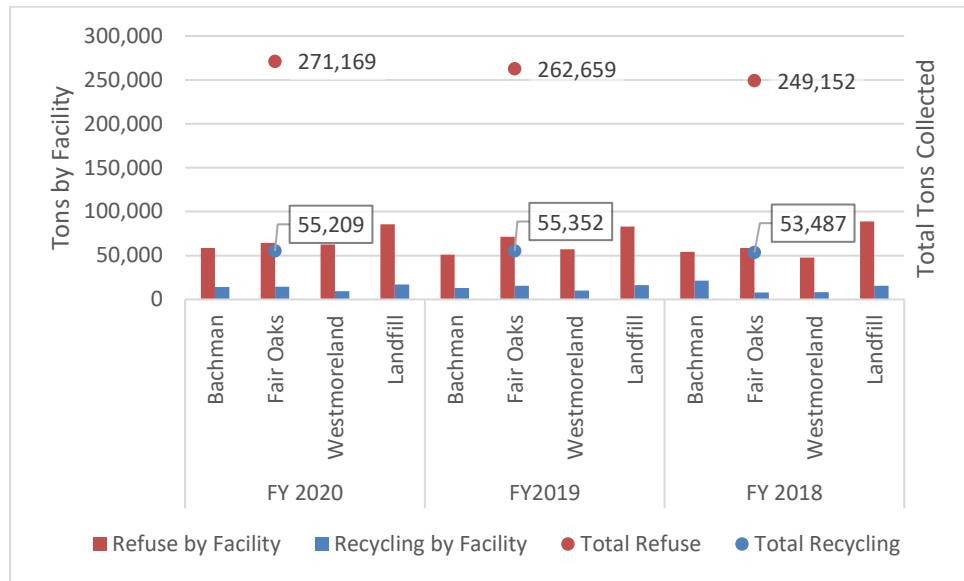


Figure 6-2 shows the annual historical inbound refuse and recycling tonnage processed through the City's transfer station system and delivered directly to the Landfill and MRF from FY 2018 to FY 2020.

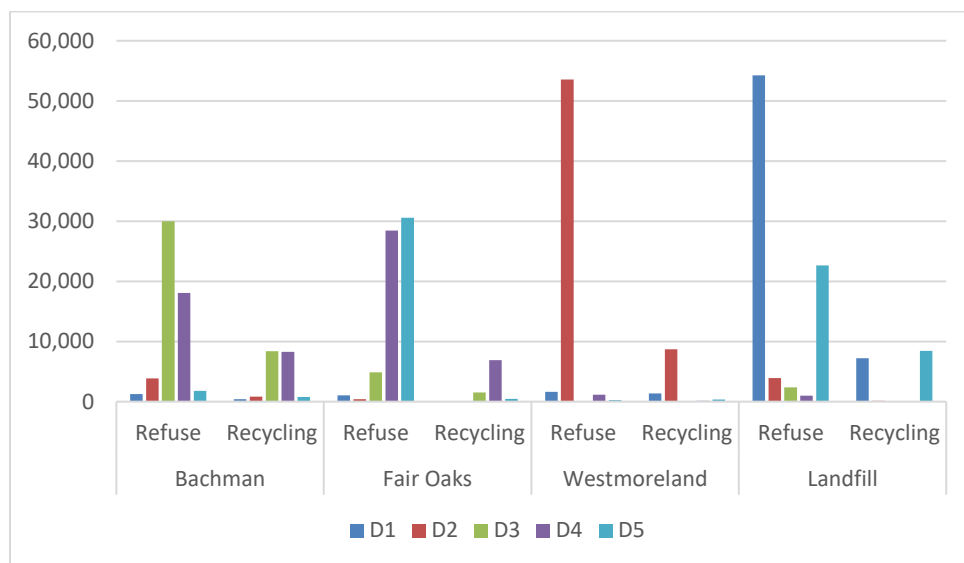
**Figure 6-2: Annual Inbound Sanitation Department Collected Refuse and Recycling by Facility<sup>1</sup>**



1. Recycling by facility tons reflect the tonnage reported by WasteWORKS of recycling material transferred to the MRF and the tonnage direct-hauled to the MRF reported by FCC. There is a slight discrepancy in the amount of material transferred because of reporting from two different scale systems.

The transfer station system is critical to supporting collection operations by consolidating material for transfer. Figure 6-3 shows the average annual tons of refuse and recycling delivered to each transfer station and directly to the Landfill for disposal from FY 2016 through FY 2020.

**Figure 6-3: Average FY 2016 -FY 2020 Annual Sanitation Department Refuse and Recycling by Collection District<sup>1</sup>**



1. Recycling direct hauled to the MRF represents the average tons delivered reported by FCC from FY 2017 – FY 2020.

As part of the LSWMP Update, operations were observed including a review of key daily activities and discussions with transfer station staff and management. The following lists key challenges and/or findings identified by refuse and recycling staff and management:

- City struggles to complete routes and meet labor demand during surges of material or labor shortages.
- 116 fewer recycling routes compared to refuse routes due to fewer recycling tons, customers, and lower set out rates.
- Collecting in alleys negatively impacts collection efficiency due to confined space, obstructions (e.g., gas meters, utilities), and collection of empty containers.<sup>59</sup>
- The challenges meeting service demand are compounded when staff is pulled to help on brush and bulky item collection, resulting in staff working high amounts of overtime.

## 6.2 Evaluation of 2011 LSWMP Recommendations

This section evaluates the recommendations presented in the 2011 LSWMP, indicating the progress that has been made toward the recommended policies and/or programs. Additionally, this section identifies any fundamental changes that have been made related to programs, policies or forecasts as it relates to the transfer station system.

Table 6-1 lists the recommendations from the 2011 LSWMP related to refuse and recycling collection with a brief description of progress to date and potential next steps as part of the LSWMP Update.

**Table 6-1: Evaluation of 2011 LSWMP Recommendations**

<b>2011 LSWMP Recommendation</b>	<b>Progress to date</b>	<b>Potential Next Steps</b>
Mandatory recycling ordinance.	The City has not implemented a mandatory recycling ordinance or other requirements.	The LSWMP Update focuses on measures to encourage participation in the near-term, and considers mandatory measures as future efforts once programs, policies and infrastructure are in place to manage the increased material generation resulting from mandatory policies.

<sup>59</sup> For residents that receive service in the alley, carts are often left in the same location during non-collection days. If a recycling cart is empty, the collection crew either checks the cart (for SA) or collects the cart (for ASL), which reduces collection efficiency.

Since the 2011 LSWMP the collection environments in the City have evolved based on trends shifting toward more condensed development. This shift is an ongoing trend among many cities in the North Central Texas region to reduce development sprawl and create more environmentally and socially conscious housing.

City Code requires the Sanitation Department to provide services for all single-family detached residences and duplexes. Single-family attached properties such as condominiums and townhomes which are not required to seek collection services with the Sanitation Department cause a challenge because roll carts at these locations are not able to be collected in a safe and efficient manner. These types of properties may take the form of condominiums or in-fill properties added as additional units on existing lots or dividing existing home into multiple units. These types of properties are not considered single-family properties and are often constructed based on form-based zoning specifications, which does not allow the City the right of first refusal of service in some cases. Further discussion of the City's permit review process is provided in Section 6.3.5.

Although there was limited discussion of natural gas or electric powered solid waste collection vehicles in the 2011 LSWMP, this became a key goal of CECAP and has recently become a focus of the NCTCOG. Further discussion of alternative fuel collection vehicles is provided in Section 6.3.3.

### 6.3 Case Studies and Benchmarking

This section provides descriptions of programs or operational considerations from peer cities that would support the City's long-term planning needs related to the future of refuse and recycling collection. The following sections provide perspective about the following topics, and is organized as follows:

- Alternative collection schedule and frequency
- Leverage on-board vehicle equipment
- Collection equipment backup ratio
- Permit review process

#### 6.3.1 Alternative Collection Schedule and Frequency

The City collects refuse and recycling from single-family households on a weekly basis. Table 6-2 compares the City's residential refuse and recycling collection operating schedule and frequency to peer cities in the region.<sup>60</sup>

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<sup>60</sup> Peer cities were selected to show a range of municipal collection programs of varying sizes, operating schedules and collection frequencies.

**Table 6-2: Single-Family Collection Schedule and Frequency Benchmarking**

<b>City</b>	<b>Dallas</b>	<b>Denton</b>	<b>Garland</b>	<b>Austin</b>	<b>San Antonio</b>
Operating Schedule <sup>1</sup>	4-10's	4-10's	4-10's	5-8's	5-8's
Households <sup>2</sup>	250,000	33,600	63,000	201,500	370,000
Collection Days	M, T, Th, F	M, T, W, Th	T, W, Th, F	M, T, W, Th, F	M, T, W, Th, F
Collection Frequency					
Refuse	Weekly	Weekly	Weekly	Weekly	Weekly
Recycling <sup>3</sup>	Weekly	Weekly	EOW	EOW	Weekly
Organics <sup>4</sup>	N/A	N/A	N/A	Weekly	Weekly

1. Indicates a four day per week, ten-hour workday (4-10's) or a five day per week, eight-hour workday (5-8's).
2. Rounded for ease of presentation and not reflective of current monthly customer counts.
3. EOW indicates every other week recycling schedule.
4. Reflects cart-based food and yard waste collection. Dallas, Denton and Garland have programs for collection of bundled or bagged yard waste and brush, but not via roll cart service.

Denton and Garland operate on a four day per week, ten-hour per day schedule requiring these operations to increase the number of households collected per route but allowing an extra day to make up for missed collections or catch up if operations fall behind schedule. Austin and San Antonio operate a five day per week, eight hour per day schedule which distributes collection resources over more days and minimizes the required number of households collected per route to meet weekly service demand.

The weekly service for refuse and recycling collection is consistent with Denton and San Antonio, but both Austin and Garland provide every other week recycling collection. While there may be operational benefits to transitioning to an alternative collection schedule and/or service frequency, there are several key challenges to successfully implementing changes to service schedules and frequencies including:

- Re-structuring existing routes and/or service districts
- Adjusting vehicle operator schedules
- Coordinating with transfer, processing and disposal facilities
- Communicating changes in service days to customers

Conducting these activities are critical first steps to transitioning to an alternative collection schedule and/or frequency and must be carefully evaluated to ensure service demand can be met with existing staffing and equipment availability, that customers are proactively educated about proposed changes and compliance is diligently enforced. Additionally, the City should consider any programmatic changes to be added to existing operations and rolled out in phases. For example, when rolling out its roll cart based commingled yard trimming and food waste collection program, Austin had an existing separated yard waste collection program, and the carts were distributed to customers in phases spanning three years.

### 6.3.2 Leveraging On-board Vehicle Technology

Implementation of on-board vehicle technology and advanced data analytics (e.g., artificial intelligence) is being implemented by both public and private-sector collection operators to increase the efficiency of refuse and recycling collections and support service verification is. The City has recently installed on-board hardware and software to support routing planning efforts, service verification and operator safety<sup>61</sup>.

Peer cities in the region are exploring vendors to provide the hardware, software and service to increase the efficiency of managing their collection systems. The City of Denton contracted with Rubicon Global (Rubicon) to install on-board equipment (e.g., tablets, sensors) on collection vehicles to support service verification and as a feedback tool to optimize routing and route planning. Currently the data is not used for compliance reporting, although Denton is considering this application. Vehicle operators use a dashboard mounted tablet to take pictures of contaminated carts or dumpsters that is transmitted to their customer service center for service verification. Additionally, Rubicon's system collects, analyzes and reports individual vehicle operating data such as fuel efficiency, sudden stops or starts, speeding and fault codes for maintenance.

Based on discussion with staff at Denton, there are up-front capital costs to install the system (e.g., tablets, geocoding customers) and an annual subscription cost, but the system was competitive compared to other providers in the market (e.g., FleetMind, Routeware). Since installing the system in 2020, Denton has seen a decrease in the contamination reported by its recycling processor because the technology system streamlines operations for drivers, holds customers to account by providing data to support service verification and helps the operations keep up with customer growth. Additionally, through the route assist program route supervisors are able to see how drivers are doing in real time and can re-deploy resources to support when needed if one or more drivers are behind schedule.

In the future, Denton is seeking to expand its use of Rubicon's hardware and software to run a pilot to collect and analyze contamination data using on-board cameras, streamline its billing system and potentially leverage the equipment and software to capture other data such as images of challenging collection environments, graffiti and potholes.

### 6.3.3 Alternative Fuel Collection Vehicles

Increasing numbers of alternative fuel collection vehicles are being implemented by public and private sector fleets and there has been an industry trend to explore electric powered heavy-duty vehicles. Fleet managers seek the most effective vehicle and fueling types to achieve increase operational efficiency and

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<sup>61</sup> Further information about Third Eye refuse fleet solutions is provided here: <https://www.3rdeyecam.com/refuse-fleet-management-systems/>

minimize emissions. Battery electric vehicles (BEVs) have emerged recently, but the importance of lifecycle assessments to compare and contrast technology and fuel options is critical to consider as part of the long-term direction of the City's vehicle fleet. The following alternative fuel collection vehicles and manufacturers are currently active in the solid waste collection vehicle market, based on a recently released report by the non-profit Energy Vision called *The Refuse Revolution* <sup>62</sup>:

- **Natural gas vehicles.** Includes both CNG and Liquefied Natural Gas (LNG) extracted through drilling and oil excavation. These fuels are compatible with natural gas engines burn cleaner than gasoline or diesel and reduce emissions of nitrogen oxide (NOx) by 90 percent and particulate matter (PM) by 60 percent compared to diesel. Additionally, fossil natural gas vehicles are 50 percent quieter than diesel engine vehicles. There are about 18,000 natural fossil gas burning trucks on the road and these vehicles can reduce the lifecycle of GHG emissions by five percent compared to diesel. Renewable Natural Gas (RNG) is not a fossil fuel and is made from a renewable resource: food waste, animal manure, and other types of organic wastes. Production of RNG traps and refines methane biogases which would otherwise escape into the atmosphere with significant environmental impacts. The incremental cost increase of purchasing of natural gas collection vehicles is about \$38,000 more than comparable diesel models.<sup>63</sup> There are about 10,000 RNG burning collection vehicles on the road and these vehicles reduce can reduce GHG emissions by 50 - 300 percent compared to diesel, depending on the feedstocks used to manufacture RNG. Some natural gas vehicles are retrofitted diesel vehicles, which may be subject to increased maintenance and downtime challenges compared to new natural gas vehicles.
- **BEVs.** These vehicles have zero tailpipe emissions and have significantly quieter operations due to the electric battery, but the environmental benefits are not as competitive to natural gas fueled vehicles from a lifecycle perspective. There are benefits of BEVs including minimal tailpipe emissions, quieter operations, and less maintenance costs over the life of the vehicle compared to diesel or natural gas vehicles. Additionally, certain models of BEVs can provide a charge through regenerative braking, where breaking energy that would normally be lost as heat is returned to the battery as electricity. The challenges with BEVs are that these vehicles have limited range between charges require a large electricity demand to power the batteries, which may result in more lifecycle emissions if the electricity is generated by coal-fired power plants. The extraction and

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<sup>62</sup> Further information and analysis on the operational, financial, and environmental components of alternative fuel collection vehicles including renewable diesel, hydrogen fuel, hydraulic hybrids, biodiesel, and dimethyl ether as part of the following report: [https://energy-vision.org/wp-content/uploads/2021/12/The\\_Refuse\\_Revolution.pdf](https://energy-vision.org/wp-content/uploads/2021/12/The_Refuse_Revolution.pdf)

<sup>63</sup> U.S. Department of Energy. "Case Study – Compressed Natural Gas Refuse Fleets." February, 2014. [https://afdc.energy.gov/files/u/publication/casestudy\\_cng\\_refuse\\_feb2014.pdf](https://afdc.energy.gov/files/u/publication/casestudy_cng_refuse_feb2014.pdf)

transportation of rare or precious metals (e.g., lithium, cobalt and other rare earth minerals) and the associated labor requirements are a key challenge related to the scalability of BEVs. Additionally, there are limited outlets to recycle or dispose batteries when they reach the end of their useful lives. Based on these challenges related to the scalability of BEVs, there are less than 50 fully electric refuse trucks on the road nationwide, and their cost is nearly 70 percent higher than diesel trucks – as much as \$800,000 compared to \$300,000.

Waste Management has maintained consistent messaging over the past several years that their intention is to purchase as many natural gas solid waste collection vehicles for operations across the country where the opportunities exist to do so. Additionally, they are seeking to increase the percentage of vehicles in their collection fleets that are fueled by RNG.<sup>64</sup> Waste Management currently maintains a fleet of about 100 RNG solid waste collection vehicles at the Skyline Landfill that are fueled by the processed landfill gas. These vehicles are deployed to service municipal and commercial customers in the DFW Metroplex area.

There are several equipment manufacturers marketing BEVs including Motiv Power Systems, Mack, and Build Your Dreams (BYD, a Chinese manufacturing company). These equipment manufacturers have recently sold BEV solid waste collection vehicles to cities including Chicago, Sacramento, Los Angeles, Seattle and New York City. Although there are cities incorporating battery electric vehicles in their fleets, the results of pilot efforts have had mixed reviews. Los Angeles piloted a BYD vehicle for four months in 2017 and concluded the test was successful, although they have not added more BEVs. Other cities have piloted BEVs and have limited or discontinued their use citing challenges with battery operation in cold weather, reliability of hydraulics (e.g., ASL collection arms), reliability issues and less collection capacity compared to natural gas or diesel vehicles due to the size of the battery pack.

Even with the identified challenges, there is continued interest in BEVs for solid waste collection. For example, in an application to the NCTCOG's Regional Transportation Council's North Texas Clean Diesel Projects, the City of Plano submitted an application to support their fleet to replace one diesel refuse collection vehicle with one BEV.

#### 6.3.4 Equipment Backup Ratio

The equipment backup ratio is a critical consideration for collection service operators to ensure that the amount of available equipment is sufficient to meet service demands. The backup ratio is the amount of

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<sup>64</sup> Waster Dive. "Waste Management Looks to Surpass 80% CNG Collection Fleet." June 2, 2021. <https://www.wastedive.com/news/waste-management-cng-electric-sustainable-fleets/601037/>



front-line collection vehicles available compared to the total of front-line and backup vehicles. Table D-8 shows the frontline and backup collection vehicles in the Sanitation Department's fleet.

**Table 6-3: Frontline and Backup Collection Vehicles**

<b>Vehicle Type</b>	<b>Collection Vehicles<sup>1</sup></b>	<b>Front Line<sup>2</sup></b>	<b>Backup</b>	<b>Backup Ratio<sup>3</sup></b>
ASL	84	51	33	39.3%
SA	91	67	24	26.4%
AC	14	12	2	14.3%
PUP	2	1	1	50.0%
<b>Total</b>	<b>191</b>	<b>131</b>	<b>60</b>	<b>31.4%</b>

1. Total collection vehicles by type represents vehicle inventory data as of November 16, 2021.
2. Frontline vehicles include all vehicle types and sizes used to service the total daily refuse and recycling routes as of December 10, 2021. Number of daily routes frontline vehicles, and total collection vehicles are subject to change based on pending re-routing and equipment availability.
3. Backup ratio is calculated by dividing the number of backup vehicles by the total collection vehicles.

It is industry standard best management practice to maintain between a 20 percent and 25 percent back-up ratio to account for vehicle downtime and maintenance, which assumes that a typical vehicle would be unavailable for service one day of a four- or five-day operating week. This operational indicator allows fleet managers to develop vehicle purchasing and replacement schedules to ensure that unexpected downtime would not cause the collection operations to fall behind. If a vehicle type has a lower backup ratio than 20 percent, there is increased risk that delays in routine maintenance or unplanned downtime will cause collection operations to fall behind. If a vehicle type has a higher than standard backup ratio, it could indicate that the fleet replacement schedule or preventative maintenance practices are causing aging vehicles to be utilized past their useful lives or that long turnaround times at the fleet maintenance garage requires the City to hold more backup inventory to meet service demand.

The optimal backup ratio is dependent on the size of the fleet, number of routes, the efficiency of maintenance services, the type of vehicles that are deployed and their fuel types. For example, based on benchmarking of several municipal solid waste collection fleets<sup>65</sup>, the back-up ratio for diesel ASL and SA collection vehicles ranged from 12 percent to 55 percent based on the amount of daily required equipment and vehicles in the fleet. The backup ratio for these cities was significantly different for natural gas vehicles, ranging from five percent to 93 percent. As part of this benchmarking, other cities indicated similar challenges that Dallas faces including increased maintenance needs for vehicles that service alleys,

<sup>65</sup> Benchmarked municipalities include San Antonio, Austin, and El Paso based on data compiled as part of the 2018 Collections and Fleet Review conducted on behalf of the City.

minimizing maintenance requirements and allowing maintenance staff sufficient time to make all necessary repairs before vehicles are required to be re-deployed to meet service demand.

### 6.3.5 Permit Review Process

Currently planned residential growth throughout the City includes both in-fill development as well as large master planned communities (MPCs) that are developed based on Form-Based Code (e.g., SmartCode<sup>66</sup>). Form-Based Code specifications incorporate elements of New Urbanism (i.e., development that creates walkable, mixed-use neighborhoods) to accommodate environmental techniques such as reduced usage of impervious cover (e.g., pavement, asphalt, cement), increased usage of green spaces (e.g., parks, fields, gardens), and more walkable or multi-modal transit (e.g., bicycle lanes, trolley tracks).

Form-Based Code specifications result in compact mixed-use and high-density developments that can create challenges for solid waste collection to be performed safely and efficiently. If zoning requirements and design codes do provide accessibility for solid waste collection vehicles or equipment, challenging collection environments are built such as:

- **Inaccessible alleys.** Service location in narrow or obstructed alleys.
- **Private drives with limited maneuverability.** Service locations only accessible by private drives.
- **Cul-de-sacs with inaccessible set outs.** Service locations on Cul-de-sacs that are too small or contain obstructions.
- **Hammerhead or dead ends.** Service locations on hammerhead (i.e., dead-end streets that end in a “Y” shape) or dead-end streets with undersized turn radii.
- **Boulevards.** Service locations on arterial roads that contain obstacles for collection due to multi-modal transportation lanes.

City staff provide a cursory review to identify any major violations (e.g., not meeting minimum right-of-way, located in a thoroughfare, etc.) so the developer can adjust before the submission is fully evaluated. Development Services works collaboratively with other departments such as Dallas Fire-Rescue (DFR) and DWU in the pre-development process to identify any challenges that would cause the submission to ultimately be denied. Based on discussions with City staff, there are currently limited considerations in the pre-development process to ensure that the submission accounts for solid waste collection vehicle accessibility and meets the minimum standards to ensure that the Sanitation Department equipment will be able to safely and efficiently service these properties. Developers are able to complete a dumpster waiver

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<sup>66</sup> SmartCode is a model transect-based planning and zoning document based on the tenants of Form-Based Code intended to keep settlements compact and rural lands open by reforming the patterns of separated-use zoning. More information on SmartCode is available at the following link: <https://smartcodecentral.com/>

form to develop properties that may not be accessible to solid waste vehicles. The challenge with single-family attached properties is that when they include challenging collection environments (e.g., private drives) the Sanitation Department has to consider removing the customer from service because they may not be able to safely or efficiently collect set outs, ultimately requiring the customer to hire a private sector service provider.

Multiple cities across Texas are experiencing collection challenges associated with the implementation of SmartCode development, including Austin, Fort Worth, and San Antonio. Each of these cities have indicated that applications for new developments are provided to its solid waste and recycling collection group for initial review. It is clear, however, that even though this initial review process may be sufficient for the needs of fire truck equipment, the needs of solid waste and recycling collection vehicles require additional attention in regard to interim applications or amendments. This is due to the fact that solid waste and recycling collection vehicles will visit these locations more frequently than emergency fire vehicles. Additionally:

- Fort Worth noted that even after reviewing initial permits, developments were still being installed that did not meet the needs of solid waste and recycling collection equipment and indicated that it is challenging to devote resources to interim reviews.
- Austin indicated that it has a strategic development team that is dedicated to tracking policy development and reviewing inconsistencies in code that would impact solid waste and recycling collection vehicle accessibility. This team works closely with Austin's Planning and Zoning Department.
- San Antonio has developed a committee that seeks to ensure the safest and most efficient solid waste and recycling collection equipment is able to remain in operation. This committee is tasked to create an informational bulletin that would serve as the policy to determine criteria for SmartCode policy implementation. Recommendations may include variable fee structures, minimums for ASL service and emergency fire equipment, cart set out placement, parking restrictions, and protocols for private haulers.

## 6.4 Options Evaluation

This section analyzes a series of options related to the refuse and recycling collection program that have been identified based on the operational analysis, stakeholder engagement, evaluation of recommendations from the 2011 LSWMP, and case studies.

The following summarizes the key takeaways from the community survey and other outreach activities conducted as part of the LSWMP Update.

- 95 percent of respondents to the survey are homeowners and 93 percent indicated that use garbage collection once per week and 84 percent indicated they use recycling collection once per week.
- 74 percent of respondents indicated they were satisfied or very satisfied with refuse collection service and about 70 percent indicated the same for recycling collection service.
- 58 percent of respondents indicated they have collection service provided in an alleyway, compared to 42 percent of respondents receiving collection at the curb.
- 25 percent of respondents indicated they would be supportive of transitioning to curbside collection in areas where alleys are not conducive to automated collection compared to 67 percent of respondents that were opposed or very opposed.
- 58 percent of respondents indicated they would be supportive of ordinances that require participation in services in programs, such as mandatory recycling.

Further information about the methodology of the stakeholder engagement is described in Section 1.0 and the comprehensive detailed results are provided in Appendix A.

The following presents options that are evaluated in the following sections including a brief description of the option and evaluation approach:

- **Evaluate potential efficiencies of adjusting collection schedule.** Describes the considerations of evaluating adjustments to the collection schedule for refuse and recycling collection schedule from four days per week to five days per week as part of the ongoing re-route.
- **Minimize alley collection and combined routes.** Evaluates the impact of adjusting collection routes to minimize the number that collect in alleys and from routes that contain alley and curbside collection, leveraging on-board technology to track performance metrics and maximize collection efficiency
- **Decrease use of diesel collection vehicles.** Describes the impact of increasing the use of CNG/RNG collection vehicles for refuse and recycling collection and piloting a BEV.
- **Release procurement for cart supplier.** Describes the considerations of releasing a procurement for cart supplier and/or cart management service provider to leverage cooperative purchasing to realize cost savings.

Each of the following sections provide an overview of each option and specific tactics and evaluates the impact of each options' components based on the criteria detailed in Section 1.4.3. A high-level summary of the evaluation criteria for each tactic within the options is provided in Section 6.5 to support the key findings, recommendations and implementation and funding plan.

#### 6.4.1 Evaluate Potential Efficiencies of Adjusting Collection Schedule

**Overview.** As part of this option the City would evaluate adjusting its current collection schedule of four, 10-hour operating days per week to five, eight-hour operating days per week as part of the ongoing re-route. This would require an adjustment to the collection districts that, given reduced number of households per route, may allow resources from multiple collection districts to more effectively share collection demand when necessary (e.g., equipment could be deployed from one sanitation district to another in the case of unplanned vehicle downtime). Adjusting current service days and adjusting the boundaries of the solid waste collection districts to support the ongoing re-route may benefit the operation if there are increased operating efficiencies (e.g., fewer trips to disposal/processing per route, more streamlined maintenance, higher equipment availability, etc.). As long as adjusted routes and sanitation districts allows collection operation to within a 40-hour work week (e.g., not requiring a sixth day of operation to meet service demand), distributing resources over a five-day schedule has the potential to balance the number of customers collected per day and minimize the strain on both drivers and equipment. Although transitioning to a 5-8 collection schedule would not guarantee improved routing efficiencies, if the City is able to capture efficiencies related to the transition, the Sanitation Department would be able to deploy collection resources more effectively and position the City to gain the capacity to implement expanded service offerings in the future (e.g., material types collected, frequency of collection). There would be challenges to ensure that brush and bulky item collection has sufficient resources, since refuse and recycling collection vehicle operators are often pulled onto this service on Wednesdays to support the brush and bulky item collection operation.

**Recycling potential.** Adjusting the collection schedule would provide the same level of service for recycling collection. This option has recycling potential if the City captures efficiencies upon implementation of a re-route and increases its capability to expand service offerings in the future (e.g., roll cart collected organics, every other week recycling, etc.); however, the recycling potential of this option would not be realized in the short-term time frame.

**Operational impact.** Adjusting the collection schedule would distribute refuse and recycling customers over five days and potentially minimize strain on existing collection equipment and staff to meet current and future service demand, limit the occurrence of overpacking vehicles, streamline vehicle maintenance workflow and provide increased capability to support unplanned downtime of collection vehicles. Re-configuring the refuse and recycling routes would shorten the length of daily routes, but could increase the time total time per week that crews are not on-route (e.g., lunch breaks, pre- and post- trip inspections). Transitioning to a five day collection may have a positive effect on the transfer station system because there would be fewer daily inbound tons to transfer out for disposal and/or processing. Adjusting the collection

schedule would cause challenges that the City would need to overcome such as ensuring there are sufficient resources to meet brush and bulky item collection service demand (since refuse and recycling staff would not be able to support brush and bulky item collection on Wednesdays), re-configuring the transfer station programs and operations to support the adjusted collection schedule and determining the equipment types that are deployed on each route. Additionally, maintenance requirements of collection vehicles would need to be distributed throughout the week rather than concentrated on Wednesdays like it is currently with the 4-10's collection schedule.

**Financial impact.** If the City is able to achieve efficiencies by implementing a re-route on a 5-108 collection schedule, regularly completing collections without falling behind and meeting service demand even during surges of material generation, there may be less overtime demand. Although there would be education and outreach efforts required as part of the implementation of an adjusted collection schedule, these efforts could be managed by the Sanitation Department staff.

**Environmental impact.** The environmental impact of this option depends on the results of the ongoing re-route and if it would require increased collection vehicles and road miles traveled.

**Policy impact.** Adjusting the collection schedule would be an operational decision and has minimal policy impacts.

**Stakeholder “buy-in”.** If adjusting the collection schedule minimizes the strain on equipment and staff there would have high “buy-in” from an operational perspective. If service demand could be met in a 40 hour work week, there would be a high “buy-in” from collection staff. There may be mixed “buy-in” from other parts of the Sanitation Department operation that would be changed such as brush and bulky item collection and the transfer station system. Additionally, customers that have their collection days changed may become confused about the correct set out days and times.

**Compatibility with existing programs.** There is low compatibility with current programs due to the changes to collection days and required adjustments to other Sanitation Department operations.

#### 6.4.2 Minimize Alley Collection and Combined Routes

**Overview.** This option would reduce the number of customers that are serviced in the alley and minimize routes that have both alley and curbside collection as part of the ongoing re-route. Minimizing alley collections and combined routes would decrease safety and property damage risks by leveraging on-board technology to determine the most effective approach to phasing out mixed routes. Collecting a high percentage of households in the alley decreases refuse and recycling collection efficiency and accelerates

wear and tear on both vehicles and alleys. Table 6-4 shows the number of customers that are serviced in the alley and curbside by district.

**Table 6-4: Alley and Curbside Refuse Customers by District<sup>1</sup>**

<b>District</b>	<b>Alley Customers</b>	<b>Percent Alley</b>	<b>Curbside Customers</b>	<b>Percent Curbside</b>	<b>Total</b>
1	4,269	8.9%	43,747	91.1%	48,016
2	14,802	27.2%	39,671	72.8%	54,473
3	24,890	64.9%	13,460	35.1%	38,350
4	39,018	64.1%	21,808	35.9%	60,826
5	17,440	36.4%	30,534	63.6%	47,974
<b>Total</b>	<b>100,419</b>	<b>40.2%</b>	<b>149,220</b>	<b>59.8%</b>	<b>249,639</b>

1. Alley and curbside refuse customer counts by district represent most recent data as of November 4, 2021, does not represent average annual figures and is subject to change based on pending re-routing and daily operational needs

When vehicles are deployed to service routes that have mixed alley and curbside collection points the vehicle size and type is typically only suited to one or the other. For example, the smaller body 20-22 CY SA collection vehicles are able to service alleys safely and efficiently, but the smaller truck body has smaller payload and must leave its route to dispose of material more frequently, minimizing its route efficiency. Alternatively, larger 26-30 CY ASL collection vehicles are able to stay on route longer, but are unable to navigate the alleys without risking damage to the vehicle or property in the alley. Although servicing customers in the alleys presents operational challenges, adjusting customers set out locations or outsourcing collection in the alleys to private haulers would require updates to the City's existing Code of Ordinances.

**Recycling potential.** Deploying vehicles that are uniquely suited to its collection environment of its route would allow the collection operation to service more households per route. Based on the anticipate growth population growth, or in the case that the City implements mandatory recycling from residential customers in the future, minimizing alley collection and combined routes would support the City's ability to meet increased service demand for recycling set outs. Leveraging on-board equipment to provide feedback to increase the efficiency of the collection operation (e.g., collecting and analyzing real-time operational data) would increase the effectiveness of education, outreach and compliance efforts such as directing resources implementing the "Take-a-Peek" program to routes or areas of the City that have higher instances of incorrect or highly contaminated recycling set outs.

**Operational impact.** Minimizing the combined alley and curbside routes would allow the City to deploy collection vehicles more strategically by type and capacity to maximize routing efficiency. For example, to

service alleys, ASL vehicles need to service one side of the alley then turn around to service the other side because the collection arm is only located on one side of the vehicle. Traveling down an alley twice increases the time to collect material, number of times the collection vehicle travels along alleys, and increases the potential for property damage. On-board technology can be used to support route adjustments to minimize combined alley and curbside routes.

**Financial impact.** There would be financial benefit to minimizing alley collection and combined routes based on reduced overtime demand, reduce vehicle maintenance costs and increased collection vehicle capacity. Based on financial analysis modeling the hypothetical situation that all customs were collected from curbside utilizing ASL, alley cat and PUP collection vehicles, the full system could be serviced utilizing 115 vehicles compared to the current 129<sup>67</sup>.

**Environmental impact.** There would be a beneficial environmental impact to minimizing alley collection and combined routes because the City would be better positioned to deploy vehicles that are uniquely suited to each route's collection environment. This would eliminate excess road miles and damage to City roads and alleys that are required when collection vehicles are deployed to challenging collection environments (e.g., ASL required to travel down alleys twice, smaller body vehicles required to leave routes to dispose material more frequently).

**Policy impact.** Minimizing alley collection and combined routes would require consideration for adjusting the location of residential set outs at certain locations, charging customers for the additional effort to service in the alleys, or outsourcing collection of challenging collection environments to the private sector. These considerations would have a high impact on the existing City Code and policy for residential customers.

**Stakeholder “buy-in”.** There is high “buy-in” from refuse and recycling collection operators, but low buy in from residential customers that would potentially be required to adjust their set out location. Some customer locations are not designed to store and transport roll carts to the curb, and other residential streets are not conducive to curbside collection because of residential parking rules. Overall, there is medium stakeholder “buy-in” for this option.

**Compatibility with existing programs.** The Sanitation Department is in the process of a re-route and is actively seeking to minimize collection from alley set outs; however, further reducing the alley set outs and

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<sup>67</sup> Further detailed evaluation of the financial and operational impacts of transitioning to all-curbside collection is provided as part of the draft Financial Impact of Alley Collection memorandum dated March 14, 2022.



combined routes would require City-wide changes. Since this option could be implemented by making iterative adjustments to the routing in strategic phases, it has medium compatibility with existing services.

#### 6.4.3 Decrease Use of Diesel Collection Vehicles

**Overview.** This option would decrease the use of diesel vehicle fuel through the expansion of natural gas vehicles for refuse and recycling collection and piloting BEV collection vehicles. Expanding the number of natural gas vehicles would require a corresponding expansion of the vehicle fueling capacity (e.g., fueling stations, vehicle storage locations, etc.) and coordination with maintenance to ensure the expanded number of natural gas vehicles could be maintained. Piloting a BEV collection vehicle would also require installation of charging infrastructure and identifying funding sources that could support the purchase cost of one or more pilot BEVs.

**Recycling potential.** There is no additional recycling potential for single-stream materials, but there would be the potential to increase the recycling of organics to generate RNG through anaerobic digestion at the SS WWTP that could be used to fuel natural gas vehicles. Increasing the natural gas demand from the collection vehicle fleet would support increased generation of RNG.

**Operational impact.** The Sanitation Department utilizes 45 natural gas collection vehicles. The majority of these vehicles are rear-load vehicles and are fueled at the operation center in District 3 and District 4. There are no natural gas fueling stations at other operation centers, and to expand the use of natural gas vehicles would require fueling capability in other sanitation districts. Additionally, the City would need to have capacity and parts to manage the maintenance needs of a higher percentage of natural gas vehicles in the fleet. To incorporate BEVs in Sanitation Department's collection fleet, the fueling infrastructure would need to be established to support deploying the vehicle for service. Other operational challenges would need to be overcome including the parts and knowledge to provide specialized maintenance and repair for BEVs, limitations on range on a given charge, and redundancy in the event the vehicle experiences unplanned downtime. Given the limited existing fueling infrastructure for both natural gas and BEVs and increased maintenance requirements this option would have a high operational impact.

**Financial impact.** The purchase cost of both CNG/RNG vehicles and BEVs are higher than their diesel counterparts and the operations are typically less as well, but are subject to fluctuations of the fuel and electricity market. The maintenance costs for natural gas vehicles are higher than its diesel counterparts, particularly if the vehicle has been retrofitted as a CNG/RNG vehicle. The maintenance cost for BEVs are less than the cost of its diesel counterparts, but require that the City has the appropriate equipment, parts and knowledge to service electric refuse collection vehicles.

**Environmental impact.** There are environmental benefits to replacing diesel burning vehicles with natural gas vehicles or BEVs. There are even further environmental benefits to utilizing RNG because it has the climate benefit of trapping methane biogases that would otherwise escape into the air as GHGs, including from landfills. Natural gas reduces particulate matter compared to diesel burning vehicles and reduces nitrogen oxide emissions by over 90 percent compared to the EPA standard when used in new natural gas engines (model year 2016 or newer)<sup>68</sup>.

**Policy impact.** This option is operationally-focused and would not have an impact on policy.

**Stakeholder “buy-in”.** There is high stakeholder “buy-in” for this option because it supports CECAP goals and incorporates state of the art technology for both natural gas vehicles and BEVs as part of the City’s current and future fleet planning.

**Compatibility with existing programs.** This option is compatible with existing programs, but requires adjustments to the City’s existing infrastructure and maintenance practices. This option has medium compatibility with the City’s existing programs.

#### 6.4.4 Release Procurement for Cart Supplier

**Overview.** As part of this option the City would procure vendors to provide roll cart sales and maintenance before the current contract for cart purchase expires to identify the costs and needs to support future goals as part of the LSWMP Update. The City currently has a contract in place to purchase carts and manages and deploys carts using City resources. This procurement would solicit information related to the cost of cart purchases (including 96- and 64-gallon cart sizes) and costs to outsource cart management operations including cart inventory, managing warranty replacement, cart repair and replacement. Understanding the costs of cart purchase and other service, including potential cooperative purchasing arrangements with peer cities, would provide the information required to consider the costs of implementing future service offerings (e.g., roll cart based organics collection) and potentially finding cost savings by outsourcing management and maintenance of carts as the City’s cart inventory continues to age.

**Recycling potential.** This option would not increase the amount of recycling collected and has low recycling potential.

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<sup>68</sup> Energy Vision. “The Refuse Revolution Leading the Way to a Sustainable Future.” [https://energy-vision.org/wp-content/uploads/2021/12/The\\_Refuse\\_Revolution.pdf](https://energy-vision.org/wp-content/uploads/2021/12/The_Refuse_Revolution.pdf)

**Operational impact.** Replacing aging carts and increasing the ability for City staff to manage inventory supports efficient collection operations and could free resources the City currently dedicates to this activity. These resources could be deployed elsewhere in the operation to meet service demand.

**Financial impact.** Releasing a procurement for cart supply and maintenance would potentially minimize costs if the City were able to leverage cooperative purchasing with peer cities to reduce the unit price of carts or if a third-party provider can manage carts more cost effectively by reducing the amount of staff time required to repair, replace and distribute carts. The City would have the ability to determine if responses were in its best interest and would only move forward if a response was more competitive than its current cart management operation.

**Environmental impact.** This option would not have an environmental impact.

**Policy impact.** This option would not have a policy impact.

**Stakeholder “buy-in”.** The current cart management system supports the City’s current needs but exploring the opportunity to leverage collective purchasing power and minimizing staff demand has high “buy-in” from City staff.

**Compatibility with existing programs.** This option would not interrupt existing services and has a high compatibility with existing programs.

## 6.5 Key Findings and Recommendations

This section presents the key findings and recommendations related to program and policy approaches increasing the effectiveness of the City’s refuse and recycling collection program based on the results of the overview, evaluation of case studies, benchmarking and stakeholder engagement. Depending on the specific option and/or tactic, the evaluation may include both quantitative and qualitative assessments which support the assigned relative ratings for the criteria of each tactic. The meaning of the rating differs for each option and/or tactic but can generally be described as “green circle is favorable or low impact,” “yellow triangle is neutral or medium impact,” and “red square is less favorable or higher impact.” Further description of the criteria is provided in Section 1.4.3. Table 6-5 shows the summary of refuse and recycling collection options evaluation.

**Table 6-5: Summary of Refuse and Recycling Collection Options Evaluation**

Description	Recycling Potential	Operational Impact	Financial Impact	Environmental Impact	Policy Impact	Stakeholder “buy-in”	Compatibility with Existing Programs
<b>Adjust Collection Schedule</b>							
Adjust collection schedule from 4-10’s to 5-8’s	▲	▲	●	N/A	●	▲	■
<b>Minimize Combined Alley and Curbside Routes</b>							
Reduce number of alley customers and routes that service both alleys and curbside customers.	●	●	●	●	■	▲	▲
Leverage on-board technology to track performance metrics and maximize collection efficiency	●	●	●	●	●	●	●
<b>Decrease Use of Diesel Collection Vehicles</b>							
Increase number of CNG vehicles in fleet and required fueling infrastructure	▲	▲	■	●	●	●	▲
Pilot electric collection vehicle	N/A	▲	■	●	●	●	■
<b>Release Procurement for Cart Supplier</b>							
Develop Request for Proposal (RFP) for cart supplier that includes cart management services.	●	●	●	●	●	●	●

### 6.5.1 Key Findings

Each of the following key findings supports the corresponding recommendation in the subsequent section.

1. **The City has an opportunity to identify opportunities to increase the efficiency of refuse and recycling collections as part of the ongoing re-route.** Evaluating adjusted routes would provide insight to the benefit of potentially adjusting the service schedule to identify opportunities to minimize overtime demand and reducing occurrences of overpacking vehicles and decreasing maintenance turnaround time.
2. **Transitioning collection schedule to a five-day collection week requires proactive route planning, resource allocation, education, outreach and compliance efforts.** Successfully adjusting the collection schedule would require proactive communication with impacted residents (particularly those whose collection day changes) and other stakeholders.
3. **Adjusting existing customer set out locations is challenging but would achieve financial savings.** Changing from alley to curbside set out location is challenging for customers based on conflicting street parking configurations, cart storage and house configuration. Some residential single-family customers do not have a place in front of their house to store carts during the week, or a paved path to roll carts out to the curb. At the curb, some areas of the City allow for street parking that would block the set out of roll carts at the curb and create challenges for ASL vehicles to service roll carts; however, there would be potential financial savings if the City were able to transition to an all-curbside system. While it would not be possible to transition to a completely curbside system, the City could realize financial benefits to transitioning out of the alleys.
4. **Leveraging on-board hardware and software is an increasing trend among municipal collection operations.** As an example, Denton has experienced success implementing Rubicon's hardware and software and would provide the City with greater ability to track key performance metrics.
5. **An increasing number of customer locations are unable to be serviced by the Sanitation Department due to high density housing developments.** If City customers are required to hire private-sector haulers for service, the Sanitation Department would be unable to prevent residents from being assessed to higher rates or reduced levels of service.
6. **BEVs are being implemented as a continued industry trend, but do not yet have the operational track record of success necessary for widespread adoption.** While there is continued interest in BEVs as an industry trend and they are now being piloted by public and private refuse fleets in several locations, but there is not yet an established track record that these vehicles

can operate consistently under the challenging conditions facing the Sanitation Department. Since the City currently has the maintenance and fueling infrastructure in place to support natural gas collection vehicles, there are more practical applications to increase the amount of CNG or RNG as part of the current collection fleet.

7. **RNG presents the greatest environmental benefit from a lifecycle perspective compared to its diesel-burning counterpart.** While natural gas vehicles and BEVs are comparable from an emissions reduction perspective compared to diesel-burning collection vehicles, RNG presents that greatest opportunity to minimize emissions from the City's refuse and recycling collection operation. Additionally, the NCTCOG is pursuing regional projects to support the feasibility and development of RNG projects and pilot programs.

#### 6.5.2 Recommendations

Each of the following recommendations are components of the planning level Implementation & Funding Plan provided in Appendix F.

1. **Evaluate efficiencies that could be achieved by adjusting collection schedule to five days per week, eight hours per day as part of the ongoing re-route.** The City should evaluate the impact of the reducing the number of households per route required for a five day collection week, identifying efficiencies in the re-routed system that could position the City to implement increased service levels in the future (e.g., every other week recycling, weekly collection of yard trimmings).
2. **Develop an education, outreach, and compliance plan to establish the key steps required to implement an adjustment to the City's collection schedule.** The Sanitation Department, OEQS and Code Compliance should collaborate to develop an implementation plan (separate from the Implementation & Funding Plan provided in Appendix F) to communicate service changes and the beneficial impacts for the City to reach its Zero Waste goals. This plan should include how the City would leverage on-board technology to support compliance efforts, required adjustments to other City programs (e.g., brush and bulky item collection, transfer station operation), and phasing plan regarding the implementation of the re-route.
3. **Utilize on-board vehicle technology to collect key performance metrics and support compliance efforts.** The City should leverage on-board collection technology to track key performance metrics such as daily time on-route and off-route, number of trips to disposal/processing facilities per route, and tonnage collected per route and per household to support the City's "Take-a-Peek" program.

4. **Exit the alleys and minimize combined alley and curbside routes as part of the ongoing re-route.** The City should minimize the number of alley collection and combined routes by strategically adjusting the collection routes and/or sanitation districts that have customers with household configuration that allow them to change collection location.
5. **The City should ensure that the Sanitation Department is involved in its permit pre-approval review process conducted by Development Services.** Including the Sanitation Department to regularly review permit applications for mixed use developments or multi-tenant complexes would require developers to consider solid waste collection and recycling capabilities as part of the development process to minimize challenging collection environments.
6. **Increase number of CNG and/or RNG vehicles in collection fleet and expand fueling infrastructure.** CNG and/or RNG present significant environmental benefits and support CECAP goals of implementing a cleaner, greener solid waste collection system. The key challenge to increase the number of CNG and/or RNG vehicles is the ability to fuel at multiple locations throughout the City. The City should consider implementing additional CNG and/or RNG fueling stations and leveraging NCTCOG grant funding to support this infrastructure expansion to meet the demand of increased natural gas-burning vehicles.
7. **Track ongoing efforts to implement BEVs and explore the feasibility of a BEV pilot project based on the results from peer cities.** This City should continue to track the ongoing efforts of BEV collection vehicles around the country and explore the feasibility of running a BEV pilot upon successful implementation of these vehicles on a long-term basis (e.g., through a full replacement cycle) in peer cities. The City should then gauge the ability of the existing infrastructure and maintenance capabilities to support BEVs for collection vehicles and leverage regional or national grants or other available funding support to subsidize the purchase, infrastructure upgrade, or maintenance needs to successfully implement a pilot project.
8. **Explore opportunities to procure carts leveraging cooperative purchasing arrangement with peer cities.** The City should release an RFP in conjunction with peer cities to explore the ability to leverage collective purchasing power with peer cities to realize cost savings on cart purchase and/or cart management and support services.

## 7.0 BRUSH AND BULKY ITEM COLLECTION

Brush and bulky item collection is provided by the Sanitation Department to single-family customers using multiple equipment types and crew configurations. Brush and bulky items represent a large portion of the materials collected annually by the City and contains yard trimming and brush that, if separately collected and processed, would significantly increase the recycling rate. This section presents information and analysis regarding brush and bulky item collection including a review of the recent separate collection pilot and other program and policy considerations to scale the separate collection of brush and bulky items.

As part of the LSWMP Update, select on-route brush and bulky item collection operations were observed as part of the Collection Operation Observations on February 8 and 9, 2021 including multiple equipment and staffing configurations of brush and bulky item collection. Additionally, discussions were held with various members of management and staff to discuss ongoing operations and collect data. The City has evaluated several potential scenarios to adjust service frequency to support separately collecting brush and bulky items. This section relies, in part, on the past evaluation of these scenarios. Further description of the previous evaluation and scenarios is provided in Section 7.2.

### 7.1 Current System Review

The City provides once a month collection of brush and bulky items to all residential refuse customers and is included in each resident's monthly service fee. Non-residential customers are not eligible for monthly brush and bulky item collection services. Brush and bulky item collection is an essential service provided by the City to maintain clean neighborhoods, minimize illegal dumping, and provide residents with a high level of quality collection service.

Separating organic waste as part of this operation presents a significant opportunity to increase the tonnage of material diverted from disposal annually. For the purposes of the LSWMP Update, "brush" and "bulky items" are referred to as separate material types, anticipating that the City will ultimately collect these items separately. In the past, the City has considered several options for implementing separate collection of brush and bulky items; however, collections are still operated on a com-mingled basis and limits the ability for the City to divert organics from diversion.

Residents are instructed to put brush and bulky item materials out for collection no earlier than the Thursday preceding their scheduled collection week or later than 7:00 a.m. on the Monday of the collection week. Table 7-1 describes acceptable material and any specific set out requirements communicated to customers as part of brush and bulky item collection service.



**Table 7-1: Accepted Materials and Set Out Requirements**

<b>Item</b>	<b>Material Description</b>	<b>Set Out Requirements</b>
Brush	Vegetative cuttings or trimmings from trees, shrubs, or lawns. Individual pieces may not exceed eight inches in diameter or 10 feet in length.	Brush should be placed behind the curb line in front of the property that generates the material in a location that will not interfere with traffic.
Yard trimmings	Yard trimmings such as grass, leaves, and small limbs, and similar items resulting from yard maintenance.	Separated yard trimmings can be placed in paper or compostable lawn bags. Material placed in plastic bags is considered a bulky item.
Bulky Items	Furniture, appliances (refrigerants removed), mattresses, and other household objects too large for routine placement in roll carts.	Bulky items should be placed behind the curb line in front of the property that generates the material in a location that will not interfere with traffic.

To increase collection efficiency, the City Council adopted key changes to the brush and bulky program in 2019 by adding a 10 CY set out limit and fees for oversize set outs. The intent of changing the program was that customers would change behavior over time and ultimately decrease the amount of oversize set outs that collection crews would need to service. This change took effect on July 1, 2020, and fees for oversize set outs began to be assessed in October 2020. When a set out exceeds 10 CY and a request for an oversized collection is not submitted, or the set out contains unacceptable materials, customers are assessed a fee of \$60 per five cubic yards<sup>69</sup>. Figure 7-1 shows the charges assessed in FY 2021.






<sup>69</sup> Oversized brush and bulky set outs, excessive and non-compliant brush and bulky set outs are defined in Section 18-4 of the City Code located at the following link: [https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-8865](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-8865)

**Figure 7-1: FY 2021 Oversize Brush and Bulky Item Set Out Violations**

In FY 2021 the average oversized set out in FY 2021 was approximately 26 CY and was assessed an average charge of was \$191 per invoice. Customers are allowed one oversize set out exceeding 10 CY one time per year. The request must be submitted the week prior to the customer's collection week. The oversized collection occurs on one of the resident's 12 monthly collections and the dimensions may not exceed 20 CY or consist of more than 10 CY of bulky items. Any oversized set outs collected after the one free available collection are assessed a fee.

Major violations related to brush and bulky item set outs are referred to Code Compliance for enforcement action. Table 7-2 describes unacceptable set outs that are prohibited as part of the brush and bulky item collection program, provides example photographs from the Collection Operations Observations and indicates where residents should bring unacceptable set outs for disposal.

**Table 7-2: Unacceptable Set Out Description and Disposal Instructions**

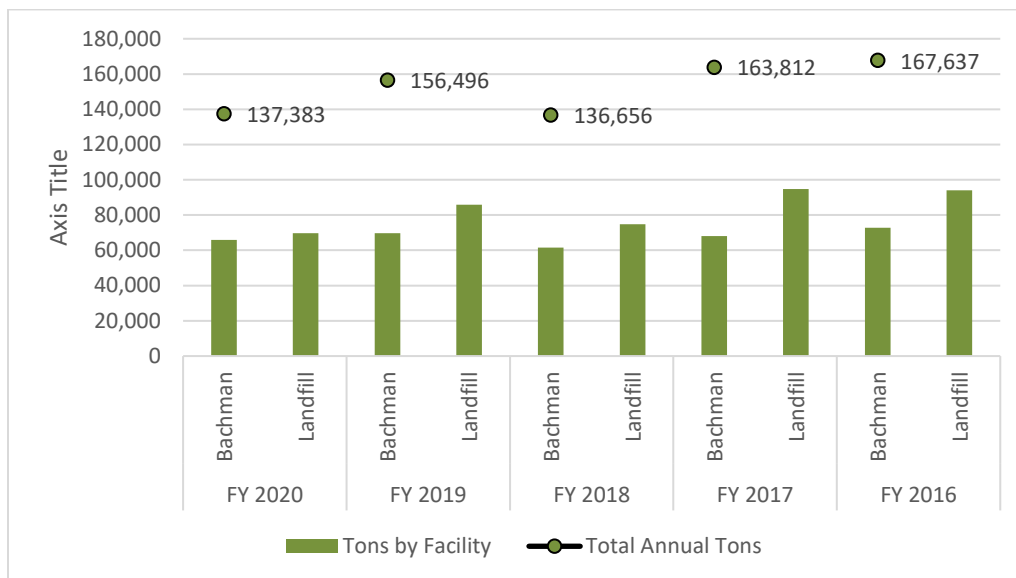
<b>Unacceptable Set Out</b>	<b>Description</b>	<b>Example</b>	<b>Disposal Instructions</b>
Oversized	Set out exceeding 10 CY by volume, including material generated by tree trimming or interior renovation contractors.		Self-haul to the Landfill or transfer station for disposal; request an oversize collection.
Next to refuse/recycling carts	Brush and bulky items placed too close to outside of refuse and recycling carts.		Place brush and bulky items at least five feet away from roll carts and other obstructions.
C&D Materials	Concrete, scrap metal, plaster, dimensional lumber, dirt, rocks, other inert materials		Self-haul to the Landfill or transfer station; request Cost - Plus Service.
Automobile Parts/Tires	Tires, parts or machinery containing gasoline.		Dispose up to six tires at the CCRC at the Landfill; return to retailers; deliver to HCCC or BOPA event.
HHW/Electronics	Paint, chemicals, batteries, televisions, electronics.		Self-haul televisions/electronics to the CCRC at the Landfill or to Bachman or Fair Oaks for disposal; deliver to HCCC or BOPA event.

The City also offers Cost-Plus service that provides on-demand collection for construction or remodeling materials. This service can also be used for on-demand collection of brush and bulky items outside of a customer's normal collection week. A minimum fee of \$50.00 (plus tax) per five cubic yards is billed to the associated utility billing account for Cost-Plus services but is subject to increase based upon the load inspection. Cost-Plus had 730 requests for service in FY 2021. Resources for this program are used for Brush Buster requests (e.g., City provided tree trimming) or Code Compliance Department when they issue

a violation. As part of the Clean Curb initiative, collection crews have been servicing any materials in set outs during normal collection and assessing violations for prohibited material. No set outs are left at the curb (except for dirt, rocks, concrete, or other inert material).

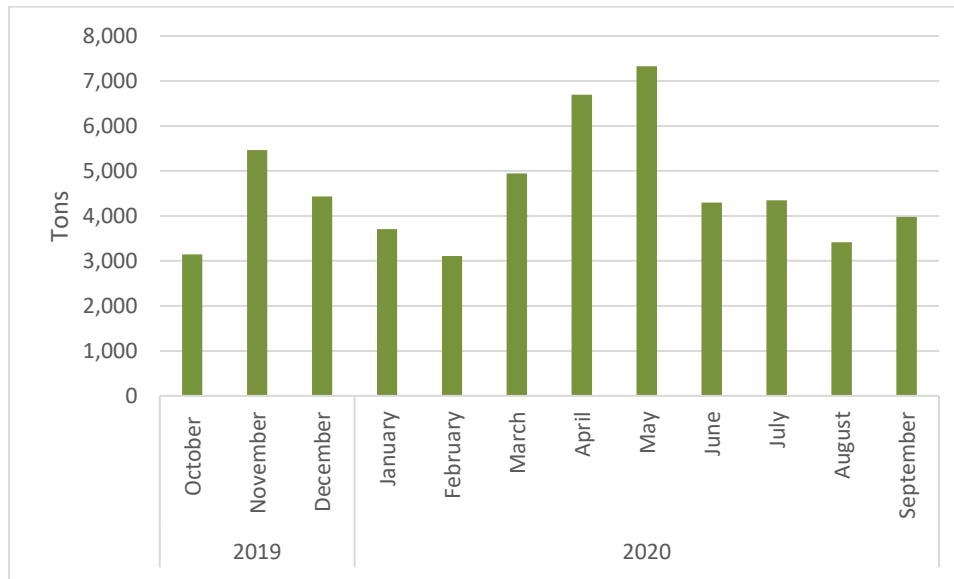
Figure 7-2 shows the historical annual tons and loads collected and delivered to Bachman and the Landfill from FY 2016 to FY 2020. Incidental amounts from rear-load collection vehicles (on average about 1,000 tons per year) are accepted at Fair Oaks or Westmoreland (very few loads are processed at Westmoreland), but these facilities are not regularly used to manage brush and bulky items since they are smaller transfer stations and are not configured to accept larger amounts or material from brush trucks.

**Figure 7-2: Historical Annual Brush and Bulky Item Collection by Facility**



Brush and bulky items collected by City collection crews are hauled to either Bachman or to the Landfill. Material transported to Bachman is transferred to the Landfill via transfer trailer for disposal. The tonnage collected between FY 2016 and FY 2020 ranges from 136,600 to 167,600 per year where Bachman received 60,000 to 70,000 tons per year and the Landfill received between 70,000 to 95,000 per year.

Brush and bulky item collection volumes fluctuate seasonally. Figure 7-3 shows the FY 2020 brush and bulky item tonnage collected by the City and processed at Bachman by month.

**Figure 7-3: FY 2020 Brush and Bulky Item Processed at Transfer Stations by Month**

The tonnage of brush and bulky items processed among the transfer stations in FY 2020 ranged from approximately 3,000 tons in October to over 7,000 tons in May. The seasonal variations in tonnage requires the City's collection and transfer operations to adjust the personnel and equipment to meet service demand. Further data and analysis of the transfer station system is provided in Appendix B.

Besides seasonal variations, the volume of brush and bulky item material collected is impacted by unforeseen natural events such as storms, tornados, and floods. Table 7-3 describes storm events that occurred between FY 2018 and FY 2020 and the impact on tonnage generated.

**Table 7-3: Storm Events Impacting Brush and Bulky Item Collection Operations FY 2018 to FY 2021<sup>1</sup>**

Year	Storm Event Description	Impact on Tonnage Generated
FY 2021	A polar vortex caused a sustained deep freeze statewide causing the City to match its record low temperature for February 16 at negative two degrees Fahrenheit.	The freezing temperatures led to increases in the number of felled trees, vegetative debris material and interior renovations due to burst pipes and flooding. Additionally, power outages caused increased generation of refuse from residential customers.
FY 2019	On October 20, 2019, a tornado hit the City that left a 15-mile path of damage in the northwest part of the City.	Destruction caused by the tornado led to increased volumes of vegetative material and debris.
FY 2019	On June 9, 2019, a series of thunderstorms produced winds up to 70 miles per hour toppling large trees and causing power outages.	High winds caused increased numbers of felled trees, vegetative debris and power outages caused increased generation of refuse from residential customers.

FY 2018	On September 21 and 22, 2018 the region recorded 8.11 inches of rain, the third-most in a 24-hour period.	Flooding caused increase generation of vegetative debris.
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2. Source: <https://www.dallasnews.com/news/weather/2019/12/26/these-are-8-of-the-most-memorable-dallas-fort-worth-weather-events-of-the-2010s/>

With the brush and bulky item program already placing substantial demands on the collection operations, having to also collect large quantities of storm debris places additional strains on the operation. When the Sanitation Department is unable to keep up with service demand, the City procures third-party contractors to support operations to meet surges. One of the key challenges of the brush and bulky item collection operations is to anticipate volume surges and ensure that the mix of City staff, contract labor, and contract collection crews are in place to meet the service demand.

The following sections provide a detailed overview of brush and bulky item collection operations and identify challenges based on the Collection Operation Observations, discussions with City staff and data analysis. The brush and bulky item collection operation overview is organized as follows, with brief descriptions:

- **Collection schedule.** Describes the schedule of collection for brush and bulky item collection including the days of the week and week of the month service is provided and number of households serviced.
- **Operating procedure.** Describes the operating procedure including the tagging of oversize or inaccessible set outs, quality control efforts and contracting third-party collection crews.
- **Equipment and personnel.** Presents the types of equipment used and how collection crews are staffed among the various equipment configurations.
- **Processing and disposal.** Presents information on the current processing and disposal of brush and bulky items collected by the City.

### 7.1.1 Collection Schedule

The City currently services customers four days per week operating on a 10-hour per day schedule. Brush and bulky item collection operations occur year-round, with the exception of City-designated holidays, servicing portions of each of the collection five collection districts daily on a routed basis. Customers are informed of their collection week through information provided by the Sanitation Department's website and mobile application.

Table 7-4 presents the number of households scheduled for brush and bulky item collection by sanitation district and week of the month.

**Table 7-4: Customers Serviced by Sanitation District and Week of the Month<sup>1</sup>**

<b>District</b>	<b>Week 1</b>	<b>Week 2</b>	<b>Week 3</b>	<b>Week 4</b>
1	14,360	12,033	10,522	9,566
2	18,980	14,956	10,338	10,104
3	10,605	8,047	9,792	10,297
4	14,890	15,981	14,147	14,049
5	11,580	10,727	13,022	13,830
<b>Total</b>	<b>70,415</b>	<b>61,744</b>	<b>57,821</b>	<b>57,846</b>
<b>Percentage</b>	<b>28%</b>	<b>25%</b>	<b>23%</b>	<b>23%</b>

3. Household counts by district represent most recent data as of August 14, 2020, does not represent average annual figures and is subject to change based on typical customer fluctuations or programmatic changes.

The total customers serviced per week of the month is higher in the first week of the month and decreases through the month. Although the routes are scheduled, there may be significant changes to the customers serviced on a weekly basis when there are surges in material that cause the collection schedule to fall behind. When the collection schedule falls behind, the number of households serviced each week is subject to change. Brush and bulky item collection is split into collection areas that represent a location where crews are deployed to service available set outs. When a crew is deployed to a collection area, they travel through all the streets within that boundary until all set outs are collected. Table 7-5 presents the number of scheduled collection areas for brush and bulky item collection by sanitation district and week of the month.

**Table 7-5: Scheduled Monthly Collection Areas by Sanitation District and Week of the Month<sup>1</sup>**

<b>District</b>	<b>Week 1</b>	<b>Week 2</b>	<b>Week 3</b>	<b>Week 4</b>
1	7	8	9	5
2	6	5	6	5
3	8	5	6	5
4	5	8	5	6
5	5	10	10	5
<b>Total</b>	<b>31</b>	<b>36</b>	<b>36</b>	<b>26</b>
<b>Percentage</b>	<b>24%</b>	<b>28%</b>	<b>28%</b>	<b>20%</b>

1. Route counts by district represent most recent data as of August 14, 2020 and is subject to change based on typical customer fluctuations or programmatic changes.

Although the number of households is highest in the first week of the month, the highest number of scheduled collection areas is during the second and third week of the month. Based on the monthly scheduled routes, there is an average of 32.3 collection areas serviced per week or, based on a four day per week collection schedule, 8.1 average daily collection areas serviced.

The collection schedule is based on a four working days per week (Monday, Tuesday, Wednesday and Thursday). but based on discussions with City staff, the brush and bulky item collection operation often

deploys crews on Fridays, Saturdays and Sundays to meet collection demand. Equipment from the refuse and recycling collection program (reference Section 6.0) is utilized on Wednesdays and Saturdays, as-needed, to meet service demand by collecting smaller set outs. Collections operations managers anticipate the need to The City should be deploying about 31 crews per day to meet the scheduled service demand, but due to labor shortages has only been able to deploy about half of that on a daily basis which challenges crews to completely service collection areas. This causes the collection operation to deploy crews on Fridays, Saturdays and Sundays to meet service demand and, as a result, the City to incur rising overtime costs rise. and creates challenges completing daily routes, particularly during labor shortages. Further discussion about the equipment and personnel requirements are provided in Section 7.1.4.

When there are disruptions in the typical collection schedule (e.g., routes are not able to be completed and are completed the following day or weeks), brush and bulky item collection operators struggle to deploy resources to maintain the scheduled service collection and make up for portions of routes that were not collected. The collection districts operate independently as it relates to deploying personnel and equipment, although resources are shared from one district to shift to another on an as-needed basis similar to the refuse and recycling collection operation.

Consequently, when the collection schedule falls behind, determining which sanitation districts and areas within those districts to prioritize becomes a major operational challenge. The determination of which areas to prioritize occur on a case-by-case basis and are impacted by which areas are experiencing surges in material, available staffing and equipment, and requests from residents through 311 or other City departments. As part of the stakeholder engagement effort, residential customers expressed frustrations about requests to make these determinations with all possible equity. Further discussion of the operating on procedures related to brush and bulky item collection is provided in Section 7.1.3.

### 7.1.2 Operating Procedures

This section describes the operating procedures related to the collection and management of brush and bulky items . The following describes the key components of the Sanitation Department’s current operating procedures based on the Collection Operations Observations and discussions with City staff:

- **Collection.** Set outs are not allowed in alleys (paved or unpaved), in front of a vacant lot or business or within five feet from a roll cart, mailbox, fence, wall, fire hydrant, water meter, telephone connection box, parked cars or under low hanging tree limbs or power lines. Collection crews collect brush and bulky item set outs in two operational configurations that are routed throughout the sanitation districts. Equipment and personnel configurations for brush and bulky item collection are further described in Section 7.1.4. City staff indicated that set outs placed at corner-houses (e.g.,



houses that are located on two intersecting streets) present a challenge as customers may place set outs in locations that are missed by collection crews.

- **Inaccessible set outs.** When set outs are inaccessible to collection crews, they are identified with an orange tag and not collected. Set outs may be inaccessible for a number of reasons including parked cars, low hanging utility wires, or other physical impediments that do not allow the crew to get close enough to the set out without damaging City or private property. The City's Code Compliance Department is responsible for writing violations for improper brush and bulk item set outs. The City ordinance presently only allows the Code Compliance Department to fine violators. When a violation is provided by the Code Compliance Department, a Brush Buster request is initiated and the customer is charged when a set out has to be collected out of the regular schedule cycle. Figure 7-4 shows an example of an inaccessible set out identified during the Collection Operation Observations.

**Figure 7-4: Example of Parked Car Blocking Brush and Bulky Item Set Out**



- **Oversize set outs.** Set outs that are estimated to exceed 10 CY in volume are measured to determine the size of the set out. Figure 7-5 shows an example of a crew measuring an oversize set out with a yardstick and wheel.

**Figure 7-5: Brush and Bulky Item Collection Crew Measuring Oversize Set Out**

The dimensions of the set out are entered into a tablet-based software and the data is then confirmed by Sanitation Department staff. The collection crew collects the oversize set out and then leaves a blue tag indicating to the customer that their set out was oversized. Based on the Collection Operation Observations this process takes about 8-10 minutes in the field, as measuring and data entry are often slowed by network delays. A service request is then submitted, and the customer's utility account is charged. There is a two-step dispute process the customers may utilize through the City's 311 system. Anecdotally, collection crews report fewer oversize set outs; however, this does not necessarily result in an increase in collection efficiency due to the time required to measure and enter data for oversize set outs in the field. Tree trimmers and interior construction contractors hired by residential customers may leave material as a brush and bulky item set out and contribute to the high numbers of oversize set outs experienced in the field.

- **Quality control.** Supervisors in a pickup truck drive the routes to provide quality control and survey the route using a separate tablet-based software called Field Maps, an ArcGIS platform. The supervisor confirms any inaccessible set outs are still inaccessible and have been properly tagged, submitting a brush violation record using a software called Survey 123<sup>70</sup>. Any set outs that have become accessible are indicated and a crew is directed to service the set out if they are still within a one to two mile radius or as the daily operation allows.
- **Third-party collection contractors.** During surges of material that cause the brush and bulky item collection schedule to fall behind, the City hires third-party collection contractors known as "storm chasers" that service set outs and help City staff to catch up. Storm chasers charge on an hourly

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<sup>70</sup> Further information on Survey 123 can be found at the following link: <https://www.esri.com/en-us/arcgis/products/arcgis-survey123/overview?resource=%2Fen-us%2Farctis%2Fproducts%2Fsurvey123%2Foverview>

basis anywhere between \$150 - \$250 per hour depending on the amount of equipment and personnel required.

### 7.1.3 Equipment and Personnel

Based on discussions with City staff as part of the Collection Operation Observations, deploying equipment effectively and providing adequate staffing is the most critical challenge to brush and bulky item collection. Although there is significant potential to increase diversion from disposal in this material stream by separately processing organics, achieving this is only possible if the City has the capacity to offer this type of service. Currently, collection crews are operating at capacity and fall behind when unanticipated events cause surges in service demand. Brush and bulky item collection operations utilize the following equipment configurations and personnel, provided with technical descriptions:

- **Rotoboom and brush truck/trailer(s).** One of the configurations of equipment and personnel for servicing brush and bulky item collection routes is a rotoboom and two brush trucks with 40 CY capacity. Based on the Collection Operation Observations, it takes approximately 45 minutes to one hour to fill a brush truck depending on the number of set outs, size of set outs and physical obstacles encountered on the route. Rotobooms and the majority of brush trucks are fueled by diesel and 13 of the City's brush trucks are fueled by CNG. The rotoboom and brush trucks travel alongside each other and the rotoboom uses a grapple to lift material into the brush trailer. When the first brush trailer is full, it leaves the route to dispose of the material at the Landfill or Bachman transfer station and the second brush truck takes its place to continue servicing set outs. Figure 7-6 shows an example of a rotoboom and long trucks servicing a brush and bulky item set out.

**Figure 7-6: Rotoboom and Long Truck Collection**



- **Rotocombo.** The other configuration of equipment and personnel for servicing brush and bulky item collection routes is a rotocombo. The City has both 28 CY and 60 CY capacity rotocombos. The 28 CY rotocombos are primarily used for Cost-Plus and Brush Buster collections. Rotocombos contain a grapple and bed to store collected material on one vehicle. Figure 7-7 shows a 60 CY rotocombo servicing a brush and bulky item set out.

**Figure 7-7: 60 CY Rotocombo Collection**



The larger 60 CY capacity rotocombos are able to collect more material before leaving the route to dispose at the transfer station or Landfill compared to the 28 CY capacity. Transfer station staff indicated that managing the material from the 60 CY rotocombos presents a challenge, where smaller front-end loaders are not able to manage material in one push

Table 7-6 presents the City's inventory of brush and bulky item collection vehicles and average age.

**Table 7-6: Brush and Bulky Item Collection Vehicles<sup>1</sup>**

<b>Vehicle Type</b>	<b>Collection Vehicles<sup>2</sup></b>	<b>Average Age</b>
Rotoboom	30	3.7
Rotocombo <sup>3</sup>	15	4.8
Brush Truck	51	4.9
Brush Trailer	51	8.1
<b>Total</b>	<b>147</b>	

1. SA collection vehicles are utilized for brush and bulky item collection on Wednesdays and Saturdays, which is an off day for refuse and recycling collection but are not included in this evaluation since these are deployed on an as-needed basis. This analysis assumes there are sufficient pickup trucks available for supervisors to perform quality control tasks.
2. Total collection vehicles by type represents vehicle inventory data as of November 16, 2021.
3. Eight of the rotocombo vehicles are recently purchased 60 CY capacity. The remaining seven are older 28 CY capacity vehicles. One vehicle in each sanitation district is dedicated to providing Cost-Plus service.

Both rotoboom and brush truck/trailer and rotocombo equipment and crew configurations have benefits and drawbacks. Table 7-7 describes the staffing for each type of equipment configuration and a brief description of each equipment configuration's impact on collection efficiency.

**Table 7-7: Staffing Requirement by Equipment Configuration<sup>1</sup>**

<b>Equipment Configuration</b>	<b>Staffing Requirement</b>	<b>Impact on Collection Efficiency</b>
Rotoboom, Brush Truck/Trailer	1 Crew Leader 1 Rotoboom Driver 2 Brush Truck Drivers 1-2 Crew Member	Collection time per set out may be faster than rotocombo equipment configuration because more personnel allow crews to collect material quickly. Limited brush truck/trailer availability or delays in one brush truck/trailer returning to the route increases time to complete routes.
Rotocombo	1 Driver	One person can drive the vehicle and operate the grapple. This configuration suited to clearing large piles. Collection time per set out may be longer than rotoboom and brush truck/trailer configuration because driver exit the truck cab to operate the grapple, and then dismount the vehicle to organize small items together and sweep the set out clean at each set out.
SA Collection Vehicle	1 Driver 1 Crew Member	These vehicles are borrowed from refuse and recycling collection operations when available on Wednesdays and Saturdays. Manually loading brush and bulky item set outs is limited to items that a crew members can safely load into an SA collection vehicle. The configuration is suited to clearing small piles/items and limited when it comes to larger items that require more manpower or grapple equipment to manage.

A key capacity constraint in the brush and bulky item collection operation occurs if two brush trucks are not deployed with each rotoboom, or if one of the brush trucks gets delayed returning to the route. As an example, during the Collection Operations Observations there were two brush trucks initially deployed with a rotoboom vehicle; however, after the first brush truck/trailer was full and departed to disposal, the second brush truck/trailer became full before the first arrived back. There was approximately 30 minutes where the rotoboom could not continue servicing set outs until the first brush truck/trailer returned to the route.

Table 7-8 presents the number of FTE brush and bulky item collection positions filled and vacant.

**Table 7-8: Current Brush and Bulky Item Collection Staffing<sup>1</sup>**

<b>Title/Job Function</b>	<b>FTE Positions Filled</b>	<b>FTE Positions Vacant</b>	<b>Total</b>	<b>Role</b>
Field Supervisor	5	0	5	Supervisory position that manages collection operations both district-wide and on a route-by-route basis and performs quality control checks by driving routes that have been completed to ensure all set outs are serviced. When Field Supervisor is unavailable, crew leader steps in to perform daily duties.
Crew Leader	30	1	31	Manages crews on a route-by-route basis by riding with and operating rotoboom equipment and overseeing rotocombo routes.
Truck Driver <sup>2</sup>	71	11	82	Drives rotoboom, rotocombo or brush truck/trailer vehicles to service brush and bulky item routes.
Crew Member <sup>3</sup>	15	0	15	Crew members supports collection operations including managing small items as part of set outs..
<b>Total Staff</b>	<b>121</b>	<b>12</b>	<b>133</b>	

1. FTE Supervisors and Truck Drivers are based on organizational charts provided as of August 8, 2020. Managers oversee both refuse and recycling collection as well as brush and bulky item collection. Information about the current staffing of managers is provided in Appendix B.
2. Truck drivers do not include personnel borrowed from the refuse and recycling collection operation.
3. Crew members calculated based on FY 2020 contract labor costs for brush and bulky item collection service, excluding overtime costs.

The collection crews are deployed where Districts 2, 3, 4, and 5 have rotoboom configurations, with some rotocombos deployed on an as-needed basis. Districts 2, 3, and 5 typically utilize five rotobooms and ten brush trucks and District 4 utilizes six rotobooms and 12 brush trucks. District 1 typically requires ten rotocombo vehicles and uses these exclusively.

As described in Section 7.1.2, during times when there are surges in material and the City falls behind, crews struggle the operation experiences challenges deploying additional equipment to catch up on incomplete routes and service the regularly scheduled routes simultaneously. As the volume of materials set out increases, the City is unable to scale up the number of equipment and personnel deployed to meet

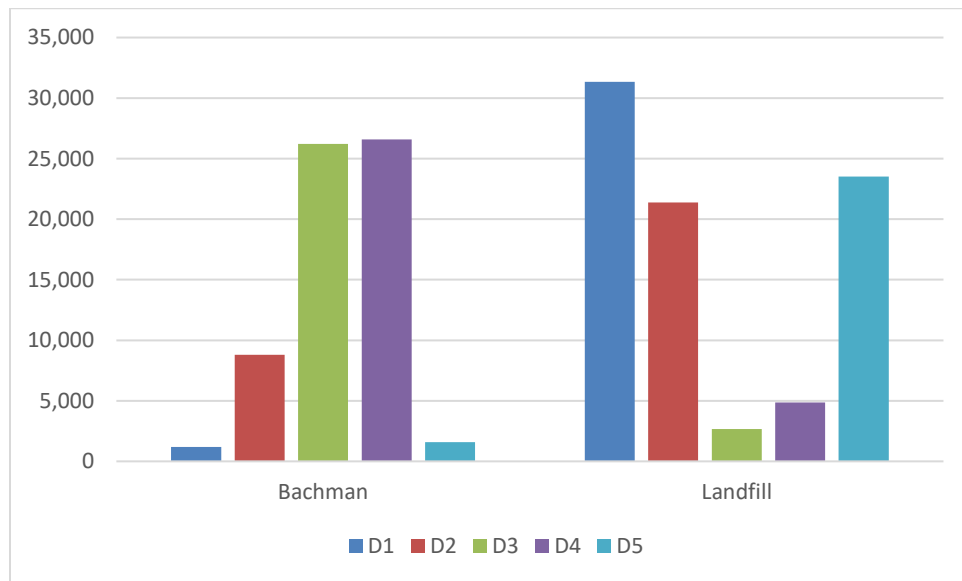
the increased service demand and is forced to pull refuse and recycling collection equipment and personnel on to brush and bulky item routes or hire third party contract collection crews to support brush and bulky item collection operations.

While SA collection vehicles can be used to collect brush and bulky items, material must be manually lifted into the vehicle and limits this equipment configuration to only collecting small set outs. Additionally, when there are challenges securing contract labor for refuse and recycling collection operations, these vehicles are unable to be used to support brush and bulky item collection operations.

#### 7.1.4 Processing and Disposal

When material is collected, it is hauled to the transfer stations or directly to the Landfill. Figure 7-8 shows the average annual tons collected and delivered to Bachman and the Landfill by sanitation district between FY 2016 and FY 2020.

**Figure 7-8: Average Annual Inbound Tons by Sanitation District and Facility FY 2016 - FY 2020**



Incidental amounts from rear-load collection vehicles (on average about 1,000 tons per year) are accepted at Fair Oaks or Westmoreland, but these facilities are not regularly used to manage brush and bulky items since they are smaller transfer stations and are not configured to accept larger amounts or material from brush trucks. The majority of material is from District 3 and District 4 are delivered to Bachman and material from District 1, District 2 and District 5 are delivered directly to the Landfill.

Table 7-9 presents the annual tons, loads and average tons per load of brush and bulky items from FY 2020.

**Table 7-9: FY 2020 Brush and Bulky Item Tons and Loads Disposed**

<b>Disposal Location</b>	<b>Tons</b>	<b>Loads</b>	<b>Avg. Tons per Load</b>
Bachman	65,945	14,044	4.7
Fair Oaks	1,508	273	5.5
Westmoreland	271	42	6.5
Landfill	69,659	15,670	4.4
<b>Total</b>	<b>137,383</b>	<b>30,029</b>	<b>4.6</b>

Bachman has challenges managing brush and bulky items because it significantly decreases the ability of the transfer station to manage the refuse and recycling tonnage delivered, particularly during times when there are surges of material volume. Delivering material directly to the Landfill sometimes requires long wait times to scale in and dispose at the working face. When brush trucks are delayed returning from the Landfill and are not able to make it back to the route before the second brush truck is filled, the route must stop and wait before collections can resume.

## 7.2 Brush and Bulky Item Separation Pilot Program

This section provides information about the previous considerations regarding separate collection of brush and bulky item collection, the ongoing separate collection pilot program that began in October 2021 and preliminary results from the initial weeks of the pilot program.

Previously, Burns & McDonnell assisted the City in evaluating several potential scenarios to adjust service frequency to support separately collect brush and bulky items. Table 7-10 shows the potential scenarios that had been previously evaluated.

**Table 7-10: Previously Evaluated Brush and Bulky Item Collection Frequency Scenarios<sup>1</sup>**

<b>Material Type</b>	<b>Existing System</b>	<b>Scenario 1</b>	<b>Scenario 2</b>	<b>Scenario 3</b>	<b>Scenario 4</b>
Brush	Monthly	Monthly	Twice per Year	Every Other Month	Monthly
Yard Trimmings			Monthly		
Bulky Items		Appointment-based	Twice per Year	Every Other Month	Quarterly

1. All collection frequency scenarios include the current volume limits, require use of bundles or paper/compostable bags for yard trimmings, prohibit material collected from private landscapers, and no collection of C&D material.

Sanitation Department staff conducted a set out survey in 2018 that indicated that 72 percent of brush and bulky item set outs contained some brush or yard waste, and 55 percent were brush-only set outs that could be diverted without further processing. City Council directed staff to implement a separately collected brush



and bulky pilot in October 2021. The pilot program was modeled after Scenario 4 to explore customer willingness and ability to separate material at the curb and the impact on operations to collect brush separately while reducing the frequency of bulky item collection to once per quarter.


The purpose of pilot was to support CECAP goals related to increasing diversion from disposal and explore an alternative method of providing brush and bulky item collection service to increase service efficiency. Six neighborhoods were selected to participate in a three-month Brush and Bulky Item Separation Pilot Program, from October through December 2021.





Each neighborhood represented approximately 800-1,000 homes, where each had distinct transportation challenges to disposal sites for collection crews to test. A community meeting was held in each neighborhood preceding the pilot to discuss any questions from residents. Residents in the pilot areas received monthly brush collection service during their regular collection week and bulky items were collected quarterly (e.g., only once during the three-month pilot period). Bulky items were collected the same week as brush collection but picked up using separate collection equipment so that would not be co-mingled with clean brush or yard waste. The total volume of set out each month remained limited to 10 cubic yards.

As part of the pilot, strategies for the post-collection handling of green waste during the pilot were evaluated including the capacity to keep separately collected materials segregated during processing from transfer stations to the Landfill. The intent of the pilot was to have clean brush material processed into mulch and be made available for their beneficial reuse at the Landfill and by other City departments, such as Parks and Recreation.

Table 7-11 lists the pilot areas with brief descriptions of the locations and provides images of bounds of each pilot area.

**Table 7-11: Brush and Bulky Item Separation Pilot Program**

Pilot Area	Description	Area Boundary
Oak Park North / Twin Oaks	Pilot area 1 was located in the southwest region of the City. Brush and yard trimming material was collected the first Monday of each month, and bulky items were collected in October 2021.	 A map of a residential neighborhood in the southwest region of the City of Dallas. A red line outlines the boundary of Pilot Area 1. The map shows streets, green spaces, and some commercial areas. A blue callout box in the top right corner of the map area reads: 'Pilot Area 1' followed by smaller text: 'Oak Park North / Twin Oaks', '1st Monday of each month', 'Brush Collection: Monthly', 'Bulky Item Pick-Up: 1st October 2021'.

Ledbetter Gardens / Westmoreland Heights	Pilot area 2 was located in the northwest region of the City. Brush and yard trimming material was collected the third Monday of each month, and bulky items were collected in October 2021.	 A map of the northwest region of the City of Dallas, Texas, showing a red-outlined area labeled 'Pilot Area 2'. The area includes a large green space and surrounding residential streets. A blue box in the bottom left corner contains the text: 'Pilot Area 2', 'Ledbetter Gardens / Westmoreland Heights', '3rd Monday Month Area', 'Brush Collection Monthly', 'Bulky Item Pickup in October 2021'.
Highland Hills	Pilot area 3 was located in the southeast region of the City. Brush and yard trimming material was collected the first Monday of each month, and bulky items were collected in November 2021.	 A map of the southeast region of the City of Dallas, Texas, showing a red-outlined area labeled 'Pilot Area 3'. The area is primarily residential with some green spaces. A blue box in the top right corner contains the text: 'Pilot Area 3', 'Highland Hills', '1st Monday Month Area', 'Brush Collection Monthly', 'Bulky Item Pickup in November 2021'.
Pemberton/ Trinity Forest	Pilot area 2 was located in the southeast region of the City. Brush and yard trimming material was collected the second Monday of each month, and bulky items were collected in November 2021.	 A map of the southeast region of the City of Dallas, Texas, showing a red-outlined area labeled 'Pilot Area 4'. The area is primarily residential with some green spaces. A blue box in the top right corner contains the text: 'Pilot Area 4', 'Pemberton / Trinity Forest', '2nd Monday Month Area', 'Brush Collection Monthly', 'Bulky Item Pickup in November 2021'.
Casa View Oaks	Pilot area 2 was located in the northeast region of the City. Brush and yard trimming material was collected the first Monday of each month, and bulky items were collected in December 2021.	 A map of the northeast region of the City of Dallas, Texas, showing a red-outlined area labeled 'Pilot Area 5'. The area is primarily residential with some green spaces. A blue box in the top right corner contains the text: 'Pilot Area 5', 'Casa View Oaks', '1st Monday Month Area', 'Brush Collection Monthly', 'Bulky Item Pickup in December 2021'.


Schreiber Manor / Forestcrest Estates	Pilot area 2 was located in the northwest region of the City. Brush and yard trimming material was collected the third Monday of each month, and bulky items were collected in December 2021.	
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Table 7-12 presents the number of households serviced in each pilot area and tons collected over the three month period. in each pilot area on its scheduled week for each month.

**Table 7-12: Separate Brush and Bulky Item Collection Pilot Tons Collected by MonthResults<sup>1</sup>**

Pilot Area	Household Count	Brush	Bulky Items	Total	Percentage of Brush
1	949	27.8	15.1	42.9	64.8%
2	917	41.1	18.0	59.1	69.5%
3	956	30.2	17.5	47.7	63.3%
4	913	82.3	23.3	105.6	77.9%
5	785	50.6	35.1	85.7	59.0%
6	806	54.6	9.0	63.6	85.8%
<b>Total</b>		286.6	118.0	404.6	70.8%

1. Results reflect tonnage collected over three-month trial period including.

Based on the tonnage of separately collected brush and bulky items throughout the three months of the pilot, the amount of brush and yard trimming material that makes up the commingled set outs ranged from 59.024 percent to 85.869 percent. The number of loads collected per pilot area each month ranged from one to nine. . Additionally, crews tracked the number of violations (e.g., brush and bulky items commingled when they should have been separated, or brush and bulky set out together when only brush was scheduled for collection). The number of violations fluctuated by week and pilot area, ranging from 2 to as much as 135 in a given week. As part of the pilot, notices were provided to residents and if the set out was corrected by the next day, the material was collected.

Pilot areas one through five were hauled directly to the Landfill, where bulky items were disposed and separately collected yard trimmings and brush were processed for volume reduction. Material collected from pilot area six was delivered to Bachman and transferred to the Landfill. Mid-way through the pilot,

the area where separately collected brush and bulky items were stored at Bachman became unavailable. At that point in the pilot, the material was co-mingled for transportation to Landfill.

From an operational perspective, the separate collection structure increased the number of equipment and personnel required to meet service demand. On the weeks where brush and bulky items were collected, multiple crews are deployed to separately collect material compared to the current service configuration where one crew can provide service for commingled set outs. If scaled City-wide, the service demand would increase due to the need to send additional crews to service brush and bulky item set outs simultaneously for customers that are scheduled to have both materials serviced that month.

### 7.3 Evaluation of 2011 LSWMP Recommendations

This section evaluates the recommendations presented in the 2011 LSWMP, indicating the progress that has been made toward the recommended policy and/or program. Additionally, this section identifies any fundamental changes that have been made since related to programs, policies or forecasts as it relates to brush and bulky item collection.

Table 7-13 lists the recommendations from the 2011 LSWMP related to brush and bulky item collection with a brief description of progress to date and next steps as part of the LSWMP Update.

**Table 7-13: Evaluation of 2011 LSWMP Recommendations**

<b>2011 LSWMP Recommendation</b>	<b>Progress To Date</b>	<b>Potential Next Steps</b>
Provide separate collection for organics.	This recommendation includes separate collection brush and yard trimmings from residential customers for processing and diversion. City staff has presented several options for implementing separate collection of brush and bulky items to City Council since the 2011 LWMP.	The Brush and Bulky Item Separation Pilot Program concluded in December 2021. Data gathered as part of the pilot will inform the evaluation of the LSWMP Update and next steps for collection operations as it evaluates the feasibility of scaling separate collection of brush and bulky items City-wide.
Provide bulky item reuse and recycling.	One of the options presented to City Council was the consideration of an appointment-based collection program for bulky items. This program was not included in the Brush and Bulky Item Separation Pilot Program. Bulky items are currently commingled with brush and yard trimmings and there has been limited progress to date providing reuse and recycling of bulky items.	As the City considers the feasibility of scaling separate brush and bulky item collection City-wide, a key consideration is to identify opportunities to expand programmatic and infrastructure capabilities to reuse and/or recycling recycle of separately collected bulky items in the future at one or more transfer stations or Landfill.

Separate collection of organics, including brush generated by residential customers, was a critical milestone identified in the 2011 LSWMP required to be implemented to achieve the City's goal of Zero Waste and was also a key solid waste related goal in CECAP. Separate collection and processing of brush presents the most tangible opportunity to move the needle closer to Zero Waste. The timing and goals established in the 2011 LSWMP are not feasible without separately collecting and processing brush and providing an outlet for bulky item reuse and recycling. Further discussion about the impacts on diversion related to the separate collection and processing of brush and other organics is provided in Section 10.0.

## 7.4 Benchmarking

This section provides compares the City's brush and bulky item collection program to other programs in peer cities in Texas. This group of peer cities has been selected to show a mix of program types and sizes that are smaller and larger to the City's program to provide a range examples.

The following criteria on each peer city's brush and bulky item collection programs are provided below with brief descriptions:

- **Year.** Indicates the year that the benchmarking data represents, including if it is on a fiscal year (FY) or calendar year (CY) basis.
- **Households.** Represents the total households serviced as part of the benchmark collection program.
- **Service provider.** Indicates if collection service is provided by the municipality or a private sector contractor.
- **Service type.** Describes the type of service provided to residents including routed collection or appointment/scheduled service and if the material is collected on a separated or co-mingled basis.
- **Materials accepted.** Provides the materials that are accepted as part of the program.
- **Service frequency.** Describes the number of services provided to customers.
- **Prohibited materials and set out limits.** Identifies the materials prohibited and any limitations on the amount of material that can be set out by customers.
- **Pounds per household per year collected.** Indicates the amount of material collected and disposed on a pounds per household per year basis.
- **Disposal allowance.** The volume (CY) that is serviced on an annual basis. This represents the total volume that is provided as part of the program, not an estimate of the volume of material collected. Disposal allowance is calculated by multiplying the service frequency by the amount of material that is allowed to be set out per service.

Table 7-14: Brush and Bulky Item Collection Benchmarking

Benchmark Criteria	Dallas, TX	Austin, TX	San Antonio, TX	Fort Worth, TX	Houston, TX	Richardson, TX	El Paso, TX	Corpus Christi, TX
Year	FY 2020	FY 2019	FY 2021	CY 2020	CY 2019	FY 2021	CY 2021	FY 2019
Households	250,000	201,500	340,000	240,000	390,786	43,000	268,310	86,090
Service Provider	City of Dallas Sanitation Department	City of Austin Resource Recovery.	City of San Antonio Waste Management Department.	Waste Management.	City of Houston Solid Waste Management Department.	City of Richardson Public Services Department.	City of El Paso Environmental Services.	City of Corpus Christi Solid Waste Services.
Service type	Routed; co-mingled.	Routed; separated.	Routed; separated.	Routed; separated.	Routed; separated.	Appointment/scheduled; separated.	Fee-based appointment; co-mingled <sup>8</sup> .	Routed; co-mingled and brush only collection.
Materials Accepted	Bulky items, brush, yard trimmings.	Bulky items, brush, yard trimmings, food waste.	Bulky items, brush, yard trimmings, food waste.	Bulky items, brush, yard trimmings.	Bulky items, brush, yard trimmings.	Bulky items, brush, yard trimmings.	Bulky items, brush, yard trimmings.	Bulky items, brush, yard trimmings.
Service frequency	Monthly brush and bulky item collection.	Semi-annual brush and bulky item collection. Weekly yard trimming collection.	Semi-annual brush and semi-annual bulky item collection.	Monthly brush and bulky item collection. Weekly yard trimming collection.	Brush and bulky items collected on alternating months.	Up to eight calls per year.	Unlimited.	Semi-annual brush and bulky item collection and semi-annual brush only collection.
Set out limits	10 CY	No set out limits but there are guidelines for brush set outs and strict requirements enforced related to separate set out of brush and bulky items and prohibited items.	8 CY	10 CY	8 CY of bulky items and 4 CY of building material.	C&D materials and remodeling debris is prohibited.	None.	No set out limits but enforcement fines assessed for prohibited items and bulky items set out outside of authorized bulky item collection schedule.
Disposal allowance (CY) <sup>1</sup>	30,000,000	18,538,000 <sup>2</sup>	19,720,000 <sup>3</sup>	35,040,000 <sup>4</sup>	37,515,456 <sup>5</sup>	17,200,000 <sup>7</sup>	N/A <sup>9</sup>	15,496,200 <sup>10</sup>
Pounds per household per year	1,099	544	514	732	1,625 <sup>6</sup>	Brush and bulky collection and refuse tonnage are not tracked separately.	N/A	617

1. Disposal allowance is calculated by multiplying the total annual number of services provided per customer per year by the set out limits of each benchmark program.
2. Assumes the semi-annual brush and bulky item collection includes four total annual collections for this material and the maximum set out is 10 CY. Weekly yard trimmings and roll cart-based organics collection is assumed to have a maximum set out of 0.5 CY for the weekly service.
3. Weekly yard trimmings are collected with roll cart based organics collection and is assumed to have a maximum set out of 0.5 CY for the weekly service.
4. Weekly yard trimmings are assumed to have a maximum set out of 0.5 CY for the weekly service.
5. Calculation assumes that maximum set out limit is 8 total CY, even though the set out limits specify residents are able to set out up to 8 CY of bulky items and 4 CY of building materials.
6. Figure includes brush, bulky and yard trimmings collected through residential drop off locations and transfer stations and shows a higher pounds per household per year collected compared to the other benchmark cities.
7. Richardson services customers with a 30 CY rotoboom vehicles and a 20 CY rear loader. Calculation assumes Richardson provides 50 CY of collection service up to 8 times per year per customer.
8. El Paso has a fee-based appointment-based program where residents are able to schedule brush and bulky item pickup for \$35.00 for five CY and an additional \$7.00 per CY after the first five.
9. El Paso allows for unlimited fee-based collection serviced by pickup trucks with a Grab-All attachment. The City collects approximately 14,000 CY of bulky items on an annual basis.
10. Corpus Christi uses 45 CY brush trucks for brush and bulky item collection, and brush only collection. Calculation assumes twice per year collection for brush and bulky items together, and twice per year brush only collection.

Austin and San Antonio offer cart-based food waste collection and yard trimmings are collected by this method. While Austin does not have quantitative set out limits, they take great effort to enforce their set out restrictions based on material type. If there are any prohibited items, the set out is not serviced. Both Austin and San Antonio have structured their programs to provide less disposal allowance annually and supplement brush and bulky item collection with weekly roll cart based organics collection. With these programs in place, Austin and San Antonio collect 500 – 550 pound per household per year.

The City is consistent with other benchmark cities on its set out limits but is the only city to collect material on a co-mingled basis without any other dedicated separated collection. Richardson and El Paso utilize an appointment-based call-in program, and while they are smaller municipalities (which makes this type of system more manageable) their system allows them to create separate work order tickets based on material types allows them to generate a clean source-separate stream of brush, bulky items, and tree trimmings.

## 7.5 Options Evaluation

This section analyzes a series of options related to brush and bulky item collection that have been identified based on the results of the stakeholder engagement, evaluation of the recommendations from the 2011 LSWMP, and benchmarking comparison.

The following summarizes the key takeaways from the community survey and other outreach activities conducted as part of the LSWMP Update:

- 44 percent of the respondents indicated they were very satisfied with the frequency of brush and bulky item collection service. 85 percent were aware of changes being made to the program to implement set out limits at 10 CY and 95 percent of the respondents had not been charged a fee for oversize set outs.
- 53.9 percent of respondents indicated that they dispose of their yard trimmings through the brush and bulky item collection program, and 62 percent of respondents indicated they would be supportive of a brush and bulky item collection program that required residents to set out items separately. Additionally, 72 percent of residents indicated they would support a rate increase of more than \$1.00 on their monthly bill to support this type of program.

Further information about the methodology of the stakeholder engagement is described in Section 1.0 and the comprehensive detailed results are provided in Appendix A.

The following presents options that are evaluated in the following sections including a brief description of the option and evaluation approach:

- **Evaluate 10 CY set out limit.** Presents the options related to the current set out limits in place and evaluates the impacts of (1) staying with the current 10 CY set out limit or (2) reducing the set out limit to 8 CY to be more consistent with benchmark cities.
- **Adjust mix of collection equipment.** Describes the impact on personnel and equipment associated with the planned increase in number of rotocombo vehicles in the City's equipment fleet.
- **Implement separate brush and bulky item collection.** Evaluates the impact on equipment, staffing, equipment and processing capacity to implement separate brush and bulky item collection based on Scenario 1 and Scenario 3 (reference Table 7-10). Information and analysis presented as part of this option is based, in part, on the draft Evaluation of Collection Methods and Alternatives report.

Each of the following sections provide an overview of each option and specific tactics and evaluates the impact of each options' components based on the criteria detailed in Section 1.4.3. A high-level summary of the evaluation criteria for each tactic within the options is provided in Section 7.6 to support the key findings, recommendations and implementation and funding plan

#### 7.5.1 Evaluate 10 CY Set Out Limit

**Overview.** Leveraging the City's 10 CY set out limit is an important step toward advancing the brush and bulky item collection program to decrease material disposed. Oversize set outs cause significant operational challenges and limit the ability to implement a separate brush and bulky items collection program because oversize set outs require longer to collect. In FY 2021, there were a total of 4,223 oversize set outs assessed a fee. For each of these set outs, collection crews measured and entered data about the set out so the fees could be justified and properly assessed. Based on the benchmarking, peer cities all have set out limits of 10 CY, 8 CY or enforce restrictions on materials that are set out. Among the benchmarked cities, the City followed only Houston in the amount of brush and bulky item materials on a per household per year basis and total collection service provided on CY per year basis<sup>71</sup>. Currently, the City provides residents with a high level of service based on the current set out limits and service frequency. If every customer put out the maximum 10 CY that they are allowed each month, the City would become overwhelmed and fall behind on collections.

**Recycling potential.** Leveraging the 10 CY set out limit and fee mechanism to influence customer behavior could support future programmatic changes to collect brush and bulky items separately, which would allow

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<sup>71</sup> The 1,625 pounds per household per year collected by Houston is likely comparable to the City's 1,099 pounds per household per year because, due to data limitations, the pound per household figure presented for Houston is inclusive of both curbside collected material and drop off station material where none of the other benchmark cities include drop off station tonnage.



for clean brush to be regularly diverted. Further discussion on the diversion recycling potential of diverting brush as part of the brush and bulky item collection is provided in Section 10.0.

**Operational impact.** While the current procedure to measure and input data on oversize set outs takes more time in the field, the intended long-term impacts of the set out limits and fee structure is to change resident behavior to set out less material, require less data entry in the field, and ultimately reduce the number of incomplete brush and bulky item routes. Influencing customer behavior to minimize the number of oversize set outs and pounds per household per year to between 500 – 750 pounds per household per year would reduce the strain collection crews and supervisors and minimize staffing and equipment required to meet service demand. This would also reduce the need to pull resources from the refuse and recycling collection operation. If there is no reduction in the total number of oversize set outs or pound per household per year collected, the City could consider reducing the set out limits to 8 CY which would initially increase the number of oversize set outs, demand on collection crews to measure and log information, and total fees assessed; however, over time decreasing the set out limits could result in more effective behavior change because more residents would be assessed fees and educated about the program.

**Financial impact.** If the City is able to achieve behavior change over time, there would be less data entry requirements by brush and bulky item collection crews resulting in a reduction in the number of incomplete routes. There would be fewer instances when staff and equipment need to be pulled from refuse and recycling collection or the City has to hire a third-party collection services. With higher capacity to meet service demand and less need to rely on refuse and recycling resources or third-party contractors, the operation would realize positive financial benefit. The magnitude of this positive financial impact would depend on the amount of overtime and third-party contractor hours. Even if customer behavior changes to result in fewer oversize set outs and pound per household per year collected, in the event of a storm event or surge in material generation there will still be a need for additional resources to meet service demand above the typical staff and equipment. Hiring staff and buying equipment to meet the maximum service demand at times when material volumes are surging would cause the City to have excess equipment that would ultimately be unused during typical operations. Developing contingency plans and building a reserve fund over time could allow the City to hire a third-party collection service on an as -needed basis without purchasing equipment and hiring staff that would not be fully utilized during typical operations.

**Environmental impact.** Influencing behavior change to minimize the number of oversize set outs would reduce the number of vehicles that need to be deployed to complete routes. Incomplete routes require the City deploy more collection crews to service set outs and increase the emissions and road miles traveled by vehicles. Ultimately, the City is required to service all the set outs, but there are marginal environmental benefits to being able to complete routes using fewer vehicles.

**Policy impact.** There is minimal policy impact since the 10 CY set out limit and fee mechanism have been adopted. Any future adjustments to reduce the set out limits would require updating the City Code.

**Stakeholder “buy-in”.** Decreasing the amount of brush and bulky item collection service may result in resistance from residents if it is perceived as a reduction in service levels.

**Compatibility with existing programs.** Maintaining the current 10 CY set out limits would be highly compatible with existing brush and bulky item collection program and reducing the set out limit to 8 CY represent a change but is still highly compatible.

### 7.5.2 Adjust Mix of Collection Equipment

**Overview.** Based on the current mix of equipment for brush and bulky item collection there are 30 rotoboom and 15 rotocombo vehicles, some of which are utilized for Cost-Plus and Brush Buster service. The City is planning to purchase up to 10 additional rotocombos at an estimated cost range of \$210,000 - \$230,000 to be deployed as part of brush and bulky item collections. When considering how to deploy these different vehicle types, the rotocombos are more effective at servicing larger set outs where rotoboos are more effective at servicing smaller set outs. Table 7-15 presents the tonnage generated per household per year by district.

**Table 7-15: Average Tonnage Collected per Household per Year<sup>1</sup>**

<b>District</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Average Tons Collected	32,528	30,292	28,937	32,226	25,157
Customers per District	46,481	54,378	38,741	59,067	49,159
Tons per Household per Year	1,400	1,114	1,494	1,091	1,023

1. Average annual tons collected between FY 2016 and FY 2020.

While the data would need to be refined on a more granular basis (e.g., incorporating a more detailed set out study and incorporating seasonality) before used to strategically deploy equipment types, this high-level evaluation provides an indication of the districts that have historically generated the highest volume on a per household basis.

**Recycling potential.** While adjusting the mix and deployment of collection equipment, the Sanitation Department could strategically increase the operational efficiency of the current operation and proactively develop the operational procedures and capability to implement separate collection of brush and bulky items in the future.

**Operational impact.** Table 7-16 presents the change in personnel and equipment requirement if 10 new 60 CY rotocombos would replace 10 existing rotoboom vehicle crews.

**Table 7-16: Additional Rotoboom and Rotocombo Comparison**

<b>Description</b>	<b>Rotoboom</b>	<b>Rotocombo</b>
Vehicles per Crew		
Rotoboom/Rotocombo	10	10
Brush Truck/Trailer <sup>1</sup>	20	0
<b>Subtotal</b>	<b>30</b>	<b>10</b>
Personnel		
Crew Leader <sup>2</sup>	10	0
Driver	30	10
Crew Member	20	0
<b>Subtotal</b>	<b>60</b>	<b>10</b>

1. Assumes each rotoboom crew includes two brush truck/trailers.

2. Assumes that a designated driver serves as crew leader on rotocombo routes.

Replacing the ten rotoboom crews with rotocombos on a one-to-one basis would free 50 FTEs to support other parts of the operation as- needed if they could be replaced on a one-to-one basis. Based on the collection efficiency of rotocombos in District 1, which is serviced entirely by rotocombos, meeting service demand requires approximately twice as many rotocomobos to collect the same amount of material as rotoboom crews. For this reason, transitioning the operation to use exclusively 60 CY rotocombos may not provide time or cost savings, but balancing the mix of vehicles to more strategically deploy equipment would provide the most effective use of resources.

**Financial impact.** Deploying 60 CY rotocombos to service areas with larger tonnage generation and rotoboombos or SA collection vehicles to service areas with fewer tons generated would increase the efficiency of collection operations system. Considering SA collection vehicles to service areas with smaller set outs that can be serviced manually would allow the rotoboom or rotocomobos to focus on the collection of larger set outs may save the rotoboom and rotocombo crews time, increasing route efficiency and minimizing the number of unfinished routes. Over time, this would allow the Sanitation Department to reduce overtime burden and need to hire third-party contractors to realize a cost savings over time.

**Environmental impact.** The rotocombo crews only require 10 vehicles total, where the rotoboom crews require 30 vehicles that increases traffic on routes and in the long-term increases wear and tear on roads. However, rotoboom crews are able to collect four to five loads per day where rotocombo crews are only able to collect two. The magnitude of any emissions reductions is dependent on how well the City captures efficiency of deploying rotoboombos and rotocombos to collection areas where set outs are more consistent with their strengths.

**Policy impact.** There is no policy impact related to adjusting the mix of equipment utilized for brush and bulky item collection service.

**Stakeholder “buy-in”.** There are no impacts on stakeholder “buy-in” related to this option.

**Compatibility with existing programs.** Adjusting the mix of vehicles is compatible with the existing program but adjusting the strategy for deploying equipment may conflict with the existing programs if the current boundaries and resources of sanitation districts are changed to have rotocombos service areas with larger set outs and rotobooms or SA collection vehicles service areas with smaller set outs. This approach may require the use of additional on-board technology to adjust routes in-field or utilizing SA collection vehicles to run routes ahead of the rotoboom or rotocombos to identify large set outs and collect small set outs. Additionally, the transition would need to be coordinated with EFS to ensure that they have the capacity to service more 60 CY rotocombos.

### 7.5.3 Implement Separate Brush and Bulky Item Collection

**Overview.** Implementing separate brush and bulky item collection is critical to achieving the City’s near-term recycling goals and long-term Zero Waste goals. Scenarios 1, 2, and 3 (reference Table 7-10) are evaluated as part of this option. Scenario 2 (weekly yard trimmings collection, monthly commingled brush and bulky item collection) and Scenario 4 (monthly yard trimmings/brush collection and quarterly separate bulky item collection) were evaluated based on the results of the pilot program, indicating the level of the commingled brush and bulky item collection on a monthly basis would not allow the City to maximize collection of organics and the quarterly collection of bulky items in Scenario 4 requires increased staff and equipment resources to service individual households with two separate crews. and may result in bulky item set outs being left at the curb for extended periods of time. Information and analysis presented as part of this option is based, in part, on the draft Evaluation of Collection Methods and Alternatives report. The following descriptions of Scenarios 1, 2 and 3 and Scenario 4 provide a high level overview of each option and relevant assumptions:

- **Scenario 1: Monthly brush collection and appointment-based bulky item collection.** This collection scenario would have City crews collect yard trimmings and brush from residents on a monthly basis, consistent with the current collection service and utilizing the same crew and equipment configurations. Residents would be instructed to set out only yard trimmings and brush on their current collection days and utilize a appointment-based service for bulky item collections, which would be collected using the same crew and equipment configuration of rotobooms with brush trucks and rotocombos depending on the type and size of material being collected.

Appointments would be scheduled, and routes generated, but routed based on the number, and location, and type of material of call-ins. There would be a violation assessed for set outs that were commingled with bulky items and assumes that two to four collections per year would be provided to residents as part of their base residential rate, with additional collections charged an additional fee.

- **Scenario 2: Monthly trimmings collection and alternating quarterly brush and bulky item collection.** This collection scenario would have City crews collect yard trimmings on a monthly or weekly basis, and brush and bulky item collection on an alternating quarterly basis. Separated yard trimmings would be collected by a combination of SA collection vehicles, rotobooms with brush trucks and rotocombos. This scenario provides the flexibility for the City to increase frequency of yard trimming collection from monthly to weekly and residents would be instructed to set out brush or bulky items on an alternating basis once per quarter. Violations would be assessed for set outs that were commingled, or if the wrong material were set out.
- **Scenario 3: Every other month brush collection and every other month bulky item collection.** This collection scenario would have City crews collect yard trimmings and brush from residents on a monthly basis, and bulky items on an alternating monthly basis. Material would be collected utilizing the same crew and equipment configurations, and violations would be assessed for set outs that were commingled, or if the wrong material were set out.

**Recycling potential.** There is a high recycling potential for all three scenarios based on separate collection of brush and yard trimmings. Between the three, there is a similar amount of yard trimmings and brush that would be separately collected, but Scenarios 1 has higher recycling potential because the appointment-based bulk program would minimize the number of bulky items set out for disposal (assuming that requirements for appointment-based collection would change behavior of residents compared to routed collection). Additionally, Scenario 1and provides greater opportunity to recycle or reuse bulky items. Additionally, Scenarios 1 and 2 positions the City to adjust service frequency to weekly yard waste and brush collection over time in conjunction with potential adjustments to the service frequency of refuse and recycling collection. Further discussion of adjustments to the service frequency of refuse and recycling service is provided in Section 6.0.

**Operational impact.** The collection operation of Scenarios 1 and 2 would require include a rear loader, rotoboom and two brush trucks to service yard trimming and brush set outs. The appointment-based call in bulky item collection routes of Scenario 1 would require include one rotocombo combo boom and one brush truck/trailer (assuming the rotocombo boom would stay on route throughout the day and the brush

truck would make several trips for processing and disposal). Scenario 3 would require the same crew and equipment configuration as the yard trimming and brush routes of Scenario 1 (rear loader, rotoboom and two brush trucks). While each scenario would meet the service demand from a collection perspective, there is currently no viable outlet to deliver separate yard trimmings and brush on a separated basis, as demonstrated during the recent pilot project. Although there is brush grinding ongoing at the Landfill, if the estimated 68,000 tons of separately collected yard trimmings and brush (reference Section 10.0, Table 10-3) would likely exceed the processing capacity and storage space available as part of the current brush grinding operation. Scenario 3 presents a challenge based on the increased volume of yard trimmings and brush generated in the summer and fall seasons that could be left at the curb would require residents to store high volumes of material between every other month service. Additionally, the City would be responsible for the marketing and sales of processed material, which would present a key bottleneck in the operation if the product were not able to be screened and marketed to City Departments or sold.

**Financial impact.** Both Each scenarios would allow the City to operate with similar crew and equipment configuration. The draft Evaluation of Collection Methods and Alternatives indicated there are opportunities for cost savings as part of collection service for all scenarios compared to the current system once they are fully implemented and does not include costs associated with the public education campaigns required to educate customers on program changes. Scenario 2 presented the highest level of potential cost savings at 20.3 percent, followed by Scenario 1 at 14.5 percent and Scenario 3 at 11.5 percent.in both Scenario 1 and Scenario 3 ranging from 11.5 to 14.5 percent<sup>72</sup>. The call-in bulky item collection as part of Scenario 1 is assumed to provide more cost savings because restructuring the program would reduce the amount of material that the City would collect as part of the base rates. Overall, separately collecting and processing yard trimmings and brush would result in a cost increase because processing and marketing yard trimmings and brush and identifying outlets for bulky items to be reused or recycled would be higher than the cost of managing the material by simply disposing.

**Environmental impact.** If the crew and equipment configurations for Scenario 1 and Scenario 3 each Scenario are able to meet service demand without increasing the number of vehicles required, separately collecting and processing yard trimmings and brush and reusing or recycling bulky items would result in beneficial environmental impacts due to avoided disposal.

**Policy impact.** There would be a significant policy impact to both all scenarios, where the City's Code of Ordinances would need to be updated to implement the changes in residential service frequency and

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<sup>72</sup> The draft Evaluation of Collection Methods and Alternatives assumed there would be no assistance from residential collection operation and would operate on a four day per week, 10-hour per day collection schedule. The cost savings figures provided are provided to indicate cost saving potential on a percentage basis, and do not reflect an updated evaluation based on the current equipment and staffing.

adjustments to the definition of brush, yard trimmings and bulky items to identify them as separate items and omit containerized trash and cardboard from accepted bulky items. Additionally, replacing the current service with a bulky item appointment-based program may cause increased illegal dumping or instances of uncollected piles left at the curb without significant education, outreach and compliance efforts.

**Stakeholder “buy-in”.** The changes to the program structure would have high stakeholder “buy-in” from environmental advocates because the City must implement separate brush and bulky item collection to achieve its near-term goals and long-term Zero Waste goal. There would be less stakeholder “buy-in” from operational staff since there is already challenges meeting service demand during surges of material, insufficient capacity at the transfer stations to manage these materials separately and no existing processing capacity to recycle separately collected brush and yard trimmings. Additionally, changes to the collection days or set out instructions may increase complaints from residential customers and there would be low “buy-in” if residents perceive adjustments to collection programs as a reduction in service.

**Compatibility with existing programs.** There is low compatibility with the existing programs because of the significant changes to the collection frequency and set out instructions. Additionally, the City would need to adjust the Cost-Plus program to support the bulky item appointment-based collection service as part of Scenario 1.

## 7.6 Key Findings and Recommendations

This section presents the key findings and recommendations related to program and policy approaches increasing the effectiveness of the City’s brush and bulky item collection program based on the results of the overview, evaluation of case studies, benchmarking and stakeholder engagement. Depending on the specific option and/or tactic, the evaluation may include both quantitative and qualitative assessments which support the assigned relative ratings for the criteria of each tactic. The meaning of the rating differs for each option and/or tactic but can generally be described as “green circle is favorable or low impact,” “yellow triangle is neutral or medium impact,” and “red square is less favorable or higher impact.” Further description of the criteria is provided in Section 1.4.3. Table 7-17 shows the summary of refuse and recycling collection options evaluation.

Table 7-17: Summary of Brush and Bulky Item Collection Options Evaluation

Description	Recycling Potential	Operational Impact	Financial Impact	Environmental Impact	Policy Impact	Stakeholder “buy-in”	Compatibility with Existing Programs
<b>Evaluate 10 CY Set Out Limit</b>							
Maintain existing 10 CY set out limit and continue in-field data collection and fee assessment as currently established.	●	●	●	●	●	●	●
Reduce the threshold that defines oversized set outs to 8 CY consistent with benchmark cities.	●	▲	●	●	▲	▲	●
<b>Adjust Mix of Collection Equipment</b>							
Purchase 10 additional 60 CY rotocombo vehicles to support collection operations.	●	●	●	▲	●	●	●
Deploy rotocombos in areas with larger set outs where rotocombos and/or SA collection vehicles in areas with smaller set outs.	●	▲	▲	●	●	●	▲
<b>Implement Separate Brush and Bulky Item Collection</b>							
Implement Scenario 1 collection service with monthly yard trimming and brush collection and appointment-based bulky item collection.	●	▲	●	●	■	▲	■
Implement Scenario 2 with separated monthly yard trimming collection and alternating quarterly brush and bulky item collection.	●	▲	●	●	■	▲	▲
Implement Scenario 3 with separated collection of brush and bulky items on an every other month basis.	▲	▲	●	●	■	▲	▲



### 7.6.1 Key Findings

Each of the following key findings supports the corresponding recommendation in the subsequent section.

1. **The 10 CY set out limit and fee assessment support brush and bulky item collection program development.** In FY 2021 the average oversized set out in FY 2021 was approximately 26 CY and was assessed an average charge of \$191 per invoice.
2. **Material is collected and delivered to Bachman and the Landfill.** The majority of material is from District 3 and District 4 are delivered to Bachman and material from District 1, District 2 and District 5 are delivered directly to the Landfill.
3. **The City provides a high level of service compared to benchmark cities.** The City provides each 120 about 30,000,000 CY of brush and bulky item collection service annually to each customer annually. This is about double the amount of annual service that Austin and San Antonio provide (92 and 58 CY, respectively) on a CY basis provided by benchmark cities that collect brush and bulky items separately, less frequently, or on an appointment-based schedule.
4. **The City collects material on commingled basis, resulting in a higher pounds per household per year basis compared to benchmark cities.** The City collects about 1,099 pounds per household per year compared to other benchmark cities in the 500-750 pound per household per year range because they collect brush and bulky items separately, less frequently, or on an appointment basis.
5. **There are opportunities to more strategically deploy vehicle types to service areas with set outs they are best equipped to service.** Rotocombos are best equipped to service larger set outs and rotobooms or SA collection vehicles to areas with smaller set outs. Deploying vehicles in the manner would increase the efficiency of the brush and bulky item collection program.
6. **One-person collection crews on rotocomobos cause bottleneck in operations.** The current one-person collection crew on rotocombo vehicles is sufficient to meet service demand, but does not provide redundancy when an operator is out. If the crew leader is not available, the collection for that area is not able to proceed.
7. **Cost-Plus service is not widely used by residential customers.** The Cost-Plus service was requested 730 times in FY 2021. This may be a result of the ability for residents to commingle brush and bulky items under the current program and the Clean Curb initiative where crews collect any materials set out and apply applicable violations and fees if the set out includes prohibited items.
8. **Separated brush and bulky item collection pilot revealed key challenges with monthly brush and quarterly bulky item service frequency.** The resources required to service brush and bulky

items separately on weeks when material was set out in two separate piles by customers resulted in high numbers of violations (e.g., not adhering to the guidelines of the pilot) and required two crews to service the same customer location. Additionally, halfway through the pilot the space at Bachman was no longer available and material collected in the northern areas of the City could not be separately managed and transferred for processing and disposal.

### 7.6.2 Recommendations

Each of the following recommendations are components of the planning level Implementation & Funding Plan provided in Appendix F.

1. **Maintain 10 CY set out limits.** The 10 CY set out limit and fee assessment support brush and bulky item collection program development and should be maintained in the near term. As a longer-term consideration, the City could decrease the set out limit to 8 CY to be more consistent with benchmark cities but should only do that if over time it becomes clear that the 10 CY set out limits are not effectively resulting in decreased oversized set outs.
2. **Deploy brush and bulky item collection equipment based on set out patterns.** The Sanitation Department should deploy the larger rotocombo vehicles to areas of the City that generally have the largest set outs and fewer individual or smaller items. The rotoboom crews should be deployed to areas with smaller items given the strengths of each particular equipment type. Support the decisions for deployment by conducting a multi-season set out study to identify collection areas that set out larger set outs and take this approach with any future appointment-based system that is implemented.
3. **Pilot two-person crew for rotocombo equipment.** In addition to deploying crews based on set out patterns, the City should pilot two-person crews in rotocombo, especially in collection areas with high route density.
4. **Increase capacity for managing brush and bulky items separately at Bachman and the Landfill.** Brush and bulky items currently commingled and cannot be hauled separately. Additionally, there is no dedicated areas at Bachman or the Landfill to separately store and transport brush and bulky items even if they were collected separately. Increasing the capacity to manage these materials separately in the near term is a key next step to advancing the City's brush and bulky item collection program and making progress toward the goals established in the 2011 LSWMP.
5. **Implement monthly yard trimmings and brush collection and appointment-based brush and bulky item collection service, contingent on applicable changes to other material management programs.** The City should implement a variation of Scenario 1 to scale separated brush and bulky

item collection, assuming that these program changes are compatible with any adjustments to the refuse and recycling collection program (e.g., transitioning from 4-10's to 5-8's) and the transfer station system is upgraded to manage brush and yard trimmings on a separated basis. To implement the appointment-based bulky item collection, the City should leverage the existing Cost-Plus program to provide appointment-based bulky item collection offering customers two four total free collections per year (either brush or bulky items, but not commingled) and charging fees per collection after each customer request beyond two four per year (consistent with the current minimum \$50.00 fee for Cost-Plus service, subject to increase based on load inspection).

6. **Streamline compliance tools to support transition to appointment-based brush and bulky item collection and implement bulky item reuse or recycling program.** To implement brush and bulky item collection on an appointment basis, the City should streamline the various software platforms (e.g., Re-Collect, Survey123, Field Maps, etc.) by integrating with a platform that could receive bulky item collection requests via user-friendly interface, generate route sheets and have the capability to track violations and any compliance mechanisms implemented to support the program. Additionally, separately collected bulky items present the opportunity for reuse and recycling and the City should develop programs to identify products or materials that could be reused or recycled before disposal at the Landfill.

## 8.0 LANDFILL

The Landfill is critical to the long-term material management needs of the City and the revenue from the operations supports the capabilities of the services offered by the Sanitation Department. While the Landfill generates significant quantities of greenhouse gasses, the robust gas collection system diverts the potential emissions to a processing facility for sale and minimizes the impact on the local emissions inventory.

Additionally, maximizing the life of the Landfill is critical to for the City to provide the financial means to support current and future efforts to reach its Zero Waste goals. Although it may appear counterintuitive that ownership and operation of a disposal facility would be essential to the Zero Waste effort, the direct control over disposal provides the City strategic advantages to implement essential programs, policies and infrastructure to increase the recycling rate and make meaningful progress toward Zero Waste.

### 8.1 Current System Review

The Landfill manages a high tonnage and volume of daily customers. The City owns and operates the Landfill, located at 5100 Youngblood Road just north of the intersection of Interstates 45 and 20. The Landfill has a permitted boundary of 965 acres with a waste disposal footprint of 877 acres. There is approximately 70,713,556 CY of remaining airspace in the constructed and unconstructed areas of the Landfill (excluding final cover) based on the airspace analysis conducted October 2021. The Landfill accepts and processes an average of 6,400 tons of waste per day during a six-day work week and processes a range of 1,400 to 1,600 loads per day. The Landfill services cash customers, Sanitation Department, Commercial and discount accounts and City departments. The Landfill is administered as an enterprise fund.

As part of the LSWMP Update, a full working day of operations were observed including a review of key daily activities and discussions with Landfill staff and management. The following lists key challenges identified by Landfill staff and management:

- Management relies on overtime and has challenges approving time off for staff when requested due to the staffing demands of the facility.
- The shift to maintaining transfer trucks and trailers at the heavy shop has decreased the availability to maintain Landfill operating equipment.
- Manual data entry and point-of-sale transaction requirements at the Youngblood Scalehouse create long lines and high wait times at the Landfill, especially during surges of material.
- Traffic control personnel at the working face struggle to separate self-haul customers from Sanitation Department customers to minimize wait times.

- The configuration of the working face is space constrained and creates challenges operating safely and efficiently.
- The time required to conduct opening and closing procedures at the Landfill exceed an hour and exacerbate the challenges with long working days and overtime demand.
- Landfill slopes are not constructed to convey water to downchutes, and final cover has not been applied to completed cells causing challenges with effective stormwater management and rising volumes of leachate.
- Ancillary site infrastructure (CCC, administration building, etc.) are located within the disposal footprint and minimize the site life of the Landfill.

Further detailed information and analysis related to these challenges are provided in Appendix E. The following benchmarking and options evaluation present tactics to overcome the identified operational challenges and support the City's recycling goals.

## 8.2 Evaluation of 2011 LWMP Recommendations

This section evaluates the recommendations presented in the 2011 LSWMP, indicating the progress that has been made toward the recommended policies and/or programs. Additionally, this section identifies any fundamental changes that have been implemented related to programs, policies or forecasts as it relates to the Landfill.

Table 8-1 lists the recommendations from the 2011 LSWMP related to the Landfill with a brief description of progress to date and potential next steps as part of the LSWMP Update.

**Table 8-1: Evaluation of 2011 LSWMP Recommendations**

<b>2011 LSWMP Recommendation</b>	<b>Progress to date</b>	<b>Potential Next Steps</b>
Assess methods to optimize the available disposal capacity.	Use of Enhanced Leachate Recirculation (ELR) for increased biodegradation.	Consider employing ELR in the future to further maximize biodegradation and maximize use of available capacity.
Continually assess the need for new waste disposal capacity.	Preliminary estimates show Landfill gained two years of life since 2011 LSWMP even with growing tonnage disposed.	Evaluate approaches to maximize capacity and potential long-term options for new disposal capacity.
Cooperate with neighboring municipalities that need disposal capacity.	City allows peer municipalities to dispose at the Landfill.	Explore incentivizing recycling/diversion through Landfill pricing structure.

Develop a Resource Recovery Park at Landfill: composting, expanded CCC, recycling processing.	Implemented FCC MRF in 2018 through a successful PPP.	Evaluate CCC expansion and composting operation at Landfill.
Develop Mixed Materials Processing Facility.	Resource Recovery Planning and Implementation Study evaluation indicated mixed waste processing was not the most cost effective processing infrastructure at the time.	Although this type of facility may be a future consideration as the City continues toward Zero Waste, it is not advancing this concept since the FCC MRF has been installed.

In the 2011 LSWMP the future Landfill life was projected using a sensitivity analysis to show various scenarios. The 2011 LSWMP results projected there would be 79,459,156 CY of remaining airspace in 2020; however, the actual available airspace of the Landfill in FY 2020 was 74,864,468 CY, about 4.5 million CY less than projected. The 2011 LSWMP estimated that the Landfill would reach capacity in 2053<sup>73</sup>. Even with 4.5 million fewer CY available compared to the 2011 LSWMP projections, the most recent annual report submitted to TCEQ estimates the Landfill will reach capacity in 2055. Achieving a longer useful life with less available airspace indicates the City has successfully increased operating efficiency or achieved high rates of biodegradation and settling.

The City will need to establish organics processing capacity to be in a position to achieve the goals for organic waste recycling and landfill reduction in the time frame established by CECAP. Evaluation performed as part of the 2011 LSWMP identified area within the disposal footprint (Cells 8 through 14) to be used for a City-operated composting facility; however, doing so limits the City's ability to maximize existing airspace for future disposal needs.

### 8.3 Benchmarking

This section benchmarks key components of landfill operations that have been incorporated by peer municipalities or private sector operators related to increasing the operational efficiency and meet long-term planning needs. The following sections provide perspective about the following topics, including select case studies, and is organized as follows:

- Landfill Operations
- Organics diversion
- Pricing strategy

<sup>73</sup> The 2011 LSWMP Waste Quantity Projections Technical Memo estimates the Landfill reaching capacity in the year 2053 assuming all the waste currently going to the Landfill will continue based on only the current users of the facility.

### 8.3.1 Landfill Operations

The Landfill's AUF is key to understanding how well waste disposal is being managed to conserve airspace. It is a critical component of projecting remaining Landfill life and planning for future cell constructions and closures. The average historical annual AUF for the Landfill based on data reported to TCEQ is approximately 1,600 pounds per cubic yard (lb/CY). Appendix E includes additional detail on the Landfill's AUF including annual factors presented in Table E-2. Based on industry experience, an AUF of greater than 1,400 lbs/CY is achievable if the staffing and equipment is deployed strategically. The City is currently exceeding this based on the report submitted to TCEQ. The City's performance also exceeds the average AUF for Type I landfills in the North Central Texas region, which averaged 1,375 lb/CY in 2020 based on information reported to TCEQ as part of annual reporting.

Landfill gas generated at the site is managed for beneficial use through a contract with Dallas Clean Energy McCommas Bluff, LLC (DCEMB) to upgrade landfill gas for pipeline injection. The City's contract with DCEMB is further described in Appendix E. Based on analysis of data from U.S. EPA, approximately 27 percent of landfills in the U.S. have landfill gas capture and collection systems (GCCS), with end uses ranging from electricity generation to combined heat and power (CHP) generation and natural gas vehicle fuel or pipeline injection.<sup>74</sup> Beneficial use systems are less common in the public sector (with 19 percent of landfills having a beneficial use system installed), and the City's partnership with DCEMB represents a high level of performance to capture environmental and financial value from landfill gas.

There are 29 landfill gas beneficial use projects in the state, and the City's is the largest in the North Central Texas region. The City's 12.5 percent revenue share is higher than other high-BTU landfill gas contracts in the area, which range from 3-12 percent of the gross revenue stream (e.g., landfill gas and constituent product gas sales and all related environmental credits). Efforts to divert organics from landfill may reduce landfill gas production and, in turn, the revenue to be shared by DCEMB and the City. The impacts of organics diversion from landfill are discussed in more detail in Section 8.3.2.

### 8.3.2 Organics Diversion

Diverting organics from diversion is an important consideration for the City to progress toward its long-term Zero Waste goals, but requires consideration of multiple operational impacts including:

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<sup>74</sup> Analysis of LMOP and GHGRP Subpart HH databases performed by EREF.

- **Reduced gas generation.**<sup>75</sup> Degradable organic carbon, such as that in food waste and yard trimmings, results in the production of landfill gas. Food waste is responsible for 20-30 percent of methane yield (similar to that of various paper grades) and food waste diversion can impact methane production and yield curve noticeably for future cells. Yard trimmings are responsible for a relatively small portion of methane yield, and therefore diversion of yard trimmings typically has a minor impact on methane production and yield curve. However, it is unlikely that a large portion of methane from food waste will be captured due to the typical delayed timing of GCCS installation.
- **Decreased methane emissions.** Food waste degrades quickly in a landfill, and one quarter of methane may be produced in the first two years after disposal. During this time a GCCS is typically not yet installed because there has not been enough time for a critical mass of landfill gas to be generated. By reducing food waste disposal, these uncollected methane emissions from future cells are reduced.
- **Decreased settlement and increased landfill stability.**<sup>76</sup> Food waste diversion can result in enhanced internal stability within the landfill by reducing the amount of combustible material compared to inert waste materials.
- **Potential airspace savings.** Organics comprise a large portion of landfilled wastes, and diversion of materials provides airspace savings, extending the life of the landfill.
- **Leachate impacts.** Food waste diversion, specifically of protein food wastes, can significantly reduce leachate ammonia and UV absorbance. As a result, leachate treatment can be easier and potentially less expensive. Although the Dallas Southside WWTP has capacity to receive leachate quality, alternative treatment options should continue to be a long-term consideration as industrial wastewater sources including landfills may fall under increased scrutiny in the future.

Given the City's and DCEMB's investment in the Landfill's GCCS, a 10-15 percent drop in landfill gas production should be anticipated if a comprehensive food waste diversion program across all generator sectors is implemented. Based on analysis performed by the Environmental Research & Education Foundation (EREF),<sup>77</sup> aggressive diversion and organics policies enacted in San Francisco beginning in

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<sup>75</sup> Based on studies on the composition of landfilled streams and the estimated resulting methane yield curves published in De la Cruz & Barlaz (2010). *Environ. Sci. Technol.* 44:4722-4728; Staley & Barlaz (2009). *ASCE Journal of Environ. Eng.* 135:901-909.

<sup>76</sup> Based on research published by Bareither et al. 2012

<sup>77</sup> "Trends in Beneficial Use of Landfill Gas & Potential Impacts of Organics Diversion" EREF presentation at 2014 SWANapalooza.



2001 resulted in a 16.8 percent decrease in landfill gas collection at the Altamont Landfill compared to a 3.3 percent decrease over the same period in nearby Scholl Canyon Landfill which was not subject to San Francisco diversion impacts.

### 8.3.3 Pricing Strategy

The City's current posted gate rate is \$34.88 per ton for non-residents. Additional fees (as applicable) include fees for cash customer processing (\$2.00/ton), uncovered loads (\$10.00/load), tipper use (\$91.50/load), and pull-offs (\$48.80/load).

The City has implemented a discount structure for customers based on the guaranteed annual tonnage and contract length (see Appendix E, Table E-4). While some communities (such as the City) utilize a set discount structure or matrix to determine the percentage discount a customer receives, there are others in the North Texas region that opt to negotiate discount rates and on a case-by-case basis. A benefit of set discount structures formalized through ordinance is that they provide transparency; however, formalized structures introduce the potential to lose customers who are on the upper threshold of a pricing tier and cannot receive or negotiate a better rate. Additionally, unless expressly included in the ordinance, formalized rate structures can limit the ability to negotiate one-time discount contracts for desired large loads. Table 8-2 summarizes the City's approach to pricing and discount structure at the Landfill and provides regional perspective based on other landfills in the NCTCOG region.

**Table 8-2: City Landfill Pricing Summary and Regional Perspective**

McCommas Bluff Landfill		Regional Perspective
Rates and Fees		
Gate Rate	\$34.88	Publicly-available posted gate rates range from \$30 to \$63 per ton at landfills in NCTCOG, with an average of \$40.79 per ton. The City has the third lowest gate rate per ton in the NCTCOG region.
Resident Rate	Free	Within the NCTCOG, landfills may provide free disposal to residents on a limited (e.g., once per month) or unlimited basis. Other landfills charge a residential tip fee that reflects a discount from the posted gate rate.

McCommas Bluff Landfill		Regional Perspective
Fees	Unsecured Load: \$10.00 Cash customer: \$2.00/ton Tipper: \$91.50 Pull-offs: \$48.80	Other landfills in NCTCOG have similar fees for items such as unsecured loads, tipper use, pull-offs to off-set incurred costs or reduce issues such as litter. Additional fees at other NCTCOG landfills that may be appropriate for the City to consider include: <ul style="list-style-type: none"> <li>• A fee for manual unload vehicles at the working face</li> <li>• A non-city landfill environmental fee to equalize the financial burden on rate payers to support long-term closure and post-closure costs.</li> </ul>
<b>Discount Contracts</b>		
Contract Length	1-5 years	Some cities in NCTCOG (e.g., Garland) have historically renegotiated contracts every year rather than utilizing multi-year contract, while others (e.g., Denton) use a fixed-length multi-year contract and renegotiate all contracts in the same year. Multi-year contracts provide some predictability in budgets for both the city and the customer.
Guaranteed Tons per Year	Ranges from approximately 5,000-over 200,000 tons per year per contract	Recently, the City added a discount levels smaller contracts (5,000 to 9,999 tons per year). Within the region there are Cities that offer discount contracts for even smaller quantities (e.g., 2,000 tons per year).
Available Discounted Rates	Approximately \$21-\$31 per ton	The City's discounted rates are within the range of other discounts in the region, which are generally in the mid-\$20 per ton range up to possibly \$50 per ton depending on location in the Dallas-Fort Worth Metroplex. Lowest price is not the only factor in rate competitiveness; haulers also report that considerations such as distance, use of toll roads, travel time and turnaround time affect disposal contract decision-making.

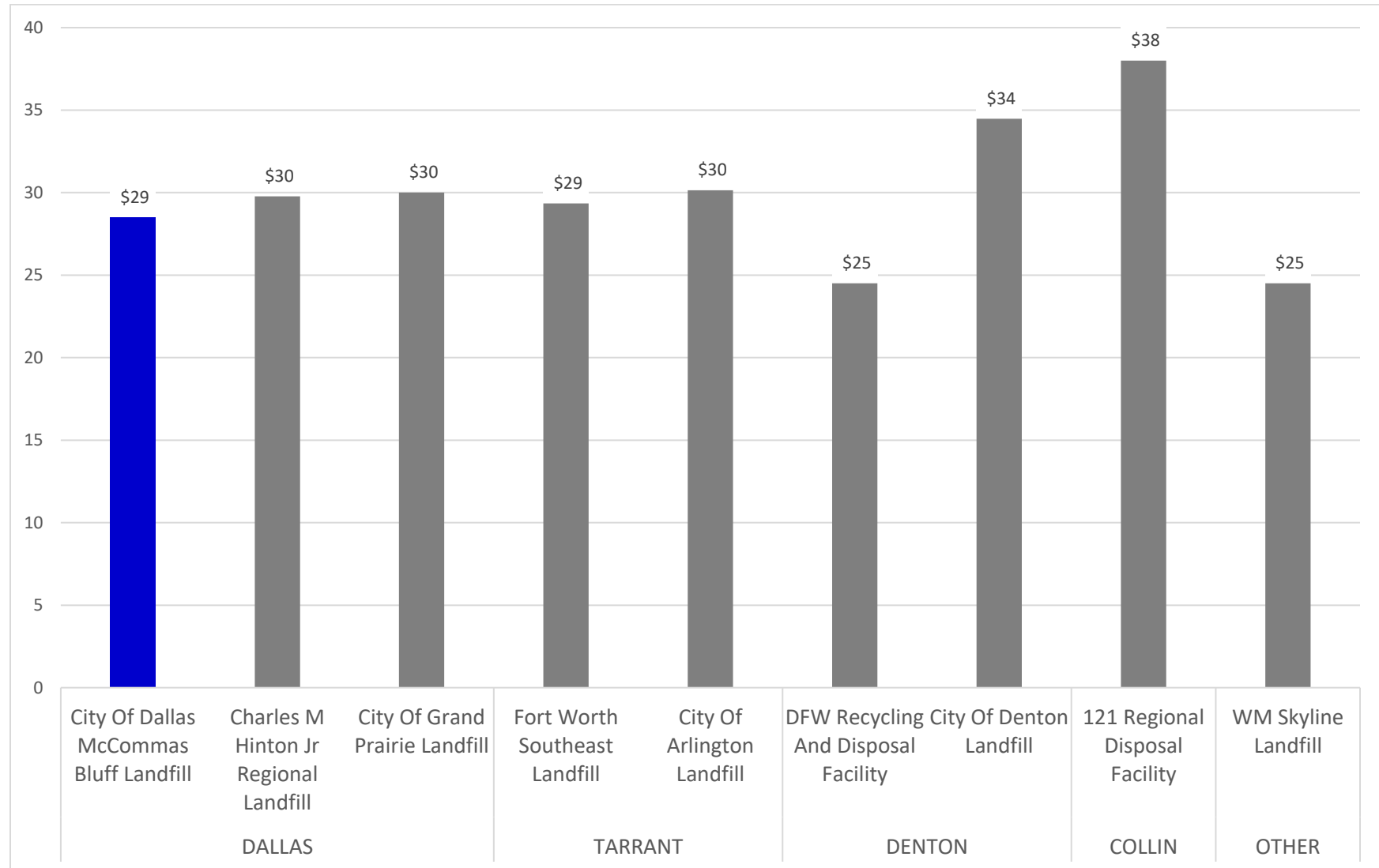
The City's rates do not include a disposal surcharge, such as a landfill environmental fee or impact fee. Disposal surcharges can generate funding to support long-term landfill management as well as encourage diversion and help recycling to be more cost competitive. Disposal surcharges may be enacted at the state and/or local level.

**Case Study: City of Fort Worth.** The City of Fort Worth's "Non-City Landfill Environmental Fee" (Ordinance 24533-11-2020) was adopted November 17, 2020 and became effective January 1, 2021. The fee adds \$5.00 per ton of landfill environmental fee collected with the tipping fee at the Southeast Landfill. Prior to fee enactment, residents and permitted haulers contributed financially to the costs of the solid waste

disposal program through residential rates or permit fees; however, haulers disposing of non-city material did not contribute in a similar manner. Objectives of the Fort Worth's environmental fee include to preserving the remaining capacity for Fort Worth-generated materials and to equitably distribute the financial burden of responsible solid waste management among all users of the landfill.

**Case Study: Lyon County, MN.** The County operates both a MSW landfill and a construction and demolition debris C&D landfill with the MSW landfill serving an eight-county region. As part of the Minnesota Pollution Control Agency permit, the County is required to maintain a financial assurance fund to pay for closure, post-closure, and contingency action activities that are not covered by the operating budget. Beginning in 2005, the County implemented a \$2 per ton Financial Assurance Solid Waste Surcharge to support this fund. The fee applies for both MSW and C&D loads received at the landfills.

**Regional Market.** Figure 8-1 shows the average rate charged at landfills in the vicinity of the Landfill based on information reported to the TCEQ, which ranged from \$25-38 per ton. This facility-reported information differs from the posted gate rate, reflecting factors such as discount structures and/or additional fees. Based on the reported average rate, pricing at the Landfill is in line with the local disposal market. In recent years, the City has implemented price increases with little to no business falloff and the market can likely support continued increases in the City's landfill rates without driving significant tonnage to other landfills in Dallas County or the broader North Texas region.

**Figure 8-1: Reported Average Gate Rates Charged in the NCTCOG Region (2020)<sup>1</sup>**

<sup>1</sup>Average gate rate charged are as reported to the TCEQ as part of 2020 annual MSW reports

## 8.4 Options Evaluation

This section analyzes a series of options related to the Landfill that have been identified based on site visits of the Landfill, stakeholder engagement, evaluation of recommendations from the 2011 LSWMP, and benchmarking.

The following presents options that are evaluated in the following sections including a brief description of the option and evaluation approach:

- **Maximize site life and maintain sufficient revenues within currently permitted disposal footprint.** Describes pricing considerations to generate sufficient revenues and maximize site life within the currently permitted disposal footprint.
- **Divert self-haul customers from working face.** Describes approaches to divert small self-haul customers from the working face and evaluates the opportunity to develop an expanded CCC outside the permitted limits of waste.
- **Increase organics processing capacity.** Describes options and considerations for the Landfill to support organics diversion initiatives.
- **Develop long-term Landfill master plan.** Describes the capital improvements and operational planning the City could include in a long-term Landfill master planning effort.

Each of the following sections provide an overview of each option and specific tactics and evaluates the impact of each options' components based on the criteria detailed in Section 1.4.3. A high-level summary of the evaluation criteria for each tactic within the options is provided in Section 8.5 to support the key findings, recommendations and implementation and funding plan

### 8.4.1 Maximize Site Life and Maintain Sufficient Revenues

**Overview.** Maximizing site life will become increasingly important as there will be an increased demand for disposal as population grows in the region and the amount of available airspace decreases as facilities close or divert material. This option considers adjustments to the current pricing at the Landfill to balance the rate that site life decreases and revenue generated from various customer types utilizing the following tactics:

- **Increase operating efficiency.** There are opportunities to further maximize site life through continued operational improvements such as increasing the permitted size of the working face (permit modification currently in progress), filling staffing vacancies, deploying technology such as GPS integration in dozers for elevations and fill planning or drone use for LFG monitoring,

expanding to 24-hour operations to receive transfer loads at night, or maintaining the option for leachate and condensate recirculation when needed and as appropriate.

- **Continue to increase gate rates at the current rate consistent with regional landfill market.** The current gate rate is on the lower end of the regional market rates, indicating the City can continue to incrementally raise the gate rate to maintain Landfill revenues, even if there are small dips in tonnage delivered immediately following pricing increases.
- **Implement environmental fee (or similar) to fund long-term management of the Landfill in an equitable way.** As a strategy to increase revenue from the commercial customers of the landfill, the City could introduce a mandatory separate surcharge for non-city materials disposed at the Landfill. This surcharge would be designed to generate revenue from the tonnage disposed.
- **Incentivize diversion from third-party hauling customers by revising discount structures or implementing material-specific gate rates.** Shift the discount structure to provide more favorable pricing based on a documented level of diversion. As the City looks to establish on-site organics recycling opportunities, gate rates could be established for clean source-separated loads of clean yard trimmings and other desired materials. These material-specific gate rates, if set below the gate rate for mixed MSW, can incentivize diversion in the community while providing feedstock for the City's diversion activities.

**Recycling potential.** Pricing strategies that include increased costs of landfill disposal and pricing incentives for diversion (either as part of the discount structure or through material-specific gate rates for divertible materials) provides waste reduction and recycling potential. A discount structure based on diversion levels (e.g., single-stream material recycled) provides additional incentives for recycling of non-City materials in neighboring communities, driving increased volumes of material sent to FCC, non-City organics that may be accepted at a future City composting facility, and/or the Dallas County regional HHW program.

**Operational impact.** Increasing operating efficiency through increased staffing and technology deployment minimizes safety risks and reduces overtime demand required for daily opening and closing activities. Similarly, expanding to a 24-hour operation could reduce operational needs associated with daily cover and opening and closing activities. Deploying additional hardware and software technology can improve operational efficiency. For example, the Landfill recently began using GPS technology integration with Carlson in landfill equipment (one compactor and two dozers) to communicate compaction and number of passes to the operators. This technology can also be used to assist in more sophisticated ways such as for phase geometry and elevations (cell, lift and final intermediate). Based on recent Landfill survey data there are inactive cells under intermediate cover that are short of final waste grades, and use of on-

board GPS technology could improve filling of future cells to grade to completely utilize permitted airspace. Continuing the option of leachate and/or condensate recirculation when needed provides operational benefits of accelerated decomposition and maintains the flexibility of an on-site method for managing condensate and leachate in the event that off-site management options become temporarily or permanently limited. It is important that liquids addition is not overutilized to avoid operational challenges such as potential decrease in stability and potential seeps.

**Financial impact.** Any adjustments to the pricing strategy at the landfill will have potential financial impacts to the facility.

- Increases in gate rates typically have a short-term impact on received tonnages, though quantities rebound when gate rates are set appropriately relative to the market.
- Establishing a per-ton environmental fee (e.g., \$2.50 per ton) applied to cash, commercial, and contract customers would more equitably fund closure and post-closure needs and lessen the future financial impact to residents and taxpayers to fund these activities. Based on 2019 scalehouse data, a \$2.50 per ton environmental fee would have generated approximately \$3 million in revenue from the outside users of the Landfill.

Increasing the use of technology will require the purchase of additional equipment (e.g., on-board GPS), but operational improvements can also result in financial savings through efficient use of airspace and improved execution of phase geometry, reducing the potential to install wells and long-term cover prior to reaching final grades.

Currently, the Landfill receives a significant portion of waste from outside third-party sources through discount contracts, commercial accounts, and cash customers (see Appendix E, Figure E-7 for customer summary); however, in the coming decades there may be pressure to limit outside waste to preserve capacity for the City's needs. Implementing a per-ton environmental fee in the near-term will generate closure and post-closure funds more equitably by including the third-party private-sector customers who dispose of significant tonnage in the Landfill. Implementing a fee to support closure and post-closure costs later in the Landfill's life may result in these costs being borne primarily or exclusively by City residents.

**Environmental impact.** The environmental impacts of landfiling, including GHG emissions, vary depending on the materials being landfilled as well as the landfill gas management approach. Operations at the landfill such as using diesel-powered equipment also result in emissions. Efforts to preserve landfill airspace through diversion and waste reduction (e.g., avoiding the creation of wastes that must be managed) reduce the City's carbon footprint through both the avoided landfill emissions and the associated benefits

of recycling or composting materials. Extending landfill life also provides avoids environmental impacts associated with developing additional land for landfill disposal.

**Policy impacts.** Landfill gate rates, increases, and discount structure are set through City ordinance, and changes to pricing and discount structure would require a relatively high level of effort to develop ordinances to be adopted by City Council. Some operational changes require TCEQ permit modification, such as SOP changes to increase the size of the working face or expand to 24-hour operation. Other operational changes, such as deploying technology or filling staff vacancies, should not have policy impacts.

**Stakeholder “buy-in”.** There is medium stakeholder “buy-in” on this option because while there is an anticipated high level of “buy-in” from staff from an operational perspective especially for changes that would increase safety and reduce overtime, there is lower “buy-in” from an operational perspective related to space constraints of storing material in idle transfer trailers on site and hauling material at night.

**Compatibility with existing programs.** This option has a high level of compatibility with existing programs, as available approaches build from current landfill management approaches and programs, such as by revising existing discount and fee structures and incorporating additional technology into the planning and execution of current fill approach.

#### 8.4.2 Divert Self-Haul Customers from the Working Face

**Overview.** Diverting self-haul customers away from the landfill working face would help to address traffic and safety considerations at the site. Self-haul customers such as residents and other manual unloading customers contribute to longer than desired wait times at the scalehouse and high traffic at the working face. The City’s approach to diverting these customers to a separate portion of the working face from waste collection vehicles has improved conditions; however, the City can further improve safety and efficiency through the following approaches to divert self-haul customers:

- **Incentivize customers to utilize CCC.** Currently, residents and other manual unloading customers are instructed to use the existing CCC; however, many bypass this option and historically have filed complaints if they are turned away from the working face to use the existing CCC. These customers could be incentivized by receiving discounted disposal fees for use of the CCC.
- **Develop an expanded CCC and require its use by certain customer categories.** Self-haul customers infrequently use the existing CCC which is located within the permitted limits of waste and will need to be demolished and relocated to facilitate future fill. If the City were to develop an



expanded CCC outside the limits of waste, the City could use tactics such as traffic control, signage, and financial incentives to require and/or encourage its use.

- **Leverage transfer station system, contingent on upgrades.** The City could implement tactics such as directing self-haul customers to use the Bachman transfer station. Currently, residential self-haul may use satellite transfer stations on Wednesday and Saturday. One challenge to address with this approach is that self-haul customers decrease the efficiency of the transfer station system.

**Recycling potential.** Diverting self-haul customers to an expanded CCC has limited ability to increase diversion in the near-term; however, an expanded facility could facilitate long-term diversion in coordination with the CCRC and potential future organics diversion efforts at the Landfill.

**Operational impact.** Diverting self-haul and other manual unloading customers provides multiple operational benefits by:

- Eliminating safety risks at the working face for residents and others who are not specifically trained regarding potential hazards.
- Improving efficiency by diverting manual unload customers who contribute to long wait times and working face traffic.
- Weighing of transfer trailer loads to provide additional insight into the quantity of material received from residential self-haul customers and overall CCC use.

**Financial impact.** Developing a new, expanded CCC will require capital investment and have high financial impact. While specific capital costs will depend on factors such as the number of bays and capacity needs, costs should be considered similar to those of a small transfer station and could likely be in the order of \$1-3 million.

**Environmental impact.** There is limited anticipated environmental benefit directly associated with developing a new CCC, though improved traffic flow and decreased wait times can improve fuel use and reduce vehicle emissions at the site.

**Policy impact.** Developing a new, expanded CCC would have low policy impact.

**Stakeholder “buy-in”.** A new, expanded CCC may result in mixed levels of “buy-in” from stakeholders. Operationally, the CCC would provide increased convenience and safety to residents and others who self-haul material to the Landfill. Self-haul customers may be incentivized through strategies such as a flat fee pricing structure allowing users to skip the line at the scalehouse when using the CCC, controlled traffic patterns, signage and gates. Additionally, the perception of the CCC as a new, more convenient facility could help overcome resident hesitancy to change.

**Compatibility with existing programs.** While the current CCC is functional, it is within the permitted limits of waste and must be demolished before Cell 15 can be developed. Developing a new, expanded CCC outside of the limits of waste therefore has a high level of compatibility with existing the existing permit and programs.

#### 8.4.3 Increase Organics Processing Capacity

**Overview.** This option explores the considerations for the Landfill to support the City's broader efforts to implement organics diversion for materials such as yard waste, brush, or food waste. Organics processing technologies and options are described and evaluated in more detail in Section 10.0. The Landfill can be used to support increased organics processing capacity through several considerations and approaches:

- **Develop feasibility analysis for a composting facility at the Landfill.** Provide suitable location to site organics processing infrastructure north of the perimeter berm in coordination with the U.S. Army Corp of Engineers (USACE). The Landfill permit allows for on-site composting. Consideration for the feasibility analysis include identifying:
  - **Material grinding, pre-processing, and processing needs and costs.** Composting requires pre-processing of materials, such as grinding and de-packaging. There is a brush grinding operation at the Landfill for volume reduction, but there is not space or processing capacity to manage significant increases in volumes of material. To process additional quantities of clean brush (or other organics), the Landfill will need to expand green waste/brush processing capability. One option to do so is by leveraging the existing master agreement to process City-collected green waste from the separate brush/bulky collection pilot program and then further expand to process future City-collected and commercial green wastes.
  - **Staffing and equipment needs for the City to operate the facility.** Composting operations will require additional staffing support, though the level of staffing needs will vary depending on the selected organics processing technology (e.g., windrow composting, anaerobic digestion, etc.) and potential public-private partnership to develop and operate the facility.
  - **End markets for compost and mulch finished product(s).** Finished composting and mulch products could be sold or provided for free to residents, additional end markets could include local landscaping companies and state agencies (e.g., TxDOT).
- **Develop and release a procurement for organics processing in conjunction with upgrading the transfer station system.** Releasing a procurement for organics processing that meets the anticipated timeline of upgrades to the transfer station system would allow the City to evaluate costs and the level of effort to implement the infrastructure to effectively divert separate yard

trimmings and brush collected. Additionally, portions of this effort may be eligible for funding from the NCTCOG.

**Recycling potential.** Organic waste is a large portion of disposed material and expanding organics processing capacity would increase the City's ability to make meaningful progress toward its long-term Zero Waste goals.

**Operational impact.** Implementing organics diversion at the Landfill would have a high operational impact, including the need to allocate space to receive source-separated loads of clean organics (brush, green waste); process through grinding, composting, and/or another technology; and store finished product (e.g., compost) as needed. These activities will also require additional equipment and staff.

**Financial impact.** While specific costs vary depending on the selected organics processing technology, operating an organics processing facility at the Landfill would incur capital, equipment and operational financial impacts. These impacts would be high for a City-owned and operated facility. If a public-private partnership were leveraged to develop and operate the facility, the financial impact to the City would be less, however there would still be financial impacts such as tipping fees for material processing. Additionally, organics diversion from landfill can reduce gas generation potential (described in Section 8.3.2). In the event of reduced gas generation, there would be financial impacts to the revenue share provided to the City as part of the landfill gas contract with DCEMB.

**Environmental impact.** Generally, environmental benefits associated with diverting organics from landfill include reduced landfill emissions and improved soil and nutrient benefits from use of the resulting compost product. The level of benefit varies depending on the type of organics diverted (e.g., food waste compared to brush), processing technology used (e.g., composting compared to AD) and the landfill gas management practices used (e.g., landfill gas flaring compared to aggressive gas capture and conversion to high-BTU fuel).

**Policy impact.** Supporting organics processing efforts at the Landfill would require a moderate level of effort related to policy, regulatory requirements, and adjustments. The primary regulatory impact is related to citing an organics management facility north of the landfill berm, which would require approval of the USACE and modification of the wetlands permit. If approval cannot be obtained from USACE, alternative locations would need to be explored.

**Stakeholder "buy-in".** There is a mixed level of stakeholder "buy-in" related to this option because although it would support increasing recycling, the capital and operational needs to develop an organics processing facility at the Landfill may interrupt existing operations. As described in Section 8.3.2, diversion

of degradable organics from the landfill has potential gas generation impacts affecting the level of “buy-in” from DCEMB.

**Compatibility with existing programs.** There is a moderate level of compatibility with existing brush grinding operations and contracts, which have potential for expansion on a pilot-scale but additional space and equipment would be required to expand operations into a more robust composting or other organics processing facility.

#### 8.4.4 Undertake Long-term Operations and Development Planning

**Overview.** This option explores the long-term planning needs for the Landfill, specifically to:

- **Create a facility master plan.** This type of plan is valuable to identify and optimize site development phasing, capital improvement projects, and infrastructure needs (e.g., stormwater, leachate forcemain, electrical). A master plan will allow the City to coordinate and plan for capital and operational needs and changes as it explores relocation of buildings (e.g., administration building, maintenance building, scalehouse, CCC) outside the limits of waste, continues cell development to the north (and associated traffic and utility needs), and considers the timeline for funding and installing the final cover system.
- **Explore needs for future permit modification to revise to the final grading plan and permitted heights.** The current permitted final grades are designed with the typical 4(H):1(V) side-slopes and a shallow crown, which can be subject to ponding due to the large footprint of the Landfill. The City should consider pursuing a permit modification to revise the final grading plan to maintain 4:1 side-slopes but use 7:1 slopes on the crown to mitigate any stormwater management challenges.
- **Move structures outside the permitted limits of waste.** The maintenance building, administration building, and CCC are all located within the permitted limits of waste (Cell 15) and will need to be demolished for future cell development.

**Recycling potential.** While long-term planning will support effective use of existing landfill resources, it will not necessarily provide additional recycling potential.

**Operational impact.** Long-term operations planning can provide significant operational benefits at the Landfill by forecasting operational and capital needs throughout the site life. A long-term landfill masterplan can also support Landfill staff with site development efforts (e.g., weekly and daily fill plans). Modifications to final grades can be used to mitigate future operational challenges with stormwater management. Moving structures outside the permitted limits of waste can be disruptive to operations, and careful evaluation, planning and phasing as part of a long-term master plan can help to mitigate these

impacts. The new facilities will benefit operations by addressing challenges with the existing aged buildings (e.g., electrical and size constraints at the maintenance building).

**Financial impact.** Moving structures outside of the permitted limits of waste represent large capital expenses for design, permitting, and construction activity. Once developed, a master plan will assist the City by establishing capital post milestones for Landfill needs, including relocating these structures. Costs associated with long-term operations planning include costs associated with developing a facility master plan, permitting and design of revised slopes.

**Environmental impact.** Long-term planning efforts, including development of a landfill masterplan, will support environmentally responsible operations of the Landfill; for example, exploring modifications such as revisions to the final grades to improve stormwater management.

**Policy impact.** Policy impacts with long-term planning are limited to permitting needs associated with facility modifications.

**Stakeholder “buy-in”.** There is medium stakeholder buy-in on this option. Long-term master planning will provide valuable information for the City’s and operational challenges will be addressed through the relocation of buildings outside of the limits of waste. However, construction associated with moving these buildings could create congestion and challenges at the Landfill, reducing customer “by-in.” While a potential regrade of final elevations will address potential operational challenges, it would result in an increase in the Landfill’s maximum elevation. This increase, and any similar recommendations that result from a Landfill master plan, could be viewed unfavorably by residents.

**Compatibility with existing programs.** There is a high level of compatibility with existing programs, as one purpose of long-term master planning is to optimize continued operation of the existing Landfill and prepare of potential challenges.

## 8.5 Key Findings and Recommendations

This section presents a summary of the options evaluation followed by key findings and recommendations related to program and policy approaches to increasing diversion from the City’s multi-family and commercial sectors. Table 8-3 summarizes the results of the options evaluation for each of the tactics presented.

Table 8-3: Summary of Landfill System Options Evaluation

Description	Recycling Potential	Operational Impact	Financial Impact	Environmental Impact	Policy Impact	Stakeholder “buy-in”	Compatibility with Existing Programs
<b>Maximize Site Life and Maintain Sufficient Revenues</b>							
Implement hardware and/or software tools for continued increases in operational efficiency.	N/A	●	▲	N/A	●	▲	●
Continue to increase gate rates to meet market prices and continue to perform periodic market studies to ensure that tonnage is not driven away to the extent that revenues become insufficient to fund operations at the facility.	N/A	●	●	N/A	●	▲	●
Implement diversion-based discount structure to incentivize diversion from third-party hauling customers.	●	●	●	●	▲	▲	▲
Implement environmental fee for more equitable generation of closure and post-closure funds.	N/A	N/A	●	N/A	▲	▲	■
<b>Divert Self-Haul Customers from the Working Face to an Expanded CCC</b>							
Develop an expanded CCC outside of permitted limits of waste to divert small self-haul customers away from the working face for safety, improved efficiency, weighing of loads, and to facilitate long-term diversion.	N/A	●	▲	N/A	▲	▲	●
<b>Increase Organics Processing Capacity</b>							
Develop a feasibility study (permit implications, layout, potential PPP, timing, etc.) in coordination with upgrades to the transfer station system. <sup>1</sup>	N/A	●	●	N/A	▲	▲	N/A
Establish composting capacity to support organics diversion initiatives under current permit provisions. <sup>1</sup>	●	■	▲	●	▲	▲	■
<b>Undertake Long-Term Operation and Development Planning</b>							

Description	Recycling Potential	Operational Impact	Financial Impact	Environmental Impact	Policy Impact	Stakeholder “buy-in”	Compatibility with Existing Programs
Create facility master plan to address long-term site development phasing, CIP, and infrastructure needs (e.g., stormwater, electrical).	N/A	●	▲	N/A	●	●	●
Explore the needs for future modifications such as revisions to final grading plan and permitted heights to address current or anticipated operational challenges and provide additional airspace.	N/A	●	▲	●	▲	▲	●
Move structures including the maintenance building, administration building, and CCC outside of the permitted limits of waste.	N/A	▲	■	N/A	▲	N/A	●

1. Environmental impact depends on factors such as the type of organics diverted (e.g., food waste, yard trimmings, brush, soiled paper), the timing and collection efficiency of the GCCS system in new cells, and the end use of LFG. For some materials, diversion to composting may provide limited greenhouse gas-related benefits but will provide other environmental benefits related to soil health and water conservation from compost use.

### 8.5.2 Key Findings

Each of the following key findings supports the recommendation in the subsequent section.

1. **Airspace utilization (AUF) suggests that staffing and equipment are being deployed effectively.** The AUF for the Landfill is approximately 1,600 pounds per cubic yard, which exceeds the regional average (1,375 pounds per cubic yard) and a typical industry performance benchmark of 1,400 pounds per cubic yard.
2. **The local and regional disposal market could likely support increased rates at the Landfill.** The current gate rate (\$34.88) is the third lowest in the NCTCOG region, and the average tipping fee charged (\$29) at the Landfill is comparable the average prices of landfills in the regional market and support ongoing effort to increase tip fees.
3. **Buildings are located within the permitted limits of waste, limiting availability of valuable airspace.** The CCC, maintenance building, and administration building are located within the permitted limits of waste at Cell 15. These buildings must be demolished and relocated in the future in order to develop Cell 15 for waste disposal.
4. **The CCC is underutilized and self-haul and manual load customers at the working face represent a potential safety risk and lead to longer wait times.** The CCC provides a safer alternative to the working face for self-haul and manual load customers. Currently, these customers are instructed to use the CCC rather than proceeding to the working face; however, the majority of customers do not comply with this request. The recent implementation of separate working faces and traffic control stands on the landfill road have resulted in improvements, but safety and turn-around times could still be improved by requiring self-haul and manual load customers to use the CCC.
5. **None of the Subtitle D cells have received final cover, and many with intermediate cover and GCCS system installed have areas not filled to final limits of waste elevation.** Installation of the final cover system over older Subtitle D cells can provide operational benefits such as reduced leachate generation through reduced infiltration and increased LFG capture efficiency. There are potential operational challenges associated with recapturing permitted airspace for disposal, such as the need to navigate heavy equipment around a highly-packed well-field. However, for future cells on-board technology can be used to bring cells to final limits of waste elevations.
6. **Landfill generates significant quantities of greenhouse gasses but the GCCS diverts the potential emissions to a processing facility for sale.** The robust GCCS at the Landfill minimizes the impact the Landfill would otherwise have on the local emissions inventory.



7. **Closure and post-closure reserves are currently unfunded.** Closure and post-closure care can represent significant cost for materials, installation, and monitoring. Currently closure and post-closure reserves are unfunded, which presents some financial risk to the City.
8. **There are valuable opportunities to expand the City's current use of on-board technology in vehicle equipment to more effectively manage operations in real-time.** The Landfill recently began using GPS technology integration with Carlson in landfill equipment (one compactor and two dozers) to communicate compaction and number of passes to the operators. This technology can also be used to assist in more sophisticated ways such as for phase geometry and elevations (cell, lift and final intermediate) to improve filling of future cells to grade to completely utilize permitted airspace.

### 8.5.3 Recommendations

Each of the following recommendations are components of the planning level Implementation & Funding Plan provided in Appendix F.

1. **Continue to increase gate rates to meet market prices.** The City's current gate rates are lower than some nearby facilities, even when accounting for recent 20 percent increases in gate rate for FY 2021. With appropriate pricing, the City can control the amount of non-contract third-party waste accepted for disposal while maintaining adequate revenues for short- and long-term operational needs.
2. **Conduct periodic market assessment to determine support future pricing increases.** The regional market price for disposal is driven by many factors and facility pricing dynamics are ever changing. As nearby facilities change their respective pricing and discount strategies the market will shift. Given the number of factors, including price, that influence the flow of refuse throughout the region, the City should conduct routine market studies to track disposal capacity market price and set rates accordingly to balance incoming tonnages with revenue needs.
3. **Implement environmental fee (or similar) to fund long-term management of the Landfill equitably.** The City should implement an environment fee to increase revenue from the commercial entities and develop a new revenue stream to support funding for closure and post-closure care. It is possible that commercial haulers would continue disposing at the Landfill if the tip fee with a new surcharge brings the total per-ton cost to a rate comparable with the regional disposal market. Likely, commercial haulers would pass increased costs along to their customers by changing collection rates.
4. **Implement pricing strategies to incentivize diversion from third-party hauling customers.** Include level of discount. The Landfill is an important disposal resource not just for the City but

also for the broader region as other landfills near capacity. The City can leverage its discount structure to incentivize third-party communities to divert by implementing a discount structure that provides an increase discount rate based on documented diversion tonnages. This put-or-pay approach could be used to attract increased volumes of recycling material to the FCC MRF and other documented activities taken to minimize the waste sent to the Landfill. Discount levels should be carefully set based on the recommended landfill market studies.

5. **Incentivize self-haul customers to utilize the CCC then develop an expanded CCC outside the permitted limits of waste.** The City should implement an incentive for self-haul customers to utilize the CCC that decreases wait time by bypassing the scalehouse and assessing a flat fee. The material would need to be weighed before the transfer trailers dispose in the Landfill, but would allow the City to track the increased usage of equipment to determine when an expanded CCC would need to be built outside the permitted limits of waste.
6. **Implement key operational adjustments and capital upgrades to maximize existing capacity at the Landfill.** The City should expand the use of on-board GPS technology to improve efficiency of lift planning, compactions, and construction and integrate scalehouse data collection platforms with the transfer station system.
7. **Develop and release procurement for the development and operation of a composting facility.** The City should release a procurement determine most effective approach to developing organics processing capacity through PPP. As part of this effort, the City should coordinate the procurement with the upgrades of the transfer station system and potentially offer one or more sites where vendors to process material rather than attempting to identify a location to process all the material at the Landfill.
8. **Develop a long-term master plan for the Landfill.** A long-term master plan can be used to prepare the City for operational, Capital Improvement Plan (CIP), and other needs at the site and coordinate activities and needs (e.g., landfill road, utility, traffic control, and construction based on cell phasing). As part of the master plan, the City will be better prepared to:
  - a. **Discontinue building in the permitted limits of waste and move buildings that are in footprint.** The long-term master plan will allow the City to coordinate the timing of capital needs and new building development (design, permitting, construction) with cell phasing and development to minimize disruptions to Landfill operations. While some of the current buildings (e.g., maintenance shop, CCC) have significant wear and could use improvement, there does not appear to be an immediate need to relocate these structures. Although buildings do not need to be moved immediately, no new buildings should be constructed in the permitted limits of waste, and existing buildings should be relocated to other areas of the site over time.

- b. **Undertake design and permitting modification to address operational challenges.** This includes re-grading the crown by increasing the final grade of the crown from 4:1 to 7:1 to prevent stormwater run-off challenges and increase airspace.
- c. **Revise traffic flow patterns.** If the City shifts to using the north entrance for the scalehouse, CCC, maintenance building and/or organics processing, a master plan should be utilized to support the development of roads to the working face and other areas of the facility and new scalehouse or other infrastructure.
- d. **Explore options when currently-permitted airspace is consumed.** A masterplan would consider and compare options such as a potential vertical expansion, new landfill, or additional transfer station(s) for long-haul to an existing landfill.

## 9.0 RECYCLING PROCESSING

Effective recycling processing infrastructure capacity and programs support the City's efforts to increase diversion from disposal. Processing services for recycling material collected by the Sanitation Department are provided at the FCC MRF under a public-private partnership agreement that began in 2015.

This section presents information, and analysis and evaluation regarding the City's recycling processing agreement.

### 9.1 Recycling Processing Agreement Overview

Leading up to the expiration of the processing contract with Waste Management Recycle America in 2016, the City evaluated processing technologies including single-stream recycling, mixed waste processing, gasification and anaerobic digestion. As a result of the analysis, a Request for Competitive Sealed Proposals (RFCSP) was issued to identify viable partnership options to increase recycling. Vendors had the option to develop proposals based on either or both of the following options:

- Vendor constructs and operates MRF at the McCommas Bluff landfill (building ownership transfers to City at the end of the contract)
- Vendor provides processing services at its own location (vendor site option).

The City offered a 15-acre site and initiated a permit modification to include a MRF at the Landfill. As a part of its proposal to the City, FCC agreed to the City's proposed terms and did not request any exceptions to the contract. FCC designed the sitework and constructed the buildings at no cost to the City. At the termination of the contract, building ownership will vest with the City. The City will also have the option to purchase equipment from FCC at termination of the contract. FCC designed and built the MRF from November 2015 through December 2016, and the processing agreement between the two parties started on January 1, 2016 and has been in place since.

Sanitation Department vehicles deliver recycling directly to the FCC MRF, but the majority of material is delivered by transfer trailers. FCC hauls contamination and process residue for disposal at the Landfill. Table 9-1 presents the annual tons delivered to the FCC MRF by collection location from FY 2018 – FY 2020.

**Table 9-1: Annual Tons Delivered to FCC MRF**

<b>Description</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
District 1	6,483	7,260	7,926
District 2	27	199	209
District 3	0	8	3
District 4	26	42	10
District 5	8,632	8,308	8,406
Transfer	38,454	37,040	41,805
Other <sup>1</sup>	538	632	601
<b>Total<sup>2</sup></b>	<b>54,160</b>	<b>53,490</b>	<b>58,960</b>

1. Represents non-City collected tonnages that are received and processed at the FCC MRF (e.g., commercial recycling).
2. Total may not sum exactly due to rounding.

The Landfill permit was modified to accommodate this facility in the disposal footprint, resulting in a “airspace swap<sup>78</sup>.” Figure 9-1 shows an overhead of the FCC MRF processing building, scalehouse, administration building, and parking lot located in the northwest corner of the Landfill.

**Figure 9-1: FCC MRF and Ancillary Infrastructure and Buildings**

<sup>78</sup> Landfill Permit No. 62 was amended to re-allocate airspace to other areas of the Landfill so even though the MRF and associated buildings are located in the disposal footprint, the disposal area of the Landfill did not lose any permitted airspace. The area directly behind the FCC MRF was included in the airspace swap for future use or facility expansion.

FCC designed and built the MRF with the intention of processing up to 120,000 tons<sup>79</sup> annually. Inside the MRF building there are climate-controlled cabins for employees and a viewing gallery to be used for educational tours to provide a “bird’s eye” view of the processing system from a safe and climate-controlled area.

The initial term of the agreement is 15 years, with optional renewals (up to 10 additional years). Recently, the initial term of contract has been extended by an additional three years and will terminate in 2035. There may be conditional extension option or options for a period from one to ten years at the conclusion of the initial term. This provides the flexibility to extend the operating agreement for the time frame that best suits both the City and FCC upon the expiration of the initial term of the agreement.

Rather than dictate specific processing requirements (such as equipment types or methods), the agreement includes performance-based processing requirements. Section 2.1 of the RFCSP requires FCC to process a minimum of ninety-five percent (95.0%) by weight of Program Recyclable Materials into recovered materials and that glass shall be processed to achieve greater than 75 percent usable glass.

To administer the performance-based specifications, the agreement calls for FCC to conduct a MRF audits twice annually. These audits are necessary to determine the composition for the revenue share, levels of contamination and whether the processing equipment is achieving a 95 percent recovery rate. The contract includes audit procedures; additionally, the City and FCC have agreed to conduct the audit based on a more detailed guideline based on the audit procedures. The audit procedures have been refined over the course of multiple audits, and it serves as an effective resource.

During each MRF audit the City collects and stores between 75 and 120 tons of recycling material that is processed through the facility on a dedicated basis to evaluate the composition of the material, contamination and recovery rate of the equipment. The most recent MRF audit in October 2021 indicated that contamination levels are in the low 20 percent range and the recovery rate is at or above the 95 percent minimum.

FCC charges the City a processing fee of \$73.46 per ton of recycling delivered that adjusts annually based on a contractually-based rate adjustment (that only applies to the operational component of the rate). The City receives 50 percent of the revenue from sales of processed recyclables. The revenue sharing agreement is based on the higher of actual sales or index pricing, and FCC agreed to set a floor price so the City would not be required to compensate FCC in the case of negative revenues from low commodity market prices.

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<sup>79</sup> Based on information in the capacity section of FCC’s proposal to the City, included on pages 91-92.

Based on the results of the MRF audits, the City provides for the disposal of residuals and contamination from materials delivered by the City at no cost to FCC. FCC also receives a discounted disposal rate for the first 20,000 tons of non-City residue and contamination.

FCC pays the City \$15.58 per ton host fee for all third-party tonnage; this amount also increases based on the same percentage as the processing fee. Via a contract addendum, the City and FCC agreed to exclude certain third-party tonnage from the host fee, as these tonnages are subject to a lower host fee amount. These tonnages are limited to source separated cardboard that can be baled and sold without extensive processing. The reason for the lower amount for the “bale and sale” tons is that FCC only receives revenue based on a percentage of the value of the material (similar to a brokering fee).

FCC currently pays \$1.06 per household annually to the City to support its public education and outreach program. This amount also increases based on the same percentage as the processing fee. FCC also committed to an additional \$40,000 annually for community outreach plus \$25,000 annually for FCC managerial education support; these amounts are not paid directly to the City and are provided as in-kind services.

## 9.2 Evaluation of 2011 LSWMP Recommendations

This section evaluates the recommendations presented in the 2011 LSWMP, indicating the progress that has been made toward the recommended policy and/or program. Additionally, this section identifies any fundamental changes that have been made since related to programs, policies or forecasts as it relates to brush and bulky item collection.

Table 9-2 lists the recommendations from the 2011 LSWMP related to recycling processing with a brief description of progress to date and next steps as part of the LSWMP Update.

**Table 9-2: Evaluation of 2011 LSWMP Recommendations**

<b>2011 LSWMP Recommendation</b>	<b>Progress To Date</b>	<b>Potential Next Steps</b>
Collection of residential recyclable items.	The City continues to collect and process material.	Increase generation rate of recycling while decreasing the current contamination rate in the 20-25 percent range.
Adding materials to the recycling program (textiles, durable plastics, film plastic, scrap metal)	The City works closely with FCC to identify opportunities to increase recycling while balancing the operational and safety requirements of the MRF.	Leverage the recent increase in market prices to explore opportunities for increased diversion of materials that are currently not accepted as part of the recycling program.

### 9.3 Recycling Processing Agreement Evaluation

This section provides an evaluation of key components of the City’s recycling processing contract. This evaluation is intended to serve as the basis for the following key findings and recommendations. While tactics and strategic options related to recycling processing are included in the Implementation & Funding Plan, this section does not contain a high-level table that reviews each tactic provided in other sections of the LSWMP Update.

Table 9-3 provides an evaluation matrix that compares key components the agreement and based on strengths, weaknesses and opportunities.



Table 9-3: Recycling Processing Agreement Evaluation Matrix

Processing Agreement Component	Strengths	Weaknesses	Opportunities
Facility Location, Infrastructure and Equipment	The FCC MRF is co-located with Landfill and designed so the area adjacent to the current facility could be used when the facility needs to be expanded or if a new processing technology system would be built. The FCC MRF contains climate controlled cabins and gallery viewing area. FCC installed state of the art Van Dyk/Bollegraaf processing equipment that is designed to process approximately 30 – 40 tons per hour.	The current footprint of the processing building results in FCC sometimes storing unprocessed materials outside during surges of material. In 2021, FCC installed push walls in the MRF to keep material in the facility. Additionally, FCC uses the area adjacent to the processing building for parking its collection vehicle fleet. With any MRF processing equipment, its capabilities can be impacted based on the material composition and maintenance efforts.	Determine how FCC can use the area where its collection fleet is currently parked, including the express understanding that use of the area for parking collection vehicles is only allowed by the City as a courtesy and consider entering into a lease with FCC for the use of the site as a parking area. Additionally, increase the overall safety of the operation, especially as tonnage continues to grow, by installing proximity monitors and lights on rolling stock and minimizing the number of bales stored on-site to reduce the need to store bales outside during surges in material. Request that FCC maintain the climate control in the cabins as communicated in its proposal and utilize the viewing gallery more frequently for educational tours.
Contract Length and Administration	There is a dedicated staff member from the Sanitation Department responsible for managing the agreement between the City and FCC. The length of this term allows FCC to depreciate the cost of its capital for the buildings, processing equipment, rolling stock and site work and supports the long-term needs of FCC and the City as part of the public-private partnership. The renewal term is flexible between one and ten years, allowing the City to structure any renewal to its needs at that time.	While managing the contract is a primary responsibility for the dedicated City staff, the employee has other responsibilities within the Sanitation Department and may not be able to dedicate full attention to contract administration.	Begin internal discussions about whether to renew the agreement when there is about four years remaining on the extended initial term (in 2031). Since the City will ultimately assume ownership of the facility when the contract terminates, ensure that FCC provides for the upkeep and maintenance of the equipment and facilities. The Sanitation Department Director and an Assistant Director should continue to have direct responsibility for contract management issues.
Processing Fees	The City has very beneficial financial terms for the MRF, and it is unlikely that the City would be able to replicate the terms of the contract in the future.	Options to reconsider financial terms are limited since the agreement was a result of a competitive procurement process.	Proactively collaborate with FCC (within the boundaries of the contract) to facilitate efforts for FCC to be as successful as possible.
Revenue Sharing/Host Fee	Current agreement allows both parties to realize benefits from favorable market conditions and minimize risk in depressed markets based on the composition and value of the inbound material. The agreement stipulates the revenue sharing and host fee calculations in a transparent way and the revenue sharing component is not the sole source of revenue that supports the City’s recycling program operational costs.	FCC originally misinterpreted the financial calculation for the revenue share portion of the agreement by discounting the revenue to be paid to the City. This issue has since been corrected. The City has conceded some contract terms given challenging financial recycling markets such as agreeing for reductions in host fees from “bale and sale” materials and third-party tons that exceed the annual minimum requirements.	Diligently review revenue sharing calculations, host fees and other sources of revenue in the provisions of the recycling processing agreement.
Material Value Determination	Published sources of secondary commodity material pricing are identified as part of the recycling processing agreement and are explicit that material values are determined based on the higher of actual sales price or published index prices. This incentivizes FCC to seek the highest pricing for materials.	The recycling processing agreement details MRF material sales are to be updated on a quarterly basis requiring audits to be conducted on a quarterly basis. While this provides accurate revenue sharing percentages, each audit requires significant resources to conduct.	Starting in 2017, the recycling industry has experienced extremely low commodity markets and FCC requested financial relief from the City. Although FCC agreed to the financial terms in the contract with the understanding that recycling commodities are subject to pricing fluctuation, the City should continue to work with them in good faith to overcome unanticipated market challenges.
Acceptable Materials Mix	The materials the MRF is obligated to accept, process and market are clear and contain the flexibility to change based on established procedures in the recycling processing agreement (e.g., allowing adjustments to acceptable materials based on mutual agreement). The accepted materials take into account diversion goals, collection procedures, markets and the current and future capability of the MRF to process and market each type of materials.	The general trend has been for recycling processing agreements to include an expansive range of materials in hopes of reaching higher diversion targets and has created challenges for MRFs to effectively operate their facilities and sell materials that meet increasingly rising quality standards. Including more materials that are unable to be effectively separated by equipment and staff at the MRF causes challenges meeting contractual obligations related to processing efficiency.	There have been times when FCC has communicated challenges processing or marketing certain program recyclable materials (such as rigid plastics and household metals). Additionally, even though FCC communicated a desire to recover plastic bags in the RFCSP, they have experienced challenges separating and marketing this material. Continue to hold FCC accountable for the recovery of rigid plastics and household metals as program recyclable materials, as well as plastic bags and film as a material that FCC said would be recovered.

Processing Agreement Component	Strengths	Weaknesses	Opportunities
Material Audit	MRF audit procedures allows for a full system audit of outgoing MRF residue compared with the quantities of sold commodities to measure the MRF’s operating performance. The agreement explicitly establishes the frequency, protocols, and intended uses of material audits to evaluate contamination rate, revenue sharing percentages, and processing equipment efficiency.	The City has encountered challenges ensuring that staff from both SAN and OEQS are made to be available to support audit efforts. There have been challenges conducting the audit event within a single working day (e.g., some tasks need to be conducted the following day). Also, there have been times when FCC or the City have requested for an audit to be rescheduled due to weather, equipment processing issues or other priorities. With the impacts of COVID-19, FCC has agreed that up to four personnel representing the City may be present to conduct audits. This is not sufficient staff to oversee the audits and in 2020 the minimum two audits had not been conducted.	Continue to conduct audits on a semi-annual basis to maintain a clear understanding of both the composition of the incoming recyclable material stream and outgoing residue to evaluate the effectiveness of ongoing and future program efforts to decrease contamination and increase the capture of acceptable materials from residential customers. Going forward, the City should continue to monitor the performance of the processing equipment, as under-recovery of key materials can financially impact the City and FCC. Comparing historical audit results and having experienced MRF consultants are strategies to evaluate MRF performance.
Material Quality, Rejected Loads and Residue Disposal.	The City only pays for the contamination/residue generated from the material it delivers based on the results of the MRF audits and there have only been a small number of loads delivered by the City and rejected by FCC. While this is not a frequent occurrence, it indicates that minimizing the contamination collected from residents is an important part of the City’s education and outreach program going forward.	Specific conditions related to levels and types of contamination expressed as a percentage of the inbound material should be established based on a combination of historical contamination amounts and reflect the efforts or practices in place to decrease contamination. There is no contractual threshold that results in a load being rejected.	The City should continue to work diligently to reduce contamination from its residential customers to minimize the cost of its disposal. An innovative approach to maintaining material quality and minimizing contamination is to adjust the processing fee relative to the level of contamination (e.g., if base processing fee is \$80.00 per ton based on a 20 percent contamination threshold, the processing fee would rise to \$85.00 per ton if the contamination increases to 25 percent or fall to \$75.00 per ton with a 15 percent contamination level).
Facility Performance	The agreement requires that FCC meet a 95 percent processing efficiency requirement. Additionally, the agreement requires that FCC always maintain adequate open tipping floor space, prioritize City vehicles by using a dedicated late, and that City vehicles would be provided adequate space to unload in a safe and timely manner.	With increased quantity of inbound material, City collection vehicles and transfer trailers sometimes experiencing wait times that exceed the daily average vehicle turnaround time of 25 minutes or less for City transfer trailers and 15 minutes or less for all other City vehicles, as required by the recycling processing agreement. The traffic plan submitted by FCC indicates there will be a dedicated lane for the City’s vehicles but struggles to provide this during surges in material.	Continue to monitor performance requirements during future audits and hold FCC accountable to meet the established turnaround times established, potentially enforcing administrative charges if FCC does not meet these requirements.
Education and Outreach	The recycling processing agreement defines the resources that FCC is obligated to provide to the City for conducting effective outreach with direct payment and in-kind services. The financial support provided by FCC is consistent with other peer cities in the region, ranging from \$1.00 to \$2.00 per household.	While it is positive that FCC provides financial and in-kind support for education and outreach, the cost to minimize contamination will increase as the City continues to grow and may outpace the increases in annual adjustments to the per household payment provided to the City.	Continue to work with FCC to support and develop education and outreach content to increase the efficiency of the recycling processing operation, leveraging the financial commitment and in-kind services provided as part of the recycling processing agreement.
Contingencies	There are clear guidelines established on the procedures in the event of service disruptions from unforeseeable events (e.g., accidents, inclement weather, natural disasters, equipment failure, business failure, etc.) should be included in recycling processing agreements. These contingency provisions protect both parties from the unexpected events by providing direction, guidance, and assignment of responsibilities in emergencies and other negative situations.	There are times when the MRF tipping floor is full or the system is down due to maintenance issues. FCC has not communicated where material would be processed in the case of unforeseen events or material surges.	To ensure the continuity of service to the City, work with FCC to identify alternative processing facilities to recover and divert recycling. FCC has verbally stated that it has reciprocal agreements in place with multiple other MRFs, but has not provided this information in writing to the City.
Reporting and Communication	The agreement provides regular and productive sharing of information between the City and FCC that supports the long-term viability of the public-private partnership. Communications include a combination of written reports, with the specific type and frequency of reporting outlined in the contract including inbound tonnage, operational reports including staffing, financial reports, audit results, and unacceptable loads rejected.	FCC reports the tonnages for the City and non-City quantities. City has not independently audited the quantities communicated by FCC.	The City may consider conducting an independent audit of the quantities in the future (as allowed in Section 14B of the contract) and taking a more proactive role proactive to ensure that FCC is operating in compliance with TCEQ regulations and other requirements.

1. As of 2019 the City of Austin is charged a processing fee of \$71.78 per ton and the City of Fort Worth is charged \$84.00 per ton as part of their recycling processing agreements.

## 9.4 Key Findings and Recommendations

This section presents the key findings and recommendations related to the recycling processing agreement collection based on the overview and options evaluation.

### 9.4.1 Key Findings

Each of the following key findings support the corresponding recommendations in the subsequent section.

1. **The public-private partnership utilized to develop the FCC MRF is an example for future facility development.** Conducting an RFCSP to solicit and evaluate proposals to both design, build and operate the MRF has allowed the City to successfully enter into an agreement with favorable terms.
2. **The recycling processing agreement has terms that support the City's recycling goals.** The FCC MRF provides the capacity to process current and future anticipated volumes of City-collected materials and other commercial recyclables for diversion. Additionally, the building will transfer ownership to the City at the conclusion of the agreement.
3. **The initial term of the recycling processing agreement terminates in 2035.** The City extended the initial term by three years and has a flexible extension option to extend the agreement between one and ten years based on the City's processing needs at that time.
4. **The City has conducted regular MRF audits throughout the life of the agreement.** Although there have been times when the MRF audits have been postponed, the City and FCC have collaborated to conduct regularly recurring MRF audits processing only City material to establish key figures to monitor processing efficiency and update composition data related to the agreement's revenue sharing provision.
5. **When material commodity prices have fallen, FCC has requested concessions from the City.** Prices on the secondary materials commodity markets have been extremely volatile in the past few years, falling to historic lows and recently rebounding to historic highs. When the prices fell starting in 2017, FCC requested financial relief from the City.
6. **FCC has not identified an alternative processing facility.** FCC has verbally stated that it has reciprocal agreements in place with multiple other MRFs, but has not provided this information in writing to the City. An alternative facility would ensure that in the case the MRF experiences unanticipated downtime they would be able to process the City's recycling without service interruption.

### 9.4.2 Recommendations

Each of the following recommendations are components of the planning level Implementation & Funding Plan provided in Appendix F.

1. **Establish a public-private partnership for future infrastructure development needs.** The successful procurement, construction and operation of the FCC MRF presents a model that can be utilized for the development of an organics processing facility.
2. **Maintain current terms and conditions of the agreement and hold the contractor accountable to maintain them.** The current terms of the agreement are favorable, and the City should continue to hold the contractor to account to meet these terms. There have been challenges for the contractor to meet certain provisions during surges of material such as consistently meeting minimum turnaround times for City vehicles and storing material outside. While these occurrences have been remedied, the City should diligently administer the terms of the agreement and hold the contractor to them, including requesting confirmation of agreements with alternative facilities in the case of unplanned downtime.
3. **Re-evaluate recycling processing agreement four years before conclusion of initial term.** In advance of potentially renewing the agreement in 2035, the City should re-evaluate the agreement to determine if the financial terms are still favorable (e.g., processing fee and revenue sharing provision), if the contractor has maintained compliance (e.g., regularly scheduling MRF audits, meeting reporting requirements, storing materials inside the processing building) and the state of the processing equipment. Based on this evaluation, the City would determine to execute an extension of the agreement or solicit proposals for other options.
4. **Work with FCC to expand facility as needed in the future.** Although there is sufficient capacity at the MRF to meet the annual tonnage delivered by the City, the plot of land directly adjacent to the facility is earmarked to expand the facility as needed. Given the growing volumes of recycling of residential material, the implementation of the MFRO, and the need for increased diversion from commercial sector generators, there may be a need to expand the FCC MRF in the future. This expansion could be designed to increase the processing capacity of single-stream material or could become the site of a processing facility that compliments the FCC MRF but is designed to accept other material types (e.g., organics). The City should work with FCC to identify the timing and needs of any future facility expansion.

## 10.0 ORGANICS MANAGEMENT

Organic materials comprise a significant amount of the total waste stream generated from the City's single-family, multi-family and commercial sectors. Given that organics represents such a large portion of the collective, it is a key focus of the LSWMP Update. Increase the recycling of organic materials is a throughline of the LSWMP Update, as it requires a coordinated effort among multiple facility types and City departments. This section presents information and analysis regarding options to recycle organics to achieve long-term recycling Zero Waste goals.

### 10.1 Current System Review

This section describes the current management system of various organic material types including reduction, donation and recovery efforts. Recycling organics material can reduce the amount of waste that is sent to the landfill, generate renewable energy through anaerobic digestion, create a valuable compost product, and/or return nutrients to the soil.

#### 10.1.1 Organics Material Types

Organic materials include yard waste, food waste, biosolids, wood waste, and other materials as defined below. Table 10-1 lists organic material types, their definition and how they are currently managed.

**Table 10-1: Organic Material Types, Definition and Management**

<b>Material Type</b>	<b>Definition and Management</b>
Brush and Yard Trimmings	Dry leaves, grass clippings, brush, tree branches, stumps, and other plant trimmings generated by residential customers or commercial landscaping contractors are collected from residences comingled with bulky items and disposed. This material is also delivered directly to the Landfill for grinding and on-site use.
Food Waste	Putrescible fruits, vegetables, meats, dairy, coffee grounds, and food-soiled paper products generated by residential, multi-family and commercial sector generators. Pre-consumer food waste is considered kitchen waste from food preparation and post-consumer food waste is plate waste discarded after food has been served. Some food waste is collected by private sectors haulers that provide this service and composted at private sector processing facilities, but most food waste is discarded with refuse.
Wood Waste	Non-C&D wood materials such as pallets or other uncontaminated dimensional lumber is processed at the Landfill and used for on-site use.
Fats, Oils, Grease (FOG)	Liquid material generated by cooking or processing organic material generated by residential, multi-family and commercial sector generators. FOGs are typically collected by servicing grease traps at commercial establishments and are delivered to facilities that can de-water or digest the material in anaerobic digestion facilities.

Agricultural Waste	Surplus organic material generated as part of agricultural operations is typically land-applied and re-introduced to the agricultural operations.
C&D	Construction and demolition debris that contains organic material such as uncontaminated wood waste or gypsum board is hauled to processing facility that can segregate and recycle key materials or is disposed.
Biosolids	Solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in treatment works. Sewage sludge that has been treated or processed to meet Class A, Class AB, or Class B pathogen standards for beneficial use can be land-applied or further processed for biogas generation.
Other	“Other” organics represent waste streams that are not currently readily able to be recovered for recycling such as textiles, leather, shoes, diapers, natural fibers, and rubber products. These materials are donated or disposed.

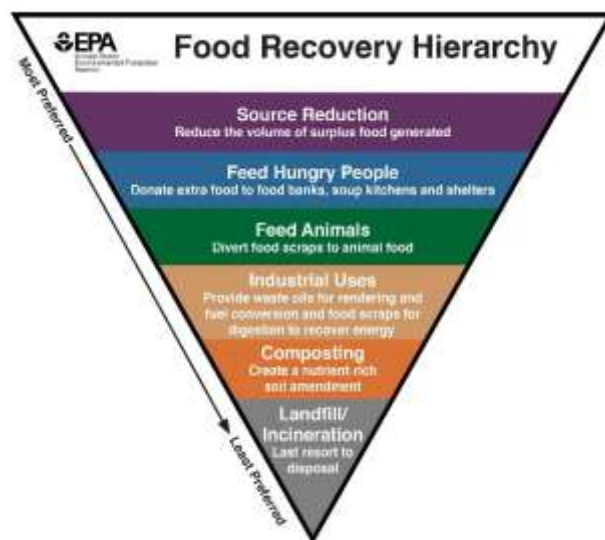
### 10.1.2 Food Waste Reduction, Donation and Recycling

Growing volumes of food waste is an issue throughout the entire country, in every sector including residential, multifamily, commercial, and industrial. In the U.S. an estimated 30 percent of food goes from farm to table to landfill<sup>80</sup>. This presents not only an issue downstream to manage this food waste, but also economic and environmental impacts along every step of the production, distribution, and consumption chain.

The U. S. EPA Food Recovery Hierarchy (Figure 10-1) prioritizes actions organizations can take to prevent and divert wasted food. Each tier of the Food Recovery Hierarchy focuses on different management strategies for wasted food. The top levels of the hierarchy are the most preferred methods to prevent and divert wasted food because they create the greatest benefit for the environment, society, and the economy. This hierarchy is used as a tool in implementing an approach to food waste management.

Source reduction (e.g., smart purchasing), feeding hungry people (e.g., food donation) and feeding animals, are the highest priorities on the hierarchy. However, diverted food waste is most commonly processed at composting facilities. High-quality compost is a valuable product that enriches soil, helps retain soil moisture, minimizes erosion, promotes healthier plant

**Figure 10-1: Food Recovery Hierarchy**



<sup>80</sup> US Department of Agriculture, *The Estimated Amount, Value, and Calories of Postharvest Food Losses at the Retail and Consumer Levels in the United States*. 2010 Economic Research Service.

growth and creates higher resistance to diseases and pests. Using compost can reduce the need for chemical fertilizers.

There are private companies providing food waste collection and composting services in the North Central Texas region, but it is unknown if they are providing services to any commercial entities in the City and how many customers they service.

The City is developing a program to support commercial organics recycling with the funding from a grant provided by the United States Department of Agriculture (USDA) that will target special events and food service establishments. The City is in the process of procuring an organics collection and processing service provided to collect material from businesses and events on a pilot basis. This material will be processed by the collection contractor and the finished product is intended to be used at the Dallas County gardens. This program in partnership with Dallas County increases to support its healthy food initiative.

A key consideration related to diverting organic materials that are currently disposed is collecting data to provide an understanding of the existing recycling levels. Leveraging and expanding on the City's existing programs to collect data from food service entities is further discussed in Section 11.0.

### 10.1.3 Processing Infrastructure

Organics processing infrastructure is a critical component of recycling organic materials. Further information about composting facilities in the region and the SS WWTP located in the region are provided in Section 4.0. The varying generators, types and processing needs makes it challenging to recycle on a comprehensive basis. Each material type may require various screening or pre-processing before it becomes compatible with the infrastructure that can convert it to a product that does not require landfill disposal. For example, brush material collected by City crews would need to be mechanically screened before or after any composting or mulching operation to ensure that the product could be utilized by other City departments or sold. Additionally, if City collection crews separately collect brush the transfer station system does not have the capacity to separately store or transfer brush material as a fourth material stream (refuse, recycling, bulky items and clean brush). With limited available processing infrastructure within 20 miles of the City, the need to consolidate material for transfer becomes even more critical.

Currently, clean brush and yard trimmings delivered by customers at the Landfill are ground for volume reduction and are used as part of disposal operations on an as-needed basis. If the existing organic material delivered to the Landfill were to increase by the estimated tonnage of brush material that could be separately collected by City crews (approximately 69,000 tons per year), the storage and processing requirements would exceed the designated space at the Landfill. As part of the 2011 LSWMP analysis, composting brush

material separately collected by City crews was estimated to require about 50 acres for windrows, not including storage space for unprocessed material, finished material or equipment storage.

## 10.2 Generation and Recycling Potential

Organic materials represent a significant fraction of the material that is currently generated and disposed in the City and is the “low hanging fruit” of material that the City is targeting to meet its recycling goals. Table 10-2 presents the FY 2021 and FY 2040 projected City and non-City collected tonnages delivered to Landfill by material type.

**Table 10-2: Projected FY 2021 and FY 2040 City and Non-City Collected Tonnages**

<b>Material Type</b>	<b>FY 2021 Tons</b>	<b>FY 2040 Tons</b>
<b>City Collected</b>		
Refuse	289,257	343,772
Brush and Bulky Items	153,041	181,884
<b>Subtotal</b>	<b>442,298</b>	<b>525,656</b>
<b>Non-City Collected</b>		
Refuse	953,478	1,133,174
C&D	177,025	210,388
Other	4,256	5,059
<b>Subtotal</b>	<b>1,134,760</b>	<b>1,348,620</b>
<b>Total<sup>1</sup></b>	<b>1,577,058</b>	<b>1,874,276</b>

1. Totals may not sum exactly due to rounding

Table 10-3 calculates the fraction of the City and non-City collected tons of organic materials currently disposed at the Landfill that could be diverted through organics processing.



**Table 10-3: Estimated FY 2021 and FY 2040 Divertible Organics Tonnage**

Divertible Organics Material Type <sup>1</sup>	Percentage of Materials Disposed <sup>2</sup>	Estimated Divertible Tons	
		FY 2021	FY 2040
<b>City Collected</b>			
<b>Refuse</b>			
Non-recyclable paper	11.5%	33,163	39,413
Yard Waste	5.6%	16,081	19,112
Wood (non-C&D)	0.2%	589	699
Food Waste	26.2%	75,881	90,182
Other Organics	16.1%	46,634	55,423
<b>Subtotal</b>	<b>59.6%</b>	<b>172,348</b>	<b>204,829</b>
<b>Brush and Bulky Items</b>			
Brush and Yard Trimmings	45.0%	68,869	81,848
<b>Subtotal</b>	<b>45.0%</b>	<b>68,869</b>	<b>81,848</b>
<b>Non-City Collected</b>			
<b>Refuse</b>			
Non-Recyclable Paper	11.1%	105,836	125,782
Yard Trimmings, Brush, and Green Waste	3.2%	30,511	36,262
Food and Beverage Materials	18.5%	176,394	209,637
<b>Subtotal</b>	<b>32.8%</b>	<b>312,741</b>	<b>371,681</b>
<b>C&amp;D</b>			
Drywall/ Gypsum	3.9%	6,904	8,205
Yard Trimmings, Brush and Green Waste	3.3%	5,842	6,943
Wood Packaging	2.7%	4,780	5,680
Scrap Lumber	7.4%	13,100	15,569
<b>Subtotal</b>	<b>17.3%</b>	<b>30,625</b>	<b>36,397</b>
<b>Other</b>	<b>100.0%</b>	<b>4,256</b>	<b>5,059</b>
<b>Total</b>		<b>588,839</b>	<b>699,814</b>

1. Divertible organics material types include materials that would be able to be diverted if it were separated, hauled, and processed as feedstock for composting or anaerobic digestion, and does not include recyclable materials (e.g., clean paper) that is collected as part of the existing recycling program.
2. The brush and yard trimmings percentage is based on the estimated volume of brush and yard trimmings compared to bulky items during the separated collection pilot. Observations at the transfer stations indicate brush percentage may be higher at times, but 45 percent is used as a conservative estimate for planning purposes. Non-City collected refuse and C&D compositions represent aggregated percentages from multiple waste compositions, as described in Sections 3.5.1 and 3.5.2.

The tonnage of City and non-City collected organic material that could potentially be diverted is estimated at about 588,000 tons and is projected to rise to about 670,000 tons by 2040. The projections do not take into account significant behavior change that would reduce the tons per capita generated. The tonnage of non-City collected material disposed at the Landfill represents a significant opportunity to increase recycling, if there is sufficient infrastructure to effectively capture and divert this material. Table 10-4

shows the FY 2021 tonnage of organic materials that could be diverted if they were captured for organics processing at 20, 40, 60 and 80 percent.

**Table 10-4: FY 2021 Potential Divertible Organic Materials by Capture Rate Efficiency**


Material Type	Capture Rate Efficiency			
	20%	40%	60%	80%
City Collected	48,243	96,487	144,730	192,973
Non-City Collected	69,525	139,049	208,574	278,098
<b>Total</b>	<b>117,768</b>	<b>235,536</b>	<b>353,304</b>	<b>471,071</b>

These divertible tonnages, ranging from about 118,000 to 471,000 annually depending on the capture rate, represent the recycling potential of the organic fractions of City and non-City collected tons that are delivered to the Landfill. This demonstrates the order of magnitude of recycling potential from organic materials currently delivered for disposal at the Landfill.

While the existing processing facilities owned and operated by the private sector in the region are operating at or near capacity, given the anticipated population growth and emphasis on recycling of organic materials there is an interest to develop a new facility that could potentially accept the City's separately collected brush or future source separated food waste which could be located at the Landfill or a separate site.

There are various technologies for processing organic materials that each have different minimum requirements related to inbound feedstock composition, facility footprint, and output. Table 10-5 provides describes select organics processing technologies for both wet and dry organic waste.

**Table 10-5: Organics Processing Technologies**

Organics Processing Technologies	Description	Example
Aerated Windrow Composting	Outdoor windrow composting able to accept green waste, biosolids, fats, oils, greases and animal by-products. Food waste can be incorporated, but requires specific infrastructure requirements (runoff control, odor control) to minimize challenges related to moisture content, odor and vector control. Windrows are turned mechanically, and material must be screened of contaminants (either before or after composting) to ensure that it meets market specifications.	

Aerated Static Pile Composting	Composting operation similar to windrows that utilizes perforated piping to provide air circulation for controlled aeration of the material. Composting piles do not require mechanical turning, but material must be screened of contaminants (e.g., cannot accept fats, oils greases, or animal by-products) either before or after composting to ensure that it meets market and TCEQ specifications.	
In-Vessel Composting	Composting operation in a fully enclosed concrete systems that can be incorporated into a building or used as individual enclosed vessels that may be moved. This composting method offers complete process control over temperature, aeration, odors, and leachate. In-vessel composting produces a finished product faster than other methods but has a higher capital cost but lower operating cost because of the automated system.	
Dry Anaerobic Digestion	Anaerobic digestion designed to manage organic materials managed in solid waste collection systems, as opposed to wastewater collection systems. These “garage-style” digesters accept green waste, biosolids and food waste and degrade material to create biogas that can be used to generate electricity, fuel for boilers or furnaces, pipeline quality gas or compressed natural gas that can be sold as a vehicle fuel. Digestate material must be screened of contaminants before it is cured or used as soil amendment.	
Wet Anaerobic Digestion	Anaerobic digestion designed to manage organic materials in wastewater systems. These systems are typically installed in existing wastewater treatment plants and can accept material that has been macerated and is pumped into the system. Biogas is generated from these systems and can be used in the same way as dry anaerobic digestion systems. Digestate material must be screened of contaminants before it is cured or used as soil amendment. AD and in-vessel systems can be co-located to process by-products.	

The NCTCOG is in the process of developing a study that will identify future pilot projects throughout the region to divert residential and commercial food waste and wastewater biosolids and to generate Renewable Natural Gas (RNG) as a source of vehicle fuel. This study will utilize research from University of Texas at Arlington’s (UTA) Center for Transportation Equity, Decisions and Dollars (CTEDD) and its POWER model.

The City worked with UTA in the past to use the POWER model to evaluate scenarios for adding anaerobic digestion to its system including (1) installing AD capacity at the Dallas Central WWTP and using the exiting AD capacity at the SS WWTP; and, (2) expanding the capacity of the SS WWTP existing AD

capacity. The results indicated that the existing digesters at the SS WWTP would not be large enough to process the volume of food and yard waste that could be separately collected and that the material would need to be preprocessed through a grinder. [Insert description/results of Dallas iteration of the POWER Model, if available]

### 10.3 Evaluation of 2011 LSWMP Recommendations

This section evaluates the recommendations presented in the 2011 LSWMP, indicating the progress that has been made toward the recommended policies and/or programs. Additionally, this section identifies any fundamental changes that have been related to programs, policies or forecasts as it relates to the organics management.

Table 7-13 lists the recommendations from the 2011 LSWMP related to organics management with a brief description of progress to date and potential next steps as part of the LSWMP Update.

**Table 10-6: Evaluation of 2011 LSWMP Recommendations**

<b>2011 LSWMP Recommendation</b>	<b>Progress To Date</b>	<b>Potential Next Steps</b>
Provide separate collection for organics.	There has been limited progress toward implementing source separated collection for organics beyond separate brush collection as part of the City's collection operation.	Continue efforts to divert brush and yard trimmings, then consider separate collection and processing of food waste from residential customers.
Implement C&D diversion ordinance.	There has been no progress toward implementing a C&D diversion ordinance.	Policy considerations related to future ordinance development for C&D materials are a long-term consideration, but is less of a priority than other policy initiatives evaluated as part of the LSWMP Update.
Develop resource recovery park.	The City evaluated the development of a resource recovery park and moved forward to develop the FCC MRF in a public-private partnership.	The development of a resource recover park is a longer-term consideration that will be considered after maximizing the options available utilizing existing infrastructure.
Develop mixed materials processing facility.	The City evaluated the feasibility of a mixed waste processing facility and decided not to implement based on cost.	The development of a resource recover park is a longer-term consideration that will be considered after maximizing the options available utilizing existing infrastructure.

A composting analysis of source separated organics had been completed as part of the 2011 LSWMP including an evaluation of the available feedstocks, site capacity, and throughput analysis. This analysis assumed that a City-owned and operated composting facility would receive separated brush and yard

trimmings from residents, brush and yard trimmings from private haulers and biosolids generated by DWU totaling about 82,500 tons per year (or 372,000 CY per year).

The site of this facility was planned to be on cells 8 through 14 within the disposal footprint of the Landfill, totaling about 100 acres. A total of 58 acres would be used to locate 240 windrow piles that and the rest of the land would be developed into the requisite infrastructure (e.g., scale, entrance/egress roads, etc.). The 2011 LSWMP notes that not all of the 100 acres would be viable for a composting facility because it is prone to flooding.

Based on the throughput analysis, this sized facility would be able to process the inbound material in three to six months. Although the brush, wood, yard trimmings and biosolid inputs would have a high carbon to nitrogen ratio, the facility would be viable and would produce about 185,000 CY of compost product per year. If higher nitrogen feedstocks were added (e.g., food waste), the facility could produce up to 250,000 CY of product per year.

While the technical components of this analysis still hold true, utilizing cells 8 through 14 of the disposal area of the Landfill would not be feasible because those cells are required to manage the expected future inbound disposal tonnages. Additionally, the analysis assumed that a separate brush and bulky item collection program would be in place and while the City is working to establish this program, it is not currently in place. Further discussion related to separate brush and bulky item collection is provided in Section 7.0.

Another assumption of the analysis was that material would be able to be transferred and direct hauled to a future composting site; however, the transfer station system is not able to store or process organic material outside and has limited space in the transfer buildings to receive separated brush or other organics. In the past, semi-clean loads of separated brush had been stored outside but this could not continue on a consistent basis unless the material were stored under cover, on top of a pad, and the sites were configured to manage runoff from the material. Further discussion about the capability of the transfer station system to manage organic materials is provided in Section 5.0.

## 10.4 Case Studies

This section provides overviews of practices that have been incorporated by municipalities in the region and nationally related to organics management for the City's consideration and to inform the options evaluation that follows. The case studies are presented by topic and organized as follows:

- Source reduction initiatives
- Organics collection and processing
- Organics disposal bans

### 10.4.1 Source Reduction Initiatives

Source reduction initiatives the most effective approach to diverting material from disposal and minimizing the resources required to manage material. The Natural Resources Defense Council (NRDC) developed a campaign to raise awareness about the economic and environmental impacts of wasted food and encourage Americans to take easy and actionable steps to reduce food waste in their homes. The Save the Food campaign provides all materials for free on their website to partnering organizations and has distributed a series of public service announcements and other tips and tools to help consumers take action. More information related to the Save the Food campaign can be found at [www.savethefood.com](http://www.savethefood.com), where visitors can learn how to better plan, store, and cook their food.

There are several resources additional available in the region including the following:

- The U. S. EPA has several great resources available to share with businesses including a food waste audit tool, safety regulations and guidance for food donations, and a legal guide for feeding animals leftover food<sup>81</sup>.
- FoodSource DFW is a nonprofit organization that strives to reduce waste and distribute food and resources to people and families in need<sup>82</sup>.
- Melissa Feeders is a family-owned company specializing in all areas of the beef and dairy beef industries that uses food waste for animal feed<sup>83</sup>.

Another key initiative related to source reduction is backyard composting so that organic materials are not disposed in the waste stream. Since 2010, Johnson County, Kansas has supported a backyard composting program for residents. For the first three years, the program included selling heavily discounted compost bins. The program also includes hosting educational classes and attending community events. The Johnson County partners with their local extension office through Kansas State University to develop backyard composting guidance and provide education and outreach to the community. The backyard composting program won an award from the local regional planning agency for the significant number of individual participants it has reached with its message through classes, events, and compost bin sales. Additionally, the effort to promote backyard composting supports the yard waste disposal ban in place in Johnson County.

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<sup>81</sup> <https://www.epa.gov/sustainable-management-food/tools-preventing-and-diverting-wasted-food>

<sup>82</sup> <https://www.foodsourcedfw.org/>

<sup>83</sup> <http://www.melissafeeders.com/environmentalstewardship/valueaddedfeeds.html>

#### 10.4.2 Organics Collection and Processing

The ongoing NCTCOG Know What to Throw campaign to increase recycling and decrease contamination in the region has been active for about two years. The NCTCOG is considering how to build on this effort to support municipalities to increase the amount of organics that are diverted from landfill in the region.

Several peer cities separately collect and compost yard waste material including Fort Worth, Plano, McKinney and Frisco. This material is processed among the available processing facilities in the region including at the 121 Landfill where it is sold as Texas Pure Products compost and at Fort Worth's Southeast Landfill where Living Earth processes the material where it is sold or provided back to the City on a discounted basis. A key challenge with these processing facilities is that they are operating near capacity and are not designed to take wet organics (e.g., food waste). Additionally, the area of the Southeast Landfill where Living Earth processes yard trimmings is in the disposal footprint of the facility and will eventually need to be moved when that area becomes an active disposal cell.

Other cities in Texas collect and process food waste from residential customers including the cities of Austin and San Antonio. Austin implemented curbside composting collection of food scraps, yard trimmings, food-soiled paper, and natural fibers from single-family residential customers in phases over four years. The final expansion of the program was recently completed, and all customers have been provided 48-gallon organics collection roll carts for collection on a weekly basis and is a key part of Austin's pay-as-you-throw system, where customers can separate organics for collection and downsize the size of their refuse roll cart. Organics collected are delivered to the Hornsby Bend facility for processing into compost product.

San Antonio has a comprehensive curbside collection organics program. Residents are provided a green cart (96- or 48-gallon) for items that can be composted into nutrient-rich material that is made available back to the community. San Antonio accepts all food waste (pre- and post-consumer), non-recyclable paper, and yard waste in their collection cart for composting. Materials may be either loose or placed in paper bags in the cart. When unaccepted items (contamination) are in the green cart, the material is landfilled and customers incur a fee. Fees are collected through the resident's utility bill and most violation fees are \$25-50. In 2020, participation in this program helped divert 70,000 tons of material from the landfill where it is composted by Atlas Organics, San Antonio's contracted processing facility operator.

There are also efforts to divert organic materials from commercial sector generators by processing material at wastewater treatment plants with anaerobic digestion technology and available capacity. The business unit of Insinkerator called Grind2Energy develops programs to service commercial customers that generate high quantities of food waste. The Grind2Energy program installs commercial-grade macerator equipment and holding tanks on site where food waste is mechanically processed and stored. Then, vacuum trucks are deployed to service the holding tanks and are delivered to local wastewater treatment facilities with

anaerobic digestion processing capacity. Insinkerator has developed and deployed these programs for many institutional and commercial customers in the northeastern and midwest regions of the U.S. such as Notre Dame College, Emory College, University of Illinois, Ohio State University, Whole Foods grocery, J.D. Smuckers, AT&T and the Omni Hotel Group.

#### 10.4.3 Organics Disposal Bans

Increasing recycling of organic material types by banning disposal is a policy/regulatory approach that has been proven to increase recycling. Arlington, TX implemented a yard waste disposal ban in 1993 as a program that is not included in its municipal code. The City's program, also known as "Don't Bag It," encourages households to leave grass clippings on the lawn and prohibits grass disposal with refuse. Grass clippings mixed with household waste are not collected. The City educates residents on the natural benefits that grass clippings can have on their lawn and how to set up backyard composting systems.

In 2014, the state of Massachusetts passed a state-wide ban to reduce the disposal of commercial organic waste. The law requires any business or institution which disposes of one ton or more of food waste per week to divert it through donations, feeding animals, composting, or anaerobic digestion. A total of 1,700 businesses and institutions were impacted by the ban. Two years after the implementation of the law, the total reported recycling of food waste was 260,000 tons. In 2017 the Massachusetts Department of Environmental Protection released an economic impact analysis on the commercial food waste ban which found that in two years the commercial food waste ban created more than 900 new jobs, and \$175 million in economic activity resulting from more composting facilities, food rescue organizations, and waste haulers to keep up with demand<sup>84</sup>. Based on the success of the law, the state is lowering the threshold of the ban so that it applies to businesses and institutions generating one-half ton or more food waste per week, effective November 1, 2022.

Despite the success of the disposal ban, there have also been some unintended consequences through increased nutrient pollution from composting facilities. Some facilities are discharging nutrient rich leachate into local waterways, causing water quality impairments in local communities. Leachate samples collected from one composting facility showed very high total nitrogen concentrations<sup>85</sup>. This highlights the need for clear standards and oversight on composting facilities to protect water quality and conservation efforts.

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<sup>84</sup> "Massachusetts Commercial Food Waste Ban Economic Analysis." ICF. 11/14/2016.

<https://www.mass.gov/files/documents/2016/11/vz/icfrep.pdf>

<sup>85</sup> More information on the State of Massachusetts' organics disposal ban is provided at the following hyperlink:

<https://www.epa.gov/snep/composting-food-waste-keeping-good-thing-going>



Recently, several laws and ordinances have gone into effect to divert food waste and other organics from landfill. The most notable is California's SB 1383 law, which requires that 75 percent of all organic waste streams be diverted from the landfill by 2025. Also, in effect as of January 1 are New York State's Food Donation and Food Scraps Recycling Act and Hennepin County, Minnesota's food waste recycling ordinance<sup>86</sup>.

The New York State law requires businesses and institutions that generate an annual average of two tons of wasted food per week or more to donate excess edible food, and recycle all remaining food scraps if they are within 25 miles of an organics recycler (composting facility, anaerobic digester, etc.). In Hennepin County, all cities are required to make curbside organics recycling service available to all households, through Ordinance 13. Cities with 10,000 residents or less will be given the additional option to meet the ordinance requirement through a drop-off location(s).

## 10.5 Options Evaluation

This section analyzes a series of options related to organics management that have been identified based on analysis of recycling potential from these sectors, stakeholder engagement, evaluation of recommendations from the 2011 LSWMP, and case studies.

The following summarizes the key takeaways from the community survey and other outreach activities conducted as part of the LSWMP Update. Further information about the methodology of the stakeholder engagement is described in Section 1.0 and the comprehensive detailed results are provided in Appendix A.

- 35 percent of respondents indicated that they currently separate organics from their garbage to divert the material from disposal through methods such as backyard composting, subscription services for food scraps collection or drop off at local farmers markets.
- If the City were to develop a separate organics collection program, 53 percent of respondents indicated they would support separate yard trimmings collection in a City-provided cart and 45 percent indicated they would support comingled food and yard waste collection in a City-provided cart.
- 45 percent of respondents indicated they would participate in a comingled food and yard waste collection program, but about the same percentage of respondents indicated they would need more information about the program before they would participate. About 70 percent of respondents

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<sup>86</sup> "Organics Recycling Truisms." Biocycle Magazine. 1/25/22. <https://www.biocycle.net/organics-recycling-truisms/>

indicated they would support a monthly rate increase of at least \$1.00 for the City to establish an organics recycling program.

The following presents options that are evaluated in the following sections including a brief description of the option and evaluation approach:

- **Expand source reduction efforts.** Presents options to expand the source reduction efforts by emphasizing the backyard composting and other existing food donation programs and leveraging NCTCOG resources to increase the reduction of organic wastes.
- **Increase organics processing capacity across operations.** Evaluates the requirements and impacts to increase organics processing capacity across the City's existing infrastructure and operations.
- **Leverage public-private partnership for third-party composting.** Describes the opportunity and impacts to establish a public-private partnership with a third-party organics processing operator and/or facility.

Each of the following sections provide an overview of each option and specific tactics and evaluates the impact of each options' components based on the criteria detailed in Section 1.4.3. A high-level summary of the evaluation criteria for each tactic within the options is provided in Section 10.6 to support the key findings, recommendations and implementation and funding plan.

#### 10.5.1 Expand Source Reduction Efforts

**Overview.** As part of this option, the City would increase the promotion of source reduction of food waste and yard trimmings by increasing awareness and understanding of existing programs that customers can participate in and offer technical assistance to expand promotion of these programs. Promoting source reduction of yard waste includes encouraging residents to mulch grass clippings and leaves and leveraging existing Code Compliance Department inspections to evaluate commercial food service purchasing practices and collect data related to organic material generation. There are organizations promoting backyard composting that the City can leverage as resources to increase the promotion of this source reduction technique including the State of Texas Alliance for Recycling (STAR), which serves as the statewide administrator for the Texas-based Master Composter programs and can provide resources and technical assistance to communities hosting Master Composter training events. Texas A&M AgriLife Extension also provides research-based information and educational materials as well as classes on backyard composting. The City could also promote resources for food donation such as programs developed by North Texas Food Bank.

**Recycling potential.** Reduction of organic material minimizes the amount of organic material that enters the waste stream and allows processing facilities in the region to accept more organic materials, providing the capacity to divert more organic materials from disposal.

**Operational impact.** Since the City is already resource constrained with its existing programs, emphasizing backyard composting and leveraging existing Code Compliance Department inspections or technical assistance programs will minimize the resources required to introduce new organics recycling or data collection programming in the future resulting in a low operational impact.

**Financial impact.** Increasing the promotion of existing programs and leveraging technical assistance opportunities would have minimal financial impact to the City.

**Environmental impact.** Reducing the generation of organic material for disposal or processing has the greatest environmental impact, because it minimizes the resources required to manage, collect, process and/or dispose organic materials. This results in a significant reduction in vehicle emissions and/or point source emissions from composting operations, eliminates methane emissions if the material were landfilled and therefore has a low environmental impact.

**Policy impact.** There is minimal policy impact to leverage the existing programs to encourage more backyard composting and food donation. Code Compliance Department inspections may need to adjust their data collection procedures.

**Stakeholder “buy-in”.** There is a high level of stakeholder “buy-in” related to this option, where residents and commercial entities support minimizing food waste and donating materials.

**Compatibility with existing programs.** This option is highly compatible with existing programs including ongoing education and outreach efforts and Code Compliance Department inspections.

### 10.5.2 Increase Organics Processing Capacity Across Operations

**Overview.** As part of this option, the City would increase the capacity to receive and process organic materials such as yard trimmings, brush and food waste among the transfer station system, wastewater treatment plants and Landfill. Currently the transfer station system is not able to separately manage organic materials because of a lack of space in the transfer buildings and inability to store organic materials outside without developing a dedicated cover or pad. While the SS WWTP plant has capacity and ability to process organic materials through its anaerobic digestion system (reference Section 4.1.4.2), the facility is not designed to accept material from solid waste collection vehicles and food waste must be ground to a slurry

and pumped into the system. Currently, there is a brush grinding operation at the Landfill but it does not have the space or processing capacity to manage the volume of material from a separated brush and bulky item collection program. Additionally, even if material were able to be processed at the transfer stations or Landfill, the City would need to overcome the challenge of developing a clean product that could be reliably sold to market.

**Recycling potential.** Expanding the organics processing capacity across operations among the transfer station system, SS WWTP and Landfill would increase capabilities of the City's existing facilities and would increase the ability to realize the high recycling potential of organic materials. Table 10-7 shows the recycling potential of organic materials if processing capacity were expanded across operations to accept separately collected brush and yard trimmings and source separated green waste and food and beverage material from commercial generators.

**Table 10-7: Recycling Potential Based on Increasing Organics Processing Across Operations**

Divertible Organics Material Type <sup>1</sup>	Percentage of Materials Disposed <sup>2</sup>	Estimated Divertible Tons	
		FY 2021	FY 2040
<b>City Collected</b>			
<b>Brush and Bulky Items</b>			
Brush and Yard Trimmings	45.0%	68,869	81,848
<b>Subtotal</b>	<b>45.0%</b>	<b>68,869</b>	<b>81,848</b>
<b>Non-City Collected</b>			
<b>Refuse</b>			
Yard Trimmings, Brush, and Green Waste	3.2%	30,511	36,262
Food and Beverage Materials	18.5%	176,394	209,637
<b>Subtotal</b>	<b>21.7%</b>	<b>206,905</b>	<b>245,899</b>
<b>Total<sup>3</sup></b>		<b>275,773</b>	<b>327,747</b>

1. Divertible organics material types include materials that would be able to be diverted if it were separated, hauled, and processed as feedstock for composting or anaerobic digestion.
2. The brush and yard trimmings percentage is based on the estimated volume of brush and yard trimmings compared to bulky items during the separated collection pilot. Non-City collected refuse and C&D compositions represent aggregated percentages from multiple waste compositions, as described in Sections 3.5.1 and 3.5.2.
3. Sums may not calculate exactly due to rounding.

If the transfer station system was able to manage and transfer separately collected brush to a composting facility and the SS WWTP were configured to pre-process and accept organic materials from commercial generators, this would increase the recycling potential of the system by about 276,000 tons in FY 2021.

**Operational impact.** There would be a high operational impact to the City to expand the organics processing capacity. The transfer station system would require capital improvements and adjustments to permits to be able to accept, transfer and/or process brush collected by City crews. The SS WWTP does

have additional capacity to accept material, but the infrastructure is not designed to accept material delivered by solid waste collection vehicles; therefore, there would need to be capital upgrades to the site to develop the roadways so vehicles hauling organic materials could enter and staff would need to direct them to locations that are developed to either deposit material for preprocessing on site, or pump slurry that has been preprocessed off-site into the anaerobic digestion system. At the Landfill, space would need to be dedicated to receive loads of clean brush material from transfer trailers, Sanitation Department vehicles, and third-party haulers. Additionally, staff would need to be hired and equipment purchased to manage inbound organic materials and packaging or transporting finished product to market.

**Financial impact.** There would be a high financial impact to increase the capacity of organics across the operations given the capital cost requirements to establish or upgrade the transportation and processing infrastructure at among the transfer station system, SS WWTP and Landfill.

**Environmental impact.** If the City expands the organics processing capacity there would be significant potential to increase recycling there would be a low environmental impact. Since this organic material is currently hauled for disposal, the adjustment in hauling requirement would have negligible environmental impact and be significantly outweighed by the positive impact of diverting the organic materials from disposal.

**Policy impact.** There would be moderate policy impact related to accepting organics for processing at the transfer station system and SS WWTP, and low policy impact related to accepting organics at the Landfill. Currently the City is not able to store brush material among the transfer station system and would need to amend its permit to expand its operations. Additionally, the City does not accept organic materials from the solid waste stream at the SS WWTP.

**Stakeholder “buy-in”.** There is a mixed level of stakeholder “buy-in” related to this option because although it would support increasing recycling, the capital and operational requirements to upgrade the transfer station system and SS WWTP may interrupt existing operations, causing challenges to manage the current stream of materials.

**Compatibility with existing programs.** At the transfer station and SS WWTP there is low compatibility with existing infrastructure, operations and programs. Conversely, at the Landfill there is already a brush grinding operation that could be leveraged to phase in a more robust composting operation.

### 10.5.3 Leverage Public-Private Partnership for Third-Party Composting

**Overview.** As part of this option, the City would contract with a third-party composting operator to accept separately collected brush and yard trimmings. Entering into a public-private partnership could take the form of hauling and transferring material to an existing composting facility in the area, or working with a

company to develop a new facility. Appendix A shows the existing organics processing facilities in the region and Section 4.2 provides further discussion of public-private partnerships. Table 10-8 shows the potential arrangements for entering into a public-private partnership for third-party composting.

**Table 10-8: Public-Private Partnership Options for Third-Party Composting**

<b>Responsibility</b>	<b>City-Owned with Private Operations</b>	<b>Privately Owned and Operated on City Land</b>	<b>Privately Owned and Operated on Private Land</b>
<b>Agreement Type</b>	Design, Build, Operate and Processing Agreement	Land Lease and Design, Build, Operate and Processing Agreement	Processing Agreement
<b>Land Ownership</b>	City	City	Private
<b>Capital Investment</b>	City	Private	Private
<b>Operations</b>	Private	Private	Private
<b>Marketing</b>	Private	Private	Private

Based on discussions with private-sector processors in the region, the City would need to deliver a minimum of about 40,000 CY of material that contains less than five percent contamination to meet private-sector operators needs to establish a cost-effective operation. Additionally, the City could partner with interested parties to develop a new facility by offering land where operations could take place, either at the Landfill or in other areas of the City. Based on discussions with private-sector processors in the region, there is an interest to partner with municipalities to develop new organics processing operations.

**Recycling potential.** Establishing a public-private partnership to deliver organic materials would have a high recycling impact, depending on the quantity of material that a third-party processor could accept and the type of material that could be accepted. If the processor only accepts brush and yard trimmings there would be less potential than if they could accept food waste as well.

**Operational impact.** There would be minimal operational impact to establishing a public-private partnership because the private-sector operator would manage operations even if the City provides land as part of the agreement.

**Financial impact.** There would be a medium financial impact to establishing a public-private partnership to process organics because the City would need to pay a tip fee to deliver or transfer materials but would not need to provide staffing to operate the facility or market material. Based on other public-private partnerships in the region, tip fees range from \$15-\$30 per ton and vary based on the quantity of material delivered and other components of the public-private partnership. To leverage a public-private partnership utilizing space at the Landfill, the City would need to devote resources to maintain the continuity of operations during construction and provide staff to direct material to the composting site.

**Environmental impact.** There would be low environmental impact to establishing a public-private partnership for third-party composting, since that material would be diverted from disposal. Since this material is currently hauled for disposal, the adjustment in hauling requirement would have negligible environmental impact and be significantly outweighed by the positive impact of diverting the organic materials from disposal.

**Policy impact.** There would be no policy impacts to entering into a public-private partnership for third-party composting services.

**Stakeholder “buy-in”.** There would be moderate stakeholder “buy-in” because even though there would be increased recycling, if a facility is established on another site besides the Landfill, there may be backlash from the surrounding community that is opposed to the development of a composting facility near them.

**Compatibility with existing programs.** There is moderate compatibility with existing programs because currently brush material is not separately collected, but there is a brush processing operation active at the Landfill. The City would need to separately collect brush to effectively engage in a public-private partnership, but could also leverage the existing brush processing operation to expand it into a more robust composting facility.

## 10.6 Key Findings and Recommendations

This section presents the key findings and recommendations related to program and policy approaches to increasing recycling of organic materials based on the results of the overview, evaluation of case studies and stakeholder engagement. Depending on the specific option and/or tactic, the evaluation may include both quantitative and qualitative assessments which support the assigned relative ratings for the criteria of each tactic. The meaning of the rating differs for each option and/or tactic but can generally be described as “green circle is favorable or low impact,” “yellow triangle is neutral or medium impact,” and “red square is less favorable or higher impact.” Further description of the criteria is provided in Section 1.4.3. Table 10-9 summarizes the results of the options evaluation for each of the tactics presented.

Table 10-9: Summary of Organics Material Management Options Evaluation

Description	Recycling Potential	Operational Impact	Financial Impact	Environmental Impact	Policy Impact	Stakeholder “buy-in”	Compatibility with Existing Programs
<b>Expand Source Reduction Efforts</b>							
Increase the promotion of source reduction by increasing awareness of existing programs and offer technical assistance to expand participation in these programs.	●	●	●	●	●	●	●
<b>Increase Organics Processing Capacity Across Operations</b>							
Upgrade the transfer station system to have the capacity to accept brush collected by City crews.	●	●	●	●	▲	●	■
Upgrade the SS WWT/P to accept organic materials delivered by third parties.	●	■	■	●	▲	■	■
Establish a composting operation at the Landfill to accept loads of organic materials.	●	●	■	■	●	●	●
<b>Leverage Public-Private Partnership for Third-Party Composting</b>							
Enter into a processing agreement to haul and transfer material to a third-party organics processor under a processing agreement.	●	●	▲	●	●	●	▲
Establish a public-private partnership to develop an organics processing facility.	●	▲	▲	▲	●	●	●



### 10.6.1 Key Findings

Each of the following key findings supports the corresponding recommendation in the subsequent section.

2. **Source reduction and food donation are most important efforts to minimize impacts of organic waste.** The U. S. EPA Food Recovery Hierarchy (reference Figure 10-1) prioritizes prevention and recycling of food waste. Source reduction (e.g., smart purchasing), feeding hungry people (e.g., food donation) and feeding animals, are the highest priorities on the hierarchy and have the most positive impact on the financial and environmental aspects of organic materials management.
3. **Stakeholders are supportive of the City to developing organics recycling programs.** Based on the results of the survey, respondents support the development of separate collection and process of organic materials, and are willing to sustain a rate increase of at least \$1.00 per household per month for the increased levels of service and recycling.
4. **The City is establishing a pilot program to minimize, collect and process food from commercial districts.** The City is in the process of procuring an organics collection and processing service to collect organic materials from businesses in a designated district of the City and special events on a pilot basis. The finished compost product will be used by Dallas County in community gardens to establish a closed loop system.
5. **There is significant recycling potential for organic materials that are currently disposed but limited third-party processing capacity to effectively divert materials.** The tonnage of City and non-City collected organic material that could potentially be diverted is estimated at about 588,000 tons and is projected to rise to about 670,000 tons by 2040.
6. **The City's existing infrastructure is not equipped to manage and process organic materials.** The tonnage of non-City collected material disposed at the Landfill represents a significant opportunity to increase recycling, but there is insufficient existing processing infrastructure to effectively capture and divert this material.
7. **Organic material disposal bans are effective policy mechanisms to increasing recycling.** As part of a long-term approach to increasing recycling from disposal, the considering organics disposal bans would support increasing recycling from disposal; however, this policy approach is only effective if there is sufficient processing capacity to manage the material prohibited from disposal. Currently, there is insufficient infrastructure to support such a policy approach.

### 10.6.2 Recommendations

Each of the following recommendations are components of the planning level Implementation & Funding Plan provided in Appendix F.

8. **Emphasize backyard composting, food donation and source reduction programs as part of future data collection and the development of education and outreach programs.** Focusing education, outreach and program development to expand backyard composting and food donation is a critical first step to make the most impact related to recycling from landfill while maximizing existing City resources without requiring hiring more personnel or purchasing more equipment.
9. **Pilot windrow composting project outside the permitted disposal areas of the Landfill for yard trimmings and brush only.** As part of the ongoing considerations to adjust the location of key infrastructure at the Landfill, identify areas that could be used to pilot a windrow composting operation to gauge the feasibility of transitioning the existing organic material processing operation at the Landfill to compost rather than just grind brush and yard trimmings for use by other City departments or Landfill customers.
10. **Engage with private-sector processors in the area to identify the feasibility of developing a public-private partnership.** Reach out to composting operators in the region to identify parties that would be interested in accepting separately collected brush material, developing a new composting facility in the area or operating a composting facility at the Landfill. If there is interest, develop and release a Request for Competitive Sealed Proposals (RFCSP) to evaluate opportunities and identify the best value proposal to determine how the City should move forward to establish processing capacity for separately collected brush and yard trimming materials.
11. **Evaluate the capital cost requirements at the SS WWTP to be able to accept organic materials.** Develop a feasibility study that evaluates the traffic and tonnage flows if the SS WWTP were to accept material delivered by either vacuum trucks or solid waste collection vehicles. The feasibility study should assess the capital and infrastructure upgrades required to effectively receive and manage third-party organic materials.

## 11.0 MULTI-FAMILY AND COMMERCIAL

Solid waste and recycling management planning efforts categorize the commercial sector into two generator categories – multi-family and commercial. Multi-family properties are occupied by the residential sector; however, waste from these locations is managed similarly to commercial generators and is often comingled with commercial material upon collection. Private sector haulers co-mingle material to increase routing efficiency based on the location of the properties and similar management practices. This section identifies the significant opportunity for the City to drive diversion of the high volumes of divertible material generated from multi-family and commercial generators and details the limitations related existing data reporting and verifications mechanisms. This section presents information and analysis regarding the multi-family and commercial sector.

### 11.1 Current System Review

#### 11.1.1 Multi-Family Sector

The multi-family sector consists of apartment complexes with three or more units and over half of the residential population of the City resides in multi-family properties. Material from the multi-family sector is not managed the same way as the single-family sector and although a significant amount of refuse, recycling and bulky items are generated, effectively diverting this material presents significant challenges due to the transient nature of multi-family tenants and the diversity of property owners and types.

There are about 1,800 multi-family properties with eight or more units and about 205,600 total units within the City (reference Section 3.1.2) and the current multi-family population of about 698,000 is expected to increase to about 830,000 by 2040.

Ensuring that multi-family residents have equitable access to recycling services is critical to achieving the City's diversion goals; however, material generation and diversion data specific to multi-family dwellings had been unavailable to the City until the 2020 adoption of the MFRO.

Understanding how much material from multi-family dwellings is currently diverted as a baseline is essential to setting realistic diversion goals, and the implementation of the MFRO is a key first step to ensure that as much recyclable material as possible is captured for diversion from multi-family generators.

#### 11.1.2 Multi-Family Recycling Ordinance

As part of the 2011 LSWMP, a key recommendation was to increase access to recycling for multi-family tenants and City staff began working with stakeholders to advance recycling programs at multi-family properties and increase availability of recycling to tenants. City staff engaged with several key stakeholders

in the development of the MFRO to identify the scope of the policy, including the Apartment Association of Greater Dallas (AAGD), Hotel Association of North Texas (HANTx), Building Office Managers Association (BOMA) Dallas, and Texas Campaign for the Environment (TCE).

Based on the reporting of multi-family properties, before MFRO was adopted only 24 percent of properties had registered online for multi-tenant permits<sup>87</sup> indicating that only about a quarter of properties were providing access to recycling service at that time. Additionally, without policy and programmatic support, this would likely not change due to several barriers identified by stakeholders including increased cost, lack of space, and lack of demand from both tenants and property managers. As part of this stakeholder engagement, City staff also explored the option of a commercial recycling ordinance on a parallel track. Further discussion of staff's evaluation and considerations related to a commercial recycling ordinance is provided in Section 12.2.

City staff compared multi-family recycling ordinances implementation from peer cities in Texas including Austin, San Antonio and Fort Worth to identify the covered entities, required materials and capacity, reporting requirements, staffing demand and implementation approaches that would be most effective for the City. Based on this evaluation the City considered phased approaches, targeting high quantity and value material types, allowing exemptions under certain conditions, and annual inspections combined with cross-departmental enforcement support.

The MFRO was ultimately adopted and was implemented on January 1, 2020, covering multi-family complexes of eight units or more. The ordinance provides the reporting mechanism, so the City has the capability to increase access to recycling for multi-family tenants. The ordinance requires that multi-family property managers provide access and contract with private sector haulers to collect and transporting this material to processing for diversion. The management of the MFRO is a collaborative and cross-departmental effort supported among the Sanitation Department, OEQS and Code Compliance to leverage the City's existing multi-tenant permit and inspection program to effectively enforce and implement the program<sup>88</sup>. Specific requirements for multi-family property managers and haulers are outlined in Table 11-1.

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<sup>87</sup> Any person who owns, operates or controls a multi-tenant property is required to register at least thirty days before expiration of the prior year's registration or upon taking ownership or control of the property. Additionally, multi-tenant properties must be inspected at least once every three years. For detailed information regarding minimum housing standards please refer to Chapter 27 of the Dallas City Code at the following link: [https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-11034](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-11034)

<sup>88</sup> More information about the City's multi-tenant registration and inspection program, including the VGOV system can be found at the following link: <https://dallascityhall.com/departments/codecompliance/Admin1/ApplyforaPermit/Pages/Multitenantpermit.aspx>

**Table 11-1: Multi-Family Recycling Ordinance Requirements<sup>1</sup>**

<b>Requirements</b>	<b>Multi-Family Property Managers</b>	<b>Haulers</b>
Service Type <sup>2</sup>	<ul style="list-style-type: none"> <li>• Offer access to either valet, dual stream, or single stream recycling service for tenants.</li> <li>• Use a City-permitted recycling collector for recycling collection service.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide valet, dual stream, or single stream recycling collection services.</li> <li>• Transport recyclables collected to a recycling facility authorized to operate in the State of Texas.</li> </ul>
Level of Service	<ul style="list-style-type: none"> <li>• Provide a minimum capacity of 11 gallons per unit per week.</li> <li>• Provide weekly collection at a minimum.</li> <li>• Collect recycling material consistent with material accepted as part of the City's residential recycling collection program.</li> </ul>	<ul style="list-style-type: none"> <li>• Offer weekly collection of recyclables at a minimum.</li> <li>• Collect recycling material consistent with material accepted as part of the City's residential recycling collection program.</li> </ul>
Reporting	<ul style="list-style-type: none"> <li>• Register the property with the City's Multi-tenant permit and inspection program.</li> <li>• Submit an annual recycling plan along with an affidavit of compliance.</li> </ul>	<ul style="list-style-type: none"> <li>• Apply and receive a recycling hauler permit from the City.</li> <li>• Submit a recycling collector annual report by the February 1 deadline.</li> </ul>
Education	<ul style="list-style-type: none"> <li>• Educate apartment management staff on recycling procedures bi-annually and within 30 days of hire.</li> <li>• Educate tenants on recycling procedures upon move in, biannually, and within 30 days of significant changes in service.</li> <li>• Provide information (poster, signs) in common areas of the property.</li> </ul>	<ul style="list-style-type: none"> <li>• Educate multi-family property managers on recycling procedures and the requirements of the MFRO upon contracting and on an annual basis.</li> <li>• Provide color-coded recycling containers with specific signage for multi-family property managers to use onsite.</li> </ul>

1. There are no requirements placed on the residents through the MFRO and participation is voluntary.
2. Valet service is collection of refuse or recycling at the customer's door, dual stream recycling indicates that some or all of the materials are stored and collected separately (e.g., glass, metal and plastic collected separately from paper), and single-stream service indicates the recyclable materials can be co-mingled for collection.

The first reports from haulers under the MFRO were due February 1, 2021 for the time period between January 1, 2020 and December 31, 2020. Table 11-2 summarizes the results of the initial reporting provided by permitted haulers on an aggregated basis including the total number of haulers, information about their customer, material collected, number of recycling processing facilities utilized, and the tonnage information reported.

**Table 11-2: Aggregated MFRO Reported Information**

<b>Description</b>	<b>CY 2020</b>	<b>CY 2021</b>
<b>Number of Haulers</b>	20	14
Service Multi-family and Commercial Customers	12	9
Service Multi-family Only Customers	8	5
<b>Recycling Materials Accepted</b>		
Paper, Plastic, Metal, Glass Containers and Other <sup>1</sup>	4	6
Paper, Plastic, Metal and Glass Containers	9	6
Paper, Plastic, Metal only	4	1
Paper and Plastic only	2	0
Paper only	1	1
<b>Total Processing Facilities</b>	16	13
<b>Total Recycling Tonnage Collected<sup>2</sup></b>	10,631	68,800
Estimated Multi-family Recycling Tons <sup>3</sup>	7,094	48,773
Percentage of Multi-family Recycling Tons	67%	71%
Average % Contamination Reported <sup>4</sup>	10%	3%

1. Other material includes cartons, Styrofoam or other specific items that haulers accept from their customers.
2. Includes combined recycling tonnage figure from multi-family and commercial customers.
3. As part of the reporting requirements, haulers estimate the percentage of reported recycling tonnage.
4. As part of the reporting requirements, haulers estimate the contamination of material delivered to the recycling processing facility. The average percent of contamination includes haulers that indicated they collected material with zero percent contamination.

Table 11-3 lists the recycling processing facilities and/or companies where haulers reported delivering recycling material collected by multi-family and commercial customers.

**Table 11-3: CY 2020 Reported Recycling Processing Facilities**

<b>Recycling Processing Facility</b>	<b>Facility/Company Type<sup>1</sup></b>
Pratt (Denton Landfill)	MRF
FCC	MRF
Waste Management Dallas Metroplex Recycling	MRF
Community Waste Disposal	MRF
Waste Management - Arlington	Commercial MRF
Balcones Recycling	Commercial MRF
Smurfit Kappa	Commercial MRF
Evergreen	Commercial MRF
Premier Waste Services LLC	Commercial MRF
Champion Waste & Recycling Services	Commercial MRF
Strategic Materials	Glass processing facility
Action Metals	Scrap yard and metal recycler
DART Containers	Styrofoam manufacturer
Echo Fibers	Materials management broker
Federal International	Materials management broker

Bachman Transfer Station	Transfer station
Fair Oaks Transfer Station	Transfer station

1. Commercial MRF indicates the facility does not process recycling generated by single-family residents; materials management brokers indicate that they do not necessarily have a dedicated processing facility but may receive, bale, and market recycling materials.

Based on discussion with MRF and commercial MRF processors in the area, the majority are 60-100 percent utilized, indicating that there is limited available capacity to increase the recycling tonnage that flows to these facilities. Additionally, the facilities are located throughout the City and wider metroplex which may increase the cost to provide recycling service to commercial generators due to longer travel times depending on where customers are located.

The locations of the facilities where permitted recycling haulers deliver material collected from multi-family and commercial customers are spread across the City and beyond, limiting the ability of permitted recycling haulers to take advantage of route density and economies of scale related to the provision of recycling collection service.

### 11.1.3 Commercial Sector

The commercial sector consists of a wide variety of properties, facilities and business operations. Material from the commercial sector is not managed the same way as the single-family sector and although a significant amount of materials have diversion potential, effectively segregating and diverting this material presents significant challenges due to the broad set of entities and material types in the commercial sector.

There are 1,259 commercial entities within the City representing about 347,500 total employees. Understanding the volume and type of material generated from commercial entities that is currently diverted as a baseline is essential to updating the diversion goals that were previously set in the 2011 LSWMP.

As part of the 2011 LSWMP, a key recommendation was to increase diversion from the commercial sector as part of a potential universal recycling ordinance. City staff began working with stakeholders to advance discussions of a universal recycling ordinance that would support increased diversion from the commercial sector on a parallel track to advance recycling programs at multi-family properties. Additionally, City staff compared commercial recycling ordinances from 12 cities to identify opportunities, constraints and implementation considerations<sup>89</sup>.

Based on the research and stakeholder engagement some peer cities have found success by encouraging, but not requiring, commercial recycling while others require single-stream recycling related to primary business operation, along with some C&D and vegetative waste. A key challenge to increasing commercial

<sup>89</sup> "Update on Current Recycling & Diversion Initiatives." Presented to the City of Dallas Quality of Life, Arts & Culture. June 10, 2019.

recycling is limited space or inconvenient configuration of enclosure stalls on commercial properties restricts collection providers.

Most of the benchmark cities allowed for variances for hardships and for facilities that generate small quantities of recyclable and have policy that covers both multi-family and commercial entities as part of the same ordinance. Based on the experience of benchmark cities, a phased implementation is preferable given the total commercial entities and various types of businesses. Key challenges related to adopting and implementing a universal recycling ordinance include the diversity of entities that would be covered, impacts to both front of house and back of house operations, and high demand for education and outreach with no central enforcement authority.

Based on the benchmark cities experiences with commercial recycling and the results of the stakeholder engagement, the City determined to develop the MFRO rather than implement a commercial requirement for recycling or material diversion at that time. The City's intention is to revisit the opportunity to develop policy that drives diversion from commercial sector generators.

#### 11.1.3.1 Generators

Commercial properties include restaurants, retail, offices, schools, hospitals, and industrial facilities and material generated from this sector represents a significant portion of the City's waste stream. While this presents an opportunity for increased waste diversion, there are challenges to ensure that diversion occurs due to the diversity among many different industries and that make up the City's commercial sector. Key industries in the commercial sector are currently regulated by the Code Compliance Department as it relates to obtaining their certificate of occupancy and regular code compliance inspections. All commercial properties are required to obtain a certificate of occupancy before operations can commence. Typically, commercial properties manage solid waste using front-load bins that are kept in enclosures and Code Compliance inspections are focused on confirming that the enclosures and solid waste management practices conform with City code.

The Consumer Health Division of Code Compliance regulates commercial entities that provide food service by health. Entities that are deemed high risk are inspected by the consumer health division of Code Compliance twice per year, and less risky establishments (e.g., serving pre-packaged or non-perishable items) are inspected on a less frequent basis.

Food service entities must also submit a health permit application and the information is updated as necessary as part of routine inspections. During inspections, sanitarians gather information to confirm that the business has the equipment and ability to store and serve food items at the temperature required to prevent spoil and that the material management enclosures are set up to prevent attracting vermin. Based



on discussions with the Consumer Health Division of Code Compliance, there is an opportunity to adjust the inspection or health permit application forms to request targeted information about food surplus donation, food waste recycling or single-stream recycling.

To encourage commercial generators to become more sustainable, the City implemented the Green Business Certification program in 2019, new service offered to businesses to assist and recognize entities that implement programs that prevent waste, incorporate recycling, or promote reuse, reduce, and composting in their business operations<sup>90</sup>. Any business which supports sustainability efforts can be recognized through the Green Business Certification program. To date, 16 businesses have been certified and recognized for their excellence in sustainability. Awardees include a variety of facility and business types including hotels, schools, retail locations, offices, material collection services, and non-profits.

Applicants must submit a form identifying their recycling, education, leadership and policy, transportation, water conservation and energy efficiency efforts. The City provides limited technical assistance to the commercial sector upon request. This includes phone consultation to businesses interested in starting a recycling program, online technical guidance, and downloadable educational print materials. Further discussion of the education and outreach efforts related to the Green Business Certification program are provided in Section 13.0.

The City would like to expand the Green Business Certification program to work with more businesses over time and increase its capabilities to provide technical assistance. This may require increased staff time and result in hiring or dedicating more FTEs to the program.

#### 11.1.3.2 Franchise Haulers

The City transitioned to the current non-exclusive franchise system in 2007 from the previous hauler permitting system<sup>91</sup>. Private sector haulers operating in the City are granted approval to collect and haul material as part of a non-exclusive franchise system. Currently there are 109 franchise haulers operation in the City. As part of the application process, franchise haulers must provide information regarding the number of vehicles, description of service, and liability insurance related to their collection operations. Franchise haulers enter into individual ordinance agreements and are required to submit monthly reports and remit four percent of gross revenues from their collection operations to the City<sup>92</sup>. This revenue flows

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<sup>90</sup> More information related to the Green Business Certification program is available here:

<https://dallascityhall.com/departments/sanitation/Pages/greenbusiness.aspx>

<sup>91</sup> The previous system for regulating haulers required annual sticker/decal replacement of approximately 1,000 vehicles and 20,000 containers City-wide.

<sup>92</sup> Franchise haulers submit a Solid Waste Operator Franchisee Monthly Report on a monthly basis that identify the gross receipts during the reporting period. Receipts for disposal fees of solid waste collected in the City and

directly to the City's general fund. Table 11-4 shows the franchise fees received by the City from FY 2018 - FY 2020.

**Table 11-4: Historical Annual Franchise Fees Collected**

Year	FY 2018	FY 2019	FY 2020
Total Franchise Fees	\$4,479,055	\$4,746,886	\$5,152,897

Franchise haulers are also required to file an annual report to include the following solid waste and recyclable materials collected by the franchisee within the city:

- Total tons of wet and dry solid waste collected, with separate figures for total residential waste and total commercial waste.
- Total tons of recyclable materials collected and recycled, with separate figures for total recycled residential waste and total recycled commercial waste.
- A description and the total tons of each type of material recycled by the franchise.

Franchise haulers operating in the City provide the following services to commercial customers:

- **Refuse and recycling collection.** Franchise haulers service the City's commercial sector typically via front load containers. Recycling is an optional service and is not provided by all commercial haulers. There are currently no requirements for the provision of recycling services to commercial properties although, some properties choose to subscribe to recycling collection services. A limited number of commercial properties are serviced by the Sanitation Department via roll carts.
- **Roll-off collection.** Franchise haulers provide roll-off containers and service them for commercial customers. Roll-off containers may contain a wide variety of materials including C&D material, bulky items, or other organic materials.

Table 11-5 presents the total reports sent to franchise haulers by the City, the total reports returned and the percent reporting from CY 2016 – CY 2020.

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disposed at the Landfill, revenues collected for services provided on behalf of the City through a written contract, documented bad debt write-offs due to uncollectible accounts within the City (not to exceed 3 percent of gross receipts) and revenues directly received from the processing of recyclable materials are exempt from the fees due to the City.

**Table 11-5: Franchise Hauler Reporting Efficiency**

<b>Year</b>	<b>Reports Sent</b>	<b>Reports Returned</b>	<b>Percent Reporting</b>
CY 2020	96	19	20%
CY 2019	99	26	26%
CY 2018	96	60	63%
CY 2017	92	84	91%
CY 2016	74	64	86%

Based on the total number of reports submitted, the reporting efficiency of from the non-exclusive franchise hauler program has declined from 2017 to 2020. Although the reports do include the tonnages of residential (non-City customers) and commercial collected solid waste and recycling, the location of where this material is delivered is not required to be reported. Understanding the flow of the collected material is critical to establishing targets for diversion of material from the commercial sector.

#### 11.1.3.3 Material Types

Similar to the number of generators in the commercial sector, there is a broad set of material types that are generated. The following defines the material types that are generated in the commercial sector, with brief descriptions:

- **Refuse.** Garbage contained in plastic bags similar to the material generated by single-family residents. Refuse generated by the commercial sector also includes bulky items.
- **Single-stream recycling.** Paper, plastic, metal and glass materials similar to the composition of single-stream recycling generated by single-family residents.
- **Organics.** Solid or liquid waste originated from living organism that biologically decomposes such as pre- or post-consumer food waste, grease, non-dimensional lumber wood waste, landscape trimmings, agricultural waste, sewage sludge, manure, textiles, and carpeting.
- **C&D.** Material generated from construction and/or demolition activities including concrete, asphalt paving, asphalt roofing, dimensional lumber, engineered wood, pallets, gypsum board and other inert materials including dirt, soil or rocks.
- **Industrial waste.** Material generated from mechanized manufacturing facilities or treatment facilities including wet and dry process residue, out of spec products, scrap metals, oil filters, and industrial film.

- **Hazardous material.** Material that may not be disposed without prior treatment including hospital and/or medical waste, ash, special wastes<sup>93</sup>, electronics, batteries, vehicle and equipment fluids, and tires.

Facilities and business types produce quantities and categories of waste material that vary between industry and business. For example, professional, scientific and technical service businesses may produce material typical of an office setting, where transportation, warehousing and postal service businesses may produce large quantities of cardboard packaging and film wrap. This presents a challenge implementing policy initiatives that require all businesses to recycle, since there is such variability in the way that material is generated and managed across the commercial sector.

## 11.2 Diversion Recycling Potential

As indicated in the 2011 LSWMP, there is a significant amount of material disposed from multi-family and commercial sector generators and represents a key opportunity for the City to increase the amount of material diverted from disposal each year. Unfortunately, the total amount material generated by the multi-family and commercial sectors cannot be calculated because there is no comprehensive reporting mechanism that requires franchise haulers to report tonnage data to the City. Although there are some reporting requirements as part of the MFRO and hauler permit process (e.g., recycling tons collected from multi-family complexes, refuse tonnage from commercial customers), it does not provide enough information for the City to accurately quantify a baseline figure for what is currently recycled and disposed from each sector and limits the ability to set and work towards its Zero Waste goals. The following sections present information on estimated material generation and diversion potential from the multi-family and commercial sectors.

Accounting for material generated by multi-family and commercial entities is challenging based on the data limitations regarding material that is imported and exported (e.g., material generated in the City hauled to landfills outside the City or material generated outside the City hauled to the Landfill) and the open market for commercial recycling. To support the goals and objectives of the 2011 LSWMP, the City had passed an ordinance in September 2011 mandating that all waste collected inside its borders would be hauled to the Landfill; however, this policy was contested and ultimately removed as part of a legal settlement.

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<sup>93</sup> Special waste is a waste that requires special handling, trained people and/or special disposal methods as defined in Title 30 Texas Administrative Code (30 TAC), Chapter 330.

Based on the evaluation presented in Section 3.0, about 70.2 percent of the tons that arrived at the Landfill and FCC MRF in FY 2021 were delivered by non-City customers<sup>94</sup>. Table 11-6 presents the projected FY 2021 and FY 2040 non-City collected tonnages delivered to the Landfill by material type (reference Table 3-4).

**Table 11-6: Projected FY 2021 and FY 2040 Non-City Collected Tons**

<b>Material Type</b>	<b>FY 2021 Tons</b>	<b>FY 2040 Tons</b>
Refuse	953,478	1,133,174
C&D	177,025	210,388
Contaminated Soil	46,903	55,742
Other <sup>1</sup>	4,256	5,059
Recycling <sup>2</sup>	761	904
<b>Total<sup>3</sup></b>	<b>1,182,423</b>	<b>1,405,266</b>

1. Other materials include dead animals, slaughterhouse waste, grit trap grease, and septage waste
2. Recycling materials include bulk metal and other materials delivered to the Landfill and diverted from disposal.
3. Totals may not sum exactly due to rounding

Table 11-7 calculates the fraction of the non-City collected tons currently disposed at the Landfill that could be diverted based on the refuse and C&D composition information presented in Section 3.5.1 and 3.5.2.

**Table 11-7: Estimated FY 2021 and FY 2040 Divertible Tonnage**

<b>Divertible Material Type<sup>1</sup></b>	<b>Percentage of Materials Disposed<sup>2</sup></b>	<b>Estimated Divertible Tons</b>	
		<b>FY 2021</b>	<b>FY 2040</b>
<b>Refuse</b>			
Cardboard	9.2%	87,720	104,252
Office Paper	1.3%	12,395	14,731
Mixed (Other recyclable)	6.7%	63,883	75,923
PET#1	1.7%	16,209	19,264
HDPE #2	1.4%	13,349	15,864
Plastics #3-7	0.9%	8,581	10,199
Plastic Bags & Film Wrap (Recyclable) <sup>3</sup>	0.6%	5,721	6,799
Ferrous	1.9%	18,116	21,530

<sup>94</sup> As provided in Table 3-4, in FY 2021 the City collected material (including refuse, brush and bulky items, and recycling) totaled 503,095 tons and non-City collected material (including refuse, C&D, contaminated soil, other, and recycling) totaled 1,182,423 tons. The fraction non-City collected material represents 70.2 percent, calculated by dividing 1,182,423 by 1,685,518 (total tons delivered to the Landfill). These tonnages do not represent the total amount of material generated by the multi-family and commercial sector, as there may be material that is generated in the City and exported for processing or disposal outside the City. Also, some of the incoming material to the Landfill is coming from outside of the City.

Divertible Material Type <sup>1</sup>	Percentage of Materials Disposed <sup>2</sup>	Estimated Divertible Tons	
		FY 2021	FY 2040
Non-Ferrous	1.2%	11,442	13,598
Glass	3.9%	37,186	44,194
Yard Trimmings, Brush, and Green Waste	3.2%	30,511	36,262
Food and Beverage Materials	18.5%	176,394	209,637
Textiles	2.7%	25,744	30,596
<b>Subtotal</b>	<b>53.2%</b>	<b>507,250</b>	<b>602,849</b>
<b>C&amp;D</b>			
Concrete/Cement	28.5%	50,452	59,960
Bricks/Cinder Blocks	6.5%	11,507	13,675
Asphalt	5.4%	9,559	11,361
Drywall/ Gypsum	3.9%	6,904	8,205
Cardboard	5.9%	10,444	12,413
Ferrous	5.0%	8,851	10,519
Yard Trimmings, Brush, and Green Waste	3.3%	5,842	6,943
Wood Packaging	2.7%	4,780	5,680
Scrap Lumber	7.4%	13,100	15,569
<b>Subtotal</b>	<b>68.6%</b>	<b>121,439</b>	<b>144,326</b>
<b>Other</b>	<b>100.0%</b>	<b>4,256</b>	<b>5,059</b>
<b>Total</b>		<b>632,946</b>	<b>752,233</b>

1. Divertible material types include materials that would be able to be diverted if it were separated, hauled, and processed as feedstock for end-users (e.g., paper mill, textile re-grader, metal refinery, etc.).
2. The refuse and C&D compositions represent aggregated percentages from multiple waste compositions, as described in Sections 3.5.1 and 3.5.2. The refuse composition percentages are an appropriate proxy for the composition of the non-City collected material because the figures are based on aggregated residential, commercial, and industrial, composition profiles.

The tonnage non-City collected material that could potentially be diverted is estimated at about 633,000 tons and is projected to rise to about 752,000 tons by 2040. The tonnage of non-City collected material disposed at the Landfill represents a significant opportunity to increase diversion, if there is sufficient infrastructure to effectively capture and divert this material. Table 10-4 shows the FY 2021 tonnage of refuse, recycling and other materials that could be diverted if they were captured at 20, 40, 60 and 80 percent.

**Table 11-8: FY 2021 Potential Divertible Tons by Capture Rate Efficiency**

<b>Material Type</b>	<b>Capture Rate Efficiency</b>			
	<b>20%</b>	<b>40%</b>	<b>60%</b>	<b>80%</b>
Refuse	101,450	202,900	304,350	405,800
C&D	24,288	48,576	72,863	97,151
Other	851	1,703	2,554	3,405
<b>Total</b>	<b>126,589</b>	<b>253,178</b>	<b>379,768</b>	<b>506,357</b>

These divertible tonnages, ranging from about 126,500 to 506,400 annually depending on the capture rate efficiency, represent the diversion potential of non-City collected tons that are delivered to the Landfill. Even if only 20 percent of these material streams were diverted at a MRF or composting facility, it would represent about double the tonnage or City-collected recyclables that are currently diverted. This demonstrates the order of magnitude of diversion potential from these material stream that consist largely of material generated by the multi-family and commercial sectors.

### 11.2.2 Processing Infrastructure

Processing infrastructure is a critical component of diverting material from disposal. Further information about the processing facilities located in the region are provided in Section 4.0. The different material types generated in the multi-family and commercial sectors may require different types of processing for diversion. For example, to brush material needs to be ground, screened, mulched and/or composted to be diverted and C&D material needs to be processed at a C&D material recovery facility to segregate potentially recyclable materials.

While there are some processing outlets for commercially generated materials (e.g., commercial MRFs, commercial composting facilities, private sector C&D processing facilities), multi-family and commercial generators are not obligated to segregate materials (except for entities covered under the MFRO) for recycling or cause them to be delivered to available processing outlets. There are commercial generators that separate and recycle material, although the City is unable to quantify the total tonnage diverted. Franchise haulers operating in the City do report tonnages of refuse, recycling and other materials collected and diverted, they are not required to indicate where this material is taken for processing. Additionally, the reporting from commercial generators that do not utilize a franchise hauler for recycling (e.g., self-haul, backhaul) would not be captured in these reported figures.

If commercial generators and haulers were required to separate and divert materials, the magnitude of material would likely exceed the available processing capacity in the region given that many existing MRFs in the region are operating at or close to capacity. From Table 11-6, if 20 to 80 percent of the divertible

refuse, C&D and other material currently delivered to the Landfill were separately collected and diverted, the existing collection and processing infrastructure in the region would need to anticipate receiving and processing an additional 126,000 to 506,000 tons each year. Given the limited number processing facilities in the region and challenges securing labor, effectively diverting this material would cause significant strain on the existing MRFs and composting facilities in the region. Further discussion related to the processing capacity of the region is provided in Section 11.7.3.

### 11.3 Evaluation of 2011 LSWMP Recommendations

This section evaluates the recommendations presented in the 2011 LSWMP, indicating the progress that has been made toward the recommended policies and/or programs. Additionally, this section identifies any fundamental changes that have been related to programs, policies or forecasts as it relates to the multi-family and commercial sectors.

Table 7-13 lists the recommendations from the 2011 LSWMP related to the multi-family and commercial sectors with a brief description of progress to date and potential next steps as part of the LSWMP Update.

**Table 11-9: Evaluation of 2011 LSWMP Recommendations**

<b>2011 LSWMP Recommendation</b>	<b>Progress To Date</b>	<b>Potential Next Steps</b>
Provide commercial technical assistance.	The Green Business Certification program is a key first step to providing commercial technical assistance.	Expand the number of certified businesses and increase the program capacity to support technical assistance based on the need of program participants.
Encourage commercial haulers to provide recycling services to all of their customers.	There has been limited progress toward requiring commercial haulers to provide service to their customers.	Increase the City's data collection capabilities to support the introduction of requirements for franchise haulers to provide recycling service to applicable customers and report this to the City annually.
Consider requirements for mandatory separation of recyclables and compostable from trash.	There has been no progress toward implementing requirements for the mandatory separation of recyclables and compostable materials.	Increase the City's data collection capabilities to support the introduction of policy that targets high volume generators of divertible materials (e.g., single-stream recycling materials, organics).
C&D Debris Ordinance.	There has been no progress toward implementing a C&D Debris Ordinance.	While C&D material makes up a significant portion of material disposed in the Landfill, the development of policy to divert this material is a long-term consideration for future infrastructure, policy and program development.



Single-use Plastic Bag Fee	The City passed a plastic bag ordinance in 2015 that required retailers to charge a five-cent fee for the purchase of single-use plastic bags. Unfortunately, the ordinance was repealed based on a ruling passed by the Texas Supreme Court in 2018 <sup>1</sup> .	While the City will not be able to pass another single-use plastic bag fee pursuant to the Texas Supreme Court decision, the LSWMP Update will evaluate potential opportunities to fund programs in a similar way that the single-use plastic bag fee supported the funding to develop CECAP.
Extended Producer Responsibility (EPR).	There has been no progress toward implementing extended producer responsibilities.	There are several ongoing EPR laws under consideration at other states, the City will work with government affairs resources to identify opportunities to support this type of effort in the Texas State legislature.

1. Further information on the Texas Supreme Court ruling can be found at the hyperlink here:  
<https://dallas.culturemap.com/news/city-life/06-22-18-bag-ban-trashed-texas-supreme-court-ruling/>

Based on the diversion estimates presented in the 2011 LSWMP, the City would be able to divert 81 percent and 84 percent of the material generated by the multi-family and commercial sectors, respectively, once all the key initiatives were implemented<sup>95</sup>. As shown in the table above, there has been limited progress on these initiatives and in combination with changes in the policy and recycling market landscapes since the 2011 LSWMP was adopted limit the City's ability to meet these targets.

Without policy directives requiring multi-family and commercial generators to report tonnages disposed and diverted, the City has limited capabilities to identify how much progress has been made toward the diversion goals set as part of the 2011 LSWMP for the multi-family and commercial sector generators. As a result, any recycling currently occurring in the commercial sector is driven by market forces (e.g., individual generators making business decisions to recycle material because it represents a cost savings) and neither haulers nor generators are obligated to inform the City about the volume or processing facilities where material is recycled.

## 11.4 Case Studies

This section provides overviews of practices that have been incorporated by municipalities in the region and nationally related to increasing diversion from the multi-family and commercial sectors for the City's consideration and to inform the options evaluation that follows. The following sections provide perspective about the following topics, including select case studies, and is organized as follows:

- Technical assistance programs

<sup>95</sup> Diversion estimates from the 2011 LSWMP indicate that upon implementation of all initiatives would result in 539,000 diversion tons and 123,000 disposal tons (81 percent) from the multi-family sector and 1,307,000 diversion tons and 257,000 disposal tons (84 percent) from the commercial sector.

- Hauler permit requirements
- Universal recycling ordinances (UROs)
- Exclusive or zoned franchise systems

#### 11.4.1 Technical Assistance Programs

Technical assistance programs are designed to support commercial or multi-family generation sectors to implement recycling programs, reduce waste generation, and achieve other sustainability-related goals (e.g., water use reduction, environmentally preferred purchasing, etc.). While the City has successfully implemented the Green Business Certification program, there are opportunities to expand the capability of these efforts to provide technical assistance to program participants.

The City of San Antonio has established a business certification and technical assistance program called ReWorksSA to provide the local business community with consultancy, resources, materials, and training at no cost. This program is a joint endeavor between San Antonio's Solid Waste Management Department (SWMD) and the Office of Sustainability (OS), similar to the City's Sanitation Department and OEQS, serves as a promotion and recognition tool for organizations that successfully complete the program and that receive certification as a sustainable business.

ReWorksSA helps local businesses either start or improve recycling programs in the workplace and supports the City of San Antonio's climate initiatives by improving the environmental and economic profile of the business community. The certification process evaluates the number of programs and policies a business has in the areas of recycling, energy conservation, water conservation, travel & transportation and a reduction in multiple types of consumption. Points are awarded for both the number and the effectiveness of the best practices.

Applicants can create an account on a dedicated web portal and review the best practices that are available. City staff conduct an initial assessment with the business before they submit a formal application for certification. After the application is reviewed, businesses are awarded bronze, silver, gold or pinnacle status and certifications are valid for two years. More information related to ReWorksSA is available here: <https://www.reworkssa.org/>

The City of Plano also provides technical assistance in the form of waste-stream audits, recycling training, and assistance in preparation for Green Business Certification. These value-added services are provided to Plano businesses at no cost. These programs are implemented by a staff of four employees who are each responsible for a defined quadrant of the community. Plano's Green Business Certification (GBC) program was developed to recognize green businesses and is managed by the Environmental Waste Services Division. The GBC program verifies these businesses are upholding a commitment to conduct their daily

practices to reduce the impact on our environment. The program also focuses on a checklist of green operational practices designed for consumer businesses with a walk-in clientele.

#### 11.4.2 Hauler Permit Requirements

Policy approaches that require commercial recycling are implemented to increase recycling efforts and support infrastructure development to separate, processing and divert recycling generated in the commercial sector. As part of the City's non-exclusive franchise system, haulers are required to meet standards and submit reports regarding the number of vehicles, and liability insurance related to their collection operations.

Implementing changes to the franchise hauler registration requirements would provide a mechanism to allow the City to collect data and confirm the capability of franchise haulers to support increased recycling from commercial sector generators. These changes could also include requiring that franchise haulers offer recycling service to customers at a specified price point, support customers to establish a recycling or composting program, or specify that customers must be charged for all services on a single bill (rather than multiple bills for refuse, recycling and/or organics collection).

The City of Boston, Massachusetts has implemented commercial recycling requirements where every hauler operating in the City is required to provide recycling services. The intent of the policy is to ensure that all businesses have access to recycling programs and increase the accountability of haulers to offer recycling to commercial businesses. These policies serve to support Boston's Zero Waste goals and incentivize the infrastructure and program development to divert material from commercial sector generators. Additionally, the policy supports the statewide waste ban of key materials including commercial food material, recyclable materials, and other divertible materials<sup>96</sup>.

Haulers are required to renew their permit annually by submitting the following:

- Completed application and registration fee
- Registration number of each vehicle
- Signed waste hauler affidavit certifying compliance with City of Boston ordinance CBC 7-13.8 "Recycling Requirements for Waste Hauler"<sup>97</sup>
- The completed commercial hauler recycling data report

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<sup>96</sup> More information on the state of Massachusetts waste ban is provided at the following hyperlink:

<https://www.mass.gov/guides/massdep-waste-disposal-bans#-about-the-waste-bans->

<sup>97</sup> Failure to offer recycling services under CBC 7-13.8.5, failure to obtain alternate procedure approval from the Commissioner under CBC 7-13.8.5, or failure to comply with the education requirements in CBC 7-13.8.6 shall result in a one hundred fifty (\$150.00) dollar fine for the first violation, three hundred (\$300.00) dollar for the second violation, and on a third violation the hauler's permit will be revoked by the Commissioner.

The commercial hauler recycling data report requires permitted haulers to provide the total number of commercial customers, the number and percentage of customers that utilize recycling service, the total amount of solid waste and recycling collected from Boston customers and a description of the hauler's education materials related to recycling service.

#### 11.4.3 Universal Recycling Ordinances

A Universal Recycling Ordinance (URO) is a comprehensive policy approach that requires recycling from multi-family and/or commercial generator sectors. This differs from other commercial recycling requirements because it targets generators rather than haulers of recycling material.

The City of Austin adopted a URO in 2010, with the first set of requirements becoming effective in 2012. Implementation was tiered and based on size (square footage) of a business, with larger businesses becoming subject earlier, and smaller businesses becoming covered in later phases of implementation. Austin's URO was fully implemented in 2018 and currently covers 17,000 entities within the City including:

- Multi-family properties (five or more dwelling units)
- Commercial properties (all non-residential properties)
- Food-permitted properties (entities required to have a food service permit)

Austin provides guidance and resources to support owners and managers of affected premises in understanding and complying with the URO through a dedicated URO website and a business outreach team<sup>98</sup>. Affected premises subject to the URO must meet the following requirements:

- **Convenient access to services.** Affected premises are required to provide employees and tenants of the property with access to collection receptacles for single-stream recyclable materials and for organic materials if the property is food-permitted. The URO does not include requirements to provide diversion opportunities to the public (e.g., customers or patrons of the property or business) and does not include requirements for actual diversion of materials or a minimum diversion rate.
- **Collection and diversion.** Access to diversion opportunities for recyclable and organic materials must be provided; however, property owners may choose the method by which materials are collected and diverted such as contracting with a licensed hauler, self-hauling materials, or source reduction (e.g., food donation, backyard composting, etc.)

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<sup>98</sup> More information about Austin's URO is provided at the following hyperlink: <https://www.austintexas.gov/uro>

To comply with the URO, affected premises must meeting a 50 percent recycling diversion minimum by volume or an 85 percent minimum by weight. Multi-family properties must provide a minimum amount of service capacity of per unit per week and food-permitted entities must provide one or more organics diversion options (including waste reduction) to employees. URO organics diversion requirements do not address businesses that generate organic materials (e.g., from landscaping activities) but are not food-permitted businesses.

Generators covered by the URO must also provide education regarding recycling and diversion and submit an annual diversion plan for single-stream or organics that includes the list of materials to be diverted, service capabilities available, and collection methods for diverted material. Annual diversion plans provide a reporting mechanism for Austin to compile data regarding compliance with the URO service requirements. Generally, businesses do not report data on material quantities, so Austin relies on semi-annual hauler reports for material tonnage data. Haulers are required to provide Austin with semi-annual tonnage reports to maintain a hauling license with the City.

Since its implementation in 2012, the URO has driven Austin's progress in increasing diversion activities within the commercial and multi-family sectors and has supported progress toward reaching its Zero Waste goal. However, Austin has faced challenges in data collection and evaluation for both generator- and hauler-provided data. Challenges encountered in URO data collection and evaluation include

- **Large numbers of commercial entities.** Austin's business outreach team is responsible for ensuring compliance from 17,000 commercial entities including engagement, compliance, and enforcement that requires significant investment of staff time and financial resources.
- **Variety in commercial entities.** The types and sizes of commercial and multi-family entities within the City vary widely among needs, available resources and levels of engagement in diversion activities. Due to this variation, a uniform approach to administering URO requirements, reporting, education, and enforcement is not feasible.
- **Self-reporting.** Receiving responsive submissions and maintaining data quality is challenging because businesses self-report, leading to inconsistencies or reporting error<sup>99</sup>. The representative who submits annual reports (such as a property manager) may have limited day-to-day involvement in waste, recycling, and organics management and therefore may not have full knowledge of actual activities, leading to inaccurate reporting.

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<sup>99</sup> For example, reporting forms for multi-family properties differ from reporting forms for commercial properties (non-multi-family). In 2019, approximately 15 percent of multi-family properties submitted a commercial property reporting form, resulting in City Staff being unable to calculate service capacity compliance for those properties. Additionally, 349 businesses submitted blank reports.

- **Reporting and data management system.** The City's online and annual report submission was designed to be convenient for commercial properties to encourage compliance with reporting requirements. However, analysis of annual report data is time- and labor-intensive staff and there is not a centralized database for generator-provided data.

#### 11.4.4 Exclusive or Zoned Franchise Systems

The City currently has a non-exclusive franchise system for haulers operating in the City, which has the benefits of allowing customers to select which haulers to contract with. If the City were to transition to an exclusive or zoned (limited) franchise systems, there would be a single hauler or several haulers among designated zones that would be selected to provide service. To transition to this type of franchise system, the City would release a competitive procurement for one exclusive hauler to operate within the City, or define multiple geographic zones and select one or more hauler per zone.

A typical franchise agreement grants rights to a company to haul material from specified properties (i.e., commercial, multifamily) and it sets specific standards, requirements, and responsibilities for the company such as:

- Specifying where materials are to be delivered
- Stipulating the collection services that need to be offered and minimum collection frequency
- Stipulating certain operating details, such as hours of operation, condition of vehicles, condition of containers, etc.
- Enforcing penalties and remedies for poor or non-performance
- Requiring tonnage reporting
- Requesting liability insurance information.

Franchises are commonly established over a long period of time. Contracts typically last for a base period (usually between three and 10 years) and have one or two optional renewal periods. Some long-term franchises may involve an annual renewal fee or a renewal fee every five years. Several municipalities in Texas have exclusive franchise systems covering one or more generators.

The main benefit of a franchise agreement is a standardized collection system and quality of service. The competitive bid process typically results in lower rates, even more so in an exclusive franchise. Other environmental benefits include reducing the number of trucks on the road, reducing wear and tear and associated greenhouse gasses. There are drawbacks to be considered as well. The transition from an open

market system to a franchise system could mean that some haulers are excluded from business opportunities in the City and smaller haulers may not be able to compete with larger providers.

Table 11-10 provides an overview of Texas municipalities with exclusive franchises over the multi-family and/or commercial generators.

**Table 11-10: Overview of Texas Municipalities' Franchise Collection Systems and Requirements**

<b>Municipality</b>	<b>Commercial Recycling System</b>	<b>Commercial Recycling Participation</b>	<b>Multifamily Recycling System</b>	<b>Multifamily Recycling Participation</b>
Georgetown, TX	Exclusive Franchise	Optional	Exclusive Franchise	Optional
Grapevine, TX	Exclusive Franchise	Optional	Exclusive Franchise	Mandatory
Lewisville, TX	Open Market	Optional	Exclusive Franchise	Mandatory
Allen, TX	Open Market	Optional	Exclusive Franchise	Mandatory

The City of Georgetown, Texas has an exclusive franchise agreement with a contractor to provide refuse and recycling collection services to all commercial and multifamily customers within the city limits. The City's contractor serves approximately 1,000 commercial refuse customer accounts, though in some instances multiple entities may be serviced by a single account. Commercial recycling is an optional service. The City oversees the administrative oversight of billing and customer service for the services.

The City of Grapevine has had an exclusive franchise with a private contractor since 1995 to provide refuse, recycling, and organic material collection for residential, commercial, and industrial customers. Participation in the commercial recycling program is optional. The contractor oversees the administrative duties of billing and customer service and the rates are set with the City. The City charges a franchise fee of 12 percent which has remained the same since the beginning of the contract. The hauler is required to provide monthly reports which includes tonnage, diversion, complaints, and container swaps. Enforcement is performed through a "multi-sector" environmental audit program which selects commercial properties at random for a multi-sector inspection. Typically, 40-50 inspections are completed each year and includes 2-4 multifamily dwellings. Enforcement is also performed through complaint-based reporting by either a tenant or manager.

Outside of Texas, the Cities of New York, NY and Los Angeles, CA developed, or are in the process of developing, zoned franchise collection systems. In New York City, commercial solid waste and recycling services were provided through a highly competitive open market system with 90+ haulers providing a range of services to commercial establishments. New York City's Department of Sanitation (DSNY) and Business Integrity Commission (BIC) found that the open market system resulted in heavy truck traffic and

related inefficiencies and worker safety incidents. Additionally, the open market system had little transparency in customer pricing while a zoned system would provide more predictable pricing for the City's businesses, especially with the City imposing a rate cap. Between 2017-2020 New York City performed stakeholder engagement, environmental reviews and released competitive solicitations, initially for processing and disposal contracts, then for carting services in 2021. The phased transition to the zoned franchise system is underway, and planned to be complete by 2023.

In Los Angeles, commercial solid waste and recycling services were provided through a competitive open market with 144 permitted waste haulers. The City identified the open market system as a challenge to reach its Zero Waste goal as many businesses and multi-family apartment tenants did not receive recycling services through their refuse haulers. As part of the development of an exclusive franchise system, city-wide rate tables were developed to ensure predictable pricing for customers for each service. Recycling costs are embedded in the solid waste service costs, while organics are offered at a discount from solid waste rates. Los Angeles hired six additional FTEs to ensure adequate staffing to develop the franchise system, administer the competitive procurement process, oversee contracts, certify facilities, manage customer care, and conduct field inspections.

The eight exclusive franchise haulers were selected in 2018 and currently service multi-family and commercial generators. The contracts with franchise haulers rely on extensive liquidated damages for nearly all requirements, coupled with intensive City enforcement. Additionally, intensive technical assistance is provided to customers. The exclusive franchise haulers are also required to submit education and outreach plans, conduct regular waste assessments with all customers over the life of the contract.

## 11.5 Options Evaluation

This section analyzes a series of options related to the multi-family and commercial sectors that have been identified based on analysis of diversion potential from these sectors, stakeholder engagement, evaluation of recommendations from the 2011 LSWMP, and case studies.

The following summarizes the key takeaways from the community survey and other outreach activities conducted as part of the LSWMP Update.

- 66 percent of the respondents to the multi-family questions of the survey were tenants, and 33 percent were property owners or managers. 90 percent of the property owners/managers indicated they have implemented recycling services at their properties but only 72 percent of tenants indicated that their apartment complex provides recycling collection. 67 percent of respondents indicated multi-family recycling service is provided by dumpster or cart and 21 percent indicated they receive valet service.



- 71 percent of respondents that manage or own businesses in the City indicated they do not participate in the Green Business Certification program, and 58 percent would need more information about the program to determine if they would be willing to participate in the future. 58 percent of businesses receive regular recycling service, and those that do not or only have recycling services provided on an as-needed basis identified constraints including not having enough space to store material hesitation to increase costs or dedicate staff to separate material.
- 57 percent of respondents indicated that they are very supportive of leveraging the Green Business Certification program and 61 percent are very supportive of receiving technical assistance as compared to increasing. Businesses were much more opposed to more mandatory requirements, where 46 percent of respondents were very opposed to increased reporting requirements and 43 percent were very opposed to recycling requirements.
- Franchise haulers already provide multiple services to meet the needs of their customers including collection of containers including 95-gallon carts, front load containers, compactors, balers, and semi-truck containers for industrial generators. Not all haulers provide each of these services, but all haulers offer a variety of collection container sizes and collection frequencies. Some haulers may offer a rebate for specific materials if generation meets defined specifications such as quality and volume. A City enforced mechanism for better accountability and uniformity would improve the current commercial recycling system by ensuring minimum service standards and prohibitions on disposal of recycling material.

Further information about the methodology of the stakeholder engagement is described in Section 1.0 and the comprehensive detailed results are provided in Appendix A.

The following presents options that are evaluated in the following sections including a brief description of the option and evaluation approach:

- **Adjust franchise hauler permit requirements.** Builds on the policy mechanisms established by the MFRO to support the City's ability to gather and verify tonnages of refuse and recycling from haulers servicing multi-family and commercial generators and establish minimum service requirements for franchise haulers operating in the City.
- **Expand Green Business Certification program.** Evaluates the opportunity to expand the program to include more capability for technical assistance through cross-departmental collaboration.
- **Implement targeted commercial diversion requirement.** Describes a phased approach to developing a diversion requirement for commercial generators that builds on adjustments to the

existing franchise hauler permit requirements and requires large quantity generators of divertible material to meet diversion targets.

Each of the following sections provide an overview of each option and specific tactics and evaluates the impact of each options' components based on the criteria detailed in Section 1.4.3. A high-level summary of the evaluation criteria for each tactic within the options is provided in Section 11.6 to support the key findings, recommendations and implementation and funding plan.

#### 11.5.1 Adjust Franchise Hauler Permit Requirements

**Overview.** Based on the City's existing reporting requirements, franchise haulers submit annual reports indicating the annual tonnages collected and permitted recycling haulers submit the tonnages diverted from multi-family customers. The challenge is that the annual reports submitted by franchise haulers do not break out tonnages collected between multi-family and commercial customers and the permitted recycling haulers are not required to submit refuse tonnage data. This leaves the City with partial data sets and limits the ability to build a comprehensive baseline that identifies the total amount of material collected from multi-family and commercial generators within the City and where that material is transported for processing or disposal.

Without comprehensive baseline data, the City is unable to establish tonnage based diversion goals or capture rate goals in the multi-family and commercial sectors. To collect data that provides a comprehensive baseline, adjusting the existing reporting requirements to establish the data gathering and verification mechanisms is a critical first step. Franchise haulers would need to be required to report both refuse tonnage and recycling tonnage, broken out by customer type (either multi-family or commercial). If franchise haulers are unable to break out tonnage by customer type (since material may be collected on a co-mingled basis), the City would require estimates of the percentage of the reported material that is collected from multi-family and commercial sector customers consistent with the current reporting requirements as part of the MFRO.

Additionally, there are no requirements that franchise haulers provide recycling collection or organics diversion service to customers. Requiring that franchise haulers offer recycling or organics diversion services to customers at a price point that is not prohibitively expensive (compared to refuse collection service) as a minimum permit requirement would support the City's goal to increase diversion from the multi-family and commercial sector. Implementing this requirement would need to be supported by data to confirm there are sufficient customers in the multi-family and commercial sectors generating high enough quantities of divertible material to (1) justify generators developing diversion programs and hiring franchise haulers to collect and divert material; and to (2) assure franchise haulers that if they purchase the equipment

and hire staff to provide this service there will be customer demand for the service. The City would need to implement enforcement mechanisms to ensure the adjustment are adopted and have the intended effect. The following provide the types of enforcement activities that could be taken sequentially to ensure compliance:

- Announced/unannounced inspections
- Written warning of the violation
- Citation or fine that increase in amount with each consecutive offense
- Increase in franchise fee, and finally
- Loss of hauling franchise.

**Recycling potential.** Implementing this option would increase the diversion potential by providing the City with baseline tonnage data that ultimately supports requiring franchise haulers to offer recycling or organics diversion services to commercial customers.

**Operational impact.** Adjusting the permit requirements to increase the data provided by franchise haulers followed by requirements to provide recycling or organics service to customers would result in a corresponding increase in the demand on City staff to verify and enforce the permit requirements. If the City does not enforce the data collection or service provision requirements, franchise haulers will be less likely to comply because there would not be a level playing field amongst haulers competing for business (e.g., if franchise haulers are able to realize a competitive advantage by not providing data or required service and are still allowed to operate in the City, other franchise haulers may follow suit). Based on the experiences from the implementation of the MFRO, and given the commercial sector is much larger than the multi-family sector (in terms of number of franchise haulers servicing businesses and the volume of material generated), there would be a significant demand to administer and enforce the adjusted hauler permit requirements from resources in the Sanitation Department and OEQS.

**Financial impact.** There would be a fairly significant financial impact to the franchise haulers that would need to update data tracking and reporting procedures and dedicate resources to analyzing and submitting information to the City. Additionally, if franchise haulers are required to offer recycling or organics diversion services, they would need to dedicate existing equipment and personnel to providing collection service and identify processing facilities that could effectively divert material. If franchise haulers are unable to leverage existing processing capacity for recyclables or organics, they would need to build a facility resulting in potentially significant capital investment. Additionally, if existing processing facilities are not near customer bases, haulers would not be able to take advantage of route density and operational costs would increase.

**Environmental impact.** There is no environmental impact related to adjusting data reporting requirements, but if franchise haulers are required to offer recycling or organics diversion services, depending on the demand for service there would be, on one hand, increased diversion and, on the other hand, additional collection vehicles deployed. For example, if a customer only had refuse collection service on a once per week basis and then adds recycling service at the same frequency, there would need to be two vehicles deployed to this customer which doubles (depending on the final destination of the disposal and/or processing facility) the vehicle emissions and road miles traveled but mitigates the emissions from the avoided disposal of the recycling or organic materials<sup>100</sup>.

**Policy impact.** The main benefit of adjusting permit hauler requirements is that it can increase the provision of and participation in recycling programs without completely revamping the existing collection system. This can be easier to implement both politically and logistically because properties still have the freedom to select their own hauler. There may be policy impacts if the adjusted requirements disproportionately increase the barriers to entry for haulers seeking to enter the market.

**Stakeholder “buy-in”.** If the adjustments to the franchise hauler permits create an even playing field by requiring a minimum level of service, reporting requirements, specified insurance and approved disposal and/or processing facilities that guarantee they can accept material, the stakeholders of the system would likely support the City in this effort. However, the current non-exclusive franchise system does not incentivize investments in commercial recycling because it does not require that generators divert recycling or organics diversion service. To invest in new equipment and staffing to service commercial entities in the City, franchise haulers would seek assurances on the demand and volume of recycling or organics diversion and that the City would have the capacity to effectively enforce the program.

**Compatibility with existing programs.** Adjusting the tonnage reporting requirements is highly compatible with existing programs, but requiring minimum service from franchise haulers would not be compatible with existing programs and would require a significant effort on City staff to administer and enforce the adjusted program requirements.

### 11.5.2 Expand Green Business Certification Program

**Overview.** The City currently has 16 participants in the program that have been certified a green business. Expanding this program to increase the number of certified businesses and increasing the offering of the

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<sup>100</sup> While increased vehicle emissions should be considered, the environmental benefit of avoided disposal from recycling single-stream items and composting organics typically outweighs increased emissions from vehicles; however, this would need to be further evaluated to quantify the environmental benefits specific to the City’s system.

programs to provide technical assistance would support the other initiatives to increase diversion from the commercial sector. Technical assistance programs include initial consultation for setting up a successful recycling program as well as evaluating existing recycling programs for improvement. Services include identifying materials generated to be diverted and providing a pathway for successful collection, storage, and transfer of materials. Programs typically include the following activities:

- Waste audits to assess the waste stream;
- Identify haulers of recyclables;
- Develop collection infrastructure (e.g., collection areas, enclosures); and
- Develop employee and/or tenant educational materials.

Guidance and support from the City can shape proper participation and positive recycling program engagement for commercial generators which increases customer satisfaction and enables progress toward the City's goals. Additionally, the City could leverage cross-department collaboration between the Sanitation Department, OEQS, Development Services and code compliance to expand the capacity to provide technical assistance and support the enforcement efforts related to future adjustments to the franchise hauler permit requirements. Oftentimes, commercial entities have a desire to implement a recycling program but lack the knowledge, time, or resources to initiate a program. Expanding to include technical assistance would assist generators with proper recycling program engagement and the awards and recognition would continue to reinforce and encourage the desired activities by the commercial generators.

**Diversion Recycling potential.** Expanding the program to include more dedicated technical assistance as a cross-departmental effort would increase the number of diversion programs developed by commercial entities and support adjustments to requirements from franchise haulers to collect and divert material from generators.

**Operational impact.** Although expanding the program to provide technical assistance would require more resources, if the City could capture synergies by expanding the program as a cross-departmental effort among the Sanitation Department, OEQS, Development Services and code compliance the additional efforts could be spread across departments to minimize the operational impact of expanding the program. An example would be to leverage code compliance inspectors and sanitarians to identify businesses that are interested in receiving technical assistance to divert as part of their recurring inspections so that OEQS would not have to contact each business individually and could take a more targeted, focused approach. Another example would be to leverage code compliance inspectors that issue certificates of occupancy to identify businesses that are interested in receiving technical assistance.

**Financial impact.** The City would need to dedicate more resources to expand the program, but if the City could capture synergies by expanding the program as a cross-departmental effort among the Sanitation Department, OEQS, Development Services and code compliance the additional efforts could be spread across departments to minimize the financial impact.

**Environmental impact.** By expanding the program, more businesses would establish diversion programs and ultimately divert more material from disposal, allowing the City to realize environmental benefits from the avoided disposal.

**Policy impact.** There is no policy impact to expanding the program.

**Stakeholder “buy-in”.** Since this program would be expanded on a voluntary basis, businesses would have a high level of “buy-in” compared to more mandatory policy approaches.

**Compatibility with existing programs.** Expanding the program is highly compatible with existing the existing program.

### 11.5.3 Implement Targeted Commercial Diversion Requirements

**Overview.** Implementing commercial diversion requirements can be contentious because it places a burden on generators and/or haulers, but would support increasing material diversion from disposal. Any commercial diversion requirements should be targeted given the wide variety of businesses and materials in the City. Diversion requirements would ultimately target commercial generators, but there would be challenges setting quantitative diversion requirements because (1) the City does not have a comprehensive baseline of the volume and type of material collected or where material flows; and (2) there is limited processing capacity available to divert recycling and organics.

For these reasons, the City would only be able to implement targeted commercial diversion requirements after adjusting franchise hauler permit requirements, expanding the Green Business Certification program to include technical assistance, receiving comprehensive collection, disposal and diversion reports from franchise haulers and confirming there is sufficient processing capacity in the region to divert material.

Taking these critical steps first will provide the data to create the framework for how a targeted commercial diversion program would take shape by identifying the volume of divertible materials that are currently collected and where the material currently flows. Additionally, requiring haulers to offer diversion service would support them to justify making the business decision to develop additional processing capacity that would ultimately support the implementation of targeted commercial diversion requirements. At this point,

the City could consider the benefits of developing an exclusive or zoned franchise system to support the implementation of a mandatory targeted commercial diversion requirement.

With these first steps in place, the City would be able to develop a phased approach to implementing commercial diversion requirements of businesses that generate high quantities of divertible material, are over a certain size (in terms of either square footage or number of employees), or are in areas with high route density (e.g., downtown as compared to outlying areas of the City).

**Recycling potential.** Implementing commercial diversion requirements would increase the diversion potential to capture more material from the commercial generators, but may cause a corresponding increase in contamination.

**Operational impact.** It is critical that any commercial diversion requirements placed on generators take into account the operational impact on businesses, particularly small businesses or those that lease space, since the property owner/landlord may restrict the type of materials that their organizations are allowed to recycle. Additionally, if operational decisions are determined through a business' corporate office and is not managed at the local level, complying with any potential requirements or changing service providers may be challenging. From the City's perspective, there would be a significant increase in the outreach, data collection, data verification, and enforcement responsibility and would require additional resources are hired or dedicated to administering the program.

**Financial impact.** Similar to the operational impacts, there would be a significant financial impact on businesses that are not equipped to separately manage recycling or organics although the financial impacts may be mitigated based on the schedule for phasing in the requirements. If there is a long lead time, businesses may have the opportunity to prepare for the requirements and identify solutions to come into compliance in a cost-effective way. From the City's perspective dedicating the resources required to administer and enforce requirements would be a consistent challenge, particularly related to educating affected businesses of new requirements and verifying data received.

**Environmental impact.** There would be increased vehicle traffic to separately collect material for diversion, but depending on the phasing schedule the volume of diverted material may offset the negative environmental impact of increased vehicle emissions.

**Policy impact.** There would be a significant policy impact related to a targeted commercial diversion requirement including requiring businesses to comply by ordinance and potentially adjusting the existing non-exclusive franchise system to an exclusive or zoned system.

**Stakeholder “buy-in”.** Targeted commercial diversion requirements would be mandatory and there would likely be low stakeholder buy-in among the business community. Without the buy-in from the business community, there would likely be increased contamination among the covered entities. However, environmental groups would support the requirements because they would divert a high volume of material from disposal.

**Compatibility with existing programs.** Targeted commercial diversion requirements would require significant changes to the current programs and how City departments interact with entities in the business sector. There is a low level of compatibility with the current program.

## 11.6 Key Findings and Recommendations

This section presents a summary of the options evaluation followed by key findings and recommendations related to program and policy approaches to increasing diversion from the City’s multi-family and commercial sectors. Depending on the specific option and/or tactic, the evaluation may include both quantitative and qualitative assessments which support the assigned relative ratings for the criteria of each tactic. The meaning of the rating differs for each option and/or tactic but can generally be described as “green circle is favorable or low impact,” “yellow triangle is neutral or medium impact,” and “red square is less favorable or higher impact.” Further description of the criteria is provided in Section 1.4.3. Table 11-11 summarizes the results of the options evaluation for each of the tactics presented.



Table 11-11: Summary of Multi-Family and Commercial Options Evaluation

Description	Diversion Recycling Potential	Operational Impact	Financial Impact	Environmental Impact	Policy Impact	Stakeholder “buy-in”	Compatibility with Existing Programs
<b>Adjust Tonnage Reporting Requirements</b>							
Adjust tonnage reporting requirements to collect data that provides a comprehensive baseline including both refuse tonnage and recycling tonnage, broken out by customer type (either multi-family or commercial).	●	■	●	●	■	■	●
<b>Require Franchise Haulers Offer Recycling and/or Organics Diversion Service</b>							
Require that franchise haulers offer recycling or organics diversion services to customers at a price point that is not prohibitively expensive (compared to refuse collection service) as a minimum permit requirement.	●	■	■	▲	■	■	■
<b>Expand Green Business Certification to Provide Technical Assistance</b>							
Increase the offering of the programs to provide technical assistance would support the other initiatives to increase diversion from the commercial sector.	●	●	●	●	●	●	●
<b>Implement Targeted Commercial Diversion Requirements</b>							
Develop a phased approach to implementing commercial diversion requirements of targeted businesses.	●	■	■	●	■	■	■
<b>Implement Exclusive or Zoned Franchise System</b>							

Description	Diversion Recycling Potential	Operational Impact	Financial Impact	Environmental Impact	Policy Impact	Stakeholder “buy-in”	Compatibility with Existing Programs
Develop an exclusive or zoned franchise system that supports the targeted commercial diversion requirements implemented by the City over time.	●	■	■	●	■	■	■

### 11.6.1 Key Findings

Each of the following key findings supports the corresponding recommendation in the subsequent section.

1. **The MFRO implemented is critical step toward increasing diversion in the multi-family and commercial sector.** The data reporting mechanism and requirements of multi-family property owners/managers and permitted recycling haulers provides a policy platform the City can leverage to divert more material from the multi-family and commercial sector.
2. **There are opportunities to require more comprehensive reporting from franchise haulers.** While the City receives some data, having a comprehensive data set of multi-family and commercial refuse, recycling and other divertible tons collected and the facilities where material is processed or disposed would support future efforts to increase the City's diversion rate.
3. **The Green Business Certification program provides an excellent platform to support diversion from commercial sector generators.** Although there are currently only 16 businesses certified, the City will continue to expand the number of participants in the program over time, and can leverage the program to build cross-departmental capacity to provide technical assistance services.
4. **There is significant diversion potential from the multi-family and commercial sectors, but limited processing infrastructure to effectively divert material from disposal.** Although there is an estimated 633,000 tons of divertible material currently delivered to the Landfill on an annual basis, there would be insufficient processing capacity to divert this material if it were required to be diverted.

### 11.6.2 Recommendations

Each of the following recommendations are components of the planning level Implementation & Funding Plan provided in Appendix F.

1. **Maintain the MFRO and continue to increase the percentage of covered entities in compliance year-over-year.** Continue to implement and increase the compliance from generators and haulers as part of the MFRO, monitoring new developments that come online and continuing to support affected entities with education and outreach.
2. **Adjust franchise and permitted recycling hauler reporting requirements to include more comprehensive tonnage data reports.** Require the submission of more comprehensive data to include refuse, recycling and other divertible tonnages currently collected and the location with they are processed and disposed.

3. **Require franchise haulers offer recycling and organics diversion services.** After the requirements of franchise hauler reporting has been implemented and analyzed, determine the requirements for haulers to offer diversion services to customers and establish the enforcement mechanisms to ensure that this maintains a level playing field among franchise haulers. The City should consider incentivizing haulers to recycle by providing credits on franchise fees for haulers that recycle single-stream and/or organic materials.
4. **Expand the Green Business Certification to provide technical assistance leveraging cross-departmental synergies.** Expanding this program to increase the number of certified businesses and increasing the offering of the programs to provide technical assistance would support the other initiatives to increase diversion from the commercial sector. Additionally, leveraging cross-department collaboration between the Sanitation Department, OEQS, Development Services and code compliance would expand the capacity to provide technical assistance and capture efficiencies by spreading the demand on staff time across multiple departments and streamlining efforts.
5. **Implement targeted commercial diversion requirements on a phased basis.** After adjusting the franchise and permitted recycling hauler requirements and ensuring that the available processing capacity for recycling and organics diversion would support increased tonnage, determine the threshold of material generation quantity, facility size (square footage) or business size (number of employees) that would make the most impact on the City's diversion recycling rate as part of a phased approach, where more generators are included over time and are required to contract with franchise haulers to divert material.
6. **Consider exclusive or zoned franchise system to support targeted commercial diversion requirements.** Implementation efforts of targeted commercial diversion requirements may receive pushback from the hauler community indicating that requirements minimize their ability to achieve efficiencies related to route density and significantly increase their cost to provide service while prohibiting them from increasing rates for certain services. Over time, establishing an exclusive or zoned franchise system that establishes geographic areas where service is provided to commercial generators based on the existing customer base and location of processing infrastructure would support the implementation of targeted commercial diversion requirements.

## 12.0 HHW AND ELECTRONICS MANAGEMENT

The purpose of a HHW and electronics management program is to provide residents with access to safe and proper disposal options for household materials that are not suitable for disposal in a landfill or for collection with other curbside residential programs. Local provision of convenient HHW and electronics disposal options decreases the potential for improper disposal of material or illegal dumping of environmentally harmful materials<sup>101</sup>.

As part of the LSWMP Update, City staff visited the HCCC to review operations and have discussions with County management. This section presents information and analysis regarding HHW and electronics management

### 12.1 Current System Review

This section reviews the City's HHW and electronics management programs including the HCCC facility and the City's Battery, Oil, Paint and Antifreeze (BOPA) mobile collection program.

Dallas County began offering a regional program for the collection of HHW and electronics in 1997 and has owned and operated its permanent HCCC since 2002. Reference Appendix B showing the location of the HCCC among the other facilities in the region. The HCCC is located in the northeast area of the City at 11234 Plano Rd, Dallas, TX 75243 and sits on three quarters of an acre of land accepts residential customers three days per week on Tuesdays, Wednesdays and Thursdays and two Saturdays per month. Figure 12-2 shows the Dallas County HCCC.

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<sup>101</sup> Reference Section 1.2.1 for further description on the usage of HHW and electronics material and the HCCC throughout the LSWMP Update.

**Figure 12-1: Dallas County HCCC**

The HCCC is staffed by three FTEs with eight to twelve temporary employees working per week. The most critical employee is the staff chemist that allows the facility to manage regulated materials. Based on the current configuration and size of the HCCC, the County has expressed challenges accepting material on days where material is being managed and shipped out due to space constraints. The days when material is not accepted from residential customers are used to manage and bulk material to be shipped out of the facility for disposal or recycling.

When customers arrive at the HCCC, County staff receives them and tracks handwritten customer data that is later entered into a digital format. Customers unload material in the parking lot and then exit the facility. There are no covered areas available, a reuse center or wireless internet to support more efficient data tracking at the HCCC.

Residents of participating member cities are required to bring their driver's license and water bill or other utility bill as proof of address in a participating member city. Residents of all other cities must pay a minimum \$95.00 waste management fee.

The County manages ILAs with municipalities that participate in the program to use the facility and other events. Table 12-1 shows the 16 participating member cities and their populations.

**Table 12-1: Participating Member Cities in Dallas County ILA**

<b>Member City</b>	<b>Population</b>
Dallas	1,331,000
Irving	239,783
Garland	238,418
Mesquite	143,456
Richardson	116,432
Rowlett	63,793
De Soto	53,090
Duncanville	39,415
Farmer's Branch	39,039
Sachse	25,607
Seagoville	16,514
Addison	15,302
Highland Park	9,168
University Park	9,168
Sunnyvale	6,484
Wilmer	4,383

Participating cities are billed on a monthly basis after actual costs are assessed. Costs for each city are divided into operating costs, based on the member city's population, and disposal costs, based on the city's actual participation for each billing period.

Both the City and County host mobile collection events for HHW and electronic materials. The County provides two turn-key events per year for member cities that are located in the southern part of the County. The City hosts BOPA mobile collection events and support HHW collection events held by the Code Compliance department. The material collected during HHW collection and BOPA events is delivered to the HCCC. Figure 12-2 shows the mobile BOPA event vehicles used to collect and manage material delivered during events.

**Figure 12-2: BOPA Event Vehicle**

Table 12-2 presents the annual number of HHW collection events and BOPA events held between CY 2017 and CY 2019 and the tonnage collected at these events and annually at the County HCCC<sup>102</sup>.

**Table 12-2: HHW and Electronics Collection Events and Participation**

Description	CY 2017	CY 2018	CY 2019
Annual Events			
HHW	1	2	1
BOPA	10	9	8
Number of Participants			
HHW	293	408	113
BOPA	1,045	1,494	635
HCCC Drop-off	12,339	11,032	11,121
<b>Total Participants</b>	<b>13,677</b>	<b>12,934</b>	<b>11,869</b>

The education and outreach efforts supporting the events and HCCC program is provided by the City. The County does not have dedicated staff to provide education and outreach about the program and are solely focused on program administration and operations. There are challenges communicating the program

<sup>102</sup> There City was unable to host events during the COVID-19 pandemic limiting the number of HHW and BOPA collections held in FY 2020 and FY 2021.



requirements and services provided to the City's residents among the various City-operated events and County operated HCCC facility. The key challenge is communicating which materials are accepted among the various events and HCCC facility, especially as the types of HHW and electronics continually change over time (e.g., increasing volumes of lithium-ion batteries that have limited recycling outlets).

Materials accepted at the City-hosted events and the County HCCC are not identical because HHW and BOPA events do not have an on-site chemist. include the following items and tonnages delivered by City residents. Table 12-3 describes the accepted materials, indicating if they are accepted at City-hosted events and presents the FY 2020 tons collected.

**Table 12-3: Accepted Material Descriptions at HCCC and City-Hosted Events**

<b>Accepted Materials</b>	<b>Description</b>	<b>FY 2020 Tons Collected</b>
Flammables	Flammable materials such as gas-aerosols, cylinders, gasoline, diesel, kerosine, paint thinner, adhesives, roofing tar, fiberglass, resin, rust removers, charcoal.	81
Corrosives	Corrosive acids and bases such as bleach and cleaners.	28
Oxidizers	Oxidizers such as pool chemicals and hydrogen peroxides.	8
Pesticides, Herbicides, Fertilizers	Toxic materials such as pesticides, herbicides, fertilizers, and paint strippers.	112
Batteries	All types of batteries. Batteries are accepted at HHW and BOPA events.	17
Automotive Fluids	Non-regulated oil and antifreeze. Automotive fluids are accepted at HHW and BOPA events.	41
Oil Filters	Non-regulated oil filters. Oil filters are accepted at HHW and BOPA events.	3
Paint	Oil and latex-based paint and paint related material. Paint is accepted at HHW and BOPA events.	809
Used Electronics	Used electronics such as computers, cell phones, and other small electronics.	62
Compact Fluorescent Lamps and Mercury-Containing Material	Toxic materials such as mercury containing light bulbs, thermostats, and elemental mercury.	8
Other	Non-flammable gas and other non-regulated materials such as asbestos, helium, oxygen, carbon dioxide cylinders and other miscellaneous materials. Other materials are accepted at HHW and BOPA events if they are able to be handled without an on-site chemist.	55
<b>Total</b>		<b>1,224</b>

Acceptance of these materials at the HCCC serves to minimize litter and illegal dumping of material. In 2018 the City completed the Litter and Illegal Dumping Assessment Study which provided recommendations for how the City can implement a more strategic and preventative approach to combatting litter and illegal dumping including:

- Develop a geographically-focused approach
- Improve local/regional collaboration
- Implement proactive and preventative methods
- Increase community engagement and public education
- Reduce illegal dumping from construction activities and commercial sources
- Enhance enforcement of litter and illegal dumping policies.

Since the development of this study, the City has advances some, but not all of the recommendations provided.

Table 12-4 shows the annual costs charged to the City by the County, where the operational costs are based on the number of City residents that use the facility and the disposal costs are the expenses incurred for managing and disposing HHW and electronics material.

**Table 12-4: Annual Dallas County HCCC Program Costs<sup>1</sup>**

<b>Description</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Operational Cost	\$380,693	\$378,780	\$378,744
Disposal Costs	\$530,078	\$542,624	\$564,797
<b>Total</b>	<b>\$910,771</b>	<b>\$921,404</b>	<b>\$943,541</b>

1. Costs are only reflective of costs incurred as part of the ILA, and not staff or equipment costs for hosting HHW or BOPA events.

Based on the annual operating and disposal costs as part of the ILA, the cost per participant is estimated at \$84<sup>103</sup>. Based on a recent evaluation of cost of the City's services, there is about \$1,250,000 in expenses required to manage HHW and electronics including payment to the County as part of the ILA and City resources required to host and support HHW and BOPA events. The additional dollars above the payment to the County include staff costs to administer, train staff and drivers and attend HHW and BOPA mobile collection.

<sup>103</sup> Cost per participant figure calculated by dividing the FY 2020 cost of \$943,541 by the 11,121 residents that utilized the HCCC in CY 2019

Electronics and other types of materials are accepted at the Landfill's Customer Convenience and Recycling Center (CCRC) and facilities among the transfer station system. Further description of the CCRC and materials accepted are provided in Section 8.0 and Appendix E. Further description of electronics and other materials accepted at transfer stations is provided in Section 5.0 and Appendix C.

## 12.2 Case Studies and Benchmarking

This section provides descriptions of programs or operational considerations from peer cities that would support the City's long-term planning needs related to the future of refuse and recycling collection. The following sections provide perspective about the following topics, and is organized as follows:

- Program types and participation rates
- Curbside collection
- Facility expansions

### 12.2.1 Program Types and Participation Rates

Table 12-5 compares the program types, service frequency and participation rates of benchmark cities followed by additional of each benchmark city's HHW collection programs facilities, events, fee model and annual program costs. The following benchmark cities were selected to provide an understanding of programs that are both larger and smaller than the City's, and program that have a permanent facility only, events only and a combination of the two.

**Table 12-5: Benchmarking Cities Programs and Days of Service**

Description	Dallas, TX	Fort Worth, TX <sup>1</sup>	Frisco, TX
Residential Customers	250,000	238,738	86,088 <sup>2</sup>
Service Frequency	Year-round	Year-round	Year-round
Type of Service	Permanent Facility/ Collection Events	Permanent Facility/ Collection Events	Permanent Facility/ Collection Events
Days of Service	T, W, Th	Th, F, S	W, S
Annual Participants	11,869	16,789	12,913
Participation Rate	4.8%	7.0%	15.0%

1. Fort Worth residential customers based on single-family residents and annual participants reflects only Fort Worth residents that utilize the Environmental Collection Center, although there are residents from Arlington, Grand Prairie, Grapevine, Keller and other cities that deliver material to the facility.
2. Includes all households in Frisco, Prosper, Little Elm, Melissa, Celina and Anna provided by the City of Frisco.

**Fort Worth, TX.** The City of Fort Worth operates a permanent Environmental Collection Center (ECC) drop-off facility that allows residents of Fort Worth and 52 participating cities to dispose of hazardous and electronic waste. The ECC is open Thursdays from 11am to 7pm, Fridays from 11am to 7pm and Saturdays

from 9am to 3pm. Additionally, Fort Worth hosts 75 mobile collection events per year. Additionally, the program includes facilitating mobile collection events in partner cities and the option for partner cities to perform their own door-to-door collection or mobile collection and subsequently drop off materials at the City of Fort Worth's permanent facility. The program utilizes a voucher system, billing participating cities on a quarterly basis for the actual number of vouchers used during the billing period. Additionally, Fort Worth has three drop off stations that accept HHW and electronics material from residents that is transferred to the ECC. Based on a recent evaluation of the Fort Worth's cost of service, the total annual cost to operate the ECC is about \$1,938,500, where Fort Worth residents represent \$796,000 of the total annual cost, or \$47 per participant. Overall at Fort Worth's ECC, the annual cost per ton to manage all materials (including non-Fort Worth resident tons) delivered is about \$917 per ton compared to the City's \$771 per ton.

**Frisco, TX.** The City of Frisco operates a Household Chemical Disposal facility for its residents and residents of surrounding cities that have entered into a partnership to use the facility. The facility is open Wednesdays from 2pm to 5pm (extended to 6pm during the summer) and Saturdays from 8am to 1pm. The facility accepts HHW and electronic waste from residents presenting a water bill and driver's license (or vouchers<sup>104</sup>). The annual cost to operate the facility and programs in 2020 was \$335,700, or \$26 per participant. Frisco proactively minimizes the cost of disposal of HHW material collected by working with Habitat for Humanity and Smarter Sorting to provide equipment, data management, and HHW reuse and recycling services. The equipment provided by Habitat for Humanity is used to organize material and software provided by Smarter Sorting is used to track the processing and reuse of HHW material handled to minimize disposal costs.<sup>105</sup> Figure 12-3 shows the scanning and weighing equipment used to process and handle HHW material.

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<sup>104</sup> The City provides vouchers for residents from partnering cities use the Household Chemical Disposal facility for \$50 per year.

<sup>105</sup> See more information about Smarter Sorting here: <https://www.smartersorting.com/>

**Figure 12-3: Smarter Sorting Scanning and Weighing Equipment**

### 12.2.2 Curbside Collection

A municipality may contract with a service provider that collects material directly from residents' homes. As with other contract curbside collection services, at-your-door collection service is most feasible in areas with higher population densities. Specific service terms are negotiated between the private hauler and the contracting municipality. Service frequencies typically vary from once per month to unlimited service requests and may be provided on set service days or via a call-in program.

The primary consideration for an at-your-door HHW collection service is the monthly cost impact to residents. Typically, costs for this type of service are assessed on a per household per month basis and are included as a component of a resident's monthly solid waste and recycling services bill. Based on discussions with national haulers that offer this service, a cost of \$1.00 per household per month is an appropriate planning-level cost for an at-your-door HHW and electronics collection services (once per month to unlimited collection frequency). However, this cost may be higher in less densely populated areas of the City.

There are several peer cities that have incorporated curbside collection of HHW and electronic materials. The Cities of Plano and Allen have implemented curbside collection program where the material is collected by a contract service provider. Additionally, the City of Addison collects HHW and electronics material from residents and brings the material to the Dallas County HCCC.

To understand what actual program costs would be and if any haulers would offer this service in the Planning Area, the City would need to release a RFP to obtain pricing and confirmation that the service

could be procured. Then, if a service provider were responsive, the cost for this service would need to be communicated to residents to understand the likely level of participation in the program to evaluate the full cost impact to the City.

In response to the COVID-19 pandemic and temporary closure of its permanent HHW and electronics management facility, the City of Austin has been providing door-to-door collection on a call-in basis to all residents. The call-in service utilizes a pick-up truck to serve a limited number of single- and multi-family residents each day, with collections scheduled based on location for routing efficiency. Based on discussion with City staff, the number of customers that can be served is currently limited by collection vehicle space and additional staff. The program has proven successful and has remained cost-effective for Austin and the City is considering expanding the program due to the positive feedback generated by stakeholders.

### 12.2.3 Facility Expansions and Relocations

This section provides descriptions of municipalities that have permanent HHW and electronics collection facilities that are considering expanding or relocating.

As described in Section 12.2.1, the City of Frisco has a 15 percent participation rate and faces challenges managing the volume of customers and tonnage of HHW and electronics received. In anticipation of the growing number of customers due to expected population growth, the City is relocating its Household Chemical Disposal, reuse center, and office space to a larger location in the City. The new facility is intended to be co-located with a solid waste transfer station and will allow the City to manage growing demand for HHW and electronics collection going forward.

Johnson County, Kansas has a population of 600,000 and owns and operates a permanent HHW and electronics collection facility. The facility operates year-round and is available for all residents of the county. Additionally, the City of Olathe, located within the boundaries of Johnson County, also owns and operates a year-round, permanent HHW facility for city residents. The two facilities are located on opposite ends of the County to provide the most convenient access to customers. The County provides funding to the City of Olathe to allow for residents from anywhere in the County to also drop off at the Olathe facility which provides a convenient drop off location in both the northern and southern areas of the County. Both facilities process relatively the same amount of material annually. The County facility is in the process of being relocated to increase the capacity while allowing the program hours of operation and staffing to remain consistent with the current operation.

The City of Kansas City, Missouri owns and operates a permanent year-round HHW facility. The facility serves a three county region including dozens of participating municipalities. The program also hosts twelve satellite collection events around the community each year. The City's permanent facility is aging and,

similar to the Dallas County HCCC, is struggling to manage growing service demand. The City is in the process of evaluating its program to develop an understanding of what facility assets are acceptable for use or in need of repair replacement over the next several years, to determine an appropriate cost of services for Kansas City, Missouri and their stakeholders and to review the safety and efficiency of the facility.

### 12.3 Options Evaluation

This section analyzes a series of options related to the HHW and electronics management that have been identified based on the current system review, stakeholder engagement, evaluation of recommendations from the 2011 LSWMP, and benchmarking.

The following summarizes the key takeaways from the community survey and other outreach activities conducted as part of the LSWMP Update.

- 55 percent of respondents indicated that they use the HCCC facility once or twice per year and 36 percent of respondents indicated that they participate in HHW and BOPA events once or twice per year.
- 45 percent of respondents indicated that the location and operating hours were prohibitive or very prohibitive and negatively impacted their willingness and ability to utilize the HCCC.
- 66 percent of respondents indicated they would be supportive or very supportive of a more conveniently located HCCC and 60 percent of respondents indicated they would be supportive or very supportive of at-home collection.
- 57 percent of respondents indicated they would support a monthly rate increase of at least \$1.00 to have enhanced service levels of HHW and electronics management.

Further information about the methodology of the stakeholder engagement is described in Section 1.0 and the comprehensive detailed results are provided in Appendix A.

The following presents options that are evaluated in the following sections including a brief description of the option and evaluation approach:

- **Enter new agreement with County.** Evaluates the impact of entering into a new agreement with the County with strategic adjustments to operations.
- **Develop a new HCCC facility.** Evaluates the needs and impact to develop a new HCCC facility in partnership with the County to support meeting the long-term needs of the program participants.
- **Increase number and materials accepted at HHW and BOPA collection events.** Describes the impact and considerations of expanding the material types accepted at HHW and BOPA events.

Each of the following sub-sections provides an overview of the option and specific tactics and evaluates the impact of each options' components based on the following criteria, with brief descriptions:

Each of the following sections provide an overview of each option and specific tactics and evaluates the impact of each options' components based on the criteria detailed in Section 1.4.3. A high-level summary of the evaluation criteria for each tactic within the options is provided in Section 12.4 to support the key findings, recommendations and implementation and funding plan.

### 12.3.1 Enter New Agreement with County

**Overview.** This option would have the City enter into a one-year agreement with three one-year optional extensions. This agreement would be similar to the existing ILA with adjustments to increase the receiving hours at the HCCC, automate the data-tracking at the HCCC.

**Recycling potential.** Increasing the receiving hours would allow more material to be accepted and ultimately recycled. This option would have a medium impact on recycling potential.

**Operational impact.** This option would have a high operational impact because increasing the receiving hours at the HCCC would minimize the County's ability to manage and ship out material during non-receiving days and potentially limit the amount of material or customers that could be accepted at the HCCC if there are challenges moving material for recycling or secure disposal. If the County were to automate data tracking, it would minimize the administrative burden of data entry and analysis, but the current operations do not have the infrastructure to implement this immediately (e.g., no wireless internet at the HCCC or covered areas to receive customers).

**Financial impact.** This option has a medium financial impact because if the facility is open longer the operating costs will be higher and if more City residents use the HCCC, the County will assess higher operating and disposal costs. Automating data-tracking at the HCCC may require interim capital upgrades including installation of wireless internet and a covered area to receive customers.

**Environmental impact.** There are low environmental impacts related to this option.

**Policy impacts.** As part of this option the City would need to develop and adopt a new contract with the County, but otherwise has low policy impacts. Having the agreement structured similarly to the existing ILA on a one-year basis ensures that the short-term needs of the City will be met but provides the flexibility to explore other options to minimize future costs as the City continues to grow.

**Stakeholder "buy-in".** There is medium stakeholder "buy-in" related to this option because even though the County is open to expanding hours at the HCCC the decision is ultimately up to the member cities and if they are willing to bear the cost of increasing the receiving hours.



**Compatibility with existing programs.** There is high compatibility with the existing program because it would require little changes to the current ILA program structure.

### 12.3.2 Develop New HCCC and/or Satellite Facility

**Overview.** This option includes developing a new HCCC facility or a satellite facility to increase the accessibility for City residents since the current facility is not convenient for those located in the south areas of the City. A satellite facility would be smaller than a larger facility but provide more convenient access to City residents or member cities in the south area of the County where material is packed and transported to the HCCC. A new HCCC or satellite facility would require a number of specialized building needs due to the nature of the operation including a fully ventilated building, sprinkler system for fire suppression, spill containment, adherence to fire codes for material storage capacity and traffic flow, adequate storage area, and safety equipment (e.g., eyewash site, fire extinguishers, personal protective equipment). The County is actively exploring the ability to fund a new HCCC facility and indicated they would look toward the southwest area of the County in conjunction with their internal real estate team. A new facility would include expanded receiving area, storage area, and potentially a reuse store.

**Recycling potential.** An expanded facility or satellite facility would have a medium impact on recycling potential, since it would potentially allow for increased receiving hours and capability to accept materials that are currently unable to be processed at the existing HCCC.

**Operational impact.** This option would have a low operational impact because the new facility would be able to have more streamlined vehicle flow, more space to manage and ship materials, and the ability to receive more customers. With a satellite facility to support a permanent HCCC, the County would have more space at the permanent HCCC to accept customers since bulking and transferring material would be completed at the satellite facility.

**Financial impact.** A new HCCC or satellite facility would have a high financial impact because of the high capital costs for construction that would be passed along to participating member cities. Capital cost estimates are not provided because there are several locations and/or configurations that may be considered as part of a permanent facility (e.g., land purchase, site configuration) that could significantly alter the capital cost requirements of a facility. Based on a recently constructed facility for Clay County, MN, the capital costs could range from \$1.5 to \$5 million.

**Environmental impact.** With a new facility and/or satellite facility there would be less need for customers to drive across the County to deliver materials. There would be a low environmental impact related to this option.

**Policy impacts.** There would be a low policy impact related to this option.

**Stakeholder “buy-in”.** There is high stakeholder “buy-in” because the development of a new facility or satellite facility could be leveraged to attract new members to the ILA. Additionally, there is support from City customers to pay a higher monthly rate for more convenient or expanded services.

**Compatibility with existing programs.** The construction of a new HCCC or satellite facility would take time to design, procure and construct. If the current HCCC and program is able to remain operational during construction, there would be high compatibility with the existing program.

### 12.3.3 Increase Number and Materials Accepted at HHW and BOPA Collection Events

**Overview.** This option would increase the number of HHW and BOPA collection events and material types that could be accepted at HHW and BOPA collection events to be consistent with the HCCC. Based on the feedback from the stakeholder engagement, there is confusion among customers about which materials can be accepted at the HCCC and which can be accepted at HHW and BOPA events and customers feel that the current location of the permanent HCCC facility is prohibitively far. Increasing the number of events would provide greater access to this service for customers that are located in the southern areas of the City and potentially minimize illegal dumping in the City.

**Recycling potential.** Increasing the number of events accepted at the HHW and BOPA events would increase the amount of material that could be recycled and would have a medium impact.

**Operational impact.** Increasing the number of events would potentially require additional staff to be trained to operate HHW and BOPA events (including managing specialized materials and delivering material to the HCCC). Increasing the number of materials accepted at HHW and BOPA events to include the full list of material accepted at the HCCC would require a chemist present at the events. This option would have a high operational impact.

**Financial impact.** Increasing the number of staff and equipment to host more events and hiring a dedicated chemist to attend for each HHW or BOPA event would increase the cost to host these programs and have a high financial impact. This would require a potentially significant budget increase to the program to support bringing on additional staff and equipment.

**Environmental impact.** The increased amount of collection events would decrease the amount of driving customers had to do to get to the HCCC and would have a low environmental impact.

**Policy impacts.** There would be a medium policy impact related to this option since the accepted materials at City-hosted collection events would be adjusted. Additionally, the location of the additional events would

need to be determined to ensure that they effectively increased access to services to those that are prohibitively far from the existing HCCC facility.

**Stakeholder “buy-in”.** This option would have high stakeholder “buy-in” because there is support from the residents to increase the number of HHW and BOPA events, even if it means increased monthly costs.

**Compatibility with existing programs.** This option has a medium compatibility with existing programs because increasing the material types accepted at HHW and BOPA events would require programmatic changes and additional staffing.

## 12.4 Key Findings and Recommendations

This section presents the key findings and recommendations related to program and policy approaches to increasing the City’s ability to provide comprehensive HHW and electronics management services based on the results of the overview, evaluation of case studies and stakeholder engagement. Depending on the specific option and/or tactic, the evaluation may include both quantitative and qualitative assessments which support the assigned relative ratings for the criteria of each tactic. The meaning of the rating differs for each option and/or tactic but can generally be described as “green circle is favorable or low impact,” “yellow triangle is neutral or medium impact,” and “red square is less favorable or higher impact.” Further description of the criteria is provided in Section 1.4.3. Table 12-6 provides a summary of HHW and electronics management options evaluation.

Table 12-6: Summary of HHW and Electronics Management Options Evaluation

Description	Recycling Potential	Operational Impact	Financial Impact	Environmental Impact	Policy Impact	Stakeholder “buy-in”	Compatibility with Existing Programs
<b>Enter new agreement with County</b>							
Enter new one year agreement with strategic operational adjustments.	▲	■	■	●	●	▲	■
<b>Develop new HCCC and/or Satellite Facility</b>							
Develop a new HCCC and/or satellite facility to increase accessibility for City residents.	▲	●	■	●	■	●	▲
<b>Increase number and materials accepted at HHW and BOPA collection events</b>							
Increase frequency and material types accepted at HHW and BOPA collection events to be consistent with materials accepted at HCCC.	▲	■	■	●	▲	●	▲

### 12.4.1 Key Findings

Each of the following key findings supports the corresponding recommendation in the subsequent section.

1. **There are challenges providing comprehensive access to customers.** Customers located in the southern areas of the City struggle to have convenient access to service. Although there are mobile collection events, the limited number of materials accepted at events makes it challenging for these residents to dispose of all their material at one time.
2. **The City has advanced some, but not all of the recommendations provided as part of the Litter and Illegal Dumping Assessment Study.** As the City considers options for the future of the HCCC and BOPA programs, minimizing the amount of litter and illegal dumping activities is critical to sustaining public health and community cleanliness.
3. **There are increasing amounts of material that the existing HCCC is unable to recycle.** As material types change, there are more materials that the HCCC is unable to recycle cost-effectively (e.g., lithium-ion batteries).
4. **Other cities in the region are implementing curbside collection.** Curbside collection of HHW and electronics are being implemented by other cities in the region. This may be an approach the City considers in the future but is not an approach that would be further considered at this time given the existing program in place.
5. **Participation rate of HCCC facility higher than other benchmark cities.** The participation rate of 4.7 percent is lower than benchmark cities, indicating that other programs attract a higher percentage of its customers to utilize HHW and electronics collection facilities compared to the City.
6. **The cost per participant per year is higher than benchmark cities.** The City's cost per participant per year is \$84 for use of the HCCC, higher than Fort Worth (\$74) and Frisco (\$26) program costs per participant per year.
7. **There are challenges communicating program and service availability to customers.** The County does not provide education and outreach services to minimize confusion or mixed delivery of information, but there are challenges communicating program and service offerings to customers because the County operates the HCCC facility and multiple City department host mobile collection events.

### 12.4.2 Recommendations

Each of the following recommendations are components of the planning level Implementation & Funding Plan provided in Appendix F.

1. **Enter new one year contract with the County that includes three, one-year optional extensions.** Extending the current agreement in a similar structure to the existing ILA on a one-year basis with multiple available extensions ensures that the short-term needs of the City will be met but provides the flexibility to explore other options to minimize future costs as the City continues to grow. Given that the cost per participant per year is higher than other benchmark cities, the City should explore ways to minimize the annual operating or disposal cost components of the agreement or seek other in-kind services from the County (e.g., marketing and communications support) to bring all-in program costs in line with benchmark cities.
2. **Explore the ability for the County to extend operating hours and automate data tracking and analysis.** Extending operating hours and automating data tracking would streamline operations at the existing facility but may require capital upgrades including installation of wireless internet and a covered area to receive customers.
3. **Work with the County to increase materials that can be cost-effectively recycled to minimize disposal costs.** The City's cost per participant is higher than peer cities in part because of the HCCC is unable to recycle materials cost effectively and is required to dispose. The City should work with the County to proactively establish recycling outlets for materials that are currently disposed to minimizing disposal costs passed through as part of the ILA. This is challenging with the existing space constraints at the HCCC, but may be more feasible at a new HCCC or satellite facility.
4. **Collaborate with the County to identify locations where new HCCC or satellite facility could be located in the southern part of the County.** This collaboration should include working together with the County and its stakeholders to establish the needs (e.g., challenges managing service demand, rising operating costs, changing material types and recycling outlets) and benefits (e.g., more convenient access for residents, managing costs over time) that would justify upgrading the existing facility or developing a satellite facility. A key consideration is to ensure current participating members support the approach and understand the benefits to their residential customers.
5. **Coordinate with the County to support increasing frequency and materials accepted at HHW and BOPA events.** The key challenges to increasing the frequency of events is the additional cost of equipment and staff time. The key challenges to increasing the materials accepted at events is the requirements to have a chemist on site and additional staff training. The City should coordinate with the County to identify opportunities where the County could support these needs (e.g., providing use of its full-time chemist at some or all mobile collection events) may allow the City to increase the number of collection events without incurring the full cost burden of the program expansion.

## 13.0 PUBLIC EDUCATION, OUTREACH AND COMPLIANCE

Public education, outreach and compliance is critical to managing the City's material management system and making progress toward its recycling goals. Guidance and support from the City can shape proper participation and positive program engagement experiences for customers in the single-family, multi-family and commercial generation sectors. Effective education, outreach and compliance is a multi-departmental effort that generates feedback from customers to inform the direction of current and future programs and policies to work toward the City's Zero Waste goals. This section presents information and analysis regarding education, outreach and compliance programs.

### 13.1 Overview of Components of a Successful Program

The following provides an overview of key components of a robust materials management education, outreach and compliance program as follows:

- **Establish program goals.** This is a critical first step for any successful education, outreach and compliance program that dictates how the program will be evaluated over time and the intended outcomes of the program. Specific quantitative metrics, programmatic improvements, and definitions of success should be determined to ensure that targeted action is taken to work toward the established program goals.
- **Determine financial commitment.** Determining the ability to support the program financially will ultimately dictate the long-term success of any education, outreach and compliance program. Target annual costs, dedicated staffing, and funding sources should be established before content is generated and distributed to ensure that a sustained effort is possible.
- **Identify target audience(s).** Depending on the program goals and financial commitment, the next component of a successful education, outreach and compliance program is identifying the target audiences. Audiences may include broader categories of customers including residential customers, multi-family, and commercial customers or focus on more targeted audiences such as specific housing types, collection routes, businesses, or home-owner associations.
- **Develop messaging content.** Generally there are two types of communication that are deployed as part of education, outreach and compliance programs: specific program information (e.g., dates of service, acceptable materials, set -out instructions) and general environmental services information (e.g., why recycling is beneficial, impacts of contamination). The messaging content should be determined based on data-driven analysis and crafted with simple and easily understood language and graphics to communicate information in a succinct and effective manner.

- **Content distribution and public outreach.** The distribution channels of content as part of any successful education, outreach and compliance program should be based on the target audience and the type of content. The most effective approach to reaching the target audience and impacting behavior change is distribute the content where the audience already consumes information. This may require many diverse forms of content distribution, including traditional bill stuffers, traditional advertising (e.g., billboards, bus stops, radio advertising), in-person meetings or events, social media platforms (e.g., Facebook, Instagram, NextDoor) or other publications such as newsletters or other local print media.
- **Evaluate program effectiveness.** This is a critical step to having a successful long-term program that is able to maintain consistent messaging to the target audience over a sustained duration of time, even as members of the selected target audience change. Evaluation of program effectiveness may include activities such as tracking data (e.g., program costs over time, engagement from target audience), establishing a meaningful feedback loop, and consistently evaluating progress toward goals.
- **Deploy compliance measures.** Holding material generators accountable is a component of having a successful long-term education, outreach and compliance program. Compliance activities may include cart tagging, skipping service or removing carts from consistently bad actors, implementing service fees, and/or otherwise enforcing local regulations or ordinances.
- **Regional collaboration.** Approaching solid waste and recycling from a regional perspective is the final component of having a successful long-term education, outreach and compliance program. Regional collaboration activities include coordinating with other municipalities on the consistency of messaging, timing of content deployment and channel(s) of distribution. NCTCOG has developed and deployed a regional education campaign intended to support regional collaboration among communities in North Central Texas, and is described in further detail as part of Section 13.3.2.

## 13.2 Current System Review

Responsibilities for public education, outreach and compliance are shared between the Sanitation Department and OEQS. Historically these services were provided primarily through the Sanitation Department, but the City changed its overall approach for environmental educational and outreach efforts. Rather than have individual departments have distinct programs, the City reorganized by moving educational and outreach staff from multiple departments to OEQS. The purpose of the change was to provide the opportunity to develop more comprehensive programs and to increase economies of scale (e.g. ability to share a graphics designer). The Sanitation Department is still responsible for certain aspects of



the education, outreach and compliance programs that are specific to service information (e.g., service delays, adjustments to collection service schedule, etc.). Additionally, OEQS and the Sanitation Department coordinate closely with Code Compliance.

The City uses a variety of programs and services to provide public education, outreach and compliance. This section provides a detailed summary of activities as part of the City's program organized by the components of a successful education, outreach and compliance program as described in the previous section.

- **Establish program goals.** The City has qualitative goals to reduce contamination in the single-stream material collected by City crews and increase the volume and frequency of material set out for collection by residential customers. There are specific quantitative goals set by the 2011 LSWMP and CECAP to increase the recycling rate. Additionally, the City has qualitative goals to provide a consistently high level of service to residential customers and continue to implement and track compliance with the MFRO.
- **Determine financial commitment.** In addition to the division manager, there are five full-time positions for education and outreach efforts in OEQS including a recycling coordinator, three administrative specialists, and an event services specialist. The staff conducts research and is responsible for compliance related to hauler registration, the MFRO, marketing, social media, inter-departmental educational outreach efforts and coordination with event services. The Sanitation Department also has three four staff dedicated to education and outreach related to service-based communications and has hired an additional 10 FTEs to provide code compliance service related to brush and bulky item set outs and enforcing compliance with prohibited or oversize set outs. Further discussion about brush and bulky item set outs is provided in Section 7.0. There are other direct expenses related to education and outreach including marketing materials and cost for events that are supported, in part, from annual payments provided by FCC as part of the recycling processing contract.
- **Identify target audience(s).** The City's current communications target single-family customers, multi-family residents and building managers, and commercial establishments.
- **Develop messaging content.** Messaging content related to environmental stewardship is developed by OEQS and messaging related to collection service is developed by the Sanitation Department.
- **Content distribution and public outreach.** The City utilizes a variety of traditional marketing efforts for recycling education and outreach. Examples include but are not limited to Twitter, Facebook, ReCollect App, direct mail, utility bill inserts, web site ([www.DallasZeroWaste.com](http://www.DallasZeroWaste.com)), and attending special events. Additionally, the City provides presentations to homeowner

associations (HOAs). Based on the results of the survey conducted as part of the stakeholder engagement for the LSWMP Updated, respondents ranked direct email (65 percent), utility bill inserts (37 percent), and social media (27 percent) as the preferred ways to receive communications from the City about solid waste programs and educational information. In FY 2020 the City initiated community based marketing efforts to conduct more grass roots outreach in places where City residents frequent (e.g. community centers, grocery stores, etc.), but transitioned away due to COVID-19 concerns to focus on virtual communication and social media approaches through partnerships with public libraries and universities. The City has an educational game on the website to educate the public, but does not have a major presence educating the community in public spaces (e.g., parks and downtown areas).

- **Evaluate program effectiveness.** The City gauges the effectiveness of the blue roll cart program by tracking the total annual volume of single-stream material collected by City crews. The City calculates the percentage of single-stream material collected compared to all the material collected among the blue and grey roll carts. Additionally, program effectiveness is tracked by the contamination rate of single-stream materials, the reporting compliance as part of the MFRO, and reporting compliance as part of the City's non-exclusive franchise hauler system. Further detail regarding the reporting compliance related to the MFRO and non-exclusive franchise system is provided in Section 11.0
- **Deploy compliance measures.** In an effort to better understand contamination levels across the City, the Sanitation Department developed the "Take-a-Peek" program where staff will identify areas with presumed high contamination levels and will inspect recycling carts for contamination. With limited staff resources, the goal was to "peek" into the carts of 100 households per district each year (500 total). Given COVID-19 concerns, the program has been suspended and will eventually shift to a route-based approach, with a goal to check every household along a specific route (about 1,500 total households) in four phases. Additionally, the City implemented compliance measures related to oversize brush and bulky item set outs. Further discussion related to oversize brush and bulky item collection is provided in Section 7.0.
- **Regional and institutional collaboration.** The City actively coordinates with NCTCOG, other peer cities and local educational institutions (e.g., Dallas Independent School District) to develop and distribute education and outreach content in an effort to improve the performance of its recycling system.

### 13.3 Education, Outreach and Compliance Evaluation

This section evaluates the recommendations presented in the 2011 LSWMP, indicating the progress that has been made toward the recommended policies and/or program and any fundamental changes that have been made related to programs, policies or forecasts as it relates to public education, outreach and compliance. Additionally, this section evaluates the current efforts against the components of a successful education, outreach and compliance program.

#### 13.3.1 2011 LSWMP Recommendations

Table 13-1 lists the recommendations from the 2011 LSWMP related to public education, outreach and compliance with a brief description of progress to date and potential next steps as part of the LSWMP Update.

**Table 13-1: Evaluation of 2011 LSWMP Recommendations**

<b>2011 LSWMP Recommendation</b>	<b>Progress to date</b>	<b>Potential Next Steps</b>
Undertake social marketing campaign.	In 2020, the City initiated community based marketing efforts to conduct more grass roots outreach in places where City residents frequent (e.g. community centers, grocery stores, etc.).	Due to COVID-19 the City transitioned to focus on virtual communication and social media approaches through partnerships with public libraries and universities. The LSWMP Update will evaluate the balance between virtual and in-person approaches to social marketing.
Provide commercial technical assistance.	The City has established the Green Business Certification program and has certified 16 businesses.	Reference Section 11.5.3 for further discussion on expanding the Green Business Certification Program to provide commercial technical assistance.

Since the adoption of the 2011 LSWMP, key initiatives have been implemented including the City taking more control of its recycling processing system with the FCC partnership (as detailed in Section 9.0) and the 2020 implementation of the MFRO. As part of the 2011 LSWMP, the City utilized several alternative metrics (e.g., greenhouse gas reduction, capture rate, etc.) to evaluate potential programs and diversion potential; however, the City has not implemented them as part of their annual data analysis and reporting practices.

Additionally, since the 2011 LSWMP NCTCOG regional “Know What to Throw” Campaign was developed and deployed in June 2019 to provide information and context about how cities in the region can continue to actively participate in the regional campaign and incorporate its overall approach to campaign

development as the City seeks to advance its outreach, engagement and public education programs. The campaign's target audience includes residents that live, work and play in the North Central Texas region and to increase collaboration among municipalities, streamline messaging and minimize confusion for residents that may live in a different municipality than they work. Figure 13-1 shows an example of the support content provided to member municipalities in the region.

**Figure 13-1: Social Media and Example Bill Insert from the NCTCOG Regional Campaign**



*Social media content (top) and example bill insert (bottom).*

After the campaign was launched in 2019, NCTCOG staff have actively collected engagement data, incorporated feedback from municipalities and residents, and hosted recycling roundtable events to support further coordination and collaboration among municipalities in the region, amplify the collective messaging being distributed, and discuss next steps to continue working to achieve the goals of the campaign.

### 13.3.2 Current Programs

This section evaluates the City's current efforts against the components of a successful education, outreach and compliance program. While tactics and strategic options related to recycling processing are included in the Implementation & Funding Plan, this section does not contain a high-level table that reviews each tactic like other sections of the LSWMP Update. Table 13-2 provides an evaluation matrix indicating the strengths, challenges, and opportunities associated with each of the program components of the City's current system.

Table 13-2: Evaluation Matrix of City’s Education, Outreach and Compliance Efforts

Program Component	Strengths	Challenges	Opportunities
<b>Establish program goals</b>	City has high-level goals for the program to increase recycling and decrease contamination, and quantitative recycling goals as part of the 2011 LSWMP and more specific material-based goals for the single-family sector as part of CECAP.	The multiple sets of quantitative recycling goals are not based on specific programs that would allow the City to realize tangible results. Additionally, the City does not include organics in its recycling rate calculation, limiting the potential to increase the recycling rate beyond the single-stream program and does not have individual goals for each generator sector (e.g., single-family, multi-family and commercial).	While an important part of Zero Waste planning is to have long-term visionary goals, it is equally important to develop short-term goals that can realistically be achieved. Specifically identify programmatic changes to be made and the associated potential increase in diversion quantities to determine more realistic and achievable goals. For example, increasing the capture rate of single-stream recycling to 60 percent by 2030 would allow the City to realize the CECAP goal of recycling 60 percent of paper from the single-family sector by 2030.
<b>Determine financial commitment</b>	The City’s current program receives public education and outreach support from FCC (further description of the public education and outreach contribution is provided in Section 9.0), has the resources required to operate current programs, and capability to leverage multi-departmental coordination and support.	Expanding programs to increase the impact of education, outreach and compliance may require additional resources. Additionally, determining how funding is provided among various departments may present challenges to implement new programs.	The City can leverage the programs and alternative performance metrics identified as part of the LSWMP Update to justify increasing the resources dedicated to deploying education, outreach and compliance efforts.
<b>Identify target audience(s)</b>	The City identifies target audiences and distributes environmental stewardship and service-based messaging designed for their consumption, including in both English and Spanish. Additionally, the City targets key program participants of the MFRO.	The City’s general target audiences are not segmented by generator sector (e.g., single-family, multi-family and commercial) or other target audience groups (e.g., age, gender, demographics, location).	Continue to refine the target audience to customize education and outreach content to increase engagement and behavior change of key audiences based on recycling performance metrics, particularly multi-family residents and building managers. There is an opportunity to increase education and outreach efforts in public spaces.
<b>Develop messaging content</b>	City has multi-departmental collaboration and timely content creation, using feedback from the community to influence messaging content.	The City faces challenges to determine which content is causing intended behavior change, and if behavior changes are having the intended impact on program performance. Additionally, many residents do not fully understand the full breadth of programming provided (e.g., drop-off of up to six tires at the Landfill).	The City can leverage recycling performance metrics to inform the development of content on a more regular basis, coordinating closely with FCC and other local commercial recycling facilities. The City has the opportunity to more effectively educate residents about all the programs and services that are available to them.
<b>Messaging distribution and public outreach</b>	Research by the Recycling Partnership has also shown that efforts to connect with people about recycling within their community or “space” can enhance opportunities to improve recycling participation. The City takes a community-based marketing approach to education and outreach efforts.	COVID-19 limited the ability of the City to advance its community-based marketing program, but pivoted to virtual programming which proved to be effective in cost-effectively reaching new audiences (e.g., education materials distributed through NextDoor to parents to supplement the sudden need for homeschool materials).	The City can work to find a balance between community-based marketing in areas of the City where greater contamination is occurring (pending expansion of the Take-a-Peek program) and a virtual and social media approach given the effectiveness of the current efforts. There are also opportunities to distribute messaging with a regional focus by leveraging current and future resources from NCTCOG.
<b>Evaluate program effectiveness</b>	City tracks and leverages data from social media and the Re-Collect App to inform content development. Additionally, the City’s MRF audits provide information about the contaminants that are delivered to the MRF.	City has limited regular tracking of some key metrics and does not establish a consistent feedback loop to improve program effectiveness. The City’s MRF operator does not provide feedback regarding specific routes or generators that are delivering contaminated materials. Additionally, the City does not leverage on-board vehicle technology to track metrics such as set out and participation rates.	The City can set quantitative goals including a recycling rate that includes organics, contamination rate, capture rate, pounds per household generation rate, to track key performance metric data to establish a more impactful feedback loop and more consistently evaluate progress toward interim milestones/goals.

Program Component	Strengths	Challenges	Opportunities
Deploy compliance measures	The City has taken the first step to implement its “Take-a-Peek” program but has not been able to scale the program on a routed basis. This program removes carts from households with highly contaminated set outs, which can be returned after the customer completes an online course focused on proper set outs.	Although the City initially intended to remove carts from customers that consistently do not meet compliance related to the roll cart based programs, this has not been comprehensive implemented since there are limited resources to deploy the “Take-a-Peek” program.	The City can scale up the “Take-a-Peek” program, deploying more resources in coordination with the Sanitation Department and Code Compliance to generate a more comprehensive feedback loop from the single-family sector. This could be used to target education and outreach to specific areas of the City or collection routes with high contamination or low compliance in the City. Also, removing the recycling cart for repeat high contamination residential set -outs and implementing a penalty (that can be waived with further educational efforts) may result in positive behavior change. Achieving these opportunities would require additional staffing and equipment resources dedicated to scaling these programs.
Regional and institutional collaboration	The City has generally reviewed regional campaign content and uses it as one of several factors in developing messaging, aligning its content to be consistent with the information distributed on a regional basis. The City actively partners with DISD to provide educational material to support recycling efforts.	The City engages in regional collaboration to develop messaging consistent with peer municipalities and the NCTCOG campaign but has not synchronized messaging content and timing on a regular basis to take advantage of digital and social media amplification and virality.	The City can collaborate more closely with the NCTCOG regional campaign to coordinate timing and content of messaging with peer municipalities and drive further engagement in its distributed material by amplifying unified messaging. The City is in a position to become a leader in that effort to synchronize messaging with peer cities and advance the effectiveness of the regional campaign.

## 13.4 Case Studies and Benchmarking

This section provides descriptions of programs or operational considerations from peer cities that would support the City's long-term planning needs related to the future of education, outreach and compliance programs. The next sub-sections provide perspective about the following topics:

- Targeted education, outreach and compliance efforts
- Compliance strategies
- Interactive online learning modules
- Technology integration for program feedback
- Recycling market development

### 13.4.1 Targeted Education, Outreach and Compliance Efforts

Targeting key audiences as part of education, outreach and compliance efforts is an approach that is based on an effective feedback loop to understand exactly which customer types,

After conducting a waste characterization study the City of Atlanta found that one-third of residential curbside recycling was contamination, with half of contamination being due to recycling being bagged. Based on this data collection and analysis, Atlanta deployed cart checkers in four target areas of the city to check and reject carts with contamination, distributing information through mail and nearby signage. Based on this targeted education, outreach and compliance effort, the overall contamination in the test areas fell by 57 percent following implementation of the strategy. Atlanta determined this by conducting a follow on waste characterization effort in these target areas to determine the effectiveness of the approach.

The City of Denver found that 48 percent of aluminum cans generated by households were not being recycled based on a waste characterization. The city developed a campaign to increase the capture of this specific material targeted nearly 5,000 households with messaging through social media, mailed postcards, collection truck signage, and half of targeted households receiving aluminum can-specific cart tags. Based on the results of a follow on waste characterization effort, the city determined that the targeted education and outreach effort resulted in a 25 percent increase in recycling of aluminum cans among households that received the cart tags.

The City of Denton works closely with its MRF operator to identify the loads and routes that are generating high levels of contamination and the types of contaminants present. This information is incorporated as part of Denton's feedback loop to inform the content and distribution of education and outreach materials and compliance efforts.

### 13.4.2 Compliance Strategies

The City of Fort Worth's "Blue Crew" checks the contents of residential set outs each day and leaves tags to inform the resident of any contamination that are found in recycling carts. The Blue Crew removes and bags items/articles that are identified as contaminated and attach a tag to the bag or cart explaining the situation to the customer. The Blue Crew staffing level of 6 to 7.5 full time employees (FTEs) allows Fort Worth to effectively educate customers at the point of generation collaboratively with its contracted recycling collection provider. Those who repeatedly are found to have put non-programmatic recyclable goods in the recycling carts can be charged additional garbage fees, and have their recycling carts taken away. Additionally, Fort Worth has found that by informing the community of the importance of reduction contamination, there are few complaints about the auditing of set outs from residents.

The Cities of San Antonio and Garland have policies that incentivize compliance with their solid waste and recycling programs. These policy approaches have been summarized to provide context as the City considers enhancing program compliance.

The City of San Antonio's SWMD issues violations and collects fees for cart contamination that are added to residents' monthly utility bills from CPS Energy. SWMD staff (consisting of 25 FTEs dedicated to planning, strategy, performance, education and outreach based on the analysis conducted as part of the Initial Operations Assessment) conducts cart audits and customers whose set outs are identified as contaminated are issued an initial warning tag on the cart and a letter sent in the mail that informs residents of the problem. SWMD staff members conducting the audit collect data including a picture of the cart, the serial number on the cart, a picture of the home and pictures of the contaminated items to ensure that violations are sent to the correct customer and information regarding the cart audit can be tracked. The second time that a cart is identified as contaminated, SWMD staff leave a contamination fee tag to indicate that a fee will be placed on the resident's next utility bill.

Generally, contamination fees are \$25 but increases to \$50 for diaper contamination. Increased fees for diaper contamination were added in 2018 because this specific contaminant represented a major problem for San Antonio's MRF. Another addition to the program has been the ability to wave a contamination fee. If a resident is assessed a fee, they can have it removed from the upcoming monthly utility bill by participating in an online educational activity within 10 days of the date of the fee notice letter. SWMD allocates the revenue collected through contamination fees to fund the dispatch of a collection truck to haul contaminated material for disposal rather than recycling.

The City of Austin has also implemented compliance strategies for its various programs including strict adherence to its separated yard trimmings, brush and bulky item collection program and targeted outreach to areas of the city that are identified as having low capture rate of recycling material including single-



stream and organics via roll cart collection. The planning, strategy, performance, education and outreach staffing includes 47 FTEs based on research conducted as part of the Initial Operations Assessment.

City of Garland residents receive recycling service and are able to opt out of their program, meaning they can ask the City not to provide recycling service. For this reason, only about 42,500 of the 63,000 total refuse collection customers receive recycling collection service. Garland collection vehicle operators identify and track customers that set out consistently contaminated carts by visually inspecting the carts and recycling material as it is tipped into the collection vehicle from the cab.

Garland employs a “three-strike” rule to incentivize compliance with the recycling program. If the driver encounters a contaminated recycling set out, the cart is tagged. If that same household has a second unacceptable set out, the resident is sent a letter in the mail providing an official warning. Upon the third unacceptable set out, the resident receives a call from the recycling outreach coordinator and their cart is removed.

Although cart removal provides an incentive to remain in compliance with the program requirements for minimizing contamination and proper set outs, if a resident’s cart is removed they are able to get it back upon request from the City and there are no further penalties, financial or otherwise, to further enforce compliance.

#### 13.4.3 Technology Integration for Program Feedback

Increasingly, cities and haulers are incorporating artificial intelligence (AI) into waste and recycling collection through on-board technology such as radio-frequency identification (RFID) enabled carts, on-board cameras and hopper cameras, and in-cab driver assistance to collect and analyze data that supports customizing education, outreach and compliance efforts to reach target audiences and support service verification. Integration of on-board technology allows for software assisted program and fleet management such as route optimization and service verification. These systems and software can also provide valuable information and feedback. For example, by identifying areas of low participation (based on set outs or RFID data) or high contamination (using hopper cameras and AI), cities can target campaigns and track changes in these metrics to understand the success of outreach, engagement, and public education campaigns.

The City of Denton has integrated data from its on-board technology provider, Rubicon Global (Rubicon) as part of its recycling contamination cart tagging campaign. The technology assists with the identification and tracking of contaminated residential recycling carts, allowing the Denton to hold customers accountable while also streamlining the process for its drivers. Denton has seen a decrease in contamination which has been associated with the integration of the Rubicon system into the City’s outreach and compliance efforts.

The City of Fort Worth is working with its contract collection provider to install on-board technology to support service verification and provide data that staff can incorporate as part of its education and outreach efforts. Waste Management's "Smart Truck" technology equipped with proprietary technology designed to improve customer service by validating service by using GPS mapping and dedicated cameras to photograph or video every cart serviced. While the technology has not been rolled out across its fleet at this point, the intent is to deploy "Smart Truck" on-board equipment and software to increase knowledge of overloaded carts, participation rates, damaged carts, and other key visual data captured of the collection environments on route.

#### 13.4.4 Interactive Online Learning Modules

Interactive online components, such as learning modules or quizzes, can drive engagement with a program's website and other information. The City of Plano provides multiple online learning modules to residents through its Live Green in Plano initiative. These online learning modules include content on a variety of topics (e.g., water conservation, stormwater, green building, solid waste and recycling), including three related to waste and recycling: "Taking Care of the Trash" about how to correctly participate the city's curbside and HHW programs, "Backyard Composting" about how to start composting yard trimmings, and "Composting Food Waste" about options to compost food waste at home. These innovative modules provide information through photos, behind-the-scenes videos (e.g., MRF processing), how-to instructions, interactive games, and quizzes. The modules also connect residents to additional resources to learn more (e.g., recommended books available at the public library). To incentivize participation, Plano ran a six-month drawing in which residents were could enter to win a \$50 gift card by completing the "Taking Care of the Trash" module and submitting the certificate of completion.

#### 13.4.5 Recycling Market Development

Recycling market development is a method of increasing the demand for recovered materials so that end markets for the materials are established, improved or stabilized and thereby become more reliable. The FCC MRF provides a critical outlet for the City and other entities in the region to recycle single-stream materials. Recycling market development efforts support the development of facilities that process potentially recyclable materials not collected as part of single-stream programs or that become process residue and contamination (e.g., Styrofoam, food, shredded paper, etc.). Table 13-3 presents material types that are challenging or cause concerns when introduced into the existing single-stream recycling processing system and could be targeted as part of recycling market development initiatives.

**Table 13-3: Challenging Material Types**

<b>Material</b>	<b>Challenge or Concern</b>
Plastic Film and Bags	FCC MRF has challenges segregating and marketing material when it is co-mingled with single-stream recycling.
Styrofoam (EPS)	
Food	Contaminates otherwise clean recyclables with moisture and organic residues.
Sharps	Safety concerns for operators when processed at the FCC MRF.
Batteries	Fire hazard when crushed by front-end loaders or compacted in balers at the FCC MRF.
Explosives	
Tanglers	Minimize operational efficiency of the FCC MRF when material wraps around equipment causing increased unplanned downtime.
Shredded paper	Recyclable but not suitable for MRF processing.
Textiles	
Bulky items	

Targeting key materials for recycling development initiatives and generally supporting the development of additional recycling processing and composting capacity would support the City's ability incentivize the multi-family and commercial sectors and focus long-term efforts on developing local markets to realize the economic benefits of processing discarded materials as feedstock and returned to use in the form of raw materials in the production of new product.

The TCEQ's recently published Recycling Market Development Plan highlights the following tools that can be used by local governments to support recycled material markets.

- **Partnerships.** Local governments may partner with a variety of entities to provide recycling services in a cost effective and sustainable way, including internal collaboration between departments, with local entities such as non-profits and universities, and with other local governments. Partnerships can help to collect sufficient material to meet market or community needs (e.g., donation) and achieve economies of scale and overcome potential cost barriers to recycling. An example of an opportunity for partnership is the Dallas Zoo, which is working to divert manure from disposal to create compost or partnering with local universities (e.g., Southern Methodist University) to support ongoing sustainability initiatives and provide experiential learning opportunities to students.
- **Preferential procurement.** Public purchasing policies can be used by local government to support demand for recycled material feedstocks, through incentivized or required use of recycled-content paper, compost, or C&D aggregates.

- **Service provision mandates.** Mandated service provisions are ordinances enacted by local government to require specific sectors (e.g., commercial, multi-family, C&D) to contract for recycling services. These policies can be effective in supporting recycling markets for materials in areas with low participation/access to recycling programs. Policies can include mandatory recycling of certain materials and universal recycling ordinances. Further discussion regarding the use of service provision mandates to increase recycling from the multi-family and commercial sectors is discussed in more detail in Section 11.0.
- **Economic development initiatives.** Cities may offer recycling-related businesses certain incentives to encourage the enhanced use of recovered materials from local, regional, or statewide sources. Example incentives include a reduced rate for waste disposal, reduced taxes/tax exemptions, and reduced utility rates. One approach local governments might consider is establishing recycling market development zones (RMDZs), which is particularly appropriate where local governments wish to concentrate such industry in one or more geographic areas.

### 13.5 Key Findings and Recommendations

This section presents the key findings and recommendations related to program and policy approaches to increasing the effectiveness of education, outreach and compliance approaches based on the results of the evaluation, case studies, benchmarking and stakeholder engagement.

#### 13.5.1 Key Findings

Each of the following key findings supports the corresponding recommendation in the subsequent section.

1. **Education, outreach and compliance efforts are critical to the success of current and future policy, program and infrastructure developments.** Continued data collection, analysis and reporting and multi-departmental coordination are essential to establishing a consistent feedback loop that can be incorporated into the education and outreach content and compliance measures deployed by the City.
2. **The responsibilities for education, outreach and compliance efforts are split among three departments.** The Sanitation Department, OEQS and Code Compliance each manage a part of the education, outreach and compliance efforts. While this multi-departmental effort is effective to manage the current programs, the distributed effort may present challenges related to scaling future program implementation and compliance efforts.
3. **Existing goals should be adjusted to establish practical pathway to achieve success.** The City has the opportunity to align its current data tracking and program implementation to achieve the

recycling rate goals adopted as part of CECAP for the single-family sector and utilize more effective metrics in the multi-family and commercial sectors, where the City can only influence material management rather than directly controlling it. For example, the City could look to include organics in its recycling rate calculation for the single-family sector and set more granular, reporting compliance-based goals for the multi-family and commercial generator sectors.

4. **There are challenges deploying the resources to comprehensively expand the “Take-a-Peek” program.** The initial development of the program had been stalled by COVID-19 and is currently not robust enough to provide a consistent feedback loop to inform education and outreach content for the single-family sector.
5. **There is opportunity to expand education, outreach and compliance programs for the commercial sector.** Although a key focus to increase capture rate of single-stream material is on the single-family sector, there is opportunity to increase the focus on education, outreach and compliance for commercial customers to support future policy efforts to increase recycling from this sector.
6. **City has fewer planning, strategy, performance, education and outreach resources and compliance measures in place compared to peer cities.** While the City has implemented fees related to oversize brush and bulky item set outs, there are limited compliance measures related to contamination of single-stream recycling. Additionally, the “Take-a -Peek” program is limited based on the currently available resources to scale the program to become route-based. City has fewer staff among the Sanitation Department and OEQS (13 staff in Sanitation Department and five in OEQS, totaling 18) compared to San Antonio and Austin’s 25 and 47 staff dedicated to strategy planning and education and outreach.
7. **On-board technology not in place to collect and track key performance metrics.** Although the City has installed on-board vehicle technology, the data collected is not currently used to track and evaluate key performance metrics such as service verification, participation/set out rate. Additionally, advanced data analytics such as AI to see what customers are setting out and levels of contamination are not evaluated to increase the effectiveness of education, outreach and compliance programs.
8. **Increasing the capture rate of single stream recyclables to 60 percent and separately collecting and recycling organics would support the CECAP goals of recycling 35 percent of organics, 60 percent of paper, and reducing landfill disposal by 35 percent by 2030.** Education, outreach and compliance efforts focused on the single-family recycling collection to increase

capture rate to 60 percent and implement organics separation and recycling would result in successfully achieving the goals set out by CECAP. This could be accomplished by leveraging the City's existing programs and coordinating with the NCTCOG regional campaign to increase capture rate and, most importantly, implementing separate collection and recycling of organics from the single-family sector.

### 13.5.2 Recommendations

Each of the following recommendations are components of the planning level Implementation & Funding Plan provided in Appendix F.

1. **Adjust performance metrics and recycling rate methodology.** Utilize performance metrics including contamination rate, capture rate, and pounds per household generation rate as key recycling performance metrics and update the City's recycling rate to include organics. Evaluate these performance metrics on a consistent and recurring basis. Leverage these recycling performance metrics to inform the development of content on a more regular basis, coordinating closely with FCC and other local commercial recycling facilities to increase the effectiveness of education, outreach and compliance efforts.
2. **Expand "Take-a-Peek" program and other compliance efforts in the single-family sector.** Expand the "Take-a-Peek" program to increase the feedback loop generated from single-family customer set outs and target outreach to areas of the City or specific routes with high levels of contamination. Recycling carts should be removed from customers that are not in compliance, returning their cart if customers participate in online modules. Chronic offenders (e.g., after having their cart removed one or more times) setting out heavily contaminated carts should be cited with a service fee. To expand these programs to a similar scale to San Antonio or Austin, the City would need to consider hiring or re-purposing between seven and 29 additional FTEs with vehicles and data collection equipment (e.g., tablets). The City should also consider leveraging on-board vehicle technology to support with service verification and compliance efforts.
3. **Expand the Green Business Certification program.** Add more responsibility to the existing staff to provide technical assistance as part of the Green Business Certification program, as available. As the Green Business Certification program continues to grow, there may be a need to hire additional FTEs to provide technical assistance on a dedicated basis, coordinating closely with Code Compliance to increase the feedback loop with commercial sector generators.
4. **Amplify regional NCTCOG campaign and coordinate with DISD.** The City should continue implementation of education, outreach and compliance measure in coordination with the NCTCOG

regional campaign and continue efforts to coordinate with DISD. The City is in a position to become a leader in that effort to synchronize messaging with peer cities and local educational institutions to advance the effectiveness of the regional campaign. Additionally, the City should leverage grant opportunities focused on regional collaboration to amplify education and outreach efforts to reach more generators among single-family, multi-family and commercial.

5. **Maximize voluntary programs in the near term to increase the single-stream capture rate from 50 percent to 60 percent.** Leverage voluntary programs including expanding the “Take-a-Peek” program and on-board vehicle technology to increase the effectiveness of the existing education, outreach and compliance programs to achieve an increase in capture rate from 50 to 60 percent. Increasing the feedback loop in the single-family sector to inform the development of programs and improve the effectiveness of the multi-departmental education and outreach program is essential to increasing the capture rate of single-stream recycling, organics recycling and moving the needle to achieving the City’s Zero Waste goal.
6. **Support separate collection and recycling of organics with critical education, outreach and compliance measures.** Deploy education, outreach and compliance staff from the Sanitation Department to education customers about any new or adjusted separate collection programs and enforce compliance measures regarding separate collection of organics would position the City to achieve its goals of 35 percent organics recycling and 35 percent reduction of landfill disposal by 2030. Leverage these resources dedicated to brush and bulky item collection to support compliance efforts of single-stream recycling, as available.
7. **Implement mandatory programs in the long term to increase capture rate from 60 to 80 percent in the single-family sector.** When voluntary programs have been shown to drive up the capture rate from the single-stream recycling program, reduce disposal on a per household basis, and increase recycling quantities on a per household basis, the City should implement mandatory programs such as material bans and residential recycling requirements to increase the capture rate of single-stream recyclables from 60 to 80 percent. Mandatory programs should be considered after the City successfully implements the other recommendations described in this section. Implementing mandatory programs would increase the staff demand for compliance efforts and may require additional staff or resources to effectively hold customers to account and realize a further increase in the recycling rate.

## APPENDIX A – STAKEHOLDER ENGAGEMENT SUMMARY

Throughout the LSWMP Update development process several virtual interviews were conducted by City staff and supported by Burns & McDonnell. The following communicates information about the interviews including when the conversation was held, who was present, and a brief summary of the discussion.

### **Apartment Association of Greater Dallas (AAGD)**

City staff and Burns & McDonnell representatives interviewed Jason Simon and Raphaella Silva of AAGD on July 29, 2021. City staff provided a background on the LSWMP Update and facilitated discussion on the Multi-family Recycling Ordinance (MFRO), tenant composting, Household Hazardous Waste (HHW) management and education and outreach efforts.

### **Dallas Regional Chamber (DRC)**

City staff and Burns & McDonnell representatives interviewed Matt Garcia of the DRC on June 25, 2021. Garcia provided a background on the DRC and City staff facilitated a discussion on the DRC's interest supporting Zero Waste efforts and diverting material generated by the commercial sector from disposal. Garcia indicated that the DRC has an infrastructure task force that could coordinate with City staff to support efforts to increase education and outreach efforts to commercial sector generators.

### **North Dallas Neighborhood Alliance (NDNA)**

City staff and Burns & McDonnell representatives interviewed Rod Scales of the NDNA on June 24, 2021. Scales provided a background on the NDNA and City staff facilitated a discussion on the single-family constituents' perspectives on the effectiveness of the City's roll-cart collection, brush and bulky item collection and alley collection programs.

### **Pleasant Grove Unidos**

City staff and Burns & McDonnell representatives interviewed Juanito Arevalo, Delfino Lopes, Billie Lopez, and Franklin Ortega of Pleasant Grove Unidos July 28, 2021. The group provided a background on Pleasant Grove Unidos represented by Council Districts 5, 7 and 8 and City staff facilitated a discussion on single-family constituents' perspectives on the effectiveness of the City's roll-cart collection, brush and bulky item collection, litter mitigation, and HHW management programs.

### **Revitalize South Dallas Coalition (RSDC)**

City staff and Burns & McDonnell representatives interviewed Ken Smith of the RSDC on June 14, 2021. Smith provided a background on RSDC and provided insight on challenges with solid waste management in south Dallas and challenged the systemic inertia that minimizes the capacity for the City to respond effectively to south Dallas resident needs. Smith indicated that increased compliance initiatives related to separate brush and bulky items in south Dallas may be ineffective due to perceived increased burden on residents that already struggle to maintain compliance with existing programs.

### **Texas Campaign for the Environment (TCE)**

City staff and Burns & McDonnell representatives interviewed Kevin Richardson and Corey Troiani of TCE on July 1, 2021. TCE representatives provided a background on TCE and provided a listing of the key priorities that TCE would expect the City to include in the LSWMP Update such as mandatory commercial recycling, separate collection and processing of yard trimmings/brush, increased education and outreach efforts, and incorporating equity in the development process.

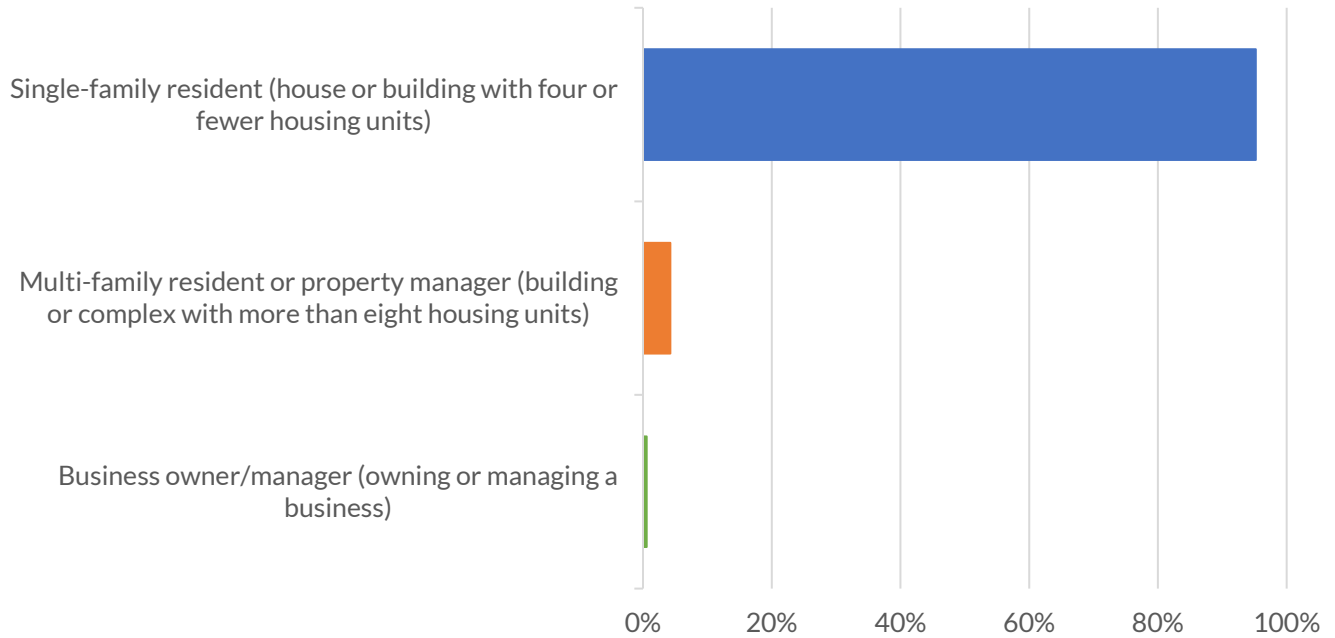
### **Texas Restaurant Association**

City staff and Burns & McDonnell representatives interviewed Core Mobley, Chis Aslam, and Alicia Voltmer of the Texas Restaurant Association on June 30, 2021. Texas Restaurant Association representatives provided a background on the association and City staff facilitated a discussion about restaurants ability to recycle single-stream or organics materials. Texas Restaurant Representatives indicated that any additional requirements or costs related to Zero Waste would not be viewed favorably, especially as restaurants continue to recover from the challenges related to the COVID-19 pandemic.



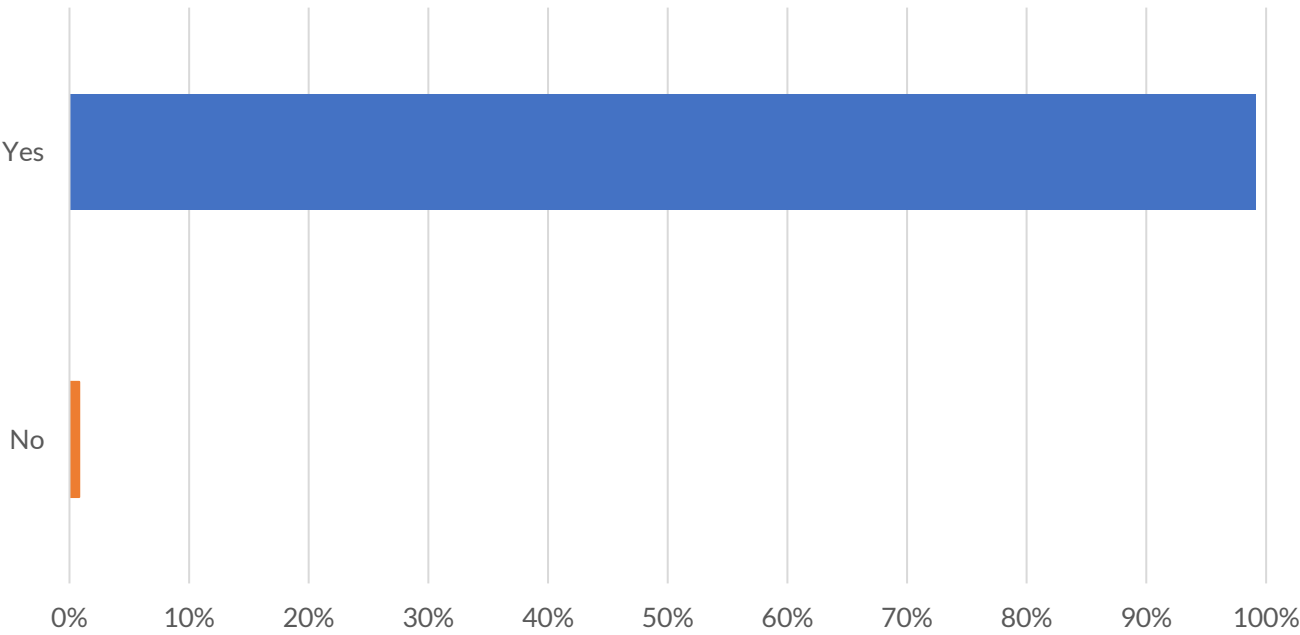
## Demographic Questions

Q. Are you responding to this survey as a:



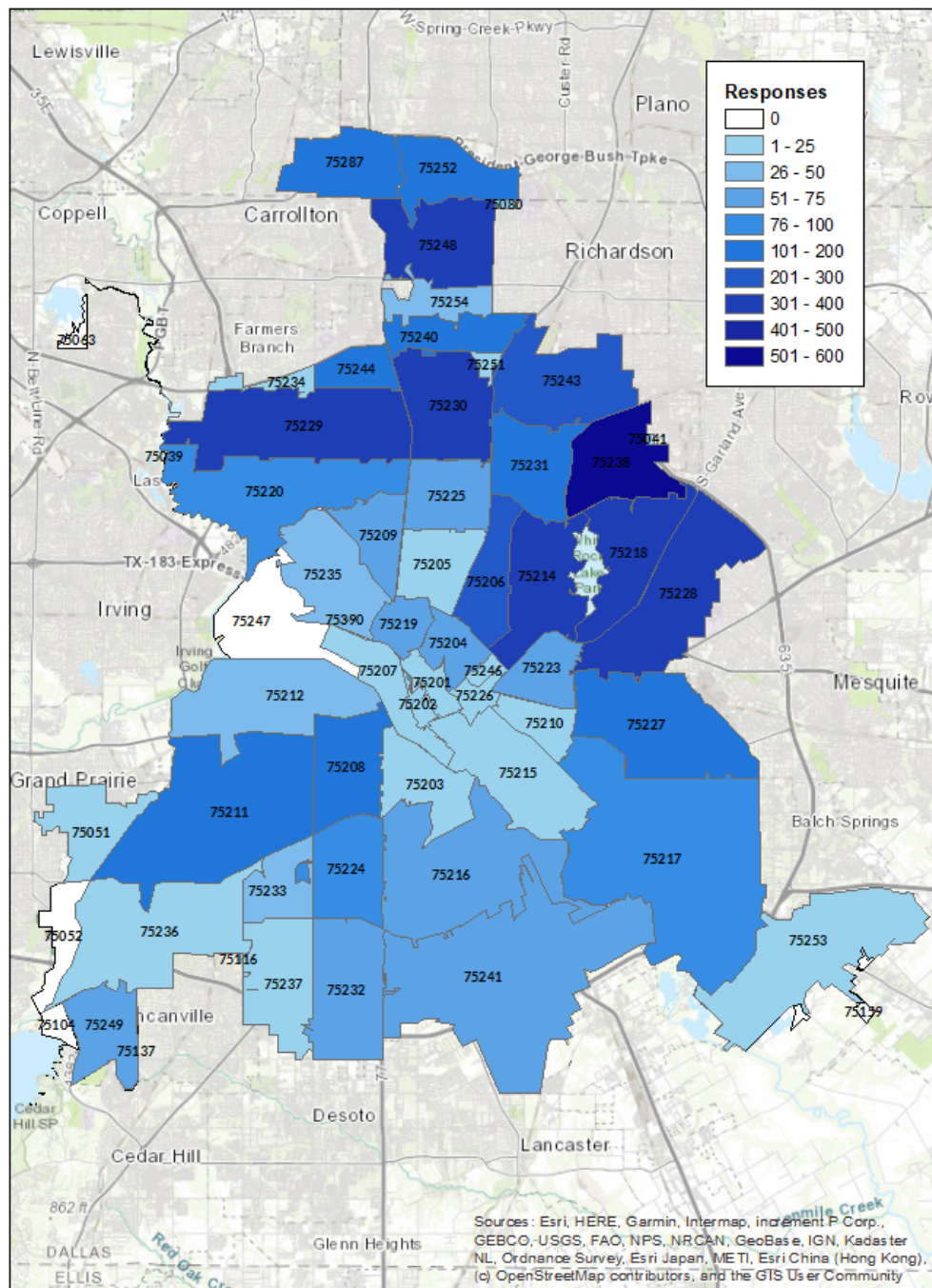
ANSWER CHOICES	RESPONSES	
Single-family resident (house or building with four or fewer housing units)	95.19%	5,259
Multi-family resident or property manager (building or complex with more than eight housing units)	4.25%	235
Business owner/manager (owning or managing a business)	0.56%	31
TOTAL		5,525

Q. Are you a Dallas resident?

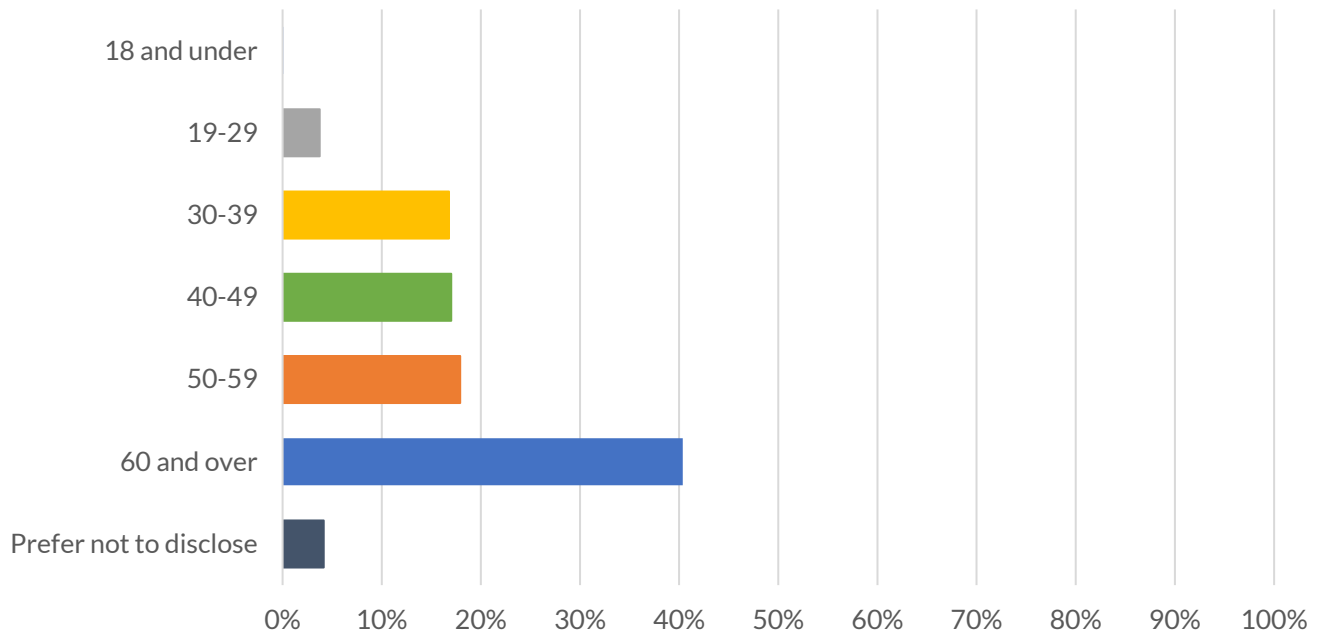


ANSWER CHOICES	RESPONSES	
Yes	99.19%	5,485
No	0.81%	45
TOTAL		5,530

Q. Please select the zip code for your residence or business.

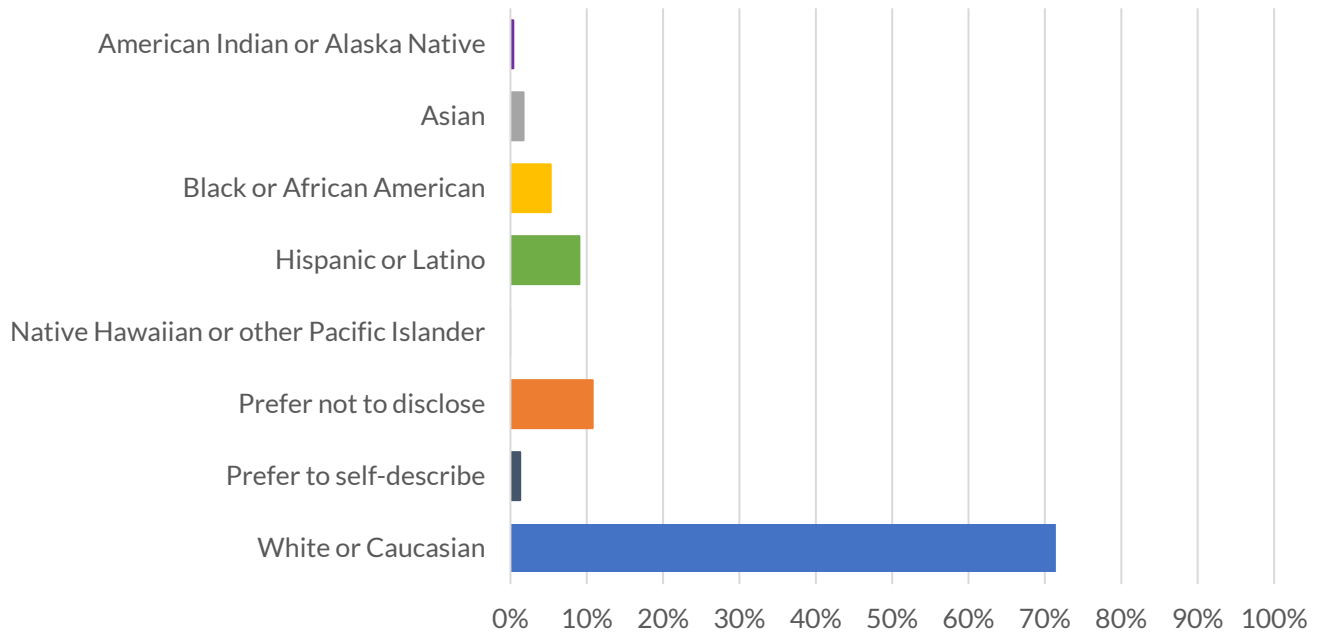


Q. Please provide your age range:



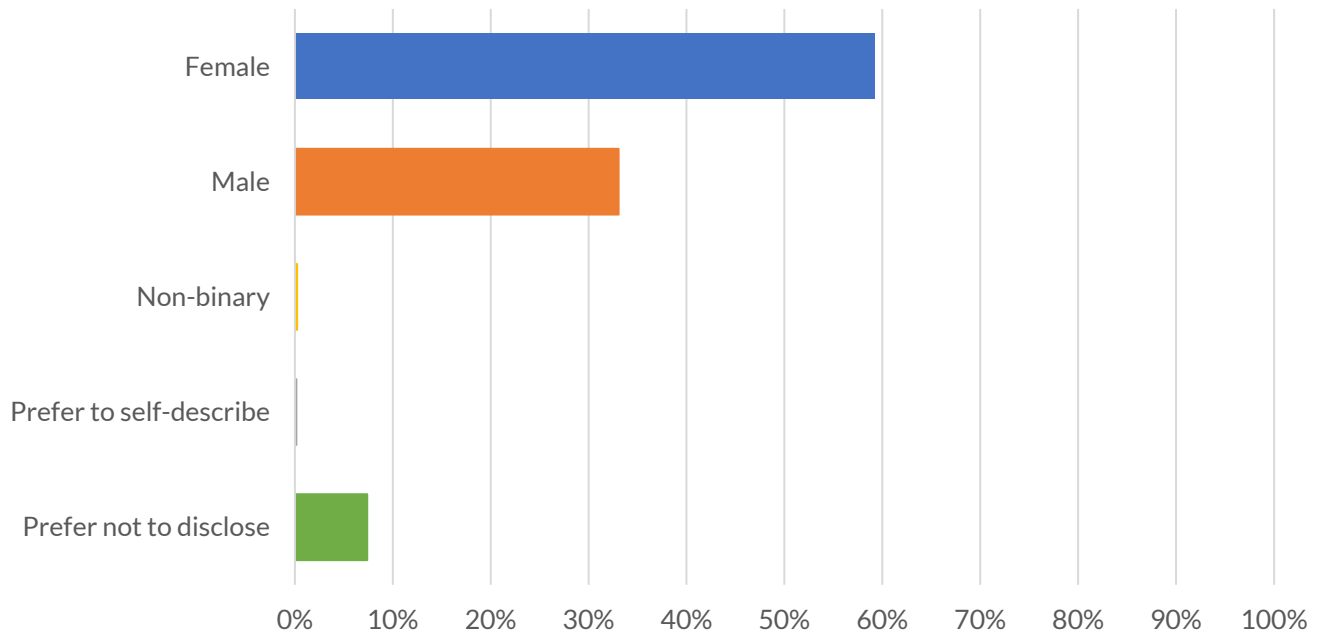
ANSWER CHOICES	RESPONSES	
18 and under	0.07%	4
19-29	3.73%	206
30-39	16.78%	927
40-49	17.01%	940
50-59	17.90%	989
60 and over	40.37%	2,231
Prefer not to disclose	4.14%	229
TOTAL		5,526

Q. Please provide your race.



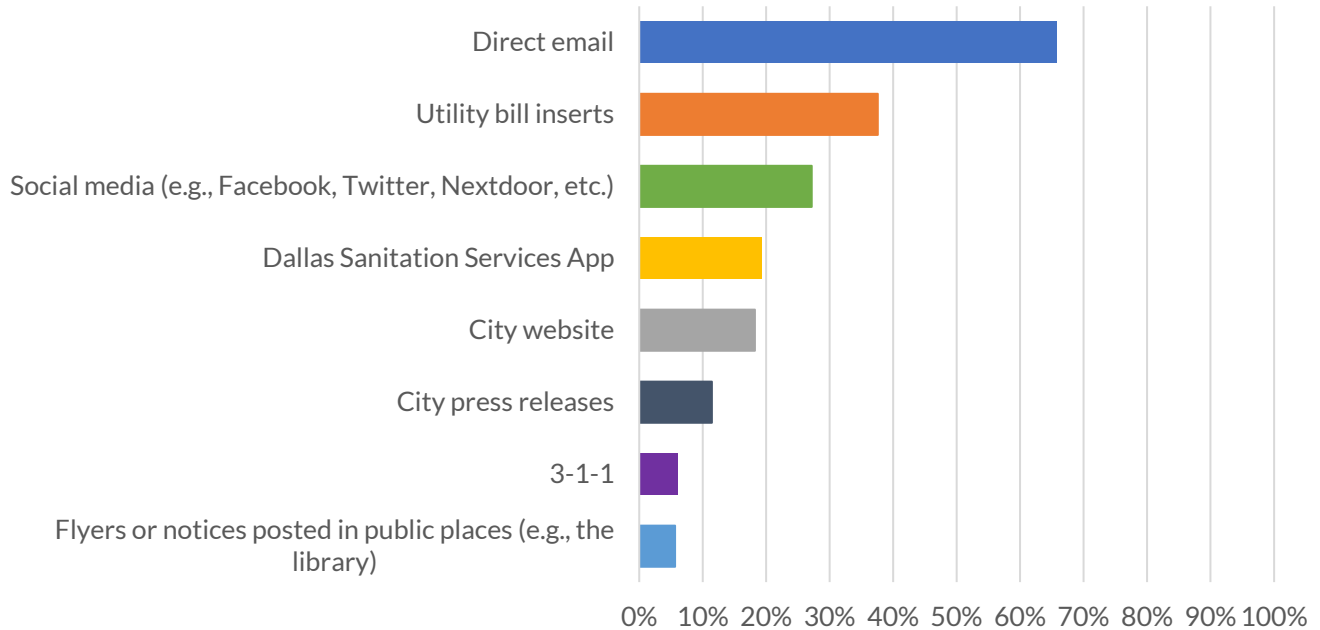
ANSWER CHOICES	RESPONSES	
American Indian or Alaska Native	0.38%	21
Asian	1.72%	95
Black or African American	5.28%	292
Hispanic or Latino	9.04%	500
Native Hawaiian or other Pacific Islander	0.09%	5
Prefer not to disclose	10.78%	596
Prefer to self-describe	1.28%	71
White or Caucasian	71.43%	3,951
TOTAL		5,531

Q. Please provide your gender.



ANSWER CHOICES	RESPONSES	
Female	59.18%	3,277
Male	33.05%	1,830
Non-binary	0.23%	13
Prefer to self-describe	0.14%	8
Prefer not to disclose	7.39%	409
TOTAL		5,537

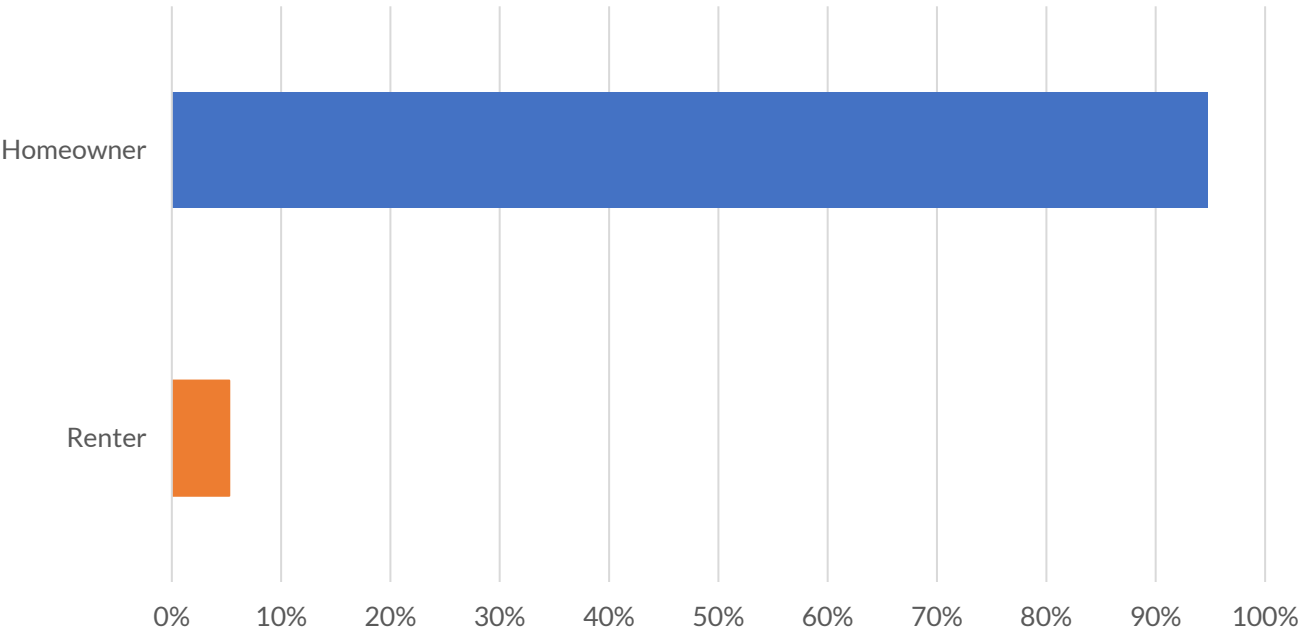
Q. How do you prefer to receive communications from the City about solid waste and recycling services and programs (e.g., changes to existing services, new services, reminders about upcoming events or service days, educational information, etc.)? Please check all that apply.



ANSWER CHOICES	RESPONSES	
Direct email	65.71%	3,624
Utility bill inserts	37.57%	2,072
Social media (e.g., Facebook, Twitter, Nextdoor, etc.)	27.16%	1,498
Dallas Sanitation Services App	19.29%	1,064
City website	18.22%	1,005
City press releases	11.44%	631
3-1-1	6.04%	333
Flyers or notices posted in public places (e.g., the library)	5.64%	311
TOTAL		5,515

SINGLE-FAMILY RESIDENTS

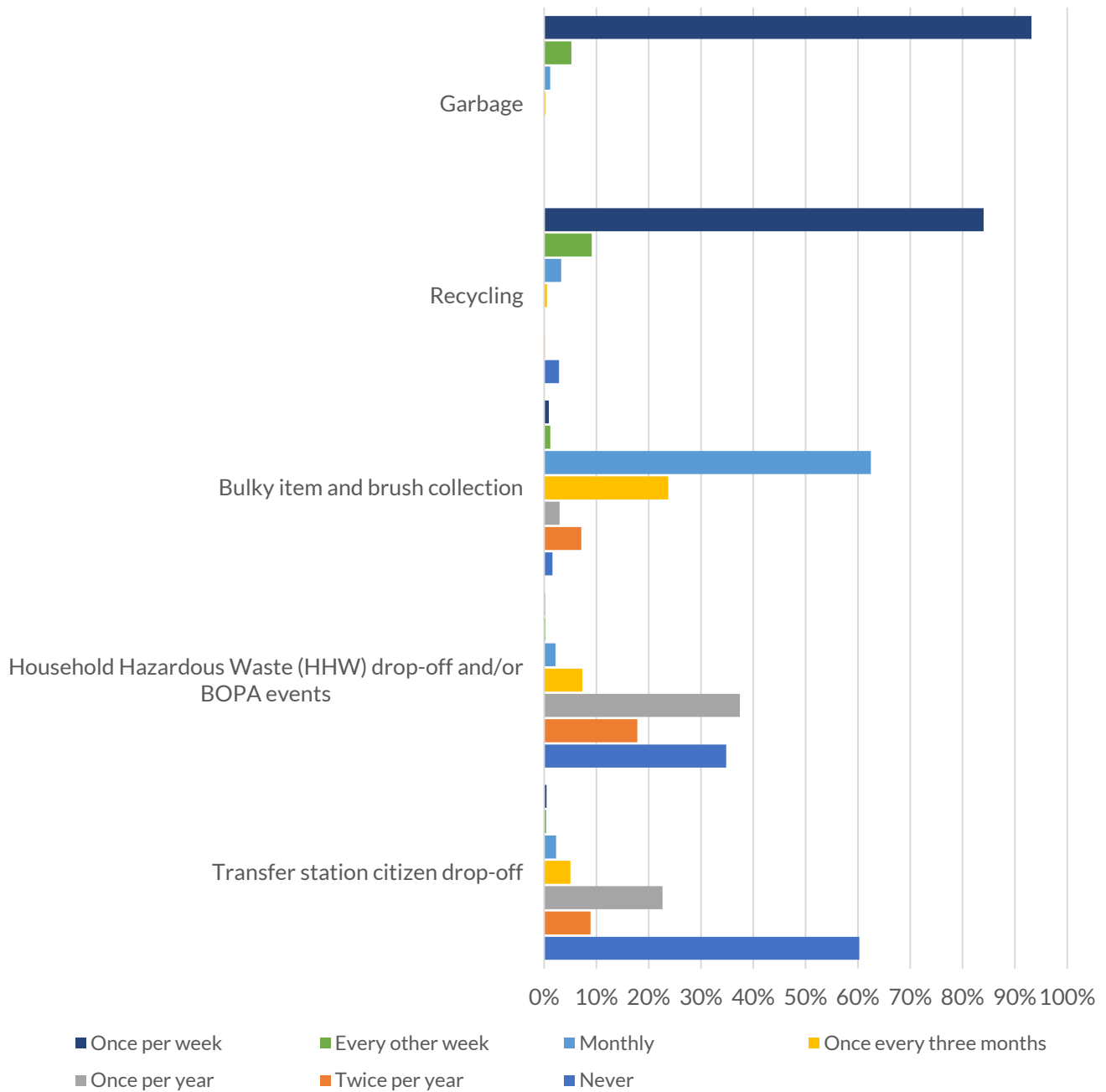
Q. Are you a homeowner or renter?



ANSWER CHOICES	RESPONSES	
Homeowner	94.74%	4,985
Renter	5.26%	277
TOTAL		5,262



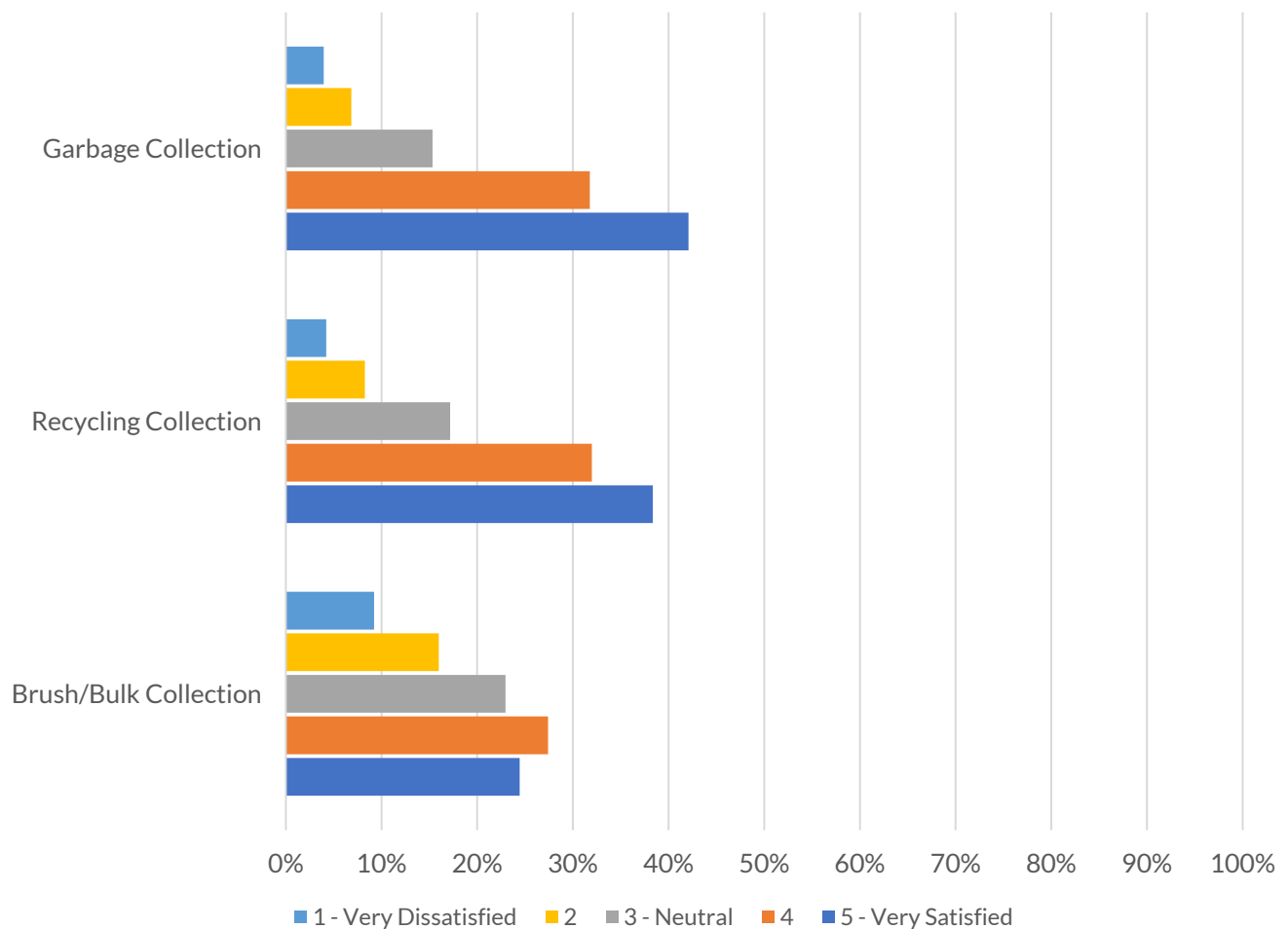
Q. On average, how often do you use each of the following City-provided services?  
Pick the option for each service that best applies to you.



Q. On average, how often do you use each of the following City-provided services?  
Pick the option for each service that best applies to you.

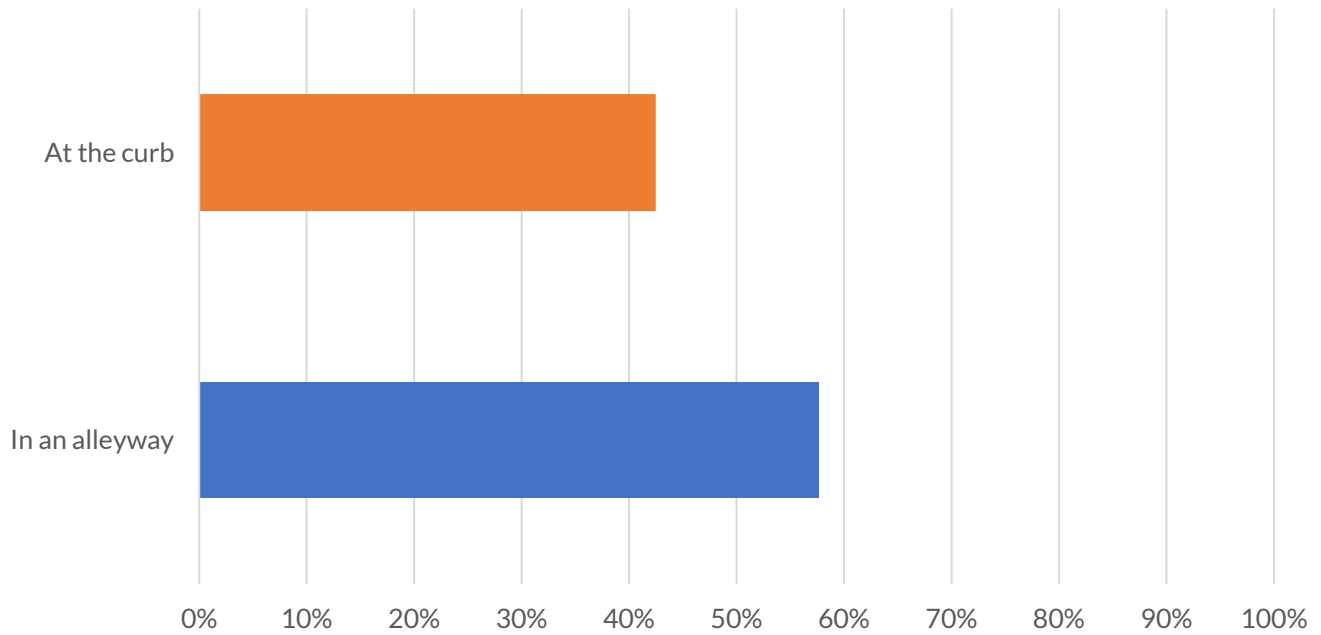
	Once per week		Every other week		Monthly		Once every three months		Twice per year		Once per year		Never		TOTAL	
Garbage	93.17%	4,914	5.21%	275	1.16%	61	0.28%	15	0.06%	3	0.04%	2	0.08%	4	5,274	
Recycling	84.03%	4,387	9.12%	476	3.26%	170	0.56%	29	0.06%	3	0.13%	7	2.85%	149	5,221	
Bulky item and brush collection	0.91%	48	1.20%	63	62.46%	3,280	23.75%	1,247	2.95%	155	7.12%	374	1.60%	84	5,251	
Household Hazardous Waste (H-HW) drop-off and/or BOPA events	0.17%	9	0.25%	13	2.19%	114	7.31%	381	37.44%	1,951	17.83%	929	34.81%	1,814	5,211	
Transfer station citizen drop-off	0.48%	25	0.39%	20	2.30%	119	5.03%	260	22.65%	1,171	8.88%	459	60.26%	3,115	5,169	

Q. On a scale of 1 to 5, rank your level of satisfaction with the current solid waste and recycling programs and services offered by the City for single-family households.



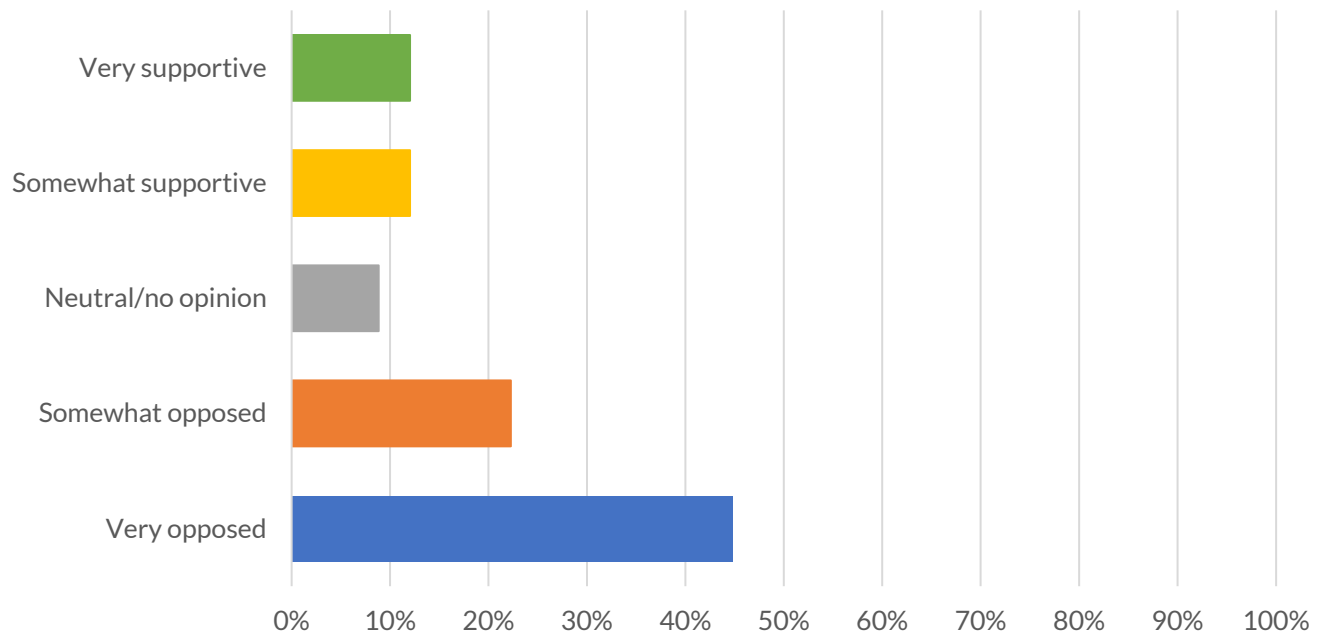
	1 Very Dissatisfied		2		3 Neutral		4		5 Very Satisfied		TOTAL
Garbage Collection	3.96%	209	6.84%	361	15.34%	809	31.77%	1,676	42.09%	2,220	5,275
Recycling Collection	4.22%	220	8.26%	431	17.18%	896	31.98%	1,668	38.35%	2,000	5,215
Brush/Bulk Collection	9.23%	483	15.99%	837	22.95%	1,201	27.40%	1,434	24.44%	1,279	5,234

Q. Please indicate how you set out your garbage and/or recycling cart based on your home's configuration:



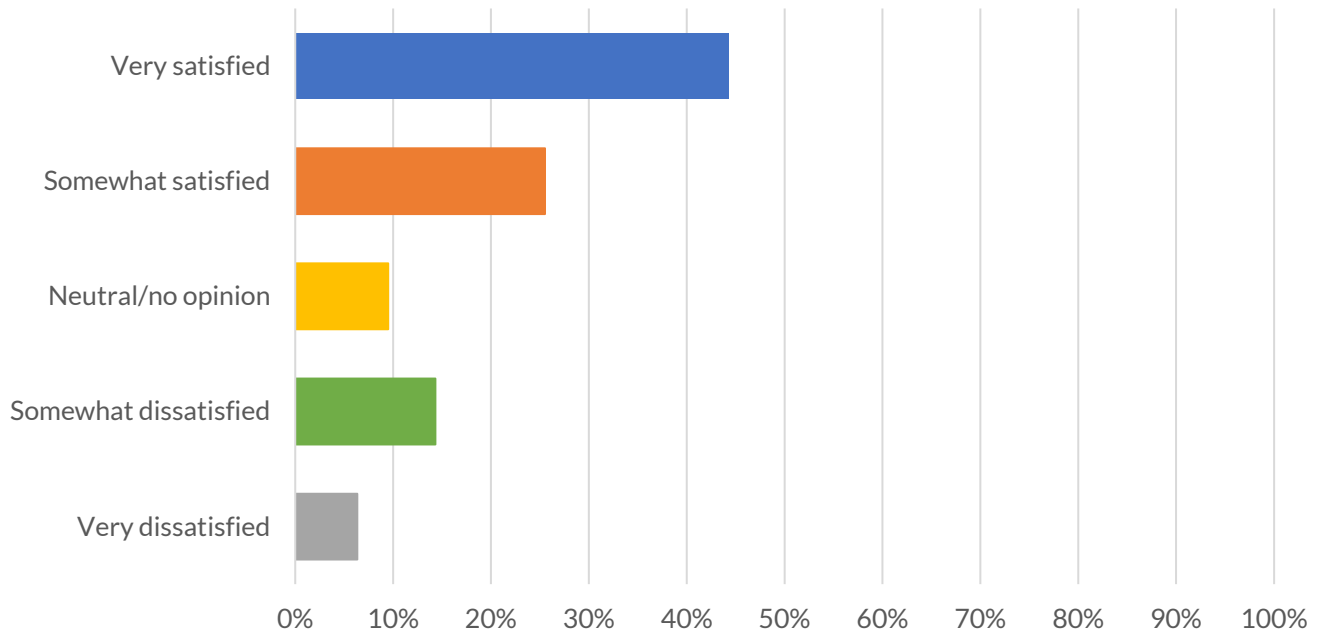
ANSWER CHOICES	RESPONSES	
At the curb	42.38%	2,234
In an alleyway	57.62%	3,037
TOTAL		5,271

Q. Collection in alleyways presents challenges for City collection vehicles that may be too large to travel down alleyways safely or without risk of property damage. To what extent would you be supportive of the City transitioning to curbside collection from alleyways that are not conducive to automated collection?



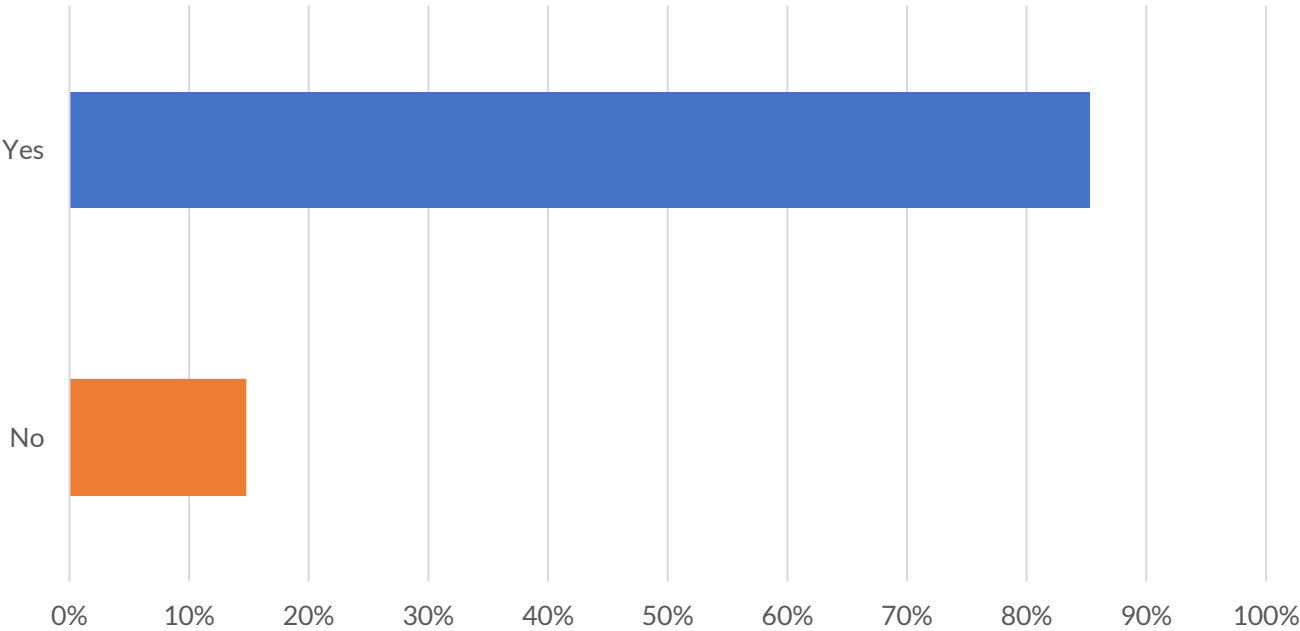
ANSWER CHOICES	RESPONSES	
Very supportive	12.03%	366
Somewhat supportive	12.03%	366
Neutral/no opinion	8.84%	269
Somewhat opposed	22.26%	677
Very opposed	44.84%	1,364
TOTAL		3,042

Q. The City currently provides bulky item collection on a monthly basis. How satisfied are you with the frequency of bulky collection service?



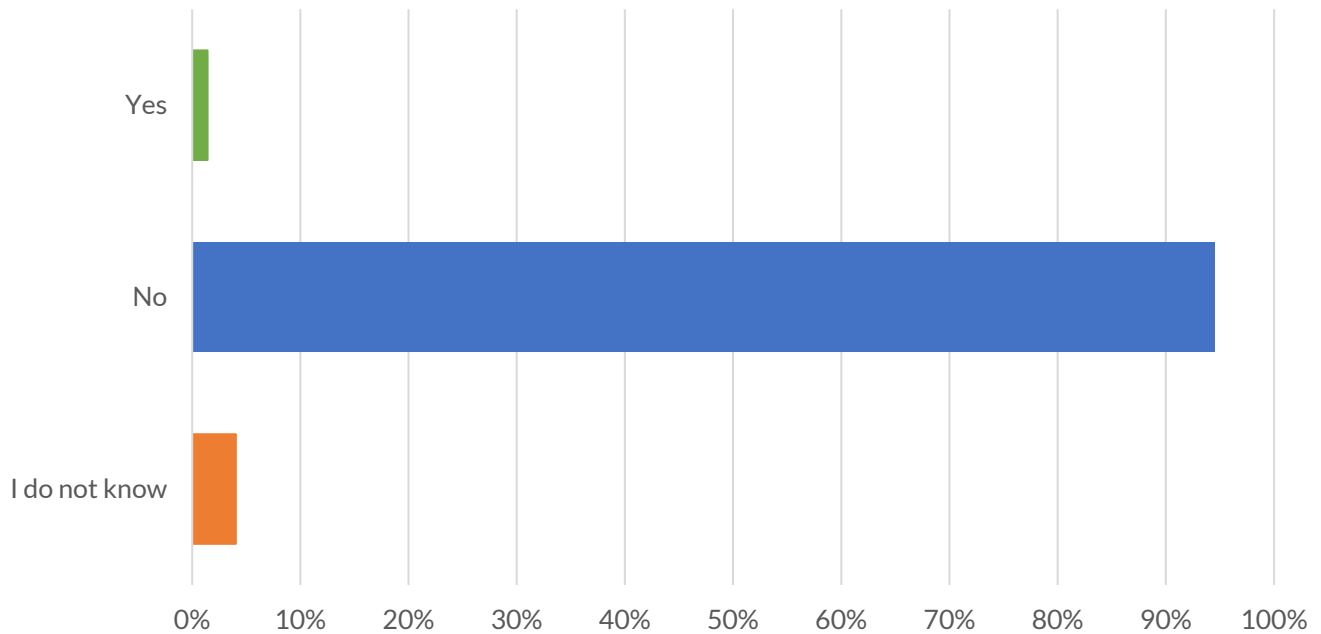
ANSWER CHOICES	RESPONSES	
Very satisfied	44.34%	2,336
Somewhat satisfied	25.51%	1,344
Neutral/no opinion	9.49%	500
Somewhat dissatisfied	14.31%	754
Very dissatisfied	6.34%	334
TOTAL		5,268

Q. Are you aware of the changes to the bulky item and brush collection program to incorporate set out limits at ten cubic yards?



ANSWER CHOICES	RESPONSES	
Yes	85.30%	4,497
No	14.70%	775
TOTAL		5,272

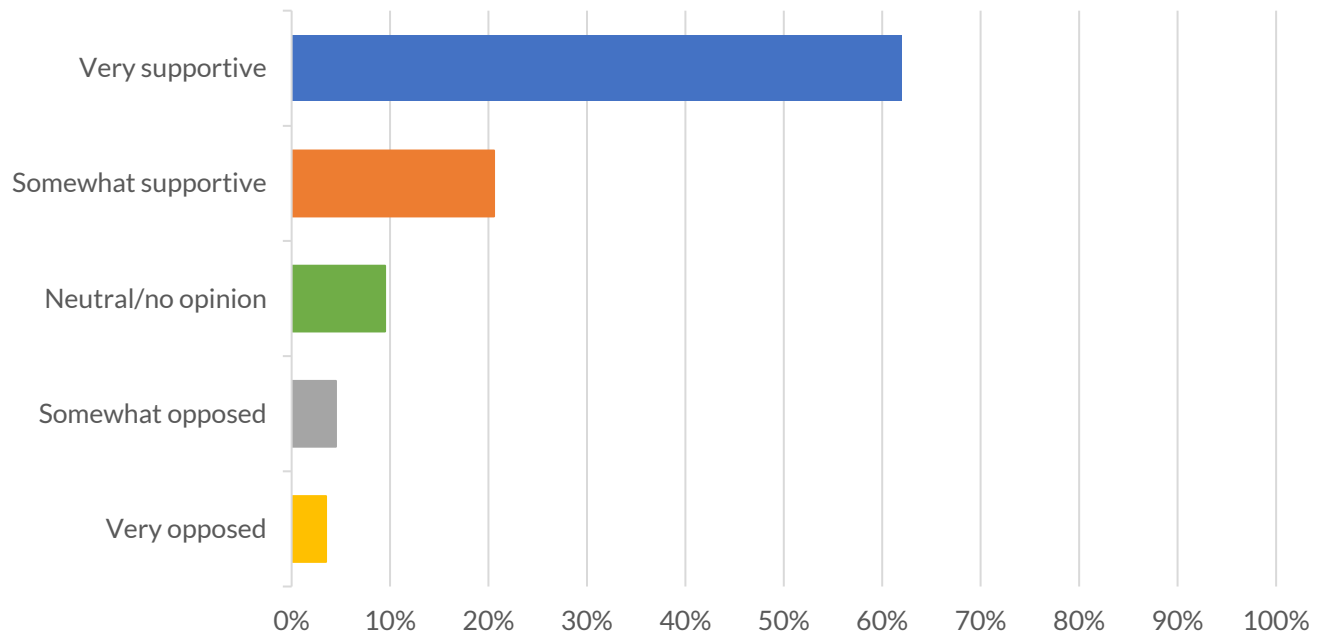
Q. Have you been charged a fee for setting out too much brush/bulky material?



ANSWER CHOICES	RESPONSES	
Yes	1.42%	75
No	94.54%	4,987
I do not know	4.04%	213
TOTAL		5,275

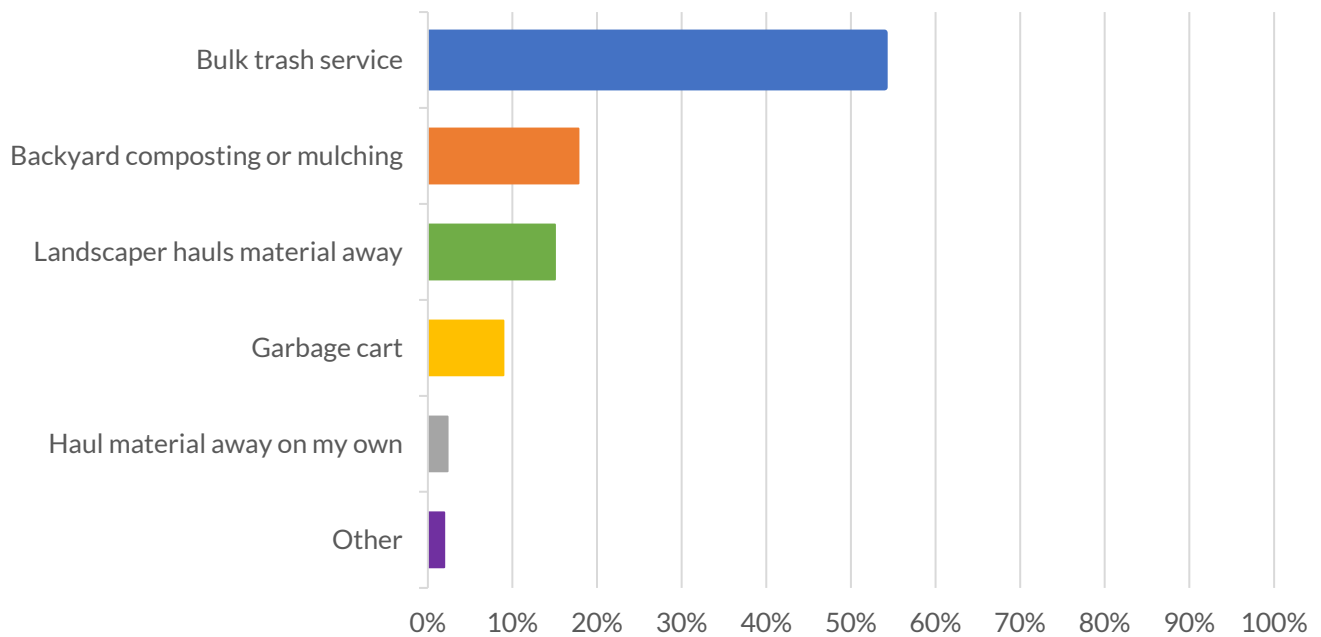


Q. As a key effort to divert material away from the landfill, to what extent would you be supportive of the City requiring the separation of bulky items and brush material so they could be collected separately?



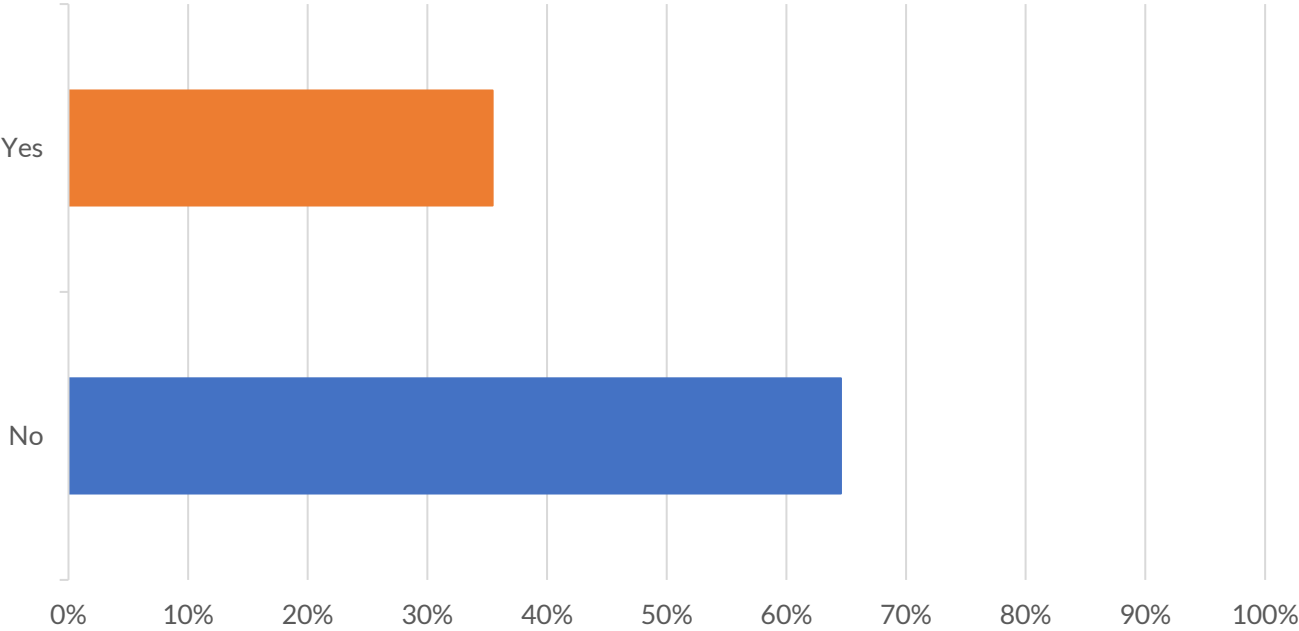
ANSWER CHOICES	RESPONSES	
Very supportive	61.99%	3,271
Somewhat supportive	20.56%	1,085
Neutral/no opinion	9.48%	500
Somewhat opposed	4.49%	237
Very opposed	3.49%	184
TOTAL		5,277

Q. When you have yard trimmings, how do you typically dispose of them?



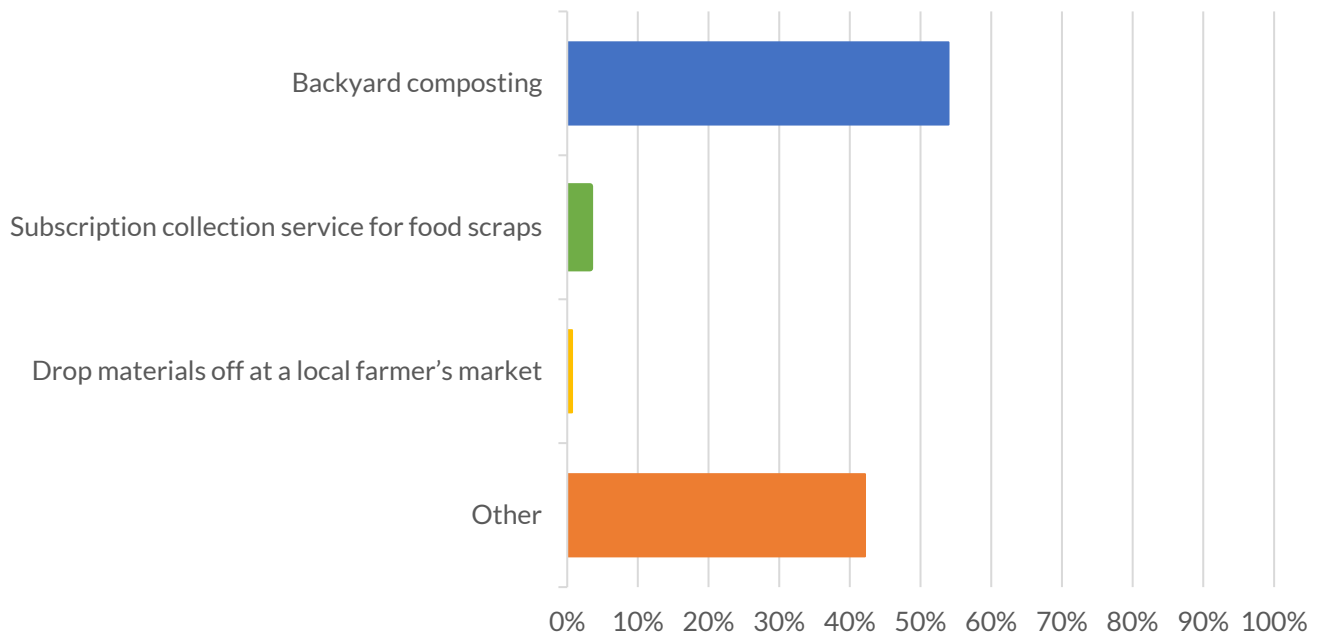
ANSWER CHOICES	RESPONSES	
Bulk trash service	53.99%	2,847
Backyard composting or mulching	17.79%	938
Landscaper hauls material away	15.02%	792
Garbage cart	8.93%	471
Haul material away on my own	2.33%	123
Other	1.93%	102
TOTAL		5,273

Q. Do you currently separate other organics such as food scraps from the garbage to recycle?



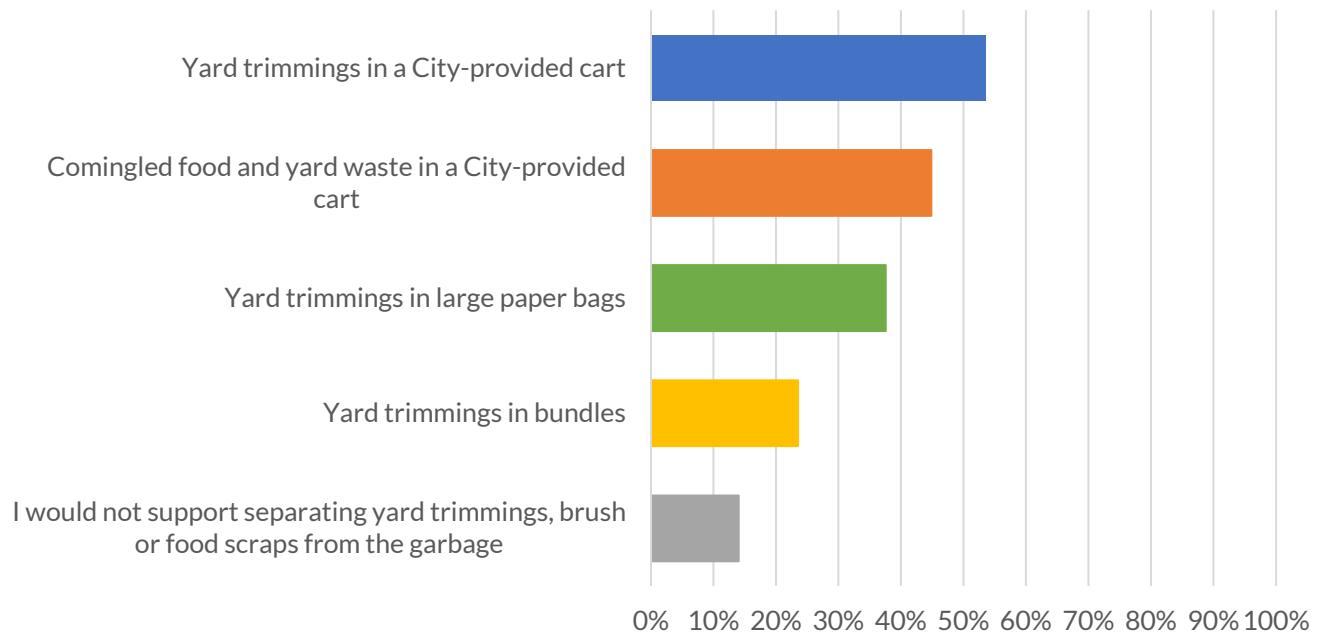
ANSWER CHOICES	RESPONSES	
Yes	35.44%	1,869
No	64.56%	3,404
TOTAL		5,273

Q. If yes, please indicate how you separate food scraps to recycle:



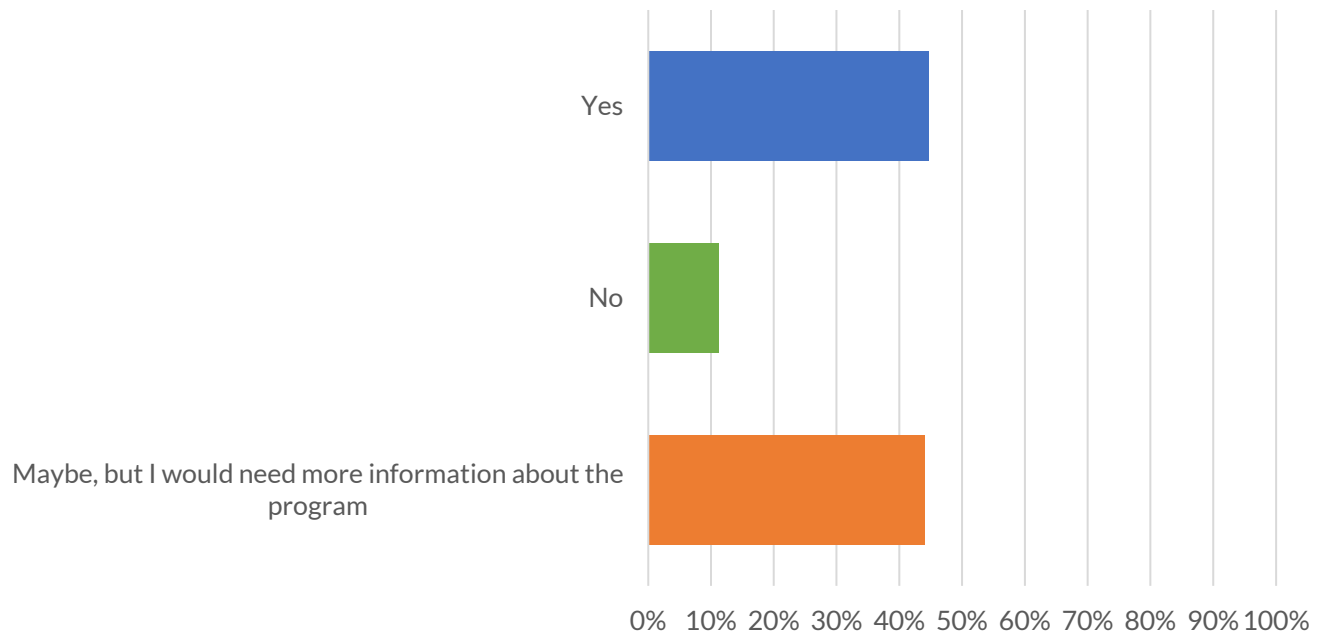
ANSWER CHOICES	RESPONSES	
Backyard composting	53.94%	1,265
Subscription collection service for food scraps	3.24%	76
Drop materials off at a local farmer's market	0.68%	16
Other	42.13%	988
TOTAL		2,345

Q. Which collection options would you support to separate yard trimmings, brush and food scraps from the garbage and help increase the City's recycling rate? Check all that apply.



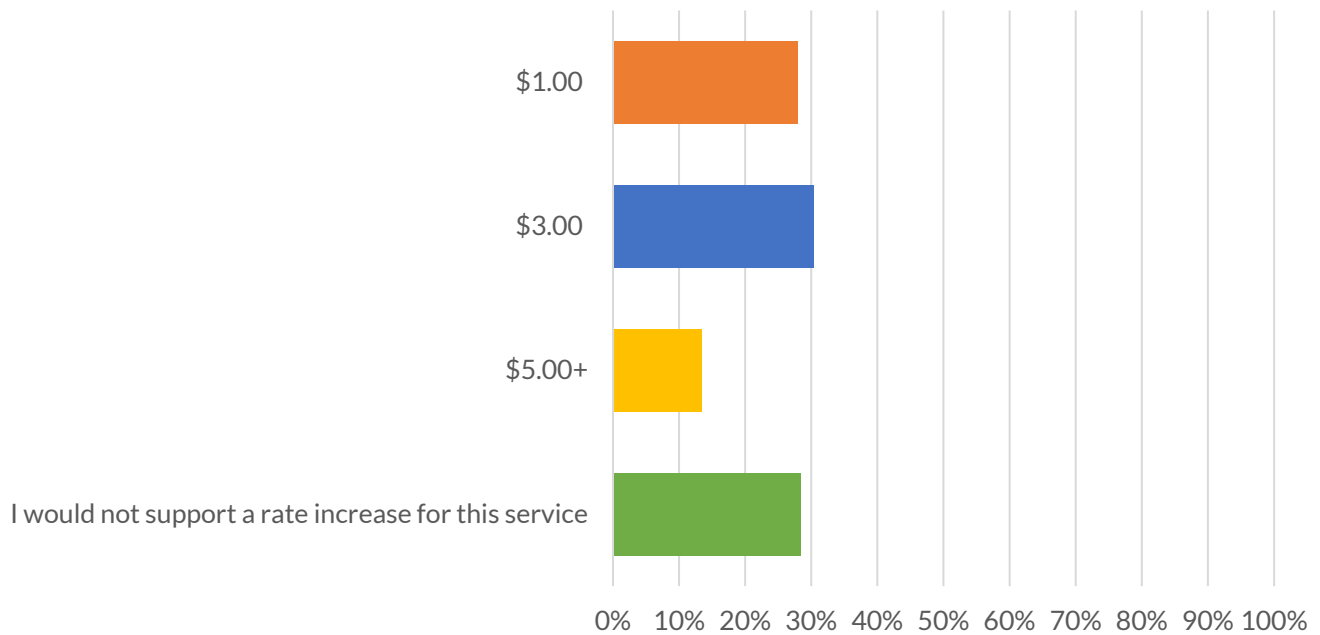
ANSWER CHOICES	RESPONSES	
Yard trimmings in a City-provided cart	53.47%	2,743
Comingled food and yard waste in a City-provided cart	44.85%	2,301
Yard trimmings in large paper bags	37.56%	1,927
Yard trimmings in bundles	23.53%	1,207
I would not support separating yard trimmings, brush or food scraps from the garbage	14.04%	720
TOTAL		5,130

Q. If the City were to implement a program to collect comingled food and yard waste from your home, would you be interested in participating?



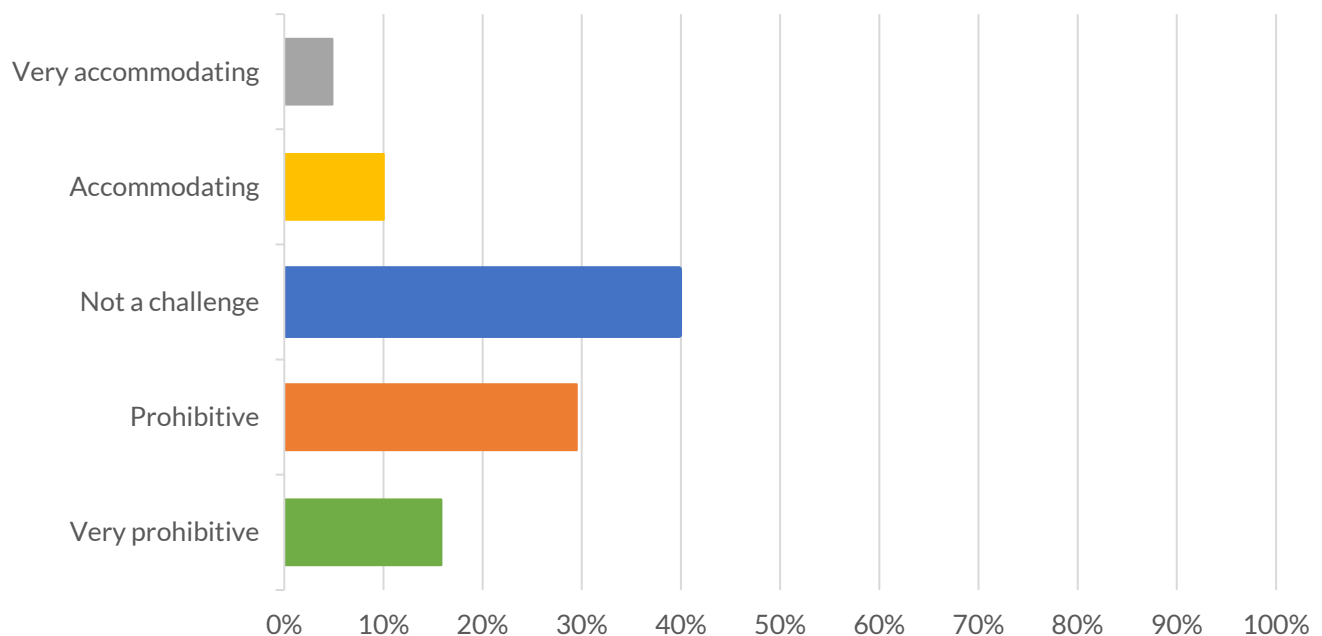
ANSWER CHOICES	RESPONSES	
Yes	44.73%	2,351
No	11.26%	592
Maybe, but I would need more information about the program	44.01%	2,313
TOTAL		5,256

Q. How much of a monthly rate increase would you support for the City to develop programs to divert yard waste, brush material and other organic waste (e.g., food waste) from the landfill?



ANSWER CHOICES	RESPONSES	
\$1.00	27.90%	1,463
\$3.00	30.34%	1,591
\$5.00+	13.41%	703
I would not support a rate increase for this service	28.36%	1,487
TOTAL		5,244

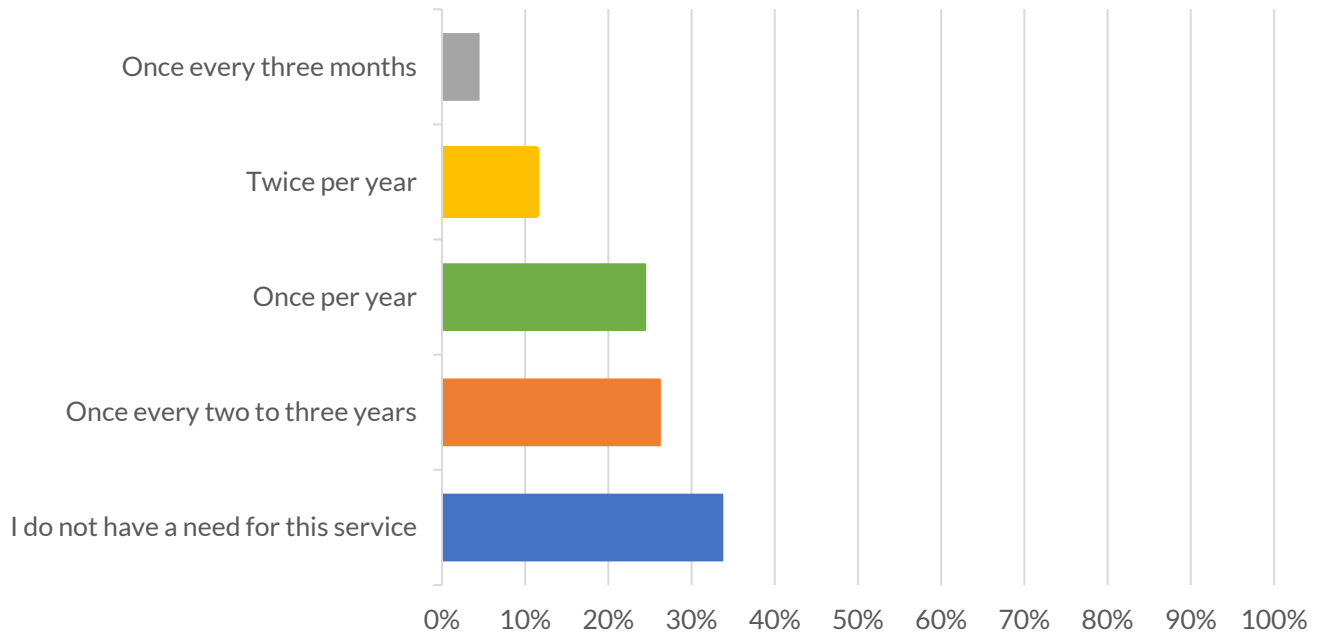
Q. The Home Chemical Collection Center is in the northeast region of Dallas County and operates on limited hours during the week due to COVID-19 on Tuesdays (9:00 a.m. – 7:30 p.m.) and Wednesdays (8:30 a.m. – 5:00 p.m.). Given the location and operating hours, how does this impact your willingness to utilize the Home Chemical Collection Center?



ANSWER CHOICES	RESPONSES	
Very accommodating	4.85%	52
Accommodating	10.02%	521
Not a challenge	39.80%	2,070
Prohibitive	29.49%	1,534
Very prohibitive	15.84%	824
TOTAL		5,201

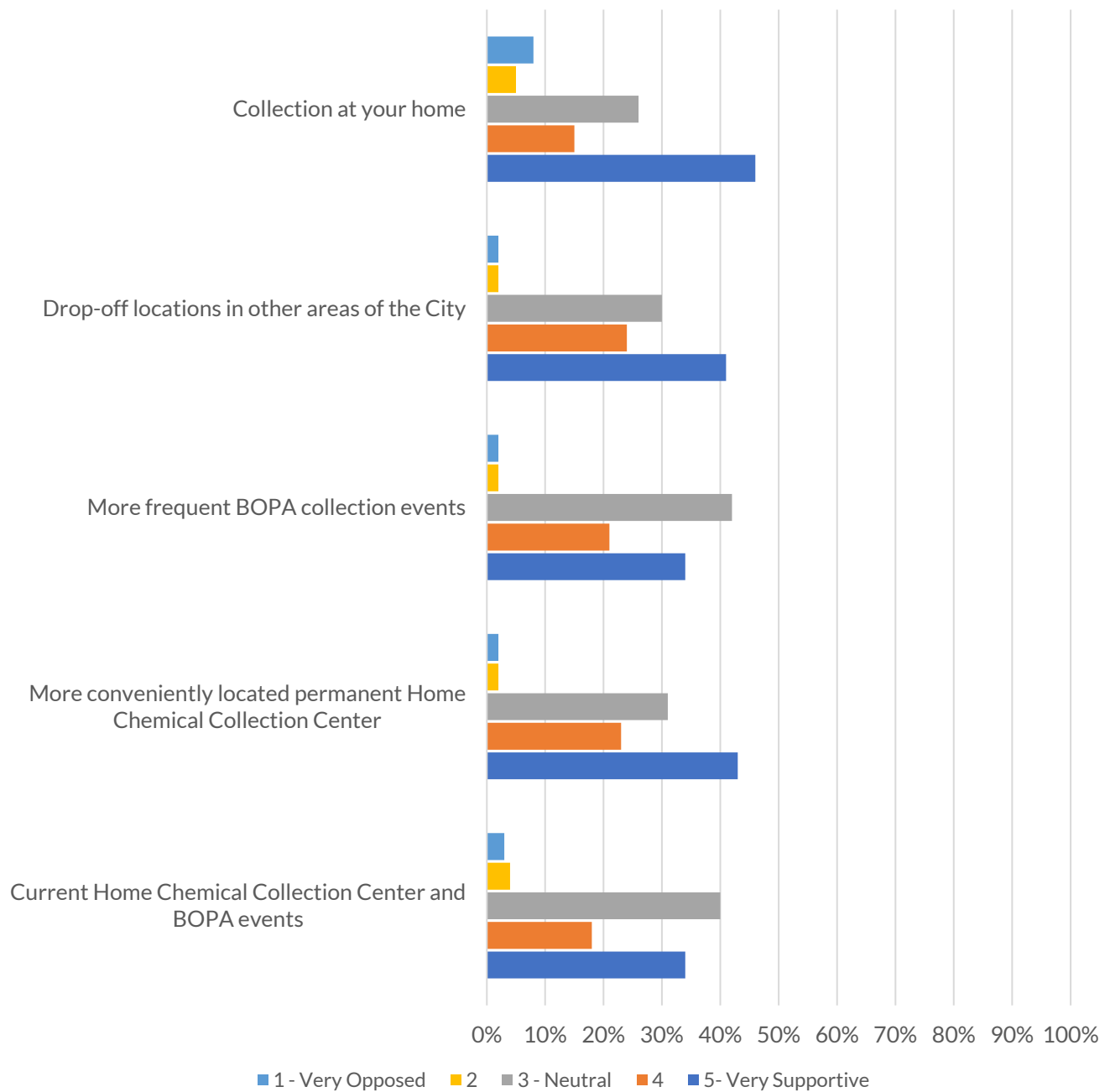


Q. Before the COVID-19 pandemic caused the City to suspend service, how often did you attend BOPA (batteries, oil, paint and antifreeze) mobile collection events to dispose of hazardous household waste or other hard-to-recycle materials?



ANSWER CHOICES	RESPONSES	
Once every three months	4.41%	228
Twice per year	11.31%	585
Once per year	24.42%	1,263
Once every two to three years	26.18%	1,354
I do not have a need for this service	33.68%	1,742
TOTAL		5,172

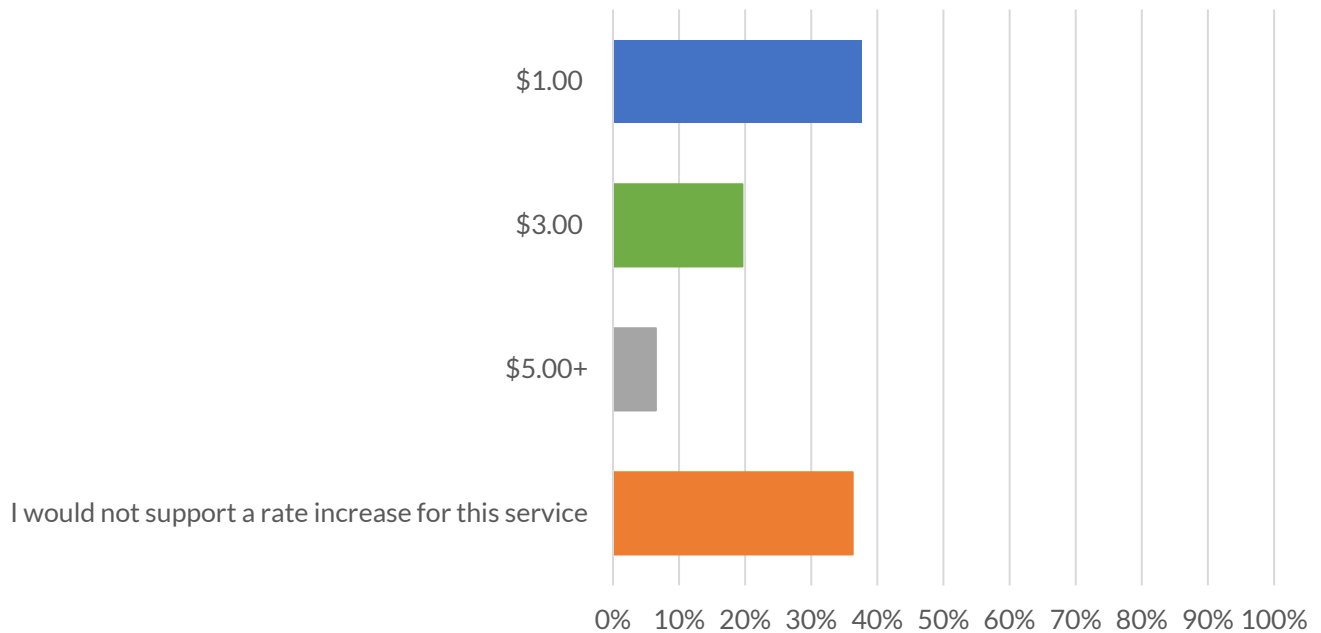
Q. On a scale from 1 to 5, how supportive would you be of the following types of household hazardous waste or hard-to-recycle materials collection services?



Q. On a scale from 1 to 5, how supportive would you be of the following types of household hazardous waste or hard-to-recycle materials collection services?

	1 Very Opposed		2		3 Neutral		4		5 Very Supportive		TOTAL
Current Home Chemical Collection Center and BOPA events	3.24%	165	4.44%	226	39.90%	2,031	17.92%	912	34.50%	1,756	5,090
More conveniently located permanent Home Chemical Collection Center	1.95%	100	1.64%	84	30.71%	1,571	23.08%	1,181	42.61%	2,180	5,116
More frequent BOPA collection events	1.56%	79	2.22%	112	41.64%	2,105	20.73%	1,048	33.85%	1,711	5,055
Drop-off locations in other areas of the City	2.02%	103	1.98%	101	30.05%	1,533	24.47%	1,248	41.48%	2,116	5,101
Collection at your home	7.74%	396	5.14%	263	26.01%	1,330	14.69%	751	46.41%	2,373	5,113

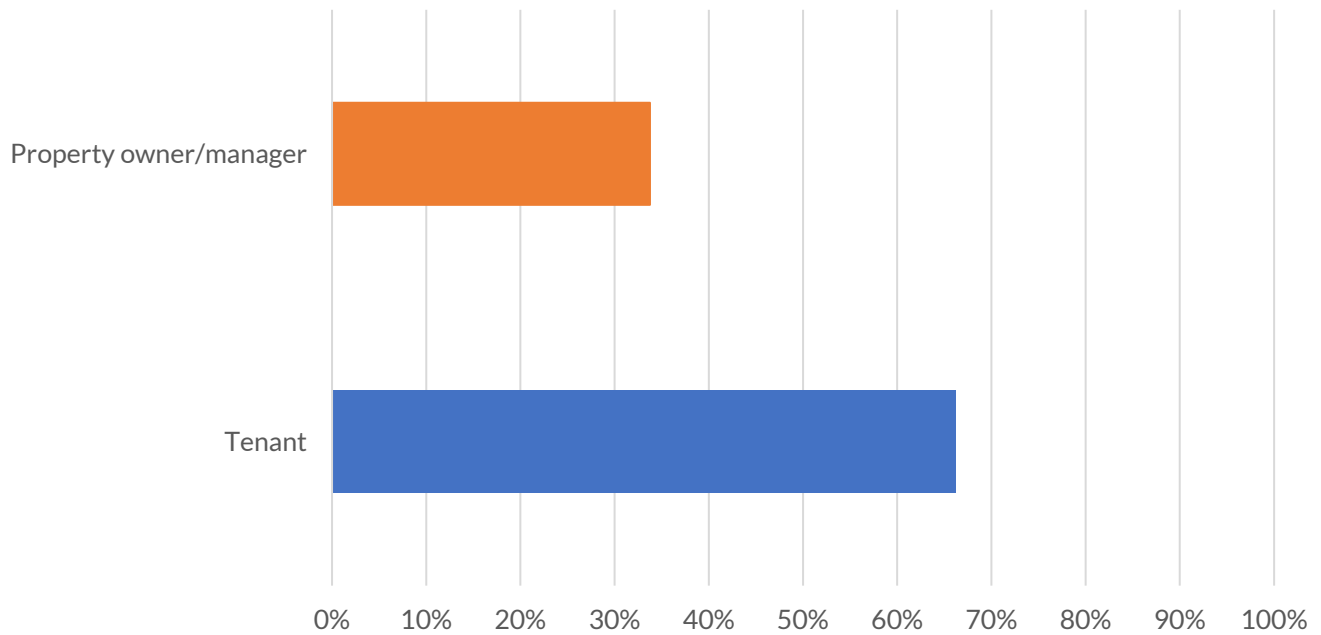
Q. How much of a monthly rate increase would you support to have enhanced service levels for household hazardous waste and hard-to-recycle materials?



ANSWER CHOICES	RESPONSES	
\$1.00	37.67%	1,971
\$3.00	19.59%	1,025
\$5.00+	6.48%	339
I would not support a rate increase for this service	36.26%	1,897
TOTAL		5,232

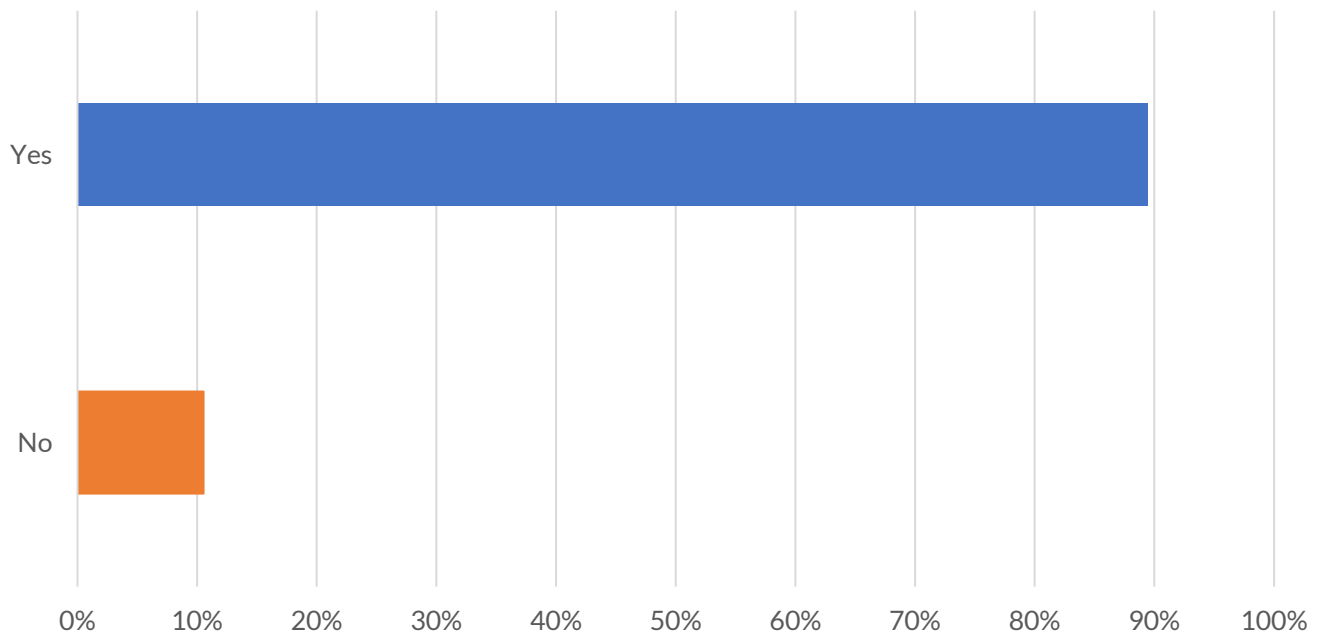
**MULTI-FAMILY RESIDENTS**

Q. Are you a tenant or property owner/manager of your apartment complex?



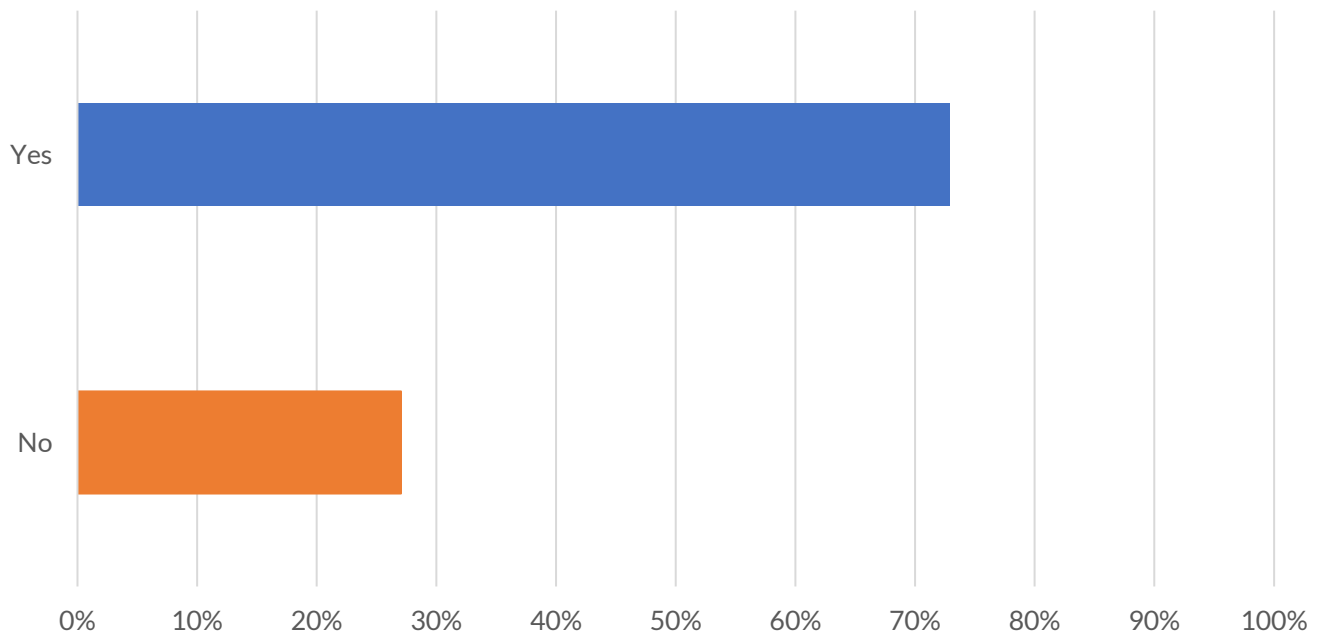
ANSWER CHOICES	RESPONSES	
Property owner/manager	33.75%	81
Tenant	66.25%	159
TOTAL		240

Q. If you are a property owner/manager, have you implemented recycling service at your property(ies)?



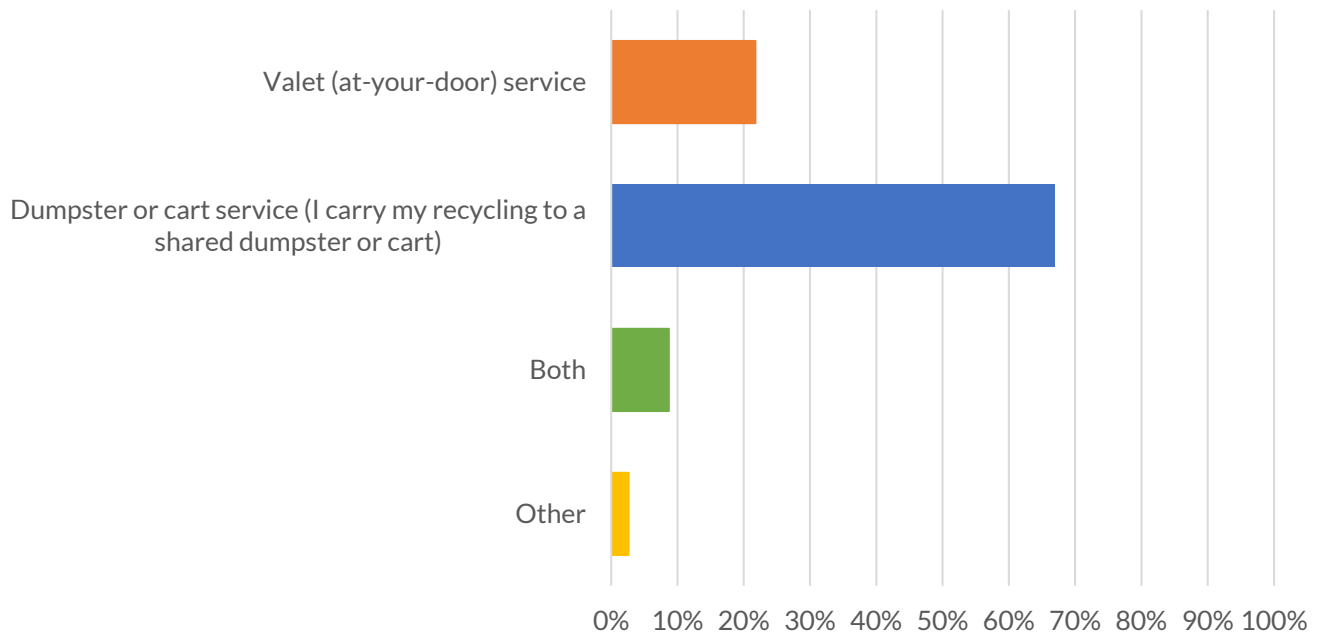
ANSWER CHOICES	RESPONSES	
Yes	89.47%	68
No	10.53%	8
TOTAL		76

Q. Is recycling collection service provided at your apartment complex?



ANSWER CHOICES	RESPONSES	
Yes	72.96%	116
No	27.04%	43
TOTAL		159

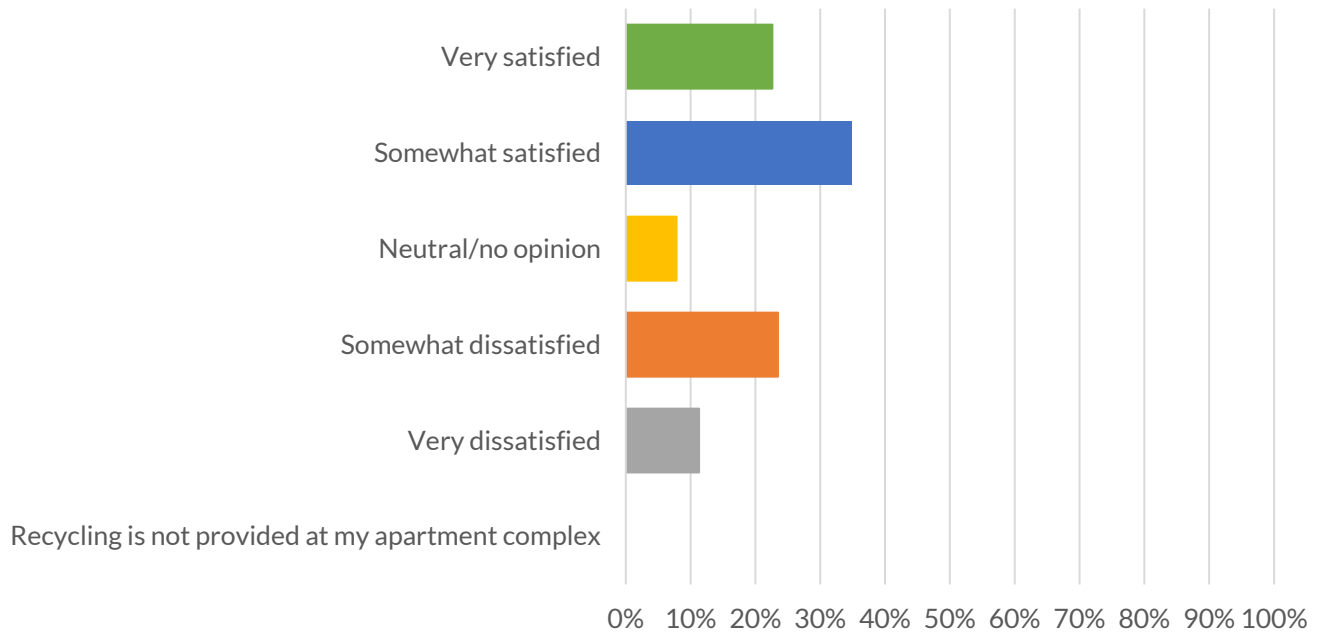
Q. How is recycling service provided at your apartment complex?



ANSWER CHOICES	RESPONSES	
Valet (at-your-door) service	21.74%	25
Dumpster or cart service (I carry my recycling to a shared dumpster or cart)	66.96%	77
Both	8.70%	10
Other	2.61%	3
TOTAL		115

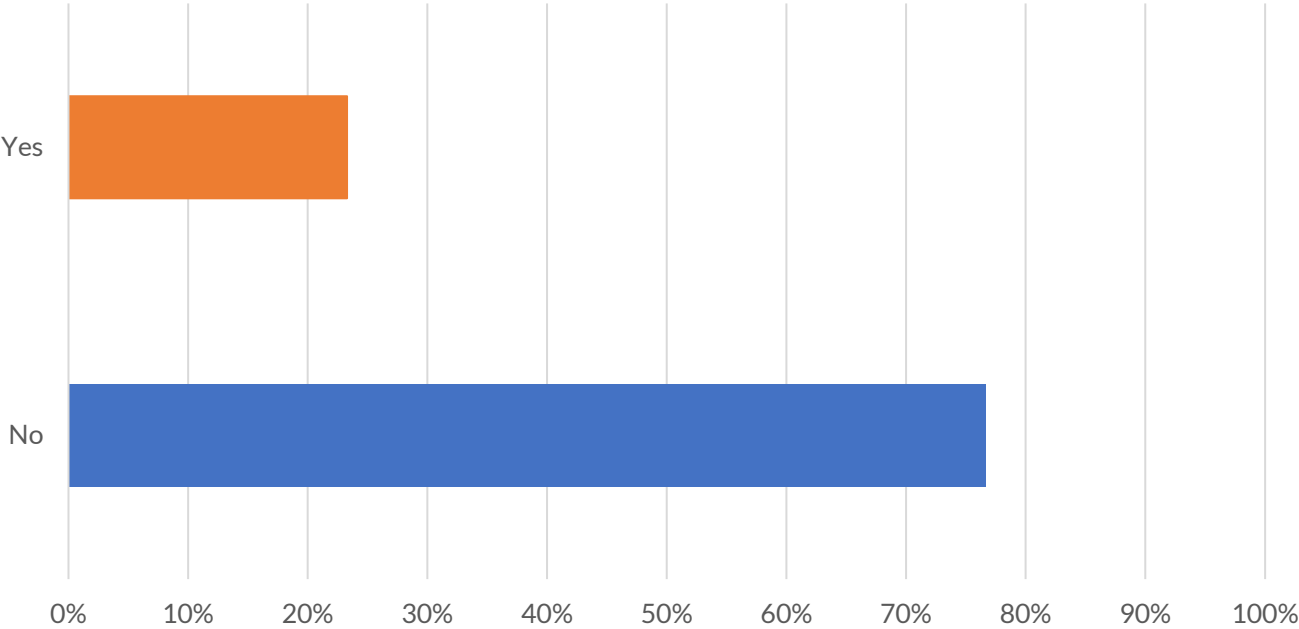


Q. How satisfied are you with the recycling service at your apartment complex?



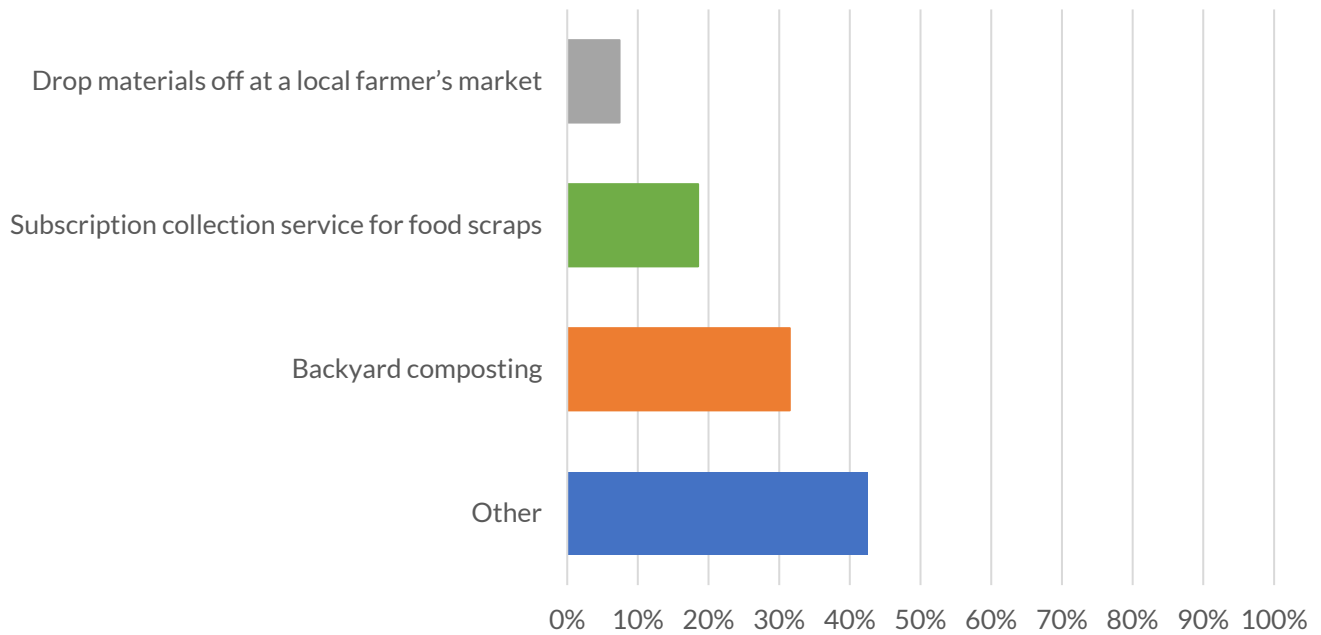
ANSWER CHOICES	RESPONSES	
Very dissatisfied	11.30%	13
Somewhat dissatisfied	23.48%	27
Neutral/no opinion	7.83%	9
Somewhat satisfied	34.78%	40
Very satisfied	22.61%	26
Recycling is not provided at my apartment complex	0.00%	0
TOTAL		115

Q. Do you currently separate other organics such as food scraps for recycling?



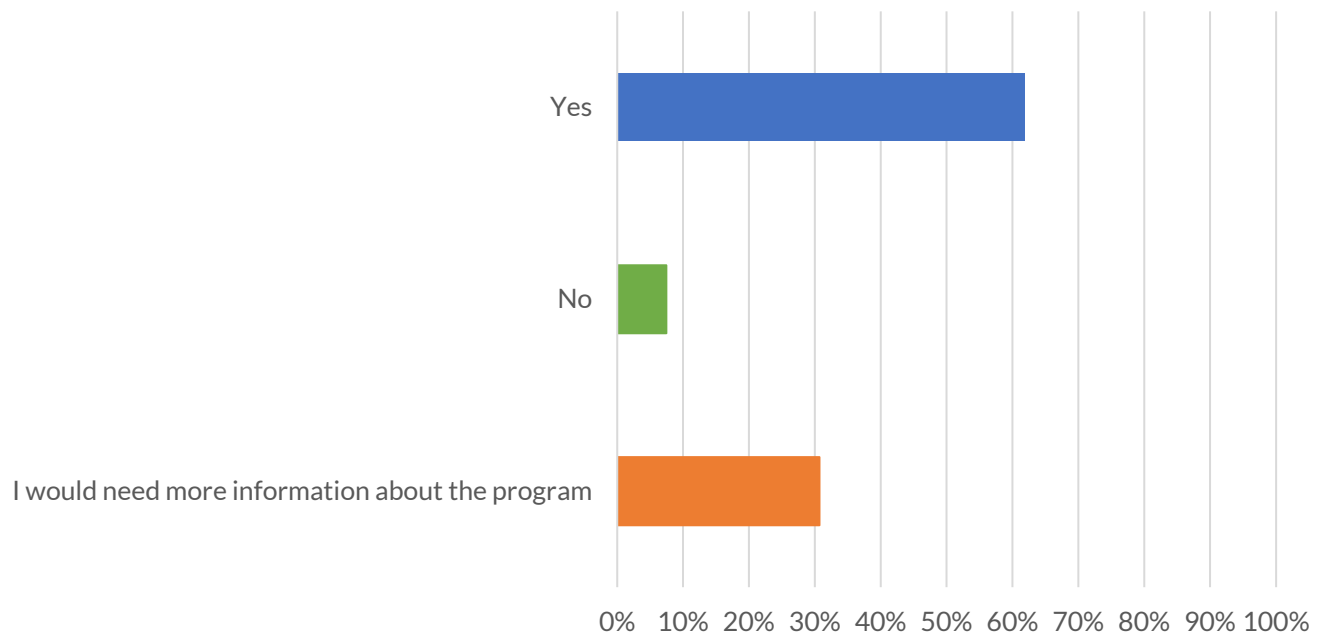
ANSWER CHOICES	RESPONSES	
Yes	23.28%	54
No	76.72%	178
TOTAL		232

Q. If yes, please indicate how you separate food scraps:



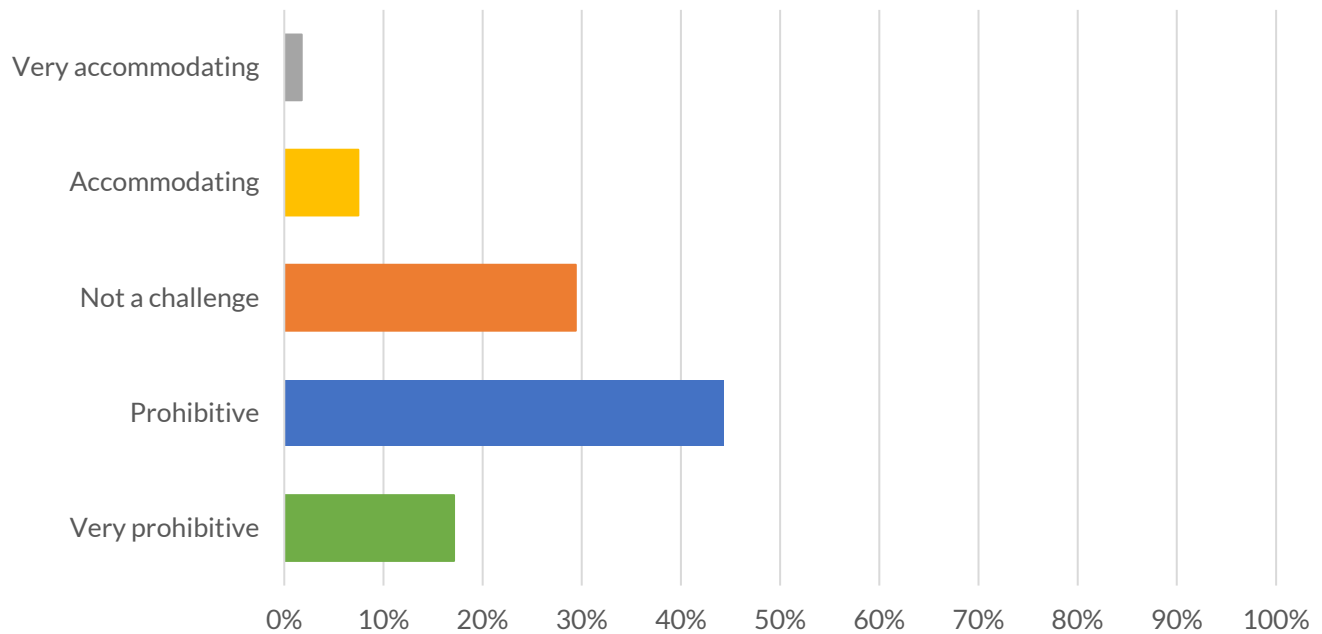
ANSWER CHOICES	RESPONSES	
Drop materials off at a local farmer's market	7.41%	4
Subscription collection service for food scraps	18.52%	10
Backyard composting	31.48%	17
Other	42.59%	23
TOTAL		54

Q. If the City were to implement a program to collect comingled food and yard waste from apartment complexes, would you be interested in participating?



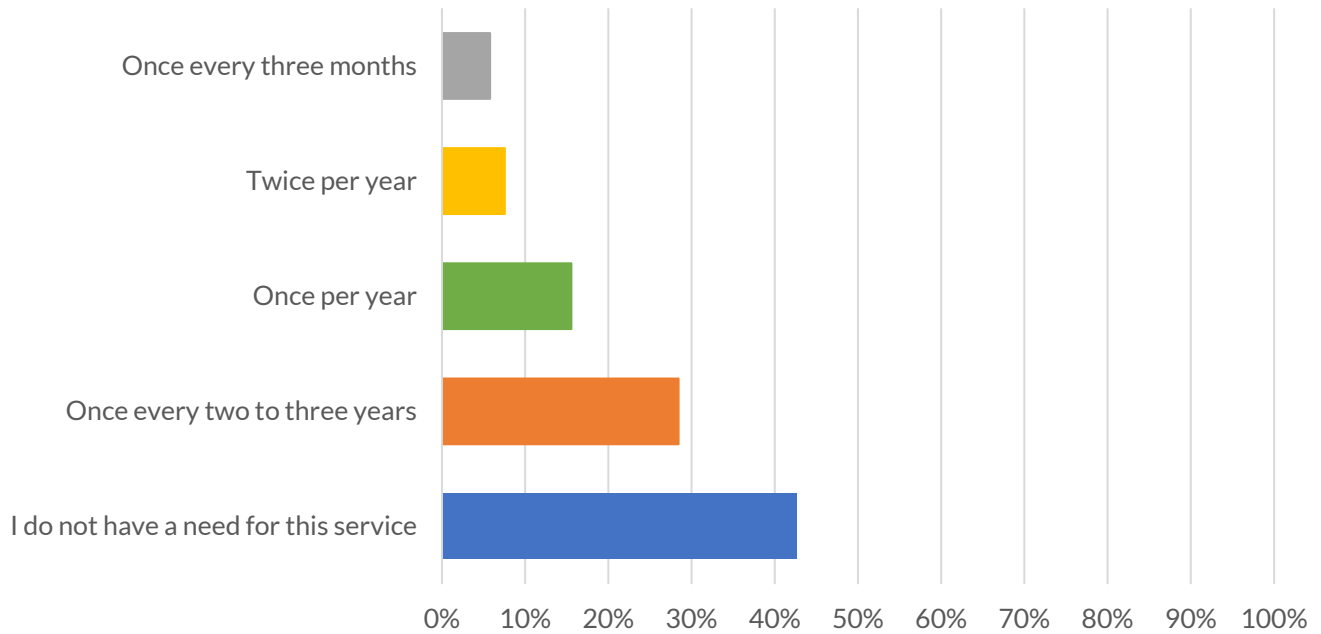
ANSWER CHOICES	RESPONSES	
Yes	61.84%	141
No	7.46%	17
I would need more information about the program	30.70%	70
TOTAL		228

Q. The Home Chemical Collection Center is in the northeast region of Dallas County and operates on limited hours during the week due to COVID-19 on Tuesdays (9:00 a.m. – 7:30 p.m.) and Wednesdays (8:30 a.m. – 5:00 p.m.). Given the location and operating hours, how does this impact your willingness to utilize the Home Chemical Collection Center?



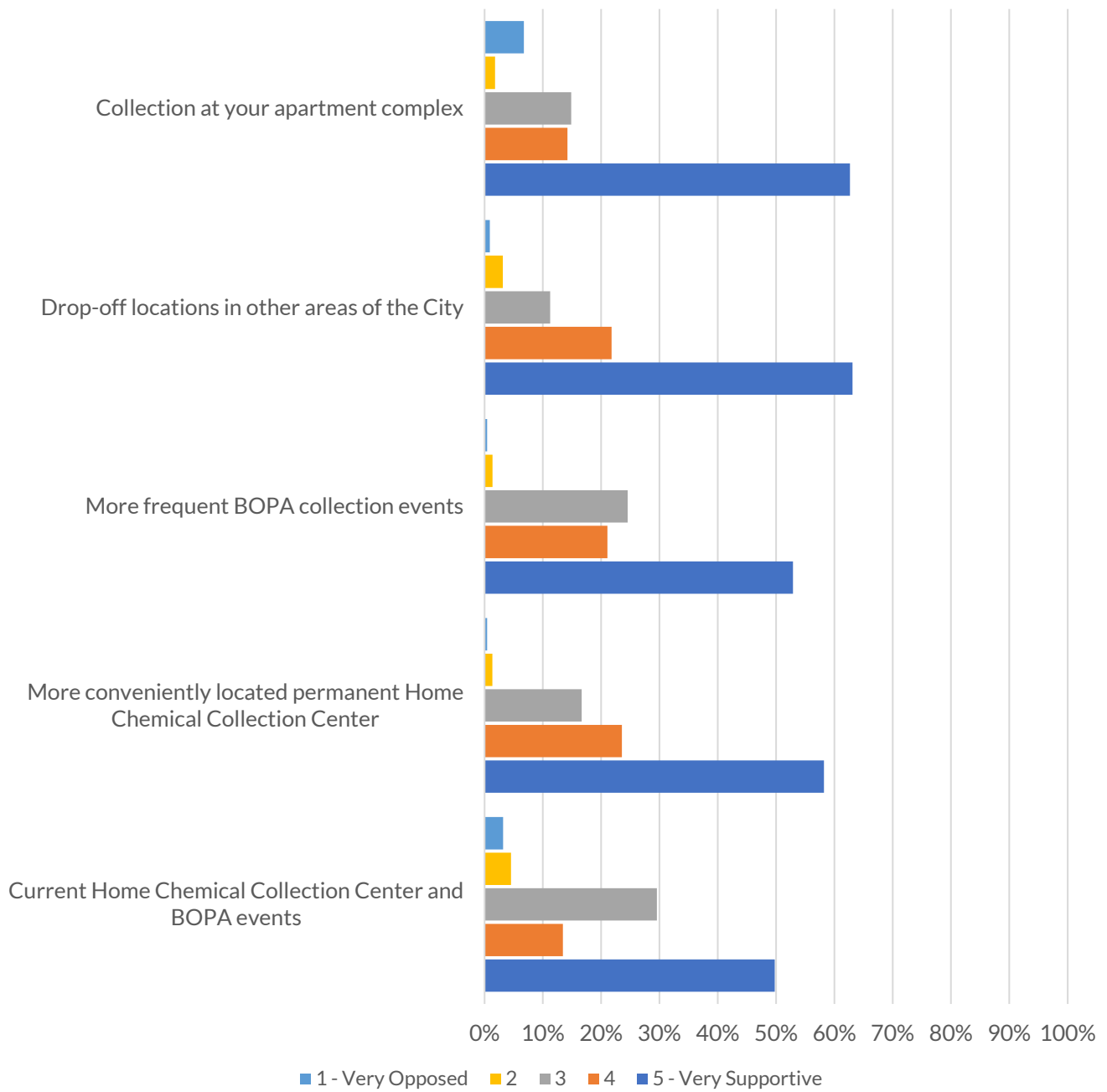
ANSWER CHOICES	RESPONSES	
Very accommodating	1.75%	4
Accommodating	7.46%	17
Not a challenge	29.39%	67
Prohibitive	44.30%	101
Very prohibitive	17.11%	39
TOTAL		228

Q. Before the COVID-19 pandemic caused the City to suspend service, how often did you attend BOPA (batteries, oil, paint and antifreeze) mobile collection events to dispose of hazardous household waste or other hard-to-recycle materials?



ANSWER CHOICES	RESPONSES	
Once every three months	5.78%	13
Twice per year	7.56%	17
Once per year	15.56%	35
Once every two to three years	28.44%	64
I do not have a need for this service	42.67%	96
TOTAL		225

Q. On a scale from 1 to 5, how supportive would you be of the following types of household hazardous waste or hard-to-recycle materials collection services?



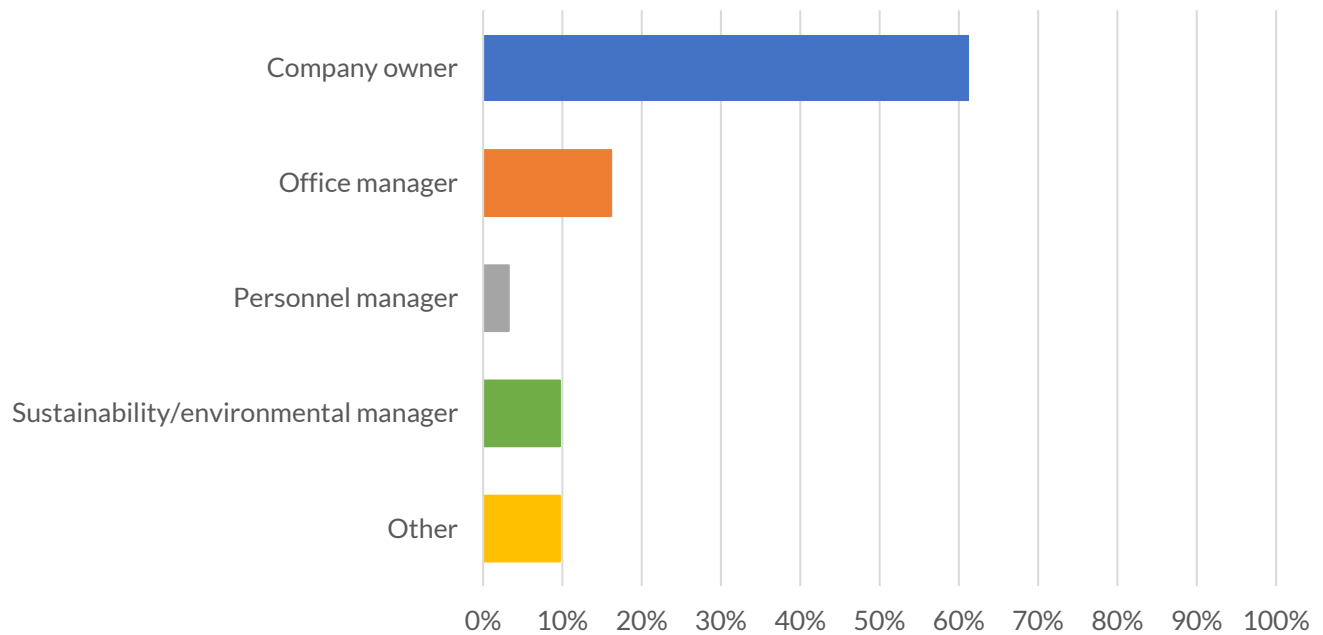
Q. On a scale from 1 to 5, how supportive would you be of the following types of household hazardous waste or hard-to-recycle materials collection services?

	1 Very Opposed		2		3 Neutral		4		5 Very Supportive		Total
Current Home Chemical Collection Center and BOPA events	3.18%	7	4.55%	10	29.55%	65	13.45%	30	49.78%	111	223
More conveniently located permanent Home Chemical Collection Center	0.45%	1	1.35%	3	16.67%	37	23.56%	53	58.22%	131	225
More frequent BOPA collection events	0.45%	1	1.36%	3	24.55%	54	21.08%	47	52.91%	118	223
Drop-off locations in other areas of the City	0.90%	2	3.15%	7	11.26%	25	21.78%	49	63.11%	142	225
Collection at your apartment complex	6.76%	15	1.80%	4	14.86%	33	14.22%	32	62.67%	141	225



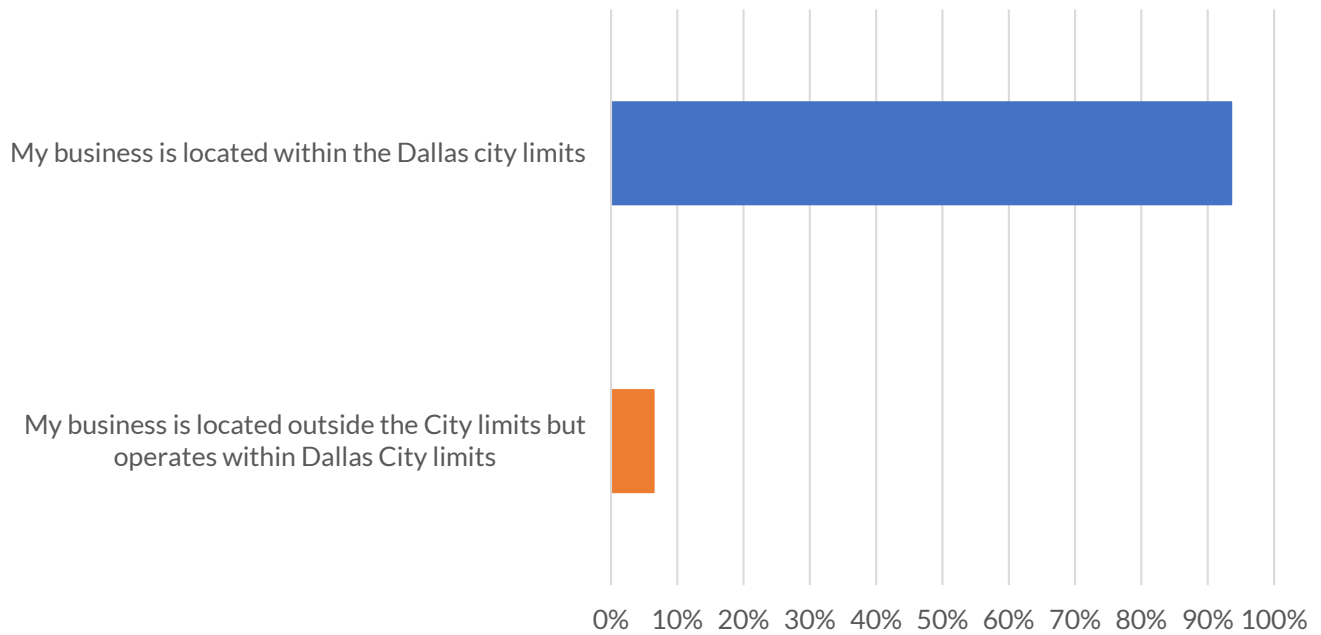
**COMMERCIAL**

Q. What is your role within your business?



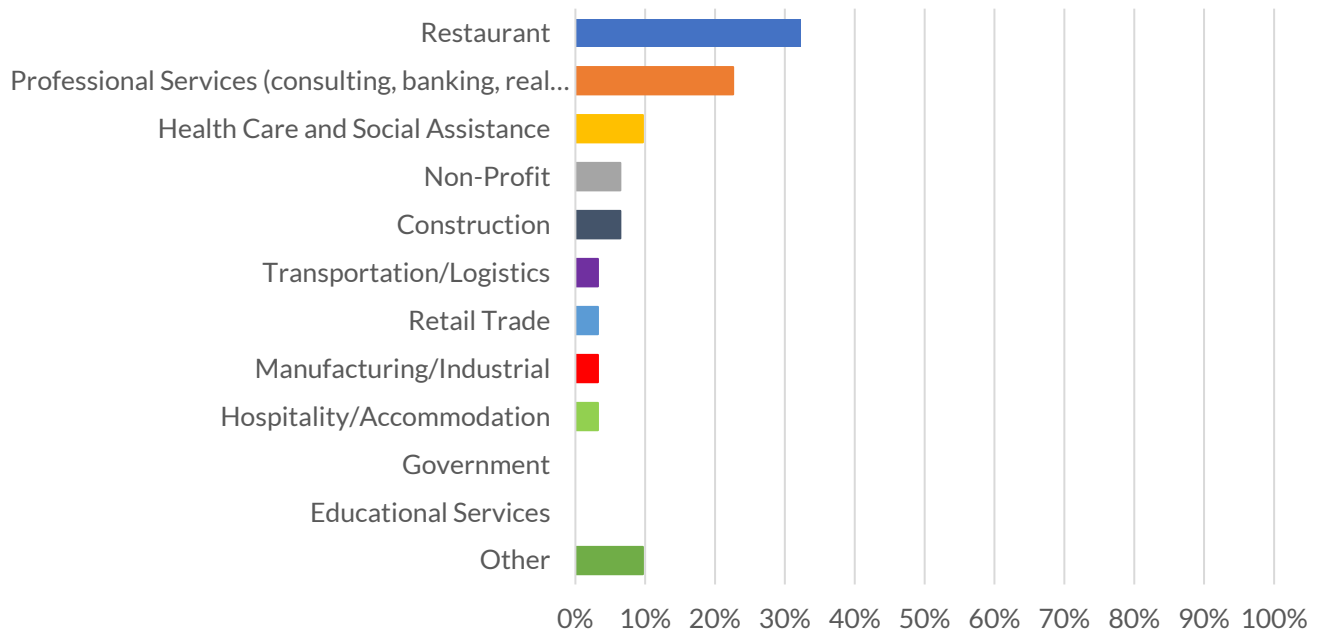
ANSWER CHOICES	RESPONSES	
Company owner	61.29%	19
Office manager	16.13%	5
Personnel manager	3.23%	1
Sustainability/environmental manager	9.68%	3
Other	9.68%	3
TOTAL		31

Q. Please select the statement that is applicable for your business:



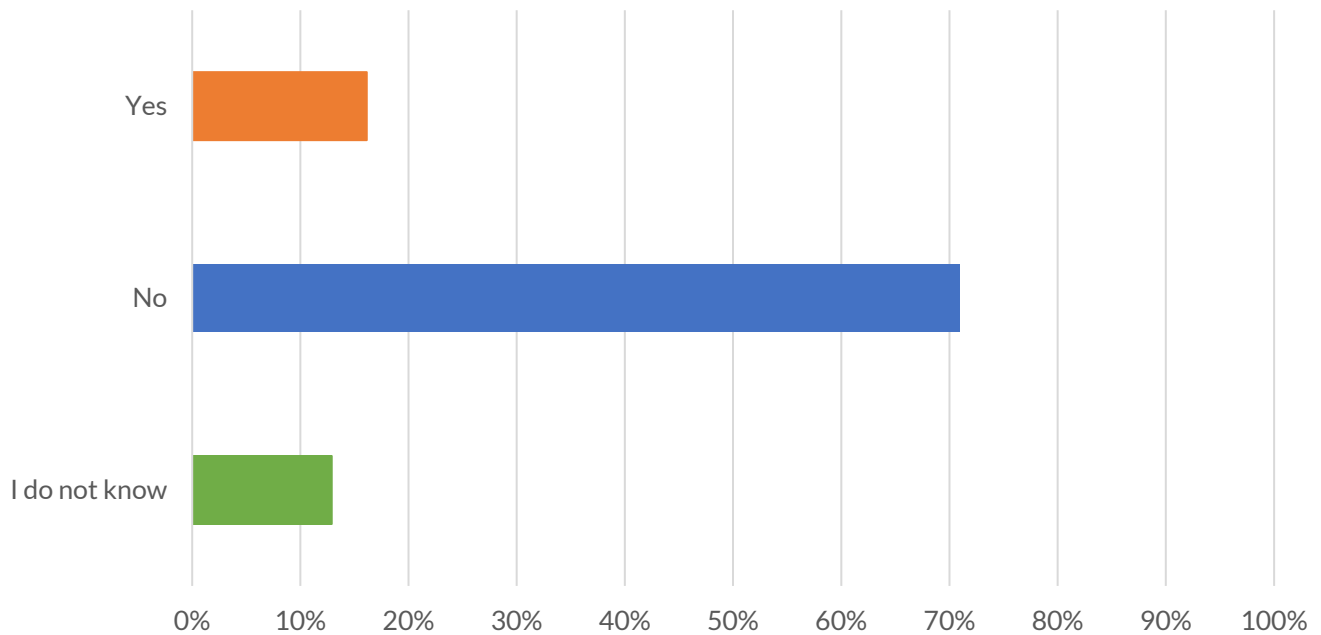
ANSWER CHOICES	RESPONSES	
My business is located within the Dallas city limits	93.55%	29
My business is located outside the City limits but operates within Dallas City limits	6.45%	2
TOTAL		31

### Q. How would you describe your company/organization?



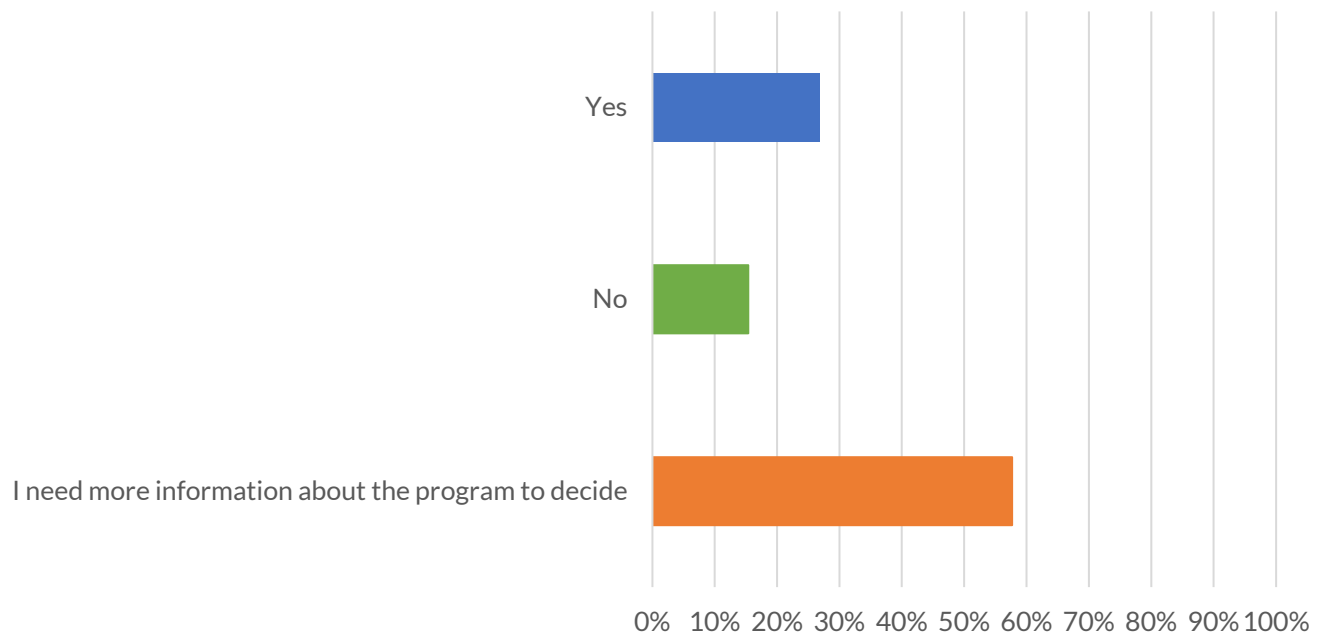
ANSWER CHOICES	RESPONSES	
Restaurant	32.26%	10
Professional Services (consulting, banking, real estate)	22.58%	7
Health Care and Social Assistance	9.68%	3
Non-Profit	6.45%	2
Construction	6.45%	2
Transportation/Logistics	3.23%	1
Retail Trade	3.23%	1
Manufacturing/Industrial	3.23%	1
Hospitality/Accommodation	3.23%	1
Government	0.00%	0
Educational Services	0.00%	0
Other (please specify)	9.68%	3
TOTAL		31

Q. Does your business participate in the City's Green Business Certification program?



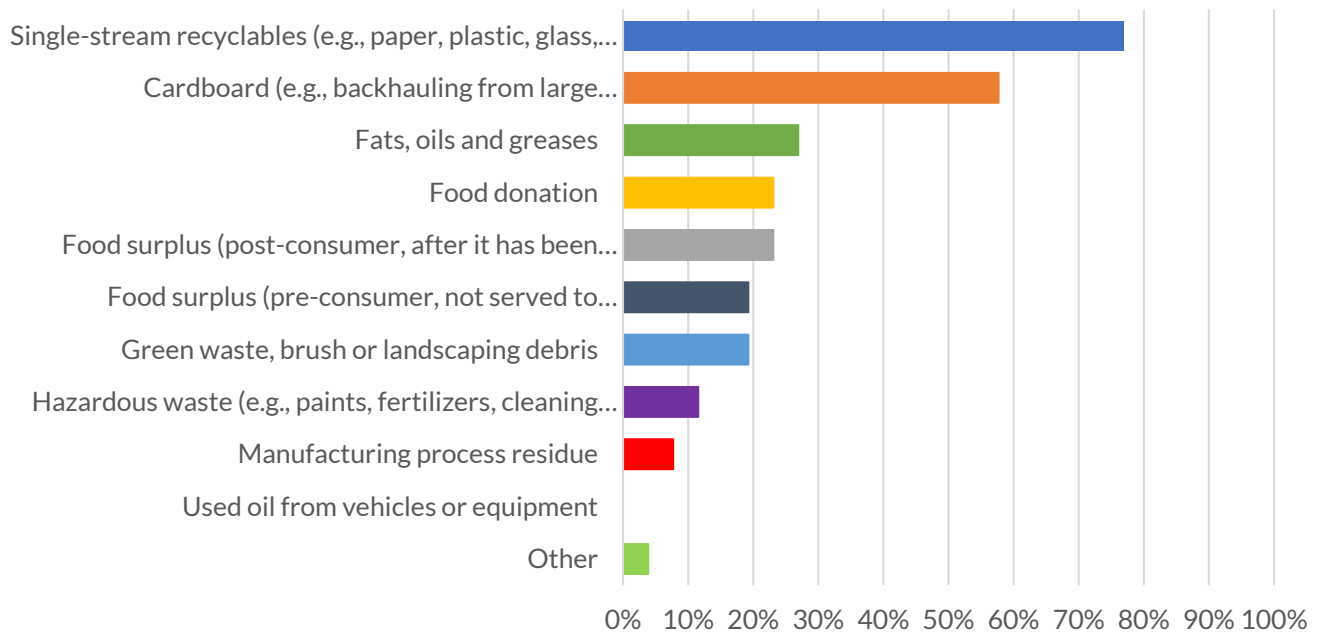
ANSWER CHOICES	RESPONSES	
Yes	16.13%	5
No	70.97%	22
I do not know	12.90%	4
TOTAL		31

Q. If not, would your business be willing to participate in the program?



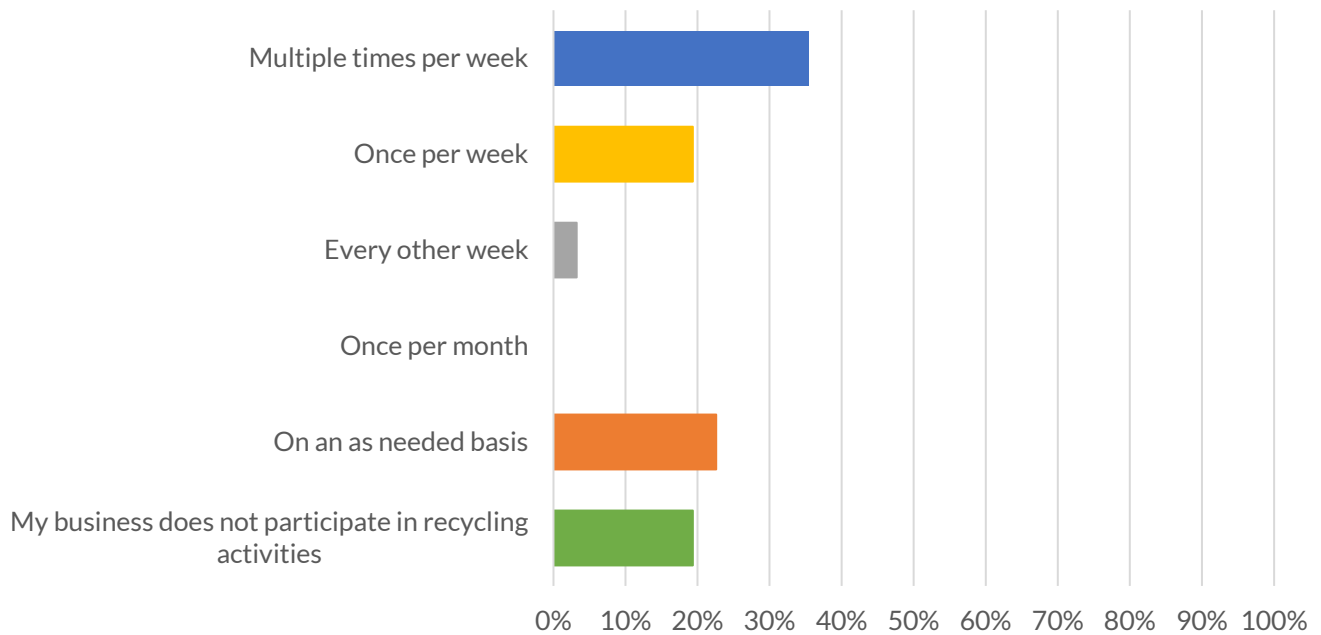
ANSWER CHOICES	RESPONSES	
Yes	26.92%	7
No	15.38%	4
I need more information about the program to decide	57.69%	15
TOTAL		26

Q. If your business participates in recycling activities, what types of materials do you recycle?  
Check all that apply.



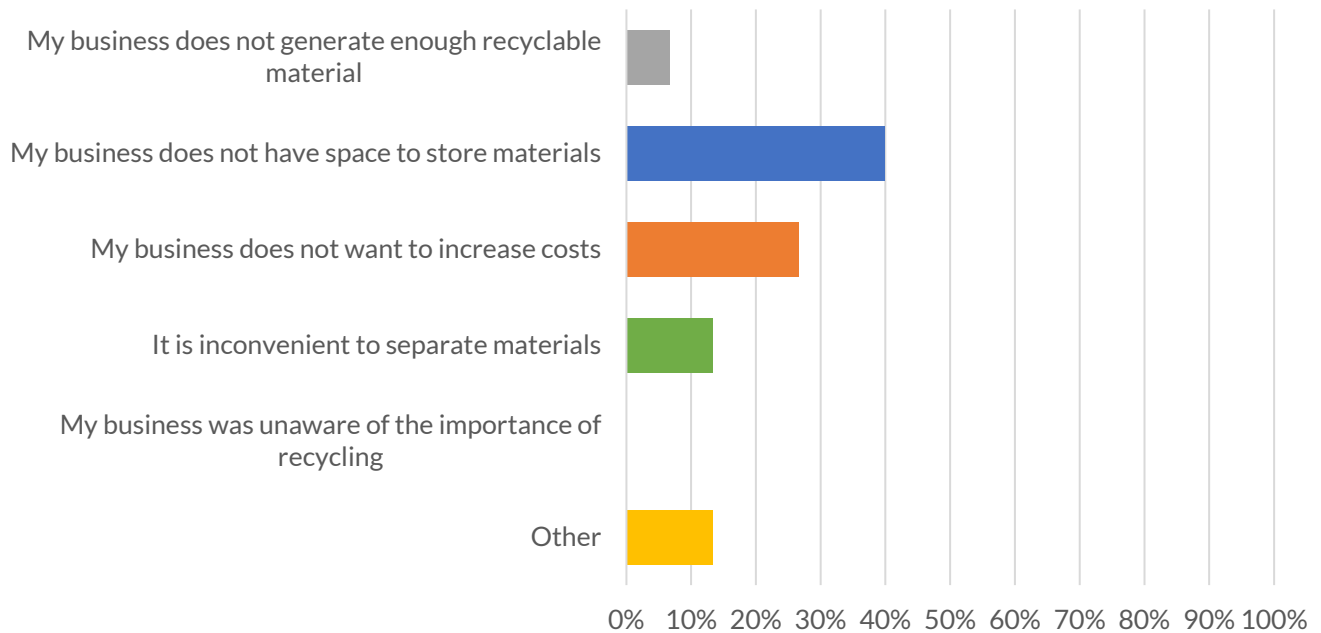
ANSWER CHOICES	RESPONSES	
Single-stream recyclables (e.g., paper, plastic, glass, metal, aluminum)	76.92%	20
Cardboard (e.g., backhauling from large department stores)	57.69%	15
Fats, oils and greases	26.92%	7
Food donation	23.08%	6
Food surplus (post-consumer, after it has been served to customers)	23.08%	6
Food surplus (pre-consumer, not served to customers)	19.23%	5
Green waste, brush or landscaping debris	19.23%	5
Hazardous waste (e.g., paints, fertilizers, cleaning chemicals)	11.54%	3
Manufacturing process residue	7.69%	2
Used oil from vehicles or equipment	0.00%	0
Other	3.85%	1
<b>TOTAL</b>		<b>26</b>

Q. How often does your business participate in recycling activities?



ANSWER CHOICES	RESPONSES	
Multiple times per week	35.48%	11
Once per week	19.35%	6
Every other week	3.23%	1
Once per month	0.00%	0
On an as needed basis	22.58%	7
My business does not participate in recycling activities	19.35%	6
TOTAL		31

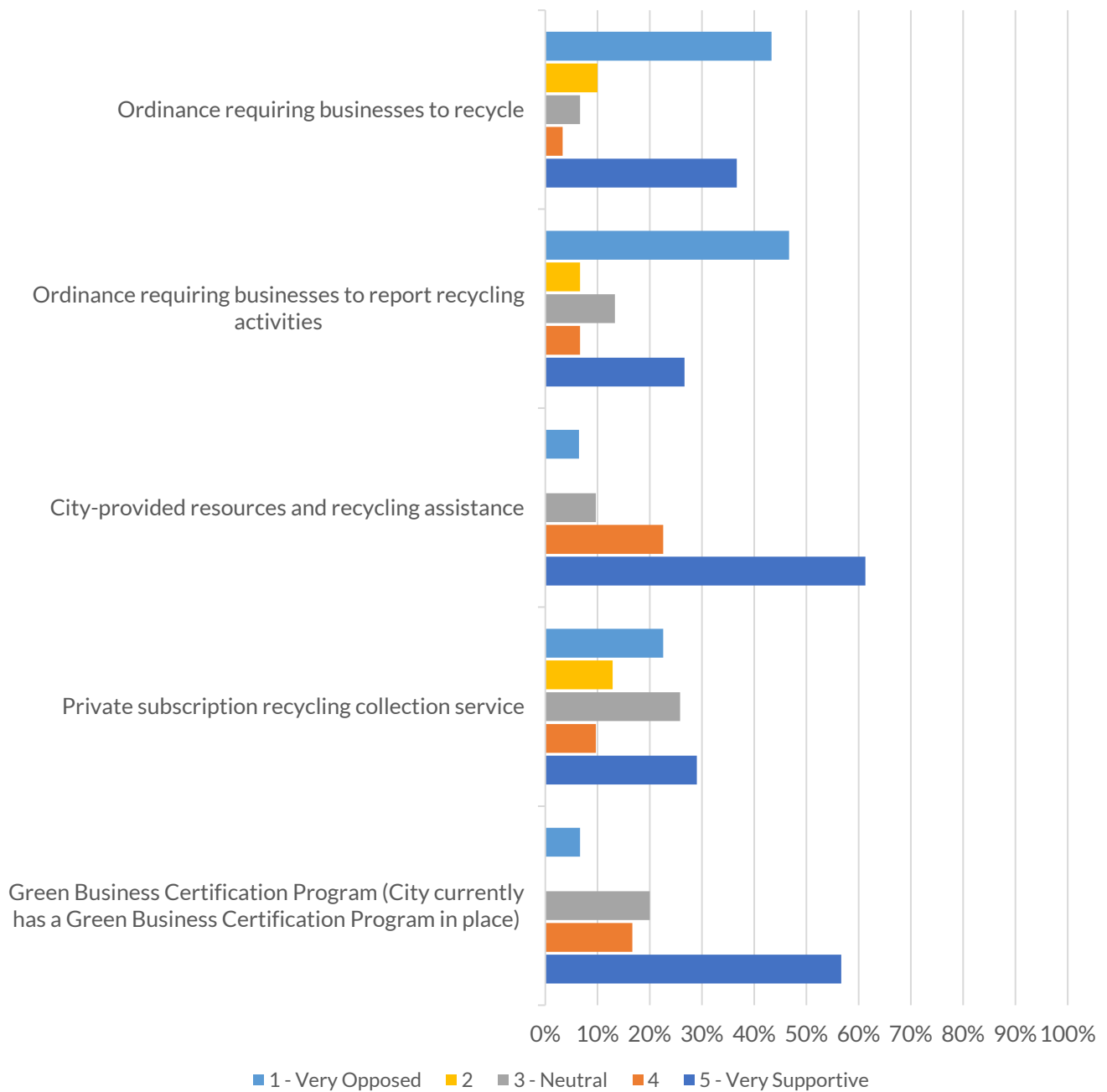
Q. If your business does not currently recycle, what is the primary reason?



ANSWER CHOICES	RESPONSES	
My business does not generate enough recyclable material	6.67%	1
My business does not have space to store materials	40.00%	6
My business does not want to increase costs	26.67%	4
It is inconvenient to separate materials	13.33%	2
My business was unaware of the importance of recycling	0.00%	0
Other	13.33%	2
TOTAL		15



Q. To what extent would you support the following methods to increase business recycling?

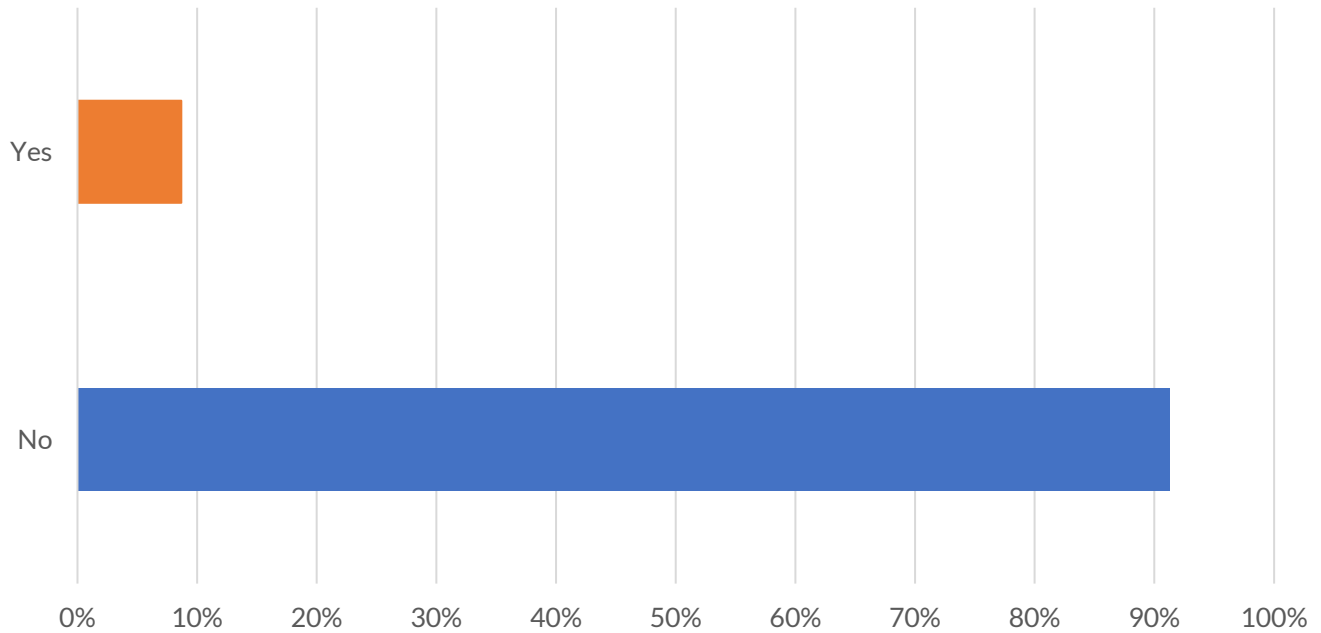


Q. To what extent would you support the following methods to increase business recycling?

	1 Very Opposed		2		3 Neutral		4		5 Very Supportive		TOTAL
Green Business Certification Program (City currently has a Green Business Certification Program in place)	6.67%	2	0.00%	0	20.00%	6	16.67%	5	56.67%	17	30
Private subscription recycling collection service	22.58%	7	12.90%	4	25.81%	8	9.68%	3	29.03%	9	31
City-provided resources and recycling assistance	6.45%	2	0.00%	0	9.68%	3	22.58%	7	61.29%	19	31
Ordinance requiring businesses to report recycling activities	46.67%	14	6.67%	2	13.33%	4	6.67%	2	26.67%	8	30
Ordinance requiring businesses to recycle	43.33%	13	10.00%	3	6.67%	2	3.33%	1	36.67%	11	30

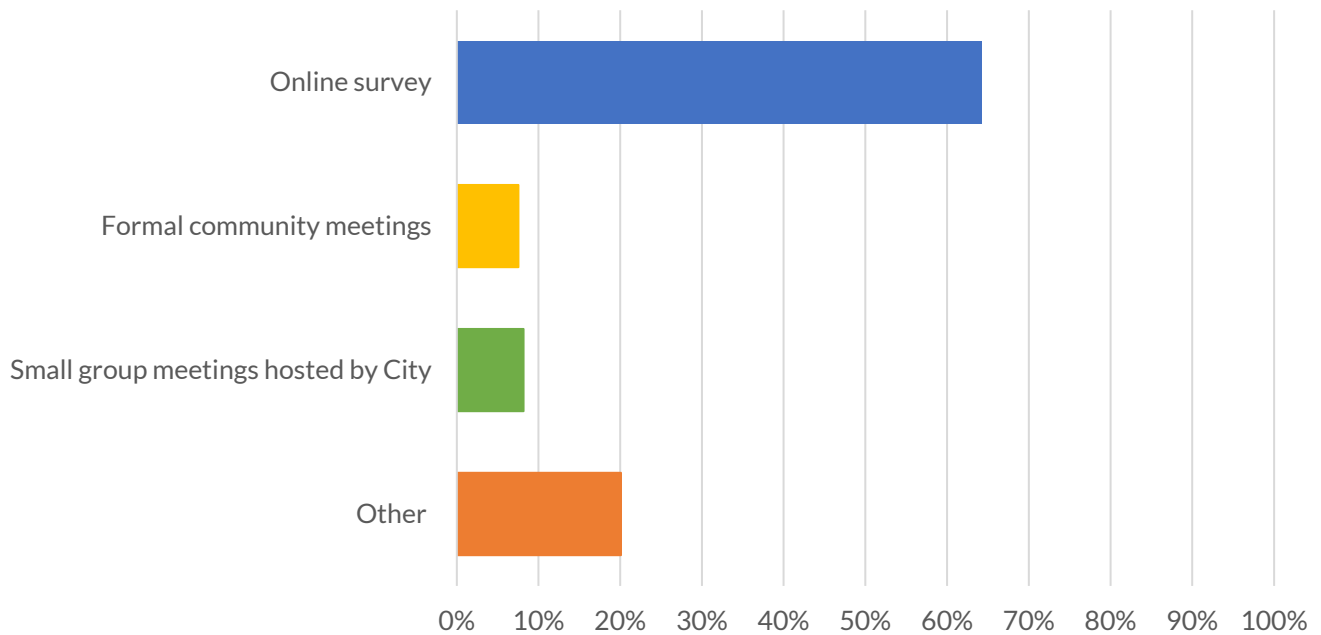
### Climate and Environmental Comprehensive Action Plan (CECAP)

Q. Did you participate in any community outreach activities during development of the CECAP (e.g., online survey, formal community meetings, small group meetings hosted by City)?



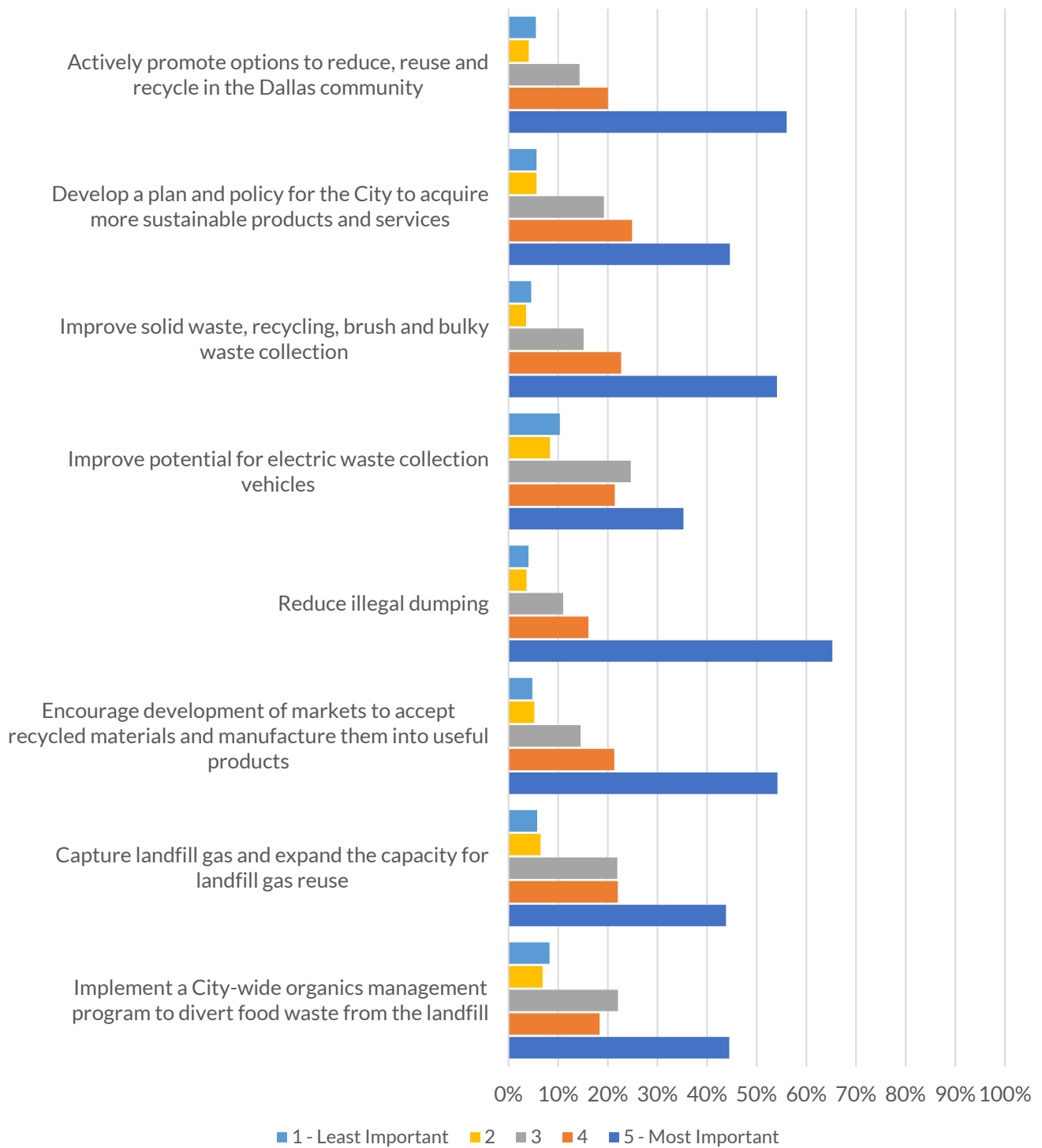
ANSWER CHOICES	RESPONSES	
Yes	8.68%	480
No	91.32%	5,052
TOTAL		5,532

Q. If so, how did you participate?



ANSWER CHOICES	RESPONSES	
Online survey	64.19%	527
Formal community meetings	7.55%	62
Small group meetings hosted by City	8.16%	67
Other	20.10%	165
TOTAL		821

Q. Please rank each of the following CECAP goals from 1 to 5, where 1 is least important and 5 is most important.

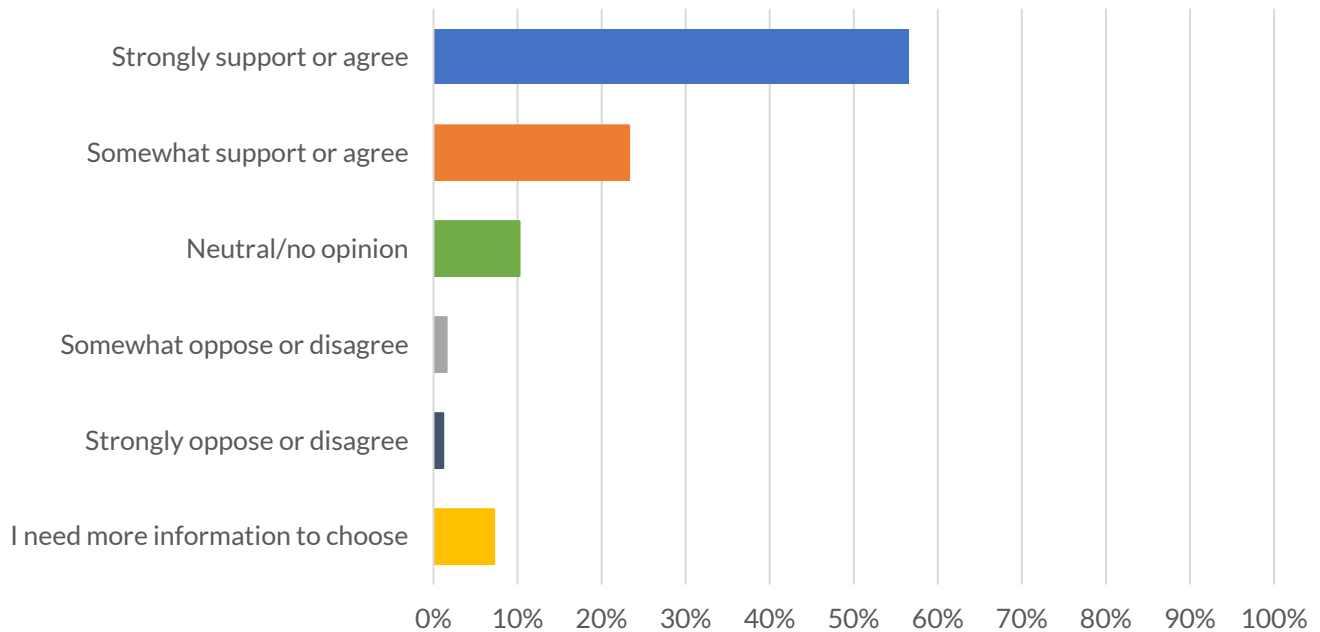


Q. Please rank each of the following CECAP goals from 1 to 5, where 1 is least important and 5 is most important.

	1 Least Important		2		3		4		5 Most Important		Total
Actively promote options to reduce, reuse and recycle in the Dallas community	5.53%	283	4.06%	208	14.32%	733	20.05%	1,026	56.04%	2,868	5,118
Develop a plan and policy for the City to acquire more sustainable products and services	5.64%	285	5.66%	286	19.22%	971	24.90%	1,258	44.59%	2,253	5,053
Improve solid waste, recycling, brush and bulky waste collection	4.59%	236	3.54%	182	15.12%	777	22.68%	1,166	54.07%	2,779	5,140
Improve potential for electric waste collection vehicles	10.35%	517	8.37%	418	24.64%	1,231	21.40%	1,069	35.24%	1,760	4,995
Reduce illegal dumping	4.02%	205	3.63%	185	11.01%	561	16.11%	821	65.23%	3,324	5,096
Encourage development of markets to accept recycled materials and manufacture them into useful products	4.80%	245	5.22%	266	14.51%	740	21.30%	1,086	54.17%	2,762	5,099
Capture landfill gas and expand the capacity for landfill gas reuse	5.77%	290	6.45%	324	21.93%	1,102	22.03%	1,107	43.81%	2,201	5,024
Implement a City-wide organics management program to divert food waste from the landfill	8.27%	419	6.88%	349	22.04%	1,117	18.35%	930	44.47%	2,254	5,069

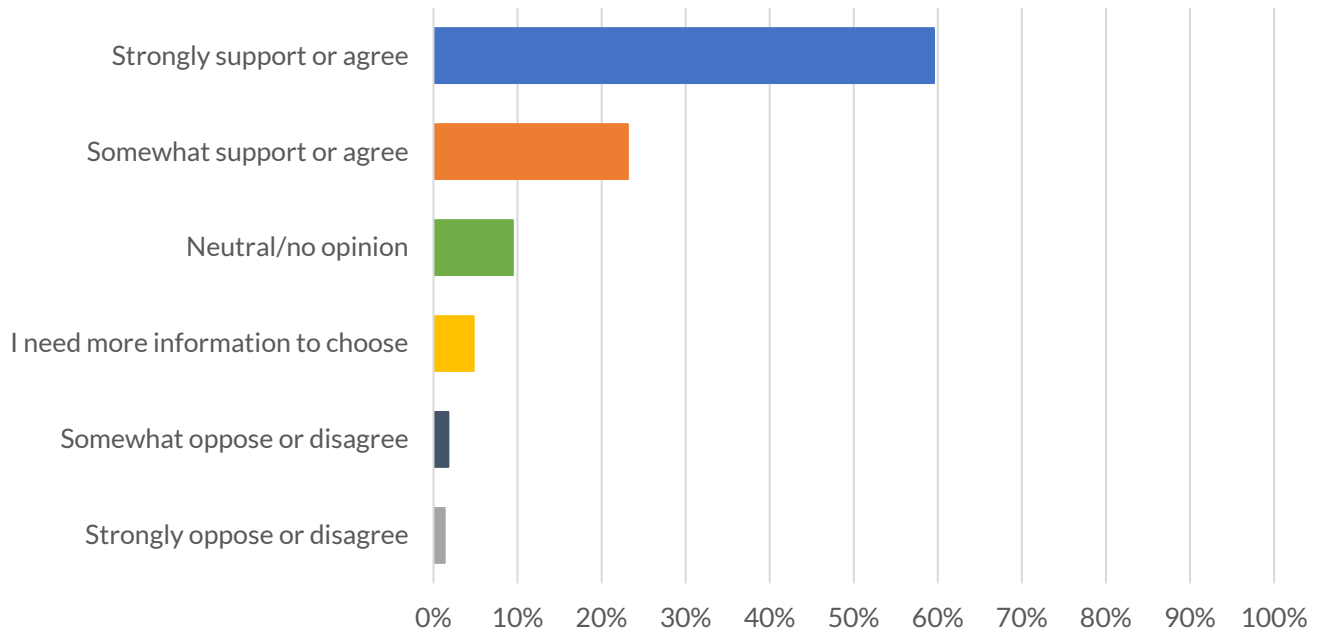
## 2011 LSWMP Vision & Goals

Q. The City should strive for sustainability by considering the entire life-cycle of products, processes and systems.



ANSWER CHOICES	RESPONSES	
Strongly support or agree	56.59%	3,102
Somewhat support or agree	23.28%	1,276
Neutral/no opinion	10.23%	561
Somewhat oppose or disagree	1.55%	85
Strongly oppose or disagree	1.15%	63
I need more information to choose	7.21%	395
<b>TOTAL</b>		<b>5,482</b>

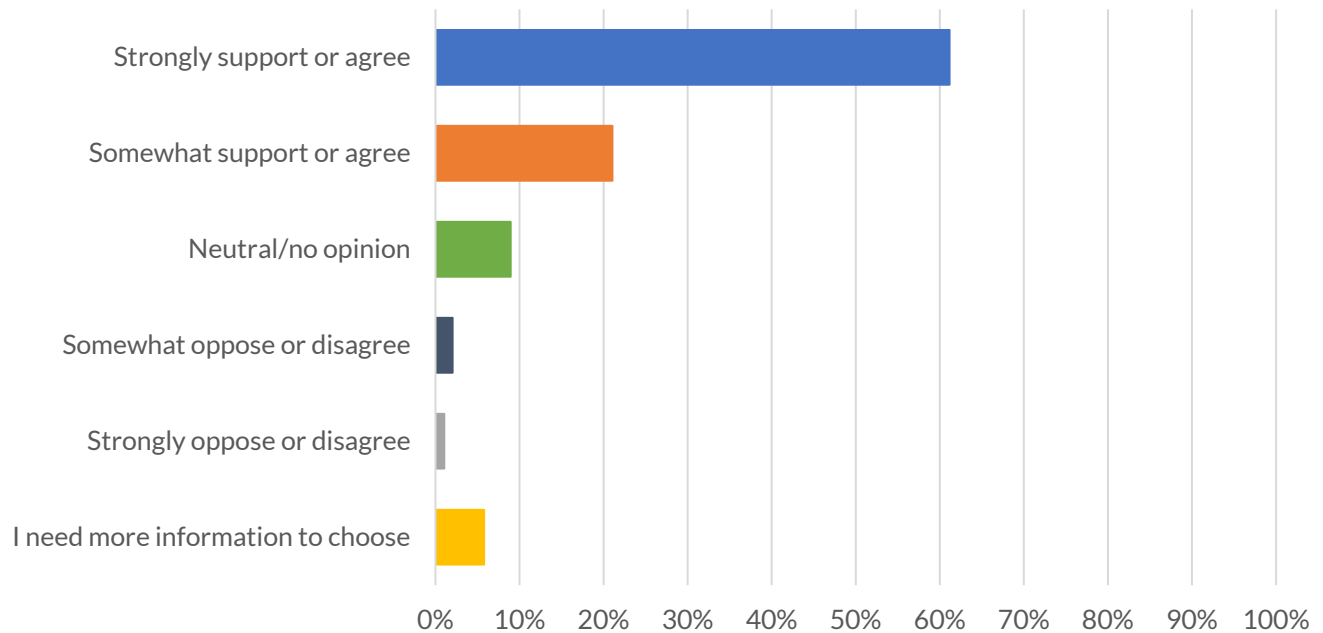
Q. The City should demonstrate that the goals of economic growth, environmental stewardship and fiscal responsibility are linked.



ANSWER CHOICES	RESPONSES	
Strongly support or agree	59.54%	3,261
Somewhat support or agree	23.13%	1,267
Neutral/no opinion	9.44%	517
Somewhat oppose or disagree	1.77%	97
Strongly oppose or disagree	1.33%	73
I need more information to choose	4.78%	262
TOTAL		5,477

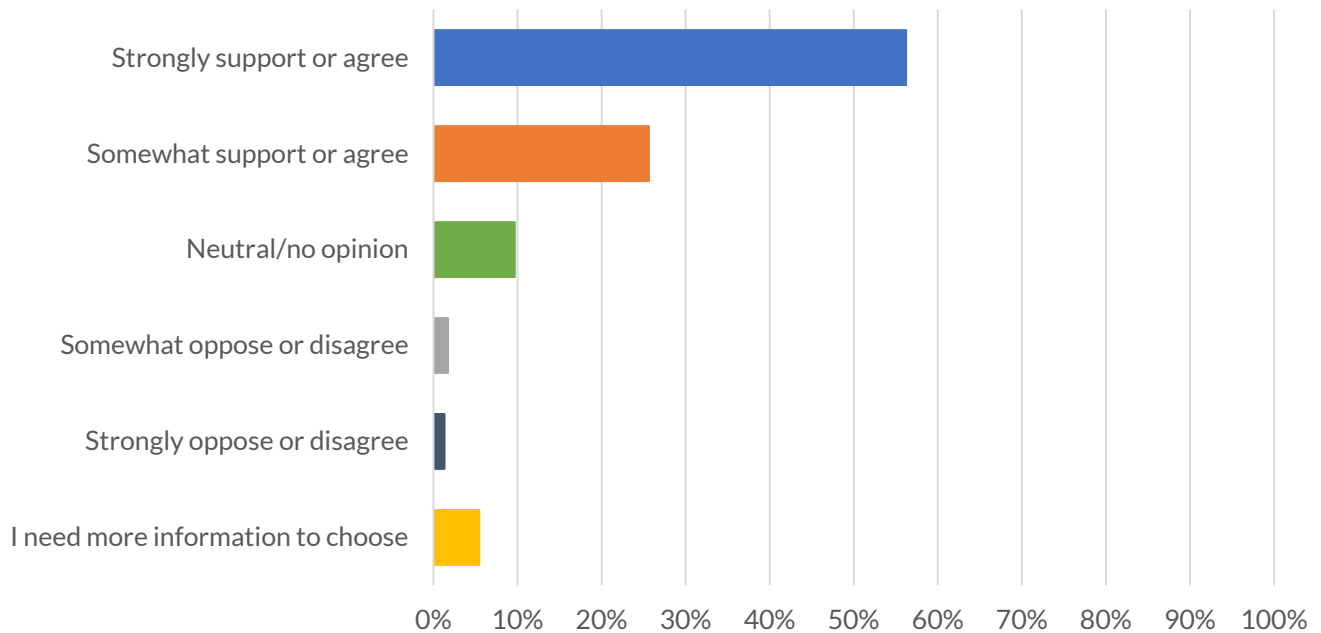


Q. The City should reduce the volume of toxicity of discarded materials and maximize diversion from disposal.



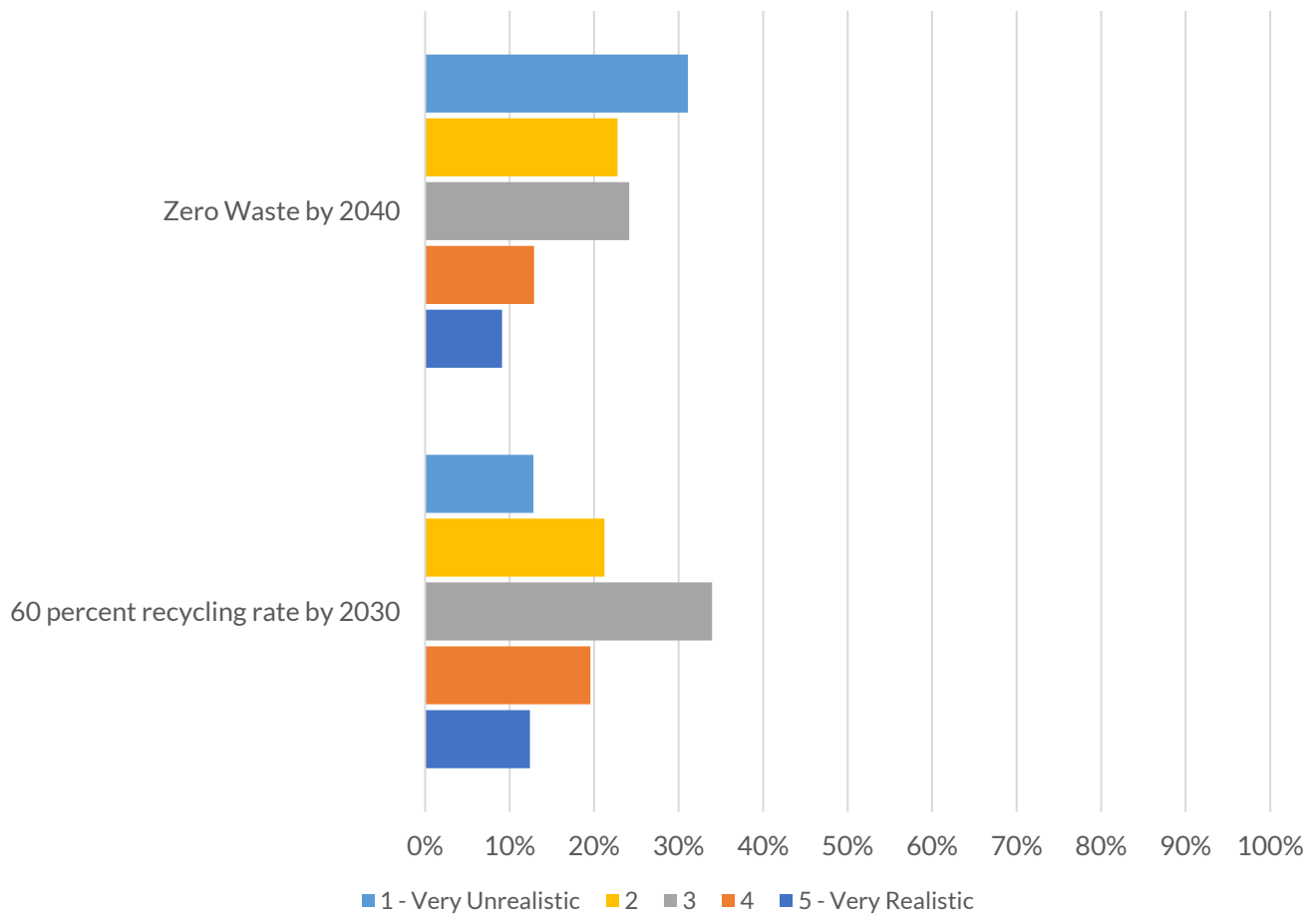
ANSWER CHOICES	RESPONSES	
Strongly support or agree	61.16%	3,346
Somewhat support or agree	21.04%	1,151
Neutral/no opinion	8.94%	489
Somewhat oppose or disagree	2.03%	111
Strongly oppose or disagree	1.04%	57
I need more information to choose	5.79%	317
<b>TOTAL</b>		<b>5,471</b>

Q. The City should spur economic growth by recovering valuable raw materials and clean energy from discarded materials.



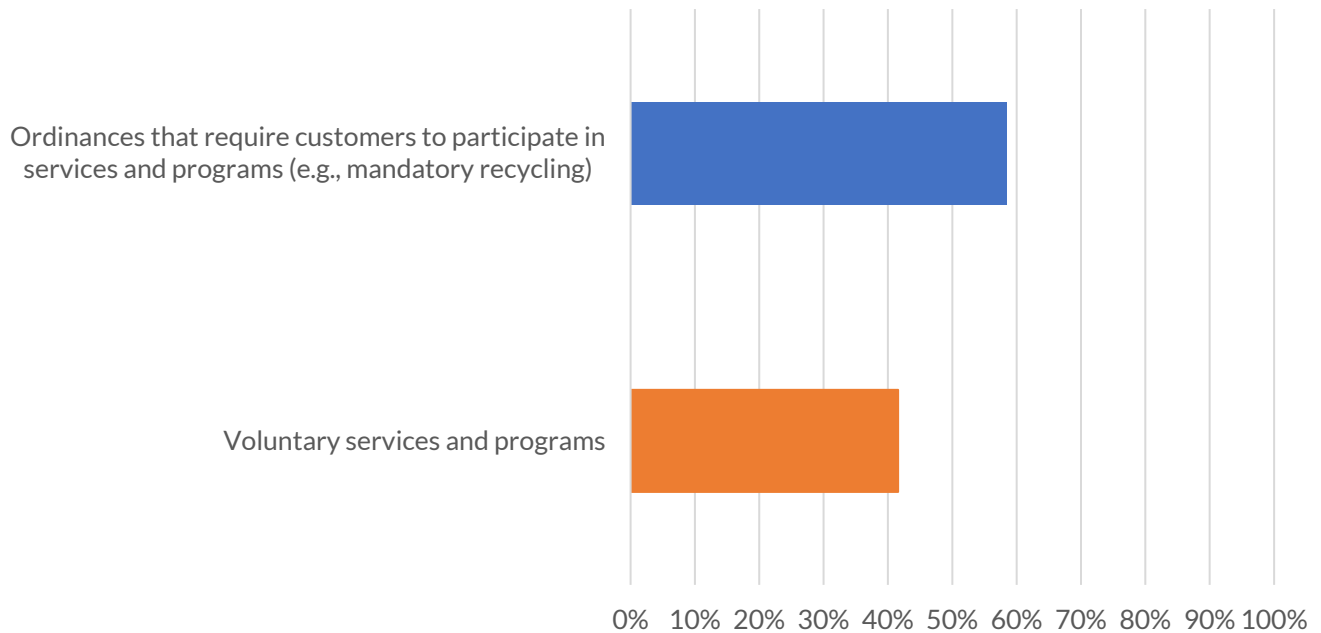
ANSWER CHOICES	RESPONSES	
Strongly support or agree	56.23%	3,081
Somewhat support or agree	25.64%	1,405
Neutral/no opinion	9.66%	529
Somewhat oppose or disagree	1.72%	94
Strongly oppose or disagree	1.31%	72
I need more information to choose	5.44%	298
TOTAL		5,479

Q. As of 2020, the City's recycling rate is approximately 20 percent. On a scale of 1 to 5, with 1 being very unrealistic and 5 being very realistic, how likely do you think it is for the City to achieve:



	1 Very Unrealistic		2		3		4		5 Very Realistic		TOTAL
60 percent recycling rate by 2030	12.82%	694	21.23%	1,149	33.97%	1,839	19.56%	1,059	12.41%	672	5,413
Zero Waste by 2040	31.09%	1,643	22.76%	1,203	24.14%	1,276	12.90%	682	9.10%	481	5,285

Q. Which method would you prefer the City use to implement solid waste and recycling programs to accomplish its goals?



ANSWER CHOICES	RESPONSES	
Ordinances that require customers to participate in services and programs (e.g., mandatory recycling)	58.43%	3,170
Voluntary services and programs	41.57%	2,255
TOTAL		5,425



**City of Dallas**

# **Local Solid Waste Management Plan (LSWMP) Update**

**City of Dallas, Texas**

**Environmental and Sustainability Task Force**

**April 16, 2021**

# Agenda



LSWMP Update Overview



Future Strategic Direction



LSWMP Update Planning Process



Supporting CECAP Solid Waste-Related Goals



Stakeholder Engagement Options



Upcoming LSWMP Update Tasks

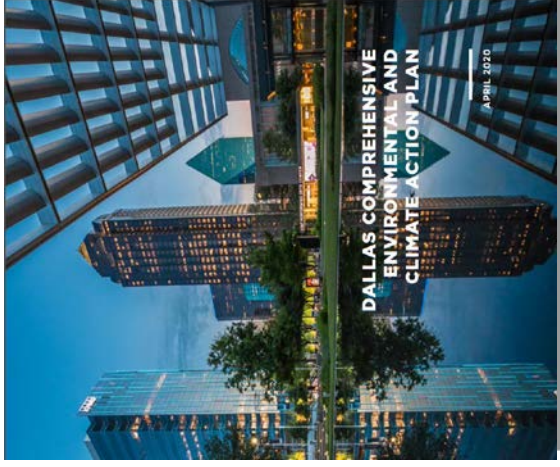




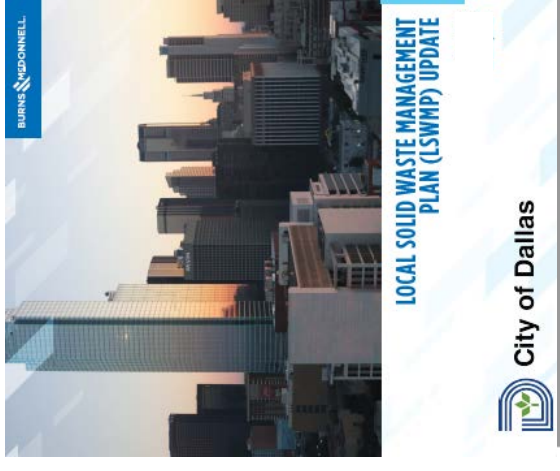
# LSWMP Update Overview



- ▶ Multiple initiatives focused on increasing diversion
- ▶ 50 year planning period



- ▶ Nine solid waste-related goals developed as part of CECAP
- ▶ LSWMP Update to build on CECAP results and incorporate stakeholder engagement efforts



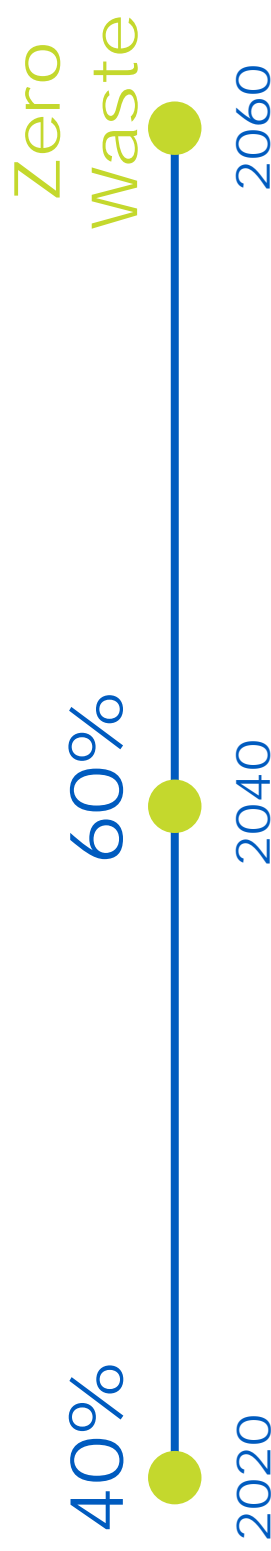
- ▶ Evaluate goals from 2011 LSWMP
- ▶ Focus on developing near-term strategies while still identifying key long-term issues



# Future Strategic Direction

- ▶ Zero Waste is a philosophy and often includes visionary goals.
- ▶ Other large cities in Texas face similar challenges to meet or adjust high recycling rate goals.
- ▶ Key part of LSWMP Update to provide strategic direction and goals based on past goals and new updates.

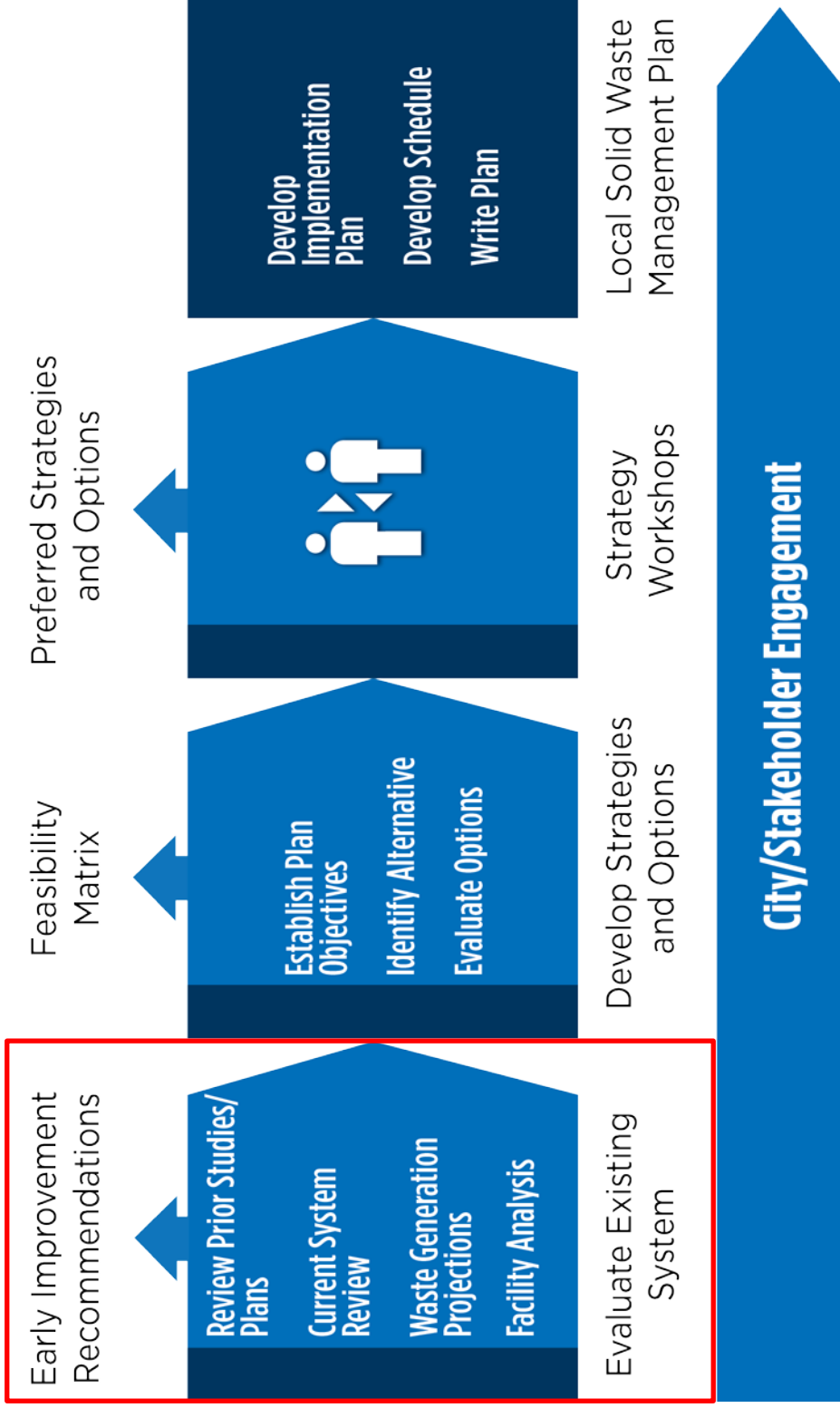
## 2011 LSWMP Recycling Rate Goals







# LSWMP Update Planning Process



# Supporting CECAP Solid Waste-Related Goals

1. Actively Promote Source Reduction, Recycling and Composting to the Dallas Community

2. Develop a Comprehensive Green Procurement Plan

3. Improve Solid Waste, Recycling and Brush/Bulky Waste Collection Frequency

4. Improve Potential for Electric Waste Collection Vehicles

5. Update and Implement the Zero Waste Management Plan

6. Expand Efforts to Reduce Illegal Dumping by Implementing Recommendations Identified in the Litter and Illegal Dumping Assessment Study

7. Encourage the Development of Material Markets Focusing on Creating New Economic Opportunities

8. Continue to Capture Gas and Expand Capacity from Landfill for Reuse and Evaluate for City Operations

9. Adopt an Ordinance to Implement a City-wide Organics Management Program

# Stakeholder Engagement Options

Leveraging the results of CECAP, the City is pursuing the following stakeholder engagement options:



**Stakeholder Engagement Toolkit**



**Online Survey**



**Community Meetings and Events**



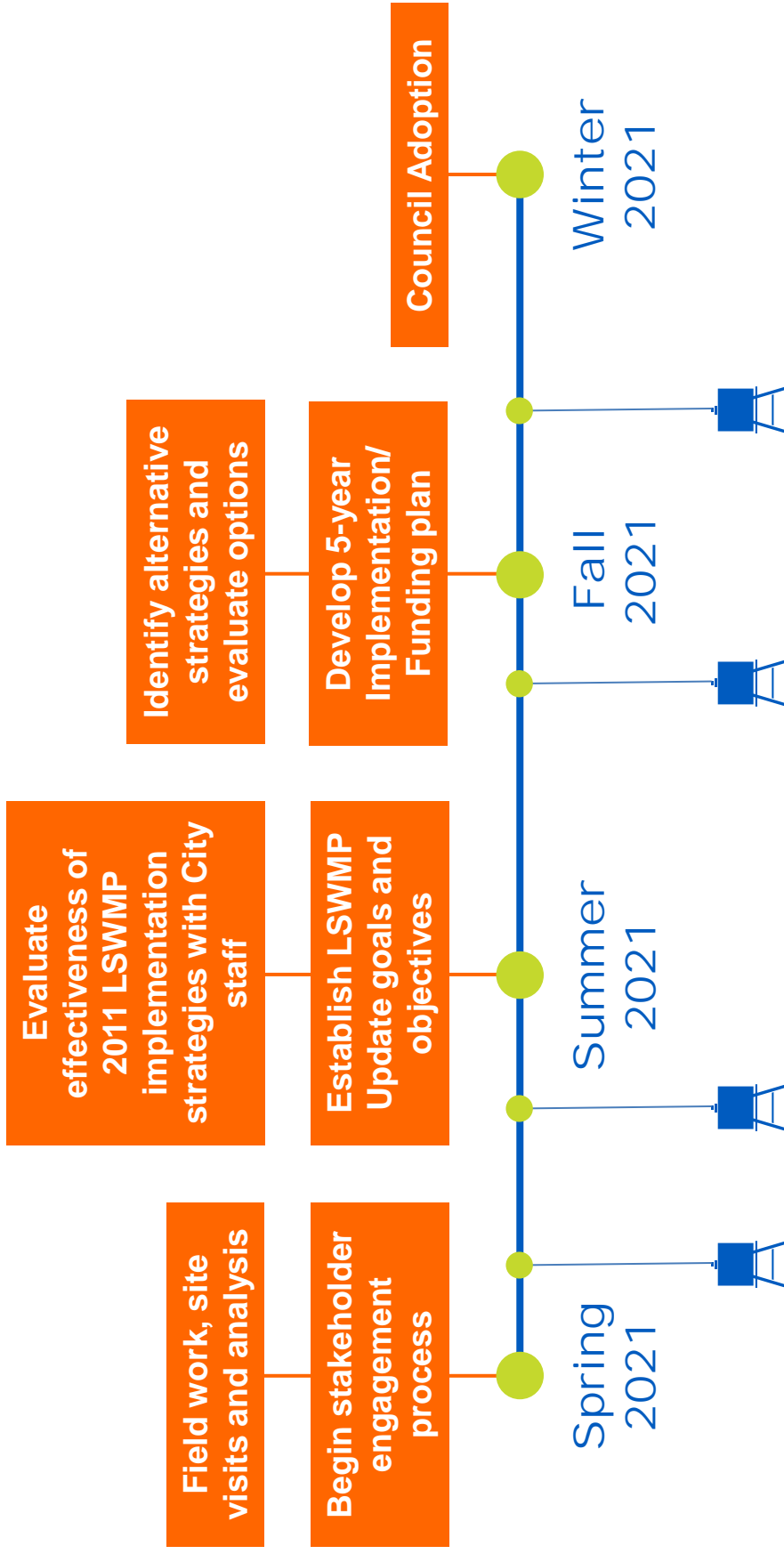
**Task Force & City Council Presentations**



**Stakeholder Interviews**



# LSWMP Update Key Milestones (Draft)



 Indicates City Council Task Force/Subcommittee Presentations



**City of Dallas**

# **Local Solid Waste Management Plan (LSWMP) Update**

**City of Dallas, Texas**

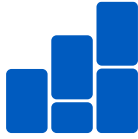
**Environmental and Sustainability Committee**

**May 3, 2021**

# Agenda



LSWMP Update Overview



Future Strategic Direction



LSWMP Update Planning Process



Supporting CECAP Solid Waste-Related Goals



Stakeholder Engagement Options



Upcoming LSWMP Update Tasks





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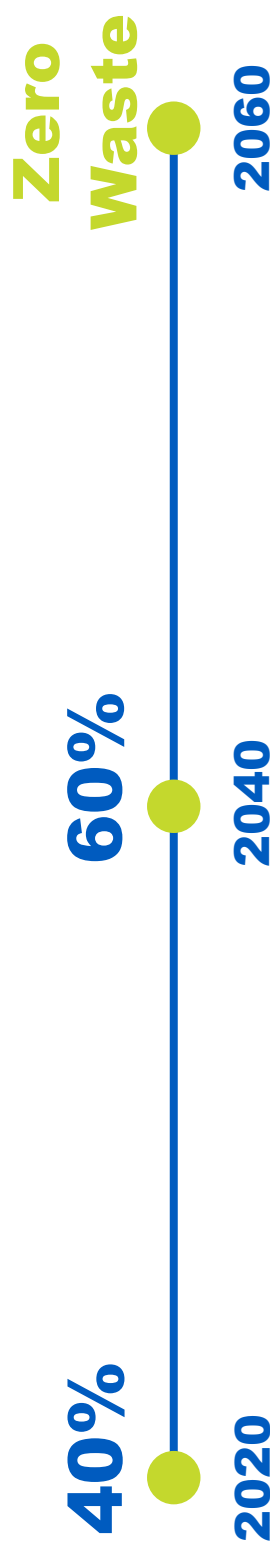


- ▶ Evaluate goals from 2011 LSWMP
- ▶ Focus on developing near-term strategies while still identifying key long-term issues

# Future Strategic Direction

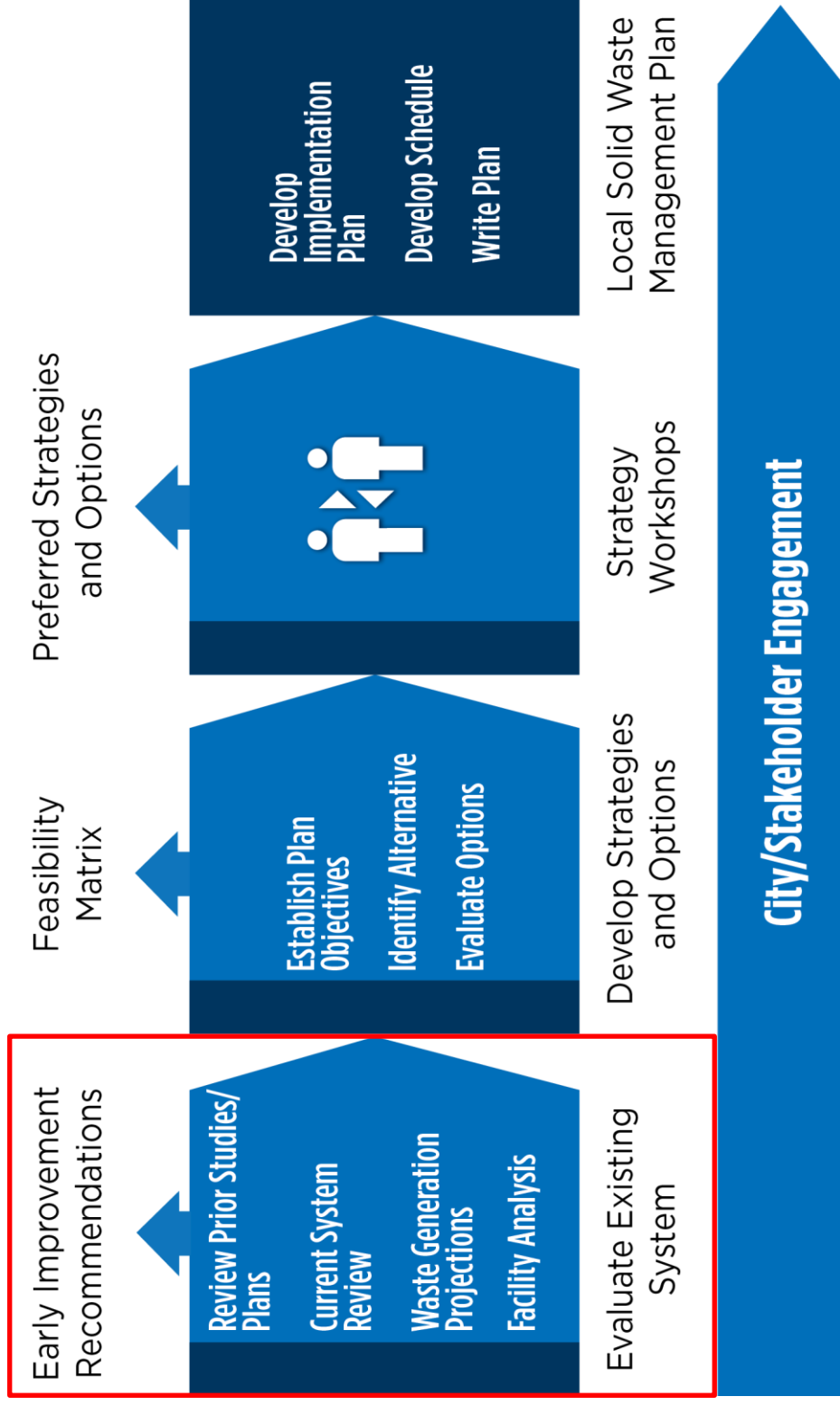
- ▶ Zero Waste is a philosophy and often includes visionary goals.
- ▶ Other large cities in Texas face similar challenges to meet or adjust high recycling rate goals.
- ▶ Key part of LSWMP Update to provide strategic direction and goals based on past goals and new updates.

## 2011 LSWMP Recycling Rate Goals





# LSWMP Update Planning Process



# Supporting CECAP Solid Waste-Related Goals

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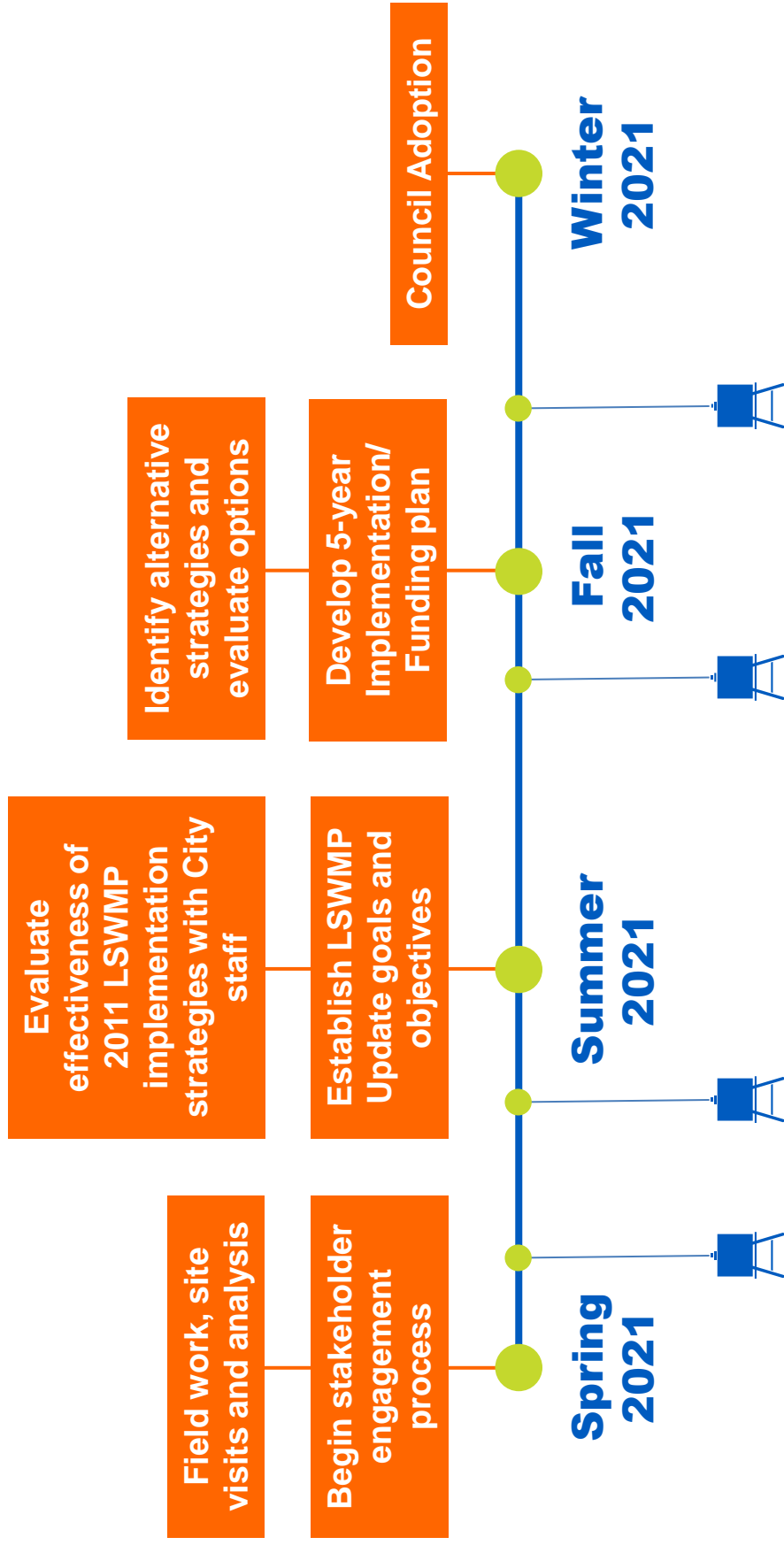
**Task Force & City Council Presentations**



**Stakeholder Interviews**



# LSWMP Update Key Milestones (Draft)



 Indicates City Council Task Force/Subcommittee Presentations



**City of Dallas**

# **Sanitation Services Performance & Initiatives Update**

**Environment and  
Sustainability Committee  
November 1, 2021**

Jay Council, Director  
Department of Sanitation Services  
City of Dallas

# Presentation Overview

- Background
- 2021 Operational & Business Issues
- Performance Update
- Brush and Bulky Item Separation Pilot Update
- Local Solid Waste Management Plan Update
- New Initiatives for 2022
- Next Steps





# Background

- Sanitation provides recycling and solid waste collection services to approximately 250,000 customers
  - Approximately 2.4 million collection points each month
    - 1 million garbage collection points
    - 1 million recycling collection points
    - 240,000 brush and bulky waste collection points
  - Monthly residential service fee \$34.30/month plus tax as of October 1

- Sanitation operates one of the largest landfills in Texas by volume, and one of largest publicly owned and operated landfills in the United States



# Background

- FY 2021-22 operating budget of approximately \$140 million
- 594 full-time positions and 215 temporary laborer positions
- Approximately 375 vehicles and heavy equipment units
- Two Major Operational Divisions
  - Recycling & Solid Waste Operations
    - Public-facing component
    - Recycling, garbage, brush and bulky waste collections
  - Post-Collection Operations
    - Final disposal component
    - McCommas Bluff Landfill, Materials Recovery Facility, Transfer Stations
- Support Services: Environmental, Safety, Business Operations, Customer Service, Community Affairs





# Presentation Overview

- Background
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- Next Steps



# 2021 Operational & Business Issues



- **Brush & Bulky Item Collection Delays Due to Winter Storm**
  - Larger than the usual Spring volume of debris set out in March began a cascade of brush collection delays lasting through May
  - 40 contract crews brought in assist with collections
  - Cost of \$5.6 million
- **Garbage and Recycling Collection Delays Due to Staffing**
  - June through August
  - **Temporary Laborer Contract**
    - Contract on a one-year extension at \$12.38/hour living wage
    - Vendor not awarded new contract
    - Two factors resulted in shortage of helpers
  - **Sanitation Truck Drivers**
    - Pronounced effect of industry-wide shortage of CDL drivers began in May
    - Operational adjustments made, prioritizing garbage collection, extending workdays and work weeks



# Presentation Overview

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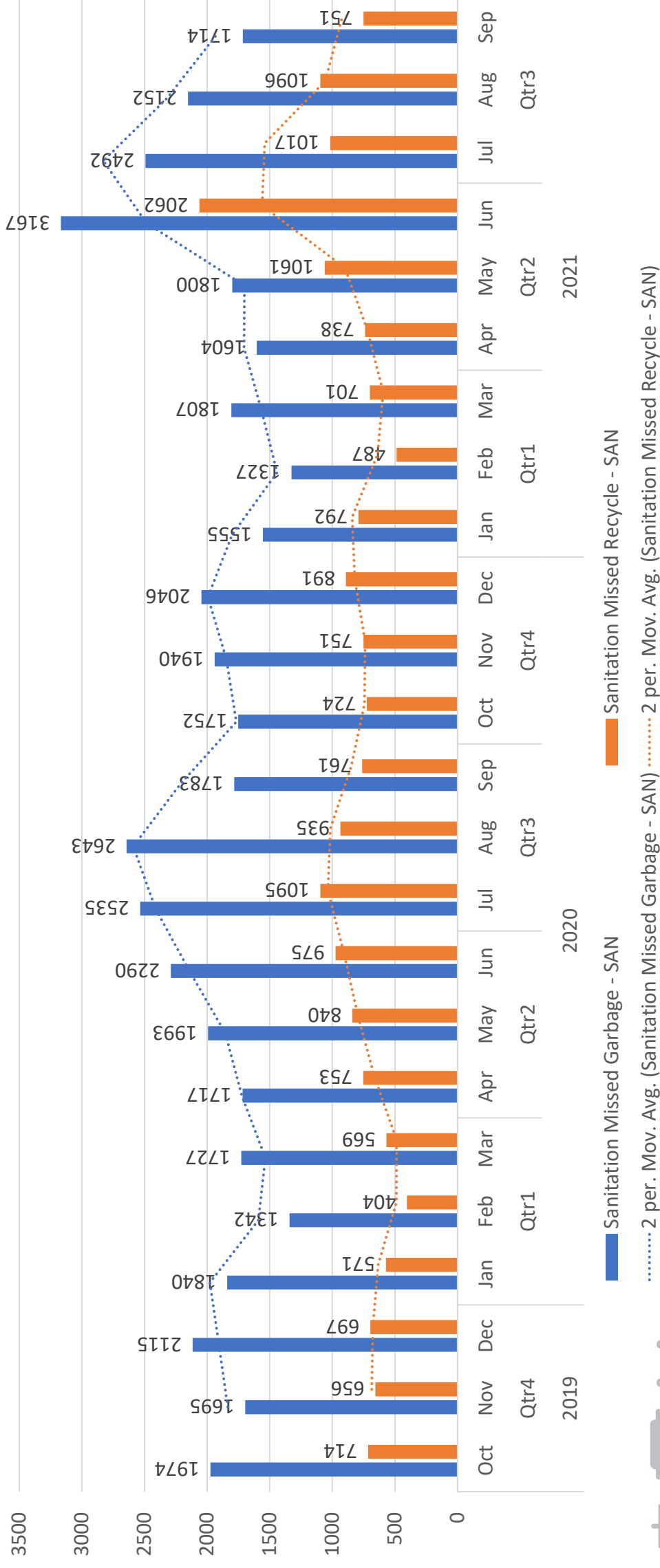
# Performance Update

- Reduction in number of missed collection service requests since peak in June
- New Temporary Laborer Contract effective August 16, 2021
  - Provided an average 95% of required laborers daily
- Staffing goal of 240 truck drivers
  - Approximately 200 in mid-August
  - 222 on staff as of October 27, 2021
  - 15 candidates have received offer letters, in on-boarding process



# Performance Update

## Missed Garbage and Recycling Service Requests FY 2019-20 and FY 2020-21





# Performance Update

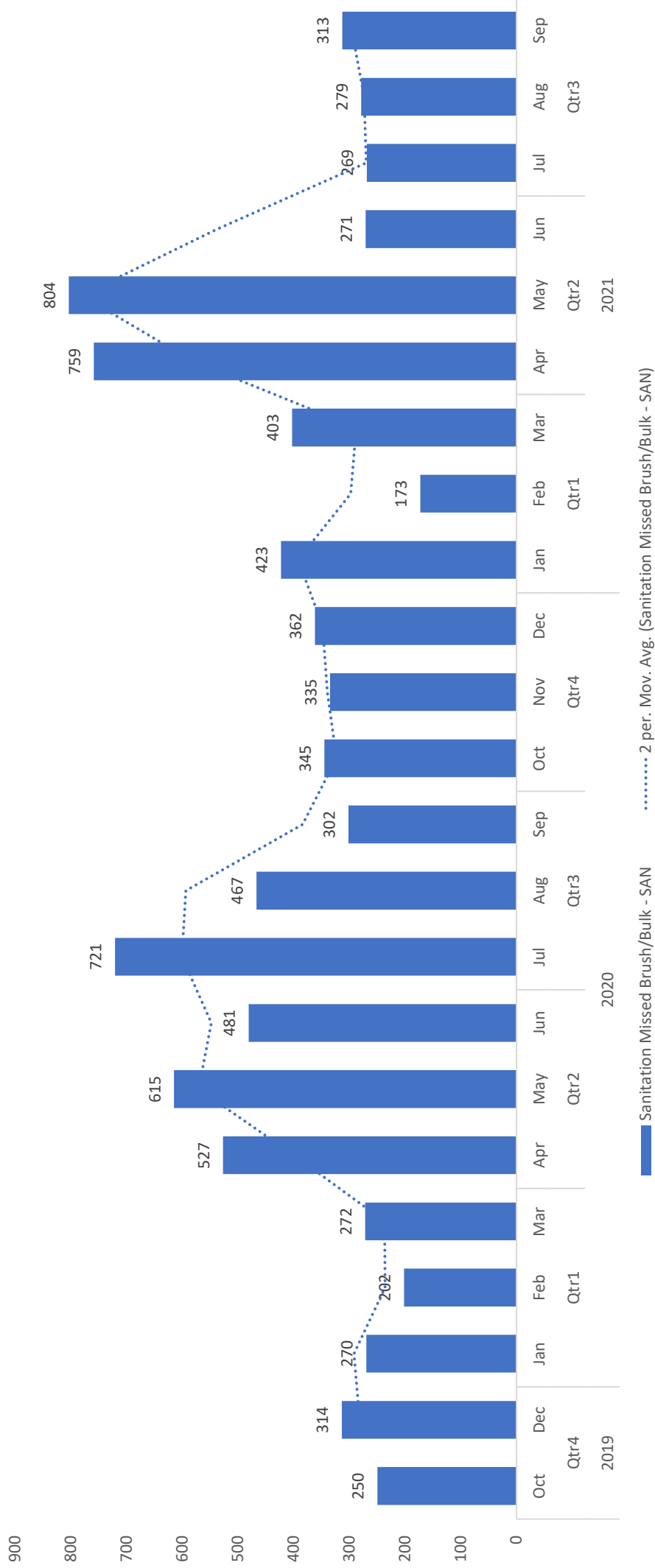


- **Brush and bulky waste collections on time since June**
  - Supplemental contractor assistance still required
  - Compliance with program guidelines challenging
    - 10 cubic yard limit (once annual 20 cubic yard oversize collection)
    - Prohibited items and placement
- **Service provided at a loss over the last several years**
  - Increased volumes, labor and equipment costs
  - Cost included in residential fee
- **Ongoing discussions with Council on ways to achieve a cost-efficient program aligned with the Comprehensive Environmental and Climate Action Plan (CECAP) goals**
  - A 90-day pilot program in 6 neighborhoods began in October



# Performance Update

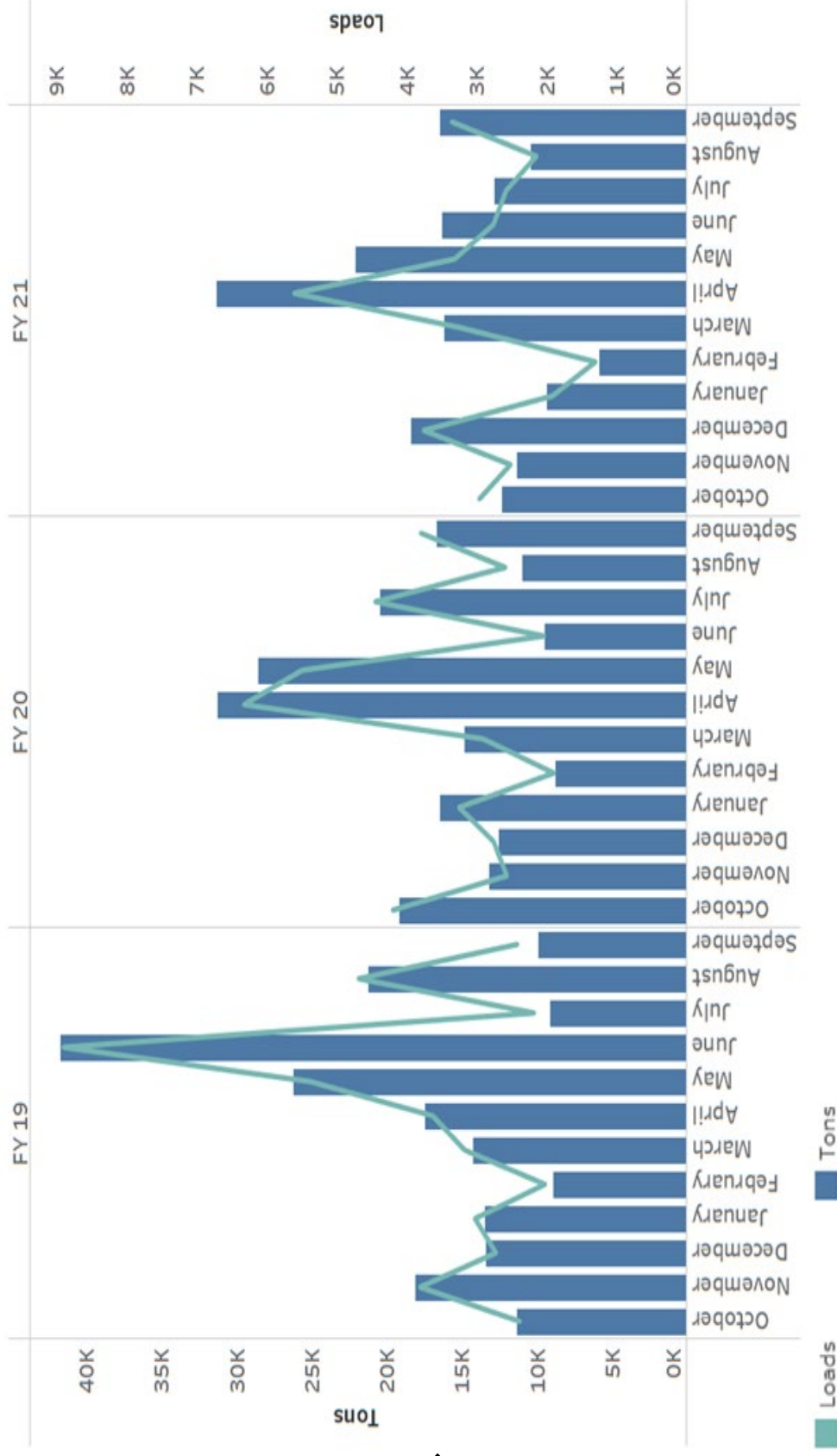
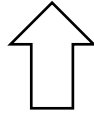
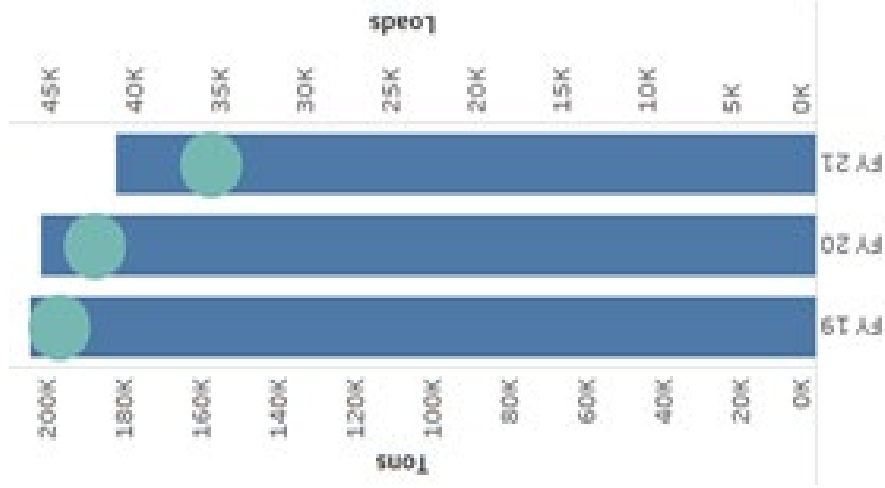
## Missed Brush and Bulky Waste Service Requests FY 2019-20 and FY 2020-21



# Performance Update



## Missed Brush and Bulky Waste Loads and Tons FY 2019-20 and FY 2020-21





# Presentation Overview

- Background
- 2021 Operational & Business Issues
- Performance Update
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- Next Steps



# Brush & Bulky Item Separation Pilot Update

- 6 neighborhoods selected for 90-day pilot from Oct-Dec
- Maintains monthly brush collection
  - Must be free of refuse, construction/demolition debris, and other non-green waste materials
- Bulky item transitions to quarterly service
  - Collected once during pilot program
  - Furniture, appliances, mattresses, other household objects too large to fit in roll cart
  - Bulky items must be placed in a separate pile from brush when both are set out



# Brush & Bulky Item Separation Pilot Update



[Oak Park North/Twin Oaks](#)



[Ledbetter Gardens/Westmoreland Heights](#)



[Highland Hills](#)



[Pemberton/Trinity Forest](#)



[Casa View Oaks](#)



[Schreiber Manor/Forestcrest Estates](#)





# Guidelines

- Brush continues to be collected monthly
  - Small tree limbs, shrubbery, and yard trimmings
- Bulky item collection will occur once during the 3-month pilot period
  - Furniture, appliances (refrigerators removed, if applicable, doors removed from refrigerators), mattresses, other household objects too large to fit in roll cart.
- When bulky items are placed out for collection, they must be placed in a separate pile from brush materials
- The existing 10 cubic yard limit remains in place for the total volume of set out each month
  - A once annual oversize collection of up to 20 cubic yards may be requested by calling 311 the week in advance of collection



# Brush & Bulky Item Separation Pilot Update



- Residents in the pilot neighborhoods were notified in English and Spanish
  - Email to addresses on file for e-billing
  - Paper letters to all homes
  - Door hangers placed at all homes
  - Text messages to all phone numbers associated with billing accounts
  - 6 community meetings held
- Sanitation tagging improper set outs, and making a second pass through the neighborhood 1-2 days later to collect those corrected
  - Residents largely complied with pilot guidelines for October collections



# Brush & Bulky Item Separation Pilot Update



- Residents may take materials to transfer stations or landfill at no charge
- Intent is to have brush materials mulched for beneficial reuse
  - Exploring developing composting program
- Regular monthly brush and bulky item collection will resume in January
  - Sanitation will report to City management and City Council on what was learned and make a recommendation on next steps



# Presentation Overview

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# Local Solid Waste Management Plan Update



- The purpose of the plan is to identify policies, programs, and infrastructure that will be needed to manage solid waste and recyclable materials generated in the City over the next 50 years
  - Current plan developed beginning in 2011, adopted by City Council in 2013
- Update needed to re-evaluate goals
  - Current system has advanced since 2011 LSWMP
  - Align with CECAP and other multi-department planning efforts
  - Decennial update process began in Spring 2020
- Last update to ENVS committee in May 2021
  - Updated committee on upcoming system analysis and plan for stakeholder engagement process
- Since last update:
  - Staff interviews, field work and system analysis nearing completion
  - Citywide survey of residents and businesses (English and Spanish) and stakeholder engagement complete
  - In process of evaluating effectiveness of 2011 LSWMP implementation strategies, establishing updated goals, and identifying alternative strategies for evaluation





# Stakeholder Engagement Results (to date)



- 5,500+ survey responses (includes single-family, multi-family and commercial respondents)
- Approximately 6,800 visits to LSWMP Update webpage
- Completed seven stakeholder engagement meetings
  - Three neighborhood groups, Dallas Regional Chamber, Texas Restaurant Association (Greater Dallas Chapter), Apartment Association of Greater Dallas, Texas Campaign for the Environment
- Completed interviews with multiple City departments and stakeholders
  - SAN, DWU, OEQS, Economic Development, Dallas County, Development & Sustainability, Code Compliance

**WE NEED YOUR INPUT ON  
DALLAS' LOCAL SOLID WASTE  
MANAGEMENT PLAN**

Learn more and take the survey online at

**DALLASZEROWASTE.COM**



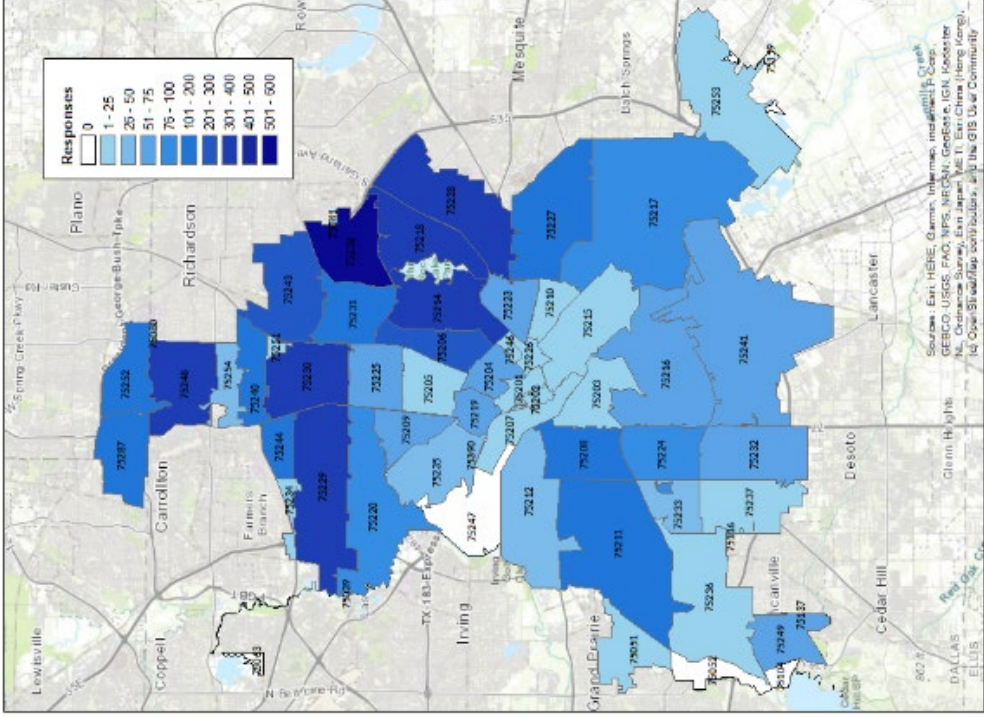
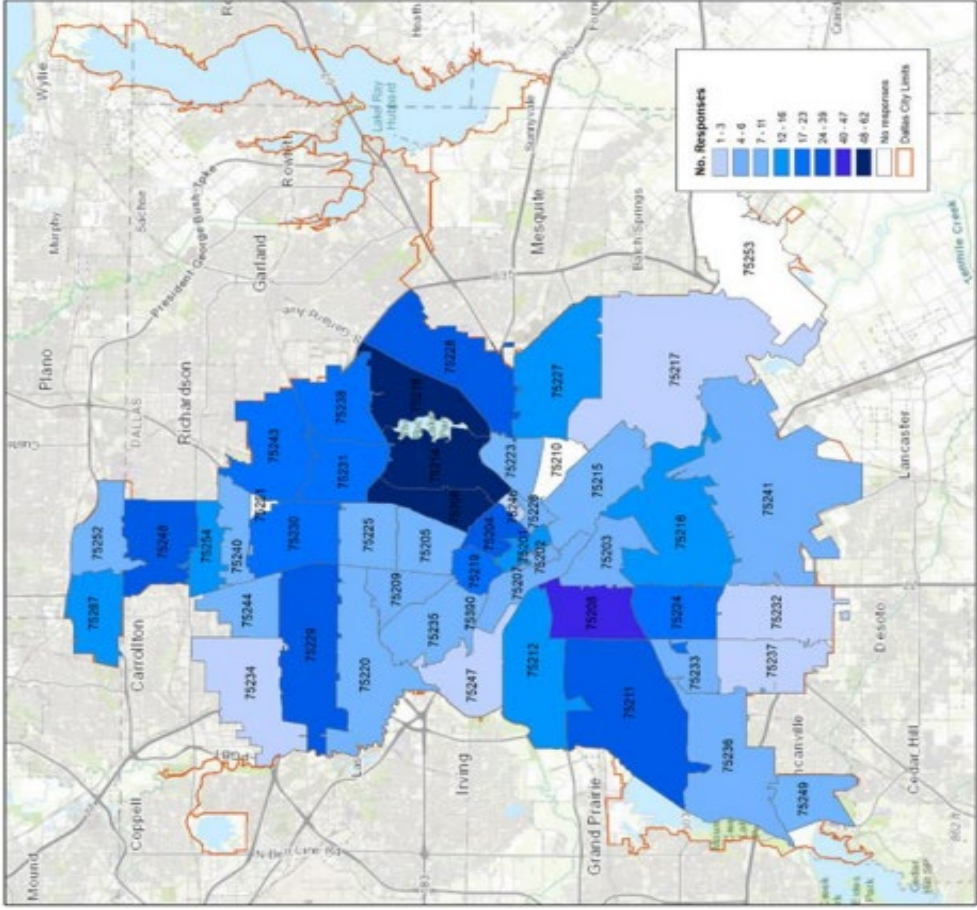
Your input is important and will be used to inform decisions about Dallas' solid waste and recycling programs as well as future opportunities to reduce waste destined for the landfill.



# Building on CECAP Stakeholder Engagement



## DISTRIBUTION OF SURVEY RESPONSES



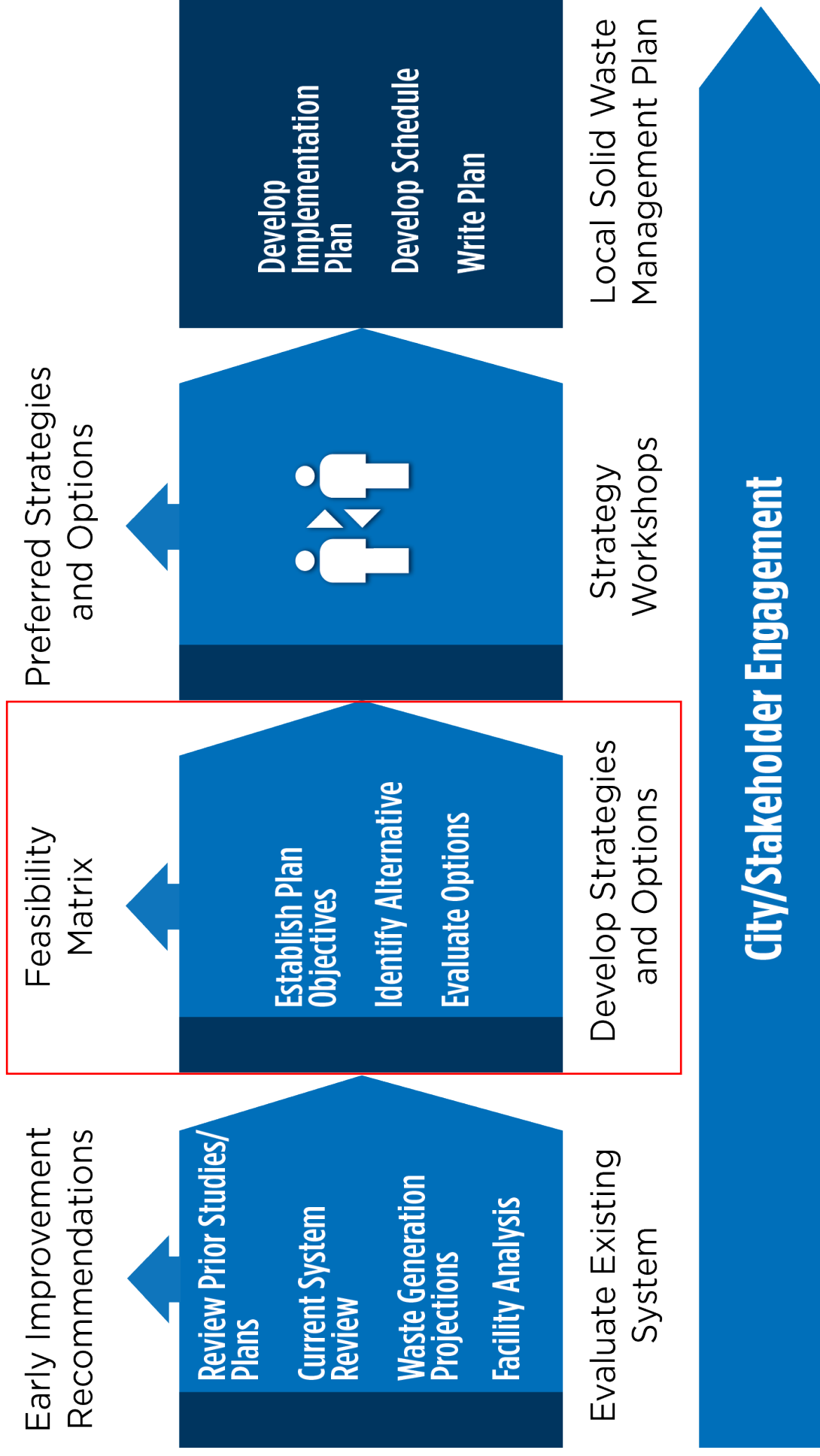
CECAP

LSWMP Update





# LSWMP Update Development Progress



# Next Steps in LSWMP Update Development

- Finalize results of the current system and facility capacity analysis
- Evaluate effectiveness of 2011 LSWMP implementation, update goals and determine future strategy options
- Continue stakeholder engagement efforts
  - Re-engage community stakeholders in early 2022
  - Identify community meetings and events to share information (with help from ENVs committee/council to identify opportunities)
  - Share results of current system analysis and collect feedback on future strategy options
- Evaluate options for the City's future solid waste management needs
- Develop 5-year implementation/funding plan
- Submit LSWMP Update for council adoption



# Presentation Overview

- Background
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# New Initiatives for 2022



- Implement an organizational reroute that balance all routes and service days
- Change from a 4/10 to a 5/8 work week to improve service delivery, reduce overtime, and reduce the need for contract labor
- Continue to shift from manual to automated collection vehicles, further reducing the need for temporary labor



# Presentation Overview

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# Next Steps

- Evaluate the viability of monthly brush and quarterly bulk trash collection for citywide implementation
- Develop the capacity to transfer and process organics citywide
- Develop tiered options for residential collection in rear alley and front of house
- Host meetings with neighborhood associations and community advocates on planned service changes, to ensure awareness, and compliance







# Welcome To This Local Solid Waste Management Plan Update Public Workshop

Scan this QR code, or visit [PlanMeeting.DSAN.us](http://PlanMeeting.DSAN.us), to access meeting materials.

Please also let us know you were here by clicking on the "Register Attendance" button on this site.



1



# City of Dallas

## LSWMP Update Public Workshop

March 31, 2022

Jay Council  
Director of Sanitation Services

Cliff Gillespie  
Assistant Director of Sanitation Services

2

## Public Meeting Housekeeping



- This public meeting is being recorded and is prepared to support in-person and virtual attendance
- The presentation has several break points to engage in brief guided discussion using PollEverywhere service
  - Presenter will switch to webpage where audience responses are displayed live
- This public meeting kicks off the draft LSWMP Update public comment period and Phase 2 survey – more information will be provided at the end of the meeting.



3

3

## Public Meeting Agenda



### LSWMP Update Background

*Information about LSWMP Update process and progress to-date*



### Draft Objectives and Goals

*Draft goals and objectives the City is considering for the updated plan*



### Single-Family Sector

*Services overview and discussion of recommended next steps*



### Multi-Family Sector

*Multi-family Recycling Ordinance (MFRO) overview and discussion of recommended next steps*



### Commercial Sector

*Commercial sector overview and discussion of recommended next steps*



### Infrastructure

*Review of select materials management infrastructure and discussion of recommended next steps*



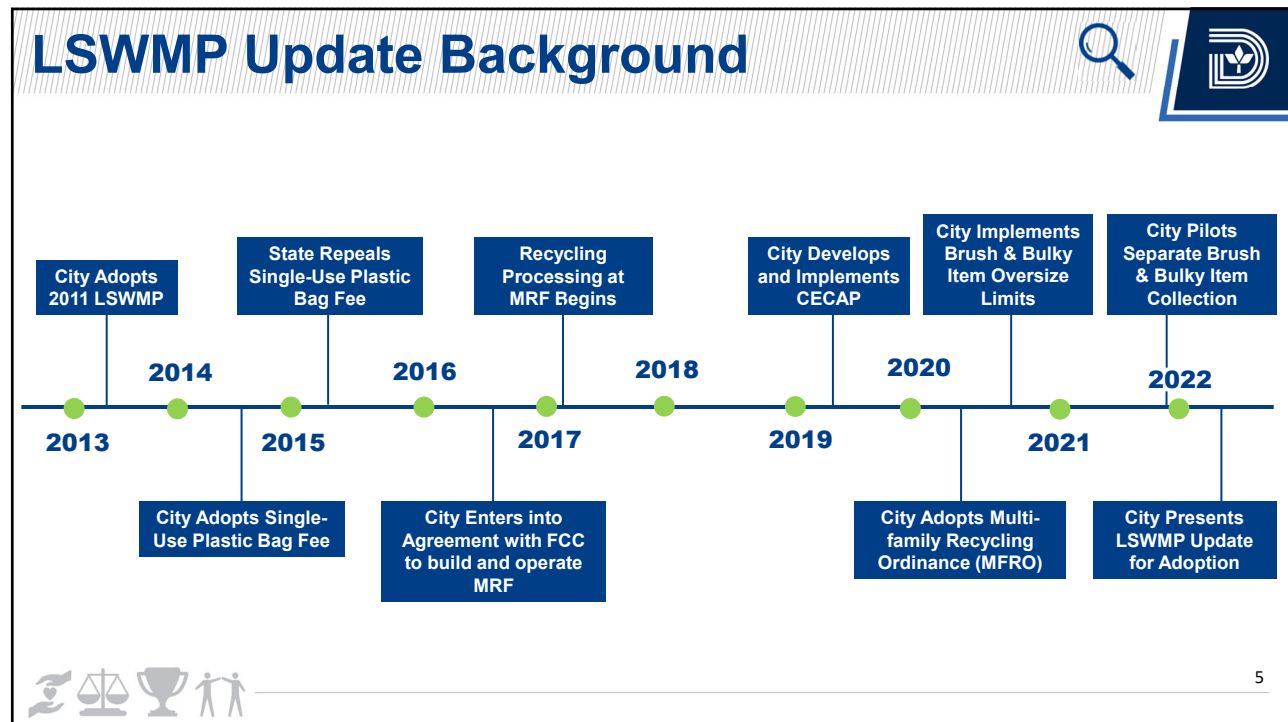
### Next Steps

*Upcoming activities to complete the LSWMP Update*

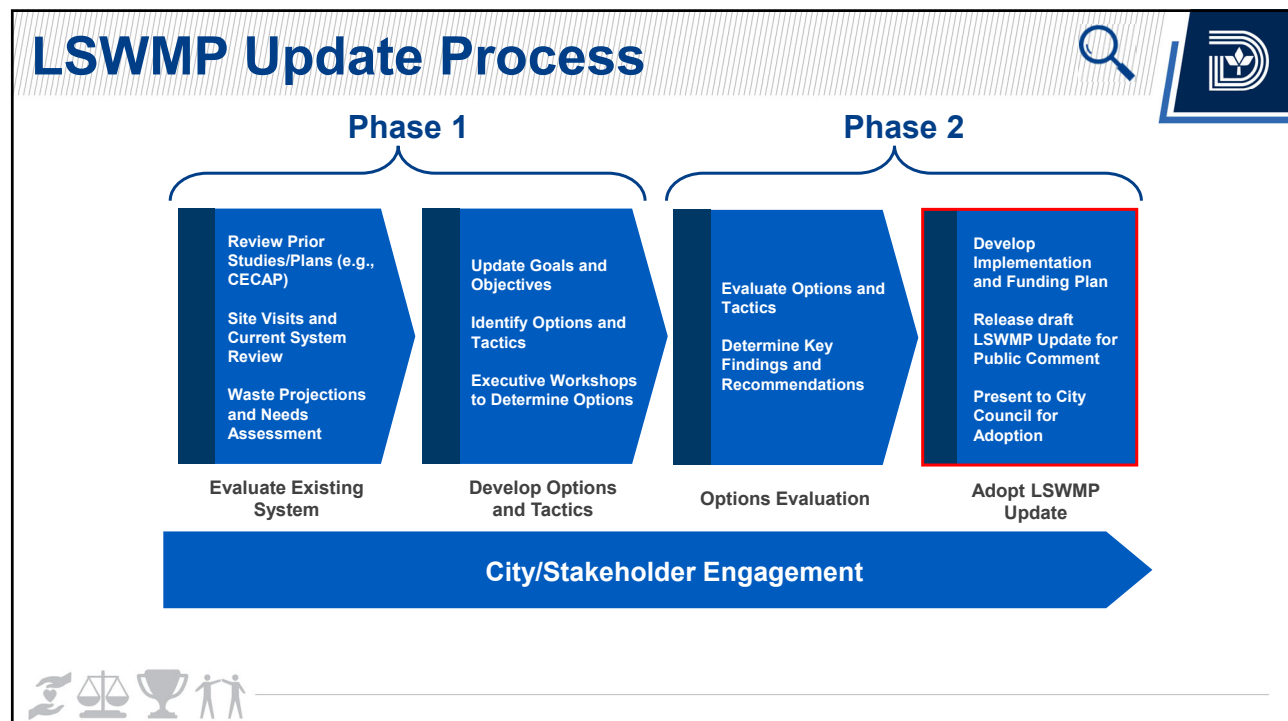


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## Recommendations Coordinate with Goals

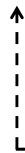


### Update Objectives

Identify long-term strategic considerations that will result in successful operations, programs and material management

### Update Goals

Establish recycling targets and timing based on updated objectives and current system evaluation



### Evaluate Options

Analyze options to achieve goals based on select criteria (e.g., recycling potential, financial impact, environmental impact, etc.)

### Develop Recommendations

Develop specific actions aligning with options that provide the foundation for the implementation and funding plan



7

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## Coordination with CECAP



LSWMP Update supports the City's Comprehensive Climate and Environmental Action Plan (CECAP) goals related to material management:

- Improve source reduction
- Improve key collection operations
- Incorporate battery-electric garbage trucks to fleet
- Minimize illegal dumping
- Support recycling market development
- Recycle landfill gas for beneficial re-use
- Increase organics recycling

### CECAP goals include:

**35%** and **80%** diversion of organic waste by 2030 and 2050

**60%** and **90%** of paper waste by 2030 and 2050

**35%** and **45%** reduction in waste landfilled in 2030 and 2040



8

8

## LSWMP Update Outline



### Overview Sections

- |  |  |
|--|--|
| 1. Objectives, Goals, Stakeholder Engagement | 2. Planning Studies, Regulatory, Trends Review |
| 3. Planning Area Characteristics             | 4. Facilities and Infrastructure               |

### Program, Policies, Infrastructure Evaluation Sections

- |  |   |
|--|---|
| 5. Transfer Station System             | 6. Refuse and Recycling Collection            |
| 7. Brush and Bulky Item Collection     | 8. Landfill Operation                         |
| 9. Recycling Processing                | 10. Organics Management                       |
| 11. Multi-Family and Commercial Sector | 12. Household Hazardous Waste and Electronics |
| 13. Public Education and Outreach      |   |

### Technical Appendices

- |  |  |
|--|--|
| A. Stakeholder Engagement Summary                      | B. Regional Facilities Map                       |
| C. Refuse & Recycling Collection Operations Assessment | D. Transfer Station System Operations Assessment |
| E. Landfill Operations Assessment                      | F. Implementation Plan                           |



9

9

## Public & Stakeholder Engagement



**Surveys.** 5,500+ survey responses from single-family residents, multi-family tenants and property managers and commercial entities in phase 1 survey. Phase 2 available at [www.DallasZeroWaste.com](http://www.DallasZeroWaste.com)

**Dallas Zero Waste Webpage.** Location of resources to engage in the planning process including draft plan published for public comment, Frequently Asked Questions, informational 'whiteboard' video.

**External Stakeholder Interviews.** Interviewed various stakeholder groups including Dallas Regional Chamber Texas Restaurant Association (Greater Dallas Chapter) Apartment Association of Greater Dallas, Texas Campaign for the Environment, multiple neighborhood groups and homeowner associations.

**Internal Stakeholder Interviews.** Interviewed various City departments involved in supporting recommended policy or program recommendations including Code Compliance, Economic Development, Sustainable Development and Dallas Water Utility (DWU).

**Presentation to City Leadership.** City Council Environment and Sustainability Commission, City Council Environment and Sustainability Subcommittee.



10

10

## Draft Updated Objectives



### Approach to updating objectives

- Recall core ideas from the 2011 LSWMP objectives
- Maintain progress toward the City's long-term Zero Waste goal
- Re-packaged to emphasize near-term goals
- More closely align with goals adopted by CECAP
- Incorporate data collected during stakeholder engagement

### Draft updated objectives

- Empower residents and businesses to reduce the amount of discarded material generated through proactive education and outreach.
- Establish and implement innovative operational best practices to provide efficient, cost effective, and environmentally responsible service.
- Provide excellent customer service and support residents and businesses to maximize diversion from landfill.
- Operate a clean, green and efficient waste system that seeks to generate energy from organics.



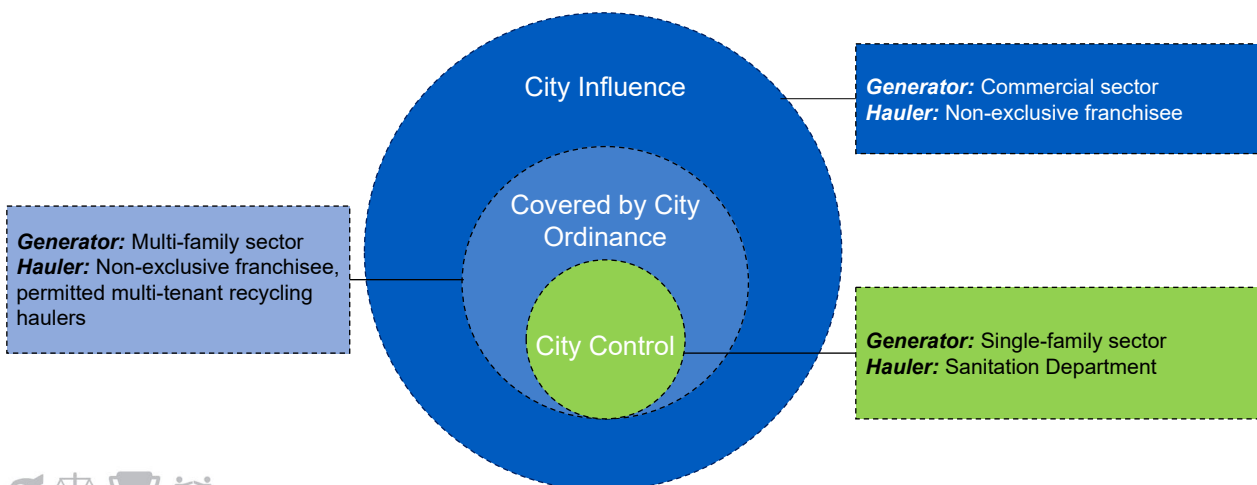
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11

## Control of Material by Sector



You can't manage what you don't measure



12



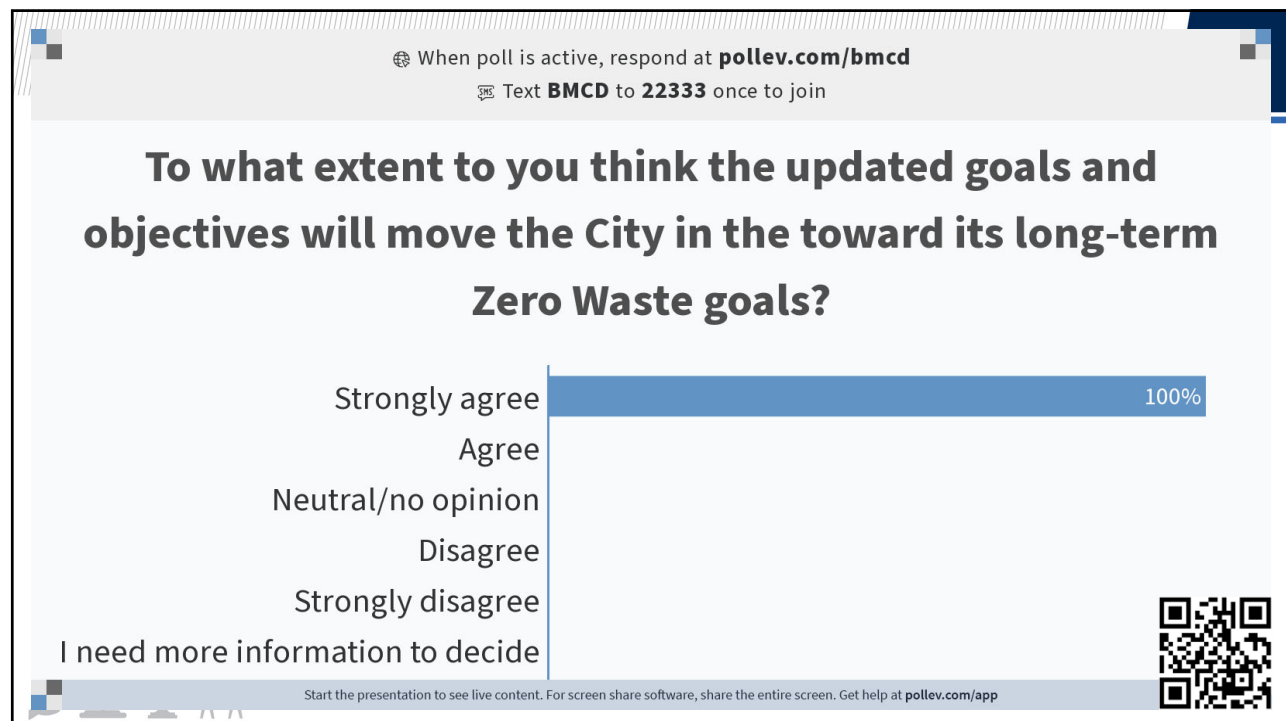
## Updating Near- and Long-term Goals



Generator Sector	Single-Family	Multi-family	Commercial
Goal Type and Metrics	Recycling rate, capture rate, disposal per capita.	Program participation; reporting compliance	Program participation; reporting compliance
Near-term Goals	<ul style="list-style-type: none"> <li>• <b>35%</b> recycling of organic waste by 2030.</li> <li>• <b>60%</b> paper waste by 2030.</li> <li>• <b>35%</b> reduction in waste landfilled by 2030.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>90%</b> reporting compliance and verification of entities covered under the MFRO for three consecutive years.</li> </ul>	<ul style="list-style-type: none"> <li>• Expand Green Business Certification to <b>increase</b> participants year-over-year.</li> <li>• <b>90%</b> reporting compliance and verification from non-exclusive franchise haulers for three consecutive years.</li> </ul>
Long-term Goals	<ul style="list-style-type: none"> <li>• <b>80%</b> recycling of organic waste by 2050.</li> <li>• <b>90%</b> paper waste by 2050.</li> <li>• <b>45%</b> reduction in waste landfilled by 2040.</li> </ul>	<ul style="list-style-type: none"> <li>• Analyze data to establish goals consistent with future program in place</li> </ul>	<ul style="list-style-type: none"> <li>• Analyze data to establish goals consistent with future program in place</li> </ul>



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14

## Single-Family Services Overview



### Roll Cart Collection



- ▶ Roll cart garbage and recycling collected once per week.
- ▶ Automated and semi-automated trucks used to collect roll cart.
- ▶ Opportunity to re-route collection fleet to reduce alley collection.

### Brush & Bulky Item Collection



- ▶ Commingled brush & bulky items collected once per month via grapple trucks.
- ▶ 3-month pilot separate brush and bulky item collection completed in December 2021.
- ▶ Opportunity to collect and process yard trimmings and brush separately.

### Household Hazardous Waste and Electronics Collection



- ▶ Household Chemical Collection (HCC) open twice per week operated by Dallas County.
- ▶ Battery, Oil, Paint and Antifreeze (BOPA) collection events held by City.
- ▶ Inconvenient location and challenges communicating program offering to residents.



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## Single-Family Sector Next Steps



The City has **direct control** over material and can increase recycling via existing services

# 1

### Increase capture rate from blue roll-cart program

Focus current and future resources to increased education, outreach and compliance efforts.

Track roll-cart capture rate performance on a year-over-year basis.

# 2

### Separate collection and processing of yard trimmings and brush

Focus current and future resources (e.g., vehicles, staff) to separately collect yard trimmings and brush from bulky items.

Upgrade transfer station system to manage yard trimmings and brush separately.

Develop composting facility through public private partnership.

# 3

### Establish more convenient HHW and electronics collection

Renew interlocal agreement with Dallas County on short-term basis.

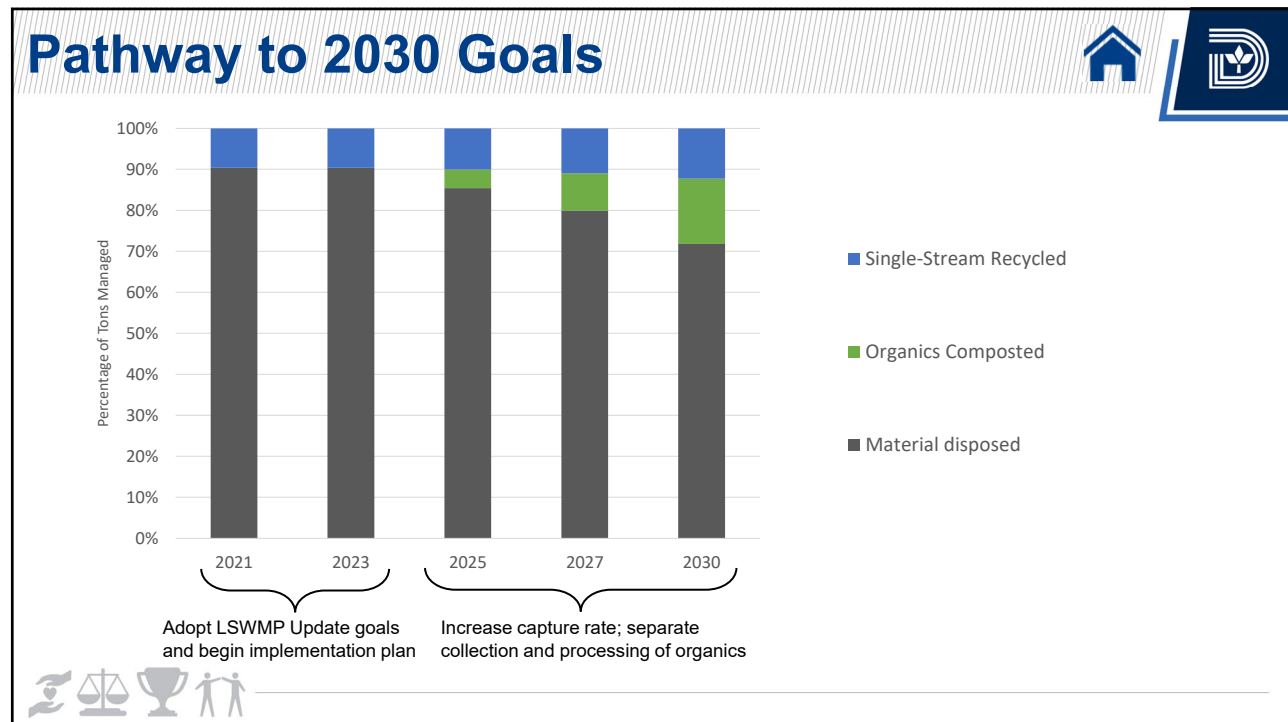
Work with County to develop permanent or satellite facility in southern areas of City.

Evaluate feasibility to expand capabilities of BOPA collection program.

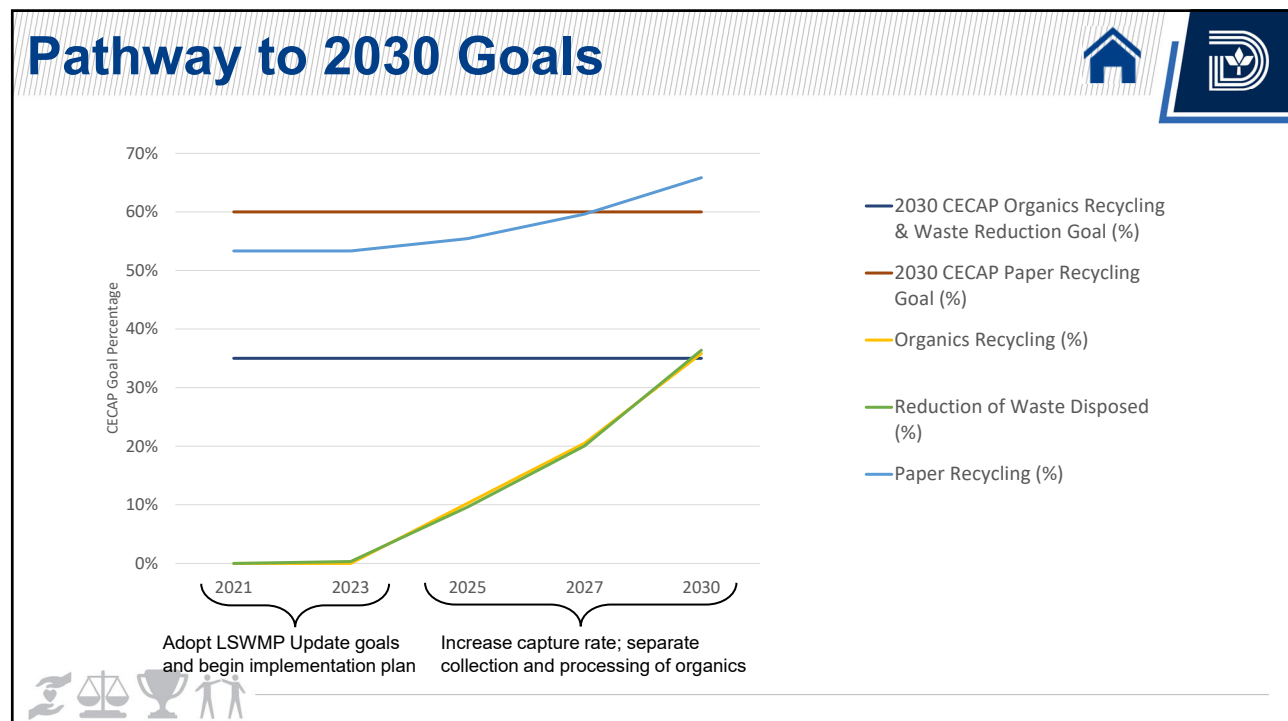


16





17



18

**To meet the City's Zero Waste goals, it is critical that yard waste/brush are collected and processed separately from bulky items. Which is your preferred alternative collection frequency for separate brush and bulky items?**

Monthly brush/yard trimmings collection and only call-in bulky item collection (two free collections provided per year, fees apply after two)

100%

Alternating every other month brush/yard trimming collection and bulky item collection

Monthly brush/yard trimming collection and quarterly bulky item collection



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19

**Alley collection challenges City collection vehicles that are too large to maneuver safely or without risk of property damage. To what extent would you be supportive a transition to curbside collection?**

Very supportive

100%

Somewhat supportive

Neutral/no opinion

Somewhat opposed

Very opposed

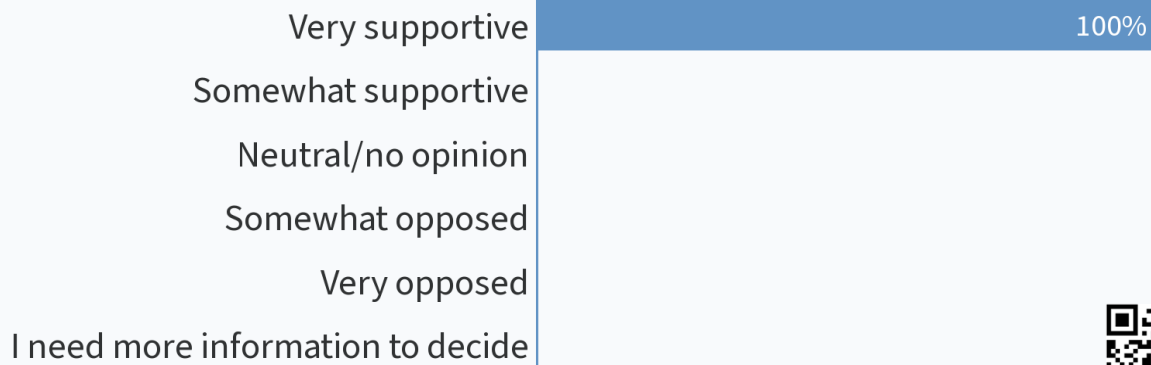
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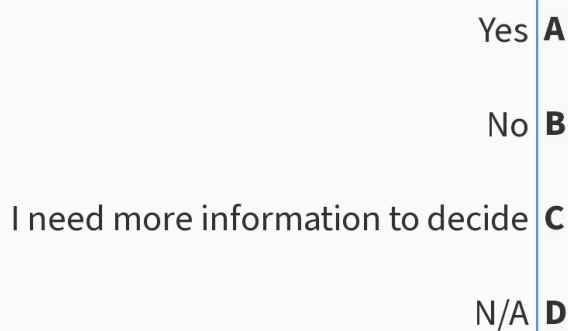
## To what extent would you be supportive of roll-cart yard waste collection in addition to your garbage and recycling roll-cart collection?



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21

## Would a new Household Chemical Collection Center or satellite facility in the southern region of the City be more convenient for you to drop off HHW and electronics?



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## Multi-Family Sector Overview



### MFRO adopted in 2019

- Reporting and recycling requirements from haulers and apartment complex managers rather than tenants
- Covers multi-family complexes with eight or more units

### Initial reporting provided to the City in 2020

- 20 permitted multi-tenant recycling haulers, 60 percent of them combine multi-family and commercial recycling on collection routes
- Haulers reported a total of 10,600 recycling tons collected
- Estimated 7,000 tons from multi-tenant properties only
- Multi-family recycling is hauled to one of 16 facilities spread throughout the City and surrounding areas



23

23

## Multi-Family Sector Next Steps



The MFRO is an **innovative** policy tool and an excellent platform to build on going forward

# 1

### Increase MFRO compliance from covered entities year-over-year

Continue to implement and increase the compliance from generators and haulers as part of the MFRO.

Monitor new developments that come online and continuing to support affected entities with education and outreach.

# 2

### Adjust reporting requirements to include more comprehensive tonnage reports

Require the submission of more comprehensive data to include refuse, recycling and other divertible tonnages currently collected and the location they are processed and disposed.

# 3

### Sustain education, outreach and compliance efforts

Continue implementation efforts and support haulers and apartment managers to increase compliance year-over-year to meet multi-family sector goals.



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**The City wants to ensure multi-family residents have convenient access to recycling. Do you find your apartment complex's recycling service hard to use?**


Yes

No

I don't know

N/A

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25

**Would you take advantage of technical assistance provided by City staff to implement commercial collection as part of the Green Business Certification program?**

Yes

No

I need more information to decide

N/A

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## Commercial Sector Overview



**The commercial sector consists of a variety of properties, facilities and business operations.**

- Represents 70 percent of material disposed at Landfill and significant diversion potential
- Unable to gauge how much recycling activity is taking place

**Garbage and recycling collected by non-exclusive franchise haulers (currently 109 active haulers)**

- Haulers submit a Solid Waste Operator Franchisee Monthly Report on a monthly basis
- Data required does not provide a complete picture of material flows

**City recently established Green Business Certification program**

- Assists and recognizes entities that incorporate recycling or promote reuse, reduction, and composting in their business operations



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## Commercial Sector Next Steps



Commercial sector presents the **biggest** opportunity to reach Zero Waste Goals

# 1

### **Expand Green Business Certification Program**

Increase the number of certified businesses.

Leverage cross-departmental efforts to provide technical assistance.

# 2

### **Adjust Solid Waste Operator reporting requirements**

Require submission of more comprehensive and verifiable data.

Include refuse, recycling and other recyclable tonnages currently collected and the location with they are processed and disposed.

# 3

### **Adjust non-exclusive franchise ordinance to require haulers offer key services**

In the future, require haulers offer recycling services to customers.

Establish compliance mechanisms to ensure that this maintains a level playing field among franchise haulers.



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28

**Would you take advantage of technical assistance provided by City staff to implement commercial collection as part of the Green Business Certification program?**

Yes

No

I need more information to decide

N/A



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29

**How supportive would you be of an ordinance requiring haulers to offer recycling services to businesses in the City?**

Very supportive

Somewhat supportive

Neutral/no opinion

Opposed

Very opposed

I need more information to decide



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## Infrastructure Overview



### Transfer Stations



- ▶ Material consolidated for more efficient transportation
- ▶ Critical part of current and future materials management.
- ▶ Aging and unable to manage brush separately for recycling.

### Landfill



- ▶ McCommas Bluff Landfill serves the City's long-term disposal needs.
- ▶ Conserve valuable airspace by continuing efforts to prolong site life.
- ▶ Landfill must meet long-term disposal needs of City and region.

### Recycling



- ▶ Developed by public-private partnership
- ▶ Began operation in 2017
- ▶ Facility has sufficient capacity for current and future recycling processing needs

### Fueling



- ▶ Fueling stations fill the City's fleet.
- ▶ Limited fueling infrastructure for Compressed Natural Gas (CNG) or electric collection vehicles.



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## Infrastructure Options



Infrastructure improvements are **critical** to achieving near-term and long-term goals.

# 1

### Upgrade transfer station system

Upgrade transfer stations to separately manage organics.

Minimize number of residents or self-haul customers in transfer buildings.

Synchronize scale systems to streamline data analysis.

# 2

### Develop composting facility as part of public-private partnership

The City does not have adequate composting infrastructure to process separately collected yard trimmings and brush.

Develop a composting facility through public-private partnership, similar to the process for installing the recycling facility.

# 3

### Increase CNG/RNG and electric vehicle fueling capacity

Explore purchase of additional CNG vehicles.

Install additional natural gas fueling stations.

Explore electric solid waste collection vehicle pilot project.



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**To meet its long-term Zero Waste goals the City needs to invest in its material management system. How supportive would you be of the City upgrading its transfer station system to separately manage brush/yard waste?**

Very supportive

Supportive


Neutral

Opposed

Very opposed

N/A

I need more information to decide



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33

**To support CECAP goals the City needs to reduce the number of diesel-burning vehicles in its fleet. How supportive would you be for the City to purchase more alternative fuel vehicles (e.g., natural gas, electric)?**

Very supportive

Supportive


Neutral

Opposed

Very opposed

N/A

I need more information to decide



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## Next Steps



1. Evaluate results from public meeting, phase 2 survey and public comment period
2. Incorporate results of survey and public comments to draft LSWMP Update
3. Finalize implementation/funding plan
4. Present LSWMP Update to City Council for adoption in May (tentative)
5. Begin tasks based on implementation/funding plan



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**City of Dallas**

**Jay Council**  
Director of Sanitation Services

**Cliff Gillespie**  
Assistant Director of Sanitation Services

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## APPENDIX B - REGIONAL FACILITY MAPS

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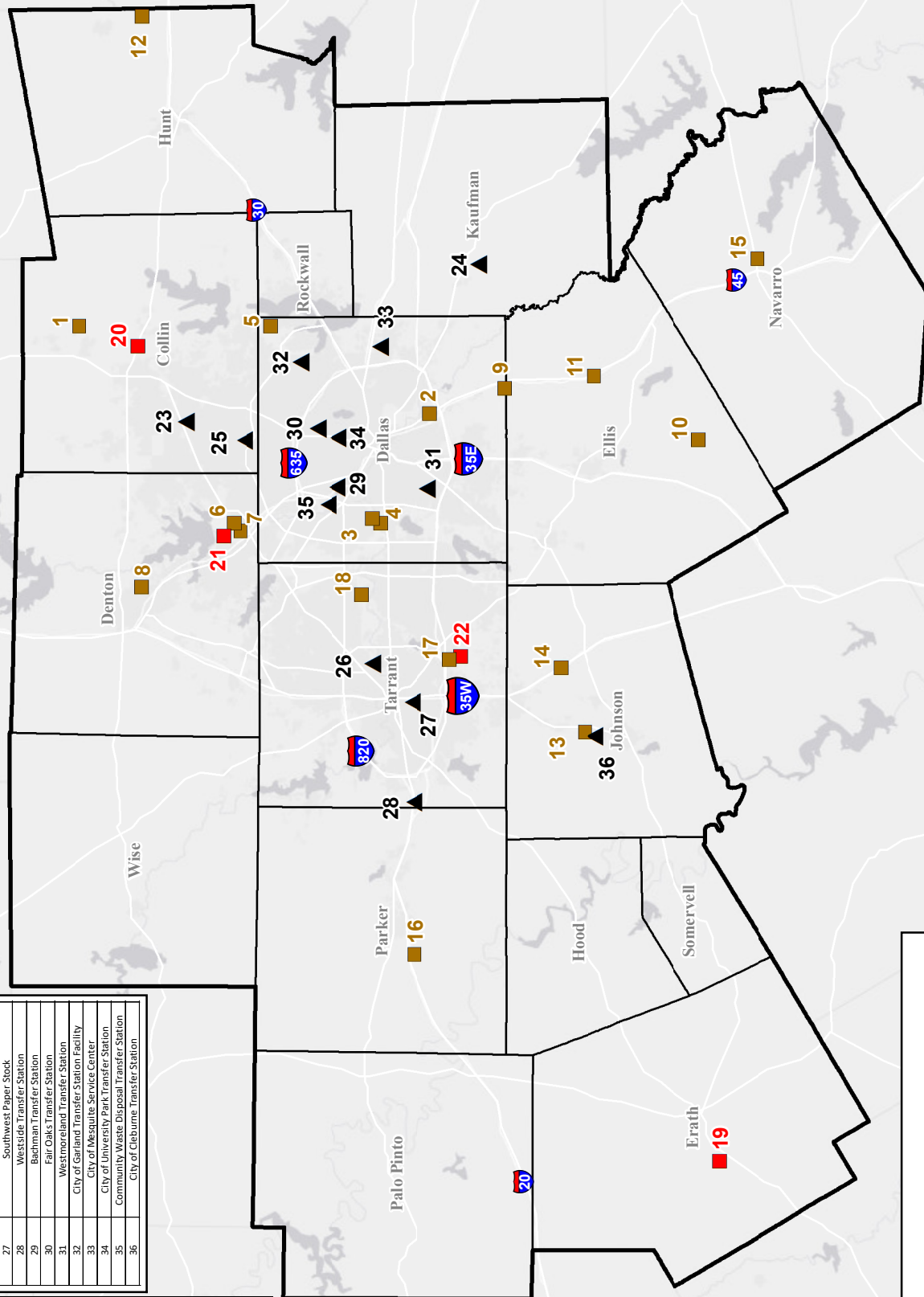
Map Number	Landfill Facility Name	Transfer Station Facility Name
1	121 Regional Disposal Facility	Custer Solid Waste Transfer Station
2	City of Dallas McCommas Bluff Landfill	Lookout Drive Transfer Station
3	City of Grand Prairie Landfill	Parkway Transfer Station
4	Hunter Ferrell Landfill	WC Minnis Drive Transfer Station
5	Charles M Hinton Jr Regional Landfill	Southwest Paper Stock
6	DFW Recycling and Disposal Facility	Westside Transfer Station
7	Camelot Landfill	Bachman Transfer Station
8	City of Denton Landfill	Fair Oaks Transfer Station
9	Skyline Landfill & Recycling Facility	Westmoreland Transfer Station
10	CSC Disposal and Landfill	City of Garland Transfer Station Facility
11	ECD Landfill	City of Mesquite Service Center
12	Republic Malloy Landfill	City of University Park Transfer Station
13	City of Cleburne Landfill	Community Waste Disposal Transfer Station
14	Turkey Creek Landfill	City of Cleburne Transfer Station
15	City of Corsicana Landfill	
16	Weatherford Landfill	
17	Fort Worth Southeast Landfill	
18	City of Arlington Landfill	
19	City of Stephenville Landfill	
20	Ostend C&D Waste Landfill/380 McKinney	
21	Lewisville Landfill	
22	Fort Worth C&D landfill	

Map Number	Landfill Facility Name	Transfer Station Facility Name
1	121 Regional Disposal Facility	Custer Solid Waste Transfer Station
2	City of Dallas McCommas Bluff Landfill	Lookout Drive Transfer Station
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11	ECD Landfill	City of Mesquite Service Center
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13	City of Cleburne Landfill	Community Waste Disposal Transfer Station
14	Turkey Creek Landfill	City of Cleburne Transfer Station
15	City of Corsicana Landfill	
16	Weatherford Landfill	
17	Fort Worth Southeast Landfill	
18	City of Arlington Landfill	
19	City of Stephenville Landfill	
20	Ostend C&D Waste Landfill/380 McKinney	
21	Lewisville Landfill	
22	Fort Worth C&D landfill	

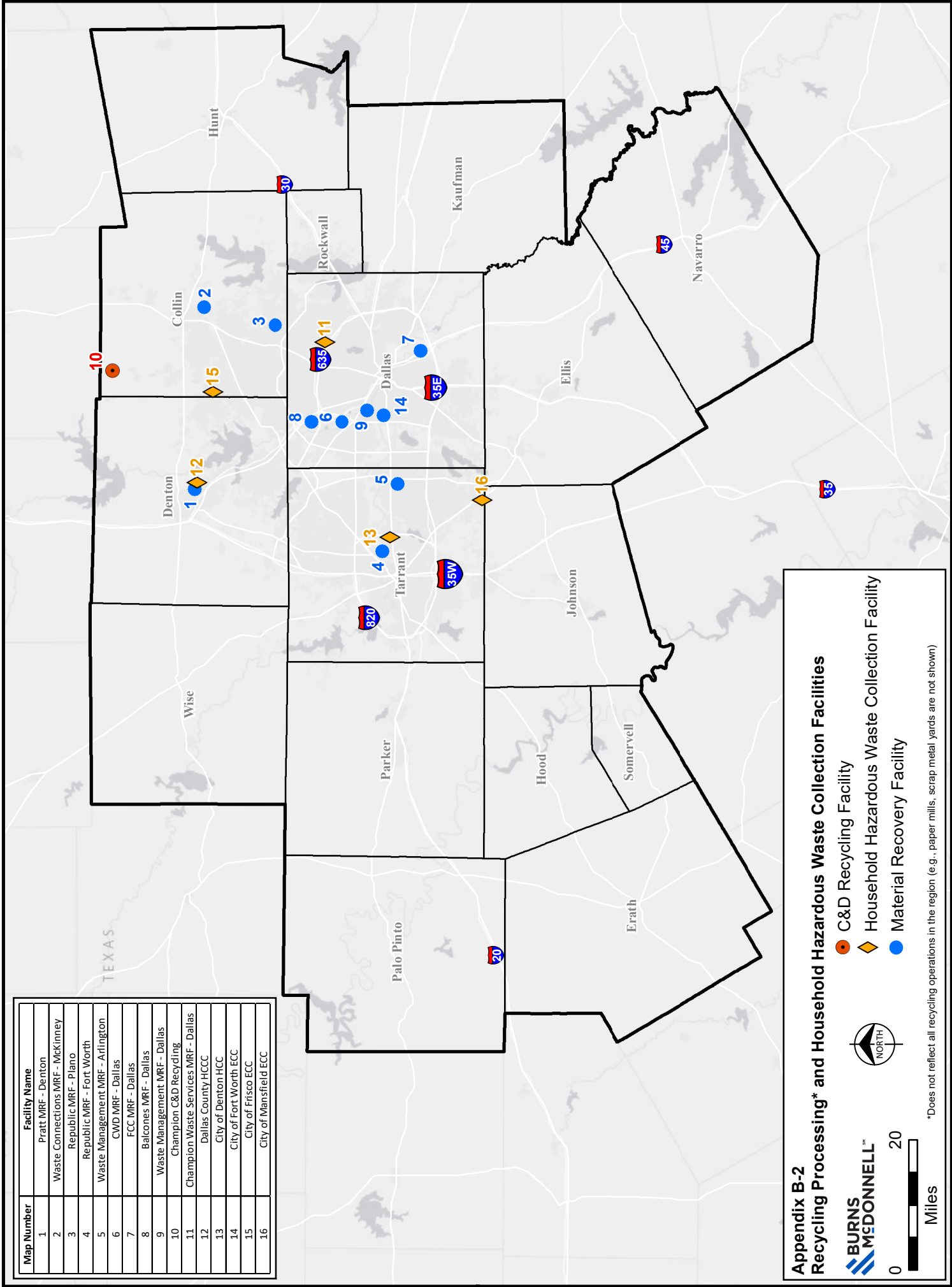
# Appendix B-1 Select Landfills and Transfer Stations



- MSW (Type I) Landfill
- MSW (Type IV) Landfill
- Transfer Station



Map Number	Facility Name
1	Pratt MRF - Denton
2	Waste Connections MRF - McKinney
3	Republic MRF - Plano
4	Republic MRF - Fort Worth
5	Waste Management MRF - Arlington
6	CWD MRF - Dallas
7	FCC MRF - Dallas
8	Balcones MRF - Dallas
9	Waste Management MRF - Dallas
10	Champion C&D Recycling
11	Champion Waste Services MRF - Dallas
12	Dallas County HCCC
13	City of Denton HCC
14	City of Fort Worth ECC
15	City of Frisco ECC
16	City of Mansfield ECC



### Appendix B-2

#### Recycling Processing\* and Household Hazardous Waste Collection Facilities

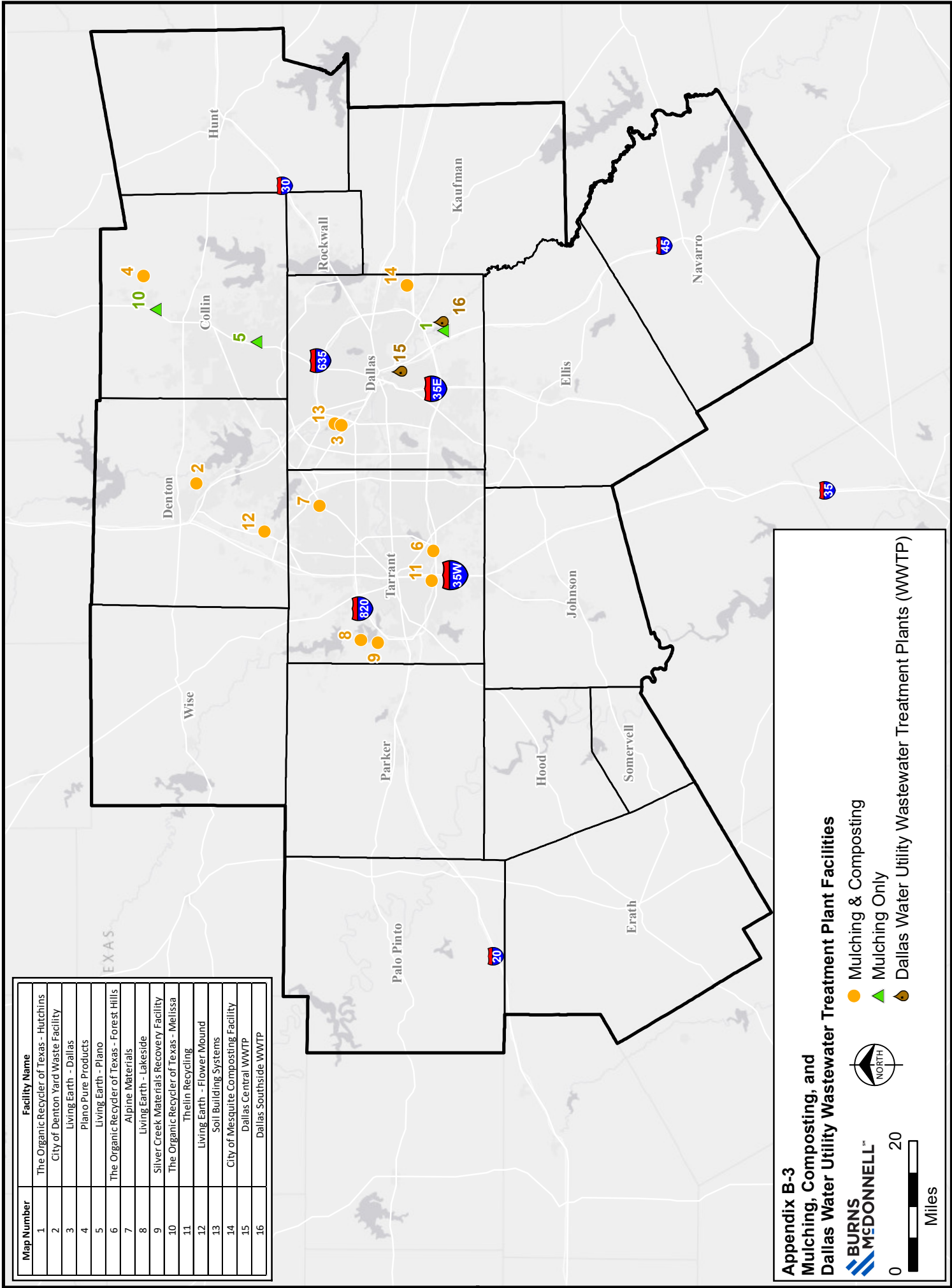
- C&D Recycling Facility
- ◆ Household Hazardous Waste Collection Facility
- Material Recovery Facility

0 20

Miles

\*Does not reflect all recycling operations in the region (e.g., paper mills, scrap metal yards are not shown)

Map Number	Facility Name
1	The Organic Recycler of Texas - Hutchins
2	City of Denton Yard Waste Facility
3	Living Earth - Dallas
4	Plano Pure Products
5	Living Earth - Plano
6	The Organic Recycler of Texas - Forest Hills
7	Alpine Materials
8	Living Earth - Lakeside
9	Silver Creek Materials Recovery Facility
10	The Organic Recycler of Texas - Melissa
11	Thelin Recycling
12	Living Earth - Flower Mound
13	Soil Building Systems
14	City of Mesquite Composting Facility
15	Dallas Central WWTP
16	Dallas Southside WWTP



**Appendix B-3**  
**Mulching, Composting, and**  
**Dallas Water Utility Wastewater Treatment Plant Facilities**

**BURNS**  
**MCDONNELL**

0 20 Miles


 Mulching & Composting  
 Mulching Only  
 Dallas Water Utility Wastewater Treatment Plants (WWTP)

## APPENDIX C - TRANSFER STATION SYSTEM REVIEW

This technical appendix describes the evaluation methodology, overviews the transfer station system, and identifies system challenges. Further evaluation and presentation of options related to the transfer station system is provided in Section 5.0.

### Methodology

As part of the LSWMP Update, Burns & McDonnell observed the transfer station system over the course of three calendar days on February 8, 9 and 10, 2021 (Transfer Station Site Visit). Burns & McDonnell conducted on-site observations of operations at Bachman Transfer Station (Bachman), Fair Oaks Transfer Station (Fair Oaks), Westmoreland Transfer Station (Westmoreland), and the Landfill (to the extent that it impacts transfer station system operations). Operational activities reviewed included, but were not limited to:

- Facility configuration
- Process flow
- Equipment types and maintenance
- Staffing levels
- Transfer operations

Additionally, discussions were held with various members of management and staff to discuss ongoing operations and collect data which is incorporated in this section. Based on the Transfer Station Site Visit and data analysis, the following provides an overview of the transfer station system and describes current challenges to inform the development of options for the City's consideration.

### System Overview

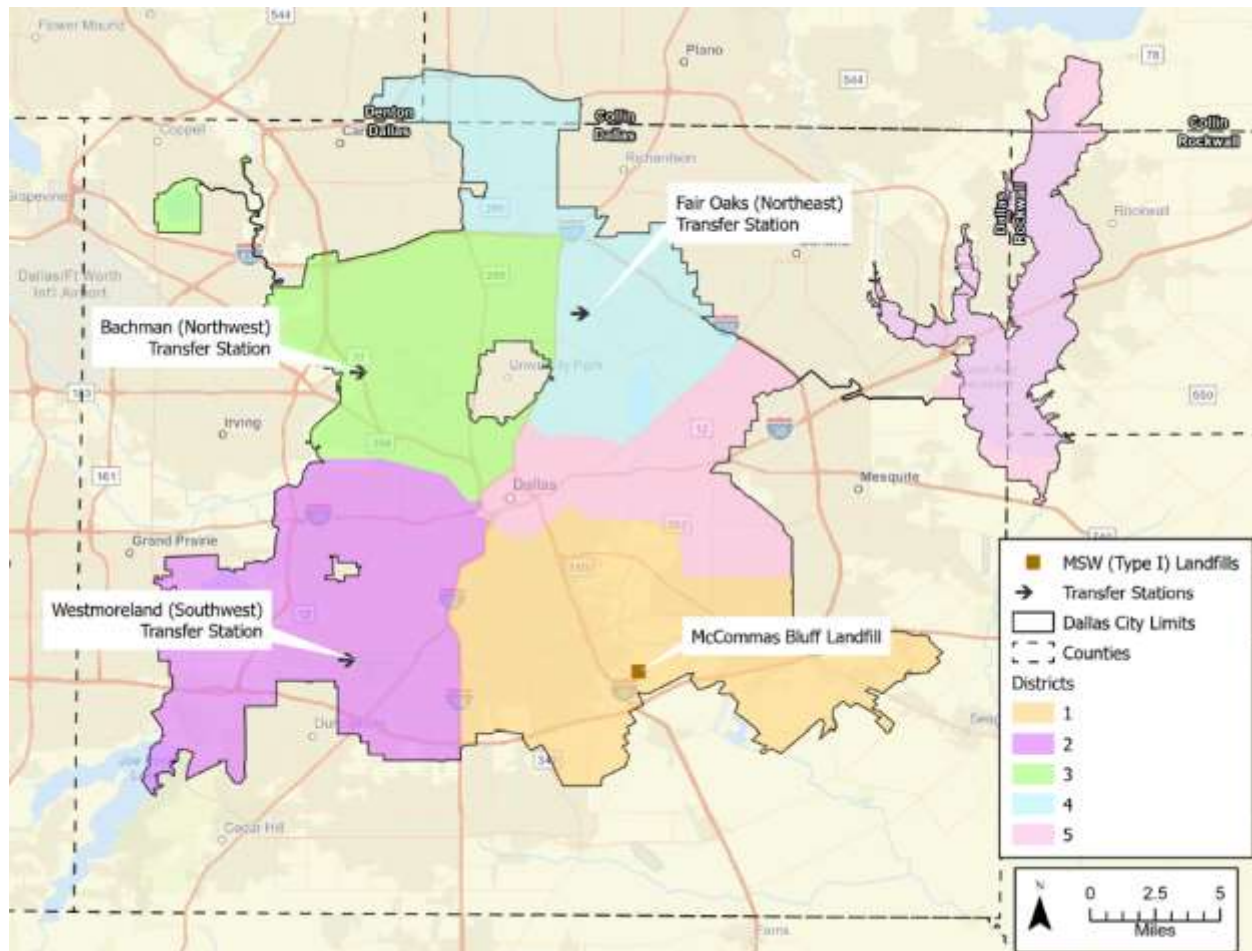
The transfer station system consists of the City's three transfer station facilities that collectively shorten haul times for the Sanitation Department's collection system. All material accepted at the transfer stations are hauled to the Landfill for disposal and to the MRF for recycling and are operated via City-owned equipment and City personnel.

The transfer stations are geographically located in the northeast, northwest and southwest areas of the City so the system allows for more efficient transfer and disposal of material. The transfer station system is designed where Bachman is the largest facility and is supported by the smaller Fair Oaks and Westmoreland facilities. Each facility has at least two names (e.g., the Northwest Transfer Station is also called the Fair Oaks Transfer Station). For the purposes of this analysis the facilities in the transfer station system are



called Bachman, Fair Oaks, and Westmoreland based on discussions with City staff during the Transfer Station Site Visit. Figure C-1 shows the locations of the transfer stations in the system overlaid with the Sanitation Department collection districts.

**Figure C-1: Transfer Station Locations and Sanitation Department Collection Districts**



The following sub-sections present information describing the transfer station system and identifying challenges based on the Transfer Station Site Visit and data analysis conducted as part of the LSWMP Update. The system overview is organized as follows, with brief descriptions:

- **Hours of operation.** Defines each customer type accepted transfer facilities and presents the hours material is accepted for each.
- **Process flow and facility configuration.** Describes the flow of vehicles and material through each facility and the transfer station buildings, identifying features that limit capacity of the system.
- **Inbound material.** Presents information on historical inbound loads and tonnages managed by the transfer station system between FY 2016 and FY 2020. Information and analysis are presented by



customer and material type, and analysis is provided describing variations of inbound material flows based on day and time.

- **Outbound material.** Presents information on FY 2020 material transferred from the transfer station system to the Landfill or MRF and describes challenges maintaining optimal operating efficiency.
- **Equipment.** Presents information on the required equipment to operate the transfer station system and indicates if the current equipment inventory and type is sufficient.
- **Staffing.** Presents information on the current staffing required to operate and manage the transfer station system and if the current staffing is sufficient.
- **Capacity.** Describes how the material flow, facility configurations, staffing and equipment impact the capacity of the system.

### Hours of Operation

The transfer stations are open to the public from 8:00 am to 5:00 pm, but operations may extend beyond these hours based on the volume of inbound material. The transfer station system is critical in supporting the operations of the City's collection and Landfill operations and may adjust operating hours when required. Table C-1 provides the schedule when the Sanitation Department, residential customers and commercial customers are accepted at each transfer station, followed by brief descriptions of each type of transfer station customer.

**Table C-1: Hours of Operation by Facility<sup>1</sup>**

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>
<b>Bachman</b>						
Sanitation Depart.	7AM – 7PM	7AM – 7PM	7AM – 5PM	7AM – 7PM	7AM – 7PM	7AM – 5PM
Residential	7:30AM – 5PM	7:30AM – 5PM	7:30AM – 5PM	7:30AM – 5PM	7:30AM – 5PM	7:30AM – PM
Commercial	7:30AM – 5PM	7:30AM – 5PM	7:30AM – 5PM	7:30AM – 5PM	7:30AM – 5PM	7:30AM – 5PM
<b>Fair Oaks</b>						
Sanitation Depart.	7AM – 6PM	7AM – 6PM		7AM – 6PM	7AM – 6PM	
Residential			7:30AM – 5PM			7:30AM – PM
Commercial						
<b>Westmoreland</b>						
Sanitation Depart.	7AM – 6PM	7AM – 6PM		7AM – 6PM	7AM – 6PM	
Residential			7:30AM – 5PM			7:30AM – 5PM
Commercial						

1. Grey cells indicate days customer types are not accepted at each transfer station.

- **Sanitation Department.** City-operated waste collection vehicles, which have tared weights, including automated side-load or rear load compactor trucks that deliver larger loads collected from the City's residential customers and from City department locations.
- **Residential customers.** City of Dallas residents that can drop off materials using light-duty vehicles such as pickup trucks or small trailers that deliver small loads that are self-hauled six days per week at Bachman and on Wednesday and Saturdays at Fair Oaks and Westmoreland.
- **Commercial customers.** Cash and account customers that use residential or light-duty vehicles such as pickup trucks or small trailers that deliver small loads that are self-hauled including roofing, scrap metal or other C&D material. Commercial customers with roll-off or compacting vehicles are accepted at Bachman. City-operated light-duty or pickup vehicles providing material generated from various City department operations (e.g., parks and recreation) are included with commercial customers.

Bachman accepts all three customer types six days per week, providing two extra hours per day for Sanitation Department customers that complete collection routes after 5:00 pm. The Fair Oaks and Westmoreland facilities accept only Sanitation Department collection vehicles Monday, Tuesday, Thursday and Friday and hold dedicated residential customer collection days on Wednesday and Saturday.

Based on discussion with City staff, there are times when the transfer station system becomes inundated with material (e.g., following a storm event). In these cases, the facilities do not remain open to the public and operating hours may be extended from 7:00 am to 8:00 pm to accommodate the increased volumes. In addition, Bachman may operate on Sunday from 7:00 am to 12:00 pm on an as needed basis.

### Process Flow and Facility Configurations

During the Transfer Station Site Visit the flow of traffic and waste both into and out of each of the transfer stations were observed and current facility configurations evaluated. The process flow and facility configurations determine the throughput capacity of each transfer station and ultimately dictates the efficiency of the transfer station system as a whole. The facility configuration for each transfer station is critical to the effectiveness of the system, as the location and size of the built features have implications on the throughput capacity of customers and tonnages. All the transfer station facilities in the system were designed with some or all of the following components, with brief descriptions:

- **Scale/Scalehouse.** Designated location where customers enter each facility.
- **Customer entrance/exit.** Designated locations where customers enter and exit each transfer building.

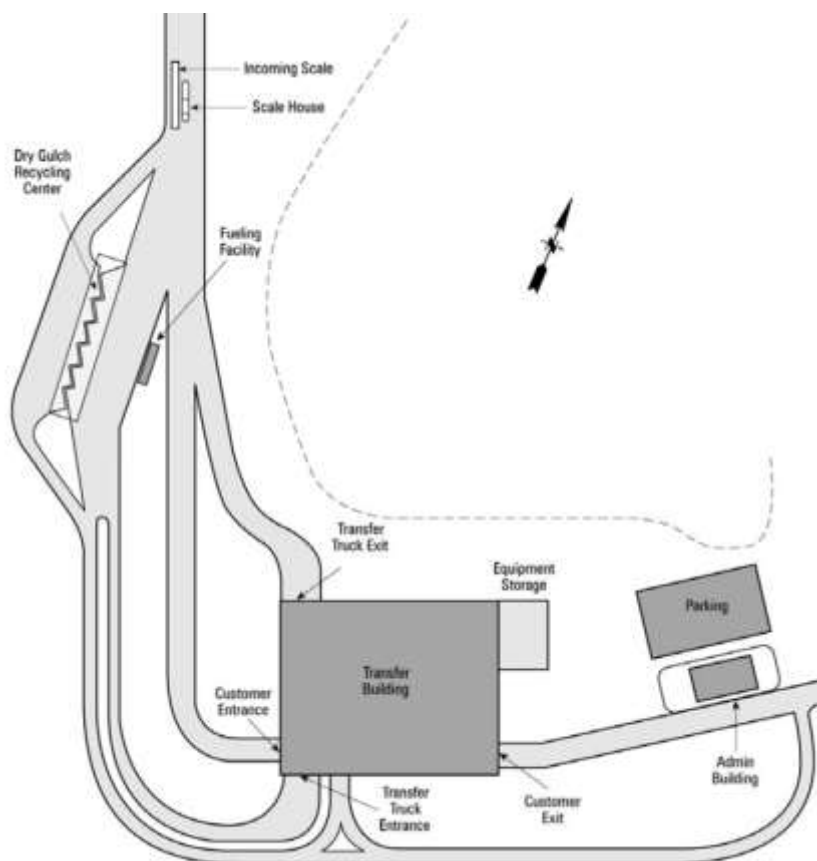
- **Transfer trailer entrance/exit.** Designated locations where transfer trailers pull into, typically below grade from the transfer building tipping area, where trailers are loaded before they transfer material to the Landfill or MRF.
- **Waste storage pit/tipping area.** Designated location where material is deposited and managed by front-end loaders into a load-out hopper.
- **Load-out hopper.** An opening in the tipping floor or waste storage pit through which waste is pushed by front-loader to transfer trailers positioned below.
- **Direct loading hopper.** A hopper positioned above a transfer trailer vehicle that allows vehicles to back to it and eject material directly into the transfer trailer.
- **Rotobooms.** Stationary equipment positioned behind the hoppers to move and pack material into the transfer trailer and controlled by operators stationed in a control tower or dedicated control cab.

The system was designed to manage refuse material. The addition of recycling, brush and bulky items and increased numbers of residential and commercial customers have decreased the capacity of the transfer station system. This has created challenges leveraging the transfer station system to maximize current and future diversion from Landfill.

The following presents information and analysis related to the process flow and structural configuration of each facility and identifies challenges based on the Transfer Station Site Visit, discussions and data provided by City staff. The diagrams shown of the transfer buildings (reference Figure C-2, Figure C-9 and Figure C-15) indicate the intended function of the space from an engineering design perspective, and may not be reflective of the observed usage during the Transfer Station Site Visit. Section 5.0 provides further discussion and graphic presentation of the current usage of space in the transfer buildings.

## Bachman

The Bachman facility is the largest facility in the transfer station system. Figure C-2 shows the Bachman facility layout including the scalehouse, Dry Gulch Recycling Center (Dry Gulch), fueling facility, brush pile, transfer building, equipment storage location, administration building and parking lot.

**Figure C-2: Bachman Facility Layout**

Sanitation Department, residential and commercial customers are accepted at Bachman and enter through the scalehouse. The scalehouse contains two inbound scales, one for Sanitation Department customers and the other for small residential and commercial customers. The scale system is supported by the City's WasteWORKS software system. Sanitation Department and some commercial customers have tare weights for their vehicles in the system and only need to scale into the facility upon arrival. Cash customers must scale in, deposit their material in the transfer building, and then exit the facility and re-enter to scale out. Based on conversations with City staff, certain residential load weight is estimated based on the type of material and equipment used to self-haul (e.g., a single television). In these cases, they do not have to tare out after disposing of material. The location of the scale at Bachman causes increased queuing at the scalehouse when residential customers exit to run across the scale to weigh out.

Additionally, the hardware and software used to operate the scales (including inbound scales and transfer trailer truck scales) at Bachman are not integrated. This is a challenge among all the scales in the transfer station system and is noted throughout this section.

Upon entering the Bachman facility, customers can immediately take the right hand road to Gulch or bypass it, traveling past a 10,000-gallon capacity diesel fueling facility where transfer equipment and transfer fleet vehicles refuel. Dry Gulch provides a drop-off location for residential self-haul customers that bring loads of cardboard or single stream recyclables, bulky items, tires, and electronics. Figure C-3 shows examples of open top containers and pallets used to collect and manage drop-off material.

**Figure C-3: Dry Gulch Recycling Center Material Collection**

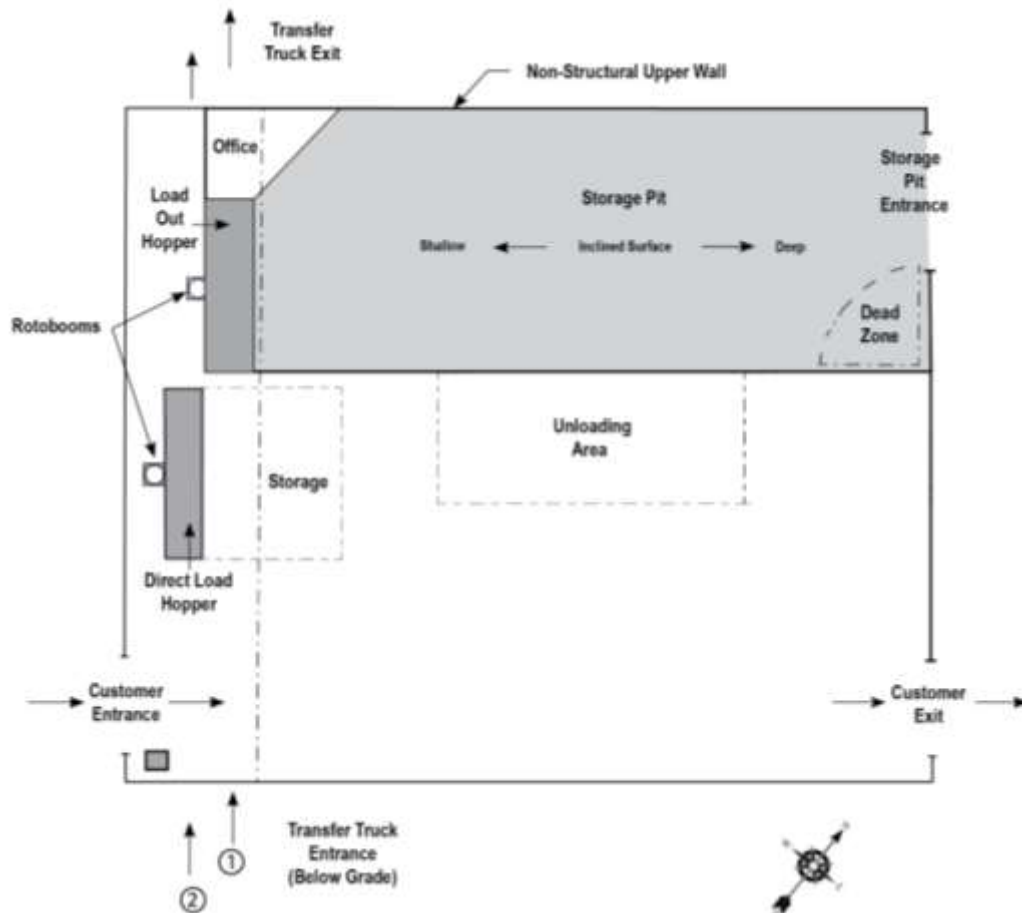


Based on discussions with City staff, there is potential to increase the efficiency of managing the material at the Dry Gulch by adding compactors for certain material types; however, there is no three-phase power interconnection at Dry Gulch. The City would need to evaluate the feasibility of upgrading the power available to Dry Gulch.

Customers enter the transfer station building and are directed into the facility by an attendant to back their vehicles to the edge of the waste storage pit to automatically eject or manually unload material. Figure C-4 shows the transfer building configuration of Bachman including customer entrance and exit locations,

transfer trailer entrance and exit locations include the waste storage pit, self-unloading area, manual-unloading area, direct load area, load out hopper, and direct load hopper, and customer tipping areas.

**Figure C-4: Bachman Transfer Building Configuration**



The storage area shown on the tipping floor is being used as a storage area for recyclables. Figure C-5 shows customers depositing material at the waste storage pit including Sanitation Department brush trucks and customers that are self-unloading.

**Figure C-5: Customers Unloading Material at Bachman Facility**

This transfer station was designed for automatically ejecting or tipping vehicles to dispose material at the direct loading hopper, but current operations have all vehicles depositing material into the waste storage pit. After depositing material, customers pull forward to exit the transfer station building directly across from where they entered.

The main challenge at Bachman is the increasing occurrences of constrained vehicle traffic. Based on discussions with City staff, when at its busiest Bachman may only have room available to allow one customer to tip material in the pit at a time. When the facility becomes inundated with volume surges, operators are forced to store material in front of the direct load hopper or along the wall near the customer exit. Although the direct load hopper was designed for Sanitation Department vehicles to direct load into the transfer trailer, it is currently used to store and load recyclables. Figure C-6 shows an example of recyclable stored in front of the direct haul hopper.



**Figure C-6: Recyclables Stored in Front of Direct Load Hopper at Bachman Facility**

When the storage pit capacity is exceeded, material is stockpiled on the tipping floor and the space for customer entrance and egress is reduced. This causes challenges for operators to maneuver heavy equipment within the transfer building. This becomes a safety concern, particularly when high volumes of residential or commercial customers manually unloading create traffic congestion among the larger Sanitation Department vehicles. During the Transfer Station Site Visit, there was one attendant directing inbound traffic, but no attendants available to support customers to back into designated locations along the edge of the waste storage pit.

The storage pit design does not provide optimal capacity because the inclined floor causes challenges with front-end loader traction. Based on discussions with City staff, the front-end loader lines the waste storage pit with material at the beginning of the week to store material and increase traction on the inclined surface during wet conditions.

Figure C-7 shows a front-end loader operating in the storage pit lined with mixed refuse, brush and bulky item material and several areas of the back wall that have been broken through, indicating how high material may be stacked when the facility is at full capacity.



**Figure C-7: Waste Storage Pit Wall Structural Damage at Bachman Facility**

The interior walls show damage consistent with the draft Facility Conditions Assessment conducted in 2016. The control tower is non-operational, but the rotoboom equipment at Bachman are cab-operated so the non-operational control tower does not directly impact the efficiency of the transfer building, but would vastly improve operations to provide overall management of the transfer building traffic flows and material management.

Based on conversations with City staff, there are other challenges with Bachman that indirectly impact operations including no wireless internet connection, public announcement speakers, fiber-optic interconnections, and limited heating, ventilation and air condition (HVAC) or airflow through the facility. Consistent with the draft Facility Conditions Assessment, it was observed during the Transfer Station Site Visit there was insufficient capacity to properly ventilate the space of dust, odors and heat. Upgrading the data utilities would support transfer station system management to better track data and allow more proactive response to sudden changes in material flow. Additionally, minimizing dust, heat, and noise would improve the working environment, particularly during the summer months when the heat is most intense. The transfer building contains six overhead fans.

All transfer trailer drivers arrive at Bachman to haul material that had been stored in the transfer building and are then dispatched to the Fair Oaks and Westmoreland facilities once customers begin to arrive at these facilities. While this approach works with normal inbound material flows, it creates a challenge ensuring sufficient transfer trailer capacity is available at all the facilities in the transfer station system when one or more facilities experience a surge of material.

Transfer trucks enter the transfer station building by bypassing the customer entrance and enter the transfer trailer tunnel beneath the hoppers. Figure C-8 shows the transfer trailer tunnel location.

**Figure C-8: Transfer Trailer Tunnel at Bachman Facility**

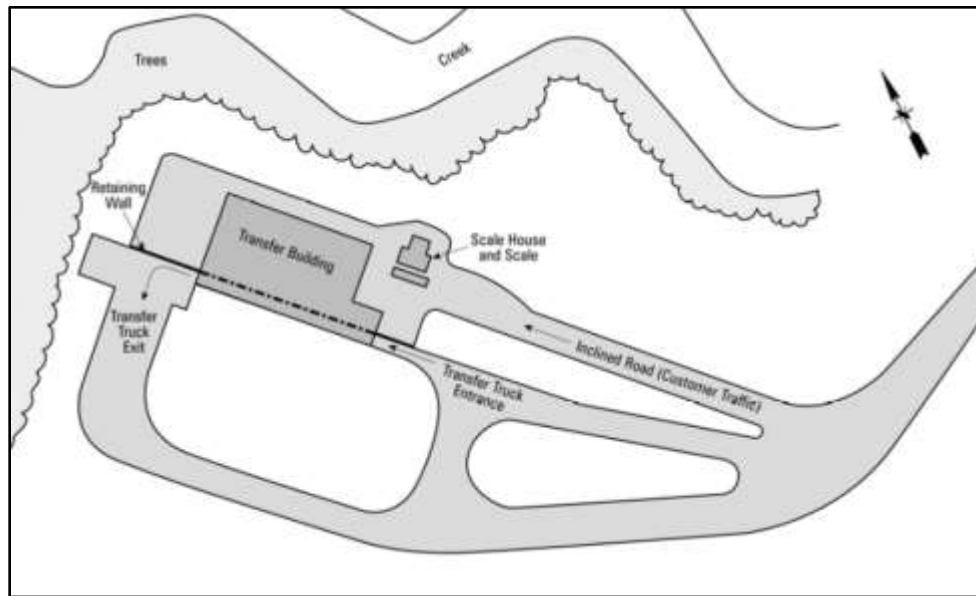


Transfer trucks park below grade, beneath the staggered hoppers in the transfer station building. This location has the capability to position two transfer trucks in a staggered formation, providing flexibility for transfer station operations to fill the trailers with refuse, recycling or brush/bulk material as necessary without the challenge of one transfer truck blocking the egress of the other. However, since the direct load hopper is only used for recycling, only one lane is used to load refuse material.

There are 70-ft in-ground scales installed for use by the transfer trailers that indicate how much material is loaded and packed into the trailers by the rotoboom so truck drivers can ensure they do not exceed the legal Gross Vehicle Weight (GVW) limit of 84,000 pounds when they transfer material to the Landfill or MRF, while also maximizing payload. The scale used to weigh recycling vehicles is a 60-ft mechanical scale. The in-ground transfer scales are not integrated with the inbound scale system, causing challenges for staff to comprehensively analyze vehicle throughput and volume data regularly. Additionally, transfer trailer trucks are required to scale into the Landfill which increases disposal time.

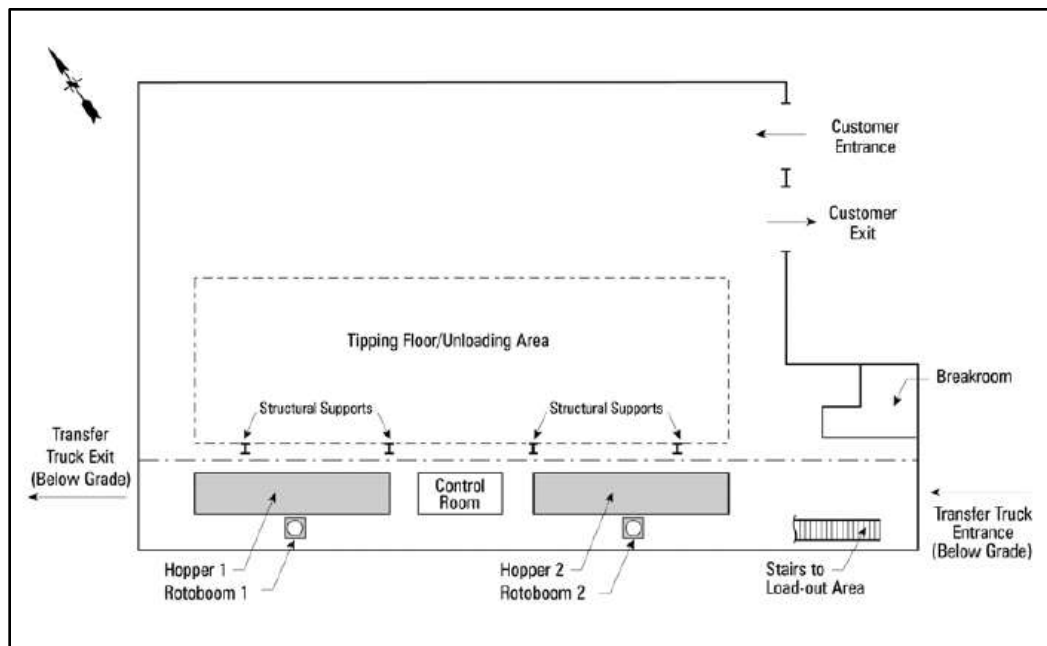
## Fair Oaks

The Fair Oaks facility is located adjacent to a creek and has a smaller footprint than the Bachman facility. The facility's location next to the creek has caused challenges with flooding, where the access road to the transfer building has flooded twice in the past four years based on conversations with City staff. Figure C-9 shows the layout of the Fair Oaks facility.

**Figure C-9: Fair Oaks Facility Layout**

Sanitation Department collection vehicles and residential customers are accepted at the Fair Oaks transfer station and enter by driving up the inclined road and queuing at the scalehouse. Residential customers are only accepted on Wednesday and Saturday. The scalehouse contains one inbound scale supported by the WasteWORKS software system. Sanitation Department collection vehicles have tare weights for their vehicles in the system and only need to scale into the facility upon arrival. Residential customers must enter through the scalehouse, deposit their material in the transfer building and then exit the facility. Tonnage from residential customers is estimated by staff through visual inspection.

Customers enter the transfer building and are directed by staff to back up to the tipping areas in front of one of the two hoppers depending on if they are depositing refuse or recycling. Figure C-10 shows the facility configuration of Fair Oaks, including customer entrance and exit locations, transfer trailer entrance and exit locations, customer tipping areas, load out hoppers, and structural supports.

**Figure C-10: Fair Oaks Facility Configuration**

The entrance and exit at the Fair Oaks facility are located directly next to each other, which causes challenges maneuvering vehicles and equipment in the transfer station building and potentially blocks egress. Figure C-11 shows the entrance, exit and scalehouse.

**Figure C-11: Fair Oaks Entrance, Exit and Scalehouse**

Customers enter the facility and are directed by attendants to back into the tipping area and eject or manually unload material. Figure C-12 shows Sanitation Department vehicles unloading refuse and recycling in the designated locations.

**Figure C-12: Customers Unloading Material at Fair Oaks Facility**

Maneuvering in the transfer station building is challenging when multiple Sanitation Department vehicles are entering, turning, or exiting the building while the front-end loader manages material on the tipping floor. Maneuvering in the transfer station building becomes particularly difficult when surges of Sanitation Department vehicles arrive at the facility, causing the tipping area to become full and only allowing one or two vehicles at a time to enter or exit the facility. In these cases, the operational efficiency of the facility decreases due to limited maneuverability of the front-end loader and fewer customers processed. Additionally, there is increased risk of injury to staff and damage to the transfer station building or equipment.

During the Transfer Station Site Visit, it was observed that recycling material is stored in front of the left hopper and refuse and/or brush and bulky items are stored in front of the right. Figure C-13 shows the tipping area, control room, hoppers and rotobooms at the Fair Oaks facility. At the time of the Transfer Station Site Visit, the left side rotoboom was non-operational, but did not significantly impact operations because the recycling transfer trailer can pull forward to be compacted by the rotoboom that was operational.

**Figure C-13: Fair Oaks Facility Tipping Area**



Based on discussion with City staff, operating challenges of the transfer building configuration include rotoboom cranes breaking through walls, limited reinforced bunkers that can be used to stack waste, and support beams directly in front of the hoppers increasing the likelihood of equipment or building damage.

The lighting at Fair Oaks is dimmer than Bachman and creates increased challenges maneuvering for both customers and operators. The control tower is aging, but still functional. One operator can control both rotobooms from the control tower, but when one or both are not functional the operating efficiency of the facility decreases.

Once material is deposited and the customer exits the transfer station building, the front-end loader pushes the material into the transfer trailer hopper and the rotoboom packs the material into the trailer.

Transfer trucks enter the transfer station building below the tipping floor, bypassing the customer entrance and parking beneath the hoppers as shown in Figure C-14.

**Figure C-14: Fair Oaks Facility Transfer Trailer Truck Pull Through Location**



The transfer trailer tunnel provides one lane for trucks and may limit the efficiency of the operation if one vehicle is fully loaded but has to wait for the vehicle ahead to be loaded or if a vehicle arrives and a transfer station is being loaded in the first hopper. There are 70-foot in-ground scales installed for use by the transfer trailer trucks that indicate how much material is loaded and packed into the trailers by the rotobooms so operators can ensure they do not exceed the legal GVW limit, while also maximizing payload.

Based on discussions with City staff, in the case where surges in customers and material arrive in a short time frame and there are no available transfer trailers on site, the ability to move material out of the transfer building becomes significantly impacted.

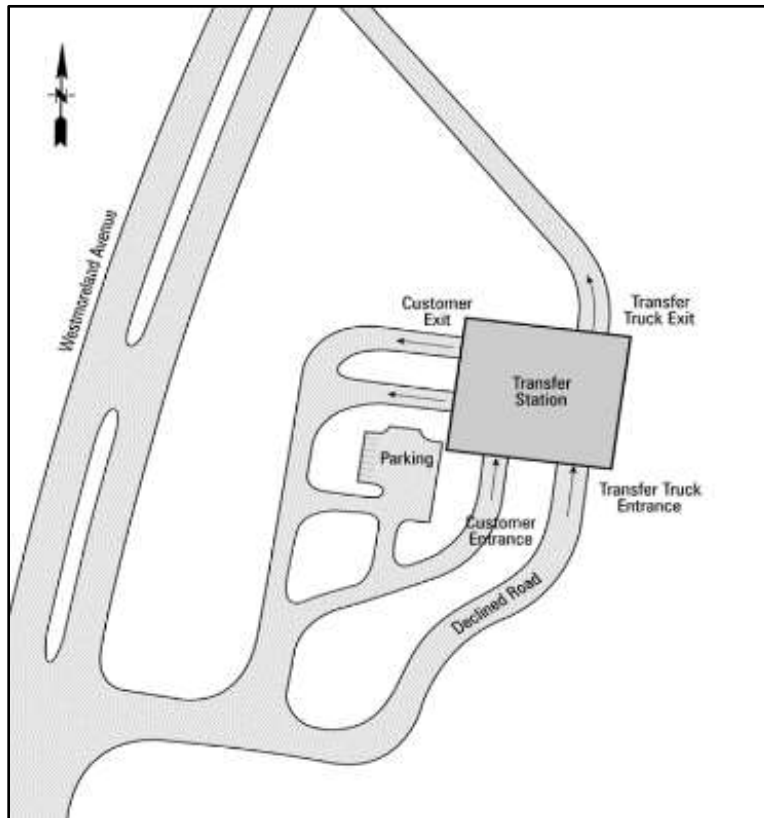
Fair Oaks receives electronics, metals and tires from residential customers and has a dedicated 15 foot trailer unit in the back to store electronics and transfer to Bachman on an as-needed basis. There is a metal

collection bin in back collected by a dedicated vendor and a tire canister under cover in the front of the building that is brought directly to the CCRC at the Landfill.

## Westmoreland

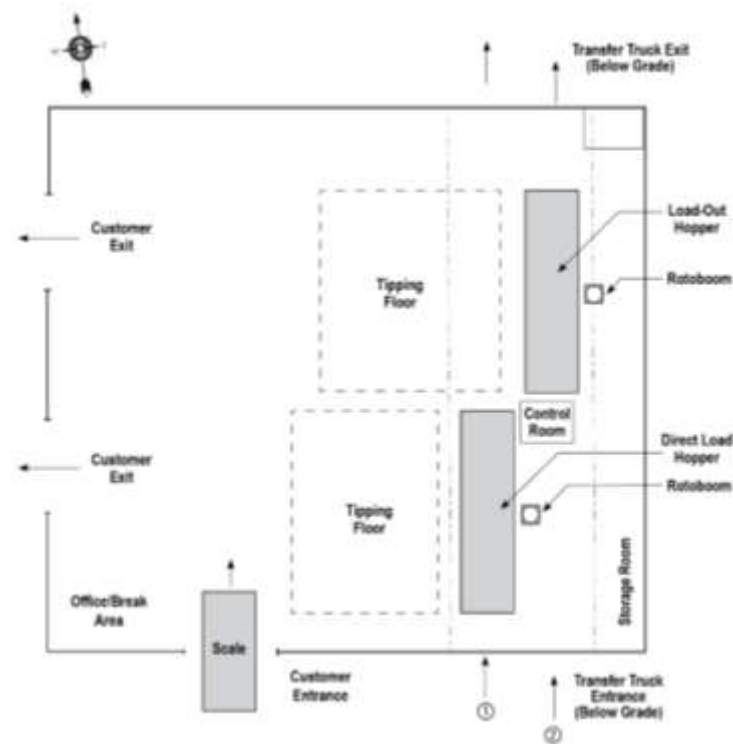
The Westmoreland facility is located on Westmoreland Avenue and has a similar sized footprint to the Fair Oaks facility. Figure C-15 shows the layout of the Westmoreland facility.

**Figure C-15: Westmoreland Facility Layout**



Sanitation Department collection vehicles and residential customers are accepted at the Westmoreland transfer station and enter by into the facility at the entrance.

Figure C-16 shows the facility configuration of Westmoreland, including customer entrance and scale, customer exit locations, transfer trailer entrance and exit locations, customer tipping areas, direct unload area, load out hopper and direct load hopper.

**Figure C-16: Westmoreland Facility Configuration**

The inbound scale at the Westmoreland facility is particularly challenging because it is small has weight limit of 60,000 pounds and is located inside the transfer building. For comparison, the scale at Fair Oaks has a weight limit of 100,000 pounds and the scale at Bachman has a maximum weight limit of 80,000 pounds. Figure C-17 shows the inbound scale at the Westmoreland facility where a driver is communicating the employee, vehicle number and material being hauled so it can be manually entered into the data tracking system.



**Figure C-17: Inbound Scale at Westmoreland Facility**

When vehicles exceed the weight limits of the inbound scale, they must pull through the transfer station building, exit the facility, weigh in using the transfer trailer truck scales, exit the facility and pull back to queue at the scale, verbally communicate the vehicle weight to the scalehouse attendant and enter the facility to unload material. Since Sanitation Department collection vehicles have tare weights for their vehicles in the system, they do not need to scale out using the transfer trailer truck scales. For this reason, the inbound scale is a significant limitation of the process flow through the Westmoreland facility. The weight of residential customers loads are estimated by staff through visual inspection.

After scaling in, customers enter the transfer building and are directed by staff to back up to the tipping areas in front of one of the two hoppers depending on if they are unloading refuse, recycling or brush/bulk material. Brush and bulky items are only delivered on Wednesdays and Saturdays. There is a direct load hopper and a load out hopper at the Westmoreland facility. The direct load area and load out hopper configuration is designed to allow vehicles to tip directly into the hopper, but this was used as a tipping floor during the Transfer Station Site Visit. The direct load area is adjacent to the transfer building entrance and the observed use as a tipping floor limits space for customers and operators to maneuver in the transfer building. Figure C-18 shows the load out hopper (left) and direct load hopper (right) directly adjacent to the transfer building entrance.

**Figure C-18: Westmoreland Facility Hoppers**

A key bottleneck of Westmoreland is when refuse and recycling material arrive at the same time, as this blocks the front-end loader from managing material and potentially blocks the entrance and exits for other vehicles in the facility at that time.

The lighting brightness of the facility is significantly less than both Bachman and Fair Oaks transfer stations and causes challenges for customers and operators to safely maneuver in the transfer building.

Transfer trucks enter the transfer station building below grade, bypassing the customer entrance and parking beneath the staggered hoppers as shown in Figure C-19.

**Figure C-19: Westmoreland Facility Transfer Trailer Truck Pull Through Location**

This location has the capability to position two transfer trucks in a staggered formation, providing flexibility for transfer station operations to fill the trailers with refuse, recycling or brush/bulk material as necessary without the challenge of one transfer truck blocking the egress of the other. There are 60-ft in-ground scales installed for use by the transfer trailer trucks that indicate how much material is loaded and packed into the trailers by the rotobooms so operators can ensure they do not exceed the legal GVW limit, while also maximizing payload. Additionally, these scales are used by vehicles that exceed the weight limits of the inbound scales.

The Westmoreland facility also provides recycling drop off bins for residential customers as shown in Figure C-20.

**Figure C-20: Recycling Drop off Bins at Westmoreland Facility**



### Inbound Material

This section presents analysis of inbound materials, customer types and discusses the impacts of variations by day and time.

The transfer station system was originally designed and constructed to only accept refuse. Since then, the system has begun accepting both recycling and brush/bulk material. Table C-2 indicates the material types accepted at each transfer station.

**Table C-2: Material Types Accepted by Facility**

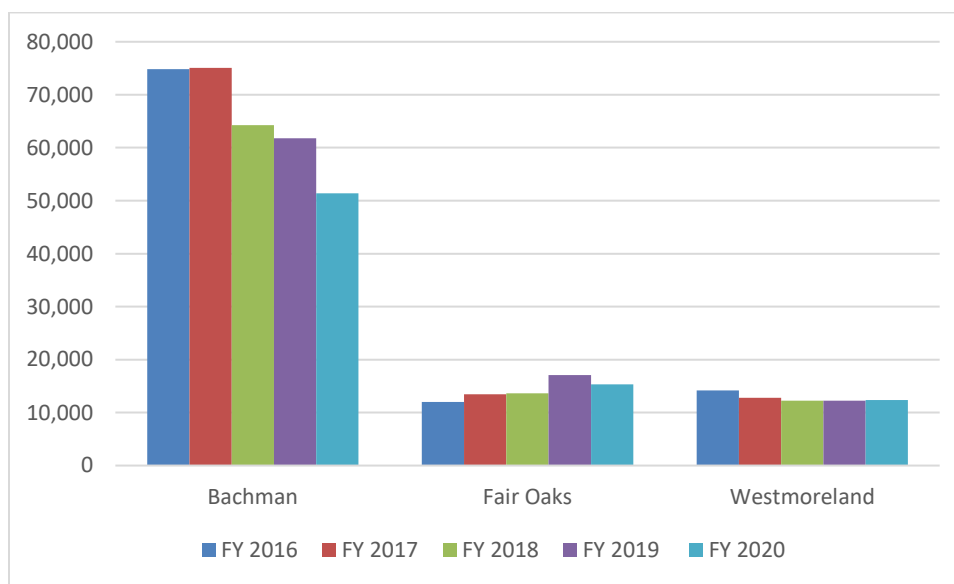
<b>Transfer Station</b>	<b>Refuse</b>	<b>Recycling</b>	<b>Yard Waste</b>	<b>Brush/Bulk</b>	<b>Tires</b>	<b>Electronics</b>
Bachman	✓	✓	✓	✓	✓	✓
Fair Oaks	✓	✓	✓	✓	✓	✓
Westmoreland <sup>1</sup>	✓	✓				

1. Westmoreland has the ability to accept yard waste, brush/bulk, tires and electronics, but these materials are delivered much less frequently than the other transfer stations.

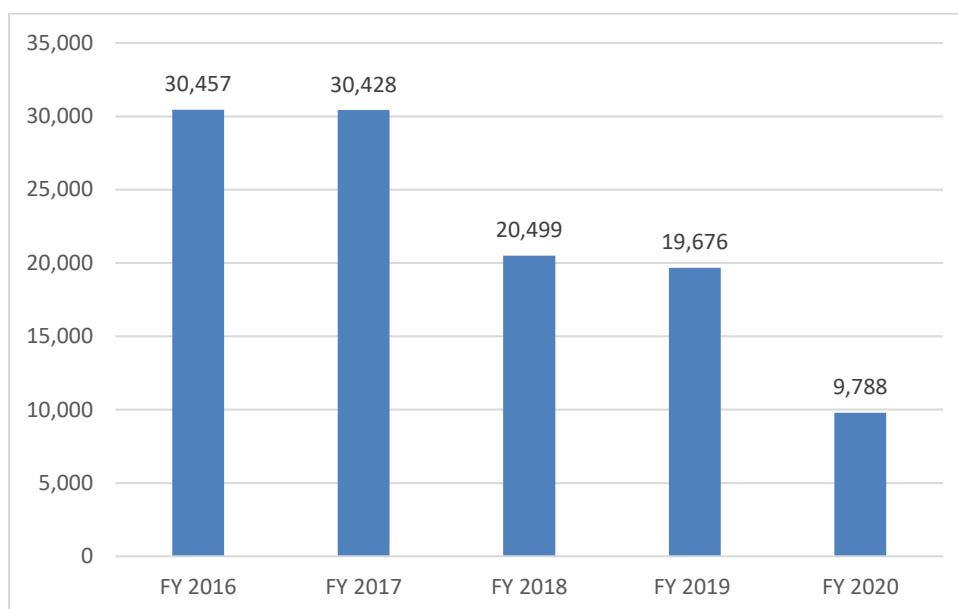
While the transfer station system is able to accept all these materials as part of the current operations, the addition of recycling, yard waste, brush and bulky items at the transfer stations has decreased the overall capacity of the system and caused operations to fall behind during significant surges of one or more material types. The inability of Fair Oaks and Westmoreland to accept brush and bulky item material on a regular basis contributes to the challenges managing material during surges.

The following provides information and analysis about the volume of transactions and tonnage of inbound customers among the facilities in the transfer station system. Figure C-21 shows the historical transactions from FY 2016 through FY 2020, including transactions from all three customer types.

**Figure C-21: Historical Annual Transactions in Transfer System**

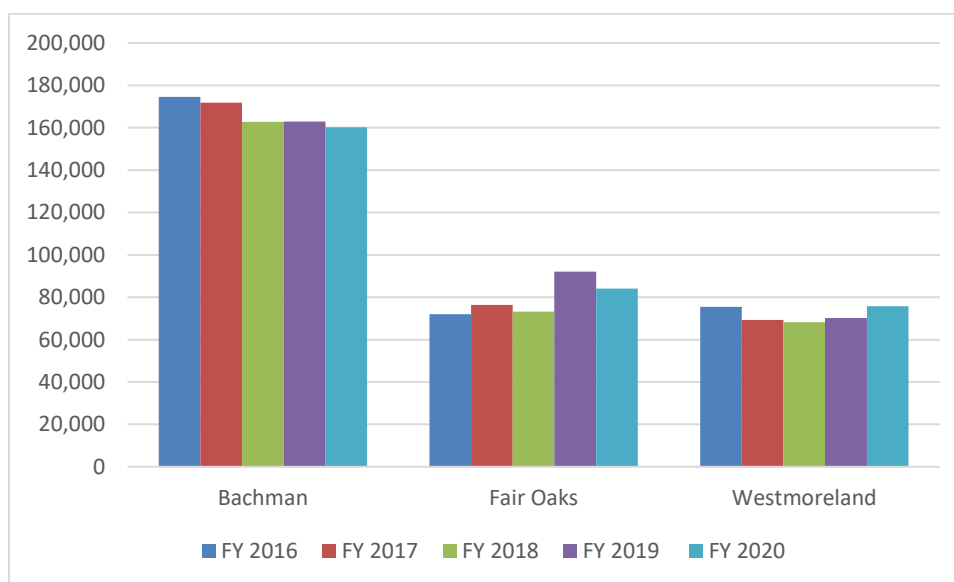


The total transactions at Bachman have decreased from approximately 74,800 transactions in FY 2016 to approximately 61,700 transactions in FY 2019. FY 2020 is shown but represents an anomaly due to the impact of the COVID-19 pandemic on resident activity that can be explained by a decrease in the number of residential customers that utilized Bachman. Figure C-22 shows the historical annual number of residential customer transactions at Bachman between FY 2016 and FY 2020, which dropped from approximately 19,700 in FY 2019 to 9,800 in FY 2020.

**Figure C-22: Historical Annual Number of Residential Customers at Bachman Facility**

The number of residential customers that bring material to Fair Oaks and Westmoreland on Wednesdays and Saturdays are not weighed and therefore similar statistics for these facilities are not available<sup>106</sup>. Although there was a noticeable decrease in the number of transactions at Bachman, that did not necessarily impact the amount of tonnage disposed at the transfer station system. Figure C-23 shows the historical annual tonnage disposed in the transfer system.

<sup>106</sup> Residential customer loads at Fair Oaks and Westmoreland are logged but not weight. The FY 2021 average weekly residential customers (Wednesday and Saturday only) utilizing Fair Oaks is 338 and Westmoreland is 865 compared to the weekly average at Bachman of 120 residents over six 6 days. For perspective on the high volume of residential customers at the transfer station, in the first six months of FY 2022 there were 3,225 transactions at Bachman, 9,714 at Fair Oaks and 15,895 at Westmoreland.

**Figure C-23: Historical Annual Tonnage Disposed in Transfer System**

There is a trend of increasing amount of tonnage at Fair Oaks and Westmoreland facilities, consistent with indications by City staff at the Transfer Station Site Visit of an effort to make more effective use of these facilities.

Table C-3 shows the average historical tons per day (TPD) and tons per load delivered to each facility in the transfer station system between FY 2016 and FY 2020, including the total TPD and tons per load and the TPD on days when Sanitation Department vehicles are operating (Monday, Tuesday, Thursday and Friday).

**Table C-3: Historical Average Tons per Day and Tons per Load by Facility**

Facility	Total TPD <sup>1</sup>	Total Tons per Load	Collection Day TPD <sup>2</sup>	Collection Days Tons per Load
Bachman	534	2.5	634	2.7
Fair Oaks	255	5.6	363	5.6
Westmoreland	230	5.6	341	5.6
<b>Total</b>	<b>1,019</b>	<b>3.4</b>	<b>1,339</b>	<b>3.8</b>

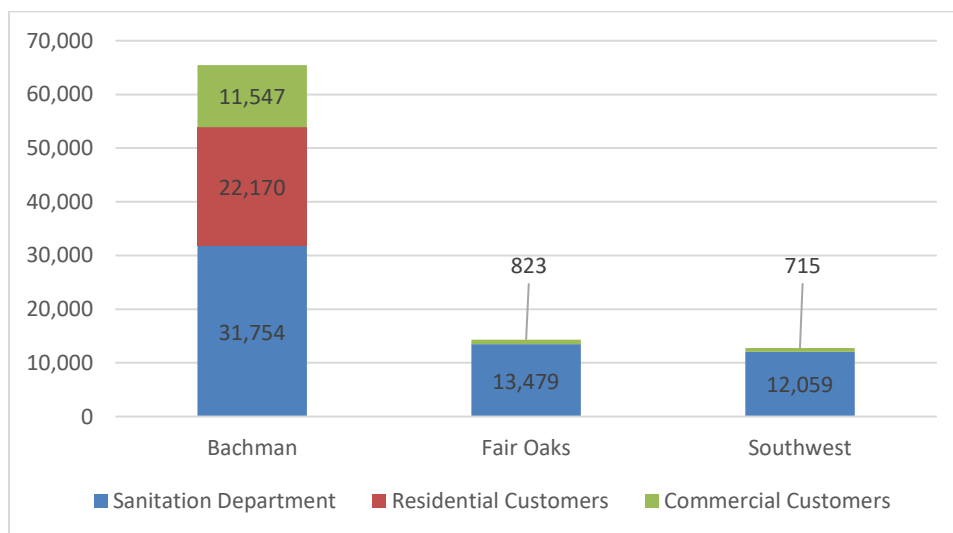
1. Overall TPD represents the average annual tons delivered between FY 2016 and FY 2020 to each facility divided by 52 weeks per year and six working days per week.
2. Collection day TPD represents the average annual tons delivered on Mondays, Tuesdays, Thursdays and Fridays calculated by dividing the average annual tons delivered on these days divided by 52 weeks per year and four working days per week. Although the transfer stations are open more days per week, the collection day TPD (e.g., only considering four working days per week) is not weighted down by the activities on Wednesday and Saturday and more accurately presents the inbound tons by Sanitation Department vehicles.

Comparing the total TPD and loads per day against the collection day TPD and loads per day, the inbound TPD on collection days is 31 percent higher than the total TPD. At Bachman, the total tons per load is 2.5 and collection day tons per load is higher at 2.7 because the Sanitation Department utilize compacting vehicles and the total TPD is skewed by high numbers of residential and commercial customers on Wednesday and Saturday. The total tons per load and collection day tons per load are the same for Fair Oaks and Westmoreland transfer stations due to the fact that residential customers are only permitted to use these facilities on Wednesdays and Saturdays and residential customers are not weighed in because they are able to use these facilities for free during these times. Residential customer tons are recorded by staff by visual inspection in multiples of half-ton.

### Customer Type

Among the three customer types accepted at the transfer stations, the Sanitation Department makes up the majority of the transactions at each of the transfer stations. Figure C-24 shows the historical average number of transactions by customer type for each transfer station from FY 2016 through FY 2020<sup>107</sup>.

**Figure C-24: Average Annual Transactions by Customer Type**



Although there are transactions from residential customers at Fair Oaks and Westmoreland transfer stations on Wednesdays and Saturdays, these are not recorded in the scale system because they are provided disposal

<sup>107</sup> FY 2020 was an anomalous year due to the COVID-19 pandemic and caused a decrease in the historical average transactions at Bachman by about five percent and the historical average tonnage by about one percent, largely due to the decrease in residential customer transactions. There was negligible impact on the average historical transactions and tonnage at the Fair Oaks or Westmoreland transfer stations. Therefore, FY 2020 data is included in this evaluation.



for free and are therefore not included in the data provided by the City. Residential customer transactions are recorded at Bachman.

Consistent with the distribution of transactions among the three customer types, the Sanitation Department makes up the majority of tonnage delivered to the transfer station system. Figure C-25 shows the average historical tonnage disposed by customer type for each transfer station from FY 2016 through FY 2020.

**Figure C-25: Average Annual Tonnage Disposed by Customer Type**

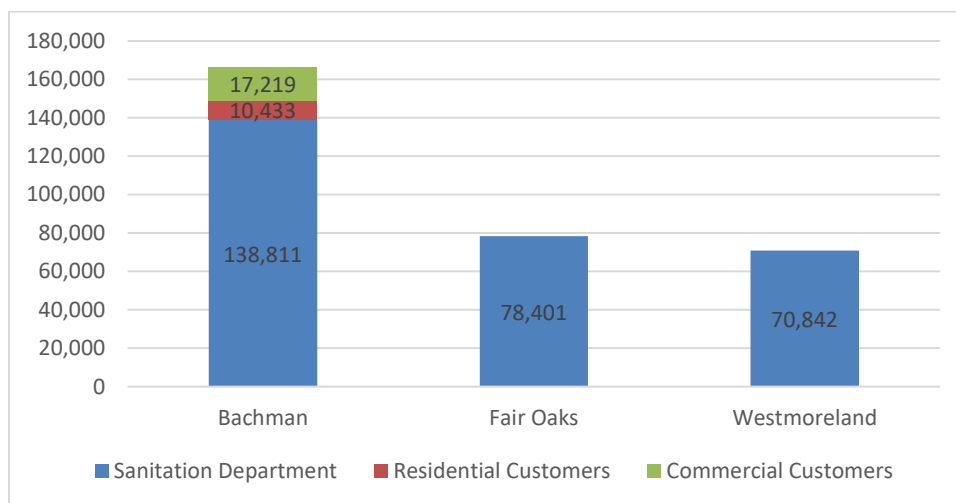
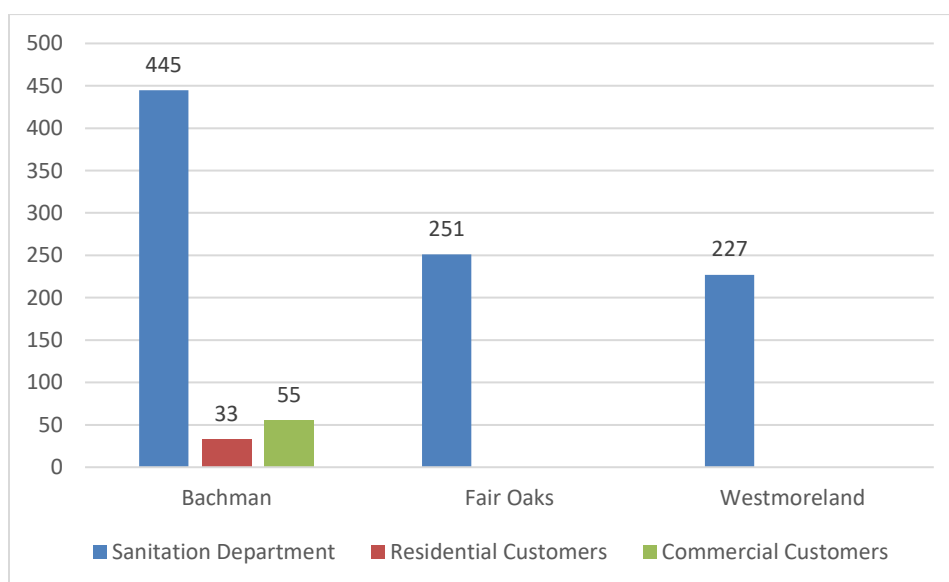


Figure C-26 shows the average tons per day by customer type for each facility between FY 2016 and FY 2020 by dividing the total average annual tonnage received by 52 weeks per year and 6 operating days per week.

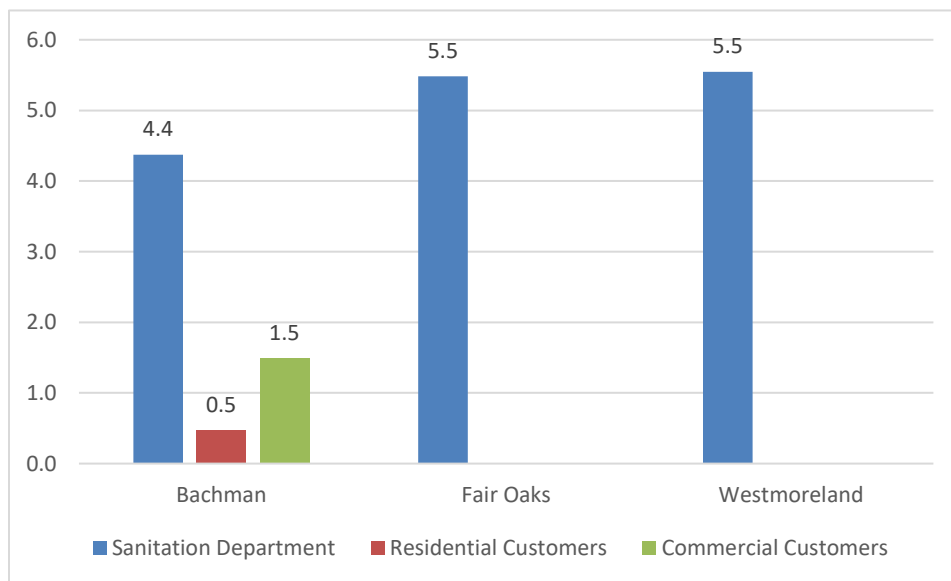
**Figure C-26: Average Annual Tons per Day by Customer Type**





The average inbound TPD are higher on days when the Sanitation Department collections operate as shown in Table C-3. Figure C-27 shows the average tons per load by customer type between FY 2016 and FY 2020.

**Figure C-27: Average Tons per Load by Customer Type**

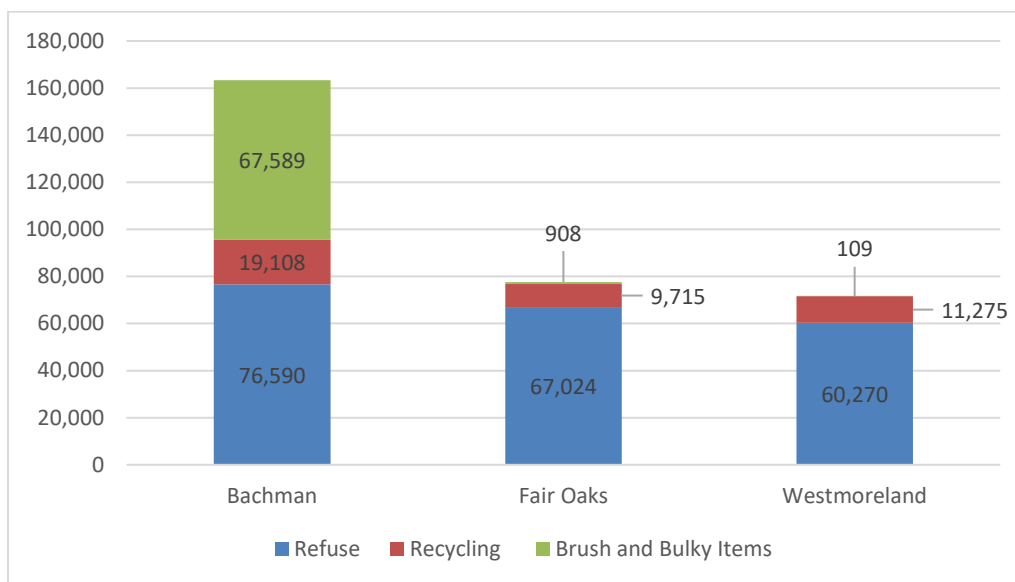


Comparing the average tons per load for Sanitation Department customers, the tons per load is less for vehicles delivering to Bachman compared to Fair Oaks and Westmoreland because Bachman accepts more recycling and brush loads which are not able to compact material as much as refuse loads. For commercial customers, the tons per load is significantly less for at Bachman compared to Fair Oaks and Westmoreland. The average inbound tons per load are higher on days when the Sanitation Department collections operate as shown in Table C-3.

### Material Type

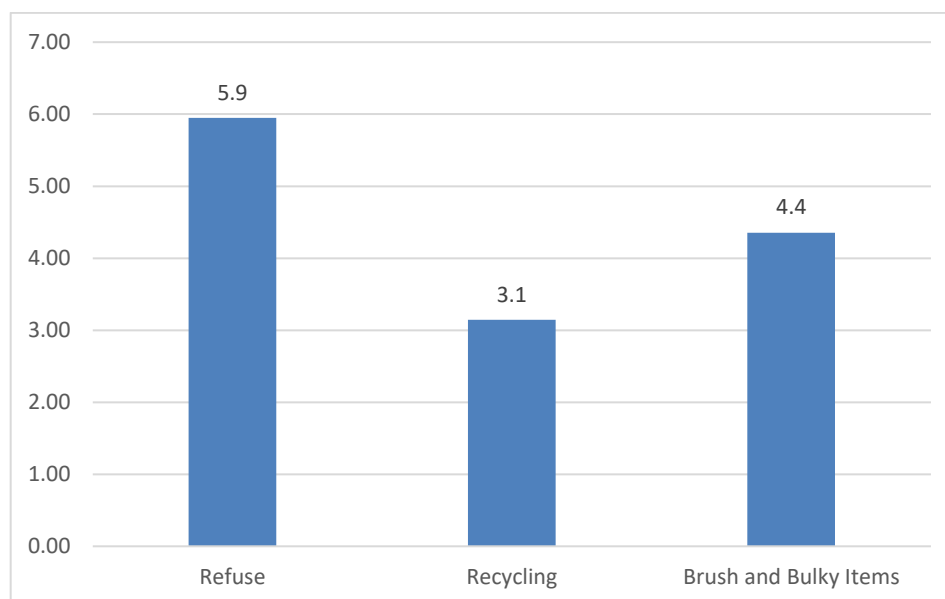
The capacity of the transfer station system depends on the operational efficiency of being able to manage the various material streams that are accepted. One of the key challenges identified by City staff is managing the refuse and brush and bulky item tonnage in addition to the less dense recycling material. Figure C-28 shows the average historical tonnage delivered by material type to each transfer station between FY 2016 and FY 2020, including all customer types.

**Figure C-28: Historical Average Annual Tonnage Disposed by Material Type**



Bachman accepts more recycling tons and the vast majority of brush and bulky item compared to Fair Oaks and Westmoreland which contributes to the capacity constraints at Bachman. Each of the material types have different physical properties (e.g., density, plasticity) and therefore are delivered to the transfer station system facilities at different rates. Figure C-29 shows the average historical tons per load by material type between FY 2016 and FY 2020 hauled by Sanitation Department customers.

**Figure C-29: Average Historical Tons per Load by Material Type Hauled by Sanitation Department Customers**



Refuse material is able to achieve the highest average tons per load because it is compacted by Sanitation Department collection vehicles. Typically, compacting refuse collection vehicles can achieve a higher ton per load ranging from six to 10 tons per load, but these figures presented for comparison reflect the total amount of refuse delivered to the facilities (including residential and commercial customers that do not use compacting vehicles at Bachman). Although recycling loads are compacted, the material is much less dense and does not compact as well with the current ejector trailers, resulting in a lower tons per load collection efficiency. Brush and bulky items are between refuse and recycling on a tons per load basis because the material is more dense but is not compacted as part of the City's current collection operations. Further discussion about the City's collection operations for refuse, recycling and brush and bulky items is provided in Sections 6.0 and 7.0.

### Variations by Day and Time

The capacity of the transfer station system depends on the operational efficiency of the individual facilities. One of the key challenges identified by City staff is working to anticipate the daily schedule of inbound waste. The volume of customers and tonnage varies based on material type, seasonality, day of the week, week of the month, time of the day and may deviate due to unanticipated interruptions in collection operations (e.g., labor shortage) or weather events (e.g., tornado, flooding, etc.). If one or more facilities become inundated with material without enough staff or equipment to efficiently process the material, the processing efficiency of the transfer station system decreases.

Figure C-30 shows FY 2020 inbound tons and loads by day for all Sanitation Department vehicles including refuse, recycling and brush/bulk material.

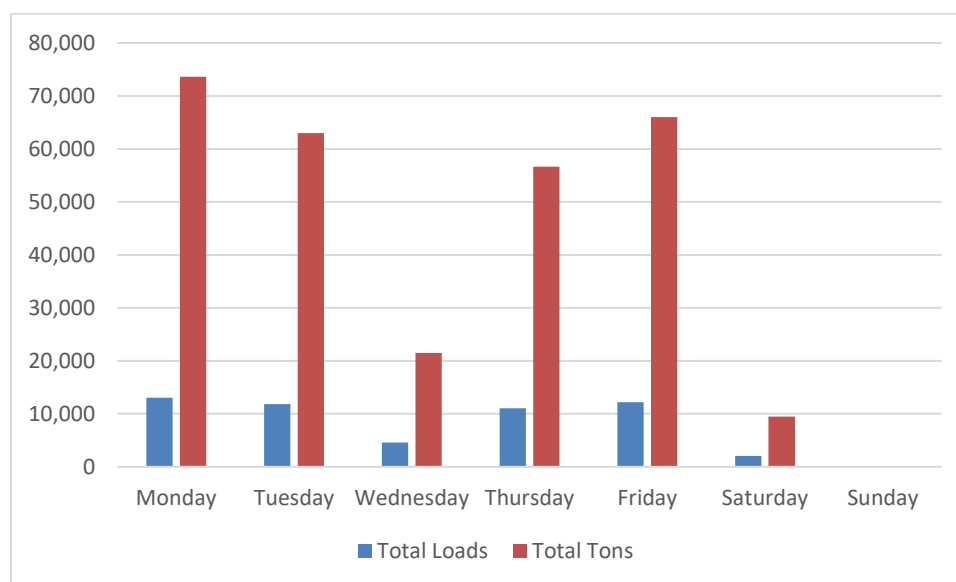
**Figure C-30: FY 2020 Inbound Tons and Load by Day Delivered by Sanitation Department**

Table C-4 shows the same data for FY 2020 and includes average tons per day, average tons per load and average loads per day.

**Table C-4: FY 2020 Average Inbound Tonnage by Day Delivered by Sanitation Department**

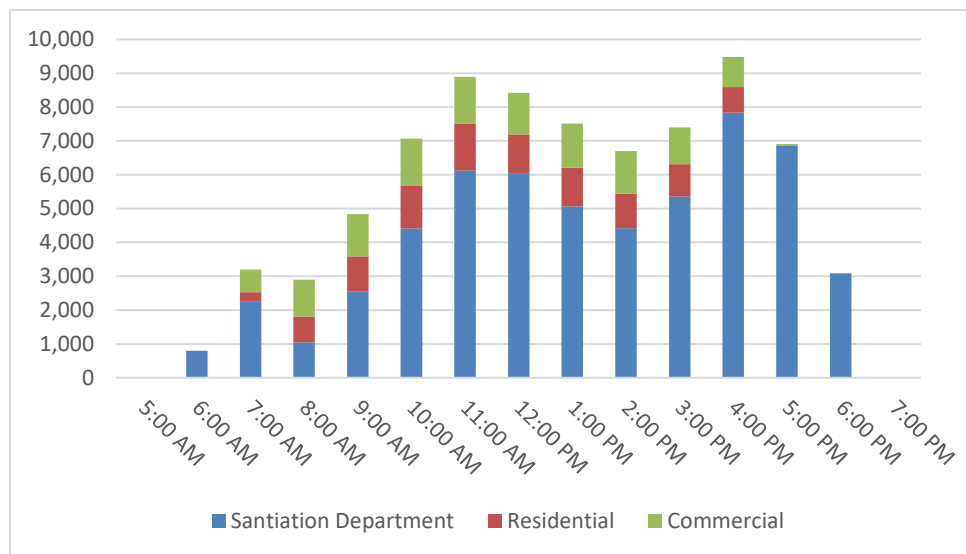
Day	Total Loads	Total Tons	Average Tons per Day <sup>1</sup>	Average Tons per Load	Average Loads per Day <sup>1</sup>
Monday	13,052	73,648	1,416	5.6	251.0
Tuesday	11,849	63,021	1,212	5.3	227.9
Wednesday	4,581	21,475	413	4.7	88.1
Thursday	11,017	56,638	1,089	5.1	211.9
Friday	12,223	66,036	1,270	5.4	235.1
Saturday	2,039	9,476	182	4.6	39.2
Sunday	5	23	0	4.7	0.1

1. Calculated by dividing the total annual loads or tons for that day of the week by 52.

The days with the highest number of loads and highest average tons per load were Monday and Friday. Based on conversations with City staff, material is stored at Bachman on Monday and Tuesday and operators catch up with that material Wednesday through Saturday because they have lower volumes of inbound loads. Wednesday and Saturday tonnage is lower than other days because Sanitation Department collections are not scheduled to operate and there are higher numbers of residential customers utilizing the transfer station system on these days. Further discussion about refuse, recycling and brush and bulky item collection operations is provided in Sections 6.0 and 7.0.

Operations are also impacted by the time that customers arrive at a transfer station. When large numbers of customers arrive at once it can cause traffic congestion in the transfer building or delays related to dispatching transfer trailer trucks. Figure C-31 presents the annual transactions by hour and customer type to demonstrate the typical inbound daily flow of customers in FY 2020.

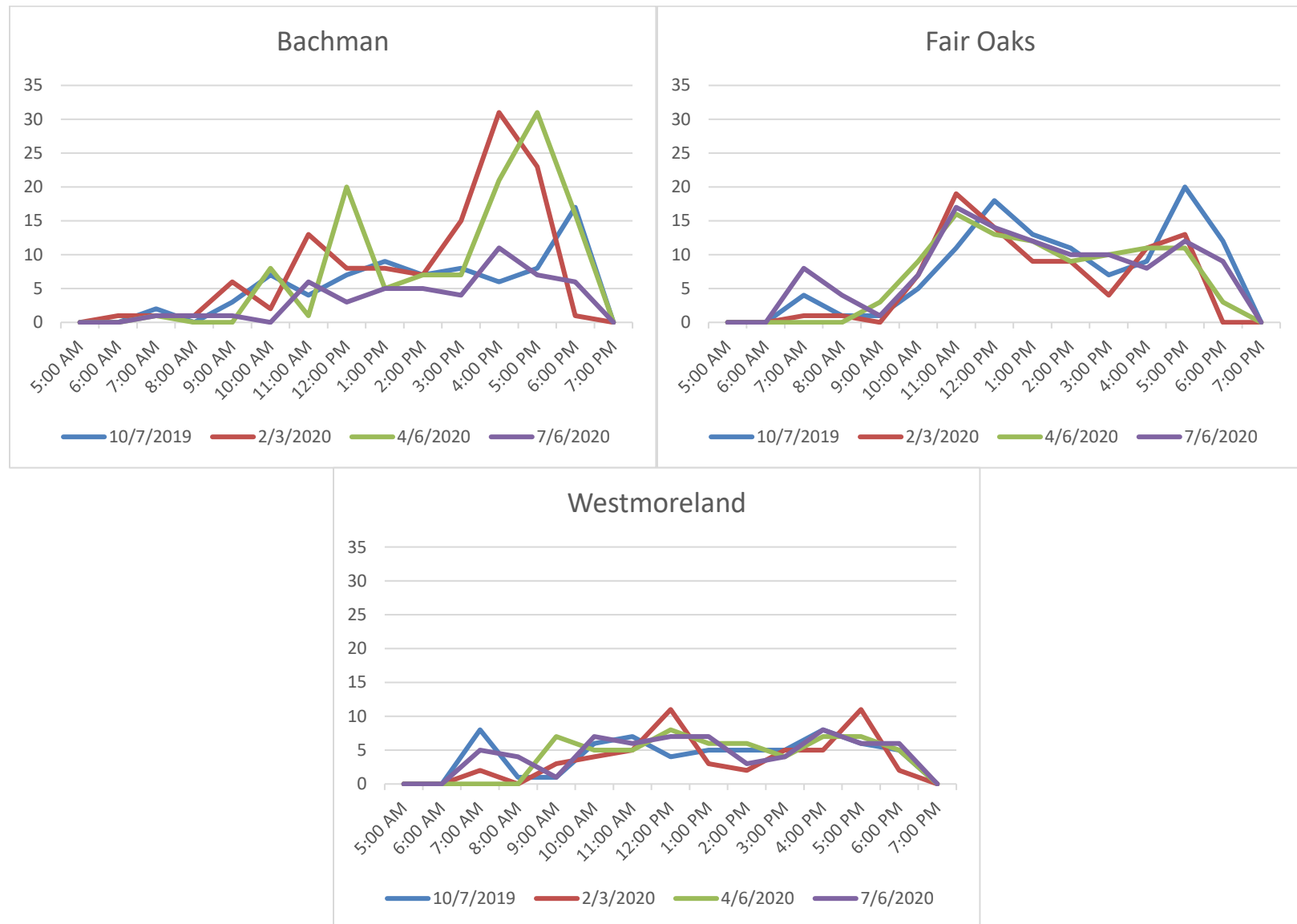
**Figure C-31: FY 2020 Annual Inbound Transactions by Hour and Customer Type**



The volume of inbound material peaks at 11:00 am and again at 4:00 pm. The daily peaks are generally dependent when Sanitation Department customers complete their routes. The first daily peak includes more residential and commercial customer transactions, and the second peak includes more Sanitation Department customers. When inbound customers taper off toward 6:00 pm, the transfer station operations are able to catch up with material to transfer it out of the facility since front-end loaders are able to focus on loading transfer trailers rather than managing inbound loads.

Figure C-32 shows the daily inbound transactions of Sanitation Department vehicles containing refuse, recycling and brush material for select Mondays in FY 2020 for each transfer station to demonstrate the typical pattern of inbound vehicles and variations of inbound loads due to seasonality and collection operations (e.g., number of loads may vary by week depending on brush and bulky item collection schedule).

**Figure C-32: Inbound Transactions by Hour for Select Mondays in FY 2020**



Based on the variations by season, number of inbound transactions by Sanitation Department vehicles may vary at Bachman from seven customers on July 6, 2020, between 4:00 pm – 5:00 pm to as many as 31 during the same time period on April 6, 2020. The dead time in the daily schedule results HEOs having no material to process (unless they can take that time to catch up on transferring material that has been stored at the facility) and surges in customers result in bottlenecks in processing material for transfer.

Ultimately, the volatility of the inbound material causes the transfer station system operations to take a reactive, rather than proactive approach to processing material because it is challenging for management to identify which facility will receive material, and when, from different customer types and minimizes the ability to effectively work through bottlenecks in the operation (e.g., deploying sufficient equipment and staffing effectively among the three facilities).

### Outbound Material

This section presents analysis of outbound transfers to the Landfill or MRF including annual loads and tons transferred by material and discuss variations in the day and time of transfers. Table C-5 shows the total number of outbound material transfers at each facility in FY 2020.

**Table C-5: FY 2020 Outbound Transfer Trailer Average Ton per Load**

<b>Facility</b>	<b>Loads</b>	<b>Total Tons</b>	<b>Average Ton per Load</b>
Bachman	9,415	168,560	17.9
Fair Oaks	4,651	80,250	17.3
Westmoreland	4,098	73,519	17.9

The transfer trailer equipment types and efficiency in packing and loading material determine the ability to maximize payload.

### Material Type

The average ton per load is also impacted by the type of material that is being hauled. Table C-6 shows the outbound transfer trailer loads by material type from the facilities in the transfer station system for FY 2020.

**Table C-6: FY 2020 Outbound Transfer Trailer Average Ton per Load by Material Type**

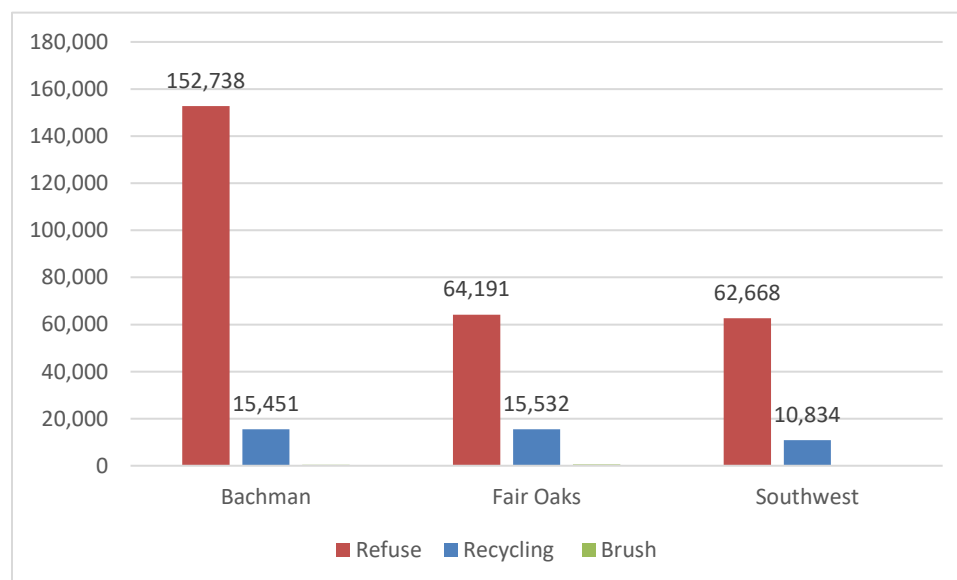
<b>Material Type</b>	<b>Loads</b>	<b>Total Tons</b>	<b>Average Ton per Load</b>
Refuse	14,628	279,597	19.1
Recycling	3,486	41,818	12.0

Brush and Bulky Items	50	914	18.3
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Brush and Bulky Item material is loaded into transfer trailer trucks as part of normal operations. The City is able to achieve better efficiency transferring refuse and brush and bulky item loads in the 18 to 19 tons per load range as compared to recycling material at 12 tons per load. This is due to the need for recycling to be transferred in a trailer that can eject the material at the MRF since there is no transfer trailer tipper. The ejection mechanism reduces the volume and weight that can fit in the transfer trailer and contributes to the lower average ton per load. Additionally, recycling material is not able to achieve the same level of compaction as refuse or brush and bulky item material and the ejector trailers used have been retrofitted and are not manufactured to hold loads greater than 15 tons.

Figure C-33 shows the annual tons transferred from each facility by material type for FY 2020.

**Figure C-33: FY 2020 Outbound Transfer Trailer Tons by Material Type**



### Variations by Day and Time

The capacity of the transfer station system is critically dependent on the efficiency of the transfer fleet. The key bottleneck of the operation is the ability to provide transfer trailer trucks and drivers as soon as material is ready for loading. Table C-7 shows the average outbound transfer trailer loads for refuse material by day in FY 2020.



**Table C-7: FY 2020 Average Outbound Refuse Transfer Trailer Loads by Day**

<b>Refuse</b>	<b>Total Loads</b>	<b>Total Tons</b>	<b>Average Tons per Day</b>	<b>Average Tons per Load</b>	<b>Average Loads per Day</b>
Monday	2,637	50,898	979	19.3	50.7
Tuesday	2,642	51,874	998	19.6	50.8
Wednesday	1,983	35,531	683	17.9	38.1
Thursday	2,465	46,468	894	18.9	47.4
Friday	2,706	53,233	1,024	19.7	52.0
Saturday	1,928	36,333	699	18.8	37.1
Sunday	267	5,261	101	19.7	5.1

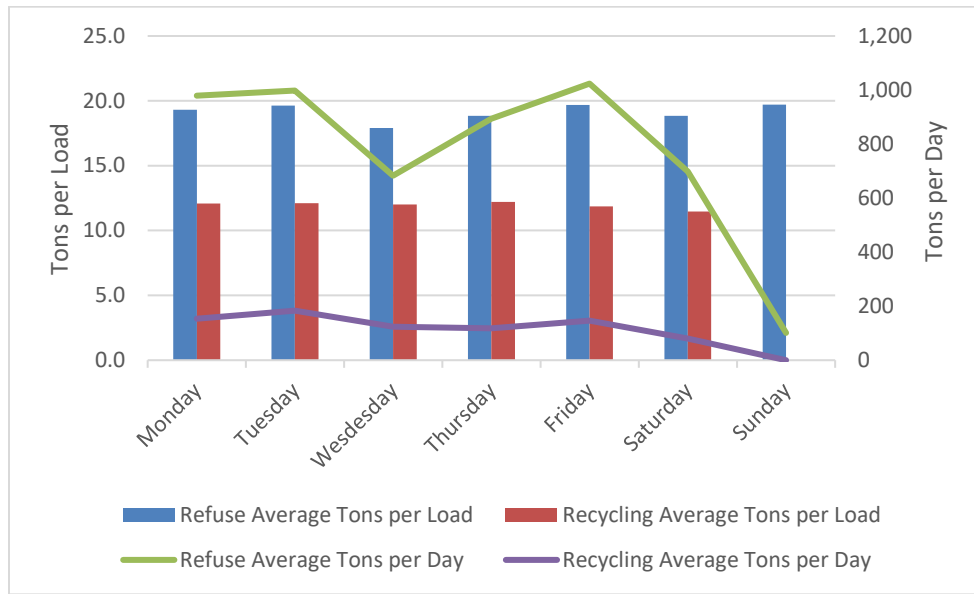
The payload of transfer loads on Monday, Tuesday, and Friday are highest for refuse where average tons per load exceed 19 and there are more than 50 loads per day transferred. The payload of the transfer station system drops on Wednesdays, Thursdays, Saturdays and Sundays due to increased numbers of residential customer and less consistent flow of inbound materials. Additionally, these are the days when operations catch up with material stored at Bachman, which may contribute to the lower number of loads per day and payload.

Table C-8 shows the average outbound transfer trailer loads for recycling material by day in FY 2020.

**Table C-8: FY 2020 Average Outbound Recycling Transfer Trailer Loads by Day**

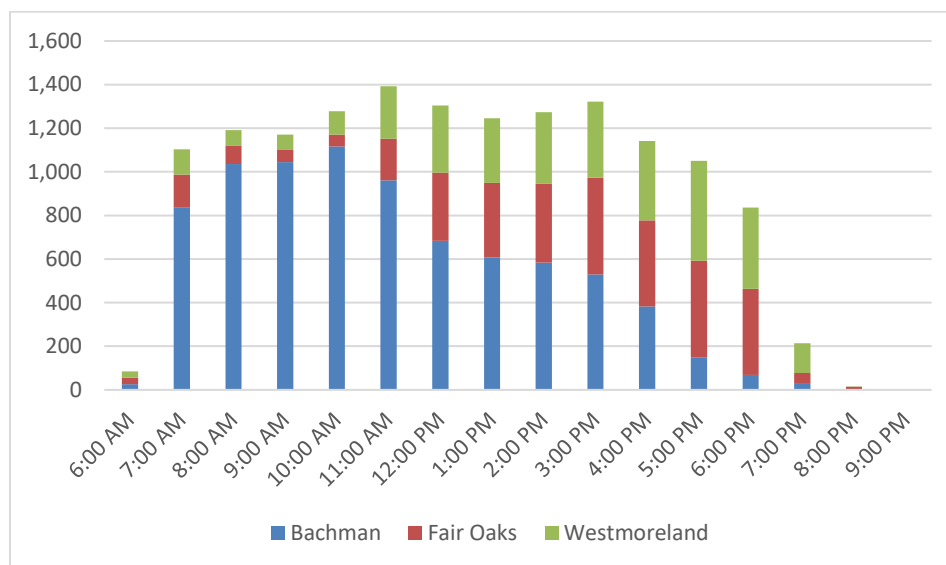
<b>Recycling</b>	<b>Total Loads</b>	<b>Total Tons</b>	<b>Average Tons per Day</b>	<b>Average Tons per Load</b>	<b>Average Loads per Day</b>
Monday	661	7,990	154	12.1	12.7
Tuesday	787	9,535	183	12.1	15.1
Wednesday	535	6,422	124	12.0	10.3
Thursday	502	6,133	118	12.2	9.7
Friday	640	7,597	146	11.9	12.3
Saturday	361	4,141	80	11.5	6.9
Sunday	0	0	0	0	0

Since there are so many fewer dedicated brush and bulky item transfers (as much of this material is mixed with refuse for transfer and disposal), the outbound load by day figures is not presented. Figure C-34 shows a comparison of refuse and recycling transfer loads and tons for FY 2020.

**Figure C-34: FY 2020 Comparison of Refuse and Recycling Transfer Loads and Tons**

The refuse transfer loads payload allows for between 800 and 1,000 tons to be transferred on Mondays, Tuesdays, Thursdays and Fridays. The average payload is less for recycling transfer loads, and there are fewer inbound tons and available trailers to haul material which contributes to the lower average payload compared to refuse.

Operations are also impacted by the time outbound loads are transferred to the Landfill or MRF. When large numbers of customers arrive at once it can be challenging to ensure that transfer trailer trucks and drivers are available. Figure C-35 presents the annual refuse loads by hour of outbound refuse to demonstrate the typical outbound daily flow of refuse from the transfer station system in FY 2020.

**Figure C-35: FY 2020 Annual Refuse Outbound Transactions by Hour and Facility**

This shows Bachman has the highest number of transfer loads between 6:00 am and 11:00 am, at which point transfer trailer trucks are shifted to the Fair Oaks and Westmoreland facilities between 11:00 am and 8:00 pm. Given the unpredictability of inbound material volumes and types, there may be instances when this general schedule does not support the demand when surges of material are delivered. For example, on February 2, 2020, there were 31 loads delivered by Sanitation Department between 4:00 pm and 5:00 pm at Bachman (reference Figure C-32). In the case that transfer trailer and staff are servicing the Fair Oaks or Westmoreland facilities at this time or disposing material at the Landfill, operators would not be able to transfer material out of the facility and material would be stored. It is important that transfer trailer trucks be made available to service Fair Oaks and Westmoreland, since they have limited storage capacity and permit conditions do not allow the storage of material overnight; however, if operators are unable to catch up to transfer the material stored during the week, Bachman may need to operate on Sunday to transfer the stored material.

### Equipment Requirements

This section provides information on the equipment used among the facilities in the transfer station system, including the equipment for transfer hauling operations. Table C-9 indicates the number and type of equipment utilized in the transfer buildings based on the observations from the Transfer Station Site Visit, followed by brief descriptions.

**Table C-9: Transfer Building Operations Equipment**

<b>Description</b>	<b>Bachman</b>	<b>Fair Oaks</b>	<b>Westmoreland</b>	<b>Total</b>
Required Front-End Loaders	3	2	2	<b>7</b>
Available Front-End Loaders	5	2	2	<b>9</b>
Required Rotobooms	2	2	2	<b>6</b>
Available Rotobooms	2	2	2	<b>6</b>

- Front-End Loaders.** The City has more front-end loaders than they require for the operation of the transfer station system but based on discussions with City staff not all the equipment is designed for refuse, recycling and brush and bulky item management. Back up loaders are stored at Bachman and are critical for redundancy given the wear and tear incurred managing solid waste materials. At times material impales and damages the equipment that is not outfitted with a waste package that provide extra protection in specific areas of the machinery. In other cases, the equipment is undersized based on the volume of loads tipped. For example, the CAT 644 and CAT 950 are too small to push all the material delivered by a 60 CY brush and bulky item collection truck in a single pass, but the larger 744 John Deere as provided by the manufacturer is not equipped with the waste package and is upgraded in-house<sup>108</sup>. Additionally, during the Transfer Station Site Visit it was observed that the rubber padding under the blade has worn off on some equipment, which causes increased abrasion and damage to the transfer building floors over time. These challenges with front-end loaders in the transfer station system leads to unplanned downtime and increased bottlenecks in processing capacity.
- Rotobooms.** Rotobooms in the transfer buildings are fixed units and each facility has two. Some of the City's rotobooms are down for maintenance, but there are enough operating to compact and evenly distribute material in the trailers as needed. Although non-operational rotobooms does decrease the ability to transfer maximum payloads, there are currently enough to ensure that refuse and bulky and brush items are spread evenly and compacted and transfer trucks are able to pull up to the functional rotobooms in Fair Oak since there is a single lane for transfer trailers.

The City has a total of 26 transfer trailers and transfer trucks to support the transfer station system's hauling operations, inclusive of frontline and back-up units. The trailers in the City's fleet have two models of trailer, Warren and Innovative. Warren trailers are used to haul recycling because they have the ejection mechanism and Innovative trailers are used to haul refuse or brush and bulky items, which are tipped at the

<sup>108</sup> City staff has worked to "right-size" equipment based on the requirement of each transfer station where Bachman has two 744JD for the pit area and the CAT 966 for the top deck. Fair Oaks is equipped with 2 644JD units due to Monday & Friday peak tonnages and Westmoreland operates two CAT938 which are sufficient to deal with the inbound tonnages and are also small enough to maneuver within the transfer building safety.

Landfill working face. The Warren trailers are heavier due to the ejection mechanism and can fit less material as a result. The Innovative trailers are able to manage more volume of material and weight without exceeding the GVW requirements.

Transfer trailer truck operators report to the Landfill where the transfer trucks and the majority of all active transfer trucks and trailers are stored to begin daily operations. Table C-10 presents the round-trip time to load and haul a transfer trailer from each of the facilities in the transfer station system.

**Table C-10: Transfer Load Round Trip Time (min)**

<b>Task</b>	<b>Bachman</b>	<b>Fair Oaks</b>	<b>Westmoreland</b>
Loading at Facility <sup>1</sup>	40	40	40
Travel Time to Landfill/MRF <sup>2</sup>	32	30	22
Time at Landfill Scalehouse <sup>3</sup>	10	10	10
Time to/from Working Face/MRF <sup>4</sup>	20	20	20
Unloading Time <sup>5</sup>	15	15	15
Post-trip Inspection	15	15	15
Travel Time to Facility	32	30	22
<b>Total (min)</b>	<b>164</b>	<b>160</b>	<b>144</b>

1. Loading time at the facility estimates the time from when the transfer trailer truck pulls under the hopper to when it is driving away from the facility.
2. Travel times are estimated based on the passenger car road miles to travel from Bachman (18.3 miles), Fair Oaks (17.2 miles), and Westmoreland (13.75 miles) to the Landfill.
3. Assumes transfer trailer trucks must wait in line at one of the two Landfill scalehouses or the MRF scales and the time at shown for both is the same.
4. Time to and from the working face or MRF assumes traffic and a wait time before the transfer trailer trucks can begin the process of tipping material at the working face or ejecting material on the MRF tipping floor.
5. Unloading time may be faster at the MRF as compared to the Landfill working face, but for the purposes of this analysis they are assumed to be the same.

Table C-11 presents the estimate round trips that are able to be completed in a 10-hour workday.

**Table C-11: Estimated Round Trips per Day by Facility**

<b>Description</b>	<b>Bachman</b>	<b>Fair Oaks</b>	<b>Westmoreland</b>
Minutes per Working Day	600	600	600
Travel Time (min) <sup>1</sup>	164	160	144
<b>Round Trips per Day</b>	<b>3.66</b>	<b>3.75</b>	<b>4.17</b>

1. Travel time includes the total round-trip time as presented in Table C-10

Table C-12 calculates the number of required loads per day from each facility based on the average daily inbound tons and average tons per load (reference Table C-3 and Table C-5) and calculates the minimum number of daily transfer trailer trucks required.

**Table C-12: Minimum Required Daily Transfer Equipment**

<b>Description</b>	<b>Bachman</b>	<b>Fair Oaks</b>	<b>Westmoreland</b>
Peak Daily Inbound Tons <sup>1</sup>	609	484	386
Average Tons per Transfer Load	17.3	18.1	18.3
Required Loads per Day	35.2	26.7	21.1
<b>Minimum Required Transfer Equipment</b>	<b>9.6</b>	<b>7.1</b>	<b>5.1</b>

1. The average inbound tonnage at each transfer station on Monday because this is the day of the week with the highest daily inbound tonnage based on historical data.

Based on this evaluation, the transfer station system requires a total of 21.8 transfer trucks and trailers to service the average historical inbound tonnage. The City has 26 trucks and trailers including both frontline and backup equipment. The City is in the process of purchasing three additional transfer trailers and trucks and three ejector trailers to replace the existing aging ejector trailers. This analysis shows that the City currently has sufficient trailers to operate the transfer system but if equipment is down with prolonged maintenance time, the City may face situations where it does not have enough active trailers. Based on discussion with City staff, the number of trailers meets the minimum requirements, but they still struggle to accommodate surges of inbound tonnage and are generally deploying transfer trailers reactively. If the City were to add trailers and operators, they would be able to effectively maximize the efficiency of the transfer station system by deploying equipment more proactively.

### Equipment Maintenance

Transfer station system operating equipment is maintained at the Landfill heavy equipment and maintenance shop. Although there are sufficient levels of equipment to operate the transfer stations and transfer fleet, this equipment is subject to increasing unanticipated downtime as equipment continues to age. Table C-13 presents the average age of front-end loaders, transfer trailers and transfer trucks for informational purposes.

**Table C-13: Transfer Station System Equipment List**

<b>Equipment Type</b>	<b>Make</b>	<b>Frontline Units</b>	<b>Average Age (years)<sup>1</sup></b>	<b>Backup Units</b>
Front-end loader <sup>2</sup>	CAT; John Deere	8	7	2
Transfer Trailer <sup>3</sup>	Warren; Innovative	20	5	5
Transfer Trucks <sup>4</sup>	Freightliner	22	3	4

1. Average age as of 2021 includes frontline equipment only.
2. Front-end loader models include CAT 966M, CAT 950K, CAT 938K, John Deere 744, and John Deere 644K.
3. Transfer trailer models include Innovative DSC-50 and Warren WHDT5050-2-A.

Based on the equipment required the City has sufficient equipment to operate the transfer station system, although adding transfer trailers and trucks would allow the City to more proactively deploy equipment as part of the transfer operation.

## Staffing Requirements

This section describes the transfer station system staffing and estimates the required staffing levels of Heavy Equipment Operators (HEOs) and transfer truck drivers to identify if current staffing levels are sufficient to maximize the efficiency of the transfer station system. Bachman transfer building operations and the fleet crews operate on two staggered 10-hour shifts (e.g., a morning shift and an afternoon/evening shift). The Fair Oaks and Westmoreland Facilities operate on one daily 10-hour shift. Table C-14 shows the current staffing for each of the transfer stations and fleet operations.

**Table C-14: Current Staffing for Transfer Station System Management and Operations**

<b>Title/Job Function</b>	<b>FTE Positions Filled</b>	<b>FTE Positions Vacant</b>	<b>Role</b>
Superintendent	1	0	Supervisory position that manages transfer and fleet operations and transfer station business planning.
Supervisor	4	0	Supervisory position that manages transfer and/or fleet operations. Each transfer station has one supervisor. All supervisors are Class A CDL drivers and able to operate as HEOs.
Crew Leader	2	1	Supervisory role managing equipment operators or truck drivers.
Heavy Equipment Operator (HEO)	7	3	Position that operates heavy equipment including front-end loaders and rotobooms to manage material in the transfer buildings. 2 of the 3 vacant are filled by IAPs (interim roles that already have a position in the City but are getting experience to help them get hired as HEO)
Truck Driver	17	5	Position that operates transfer trailer trucks to load trailers and haul for disposal at the Landfill. Truck drivers may serve as HEOs if they have the appropriate qualifications. The City is actively preparing to fill the vacancies and if the candidates are successfully hired will have zero vacancies.
Laborer	11	6	Position that supports transfer station operations including directing vehicle traffic, collecting windblown litter and sweeping material up from the transfer trailer pull through location.
<b>Total Staff</b>	<b>42</b>	<b>15</b>	

Based on the current number of management and operations positions filled and current vacancies, there is a 26 percent vacancy rate. For the purposes of this evaluation, it is assumed that the number of laborers in the transfer station system are sufficient for operations based on the Transfer Station Site Visit. Table C-15 shows the number of HEOs required to meet the operations of the transfer station system for each facility, by day of the week.

**Table C-15: Required HEO Daily Staffing**

	<b>Bachman</b>	<b>Fair Oaks</b>	<b>Westmoreland</b>	<b>Total</b>
Monday	5	2	2	<b>9</b>
Tuesday	4	2	2	<b>8</b>
Wednesday	3	1	1	<b>5</b>
Thursday	4	2	2	<b>8</b>
Friday	5	2	2	<b>9</b>
Saturday	3	1	1	<b>5</b>
Sunday	2	0	0	<b>2</b>

The currently staffed seven HEOs do not provide enough to cover the nine HEOs required during days with peak inbound tonnage. With the two IAPs available, the City is able to meet the need but if the three available vacancies for HEOs were permanently filled the City would be better prepared to operate the transfer station during times of peak inbound volume.

Table C-16 estimates the number of required transfer loads per day based on the FY 2020 daily inbound tons and the number of required daily transfer trailer truck drivers

**Table C-16: Required Transfer Trailer Truck Driver Daily Staffing**

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
Daily Inbound Tons <sup>1</sup>	1,534	1,310	522	1,176	1,360	253	1
Ton per Load <sup>1</sup>	17.9	17.9	16.7	17.7	18.2	17.7	19.7
Required Loads	86	73	31	66	75	14	0
Number of Trips <sup>2</sup>	3.82	3.82	3.82	3.82	3.82	3.82	3.82
Required Truck Drivers <sup>3</sup>	22.5	19.1	8.2	17.4	19.6	3.7	0.0

1. Based on FY 2020 data inbound and outbound tonnage data for all material and customer types.
2. Represents the weighted average of the number of trips able to be completed in a 10-hour workday from each facility.
3. Calculated by dividing the required loads by the weighted average number of trips.

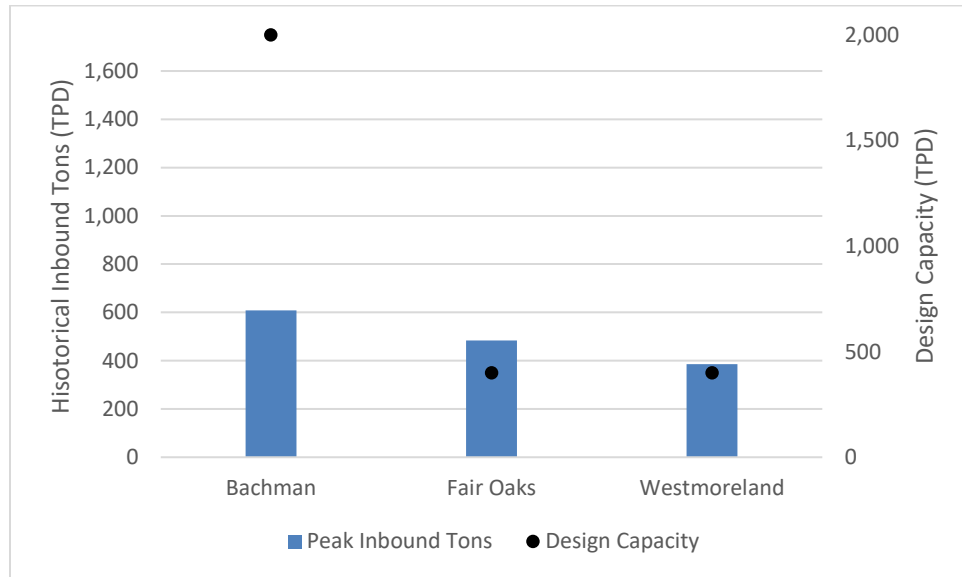
The currently staffed 17 transfer truck drivers do not provide enough to cover the calculated 23 required transfer truck drivers on the days with peak inbound. If the three available vacancies for truck drivers were filled, the City would still be able to operate the transfer fleet with maximum efficiency. The number of truck drivers does not take into account PTO or sick leave, indicating that even if the City did fill the current vacancies, they may not be able to operate all the required transfer trailers on the busiest days. This is consistent with the operating practices of storing material at Bachman on Monday and Tuesday and catching up to transfer that material out later in the week.



## Capacity

Figure C-36 compares the peak daily historical inbound tonnage (average daily inbound tons on Monday from FY 2016 to FY 2020) to the design capacity of each transfer station.

**Figure C-36: Peak Historical Inbound Tonnage vs. Design Capacity.**



Based on this comparison the transfer station system is receiving volumes of tonnage that do not exceed Bachman's permitted capacity on a TPD basis but are exceeding the capacity of Fair Oaks and Westmoreland during days with peak inbound tonnage. Even though this will appear as if Bachman has sufficient capacity, managing multiple material streams and the mix of customer types minimizes the available capacity to be much less than is currently available. The City recently increased the maximum Gross Vehicle Weight (GVW) for transfer trucks from 80,000 pounds to 84,000 pounds, allowing for more material to be hauled per trip for disposal or recycling but even with this change the transfer station system is unable to meet the service demand during times of peak inbound tonnage.

## APPENDIX D - REFUSE AND RECYCLING COLLECTION

### Methodology

As part of the LSWMP Update, select on-route refuse and recycling collection operations were observed on February 8 and 9, 2021 (Collection Operation Observations) including alley and curbside service provided by Automated Side Load (ASL) and Semi-Automated (SA) collection vehicles. Additionally, discussions were held with various members of management and staff to discuss ongoing operations and collect data which is incorporated in this section.

Based on Collection Operation Observations, data analysis and discussions with City staff the following provides an overview of the refuse and recycling collection operation and current challenges to inform the development of options for the City's consideration.

### Collection Overview

The City's refuse and recycling collection operation services approximately 250,000 households from among five collection districts. The following refuse and recycling collection services are provided by the Sanitation Department (further discussion of brush and bulky item collection services, including yard trimmings, is provided in Section 7.0):

1. **Refuse.** Once per week collection and disposal of refuse contained in 64 and 96-gallon carts from approximately 250,000 households. All residential customers receive refuse collection from City crews and residents are able to request additional carts for a fee. The City also provides Packout services at an additional charge for collection on private drives.
2. **Recycling.** Once per week collection and processing of recyclables contained in 96-gallon carts from approximately 250,000 households. Recycling collection is voluntary, and residential customers may elect not to receive this service resulting in fewer recycling households serviced.
3. **Commercial.** Collection is provided to a limited number of commercial customers via roll carts. Multi-family and commercial properties may receive service for up to 10 refuse and 10 recycling roll carts. The City collects a small number of larger solid waste dumpsters.

Chapter 18 of the City's Code of Ordinances establishes that collection services, including collection, removal, disposal and processing of refuse and recycling must be provided by the Sanitation Department for all residences and duplexes. Collection service may not be performed by other entities. Chapter 18-4 defines the collection of refuse and recycling from residences and duplexes by any other entities besides the Sanitation Department as an offense unless they are:

- The owner or occupant of the residence.
- Employed under contract with the City to provide services.
- A charitable organization that gathers clothes, salvageable newspapers or other recyclable material.
- Hauling away brush and bulky items incidental to maintenance, delivery, lawn or home improvement service.
- Providing recycling services to the premises for source separated (e.g., dual stream) paper, metal and glass.

The City is organized into five collection districts that operate autonomously, where each district has a manager of operations. Figure D-1 shows the collection areas of the City by day, the Sanitation Department collection districts, and the location of the transfer stations and Landfill.

**Figure D-1: Sanitation Department Collection Districts and Collection Day Boundaries**

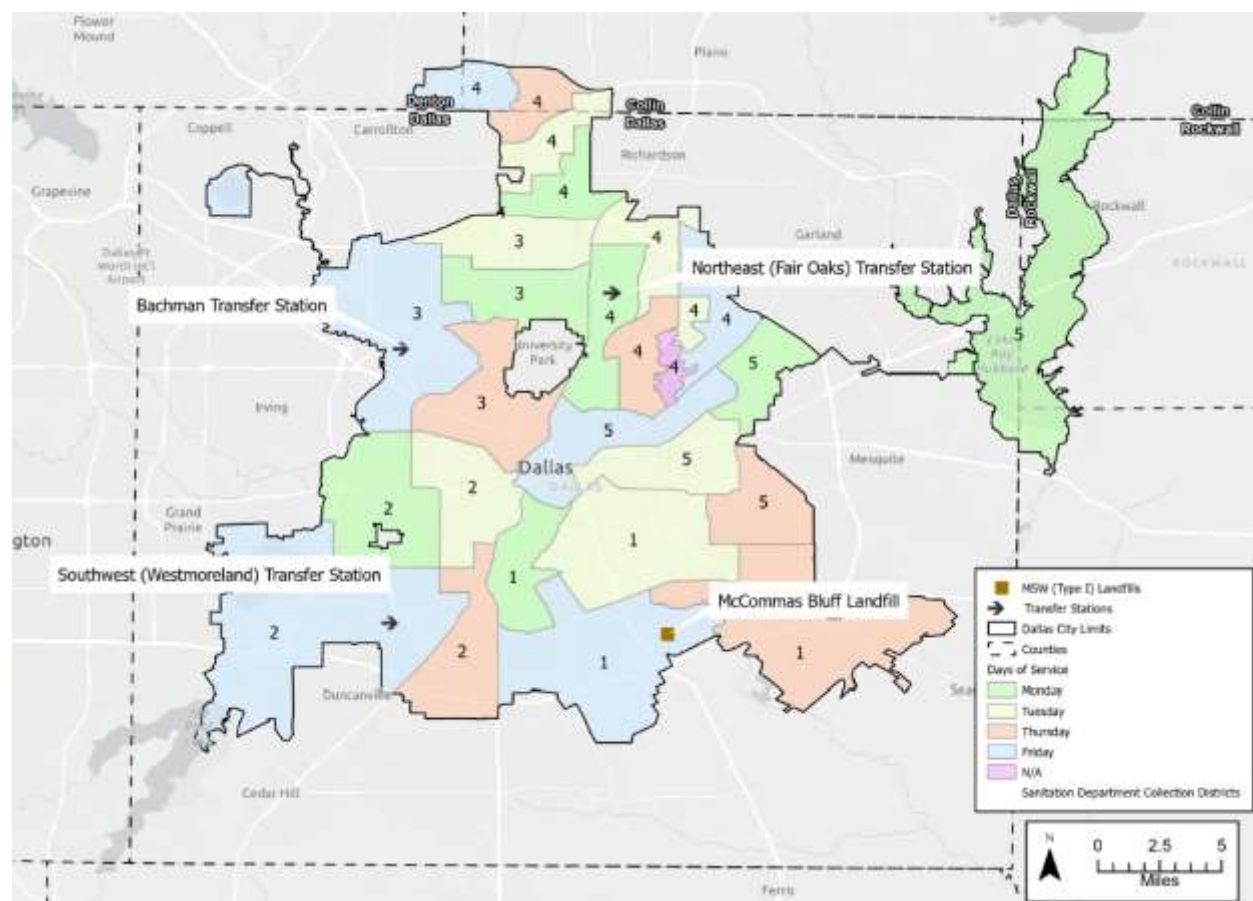


Table D-1 shows the number of residential customers broken out by material type and district in FY 2020.

**Table D-1: Residential Collection Customers by District and Material Type<sup>1</sup>**

<b>District</b>	<b>Refuse</b>	<b>Percentage</b>	<b>Recycling</b>	<b>Percentage</b>
1	47,668	19.1%	47,306	19.0%
2	54,402	21.8%	54,349	21.8%
3	38,812	15.5%	38,876	15.6%
4	60,872	24.4%	60,508	24.3%
5	47,885	19.2%	47,884	19.2%
<b>Total</b>	<b>249,639</b>	<b>100.0%</b>	<b>248,923</b>	<b>100.0%</b>

1. Collection customer counts by district represent most recent data as of November 4, 2021, does not represent average annual figures and is subject to change based on typical monthly collection customer count changes.

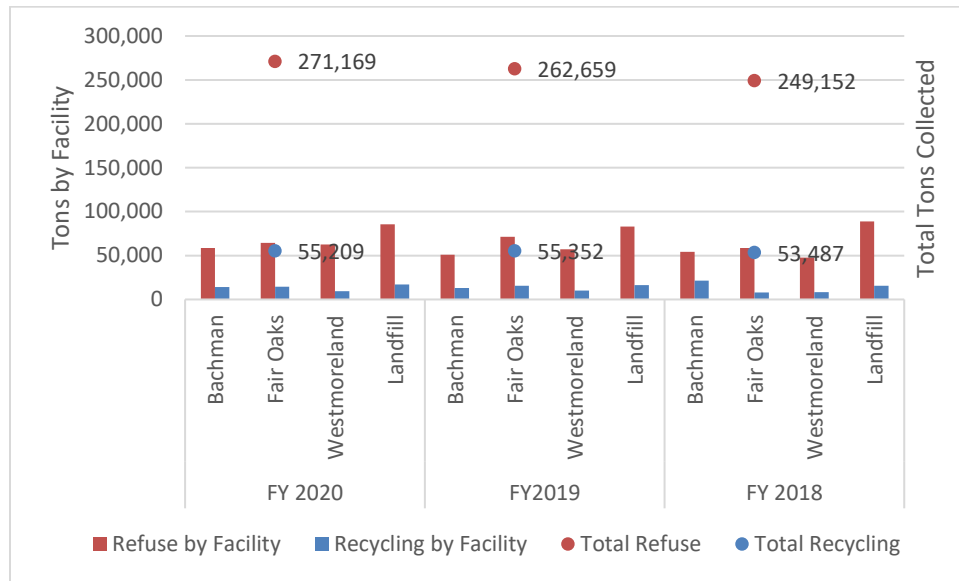
The number of customers is not evenly distributed based on the existing Sanitation Department collection districts where District 2 and District 4 contain about 45 percent of the City's refuse and recycling customers and District 1, District 3 and District 5 contain about 55 percent of the City's customers. The City primarily uses ASL and SA collection vehicles for refuse and recycling collection. Smaller Alley Cat (AC) collection vehicles are used in alleys where larger vehicles cannot operate. The City also collects refuse and recycling from small commercial or commercial-like establishments (condominiums, churches, and mobile homes) that manage material in carts. Table D-2 shows the number of commercial customers by roll cart size and frequency of service.

**Table D-2: Commercial Roll Cart Collection Customers<sup>1</sup>**

<b>Services per Week</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>Total</b>
64 Gallon	0	3	0	0	0	0	0	3
96 Gallon	0	1,149	10	3	8	8	4	1,182

1. Commercial roll cart collection customers counts represent data as of July 17, 2020, does not represent average annual figures and is subject to change based on typical customer fluctuations

The tonnage of material collected by the Sanitation Department fluctuates seasonally and is impacted by unanticipated events (e.g., tornado, pandemic) that cause surges in material generation. All material collected is taken to one of the City's transfer stations or directly to the Landfill for disposal or MRF for processing. The transfer station system is critically important to the City's ability to manage material cost-effectively while minimizing emissions and roadway damage. Figure D-2 shows the annual historical inbound refuse and recycling tonnage processed through the City's transfer station system and delivered directly to the Landfill and MRF from FY 2018 to FY 2020.

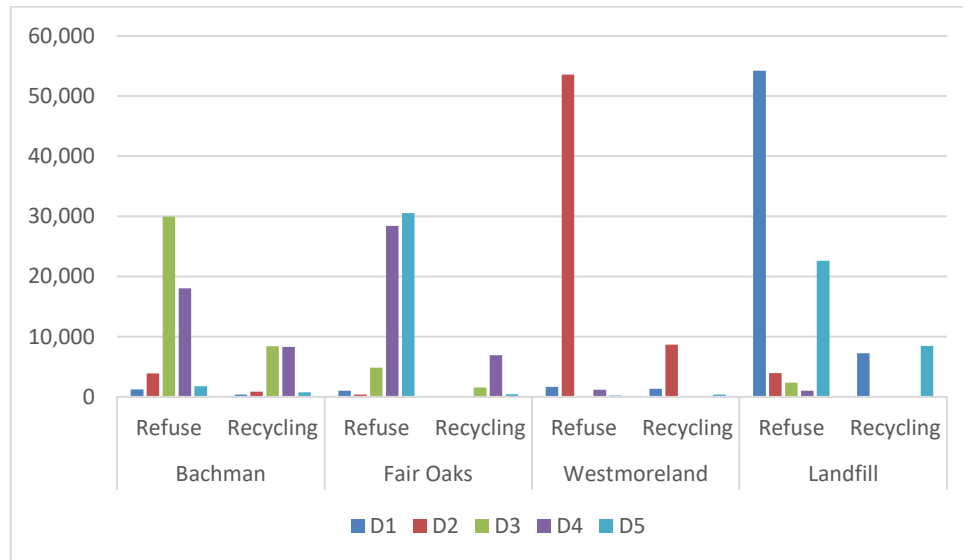
**Figure D-2: Annual Inbound Sanitation Department Collected Refuse and Recycling by Facility<sup>1</sup>**

1. Recycling by facility tons reflect the tonnage reported by WasteWORKS of recycling material transferred to the MRF and the tonnage direct-hauled to the MRF reported by FCC. There is a slight discrepancy in the amount of material transferred because of reporting from two different scale systems.

Refuse and recycling material collected annually remains fairly consistent between FY 2016 and FY 2019 where the Landfill received the largest volume of refuse and Bachman received the largest volume of recycling. Even with fluctuations in typical residential generation due to the COVID-19 pandemic (e.g., mandatory stay-at-home orders) and staffing challenges and labor shortages following the initial outbreak<sup>109</sup>, the recycling tonnage collected and processed at the transfer stations in FY 2020 remained consistent to previous years.

Figure D-3 shows the average annual tons of refuse and recycling delivered to each transfer station and directly to the Landfill for disposal from FY 2016 through FY 2020.

<sup>109</sup> D Magazine. "Labor Shortage Hits Dallas Trash Collection, City Says." June 20, 2021. Website hyperlink: <https://www.dmagazine.com/frontburner/2021/06/labor-shortage-hits-dallas-trash-collection-city-says/>

**Figure D-3: Average Annual Sanitation Department Refuse and Recycling by Collection District<sup>1</sup>**

2. Recycling direct hauled to the MRF represents the average tons delivered reported by FCC from FY 2017 – FY 2020.

Bachman supports District 3 and District 4; Fair Oaks supports District 4 and District 5 and Westmoreland supports District 2. District 1 and District 5 deliver directly to the Landfill, and do not rely on the transfer station system as heavily as the other collection districts.

The following sub-sections provide an overview of the refuse and recycling collection operation and is organized as follows, with brief descriptions:

- **Schedule.** Describes the schedule of collection for residential roll cart-based refuse and recycling including information about tonnage collected and number of households serviced by days of the week.
- **Routes.** Presents information related to route efficiency, the number of daily routes deployed by district and day.
- **Alley collection.** Presents information on the number of curbside and alley collection points, number of mixed alley and curbside routes, and discusses the impact of alley service on the collection operation.
- **Equipment.** Describes the equipment used for refuse and recycling collection, inventory of collection vehicles including frontline and backup, evaluates required amount of equipment to operate the current number of routes, discusses equipment fueling and maintenance needs, and provides an overview of cart maintenance.

- **Staffing requirements.** Presents information on the current staffing positions by district and evaluates staffing requirements to operate the residential cart-based refuse and recycling collection system.
- **Customer service.** Describes the current customer service system and data related to the number of customer service inquiries related to refuse and recycling collection.

## Collection Schedule

The City currently services customers four days per week operating on a 10-hour per day schedule. Refuse and recycling collection operations occurs year-round, with the exception of City-designated holidays. Collection operations begin at 6:00 am (collection staff may arrive at this time, although vehicles may not reach households until later) and target completion of routes by 4:00 pm. However, routes may finish later during times of heavy set out or staffing shortages. Residents are asked to set out their roll carts no earlier than 6:00 pm the night before collection and no later than 7:00 am the day of collection.

The current four day per week operating schedule allows district managers to deploy refuse and recycling collection staff across the operation to support brush and bulky item collection operations on Wednesdays and Saturdays, which results in overtime pay for refuse and recycling staff. Based on discussions with City staff during the Collection Operations Observations, the refuse and recycling collection program is typically able to complete daily routes; however, with tonnage surges in residential refuse and recycling due to COVID-19 in combination with anticipated seasonal or holiday-based surges, collection operations have fallen behind at certain times. When there are surges in refuse and recycling material or challenges maintaining staffing levels, the overall collection operation becomes strained.

Although the current collection districts and schedule support the City's existing needs, adjusting the collection districts and/or transitioning to a five days per week, eight hour per day schedule may provide refuse and recycling collection more flexibility to adjust routes to meet seasonal and holiday surges, unanticipated surges (e.g., storm events) and overall growing volumes due to increasing residential customers. However, with a five-day work schedule, there would be less ability to shift refuse and recycling staff to support brush and bulky item collection or other aspects of the operation when needed.

Table D-3 and Table D-4 show the number of households that are provided refuse and recycling service by district and day.

**Table D-3: Refuse Customers Serviced by District and Day<sup>1</sup>**

<b>District</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Thursday</b>	<b>Friday</b>
1	11,637	11,671	12,751	11,609
2	14,063	13,403	12,446	14,490
3	9,723	9,723	9,435	9,931
4	16,531	15,245	15,040	14,056
5	11,405	11,747	12,749	11,984
<b>Total</b>	<b>63,359</b>	<b>61,789</b>	<b>62,421</b>	<b>62,070</b>
<b>Percentage</b>	<b>25.4%</b>	<b>24.8%</b>	<b>25.0%</b>	<b>24.9%</b>

1. Household counts by district represent most recent data as of November 4, 2021, does not represent average annual figures and is subject to change based on typical customer fluctuations.

**Table D-4: Recycling Customers Serviced by District and Day<sup>1</sup>**

<b>District</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Thursday</b>	<b>Friday</b>
1	11,533	11,544	12,672	11,557
2	14,056	13,370	12,445	14,478
3	9,982	9,705	9,358	9,831
4	16,358	15,197	14,960	13,993
5	11,559	11,582	12,758	11,985
<b>Total</b>	<b>63,488</b>	<b>61,398</b>	<b>62,193</b>	<b>61,844</b>
<b>Percentage</b>	<b>25.5%</b>	<b>24.7%</b>	<b>25.0%</b>	<b>24.8%</b>

1. Household counts by district represent most recent data as of November 4, 2021, does not represent average annual figures and is subject to change based on typical customer fluctuations.

The number of customers serviced is evenly distributed between the collection days at about 25 percent of total customers serviced each day. Although the number of customers serviced are fairly balanced between the collection days, the City struggles to complete routes during surges of material or labor shortage in certain areas of the City because collections in the alley are not distributed among the districts consistently.

## Routes

The City currently operates daily refuse and recycling routes to meet the needs of the all the residential customers. Route efficiency is based on, but is not limited to, the following:

- **Collection efficiency.** Collection efficiency is the rate that collection vehicles can service customers and is determined by the time it takes for vehicles to drive from the prior set out to the next set out, service the cart, and place the cart back at the set out location. Collection or



management of material requiring the vehicle operator to exit the vehicle (e.g., bags set outside or on top of cart) reduces collection efficiency.

- **Set out rate.** The set out rate represents the total expected cart set outs on a given week. Lower participation causes collection efficiency to decrease when collection vehicles' time spent on routes result in fewer households serviced; however, there are fewer carts requiring service per and therefore a need for fewer routes. Refuse carts typically have a higher set out rate compared to recycling. Set out rate is a key metric related to collection efficiency and is an indicator of customer behavior related to the volume of recycling generated and the level of contamination present.
- **Non-collection time.** Non-collection time includes the time it takes to prepare for route such as pre-trip inspection, morning meetings, and travel time to route, as well as travel time to/from the disposal or processing facility, lunch breaks, post trip inspection and fueling. Non-collection time effects how long vehicles can be on-route throughout the day.
- **Vehicle type and operating personnel.** There are multiple configurations of vehicle types and personnel operating that service refuse and recycling routes and various collection environments. ASL collection vehicles have one driver and operator, where SA vehicles have one driver and typically two laborers.
- **Collection environment.** The collection environment on routes including traffic conditions, construction, physical constraints (e.g., overhanging limbs, power lines, alley ruts/ditches, sunken curbs), inaccessible set outs (e.g., parked cars), and weather conditions impact route efficiency. Challenging collection environments such as dead ends, cul-de-sacs, and narrow alleyways as well as congested traffic patterns cause vehicle operators to spend more time servicing set outs and ultimately decreases route efficiency.

Table D-5 and Table D-6 show the number of daily refuse and recycling routes deployed by district and day.

**Table D-5: Daily Refuse Routes by District and Day**

<b>District</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Total</b>
1	14	14	15	14	<b>57</b>
2	16	15	16	17	<b>64</b>
3	15	14	12	13	<b>54</b>
4	19	19	19	19	<b>76</b>
5	16	17	17	15	<b>65</b>
<b>Total</b>	<b>80</b>	<b>79</b>	<b>79</b>	<b>78</b>	<b>316</b>
<b>Percentage</b>	<b>25.3%</b>	<b>25.0%</b>	<b>25.0%</b>	<b>24.7%</b>	

1. Daily route counts by district represent most recent data as of November 4, 2021, include routes of all vehicle types and are subject to change based on pending re-routing and daily operational needs.

**Table D-6: Daily Recycling Routes by District and Day**

<b>District</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Total</b>
1	6	7	8	6	27
2	8	8	8	8	32
3	11	11	10	11	43
4	16	16	16	14	62
5	9	8	8	11	36
<b>Total</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>200</b>
<b>Percentage</b>	<b>25.0%</b>	<b>25.0%</b>	<b>25.0%</b>	<b>25.0%</b>	

- Daily route counts by district represent most recent data as of November 4, 2021, include routes of all vehicle types and are subject to change based on pending re-routing and daily operational needs.

The number of routes run is evenly distributed between the collection days at approximately 25 percent of total routes run each day. Although the number of routes is fairly balanced between the collection days, there are 116 fewer recycling routes than refuse routes because the recycling program is voluntary, the set out rate is less than refuse, and less material is generated so there are fewer required trips to the transfer station and/or MRF.

As of the writing of the LSWMP Update, the City is in the process of re-routing refuse and recycling collection routes to minimize the number of mixed alley and curbside routes and increase the efficiency of the program. Additionally, the City is implementing on-board technology that would allow for vehicles to be re-routed mid route on an as needed basis. This should provide the flexibility to pull certain equipment on or off routes to support other routes that encounter challenges (e.g., vehicle breakdowns, physical constraints, etc.).

### Alley Collection

Collecting a high percentage of households in the alley decreases refuse and recycling collection efficiency and accelerates wear and tear on both vehicles and alleys. Figure D-4 provides examples of cart collection in alleys from an ASL collection vehicle (left) and a SA collection vehicle (right).

**Figure D-4: ASL and SA Alley Collection**

Table D-7 show the number of residential customers by Sanitation Department district, including the percentage of customers collected in alleys.

**Table D-7: Alley and Curbside Refuse Customers by District**

<b>District</b>	<b>Alley Customers</b>	<b>Percent Alley</b>	<b>Curbside Customers</b>	<b>Percent Curbside</b>	<b>Total</b>
1	4,269	8.9%	43,747	91.1%	48,016
2	14,802	27.2%	39,671	72.8%	54,473
3	24,890	64.9%	13,460	35.1%	38,350
4	39,018	64.1%	21,808	35.9%	60,826
5	17,440	36.4%	30,534	63.6%	47,974
<b>Total</b>	<b>100,419</b>	<b>40.2%</b>	<b>149,220</b>	<b>59.8%</b>	<b>249,639</b>

1. Alley and curbside refuse customer counts by district represent most recent data as of November 4, 2021, does not represent average annual figures and is subject to change based on pending re-routing and daily operational needs

District 1 has the least amount of alley collection customers and delivers the majority of material collected directly to the Landfill. Based on discussions with City staff, the City is in the process of adjusting routes so that District 1 only contains curbside only routes. District 3 and District 4 have the highest number of alley customers and deliver material primarily to Bachman and Fair Oaks transfer stations. While these transfer stations have the capacity to process materials collected from District 3 and District 4, the high number of alley set outs make it challenging to anticipate when vehicles will complete routes and arrive at transfer stations, particularly during surges in material generation. Clear and frequent communication between collection operations and transfer station operations is critically important to optimize the capacity of the transfer stations.

The following provides brief descriptions of the key impacts that collecting carts in alleys has on collection efficiency.

- **Size of vehicle.** In order to collect in the City's narrow alleys, the vehicles are smaller with less hauling capacity. The City primarily operates 20 or 22 CY capacity ASL collection vehicles to service alley set outs since the larger 28 CY capacity collection vehicles are too large to travel down some of the City's alleys. Routes that contain alleys require smaller vehicles and are not able to collect as much material before traveling to the transfer station, Landfill or MRF to tip material, reducing the route efficiency.
- **Size of alleys.** The size of the City's alleys widely varies depending on surface conditions, vegetation, and powerlines. In narrower alleys with protruding trees and vegetation, collection can take considerably longer than on the street, especially in those alleys where the surface conditions are also poor. Low hanging power and cable lines may obstruct trucks from passing through an alley and also present a safety concern to drivers. Damage to the alleys or collection vehicles causes the City's maintenance costs to rise.
- **Less space for carts.** For ASL collection vehicles, carts should be placed at least three to five feet apart to allow adequate clearance for the collection arm. The City directs residents to place roll carts facing the point of collection with three feet of space on all sides. In many alleys, the space constraints often result in little or no space between the carts. The driver needs to either get out of the vehicle to maneuver the carts or spend additional time guiding the arm to collect the carts. Additionally, fences, utilities lines, gas meters, etc. often interfere with the collection arm on ASL collection vehicles.
- **Checking carts.** For households collected in the street, residents must place their cart at the curb for their collection day and retrieve it afterward. Therefore, it is easy for a driver to determine which carts need to be collected. In areas where the recycling participation is lower, there are few recycling carts on the street and therefore the driver can focus on those carts that have been set at the curb for collection. In the alleys, most customers store carts in the same place where they are collected. Consequently, ASL collection vehicles must service every cart, even though many may be empty, and semi-automated rear-load crews have to manually check every cart before collection, decreasing collection efficiency.
- **Equipment type.** ASL collection vehicles collecting material in the alleys can only collect one side of the alley at a time, and there is less space for carts making ASL collection vehicles less efficient in the alleys.

The inefficiencies associated with servicing high numbers of customers in the alleys causes challenges for collection crews to complete routes in certain districts or days of the week. When this occurs, routes may not be completed until the following day causing the collection operation to fall behind schedule. These challenges are compounded when the demand of brush and bulky item collection requires refuse and recycling collection staff to help across the operation. Additionally, when refuse and recycling collections fall behind it becomes harder to predict when vehicles will complete routes and when inbound tonnage to the transfer stations will arrive at the transfer stations.

One of the key challenges of the refuse and recycling collection operation is that some routes service both alley and curbside set outs where other routes are only curbside. When ASL collection vehicles are required to collect both curbside and alley set outs on a single route, the City must use smaller collection vehicles that cannot haul as much and will have to stop collecting to dispose material at a transfer station, Landfill or MRF sooner than a larger vehicle would; however, larger vehicles may not be able to collect portions of the route with alleys due to physical constraints and challenging collection environments.

Although the City has previously evaluated the positive impact of minimizing the number of routes mixed between curbside and alley collection and should continue to minimize the number of mixed routes, service at the curb presents its own set of challenges for certain housing types. Street parking and challenging collection environments are physical constraints that minimize efficiency and safety, while increasing the risk of property damage in some areas of the City.

## Equipment

Refuse and recycling collection operations utilize the following vehicles provided with technical descriptions:

- **Automated Side Load (ASL).** ASL collection vehicles operate an automated arm to tip material into the body of the truck for compaction. A one-man crew is able to operate the vehicle and collection arm. The City owns ASLs with 20, 22, 26 and 30 CY of capacity that can collect between six to eight tons of refuse before disposing. The 26 and 30 CY ASL collection vehicles were recently added to the vehicle fleet. The smaller 20 and 22 CY models are able to navigate certain collection environments that 26 and 30 CY models cannot; however, smaller body models cannot hold as much material and are required to leave routes to dispose of collected material sooner than the larger body models. The larger 30 CY model is primarily used for curbside collection and the 20 CY model is used for both curbside and alley collection of both refuse and recycling. Figure D-5 shows an ASL collecting a residential refuse cart.

**Figure D-5: Automated Side Load Collection Vehicle**

**Semi-Automated Rear Load (SA).** SA collection vehicles have a cart-tipper located at the rear of the vehicle that is operated by laborers. The laborers must roll carts to the back of the vehicle and initiate the tipper to load material in the truck for compaction. The City owns 20 CY SA collection vehicles that can collect between eight to ten tons of refuse before disposing. Historically, the City deployed SA collection vehicles for recycling routes so laborers could visually inspect carts for high levels of contamination and result in hauling less tonnage of material on average. SA collection vehicles have the advantage of laborers to roll carts to the vehicle to collect material that an ASLs grapple arm would not be able to access. Additionally, SA vehicles are able to collect material from alleys in one pass since laborers can roll carts from both sides to the vehicle. Conversely, a large portion of the City's SA collection vehicles (and a few ASL collection vehicles) are CNG vehicles and may contain fuel tanks that cause challenges maneuvering in confined spaces. Figure D-6 shows a SA vehicle being loaded by laborers.

**Figure D-6: Semi-Automated Rear Load Collection Vehicle**

**Alley Cat (AC).** AC are semi-automated rear loading compaction vehicles with 11 CY of capacity. The smaller design allows these vehicles to collect in tighter spaces and provide service in areas that may be

inaccessible to larger vehicles. Similar to the 20 CY ASL model, ACs cannot hold as much material and are required to leave routes to dispose of collected material sooner than larger collection equipment. Figure D-7 shows an AC vehicle for example purposes only, and the vehicle shown is not owned by the City.

**Figure D-7: Alley Cat Collection Vehicle**



**PUP.** PUP vehicles are modified pickup trucks with a small collection body that can be used for missed collection and collecting from private residences with long driveways. The City provides Packout service where customers can provide a signed agreement to allow the Sanitation Department to enter private property that is not immediately adjacent to a location accessible to the standard collection vehicle and collect refuse and/or recycling materials. Figure D-8 shows a PUP collection vehicle.

**Figure D-8: PUP Collection Vehicle**



Table D-8 presents the City's inventory of collection vehicles including the number of front line, backup, and backup ratio.

**Table D-8: Frontline and Backup Collection Vehicles**

<b>Vehicle Type</b>	<b>Collection Vehicles<sup>1</sup></b>	<b>Front Line<sup>2</sup></b>	<b>Backup</b>	<b>Backup Ratio<sup>3</sup></b>
ASL	84	51	33	39.3%
SA	91	67	24	26.4%
AC	14	12	2	14.3%
PUP	2	1	1	50.0%
<b>Total</b>	<b>191</b>	<b>131</b>	<b>60</b>	<b>31.4%</b>

1. Total collection vehicles by type represents vehicle inventory data as of November 16, 2021.
2. Frontline vehicles include all vehicle types and sizes used to service the total daily refuse and recycling routes as of December 10, 2021. Number of daily routes frontline vehicles, and total collection vehicles are subject to change based on pending re-routing and equipment availability.
3. Backup ratio is calculated by dividing the number of backup vehicles by the total collection vehicles.

The backup ratio of vehicles ranges between 26.4 percent and 39.3 percent for ASL, SA and AC vehicles. The backup ratio for SA vehicles is within the typical recommended industry average range of 20 to 25 percent; however, the backup ratio for ASL collection vehicles is higher than the recommended industry average range. Table D-9 shows the breakdown of required collection equipment based on the average utilization of each vehicle type to service the current number of daily refuse and recycling routes.

**Table D-9: Required Daily Collection Equipment by Vehicle Type**

<b>Vehicle Type</b>	<b>% Refuse Routes<sup>1</sup></b>	<b>Required Refuse Vehicles<sup>2</sup></b>	<b>% Recycling Routes<sup>3</sup></b>	<b>Required Recycling Vehicles<sup>4</sup></b>	<b>Total</b>
ASL	60.8%	48.0	13.0%	6.5	54.5
SA	34.2%	27.0	79.0%	39.5	66.5
AC	4.7%	3.7	7.5%	3.75	7.5
PUP	0.3%	0.2	0.5%	0.25	0.5
<b>Total</b>	<b>100.0%</b>	<b>79.0</b>	<b>100.0%</b>	<b>50.0</b>	<b>129.0</b>

1. Percent refuse routes indicates the percentage of daily refuse routes serviced by each vehicle type as of November 4, 2021.
2. Required refuse vehicles is calculated by multiplying the percent refuse routes by the average daily refuse routes (reference Table D-5)
3. Percent recycling routes indicates the percentage of daily refuse routes serviced by each vehicle type as of November 4, 2021.
4. Required recycling vehicles is calculated by multiplying the percent refuse routes by the average daily refuse routes (reference Table D-6)

Based on the number of current frontline vehicles and required number of each vehicle type to service the current route configuration, the City has sufficient number of frontline equipment to support current



services and has a backup ratio within or exceeding the industry standard range of 20 to 25 percent for each vehicle type.

### Equipment Fueling

The City's collection vehicles run on both diesel and CNG. Table D-10 shows the number of vehicles by fuel type.

**Table D-10: Collection Vehicles by Fuel Type**

<b>Vehicle Type</b>	<b>Diesel</b>	<b>CNG</b>	<b>Total</b>
ASL	82	2	84
SA	48	43	91
AC	14	0	14
PUP	2	0	2
<b>Total</b>	<b>146</b>	<b>45</b>	<b>191</b>

Based on discussions with City staff, the tank size on the older vehicles has limited the distance they can travel; however, newer trucks have larger tanks that eliminate this limitation. The older SA CNG vehicles were conversions and have increased maintenance requirements as compared to the newer CNG vehicles, which were built for CNG fuels versus conversions from diesel. Newer CNG vehicles have improved technology and reliability and do not have the same challenges as the older vehicles with CNG retrofits.

Collection vehicles are stored at truck yards at the sanitation district operations centers among the City. Each sanitation district has a dedicated operations center that contains a diesel fueling station. District 3 and District 4 operations centers are co-located and contains the City's CNG fueling station. Table D-11 shows the number of collection vehicles stored at each sanitation district operation center.

**Table D-11: Collection Vehicle Storage Locations<sup>1</sup>**

<b>Vehicle Type</b>	<b>District 1</b>	<b>District 2</b>	<b>District 3/4<sup>1</sup></b>	<b>District 5</b>	<b>Total</b>
ASL	24	20	25	15	84
SA	9	16	44	22	91
AC	0	0	13	1	14
PUP	0	0	2	0	2
<b>Total</b>	<b>33</b>	<b>36</b>	<b>84</b>	<b>38</b>	<b>191</b>
<b>Percentage</b>	<b>17%</b>	<b>19%</b>	<b>44%</b>	<b>20%</b>	<b>100%</b>

1. Collection vehicles by storage location represents data as of November 16, 2021.
2. District 3 and District 4 are shown on a combined basis because they are co-located.

### 9.1.1.2 Equipment Maintenance

The majority of collection equipment is maintained by the City's Equipment and Fleet Maintenance (EFM) department. Outside of personnel costs, vehicle maintenance represents the largest operating expenses for the Sanitation Department's collection operations. Table D-12 presents the average age and cost by equipment type for front line collection vehicles.

**Table D-12: Average Age and Cost by Vehicle Type**

<b>Vehicle Type</b>	<b>Average Age<sup>1</sup></b>
ASL	4.4
SA	4.8
AC	2.5
PUP	5.0

1. Represents average age of all collection vehicles in City inventory as of November 16, 2021

The average age of frontline ASL, SA and AC vehicles range between 2.5 and 4.8 years depending on the vehicle type. The average age of all ASL, SA, and AC vehicles (including frontline and backup) ranges between 4.4 and 4.8 years. This age range is within the expected five to seven year useful life of these vehicles. This indicates vehicles are being replaced in a timely fashion; however, based on conversations with City staff, equipment maintenance is behind on the life cycle repairs for equipment and the City is considering transitioning to a five-year replacement cycle on ASL vehicles. Collection vehicles operating in the alleys require more maintenance and sustain more damage than other vehicles in the City's fleet.

There are sufficient backup vehicles to support collection operations, but there are challenges coordinating with EFM to maintain vehicle availability and the backup ratio is shown to be higher than industry average. A high backup ratio indicates that the City may need to adjust the purchasing frequency of certain types of vehicles to minimize the ownership of unused equipment that requires storing. To proactively minimize the need for maintenance and ensure that repairs are completed in a timely manner, collection operations must ensure that the correct equipment is deployed based on the route's collection environment (e.g., alley, curbside) and collection vehicle operators are not required to "overpack" trucks in an attempt to complete routes using smaller capacity vehicles. When there are delays in vehicle maintenance and repair that limit availability of specific types of vehicles, it creates challenges optimizing the collection operation, particularly during times when volumes are surging.

## Cart Management

This section provides a description of the City's cart management including the resources deployed to provide this service. City staff provides cart maintenance, repair, collection, delivery and inventory management for refuse and recycling carts. Approximately 80 percent of carts are managed and stored at the special services building and the additional 20 percent of cart inventory is stored at Bachman.

Cart management is a critical part of providing refuse and recycling collection service and consists of cart collection/delivery, assembly, repair, maintenance, cleaning, and inventorying. The capability to provide this service in-house allows the City to be responsive to customer service requests as it relates to requesting or removing carts, since they do not have to work with a third party to respond to these requests.

If the City has challenges maintaining staff or equipment related to cart management, hiring a third party could be considered to allow for increased responsiveness to cart management requests, but would come at a cost of paying the third party for service. Some other cities in the region outsource the management of carts to a third-party vendors either by contracting directly with the cart vendor or hiring an outside group to provide maintenance, repair, collection and delivery only.

## Staffing Requirements

This section describes the refuse and recycling collection system staffing and estimates the required staffing levels of supervisors and collection operators to identify if the current staffing levels are sufficient to maximize the efficiency of the refuse and recycling collection system. Table D-13 shows the current staffing for the refuse and recycling collection operation.

**Table D-13: Current Collection Operations Staffing<sup>1</sup>**

<b>Title/Job Function</b>	<b>FTE Positions Filled</b>	<b>FTE Positions Vacant</b>	<b>Role</b>
Manager	5	0	Supervisory position that manages collection operations and business planning.
Supervisor	16	0	Supervisory position that manages collection operations both district-wide and on a route-by-route basis.
Truck Driver	154	11	Position that operates collection vehicles including ASLs, SA, AC or PUP trucks.
Contract Laborer <sup>1</sup>	164	0	Contract labor that supports collection operations including operating SA collection vehicles.
<b>Total Staff</b>	<b>339</b>	<b>11</b>	

1. FTE Managers, Supervisors and Truck Drivers are based on organizational charts provided as of August 8, 2020.
2. FTE contract laborers calculated based on FY 2020 contract labor costs for refuse and recycling service.

The refuse and recycling collection operation is split among the five collection districts, which operate independently. Table D-14 shows the total number of FTEs among each of the collection districts

**Table D-14: Current Collection Operations Staffing by District<sup>1</sup>**

<b>Title/Job Function</b>	<b>District 1</b>	<b>District 2</b>	<b>District 3</b>	<b>District 4</b>	<b>District 5</b>	<b>Total</b>
Manager	1	1	1	1	1	5
Supervisor	3	3	3	4	3	16
Truck Driver	27	28	30	39	30	154
<b>Total</b>	<b>31</b>	<b>32</b>	<b>34</b>	<b>44</b>	<b>34</b>	<b>175</b>

1. Contract laborers not shown by district because they may shift among districts on an as-needed basis

To effectively operate the collection system, there needs to be a sufficient number of district and route supervisors. Table D-15 shows the number of supervisor staffing demand based on the average daily number of refuse and recycling routes run.

**Table D-15: Supervisor Staffing**

<b>Material Type</b>	<b>Average Daily Routes<sup>1</sup></b>	<b>Supervisor Demand<sup>1</sup></b>	<b>FTE Supervisors</b>
Refuse	79.0	7.9	10
Recycling	50.0	5.0	6
<b>Total</b>	<b>129.0</b>	<b>12.9</b>	<b>16</b>

1. Reference Table D-5 and Table D-6.
2. Industry standard suggests one route supervisors per ten routes is sufficient to support operations.

Based on the current number of average daily routes, the number of current FTE supervisors is sufficient to manage the collection system.

Table D-16 shows the total number of crew members required by each vehicle type to operate the various types of collection vehicles in the City's fleet.

**Table D-16: Crew Structure by Collection Vehicle Type**

<b>Crew Structure</b>	<b>ASL</b>	<b>SA</b>	<b>AC</b>
Driver	1	1	1
Contract Labor	0	2	2
<b>Total</b>	<b>1</b>	<b>3</b>	<b>3</b>

Table D-17 present the required collection staff to operate the current number of refuse and recycling collection routes multiplying the number of each type of personnel required to operate each equipment type by the minimum number of equipment required to service the current routes.

**Table D-17: Required Equipment Operating Staff by Vehicle Type**

<b>Description</b>	<b>ASL</b>	<b>SA</b>	<b>AC</b>
Daily Routes <sup>1</sup>	55	67	7
Drivers	55	67	7
Contract Labor	0	133	15
<b>Subtotal</b>	<b>55</b>	<b>200</b>	<b>22</b>
Backup <sup>2</sup>	20%	20%	20%
<b>Total</b>	<b>65</b>	<b>239</b>	<b>27</b>

1. Required equipment by vehicle type presented in Table D-9.
2. 20 percent backup is included to account for PTO, sick leave and unexpected absences.

Based on the required staffing, there is sufficient number of FTEs to provide refuse and recycling collection service. However, based on discussions with staff collection operators work a high number of overtime hours because staff are asked to support other parts of the operations (e.g., brush and bulky item collection on Wednesdays and Saturdays). Even with a sufficient number of FTEs, there is still a strain on staffing

across the collection system due to this need, particularly when there are surges in material or challenges securing contract labor.

### Customer Service

The City provides customer service through the 3-1-1 program. Table D-18 shows the number of complaints related to refuse and recycling were addressed in FY 2020.

**Table D-18: FY 2020 Total Service Resolutions by Sanitation District<sup>1</sup>**

District	Refuse	Recycling
1	10,039	2,606
2	16,008	5,584
3	7,708	5,660
4	7,806	3,647
5	5,319	2,508
<b>Total</b>	<b>46,880</b>	<b>20,005</b>

Although it may seem that the combined total of about 67,000 annual customer service is high, it represents a relatively high service success rate provided to customers on an annual basis. Table D-19 shows the services success rate in FY 2020.

**Table D-19: FY 2020 Service Resolutions per Service Opportunity**

Description	Refuse	Recycling
Customers	249,639	248,923
Services Opportunities per year <sup>1</sup>	12,981,228	12,943,996
Service Resolutions	46,880	20,005
<b>Service Success Rate<sup>2</sup></b>	<b>99.6%</b>	<b>99.8%</b>

1. Calculated by multiplying the number of customers by 52 weeks per year since residents receive once a week collection.
2. Service success rate represents the percentage of customers serviced annually that do not require any ticket resolutions calculated by dividing the service resolutions by the service opportunities and subtracting from 100%.

When put into this context, the City's service success rate indicates that refuse and recycling collection operations successfully service 99.6 percent of refuse customers and 99.8 of recycling customers without need for service resolutions.

## APPENDIX E - LANDFILL OPERATION EVALUATION

This section describes the evaluation methodology, overviews the Landfill facility operation and identifies operational challenges.

### Methodology

As part of the LSWMP Update, a full working day of operations were observed at the Landfill on April 27 and 28, 2021 (Landfill Site Visit). Operational activities reviewed included, but were not limited to:

- General operations and procedures
- Facility opening and closing
- Waste flow and traffic control
- Staffing levels
- Equipment types and maintenance
- Site development progress
- Leachate collection systems
- Gas collection and control system (GCCS)
- Stormwater management

Additionally, discussions were held with various members of management and staff to discuss ongoing operations and collect data which is incorporated in this section. Based on the Landfill Site Visit and data analysis, the following provides a detailed overview of the Landfill operations and describes current challenges to inform the development of options for the City's consideration.

### Landfill Operation Overview

The Landfill manages high tonnage and volume of daily customers. The City owns and operates the Landfill, located at 5100 Youngblood Road just north of the intersection of Interstates 45 and 20. The Landfill is open to customers from 5:00 am to 8:00 pm Monday through Friday and 6:00 am to 4:00 pm on Saturday; however, the facility is permitted to operate 24 hours per day. Table E-1 provides the permits and registrations that have been issued by the TCEQ or are currently pending.

**Table E-1: Regulatory Operating Licenses Issued by TCEQ**

Number	Type	Description
62	Permit	Type I MSW Disposal
6200461	Registration	Tires Registration
TXR05DF34	Permit	Stormwater
74705	Permit	Title V Air Operating Permit
165313 (Pending)	Registration	Air New Source Registration
4327 (Pending)	Permit	Air Operating Permit

The Landfill has a permitted boundary of 965 acres with a waste disposal footprint of 877 acres. There is approximately 70,713,556 cubic yards remaining of the originally designed capacity 155,901,455CY including both constructed and unconstructed areas of the Landfill (excluding final cover) based on the most recent airspace analysis conducted October 2021. Constructed and open cells are identified on Figure E-1 and constructed cells contain intermediate cover. For future cells 7A through 15 (also identified on Figure E-1), there is an additional approximately 48,324,410 CY of available airspace (excluding final cover).

**Figure E-1: Currently Constructed and Planned Landfill Cells**



At the time of the Landfill Site Visit, waste filling was occurring in cell 6B2 along the southeast border of the waste disposal footprint and based on discussion with City staff will continue north as part of the fill plan. The areas identified as MRF 1 and MRF 2 indicate the location of the existing MRF land designated for future expansion. These parcels were initially part of the Landfill footprint and were adjusted as part of a permit modification. The equivalent amount of airspace was added to the current permit capacity in an airspace swap, so there was no effective change to the permitted airspace.

The Landfill accepts and processes an average of 6,400 tons of waste per day during a six-day work week and processes a range of 1,400 to 1,600 loads per day, many of which come from small haulers who need to manually unload. Table E-2 shows the reported tonnage accepted and disposed at the Landfill between fiscal years (FY) 2010 and 2020 (beginning October 1 and ending September 30), the annual airspace consumed, airspace utilization factor (AUF), and the annual remaining airspace. In addition, the 2011 LSWMP disposal projections are provided as a comparison to projected and actual tons received at the Landfill.

**Table E-2: Historical Annual Disposal Tons, Airspace Consumed and Remaining Airspace**

<b>Fiscal Year</b>	<b>2011 LSWMP Disposal Projections (Tons)<sup>1</sup></b>	<b>Reported Disposal (Tons)<sup>2</sup></b>	<b>Airspace Consumed (CY)<sup>3</sup></b>	<b>AUF (lbs/CY)<sup>4</sup></b>	<b>Remaining Airspace (CY)<sup>5</sup></b>
2010	1,362,422	1,362,266	1,970,242	1,383	99,810,182
2011	1,373,629	1,355,411	1,658,908	1,634	98,151,274
2012	1,384,836	1,419,508	1,284,718	2,210	96,866,556
2013	1,396,043	1,461,947	2,097,483	1,394	94,769,073
2014	1,407,250	1,872,789	2,647,052	1,415	92,122,021
2015	1,418,457	1,707,183	2,071,824	1,648	90,050,197
2016	1,429,671	2,138,532	2,595,306	1,648	87,454,891
2017 <sup>6</sup>	1,440,974	1,887,251	6,758,328	558	80,696,563
2018	1,452,366	1,797,349	1,587,236	2,265	79,109,327
2019	1,463,848	1,782,700	2,139,568	1,666	76,969,759
2020	1,475,421	1,617,121	2,105,291	1,600	74,864,468
2021		1,618,387	3,504,571	1,469	71,359,897

1. The 2011 LSWMP Waste Quantity Projections Technical Memo estimates the Landfill reaching capacity in the year 2053 assuming all the waste currently going to the Landfill will continue based on only the current users of the facility. The basis for the tonnage growth projections in the 2011 LSWMP is population growth.
2. Tons disposed are based on annual reports submitted to TCEQ.
3. Annual airspace consumed is calculated based on the reported airspace utilization factor reported annually to TCEQ.
4. AUF is calculated by dividing the reported disposal by the consumed airspace annually.
5. Remaining airspace is based on annual reports submitted to TCEQ

Pricing has a big impact on the volume of tonnage that is disposed at the Landfill. The City began raising prices for disposal to be more in line with other facilities in the region in 2018. Table E-3 shows this historical gate rate for the Landfill between 2015 and 2021.

**Table E-3: Historical Landfill Gate Rate**

<b>Fiscal Year</b>	<b>Gate Rate</b>	<b>Dollar Change</b>	<b>Percent Change</b>
2015	\$21.50	\$0.00	0.0%
2016	\$21.50	\$0.00	0.0%
2017	\$25.00	\$3.50	16.3%
2018	\$25.00	\$0.00	0.0%
2019	\$26.25	\$1.25	5.0%
2020	\$28.50	\$2.25	8.6%
2021	\$34.20	\$5.70	20.0%
2022	\$34.88	\$0.68	2.0%

The City allows higher volume customers to receive a discount relative to the gate rate (currently \$34.88 per ton) based on the guaranteed annual tons and the length of commitment. Once the discounted rate is established, it increases each year of the contract based on a Consumer Price Index (CPI) adjustment. Table E-4 presents the Landfill discount matrix.

**Table E-4: Landfill Discount Matrix**

<b>Guaranteed Annual Tons</b>		<b>Discount from Gate Rate</b>		
<b>From</b>	<b>To</b>	<b>1 or 2 Year Contract Term</b>	<b>3 or 4 Year Contract Term</b>	<b>5 Year Contract Term</b>
5,000	9,999	12.28%	13.60%	14.88%
10,000	49,999	17.81%	19.72%	21.58%
50,000	74,999	20.65%	23.55%	29.23%
75,000	99,999	21.58%	25.46%	33.06%
100,000	124,999	22.62%	27.32%	36.83%
125,000	149,999	22.85%	27.78%	37.87%
150,000	199,999	22.97%	28.13%	38.45%
200,000	No maximum	23.20%	28.65%	39.38%

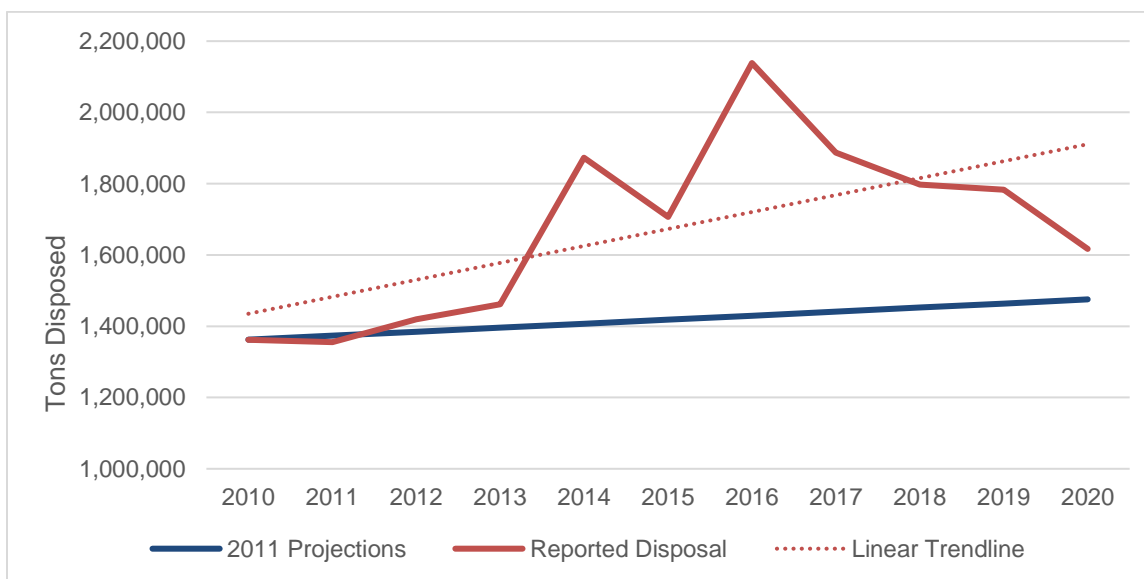
The closure and post-closure care of the Landfill is subject to the requirements of Subtitle D of the Resource Conservation and Recovery Act (P.L. 94-580) and Sections 330.250-256 of Title 30 of the Texas

Administrative Code administered by the TCEQ. These regulations require the City to place a final cover on each cell of the Landfill when it ceases to accept waste and perform certain maintenance and monitoring functions for thirty years after the closure of each cell. Because final contours have not been achieved, the City has not yet initiated closure of any of this landfill or incurred closure expenses. Based on the City's 2020 Comprehensive Annual Financial Report (CAFR), the total long-term liability is estimated at \$42.8 million for closure/post-closure care.

### Comparison of 2011 LSWMP to Actual Disposal Rates

Between FY 2010 and 2020 about 2.8 million tons were disposed above the projections provided as part of the 2011 LSWMP (15.6 million projected tons versus 18.4 million reported disposal tons). Figure E-2 shows the annual disposal projections from the 2011 LSWMP, historical tonnage disposed at the Landfill over the past ten years, and the linear trendline demonstrating the year-over-year actual growth of 1.73 percent.

**Figure E-2: Historical Landfill Disposal Tons**



The 2011 LSWMP projected there would be 79,459,156 CY of remaining airspace in 2020; however, the actual available airspace of the Landfill in 2020 is 74,864,468 CY, about 4.5 million CY less than projected. Additionally, the 2011 LSWMP estimated that the Landfill would reach capacity in 2053<sup>110</sup>. Based on the most recent annual report submitted to TCEQ, the Landfill is currently projected to reach capacity in 2055.

<sup>110</sup> The 2011 LSWMP Waste Quantity Projections Technical Memo estimates the Landfill reaching capacity in the year 2053 assuming all the waste currently going to the Landfill will continue based on only the current users of the facility.

## Airspace Utilization Factor

The Landfill's AUF is key to understanding how well waste disposal is being managed to conserve airspace and is a critical component of projecting remaining Landfill life and planning for future cell constructions and closures. The AUF is a measure of the total airspace consumed by the tonnage of waste disposed. To calculate the AUF, the following information is required:

- Tonnage of the waste disposed in the Landfill during a period of time
- Airspace utilized in cubic yards during the same period of time

The AUF is calculated by the following equation:

$$AUF \left( \frac{\text{pounds}}{\text{CY}} \right) = \frac{\text{Waste Disposed (tons)} \times 2,000 \frac{\text{pounds}}{\text{ton}}}{\text{Total Airspace Consumed (CY)}}$$

The average historic annual AUF based on the data reported to TCEQ between 2010 and 2020 is about 1,600 pounds per cubic yard (lbs/CY). Based on industry experience, an AUF of greater than 1,400 lbs/CY is achievable if the staffing and equipment is deployed strategically. The City is currently exceeding this based on calculations. Cover soil is excavated from the levee surrounding the east side of the Landfill adjacent to the Trinity River as part of an ongoing floodplain project. Although operations are able to achieve economies of scale to minimize the amount of soil used for cover, staff indicated during the Landfill Site Visit that soil usage ranges between 15 and 30 percent of the disposed material, including 18 inches of intermediate cover. Using soil at a rate of 15 to 20 percent of material disposed is more typical for a facility of this size; however, the City is able to mitigate litter, erosion and fugitive emissions with the application of 18 inches of intermediate cover.

## Staffing

This section describes the Landfill required staffing levels, vacancies, training, and safety considerations. Staff operate two shifts from (1) 3:30 am to 3:00 pm and (2) 10:30 am to close on a four days per week 10 hours per day schedule. Table E-5 shows the current staffing for the Landfill management and operations staff involved in the direct operations of the Landfill (e.g., environmental coordinators, hazardous waste inspectors, and office assistance are not included).

**Table E-5: Current Staffing for Landfill Management and Operations**

<b>Title/Job Function</b>	<b>FTE Positions Filled</b>	<b>FTE Positions Vacant</b>	<b>Role</b>
Manager	2	0	Supervisory position that manages Landfill operations, scalehouse operations, and Landfill business planning.
Supervisor	3	0	Supervisory position that manages Landfill operations, scalehouse operations, and Landfill business planning.
Crew Leader	3	0	Supervisory role managing equipment operators.
Equipment Operator	33	14	Position that executes working face operations (spreading, compacting and covering waste), hauling of daily cover soils, erosion control, and road maintenance.
Laborer	17	3	Position that supports Landfill operations including directing vehicle traffic and collecting windblown litter.
Customer Service Representative (CSR)	8	4	Position that executes operations at the scalehouses.
<b>Total Landfill Staff</b>	<b>66</b>	<b>21</b>	

Based on the current number of management and operations positions filled and current vacancies, there is a 24 percent vacancy rate. During the Landfill Site Visit supervisors indicated that they often fill in or support equipment operations when operations are short staffed. Overtime costs are estimated to be about 20-30 percent of annual operating costs and may be attributed to the high vacancy rate.

Table E-6 estimates the number of equipment operators required to meet the observed operations at the Landfill.

**Table E-6: Required Equipment Operator Daily Staff Hours**

<b>Working Day</b>	<b>Receiving Hours<sup>1</sup></b>	<b>Operators During Receiving Hours<sup>2</sup></b>	<b>Non-Receiving Hours<sup>3</sup></b>	<b>Operators During Non-Receiving Hours<sup>4</sup></b>	<b>Daily Staffing Hours</b>
Monday	14	13	3	3	191
Tuesday	14	13	3	3	191
Wednesday	14	13	3	3	191
Thursday	14	13	3	3	191
Friday	14	13	3	3	191
Saturday	9	13	3	3	126
<b>Total</b>	<b>79</b>		<b>18</b>		<b>1,081</b>

1. Receiving hours are based on the time that the Landfill is open to receiving waste from customers between 5:00 am and 8:00 pm Monday through Friday and 6:00 am to 4:00 pm on Saturday, less an hour for lunch break, for a total of 79 hours per week.
2. The number of operators required during receiving hours is based on the minimum requirements per the Site Operating Plan of running three compactors, three dozers, three dump trucks, two scrapers, motor grader, and excavator, assuming that no additional personnel is required to operate the tipper or motor grader.
3. Non-receiving hours are based on staff arriving to the Landfill 1.5 hours before the facility begins receiving waste and 1.5 hours after closing.
4. The number of operators required during non-receiving hours is based on the minimum requirement of running two dozers and the hydro seeder.

Table E-7 calculates the required equipment operator staffing based on the total daily staff hours required to operate the Landfill.

**Table E-7: Required Equipment Operator Staffing**

<b>Description</b>	<b>Person-Hours Required per Week</b>
Staff Hours <sup>1</sup>	1,081
Back-up <sup>2</sup>	216
Total Required Staff Hours	1,297
Required Equipment Operators <sup>3</sup>	32.43
<b>Additional Staff Required</b>	<b>-0.57</b>

1. Required weekly staff hours for equipment operators is calculated in Table E-6.
2. Twenty percent of total time required for all activities was used to account for FTE staff back-up, which includes time for training, vacations, sick time, and other unforeseen circumstances.
3. Required equipment operators is calculated by dividing the total required staff hours by 40 hours per week.

The currently staffed 33 equipment operators working 40 hours per week provide enough to cover the calculated 32.43 required equipment operators. If the City were able to fill the 14 available vacancies for

equipment operators, they would be able to operate at full capacity with redundancy and minimize need for overtime and challenges approving PTO.

The City's 24 percent vacancy rate and overtime expenditures ranging between 20-30 percent of the operating budget. Typical overtime expenditures for overtime at landfills are between zero and five percent and usage of overtime is meant to provide the flexibility to increase staff on an as-needed basis, rather than as a consistent management practice.

Table E-8 estimates the number of laborers required meet the observed operations at the Landfill.

**Table E-8: Required Laborer Daily Staff Hours**

<b>Working Day</b>	<b>Receiving Hours<sup>1</sup></b>	<b>FTE Laborers<sup>2</sup></b>	<b>FTE Laborers Hours</b>	<b>Temporary Laborers</b>	<b>Temporary Laborers Hours</b>	<b>Total Daily Staffing Hours</b>
Monday	14	4	56	2	28	84
Tuesday	14	4	56	2	28	84
Wednesday	14	4	56	2	28	84
Thursday	14	4	56	2	28	84
Friday	14	4	56	2	28	84
Saturday	9	4	36	2	18	54
<b>Total</b>	<b>79</b>		<b>316</b>		<b>158</b>	<b>474</b>

1. Receiving hours are based on the time that the Landfill is open to receiving waste from customers between 5:00 am and 8:00 pm Monday through Friday and 6:00 am to 4:00 pm on Saturday, less an hour for lunch break, for a total of 79 hours per week.
2. The number of laborers required during receiving hours is based on discussions with City staff indicating that four FTE laborers and two temporary laborers are required to manage traffic at the working face and to collect windblown material around the Landfill.

Table E-9 calculates the required laborer staffing based on the total daily staff hours required to operate the Landfill.

**Table E-9: Required Laborer Staffing**

<b>Description</b>	<b>Person-Hours Required per Week</b>
Weekly FTE Laborers Staff Hours <sup>1</sup>	316
Weekly Temporary Laborers Staff Hours	158
Back-up <sup>2</sup>	63
Total Required Staff Hours	379
Required Laborers <sup>3</sup>	9.48
<b>Additional Staff Required</b>	<b>-3.52</b>

1. Required weekly staff hours for laborers is calculated in Table E-8.
2. Twenty percent of total time required for all activities was used to account for FTE staff (temporary laborers not included) back-up, which includes time for training, vacations, sick time, and other unforeseen circumstances.
3. Required equipment operators is calculated by dividing the total required staff hours by 40 hours per week.

The currently staffed 17 laborers operating 40 hours per week sufficiently cover the staffing demand.

Table E-10 estimates number of CSRs required meet the observed operations at the Landfill.

**Table E-10: Required CSR Daily Staff Hours**

<b>Working Day</b>	<b>Receiving Hours<sup>1</sup></b>	<b>CSRs During Receiving Hours<sup>2</sup></b>	<b>Non-Receiving Hours<sup>3</sup></b>	<b>CSRs During Non-Receiving Hours<sup>4</sup></b>	<b>Daily Staffing Hours</b>
Monday	14	5	1	2	71
Tuesday	14	5	1	2	71
Wednesday	14	5	1	2	71
Thursday	14	5	1	2	71
Friday	14	5	1	2	71
Saturday	9	5	1	2	46
<b>Total</b>	<b>79</b>				<b>401</b>

1. Receiving hours are based on the time that the Landfill is open to receiving waste from customers between 5:00 am and 8:00 pm Monday through Friday and 6:00 am to 4:00 pm on Saturday, less an hour for lunch break, for a total of 79 hours per week.
2. The number of CSRs required during receiving hours is based on five CSRs in the Youngblood Scalehouse and none at the Stuart Simpson Scalehouse.
3. Non-receiving hours are based on CSRs arriving to the Landfill 30 minutes before the facility begins receiving waste and 30 minutes after closing.
4. The number of CSRs required during non-receiving hours is based on one CSR opening and closing each scalehouse after the Landfill closes.

Table E-11 calculates the required CSR staffing based on the total daily staff hours required to operate the Landfill.



**Table E-11: Required CSR Staffing**

<b>Description</b>	<b>Person-Hours Required per Week</b>
Staff Hours <sup>1</sup>	401
Back-up <sup>2</sup>	80
Total Required Staff Hours	481
Required CSRs <sup>3</sup>	12.03
<b>Additional Staff Required</b>	<b>4.03</b>

1. Required weekly staff hours for CSRs is calculated in Table E-10.
2. Twenty percent of total time required for all activities was used to account for FTE staff back-up, which includes time for training, vacations, sick time, and other unforeseen circumstances.
3. Required equipment operators is calculated by dividing the total required staff hours by 40 hours per week.

The currently staffed eight CSRs operating 40 hours per week do not provide enough to cover the calculated 12.03 required CSRs, indicating a need for 4.03 additional FTE CSRs. If the City were able to fill the four available vacancies for CSRs, they would be able to operate at full capacity and minimize transaction time at the Landfill's scalehouses and overtime demand. Additionally, operational changes at the scalehouses may decrease the requirements for additional CSRs such as minimizing manual data entry or installing upgraded transaction technology.

Based on discussion with City staff, challenges maintaining a full staffing roster may be due to lower salaries offered by the City compared to other equipment operator positions at facilities in the region and a lack of performance incentive programs such as performance-based annual bonuses. The City currently offers \$23.00 per hour for equipment operators.

Job hiring is open and transparent but there is a lack of career ladder and succession planning. Managers note that the City's hiring panel is broad and may not have landfill operations background. Based on this hiring approach, there is potential for a current employee that is best fit for the job to not be offered the position.

### Training and Safety

Landfill operation has been identified as one of the most dangerous industries according to the Occupational Safety and Health Administration (OSHA). Landfill staff are trained in accordance with the SOP by persons trained in waste management procedures in accordance with 30 TAC 335.586 (a) and (c) in the following topics:

- Customer notification and load inspection procedures
- Identification of hazardous wastes, PCB wastes, and other prohibited wastes

- Waste handling procedures (acceptable and prohibited wastes)
- Segregation of construction and demolition waste
- Health and safety issues
- Fire safety
- Emergency response procedures
- Landfill fire prevention and response
- Record keeping

Documentation of introductory and continued training is provided to all equipment operators, load inspectors and other personnel at departmental safety meetings and training sessions including TCEQ-sponsored courses, or other approved training courses.

## Equipment

This section describes the equipment that is used to operate the Landfill including the frontline and backup equipment and description of the vehicle storage, fueling and maintenance provided at the Landfill. Table E-12 shows the equipment type, make, model, number of frontline equipment, backup equipment, and average age of frontline equipment.

**Table E-12: Landfill Equipment List**

<b>Equipment Type</b>	<b>Make</b>	<b>Frontline Units</b>	<b>Average Age (years)<sup>1</sup></b>	<b>Backup Units</b>
Compactor <sup>3</sup>	CAT	3	4.3	2
Dozer <sup>4</sup>	CAT	8	7.3	4
Articulating Dump Truck (ADT) <sup>5</sup>	CAT	3	5.7	3
Excavator <sup>6</sup>	CAT	3	4.0	1
Trailer Tipper <sup>7</sup>	Phelps	1	16.0	1
Grader <sup>8</sup>	CAT	2	15.5	0

1. Average age as of 2021 includes frontline equipment only.
2. Backup ratio calculated by dividing the total backup units by the total available units.
3. Compactor models include CAT 836H and CAT 836K. Frontline units include equipment numbers 179108, 179109, and 199110.
4. Dozer models include D7, D8, D9, and CAT 973 Track Loader. Frontline units include equipment numbers 179225, 189227, 199229, 209230, 109217, 189226, 189228, and 209401. The City has approved purchase of additional D6XEs to replace the existing D8Ts which have maintenance challenges related to overheating during heavy use.
5. ADT models include CAT 740 and 740B. Frontline units include equipment numbers 139328, 159346, and 199347.
6. Excavator models include Komatsu PC400LC, CAT 336EL, CAT 349FL; and CAT 336. Frontline units include equipment numbers 139527, 189528, and 209530.
7. Frontline trailer tipper unit is equipment number 59705.
8. Grader models include 14G and 140M. Frontline units include equipment numbers 279173 and 189008.

Based on the equipment roster provided the City has sufficient equipment to operate the Landfill, assuming all equipment are available, consistent with the observations during the Landfill Site Visit.

### Equipment Maintenance

Heavy equipment maintenance is performed in an on-site shop under as part of Landfill operations. Outside vendors are used for maintenance tasks that are beyond the scope of the shop such as drive train components. Figure E-3 shows the heavy equipment and maintenance shop.

**Figure E-3: Heavy Equipment Maintenance Shop**



The maintenance shop appears to be functional and provides the support required by operations for Landfill equipment availability, but struggles to manage transfer station trailer and truck equipment in addition to the other Landfill equipment. Maintenance staff provides the following services and shifts:

- Fueling 4:30 am to 1:00 pm Monday to Friday
- Day repair shift 6:30 am to 3:00 pm Monday to Friday
- Fueling and minor maintenance 12:30 pm to 9:00 pm Monday to Friday
- Fueling and minor maintenance 6:30 am to 3:00 pm Saturday and Sunday

The City maintains good preventative maintenance practices to minimize repair costs for equipment. Table E-13 shows the maintenance targets for compactors, dozers, and ADTs, comparing the average usage of frontline and backup equipment to the target replacement usage.

**Table E-13: Equipment Replacement**

<b>Equipment Type</b>	<b>Target Replacement Usage (hours)</b>	<b>Average Frontline Usage to Date</b>	<b>Average Backup Usage to Date</b>
Compactor	25,000	5,781	31,545
Bulldozer	25,000	12,487	18,180
Articulating Dump Truck	20,000	8,574	20,011

The PM practices in place include doing a certified powertrain (CPT) rebuild between 10,000 – 13,000 hours of run time and CAT performs undercarriage maintenance. The City experiences challenges meeting equipment maintenance demand. Based on discussions with City staff, the heavy equipment and maintenance shop is “worn out” and undersized and suffers from a lack of electrical infrastructure that was diverted for other uses around the Landfill (e.g., unattended scale and wheel wash facility). Additionally, manual forms and information tracking are utilized, which decreases operational capacity. This could be addressed by implementing information technology upgrades for data entry and analysis.

In addition to the Landfill equipment, the heavy equipment and maintenance shop is also responsible for maintaining the transfer station fleet. The rest of collection equipment is maintained by the Equipment and Fleet Maintenance (EFM) department which causes challenges related to managing parts inventory and storage, since collection vehicle parts would be stored to two different locations. Based on discussions with City staff, more fleet equipment has been transferred over to the heavy equipment and maintenance shop over time which has caused the facility to become too small for the equipment maintenance demand.

This section does not provide a dedicated analysis on maintenance staffing; however, during the Landfill Site Visit City staff communicated there was a high turnover in maintenance staff and challenges filling vacancies, have a limited inventory of parts. The maintenance shop has 15 mechanics and five vacancies. Falling behind on equipment maintenance causes challenges with Landfill operations when there is unplanned downtime for compactors, dozers, ADTs or other equipment. When the number of required units are not available for these equipment types, Landfill operators may not be able to manage material as efficiently from the tipping deck to the working face, achieve intended compaction rates, or haul material (e.g., cover soil) around the site.

## Waste Acceptance and Traffic Control

This section discusses the scalehouse operations, inbound vehicles, customer types, and the traffic control measures implemented to manage vehicles traveling within the facility and to the working face.

## Scalehouse

The Landfill scalehouses are located at the primary entrance to the Facility at Youngblood Road and at the secondary entrance and Stuart Simpson Road. The Landfill has two scale systems: the Youngblood Scalehouse and Simpson Stuart scales that collect data using the WasteWORKS software. The Youngblood Scalehouse is the primary entrance to the site and predominantly serves the small haulers and City residents and contains two inbound scales and one outbound scale with a bypass lane on each side as shown in Figure E-4.

**Figure E-4: Youngblood Scalehouse**



The Simpson Stuart scales are unattended and act as a secondary site entrance and are primarily used by the Sanitation Department and other large commercial customers and contains two inbound scales and one outbound scale, with a bypass lane on each side. Figure E-5 shows the Landfill scales and scalehouse locations.

**Figure E-5: Landfill Scales and Scalehouse Locations**

Weight data from the scales is collected using WasteWORKS software and payments are processed at the Youngblood Scalehouse. As part of the draft Scalehouse Feasibility Study prepared by Burns & McDonnell, the transaction data from FY 2019 was evaluated to develop recommendations regarding potential upgrades to the existing scalehouses or the development of a new future facility.

Increases in the number of customers over the past several years have strained the processing capacity of the Landfill's scale system and customers frequently experience longer than expected wait times to enter the Landfill. At the Youngblood Scalehouse, despite a scalehouse design of two inbound scales (Scale 1 and Scale 2) and one outbound scale (Scale 3), data provided by the City indicates consistent use of all three scales for incoming traffic throughout operating hours. The aerial photo in Figure E-6 shows these queuing challenges remain even when all three scales at the Youngblood Scalehouse are used for incoming customers.



**Figure E-6: Overhead Snapshot of Traffic at Youngblood Scalehouse**

When all three scales are used for inbound vehicles, any customers that need to scale out must wait in line to weigh their empty vehicle so the tonnage of material disposed can be assessed.

### Customer Types and Inbound Vehicles

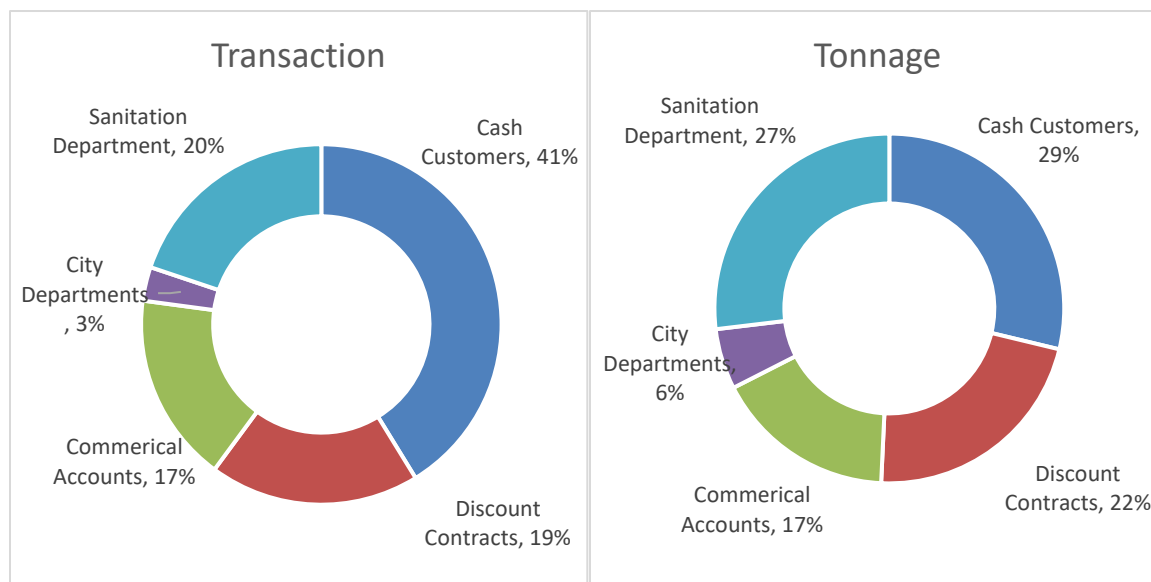
The types of customers serviced by the Landfill are provided below, with brief descriptions:

- **Cash customers.** Point-of-sale customers paying by cash, credit card, or check. Cash customers use residential or light-duty vehicles such as pickup trucks or small trailers that deliver small loads that are self-hauled, including by customers of the City's residential collection program. Cash customers must exit their vehicles at the Youngblood Scalehouse scale to interact with the transaction kiosk and communicate with the scalehouse attendants and must scale out after they have completed disposing their load at the working face.
- **Sanitation Department.** City-operated conventional waste collection vehicles, which have tare weights, including automated side-load or rear load compactor trucks, transfer trailers, or roll-offs that deliver larger loads collected from City customers. Sanitation Department vehicles are able to scale into the Landfill through the Simpson Stuart scales, so they do not need to scale out after they have completed disposing their load at the working face.

- **Commercial and discount accounts.** Commercial customers, who have tared weights, typically deliver material in automated side load, rear load, or roll-offs. Commercial customers that have long-term contracts may receive a discounted disposal fee because they can guarantee annual tonnage volumes that will be disposed at the Landfill. The nine commercial and discount accounts are able to scale into the Simpson Stuart scales, unless their vehicle is not tared. If they are not tared, they would need to scale in and out at the Youngblood Scalehouse.
- **City departments.** City-operated vehicles providing material generated from various City department operations (e.g., parks and recreation). City departments are able to scale into the Landfill and provide their vehicle number to the scalehouse attendant, so they do not need to scale out after they have completed disposing their load at the working face.

Figure E-7 compares the number of annual transactions against the total inbound tonnage by customer type for FY 2020.

**Figure E-7: Annual Customer Summary by Total Transactions and Tons, FY 2019**



While cash customers comprise the highest number of transactions, these customers' loads are often smaller than those of sanitation services. As a result, the incoming tonnage is more evenly distributed between the three largest customer types: cash customers (29 percent of tonnage), Sanitation Department (27 percent), and discount contracts (22 percent).

One key operational difference between the Youngblood Scalehouse and Simpson Stuart scales is the type of customer transactions processed at each. Cash customers without an existing account must use the Youngblood Scalehouse for processing and payment. Although City residents do not need to pay a tip fee,



they must enter through the Youngblood Scalehouse with proof of residency. The entrance off Simpson Stuart Road is accessible to certain commercial and account customers, such as collection vehicles and transfer trailers from the Sanitation Department as well as other commercial haulers.

Based on an analysis of transactions received from the City, the day with the highest number of transactions was on June 13, 2019, Table E-14 compares summary statistics for the Youngblood Scalehouse and Simpson Stuart scales for June 13, 2019, including number of customers, inbound tons, operating hours, and average customers per hour<sup>111</sup>.

**Table E-14: Youngblood Scalehouse and Simpson Stuart Scalehouse Single-day Inbound Traffic Comparison (June 13, 2019)**

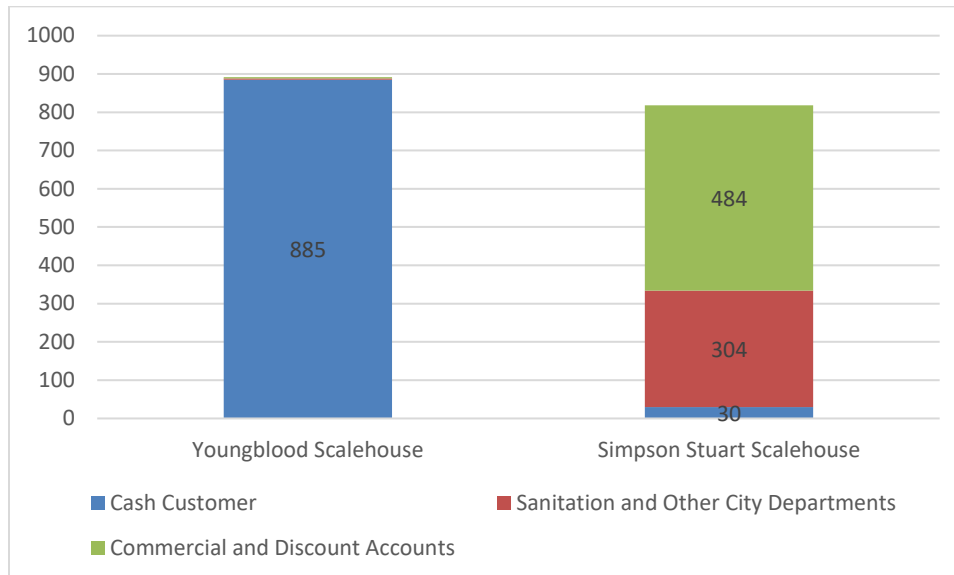
	<b>Youngblood Scalehouse</b>	<b>Simpson Stuart Scalehouse</b>
Daily Number of Customers	892	818
Daily Tons Received	3,163	4,998
Daily Active Operational Hours	15.75	14.5
Average Customers per Hour	57	56
Average Tons per Customer	3.5	6.1
Average Customers per Hour per Scale	19	28

While the daily average traffic for Youngblood Scalehouse and Simpson Stuart scales were similar (57 customers per hour and 56 customers per hour, respectively), Simpson Stuart scales received roughly 1.5 times the incoming tonnage due to customer loads being larger on average (6.1 tons per customer for Simpson Stuart scales compared to 3.5 tons per customer for Youngblood Scalehouse). In total, more customers used the Youngblood Scalehouse likely due to having longer active operating hours (15 hours, 45 minutes for Youngblood compared to 14 hours, 30 minutes for Simpson Stuart scales) and because cash customers must use this scalehouse.

Figure E-8 presents a single-day comparison of the inbound customer types at the Youngblood Scalehouse and Simpson Stuart Scalehouse on June 13, 2019 where Sanitation and other City Departments figures have been combined and commercial and discount customer figures have been combined.

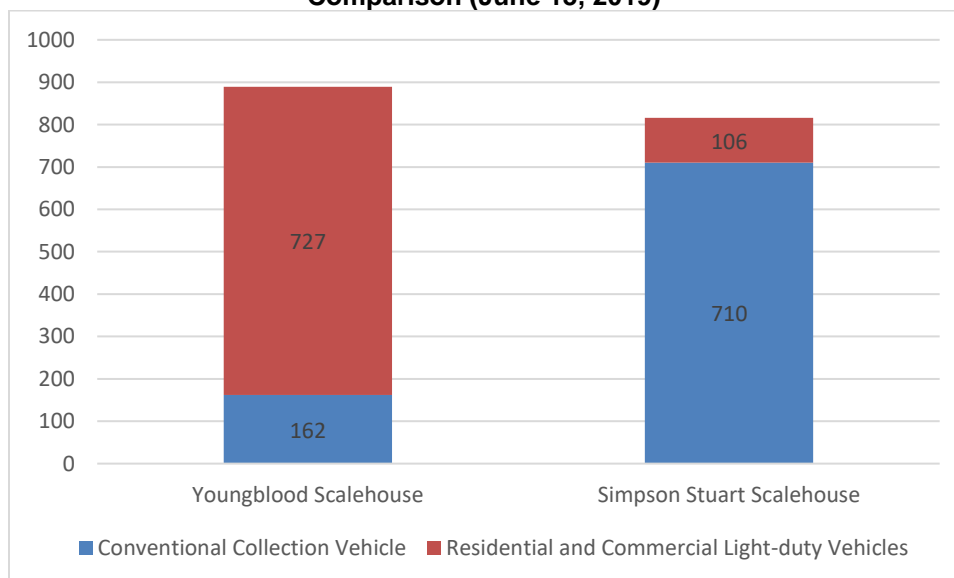
<sup>111</sup> There was a large storm that occurred on June 9, 2019 which may have caused increased Landfill activity.

**Figure E-8: Youngblood Scalehouse and Simpson Stuart Scalehouse Single-day Customer Type Comparison (June 13, 2019)**



Due to the differences in customer types entering through the Youngblood Scalehouse and Simpson Stuart scales, there are also differences in the vehicle types using each entrance. Figure E-9 presents a single-day comparison of the inbound vehicles at the Youngblood Scalehouse and Simpson Stuart scales comparing the number of conventional collection vehicles and residential and commercial light-duty vehicles at each scalehouse. Only tared vehicles are able to use the Simpson Stuart scales.

**Figure E-9: Youngblood Scalehouse and Simpson Stuart Scales Single-Day Vehicle Type Comparison (June 13, 2019)<sup>1</sup>**



1. Total number of vehicles entering each scalehouse does not sum exactly to the number of total inbound vehicles presented in Table E-14 because they were not categorized by vehicle type and therefore omitted from Figure E-9.

Conventional collection vehicles (e.g., compactor trucks, transfer trailers, roll-offs) primarily enter at Simpson Stuart. Residential and commercial light-duty vehicles (e.g., commercial pickups, small trailers) enter at Youngblood, as well as most large truck/trailer commercial vehicles (unless they have tared vehicles).

Besides the generally high volume of customers that utilize the Landfill, the transaction time at the scalehouses are prolonged by the transaction process and technology employed such as when customers are required to exit their vehicles to conduct the transaction as shown in Table E-10

**Figure E-10: Self-Haul Customer Transaction at Youngblood Scalehouse**

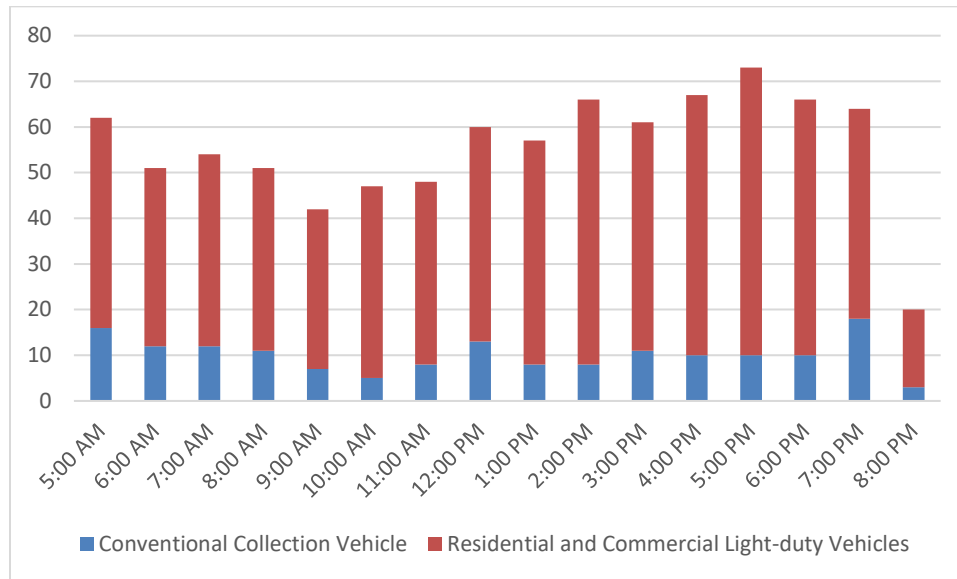


To increase efficiency of the scalehouses, the City should look to streamline transaction data collection resulting in time saving and improved customer experience. Additionally, updating WasteWORKS software and refreshing the database of customers and transactions would decrease computer software processing time. If the City would be able to maintain card-on-file accounts to reduce point of sale transactions, fewer customers would require manual data entry and reduce transaction time and minimize the potential for mistakes.

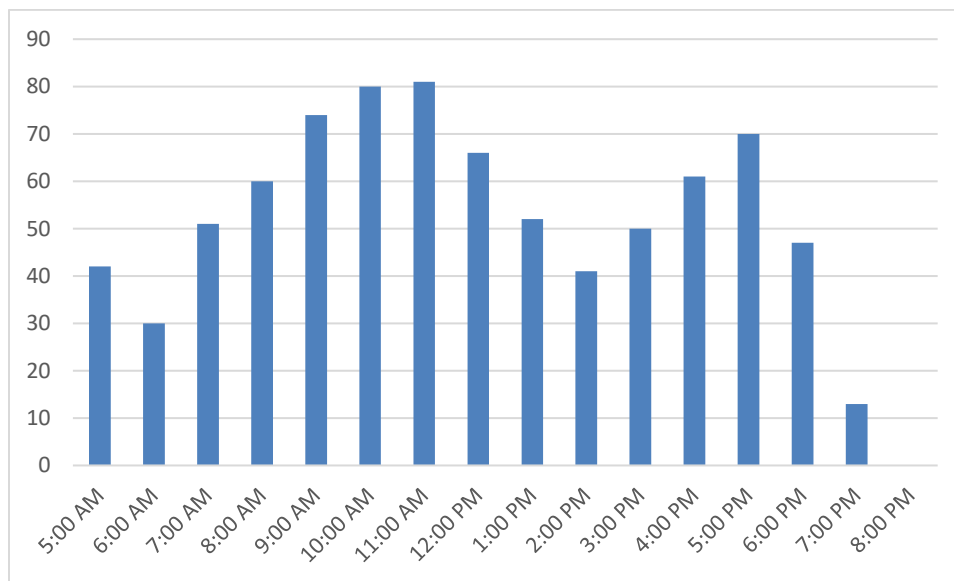
### Traffic Control

Efficient traffic control at the Landfill is critical to the meeting the long-term operational goals and providing high-quality customer service. Traffic at the Youngblood and Simpson Stuart scalehouses vary on an hourly basis and may depend on the when vehicles on collection routes become full, the workflow of development projects, or when residents are able to self-haul material to the Landfill among work schedules. Figure E-11 shows a single day of the number of hourly customers by vehicle type at the Youngblood Scalehouse and Figure E-12 shows the total hourly customers at the Simpson Stuart scales.

**Figure E-11: Single-Day Hourly Scalehouse Customers by Vehicle Type at Youngblood Scalehouse (June 13, 2019)**



**Figure E-12: Single-Day Hourly Scalehouse Customers at Simpson Stuart scales (June 13, 2019)**



The customers that enter the Landfill at the start of the day or at the end of the day may be due to commercial customers that finish operations at the end of the day and arrive close to closing or arrive early in the morning hauling material generate the day before.

After scaling into the Landfill, customers from both the Youngblood Scalehouse and Simpson Stuart scales pass through a four-way intersection that is staffed by traffic control personnel to manage the traffic flow through the facility and minimize vehicle collisions.

Customers then travel to the working face of the Landfill and wait in one or more queues to tip material for disposal. The working face is staffed by spotters to organize the customers waiting in line and instruct them when and where to unload their vehicles safely and efficiently on the tipping deck.

**Figure E-13: Conventional Collection Vehicle Ejecting Material on Tipping Deck**



After disposing material at the on the tipping deck, customers exit the Landfill. Customers with vehicles that are not tared must re-enter the line at the Youngblood Scalehouse to weigh their empty vehicle before exiting the facility.

The time it takes for customers to scale into the Landfill, dispose material at the working face, and exit is referred to as the turnaround time and is a critical factor of customer satisfaction and Landfill operating efficiency. The CCC is available to self-haul customers but is not required for use. Many customers travel to the working face to dispose material instead of using the CCC. These self-haul customers that travel to the working face cause challenges related to traffic congestion and present safety concerns, particularly in adverse weather/operating conditions

## Disposal Operations

The following sub-sections describe key aspects of the Landfill's disposal operations including the working face and daily opening and closing procedures.

## Working Face

At the time of the Landfill Site Visit, customers traveled to the working face of the Landfill via two internal gravel all-weather roads either (1) over the filled Cells 3D, 5A, 5B 5C and 6C or (2) around the southwest

perimeter of the Landfill to arrive at the working face located at the south end of Cell 6B2. Much of the perimeter is hard surface, providing good vehicle access. The access roads internal to the Landfill, including the roads to the working face, were observed to be in good condition based on the application of ground wood, mulch, and shingles to increase road stability, even during wet conditions. Figure E-14 shows an overhead view of the working face including the vehicle queue.

**Figure E-14: Landfill Working Face and Vehicle Queue**



The location of the working face changes as Landfill filling progresses. Based on observations the current operations are able to receive 100-105 customers per hour at the tipping deck and working face, but become overwhelmed if the number rises to 120 and above. The major challenge is to minimize self-haul customers (e.g., contractors, roofers, small business operators) at the working face or to separate them more effectively from the automatic unloading vehicles. The current operations do a good job of keeping the queued customers away from the tipping deck for increased safety.

Two to three bulldozers (typically, Caterpillar D6, D7, D8, and D9) are used to push material from customer lanes to the working face and two compactors (currently CAT 836s) pass across the working face to compact material. The bulldozers used during operations depend on the volume each vehicle deposits on the tipping deck. For example, D7 bulldozers are the most efficient for pushing 20-ton loads deposited by transfer trailers, but D6 are best for smaller manually unloaded material or collection vehicles with capacity ranging from four to 10 tons.

Waste lifts are typically 20 feet thick, which provide sufficient levels of compaction and take between two to three days to complete with the current 300 foot by 100 foot working face configuration. The City has submitted a revised SOP to the TCEQ to increase the active area to two acres. Material is compacted to be

flat or with a slope of 5:1 to maintain drainage. The City uses Geographic Positioning System (GPS) on bulldozers and compactors to track their location and the number of passes they make while processing material.

A dedicated tarping/untarping and cleanout area has been designated for customers before/after they tip material; however, some customers do not utilize this space.

The current working face is approximately 300 feet by 100 feet in dimension. Based on the volume of customers and tonnage being disposed at the Landfill, this represents a constrained working face that presents challenges separating customers by vehicle type (e.g., self-unloading vehicles at a different tipping deck than automatically ejecting vehicles). Self-unloading vehicles present a significant challenge because of the increased time it takes to manually unload material. As part of the Landfill Site Visit, it was observed that the number of spotters and tower to direct traffic has improved safety conditions at the working face.

The constrained working face presents challenges with the type of dozers that are most effective for managing material between the tipping deck and working face. The D6 model is able to maneuver more effectively, but the D7 is the most efficient for pushing larger loads (e.g., 20 tons tipped from the transfer trailer). Ultimately a mix of D6 and D7 dozers should be utilized to maximize the efficiency of operations with the currently constrained working face.

Based on discussions with City staff, there is currently a permit modification under development that would allow the City to expand its working face to improve safety by allowing more tipping space for customers and more space for equipment operators. It would also allow the City to achieve higher operating efficiency by running up to four compactors at the working face and further separate large load customers from small load customers.

### Daily Opening and Closing Procedures

The daily opening and closing procedures were observed during the Landfill Site Visit including removing the tarps from the working face to begin operations and applying tarps and Alternative Daily Cover (ADC) to close operations. Figure E-15 shows the tarp covering the working face during Landfill closing operations.

**Figure E-15: Alternative Daily Cover Tarp**

Staff arrived at the Landfill starting at 3:30 am and had about 10 customers in line at the Stuart Simpson scales. Landfill staff began operations by removing tarps, prepping the working face, and shuttling staff to and from various posts around the Landfill. The Landfill began accepting materials from customers at about 4:30 am, a half hour before the Landfill was scheduled to open.

The last customer accepted at the working face was at about 8:00 pm when staff began placing daily cover over the working face. Clearing both tipping decks using three bulldozers took about an hour. The CAT 836 compactors continued packing the working face until staff began unrolling tarps using two dozers per tarp. After the cover tarps were fully unrolled, the whole process taking about an hour, staff applied ADC spray to the areas that were not covered by the tarps using a 1200-gallon hydroseeder units that had to be filled twice to cover the rest of the working face. Figure E-16 shows the ADC spray material that is used as part of the Landfill daily cover operations.



**Figure E-16: ADC Spray Pellets and Hydroseeder**

The current hours of operation at the Landfill extend a total of three hours before and after the facility opens to customers based on the time requirements of opening and closing the facility. Based on observations, the time requirements to open and close the facility as well as the current level of vacant positions cause increased overtime requirements, which can potentially lead to fatigue-related safety concerns such as less capability to identify hot loads (e.g., vehicles tipping material that is actively burning). Additionally, being understaffed may cause challenges efficiently opening and closing daily operations.

Landfill operators should be able to complete all daily opening activities no more than an hour before the facility begins accepting customers and complete all daily closing activities no more than an hour after the facility finishes processing material. Applying the tarp and spray ADC is time consuming. During the Landfill Site Visit, filling was occurring in the south corner of cell 6B2, which is a difficult area to cover. Typical operations that are not in a corner may be able to complete closing activities in less time.

### Leachate

All water that comes into contact with waste, leachate, or contaminated soils is collected within the Landfill disposal area and treated as leachate. Leachate ultimately reaches the leachate collection system within each cell, is consolidated within the sump, and pumped out of the cell via a pump located in the side slope riser

pipe. Landfill staff monitor the depth of leachate on the liner using a pressure transducer located on each submersible pump.

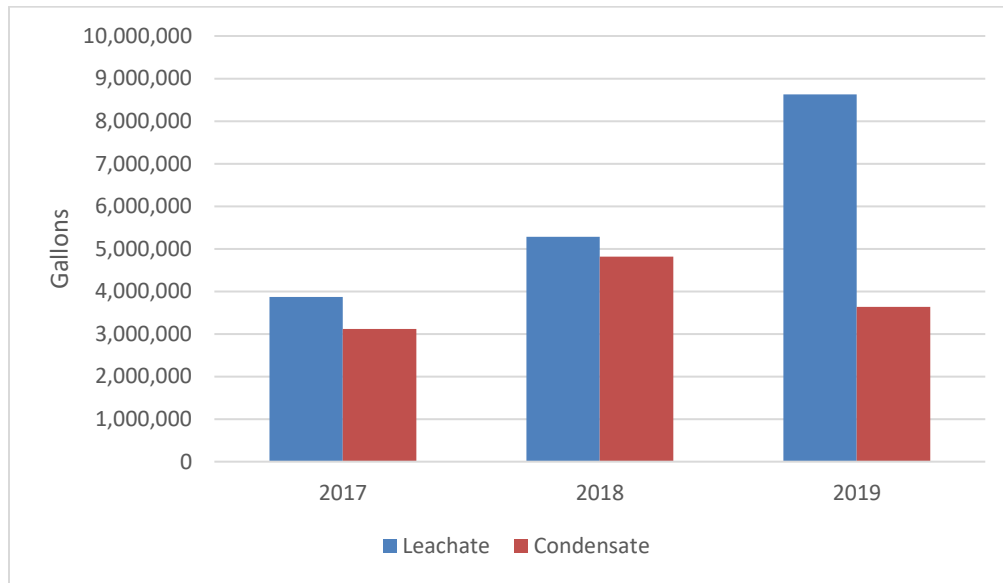
Previously the City had recirculated condensate and leachate, which provided operational benefits including:

- Improving the initial compaction of the waste
- Accelerating settlement of waste improving the airspace utilization.
- Providing alternate mean of leachate management.
- Minimizing windblown litter by applying leachate application at the working face.

Although there are benefits to Enhanced Leachate Recirculation (ELR), the City experienced operational challenges related to over-recirculation of leachate and landfill gas condensate in the past, causing increased occurrence of seeps. Additionally, the landfill gas wells become watered causing costly redrills. The City is currently able to recirculate leachate as part of its existing permit, but currently pumps the material to a storage tank equipped with a pressure transducer to monitor remaining capacity and is then piped to the Southside Wastewater Treatment Plant. Based on the most recently available data provided by the City, about 8.6 million gallons of leachate was collected in 2019 from the Landfill and conveyed to the Southside WWTP. DWU tests the leachate quality and there have been no challenges accepting this material.

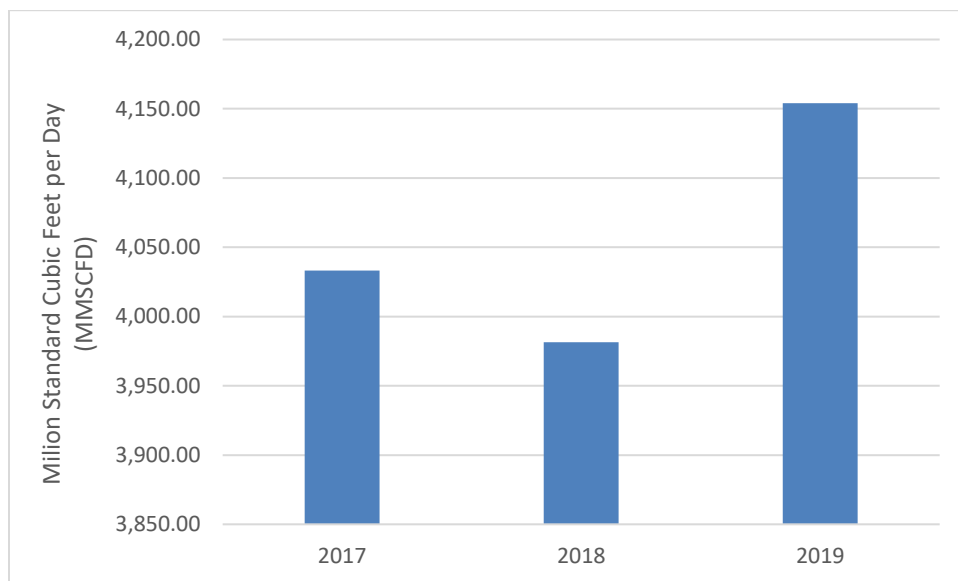
Condensate is handled separately from leachate and in 2019 about 3.6 million gallons of condensate was pumped from the Landfill Gas-to-Energy Plant, held in two vertical above ground tanks and discharged in lined areas of the Landfill. The City recirculates this material by excavating holes in strategic locations in the Landfill, discharging condensate, and then subsequently covering the holes up with soil material. DCEMB will become responsible for condensate management in 2025. The City is unable to send condensate to the Southside WWTP due to high total petroleum hydrocarbon (TPH) concentrations. The City and Plant are investigating methods to reduce the TPH concentrations.

Figure E-17 shows the historical generation of leachate and condensate in gallons between 2017 and 2019.

**Figure E-17: Historical Leachate and Condensate Managed at Landfill**

### Gas Collection and Control System

Dallas Clean Energy McCommas Bluff, LLC (DCEMB) currently operates the landfill gas collection and control system (GCCS) consisting of over 500 of interconnected vertical wells and horizontal pipes in trenches that currently produce approximately 9,800 cubic feet per minute of landfill gas. Figure E-18 shows the historical gas generation at the Landfill.

**Figure E-18: Historical Gas Generation at Landfill**

A landfill of this size should be collecting above 10,000 cubic feet per minute of landfill gas and indicates that there may be opportunity for DCEMB to increase to efficiency of its GCCS system.

This system is designed to balance well flow to meet DCEMB quality while maintaining New Source Performance Standards (NSPS) compliance. The contract between the City and its third-party operator terminates on December 31, 2034, if all available extensions are exercised. At this point, the City will need to take over operations or procure another contractor to manage the facility. The City received \$50,000 for the first year of the lease agreement, receives \$1,000 each subsequent year of the lease, and receives 12.5 percent of the revenue stream from landfill gas and constituent product sales, less the supplemental fuel costs. Revenues include the sale of greenhouse gas credits, Renewable Identification Number (RIN) credits, or other carbon standards from gas sale or energy production.

DCEMB is managed by Energy Power Partners and owns and operates the pipeline injection plant at the Landfill. Figure E-19 shows the Landfill gas to energy plant including the flare, gas processing equipment, and pipeline injection plant.

**Figure E-19: Landfill Gas-to-Energy Plant**



DCEMB has an exclusive agreement with the City to lease and develop landfill gas. The City's current contract with DCEMB is a 20-year extension (through 2034), under which DCEMB is responsible for the expansion and operation of the GCCS and the operation and maintenance of the high-BTU landfill gas processing plant. The contract is structured such that the City receives a site lease payment (\$15,000 for the first year, \$1,000 per year thereafter) and 12.5 percent of the gross revenue stream from landfill gas and constituent product gas sales and all related environmental credits.

Currently, Loci Controls (Loci) in partnership with DCEMB provides automated well tuning utilizing remote wellfield control through a cloud-based software application to maximize gas collection. Although

Loci's system is automated, the wells are still required by the air permit to be tuned in person on a monthly basis. Based on discussion with City staff, the 210 wells managed by Loci are the highest producing wells covering 75 to 80 percent of the total gas flow generated.

## Stormwater Management

Providing effective stormwater management to minimize seeps and erosion allows the Landfill operations to better capture airspace, minimize leachate generation, more effectively construct cells to meet final grade and improve landfill gas generation and capture.

The Landfill operation has challenges managing stormwater since slopes are not constructed to convey water to downchutes and final cover is not applied to the existing cells when they are complete, potentially causing increased volumes of stormwater to become leachate. Without applying final cover or constructing diversion berms, the resulting erosion has become a secondary challenge for operations. At the time of the Landfill Site Visit, instead of filling the working face with waste, covering with intermediate cover, and draining the stormwater off the footprint, Landfill staff constructed a temporary hold to collect stormwater that was then pumped over the perimeter road to a perimeter ditch. This approach was intended to minimize erosion deposition on the roadway. Although staff indicated this procedure was temporary, it is not preferable because it increases contact water and leachate generation. Although minimizing erosion is important to maintain adequate working conditions at the Landfill, increased leachate generation requires that the Landfill manage increased volumes of leachate and are not proactively minimizing operational impacts of high levels of leachate (e.g., seeps)

Based on discussions with City staff, after filling cell 6B2, operations would approach stormwater management by working to fill cells so the slope is closer 4:1 per the permit design and then cover with intermediate cover to minimize contact water and leachate generation.

## Ancillary Site Infrastructure

Ancillary site infrastructure (e.g., existing buildings and operations other than the working face) were observed during the Landfill Site Visit for current functionality and condition. The following summarizes ancillary buildings and other active operations at the Landfill:

**Citizen's Convenience and Recycling Center (CCRC).** The CCRC is located in permanent open air steel structure where large recyclable items are collected and removed from the site. Items collected include white goods (household appliances), air condition units, metal tanks, large metal pieces, and automobile parts. The City removes freon from white goods, contracts with third parties to collect appliances or electronic waste and waste tires are collected for offsite disposal by a private tire processing company or

ground for use on the site. The CCRC was observed to be in good working condition during the Landfill Site Visit. Figure E-20 shows the CCRC permanent open air steel structure located adjacent to the Landfill Gas-to-Energy Plant.

**Figure E-20: CCRC Permanent Pole-Barn Structure**



**Citizen Convenience Center (CCC).** The CCC is a permanent drop-off facility for self-unloading vehicles that leverages grade separation to allow customers to back up to a ledge and drop material into a trailer. When full, the trailer is hauled for disposal at the working face by the City. The CCC was observed to be in good working condition during the Landfill Site Visit and as part of discussion with management customers are not required to use this facility. Figure E-21 shows the CCC. The CCC is located within the permitted limits of waste (in future Cell 15).

**Figure E-21: CCC Transfer Trailer and Metal Recycling Roll-Off Containers**



**Administration Building.** The administration building is located in the cell 15 of the Landfill's permanent airspace (reference Figure E-1) and provides parking, locker rooms, break rooms, training rooms, offices, and restroom facilities. The administration building is used by Landfill management, staff and temporary laborers and was observed to be in good working condition during the Landfill Site Visit. Figure E-22



shows the administration building and parking lot. The CCC is located within the permitted limits of waste (in future Cell 15).

**Figure E-22: Administration Building**



**Yard Waste Processing.** The City has entered into a master agreement to have clean yard waste ground for volume reduction. Clean yard waste material is delivered by commercial customers and the ground material is used to support internal road management during storm events. Figure E-23 shows the yard waste grinding operation located on a closed cell at the Landfill.

**Figure E-23: Yard Waste Grinding Operation**



Further discussion about organics management and diversion of this material is provided in Section 10.

**Mobile litter control fences.** Mobile litter control fences and secondary litter control fences are used around the site to prevent material from blowing away from the working face and minimize the demand for laborers to collect windblown material from around the site. Mobile fences are shifted as the working face

location moves and secondary fences are semi-permanent. Figure E-24 shows the mobile litter control fences in the background and a secondary letter fence in the foreground.

**Figure E-24: Mobile Litter Control and Secondary Litter Control Fences**



**Site signage.** There is limited signage at the Landfill to support wayfinding for customers that are not familiar with the site. The City has recently lowered the speed limit from 20 to 15 miles per hour to minimize risk of vehicle collisions. The City does have temporary laborers that help with traffic control but having multiple scalehouse facilities and multiple routes to the working face may cause confusion for customers.



## APPENDIX F – IMPLEMENTATION & FUNDING PLAN

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LSWMP Update Reference	Recommendation	CECAP Goal	Priority	Recycling Potential	Difficulty of Implementation	Financial Impact	Funding Source	Implementation Timing	Responsible Party	Notes
5-1	Implement key operational adjustments and capital upgrades to maximize existing capacity among the transfer station system.									
	Increase transfer trucks and drivers required to meet needs of a separated brush and bulky item collection program.	3	High	High	Low	Medium	SAN Enterprise Fund	Near-term	SAN	
	Increase capacity of Dry Gulch to divert haul and manual unload customers from the transfer building at Bachman.	3	High	High	High	High	SAN Enterprise Fund	Mid-term	SAN	Consider providing enhanced residential customer drop-off at each transfer station.
	Upgrade transfer buildings including repairing building shells, upgrading/integrating scaling hardware and software, and reconfiguring internal roadways as needed.	N/A	High	N/A	High	High	SAN Enterprise Fund	Mid-term	SAN	Ongoing effort to repair Southwest transfer station.
	Increase communication protocols and leverage on-board vehicle technology to support operating capacity (e.g., anticipate when surges of material are heading to one or more transfer stations).	3	High	N/A	Medium	Low	SAN Enterprise Fund	Near-term	SAN	
5-2	Transfer brush and yard trimming loads through Bachman on a pilot basis.									
	Separately receive and manage separately collected brush and yard trimmings at Bachman using the existing equipment and staffing.	3, 7	High	High	High	High	SAN Enterprise Fund	Mid-term	SAN	Contingent on upgrading Dry Gulch and adjusting schedule consistent with any changes to refuse/recycling and brush/bulky item collection service to make this operationally feasible.
	Process separated brush/yard trimmings material through Bachman on a regular basis for transfer to the Landfill's existing brush grinding operation until an available composting facility is identified.	3, 7	High	High	High	High	SAN Enterprise Fund	Mid-term	SAN	Concurrently with implementation of key operational and/or capital upgrades.
5-3	Develop engineering design study and preliminary construction phasing plan for major expansion or rebuild of Bachman.									
	Develop and evaluate a series of options to expand services while maintaining continuity of service through strategic construction phasing, including configurations required to manage separately collected brush/yard trimmings and potentially separately collected food waste in the future.	N/A	High	High	N/A	High	SAN Enterprise Fund	Near-term	SAN	Options evaluation should include tasks to study the feasibility of leveraging existing organics processing in the region that support the transfer station system upgrades.
6-1	Evaluate efficiencies that could be achieved by adjusting collection schedule to five days per week, eight hours per day as part of the ongoing re-route.									
	Evaluate the impact of the reducing the number of households per route required for a five day collection week, identifying efficiencies in the re-routed system that could position the City to implement increased service levels in the future (e.g., every other week recycling, weekly collection of yard trimmings).	3, 8	High	Medium	Medium	Low	N/A	Near-term	SAN, OEQS, Code Compliance	
6-2	Develop an education, outreach, and compliance plan for adjustments to the City's collection schedule.									
	Communicate service changes including how the City would leverage on-board technology to support compliance efforts, required adjustments to other City programs (e.g., brush and bulky item collection, transfer station operation), and phasing plan regarding the implementation of the re-route.	3	High	Medium	Medium	Medium	SAN Enterprise Fund; OEQS Budget; Code Compliance Budget; NCTCOG Grant	Near-term	SAN, OEQS, Code Compliance	
6-3	Utilize on-board vehicle technology to collect key performance metrics and support compliance efforts.									
	Track key performance metrics such as daily time on-route and off-route, number of trips to disposal/processing facilities per route, and tonnage collected per route and per household.	3	High	Medium	Medium	Low	N/A	Near-term	SAN, OEQS, Code Compliance	Current 3rd Eye on-board technology allows City to run reports about total vehicle run time for trucks before re-route and after to determine reduction of time on street to provide more proactive preventative maintenance.
6-4	Exit the alleys and minimize combined alley and curbside routes as part of the ongoing re-route.									
	Adjust the collection routes and/or sanitation districts to transition residents from alley to curbside collection, as able.	3	High	High	High	Low	N/A	Near-term	SAN, OEQS, Code Compliance	The City may consider a tiered rate schedule to more equitably charge residential customers (e.g., curbside collection rate-payers are currently subsidizing the alley collection which is more costly to operate.
6-5	Ensure the Sanitation Department is involved in permit pre-approval review process conducted by the Sustainable Development Department.									
	Regularly review permit applications for mixed use developments or multi-tenant complexes would require developers to consider solid waste collection and recycling capabilities as part of the development process to minimize challenging collection environments.	N/A	High	Medium	Medium	Low	N/A	Near-term	SAN, Sustainable Development	Requires ordinance update to clarify definition of single-family attached/detached properties, evaluation existing of form-based code, and multi-family property recycling infrastructure (e.g., trash and recycling chutes/storage rooms).
6-6	Increase number of CNG and/or RNG vehicles in collection fleet and expand fueling infrastructure.									
	Increase number of CNG and/or RNG vehicles in collection fleet.	8	Medium	Medium	Medium	Medium	SAN Enterprise Fund	Mid-term	SAN, EFM	Utilizing RNG considered as part of recycling potential.
	Install additional CNG/RNG fueling station.	8	Medium	Medium	High	High	SAN Enterprise Fund	Mid-term	SAN, EFM	Utilizing RNG considered as part of recycling potential.
	Apply for regional or national grants or other available funding support to subsidize the purchase, infrastructure upgrade, or maintenance needs to successfully increase number of CNG/RNG collection vehicle in fleet.	8	Medium	N/A	Low	N/A	NCTCOG Grant	Near-term	SAN, EFM	
6-7	Track ongoing efforts to implement BEVs and explore the feasibility of a BEV pilot project based on the results from peer cities.									
	Track ongoing efforts of Battery Electric Vehicles (BEVs) used for solid waste collection around the country.	4	High	N/A	N/A	Low	N/A	Near-term	SAN, OEQS, EFM	Include evaluation of running vehicles, maintenance and charging infrastructure.
	Explore the feasibility of running a BEV pilot upon identification of successful implementation on a long-term basis (e.g., through a full replacement cycle) in peer cities.	4	Medium	N/A	N/A	Low	N/A	Long-term	SAN, EFM	
	Apply for regional or national grants or other available funding support to subsidize the purchase, infrastructure upgrade, or maintenance needs to successfully implement a pilot project.	4	Medium	N/A	Low	Low	NCTCOG Grant	Mid-term	SAN, EFM	
6-8	Explore opportunities to procure carts leveraging cooperative purchasing arrangement with peer cities.									
	Release an RFP in conjunction with peer cities.	N/A	Medium	N/A	Low	Low	N/A	Near-term	SAN	Explore the ability to leverage collective purchasing power with peer cities to realize cost savings on cart purchase and/or cart management and support services.

LSWMP Update Reference	Recommendation	CECAP Goal	Priority	Recycling Potential	Difficulty of Implementation	Financial Impact	Funding Source	Implementation Timing	Responsible Party	Notes
7-1	Maintain 10 CY set out limits									
	Continue implementation of 10 CY limit and fee assessment.	3	High	High	N/A	Low	N/A	Near-term	SAN, OEQS, Code Compliance	
	Decrease set out limit to eight CY.	3	Low	High	Low	Low	N/A	Long-term	SAN, OEQS, Code Compliance	
7-2	Deploy brush and bulky item collection crews based on set out patterns.									
	Deploy rotocombo vehicles to areas of the City that have the largest set outs, and the rotoboom crews to those with smaller items given the strengths of each particular equipment type.	3	High	High	Low	Low	N/A	Near-term	SAN	
	Pilot two-person crew for rotocombo equipment	3	Medium	High	Low	Low	N/A	Near-term	SAN	
7-3	Increase capacity for managing brush and bulky items separately at Bachman and the Landfill.									
	Expand Bachman to allow for processing and transfer of separately collected brush and bulky items.	3	High	High	High	High	SAN Enterprise Fund	Near-term	SAN	
	Identify location at Landfill for storage and processing of organics.	3	Medium	High	Low	Low	N/A	Near-term	SAN	
7-4	Implement separate brush and bulky item collection scenario City-wide using phased approach									
	Transition to weekly cart-based separate yard trimmings with appointment-based brush and/or bulky item collection.	3	High	High	High	High	SAN Enterprise Fund	Near-term	SAN, OEQS, Code Compliance, EFM	Requires ordinance update for definition of brush, yard trimmings and bulky items. "Sunset" Cost-Plus program and establish call-in bulky item collecting program on routed basis (e.g., requests determine routes, generated on a weekly basis). Customers would be provided appointment-based services four times per year for brush and/or bulky items (cannot be both).
	Streamline compliance tools to support transition to appointment-based brush and bulky item collection.	3	High	High	High	High	SAN Enterprise Fund	Near-term	SAN, Code Compliance	
8-1	Maximize site life and maintain sufficient revenues.									
	Conduct periodic market assessment to determine ongoing and future pricing increases.	5	Medium	N/A	N/A	Medium	N/A	Mid-term	SAN, Finance	
	Implement environmental fee (or similar) to fund long-term management of the Landfill equitably.	5	High	N/A	High	Low	N/A	Mid-term	SAN, Finance	Ensure rising tip fees to not drive tonnage away to the point it impacts Landfill revenues.
	Implement recycling incentive for third-party haulers.	5	Medium	High	Medium	Low	N/A	Mid-term	SAN, Finance	
	Implement hardware and software tools for continued increases in operational efficiency.	5, 8	Medium	Medium	Low	Medium	SAN Enterprise Fund	Mid-term	SAN	Considers recycling of landfill gas.
8-2	Increase usage of Customer Convenience Center (CCC).									
	Track usage and hauls from CCC on daily or weekly basis.	5	High	N/A	Low	Low	N/A	Near-term	SAN	Either manually or run transfer trailers over unmanned scales.
	Incentivize use of CCC by offering discount/flat fee for manual unload customers.	5	High	N/A	Medium	Low	SAN Enterprise Fund	Near-term	SAN	Create charge rate for manual unload vehicles to minimize need to scale in/out. Will account for tonnages by weighing transfer trailers.
8-3	Increase organics processing capacity.									
	Identify location outside the permitted limits of waste disposal at Landfill to process separately collected brush/yard trimmings.	5	High	High	High	Low	SAN Enterprise Fund	Near-term	SAN	In coordination with potential RFCSP for organics processing vendor.
8-4	Evaluate long-term operations and development approaches.									
	Develop facility master plan to address long-term site development phasing, Capital Improvement Plan (CIP), and infrastructure needs (e.g., stormwater, electrical).	5	Medium	N/A	N/A	Medium	SAN Enterprise Fund	Near-term	SAN, Third Party	Third party may be engineering consulting firm.
	Explore modifications to final grading plan and permitted elevation to address current or anticipated operational challenges and provide additional airspace.	5	Medium	N/A	Medium	Medium	SAN Enterprise Fund	Long-term	SAN	May require preparation and submission of landfill permit modifications.
	Plan adjustments to ancillary facilities at the site to ensure they are outside the permitted limits of waste.	5	Medium	N/A	High	High	SAN Enterprise Fund	Long-term	SAN, Third Party	Third party may be engineering consulting firm.

LSWMP Update Reference	Recommendation	CECAP Goal	Priority	Recycling Potential	Difficulty of Implementation	Financial Impact	Funding Source	Implementation Timing	Responsible Party	Notes
9-1	<b>Maintain current terms and conditions of the agreement and hold the contractor accountable to maintain them.</b>									
	Administer the terms of the agreement and hold the contractor to them, including requesting confirmation of agreements with alternative facilities in the case of unplanned downtime.	5	High	N/A	Low	Low	N/A	Near-term	SAN, OEQS	
9-2	<b>Re-evaluate recycling processing agreement four years before conclusion of initial term.</b>									
	Determine if financial terms are still favorable (e.g., processing fee and revenue sharing provision), if the contractor has maintained compliance (e.g., regularly scheduling MRF audits, meeting reporting requirements, storing materials inside the processing building) and the state of the processing equipment.	5	Low	N/A	Low	Low	N/A	Long-term	SAN, Finance	Based on this evaluation, the City would determine to execute an extension of the agreement or solicit proposals for other options.
9-3	<b>Work with FCC to expand facility as needed in the future.</b>									
	Work with FCC to identify the timing and needs of any future facility expansion.	5	Low	Medium	Low	High	N/A	Long-term	SAN	
10-1	<b>Emphasize backyard composting, food donation and source reduction programs as part of future data collection and the development of education and outreach programs.</b>									
	Focus education, outreach and program development to expand backyard composting and food donation.	1	High	N/A	Low	Low	N/A	Near-term	SAN, OEQS	Maximizes existing City resources without requiring hiring more personnel or purchasing more equipment.
10-2	<b>Pilot windrow composting project outside the permitted disposal areas of the Landfill for yard trimmings and brush only</b>									
	Identify areas that could be used to pilot a windrow composting operation to gauge the feasibility of transitioning the existing organic material processing operation at the Landfill to compost rather than just grind brush and yard trimmings for use by other City departments or Landfill customers.	7, 9	High	High	High	Medium	SAN Enterprise Fund	Near-term	SAN	As part of the ongoing considerations to adjust the location of key infrastructure at the Landfill
10-3	<b>Engage with private-sector processors in the area to identify the feasibility of developing a public-private partnership.</b>									
	Reach out to composting operators in the region to identify parties that would be interested in accepting separately collected brush material, developing a new composting facility in the area or operating a composting facility at the Landfill.	7, 9	High	High	Medium	Low	SAN Enterprise Fund	Near-term	SAN	
	If there is interest, develop and release an Request for Competitive Sealed Proposals (RFCSP) to evaluate opportunities and identify the best value proposal to determine how the City should move forward to establish processing capacity for separately collected brush and yard trimming materials.	7, 9	High	High	Medium	Low	SAN Enterprise Fund	Near-term	SAN, Procurement	Focusing on processing of dry brush/yard trimmings in the near-term, with room for expansion to include putrescibles as part of composting or upgraded processing technology (e.g., anaerobic digestion, mixed waste processing, etc.).
10-4	<b>Evaluate the capital cost requirements at the SS WWTP to be able to accept organic materials.</b>									
	Develop a feasibility study that evaluates the traffic and tonnage flows if the Southside Wastewater Treatment Plant (SS WWTP) were to accept material delivered by either vacuum trucks or solid waste collection vehicles.	7, 8, 9	High	N/A	N/A	Medium	SAN Enterprise Fund, DWU Budget	Near-term	SAN, DWU	The feasibility study should assess the capital and infrastructure upgrades required to effectively receive and manage third-party organic materials.
	Pilot organics processing program at the SS WWTP coordinating with NCTCOG on regional efforts to increase organics recycling.	7, 8, 9	High	High	High	Medium	SAN Enterprise Fund, DWU Budget	Near-term	SAN, DWU	
11-1	<b>Maintain the MFRO and continue to increase the percentage of covered entities in compliance year-over-year.</b>									
	Continue to implement and increase the compliance from generators and haulers as part of the Multi-family Recycling Ordinance (MFRO).	1	High	High	Low	Low	N/A	Near-term	SAN, OEQS	
	Monitor new developments that come online and continuing to support affected entities with education and outreach.	1	High	High	Low	Low	N/A	Mid-term	SAN, OEQS, Development Services	
11-2	<b>Adjust franchise and permitted recycling hauler reporting requirements to include more comprehensive tonnage data reports.</b>									
	Require submission of more comprehensive data to include refuse, recycling and other recyclable tonnages collected including the location with materials are processed and disposed.	5	High	N/A	Low	Low	N/A	Near-term	SAN, Finance	Implement by making adjustments when non-exclusive franchise ordinance come up for renewal rather than scraping them all. Could also consider increasing franchise fees over time as part of this process.
11-3	<b>Require franchise haulers offer recycling and organics diversion services.</b>									
	After the requirements of franchise hauler reporting has been implemented and analyzed, determine the requirements for haulers to offer recycling services to customers.	5, 7	Medium	High	Medium	Low	N/A	Mid-term	SAN, Finance	Including both single-stream and organics depending on customer type.
	Establish compliance mechanisms to ensure that requirements maintain a level playing field among franchise haulers.	5, 7	Medium	High	Medium	Medium	SAN Enterprise Fund	Mid-term	SAN, Finance	Requires that City have sufficient staffing for data collection/verification.
11-4	<b>Expand the Green Business Certification to provide technical assistance leveraging cross-departmental synergies.</b>									
	Expand program to increase the number of certified businesses year over year.	5	High	High	Low	Low	OEQS Budget	Near-term	SAN, OEQS, Code Compliance	
	Increase the capability of the program to provide technical assistance to increase recycling from the commercial sector, leveraging cross-department collaboration to capture efficiencies by spreading the demand on staff time across multiple departments and streamlining efforts.	5	Medium	High	Medium	Medium	SAN Enterprise Fund, OEQS Budget, Code Compliance Budget	Mid-term	SAN, OEQS, Development Services, Code Compliance	
11-5	<b>Implement targeted commercial diversion requirements on a phased basis.</b>									
	Determine the threshold of material generation quantity, facility size (square footage) or business size (number of employees) that would make the most impact on the City's recycling rate as part of a phased approach, where more generators are included over time and are required to contract with franchise haulers to recycle material.	9	High	High	High	Low	N/A	Long-term	SAN, OEQS, Code Compliance	After adjusting the franchise and permitted recycling hauler requirements and ensuring that the available processing capacity for recycling and organics diversion,
11-6	<b>Consider exclusive or zoned franchise system to support targeted commercial diversion requirements.</b>									
	Develop an exclusive or zoned franchise system that establishes geographic areas where service is provided to commercial generators and infrastructure exists to support the implementation of targeted commercial diversion requirements.	9	Low	High	High	Low	N/A	Long-term	SAN	Implementation efforts of targeted commercial diversion requirements may receive pushback from the hauler community indicating that requirements minimize their ability to achieve efficiencies related to route density and significantly increase their cost to provide service while prohibiting them from increasing rates for certain services.

LSWMP Update Reference	Recommendation	CECAP Goal	Priority	Recycling Potential	Difficulty of Implementation	Financial Impact	Funding Source	Implementation Timing	Responsible Party	Notes
12-1	Enter new contract with the County									
	Extend the current agreement in a similar structure to the existing ILA on a one-year basis with three, 1-yr extensions.	5	High	N/A	Low	High	N/A	Near-term	SAN, OEQS, Code Compliance	Enter new one year agreement with strategic operational adjustments to ensure the short-term needs of the City are met with flexibility to explore other options to minimize future costs as the City continues to grow.
12-2	Explore the ability for the County to extend operating hours and automate data tracking and analysis.									
	Support County to justify extending operating hours and automating data tracking would streamline operations at the existing facility but may require capital upgrades including installation of wireless internet and a covered area to receive customers.	5	Medium	N/A	Low	Medium	N/A	Mid-term	SAN, OEQS	
12-3	Work with the County to increase materials that can be cost-effectively recycled to minimize disposal costs.									
	Work with the County to proactively establish recycling outlets for materials that are currently disposed to minimizing disposal costs passed through as part of the ILA.	6, 7	Medium	High	Medium	Low	N/A	Mid-term	SAN, OEQS	This is challenging with the existing space constraints at the HCCC, but may be more feasible at a new HCCC or satellite facility.
12-4	Collaborate with the County to identify locations where new HCCC or satellite facility could be located in the southern part of the County.									
	Develop a new HCCC and/or satellite facility to increase accessibility for City residents, working closely with the County and its stakeholders to establish the needs (e.g., challenges managing service demand, rising operating costs, changing material types and recycling outlets) and benefits (e.g., more convenient access for residents, managing costs over time).	6	High	High	High	High	OEQS Budget, Code Compliance Budget	Mid-term	SAN, OEQS, County	A key consideration is to ensure current participating members support the approach and understand the benefits to their residential customers.
12-5	Coordinate with the County to support increasing frequency and materials accepted at HHW and BOPA events.									
	Increase frequency and material types accepted at HHW and BOPA collection events to be consistent with materials accepted at HCCC.	6	High	High	Medium	High	OEQS Budget, Code Compliance Budget	Mid-term	SAN, OEQS, Code Compliance	The key challenges to increasing the frequency of events is the additional cost of equipment and staff time, including an on-site chemist and additional staff training.
	Coordinate with the County to identify opportunities where the County could support needs (e.g., providing use of its full-time chemist at some or all mobile collection events) to allow City to increase the number of collection events without incurring the full cost burden of the program expansion.	6	Low	High	Medium	Low	N/A	Mid-term	SAN, OEQS, Code Compliance	
13-1	Enter new contract with the County									
	Extend the current agreement in a similar structure to the existing ILA on a one-year basis with three, 1-yr extensions.	5	High	N/A	Low	High	N/A	Near-term	SAN, OEQS, Code Compliance	Enter new one year agreement with strategic operational adjustments to ensure the short-term needs of the City are met with flexibility to explore other options to minimize future costs as the City continues to grow.
13-2	Explore the ability for the County to extend operating hours and automate data tracking and analysis.									
	Support County to justify extending operating hours and automating data tracking would streamline operations at the existing facility but may require capital upgrades including installation of wireless internet and a covered area to receive customers.	5	Medium	N/A	Low	Medium	N/A	Mid-term	SAN, OEQS	
13-3	Work with the County to increase materials that can be cost-effectively recycled to minimize disposal costs.									
	Work with the County to proactively establish recycling outlets for materials that are currently disposed to minimizing disposal costs passed through as part of the ILA.	6, 7	Medium	High	Medium	Low	N/A	Mid-term	SAN, OEQS	This is challenging with the existing space constraints at the HCCC, but may be more feasible at a new HCCC or satellite facility.
13-4	Collaborate with the County to identify locations where new HCCC or satellite facility could be located in the southern part of the County.									
	Develop a new HCCC and/or satellite facility to increase accessibility for City residents, working closely with the County and its stakeholders to establish the needs (e.g., challenges managing service demand, rising operating costs, changing material types and recycling outlets) and benefits (e.g., more convenient access for residents, managing costs over time).	6	High	High	High	High	OEQS Budget, Code Compliance Budget	Mid-term	SAN, OEQS, County	A key consideration is to ensure current participating members support the approach and understand the benefits to their residential customers.
13-5	Coordinate with the County to support increasing frequency and materials accepted at HHW and BOPA events.									
	Increase frequency and material types accepted at HHW and BOPA collection events to be consistent with materials accepted at HCCC.	6	High	High	Medium	High	OEQS Budget, Code Compliance Budget	Mid-term	SAN, OEQS, Code Compliance	The key challenges to increasing the frequency of events is the additional cost of equipment and staff time, including an on-site chemist and additional staff training.
	Coordinate with the County to identify opportunities where the County could support needs (e.g., providing use of its full-time chemist at some or all mobile collection events) to allow City to increase the number of collection events without incurring the full cost burden of the program expansion.	6	Low	High	Medium	Low	N/A	Mid-term	SAN, OEQS, Code Compliance	



## Agenda Information Sheet

File #: 22-1275

Item #: 34.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** August 10, 2022

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Transportation

**EXECUTIVE:** Dr. Robert Perez

### SUBJECT

Authorize (1) a Development Participation Contract with Texas Trees Foundation for the donation of privately funded design plans for a City of Dallas 2017 General Obligation Bond Program Project identified as the Southwestern Medical District Streetscape Plan/Harry Hines Boulevard Improvements (Market Center DART Station to Mockingbird Lane); and (2) an Operating and Maintenance Agreement with Texas Trees Foundation for non-standard public improvements associated with the Harry Hines Boulevard Improvements Project (Market Center to Mockingbird Lane) - Financing: This action has no cost consideration to the City (see fiscal information for potential future costs)

### BACKGROUND

On November 7, 2017, City voters approved the 2017 general obligation bond program for the purposes of improving transit-oriented infrastructure within the City. One of the bond program projects identified was the Harry Hines Boulevard Improvements (Market Center to Mockingbird Lane) (the "Project"). The City's total fixed Project construction budget is \$7,500,000.00.

On October 12, 2017, the North Central Texas Council of Governments ("NCTCOG"), through its Regional Transportation Council (the "RTC") approved the programming of Congestion Mitigation and Air Quality and Surface Transportation Block Grant funds for the construction of the Project in amount of \$6,000,000.00 (collectively, the "RTC Funds"). RTC and the City have entered into a Memorandum of Understanding (the "MOU") regarding obligations and conditions relating to the distribution of the RTC Funds for the Project. The MOU requires a local City match of \$7,500,000.00 (the "City Funds") and a fully executed agreement between the City and a private sector entity that obligates the private sector entity to make a financial contribution to the Project of at least \$19,056,322.00 ("Private Funds").

Texas Trees Foundation, a Texas nonprofit corporation located in the City ("TTF"), has identified the Project as a priority and TTF has agreed to conduct all necessary design services associated with the Project at its sole cost and expense and donate the design documents in order to facilitate the

construction of the Project, meet TTF's charitable goals within the City, and fulfill the Private Funds requirement of the MOU.

NCTCOG commissioned and is managing a study regarding the Harry Hines corridor (the "Harry Hines Corridor Study"); the results of which may impact the Project. The RTC Funds, the City Funds, and the Private Funds will not be eligible for use for the Project until the execution of a contract between the City and TTF and Dallas County's approval of the Project. Additionally, RTC funds will not be used on the Project in a way that contradicts the results of the Harry Hines Corridor Study.

The City and TTF, in the mutual interest of the City of Dallas, desire to enter into a contract establishing the terms for the development and donation of the Project design plans.

### **ESTIMATED SCHEDULE OF PROJECT**

Began Design	Spring 2021
Complete Design	Spring 2023
Begin Construction	Summer/Fall 2023
Complete Construction	Spring/Summer 2025

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

This item has no prior action.

### **FISCAL INFORMATION**

This action has no cost consideration to the City. Future cost to the City is \$7,500,000.00, for construction and administrative support, to be funded by 2017 General Obligation Bond Funds on a future City Council Agenda.

### **OWNER**

**Texas Trees Foundation**  
Janette Monear, President/CEO

### **MAP**

Attached



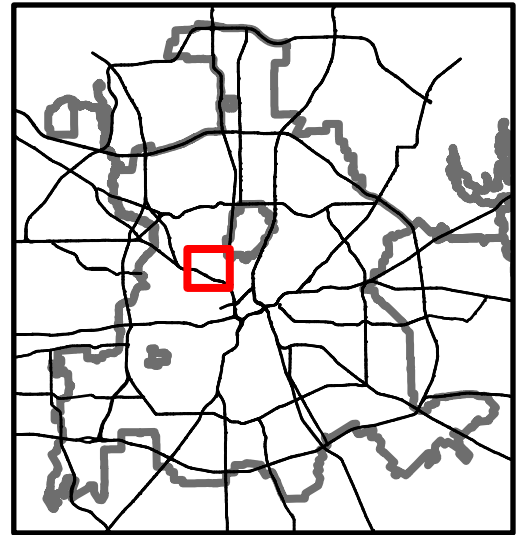
# Southwestern Medical District Streetscape Harry Hines Boulevard Improvements



 Project Limits

**Council District 2**

0 0.2 0.4 0.6 Miles



Texas Parks & Wildlife, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



August 10, 2022

~~**WHEREAS**, the City of Dallas (“City”) recognizes the emerging evolution of transportation infrastructure in the City and the importance of providing an integrated transportation system that balances the needs of pedestrians, transit, bicycles, and automobiles; and~~

~~**WHEREAS**, On November 7, 2017, City voters approved the 2017 general obligation bond program for the purposes of improving transit-oriented infrastructure within the City; and~~

~~**WHEREAS**, one of the bond program projects identified was the Harry Hines Boulevard Improvements (Market Center to Mockingbird Lane) (the “Project”); and~~

~~**WHEREAS**, the City’s total fixed Project construction budget is \$7,500,000.00; and~~

~~**WHEREAS**, On October 12, 2017, the North Central Texas Council of Governments (“NCTCOG”), through its Regional Transportation Council (the “RTC”) approved the programming of Congestion Mitigation and Air Quality and Surface Transportation Block Grant funds for the construction of the Project in amount of \$6,000,000.00 (collectively, the “RTC Funds”); and~~

~~**WHEREAS**, RTC and the City have entered into a Memorandum of Understanding (the “MOU”) regarding obligations and conditions relating to the distribution of the RTC Funds for the Project; and~~

~~**WHEREAS**, The MOU requires a local City match of \$7,500,000.00 (the “City Funds”) and a fully executed agreement between the City and a private sector entity that obligates the private sector entity to make a financial contribution to the Project of at least \$19,056,322.00 (“Private Funds”); and~~

~~**WHEREAS**, the Texas Trees Foundation, a Texas nonprofit corporation located in the City (“TTF”), has identified the Project as a priority and TTF has agreed to conduct all necessary design services associated with the Project at its sole cost and expense and donate the design documents in order to facilitate the construction of the Project, meet TTF’s charitable goals within the City, and fulfill the Private Funds requirement of the MOU; and~~

~~**WHEREAS**, NCTCOG commissioned and is managing a study regarding the Harry Hines corridor (the “Harry Hines Corridor Study”), the results of which may impact the Project; and~~

~~**WHEREAS**, the RTC Funds, the City Funds, and the Private Funds will not be eligible for use for the Project until the execution of a contract between the City and TTF and Dallas County’s approval of the Project; and~~

August 10, 2022

**WHEREAS**, the RTC funds will not be used on the Project in a way that contradicts the results of the Harry Hines Corridor Study; and

**WHEREAS**, the City and TTF, in the mutual interest of the City of Dallas, desire to enter into a contract establishing the terms for the development and donation of the Project design plans.

**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, approved as to form by the City Attorney: **(1)** a Development Participation Contract with the Texas Trees Foundation for the development and donation of design plans for City of Dallas 2017 bond program streetscape and pedestrian improvements identified as the Harry Hines Boulevard Improvements Project (Market Center to Mockingbird Lane); and **(2)** an Operating and Maintenance Agreement with Texas Trees Foundation for non-standard public improvements associated with the Harry Hines Boulevard Improvements Project (Market Center to Mockingbird Lane).

**SECTION 2.** That this contract is designated as Contract No. TRN-2022-00019385.

**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 Information Sheet

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**File #:** 22-1281

**Item #:** 35.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Department of Transportation

**EXECUTIVE:** Dr. Robert Perez

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### **SUBJECT**

Authorize a Beautification and Maintenance Agreement, for a ten-year period, with The Bottom District Community Development Foundation, to upgrade existing signs and posts with custom signs, street toppers and decorative posts for the Bottom Beautification Project within the following limits: between Interstate 35E to the west, Corinth Street to the east, Hutchins Avenue to the south, and the Trinity River Floodplain to the north - Financing: This action has no cost consideration to the City (see Fiscal Information)

### **BACKGROUND**

This action will authorize the City Manager to execute a Beautification and Maintenance Agreement with The Bottom District Community Development Foundation, to upgrade existing signs and posts with custom signs, street toppers and decorative posts for the Bottom Beautification Project within the following limits: between Interstate 35E to the west, Corinth Street to the east, Hutchins Avenue to the south, and the Trinity River Floodplain to the north.

The Bottom District Community Development Foundation will be solely responsible for all costs arising from the Agreement, including but not limited to fabrication, installation and maintenance of decorative posts and custom signs, including the replacement and repair, fabrication and maintenance of neighborhood street toppers and replacing any damage or faded toppers, and other services as outlined in the Beautification and Maintenance Agreement, for a 10-year term beginning on execution of the agreement and ending 10 years thereafter, with the option to renew for an additional 10-year term.

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

This item has no prior action.

### **FISCAL INFORMATION**

This action has no cost consideration to the City. The Bottom District Community Development Foundation will be solely responsible for all costs arising from the Agreement, including but not limited to fabrication, installation and maintenance of decorative posts and custom signs, including the replacement and repair, fabrication and maintenance of neighborhood street toppers and replacing any damage or faded toppers, and other services as outlined in the Beautification and Maintenance Agreement for the Bottom Beautification Project within the limits identified.

**MAP**

Attached

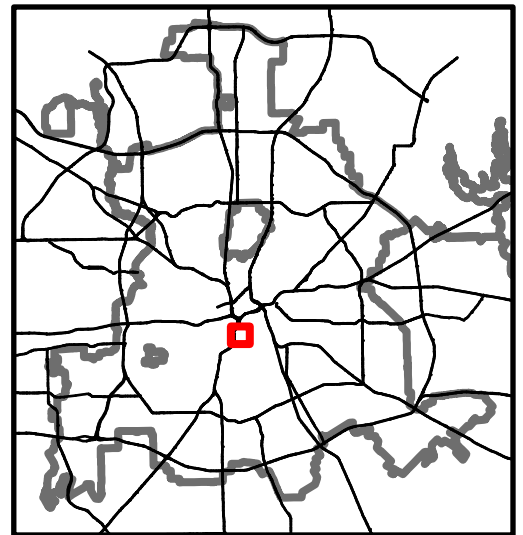


# Bottom Neighborhood District Custom Signs, Street Toppers, and Decorative Sign Posts Beautification Project

 Project Location

**Council District 4**

0 0.1 0.2 Miles



June 22, 2022

**WHEREAS**, the City of Dallas and The Bottom District Community Development Foundation desire to enter into a Beautification and Maintenance Agreement for a 10-year term beginning on execution of the agreement and ending 10 years thereafter, with the option to renew for an additional 10-year term to upgrade existing signs and posts with custom signs, street toppers and decorative posts for the Bottom Beautification Project depicted on Exhibit A, attached hereto and made a part hereof, within the following limits: between Interstate 35E to the west, Corinth Street to the east, Hutchins Avenue to the south, and the Trinity River Floodplain to the north, depicted on Exhibit B, attached hereto and made a part hereof; and

**WHEREAS**, The Bottom District Community Development Foundation, will be solely responsible for all costs arising from the Agreement including but not limited to fabrication, installation and maintenance of decorative posts and custom signs, including the replacement and repair, fabrication and maintenance of neighborhood street toppers and replacing any damage or faded toppers, and other services as outlined in the Beautification and Maintenance Agreement for the Bottom Beautification Project within the limits identified; and

**WHEREAS**, it is now necessary to authorize a Beautification and Maintenance Agreement with The Bottom District Community Development Foundation to provide for beautification and maintenance services of the decorative signs; posts; custom signs; street toppers; and decorative posts for the Bottom Beautification Project.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a Beautification and Maintenance Agreement, approved as to form by the City Attorney, for a ten-year period, with The Bottom District Community Development Foundation, to upgrade existing signs and posts with custom signs, street toppers and decorative posts for the Bottom Beautification Project within the following limits: between Interstate 35E to the west, Corinth Street to the east, Hutchins Avenue to the south, and the Trinity River Floodplain to the north.

**SECTION 2.** That this contract is designated as Contract No. TRN-2022-00019266.

**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 Information Sheet

**File #:** 22-1304

**Item #:** 36.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 6, 11, 13

**DEPARTMENT:** Department of Transportation

**EXECUTIVE:** Dr. Robert Perez

### **SUBJECT**

Authorize a construction contract for the Tornado-Damaged Signals Group 1 project consisting of re-construction of traffic signals located at Midway Road and Killion Drive, Preston Road (SH 289) and Preston Royal Center (North of Royal Lane), and Lenel Place and Walnut Hill Lane - Durable Specialties, Inc., lowest responsible bidder of two - Not to exceed \$1,255,550.10 - Financing: Federal Highway Administration (FHWA) Emergency Relief Program Fund

### **BACKGROUND**

This action will authorize a construction contract with Durable Specialties, Inc., lowest responsible bidder of two, to re-construct traffic signals located at Midway Road and Killion Drive, Preston Road (SH 289) and Preston Royal Center (North of Royal Lane), and Lenel Place and Walnut Hill Lane as part of services for the Tornado-Damaged Signals Group 1 project.

Bid specifications were developed and publicly advertised on April 27, 2022; May 4, 2022; and May 11, 2022, for competitive bids associated with the Tornado-Damaged Signals Group 1 project. Bids were opened on May 20, 2022.

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

	<u>DWU</u>	<u>PBW</u>	<u>PKR</u>	<u>TRN</u>
Current Projects	0	0	0	3
Projects Completed	0	0	0	0
Change Orders	0	0	0	0
Projects Requiring liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

### **ESTIMATED SCHEDULE OF PROJECT**



Begin construction July 2022  
Complete construction March 2023

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

This item has no prior action.

**FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Federal Highway Administration (FHWA) Emergency Relief Program Fund	\$255,550.10	\$1,000,000.00	\$0.00
Total	\$255,550.10	\$1,000,000.00	\$0.00

**Council Districts****Amounts**

6	\$ 209,258.35
11	\$ 209,258.35
13	\$ 837,033.40
Total	\$1,255,550.10

**M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	DBE Goal	DBE %	DBE \$
\$1,255,550.10	Construction	2.00%	2.36%	\$29,618.10
• This contract exceeds the DBE goal.				
• Durable Specialties, Inc. - Non-local; Workforce - 22.00% Local				

**PROCUREMENT INFORMATION**

The following two bids with quotes were opened on May 20, 2022:

\*Denotes successful bidder

**Bidders****Total Bid**

\*Durable Specialties, Inc. \$1,255,550.10



P.O. Box 535969  
Grand Prairie, Tx 75055  
EAR Telecommunications

\$1,450,564.60

**OWNER**

**Durable Specialties, Inc.**  
Patrick Bryan

**MAP**

Attached

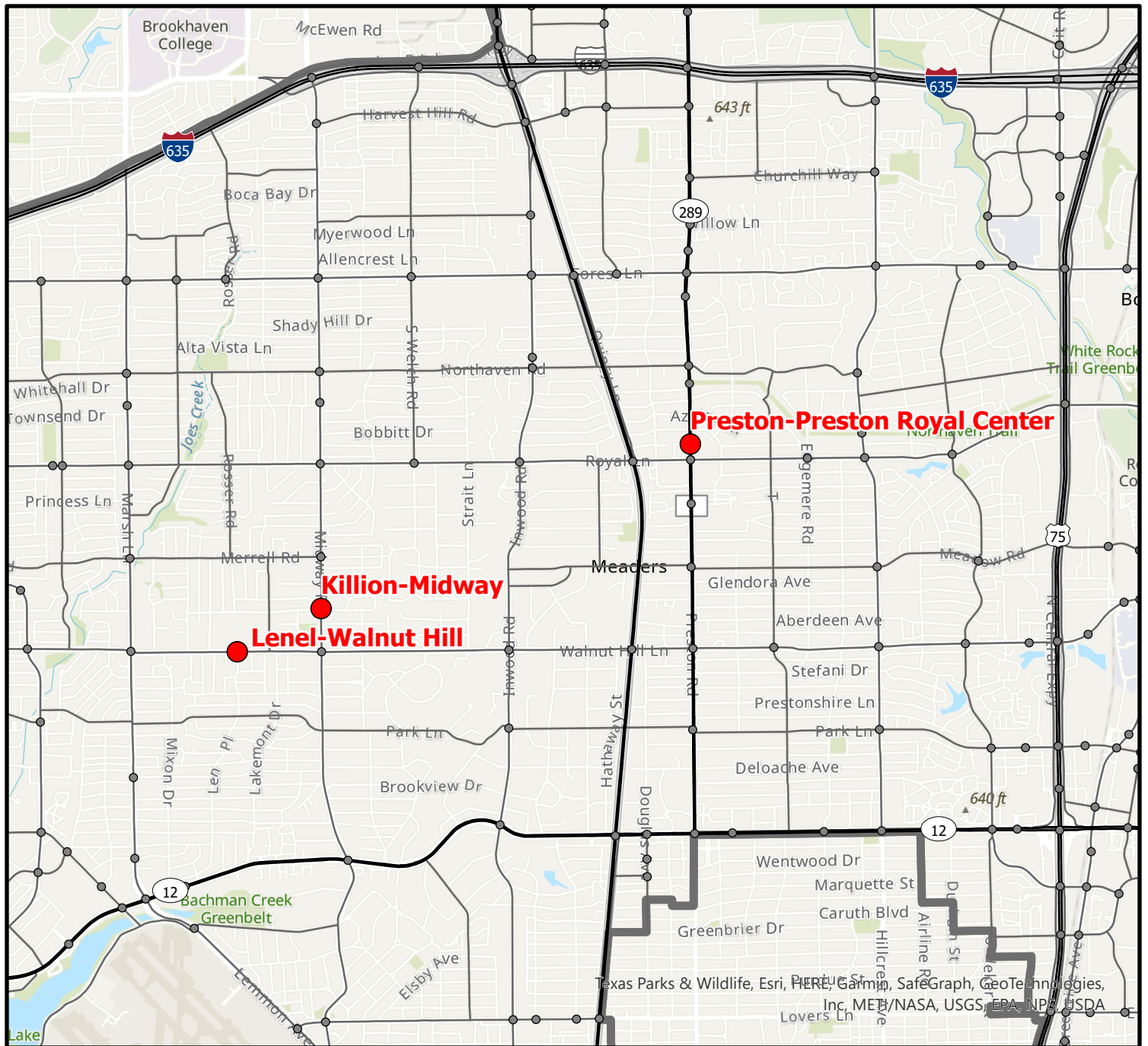
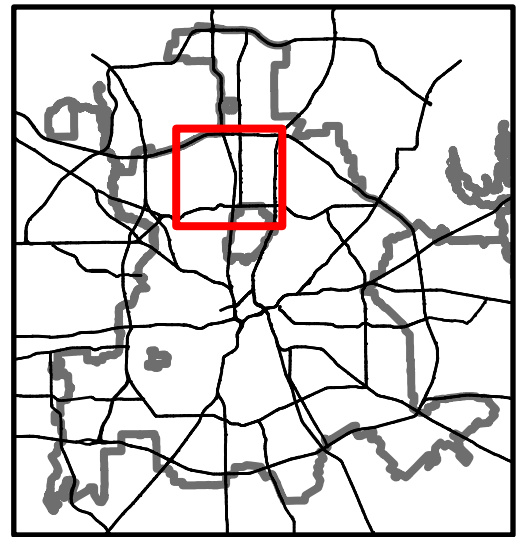
# Tornado-Damaged Signals Group 1



● Project Location

Council District 6, 11, 13

0 1 2 Miles



Texas Parks & Wildlife, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS, USDA

June 22, 2022

**WHEREAS**, on October 20, 2019, a tornado event occurred in the City of Dallas, damaging many traffic signals, homes, buildings, trees, and other structures and improvements, resulting in a significant amount of re-construction and clean-up throughout the City; and

**WHEREAS**, the tornado event included traffic signals that were damaged in the core path of the tornado; and

**WHEREAS**, within the tornado path, damage areas were identified by priority level; and

**WHEREAS**, this construction contract is for the highest priority area that incurred the most damage in a high-traffic area; and

**WHEREAS**, bid specifications were developed and publicly advertised for competitive bids associated with the Tornado-Damaged Signals Group 1; and

**WHEREAS**, two bids were received by the May 20, 2022, deadline, listed as follows:

<u>Bidders</u>	<u>Total Bid</u>
Durable Specialties, Inc.	\$1,255,550.10
EAR Telecommunications	\$1,450,564.60

**WHEREAS**, it is now desirable to authorize a construction contract, approved as to form by the City Attorney, with Durable Specialties, Inc., lowest responsible bidder of two, to re-construct traffic signals located at Midway Road and Killion Drive; Preston Road (SH 289) and Preston Royal Center (North of Royal Lane); and Lenel Place and Walnut Hill Lane as part of services for the Tornado-Damaged Signals Group 1 project, in an amount not to exceed \$1,255,550.10.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to approve the construction contract, approved as to form by the City Attorney, with Durable Specialties, Inc., lowest responsible bidder of two, to re-construct traffic signals located at Midway Road and Killion Drive; Preston Road (SH 289) and Preston Royal Center (North of Royal Lane); and Lenel Place and Walnut Hill Lane as part of services for the Tornado-Damaged Signals Group 1 project, in an amount not to exceed \$1,255,550.10.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$1,255,550.10 in the Federal Highway Administration (FHWA) Emergency Relief Program Fund, Fund F630, Department TRN, Unit 4496, Object 4820.

June 22, 2022

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,255,550.10 to Durable Specialties, Inc., in accordance with the terms and conditions of the agreement, from the Federal Highway Administration (FHWA) Emergency Relief Program Fund, Fund F630, Department TRN, Unit 4496, Object 4820, Encumbrance/Contract No. TRN-2022-00019542, Vendor 254727.

**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 Information Sheet

**File #:** 22-1303

**Item #:** 37.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Transportation

**EXECUTIVE:** Dr. Robert Perez

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### **SUBJECT**

An ordinance amending Chapter 28, "Motor Vehicles and Traffic" of the Dallas City Code by amending Section 28-41.1.1 "Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes" to **(1)** provide definitions; **(2)** designate authority; **(3)** provide for permissible behavior and define what constitutes an offense; **(4)** provide a penalty not to exceed \$200.00; **(5)** provide a saving clause; **(6)** provide a severability clause; and **(7)** provide an effective date - Financing: This action has no cost consideration to the City (see Fiscal Information)

### **BACKGROUND**

The Dockless Vehicle Program was halted in Fall 2020 to address public safety concerns. A Public Hearing was held on October 7, 2020, where staff presented proposed Director Rules, under the authority given in Section 43, Article X of the Dallas City Code, that were intended to address concerns previously raised by business districts and the Dallas Police Department, including stopping scooter operations at 9:00 PM each day and limiting the number of vehicles deployed per block face to a maximum of eight per operator. However, through internal staff discussions, and discussions with stakeholders and operators, additional issues were identified, and it was determined that more changes would be needed to resume the program in a way that effectively advances broader city goals of safety, equity, economic vitality, and environmental sustainability.

In the Fall of 2021, at the direction of the Transportation and Infrastructure Committee, a Micromobility Working Group was formed to identify areas of the Dockless Vehicle Program that could be improved upon for relaunch. The working group identified 17 key issues that were broken down into the following categories: 1) Rider Operation (Ch. 28); 2) Permit Program (Ch. 43); and 3) general program management. In addition to feedback from the working group, input was received from the Transportation and Infrastructure Committee (Presented February 22, 2022) and dockless vehicle operators.

Three agenda items presenting ordinance amendments to the Dallas City Code for Chapters 9, 28, and 43 to incorporate the changes and revisions for a successful relaunch of the dockless vehicle

program are required. These items will be heard together and cannot move forward unless all three are approved collectively.

This item reflects the changes specifically in Section 28-41.1.1 as outlined below:

- 1) Additional requirements on riders/users to operate vehicles in a safe and orderly manner that puts pedestrians as the top priority;
- 2) Additional requirements on riders/users to park vehicles in a safe and orderly manner that does not contribute to cluttered sidewalks;
- 3) Clarifies and expands on what constitutes an 'offense', including not abiding by the new requirements for riding and parking behavior;
- 4) Apply the provisions to privately owned and shared dockless vehicles alike;
- 5) Applies the provisions to devices similar to motor assisted scooters.

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

On February 22, 2006, City Council authorized an ordinance amending Chapter 28 of the Dallas City Code to restrict the operation of pocket bikes, mini-motorbikes and motor assisted scooters within the city limits of Dallas, by Ordinance No. 26265.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed on Bike Share Program Update on August 14, 2017.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed on the Bike Share Pilot Program Timeline on February 26, 2018.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed on Shared Mobility Vehicles on March 26, 2018.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed on Dockless Vehicles Ordinance and Fee Structure on April 9, 2018.

City Council was briefed on the Dockless Vehicles Ordinance Discussion and the Motor Assisted Scooter Ordinance Discussion on June 6, 2018.

On June 27, 2018, City Council authorized an ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by amending Section 28-41.1; (1) providing that motor-assisted scooters may be operated on city owned and city operated property and in the public right-of-way; and (2) providing rules for operating and riding motor-assisted scooters on city owned and city operated property and on any public path, trail, alley, street, highway, or sidewalk within the City, by Ordinance No. 30935.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed on Dockless Vehicles Program and Motorized Scooter Ordinance on October 8, 2018.

On November 28, 2018, City Council authorized an ordinance amending Chapter 28, Motor Vehicles and Traffic," of the Dallas City Code by amending Sections 28-41.1 and 28-41.1.1; extending the sunset date of Section 28.41.1.1 to November 28, 2019; and providing that the requirements of Section 28-41.1 take effect if Section 28-41.1.1 has not been re-enacted on or before November 28, 2019, by Ordinance No. 31048.

The Public Safety Committee was briefed by memorandum regarding this matter on November 12, 2019.

The Transportation and Infrastructure Committee was briefed on Update on Dockless Mobility Program on December 3, 2019.

The Public Safety Committee was briefed on Dockless Vehicle Enforcement on December 9, 2019.

The Transportation and Infrastructure Committee was briefed on Update on Dockless Mobility Program on February 18, 2020.

City Council was briefed on Dockless Vehicle Ordinance Proposed Amendments on March 4, 2020.

On March 25, 2020, City Council authorized an ordinance amending Chapter 28, "Motor Vehicles and Traffic," and Chapter 43, "Streets and Sidewalks," of the Dallas City Code by (1) amending the regulations for dockless vehicles and motor-assisted scooters, by Ordinance No. 31479.

The Transportation and Infrastructure Committee was briefed by memorandum regarding this matter on September 21, 2021.

The Transportation and Infrastructure Committee was briefed on the Micromobility Working Group Update and Initial Recommendations on February 22, 2022.

City Council was briefed on Micromobility Working Group Recommendations on June 15, 2022.

### **FISCAL INFORMATION**

This action has no cost consideration to the City. Ordinance enforcement of penalty up to \$200.00 may generate additional revenues to the City.

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

An ordinance amending Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code by amending Section 28-41.1.1; providing safety, parking, and speed limit requirements for motor assisted scooters and electric bicycles; providing a penalty not to exceed \$200; 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 28-41.1.1, “Restriction on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes,” of Division I, “Generally,” of Article VI, “Operation of Vehicles,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

**SEC. 28-41.1.1.      RESTRICTIONS ON THE USE OF MOTOR ASSISTED SCOOTERS AND ELECTRIC BICYCLES [~~POCKET BIKES, AND MINIMOTORBIKES~~].**

(a) In this section:

(1) BUFFER/FURNISHING/CURB ZONE means the areas between the curb and the sidewalk clear zone that provides separation and protection from moving vehicle traffic [~~ADULT means any individual 17 years of age or older~~].

(2) CHILD means any individual younger than 17 years of age.

(3) ELECTRIC BICYCLE:

(A) has the meaning assigned by Section 664.001 of the Texas Transportation Code, as amended;

(B) the term does not include:

(i) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;



(ii) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or

(iii) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

(4) HELMET means a properly-fitted bicycle helmet that:

(A) is not structurally damaged; and

(B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

(5[4]) MOTOR ASSISTED SCOOTER has the meaning assigned by Section 551.351 of the Texas Transportation Code, as amended

~~[(A) means a self-propelled device with:~~

~~(i) at least two wheels in contact with the ground during operation;~~

~~(ii) a braking system capable of stopping the device under typical operating conditions;~~

~~(iii) a gas or electric motor not exceeding 40 cubic centimeters;~~

~~(iv) a deck designed to allow a person to stand or sit while operating the device; and~~

~~(v) the ability to be propelled by human power alone; and~~

~~(B) does not include:~~

~~(i) a pocket bike or minimotorbike;~~

~~(ii) a moped or motorecycle;~~

~~(iii) an electric bicycle or motor driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;~~

(iv) ~~a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;~~

(v) ~~an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or~~

(vi) ~~a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended].~~

(6[5]) PARENT means a person who is the natural parent, adoptive parent, step-parent, [or] court-appointed guardian or conservator of a child, or adult with care, custody, or control of a child.

(7[6]) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.

(8[7]) PEDESTRIAN ZONE means the portion of the street that accommodates non-vehicular activity, it extends from the face of the building or edge of the property line to the face of the curb ~~[POCKET BIKE or MINIMOTORBIKE;~~

(A) ~~means a self-propelled vehicle that:~~

(i) ~~is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;~~

(ii) ~~is designed to propel itself with not more than two wheels in contact with the ground;~~

(iii) ~~has a seat or saddle for the use of the operator;~~

(iv) ~~is not designed for use on a highway; and~~

(v) ~~is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and~~

(B) ~~does not include:~~

(i) ~~a moped or motorcycle;~~

(ii) ~~an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;~~

(iii) ~~a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;~~

(iv) ~~an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;~~

(v) ~~a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or~~

(vi) ~~a motor-assisted scooter, as defined in this subsection].~~

(9[8]) SIDEWALK CLEAR ZONE means the portion of the pedestrian zone that is specifically reserved for pedestrian travel [~~SPECIAL EVENT means a temporary outdoor gathering which has been issued a special event permit under Chapter 42A of the Dallas City Code~~].

(10) SHARED DOCKLESS VEHICLE has the meaning assigned by Article X, “Shared Dockless Vehicle Operating Permit” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code, as amended.

(11) SLOW RIDE ZONE means an area where shared dockless vehicles may not exceed 10 miles per hour or the speed limit otherwise posted.

(12[9]) STATE FAIR GROUNDS means the area:

BEGINNING at the intersection of the southeast right-of-way of Parry Avenue and the T. & P. Railroad;

THENCE eastward along the south boundary of the T. & P. Railroad right-of-way to the beginning of a curve bearing to the right having a radius of 459.12 feet;

THENCE southeastward along said curve to the northwest right-of-way of Pennsylvania Avenue;

THENCE southwestward along the northwest right-of-way of Pennsylvania Avenue to its intersection with the northwesterly prolongation of the southwest right-of-way of Gaisford Street;

THENCE southeastward along the northwesterly prolongation and southwest right-of-way of Gaisford Street to the intersection with the northwest right-of-way of Fitzhugh Avenue;

THENCE southwestward along the northwest right-of-way of Fitzhugh Avenue to the northeast right-of-way of Robert B. Cullum Boulevard;

THENCE northwestward along the northeast right-of-way of Robert B. Cullum Boulevard to the intersection with the southeast right-of-way of Parry Avenue;

THENCE northeastward along the southeast right-of-way of Parry Avenue to the place of beginning.

(13[10])STATE FAIR OF TEXAS means the annual fall fair held at Fair Park.

(14) TRAIL means a pathway for pedestrian circulation, alternative transportation, and recreational uses that is designed and constructed in compliance with standards and specification adopted and maintained by the city.

(15[44])WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.

(b) Every motor assisted scooter and electric bicycle must be equipped with a lamp on the front that emits a white light that is visible at a distance of not less than 500 feet and a red reflector on the rear that is visible from a distance of not less than 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle.

(c) The traffic engineer is authorized to designate zones where the operation of motor assisted scooters is prohibited and slow ride zones for motor assisted scooters and electric bicycles. Slow ride zones are in the areas where, in the professional judgment of the traffic engineer:

(1) congested pedestrian or non-motorized traffic is present;

(2) without a speed limit, a significant speed differential would exist between pedestrians or non-motorized traffic and motor assisted scooters and electric bicycles; and

(3) without a speed limit, the presence of motor assisted scooters and electric bicycles could endanger public safety.

(d) A rider shall comply with the requirements of this chapter imposed on a driver of a vehicle, except those by which their nature can have no application.

(e) A rider shall obey the instruction of traffic signals, signs, and other traffic-control devices as applicable to vehicles, unless directed by a peace officer.

(f) Unless a bike lane is specifically designated otherwise, a rider traveling in a bike lane may not travel in the opposite direction of adjacent motor vehicles in the roadway.

(g) A person commits an offense if the person:

- (1) operates or rides a motor assisted scooter on any sidewalk within the city;
- (2) operates or rides a motor assisted scooter or an electric bicycle at a speed greater than:
  - (A) 20 miles per hour;
  - (B) the designated speed limit in a designated slow ride zone; or
  - (C) the posted speed limit on a public street or trail.
- (3) operates or rides a motor assisted scooter on the state fair grounds during the State Fair of Texas;
- (4) operates or rides a motor assisted scooter in a public park or public plaza ~~[at a special event location as determined by the director of transportation or a designated agent];~~
- (5) is a parent of a child ~~[or is an adult with care, custody, or control of a child,]~~ and the parent knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any sidewalk within the city;
- (6) is a child and operates or rides a motor assisted scooter or electric bicycle without wearing a helmet while in the public right-of-way or in a public park or public plaza ~~[on any city owned or city operated property or on any public path, trail, alley, street, highway, or sidewalk]~~ within the city;
- (7) is a parent of a child ~~[or is an adult with care, custody, or control of a child,]~~ and the parent knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter or electric bicycle in the public right-of-way or in a public park or public plaza ~~[on any city owned or city operated property or on any public path, trail, alley, street, highway, or sidewalk]~~ within the city when the child is not wearing a helmet;
- (8) transports any passenger on a motor assisted scooter or electric bicycle while in the public right-of-way or public park or public plaza ~~[on any city owned or city operated property or on any public path, trail, alley, street, highway, or sidewalk]~~ within the city, unless the device ~~[scooter]~~ is equipped with a seat and a set of foot rests for the passenger; ~~[or]~~
- (9) ~~[while operating a motor assisted scooter on a sidewalk or a public path or trail set aside for the exclusive use of bicycles,]~~ fails to yield the right-of-way to any pedestrian while operating a motor assisted scooter or an electric bicycle; [on the sidewalk, path, or trail.]

(10) operates a motor assisted scooter on a trail where riding is prohibited or during the hours that riding is prohibited on the trail; or

(11) operates a motor assisted scooter or electric bicycle on public landscaping or art or on public amenities in a manner that is contrary to the intended use of the amenity.

(h) In the public right-of-way, a person shall park a motor assisted scooter or an electric bicycle in a standing upright position:

(1) on concrete or other non-porous surface;

(2) in a space designated by the city for the parking of motor assisted scooters or electric bicycles;

(3) in the pedestrian zone if it is fully contained in the buffer/furnishing/curb zone; or

(4) fastened to a bicycle rack in the right-of-way, if the device includes a locking mechanism.

(i) A person may not park a motor assisted scooter or electric bike:

(1) within 10 feet of an intersection or crosswalk, unless that area is a space designated by the city for the parking of motor assisted scooters or electric bicycles;

(2) on a roadway unless that area is a space designated by the city for the parking of motor assisted scooters or electric bicycles;

(3) on a sidewalk or public path in such a way as to obstruct traffic that prevents the free passage over any part of the sidewalk or public path, including in the sidewalk clear zone or pedestrian zone

(4) along a blockface where the combined width of the sidewalk clear zone and buffer/furnishing/curb zone is less than eight feet;

(5) in a space designated as a motor vehicle parking or loading space or between two designated vehicle parking spaces;

(6) within, against, or adjacent to a public transit shelter or public transit stop, in a manner which restricts the use of the shelter or stop by pedestrians who are waiting for public transportation;

(7) in a manner that obstructs fire suppression appurtenances, building entryways or exits, or vehicular driveways;

(8) on any private property without permission of the property owner; or

(9) in a public park or plaza unless that area is a space designated by the city for the parking of motor assisted scooters or electric bicycles.

~~[(e) A person commits an offense if the person operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.]~~

(j[d]) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section.

(k[e]) A peace officer has the authority to enforce Subsection (g) of this section and to issue citations. A parking enforcement officer ~~[The director of transportation, or a designated agent,]~~ has authority to enforce the provisions of this section and to issue citations for violations of this section including moving violations.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$200.

SECTION 3. That Chapter 28 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 5. 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 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

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

Passed \_\_\_\_\_





## Agenda Information Sheet

**File #:** 22-1305

**Item #:** 38.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Transportation

**EXECUTIVE:** Dr. Robert Perez

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### **SUBJECT**

An ordinance amending Chapter 43, "Streets and Sidewalks," of the Dallas City Code by amending Article X. "Dockless Vehicle Permit" to **(1)** provide definitions; **(2)** designate authority; **(3)** provide permitting guidelines and requirements; **(4)** provide a saving clause; **(5)** provide a severability clause; and **(6)** provide an effective date - Estimated Revenue: General Fund \$200,000.00 (see Fiscal Information)

### **BACKGROUND**

The Dockless Vehicle Program was halted in Fall 2020 to address public safety concerns. A Public Hearing was held on October 7, 2020, where staff presented proposed Director Rules, under the authority given in Section 43, Article X of the Dallas City Code, that were intended to address concerns previously raised by business districts and the Dallas Police Department, including stopping scooter operations at 9:00 PM each day and limiting the number of vehicles deployed per block face to a maximum of eight per operator. However, through internal staff discussions, and discussions with stakeholders and operators, additional issues were identified, and it was determined that more changes would be needed to resume the program in a way that effectively advances broader city goals of safety, equity, economic vitality, and environmental sustainability.

In the Fall of 2021, at the direction of the Transportation and Infrastructure Committee, a Micromobility Working Group was formed to identify areas of the Dockless Vehicle Program that could be improved upon for relaunch. The working group identified 17 key issues that were broken down into the following categories: 1) Rider Operation (Ch. 28); 2) Permit Program (Ch. 43); and 3) general program management. In addition to feedback from the working group, input was received from the Transportation and Infrastructure Committee (Presented February 22, 2022) and dockless vehicle operators.

Three agenda items presenting ordinance amendments to the Dallas City Code for Chapters 9, 28, and 43 to incorporate the changes and revisions for a successful relaunch of the dockless vehicle program are required. These items will be heard together and cannot move forward unless all three

are approved collectively.

This item reflects the changes specifically in Chapter 43, Section X as outlined below:

- 1) Defines and establishes authority for the Director Rules;
- 2) Establishes criteria for how Operator's will be evaluated upon application for a permit;
- 3) Clarifies and expands the authority for the Director to suspend or revoke operating permits;
- 4) Moves Sec. 43-168 (Operations), Sec. 43-169 (Dockless Vehicle Parking, Deployment, And Operation), and Sec. 43-171 (Data Sharing) to Director Rules for more flexibility when updates to the program need to be initiated.

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

On February 22, 2006, City Council authorized an ordinance amending Chapter 28 of the Dallas City Code to restrict the operation of pocket bikes, mini-motorbikes and motor assisted scooters within the city limits of Dallas, by Ordinance No. 26265.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed on Bike Share Program Update on August 14, 2017.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed on the Bike Share Pilot Program Timeline on February 26, 2018.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed on Shared Mobility Vehicles on March 26, 2018.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed on Dockless Vehicles Ordinance and Fee Structure on April 9, 2018.

City Council was briefed on the Dockless Vehicles Ordinance Discussion and the Motor Assisted Scooter Ordinance Discussion on June 6, 2018.

On June 27, 2018, City Council authorized an ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by amending Section 28-41.1; (1) providing that motor-assisted scooters may be operated on city owned and city operated property and in the public right-of-way; and (2) providing rules for operating and riding motor-assisted scooters on city owned and city operated property and on any public path, trail, alley, street, highway, or sidewalk within the City, by Ordinance No. 30935.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed on Dockless Vehicles Program and Motorized Scooter Ordinance on October 8, 2018.

On November 28, 2018, City Council authorized an ordinance amending Chapter 28, Motor Vehicles and Traffic," of the Dallas City Code by amending Sections 28-41.1 and 28-41.1.1; extending the sunset date of Section 28.41.1.1 to November 28, 2019; and providing that the requirements of Section 28-41.1 take effect if Section 28-41.1.1 has not been re-enacted on or before November 28, 2019, by Ordinance No. 31048.

The Public Safety Committee was briefed by memorandum regarding this matter on November 12, 2019.

The Transportation and Infrastructure Committee was briefed on Update on Dockless Mobility Program on December 3, 2019.

The Public Safety Committee was briefed on Dockless Vehicle Enforcement on December 9, 2019.

The Transportation and Infrastructure Committee was briefed on Update on Dockless Mobility Program on February 18, 2020.

City Council was briefed on Dockless Vehicle Ordinance Proposed Amendments on March 4, 2020.

On March 25, 2020, City Council authorized an ordinance amending Chapter 28, "Motor Vehicles and Traffic," and Chapter 43, "Streets and Sidewalks," of the Dallas City Code by (1) amending the regulations for dockless vehicles and motor-assisted scooters, by Ordinance No. 31479.

The Transportation and Infrastructure Committee was briefed by memorandum regarding this matter on September 21, 2021.

The Transportation and Infrastructure Committee was briefed on the Micromobility Working Group Update and Initial Recommendations on February 22, 2022.

City Council was briefed on Micromobility Working Group Recommendations on June 15, 2022.

### **FISCAL INFORMATION**

Estimated Revenue: General Fund \$200,000.00

The City will receive funds from operating permit fee, per trip fee, and vehicle fee. Annual revenues are estimated at \$200,000.00. These fees will be used for infrastructure improvements related to the program, i.e., signage and designated parking corrals.

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

An ordinance amending Chapter 43, “Streets and Sidewalks,” of the Dallas City Code by amending Article X of Chapter 43; amending the general authority and duty of the director, amending the application for an operating authority permit, amending the director’s authority to suspend and revoke an operating authority permit, and repealing deployment and operation and data sharing requirements; 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 Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

**“ARTICLE X.**

**SHARED DOCKLESS VEHICLE OPERATING PERMIT.**

**SEC. 43-157. DEFINITIONS.**

In this article:

(1) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.

(2) ~~[DOCKLESS VEHICLE means a bicycle, an electric bicycle, or an electric motor-assisted scooter, pursuant to the definitions set forth in Texas Transportation Code, Sections 541.201 and 551.351, that can be located and unlocked using a smartphone app.~~

~~(3)]~~ OPERATOR means an individual or company that has been issued an operating authority permit under this article.

~~(3)~~[4] REBALANCE means moving shared dockless vehicles from an area of low demand to an area of high demand.

(4) SHARED DOCKLESS VEHICLE means a bicycle, an electric bicycle pursuant to the definition set forth in Texas Transportation Code Section 664.001, as amended, or a motor-assisted scooter, pursuant to the definition set forth in Texas Transportation Code, Section 551.351, that is intended to be rented or leased to different users.

(5) SHARED DOCKLESS VEHICLE SERVICE means a service to rent, lease, or sell shared dockless vehicles in the public right-of-way for the purpose of transportation or conveyance ~~[RESIDENTIAL AREA means a residential district as defined in Section 51A 2.102, "Definitions," of the Dallas Development Code, or a planned development district or conservation district with residential base zoning].~~

#### **SEC. 43-158. GENERAL AUTHORITY AND DUTY OF DIRECTOR.**

(a) The director may issue an operating authority permit to a shared dockless vehicle service for use of the public right-of-way to sell, rent, lease, or exchange, offer to sell, rent, lease, or exchange, or take order for the use of shared dockless vehicles.

(b) The director shall implement and enforce this article and may by written order establish [such] rules or regulations, consistent with this article and state or federal law, as the director determines are necessary to discharge his or her duty under, or to affect the policy of, this article, to achieve a safe, orderly, equitable, and multi-modal transportation system. The director's rules and regulations may include[ing] but are not limited to, rules or regulations on hours of operation, the appropriate number of operators to be permitted, the number of shared dockless vehicles that may be placed in the public right-of-way, rebalancing requirements, and data-sharing requirements ~~[slow zones, and areas where riding dockless vehicles is prohibited]~~. The director may contract with vendors to assist with data collection and analysis and to collect and store shared dockless vehicles deployed or parked in violation of this chapter.

#### **SEC. 43-159. ESTABLISHMENT OF RULES AND REGULATIONS.**

(a) Before adopting, amending, or abolishing a rule, the director shall hold a public hearing on the proposal.

(b) The director shall fix the time and place of the hearing and, in addition to notice required under the Open Meetings Act (Chapter 551, Texas Government Code), as amended, shall notify each operator and such other persons as the director determines are interested in the subject matter of the hearing.

(c) After the public hearing, the director shall notify all operators and other interested persons of the director's action and shall post an order adopting, amending, or abolishing a rule on the official bulletin board in city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period.

**SEC. 43-160. OPERATING AUTHORITY PERMIT.**

(a) A person commits an offense if, within the city, the person operates, or causes or permits the operation of, a shared dockless vehicle service without a valid operating authority permit issued under this article.

(b) An operator shall abide by the requirements of this article and any rules or regulations adopted by the director.

**SEC. 43-161. APPLICATION FOR OPERATING AUTHORITY PERMIT.**

(a) To obtain an operating authority permit, an applicant [~~a person~~] shall submit an [~~make~~] application on the form and in the manner prescribed by the director. The applicant must be the person who will own, control, or operate the proposed shared dockless vehicle service [~~program~~].

(b) An applicant shall file with the director a verified application statement, to be accompanied by a non-refundable application fee, containing the following, in addition to the information needed under Subsection (c):

(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;

(2) the verified signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the applicant any future notices sent by the city to the operator, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this article;

(6) documentary evidence of payment of ad valorem taxes on property within the city, if any, to be used in connection with the operation of the proposed shared dockless vehicle service [~~program~~];

(7) documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the performance bond or irrevocable letter of credit required by this article;

(8) the number and types of shared dockless vehicles to be operated; ~~[and]~~

(9) an agreement to indemnify the city; and

(10) three references from municipal bodies located in North America where the applicant is currently operating.

(c) The director shall review the application for an operating authority permit and determine if the following criteria have been met, in addition to other criteria that the director may establish by rule or regulation:

(1) the operator's effort to educate users and ensure compliance by its users with applicable laws;

(2) the operator's capacity to comply with this article, rules and regulations issued by the director, and all other state or federal laws or regulations;

(3) the operator's experience operating shared dockless vehicle services, including the operator's compliance with applicable laws; and

(4) the operator's efforts to increase access to shared dockless vehicle service to low-income and non-English speaking users.

(d) An operating authority permit may be renewed following the process in this section.

(~~e~~[d]) The initial application for an operating authority permit must be accompanied by an application fee of \$2,000 and the appropriate vehicle fee as specified in Section 43-172. Applications to renew an operating authority permit must be accompanied by an application fee of \$1,000 and the appropriate vehicle fee as specified in Section 43-172.

#### **SEC. 43-162. CHANGES TO INFORMATION IN OPERATING AUTHORITY APPLICATION.**

(a) Any changes to the information provided in the operating authority permit application must be reported to the director, in the manner prescribed by the director, within 10 days of the change.

(b) If the information reported to the director under this section includes an increase in the number of shared dockless vehicles, the director may approve the additional shared dockless vehicles. If the director approves the additional shared dockless vehicles, the operator shall pay any additional vehicle fees due under Section 43-172 before the additional vehicles are allowed to operate ~~[must be submitted to the director simultaneously with the change in information]~~.

#### **SEC. 43-163. EXPIRATION OF OPERATING AUTHORITY PERMIT.**

An operating authority permit expires one year from the date it is issued.

**SEC. 43-164. REFUSAL TO ISSUE OR RENEW OPERATING AUTHORITY PERMIT.**

(a) The director shall refuse to issue or renew an operating authority permit if ~~the applicant~~:

(1) the applicant intentionally or knowingly makes a false statement as to a material matter in an application for a permit or permit renewal; ~~or~~

(2) the applicant ~~[has been convicted twice within a 12-month period for a violation of this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or a rule or regulation adopted under this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or]~~ has had an operating authority permit revoked within two years of the date of application;

(3) the applicant is providing shared dockless vehicles services without an operating authority permit;

(4) issuance of the permit would result in activity that is expected to cause significant sidewalk congestion or make accessing abutting property hazardous; or

(5) issuance of the permit would result in activity that is expected to impede the flow of pedestrian traffic or make the use of sidewalks hazardous.

(b) If the director determines that a permit should be denied, the director shall notify the applicant or operator in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or operator of the right to, and the process for, appeal of the decision.

(c) The director is authorized to develop an objective scoring matrix used to determine if issuance of a permit would cause significant sidewalk congestion, make accessing abutting property hazardous, impede the flow of pedestrian traffic, or make the use of sidewalks hazardous, in accordance with Paragraphs (a)(4) and (a)(5) of this section.

**SEC. 43-165. SUSPENSION OR REVOCATION OF OPERATING AUTHORITY PERMIT.**

(a) Suspension. The following regulations apply to the suspension of an operating authority permit:

(1) The director may suspend an operating authority permit if the director determines that the operator violated the rules and regulations established by the director or for any of the reason for revocation in Subsection (b)†:



~~(A) the operator failed to comply with a request to remove a dockless vehicle or a request to rebalance dockless vehicles issued by the director within the time specified in the order; or~~

~~(B) a performance bond or irrevocable letter of credit required by this article is cancelled].~~

(2) Suspension of an operating authority permit does not affect the expiration date of the permit.

(b) Revocation. ~~[The following regulations apply to the revocation of an operating authority permit:~~

~~(1)~~ The director may revoke an operating authority permit if ~~[the director determines that the operator has]~~:

~~(1[A]) the operator has~~ made a false statement as to a material matter in the application concerning the operating authority permit;

~~(2[B]) the operator failed to maintain the insurance, performance bond, or irrevocable letter of credit required by this article;~~

~~(3[C]) the operator is operating more shared dockless vehicles than is [operated dockless vehicles that were not]~~ authorized by the operating authority permit; ~~[or]~~

~~(4[D]) the operator failed to pay a fee required by this article;~~

~~(5) the operator violated this article, any other ordinance, or any state or federal law or regulation;~~

~~(6) after consultation with the chief of police, the director determines that the operator's shared dockless vehicle service constitutes an imminent threat to public safety;~~

~~(7) the operator failed to maintain or correct current information with the director concerning the operating authority permit;~~

~~(8) the operator shows a pattern of not responding to inquiries by the director;~~

~~(9) the operator has filed bankruptcy, is insolvent, or failed to meet financial obligations on a timely basis or is unable to obtain or maintain the financial resources needed to properly maintain facilities or provide adequate service; or~~

~~(10) the operator operates a shared dockless vehicle service with a suspended operating authority permit.~~

~~[(2) After revocation of an operating authority permit, an operator is not eligible for another permit for a period of up to two years, depending on the severity of the violation resulting in the revocation.]~~

(c) Ceasing operations upon notice of suspension or revocation. Upon receiving an emailed notice by the director that its operating authority permit has been suspended or revoked, an operator must stop providing shared dockless vehicle services within 12 hours and must remove its shared dockless vehicles from the public right-of-way within 24 hours. If the operator fails to retrieve all its shared dockless vehicles within 24 hours of receipt of notice the director may remove the shared dockless vehicles from the public right-of-way without notice or consent of the operator. The operator is responsible for the cost of removal and storage of its shared dockless vehicles, and the operator will be assessed a fee to retrieve any of its shared dockless vehicles that are removed and stored. Any shared dockless vehicle that remains unclaimed with the city for 30 days is subject to sale or disposal in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Procurement," of Chapter 2, "Administration," of the Dallas City Code, as amended. The director shall provide notice via email and certified mail to the addresses provided under Section 43-161.

#### **SEC. 43-166. APPEALS.**

Any person whose application for an operating authority permit, or renewal of an operating authority permit, is denied by the director, or an operator whose operating authority permit has been revoked or suspended by the director, may file an appeal with the permit and license appeal board in accordance with Section 2-96, "Appeals From Actions of Department Directors," of this code.

#### **SEC. 43-167. NONTRANSFERABILITY.**

An operating authority permit is not transferable. This regulation should not be construed to impede the continuing use of trade names.

#### **SEC. 43-168. RESERVED. [OPERATIONS.]**

~~(a) Each operator shall provide dockless vehicles to accommodate a wide range of users.~~

~~(b) Each dockless vehicle permitted under this article must display the emblem of the operator along with a unique identification number.~~

~~(c) Dockless vehicles must not display third party advertising.~~

~~(d) Dockless vehicles must meet all requirements of local, state, and federal law. Bicycles must meet the safety standards outlined in ISO 43.150 -- Cycles, Subsection 4210, as amended.~~

~~(e) Dockless vehicles must be high quality and sturdily built to withstand the effects of weather and constant use for five years.~~

~~(f) Dockless vehicles must be well maintained and in good riding condition.~~

~~(g) Each dockless vehicle permitted under this article must be equipped with active global positioning system technology and display a unique identification number with characters no less than one inch in height per character.~~

~~(h) Spoken word alarm systems are prohibited on dockless vehicles.~~

~~(i) Operators shall maintain a staffed operations center.~~

~~(j) Operators shall maintain a 24 hour customer service number posted on each dockless vehicle for customers and citizens to report safety concerns, make complaints, ask questions, or request a dockless vehicle be relocated.~~

~~(k) Operators shall rebalance dockless vehicles at least once per week.~~

~~(l) Operators shall provide the director with contact information for someone who can rebalance and relocate dockless vehicles. The operator shall rebalance or relocate dockless vehicles within two hours of receiving notification on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice at all other times. An operator shall notify the director within 24 hours of a change of contact information.~~

~~(m) An operator shall remove any inoperable dockless vehicle, or a dockless vehicle that is not safe to operate, from the right of way within 24 hours of notice from the director. A dockless vehicle removed from the right of way in accordance with this subsection must be repaired before it is returned to revenue service.~~

~~(n) An operator shall provide the director with special access, via the operator's app or other device, to immediately unlock and remove dockless vehicles that are blocking access to city property or the public right of way.~~

~~(o) The director may remove a dockless vehicle from city property or the right of way that is parked in violation of this article after notification in accordance with Section 43-169(l). Any dockless vehicle the director removes from city property or the public right of way for a parking violation or retrieves from a stream, lake, fountain, or other body of water will be disposed of in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended, if not collected by the operator after notification. The operator shall pay the director a fee of \$50, a daily storage fee of \$25 after a dockless vehicle has been stored for more than 48 hours, and reimburse the city for any expenses under subsection (p) of this section before the dockless vehicle may be collected. A dockless vehicle either in the director's custody under this subsection, or disposed of under Chapter 2, counts against the number of dockless vehicles an operator may deploy under an operating authority permit.~~

~~(p) If the city incurs any costs addressing or abating any violations of this article, or incurs any costs of repair or maintenance of public property, the operator shall reimburse the city for the costs within 30 days of receiving written notice from the director.~~

~~(q) An operator shall not place or attach any personal property (other than dockless vehicles), fixtures, or structures in the public right of way without the separate written permission of the director. Any permission to place items in the public right of way must be incorporated into the permit.~~

~~(r) An operator shall not adversely affect the property of any third parties during the use of city property or the public right of way.~~

~~(s) An operator shall engage in community outreach and promote safety awareness in collaboration with the city, including educating customers regarding the law applicable to riding, operating, and parking a dockless vehicle. An operator shall periodically provide riders with promotional safety gear such as helmets. An operator's mobile application must provide information notifying the user that:~~

~~(1) minors must wear helmets while riding a bicycle as required by Section 9-8, "Bicycle Helmet Required," of the Dallas City Code and while riding a motor-assisted scooter as required by Section 28-41.1.1, "Restrictions on the Use of Motor-Assisted Scooters, Pocket Bikes, and Minimotorbikes," of the Dallas City Code;~~

~~(2) dockless vehicles must be parked legally and properly;~~

~~(3) bicyclists and motor-assisted scooters must yield to pedestrians on sidewalks and trails;~~

~~(4) bicycles may not be ridden on sidewalks within the central business district per Section 9-1, "Applicability of Traffic Regulations to Bicycle Riders," of the Dallas City Code;~~

~~(5) motor-assisted scooters may not be ridden on sidewalks within city per Section 28-41.1.1 of the Dallas City Code;~~

~~(6) motor-assisted scooters may not be ridden at certain locations during the times specified by a rule or regulation established in accordance with Sections 43-158 and 43-159; and~~

~~(7) motor-assisted scooters must comply with the speed limits specified in Section 28-41.1.1 of the Dallas City Code.~~

~~(t) Operators shall provide a cash option for riders to unlock dockless vehicles.]~~

**SEC. 43-169.                RESERVED. ~~[DOCKLESS VEHICLE PARKING, DEPLOYMENT, AND OPERATION.~~**

~~(a)     Dockless vehicles may not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than 36 inches.~~

~~(b)     Dockless vehicles may not be parked in a manner that would impede vehicular traffic on a street or alley.~~

~~(c)     Dockless vehicles may not be parked in a manner that would impose a threat to public safety or security.~~

~~(d)     Dockless vehicles may not be parked on a public street without specific permission from the director.~~

~~(e)     Dockless vehicles may not be deployed on a block where the sidewalk is less than 36 inches in width, or on a block that does not have sidewalks unless a docking zone is safely created for this block. The director may determine other blocks where deploying dockless vehicles is prohibited.~~

~~(f)     Dockless vehicles must be deployed on a sidewalk or other hard surface, at a bicycle rack, or at a city-owned location. Dockless vehicles may only be deployed on private property with the permission of the property owner.~~

~~(g)     Dockless vehicles must stand upright while parked.~~

~~(h)     Dockless vehicles may not be parked in a visibility triangle as defined in Section 51A-4.602, "Fence, Screening and Visual Obstruction Regulations," of the Dallas Development Code.~~

~~(i)     Dockless vehicles may not be parked within five feet of a crosswalk or curb ramp, unless given specific permission by the director. Dockless vehicles must be parked in a manner to provide a 20 foot clear zone around transit stops, shelters, or platforms.~~

~~(j)     Dockless vehicles may not be parked in a way that blocks:~~

~~(1)     Transit stops, shelters, or platforms.~~

~~(2)     Commercial loading zones.~~

~~(3)     Railroad or light rail tracks or crossings.~~

~~(4)     Passenger loading zones or valet parking service areas.~~

~~(5)     Disabled parking zones.~~

~~(6) Street furniture that requires pedestrian access (for example, benches or parking pay stations).~~

~~(7) Building entryways.~~

~~(8) Vehicular driveways.~~

~~(k) Dockless vehicles parked along multi-use trails may only be parked at trailheads or other areas identified by the director.~~

~~(l) Dockless vehicles that are parked in an incorrect manner must be re-parked or removed by the operator within two hours of receiving notice from the director between 5:00 a.m. and 12:00 a.m. (midnight) on a daily basis.~~

~~(m) A dockless vehicle that is parked in a residential area may remain in the same location for up to 48 hours as long as it is parked in accordance with this section. An operator shall relocate or rebalance a dockless vehicle parked in a residential area after receiving a citizen request or complaint in accordance with the timeframes specified in Section 43-169(l).~~

~~(n) The director may remove and store any dockless vehicle that is left unutilized at the same location for five or more consecutive days.~~

~~(1) The operator is responsible for the costs of removal and storage in accordance with Section 43-168(o).~~

~~(2) The director shall invoice the operator for the cost of removal and storage.~~

~~(3) Any dockless vehicle that remains unclaimed with the city for 30 days is subject to sale in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended.~~

~~(o) The director may identify designated dockless vehicle parking zones. Subject to advance approval of the director, an operator may indicate virtual dockless vehicle parking areas with paint or decals where appropriate in order to guide riders to preferred parking zones in order to assist with orderly parking of dockless vehicles throughout the city.~~

~~(p) Every person riding a dockless vehicle upon the streets of the city shall be subject to provisions of all laws and ordinances applicable to the operator of any other vehicle, except those provisions of laws and ordinances which, by their very nature, can have no application.~~

~~(q) Any person riding a dockless vehicle upon a sidewalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.~~

~~(t) A person commits an offense if the person rides a dockless vehicle in violation of time of day or locational restrictions established by rule or regulation in accordance with Sections 43-158 and 43-159.~~

~~(s) Operators shall employ geofencing to comply with any time of day or location restrictions on the operation of motor assisted scooters established by rule or regulation in accordance with Sections 43-158 and 43-159.]~~

## **SEC. 43-170. INSURANCE REQUIREMENTS.**

(a) An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:

- (1) is authorized to do business in the State of Texas;
- (2) acceptable to the city; and
- (3) does not violate the ownership or operational control prohibition described in Subsection (e) of this section.

(b) The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a shared dockless vehicle.

(c) An operator shall maintain the following insurance coverages:

(1) The commercial general liability insurance must provide single limits of liability for bodily injury (including death) and property damage of \$1 million for each occurrence, with a \$2 million annual aggregate.

(2) If an operator will utilize motor vehicles in its operations, the business automotive liability insurance must cover owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$500,000 per occurrence.

(3) Worker's compensation insurance with statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

- (A) accident, \$500,000 per each accident; and
- (B) disease, \$500,000 per employee with a per policy aggregate of \$500,000.

(5) Cyber/technology network liability and risk insurance, inclusive of information security and privacy with minimum limits of \$1 million per claim.

(d) Insurance required under this article must:

(1) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;

(2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before cancelling for non-payment;

(3) include an endorsement to waive subrogation in favor of the city and its officers and employees for bodily injury (including death), property damage, or any other loss.

(4) cover all shared dockless vehicles during the times that the vehicles are deployed or operating in furtherance of the operator's business;

(5) include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

(6) require notice to the director if the policy is cancelled or if there is a reduction in coverage; and

(7) comply with all applicable federal, state, and local laws.

(e) No person who has a 20 percent or greater ownership interest in the operator may have an interest in the insurance company.

(f) An operator may not be self-insured.

(g) Any insurance policy required by this article must be on file with the city within 45 days of the issuance of the initial operating authority permit, and thereafter within 45 days of the expiration or termination of a previously issued policy.

#### **SEC. 43-171. RESERVED. ~~[DATA SHARING.~~**

~~(a) An operator shall comply with the mobility data specification (MDS) standard and cooperate with the city in the collection and analysis of aggregated data concerning its operations.~~

~~(b) An operator shall provide live MDS data to city data vendors. City data vendors shall supply the director a daily report of aggregated data for the previous 24 hours. City data vendors shall not supply the director with live MDS data. The director may request aggregated data from data vendors at other times when necessary for law enforcement and other emergencies.~~

~~(c) An operator shall provide other reports at the director's request.]~~



**SEC. 43-172. VEHICLE FEE AND RIDE FEE.**

(a) An operator shall pay an annual vehicle fee of \$35 for each permitted shared dockless vehicle with \$5 from the annual vehicle fee dedicated to equity programs.

(b) An operator shall pay a right-of-way rental fee of \$0.20 for each ride a customer takes on a shared dockless vehicle.

(c) The director may establish a program, subject to city council approval, to rebate or waive fees under this section in order to encourage equity in the distribution of shared dockless vehicles throughout the city.

(d) City council must review the fees in this article by June 22, 2024 ~~[January 25, 2024]~~.

**SEC. 43-173. PERFORMANCE BOND OR IRREVOCABLE LETTER OF CREDIT.**

Before issuance of an operating authority permit, the operator shall give the director a performance bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in the State of Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in the State of Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for the duration of the operating authority permit.

(4) The amount of the performance bond or irrevocable letter of credit must be at least \$10,000.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article and the operating authority permit. If the performance bond or irrevocable letter of credit is cancelled, the operating authority permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the director with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article or the operating authority permit.

**SEC. 43-174. ENFORCEMENT.**

(a) The director may, with or without notice, inspect any shared dockless vehicle operating under this article to determine whether the shared dockless vehicle complies with this article, rules and regulations established under this article, or other applicable laws.

(b) The director shall enforce this article. Upon observing a violation of this article or the rules or regulations established by the director, the director shall take necessary action to ensure effective regulation of shared dockless vehicles. The director has authority to issue citations for violations of this division including moving violations.

**SEC. 43-175. CRIMINAL OFFENSES.**

(a) A person commits an offense if he violates or attempts to violate a provision of this article, or a rule or regulation established by the director under this article, that is applicable to a person. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs.

(b) Prosecution for an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That Chapter 43 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 5. 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 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

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

Passed \_\_\_\_\_



## Agenda Information Sheet

**File #:** 22-1402

**Item #:** 39.

**STRATEGIC PRIORITY:** Human and Social Needs  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Office of Community Care  
**EXECUTIVE:** M. Elizabeth Cedillo-Pereira

### **SUBJECT**

Authorize **(1)** the acceptance of additional grant funding from the Texas Health and Human Services Commission (HHSC); **(2)** the receipt and deposit of additional grant funding from the Texas Health and Human Services Commission (Contract No. HHS000802300001, CFDA No. 15.557) for the Special Supplemental Nutrition Program for Women, Infants and Children; **(a)** in the amount of \$458,925.00, increasing the FY 2022 Administrative allocation from \$14,869,740.00 to \$15,328,665.00, for the period October 1, 2021 through September 30, 2022; **(b)** an increase in appropriations in an amount not to exceed \$458,925.00 in the FY 2022 WIC Program - Women, Infants and Children Grant Fund; **(c)** to redistribute an additional \$179,015.00 to the FY22 Administrative allocation for the period of October 1, 2021 through September 30, 2022 and **(3)** execution and agreement to all terms and conditions of an amendment or other document required to receive such additional funding - Not to exceed \$458,925.00, from \$14,869,740.00 to \$15,328,665.00 - Financing: Health and Human Services Commission Grant Funds

### **BACKGROUND**

Since 1974, the Texas Health and Human Services Commission (HHSC), previously referred to as the Department of State Health Services, has funded the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in Dallas. The WIC Program provides nutritious food, nutrition education, breastfeeding promotion and support, and referrals to health and social services. The program serves infants, children under age five, and pregnant, postpartum and breastfeeding women. WIC is a United States Department of Agriculture program administered in Texas by the Health and Human Services Commission. In Dallas County, the WIC Program is administered by the City of Dallas, Office of Community Care.

The WIC Program was established as a response to a national survey that discovered anemia and inadequate growth were common amongst American children of low-income families. The survey also found that many women from low-income families have poor pregnancy outcomes due to inadequate nutrition. WIC's primary mission is to give the most vulnerable children the best possible start by providing nutrition education, nutritious foods, and access to other health programs during

the critical state of fetal and early childhood development; and to achieve optimal nutritional status for children before they start school. WIC Program eligibility is based on families with household incomes at or below 185 percent of the federal poverty level.

Currently, the WIC Program safely provides services at 17 locations throughout Dallas County. The WIC Program has extended weekday and Saturday hours of service available to accommodate and serve working families and students.

The City of Dallas is reimbursed for all expenses required to operate the WIC Program. Reimbursements are specified in the contract and are, in part, based on the number of WIC participants who are served each month. Approval of this contract will authorize reimbursement to the City of Dallas WIC Program for the FY 2021 - FY 2022 contract amount, not to exceed \$15,328,665.00. The City will receive a Notice of Award by July 1 annually through the term of this contract outlining the funding amount for the upcoming fiscal year.

Since 1974, the City of Dallas has served as the local agency for WIC service delivery in Dallas County via contractual agreement through HHSC (formerly Texas Department of State Health Services); and there is a need for the Nutritional Program for Women, Infants and Children funded through the HHSC. The execution of this amendment will provide additional grant funding to the WIC Program for the period October 1, 2021 through September 30, 2022.

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

On September 9, 2021, City Council authorized the receipt of additional funding for the Special Supplemental Nutrition Program for Women, Infants and Children Program in the amount of \$13,902,240.00, by Resolution No. 21-1461.

On April 13, 2022, City Council authorized the receipt of additional funding for the Special Supplemental Nutrition Program for Women, Infants and Children Program in the amount of \$967,500.00, by Resolution No. 22-0561.

#### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Health and Human Services Commission Grant Funds	\$458,925.00	\$0.00	\$0.00

#### **Contract Budget Summary:**

WIC Contract	\$14,869,740.00
Additional Funding Increase (this action)	\$ 458,925.00
Total Revised Contract Amount	\$15,328,665.00

#### **Funding Summary:**

FY22 HHSC Grant Funds (WIC Program)	\$13,902,240.00
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Additional Funding Increase (this action)	<u>458,925.00</u>
Net FY22 Grant Funds	\$15,328,665.00

June 22, 2022

**WHEREAS**, on September 9, 2021, City Council authorized Contract No. HHS000802300001 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in the amount of \$13,902,240.00, by Resolution No. 21-1461; and

**WHEREAS**, on April 11, 2022, City Council authorized Contract No. HHS000802300001 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in the amount of \$967,500.00, by Resolution No. 22-0561; and

**WHEREAS**, there is a need for the Nutritional Program for Women, Infants, and Children funded through the Health and Human Services Commission (HHSC); and

**WHEREAS**, there is a continued need for the Special Supplemental Nutrition Program for WIC.

**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 additional grant funding from the Texas Health and Human Services Commission (HHSC) (Contract No. HHS000802300001, CFDA No. 10.557), for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); **(a)** in an amount not to exceed \$458,925.00, increasing the FY2022 Administrative allocation from \$14,869,740.00 to \$15,328,665.00 for the period October 1, 2021 through September 30, 2022; and **(b)** to redistribute an additional \$179,015.00 to the FY22 Administrative allocation of the period October 1, 2021 through September 30, 2022; and **(2)** execute and agree to all terms and conditions of an amendment or other document required to receive such additional grant funding, approved as to form by the City Attorney.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit additional grant funding in an amount not to exceed \$458,925.00 in the FY 2022 WIC Program - Women, Infants and Children Grant Fund, Fund F679, Department MGT, Units 211C - 286C, various Object Codes according to the Attachment A.

**SECTION 3.** That the City Manager is hereby authorized to redistribute appropriations in an amount not to exceed \$179,015.00 in the FY 2022 WIC Program - Women, Infants and Children Grant Fund, Fund F679, Department MGT, Units 211C, various Object Codes according to the attached Attachment A.

June 22, 2022

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse additional grant funds in an amount not to exceed \$458,925.00 according to the attached Attachment A, as follows:

FY 2022 WIC Program - Women, Infants and Children Grant Fund  
Fund F679, Department MGT, Unit 211C – 286C, various Object Codes  
Encumbrance/Contract No. WIC-2021-00017004 \$637,940.00

FY 2022 WIC Program - Women, Infants and Children Grant Fund  
Fund F679, Department MGT, Unit 211C, various Object Codes  
Encumbrance/Contract No. WIC-2021-00017004 (\$179,015.00)

Total amount not to exceed \$458,925.00

**SECTION 5.** That the City Manager or his designee is authorized to provide additional information, make adjustments, and take other actions related to the implementation of the grant as may be necessary to satisfy the HHSC.

**SECTION 6.** That the City Manager is hereby authorized to reimburse the HHSC any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 90 days after the reimbursement.

**SECTION 7.** That the City Manager shall keep the appropriate City Council Committee informed of all final HHSC 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.



**ATTACHMENT A**  
**Health and Human Services Commission**  
**Special Supplemental Nutrition Program for Women, Infants, and Children**  
**October 1, 2021 through September 30, 2022**

**Fund F679, Department MGT, Unit 211C (Admin Only), Revenue Code 6509**

<b>Object Code</b>	<b>Description</b>	<b>Adopted Budget</b>	<b>Increase/(Decrease)</b>	<b>Revised Budget</b>
1101	Salaries	\$ 5,365,650	\$ (135,953)	\$ 5,229,697
1111	Cell Phone	\$ 7,000	\$ -	\$ 7,000
1201	Overtime - Civilian	\$ 100,000	\$ -	\$ 100,000
1203	SIP Pay	\$ 40,500	\$ -	\$ 40,500
1301	Pensions - Civilian	\$ 823,595	\$ (18,707)	\$ 804,888
1303	Life Insurance	\$ 8,500	\$ (162)	\$ 8,338
1304	Health Insurance	\$ 824,516	\$ (22,221)	\$ 802,295
1306	FICA/Medicare	\$ 80,000	\$ (1,972)	\$ 78,028
1309	Wellness Benefits	\$ 3,000	\$ -	\$ 3,000
2110	Office Supplies	\$ 200,000	\$ -	\$ 200,000
2111	Office Supplies Chargeback	\$ 35,000	\$ -	\$ 35,000
2140	Light and Power	\$ 115,000	\$ -	\$ 115,000
2160	Fuel Supplies	\$ 20,000	\$ -	\$ 20,000
2170	Water and Sewer	\$ 13,000	\$ -	\$ 13,000
2181	Fuel and Lube Rental	\$ 5,000	\$ -	\$ 5,000
2200	Chemicals	\$ 100,000	\$ -	\$ 100,000
2252	Meter Postage	\$ 4,500	\$ -	\$ 4,500
2261	Educational and Rec.	\$ 50,000	\$ -	\$ 50,000
2710	Furniture and Fixtures	\$ 25,000	\$ -	\$ 25,000
3050	Communications	\$ 350,000	\$ -	\$ 350,000
3053	Data Circuits	\$ 165,500	\$ -	\$ 165,500
3085	Freight	\$ 4,000	\$ -	\$ 4,000
3090	City Forces	\$ 7,388	\$ -	\$ 7,388
3091	Custodial Services	\$ 100,000	\$ -	\$ 100,000
3099	Misc Special Services	\$ 75,000	\$ -	\$ 75,000
3130	Copy Machine Rental	\$ 53,000	\$ -	\$ 53,000
3330	Rents	\$ 1,605,670	\$ -	\$ 1,605,670
3340	Membership Dues	\$ 8,000	\$ -	\$ 8,000
3361	Professional Development	\$ 55,000	\$ -	\$ 55,000
3363	Reimbursement for Veh Use	\$ 10,000	\$ -	\$ 10,000
3364	Personnel Devel	\$ 15,000	\$ -	\$ 15,000
3410	Equip Rental	\$ 9,000	\$ -	\$ 9,000
3416	GIS Services	\$ 35,000	\$ -	\$ 35,000
3430	Computer Services	\$ 120,000	\$ -	\$ 120,000
3434	Programming	\$ 550,000	\$ -	\$ 550,000
3651	Indirect Cost Reimbursement	\$ 100,000	\$ -	\$ 100,000
	<b>Subtotal</b>	<b>\$ 11,082,819</b>	<b>\$ (179,015)</b>	<b>\$ 10,903,804</b>

**Fund F679, Department MGT, Unit 212C (Peer Counselor/Breastfeeding), Revenue Code 6509**

<b>Object Code</b>	<b>Description</b>	<b>Adopted Budget</b>	<b>Increase/(Decrease)</b>	<b>Revised Budget</b>
1101	Salaries	\$ 975,000	\$ -	\$ 975,000
1201	Overtime - Civilian	\$ 37,426	\$ -	\$ 37,426
1301	Pensions - Civilian	\$ 150,000	\$ -	\$ 150,000
1303	Life Insurance	\$ 2,500	\$ -	\$ 2,500
1304	Health Insurance	\$ 175,000	\$ -	\$ 175,000
1306	FICA/Medicare	\$ 15,000	\$ -	\$ 15,000
1309	Wellness Benefits	\$ 1,000	\$ -	\$ 1,000
2110	Office Supplies	\$ 100,000	\$ -	\$ 100,000
2200	Chemicals	\$ 150,000	\$ -	\$ 150,000
2261	Educational and Rec. Supplies	\$ 25,000	\$ -	\$ 25,000
3361	Professional Development	\$ 50,000	\$ -	\$ 50,000
	<b>Subtotal</b>	<b>\$ 1,680,926</b>	<b>\$ -</b>	<b>\$ 1,680,926</b>

**ATTACHMENT A**  
**Health and Human Services Commission**  
**Special Supplemental Nutrition Program for Women, Infants, and Children**  
**October 1, 2021 through September 30, 2022**

**Fund F679, Department MGT, Unit 213C (Registered Dietician/RD), Revenue Code 6509**

<b>Object Code</b>	<b>Description</b>	<b>Adopted Budget</b>	<b>Increase/(Decrease)</b>	<b>Revised Budget</b>
1101	Salaries	\$ 349,042	\$ -	\$ 349,042
1201	Overtime - Civilian	\$ 1,000	\$ -	\$ 1,000
1301	Pensions - Civilian	\$ 49,077	\$ -	\$ 49,077
1303	Life Insurance	\$ 252	\$ -	\$ 252
1304	Health Insurance	\$ 30,314	\$ -	\$ 30,314
1306	FICA/Medicare	\$ 5,059	\$ -	\$ 5,059
1309	Wellness Benefits	\$ 54	\$ -	\$ 54
2261	Educational and Rec. Supplies	\$ 2,600	\$ -	\$ 2,600
3361	Professional Development	\$ 2,602	\$ -	\$ 2,602
	<b>Subtotal</b>	<b>\$ 440,000</b>	<b>\$ -</b>	<b>\$ 440,000</b>

**Fund F679, Department MGT, Unit 214C (Lactation Services/LCS), Revenue Code 6509**

<b>Object Code</b>	<b>Description</b>	<b>Adopted Budget</b>	<b>Increase/(Decrease)</b>	<b>Revised Budget</b>
1101	Salaries	\$ 228,898	\$ -	\$ 228,898
1111	Cell Phone	\$ 1,000	\$ -	\$ 1,000
1201	Overtime - Civilian	\$ 1,500	\$ -	\$ 1,500
1301	Pensions - Civilian	\$ 9,613	\$ -	\$ 9,613
1303	Life Insurance	\$ 158	\$ -	\$ 158
1304	Health Insurance	\$ 22,427	\$ -	\$ 22,427
1306	FICA/Medicare	\$ 3,350	\$ -	\$ 3,350
1309	Wellness Benefits	\$ 54	\$ -	\$ 54
2110	Office Supplies	\$ 62,500	\$ 7,500	\$ 70,000
2200	Chemical	\$ -	\$ 10,000	\$ 10,000
2261	Educational and Rec. Supplies	\$ 25,000	\$ 10,000	\$ 35,000
3099	Miscellaneous Special Services	\$ -	\$ 10,000	\$ 10,000
3361	Professional Development	\$ 50,000	\$ -	\$ 50,000
	<b>Subtotal</b>	<b>\$ 404,500</b>	<b>\$ 37,500</b>	<b>\$ 442,000</b>

**Fund F679, Department MGT, Unit 215C (Lactation Center/LC), Revenue Code 6509**

<b>Object Code</b>	<b>Description</b>	<b>Adopted Budget</b>	<b>Increase/(Decrease)</b>	<b>Revised Budget</b>
1101	Salaries	\$ 118,747	\$ -	\$ 118,747
1301	Pensions - Civilian	\$ 20,397	\$ -	\$ 20,397
1303	Life Insurance	\$ 150	\$ -	\$ 150
1304	Health Insurance	\$ 20,020	\$ -	\$ 20,020
1306	FICA/Medicare	\$ 2,578	\$ -	\$ 2,578
1309	Wellness Benefits	\$ 108	\$ -	\$ 108
2110	Office Supplies	\$ 25,000	\$ -	\$ 25,000
2140	Light and Power	\$ 15,000	\$ -	\$ 15,000
2200	Chemicals	\$ 15,000	\$ -	\$ 15,000
2261	Educational and Rec. Supplies	\$ 25,000	\$ -	\$ 25,000
3091	Custodial Services	\$ 15,000	\$ -	\$ 15,000
3330	Rents	\$ 115,000	\$ -	\$ 115,000
3361	Professional Development	\$ 25,000	\$ -	\$ 25,000
	<b>Subtotal</b>	<b>\$ 397,000</b>	<b>\$ -</b>	<b>\$ 397,000</b>

ATTACHMENT A  
Health and Human Services Commission  
Special Supplemental Nutrition Program for Women, Infants, and Children  
October 1, 2021 through September 30, 2022

Fund F679, Department MGT, Unit 216C (SNAP-Ed Program-Nutritional Education), Revenue Code 6509

Object Code	Description	Adopted Budget	Increase/(Decrease)	Revised Budget
2110	Office Supplies	\$ 20,000	\$ 1	\$ 20,001
3099	Miscellaneous Special Services	\$ 10,000	\$ -	\$ 10,000
	<b>Subtotal</b>	<b>\$ 30,000</b>	<b>\$ 1</b>	<b>\$ 30,001</b>

Fund F679, Department MGT, Unit 217C (Extra Funding - Summer Food Program), Revenue Code 6509

Object Code	Description	Adopted Budget	Increase/(Decrease)	Revised Budget
1101	Salaries	\$ -	\$ 28,243	\$ 28,243
1301	Pension - Civilian	\$ -	\$ 3,886	\$ 3,886
1303	Life Insurance	\$ -	\$ 54	\$ 54
1304	Health	\$ -	\$ 7,407	\$ 7,407
1306	FICA	\$ -	\$ 410	\$ 410
2110	Office Supplies	\$ 7,000	\$ -	\$ 7,000
2232	Food Supplies	\$ 5,000	\$ -	\$ 5,000
3994	Temporary Help	\$ 10,579	\$ -	\$ 10,579
	<b>Subtotal</b>	<b>\$ 22,579</b>	<b>\$ 40,000</b>	<b>\$ 62,579</b>

Fund F679, Department MGT, Unit 218C (Extra Funding - TXIN Internet), Revenue Code 6509

Object Code	Description	Adopted Budget	Increase/(Decrease)	Revised Budget
3050	Communications - TXIN Internet	\$ 20,000	\$ -	\$ 20,000
3429	Blackberry Fees	\$ 25,000	\$ -	\$ 25,000
3430	Computer Services - TXIN IT Support	\$ 27,080	\$ -	\$ 27,080
	<b>Subtotal</b>	<b>\$ 72,080</b>	<b>\$ -</b>	<b>\$ 72,080</b>

Fund F679, Department MGT, Unit 219C (Extra Funding - IPE), Revenue Code 6509

Object Code	Description	Adopted Budget	Increase/(Decrease)	Revised Budget
2710	Furniture and Fixtures	\$ 10,000	\$ -	\$ 10,000
3099	Miscellaneous Special Services	242,500	\$ -	\$ 242,500
	<b>Subtotal</b>	<b>\$ 252,500</b>	<b>\$ -</b>	<b>\$ 252,500</b>

Fund F679, Department MGT, Unit 220C (Other Projects), Revenue Code 6509

Object Code	Description	Adopted Budget	Increase/(Decrease)	Revised Budget
3020	Food and Laundry Supplies	\$ 20,000	\$ -	\$ 20,000
3099	Miscellaneous Special Services	\$ 67,336	\$ -	\$ 67,336
	<b>Subtotal</b>	<b>\$ 87,336</b>	<b>\$ -</b>	<b>\$ 87,336</b>

Fund F679, Department MGT, Unit 275C (Extra Funding - Other), Revenue Code 6509

Object Code	Description	Adopted Budget	Increase/(Decrease)	Revised Budget
2110	Office Supplies	\$ -	\$ 25,000	\$ 25,000
2231	Clothing	\$ 75,000	\$ -	\$ 75,000
3099	Miscellaneous Special Services	\$ 125,000	\$ 75,000	\$ 200,000
3361	Professional Development	\$ 175,000	\$ -	\$ 175,000
3429	Blackberry Fees	\$ 25,000	\$ -	\$ 25,000
	<b>Subtotal</b>	<b>\$ 400,000</b>	<b>\$ 100,000</b>	<b>\$ 500,000</b>

Fund F679, Department MGT, Unit 285C (Extra Funding - Nutrition Ed), Revenue Code 6509

Object Code	Description	Adopted Budget	Increase/(Decrease)	Revised Budget
2110	Office Supplies	\$ -	\$ 25,000	\$ 25,000
3099	Miscellaneous Special Services	\$ -	\$ 75,000	\$ 75,000
	<b>Subtotal</b>	<b>\$ -</b>	<b>\$ 100,000</b>	<b>\$ 100,000</b>

Fund F679, Department MGT, Unit 286C (Extra Funding - CVB OT), Revenue Code 6509

Object Code	Description	Adopted Budget	Increase/(Decrease)	Revised Budget
1301	Overtime - Civilian	\$ -	\$ 360,439	\$ 360,439
	<b>Subtotal</b>	<b>\$ -</b>	<b>\$ 360,439</b>	<b>\$ 360,439</b>

ATTACHMENT A  
Health and Human Services Commission  
Special Supplemental Nutrition Program for Women, Infants, and Children  
October 1, 2021 through September 30, 2022

Grand Total	\$ 14,869,740	\$ 458,925	\$ 15,328,665
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January 24, 2022

Leslie Hibbs, WIC Director  
City of Dallas, LA# 7

**RE: Revised Notice of Award**

Health and Human Services Commission (HHSC) Women, Infants and Children (WIC) Local Agency Contract #HHS000802300001

This is a notification of your organization's FY 2022 (October 1, 2021 to September 30, 2022) **revised** WIC Local Agency funding.

Your organization will be receiving the funding listed below:

Project	Project Contact	Current Funding (\$)	2Q Reallocation Amount (\$)	FY2022 Revised Project Total (\$)
Estimated General Admin Funding*	Elsa Rodriguez <a href="mailto:elsa.rodriguez2@hhs.texas.gov">elsa.rodriguez2@hhs.texas.gov</a>	\$11,082,819	-	\$11,082,819
Peer Counselor	Asia Sartor <a href="mailto:asia.sartor@hhs.texas.gov">asia.sartor@hhs.texas.gov</a>	\$1,680,926	-	\$1,680,926
Registered Dietitian	Stephanie Holland <a href="mailto:stephanie.holland1@hhs.texas.gov">stephanie.holland1@hhs.texas.gov</a>	\$190,000	\$250,000	\$440,000
Lactation Services	Ngoc Huynh <a href="mailto:ngoc.huynh@hhs.texas.gov">ngoc.huynh@hhs.texas.gov</a>	\$292,000	\$112,500	\$404,500
Lactation Support Center	Betzabel Botello <a href="mailto:betzabel.botello@hhs.texas.gov">betzabel.botello@hhs.texas.gov</a>	\$397,000	-	\$397,000
Innovation Center	Debbie Lehman <a href="mailto:debbie.lehman@hhs.texas.gov">debbie.lehman@hhs.texas.gov</a>	-	-	-
Dietetic Internship	Melissa Mouton <a href="mailto:melissa.mouton@hhs.texas.gov">melissa.mouton@hhs.texas.gov</a>	-	-	-
WIC-SNAP** Nutrition on the Go	Beatrice Watson (NGO) <a href="mailto:beatrice.watson@hhs.texas.gov">beatrice.watson@hhs.texas.gov</a>	-	-	-
WIC-SNAP** Health Care Providers	Lindsey Gray (HCP) <a href="mailto:Lindsey.Gray@hhs.texas.gov">Lindsey.Gray@hhs.texas.gov</a>			
WIC-SNAP** Peer Text	Asia Sartor (Peer Text) <a href="mailto:asia.sartor@hhs.texas.gov">asia.sartor@hhs.texas.gov</a>			
WIC-SNAP** Obesity Prevention-NE	Stephanie Holland <a href="mailto:stephanie.holland1@hhs.texas.gov">stephanie.holland1@hhs.texas.gov</a>	\$30,000	-	\$30,000
WIC-SNAP** Breastfeeding	Ngoc Huynh <a href="mailto:ngoc.huynh@hhs.texas.gov">ngoc.huynh@hhs.texas.gov</a>	-	-	-

Extra Funding Summer Food Program	Beatrice Watson <a href="mailto:beatrice.watson@hhs.texas.gov">beatrice.watson@hhs.texas.gov</a>	\$22,579	-	\$22,579
Extra Funding TXIN Internet	Tammye Farmer-Holloman <a href="mailto:tammye.farmerholloman@hhs.texas.gov">tammye.farmerholloman@hhs.texas.gov</a>	\$67,080	\$5,000	\$72,080
Extra Funding Improving Participant Experience	Kara Nemethy <a href="mailto:kara.nemethy@hhs.texas.gov">kara.nemethy@hhs.texas.gov</a>	\$52,500	\$200,000	\$252,500
Extra Funding Nutrition Education	Tammye Farmer-Holloman <a href="mailto:tammye.farmerholloman@hhs.texas.gov">tammye.farmerholloman@hhs.texas.gov</a>	-	-	-
Extra Funding Other	Tammye Farmer-Holloman <a href="mailto:tammye.farmerholloman@hhs.texas.gov">tammye.farmerholloman@hhs.texas.gov</a>	-	\$400,000	\$400,000
Other Projects	Shirley Ellis <a href="mailto:shirley.ellis@hhs.texas.gov">shirley.ellis@hhs.texas.gov</a>	\$87,336	-	\$87,336
<b>Total</b>		<b>\$13,902,240</b>	<b>\$967,500</b>	<b>\$14,869,74</b>

\*Actual General Administrative funding amount is accrued monthly based on Funding Formula Rate (FFR): \$12.34 per participant plus any earned incentives.

\*\*Projects previously funded by the Snap-Ed grant may change to a WIC funding source. HHSC will provide notification to the impacted LAs if this occurs.

**This notice does not relieve the agency from seeking additional approvals as required by WIC Policy.**

For HHSC to track Local Agency expenditures, please submit a separate WIC invoice for reimbursement of actual allowable costs associated with each project. If the allocation amounts on special projects are exceeded, any subsequent amount bill will be charged to your administrative WIC Funding.

For questions regarding purchase requests, please contact Belinda Saunders [belinda.saunders@hhs.texas.gov](mailto:belinda.saunders@hhs.texas.gov) or [WICLARRequests@hhs.texas.gov](mailto:WICLARRequests@hhs.texas.gov). For questions or additional information regarding funding, please contact the assigned Project Contact listed in the table above or email the WIC Clinic Services Financial Liaison, Tammye Farmer-Holloman, at [tammye.farmerholloman@hhs.texas.gov](mailto:tammye.farmerholloman@hhs.texas.gov).

Sincerely,



Edgar Curtis, Texas WIC Director  
Health and Human Services Commission

cc: Kimberly Bizer Tolbert, Chief of Staff

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# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1308

**Item #:** 40.

**STRATEGIC PRIORITY:** Human and Social Needs  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Office of Community Care  
**EXECUTIVE:** M. Elizabeth Cedillo-Pereira

### **SUBJECT**

Authorize **(1)** the third amendment to Contract No. HHS000455600001, with the Texas Health and Human Services Commission, Department of State Health Services for the Lactation Support Center Services Program (LSCS) to increase by \$407,500.00, from \$1,599,020.00 to \$2,006,520.00; **(a)** to amend the term of the contract period from September 1, 2019 through August 31, 2022 to September 1, 2019 through August 31, 2023; **(b)** to accept additional grant funds for FY 2023 budget for Amendment No. 3, in the amount of \$407,500.00 for the continuation of the LSCS Program; and **(2)** execution of the third amendment to the contract and all terms, conditions, and documents required by contract - Not to exceed \$407,500.00, from \$1,599,020.00 to \$2,006,520.00 - Financing: Department of State Health Services Grant Funds

### **BACKGROUND**

Since 2010, the Health and Human Services Commission (HHSC) funded the Dallas Lactation Care Center through a grant contract with the City of Dallas Women, Infants and Children (WIC) Program. The Dallas Lactation Care Center is a specialty walk-in clinic located in the heart of the Dallas Medical District. The staff includes a Registered Nurse, Internationally Board Certified Lactation Consultants (IBCLC) and Breastfeeding Peer Counselors who provide comprehensive breastfeeding support and assistance to mothers currently enrolled in the WIC Program. The Dallas Lactation Care Center also serves as a training center for students and resident physicians who want to expand their knowledge in the field of lactation. In 2014, the Dallas Lactation Care Center received the IBCLC Care Award which is recognition by the International Board of Lactation Consultant Examiners and International Lactation Consultant Association for excellence in lactation care.

The City of Dallas will work with the HHSC, Community Health Improvement Division, Maternal and Child Health Unit to develop and implement the Lactation Support Center Services - Strategic Expansion Program. This program, through the Dallas Lactation Care Center shall provide population-based public health services and implement strategies that will increase accessibility, quality and coordination of breastfeeding support services in the contractor's service delivery area. The services provided under this contract complement and expand upon the services by the City of Dallas under

the HHSC WIC Dallas Lactation Center contract, by which the HHSC WIC Program funds the City of Dallas to act as: (1) a lactation resource center for the Special Supplemental Nutrition Program for mothers with breastfeeding problems; (2) a training center for WIC local agency staff and other health providers to receive clinical experience working with breastfeeding; mothers and (3) a statewide Breastfeeding Resource Center for health providers to utilize for information and assistance when working with pregnant and breastfeeding women.

The total amount of this contract will not exceed \$2,006,520.00, of which \$407,500.00 is funding from Department of State Health Services for Fiscal Year (FY) 2023. With all renewals exercised, the total contract amount in two years is projected to be \$2,006,520.00.

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

On May 13, 2020, City Council authorized a contract with the HHSC for the Lactation Support Center Services Program to accept additional grant funds from the U.S. Department of Health and Human Services passed through the Health and Human Services Commission for FY 2021 allocation by Resolution No. 20-0732.

On August 11, 2021, City Council authorized a contract with the HHSC for the Lactation Support Center Services Program to accept additional grant funds from the U.S. Department of Health and Human Services passed through the Health and Human Services Commission for FY 2022 allocation by Resolution No. 21-1237.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Department of State Health Services Grant Funds	\$0.00	\$407,500.00	\$0.00

#### Funding Summary:

<u>Funding</u>	<u>FY 2022</u>	<u>FY 2023</u>
State Funding (DSHS)	\$ 0.00	\$407,500.00
Total	\$ 0.00	\$407,500.00

June 22, 2022

**WHEREAS**, on February 11, 2015, City Council authorized a contract for the Lactation Resource and Training Center Strategic Expansion Program for the Women, Infants and Children (WIC) Program, in an amount not to exceed \$390,000.00, by Resolution No. 15-0272; and

**WHEREAS**, from August 2016 to August 2019, the City of Dallas continued to receive annual grant allocation from the Dallas State Health Services for the Lactation Resource and Training Center Strategic Expansion Program under the Contract No. 2015-047695-001; and

**WHEREAS**, on August 14, 2019, City Council authorized a contract with the Texas Health and Human Services, Department of State Health Services (DSHS) for the Lactation Support Center Services Program to accept additional grant funds from the U.S. Department of Health and Human Services for FY 2020 allocation by Resolution No. 19-1112; and

**WHEREAS**, on May 13, 2020, City Council authorized a contract with the Texas Health and Human Services, Department of State Health Services (DSHS) for the Lactation Support Center Services Program to accept additional grant funds from the U.S. Department of Health and Human Services for FY 2020 allocation by Resolution No. 20-0732; and

**WHEREAS**, on August 11, 2021, City Council authorized a contract with the Texas Health and Human Services, Department of State Health Services (DSHS) for the Lactation Support Center Services Program to accept additional grant funds from the U.S. Department of Health and Human Services for FY 2021 allocation by Resolution No. 21-1237; and

**WHEREAS**, the total amount of this contract will not exceed \$2,006,520.00, of which \$407,500.00 is funding from the Department of State Health Services (DSHS). With all renewals exercised, the total contract amount in two years is projected to be \$2,006,520.00; and

**WHEREAS**, the City of Dallas will benefit in this contract for the FY 2022 and FY 2023 grant allocation.

**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)** execute the third amendment to Contract No. HHS000455600001, with the Texas Health and Human Services Commission, Department of State Health Services (DSHS) for the Lactation Support Center Services Program (LSCS) for a total amount of \$407,500.00, from \$1,599,020.00 for \$2,006,520.00; **(a)** to amend the term of the contract period from September 1, 2019 through August 31, 2021 to September 1, 2019 through August 31, 2023; **(b)** to accept additional grant funds for FY 2022 budget for Amendment No. 3, in the amount of \$407,500.00 for the continuation of the LSCS Program;

**SECTION 1.** (continued)

and; **(2)** execution of an amendment to the contract and all terms, conditions, and documents required by the contract, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$407,500.00 in the LSCS, Fund S383, Department MGT, Unit 287C, various Objects, according to the attached Schedule.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds from the DSHS in an amount not to exceed \$407,500.00 in DSHS – LSCS Fund, Fund S383, Department MGT, Unit 287C, Revenue Code 6509, for a total not to exceed \$407,500.00.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed \$407,500.00, according to the attached Schedule, as follows:

DSHS – Pacify Fund	
Fund S383, Department MGT	
Unit 287C, Various Object Codes	<u>\$407,500.00</u>
Total amount not to exceed	\$407,500.00

**SECTION 6.** That the City Manager or his designee is authorized to provide additional information, make adjustments, and take other actions related to the implementation of the grant as may be necessary to satisfy the Health and Human Services Commission.

**SECTION 7.** That the City Manager is hereby authorized to reimburse the Health and Human Services Commission any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 90 days after the reimbursement.

**SECTION 8.** That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

**SECTION 9.** That this contract is designated as Contract No. OCC-2022-00019373.

**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.

ATTACHMENT A  
SCHEDULE

Department of State Health Services  
Lactation Support Center - Strategic Expansion Program  
September 1, 2022 - August 31, 2023

Fund S383, Department MGT, Unit 287C (LSCS), Revenue Code 6509

Object Code	Description	Amount
1101	Salaries	\$ 144,997
1301	Pensions - Civilian	\$ 19,952
1303	Life Insurance	\$ 270
1304	Health Insurance	\$ 37,035
1306	FICA/Medicare	\$ 2,102
2110	Office Supplies	\$ 25,490
3070	Professional Services	\$ 136,320
3363	Reimbursement for Vehicle Use	\$ 462
3651	Indirect Cost	\$ 40,872
	Subtotal	\$ 407,500
	Grand Total	\$ 407,500





## Agenda Information Sheet

**File #:** 22-1334

**Item #:** 41.

**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Office of Economic Development  
**EXECUTIVE:** Majed Al-Ghafry

### **SUBJECT**

Authorize a development agreement and all other necessary documents with One Newpark GP, LLC and/or its affiliates for a City Subsidy in an amount not to exceed \$96,100,000.00 comprised of (1) an amount not to exceed \$4,100,000.00 in the form of an economic development grant payable from the City's Public/Private Partnership Fund ("PPP Grant") and (2) an amount not to exceed \$92,000,000.00 payable from future Downtown Connection TIF District funds ("TIF Subsidy") in consideration of the One Newpark Project, a 38-floor, 1,345,845 square foot mixed-use, mixed-income development to be constructed on 1.7 acres at the southeast corner of S. Akard Street and Canton Street in Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) - Financing: Public/Private Partnership Fund (\$4,100,000.00) and Downtown Connection TIF District Fund (\$92,000,000.00) (subject to annual appropriations from tax increments)

### **BACKGROUND**

Newpark Dallas is a proposed multi-phased redevelopment of approximately five acres of surface parking lots owned by Hoque Global on the southern side of the downtown central business district. At full build-out, Newpark Dallas is planned to include over one million square feet of Class A office space, 200,000 square feet of urban retail space, a few thousand residential units, and a four-star hotel. The estimated total private investment associated with full build-out of the Newpark Dallas development exceeds \$1.5 billion.

In 2021, a development incentive application was submitted to the Office of Economic Development by One Newpark GP, LLC, ("Developer") a partnership between Hoque Global (property owner) and Lanoha Real Estate Company (real estate developer) requesting the expansion of the Downtown Connection TIF District ("Zone") boundary to include the Newpark Dallas parcels and an economic development subsidy in the amount of \$130 million to facilitate the first phase development (One Newpark) of Newpark Dallas.

One Newpark, a 38-floor, 1.3 million square foot mixed-use and mixed-income tower is proposed to be constructed on approximately 1.7 acres of land currently used as surface parking lots and

addressed as 808 S. Akard Street; 801, 807, 809 and 817 Browder Street; 1404 Canton Street; and a portion of 1600 Canton Street (the "Project"). As part of the land assembly for the Project, the Developer is currently working with the Real Estate division of the City's Public Works Department to request an abandonment of Browder Street between Canton Street and Cadiz Street.

The Project will include: (1) below-grade parking (3 levels); (2) street-level retail; (3) above-grade parking (6 levels); (4) an office component (7 levels); (5) a hotel component with 245 rooms (7 levels); and (6) a multi-family component with 268 units on the remaining top 15 levels of the tower. The total project cost for One Newpark is approximately \$379.3 million and comprised of the following components: (i) site acquisition cost of \$ \$9,881,647.00 (inclusive of the City abandonment fee for Browder Street of \$3,611,647.00), (ii) hard costs of approximately \$311,291,710.00 (including approximately \$2,304,931.00 in environmental remediation and demolition costs), (iii) soft costs of approximately \$49,565,454 and (iv) developer's fee of approximately \$8,550,617.00.

The Project's design was reviewed by the City's Urban Design Peer Review Panel ("Panel") on October 23, 2020, and the Developer made changes to the Project's design to accommodate recommendations by the Panel.

The Office of Economic Development engaged an independent outside underwriter to extensively review the Project and the Developer's incentive application. Staff, in consultation with the underwriter, structured the proposed City Subsidy as gap financing to make the Project financially feasible. The Office of Economic Development negotiated a detailed Letter of Intent with the Developer for an amount not to exceed \$95,500,000.00 ("City Subsidy"). On February 11, 2022, City staff received an executed Letter of Intent from the Developer. Since execution of the LOI and following the Economic Development Committee meeting on May 2, 2022, the abandonment fee for Browder Street increased by \$600,000.00 based on an updated appraisal of the right-of-way received on May 24, 2022. The PPP Grant portion of the City Subsidy was increased from \$3.5 million to \$4.1 million to reflect the increase in the abandonment fee.

The proposed City Subsidy for the Project is contingent upon City Council's approval of various proposed amendments to the Downtown Connection TIF District which include the expansion of the Zone's boundary to create a Newpark Sub-district that would encompass the Project and establishment of a source of tax increment financing to facilitate the Project. Additionally, the Developer's request for the abandonment of Browder Street between Canton Street and Cadiz Street is contingent upon City Council's approval of the proposed City Subsidy and development agreement for the Project.

Staff's recommended City Subsidy is comprised of (1) up to \$4,100,000.00 in the form of an economic development grant payable from the City's Public/Private Partnership Fund ("PPP Grant") to offset expenditures made by the Developer for City development fees such as right-of-way abandonment, permitting, plan review, and inspection fees; and (2) up to \$92,000,000.00 payable from future tax increment in the Newpark Sub-district of the Downtown Connection TIF District ("TIF Subsidy").

The TIF Subsidy portion of the City Subsidy will be deployed from the proposed Newpark Sub-district budget categories as follows (i) environmental remediation/demolition \$2,304,931.00; (ii) street/utility improvements \$2,000,000.00; (iii) streetscape improvements \$2,000,000.00; and (iv) economic



development TIF grant for high density, mixed-use development, mixed-income housing and repayment of the PPP Grant \$85,695,069.00. Funds may be shifted among the budget categories except the TIF grant, so long as the total TIF Subsidy does not exceed \$92,000,000.00. The total TIF grant shall not exceed \$85,695,069.00 under any circumstances but may be less if actual expenditures for environmental remediation/demolition, street/utility improvements and streetscape improvements exceed \$6,304,931.00.

According to the City's Public/Private Partnership Program ("PPP") Guidelines and Criteria (effective for the period July 1, 2021 through June 30, 2022), the Project is located in a non-target area. The minimum eligibility criteria for a project in a non-target area is the creation/retention of 100 jobs or the provision of \$5 million investment. With a total Project cost of almost \$380 million, the Project substantially exceeds the \$5 million minimum eligibility criteria for a non-target area.

City Council's approval of this item will authorize the City Manager to execute a development agreement as well as any other related documents.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	December 2024
Complete Construction	December 2027

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

On June 8, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) by Resolution No. 05-1779; Ordinance No. 26020, as amended.

On August 29, 2005, City Council authorized the District's Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) and a participation agreement with Dallas County for the Downtown Connection TIF District by Resolution No. 05-2543; Ordinance No. 26096, as amended.

On April 29, 2022, the Downtown Connection TIF District Board of Directors and Downtown Dallas Development Authority reviewed and recommended City Council approval of the proposed Plan amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan.

On April 29, 2022, the Downtown Connection TIF District Board of Directors reviewed the Project and recommended City Council authorization of a development agreement with One Newpark GP, LLC and/or its affiliates for a City Subsidy in an amount not to exceed \$95,500,000.00.

On May 2, 2022, the Economic Development Committee (OED) was briefed regarding this matter.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Public/Private Partnership Fund	\$0.00	\$0.00	\$ 4,100,000.00

Downtown Connection TIF District Fund	\$0.00	\$0.00	\$92,000,000.00
Total	\$0.00	\$0.00	\$96,100,000.00

**OWNER/DEVELOPER****One Newpark GP, LLC**

Jason Lanoha, Manager

**MAP**

Attached

## One Newpark Location Map



June 22, 2022

**WHEREAS**, the City of Dallas ("City") recognizes the importance of its role in local economic development; and

**WHEREAS**, investment decisions made by businesses and developers are often influenced by a municipality's ability to provide economic development incentives; and,

**WHEREAS**, on June 8, 2005, the City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Eleven, City of Dallas, Texas ("Downtown Connection TIF District" or the "District") in accordance with the Tax Increment Financing Act, as amended, Texas Tax Code, Chapter 311 (the "Act") to promote development and redevelopment in the Uptown and Downtown areas through the use of tax increment financing by Resolution No. 05-1779; Ordinance No. 26020; as amended; and

**WHEREAS**, on August 29, 2005, City Council authorized the District's Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven (the "Project and Financing Plan") and a participation agreement with Dallas County for the District by Resolution No. 05-2543; Ordinance No. 26096, as amended; and

**WHEREAS**, on June 9, 2021, pursuant to Resolution No. 21-1052 approved by the City Council, the City: (1) elected to continue its participation in economic development incentives and approved an extension of its Public/Private Partnership Program ("PPP") - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects, (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 pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code ("Economic Development Act"), and (3) established appropriate guidelines and criteria governing tax abatement agreements to be entered into by City as required by the Property Redevelopment and Tax Abatement Act, as amended, Texas Tax Code, Chapter 312 ("Tax Abatement Act"); and

June 22, 2022

**WHEREAS**, on April 29, 2022, the Downtown Connection TIF District Board of Directors and Downtown Dallas Development Authority recommended approval of the following amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan ("Plan") to: (1) create two sub-districts within the Zone: (a) Downtown Connection Sub-district (original Zone boundary) and (b) Newpark Sub-district; (2) increase the geographic area of the Zone to add approximately 14.2 acres to create the Newpark Sub-district to facilitate anticipated redevelopment; (3) increase the total budget of the Zone (Downtown Connection Sub-district budget) from \$231,593,554.00 Net Present Value (NPV 2005 dollars) (approximately \$454,707,775.00 total dollars) to \$402,897,888.00 NPV (approximately \$1,059,227,817.00 total dollars, an increase of \$171,304,334.00 NPV (approximately \$604,520,042.00 total dollars); (4) modify the Downtown Connection Sub-district budget to add a line item for a public safety building to replace Fire Station #18; (5) establish a termination date for the Newpark Sub-district of December 31, 2052; (6) establish the percentage of tax increment contributed by the City of Dallas during the term of the Newpark Sub-district at 90%; (7) establish a total budget for the Newpark Sub-district of \$90,329,182.00 NPV 2022 dollars (approximately \$223,786,626.00 total dollars); (8) request Dallas County participation in the Newpark Sub-district at 55% for twenty years beginning in 2027; and (9) make corresponding modifications to the Zone boundary, budget, Plan; and

**WHEREAS**, on April 29, 2022, the Downtown Connection TIF District Board of Directors reviewed and recommended City Council authorization of a development agreement and all other necessary documents with One Newpark GP, LLC and/or its affiliates for a City subsidy in an amount not to exceed \$95,500,000.00 comprised of (1) an amount not to exceed \$3,500,000.00 in the form of an economic development grant payable from the City's Public/Private Partnership Fund ("PPP Grant") and (2) an amount not to exceed \$92,000,000.00 payable from future Downtown Connection TIF District funds in consideration of the One Newpark Project, a 38-floor, 1,345,845 square foot mixed-use, mixed-income development to be constructed on 1.7 acres at the southeast corner of S. Akard Street and Canton Street (the "Project"); and

**WHEREAS**, on May 2, 2022, the Economic Development Committee of City Council was briefed regarding this Project; and

**WHEREAS**, on May 24, 2022, the City received an updated appraisal for the Browder Street right-of-way requested to be abandoned by One Newpark GP, LLC as part of the Project. The abandonment fee, based on the updated appraisal, increased from \$3,038,325.00 to \$3,611,647.00; and

June 22, 2022

WHEREAS, on June 6, 2022, the Economic Development Committee of the City Council was briefed by memo of an increase the PPP Grant portion of the City Subsidy from \$3.5 million to \$4.1 million to reflect the \$600,000.00 increase in the abandonment fee for the Project; and

**WHEREAS,** pursuant to the City's PPP – Guidelines and Criteria, effective for the period July 1, 2021 through June 30, 2022, this Project is located in a non-target area and exceeds the minimum eligibility criteria requirements of the PPP – Guidelines and Criteria for a non-target area based on the anticipated Project investment totaling almost \$380 million; and

**WHEREAS,** consistent with the authority granted under the Economic Development Act and the City's PPP – Guidelines and Criteria, staff recommends that the City Council authorize the PPP Grant as part of the City's ongoing program to promote local economic development and to stimulate business and commercial activity in the city of Dallas; and

**WHEREAS,** in furtherance of the Project and Financing Plan, as amended, and to promote within the District: (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) development and expansion of commerce, the City desires to provide economic incentives to One Newpark GP, LLC and/or its affiliates to support the Project; and

**WHEREAS,** the expenditure of TIF funds supporting this Project is consistent with promoting development and redevelopment of the District in accordance with the purposes for its creation, the ordinance adopted by the City Council approving the Project and Financing Plan, and is for the purpose of making public investment expenditures consistent with and described in the Project and Financing Plan for the District; and

**WHEREAS,** improvements in the District will significantly enhance the value of all the taxable real property in the District and will be to the City's general benefit.

**Now, Therefore,**

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

June 22, 2022

**SECTION 1.** That the City Manager is hereby authorized to execute a development agreement (“development agreement”) and all other necessary documents, each as approved as to form by the City Attorney, with One Newpark GP, LLC and/or its affiliates (“Developer”), in an amount not to exceed \$96,100,000.00, comprised of (1) an amount not to exceed \$4,100,000.00 in the form of an economic development grant payable from the City’s Public/Private Partnership Fund (“PPP Grant”) and (2) an amount not to exceed \$92,000,000.00 payable from future Downtown Connection TIF District funds (“TIF Subsidy”) in consideration of the One Newpark Project, a 38-floor, 1,345,845 square foot mixed-use, mixed-income development to be constructed on 1.7 acres at the southeast corner of S. Akard Street and Canton Street (shown in **Exhibit A** – Location Map), thereby confirming the Downtown Connection TIF District Board of Director’s dedication of current and future tax increment revenues, in an amount not to exceed \$92,000,000.00 as shown in **Exhibit B**.

**SECTION 2.** That the facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$4,100,000.00 to One Newpark GP, LLC, and/or its affiliates from the Public/Private Partnership Fund, as follows:

Public/Private Partnership Fund	
Fund 0352, Department ECO, Unit W829	
Activity PPPF, Object 3016, Program NEWPARKPRJ	
Encumbrance/Contract No.CX ECO-2022-00019507	
Vendor VC25105	<u>\$4,100,000.00</u>

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$92,000,000.00 to One Newpark GP, LLC, and/or its affiliates from the Downtown Connection TIF District Fund (subject to annual appropriations from tax increments), as follows:

Downtown Connection TIF Fund	
Fund 0044, Department ECO, Unit W829	
Activity DDCT, Object 3072, Program NEWPARKPRJ	
Encumbrance/Contract No.CX ECO-2022-00019507	
Vendor VC25105	\$2,304,931.00

Downtown Connection TIF Fund	
Fund 0044, Department ECO, Unit W829	
Activity DDCT, Object 4599, Program NEWPARKPRJ	
Encumbrance/Contract No.CX ECO-2022-00019507	
Vendor VC25105	\$2,000,000.00

June 22, 2022

Downtown Connection TIF Fund  
Fund 0044, Department ECO, Unit W829  
Activity DDCT, Object 4599, Program NEWPARKPRJ  
Encumbrance/Contract No.CX ECO-2022-00019507  
Vendor VC25105 \$2,000,000.00

Downtown Connection TIF Fund  
Fund 0044, Department ECO, Unit W829  
Activity DDCT, Object 3016, Program NEWPARKPRJ  
Encumbrance/Contract No. CX ECO-2022-00019507  
Vendor VC25105 \$85,695,069.00

Total amount not to exceed \$92,000,000.00

Funds may be shifted among the TIF Subsidy budget categories except the TIF grant, so long as the total TIF Subsidy does not exceed \$92,000,000.00. The total TIF grant shall not exceed \$85,695,069.00 under any circumstances but may be less if actual expenditures for the remaining categories exceed \$6,304,931.00.

**SECTION 5.** That the Developer shall design, fund and/or construct the Project and related public infrastructure improvements on and adjacent to property currently addressed as 808 S. Akard Street; 801, 807, 809 and 817 Browder Street; 1404 Canton Street; and a portion of 1600 Canton Street in the Newpark Sub-district of the District as described in Section 7 and in substantial conformance with the Project's conceptual plans set forth in **Exhibits C, D, E, F, G and H.**

**SECTION 6.** That nothing in this resolution shall be construed to require the City to approve payment from any source of City funds other than the funds listed in Section 3 and Section 4. Any TIF Subsidy funds dedicated to the Project under the development agreement that remain unpaid upon termination of the District, due to lack or unavailability of Downtown Connection TIF District Funds, shall no longer be considered project costs of the District or the City, and the District's obligation to pay the Developer shall automatically expire.

**SECTION 7.** That the development agreement, including payment of any portion of the City Subsidy thereto, is hereby expressly made subject to all of the following terms, conditions and obligations, which Developer must timely and satisfactorily perform or cause to be performed as follows:

- A. **PPP Grant.** A single subsidy payment in the form of a grant reimbursement in an amount equal to the total City Expenses described in subsection iv. but not to exceed \$4,100,000.00 from the City's PPP Fund shall be paid to the Developer upon Developer's submission of documentation and verification by the Office of Economic Development ("OED") staff that the following have occurred:



**SECTION 7.** (continued)

- i. Project Financing. Developer shall close construction financing for the Project prior to or contemporaneously with the City's execution of a development agreement with the Developer. Developer shall submit financing documentation to the City.
- ii. Hotel Flag. Prior to City's execution of a development agreement, Developer shall execute a hotel franchise agreement with a national hotel brand acceptable to the Director of the OED ("Director") in his or her sole discretion.
- iii. Downtown Connection TIF District Expansion. City Council approval of an expansion of the boundaries of the Downtown Connection TIF District to create the Newpark Sub-district that will encompass all Newpark Dallas properties and two parcels located on the northwest corner of South Harwood Street and Interstate 30 addressed as 1103 S. Harwood Street and 1900 St. Louis Street. See **Exhibit I**.
- iv. City Expenses. Developer shall provide documentation evidencing Developer's payment to the City of (i) any funds required by the Real Estate Division of the City's Public Works Department for the abandonment fee associated with the Developer's request of the City to abandon the portion of Browder Street located between Canton Street to the north and Cadiz Street to the south (See **Exhibit J**), and (ii) any development-related fees imposed by the City on Developer for planning and constructing the Project, including but not limited to development permit fees, plan review fees, building permit fees, parkland fees, and inspection fees.
- v. Browder Street Abandonment Request. City Council approval of the Developer's abandonment request.
- vi. Browder Street Abandonment Condition. As a condition of the City's abandonment of the portion of Browder Street between Canton Street to the north and Cadiz Street to the south, Developer shall dedicate a public access easement with a minimum average width of 18', where at no point along the easement the width is less than 12' wide along the abandoned right-of-way prior to the Completion Deadline. The easement shall include a minimum 8' wide continuous, unobstructed accessible path connecting Cadiz Street to Canton Street. See **Exhibit K**.
- vii. Building Permit Deadline. Developer shall obtain a building permit no later than December 31, 2024. A grading permit does not constitute meeting this requirement.

## SECTION 7. (continued)

B. TIF Subsidy. Annual TIF payments from the Newpark Sub-district totaling an amount not to exceed \$92,000,000.00 inclusive of (1) repayment of the PPP Grant upon completion of the Project and (2) remaining TIF Subsidy, after repayment of PPP Grant, to be paid to the Developer upon Developer's submission of documentation and OED's verification that the following have occurred:

- i. Minimum Private Investment. Developer shall incur (or cause to be incurred) and provide documentation evidencing a minimum of \$310,000,000.00 in Private Investment Expenditures (See **Exhibit L**) for construction of the Project, including, on and off-site infrastructure improvements, site amenities, building finish-out/furnishings, and professional fees (e.g., architecture, engineering, landscape architecture, interior design). Construction management costs may be considered a Private Investment Expenditure if services are directly related to ensuring the quality of the construction of the Project and are performed by an independent and unaffiliated third-party. Construction management costs must be evidenced by invoices with detailed descriptions of services performed. Developer fees, legal fees, marketing fees, financing fees, leasing commissions, carrying costs, reserves, operating deficits through stabilization and other similar costs shall not be considered a Private Investment Expenditure. With the exception of site acquisition, professional fees, environmental assessments and other eligible due diligence costs required to complete a City of Dallas Development Incentive Application, no expenditures made prior to City Council approval of this proposed TIF Subsidy may count towards minimum private investment.
- ii. Completion Deadline. Developer shall complete construction of a minimum of 800,000 square feet of residential, office, retail and hotel space associated with the Project by December 31, 2027, as evidenced by a certificate of occupancy for the residential component and commercial components as described in Section 7.B.iii.

Certificates of completion, and/or similar documentation issued by the City indicating all construction work is complete and the space is occupiable and/or ready for tenant finish out is required for all remaining portions of the building not required to provide a certificate of occupancy. All portions of the building shall be occupied or occupiable and/or ready for tenant finish-out by the Completion Deadline date.

- iii. Minimum Occupancy Requirement for Commercial Uses. Prior to the initial payment of the TIF Subsidy, Developer shall provide evidence of the following:
  - a) Fifty percent (50%) of the street level retail space is leased and occupied;

June 22, 2022

**SECTION 7. )continued)**

- b) Fifty percent (50%) of the office space is leased to one or more unaffiliated third-parties and copies of the executed lease(s) have been provided to the Director; and
  - c) the hotel is open and operational.
- iv. Tenant Finish-Out Construction Commencement. Within 12 months of the initial payment of the TIF Subsidy, Developer must commence tenant finish-out construction for at least fifty percent (50%) of the office space.
- v. Ongoing Minimum Occupancy Requirement for Commercial Uses. After initial payment of the TIF Subsidy, Developer, for a period of fifteen (15) years thereafter, shall immediately notify City in writing if any occupancy falls below the minimum occupancy requirements described in Section 7.B.v. (the "Occupancy Default"). Such notice shall specify the nature of the default, the period of existence thereof, and the action Developer is taking or proposes to take with respect to curing the Occupancy Default. Failure of Developer to cure the Occupancy Default within 180 calendar days following written notice by City shall constitute an uncured occupancy default ("Uncured Occupancy Default"). In the event of Uncured Occupancy Default, then City shall reduce the TIF Subsidy in the following manner for each use that has an uncured occupancy default: the required minimum percentage of total net leasable square feet minus the actual percentage of total net leasable square feet times the TIF Subsidy. (Example:  $50\% - 40\% = 10\% \times \$X = \$X$  immediately remitted back to City or withheld by City if the entire TIF Subsidy has not yet been disbursed). Failure to meet the requirements detailed in this section constitutes a default under this Agreement
- vi. Mixed-Income Housing. A minimum of twenty percent (20%) of the residential units constructed as part of the Project shall meet the affordability requirements of the Downtown Connection TIF District. Developer shall also ensure the following:
  - a) Affordable units are required to meet the affordability requirements for a fifteen (15) year period (from the date of a final certificate of occupancy for the residential portion of the Project);
  - b) The Developer must submit semi-annual reports to the OED (from the date of certificate of occupancy) with sufficient information that shows compliance with the affordable housing requirements;
  - c) Affordable units shall be dispersed substantially pro-rata among units by the number of bedrooms in each unit so that not all the affordable units

are one-bedroom units;

All affordable units shall be of substantially identical finish-out and materials as market rate units, shall float within each unit type, shall not be fixed to specific unit numbers and shall not be segregated or concentrated in any one floor or area of any area of the Project site. Tenants occupying the affordable units shall not be restricted in any way from common areas or amenities within the project site, unless such restrictions apply to all tenants. Additionally, the affordable units shall be dispersed substantially pro-rata among units by the number of bedrooms that are in each unit so that not all the affordable units are any single bedroom type.

- vii. Housing Vouchers. Developer shall abide by Ordinance 30246, approved by Resolution 16-1760, which requires “multifamily housing accommodations that benefit from a financial award approved by the city council on or after the effective date of this ordinance [October 26, 2016] shall set aside at least ten percent (10%) 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”. Should Ordinance 30246 and Chapter 20A of the Dallas City Code be amended prior to the Project’s certificate of occupancy date, Developer shall abide by such amended requirements. Additionally, Developer agrees that it will not discriminate against potential renters on the basis of source of income, including federal housing vouchers.

Dwelling units leased to voucher holders to satisfy the ten percent (10%) requirement in this section shall count towards the twenty percent (20%) Mixed-Income Housing requirement contained in Section 7.B.vi above.

- viii. Deed Restrictions. Developer shall execute deed restrictions, by the date of the certificate of occupancy for the residential portion of the Project, in a form to be mutually agreed upon by Developer and the City and record such executed deed restrictions in the Official Real Property Records of Dallas County to ensure that the property will comply with the mixed-income housing and voucher requirements, as well as the source of income non-discrimination requirement, described herein.
- ix. ~~DELETE EXTRA SPACE~~ Affirmative Fair Housing Marketing Plan. Developer shall complete an Affirmative Fair Housing Marketing Plan (form of document attached as **Exhibit M**) and submit to the Fair Housing division of the City’s Office of Equity and Inclusion for review and approval and market the residential component of the Project pursuant to the City approved marketing plan.
- x. Acceptance of Public Infrastructure Improvements. Developer shall complete

and obtain a letter of acceptance or similar documentation issued by the City, which may include a green tag issued from the Public Works Department for any public infrastructure improvements associated with the Project by June 30, 2028.

- xi. Operating and Maintenance Agreement. Prior to Project completion, Developer shall execute an Operating and Maintenance Agreement (defined below) for any Non-Standard Public Improvements (defined below) associated with the Project (the “Operating and Maintenance Agreement”), and if necessary, obtain a license from City for the purpose of maintaining any improvements in the public right-of-way. “Non-Standard Public Improvements” shall be defined as those public infrastructure improvements which exceed the City’s standard design requirements, as determined by the City, and shall include specially designed street/pedestrian lighting, brick pavers, bollards, sidewalks, public art, fountains, landscaping and irrigation. With the exception of specially designed street/pedestrian lighting, public artwork, brick pavers, enhanced concrete pavers, fountains and other structures, City shall retain ownership of such public improvements and may at its sole option, if Developer fails to maintain such public improvements after notice from City, perform such maintenance and invoice Developer for the costs, which costs Developer shall pay within thirty (30) days of notice. Developer shall submit documentation evidencing that an executed Notice of Operating and Maintenance Agreement specifying the existence of an executed Operating and Maintenance Agreement for the Non-Standard Public Improvements was recorded with the Dallas County Clerk’s Office.

The term for the Operating and Maintenance Agreement shall be twenty (20) years. The terms and conditions of the Operating and Maintenance Agreement are binding upon the successors and assigns of all parties hereto and may be assignable, subject to the Director’s approval, in whole or in part, to a new owner of all or a portion of the Project. Developer shall remain responsible for the maintenance of the Non-Standard Public Improvements for a term of twenty (20) years even if Developer chooses to forgo the City Subsidy or is not paid the City Subsidy as a result of default.

- xii. Business Inclusion. Developer shall make a good faith effort to comply with the City’s Business and Workforce Inclusion’s goal of thirty-two percent (32%) participation by certified Minority/Women-owned Business Enterprises (“M/WBE”) for all hard construction expenditures on the Project and meet all reporting requirements. See **Exhibit N**.
- xiii. Quarterly Reporting. Until the Project has passed final building inspection and all required paperwork documenting Project completion has been submitted to the OED, Developer shall submit to the OED quarterly status reports for ongoing work on the Project (including any public improvements). Such status reports shall be due within thirty (30) calendar days following the end of each

calendar quarter.

- xiv. Design. The Urban Design Peer Review Panel ("UDPRP") is an independent group of professional designers selected by the City Manager with expertise in architecture, landscape architecture, engineering, and urban planning. Review by the UDPRP is required for all projects requesting TIF subsidies. Following a formal review of the entire Newpark Dallas redevelopment plan and the Project's preliminary conceptual drawings and renderings on October 23, 2020, the UDPRP provided urban design advice for the Developer. On March 8, 2021, and August 31, 2021, Developer submitted to the City's Planning and Urban Design ("PUD") Department staff written responses and revised conceptual plans addressing the UDPRP's design advice. See **Exhibit O** for UDPRP comments and Developer and PUD responses.

Prior to submitting construction plans to the City's Development Services Department as part of a building permit application, Developer shall submit a set of the construction drawings to the PUD Department for a final staff review to ensure that the Project (i.e., public and private improvements) will be constructed in substantial conformance with the conceptual drawings presented to the TIF District Board and City Council. PUD Department staff shall complete the final staff review of permit drawings within 10 business days of submission by Developer.

Allowable minor modifications to the Project's design may include those required to comply with development regulations administered by the City's Development Services Department or other City departments, federal, state and local laws, codes and regulations. Prior to making any Project design changes that would be considered minor in nature, Developer shall notify the Director and submit proposed changes to the Director and PUD Department for review and approval.

- xv. Local Hiring. For all permanent employment opportunities created by operation of the Project, and prior to commencing any hiring activities and the initial payment of the TIF Subsidy, Developer shall submit to the City a written plan describing: (i) how Developer or property management group shall use and document best efforts to recruit and hire residents of the city of Dallas; and (ii) how Developer shall cause all tenants to use and document best efforts to recruit and hire residents of the city of Dallas. At a minimum, the written plan shall describe how Developer, property management group and/or tenant will target local recruitment through local advertisement, community outreach, local engagement, participation in local job fairs, and/or coordination with local hiring sources. The plan shall be subject to approval by the Director to ensure that employment opportunities are targeted to Dallas residents and that reasonable efforts are made to promote the hiring of neighborhood residents for any new jobs created. No TIF Subsidy shall be paid to Developer until Director approves the written plan. Within thirty (30) calendar days of the City's receipt of the Local

Hiring Plan, the Director shall either approve the Local Hiring Plan or (ii) in the event the Director disapproves the Local Hiring Plan, give written notification to the Owner of the Director's disapproval, specifying the reasons for such disapproval.

- xvi. Minor Modifications. The Director may authorize minor modifications to the Project, including, but not limited to, adjustment of the square footage of each component of the building, and may, after approval and recommendation of the TIF District Board, authorize an extension of the Project deadlines up to twelve (12) months.
- xvii. PPP Grant Repayment. The City's Public/Private Partnership Fund will receive fifty percent (50%) of increment generated within the Newpark Sub-district until the PPP Grant is repaid in full, after which one hundred percent (100%) of increment generated in the Newpark Sub-district would flow to the Developer as TIF Subsidy portion of the City Subsidy.

**SECTION 8.** That, pursuant to Section 3 and Section 7.B.xvii of this resolution and upon approval of annual appropriations, the Chief Financial Officer is hereby authorized to set up Due to Other Funds in the Downtown Connection TIF District Fund, Fund 0044, Department ECO, Unit: W829, Balance Sheet Account 0429, debit object code 3099 in an amount not to exceed \$4,100,000.00. Also, the Chief Financial Officer is hereby authorized to set up Due from Other Funds in the Public/Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet Account 0271 and Deferred Revenue Balance Sheet Account 088G in the amount of \$4,100,000.00.

**SECTION 9.** That, pursuant to Section 7.B.xvii of this resolution and upon approval of annual appropriations, the Chief Financial Officer is hereby authorized to transfer fifty percent (50%) of increment generated annually within the Newpark Sub-district of the Downtown Connection TIF Fund, Fund 0044, Department ECO, Unit W829, Balance Sheet Account 0429, credit Balance Sheet Cash Account 0001 to Public/Private Partnership Fund, Fund 0352, Department ECO, Unit W829, Various Revenue Sources until up to \$4,100,000.00, the PPP Grant, is repaid in full.

**SECTION 10.** That, pursuant to Section 9 of this resolution, the Chief Financial Officer is authorized to reverse Due from Other Funds, in the Public/Private Partnership Fund, Fund 0352, Department ECO Balance Sheet Account 0271 and Deferred Revenue Balance Sheet Account 088G until up to \$4,100,000.00, the PPP Grant, is repaid and transferred in full.

**SECTION 11.** That all payments of the TIF Subsidy portion of the City Subsidy are subject to the availability of tax increment. If the appraised value of the property in the Newpark Sub-district of the Downtown Connection TIF District remains constant or decreases in value from the base year value, annual payments may be reduced or unpaid due to lack of available increment. The TIF Subsidy shall be paid solely from the Tax Increment Fund, if and when tax increments are received and available for such purpose, during the

remaining life of the Newpark Sub-district of the Downtown Connection TIF District (including collection of the 2052 tax year increment in calendar year 2053), subject to the limitations on payment provided in the final Development Agreement authorized by City Council.

**SECTION 12.** That assuming all other conditions for payment have been met, the City of Dallas will administer the payment of the TIF Subsidy for the Project annually, pursuant to the Downtown Connection TIF District Increment Allocation Policy attached hereto as **Exhibit P**.

**SECTION 13.** That in the event of an Uncured Default, City shall have the right to elect any or all of the following actions in its sole discretion: (i) terminate the development agreement effective immediately upon written notice of such intent to Developer and demand immediate repayment by Developer of the City Subsidy and said City Subsidy shall be immediately due and payable by Developer without further or additional notice; and/or (ii) pursue any other legal remedies available at law or equity, including but not limited to specific performance. In the event of termination of the development agreement under (i), any City Subsidy funds available but unpaid to Developer shall be immediately rescinded and Developer shall have no further right to such City Subsidy and any amount due and owing after the demand date shall accrue interest at the maximum rate of interest allowed by law.

**SECTION 14.** That until completion of the Project, an assignment of the rights and/or the obligations of the development agreement, in whole or in part, will only be allowed to a direct affiliate of Developer with the prior written approval of the Director.

After completion of the Project and all conditions for the City Subsidy have been met, Developer may assign its rights or obligations under the development agreement to any entity with the prior written approval of the Director. Developer and assignee have the right, from time to time, to collaterally assign, pledge, grant a lien or security interest in, or otherwise encumber any of their respective rights, title, or interest under the development agreement for the benefit of their respective lenders without the consent of, but with prior written notice and approval of the Director. The collateral assignment, pledge, grant of lien or security interest, or other encumbrance shall not, however, obligate the lender to perform any obligations or incur any liability under the development agreement unless the lender agrees in writing to perform such obligations or incur such liability.

**SECTION 15.** That in the event the Director determines the Project has been delayed as a result of force majeure, after being provided written notice by Developer, Developer shall have additional time to complete the Project, as may be required in the event of force majeure, defined herein, so long as Developer is diligently and faithfully pursuing completion of the Project, as determined by the Director. "Force majeure" shall mean any contingency or cause beyond the reasonable control of Developer, as determined by the Director including, without limitation, acts of nature or the public enemy, war, riot, civil commotion, insurrection, state, federal or municipal government, or de facto



governmental action (unless caused by acts or omissions of Developer), fires, explosions, floods, and strikes. In the event of force majeure, Developer, after providing Director with written notice of the event of force majeure, shall be excused from doing or performing the same during such period of delay, so that the completion dates applicable to such performance, or to the construction requirement shall be extended for a period equal to the period of time Developer was delayed, subject to Director's approval.

**SECTION 16.** 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.

The map displays a proposed subdivision of a parcel labeled 83-1/4 into seven tracts (TR 1 through TR 7). The parcel is outlined in red. The surrounding area includes several streets: Canton St, Browder St, Cadiz St, and S Akard St. The map also shows adjacent parcels, including 6/89-1/2, 332-1/4, and 7/90. The 83-1/4 parcel is situated between Canton St and Browder St, and between S Akard St and Cadiz St. The map includes various acreage values for the tracts and the surrounding parcels.

Parcel/Tract	Acreage
83-1/4 (Total)	83.14
TR 1	61.7
TR 2	57.23
TR 3	57.63
TR 4	80.63
TR 5	118.61
TR 6	122.12
TR 7	147.82
6/89-1/2	198.95
332-1/4	176.42
7/90	136.68

**Exhibit B**  
**City Subsidy Budget**

<b>PPP Grant</b>	<b>Amount</b>
Grant to offset expenditures made by the Developer for City development fees such as right-of-way abandonment, permitting, plan review, and inspection fees	<b>\$4,100,000</b>
<b>TIF Subsidy Category</b>	<b>Amount</b>
Redevelopment of Vacant/Underutilized Downtown Buildings, Underdeveloped Parcels, Surface Parking Lots	
Environmental Remediation/Demolition	\$2,304,931
Street/Utility Improvements	\$2,000,000
Streetscape Improvements	\$2,000,000
Economic Development TIF Grant (includes PPP Grant Repayment)	\$85,695,069
<b>TIF SUBSIDY</b>	<b>\$92,000,000</b>
<b>TOTAL CITY SUBSIDY</b>	<b>\$96,100,000</b>

Funds may be shifted among the TIF Subsidy budget categories except the TIF grant, so long as the total TIF Subsidy does not exceed \$92,000,000.00. The total TIF grant shall not exceed \$85,695,069.00 under any circumstances but may be less if actual expenditures for the remaining categories exceed \$6,304,931.00.



# Exhibit C Site Plan

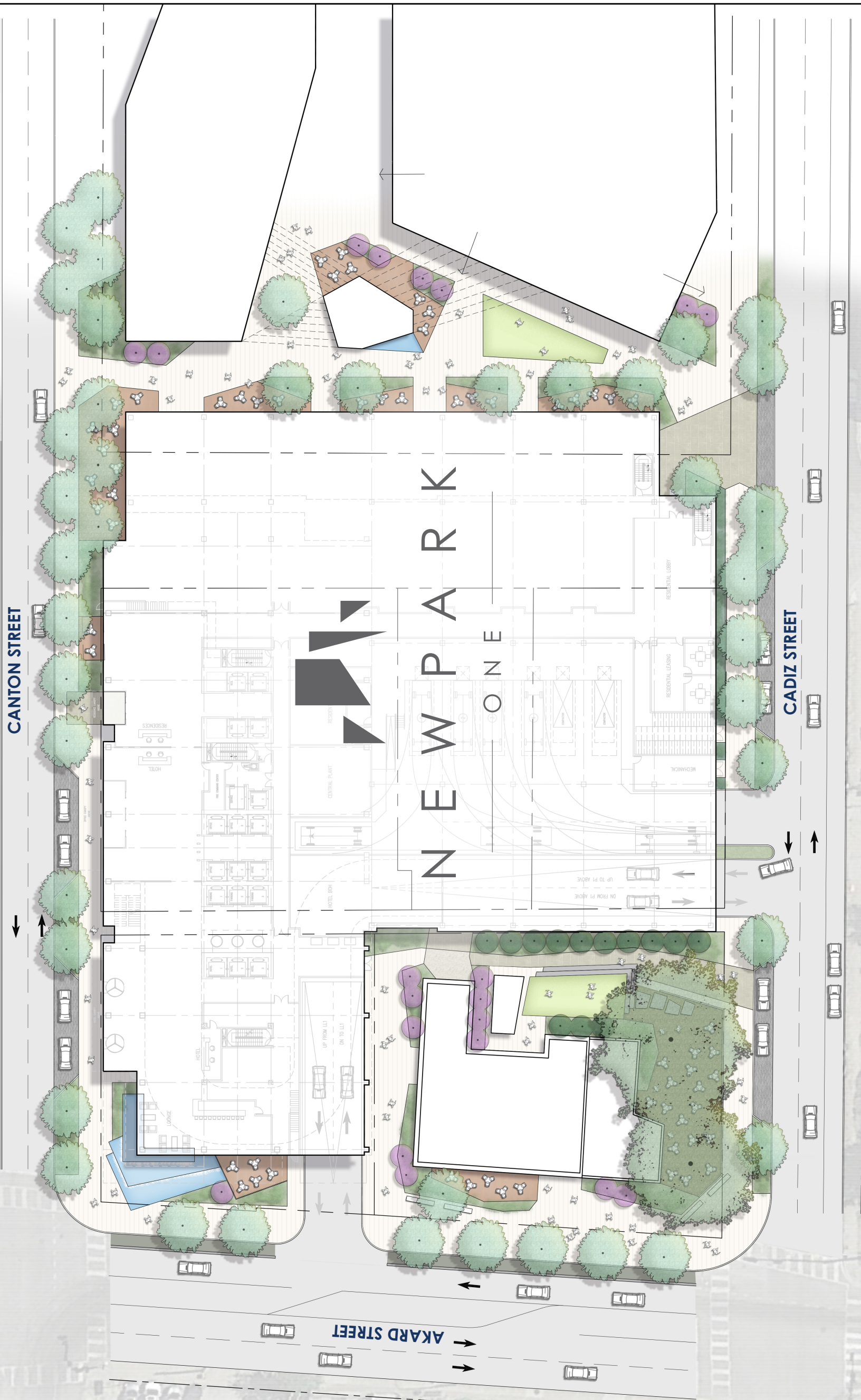




Exhibit D-1  
One Newpark Rendering





# Exhibit D-2 One Newpark Rendering

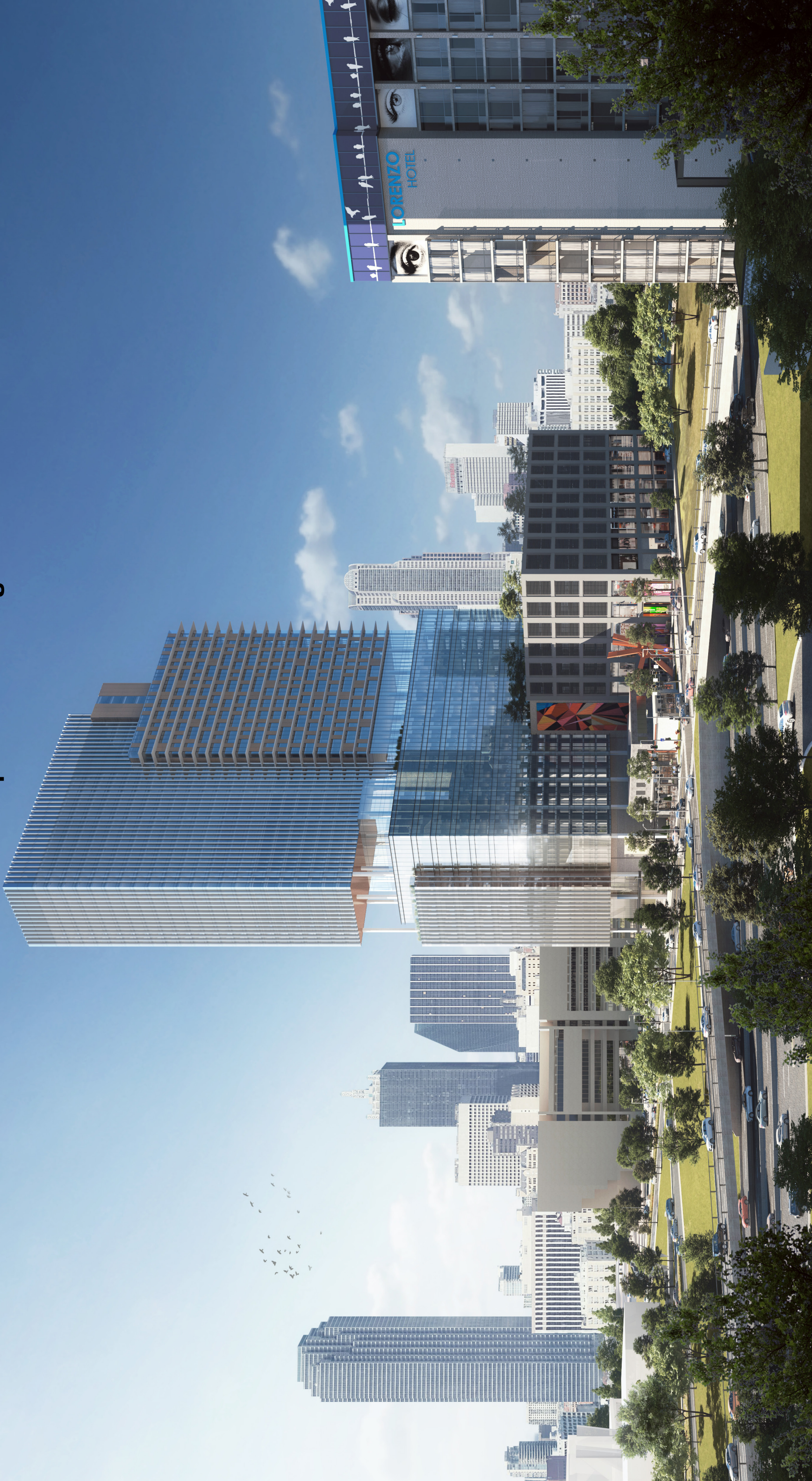




Exhibit E

One Newpark - Canton Street Elevation

488 ft



44 ft

44 ft

CANTON STREET VIEW

# Exhibit F

## Browder Street Elevation

488 ft

104 ft

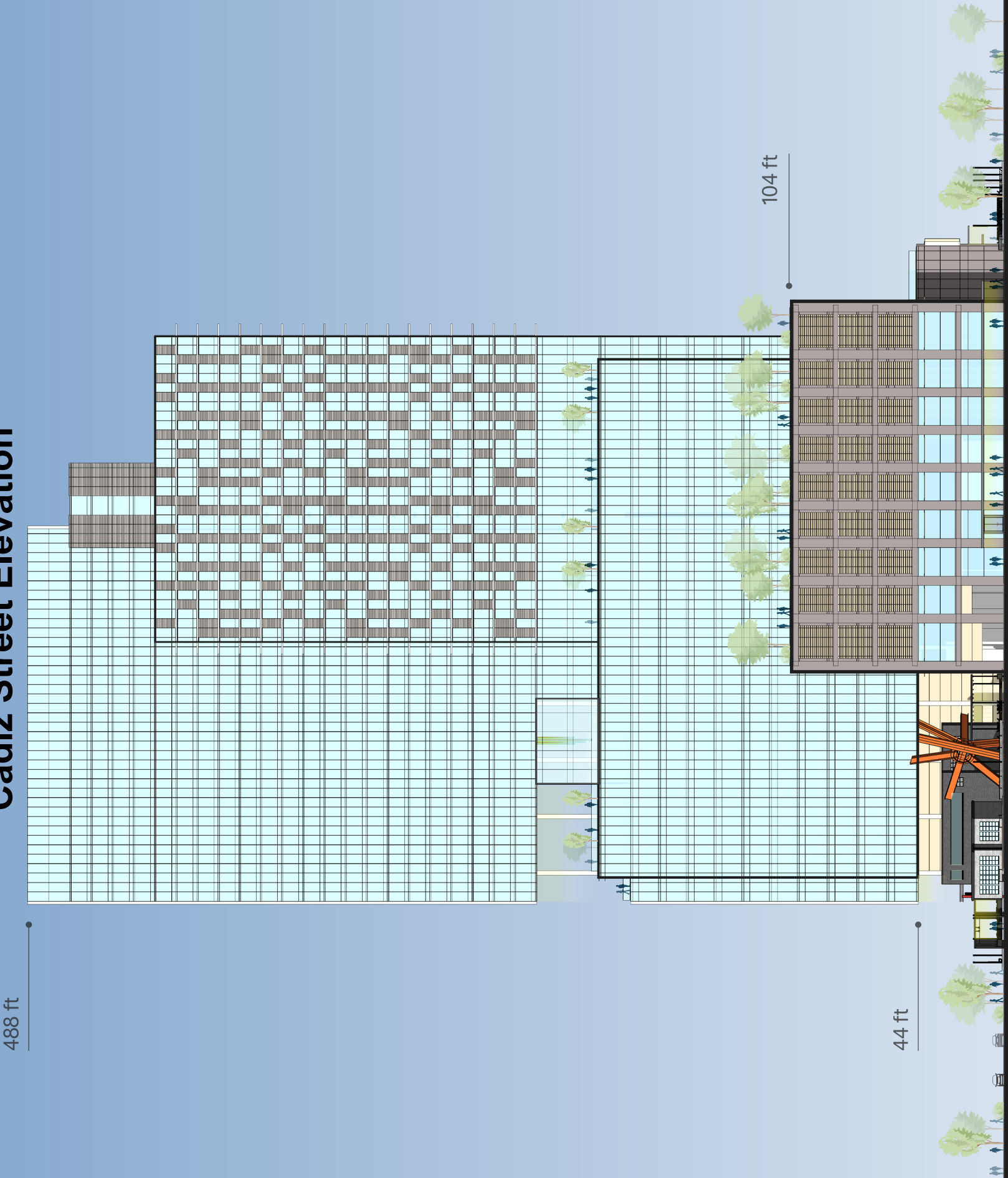


## BROWDER STREET VIEW



Exhibit G

Cadiz Street Elevation



CADIZ STREET VIEW

Exhibit H

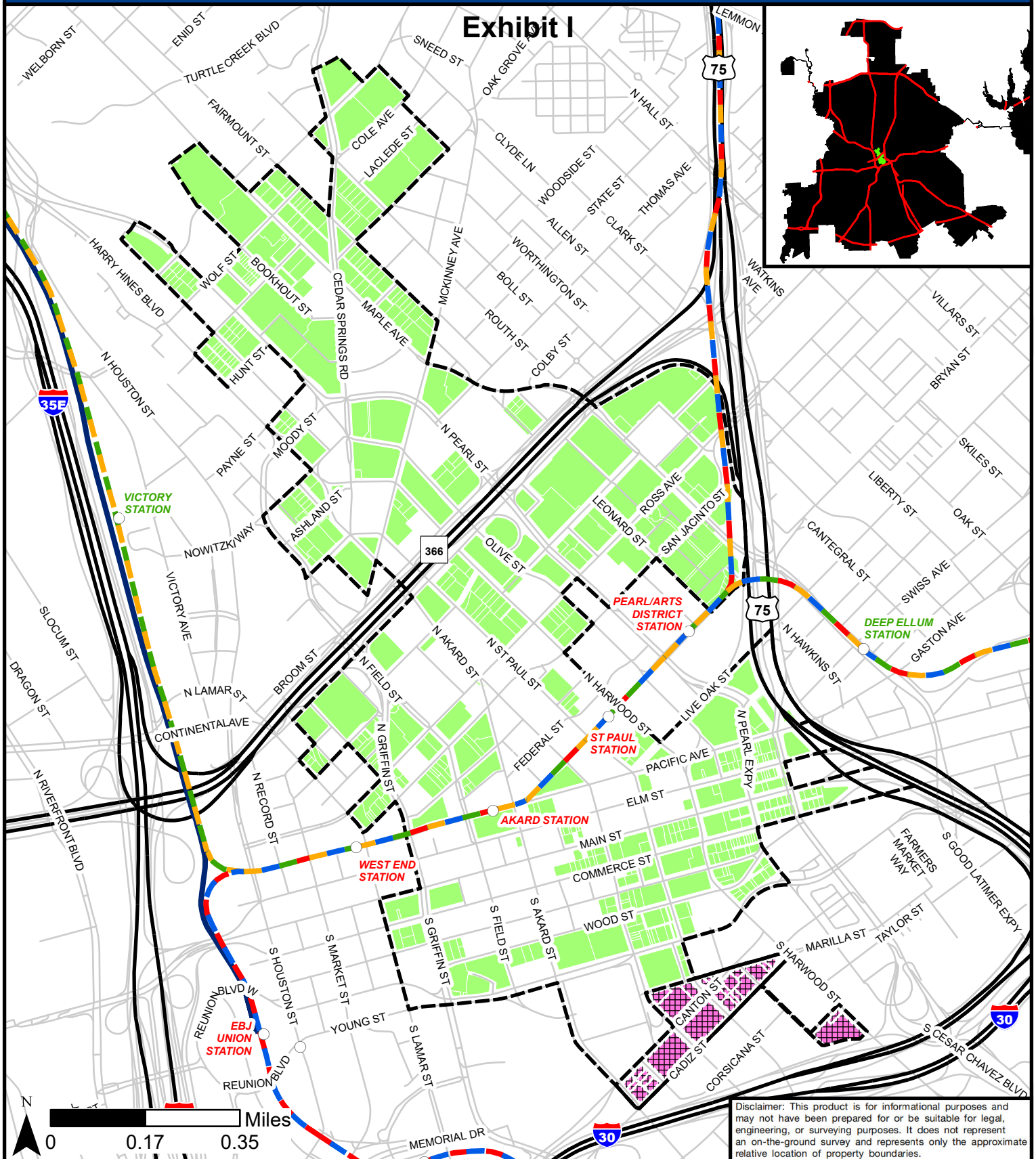
S. Akard Street Elevation

488 ft

104 ft

S. AKARD STREET VIEW

# Downtown Connection TIF District (Proposed)



**City of Dallas**

Office of Economic Development  
(214) 670-1685

[www.dallasecodev.org](http://www.dallasecodev.org)

Created 8.13.21. Updated 1.20.22 DTConnection\_2021\_RK.

## Legend

Downtown Connection Sub-district Parcels

Newpark Sub-district Parcels

Downtown Connection TIF District Boundary

Highways

Arterial Roads

TRINITY RAILWAY

Rail Station

DART Red Line

DART Blue Line

DART Green Line

DART Orange Line

Source: Dallas Area Rapid Transit, 2021; Dallas Central Appraisal District, 2021; and City of Dallas, 2022.

Exhibit J  
Browder Street Abandonment Request



17 December 2020

Ms. Ashley Eubanks  
Assistant Director, Real Estate  
City of Dallas  
320 East Jefferson Boulevard  
Room 203  
Dallas, TX 75203

**RE: REQUEST FOR REAL ESTATE ABANDONMENT**

Dear Ms. Eubanks,

In support of the initial development phases of the development commonly referred to as Newpark, and on behalf of the General Partner, One Newpark GP, LLC, this letter, along with enclosures, shall serve as the formal abandonment request for the real estate generally described as *Browder Street between Canton and Cadiz Streets* and the *alley between South Akard and Browder Streets and Canton and Cadiz Streets*, and more specifically described in the enclosures.

Said abandonments are required to develop One Newark, which is a thirty-nine (39) story hyper mixed-use tower consisting of hotel, office, residential and retail products, along with an appropriately sized parking structure. One Newpark is the development team's initial phase of multiple towers of what will prove to be a world class development leading the southern expansion of Downtown Dallas.

Enclosed are the associated fees and the requisite documentation prepared by Pacheco Koch.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason P. Lanoha". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jason P. Lanoha

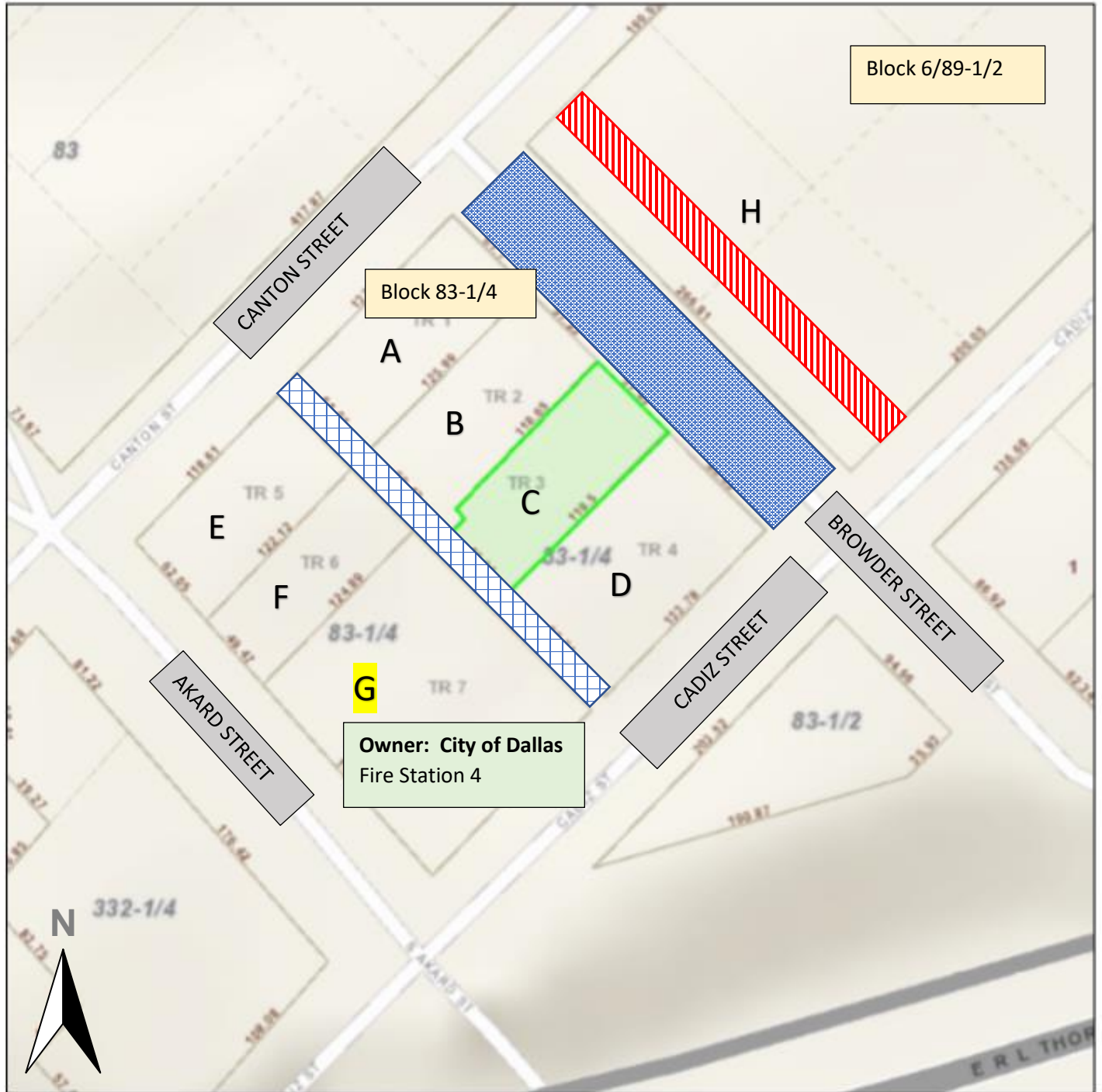
[jlanoha@lanoha.com](mailto:jlanoha@lanoha.com)

On behalf of One Newpark GP, LLC

Enclosures



# Exhibit J Browder Street Abandonment Request



**Log No. 50021**

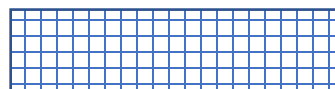
**Applicant: Canton Cadiz Phase 1, LLC**

**Abandonment Areas:**

Street



Alley



**Dedication Area:**



**Owner: Canton Cadiz Phase 1, LLC**

A – 801 BROWDER STREET - Inst. No. 201600336050

B – 807 BROWDER STREET – Inst. No. 201600336050

C – 809 BROWDER STREET – Inst. No. 201600336054

D – 817 BROWDER STREET – Inst. No. 201600336051

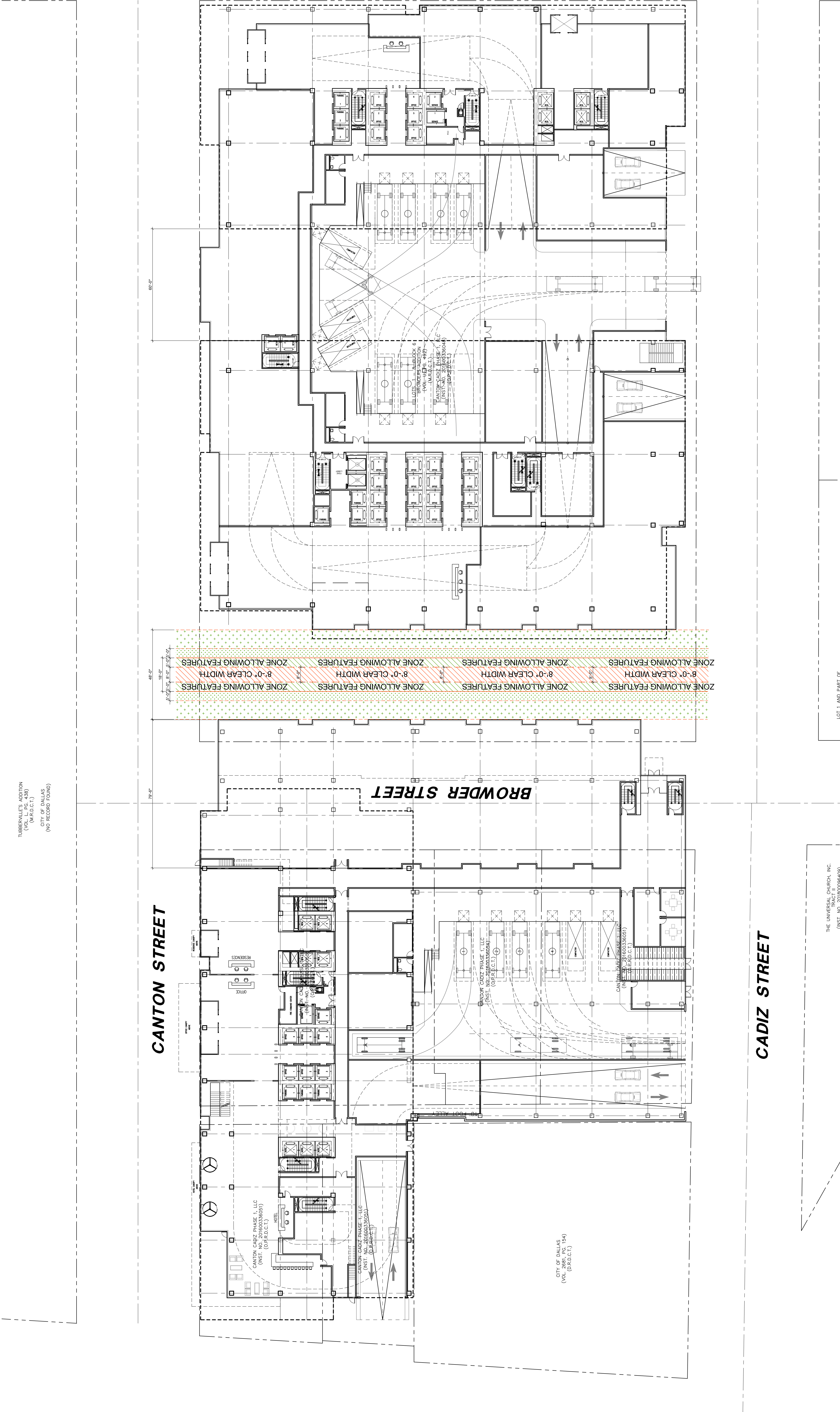
E – 1404 CANTON STREET – Inst. No. 201600336051

F – 808 S AKARD STREET – Inst. No. 201600336051

**G – 816 S AKARD STREET – CITY OF DALLAS**

H – 1600 CANTON STREET – Inst. No. 201600336048 (Abutting property)

Exhibit K  
Browder Street Abandonment Condition



**Exhibit L**  
**Private Investment Expenditures**

<b>Uses</b>		
<b><u>Land/Building:</u></b>	<b>Amount</b>	<b>Percent</b>
Land Cost (Acquisition) - <i>per As-Is Appraisal</i>	\$ 6,270,000	
ROW Abandonment Fee	\$ 3,611,647	
<b>Total Land Acquisition</b>	<b>\$ 9,881,647</b>	<b>2.6%</b>
<b><u>Hard Costs:</u></b>		
Sitework	\$ 2,304,931	
Building construction costs	\$ 213,170,839	
Garage construction costs	\$ 48,541,872	
Tenant Improvements	\$ 21,261,310	
Hard cost contingency	\$ 11,972,758	
Off-Site Improvements:	\$ 4,000,000	
Other hard costs (FF&E/Hotel OS&E)	\$ 10,040,000	
<b>Total Hard Costs (total construction)</b>	<b>\$ 311,291,710</b>	<b>82.1%</b>
<b><u>Soft Costs:</u></b>		
Marketing expenses, advertising, etc.	\$ 500,000	
Architects/Engineers/Consultants	\$ 8,010,500	
Legal & Accounting	\$ 1,873,763	
Loan expenses(origination fee and debt initerest to BE)	\$ 21,494,534	
Other soft costs (Permits/testing/inspections/broker commissions/loss to break even)	\$ 17,044,217	
Soft cost contingency	\$ 642,440	
<b>Total Soft Costs</b>	<b>\$ 49,565,454</b>	<b>13.1%</b>
<b><u>Developer Fee:</u></b>		
Developer Fee	\$ 8,550,617	<b>2.3%</b>
<b>Total Development Costs</b>	<b>\$ 379,289,428</b>	<b>100.0%</b>

## Exhibit M

### CITY OF DALLAS

### AFFIRMATIVE FAIR HOUSING MARKETING PLAN



COMPLETE FORM AND SUBMIT TO:

FAIR HOUSING OFFICE

CITY HALL • 1500 MARILLA ST., RM 1BN • DALLAS, TEXAS 75201

Ph. (214) 670-3247 • Fax (214) 670-0665

#### 1. INTRODUCTION

The Affirmative Fair Housing Marketing Program requires that each City Assisted Housing Provider carry out an affirmative program to attract prospective buyers or tenants of all minority and non-minority groups to the housing that the applicant is providing. These groups include Whites (Non-Hispanic) and members of minority groups: African-American, Hispanics and others in the Dallas, Texas area who may be subject to housing discrimination on the basis of race, color, religion, sex, national origin, handicap or familial status.

#### 2. APPLICATION AND PROJECT IDENTIFICATION

A. APPLICANTS:

B. PROJECT OR APPLICATION NUMBER

NAME:

NUMBER OF UNITS AVAILABLE:

ADDRESS (include city, state and zip code):

NUMBER OF UNITS LEASED OR SOLD:

PRICE OR RENTAL RANGE OF UNITS:

TELEPHONE NUMBER:

FROM \$\_\_\_\_\_ TO: \$\_\_\_\_\_

C. PROJECT NAME:

D. FOR MULTIFAMILY HOUSING ONLY:

☐ ELDERLY

☐ NON-ELDERLY

PROJECT ADDRESS:

E. APPROXIMATE STARTING DATE:

ADVERTISING: \_\_\_\_\_ OCCUPANCY: \_\_\_\_\_

F. NAME OF MANAGING AGENT:



## Exhibit M

CENSUS TRACT: _____	ADDRESS (include city, state and zip code):	
<b>3. TYPE OF AFFIRMATIVE MARKETING PLAN</b>		
<input type="checkbox"/> Project Plan <input type="checkbox"/> Annual Plan (For single family scattered site units)		
<b>NOTE: a separate Annual Plan must be developed for each type of census tract in which the house is to be built.</b>		
<input type="checkbox"/> Minority Area <input type="checkbox"/> White (non-minority area) <input type="checkbox"/> Mixed Area (with _____% minority residents)		
<b>4. DIRECTION OF MARKETING ACTIVITY</b>		
Indicate below which group(s) in the housing market area are least likely to apply for the housing because of its location and other factors without special outreach efforts.		
<input type="checkbox"/> White <input type="checkbox"/> African-American <input type="checkbox"/> Hispanic <input type="checkbox"/> Other		
<b>5. MARKETING PROGRAM</b>		
A. COMMERCIAL MEDIA		
Check the media to be used to advertise the availability of the housing.		
<input type="checkbox"/> Newspaper(s)/Publication(s) <input type="checkbox"/> Radio <input type="checkbox"/> TV <input type="checkbox"/> Billboard(s) <input type="checkbox"/> Other (Specify)_____		
NAME OF NEWSPAPER RADIO OR TV STATION  (1)	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE  (2)	SIZE/DURATION OF ADVERTISING  (3)
B. BROCHURES, SIGNS AND HUD'S FAIR HOUSING POSTER		
(1) Will brochures, leaflets or handouts be used to advertise? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach a copy or submit when available. (2) For project site sign; indicate sign size _____ x _____; Logotype size _____ x _____. Attach a photograph or project sign or submit when available. (3) HUD's Fair Housing Poster must be conspicuously displayed wherever sales/rentals and showings take place. Fair Housing Posters will be displayed in the <input type="checkbox"/> Sales/Rental Office(s); <input type="checkbox"/> Real Estate Office(s); <input type="checkbox"/> Model Units; <input type="checkbox"/> Other _____		

## **Exhibit N**

### **Excerpts from the Business Inclusion and Development Policy**

#### **Business Inclusion and Development (BID) Policy Statement**

It is the policy of the City of Dallas to involve certified Minority and Women-Owned Business Enterprises (M/WBEs) to the greatest extent feasible on the City's construction, general services, and professional services contracts. It is the policy of the City of Dallas to encourage the growth and development of M/WBEs that can successfully compete for contracting opportunities. The City and its contractors shall not discriminate on the basis of race, age, color, ancestry, national origin, place of birth, religion, sex, sexual orientation, gender identity and expression, military or veteran status, genetic characteristics, or disability unrelated to job performance in the award and performance of contracts. In consideration of this policy, the City of Dallas has adopted the Business Inclusion and Development (BID) Policy for all City of Dallas contracts.

#### **BID Policy Certification of M/WBEs**

The City of Dallas is a member of the North Central Texas Regional Certification Agency (NCTRCA), Dallas Fort Worth Minority Supplier Diversity Council (DFWMSDC), and Women Business Council Southwest (WBC). These agencies certify M/WBE ownership and control and provide M/WBE certification services for the City of Dallas. The City reserves the right to accept M/WBE certifications issued by other certifying organizations or agencies that use the same or similar certification criteria as the certification agencies listed above. Self-certification does not meet the City's M/WBE certification requirements. Dallas also recognizes Native American-owned businesses with tribal cards associated with that business as M/WBE.

#### **BID Policy Goals**

<b>Construction</b>	32.00%
<b>Architectural &amp; Engineering</b>	34.00%
<b>Professional Services</b>	38.00%
<b>Other Services</b>	N/A
<b>Goods</b>	32.00%

# NEWPARK

DALLAS | A SMART DISTRICT

March 08, 2021

Urban Design Peer Review Panel  
City of Dallas  
1500 Marilla Street  
Dallas, TX 75201

RE: UDPRP Advice for One Newpark, Presented to the Panel on October 23, 2020

Dear Panelists,

Thank you for the consideration and thoughtful feedback, comments, and questions regarding our presentation for One Newpark at the Panel's meeting on October 23, 2020. We look forward to continue working with you and the City to make Newpark Dallas a catalyst for the southern area of Downtown Dallas.

Please see comments below in response to the Panel's advice provided following the presentation:

- [1]** The Panel expresses excitement for the opportunities this mixed-use development brings to this side of downtown.

*Response: Thank you for the show of support, we are excited to be doing something significant for the City of Dallas to help move investment south.*

- [2]** The Panel advises the development team continue to collaborate and work with all surrounding partners, including the City, Downtown Dallas Inc., the Cedars Neighborhood Association, the Convention Center, and TXDOT.

*Response: We have met with all of these groups, and others, and will continue to do so to ensure the development is cohesive and mindful of other significant infrastructure and public improvements planned nearby.*

- [3]** The Panel recommends that the design team work hand-in-hand with the City on proposed street changes and bike infrastructure improvements to ensure safety, operability, traffic functionality, and connectivity to surrounding districts.

*Response: We have met with City departments regarding proposed street changes and bike infrastructure improvements, and we will continue to work hand-in-hand with them.*

*City Response (3.10.21): Per the abandonment request of Browder, please provide a plan diagram of the proposed pedestrian mews replacing Browder Street, indicating dimensions of the space and the sidewalk.*

# NEWPARK

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Newpark Response: Please see Exhibit D attached.

- [4] The Panel advises that this project pay attention to adjacent historic structures and also consider historically listed buildings located in the overall NewPark master plan that reside inside the Downtown Dallas Historic District.

Response: We will be mindful of adjacent historic structures and historically listed buildings in the overall Newpark master plan.

City Response (3.10.21): Please provide a plan diagram of the NewPark master plan, highlighting all of the historically significant buildings that are indicated in the Downtown Dallas National Register District report (previously shared, and included in this response). Please indicate any impacts that might exist with any of the listed buildings.

Newpark Response: Please see Exhibit E attached. The diagram shows the Newpark master plan and surrounding historic structures. The Newpark team has been very intentional about designing a project that is respectful and responsive to historic structures around the site. The Eagles Nest (referred to today as The Universal Church), for example, contributes greatly to the context of the streets around Newpark and the 1 Newpark residential front door and pedestrian mews between 1 Newpark and 2 Newpark are designed to open up to this historic building. 1701 Canton was reviewed by the City of Dallas Office of Historic Preservation and granted a demolition permit following a public hearing and process due to an inability to repurpose the building for the intended future use, which we can now share is a flagship downtown school for the local public school district.

- [5] The Panel recommends the design team consider softening the façade along Canton Street to help balance the monumentalism that exists at and around Dallas City Hall.

Response: Due to the cores of the multiple mix of uses and structural grids necessary to support all the uses stacked vertically in the building, it will be financially unfeasible to make significant changes to the façade along Canton Street. Please see Exhibit A that illustrates how the façade along Canton Street has been designed further to develop the building in a manner that is appropriate for a downtown high-rise in the setting which is appropriate for significant density and urban form.

City Response (3.10.21): Please provide a rendered site plan that shows how the articulation of the ground plane, hard and softscape provides interest and a balance to City Hall.

Newpark Response: Please see Exhibit F attached.

- [6] The Panel advises that the overall master plan work with this phase and future phases and their massing to mitigate the feeling of a wall, including thought being given to the design of future pedestrian mews between Canton and Cadiz to break down this barrier.

Response: Please see Exhibit B illustrating refinements to the overall master plan in order to address concerns of the massing feeling like a wall.

# NEWPARK

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- [7] The Panel recommends that the design maximize the use of green infrastructure on site to mitigate urban heat island, utilizing integrated stormwater management when possible.

Response: We will continue design efforts with mindfulness of how to maximize the use of green infrastructure to mitigate urban heat island effects and how integrated stormwater management may work. The site is currently 100% impervious, but through our design we look to incorporate landscaping that will reduce the fully impervious current condition.

City Response (3.10.21): Please continue to work with the City/PUD to explore iSWM opportunities as the site design is refined and finalized

Newpark Response: We will continue working with the City/PUD on this item.

- [8] The Panel expresses concern about the design of the facades of the parking structure, especially on the rear-side of the building facing the fire station property.

Response: Please see Exhibit C illustrating the design intent for the building materials on the garage and how the facades of the parking structure are activated on all sides. All sides of the parking garage will be skinned with building materials to ensure all sides of the building are activated.

- [9] The Panel advises that design detail be given to the site master plan and the closure of Browder Street, ensuring Browder remains as a wide pedestrian right-of-way to align with improvements being proposed for I-30. One consideration is to change the location of Phase I to the proposed location of Phase II and III near Ervay Street. If such a change cannot occur, it is recommended that work be made to acquire the fire station to create a hard corner at Akard/Cadiz to anchor this development to the proposed deck park.

Response: The location of the first phase block and abandonment of Browder Street are critical for the success of this project. The pedestrian connection coming from Browder to the south of One Newpark will be maintained, however, through the mews that runs directly east of the building. This connection will be important to bring pedestrians from the Cedars through the site, to Dallas City Hall, and beyond. Currently, Browder dead ends on Canton Street, therefore the change to have Browder stop one block down at Cadiz does not represent a dramatic change, particularly since the two-waying of Canton and Cadiz will facilitate better circulation around the site. One Newpark will also serve as a beautiful terminus with an activated street presence and residential lobby facing out to the predominantly pedestrian Browder Street as it comes up from the Cedars and into downtown.

Starting the multi-phase mixed-use development with an anchor on the western side of the district helps make a connection and establish continuity from the adjacent hubs of activity, particularly the Convention Center. The proximity to the Convention Center directly across the street further supports the intended hotel use in One Newpark, which depends on this

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connectivity. Furthermore, the lead office tenant discussions we have been having for the district are lined up and drastically changing the development plan at this stage would risk losing the opportunity.

We will explore acquisition of the fire station, but as this is a lengthy process, we are unable to commit to successful execution of this acquisition. While the building footprint shape is not a perfect square or rectangle, this actually helps give some architectural diversity to the shape of the building, rather than have a “Kleenex box on its side” look of a building that would incorporate the full block. The fire station property represents an opportunity to create something unique and special facing out to the future deck park, and we have been thoughtful in how we design our building around it.



# NEWPARK

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[EXHIBIT A]



# NEWPARK

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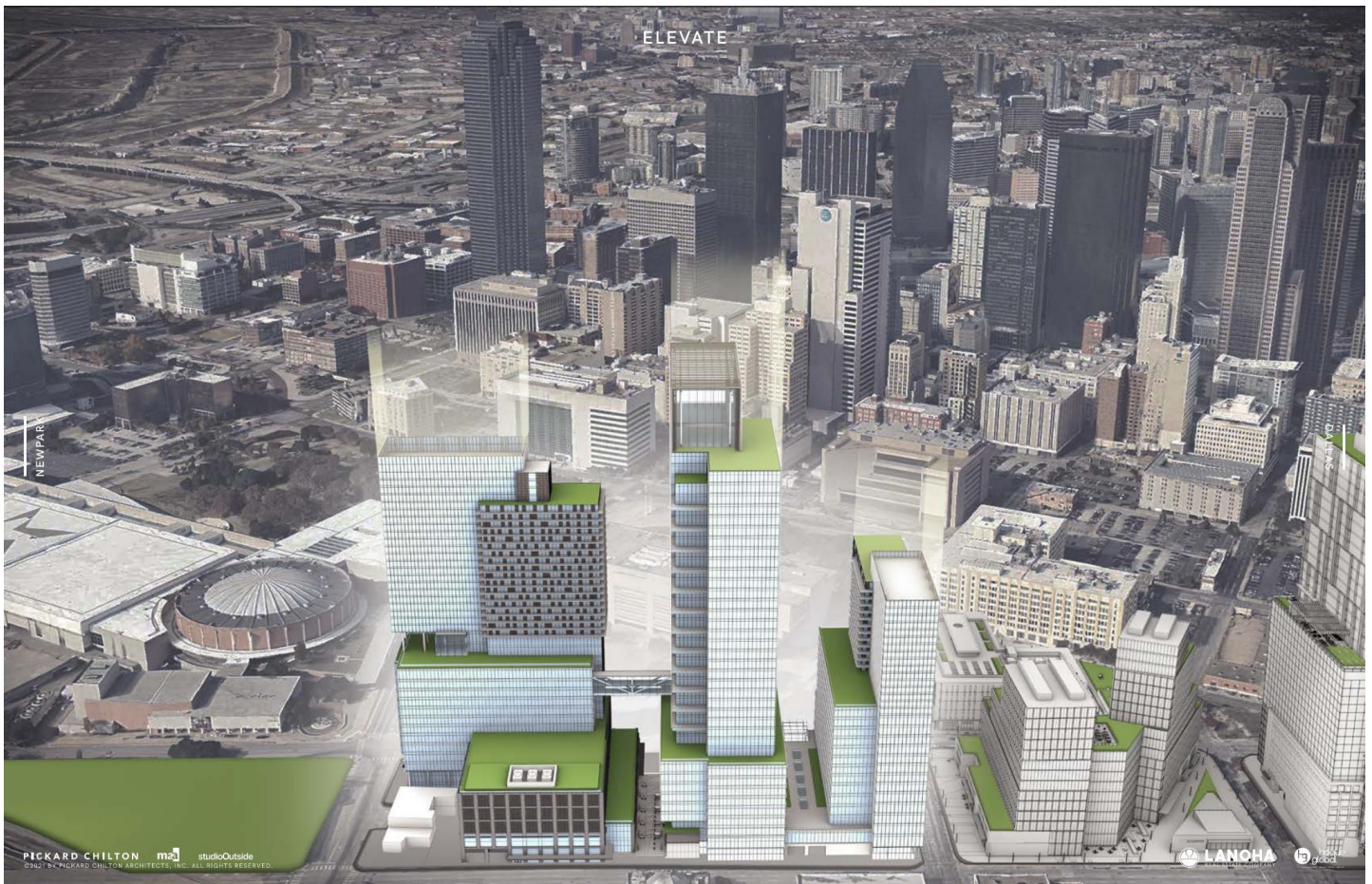




# NEWPARK

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[EXHIBIT B]

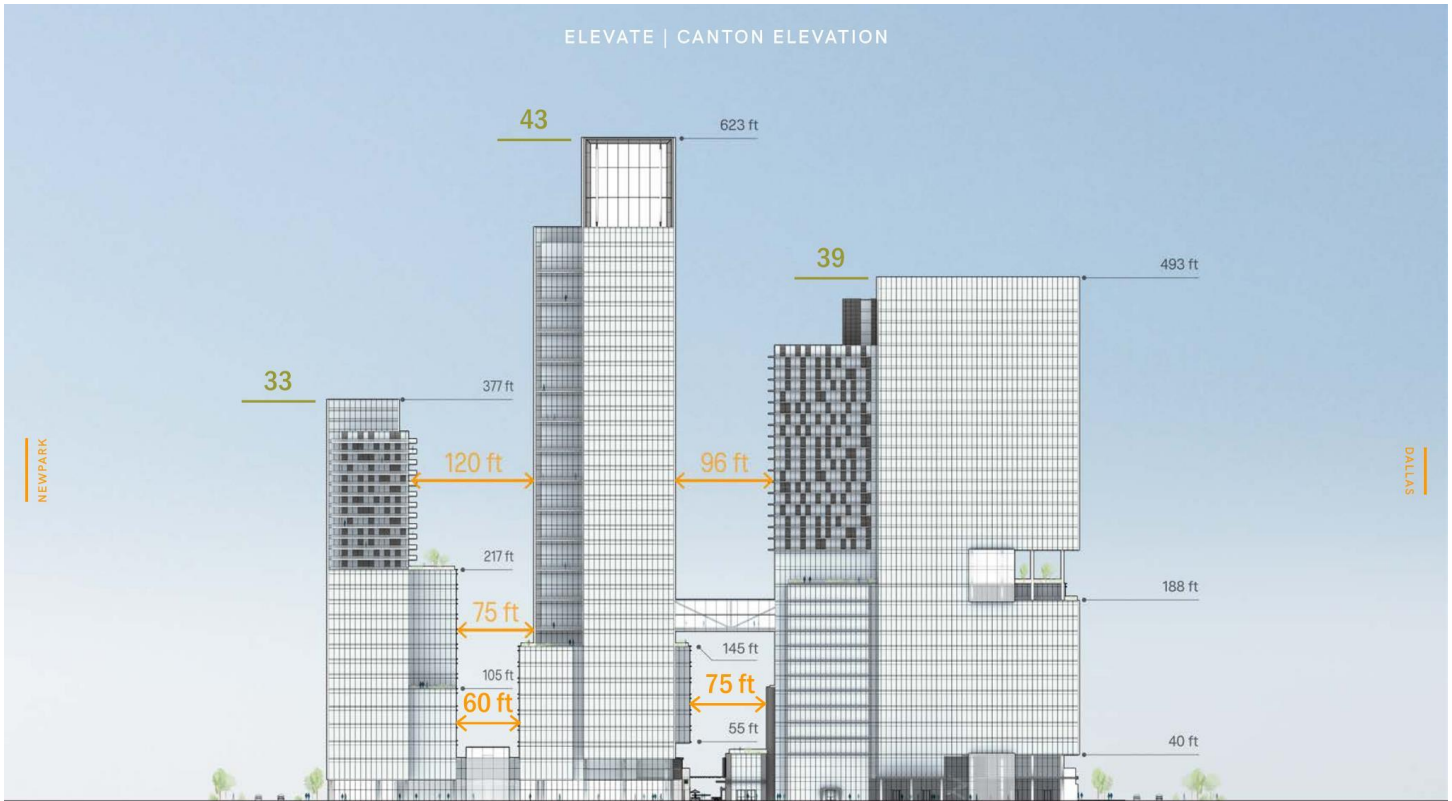


PICKARD CHILTON  studioOutside  
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 LANOHA  
REAL ESTATE COMPANY 

# NEWPARK

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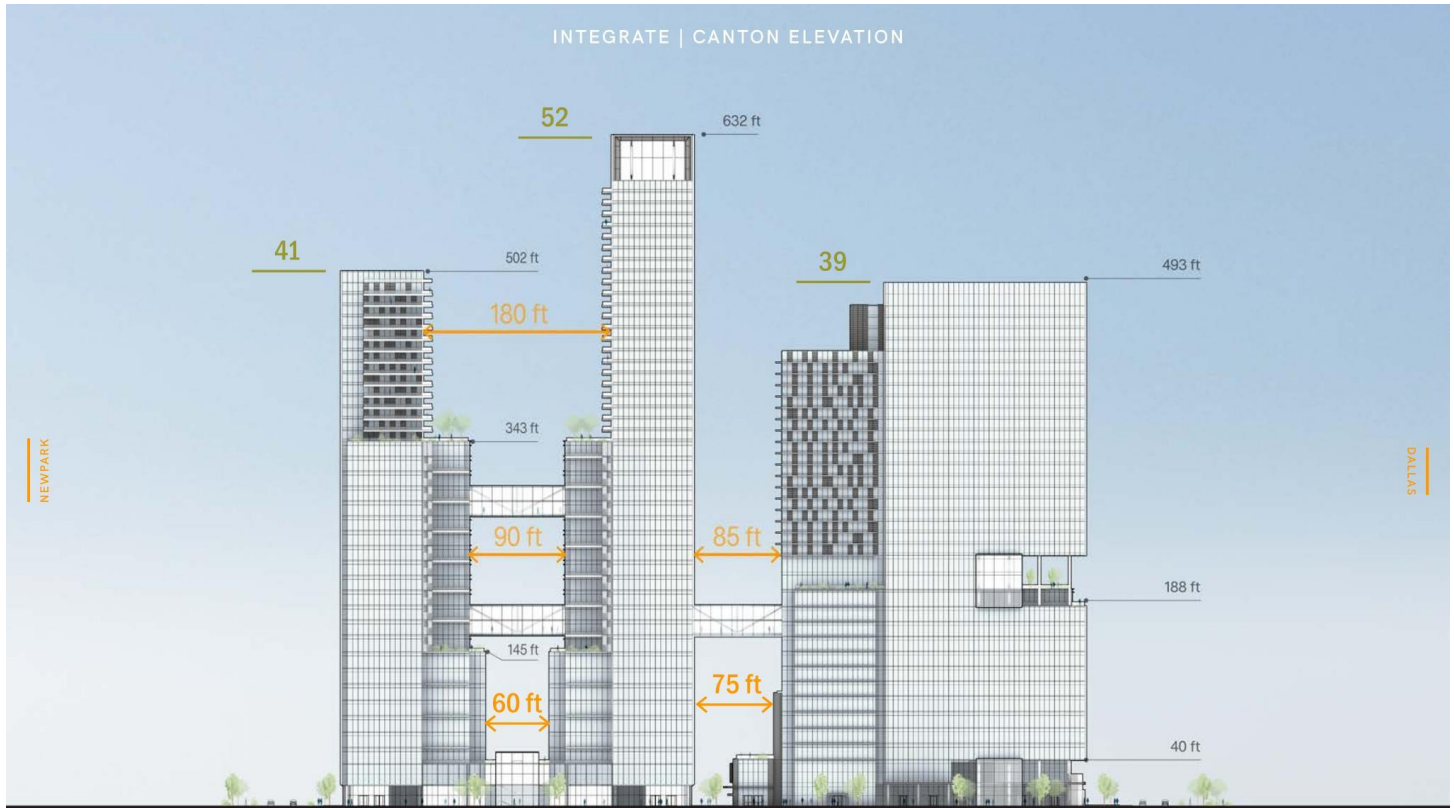
# NEWPARK

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# NEWPARK

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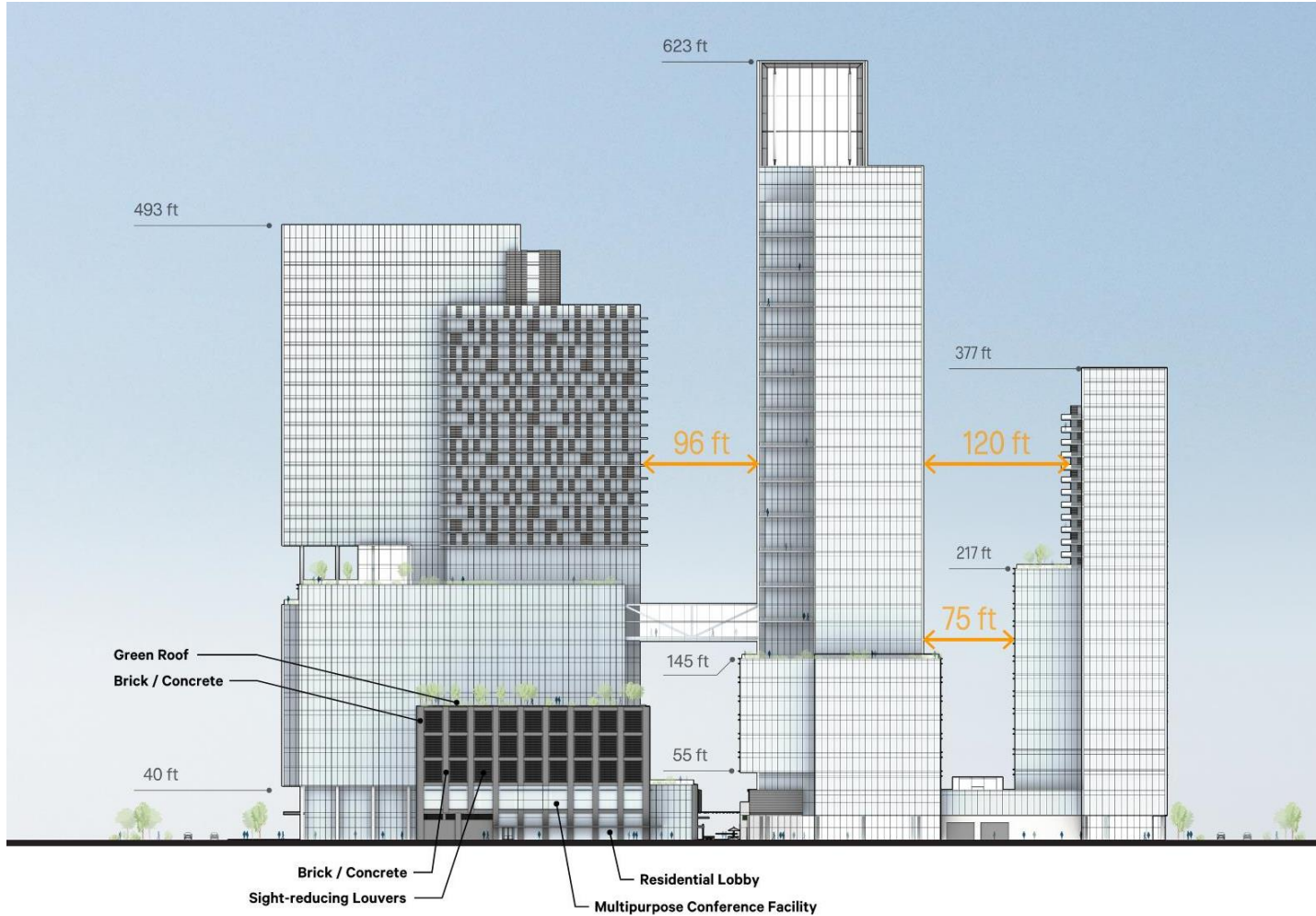




# NEWPARK

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[EXHIBIT C]



## DALLAS | A SMART DISTRICT



# NEWPARK

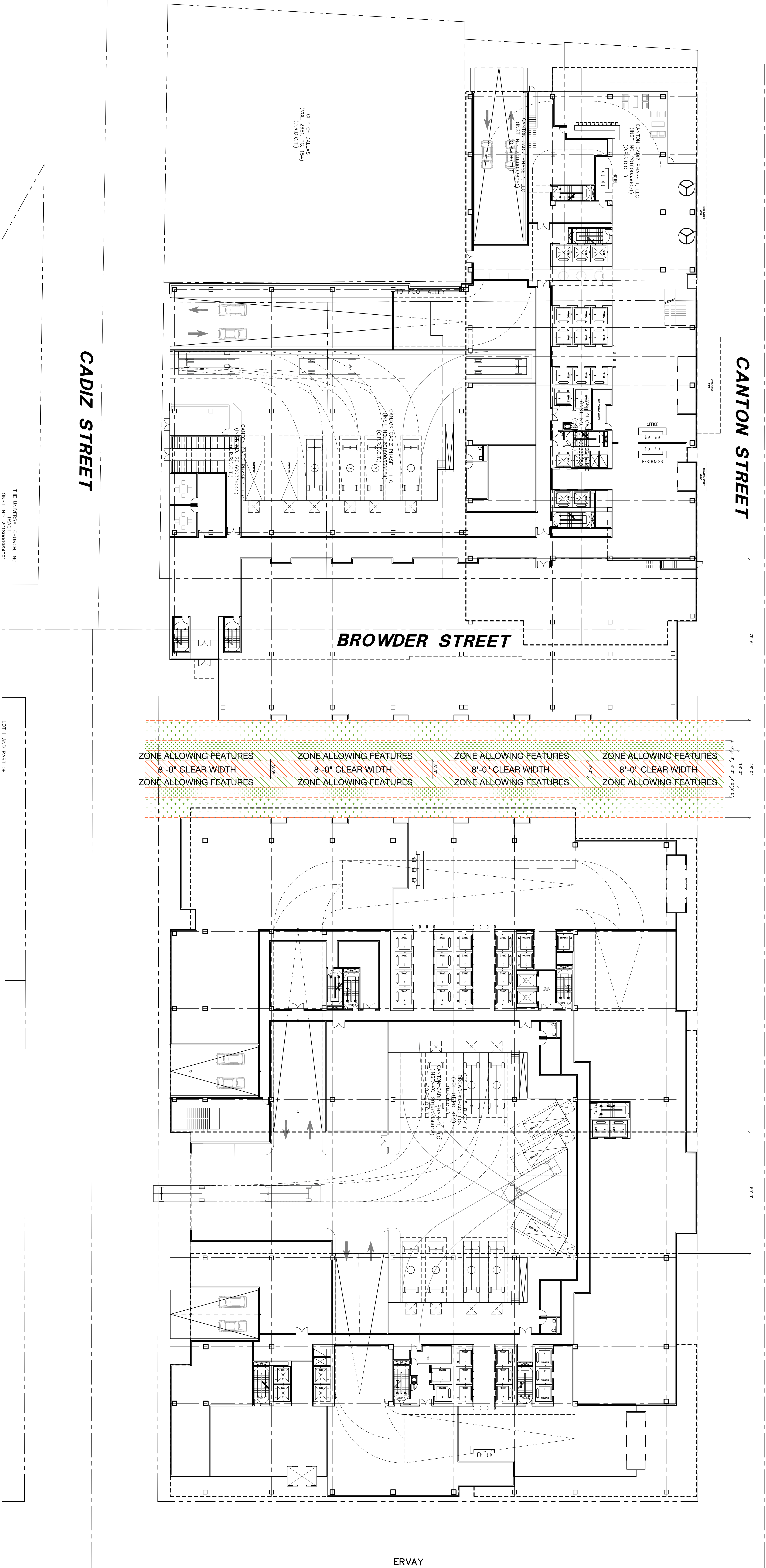
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[EXHIBIT D]

Please View the Full Page Below



TUBBERVILLE'S ADDITION  
(VOL. I, PG. 438)  
(M.R.D.C.T.)  
CITY OF DALLAS  
(NO RECORD FOUND)

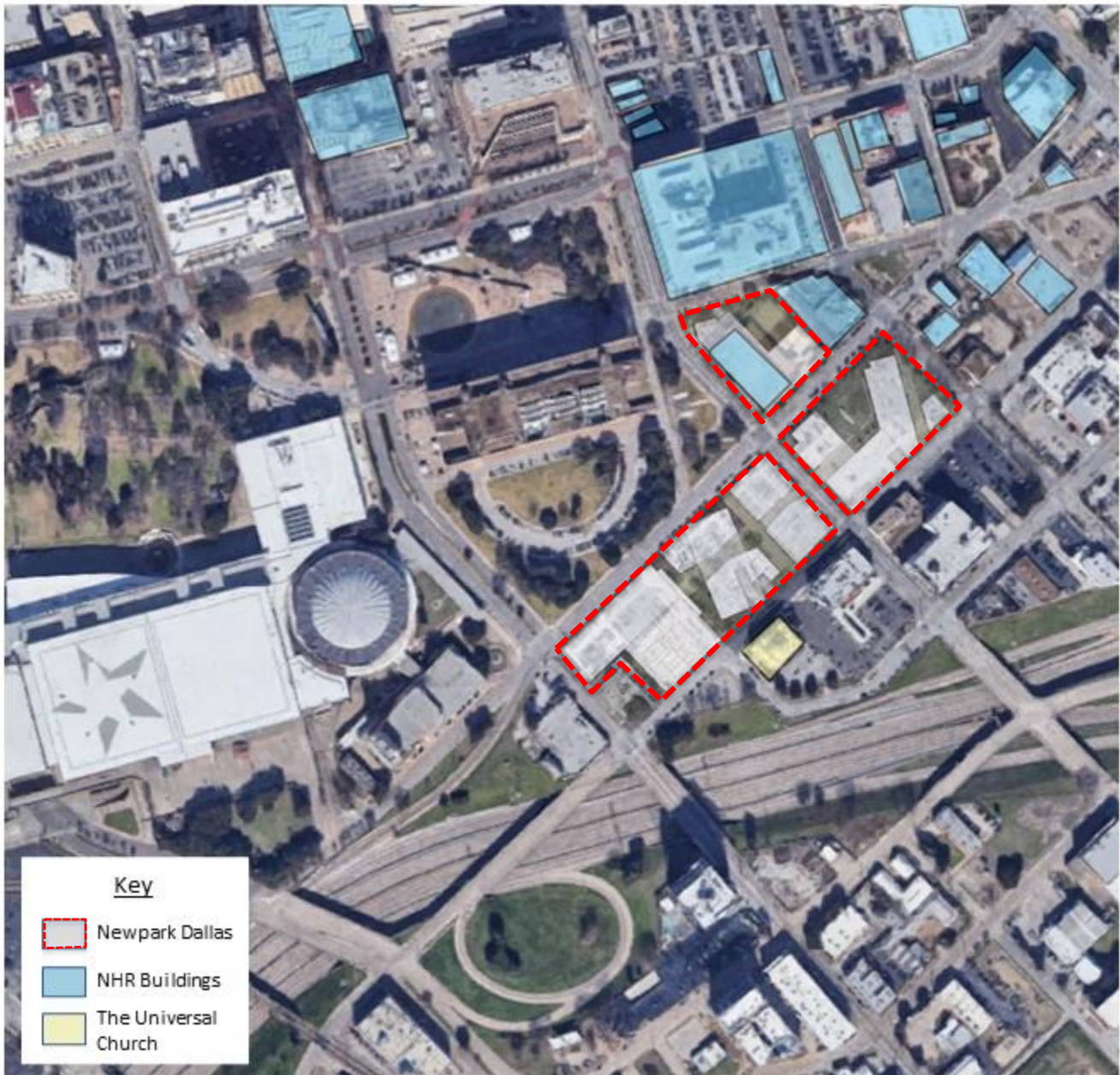




# NEWPARK

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[EXHIBIT E]





# NEWPARK

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[EXHIBIT F]



**Exhibit P**  
**TIF Increment Allocation Policy**  
**Downtown Connection TIF District**  
**Downtown Connection and Newpark Sub-districts**  
**Adopted September 30, 2009**  
**Amended April 29, 2022**

It is important for the City of Dallas to encourage as many projects as possible in the Downtown Connection TIF District (the “Downtown Connection TIF” or “District”) to achieve the goals outlined in the Project Plan and Reinvestment Zone Financing Plan (“Plan”). In that spirit, Downtown Connection TIF District funds will be allocated to Developers in accordance with the process and procedures described below.

**Definitions**

Accrued Priority Increment - The unpaid balance of the *Individual Increment* owed to a project.

Administrative Expenses – the City will take a share of the District’s annual TIF revenue to compensate for the amount billed to the District for costs related to the administration of its TIF program. This may include charges from the Office of Economic Development as well as other departments.

Available Funds – (a) Downtown Connection Sub-district Increment less: (1) debt service on DDDA Bonds excluding Bonds issued pursuant to the Continental Building Improvements, (2) Bond trustee fees and expenses, (3) Administrative Expenses, (4) payment of any other DDDA obligations related to Bonds issuance and (5) reimbursement to the City of Dallas for any grant of loan payments made to the DDDA.

(b) One Newpark Sub-district Increment less Administrative Expenses.

Completed Projects – Projects which received City approval for satisfying all of its project obligations and approval on all supporting documentation required by their executed development agreements.

Cumulative Individual Increment – sum of all *Individual Increment* that a Project or Related Project produces in all years since its completion.

Developer/Owner – a person or entity that has completed all the requirements for a TIF-eligible Project as prescribed by the Project’s fully executed development agreement.

District-Wide Improvements – improvements that benefit multiple properties or blocks but are not specific to a single development site such as public parks,

## Exhibit P

gateways, trails, public open space, public facilities, or utility/streetscape improvements within a Sub-district.

Downtown Connection Sub-district Increment – The annual amount of increment generated within the Downtown Connection Sub-district and deposited into the District's TIF fund by its participating jurisdictions.

Individual Increment – the annual amount of increment deposited into the District's TIF fund by its participating jurisdictions that is generated by a Project eligible for TIF reimbursement. Dallas Central Appraisal District (DCAD) certified values for each tax year will be the data source used to determine values for the increment allocation procedure.

Newpark Sub-district Increment – The annual amount of increment generated within the Newpark Sub-district and deposited into the District's TIF fund by its participating jurisdictions.

Performance Percentage – percentage of Individual Increments divided by the total Shared Increment.

Project (TIF-eligible) – development or redevelopment that increases the real property taxable value of a particular site or space or facility of public benefit such as improvements to City parks, open space, trails or cultural facilities that has been approved for TIF funds by City Council and all requirements set forth in the project's development agreement have been completed.

Public Safety Building Set-Aside – funds the Public Safety Building line item in the Downtown Connection Sub-district budget. Ten percent (10%) of annual Available Funds in the Downtown Connection Sub-district shall be set-aside to fund the Public Safety Building budget line item. The set-aside of funds will not begin until one year after all pre-existing agreements approved by City Council prior to the adoption of this amended Increment Allocation Policy have been fully paid.

Related Project/Developer – if a Developer or a Developer's affiliates (as defined in a development agreement) has other development or redevelopment projects in addition to a TIF-eligible Project, increment from those Related Project(s) may be included in Individual Increment for reimbursement of the TIF-eligible Project expenses. A Developer of a TIF-eligible Project must have at least 50% ownership in any Related Project. These requirements will be further specified in a development agreement where applicable.

Related Projects must create new taxable real property value for the District based on the following criteria:

- New development on previously vacant land or site of demolished structures.

## Exhibit P

- Redevelopment or major modification of an existing building that exceeds the building's original taxable value by 50% or more, or any increase in a building's original floor area if the expansion exceeds 50% for residential projects, 65% for mixed-use projects, and 75% for office/showroom projects

Remaining Funds – Funds leftover after distribution of all *Accrued Priority Increment* payments and all Individual Increment payments to *Completed Projects*.

Shared Sub-district Increment – the sum of all Individual Increments generated by all Completed Projects in a given year in each sub-district.

Total Increment – The annual amount of increment generated by all sub-districts and deposited into the TIF fund from the participating jurisdictions.

### **Increment Allocation Procedures for Downtown Connection Sub-district**

Annually, after the Downtown Connection Sub-district Increment has been deposited in the TIF fund, the sub-district's funds shall be used to meet the bond financial obligations of the sub-district in the following order:

1. Payment of all principal, interest, premium (if any) and fund any reserves necessary or desirable in connection with outstanding District Bonds (excluding Bonds issued pursuant to Section 2.07 of the Mercantile Development Agreement for the Continental Building Improvements) pursuant to Bonds issued by the DDDA and to pay any DDDA obligations which are on a parity with such Bonds;
2. Payment of any fees and expenses of the trustee and paying agent/registrar due and owing;
3. Administrative Expenses of the sub-district;
4. Payment of any other DDDA obligations which are subordinate to the Bonds, but are related to the DDDA's role in issuing the Bonds and administering contracts to be funded with Bond proceeds;
5. Reimbursement to the City for any grant or loan payments made to the DDDA to cover debt service on the Bonds or other DDDA obligations pursuant to the Chapter 380 Program as a result of any shortfalls in tax increment of the Downtown Connection TIF District; and
6. Payment of Public Safety Building Set-Aside, when applicable.

Should for any reason the Downtown Connection Sub-district fail to meet all of the above financial obligations and satisfying all DDDA bond obligations related

## Exhibit P

to reserves and debt service coverage requirements, no funds shall be distributed to the Public Safety Building Set-Aside or any Completed Projects.

Only after meeting the above financial obligations and satisfying all DDDA bond obligations related to reserves and debt service coverage requirements, funds may be set-aside for the Public Safety Building budget line item, when conditions for funding the set-aside have been satisfied. Any remaining funds are *Available Funds* and shall be allocated to Completed Projects in this sub-district in accordance with the Standard Procedure and Reimbursement Queue described below.

### Increment Allocation Procedures for Newpark Sub-district

Annually, after the Newpark Sub-district Increment has been deposited in the TIF fund, the sub-district's funds shall be used to meet the financial obligations of the sub-district in the following order:

1. Administrative Expenses of the sub-district; and
2. Any *Available Funds* shall be allocated to Completed Projects in this sub-district in accordance with the Standard Procedure and Reimbursement Queue described above.

### Standard Procedure for Completed Projects *(applies to both Sub-districts):*

A *Completed Project* shall be entitled to receive its *Individual Increment* each year if the total amount of *Available Funds* is greater than the total *Shared Increment* for all *Eligible Projects*. Should the amount of *Available Funds* be less than the total *Shared Increment* in a given year, a *Completed Project* shall be reimbursed based on their *Performance Percentage*. The unpaid balance of the *Individual Increment* owed to a project shall be deemed as "*Accrued Priority Increment*" and shall be paid in the following year(s) prior to the distribution of any Individual Increment payments.

Should any *Available Funds* remain after distribution of all *Accrued Priority Increment payments* and all *Individual Increment payments* to *Eligible projects*, the *Remaining Funds* shall be distributed in accordance to the Downtown Connection TIF District Queue Reimbursement Policy approved by the Downtown Connection TIF District Board of Directors on September 30, 2009.

### The Reimbursement Queue

The *Reimbursement Queue* for each sub-district lists all approved TIF projects in each sub-district in order of priority based upon the earlier date in which the developer submits evidence of an executed construction loan and receipt of a

## Exhibit P

building permit. Projects, such as Stoneleigh Hotel and Santa Fe IV, which were completed prior to the original adoption of this policy, shall be placed in the queue for the Downtown Connection Sub-district based on their date of completion.

Each year, City staff is required to verify the status of all approved Downtown Connection TIF District projects as of June 1st. Those projects which have been completed shall be eligible to receive their Individual Increment; and shall be eligible to receive all or a portion of those funds which remain after the distribution of all Individual Increment payments. Payments from the *Remaining Funds* shall be made to completed projects in order of their priority ranking.

The amount of *Remaining Funds* distributed to a project shall not exceed the project's total TIF award (including interest when applicable) less the amount of *Cumulative Individual Increment* paid to date for a project. After such payment(s) are made, any leftover funds shall be distributed to the next completed project in order of their priority ranking.

**Should a project which has not been completed as of June 1<sup>st</sup> of a given year have priority ranking over a project which has been completed, the uncompleted project shall be deemed "bumped" and shall not receive any payments for that year. A project may be "bumped" by more than one project in a given year. However, a "bumped" project shall retain its priority ranking for subsequent years.**

As projects are approved by City Council for funding from the Downtown Connection TIF fund, they shall be given the lowest priority ranking in their respective sub-district's Reimbursement Queue until such time the developer submits evidence of: **(1) an executed construction loan and receipt of a building permit or (2) final certificate of occupancy.** At which time, the reimbursement queue shall be updated. Once a project has been completed, its priority ranking shall not be subject to change. The City's Director of Economic Development will make the final determination in applying future available revenues in the TIF fund among Projects.

**Exhibit P**  
Downtown Connection Sub-district  
Reimbursement Queue  
*As of April 2022*

Reimbursement Priority <sup>1</sup>	Project Name	Priority Date	Construction Status	Primary TIF Reimbursement	Maximum Interest	Total Eligible TIF Reimbursement	Project Generated Increment Only <sup>4</sup>	Reimbursement Status
1	Stoneleigh Hotel	5/30/2010	Completed	\$2,500,000	\$0	\$2,500,000	Yes	In Progress
2	Hall Lone Star <sup>2</sup>	5/30/2010	Completed	\$852,764	\$225,871	\$1,078,635	No	Paid In Full
3	Santa Fe IV - Aloft Hotel	5/30/2010	Completed	\$3,734,419	\$0	\$3,734,419	No	Paid In Full
4	Grand Ricchi Dallas - 1600 Pacific	10/26/2010	Completed	\$8,830,000	\$400,391	\$9,230,391	No	Paid In Full
5	Joule Hotel Expansion	1/19/2011	Completed	\$20,658,500	\$0	\$20,658,500	No	Paid In Full
6	Atmos Complex Phase I	6/20/2011	Completed	\$3,250,000	\$1,006,965	\$4,256,965	No	Paid In Full
7	Joule Hotel Expansion Amendment	8/10/2011	Completed	\$3,194,409	\$0	\$3,194,409	No	Paid In Full
8	Continental Building <sup>3</sup>	9/16/2011	Completed	\$13,305,700	\$4,222,588	\$17,528,288	No	Paid In Full
	Continental Building Bonds	-	-	\$3,700,000	\$0	\$3,700,000	Yes	In Progress
9	Atmos Complex Phase II	5/21/2013	Completed	\$11,750,000	\$5,000,000	\$16,750,000	No	Paid In Full
10	Hall Lone Star Project - Phase II <sup>2</sup>	8/22/2013	Completed	\$5,000,000	\$1,774,129	\$6,774,129	No	Paid In Full
11	PetroCorrigan Project - Phase I (Saint Elm Hotel)	2/13/2014	Completed	\$10,300,000	\$0	\$10,300,000	No	Paid In Full
12	LTV Tower Project	5/5/2014	Completed	\$17,500,000	\$0	\$17,500,000	No	Paid In Full
13	The National	10/24/2014	Completed	\$45,000,000	\$5,000,000	\$50,000,000	No	In Progress
14	Statler/Library/Jackson Street	7/1/2015	Completed	\$46,500,000	\$0	\$46,500,000	No	In Progress
15	Mayflower Building (411 N. Akard St.)	2/4/2016	Completed	\$10,000,000	\$0	\$9,000,000	No	In Progress
16	1712 Commerce	4/6/2016	Completed	\$10,500,000	\$0	\$10,500,000	No	In Progress
17	PetroCorrigan Project - Phase II (Corrigan Tower)	10/10/2016	Completed	\$9,700,000	\$0	\$9,700,000	No	In Progress
						<b>\$242,905,736</b>		

Notes:

<sup>1</sup>The priority ranking of an approved project is established by the submittal of evidence to the City of an executed construction loan and building permit for the project.

<sup>2</sup>Hall Lone Star Project, Phases I and II, is eligible to receive up to \$2M in interest.

<sup>3</sup>The Total TIF Reimbursement for the Continental Building project is \$22,028,288 (includes \$3.7M as required by development agreement and \$2M in affordable housing funds).

<sup>4</sup>Based on the development agreement for the project, reimbursement may take the form of project generated increment only or project generated increment plus shared increment.

New Park Sub-district  
Reimbursement Queue  
*As of April 2022*

Reimbursement Priority <sup>1</sup>	Project Name	Priority Date <sup>1</sup>	Construction Status	Total Eligible TIF Reimbursement	Project Generated Increment Only <sup>2</sup>	Reimbursement Status
				<b>\$0</b>		

Notes:

<sup>1</sup>The priority ranking of an approved project is established by the submittal of evidence to the City of an executed construction loan and building permit for the project.

<sup>2</sup>Based on the development agreement for the project, reimbursement may take the form of project generated increment only or project generated increment plus shared increment





## Agenda Information Sheet

**File #:** 22-1316

**Item #:** 42.

**STRATEGIC PRIORITY:** Environmental & Sustainability  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 2, 6  
**DEPARTMENT:** Office of Environmental Quality & Sustainability  
**EXECUTIVE:** M. Elizabeth Cedillo-Pereira

### **SUBJECT**

An ordinance correcting **(1)** a municipal setting designation at property generally located between Lemmon Avenue, Shorecrest Drive, Mockingbird Lane, and Denton Drive, and adjacent street rights-of-way **(2)** a municipal setting designation at property located near the intersection of Lemmon Avenue and McKinney Avenue and adjacent street rights-of-way; **(3)** a municipal setting designation at property located near the intersection of Norwood Road and Halifax Street and adjacent street rights-of-way; and **(4)** a municipal setting designation at property located near the intersection of Singleton Boulevard and Chalk Hill Road and adjacent street rights-of-way - Financing: No cost consideration to the City

### **BACKGROUND**

The City Council, on December 10, 2014, closed the public hearing and approved Ordinance No. 29593 for the establishment of a municipal setting designation prohibiting the use of groundwater from beneath property generally located between Lemmon Avenue, Shorecrest Drive, Mockingbird Lane, and Denton Drive. Subsequent to the passage of the ordinance, it was determined that the property description listed in Exhibit A for the ordinance was incorrect. The correction replaces Exhibit A attached to Ordinance No. 29593 with Exhibit A attached to this ordinance.

The City Council, on June 9, 2021, closed the public hearing and approved Ordinance No. 31908 for the establishment of a municipal setting designation prohibiting the use of groundwater from beneath property generally located near the intersection of Lemmon Avenue and McKinney Avenue. Subsequent to the passage of the ordinance, it was determined that the description of "designated groundwater" provided in Section 2 of the ordinance was incorrect. The correction amends Section 2 of the ordinance.

The City Council, on August 11, 2021, closed the public hearing and approved Ordinance No. 31961 for the establishment of a municipal setting designation prohibiting the use of groundwater from beneath property generally located near the intersection of Norwood Road and Halifax Street. Subsequent to the passage of the ordinance, it was determined that the description of "designated

groundwater” provided in Section 2 of the ordinance was incorrect. The correction amends Section 2 of the ordinance.

The City Council, on September 22, 2021, closed the public hearing and approved Ordinance No. 32015 for the establishment of a municipal setting designation prohibiting the use of groundwater from beneath property generally located near the intersection of Singleton Boulevard and Chalk Hill Road. Subsequent to the passage of the ordinance, it was determined that the description of “designated groundwater” provided in Section 2 of the ordinance was incorrect. The correction amends Section 2 of the ordinance.

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

On December 10, 2014, City Council approved Ordinance No. 29593 for the establishment of a municipal setting designation prohibiting the use of groundwater from beneath property generally located between Lemmon Avenue, Shorecrest Drive, Mockingbird Lane, and Denton Drive.

On June 9, 2021, City Council approved Ordinance No. 31908 for the establishment of a municipal setting designation prohibiting the use of groundwater from beneath property generally located near the intersection of Lemmon Avenue and McKinney Avenue.

On August 11, 2021, City Council approved Ordinance No. 31961 for the establishment of a municipal setting designation prohibiting the use of groundwater from beneath property generally located near the intersection of Norwood Road and Halifax Street.

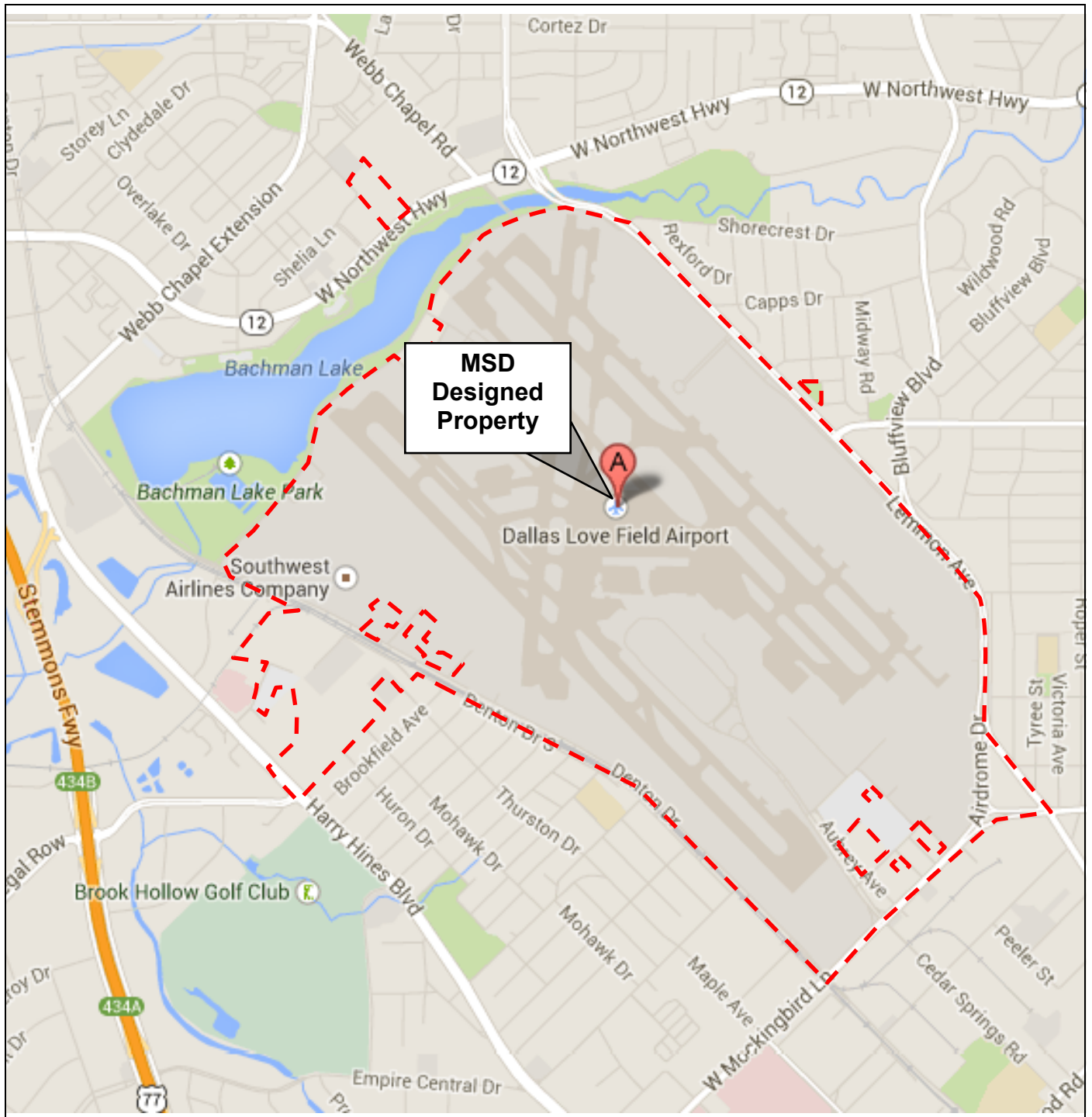
On September 22, 2021, City Council approved Ordinance No. 32015 for the establishment of a municipal setting designation prohibiting the use of groundwater from beneath property generally located near the intersection of Singleton Boulevard and Chalk Hill Road.

### **FISCAL INFORMATION**

No cost consideration to the City.

### **MAPS**

Attached



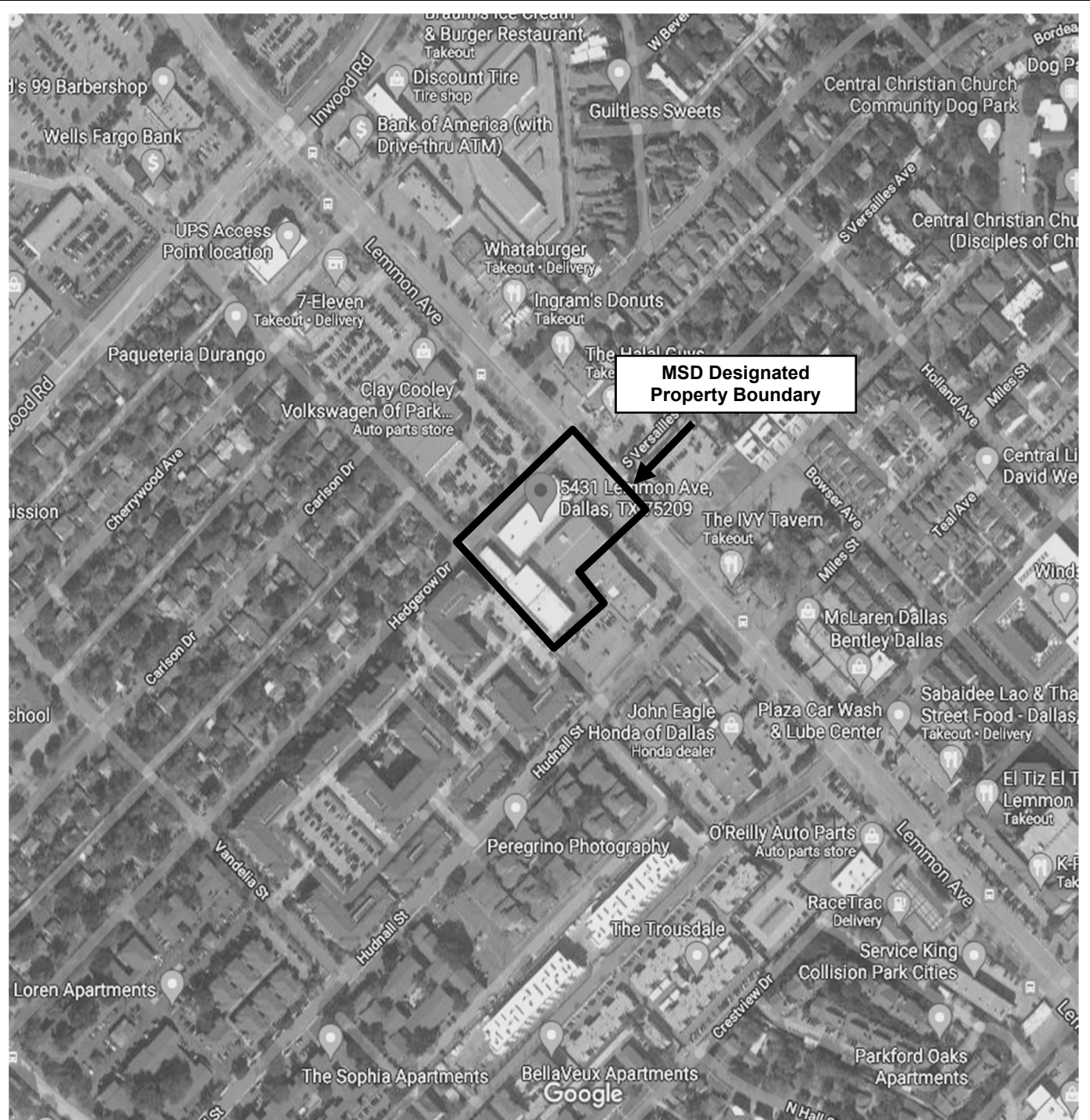
CITY OF DALLAS



**Municipal Setting Designation  
MSD Log OEQ 0028**

Designated Property Boundary Map  
Love Field Airport  
and surrounding parcels  
Dallas, TX 75235

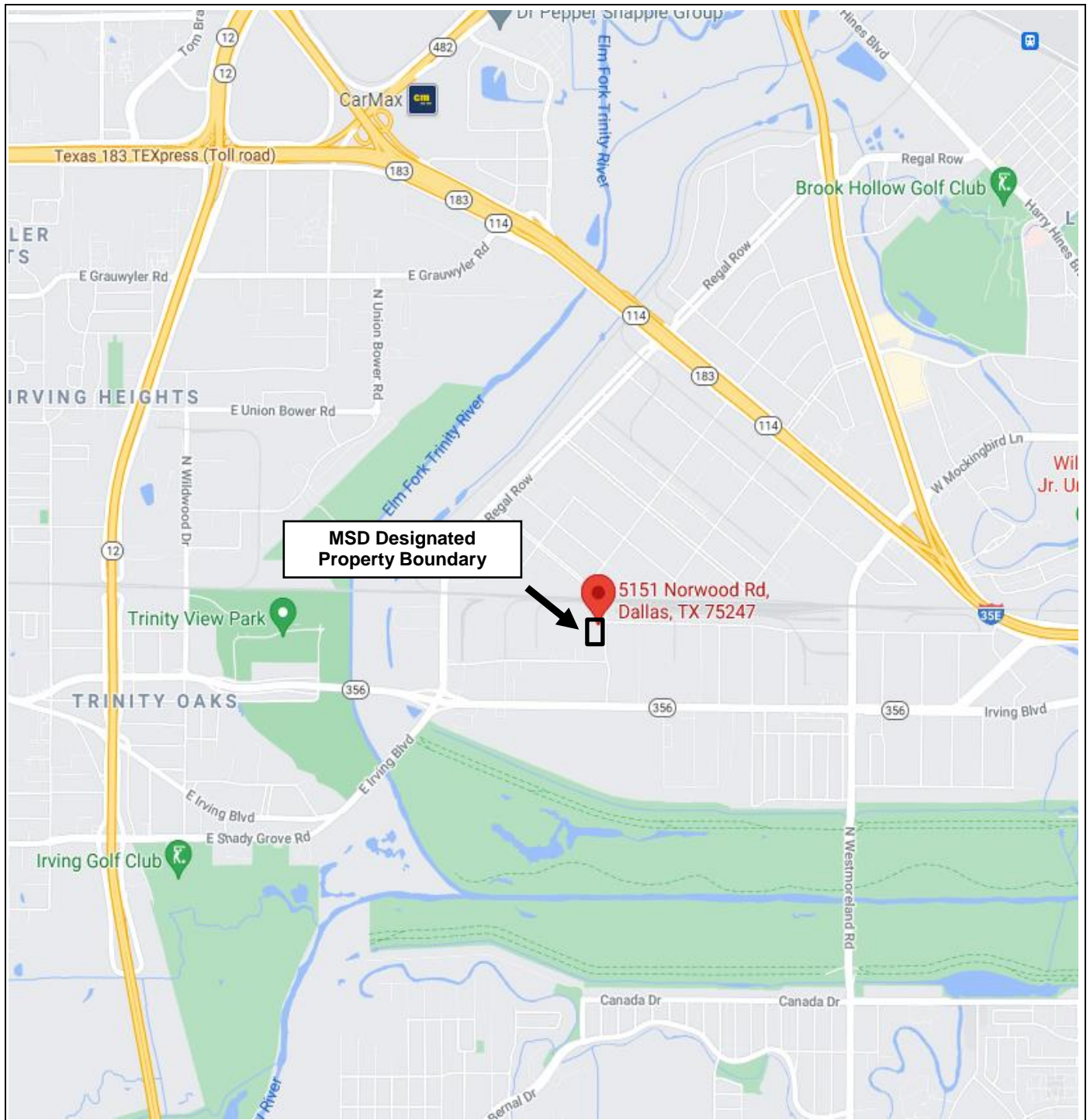




CITY OF DALLAS



**Municipal Setting Designation**  
Designated Property Boundary Map  
Applicant: ESS WCOT OWNER LLC  
5431 Lemmon Avenue  
Dallas, TX 75209

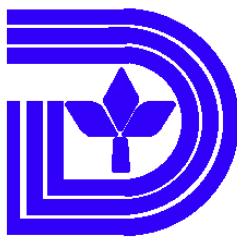
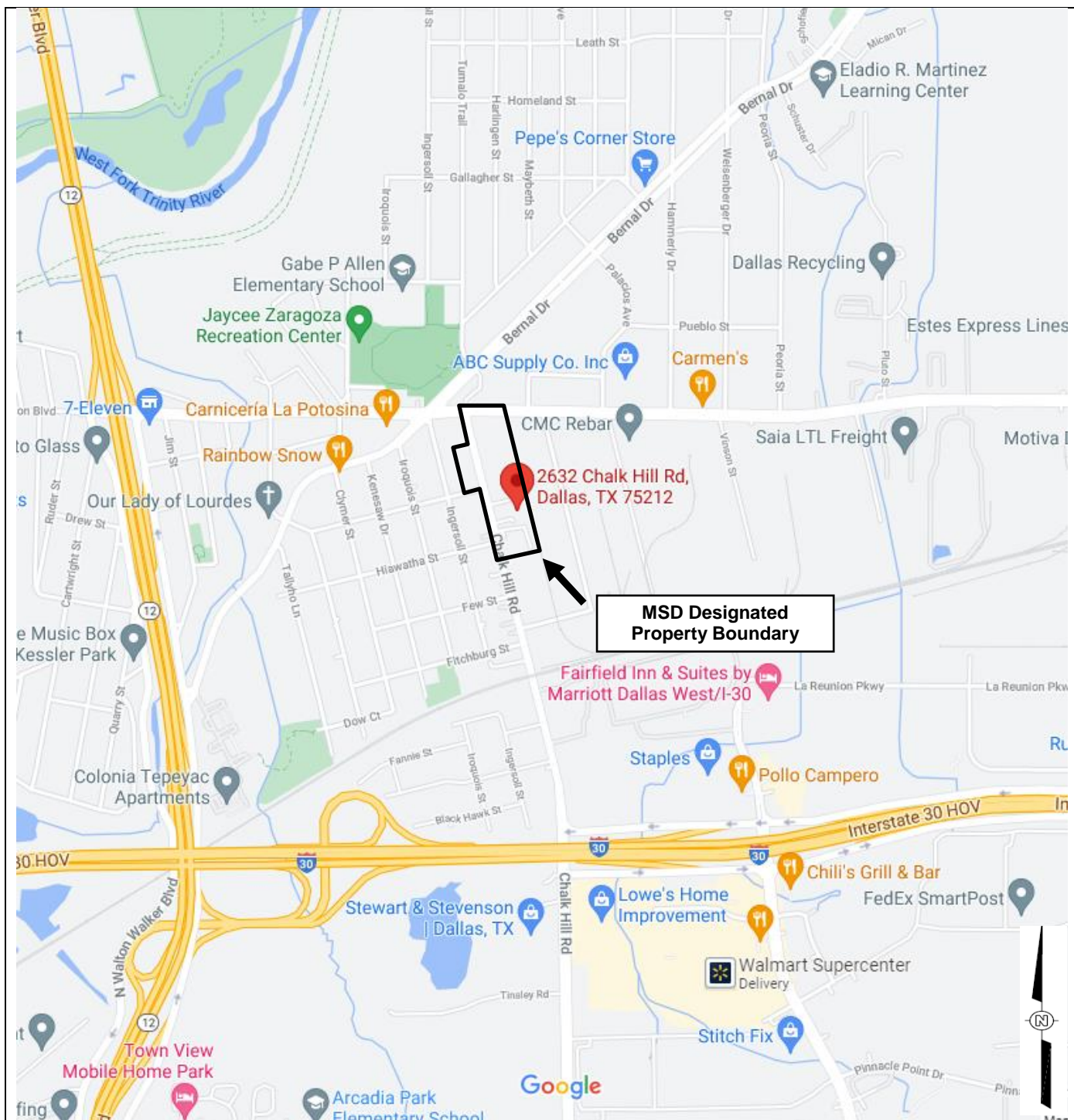


CITY OF DALLAS



**Municipal Setting Designation**  
**MSD Log # OEQ0080**  
**Applicant - SL5 Urban Industrial, LP**  
**Designated Property Boundary Map**  
5145 and 5151 Norwood Road  
Dallas, TX 75247





CITY OF DALLAS

**Municipal Setting Designation**  
**MSD Log # OEQ0087**  
**Applicant - Crow Lang West Dallas LLC**  
**Designated Property Boundary Map**  
 2632 Chalk Hill Road and Surrounding Parcels: 2600,  
 2616, 2700, 2703, 2803 & 2828 Chalk Hill Road and 5000  
 Singleton Boulevard  
 Dallas, TX 75212

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

An ordinance correcting Ordinance No. 29593 passed by the Dallas City Council on December 10, 2014, Ordinance No. 31908, passed by the Dallas City Council on June 9, 2021, Ordinance No. 31961, passed by the Dallas City Council on August 11, 2021, and Ordinance No. 32015, passed by the Dallas City Council on September 22, 2021; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council finds that it is in the public interest to correct Ordinance Nos. 29593, 31908, 31961, and 32015 to accurately reflect the intent of the city council; Now, Therefore,

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

SECTION 1. That Ordinance No. 29593 passed by the Dallas City Council on December 10, 2014 is corrected by replacing Exhibit A attached to Ordinance No. 29593 with the Exhibit A attached to this ordinance.

SECTION 2. That Ordinance No. 31908 passed by the Dallas City Council on June 9, 2021 is corrected by amending Section 2 of the ordinance to read as follows:

“SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 [~~six~~] feet.”

SECTION 3. That Ordinance No. 31961 passed by the Dallas City Council on August 11, 2021 is corrected by amending Section 2 of the ordinance to read as follows:

“SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 [~~six~~] feet.”

SECTION 4. That Ordinance No. 32015 passed by the Dallas City Council on September 22, 2021 is corrected by amending Section 2 of the ordinance to read as follows:

“SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 [~~six~~] feet.”

SECTION 5. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. 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 7. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

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

Passed \_\_\_\_\_



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**INDEX**  
**REVISED**  
**3-3-2022**

DALLAS LOVE FIELD AIRPORT MSD AREAS

**EXHIBIT MAP OF:**  
**DALLAS LOVE FIELD**  
**AIRPORT**  
**MUNICIPAL SETTING**  
**DESIGNATION AREAS**  
CITY OF DALLAS, DALLAS COUNTY, TX  
MAP PREPARED: NOVEMBER 2, 2012  
MAP REVISED: MARCH 3, 2022



**MAP LEGEND:**  
AIRPORT BOUNDARY LINE  
ABSTRACT (SURVEY) LINES  
PARCEL LINES  
STREET NAMES  
APPX. STREET CENTERLINES  
DALLAS CITY BLOCKS  
LOT NUMBERS/GIS PARCELS













A-1113

WILSON BAKER  
SURVEY, A-54

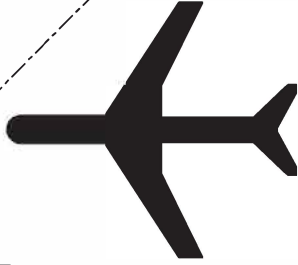
MATCH LINE  
SHEET 2  
SHEET 3

DICKERSON PARKER  
SURVEY, A-1113

PROPOSED  
LOT 1, BLOCK 4662  
DALLAS LOVE FIELD  
INDUSTRIAL ADDITION

MILES BENNETT  
SURVEY, A-52

CEDAR SPRINGS RD



MSD TRACT NO. 1  
1489.662 ACRES GROSS  
-15.064 ACRES S&E  
1474.598 ACRES NET  
DALLAS LOVE FIELD AIRPORT

MATCH LINE  
SHEET 3  
SHEET 4

- MAP LEGEND:
- AIRPORT BOUNDARY LINE
  - ABSTRACT (SURVEY) LINES
  - PARCEL LINES
  - STREET NAMES
  - APPX. STREET CENTERLINES
  - DALLAS CITY BLOCKS
  - LOT NUMBERS/GIS PARCELS

AVIATION PL SAVE & EXCEPT  
TRACT NO. 4  
0.288 AC

S&E TRACT No. 4		
Course	Bearing	Distance
L1	N 45°26'47" W	100.00'
L2	N 44°33'13" E	124.93'
L3	S 45°26'47" E	100.00'
L4	S 44°33'13" W	124.93'

S&E TRACT No. 5		
Course	Bearing	Distance
L1	N 42°40'08" E	109.50'
L2	S 46°20'23" E	440.80'
L3	S 42°40'08" W	110.96'
L4	N 46°11'20" W	440.82'



DALLAS LOVE FIELD AIRPORT MSD AREAS

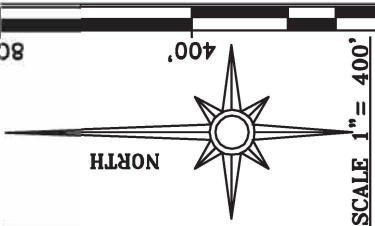
DALLAS, TEXAS

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http://www.britain-crawford.com

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SHEET 3



DRAWING PREPARED:  
NOVEMBER 2, 2012  
LAST REVISED: MARCH 30, 2022

REVISIONS:  
MODIFIED S&E TRACT 2 - MARCH 3, 2022  
MODIFIED BOUNDARY - MARCH 3, 2022

DRAWN BY: KG  
CHECKED BY: JLB  
DWG: DAL L-FIELD.dwg  
CRD: L-FIELD.CRD  
JOB: DALLAS LOVE FIELD

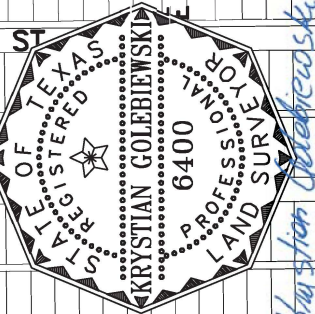
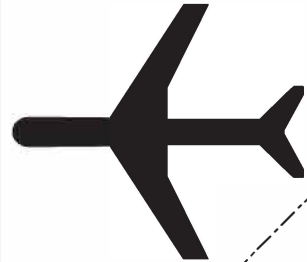


EXHIBIT MAP OF:  
**DALLAS LOVE FIELD  
AIRPORT**  
MUNICIPAL SETTING  
DESIGNATION AREAS  
CITY OF DALLAS, DALLAS COUNTY, TX  
MAP PREPARED: NOVEMBER 2, 2012  
MAP REVISED: March 3, 2022





MATCH LINE  
SHEET 3  
SHEET 4

MSD TRACT NO. 1  
1489.662 ACRES GROSS  
-15.064 ACRES S&E  
1474.598 ACRES NET  
DALLAS LOVE FIELD AIRPORT

MATCH LINE  
SHEET 5  
SHEET 4

PROPOSED  
LOT 1, BLOCK 4662  
DALLAS LOVE FIELD  
INDUSTRIAL ADDITION

DALLAS LOVE FIELD AIRPORT MSD AREAS  
DALLAS, TEXAS

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http://www.britain-crawford.com

1	2
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5	4

**SHEET 4**

**S&E TRACT No. 5**

Course	Bearing	Distance
L1	N 42°40'08" E	109.50'
L2	S 46°20'23" E	440.80'
L3	S 42°40'08" W	110.96'
L4	N 46°11'20" W	440.82'

SAVE & EXCEPT  
TRACT NO. 5  
1.115 AC

**S&E TRACT. 3**

Course	Bearing	Distance
L1	N 45°51'39" W	341.77'
L2	N 33°58'17" W	162.24'
L3	N 45°51'39" W	48.44'
L4	N 45°31'50" E	414.29'
L5	S 44°36'11" E	549.98'
L6	S 45°34'40" W	435.65'

SAVE & EXCEPT  
TRACT NO. 3  
5.476 AC

MILES BENNETT  
SURVEY, A-52

SAVE & EXCEPT  
TRACT NO. 6  
0.129 AC

**S&E TRACT No. 6**

Course	Bearing	Distance
L1	N 45°41'12" W	50.00'
L2	N 45°24'12" E	112.38'
L3	S 45°35'08" E	50.00'
L4	S 45°24'12" W	112.30'

**MAP LEGEND:**

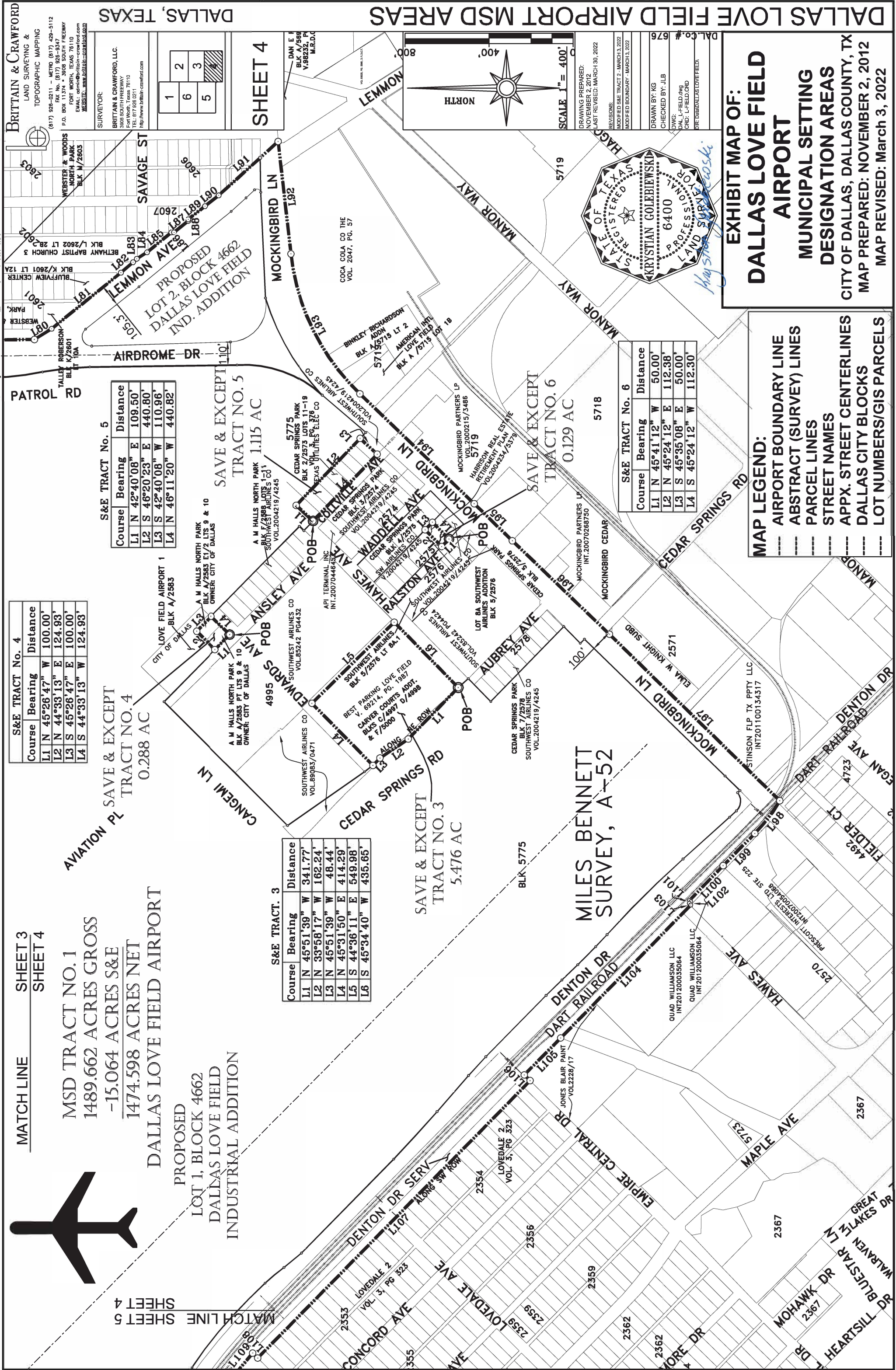
- AIRPORT BOUNDARY LINE
- ABSTRACT (SURVEY) LINES
- PARCEL LINES
- STREET NAMES
- APPX. STREET CENTERLINES
- DALLAS CITY BLOCKS
- LOT NUMBERS/GIS PARCELS

**EXHIBIT MAP OF:**  
**DALLAS LOVE FIELD**  
**AIRPORT**  
**MUNICIPAL SETTING**  
**DESIGNATION AREAS**  
CITY OF DALLAS, DALLAS COUNTY, TX  
MAP PREPARED: NOVEMBER 2, 2012  
MAP REVISED: March 3, 2022

**SCALE 1" = 400'**

**NORTH**

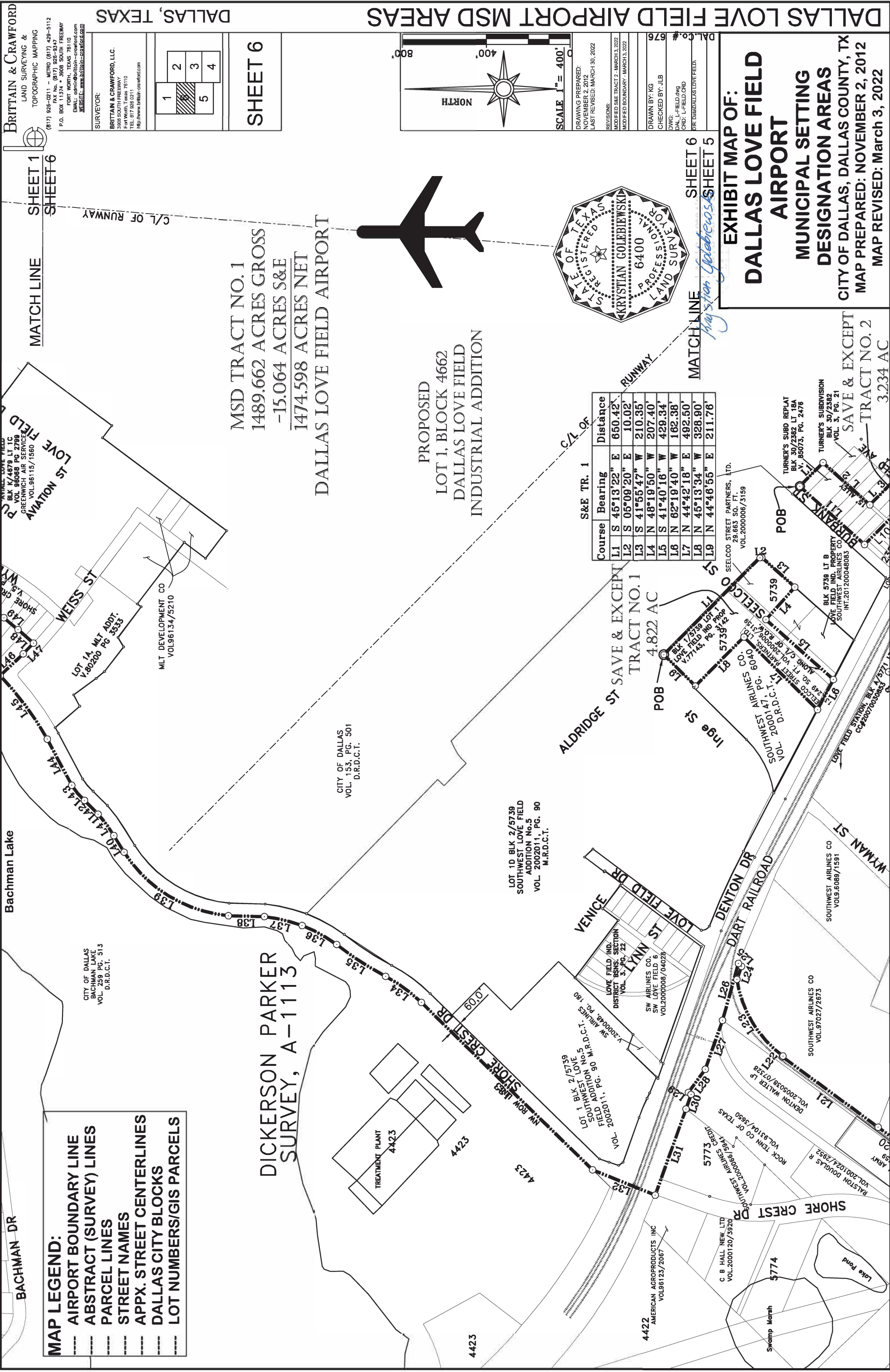
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**REGISTERED**  
**LAND SURVEYOR**  
**KRYSTIAN GOLEBIEWSKI**  
**6400**  
**DRAWN BY: KG**  
**CHECKED BY: JLB**  
**DWG: DAL L-FIELD.dwg**  
**CRD: L-FIELD.CRD**  
**DIR: DBDALLAS LOVE FIELD**











- MAP LEGEND:**
- AIRPORT BOUNDARY LINE
  - ABSTRACT (SURVEY) LINES
  - PARCEL LINES
  - STREET NAMES
  - APPX. STREET CENTERLINES
  - DALLAS CITY BLOCKS
  - LOT NUMBERS/GIS PARCELS

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**SHEET 6**

1	2
3	4

**SHEET 6**

**DALLAS LOVE FIELD AIRPORT MSD AREAS**

Course	Bearing	Distance
L1	S 45°13'22" E	650.42'
L2	S 05°09'20" E	10.02'
L3	S 41°55'47" W	210.35'
L4	N 48°19'50" W	207.40'
L5	S 41°40'16" W	429.34'
L6	N 62°19'40" W	162.38'
L7	N 44°42'18" E	492.50'
L8	N 45°13'34" W	328.90'
L9	N 44°48'55" E	211.76'

**EXHIBIT MAP OF:**  
**DALLAS LOVE FIELD**  
**AIRPORT**  
**MUNICIPAL SETTING**  
**DESIGNATION AREAS**  
CITY OF DALLAS, DALLAS COUNTY, TX  
MAP PREPARED: NOVEMBER 2, 2012  
MAP REVISED: March 3, 2022



MSD TRACT 1 – ACTUAL CALLS

Course	Bearing	Distance
L1	S 44°37'53" W	158.58'
L2	N 43°32'22" W	418.93'
L3	Rad: 214.20' Tan: 37.54' Chd: S 54°26'59" W	Arc: 74.32' CA: 19°52'49" 73.95'
L4	S 44°30'35" W	385.24'
L5	S 44°12'26" E	433.02'
L6	S 44°16'02" W	1807.50'
L7	N 45°13'14" W	209.80'
L8	N 45°44'00" W	523.87'
L9	N 44°12'55" E	153.04'
L10	N 44°12'55" E	386.82'
L11	N 00°47'05" W	113.50'
L12	N 21°53'19" W	50.00'
L13	Rad: 294.76' Tan: 63.19' Chd: N 56°01'01" E	Arc: 124.49' CA: 24°11'53" 123.56'
L14	N 43°56'14" E	150.40'
L15	N 46°04'00" W	295.65'
L16	S 43°35'47" W	445.41'
L17	N 46°36'56" W	189.80'
L18	N 22°42'00" E	366.00'
L19	N 67°16'01" W	568.94'
L20	N 36°20'29" E	204.52'
L21	N 36°20'33" E	565.83'
L22	S 53°39'27" E	5.00'
L23	Rad: 553.69' Tan: 230.66' Chd: N 58°57'32" E	Arc: 437.11' CA: 45°13'57" 425.85'
L24	S 70°35'05" E	66.09'
L25	N 43°49'25" E	20.78'
L26	N 74°25'43" W	282.27'
L27	N 70°39'25" W	247.14'
L28	N 53°41'52" W	136.70'
L29	S 36°23'00" W	16.01'
L30	N 70°53'13" W	73.84'
L31	N 70°19'34" W	435.78'
L32	N 21°57'38" E	322.00'
L33	N 44°22'12" E	1140.97'
L34	Rad: 739.61' Tan: 106.63' Chd: N 36°09'01" E	Arc: 211.80' CA: 16°24'27" 211.07'
L35	Rad: 1560.59' Tan: 139.92' Chd: N 33°05'16" E	Arc: 279.09' CA: 10°14'48" 278.72'
L36	Rad: 743.72' Tan: 94.66' Chd: N 28°46'13" E	Arc: 188.31' CA: 14°30'26" 187.81'
L37	Rad: 840.82' Tan: 93.12' Chd: N 13°15'39" E	Arc: 185.49' CA: 12°38'22" 185.11'
L38	N 01°24'04" E	171.40'
L39	Rad: 664.05' Tan: 323.47' Chd: N 31°22'34" E	Arc: 602.02' CA: 51°56'37" 581.61'
L40	N 58°17'54" E	93.38'
L41	Rad: 664.18' Tan: 63.46' Chd: N 53°57'20" E	Arc: 126.53' CA: 10°54'55" 126.34'
L42	N 45°19'29" E	92.08'
L43	Rad: 336.81' Tan: 47.67' Chd: N 49°56'37" E	Arc: 94.71' CA: 16°06'42" 94.40'
L44	N 62°03'51" E	249.09'
L45	Rad: 1442.19' Tan: 189.79' Chd: N 53°18'48" E	Arc: 377.42' CA: 14°59'39" 376.34'
L46	S 43°30'07" E	152.30'
L47	S 46°18'45" E	70.15'
L48	N 41°21'49" E	97.55'
L49	N 39°42'38" E	88.41'
L50	N 35°38'24" E	90.00'
L51	N 32°13'58" E	90.00'
L52	N 29°40'43" E	100.20'
L53	N 27°57'47" E	62.00'
L54	N 62°02'13" W	209.92'
L55	N 27°52'48" E	577.46'
L56	N 28°07'26" E	62.64'
L57	Rad: 4060.00' Tan: 202.41' Chd: N 35°57'19" E	Arc: 404.49' CA: 5°42'30" 404.33'
L58	N 32°31'08" E	283.79'
L59	Rad: 480.50' Tan: 153.78' Chd: N 45°05'32" E	Arc: 297.66' CA: 35°29'37" 292.92'

Course	Bearing	Distance
L60	Rad: 2340.00' Tan: 166.24' Chd: N 66°46'19" E	Arc: 331.91' CA: 8°07'37" 331.64'
L61	N 63°38'33" E	147.49'
L62	Rad: 1260.00' Tan: 178.88' Chd: N 69°26'59" E	Arc: 355.39' CA: 16°09'39" 354.22'
L63	N 80°26'02" E	421.50'
L64	Rad: 1133.65' Tan: 577.44' Chd: S 72°34'26" E	Arc: 1068.15' CA: 53°59'06" 1029.07'
L65	S 45°35'10" E	597.33'
L66	S 45°15'44" E	2385.79'
L67	N 84°31'42" E	463.20'
L68	S 06°19'06" E	364.61'
L69	S 84°21'46" W	164.55'
L70	S 45°15'44" E	1434.76'
L71	S 45°18'52" E	774.44'
L72	S 45°11'50" E	336.94'
L73	N 44°48'10" E	23.11'
L74	S 45°17'00" E	446.90'
L75	Rad: 1224.28' Tan: 236.93' Chd: S 34°19'49" E	Arc: 468.08' CA: 21°54'22" 465.24'
L76	N 89°28'52" E	54.07'
L77	S 00°30'57" E	93.82'
L78	N 89°29'03" E	40.42'
L79	S 00°30'57" E	1823.03'
L80	S 31°42'03" E	96.56'
L81	S 39°02'53" E	424.06'
L82	S 40°30'06" E	76.21'
L83	S 43°04'04" E	24.06'
L84	S 32°29'56" E	57.93'
L85	S 39°09'20" E	149.61'
L86	S 00°29'12" E	12.80'
L87	S 38°46'50" E	87.00'
L88	N 88°37'48" E	7.50'
L89	S 38°08'11" E	101.52'
L90	S 38°19'18" E	83.02'
L91	S 42°12'30" E	381.45'
L92	S 83°28'45" W	538.30'
L93	Rad: 1095.92' Tan: 396.08' Chd: S 63°45'22" W	Arc: 760.15' CA: 39°44'29" 745.00'
L94	S 43°52'18" W	754.77'
L95	S 44°12'41" W	253.41'
L96	S 43°58'29" W	641.16'
L97	S 44°22'42" W	1134.17'
L98	Rad: 776.89' Tan: 98.79' Chd: N 52°41'22" W	Arc: 196.52' CA: 14°29'37" 196.00'
L99	N 45°26'43" W	214.70'
L100	N 45°56'34" W	230.74'
L101	S 44°03'23" W	9.37'
L102	N 43°56'50" W	10.62'
L103	S 46°03'10" W	10.94'
L104	N 45°40'05" W	887.05'
L105	N 45°28'05" W	246.81'
L106	S 44°36'30" W	38.89'
L107	N 45°33'02" W	1850.25'
L108	N 44°51'59" E	33.83'
L109	Rad: 2404.54' Tan: 116.28' Chd: N 51°35'00" W	Arc: 232.38' CA: 5°32'14" 232.29'
L110	N 54°02'43" W	38.90'
L111	Rad: 2812.78' Tan: 72.90' Chd: N 55°33'32" W	Arc: 145.77' CA: 2°58'10" 145.76'
L112	S 38°47'48" W	41.19'
L113	N 59°48'26" W	223.16'
L114	S 44°48'33" W	7.07'
L115	N 61°50'42" W	47.01'
L116	N 61°50'42" W	412.34'
L117	N 62°15'56" W	2369.27'

BRITTAİN & CRAWFORD

LAND SURVEYING &  
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1

2

6

3

5

4

CALLS

NORTH

800'

400'

0

SCALE 1"= 400'

DRAWING PREPARED:  
NOVEMBER 2, 2012  
LAST REVISED: MARCH 3, 2022

REVISIONS:  
REVISED CALL TABLE TO REFLECT  
CHANGE IN THE BOUNDARY

DRAWN BY: KG  
CHECKED BY: JLB  
DWG:  
DAL\_L-FIELD.dwg  
CRD: L-FIELD.CRD  
DR: Dallas LOVE FIELD

DAL Co. # 1676

EXHIBIT MAP OF:  
**DALLAS LOVE FIELD  
AIRPORT**  
**MUNICIPAL SETTING  
DESIGNATION AREAS**  
CITY OF DALLAS, DALLAS COUNTY, TX  
MAP PREPARED: NOVEMBER 2, 2012  
MAP REVISED: March 3, 2022

DALLAS LOVE FIELD AIRPORT MSD AREAS  
DALLAS, TEXAS

MSD Correction Ordinance



**DALLAS LOVE FIELD AIRPORT MSD  
TRACT 1  
LEGAL DESCRIPTION**

BEING approximately 1,490 acres of land located in the DICKERSON PARKER SURVEY, ABSTRACT NO. 1113, the MILES BENNETT SURVEY, ABSTRACT NO. 52, the WILSON BAKER SURVEY, ABSTRACT NO. 54, the W. H. HUGHES SURVEY, ABSTRACT NO. 661, the WILLIAM C. TREMBLE SURVEY, ABSTRACT NO. 1484, and the C. G. COLE SURVEY, ABSTRACT NO. 320, City of Dallas, Dallas County, Texas, and said 1,490 acres also being a portion of Dallas City Block 5775, and the area known as Dallas Love Field Airport, along with certain tracts of land conveyed to Southwest Airlines Company by numerous deeds recorded in the Deed Records of Dallas County, Texas, and portions of the public rights-of-ways for the adjoining streets surrounding said Love Field Airport more specifically identified herein and also including the right-of-way areas of Aubrey Avenue, Cedar Springs Road, Aviation Place, Cangemi Lane, Edwards Avenue, Hawes Avenue, Ralston Avenue, Waddell Avenue, Collville Avenue, Ansley Avenue, Burbank Avenue, Love Field Drive, Lynn Street, Venice Street, Weiss Street, Wylie Drive, Reeves Street, Dobbs Street, Putnam Drive, Aviation Street, George Cocker Circle, Patrol Road, Airdrome Drive, Aldridge Street, Inge Street, Wyman Street, Research Row, Shore Crest Drive, Denton Drive, Denton Drive Service Road, Mockingbird Lane, Harry Hines Boulevard, Lemmon Avenue, Seelcco Street, Dallas Area Rapid Transit Railroad, Park Side Drive, and Adrian Drive. Said 1,491 acres of land also containing all of Lots 3-12, Block 7/2578, CEDAR SPRINGS PARK, an addition to the City of Dallas, Dallas County, Texas and all of Lots 3-19, and 21 and 22, Block 4/2575, CEDAR SPRINGS PARK, an addition to the City of Dallas, Dallas County, Texas, and all of Lots 1-20, Block 3/2574, CEDAR SPRINGS PARK, an addition to the City of Dallas, Dallas County, Texas, Lot 20, Block 2/2573, CEDAR SPRINGS PARK, an addition to the City of Dallas, Dallas County, Texas, and all of Lots 1-11, Block F/2588, A.M. HALLS NORTH PARK, an addition to the City of Dallas, Dallas County, Texas, all of Block A/2583, LOVE FIELD AIRPORT 1, an addition to the City of Dallas, Dallas County, Texas, a portion of Block 29/2381 and all of Block 30/2382, LOVEFIELD ACRES, an addition to the City of Dallas, Dallas County, Texas, and Lots 13 through 18A and Lots 46 through 52 Block 30/2382, TURNERS ADDITION, and also TURNERS SUBDIVISION RE-PLAT to the City of Dallas, Dallas County, Texas, and all of Lot B, Block 5739, LOVE FIELD INDUSTRIAL PROPERTY, an addition to the City of Dallas, Dallas County, Texas, and all of Lot 1, Block 1/5739, LOVE FIELD INDUSTRIAL PROPERTIES NO. 2, an addition to the City of Dallas, Dallas County, Texas, and all of Lots 1-4 and 14-28, SHORE CREST, an addition to the City of Dallas, Dallas County, Texas, and Lot 1C, Block K/4679, AVIALL LOVE FIELD, an addition to the City of Dallas, Dallas County, Texas, and all of Lot 1A, MLT ADDITION, to the City of Dallas, Dallas County, Texas and Lots 3 & 4, Block 26/2378, LOVEFIELD ACRES, an addition to the City of Dallas, Dallas County, Texas, and all of Lot 1, Block 4682 and Lot 1D, Block 2/5739, SOUTHWEST LOVE FIELD ADDITION NO. 5, to the City of Dallas, Dallas County, Texas, and all of Lot 8A, Block 5/2576, SOUTHWEST AIRLINES ADDITION, to the City of Dallas, Dallas County, Texas, and Lot 5A, Block A/5771, LOVE FIELD STATION, an addition to the City of Dallas, Dallas County, Texas, and Tract 9, Block C/5059 MIDWAY MANOR ADDITION, to the City of Dallas, Dallas County, Texas, and a portion of Block 2/5062

RANDALLS PLAINVIEW ADDITION, to the City of Dallas, Dallas County, Texas. Said 1,490 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point at the North corner of Lot 5, Block 3/4695, BROOKFIELD ADDITION, to the City of Dallas, Dallas County, Texas, and said POINT OF BEGINNING also being the intersection of the Southwest right-of-way line of the Denton Drive Service Road and the Southeast right-of- line of Burbank Street;

THENCE S 44° 37' 53" W 158.58 feet, along the Northwest boundary line of said Block 3/4695, BROOKFIELD ADDITION and the Southeast right-of-way line of said Burbank Street, to a point;

THENCE N 43° 32' 22" W 418.93 feet, crossing said Burbank Street and running along the Northeast boundary line of the tract of land conveyed to Glenn I. Futerfas by the deed recorded in County Clerk's File No. 20080007125 of the Deed Records of Dallas County, Texas, to a point at the North corner of said Futerfas Tract, lying in the Southeast boundary line of the tract of land conveyed to Southwest Airlines Company by the deed recorded in Volume 97027, Page 2673 of the Deed Records of Dallas County, Texas;

THENCE along the Southeast boundary line of said Southwest Airlines Company Tract and the Northwest boundary line of said Futerfas Tract and the Northwest boundary line of the tract of land conveyed to Jordan Mary Banks by the deed recorded in Volume 85089, Page 5228, as follows:

1. SOUTHWESTERLY 74.32 feet, along said curve to the left, having a radius of 214.20 feet, a central angle of 19° 52' 49", and a chord bearing of S 54° 26' 59" W 73.95 feet, to a point at the end of said curve;
2. S 44° 30' 35" W 385.24 feet, to a point;

THENCE S 44° 12' 26" E 433.02 feet, along the Southwest boundary line of said Banks Tract, crossing aforesaid Burbank Street, to a point in the Northwest boundary line of Block 2/4694, of aforesaid BROOKFIELD ADDITION, also lying in the Southeast right-of-way line of said Burbank Street;

THENCE S 44° 16' 02" W 1,807.50 feet, along the Southeast right-of-line of said Burbank Street, to a point located within the right-of-way area of Harry Hines Boulevard;

THENCE along the Southwest right-of-way line of said Harry Hines Boulevard, being the Northeast boundary line of Lot 4, Block A/6069, PINE CREEK COMMONS 4, and the Northeast boundary line of Lot 2, Block A/6069, PINE CREEK COMMONS PHASE I, additions to the City of Dallas, Dallas County, Texas, as follows:

1. N 45° 13' 14" W 209.60 feet, to a point;

2. N 45° 44' 00" W 523.87 feet, to a point;

THENCE N 44° 12' 55" E 153.00 feet, crossing said Harry Hines Boulevard, to a point at the South corner of Lot 2, Block A/5771, PINECREEK COMMONS 5, an addition to the City of Dallas, Dallas County, Texas;

THENCE along the Southeast boundary line of said Lot 2, Block A/5771, PINECREEK COMMONS 5, as follows:

1. N 44° 12' 55" E 386.84 feet, to a point;
2. N 00° 47' 05" W 113.50 feet, to a point;
3. N 21° 53' 19" W 50.00 feet, to a point in the Southeast boundary line of the tract of land conveyed to JMT, Inc. by the deed recorded in County Clerk's File No. 201200033632 of the Deed Records of Dallas County, Texas;

THENCE along the Southeast boundary line of said JMT, Inc. Tract, as follows:

1. NORTHEASTERLY 124.49 feet, along said curve to the left, having a radius of 294.76 feet, a central angle of 24° 11' 53", and a chord bearing of N 56° 01' 01" E 123.56 feet, to a point at the end of said curve;
2. N 43° 56' 14" E 150.40 feet, to a point at the East corner of said JMT, Inc. Tract;

THENCE N 46° 04' 00" W 295.65 feet, along the Northeast boundary line of said JMT Tract, to a point at the North corner of JMT Tract;

THENCE S 43° 35' 47" W 445.41 feet, along the Northwest boundary line of said JMT Tract and the Southeast boundary line of the tract of land conveyed to Southwest Airlines Company by the deed recorded in County Clerk's File No. 201200186304 of the Deed Records of Dallas County, Texas, to a point at the South corner of said Southwest Airlines Tract, lying in the Northeast right-of-way line of Wadley Lane;

THENCE N 46° 36' 56" W 189.80 feet, along the Southwest boundary line of said Southwest Airlines Tract and the Northeast right-of-way line of said Wadley Lane, to a point at the West corner of said Southwest Airlines Tract, lying in the Southeast right-of-way line of Research Row;

THENCE N 22° 42' 00" E 366.00 feet, along the Northwest boundary line of said Southwest Airlines Tract and the Southeast right-of-way line of said Research Row, to a point;

THENCE N 67° 16' 01" W 568.94 feet, crossing said Research Row and running along the Southwest boundary line of the tract of land conveyed to Southwest Airlines, Inc. by the deed recorded in Volume 2000242, Page 258, of the Deed Records of Dallas County, Texas, to a point at the West corner of said Southwest Airlines Tract, lying in the Southeast right-of-way line of the Union Pacific Railroad;

THENCE along the Southeast right-of-way line of said Union Pacific Railroad and the Northwest boundary line of the aforesaid tract of land conveyed to Southwest Airlines, Inc. by the deed recorded in Volume 2000242, Page 258 of the deed records of Dallas County, Texas and also the Northwest boundary line of the tract of land conveyed to Southwest Airlines Company by the deed recorded in Volume 97027, Page 2673 of the Deed Records of Dallas County, Texas, as follows:

1. N 36° 20' 29" E 204.52 feet, to a point;
2. N 36° 20' 33" E 565.83 feet, to a point;
3. S 53° 39' 27" E 5.00 feet, to a point;
4. NORTHEASTERLY 437.11 feet, along said curve to the right, having a radius of 553.69 feet, a central angle of 45° 13' 57", and a chord bearing of N 58° 57' 32" E 425.85 feet, to a point at the end of said curve;
5. S 70° 35' 05" E 66.09 feet, to a point;
6. N 43° 49' 25" E 20.78 feet, to a point in the Southwest right-of-way line of aforesaid Dallas Area Rapid Transit Railroad;

THENCE along the Southwest right-of-way line of said Dallas Area Rapid Transit Railroad, as follows:

1. N 74° 25' 43" W 282.27 feet, to a point;
2. N 70° 39' 25" W 247.14 feet, to a point;
3. N 53° 41' 52" W 136.70 feet, to a point;
4. S 36° 23' 00" W 16.01 feet, to a point;
5. N 70° 53' 13" W 73.84 feet, to a point;
6. N 70° 19' 34" W 435.78 feet, to a point at the intersection with the Northwest right-of-way line of Shore Crest Drive;

THENCE N 21° 57' 38" E 322.00 feet, crossing said Denton Drive and Dallas Area Rapid Transit Railroad rights-of-way, to a point in the Northwest right-of-way line of aforesaid Shore Crest Drive;

THENCE along the Northwest right-of-way line of said Shore Crest Drive, as follows:

1. N 44° 22' 12" E 1,140.97 feet, to a point at the beginning of a curve to the left;
2. NORTHEASTERLY 211.80 feet, along said curve to the left, having a radius of 739.61 feet, a central angle of 16° 24' 27", and a chord bearing of N 36° 09' 01" E 211.07 feet, to a point at the beginning of a curve to the right;
3. NORTHEASTERLY 279.09 feet, along said curve to the right, having a radius of 1,560.59 feet, a central angle of 10° 14' 48", and a chord bearing of N 33° 05' 16" E 278.72 feet, to a point at the beginning of a curve to the left;
4. NORTHEASTERLY 188.31 feet, along said curve to the left, having a radius of 743.72 feet, a central angle of 14° 30' 26", and a chord bearing of N 28° 46' 13" E 187.81 feet, to a point at the beginning of another curve to the left;
5. NORTHEASTERLY 185.49 feet, along said curve to the left, having a radius of 840.82 feet, a central angle of 12° 38' 22", and a chord bearing of N 13° 15' 39" E 185.11 feet, to a point at the end of said curve;
6. N 01° 24' 04" E 171.40 feet, to a point at the beginning of a curve to the right;
7. NORTHEASTERLY 602.02 feet, along said curve to the right, having a radius of 664.05 feet, a central angle of 51° 56' 37", and a chord bearing of N 31° 22' 34" E 581.61 feet, to a point at the end of said curve;
8. N 58° 17' 54" E 93.38 feet, to a point at the beginning of a curve to the left;
9. NORTHEASTERLY 126.53 feet, along said curve to the left, having a radius of 664.18 feet, a central angle of 10° 54' 55", and a chord bearing of N 53° 57' 20" E 126.34 feet, to a point at the end of said curve;
10. N 45° 19' 29" E 92.08 feet, to a point at the beginning of a curve to the right;
11. NORTHEASTERLY 94.71 feet, along said curve to the right, having a radius of 336.81 feet, a central angle of 16° 06' 42", and a chord bearing of N 49° 56' 37" E 94.40 feet, to a point at the end of said curve;
12. N 62° 03' 51" E 249.09 feet, to a point at the beginning of a curve to the left;

13. NORTHEASTERLY 377.42 feet, along said curve to the left, having a radius of 1,442.19 feet, a central angle of  $14^{\circ} 59' 39''$ , and a chord bearing of  $N 53^{\circ} 18' 48'' E$  376.34 feet, to a point at the intersection of the Northwestern extension of the Northeast right-of-way line of Weiss Street;

THENCE crossing said Shore Crest Drive and running along the Northeast right-of-way-line of said Weiss Street, as follows:

1.  $S 43^{\circ} 30' 07'' E$  152.30 feet, to a point;
2. SOUTHEASTERLY 70.15 feet, along said curve to the left, having a radius of 32,427.33 feet, a central angle of  $0^{\circ} 07' 26''$ , and a chord bearing of  $S 46^{\circ} 18' 45'' E$  70.15 feet, to a point at the West corner of Lot 13, Block B/4674, of aforesaid SHORE CREST ADDITION;

THENCE along the Northwest boundary line of Lots 14-24 of said Block B/4674, SHORE CREST ADDITION, as follows:

1.  $N 41^{\circ} 21' 49'' E$  97.55 feet, to a point;
2.  $N 39^{\circ} 42' 38'' E$  88.41 feet, to a point;
3.  $N 35^{\circ} 38' 24'' E$  90.00 feet, to a point;
4.  $N 32^{\circ} 13' 58'' E$  90.00 feet, to a point;
5.  $N 29^{\circ} 40' 43'' E$  100.20 feet, to a point;
6.  $N 27^{\circ} 57' 47'' E$  62.00 feet, to a point at the East corner of Lot 5 of said SHORE CREST ADDITION;

THENCE  $N 62^{\circ} 02' 13'' W$  209.92 feet, along the Northeast boundary line of said Lot 5, SHORE CREST ADDITION, crossing aforesaid Shore Crest Drive, to a point in the Northwest right-of-way line of said Shore Crest Drive;

THENCE along the Northwest right-of-way line of said Shore Crest Drive, as follows:

1.  $N 27^{\circ} 52' 48'' E$  577.46 feet, to a point;
2.  $N 28^{\circ} 07' 26'' E$  62.64 feet, to a point at the beginning of a curve to the right;
3. NORTHEASTERLY 404.49 feet, along said curve to the right, having a radius of 4,060.00 feet, a central angle of  $5^{\circ} 42' 30''$ , and a chord bearing of  $N 35^{\circ} 57' 19'' E$  404.33 feet, to a point at the end of said curve;
4.  $N 32^{\circ} 31' 08'' E$  283.79 feet, to a point at the beginning of a curve to the right;



5. NORTHEASTERLY 297.66 feet, along said curve to the right, having a radius of 480.50 feet, a central angle of 35° 29' 37", and a chord bearing of N 45° 05' 32" E 292.92 feet, to a point at the beginning of a curve to the left;
6. NORTHEASTERLY 331.91 feet, along said curve to the left, having a radius of 2,340.00 feet, a central angle of 8° 07' 37", and a chord bearing of N 66° 46' 19" E 331.64 feet, to a point at the end of said curve;
7. N 63° 38' 33" E 147.49 feet, to a point at the beginning of a curve to the right;
8. NORTHEASTERLY 355.39 feet, along said curve to the right, having a radius of 1,260.00 feet, a central angle of 16° 09' 39", and a chord bearing of N 69° 26' 59" E 354.22 feet, to a point at the end of said curve;
9. N 80° 26' 02" E 421.50 feet, to a point located within the right-of-way area of Lemmon Avenue;

THENCE SOUTHEASTERLY 1,068.15 feet, along a curve to the right, having a radius of 1,133.65 feet, a central angle of 53° 59' 06", and a chord bearing of S 72° 34' 26" E 1,029.07 feet, to a point at the end of said curve and the intersection of the Northeast right-of-way line of aforesaid Lemmon Avenue, and at a point lying S 28° 23' W 115.6 feet, from the Northwest corner of Lot 29, Block 3/5065, SHORE CREST TERRACE an addition to the City of Dallas, Dallas County, Texas;

THENCE along the Northeast right-of-way line of said Lemmon Avenue, and along a line 58 feet, Northeast of and parallel to the centerline of said Lemmon Avenue, as follows:

1. S 45° 35' 10" E 597.33 feet, to a point;
2. S 45° 15' 44" E 2,385.79 feet, to a point;

THENCE N 84° 31' 42" E 463.20 feet, departing said Lemmon Avenue right-of-way line and running along the North right-of-way line of Adrian Drive, to a point;

THENCE S 06° 19' 06" E 364.61 feet, crossing said Adrian Drive and running along the West boundary line of Lot 4 and 5, Block C/5059, MIDWAY MANOR, an addition to the City of Dallas, Dallas County, Texas, and crossing Parkside Drive to a point in the South right-of-way line of said Parkside Drive, and the North boundary line of Lot 6, Block D/5060, of said MIDWAY MANOR ADDITION;

THENCE along the South right-of-way line of said Parkside Drive, as follows:

1. S 84° 54' 04" W 52.73 feet, to a point;
2. S 84° 06' 32" W 111.82 feet, to a point in the Northeast right-of-way line of aforesaid Lemmon Avenue;

THENCE along the Northeast right-of-way line of said Lemmon Avenue, and along a line 58 feet, Northeast of and parallel to the centerline of said Lemmon Avenue, as follows:

1. S 45° 15' 44" E 1,434.76 feet, to a point;
2. S 45° 18' 52" E 774.44 feet, to a point;
3. S 45° 11' 50" E 336.94 feet, to a point;

THENCE N 44° 48' 10" E 23.11 feet, along the Northeast right-of-way line of said Lemmon Avenue, to point;

THENCE along the Northeast right-of-way line of said Lemmon Avenue, as follows:

1. S 45° 17' 00" E 446.90 feet, to a point at the beginning of a curve to the right;
2. SOUTHEASTERLY 468.08 feet, along said curve to the right, having a radius of 1,224.28 feet, a central angle of 21° 54' 22", and a chord bearing of S 34° 19' 49" E 465.24 feet, to a point at the end of said curve at the intersection of the North right-of-way line of University Boulevard;

THENCE N 89° 28' 52" E 54.07 feet, along the North right-of-way line of said University Boulevard, to a point at the Southwest corner of the tract of land conveyed to Sewell Village Cadillac, JV by the deed recorded in Volume 81060, Page 450, of the Deed Records of Dallas County, Texas;

THENCE S 00° 30' 57" E 93.82 feet, to a point in the South right-of-way line of said University Boulevard;

THENCE N 89° 29' 03" E 40.42 feet, along the South right-of-way line of said University Boulevard, to a point in the East right-of-way line of aforesaid Lemmon Avenue and the West right-of-way line of Mabel Avenue;

THENCE S 00° 30' 57" E 1,823.03 feet, along the East right-of-way line of said Lemmon Avenue and the West right-of-way line of Mabel Avenue, to a point;

THENCE along the Northeast right-of-way line of said Lemmon Avenue and the Southwest boundary line of Dallas City Block K/2601, Block L/2602, Block 2606 and 2607, as follows:

1. S 31° 42' 03" E 96.56 feet, to a point;
2. S 39° 02' 53" E 424.06 feet, to a point;
3. S 40° 30' 06" E 76.21 feet, to a point;



4. S 43° 04' 04" E 24.06 feet, to a point;
5. S 32° 29' 56" E 57.93 feet, to a point;
6. S 39° 09' 19" E 149.61 feet, to a point;
7. S 00° 29' 12" E 12.80 feet, to a point;
8. S 38° 46' 50" E 87.00 feet, to a point;
9. N 88° 37' 47" E 7.50 feet, to a point;
10. S 38° 08' 11" E 101.52 feet, to a point;
11. S 38° 19' 18" E 83.02 feet, to a point;
12. S 42° 12' 30" E 381.45 feet, to a point in the South right-of-way line of Mockingbird Lane;

THENCE along the South and Southeast right-of-way line of said Mockingbird Lane, as follows:

1. S 83° 28' 45" W 538.30 feet, to a point;
2. SOUTHWESTERLY 760.15 feet, along a curve to the left, having a radius of 1,095.92 feet, a central angle of 39° 44' 29", and a chord bearing of S 63° 45' 22" W 745.00 feet, to a point at the end of said curve;
3. S 43° 52' 18" W 754.77 feet, to a point;
4. S 44° 12' 41" W 253.41 feet, to a point;
5. S 43° 58' 29" W 641.16 feet, to a point;
6. S 44° 22' 42" W 1,134.17 feet, to a point at the intersection of the Southwest right-of-way line of aforesaid Dallas Area Rapid Transit Railroad;

THENCE along the Southwest right-of-way line of said Dallas Area Rapid Transit Railroad, as follows:

1. NORTHWESTERLY 196.52 feet, along said curve to the right, having a radius of 776.89 feet, a central angle of 14° 29' 37", and a chord bearing of N 52° 41' 22" W 196.00 feet, to a point at the end of said curve;
2. N 45° 26' 43" W 214.70 feet, to a point;
3. N 45° 56' 34" W 230.74 feet, to a point;
4. S 44° 03' 23" W 9.37 feet, to a point;

5. N 43° 56' 50" W 10.62 feet, to a point;
6. S 46° 03' 10" W 10.94 feet, to a point;
7. N 45° 40' 05" W 887.05 feet, to a point;
8. N 45° 28' 05" W 246.81 feet, to a point at the intersection of the Southeast right-of-way line of Empire Central Drive;

THENCE S 44° 36' 30" W 38.89 feet, along the Southeast right-of-way line of Empire Central Drive, to a point;

THENCE N 45° 33' 02" W 1,850.25 feet, along the Southwest right-of-way line of Denton Drive Service Road and the Northeast boundary line of Block 2353 and 2354, LOVEDALE 2, an addition to the City of Dallas, Dallas County, Texas, to a point in the intersection of Northwest right-of-way line of Anson Road;

THENCE N 44° 51' 59" E 33.83, along the Northwest right-of-way line of said Anson Road, to a point in the Southwest right-of-way line of Dallas Area Rapid Transit Railroad;

THENCE along the Southwest right-of-way line of said Dallas Area Rapid Transit Railroad, as follows:

1. NORTHWESTERLY 232.38 feet, along said curve to the left, having a radius of 2,404.54 feet, a central angle of 5° 32' 14", and a chord bearing of N 51° 35' 00" W 232.29 feet, to a point at the end of said curve;
2. N 54° 02' 43" W 38.90 feet, to a point;
3. NORTHWESTERLY 145.77 feet, along said curve to the left, having a radius of 2,812.78 feet, a central angle of 2° 58' 10", and a chord bearing of N 55° 33' 32" W 145.76 feet, to a point;

THENCE S 38° 47' 48" W 41.19 feet, to a point in the Southwest right-of-way line of Denton Drive Service Road;

THENCE along the Southwest right-of-way line of said Denton Drive Service Road and the Northeast boundary line of Blocks 4695, 4696, 4497, 4502, 4503, and 4860, of aforesaid BROOKFIELD ADDITION, to the City of Dallas, Dallas County, Texas, as follows:

1. NORTHWESTERLY 223.23 feet, along a curve to the left, having a radius of 2,774.93 feet, a central angle of 4° 36' 33", and a chord bearing of N 59° 48' 26" W 223.16 feet, to a point at the end of said curve;
2. S 44° 48' 33" W 7.07 feet, to a point;
3. N 61° 50' 42" W 47.01 feet, to a point;

4. N 61° 50' 42" W                      412.34 feet, to a point;
5. N 62° 15' 56" W                      2,369.27 feet, to the POINT OF BEGINNING containing  
1,490 acres, **SAVE AND EXCEPT THE FOLLOWING SIX TRACTS OF LAND.**

**SAVE AND EXCEPT TRACT NO. 1  
LEGAL DESCRIPTION**

BEING approximately 4.822 acres of land located in the DICKERSON PARKER SURVEY, ABSTRACT NO. 1113, City of Dallas, Dallas County, Texas, and being located in Official City of Dallas Block 5739, and containing all of Lot 1, Block 1/5739, LOVE FIELD INDUSTRIAL PROPERTIES NO. 2, an addition to the City of Dallas, Dallas County, Texas, and also the two tracts of land conveyed to Seelcco Street Partners, LTD by the deed recorded in Volume 20000006, Page 3159 of the Deed Records of Dallas County, Texas. Said 4.822 acres being more particularly described by metes and bounds as follows:

BEGINNING at a point at the North corner of said Lot 1, Block 1/5739, LOVE FIELD INDUSTRIAL PROPERTIES NO. 2 Addition;

THENCE        S 45° 13' 22" E                      650.42 feet, along the Northeast boundary line of said Lot 1, Block 1/5739, LOVE FIELD INDUSTRIAL PROPERTIES NO. 2 Addition, and the Northeast boundary line of the 29,663 square foot tract of land conveyed to Seelcco Street Partners, LTD by the deed recorded in Volume 20000006, Page 3159 of the Deed Records of Dallas County, Texas, to a point at the East corner of said 29,663 square foot tract;

THENCE        S 05° 09' 20" E                      10.02 feet, along the East boundary line of said 29,663 square feet Seelcco Tract, to a point;

THENCE        S 41° 55' 47" W                      210.35 feet, along the Southeast boundary line of said 29,663 square foot Seelcco Street Partners Tract, to a point at the South corner of 29,663 square foot tract;

THENCE        N 48° 19' 50" W                      207.40 feet, along the Southwest boundary line of said 29,663 square foot tract, crossing a portion of Seelcco Street, to a point in the centerline in Seelcco Street;

THENCE        S 41° 40' 16" W                      429.34 feet, along the centerline of said Seelcco Street, to a point at the intersection of the Northeast right-of-way line of Denton Drive;

THENCE        N 62° 19' 40" W                      162.38 feet, along the Northeast right-of-way line of said Denton Drive, to a point at the West corner of the 131,249 square foot tract of land conveyed to Seelcco Street Partners, LTD by the deed recorded in Volume 2000006, Page 3159 of the Deed Records of Dallas County, Texas, being the South corner of the tract of

land conveyed to Southwest Airlines Company by the deed recorded in Volume 20000147, Page 6040 of the Deed Records of Dallas County, Texas;

THENCE N 44° 42' 18" E 492.50 feet, along the Southeast boundary line of said Southwest Airlines Company Tract and the Northwest boundary line of said 131,249 square foot Seelcco Street Partners Tract, to a point at the East corner of Southwest Airlines Company Tract, lying in the South boundary line of aforesaid Lot 1, Block 1/5739, LOVE FIELD INDUSTRIAL PROPERTIES NO. 2 Addition;

THENCE N 45° 13' 34" W 328.90 feet, along the Southwest boundary line of said Lot 1, Block 1/5739, LOVE FIELD INDUSTRIAL PROPERTIES NO. 2 Addition and the Northeast boundary line of said Southwest Airlines Company Tract, to a point at the West corner of said Lot 1, Block 1/5739, LOVE FIELD INDUSTRIAL PROPERTIES NO. 2 Addition;

THENCE N 44° 46' 55" E 211.76 feet, along the Northwest boundary line of said Lot 1, Block 1/5739, LOVE FIELD INDUSTRIAL PROPERTIES NO. 2 Addition, to the POINT OF BEGINNING containing 4.822 acres of land.

**SAVE AND EXCEPT TRACT NO. 2  
LEGAL DESCRIPTION**

BEING approximately 3.234 acres of land located in the DICKERSON PARKER SURVEY, ABSTRACT NO. 1113, City of Dallas, Dallas County, Texas, and being a portion of Lots 4 and 5, Block 29/2381, LOVE FIELD ACRES, an addition to the City of Dallas, Dallas County, Texas, according to the Plat recorded in Volume 2, Page 393, of the Map Records of Dallas County, Texas, and Lots 1-6, 13-17, 51, and 52, Block 30/2382, TURNERS SUBDIVISION OF LOVE FIELD ACRES, an addition to the City of Dallas, Dallas County, Texas, according to the Plat recorded in Volume 3, Page 21, of the Map Records of Dallas County, Texas, also including all of Lot 18A, of said Block 30/2382, TURNERS SUBDIVISION, a re-plat in the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 85073, Page 2476 of the Deed Records of Dallas County, Texas, and also including all of the tract of land conveyed to Red Barn Holdings, LP in County Clerk's File No. 201200018609 of the Deed Records of Dallas County, Texas, and incorporating a portion of Brookfield Avenue (a public right-of-way) and 15-foot wide public alley located within said Block 30/2382. Said 3.234 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point at the North corner of Lot 18A, Block 30/2382, TURNERS SUBDIVISION, as shown on the aforesaid re-plat recorded in Volume 85073, Page 2476 of the Deed Records of Dallas County, Texas;

THENCE S 45° 55' 08" E 157.74 feet, along the Northeast boundary line of said Lot 18A, to the centerline of an existing 15-foot wide public alley;

THENCE S 42° 04' 32" W 301.06 feet, along the centerline of the public alley, to a point;

THENCE S 45° 19' 38" E 157.50 feet, along the Southwest boundary line of Lot 50, and the Northeast boundary line of Lot 51, of said Block 30/2382, TURNERS SUBDIVISION, to a point at the South corner of aforesaid Lot 50, lying in the Northwest right-of-way line of said Brookfield Avenue;

THENCE S 62° 43' 21" E 51.74 feet, crossing said Brookfield Avenue, to a point at the North corner of the aforesaid tract of land conveyed to Red Barn Holdings, LP by the deed recorded in County Clerk's File No. D2012000018609 of the Deed Records of Dallas County, Texas;

THENCE S 45° 07' 53" E 246.12 feet, along the Northeast boundary line of said Red Barn Holdings Tract, to a point at the East corner of said Red Barns Holding Tract;

THENCE S 44° 00' 45" W 118.68 feet, along the Southeast boundary line of said Red Barn Holdings Tract, to a point at the South corner of said Red Barn Holdings Tract, lying in the Northeast right-of-way line of Denton Drive;

THENCE N 63° 02' 09" W 249.49 feet, along the Northeast right-of-way line of said Denton Drive, to a point at the intersection of the Southeast right-of-way line of aforesaid Brookfield Avenue;

THENCE N 61° 12' 39" W 154.97 feet, continuing along the Northeast right-of-way line of said Denton Drive and running along the Southwest boundary line of Lots 1-4, Block 30/2382, of said TURNERS ADDITION, to a point at the Southeast corner of Lot 5, of said Block 30\2382;

THENCE N 42° 03' 42" E 107.58 feet, along the Southeast boundary line of said Lot 5, to a point at the East corner of said Lot 5;

THENCE N 45° 19' 38" W 215.00 feet, along the Northeast boundary line of Lots 5-12, Block 30\2382, TURNERS ADDITION, and the Southwest boundary line of a 15-foot wide public alley, to a point at the North corner of Lot 12, of said Block 30/2382, lying in the Southeast right-of-way line of Burbank Street;

THENCE N 42° 01' 47" E 414.44 feet, along the Southeast right-of-way line of said Burbank Street and the Northwest boundary line of aforesaid Lots 13-17 and Lot 18A, Block 30/2382, TURNERS ADDITION, to the POINT OF BEGINNING containing 3.234 acres of land.

**SAVE AND EXCEPT TRACT NO. 3  
LEGAL DESCRIPTION**

BEING approximately 5.476 acres of land located in the MILES BENNETT SURVEY, ABSTRACT NO.52, City of Dallas, Dallas County, Texas, being the same tract of land conveyed to Best Parking At Love Field by the deed recorded in Volume 69214, Page 1987 of the Deed Records of Dallas County, Texas. Said Best Parking Tract of land being located in Blocks C/4997, D/4998, and F/5000 of CARVER COURTS ADDITION, Official City of Dallas blocks, according to the plat recorded in Volume 7, Page 469 of the Map Records of Dallas County, Texas. Said 5.476 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point at the intersection of the Northwest right-of-way line of Hawes Avenue and the Northeast right-of-way line of Aubrey Street, being the South corner of said Best Parking At Love Field Tract;

THENCE along the Southwest boundary line of said Best Parking At Love Field Tract and the Northeast right-of-way line of said Aubrey Street as follows:

1. N 45° 51' 39" W                      341.77 feet, to a point;
2. N 33° 58' 17" W                      162.24 feet, to a point;
3. N 45° 51' 39" W                      48.44 feet, to a point at the West corner of said Best Parking At Love Field Tract, lying in the Southeast right-of-way line of Edwards Avenue;

THENCE N 45° 31' 50" E                      414.29 feet, along the Northwest boundary line of said Best Parking At Love Field Tract and the Southeast right-of-way line of said Edwards Avenue, to a point at the North corner of said Best Parking At Love Field Tract;

THENCE S 44° 36' 11" E                      549.98 feet, along the Northeast boundary line of said Best Parking At Love Field Tract, to a point at the East corner of said Best Parking At Love Filed Tract, lying in the Northwest right-of-way line of aforesaid Hawes Avenue;

THENCE S 45° 34' 40" W                      435.65 feet, along the Southeast boundary line of said Best Parking At Love Field Tract and the Northwest right-of-way line of said Hawes Avenue, to the POINT OF BEGINNING containing 5.476 acres of land.

#### **SAVE AND EXCEPT TRACT NO. 4 LEGAL DESCRIPTION**

BEING all of Lots 9 and 10, Block A/2583, A.M. HAWES NORTH PARK an addition to the City of Dallas, Dallas County, Texas, containing approximately 0.287 acre of land, being more particularly described by metes and bounds, as follows:

BEGINNING at the intersection of the Northeast right-of-way line of Ansley Avenue and the Northwest right-of-way line of Edwards Avenue, being the South corner of said Lot 10;

THENCE N 45° 26' 47" W 100.00 feet, along the Northeast right-of-way line of said Ansley Avenue, to a point at the West corner of said Lot 9;

THENCE N 44° 33' 13" E 124.93 feet, along the Northwest boundary line of said Lot 9, to a point at the North corner of said Lot 9;

THENCE S 45° 26' 47" E 100.00 feet, along the Northeast boundary line of said Lots 9 & 10, to a point at the East corner of said Lot 10;

THENCE S 44° 33' 13" W 124.93 feet, along the Southeast boundary line of said Lot 10, to the POINT OF BEGINNING, containing 0.287 acre of land.

**SAVE AND EXCEPT TRACT NO. 5  
LEGAL DESCRIPTION**

BEING Lots 11-19, Block 2/2573, CEDAR SPRINGS PARK an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume 3, Page 376 of the Map Records of Dallas County, Texas, containing approximately 1.1 acre of land, being more particularly described by metes and bounds, as follows:

BEGINNING at the West corner of said Lot 11, being the intersection of the Northeast right-of-way line of Collville Avenue and the Southeast right-of-way line of Hawes Avenue;

THENCE N 42° 40' 08" E 109.50 feet, along the Northwest boundary line of said Lot 11, to a point at the North corner of said Lot 11;

THENCE S 46° 20' 23" E 440.80 feet, along the Northeast boundary lines of aforesaid Lots 11 thru 19, to a point at the East corner of said Lot 19;

THENCE S 42° 40' 08" W 110.96 feet, along the Southeast boundary line of said Lot 19, to a point at the South corner of aforesaid Lot 19 lying in the Northeast right-of-way line of aforesaid Collville Avenue;

THENCE N 46° 09' 00" W 440.83 feet, along the Northeast right-of-way line of said Collville Avenue and the Southwest boundary line of aforesaid Lots 11 thru 19, to the POINT OF BEGINNING, containing 1.1 acres of land.

**SAVE AND EXCEPT NO. 6  
LEGAL DESCRIPTION**



BEING Lot 20, Block4/2575, CEDAR SPRINGS PARK, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 3, Page 376 of the Map Records of Dallas County, Texas, containing approximately 0.13 acre of land, being more particularly described by metes and bounds, as follows:

BEGINNING at a point lying in the Northeast right-of-way line of Ralston Avenue, being located N 45° 41' 12" W 100.00 feet from the intersection of said Northeast right-of-way line of Ralston Avenue and the Northwest right-of-way line of Mockingbird Lane, being the South corner of said Lot 20;

THENCE N 45° 41' 12" W 50.00 feet, along the Northeast right-of-way line of said Ralston Avenue, to a point at the West corner of said Lot 20;

THENCE N 45° 24' 12" E 112.38 feet, along the Northwest boundary line of said Lot 20, to a point at the North corner of said Lot 20;

THENCE S 45° 35' 08" E 50.00 feet, along the Northeast boundary line of said Lot 20, to a point at the East corner of said Lot 20;

THENCE S 45° 24' 12" W 112.30 feet, along the Southeast boundary line of said Lot 20, to the POINT OF BEGINNING, containing 0.13 acre of land.

**DALLAS LOVE FIELD AIRPORT MSD  
TRACT 2  
LEGAL DESCRIPTION**

BEING approximately 15.207 acres of land located in the DICKERSON PARKER SURVEY, ABSTRACT NO. 1113, City of Dallas, Dallas County, Texas, and being a portion of City of Dallas Block 5775, and also containing all of the 13.63 acre tract of land conveyed to the City of Dallas by the deed recorded in Volume 3588, Page 150, of the Deed Records of Dallas County, Texas, and a portion of former Bachman Drive right-of-way and a portion of Northwest Highway right-of-way. Said 15.207 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Southeast boundary line of Lot 19B, Block C/5775, WEBB CHAPEL-LARGA ADDITION to the City of Dallas, Dallas County, Texas, according to the Plat recorded in Volume 8309, Page 38, of the Deed Records of Dallas County, Texas, and said POINT OF BEGINNING also lying at the intersection of the Northwest right-of-way line of a 22.5 foot wide public alley, and said POINT OF BEGINNING being located S 45° 33' 46" W 522.36 feet from the East corner of said Lot 19B, which lies in the Southwest right-of-way line of Webb Chapel Road, and said POINT OF BEGINNING also lying at the North corner of said City of Dallas Tract, recorded in Volume 3588, Page 150 of the Deed Records of Dallas County, Texas;



THENCE S 45° 16' 15" E 1,510.71 feet, along the Northeast boundary line of said City of Dallas Tract, and running along a line 140 feet Northeast of and parallel to the projected centerline of the Northeast runway of Love Field, crossing said former Bachman Drive and Northwest Highway, to a point in the Southeast right-of-way line of said Northwest Highway;

THENCE SOUTHWESTERLY 477.24 feet, along said Southeast right-of-way line of Northwest Highway with a curve to the left having a radius of 1,898.09 feet, a central angle of 14° 24' 21" and a chord bearing S 56° 26' 03" W 475.98 feet, to a point at the end of said curve;

THENCE N 44° 23' 58" W 1,417.85 feet, crossing said Northwest Highway and said former Bachman Drive and running along the Southwest boundary line of said City of Dallas Tract, to a point at the West corner of said City of Dallas Tract, lying in the Southeast boundary line of aforesaid MARSHALL TERRACE ADDITION 3;

THENCE N 45° 11' 11" E 444.53 feet, along the Northwest boundary line of said City of Dallas Tract, the Southeast boundary line of said MARSHALL TERRACE ADDITION 3, and the Northwest boundary line of said former alley to the POINT OF BEGINNING containing 15.207 acres (662,431 SQUARE FEET) of land.

**This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.**





## Agenda Information Sheet

**File #:** 22-1274

**Item #:** 43.

**STRATEGIC PRIORITY:** Environmental & Sustainability  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 1, 6 (75211, 75212)  
**DEPARTMENT:** Office of Environmental Quality & Sustainability  
**EXECUTIVE:** M. Elizabeth Cedillo-Pereira

### SUBJECT

Authorize the **(1)** acceptance of a grant from the Environmental Protection Agency (EPA) State Environmental Justice Cooperative Agreement (SEJCA) (Grant No. AJ-02F05001, CFDA No. 66.312) grant in the amount of \$200,000.00 to purchase and deploy non-regulatory air monitoring equipment in up to five (5) neighborhoods in the 75211 and 75212 zip codes, for the period October 1, 2021 through September 30, 2023; **(2)** receipt and deposit of funds in an amount not to exceed \$200,000.00 in the EPA State Environmental Justice Cooperative Agreement Fund; **(3)** establishment of appropriations in an amount not to exceed \$200,000.00 in the EPA State Environmental Justice Cooperative Agreement Fund **(4)** execution of the grant agreement with the EPA and all terms, conditions, and documents required by the agreement; and **(5)** coordination of initiatives, activities and partnerships necessary to fully implement the goals set forth in the SEJCA Grant Work Plan; **(6)** and execution of **a Memorandum of Understanding (MOU) Subrecipient Agreements** between the City and the sub-recipients of this grant (Texas A&M University - Transportation Institute, Center for Applied Research (TAMU-TTI-CARTEEH), Children's Health (Children's), and Positive Breathing - Asthma Chasers (PB-AC) - Not to exceed \$200,000.00 - Financing: EPA SEJCA Grant Funds

### BACKGROUND

The Data-Driven Air Quality Outreach Pilot Project (Project) was developed in order to fulfill one of the air-quality and environmental equity focused actions set forth in the Comprehensive Environmental & Climate Action Plan (CECAP) that the Dallas City Council adopted in May 2020. The CECAP is a comprehensive roadmap that outlines the specific activities that the City plans to undertake to improve quality of life for all residents, to reduce GHG emissions, to prepare communities for the impacts of climate change, and to create a healthier and more prosperous community. The plan proposes 97 actions across eight sectors, and is designed to be revenue neutral, using existing budgets, partnerships, and funding mechanisms to support implementation.

This project is intended to meet the actions in the Air Quality sector of this plan to "*partner with non-*

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*profits and schools to develop and implement non-regulatory monitors in neighborhoods.”*

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Dallas has developed bold, long-term strategies to address climate change, environmental equity and current non-attainment status for ground-level ozone.

The Project entails acquiring, calibrating and deploying air quality sensors to five locations, followed by an evaluation of data, and development and deployment of public health outreach and engagement by public health personnel to the affected areas. To this end, the Project seeks to deploy non-regulatory air quality monitoring equipment in up to five neighborhoods, selected through correlation of higher rates of asthma, COVID-19, and other cardio-pulmonary disease, and environmental justice demographic data. From review of City demographic datasets and the EPA's Environmental Justice EJScreen screening tool, these areas may include, but not be limited to the 75211 and 75212 zip codes, in Dallas, Texas.

The air quality sensor equipment will be field-calibrated to the existing TCEQ regulatory air quality monitoring station at Hinton Street (# C401/C60/AH161). The City has developed and tested a data platform that allows cellphone-enabled data collection and secure data sharing that may be used to support this project. The monitoring data will be obtained for a 20-month timeframe.

These data will be used by the Project public health partners (Children's Health, Parkland Health & Hospital Systems, and Positive Breathing along with input from West Dallas 1) to develop appropriate bilingual outreach and education materials. Public health educators will use these materials in Project area schools, churches, and other community locations to provide salient health information to the affected residents.

Project outcomes include assessing non-regulatory monitors consistent with the June 22, 2020 Anne Isdale Memorandum from the USEPA on the use of non-regulatory air quality sensors, assessing efficacy of using neighborhood-scale air quality data to direct public health initiatives, guiding development of the Community Health Needs Assessment and related public policy, supporting improved public health outcomes for the residents, and building a greater awareness and understanding of the nexus between emissions, air quality and health. As a pilot project, the results may be used to expand the program to other City areas with environmental justice concerns, and to guide similar approaches in other cities of the North Central Texas Council of Governments.

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

On August 8, 2018, City Council adopted the Resilient Dallas Plan that outlines actions towards addressing equity, resilience, economic mobility, healthy communities, and environmental sustainability by Resolution No. 18-1026.

On September 18, 2018, City Council authorized the Office of Environmental Quality & Sustainability to develop a comprehensive environmental and climate action plan by Resolution No. 18-1337.

On January 23, 2019, City Council adopted a resolution calling for federal action on climate change and continued local efforts to develop a comprehensive environmental and climate plan with goals that will ensure that the City of Dallas is addressing the environment and climate change in a manner that is effective and equitable through Resolution No. 19-0223, and using funding appropriated under

Resolution No. 14-0564, also known as Chapter 9C, Carryout Bags, in the Dallas City Code.

On May 27, 2020, City Council adopted the Comprehensive Environmental and Climate Action Plan by Resolution No. 20-0688.

On August 3, 2020, the Environment and Sustainability Committee was briefed regarding this matter; however, an update on grant selection and Project status will be provided to the Environment & Sustainability Committee on September 7, 2021.

**FISCAL INFORMATION**

<b><u>Fund</u></b>	<b><u>FY22</u></b>	<b><u>FY23</u></b>
EPA SEJCA Grant Funds	\$200,000.00	

June 22, 2022

**WHEREAS**, the City of Dallas is committed to protecting the public health, safety, and welfare of its residents; and

**WHEREAS**, the City of Dallas is committed to protecting the public health, safety, and welfare of its residents and leading the region in addressing climate change and environmental efforts; and

**WHEREAS**, the City of Dallas is committed to protecting the public health, safety, and welfare of its residents; and

the City of Dallas is committed to protecting the public health, safety, and welfare of its residents and leading the region in addressing climate change and environmental efforts; and

**WHEREAS**, the City of Dallas is committed to protecting the public health, safety, and welfare of its residents and leading the region in addressing climate change and environmental efforts; and

, the City of Dallas remains similarly committed to reducing emissions, improving regional air quality, and addressing the real consequences of climate change through local, state, and federal action; and

**WHEREAS**, the City of Dallas is committed to protecting the public health, safety, and welfare of its residents and leading the region in addressing climate change and environmental efforts; and

, the City of Dallas remains similarly committed to reducing emissions, improving regional air quality, and addressing the real consequences of climate change through local, state, and federal action; and **WHEREAS**, the City of Dallas is committed to protecting the public health, safety, and welfare of its residents and leading the region in addressing climate change and environmental efforts; and

the City of Dallas remains similarly committed to reducing emissions, improving regional air quality, and addressing the real consequences of climate change through local, state, and federal action; and

**WHEREAS**, the City of Dallas is working to address a development history that has resulted in disproportionate environmental and public health issues that impact underserved communities and populations who are more vulnerable to disease and other health disparities; and

June 22, 2022

**WHEREAS**, Dallas has a persistent problem with poor air quality and pediatric asthma, leading the region for hospitalizations for childhood asthma and recognizing respiratory

issues as a leading cause of absenteeism among Dallas Independent School District students; and

**WHEREAS**, health disparities in zip codes 75211 and 75212, and other areas of Dallas with environmental justice concerns, have long been a concern for the City; and

**WHEREAS**, the U.S. Environmental Protection Agency (EPA), State Environmental Justice Cooperative Agreement (SEJCA), has made funding available to the City of Dallas and its designated partners to support a data-driven air quality outreach pilot to collect air quality data and improve outcomes for asthmatic children; and

**WHEREAS**, grant monies not to exceed \$200,000 are being allocated to the City of Dallas and its designated sub-recipients for the SEJCA Grant; and

**WHEREAS**, participating community partners Parkland Hospital and West Dallas 1 will collaborate with the City of Dallas by developing public health information and working with community to share information, in addition to the grant-funded services provided by sub-recipients; and

**WHEREAS**, the City of Dallas ~~and its sub-recipient cities~~ will benefit from the additional funds that will aid the collection of air quality data and improvement of public health outcomes in underserved communities in Dallas.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to accept a grant from EPA for the SEJCA Grant (Grant No. AJ - 02F05001 -1, CFDA No. 66.312 - State Environmental Justice Cooperative Agreement Program, (Clean Air Act: Sec.103(b)(3) Agreement Program)) in the amount of \$200,000.00 to support a broad range of activities to assess and improve public health outcomes in zip codes 75211 and 75212 related to poor air quality for the period October 1, 2021 through September 30, 2023; and execute the grant agreement with EPA and all terms, conditions, and documents required by the agreement; and execute a ~~Memorandum of Understanding~~ Subrecipient Agreement with Texas A&M University – Transportation Institute, Children’s Health, and Positive Breathing Organization ~~between the City of Dallas and designated partners~~, approved as to form by the City Attorney.

June 22, 2022

**SECTION 2.** That the City Manager is hereby authorized to coordinate initiatives, activities and partnerships necessary to fully implement the goals set forth in the SEJCA Grant agreement.

**SECTION 3.** That the City Manager, through the Office of Environmental Quality & Sustainability, take actions necessary for full execution of the SEJCA Grant contract including all terms, conditions, and documents required by the agreement.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed \$200,000.00 in the EPA State Environmental Justice Cooperative Agreement Fund, Fund F708, Department MGT, Unit 289C, Revenue Code 6506.

**SECTION 5.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$200,000.00 in the EPA State Environmental Justice Cooperative Agreement Fund, Fund F708, Department MGT, Unit 289C, Object 3099.

**SECTION 6.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$200,000.00 from the EPA State Environmental Justice Cooperative Agreement Fund to the following sub-recipients:

TAMU-TTI-CARTEEH  
EPA State Environmental Justice Cooperative Agreement Fund  
Fund F708, Department MGT  
Unit 4202, Object 3099  
Encumbrance/Contract No. OEQ-2022-00019605 \$ 92,203.00

Positive Breathing-Asthma Chasers  
EPA State Environmental Justice Cooperative Agreement Fund  
Fund F708, Department MGT  
Unit 4202, Object 3099  
Encumbrance/Contract No. OEQ-2022-00019608 \$ 70,679.00

Children's Health  
EPA State Environmental Justice Cooperative Agreement Fund  
Fund F708, Department MGT  
Unit 4202, Object 3099  
Encumbrance/Contract No. OEQ-2022-00019607 \$ 37,118.00

Total \$200,000.00

June 22, 2022

**SECTION 7.** That the City Manager is hereby authorized to reimburse to the granting agency any expenditures identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

**SECTION 8.** That the grant agreement is designated as Contract No. OEQ-2022-00019583.

**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.





## Agenda Information Sheet

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**File #:** 22-1162

**Item #:** 44.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize **(1)** a five-year service price agreement for the maintenance and repair of meter test bench systems for the Water Utilities Department - OW Investors LLC dba MARS Company in the estimated amount of \$1,632,511.10; and **(2)** a five-year master agreement for the purchase of portable meter testers for the Water Utilities Department - Sensus USA, Inc. in the estimated amount of \$80,406.00, lowest responsible bidders of two - Total estimated amount of \$1,712,917.10 - Financing: Dallas Water Utilities Fund

### **BACKGROUND**

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

These agreements will provide maintenance and repair of meter test benches and the purchase of portable meter testers. The test benches and portable testers are utilized by the Water Utilities Department to test the accuracy of water meters that serve commercial, industrial, and residential customers.

Accurate water measurement prevents waste of water and enables the Water Utilities Department to charge customers accurately. Testing is performed on new and reconditioned meters prior to being placed into service. The Water Utilities Department maintains approximately 330,000 water meters throughout the City.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from

user departments to contact additional vendors.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$15.21; the selected vendor meets this requirement.

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

On September 14, 2016, City Council authorized a five-year service contract for the purchase and maintenance for meter test bench system and portable meter testers for the Water Utilities Department with Ow Investors, LLC and the purchase of a sandblaster and maintenance for new and existing sandblasters with Clemtex II, Inc. by Resolution No. 16-1428.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Dallas Water Utilities Fund	\$85,646.00	\$342,584.00	\$1,284,687.10

### **M/WBE INFORMATION**

In accordance with the City’s Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,712,917.10	Other Services	N/A	N/A	N/A
• The Business Inclusion and Development Policy does not apply to Other Service contracts.				
• OW Investors LLC dba MARS Company - Non-local; Workforce - 0.00% Local • Sensus USA, Inc. Non-local; Workforce - 0.00% Local				

### **PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Low Bid	• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements
	• Negotiations are not allowed

The Office of Procurement Services received the following bids from solicitation number BV22-00018177. We opened them on February 18, 2022. We recommend the City Council award these agreements to the lowest responsive and responsible bidders by groups. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>	
*OW Investors LLC dba MARS Company	3925 SW 13th Street Ocala, FL 34474	Group 1 - \$1,632,511.10 Group 2 - No bid	
*Sensus USA, Inc. 15401	450 North Gallatin Avenue Group 2 - \$80,406.00	Group 1 - No bid	Uniontown, PA

### OWNERS

#### **OW Investors LLC dba MARS Company**

Hamilton Hunt, Owner  
Charles Mulfinger, Owner  
David Corey, Chief Executive Officer  
Jeffrey Butt, Vice President

#### **Sensus USA, Inc.**

Tim Harriger, Vice President of Sales  
Natalie Gominger, Vice President

June 22, 2022

**WHEREAS**, on September 14, 2016, City Council authorized a five-year service contract for the purchase and maintenance for meter test bench system and portable meter testers for the Water Utilities Department with Ow Investors, LLC in an amount not to exceed \$439,414.36 and the purchase of a sandblaster and maintenance for new and existing sandblasters with Clemtex II, Inc. in an amount not to exceed \$85,830.00, by Resolution No. 16-1428.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service price agreement with OW Investors LLC dba MARS Company (VS0000058314), approved as to form by the City Attorney, for the maintenance and repair of meter test bench systems for the Water Utilities Department for a term of five years, in the estimated amount of \$1,632,511.10. The amount payable pursuant to this service price agreement may exceed the estimated amount but may not exceed the amount of budgetary appropriations for this service price agreement during its term. Payments made to OW Investors LLC dba MARS Company shall be based only on the amount of the services directed to be performed by the City and properly performed by OW Investors LLC dba MARS Company under the service price agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 2.** That a master agreement for the purchase of portable meter testers for the Water Utilities Department is authorized with Sensus USA, Inc. (VS0000034373) approved as to form by the City Attorney, for a term of five years in the estimated amount of \$80,406.00. The amount payable pursuant to this master agreement may exceed the estimated amount but may not exceed the amount of budgetary appropriations for this master agreement during its term. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the contract for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 3.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for portable meter testers for the Water Utilities Department. If a written contract is required or requested for any or all purchases of portable meter testers for the Water Utilities Department under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

June 8, 2022

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$1,712,917.10, but not more than the amount of budgetary appropriations for these agreements during its term to OW Investors LLC dba MARS Company and Sensus USA, Inc. from Service Price Agreement Contract No. DWU-2022-00018177.

**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.



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1382

**Item #:** 45.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 5, 14

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a cooperative purchasing agreement for **(1)** the purchase and installation of Ubiquia equipment for the Red Cloud and Tietze Park Smart City Initiatives; and **(2)** a five-year software licensing agreement to provide data and software maintenance and support for the Department of Public Works with Facility Solutions Group dba American Light LP through an interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard) agreement - Total not to exceed \$264,987.10 - Financing: General Fund (subject to annual appropriations)

### **BACKGROUND**

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

This cooperative purchasing agreement will provide for the purchase of equipment, radio frequency design, network system configuration, and all associated installation labor costs for the implementation of pilot programs in developing Smart Cities initiatives. This agreement will allow for the installation of Edge Artificial Intelligence (EAI) enabled cameras at designated community collectors/principal arterial intersections in the Red Cloud Neighborhood and Tietze Park areas. As well as provide public Wi-Fi access points to area residents. This equipment will be used to test EAI equipment that could potentially be implemented in other locations throughout the City of Dallas by various departments to collect useful data that will provide important analytics to transportation initiatives.

The Local Government Purchasing Cooperative (BuyBoard) cooperative agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code which authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

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

This item has no prior action.

**FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
General Fund	\$264,987.10	\$0.00	\$0.00

<b><u>Council District</u></b>	<b><u>Amount</u></b>
5	\$172,915.98
14	\$ 92,071.12
Total	\$264,987.10

**M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$264,987.10	Other Services	N/A	N/A	N/A
• The Business Inclusion and Development Policy does not apply to Cooperative Purchasing Agreements.				
• Facility Solutions Group dba American Light LP - Non-local; Workforce - 0.00% Local				

**OWNER**

**Facility Solutions Group dba American Light LP**  
2525 Walnut Hill Lane  
Dallas, TX 75229

Mark Mitchell, Executive Vice-President

June 22, 2022

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

**SECTION 1.** That the City Manager is hereby authorized to execute a cooperative purchasing agreement for **(1)** the purchase and installation of Ubiquia equipment for the Red Cloud and Tietze Park Smart City Initiatives; and **(2)** a five-year software licensing agreement to provide data and software maintenance and support for the Department of Public Works with Facility Solutions Group dba American Light LP (VS0000018126) through The Local Government Purchasing Cooperative (BuyBoard) agreement, approved as to form by the City Attorney, in an amount not to exceed \$264,987.10. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Facility Solutions Group shall be based only on the amount of the services directed to be performed by the City and properly performed by Facility Solutions Group under the cooperative purchasing agreement.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$264,987.10 (subject to annual appropriations) to Facility Solutions Group dba American Light LP from Cooperative Purchasing Agreement Contract No. PBW-2022-00019595.

**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 Information Sheet

**File #:** 22-1287

**Item #:** 46.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a three-year master agreement for the purchase of aluminum sign blanks for the Department of Transportation - Vulcan, Inc., lowest responsible bidder of two - Estimated amount of \$2,620,188 - Financing: General Fund

### **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 according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This master agreement will provide for aluminum sign blanks to be used by the Department of Transportation. Aluminum sign blanks are used in the production of traffic control signs, street name signs, and signs used by City departments and other agencies. The Department of Transportation's Sign Fabrication Division produces approximately 25,000 signs annually for City use. Additionally, a small number of signs are produced for other agencies with cost recovery. Aluminum sign blanks are used in the production of:

- Traffic control signs such as stop signs, speed limit signs, yield, and no turn signs
- Warning signs such as pedestrian crossing, school crossing, dip, and curve
- Street name signs and overhead street name signs found at intersections with Signal lights
- Signs used by other City departments such as the Park & Recreation Department, the Department of Equipment & Fleet Maintenance and the Building Services Department.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user

departments to contact additional vendors.

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

This item has no prior action.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
General Fund	\$250,000.00	\$700,000.00	\$1,670,188.00

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$2,620,188.00	Goods	32.00%	0.00%	\$0.00
<ul style="list-style-type: none"> <li>This contract does not meet the M/WBE goal, but complies with good faith efforts.</li> <li>Vulcan, Inc. - Non-local; Workforce - 0.00% Local</li> </ul>				

### **PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> <li>Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements</li> </ul>
	<ul style="list-style-type: none"> <li>Negotiations are not allowed</li> </ul>

The Office of Procurement Services received the following bids from solicitation number BA22-00018388. We opened them on March 25, 2022. We recommend the City Council award this master agreement in its entirety to the lowest responsive and responsible bidder. Information related to this solicitation is available upon request.

\*Denotes successful bidder

<b><u>Bidder</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Vulcan, Inc.	400 East Berry Ave. Foley, AL 36535	Multiple Lines
Mandel Metals, Inc.	11400 Addison Ave.	Multiple Lines

Franklin Park, IL 60131

**OWNER**

**Vulcan, Inc.**

Thomas M. Lee - President

J. Todd Koniar - Vice President

Herbert William Rice - Secretary Treasurer

June 22, 2022

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

**SECTION 1.** That a master agreement for the purchase of aluminum sign blanks is authorized with Vulcan, Inc. (VS0000019813), approved as to form by the City Attorney, for a term of three years, in the estimated amount of \$2,620,188. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

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

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$2,620,188, but not more than the amount of budgetary appropriations for this master agreement during its term to Vulcan, Inc. from Master Agreement Contract No. POM-2022-00018388.

**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 Information Sheet

**File #:** 22-1160

**Item #:** 47.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a three-year service price agreement for electric motor repair services for the Water Utilities Department - Allen's Electric Motor Service, Inc. in the estimated amount of \$2,442,422 and Evans Enterprises, Inc. in the estimated amount of \$124,266, lowest responsible bidders of five - Total estimated amount of \$2,566,688 - Financing: General Fund (\$10,000) and Dallas Water Utilities Fund (\$2,556,688)

### **BACKGROUND**

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This service price agreement will provide for electric motor repair services which includes rebuilding, diagnostic testing, and maintenance of approximately 450 electric motors. Electric motors provide power for water and wastewater pumps at 29 pumping stations, 16 lift stations, 3 water purification plants, and 2 wastewater plants located throughout the City.

The electric motors range in size from 50 to 3,500 horsepower and are used to distribute an average of 381 million gallons of treated water and 197 million gallons of wastewater daily for Water Utilities.

This service contract will also provide electrical motor repair services for the Park & Recreation Department. Equipment serviced under this agreement includes but is not limited to:

- Outdoor ornamental fountains
- Swimming pool equipment
- Hot water/chiller pumps
- Exhaust fans

- Sewage pumps

Electric motor repair services are essential in providing continuous, reliable operation and to comply with Texas Commission on Environmental Quality and Environmental Protection Agency permit requirements.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$15.21; the selected vendor meets this requirement.

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

On April 13, 2016, City Council authorized a three-year service contract with one twelve-month renewal option, for electric motor repairs services for Trinity Watershed Management with Evans Enterprises, Inc. by Resolution No. 16-0519.

#### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
General Fund	\$2,500.00	\$2,500.00	\$5,000.00
Dallas Water Utilities Fund	\$631,668.08	\$962,509.96	\$962,509.96
Total	\$634,168.08	\$965,009.96	\$967,509.96

#### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$2,566,688.00	Other Services	N/A	N/A	N/A
<ul style="list-style-type: none"> <li>• The Business Inclusion and Development Policy does not apply to Other Service contracts.</li> <li>• Allen's Electric Motor Service, Inc. - Non-local; Workforce - 0.00% Local • Evans Enterprises, Inc Non-local; Workforce - 0.00% Local</li> </ul>				

#### **PROCUREMENT INFORMATION**

## Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> <li>Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements</li> </ul>
	<ul style="list-style-type: none"> <li>Negotiations are not allowed</li> </ul>

The Office of Procurement Services received the following bids from solicitation number BV21-00016596. We opened them on September 25, 2021. We recommend the City Council award this service price agreement to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>	
*Allen's Electric Motor Services, Inc.	400 Roy Hoppy Hopkins Drive Vivian, LA 71082	Multiple Groups	
*Evans Enterprises, Inc.	201 South Industrial Waco, TX 76710	Multiple Groups	
Brandon & Clark, Inc.	3623 Interstate 27 Lubbock, TX 79404	Multiple Groups	
Flanders, Inc. TX 75604	901 West Harrison Road	Multiple Groups	Longview,
Shermco 75061	2425 East Pioneer Drive	Multiple Groups	Irving, TX

**OWNERS****Allen's Electric Motor Services, Inc.**

Peggy Parker, President  
Clint Walker, Vice President

**Evans Enterprises, Inc.**

Syndy Thrash, President  
David Brantley, Vice President  
David Woodman, Secretary

June 22, 2022

**WHEREAS**, on April 13, 2016, City Council authorized a three-year service contract with one twelve-month renewal option, for electric motor repairs services for the Trinity Watershed Management with Evans Enterprises, Inc. in an amount not to exceed \$1,867,476, by Resolution No. 16-0519.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service price agreement with Allen's Electric Motor Service, Inc. (VS0000036492) in the estimated amount of \$2,442,422 and Evans Enterprises, Inc. (517530) in the estimated amount of \$124,266, approved as to form by the City Attorney, for electric motor repairs services for the Water Utilities Department for a term of three years, in the total estimated amount of \$2,566,688. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term. Payments made to Allen's Electric Motor Service, Inc. and Evans Enterprises, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Allen's Electric Motor Service, Inc. and Evans Enterprises, Inc. under the service price agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$2,566,688, but not more than the amount of budgetary appropriations for this service price agreement during its term to Allen's Electric Motor Service, Inc. and Evans Enterprises, Inc. from Service Price Agreement Contract No. POM-2021-00016596.

**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 Information Sheet

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**File #:** 22-1161

**Item #:** 48.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a three-year service price agreement for equipment fluid sampling test analysis services for the Water Utilities Department - Tribologik in the estimated amount of \$506,285 and SGS North America in the estimated amount of \$133,500, lowest responsible bidders of two - Total estimated amount of \$639,785 - Financing: Dallas Water Utilities Fund (\$618,035) and Stormwater Drainage Management Fund (\$21,750)

### **BACKGROUND**

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This service price agreement will provide for equipment fluid sampling test analysis services for the Water Utilities Department (DWU) to test and analyze oil used in its motors, pumps, gearboxes, and transformers. DWU operates and maintains over 1,300 pumps, 500 gear boxes, 1,100 motors, and 100 transformers located at 35 pump stations and 5 treatment plants in Dallas, Carrollton, Sunnyvale, and surrounding counties. Oil condition serves as an indicator of unexpected equipment wear, potential issues in equipment functionality, and oil replacement needs.

DWU uses oil analysis data for improved equipment efficiency monitoring and to develop a more thorough predictive maintenance program including more timely oil changes to reduce cost and improve equipment reliability.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user

departments to contact additional vendors.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$15.21; the selected vendor meets this requirement.

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

This item has no prior action.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Dallas Water Utilities Fund	\$138,035.00	\$240,000.00	\$240,000.00
Stormwater Drainage Management Fund	\$6,750.00	\$7,500.00	\$7,500.00
Total	\$144,785.00	\$247,500.00	\$247,500.00

### **M/WBE INFORMATION**

In accordance with the City’s Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$639,785.00	Other Services	N/A	N/A	NA
<ul style="list-style-type: none"> <li>• The Business Inclusion and Development Policy does not apply to Other Service contracts.</li> <li>• Tribologik - Non-local; Workforce - 0.00% Local • SGS North America - Non-local; Workforce - 0.00% Local</li> </ul>				

### **PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> <li>• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements</li> </ul>
	<ul style="list-style-type: none"> <li>• Negotiations are not allowed</li> </ul>

The Office of Procurement Services received the following bids from solicitation number BV22-

00011763. We opened them on January 22, 2022. We recommend the City Council award this service price agreement to the lowest responsive and responsible bidders by group.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Tribologik	8330 Decarie Montreal, QC Canada, H4P2P5	Group 1 - \$506,285.00 Group 2 - No Bid
*SGS North America	7302 Harbourmaster Court Tampa, FL 33607	Group 1 - No Bid Group 2 - \$133,500.00

### **OWNERS**

#### **Tribologik**

Marvin Ostin, Chief Executive Officer

#### **SGS North America**

Stephen Nolan, Chief Executive Officer

June 22, 2022

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service price agreement with Tribologik (VS0000061364) in the estimated amount of \$506,285 and SGS North America (VS0000009362) in the estimated amount of \$133,500, approved as to form by the City Attorney, for equipment fluid sampling test analysis services for the Water Utilities Department for a term of three years, in the total estimated amount of \$639,785. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term. Payments made to Tribologik and SGS North America shall be based only on the amount of the services directed to be performed by the City and properly performed by Tribologik and SGS North America under the service price agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$639,785, but not more than the amount of budgetary appropriations for this service price agreement during its term to Tribologik and SGS North America from Service Price Agreement Contract No. POM-2022-00011763.

**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 Information Sheet

**File #:** 22-1288

**Item #:** 49.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a three-year service price agreement for citywide electrical services - KE Industrial LLC, lowest responsible bidder of three - Estimated amount of \$2,664,545 - Financing: General Fund (\$131,107.99), Capital Construction Fund (\$2,187,154.62), Dallas Water Utilities Fund (\$240,511.07), Sanitation Operation Fund (\$80,771.32), and Stormwater Drainage Management Operations Fund (\$25,000.00)

### **BACKGROUND**

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This service price agreement will provide for citywide electrical services. These services will supplement city electrical needs in order to address the majority of ongoing projects for all departments. This agreement includes all labor, materials, equipment, supplies, and supervision needed for general electrical services such as the inspection of electrical components for diagnosing and repairing electrical systems in facilities maintained by the City. Acceptable industry standards and best practices will be followed in all phases of service delivery such as site prep work and overall mitigation efforts for repairs and restorative improvements to structures. The contractor is fully equipped with a team of subject matter experts possessing the technical knowledge and experience needed to troubleshoot a variety of electrical problems as they occur. Services through this agreement will provide for:

- Electrical reconfigurations in City Hall cubicles
- Connecting and disconnecting power for temporary trailers for Dallas Animal Services
- Rehabilitation upgrade efforts to fire stations and installation of new auto transfer switches
- Code Compliance circuit installations

- Jack Evans transformer replacement
- Oak Cliff Municipal Center light improvements and electrical upgrades
- Fan installations for Equipment and Fleet Management
- Repair broken conduits for Sanitation at the Fair Oaks Transfer Station
- Cable repairs at the Dallas Museum of Art

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$12.38; the selected vendor meets this requirement.

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

On June 14, 2017, City Council authorized a three-year service contract for painting and electrical services through the Texas Multiple Award Schedule by Resolution No. 17-0916.

On October 27, 2021, City Council authorized Supplemental Agreement No. 1 to increase the service contract for painting and electrical services by Resolution No. 21-1759.

#### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
General Fund	\$22,125.00	\$67,750.00	\$41,232.99
Capital Construction Fund	\$88,682.50	\$438,682.51	\$1,659,789.61
Dallas Water Utilities Fund	\$20,000.00	\$80,000.00	\$140,511.07
Sanitation Operation Fund	\$26,923.77	\$26,923.77	\$26,923.78
Stormwater Drainage Management Operations Fund	\$5,000.00	\$10,000.00	\$10,000.00
Total	\$162,731.27	\$623,356.28	\$1,878,457.45

#### **M/WBE INFORMATION**

In accordance with the City’s Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$2,664,545.00	Other Services	N/A	N/A	N/A

- |   |
|---|
| <ul style="list-style-type: none"> <li>• The Business Inclusion and Development Policy does not apply to Other Service contracts.</li> <li>• KE Industrial LLC - Local; Workforce - 21.42% Local</li> </ul> |
|---|

**PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> <li>• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements</li> </ul>
	<ul style="list-style-type: none"> <li>• Negotiations are not allowed</li> </ul>

The Office of Procurement Services received the following bids from solicitation number BJ21-00016061. We opened them on October 1, 2021. We recommend the City Council award this service price agreement in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*KE Industrial LLC	2502 Edinburgh St. Mesquite, TX 75150	\$2,664,545.00
Acumen Enterprises, Inc.	1504 Falcon Dr. Desoto, TX 75115	\$2,831,000.00
Wavetron Corporation Dbw Wavetron Enterprise	14241 Dallas Pkwy. Ste. 650 Dallas, TX 75254	Non-Responsive

**OWNER****KE Industrial LLC**

Rick Kennedy, Owner  
Matt Kennedy, Controller

June 22, 2022

**WHEREAS**, on June 14, 2017, City Council authorized a three-year service contract for painting and electrical services with Acumen Enterprises, Inc. through the Texas Multiple Award Schedule, in an amount not to exceed \$6,773,143.35, by Resolution No. 17-0916; and

**WHEREAS**, on October 27, 2021, City Council authorized Supplemental Agreement No. 1 to increase the service contract for painting and electrical services with Acumen Enterprises, Inc., in an amount not to exceed \$1,693,285.84 by Resolution No. 21-1759.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service price agreement with KE Industrial LLC (VC23573), approved as to form by the City Attorney, for citywide electrical services for a term of three years, in the estimated amount of \$2,664,545.00. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term. Payments made to KE Industrial LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by KE Industrial LLC under the service price agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$2,664,545.00, but not more than the amount of budgetary appropriations for this service price agreement during its term to KE Industrial LLC from Service Price Agreement Contract No. POM-2021-00016061.

**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 Information Sheet

**File #:** 22-8

**Item #:** 50.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

### **SUBJECT**

Authorize a five-year service price agreement for non-engineering environmental consulting, investigative and remediation services with AECOM Technical Services, Inc., Alan Plummer and Associates Inc. dba. Plummer Associates, Inc., Apex TITAN, Inc., Aptim Environmental & Infrastructure, Inc., Arredondo, Zepeda & Brunz, LLC, ~~W&M Environmental, a Division of~~ Braun Intertec Corporation, Burns & McDonnell Engineering Company, Inc., EA Engineering, Science and Technology, Inc., Enercon Services Inc., EnSafe Inc., Ensolum, LLC, Freese and Nichols, Inc., Gresham Smith and Partners, Groundwater & Environmental Services, Inc., Halff Associates, Inc., Incontrol Technologies, Inc., Lynn Clark Associates, Inc., dba. LCA Environmental, Inc., Modern Geosciences, LLC, Raba Kistner, Inc., Terracon Consultants, Inc., Texas Green Star Environmental, LLC dba. Green Star Environmental, Weston Solutions, Inc., Wood Environment & Infrastructure Solutions, Inc. for citywide use, most advantageous proposers of forty-two - Total estimated amount of \$29,417,509.07 - Financing: General Fund (~~\$12,202,518.74~~ \$11,602,518.74), Park and Recreation Facilities (B) Fund (\$4,660,556.25), Aviation General Fund (\$3,250,000.00), Sanitation Operation Fund (\$1,879,434.08), Facilities (H) Fund (\$1,132,500.00), Public Safety (G) Fund (\$1,132,500.00), Water Construction Fund (\$690,000.00), Sewer Construction Fund (\$345,000.00), Storm Water Drainage Construction Fund (\$3,625,000.00), Convention Center Fund (~~\$150,000.00~~ \$500,000.00), Nas Redevelopment Fund (\$250,000.00), Lead Hazard Control and Healthy Homes Grant (\$250,000.00), and Cultural Facilities (F) Fund (\$100,000.00)

### **BACKGROUND**

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This service contract will provide non-engineering environmental consulting, investigative, and remediation services as needed for City projects, including bond construction projects. Services

under this agreement include, but are not limited to, evaluating environmental and financial risk associated with property transactions and improvements, and maintaining compliance with state and federal regulations including Texas Risk Reduction Program, Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation and Liability Act, Resource Conservation and Recovery Act, and Solid Waste Disposal Act.

Specific services under this agreement include Phase I and II Environmental Site Assessment to investigate potential or known soil/ground water contamination prior to property transaction. Additional services include remediation of contaminated soil or groundwater, investigation and removal of underground storage tanks on City property, investigation of soil during utility line installation, air quality service, and asbestos consulting. These services assist the City in protecting human health and the environment while ensuring that the City appropriately considers and manages environmental risk.

Awarded firms also provide analytical laboratory testing as needed to support the environmental consulting, investigation, and remediation services. Analytical laboratory testing includes, but is not limited to, analysis of samples for compliance with state and federal regulations.

Departments will manage the vendor utilization according to specialization, demand, and capacity of each vendor for each service required through project specific work orders. The Office of Environmental Quality will provide internal consulting services to assist and support departments in the management of this contract.

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

- Department of Aviation (1)
- Department of Public Works (1)
- Department of Sanitation Services (1)
- Office of Environmental Equality (1)
- Park & Recreation Department (1)
- Small Business Center (1)
- Water Utilities Department (1)

The committee selected the successful respondent using a two-step evaluation process. In the first step of selection respondents were evaluated on the basis of demonstrated qualifications under the following criteria:

- Municipal contracting experience 20 points
- Service area specific evaluations criteria 20 points
- Quality of past performance as demonstrated by references 15 points
- Business Inclusion and Development 15 points
- Personnel qualifications 10 points
- Firm qualifications 5 points
- Certifications 5 points
- Current workload 5 points

- Specialized service provider 5 points

In the second step of selection respondents were evaluated on the basis of demonstrated competence and merit of their proposals under the following criteria:

- Expertise by service 40 points
- Capability and capacity 30 points
- Quality of past performance as demonstrated by references 30 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$15.21; the selected vendor meets this requirement.

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

On September 14, 2016 City Council authorized to execute multiple vendor service contracts for non-engineering environmental consulting, investigative and remediation services for a term of four years by Resolution No. 16-1425.

#### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
General Fund	<del>\$3,218,921.06</del> <u>2,272,253.74</u>	<del>\$3,600,585.07</del> <u>2,673,917.75</u>	<del>\$5,633,012.61</del> <u>6,656,347.25</u>
Aviation General Fund	\$ 650,000.00	\$ 650,000.00	\$1,950,000.00
Facilities (H) Fund	\$ 226,500.00	\$ 226,500.00	\$ 679,500.00
Public Safety (G) Fund	\$ 226,500.00	\$ 226,500.00	\$ 679,500.00
Cultural Facilities (F) Fund	\$ 50,000.00	\$ 50,000.00	
Convention Center Fund	<del>\$ 256,800.00</del> <u>50,000.00</u>	<del>\$ 256,800.00</del> <u>50,000.00</u>	<del>\$ 770,400.00</del> <u>400,000.00</u>
Water Construction Fund	\$ 138,000.00	\$ 138,000.00	\$ 414,000.00
Sewer Construction Fund	\$ 69,000.00	\$ 69,000.00	\$ 207,000.00
Storm Water Drainage Construction Fund	\$ 60,000.00	\$ 190,000.00	\$3,375,000.00
Park and Recreations Facilities (B) Fund	\$ 931,361.25	\$ 901,361.25	\$2,827,833.75

Sanitation Operations Fund	\$ 250,000.00	\$250,000.00	\$ 250,000.00 1,279,434.08
Lead Hazard Control and Healthy Homes Grant	\$50,000.00	\$50,000.00	\$150,000.00
Nas Redevelopment Fund	\$ 83,334.00	\$ 83,334.00	\$ 83,332.00
Total	\$3,515,810.41 5,006,948.99	\$4,079,927.75 5,708,613.00	\$10,731,648.91 18,701,947.08

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$28,177,509.08 29,417,509.07	Other Services	N/A	TBD	TBD
<ul style="list-style-type: none"> <li>• The Business Inclusion and Development Policy does not apply to Other Service contracts.</li> <li>• AECOM Technical Services Inc. - Local; Workforce - 26.00% Local • Apex TITAN, Inc. - Local; Workforce - 0.80% Local • APTIM Environmental &amp; Infrastructure, Inc. - Local; Workforce - 5.30% Local • Arre Zepeda &amp; Bunz, LLC - Local; Workforce - 32.81% Local • <del>W&amp;M Environmental, Division of</del> Braun Corporation - Non-Local; Workforce - 7.69% Local • Burns and McDonne Engineering Co., Inc. - Local; Workforce - 16.52% Local • EA Engineering, Science, and Technology, Inc., PBC - Non-local; Workforce - 2.38% Local • Enercon Services, Inc. - Local; Workforce - 10.52% Local • EnSafe - Non-local; Workforce - 12.00% Local • Ensolum, LLC - Local Workforce - 0.00% Local • Freese and Nichols, Inc. - Non-Local; Workforce - 34.74% Local • Texas Green Star Environmental, LLC dba. Green Star Environmental Services, Inc. - Local; Workforce - 0.00% Local • Gresham Smith and Partners - Non-local; Workforce - 39.29% Local • Groundwater Environment Services, Inc. - Local; Workforce - 0.00% Local • Halff Associates, Inc. - Local; Workforce - 20.94% Local • InControl Technologies LLC - Non-local; Workforce - 43.48% Local • Clark Associates, Inc. dba LCA Environmental, Inc. - Non-Local; Workforce - 30.77% Local • Mod Geosciences - Non-local; Workforce - 0.00% Local • Alan Plummer and Associates Inc. dba. Plummer Associates, Inc., - Non-local; Workforce - 47.06% Local • Raba Kistner, Inc. -Non-local; Workforce - 0.00% Local • Terracon Consultants, Inc. - Local; Workforce - 7.83% Local • Westo Solutions, Inc. - Non-Local; Workforce 0.00% Local • Wood Environment &amp; Infrastructure Solutions, Inc. - Local; Workforce 1.00%</li> </ul>				

### **PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Request for Qualifications	• Utilized for procurements involving professional services
----------------------------	---

- |  |
|--|
| <ul style="list-style-type: none"> <li>• Recommended offeror whose response is most qualified, considering the relative evaluation factors stated in the specifications</li> <li>• Always involves a team evaluation</li> <li>• Allows for negotiation on contract terms, including price</li> </ul> |
|--|

The Office of Procurement Services received the following proposals from solicitation number BFZ20-00011241. We opened them on May 29, 2020. We recommend the City Council award these service price agreements to the most advantageous proposers.

\*Denotes successful proposers

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Initial Score</u></b>
*AECOM Technical Services, Inc.	13355 Noel Rd. Suite 400 Dallas, TX 75240	89.83
*Alan Plummer and Associates, Inc dba. Plummer Associates, Inc.	1320 South University Dr. Suite 300 Fort Worth, TX 76107	88.33
*Apex TITAN, Inc.	12100 Ford Rd. Suite 401 Dallas, TX 75234	89.17
*APTIM Environmental & Infrastructure, Inc.	12005 Ford Rd. Suite 600 Dallas, TX 75234	94.67
*Arredondo, Zepeda & Brunz, LLC	11355 McCree Rd. Dallas, TX 75238	88.17
* <del>W&amp;M Environmental, a Division of</del> Braun Intertec Corporation	714 Greenville Ave. Suite 600 Allen, TX 75002	90.83
*Burns and McDonnell Engineering Co., Inc.	100 Energy Way Suite 1700 Fort Worth, TX 76102	90.83
*EA Engineering, Science, and Technology, Inc., PBC	405 State Highway 121 Bypass Suite C-100 Lewisville, TX 75067	90.00
*Enercon Services, Inc.	15770 North Dallas Pkwy. Suite 400 Dallas, TX 75248	93.17

*EnSafe	308 North Peters Rd. Suite 200 Knoxville, TN 37922	85.50**
*Ensolum, LLC	2351 West. Northwest Hwy. Suite 1203 Dallas, TX 75165	87.17
*Freese and Nichols, Inc.	4055 International Plaza Suite 200 Fort Worth, TX 76109	91.83
*Gresham Smith and Partners	222 Second Ave. South Suite 1400 Nashville, TN 37201	89.67
*Groundwater & Environmental Services, Inc.	101 East Southwest Pkwy. Suite 114 Lewisville, TX 75067	91.67
*Halff Associates, Inc.	1201 North Bowser Rd. Richardson, TX 75081	92.17
*InControl Technologies LLC	14731 Pebble Bend Dr. Houston, TX 77068	83.17
*Lynn Clark Associates, Inc. LCA Environmental, Inc	13221 Bee St. Farmers Branch, TX 75234	87.83
*Modern Geosciences	5100 Thompson Terrace Colleyville, TX 76034	95.67
Professional Service Industries, Inc. (PSI)	310 Regal Row Suite 500 Dallas, TX 75247	84.50
*Raba Kistner, Inc.	12821 West Golden Ln. San Antonio, TX 78249	80.17
*Terracon Consultants, Inc.	8901 Carpenter Suite 100 Dallas, TX 75247	95.50
*Texas Green Star Environmental, LLC dba. Green Star Environmental	1325 West Randol Mills Rd. Arlington, TX 76012	88.17

VRX, Inc	2500 North Dallas Pkwy. Suite 450 Plano, TX 75093	83.67
*Weston Solutions, Inc.	2600 Dallas Parkway Suite 280 Frisco TX 75034	91.83
*Wood Environment & Infrastructure Solutions, Inc.	4801 Spring Valley Rd. Dallas, TX 75244	92.83

The following vendors were not considered for further evaluation:

1 Priority Environmental Services, LLC	4028 Daley Ave. Fort Worth, TX 76180	50.5
AEI Consultants	2500 Camino Diablo Walnut Creek, CA 94596	77.67
Allen & Company Environmental	1600 California Pkwy. N. Fort Worth, TX 76115	69.00
Alpha Testing, Inc	2209 Wisconsin St. Dallas, TX 75259	79.83
ATC Group Services	500 West Cummings Park Suite 3750 Woburn, MA 01801-6350	69.17
BENAS Environmental Services, Inc.	324 Crooked Tree Ct. East Highway 121 Coppell, TX 75019	73.33
EnviroQuest, Inc.	645 Pinnacle Cr. Lewisville, TX 75077	3.33
Giles Engineering Associates, Inc.	2626 Lombardy Ln. Suite 105 Dallas, TX 75220	65.33
Kleinfelder, Inc.	7805 Mesquite Bend Dr. Suite 100 Irving, TX 75063	79.00
Liaise Environmental, Inc.	9112 West Lake Highlands Dr. Dallas, TX 75218	62.00
Pacific Environmental Group,	1001 West Eulless Blvd.	

LLC	Suite 206 Euless, TX 76040	
Reliance Engineering and Environmental Services, LLC	10455 North Central Expwy. Suite 109-441 Dallas, TX 75231	65.67
The VERTEX Companies, Inc.	1600 Corporate Ct. Suite 100 Irving, TX 75038	71.67
TRC Companies	700 Highlander Blvd. Arlington, TX 76015	73.83
HP EnviroVision	310 East Trinity Blvd. Suite 800 Grand Prairie, TX 75050	Non-responsive
Jones & Carter, Inc.	6509 Windcrest Dr. Suite 600 Plano, TX 75024	Non-responsive
Pacific Environmental Group, LLC	1001 West Euless Blvd. Suite 206 Euless, TX 76040	Non-responsive
RNDI Companies, Inc	519 East Interstate 30 Suite 157 Rockwall, TX 75087	Non-responsive

\*\*The City has received a protest regarding this procurement which has been addressed. Please find attached the vendor protest letter and the City's response.

## **OWNERS**

### **AECOM Technical Service, Inc.**

Roger Wiederkehr, President  
Keenan E. Driscoll, Chief Financial Officer  
Reggie Herman, Vice President  
Charles F. Szurgot, Secretary

### **Apex TITAN, Inc.**

David Fabianski, President  
Darwin Nelson, Sr. Vice President  
Diane Anderson, Vice President



**APTIM Environmental & Infrastructure, Inc.**

Rick Faircloth, Vice President  
Wade Bass, Secretary  
Amandeep Kang, Director

**Arredondo, Zepeda & Brunz, LLC**

Alfonso Garza, President  
Roy Brunz, Vice President

**~~W&M Environmental, a Division of~~ Braun Intertec Corporation**

Jon Carlson, Chief Executive Officer  
Austin Heider, Director

**Burns and McDonnell Engineering Co., Inc.**

Ray Kowalik, Chief Executive Officer  
Paul Fischer, President  
Scott Clark, Vice President

**EA Engineering, Science, and Technology, Inc., PBC**

Ian D. MacFarlane, President  
Michael Battle, Executive Vice President  
Roger Place, Sr. Vice President

**Enercon Services, Inc.**

Robert Bryan, Chief Executive Officer  
Greg Rudell, Chief Financial Officer

**EnSafe**

Donald Bradford, President  
Paul Stoddard, Vice President, Geological Services

**Ensolum, LLC**

Darren Bowden, Principal

**Freese and Nichols, Inc.**

Brian Coltharp, President  
David Bennet, Vice President

**Green Star Environmental**

Leonard Albright, Principal

**Gresham Smith and Partners**

Alan Pramuk, Chairman  
Chris Kaakaty, Sr. Vice President

**Groundwater & Environmental Services, Inc.**

Edward Van Woudenberg, Chief Executive Officer  
Ann Downey, Chief Operating Officer  
C. Keith Bradley, Director of Water and Natural Resources

**Halff Associates, Inc.**

Mark Edwards, President  
Todd, Jackson, Chief Operations Officer

**InControl Technologies LLC**

Angela Marcon, President  
Michael Marcon, Vice President

**Lynn Clark Associates, Inc. dba LCA Environmental, Inc.**

Mary Ann Clark, President  
Yale Lynn Clark, Principal Geoscientist

**Modern Geosciences**

Kenneth Tramm, Principal

**PLUMMER**

Chris Young, President  
Steve Coonan, Chief Financial Officer

**Professional Service Industries, Inc.**

Christopher Carsten, Chief Operating Officer  
Todd Andrews, Secretary

**Raba Kistner, Inc.**

Gary Raba, President  
Thomas Burr, Sr. Vice President

**Terracon Consultants, Inc.**

M. Gayle Packer, President  
Donald Vrana, Vice President

**Weston Solutions, Inc.**

Alan Solow, Chief Executive Officer  
Vincent Laino, Sr. Vice President

**Wood Environment & Infrastructure Solutions, Inc.**

Lytle Troutt, President

June 22, 2022

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service price agreement with AECOM Technical Services, Inc. (VC0000011194), Alan Plummer and Associates, Inc. dba Plummer Associates, Inc.(165323), Apex TITAN, Inc. (VS0000009931), Aptim Environmental & Infrastructure, Inc. (VS92351), Arredondo, Zepeda & Brunz, LLC (080851), ~~W&M Environmental, a Division of~~ Braun Intertec Corporation (VS93915), Burns and McDonnell Engineering Co., Inc. (VS97425), EA Engineering, Science, and Technology, Inc. (503061), Enercon Services, Inc. (343932), EnSafe, Inc. (VS85968), Ensolum, LLC (VS99096), Freese and Nichols, Inc. (347200) Texas Green Star Environmental, LLC dba. Green Star Environmental (VS0000019219), Gresham Smith and Partners (VS0000051722), Groundwater & Environmental Services, Inc. (VS93716), Halff Associates, Inc. (089861), InControl Technologies LLC (VS0000075590), Lynn Clark Associates, Inc. dba LCA Environmental, Inc. (342318), Modern Geosciences, LLC (VS0000063453), Raba Kistner, Inc. (VS0000074591), Terracon Consultants, Inc. (341409), Weston Solutions, Inc. (345654), Wood Environment & Infrastructure Solutions, Inc. (VS0000075454), approved as to form by the City Attorney, for non-engineering environmental consulting, investigative and remediation services for citywide use for a term of five years, in the total estimated amount of \$29,417,509.07. The amount payable pursuant to these service price agreements may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for these service price agreements during their term. Payments made to AECOM Technical Services, Inc., Alan Plummer and Associates, Inc dba. Plummer Associates, Inc., Apex TITAN, Inc., Aptim Environmental & Infrastructure, Inc., Arredondo, Zepeda & Brunz, LLC, ~~W&M Environmental, a Division of~~ Braun Intertec Corporation, Burns and McDonnell Engineering Co., Inc., EA Engineering, Science, and Technology, Inc., Enercon Services, Inc., EnSafe, Inc., Ensolum, LLC, Freese and Nichols, Inc. Texas Green Star Environmental, LLC dba. Green Star Environmental, Gresham Smith and Partners, Groundwater & Environmental Services, Inc., Halff Associates, Inc., InControl Technologies LLC, Lynn Clark Associates, Inc. dba LCA Environmental, Inc., Modern Geosciences, LLC, Raba Kistner, Inc., Terracon Consultants, Inc., Weston Solutions, Inc., Wood Environment & Infrastructure Solutions, Inc., shall be based only on the amount of the services directed to be performed by the City and properly performed by AECOM Technical Services, Inc., Alan Plummer and Associates, Inc dba. Plummer Associates, Inc., Apex TITAN, Inc., Aptim Environmental & Infrastructure, Inc., Arredondo, Zepeda & Brunz, LLC, ~~W&M Environmental, a Division of~~ Braun Intertec Corporation, Burns and McDonnell Engineering Co., Inc., EA Engineering, Science, and Technology, Inc., Enercon Services, Inc., EnSafe, Inc., Ensolum, LLC, Freese and Nichols, Inc. Texas Green Star Environmental, LLC dba. Green Star Environmental, Gresham Smith and Partners, Groundwater & Environmental Services, Inc., Halff Associates, Inc., InControl Technologies LLC, Lynn Clark Associates, Inc. dba LCA Environmental, Inc., Modern Geosciences, LLC, Raba Kistner, Inc., Terracon Consultants, Inc., Weston Solutions, Inc., Wood Environment & Infrastructure Solutions, Inc., under the service price agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

June 22, 2022

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$29,417,509.07, but not more than the amount of budgetary appropriations for these service price agreements during their term to the firms listed above from Service Price Agreement Contract No. POM-2020-00011241.

**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.

November 17, 2021

Mr. John Kohut, CPPO, CPPB  
Manager III  
Office of Procurement Services  
1500 Marilla Street, Room 3FN  
Dallas, TX 75201

REC'D 11/18/2021  
John Kohut  
Time: 12:37 PM

Re: Formal Protest of Buyer Solicitation Number BFZ20-00012141 for General Non-Engineering Environmental Services

Dear Mr. Kohut:

This letter serves as a formal protest of BFZ20-00012141. The reason for the protest stems from the evaluation process used by the City. For background, it should be noted that the previous General Non-Engineering Environmental Services Request for Qualifications, dated August 2014, used the same two-step scoring system as the current General Non-Engineering Environmental Services Request for Qualifications, dated March 2020. The process is summarized as follows in a contract award notice email from Mr. John Kohut with the City of Dallas on November 4, 2021:

*The first step evaluates each firm's overall qualifications to perform the stated services. This first evaluation is used to qualify firms scoring 80 or higher to move to the second step. The second step involves an evaluation in greater detail, at the department level, based on the specific services each firm submitted. Only firms receiving the three highest scores in the second phase are offered a contract for future services. The highest ranked firm for a specific service, for a specific department, is the primary firm, the second highest ranked firm will be the secondary firm, and the third highest ranked firm will be the tertiary firm. **The primary firm will be sought to provide the specific services most of the time for the specified department.***

After contract award of the August 2014 RFQ, EnSafe submitted a FOIA request with the City of Dallas in September 2016 and received various documents related to the evaluation and selection process in January 2017. Upon review of the documents, it was noted there were severe discrepancies in total qualification scores and primary selections. For example, Green Star had the fourth highest qualification score (92.5) but did not receive any primary selections. EnSafe had the seventh highest qualification score (91.75) but received two primary selections. Yet Terracon, with a lower qualification score (91), received the highest number of primary selections at 51. Cardno ATC had one of the lowest qualification scores (83.75) and received 11 primary selections.

The first step of the evaluation process noted by Mr. Kohut follows a typical and transparent process presented in all government solicitations in that the Request for Qualifications contains a chart of the different factors and the potential maximum points allocated to each factor/criterion. It is the second part of the evaluation process that is not typical or transparent – the process by which the departments make their decision is not with any degree of reasonable specificity. There are no stated criteria on which departments are basing their evaluations. According to the contract award notice email sent by Mr. John Kohut, this second evaluation was more detailed and based on the specific service area(s) firms chose to

bid on. Mr. Kohut says firms in the second evaluation are "ranked," but barring any clarity of its meaning, we are left to ask, "by what measure?"

EnSafe requests that the City suspend the award process and provide transparency as to the complete evaluation process and scoring system by each department. This is to verify that each department reviewed each proposal and selected the most qualified firms based only on the technical qualifications presented in the submitter's proposal and not on other factors completely unrelated to the technical qualifications and to which we, as a bidder, may have been unaware.

Contact information for our protest point of contact is:

Tom Wiberg, PG  
4545 Fuller Drive, Suite 342  
Irving, Texas 75038  
(972) 865-4854  
[twiberg@ensafe.com](mailto:twiberg@ensafe.com)

Sincerely,

EnSafe Inc.



By: Kevin Cromer  
Vice President, Contracts/Procurement/Risk Management



**CITY OF DALLAS**

**Office of Procurement Services**  
1500 Marilla Street, Room 3FN  
Dallas, Texas 75201

February 14, 2022

VIA CERTIFIED MAIL (CM# 7020 1810 0001 9462 3886)  
VIA EMAIL AT [twiberg@ensafe.com](mailto:twiberg@ensafe.com)

Tom Wiberg, PG  
EnSafe Inc.  
4545 Fuller Drive, Suite 342  
Irving, TX 75038

**RE: Protest of RFQ BFZ20-00012141 for General Non-Engineering Environmental Services (the "Solicitation")**

Dear Mr. Wiberg:

The City of Dallas ("City") is in receipt of EnSafe Inc's ("EnSafe") protest letter dated November 17, 2021 (the "Protest"). In the Protest, EnSafe states that the second phase of scoring was not transparent and that criteria used in this second phase was not published as part of the Solicitation.

After a thorough review of the issues raised in the Protest, the City does not find a basis upon which to change its award recommendations as the criteria for the second stage of evaluation was stated and published as part of the Solicitation.

On April 22, 2020, the City posted in Bonfire Addendum #4 to the Solicitation, which included a question about the second phase of evaluations, to which the City responded as follows:

The second tier of evaluation to be completed by Departments will include scoring respondents on each service provided in an effort to select the qualified primary, secondary, and tertiary vendor for each service. The respondent will be scored by each department on 3 areas – 1) capability and capacity to perform the service as based on Team structure, personnel qualifications, and current workload (30%); 2) expertise by service as demonstrated by service area specific requirements, other requirements, and specialized services provided in response to Section V. (40%); and 3) quality of current and past work performed (responsiveness, timeliness, quality of service, and cost effectiveness) as demonstrated by references and municipal contracting experience; quality of work performance will be evaluated by service as listed in Section V. (C.) Basic Schedule of Services Offered; and internal vendor performance evaluations will be considered (30%).



Accordingly, the City was transparent and published the information about how the second phase of the evaluation was to be conducted. We appreciate EnSafe's time and efforts in responding to this solicitation and in filing the Protest and the City looks forward to working with EnSafe on the services they were selected for in this new contract.

We now offer de-brief sessions if you would like to receive specific feedback regarding your proposal. Please contact Danielle Thompson at the email address provided in the copy line if you would like to request a de-brief session.

Sincerely,



Chhunmy Chhean  
Director  
Office of Procurement Services

c: Danielle Thompson, Assistant Director, Office of Procurement Services  
via email at [Danielle.thompson@dallascityhall.com](mailto:Danielle.thompson@dallascityhall.com)  
Carlos Evans, Director, Office of Environmental Quality and Sustainability  
via email at [Carlos.Evans@dallascityhall.com](mailto:Carlos.Evans@dallascityhall.com)



## Agenda Information Sheet

**File #:** 22-1156

**Item #:** 51.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

### **SUBJECT**

Authorize a one-year service contract in the amount of \$650,000, with two one-year renewal options in the total amount of \$2,200,000, as detailed in the Fiscal Information section, for financial assistance for eligible homeless persons and risk mitigation funds for landlords for the Office of Homeless Solutions - CitySquare, most advantageous proposers of two - Total not to exceed \$2,850,000 - Financing: General Fund (\$2,200,000) (subject to appropriations) and American Rescue Plan Act Homelessness Assistance and Supportive Services Program Fund (\$650,000)

### **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 contract will provide for financial assistance for eligible homeless persons and risk mitigation funds for landlords. The goal is to reduce homelessness in the city through partnerships with organizations that provide housing and case management services for individuals experiencing homelessness. The types of services will focus on the following key priorities: preventing homelessness, protecting persons experiencing homelessness, promoting affordable housing solutions, and partnering with other organizations to maximize efforts and resources.

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

- Office of Arts and Culture (1)
- Office of Community Care (1)
- Office of Homeless Solutions (1)

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

- Approach and methodology 40 points
- Experience 30 points
- Financial capacity 25 points
- Local Preference 5 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$15.21; the selected vendor meets this requirement.

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

On January 12, 2022, City Council authorized final adoption of Substantial Amendment No. 2 to the FY 2021-22 Action Plan to accept HOME Investment Partnerships Program American Rescue Plan Act Grant Funds from the U.S. Department of Housing and Urban Development for the Homelessness Assistance and Supportive Services Program by Resolution No. 22-0200.

#### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
General Fund	\$0.00	\$0.00	\$2,200,000.00
American Rescue Plan Act Homelessness Assistance and Supportive Services Program Fund	\$0.00	\$650,000.00	\$0.00

Initial Term: \$ 650,000.00  
 Renewal Option Year 1 \$1,100,000.00  
 Renewal Option Year 2 \$1,100,000.00

Total \$2,850,000.00

#### **M/WBE INFORMATION**

In accordance with the City’s Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,950,000.00	Other Services	N/A	N/A	N/A

- |  |
|--|
| <ul style="list-style-type: none"> <li>• The Business Inclusion and Development Policy does not apply to Other Service contracts.</li> <li>• CitySquare - Local; Workforce - 49.06% Local</li> </ul> |
|--|

**PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Request for Competitive Sealed Proposal	<ul style="list-style-type: none"> <li>• Utilized for high technology procurements, insurance procurements, and other goods and services</li> <li>• Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications</li> <li>• Always involves a team evaluation</li> <li>• Allows for negotiation on contract terms, including price</li> </ul>
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The Office of Procurement Services received the following proposals from solicitation number BRZ21-00017823. We opened them on January 7, 2022. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

\*Denotes successful proposer

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>
*CitySquare	1610 South Malcolm X Blvd. Bldg. 100 Dallas, TX 75226	91.0
Finally Home Foundation	3906 West Camp Wisdom Rd. #108 Dallas, TX 75237	43.3

**OWNER****CitySquare**

John Siburt, Chief Executive Officer

June 22, 2022

**WHEREAS**, on January 12, 2022, City Council authorized final adoption of Substantial Amendment No. 2 to the FY 2021-22 Action Plan to accept HOME Investment Partnerships Program American Rescue Plan Act Grant Funds from the U.S. Department of Housing and Urban Development for the Homelessness Assistance and Supportive Services Program by Resolution No. 22-0200.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service contract with CitySquare (VS0000000497), approved as to form by the City Attorney, for financial assistance for eligible homeless persons and risk mitigation funds for landlords for the Office of Homeless Solutions, for a term of one year in the amount of \$650,000.00, with two one-year renewal options in a total amount of \$2,200,000, in an amount not to exceed \$2,850,000.00. If the service was bid or proposed on an as needed basis, unit price basis for performance of specified tasks, payments made to CitySquare shall be based only on the amount of the services directed to be performed by the City and properly performed by CitySquare under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,850,000 to CitySquare from Service Contract No. OHS-2021-00017823.

Initial Term: \$650,000.00

Renewal Option: Year 1 \$1,100,000

Renewal Option: Year 2 \$1,100,000

Total: \$2,850,000

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



## Agenda Information Sheet

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**File #:** 22-1159

**Item #:** 52.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 2, 14

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a service contract for non-profit public facility improvement projects for the Office of Budget and Management Services - Legal Aid of Northwest Texas in the amount of \$211,396 and First Presbyterian Church of Dallas dba The Stewpot in the amount of \$188,604, most advantageous proposers of four - Not to exceed \$400,000 - Financing: FY 2021-22 Community Development Block Grant Fund

### **BACKGROUND**

This service contract will provide for non-profit public facility improvement projects. The purpose of this item is to expand the capacity of nonprofit organizations for facility improvements located within the city limits of Dallas. Each year, the City receives Community Development Block Grant funds to provide economic and community development projects and services. Non-profit agencies are frequently requested to partner with the City and/or other community partners with the provision to provide services to improve the quality of life for Dallas residents. These awards provide funding to qualifying organizations for various improvement projects within the City for facilities that are that are typically not available from other sources to assist the entity with renovations, repairs, energy upgrades, Americans with Disability Act compliance enhancements, actualization of Comprehensive Environmental and Climate Action Plan ("CECAP") installations, and a variety of other facility improvements.

This service contract will provide grant funds to Legal Aid of Northwest Texas ("LANWT") to refurbish and update their existing office space. LANWT has successfully served the low-income, at-risk populations of Dallas since 1956 with civil legal aid covering a wide diversity of civil legal problems faced by low-income residents of the City of Dallas. This site has served as LANWT primary place of business in Dallas since 1991 when it was initially acquired, and the facility has not been refurbished since its initial acquisition. This facility is centrally located in downtown Dallas to allow attorneys fast access to local courts, while remaining accessible from all major public transit systems so that LANWT clients can access services in person if they do not have personal transportation.

This service contract will provide grant funds to assist First Presbyterian Church of Dallas dba The Stewpot ("The Stewpot") to support replacement costs for new elevators. New elevators will provide enhanced safety and efficiency and ensure that operations and critical program services continue uninterrupted to the low- and extremely-low-income individuals and families who depend on The Stewpot. The elevators, installed in 1943 and 1990, have exceeded the manufacturer's lifetime expectancy. During a recent inspection, the freight elevator was deemed out of service until replacement, frequently leaving access to the second floor of the building to solely stairs. Approximately 5,000 clients are served onsite annually, with 50 percent experiencing some form of disability. Elevator access to the second floor is critical for clients to access Housing Program appointments; enrichment programming; and mental health assistance and medications.

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

- Office Bond Program (1)
- Office of Community Care (1)
- Office of Homeless Solutions (1)
- Small Business Center (1)

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

- Approach and methodology 30 points
- Experience and qualifications 25 points
- Financial capacity and budget cost reasonableness 25 points
- Commitment to policies and practices that enhance racial equity 12 points
- CECAP-related improvement activities 8 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$15.21; the selected vendor meets this requirement.

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

On January 27, 2021, City Council authorized a service contract for non-profit public facility improvement projects for the Office of Budget and Management Services with CitySquare and Catholic Charities of Dallas, Inc. by Resolution No. 21-0246.

The Community Development Commission was briefed regarding this matter on May 5, 2022.

The Government Performance and Financial Management Committee was briefed via memorandum regarding this matter on May 23, 2022.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
FY 2021-22 Community Development Block Grant	\$400,000.00	\$0.00	\$0.00

Council District	Amount
2	\$188,604.00
14	<u>\$211,396.00</u>
Total	\$400,000.00

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$400,000.00	Other Services	N/A	N/A	N/A
<ul style="list-style-type: none"> <li>• The Business Inclusion and Development Policy does not apply to Other Service contracts.</li> <li>• Legal Aid of Northwest Texas - Local; Workforce - 16.02% Local • First Presbyterian Church of Dallas dba The Stewpot - Local; Workforce - 60.15% Local</li> </ul>				

### **PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Request for Competitive Sealed Proposal	<ul style="list-style-type: none"> <li>• Utilized for high technology procurements, insurance procurements, and other goods and services</li> <li>• Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications</li> <li>• Always involves a team evaluation</li> <li>• Allows for negotiation on contract terms, including price</li> </ul>
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The Office of Procurement Services received the following proposals from solicitation number BJZ22-00017865. We opened them on December 17, 2021. We recommend the City Council award this service contract to the most advantageous proposers.



\*Denotes successful proposers

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>
*Legal Aid of Northwest Texas	1515 Main St Dallas, TX 75201	84.75
*First Presbyterian Church of Dallas dba The Stewpot	1835 Young St Dallas, TX 75201	81.50
CitySquare	1610 S. Malcolm X Blvd. Dallas, TX 75226	76.25
Finally Home Foundation	3906 W. Camp Wisdom Rd Ste. 108 Dallas, TX 75237	Non-Responsive

### **OWNERS**

#### **Legal Aid of Northwest Texas**

Kristin E. Postell, President  
Penny R. Robe, Vice President  
Maria Thomas-Jones, Chief Executive Officer

#### **First Presbyterian Church of Dallas dba The Stewpot**

John Joe, Chief Executive Officer  
Ashlee Hueston, Senior Director of Operations

June 22, 2022

**WHEREAS**, on January 27, 2021, City Council authorized a service contract for non-profit public facility improvement projects with CitySquare and Catholic Charities of Dallas, Inc. in an amount not to exceed \$679,588, by Resolution No. 21-0246.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service contract with Legal Aid of Northwest Texas (511627) in the amount of \$211,396 and First Presbyterian Church of Dallas dba The Stewpot (VS0000048892) in the amount of \$188,604, approved as to form by the City Attorney, for non-profit public facility improvement projects for the Office of Budget and Management Services in a total amount not to exceed \$400,000. If the service was bid or proposed on an as needed basis, unit price basis for performance of specified tasks, payments made to Legal Aid of Northwest Texas and First Presbyterian Church of Dallas dba The Stewpot shall be based only on the amount of the services directed to be performed by the City and properly performed by Legal Aid of Northwest Texas and First Presbyterian Church of Dallas dba The Stewpot under the service contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$400,000 to Legal Aid of Northwest Texas from Service Contract No. BMS-2022-00019215 and First Presbyterian Church of Dallas dba The Stewpot from Service Contract No. BMS-2022-00017865.

**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 Information Sheet

**File #:** 22-1300

**Item #:** 53.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

### **SUBJECT**

Authorize a three-year service contract, with one one-year renewal option, for parking meter and citation management for the Department of Transportation - SP Plus Corporation, most advantageous proposer of five - Not to exceed \$9,659,302.50 - Financing: General Fund (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 engage the services of a firm to assist the Parking Enforcement Division of the Department of Transportation which currently relies on three vendors to support parking citation processing parking meter maintenance, and related activities. This includes the database of current citations, the web portal for paying citations, many aspects of issuing various permits, as well as all functions of the parking meter maintenance, which includes coin collection, meter repair, and reporting. This allows the Parking Enforcement Division to focus their efforts on robust enforcement and customer service.

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

- Department of Transportation (2)
- Building Services Department (1)
- Police Department (1)
- Office of Procurement Services (1)\*

\*The Office of Procurement Services only evaluated the cost and local preference if applicable.

The committee selected the successful respondent on the basis of demonstrated competence and

qualifications under the following criteria:

- |                                    |           |
|------------------------------------|-----------|
| • Experience                       | 35 points |
| • Overall approach and methodology | 30 points |
| • Cost                             | 30 points |
| • Local Preference                 | 5 points  |

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$15.21; the selected vendor meets this requirement.

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

On June 15, 2016, City Council authorized a five-year service contract, with a one-year renewal option, for parking services to include citations management, parking management services, parking meter maintenance, parking meter collections, reconciliation and counting services, parking lot maintenance, mobile applications payments and mobile applications by Resolution No 16-1007.

On May 20, 2021 City Council was briefed by memorandum regarding planned extensions of the current contracts and detailing the vendors roles.

On December 8, 2021, City Council authorized (1) Supplemental Agreement No. 4 to increase the service contract with Conduent State & Local Solutions, Inc. for parking citation and collection system for the Department of Transportation, in an amount not to exceed \$760,374.00, increasing the service contract amount from \$5,627,200.00 to \$6,387,574.00; and (2) the ratification of \$461,426.00 for the Department of Transportation to pay outstanding invoices parking citation and collection system, increasing the service contract amount from \$6,387,574.00 to \$6,849,000.00, in a total amount not to exceed \$1,221,800.00 by Resolution No. 21-1991.

#### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
General Fund	\$268,314.00	\$3,075,000.00	\$6,315,988.50

#### **M/WBE INFORMATION**

In accordance with the City’s Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$9,659,302.50	Other Services	N/A	6.47%	\$625,000.00
<ul style="list-style-type: none"> <li>*This item reflects previous Business Inclusion and Development Policy M/WBE goal.</li> <li>The Business inclusion and Development Policy does not apply to Other Service contracts, however the prime contractor is subcontracting with certified M/WBEs.</li> <li>SP Plus Corporation - Local; Workforce - 100.00% Local</li> </ul>				

## **PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Request for Competitive Sealed Proposal	<ul style="list-style-type: none"> <li>Utilized for high technology procurements, insurance procurements, and other goods and services</li> <li>Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications</li> <li>Always involves a team evaluation</li> <li>Allows for negotiation on contract terms, including price</li> </ul>
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The Office of Procurement Services received the following proposals from solicitation number BG22-00018902. We opened them on April 15, 2022. This service contract is being awarded by group to the most advantageous proposer.

\*Denotes successful proposer

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>
*SP Plus Corporation	1700 Pacific Ave. Suite 1890 Dallas, TX 75201	Group A - 88.25 Group B - 90.25
Passport Labs, Inc.	128 South Tryon St. Suite 1000 Charlotte, NC 28202	Group A - 83.75 Group B - No Bid
**Conduent State & Local Solutions, Inc.	100 Campus Dr. Suite 200E Florham Park, NJ 07932	Group A - 79.59 Group B - 87.30
Ace Parking III, LLC	645 Ash St. San Diego, CA 92101	Group A - 79.15 Group B - 87.20
Data Ticket, Inc.	2603 Main St. Suite 300	Group A - 79.09 Group B - No Bid

Irvine, CA 92614

[\\*\\*The City has received a protest regarding this procurement which has been addressed. Please find attached the vendor protest letter and the City's response.](#)

**OWNER**

**SP Plus Corporation**

Marc Baumann, Chief Executive Officer  
Rob Toy, President

June 22, 2022

**WHEREAS**, on June 15, 2016, City Council authorized a five-year service contract, with a one-year renewal option, for parking services: Citations Management; Parking Management Services; Parking Meter Maintenance; Parking Meter Collections, Reconciliation, and Counting Services; Parking Lot Maintenance; Mobile Applications - Payments and Mobile Applications - Mapping with SP Plus Corporation in the amount of \$6,609,011.44, Xerox State and Local Solutions, Inc. in the amount of \$5,479,200.00, Ace Parking III, LLC in the amount of \$4,287,027.00 and ParkMe, Inc. in the amount of \$560,700.00 and an increase in appropriations in the amount of \$812,607.00, from \$451,882,305.00 to \$452,694,912.00 in the Dallas Police Department budget, in a total amount not to exceed \$16,935,938.44, by Resolution No. 16-1007; and;

**WHEREAS**, on November 28, 2016, Administrative Action No. 16-1843 authorized Supplemental Agreement No. 1 to add delinquent collection services as an additional service component, increasing the service contract, in an amount not to exceed \$100,000.00 from \$5,479,200.00 to \$5,579,200.00; and;

**WHEREAS**, on October 19, 2017, Administrative Action No. 17-6966 authorized Supplemental Agreement No. 2 to amend the service contract with Conduent State and Local Solutions, Inc. to allow ACE Parking III, LLC to accept in-person citation payments at the Oak Cliff Municipal Center, with zero cost, having no effect on the contract amount; and;

**WHEREAS**, on September 12, 2018, Administrative Action No. 18-6712 authorized Supplemental Agreement No. 3 to add an additional License plate reader unit to expand the departments Parking Management System, increasing the service contract, in an amount not to exceed \$48,000.00, from \$5,579,200.00 to \$5,627,200.00, and;

**WHEREAS**, on December 9, 2021, City Council authorized (1) Supplemental Agreement No. 4 to increase the service contract with Conduent State & Local Solutions, Inc. for parking citation and collection system for the Department of Transportation, in an amount not to exceed \$760,374.00, increasing the service contract amount from \$5,627,200.00 to \$6,387,574.00; and (2) the ratification of \$461,426.00 for the Department of Transportation to pay outstanding invoices parking citation and collection system, increasing the service contract amount from \$6,387,574.00 to \$6,849,000.00, in a total amount not to exceed \$1,221,800.00, by Resolution No. 21-1991.

**Now Therefore,**

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

June 22, 2022

**SECTION 1.** The City Manager is hereby authorized to execute a service contract with SP Plus Corporation (VS0000053138), approved as to form by the City Attorney, for parking meter and citation management services for the Department of Transportation for a term of three years, with one one-year renewal option, in an amount not to exceed \$9,659,302.50. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to SP Plus Corporation shall be based only on the amount of the services directed to be performed by the City and properly performed by SP Plus Corporation under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$9,659,302.50 (subject to annual appropriations) to SP Plus Corporation from Service Contract No. TRN-2022-00018902.

**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.



June 7, 2022

**VIA MAIL**

The Office of Procurement Services  
Attention: Douglas Shelton, Procurement  
1500 Marilla St.  
Room 3FN  
Dallas, TX 75201  
Douglas.shelton@dallascityhall.com

Re: Conduent's Protest to City of Dallas Solicitation #BG22-00018902

Dear Mr. Shelton,

This firm represents Conduent State & Local Solutions, Inc. ("Conduent") in relation to the City of Dallas's (the "City") Solicitation #BG22-00018902 for Management of Parking Meter Citation and Management (the "Solicitation"). An affidavit evidencing representation is attached hereto as **Attachment 1**. In accordance with Section 21, Protest Procedures, of the Office of Procurement Services *Exhibit A: General Terms and Conditions* dated September 3, 2020 ("General Terms and Conditions"), Conduent is submitting this formal protest letter to the Solicitation and the City's resulting intended award. While the City has *not* noticed its intended awardee, and thus the protest period has not begun, Conduent is filing this protest prematurely in an effort to preserve its ability to receive a meaningful remedy. *See General Terms and Conditions* at 3-4 (providing that a protest must be filed no "later than five (5) business days after the non-awarded party has received notice of the City's intent to award"); *see also* a copy of the City's "Notice of Intent to Award" dated May 31, 2022, attached hereto as **Exhibit A**.

Conduent is the incumbent provider of some of the services sought in the Solicitation and values its relationship with the City. Conduent believes that it has provided quality services to the City, and as such, has a unique understanding and perspective on the City's decision to combine services from different contracts into a single comprehensive contract. Conduent does not wish to be in a position of having to protest the City's Solicitation and intended award, however, the City's conduct of the procurement raises serious concerns as to whether the City's procurement and intended award were in the City's best interests and resulted in the most advantageous solution. While Conduent has not received any production in response to its FOIA requests regarding documents that are routinely maintained as part of a contract file, based on the limited information currently available to Conduent, Conduent is confident that the City's procurement and intended award are fundamentally flawed and that the City should immediately reconsider its procurement and intended award. Conduent reserves the right to supplement or amend this protest after receipt of responsive documents from the City. In addition, in light of the facts brought to the attention of the City in this Protest, the

AUSTIN  
BOSTON  
CHICAGO  
DALLAS  
DENVER

DETROIT  
HOUSTON  
JACKSONVILLE  
LOS ANGELES  
MADISON

MEXICO CITY  
MIAMI  
MILWAUKEE  
NEW YORK  
ORLANDO

SACRAMENTO  
SALT LAKE CITY  
SAN DIEGO  
SAN FRANCISCO  
SILICON VALLEY

TALLAHASSEE  
TAMPA  
WASHINGTON, D.C.  
BRUSSELS  
TOKYO



FOLEY & LARDNER LLP

June 7, 2022

Page 2

City must stay the procurement and contracting process until this Protest is resolved to preserve a meaningful remedy for Conduent, and to protect the City from entering into a disadvantageous contract and wasting further resources in connection with this fundamentally flawed procurement.

### **I. Identification of the Protesting Party and Contact Information**

Conduent is the incumbent provider of parking services for the City. As the incumbent contractor, Conduent is uniquely positioned to provide the most advantageous solution to the City. Conduent submitted a competitive bid in response to the Solicitation but received a “Notice of Intent to Award” dated May 31, 2022, that stated that Conduent was not the most advantageous proposal.

For the purposes of this protest, Conduent’s contact information is that of undersigned counsel:

David G. Cabrales, Esq.

Foley & Lardner LLP

2021 McKinney Avenue

Suite 1600

Dallas, TX 75201

[dcabrales@foley.com](mailto:dcabrales@foley.com)

(214) 999-4359

Cc: [rhosay@foley.com](mailto:rhosay@foley.com); [bjgrossman@foley.com](mailto:bjgrossman@foley.com); [mneumann@foley.com](mailto:mneumann@foley.com)

### **II. Identification of the Solicitation**

The solicitation at issue is BG22-00018902 for Management of Parking Meter and Citation Management released on March 7, 2020.

Bids were originally due on April 8, 2022. Questions for the Solicitation were due on March 18, 2022. On April 6, 2022, *just two days* before bids were due, the City released Addendum 1 to the Solicitation that provided answers to the bidders’ questions and extended the due date to April 15, 2022. The City’s last-minute changes to the procurement in Addendum 1, gave bidders an extremely unreasonable and short amount of time, rendering it impossible for vendors to adjust and change their bids in accordance with the City’s published answers. On April 11, 2022, less than four days before bids were due to be submitted under the extended due date, the City *again* significantly amended the Solicitation, again leaving no opportunity for bidders to adjust and republish their bids for a second time in accordance with the major changes imposed by Addendum 2. Conduent later received a “Notice of Intent to Award” dated May 31, 2022 (the “Notice”). This Notice was a letter that simply checked an option saying that Conduent was “not the most advantageous solution,” but it did not identify the intended awardee nor did it provide Conduent with notice of its rights to protest the Solicitation. The Notice also provided that the City “reserve[d] the right to engage discussions with the next lowest bidder or next highest ranked proposer” and stated that the City was still in the “pre-

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award phase” of the procurement. Given Conduent’s competitive bid and its unique knowledge and position to provide the most advantageous solution for the City, Conduent was concerned that the City’s procurement was not in the City’s best interests and did not comply with the City’s governing procurement law and regulations. Conduent thus requested a debrief with the City, but the request was rejected, and the City instead stated that it could not conduct the debrief until after the award was executed and approved. Unfortunately, a debrief after execution and approval of the award will be too late, as the City will have already spent unnecessary time, efforts, and resources on entering into an improper contract.

In accordance with the Notice’s statement that the City was still in the “pre-award phase” and given that Conduent may still be in line for an award in accordance with the City’s statement that it reserved the right to engage in discussions with other bidders, Conduent believes the protest period in Section 21 of the General Terms and Conditions has not yet begun; however, Conduent believes that it would be in the best interests of the City to reconsider its procurement and intended award now, prior to the City entering into a contract that is later found to be improper and void. As such, Conduent respectfully requests that the City stay the procurement and contracting process until this protest is resolved to ensure a meaningful remedy for both the City and Conduent, and to preserve the City’s time and resources.

### **III. Factual & Legal Grounds for Protest**

Texas courts have long recognized that:

"Competitive bidding" require[s] due advertisement, giving opportunity to bid, and contemplates a bidding on the same undertaking upon each of the same material items covered by the contract; upon the same thing. *It requires that all bidders be placed upon the same plane of equality and that they each bid upon the same terms and conditions involved in all the items and parts of the contract*, and that the proposal specify as to all bids the same, or substantially similar specifications. Its purpose is to stimulate competition, prevent favoritism and secure the best work and materials at the lowest practicable price, for the best interests and benefit of the taxpayers and property owners. *There can be no competitive bidding in a legal sense where the terms of the letting of the contract prevent or restrict competition, favor a contractor or materialman, or increase the cost of the work or of the materials or other items going into the project.*

*Texas Highway Com. v. Texas Ass'n of Steel Importers, Inc.*, 372 S.W.2d 525, 527 (Tex. 1963) (emphasis added); *see also Tex. Logos, L.P. v. Tex. DOT*, 241 S.W.3d 105, 116 (Tex.App. – Austin

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[3d Dist.] 2007) (same). Unfortunately, the City's procurement here failed to satisfy these requirements. Bidders were not provided with an opportunity to compete on equal footing with respect to well-defined requirements known in advance to the vendors, the method in which the procurement was conducted materially prevented open competition, and the City's actions opened the door to – and created the appearance of – favoritism.

As set forth below, the manner in which the City conducted the Solicitation was arbitrary, capricious, and undermined the ability of the vendors to fairly compete for the resulting contract – as well as the ability of the City to actually achieve the best value for the City and its taxpayers as a result of the Solicitation. The City's procurement process here also, regrettably, results in the appearance of favoritism and conflicts of interest. This appearance of impropriety undermines the confidence of both the vendor community and the public in the competitive bidding process, and leaving the impression that the resulting contract was not equitably or fairly competed, and was not awarded in the public interest. Finally, the manner in which the Solicitation was conducted had the unfortunate effect of undermining important City initiatives and goals in the award of public business. The cumulative effect of these numerous errors is that the City's solicitation process was fundamentally flawed such that no contract award under the Solicitation can stand, and the City must instead reject all proposals and conduct an open and fair re-procurement that is not irreparably tainted by the numerous arbitrary decisions, missteps, and conflicts of interest that have undermined the integrity of the Solicitation here.

**A. The City Irrationally Made Major Changes to the Qualifications Sought Immediately Prior to the Submission Deadline, and in Doing So Prejudiced Respondents and Rendered Legitimate Competition Impossible.**

As an initial matter, the City's inexplicable decision to fundamentally change critical terms of the Solicitation *on the eve of bid submission*, once vendors had already developed their solutions and lacked time to adapt to the momentous changes made by the City and its consultant, fundamentally undermined the ability of vendors to fairly compete for the resulting contract. Worse still, the City made this fundamental misstep *multiple times* in this procurement, both removing nearly all of the mandatory minimum qualification requirements related to relevant experience, and removing the Minority-owned Business Enterprise and Woman-owned Business Enterprise ("M/WBE") participation goal from this procurement.

**1. The Last-Minute Decision to Eliminate Nearly All Relevant Mandatory Minimum Experience Qualifications Was Arbitrary, Capricious, and Contrary to Competition.**

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Originally, the Solicitation contained a detailed list of “minimum qualification considerations” that vendors were required to meet in order to propose on the project. These considerations were directly related to the scope of work for the project, and required vendors to demonstrate how their team had specific experience, in enumerated areas, performing the scope of services under this contract. A true and correct copy of the original minimum qualification considerations is attached hereto as **Exhibit B**.

These original “minimum qualification considerations” required vendors to, amongst other things, have five years of demonstrated experience “processing parking citations, with a total volume of more than 150,000 citations processed annually, providing management support systems, collections of delinquent citations, and coordinating activities with the Texas Department of Motor Vehicles,” have at least five references from municipal agencies with at least one *in Texas within the last three years*, demonstrate experience processing virtual license plate-based permits, demonstrate call center experience, and demonstrate experience regarding mail-in or lockbox procession. See Exhibit B at p. 1. These minimum qualifications likewise contained specific requirements for the references, in addition to references specific to individual services, limiting when the references could be from and what types of agencies would count as satisfying the minimum required references. In short, these requirements winnowed the field of potential vendors and required vendors to *construct their teams in a manner that would provide the specific experience sought* by the City.

Notwithstanding having originally published these detailed requirements, and allowing the vendors to move forward and construct their proposal teams and proposals with an eye towards satisfying these requirements, on April 11, 2022, *less than four days* before the bid submission deadline, the City eliminated *nearly all* of these requirements.<sup>1</sup> At approximately 3:00 PM on April 11<sup>th</sup>, the City published to its electronic procurement page Addendum #2, which served only to provide an updated set of minimum qualifications. A true and correct copy of the changed minimum qualifications is attached hereto as **Exhibit C**. While the original minimum qualifications set forth specific experience, with specific requirements, that vendors must satisfy, the last-minute change to the minimum qualifications required *only* the following:

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<sup>1</sup> As discussed further below, there does not appear to be any rational and appropriate explanation for why this change to the minimum qualifications was made at this late date. It is important to note that vendor questions had, by the time this Addendum was posted, already been addressed, and there should not have been further contact between Vendors and the City between the time Vendor questions were previously answered and when this change was made.

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1. Each reference provided should be for a configuration similar to that requested by the City (e.g., agency size, population served and scope of services).
2. Proposer must provide a minimum of five (5) U.S. municipal references, with at least two (2) references for Systems installed within the last three (3) years, preferably in Texas.
3. Each reference must have been operational for at least one (1) year.

See Exhibit C.

This change was fundamental in nature, and constituted a sea-change in both determining what vendors were eligible to respond to the Solicitation, and dictating how responding vendors would need to structure their proposals and teams. In short, the change to the minimum qualifications took what had, previously, been a requirement that vendors demonstrate long-standing experience specifically related to their ability to perform this contract – which ensured that the City would receive proposals only from the best-qualified vendors, and instead allowed minimal, generic experience to be valued at the same level as a demonstrated track-record of performance under equivalent contracts. It likewise made a fundamental change in what experience would suffice, changing from a *requirement* that vendors have experience specific to the State of Texas to the mere suggestion that Texas-specific experience would be “preferred.” The decision to make such a change, particularly at the literal last minute of the procurement, was both arbitrary and capricious, and undermined the ability of vendors to fairly compete for the contract. This change was even more egregious in that it likely impacted not only the ability of vendors to bid on the contract at all, but also the evaluation of vendors and the City’s ability to distinguish between superb experience and minimal experience when evaluating proposals: by redefining the required qualifications from *specific, enumerated* experience to a general requirement that vendors simply have five references that are, in some unspecified manner, *similar*, the City equated exemplary experience with any experience whatsoever and eliminated any distinction between vendors with superb qualifications and those who may be minimally qualified. Moreover, even to the degree that a loosening of minimum qualifications could potentially increase competition, the way that the City made this change in this procurement all but assured that it would not receive any material benefit from making this change and actually *reduced* potential competition: would-be-vendors could not reasonably, with less than four days of notice, be expected to find out about this change, make the decision to bid, construct a meaningful proposal, and timely respond to the City.

In addition, the last-minute nature of this change (over a month after the Solicitation was released, and mere days before bids were due), was a fundamental and fatal flaw in the procurement

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process that greatly undermined the ability of vendors to compete in a fair and open process.<sup>2</sup> In order to have fair competition for a government procurement, it is necessary that it be *clear* to vendors what is required in their responses – precisely because the proposal submitted by vendors is tailored to and based upon the requirements of the Solicitation itself. Vendors expend significant time and resources ensuring that they are assembling a proposed solution that best satisfies *the requirements of the bid*, and it is impossible for vendors to adequately adjust when the government decides to make fundamental changes to the procurement on the eve of bid submission. In a procurement such as this one, the effect of this type of flaw is profound: the vendors' responses and partnering strategies are driven by what the Solicitation says the City is seeking, and vendors would have dedicated significant time between the bid release date and the due date to ensure that they were assembling a team that met the City's minimum qualifications and were presenting the most competitive proposal possible. When this fundamental change in the minimum requirements was made less than 4 days before the bid submission deadline, it was impossible for vendors to change course and adjust their pricing, proposals, and response and partner strategy at that late hour to account for the City's belatedly changed requirements – placing those vendors who had invested the funds and time to actually attempt to meet the City's original requirements at a distinct competitive disadvantage. More fundamentally, this last minute change prejudiced not only the competing vendors, but also the City itself: by forcing vendors to develop proposals in light of requirements that the City then eliminated at the last minute, by moving forward under this procurement the City will be locking itself into paying a premium to receive qualifications that it later determined were not necessary. Against this backdrop, the City's arbitrary decision to eliminate these requirements mere days before bids were due is indefensible: if the City valued the experience it originally requested, it should have left the minimum qualifications unchanged; if the City was, instead, amenable to receiving proposals from less qualified teams, it should have made this change far earlier in the process or extended the bid due date to allow vendors to change course and meet the changed requirements. What the City *could not* rationally do is exactly what occurred here: make the change so late in the process that it impedes the ability of vendors to fairly compete for the contract, and entirely frustrates the opportunity for the City to actually receive the best value.

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<sup>2</sup> While the last-minute nature of this change, and the drastic loosening of the City's requirements, give the impression that this change may have been made to accommodate a potential vendor who may not otherwise have been capable of responding (which itself would be suggestive of favoritism and a reason to re-conduct the procurement), this flaw would be particularly egregious and suggests improper contact with or influence over the Solicitation given that the change was made *after* the responses to vendor questions, when any concerns about the minimum qualifications should have been addressed.

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2. The Decision to Belatedly Eliminate the M/WBE Goal for the Procurement Was Improper, Prejudiced Respondents, and Was Not in the City's Best Interests.

Similar to the last minute decision to eliminate the specific mandatory experience requirements from the Solicitation, the City likewise made a belated and surprising decision to eliminate M/WBE goals from this Solicitation in a manner that materially and meaningfully prejudiced both vendors and the City itself.

The City of Dallas has long prided itself on encouraging the inclusion of minority and women owned businesses in the public contracting process, and has a well-established program governing the use of such businesses in the City's solicitation process. To this end, the City has adopted a "Business Inclusion and Development Policy" (the "BID Policy"), and has gone so far as to have the policy officially adopted by the City Council. *See* Resolution 20-1430, a true and correct copy of which is attached hereto as **Exhibit D**. Pursuant to the BID Policy, its provisions are applicable to "*all* contracts for the purchases of goods or services over \$50,000 with special emphasis on those contracts with first tier subcontracting opportunities," and the policy takes precedence over *all* conflicting departmental plans and procedures. *See* Exhibit D at p. 2. The BID Policy is affirmative in nature, and specifically confirms that the City "*will* require bidders/proposers to document good faith efforts to meet established goals," and that "[f]ailure to adequately document a good faith effort to obtain M/WBE participation may result in" a vendor not being awarded the contract.

Against this background, parking services contracts have historically been treated as professional services contracts, and had the accompanying M/WBE participation goal. This treatment is consistent with the BID Policy, because parking services contracts provide ample opportunity for M/WBE teaming arrangements and first tier subcontracting. Indeed, Conduent's existing contract with the City has incorporated M/WBE participation goals, which Conduent has satisfied.

This procurement too, *at least initially*, appeared to treat the services at issue as being professional services, which would have required vendors to document their efforts to satisfy the 38% M/WBE participation goal applicable to such contracts. The RFCSP Specifications (a true and correct copy of which is attached hereto as **Exhibit E**), when describing the applicable Evaluation Criteria, specifically called for vendors to provide a Business Inclusion and Development Plan. This evaluation criteria *mandated* that vendors submit the Office of Business Diversity Pre-Bid/Proposal Form (OBD-FRM-623), provided that the BID Policy "establishes subcontracting goals and requirements for *all* prospective bidder/proposer," and explained that "As a prerequisite for City Council Award, the contractor *must* demonstrate and document its good faith effort to meet the established goal." *See* Exhibit E at pp. 39-40 (emphasis added). In addition, the Solicitation identified forms OBD-FRM-623 and OBD-FRM-627 as *required* forms. *Id.* at p. 41. These forms provided that, for professional service contracts, a M/WBE participation goal of 38% would apply. *See* BID-FRM-623, a true and



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correct copy of which is identified as **Exhibit F**. The RFCSP document further provided, with respect to evaluation criteria: “Note: the BID will mostly always be 15 points.” *See* Exhibit E at p. 39.

Inexplicably, however, *despite the RFCSP document requiring submission* of the M/WBE forms, explaining that contractors *must* demonstrate their efforts to meet the goals, and providing that the BID Plan would be an evaluation criteria for the Solicitation, when Addendum 1 was released on April 6<sup>th</sup> – *two days before the initial bid due date* and only nine days prior to even the extended bid due date – the requirement that vendors make a good faith effort to meet the City’s well-established M/WBE goals was *eliminated in its entirety*: in response to Question 8, the City explained that the Solicitation would be considered one for “other services” (rather than “Professional Services” as parking contracts are ordinarily treated), and no M/WBE goal would apply at all. *See* Addendum #1, a true and correct copy of which is attached hereto as **Exhibit G**.

Here too, this last-minute change materially prejudiced vendors: the City, at a minimum, created the impression through its initial bid documents that a 38% M/WBE participation goal would apply to this contract. Vendors who attempted to meet this goal *spent the intervening month* between the bid release and the release of Addendum #1 entering into teaming and subcontracting arrangements to structure their proposals in a way that would satisfy this goal. Such efforts come at a real monetary cost to vendors. When the City entirely changed course, again at the literal last-minute, and changed the M/WBE participation goal from 38% to 0%, this placed vendors who had looked to comply with the Solicitation’s requirements in good faith in a bind: they could not then easily abandon the teaming partners and subcontractors who they had lined up to satisfy the goal (and any attempt to abandon M/WBE participation entirely would have been inconsistent with both the stated goals and the intent behind the City’s BID Policy). Thus, these vendors were forced to either move forward with more complex, but M/WBE compliant, solutions that they had crafted – likely resulting in increased costs to the City over self-performed work, or engage in a rushed effort to reconfigure their proposals in light of the changes. This placed those vendors at a material competitive disadvantage relative to any vendors who *had not* attempted to satisfy the existing BID Policy requirements, and had a real effect on vendors: while Conduent had a solution prepared to meet the original 38% participation goal, in order to attempt to remain competitive in light of the drastic change in requirements Conduent was forced to attempt to reconfigure its team and proposal under an unreasonably short timeframe.

Perhaps more fundamentally, this change materially prejudiced the City of Dallas itself, and calls into question the City’s efforts to comply with the BID Policy. The City, through the City Council, has made perfectly clear that it places a high value on diversity in public contracting, and has made laudable efforts to increase the opportunities available for M/WBE businesses to participate in the City’s contracting process. Against this backdrop, the last-minute decision to deem this contract an “other services” contract exempt from the City’s M/WBE participation goals – rather than a professional services contract as parking contracts are ordinarily treated – calls into serious question

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the motives of the City, and its efforts to satisfy its own express public policy, with respect to this Contract. Parking services contracts have long been recognized as an industry which presents a strong opportunity for minority- and women-owned business contracting, and a robust community of M/WBE vendors who can assist on such contracts exists. Given both the ability of vendors to meaningfully engage with the M/WBE vendor community with respect to these contracts, and the City's historic practice of *actually achieving* M/WBE participation with respect to this very contract, the decision to belatedly excuse vendors (at least those who had not already formulated their teams) from making any efforts to obtain M/WBE participation is inexplicable, inexcusable, and regrettable.

#### **B. The City Evaluated Price Proposals in an Illogical and Arbitrary Manner.**

In addition to the City's last minute decision to make material and consequential changes to the Solicitation terms, other fatal flaws preventing the City from rationally and reasonably awarding the contract likewise exist which mandate the conduct of a re-procurement. By way of example, the City's evaluation of price proposals was *necessarily* arbitrary, as there is no way in which the City could have rationally awarded the 30 total points allocable to "Cost."

As originally released, the Solicitation failed to identify what the term of any resulting contract would be. While this oversight was corrected in Addendum #1, with Question #4 clarifying that the contract would have a three year base term and one optional one-year renewal, *see* Exhibit G at Question #4, this clarification would ultimately prevent the City from being able to evaluate cost in a reasonable manner. In addition to explaining that the contract would be awarded with a three year term and one option year (for a maximum contract length of four years), Addendum #1 was also accompanied by a Revised Cost Proposal form, a true and correct copy of which is attached hereto as **Exhibit H**. This revised Cost Proposal form contained a number of pieces of information that vendors were to provide, and ultimately requested that vendors provide the City with a *first year* cost, and a *five year* cost.

It is not clear how the City could have conceivably evaluated vendors' cost proposals for a contract with a three year term and one option year (thus, either a three or four year contract) when vendors provided pricing for: 1) the first year and 2) a five year term. *To be clear, under no circumstances would this Solicitation result in a five year contract, thus five year pricing is entirely useless in analyzing the costs of proposals.* Similarly, this Solicitation *cannot* result in a one year contract, thus first year pricing is, on its own, insufficient to determine the cost to the City. As a result, the revised Cost Proposal form left the City in a position where it is impossible for the City to have actually made a reasonable comparison of the cost of proposals. By definition, the City has either: 1) wholly failed to consider second, third, and potential fourth year pricing when evaluating cost

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proposals; or 2) based its evaluation of costs on an entirely irrelevant pricing scenario that can *never* actually occur under the Contract.

These flaws were only exacerbated by the City's responses to vendor questions concerning the Cost Proposal. Despite numerous questions concerning the Cost Proposal, including a question specifically asking the City to clarify how total price would be evaluated, *see* Exhibit G at Question #10, the City explained only that "[c]ost accounts for up to 30 points." This response sheds no light whatsoever on how Cost Proposals would be evaluated, nor is it clear *to this day* how the City evaluated vendors' pricing. A properly evaluated Cost Proposal is fundamental and material to determining the most advantageous bidder; consequently, this procurement is fundamentally flawed even by this error standing alone.

However pricing was evaluated, it was necessarily flawed – as described in detail above. This flaw, too, prejudiced both the vendors and the City. With respect to the Vendors they were, again, prejudiced by being forced to bid in the dark – without any insight into how their pricing would be evaluated or what, exactly, they needed to do in order to receive the 30 price points. A fair and proper procurement process *cannot* simply be made up by the government as it goes: vendors compete for contracts by responding in a manner that will maximize their score, and a change in the evaluation process – or an evaluation process that is not determined until after bids are submitted – both opens the door for favoritism and mischief, and renders it impossible for vendors to fairly compete for contracts. But this flaw also deprives the City itself of the benefit of competitive procurement: the Solicitation repeatedly called for the contract to be awarded to the most advantageous proposal, but in order to determine the value offered by each proposal – and thus which proposal is most advantageous – the City necessarily has to be capable of determining the *cost* of each proposal. Indeed, Texas law expressly requires the City to consider price when awarding contracts. *See* Tex. Local Gov't Code § 252.043(h). In this respect, the pricing analysis is a material and necessary component of evaluating the proposals, and the City has unfortunately left itself wholly incapable of actually determining the proposed cost of *any* proposal. Against this backdrop, the only acceptable option is for the City to cancel the Solicitation, reject all proposals, and conduct a proper re-procurement that corrects this fundamental flaw.

### **C. The City's Procurement Process Was Irreparably Tainted by a Material Conflict of Interest.**

Finally, and critically, it appears that the City's procurement process was undermined by a material and incurable conflict of interest between the Consultant retained by the City to guide and assist with the Solicitation process (Dixon Resources), and one of the vendors responding to the Solicitation.

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On November 24, 2021, the City posted procurement IFS TRN B2000147, seeking a Meter Operation and Parking Management Consultant. The terms of this procurement made clear that the purpose of this consultant would be to assist the City with the conduct of the RFCSP at issue in this protest, and the documents for the Consultant procurement expressly explained that the Consultant would:

Draft the specification for parking management technology systems.  
Manage the city's solicitation process from start to finish. This includes:

Issue the final RFP and manage the schedule, and respond to questions submitted by prospective bidders develop evaluation criteria for vendor proposal review, distribute and manage internal process with city staff review proposals and create a matrix to compare submissions and verify compliance. Support the city during the vendor selection process. Be available to review and negotiate contract agreements. The vendor will work at the city's direction to provide implementation support to address the city's evolving priorities and ongoing needs regarding the implementation of parking management technology solutions.

See IFS TRN B2000147 Bid Sheet, a true and correct copy of which is attached hereto as **Exhibit I**. Thus, the effect of the consultant contract was to, in large measure, outsource the entirety of the process for this Solicitation to the Consultant. The Consultant's central and key role in conducting this procurement is, however, extremely problematic in this instance. The Consultant selected by the City was Dixon Resources which, according to its own website, is headed by Julie Dixon as the firm's "Principal Consultant."

Upon information and belief, both Dixon Resources and Ms. Dixon individually have substantial pre-existing past and current relationships with one of the vendors bidding on the Solicitation: SP Plus. By way of example, Ms. Dixon is specifically identified – by name – as one of the "Permanent Staff" for SP Plus in connection with its ongoing contract with the Los Angeles Department of Transportation, serving as SP Plus's "LBE-WBE Consultant" for that contract. See LA DOT Contract, a true and correct copy of which is attached hereto as **Exhibit J**.

It constitutes a manifest conflict of interest for Ms. Dixon – or her firm – to conduct a procurement on behalf of the City, or even assist with such a procurement, in which another client of Ms. Dixon and her firm will be a respondent.<sup>3</sup> Ms. Dixon has a personal financial interest in ensuring

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<sup>3</sup> Both the City and Ms. Dixon should have anticipated this conflict of interest, particularly given that SP Plus is an incumbent vendor for the City's meter management services and certainly

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the success of SP Plus – which pays her in connection with other contracts – and other bidders cannot have any reasonable expectation of receiving fair and even-handed consideration and treatment under such circumstances. And, as described below, *the conflict of interest identified herein would directly violate the City's Code of Ethics*: SP Plus is the outside client of Ms. Dixon and her firm, compensates Ms. Dixon for her services, and is plainly a partner of a business entity (Dixon Resources) in which both Ms. Dixon and her staff have a financial interest.

The City's own policies acknowledge the manifest nature of this conflict of interest, and make clear that such a conflict of interest is not permissible. Indeed, the City's Ethics Code expressly prohibits City officials and employees from "tak[ing] any official action that the city official or employee knows is likely to affect particularly the economic interests of," amongst others, "the city official's or employee's outside client," "the city official's or employee's outside employer," "a business entity that the city official or employee knows is an affiliated business or partner of a business entity in which that person holds an economic interest," or "a person or business entity ... with whom the city official or employee, directly or indirectly, is engaged in negotiations pertaining to a business opportunity." Sec. 12A-3(a), Dallas City Code. Section 12A-45(e), in turn, requires the Procurement Services Office to "publish on the city's website information as to how this chapter applies to consultants or contractors and to city officials and city employees who work with consultants or contractors." Procurement Services has done so, stating that: "All consultants, contractors, or persons doing business with the City are required to follow Chapter 12A of the Dallas City Code the City's Code of Ethics."

Given this egregious conflict of interest, in which the City has apparently turned the keys over to a consultant and permitted the consultant to stand in the City's shoes and conduct a procurement on the City's behalf in which one of the consultant's own business partners was a bidder, the procurement process here cannot be rectified.<sup>4</sup> Indeed, the other flaws with the procurement identified herein *become even more suspect* when viewed through the lens of this conflict of interest. As such, the only permissible way for the City to move forward with the award of this contract would be to cancel the

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would have been amongst the list of vendors who the City and its consultant would expect to bid on this Solicitation.

<sup>4</sup> In addition Conduent would note that, upon information and belief, the Consultant procurement was apparently conducted in an unusual manner. The Consultant procurement was carried out with an exceptionally short procurement timeline and, apparently, without any outreach to well-known parking consultants in the field who have previously done work for the City, have a substantial local presence in the City, and would be well-qualified to carry out the scope of work sought in the Consultant procurement.

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Solicitation, reject all proposals, and conduct a new procurement that is not tainted by the numerous flaws, and the conflict of interest, described herein.

**D. The City's Procurement Process is Being Carried Out in an Unnecessarily Secretive Manner, and Conduent Reserves the Right to Amend its Protest Upon Receipt of Additional Information.**

In addition to the numerous fatal flaws identified above, Conduent further notes that, to date, it has not been provided with *any* additional information regarding the solicitation process, including any public records relating to the Solicitation – or even the identity of the intended awardee. Instead, the City has simply provided Conduent with a purported “Notice of Intend to Award” which merely states that the City *does not* intend to contract with Conduent, but gives no indication whatsoever regarding who the City *does* intend to negotiate with for a contract. Following receipt of this Notice, Conduent both requested that it be provided with public records relating to the Solicitation and that a debrief be conducted.

To date, the City has declined to either provide Conduent with any records or to hold the requested debrief. As such, this Protest has been prepared based upon the limited information currently available to Conduent. While Conduent understands the process by which the City must protect vendors' trade secrets, the assertion that the procurement process is both ongoing – such that Conduent cannot be provided with *any* procurement records – but also complete such that Conduent must file a Protest at this time is illogical and materially impedes Conduent from filing a fully-informed protest. Particularly given the numerous flaws noted above, it is critical that Conduent be provided with documents, including even basic procurement records, immediately. While, as set forth above, even the limited information now available to Conduent reveals numerous material and fundamental flaws in the procurement process necessitating the cancellation of this Solicitation, Conduent expects that, when it is ultimately provided access to additional critical information and records, additional fundamental flaws in the procurement process will likely be revealed. As such, Conduent expressly reserves the right to amend or supplement this Protest once it has been given the opportunity to review relevant records and information.

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**IV. Relief Requested**

For the foregoing reasons, Conduent respectfully requests that the City:

- a) Take no further action on the procurement or contracting process until this protest is resolved;
- b) Award the contract to Conduent as the bidder providing the most advantageous solution to the City;
- c) Or, in the alternative, reject all bids and start the procurement anew to ensure the City conducts a proper procurement process with a resulting intended award that complies with the City's governing statutes and regulations.

I appreciate your consideration of the issues raised in this protest and welcome the opportunity to discuss with you further. I would appreciate the opportunity to discuss the City's protest process with you and the next steps in resolving the critical issues raised herein, and ask that you please do not hesitate to contact me at [dcabrales@foley.com](mailto:dcabrales@foley.com) or (214) 999-4359.

Sincerely,



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[dcabrales@foley.com](mailto:dcabrales@foley.com)  
(214) 999-4359

Enclosures



**Office of Procurement Services**

1500 Marilla Street, Room 3FN  
Dallas, Texas 75201-6390

June 15, 2022

VIA EMAIL AT [dcabrales@foley.com](mailto:dcabrales@foley.com)

Mr. David G. Cabrales, Esq.  
Foley & Lardner LLP  
2021 McKinney Avenue  
Suite 1600  
Dallas, TX 75201

**RE: Protest of RFCSP BG22-00018902 – Management of Parking Meter and Citation Management**

Mr. Cabrales:

The City of Dallas (City) is in receipt of Conduent State and Local Solutions, Inc. (Conduent) protest letter dated June 7, 2022 (the "Protest"). In the Protest, Conduent states that the City's procurement and intended award are fundamentally flawed and that the City should immediately reconsider its procurement and intended award.

After a thorough review of the issues raised in the Protest, the City does not find a basis upon which to change intended award recommendation. It was determined to be at the best interest of the City to award the said services, as the intended award vendor is deemed the most responsive and advantageous proposer for this service.

In addition to the protest, the City understand you would like to request a "Debrief". Unfortunately, a debrief cannot be scheduled as this contract has not been authorized by the City Council and executed by all parties. However, the item is scheduled to be considered by the City Council on the June 22, 2022, Council Agenda meeting and if/when the contract has been awarded and signed by all parties, a debrief can then be scheduled to review your questions and provide answers. Alternatively, if you wish to submit an Open Records Request, you may do so by utilizing the following methods, however, the same rules would apply in that the information cannot be released until after the authorized contract has been fully executed:

- Electronically by using the City of Dallas Public Information Request Portal: <https://dallastx.govqa.us/WEBAPP/rs/Login.aspx>
- Email: to [openrecords@dallascityhall.com](mailto:openrecords@dallascityhall.com)
- Hand Delivery: Open Records Center c/o City Secretary's Office, City Hall, 5th floor, Suite 5DS

**Requests sent via fax or any other method not prescribed above will not be accepted.**



Although, Conduent was not the awarded proposer for this solicitation we encourage your participation in future solicitations advertised by the City. Thanks for your interest in doing business with the City of Dallas.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Shelton", with a stylized flourish at the end.

Doug Shelton, Sr. Procurement Specialist  
Office of Procurement Services

CC: Danielle Thompson, Director, Office of Procurement Services  
Derrick Chance, Assistant Director (I), Office of Procurement Services  
Ghassan Khankarli, Director, Department of Transportation  
Michael Doss, Assistant City Attorney



## Agenda Information Sheet

**File #:** 22-1478

**Item #:** 54.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize an ~~two-year~~ eighteen-month subrecipient agreement to provide legal services to residential tenants at risk of eviction and homelessness due to financial hardships brought on by the COVID-19 pandemic for the Office of Equity and Inclusion - Legal Aid of NorthWest Texas, most advantageous proposer of two - Not to exceed ~~\$250,000~~ \$500,000 - Financing: Coronavirus State and Local Fiscal Recovery Funds

### **BACKGROUND**

This subrecipient agreement will provide for eviction legal services for the Dallas Eviction Assistance Initiative. The Evictions Assistance Initiative was created to continue mitigation of evictions efforts in Dallas. The initiative establishes an evictions program where direct legal services will be provided to Dallas residents including at least 30 percent of intended beneficiaries at or below the Federal Poverty Guidelines, and residents negatively impacted by the COVID-19 pandemic. The goal of the initiative is to mitigate Dallas residents finding themselves facing eviction and possible homelessness without the resources to retain legal representation.

Due to the lingering impacts of COVID-19 financial hardships, residential tenants continue to face the threat of eviction and homelessness. Since the end of the CDC Eviction Moratorium on August 26, 2021, the number of evictions filed in Dallas have steadily increased to pre-pandemic numbers as noted in the [North Texas Evictions Project <https://northtexasevictions.org/>](https://northtexasevictions.org/) [\(northtexasevictions.org<https://northtexasevictions.org/\)](https://northtexasevictions.org/) by the Child Poverty Action Lab.

It can reasonably be deduced from interactions with residents, the court administrators, and the County that City residents continue to experience a steady increase in evictions while COVID-19 financial hardships linger, impacting communities in need. Those particularly at high risk include low-income communities, the disabled, impoverished women, persons of color, domestic violence victims, and families with children.

The recommended firm is a non-profit organization that provides civil legal services to low income

residents. They have disclosed and agreed to obtain a conflict waiver from their clients who are adverse to the City. The firm is also implementing an ethical wall between staff members who are representing clients adverse to the City and those who are working on the eviction program. They agree not to use City issued funds toward the adverse litigation or clients. The firm intends to collaborate with several partners including CitySquare, whose subsidiary is a plaintiff in litigation against the City.

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

- Office of Equity and Inclusion (2)
- Department of Housing and Neighborhood Revitalization (1)

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

- Approach 50 points
- Experience 40 points
- Diversity and equity 10 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

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

On January 13, 2021, City Council authorized a subrecipient agreement with Legal Aid of NorthWest Texas, most advantageous proposer of two, to provide legal services to Dallas residential tenants at risk of eviction and homelessness due to financial hardships brought on by the COVID-19 pandemic for the period December 31, 2020 through December 31, 2021 by Resolution No. 21-0167.

On June 23, 2021, City Council authorized the acceptance of grant funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Fund to provide relief during the ongoing COVID-19 pandemic by Resolution No. 21-1149.

On September 22, 2021, City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets, which included the ARPA funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Funds by Resolution No. 21-1590.

### **INFORMATION**

Fund	FY 2022	FY 2023	Future Years
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Coronavirus State and Local Fiscal Recovery Funds	\$250,000.00	\$250,000.00	\$0.00
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**M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
<del>\$250,000</del> <u>\$500,000</u>	Other Services	N/A	N/A	N/A
• The Business Inclusion and Development Policy does not apply to Other Service contracts.				
• Legal Aid of NorthWest Texas - Non-local; Workforce - 0.00% Local				

**PROCUREMENT INFORMATION**

## Method of Evaluation of Award Type

Request for Proposal	<ul style="list-style-type: none"> <li>• Utilized for professional, personal, revenue, and planning services</li> <li>• Recommended offeror is the responsible offeror whose proposal most closely meets established criteria for the services advertised, based on demonstrated competence and qualifications at a fair and reasonable price</li> <li>• Always involves the evaluation by committee</li> <li>• Allows for negotiation on contract terms, including price</li> </ul>
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The Office of Procurement Services received the following proposals from solicitation number BR22-00018285. We opened them on March 4, 2022. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

\*Denotes successful proposer

Proposers	Address	Score
*Legal Aid of NorthWest Texas	600 East Weatherford St. Forth Worth, TX 76102	97.67
Peaceful Resolutions LLC GROUP, PC	811 South Tennessee St. Amarilla, TX 79106	50.00

**OWNER**

Legal Aid of NorthWest Texas  
Kristin E. Postel, President (Chair)

Penny R. Robe, Vice President (Vice-Chair)

June 22, 2022

**WHEREAS**, on October 19, 2020 the City authorized an Administrative Action service contract with Legal Aid of NorthWest Texas to provide evictions assistance in the form of education & training, counseling, and legal representation; and

**WHEREAS**, on January 13, 2021, City Council authorized a subrecipient agreement with Legal Aid of NorthWest Texas, most advantageous proposer of two, to provide legal services to Dallas residential tenants at risk of eviction and homelessness due to financial hardships brought on by the COVID-19 pandemic for the period December 31, 2020 through December 31, 2021, in an amount not to exceed \$200,000, by Resolution No. 21-0167; and

**WHEREAS**, it is found that the initiative addressed the eviction crisis with the goal of keeping families housed and educating tenants and landlords on their rights and responsibilities; and

**WHEREAS**, it is found that to mitigate the problem of people finding themselves facing possible eviction or before the eviction courts, the resources to retain legal representation through the Eviction Assistance Initiative is imperative during the COVID-19 pandemic; and

**WHEREAS**, on September 22, 2021, City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets, which included the ARPA funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Funds by Resolution No. 21-1590.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a subrecipient agreement with Legal Aid of NorthWest Texas (511627), approved as to form by the City Attorney, to provide legal services to residential tenants at risk of eviction and homelessness due to financial hardships brought on by the COVID-19 pandemic for the Office of Equity and Inclusion for a term of ~~two-years~~ eighteen-months, in an amount not to exceed ~~\$250,000~~ \$500,000. If the service was bid or proposed on an as needed basis, unit price basis for performance of specified tasks, payments made to Legal Aid of NorthWest Texas shall be based only on the amount of the services directed to be performed by the City and properly performed by Legal Aid of NorthWest Texas under the contract.

June 22, 2022

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed ~~\$250,000~~ \$500,000 from Coronavirus State and Local Fiscal Recovery Funds, Fund FC18, Department MGT, Unit AD32, Object 3070 to Legal Aid of NorthWest Texas from Service Contract No. EQU-2022-00018285.

**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 Information Sheet

**File #:** 22-1117

**Item #:** 55.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

### SUBJECT

Authorize (1) **Supplemental** **Renewal** Agreement No. 1 to exercise the first of two one-year renewal options, with REKJ Builders, LLC, for residential rehabilitation repair services to homes with code violations that residents cannot afford to repair for the Department of Housing & Neighborhood Revitalization, and (2) an increase in appropriations in an amount not to exceed \$500,000 in the Dallas Tomorrow Fund to be used for associated costs - Not to exceed \$500,000 - Financing: Dallas Tomorrow Fund (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 according to annual budgetary appropriations.

This Renewal Agreement will continue to provide residential rehabilitation repair services to homes with code violations that residents cannot afford to repair for the Department of Housing & Neighborhood Revitalization. On March 9, 2005, City Council authorized an ordinance amending Chapter 27 of the Dallas City Code to create the Dallas Tomorrow Fund (DTF) to provide financial assistance and other guidance to persons determined financially unable to repair or rehabilitate their property or premises in compliance with City ordinances by Ordinance No. 25927. The City of Dallas established DTF pursuant to Chapter 380 of the Texas Local Government Code in order to make grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas by improving the quality and public safety of residential neighborhoods. The City desires to provide an economic incentive in the form of in-kind grants covering the costs of rehabilitation and/or repair of properties and premises that violate city codes and to enter into a grant agreement with an administrator in order to promote:

1. Development and diversification of the economy;
2. Eliminate unemployment and underemployment; and
3. The stability and economic value of residential neighborhoods.



DTF must be used for the sole purpose of rehabilitating and/or repairing properties and premises in the City for persons who are found unable to financially comply with notices of violation issued by the director under Chapter 27 Section 27-16.19 of the Dallas City Code.

On September 28, 2016, City Council approved Ordinance No. 30236 amending Chapter 27 Sections 16.13-16.23 of the Dallas City Code, changing the process of referring persons determined financially unable to repair or rehabilitate their property or premises in compliance with city ordinances to the DTF.

This Renewal Agreement will authorize REKJ Builders, LLC, the most advantageous proposer of five, to continue to perform residential rehabilitation repair services to homes with code violations that residents cannot afford to repair. This service will allow residents to correct code violations that could result in condemnation of the residence and possible eviction if not corrected.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. This contract renewal option includes the most current living wage of \$11.71.

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

On March 9, 2005, City Council authorized an ordinance amending Chapter 27 of the Dallas City Code to create the DTF and Citizen Advocate Program to provide financial assistance and other guidance to persons determined financially unable to repair or rehabilitate their property or premises in compliance with City ordinances by Resolution No. 05-0988; Ordinance No. 25927.

On September 28, 2016, City Council authorized an ordinance amending portions of Chapter 27 "Minimum Urban Standards" of the Dallas City Code to: clarify definitions; adjust the penalty provisions; amend the minimum property standards; change the requirements concerning indoor air temperatures; provide that a hearing officer will be appointed by the Dallas City Council; change the administration of the DTF; adjust the fees for registration applications; provide property inspection frequency for rental properties and adjust related fees; and provide a penalty not to exceed \$2,000 for any provision governing fire safety, zoning, or public health and sanitation by Resolution No. 16-1617; Ordinance No. 30236.

On October 13, 2020, City Council, authorized a one-year service contract with two, one-year renewal options for residential rehabilitation repair services to homes with code violations that residents cannot afford to repair for the Department of Housing & Neighborhood Revitalization with REKJ by Resolution No. 20-1666.

#### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Dallas Tomorrow Fund	\$500,000.00	\$0.00	\$0.00

#### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$500,000.00	Other Services	N/A	100.00%	\$500,000.00
<ul style="list-style-type: none"><li>• The Business Inclusion and Development Policy does not apply to Other Service contracts, however the prime contractor is a certified M/WBE.</li></ul>				
<ul style="list-style-type: none"><li>• REKJ Builders, LLC - Local; Workforce - 100.00% Local</li></ul>				

**OWNER****REKJ Builders, LLC**

9205 Royal Burgess Dr.  
Suite 259  
Rowlett, TX 75089

Ray E. King, Owner/Operator

June 22, 2022

**WHEREAS**, on March 9, 2005, City Council authorized an ordinance amending Chapter 27 of the Dallas City Code to create the Dallas Tomorrow Fund and Citizen Advocate Program to provide financial assistance and other guidance to persons determined financially unable to repair or rehabilitate their property or premises in compliance with City ordinances by Resolution No. 05-0988; Ordinance No. 25927; and

**WHEREAS**, on September 28, 2016, City Council authorized an ordinance amending portions of Chapter 27 "Minimum Urban Standards" of the Dallas City Code to: clarify definitions; adjust the penalty provisions; amend the minimum property standards; change the requirements concerning indoor air temperatures; provide that a hearing officer will be appointed by the Dallas City Council; change the administration of the Dallas Tomorrow Fund; adjust the fees for registration applications; provide property inspection frequency for rental properties and adjust related fees; and provide a penalty not to exceed \$2,000 for any provision governing fire safety, zoning, or public health and sanitation by Resolution No. 16-1617; Ordinance No. 30236; and

**WHEREAS**, on October 13, 2020, City Council authorized a one-year service contract, with two one-year renewal options, for residential rehabilitation repair services to homes with code violations that residents cannot afford to repair for the Department of Housing & Neighborhood Revitalization with REKJ Builders, LLC by Resolution No. 20-1555.

**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)** execute a Renewal Agreement No. 1 to exercise the first of two one-year renewal options to the service contract with REKJ Builders, LLC (VC20926), approved as to form by the City Attorney, for residential rehabilitation repair services to homes with code violations that residents cannot afford to repair for the Department of Housing & Neighborhood Revitalization, and **(2)** increase appropriations in an amount not to exceed \$500,000 in the Dallas Tomorrow Fund to be used for associated costs.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$500,000 (subject to annual appropriations) to REKJ Builders, LLC from Service Contract No. HOU-2020-00013689.

**SECTION 3.** That the City Manager is hereby authorized to increase appropriations in the amount of \$500,000.00 in the Dallas Tomorrow Fund, Fund 0476, Department HOU, Unit 1042, Object Code 3100.

**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 Information Sheet

**File #:** 22-1335

**Item #:** 56.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

### **SUBJECT**

Authorize the purchase of battery back-up units used in traffic signals for the Department of Transportation with Paradigm Traffic Systems, Inc. in the amount of \$402,790 and Texas Highway Products, LTD in the amount of \$412,624 through The Local Government Purchasing Cooperative (BuyBoard) agreement - Total not to exceed \$815,414 - Financing: General Fund

### **BACKGROUND**

These cooperative purchasing agreements will allow for the purchase of battery backup units used in traffic signals for the Department of Transportation. Battery backup units are installed in the traffic signal control cabinets at intersections. These units provide backup power to the traffic signals in the event of a power outages. Battery backup units also maintain power to traffic signals that experience power anomalies such as electrical line noise and frequency variations.

The Local Government Purchasing Cooperative (BuyBoard) agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code which authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

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

This item has no prior action.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
General Fund	\$815,414.00	\$0.00	\$0.00

**M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$815,414.00	Goods	N/A	N/A	N/A
<ul style="list-style-type: none"> <li>• The Business Inclusion and Development Policy does not apply to Cooperative Purchasing Agreements.</li> <li>• Paradigm Traffic Systems, Inc. - Non-local; Workforce - 0.00% Local • Texas Highway Products, LTD - Non-local; Workforce - 0.00% Local</li> </ul>				

**PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Cooperative Purchasing Agreement	<ul style="list-style-type: none"> <li>• Cooperative purchasing agreements enable the City to associate with State agencies, other local governments, or local cooperative organizations comprised of other state and local governments, to leverage market buying power and enable the City to purchase goods or services at lower prices</li> <li>• The cooperative purchasing agreement is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement</li> </ul>
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**OWNERS****Paradigm Traffic Systems, Inc.**

2201 East Division St.  
Arlington, TX 76011

Ryan Zenzen, President  
Jerry Priester, Chief Executive Officer

**Texas Highway Products, LTD**

1309 Clark St.  
Round Rock, TX 78681

Giovanni Devivo, President  
Darold R. Cherry, Chief Executive Officer

June 22, 2022

**WHEREAS**, on June 23, 2021, City Council authorized the acceptance of grant funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Fund to provide relief during the ongoing COVID-19 pandemic by Resolution No. 21-1149; and

**WHEREAS**, on September 22, 2021, City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets, which included the ARPA funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Funds by Resolution No. 21-1590.

**Now, Therefore,**

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

**SECTION 1.** That the purchase of battery back-up units used in traffic signals for the Department of Transportation is authorized with Paradigm Traffic Systems Inc. (344177) in the amount of \$402,790 and Texas Highway Products, LTD (515889) in the amount of \$412,624 through The Local Government Purchasing Cooperative (BuyBoard) agreement, in a total amount not to exceed \$815,414.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for battery back-up units used in traffic signals for the Department of Transportation. If a formal contract is required for this purchase instead of a purchase order, the City Manager is hereby authorized to execute the contract, approved as to form by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$815,414 to Paradigm Traffic Systems Inc. and Texas Highway Products, LTD from the General Fund, Fund 0001, Department TRN, Unit 3049, Object 4820, Purchase Order Nos. 167707 and 167913.

**SECTION 4.** That this contract is designated as Contract No. TRN-2022-00019444.

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



## Agenda Information Sheet

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**File #:** 22-1298

**Item #:** 57.

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**STRATEGIC PRIORITY:** Quality of Life, Arts & Culture  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 12  
**DEPARTMENT:** Park & Recreation Department  
**EXECUTIVE:** John D. Jenkins

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### **SUBJECT**

Authorize supplemental agreement No.1 to the interlocal agreement between the City of Dallas and the Richardson Independent School District for additional amenities to the park - Not to exceed \$158,295.20 - Financing: Capital Gifts, Donations and Development Fund (See Fiscal Information)

### **BACKGROUND**

On October 27, 2021, City of Dallas authorized an interlocal agreement with Richardson Independent School District (RISD) for shared access of campus grounds and the design and construction of park improvements (dog park installation) at Parkhill Junior High School. This action increases the scope to add additional amenities to the park including park benches, drinking fountain with dog bowl, meter and tap, dog activity stations, additional trash receptacles, waste stations, and turf and irrigation installation. The supplement will only increase the scope of work to add additional amenities and not the contract terms.

This agreement focuses on an underutilized portion on the southeast portion of the Parkhill Junior High School campus. Currently, residents adjacent to the campus are utilizing the tract of land as a dog park. The interlocal agreement expires on December 31, 2026 but can be extended for an additional ten years if RISD does not need the property for a school expansion.

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

The Park and Recreation Board approved this item September 15, 2021.

On October 27, 2021, City Council authorized an Interlocal agreement between the City of Dallas and Richardson Independent School District for shared access of campus grounds and the design and construction of park improvements (dog park installation) at Parkhill Junior High School located at 16500 Shadybank Drive by Resolution No. 211762.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Capital Gifts, Donations and Development Fund	\$158,295.20	0	0

Estimated annual operating and maintenance costs are \$56,652.00 in Fiscal Year 2022, \$56,652.00 in Fiscal Year 2023, and \$58,351.56 in Fiscal Year 2024 going forward to be paid from the General Fund.

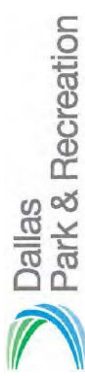
**MAP**

Attached





0 75 150 300 Feet



**16500 Shadybank Dr,  
Dallas, TX 75248  
Council District 12**





June 22, 2022

**WHEREAS**, on October 27, 2021, Council authorized execution of a five-year interlocal agreement ( the “Agreement”) with the Richardson Independent School District, approved as to form by the City Attorney, for shared access of campus grounds and the design and construction of park improvements at Parkhill Junior High School located at 16500 Shadybank Drive for the period of November 1, 2021 through October 31, 2026, with an option to extend the agreement for one ten-year period by Resolution No. 21-1762; and

**WHEREAS**, on June 2, 2022 the Park and Recreation Board approved a supplement to the Agreement between the City of Dallas and the Richardson Independent School District to facilitate additional amenities to the park; and

**WHEREAS**, V.T.C.A. Government Code Chapter 791, the Interlocal Cooperation Act (“Act”), provides authorization for a local government to contract or agree with another local government to perform governmental functions and services under the terms of the Act; and

**WHEREAS**, the City and District are political subdivisions within the State of Texas and engage in the provision of governmental services for the benefit of their citizens; and

**WHEREAS**, the City Charter provides the Park and Recreation Board the authority to enter into agreements with municipalities for joint administration and control and supervision of facilities jointly administered; and

**WHEREAS**, City desires to construct certain additional improvements within the Park Hill Junior High School campus defined in the Agreement as “park area”; and

**WHEREAS**, the additional improvements include new service gate, park benches, drinking fountain with dog bowl, meter and tap, dog activity stations, additional trash receptacles, waste stations, turf and irrigation installation and will be generally depicted on the attached Exhibit A referred to as the “additional improvements”; and

**WHEREAS**, District desires to allow the City and the public to use the Park Area for park purposes subject to the terms of this Agreement; and

**WHEREAS**, City and District desire to execute this Supplement to the Agreement; and

**WHEREAS**, the parties desire to further amend the Agreement to clarify that “Park Area” as described in the Agreement is not a dedicated park under applicable state law and functions solely as a shared access area so long as the parties mutually agree; and

**Now, Therefore,**

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

June 22, 2022

**SECTION 1.** That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a supplement to the interlocal agreement with Richardson Independent School District, approved as to form by the City Attorney, for the addition of park amenities at Parkhill Junior High School. Contract No. PKR-2022-00019528

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$158,295.20 Capital Gifts, Donations and Development Fund, Fund 0530, Department PKR, Unit P516, Object 3511. Contract No. PKR-2022-0019528, Vendor VS0000065846.

**SECTION 3.** That this contract is designated as Contract No. PKR-2022-00019528

**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.





# PARKHILL DOG PARK

SCHEMATIC DESIGN



LEGEND

- DOG PARK BOUNDARY
- EXISTING CHAINLINK
- NEW CHAINLINK FENCE
- NEW ENTRANCE
- NEW BENCH
- NEW DOG BAG STATION
- NEW TRASH RECEPTACLE
- NEW DOG DRINKING FOUNTAIN

EXISTING TREE LINED CREEK  
• Extend Existing Fence Line - 4' Chainlink



SEATING

MAINTENANCE GATE

AGILITY  
• Consider Adding Dog Agility Equipment



DRINKING FOUNTAIN



EXISTING BENCH  
• Eagle Scout Project To Remain In Place



ENHANCE MAIN ENTRANCE  
• Paddocks Entry



LA MANGE DRIVE

MEADOWCREEK DRIVE





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1289

**Item #:** 58.

**STRATEGIC PRIORITY:** Quality of Life, Arts & Culture  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Park & Recreation Department  
**EXECUTIVE:** John D. Jenkins

### **SUBJECT**

Authorize the First Amendment to the Interlocal Agreement with Dallas County for the Right of Way boundary survey, and preparing easement documents and legal descriptions for the Cypress Waters Trail located at South Belt Line Road heading east to South North Lake Road- Not to exceed \$159,833.00 - Financing: Stormwater Drainage Management Fund

### **BACKGROUND**

This action will approve the First Amendment to the Interlocal Agreement (ILA) with Dallas County for the Right of Way boundary survey and preparing easement documents and legal descriptions for the Cypress Waters Trail. The City of Dallas and Dallas County are partnering to develop the 1.7-mile first phase section of the 3.8-mile Cypress Waters Trail on the northern side of North Lake in northwest Dallas (Exhibit A). Dallas County has secured federal funding for the project. Use of that federal funding requires field notes for the trail easement prepared by a professional Land Surveyor.

The Amendment to the ILA provides for the City contributing to the project an amount not to exceed \$159,833.00 for surveying services. Dallas County, through its consultant for the project, will survey the trail easement area and prepare the legal descriptions, in compliance with federal and City of Dallas real property description standards; the City of Dallas will reimburse Dallas County for this work. The owner of the property is providing the Hike and Bike Trail Easement to the City at no cost.

### **ESTIMATED SCHEDULE OF PROJECT**

Began Design	August 2018
Began Right-of-Way Acquisition	May 2020
Complete Design	April 2022
Complete Right-of-Way Acquisition	January 2023

Begin Construction                      October 2023

Complete Construction                      May 2025

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

On October 19, 2017 the Park and Recreation Board authorized an Interlocal Agreement with Dallas County for designing, constructing, and maintaining a portion of the Cypress Waters Trail located at South Belt Line Road heading east to South North Lake Road.

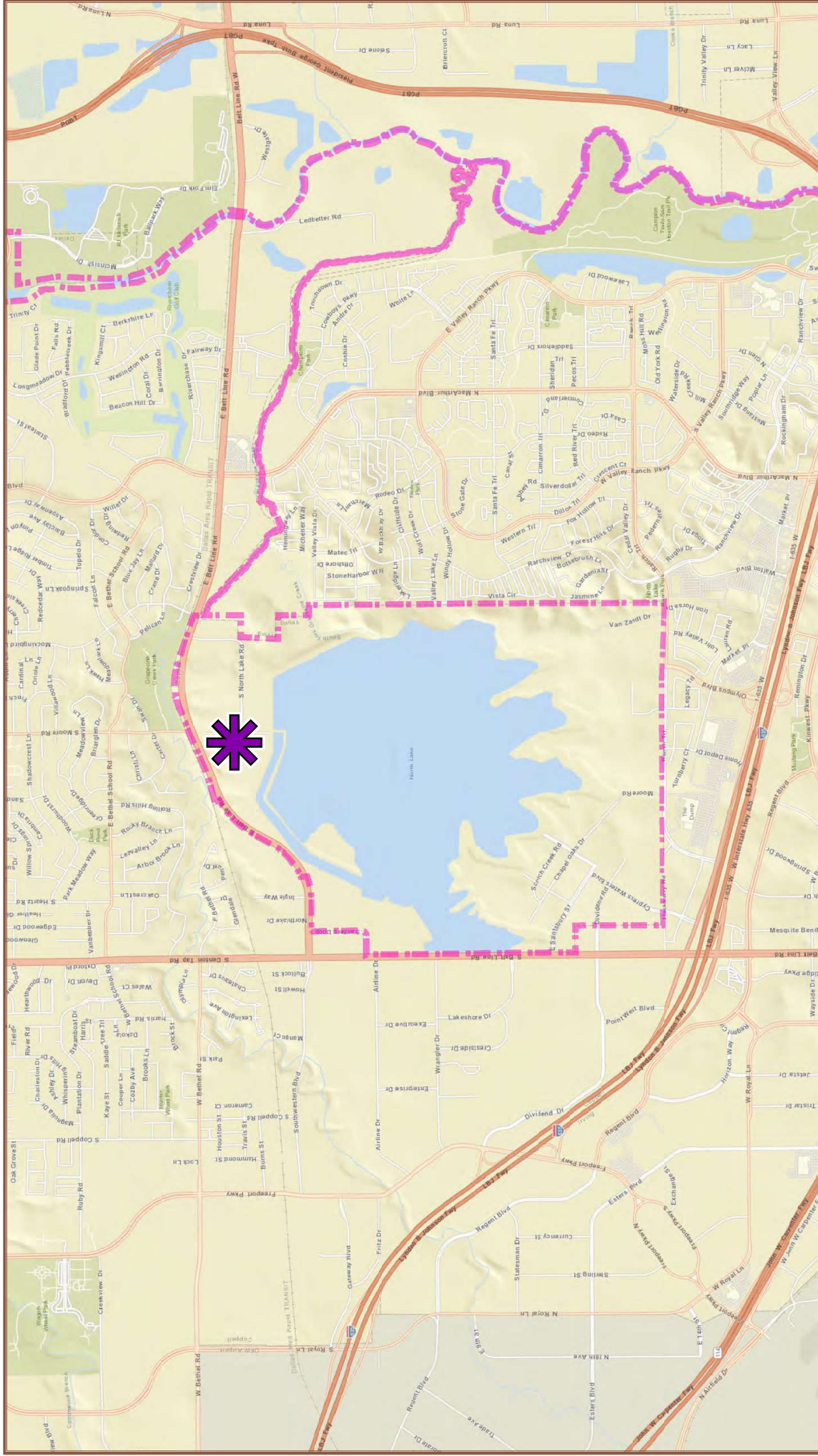
On December 13, 2017 City Council authorized an Interlocal Agreement with Dallas County for designing, constructing, and maintaining a portion of the Cypress Waters Trail located at South Belt Line Road heading east to South North Lake Road by Resolution No. 17-1888.

**FISCAL INFORMATION**

Fund	FY2022	FY2023	Future Years
Stormwater Drainage Management Fund	\$159,833.00	\$0.00	\$0.00

**MAP**

Attached



# Cypress Waters Trail Interlocal Agreement (North Lake)

Mapscop  
11A-C D F G

District  
6

June 22, 2022

**WHEREAS**, the Chapter 791 of the Texas Government Code and Texas Transportation Code Article 251 provides authorization for local governments to contract with each other for the performance of governmental functions and services, and joint funding of transportation projects; and

**WHEREAS**, the City of Dallas and Dallas County are partnering on the development of Cypress Waters Trail located at South Belt Line Road heading east to South North Lake Road as shown on Exhibit A; and

**WHEREAS**, upon completion of construction and acceptance of the project by the Director of Park and Recreation, the City of Dallas shall take ownership and be responsible for operating and maintaining the project as a public recreational facility for no less than twenty-five years after consummation of the Agreement by both parties; and

**WHEREAS**, this trail will be built using three million dollars (\$3,000,000) of Dallas County funds; and

**WHEREAS**, Dallas County secured federal funds for the development of phase 1 of the Cypress Waters Trail project; use of that federal funding requires field notes for the trail easement prepared by a professional Land Surveyor and Dallas County's consultant will survey the easement area; and

**WHEREAS**, it is now necessary to execute the First Amendment to the Interlocal Agreement with Dallas County for the Right of Way boundary survey, and preparing easement documents and legal descriptions for the Cypress Waters Trail located at South Belt Line Road heading east to South North Lake Road, in an amount not to exceed \$159,833.00.

**Now, Therefore,**

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

**SECTION 1.** That the Park and Recreation Board and City Manager are hereby authorized to execute the First Amendment to the Interlocal Agreement with Dallas County, approved as to form by the City Attorney, for the Right of Way boundary survey, and preparing easement documents and legal descriptions for the Cypress Waters Trail located at South Belt Line Road heading east to South North Lake Road.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to encumber and disburse funds in an amount not to exceed \$159,833.00 to Dallas County, in accordance with the terms and conditions of the First Amendment to the ILA from Stormwater Drainage Management Fund, Fund 0061, Department SDM, Unit 4908, Object 3070, Activity SD01, Encumbrance/Contract No. PKR-2022-00018792, Commodity 92586, Vendor 014003.

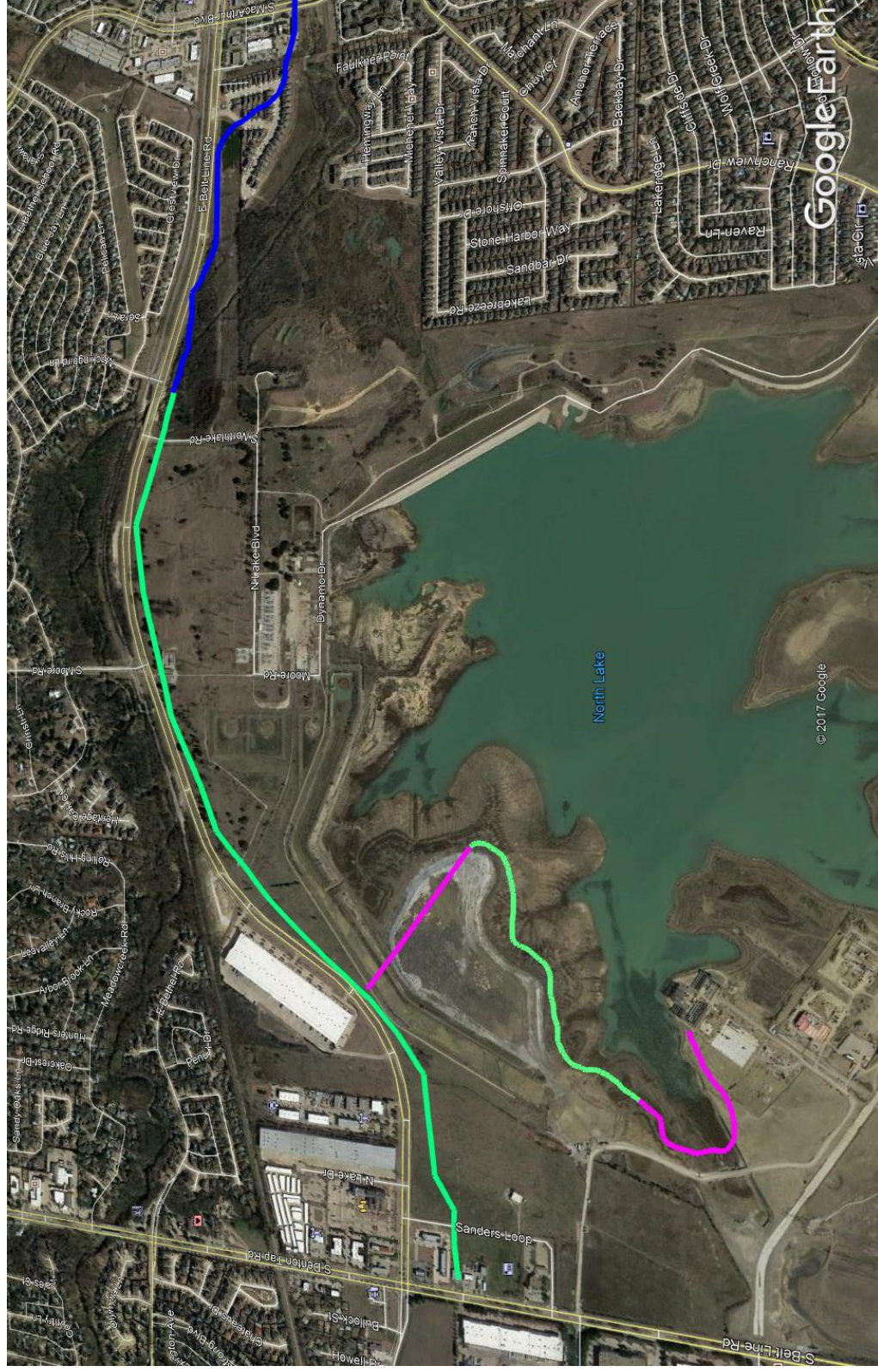


June 22, 2022

**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

## CYPRESS WATERS TRAIL



**Segments covered by inter-local agreement and to be designed and built by County**

**Segments to be designed and built by developer**

**Upcoming extension of City of Irving Campion Trail**



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1318

**Item #:** 59.

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**STRATEGIC PRIORITY:** Public Safety  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Police Department  
**EXECUTIVE:** Jon Fortune

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### **SUBJECT**

Authorize a public hearing to be held on August 10, 2022 to receive comments on amending Dallas City Code Chapter 15D; SEC 15D-15 Definitions; Sec 15D-16 Driving Wrecker To A Police Scene Prohibited; Exception; SEC 15D-17 Soliciting Wrecker Business At A Police Scene Prohibited; Presence At Scene As Evidence Of Violation; SEC 15D-21 License Application; Change of Zone; SEC 15D-22 License Qualifications; SEC 15D-50 Emergency Wrecker Service Zones; Wrecker Rotation List; SEC 15D-52 Requirements and Operating Procedures For Emergency Wrecker Service; SEC 15D-53 Rapid Response Program; SEC 15D-55 Notification of Police Department; SEC 15D-56 City-Owned Wreckers - Financing: No cost consideration to the City

### **BACKGROUND**

The Dallas Police Department is seeking to improve efficiencies with Emergency Wrecker services through the award of a RFCSP for Auto Pound Management and Towing Services. The current city ordinance will require modifications to allow for technological enhancements.

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

The Public Safety Committee will be briefed regarding this matter on June 13, 2022.

### **FISCAL INFORMATION**

No cost consideration to the City.

June 22, 2022

**WHEREAS**, the City Council is committed to providing the residents of Dallas with the opportunity to speak on these amendments Dallas City Code Chapter 15D.

**Now, Therefore,**

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

**SECTION 1.** That a public hearing on the amending Dallas City Codes; Dallas City Code Chapter 15D; SEC 15D-15 Definitions; Sec 15D-16 Driving Wrecker To A Police Scene Prohibited; Exception; SEC 15D-17 Soliciting Wrecker Business At A Police Scene Prohibited; Presence At Scene As Evidence Of Violation; SEC 15D-21 License Application; Change of Zone; SEC 15D-22 License Qualifications; SEC 15D-50 Emergency Wrecker Service Zones; Wrecker Rotation List; SEC 15D-52 Requirements and Operating Procedures For Emergency Wrecker Service; SEC 15D-53 Rapid Response Program; SEC 15D-55 Notification of Police Department; SEC 15D-56 City-Owned Wreckers to be held on August 10, 2022.

**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.



## Agenda Information Sheet

**File #:** 22-1218

**Item #:** 60.

**STRATEGIC PRIORITY:** Public Safety  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** Police Department  
**EXECUTIVE:** Jon Fortune

### **SUBJECT**

Authorize the **(1)** acceptance of a donated 2019 Protector Targa 310 boat with an estimated value of \$250,000.00 from Victor Vescovo to the Dallas Police Department - Financing: This action has no cost consideration to the City (see Fiscal Information)

### **BACKGROUND**

The 2000 Protector Targa 310 is a vessel specifically designed for law enforcement and other patrol duties. Currently the Protector line of boats are used by governments around the world for law enforcement, coast guard and security duties. The addition of the Protector boat to the Dallas Police Northeast Marine Unit will enhance the unit's ability to patrol and respond to calls for service in a variety of conditions on Lake Ray Hubbard. The boats design provides operators a stable platform to operate and has a semi enclosed console that will shield personnel from adverse weather conditions during operation. In addition to the design, the boat's twin 300hp engines will allow the Marine Unit the capability to quickly respond to any area of the lake faster than the current boats in active service.

The Dallas Police Marine Unit has provided police protection on Lake Ray Hubbard since 1972. The unit is comprised of officers assigned to the Northeast Patrol Division who are certified Marine Safety Enforcement Officers through Texas Parks and Wildlife. This certification allows officers to enforce all laws and ordinances involving water and boat safety pursuant to Chapter 31 of the Texas Wildlife Code and the Texas Water Safety Act. Currently there are always a minimum of two officers assigned to the lake from the hours of 8am to 10pm. After 10pm other certified officers are on standby and respond to the lake as needed. In addition to standard water patrol, the unit also has responsibility to provide law enforcement services to multiple critical infrastructure sites on the lake consisting of the south dam, water intake, Oncor Electric Plant and all bridges of I-30 that go across the lake. The Unit also conducts patrols of 4 public boat ramps and 5 lakeside marinas. Currently the Marine Unit answers an average of 150 calls for service per year at the lake. The billion-dollar resort planned for the Lake Ray Hubbard area will greatly increase Dallas Police calls for service and police activity on the lake. The Sapphire Bay Resort is scheduled for completion in the fall 2023.

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

The Public Safety Committee was briefed by memorandum regarding this matter on June 13, 2022.

**FISCAL INFORMATION**

This action has no cost consideration to the City. Estimated maintenance cost for the donated boat are \$3,900.00 for Fiscal Year 2022, Fiscal Year 2023 and Future years \$2,300.00.



June 22, 2022

**WHEREAS,** Mr. Victor Vescovo is donating a boat to the Dallas Police Department; and

**WHEREAS,** the Dallas Police Department will accept the donation with no strings attached; and

**WHEREAS,** it is in the best interest of the City of Dallas to accept this donation.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to accept the donated 2019 Protector Targa 310 boat with an estimated value of \$250,000.00 from Victor Vescovo to the Dallas Police Department.

**SECTION 2.** That this contract is designated as Contract No. DPD-2022-00019395.

**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 Information Sheet

**File #:** 22-1369

**Item #:** 61.

**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Small Business Center Department  
**EXECUTIVE:** Kimberly Bizer Tolbert

### **SUBJECT**

Authorize **(1)** a Conditional Chapter 380 Economic Development Loan Agreement with MLK Kingdom Complex, LLC (Developer) in an amount not to exceed \$350,000.00 sourced with the South Dallas/Fair Park Opportunity Fund; and **(2)** a [Chapter 380 Conditional Grant Agreement](#) with Developer in an amount [not](#) to exceed \$100,000.00 sourced with the Southern Dallas Investment Fund, for construction costs to develop 3101 Martin Luther King Jr. Blvd. and 2904 Meadow Street of Dallas, Texas into the MLK Wellness Complex and parking - [Total amount not to exceed \\$450,000.00](#)  
Financing: South Dallas/Fair Park Opportunity Fund ~~not to exceed~~ \$350,000.00 and 2017 Proposition (I) Bonds Fund ~~not to exceed~~ \$100,000.00 ~~in a combined total amount not to exceed \$450,000.00~~

### **BACKGROUND**

The purpose of the South Dallas/Fair Park Opportunity Fund (Opportunity Fund) as authorized by City Council Resolution No. 18-0922 and Ordinance No. 30905 on June 27, 2018, is to provide loans and grants to promote economic development and support human development initiatives in neighborhoods surrounding Fair Park (service area). Loans or grants are available to support businesses or entities located within, relocating to, or serving a population of which at least 90% are residents of specific census tracts (SDFPOF community). Under the Economic Development program, a project is eligible for funding if it demonstrates that project funding will result in new job creation, job retention, or an increase in the service area tax base. Funding for economic development projects may be provided as a loan, or a combination of a loan and grant payment, provided that the grant payment does not exceed 25% of the total award amount.

The purpose of the Southern Dallas Investment Fund (Investment Fund) as authorized by City Council Resolution No. 19-0803 on May 22, 2019, is to promote local economic development of small businesses in southern Dallas including areas south of I-30 and or the Trinity River in conformance with Chapter 380 of the Texas Local Government Code. The Investment Fund may be used to stimulate business and commercial activity in southern Dallas by supporting small business growth in southern Dallas.



On December 21, 2021, MLK Kingdom Complex, LLC (Developer), a minority, women-owned business purchased the vacant building located at 3101 Martin Luther King Jr. Blvd. and vacant unimproved lot at 2904 Meadow Street to renovate the existing 5,063 square foot vacant building into a wellness center and the unimproved lot into a parking lot (the Project). The single-story building will accommodate three business entities - a 3,000 square foot fitness center, a 1,200 square foot healthy food restaurant, and an 863 sq. ft. office space dedicated to local practitioners to provide health and wellness services. The following tenants of the building have been identified and letters of intent have been executed: G3 Health Club, Jasz LLC, and Kingdom Sandwich.

Based on an initial estimate from the Developer, the total Project cost is \$1,121,608. The Developer has secured a \$511,150 loan from Trinity Capital Bank for property and building acquisition, and owner's equity in the amount of \$160,458. However, a finance gap of \$450,000 remains for the Project.

After consulting with an independent underwriter, National Development Council (NDC), to meet Developer's finance gap, City staff recommends City Council approval of the following: (i) South Dallas/Fair Park Opportunity Fund Chapter 380 Economic Development Loan Agreement with Developer in an amount not to exceed \$350,000; and (ii) a Southern Dallas Investment Fund Grant with Developer for construction costs in an amount not to exceed \$100,000. The permitted construction costs to develop the Project consists of new flooring, framing, windows, doors, roofing, brick repair, electrical, plumbing, HVAC, drywall, painting, fencing, millwork, potential addition of solar panels, and parking/exterior improvements.

This Project meets the criteria of the Economic Development program for the Opportunity Fund as it will create taxable improvements and will potentially create approximately 27 jobs, as well as provide services to the service area. It meets the criteria of the Investment Fund as it will stimulate economic development, increase business activity, and promote commercial growth in southern Dallas.

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

On May 23, 2022, the South Dallas Fair Park Opportunity Fund Advisory Board recommended the approval of \$350,000 in SDFPOF funds as a loan for the Project.

On June 6, 2022, the Economic Development Committee will be briefed by memorandum regarding this matter. <<https://cityofdallas.legistar.com/View.ashx?M=F&ID=10575294&GUID=89F58913-B1D3-48AD-A5F2-D356A61BB950>>

### **FISCAL INFORMATION**

Fund	Current Year	Future Years
South Dallas Fair Park Opportunity Fund	\$350,000.00	\$0.00
2017 Proposition (I) Bond Funds	\$100,000.00	\$0.00

### **Owner/Developer**

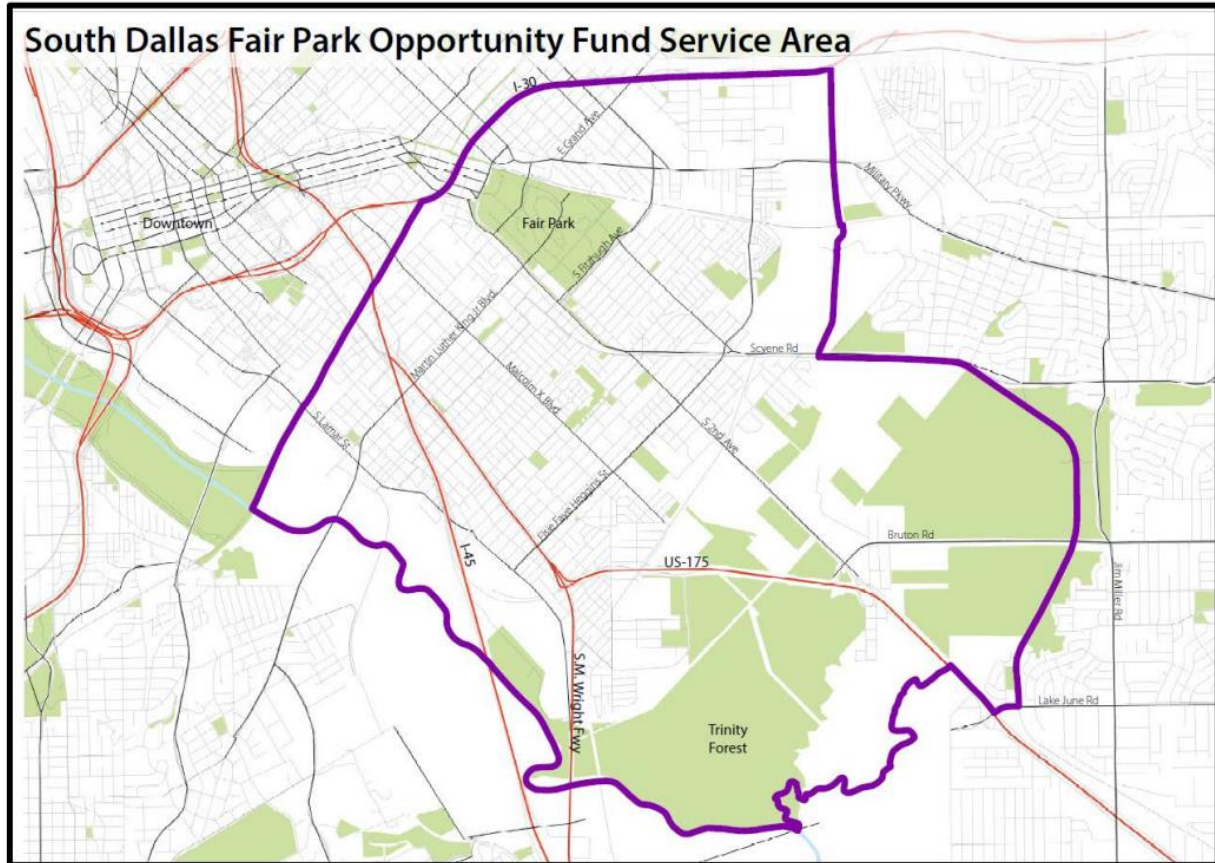
**MLK Kingdom Complex, LLC**

Ferrell Fellows, Manager  
3900 Willow Street, Suite 100  
Dallas, Texas 75226

**MAPS**

Attached

Property Address: 3101 Martin Luther King Blvd. Dallas, TX.





June 22, 2022

**WHEREAS**, the City of Dallas (“City”) recognizes the importance of its role in local economic development and supporting small business enterprises; and

**WHEREAS**, on June 27, 2018, City Council authorized revisions to the South Dallas Fair Park Opportunity Fund (“Opportunity Fund”), including establishing a purpose for the Opportunity Fund, which is to “provide loans and grants to promote economic development and support human development initiatives in the neighborhoods surrounding Fair Park” by Resolution No. 18-0922; Ordinance No. 30905; and

**WHEREAS**, on March 9, 2022, City Council **(1)** authorized transfer of the programmatic elements and funding of the Opportunity Fund from the Office of Economic Development (“OED”) to the Small Business Center (“SBC”); **(2)** authorized the Director of the SBC to take any actions necessary to administer those programs and related agreements that transferred from OED to SBC under Section 4(11) in the Operating and Capital Budgets’ Appropriations Ordinance (Ordinance No. 32000); and **(3)** created the SBC effective October 1, 2021, by Resolution No. 21-1950; and

**WHEREAS**, the purpose of the Opportunity Fund is to provide loans and grants to promote economic development and support human development initiatives in the neighborhoods surrounding Fair Park (“service area”) that create new jobs, retain existing jobs, or increase the service area tax base; and

**WHEREAS**, on May 22, 2019, the Southern Dallas Investment Fund (“Investment Fund”) was established to promote local economic development and to stimulate business and commercial activity in the City, pursuant to Chapter 380 of the Texas Local Government Code, by making grants of bond proceeds and otherwise providing assistance for private commercial, industrial, retail, residential and mixed-use development, neighborhood revitalization projects, and mixed income development; and

**WHEREAS**, MLK Kingdom Complex, LLC (“Developer”) seeks incentives from the Opportunity Fund and the Investment Fund to redevelop a vacant building located at 3101 Martin Luther King Boulevard into a neighborhood retail health and wellness complex that consists of a single-story building for a 3,000 sq ft fitness center, a 1,200 sq foot healthy food restaurant, and 863 sq ft of office space and a vacant unimproved lot at 2904 Meadow Street (the “Project”); and

**WHEREAS**, Developer estimates the total Project costs to be \$1,121,608.00 for construction costs, which consist of new flooring, framing, windows, doors, roofing, brick repair, electrical, plumbing, HVAC, drywall, painting, fencing, millwork, potential addition of solar panels, and parking/exterior improvements; and

June 22, 2022

**WHEREAS**, the Developer has obtained \$511,150 in bank financing to acquire the real property and is providing \$160,458 in equity, but a project funding gap still remains; and

**WHEREAS**, the Developer will invest a minimum of \$671,608 of outside funding for the Project; and

**WHEREAS**, this Project meets the Economic Development program criteria for the Opportunity Fund as it creates taxable improvements and will potentially create 27 jobs as well as provide services to the service area; and

**WHEREAS**, the Project meets Investment Fund criteria as it will stimulate economic development, increase business activity, and promote commercial growth in southern Dallas.

**Now, Therefore,**

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

**SECTION 1.** That the facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct.

**SECTION 2.** That the City Manager is hereby authorized, upon approval as to form by the City Attorney, to execute a conditional agreement and all other necessary documents with MLK Kingdom Complex, LLC or an affiliate thereof ("Developer") to provide an economic development grant to redevelop a vacant building located at 3101 Martin Luther King Jr. Blvd. and a vacant lot located at 2904 Meadow Street, each in Dallas, Texas (the "Project Site") in a total amount not to exceed \$450,000 as follows: (a) a conditional loan agreement with Developer in an amount not to exceed \$350,000 from the City and (b) a Chapter 380 conditional grant agreement with Developer in an amount not to exceed \$100,000 (collectively, the "Agreement").

**SECTION 3.** That the Agreement, including disbursement of the loan ("loan funds") and the conditional economic development grant ("grant funds"), is hereby expressly made subject to all of the following contingencies, which Developer must perform or cause to occur:

- (a) The loan term will be for 10 years and the loan will be amortized over 25 years at a 1% fixed interest rate.

June 22, 2022

- (b) For the loan funds, the compliance period shall commence on the date of the loan period and shall terminate upon payment (including refinance) of the loan ("Loan Compliance Period").
- (c) For the grant funds, the compliance period shall commence on the date of grant payment and terminate upon the 5th anniversary of the grant payment ("Grant Compliance Period").
- (d) The Developer shall make the following improvements to the Property: (i) convert the existing structure on the Property to a multi-tenant space in accordance with the scope of work and budget attached in **Exhibit A** (loan proceeds) and **Exhibit B** (grant proceeds) to allow for improvements and modernization to make the 5,063 square foot building functional for multiple tenants' operations. Such improvements shall also consist of new flooring, framing, windows, doors, roofing, brick repair, electrical, plumbing, HVAC, drywall, painting, fencing, millwork, potential addition of solar panels, and parking/exterior improvements.
- (e) The Developer shall only use the loan funds to support the Project improvements specified in this resolution and as identified in Section 3, **Exhibit A**.
- (f) For the loan funds, in addition to the Agreement, Developer shall execute a loan agreement, promissory note, deed of trust, personal guarantee, and deed restriction, each upon approval as to form by the City Attorney, in favor of the City.
- (g) As consideration for the loan funds, Developer shall provide no less than 27 jobs prior to the termination of the Loan Compliance Period.
- (h) For the loan funds, the Developer shall permit the loan to be secured by a lien on the Property, which shall be subordinate only to the senior permanent lender. The loan shall be paid upon closing of the other required financing and Developer will be considered in compliance (after completion of the construction phase) if Developer: (i) completes construction of the Project improvements, (ii) obtains final certificates of occupancy (or equivalent evidence of completion issued by the City) by Dec. 31, 2022, (iii) opens to the public the retail and office space by Dec. 31, 2022, (iv) ensures that the 5,063 square foot unit of the retail center is fully leased and occupied by Nov. 30, 2022, and (v) satisfies all terms and conditions of the Agreement.

June 22, 2022

- (i) The grant funds shall be payable after Developer: (i) constructs or causes to be constructed the Project improvements as defined in Section 3 of **Exhibit A**, (ii) obtains final certificates of occupancy (or equivalent evidence of completion issued by the City) during the Grant Compliance Period and (iii) satisfies all terms and conditions of the Agreement.
- (j) For the grant funds, Developer shall submit annual compliance reports, which shall include proof of operations and list of tenants, to the SBC by April 15<sup>th</sup> of each year during the Grant Compliance Period.
- (k) Prior to City's execution of the Agreement, Developer shall execute a lease with G3 Health Club, Jasz LLC, and Kingdom Sandwich for a minimum 5-year term.
- (l) For the loan funds, Developer shall obtain the SBC Director's prior written approval in order to sell the Property during the Loan Compliance Period.
- (m) During the Loan Compliance Period, if Developer fails to comply with the Agreement or causes or permits an uncured default to remain, including: (i) failure to maintain and operate the Property as an MLK Wellness Center during the Loan Compliance Period; (ii) failure to maintain the leaseholds and Property in compliance with all federal, state, and local laws and codes during the Loan Compliance Period; (iii) failure to timely submit complete and accurate annual compliance reports, which shall include proof of operations and a tenant list during the Loan Compliance Period; and (iv) failure to obtain SBC Director approval for the sale of the Property during the Loan Compliance Period, following notice and an opportunity to cure, the City may declare the Developer in default, terminate the Agreement, or pursue any remedies available to it at law or in equity, including, but not limited to, requiring Developer to convey fee simple title of the Property to the City, free of any liens or encumbrances, in a form acceptable to the City.
- (n) During the Grant Compliance Period, if Developer fails to comply with the Agreement or causes or permits an uncured default to remain, including: (i) failure to maintain and operate the Property as an MLK Wellness Center during the Grant Compliance Period; (ii) failure to maintain the leaseholds and Property in compliance with all federal, state, and local laws and codes during the Grant Compliance Period; (iii) failure to timely submit complete and accurate annual compliance reports, which shall include proof of operations and a tenant list during the Grant Compliance Period; and (iv) failure to obtain SBC Director approval for the sale of the Property during the Grant Compliance Period,



June 22, 2022

following notice and an opportunity to cure, the City may declare the Developer in default, terminate the Agreement, or pursue any remedies available to it at law or in equity, including, but not limited to, requiring Developer to convey fee simple title of the Property to the City, free of any liens or encumbrances, in a form acceptable to the City.

- (o) Developer shall execute the Agreement with the City no later than August 1, 2022.

**SECTION 4.** That this resolution, once loan documents are signed and loan funds disbursed, that the Chief Financial Officer be and is hereby authorized to set up the respective notes receivable for the principal in the SBC South Dallas Fair Park Opportunity Fund, Fund 0443, Department MGT, Balance Sheet Account 023D notes receivable, and deferred revenue Balance Sheet Account 0898 in the amount of respective amount of the loan disbursement not to exceed \$350,000.00.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to receive and deposit the principal amount not to exceed \$350,000.00 and estimated interest amount not to exceed \$45,672.62 in SBC South Dallas Fair Park Opportunity Fund, Fund 0443, Department MGT, Unit W830, Principal Revenue Source 847G, and Interest Revenue Source 847H. Late payments will be subject to late fees as defined in the Agreement. All late fees collected during the loan payment period shall be recorded in SBC South Dallas Fair Park Opportunity Fund, Fund 0443, Department MGT, Unit W830, Various Revenue Source.

**SECTION 6.** That this resolution, once the principal payments are received, the Chief Financial Officer be and is hereby authorized to reverse the notes receivable for the principal balance in the SBC South Dallas Fair Park Opportunity Fund, Fund 0443, Department MGT, Balance Sheet Account 023D notes receivable, and deferred revenue Balance Sheet Account 0898 in the amount of the loan disbursement not to exceed \$350,000.00.

**SECTION 7.** That this resolution, once loan documents are signed and loan funds disbursed, the Chief Financial Officer be and is hereby authorized to set up an interest receivable for the interest in the SBC South Dallas Fair Park Opportunity Fund, Fund 0443, Department MGT, Balance Sheet Account 028E interest receivable and deferred revenue Balance Sheet Account 0898 in the estimated amount of \$45,672.62 related to the loan.

June 22, 2022

**SECTION 8.** That this resolution, once the interest payments on the loan are received, the Chief Financial Officer be and is hereby authorized to reverse the interest receivable for the interest in the SBC South Dallas Fair Park Opportunity Fund, Fund 0443, Department MGT, Balance Sheet Account 028E interest receivable and deferred revenue Balance Sheet Account 0898 in the estimated amount of \$45,672.62 related to the loan.

**SECTION 9.** That the Chief Financial Officer is hereby authorized to disburse funds to Developer from:

SBC South Dallas Fair Park Opportunity Fund Fund 0443, Department MGT, Unit W830, Object 3015 Activity <del>#22-004</del> <u>SDFP</u> , Program 0443MLK Encumbrance/Contract No. CX-SBC-2022-00019558	\$350,000.00
2017 Proposition (I) Bond Funds Fund 1V52, Department MGT, Unit VI09, Object 3016 Activity <del>#22-004</del> <u>SDIF</u> , Program EC17VI09 Encumbrance/Contract No. CX-SBC-2022-00019558	<u>\$100,000.00</u>
Total amount not to exceed	<u>\$450,000.00</u>

**SECTION 10.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the grant or loan funds described herein, until such time as the Agreement and related documents are duly approved and executed by all parties.

**SECTION 11.** 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"**  
**MLK KINGDOM COMPLEX, LLC**  
**Summary of use of Loan proceeds:**

**Project:** 5,063 sq ft building known as "MLK Wellness Center"

**Address:** 3103 Martin Luther King Blvd., Dallas, TX 75215

**Use of loan proceeds:**

Scope of Work/Statement of Values			
	Materials/Rentals	Labor	S.O.V.
Parking striping/exterior improvements	\$ 12,000.00	\$ 7,700.00	\$ 19,700.00
Flooring Prep	\$ 6,500.00	\$ 4,500.00	\$ 11,000.00
Framing	\$ 28,000.00	\$ 13,700.00	\$ 41,700.00
Windows and Doors - Includes Garage Doors	\$ 80,000.00	\$ 11,700.00	\$ 91,700.00
Brick Repair	\$ 2,000.00	\$ 3,000.00	\$ 5,000.00
Roofing	\$ 12,000.00	\$ 5,700.00	\$ 17,700.00
Structural Support			\$ 28,000.00
Parapet Repair	\$ 1,200.00	\$ 2,000.00	\$ 3,200.00
Rough electrical	\$ 13,500.00	\$ 9,200.00	\$ 22,700.00
Rough plumbing	\$ 8,000.00	\$ 5,700.00	\$ 13,700.00
Rough HVAC - including vent hood @ kitchen	\$ 30,000.00	\$ 9,700.00	\$ 39,700.00
Drywall	\$ 28,000.00	\$ 10,200.00	\$ 38,200.00
Trim and molding	\$ 3,200.00	\$ 3,300.00	\$ 6,500.00
Painting	\$ 7,500.00	\$ 4,200.00	\$ 11,700.00
Bathroom and kitchen millwork	\$ 14,000.00	\$ 5,500.00	\$ 19,500.00
Finish plumbing	\$ 2,800.00	\$ 3,200.00	\$ 6,000.00
Fence repair/upgrade	\$ 6,500.00	\$ 5,200.00	\$ 11,700.00
Exterior Portico and Canopies (container)	\$ 8,500.00	\$ 5,500.00	\$ 14,000.00
Dumpster enclosure	\$ 2,300.00	\$ 3,500.00	\$ 5,800.00
Solar Panels			\$ 65,000.00
	<b>\$ 266,000.00</b>	<b>\$ 113,500.00</b>	<b>\$ 472,500.00</b>
<b>General Conditions</b>			
	24 weeks		
Dumpster	\$ 2,500.00	\$ -	\$ 2,500.00
Permits	\$ 1,200.00	\$ -	\$ 1,200.00
O&P	5%	\$ -	
Contingency	\$ 37,950.00	\$ -	\$ 37,950.00
Total	<b>\$ 269,700.00</b>	<b>\$ 113,500.00</b>	<b>\$ 514,150.00</b>

\* Highlighted items earmarked for SDIF Grant proceeds



## Agenda Information Sheet

**File #:** 22-1165

**Item #:** 62.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize **(1)** an increase in the construction services contract with Ark Contracting Services, LLC for additional work associated with the relocation of a 48-inch diameter water transmission pipeline along Ranchview Drive and Ranch Trail in the City of Irving - Not to exceed \$695,156.07, from \$3,010,639.00 to \$3,705,795.07; and **(2)** the receipt and deposit of funds from the City of Irving in an amount not to exceed \$257,207.75 for the City of Irving's share of the project cost within Irving Corporate limits - Financing: Water Construction Fund (\$695,156.07)

### **BACKGROUND**

Dallas Water Utilities (DWU) owns and operates a 48-inch water transmission pipeline that provides treated water to several customers, including Irving and the Dallas-Fort Worth International Airport. The existing pipeline was built in 1972 and is located within a 20-foot-wide easement through Irving. Since being built, the area has been fully developed with residential improvements, including numerous fences, retaining walls, and backyard improvements crossing the easement. These private improvements, including some encroachments into the existing water pipeline easement, have resulted in insufficient accessibility for maintenance and operation of a portion of the pipeline.

The City of Dallas and the City of Irving have mutually determined that a section of the pipeline within the City of Irving should be relocated in the interest of both Dallas and Irving customers. The pipeline between Ranchview Drive and Ranch Trail with the least amount of access will be relocated to the public right-of-way to improve maintenance and operational accessibility. On September 23, 2020, City Council authorized an Interlocal Agreement between the City of Dallas and the City of Irving for the relocation of the 48-inch water line within the Irving Corporate limits by Resolution No. 20-1465 and a construction contract for the relocation of the 48-inch water transmission pipeline along Ranchview Drive and Ranch Trail by Resolution No. 20-1466.

During construction, unforeseen conflicts with Oncor electric conduits and a City of Irving 24-inch water line required changes to the design of the relocated pipeline and additional appurtenances to complete the work. The design changes were approved by Dallas and Irving and the contractor

provided a proposal to complete the additional work. Dallas and Irving reviewed the proposal from Ark Contracting, LLC for the additional and found it to be acceptable. Per the terms of the Interlocal Agreement, Irving will provide funding for 37% of the additional costs.

This action will authorize an increase in the construction services contract with Ark Contracting Services, LLC and the receipt and deposit of funding from the City of Irving for their portion of the project cost as established by the Interlocal Agreement.

### **ESTIMATED SCHEDULE OF PROJECT**

Began Construction                      March 2021  
Complete Construction                  August 2022

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

On September 23, 2020, City Council authorized an Interlocal Agreement between the City of Dallas and the City of Irving for the relocation of a 48-inch water line within Irving Corporate limits and the receipt and deposit of funds from the City of Irving for a portion of the construction, construction administration, and material testing costs of the 48-inch water line relocation in the amount of \$1,160,447.28 by Resolution No. 20-1465.

On September 23, 2020, City Council authorized a construction contract for the relocation of a 48-inch diameter water transmission pipeline along Ranchview Drive and Ranch Trail in the City of Irving with Ark Contracting Services, LLC, in an amount not to exceed \$3,010,639.00 and the expense of funds in the amount of \$46,510.85 for applicable inspection, construction administrative cost, and construction material testing by Resolution No. 20-1466.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Water Construction Fund	\$695,156.07	\$0.00	\$0.00

Construction                                      \$3,010,639.00  
Change Order No. 1 (this action)              \$ 695,156.07

Total Project Cost                              \$3,705,795.07

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
<u>\$695,156.07</u>	Construction	25.00%*	8.68%	\$60,336.00
• *This item reflects previous Business Inclusion and Development Policy M/WBE goal.				

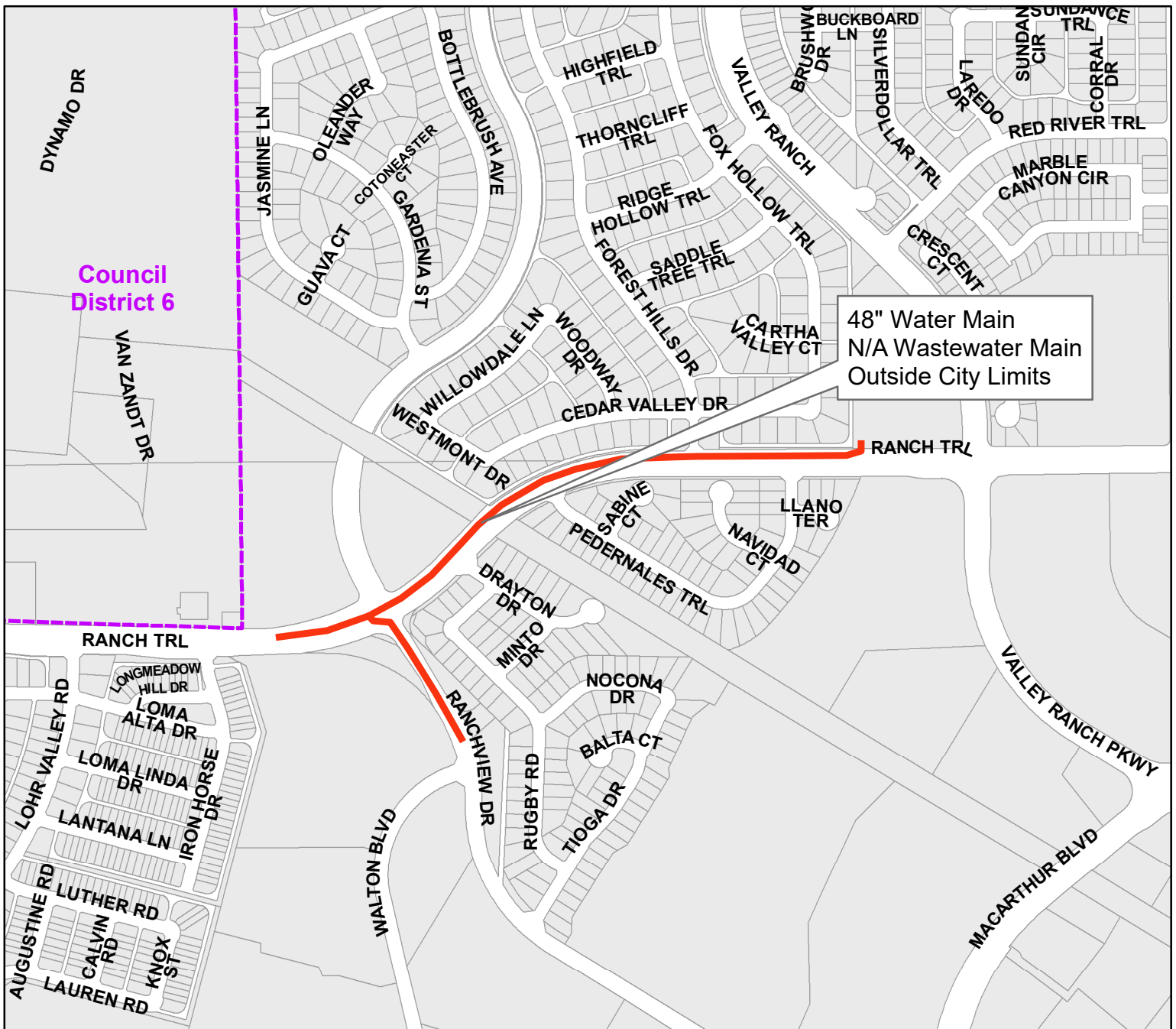
- |   |
|---|
| • This contract does not meet the M/WBE goal, but complies with good faith efforts. |
| • Change Order No. 1 - 34.54% Overall MWBE Participation                            |
| • Ark Contracting Services LLC - Non-local; Workforce - 32.00% Local                |

**OWNER****Ark Contracting Services, LLC**

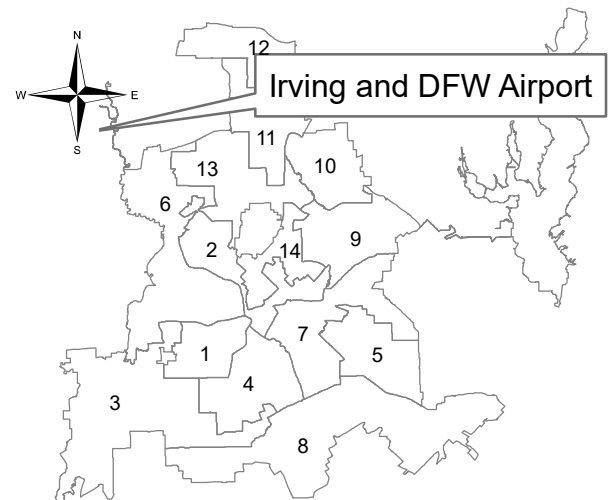
Mark R. North, Chief Executive Officer

**MAP**

Attached



Ranch Trail  
from Ranchview Drive east



**Dallas Water Utilities  
Contract No. 20-231 Change Order No. 1  
48-inch Water Main Relocation**

June 22, 2022

**WHEREAS**, on September 23, 2020, City Council authorized an Interlocal Agreement between the City of Dallas and the City of Irving for the relocation of a 48-inch water line within Irving Corporate limits and the receipt and deposit of funds from the City of Irving for a portion of the construction, construction administration, and material testing costs of the 48-inch water line relocation in the amount of \$1,160,447.28 by Resolution No. 20-1465; and

**WHEREAS**, on September 23, 2020, City Council authorized a construction contract with Ark Contracting Services, LLC for the relocation of a 48-inch diameter water transmission pipeline along Ranchview Drive and Ranch Trail in the City of Irving in the amount of \$3,010,639.00; and

**WHEREAS**, unforeseen conflicts with Oncor electric conduits and a City of Irving 24-inch water line require additional work and appurtenances to clear the conflicts and complete the project; and

**WHEREAS**, Ark Contracting Services, LLC, 420 South Dick Price Road, Kennedale, Texas, 76060 has submitted an acceptable proposal for this additional work; and

**WHEREAS**, Dallas Water Utilities recommends that Contract No. 20-231 be increased by \$695,156.07, from \$3,010,639.00 to \$3,705,795.07.

**Now, Therefore,**

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

**SECTION 1.** That an increase in the construction services contract with Ark Contracting Services, LLC (Change Order No. 1) is authorized for additional work associated with the relocation of a 48-inch diameter water transmission pipeline along Ranchview Drive and Ranch Trail in the City of Irving, in an amount not to exceed \$695,156.07, increasing the contract amount from \$3,010,639.00 to \$3,705,795.07.

**SECTION 2.** That the proposed Change Order No. 1 with Ark Contracting Services, LLC be accepted, and that Contract No. 20-231 be revised accordingly.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$257,207.75 in Water Construction Fund, Fund 0102, Department DWU, Balance Sheet Account 0519.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in the amount of \$695,156.07, as follows:

Water Construction Fund	
Fund 0102, Department DWU, Unit CW40	
Object 4550, Program 720231, Vendor VS0000017816	
Encumbrance/Contract No. CX-DWU-2020-00014021	\$212,000.00



June 22, 2022

**SECTION 4.** (continued)

Water Construction Fund	
Fund 0102, Department DWU, Unit CW43	
Object 4550, Program 720231, Vendor VS0000017816	
Encumbrance/Contract No. CX-DWU-2020-00014021	\$225,948.32

Water Construction Fund	
Fund 0102, Department DWU, Vendor VS0000017816	
Balance Sheet Account 0519	<u>\$257,207.75</u>

Total amount not to exceed	\$695,156.07
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**SECTION 5.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



## Agenda Information Sheet

**File #:** 22-1052

**Item #:** 63.

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize a construction services contract for improvements to the Jim Miller Pump Station and Reservoir - Eagle Contracting, LLC, lowest bidder of four - Not to exceed \$35,936,000.00 - Financing: Water Capital Improvement F Fund (\$25,000,000.00) and Water Capital Improvement G Fund (\$10,936,000.00)

### **BACKGROUND**

The Jim Miller Pump Station located at 5200 Jim Miller Road in Dallas, Texas is one of the largest and most critical pumping facilities in the Dallas Water Utilities potable water distribution system. The 20-million-gallon reservoir receives and stores water from the East Side Water Treatment Plant and supplies water to central, east, and north Dallas, as well as Pleasant Grove. The pump station was constructed in 1950, the reservoir was added in 1978, and a major expansion of the pump station was constructed in 1985. Much of the equipment in the pump station dates back to the original construction and is inefficient and expensive to operate and maintain. In addition, operation of the facility can cause surge issues at the pump station and in the distribution system. Unmitigated surge can damage equipment and rupture pipelines potentially leading to a disruption in water service and damage to private property.

This action will authorize a construction contract to bring the pump station up to current building codes and design standards, with a focus on mitigating surge, increasing efficiency, improving site security, and extending the service life of the pump station and reservoir. Improvements include the removal of deteriorated equipment from the reservoir roof and rehabilitation of the reservoir structure as well as construction of a new electrical building housing electrical gear, replacement of pumps, motors, valves, piping, instrumentation, controls equipment, and HVAC systems. A surge tank and screening wall will be added to protect against pressure surges and the original 1950s electrical room will be repurposed into a control room featuring a secure server area and staff facilities. As part of the project, the chain link and barbed wire fencing at the site will also be removed and replaced with a wrought iron fence featuring electronic security gates.

The following chart illustrates Eagle Contracting, LLC's contractual activities with the City of Dallas for the past three years:

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

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction            August 2022  
Complete Construction      November 2025

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

This item has no prior action.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Water Capital Improvement F Fund	\$25,000,000.00	\$0.00	\$0.00
Water Capital Improvement G Fund	\$10,936,000.00	\$0.00	\$0.00
Total	\$35,936,000.00	\$0.00	\$0.00

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$35,936,000.00	Construction	32.00%	12.04%	\$4,325,932.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Eagle Contracting, LLC - Non-local; Workforce - 30.00% Local				

### **PROCUREMENT INFORMATION**

The following four bids with quotes was received and opened on February 18, 2022:

\*Denotes successful bidder

**Bidder****Bid Amount**

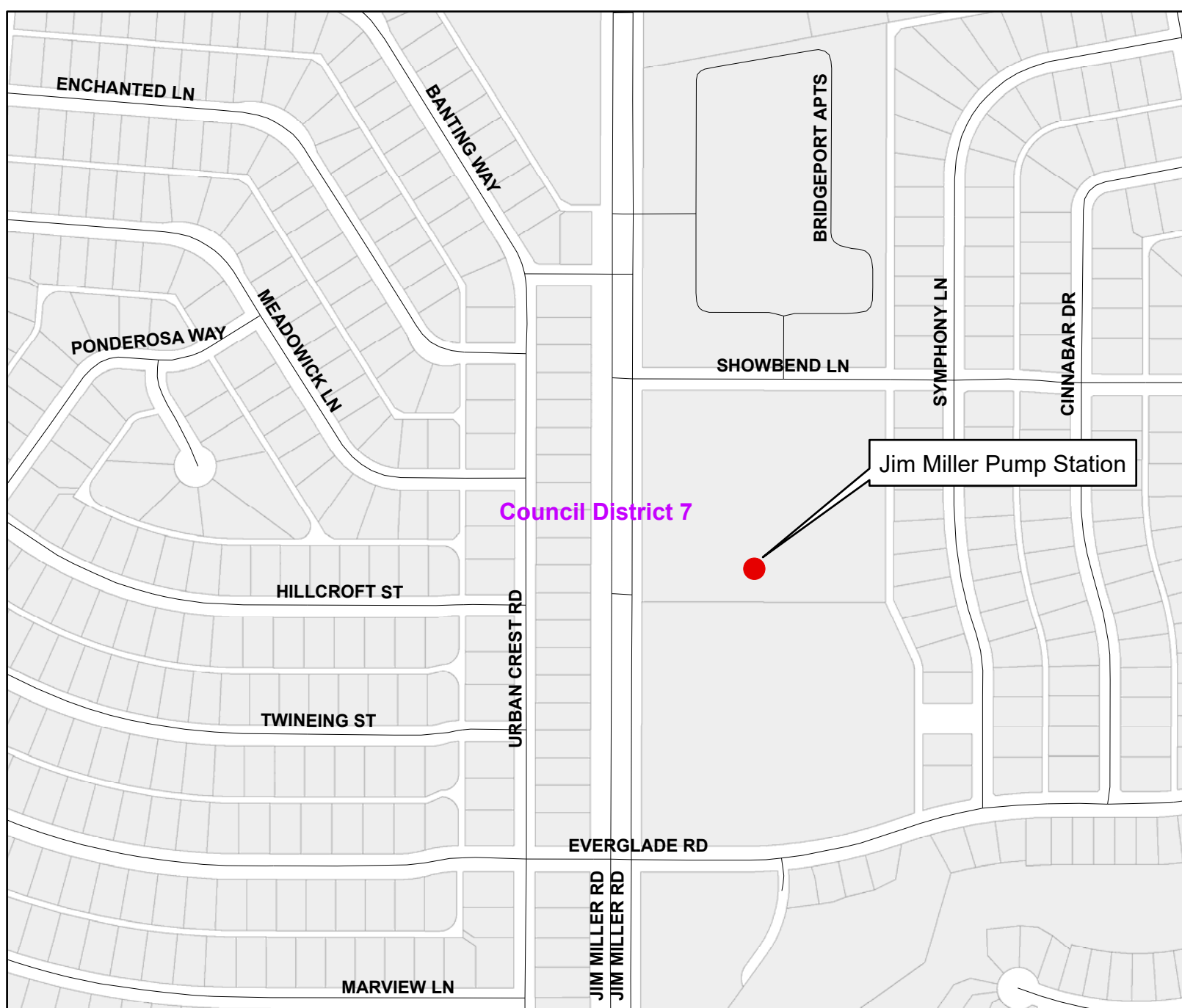
Eagle Contracting, LLC 5700 Park Vista Circle Fort Worth, Texas 76244	\$35,936,000.00
Archer Western Construction, LLC	\$39,859,675.00
BAR Constructors, Inc.	\$44,573,600.00
Oscar Renda Contracting, Inc.	\$54,686,000.00

**OWNER****Eagle Contracting, LLC**

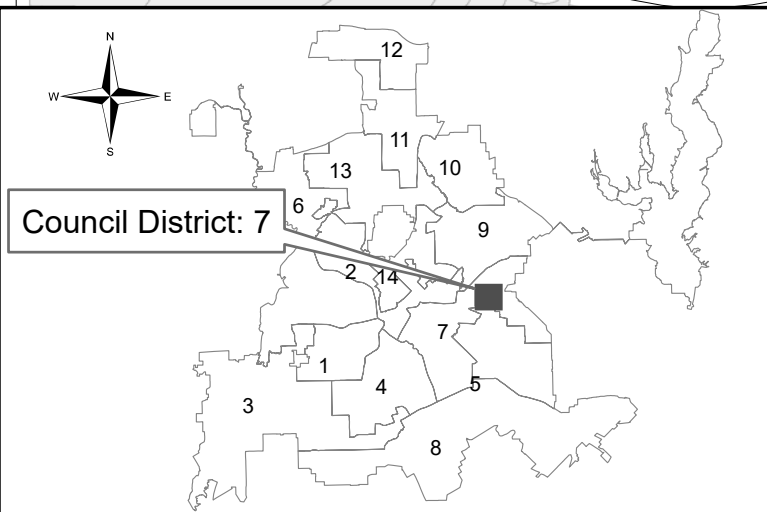
Roy Ewan, President

**MAP**

Attached



Mapsco: 48 J



June 22, 2022

**WHEREAS**, on February 18, 2022, four bids were received for improvements to the Jim Miller Pump Station and Reservoir, Contract No. 22-015, listed as follows:

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
Eagle Contracting, LLC	\$35,936,000.00
Archer Western Construction, LLC	\$39,859,675.00
BAR Constructors, Inc.	\$44,573,600.00
Oscar Renda Contracting, Inc.	\$54,686,000.00

**WHEREAS**, the bid submitted by Eagle Contracting, LLC, 5700 Park Vista Circle, Fort Worth, Texas 76244, in the amount of \$35,936,000.00, is the lowest and best of all bids received.

**Now, Therefore,**

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

**SECTION 1.** That the bid submitted by Eagle Contracting, LLC, in the amount of \$35,936,000.00 for doing the work covered by the plans, specifications, and contract documents, Contract No. 22-015, be accepted.

**SECTION 2.** That the City Manager is hereby authorized to execute a construction contract with Eagle Contracting, LLC, approved as to form by the City Attorney, for improvements to the Jim Miller Pump Station and Reservoir, in an amount not to exceed \$35,936,000.00.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$35,936,000.00 to Eagle Contracting, LLC, as follows:

Water Capital Improvement F Fund Fund 4115, Department DWU, Unit PW40 Object 4310, Program 722015 Encumbrance/Contract No. DWU-2022-00019253 Vendor VC20331	\$25,000,000.00
Water Capital Improvement G Fund Fund 5115, Department DWU, Unit PW31 Object 4310, Program 722015 Encumbrance/Contract No. DWU-2022-00019253 Vendor VC20331	<u>\$10,936,000.00</u>
Total amount not to exceed	\$35,936,000.00

June 22,2022

**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 Information Sheet

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**File #:** 22-1164

**Item #:** 64.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 1, 3, 9

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize a professional services contract with Halff Associates, Inc. to provide engineering services for storm drainage and erosion control improvements at 3 locations (list attached to the Agenda Information Sheet) - Not to exceed \$791,300.00 - Financing: Storm Drainage Management Capital Construction Fund

### **BACKGROUND**

This action will authorize a professional services contract with Halff Associates, Inc. for the engineering evaluation and design of storm drainage and erosion control improvements at 3 locations. Dallas Water Utilities has identified various properties in the City of Dallas impacted by stream erosion and flooding. Engineering evaluations and design improvements will be completed under this contract for Beckley Avenue at Coombs Creek, Hardin Creek along Kiesthill Drive, Kiestcrest Drive, and Kiest Forest Drive, and McCommas Branch at Wendover Road and Sperry Street. The services provided for this project include project management, topographic and boundary surveys, easement document preparation, subsurface utility exploration, geotechnical investigations, structural analysis, drainage studies including hydrologic and hydraulic stream and storm drain system modeling, and development of conceptual and final construction plans and special specifications.

Engineering services for Beckley at Coombs Creek include a study and conceptual design for removing the direct connection of the Beckley Avenue drainage system from the Coombs Creek Pressure Sewer and rerouting of the local drainage system to the Charlie Sump. The work under this contract at Hardin Creek includes an engineering study of stream bank erosion and conceptual design for properties adjacent to the creek in the 3300-3400 block of Kiesthill Drive, the 3600 block of Kiestcrest Drive, and 3300-3400 block of Kiest Forest Drive. Full design of erosion control improvements will be completed at 3604 and 3610 Kiestcrest Drive. Along McCommas Branch, the hydraulic impacts of the reconstructed SOPAC Trail Bridge will be evaluated and culvert replacement improvements at Wendover Street and Sperry Street, and roadway reconstruction to raise Sperry



Street will be designed. A future supplemental agreement is anticipated after completion of engineering evaluations for detailed design of erosion control improvements along the 3300-3400 blocks of Kiesthill Drive and Kiest Forest Drive and potentially other recommended improvements. The proposed design improvements will stabilize eroding stream banks and improve the existing drainage systems.

The consulting firm for this project was selected following a qualifications-based selection process in accordance with City of Dallas Administrative Directive 4-05 procurement guidelines.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Services	July 2022
Complete Services	July 2023

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

This item has no prior action.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Storm Drainage Management Capital Construction Fund	\$791,300.00	\$0.00	\$0.00

#### **Council District**

#### **Amount**

1	\$124,000.00
3	\$236,600.00
9	<u>\$430,700.00</u>
Total	\$791,300.00

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
<u>\$791,300.00</u>	Architecture & Engineering	34.00%	34.01%	\$269,132.00
• This contract exceeds the M/WBE goal.				
• Half Associates, Inc - Local; Workforce - 22.80% Local				

### **OWNER**

**Halff Associates, Inc.**

Mark Edwards, President

**MAPS**

Attached

Segment List  
Contract No. 21-285E  
**Storm Drainage and Erosion Control Improvements at 3 Locations**

**District 1**

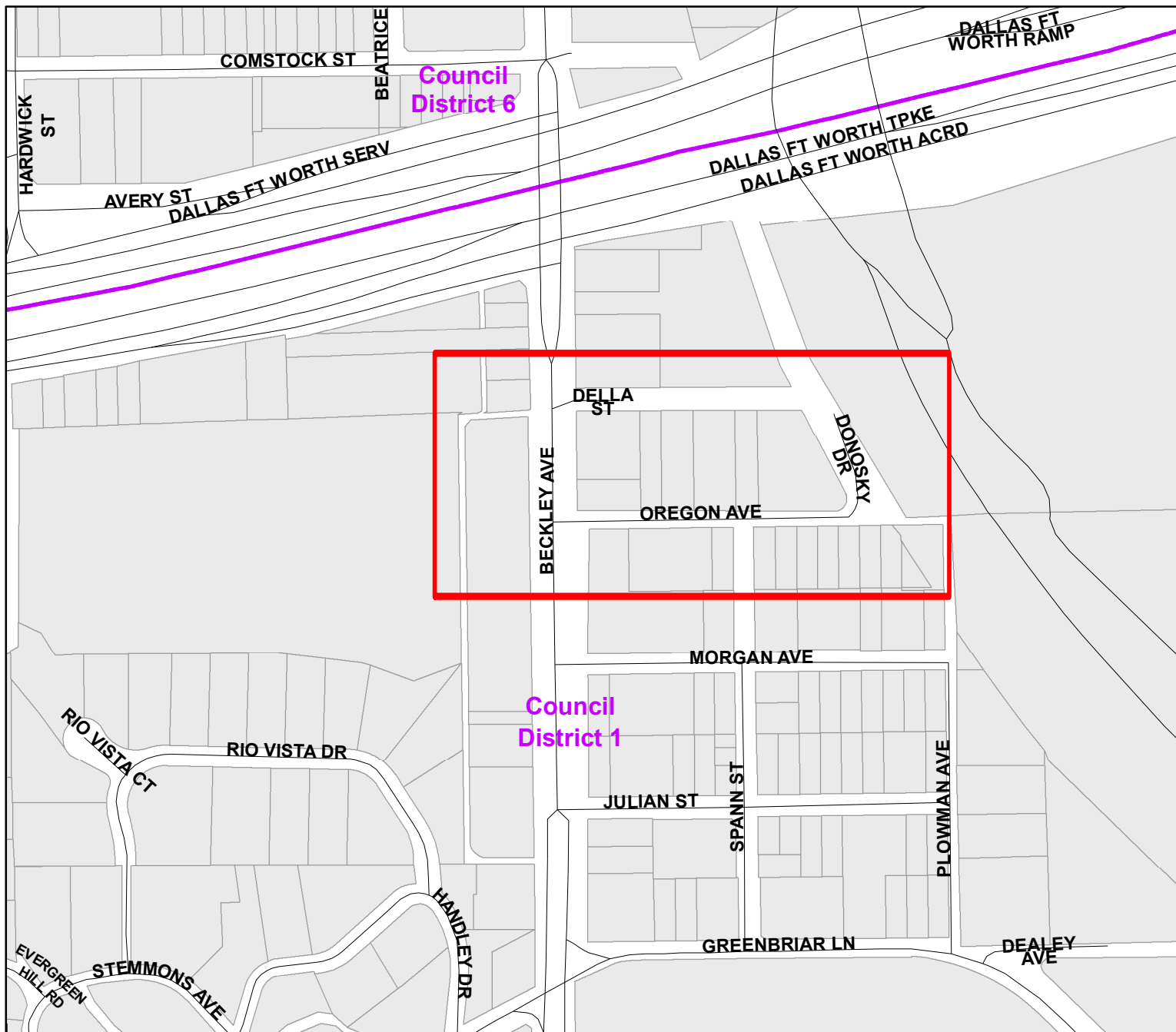
Beckley Avenue at Coombs Creek

**District 3**

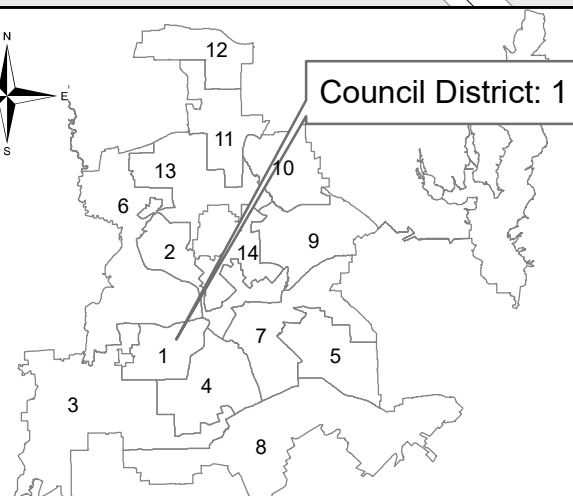
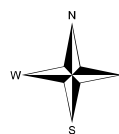
Hardin Creek: Kiesthill Drive, Kiestcrest Drive, and Kiest Forest Drive

**District 9**

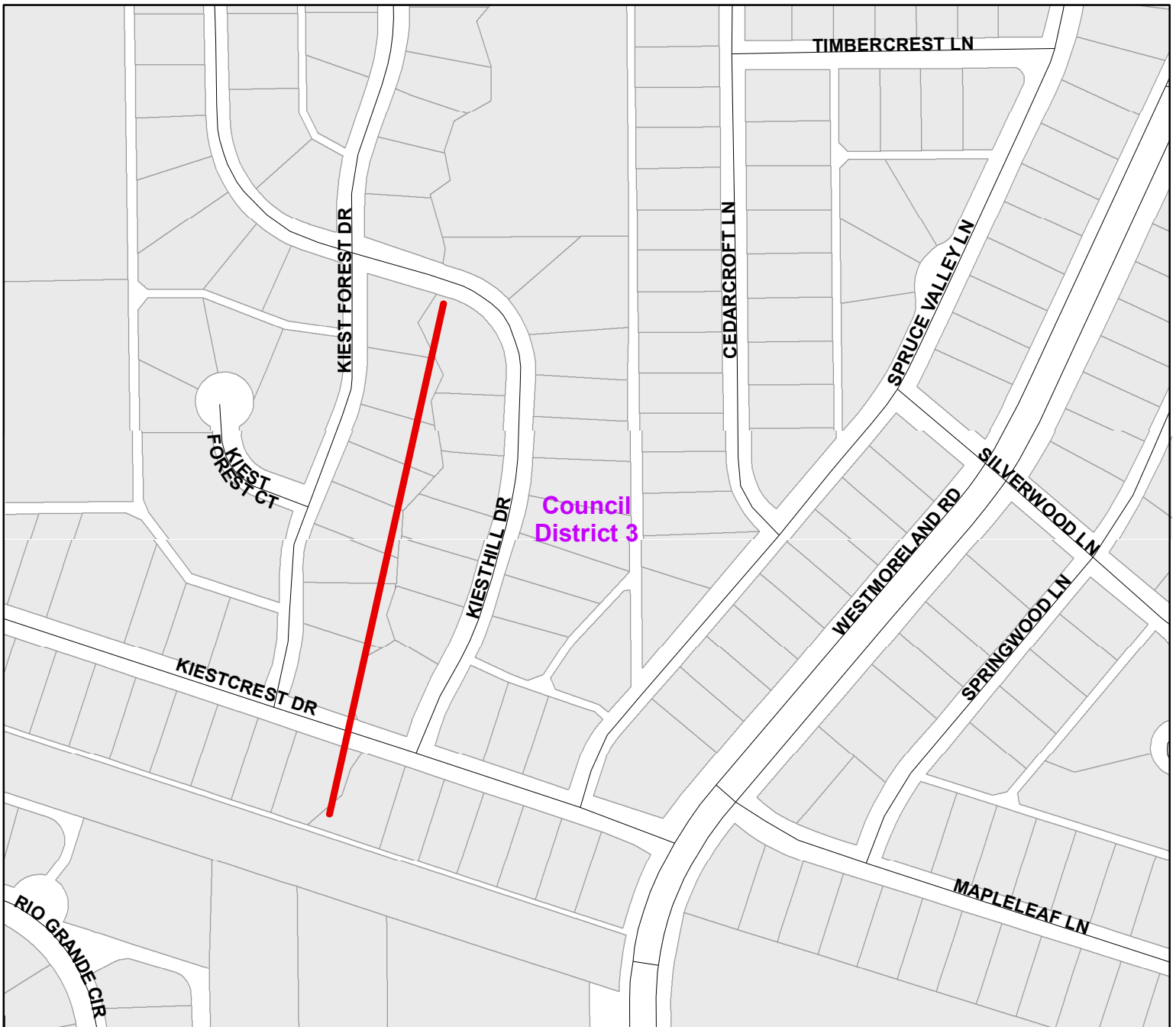
McCommas Branch



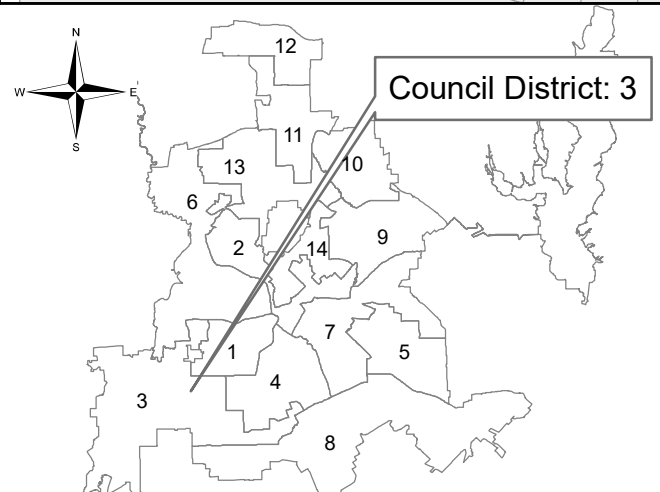
Beckley Avenue at Coombs Creek



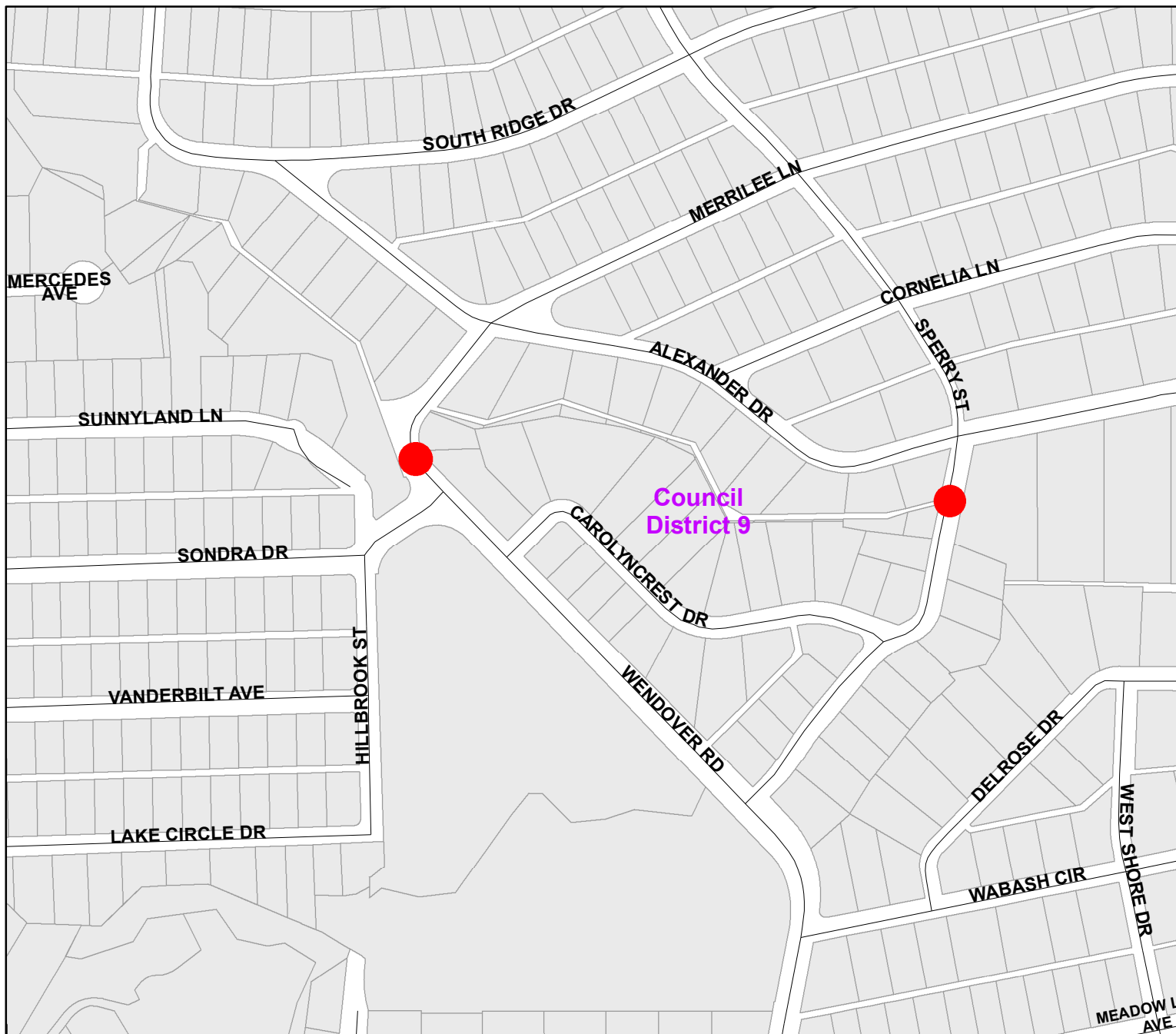
**Dallas Water Utilities**  
**Contract No. 21-285E**  
**Storm Drainage and Erosion Control Improvements at 3 Locations**  
**Stormwater Project Management**



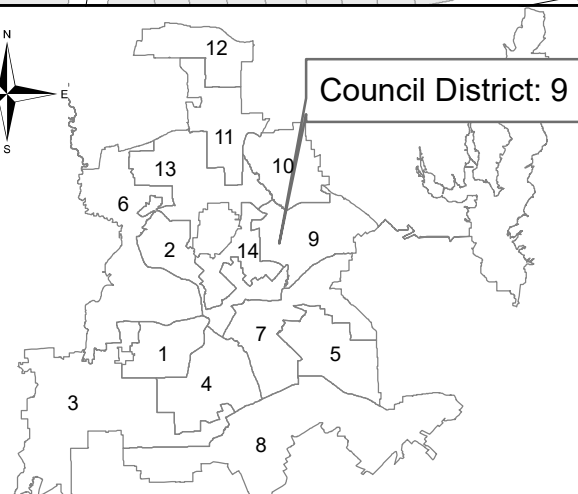
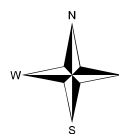
Hardin Creek: Kiesthill Drive, Kiestcrest Drive, and Kiest Forest Drive



**Dallas Water Utilities**  
**Contract No. 21-285E**  
**Storm Drainage and Erosion Control Improvements at 3 Locations**  
**Stormwater Project Management**



McCommas Branch



**Dallas Water Utilities**  
**Contract No. 21-285E**  
**Storm Drainage and Erosion Control Improvements at 3 Locations**  
**Stormwater Project Management**

June 22, 2022

**WHEREAS**, the City of Dallas has identified a need to address storm drainage system deficiencies and severe erosion occurring at various locations within the City; and

**WHEREAS**, engineering services are required to perform evaluations and develop construction documents for storm drainage and erosion control improvements at 3 locations; and

**WHEREAS**, Halff Associates, Inc. 1201 N. Bowser Road, Richardson, TX 75081, has submitted an acceptable proposal to provide these engineering services.

**Now, Therefore,**

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

**SECTION 1.** That the proposal submitted by Halff Associates, Inc., Contract No. 21-285E, in the amount of \$791,300.00 be approved and the consultant be authorized to perform the required engineering services.

**SECTION 2.** That the City Manager is hereby authorized to execute a professional services contract with Halff Associates, Inc., approved as to form by the City Attorney, to provide engineering services for storm drainage and erosion control improvements at 3 locations, in an amount not to exceed \$791,300.00.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$791,300.00 to Halff Associates, Inc., in accordance with the terms and conditions of the contract, as follows:

Storm Drainage Management Capital Construction Fund Fund 0063, Department SDM, Unit W401, Activity SD01 Object 4111, Program SD22W401 Encumbrance/Contract No. SDM-2022-00019337 Vendor 089861	\$ 124,000.00
--	---------------

Storm Drainage Management Capital Construction Fund Fund 0063, Department SDM, Unit W414, Activity SD01 Object 4111, Program SD22W414 Encumbrance/Contract No. SDM-2022-00019337 Vendor 089861	\$ 236,600.00
--	---------------

Storm Drainage Capital Construction Fund Fund 0063, Department SDM, Unit W277, Activity SD01 Object 4111, Program SD22W277 Encumbrance/Contract No. SDM-2022-00019337 Vendor 089861	<u>\$ 430,700.00</u>
---	----------------------

June 22, 2022

Total amount not to exceed

\$ 791,300.00

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





## Agenda Information Sheet

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**File #:** 22-324

**Item #:** 65.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 9

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize an increase in the construction services contract with Rebcon, Inc. for additional work associated with the White Rock Lake Dam and Spillway Maintenance Improvements Project - Not to exceed \$543,030.65, from \$5,997,105.00 to \$6,540,135.65 - Financing: Water Capital Improvement G Fund

### **BACKGROUND**

The White Rock Lake Dam and Spillway was originally constructed in 1911 and today includes an approximately 47-foot tall earthen embankment and 450-foot long concrete overflow spillway. The dam is operated and maintained by Dallas Water Utilities (DWU) and is regulated by the Texas Commission on Environmental Quality. As part of regulatory requirements, DWU performs monthly, annual, and five-year regulatory inspections to assess the condition of the dam and recommend maintenance repairs, additional monitoring measures, operational improvements, or risk mitigation strategies. In December 2016, a White Rock Dam Safety Inspection Report was completed that recommended several maintenance repairs to improve the condition of the dam and protect the critical infrastructure asset.

On September 23, 2020, City Council authorized a construction contract with Rebcon, Inc. to perform the recommended maintenance of the dam and spillway, including structural concrete repair to the stop log channels and spillway slabs, replacement of broken concrete on the waterside face of the earthen embankment, slope protection on the land side of the earthen embankment to control erosion, and vegetation removal at the base of the dam to allow for maintenance access and inspection and to prevent invasive roots from impacting the integrity of the dam. In addition, grout injection, concrete joint sealant replacement, and painting of the parapet wall along the top of the dam were included in the proposed improvements.

During construction, the contractor lowered the water level in White Rock Lake to allow personnel and equipment to access areas of the dam and spillway that are normally underwater or have limited accessibility due to the flow of water. The contractor assisted DWU and the project engineer to

safely investigate conditions of the existing concrete and confirm the extent of needed concrete replacement. As a result of the investigation, the engineer recommended additional concrete replacement on the dam revetment wall, in the spillway channel, and along the ogee weir. In addition, the concrete channels that hold the wooden stop logs were recommended to be replaced to allow for the installation of the new aluminum stop logs. Under the supervision of DWU, the concrete repairs were completed, and the dam and spillway were placed back in service as lake levels returned to normal. The extended repairs consisted of the removal and replacement of 184 additional 20-foot by 20-foot reinforced concrete panels.

This action will authorize an increase in the construction contract for the removal and replacement of additional concrete to ensure the dam and spillway continue to safely serve City of Dallas residents and visitors to White Rock Lake.

### **ESTIMATED SCHEDULE OF PROJECT**

Began Construction      November 2020  
Completed Construction   February 2022

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

On September 23, 2020, City Council authorized a construction contract with Rebcon, Inc. for the White Rock Lake Dam and Spillway Maintenance Improvements Project by Resolution No. 20-1469.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Water Capital Improvement G Fund	\$ 543,030.65	\$0.00	\$0.00

Construction                                      \$5,997,105.00  
Change Order No. 1 (this action)   \$ 543,030.65

Total Project Cost                              \$6,540,135.65

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$543,030.65	Construction	25.00%*	12.99%	\$70,541.80
• *This item reflects previous Business Inclusion and Development Policy M/WBE goal.				
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Change Order No. 1 - 6.81% Overall M/WBE Participation				
• Rebcon, Inc - Local; Workforce - 38.00% Local				

**OWNER**

**Rebcon, Inc.**

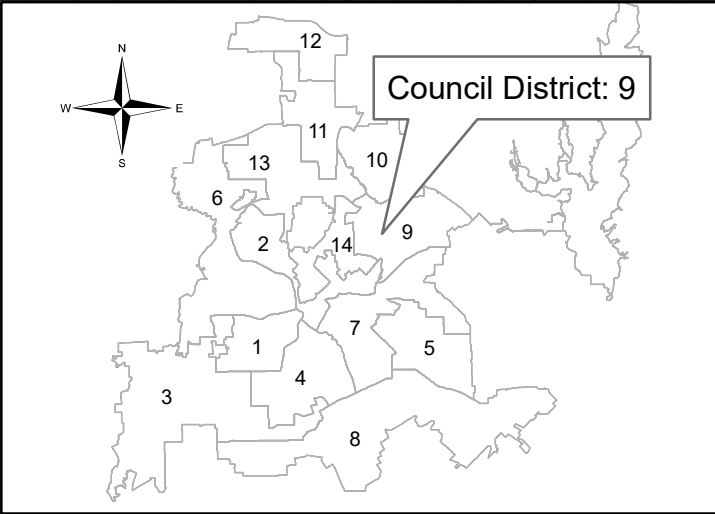
Mark Gaines, Vice President

**MAP**

Attached



White Rock Dam and Spillway



June 22, 2022

**WHEREAS**, on September 23, 2020, City Council authorized a construction contract with Rebcon, Inc. for the White Rock Lake Dam and Spillway Maintenance Improvements Project by Resolution No. 20-1469; and

**WHEREAS**, additional work was recommended by the engineer during construction following investigation of concrete normally underwater or with limited accessibility due to the flow of water, including the replacement of concrete on the dam revetment wall, in the spillway channel, and along the ogee weir; and

**WHEREAS**, Rebcon, Inc., 1868 West Northwest Highway, Dallas, Texas 75220, has submitted an acceptable proposal for this additional work; and

**WHEREAS**, Dallas Water Utilities recommends that Contract No. 20-133 be increased by \$543,030.65, from \$5,997,105.00 to \$6,540,135.65.

**Now, Therefore,**

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

**SECTION 1.** That an increase in the construction services contract with Rebcon, Inc. (Change Order No. 1) is authorized for work associated with the White Rock Lake Dam and Spillway Maintenance Improvements Project, in an amount not to exceed \$543,030.65, increasing the contract amount from \$5,997,105.00 to \$6,540,135.65.

**SECTION 2.** That proposed Change Order No. 1 with Rebcon, Inc., be accepted, and that Contract 20-133 be revised accordingly.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$543,030.65 to Rebcon, Inc. from the Water Capital Improvement G Fund, Fund 5115, Department DWU, Unit PW31, Object 4320, Program 720133, Encumbrance/Contract No. DWU-2020-00004228, Vendor 243551.

**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.



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1267

**Item #:** 66.

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**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** City Secretary's Office

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**SUBJECT**

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





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-934

**Item #:** 67.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** City Secretary's Office

**EXECUTIVE:** Bilierae Johnson

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**SUBJECT**

Election of Officers of the City Council: Mayor Pro Tem and Deputy Mayor Pro Tem



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1401

**Item #:** 68.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** City Secretary's Office

**EXECUTIVE:** Bilierae Johnson

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**SUBJECT**

City Council Seating and Office Selection





## Agenda Information Sheet

**File #:** 22-1224

**Item #:** 69.

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

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Government Affairs

**EXECUTIVE:** T.C. Broadnax

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### **SUBJECT**

Consider adopting the recommended districting plan for the 14 City Council districts, approved by the Redistricting Commission on May 10, 2022, and filed with Mayor Eric Johnson on May 16, 2022, including consideration of proposed modifications or changes (posted at [www.dallasredistricting.com](http://www.dallasredistricting.com)) to be implemented at the next general election of the City Council conducted on May 6, 2023 - Financing: No cost consideration to the City

### **BACKGROUND**

Mandated by the Dallas City Charter, the 2021 City Council Districting Plan is the culmination of the redistricting process or the redrawing of City Council district lines from which Council Members are elected. Redistricting usually takes place every 10 years after the Census releases its data.

In January 2021, the Dallas City Council began appointing the members of the Redistricting Commission. The Census data for the City of Dallas was released on August 12, 2021. The Redistricting Commission met from September 2021 to May 2022 in 31 open sessions, including eight public hearings and one public forum, to develop a proposed districting plan for the boundaries of the 14 single member districts comprising the City Council. Upon completion of its work, the Redistricting Commission filed its recommended districting plan with the Mayor for presentation to the City Council.

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

Dallas City Council:

- January 6, 2021 - The Office of Government Affairs briefed the City Council and provided an overview on the redistricting process and offered an update on the 2020 Census data.
- June 23, 2021 - The City Council approved a contract with a third-party consultant to oversee the redistricting process.
- October 20, 2021 - The Office of Government Affairs briefed the City Council and provided an overview on the redistricting process and offered an update on the City's 2020 population data

from the Census.

- May 18, 2022 - The Office of Government Affairs and the Chair of the Redistricting Commission briefed the City Council and presented the Redistricting Commission's recommended districting plan.

Redistricting Commission:

- Redistricting Guidelines were unanimously approved by the Redistricting Commission on November 22, 2021.
- The Redistricting Commission met from September 2021 to May 2022 in 31 open sessions.
- The recommended districting plan, COD-041-B-FINAL, was adopted by the Redistricting Commission by a 9 to 6 vote and approved to send to the Mayor, as required by the City Charter, by a vote of 10 to 5 on Tuesday, May 10, 2022.

**FISCAL INFORMATION**

No cost consideration to the City.

June 22, 2022

**WHEREAS**, Chapter IV, Section 5(a) of the Charter of the City of Dallas requires that the city be divided into 14 single member council districts; and

**WHEREAS**, City Council appointed a 2021 Redistricting Commission pursuant to the Chapter IV, Section 5 (b) of the Charter of the City of Dallas; and

**WHEREAS**, City Council appointed a 2021 Redistricting Commission pursuant to the Chapter IV, Section 5(b)(1) and (2) of the Charter of the City of Dallas; and

**WHEREAS**, the 2020 federal Census indicates that the population in the current City Council districts is not substantially equal; and

**WHEREAS**, Redistricting Guidelines were approved by the Redistricting Commission on November 22, 2022 in accordance with Chapter IV, Section 5(b)(3) of the Charter of the City of Dallas; and

**WHEREAS**, the 2021 Redistricting Commission convened and held public sessions, including public hearings, to develop a districting plan based on the 2020 federal Census; and

**WHEREAS**, on May 10, 2022, the Redistricting Commission voted to recommend the districting plan entitled COD-041-B-FINAL to the City Council; and

**WHEREAS**, on May 16, 2022, the Redistricting Commission delivered and submitted its recommended districting plan entitled COD-041-B-FINAL to the mayor in accordance with Chapter IV, Section 5(b)(6) of the Charter of the City of Dallas; and

**WHEREAS**, the mayor presented the recommended districting plan entitled COD-041-B-FINAL to the City Council at its May 18, 2022, meeting as required by Chapter IV, Section 5(b)(6) of the Charter of the City of Dallas.

**Now, Therefore,**

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

**SECTION 1.** That the City Council does hereby adopt the districting plan establishing new district boundaries for the purpose of electing members of the City Council as illustrated and described in the attached Exhibit 1.

**SECTION 2.** That the districting plan in Exhibit 1 shall be implemented at the general election of the City Council to be held on May 6, 2023, and for each subsequent city election, until the City Council shall again establish new district boundaries in accordance with Chapter IV, Section 5(b) of the Charter of the City of Dallas.

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



# 2021 DALLAS CITY REDISTRICTING

## Recommended Districting Plan CITY COUNCIL PROPOSED MODIFICATIONS & MOTIONS REPORT JUNE 22, 2022

The following proposed modifications will be considered during the June 22, 2022, City Council meeting. Only those modifications that met the Charter-prescribed 72-hour deadline will be considered. The mayor (presiding officer) will take the duplicate and larger modifications first and then will take the remaining ones in the order received, as listed below.

Plan ID	Submitter	Other Modifications Included Within This Modification	Motion needed	Date & Time Submitted
<a href="#">132556</a>	CM Arnold (D4)	Includes 132518 and 132520	Yes.	6/16/2022 4:59 p.m.
<a href="#">132520</a>	CM Arnold (D4)	Includes 132518	132556 includes this modification; If 132556 passes, no motion is necessary.	6/8/2022 5:33 p.m.
<a href="#">132518</a>	CM Arnold (D4)		132556 and 132520 each include this modification; If either passes, no motion is necessary.	6/16/2022 4:59 p.m.

<a href="#">132516</a>	CM Jesse Moreno (D2) & CM Adam Bazaldua (D7) proposed changes to D2, D5, D7, D9 & D14		If 132516 passes, then 132390 will fail because of contiguity issues and no motion can be made.	6/16/2022 4:50 p.m.
<a href="#">132390</a>	DMPT Resendez (D5)		If 132516 passes, no motion is in order. If 132516 fails, a motion is in order.	6/14/2022 11:26 p.m.
<a href="#">132432</a>	CM Gay Willis (D13) & CM Omar Narvaez (D6)		Yes.	6/16/2022 3:05 p.m.



## City of Dallas 2021-22 Redistricting

### District 4 Map Modification -3 Analysis – (ID-132556)

**Modification Summary** – MOD ID: COD-CC-Dist4-Mod 3 (Submitter: CM Carolyn King Arnold)

**Date Submitted:** - 6-16-2022

**Current Status:** Requested modification to the Redistricting Plan as modified on 6-8-2022 by the City Council

#### REVIEW CRITERIA FOR PLAN ACCEPTANCE

**1. Maximum Deviation Less than 10%:** Population Difference between most populated and least populated district divided by ideal population is less than 10%

☒ **Plan meets Criteria**      ☐ **Plan does not meet Criteria**  
Plan Max Deviation – 9.05%

**2. Contiguity:** All districts should be geographically contiguous.

☒ **Plan meets Criteria**      ☐ **Plan does not meet Criteria**

**3. Unassigned Census Blocks**

☒ **Plan meets Criteria**      ☐ **Plan does not meet Criteria**

#### 4. Change Description

Move Hampton to Illinois to Rugged to Kiest Blvd. from District 3 to District 4

Move boundaries of RL Thorton Freeway to Ledbetter Dr. to Marsalis Ave. to Laureland Rd. from District 4 to District 3.

Kiest Park has historically been in District 4 and it's a park that is utilized by District 4 and to balance population.

## 5. Change Impact

**Total Population Change Analysis**

	<b>Current Population</b>	<b>Changed Population</b>	<b>Change</b>
District 3	93,156	92,578	-578
District 4	91,522	92,100	578

**VAP Change Analysis**

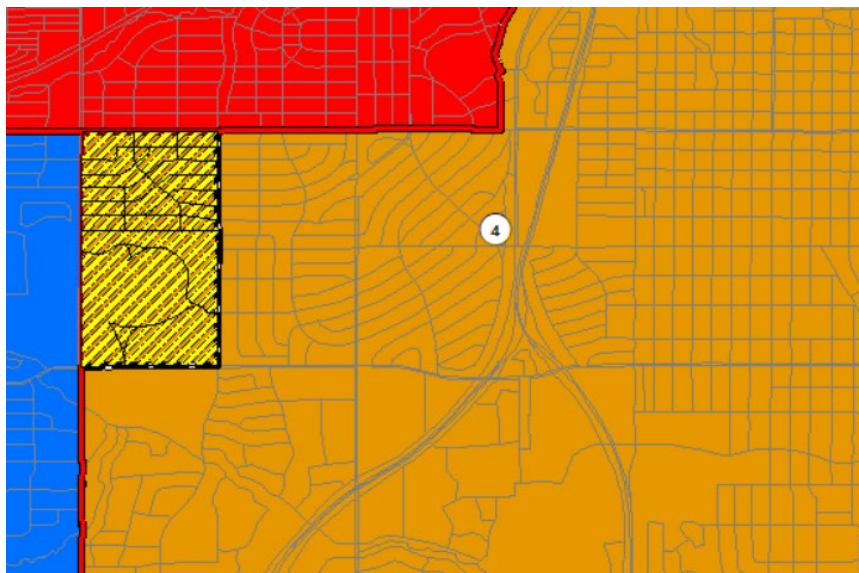
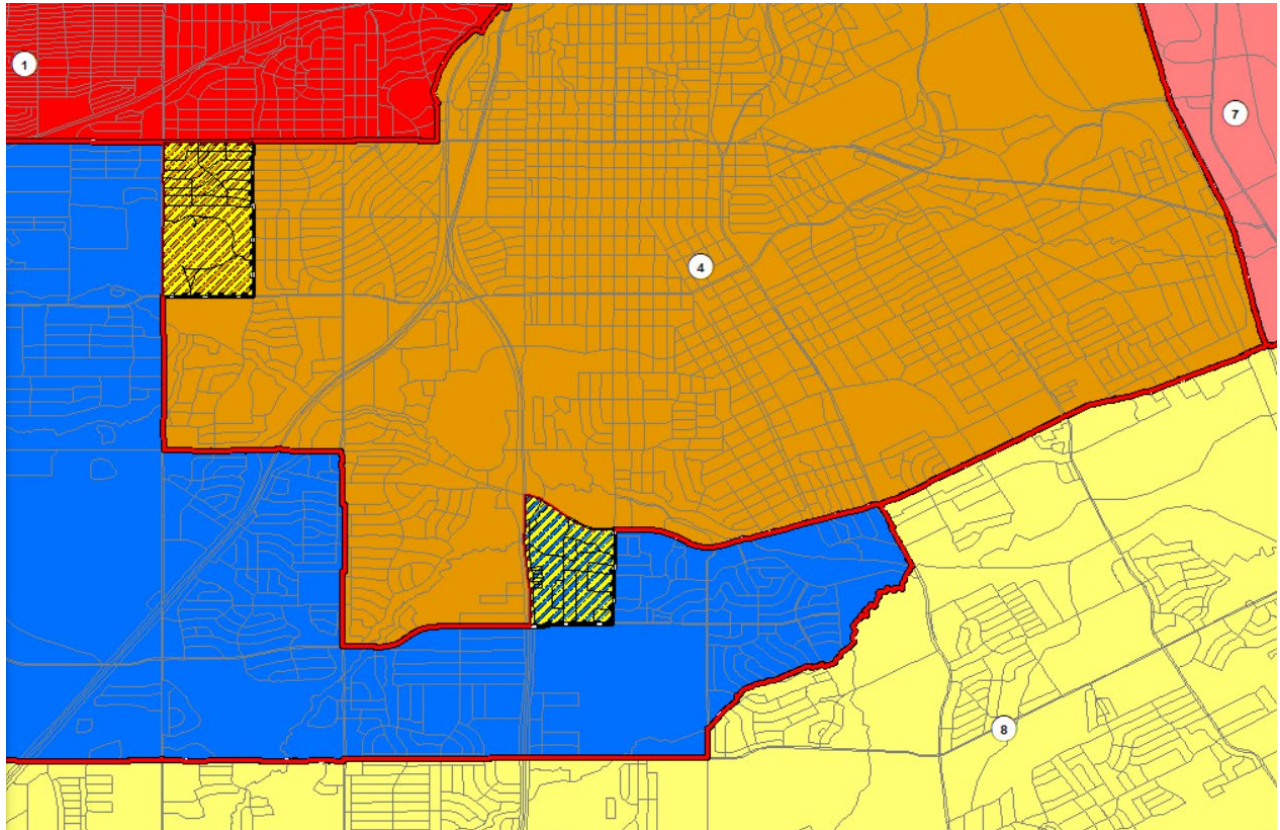
	<b>Current Hisp%</b>	<b>Current NH-White%</b>	<b>Current NH-Black</b>
District 3	41.60%	10.50%	43.40%
District 4	44.80%	4.40%	48.20%

	<b>Changed Hisp%</b>	<b>Changed NH-White%</b>	<b>Changed NH-Black</b>
District 3	40.50%	10.40%	44.40%
District 4	45.80%	4.50%	47.00%

**Change %**

	<b>Changed Hisp%</b>	<b>Changed NH-White%</b>	<b>Changed NH-Black</b>
District 2	-1.10%	-0.10%	1.00%
District 5	1.00%	0.10%	-1.20%

## Change Details

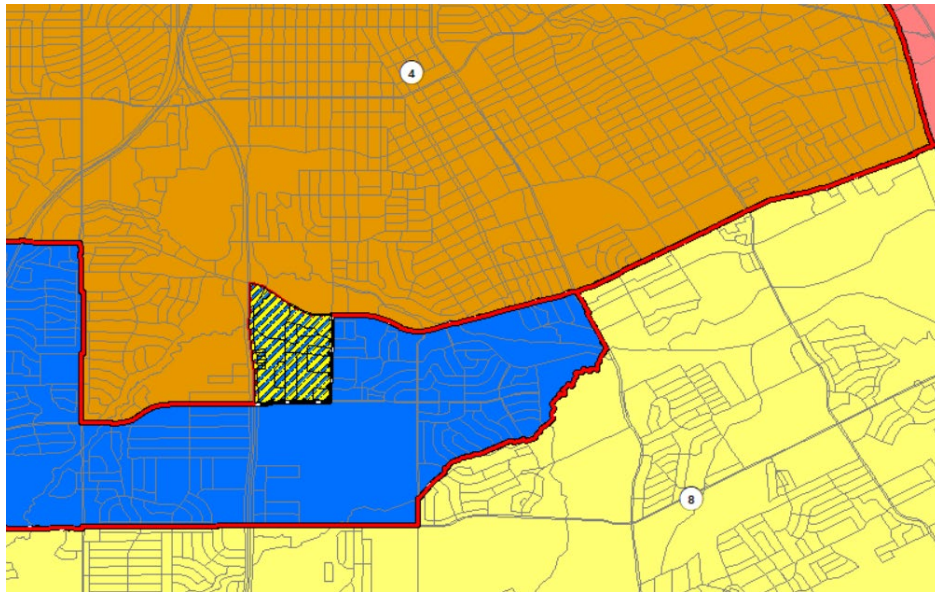


From D3 to D4

Total Selected: 1,711  
Info:

HISP: 1,530  
NH\_WHITE: 86  
NH\_BLACK: 67  
NH\_ASIAN: 02  
VAP: 1,244  
HVAP: 1,080  
NH\_WVAP: 78  
NH\_BVAP: 65  
NH\_ASIANVA: 02





From D4 to D3

Total Selected: 1,138  
Info:

HISP: 355
NH_WHITE: 17
NH_BLACK: 744
NH_ASIAN: 08
VAP: 861
HVAP: 214
NH_WVAP: 13
NH_BVAP: 615
NH_ASIANVA: 08



## City of Dallas 2021-22 Redistricting

### District 4 Map Modification -1 Analysis – (ID-132520)

**Modification Summary** – MOD ID: COD-CC-Dist4-Mod 1 (Submitter: CM Carolyn King Arnold)

**Date Submitted:** - 6-8-2022

**Current Status:** Requested modification to the Redistricting Plan as modified on 6-8-2022 by the City Council

#### REVIEW CRITERIA FOR PLAN ACCEPTANCE

**1. Maximum Deviation Less than 10%:** Population Difference between most populated and least populated district divided by ideal population is less than 10%

☒ **Plan meets Criteria**

☐ **Plan does not meet Criteria**

Plan Max Deviation – 9.05%

**2. Contiguity:** All districts should be geographically contiguous.

☒ **Plan meets Criteria**

☐ **Plan does not meet Criteria**

**3. Unassigned Census Blocks**

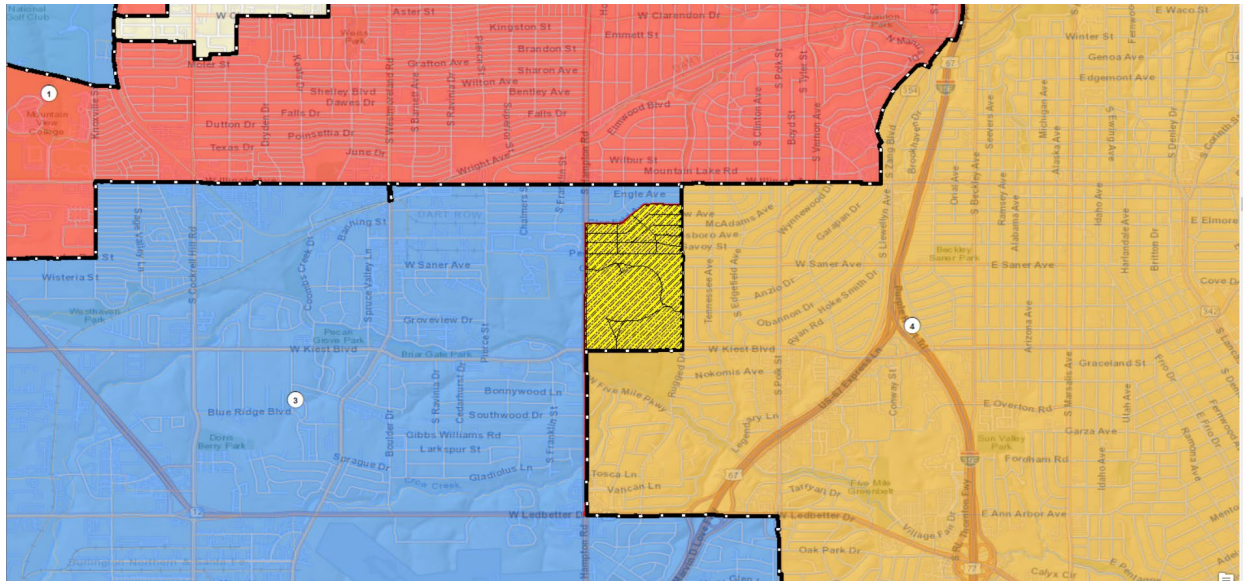
☒ **Plan meets Criteria**

☐ **Plan does not meet Criteria**

#### 4. Change Description

This map moves the neighborhood of Kiest Park south of Glenfield Ave into Council District 4.

The proposed amendment is designed to support the greater interest of community interest, culture, social, economic, educational and political access, and issues as it relates to quality of life and equity.



# 5. Change Impact

Total Population Change Analysis

	Current Population	Changed Population	Change
District 3	93,156	92,142	-1,014
District 4	91,522	92,536	1,014

VAP Change Analysis

	Current Hisp%	Current NH-White%	Current NH-Black
District 3	41.60%	10.50%	43.40%
District 4	44.80%	4.40%	48.20%

	Changed Hisp%	Changed NH-White%	Changed NH-Black
District 3	41.10%	10.50%	43.80%
District 4	45.20%	4.50%	47.70%

Change Details	
NH-White	65
NH-Black	37
NH-Asian	1
Hispanic	896
Other	15
Total	1,014



## City of Dallas 2021-22 Redistricting

### District 4 Map Modification 2 Analysis (ID-132518)

**Modification Summary** – MOD ID: COD-CC-Dist4-Mod2 (Submitter: CM Carolyn King Arnold)

**Date Submitted:** - 6-16-2022

**Current Status:** Requested modification to the Redistricting Plan as modified on 6-8-2022 by the City Council.

#### REVIEW CRITERIA FOR PLAN ACCEPTANCE

**1. Maximum Deviation Less than 10%:** Population Difference between most populated and least populated district divided by ideal population is less than 10%

☒ **Plan meets Criteria**

☐ **Plan does not meet Criteria**

Plan Max Deviation – 9.05%

**2. Contiguity:** All districts should be geographically contiguous.

☒ **Plan meets Criteria**

☐ **Plan does not meet Criteria**

**3. Unassigned Census Blocks**

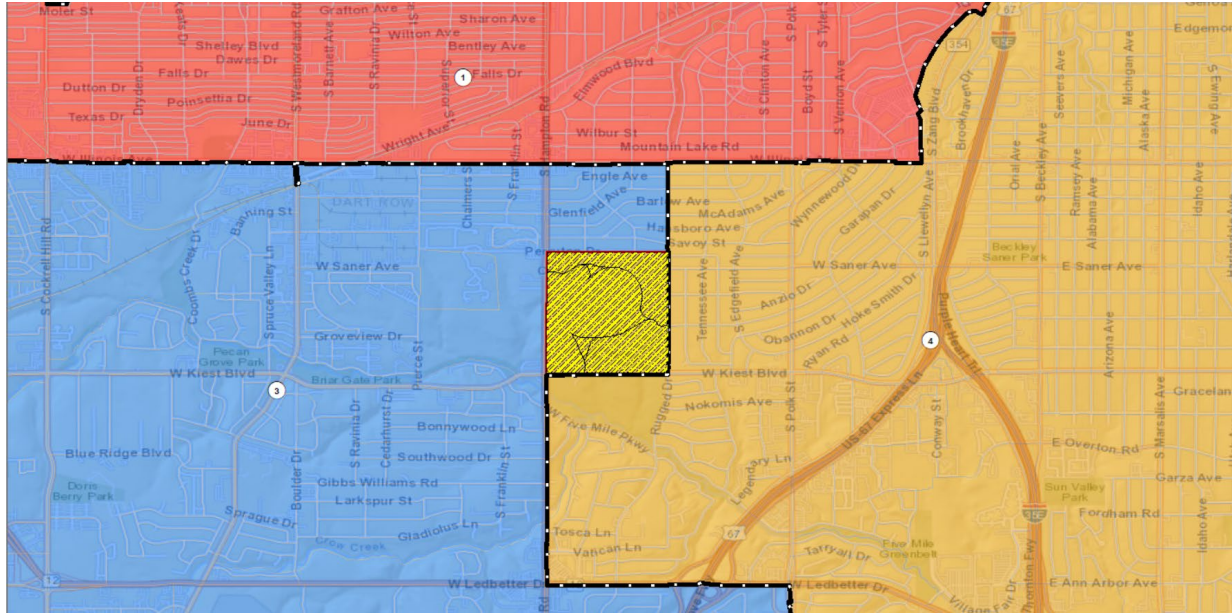
☒ **Plan meets Criteria**

☐ **Plan does not meet Criteria**

#### 4. Change Description

This map moves the Kiest Park neighborhood into Council District 4 for the purposes of creating the center or core for the community (social, economic, etc.) reasons. The park helps to create and maintain community synergy!

This particular modification speaks to providing a community of interest & nexus which supports social, political access points whereby community can assemble to promote/voice their positions on all incidents/scenarios which affects their day-to-day life experiences. Keeping the community “glued” helps to create the village needed to make Dallas safe – definitely utilizing the Equity Lenses.



## 5. Change Impact - None

### Change Details

NH-White	0
NH-Black	0
NH-Asian	0
Hispanic	0
Total	0





## City of Dallas 2021-22 Redistricting

### District 2 & 7 Map Modification -1 Analysis – (ID-132516)

**Modification Summary** – MOD ID: COD-CC-Dist2-7-Mod 1 (Submitter: CM CM Jesse Moreno (D2) & CM Adam Bazaldua (D7))

**Date Submitted:** - 6-16-2022

**Current Status:** Requested modification to the Redistricting Plan as modified on 6-8-2022 by the City Council

#### REVIEW CRITERIA FOR PLAN ACCEPTANCE

**1. Maximum Deviation Less than 10%:** Population Difference between most populated and least populated district divided by ideal population is less than 10%

☒ **Plan meets Criteria**      ☐ **Plan does not meet Criteria**  
Plan Max Deviation – 9.97%

**2. Contiguity:** All districts should be geographically contiguous.

☒ **Plan meets Criteria**      ☐ **Plan does not meet Criteria**

**3. Unassigned Census Blocks**

☒ **Plan meets Criteria**      ☐ **Plan does not meet Criteria**

#### 4. Change Description

The proposed map is amending district lines for District 2, District 5, District 7, District 9, and District 14. The proposed map maintains communities who share similar interest such as Owenwood, Parkdale, Ash Creek Greenbelt, Claremont, Hillridge, Old Buckner Terrace and Lakeland Hills. The redesigned borders will allow for the continuation of collaboration between neighborhoods and community stakeholders for ongoing and future capital improvement projects, corridor studies, and future development of parks and recreation centers in the area. Collaboration and funding for capital improvement projects are in place for the Parkdale and Ferguson corridor study and Lawnview public improvements. The proposed map is designed to keep the neighborhood of Parkdale/Lawnview intact with Parkdale Lake and keep the community in District 7. Over the past few decades, the neighborhood has

been advocating and working hard to keep their community together. The map is also designed to keep Deep Ellum Bark Park, Harwood Park, and Lubben park together. Adjusting the lines, will prevent disruption of the progress being done and will maintain communities together. The changes in District 9 were adjusted to keep the Casa View neighborhood together.

## 5. Change Impact

	Current Population	Changed Population	Change
District 2	97,201	92,292	-4,909
District 5	88,769	87,764	-1,005
District 7	89,122	88,841	-281
District 9	92,241	96,998	4,757
District 14	93,973	95,411	1,438

### VAP Change Analysis

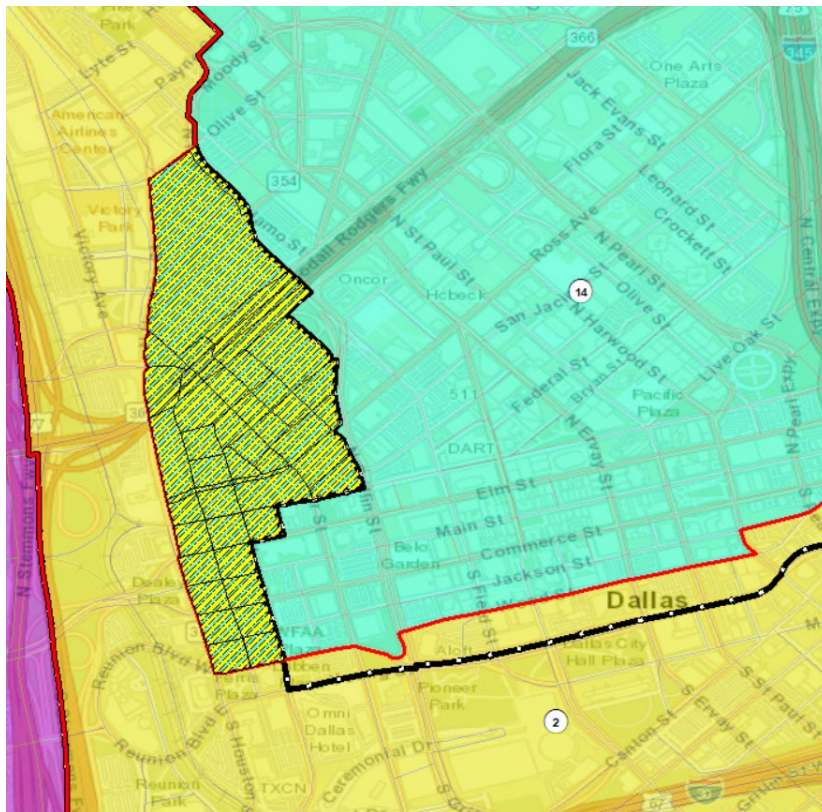
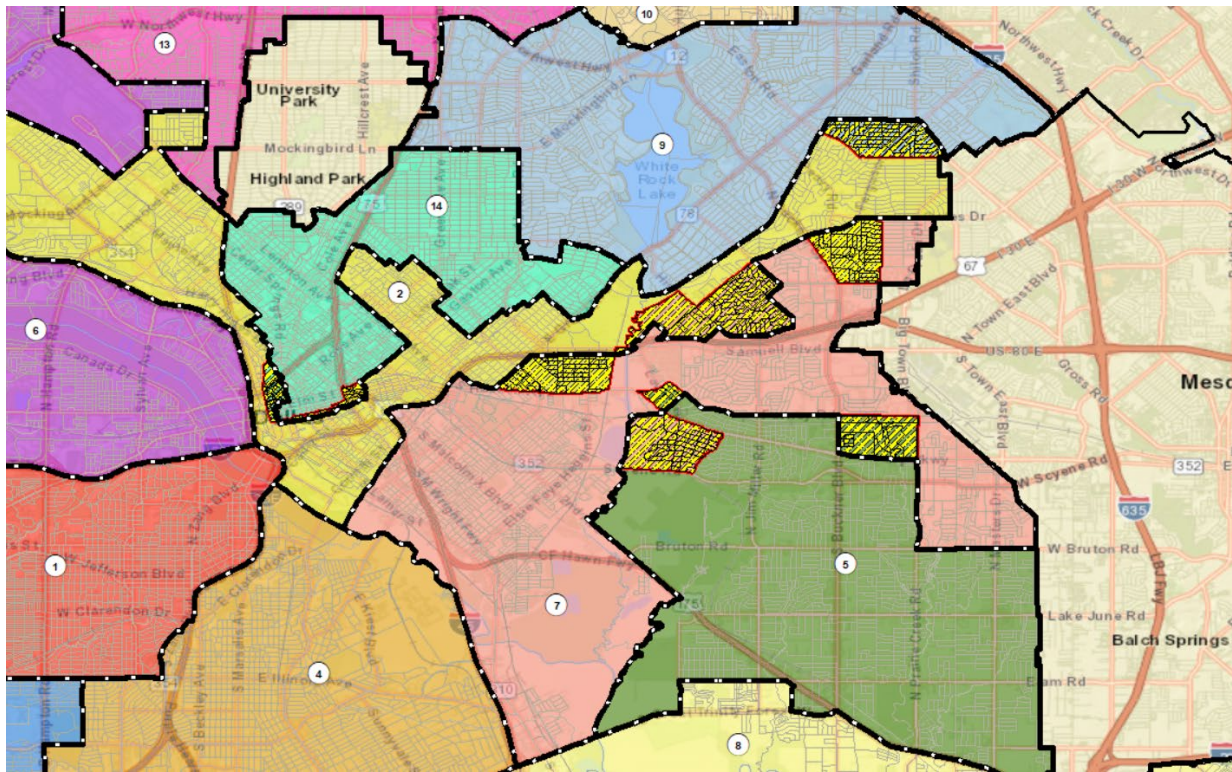
	Current Hisp%	Current NH-White%	Current NH-Black
District 2	40.30%	36.10%	14.60%
District 5	75.30%	7.20%	16.00%
District 7	42.70%	8.50%	45.50%
District 9	26.80%	53.80%	10.70%
District 14	13.80%	69.30%	7.30%

	Changed Hisp%	Changed NH-White%	Changed NH-Black
District 2	41.90%	34.30%	14.80%
District 5	75.00%	6.80%	16.60%
District 7	40.70%	10.90%	45.00%
District 9	28.70%	52.40%	10.50%
District 14	13.80%	69.00%	7.40%

### Change Analysis

	Changed Hisp%	Changed NH-White%	Changed NH-Black
District 2	1.60%	-1.80%	0.20%
District 5	-0.30%	-0.40%	0.60%
District 7	-2.00%	2.40%	-0.50%
District 9	1.90%	-1.40%	-0.20%
District 14	0.00%	-0.30%	0.10%

## Change Details

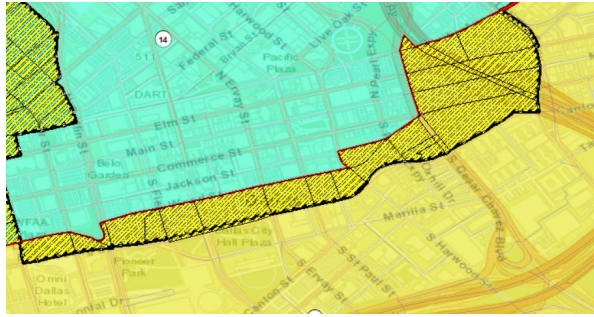


From D2 to D14

Total Selected: 1,650  
Info:

HISP: 285  
NH\_WHITE: 856  
NH\_BLACK: 258  
NH\_ASIAN: 147  
VAP: 1,567  
HVAP: 266  
NH\_WVAP: 828  
NH\_BVAP: 240  
NH\_ASIANVA: 138

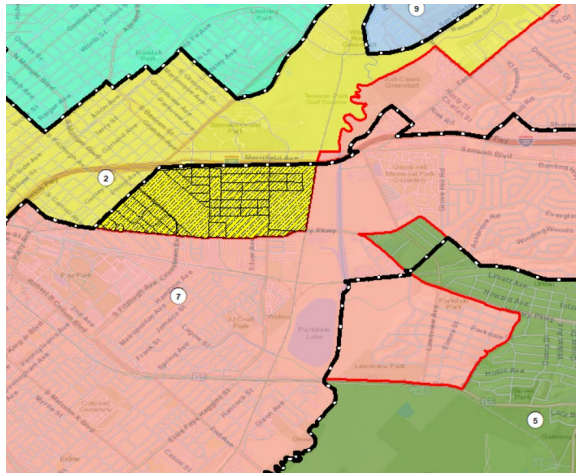




Total Selected: 212  
Info:

HISP: 58  
NH\_WHITE: 95  
NH\_BLACK: 27  
NH\_ASIAN: 03  
VAP: 167  
HVAP: 41  
NH\_WVAP: 82  
NH\_BVAP: 18  
NH\_ASIANVA: 03

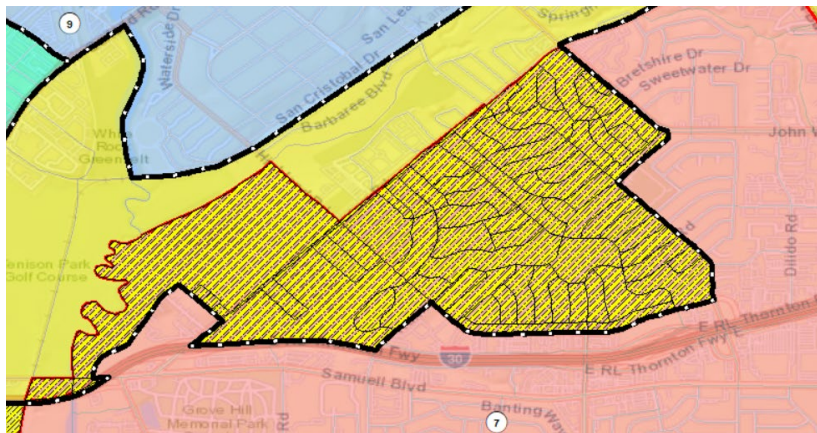
From D14 to D2



Total Selected: 3,036  
Info:

HISP: 2,316  
NH\_WHITE: 103  
NH\_BLACK: 568  
NH\_ASIAN: 10  
VAP: 2,291  
HVAP: 1,693  
NH\_WVAP: 98  
NH\_BVAP: 465  
NH\_ASIANVA: 06

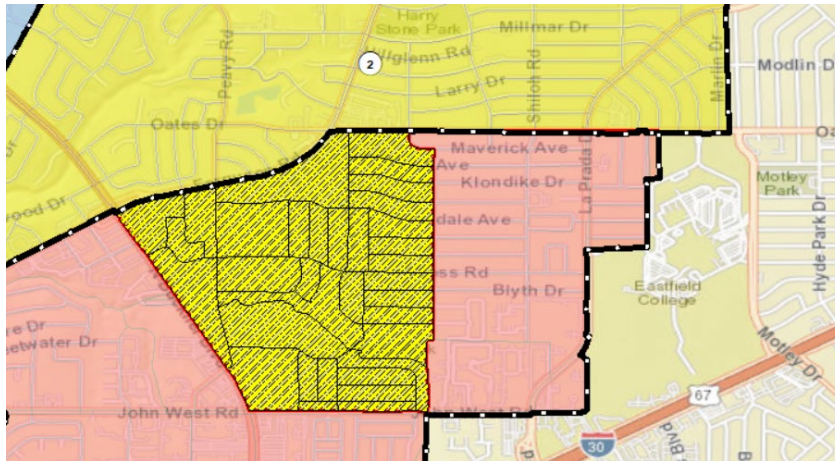
From D7 to D2



Total Selected: 7,033  
Info:

HISP: 3,222  
NH\_WHITE: 2,215  
NH\_BLACK: 1,291  
NH\_ASIAN: 80  
VAP: 5,411  
HVAP: 2,184  
NH\_WVAP: 1,962  
NH\_BVAP: 1,014  
NH\_ASIANVA: 76

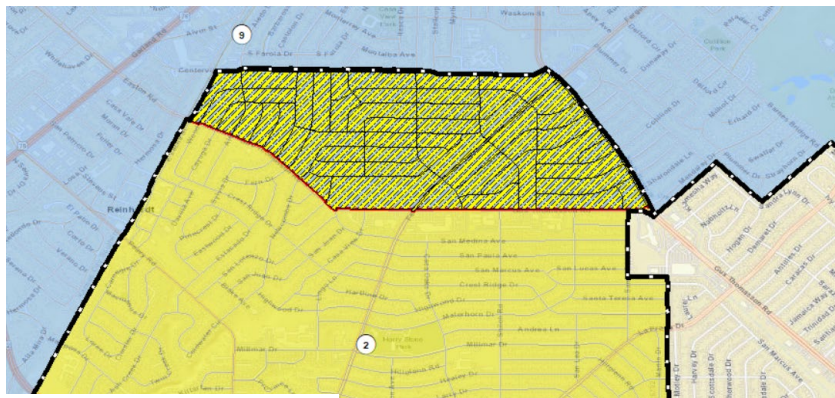
From D2 to D7



From D7 to D2

Total Selected: 5,283  
Info:

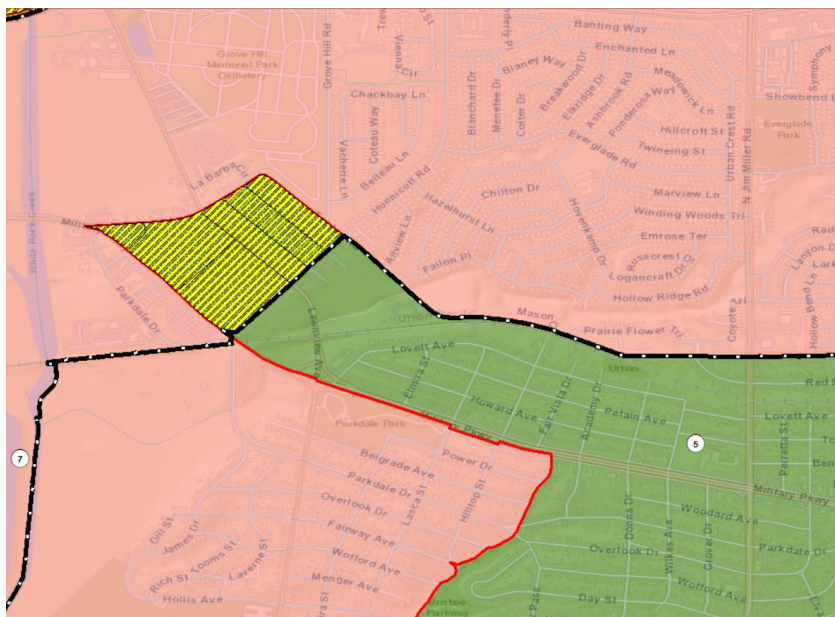
HISP: 3,702  
NH\_WHITE: 666  
NH\_BLACK: 733  
NH\_ASIAN: 81  
VAP: 3,768  
HVAP: 2,517  
NH\_WVAP: 570  
NH\_BVAP: 536  
NH\_ASIANVA: 71



Total Selected: 4,757  
Info:

HISP: 3,412  
NH\_WHITE: 941  
NH\_BLACK: 241  
NH\_ASIAN: 40  
VAP: 3,583  
HVAP: 2,391  
NH\_WVAP: 865  
NH\_BVAP: 200  
NH\_ASIANVA: 37

From D2 to D9

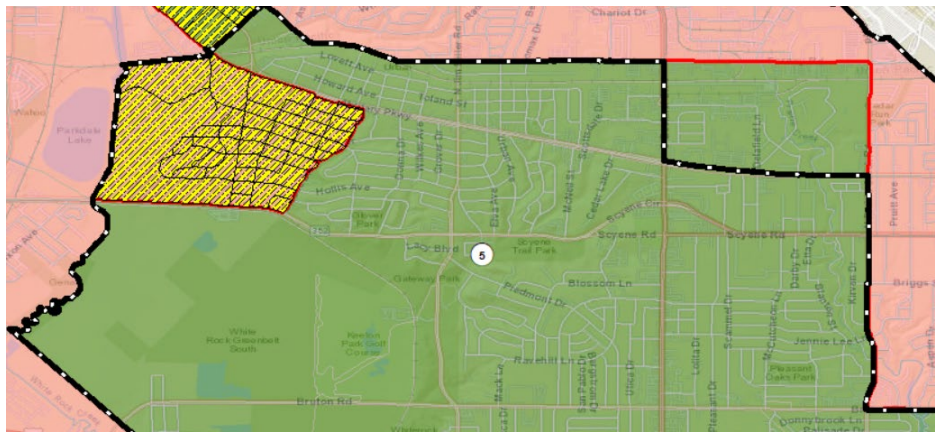


From D7 to D5

Total Selected: 593  
Info:

HISP: 521  
NH\_WHITE: 56  
NH\_BLACK: 11  
NH\_ASIAN: 01  
VAP: 417  
HVAP: 357  
NH\_WVAP: 48  
NH\_BVAP: 09  
NH\_ASIANVA: 00

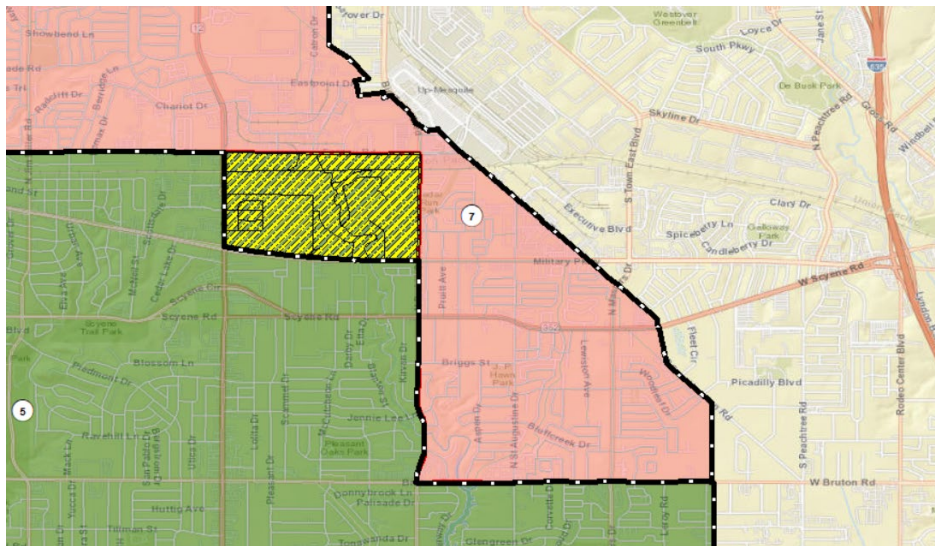




From D5 to D7

Total Selected: 2,814  
Info:

HISP: 2,161  
NH\_WHITE: 410  
NH\_BLACK: 176  
NH\_ASIAN: 04  
VAP: 2,056  
HVAP: 1,495  
NH\_WVAP: 381  
NH\_BVAP: 141  
NH\_ASIANVA: 00



From D7 to D5

Total Selected: 1,172  
Info:

HISP: 543  
NH\_WHITE: 36  
NH\_BLACK: 566  
NH\_ASIAN: 11  
VAP: 752  
HVAP: 350  
NH\_WVAP: 26  
NH\_BVAP: 355  
NH\_ASIANVA: 11



## City of Dallas 2021-22 Redistricting

### District 5 Map Modification -1 Analysis – (ID-132390)

**Modification Summary** – MOD ID: COD-CC-Dist5-Mod 1 (Submitter: CM Resendez)

**Date Submitted:** - 6-14-2022

**Current Status:** Requested modification to the Redistricting Plan as modified on 6-8-2022 by the City Council

#### REVIEW CRITERIA FOR PLAN ACCEPTANCE

**1. Maximum Deviation Less than 10%:** Population Difference between most populated and least populated district divided by ideal population is less than 10%

☒ **Plan meets Criteria**      ☐ **Plan does not meet Criteria**  
Plan Max Deviation – 9.05%

**2. Contiguity:** All districts should be geographically contiguous.

☒ **Plan meets Criteria**      ☐ **Plan does not meet Criteria**

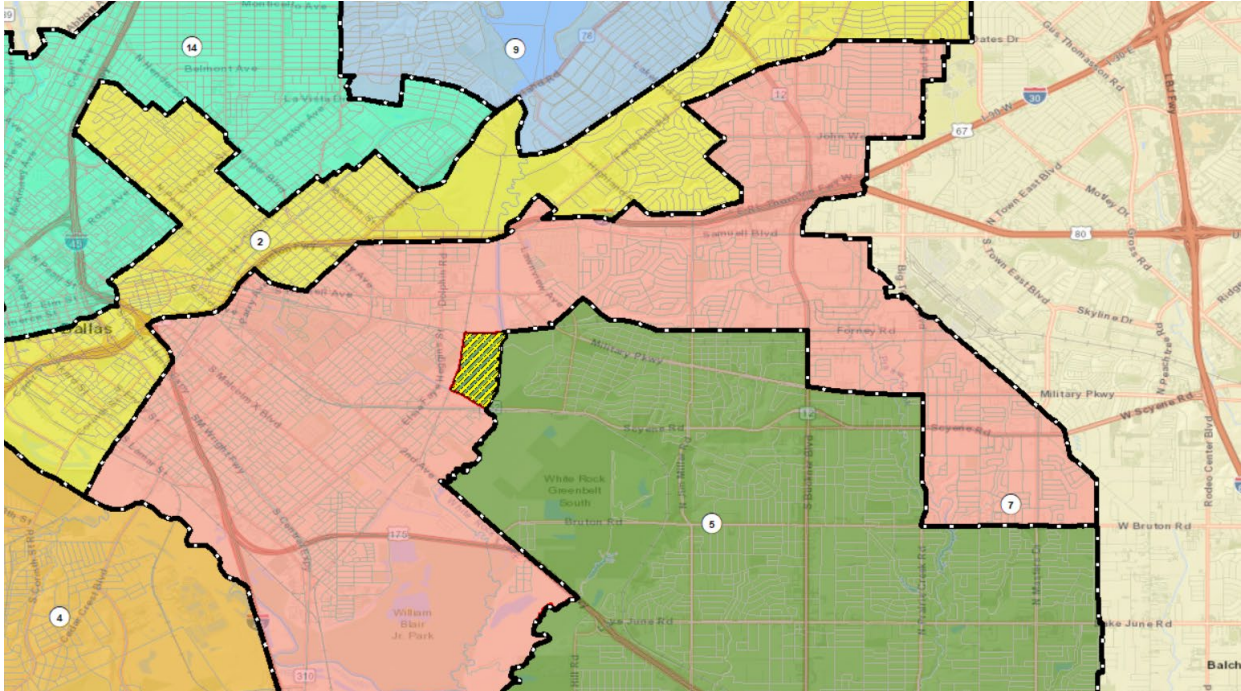
**3. Unassigned Census Blocks**

☒ **Plan meets Criteria**      ☐ **Plan does not meet Criteria**

#### 4. Change Description

Extend the northwestern boundary of District 5 to include Parkdale Lake.

## 5. Change Impact



No impact on population.



## City of Dallas 2021-22 Redistricting

### District 6 & 13 Map Modification -1 Analysis – (ID-132432)

**Modification Summary** – MOD ID: COD-CC-Dist6-13-Mod 1 (Submitter: CM Gay Willis (D13) & CM Omar Narvaez (D6))

**Date Submitted:** - 6-16-2022

**Current Status:** Requested modification to the Redistricting Plan as modified on 6-8-2022 by the City Council

#### REVIEW CRITERIA FOR PLAN ACCEPTANCE

**1. Maximum Deviation Less than 10%:** Population Difference between most populated and least populated district divided by ideal population is less than 10%

☒ **Plan meets Criteria**

☐ **Plan does not meet Criteria**

Plan Max Deviation – 9.05%

**2. Contiguity:** All districts should be geographically contiguous.

☒ **Plan meets Criteria**

☐ **Plan does not meet Criteria**

**3. Unassigned Census Blocks**

☒ **Plan meets Criteria**

☐ **Plan does not meet Criteria**

#### 4. Change Description

This amendment respects the wishes of residents of D6 and D13 with minimal change to demographics based on the original map submitted.

This amendment:

- uses Lenel Place as the border between D6 and D13 in Midway Hollow (south of Walnut Hill/ east of Marsh Lane/ north of NW HWY/west of Midway Road).
- Moves into D 6 the neighborhood between Northaven Road and Royal Lane, west of Webb Chapel.
- Keeps neighborhoods south of Forest Lane between Josey Lane and Webb Chapel (north of Royal) in D13.



## 5. Change Impact

**Total Population Change Analysis**

	Current Population	Changed Population	Change
District 6	89,772	89,247	-525
District 13	95,868	96,393	525

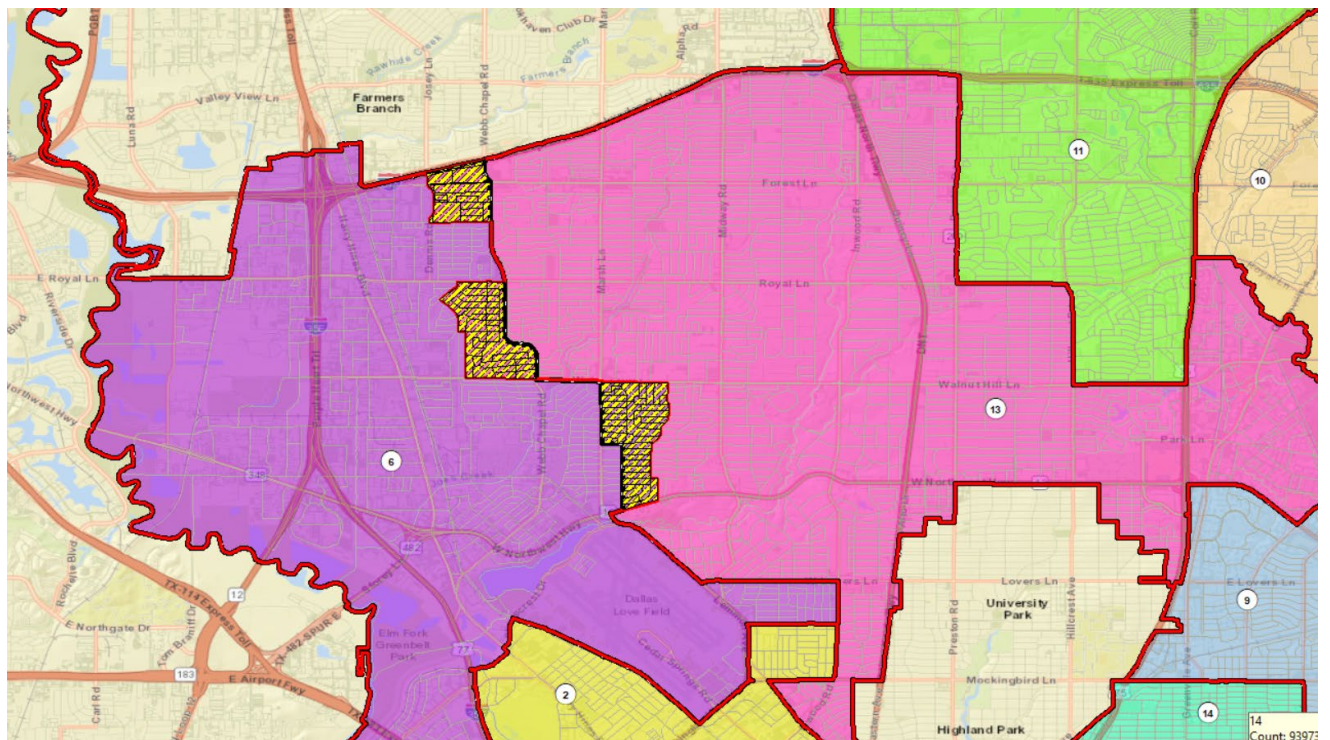
**VAP Change Analysis**

	Current Hisp%	Current NH-White%	Current NH-Black
District 6	65.80%	14.30%	15.60%
District 13	22.10%	59.20%	9.20%

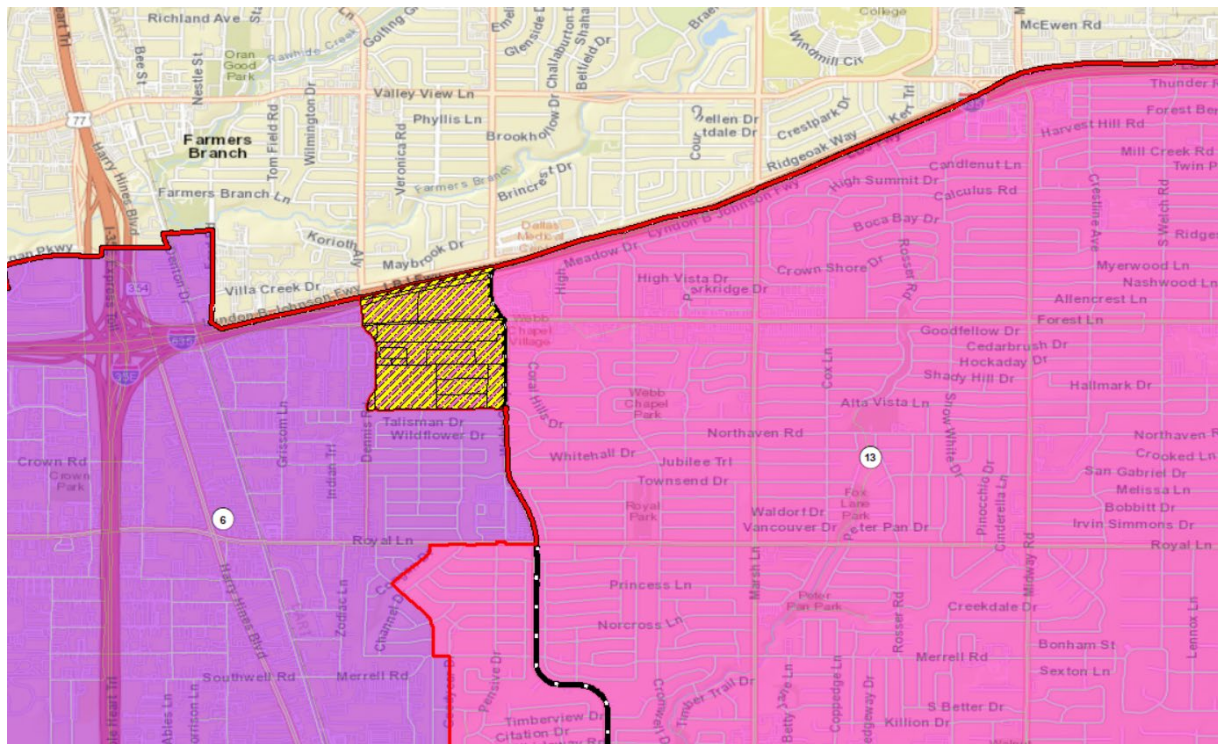
	Changed Hisp%	Changed NH-White%	Changed NH-Black
District 6	66.10%	14.20%	15.50%
District 13	22.10%	58.90%	9.30%

**Change %**

	Changed Hisp%	Changed NH-White%	Changed NH-Black
District 6	0.30%	-0.10%	-0.10%
District 13	0.00%	-0.30%	0.10%



## Change Details



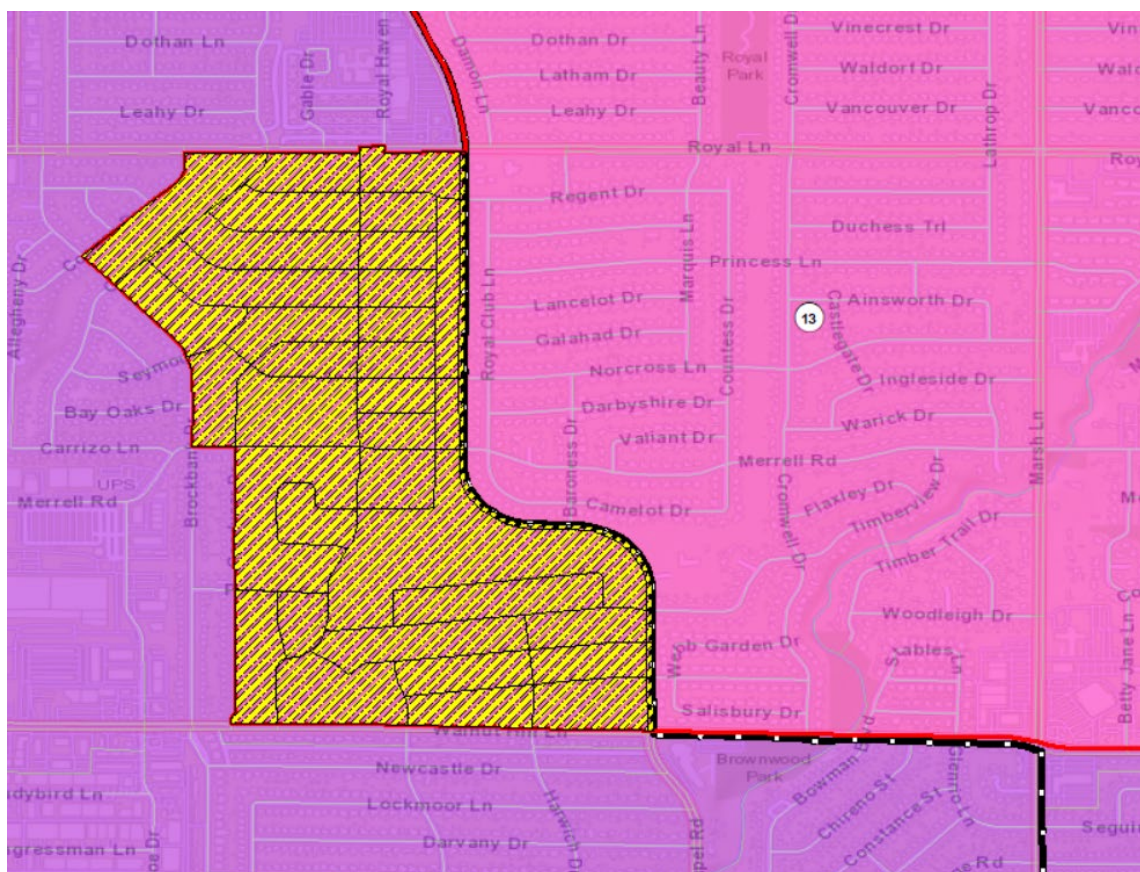
Total Selected: 1,015

Info:

HISP: 381  
NH\_WHITE: 351  
NH\_BLACK: 134  
NH\_ASIAN: 105  
VAP: 904  
HVAP: 297  
NH\_WVAP: 342  
NH\_BVAP: 131  
NH\_ASIANVA: 94

From D6 to D13

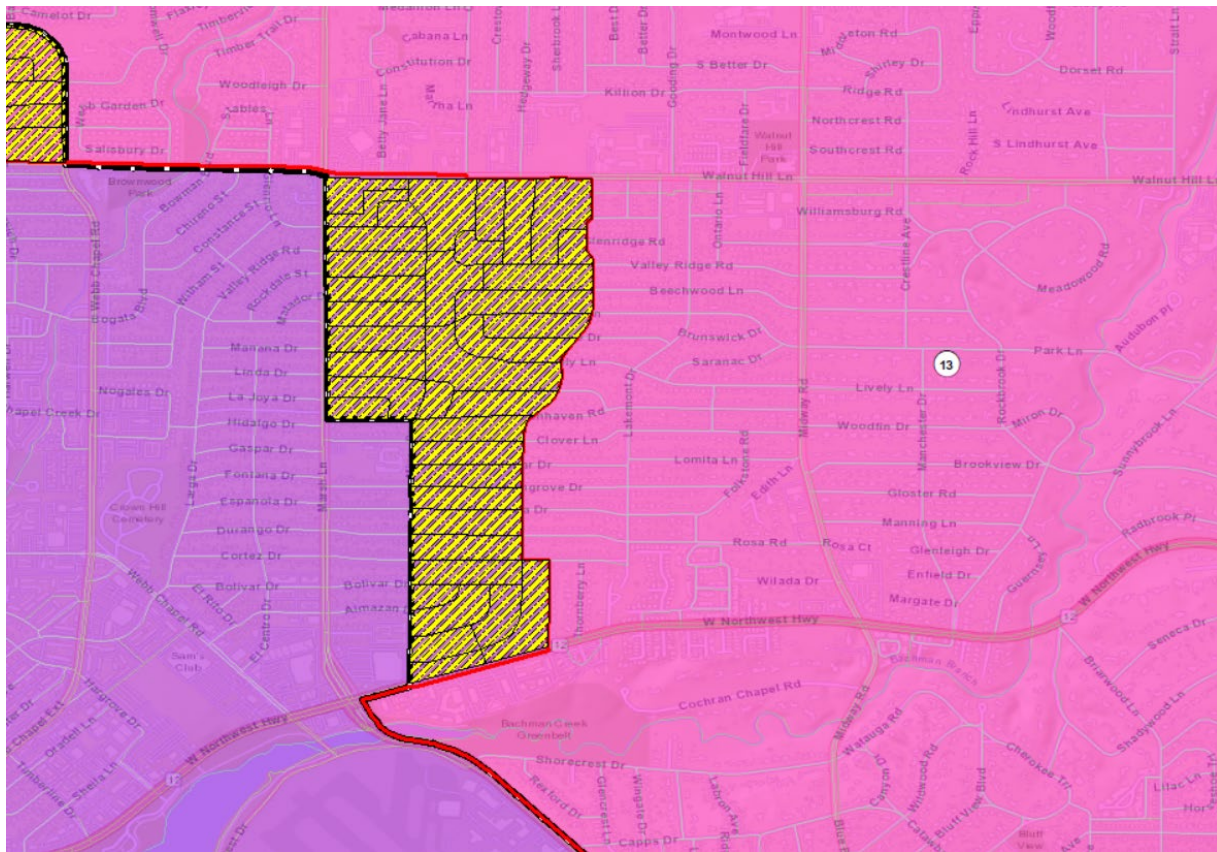




Total Selected: 2,297  
Info:

HISP: 1,195  
NH\_WHITE: 890  
NH\_BLACK: 90  
NH\_ASIAN: 66  
VAP: 1,788  
HVAP: 847  
NH\_WVAP: 782  
NH\_BVAP: 73  
NH\_ASIANVA: 51

From D6 to D13



Total Selected: 2,758  
Info:

HISP: 1,335  
NH\_WHITE: 1,205  
NH\_BLACK: 59  
NH\_ASIAN: 73  
VAP: 2,203  
HVAP: 993  
NH\_WVAP: 1,041  
NH\_BVAP: 51  
NH\_ASIANVA: 61

From D13 to D6



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-910

**Item #:** 70.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** City Attorney's Office

**EXECUTIVE:** Christopher J. Caso

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### **SUBJECT**

Authorize **(1)** settlement of the lawsuit styled City of Dallas v. Delta Air Lines, Inc., et al., Cause No. 3:15-CV-02069-K - Estimated Revenue Foregone: Aviation Fund \$200,000.00 annually over a six-year period until the expiration of the current Use and Lease Agreements at Love Field; **(2)** a facilities lease agreement at Dallas Love Field with Delta Air Lines, Inc. for scheduled airline passenger service support space; and **(3)** a facilities use agreement at Dallas Love Field with Southwest Airlines for terminal storage and support space - Estimated Net Annual Revenue: \$470,761.40

### **BACKGROUND**

The City filed the lawsuit in 2015 seeking a court ruling on whether Delta Air Lines had the right, under the relevant gate leases and regulatory requirements, to continued accommodation at Dallas Love Field airport. The court entered a preliminary injunction ordering Southwest Airlines to accommodate Delta flights during the litigation. The City and Delta Air Lines, Southwest Airlines, and Alaska Airlines have now reached a proposed settlement subject to City Council approval. The settlement includes a facilities lease agreement with Delta Air Lines for certain space in support of its scheduled airline passenger service and a use agreement with Southwest Airlines for terminal storage and support space. Delta Air Lines is represented by Gibson Dunn & Crutcher LLP. Southwest Airlines is represented by Lynn Pinker Hurst Schwegmann. Alaska Airlines is represented by Weil, Gotshal, & Manges LLP.

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

A confidential memorandum regarding this matter will be provided to the City Council on June 17, 2022.

**FISCAL INFORMATION**

Estimated Revenue Foregone: Aviation Fund \$200,000.00 annually over a six-year period until the expiration of the current Use and Lease Agreements at Love Field. The current Use and Lease Agreements expire on September 30, 2028. Estimated Net Annual Revenue from Facilities Lease: \$470,761.40

June 22, 2022

**WHEREAS**, a lawsuit styled City of Dallas v. Delta Air Lines, Inc., et al., Cause No. 3:15-cv-02069-K, was filed by the City against multiple defendants, seeking a declaratory ruling from the court interpreting the rights and obligations of the City and airlines with respect to gate accommodation at Dallas Love Field; and

**WHEREAS**, the City and Delta Air Lines, Southwest Airlines, and Alaska Airlines have agreed to a proposed settlement of the case whereby Delta Air Lines will have the right to fly on one gate at Dallas Love Field, all gates at the airport will be fully utilized until the expiration of the current Use and Lease Agreements on September 30, 2028, and all gate accommodation issues in the lawsuit will be resolved; and

**WHEREAS**, the settlement of the lawsuit includes a lease of facilities between the City and Delta Air Lines, Inc. for certain space at Dallas Love Field in support of its scheduled airline passenger service; and

**WHEREAS**, the settlement of the lawsuit includes a use agreement between the City and Southwest Airlines for certain space at Dallas Love Field for terminal storage and support; and

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

**Now, Therefore,**

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

**SECTION 1.** That the proposed settlement of the lawsuit, styled City of Dallas v. Delta Air Lines, Inc., et al., Cause No. 3:15-cv-02069-K, is hereby approved.

**SECTION 2.** That the City Manager is hereby authorized to execute a lease of facilities at Dallas Love Field, approved as to form by the City Attorney, between the City of Dallas and Delta Air Lines, Inc. for scheduled airline passenger service support space.

**SECTION 3.** That the City Manager is hereby authorized to execute a use agreement at Dallas Love Field, approved as to form by the City Attorney, between the City of Dallas and Southwest Airlines for terminal storage and support space.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to issue a discount or refund to Alaska Airlines in the amount of up to \$200,000.00 annually over a six-year period until the expiration of the current Use and Lease Agreements at Love Field from Fund 0130, Department AVI, Unit 7710, Object 3521.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to deposit all revenues received under the lease of facilities to: Aviation Operating Fund, Fund 0130, Unit 7725, Revenue Code 7708.

June 22, 2022

**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.





## Agenda Information Sheet

**File #:** 22-1430

**Item #:** 71.

**STRATEGIC PRIORITY:** Public Safety  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Court & Detention Services  
**EXECUTIVE:** Jon Fortune

### **SUBJECT**

An ordinance **(1)** appointing 10 full-time municipal judges and 18 associate (part-time) municipal judges for the City of Dallas municipal court of record for a two-year term ending May 31, 2024; **(2)** designating an administrative municipal judge; **(3)** establishing the annual salaries for the administrative municipal judge, the municipal judges, and the associate municipal judges; **(4)** providing a severability clause; and **(5)** providing an effective date - Not to exceed \$154,204.00 annually - Financing: General Fund

### **BACKGROUND**

On May 26, 2022, the Ad Hoc Judicial Nominations Committee met to discuss and finalize its list of nominees for the position of 10 full-time and 18 associate (part-time) municipal judge vacancies and administrative municipal judge vacancy to the city council for consideration.

The salary is \$155,000 per year for the administrative judge, \$140,000 for full-time municipal judges, \$66.10 per hour for associate municipal judges with two or more years of judicial experience, and \$55.29 per hour for associate municipal judges with less than two years of judicial experience.

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

On May 26, 2022, the Ad Hoc Judicial Nominations Committee met to discuss and finalize its list of nominees for the position of full-time and associate (part-time) municipal judge vacancies and administrative municipal judge vacancy to the city council for consideration.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
General Fund	\$154,204.00	\$154,204.00	\$154,204.00

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

An ordinance appointing certain persons as full-time and associate (part-time) municipal judges for a two-year term ending May 31, 2024; designating an administrative municipal judge; establishing the annual salaries for the administrative municipal judge, the municipal judges, and the associate municipal judges; providing a severability clause; and providing an effective date.

WHEREAS, Chapters 29 and 30 of the Texas Government Code and Chapter VII of the Dallas City Charter provide that the municipal court of record be presided over by municipal court judges; and

WHEREAS, the Dallas City Charter provides that the city council shall appoint the municipal court judges and designate the administrative judge biennially in May of each even-numbered year to serve a two-year term; and

WHEREAS, as required by Section 13-5.2(d) of the Dallas City Code, on May 26, 2022, the Judicial Nominating Commission recommended to the Ad Hoc Judicial Nominations Committee 15 nominees for 10 full-time municipal judge vacancies and 26 nominees for 18 associate (part-time) municipal judge vacancies; and

WHEREAS, as required by Section 13-5.2(g) of the Dallas City Code, on May 26, 2022, the Judicial Nominating Commission recommended to the Ad Hoc Judicial Nominations Committee three nominees for the administrative municipal judge vacancy; and

WHEREAS, on May 26, 2022, the Ad Hoc Judicial Nominations Committee met to discuss and finalize its list of nominees for the position of full-time and associate (part-time) municipal judge vacancies and administrative municipal judge vacancy to the city council for consideration



at its June 22, 2022 meeting; and

WHEREAS, on June 22, 2022, the city council, at its regularly scheduled meeting, considered the full-time and associate (part-time) municipal judge nominees, and administrative municipal judge nominees; Now, Therefore,

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

SECTION 1. That the following 10 persons are appointed as full-time municipal judges for the City of Dallas municipal court of record for a two-year term ending May 31, 2024:

Michael Acuna  
Demetrius Blacklock  
Julie Clancy  
Tonya Goffney  
Kristen Kramer  
Mark Murrell  
Marcia Tillman  
Jay Robinson  
Preston Robinson  
Cheryl Williams

SECTION 2. That the following 18 persons are appointed as associate (part-time) municipal judges for the City of Dallas municipal court of record for the two-year term ending May 31, 2024:

Melodee Armstrong  
Sandra White  
Amar Thakrar  
Manny Haddad  
Daniel McDonald  
Desmond Cooks  
Cadoc Tim Menchu  
Edward Johnson  
Erane LaSusa  
Kristen Primrose  
Helen Arizor  
John Butrus  
Amy Gray  
Stephanie Neal  
Eric McClelland

Bobbie Rae Villareal  
Jeffrey Cornell  
John McCall

SECTION 3. That Preston Robison is hereby designated administrative municipal judge for the City of Dallas municipal court of record for the two-year term ending May 31, 2024.

SECTION 4. That the salary is \$155,000 per year for the administrative judge, \$140,000 for full-time municipal judges, \$66.10 per hour for associate municipal judges with two or more years of judicial experience, and \$55.29 per hour for associate municipal judges with less than two years of judicial experience, in each case the salary to include such adjustments in salaries and number of paid working days and furlough days as are designated by the City of Dallas as to its salaried non-uniformed employees generally.

SECTION 5. That it is the intent of the city council that the judicial appointments set forth in this ordinance are severable, and if any appointment is declared invalid by the valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining judicial appointments, since the same would have been approved by the city council without the invalid appointment.

SECTION 6. Any current municipal court judge who is not reappointed pursuant to this Ordinance shall no longer be a municipal court judge on the effective date of this Ordinance.

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

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

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

Passed \_\_\_\_\_



## Agenda Information Sheet

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**File #:** 22-1431

**Item #:** 72.

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**STRATEGIC PRIORITY:** Public Safety  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Department of Convention and Event Services  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

An ordinance amending the Dallas City Code by adding a new Chapter 38A, "Commercial Promoter Program" by **(1)** providing a commercial promoter registration program, registration fee, and safety plan requirements for commercial promoters; **(2)** amending Chapter 27, "Minimum Property Standards," of the Dallas City Code by amending Section 27-46 to include violations of Chapter 38A in the definition of code violations in the habitual nuisance properties program; **(3)** providing a penalty not to exceed \$2,000.00 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and \$500.00 for all other violations; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Estimated Revenue: Convention and Event Services Fund \$26,250.00 annually (see Fiscal Information)

### **BACKGROUND**

The Public Safety Committee and City leadership have developed an ordinance that addresses some gaps in the promoter/producer/planner/venue operator space. The ordinance, for which the Dallas Police Department and Convention and Event Services will hold responsibility for implementing, is designed to ensure that responsible commercial promoters and venue operators plan events with risk management at the forefront and prepare materials identifying reasonably foreseeable hazards and responses. Additionally, the ordinance addresses compliance of all commercial promoters with safety plans that address crowd management, crowd control, and security.

The impetus for the drafting of the ordinance relates to the increasing number of events that are occurring without safety plans in place to ensure adequate crowd management, crowd control, security, and general regard for public safety. Those events functioning without adequate safety plans are creating a dangerous environment that produces violent crime and harm to persons and property, while unreasonably exhausting public safety resources.

The Public Safety Committee was briefed by the Dallas Police Department, Convention and Event Services, and the City Attorney's Office at a special called meeting on May 17, 2022. The Committee received input and approval to move forward with additional stakeholder and industry input to ensure that impacted industry representatives had an opportunity to address concerns regarding the ordinance.

Following the May 17, 2022 briefing, staff hosted 10 public input meetings with internal and external stakeholders. On June 13, 2022, the Public Safety Committee was briefed about proposed updates and revisions that addressed the public and stakeholder input including clarification for (1) definitions for ordinance terminology such as promoter/producer/planner and promoted event, and (2) safety plan ownership, and tightening the 501(c)3 non-profit exemption to prevent loopholes.

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

The Public Safety Committee was briefed on recent public safety concerns related to promoted events on April 11, 2022.

The Public Safety Committee was briefed regarding the initial draft of the proposed Commercial Promoters Ordinance on May 9, 2022.

The Public Safety Committee held a special called meeting for public input regarding the initial draft of the proposed Commercial Promoters Ordinance on May 17, 2022.

The Public Safety Committee was briefed regarding the updated proposed ordinance with changes and clarifications based on public input on June 13, 2022.

### **FISCAL INFORMATION**

Estimated Revenue: Convention and Event Services Fund \$26,250.00 annually beginning FY 2022-23. FY 2021-22 partial year revenue estimated to be \$8,750.00.

This ordinance will have a registration fee for applicants who wish to register to do business in the City of Dallas as commercial promoters. Applicants will be charged a flat fee, and their registration will be valid for two years.

Convention and Event Services will add three additional staff persons to ensure no delays in the implementation of the program at a total cost of \$244,596.00 for FY 2022-23 and \$326,125.00 for FY 2023-24. These costs will be absorbed in the Convention and Event Services Fund.

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

An ordinance amending the Dallas City Code by amending Chapter 27, “Minimum Property Standards,” of the Dallas City Code by amending Section 27-46 to include violations of Chapter 38A in the definition of code violations in the habitual nuisance properties program; and adding a new Chapter 38A, “Promoters”; providing a commercial promoter registration program, registration fee, and safety plan requirements for commercial promoters; allowing for emergency response cost recovery; providing penalties not to exceed \$500 or \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, responsible commercial promoters, together with responsible venue operators, plan events with crowd and risk management in mind and prepare materials identifying reasonably foreseeable hazards and responses;

WHEREAS, responsible commercial promoters, together with responsible venue operators, provide entertainment and economic vitality to the city;

WHEREAS, an increasing number of commercial promoters are, together with venue operators, promoting events throughout the city that create large crowds without safety plans in place to ensure adequate crowd management, crowd control, security, and without regard for public safety, creating a dangerous environment that produces violent crime and harm to persons and property, and unreasonably exhausts public safety resources;

WHEREAS, city council desires to safeguard residents, visitors, and employees at promoted events by ensuring all commercial promoters develop, maintain, and comply with safety plans, which address crowd management, crowd control, and security to reduce violent crime and harm to persons and property; and

WHEREAS, city council desires to address the public safety issues created by some events, including crowd management, crowd control, security, and other related risk factors and recoup the city's resources when promoted events violate city ordinances and unreasonably exhaust public safety resources; Now, Therefore,

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

SECTION 1. That Paragraph (3) of Section 27-46, "Definitions," of Article VIII, "Habitual Criminal and Nuisance Properties," of Chapter 27, "Minimum Property Standards," of the Dallas City Code is amended to read as follows:

"(3) CODE VIOLATIONS mean violations of the following provisions of the Dallas City Code:

- (A) Section 107.6, "Overcrowding," of Chapter 16, "Dallas Fire Code."
- (B) Section 30-1, "Loud and Disturbing Noises and Vibrations," of Chapter 30, "Noise."
- (C) Section 30-4, "Loudspeakers and Amplifiers," of Chapter 30, "Noise."
- (D) Sections 43-126.9, 43-126.10, and 43-126.11 of Division 3, "Valet Parking Services," of Article VI, "License for the Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks."
- (E) Chapter 38A, "Promoters."
- (F) Section 51A-6.102, "Noise Regulations," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code."
- (G[F]) Conditions in planned development or specific use permit ordinances regulating outdoor live music, outdoor patios, the operation of outdoor speakers and amplification, and hours of operation of a use."

SECTION 2. That the Dallas City Code is amended by adding a new Chapter 38, “Promoters,” to read as follows:

## **“CHAPTER 38A**

### **PROMOTERS**

#### **SEC. 38A-1. PURPOSE.**

The purpose of this chapter is to ensure promoted events are operated in a way that safeguards the residents, visitors, and employees attending promoted events.

#### **SEC. 38A-2. DEFINITIONS.**

In this chapter:

(1) **COMMERCIAL PROMOTER** means a person engaged in the business of commercial promotion, publicizing, planning, or production of a promoted event who receive all or a percentage of revenues from the sale of alcohol, food, beverages, fees charged to vendors, or fees charged to the public for admission.

(2) **COMMERCIAL PROMOTION** includes publicizing, planning, or producing by any means a promoted event by a commercial promoter.

(3) **DIRECTOR** means the director of the Office of Special Events or the director’s designated representative.

(4) **OWNER** means any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

(5) **PERSON** means an individual, corporation, firm, government or governmental subdivision, partnership, joint venture, limited liability company, or other business entity.

(6) **PROMOTED EVENT** means an indoor commercial event open to the public, or outdoor commercial event with an expected occupancy over 100 that is open to the public.

(A) Promoted events include, but are not limited to:

(i) music or dance shows that may include a disc jockey where fees may be charged to vendors or members of the public for participation or admission; or



(ii) concerts, outdoor activities, and theatrical and other performances where fees are charged to vendors or members of the public for participation or admission.

(B) A promoted event does not include:

(i) an event that requires a special event permit or has been issued a special event permit under Chapter 42A;

(ii) an event that occurs on city-owned property or at a city-owned facility with city permission;

(C) an event that occurs at a location with a valid specific use permit and a certificate of occupancy for a use that allows the event; or

(D) an event that is hosted by and produced for the benefit of a registered 501(c)(3) organization under 26 C.F.R. § 1.501(c)(3).

(7) PROPERTY means real property and personal property.

(8) VENUE OPERATOR means the person with control over a location and property where the action or event occurs. Venue operators may include commercial promoters, business owners, or business operators.

### **SEC. 38A-3. COMMERCIAL PROMOTER REGISTRATION.**

(a) A person engaging in commercial promotion shall register with the city as a commercial promoter. Commercial promoter registration must be submitted on a form provided by the director for that purpose.

(b) A complete commercial promoter registration application must contain the following information:

(1) The legal name, street address, mailing address, electronic mailing address, and telephone number of the registrant.

(2) Any aliases the registrant intends to use in connection with any commercial promotion.

(3) The names, street addresses, mailing addresses, electronic mailing addresses, and telephone numbers of all partnerships, corporations, or other business entities (including DBAs) associated with the registrant that will appear on any marketing materials advertising, promoting, or producing a promoted event.

(4) The name, street address, mailing address, electronic mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition involving a promoted event connected to the registrant.

(5) The name, street address, mailing address, electronic mailing address, and telephone number of the registered agent for the registrant, if any.

(6) Tax ID Number.

(7) Such additional information as the registrant desires to include or that the director deems necessary to aid in the determination of whether the requested registration should be granted.

(c) A registrant shall notify the director within 30 days after any change in the information contained in the commercial promoter registration.

(d) Commercial promoter registration expires two years from the date of registration. Registrants may renew his or her registration for the next two-year period before the expiration of the current period, but not before 30 days prior to expiration.

#### **SEC. 38A-4. COMMERCIAL PROMOTER REGISTRATION FEE.**

A fee of \$175.00 must be paid to the Office of Special Events at the time of commercial promoter registration or renewal. The registration fee must be paid before an application is deemed complete.

#### **SEC. 38A-5. SAFETY PLAN REQUIRED.**

(a) In general. Promoted events must comply with the general safety plan or the event-specific safety plan on file with the director. The venue operator and the commercial promoter are responsible for operating a promoted event in compliance with a filed safety plan.

(b) General safety plan.

(1) A venue operator may file a general safety plan with the director that complies with Section 38A-6. A general safety plan may only serve as the safety plan for promoted events at the venue specified in the plan and for the type of promoted event specified in the plan.

(2) A general safety plan must be signed by the venue operator.

(3) A complete general safety plan must be submitted to the director at least 14 days before the first promoted event at the venue location using a general safety plan.

(c) Event-specific safety plan.

(1) If a venue does not have a general safety plan on file with the director, or if a promoted event deviates in any way from the general safety plan on file, the venue operator or commercial promotor must file an event-specific safety plan with the director that complies with Section 38A-6. An event-specific safety plan may only serve as the safety plan for the promoted event specified by date, time, and location in the plan.

(2) An event-specific safety plan must be signed by the venue operator and the commercial promotor.

(3) A complete event-specific safety plan must be submitted to the director at least five business days prior to the promoted event.

(d) Availability. The safety plan must be kept on-site during the duration of each promoted event and be made immediately available upon request by a representative of the city.

**SEC. 38A-6. SAFETY PLAN REQUIREMENTS.**

A safety plan must include the following:

(1) The legal name, street address, mailing address, electronic mailing address, and telephone number of the property owner, venue operator, and any commercial promoters operating at the venue.

(2) The registration number for each commercial promoter operating at the venue.

(3) Street address of the promoted event.

(4) Date(s) of the promoted event (for event-specific safety plans).

(5) The promoted event beginning and ending times (for event-specific safety plans).

(6) A description of the promoted event, including activities, programming, entertainment, and all vendors.

(7) Maximum occupancy of indoor or outdoor spaces pursuant to the Chapter 16, "Dallas Fire Code," or Chapter 52, "Administrative Procedures for the Construction Codes of the Dallas City Code."

(8) Maximum total number of tickets to be sold.

(9) Expected total attendance and maximum expected attendance at any given time.

(10) Parking, including service vehicle loading/unloading and any valet services used.

(11) A description of any infrastructure built in connection with the promoted event such as stages and booths including the names and contact information for all contractors and other responsible parties building the infrastructure.

(12) Set-up and tear-down process and post-event outdoor clean-up plan.

(13) A crowd management plan that includes:

(A) the number, location, and responsibilities of crowd management personnel;

(B) all ingress, egress, and circulation of vehicular and pedestrian traffic, including emergency access for emergency responders;

(C) outdoor queuing for event entry;

(D) indoor queuing for food, beverages, merchandise, etc.; and

(E) any information required by Chapter 16, "Dallas Fire Code."

(14) A security management plan that includes:

(A) the number, location (inside and outside), and responsibilities of security personnel, including the provider/agency and command structure;

(B) the hours security personnel will be on site; and

(C) incident report procedures.

(15) First aid and medical information that includes:

(A) name of providers, including command structure;

(B) number and location of personnel and first aid and medical stations;

(C) location of signage directing the public to first aid and medical stations; and

(D) accident/incident report procedures.

(16) If the promoted event includes alcohol, provide the Texas Alcoholic Beverage Commission license/permit number) or specify if patrons may bring their own alcohol.

- (17) Noise abatement strategies.
- (18) The number and location of metal detectors, if any.
- (19) Whether pyrotechnics will be included in the promoted event.
- (20) Emergency contingencies, including event stoppage and evacuation.

#### **SEC. 38A-7. SUSPENSION.**

The director may suspend a commercial promoter registration if the registrant has received, within the preceding 60 days, two or more notices of violation or citations related to lack of compliance with a safety plan or this chapter. A person may not submit a new registration application while his or her registration is suspended.

#### **SEC. 38A-8. EMERGENCY RESPONSE COST RECOVERY.**

(a) Purpose. This section is intended to protect the city from extraordinary operational and financial burdens resulting from the use of city resources in response to certain public safety incidents, demands for services, and criminal activity related to commercial promoter events in violation of this chapter. Emergency response cost recovery may only be used to preserve city resources and, to the extent permitted by law, allow emergency response cost recovery from the responsible party.

(b) Definitions. In this section:

(1) **EMERGENCY RESPONSE** means the provision, sending, or utilization of public service, police, firefighting, paramedics, rescue service, or any other agent of the city at a promoted event.

(2) **EXPENSE OF AN EMERGENCY RESPONSE** means the direct and reasonable costs incurred by the city, or by a private person, corporation, or other entity operating at the request of or direction of the city, through the extraordinary use of public services, when making an emergency response to the promoted event, including the costs of providing police, firefighting, paramedics, or rescue services at the promoted event. These costs further include but are not limited to all of the salaries, wages, workers' compensation benefits, and fringe benefits of the city personnel responding to the incident; all salaries, wages, workers' compensation benefits, and fringe benefits of the city personnel engaged in investigation, supervision, and preparation of post-incident reports; cost of equipment operation, cost of materials obtained directly by the city, cost of any labor or materials, and any property damage.

(3) **RESPONSIBLE PARTY** means:

(A) any person that is responsible for, in whole or in part, or holds or promotes a promoted event, or allows a promoted event to be held, that did not use a commercial promoter registered with the city;

(B) a person that is responsible for, in whole or in part, or holds or promotes a promoted event, or allows a promoted event to be held, with a commercial promoter registered without an approved safety plan or in violation of an approved safety plan; or

(C) a person that owns the property where the emergency response is necessary.

(c) Liability for expenses of emergency response. Any responsible party who is responsible for or contributes to any circumstance that results in an emergency response is liable for damages in the amount of the expense of the emergency response. The city may pursue cost recovery fees and expenses for an emergency response in connection with a promoted event that:

(1) is promoted by a person who is not registered as a commercial promoter with the city; or

(2) operates without an approved safety plan or in violation of an approved safety plan.

(d) Enforcement, billing, and collection of emergency response costs. Any responsible party who is liable for the expense of an emergency response will be in default if the responsible party fails to reimburse the city within 30 days of receiving notice of the expense of the emergency response. The city will pursue collection if the responsible party who is liable for the expense of an emergency response refuses to reimburse the city.

**SEC. 38A-9. OFFENSES.**

(a) A person commits an offense if the person promotes or conducts a promoted event, or allows a promoted event to be held:

(1) while not registered in compliance with this chapter;

(2) without an approved safety plan; or

(3) in violation of an approved safety plan.

(b) A person commits an offense if he or she is the individual named as the contact person for the promoted event and fails to meet police officers or code enforcement officers at the site of the promoted event within one hour of being contacted by a representative of the city by telephone or email.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) This chapter may be enforced by the director of the office of special events, the director of the department of code compliance, the chief of police, the fire chief, or their designated representatives.

**SEC. 38A-10. PENALTY.**

(a) Each offense is punishable by a fine not to exceed:

(1) \$2,000 for a violation of a provision of this chapter or a requirement of a permit governing fire safety, zoning, or public health and sanitation; or

(2) \$500 for all other violations of this chapter.

(b) A person who violates a provision of this chapter or a requirement of a safety plan under this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.”

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed (1) \$500; or (2) \$2,000 for violations governing fire safety, zoning, or public health and sanitation.

SECTION 4. That Chapter 27 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. 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 6. 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 7. 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 with enforcement action being taken no earlier than 90 days from and after the passage of this ordinance, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

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

Passed \_\_\_\_\_





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1457

**Item #:** 73.

**STRATEGIC PRIORITY:** Housing & Homelessness Solutions  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 1  
**DEPARTMENT:** Department of Housing & Neighborhood Revitalization  
**EXECUTIVE:** Majed Al-Ghafry

### **SUBJECT**

Authorize an amendment to Resolution No. 21-2047, previously approved on December 8, 2021, to allow the City to subordinate its liens to a financial institution's liens in relation to the development of Highpoint at Wynnewood, a mixed-income, multifamily development located 1911 Pratt Street Dallas, TX 75224 (Project), subject to the requirements of the Comprehensive Housing Policy (CHP) - Financing: No cost consideration to the City

### **BACKGROUND**

On December 8, 2021 by Resolution No. 21-2047, the City Council authorized **(1)** the adoption of a Resolution of No Objection for S. Zang, LP, or its affiliates (Applicant) related to its application to the Texas Department of Housing and Community Affairs (TDHCA) for the development of the Project; **(2)** the rescission of Resolution No. 20-0379, approved on February 26, 2020; and **(3)** the sale of the property from WCH Limited Partnership to S. Zang, LP and amended and restated redevelopment loan documents with the Applicant (originally with WCH Limited Partnership, the current owner of the property) for low income housing for families at the Parks at Wynnewood, to **(a)** require the Applicant to obtain 4% LIHTC for the Highpoint at Wynnewood Apartments; **(b)** extend the timeline for completion by **10** years, to 2028; **(c)** extend the maturity date by **10** years, to 2028; **(d)** increase the number of units to be built from 160 to 220; **(e)** require a fifteen (15) year affordability period; **(f)** allow for the forgiveness of the remaining balance of \$418,750.00 upon satisfaction of the loan terms **(g)** require the Applicant to provide onsite classes for adults, career development/job training, annual health fairs, and a one-time set aside in the amount of \$75,000.00 for social services; and **(h)** require at least 185 of the 220 units will be available to rent to low-income households earning 60% or below of area median income (AMI) and 35 of the 220 units will be available to rent to low-income households earning 30% or below of AMI.

Language authorizing the subordination of the City's lien or liens to a financial institution's lien, subject to the requirements of the CHP, was omitted from the Resolution No. 21-2047. In order for the development to move forward, the City's lien must be subordinated to the Project's senior lender's lien. The subordination of the remaining balance of \$418,750.00 of the forgivable loan will be

added to the terms above. No other changes to the financial terms or the Project will be made.

The previously approved Project is the third and final phase of the redevelopment of the Parks at Wynnewood that has been ongoing since 2013. This 220-unit development represents an approximately \$47,000,000.00 investment in affordable housing for the City and will release land currently encumbered with a land use restrictive agreement to be redeveloped for higher and better uses than the current, aging property on the site.

Staff recommends approval of this item and authorizing the City to subordinate its lien to a senior lender, subject to the requirements of the CHP, to allow the final phase of the Parks at Wynnewood to close on July 15, 2022.

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

On December 8, 2021, City Council authorized **(1)** the adoption of a Resolution of No Objection for the Applicant related to its application to TDHCA for the development of Highpoint at Wynnewood, a multifamily development; **(2)** the rescission of Resolution No. 20-0379, approved on February 26, 2020; and **(3)** the sale of the property from WCH Limited Partnership to S. Zang, LP and amended and restated redevelopment loan documents with the Applicant (originally with WCH Limited Partnership, the current owner of the property) for low income housing for families at the Parks at Wynnewood, to **(a)** require the Applicant to obtain 2021 4% LIHTC for the Highpoint at Wynnewood Apartments; **(b)** extend the timeline for completion by **10** years, to 2028; **(c)** extend the maturity date by 10 years, to 2028; **(d)** increase the number of units to be built from 160 to 220; **(e)** require a 15 year affordability period; **(f)** allow for the forgiveness of the remaining balance of \$418,750.00 upon satisfaction of the loan terms **(g)** require the Applicant to provide onsite classes for adults, career development/job training, annual health fairs, and a one-time set aside in the amount of \$75,000.00 for social services; and **(h)** require at least 185 of the 220 units will be available to rent to low-income households earning 60% or below of area median income (AMI) and 35 of the 220 units will be available to rent to low-income households earning 30% or below of AMI.

### **FISCAL INFORMATION**

No cost consideration to the City.

### **MAP**

Attached

June 22, 2022

**WHEREAS**, on December 8, 2021, City Council authorized the following: (1) the adoption of a Resolution of No Objection for S. Zang, LP related to its application to Texas Department of Housing and Community Affairs (TDHCA) for the development of Highpoint at Wynnewood, a multifamily development located at 1911 Pratt Street, Dallas, Texas 75224; (2) the rescission of Resolution No. 20-0379, approved on February 26, 2020; and (3) amended and restated redevelopment loan documents with S Zang, LP (originally with WCH Limited Partnership, the current owner of the property) for low income housing for families at the Parks at Wynnewood subject to certain terms and conditions; and

**WHEREAS**, it is necessary for the City to subordinate it's amended and restated loan to the senior construction lender in order for the Highpoint at Wynnewood development to secure additional financing; and

**WHEREAS**, to assist in the sustainable and affordable housing production goals established in the City's Comprehensive Housing Policy, the City desires to amend Resolution No. 21-2047, previously approved on December 8, 2021.

**Now, Therefore,**

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

**SECTION 1.** That Resolution No. 21-2047, previously approved on December 8, 2021, relating to the proposed development of the Highpoint at Wynnewood located at 1911 Pratt Street, Dallas, TX 75224, is hereby amended.

**SECTION 2.** That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to subordinate the amended and restated loan for the Highpoint at Wynnewood development to a lien position that shall be no less than second, except upon approval of the Director of the Department of Housing and Neighborhood Revitalization, to the senior lender.

**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.



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1054

**Item #:** 74.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

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### **SUBJECT**

An ordinance abandoning portions of three water easements and a drainage easement to Urban Smart Growth LP and Central Carroll Interests LLC, the abutting owners, containing a total of approximately 39,259 square feet of land, located near the intersection of North Central Expressway and Carroll Avenue - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of portions of three water easements and a drainage easement to Urban Smart Growth LP and Central Carroll Interests LLC, the abutting owners, containing a total of approximately 39,259 square feet of land. The areas will be included with the property of the abutting owners to construct a mixed-used development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

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

This item has no prior action.

### **FISCAL INFORMATION**

Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

### **OWNERS**

#### **Urban Smart Growth LP**

Urban Smart Growth GP LLC

Artemio De La Vega, Manager

**Central Carroll Interests LLC**

Artemio De La Vega, Manager

**MAP**

Attached

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

An ordinance providing for the abandonment and relinquishment of portions of three water easements and a drainage easement located in City Block 18/2006 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Urban Smart Growth LP and Central Carroll Interests LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Urban Smart Growth LP, a Texas limited partnership, and Central Carroll Interests LLC, a Texas limited liability company, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

**Now, Therefore,**

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

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

**SECTION 2.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tracts or parcels of land hereinabove described in Exhibit A as follows: unto Urban Smart Growth LP and Central Carroll Interests LLC, in proportion to their vested interest, all of its right, title and interest in Tract I of Exhibit A; unto Urban Smart Growth LP and Central Carroll Interests LLC, in proportion to their vested interest, all of its right, title and interest in Tract II of Exhibit A; unto Central Carroll Interests LLC, all of its right, title and interest in Tract III of Exhibit A; unto Urban Smart Growth LP and Central Carroll Interests LLC, in proportion to their vested interest, all of its right, title and interest in Tract IV of Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, 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, Fund 0001, Department PBW, Balance Sheet 0519 and Department of Public Works - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department PBW, Unit 1181, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

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

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

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

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



**SECTION 8.** (continued)

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

**SECTION 10.** That this ordinance is also designated for City purposes as Contract No. PBW-2022-00018709 for Urban Smart Growth LP and Contract No. PBW-2022-00019208 for Central Carroll Interests LLC.

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

APPROVED AS TO FORM:  
CHRISTOPHER J. CASO,  
City Attorney

ALI HATEFI, Director  
Department of Public Works

BY Consuelo R Tankersley  
Consuelo R Tankersley (Jun 14, 2022 17:39 CDT)  
Assistant City Attorney

BY Lolita Williams  
Lolita Williams (Jun 14, 2022 17:36 CDT)  
Assistant Director

Passed \_\_\_\_\_.

# WATER EASEMENT ABANDONMENT

EXHIBIT A

Xerox Business Services Addition  
Lots 1A and 2A, Block 18/2006  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

TRACT 1

**BEING** a 5,092 square foot (0.1169 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, said tract being a portion of Lots 1A and 2A, Block 18/2006 of Xerox Business Services Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Instrument Number 201300381281, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), also being a portion of that certain tract of land as described in a Special Warranty Deed to Urban Smart Growth LP, recorded in Instrument Number 201700164042, O.P.R.D.C.T., also being a portion of that certain tract of land as described in a Special Warranty Deed with Vendor's Lien to Central Carroll Interests LLC, recorded in Instrument Number 201900242084, O.P.R.D.C.T., and being all of that certain tract of land as described in a Water Easement dedicated by deed recorded in Volume 87044, Page 1446, Deed Records of Dallas County, Texas (D.R.D.C.T.); said tract being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2-inch iron rod capped with a 3-inch aluminum disc found for the Northwest corner of said Lot 2A, same being the Southwest corner of Lot 1C, Block 18/2006 of said Xerox Business Services Addition, and being in the East right-of-way line of North Central Expressway (variable width right-of-way) (also known as U.S. Highway Number 75) as recorded in Volume 2813, Page 54, and Volume 92044, Page 4554, D.R.D.C.T. from which a PK Nail found for an inside "ell" corner of said Lot 1A, and the northeast corner of said Lot 2A, bears South 66 degrees 54 minutes 31 seconds East, a distance of 310.97 feet; and being the beginning of a tangent curve to the left, with a radius of 2,734.00 feet, delta angle of 00 degrees 14 minutes 01 seconds, chord bearing and distance of South 20 degrees 50 minutes 18 seconds West, 11.14 feet;

**THENCE** with said curve to the left, and with the common line of said East right-of-way line of North Central Expressway and the West line of said Lot 2A, an arc distance of 11.14 feet to the **POINT OF BEGINNING**;

**THENCE** South 67 degrees 07 minutes 04 seconds East, departing aforesaid East right-of-way line of North Central Expressway, over and across said Lot 2A, a distance of 290.23 feet;

**THENCE** North 67 degrees 52 minutes 56 seconds East, over and across said Lot 2A and aforesaid Lot 1A, a distance of 31.32 feet;

**THENCE** South 66 degrees 34 minutes 16 seconds East, over and across said Lot 1A, a distance of 21.01 feet;

**THENCE** South 67 degrees 52 minutes 56 seconds West, over and across said Lots 1A and 2A, a distance of 52.58 feet;

**THENCE** North 67 degrees 07 minutes 04 seconds West, over and across said Lot 2A, a distance of 295.58 feet to the aforesaid East right-of-way line of North Central Expressway, being the beginning of a non-tangent curve to the right with a radius of 2,734.00 feet, delta angle of 00 degrees 19 minutes 10 seconds, chord bearing and distance of North 20 degrees 33 minutes 43 seconds East, 15.25 feet;

(FOR SPRG USE ONLY)

REVIEWED

BY: G.S.

DATE: 5-19-22

SPRG NO: 5895

# WATER EASEMENT ABANDONMENT

EXHIBIT A

Xerox Business Services Addition  
Lots 1A and 2A, Block 18/2006  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

TRACT 1

**THENCE** with said curve to the right, and with the aforesaid common line of the East right-of-way line of North Central Expressway and the West line of said Lot 2A, an arc distance of 15.25 feet to the **POINT OF BEGINNING**, and containing 0.1169 acres or 5,092 square feet of land, more or less.

The Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum 1983, Adjustment Realization 2011.

This metes and bounds description is accompanied by an exhibit of even date.



5/11/22

Dustin C. Kaiser  
Registered Professional Land Surveyor No. 6918  
Urban Structure + Survey, PLLC  
TBPELS Firm No. 10194610



8140 Walnut Hill Lane, Suite 905  
Dallas, Texas 75231

(FOR SPRG USE ONLY)

REVIEWED

BY: GS

DATE: 5-19-22

SPRG NO: 5895

Page 2 of 4

M:\Survey\Projects\2019\19512-Dallas\_The Central\ACAD\Map-Check\Legal Descriptions\_Esmt Abdn  
Print Date: May 10, 2022

# WATER EASEMENT ABANDONMENT

Xerox Business Services Addition  
Lots 1A and 2A, Block 18/2006  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

EXHIBIT A

TRACT 1

BLOCK  
18/2006

LOT 1C, BLOCK 18/2006  
XEROX BUSINESS  
SERVICES ADDITION  
(INST. NO. 201300381281)  
O.P.R.D.C.T.

LOT 1A, BLOCK 18/2006  
XEROX BUSINESS  
SERVICES ADDITION  
(INST. NO. 201300381281)  
O.P.R.D.C.T.

LOT 1B, BLOCK 18/2006  
XEROX BUSINESS  
SERVICES ADDITION  
(INST. NO. 201300381281)  
O.P.R.D.C.T.

NORTH CENTRAL  
EXPRESSWAY  
(U.S. HIGHWAY NO. 75)  
VARIABLE WIDTH RIGHT-OF-WAY  
VOL. 2813, PG. 54-D.R.D.C.T.  
VOL. 92044, PG. 4554-D.R.D.C.T.

NAD'83  
N: 6981653.17'  
E: 2493158.78'

(CM)  
ADF

C1

POB

C2

15' WATER EASEMENT  
(VOL. 87044, PG. 1446)  
D.R.D.C.T.

20' WATER ESMT.  
(VOL. 2002047, PG. 1446)  
D.R.D.C.T.

WATER EASEMENT  
ABANDONMENT  
0.1169 ACRE/5,092 SQ. FT.

LOT 2A, BLOCK 18/2006  
XEROX BUSINESS SERVICES ADDITION  
(INST. NO. 201300381281)  
O.P.R.D.C.T.

URBAN SMART GROWTH, L.P.  
(INST. NO. 201700164042)  
O.P.R.D.C.T.

SEE SHEET 4 OF 4  
FOR LINE AND  
CURVE TABLE

GRAPHIC SCALE  
1" = 60'



## LEGEND

Z	DENOTES COMMON LAND OWNERSHIP
VOL., PG.	VOLUME, PAGE
IRF	IRON ROD FOUND
ADF	3-INCH ALUMINUM DISC FOUND
SQ. FT.	SQUARE FEET
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
(C.M.)	CONTROLLING MONUMENT
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

## GENERAL NOTES

1. THE BASIS OF BEARING SHOWN HEREON IS BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION OF 2011.
2. THIS EXHIBIT IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

(FOR SPRG USE ONLY)

REVIEWED

BY: G.S.

DATE: 5-19-22

SPRG NO: 5895



8140 Walnut Hill Lane, Suite 905, Dallas, Texas 75231  
Firm Registration #10194610 - www.urbanstruct.com - 214.295.5775



WATER EASEMENT  
ABANDONMENT  
Xerox Business Services Addition  
Lots 1A and 2A, Block 18/2006  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

EXHIBIT A


TRACT 1

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 67°07'04" E	290.23'
L2	N 67°52'56" E	31.32'
L3	S 66°34'16" E	21.01'
L4	S 67°52'56" W	52.58
L5	N 67°07'04" W	295.58'

CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	000° 14' 01"	2,734.00'	11.14'	S 20°50'18" W	11.14'
C2	000° 19' 10"	2,734.00'	15.25'	N 20°33'43" E	15.25'



*Handwritten signature of Dustin C. Kaiser*

 8140 Walnut Hill Lane, Suite 905, Dallas, Texas 75231 Firm Registration #10194610 - www.urbanstruct.com - 214-295-5775	LEGEND	GENERAL NOTES	(FOR SPRG USE ONLY)
	<b>Z</b> DENOTES COMMON LAND OWNERSHIP <b>VOL., PG.</b> VOLUME, PAGE <b>IRF</b> IRON ROD FOUND <b>ADF</b> 3-INCH ALUMINUM DISC FOUND <b>SQ. FT.</b> SQUARE FEET <b>P.O.B.</b> POINT OF BEGINNING <b>P.O.C.</b> POINT OF COMMENCING <b>(C.M.)</b> CONTROLLING MONUMENT <b>INST. NO.</b> INSTRUMENT NUMBER <b>D.R.D.C.T.</b> DEED RECORDS, DALLAS COUNTY, TEXAS <b>O.P.R.D.C.T.</b> OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS	<b>1.</b> THE BASIS OF BEARING SHOWN HEREON IS BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION OF 2011.  <b>2.</b> THIS EXHIBIT IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION OF EVEN DATE.	<b>REVIEWED</b> <b>BY:</b> <u>G.S.</u> <b>DATE:</b> <u>5-19-22</u> <b>SPRG NO:</b> <u>5895</u>
		ISSUE DATE: 05/10/2022    PROJECT NO.: 19512    SCALE: 1 inch = 60 feet    PAGE 4 OF 4	

# WATER EASEMENT ABANDONMENT

EXHIBIT A

Xerox Business Services Addition

Lots 1A and 2A, Block 18/2006

John Grigsby Survey, Abstract No. 495

City of Dallas, Dallas County, Texas

TRACT 2

**BEING** a 7,340 square foot (0.1685 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, said tract being a portion of Lots 1A and 2A, Block 18/2006 of Xerox Business Services Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Instrument Number 201300381281, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), also being a portion of that certain tract of land as described in a Special Warranty Deed to Urban Smart Growth LP, recorded in Instrument Number 201700164042, O.P.R.D.C.T., also being a portion of that certain tract of land as described in a Special Warranty Deed with Vendor's Lien to Central Carroll Interests LLC, recorded in Instrument Number 201900242084, O.P.R.D.C.T., and being all of that certain tract of land as described in a Water Easement, recorded in Volume 2002047, Page 255, Deed Records, Dallas County, Texas (D.R.D.C.T.); said tract being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2-inch iron rod capped with a 3-inch aluminum disc found for the Northwest corner of said Lot 2A, same being the Southwest corner of Lot 1C, Block 18/2006 of said Xerox Business Services Addition, and being in the East right-of-way line of North Central Expressway (variable width right-of-way) (also known as U.S. Highway Number 75), as recorded in Volume 2813, Page 54, and Volume 92044, Page 4554, D.R.D.C.T., from which a PK Nail found for an inside "ell" corner of said Lot 1A, and the northeast corner of said Lot 2A, bears South 66 degrees 54 minutes 31 seconds East, a distance of 310.97 feet; and being the beginning of a tangent curve to the left, with a radius of 2,734.00 feet, delta angle of 00 degrees 10 minutes 54 seconds, chord bearing and distance of South 20 degrees 51 minutes 52 seconds West, 8.67 feet;

**THENCE** with said curve to the left, and with the common line of said East right-of-way line of North Central Expressway and the West line of said Lot 2A, an arc distance of 8.67 feet to the **POINT OF BEGINNING**;

**THENCE** South 67 degrees 13 minutes 44 seconds East, departing said East right-of-way line of North Central Expressway, over and across said Lot 2A, a distance of 289.38 feet;

**THENCE** North 67 degrees 46 minutes 16 seconds East, over and across said Lot 2A and aforesaid Lot 1A, a distance of 28.03 feet;

**THENCE** South 67 degrees 00 minutes 39 seconds East, over and across said Lot 1A, a distance of 28.36 feet;

**THENCE** South 67 degrees 46 minutes 16 seconds West, over and across said Lots 1A and 2A, a distance of 56.35 feet;

**THENCE** over and across said Lot 2A, the following three (3) calls:

- 1.) North 67 degrees 13 minutes 44 seconds West, a distance of 276.93 feet to the beginning of a non-tangent curve to the left with a radius of 2,714.00 feet, delta angle of 00 degrees 36 minutes 48 seconds, chord bearing and distance of South 20 degrees 01 minute 36 seconds West, 29.06 feet;



8140 Walnut Hill Lane, Suite 905  
Dallas, Texas 75231

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REVIEWED

BY: G.S.

DATE: 5-19-22

SPRG NO: 5896

Page 1 of 4

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Print Date: May 3rd, 2022

# WATER EASEMENT ABANDONMENT

EXHIBIT A

Xerox Business Services Addition

Lots 1A and 2A, Block 18/2006

John Grigsby Survey, Abstract No. 495

City of Dallas, Dallas County, Texas

TRACT 2

- 2.) With said curve to the left, an arc distance of 29.06 feet;
- 3.) North 69 degrees 37 minutes 47 seconds West, a distance of 20.00 feet to the aforesaid East right-of-way line of North Central Expressway, and being the beginning of a non-tangent curve to the right with a radius of 2,734.00 feet, delta angle of 01 degree 02 minutes 55 seconds, chord bearing and distance of North 20 degrees 14 minutes 57 seconds East, 50.04 feet;

**THENCE** with said curve to the right, and with the aforesaid common line of the East right-of-way line of North Central Expressway and the West line of said Lot 2A, an arc distance of 50.04 feet to the **POINT OF BEGINNING** and containing 0.1685 acres or 7,340 square feet of land, more or less.

The Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum 1983, Adjustment Realization 2011.

This metes and bounds description is accompanied by an exhibit of even date.



5/3/22

Dustin C. Kaiser  
Registered Professional Land Surveyor No. 6918  
Urban Structure + Survey, PLLC  
TBPELS Firm No. 10194610



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REVIEWED

BY: G.S.

DATE: 5-19-22

SPRG NO: 5896



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Dallas, Texas 75231

# WATER EASEMENT ABANDONMENT

Xerox Business Services Addition  
Lots 1A and 2A, Block 18/2006  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

EXHIBIT A

TRACT 2

BLOCK  
18/2006

LOT 1C, BLOCK 18/2006  
XEROX BUSINESS  
SERVICES ADDITION  
(INST. NO. 201300381281)  
O.P.R.D.C.T.

LOT 1A, BLOCK 18/2006  
XEROX BUSINESS  
SERVICES ADDITION  
(INST. NO. 201300381281)  
O.P.R.D.C.T.

GENUINE CARROLL INTERESTS, LLC  
(INST. NO. 201900242084)  
O.P.R.D.C.T.

LOT 1B, BLOCK 18/2006  
XEROX BUSINESS SERVICES ADDITION  
(INST. NO. 201300381281)  
O.P.R.D.C.T.

LOT 2A, BLOCK 18/2006  
XEROX BUSINESS SERVICES ADDITION  
(INST. NO. 201300381281)  
O.P.R.D.C.T.

URBAN SMART GROWTH, LP  
(INST. NO. 201700164042)  
O.P.R.D.C.T.

SEE SHEET 4 OF 4  
FOR LINE AND  
CURVE TABLE

GRAPHIC SCALE  
1" = 60'



## LEGEND

<b>Z</b>	DENOTES COMMON LAND OWNERSHIP
<b>VOL., PG.</b>	VOLUME, PAGE
<b>IRF</b>	IRON ROD FOUND
<b>ADF</b>	3-INCH ALUMINUM DISC FOUND
<b>SQ. FT.</b>	SQUARE FEET
<b>P.O.B.</b>	POINT OF BEGINNING
<b>P.O.C.</b>	POINT OF COMMENCING
<b>(C.M.)</b>	CONTROLLING MONUMENT
<b>INST. NO.</b>	INSTRUMENT NUMBER
<b>D.R.D.C.T.</b>	DEED RECORDS, DALLAS COUNTY, TEXAS
<b>O.P.R.D.C.T.</b>	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

## GENERAL NOTES

1. THE BASIS OF BEARING SHOWN HEREON IS BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION OF 2011.
2. THIS EXHIBIT IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

(FOR SPRG USE ONLY)

REVIEWED

BY: G.S.

DATE: 5-19-22

SPRG NO: 5896

ISSUE DATE: 05/03/2022

PROJECT NO.: 19512

SCALE: 1 inch = 60 feet

PAGE 3 OF 4



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WATER EASEMENT  
ABANDONMENT  
Xerox Business Services Addition  
Lots 1A and 2A, Block 18/2006  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

EXHIBIT A

TRACT 2

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 67°13'44" E	289.38'
L2	N 67°46'16" E	28.03'
L3	S 67°00'39" E	28.36'
L4	S 67°46'16" W	56.35'
L5	N 67°13'44" W	276.93'
L6	N 69°37'47" W	20.00'

CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	000° 10' 54"	2,734.00'	8.67'	S 20°51'52" W	8.67'
C2	000° 36' 48"	2,714.00'	29.06'	S 20°01'36" W	29.06'
C3	001° 02' 55"	2,734.00'	50.04'	N 20°14'57" E	50.04'

*[Handwritten Signature]*

5/3/22



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LEGEND	
Z	DENOTES COMMON LAND OWNERSHIP
VOL., PG.	VOLUME, PAGE
IRF	IRON ROD FOUND
ADF	3-INCH ALUMINUM DISC FOUND
SQ. FT.	SQUARE FEET
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
(C.M.)	CONTROLLING MONUMENT
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

GENERAL NOTES
1. THE BASIS OF BEARING SHOWN HEREON IS BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION OF 2011.
2. THIS EXHIBIT IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

(FOR SPRG USE ONLY)  
REVIEWED  
BY: G.S.  
DATE: 5-19-22  
SPRG NO: 5896

# WATER EASEMENT ABANDONMENT

EXHIBIT A

Xerox Business Services Addition  
Lots 1A and 1B, Block 18/2006  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

TRACT 3

**BEING** a 9,589 square foot (0.2201 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, said tract being a portion of Lots 1A and 1B, Block 18/2006 of Xerox Business Services Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Instrument Number 201300381281, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), also being a part of that certain tract of land as described in a Special Warranty Deed with Vendor's Lien to Central Carroll Interests LLC, recorded in Instrument Number 201900242084, O.P.R.D.C.T., and being all of that certain tract of land as described in a Water Easement dedicated by plat recorded in Instrument Number 201300381281, O.P.R.D.C.T.; said tract being more particularly described by metes and bounds as follows:

**COMMENCING** at a PK Nail found for an inside ell corner of Lot 2A, Block 18/2006 of said Xerox Business Services Addition, and the western most corner of Lot 1B, Block 18/2006 of said Xerox Business Services Addition;

**THENCE** South 45 degrees 05 minutes 50 seconds East, a distance of 439.90 feet 1/2-inch iron rod found for the south corner of said Lot 1B, same being an inner ell corner of Lot 2A, Block 18/2006 of said Xerox Business Services Addition;

**THENCE** North 44 degrees 54 minutes 10 seconds East, with the southeasterly line of said Lot 1B, a distance of 116.01 feet, being in the North line of that certain tract of land as described to the City of Dallas, recorded in Instrument Number 201300381281, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), same being in the northwesterly right-of-way line of Peak Street (60-foot right-of-way), recorded in Volume 9, Page 345, Map Records, Dallas County, Texas (M.R.D.C.T.), and being the **POINT OF BEGINNING**;

**THENCE** departing the common line of said Peak Street, said City of Dallas tract, and said Lot 1B, over and across aforesaid Lot 1A and said Lot 1B, the following five (5) calls;

- 1.) North 45 degrees 28 minutes 07 seconds West, a distance of 453.32 feet;
- 2.) South 67 degrees 52 minutes 56 seconds West, a distance of 3.71 feet;
- 3.) North 67 degrees 00 minutes 39 seconds West, a distance of 28.36 feet;
- 4.) North 67 degrees 46 minutes 16 seconds East, a distance of 36.81;
- 5.) South 45 degrees 28 minutes 07 seconds East, a distance of 465.57 feet to the southeasterly line of said Lot 1B, same being the common line of said northwesterly right-of-way line of Peak Street and the north line of a 20-foot alley-way dedicated by Volume 9, Page 345, M.R.D.C.T.;



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REVIEWED

BY: G.S.

DATE: 5-19-22

SPRG NO: 5897

Page 1 of 4

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Print Date: May 11 th, 2022

# WATER EASEMENT ABANDONMENT

EXHIBIT A

Xerox Business Services Addition

Lots 1A and 1B, Block 18/2006

John Grigsby Survey, Abstract No. 495

City of Dallas, Dallas County, Texas

TRACT 3

**THENCE** with the southeasterly line of said Lot 1B, the following three (3) calls:

- 1.) South 44 degrees 59 minutes 52 seconds West, with the common line of said northwesterly right-of-way line of Peak Street and said north line of a 20-foot alley-way, a distance of 16.24 feet to the common line of said Peak Street and aforesaid City of Dallas tract;
- 2.) South 44 degrees 58 minutes 08 seconds East, with the common line of said Peak Street and said City of Dallas tract, a distance of 1.23 feet
- 3.) South 44 degrees 54 minutes 10 seconds West, a distance of 3.75 feet to the **POINT OF BEGINNING**, containing 0.2201 acres or 9,589 square feet of land, more or less.

The Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum 1983, Adjustment Realization 2011.

This metes and bounds description is accompanied by an exhibit of even date.

 5/11/22

Dustin C. Kaiser Date  
Registered Professional Land Surveyor No. 6918  
Urban Structure + Survey, PLLC  
TBPELS Firm No. 10194610



8140 Walnut Hill Lane, Suite 905  
Dallas, Texas 75231

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REVIEWED

BY: G.S.

DATE: 5-19-22

SPRG NO: 5897

Page 2 of 4

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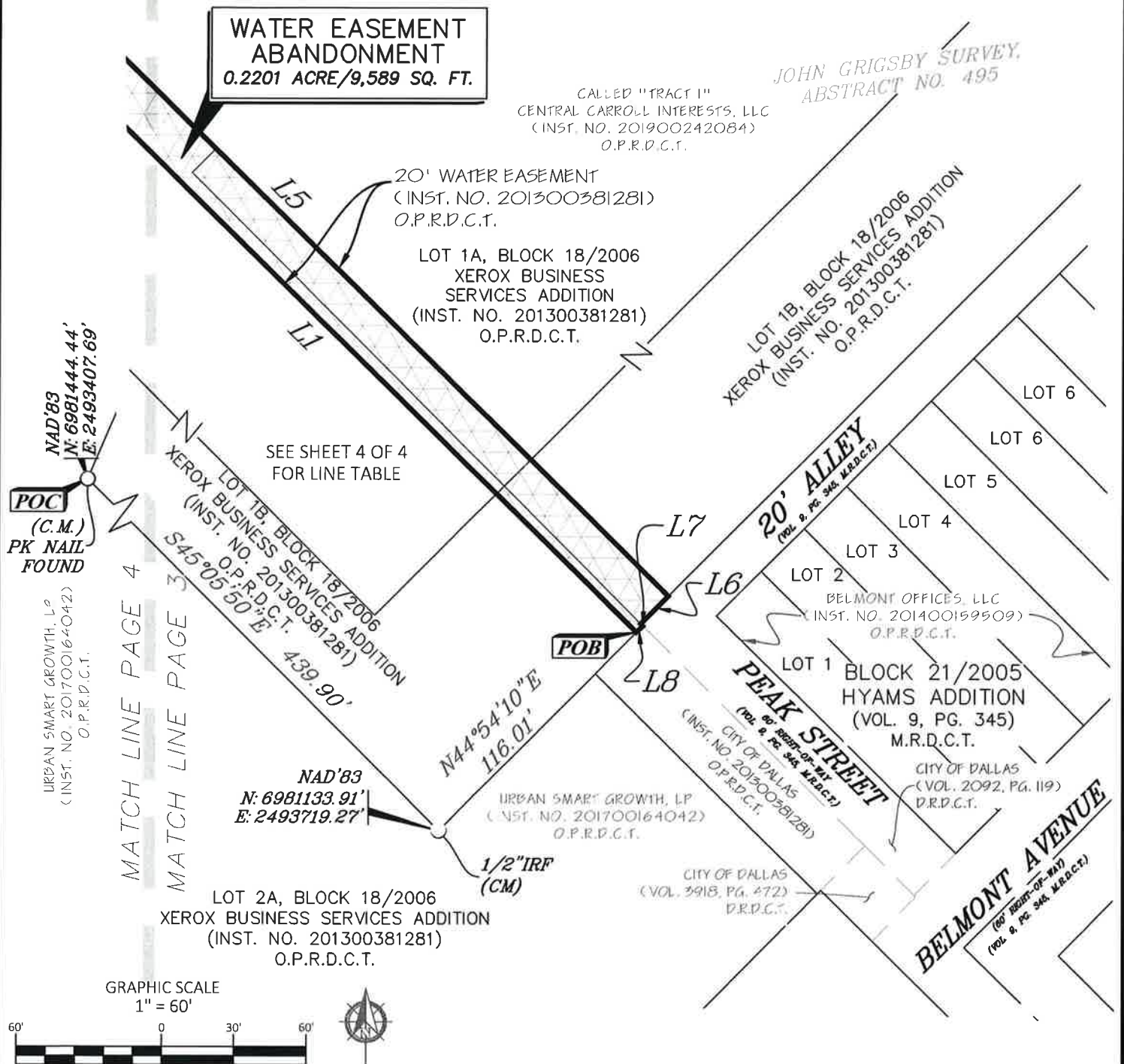
Print Date: May 11 th, 2022

WATER EASEMENT  
ABANDONMENT  
Xerox Business Services Addition

Lots 1A and 1B, Block 18/2006  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

EXHIBIT A

TRACT 3



PLOTTED ON: 5/9/2022 6:06 PM

**URBAN  
STRUCTURE**  
8140 Walnut Hill Lane, Suite 905, Dallas, Texas 75231  
Firm Registration #10194610 - www.urbanstruct.com - 214.295.5775

LEGEND		GENERAL NOTES			
Z	DENOTES COMMON LAND OWNERSHIP	1. THE BASIS OF BEARING SHOWN HEREON IS BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION OF 2011.	(FOR SPRG USE ONLY) REVIEWED BY: <u>C.S.</u> DATE: <u>5-19-22</u> SPRG NO: <u>5897</u>		
VOL., PG.	VOLUME, PAGE				
IRF	IRON ROD FOUND	2. THIS EXHIBIT IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION OF EVEN DATE.			
ADF	3-INCH ALUMINUM DISC FOUND				
SQ. FT.	SQUARE FEET	ISSUE DATE: 05/11/2022	PROJECT NO.: 19512	SCALE: 1 inch = 60 feet	PAGE 3 OF 4
P.O.B.	POINT OF BEGINNING				
P.O.C.	POINT OF COMMENCING				
(C.M.)	CONTROLLING MONUMENT				
INST. NO.	INSTRUMENT NUMBER				
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS				
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS				
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS				



# WATER EASEMENT ABANDONMENT

Xerox Business Services Addition  
Lots 1A and 1B, Block 18/2006  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

EXHIBIT A

TRACT 3

LOT 1C, BLOCK 18/2006  
XEROX BUSINESS  
SERVICES ADDITION  
(INST. NO. 201300381281)  
O.P.R.D.C.T.

BLOCK  
18/2006

LOT 1A, BLOCK 18/2006  
XEROX BUSINESS  
SERVICES ADDITION  
(INST. NO. 201300381281)  
O.P.R.D.C.T.

WATER EASEMENT  
ABANDONMENT  
0.2201 ACRE/9,589 SQ. FT.

CALL "TRACT 1"  
CENTRAL CARROLL INTERESTS, LLC  
(INST. NO. 201900242084)  
O.P.R.D.C.T.

JOHN GRIGSBY SURVEY,  
ABSTRACT NO. 495

LOT 2A, BLOCK 18/2006  
XEROX BUSINESS SERVICES ADDITION  
(INST. NO. 201300381281)  
O.P.R.D.C.T.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 45°28'07" W	453.32'
L2	S 67°52'56" W	3.71'
L3	N 67°00'39" W	28.36'
L4	N 67°46'16" E	36.81'
L5	S 45°28'07" E	465.57'
L6	S 44°59'52" W	16.24'
L7	S 44°58'08" E	1.23'
L8	S 44°54'10" W	3.75'

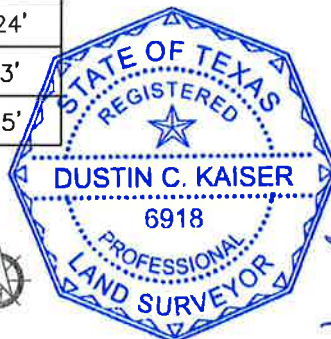
(C.M.)  
PK NAIL  
FOUND

(C.M.)  
PK NAIL  
FOUND

20' WATER  
EASEMENT  
(INST. NO.  
201300381281)  
O.P.R.D.C.T.

LOT 1B, BLOCK 18/2006  
XEROX BUSINESS SERVICES ADDITION  
(INST. NO. 201300381281)  
O.P.R.D.C.T.

URBAN SMART GROWTH, LP  
(INST. NO. 201700164042)  
O.P.R.D.C.T.



GRAPHIC SCALE  
1" = 60'



## LEGEND

Z	DENOTES COMMON LAND OWNERSHIP
VOL., PG.	VOLUME, PAGE
IRF	IRON ROD FOUND
ADF	3-INCH ALUMINUM DISC FOUND
SQ. FT.	SQUARE FEET
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
(C.M.)	CONTROLLING MONUMENT
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

## GENERAL NOTES

- THE BASIS OF BEARING SHOWN HEREON IS BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION OF 2011.
- THIS EXHIBIT IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

(FOR SPRG USE ONLY)

REVIEWED

BY: G.S.

DATE: 5-19-22

SPRG NO: 5897

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# DRAINAGE EASEMENT ABANDONMENT

EXHIBIT A

Xerox Business Services Addition

Lots 1B and 2A, Block 18/2006

John Grigsby Survey, Abstract No. 495

City of Dallas, Dallas County, Texas

TRACT 4

**BEING** a 17,000 square foot (0.3902 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, said tract being a portion of Lots 1B and 2A, Block 18/2006 of Xerox Business Services Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Instrument Number 201300381281, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), also being a portion of that certain tract of land as described in a Special Warranty Deed with Vendor's Lien to Central Carroll Interests LLC, recorded in Instrument Number 201900242084, O.P.R.D.C.T., also being a portion of that certain tract of land as described in a Special Warranty Deed to Urban Smart Growth, LP, recorded in Instrument Number 201700164042, O.P.R.D.C.T., also being a part of that certain tract of land as described in a deed to the City of Dallas, recorded in Instrument Number 201300381281, D.R.D.C.T., and being all of that certain tract of land as described in a Drainage Easement dedicated by deed recorded in Volume 74023, Page 1772, Deed Records of Dallas County, Texas (D.R.D.C.T.); said tract being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2-inch iron rod found for the southernmost corner of said Lot 2A, same being the West corner of Lot 2, Block A/663 of Cityplace Northeast, Section One-Revised, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 2003144, Page 79, D.R.D.C.T., same also being in the Northeast right-of-way line of Haskell Avenue (a variable width right-of-way), recorded in Volume 86013, Page 4551, D.R.D.C.T.;

**THENCE** North 45 degrees 28 minutes 21 seconds West, with the common line of said Haskell Avenue and said Lot 2A, a distance of 120.00 feet to the **POINT OF BEGINNING**;

**THENCE** North 45 degrees 28 minutes 21 seconds West, continuing with said common line, a distance of 25.00 feet;

**THENCE** North 44 degrees 41 minutes 37 seconds East, departing the aforesaid Northeast right-of-way line of Haskell Avenue, over and across said Lot 2A and aforesaid Lot 1B, a distance of 680.07 feet;

**THENCE** South 45 degrees 00 minutes 19 seconds East, over and across said Lot 1B, a distance of 15.44 feet to the common line of said Lot 1B and a 20-foot alley-way dedicated by plat recorded in Volume 9, Page 345, Map Records of Dallas County, Texas (M.R.D.C.T.), same being in the northeasterly right-of-way line of Peak Street (60-foot right-of-way), recorded in Volume 9, Page 345, M.R.D.C.T., same also being in the North right-of-way line of aforesaid City of Dallas tract, from which a 1/2-inch iron rod found for the southernmost corner of aforesaid Lot 1B, same being an inner ell-corner of said Lot 2A, bears South 44 degrees 54 minutes 10 seconds West, a distance of 119.77 feet;

**THENCE** South 45 degrees 26 minutes 30 seconds East, departing said line of Lot 1B, with the common line of said City of Dallas tract and said 20-foot alley, a distance of 9.56 feet;



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Dallas, Texas 75231

(FOR SPRG USE ONLY)	
REVIEWED	
BY:	<u>G.S.</u>
DATE:	<u>5-19-22</u>
SPRG NO:	<u>5899</u>

Page 1 of 4

M:\Survey\Projects\2019\19512-Dallas\_The Central\ACAD\Map-Check\Legal Descriptions\_Esmt Abdn  
Print Date: May 3, 2022

# DRAINAGE EASEMENT ABANDONMENT

EXHIBIT A

Xerox Business Services Addition

Lots 1B and 2A, Block 18/2006

John Grigsby Survey, Abstract No. 495

City of Dallas, Dallas County, Texas

TRACT 4

**THENCE** South 44 degrees 41 minutes 37 seconds West, departing the common line of said 20-foot alley-way and said City of Dallas tract, over and across said City of Dallas tract and aforesaid Lot 2A, a distance of 679.94 feet to the **POINT OF BEGINNING**, and containing 0.3902 acres or 17,000 square feet of land, more or less.

The Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum 1983, Adjustment Realization 2011.

This metes and bounds description is accompanied by an exhibit of even date.

 5/3/22

Dustin C. Kaiser                      Date  
Registered Professional Land Surveyor No. 6918  
Urban Structure + Survey, PLLC  
TBPELS Firm No. 10194610



8140 Walnut Hill Lane, Suite 905  
Dallas, Texas 75231

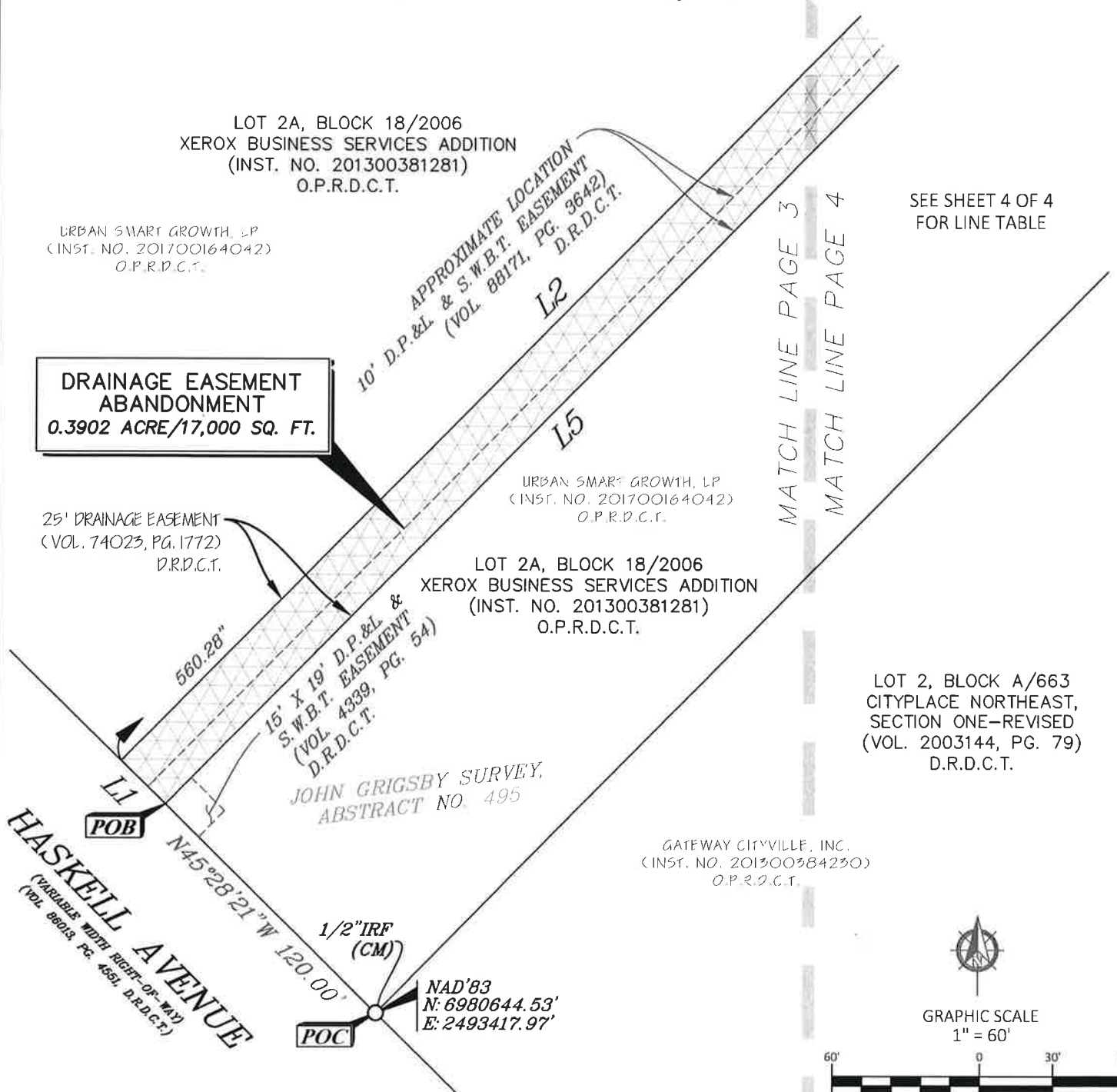
(FOR SPRG USE ONLY)	
REVIEWED	
BY:	<u>G.S.</u>
DATE:	<u>5-19-22</u>
SPRG NO:	<u>5899</u>

# DRAINAGE EASEMENT ABANDONMENT

Xerox Business Services Addition  
Lots 1B and 2A, Block 18/2006  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

**EXHIBIT A**

**TRACT 4**



PLOTTED ON: 5/3/2022 2:55 PM

**URBAN STRUCTURE**  
8140 Walnut Hill Lane, Suite 905, Dallas, Texas 75231  
Firm Registration #10194610 · www.urbanstruct.com · 214-295-5775

LEGEND		GENERAL NOTES	(FOR SPRG USE ONLY)
Z	DENOTES COMMON LAND OWNERSHIP	1. THE BASIS OF BEARING SHOWN HEREON IS BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION OF 2011.	REVIEWED
VOL., PG.	VOLUME, PAGE		BY: <u>G.S.</u>
IRF	IRON ROD FOUND	2. THIS EXHIBIT IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION OF EVEN DATE.	DATE: <u>5-19-22</u>
ADF	3-INCH ALUMINUM DISC FOUND		SPRG NO: <u>5899</u>
SQ. FT.	SQUARE FEET		
P.O.B.	POINT OF BEGINNING		
P.O.C.	POINT OF COMMENCING		
(C.M.)	CONTROLLING MONUMENT		
INST. NO.	INSTRUMENT NUMBER		
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS		
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS		
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS		
		ISSUE DATE: 05/03/2022	PROJECT NO.: 19512
		SCALE: 1 inch = 60 feet	PAGE 3 OF 4



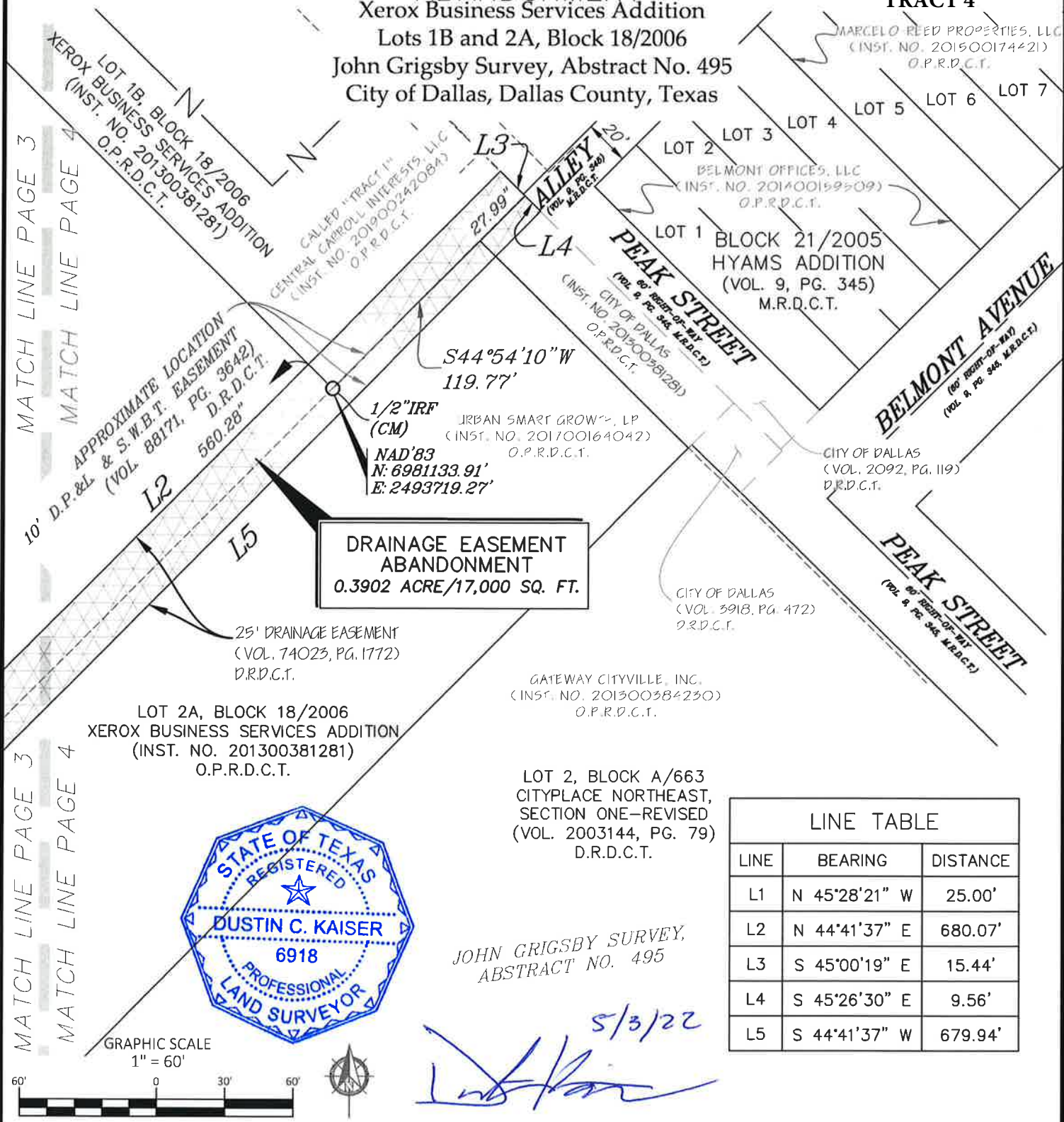
# DRAINAGE EASEMENT ABANDONMENT

Xerox Business Services Addition  
Lots 1B and 2A, Block 18/2006  
John Grigsby Survey, Abstract No. 495  
City of Dallas, Dallas County, Texas

EXHIBIT A

TRACT 4

MATCH LINE PAGE 3  
MATCH LINE PAGE 4



**DRAINAGE EASEMENT  
ABANDONMENT**  
0.3902 ACRE/17,000 SQ. FT.



GRAPHIC SCALE  
1" = 60'

JOHN GRIGSBY SURVEY,  
ABSTRACT NO. 495

## LINE TABLE

LINE	BEARING	DISTANCE
L1	N 45°28'21" W	25.00'
L2	N 44°41'37" E	680.07'
L3	S 45°00'19" E	15.44'
L4	S 45°26'30" E	9.56'
L5	S 44°41'37" W	679.94'

## LEGEND

Z	DENOTES COMMON LAND OWNERSHIP
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O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

## GENERAL NOTES

1. THE BASIS OF BEARING SHOWN HEREON IS BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION OF 2011.
2. THIS EXHIBIT IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

(FOR SPRG USE ONLY)

REVIEWED

BY: G.S.

DATE: 5-19-22

SPRG NO: 5899



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ISSUE DATE: 05/03/2022

PROJECT NO.: 19512

SCALE: 1 inch = 60 feet

PAGE 4 OF 4



## Agenda Information Sheet

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**File #:** 22-1405

**Item #:** 75.

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**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 8, 12  
**DEPARTMENT:** Office of Economic Development  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize a development agreement ("Agreement") and all other necessary documents with I-20 Lancaster Development, LLC and/or its affiliates for a City Subsidy in an amount not to exceed \$34,210,966.00 comprised of **(1)** an amount not to exceed \$2,800,000.00 in the form of an economic development grant payable from the City's Public/Private Partnership Fund ("PPP Grant"); and **(2)** an amount not to exceed \$31,410,966.00 plus an additional grant in lieu of interest payable from future University TIF District funds ("TIF Subsidy") in consideration of the University Hills Phase I Project on property generally bounded by Interstate Highway 20 (Lyndon B. Johnson Freeway), Lancaster Road, and the DART rail line in Tax Increment Financing Reinvestment Zone Number Twenty One (University TIF District) - Financing: Public/Private Partnership Fund (\$2,800,000.00) and University TIF District Fund (\$31,410,966.00) (subject to annual appropriations from tax increments)

### **BACKGROUND**

I-20 Lancaster Development, LLC and/or its affiliates ("Developer") is proposing the University Hills Phase I Project (the "Project"), a catalyst project on property located generally east of Lancaster Road and north of Interstate Highway 20 within the University Hills Sub-District ("Sub-District") of the University TIF District ("TIF District").

The TIF District was created by City Council in late 2017 to stimulate private investment and development and serve as a long-term funding tool to help implement the City's UNT-Dallas Area Plan. The proposed Project is the critical first step to the comprehensive development of the Sub-District described in the TIF District's Project Plan and Reinvestment Zone Financing Plan ("TIF Plan"). Roughly bounded by Interstate Highway 20 (Lyndon B. Johnson Freeway), Lancaster Road, and the DART rail line, the Sub-District includes approximately 279 acres of vacant and undeveloped property. In alignment with the UNT-Dallas Area Plan, a goal of the TIF Plan is to create a 250+ acre mixed-use development in this Sub-District with a variety of housing types and commercial development.

The proposed Project will include horizontal infrastructure improvements necessary to support the Phase I vertical development of approximately 240 single-family attached townhomes, 300 single-family detached homes, 250 multi-family residential units, and 80,000 square feet of retail/office space.

The Developer will complete the horizontal infrastructure improvements necessary to make the Phase I building pad sites shovel-ready, will construct or cause the construction of the multi-family residential units, and will cause other parties to complete the vertical construction of the single-family and retail/office components.

The anticipated total cost of the Project's horizontal development, including costs expended to-date, is approximately \$63,203,279.00 and is comprised of the following: (i) land acquisition costs of approximately \$21,500,000.00; (ii) public infrastructure costs of approximately \$31,410,966.00; and (iii) private improvement costs of approximately \$10,292,313.00.

The estimated total cost of \$63.2 million (and the minimum investment requirement of \$60 million as described below) reflects only the horizontal development component; however, Developer's minimum requirements to facilitate Phase I vertical development are conditions of the City's payment of the TIF Subsidy as described below.

In consultation with the City's independent outside underwriter, staff reviewed the Developer's incentive application and proposed the following incentive to support this catalytic project. On June 3, 2022, Developer accepted the proposed incentive and the associated terms and conditions were accepted in an executed Letter of Intent.

1. **TIF Subsidy:** Staff proposes to pay Developer a TIF Subsidy in an amount not to exceed \$31,410,966.00 plus an additional grant not to exceed 6% of this dedication.
  - Offset of Other Funds: If, in the future, the Project is approved for funding from other sources such as Dallas Water Utilities or Coronavirus Local Fiscal Recovery Funds that partially offset the cost of the public infrastructure necessary and/or reduce the financial gap of the Project, Developer understands and agrees that the TIF Subsidy allocated to the Project shall be reduced commensurately.
  - Interest: Interest shall accrue beginning when all conditions to pay the TIF Subsidy are met including an audit of documentation supporting the request to begin payments. Such interest shall be compounded semi-annually based on the existing unpaid TIF Subsidy and shall cease to accrue under the Agreement when the unpaid balance, plus any previously accrued interest, is fully disbursed, or upon expiration of the term of the University TIF District as provided in the ordinance creating same, as may be amended.
2. **City Fee Reimbursement (PPP Grant):** Additional funding up to \$2,800,000.00 will be made available to the Developer in the form of a grant payable from the City's Public/Private Partnership Program Fund to offset the cost of City permit and inspection fees.

## TERMS AND CONDITIONS

### City Fee Reimbursement (PPP Grant)

All permitting, plan review, and inspection fees incurred by Developer on or before December 31, 2026 in an amount not to exceed \$2,800,000.00 shall be reimbursed (PPP Grant) to Developer through City's Public/Private Partnership Program Fund. Developer shall submit such reimbursement request no later than June 1, 2027.

### TIF Subsidy

Developer shall be eligible to begin receiving TIF Subsidy payments after its satisfaction of the conditions of this section and upon its completion of the public infrastructure necessary for the Project. The TIF Subsidy shall be deployed from the University TIF District budget under the University Hills Sub-District public infrastructure improvements category with an economic development grant in lieu of interest. Material deadlines, terms, and conditions include:

1. Purchase of Land: On or before December 31, 2023, Developer shall purchase the entire assemblage of real property (approximately 279 acres) from CADG Property Holdings I, LLC and provide evidence of such purchase to the Director of the Office of Economic Development (the "Director").
2. Construction Funding: On or before December 31, 2023, Developer shall secure and provide evidence to the Director of construction funds or financing for the horizontal development of the Project.
3. Minimum Investment: On or before December 31, 2026, Developer must document a minimum investment of \$60,000,000.00 in the horizontal development of the Project.
4. Environmental Remediation: Developer shall perform all legally required environmental remediation and any demolition necessary to construct the Project by December 31, 2025.
5. Site Preparation Work: Developer shall perform all necessary site work to prepare the site for the infrastructure improvements necessary to support the planned vertical improvements included with the Project and obtain the City's written final acceptance (if necessary) of such site work by December 31, 2025.
6. Infrastructure Construction and Acceptance: The Developer shall construct the infrastructure improvements necessary to support the planned vertical improvements included with the Project and obtain the City's written final acceptance of same by December 31, 2026.
7. Design Guidelines for Vertical Construction: By September 30, 2023, Developer shall submit traditional neighborhood design guidelines and/or a pattern book, for the development, for the University Hills Sub-District for review and approval by the City's Planning and Urban Design (PUD) staff. These specific guidelines, as special conditions for the University TIF District, will

be incorporated into a set of master design guidelines to be adopted by the University TIF District Board of Directors (as approved, the "Design Guidelines").

8. Real Estate Covenants: Developer shall establish covenants for all future vertical development in the Project. The set of covenants shall be provided for review and approval by the Director by September 30, 2023. Once approved by Director, Developer shall file the approved covenants in the real property records of Dallas County with Developer's filing of the final plat for the Project. Covenants shall address each of the following:
  - a. Design Guidelines: A requirement that future vertical construction in the University Hills Sub-district shall conform with the Design Guidelines.
  - b. Affordable Housing (Rental Multi-Family Residential): Deed restrictions ensuring that multi-family developments built on the Project site shall comply with the TIF program mixed-income housing requirements; that such units shall be marketed pursuant to an Affirmative Fair Housing Marketing Plan approved by Director; and that multi-family developers building on the Project site shall abide by the City's voucher related Ordinance 30246; as amended May 11, 2022.
  - c. Homebuyer Assistance Program (For-Sale Single-Family Residential): A requirement that for-sale home builders building homes on the Project site shall partner with the City to market and encourage home buyers to participate in the City's to-be-developed homebuyer assistance program for the University Hills Sub-District, which is anticipated to offer closing cost, down payment, and/or other financial assistance to certain income qualified households, as outlined in the homebuyer assistance program statement to be approved by the Board. Homebuyer assistance funds will be funded from the first \$5,300,000.00 of District increment (less administrative costs), inclusive of the current cash balance. Staff estimates that the homebuyer assistance program will be fully funded in this amount by 2023, after which any additional homebuyer assistance would come only from the 10% affordable housing line item in the TIF District Project Plan and Financing Plan. The TIF Subsidy will be funded from increment accrued after the homebuyer assistance program is fully funded.
9. Management Entity: On or before December 31, 2025, Developer shall establish a homeowner's association, public improvement district, or other management entity acceptable to Director to ensure upkeep of common spaces, including the green spaces and amenity center, and to provide additional security and other neighborhood services.
10. Repayment Obligation: Developer shall be eligible to begin receiving disbursement of the TIF Subsidy once Developer completes and documents its completion of each of the foregoing elements. Developer shall be liable for repayment of the TIF Subsidy (the "Repayment Obligation") until it completes the Minimum Vertical Related Items defined herein. Such Repayment Obligation will be documented in a form approved by the City Attorney, which may include deed restrictions, a deed of trust, or other documents. The Repayment Obligation may be forgiven as described below.
11. Security: Any deed of trust, deed restrictions, or other security documents required by the City Attorney's Office to secure the Repayment Obligation shall be executed by Developer

simultaneously with the Agreement in a form approved by the City Attorney's Office. Such documents shall be recorded in the Real Property Records of Dallas County against Grantee's interests in the Property within fourteen (14) days of execution of the Agreement. Such documents shall be released upon expiration of and satisfaction of obligations under the Agreement, or upon Developer's sale of any portion of the property to an unaffiliated developer for completion of vertical construction. Such documents shall be subordinate to construction/permanent lenders during the term of this Agreement. Developer shall provide a title policy to the City prior to the execution of the Agreement.

12. Minimum Vertical Requirements: Developer shall complete the sale of all single-family lots and multi-family/commercial pad sites to developers acceptable to Director in his or her reasonable discretion, such approval not to be unreasonably withheld, by December 31, 2026. Developer shall (i) prepare and sell sites to third party builders for the construction of a minimum of 200 single-family attached townhomes, 250 single-family detached homes, and 30,000 square feet of non-residential space, and (ii) construct or cause the construction of a minimum of 200 units of multi-family (the "Minimum Vertical Related Items"). All construction must be completed in conformance with the Design Guidelines, covenants, affordable housing restrictions, and other requirements described herein.
13. Forgiveness of Repayment Obligation: The Repayment Obligation shall be forgiven in the following tranches so long as Developer is otherwise in compliance with this Agreement:
  - a. Twenty-five percent (25%) upon the sale of 200 residential lots to third-party builders for construction of single-family attached townhomes, which sale must be completed no later than December 31, 2032
  - b. Twenty-five percent (25%) upon the sale of 250 lots to third-party builders sufficient for construction of single-family detached homes, which sale must be completed no later than December 31, 2032
  - c. Twenty-five percent (25%) upon the completion of construction of 200 units of multi-family residential evidenced by a certificate of occupancy or equivalent documentation received on or before December 31, 2032
  - d. Twenty-five percent (25%) upon the sale of land to a third-party builder sufficient for construction of at least 30,000 square feet of non-residential office or retail space, which sale must be completed no later than December 31, 2032
14. Operating and Maintenance Agreement: On or before December 31, 2025, the Developer shall execute and fund an Operating and Maintenance Agreement for all non-standard public infrastructure improvements associated with the Project. Compliance with the executed Operating and Maintenance Agreement shall be required of all future owners for the entire period (20 years) of the Operating and Maintenance Agreement. If Developer chooses to forgo the TIF Subsidy or defaults on its obligations, Developer shall remain responsible for the maintenance of the non-standard public improvements through the term of the Operating and Maintenance Agreement. Any assignment of Developer's maintenance obligations under the Agreement (and the operating and maintenance agreement) to another entity (e.g., new property owner, public improvement district, or property owner's association) shall require the prior written approval of the Director. If additional non-standard public improvements are

constructed after initial execution of the operating and maintenance agreement, the agreement scope may be amended, or separate operating and maintenance agreements may be executed with other parties.

15. Required Instruments: Developer shall provide public access easements, deed restrictions, or other instruments required by the Director in a form acceptable to the City Attorney's Office if any street and utility infrastructure improvements as part of the Project remain privately owned in order to be considered for TIF Subsidy funding.
16. Parkland Dedication: Developer shall comply with the City's Parkland Dedication Ordinance.
17. M/WBE Compliance: Developer shall make good faith efforts to comply with the City's Business Inclusion and Development ("BID") goal of 32% for certified minority/women-owned business enterprise (M/WBE) participation for the hard construction costs of the horizontal infrastructure component of the Project and meet all reporting requirements for each.
18. Urban Design Peer Review Panel: The Urban Design Peer Review Panel ("UDPRP") is an independent group of professional designers selected by the City Manager with expertise in architecture, landscape architecture, engineering, and urban planning. The Project is scheduled to be reviewed by the UDPRP on July 1, 2022, and the Developer shall be required to accommodate recommendations by the UDPRP. Developer shall be required to complete the UDPRP process for the overall conceptual master plan and the Project and respond to comments to the satisfaction of the City's Department of Planning and Urban Design (PUD) staff prior to execution of the Agreement for the Project. Conformance with the approved design plans shall be a condition of TIF Subsidy payments. The Director may authorize minor modifications to the conceptual plans which may arise during the development process due to local, state, or federal regulatory requirements so long as the minor modifications are in substantial conformance with the spirit and intent of the UDPRP advice. Modifications to the conceptual plans, should the Director determine they are material, shall require review by the UDPRP. As the final step in the urban design process and prior to permit approval, Developer shall provide a set of permit drawings for the Project to the City's Department of Planning and Urban Design (PUD) for internal review and approval to ensure compliance with UDPRP recommendations and responses. The Planning and Urban Design Department shall complete the review of the permit drawings within ten (10) business days of Developer's submission. All future phases of development as illustrated in the conceptual master plan shall be required to undergo the UDPRP process to review conformance with the approved conceptual master plan.
19. Modifications and Extensions: The Director, after approval and recommendation of the TIF Board, may authorize minor modifications to the Project so long as they are consistent with the Plan's goals and the Design Guidelines, including extensions of the any of the Project deadlines up to 24 months.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	December 2023
Complete Construction	December 2026



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

On December 13, 2017, City Council held a public hearing and authorized the establishment of Tax Increment Reinvestment Zone Number Twenty One, the University TIF District, by Resolution No. 17-1941; Ordinance No. 30733, as amended.

On December 9, 2020, City Council authorized the Project Plan and Reinvestment Zone Financing Plan for the University TIF District by Resolution No. 20-1894; Ordinance No. 31713.

[On June 6, 2022, the Economic Development Committee was briefed regarding this matter.](#)

On June 14, 2022, the University TIF District Board of Directors reviewed the Project and recommended City Council authorization of a development agreement with I-20 Lancaster Development, LLC and/or its affiliates for a City Subsidy in an amount not to exceed \$34,210,966.00.

**FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Public/Private Partnership Fund	\$0.00	\$0.00	\$2,800,000.00
University TIF District Fund	\$0.00	\$0.00	\$31,410,966.00

**OWNER/DEVELOPER****I-20 Lancaster Development, LLC**

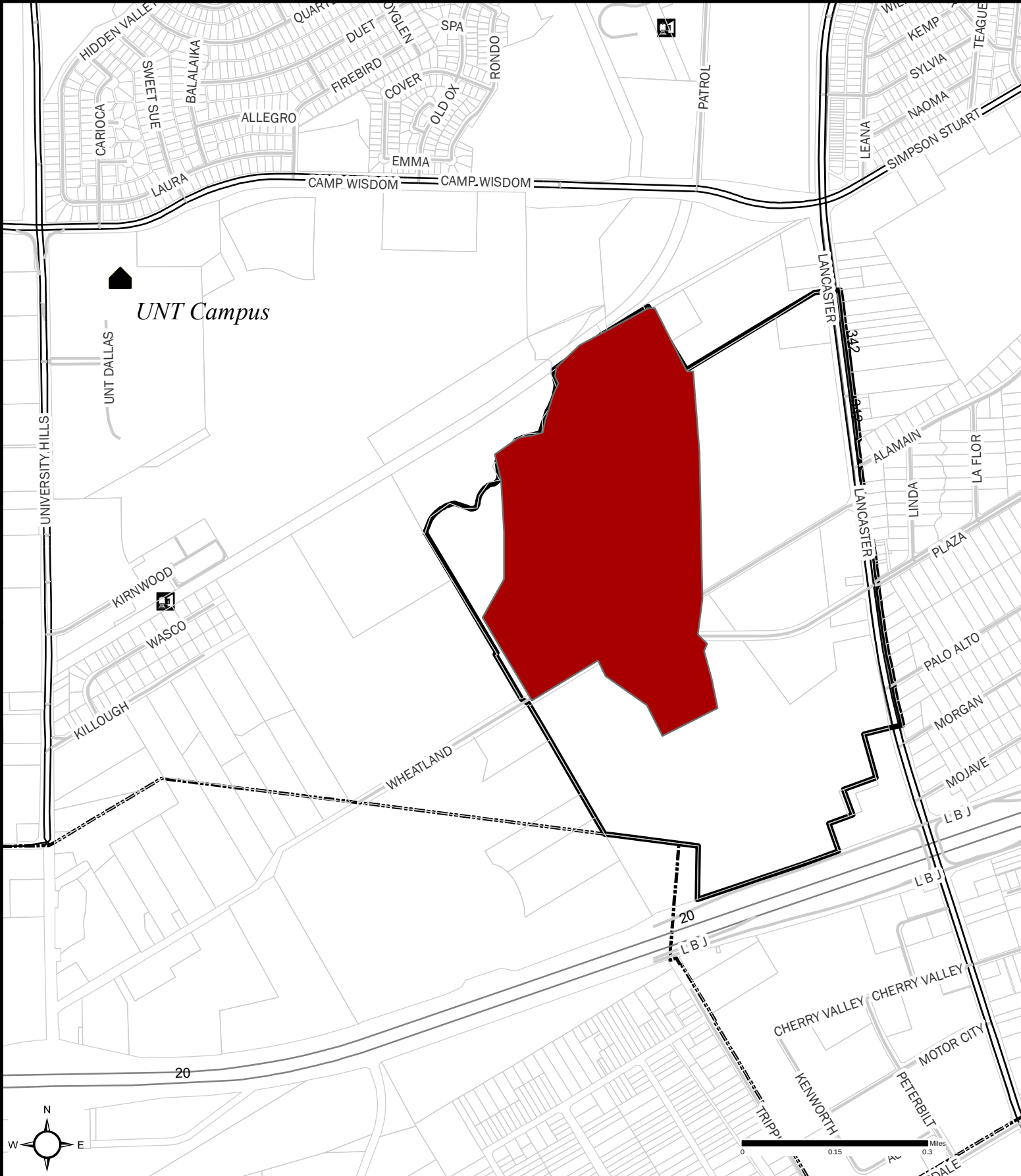
Arthur Santa-Maria, Manager

**MAP**

Attached







## University TIF - University Hills Phase I



City of Dallas  
Office of Economic Development  
<http://www.DallasEcoDev.org>  
Created June 2022



### Legend

-  City of Dallas
  Project Site
-  TIF boundary (University Hills Sub-District)
-  DART Dallas Rail Stations

Source: City of Dallas; DART

June 22, 2022

**WHEREAS**, the City of Dallas ("City") recognizes the importance of its role in local economic development; and

**WHEREAS**, investment decisions made by businesses and developers are often influenced by a municipality's ability to provide economic development incentives; and

**WHEREAS**, the City established Tax Increment Financing Reinvestment Zone Number Seventeen ("University TIF District" or "District") and established a Board of Directors ("Board") for the District to promote development or redevelopment in the District pursuant to by Resolution No.17-1941;Ordinance No. 30733, authorized by the City Council on December 13, 2017, as authorized by the TIF Act ("Act"), Chapter 311 of the Texas Tax Code, as amended; and

**WHEREAS**, on December 9, 2020, City Council authorized the Project Plan and Reinvestment Zone Financing Plan ("Plan") for this District by Resolution No. 20-1894; Ordinance No. 31713; and

**WHEREAS**, on June 9, 2021, pursuant to Resolution No. 21-1052 approved by the City Council, the City: (1) elected to continue its participation in economic development incentives and approved an extension of its Public/Private Partnership Program ("PPP") - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects, (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 pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code ("Economic Development Act"), and (3) established appropriate guidelines and criteria governing tax abatement agreements to be entered into by City as required by the Property Redevelopment and Tax Abatement Act, as amended, (Texas Tax Code, Chapter 312) ("Tax Abatement Act"); and

**WHEREAS**, on June 6, 2022, the Economic Development Committee was briefed regarding this matter; and

**WHEREAS**, on June 14, 2022, the Board reviewed the proposed University Hills Phase I catalyst project ("Project") and recommended City Council authorization of a development agreement ("Agreement") and all other necessary documents with I-20 Lancaster Development, LLC and/or its affiliates ("Developer") for a City Subsidy in an amount not to exceed \$34,210,966.00 comprised of (1) an amount not to exceed \$2,800,000.00 in the form of an economic development grant payable from the City's Public/Private Partnership Fund ("PPP Grant") and (2) an amount not to exceed \$31,410,966.00 plus an additional grant in lieu of interest not to exceed 6% of this dedication payable from future University TIF District funds ("TIF Subsidy"); and

June 22, 2022

**WHEREAS**, pursuant to the City's PPP – Guidelines and Criteria, effective for the period July 1, 2021 through June 30, 2022, this Project is located in a target area and in a non-target area and exceeds the minimum eligibility criteria requirements of the PPP – Guidelines and Criteria for a non-target area based on the anticipated Project investment totaling over \$60 million; and

June 22, 2022

**WHEREAS**, consistent with the authority granted under the Economic Development Act, of the Texas Tax Code (the "Act") and the City's PPP – Guidelines and Criteria, staff recommends that the City Council authorize the PPP Grant as part of the City's ongoing program to promote local economic development and to stimulate business and commercial activity in the city of Dallas; and

**WHEREAS**, in furtherance of the Plan, as amended, and to promote within the University TIF District: (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) development and expansion of commerce, the City desires to provide economic incentives to I-20 Lancaster Development, LLC and/or its affiliates to support the Project; and

**WHEREAS**, the expenditure of TIF funds supporting this Project is consistent with promoting development and redevelopment of the University TIF District in accordance with the purposes for its creation, the ordinance adopted by the City Council approving the Plan, and is for the purpose of making public investment expenditures consistent with and described in the Plan for the University TIF District; and

**WHEREAS**, improvements in the District will significantly enhance the value of all the taxable real property in the District and will be of general benefit to the City; and

**WHEREAS**, the proposed Project will not occur within the city of Dallas without an offer of economic development incentives from the City and complies with the Plan, the City's PPP – Guidelines and Criteria, and all applicable local, state, and federal laws.

**Now, Therefore,**

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

June 22, 2022

**SECTION 1.** That the City Council hereby authorizes the City Manager to execute a development agreement (“Agreement”) and all other necessary documents, upon approval as to form by the City Attorney, with I-20 Lancaster Development, LLC and/or its affiliates (“Developer”) for a City Subsidy in an amount not to exceed \$34,210,966.00 comprised of (1) an amount not to exceed \$2,800,000.00 in the form of an economic development grant payable from the City’s Public/Private Partnership Fund (“PPP Grant”) and (2) an amount not to exceed \$31,410,966.00 plus an additional grant in lieu of interest payable from future University TIF District funds (“TIF Subsidy”) in consideration of the University Hills Phase I catalyst project (“Project”) on property generally bounded by Interstate Highway 20 (Lyndon B. Johnson Freeway), Lancaster Road, and the DART rail line in Tax Increment Financing Reinvestment Zone Number Twenty One (University TIF District), thereby confirming the University TIF District Board’s dedication of current and future tax increment revenues, in an amount not to exceed \$31,410,966.00 as shown in **Exhibit A.**

**SECTION 2.** That the facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,800,000.00 to I-20 Lancaster Development, LLC, and/or its affiliates from the Public/Private Partnership Fund (subject to annual appropriations), as reimbursement for all fees incurred on or before December 31, 2026 for all permitting, plan review, and inspection fees, as follows:

Public/Private Partnership Fund	
Fund 0352, Department ECO, Unit W831	
Activity PPPF, Object 3016, Program UNVHILLS,	
Encumbrance/Contract No. CX ECO-2022-00019601	
Vendor VC25137	<u>\$2,800,000.00</u>

**SECTION 4.** That, upon Developer’s completion of all of the obligations set forth in the Agreement (including those terms and conditions set forth in Sections 8.A. through Section 8.I. of this resolution), the City Council hereby authorizes the Chief Financial Officer to disburse funds in an amount not to exceed \$31,410,966.00 plus an additional grant in lieu of interest payable from current and future University TIF District funds to I-20 Lancaster Development, LLC and/or its affiliates from the University TIF District Fund (subject to annual appropriations from tax increments), as follows:

University TIF District Fund	
Fund 0051, Department ECO, Unit W831	
Activity UVTD, Object 4599, Program UNVHILLS,	
Encumbrance/Contract No. CX ECO-2022-00019601	
Vendor VC25137	<u>\$31,410,966.00</u>

June 22, 2022

**SECTION 5.** That the grant in lieu of interest in accordance with the University TIF District Grant Program (**Exhibit B**) shall be calculated based on conditions specified in the Agreement (pursuant to Section 8 of this resolution) and shall be set at a fixed rate equal to six percent (6%) interest rate per annum compounded semiannually. The interest shall accrue beginning when all conditions for payment of the TIF Subsidy are met including an audit of documentation supporting the request to begin payments. Such interest shall be compounded semi-annually based on the existing unpaid TIF Subsidy and shall cease to accrue under the Agreement when the unpaid balance, plus any previously accrued interest, is fully disbursed, or upon expiration of the term of the District as provided in the ordinance creating same, as may be amended.

**SECTION 6.** That the Developer shall design, fund and/or construct the Project and related infrastructure improvements on property generally bounded by Interstate Highway 20 (Lyndon B. Johnson Freeway), Lancaster Road, and the DART rail line in the University TIF District as described in the Agreement (pursuant to Section 8 of this resolution) and in substantial conformance with **Exhibit C**.

**SECTION 7.** That the City's payment of any portion of the TIF Subsidy is contingent upon the availability of District funds and nothing in the Agreement shall be construed to require the City to approve payment from any source of City funds other than the funds listed in the Agreement (pursuant to Section 3 and Section 4 of this resolution), or an amendment to the Agreement entered into pursuant to Section 14 of this resolution. Any TIF Subsidy funds dedicated to the Project under the Agreement that remain unpaid upon termination of the District, due to lack or unavailability of District funds, shall no longer be considered project costs of the District or the City, and the obligation of the District to pay the Developer shall automatically expire and the Agreement shall automatically terminate.

**SECTION 8.** That, in addition to the conditions set out in the Agreement (pursuant to Section 1 and Section 6 of this resolution), the TIF Subsidy is hereby expressly made subject to all of the following terms, conditions and obligations, which Developer must perform or cause to occur as described herein:

- A. Purchase of Land: On or before December 31, 2023, Developer shall purchase the entire assemblage of property (approximately 279 acres) from CADG Property Holdings I, LLC as shown in the overall conceptual master plan (**Exhibit C**) and provide evidence of such purchase to the Director of the Office of Economic Development ("Director").
- B. Construction Funding: On or before December 31, 2023, Developer shall secure and provide satisfactory evidence to the Director of construction funds or financing for the horizontal development of the Project.

**SECTION 8. (continued)**

- C. Minimum Investment: On or before December 31, 2026, Developer must document a minimum investment of \$60,000,000 in the horizontal development (e.g., environmental remediation; demolition; site preparation work; infrastructure) of the Project. The term "Invest" or "Investment" means the sum of all development costs for land acquisition, environmental remediation costs (if any); demolition costs (if any); site preparation costs (excavation; placement of fill; grading), and construction costs (hard and soft) for horizontal infrastructure improvements paid, payable, or actually incurred by or on behalf of the Developer, with respect to the Project (hereinafter defined) and the improvements thereon. Construction soft costs specifically include the following items: architecture, engineering, interior design (only if related to the building structure), and construction management fees. Construction management is solely intended to cover fees paid to an outside consultant or third party who confirms the quality of the work. Construction management fees must be invoiced with a detailed description of work performed. Developer fees, legal fees, marketing fees, leasing commissions, furniture/fixture/equipment costs, construction material testing costs, permit/inspection fees, builder's risk insurance, property insurance during construction, consultant fees, construction financing fees, construction loan interest, construction loan closing costs, carrying costs (e.g., interest costs on land; maintenance costs on land; ad valorem taxes, etc.), operating deficits through stabilization and other similar costs shall not be considered toward this definition of Investment. The Developer must provide documentation of all such expenditures in a form satisfactory to the Director in his or her sole discretion. Expenditures made towards the minimum investment requirement shall include only those eligible costs incurred on or after the date (June 3, 2022) of final execution of the Letter of Intent between the City and the Developer.
- D. Environmental Remediation/Demolition: Developer shall perform all legally required environmental remediation and any demolition necessary to construct the Project by December 31, 2025.
- E. Site Preparation Work: Developer shall perform all necessary site preparation work (e.g., excavation, placement of fill, grading) to prepare the site for the infrastructure improvements (e.g., new roads and utilities) necessary to support the planned vertical improvements included with the Project (as described in Section 8.L. and Section 8.M. of this resolution) and obtain the City's written final acceptance (if necessary) of such work by December 31, 2025.

**SECTION 8.** (continued)

- F. Infrastructure Construction and Acceptance: Developer shall construct the infrastructure improvements (e.g., new roads, utilities, and streetscape) necessary to support the planned vertical improvements included with the Project (as described in Section 8.K. of this resolution) and obtain the City's written final acceptance of same by December 31, 2026.
- G. Design Guidelines: By September 30, 2023, Developer shall submit traditional neighborhood design guidelines and/or a pattern book, for the development, for the University Hills Sub-District for review and approval by the City's Planning and Urban Design (PUD) staff. These specific guidelines, as special conditions for the University TIF District, shall be incorporated into a set of master design guidelines to be adopted by the Board (as approved, the "Design Guidelines").
- H. Real Estate Covenants: Developer shall establish covenants for all future vertical development in the Project. The set of covenants shall be provided for Director's review and approval by September 30, 2023. Once approved by Director, Developer shall file the approved covenants in the Real Property Records of Dallas County with Developer's filing of the final plat for the Project. Covenants shall address each of the following:
- i. Design Guidelines: A requirement that future vertical construction in the University Hills Sub-district conform with the Design Guidelines.
  - ii. Affordable Housing (Rental Multi-Family Residential): Deed restrictions ensuring that multi-family residential developments built on the Project site will comply with the TIF program mixed-income housing requirements (i.e., twenty percent (20%) of units set aside for households earning no more than 80% area median family income for 15 years); that such units will be marketed pursuant to an Affirmative Fair Housing Marketing Plan approved by Director; and that multi-family residential developers building on the Project site will abide by the City's voucher related Ordinance 30246; as amended by City Council on May 11, 2022.
  - iii. Homebuyer Assistance Program (For-Sale Single-Family Residential): A requirement that for-sale home builders constructing single-family homes on the Project site shall partner with the City to market and encourage homebuyers to participate in the City's to-be-developed homebuyer assistance program for the University Hills Sub-district, which would offer closing cost, down payment, and/or other financial assistance to certain income qualified households, as outlined in the homebuyer assistance program statement to be approved by the Board.

**SECTION 8.** (continued)

Homebuyers assistance funds will be funded from the first \$5,300,000.00 of District increment (less administrative costs), inclusive of the current cash balance. Staff estimates that the homebuyer assistance program will be fully funded in this amount by 2023, after which any additional funds for the homebuyer assistance program would come only from the 10% affordable housing line item in the Plan. The TIF Subsidy will be funded from increment accrued after the homebuyer assistance program is fully funded.

- I. Management Entity: On or before December 31, 2025, Developer shall establish a homeowner's association, public improvement district, or other management entity acceptable to Director to ensure upkeep of common areas including the green spaces and amenity center and to provide additional security and other neighborhood services.
- J. Repayment Obligation: Developer shall be eligible to begin receiving disbursement of the TIF Subsidy once Developer completes and documents its completion of each of the obligations set forth in the Agreement (pursuant to Section 8.A. through Section 8.I. of this resolution). Developer shall be liable for repayment of the TIF Subsidy (the "Repayment Obligation") until it completes the Minimum Vertical Related Items as provided in the Agreement (pursuant to the definition provided herein). Such Repayment Obligation will be documented in a form approved by the City Attorney, which may include deed restrictions, a deed of trust, or other documents to secure performance. The Repayment Obligation may be forgiven as provided in the Agreement (pursuant to section 8.M. of this resolution).
- K. Security: Any deed of trust, deed restrictions, or other security documents required by the City Attorney's Office to secure the Repayment Obligation shall be executed by Developer simultaneously with the Agreement in a form approved by the City Attorney's Office. Such documents shall be recorded in the Real Property Records of Dallas County against Grantee's interests in the property within fourteen (14) days of execution of the Agreement. Such documents shall be released upon expiration of and satisfaction of obligations under the Agreement, or upon Developer's sale of any portion of the property to an unaffiliated developer for completion of vertical construction. Such documents shall be subordinate to construction/permanent lenders during the term of this Agreement. Developer shall provide a title policy to the City prior to the execution of the Agreement.



June 22, 2022

**SECTION 8. (continued)**

- L. Minimum Vertical Requirements: Developer shall complete the sale of all single-family lots to builders and multi-family/commercial pad sites to developers acceptable to Director in his or her reasonable discretion, such approval not to be unreasonably withheld, by December 31, 2026. Developer shall (i) prepare and sell sites to third-party builders for the construction of a minimum of 200 single-family attached townhomes, 250 single-family detached homes, and 30,000 square feet of non-residential space, and (ii) construct or cause the construction of a minimum of 200 units of multi-family (the "Minimum Vertical Related Items"). All construction must be completed in conformance with the Design Guidelines, covenants, affordable housing restrictions, and other requirements of the Agreement (as described herein).
- M. Forgiveness of Repayment Obligation: The Repayment Obligation will be forgiven in the following tranches so long as Developer is otherwise in compliance with the Agreement:
- i. Twenty-five percent (25%) upon the sale of 200 residential lots to third-party builders for construction of single-family attached townhomes, which sale must be completed no later than December 31, 2032.
  - ii. Twenty-five percent (25%) upon the sale of 250 residential lots to third-party builders sufficient for construction of single-family detached homes, which sale must be completed no later than December 31, 2032.
  - iii. Twenty-five percent (25%) upon the completion of construction of 200 units of multi-family residential evidenced by a certificate of occupancy or equivalent documentation received on or before December 31, 2032.
  - iv. Twenty-five percent (25%) upon the sale of land to a third-party builder sufficient for construction of at least 30,000 square feet of non-residential office or retail space, which sale must be completed no later than December 31, 2032.
- N. Operating and Maintenance Agreement: On or before December 31, 2025, the Developer shall execute and fund an Operating and Maintenance Agreement for all non-standard public infrastructure improvements associated with the Project. Compliance with the executed operating and maintenance agreement shall be required of all future owners for the entire period (20 years) of the operating and maintenance agreement. If Developer chooses to forgo the TIF Subsidy or defaults on its obligationse

**SECTION 8.** (continued)

Developer shall be responsible for maintenance of the non-standard public improvements through the term of the operating and maintenance agreement. Any assignment of Developer's maintenance obligations under the Agreement (and the operating and maintenance agreement) to another entity (e.g., new property owner, public improvement district, or property owner's association) shall require Director's prior written approval. If additional non-standard public improvements are constructed after initial execution of the operating and maintenance agreement, the agreement scope may be amended, or separate operating and maintenance agreements may be executed with other parties.

- O. Required Instruments: Developer shall provide public access easements, deed restrictions, or other instruments required by the Director in a form acceptable to the City Attorney if any street and utility infrastructure improvements as part of the Project remain privately owned in order to be considered for TIF Subsidy funding.
- P. Parkland Dedication: Developer shall comply with the City's Parkland Dedication Ordinance (Section 51A-4.1000 of the City's Code of Ordinances).
- Q. M/WBE Participation: Developer shall make good faith efforts to comply with the City's Business Inclusion and Development ("BID") goal of 32% participation by certified minority/women-owned business enterprises (M/WBE) for the hard construction costs of the horizontal development of the Project and meet all reporting requirements for each.
- R. Urban Design Peer Review Panel: The Urban Design Peer Review Panel ("UDPRP") is an independent group of professional designers selected by the City Manager with expertise in architecture, landscape architecture, engineering, and urban planning. The Project is scheduled to be reviewed by UDPRP on July 1, 2022, and the Developer shall be required to complete the UDPRP process for the overall conceptual master plan and the Project and respond to comments to the satisfaction of the City's Department of Planning and Urban Design (PUD) staff prior to execution of the Agreement for the Project. Conformance with the approved design plans shall be a material condition of TIF Subsidy payments. The Director may authorize minor modifications to the conceptual plans which may arise during the development process due to local, state, or federal regulatory requirements so long as the minor modifications are in substantial conformance with the spirit and intent of the UDPRP advice. Modifications to the conceptual plans, should the Director determine they are material, shall require review by the UDPRP. As the final step in the urban design process and prior to permit approval,

**SECTION 8.** (continued)

Developer shall provide a set of permit drawings for the Project to the City's Department of Planning and Urban Design (PUD) for internal review and approval to ensure compliance with UDPRP recommendations and responses. The Planning and Urban Design Department shall complete the review of the permit drawings within ten (10) business days of Developer's submission. All future phases of development as illustrated in the conceptual master plan shall be required to undergo the UDPRP process to review conformance with the approved conceptual master plan.

- S. Quarterly Reporting: Until the Developer has received full forgiveness of the Repayment Obligation, Developer shall submit to the Office of Economic Development quarterly status reports for ongoing work on the Project. Such status reports shall be due within 30 calendar days following the end of each calendar quarter after the Council approval date.
- T. Modifications and Extensions: The Director, after approval and recommendation of the Board, may authorize minor modifications to the Project so long as they are consistent with the Plan's goals and the Design Guidelines, including extensions of any of the Project deadlines up to 24 months.

**SECTION 9.** That payment of the TIF Subsidy portion of the City Subsidy is subject to the availability of tax increment. If the appraised value of the property in the District remains constant or decreases in value from the base year value, the TIF Subsidy for that year may be reduced or unpaid due to the lack of available increment. The TIF Subsidy shall be paid solely from the Tax Increment Fund, if and when tax increments are received and available for such purpose, during the remaining life of the District (including collection of the 2047 tax year increments in calendar year 2048), subject to the limitations on repayment of the TIF Subsidy provided in the Agreement.

**SECTION 10.** That assuming all other conditions for payment have been met, the City will administer the payment of the TIF Subsidy to the Developer for the Project annually, pursuant to the University TIF District Increment Allocation Policy attached hereto as **Exhibit D**.

**SECTION 11.** That Developer may not sell, lease, encumber, or otherwise transfer any portion of the property in the Project to a non-affiliated entity without the Director's prior written consent, which consent shall not be unreasonably withheld. Transfer without such consent shall be a default of the Agreement. If any of the property in the Project is planned to be transferred to non-affiliated entities (not related to Developer), at least 30 calendar days before a non-affiliated entity is proposed to take over any portion of the Project,

June 22, 2022

**SECTION 11.** (continued)

Developer must submit financial and management background information for review by the Director to consider written consent. All of the terms, conditions and obligations of the Agreement shall be binding upon Developer's successors and assigns of any such transfer.

**SECTION 12.** That Developer's inability to meet any of the material conditions of the Agreement (as listed herein), if not cured within 365 calendar days (or if not reasonably susceptible of cure within such 365-day period, within a reasonable time for the curing of such default; such reasonable time shall be determined in the Director's sole discretion) after written notice of such failure is provided by the City to the Developer, shall be an event of default under the Agreement and shall nullify the TIF Subsidy commitment to this Project. If Developer fails to cause the Minimum Vertical Related Items or fails to comply with any terms contained within the Agreement, any portion of the TIF Subsidy paid to Developer pursuant to the Agreement will become a debt to the City and shall be due, owing and paid to the City within three hundred sixty-five (365) calendar days after notice of the default pursuant to Developer's Repayment Obligation.

**SECTION 13.** That the requirements and obligations of the Developer shall be subject to events of "force majeure," which shall mean the following contingencies or causes, if beyond the reasonable control of the Developer, upon Director's written confirmation: epidemic, pandemic, act of God, war, riot, civil commotion, insurrection, fire, explosion, or flood.

June 22, 2022

**SECTION 14.** That the City and the Developer acknowledge that other public sources of funding such as Dallas Water Utilities or Coronavirus Local Fiscal Recovery Funds are being evaluated to support the Project. If, in the future, the Project is approved for funding from any other public sources which partially offset the cost of the necessary public infrastructure and/or reduce the amount of Developer's financial gap for the Project, then the TIF Subsidy portion of the City Subsidy shall be reduced commensurately. If the Project is approved for funding from any other public sources, then the City Manager is hereby authorized to execute an amendment of the Agreement, approved as to form by the City Attorney, to reduce the TIF Subsidy. For the avoidance of doubt, such amendment of the Agreement shall not require any further authorization by the City Council.

**SECTION 15.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City, and it is accordingly so resolved.

**Exhibit A**  
**University Hills Phase I Project**  
**TIF Subsidy Budget**

University TIF District Project Plan Budget	
Category	TIF Budget
<b>University Hills Sub-District:</b>	
Public infrastructure improvements	\$31,410,966*
Public open space/parks	
Economic Development Grants	

\* TIF Subsidy portion of City Subsidy is an amount not to exceed \$31,410,966 plus a grant in lieu of interest on the principal amount. The TIF Subsidy to the Project could be less if final (actual documented) costs for the public infrastructure improvements are less or if adequate increment does not accrue to the TIF fund

*Note: If, in the future, the Project is approved for funding from other sources such as Dallas Water Utilities or Coronavirus Local Fiscal Recovery Funds that partially offset the cost of the public infrastructure necessary and/or reduce the financial gap of the Project, the TIF Subsidy allocated to the Project shall be reduced commensurately.*

**Grant Program Guidelines  
University TIF District  
(Tax Increment Reinvestment Zone Number Twenty-One)  
Adopted June 2022**

The City of Dallas hereby establishes an economic development grant program ("Grant Program") pursuant to Chapter 311 of the Texas Tax Code as necessary or convenient to implement the Project Plan and Reinvestment Zone Financing Plan ("Plan") for the University TIF District ("District").

Under the Grant Program, the City has the authority to make a grant of District funds ("Grant") for the public purpose of: (1) development and diversification of the economy, (2) elimination of unemployment or underemployment, and (3) development or expansion of transportation, business, and commercial activity within District.

The focus of the Grant Program will be to support projects and development in the University Hills Sub-District given its location in the underserved southern area of Dallas. The aggregate of all Grants from the District's tax increment fund shall not exceed the amount of tax increment produced by the City and paid into the tax increment fund for the District. No tax increment produced by Dallas County can be used to pay for grants; however, tax increment produced by Dallas County can be used as a direct pledge for TIF-eligible project costs.

**Use of Funds:**

All Grant awards must be recommended by the District's Board of Directors and approved by City Council. Nothing contained herein shall obligate the City to provide Grant awards as this Grant Program does not constitute an entitlement.

Projects seeking Grant funds must demonstrate that the project is not financially feasible *but for* the Grant.

Grants may be considered to offset the costs needed to develop vacant properties, redevelop obsolete properties, or accommodate mixed-use, higher density projects including structured parking. Grants may be considered to attract diverse commercial tenants that may not be accommodated under other TIF budget categories. Grants may be considered to offset the cost of providing mixed-income housing in residential developments within the District. Grants may also be considered to offset a developer's financial cost (i.e. interest on principal) of obligations incurred to provide a large-scale horizontal public infrastructure project that is necessary to make properties shovel-ready for vertical development.

**Payment of Funds:**

All Grants shall require a written agreement between the City and grantee to ensure that the predominant purpose of the Grant is to accomplish a public purpose and not to benefit private parties. The agreement shall place sufficient controls on the Grant funding to ensure that the public purposes are accomplished, the District's Plan achieves its

purpose, the City's investment is protected, and the City receives a return benefit. The agreement shall condition payment of the Grant funding upon specific performance of the grantee (e.g. the creation of jobs, construction of improvements, continued operations in the City for a stated period, or some other public consideration per these Grant Program Guidelines). Accordingly, no Grant funding shall be disbursed until all conditions of the agreement have been fulfilled. Grants are only payable during the term of the District, and the City's obligation to pay Grants expires with the expiration of the term of the District.

**Eligible types of projects:**

- Catalyst developments
- Housing developments that support the needs of students and staff at the University of North Texas-Dallas
- High volume retail anchors
- Mixed-use, transit-oriented developments
- Mixed-income housing developments
- Neighborhood serving commercial developments

**Eligibility criteria:**

A project's eligibility for Grant funding will be determined based on factors such as:

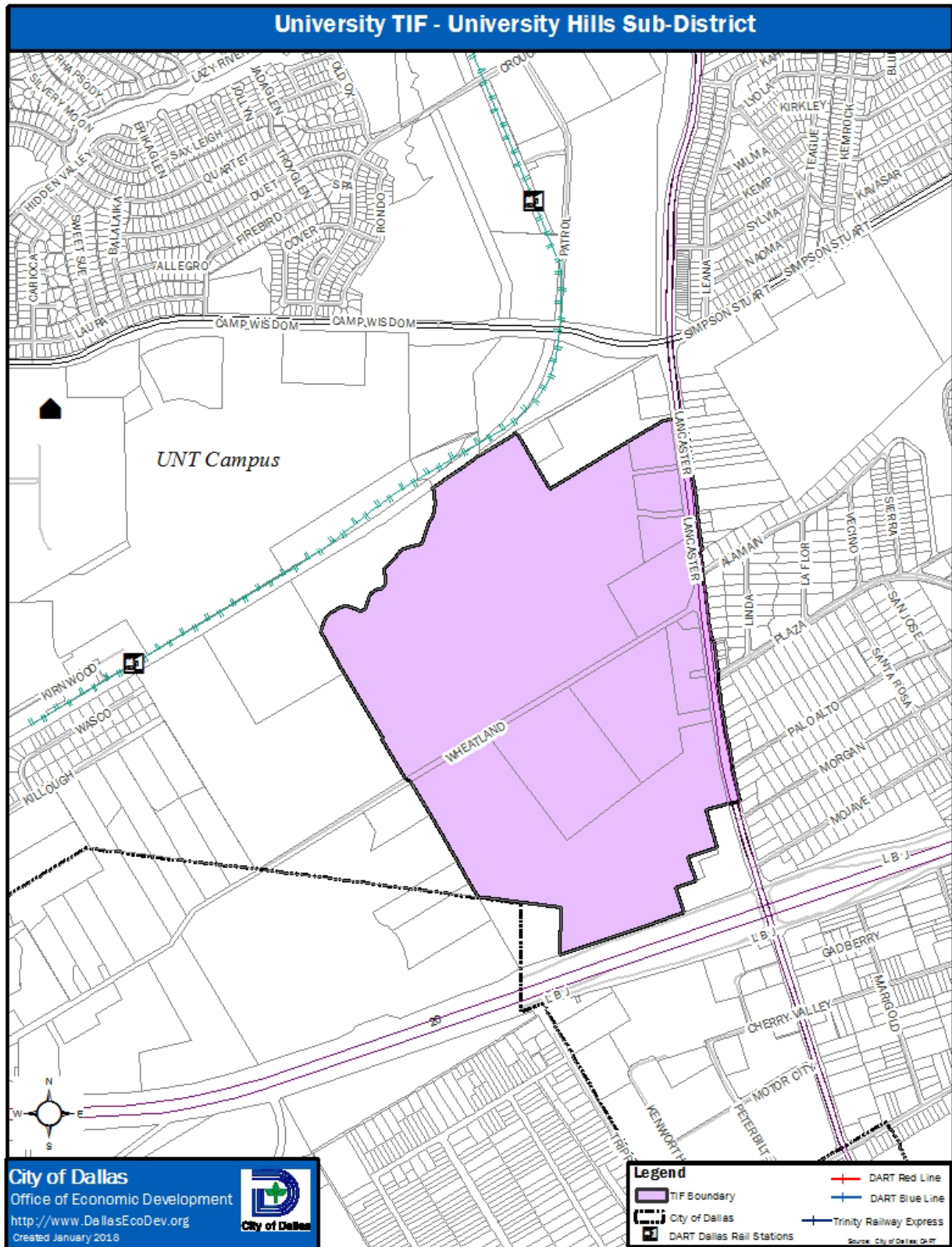
- The project's level of private investment creates sufficient tax increment to support the Grant amount
- The project creates jobs
- The project stimulates other investment in the District or leverages other funding sources for the District
- The project provides linkages with or improvements to alternative forms of transportation, including DART light rail
- The project accommodates higher density in an urban form
- The project mixes land uses vertically
- The project provides public parks, plazas, open space, trails, or pedestrian connections
- The project incorporates land uses that provide significant ground floor activation and pedestrian activity at the street level
- The project exerts a regional market influence and a competitive advantage for the City of Dallas over surrounding municipalities
- The project provides for public improvements that benefit the District as a whole

**General requirements:**

For projects with residential components, grantee must comply with mixed-income housing requirements of the District and any related City requirements

- Grantee must follow the City's M/WBE Business Inclusion and Development Plan (BID) Policy
- Grantee must promote hiring of local/neighborhood residents for any new jobs created
- Grantee must comply with established Design Guidelines for the District and the design review process

**University TIF District Grant Program Area**





# Exhibit C: Conceptual Master Plan



The conceptual master plan for the 250+ acreage bounded by Interstate Highway 20 (Lyndon B. Johnson Freeway), Lancaster Road, and the DART rail line in City Council District 8 in the University Hills Sub-district of the University TIF District





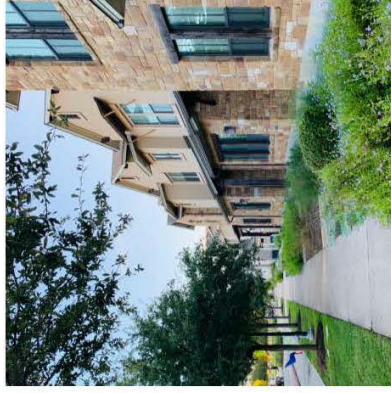
# Exhibit C – Phase I Conceptual Site Plan





# Exhibit C: Sample Images

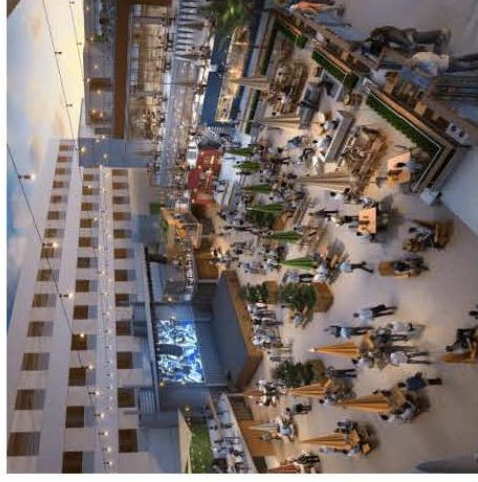
## Housing





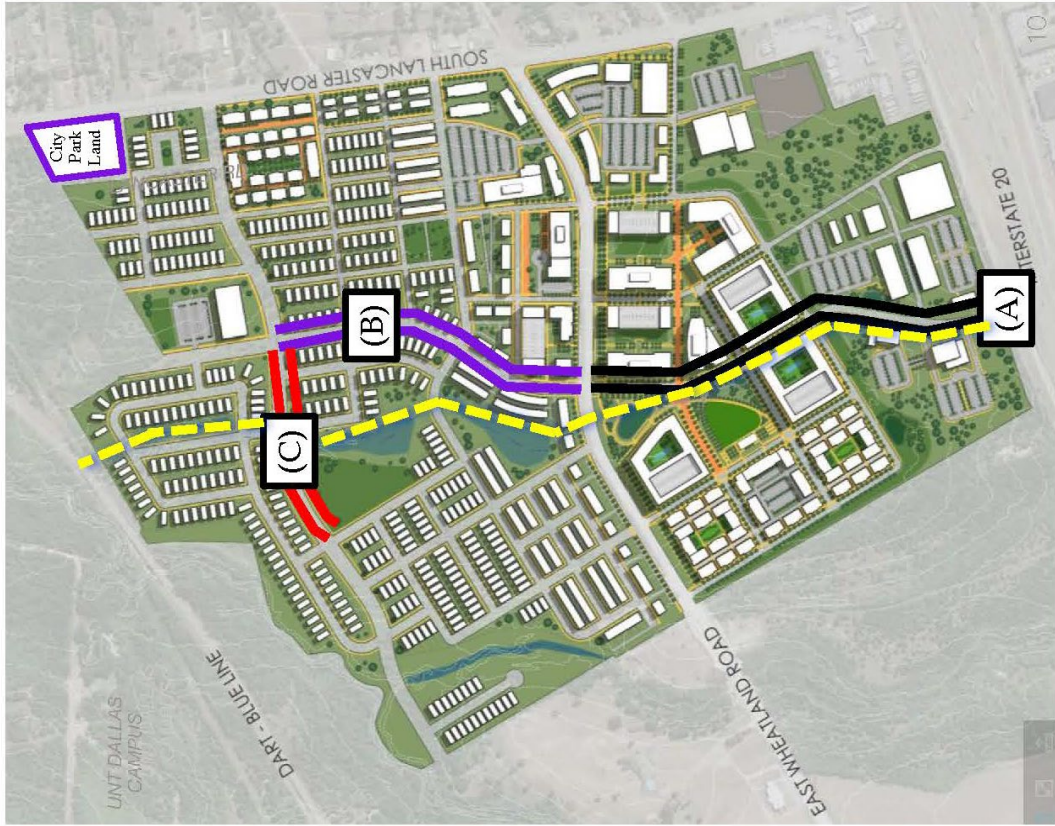
# Exhibit C: Sample Images

## Open Space Town Center



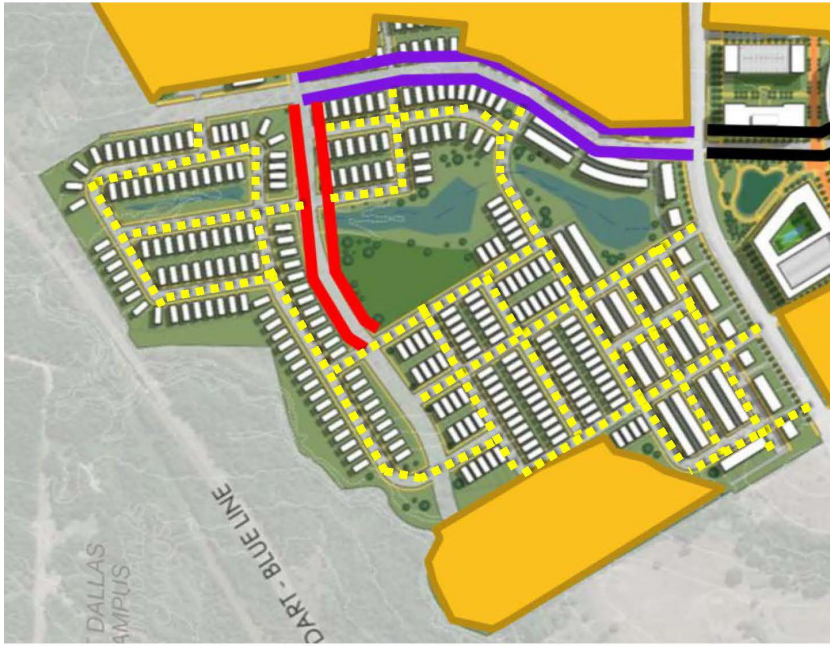


# Exhibit C: Proposed Public Infrastructure



## Major Onsite Improvements:

- Sanitary Sewer from DART to I-20 (\$2.8m)
- Mass Grading for Detention – Entire Site (\$1.866m)
- N-S (A) Collector Road Wheatland to I-20 (\$4.153m)
- N-S Collector Road Wheatland to Future Killough (\$4.277m)
- E-W Collector (Killough) within Phase I (\$2.386m)



## Phase I Direct Improvements

Major infrastructure improvements include sanitary sewer and street improvements on collector roads. Direct public improvements include water, wastewater, storm, and street improvements on residential roads.



**Increment Allocation Policy  
University TIF District  
(Tax Increment Reinvestment Zone Number Twenty One)  
Adopted June 2022**

It is important for the City of Dallas to encourage comprehensive, orderly, and sustainable development in the University TIF District (“District”) to achieve the goals outlined in the Project Plan and Reinvestment Zone Financing Plan (“Plan”). Among these goals is to encourage the development of properties near mass transit and institutes of higher education and the creation of a 250-acre mixed-use development in the University Hills Sub-District. In that spirit, District funds will be allocated to help Developers close the gaps needed to achieve new development for the benefit of the District.

Although the University Hills Sub-District is the primary focus for the allocation of tax increment, the TIF Plan budget includes a category for affordable housing to assist in the provision of affordable for-sale and rental housing projects within the District (and potentially outside of the boundaries of the District). Additionally, the budget for the University Center Sub-District includes a category for landscape, parks, open space, and trails.

With the exception of the priority given to the University Hills Phase I catalyst project as described below, generally allocations will be made to Developers proportionally, based on the increment created by a Project (defined in a specific TIF development agreement) and potentially other Related Projects within the District by same Developer or affiliate (if not seeking separate additional District funds) and in accordance with any sub-district-wide set asides and inter-sub-district increment transfer arrangements as described below.

**Definitions**

Administrative Expenses: necessary costs incurred each year by the City for administration and implementation of the University TIF District Project Plan and Reinvestment Zone Financing Plan. The University Center Sub-District’s portion of the District’s Administrative Expenses will be based on the ratio of the University Center Sub-District Gross Increment to the Total Gross Increment. The University Hills Sub-District’s portion of the District’s Administrative Expenses will be based on the ratio of the University Hills Sub-District Gross Increment to the Total Gross Increment.

Available Cash: money in the District fund that is not already allocated, encumbered, or otherwise set aside for other purposes pursuant to the District’s Project Plan and Reinvestment Zone Financing Plan and pursuant to fully executed TIF development agreements.

Developer: a person or entity that has completed all requirements for a Project as set out in the fully executed TIF development agreement for the Project.

Individual Increment: the portion of a sub-district’s gross increment that a Project (or Related Project) creates each year.

Project (TIF-eligible): development, redevelopment, or rehabilitation that adds taxable real property value at a particular site, or is a space or facility of public benefit such as mixed-income housing, open space, a street, or a cultural facility. To be eligible, the Project must have been approved by City Council for District funds, and all requirements for payment set forth in the Project’s fully executed TIF development agreement must have been satisfied.

## Exhibit D

Related Project/Developer: if a Developer or a Developer's affiliate(s) (as defined in a fully executed TIF development agreement) has ownership interest in other development or redevelopment projects in addition to an eligible Project, Developer may request that increment from those Related Project(s) be included in Individual Increment for TIF payment of the eligible Project expenses. These requirements will be further specified in a TIF development agreement where applicable. Related Projects must create new taxable real property value for the District based on the following criteria:

- New development on previously vacant land or in replacement of demolished structures.
- Redevelopment, rehabilitation, or major modification of an existing building if resulting in an increase of 50% or more in the taxable value of the original building.

Sub-District-Wide Public Infrastructure Improvements: improvements not specific to a single development site such as gateways, trails, parks/open space, public facilities, or utility/streetscape improvements benefitting multiple parcels or blocks, regardless of ownership.

Transfer to the Affordable Housing Budget Category: In accordance with the District's Project Plan and Reinvestment Zone Financing Plan, ten percent (10%) of the University Center Net Increment will be annually transferred to an affordable housing budget item that may be utilized both within the District and potentially for city-wide affordable housing programs. The TIF Board has the discretion to set aside available cash accrued to the TIF fund for advance funding of this budget item prior to payment eligibility for University Hills Phase I catalyst project with additional details provided for in a development agreement.

Transfer to the University Hills Sub-District: In accordance with the District's Project Plan and Reinvestment Zone Financing Plan, after the affordable housing transfer and any future Sub-District-Wide Public Improvement Set-Aside for the University Center Sub-District's open space category, the remainder of the University Center Sub-District Net Increment will be annually transferred to the University Hills Sub-District to help facilitate development of the 250-acre University Hills area.

Total Gross Increment: the total annual amount of increment generated within the University Center Sub-District and within the University Hills Sub-District and deposited into the District fund from the participating jurisdictions. Total Gross Increment includes increment attributed to new development as well as increment attributed to the appreciation of values of properties on which new development has not yet occurred.

University Center Sub-District Gross Increment: the annual amount of increment generated within the University Center Sub-District before the Montfort-IH 635 Sub-District's portion of Administrative Expenses has been deducted.

University Hills Sub-District Gross Increment: the annual amount of increment generated within the University Hills Sub-District before the University Hills Sub-District's portion of Administrative Expenses has been deducted.

University Center Sub-District Net Increment: the annual amount of increment generated within the University Center Sub-District after the University Center Sub-District's portion of Administrative Expenses has been deducted.

University Hills Sub-District Net Increment: the annual amount of increment generated within the University Hills Sub-District after the University Hills Sub-District's portion of Administrative Expenses has been deducted.

## Exhibit D

University Hills Sub-District Shared Increment: the University Hills Sub-District Net Increment plus the amount transferred from the University Center Sub-District less the sum of the Individual Increments of all Developers of eligible Projects in the University Hills Sub-District.

### **Catalyst Priority Project – University Hills Phase I:**

University Hills Phase I development project (as defined in the project's development agreement) is being viewed as an important seed project for the District and will be designated a catalyst priority project for the purposes of increment allocation and until the obligation is fully paid eligible to receive:

- I. 100% of University Hills Sub-District Net Increment if there are no other TIF eligible projects by non-direct affiliates of developer. Other non-affiliated projects will be eligible to receive their own net increment only until the TIF commitment to University Hills Phase I is fully paid.
- II. 90% of the University Center Sub-District Net Increment.

Note: this Project will not be eligible for TIF payments in a given year unless all contractual obligations of the development agreement are fulfilled by June 1st of that year. If there are delays with the Project start date, approval of other financing sources or project completion, staff and the District's Board of Directors may reconsider the priority status for increment allocation to the University Hills Phase I project.

### **University Center Sub-District-Wide Improvement Set-Aside:**

After administrative expenses, the affordable housing increment transfer, and obligations to the catalyst priority project (described above) have been satisfied, the District's Board of Directors may consider a set-aside toward funding the Sub-District's landscape, parks, trails, and open space category. The potential Set-Aside may be reviewed annually based on updated financial projections and Sub-District needs or project opportunities.

### **Annual Process (University Center Sub-District)**

First, the University Center Sub-District Gross Increment will pay:

- 1) Administrative Expenses: After the Total Gross Increment has been deposited into the District fund, the City's Administrative Expenses for the District will be reimbursed first in each year of the District. The University Center Sub-District's portion of the District's Administrative Expenses will be paid from the University Center Sub-District Gross Increment based on the ratio of the University Center Sub-District Gross Increment to the Total Gross Increment.

Then, the University Center Sub-District Net Increment will pay or set aside allocations as follows:

- 2) Transfer to the Affordable Housing Budget Category: Ten percent (10%) of the University Center Net Increment will be annually transferred to an affordable housing budget item. The TIF Board has the discretion to set aside available cash accrued to the TIF fund for advance funding of this budget item prior to payment eligibility for University Hills Phase I catalyst project with additional details provided for in a development agreement.



## Exhibit D

- 3) Transfer to the University Hills Sub-District\*\*: The remainder of the University Center Sub-District Net Increment will be annually transferred to the University Hills Sub-District to help facilitate development of the 250-acre University Hills area.

\*\*Upon meeting the funding obligation for the University Hills Phase I catalyst project, the District's Board of Directors may evaluate whether to begin a Sub-District-Wide Set-Aside for the University Center Sub-District's landscape, parks, open space, and trails category

### Annual Process (University Hills Sub-District)

First, the University Hills Sub-District Gross Increment will pay:

- 1) Administrative Expenses: After the Total Gross Increment has been deposited into the District fund, the City's Administrative Expenses for the District will be reimbursed first in each year of the District. The University Hills Sub-District's portion of the District's Administrative Expenses will be paid from the University Hills Sub-District Gross Increment based on the ratio of the University Hills Sub-District Gross Increment to the Total Gross Increment.

Then, the sum of the University Hills Sub-District Net Increment and the amount transferred from the University Sub-District will be available for disbursement to Developers of eligible Projects in proportion to their Individual Increments pursuant to fully executed TIF development agreements.

### General Notes

1. In support of the Plan's goals, any shared increment in each Sub-District may be made available each year first to those Developers entering TIF development agreements to construct catalyst priority projects or to construct residential projects that advance the District's mixed income housing goals.
2. Dallas Central Appraisal District ("DCAD") certified values for each tax year will be the data source used to determine values for the annual increment allocation procedure. In general, the allocation of increment will be done annually, after each participating jurisdiction has deposited its annual increment into the District fund. No increment allocation will be made unless a total Project (or specific phase) is completed and all contractual obligations of the fully executed TIF development agreement are fulfilled by June 1 of a given year, as evidenced by City approval of all supporting documents required in the TIF development agreement. The City's Director of Economic Development will make the final determination in applying future available revenues in the District fund among Projects.
3. If the appraised value of the remaining property in the District decreases despite new development and as additional Projects are approved and completed, TIF funding assistance for Projects that year may be reduced or unpaid. Accrued Administrative Expenses will be reimbursed before increment allocations are made to the other categories. If there is no University Center Sub-District Net Increment remaining after the University Center Sub-District's portion of Administrative Expenses has been paid, then there will be no increment allocations in that sub-district in that year. If there is no University Hills Sub-District Net Increment remaining after the University Hills Sub-District's portion of Administrative Expenses has been paid, then there will be no increment allocations in that sub-district in that year.
4. At its discretion, the District's Board of Directors may make modifications or corrections to this Policy to increase its effectiveness.



## Agenda Information Sheet

**File #:** 22-1406

**Item #:** 76.

**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Office of Economic Development  
**EXECUTIVE:** Majed Al-Ghafry

### **SUBJECT**

Authorize the following: **(1)** the designation of approximately 11.0 acres of property located at the current address of 2323 North Field Street as depicted in Exhibit A and further described in Exhibit B attached to the resolution, in Dallas, Texas as City of Dallas Neighborhood Empowerment Zone No. 20 ("NEZ No. 20"), pursuant to Chapter 378 of the Texas Local Government Code, which has been determined will promote an increase in economic development in the zone, establish boundaries for the zone, and provide for an effective date for the zone; **(2)** a real property tax abatement with Hunt Realty or an affiliate thereof, including North End L.P. ("Owner") exempting 50% of the taxes on the added value to the net new tangible real property for a period not to exceed ten years; and **(3)** a business personal property tax abatement with Goldman Sachs & Co. LLC or an affiliate thereof ("Goldman Sachs" or "Tenant") exempting 50% of the taxes on the added value to the net new tangible business personal property for a period not to exceed five years; and **(4)** a Chapter 380 Economic Development Grant Agreement with Tenant in an amount not to exceed \$4,000,000.00 for job retention and creation; and **(5)** a Chapter 380 Economic Development Grant Agreement with Owner and/or Tenant or affiliates thereof in an amount not to exceed \$375,000.00 associated with expedited permitting and soft construction costs grant; all of which will promote state or local economic development and to stimulate business and commercial activity in the municipality in connection with jobs created and retained in association with a new office development in accordance with the City's Public/Private Partnership Program - Financing: Public/Private Partnership Funds (\$4,375,000.00) and Estimated Revenue Foregone-- City ad valorem real personal property taxes estimated up to \$12,257,000.00 over a ten-year period and City ad valorem business personal property taxes estimated up to \$1,381,703.00 over a five-year period

### **BACKGROUND**

Goldman Sachs & Co. LLC ("Goldman Sachs" or "Tenant") is a leading global financial services institution that offers investment banking, securities, investment management and consumer banking with a global headquarters in New York. They have an existing Dallas office located at the Trammell Crow Center at 2001 Ross Ave.

Recently, Goldman Sachs approached the City regarding plans to expand its Dallas operations by creating a new urban campus environment offering an upgraded workplace experience. To further the company's workforce and location strategic goals, additional investments in Salt Lake City, Atlanta and South Florida were also considered for this proposed office expansion.

In Dallas, the proposed location under consideration is a to-be-constructed office building to anchor the redevelopment of an 11-acre site bounded by Field Street, Houston Street and Nowitzki Way in the City's Uptown District ("North End Office"). The North End Office building, with an adjacent integrated 1.5-acre park, will be the first phase of the North End urban campus developed by Hunt Realty ("Hunt" or "Owner"). The project site will be approximately 4.5 acres ("Project Site"). By the end of 2028, Tenant will have commenced occupancy of a minimum of 800,000 square feet of the North End Office building. The minimum capital investment for construction of the office building is \$390 million. Additionally, the estimated capital investment by Tenant to be made in connection with the new leased space is approximately \$90 million, inclusive of both furniture, fixtures, and equipment (business personal property) and leasehold improvements.

Goldman Sachs currently employs approximately 2,500 full-time permanent employees in the city of Dallas and intends to retain these jobs in Dallas. In addition, they will relocate approximately 600 employees to the North End Office from areas outside of the city of Dallas but within Dallas County, as well as create a minimum of 1,900 additional full-time jobs by the end of 2028. Goldman Sachs anticipates they will retain, relocate and hire a total of 5,000 permanent, full-time jobs with an average annual base wage of at least \$90,000.00 (not inclusive of annual bonuses) by December 31, 2028.

To support the redevelopment of the Project Site, Office of Economic Development ("OED") staff recommends 1) the creation of the City of Dallas Neighborhood Empowerment Zone No. 20 and 2) City Council approval of economic development incentives, which includes proposed real and business personal property tax abatements, as well as Chapter 380 grants to support Tenant's expansion in Dallas.

#### Neighborhood Empowerment Zone Designation

Chapter 378 of the Texas Local Government Code (the "Act") provides for the creation of Neighborhood Empowerment Zones. A Neighborhood Empowerment Zone ("NEZ") is a flexible tool that a municipality can utilize to implement an economic development program in a particular area. Pursuant to the Act, a NEZ can be created to promote any of the following: (1) creation and/or rehabilitation of affordable housing in the zone; (2) an increase in economic development in the zone; or (3) an increase in the quality of social services, education, or public safety for residents of the zone.

Chapter 312 of the Texas Tax Code authorizes municipalities to enter into tax abatement agreements provided certain conditions are met, including that the property exists within a reinvestment zone. With the creation of a NEZ, the property would meet the reinvestment zone requirement. Therefore, staff recommends creation of NEZ No. 20 to facilitate both the Owner's real property tax abatement and Tenant's business personal property tax abatement. NEZ No. 20 will help the City's effort to accommodate the retention and expansion of Tenant's operations in Dallas as well as promote an increase of economic development within the zone. The North End Office building will be within the

newly designated City of Dallas Neighborhood Empowerment Zone No. 20.

### Economic Development Incentives

OED staff recommends City Council approval of the following economic development incentives for to support Goldman Sachs' expansion in Dallas:

- I. Authorize a real property tax abatement with the Owner for a period of ten (10) years in an amount equal to the City taxes assessed on fifty percent of the improvement value of the new real property construction associated with the North End Office located at the current address of 2323 N Field Street, subject to the terms and conditions described herein and specifically the following:
  - a. Owner will complete construction of the core and shell of the North End Office with a minimum capital investment of \$390,000,000.00 by December 31, 2027.
  - b. Tenant will undertake a minimum capital investment in business personal property of \$90,000,000, inclusive of both leasehold improvements and furniture, fixtures, and equipment, by December 31, 2028.
  - c. Owner will submit an application for a site replat or to establish a separate tax parcel by December 31, 2025 to create a separate parcel for the North End Office building.
  - d. The abatement will begin on January 1 the year after the North End Office is completed, but no later than January 1, 2029 and is only applicable to the parcel on which the proposed North End Office sits.
- II. Authorize a business personal property tax abatement for a period of five years with Tenant, in an amount equal to the City taxes assessed on fifty percent of the value of Tenant's new, tangible business personal property investment at the North End Office, subject to both the terms and conditions described herein and specifically the following:
  - a. Owner will complete construction of the core and shell of the North End Office with a minimum capital investment of \$390,000,000.00 by December 31, 2027.
  - b. Tenant will undertake a minimum capital investment in business personal property of \$90,000,000, inclusive of both leasehold improvements and furniture, fixtures, and equipment, by December 31, 2028.
  - c. The abatement will begin on January 1 the year after the North End Office is occupied, but no later than January 1, 2029.
- III. A job retention and creation economic development grant in an amount not to exceed \$4,000,000.00 with Tenant, to be paid upon completion of the following terms and conditions:
  - a. Goldman Sachs shall retain and/or create a minimum of 5,000 jobs at the North End Office ("job requirement") on or before December 31, 2028, with an average base salary of \$90,000 ("wage requirement").
  - b. Goldman Sachs shall provide and maintain a minimum wage for all employees that is equal to or greater than the then-current living wage for an individual in Dallas County as determined by the Massachusetts Institute of Technology's Living Wage Calculator ("living wage requirement").
  - c. A minimum of 35% of Tenant employees at the North End Office are city of Dallas residents ("local hiring requirement").
  - d. Tenant shall execute a lease with Owner for a minimum of 800,000 square feet in the North End Office on or before December 31, 2027. The lease must have a minimum 15-

year term.

- e. Tenant shall commence occupancy of the North End Office no later than December 31, 2028 ("occupancy requirement").
- f. Tenant shall continuously maintain the job, wage, living wage, local hiring, and occupancy requirements from the date of the incentive payment through the Real Property and Business Personal Property abatement periods or no later than December 31, 2038 (the "compliance period").
- g. Tenant shall request payment of the Job Grant no later than June 30, 2029, but may request payment earlier provided all of the above conditions are met.

IV. An expedited permitting and soft costs reimbursement grant of up to \$375,000.00 with Tenant or Owner for any Q-TEAM fees, permitting fees, or other City of Dallas fees incurred by Tenant or by Owner in connection with the development of the North End Office, provided such expenses are incurred by December 31, 2027.

In addition to the grant-specific terms and conditions outlined above, the incentives within the agreement must also meet the following applicable terms, conditions, and obligations:

- I. Tri-Party Agreement: These incentives, term, and conditions will be documented in a tri-party agreement between City, Tenant, and Owner, and all incentives, terms, and conditions will be cross-defaulted between Tenant and Owner.
- II. Compliance Period: The compliance period will begin upon contract execution through December 31, 2038.
- III. Tenant shall partner with the following educational institutions as part of a Workforce Program Initiative:
  - a. Paul Quinn College and the Paul Quinn College Work Program to allow students the opportunity to work for Tenant while earning compensation that can be applied toward tuition.
  - b. UNT-Dallas to establish an internship program for current undergraduate or graduate students within the School of Business or other relevant programs.
  - c. Dallas College to serve as an employer partner for its Workforce Scholars program and/or its adult apprenticeship program. Such a partnership would engage students in work-based activities including but not limited to paid or unpaid internships, co-ops, practicums, pre-apprenticeships, and registered and non-registered apprenticeships for youth and adults.
  - d. Tenant shall deliver to City executed agreements with each educational partner no later than December 31, 2024. Tenant will continually operate each program throughout the compliance period.
  - e. Tenant or its educational partners shall provide City with an annual summary of the program including a summary of the status/outcomes of the workforce programs, number of participants, salaries or other benefits paid to participants, and race/gender/ethnicity of participants.
- IV. M/WBE Participation: Owner (and Tenant, if Tenant is doing any construction work at the North End Office such as tenant finish-out) shall undertake a good faith effort to comply with the City's Business Inclusion and Development goal of 32% participation by Minority/Women-owned Business Enterprises for construction and construction-related expenditures incurred by Owner in the North End Office. M/WBE participation compliance will be

coordinated with the City's Small Business Center.

- V. Site Replat: On or before December 31, 2025, Owner shall make an application to replat the North End development site or establish a separate tax parcel so that the Tenant office building is contained in its own tax parcel with a clear legal description, separate from the park and other future phases of the North End development. The Real Property Tax Abatement will be applicable only to the parcel on which the proposed Tenant building sits, and completion of the replat or tax parcel establishment will be a condition of the Real Property Tax Abatement.
- VI. Urban Design Peer Review Panel: Owner shall present the North End Office to the City's Urban Design Peer Review Panel on or before December 31, 2023, and shall incorporate the Panel's reasonable comments into the final design of the project. If Owner objects to any such comment, the determination of whether such comment must be incorporated into the final design of the project will be made by the Directors of the Office of Economic Development and Planning and Urban Design Department after reviewing Owner's objection. Such final design plans, subject to the making of reasonable and customary change orders and "as built" modifications, must be submitted to the Director of the Office of Economic Development no later than December 31, 2024.
- VII. Construction Completion: Owner shall complete construction of the North End Office (including the office building, the 1.5-acre park, and all necessary public improvements related to site for occupancy of the building, including sidewalks and pedestrian and vehicular access) no later than December 31, 2027, which shall be evidenced by a temporary or final certificate of occupancy.
- VIII. Failure to comply with the terms of the incentive agreement may result in repayment of incentive. However, to ensure that Tenant and/or Owner has time to address any term or condition default and to account for hiring cycles and other business processes that might hinder such cure, the incentive agreement cure period will be one year.
- IX. The Director, in his or her sole discretion, may extend any of the completion deadlines noted herein for up to twelve months.
- X. Tenant and Owner shall, upon request, permit City staff access to its corporate office to review all records and document related to the obligations contained herein to monitor compliance with the incentive agreement.
- XI. Tenant and Owner shall provide written annual reports to the Office of Economic Development regarding compliance with the City incentive agreement.
- XII. The final incentive agreement based upon the terms and conditions herein must be executed by between City, Tenant, and Owner no later than March 31, 2023.
- XIII. The final incentive agreement may be assigned by either Goldman Sachs and/or Hunt to their respective affiliates upon contemporaneous notification to the Director of Economic Development. "**Affiliate**," as used in this Agreement, includes any parent, sister, or majority-owned subsidiary entity of Goldman Sachs or Hunt, as applicable, or any entity in which Goldman Sachs or Hunt, as applicable, is majority shareholder.

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

The Economic Development Committee was briefed in executive session regarding this matter on June 6, 2022.

### **FISCAL INFORMATION**

Estimated Revenue Foregone-- City ad valorem real personal property taxes estimated up to \$12,257,000.00 over a ten-year period and City ad valorem business personal property taxes estimated up to \$1,381,703.00 over a five-year period.

Fund	FY 2022	FY 2023	Future Years
Public/Private Partnership Fund	\$0.00	\$0.00	\$4,375,000.00

**TENANT/LEASEE****Goldman Sachs**

Paige Richey, Vice President - Regional Management

**OWNER**

**North End, L.P.**

**A Subsidiary of Hunt Realty**

Colin Fitzgibbons, President

June 22, 2022

**WHEREAS**, the City of Dallas (“City”) recognizes the importance of its role in local economic development; and

**WHEREAS**, it is in the City’s best interest to support and secure the retention and expansion of business operations within the City for the economic vitality and employment opportunities that these businesses bring for Dallas residents; and

**WHEREAS**, the City finds that the Project (defined below) will not be undertaken within the City without an offer of economic development incentives from the City; and

**WHEREAS**, pursuant to Resolution 22-0901 approved on June 8, 2022 for the period of July 1, 2022 through December 31, 2022, the City: (1) authorized the continuation of its Public/Private Partnership Program (“P/PPP”) - 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, and (3) established appropriate guidelines and criteria governing tax abatement agreements to be entered into by City as required by the Property Redevelopment and Tax Abatement Act, as amended, (Texas Tax Code, Chapter 312); and

**WHEREAS**, Local Government Code, Section 378.002 requires that the creation of a neighborhood empowerment zone promotes: (1) the creation or rehabilitation of affordable housing in the zone, or (2) an increase in economic development in the zone, or (3) an increase in the quality of social services, education or public safety provided to the residents of the zone; and

**WHEREAS**, the City finds that the creation of the City of Dallas Neighborhood Empowerment Zone No. 20 (“NEZ No. 20” or the “Zone”) would promote an increase in economic development in the Zone and benefits the public and is for the public purpose of increasing the public health, safety, and welfare of the persons in the municipality; and



June 22, 2022

**WHEREAS**, the City finds that the creation of the Zone satisfies the requirements of the Property Redevelopment and Tax Abatement Act, Section 312.202 in that the creation and designation of the Zone is reasonably likely to contribute to the retention or expansion of primary employment and also attract major investment in the Zone that would be a benefit to the property and contribute to the economic development of the municipality; and

**WHEREAS**, NEZ No. 20 is being created by the City with the desired goal to properly produce a vibrant economic and social environment by way of tailoring project eligibility criteria in order to induce the investment of private resources in new or existing business enterprises located within the City of Dallas pursuant to Resolution No. 22-0901; and

**WHEREAS**, on June 6, 2022, the Economic Development Committee was briefed in executive session reviewed the proposed NEZ No. 20 and a related new investment opportunity and recommended City Council authorization of a resolution designating approximately 11 acres of property with a current address of 2323 North Field Street and bounded by North Field Street, Houston Street and Nowitzki Way in Dallas, Texas as further described by the map attached as **Exhibit A** (Map) (the “Property”) and the metes and bounds legal description attached as **Exhibit B** (Metes and Bounds - Legal Description); as “City of Dallas Neighborhood Empowerment Zone No. 20”; and

**WHEREAS**, the City desires to support the retention and creation of jobs through Goldman Sachs & Co. LLC or its affiliates (“Goldman Sachs” or “Tenant”) selection of Dallas as the location of its planned new urban office building (the “Project”) to be developed by Hunt Reality or its affiliates, including North End L.P. (“Hunt” or “Owner”) at Property, in accordance with the City’s Public/Private Partnership Program (“P/PPP”); and

**WHEREAS**, pursuant to the City’s P/PPP, the Project is in a non-target area and the Project meets the minimum eligibility criteria for a project located in a non-target area; and

**WHEREAS**, the City finds that Tenant and the Project will significantly advance the public purpose of economic development within the City; and

**WHEREAS**, the Economic Development Committee was briefed regarding this Project on June 6, 2022; and

June 22, 2022

**WHEREAS**, the City desires to enter into a real property tax abatement agreement with Owner for added value to real property located within an approximately 4-acre area within NEZ No. 20 as further described by the map attached as **Exhibit A** (Map) and by the metes and bounds legal description attached as **Exhibit B** (Metes and Bounds - Legal Description); and

**WHEREAS**, the City also desires to enter into a business personal property tax abatement agreement with Tenant or an affiliate thereof for added value to business personal property located within an approximately 4.5-acre area within NEZ No. 20 as further described by the map attached as **Exhibit A** (Map) and by the metes and bounds legal description attached as **Exhibit B** (Metes and Bounds - Legal Description); and

**WHEREAS**, the City also desires to enter into a Chapter 380 economic development grant agreement with Tenant or an affiliate thereof to promote economic development, stimulate private sector investment, ensure job retention, encourage job creation, and grow the tax base in the City of Dallas.

**Now, Therefore,**

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

**SECTION 1.** That the findings of facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

**SECTION 2.** That the City Council authorizes designating the approximately 11 acre property with a current address of 2323 North Field Street and bounded by North Field Street, North Houston Street, and Nowitzki Way in Dallas, Texas (the "Property") as depicted by the **Exhibit A** (Map) and further described by the metes and bounds legal description attached as **Exhibit B** (Metes and Bounds - Legal Description) as City of Dallas Neighborhood Empowerment Zone No. 20 ("NEZ No. 20" or the "Zone") pursuant to Chapter 378 of the Texas Local Government Code, on the basis of the determination that the creation of the Zone will promote an increase in economic development in the Zone, the Zone is intended to serve and will serve the public purpose of increasing the public health, safety, and welfare of the persons in the municipality, and the creation of the Zone satisfies the requirements of the Property Redevelopment and Tax Abatement Act (Section 312.202).

June 22, 2022

**SECTION 3.** That the City Council authorizes the City Manager, upon approval as to form by the City Attorney, to execute a tri-party, cross-defaulted agreement with Owner and Tenant ("Tri-Party Agreement"), containing four sub-portions as follows: **(1)** a conditional real property tax abatement exempting 50% of the taxes on the added value to the net new tangible real property for a period of ten years with Hunt or an affiliate thereof, including North End L.P.; **(2)** a conditional business personal property tax abatement exempting 50% of the taxes on the added value to the net new tangible personal property for a period of five years with Goldman Sachs or an affiliate thereof; **(3)** a conditional Chapter 380 Economic Development Job Grant Agreement in an amount not to exceed \$4,000,000.00 associated with job retention and creation with Goldman Sachs or an affiliate thereof; and **(4)** a conditional Chapter 380 Economic Development Grant Agreement in an amount not to exceed \$375,000.00 associated with expedited permitting and soft costs grant; with Tenant or an affiliate thereof or Owner or an affiliate thereof; all in connection with jobs created and retained in association with a new Dallas office ("North End Office") within City of Dallas NEZ No. 20 and in accordance with the City's Public/Private Partnership Program.

**SECTION 4.** That the tax abatements that are authorized by the Tri-Party Agreement are not conditioned upon approval and execution of any other tax abatement agreement between either Tenant or Owner and any other taxing entity.

**SECTION 5.** That the business personal property and real personal property that are the subject of the Tri-Party Agreement shall be located entirely within NEZ No. 20 as depicted on the attached site map **Exhibit A** (Map) and as legally described in **Exhibit B** (Metes and Bounds - Legal Description).

**SECTION 6.** That the tax abatements, as provided for in the Tri-Party Agreement, are hereby expressly made subject to the following terms, conditions and obligations ("tax abatement requirements"), which Owner or Tenant (as applicable) must timely and satisfactorily perform or cause to occur:

- A. Owner shall complete construction of the core and shell of the North End Office with a minimum real property investment of \$390,000,000.00 by December 31, 2027.
  - i. If the Owner timely completes the Project, the real property tax abatement will begin on January 1 the year after the North End Office is completed and occupied, but no later than January 1, 2029.

**SECTION 6.** (continued)

- B. Site Replat: On or before December 31, 2025, Owner shall make an application to replat or create a separate tax parcel for the North End development site so that the North End Office is located on a single parcel, separate and apart from the park and other future phases of the North End development.
- i. The property tax abatement will be applicable only to the portion of the parcel on which Owner's proposed North End Office (which will be leased to Tenant) is located.
  - ii. Owner's making of an application for the replat or parcel identification is an express condition of the property tax abatement.
  - iii. Tenant shall undertake a minimum capital investment of \$90,000,000.00 by December 31, 2028, inclusive of both leasehold improvements and furniture, fixtures, and equipment. If the Tenant timely performs to City's satisfaction, the business personal property tax abatement will begin on January 1 the year after the business personal property tax eligible investment is completed, or earlier, if Owner desires and Owner/Tenant are otherwise in compliance with the agreement, but no later than January 1, 2029.

**SECTION 7.** That the Chapter 380 economic development grant in an amount not to exceed \$4,000,000.00 to Tenant ("Job Grant"), is hereby expressly made subject to the following terms, conditions and obligations ("grant requirements"), which Tenant must timely and satisfactorily perform or cause to occur:

- A. Tenant shall retain and/or create a minimum of 5,000 jobs at the North End Office ("job requirement") on or before December 31, 2028, with an average base salary of \$90,000.00 ("wage requirement").
- i. For purposes of the Tri-Party Agreement, a "job" is defined as a full-time permanent Goldman Sachs employee scheduled to work at least 40 hours per week with benefits, subject to customary vacation, holidays, sick leave, and other paid activities. Contractors, part-time workers, interns, or other positions shall not qualify as "jobs" for purposes of the Tri-Party Agreement. Bonuses, overtime, benefits, or other similar payments do not count towards the salary requirements.

**SECTION 7, (continued)**

- B. Tenant shall provide and maintain a minimum wage for all employees that is equal to or greater than the then-current living wage for an individual in Dallas County as determined by the Massachusetts Institute of Technology's Living Wage Calculator ("living wage requirement").
- C. A minimum of thirty-five percent (35%) of Tenant's employees at the North End Office are City residents ("local hiring requirement").
- D. Tenant shall execute a lease with Owner for a minimum of 800,000 square feet in the North End Office on or before December 31, 2027. The lease must have a minimum 15-year term.
- E. Tenant shall commence occupancy of the North End Office no later than December 31, 2028 ("occupancy requirement").
- F. Tenant shall continuously maintain the job, wage, living wage, local hiring, and occupancy requirements from the date of the job incentive payment through the earlier of December 31, 2038 or the date the real property and business personal property abatement periods expire, if they both end earlier than December 31, 2038 (the "Compliance Period").
- G. Tenant shall request payment of the Job Grant no later than June 30, 2029 but may request payment earlier provided all of the above terms and conditions are met.

**SECTION 8.** That an expedited permitting and soft costs reimbursement grant of up to \$375,000.00 to Tenant or Owner for any Q-TEAM fees, permitting fees, or other City of Dallas fees incurred by Tenant or by Owner in connection with the development of the North End Office, provided such expenses are incurred by December 31, 2027.

**SECTION 9.** That in addition to the specific terms and conditions outlined above, the incentives granted by the Tri-Party Agreement are hereby expressly made subject to all of the following terms, conditions and obligations ("incentive requirements"), which Owner or Tenant (as applicable) must timely and satisfactorily perform or cause to occur:

**SECTION 9.** (continued)

- A. Compliance Period: The compliance period will begin upon execution of the Tri-Party Agreement through December 31, 2038 (“Compliance Period”).
- B. Workforce Initiative: Tenant shall partner with the following educational institutions for the creation of a Workforce Program Initiative (“workforce initiative requirements”):
  - i. Paul Quinn College and the Paul Quinn College Work Program to allow students the opportunity to work for Tenant while earning compensation that can be applied toward tuition.
  - ii. UNT-Dallas to establish an internship program for current undergraduate or graduate students within the School of Business or other relevant programs.
  - iii. Dallas College to serve as an employer partner for its Workforce Scholars program and/or its adult apprenticeship program. Such a partnership would engage students in work-based activities including but not limited to paid or unpaid internships, co-ops, practicums, pre-apprenticeships, and registered and non-registered apprenticeships for youth and adults.
  - iv. Tenant will deliver to City executed agreements with each educational partner no later than December 31, 2024.
  - v. Tenant will continue to operate each program throughout the Tri-Party Compliance Period.
  - vi. Tenant or its educational partners shall provide City with an annual summary of the program including a summary of the status/outcomes of the workforce programs, number of participants, salaries or other benefits paid to participants, and race/gender/ethnicity of participants.
- C. M/WBE Participation: Owner (and Tenant, if Tenant is doing any construction work at the North End Office, such as tenant finish-out) shall undertake a good faith effort to comply with the City’s Business Inclusion and Development goal of 32% participation by Minority/Women-owned Business Enterprises for construction and construction-related expenditures incurred by Owner in the North End Office. Owner and Tenant shall coordinate M/WBE participation compliance with the City’s Small Business Center.

**SECTION 9.** (continued)

- D. Urban Design Peer Review Panel: Owner shall present the North End Office to the City's Urban Design Peer Review Panel ("Panel") on or before December 31, 2023 and shall incorporate the Panel's reasonable comments into the final design of the Project. If Owner objects to any such comment, the determination of whether such comment must be incorporated into the final design of the Project shall be made by the Director of the Office of Economic Development ("OED") and Planning and Urban Design Department after reviewing Owner's objection. Such final design plans, subject to the making of reasonable and customary change orders and "as built" modifications, must be submitted to the Director of the OED (the "Director") no later than December 31, 2024.

Owner shall complete construction of the core and shell of the North End Office (including the office building, the 1.5-acre park, and all necessary public improvements related to site for occupancy of the building, including sidewalks and pedestrian and vehicular access) in conformance with the final plans described above no later than December 31, 2027. Completion shall be evidenced by a temporary or final certificate of occupancy issued by City and acceptance by City of any public improvements.

- E. The Director, in his or her sole discretion, may extend any of the completion deadlines noted herein for up to twelve months.
- F. Tenant and Owner shall, upon request, permit City staff access to its corporate office to review all records and documents related to the obligations contained in the Tri-Party Agreement to monitor compliance with the incentive requirements of the Tri-Party Agreement, +-subject to the establishment of reasonable and customary data security, business information confidentiality, and worker privacy protections.
- G. Tenant and Owner shall provide written annual reports to the OED regarding each party's compliance with the incentive requirements of the Tri-Party Agreement, provided that the parties agree that such reports and documents shall not include confidential information pertaining to individual employees.

**SECTION 9.** (continued)

- H. Tenant or Owner's failure to comply with the incentive requirements of the Tri-Party Agreement throughout the Compliance Period may result in such party's repayment of incentives, which repayment would satisfy all obligations and not constitute a "default" under the Tri-Party Agreement. To ensure that Tenant and/or Owner have time to address any term or condition default and to account for hiring cycles and other business processes that might hinder such cure, the Tri-Party Agreement cure period will be one year.
- I. Either Tenant or Owner may assign the final Tri-Party Agreement to such party's respective affiliates upon contemporaneous written notification to the Director. "Affiliate," as used in this Tri-Party Agreement, includes any parent, sister, or majority-owned subsidiary entity of Tenant or Owner, as applicable, or any entity in which Tenant or Owner, as applicable, is the majority shareholder.
- J. Agreement Deadline: The final incentive requirements of the Tri-Party Agreement based upon the terms and conditions herein must be executed by and between City, Tenant, and Owner no later than March 31, 2023.

**SECTION 10.** That both Chapter 380 grants are subject to annual verification, audit, or other necessary procedures deemed appropriate by the City. The Director is authorized to make appropriate arrangements with Tenant to meet the verification, audit, or other necessary requirements to fulfill the purposes described herein.

**SECTION 11.** That the grants are personal to Tenant and Owner, respectively, and cannot be sold or assigned, in whole or in part, to any non-affiliated company.

**SECTION 12.** That pursuant to Section 7 and Section 9 of this resolution, the conditions the Tri-Party Agreement and upon City approval of annual appropriations, the Chief Financial Officer is hereby authorized to encumber and disburse funds to Goldman Sachs & Co. LLC and/or an affiliate from Public/Private Partnership Fund, Fund 0352, Department ECO, Unit W832, Object 3016, Activity PPPF, Program: PPPF0020, Contract No./Encumbrance# MASC-ECO-2022-00019598, Vendor No. VS0000027146, in an amount not to exceed \$4,000,000.



June 22, 2022

**SECTION 13.** That upon City approval of annual appropriations, the Chief Financial Officer is hereby authorized to encumber and disburse funds to Goldman Sachs & Co. LLC and/or its affiliates (Vendor No. VS0000027146), or North End, LP and/or its affiliates, (Vendor No. VC25110) from Public/Private Partnership Fund, Fund 0352, Department ECO, Unit W832, Object 3016, Activity PPPF, Program PPPF0020, Contract No./Encumbrance# MASC-ECO-2022-00019598 in an amount not to exceed \$375,000.00. The combined total aggregate reimbursement for one or both vendors and/or their affiliates cannot exceed \$375,000.00.

**SECTION 14.** That this Resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

# Proposed NEZ Number 20 - Exhibit A

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.



## Legend

**DALLAS ECONOMIC DEVELOPMENT**  
 Business Development Division  
 (214) 670-1685  
[www.dallascodev.org](http://www.dallascodev.org)

2323 N Field St, Dallas, TX 75201

Source: City of Dallas, 2022; DCAD, 2021.

## EXHIBIT B

### Legal Description

**Being** 472,543 square feet or 10.8481 acres situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being all of Lot 1B, Block B/370, North End Addition-1, an addition to the City of Dallas, Dallas County, Texas, recorded in Volume 97059, Page 2623, Deed Records of Dallas County, Texas, and being a portion of a called 10.849 acre tract of land described in Special Warranty Deed to Jefferson at the North End, L.P. recorded in Volume 96253, Page 9210 of said Deed Records, and all of a 4,099 square foot tract of land described in General Warranty Deed to the City of Dallas, recorded in Volume 97095, Page 3727, of said Deed Records and being part of Lot 2A, Block B/370, North End Addition, recorded in Volume 96237, Page 3442 of said Deed Records, and being more particularly described as follows:

**Beginning** at a point in the southwest right-of-way line of Field Street (formerly Orange Street, a variable width right-of-way) at the easternmost corner of said Lot 1B, Block B/370 and the north corner of Lot 1B, Block D/386, Museum of Nature and Science Addition, an addition to the City of Dallas, Dallas County, Texas, recorded in Instrument No. 201100289106, Official Public Records of Dallas County, Texas;

**Thence** departing said southwest right-of-way of Field Street, with the southeast line of said Lot 1B, Block B/370 and the northwest line of said Lot 1B, Block D/386, South 44°19'58" West, a distance of 559.42 feet to a point for the south corner of said Lot 1B, Block B/370 and the west corner of said Lot 1B, Block D/386;

**Thence** with the southwest line of said Lot 1B, Block B/370, North 42°29'27" West, a distance of 368.31 feet to a point for corner in the east right-of-way of Houston Street (formerly Wichita Street Extension, a variable width right-of-way, City of Dallas, Volume 85103, Page 4334);

**Thence** with said east right-of-way of Houston Street and the west line of said Lot 1B, Block 370, the following courses and distances:

North 5°14'37" West, a distance of 350.45 feet to a point at the beginning of a tangent curve to the right having a central angle of 34°10'51", a radius of 532.96 feet, a chord bearing and distance of North 11°50'51" West, 313.25 feet;

In a northwesterly direction with said curve to the right, passing at an arc distance of 80.68 feet a point for the westernmost northwest corner of Lot 1B, Block B/370, of said North End Addition-1, and at the southwest corner of said 4,099 square foot tract, passing at an additional arc length of 128.23 feet, the north corner of said City of Dallas tract, continuing with said east right-of-way line of Houston Street and the northwest line of said Lot 1B a total arc distance of 317.95 feet to a point for corner;

**Thence** with said Northwest line of Lot 1B, Block B/370 and the southeast right-of-way line of Nowitzki Way (formerly Olive Street, a variable width right-of-way, Volume 85103, Page 4334), the following courses and distances:

North 38°52'48" East, a distance of 92.02 feet to a point at the beginning of a tangent curve to the right having a central angle of 8°23'35", a radius of 524.96 feet, a chord bearing and distance of North 43°04'36" East, 76.83 feet;  
In a northeasterly direction, with said curve to the right, an arc distance of 76.90 feet to a point for corner;  
North 47°16'23" East, a distance of 33.58 feet to a point for the west corner of a curved corner clip at the intersection of said southeast right-of-way of Nowitzki and Field Street (Formerly Alamo Street, a variable width right-of-way, Volume 64, Page 403), at the beginning of a tangent curve to the right having a central angle of 90°00'00", a radius of 40.00 feet, a chord bearing and distance of South 87°43'37" East, 56.57 feet;

**Thence** in a southeasterly direction, with said curved corner clip and curve to the right, an arc distance of 62.83 feet to a point for the east corner of said curved corner clip;

**Thence** with the southwest right-of-way of said Field Street and the northeast line of said Lot 1B, Block B/370, South 42°43'37" East, a distance of 512.64 feet to a point for corner;

**Thence** with the east line of said Lot 1B, Block B/370, the following courses and distances:

South 18°58'32" East, a distance of 105.83 feet to a point for corner;  
South 5°58'11" East, a distance of 92.35 feet to a point for corner at the beginning of a tangent curve to the left having a central angle of 13°33'48", a radius of 463.55 feet, a chord bearing and distance of South 12°45'05" East, 109.48 feet;  
In a southeasterly direction, with said curve to the left, an arc distance of 109.73 feet to the **Point of Beginning** and containing 10.8481 acres or 472,543 square feet of land.

Bearing system based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983 (2011).

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



## Agenda Information Sheet

**File #:** 22-1481

**Item #:** 77.

**STRATEGIC PRIORITY:** Transportation & Infrastructure  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 13  
**DEPARTMENT:** Office of Bond and Construction Management  
**EXECUTIVE:** Dr. Robert Perez

### **SUBJECT**

Authorize **(1)** rescinding the construction contract awarded to Post L Group, LLC, previously approved on November 10, 2021 by Resolution No. 21-1850, for the construction of Fire Station No. 41 Replacement facility; and **(2)** to re-advertise this project located at 5920 Royal Lane - Financing: No cost consideration to the City

### **BACKGROUND**

On November 10, 2021, City Council authorized a construction contract for the construction of the Fire Station No. 41 replacement facility, located at 5920 Royal Lane to Post L Group, LLC, best value proposer of eight in the amount not to exceed \$4,458,098.00.

It is now desirable to rescind the construction contract awarded with Post L Group, LLC as it is unable to perform the construction work under the amount awarded. Therefore, the City will re-advertise this project.

### **ESTIMATED SCHEDULE OF PROJECT**

Re-advertise	July 2022
Award Construction	August/September 2022
Begin Construction	October/November 2022
Complete Construction	October/November 2023

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

On August 26, 2020, City Council authorized a professional services contract with PGAL Architects, Inc., to provide design and construction administration services of Fire Station No. 41 located at 5920 Royal Lane by Resolution 20-1260.

On November 10, 2021, City Council authorized a construction contract with Post L Group, LLC for

construction services for Fire Station 41 Replacement facility by Resolution 21-1850.

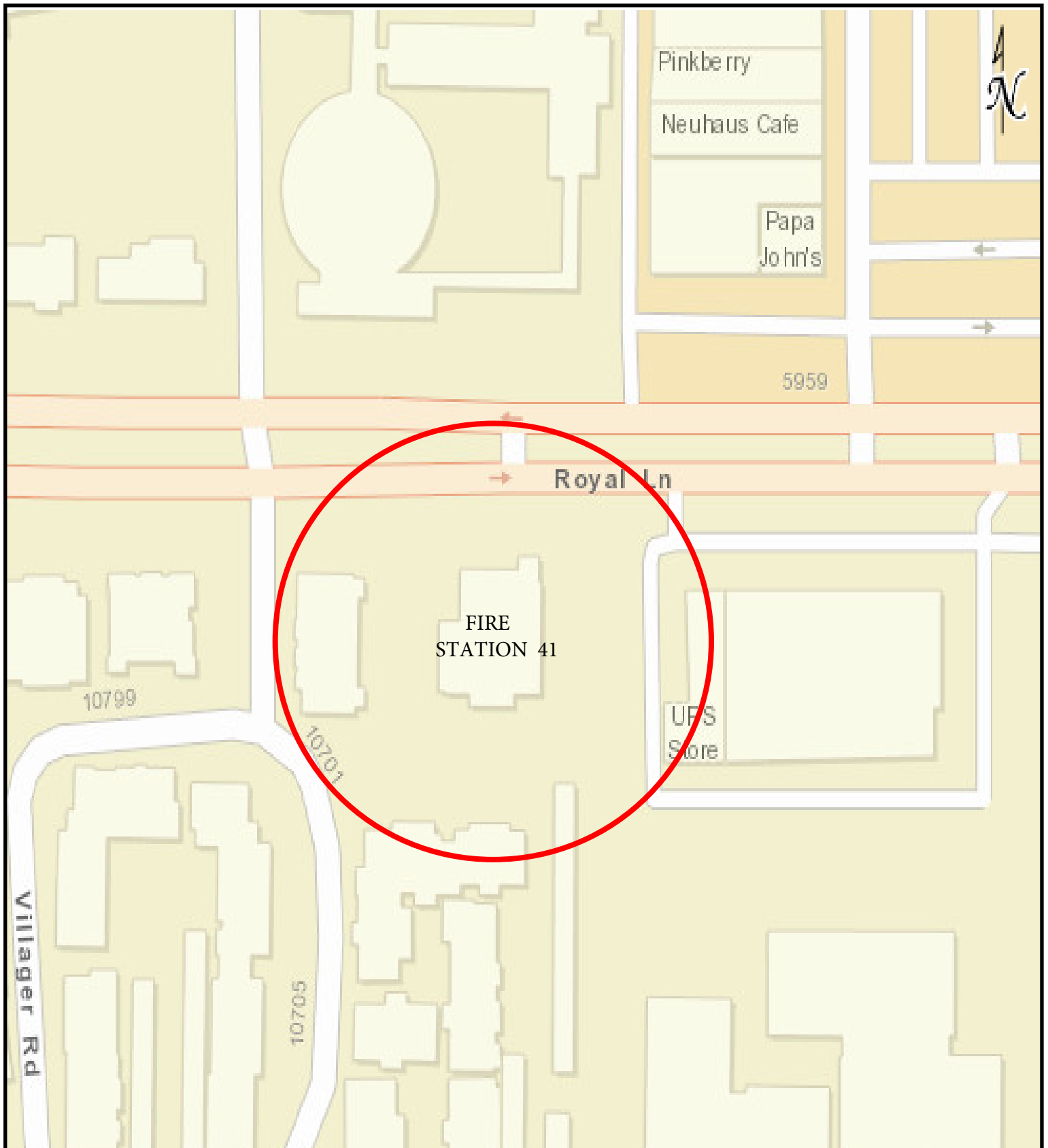
**FISCAL INFORMATION**

Financing: No cost consideration to the City.

**MAP**

Attached

**REPLACEMENT OF FIRE STATION 41  
LOCATED AT 5920 ROYAL LANE**



**COUNCIL DISTRICT 13**

June 22, 2022

**WHEREAS**, on November 10, 2021, City Council authorized a construction service contract with Post L Group, LLC, for the construction of the Fire Station No. 41 replacement facility located at 5920 Royal Lane, in an amount not to exceed \$4,458,098.00, by Resolution No. 21-1850; and

**WHEREAS**, Post L Group, LLC is unable to perform the construction work under the amount awarded on November 10, 2021; and

**WHEREAS**, it is now desirable to rescind the construction contract awarded to Post L Group, LLC of Fire Station No. 41 Replacement Facility; and

**WHEREAS**, the City will re-advertise this project to seek the best-value proposer.

**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)** rescind the construction contract awarded to Post L Group, LLC, previously approved on November 10, 2021, by Resolution No. 21-1850 for the construction of Fire Station No. 41 Replacement facility; and **(2)** for the City to re-advertise this project located at 5920 Royal Lane, approved as to form by the City Attorney.

**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.





## Agenda Information Sheet

**File #:** 22-1259

**Item #:** 78.

**STRATEGIC PRIORITY:** Housing & Homelessness Solutions

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Office of Homeless Solutions

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize an interlocal agreement between the City of Dallas (City) and the County of Dallas (County) for the City's acceptance of funds in an amount not to exceed \$10,000,000.00 from the County's allocated ARPA State and Local Fiscal Recovery funds (ARPA SLFR Funds) for the period of September 1, 2022 to September 30, 2024 to be used: (i) for the redevelopment of 4150 Independence Drive, Dallas, Texas 75237; and (ii) to provide housing opportunities and supportive services for unsheltered youth (ages 18-24) with a focus on LGBTQIA+ youth at or below 30% Area Median Income (collectively, the Target Populations) - Financing: FY22 Dallas County ARPA Fund \$10,000,000.00

### **BACKGROUND**

In 2019 the Novel Coronavirus (COVID-19) pandemic was declared a public health emergency in the United States in January 2020. In responding to the public health emergency and its negative economic impacts, State, local, and Tribal governments experienced substantial increases in costs to provide services, often amid substantial declines in revenue due to the economic downturn and changing economic patterns during the pandemic.

On March 11, 2021, President Biden signed into law H.R. 1319, a \$1.9 trillion supplemental appropriations bill commonly referred to as the American Rescue Plan, which funds are intended to provide additional federal resources for economic stimulus and recovery from the COVID-19 pandemic. As part of the \$362 billion in federal fiscal recovery aid allocated to state and local governments, \$65.1 billion was provided under ARPA direct aid to counties. On June 1, 2021, the Dallas County Commissioners Court accepted \$511,918,088 and authorized the use of such federal funds received through ARPA and the CARES Act Coronavirus Relief Fund via court order 2021-0573.

The final guidance (ARPA Final Rule) issued by the U.S. Department of the Treasury (Treasury), effective April 1, 2022, affirms the objectives stated in the Interim Final Rule that the allocation of ARPA Coronavirus State and Local Fiscal Recovery Funds (ARPA SLFR Funds) include improving

access to stable, affordable housing through interventions that improve housing security. The ARPA Final Rule provides that the following are eligible costs: responses to the negative economic impacts of the pandemic include "rent, mortgage, or utility assistance and counseling and legal aid to prevent homelessness." 31 CFR § 4360. This includes housing stability services that enable eligible households to maintain or obtain housing, such as housing counseling, fair housing counseling, case management related to housing stability, outreach to households at risk of eviction or promotion of housing support programs, housing related services for survivors of domestic abuse or human trafficking, and specialized services for individuals with disabilities, vulnerabilities and seniors that support their ability to access or maintain housing.

The City has a long-standing commitment to protect the health and safety of the homeless and housing insecure throughout the City through the provision of medical services, supportive services, job training, temporary and permanent housing and other emergent services. The County intends to utilize a portion of its allocation to fund regional projects and programs that assist disadvantaged and underserved communities through housing support and infrastructure improvements. The City and the County desire to continue collaborating to address the needs of the homeless and housing insecure to expand access to supportive services, and provide additional emergency, transitional or affordable housing throughout the City and County. As authorized by Chapter 791 of the Texas Government Code, the Interlocal Cooperation Act (the Act), the City and the County seek to enter into a regional partnership to leverage ARPA SLFR Funds and its respective resources to jointly operate facilities in the City to improve housing security and support durable and sustainable homeownership.

This item authorizes an interlocal agreement between the City and the County to establish a regional partnership for the City to accept \$10 million in county ARPA SLFR Funds for the redevelopment of 4150 Independence Drive, Dallas, Texas 75237 and to provide housing opportunities and supportive services for unsheltered youth (ages 18-24) with a focus on LGBTQIA+ youth at or below 30% Area Median Income. If the resolution is approved by City Council, the Dallas County Commissioners' Court will consider a "sister" item for approval, which is slated for consideration in August 2022. If approved by both the City and the County, the terms, conditions, and obligations will be used to draft the interlocal agreement to be executed by both parties.

Pursuant to an interlocal agreement, approved as to form by the City Attorney and consistent with the terms, conditions, and obligations (attached as **Exhibit A**), the City seeks to:

- A. Establish a Regional Partnership: As part of a proposed regional partnership between the City of Dallas and Dallas County, the City and County.
- B. Accept ARPA SLFR Funds from the County: The County will contribute funds from its allocated ARPA SLFR Funds to the City to permit the City to redevelop 4150 Independence Drive, Dallas, Texas 75237 (Property). The City shall be responsible for any cost overruns in excess of the County funding participation, subject to annual appropriation.
- C. Dedicate the Property for Specified uses: The City shall commit the Property to provide supportive services and housing for the homeless and housing insecure at or below thirty percent (30%) of the Area Median Income. The City shall administer the construction of the improvements at 4150 Independence Drive, Dallas, Texas 75237.
- D. Provide Housing Opportunities: Issue a solicitation to procure a vendor for the redevelopment

of 4150 Independence Drive, Dallas, Texas 75237 and to provide (via a separate solicitation to procure a vendor) housing support services.

- E. Provide Housing Opportunities for Homeless Youth: The City and County shall jointly develop and provide supportive services for unsheltered youth (ages 18-24) with a focus on LGBTQIA+ youth at or below thirty percent (30%) of the Area Median Income ("Target Populations"). Such direct supportive services will be funded, in part, with the ARPA SLFR Funds contributed by the County.
- F. Accept ARPA SLFR Funds from the County: The County will contribute funds from its allocated ARPA SLFR Funds to the City to permit the City to provide supportive services for the Target Populations. The City shall be responsible for any ongoing Program costs in excess of the County funding participation, subject to annual appropriation.

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

On May 12, 2022, The Citizen Homelessness Commission was briefed on this proposed regional partnership between the City and the County by the Office of Homeless Solutions.

The Homeless and Housing Solutions Committee was briefed on this proposed regional partnership between the City and the County by the Office of Homeless Solutions on May 23, 2022.

On June 2, 2022, the Dallas Area Partnership was briefed on this proposed regional partnership between the City and the County by the Office of Homeless Solutions.

### **FISCAL INFORMATION**

Financing: FY22 Dallas County ARPA Fund \$10,000,000.00

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**WHEREAS**, the City of Dallas (the “City”) recognizes the importance of, and seeks to establish as a public purpose, the creation and maintenance of emergency, transitional and affordable housing, improving housing security, and providing supportive services to the homeless and housing insecure; and

**WHEREAS**, the 2019 Novel Coronavirus (“COVID-19”) pandemic was declared a public health emergency in the United States in January 2020; and

**WHEREAS**, on March 11, 2021, President Biden signed into law H.R. 1319, a \$1.9 trillion supplemental appropriations bill commonly referred to as the American Rescue Plan Act, (ARPA) to provide additional federal resources for economic stimulus and recovery from the public health and economic impacts of the COVID-19 pandemic; and

**WHEREAS**, as part of the \$362 billion in federal fiscal recovery aid allocated to state and local governments, \$65.1 billion was provided under ARPA direct aid to counties, on June 1, 2021, the Dallas County Commissioners Court accepted and authorized the use of federal funds received by Dallas County (the “County”) through ARPA and the CARES Act Coronavirus Relief Fund in the amount of \$511,918,088 via court order 2021-0573; and

**WHEREAS**, the County intends to utilize a portion of its allocation to fund regional projects and programs that assist disadvantaged and underserved communities through housing support and infrastructure improvements; and

**WHEREAS**, the U.S. Department of Treasury, via the Final Rule issued January 2022 (“ARPA Treasury Guidance”) regarding the use of ARPA State and Local Fiscal Recovery funds (“ARPA SLFR Funds”), encourages recipients to consider regional initiatives, including partnering with other ARPA recipients, to augment efforts or create cooperative spending plans to enhance the structural financial condition of a community or region; and

**WHEREAS**, ARPA Treasury Guidance affirms the objectives stated in the Interim Final Rule that the allocation of ARPA SLFR Funds to improve access to stable, affordable housing, including through interventions that: (i) increase the supply of affordable housing and high-quality living units; (ii) improve housing security; and (iii) support durable and sustainable homeownership; and

**WHEREAS**, ARPA Treasury Guidance provides that the following are eligible costs: responses to the negative economic impacts of the pandemic include “rent, mortgage, or utility assistance and counseling and legal aid to prevent homelessness,” including housing stability services that enable eligible households to maintain or obtain housing,

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such as housing counseling, fair housing counseling, case management related to housing stability, outreach to households at risk of eviction or promotion of housing support programs that support the ability of vulnerable populations to access or maintain housing; and

**WHEREAS**, the City has a long-standing commitment to protect the health and safety of Dallas's homeless and housing insecure through medical services, supportive services, job training, temporary and permanent housing and other emergent services; and

**WHEREAS**, the City of Dallas ("City") is the owner of that certain tract of land improved with a former Townhouse Suites hotel located in the City of Dallas, Dallas County, Texas which is commonly known as 4150 Independence Drive (the "Property"); and

**WHEREAS**, the City and the County desire to address the needs of the unsheltered via redevelopment of the Property and establish a program (via a separate competitive bid process) to support unsheltered youth (ages 18-24) with housing opportunities and supportive services with a focus on LGBTQIA+ youth, both populations being at or below thirty percent (30%) of the Area Median Income (collectively, the "Target Populations") to expand access to supportive services and provide additional supportive services and housing for the homeless and housing insecure throughout the City and County; and

**WHEREAS**, Chapter 791 of the Texas Government Code, the Interlocal Cooperation Act (the "Act") provides authorization for local governments to contract with each other for the performance of governmental functions and services, and

**WHEREAS**, the City and the County seek to enter into an interlocal agreement, approved as to form by the City Attorney, consistent with the terms set forth in **Exhibit A** attached hereto and incorporated by reference, to establish a regional initiative under which the County will provide the City with an allocation not to exceed \$10,000,000.00 dollars of ARPA SLFR Funds to enable the City to redevelop the Property to serve the region's need for supportive housing and services for those experiencing homelessness or housing insecurity; and

**WHEREAS**, more specifically, the Property, which currently consists of 108 hotel units, will be redeveloped by the City to develop, construct, use, operate, and maintain emergency, transitional or affordable housing, increase housing stability and provide supportive services for individuals at or below thirty percent (30%) of the Area Median Income, who are experiencing homelessness or housing insecurity, with programs such as workforce and job training, affordable and supportive housing, financial education; and

**WHEREAS**, the City and the County seek to also provide supportive housing opportunities for the Target Populations; and

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**WHEREAS**, the City will be the lead agency for the Property redevelopment, including taking lead in all public solicitations to solicit one or more proposals needed for the redevelopment of and construction of improvements at the Property; and

**WHEREAS**, the City shall be responsible for any cost overruns in excess of the County funding participation, subject to annual appropriation.

**Now, Therefore,**

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

**SECTION 1.** That the City hereby identifies the lack of supportive housing within the City and the surrounding region.

**SECTION 2.** That the City hereby establishes as a public purpose the creation and maintenance of supportive housing, improving housing security, and providing supportive services to the homeless and housing insecure for youth (18-24), including lesbian, gay, bisexual, transgender, queer, questioning, intersex, and asexual/agender (“LGBTQIA+”) youth and the larger unsheltered and/or unstably housed population at or below 30% Area Median Income (collectively, the “Target Populations”), within the City of Dallas and Dallas County (the “public purpose”).

**SECTION 3.** That the City Manager is hereby authorized to work with the County Administrator to establish a regional partnership to provide housing opportunities for the Target Populations to serve the public purpose.

**SECTION 4.** That the City Manager is hereby authorized to execute an interlocal agreement with Dallas County, approved as to form by the City Attorney (“interlocal agreement”), to accept funds in an amount not to exceed \$10,000,000 for the period of September 1, 2022 to August 30, 2024 and includes the special terms, conditions and obligations consistent with those set forth in **Exhibit A**, which is incorporated herein, as follows:

- (a) Dallas County will contribute up to \$10,000,000 of its allocated ARPA State and Local Fiscal Recovery (“ARPA SLFR Funds”) to the City to help finance redevelopment of 4150 Independence Drive (the “Property”);
- (b) The City shall commit the Property to provide supportive services and housing for individuals at thirty percent (30%) of the Area Median Income who are homeless or housing insecure;

June 22, 2022

- (c) The City will procure a contractor for the redevelopment of and construction of improvements at the Property. The City shall administer the redevelopment and construction of the improvements at 4150 Independence Drive, Dallas, Texas 75237. The City shall be responsible for any cost overruns in excess of the County funding participation, subject to annual appropriation;
- (d) The City will procure a contractor to provide supportive housing services for the Target Populations in accordance with an authorized public purpose, the interlocal agreement, and ARPA Treasury Guidance;
- (e) The City and County shall jointly develop and provide supportive services for the Target Populations. Such direct supportive services will be funded, in part, with the ARPA SLFR Funds contributed by the County. The City shall be responsible for any ongoing Program costs in excess of the County funding participation, subject to annual appropriation.

**SECTION 5.** That, upon execution of the interlocal agreement, the City Manager is authorized to initiate redevelopment of the Property by procuring a contractor.

**SECTION 6.** That the City Manager is hereby authorized to reimburse to the County or the Treasury any expenditures identified as ineligible. That the City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than thirty (30) days after the reimbursement. Further, that the City Manager shall keep the appropriate City Council Committee informed of all final audit reports to the County or the Treasury not later than thirty (30) days after the receipt of the report.

**SECTION 7.** That the City Manager is hereby authorized to make changes to receipt of funds in accordance with ARPA Treasury Guidance and to provide additional information, make adjustments, and take other actions relating to the funds as may be necessary to satisfy County or Treasury requirements.

**SECTION 8.** That the Chief Financial Officer is hereby authorized to receive and deposit from Dallas County funds in the amount not to exceed \$10,000,000.00, upon receipt of a fully executed interlocal agreement in an amount not to exceed \$10,000,000.00 in the FY22 Dallas County ARPA Fund, Fund FC30, Department MGT-OHS, Unit 935G, Dallas County FY22 Fund, RSC 6506.

**SECTION 9.** That the interlocal agreement with Dallas County is designated as Contract No. OHS-2022-00019345.

June 22, 2022

**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**

### **City of Dallas and County of Dallas 4150 Independence Drive and Homeless Youth Program Interlocal Agreement - Key Terms, Conditions and Obligations**

City Council and the County Commissioners Court seek to enter into an Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code (the “interlocal agreement”) in connection with the redevelopment of certain City-owned property located at 4150 Independence Drive (the “Project”) and a partnership to provide for housing opportunities for unsheltered youth (ages 18-24) with a focus on LGBTQIA+ (the “Program”). This exhibit outlines key terms, conditions and obligations of the City and the County to be included in the interlocal agreement.

#### **A. Background**

In 2019 the Novel Coronavirus (“COVID-19”) pandemic was declared a public health emergency in the United States in January 2020, in responding to the public health emergency and its negative economic impacts, State, local, and Tribal governments experienced substantial increases in costs to provide services, often amid substantial declines in revenue due to the economic downturn and changing economic patterns during the pandemic.

On March 11, 2021, President Biden signed into law H.R. 1319, a \$1.9 trillion supplemental appropriations bill commonly referred to as the American Rescue Plan, which funds are intended to provide additional federal resources for economic stimulus and recovery from the COVID-19 pandemic. Included in ARPA is \$350 billion for fiscal assistance to state, local, and tribal governments, with funds for municipalities distributed based on a modified Community Development Block Grant to build on and expand the support provided to these governments over the last year to respond to the negative economic impacts of the COVID-19 pandemic.

ARPA Treasury guidance provides that the following are eligible cost: responses to the negative economic impacts of the pandemic include “rent, mortgage, or utility assistance and counseling and legal aid to prevent homelessness.” This includes housing stability services that enable eligible households to maintain or obtain housing, such as housing counseling, fair housing counseling, case management related to housing stability, outreach to households at risk of eviction or promotion of housing support programs, housing related services for survivors of domestic abuse or human trafficking, and specialized services for individuals with disabilities, vulnerabilities and seniors that support their ability to access or maintain housing.

#### **B. Parties**

City of Dallas, a Texas municipal corporation primarily located in Dallas County, and Dallas County, a political subdivision of the State of Texas (individually, a “party”, and collectively, the “parties”).

### **C.     Redevelopment Project**

The parties commit to continue the regional partnership between the parties to commit public resources to redevelop the Property for the City and County homeless, unsheltered or unstably housed at or below thirty percent (30%) of the Area Median Income (the “Project”), towards which the County will contribute approximately \$6,500,000 from ARPA SLFR Funds allocated to the County for the Project. While the initial estimated cost for the Project is \$6,500,000, the County’s total contribution to the Project and Program costs shall not exceed \$10,000,000 (the “Funds” or the “County funding participation”). The Project is further described below:

#### **4150 Independence Drive**

- City of Dallas Council District 8
- Dallas County Commissioner District 4
- 108 units

#### **Use**

- Affordable and supportive housing

#### **City’s Role**

- Procure for the design and construction, and administration of the construction improvements of the Property
- Provide On-site, wrap around services tailored to the program and/or property residents, including the Target Populations, per the scope of work co-developed by the City and County

#### **County’s Role**

- Contribute approximately \$6,500,000 to redevelop 4150 Independence Drive property
- Provide input regarding the specifications for the procurement and administration of the construction improvements

### **D.     Homeless Youth Program**

The parties commit to provide housing and supportive services to homeless, unsheltered or unstably housed and co-develop a program for unsheltered youth, with a focus on LGBTQIA+ youth at or below thirty percent (30%) of the Area Median Income (collectively, the “Target Populations”) through increased supportive housing and services (the “Program”), towards which the County will contribute the remaining balance of the Funds (approximately \$3,500,000) for both the Project and the Program. While the initial estimated available funds for the Program is \$3,500,000, the County’s contribution to the Project and Program costs shall not exceed the County participation level. The Program requires (i) the City to partner with the County to provide funding for supportive housing and services via solicitation to procure a vendor, which the City will oversee, in service to

the unsheltered youth portion of the Target Populations in furtherance of the public purpose; and (ii) cooperate in furtherance of such public purpose.

#### Supportive Services

- Eligible services may include but are not limited to case management, on-site supportive services, and/ or supportive housing
- Workforce training, including a focus on construction services industry
- Financial education
- Violence interrupters

#### City's Role

- Support homeless, unsheltered or unstably housed youth at or below 30% of the Area Median Income by providing housing and supportive services to regional urban areas that have populations of 285,500 or more
- Co-develop specifications for procurement documents to manage the property and/or provide supportive services with County and community input
- Include programming through partnerships with the County and local organizations, which could include supportive service opportunities mentioned in the use description
- Have a preference for local vendors and a strong racial equity lens for both the awarded vendor(s) and programmatic proposal(s)
- Provide opportunities for second chance programs/apprenticeships to engage with site development and/or operations
- Provide on-site, wrap around services tailored to the program and/or property residents, per the scope co-developed by the City and County, via extensive engagement with the local community

#### County's Role

- Contribute approximately \$3,500,000 to provide direct supportive services to the Target Populations for the Program
- Provide input regarding the specifications for the solicitation to procure a vendor
- Inform the City of its obligations as a subrecipient pursuant to the final guidance issued by the U.S. Department of the Treasury, as may be amended

### **E. Interlocal Agreement Terms, Conditions and Obligations**

The salient terms of the interlocal agreement between the parties to redevelop the Property and provide supportive housing and services for the Target Population. The parties shall declare it a public purpose in furtherance of a regional partnership to commit public resources to serve the needs of the City and County homeless population at or below thirty percent (30%) of the Area Median Income, including youth (18 – 24 years of age) with a focus on LGBTQIA+, including supportive services, and ongoing cooperation in furtherance of such public purpose.

- The City shall commit the Property for redevelopment to provide supportive

- services and housing.
- The City shall commit to working with the County to develop specifications for the Program, a solicitation to procure a vendor.
  - The City shall develop and execute a solicitation to procure a vendor to provide housing opportunities for homeless, unsheltered or the unstably housed, including the Target Populations.
  - The County shall provide \$10,000,000 of County ARPA SLFR funds to the Project and the Program. An initial estimate for the Project is \$6,500,000; accordingly, an initial estimate for the Program is \$3,500,000.
  - The City shall be responsible for any Project cost overruns in excess of the County funding participation, subject to annual appropriation, as described in the interlocal agreement.
  - The City shall be responsible for any ongoing Program costs in excess of the County funding participation, subject to annual appropriation, as described in the interlocal agreement.
  - Such other terms and conditions as the parties agree are necessary, convenient or appropriate to serve the public purpose in compliance with Chapter 272 of the Texas Local Government Code.

### **1. Timing**

Time is of the essence, and the City's ability to timely perform is a material inducement to the County. The City understands and agrees that delays in completion of the Project that require subsequent County Commissioners' action may result in further long-term delays. Upon acceptance of these terms, a progress report from the City of Dallas and Dallas County for this Project will be scheduled. Scheduling of these meetings for the Project is yet to be determined. The City of Dallas determines the scheduling of the City.

### **2. Liability**

The County and the City, including their respective employees, elected officials, agents, and subcontractors, agree that each shall be responsible for its own negligent acts or omissions or other tortious conduct in the course of performance of this Agreement, without waiving any sovereign immunity, governmental immunity, or defenses available to County or City under Texas and other applicable laws. The County and City agree that any liability or damages occurring during the performance of the interlocal agreement caused by the joint or comparative negligence of the Parties, or their employees, elected officers, agents, or subcontractors, shall be determined in accordance with comparative responsibility laws of Texas. Nothing in this section shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.

### **3. Conflict of Interest**

No City or County official or employee shall have any financial interest, direct or indirect, in any contract with the City or County, or be financially interested, directly or indirectly. Moreover, within one year after the termination of the agreement, a City or County official

or employees' duties, a former city or county official or employee shall not have any financial interest, direct or indirect, in any discretionary contract with the City or the County.

#### **4. Public Information**

The City and the County understand and agree that each party must comply with Texas Government Code, Chapter 552, commonly referred to as the Texas Public Information Act ("TPIA") as interpreted by judicial ruling and opinions of the Attorney General of the State of Texas when responding to records requests made under the TPIA. Nothing in this Agreement shall require either party to fund, reimburse, institute or participate in any litigation relating to a request for information that the other party considers to be confidential. The Parties agree to comply with the TPIA, a subpoena, court order, search warrant, or other legal process.

#### **5. Government Funded Project**

For any portion of the interlocal agreement funded by either the State of Texas or the federal government, the parties agree to timely comply without additional cost or expense to the other party, unless otherwise specified herein, to any statute, rule, regulation, grant, contract provision, or other state or federal law, rule, regulation, or other similar restriction that imposes additional or greater requirements than stated herein and that is directly applicable to the services rendered under the terms of the interlocal agreement.

#### **6. Fiscal Funding Clause**

Notwithstanding any provisions contained in interlocal agreement, each party's obligations are expressly contingent upon the availability of funding for each item and obligation for the term of the interlocal agreement and any pertinent extensions. Neither party shall have a right of action against the other party in the event such party is unable to fulfill its obligations under the interlocal agreement as a result of lack of sufficient funding for any item or obligation from any source utilized to fund the interlocal agreement or failure to budget or authorize funding for the interlocal agreement during the current or future fiscal years. In the event that a party is unable to fulfill its obligations under the interlocal agreement as a result of lack of sufficient funding, or if funds become unavailable, a party, at its sole discretion, may provide funds from a separate source or may terminate the interlocal agreement by written notice to the other party at the earliest possible time prior to the end of its fiscal year.

#### **7. Sovereign Immunity**

The interlocal agreement is expressly made subject to the City's governmental immunity and the County's sovereign immunity, including, without limitation, Title 5 of the Texas Civil Practice and Remedies Code and all applicable state and federal laws. The Parties expressly agree that no provision of the interlocal agreement is in any way intended to constitute a waiver of any immunities from suit or from liability or a waiver of any tort

limitation that City or County has by operation of law or otherwise. Nothing in the interlocal agreement is intended to benefit any third-party beneficiary.

#### **8. Compliance with Laws**

In providing services required by the interlocal agreement, each party shall observe and comply with all licenses, legal certifications, or inspections required for the services, facilities, equipment, or materials and all applicable federal, state, and local statutes, ordinances, rules, and regulations.

#### **9. Assignment**

Neither party may transfer or assign its interest in the interlocal agreement without prior written consent of the non-assigning party except as provided herein. Each party's approval to transfer or assign such party's interest in the interlocal agreement is subject to formal approval by its respective governing body.

#### **10. City Council; County Commissioners Court**

Each party acknowledges and agrees that deadlines and additional conditions may be imposed by the governing body of such party and, once established, with the exception of the provisions shall require further action of such governing body to modify such deadlines and additional conditions. With the exception of the provisions set forth in the interlocal agreement, each party understands and agrees that any change in the scope, or timing of the Project is subject to the approval of the governing body of each party. Each party's commitments to the Project are likely to be re-evaluated at that time if Project completion is delayed or if the scope of the Project is reduced in any manner.

#### **11. Default and Right to Cure**

If either party is found to be in default of this agreement, such party shall have 90 days after written notice to cure default.



## Agenda Information Sheet

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**File #:** 22-1424

**Item #:** 79.

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**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize **(1)** an increase in appropriations in an amount not to exceed \$470,000.00 in the Operating Carryover Fund from General Fund Contingency Reserve; and **(2)** a transfer in an amount not to exceed \$470,000.00 from General Fund Contingency Reserve to the Operating Carryover Fund for the management of a diverse forestry canopy including preventative and reactive maintenance - Not to exceed \$470,000.00 - Financing: Operating Carryover Fund and General Fund Contingency Reserve (See Fiscal Information)

### **BACKGROUND**

The City of Dallas owns approximately 35,000 acres of open space and provides regulatory oversight of private and public urban forestry canopies. Management of a diverse forestry canopy includes preventative and reactive maintenance including but not limited to inventories, assessments, plantings, pruning, treatments, and removals.

In cooperation with, the Texas A&M Forest Services (TFS) and Texas Department of Agriculture (TDA), the City has been tracking and monitoring the emerald ash borer (EAB) infestation in Texas and surrounding counties since the mid-2000s. EAB is a significant threat to urban, suburban, and rural forests as it kills both stressed and healthy ash trees. The EAB is a destructive, non native, wood boring, pest of ash trees. Native to Asia, the emerald ash borer beetle (EAB) was unknown in North America until its discovery in southeast Michigan in 2002. All native ash species are susceptible to attack. Ash trees with low population densities of EAB often have few or no external symptoms of infestation. EAB is very aggressive and ash trees may die within two or three years after they become infested.

On May 18, 2022, TFS notified the City of the confirmed presence of the Emerald Ash Borer (EAB) within Dallas city limits and western Dallas County. According to TFS, ash trees are 5% of the Dallas/Fort Worth urban forest. The TFS and TDA have initiated their EAB Action Plan. As part of their efforts, Dallas County will join Denton, Parker, and Tarrant Counties in its quarantine status. This quarantine is mandated by the State through the Texas Department of Agriculture. During this

quarantine the moving of ash wood, wood waste, and hardwood firewood products from within Dallas County to other non-quarantined counties is prohibited.

The City is committed to slowing the mortality (SLAM) of the ash trees from the effects of EAB. As part of the City's EAB Action Plan and in response to the presence of EAB, staff will: assess ash trees on public property; treatment of significant ash trees (i.e., 24" or larger in diameter, in good condition and large groves of ash trees) will be occurring; and infected ash trees and damaged ash trees that pose safety issues will be removed. Staff will also increase public awareness and outreach for both residential and business communities.

This action will dedicate \$470,000 funding from the contingency reserves for the City to perform treatment and removals, as warranted, for the remainder of FY22 and FY23. As conditions evolve, additional resources may be necessary but will be addressed in the future, subject to appropriations.

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

The Environmental & Sustainability Committee was briefed on Emerald Ash Borer - Challenge to the Dallas Urban Forest on February 1, 2021.

The Environmental & Sustainability Committee was briefed by memorandum regarding Emerald Ash Borer Update on May 3, 2021.

The Environmental & Sustainability Committee was briefed on Urban Forestry Updates on April 4, 2022.

City Council was brief by memorandum regarding the Urban Forestry Update on April 22, 2022.

City Council was brief by memorandum regarding the City Forestry Task Force - Update of the Emerald Ash Borer on May 13, 2022.

City Council was briefed by memorandum regarding the City Forestry Task Force - Follow Up of the Emerald Ash Borer on May 18, 2022.

The Environmental & Sustainability Committee was briefed on the Emerald Ash Borer Update on June 6, 2022.

### **FISCAL INFORMATION**

Fund	FY 2022	FY 2023	Future Years
Operating Carryover Fund	\$150,000.00	\$320,000.00	\$0.00

Funding will include transfers from General Fund Contingency Reserve



June 22, 2022

**WHEREAS**, the City owns approximately 35,000 acres of open space and provides regulatory oversight of private and public urban forestry canopies; and

**WHEREAS**, the City desires to preserve urban forestry canopies wherever possible; and

**WHEREAS**, the City is committed to slowing the mortality of ash trees from the effects of the Emerald Ash Borer; and

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$470,000.00 in the Operating Carryover Fund, Fund 0733, Department BMS, Unit TBD, Object 3099.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed \$470,000.00 from General Fund Contingency, Fund 0001, Department NBG, Unit 1000, Revenue Code RTRF to the Operating Carryover Fund, Fund 0733, Department BMS, Unit TBD, Revenue Code 9229; and a clearing entry, in the same amount to Fund 0001, Department BMS, Balance Sheet Account 0950 (Credit) and to Fund 0001, Department BMS, Balance Sheet Account 0991 (Debit).

**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.



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1341

**Item #:** Z1.

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**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 5  
**DEPARTMENT:** Department of Planning and Urban Design  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay on the west line of Pleasant Drive, north of the intersection of Pleasant Drive and C.F. Hawn Freeway with consideration for a Specific Use Permit for an office showroom/warehouse and an ordinance granting a Specific Use Permit for an office showroom/warehouse

Recommendation of Staff: Approval of a Specific Use Permit for an office showroom/warehouse for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions, in lieu of a new subdistrict within Subdistrict 1 of Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2

Recommendation of CPC: Approval of a Specific Use Permit for an office showroom/warehouse for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions, in lieu of a new subdistrict within Subdistrict 1 of Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2

Z212-130(RM)

**FILE NUMBER:** Z212-130(RM) **DATE FILED:** November 8, 2021

**LOCATION:** West line of Pleasant Drive, north of the intersection of Pleasant Drive and C.F. Hawn Freeway

**COUNCIL DISTRICT:** 5

**SIZE OF REQUEST:** Approx. 2.03 acres **CENSUS TRACT:** 116.02

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**REPRESENTATIVE:** Rob Baldwin, Baldwin Planning

**OWNER:** Sharon Whatley

**APPLICANT:** Plummer Development Company, LLC

**REQUEST:** An application for a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay with consideration for a Specific Use Permit for an office showroom/warehouse.

**SUMMARY:** The purpose of the request is to allow modified development standards primarily related to permitted uses and setbacks to develop the site with an office showroom/warehouse use.

**CPC RECOMMENDATION:** **Approval** of a Specific Use Permit for an office showroom/warehouse for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions, in lieu of a new subdistrict within Subdistrict 1 of Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2.

**STAFF RECOMMENDATION:** **Approval** of a Specific Use Permit for an office showroom/warehouse for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions, in lieu of a new subdistrict within Subdistrict 1 of Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2.

**PD No. 534:** <https://dallascityhall.com/departments/city-attorney/Articles/PDF/Article%20534.pdf>

**PD No. 534 Exhibits:** <https://dallascityhall.com/departments/city-attorney/Pages/articles-data.aspx>

## **BACKGROUND INFORMATION:**

- The area of request is currently zoned Subdistrict 1 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2. The site is currently undeveloped. The applicant proposes to develop the site with an office showroom/warehouse use.
- Currently, Subdistrict 1 of PD No. 534 allows an office showroom/warehouse by Specific Use Permit only. With the proposed subdistrict, the applicant proposes to allow this use by right.
- The applicant also proposes modified development standards primarily related to permitted uses and setbacks, as well as standards for street-facing facades in the proposed subdistrict.
- On April 21, 2022, the City Plan Commission held this item under advisement to May 19, 2022 with instructions to staff to advertise for a Specific Use Permit for an office showroom/warehouse. The request now includes consideration of an SUP for an office showroom/warehouse. The applicant has submitted an SUP site plan and conditions in line with this consideration.

## **Zoning History:**

There have been eight zoning cases in the area in the last five years.

1. **Z189-203:** On June 26, 2019, City Council approved Specific Use Permit No. 2340 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of Great Trinity Way, west of Murdock road.
2. **Z201-195:** On August 11, 2021, City Council approved the renewal of Specific Use Permit No. 2340 for an additional five-year period.
3. **Z189-211:** On June 12, 2019, City Council approved the renewal of Specific Use Permit No. 2339 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for an additional two-year period with eligibility for automatic renewal for additional two-year periods on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay at the northeast corner of Murdock Road and Elkton Circle, southwest of C.F. Hawn Freeway.
4. **Z201-185:** On June 12, 2021, an automatic renewal of Specific Use Permit No. 2339 was approved by staff for an additional two-year period.

5. **Z190-138:** On April 11, 2020, an automatic renewal of Specific Use Permit No. 2286 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less was approved by staff for an additional five-year period with eligibility for automatic renewal for additional five-year periods on property zoned Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1, at the west corner of C.F. Hawn Freeway and Great Trinity Forest Way.
6. **Z190-165:** On August 12, 2020, City Council approved Specific Use Permit No. 2385 for a vehicle display, sales, and service use for a two-year period on property zoned Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1, with a D-1 Liquor Control Overlay at the northwest corner of South Buckner Boulevard and C.F. Hawn Freeway.
7. **Z190-301:** On June 9, 2021, City Council approved the renewal of Specific Use Permit No. 2118 for a vehicle display, sales, and service use for a three-year period on property zoned Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay on the south line of C.F. Hawn Service Road, east of Murdock Road.
8. **Z201-168:** On June 12, 2021, an automatic renewal of Specific Use Permit No. 2337 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less was approved by staff for an additional two-year period with eligibility for automatic renewal for additional two-year periods on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay at the southwest corner of Great Trinity Forest Way and Murdock Road.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing/Proposed ROW
C.F. Hawn Freeway	Highway	-
Pleasant Drive	Local Street	-

**Traffic:**

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

Staff's objection to the applicant's request is largely procedural in nature and not necessarily related to long-range planning goals. However, the request may be considered inconsistent with the following land use goals and policies of the Comprehensive Plan marked with an asterisk (\*). The request may be considered consistent with the following land use goals and policies not marked with an asterisk.

**LAND USE ELEMENT**

**GOAL 1.1** ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

**Policy 1.1.2** Focus on Southern Sector development opportunities.

**GOAL 1.2** PROMOTE DESIRED DEVELOPMENT

**Policy 1.1.2** Establish clear standards for land use planning. \*

**1.2.2.1** Develop clear criteria for making land use planning decisions. Standards are clear when they are easily understood and use language that has unambiguous meaning. \*

**ECONOMIC ELEMENT**

**GOAL 2.1** PROMOTE BALANCED GROWTH

**Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.

**Policy 2.1.3** Support efforts to grow retail and residential opportunities in the Southern Sector.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	Subdistrict 1 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay	Undeveloped
<b>North</b>	IM-D-1 Industrial/Manufacturing District with a D-1 Liquor Control Overlay	Auto service center, vehicle or engine repair or maintenance, warehouse
<b>East</b>	IM-D Industrial/Manufacturing District with a D Liquor Control Overlay	Undeveloped
<b>South</b>	Subdistrict 1 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay	Single family, multifamily, general merchandise or food store 3,500 square feet or less, personal service use
<b>West</b>	RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay with SUP 2337, 2239, and 2340	Church, general merchandise or food store 3,500 square feet or less

**Land Use Compatibility:**

The area of request abuts auto service center, vehicle or engine repair or maintenance, and warehouse uses to the north. To the south at the hard corner of C.F. Hawn Freeway and Pleasant Drive are single family, multifamily, retail, and personal service uses. West of the request area across C.F. Hawn Freeway are church and retail uses. In terms of land use compatibility, staff has no objection to the applicant's requested land use.

The request area is currently zoned Subdistrict 1 within PD No. 534, the C.F. Hawn Special Purpose District No. 2. After an authorized hearing process, this PD was established by Ordinance No. 23987 on August 25, 1999. At the time PD No. 534 was established, it was determined that office showroom/warehouse is an appropriate use in Subdistrict 1, provided the use is permitted by Specific Use Permit only.

With this request, the applicant proposes to create a new subdistrict and permit office showroom/warehouse by right. In addition, they propose to prohibit vehicle or engine repair or maintenance and auto service center as main uses. They also propose to prohibit accessory community center (private), accessory medical/infectious waste incinerator, accessory pathological waste incinerator, home occupation, and private stable as accessory uses.

Currently, Subdistrict 1 refers to the yard, lot, and space regulations of the LI Light Industrial District. While the applicant proposes to largely retain these regulations for the proposed subdistrict, they propose to reduce the minimum front yard setback on Pleasant Drive to 10 feet. Typically, a 15-foot front yard setback would be required here.

Lastly, the applicant proposes the following standards for street-facing facades in the proposed subdistrict:

- Maximum blank wall is 30 feet.
- Flat roofs are prohibited.
- The street facing facades of all buildings other than accessory buildings must be visually divided by providing a base. The base must be at least two feet above grade and distinguished from the remainder of the street facing facade by a change of materials, horizontal banding, change of color, or change of plane.

Staff has no objection to the applicant's proposal to restrict certain main and accessory uses, to reduce the minimum front yard setback on Pleasant Drive, or to provide standards for street-facing facades. However, staff does not support the applicant's proposal to permit office showroom/warehouse by right rather than by SUP and does not assess the overall proposal as substantial enough to warrant a new subdistrict when the existing subdistrict already allows the proposed use by SUP.

In addition, the request now includes consideration of a Specific Use Permit for an office showroom/warehouse. This consideration is in line with the current requirements of Subdistrict 1 within PD No. 534, which staff recommends maintaining. The applicant has submitted an SUP site plan and conditions that meet these current requirements.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code 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.



Staff recommends these standards for evaluating an SUP request continue to be applied to the requested land use in order to monitor compatibility and suitability of the use moving forward, especially in this area where there is already a heavy proliferation of similar heavy commercial and industrial uses. Staff also recommends continuing to permit the use by SUP because this was the intent when this special purpose district was established by authorized hearing. Staff supports the applicant's revised request for an SUP as well as the proposed time limit of ten years with eligibility for automatic renewal for additional ten-year periods. This time limit will allow continued monitoring of the site in the future.

**Landscaping:**

Landscaping will be provided in accordance with the landscaping requirements in PD No. 534. The applicant does not propose to modify existing landscaping requirements in the proposed subdistrict.

**Parking:**

Parking regulations in PD No. 534 refer to the standard requirements in Section 51A-4.200. The applicant does not propose to modify existing parking requirements in the proposed subdistrict.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is not currently within an MVA cluster. South and southwest of the request area are "H" and "G" MVA clusters, respectively. To the northwest is an "I" MVA cluster.

**List of Officers**

Plummer Development Company, LLC

Casey Plummer, Manager

CPC ACTION  
May 19, 2022

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an office showroom/warehouse for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions on property zoned Subdistrict 1 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay, on the west line of Pleasant Drive, north of the intersection of Pleasant Drive and C.F. Hawn Freeway, in lieu of a new subdistrict within Subdistrict 1 of Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2.

Maker: Shidid  
Second: Hampton  
Result: Carried: 10 to 0

For: 10 - Popken, Hampton, Anderson, Shidid,  
Carpenter, Blair, Housewright, Standard,  
Kingston, Rubin

Against: 0  
Absent: 4 - Vann, Jung, Gibson, Haqq  
Vacancy: 1 - District 3

**Notices:** Area: 500 Mailed: 50  
**Replies:** For: 0 Against: 0

**Speakers:** For: Rob Baldwin, 3904 Elm Street, Dallas TX 75226  
Against: None

**APPLICANT'S INITIAL PD CONDITIONS**

**ARTICLE 534.**

**PD 534.**

**C.F. Hawn Special Purpose District No. 2**

**SEC. 51P-534.101. LEGISLATIVE HISTORY.**

PD 534 was established by Ordinance No. 23987, passed by the Dallas City Council on August 25, 1999. Ordinance No. 23987 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. (Ord. Nos. 19455; 23987; 25164)

**SEC. 51P-534.102. PROPERTY LOCATION AND SIZE.**

PD 534 is established on property generally located on both sides of C.F. Hawn Freeway (U.S. Highway 175) between Buckner Boulevard and the T. & N. O. Railroad. The size of PD 534 is approximately 117.00 acres. (Ord. Nos. 23987; 25164)

**SEC. 51P-534.103. DEFINITIONS.**

Unless otherwise stated, the definitions in Chapter 51A apply to this article. In this article:

(1) **FULL CUT-OFF LIGHT FIXTURE** means a light fixture that does not emit light above the fixture's horizontal angle. Full cut-off fixtures direct light down to the ground.

(2) **PARKWAY** means that portion of the street right-of-way located between the street curb and the front lot line.

(3) **SUBDISTRICT** means one of the subdistricts referred to in Section 51P-534.106 of this article.

(4) **THIS DISTRICT** means the entire planned development district created by Ordinance No. 23987. (Ord. Nos. 23987; 25164)

**SEC. 51P-534.104. INTERPRETATIONS.**

(a) Unless otherwise stated, all code references are to CHAPTER 51A.

(b) The provisions of Section 51A-4.702, “Planned Development (PD) District Regulations,” relating to site plans, conceptual plans, and development plans do not apply to this district.

(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 *[L]* appearing after a listed use means that the use is permitted by right as a limited use only.

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. (“DIR” means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800.)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. (“RAR” means “residential adjacency review.” For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(e) This district is considered to be a nonresidential zoning district. (Ord. Nos. 23987; 25164)

#### **SEC. 51P-534.105. EXHIBITS.**

The following exhibits are incorporated into this article:

(1) Exhibit 534A: subdistrict boundary descriptions.

(2) Exhibit 534B: subdistrict map. (Ord. Nos. 23987; 25164; 28694)

#### **SEC. 51P-534.106. CREATION OF SEPARATE SUBDISTRICTS.**

This district is divided into four subdistricts: Subdistricts 1, 1A, 2, 2A, and 3. The boundaries of all subdistricts are verbally described in Exhibit 534A. A map showing the boundaries of the various subdistricts is Exhibit 534B. In the event of a conflict, the verbal

descriptions in Exhibit 534A control over the graphic description in Exhibit 534B.” (Ord. Nos. 23987; 25164; 28694)

**SEC. 51P-534.107. MAIN USES PERMITTED.**

(a) Subdistricts 1, 1 and 3 (Light Industrial Subdistricts).

(1) Agricultural uses.

-- None permitted.

(2) Commercial and business service uses.

-- Building repair and maintenance shop. [SUP]  
-- Bus or rail transit vehicle maintenance or storage facility. [RAR]  
-- Catering service.  
-- Commercial cleaning or laundry plant. [RAR]  
-- Custom business services.  
-- Custom woodworking, furniture construction, or repair.

-- Electronics service center.

-- Job or lithographic printing. [RAR]

-- Labor hall. [By right when located at least 1000 feet from all conforming residential uses and 500 feet from all “public school” uses; otherwise, by SUP.]

-- Machine or welding shop. [SUP]

-- Machinery, heavy equipment, or truck sales and services. [SUP]

-- Medical or scientific laboratory. [SUP]

-- Technical school.

-- Tool or equipment rental. [SUP]

-- Vehicle or engine repair or maintenance. [SUP] Prohibited in

Subdistrict 1.

(3) Industrial uses.

-- Industrial (inside).

-- Industrial (inside) for light manufacturing.

-- Industrial (outside). [By SUP if “potentially incompatible” (See Subsection (a) of Section 51A-4.203); otherwise, by right with RAR required.]

-- Metal salvage facility. [SUP]

-- Outside salvage or reclamation. [SUP]

(4) Institutional and community service uses.

-- Adult day care facility.

-- Child-care facility.

- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Hospital. [SUP]
- Public or private school. [SUP]
- (5) Lodging uses.
  - Hotel or motel. [SUP]
- (6) Miscellaneous uses.
  - Carnival or circus (temporary). [By special authorization of the building official.]
  - Temporary construction or sales office.
- (7) Office uses.
  - Financial institution without drive-in window.
  - Financial institution with drive-in window. [RAR]
  - Medical clinic or ambulatory surgical center. [SUP]
  - Office.
- (8) Recreation uses.
  - Country club with private membership.
  - Private recreation center, club, or area.
  - Public park, playground, or golf course.
- (9) Residential uses.
  - None permitted.
- (10) Retail and personal service uses.
  - Auto service center. [SUP] **Prohibited in Subdistrict 1.**
  - Car wash. [RAR]
  - Commercial amusement (inside). [SUP]
  - Commercial parking lot or garage. [RAR]
  - Drive-in theater. [SUP]
  - Dry cleaning or laundry store.
  - Furniture store. [SUP]
  - General merchandise or food store 3,500 square feet or less.
  - Home improvement center, lumber, brick, or building materials sales yard. [RAR]
  - Household equipment and appliance repair.

- Motor vehicle fueling station.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service. *[DIR]*
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. *[SUP]*

(11) Transportation uses.

- Commercial bus station and terminal. *[RAR]*
- Heliport. *[SUP]*
- Helistop. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211(10)(E).]*

(12) Utility and public service uses.

- Commercial radio and television transmitting station.
- Electrical generating plant. *[SUP]*
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[RAR]*
- Tower/antenna for cellular communication.
- Utility or government installation other than listed. *[SUP]*
- Water treatment plant. *[RAR]*

(13) Wholesale, distribution, and storage uses.

- Contractor's maintenance yard. *[SUP]*
- Mini-warehouse. *[SUP]*
- Office showroom/warehouse. *[SUP]* ***By right in Subdistrict 1.***
- Trade center.
- Vehicle storage lot. *[SUP]*
- Warehouse. *[RAR]*

(b) Subdistricts 2 and 2A (Commercial and Retail Subdistrict).

*OMITTED FOR BREVITY.*



(a) As a general rule, an accessory use is permitted in any area in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following accessory uses are not permitted in Subdistricts 1 **and 1** and 3:

- Accessory community center (private).
- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Home occupation.
- Private stable.

(c) The following accessory uses are not permitted in Subdistricts 2 and 2A:

- Accessory community center (private).
- Home occupation.
- Private

stable. (Ord. Nos. 23987; 25164;  
28694)

#### **SEC. 51P-534.109. YARD, LOT, AND SPACE REGULATIONS.**

(a) Subdistricts 1 and 3. The yard, lot, and space regulations of the LI Light Industrial District, contained in Section 51A-4.123(b)(4), apply in these subdistricts. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(b) Subdistricts 2 and 2A. The yard, lot, and space regulations of the CR Community Retail District, contained in Section 51A-4.122(b)(4), apply in this subdistrict. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.) (Ord. Nos. 23987; 25164; 28694)

**(c) Subdistrict 1. Except as provided, the yard, lot, and space regulations of the LI Light Industrial District, contained in Section 51A-4.123(b)(4), apply. Minimum front yard setback on Pleasant Drive is 10 feet.**

#### **SEC. 51P-534.110. OFF-STREET PARKING AND LOADING.**

Consult the use regulations contained in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. (Ord. Nos. 23987; 25164)

**SEC. 51P-534.111. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. Nos. 23987; 25164)

**SEC. 51P-534.112. LANDSCAPING.**

(a) Application of section.

(1) Parkway landscaping provisions 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. Parkway improvements on state highways are subject to Texas Department of Transportation approval. If this approval cannot be obtained, parkway improvements must be located within that portion of the required front yard immediately adjacent to the parkway.

(2) Site area landscaping, front yard strip landscaping, screening, and sidewalk provisions 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. For purposes of this section, compliance with Article X must include incorporating two of the following six design standards: enhanced vehicular pavement, permeable vehicular pavement, pedestrian facilities, foundation planting strip, understory preservation, or enhanced pedestrian walkways.

(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 caliper inches, or two trees at least one and one-half caliper inches, must be provided between the street curb and the sidewalk for each 30 feet of lot 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) Forty 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) One tree at least three and one-half caliper inches, or two trees at least one and one-half caliper inches, must be provided between the street curb and the sidewalk

for each 30 feet of lot frontage, exclusive of driveways, visibility triangles, and access-ways at points of ingress and egress.

(D) An underground irrigation system must be provided.

(2) Front yard strip landscaping must be approved by the building official.

(d) Site area landscaping. The remainder of the lot must be landscaped in accordance with the provisions contained in Article X. An underground irrigation system must be provided.

(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) Off-street parking must be screened from an abutting street right-of-way 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) Outside industrial uses, must be screened with a minimum six-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 six feet must be provided in the parkway. On state highways, this sidewalk must be provided in the parkway, subject to Texas Department of Transportation approval. If Texas Department of Transportation approval cannot be obtained, the property is exempt from this requirement.

(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. If a property owner fails to replace landscaping required under this section within 90 days, the property owner shall be subject to a fine of up to \$2,000 per day for each day that the violation exists.

(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 located in a utility easement, it is the obligation of the property owner to replace the plant materials within 90 days.

(i) Landscape plan.

(1) A landscape plan must be submitted to and approved by the building official prior to the installation of landscaping required by this article.

(2) Upon the submission of a plan for or including the installation of parkway landscaping, the building official shall circulate it to all affected city departments and all utility and communication companies for review and comment. If, after receiving comments from affected city departments and utility and communication companies, the building official 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 building official shall approve the landscape plan; otherwise, the building official shall disapprove the plan.

(3) If the building official disapproves the plan on the basis that the installation of the landscaping within the parkway will be inconsistent with, or will unreasonably impair the public utility or communication company use of the street right-of-way, a new plan incorporating the parkway landscaping requirements within the required front yard shall be submitted to the building official for approval.

(j) Private license granted.

(1) The city council hereby grants a private license to each of the abutting property owners of the property in the C.F. Hawn Special Purpose District No. 2 for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this section. 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 judgement 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.

(2) 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.

(3) 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. 23987; 25164)

**SEC. 51P-534.113.                    SIGNS.**

(a)     In general. Signs within Subdistricts 1, **1**, 2, 2A, and 3 must comply with the provisions for business zoning districts contained in Article VII. In addition, all signs within this district must comply with the following regulations.

(b)     Non-premise signs. Non-premise signs are prohibited within this planned development district.

(c)     Detached premise signs.

(1)     Location. No portion of any detached premise sign may be located within 15 feet of the right-of-way line.

(2)     Height. No portion of any detached premise sign located within 25 feet of the right-of-way line may exceed 10 feet in height.

(2)     Size. No detached sign located within 25 feet of the right-of-way line may exceed 150 square feet in effective area. (Ord. Nos. 23987; 25164; 28694)

**SEC. 51P-534.114.                    LIGHTING.**

(a)     In general. In addition to the provisions of Section 51A-4.301(e), "Lighting Regulations for Off-street Parking," the following lighting regulations apply within this district.

(b)     Glare. Full cut-off luminaries are required for any fixture.

(c)     Intensity. The intensity of lighting on the parking surface must be:

(1)     an average of at least two footcandles, initial measurement, and at least one footcandle on a maintained basis; and

(2)     a minimum at any point of at least 0.6 footcandle initial, and at least 0.4 footcandle maintained or one-third of the average footcandle measurement for the lighted area, whichever is greater.

(d)     Light source. Metal halide must be used as the lighting source for lighting required under this section. High pressure sodium may not be used as a lighting source.

(e)     Location. Light fixtures within the district must include luminaries located between 10 and 14 feet above grade. (Ord. Nos. 23987; 25164)

**SEC. 51P-534.115. ADDITIONAL PROVISIONS.**

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Any outside storage area within this district must be screened from the street right-of- way. See Section 51A-4.602(b).

(d) For an auto service center in Subdistrict 2A, overnight parking of vehicles is prohibited within 200 feet of the northeastern property line.

(e) Street facing facades in Subdistrict 1\_ must provide the following facade standards.

(1) Maximum blank wall is 30 feet.

(2) Flat roofs are prohibited.

(3) The street facing facades of all buildings other than accessory buildings must be visually divided by providing a base. The base must be at least two feet above grade and distinguished from the remainder of the street facing facade by a change of materials, horizontal banding, change of color, or change of plane.

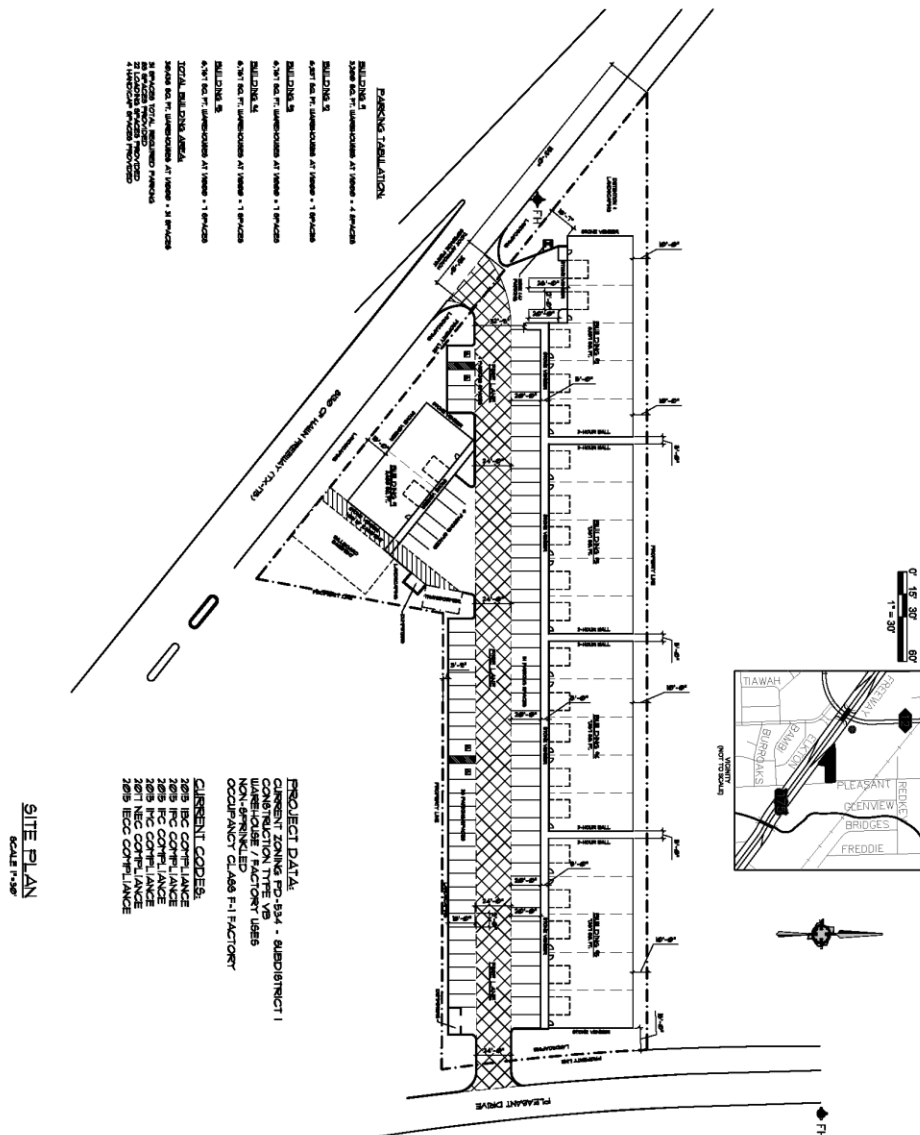
**SEC. 51P-534.116. COMPLIANCE WITH CONDITIONS.**

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.

### **CPC RECOMMENDED SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is an office showroom/warehouse.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (ten years from the passage of this ordinance) but is eligible for automatic renewal for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 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. DESIGN STANDARDS: Street facing facades must provide the following façade standards:
  - a. Maximum blank wall is 30 feet.
  - b. Flat roofs are prohibited.
  - c. The street facing facades of all buildings other than accessory buildings must be visually divided by providing a base. The base must be at least two feet above grade and distinguished from the remainder of the street facing facade by a change of materials, horizontal banding, change of color, or change of plane.
5. LOCATION: This SUP will allow one or more office showroom/warehouse uses on the Property as shown on the site plan.
6. PARKING: Parking must be provided in accordance with the requirements of Chapter 51A.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

## PROPOSED SUP SITE PLAN



SHEET	DESCRIPTION / TITLE	VERSION	FILE NAME
A-1	INT. PLAN	VERSION 1	44-INT-01.PDF
A-2	FLOOR 1 FLOOR PLAN	VERSION 1	44-FLOOR-01.PDF
A-3	FLOOR 2 ELEVATIONS	VERSION 1	44-FLOOR-02.PDF
A-4	FLOOR 3 ELEVATIONS	VERSION 1	44-FLOOR-03.PDF
A-5	FLOOR 4 FLOOR PLAN	VERSION 1	44-FLOOR-04.PDF
A-6	FLOOR 5 ELEVATIONS	VERSION 1	44-FLOOR-05.PDF
A-7	FLOOR 6 FLOOR PLAN	VERSION 1	44-FLOOR-06.PDF
A-8	FLOOR 7 ELEVATIONS	VERSION 1	44-FLOOR-07.PDF

DATE	5/20/22
SCALE	NOTED
SWORN	STAFF
JOB	4891
CASE	A-1
OF	ALERTS

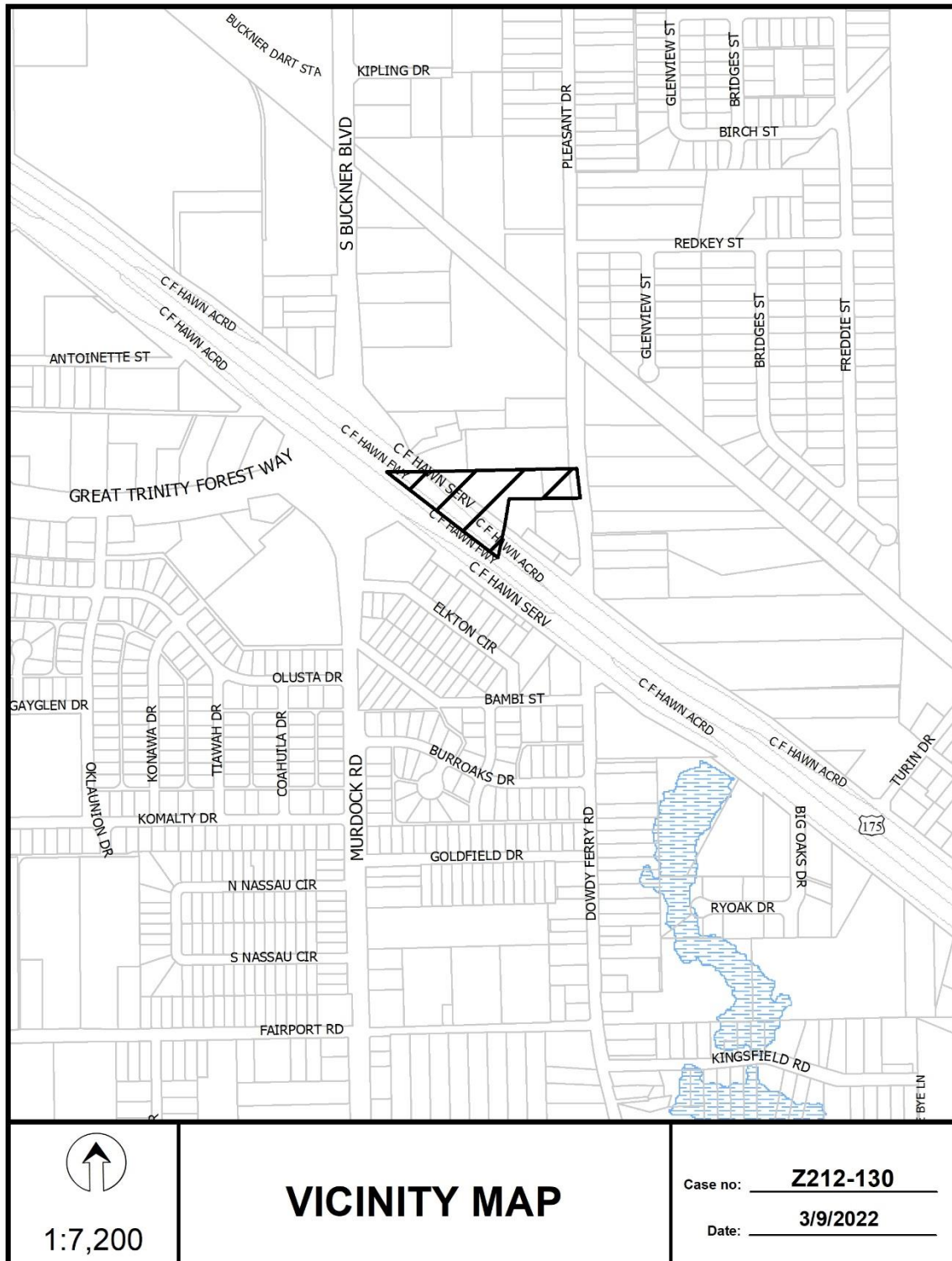
**INDUSTRIAL PARK**  
FOR  
**PLUMMER DEVELOPMENT COMPANY, LLC**  
8130 CP HAWN PRWY (TX-175), DALLAS, TX 75217

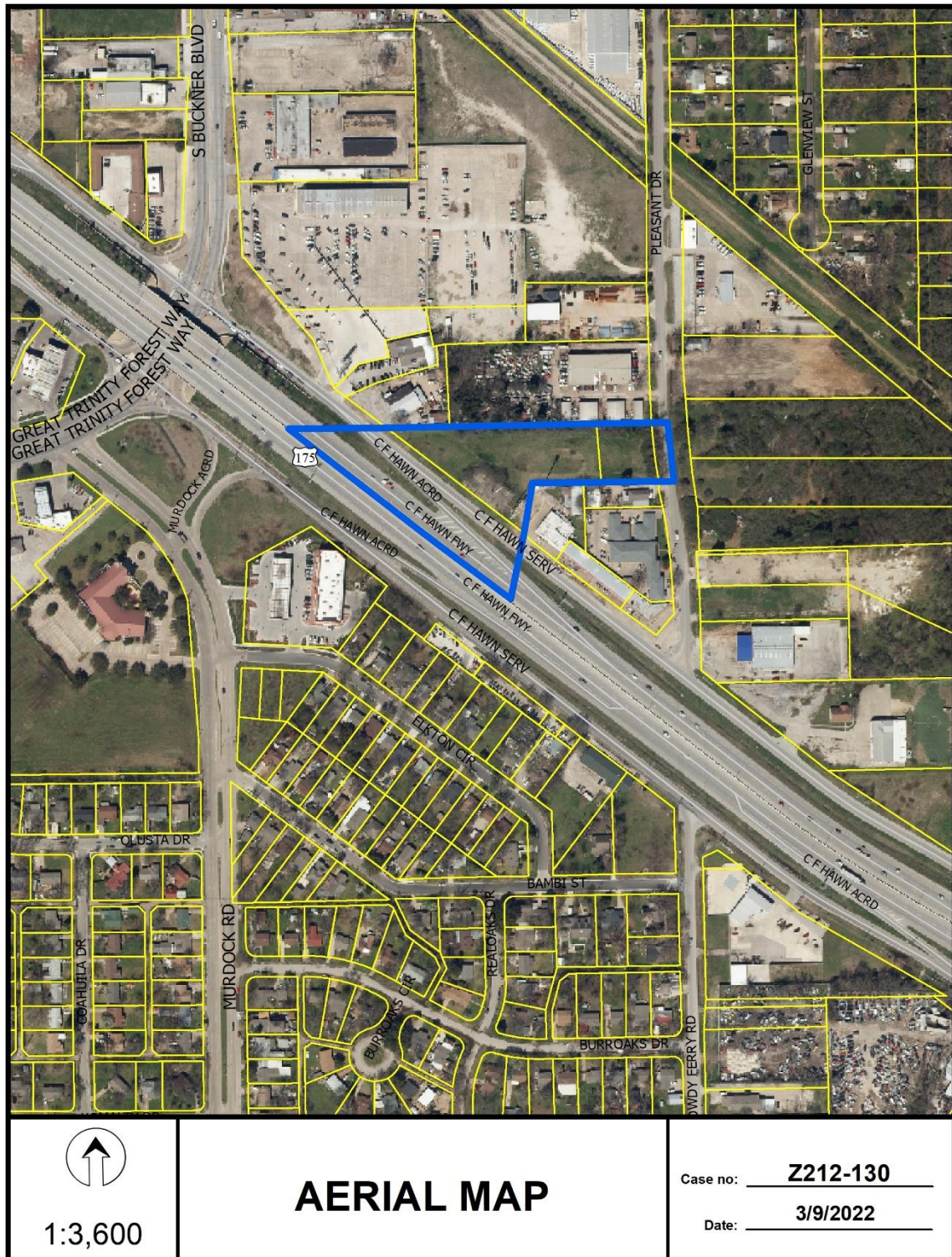


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*Design*  
DESIGN

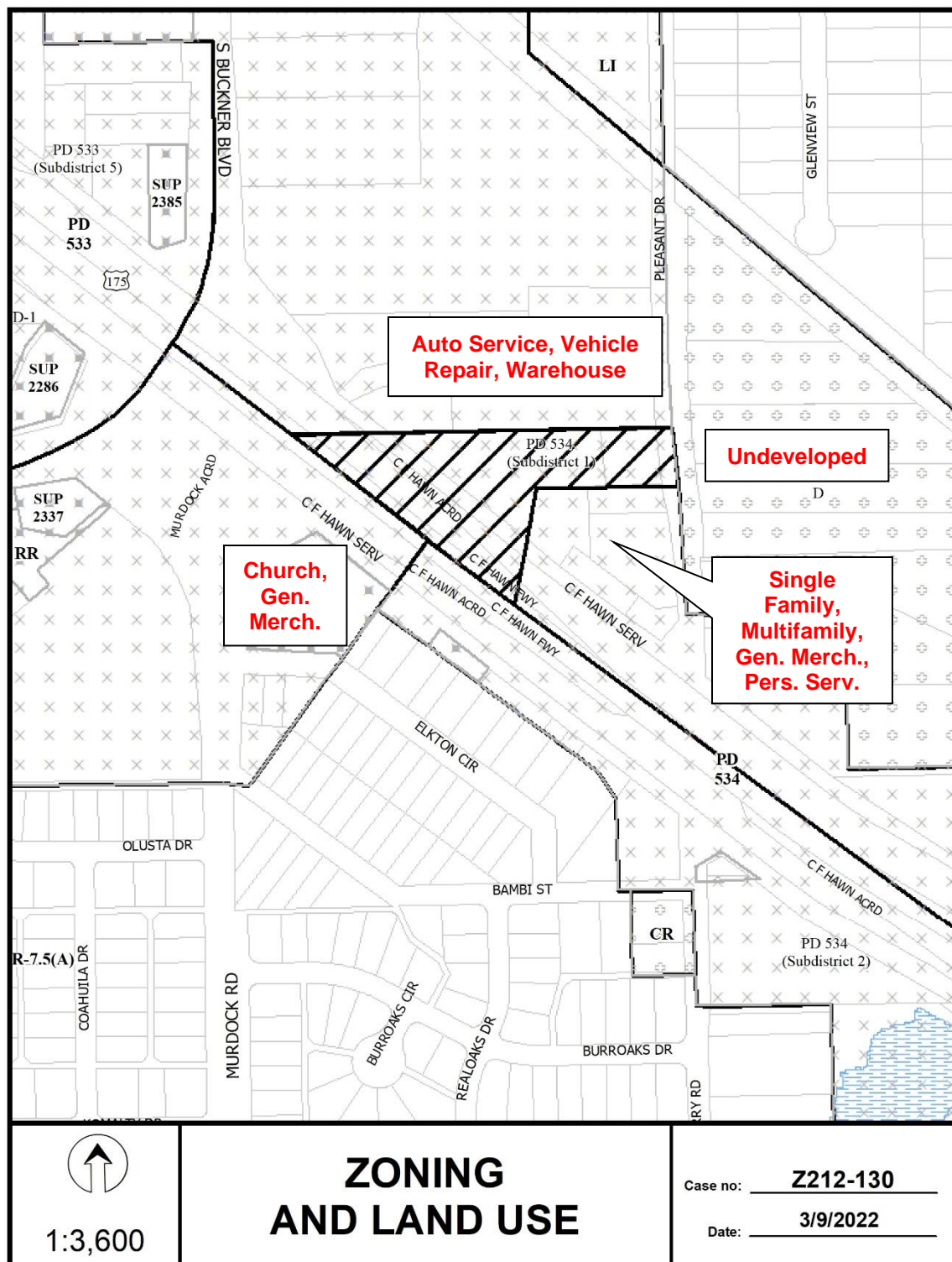
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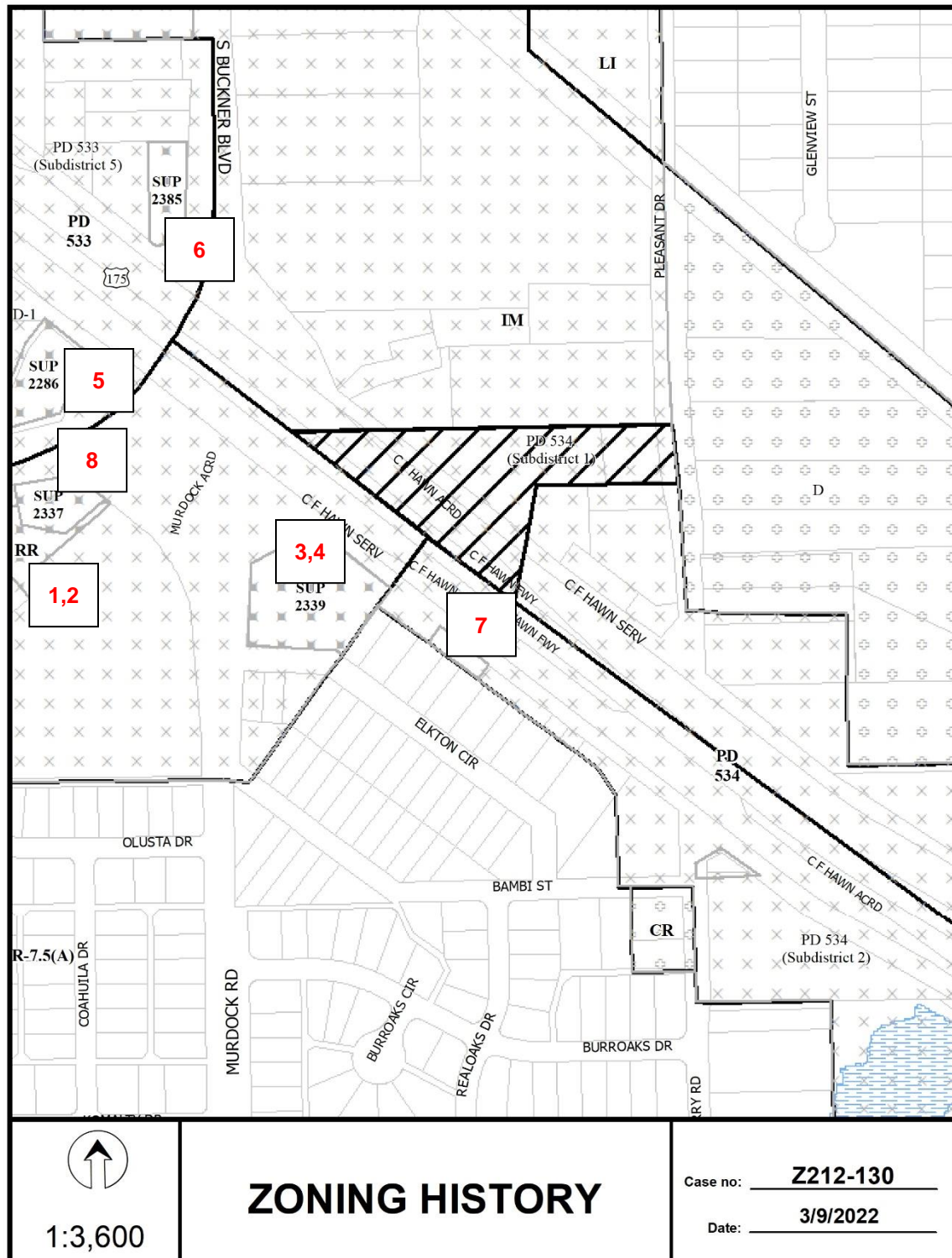


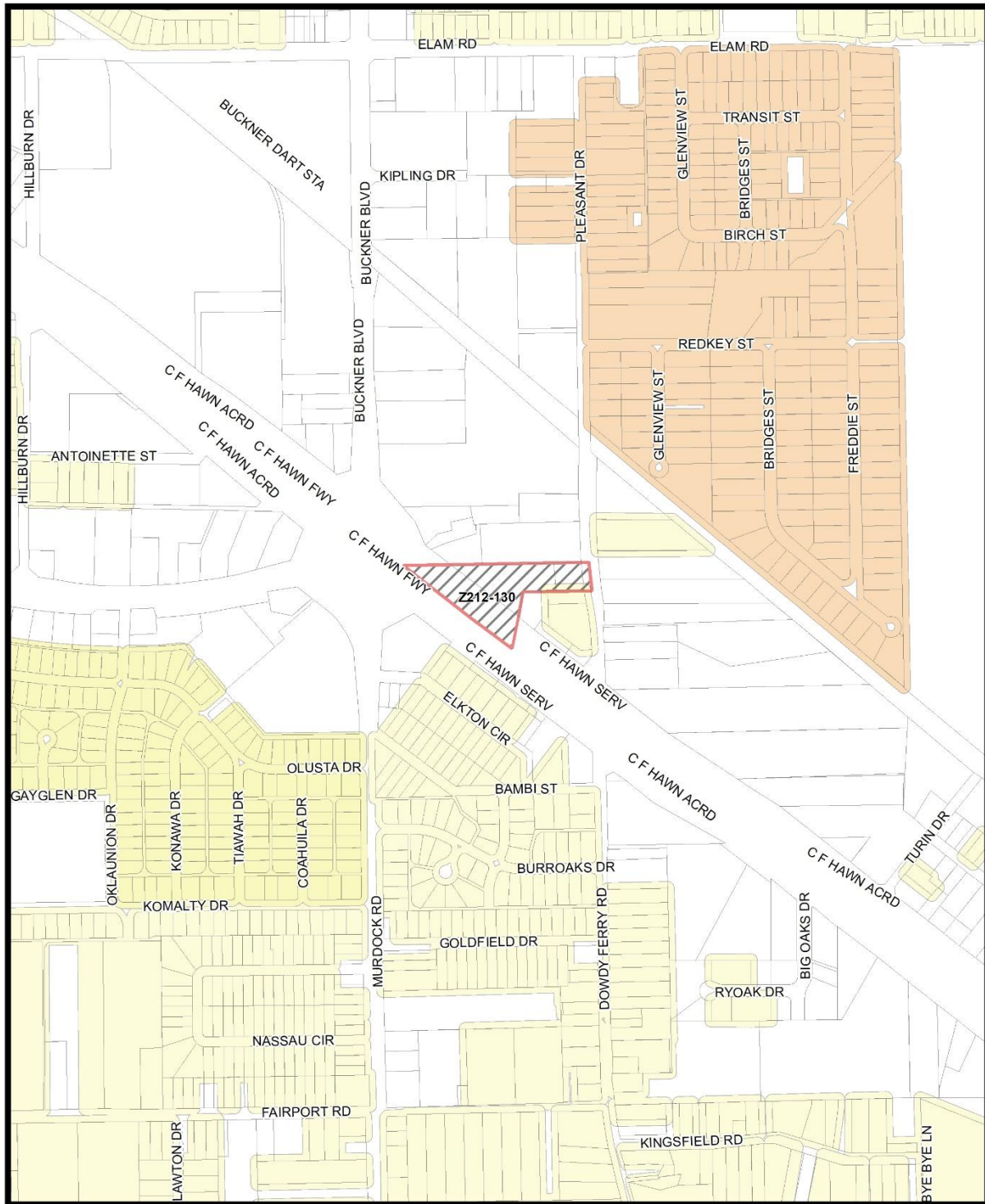












MVACluster    A    B    C    D    E    F    G    H    I    NA

 1:7,200

## Market Value Analysis

Printed Date: 3/9/2022





05/18/2022

***Reply List of Property Owners******Z212-130******50 Property Owners Notified    0 Property Owners in Favor    0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	8130	C F HAWN FWY	WHATLEY SHARON &
2	141	PLEASANT DR	WHATLEY SHARON &
3	123	PLEASANT DR	LANDAVERDE ROSA
4	8152	C F HAWN FWY	STOVALL SHON PAUL
5	8132	C F HAWN FWY	CALLAWAY COMMERCIAL SERVICES LLC
6	159	PLEASANT DR	TRI CITIES QUADRANT INC
7	8098	GREAT TRINITY FOREST WAY	ENIGMA ENTERPRISES INC
8	170	PLEASANT DR	MENDOZA JUAN
9	118	PLEASANT DR	VEGA RICARDO & SILVIA
10	118	PLEASANT DR	ALONZO ALFREDO
11	122	PLEASANT DR	MBANGA PRETTY
12	122	PLEASANT DR	RICO ALFONSO RUIZ
13	102	PLEASANT DR	VENEGAS SILVESTRE
14	160	PLEASANT DR	SALAZAR HEBER &
15	8227	C F HAWN FWY	ROJAS JOSE &
16	8241	C F HAWN FWY	OMRIDDHI CORPORATION
17	8241	C F HAWN FWY	OMRIDDHI CORPORATION
18	8223	ELKTON CIR	ROJAS JOSE &
19	8215	ELKTON CIR	ROJAS JOSE &
20	8211	ELKTON CIR	MORA LIONEL V
21	8205	ELKTON CIR	MORA LEONEL
22	8143	ELKTON CIR	ROBLES DANIEL
23	8139	ELKTON CIR	PARRA RAUDEL D
24	8125	ELKTON CIR	SALAS FELIPE R
25	8127	ELKTON CIR	RAMOS ELENA
26	8123	ELKTON CIR	ROSITAS JUANITA

05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	8106	ELKTON CIR	GAMIZ ARTURO
28	8118	ELKTON CIR	MARTINEZ ROBERTO
29	8122	ELKTON CIR	J G & A INVESTMENTS LLC
30	8126	ELKTON CIR	AREVALO ROSANNA NATALIE &
31	8130	ELKTON CIR	HERNANDEZ SILVIA
32	8134	ELKTON CIR	HERNANDEZ MARCOS O
33	8138	ELKTON CIR	HERNANDEZ PEDRO O
34	8202	ELKTON CIR	RIOS FRANCISCO & LEONOR
35	8206	ELKTON CIR	TREJO ALFREDO
36	8210	ELKTON CIR	PENA FRANCISCO J &
37	8214	ELKTON CIR	RIOS FRANCISCO & LEONOR
38	8218	ELKTON CIR	ESMERADO JUAN &
39	121	PLEASANT DR	PLEASANT CIELO LLC
40	8222	C F HAWN FWY	MECCA APRIL INC
41	8204	C F HAWN FWY	8204 CF HAWN LLC
42	161	PLEASANT DR	MARTINEZ HUGO & DIANA A
43	8120	C F HAWN FWY	MENDOZA JUAN
44	8118	C F HAWN FWY	BWINGRAM INVESTMENTS LTD
45	120	S BUCKNER BLVD	BWINGRAM LTD
46	8000	GREAT TRINITY FOREST WAY	R & R SULEIMAN LLC
47	121	MURDOCK RD	UNITED HOUSE OF PRAYER
48	180	MURDOCK RD	SIKKA INVESTMENTS 2 LLC
49	8201	C F HAWN FWY	MIRANDA AGUSTIN M
50	8221	C F HAWN FWY	MIRANDA AGUSTIN





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1227

**Item #:** Z2.

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**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Department of Planning and Urban Design  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for an ordinance granting a Specific Use Permit for a surface accessory remote parking use on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north of the intersection of Metropolitan Avenue and Octavia Street

Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, and staff's recommended conditions

Recommendation of CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, and staff's recommended conditions

Z201-343(JM)

**FILE NUMBER:** Z201-343(JM) **DATE FILED:** September 14, 2021

**LOCATION:** North of the intersection of Metropolitan Avenue and Octavia Street

**COUNCIL DISTRICT:** 7 **MAPSCO:** 46 X

**SIZE OF REQUEST:** Approx. 0.4327 **CENSUS TRACT:** 37.00

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**REPRESENTATIVE:** Hiram Harrison

**OWNER/APPLICANT:** St. Paul AME Church

**REQUEST:** An application for a Specific Use Permit for a surface accessory remote parking use on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

**SUMMARY:** The purpose of the request is to allow surface accessory remote parking on the site in conjunction with a church.

**CPC RECOMMENDATION:** **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, and staff's recommended conditions with additional conditions.

**STAFF RECOMMENDATION:** **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, and staff's recommended conditions.

**PD No. 595:**

<https://dallascityhall.com/departments/city-attorney/Articles/PDF/Article%20595.pdf>

## **BACKGROUND INFORMATION:**

- The site is currently undeveloped/unimproved and is currently used as overflow parking for the church located across Metropolitan Avenue.
- The request site is located within Planned Development District No. 595 with a base zoning of an R-5(A) Single Family Subdistrict.
- A surface accessory remote parking use is allowable subject to approval of an SUP in the R-5(A) Subdistrict within PD No. 595 and subject to the provisions for remote parking stated in Chapter 51A-4.323.
- The applicant's requested SUP would allow the property to be improved and formally used as a parking lot to accommodate the overflow from the St. Paul AME Church located across the street, at 2300 Metropolitan Avenue.
- Staff supports the request, subject to full compliance with Article X and a revised site plan to allow for such landscaping improvements. The landscape plan provided in this report is for reference only.
- On January 6, 2022, the City Plan Commission recommended the a revised site plan to remove the paving details, provide for an approved driveway location, and change the layout to provide sufficient buffer space to comply with Article X; and staff's recommended conditions to include the following additions regarding Lighting: 1) must not be visible from residential property, 2) restricted to 12 feet in height and 3) must be hooded and shielded on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, north of the intersection of Metropolitan Avenue and Octavia Street.
- Since CPC on January 6, 2022, the applicant has worked with staff to revise the site plan to meet the landscaping and parking requirements. The revised site plan is attached to this report, along with a revised landscape plan for reference only.

## **Zoning History:**

There have been no zoning cases in the area in the past five years.

## **Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing/Proposed ROW</b>
Metropolitan Avenue	Principal Arterial	130 feet
Octavia Street	Local Street	56 feet

**Traffic:**

Transportation Development Services staff has reviewed the request and determined that it will not significantly impact the surrounding roadway system; however, the site plan should be amended to remove the paving details and provide for an approved driveway location.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

The request complies with the following land use goals and policies of the Comprehensive Plan:

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

**Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.

**URBAN DESIGN**

**GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY**

**Policy 5.2.1** Maintain neighborhood scale and character.

**Land Use:**

	<b>Zoning w/in PD No. 595</b>	<b>Land Use</b>
<b>Site</b>	R-5(A) Subdistrict	Undeveloped, used as parking lot
<b>North</b>	R-5(A) Subdistrict	Single family residential
<b>East</b>	R-5(A) Subdistrict	Single family residential
<b>South</b>	R-5(A) Subdistrict	Church
<b>West</b>	R-5(A) Subdistrict	Single family residential

**Land Use Compatibility:**

The area of request is currently undeveloped. The surrounding area is developed with single-family homes to the north, east, and west. Southeast of the site across Metropolitan Avenue is the church that the proposed parking lot will serve.

Planned Development District No. 595 states that surface accessory remote parking is permitted by SUP for institutional uses only. Furthermore, Section 51A-4.324(b), which prohibits special parking in residential districts, does not apply. However, the remaining provisions in Section 51A-4.323 and 4.324(d) regarding remote parking do apply.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The proposed development will help in addressing the overflow parking of the church located across Metropolitan Avenue. The church currently has 56 parking spaces on site. the proposed surface parking lot will add 38 parking spaces. The applicant has informed staff that they have been using this site for overflow parking for many years and they wish to improve it to meet the City's standards. The proposed improvements include the improvement of the paving surface, a landscape buffer along the single-family properties, and relocating the driveway that currently lines up with the crosswalk that the users would utilize to access the church. The proposed improvements would result in the vehicles not lifting dirt on the site and tracking mud onto the public roadways on rainy days.

Staff supports this request for a remote accessory surface parking use; however, does not support the time frame proposed. Staff recommends a five-year period with eligibility for automatic renewals for additional five-year periods. The five-year time frame would allow staff to evaluate whether the use at that time remains a compatible use with the surrounding area. At the time of CPC, staff had reviewed the proposed site plan and

determined that it was not conforming to all zoning and city regulations in the design, regarding landscaping requirements, driveway location, and paving details. Staff recommendation included a revised site plan in order to avoid a revision when it goes through permitting. CPC agreed with this recommendation. The applicant has provided revised site and landscape plans which are now in compliance.

**Landscaping:**

PD No. 595 calls for compliance with Article X; no landscape plan is required. A revised site plan now provides sufficient space for the property to be developed in accordance with Article X.

**Parking:**

Planned Development District No. 595 defaults to the Development Code for off-street parking requirements. The Code does not require any off-street parking for the use of a surface accessory remote parking. The site plan identifies a total of 32 spaces on the proposed surface accessory remote parking. The church that this site will serve has 56 parking spaces existing within their site. For a church use, the Code requires one parking space for each four fixed seats in the sanctuary or auditorium. The applicant identified 289 seats requiring 72 parking spaces. The total parking spaces provided in both lots will be 88 parking spaces, a surplus of 16 parking spaces for the church use.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is not in an MVA cluster. The surroundings area of the site is an "I" MVA cluster.

**List of Partners/Principals/Officers**

**Officers:**

Rev. Kevin L. Hodge, Sr. – Pastor  
Anthony Coleman, CFO

**Trustees 2020-2021:**

Kenneth Humphrie  
Hiram Harrison  
Carol Barnett  
Charles Peterson  
Judy Bochum-Todd  
Roderick Hartsfield  
Dr. Beverly Mitchell-Brooks

**CPC Action**  
**January 6, 2022**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a surface accessory remote parking use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan; as briefed, to remove the paving details, provide for an approved driveway location, and change the layout to provide sufficient buffer space to comply with Article X; and staff's recommended conditions to include the following additions regarding Lighting: 1) must not be visible from residential property, 2) restricted to 12 feet in height and 3) must be hooded and shielded on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, north of the intersection of Metropolitan Avenue and Octavia Street.

Maker: Blair  
Second: Suhler  
Result: Carried: 12 to 0

For: 12 - Popken, Hampton, Anderson, Shidid,  
Carpenter, Blair, Jung, Suhler, Haqq, Stanard,  
Kingston, Rubin

Against: 0  
Absent: 1 - Jackson,  
Vacancy: 2 - District 3, District 10

<b>Notices:</b>	Area: 200	Mailed: 45
<b>Replies:</b>	For: 0	Against: 0
<b>Speakers:</b>	None	



### Proposed Conditions

1. **Use:** The only use authorized by this specific use permit is a surface accessory remote parking.
2. **Site Plan:** Use and development of the Property must comply with the attached site plan.

### CPC and Staff's Recommendation:

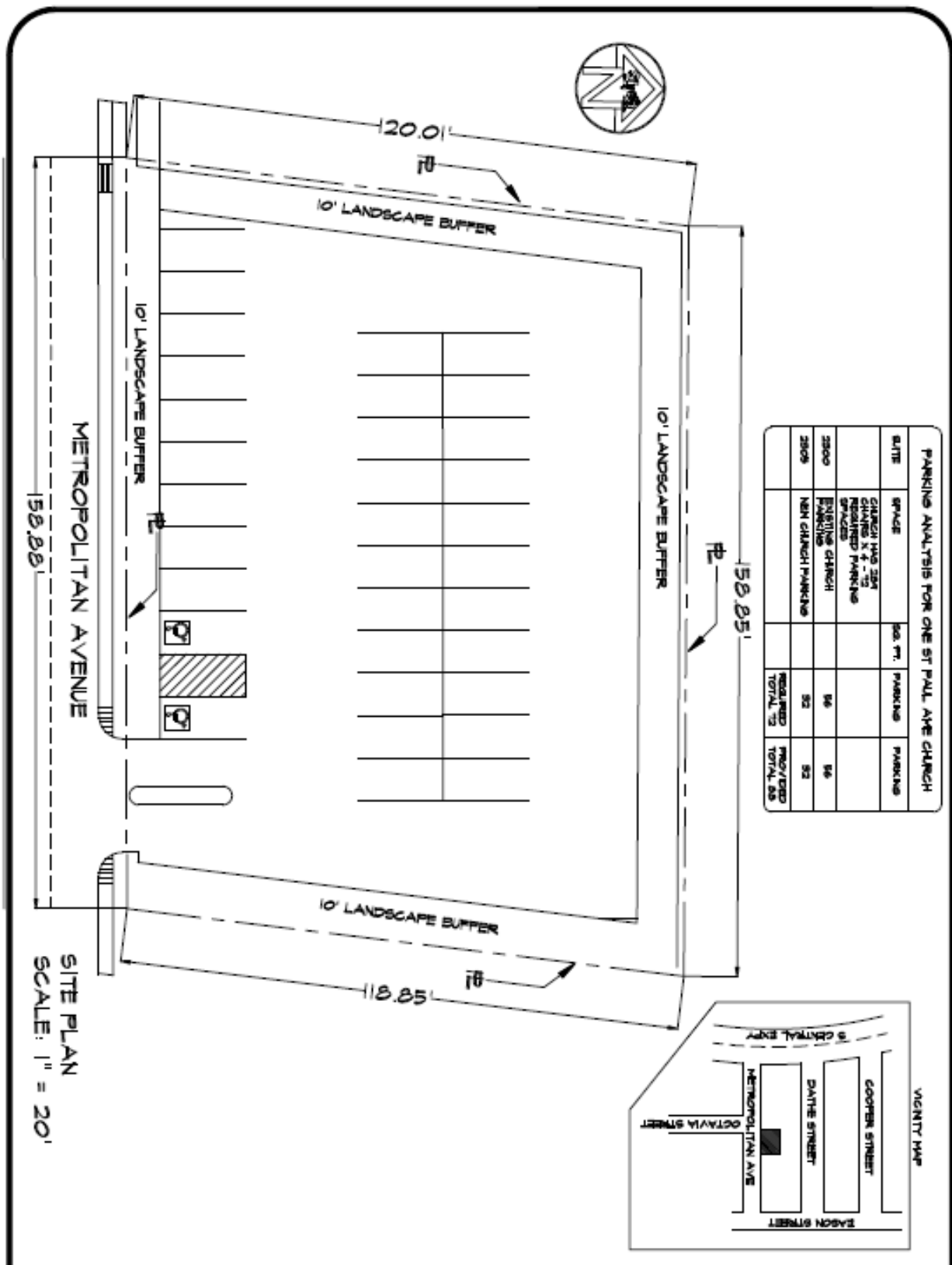
3. **Time Limit:** This specific use permit expires on [five-year period from the passage of this ordinance], but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

### Applicant's Request:

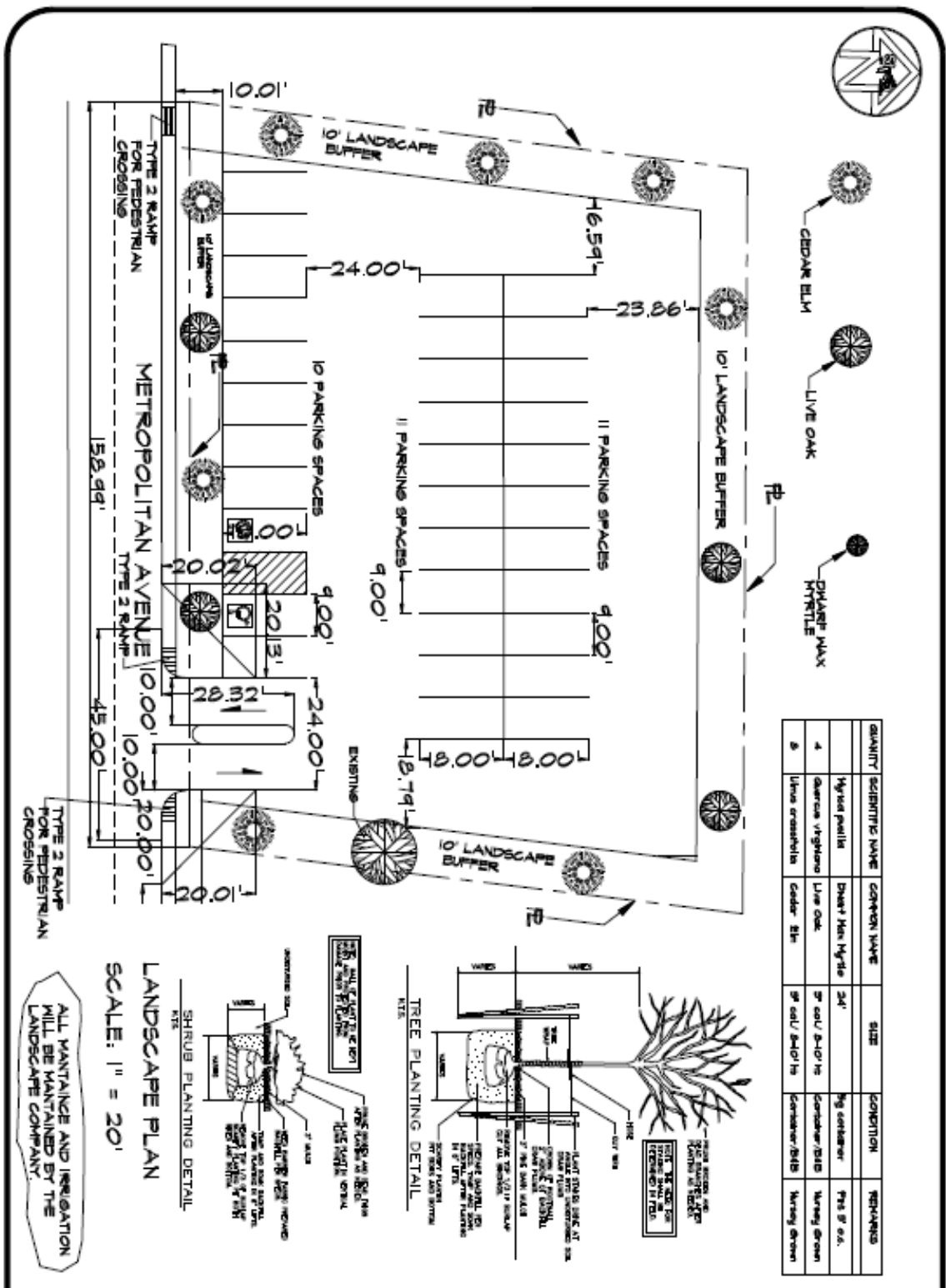
3. **Time Limit:** This specific use permit has no expiration date.

4. **Enhanced Crosswalk:** Crosswalks across driveways must be demarcated with alternative paving materials and color.
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.

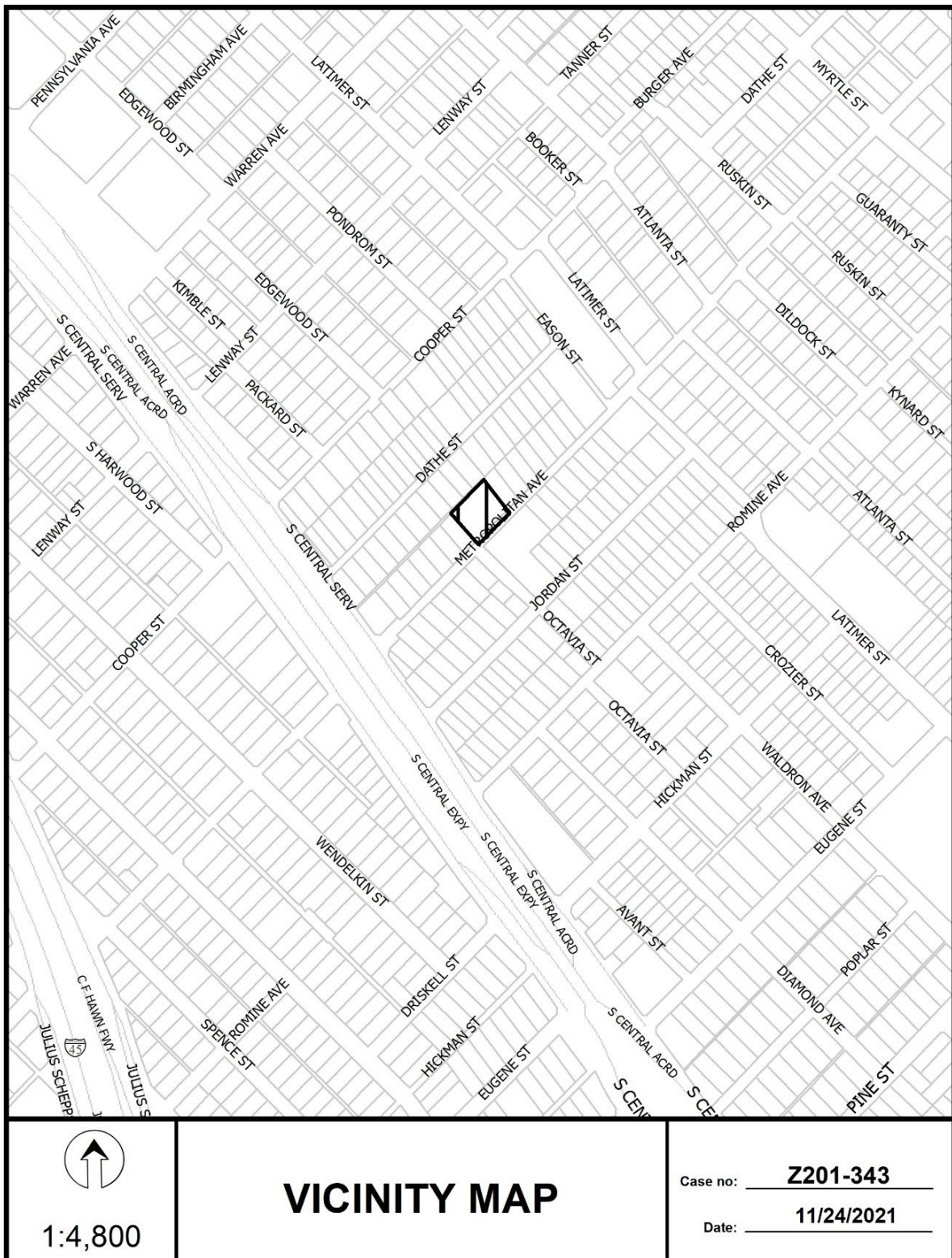
**Proposed Site Plan—As revised and recommended by staff.**



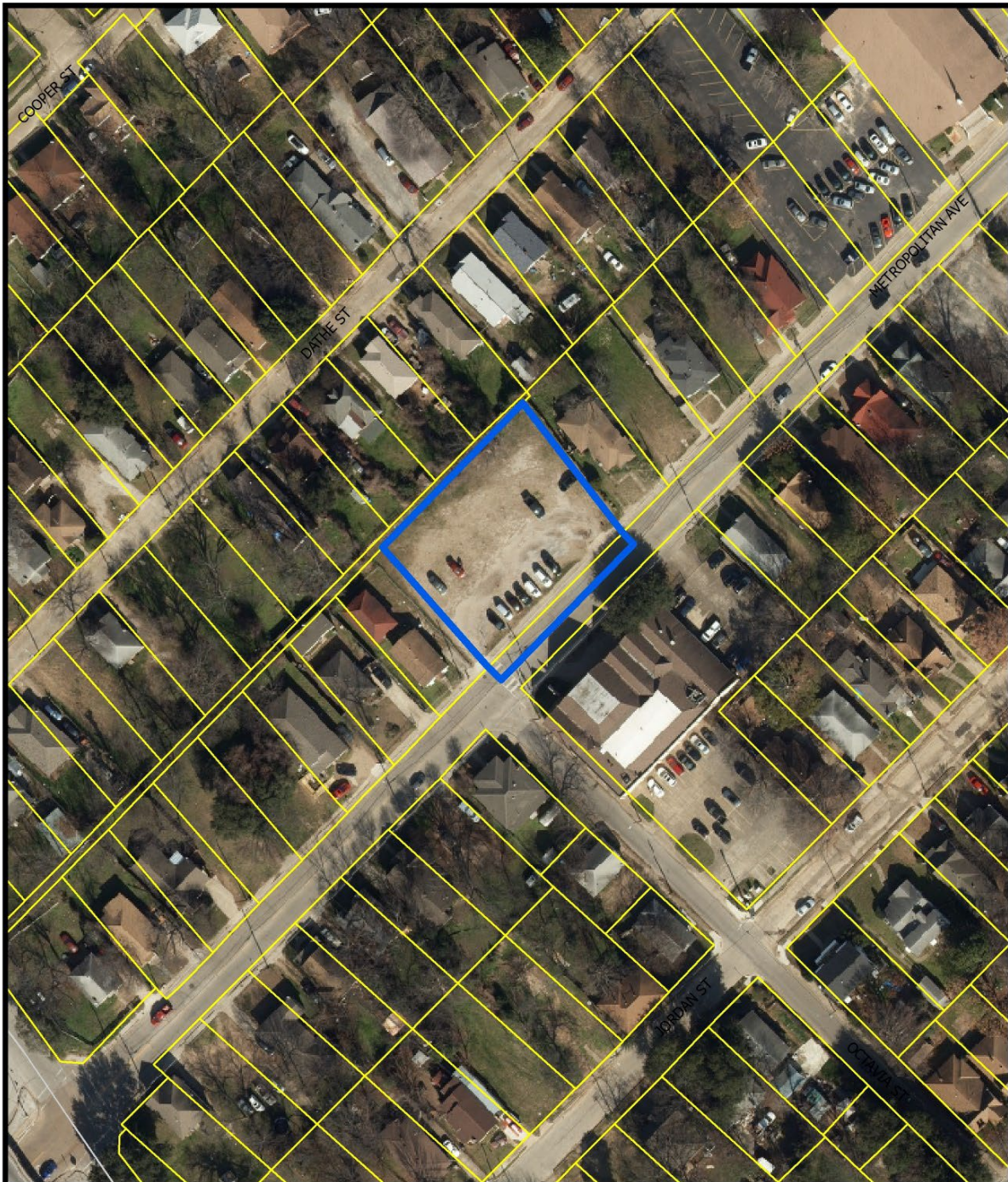
Landscape Plan (For Reference Only)



Z201-343(KC)





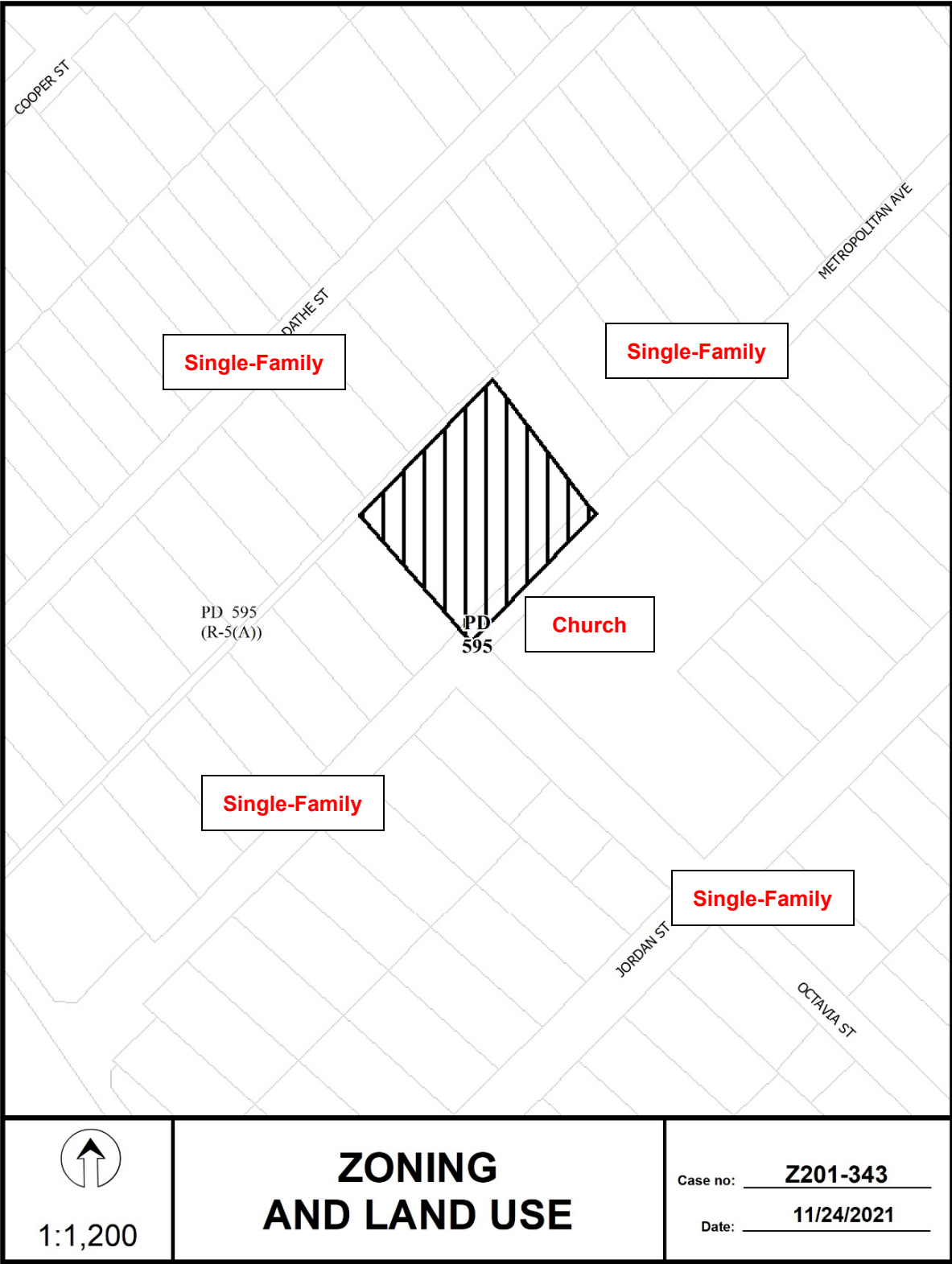


1:1,200

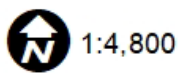
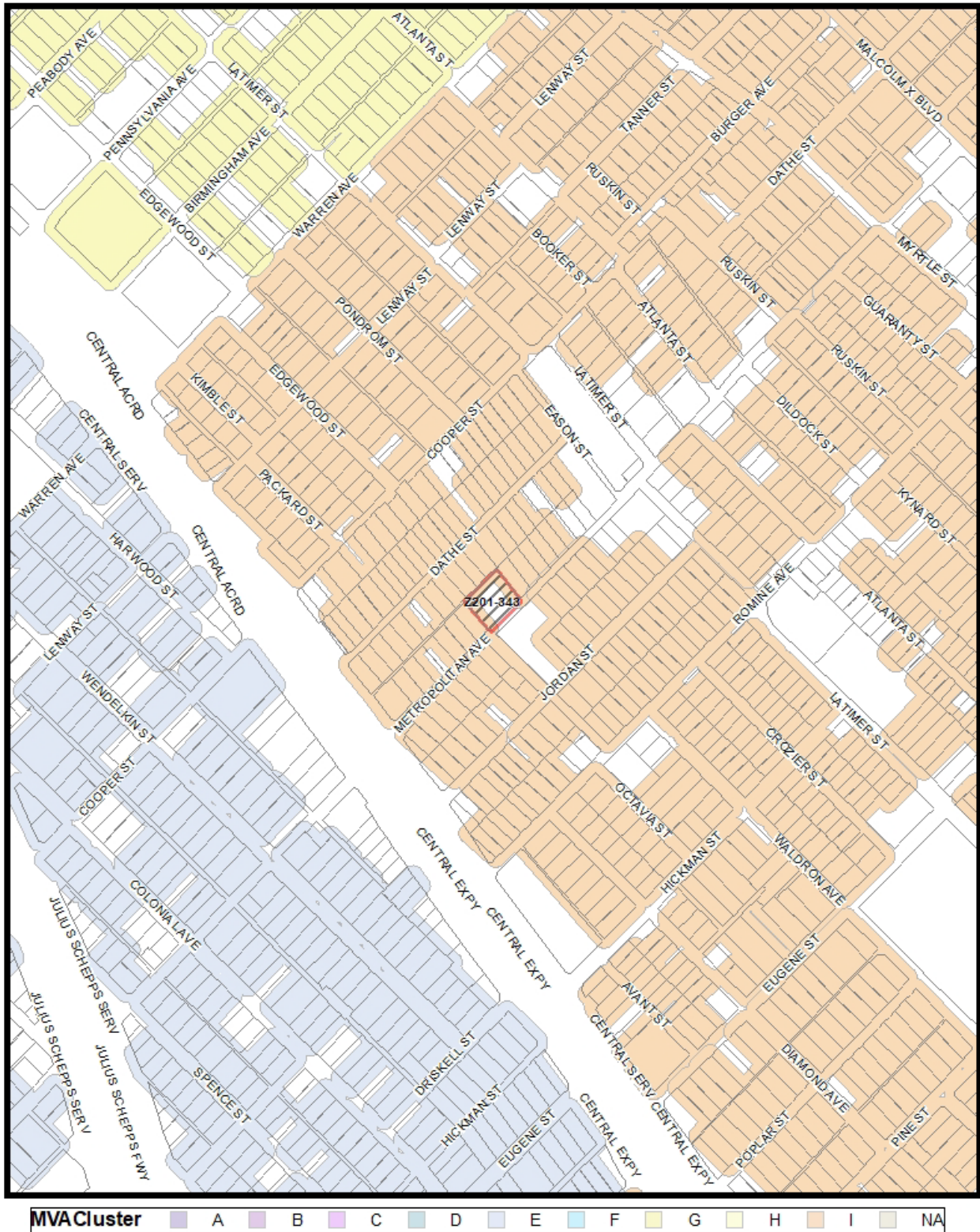
## AERIAL MAP

Case no: **Z201-343**

Date: **11/24/2021**





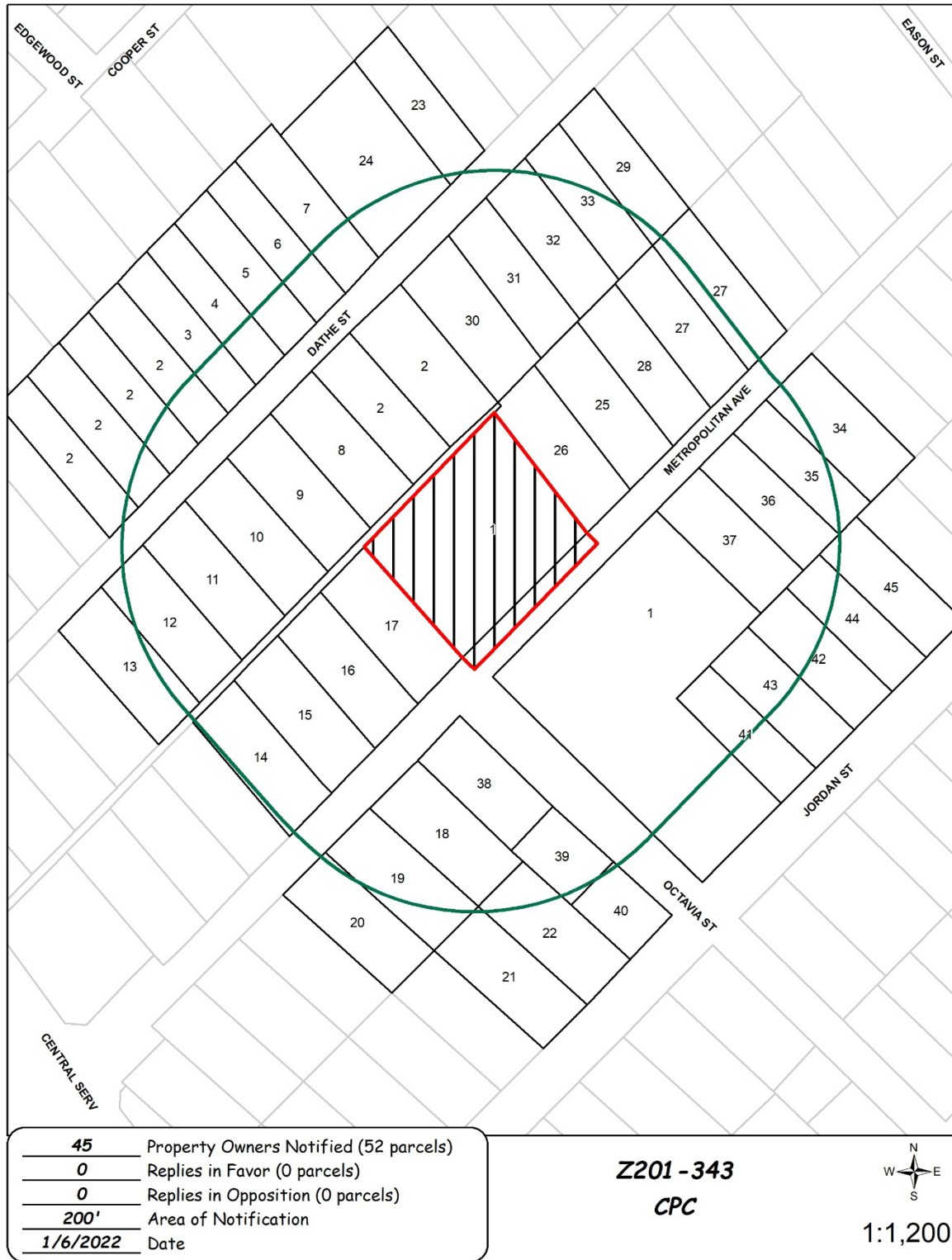


1:4,800

# Market Value Analysis

Printed Date: 12/8/2021

# CPC REPONSES





01/05/2022

***Reply List of Property Owners******Z201-343******45 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2305	METROPOLITAN AVE	ST PAUL AME CHURCH
2	2235	DATHE ST	WIGGINS MARTIN
3	2245	DATHE ST	BLAINE PERRY L JR &
4	2249	DATHE ST	MEDRANO ROLANDO
5	2301	DATHE ST	DESOTO REAL ESTATE RESOURCE LLC
6	2305	DATHE ST	ENRIQUEZ CELSO
7	2307	DATHE ST	Taxpayer at
8	2300	DATHE ST	S D HOME DESIGN LLC SERIES C
9	2250	DATHE ST	GIBBS STEPHEN D &
10	2246	DATHE ST	BELL ASHLEY
11	2238	DATHE ST	HERNANDEZ CITALLI
12	2236	DATHE ST	Taxpayer at
13	2232	DATHE ST	ROBINSON OLGIN
14	2237	METROPOLITAN AVE	MCCLURE FANNIE
15	2241	METROPOLITAN AVE	THOMPSON HELEN T EST OF
16	2243	METROPOLITAN AVE	MILLER LUCELLUS V
17	2249	METROPOLITAN AVE	CARLCLIFF LLC
18	2240	METROPOLITAN AVE	WANG YUFEI
19	2238	METROPOLITAN AVE	RHEAMS ALBERT II
20	2232	METROPOLITAN AVE	BFO LLC
21	2239	JORDAN ST	WALKER RUBY L &
22	2245	JORDAN ST	WALKER RUTH S EST OF
23	2317	DATHE ST	HUMPHRIE KENNETH
24	2311	DATHE ST	GREATER CHRISTIAN LOVE
25	2319	METROPOLITAN AVE	VI PHONG
26	2317	METROPOLITAN AVE	JOHNSON VERA C &

01/05/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2327	METROPOLITAN AVE	JOHNSON DELORES
28	2321	METROPOLITAN AVE	CHEN WENDY
29	2326	DATHE ST	GUTIERREZ JULIO
30	2310	DATHE ST	PHILIP & LORI LOVELACE TRUST
31	2314	DATHE ST	BAKER JOHNNY & AUDRY
32	2318	DATHE ST	TOPLETS DENNIS D
33	2322	DATHE ST	YOUNG ROBERT J
34	2400	METROPOLITAN AVE	HARVEY KERMIT P
35	2322	METROPOLITAN AVE	ENTRUST ADMINISTRATION INC
36	2320	METROPOLITAN AVE	TURNER YOLANDA IONE
37	2318	METROPOLITAN AVE	HILBURN URMA THOMPSON EST OF
38	2244	METROPOLITAN AVE	LEFFALL LARRY D &
39	3711	OCTAVIA ST	TOPLETZ HAROLD &
40	2249	JORDAN ST	CLEWIS BRENDA
41	2309	JORDAN ST	MACHADO RODOLFO E &
42	2317	JORDAN ST	ALVAREZ SANTOS ODIR REYES &
43	2313	JORDAN ST	PACHECANOGONZALEZ ABRAHAM &
44	2321	JORDAN ST	HARMON PPTY SERVICES
45	2323	JORDAN ST	DELANGE REITA



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1342

**Item #:** Z3.

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**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 11  
**DEPARTMENT:** Department of Planning and Urban Design  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property within Planned Development District No. 216, on the east line of Noel Road, between Spring Valley Road and Southern Boulevard

Recommendation of Staff: Approval, subject to a revised development plan, landscape plan, and conditions

Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions  
Z212-163(MP)

**HONORABLE MAYOR & CITY COUNCIL**

**WEDNESDAY, JUNE 22, 2022**

**ACM: Majed Al-Ghafry**

**FILE NUMBER:** Z212-163(MP)

**DATE FILED:** January 10, 2022

**LOCATION:** On the east line of Noel Road, between Spring Valley Road and Southern Boulevard

**COUNCIL DISTRICT:** 11

**SIZE OF REQUEST:** ±2.89 acres

**CENSUS TRACT:** 136.26

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**OWNER:** Orion Sky Investments LLC

**APPLICANT:** Maple Multi-Family Land TX

**REPRESENTATIVE:** Rob Baldwin

**REQUEST:** An application for a new subdistrict on property within Planned Development District No. 216.

**SUMMARY:** The purpose of the request is to allow for submittal of a development plan and for modified development standards primarily related to required parking and design standards to develop the site as multifamily. No changes to land uses are proposed at this time.

**STAFF RECOMMENDATION:** Approval, subject to a revised development plan, landscape plan, and conditions.

**CPC RECOMMENDATION:** Approval, subject to a development plan, landscape plan, and conditions.

**PLANNED DEVELOPMENT DISTRICT NO. 216**

<https://dallascityhall.com/departments/city-attorney/Articles/PDF/Article%20216.pdf>

**BACKGROUND INFORMATION:**

- The subject site is currently undeveloped.
- The site is located within PD No. 216, which allows the use of multifamily by right.
- On June 18, 1986, City Council approved Planned Development District No. 216, in order to provide the ability for a mix of uses including office, multifamily, retail, and hotel uses. The PD does not currently include any subdistricts or subareas. PD No. 714 was subsequently amended 3 times.
- The purpose of the request is for submittal of a development plan, a landscape plan, and to alter the required parking within the new Subarea 1.
- Development Plans within the subdistrict are required to state the floor area and lot coverage of the proposed development, since the PD has a maximum on both these standards across the entire district. The area of planned multifamily is less than the total maximum.

**Zoning History:**

There have been two zoning cases in the area in the past five years.

1. **Z189-244** - On September 5, 2019, the City Plan Commission approved an application for a minor amendment to an existing development and landscape plan on property zoned Planned Development District No. 216.
2. **Z189-357**- On September 19, 2019, the City Plan Commission authorized a public hearing to determine proper zoning for 428.58 acres bounded by LBJ Freeway, Inwood Road, Alpha Road, Barton Drive, South Boulevard, and Preston Road.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Proposed ROW
Noel Road	Community Collector	90' of ROW, 65' of pavement with bike lanes

**Traffic:**

The Transportation Development Services Division of the Transportation Department has reviewed the request recommends alterations to the development plan. Staff recommends relocation of the northernmost driveway subject to Dallas Fire and Rescue Department's recommendation and at least 50 feet south of northern property line. This recommendation is intended to decrease conflict with the existing median on Noel Road.

Staff finds that the applicant's proposed misalignment could create traffic conflict attempting to enter and exit property. Further, the location in close proximity to the neighboring driveway raises concerns for pedestrian comfort and safety. Alternatively, staff recommends a shared access with the townhomes driveway, as originally designed.

Engineering staff does not recommend approval of the proposed driveways (or porte-cochere) as designed on the southwestern corner of the site. The proposed circle driveway locates the sidewalk behind this driveway and well within the property lines. This design limits pedestrian access moving north-south along Noel Road and creates additional possibility for pedestrian conflicts with vehicles.

## **STAFF ANALYSIS:**

### **Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006, outlining several goals and policies which serve as a framework for assisting in evaluating the applicant's request. The request complies with the following land use goals and policies of the Comprehensive Plan:

## **LAND USE ELEMENT**

### **GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

**Policy 1.3.1** Create housing opportunities throughout Dallas.

### **GOAL 2.1 PROMOTE BALANCED GROWTH**

**Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.

### **Neighborhood Plus Plan:**

**Policy 4.3** Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

**Policy 6.1** Raise the quality of rental property through better design standards, proactive and systematic code enforcement, and zero tolerance towards chronic offenders.

**Policy 6.2** Expand affordable housing options and encourage its distribution throughout the city and region.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD 216	Undeveloped
<b>North</b>	MU-2 DR Z890-243	Multifamily
<b>East</b>	PD 216	Multifamily
<b>South</b>	PD 216	Multifamily
<b>West</b>	GO(A) General Office DR Z801-290	Hotel
<b>Northwest</b>	MU-3(SAH) DR Z934-261	Hotel, Retail
<b>Southwest</b>	MU-3(SAH) DR Z801-292	Undeveloped

**Land Use Compatibility:**

The property is currently located within Planned Development District No. 216, which allows a mix of uses. Across Noel Road to the west are multiple hotel properties, as well as retail uses. Properties directly north, south, and east of the site are developed as multifamily.

The applicant is proposing to develop the subject site with multifamily uses, which are currently permitted within PD No. 216. Properties within the PD must however submit a development plan to be reviewed by CPC. The most recent development plan was approved September 5, 2019. The applicant is submitting an updated development plan along with creating a new subarea in order to modify required parking to match the requirements of the overall development code. The proposed building scale and uses are comparable with those established in the area at this time.

**Development Standards:**

<b>DISTRICT</b>	<b>Setbacks</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Floor Area</b>	<b>Primary Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
Existing PD 216	25'	0' or 25' on north line	N/A	240'	40% across PD	902,000 sf. total across PD	Office, Retail, Multifamily, Hotel

The proposed development plan includes a five-story multifamily structure facing Noel Road with an access driveway along the northern property line. The development plan also includes a circular driveway on the southwest portion of the site with a landscaping island located within along the roadway. Staff recommends against this configuration as proposed. The proposed driveway configuration on this portion of the site pushes the sidewalk well within the private property and could create a confusing and difficult environment for pedestrians travelling along Noel Road. The potential for pedestrians to cross through the driveway creates a potential for conflict with vehicles. Additionally, staff does not support the configuration of the driveway located on the northernmost portion of the property. The location of this ingress creates potential maneuvering issues in relation to the median cut which is located near but not in alignment with the driveway exit. Further, the concentration of multiple driveways along the northern property borders detracts from the pedestrian environment and safety.

#### **Open Space, Amenities, and Urban Design Elements:**

The applicant is proposing various urban designs standards to enhance the pedestrian realm and quality of built environment within the proposed Subarea. These include parking structure concealment, street facing entries for residential units, minimum transparency requirements, and street furniture. Additionally, 6-foot wide sidewalks are included with distinctive crossing markings. These proposed urban design elements would enhance and activate the pedestrian space in front of and around the property.

#### **Parking:**

Within Planned Development District No. 216, the minimum of off-street parking spaces provided for each multi-family unit is 1.6 spaces.

The proposed conditions request to provide parking in accordance with the Dallas Development Code. This requires one space for each bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. With the change, the applicant will be required 383 spaces and will provide 389 space. The proposed parking provisions bring the property regulation into alignment with typical city code and helps foster a more walkable environment along Noel Road.



**Landscaping:**

Landscaping on the property must be provided as depicted on the landscape plan. Due to the age of the original Planned Development approval, the overall PD conditions do not include reference to Article X. Staff is of the opinion that adding Article X compliance as a requirement to a single subarea of the PD could create unexpected conflict because the PD as a whole requires compliance with a submitted landscape plan. As the nature of the requested amendment is not a complete modification of the PD, it was not appropriate to modify the overall landscaping requirements. However, the City Arborist's office has reviewed the landscape plan and has determined it meets the spirit of Article X, as it provides adequate street and site trees as well as landscaping areas along the front of the property. Staff does recommend the removal of the tree plantings from the landscaping plan located on the driveway parkway island, as they may create conflict with visibility, if the circular driveway is to be maintained on the plan.

**Market Value Analysis**

[Market Value Analysis \(MVA\)](#), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is located within the "C" MVA category.

**CPC Action**  
**April 21, 2022**

**Motion:** It was moved to recommend **approval** of a new subdistrict, subject to the submitted development plan, landscape plan and conditions on property within Planned Development District No. 216, on the east line of Noel Road, between Spring Valley Road and Southern Boulevard.

Maker: Gibson  
Second: Anderson  
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson, Shidid,  
Carpenter, Vann, Blair, Jung, Housewright,  
Gibson, Haqq, Stanard, Kingston, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 500 Mailed: 38  
**Replies:** For: 23 Against: 0

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None  
Staff: David Nevarez, Sr. Traffic Engineer, Development Services

<b>CPC Recommended PD Conditions</b>
--------------------------------------

**PD 216.**

**SEC. 51P-216.101. LEGISLATIVE HISTORY.**

PD 216 was established by Ordinance No. 19194, passed by the Dallas City Council on June 18, 1986. Ordinance No. 19194 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 19194 was amended by Ordinance No. 21817, passed by the Dallas City Council on September 22, 1993, and Ordinance No. 22946, passed by the Dallas City Council on November 13, 1996. (Ord. Nos. 10962; 19194; 21817; 22946; 25711)

**SEC. 51P-216.102. PROPERTY LOCATION AND SIZE.**

PD 216 is established on property generally fronting on the west line of Montfort Drive, approximately 464.74 feet south of the south line of Spring Valley Road. The size of PD 216 is approximately 20.69 acres. (Ord. Nos. 19194; 25711)

**SEC. 51P-216.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Definitions. Unless otherwise stated, the definitions contained in Chapter 51 apply to this article. In the event of a conflict, this article controls. In this article:

(1) OFFICE USE means the office, medical clinic, and bank or savings and loan office use.

(2) RETAIL-RELATED USE means any use listed in Sections 51-4.209, "Bar and Restaurant Uses," and 51-4.211, "Retail Uses."

(b) Interpretations.

(1) Unless otherwise stated, all references to code articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51.

(2) Section 51-2.101, "Interpretations," applies to this article.

**SEC. 51P-216.104. CONCEPTUAL PLAN.**

A conceptual plan approved by the city plan commission ("the commission") is labelled Exhibit 216A. (Ord. Nos. 22946; 25711)

**SEC. 51P-216.105. LAND USE PLAN.**

The Dallas Parkway Center Study is a land use study adopted by the city council on June 26, 1985, which addresses, among other things, problems of density and transportation in an area bounded by L.B.J. Freeway (I.H. 635), the Dallas North Tollway, Belt Line Road, and Montfort Road. A copy of the adopted study is on file in the department of development services. (Ord. Nos. 22946; 25711)

**SEC. 51P-216.106. DEVELOPMENT PLAN.**

(a) No time limit exists for the submission of a development plan. A development plan must comply with the conceptual plan and these conditions. A development plan must specify the total floor area at the building site for the following uses:

- (1) commercial uses;
- (2) residential uses;
- (3) personal, professional, and custom crafts uses;
- (4) retail uses; and
- (5) all uses listed above.

(b) The first phase of development on the Property must be in accordance with the development plan and landscape plan for Phase 1 (Exhibits 216B and 216C). A development plan for each other phase of development must be submitted to and approved by the commission prior to the issuance of a building permit for any development within that phase. Each development plan must be accompanied by a landscape plan which must also be approved by the commission. All development must be in accordance with an approved development plan and an approved landscape plan. All landscaping must be maintained in a healthy, growing condition. (Ord. Nos. 22946; 25711)

**SEC. 51P-216.107. AMENDMENTS.**

Any amendments to a development plan, other than minor amendments authorized by the director of development services in accordance with Section 51-4.703(b), shall only require the approval of the commission. If the commission denies a development plan or an amendment to a development plan, the applicant may appeal the decision to the city council. (Ord. Nos. 22946; 25711)

**SEC. 51P-216.108. BUILDING SETBACKS.**

Minimum building setbacks are shown on the conceptual plan. The Property is exempted from compliance with Section 51-4.401(a)(6). (Ord. Nos. 22946; 25711)

**SEC. 51P-216.109. USES.**

The only permitted uses on the Property are those uses permitted in the SC Shopping Center District. One commercial parking lot or garage as defined in the Dallas Development Code is permitted, but only if that parking lot or garage first obtains a specific use permit. (Ord. Nos. 22946; 25711)

**SEC. 51P-216.110. BUILDING COVERAGE.**

Maximum permitted coverage on the Property, excluding aboveground parking structures, is 40 percent. (Ord. Nos. 22946; 25711)

**SEC. 51P-216.111. FLOOR AREA.**

Maximum total permitted floor area, and maximum total floor area for each use category, expressed in square feet “sf,” are as shown on the following chart:

USE	MAXIMUM FLOOR AREA BY RIGHT	BONUS, CONVERSION AND PHASING COMMENTS	MAXIMUM POSSIBLE FLOOR AREA
Office	1,534,357 sf	a, b, c, d	2,008,202 sf
Hotel	631,794 sf	d	
	631,794 sf		
Retail-related uses	135,384 sf	c	180,512 sf
All non-residential and hotel uses combined	2,301,535 sf	a, b, c, d	2,572,304 sf
Multiple-Family	902,563 sf	-	902,563 sf
All uses combined (Ord. Nos. 22946; 25711)	-	-	3,204,098 sf

**SEC. 51P-216.112. BONUS, CONVERSION, AND PHASING COMMENTS.**

(a) Notwithstanding the “MAXIMUM FLOOR AREA PERMITTED BY RIGHT” shown in the chart above, the following may be accomplished:

(b) To encourage the construction of the permitted multiple-family structures, an additional one square foot of office floor area may be constructed for every two square feet of residential floor area constructed (other than hotel floor area), to a maximum of 112,820 square feet of office floor area.

(c) To facilitate traffic movement in the area, and to encourage transit alternatives, building permits (or if already permitted, certificates of occupancy) for 135,384 additional square feet of office floor area may be issued if all of the following transportation improvements are completed and operational in the opinion of the director of public works and transportation:

- (1) Transfer stations for DART buses:

(A) within a one-half mile radius of the Dallas North Tollway/Arapaho Road intersection; and

(B) within a one-half mile radius of the Noel Road/Interstate Highway 635 ("I.H. 635") intersection.

(2) An internal circulation bus system service as described in the Dallas Parkway Center Study for "initial" and "intermediate years."

(d) Up to 90,256 square feet of office floor area may be converted to retail-related use, and up to 45,128 square feet of retail-related floor area to office use, at a ratio of two square feet of office to one square foot of retail-related floor area.

(e) Hotel floor area may be converted to office floor area at a ratio of three square feet of hotel to one square foot of office. (Ord. Nos. 22946; 25711)

#### **SEC. 51P-216.113. MAXIMUM HEIGHTS.**

Maximum permitted height is 240 feet for any structure. All buildings over 205 feet in height must observe a setback line of 300 feet from the projected west right-of-way line of Montfort Drive as that right-of-way is determined by the director of public works and transportation. All structural heights over 163 feet must be approved by the Federal Aviation Administration as not hazardous to air navigation prior to issuance of a building permit. (Ord. Nos. 22946; 25711)

#### **SEC. 51P-216.113.1. SUBAREA 1 DESIGN STANDARDS.**

(a) Applicability. The following design standards apply to new construction in Subarea 1.

(b) Above-grade parking structures. The street-facing ground-level facade of any multi-floor parking facility must be screened by any combination of the following methods:

(1) have an active use other than parking of a minimum depth of 25 feet;

(2) have an exterior facade that is similar in materials, architecture, and appearance to the facade of the main structure; or

(3) be screened from the street by another building.

(c) Street facing facades.

(1) Entrances. A minimum of one public entrance is required for each building and the entrance must face the street.

(2) Individual entries for dwelling units. A minimum of 60 percent of the street-level, street-facing dwelling units in each building site must have individual entries that access the street with an improved path connecting to the sidewalk.

(3) Transparency.

(A) The following minimum transparency is required for street-facing facades.

(i) Ground story. 25 percent.

(ii) Upper story transparency. 20 percent.

(d) Pedestrian amenities. The following pedestrian amenities are required along the street frontage facade. Required pedestrian amenities may be located within a right-of-way with a license.

(1) Two benches.

(2) Two trash cans.

(3) Bicycle rack for at least five bicycles. This bicycle rack may count towards the minimum bicycle parking requirements.

(e) Pedestrian driveway crossings. At each driveway and sidewalk intersection, driveways must be clearly marked by colored concrete, patterned or stamped concrete, or brick pavers for pedestrian crossing.

(f) Sidewalks. Minimum average sidewalk width is six feet.

(g) Non-required fences. Except for required screening, all fences along a street must have a surface area that is a minimum of 50 percent open.

#### **SEC. 51P-216.114. OFF-STREET PARKING.**

(a) Minimum multiple-family parking. Except as provided, the The minimum permissible number of off-street parking spaces provided for each multiple-family unit is 1.6 spaces. In Subarea 1, the minimum off-street parking for multiple-family use must be provided in accordance with Chapter 51.



(b) Requirements for other uses. All uses other than multiple-family must supply parking in compliance with the minimum requirements of Chapter 51, however, no off-street parking may be supplied in excess of the Dallas Development Code requirements. The provisions of Section 51- 4.301(c)(6) (the mixed-use parking reduction bonus) do not act to restrict the maximum number of spaces permitted but may be used to calculate the minimum number of spaces permitted. (Ord. Nos. 22946; 25711)

**SEC. 51P-216.115. ROAD IMPROVEMENTS.**

(a) Master grading and drainage plan. Prior to the issuance of any building permit, a master grading and drainage plan for the Property must be submitted to and approved by the director of public works and transportation.

(b) Access lanes. The owner(s) must construct acceleration-deceleration lanes into or out of the Property as required by the director of public works and transportation. (Ord. Nos. 22946; 25711)

**SEC. 51P-216.116. ACCESS.**

Curb cuts for vehicular ingress and egress are limited to the number and approximate locations as shown on the conceptual plan. (Ord. Nos. 22946; 25711)

**SEC. 51P-216.117. PAVING.**

All streets, driveways, parking spaces, and maneuvering areas for parking must comply with the requirements of Chapter 51. (Ord. Nos. 22946; 25711)

**SEC. 51P-216.118. SIGNS.**

All signs must comply with the provisions for business zoning districts contained in Article VII, except that no non-premise signs are permitted. (Ord. Nos. 22946; 25711)

**SEC. 51P-216.119. TRANSPORTATION SYSTEM MANAGEMENT.**

(a) General. The owner(s) shall establish and operate a TSM program to encourage carpool, vanpool, and other transit alternatives. A specific TSM action program must be submitted to the commission for approval concurrent with the submission of the first development plan containing more than 500,000 square feet of office floor area. An annual report must be furnished to the director of public works and transportation.

(b) Reports. The first report must be submitted within two years after the issuance of the first certificate of occupancy permitting more than 500,000 square feet of office uses on the Property, and must be submitted annually thereafter until being directed otherwise by the director of public works and transportation. The final report must be submitted two years after the issuance of the certificate of occupancy which would permit occupancy of 90 percent of the final building for office uses as shown on the development plan(s).

(c) Alternative. In lieu of the requirements in Subsection (a), the owner(s) may participate in and fund on a pro rata basis with other local area property owners, an area-wide Transportation Management Organization (TMO) that is approved by the city. (Ord. Nos. 22946; 25711)

**SEC. 51P-216.120. GENERAL REQUIREMENTS.**

(a) Development of the Property must comply with the requirements of all ordinances, rules, and regulations of the city.

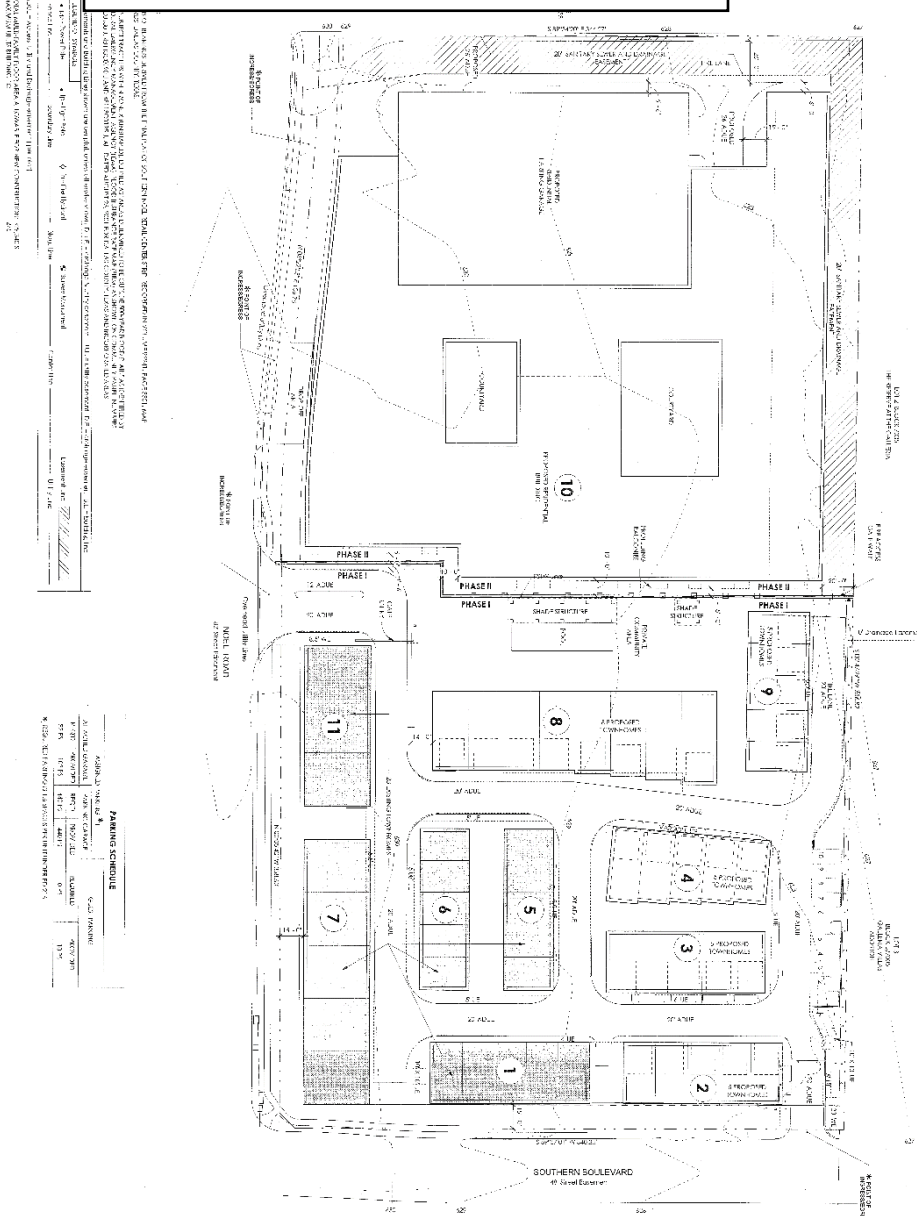
(b) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(c) The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 19194; 22946; 25711)

~~SEC. 51P-216.121. ZONING MAP.~~

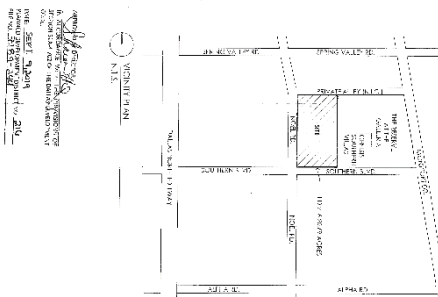
~~PD 216 is located on Zoning Map No. C-7. (Ord. Nos. 19194; 25711)~~

## Existing Development Plan

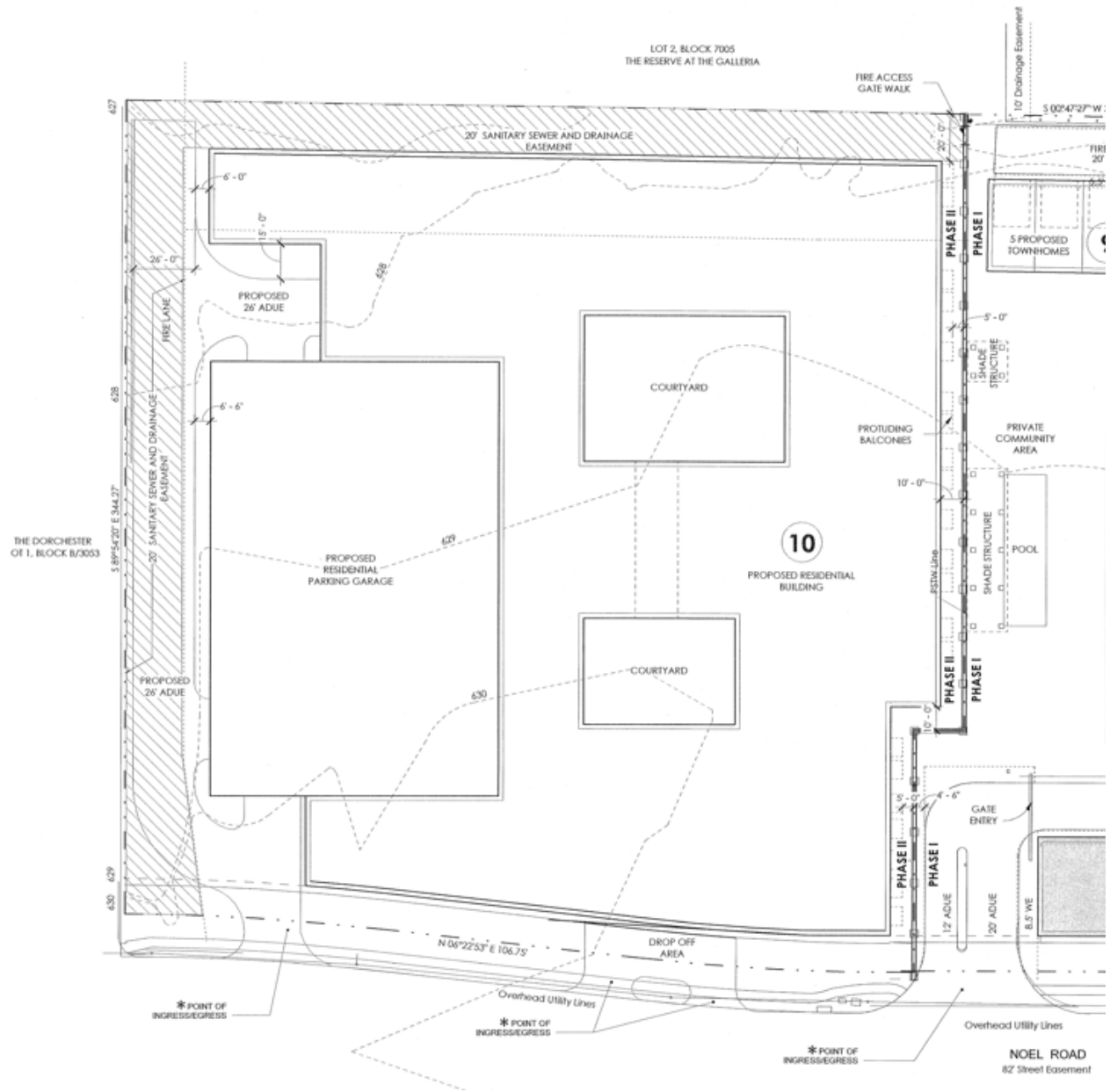


BUILDING SQUARE FOOTAGE			
	Sq. Feet		Net/Unoccupied
C of East Bay (partial) Building	9,429.71		3,992.51
Deerwood Shopping Plaza	17,993.27		3,268.27
	5	7,550.51	3,245.25
	5	1,171.11	4,467.57
	1	2,555.57	22,041.37
<b>Total - Existing Shops (Net)</b>	<b>43,598.37</b>		<b>22,041.37</b>
China Town (1 - Proposed Shop)	2	13,803.27	9,412.51
1 - Northwood Shopping Center	2	9,000.51	6,000.51
	2	22,000.57	9,000.57
<b>Total - Proposed Shops (Net)</b>	<b>9</b>	<b>44,804.35</b>	<b>24,413.59</b>
<b>Total - Proposed Shops (Gross)</b>	<b>19</b>	<b>237,003.59</b>	<b>46,000.59</b>

Estimated Budget for 2011 based on 2010	2011 Actual
Estimated Budget for 2011 based on 2010	202,455.37
Estimated Budget for 2011 based on 2010	366,052.37
Estimated Budget for 2011 based on 2010	197,244.56
Estimated Budget for 2011 based on 2010	47,788.53
Estimated Budget for 2011 based on 2010	127,460.37
Estimated Budget for 2011 based on 2010	272,148.56
Estimated Budget for 2011 based on 2010	81,383.57
Estimated Budget for 2011 based on 2010	67,520.56
Estimated Budget for 2011 based on 2010	24,605.57
Estimated Budget for 2011 based on 2010	238,709.37
Estimated Budget for 2011 based on 2010	84,403.57



## Existing Development Plan Detail



CPC Recommended Development Plan



SCALE 1" = 30'

NOTES:  
1. ALL LOT AND BUILDING FOOTPRINTS SHOWN ARE BASED ON THE FINAL PLAT OF SUBDIVISION, PERMITS, AND RECORDS. ALL DIMENSIONS ARE IN FEET AND INCHES.  
2. THE PROPOSED DEVELOPMENT IS BASED ON THE FINAL PLAT OF SUBDIVISION, PERMITS, AND RECORDS. ALL DIMENSIONS ARE IN FEET AND INCHES.  
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10. THE PROPOSED DEVELOPMENT IS BASED ON THE FINAL PLAT OF SUBDIVISION, PERMITS, AND RECORDS. ALL DIMENSIONS ARE IN FEET AND INCHES.

PHASE	EXISTING LOT AREA	EXISTING LOT COVER	EXISTING LOT COVER
PHASE I	10,000	10,000	10,000
PHASE II	10,000	10,000	10,000
PHASE III	10,000	10,000	10,000
PHASE IV	10,000	10,000	10,000
PHASE V	10,000	10,000	10,000
PHASE VI	10,000	10,000	10,000
PHASE VII	10,000	10,000	10,000
PHASE VIII	10,000	10,000	10,000
PHASE IX	10,000	10,000	10,000
PHASE X	10,000	10,000	10,000

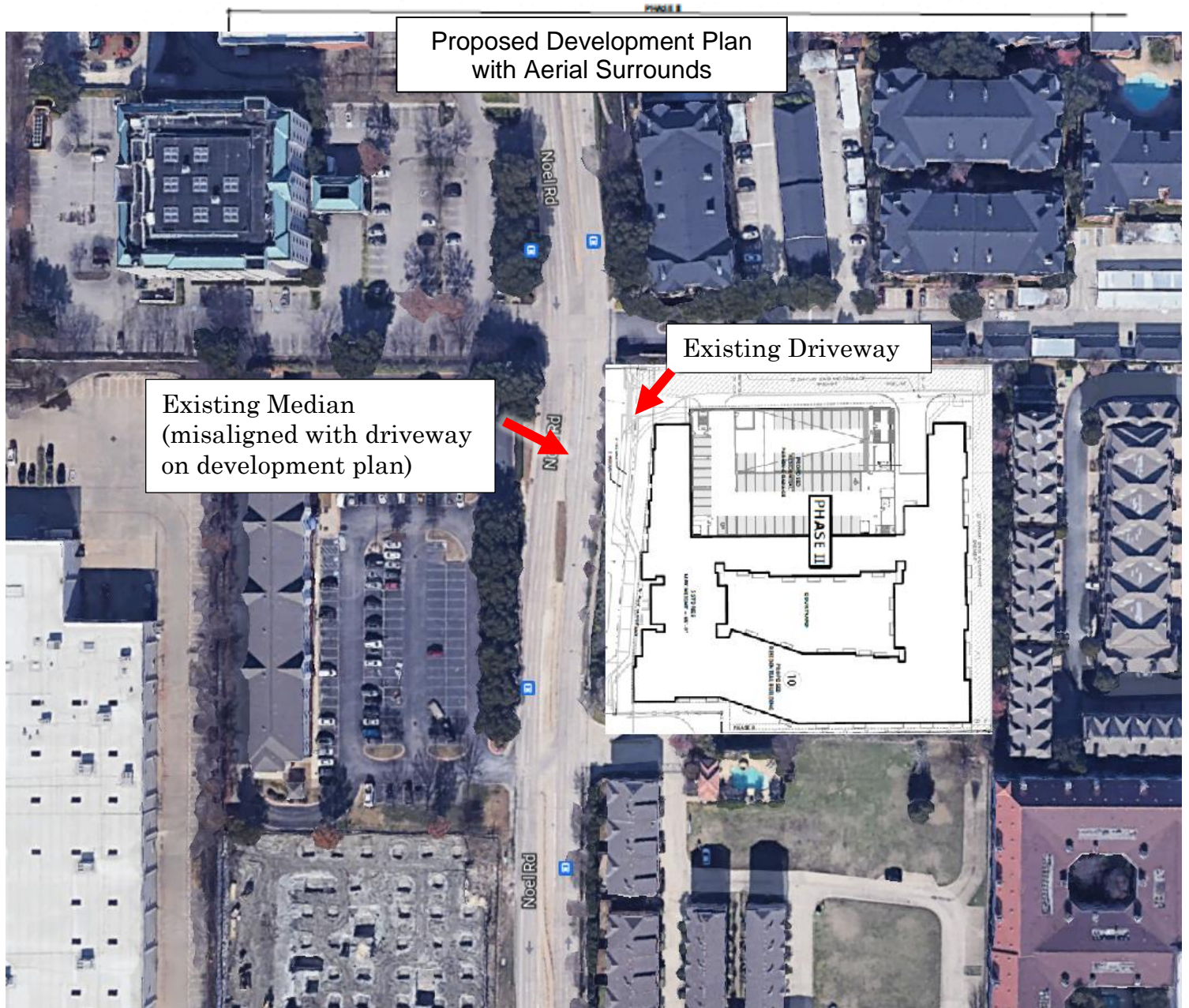
PHASE	EXISTING LOT AREA	EXISTING LOT COVER	EXISTING LOT COVER
PHASE I	10,000	10,000	10,000
PHASE II	10,000	10,000	10,000
PHASE III	10,000	10,000	10,000
PHASE IV	10,000	10,000	10,000
PHASE V	10,000	10,000	10,000
PHASE VI	10,000	10,000	10,000
PHASE VII	10,000	10,000	10,000
PHASE VIII	10,000	10,000	10,000
PHASE IX	10,000	10,000	10,000
PHASE X	10,000	10,000	10,000





**CPC Recommended Development  
Plan (Detail)**

**Proposed Development Plan  
with Aerial Surrounds**



Existing Median  
(misaligned with driveway  
on development plan)

Existing Driveway

**Staff Recommendation:**

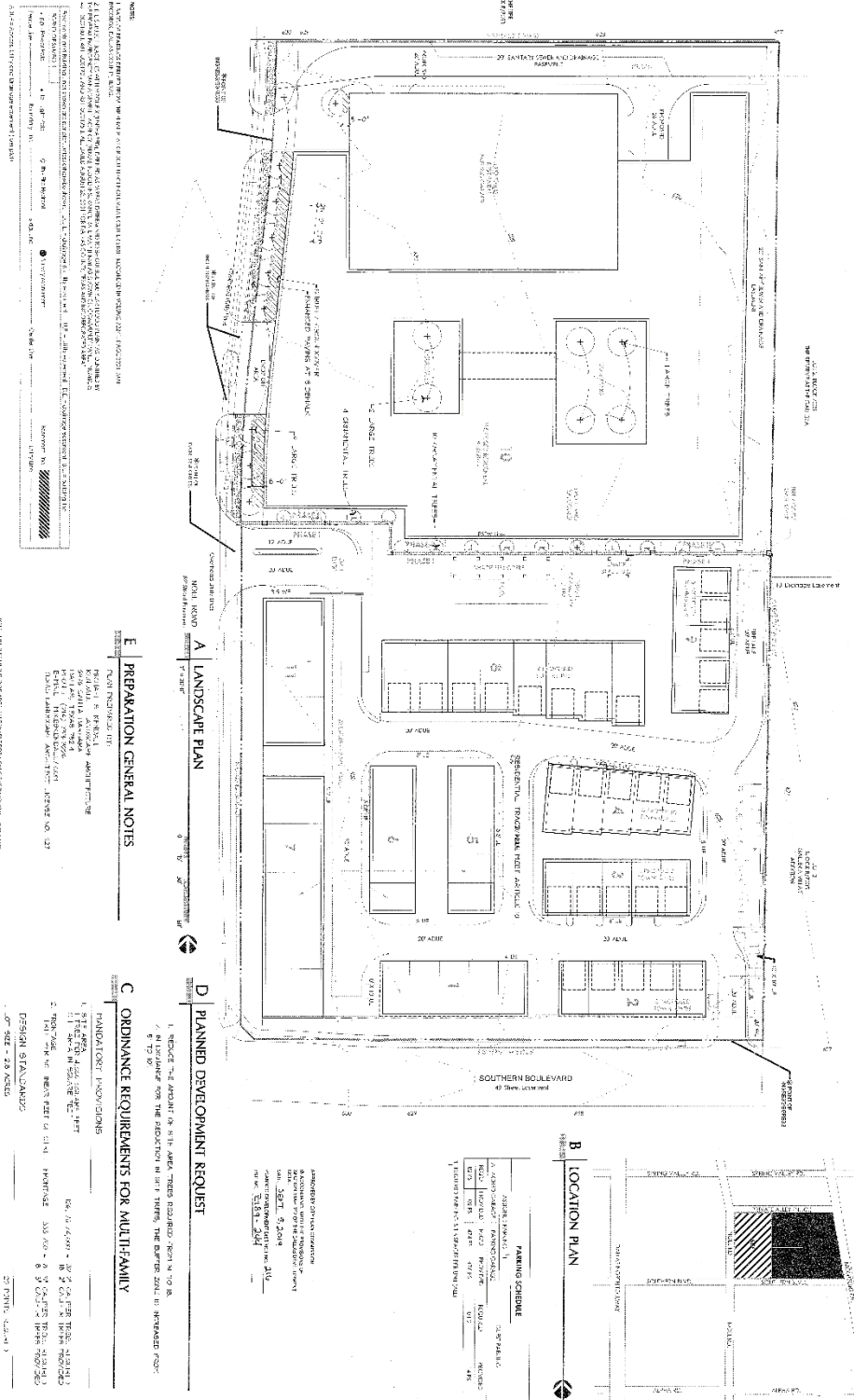
Eliminate or relocate driveway  
at least 50 feet south of  
northern property line.

Noel Road

**Staff Recommendation:**

Eliminate or reconfigure  
driveway.

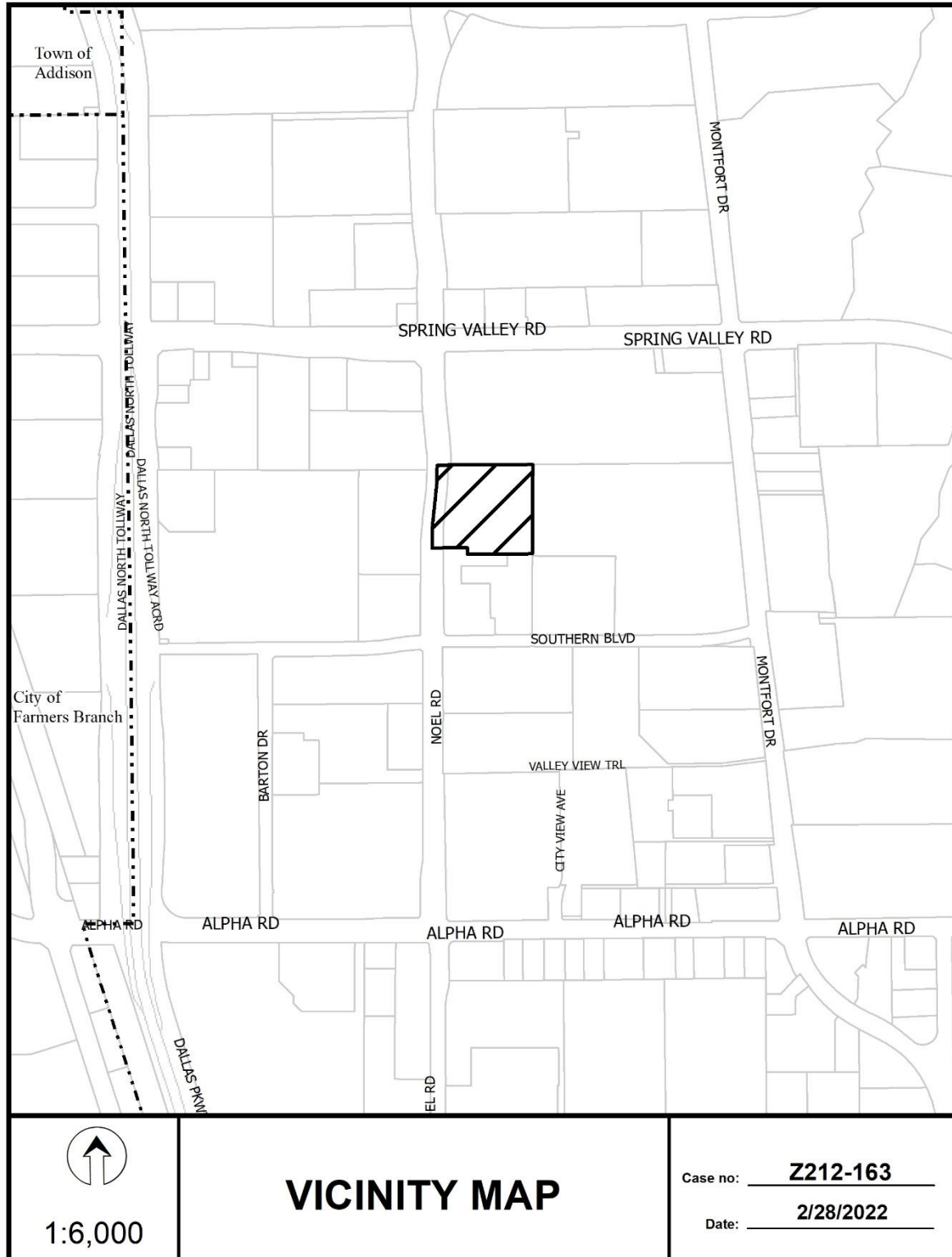
# Existing Landscape Plan



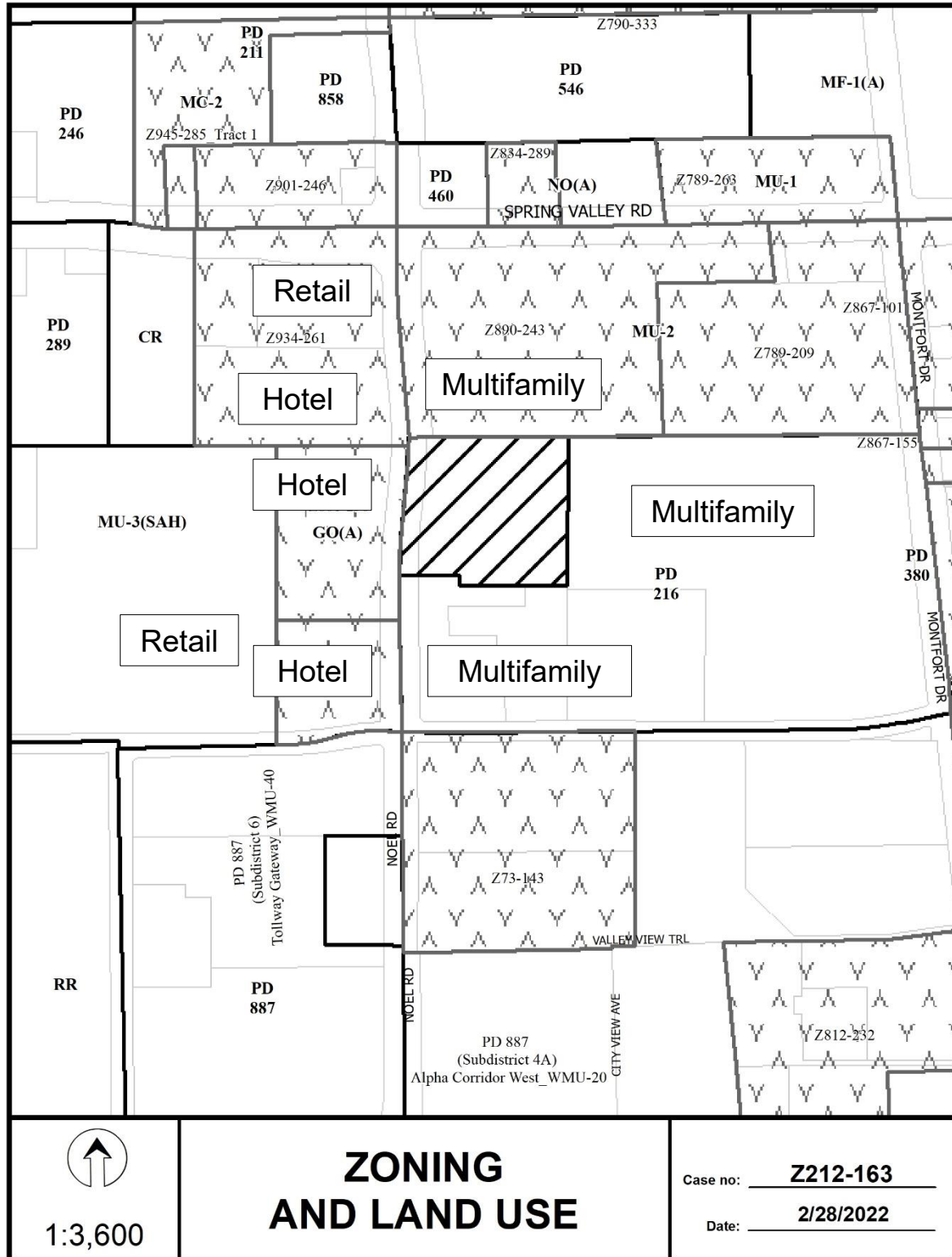
Remove plantings from driveway island



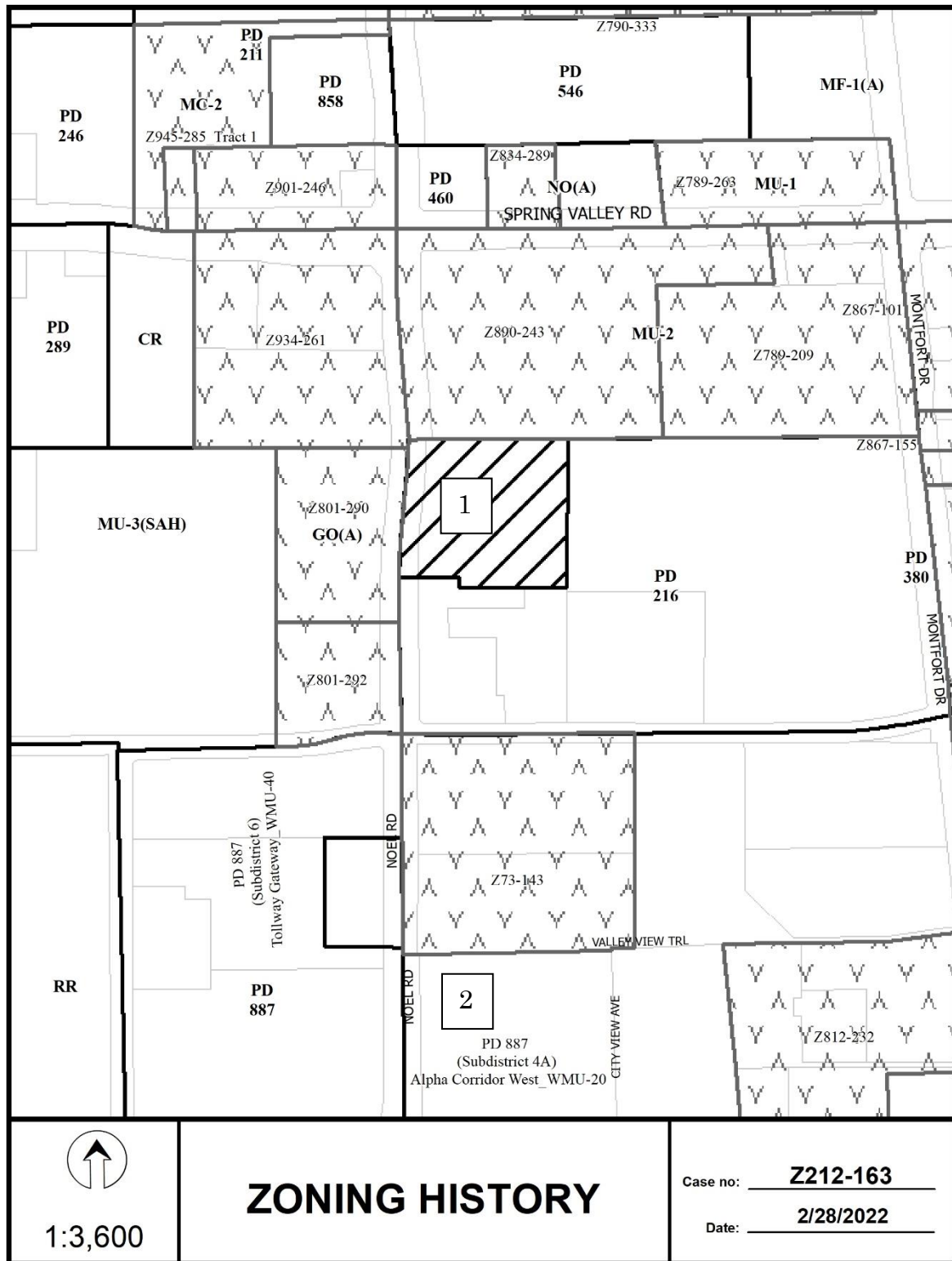


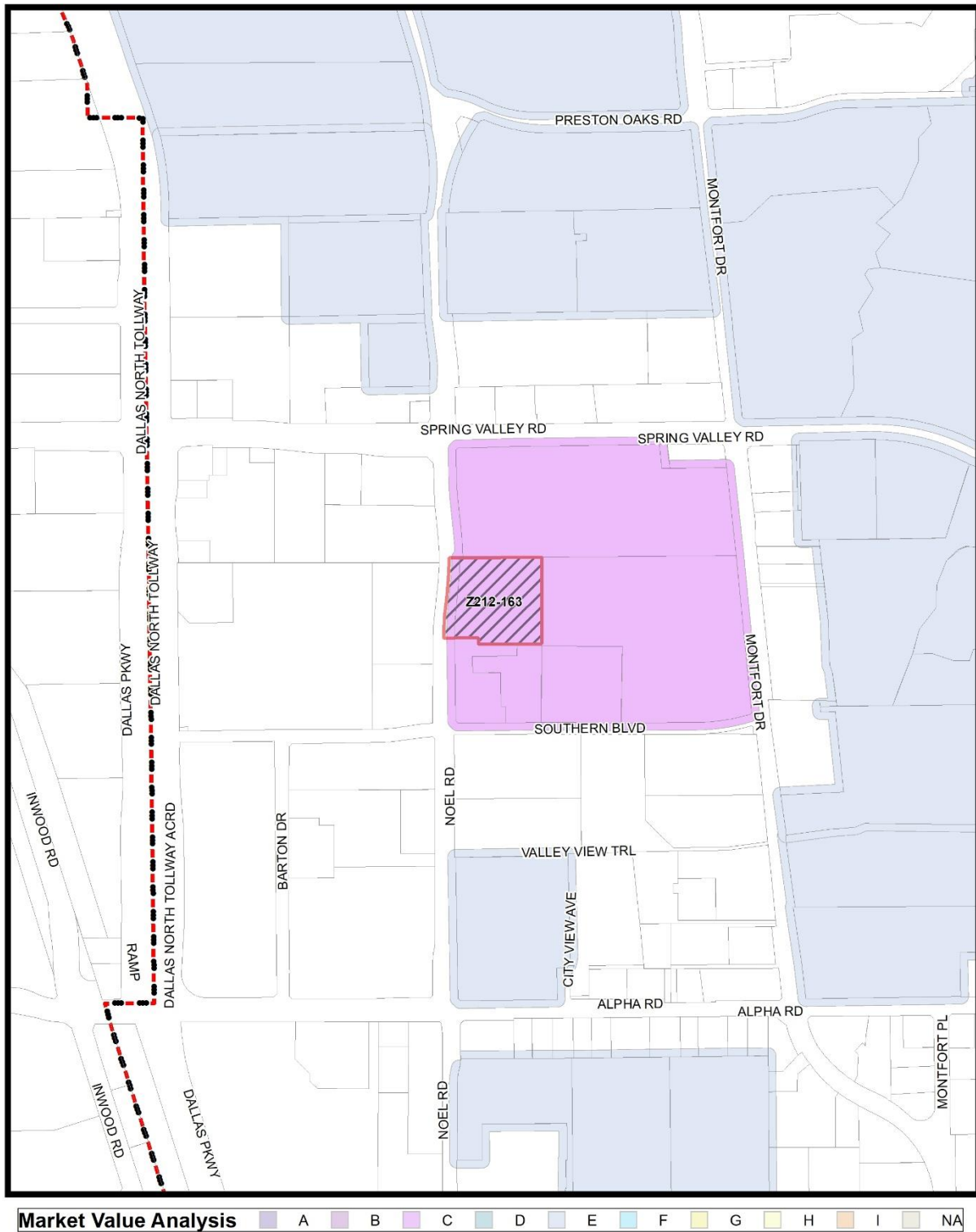












1:6,000

# Market Value Analysis

Printed Date: 2/28/2022



<u>38</u>	Property Owners Notified (15 parcels)
<u>23</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>4/21/2022</u>	Date

**Z212-163**  
**CPC**



1:3,600

04/20/2022

***Reply List of Property Owners******Z212-163******38 Property Owners Notified 23 Property Owners in Favor 0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	13900 NOEL RD	ORION SKY INVESTMENTS LLC
	2	13780 NOEL RD	U S POSTAL SERVICE
	3	13741 NOEL RD	IPERS GALLERIA NORTH TOWER I &
	4	13741 NOEL RD	GALLERIA HORIZONTAL ASSET LLC
	5	13725 MONTFORT DR	MPC MONTFORT LP
	6	13910 DALLAS PKWY	EDISON ADTX001 LLC
	7	13939 NOEL RD	HPT CW PROPERTIES TRUST
	8	13931 NOEL RD	PLUSH SUITES GALLERIA LP
	9	13907 MONTFORT DR	FATH BROWNSTONE LIMITED PS
	10	5383 SOUTHERN BLVD	CHELSEA ON SOUTHERN LLC
	11	13900 NOEL RD	CITTA URBAN LLC
	12	14021 NOEL RD	ASHFORD DALLAS LP
	13	14000 NOEL RD	DORCHESTER PPTIES LTD
	14	5230 SPRING VALLEY RD	SBKFC HOLDINGS LLC
	15	5230 SPRING VALLEY RD	SCP 2002D 4 LLC
O	16	13900 NOEL RD	CORREA HERMINIA
O	17	13900 NOEL RD	EVANS AMY
O	18	13900 NOEL RD	ZHONG XIN
O	19	13900 NOEL RD	SABETI ARMIN & WENDY
O	20	13900 NOEL RD	LASHLEY DIANNE
O	21	13900 NOEL RD	CLAYPOOL CHRISTOPHER
O	22	13900 NOEL RD	MALIK IMAD
O	23	13900 NOEL RD	FALCON RAUL M SANCHEZ
O	24	13900 NOEL RD	BROOKSHIRE JOSEPH
O	25	13900 NOEL RD	HILL CHRISTOPHER M
O	26	13900 NOEL RD	BERGEN JACQUELINE A &

04/20/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	27	13900 NOEL RD	BOROWSKI OTYLIA
O	28	13900 NOEL RD	NAMALA ABHINAV
O	29	13900 NOEL RD	IGETA DAVID T
O	30	13900 NOEL RD	NGO MAI T
O	31	13900 NOEL RD	ROBINSON MARIA C
O	32	13900 NOEL RD	BELLA FLUCHAIRE LLC
O	33	13900 NOEL RD	BELLERBY THOMAS MICHAEL III &
O	34	13900 NOEL RD	WATSON ROBERT
O	35	13900 NOEL RD	WYLIE CINDY L
O	36	13900 NOEL RD	WINSLOW WARREN A III
O	37	13900 NOEL RD	SU KORBAN C & NINTHALA
O	38	13900 NOEL RD	JMC REAL ESTATE LLC





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1343

**Item #:** Z4.

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**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Department of Planning and Urban Design  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the preservation criteria and exhibits for Historic Overlay District No. 20, the Ambassador Hotel (1312 S. Ervay Street), on property zoned Subdistrict No. 2 within Planned Development District No. 317, the Cedars Special Purpose District, on the northwest corner of St. Paul Street and Ervay Street

Recommendation of Staff: Approval as amended

Recommendation of CPC: Approval per staff recommendation as amended, and Landmark Commission recommended condition with changes  
Z212-213(LVO)

**FILE NUMBER:** Z212-213(LVO)

**DATE FILED:** March 11, 2022

**LOCATION:** Northwest corner of St. Paul Street and Ervay Street

**COUNCIL DISTRICT:** 2

**SIZE OF REQUEST:** 1.278 acres

**CENSUS TRACT:** 0204.00

**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

**APPLICANT:** Jim Lake

**OWNER:** Ambassador Hotel Partners, LP

**REQUEST:** An application to amend the preservation criteria and exhibits for Historic Overlay District No. 20, the Ambassador Hotel (1312 S. Ervay Street), on property zoned Subdistrict No. 2 within Planned Development District No. 317, the Cedars Special Purpose District.

**SUMMARY:** The purpose of the request is to amend preservation criteria and exhibits for the Ambassador Hotel Historic Overlay, following destruction of the hotel by fire in 2019.

**STAFF RECOMMENDATION:** Approval as amended.

**LANDMARK COMMISSION RECOMMENDATION:** Approve amendments to the preservation criteria and exhibits, with requirement correction of mistake noted during the meeting, section 5.1.(a)(ii) regarding opening, "may be oriented" must change to "shall be oriented".

**CITY PLAN COMMISSION RECOMMENDATION:** Approval per staff recommendation as amended, and Landmark Commission recommended condition with changes.

## BACKGROUND INFORMATION

- Prior to its destruction, the Ambassador Hotel was the oldest remaining luxury hotel in Dallas, constructed in 1904 in the Sullivanesque Style. It was a five-story red brick building with contrasting white limestone frieze, white belt course above the first story and spandrels, designed by local architect, E. H. Silvan. The building was renovated in 1932 to reflect the local interest in Spanish Colonial Revival Style architecture, which was popular at that time. Its exterior was covered in white plaster, the roofline was changed with an extra penthouse story added, red Spanish tile was installed, and the entrances were altered and enhanced. This Spanish Colonial Revival Style exterior was maintained up until the building was lost.
- The Ambassador Hotel site was designated as a Recorded Texas Historic Landmark in 1965. It was designated a City of Dallas Landmark in 1982. Just prior to its destruction in 2019, the site was to be listed on the National Register of Historic Places.
- The entire building was lost to a fire during the summer of 2019. After the fire, the remains of the structure were demolished, and the site was scraped.
- At the December 6, 2021 meeting of the Landmark Commission, an application for the removal of the Historic Overlay for the Ambassador Hotel (Z212-118(LC)) was denied without prejudice.
- At the March 10, 2022 meeting of the City Plan Commission (CPC) an application for the removal of the Historic Overlay for the Ambassador Hotel (Z212-118(LC)) was denied without prejudice (at the request of the applicant).
- At the April 4, 2022 meeting of the Landmark Commission, an application to amend the preservation criteria and exhibits for the Ambassador Hotel Historic Overlay (Z212-213(LC)) was approved with conditions.
- At the June 2, 2022 meeting of the City Plan Commission (CPC) an application to amend the preservation criteria and exhibits for the Ambassador Hotel Historic Overlay (Z212-213(LC)) was approved with conditions.
- On June 2, 2022, the City Plan Commission recommended approval per staff recommendation as amended, and Landmark Commission recommended condition 5.1(a)(ii) with the following conditions:
  - 1) Revised Exhibit C site plan dated April 28, 2022.
  - 2) Conceptual elevation renamed Exhibit D.
  - 3) Revised Ordinance conditions:
    - Item 1.3(b) – strike “The preservation guidelines for the Original Building are not relevant to the Main Building and do not apply.”
    - Item 2.6, revise “Old Building” to “Original Building.”
    - Item 4.5 last sentence, to be new item 4.6 “Sandblasting and other mechanical abrasive cleaning processes are not permitted.”

- Add “Item 4.7 – Public improvements. All public improvements of streets and associated rights-of-way abutting the site shall be approved by the Landmark Commission prior to commencement of the work.”
- Item 5.1(a)(i), strike parentheses at 50%.
- Item 5.1(b)(i), revised to read “The base must be visually prominent expression from grade between 10 – 25 ft.”
- Item 5.1(b)(v), add “as shown on Exhibit C.”

## **STAFF ANALYSIS**

### **Comprehensive Plan:**

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006, outlining several goals and policies which serve as a framework for assisting in evaluating the applicant's request. The request complies with the following land use goals and policies of the Comprehensive Plan:

## **ECONOMIC ELEMENT**

### **GOAL 2.1 PROMOTE BALANCED GROWTH**

**Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.

**List of Partners/Principals/Officers**

**General Partners**

Lake-Moreno Partners No. 2, LLC  
Issam Shimaaisani

**Limited Partners**

Lake-Moreno Partners, LLC  
Barbara A. Lake  
Belmar Management Ltd  
Issam Shimaaisani  
7th, LLC  
Montgomery Petroleum, Inc.  
2 Esquinas at Bishop Arts, LLC  
Richard Lake  
Lesley Anne Lake Estate  
Bost Venture, LLC  
L Paige Whiteside  
Jeffery Bakes  
Mutual Pursuits, LLC  
Bishop Street Partners, LLC  
Issam Shmaaisani  
Anthem Investments  
RMB Associates  
Four L Capital  
Patterson Heritage Trust  
Mary McDermott Cook  
Jane A. Weempe  
Belmar Management Ltd

**CPC Action**  
**June 2, 2022**

**Motion:** It was moved to recommend **approval** of an amendment to the preservation criteria and exhibits for Historic Overlay District No. 20, the Ambassador Hotel (1312 S. Ervay Street), per staff recommendation as amended, and Landmark Commission recommended condition 5.1 (a)(ii) with the following conditions:

- 1) Revised Exhibit C site plan dated April 28, 2022.
  - 2) Conceptual elevation renamed Exhibit D.
  - 3) Revised Ordinance conditions:
    - Item 1.3 (b) – strike “The preservation guidelines for the Original Building are not relevant to the Main Building and do not apply.”
    - Item 2.6, revise “Old Building” to “Original Building.”
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    - Item 5.1(a)(i), strike parentheses at 50%.
    - Item 5.1 (b)(i), revised to read “The base must be visually prominent expression from grade between 10 – 25 ft.”
    - Item 5.1 (b)(v), add “as shown on Exhibit C.”
- on property zoned Subdistrict No. 2 within Planned Development District No. 317, the Cedars Special Purpose District, on the northwest corner of St. Paul Street and Ervay Street.

Maker: Hampton  
Second: Carpenter  
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Shidid, Carpenter, Vann,  
Blair, Jung, Haqq, Stanard, Kingston, Rubin

Against: 0  
Absent: 3 - Anderson, Housewright, Gibson  
Vacancy: 1 - District 3

**Notices:** Area: 300 Mailed: 21  
**Replies:** For: 0 Against: 0

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Jim Lake, 1350 Manufacturing St., Dallas, TX, 75207  
For (Did not speak): Kyle Ward, 410 N. Montclair Ave., Dallas, TX, 75205  
Against: None

**LANDMARK COMMISSION ACTION:** (April 4, 2022)

This item appeared on the Commission's discussion agenda.

Motion: Approve amendments to the preservation criteria and exhibits, with requirement correction of mistake noted during the meeting, section 5.1.(a)(ii) regarding opening, "may be oriented" must change to "shall be oriented".

Maker: Montgomery

Second: Renaud

Results: 14/0

Ayes: Anderson, Cummings, Guest, Haskel, Hinojosa,  
Livingston, Montgomery, Offutt, Renaud,  
Rothenberger, Sherman, Slade, Spellicy,  
Swann  
None

Against:

Absent: Childers, Velvin

Vacancies: District 10



**CITY PLAN COMMISSION ACTION:** (June 2, 2022)

**Motion:** It was moved to recommend **approval** of an amendment to the preservation criteria and exhibits for Historic Overlay District No. 20, the Ambassador Hotel (1312 S. Ervay Street), per staff recommendation as amended, and Landmark Commission recommended condition 5.1 (a)(ii) with the following conditions:

- 4) Revised Exhibit C site plan dated April 28, 2022.
- 5) Conceptual elevation renamed Exhibit D.
- 6) Revised Ordinance conditions:
  - Item 1.3 (b) – strike “The preservation guidelines for the Original Building are not relevant to the Main Building and do not apply.”
  - Item 2.6, revise “Old Building” to “Original Building.”
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on property zoned Subdistrict No. 2 within Planned Development District No. 317, the Cedars Special Purpose District, on the northwest corner of St. Paul Street and Ervay Street.

Maker: Hampton  
Second: Carpenter  
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Shidid, Carpenter, Vann,  
Blair, Jung, Haqq, Stanard, Kingston, Rubin

Against: 0  
Absent: 3 - Anderson, Housewright, Gibson  
Vacancy: 1 - District 3

**Notices:** Area: 300 Mailed: 21  
**Replies:** For: 0 Against: 0

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Jim Lake, 1350 Manufacturing St., Dallas, TX, 75207  
For (Did not speak): Kyle Ward, 410 N. Montclair Ave., Dallas, TX, 75205  
Against: None

## SUPPLEMENTARY INFORMATION



Figure 1 – Site Aerial (Google Maps, 2019)



Figure 2 – Site Aerial (Google Maps, 2021)





Figure 3 – Postcard of the Ambassador Hotel; Date Unknown



1932 POSTCARD

Figure 4 – 1932 Postcard of the Ambassador Hotel





Figure 5 – North Elevation, 2018



Figure 6 – South Elevation, 2018



Figure 7 – The Fire, Summer 2019

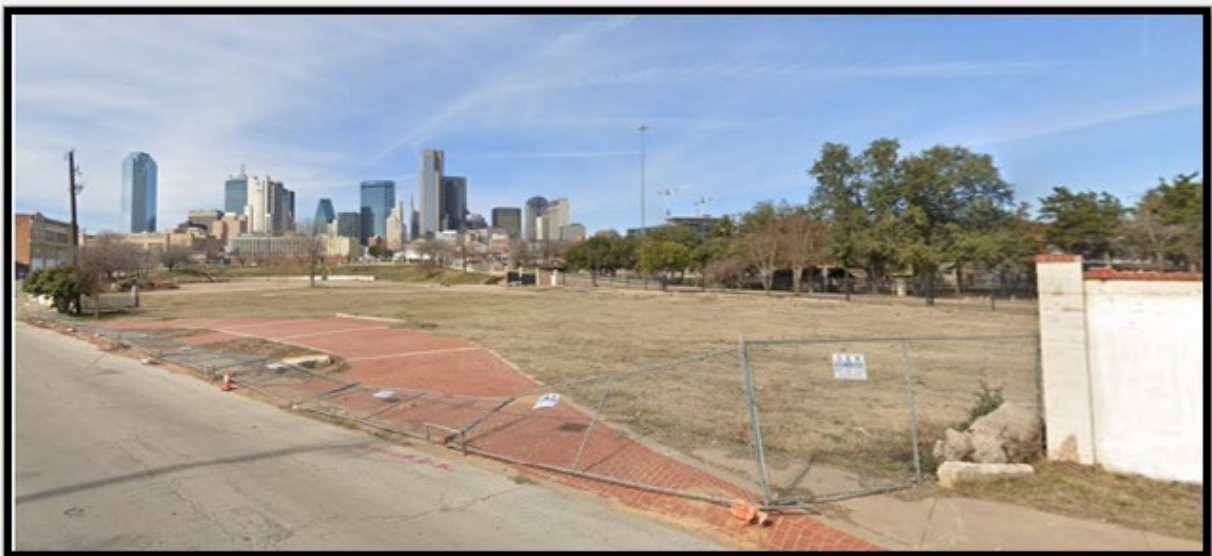
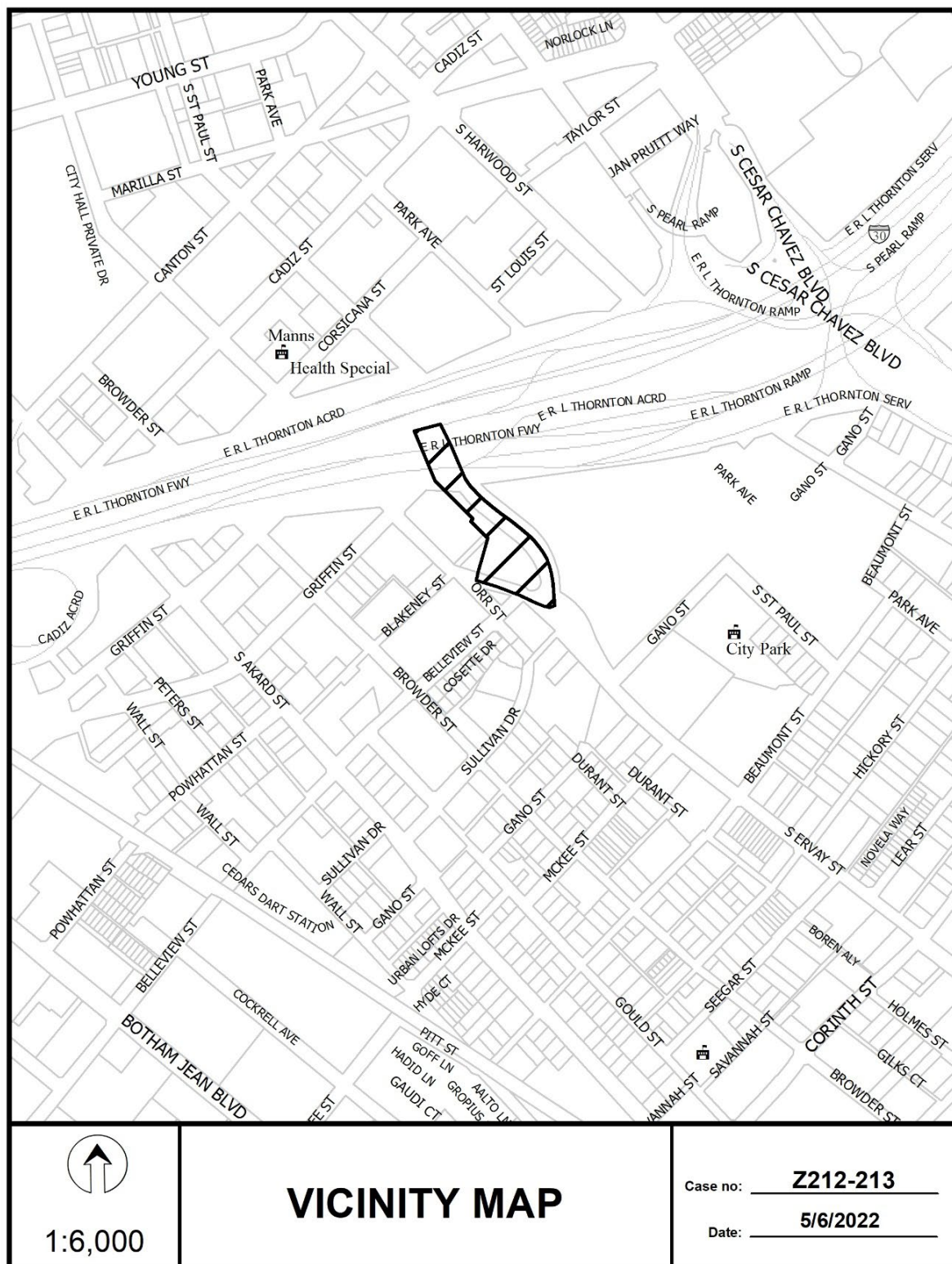


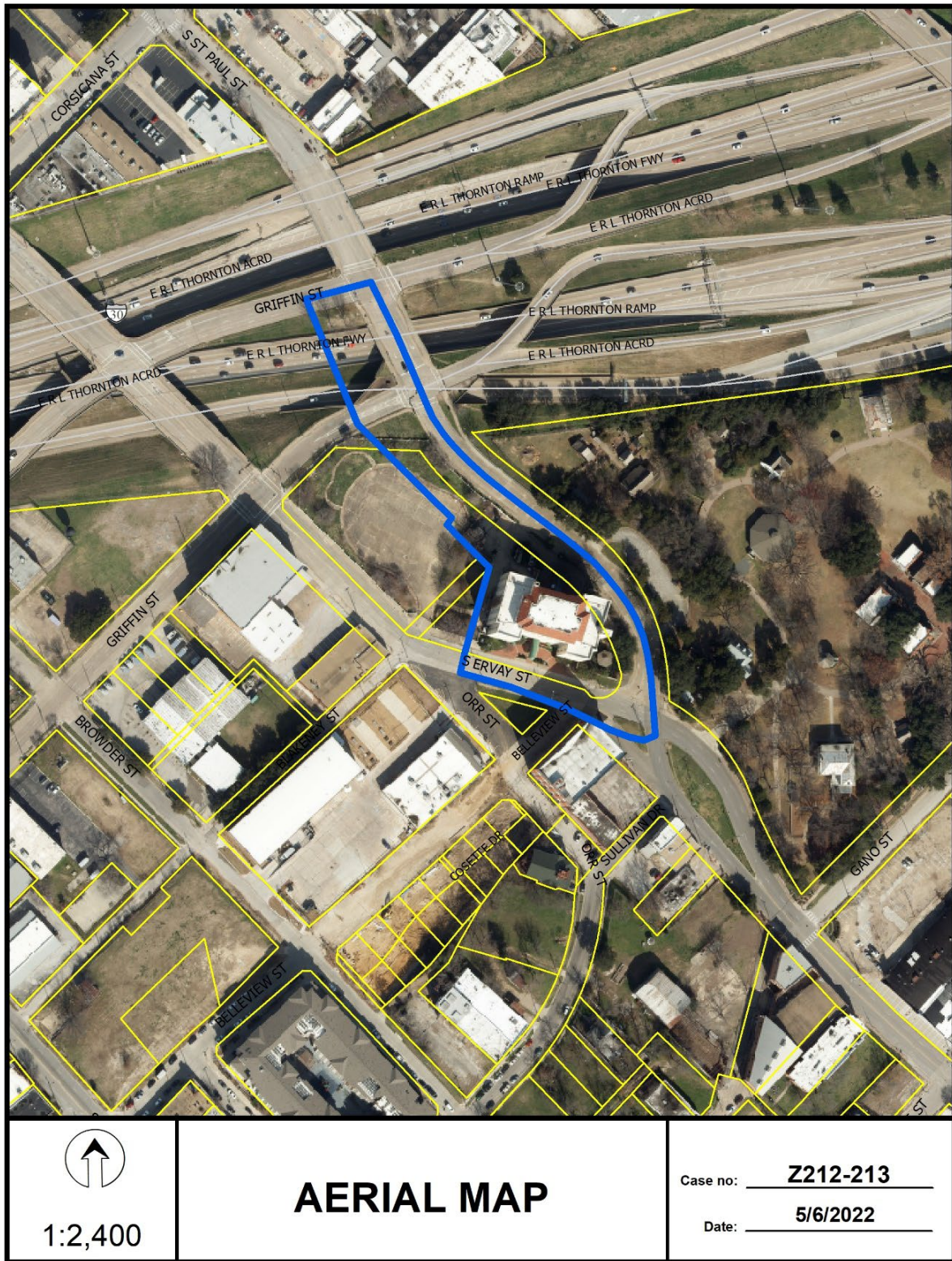
Figure 8 – Ambassador Hotel Site, 2021



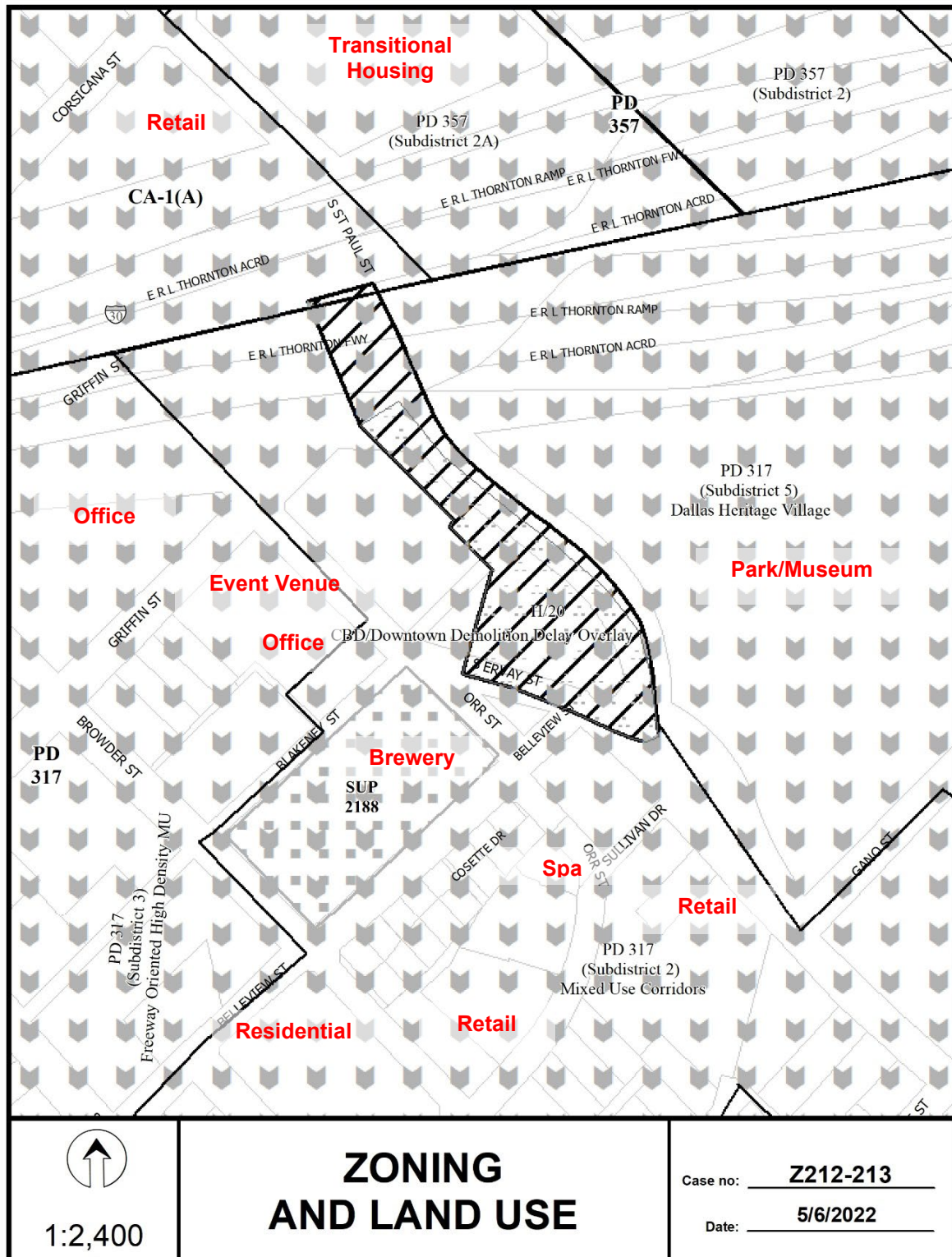
Z212-213(LVO)



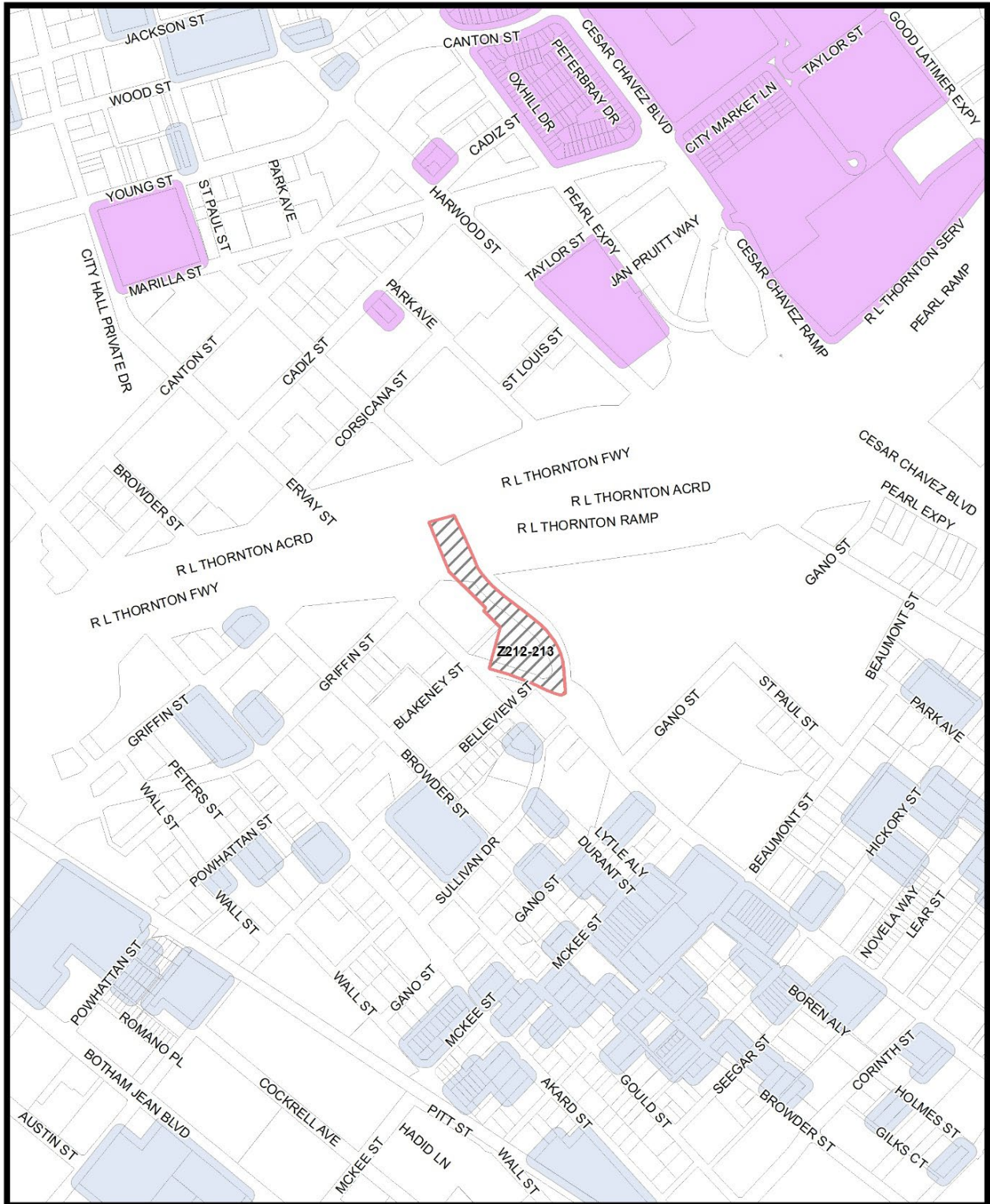








Z212-213(LVO)



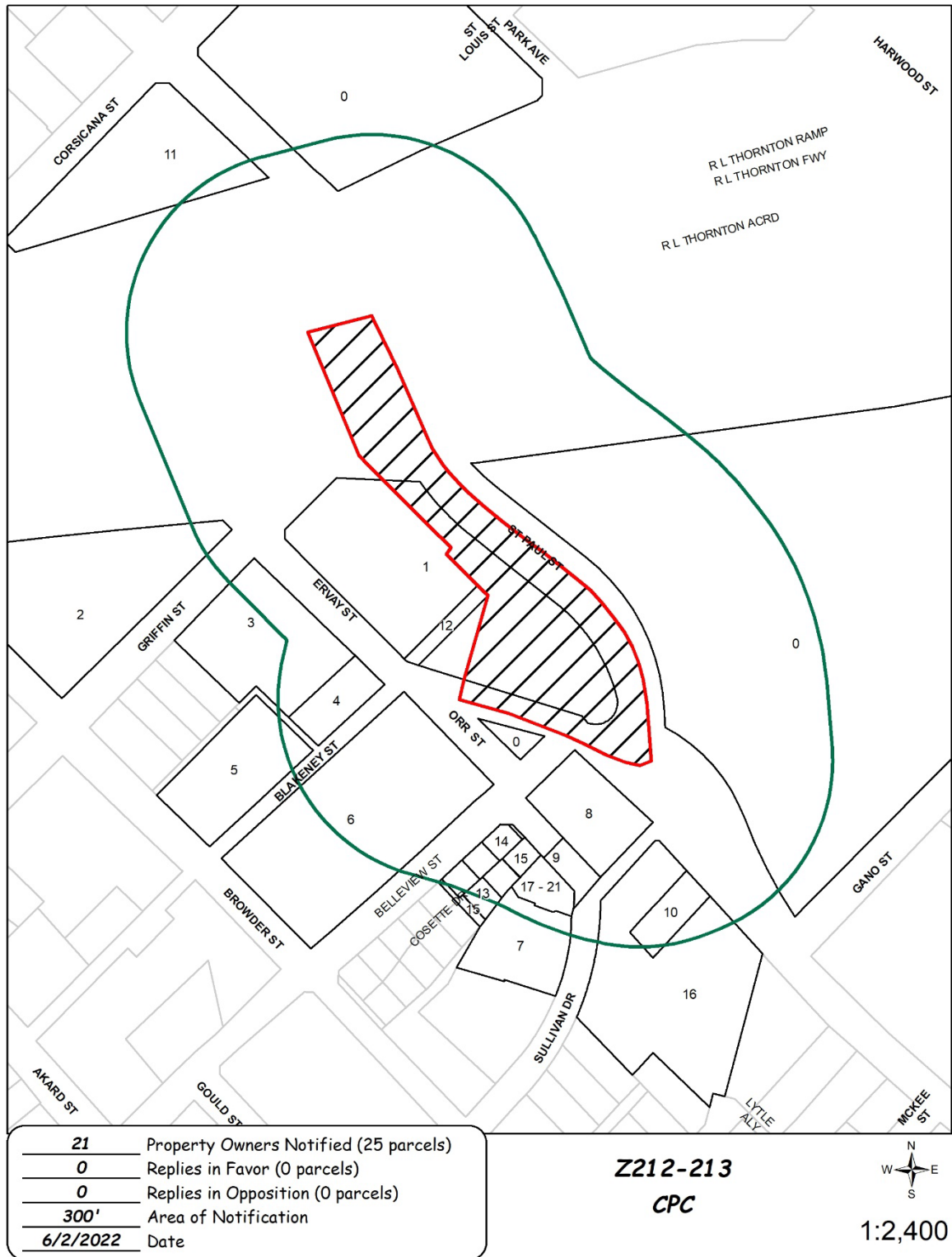
MVACluster A B C D E F G H I NA

1:6,000

# Market Value Analysis

Printed Date: 5/6/2022





06/01/2022

***Reply List of Property Owners******Z212-213***

***Owners in Favor***                      ***21 Property Owners Notified***                      ***0 Property***  
***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	1300	S ERVAY ST Taxpayer at
	2	1506	W GRIFFIN ST TCH BROWDER ST LLC &
THE	3	1201	S ERVAY ST BOWDON FAMILY FOUNDATION
	4	1219	S ERVAY ST BAKER JAY E II
	5	1220	BROWDER STSEAFOOD SUPPLY CO INC
	6	1311	S ERVAY ST FOUR CORNERS BREWING
	7	1525	SULLIVAN DR HILL CARL
	8	1401	S ERVAY ST GULF CONE LOFTS LP
	9	1401	ORR ST GULF CONE LOFTS LP
	10	1507	S ERVAY ST LA ZONA VERDE LLC
	11	1000	S ERVAY ST MILLET THE PRINTER INC
	12	1342	S ERVAY ST Taxpayer at
	13	1545	COSETTE DR CLH20 LLC
	14	1561	COSETTE DR MOREIRA RAFAEL BATISTELA &
	15	1540	COSETTE DR GRBK FRISCO LLC
	16	1501	S ERVAY ST NORTH CEDARS THIRTY LLC
	17	1529	SULLIVAN STLJUNGAR KENNETH ROGER
	18	1529	SULLIVAN STLJUNGAR KENNETH ROGER
	19	1529	SULLIVAN STLJUNGAR KENNETH R
	20	1529	SULLIVAN STPRITCHARD LESLIE
	21	1529	SULLIVAN STCAUDILL DOUGLAS W &

The following is the proposed new preservation guidelines and exhibits for the Ambassador Hotel site.

[Date]

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

An ordinance amending Historic Overlay District No. 20 (Ambassador Hotel) by changing the zoning classification on the following property:

Being a tract of land in City Block 116 and 116-1/2 located at the west corner of St. Paul Street and Ervay Street, fronting approximately 229.85 feet on the northeast line of Ervay Street, and fronting approximately 492.11 feet on the southwest line of St. Paul Street and containing 1.278 acres of land.

by amending ordinance No. 17459, passed by the Dallas City Council on June 30, 1982, by providing new preservation guidelines and exhibits for Historic Overlay District No. 20 (Ambassador Hotel); 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 the rezoning of the Property described in this ordinance; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to amend Historic Overlay District No. 20. Now, Therefore,

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

SECTION 1. That the zoning classification is changed by amending Historic Overlay District No. 20 on the following property (“the Property”):

Being a tract of land situated in the City and County of Dallas, Texas, said tract out of the John Grigsby Abstract 1495 in the City of Dallas Blocks 1116 and 116-1/2 and being part of a tract of land conveyed to the Ambassador Hotel Company dated April 19, 1955, and of all parcels "A" and "B" described by deed to Ambassador Hotel dated September 28, 1962, and recorded in the Deed Records of Dallas County, Texas, said tract being more fully described as follows:

Beginning at the intersection of the south line of East R. L. Thornton Freeway with the southwest line of St. Paul Street;

THENCE along said line of St. Paul Street southeasterly, with a curve to the left that has a central angle of  $16^{\circ} 36' 00''$  and a radius of 411.41 feet, a distance of 119.19 feet to a point;

THENCE South  $51^{\circ} 36' 31''$  East, 186.22 feet with the southwest line of St. Paul Street to the beginning of a curve to the right that has a central angle of  $37^{\circ} 18' 24''$  and a radius of 286.72 feet; THENCE southerly around said curve to the right, 186.68 feet to the end of said curve and the beginning of another curve which has a central angle of  $125^{\circ} 28' 04''$  and a radius of 36.74 feet;

THENCE Southerly with a curve to the right, 80.45 feet to a point in the north line of South Ervay Street;

THENCE North  $41^{\circ} 33' 40''$  West, 16.85 feet with the North line of South Ervay Street to a point for corner;

THENCE North  $73^{\circ} 10' 17''$  West, 123.0 feet with the North line of South Ervay Street to a point for corner;

THENCE North  $716^{\circ} 48' 43''$  East, 146.90 feet to a point for corner;

THENCE North  $45^{\circ}$  West, 89.82 feet to a point for corner;

THENCE North  $45^{\circ}$  East, 10.0 feet to a point for corner;

THENCE North  $45^{\circ}$  West, 77.13 feet to a point for corner;

THENCE North  $45^{\circ}$  East, 20.0 feet to a point for corner;

THENCE North  $45^{\circ}$  West, 44.0 feet to a point for corner;

THENCE South  $45^{\circ}$  West, 19.0 feet to a point for corner;

THENCE North 45° West, 42.52 feet to a point in the south line of East R. L. Thornton Freeway;

THENCE South 87° 44' 40" East, 65.74 feet with said south line of East R. L. Thornton Freeway to the Place of Beginning, and containing 1.278 acres of land, more or less.

SECTION 2. That the Exhibit A attached to Ordinance No. 17459, as amended, is replaced by Exhibit A attached to this ordinance.

SECTION 3. That the Exhibit B attached to Ordinance No. 17459, as amended, is replaced by Exhibits B, C, D and E attached to this ordinance.

SECTION 4. That the amendment to this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 5. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation guidelines attached to and made a part of this ordinance as Exhibit B.

SECTION 6. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in



accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 8. That the zoning ordinances of the City of Dallas, as amended, 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 Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

BERTRAM VANDENBERG, City Attorney

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

Passed \_\_\_\_\_

**EXHIBIT A**  
**PRESERVATION GUIDELINES**  
**AMBASSADOR HOTEL**  
**1312 S. ERVAY STREET**

Statement of intent:

1. The purpose of this amendment to the H-20 Historic Overlay is to allow for the redevelopment of the property in Exhibit B in such a way that recognizes the Original Building and maintains the same general relationship and historic connection of the property to Old City Park. The intent is not to recreate the Original Building.
2. The Original Building was an important building in the city of Dallas and the Cedars neighborhood, but it no longer exists. The intent of this amendment is to recognize and celebrate the Original Building, but not replicate it.
3. The preservation guidelines created in the Original Ordinance no longer applies and is replaced with the new preservation guidelines outlined in the Amended Ordinance.
4. The new preservation guidelines are to serve as a guide to the design and redevelopment of the property. The guidelines below are only intended to influence the design of the exterior of the building, its footprint, and its orientation to the Cedars.

**1. GENERAL.**

- 1.1 All demolition, new construction and site work in this property must comply with these new guidelines.
- 1.2 Any alterations to property within this property must comply with the regulations in Chapter 51 A of the Dallas City Code, as amended. If there is a conflict, these new preservation guidelines control.
- 1.3 Certificate of appropriateness.
  - a. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this property for the permitting of construction projects that change the building's exterior, footprint, or orientation to the Cedars.
  - b. Any certificate of appropriateness will be considered using the new provisions created in this document. The preservation guidelines for the Original Building are not relevant to the Main Building and do not apply.
  - c. Routine Maintenance and Repair on the property does not have to seek a certificate of appropriateness.

- d. Minor Exterior Alterations can be administratively approved by the director.
  - e. Any Major Alterations will have to be approved by the Landmark Commission.
- 1.4 References to the Original Building in Exhibit E can and should be utilized when and where design is intended to recognize the Original Building. However, an applicant can also use any other actual imagery of the Original Building to make a case for a design request, so long as the picture is authentic.

## **2. DEFINITIONS.**

- 2.1. Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.
- 2.2. APPROPRIATE means compatible with the historic character of this property, and consistent with these new guidelines.
- 2.3. CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these new guidelines.
- 2.4. DIRECTOR means the Director of the Department of Development Services or the Director's representative.
- 2.5. OVERLAY means H 20 Historic Overlay. This overlay contains the property described in Section 1 of this ordinance and as shown on Exhibit B.
- 2.6. ENTRY ZONE means the area shown on Exhibit C where the main entrance to the building must be located. The specific intent for this clause is to orient the New Building to the Cedars in the same way that the Old Building was oriented to the Cedars.
- 2.7. ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.8. ORIGINAL BUILDING means the historic Ambassador Hotel building, as shown on Exhibit E
- 2.9. MAIN BUILDING means the any new structure located in the new construction area, as shown on Exhibit C.
- 2.10. MAJOR ALTERATION means any changes to the building that increases floor area or building footprint that increases the floor area or meaningful changes to the façade in shape, materials, or color.

- 2.11. MINOR ALTERATION means cosmetic upgrades to the exterior of an existing building, such as but not limited to wall finishes, floor coverings and casework. If there is uncertainty as to whether an item is to be considered a Minor Exterior Alteration, a Major Alteration, the Director will determine.
- 2.12. PROTECTED means an architectural, site or landscaping feature that must be retained and maintain its historic location, as near as practical, in all aspects.
- 2.13. ROUTINE MAINTENANCE AND REPAIR means alteration that involves:
- a. Repair and/or replacement of any exterior wall or roof cladding material with new material that matches the existing in terms of material, dimension, color, texture, reflectivity, and overall appearance.
  - b. Repointing of masonry joints with new mortar that matches the existing in terms of material, color, texture, profile, and overall appearance.
  - c. Replacement of window or door glazing.
  - d. The removal, maintenance, and/or installation of landscape materials.
  - e. The application of vapor-permeable paint or stain finishes to wall cladding materials provided that the finish does not change the existing texture of the cladding.
  - f. Replacement of mechanical equipment; or
  - g. Any other work determined by the director to constitute "routine maintenance and repair." means a sign that advertises the sale or lease of an interest in real property.

### **3. NEW CONSTRUCTION AND ADDITIONS.**

- 3.1. New construction is permitted in the areas shown on Exhibit C.
- 3.2. The color, details, form, materials, and general appearance of additions to be compatible with the Exhibit E give respect to the Original Building.
- a. It is expressly noted that the conceptual elevation in Exhibit D is considered compatible with the Original Building.
- 3.3. New construction does not have to match colors, building form or materials to the Original Building.

- 3.4. New construction or future additions to be appropriate in color, massing, materials, roof form, shape, and solid—to—void ratios with consideration given to fenestration, as conceptually shown on Exhibit D.
- 3.5. Building material colors allowed will be natural colors of pastels, whites, greys, and earth tones. Neon colors are prohibited for building materials.
  - a. These color restrictions apply to building materials, but not to signage, which is considered in Section 8.4
- 3.6. The height of new construction or future additions per base zoning.
- 3.7. Aluminum siding, exterior insulation finish system (EIFS), and vinyl cladding are not permitted as primary materials, but may be used as accent materials.

#### **4. BUILDING SITE AND LANDSCAPING.**

- 4.1. The main building location is protected.
  - a. The building layout at north-east frontage to allow for future changes to the public right of way at South St Paul Street reflecting the original site connection to Dallas Heritage Village (also known as Old City Park).
  - b. Sidewalks and landscape to connect to existing public right of way to foster active pedestrian zones and allow for future extension of the pedestrian zone on adjacent property.
  - c. Building line at South Ervay Street to be located a maximum of 25 feet from property line within the historic overlay area. The maximum building line on South St. Paul Street is as shown on Exhibit.
    - i. The original circular drive may be maintained in the location as shown on conceptual site plan. This area would be excluded from the build to zone calculations.
    - ii. Parking is not allowed within the front yard setback/build to zone.
  - d. Building layout at south frontage along South Ervay Street to provide street level entry, active uses or similar architectural expression to strengthen relationship to other distinctive buildings in the area
- 4.2. New sidewalks and walkways must be constructed of brick, brush finish concrete, or other appropriate material.

- 4.3. Artificial grass, artificially colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted in areas visible from a public street.
- 4.4. Entry canopies are allowed and must be freestanding or attached.
- 4.5. The open space shown on Exhibit C to be maintained by the owner of the property. For clarity, if the open space is sold or dedicated, this new owner will be responsible for maintenance. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

## **5. FACADES.**

### **5.1. Building facades.**

- a. South façade design to include architecturally prominent feature to recognize the original building entrance location. Architecturally prominent features may include:
  - i. Change in plane a minimum of 2.5 ft, a minimum of (50%) of the building façade length.
  - ii. Shall be oriented toward South Ervay Street.
  - iii. Prominent three-dimensional features, or projections such as tower, chimney or penthouse, or change in roof profile.
  - iv. Arcade, awning, canopy, or portico; or
  - v. Any comparable design element approved by the Commission.
- b. Street facing facades to be visually divided into a base, middle and top course as follows:
  - i. The base must be visually prominent expression from grade between (10 – 25 ft, review with design)
  - ii. The top must be distinguished from the middle. Strategies can include a distinguished roof overhang or profile, stepped parapet, cornice, change in window pattern, change in material.
  - iii. The middle course may be distinguished from the base by a change in plane via additional setback.
  - iv. For the purposes of this section, change in color is not acceptable as the only treatment to serve as change in course

- v. At prominent corners and signatures areas, these (base, middle, top) guidelines do not apply. techniques to improve the energy efficiency of historic fenestration.

## **6. FENESTRATION AND OPENINGS**

- 6.1. As much as practical original building fenestration pattern should serve as a reference for new construction.
- 6.2. Glass and glazing:
  - a. Insulated glazing may be used.
  - b. Films and tinted or reflective glazing's are not permitted on glass. For purposes of this subsection, highly reflective glass means glass with exterior visible reflectance percentages in excess of 27 percent. Visible reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass.

## **7. ROOFS.**

- 7.1. Flat roofs are allowed.
- 7.2. The following roofing materials are allowed: built-up and single-ply membrane.
- 7.3. Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at street level on the opposite side of any adjacent right-of-way.

## **8. SIGNS.**

- 8.1. Signs may be erected if appropriate.
- 8.2. All signs must comply with the provisions of the Dallas City Code, as amended.
- 8.3. Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.
- 8.4. The historic Ambassador Hotel sign may be replicated in size, design, and location as much as practical, based on research and photographic evidence. Materials and illumination types, such as LED, may be used provided they convey an appropriate visual appearance to match the historic materials. Signage text should match the

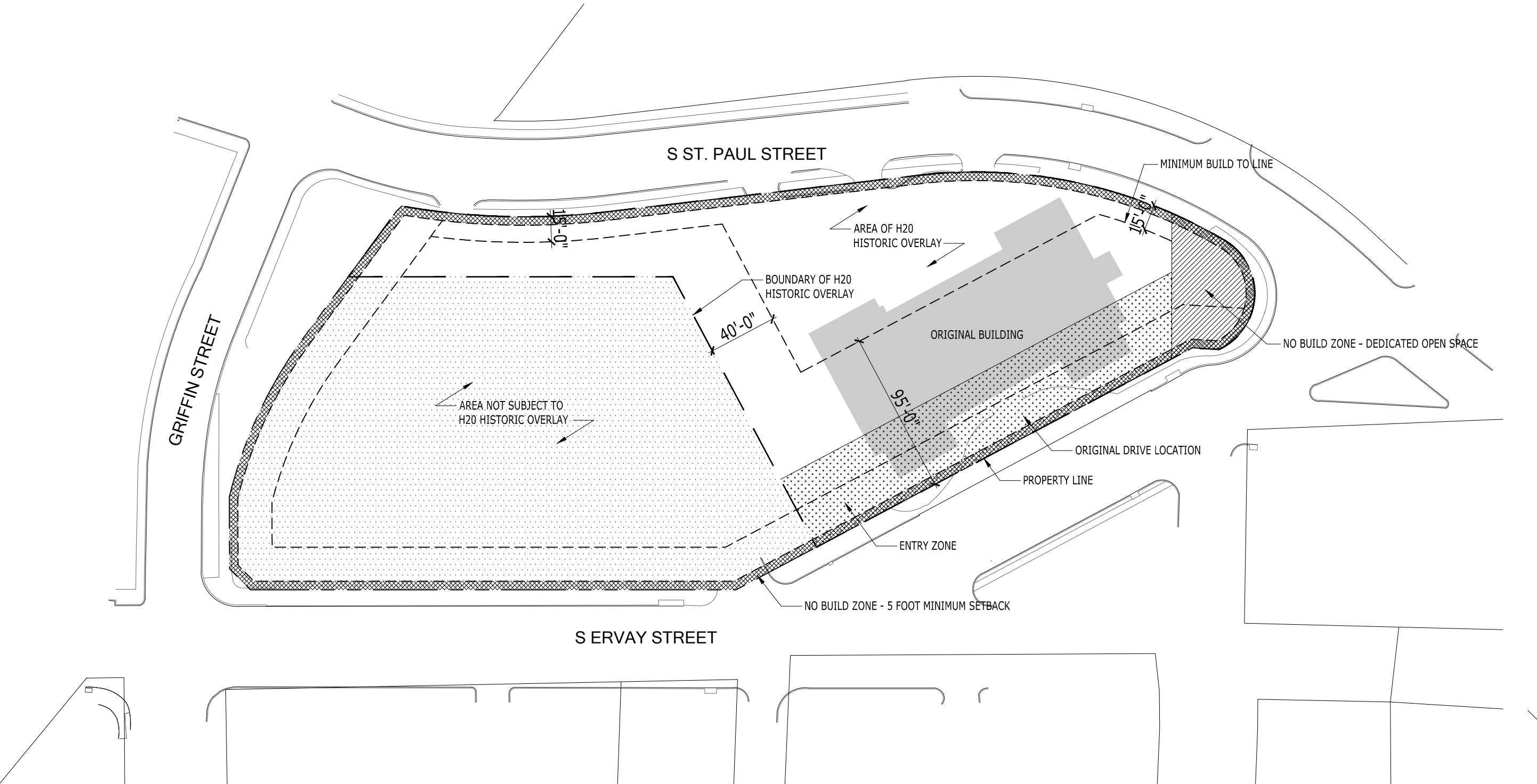
font, but does not have to match the message, of the historic Ambassador Hotel sign.

## **9. ENFORCEMENT.**

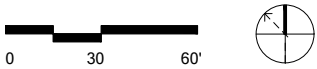
- 9.1 A person who violates these preservation guidelines is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained, or the property is restored to the condition it was in immediately prior to the violation.
- 9.2 A person is criminally responsible for a violation of these preservation guidelines if:
- a. the person knowingly commits the violation or assists in the commission of the violation;
  - b. the person owns part or all of the property and knowingly allows the violation to exist;
  - c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or
  - d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.
- 9.3 Any person who adversely affects a structure in this district in violation of these preservation guidelines is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.
- 9.4 Prosecution in municipal court for a violation of these preservation guidelines does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.



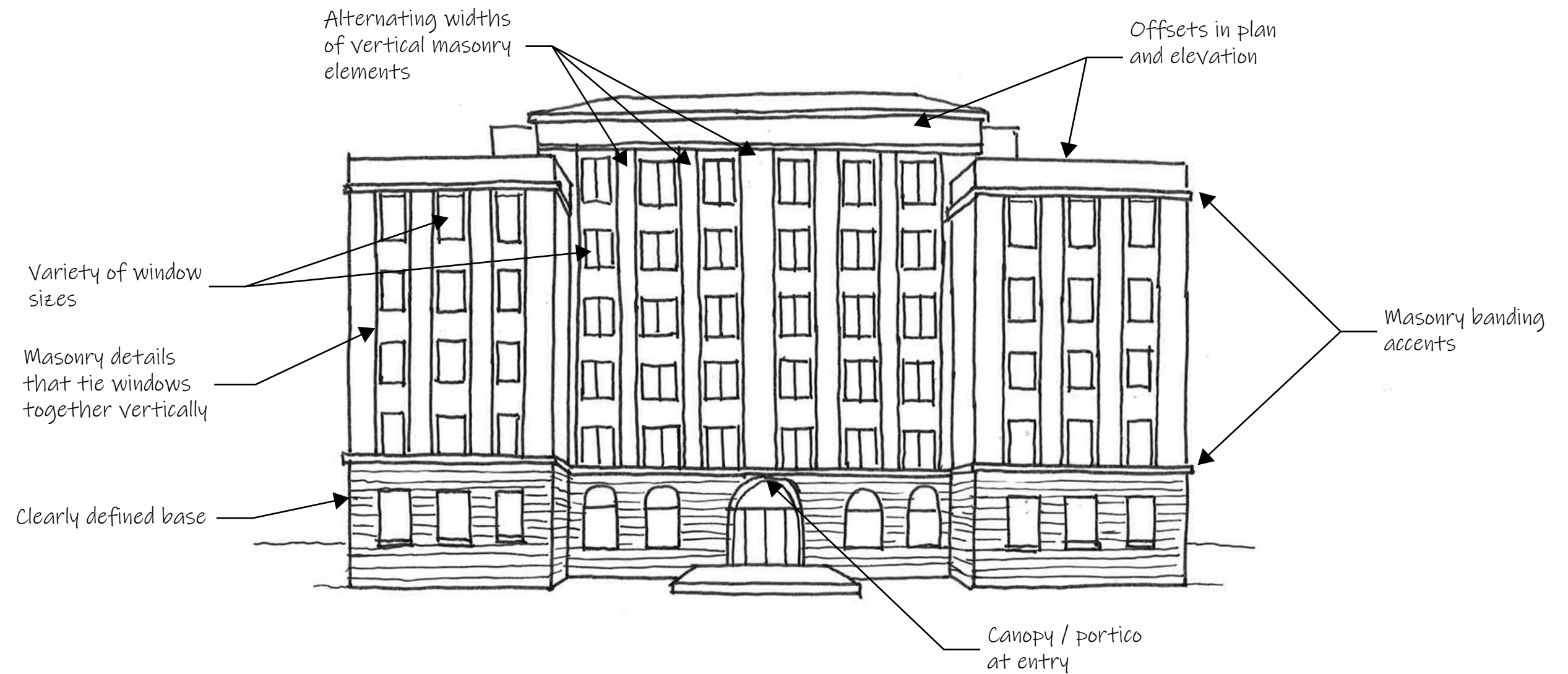
EXHIBIT B



CONCEPTUAL SITE PLAN



## EXHIBIT C





















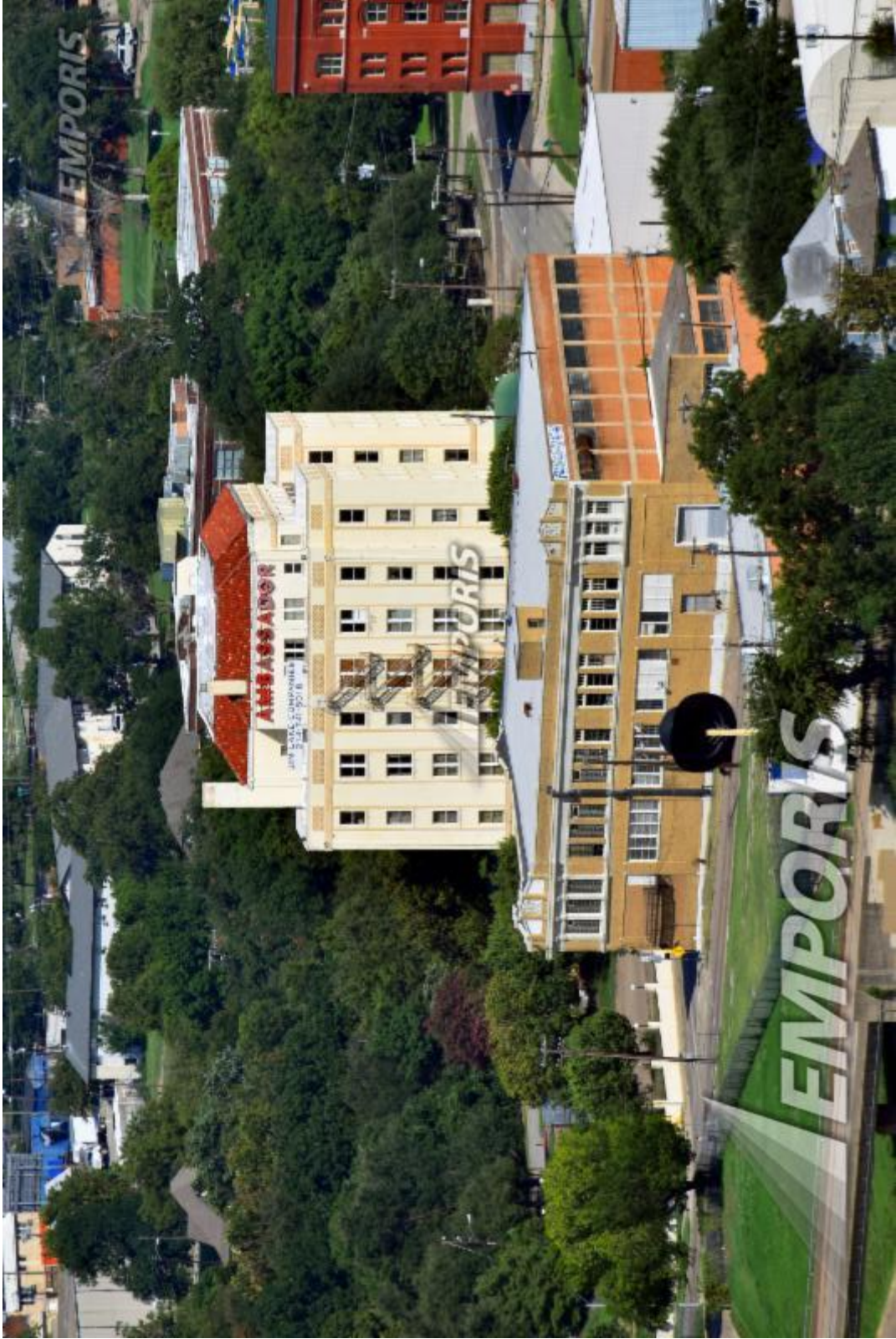












Image capture: Jul 2018 © 2021 Google United States

















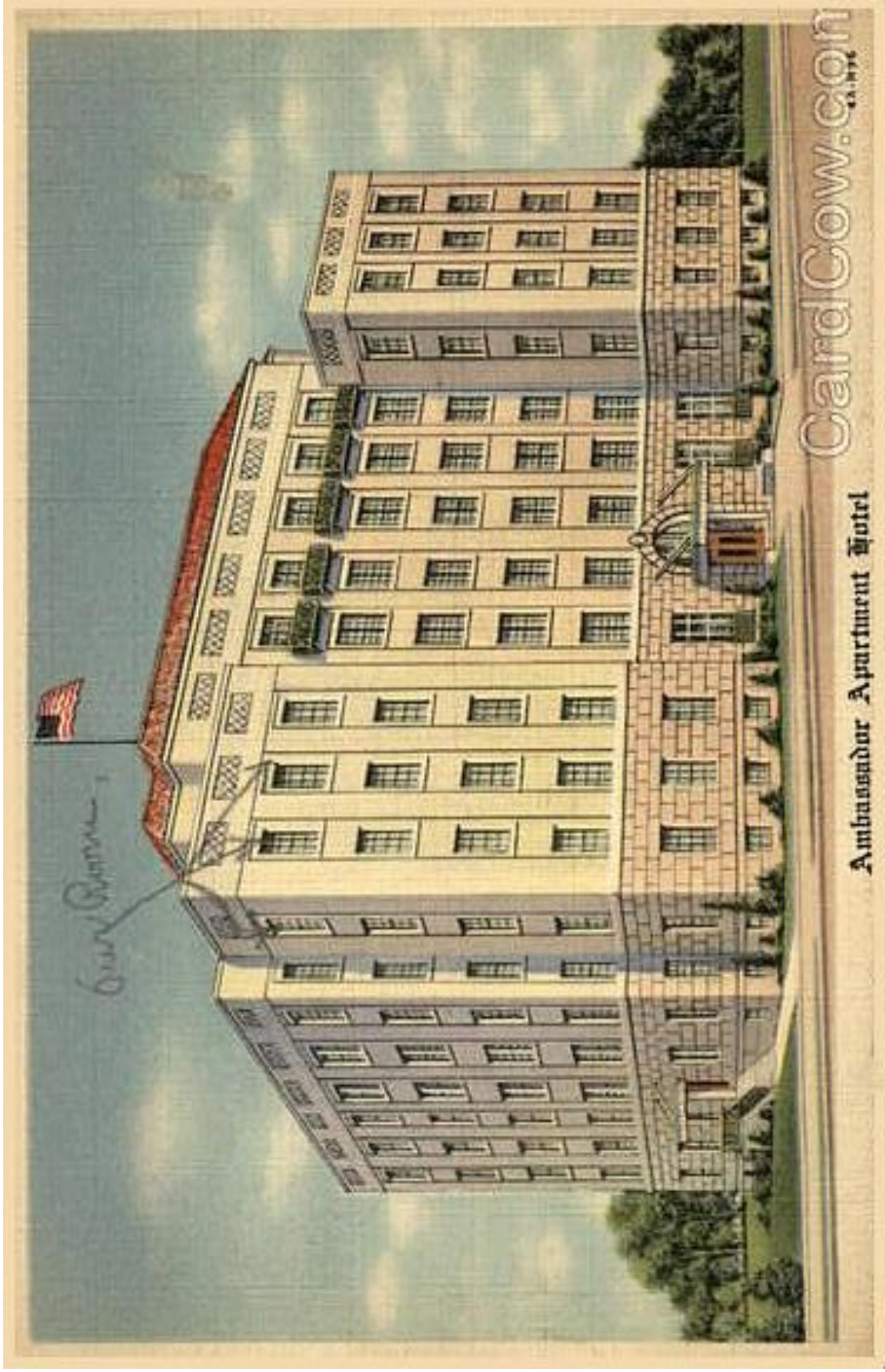




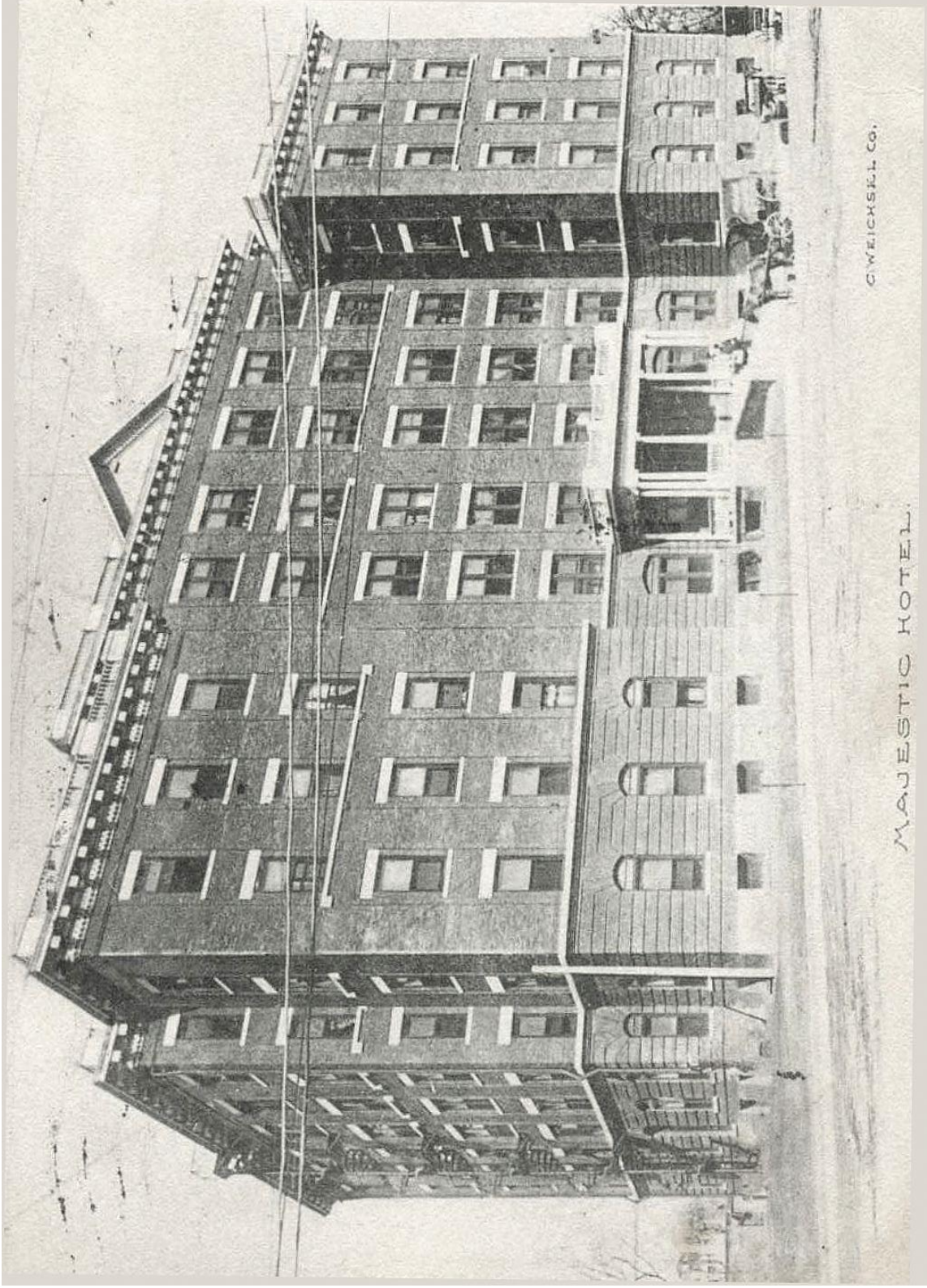






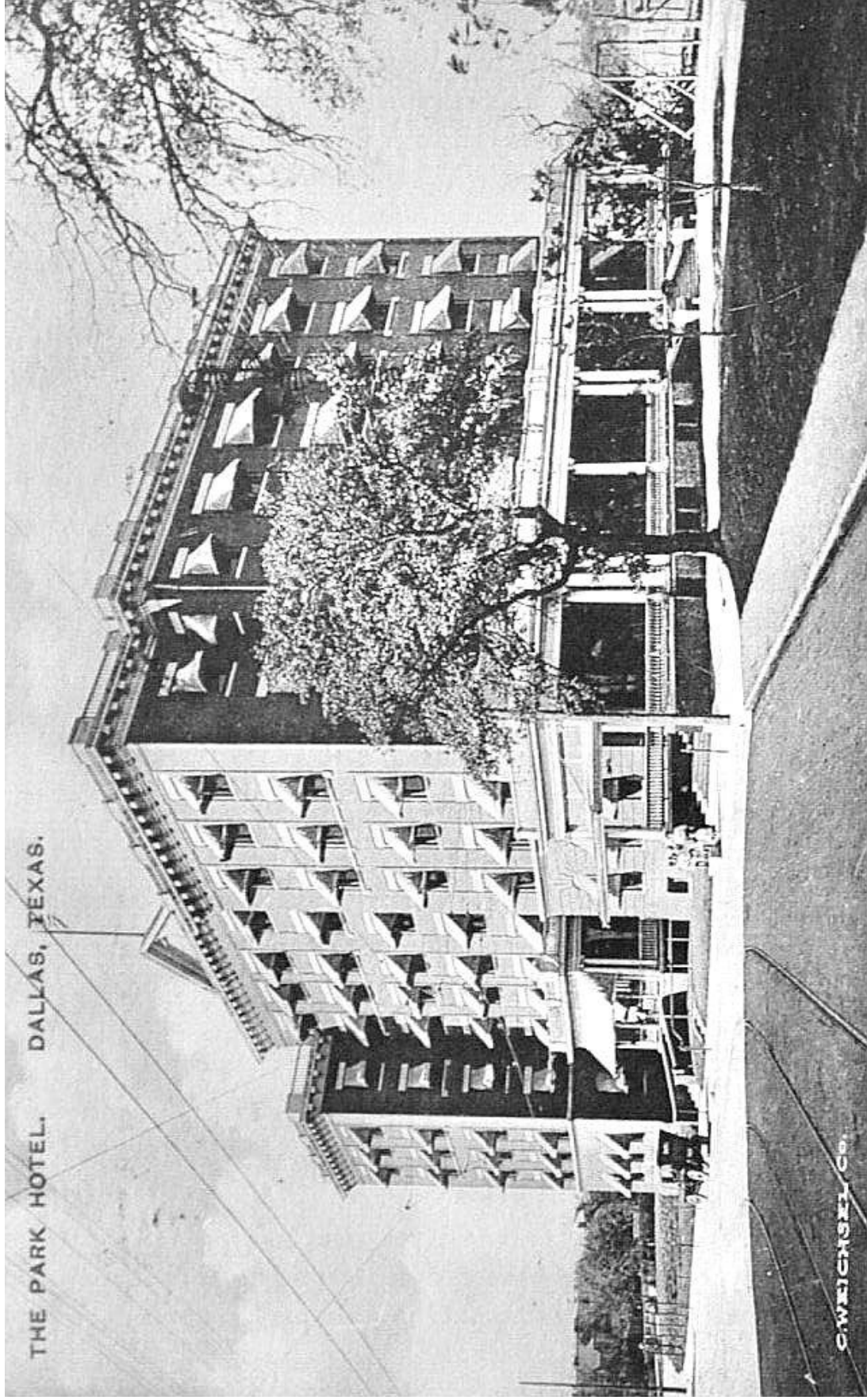














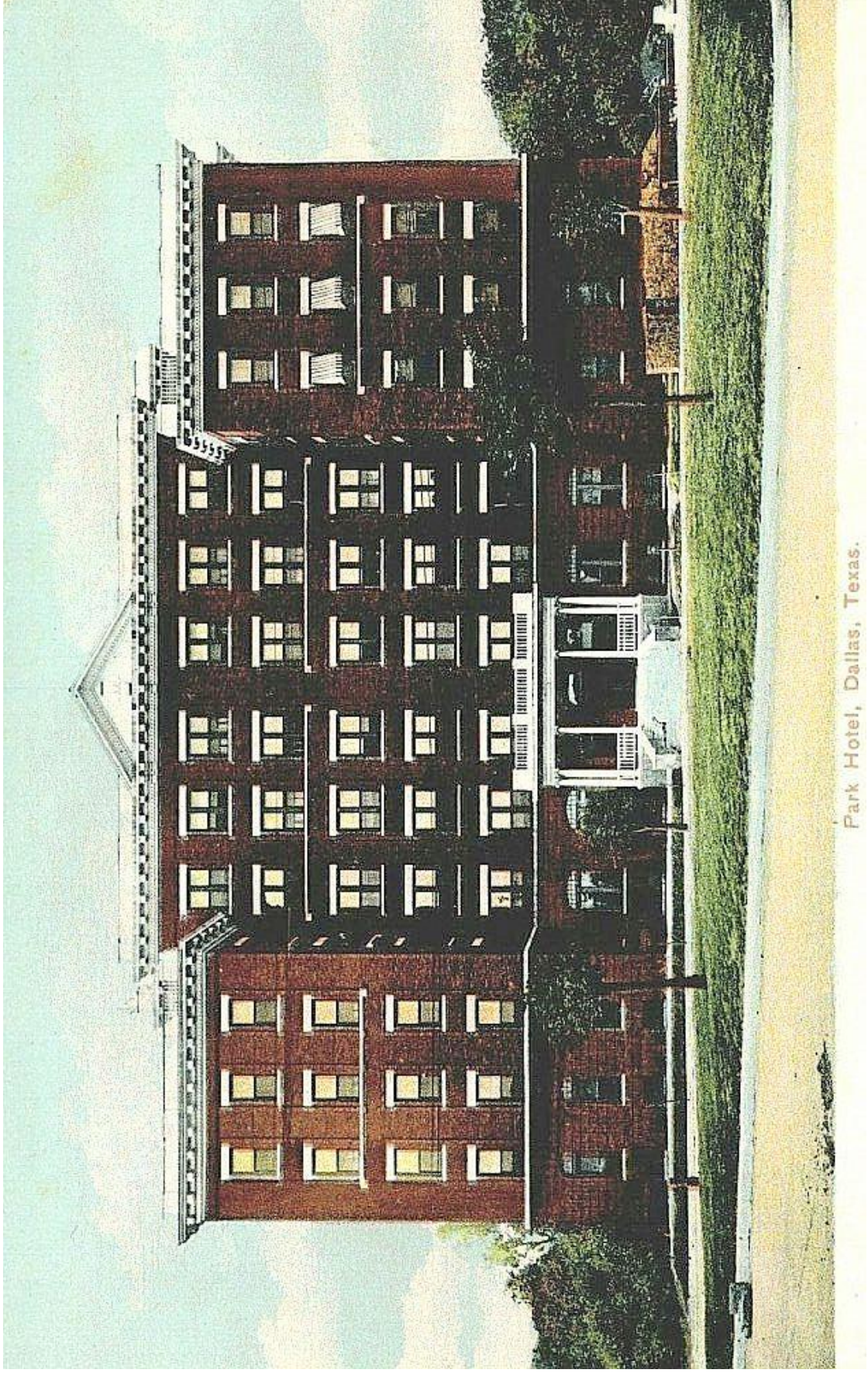






Park Hotel from City Park, Dallas, Texas.

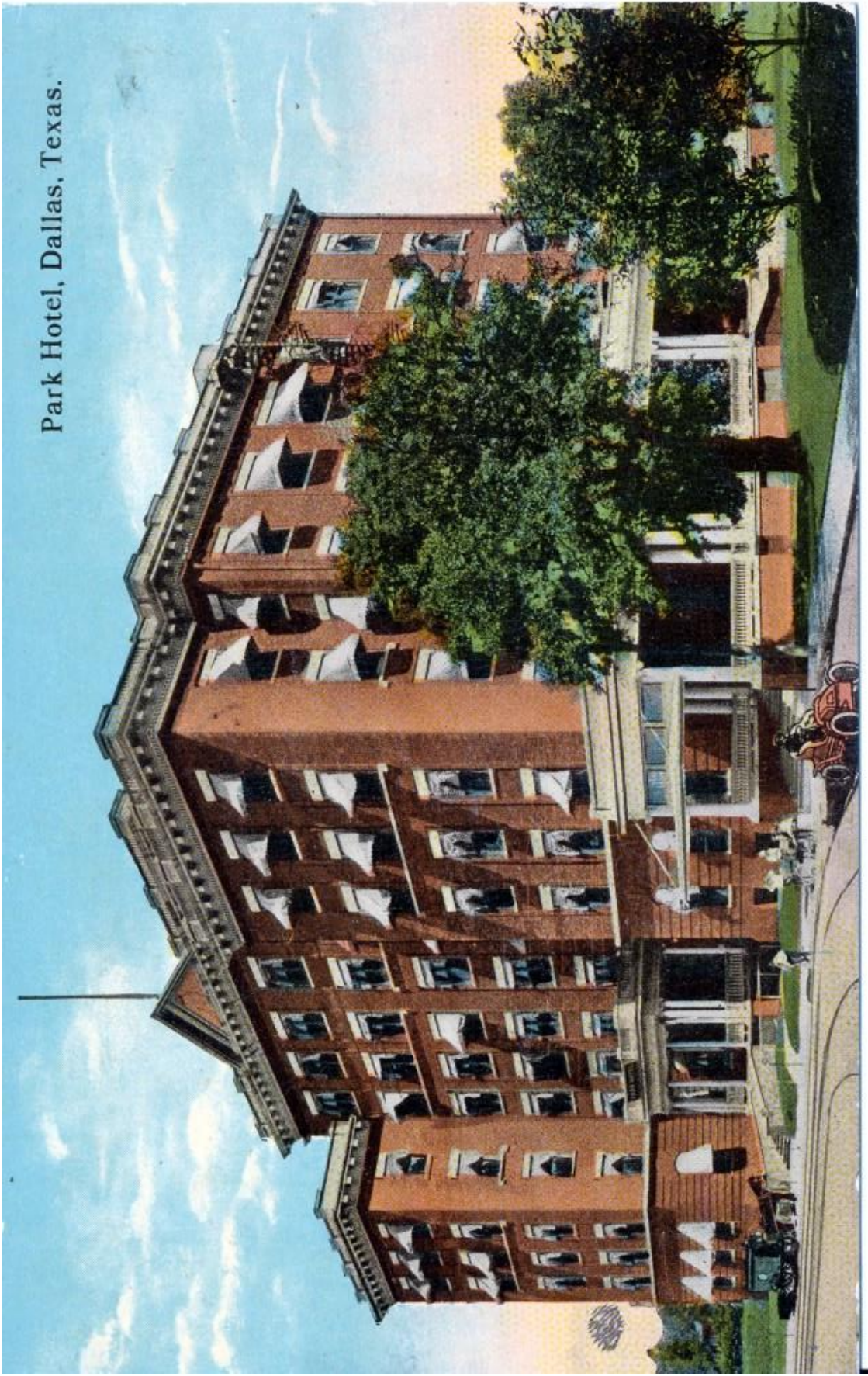




Park Hotel, Dallas, Texas.



Park Hotel, Dallas, Texas.



The following is the original preservation criteria for the Ambassador Hotel, which will be void after the new preservation guidelines and exhibits are approved.

ORDINANCE NO. 17459

An Ordinance amending CHAPTER 51, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by changing the zoning and classification of the following described property to-wit:

Being a tract of land in City Blocks 116 and 116-1/2 located at the west corner of St. Paul Street and Ervay Street, fronting approximately 229.85 feet on the northeast line of Ervay Street and fronting approximately 492.11 feet on the southwest line of St. Paul Street and containing 1.278 acres of land.

shall be changed from its present Heavy Commercial District to a Heavy Commercial Historic Overlay District No. 20; providing for specific criteria for the historic preservation of the property and structures; providing a penalty; providing a savings clause; providing a severability clause; and providing an effective date.

WHEREAS, the City Plan Commission and the City Council in compliance with the Charter, the State Law and the Dallas Development Code have given the required notices and after holding public hearings regarding the rezoning, the City Council finds that it is in the public interest to grant the rezoning and designate the property as a Historic Landmark, subject to the conditions set out herein; Now, Therefore,

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

SECTION 1. That CHAPTER 51, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, be, and the same is, hereby amended insofar as it applies to the property hereinafter

CHECKED BY

Jex

described, which is rezoned from its present Heavy Commercial District to a Heavy Commercial Historic Overlay District No. 20, to-wit:

Being a tract of land situated in the City and County of Dallas, Texas, said tract out of the John Grigsby Abstract #495 in the City of Dallas Blocks #116 and 116-1/2 and being part of a tract of land conveyed to the Ambassador Hotel Company dated April 19, 1955, and of all parcels "A" and "B" described by deed to Ambassador Hotel dated September 28, 1962, and recorded in the Deed Records of Dallas County, Texas, said tract being more fully described as follows:

Beginning at the intersection of the south line of East R. L. Thornton Freeway with the southwest line of St. Paul Street;

THENCE along said line of St. Paul Street southeasterly, with a curve to the left that has a central angle of  $16^{\circ} 36' 00''$  and a radius of 411.41 feet, a distance of 119.19 feet to a point;

THENCE South  $51^{\circ} 36' 31''$  East, 186.22 feet with the southwest line of St. Paul Street to the beginning of a curve to the right that has a central angle of  $37^{\circ} 18' 24''$  and a radius of 286.72 feet; THENCE southerly around said curve to the right, 186.68 feet to the end of said curve and the beginning of another curve which has a central angle of  $125^{\circ} 28' 04''$  and a radius of 36.74 feet;

THENCE Southerly with a curve to the right, 80.45 feet to a point in the north line of South Ervay Street;

THENCE North  $41^{\circ} 33' 40''$  West, 16.85 feet with the North line of South Ervay Street to a point for corner;

THENCE North  $73^{\circ} 10' 17''$  West 213.0 feet with the North line of South Ervay Street to a point for corner;

THENCE North  $16^{\circ} 48' 43''$  East, 146.90 feet to a point for corner;

THENCE North  $45^{\circ}$  West, 89.82 feet to a point for corner;

THENCE North  $45^{\circ}$  East, 10.0 feet to a point for corner;

THENCE North  $45^{\circ}$  West, 77.13 feet to a point for corner;

THENCE North  $45^{\circ}$  East, 20.0 feet to a point for corner;

THENCE North  $45^{\circ}$  West, 44.0 feet to a point for corner;



THENCE South 45° West, 19.0 feet to a point for corner;

THENCE North 45° West, 42.52 feet to a point in the south line of East R. L. Thornton Freeway;

THENCE South 87° 44' 40" East, 65.74 feet with said south line of East R. L. Thornton Freeway to the Place of Beginning, and containing 1.278 acres of land, more or less.

SECTION 2. That no development of the property shall adversely affect any historical or architectural feature of the building. All alterations, reconstructions and additions to the property or external portion of any structure shall conform to the following criteria:

Criteria attached as Exhibit A.

SECTION 3. That the Director of the Department of Planning and Development shall correct Zoning District Map No. K-7 in the Offices of the City Secretary, the Building Official and the Department of Planning and Development to reflect the herein changes in zoning.

SECTION 4. No building permit for the above described property shall be issued by the Building Official unless the applicant has complied with Section 51-4.501 of the Dallas Development Code, as amended.

SECTION 5. That a person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$200.

SECTION 6. That CHAPTER 51 of the Dallas City Code, as amended, shall remain in full force and effect, save and except



as amended by this Ordinance.

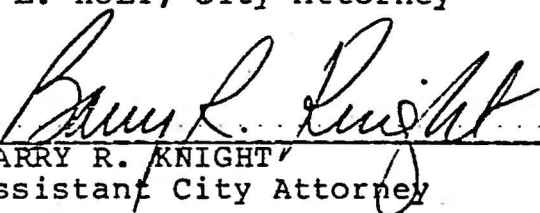
SECTION 7. That the terms and provisions of this Ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 8. This ordinance 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 ordained.

APPROVED AS TO FORM:

LEE E. HOLT, City Attorney

By

  
BARRY R. KNIGHT

Assistant City Attorney

Passed and correctly enrolled JUN 30 1982

Zoning File No. Zoning File No. Z812-230/5802-S

5745K/wp

## CRITERIA

### 1. Surface Materials

Reconstruction, renovation or repair of the opaque elements of each facade shall employ only stucco of equal texture, grain and color of the existing main structure as practicable. If the stucco is removed and the brick facade exposed in the future, any reconstruction, renovation or repair of the facade shall employ only brick of equal texture, grain, color and module size of the existing facades as practicable.

### 2. Fenestrations and Openings

Existing openings in the protected facades shall remain intact and new openings shall not be permitted. New or replacement windows shall have one over one window pane arrangements with mullions that match existing windows. Tinted or reflect glass shall not be permitted, however, insulating glass may be used. All exterior window awnings, shades, or shutters shall be subject to Landmark Committee review. The relationship between stucco walls, windows, and door openings shall be maintained.

### 3. Roof

The slope, configuration, and surface pattern of the existing roof shall be maintained. No new vertical extensions shall be allowed and all existing extension parapets and tile shall be preserved. All replacements or repairs to the designated structure shall employ a tile comparable to the existing roof in texture, design, size and color.

### 4. Embellishments and Detailing

All ornamental detailing listed below shall remain intact. Any reconstruction, renovation, or replacement of these detail elements shall be identical in composition and texture as practicable.

A. Decorative stone and brick arch over the west facade's entrance.

B. Decorative brick work on the frieze along the roofline.

C. The limestone belt course along the base of the building.

### 5. Color

The color of the existing facade, including additions, extensions, alterations, and repairs, shall be preserved as is. Where appropriate, paint colors for the facade, trim, and tile roof shall be selected from the Munsell Color System as outlined in the Munsell Book of Color, Neighborhood Hues Collection, 1973.

The predominate facade color shall be white and the trim color shall be white, also. The roof tile shall remain the current color red. Should the existing stucco facade ever be removed, the exposed underlying brick shall remain unpainted. The above mentioned white and red shall conform to a color range to be determined by the Munsell Color System rating.

### 6. Lighting and Landscaping

All plans for exterior lighting and the placement and removal of trees and shrubs shall be approved by the Landmark Committee prior to commencement of work. All plans for parking and ingress and egress to the site shall be approved by the Landmark Committee.

# EXHIBIT A

7. Public Improvements

All proposed public improvements of streets and associated rights-of-way abutting the site shall be approved by the Landmark Committee prior to commencement of the work.

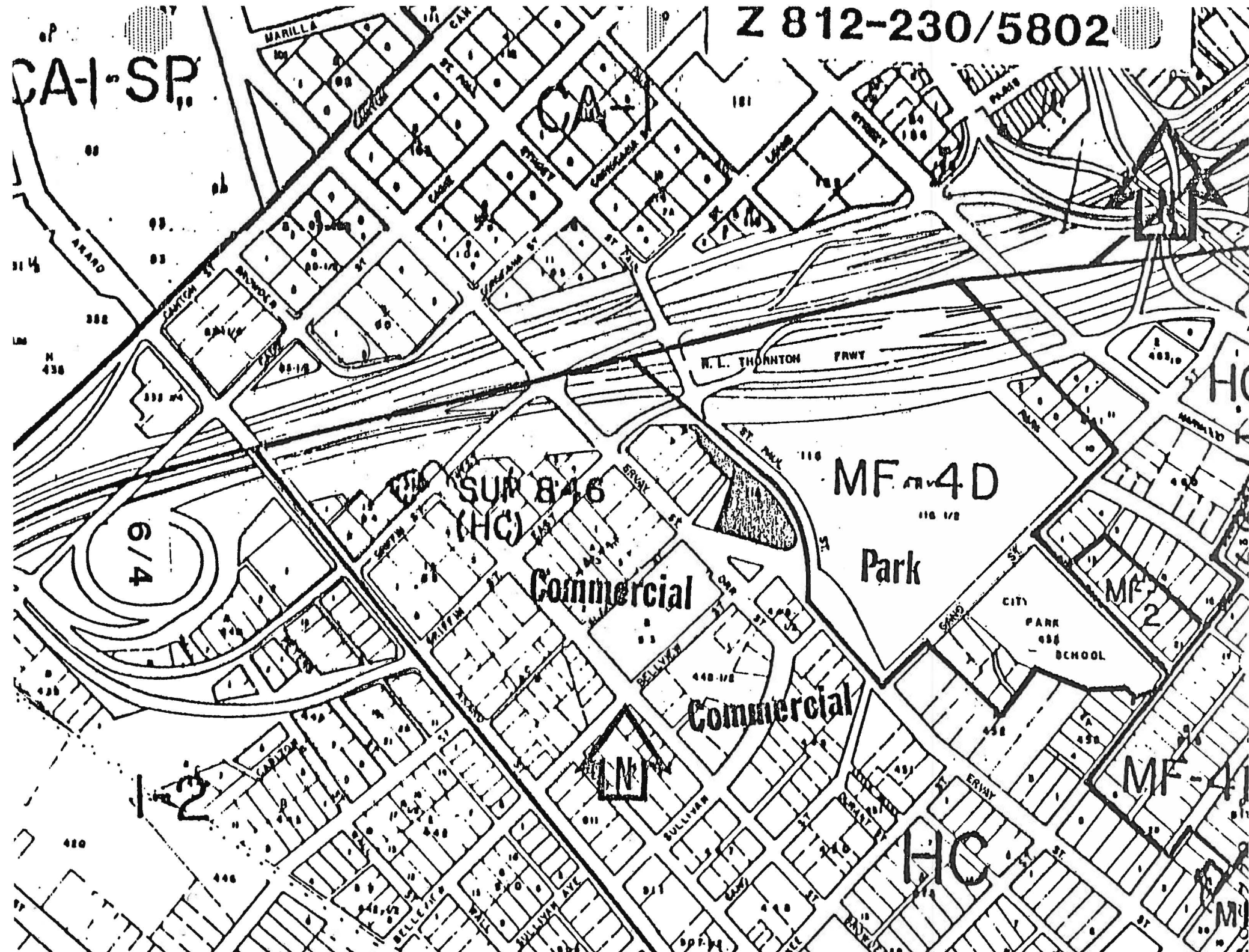
8. Signs

No signs shall be erected on the site nor attached to the structure without the approval of the Landmark Committee. In addition, all signage shall meet City of Dallas Sign Ordinance (1983) regulations. Signage shall be compatible with the architectural qualities of the existing main structure.

It is recommended that all signage attached to the structure be placed in the facade voids located beneath cornice lines and above the topmost facade openings. Signage on additions to the structure and on accessory structures (when appropriate) shall conform to the same guidelines as signage on the designated structure. In no case shall a sign permit be issued without Landmark Committee review and approval.

EXHIBIT A

CA-1-SP





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1346

**Item #:** Z5.

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**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Department of Planning and Urban Design  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District and NS(A) Neighborhood Service District regulations and uses including multifamily and retail and personal service, on property zoned an IR Industrial Research District, on the southwest corner of Sylvan Avenue and Singleton Boulevard

Recommendation of Staff: Approval, subject to a development plan, landscape plan, and conditions  
Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions  
Z212-145(MP)

**FILE NUMBER:** Z212-145(MP)

**DATE FILED:** December 13, 2021

**LOCATION:** On the southwest corner of Sylvan Avenue and Singleton Boulevard

**COUNCIL DISTRICT:** 6

**SIZE OF REQUEST:** ±5.78 acres

**CENSUS TRACT:** 0043.00

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**OWNER:** Atlas Metal Works, Inc

**APPLICANT:** H&R Properties, LLC

**REPRESENTATIVE:** Tommy Mann & David Martin, Winstead PC

**REQUEST:** An application for a Planned Development District for MF-2(A) Multifamily District and NS(A) Neighborhood Service District regulations and uses including multifamily and retail and personal service uses, on property zoned an IR Industrial Research District.

**SUMMARY:** The purpose of the request is to allow for modified development standards primarily related to permitted uses, yard, lot, and space regulations, and design standards to develop the site as multifamily with some retail components.

**STAFF RECOMMENDATION:** **Approval**, subject to a development plan, landscape plan, and staff's recommended conditions.

**CPC RECOMMENDATION:** **Approval**, subject to a development plan, landscape plan, and conditions.

## **BACKGROUND INFORMATION:**

- The applicant is requesting to create a new planned development district in order to develop a five-story multifamily structure on the southern portion of the site, with a retail component along Singleton Avenue.
- The site is currently zoned an IR Industrial Research District and is located across Obenchain Street from multiple residential communities. Although the surrounding area is generally zoned with industrial districts, there is a predominant trend of residential uses including single family and multifamily uses. The site currently includes multiple vacant industrial structures.
- The proposed PD uses MF-2(A) and NS(A) as the base for its two tracts, with requested deviations regarding front setback, density, and design standards.
- The PD includes Mixed Income Housing Standards, and the applicant is requesting a bonus to density from that typical of the MF-2(A) District.
- The property also includes a retail tract located on the north side of the site and is proposing to preserve the existing structure.
- Since the original submittal, the applicant has added several provisions. The applicant shifted their MIH income category from 61-80% of AMFI to 51-60%, in line with staff's recommendation. Minor changes were made to provide clarity between standards for Tract 1 and Tract 2. For the multifamily component, the applicant added the requirement for 25% of units to be built as 2-bedroom units. The applicant added a requirement to improve the adjacent portion of Duluth Street to city standard.

## **Zoning History:**

There has been one zoning case in the area in the past five years.

1. **Z189-350** – On March 25, 2020, the City Council approved an authorized hearing to determine the proper zoning on property zoned an IR Industrial Research District and Planned Development District No. 891 with consideration given to incorporating the property in the IR District into and expanding Planned Development District No. 891.



**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Required ROW
Singleton Boulevard	Community Collector	80'	100'
Sylvan Avenue	Local Street	87'	100' of ROW, 90' of pavement with bike lanes
Duluth Street	Unimproved	-	-
Obenchain Street	Private Street	-	-

**Traffic:**

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

**STAFF ANALYSIS:****Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006, outlining several goals and policies which serve as a framework for assisting in evaluating the applicant's request. The request complies with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT****GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

**Policy 1.3.1** Create housing opportunities throughout Dallas.

**GOAL 2.1 PROMOTE BALANCED GROWTH**

**Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.

**Neighborhood Plus Plan:**

**Policy 4.3** Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

**Policy 6.1** Raise the quality of rental property through better design standards, proactive and systematic code enforcement, and zero tolerance towards chronic offenders.

**Policy 6.2** Expand affordable housing options and encourage its distribution throughout the city and region.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	IR Industrial Research	Undeveloped / Industrial
<b>North</b>	CR Community Retail, CS Commercial Service	Medical Office, Retail
<b>East</b>	IR Industrial Research	Industrial uses
<b>South</b>	TH-3(A) Townhouse	Undeveloped, Single Family
<b>West</b>	IR Industrial Research	Undeveloped, Multifamily

**Land Use Compatibility:**

The property is currently zoned an IR Industrial Research District, which allows a number of high-impact uses which could be allowed by right to the detriment of nearby residential properties. Across Obenchain Street to the west there is a recent multifamily development and a currently undeveloped parcel. North of the site along Singleton Avenue is vacant commercial space and a medical office building. East of the site has various warehousing uses and vacant commercial structures. South of the site is several small undeveloped parcels and single-family housing.

The proposed rezoning would limit uses to multifamily uses, with the addition of some retail and personal service uses, which are unlikely to have a negative impact on surrounding properties. Generally, zoning and uses in the area are shifting away from industrial uses to residential uses. An established pattern of homes in the area being rezoned from IR to planned development districts for multifamily has been established in recent years, which makes the subject site more appropriate for a Mixed-Use District, rather than the current IR District.

The proposed building scale and uses are comparable with those established in the area at this time. The nearby PD No. 933 and PD No. 891 call for similar building heights and lot coverage, that make this area dense and walkable. PD No. 933 allows a maximum height of 90 feet and PD No. 891 has no maximum height. IR has a height maximum of 200 feet. The proposed PD has a maximum height of 70 feet.

The development plan proposes a five-story multifamily structure on the southern portion of the site, with a retail component along Singleton Avenue. The site plan indicates the inclusion of an open space adjacent to the existing Atlas Metals structure. The landscape plan also calls to preserve trees within this area. It also includes a private street between the retail tract (Tract 1) and multifamily tract (Tract 2).

The recent update to the conditions clarified that the front setbacks are to be measured from the edge of parallel on street parking, in such cases that on street parking is provided.

### **Development Standards:**

<b><u>DISTRICT</u></b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>FAR</b>	<b>Special Standards</b>	<b>Primary Uses</b>
	<b>Front</b>	<b>Side/Rear</b>						
Existing IR	15'	30'	N/A	200' / 15 stories	80%	2	RPS Visual Intrusion	Industrial, Commercial
Proposed PD	18' from curb  Additional on Duluth and Sylvan	0'	200 units  440 units with MIH	70'	70%	No max	Design Standards	Mixed Use (Multifamily, Light Retail)
MF-2 (Base)	15'	10' for MF structures	Roughly 250 units	36'	60%	No max	Tower Spacing RPS, Urban Form Setback	Multifamily

### **Mixed-Income Housing:**

Staff uses the Market Value Analysis (MVA) category to guide staff recommendation, and consistently recommends that developments start at **51-60 percent** AMI in all A, B, or C MVA categories or that are in the rapidly gentrifying D, E, and F areas.

The Development Code requires that all reserved affordable dwelling units must be dispersed substantially among the total unit types and allows the development to set aside a maximum of 10 percent of the total units as specialty units including club suites and penthouse suites and are not required to be part of the dispersal of reserved dwelling

units by type. However, the overall percent requirement for affordable units is calculated based on the total number of all units. This regulation is meant to balance the combination of affordable and specialty units within the same development.

As proposed, it would include provisions for mixed income housing and a mixed income housing bonus. This would provide additional needed housing in an “E” MVA category, at **51 to 60 percent** of area median family income. This inclusion is made appropriate by the applicant’s inclusion of design standards and provisions that contribute to the walkable nature of the area, including street lighting, sidewalks, and street facing entries. These provisions help connect this property with nearby businesses, schools, and transit. In terms of the additional units requested with the incorporation of MIH, staff does not have concerns since height and lot coverage limitations are included in the conditions.

**The proposed MIH bonus modifies the following standards:**

1. Without the bonus, the PD calls for a maximum number of dwelling units at 200. With the proposed mixed income housing, the maximum number of dwelling units may be increased to 440 units.

**Open Space, Amenities, and Urban Design Elements:**

The applicant is proposing a minimum of 20,000 square feet of open space. The PD proposes compliance with the Design Standards of 51A-4.1107. The proposed conditions also include a designated 20,000 square foot open space within Tract 1. The proposed conditions call for 10-foot sidewalks within Tract 1 and six-foot sidewalks within Tract 2. The conditions call for additional transparency and activation design standards, as well.

**Parking:**

Parking will be provided pursuant to the Dallas Development Code without deviations.

**Landscaping:**

Any new development on the property will require landscaping in accordance with the submitted Landscape Plan. Additionally, the updated conditions provide for the ability for additional landscaping and planting to be located within the right of way, to add extra vegetation along the two thoroughfares.

**Market Value Analysis**

[Market Value Analysis \(MVA\)](#), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective,

data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is partially located within the “E” MVA category.

**CPC Action**  
**February 17, 2022**

**Motion:** In considering an application for a Planned Development District for MF-2(A) Multifamily District and NS(A) Neighborhood Service District regulations and uses including multifamily and retail and personal service uses, on property zoned an IR Industrial Research District, on the southwest corner of Sylvan Avenue and Singleton Boulevard, it was moved to **hold** this case under advisement until March 3, 2022.

Maker: Carpenter  
Second: Rubin  
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson, Shidid,  
Carpenter, Jackson, Blair, Jung, Housewright,  
Gibson, Haqq, Stanard, Kingston, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 500 Mailed: 121  
**Replies:** For: 3 Against: 0

**Speakers:** For: Tommy Mann, 2728 N. Harwood St., Dallas, TX, 75201  
Against: None  
Against (Did not speak): Paul Carden, 2007 Harlandale Ave., Dallas, TX, 75216  
David Preziosi, 2922 Swiss Ave., Dallas, TX, 75204

**CPC Action**

**March 3, 2022**

**Motion:** In considering an application for a Planned Development District for MF-2(A) Multifamily District and NS(A) Neighborhood Service District regulations and uses including multifamily and retail and personal service uses, on property zoned an IR Industrial Research District, on the southwest corner of Sylvan Avenue and Singleton Boulevard, it was moved to **hold** this case under advisement until March 24, 2022.

Maker: Carpenter

Second: Rubin

Result: Carried: 12 to 0

For: 12 - Popken, Hampton, Shidid, Carpenter, Blair,  
Jung, Housewright, Gibson, Haqq, Stanard,  
Kingston, Rubin

Against: 0

Absent: 1 - Anderson

Vacancy: 2 - District 3, District 7

**Notices:** Area: 500

Mailed: 121

**Replies:** For: 3

Against: 0

**Speakers:** For: Tommy Mann, 2728 N. Harwood St., Dallas, TX, 75201  
Against: None



**CPC Action**

**March 24, 2022**

**Motion:** In considering an application for a Planned Development District for MF-2(A) Multifamily District and NS(A) Neighborhood Service District regulations and uses including multifamily and retail and personal service uses, on property zoned an IR Industrial Research District, on the southwest corner of Sylvan Avenue and Singleton Boulevard, it was moved to **hold** this case under advisement until April 21, 2022.

Maker: Carpenter  
Second: Rubin  
Result: Carried: 10 to 0

For: 10 - Hampton, Shidid, Carpenter, Blair, Jung,  
Housewright, Gibson, Haqq, Kingston, Rubin

Against: 0  
Absent: 3 - Popken, Anderson, Stanard  
Vacancy: 2 - District 3, District 7

**Notices:** Area: 500 Mailed: 121  
**Replies:** For: 3 Against: 0

**Speakers:** For: None

For (Did not speak): Tommy Mann, 2728 N. Harwood St., Dallas, TX, 75201  
Against: None

**CPC Action**  
**April 21, 2022**

**Motion:** In considering an application for a Planned Development District for MF-2(A) Multifamily District and NS(A) Neighborhood Service District regulations and uses including multifamily and retail and personal service uses, on property zoned an IR Industrial Research District, on the southwest corner of Sylvan Avenue and Singleton Boulevard, it was moved to **hold** this case under advisement until May 19, 2022.

Maker: Carpenter  
Second: Rubin  
Result: Carried: 14 to 0

For: 14 - Shidid, Carpenter, Blair\*, Jung, Housewright,  
Gibson\*, Popken, Stanard, Kingston, Rubin,  
Anderson, Haqq, Hampton, Vann

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

\*out of the room, shown voting in favor

<b>Notices:</b>	Area: 500	Mailed: 121
<b>Replies:</b>	For: 3	Against: 0

**Speakers:** For: None  
Against: None

**CPC Action**  
**May 19, 2022**

**Motion:** It was moved to recommend **approval** of a Planned Development District for MF-2(A) Multifamily District and NS(A) Neighborhood Service District regulations and uses including multifamily and retail and personal service uses, subject to a development plan, landscape plan and applicant's recommended conditions on property zoned an IR Industrial Research District, on the southwest corner of Sylvan Avenue and Singleton Boulevard.

Maker: Carpenter  
Second: Rubin  
Result: Carried: 9 to 0

For: 9 - Popken, Anderson, Shidid, Carpenter, Blair,  
Gibson, Stanard, Kingston, Rubin

Against: 0  
Absent: 5 - Hampton, Vann, Jung, Housewright, Haqq  
Vacancy: 1 - District 3

<b>Notices:</b>	Area: 500	Mailed: 121
<b>Replies:</b>	For: 3	Against: 0

**Speakers:** For: David Martin, 2728 N. Harwood St., Dallas, TX, 75201  
Tommy Mann, 2728 N. Harwood St., Dallas, TX, 75201  
Hunter Webb, 2218 Bryan St., Dallas, TX, 75201  
James Storey, 818 Singleton Blvd., Dallas, TX, 75212  
Against: None

**CPC Recommended Conditions**

**ARTICLE \_\_\_\_**

**PD \_\_\_\_**

**SEC. 51P-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD \_\_\_\_ was established by Ordinance No. \_\_\_\_, passed by the Dallas City Council on \_\_\_\_.

**SEC. 51P-\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_ is established on property located at the southwest corner of Singleton Road and Sylvan Avenue. The size of PD \_\_\_\_ is approximately \_\_\_\_ 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) ORIGINAL BUILDING means the building (historic office building originally constructed in 1929) as shown on the development plan on Tract 1.

(d) PROTECTED FACADE means a facade that must maintain its original appearance, as near as practical, in all aspects. Refer to Protected Facades identified on the development plan.

(e) This district is considered to be a nonresidential zoning district.

**SEC. 51P-\_\_\_\_.104. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit \_\_\_\_A: development plan.
- (2) Exhibit \_\_\_\_B: landscape plan.

**SEC. 51P-\_\_\_\_.105. DEVELOPMENT PLAN.**

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.

**SEC. 51P-\_\_\_\_.106. MAIN USES PERMITTED.**

(a) Special provision for general merchandise or food store with a floor area of less than 3,600 square feet. In this district, a general merchandise or food store that has a floor area of less than 3,600 square feet is treated as a general merchandise or food store 3,500 square feet or less. All provisions in Chapter 51A applicable to a general merchandise or food store 3,500 square feet or less apply to a general merchandise or food store that has a floor area of less than 3,600 square feet in this district.

(a) Tract 1. The following uses are the only main uses permitted:

(1) Institutional and community service uses.

- Child-care facility.
- Church.
- College, university, or seminary. [SUP]
- Library, art gallery, or museum.

(2) Miscellaneous uses.

-- Carnival or circus (temporary). *[By special authorization of the building official.]*

(3) Office uses.

- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.

(4) Recreation uses.

- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course.

(5) Retail and personal service uses.

- Dry cleaning or laundry store.
- General merchandise or food store 3,600 square feet or less.

-- Personal service uses. *[Excluding tattoo or body piercing studio or massage establishment.]*

-- Restaurant without drive-in or drive-through service.

(6) Transportation uses.

-- Transit passenger shelter.

(b) Tract 2. The following uses are the only main uses permitted:

-- Handicapped group dwelling unit.

-- Multifamily.

-- Retirement housing.

**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 accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**SEC. 51P-\_\_\_\_.108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) Tract 1. Except as provided in this section, the yard, lot, and space regulations for the NS(A) Neighborhood Service district apply.

(1) Development impact review (DIR) is not required for any allowed use on Tract 1.

(2) Front Yard. Except as further provided below, minimum setback from Singleton Boulevard and Sylvan Avenue is 22 feet measured from the curb, and if on-street parallel parking spaces are provided, minimum setback is measured from the projected street curb beyond the parallel parking spaces.

(A) No new building or portion of a new building within 40 feet of the original building may be located closer to Singleton Boulevard than the original building.

(B) Ramps, steps, guardrails, landings, decks, and similar features may protrude into the front yard.

(3) Height. No new building or portion of a new building within 40 feet of the original building may be taller than the original building.

(b) Tract 2. Except as provided in this section, the yard, lot, and space regulations for the MF-2(A) Multifamily district apply.

(1) Front Yard. Except as provided in this section, minimum front yard is 18 feet measured from the curb, and if on-street parallel parking spaces are provided, minimum setback is measured from the projected street curb beyond the parallel parking spaces.

(A) Additional setbacks along Sylvan Avenue.

(i) An additional six-foot front yard setback must be provided for at least 50 percent of the facade as shown on the development plan.

(ii) For portions of a structure above 40 feet in height, an additional five-foot front yard must be provided for at least 50 percent of the facade as shown on the development plan.

(B) Additional setback along Duluth Street. An additional 10-foot front yard setback must be provided for at least 30 percent of the facade as shown on the development plan.

(C) Architectural features framing entryways for dwelling units located on the ground floor may project two feet into the required front yard.

(2) Side and rear yard. No minimum side or rear yard.

(3) Density.

(A) Except as provided in this section, maximum number of dwelling units is 200.

(B) If the conditions in Section 51P-\_\_\_\_.113 are met, maximum number of dwelling units is 440.

(4) Height.

(A) Maximum structure height is 70 feet.

(B) Elevator overrides and screened mechanical equipment may project up to 12 feet above the maximum height. Parapet walls may project up to five feet above the maximum height.

(5) Lot coverage. Maximum lot coverage is 70%.



- (6) Lot size. No minimum lot area.

**SEC. 51P-\_\_\_\_.109. OFF-STREET PARKING AND LOADING.**

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) This Property is considered one lot for purposes of off-street parking, and parking for nonresidential uses located on Tract 1 may be located on Tract 2.

**SEC. 51P-\_\_\_\_.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P-\_\_\_\_.111. LANDSCAPING & SCREENING.**

(a) Development and use of the Property must comply with the landscape plan (Exhibit \_\_\_\_B). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(b) Plant materials must be maintained in a healthy, growing condition.

(c) Front yard fences.

(1) Decorative architectural metal is permitted.

(2) Maximum fence height is four feet.

(3) No more than 50 percent of the surface area of the fence may obstruct a view through the fence from a position perpendicular to the fence.

**SEC. 51P-\_\_\_\_.112. DESIGN STANDARDS.**

(a) Tract 1.

(1) Sidewalks. Minimum unobstructed sidewalk width is 10 feet.

(2) Pedestrian lighting. Pedestrian scale lighting must be provided for every 50 feet of sidewalk along street frontages. Pedestrian lighting must:

(A) provide a minimum of 1.5 footcandles; and

(B) be mounted at a height no greater than 14 feet.

(3) Open space A minimum of 20,000 square feet of open space must be provided in the zones and areas more specifically shown on the landscape plan and further described in this section. The retail and restaurant buildings in Tract 1 may be located within the open space, but the area covered by these buildings may not be counted toward the minimum amount of open space required.

(A) Lawn. A minimum of 6,700 square feet must be lawn and contain pedestrian seating, bicycle parking, lighting, irrigation, trees, shade structures or decorative elements such as repurposed building materials from demolished structures on Tract 2.

(B) Active Open Space: The remaining open space apart from the lawn described in section 51P-\_\_\_\_.112(a)(3) may contain lawn or pavement (a maximum of 50 percent pavement) and may include dedicated outdoor seating (covered or uncovered by shade structures) for retail or restaurant uses on Tract 1, fencing, lighting, trees, pedestrian seating, bicycle parking, irrigation, and decorative structures.

(C) Private Drive. While the area containing the private drive and parallel parking that separates Tract 1 and Tract 2 may not be counted toward the minimum amount of open space required, it may contain enhanced paving, movable vehicular barriers, and altered or curb-less areas that allow it to be wholly or partially barricaded and utilized for special events such as neighborhood markets in accordance with the requirements of Chapter 42 of the City Code.

(b) Tract 2.

(1) Sidewalks. Minimum unobstructed sidewalk width is 6 feet.

(2) Exterior building facades enclosing floor area in Tract 2.

(A) The facades of all buildings other than accessory buildings must be visually divided into a base, a middle, and a top. The base must be at least two feet above grade and distinguished from the middle by a change of materials, horizontal banding, change of color, or change of plane. The top must be distinguished from the middle by cornice treatments, stepped parapets, corbeling, textured materials, change in window patterning, awnings, canopy projections, change in balcony expression, or change in materials or differently colored materials.

(B) Street-facing facades. All facades adjacent to a public street must have at least one window and at least one common primary entrance facing the street. The entrance must access the street or open space with an improved path connecting to the sidewalk.

(C) Ground level dwelling units along Sylvan Avenue. A minimum 90 percent of dwelling units at the ground level along Sylvan Avenue must have individual entries with direct connections to the sidewalk.

(D) Transparency. Ground-level, street-facing facades must provide a minimum 30 percent transparency.

(E) Architectural elements. Facades exceeding 30 feet in length must have two of the following elements, and facades exceeding 100 feet in length must have four of the following elements:

(i) Change in plane, such as an offset, reveal, recess, or projection. Changes in plane must have a width of no less than five feet and a depth of at least eight inches and may include columns, planters, arches, and niches.

(ii) Architectural details such as raised bands and cornices.

(iii) Architecturally prominent public entrance.

(iv) Enhanced unit entries.

(v) Awnings or canopies.

(vi) Change in color.

(vii) Change in material.

(viii) Change in texture.

(F) Surface parking location. Unless otherwise shown on the development plan, surface parking is prohibited in the front yard.

(G) Screening of off-street loading spaces and service areas. Off-street loading and service areas visible from the street must be screened. Screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods described in Section 51A-4.602(b)(3). Garbage storage areas must be screened in accordance with Section 51A-4.602(b)(6), except that screening around service areas for trash collection must be screened by a masonry wall with a solid gate.

(H) Multi-bedroom dwelling units. A minimum of 25 percent of the dwelling units on Tract 2 must contain 2 or more bedrooms.

(I) Duluth Street. Prior to the issuance of a certificate of occupancy for Tract 2, the owner shall improve the portion of Duluth Street adjacent to Tract 2 to city standards.

## **SEC. 51P-\_\_\_\_.113. SPECIAL PROVISIONS**

(a) Original Building.

(1) The original building on Tract 1 may not be intentionally removed but may be repaired, remodeled, or expanded.

(2) The original building façade protection plan shown on the development plan identifies the facades that are protected as described below.

(A) Facades identified on the development plan are protected from ground level to top of parapet.

(B) Doors and windows on protected facades may be replaced, and existing awnings may be replaced or removed.

(C) The remaining facade is not protected and modifications, including porches and additions to it, are allowed provided the existing slope, massing, and configuration of the roof is maintained.

(D) Ramps, steps, guardrails, landings and decks that are at or below the finished floor elevation, and similar features may be added in front of protected facades.

(b) Prior to the issuance of a final certificate of occupancy for a multifamily use on Tract 2, at least 4 of the following are required:

(1) Reuse of the roof sign located on the roof of existing buildings on Tract 2 to frame or define areas within Tract 1. Reuse of this existing sign in this manner shall not be considered a detached sign for any use on Tract 1;

(2) Reuse of building materials from existing buildings on Tract 2 on new buildings or within open space;

(3) Use of an architectural style similar to existing buildings on Tract 2 for the proposed retail building on Tract 1; or

(4) Utilization of relocated portions of existing buildings on Tract 2 within new buildings or within open space.

(5) Items such as those required in Section 113(c) below, professional photographs, and historical information about the property are prominently displayed within the retail buildings or residential building lobby areas.

(c) Prior to the demolition of any existing buildings on Tract 2, detailed information regarding the existing buildings shall be collected and prepared for archiving, and copies of this information shall be offered to the Dallas Public Library for archiving.

(d) Prior to a final certificate of occupancy for multifamily uses is issued, an application for the placement of a Texas historical marker on the property shall be made.

**Staff Recommendation:**

~~(5) Items such as those required in Section 113(c) below, professional photographs, and historical information about the property are prominently displayed within the retail buildings or residential building lobby areas.~~

~~\_\_\_\_\_ (c) Prior to the demolition of any existing buildings on Tract 2, detailed information regarding the existing buildings shall be collected and prepared for archiving, and copies of this information shall be offered to the Dallas Public Library for archiving.~~

~~\_\_\_\_\_ (d) Prior to a final certificate of occupancy for multifamily uses is issued, an application for the placement of a Texas historical marker on the property shall be made.~~

**SEC. 51P-\_\_\_\_.114. DEVELOPMENT BONUS FOR MIXED INCOME HOUSING.**

(a) Except as provided in this section, compliance with Division 51A-4.1100 is required to obtain the development bonus in Section 51P-\_\_\_\_.108.

(b) The density bonus set forth in Section 51P-\_\_\_\_.108 applies if a minimum of five percent of the total number of dwelling units are available to households earning between 51 and 60 percent of area median family income.

(c) Compliance with Section 51A-4.1107 is required unless otherwise provided in this section.

(1) Garage facades must be screened from view by the main building in the areas shown on the development plan, and exposed ramps and columns within the exposed portion of the garage façade must be clad in materials similar to the appearance of the main building.

(2) Sidewalks may be located adjacent to the back of the projected street curb.

**SEC. 51P-\_\_\_\_.115. SIGNS.**

Signs must comply with the provisions for business zoning districts in Article VII.

**SEC. 51P-\_\_\_\_.116. ADDITIONAL PROVISIONS.**

(a) Phasing. Prior to the issuance of a final certificate of occupancy for multifamily use on Tract 2, a “clean and show” or shell certificate of occupancy shall be issued for either (1) the original building, or (2) the additional retail building on Tract 1.

(b) Landscaping within the right-of-way.

(1) Landscaping may be located in the public right-of-way if a right-of-way landscape permit is obtained from the city.

(2) The city council hereby grants a non-exclusive revocable license to the owners of all property within this district for the exclusive purpose of permitting landscaping to be located within the public right-of-way of the abutting right-of-way of the property. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a right-of-way landscape permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(3) The owner is responsible for maintaining the landscaping in a healthy, growing condition, and for keeping the premises safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain the landscaping. The granting of a license for landscaping under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees and landscaping in the public right-of-way.

(c) The Property must be properly maintained in a state of good repair and neat appearance.

(d) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

**SEC. 51P-\_\_\_\_.117. COMPLIANCE WITH CONDITIONS.**

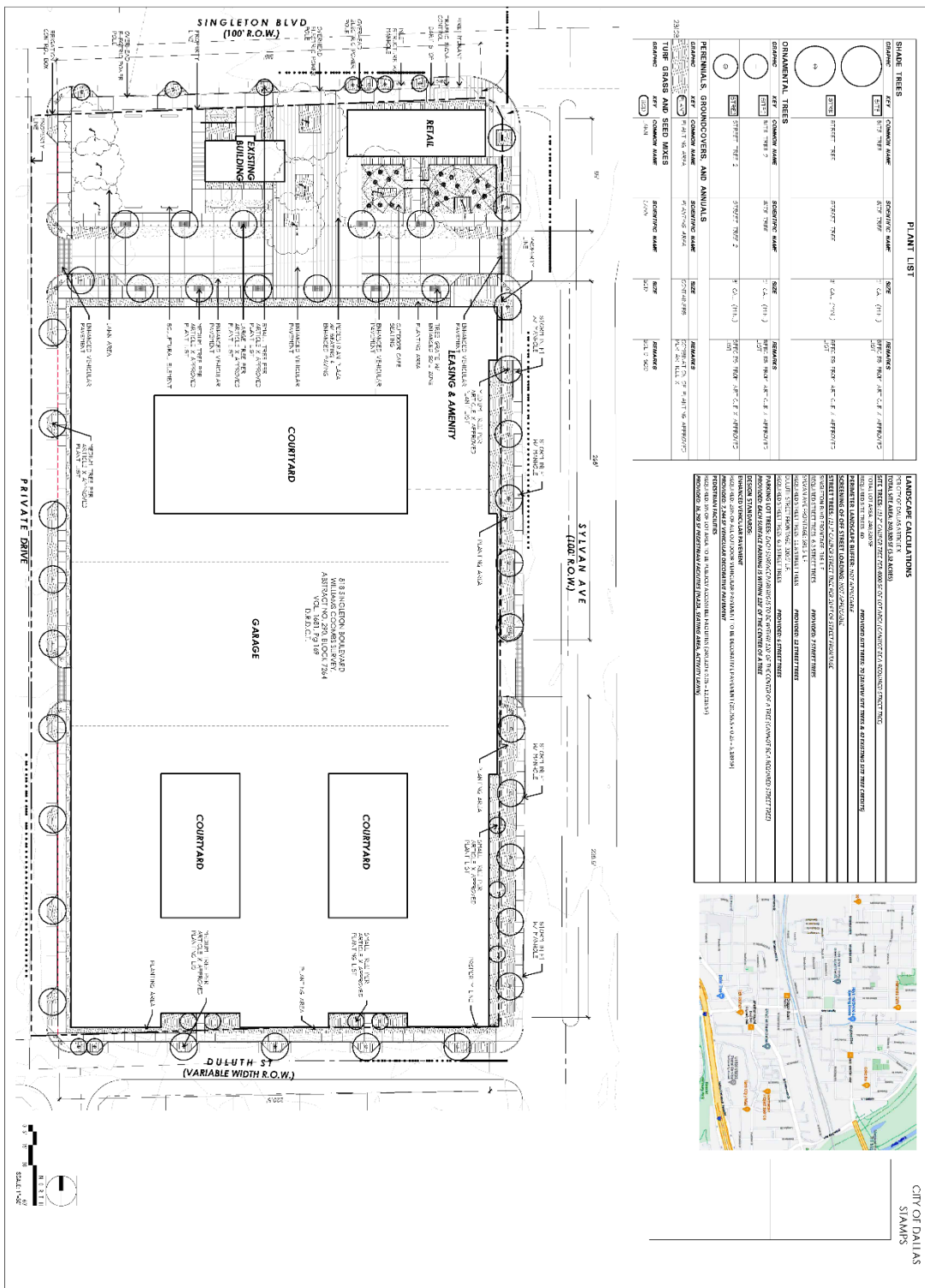
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

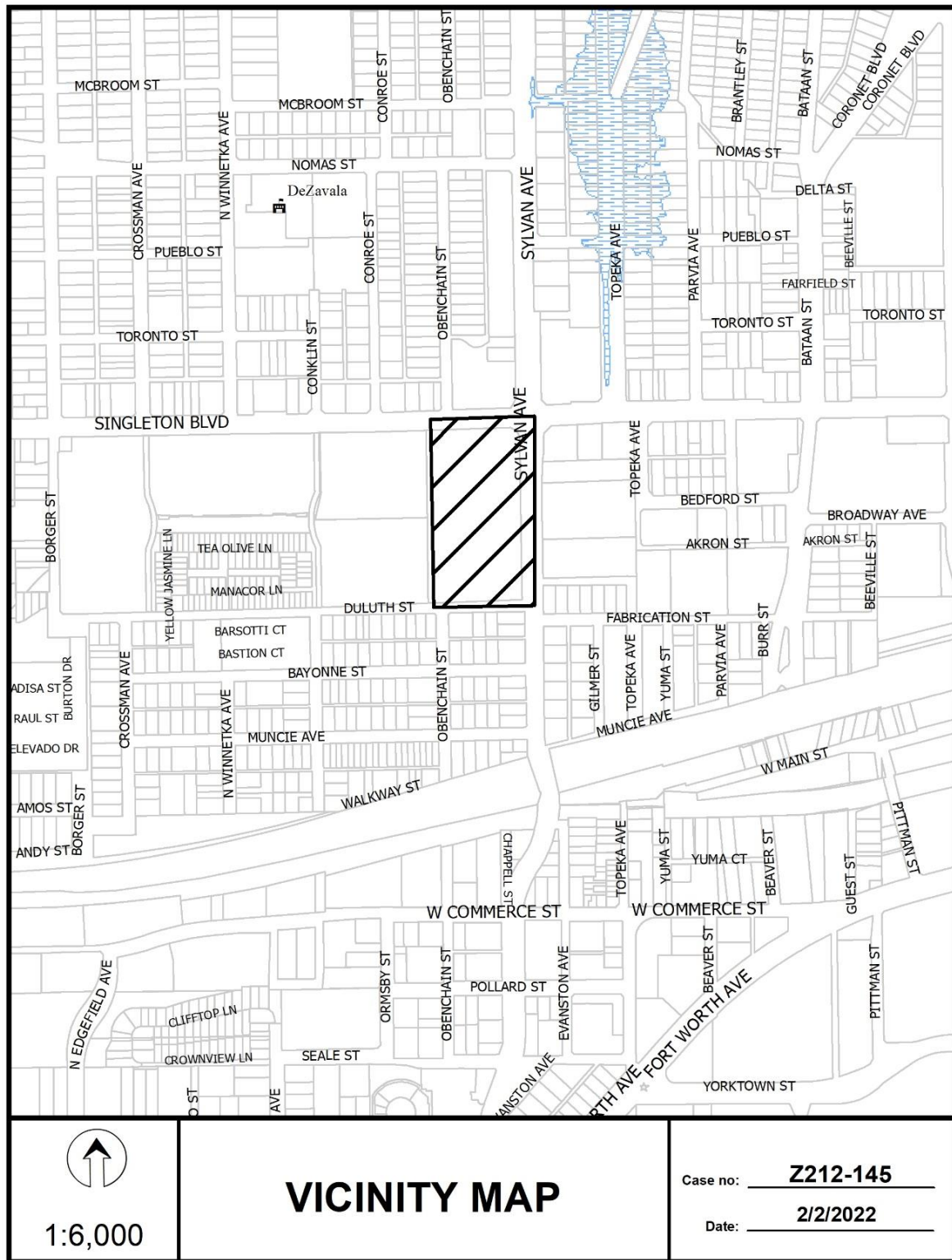
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.



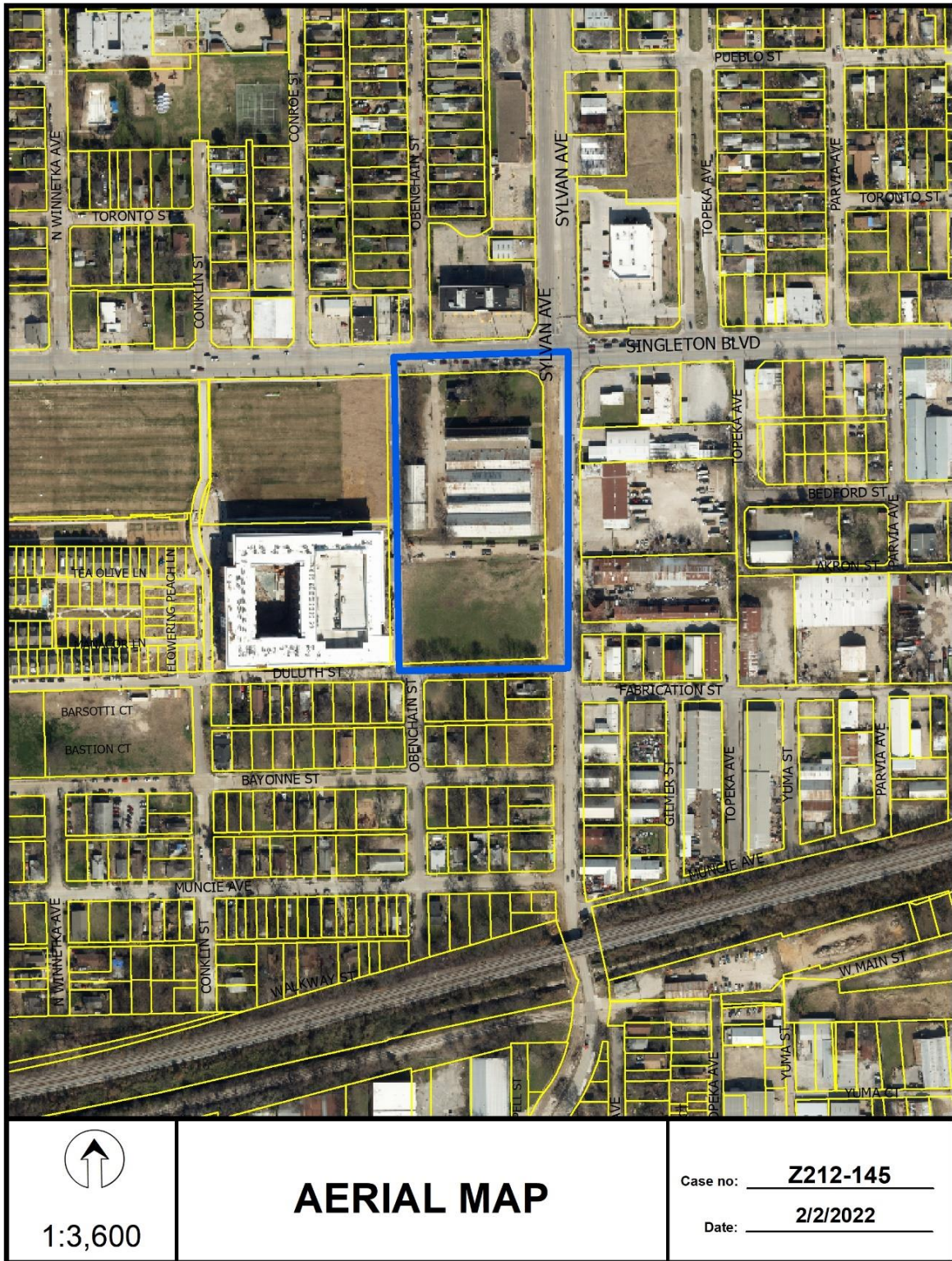


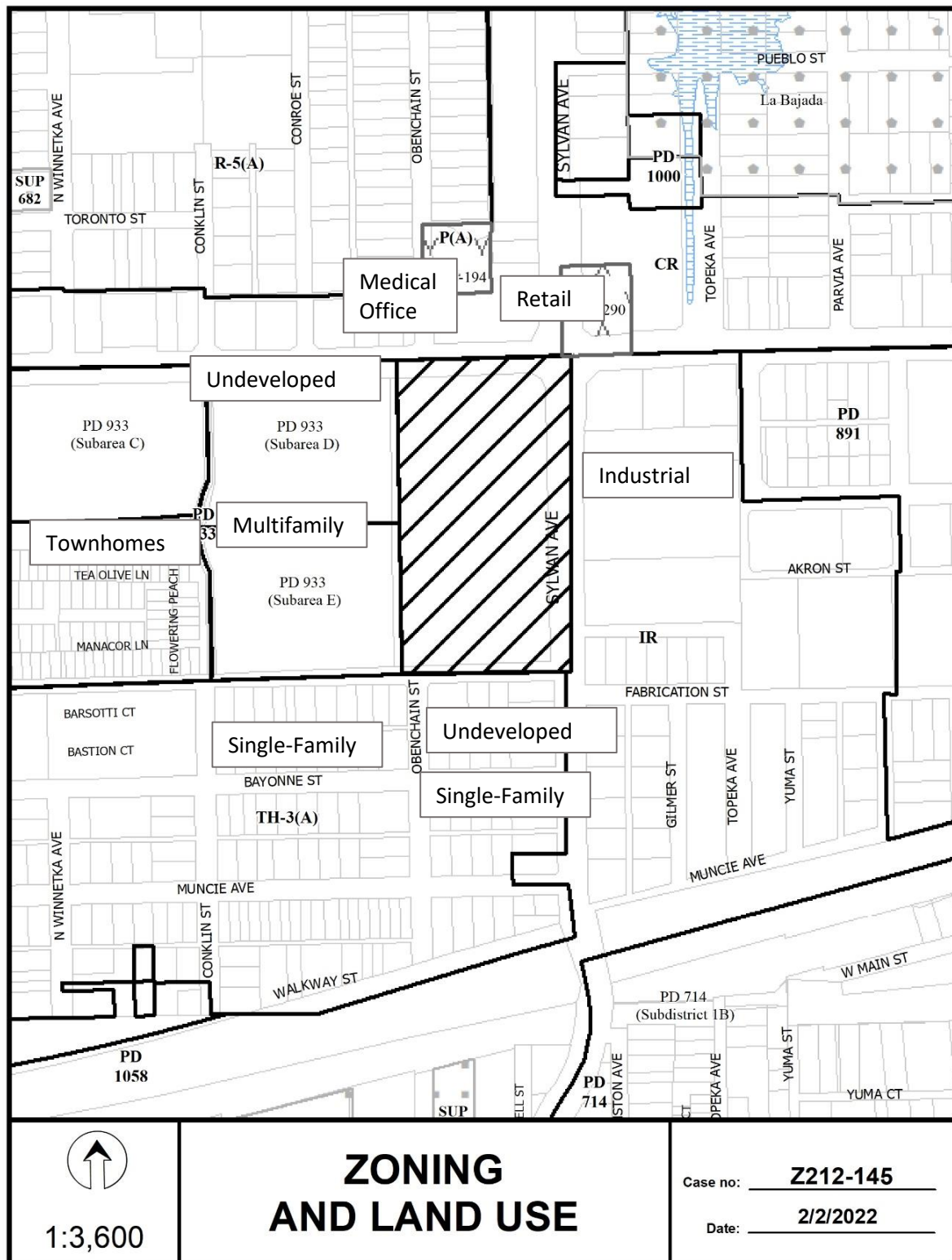
## CPC Recommended Landscape Plan





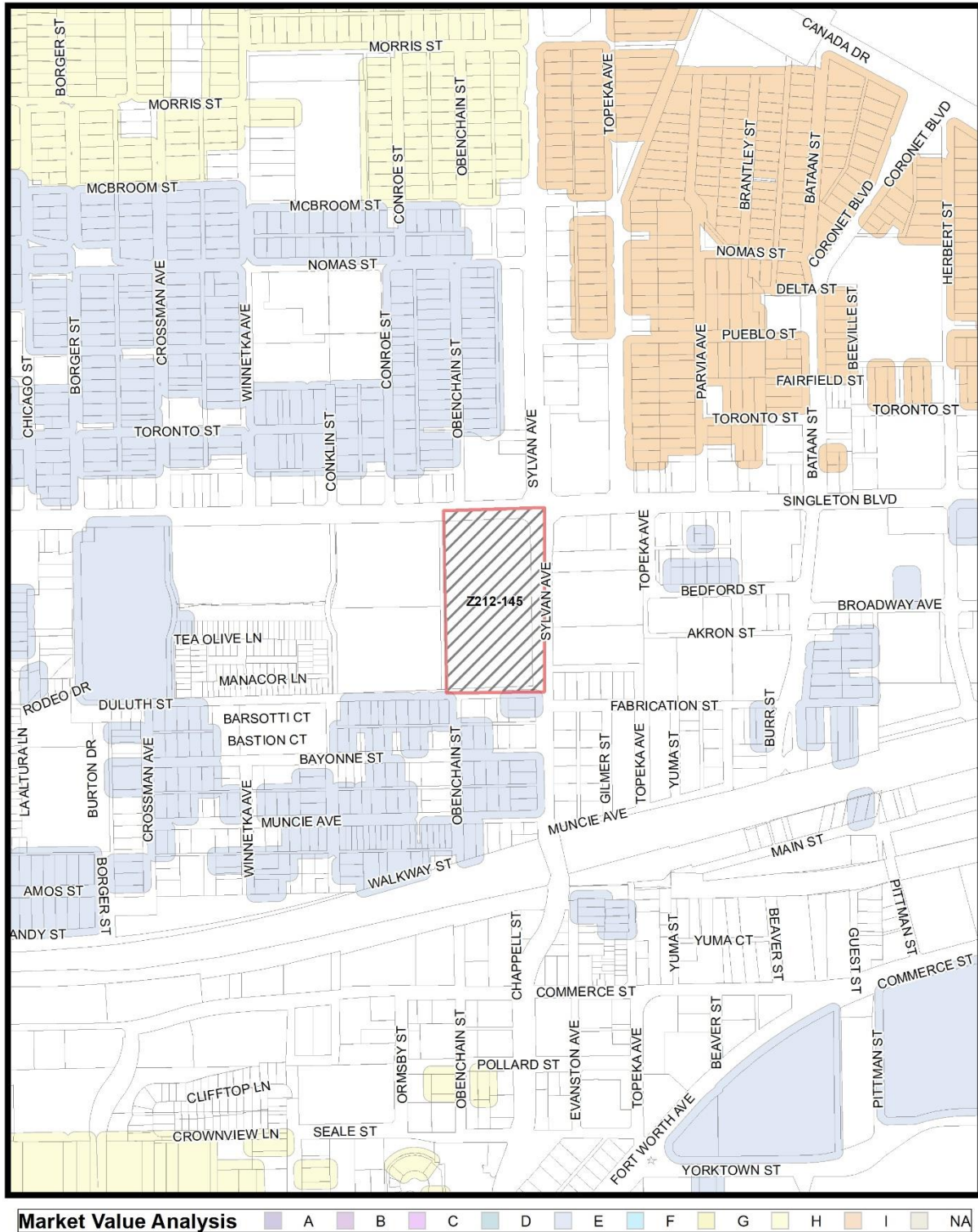










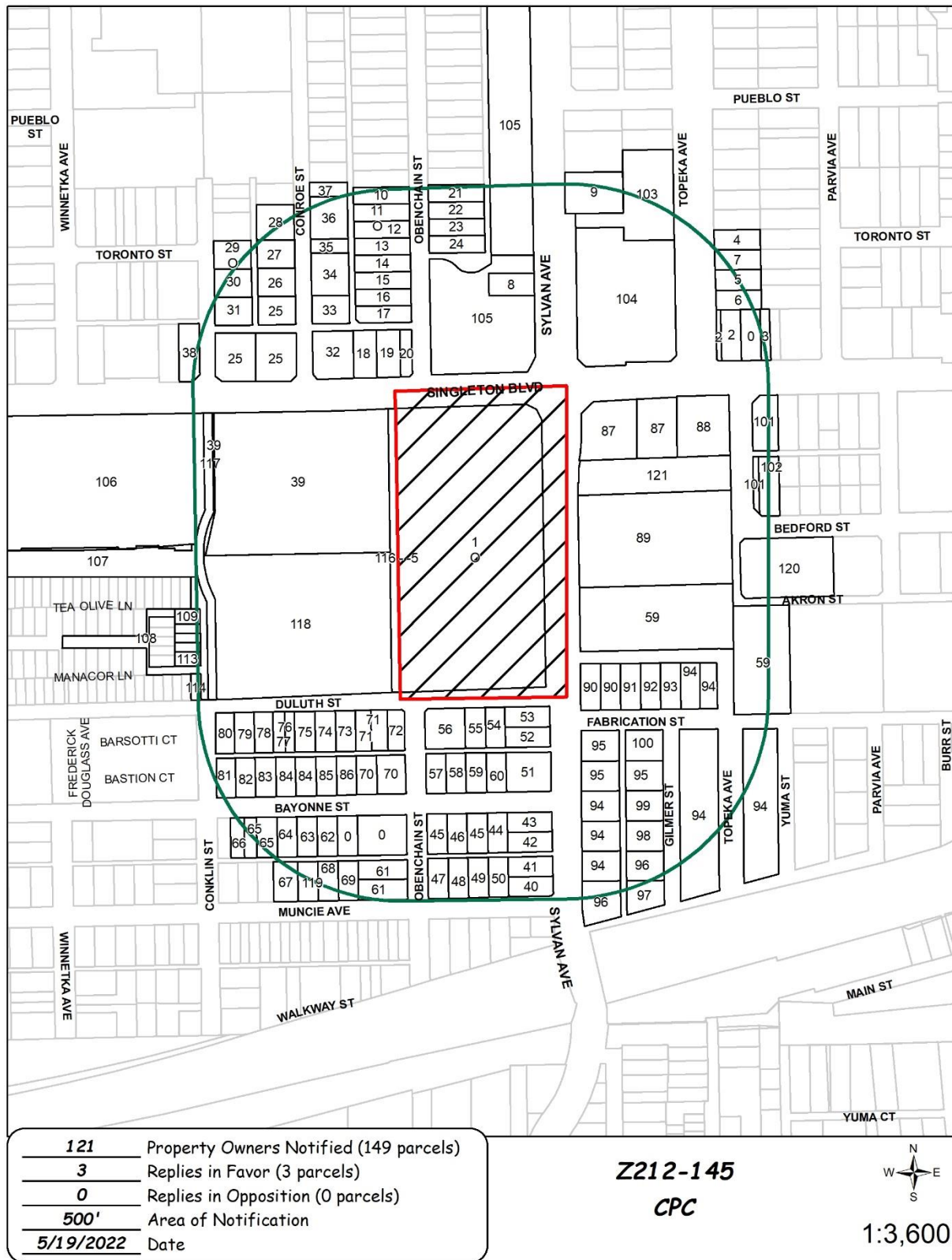


1:6,000

# Market Value Analysis

Printed Date: 2/2/2022





05/18/2022

***Reply List of Property Owners******Z212-145******121 Property Owners Notified    3 Property Owners in Favor    0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	818 SINGLETON BLVD	ATLAS METAL WORKS
	2	619 SINGLETON BLVD	GARCIA EDUARDO F
	3	613 SINGLETON BLVD	WEST DALLAS INVESTMENTS LP
	4	3022 TOPEKA AVE	MEDINA TOMASA
	5	3014 TOPEKA AVE	BOZQUEZ JUAN ARNULFO ROMAN
	6	3010 TOPEKA AVE	ROMAN JUAN ARNULFO
	7	3018 TOPEKA AVE	BILLINGSLEY GUADALUPE GARZA &
	8	3017 SYLVAN AVE	ALVARADO DAVID
	9	3108 SYLVAN AVE	WESTER CAROYLN DURBIN
	10	3109 OBENCHAIN ST	ALONZO PAZ
O	11	3105 OBENCHAIN ST	NEVAREZ MARIO
	12	3103 OBENCHAIN ST	TORRES JUANITA
	13	3025 OBENCHAIN ST	DREILING JORDAN RENEE &
	14	3021 OBENCHAIN ST	RODRIGUEZ JUANITA
	15	3019 OBENCHAIN ST	BARRON CORONADO F &
	16	3015 OBENCHAIN ST	Taxpayer at
	17	3011 OBENCHAIN ST	Taxpayer at
	18	839 SINGLETON BLVD	RUIZ MARIA E
	19	833 SINGLETON BLVD	RUIZ RAYMOND JR
	20	829 SINGLETON BLVD	RUIZ MARIA E
	21	3108 OBENCHAIN ST	SILVA JOSE A & SONIA V
	22	3104 OBENCHAIN ST	BARRON RAFEL & VIRGINIA
	23	3100 OBENCHAIN ST	VILLASENOR MARIA ELENA
	24	3024 OBENCHAIN ST	VILLAGOMEZ JUAN
	25	915 SINGLETON BLVD	HMK LTD
	26	3021 CONROE ST	CAMACHOFLORENCIO MA ANGELICA

&amp;

05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3023 CONROE ST	TORRES ARACELI
	28	3103 CONROE ST	PINONES JESSE TRUSTEE
O	29	3024 CONKLIN ST	GAETA FLP 3 LTD PS
	30	3020 CONKLIN ST	IPINA JUAN CARLOS
	31	3014 CONKLIN ST	VILLEGAS EVARISTA
	32	847 SINGLETON BLVD	RUIZ MARIA
	33	3012 CONROE ST	TORRES FERNANDO EST OF &
	34	3020 CONROE ST	ARELLANO ASUNCION &
	35	3026 CONROE ST	RAZO JOSE LUIS & ABELINE
	36	3102 CONROE ST	GARCIA ROSALIO
	37	3106 CONROE ST	SAVALA JULIA &
	38	1001 SINGLETON BLVD	PBGL ENTERPRISES LLC
	39	1000 SINGLETON BLVD	SINGLETON TRINITY GROVES LP
	40	2507 SYLVAN AVE	HURD REGINALD V
	41	2511 SYLVAN AVE	HURD REGINALD VAUGHN
	42	2513 SYLVAN AVE	HURD REGINALD VAUGHN
	43	2515 SYLVAN AVE	MCDANIEL JEARLDINE
	44	810 BAYONNE ST	MARTINEZ LILIAN &
	45	816 BAYONNE ST	TARL CABOT LLC
	46	818 BAYONNE ST	GARCIA MARCO ESTANISLAO &
	47	823 MUNCIE AVE	SMITH JOHN HENRY
	48	819 MUNCIE AVE	ARMSTRONG MARIE PEOPLES
	49	815 MUNCIE AVE	COLEMAN TONY LYNN SR
	50	811 MUNCIE AVE	COLEMAN EMORY L &
	51	805 BAYONNE ST	ROSSFERGUSON JEWEL R
	52	2611 SYLVAN AVE	BAYONNE CAPITAL LLC
	53	2615 SYLVAN AVE	CERVANTES RICHARD FLORES &
	54	810 DULUTH ST	HURD CHARLIE B
	55	814 DULUTH ST	HURD WILLIAM SAMUEL
	56	818 DULUTH ST	COLEMAN TONY L
	57	825 BAYONNE ST	FUENTES RUBEN

05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	819	BAYONNE ST	MARTINEZ CARLOS H
59	815	BAYONNE ST	WEST DALLAS INVESTS LP
60	811	BAYONNE ST	CARRION CROW HOLDINGS LLC SERIES D
61	2503	OBENCHAIN ST	FOUR WINDS BIBLE CHURCH DALLAS
62	916	BAYONNE ST	PEREZ MARGARITA
63	918	BAYONNE ST	DAVIS JIMMY VERNELL
64	922	BAYONNE ST	GENCO ELISA &
65	928	BAYONNE ST	CARRINGTON BRIAN
66	934	BAYONNE ST	SAGE CREEK HOMES INC
67	927	MUNCIE AVE	KHURSHUDIAN ELLEN
68	915	MUNCIE AVE	BERNAL ENRIQUE & ELVIRA
69	913	MUNCIE AVE	CHESTNUT HILL HOLDINGS LLC
70	909	BAYONNE ST	DISCOVER BAYONNE LLC
71	908	DULUTH ST	DULUTH EXPRESS LLC
72	2617	OBENCHAIN ST	CALHOUN LOTTIE
73	912	DULUTH ST	PORTAL 7 LLC
74	914	DULUTH ST	HOUSTON DOROTHY
75	918	DULUTH ST	CASTRO DANIEL
76	922	DULUTH ST	ROGERS GUADALUPE EST OF
77	924	DULUTH ST	MALDONADO ANTONIO & MARIA
78	926	DULUTH ST	TMGE INVESTMENT LLC
79	934	DULUTH ST	ULOHO SAMSON
80	2614	CONKLIN ST	CARRION CROW HOLDINGS LLC
81	939	BAYONNE ST	DAVIS KATHY DINH
82	935	BAYONNE ST	SEALS TANGELA
83	927	BAYONNE ST	CARRINGTON BRIAN
84	925	BAYONNE ST	HRS BUILD LLC
85	917	BAYONNE ST	BROWN GLORIA DEAN
86	911	BAYONNE ST	SANCHEZ JUAN
87	730	SINGLETON BLVD	DURBIN LIVING TRUST
88	720	SINGLETON BLVD	DURBIN LIVING TRUST THE

05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	2816	SYLVAN AVE	2920 SYLVAN LLC
90	2700	SYLVAN AVE	MIDDLE VILLAGE LLC
91	719	FABRICATION ST	SYLVANFAB LLC
92	717	FABRICATION ST	717 FABRICATION LLC
93	711	FABRICATION ST	CARDENAS ROSALIO & MARIA
94	707	FABRICATION ST	WEST DALLAS INVESTMENTS LP
95	2610	SYLVAN AVE	TAHERKHARSANDI ALI
96	2500	SYLVAN AVE	MIDDLE VILLAGE LLC
97	2501	GILMER ST	Taxpayer at
98	2515	GILMER ST	KASHTKARAN MOHAMMED M
99	2521	GILMER ST	MOHAMMADIAN MOHAMMAD R
100	714	FABRICATION ST	NASSERI MASSOUD
101	626	SINGLETON BLVD	WEST DALLAS
102	623	BEDFORD ST	WEST DALLAS INVESTMENTS LP
103	3115	TOPEKA AVE	DALLAS CITY HOME INC
104	3030	SYLVAN AVE	DBD NOCIGS 2019 31 LLC
105	809	SINGLETON BLVD	LOS BARRIOS UNIDOS
106	1002	SINGLETON BLVD	SINGLETON TRINITY GROVES LP
107	1002	SINGLETON BLVD	TG SINGLETON POA INC
108	1003	TEA OLIVE LN	PARKSIDE AT TRINITY GREEN
109	2752	FLOWERING PEACH LN	CHRISTIAN STACY &
110	2740	FLOWERING PEACH LN	MUHAMMED ABDUL
111	2728	FLOWERING PEACH LN	AMPONSAH EMMANUEL
112	2716	FLOWERING PEACH LN	GVOICH MICHAEL ROY &
113	2704	FLOWERING PEACH LN	HAHN EDWARD III
114	1002	MANACOR LN	MOEN BRUCE
115	900	SINGLETON BLVD	TG SINGLETON POA INC
116	900	SINGLETON BLVD	TG SINGLETON POA INC
117	900	SINGLETON BLVD	TG SINGLETON POA INC
118	990	SINGLETON BLVD	BG 15 TRINITY GREEN LLC
119	919	MUNCIE AVE	WILSON BERETTA &

Z212-145(MP)

05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	620 BEDFORD ST	620 BEDFORD LLC
	121	2920 SYLVAN AVE	Taxpayer at



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1348

**Item #:** Z6.

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**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 5  
**DEPARTMENT:** Department of Planning and Urban Design  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open enrollment charter school use on property zoned an R-7.5(A) Single Family District, on the north line of Lake June Road, between Conner Drive and Pleasant Drive

Recommendation of Staff: Approval, subject to a development plan, a traffic management plan, and conditions

Recommendation of CPC: Approval, subject to a development plan, a traffic management plan, and conditions

Z212-158(RM)



**FILE NUMBER:** Z212-158(RM) **DATE FILED:** December 30, 2021

**LOCATION:** North line of Lake June Road, between Conner Drive and Pleasant Drive

**COUNCIL DISTRICT:** 5

**SIZE OF REQUEST:** Approx. 7.8 acres **CENSUS TRACT:** 92.01

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**REPRESENTATIVE:** Karl Crawley, Masterplan

**OWNER/APPLICANT:** Dallas Independent School District

**REQUEST:** An application for a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open enrollment charter school use on property zoned an R-7.5(A) Single Family District.

**SUMMARY:** The purpose of the request is to allow modified development standards primarily related to permitted uses, floor area, height, and setbacks to redevelop the site with a new public school other than an open enrollment charter school.

**CPC RECOMMENDATION:** **Approval**, subject to a development plan, a traffic management plan, and conditions.

**STAFF RECOMMENDATION:** **Approval**, subject to a development plan, a traffic management plan, and conditions.

## **BACKGROUND INFORMATION:**

- The area of request is currently zoned an R-7.5(A) Single Family District and is currently developed with a public school other than an open enrollment charter school.
- The applicant proposes to redevelop the site with a new public school other than an open enrollment charter school. This use typically requires a Specific Use Permit in an R-7.5(A) District.
- To allow the proposed use by right, the applicant proposes a Planned Development District for R-7.5(A) Single Family District uses with a public school other than an open enrollment charter school permitted by right. All other permitted uses will default to those on an R-7.5(A) District.
- The applicant also proposes modified development standards primarily related to floor area, height, and setbacks.
- Since the City Plan Commission meeting on April 21, 2022, the applicant's traffic management plan has been updated to address all comments from the Transportation Development Services Division of the Transportation Department. In the proposed conditions, the formatting of the section for height for a public school other than an open enrollment charter school has been updated to more clearly communicate the applicant's intent. The maximum structure height for this use is 40 feet, and the maximum height of light poles is 30 feet. Residential proximity slope applies, but not to light poles. This change has been highlighted in yellow in the conditions.

## **Zoning History:**

There have been four zoning cases in the area in the last five years.

1. **Z178-360:** On November 28, 2018, staff approved an automatic renewal of Specific Use Permit No. 1932 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for an additional five-year period on the northwest line of Lake June Road, west of Holcomb Road.
2. **Z189-132:** On January 31, 2019, staff approved an automatic 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 an additional five-year period at the southwest corner of South Buckner Boulevard and Lake June Road.
3. **Z201-216:** On August 11, 2021, City Council approved Specific Use Permit No. 2424 for a tower/antenna for cellular communication on property zoned an R-7.5(A) Single Family District on the east line of Pleasant Drive, north of Lake June Road.
4. **Z201-237:** On August 11, 2021, City Council approved an R-7.5(A)-D Single Family District with a D Liquor Control Overlay on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the west line of Seaford Drive, south of Maddox Avenue.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing/Proposed ROW
Lake June Road	Principal Arterial	100 feet
Conner Drive	Local Street	-
Pleasant Drive	Local Street	-

**Traffic:**

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

The request complies with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT OPPORTUNITIES**

**Policy 1.1.5** Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

**1.1.5.7** Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries, and schools.

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

**Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.

**NEIGHBORHOOD PLUS****GOAL 4.2** Support and leverage emerging school quality and school choice programs.**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-7.5(A) Single Family District	Public school other than an open enrollment charter school
<b>North</b>	R-7.5(A) Single Family, MF-2(A) Multifamily District	Single family
<b>East</b>	R-7.5(A) Single Family District with SUP No. 2424 for a tower/antenna for cellular communication, RR-D Regional Retail District with a D Liquor Control Overlay	Church; tower/antenna for cellular communication; vehicle display, sales, and service
<b>South</b>	Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay	Home improvement center, lumber, brick or building materials sales yard; auto service center; vehicle display, sales, and service
<b>West</b>	Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay	General merchandise or food store greater than 3,500 square feet, general merchandise or food store 3,500 square feet or less, restaurant without drive-in or drive-through service, office, furniture store, motor vehicle fueling station

**Land Use Compatibility:**

The area of request is currently developed with a public school other than an open enrollment charter school. North of the request area is single family. To the east is a church with SUP No. 2424 for a tower/antenna for cellular communication, plus vehicle display, sales, and service. To the south and west are various office, retail, and restaurant uses. Staff assesses the applicant's requested land use as compatible with surrounding uses in the area.

The request area is currently developed with a public school other than an open enrollment charter school, and the applicant proposes to redevelop the site with the same use. To accomplish this, they propose a Planned Development District for R-7.5(A) Single Family District uses. Many of the development standards of the R-7.5(A) base district will be retained; however, the applicant proposes modified development standards primarily related to permitted uses, floor area, height, and setbacks.

In a standard R-7.5(A) District, a public school other than an open enrollment charter school is only permitted by Specific Use Permit. With the requested PD, the applicant proposes to permit this use by right. Although there is not a limitation on maximum floor area in a standard R-7.5(A) District, the applicant proposes to limit maximum floor area for a public school other than an open enrollment charter school to 95,000 square feet.

A standard R-7.5(A) District would limit height of buildings to a maximum of 30 feet, with structures for institutional uses allowed up to any height consistent with the Federal Aviation Administration air space limitations, residential proximity slope height restrictions, and the building code. However, the applicant proposes that maximum height for a public school other than an open enrollment charter school is 40 feet. Light poles are limited to a maximum height of 30 feet and are exempt from residential proximity slope restrictions.

While encroachments would not typically be allowed into any required setbacks in a standard R-7.5(A) District, the applicant proposes that steps, handrails, fences, and light poles are permitted in required setbacks. They also propose that parking for the school is allowed in the required yard, and that the setback for the proposed detached premise sign as shown on the development plan is 25 feet.

Staff supports the request because it will allow for the redevelopment of the site while continuing to provide a public school for the community. The proposed use is consistent with the character of the surrounding area and is not foreseen to be detrimental to adjacent properties. Lastly, the request is consistent with the Comprehensive Plan and Neighborhood Plus plan goals to provide greater access to schools and to support the improvement of school facilities.

**Development Standards:**

Following is a comparison table showing differences in development standards between the current R-7.5(A) District and the applicant's proposed PD for R-7.5(A) District uses and a public school other than an open enrollment charter school.

District	Setback <sup>1</sup>		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: R-7.5(A)	25'	5'	1 du/7,500 sf No max FAR	30' <sup>1</sup>	45% for res 25% for non-res, 60% for inst		Single family, public school by SUP
Proposed: PD for R-7.5(A)	25' <sup>2</sup>	5' <sup>2</sup>	1 du/7,500 sf No max FAR Max floor area for public school is 95,000 sf	30' 40' for public school 30' for light poles	45% for res 25% for non-res, 60% for inst		Single family, public school by right

<sup>1</sup> Institutional uses allowed up to any legal height

<sup>2</sup> Steps, handrails, fences, and light poles and parking for a public school are allowed in required setbacks. Setback for detached premise sign is 25 feet.

**Landscaping:**

Landscaping will be provided in accordance with Article X, as amended. In addition, the applicant has indicated tree protection zones on the proposed development plan to assure the protection of trees in these zones during all phases of demolition and construction. These tree protection zones are codified in the proposed conditions and require that a tree protection plan must be approved by the building official and fully implemented prior to any construction activity or other disturbance on site. Construction staging and materials are prohibited from tree protection zones.

The conditions also require a minimum five-foot-wide sidewalk with a minimum five-foot-wide landscape buffer, except this width can be reduced to a minimum of four feet to save an existing tree. Also included is a provision that at each intersection of driveway and sidewalk, sidewalks must be constructed of a material that differs in finish and color from that of vehicular ingress and egress driveways.

**Parking:**

The applicant proposes the standard parking ratios in Section 51A-4.300 for the PD. Pursuant to the Dallas Development Code, the off-street parking requirement for a public school is one-and-one-half spaces per elementary classroom. Therefore, the site is required to have a minimum of 66 spaces for the 44 classrooms proposed. As illustrated on the development plan, the site provides 94 parking spaces.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is not currently within an MVA cluster. To the north, east, south, and southwest are "H" MVA clusters. To the west is an "I" MVA cluster.



## **List of Officers**

### Dallas Independent School District

#### Board of Trustees

District 1	Edwin Flores, First Vice President
District 2	Dustin Marshall
District 3	Dan Micciche
District 4	Karla Garcia
District 5	Maxie Johnson, Second Vice President
District 6	Joyce Foreman
District 7	Ben Mackey, President
District 8	Joe Carreon, Board Secretary
District 9	Justin Henry

#### Administration

Michael Hinojosa, Superintendent  
Robert Abel, Chief of Human Capital Management  
Susana Cordova, Deputy Superintendent  
Libby Daniels, Chief of Communication  
Tiffany Huitt, Chief of School Leadership  
Jack Kelanic, Chief Technology Officer  
Dr. Pamela Lear, Chief of Staff and Racial Equity  
Dr. Brian C. Lusk, Chief of Strategic Initiatives  
Dwayne Thompson, Chief Business Officer  
Shannon Trejo, Chief Academic Officer  
Brent Alfred, Deputy Chief Construction Services

**CPC ACTION**  
**May 19, 2022**

**Motion:** It was moved to recommend **approval** of a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open enrollment charter school use, subject to a development plan, a traffic management plan and conditions; as briefed, on property zoned an R-7.5(A) Single Family District on the north line of Lake June Road, between Conner Drive and Pleasant Drive.

Maker: Shidid  
Second: Stanard  
Result: Carried: 9 to 0

For: 9 - Popken, Anderson, Shidid, Carpenter, Blair,  
Gibson, Stanard, Kingston, Rubin

Against: 0  
Absent: 5 - Hampton, Vann, Jung, Housewright, Haqq  
Vacancy: 1 - District 3

<b>Notices:</b>	Area: 500	Mailed: 99
<b>Replies:</b>	For: 3	Against: 1

**Speakers:** For: Karl Crawley, 2201 Main St., Dallas, TX, 75201  
Against: None

**CPC ACTION**  
**April 21, 2022**

**Motion:** In considering an application for a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open enrollment charter school use on property zoned an R-7.5(A) Single Family District on the north line of Lake June Road, between Conner Drive and Pleasant Drive., it was moved to **hold** this case under advisement until May 19, 2022, per applicant's request.

Maker: Shidid  
Second: Anderson  
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson, Shidid,  
Carpenter, Vann, Blair, Jung, Housewright,  
Gibson, Haqq, Stanard, Kingston, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 500 Mailed: 99  
**Replies:** For: 1 Against: 1

**Speakers:** For: Karl Crawley, 2201 Main St., Dallas, TX, 75201  
Against: None

**CPC RECOMMENDED CONDITIONS**

**ARTICLE XXX**

**SEC. 51P-xxx.101. LEGISLATIVE HISTORY.**

PD XXX was established by Ordinance No. XXXX, passed by the Dallas City Council on XXXX

**SEC. 51P-XXX.102. PROPERTY LOCATION AND SIZE.**

PD XXX is established on property generally located on Lake June Road. The size of PD XXX is approximately 7.8 acres.

**SEC. 51P-xxx.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district. (Ord. 27296)

**SEC. 51P-xxx.104. EXHIBIT.**

The following exhibit is incorporated into this article:

- (1) Exhibit xxxA: development plan.
- (2) Exhibit xxxB: traffic management plan.

**SEC. 51P-xxx.105. DEVELOPMENT PLAN.**

(a) For a public school other than an open enrollment charter school, development and use of the Property must comply with the development plan (Exhibit xxxA). 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 in 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-xxx.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 additional main use is permitted by right:

-- Public school, other than an open enrollment charter school.

**SEC. 51P-xxx.107. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**SEC. 51P-xxx.108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(b) Public school other than an open-enrollment charter school.

(1) Floor area. Maximum floor area is 95,000 square feet.

(2) Height.

(A) Except as provided in this section, residential proximity slope applies.

(B) Maximum structure height is 40 feet.

(C) Light poles are allowed a maximum height of 30 feet. The one light pole designated on the development plan is exempt from the residential proximity slope. All other light poles must comply with the residential proximity slope.

(3) Setbacks.

(A) Steps, handrails, fences, and light poles are allowed in the required setbacks.

(B) Parking is allowed in the required yard.

(C) Setback for the detached premise sign as shown on the development plan is 25 feet.

**SEC. 51P-xxx.109. OFF STREET PARKING AND LOADING.**

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

**SEC. 51P-xxx.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P-xxx.111. LANDSCAPING.**

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

(c) Tree protection zones must be designated on the development plan. A tree protection plan must be approved by the building official and fully implemented prior to any construction activity or other disturbance on site. Construction staging and materials are prohibited in tree protection zones.

**SEC. 51P-xxx.112. SIGNS.**

Signs must comply with the provisions for non-business zoning districts in Article VII.

**SEC. 51P-xxx.113. TRAFFIC MANAGEMENT PLAN.**

(a) In general. Operation of a public school other than an open-enrollment charter school must comply with the traffic management plan (Exhibit xxxB).

(b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pickup are not permitted within city rights-of-way.

(c) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the

director by August 1, 2022. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by August 1st of each odd-numbered year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

- (A) ingress and egress points;
- (B) queue lengths;
- (C) number and location of personnel assisting with loading and unloading of students;
- (D) drop-off and pick-up locations;
- (E) drop-off and pick-up hours for each grade level;
- (F) hours for each grade level; and
- (G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(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).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

#### **SEC. 51P- xxx.114.           SIDEWALKS.**

- (a) At each intersection of a driveway and sidewalk, sidewalks must be constructed of a material that differs in finish and color from that of vehicular ingress and egress driveways.



- (c) Minimum sidewalk and street buffer width is five feet except the width can be reduced to a minimum of four in order to save an existing tree.

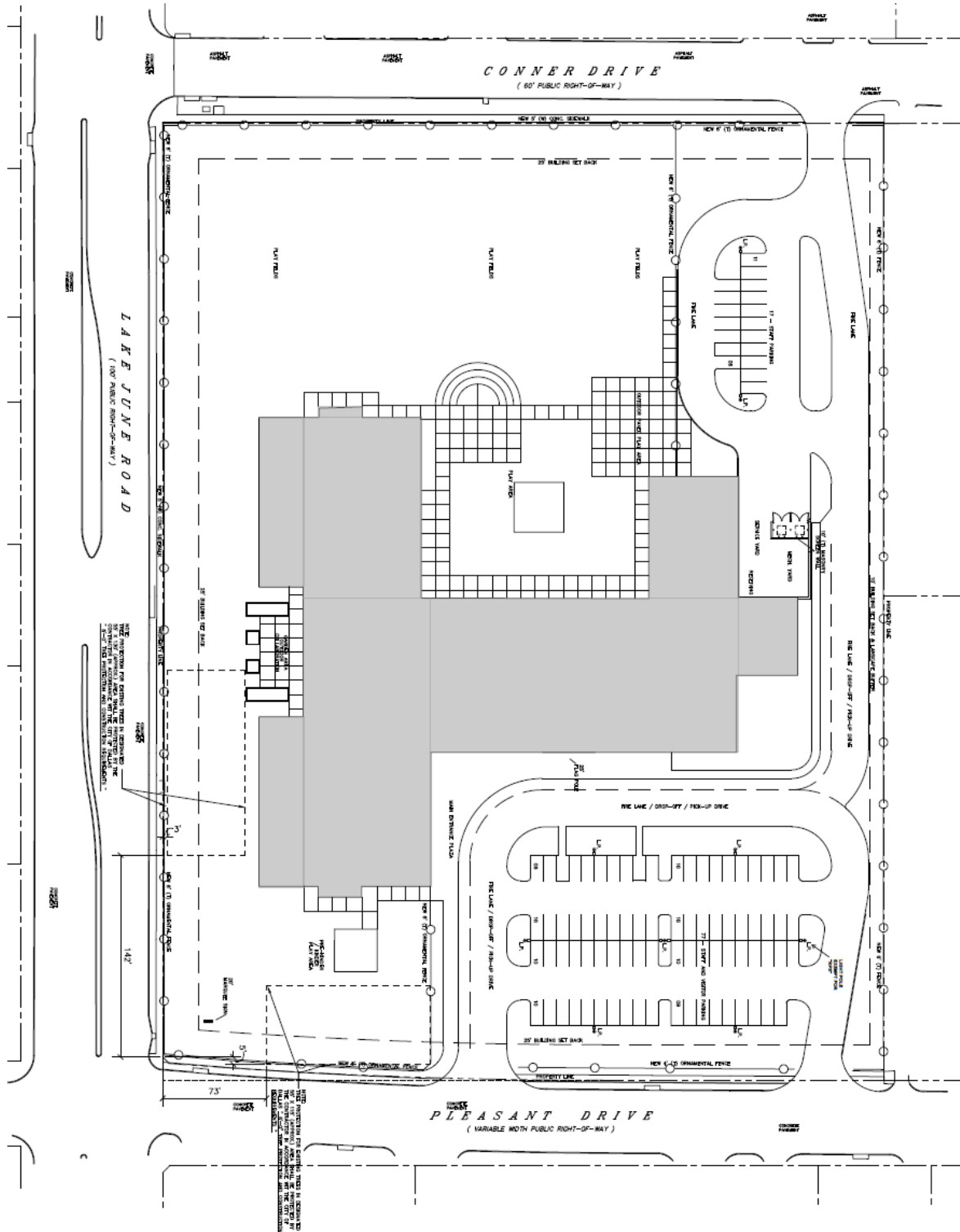
**SEC. 51P-xxx.115.                    ADDITIONAL PROVISIONS.**

- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

**SEC. 51P-xxx.116.                    COMPLIANCE WITH CONDITIONS.**

- (a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.
- (b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

# CPC RECOMMENDED DEVELOPMENT PLAN



## CPC RECOMMENDED TRAFFIC MANAGEMENT PLAN

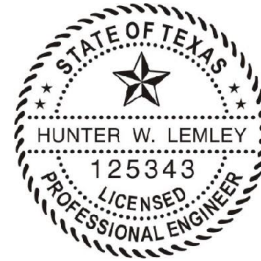
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April 22, 2022

PK# 1419-21.545

# TRAFFIC MANAGEMENT PLAN

Z212-158



Dallas Independent School District John Q. Adams Elementary  
School  
CITY OF DALLAS

## Introduction

The services of **Pacheco Koch** (PK) were retained by **Masterplan** on behalf of **Dallas Independent School District** to prepare a Traffic Management Plan (TMP), as requested by the City of Dallas, for the existing John Q. Adams Elementary School described below. The existing elementary school will be demolished, and a new school will be built on the same property.

As described in Appendix A6 of the City of Dallas *Street Design Manual*, a school Traffic Management Plan is a "site-specific plan providing guidelines to coordinate traffic circulation during school peak hours. TMPs should promote strategies to manage all modes of transportation and maintain student safety paramount at all times. An effective plan requires continual planning, renewed understanding and coordinated efforts by city staff, school administration and staff, neighbors, parents, and students.

This TMP was prepared by registered engineers at Pacheco Koch who are experienced in transportation and traffic engineering (the "Engineer"). Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional engineering and related services.

The engineer performed most recent on-site dismissal field observations on Tuesday, November 16th, 2021 and Thursday, February 10, 2022 during morning and afternoon periods that validates all information in this report.

## 1. TMP EXHIBIT

(See attached Exhibit 1 - Traffic Management Plan)



7557 Rambler Road, Suite 1400  
Dallas, Texas 75231-2388  
(972) 235-3031 [www.pkce.com](http://www.pkce.com)  
TX.REG: ENGINEERING FIRM F-469  
TX. REG. SURVEYING FIRM LS-100080-00

April 22, 2022



## 2. SCHOOL LOCATION AND DESCRIPTION

- **School site location:** 8239 Lake June Road, Dallas, Texas
- **Description of adjacent roadways:**
  - Adjacent Streets:
    - Lake June Road:
      - Cross-section: Six lanes, two-way operation, median-divided.
      - Sidewalk connectivity evident along frontage of school. *[School Zone]*
      - Speed Limit: 40 mph *[School Zone of 20 mph]*
    - Pleasant Drive:
      - Cross-section: Four lanes, two-way operation, undivided.
      - Sidewalk connectivity evident along frontage of school. *[School Zone]*
      - Speed Limit: 30 mph *[School Zone of 20 mph]*
    - Conner Drive:
      - Cross-section: Two lanes, two-way operation, undivided.
      - Sidewalk connectivity evident along frontage of school. *[School Zone]*
      - Speed Limit: 30 mph *[School Zone of 20 mph]*
  - **Adjacent Intersections:**
    - Lake June Road and Conner Drive –
      - Marked crosswalks: all approaches
      - Barrier free ramps: not provided on any corners

April 22, 2022



- Lake June Road and Pleasant Drive – Marked crosswalks (faded) on all approaches, no barrier free ramps provided on any corners. Two crossing guards were present for the intersection. Low pedestrian activity crossing Lake June Road

NOTE: It is generally recommended that all applicable crosswalks/barrier free ramps/sidewalks comply with current ADA accessibility requirements. Pacheco Koch is not certified to provide a full ADA compliance inspection, which is performed by licensed inspectors during the design and permitting process. All pavement markings, traffic signs, school zones, and pedestrian infrastructure improvements are recommended to be upgraded at permitting as applicable and meet current city and TMUTCD standards.

### 3. INGRESS/EGRESS POINTS OF ACCESS

- **Vehicular Ingress/Egress Points:**
  - Lake June Road: Two Driveways (Existing); No Driveways (Proposed)
  - Conner Drive: No Driveways (Existing); One Driveway (Proposed)
  - Pleasant Drive: Two Driveways (Existing); Two Driveways (Proposed)
- **Student (Building) Ingress/Egress Points:**
  - Main student pedestrian access to parent vehicles will be located at the main entrance on the north side of the school building.

### 4. QUEUING SUMMARY TABLE

The following table presents the projected queuing vehicle accumulation for the subject campus. The calculations for vehicle accumulation and parking are based upon estimated ratios – estimated linear feet of queue per student – along with the assumptions provided by Dallas Independent School District for this campus have been validated by on-site dismissal observations conducted on Tuesday, November 16th, 2021. All information provided in the table below is strictly for the afternoon student pick-up release period.

See Section 12(b) for specific information on the methodology and calculations used in the table below. Specific separation of modes of transportation was provided by DISD and is provided in Section 6. NOTE: all information below contains assumptions and may not be final.

April 22, 2022



Table 1. Queuing Summary Table

Dismissal Period (Loading Zone)	Grades	Start/End Times	Total Enrollment		Maximum Vehicle Accumulation	(On-Site) Storage Capacity (veh)	Surplus/Deficit (veh)
			Existing	Proposed			
1	Pre-K – Kinder	7:45 AM – 3:00 PM	Pre-K/Kinder – 149	Pre-K/Kinder – 187	35 (32)	95 (0)	+60 (-32)
2	1 <sup>st</sup> – 5 <sup>th</sup>	7:45 AM – 3:15 PM	356	563	104 (78)	95 (0)	-9 (-78)

## 5. CIRCULATION

This section provides on-site traffic circulation, including any temporary traffic control devices.

### - Description of Existing Conditions

#### On-Site Circulation:

- Pre-K - Kinder:

Parent traffic enters the area traveling southbound on Pleasant Drive. Parent traffic queues/stands on the southbound curb lane and queue along Pleasant Drive past the frontage of the property.

Traffic exits the queueing area continuing south after the vehicle has sufficiently unloaded/loaded the student(s) exiting/entering the vehicle.

- 1<sup>st</sup> Grade – 3<sup>rd</sup> Grade:

Parent traffic enters the area traveling westbound on Lake June Road. Parent traffic queues/stands on the westbound curb lane and enters the property along the recessed area on Lake June Road. Within the recessed area, two queue lines form. Once queueing backs on to Lake June Road, the queue backs along the westbound curb lane to Pleasant Drive.

Traffic exits the recessed area continuing west after the vehicle has sufficiently unloaded/loaded the student(s) exiting/entering the vehicle. Currently, a right-turn only sign exists at the right-most lane for the westbound approach at the intersection of Lake June Road and Conner Drive during school zone hours.

A single school bus is used for this particular school and loads and unloads students along the northbound curbside of Conner Drive

April 22, 2022



adjacent to the site. NOTE: A small number of students travel by bus that essentially equate to 0%.

Staff and visitor parking lots are provided surrounding the site.

**Temporary traffic control devices:**

- Temporary traffic control devices are not used currently in order to facilitate drop-off/pick-up operations.

**- Description of Proposed Conditions**

**On-Site Circulation:**

- Pre-K - Kinder:

Parent traffic is to enter the area traveling westbound on Lake June Road and turn onto Conner Drive. Parent traffic is to enter the site via the driveway on Conner Drive and enter the queue along the provided queuing area on-site.

Additional parent loading area will be provided within the parking lot, east of the school building.

Traffic is to circulation through the site in a clockwise traffic flow. (See **Exhibit 1**)

Traffic is to exit the queueing area continuing east after the vehicle has sufficiently unloaded/loaded the student(s) exiting/entering the vehicle. Traffic is then to exit the site via the southernmost driveway on Pleasant Drive.

- 1<sup>st</sup> Grade – 3<sup>rd</sup> Grade:

Parent traffic is to enter the area traveling westbound on Lake June Road and turn onto Conner Drive. Parent traffic is to enter the site via the driveway on Conner Drive and enter the queue along the provided queuing area on-site and queue back along the northbound curbside of Conner Drive.

Additional parent loading area will be provided within the parking lot, east of the school building.

Traffic is to circulation through the site in a clockwise traffic flow. (See **Exhibit 1**)

Traffic is to exit the queueing area continuing east after the vehicle has sufficiently unloaded/loaded the student(s) exiting/entering the vehicle. Traffic is then to exit the site via the southernmost driveway on Pleasant Drive.

A single school bus is used for this particular school and is to load and unload students along the provided bus queuing area within the site adjacent to Conner Drive (as shown in **Exhibit 1**). NOTE: A small number of students travel by bus that essentially equate to 0%.



April 22, 2022



Staff and visitor parking lots are provided surrounding the site.

**Temporary traffic control devices:**

- Cones are to be placed along the east parking lot to restrict parent traffic from circulating through the parking lot.

## 6. DROP-OFF/PICK-UP COORDINATION

This section provides proposed student drop-off/pick-up coordination information.

- **Passenger ID system:**

- Managed Loading System

NOTE: A "managed loading system" at schools refers to the established protocol for picking up passengers at a specific release time. Passenger loading and vehicle departures are sequential based upon order of arrival. During a prior coordination phase, drivers are provided with some form of identification that school personnel observe upon arrival so that the corresponding passenger is prepped for loading before the vehicle arrives at the designated loading area.

- **Separation of modes of transportation:**

- Bus: 0% (For special education students only)
  - Walk: 15%
  - Picked Up by Parent: 85%

NOTE: Information provided by Dallas Independent School District and validated with field observations

- **Staggered times:**

- 7:45 AM – 3:00 PM (Pre-Kindergarten - Kinder)
  - 7:45 AM – 3:15 PM (1<sup>st</sup> – 5<sup>th</sup>)

- Other

## 7. SCHOOL STAFF ASSISTANCE

- **Number:**

- Observed: 5 - 10
  - Desired: 5- 10

- **Location:**

- Observed: Main Entrance
  - Desired: Main Entrance

*April 22, 2022*



- Staff Requirements and expectations:
  - Staff assistance shall be present to allow students to enter and exit the school building in a safe and efficient manner.

#### **8. ADULT SCHOOL CROSSING GUARDS AND/OR OFF-DUTY DEPUTIZED OFFICERS**

- Number: Two
  - Observed: Two
  - Desired: Two
- Location:
  - Observed: Intersection of Lake June Road and Pleasant Drive
  - Desired: Intersection of Lake June Road and Pleasant Drive

April 22, 2022



## 9. SCHOOL ADMINISTRATION INPUT STATEMENT

The engineer collaborated with both the School District personnel and on-site staff/principal and Student Transportation Services as needed, before and during the process of creation of the Traffic Management Plan.

The site engineer, the architect and the traffic engineer have collaborated the traffic patterns of parent routes, bus routes, and recommendations of the TMP with the on-site and District personnel. The onsite and District personnel have completed a thorough review and any changes that have been discussed have been applied to this version of the plan.

### REVIEW AND COMMITMENT

This school traffic management plan (TMP) for John Q. Adams Elementary School was developed with the intent of optimizing safety and efficiently accommodating vehicular traffic generated during the school's typical student drop-off and pick-up periods. This plan was developed with direct input from individuals familiar with the general characteristics of the traffic needs of the school. It is important to note that a concerted and ongoing effort by and the full participation of the school administration are essential to accomplish these goals.

By the endorsement provided below, the school administration hereby agrees to implement, adhere to, and support the strategies presented in this TMP for which the school is held responsible until or unless the City of Dallas deems those strategies are no longer necessary or that other measures are more appropriate.

*Monica Battison*

4/22/2022

Principal Signature

Date

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Police Department Signature

Date

Name: \_\_\_\_\_

Title: \_\_\_\_\_

## 10. ENGINEER SEAL

This report is signed, stamped, and dated by a licensed Professional Engineer in the State of Texas with specific expertise in transportation and traffic engineering.

Traffic Management Plan  
John Q. Adams Elementary School  
Page 8

April 22, 2022

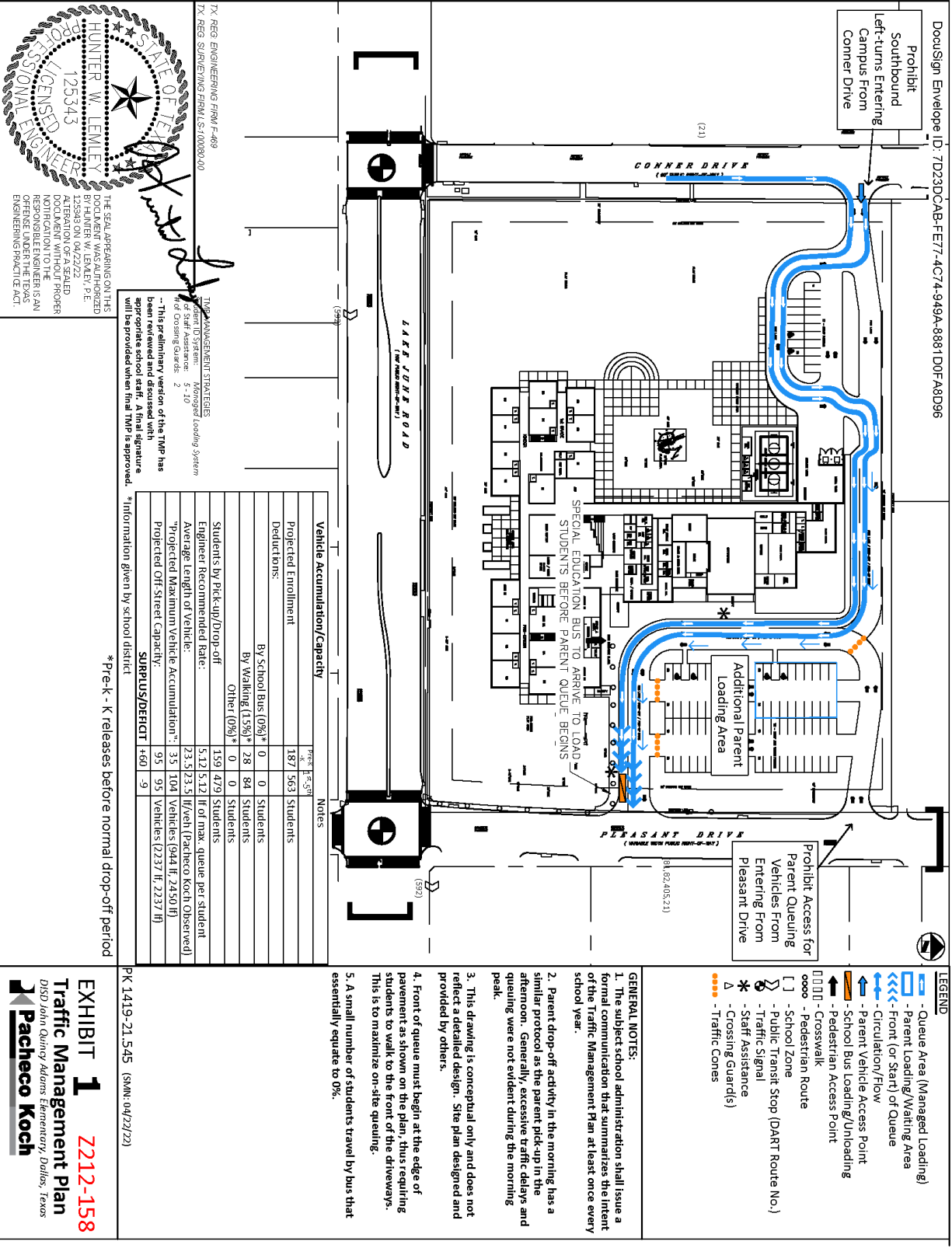


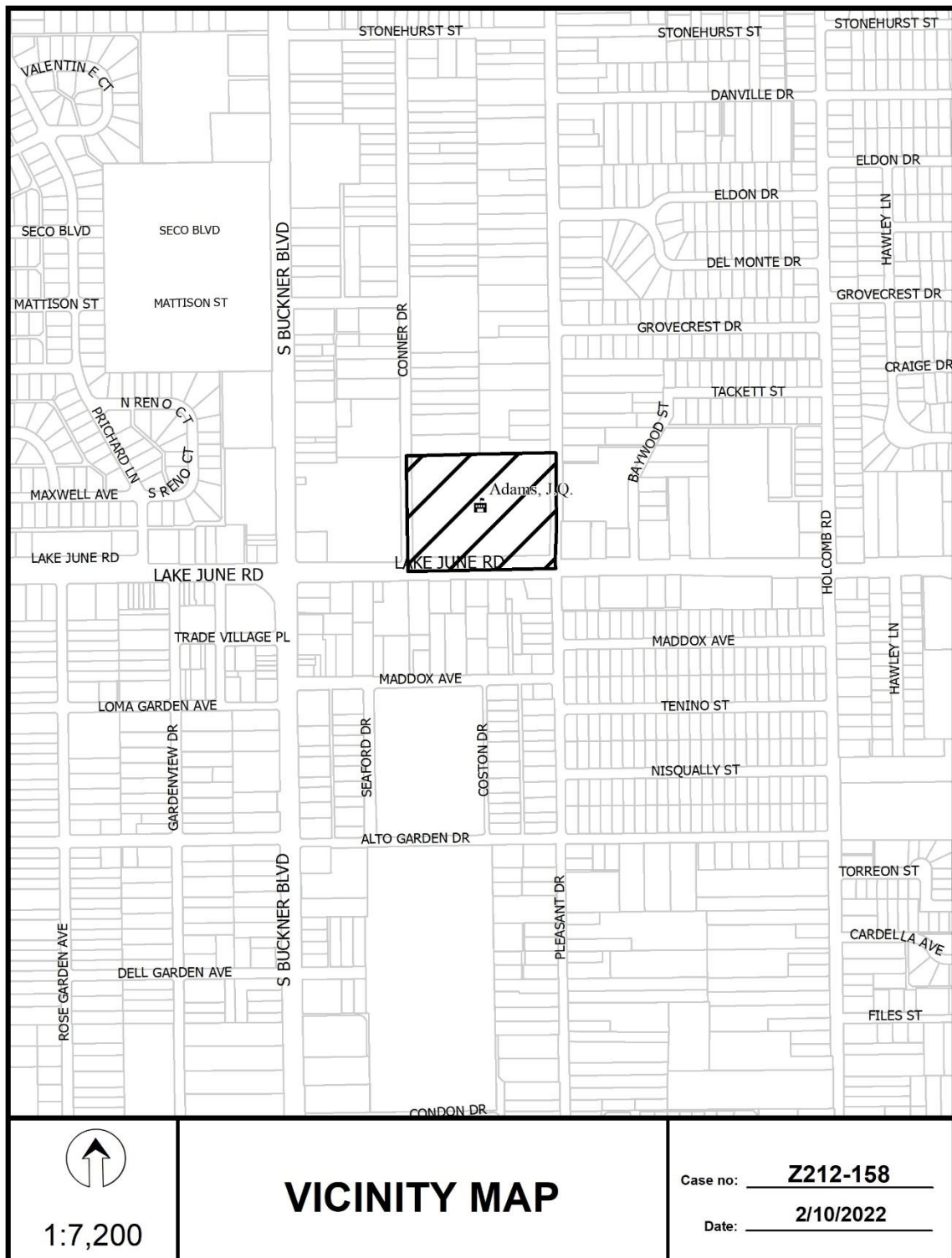
## 11. REPORT FORMAT

This report follows the City of Dallas Traffic Management Plan format as described in Appendix A6 of the City of Dallas *Street Design Manual*.

## 12. OTHER ITEMS WHERE APPLICABLE

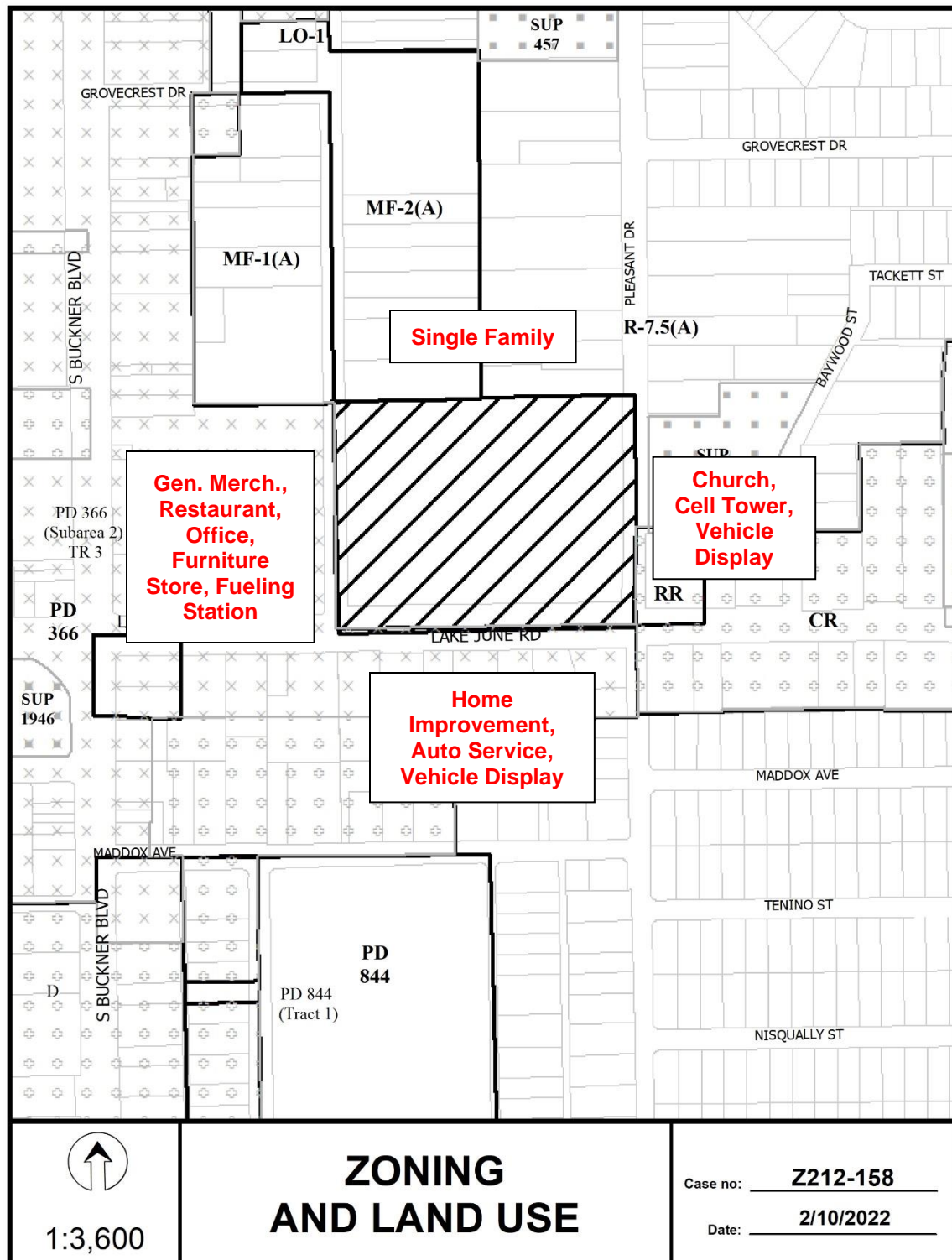
- a) School Bus Operations:
  - b) Methodology:
    - a. Engineer Recommended Rate: 5.12 linear feet per student
    - b. Average Length of Vehicle: 23.5 feet
    - c. Separation of modes of transportation:
      - i. Bus: 0% (For special education students only)
      - ii. Walk: 15%
      - iii. Picked Up by Parent: 85%
- NOTE: Information provided by Dallas Independent School District and validated with field observations
- d. Projected maximum vehicle accumulation: 104
  - e. Projected on-site storage capacity: 95
  - f. Surplus/Deficit: -9
  - c) Pedestrian Routes: The pedestrian routes will be/are based on the attendance zone map when finalized. The attendance zone was not provided at the time of this study however, the anticipated (and observed) pedestrian routes include the sidewalk paths along Pleasant Drive.
  - d) Parking Management Strategies:
    - a. On-street parking restrictions: none
    - b. Faculty Parking: northeast parking lot/west parking lot
    - c. Visitor Parking: northeast parking lot
  - e) Recommendations for walking/biking: none
  - f) Other Recommendations: (See below)
  - g) Traffic Control (Signage) Plan: Not Applicable



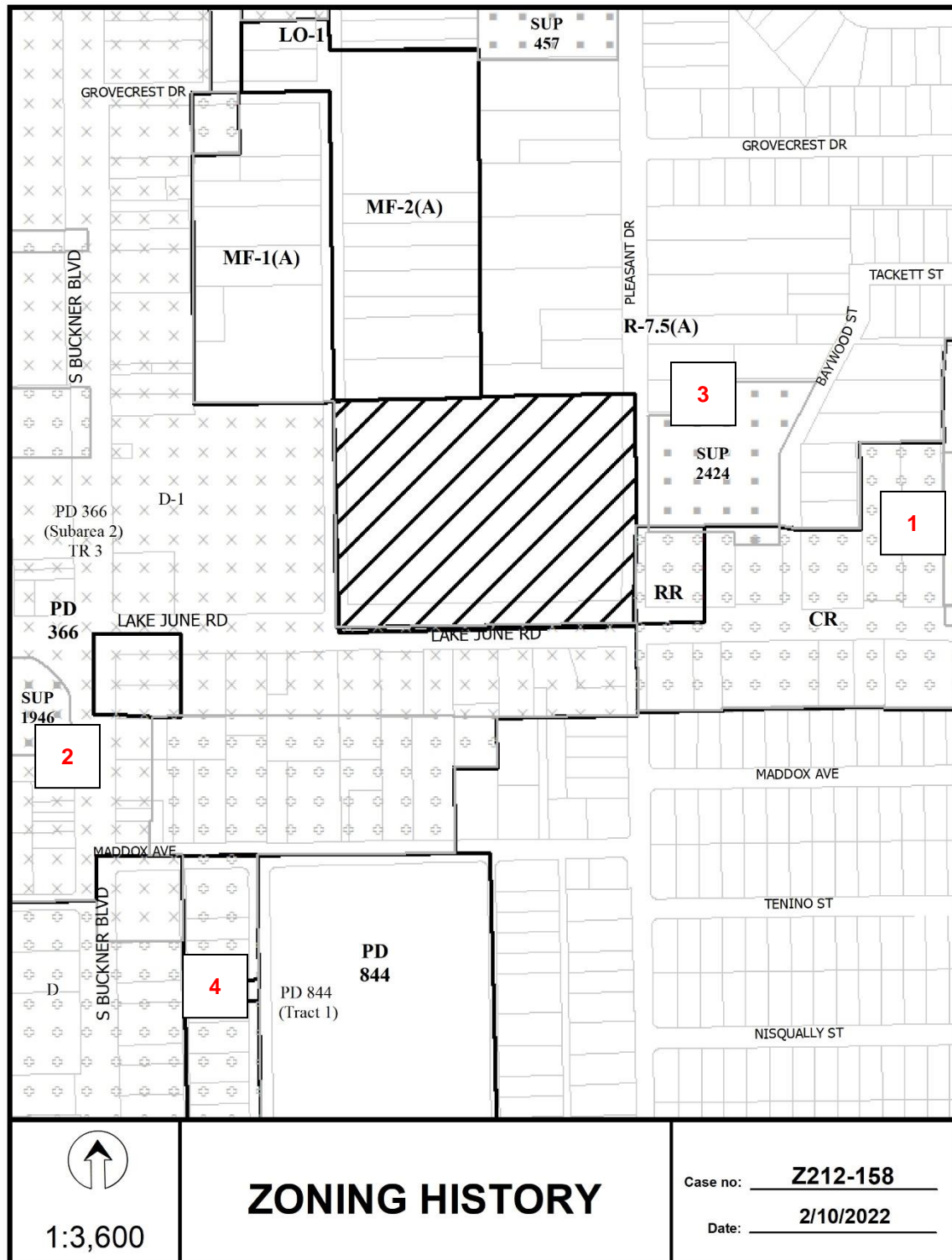


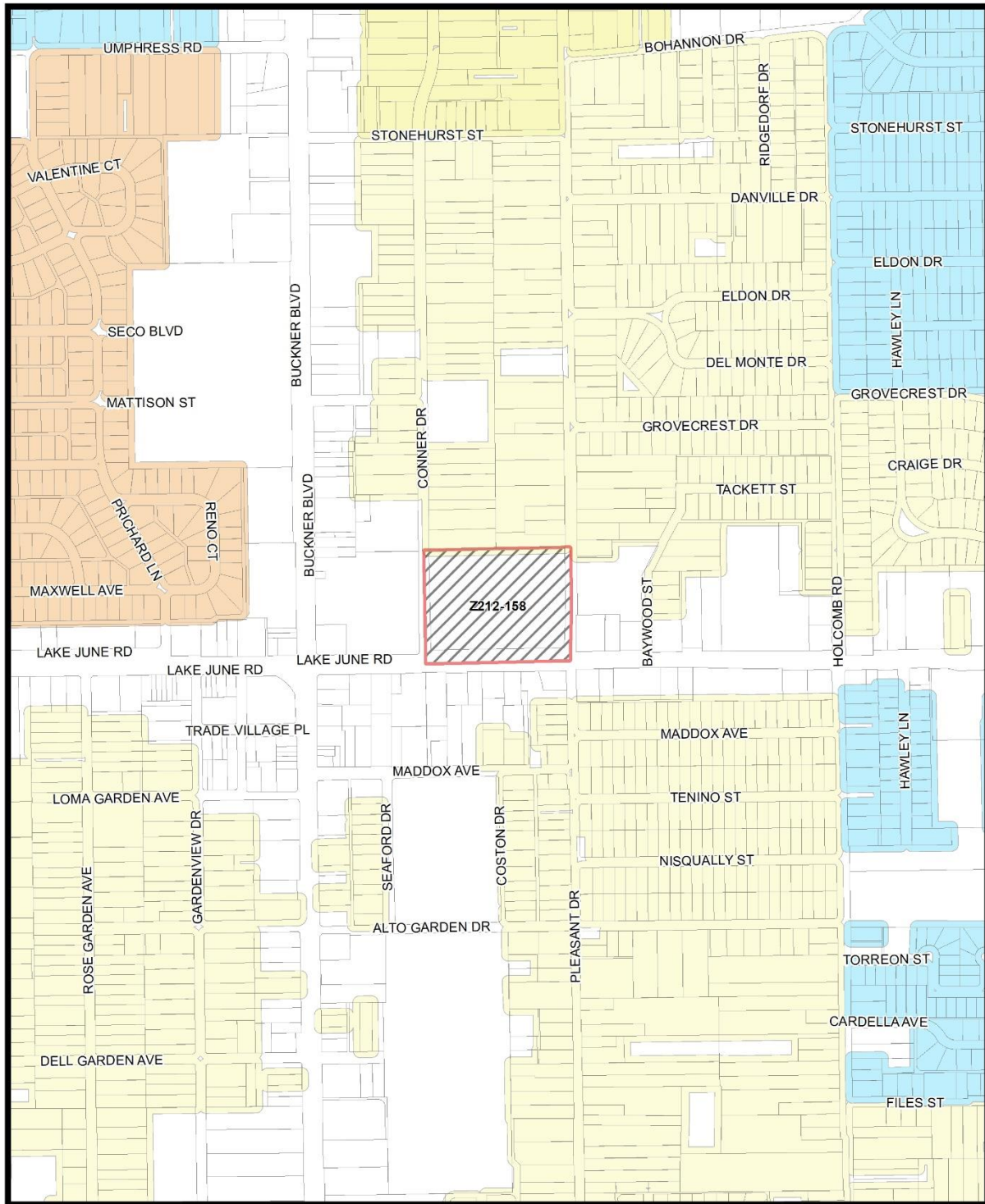












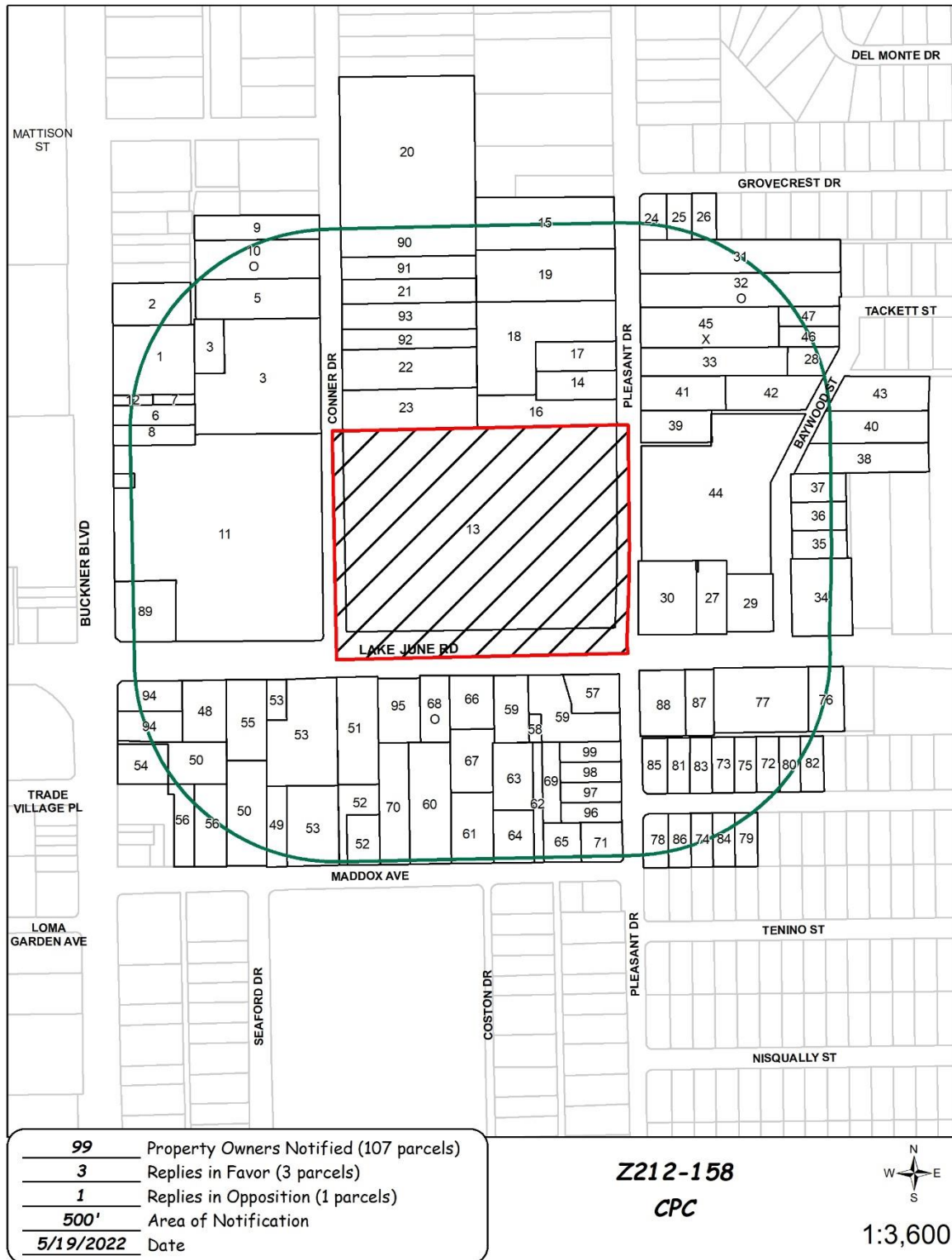
Market Value Analysis



1:7,200

# Market Value Analysis

Printed Date: 2/10/2022



05/18/2022

***Reply List of Property Owners******Z212-158******99 Property Owners Notified    3 Property Owners in Favor    1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	1402 S BUCKNER BLVD	BUCKNER S INVESTMENTS INC
	2	1418 S BUCKNER BLVD	JDC HEALTHCARE MANAGEMENT LLC
	3	1407 CONNER DR	PLEASANT GROVE CHURCH OF CHRIST
	4	1330 S BUCKNER BLVD	BRAY CHILDRENS TRUST &
	5	1425 CONNER DR	VOLL8 LLC
	6	1340 S BUCKNER BLVD	SEO BOU GUNG &
	7	1344 S BUCKNER BLVD	SEO BOU GUNG &
	8	1336 S BUCKNER BLVD	LEE CHY D
	9	1439 CONNER DR	ALTAMIRANODIAZ GERARDO &
O	10	1435 CONNER DR	APODACA JERRY B
	11	1310 S BUCKNER BLVD	MCISREHLDGS ONE LLC
	12	1400 S BUCKNER BLVD	SEO BOU GUNG & IN HYUN AN
	13	8239 LAKE JUNE RD	Dallas ISD
	14	1411 PLEASANT DR	RUIZ MICHELE
	15	1441 PLEASANT DR	BELTRAN ARMANDO A &
	16	1403 PLEASANT DR	RODRIGUEZ GILBERTO
	17	1415 PLEASANT DR	AGUILAR MARIA M &
	18	1417 PLEASANT DR	QUEVEDO GLORIA
	19	1431 PLEASANT DR	PONCIANO JUANA
	20	1446 CONNER DR	PROJECT UNITED COMMUNITY
	21	1428 CONNER DR	MORALES MARIA OLIVIA & JOEL
	22	1408 CONNER DR	ZAPATA ANNETTE
	23	1400 CONNER DR	SALCEDO MANUEL BECERRA
	24	8302 GROVECREST DR	SANCHEZ MACRINO
	25	8306 GROVECREST DR	PEREZ ELVIA V &
	26	8310 GROVECREST DR	SANCHEZROMERO JUAN A &

05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	8315 LAKE JUNE RD	LEWIS ROMEO N JR
	28	1415 BAYWOOD ST	HERNANDEZ MARIA CECILIA
	29	8323 LAKE JUNE RD	SUN WEN TSAI & CHING JEN
	30	8301 LAKE JUNE RD	DIAZ ROBERTO H &
	31	1432 PLEASANT DR	DELGADO IGNACIO & PAULINA ACOSTA
O	32	1426 PLEASANT DR	ROSILLO MANUEL &
	33	1414 PLEASANT DR	GONZALEZ MARBELLA
	34	8333 LAKE JUNE RD	MENCHACA GILBERTO
	35	1320 BAYWOOD ST	SIERRA LUIS & CLARITA
	36	1326 BAYWOOD ST	ANDRADE ALFREDO
	37	1332 BAYWOOD ST	CARRANZA OLIVERIO & ROSBELIA ORTIZ
	38	1338 BAYWOOD ST	RUIZ LUISA GOMEZ
	39	1338 PLEASANT DR	FLORES PEDRO &
	40	1404 BAYWOOD ST	LUVIANO ROGELIO & CRUZ PATRICIA
	41	1406 PLEASANT DR	RAMIREZ CELSO &
	42	1409 BAYWOOD ST	MORENO ASCENCION CHAVEZ
	43	1410 BAYWOOD ST	CASTANEDA SEBASTIAN G
	44	1324 PLEASANT DR	PLEASANT GROVE CHRISTIAN CHURCH
X	45	1418 PLEASANT DR	Taxpayer at
	46	1419 BAYWOOD ST	OVALLE NICOLAS &
	47	1423 BAYWOOD ST	GRAHAM PEGGY EST OF
	48	8124 LAKE JUNE RD	REALEINS PROPERTIES LTD
	49	8131 MADDOX AVE	ENNIS ELECTRIC SERVICE
	50	1214 S BUCKNER BLVD	MADDOX STREET INVESTMENTS INC
	51	8204 LAKE JUNE RD	GROOM FAMILY LP
	52	8205 MADDOX AVE	BANDA JOE
	53	8142 LAKE JUNE RD	HISPANIC SERVICES
	54	1234 S BUCKNER BLVD	TX QUALITY FOOD INC
	55	8126 LAKE JUNE RD	NEKAN ACCOUNTING
	56	8115 MADDOX AVE	MORA ADELE GARZA
	57	8252 LAKE JUNE RD	GONZALEZ DELIA

05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	8240 LAKE JUNE RD	GAMEZ JOSE A
	59	8240 LAKE JUNE RD	HERITAGE GROUP LLC THE
	60	8215 MADDOX AVE	MORA JOSE
	61	8223 MADDOX AVE	MACIAS J GUADALUPE &
	62	8233 MADDOX AVE	VEGA LUIS & SAN JUANA VEGA
	63	8233 MADDOX AVE	AHMAD ISHTIAQ
	64	8233 MADDOX AVE	VEGA LUIS & SAN JUANA
	65	8239 MADDOX AVE	CASAS REALIDAD LP
	66	8224 LAKE JUNE RD	MONTOYA MIGUEL EST OF
	67	8222 LAKE JUNE RD	MORA JONATHAN
O	68	8214 LAKE JUNE RD	HERNANDEZ TRUST THE
	69	1221 PLEASANT DR	VEGA LUIS & SAN JUANA
	70	8209 MADDOX AVE	CARRENO ANGEL &
	71	1201 PLEASANT DR	BAUTISTA JAIME
	72	8325 MADDOX AVE	RAMIREZ GERARDO
	73	8317 MADDOX AVE	ZAMORA GUADALUPE H &
	74	8310 MADDOX AVE	LOZA LADISLAO
	75	8321 MADDOX AVE	PANIAGUA ELEAZAR
	76	8336 LAKE JUNE RD	FROSSARD T V JR
	77	8318 LAKE JUNE RD	FROSSARD T E JR
	78	8300 MADDOX AVE	BRUNO WAYNE C & DONNA
	79	8320 MADDOX AVE	URQUIZA JUAN C
	80	8329 MADDOX AVE	STILWELL TOM BILL
	81	8307 MADDOX AVE	VELAZQUEZ HECTOR
	82	8335 MADDOX AVE	ALVIZO CAMILO
	83	8311 MADDOX AVE	CANELA LEONEL &
	84	8316 MADDOX AVE	MURILLO ANTONIO &
	85	8301 MADDOX AVE	MARTINEZ LUIS & LUZ
	86	8304 MADDOX AVE	HANSON ROGER & MICHELLE
	87	8306 LAKE JUNE RD	LI LUNA
	88	8302 LAKE JUNE RD	HB & AA LLC

05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	1310	S BUCKNER BLVD	CIRCLE K STORES INC
90	1438	CONNER DR	RAMIREZ MIGUEL A BANDA
91	1434	CONNER DR	OVIEDO OMAR
92	1416	CONNER DR	MARES MERCED
93	1420	CONNER DR	VEGA JUAN JORGE & SHALBE BERMUDEZ
94	1250	S BUCKNER BLVD	REALEINS PROPERTIES LTD
95	8210	LAKE JUNE RD	BELTRAN JUAN EDGARDO
96	1209	PLEASANT DR	QUINONES MANUELA
97	1213	PLEASANT DR	MARTINEZ ROSENDO JR &
98	1217	PLEASANT DR	MARTINEZ MARCIANO TINOCO &
99	1221	PLEASANT DR	SIAS HOMERO CARRIZALES &



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1349

**Item #:** Z7.

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**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 11  
**DEPARTMENT:** Department of Planning and Urban Design  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for TH-1(A) Townhome District regulations and uses including residential uses within a shared access subdivision on property zoned an R-1/2 ac(A) Single Family District, at the northwest corner of Alpha Road and Hillcrest Road

Recommendation of Staff: Approval, subject to a development plan, landscape plan, and staff's recommended conditions

Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions Z212-166(MP)



**FILE NUMBER:** Z212-166(MP)

**DATE FILED:** January 13, 2022

**LOCATION:** On the northwest corner of Alpha Road and Hillcrest Road

**COUNCIL DISTRICT:** 11

**SIZE OF REQUEST:** ± 3.445 acres

**CENSUS TRACT:** 0136.06

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**REPRESENTATIVE:** Audra Buckley - Permitted Development

**APPLICANT:** Charles Hicks

**OWNER:** Holy Trinity Greek Orthodox Church

**REQUEST:** An application for a Planned Development District for TH-1(A) Townhome District regulations and uses including residential uses within a shared access subdivision on property zoned an R-1/2 ac(A) Single Family District.

**SUMMARY:** The purpose of the request is to allow for modified development standards related to the required front, side, and rear setbacks, lot coverage, and lot size.

**STAFF RECOMMENDATION:** Approval, subject to a development plan, landscape plan, and staff's recommended conditions.

**CPC RECOMMENDATION:** Approval, subject to a development plan, landscape plan, and conditions.

**BACKGROUND INFORMATION:**

- The site is currently developed with a church.
- The applicant is requesting to create a new planned development district in order to develop a shared access subdivision with 17 townhomes.
- The proposed PD uses TH-1(A) as the base, with requested deviations regarding setbacks, lot coverage, and lot size.
- The development plan proposed a shared access subdivision with access on Alpha Road and Hillcrest Road.

**Zoning History:**

1. Z190-310: On December 28, 2021, staff terminated a request for an CH Clustered Housing District on property zoned a R-1/2 ac(A) District located on the northwest corner of Alpha Road and Hillcrest Road, due to inactivity. [On the subject site]
2. Z190-232: On October 28, 2020, the City Council approved a request for an amendment to Specific Use Permit No. 1365 for a private school and child-care facility use on property zoned an R-1/2ac(A) Single Family District, southeast corner of Hillcrest Road and Alpha Road.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Proposed ROW
Alpha Road	Community Collector	60' ROW 44' Pavement
Hillcrest Road	Principal Arterial	100'

**Traffic:**

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006, outlining several goals and policies which serve as a framework for assisting in evaluating the applicant's request. The request complies with the following land use goals and policies of the Comprehensive Plan:

## LAND USE STATEMENT

### GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

**Policy 1.3.1** Create housing opportunities throughout Dallas.

### GOAL 2.1 PROMOTE BALANCED GROWTH

**Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.

2.1.1.8 Promote development of sustainable and quality housing through zoning regulations that provide for higher densities at appropriate infill and Greenfield site locations in order to attract and retain urban homeowners.

The Neighborhood Plus Plan was adopted by the City Council in October 2015 to set a new direction and shape new policy for housing and neighborhood revitalization in Dallas. The final chapter, Strategic Goals, delineates six strategic goals to shift the approach, policies, and actions to achieve greater equity and prosperity for all Dallas residents, expand the range of housing options, and enhance the quality of neighborhoods.

### GOAL 5. EXPAND HOMEOWNERSHIP

Policy 5.2 Encourage infill development and existing home improvements in target neighborhoods to attract and retain homeowners.

**Policy 4.3** Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

### Surrounding Land Uses:

	Zoning	Land Use
Site	R-1/2ac(A)	Church
North	R-1/2ac(A)	Park
East	R-10(A)	Single Family
South	R-1/2ac(A), SUP 1405	Country Club, Church, Private School
West	PD No. 111, R-1/2ac(A) SUP No. 123	Townhome Subdivision, Undeveloped, Country Club

**Land Use Compatibility:**

The property is currently zoned R-1/2 ac(A) and was formerly used as a church. The north boundary of the property is bordered by Hillcrest Park. East of the site is built out as single-family subdivisions. South of the site is a church. West of the site is an undeveloped creekway, a townhome subdivision, and a country club golf course. The White Rock Creek Trail runs through the western portion of the site within an easement. The use of townhomes is consistent with the surrounding uses which are generally residential, church, or parkland uses.

The development plan generally depicts a compact subdivision along one shared access easement, which has access to both Hillcrest and Alpha, and calls for 17 single family lots among four building clusters. This locates the development outside of the floodplain and provides access to two major streets.

**Development Standards:**

Setbacks in a shared access subdivision are applied across the entire development, rather than on each lot. As such, the proposed front setbacks are applied along Alpha Road and Hillcrest Road.

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b>Height</b>	<b>Lot Coverage</b>	<b>Lot Size</b>	<b>Density</b>	<b>Primary Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
Existing R-1/2ac(A)	40'	10'	36'	40%	0.5 Acres	No max	Single Family
TH-1 Base (For Comparison)	0'	0'	36'	60%	2,000 sqft	6 units per acre	Single Family, Duplex
Proposed PD	15'	15'	35'	45%	3,600 sqft and 3,800 sqft for various lot types	17 units (5 units per acre effective density)	Single Family

The PD would reduce the existing setbacks along Alpha Road and Hillcrest Road in order to develop the subdivision within the eastern half of the lot. The front setback would be changed from 40 feet to 15 feet along each thoroughfare, however this is more restrictive than the TH-1 base which does not require front or side setbacks for single-family structures.

The proposed PD also decreases the allowable height by one foot to 35 feet in comparison to both TH-1 and R-1/2ac(A). The proposed PD, at 45% , would have a lesser lot coverage than the TH-1 base at 60%, and only slightly more from the existing zoning, at 40%. The proposed development plan also includes an open space in the western side

of the site, which contributes to the preservation of natural space and provides 51% open space on the lot overall.

Generally, the proposed PD represents a midpoint between the existing single family zoning and the TH-1 base. However, as presented, it provides additional development standards than the base zoning, given the PD requires adherence to a development plan, specific design standards, and landscape plan. These requirements would not apply in the base zoning of R-1/2ac(A) or TH-1, which would permit a less predictable development pattern and orientation, without the proposed design standards.

The provision for a 6-foot masonry fence along Alpha and along Hillcrest and would limit the noise and visual impacts of the corridor.

The requested reduced lot size and increased lot coverage would be better suited to a large intersection of two thoroughfares than the current large-lot zoning. A more concentrated housing pattern is necessary on a site limited by the creekway and slope on the western part of the site and allows for better preservation of this natural space. The proposal ensures a more effective utilization of the parcel given the floodplain and slope constraints. The proposed development plan concentrates the building coverage and density to the eastern side of the site in order to address the site constraints and maintain natural space on the western side.

**Parking:**

Pursuant to the Dallas Development Code, the off-street parking requirement for a single-family home under R-1/2ac(A) is two spaces per unit. The proposed conditions require a minimum of two off-street parking spaces per dwelling unit, with an additional two spaces of guest parking for each unit, a total of four spaces per unit.

The base requirements for shared access developments require the quantity of parking required for each unit in the given zoning district (one space per unit within TH-1), plus an additional 0.25 unassigned spaces available for use by visitors and residents for each dwelling unit. In total, the requested condition requires an additional 2.75 spaces per unit in comparison to the base code. Staff recommends against this added minimum, which requires a high amount of inactive space and reduces flexibility within the development. The applicant may still provide supplementary parking for units and guests if deemed necessary, as the base code does not put a maximum on the amount to be provided in this district.

### **Landscaping:**

Landscaping must be provided in accordance with the proposed landscape plan. The landscape plan is intended to address the site constraints primarily along the eastern portion of the site, including an underground utility line, which limits the location of street trees, the limited space for buffers, and the sidewalk. These features in limit the size of the individual planting areas along the eastern wall of the property and decreases options for street trees on Hillcrest Road. The plan is including additional landscaping, planting, and tree preservation space on the western side of the site. Despite the spatial limitations, the landscape plan includes space for trees on the southeast and south borders of the site. Although the landscape plan allows for smaller individual planting areas than those called for in Article X, overall, more landscaping space is provided throughout the site and provides more site trees overall than would standard landscaping code.

### **Signs**

The applicant is proposing a provision to limit any subdivision sign to a maximum 60 square feet of effective area. The sign would still be required to comply with the provisions of Sec. 51A-7.402. General Provisions Applicable to Signs in Non-Business Zoning Districts, which sets limits on the height, lighting, quantity, and content of the sign. The proposed sign would be slightly larger than the typical 40 square foot sign allowed in 7.402, while still limited by the other provisions of the section. This is to accommodate a sign placed on the masonry wall, rather than freestanding.

### **Market Value Analysis**

[Market Value Analysis \(MVA\)](#), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is located within the “B” MVA category.

**List of Officers**

Holy Trinity Greek Orthodox Church Dallas Parish Council

Harry Tomasides – President

Matt Fossey – Vice President

Andy Atalis – Treasurer



**CPC MINUTES MAY 19, 2022**

**Motion:** It was moved to recommend **approval** of a Planned Development District for TH-1(A) Townhome District regulations and uses including residential uses within a shared access subdivision, subject to a development plan and applicant's requested conditions to include the following: 1) Section 103 to not strike Short Term Rental definition, 2) Section 108 #9, change material color and finish, and 3) guest parking to remain 2 in driveway and 2 in dry path on property zoned an R-1/2 ac(A) Single Family District, at the northwest corner of Alpha Road and Hillcrest Road.

Maker: Gibson  
Second: Blair  
Result: Carried: 8 to 1

For: 8 - Popken, Anderson, Shidid, Carpenter, Blair,  
Gibson, Stanard, Kingston

Against: 1 - Rubin  
Absent: 5 - Hampton, Vann, Jung, Housewright, Haqq  
Vacancy: 1 - District 3

<b>Notices:</b>	Area: 500	Mailed: 31
<b>Replies:</b>	For: 5	Against: 2

**Speakers:** For: Audra Buckley, 1414 Belleview St, Dallas, TX, 75215  
Against: None

**PROPOSED PD CONDITIONS**

**SEC. 51P-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD \_\_\_\_ was established by Ordinance No.\_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_, 2022.

**SEC. 51P-\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_ is established on property located on the northwest corner of Alpha Road and Hillcrest Road. The size of PD \_\_\_\_ is approximately 3.45 acres.

**SEC. 51P-\_\_\_\_.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions in Chapter 51A apply to this article. In this district, SHORT TERM RENTAL means a Short-term rental of property means the renting, or offer to make available, (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration, of residential property, a dwelling unit, or a portion thereof, for a period of 30 consecutive days or less to a transient.

**Staff Recommendation:**

~~a) In this district, SHORT TERM RENTAL means a Short-term rental of property means the renting, or offer to make available, (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration, of residential property, a dwelling unit, or a portion thereof, for a period of 30 consecutive days or less to a transient.~~

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

**SEC. 51P-\_\_\_\_.104. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit \_\_\_\_A: development plan.
- (2) Exhibit \_\_\_\_B: landscape plan

**SEC. 51P-\_\_\_\_.105. DEVELOPMENT PLAN.**

(a) For a shared access development, 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 in 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) The only main uses permitted are those main uses permitted in the TH-1(A) Townhouse District, subject to the same conditions applicable in the TH-1(A) Townhouse District, as set out Chapter 51A. For example, a use permitted in the TH-1(A) Townhouse 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 TH-1(A) Townhouse District is subject to DIR in this district; etc.

(b) The following use is prohibited:

-- Short-term rentals.

**Staff Recommendation:**

~~(b) The following use is prohibited:~~

~~\_\_\_\_ Short-term rentals.~~

**SEC. 51P-\_\_\_\_.107. ACCESSORY USES.**

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following accessory uses are not permitted in this district.

- Accessory helistop
- Accessory medical /infectious waste incinerator
- Accessory outside display of merchandise
- Accessory outside sales
- Accessory pathological waste incinerator

**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.

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the TH-1(A) Townhouse District apply.

(b) Shared access development.

(1) Front yard. Minimum front yard setback on Hillcrest Road and Alpha Road is 15 feet.

(2) Side yard: Minimum side yard is 15 feet.

(3) Minimum separation. A minimum separation of six feet is required between two single family structures.

(4) Density. Maximum number of dwelling units is 17 units.

(5) Height. Maximum structure height is 35 feet.

(6) Lot coverage: Maximum lot coverage is 45 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(7) Lot size. Minimum interior lot size for units as shown on the development plan is as follows:

- (i) Type A units: 3,600 square feet.
- (ii) Type B units: 3,600 square feet.
- (iii) Type C units: 3,800 square feet.
- (iv) Common area: No minimum.

(8) A shared access development is treated as one lot for the purposes of setbacks and lot coverage.

(9) At each intersection of driveway and sidewalk, sidewalks must be constructed of a material that differs in finish and color from that of vehicular ingress and egress driveways.

**Staff Recommendation:**

(10) minimum sidewalk width is six (6) feet

**SEC. 51P-\_\_\_\_.109. OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Shared access development.

(1) A minimum of two off-street parking spaces is required for each dwelling unit.

(2) Guest parking. For a shared access development, two off-street parking spaces shall be located on the same lot as the residential unit for each unit.

**Staff Recommendation:**

~~(b) Shared access development.~~

~~(1) A minimum of two off-street parking spaces is required for each dwelling unit.~~

~~(2) Guest parking. For a shared access development, two off-street parking spaces shall be located on the same lot as the residential unit for each unit.~~

**SEC. 51P-\_\_\_\_.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI

**SEC. 51P-\_\_\_\_.113. LANDSCAPING.**

(a) Landscaping must be provided in accordance with landscape plan (Exhibit \_\_\_\_B). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(b) Any ground lighting that illuminates landscape materials in front of a screening fence measured at a point up to five feet from a screening wall and up to five feet above the ground surface, may not exceed 3 foot-candles.

(c) Plant materials must be maintained in a healthy, growing condition.

**SEC. 51P-\_\_\_\_.114. SHARED ACCESS DEVELOPMENT.**

(a) Access. Ingress and egress to and from the Property is permitted only in the locations shown on the development plan.

(b) Shared access easement area. The shared access easement area must have a minimum width of 31 feet and a minimum pavement width of 25 feet. Pavement widths are measured perpendicularly from the edge of the pavement to the opposite edge of the pavement. The shared access easement area must be provided as shown on the development plan.

(c) Fencing. A six-foot solid, masonry perimeter fence is required along Alpha Road and Hillcrest Road. Ornamental iron may only be used for fencing in common areas or residential lots. Fencing is permitted in the setbacks.

(d) Traffic controls. Within a shared access development, a minimum of two speed bumps are required along the internal access easement.

(e) Common area. Within the common areas, a minimum of two of the following amenities must be provided:

1. Ornamental iron, stone, or equivalent durable seating areas.
2. Internal walkways constructed of stamped or stained concrete, brick pavers or alternative materials.
3. Art, sculptures, or fountains.
4. Durable shade structures such as pavilions, arbors and gazebos.
5. Fire pit.
6. Outdoor kitchen.
7. Dog park.
8. Putting green.

**SEC. 51P-\_\_\_\_.115. SIGNS.**

(a) In general. Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) Detached subdivision signs. Any subdivision detached sign located on the screening fence along Alpha Road and Hillcrest Road may not exceed sixty square feet of effective area. The effective area is to be measured by the drawing of imaginary rectangles around the words and the symbols of the proposed sign and calculating the area within those imaginary rectangles.

(c) Sign illumination.

(1) No lighting source may project more than three inches from the vertical surface or six inches above the top of the sign.

(2) Any ground lighting that illuminates detached signage as described in (b) above measured at a point up to five feet from a screening wall and up to five feet above the ground surface, may not exceed 3 footcandles.

**SEC. 51P-\_\_\_\_.116. 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.

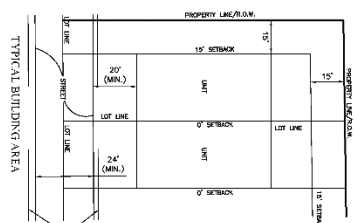
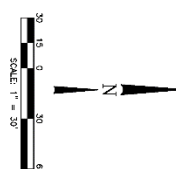
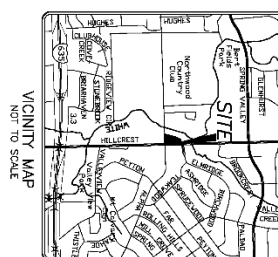
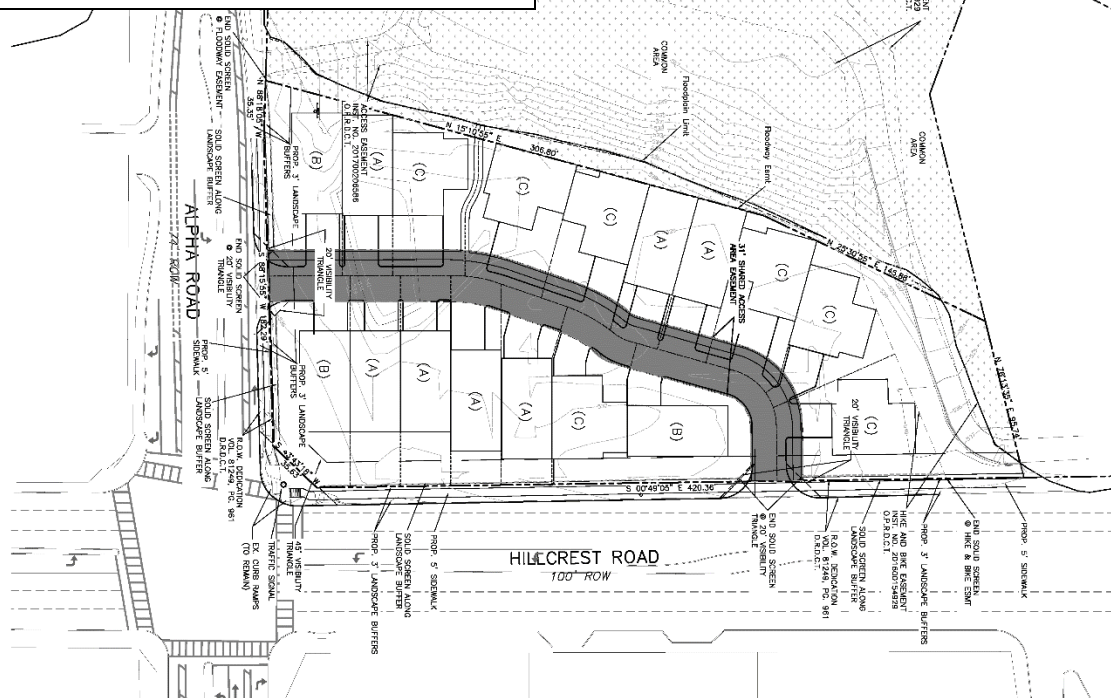
**SEC. 51P-\_\_\_\_.117. COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(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.



**Staff Recommendation:**  
Amend sidewalk widths to 6 ft  
Amend plan to include Chapter 51A (unassigned) guest parking requirements, remove individual lot guest parking



ZONING: PLANNED DEVELOPMENT DISTRICT  
RESIDENTIAL SHARED ACCESS DEVELOPMENT  
SITE DATA TABLE

[illegible]

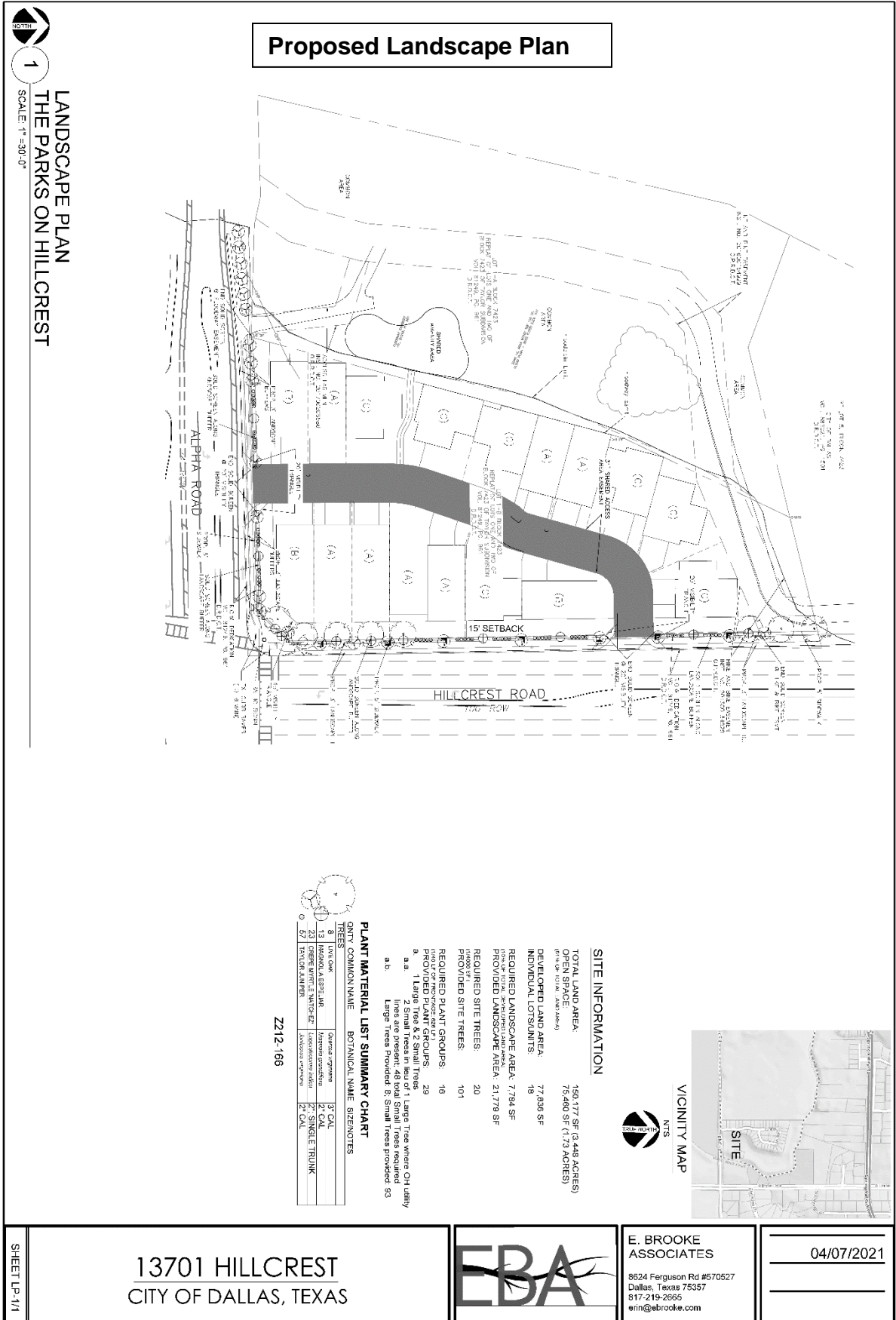
- 1) SUELL COSMETO TO BE CONSIDERED A LIVING BEING/ENTITY AS SHOWN, MAY BE AWARE OF HIS/HER OWN EXISTENCE, BUT SHALL BE CONSIDERED AN INERT, ASSEMBLED MATERIALS REFERENCE AND REGULATION FOR SORRENING AND SORRENING IN THE FIRST AND A FIRST ROW.
- 2) RESIDENT PROPERTY SHALL BE PROVIDED IN A LIVING QUARTERS FOR EACH UNIT.
- 3) AT LEAST 2 CREDIT PAYMENT SHALL BE PROVIDED IN THE FIRST ROW FOR EACH UNIT.
- 4) THE SHARED ACCESS DRIVE AREA SHALL CONFORM TO THE TYPE 2 SUELL INTERIOR OF THE DRIVE.

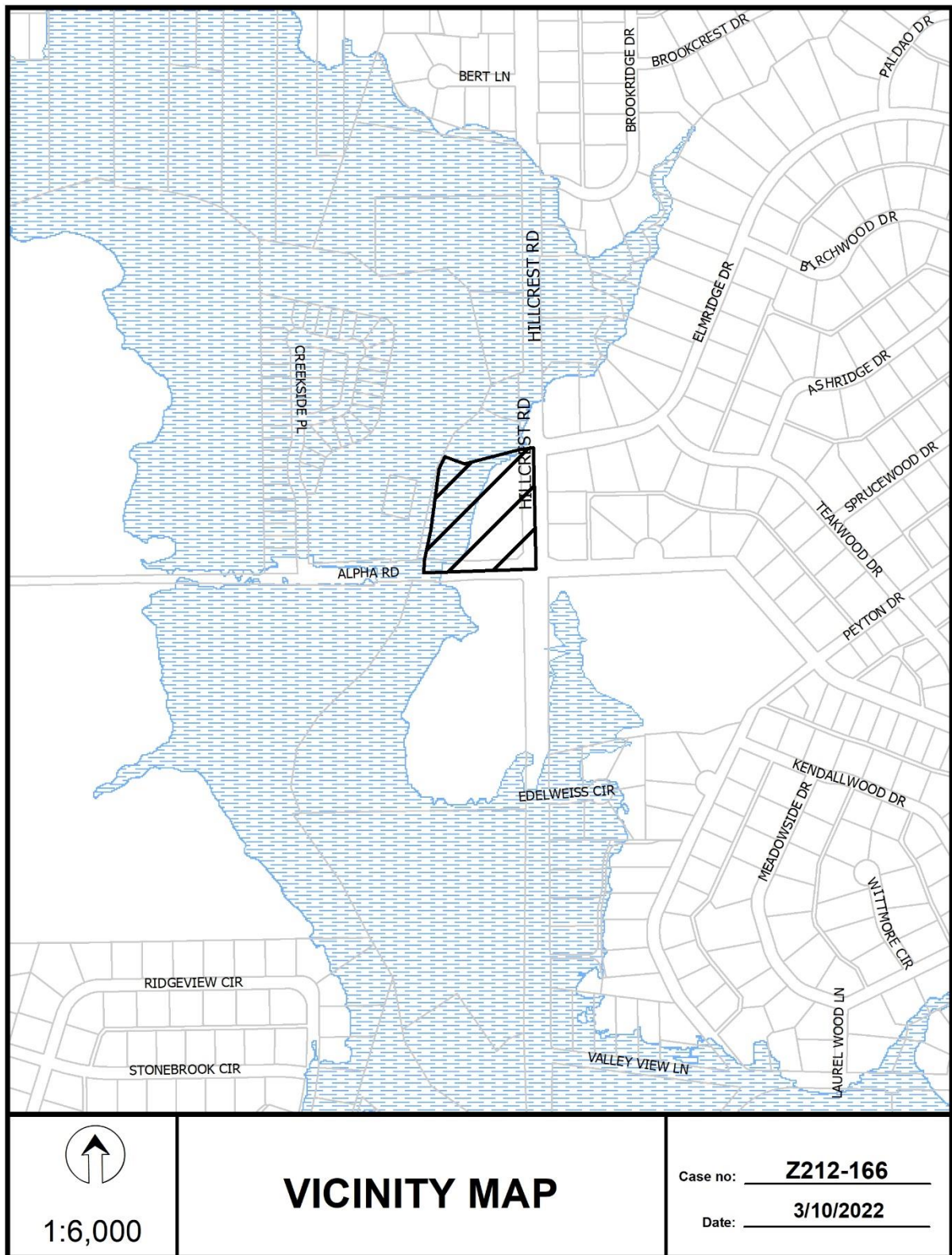
## DEVELOPMENT PLAN

ZONING CASE # 7212-166

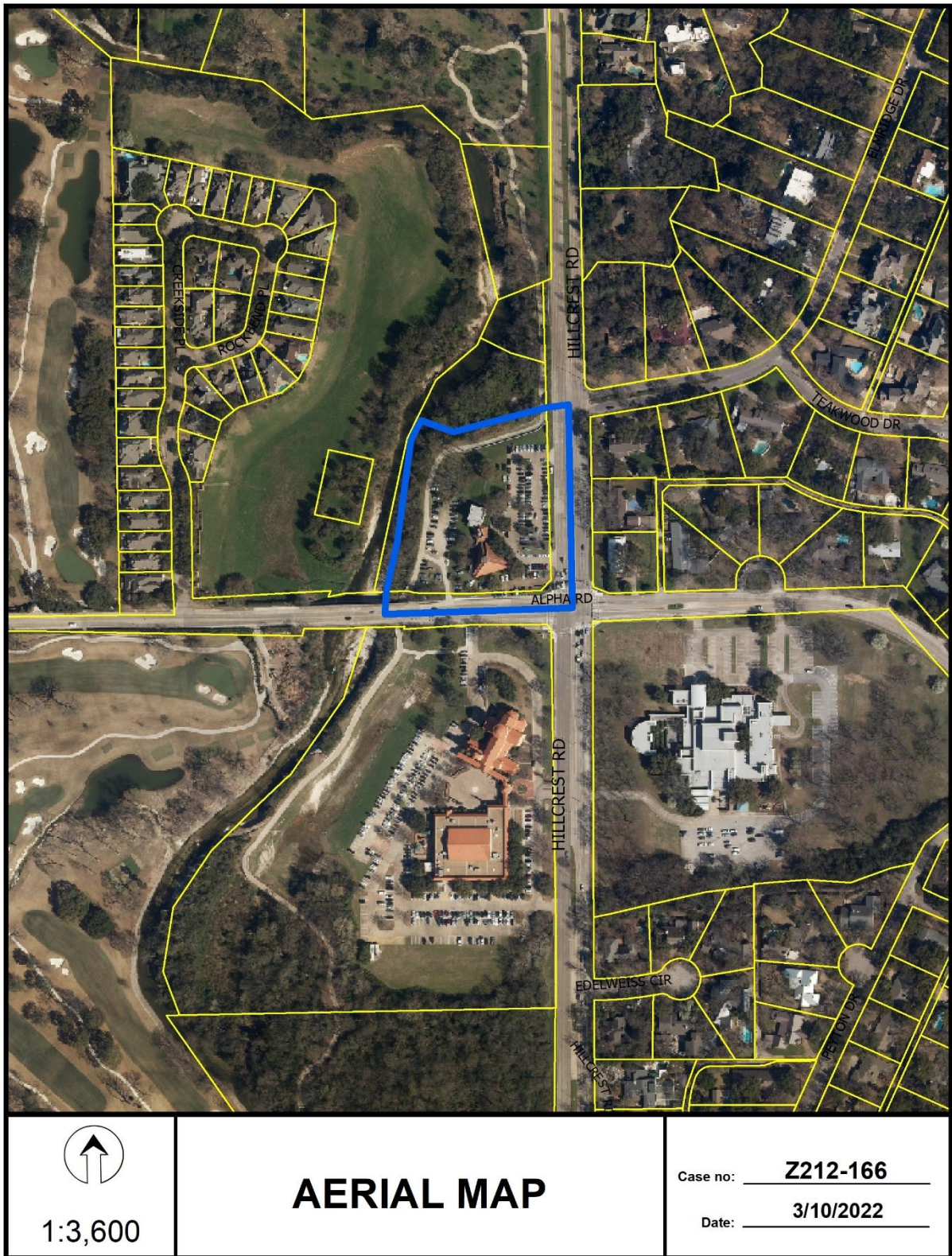
THE PARKS ON HILLCREST  
13701 HILLCREST ROAD  
A SHARED ACCESS DEVELOPMENT  
3.445 ACRES OUT OF 14.010 SUBDIVISION

HO-Y TINGNY GREEK ORTHODOX CHURCH 10701 BELCHER ROAD DULAS, TX 75244 XXX-XXX-XXXX	HICKS III INVESTMENTS 11025 FOREST LANE EAST DULAS, TX 75039 214-581-7100	MACAITE ENGINEERING, LLC 10701 N. CENTRAL PARK DRIVE 420 DULAS, TX 75219 214-573-1760	DAVE LOBER 214-581-7100	OWNER XXX-XXX-XXXX
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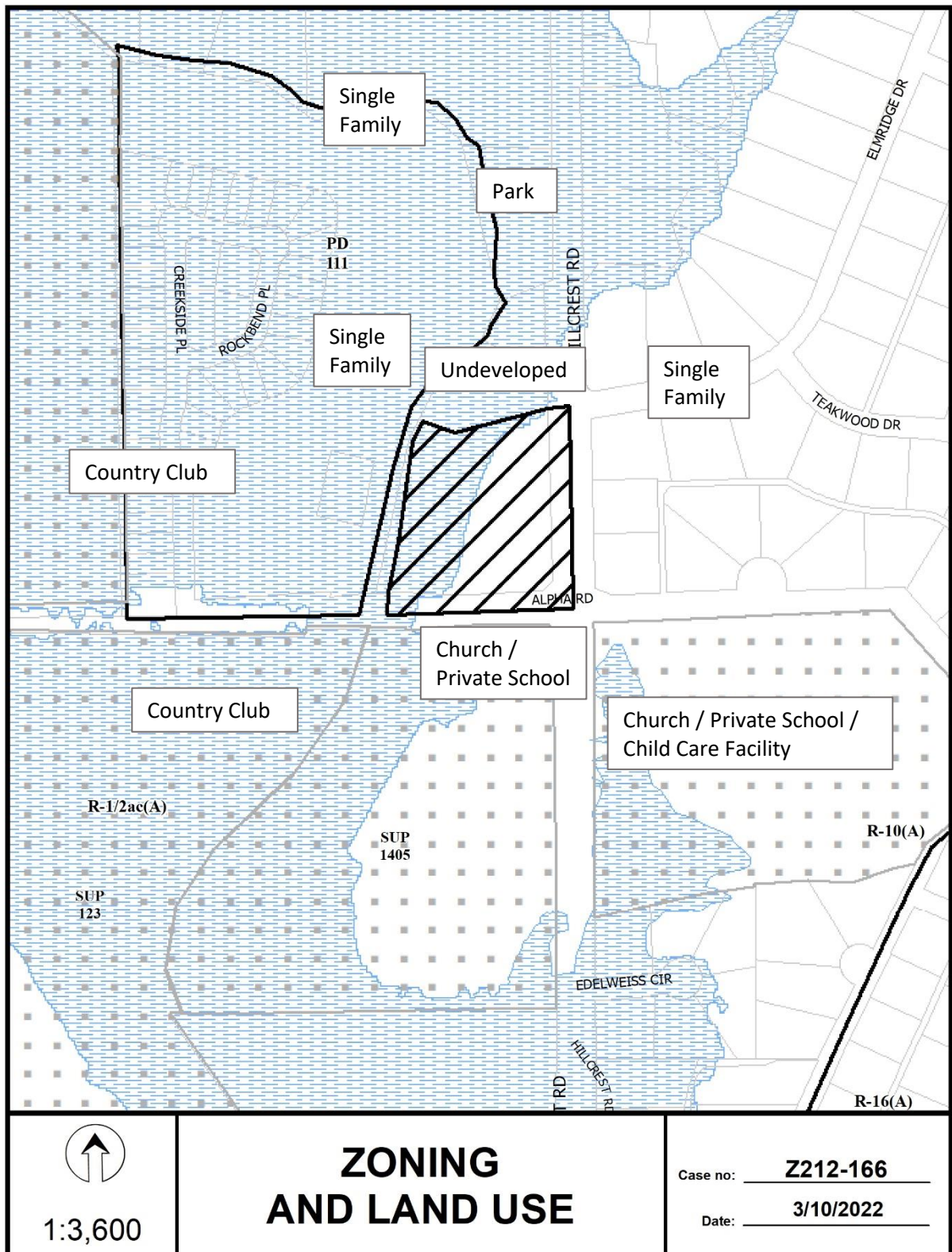


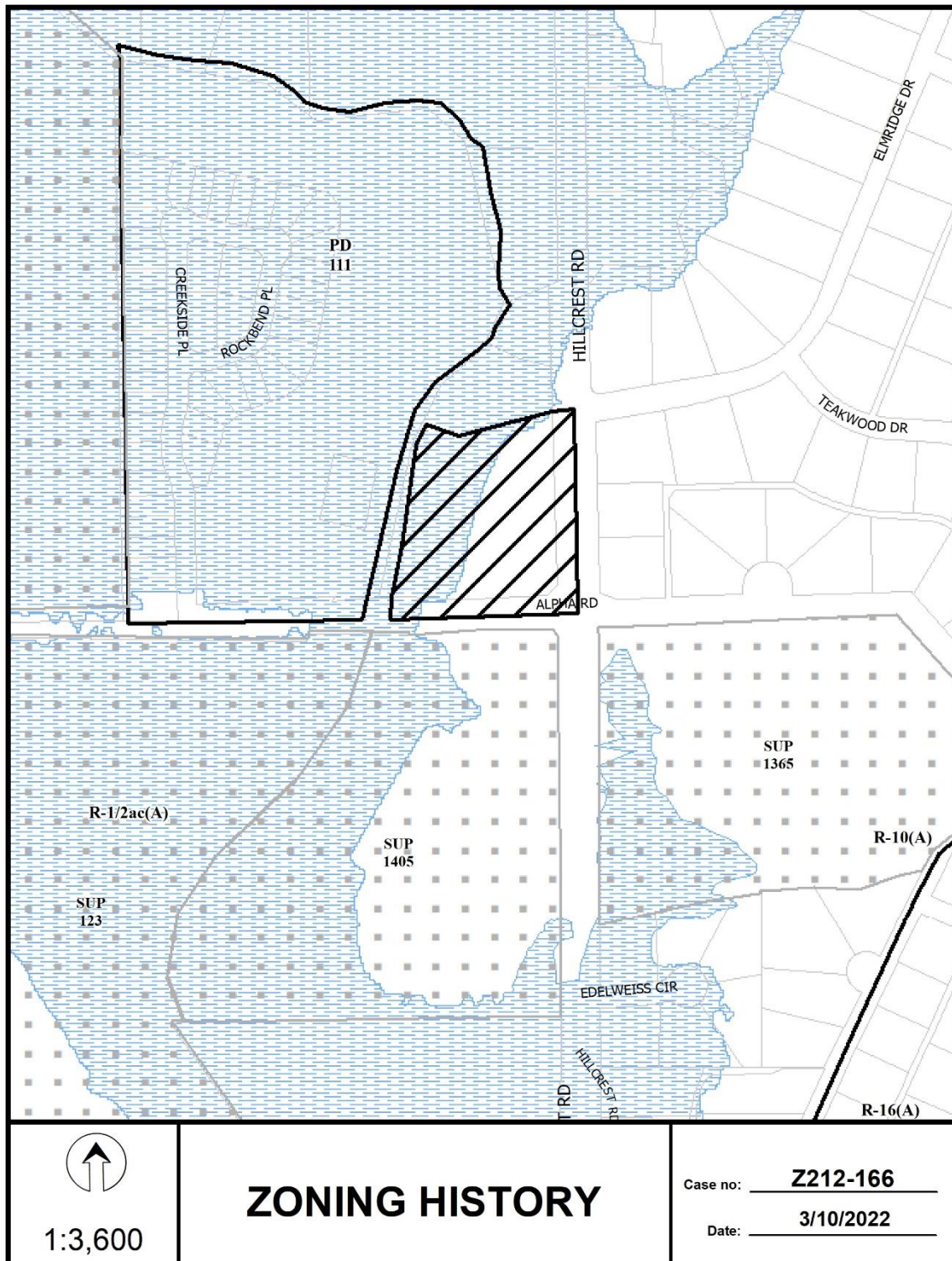




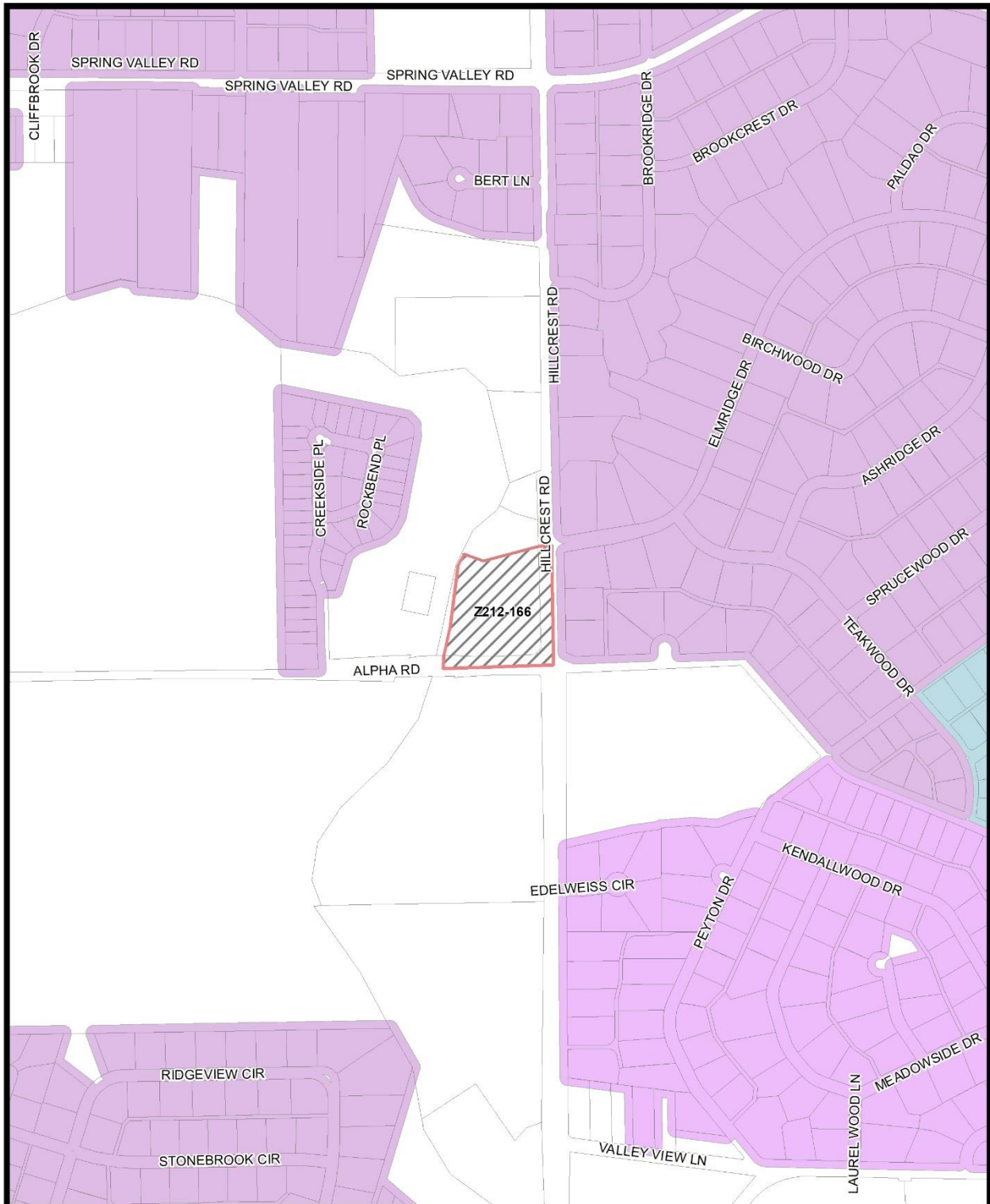












Market Value Analysis



1:6,000

# Market Value Analysis

Printed Date: 3/10/2022

A B C D E F G H I NA





05/18/2022

***Reply List of Property Owners******Z212-166******31 Property Owners Notified******5 Property Owners in Favor******2 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	13701 HILLCREST RD	HOLY TRINITY GREEK
X	2	13710 HILLCREST RD	DROPPO MICHAEL & BEVERLY
	3	13720 HILLCREST RD	CASTILLO LUIS
	4	6910 ELMRIDGE DR	KENISTON PAUL D &
	5	6920 ELMRIDGE DR	SHANNON JOE W & NATASHA
	6	6930 ELMRIDGE DR	FRAZIN LORRAINE
O	7	6927 ALPHA RD	Taxpayer at
	8	6923 ALPHA RD	JACKSON MARY LORETAN LIVING TRUST
	9	6919 ALPHA RD	ROSENBERG ROBERT GLEN & JODI S
X	10	13828 HILLCREST RD	DUTTER CYNTHIA STONE
	11	7007 ELMRIDGE DR	WERTZ BRIAN M & KRISTIN L
	12	6929 ELMRIDGE DR	THARP AMY & RYAN
	13	6919 ELMRIDGE DR	PECK EARL J & DIANE
	14	6909 ELMRIDGE DR	KIM PAUL SEUNG
	15	6930 ALPHA RD	TEMPLE SHALOM
	16	6524 ALPHA RD	NORTHWOOD CLUB
O	17	900000 CREEKSIDE PL	CREEKSIDE PLACE HMOWNERS
	18	13836 ROCKBEND PL	BLEDSE ROY WILLIAM
	19	13832 ROCKBEND PL	SANDERS JOHN & LORI MARTIN
	20	13828 ROCKBEND PL	Taxpayer at
	21	13824 ROCKBEND PL	SCOTT NANCY ELIZABETH
	22	13820 ROCKBEND PL	MCELROY WALTER D
	23	13816 ROCKBEND PL	HAMON RICHARD G & LYNN
	24	13812 ROCKBEND PL	SOLOMON ROBERT A &
	25	13808 ROCKBEND PL	LURIE RUTH
	26	13804 ROCKBEND PL	WRATHER ANNE MICHELLE

Z212-166(MP)

05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	13734 CREEKSIDE PL	HAAS KENNETH & MARUCA
	28	13730 CREEKSIDE PL	ZETZMAN SARAH
	29	13726 CREEKSIDE PL	HASTINGS JOHN B & LEE
O	30	13809 ROCKBEND PL	WILSON BRUCE L & MARY K
O	31	13555 HILLCREST RD	GREEK ORTHODOX CHURCH



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1350

**Item #:** Z8.

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**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 3  
**DEPARTMENT:** Department of Planning and Urban Design  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an R-10(A) Single Family District on the north line of Blue Ridge Boulevard, north of the intersection of Blue Ridge Boulevard and Pomeroy Drive

Recommendation of Staff: Approval for a five-year period, subject to a site plan and conditions  
Recommendation of CPC: Approval for a five-year period, subject to a site plan and conditions  
Z212-168(RM)

**FILE NUMBER:** Z212-168(RM) **DATE FILED:** January 14, 2022

**LOCATION:** North line of Blue Ridge Boulevard, north of the intersection of Blue Ridge Boulevard and Pomeroy Drive

**COUNCIL DISTRICT:** 3

**SIZE OF REQUEST:** Approx. 2.46 acres **CENSUS TRACT:** 0108.03

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**REPRESENTATIVE:** Elsie Thurman, Land Use Planning & Zoning Services

**OWNER/APPLICANT:** Jessica Gonzales, La Escuelita Spanish Preschool

**REQUEST:** An application for a Specific Use Permit for a child-care facility on property zoned an R-10(A) Single Family District.

**SUMMARY:** The purpose of the request is to allow a child-care facility on the site.

**CPC RECOMMENDATION:** **Approval** for a five-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a five-year period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The area of request is currently zoned an R-10(A) Single Family District and is currently developed with a single family use.
- The applicant proposes to use the existing residential structure as a child-care facility. This use requires a Specific Use Permit in the R-10(A) District.
- The proposed child-care facility would operate between 7:00 a.m. and 6:30 p.m., Monday through Friday.
- In addition to use of the existing structure, the applicant proposes to add a playground area and educational garden to the site. They also propose to add parking spaces to meet the minimum parking requirements of a child-care facility.

**Zoning History:**

There has been one zoning case in the area in the last five years.

1. **Z189-176:** On June 26, 2019, City Council approved Planned Development District No. 1018 for R-10(A) Single Family uses and a public school other than an open enrollment charter school on property zoned an R-10(A) Single Family District in an area generally bounded by South Westmoreland Road, Sprague Drive, and Boulder Drive.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing/Proposed ROW
Blue Ridge Boulevard	Local Street	-
Pomeroy Drive	Local Street	-

**Traffic:**

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

The request complies with the following land use goals and policies of the Comprehensive Plan:

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

**Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-10(A) Single Family District	Single family
<b>North</b>	R-10(A) Single Family District	Single family
<b>East</b>	R-10(A) Single Family District	Church
<b>South</b>	R-10(A) Single Family District	Single family
<b>West</b>	R-10(A) Single Family District	Single family

**Land Use Compatibility:**

The area of request is currently surrounded by single family uses as well as a church to the east. Staff finds the applicant's proposal compatible with these surrounding uses.

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.

Staff supports the request because the use is not foreseen to be detrimental to surrounding properties, and it will provide child-care services within easy access of neighborhood residents. Staff also supports the proposed time limit of five years without eligibility for automatic renewal because this would be a new use of the property. A time limit without eligibility for automatic renewal will allow for continued monitoring of the site in the future.

**Landscaping:**

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

**Parking:**

Pursuant to the Dallas Development Code, the off-street parking requirement for a child-care facility is one space per 500 square feet or floor area. For the existing 3,111 square foot residential structure, this equates to six required parking spaces. As demonstrated on the proposed site plan, the applicant will provide 13 parking spaces.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is currently within an “F” MVA cluster and abuts other “F” MVA clusters to the north and west. South of the request area is an “E” MVA cluster.

**List of Officers**

La Escuelita Spanish Immersion Preschool, LLC

Jessica Gonzalez, Officer/Owner

Ivan Gonzales, Officer/Owner



**CPC ACTION**  
**May 19, 2002**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a child-care facility for a five-year period, subject to a site plan and conditions on property zoned an R-10(A) Single Family District on the north line of Blue Ridge Boulevard, north of the intersection of Blue Ridge Boulevard and Pomeroy Drive.

Maker: Blair  
Second: Rubin  
Result: Carried: 10 to 0

For: 10 - Popken, Hampton, Anderson, Shidid,  
Carpenter, Blair, Housewright, Standard,  
Kingston, Rubin

Against: 0

Absent: 4 - Vann, Jung, Gibson, Haqq

Vacancy: 1 - District 3

\*out of the room, shown voting in favor

**Notices:** Area: 300 Mailed: 48

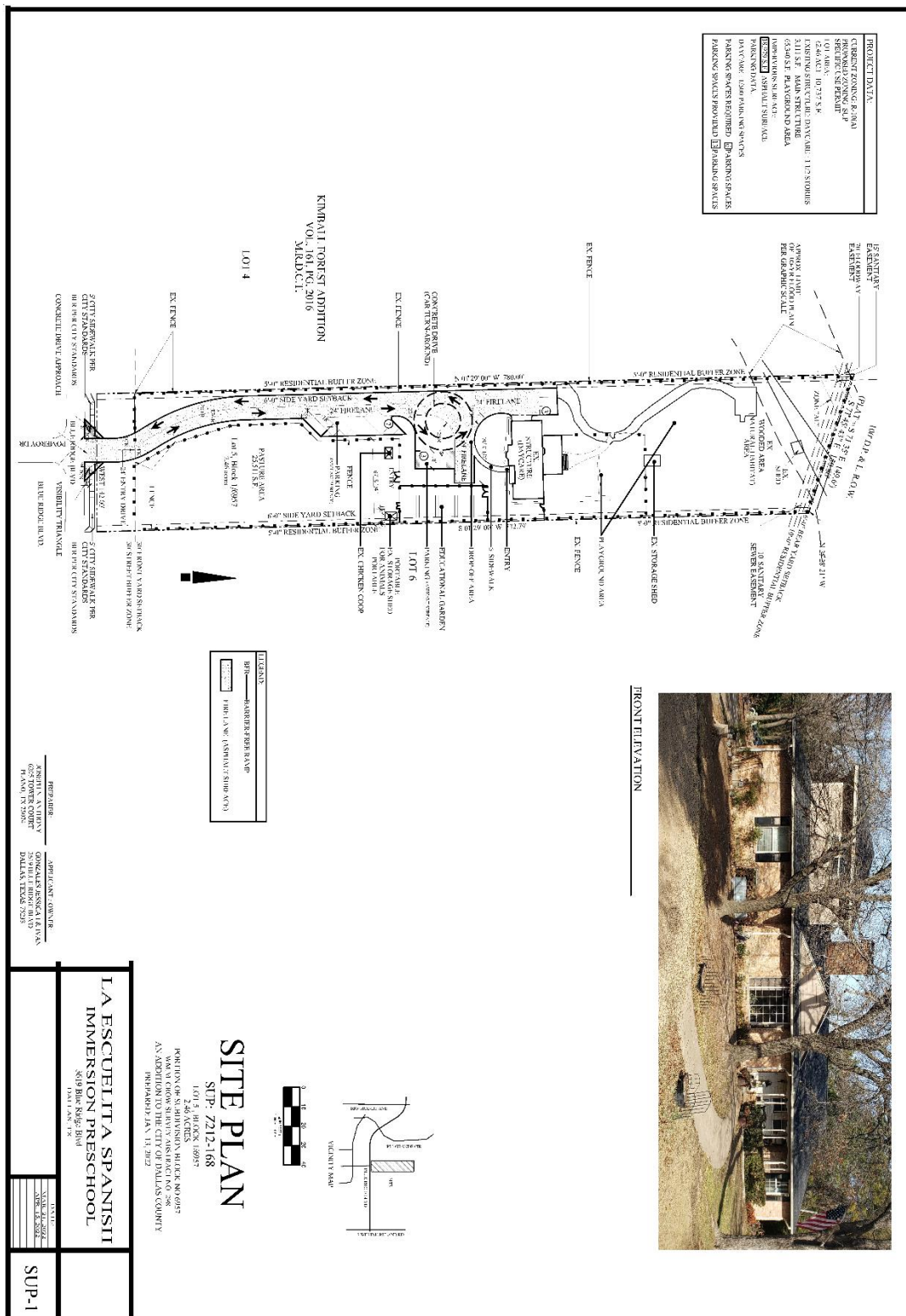
**Replies:** For: 3 Against: 4

**Speakers:** For: Jessica Gonzales, 3619 Blue Ridge Blvd, Dallas TX 75233  
Elsie Thurman, 9406 Biscayne Blvd, Dallas TX 75218  
Ivan Gonzales, 3619 Blue Ridge Blvd, Dallas TX 75233  
Against: None

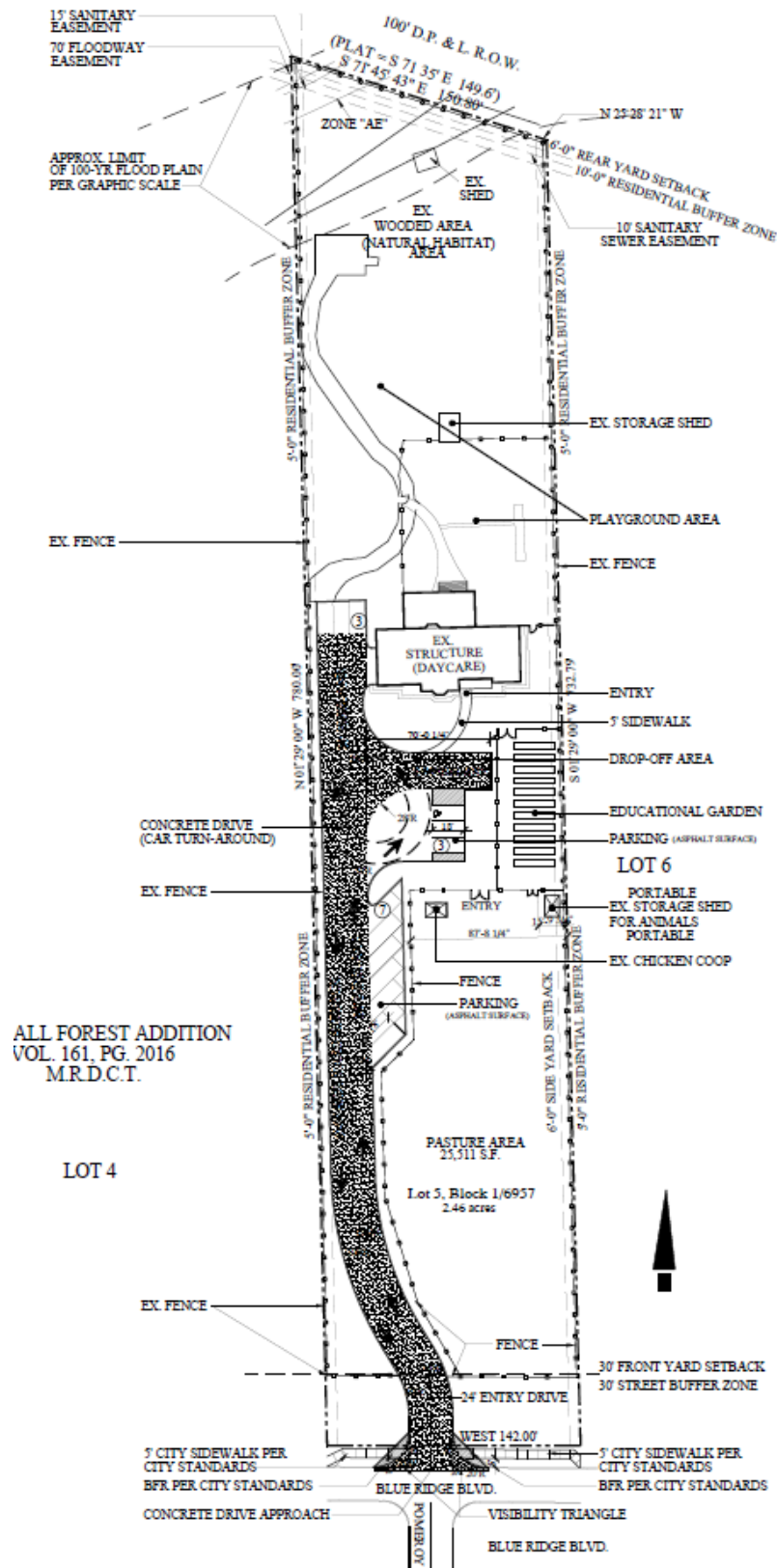
### **CPC RECOMMENDED CONDITIONS**

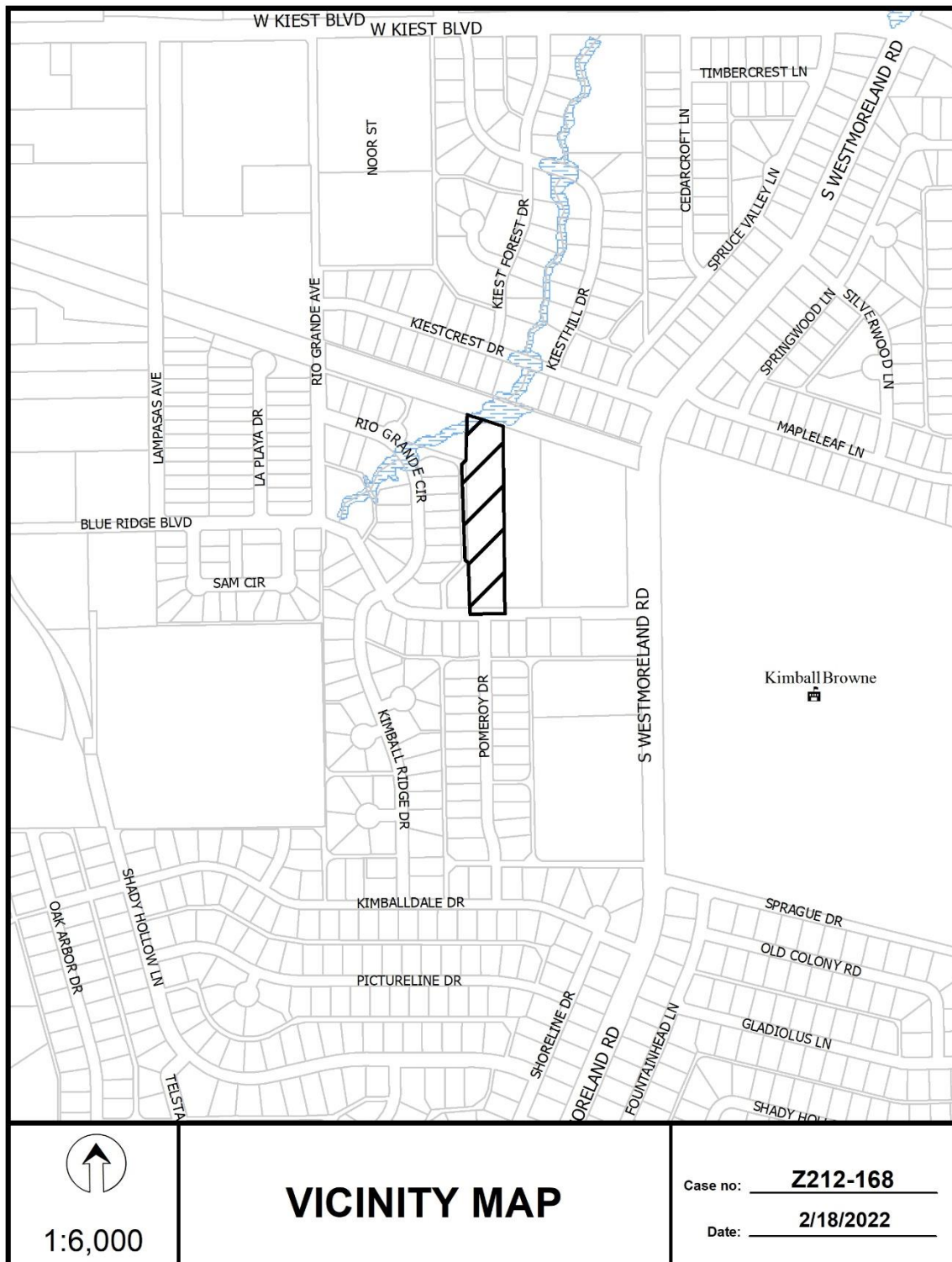
1. USE: The only use authorized by this specific use permit is a child-care facility.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (five years from the passage of this ordinance).
4. ENROLLMENT: Enrollment in the child-care facility may not exceed 53 children.
5. HOURS OF OPERATION: The child-care facility may only operate between 7:00 a.m. and 6:30 p.m., Monday through Friday.
6. OUTDOOR PLAY AREA: A minimum of 60 square feet of outdoor play area must be provided for each child in the outdoor play area at one time. The outdoor play area must be located as shown on the attached site plan.
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.

## CPC RECOMMENDED SITE PLAN

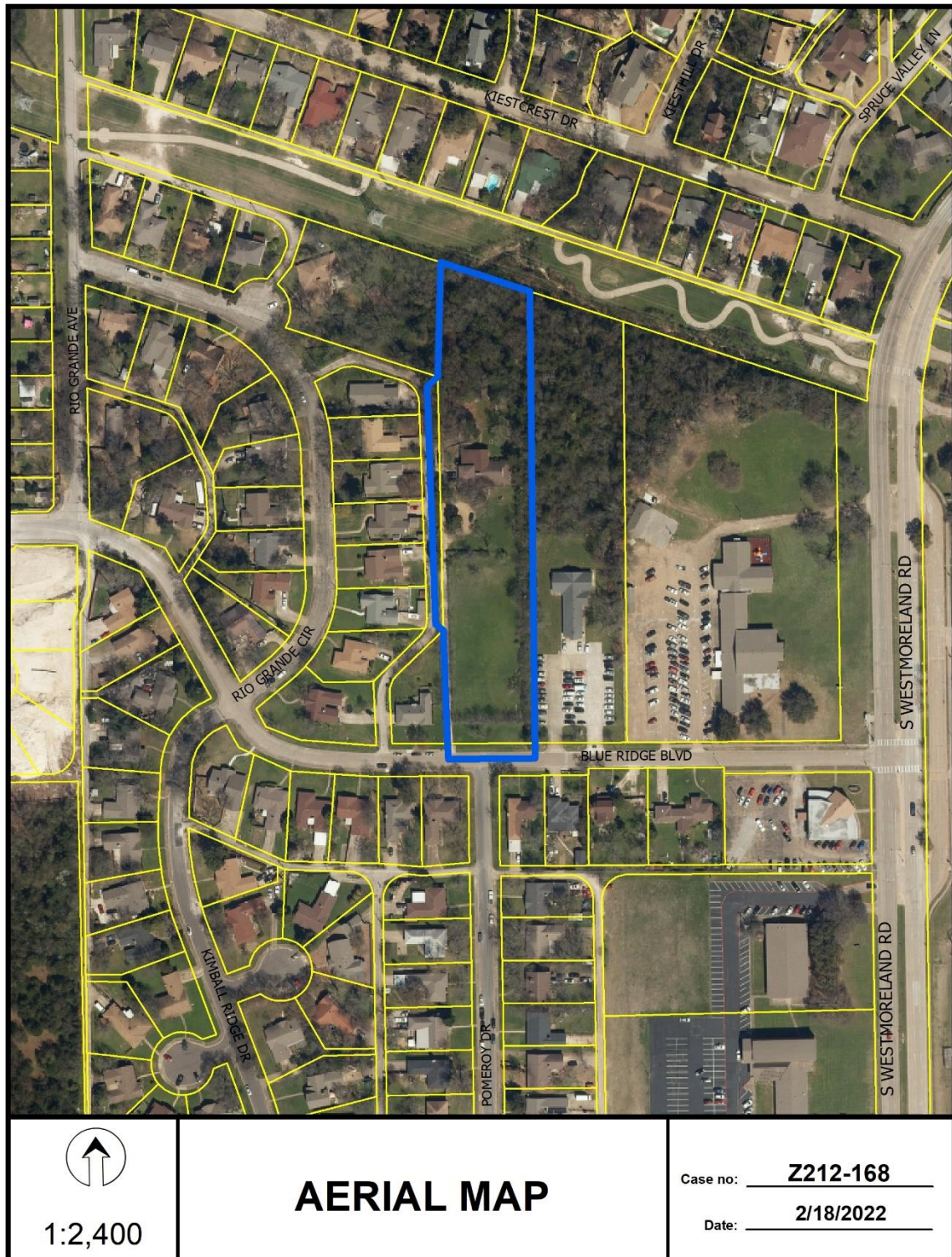


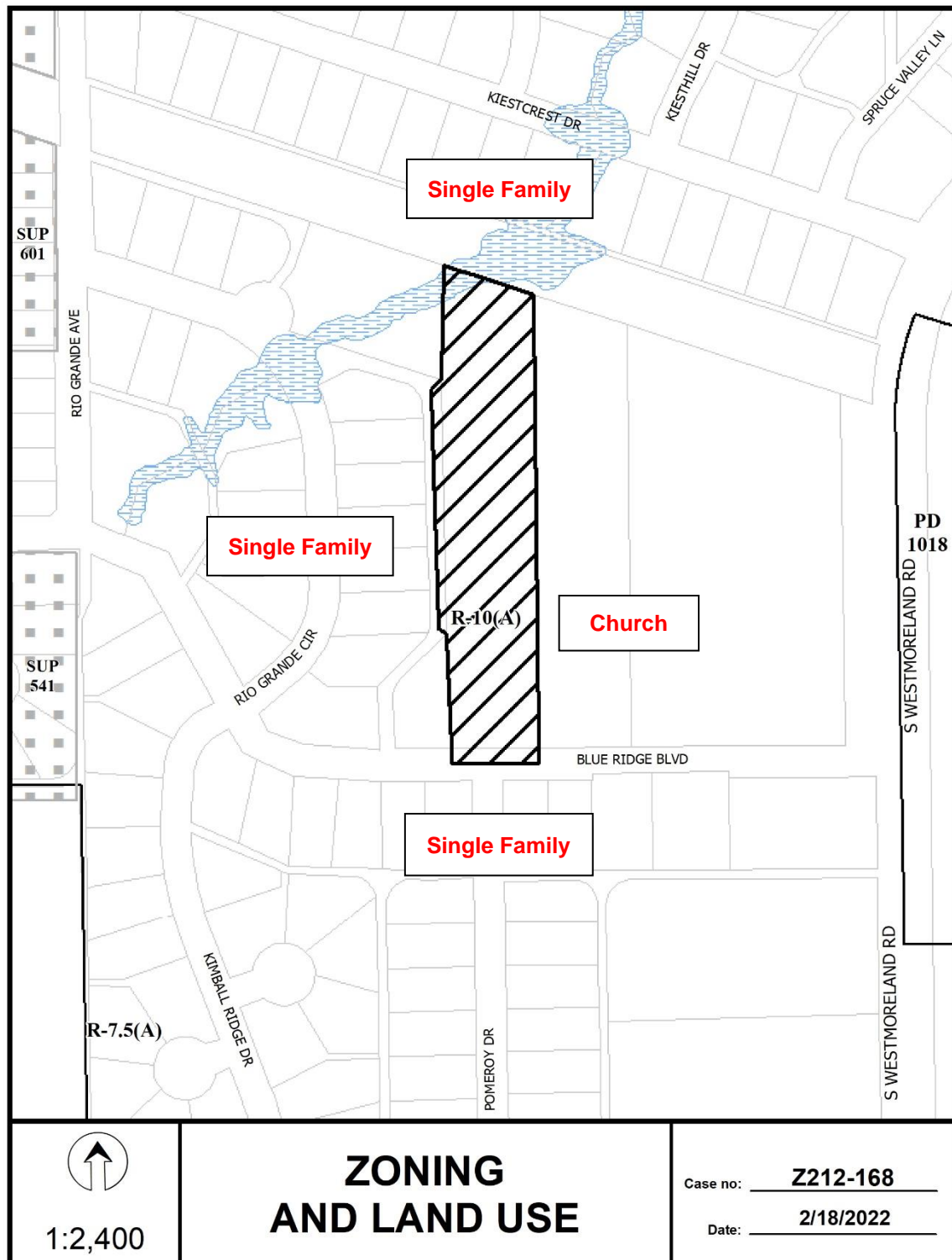
# CPC RECOMMENDED SITE PLAN (ENLARGED)

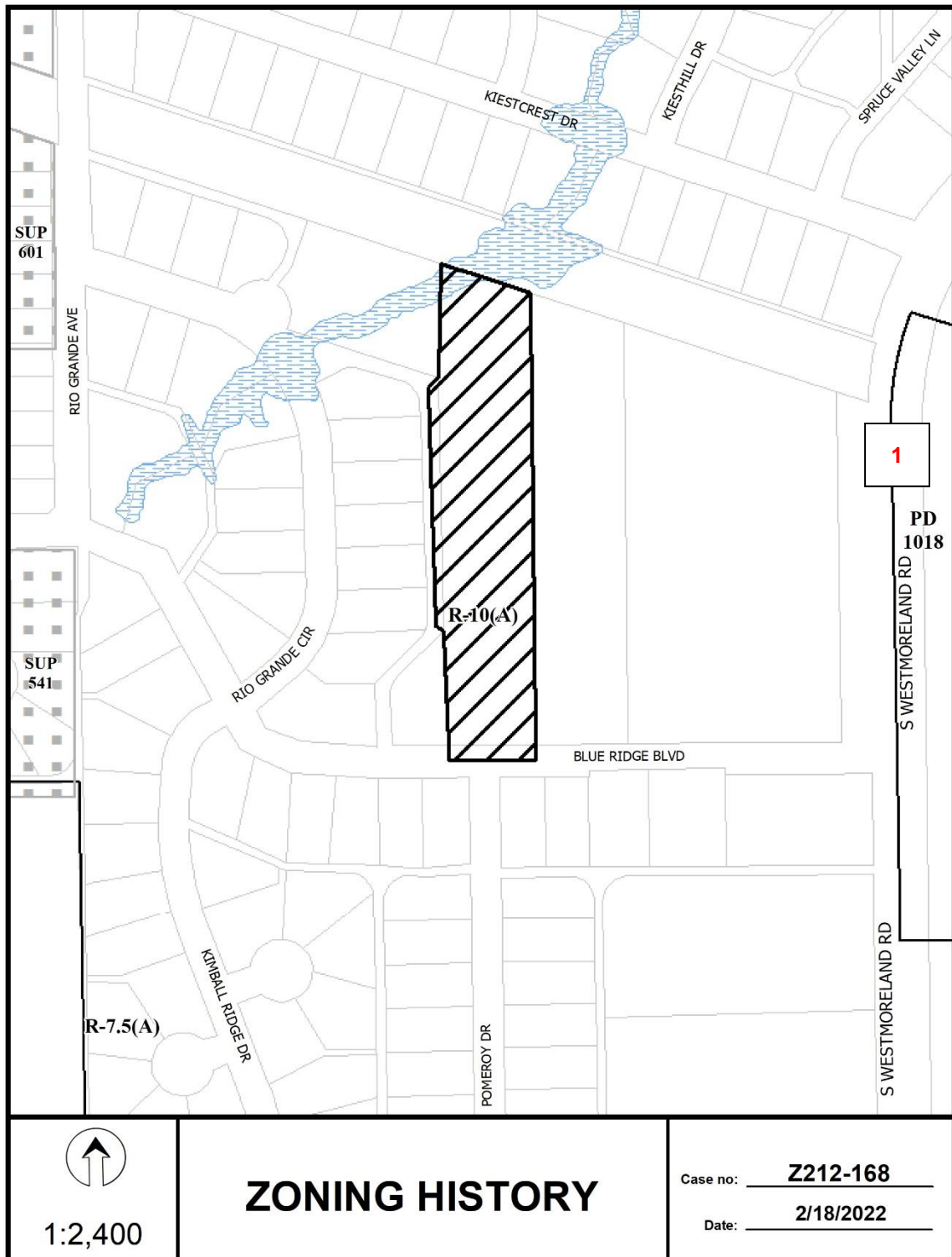




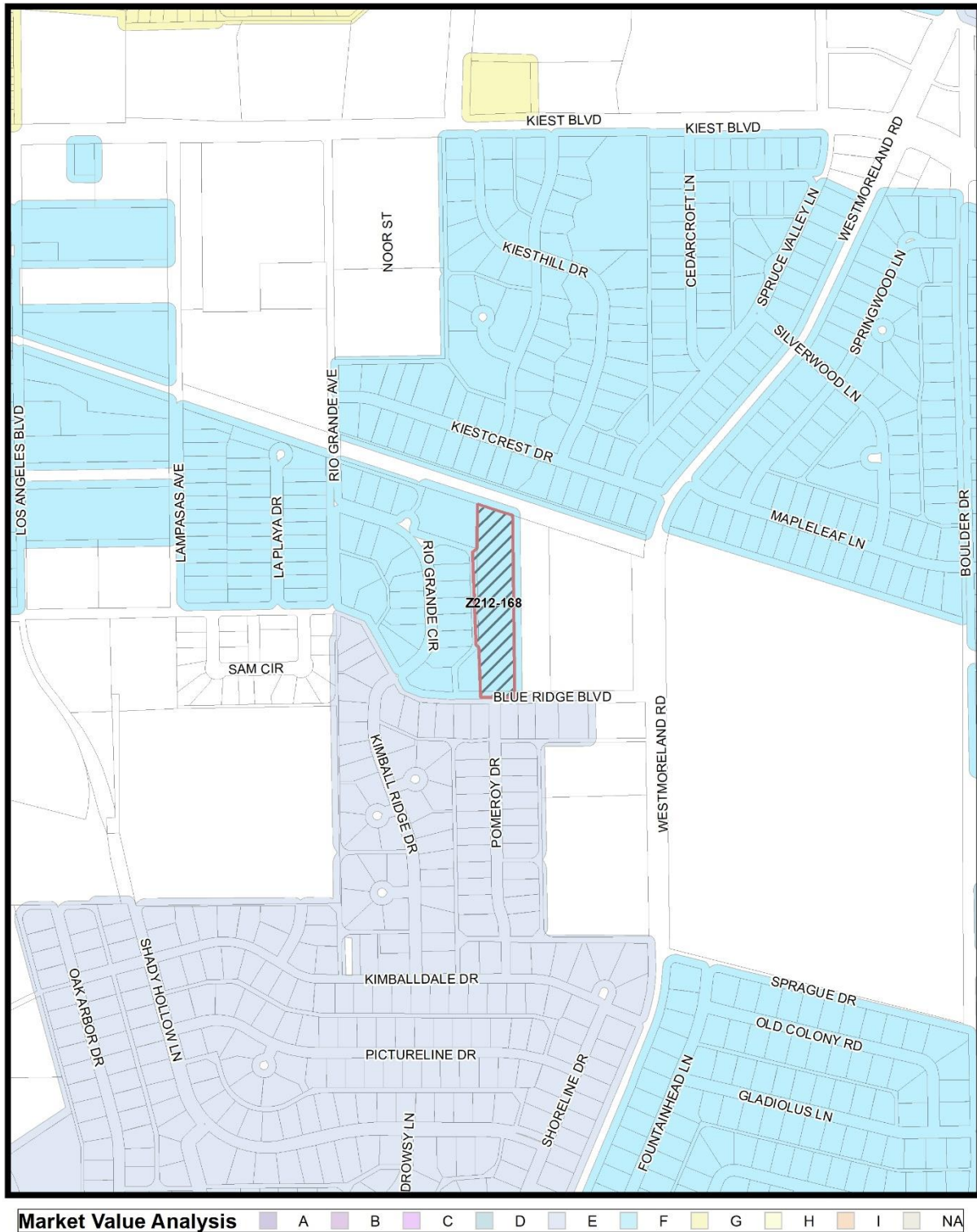








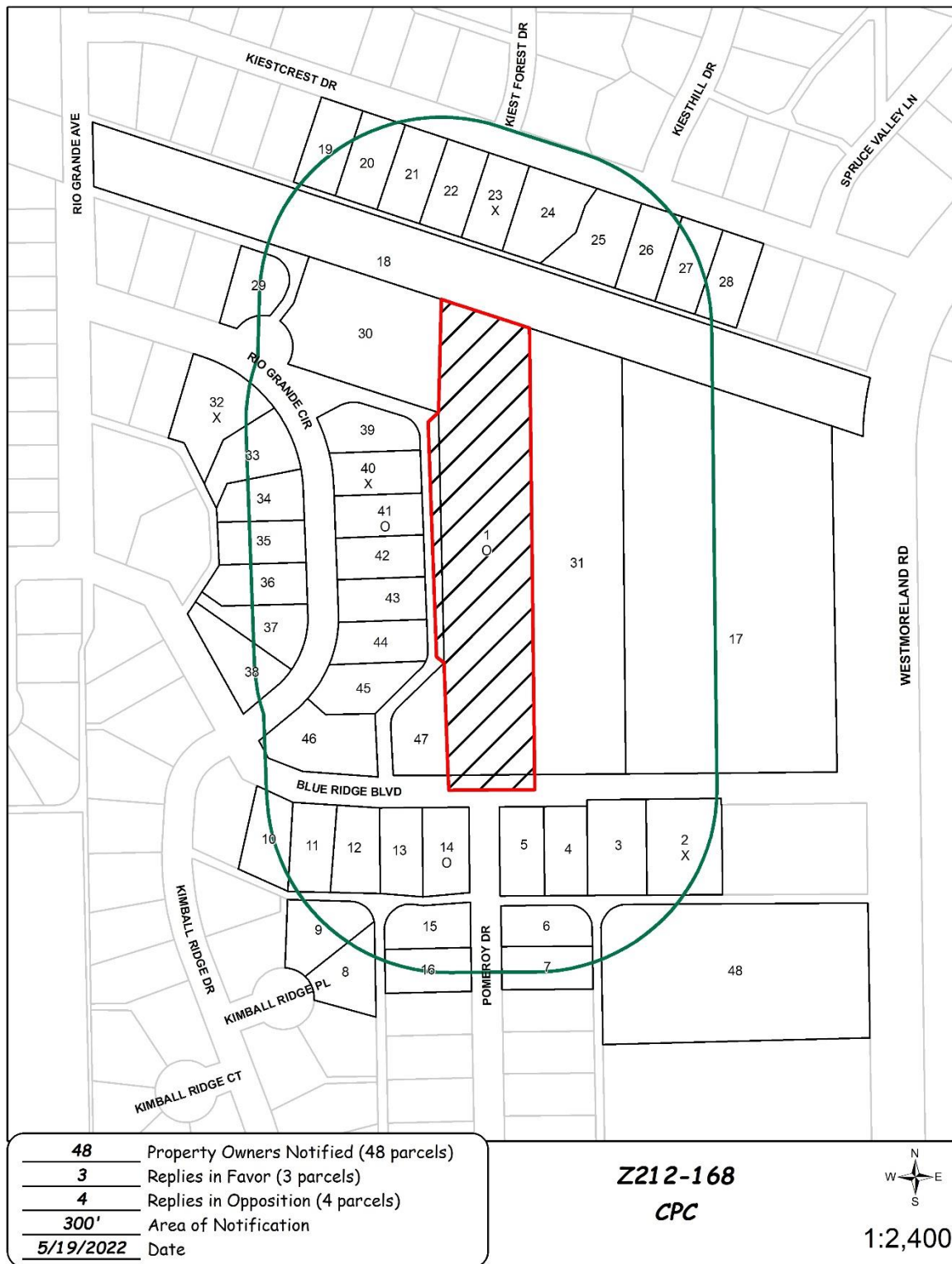




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## Market Value Analysis

Printed Date: 2/18/2022



05/18/2022

***Reply List of Property Owners******Z212-168******48 Property Owners Notified    3 Property Owners in Favor    4 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	3619 BLUE RIDGE BLVD	GONZALES JESSICA I & IVAN
X	2	3504 BLUE RIDGE BLVD	Taxpayer at
	3	3614 BLUE RIDGE BLVD	RODRIQUEZ NASARIO ESTATE OF
	4	3618 BLUE RIDGE BLVD	PORTILLO GLORIA ETELVINA
	5	3622 BLUE RIDGE BLVD	WILLIAMS BILLY RAY AND
	6	3612 POMEROY DR	HUGHES HENRY LANE
	7	3618 POMEROY DR	NORMAN BENJAMIN T
	8	3640 KIMBALL RIDGE PL	SHIELDS MICHAEL W
	9	3636 KIMBALL RIDGE PL	WILLIAMSON GLORIA
	10	3652 BLUE RIDGE BLVD	BROWN LEON C & MADIE
	11	3648 BLUE RIDGE BLVD	TAYLOR ALBERT JR
	12	3644 BLUE RIDGE BLVD	ROBERSON EDWARD LEE
	13	3636 BLUE RIDGE BLVD	GARCIA JORGE C &
O	14	3628 BLUE RIDGE BLVD	RICE SHARON A
	15	3611 POMEROY DR	CAVAZOS BRENDA M
	16	3617 POMEROY DR	GONZALEZ SONIA I
	17	3535 S WESTMORELAND RD	CENTRO DE ADORACION
	18	3400 S WESTMORELAND RD	ONCOR ELECRTCIC DELIVERY COMPANY
	19	3720 Kiestcrest DR	PECK JOSEPHINE
	20	3716 Kiestcrest DR	MATTHEWSKEELING ANNA JOYCE
	21	3710 Kiestcrest DR	MOORING CHARLES
	22	3706 Kiestcrest DR	GLASPIE JESSIE
X	23	3616 Kiestcrest DR	KELLEY JAMES GRANT JR & MASON ALLEN ALVES
	24	3610 Kiestcrest DR	JACKSON JOYCE LYNN
	25	3604 Kiestcrest DR	VILLARREAL ANTONIO R
	26	3530 Kiestcrest DR	LARNEY BRIAN D

05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3526 Kiestcrest Dr	LAO HO &
	28	3520 Kiestcrest Dr	BLUE OAK CAPITAL LLC
	29	3516 Rio Grande Cir	DEPASS NIGEL
	30	3520 Rio Grande Cir	WESLEY PAT A
	31	3615 Blue Ridge Blvd	MIRACLE CENTER CHURCH OF
X	32	3519 Rio Grande Cir	SAENZ HENRY JESSE
	33	3527 Rio Grande Cir	ROJAS FRANCISCO &
	34	3533 Rio Grande Cir	PERKINS PENNY R
	35	3537 Rio Grande Cir	NOBLES TOMMY &
	36	3543 Rio Grande Cir	NELSON COREY
	37	3549 Rio Grande Cir	LOFTIS FANNIE MAE P EST OF
	38	3555 Rio Grande Cir	DURON ANTONIO B
	39	3526 Rio Grande Cir	BEROTTE JULIUS & DESTINEE
X	40	3532 Rio Grande Cir	GARRETT DEBRA A
O	41	3536 Rio Grande Cir	LEWIS DELORES
	42	3540 Rio Grande Cir	TORALE MOISES
	43	3544 Rio Grande Cir	PEREZNEGRON VICTOR &
	44	3548 Rio Grande Cir	FREEMAN JACQUELYN
	45	3552 Rio Grande Cir	JOHNSON ALFRED J
	46	3556 Rio Grande Cir	SILVA JULIA CRUZ
	47	3635 Blue Ridge Blvd	GERALD KRACYNTHIA
	48	3701 S Westmoreland Rd	FREEDOM MISSIONARY



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-1347

**Item #:** Z9.

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**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Department of Planning and Urban Design  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 135 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest line of Turtle Creek Boulevard, between Cedars Springs Road and Dickason Avenue

Recommendation of Staff: Approval, subject to a development plan, landscape plan, and staff's recommended conditions

Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions Z212-155(RM)

**FILE NUMBER:** Z212-155(RM) **DATE FILED:** December 29, 2021

**LOCATION:** Northwest line of Turtle Creek Boulevard, between Cedar Springs Road and Dickason Avenue

**COUNCIL DISTRICT:** 14

**SIZE OF REQUEST:** Approx. 3.01 acres **CENSUS TRACT:** 0005.02

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**REPRESENTATIVE:** Tommy Mann, Winstead PC

**APPLICANT:** Carpenter Turtle Creek, LLC

**OWNER:** 3001 Turtle Creek, LP

**REQUEST:** An application for an amendment to Planned Development Subdistrict No. 135 within Planned Development District No. 193, the Oak Lawn Special Purpose District.

**SUMMARY:** The purpose of the request is to allow modified development standards primarily related to definitions, permitted uses, floor area, height, lot coverage, parking, design standards, and landscaping to develop the site with specific residential and nonresidential uses.

**CPC RECOMMENDATION:** **Approval**, subject to a development plan, landscape plan, and conditions.

**STAFF RECOMMENDATION:** **Approval**, subject to a development plan, landscape plan, and staff's recommended conditions.

**PD No. 193:**

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=193-I>

**PDS No. 135:**

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=193-II-S-135>

## **BACKGROUND INFORMATION:**

- The area of request is currently zoned Planned Development Subdistrict No. 135 within Planned Development District No. 193, the Oak Lawn Special Purpose District. PDS No. 135 currently allows O-2 Office Subdistrict uses as well as limited commercial uses on the street level.
- The applicant proposes to amend the existing regulations of PDS No. 135 to add a special project as an additional allowed use within the PDS. The applicant defines a special project as a development containing hotel and multifamily uses with an FAR greater than 4.5:1 that satisfies the urban design requirements they propose with their requested amendment.
- In addition to the proposed hotel and multifamily uses, the applicant proposes active uses on the ground level including retail, restaurant, office, personal service, lobbies, or meeting rooms.
- The applicant also proposes modified development standards primarily related to floor area, height, lot coverage, parking, and landscaping.

## **Zoning History:**

There have been four zoning cases in the area in the last five years.

1. **Z178-206:** On January 9, 2019, City Council denied a Planned Development Subdistrict for MF-2 Multiple-Family uses on property zoned an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west line of Carlisle Street, between North Hall Street and Bowen Street.
2. **Z190-359:** On April 28, 2021, City Council approved a Planned Development Subdistrict for MF-2 Multiple-Family Subdistrict uses on property zoned an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, at the southwest corner of Carlisle Street and North Hall Street.
3. **Z178-218:** On September 26, 2018, City Council approved 1) a Planned Development Subdistrict for O-2 Office uses and a restaurant without drive-in or drive-thru use; 2) the termination of a portion of a D Liquor Control Overlay; and 3) the termination of Specific Use Permit No. 1293 for a bank or savings and loan office with drive-in window on property zoned an O-2-D Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, with a D Liquor Control Overlay on a portion on the northwest line of Turtle Creek Boulevard, between Gillespie Street and Fairmount Street.



4. **Z189-136:** On April 10, 2019, City Council approved 1) Planned Development Subdistrict No. 147 for O-2 Office uses, a health studio use, and a restaurant without drive-in or drive-thru use; and 2) the termination of a D Liquor Control Overlay on property zoned an O-2-D Office Subdistrict with a D Liquor Control Overlay within Planned Development District No. 193, the Oak Lawn Special Purpose District, at the west corner of Turtle Creek Boulevard and Dickason Avenue and on the east line of Gillespie Street.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing/Proposed ROW
Turtle Creek Boulevard	Minor Arterial	60 feet
Cedar Springs Road	Community Collector	60 feet
Dickason Avenue	Local Street	-

**Traffic:**

The Transportation Development Services Division of the Transportation Department reviewed a traffic impact analysis for the proposal dated December 15, 2021. The analysis evaluates the subject site, existing infrastructure, and impact to adjacent and nearby streets. Findings indicate that the proposed development can be successfully incorporated into the surrounding local roadway network.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

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

The request complies with the goals and policies marked with an asterisk (\*). The applicant's request may be considered inconsistent with the policies not marked with an asterisk and in *italics*; however, staff's recommended conditions are consistent with these policies.

**LAND USE ELEMENT**

**GOAL 1.4** COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE, AND THE ENVIRONMENT

**Policy 1.4.3** Embrace environmental sustainability. \*

## **ECONOMIC ELEMENT**

### **GOAL 2.1** PROMOTE BALANCED GROWTH

**Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions. \*

## **TRANSPORTATION ELEMENT**

### **GOAL 4.2** PROMOTE A VARIETY OF TRANSPORTATION OPTIONS

**Policy 4.2.2** Promote a network of on-street and off-street walking and biking paths. \*

## **URBAN DESIGN ELEMENT**

### **GOAL 5.1** PROMOTE A SENSE OF PLACE, SAFETY, AND WALKABILITY

**Policy 5.1.1** Promote pedestrian friendly streetscapes. \*

**Policy 5.1.2** Define urban character in downtown and urban cores. \*

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

### **GOAL 5.2** STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

**Policy 5.2.1** *Maintain neighborhood scale and character.*

**Policy 5.2.2** Promote the character of the city's significant districts, linkages, and areas. \*

**Policy 5.2.3** Ensure attractive gateways into the city. \*

**Policy 5.2.4** Enhance retail, industrial, and business operations. \*

### **GOAL 5.3** ESTABLISHING WALK-TO CONVENIENCE

**Policy 5.3.1** Encourage of a balance of land uses within walking distance of each other. \*

## ENVIRONMENT ELEMENT

### GOAL 6.3 IMPROVE ENERGY EFFICIENCY AND AIR QUALITY

#### Policy 6.3.1 Promote green building practices. \*

#### Area Plan:

##### The 360 Plan

The 360 Plan is a strategic document that sets a clear, cohesive vision for Downtown Dallas and its surrounding neighborhoods, guiding the City Center to continued, long-term success. The plan was adopted by City Council in April 2011 and updated in 2015, 2016, and 2017. The area of request is located within the Uptown area of the plan.

The applicant's proposal, especially the proposed design standards and sustainable design features, complies with the following urban mobility principles of the plan:

- Create a balanced multimodal system that supports transit, bicycles, and pedestrians in addition to automobiles, particularly for short trips.
- Improve inter-district connectivity for all modes of travel.
- Encourage mixed-use, pedestrian-oriented design and development.
- Deliver a system that responds proactively to trends in technology, demographics, and user preference.

The request also complies with the plan's urban design principles to reinforce the relationship between the street and the building edge, and to contribute to a positive, memorable urban experience.

#### Land Use:

	Zoning	Land Use
<b>Site</b>	PDS No. 135 within PD No. 193	Undeveloped
<b>Northwest</b>	O-2 Subdistrict within PD No. 193	Multifamily
<b>Northeast</b>	O-2 Subdistrict within PD No. 193 with a D Liquor Control Overlay on a portion	Multifamily, office
<b>Southeast</b>	O-2 Subdistrict and PDS No. 61 within PD No. 193 with a D Liquor Control Overlay	Office
<b>Southwest</b>	PDS No. 147 within PD No. 193	Multifamily, office

**Land Use Compatibility:**

The area of request is currently surrounded by a mix of multifamily and office. Staff assesses the applicant's proposed land use as compatible with surrounding uses in the area.

The subject property is currently undeveloped and zoned PDS No. 135 within PD No. 193. This PDS currently allows O-2 Office Subdistrict uses as well as limited commercial uses on the street level. In addition to the existing allowed uses, the applicant proposes to amend the existing regulations of PDS No. 135 to allow a special project, defined as a development containing hotel and multifamily uses with an FAR greater than 4.5:1 that satisfies the urban design requirements they propose with their requested amendment. The applicant also proposes modified development standards primarily related to floor area, height, lot coverage, parking, and landscaping.

Regarding floor area, the applicant proposes to modify the existing floor area ratio requirement, which currently defaults to that of the O-2 base district. This allows an FAR of 4:1, plus an additional 0.5:1 FAR where there is a minimum 1:1 component of residential use. In lieu of this requirement, the applicant proposes a maximum FAR of 5.95:1. The existing regulations of PDS No. 135 also stipulate that the maximum combined floor area of commercial uses in conjunction with an office use is 16,000 square feet, and that the aggregate floor area of street-level commercial uses may not exceed 50 percent of the aggregate floor area of all uses on the street level. The applicant proposes that neither of these restrictions apply to a special project.

The maximum height allowed by the existing O-2 base district is 240 feet. For a special project, the applicant proposes a maximum structure height of 454 feet. This maximum height will be limited by the proposed FAR as well as a decrease in allowable lot coverage as the height increases. This relationship between maximum height and maximum lot coverage is as follows:

- From grade to 60 feet: 60 percent maximum lot coverage
- From 60 feet to 160 feet: 30 percent maximum lot coverage
- From 160 feet to 410 feet: 25 percent maximum lot coverage
- From 410 feet to 454 feet: 15 percent maximum lot coverage

In lieu of the applicant's proposal, staff recommends alternate conditions that limit maximum height to 300 feet while retaining the FAR and lot coverage restrictions proposed by the applicant. Staff conducted an analysis of the maximum height allowed under neighboring zoning districts and found that nearly all of these districts cap height

at 240 feet. The only exception is the recently approved PDS No. 147 (Z189-136), which allows a maximum structure height of 325 feet for portions of a building with a maximum floor plate of 28,386 square feet. Aside from this condition, maximum height in PDS No. 147 is 150 feet. For the applicant's proposed special project within PDS No. 135, staff assesses a maximum height of 300 feet limited by the proposed FAR and lot coverage restrictions as an adequate compromise with the applicant's requested height. The staff recommended relationship between maximum height and maximum lot coverage is as follows:

- From grade to 60 feet: 60 percent maximum lot coverage
- From 60 feet to 160 feet: 30 percent maximum lot coverage
- From 160 feet to 300 feet: 25 percent maximum lot coverage

Overall, staff supports the applicant's request because it will add a dense, mixed use development to a central urban area. The project will include design standards that contribute to active pedestrian experience on the ground level as well as sustainable design features that meet some of the environmental goals of the comprehensive plan. Lastly, the request complies with many of the urban mobility and urban design principles of the 360 Plan.

### Development Standards

Following is a comparison table showing differences in development standards between the existing PDS No. 135 and the proposed special project within PDS No. 135.

District	Setback <sup>1</sup>		Density	Height	Lot Coverage	Primary Uses
	Front	Side/ Rear				
Existing: PDS 135	20' <sup>2</sup>	Side: 30' + 20' above 80' <sup>3</sup> Rear: 10' <sup>4</sup>	4:1 FAR + 0.5:1 FAR where there is min 1:1 component of residential use	240'	75%	Office, limited retail and personal service uses
Proposed: PDS 135	20' <sup>2</sup>	Side: 30' + 20' above 80' <sup>3</sup> Rear: 10' <sup>4</sup>	5.95:1 FAR	454'	Up to 60': 60% 60' to 160': 30% 160' to 410': 25% 410' to 454': 15%	Special project with hotel, multifamily, commercial uses

<sup>1</sup> Turtle Creek Environmental Corridor applies 50' and 75' setback on Turtle Creek Boulevard

<sup>2</sup> Front setback applies on Cedar Springs Road and Dickason Avenue

<sup>3</sup> Side setback applies on private drive

<sup>4</sup> Rear setback not applicable to site

## **Design Standards**

The applicant proposes design standards that will provide sidewalks along all public streets as well as the private drive along the northwest edge of the site. The pedestrian realm will also be enhanced by ground-level activation conditions that require active uses, transparency, and pedestrian entries connecting to a sidewalk. Staff's recommended conditions would further contribute to these design standards by requiring a maximum spacing of 50 feet between pedestrian entries. The applicant also proposes sustainable design features including solar panels, drip irrigation, electric vehicle charging stations, and a minimum pervious lot coverage of 20 percent.

### **Landscaping:**

Under the current regulations of PDS No. 135, landscaping and screening for office uses must be in accordance with the existing landscape plan (Exhibit S-135B). For all other uses, landscaping and screening must be provided in accordance with Part I of PD No. 193. In addition to these conditions, the applicant proposes that for a special project, landscaping and screening must be provided in accordance with a separate landscape plan proposed as Exhibit S-135D.

### **Parking:**

The current parking and off-street loading requirements of PDS No. 135 default to Part I of PD No. 193. In addition to these requirements, the applicant proposes the following conditions for a special project:

- Required loading is two medium or large spaces and two large spaces
- All maneuvering for loading spaces must occur outside of public rights-of-way
- Loading docks and loading spaces must be located within the main building
- A minimum of 90 percent of required off-street parking spaces must be located below average grade

The applicant also proposes that along Turtle Creek Boulevard, auto courts are prohibited between street-facing building facades and the property line. Staff recommends that auto courts are also prohibited along Cedar Springs Road. Staff does not support the location of the auto court on the applicant's proposed development plan because it would greatly detract from the pedestrian realm along Cedar Springs Road. Instead, staff recommends this auto court be relocated inside the building or to the private drive along the northwest edge of the site.

Lastly, the applicant proposes that a minimum of 10 percent of required off-street parking spaces shall service electric vehicles, with the required type of spaces as follows:

- A minimum of 1 percent of required off-street parking spaces must be EV installed parking spaces;
- A minimum of 2 percent of required off-street parking spaces must be EV ready; and
- A minimum of 7 percent of all required off-street parking spaces must be EV capable.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is not currently within an MVA cluster. North of the request area is a “D” MVA cluster, and to the west is an “A” MVA cluster. South of the request area across Turtle Creek is an “E” MVA cluster.



**List of Officers**

Carpenter Turtle Creek, LLC

Richard Friedman, Manager

3001 Turtle Creek, LP

Turtle Creek GP LLC, General Partner

Ken Reese, Executive Vice President

**CPC Action**  
**May 19, 2022**

**Motion:** It was moved to recommend **approval** of an amendment to Planned Development Subdistrict No. 135, subject to a development plan, a landscape plan, and recommended conditions; as briefed, adding the applicant's height request, and other adjustments within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest line of Turtle Creek Boulevard, between Cedars Springs Road and Dickason Avenue.

Maker: Kingston  
Second: Blair  
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid,  
Carpenter, Blair, Housewright, Gibson,  
Standard, Kingston, Rubin

Against: 0  
Absent: 3 - Vann, Jung, Haqq  
Vacancy: 1 - District 3

**Notices:** Area: 500 Mailed: 741  
**Replies:** For: 601 Against: 1

**Speakers:** For: Dick Friedman, Charles Square 20 University Rd., Cambridge, MA 02138  
Fred Clarke, 1056 Chapel St., New Haven, CT, 06510  
Tommy Mann, 2728 N. Harwood St., Dallas, TX, 75201  
Ken Reese, 3000 Turtle Creek Blvd., Dallas, TX, 75219  
Anthony Page, 3210 Carlisle St., Dallas, TX, 75204  
Against: Kevin Pierce, 1755 Wittington Pl., Farmers Branch, TX, 75234  
Khudabuksh Ward, 2999 Turtle Creek Blvd., Dallas, TX, 75219  
Tim Barton, 4107 Rock Creek Dr., Dallas, TX, 75204  
Marshal Dooley, 14228 Midway Rd., Dallas, TX, 75244  
Staff: David Nevarez, Sr. Traffic Engineer, Development Services

## **CPC RECOMMENDED CONDITIONS**

### **Division S-135. PD Subdistrict 135.**

#### **SEC. S-135.101. LEGISLATIVE HISTORY.**

PD Subdistrict 135 was established by Ordinance No. 30667, passed by the Dallas City Council on October 11, 2017. (Ord. 30667)

#### **SEC. S-135.102. PROPERTY LOCATION AND SIZE.**

PD Subdistrict 135 is established on property at the west corner of Turtle Creek Boulevard and Cedar Springs Road. The size of PD Subdistrict 135 is 3.009 acres.

#### **SEC. S-135.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

**(b) In this division:**

(1) **ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)** means the conductors, including the ungrounded, grounded, and equipment grounding conductors, and the Electric Vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the Electric Vehicle.

(2) **EV INSTALLED** means a designated parking space with a branch circuit for EVSE servicing electric vehicles and an electric vehicle charging station installed.

(3) **EV READY** means a designated parking space which is provided with one dedicated branch circuit for EVSE servicing electric vehicles. The circuit shall terminate in a suitable termination point such as a receptacle or junction box, and be located in close proximity to the proposed location of the EV parking spaces.

(4) **EV CAPABLE** means electric capacity, conduit, and space to support a circuit for each EV parking space, and the installation of raceways, both underground and surface mounted, as required, to support the EVSE.

(5) **GREEN WALL** means a wall with vertical surfaces that are covered by plants and include walls or screens with climbing vines, trailing plants, or modular “green wall” planting or artificial planting systems.

(6) **MICRO-MOBILITY CHARGING** means an electrical charging station or outlet available for charging micro-mobility vehicles such as e-scooters and e-bikes.

(7) **SUBDISTRICT** means a subdistrict of PD 193.

(8) **SPECIAL PROJECT** means a development containing hotel and multifamily uses with an FAR greater than 4.5:1 that satisfies the urban design requirements of this article and qualifies for a bonus in accordance with Section S-135.114.

(9) **TRANSPARENCY** means the total area of window opening, door opening, or other opening, expressed as a percentage of the total façade area.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

#### **SEC. S-135.104. EXHIBITS.**

The following exhibits are incorporated into this division:

(1) Exhibit S-135A: development plan.

(2) Exhibit S-135B: landscape plan.

(3) **Exhibit S-135C: special project development plan.**

(4) **Exhibit S-135D: special project landscape plan.**

#### **SEC. S-135.105. DEVELOPMENT PLAN.**

(a) For an office, development and use of the Property must comply with the development plan (Exhibit S-135A). If there is a conflict between the text of this division and the development plan, the text of this division controls.

(b) **For a special project, development and use of the Property must comply with the special project development plan (Exhibit S-135C). If there is a conflict between the text of this division and the development plan, the text of this division controls.**

(c) For all other uses, no development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. 30667)

**SEC. S-135.106. MAIN USES PERMITTED.**

(a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the O-2 Office Subdistrict, subject to the same conditions applicable in the O-2 Office Subdistrict, as set out in Part I of this article. For example, a use permitted in the O-2 Office Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the O-2 Office Subdistrict is subject to DIR in this subdistrict, etc.

(b) The following additional main use is permitted by right at street level only:

-- Retail food store.

(c) The following main uses are permitted by right within a Special Project and are not subject to the regulations applicable to limited uses:

-- Restaurant without drive-through service.

-- Barber and beauty shop.

-- Health studio.

-- Retail food store.

**SEC. S-135.107. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108. (Ord. 30667)

**SEC. S-135.108. 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 Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the O-2 Office Subdistrict apply.

(b) Front yard.

(1) Cedar Springs Road. Minimum front yard is 20 feet and is measured from the property line.

(2) Dickason Avenue. Minimum front yard is 20 feet and is measured from the property line.

(c) Side yard. Minimum side yard is 30 feet. An additional setback of 20 feet must be provided for any structures above 80 feet.

(d) Floor area.

(1) In conjunction with an office use, maximum combined floor area for retail, bakery or confectionery shop, cigar, tobacco and candy store, drugstore, florist store, gift shop, health studio, restaurant with alcoholic beverages and/or entertainment, retail food store, tailor, custom sewing and millinery, and travel bureau uses is 16,000 square feet.

(2) The aggregate floor area of retail, bakery or confectionery shop, cigar, tobacco and candy store, drugstore, florist store, gift shop, health studio, restaurant with alcoholic beverages and/or entertainment, retail food store, tailor, custom sewing and millinery, and travel bureau uses on the street level of a building may not exceed 50 percent of the aggregate floor area of all uses on the street level.

(e) Special project.

(1) Floor area ratio.

(A) Maximum floor area ratio is 5.95 to 1.

(B) The Section 135.108(d)(1) and (2) does not apply to a special project.

*CPC Recommendation, Applicant's Request*

(2) Height. Maximum structure height is 454 feet.

*Staff's Recommendation*

(2) Height. Maximum structure height is 300 feet.

(3) Lot coverage.

(A) From grade to 60 feet in height, maximum lot coverage is 60 percent.

(B) From 60 feet in height to 160 feet in height, maximum lot coverage is 30 percent.

*CPC Recommendation, Applicant's Request*

(C) From 160 feet to 410 feet in height, maximum lot coverage is 25 percent.

(D) From 410 feet to 454 feet in height, maximum lot coverage is 15 percent.

*Staff's Recommendation*

(C) From 160 feet to 300 feet in height, maximum lot coverage is 25 percent.

(D) From 410 feet to 454 feet in height, maximum lot coverage is 15 percent.

**SEC. S-135.109. OFF-STREET PARKING AND LOADING.**

(a) Except as otherwise provided, consult Part I of this article for the specific off-street parking requirements for each use.

(b) Special project.

(1) Two medium or two large loading spaces, and two large loading spaces are required.

(2) All maneuvering for loading spaces must occur outside of public rights-of-way.

(3) Loading docks and loading spaces must be located within the main building.

(4) A minimum of 90 percent of required off-street parking spaces must be located below average grade.

*CPC Recommendation, Applicant's Request*

(5) Along Turtle Creek Boulevard and Cedar Springs Road, auto courts are prohibited between street-facing building facades and the property line.

*Staff's Recommendation*

(5) Along Turtle Creek Boulevard and Cedar Springs Road, auto courts are prohibited between street-facing building facades and the property line.

**SEC. S-135.110. URBAN DESIGN REQUIREMENTS FOR A SPECIAL PROJECT.**

(a) Sidewalks. A minimum ten-foot-wide unobstructed sidewalk is required along all public streets.

(b) Bicycle parking. Bicycle parking shall be located near main building entrances.



(c) Private drive pedestrian connection. A minimum six-foot-wide unobstructed pedestrian way separated from the vehicular surface by a minimum five-foot-wide landscape area shall be provided along the private drive between Cedar Springs Road and Dickason Avenue. The pedestrian way may be located in a colonnade beneath the main building above it, and columns supporting the main building above may be located within the 5-foot landscape area.

(d) Ground-level activation and pedestrian amenities.

(1) A minimum of 60 percent of the total linear footage of the ground story along public streets shall contain active uses such as retail, restaurant, office, personal service, lobbies, or meeting rooms. Active uses may also be located on upper stories, but any portion of an active use located on an upper story may not count toward the required ground-level activation.

(2) Excluding the portion of facades screening parking or loading areas, street-facing building facades must have a minimum transparency of 50 percent for the portion of the building on the ground level between grade and 15 feet in height. A minimum of two different façade materials must be provided on each street facing façade.

(3) A minimum of two pedestrian entries either opening directly onto a sidewalk or connected via pedestrian path to an unobstructed sidewalk shall be provided along each street-facing building façade on the ground story.

*CPC Recommendation, Applicant's Request*

(4) Along Cedar Springs Road and Dickason Avenue, a minimum of three pedestrian entries opening directly onto an unobstructed sidewalk or connected via pedestrian path to an unobstructed sidewalk shall be provided along each street-facing building façade.

*Staff's Recommendation*

(4) Along Cedar Springs Road and Dickason Avenue, maximum spacing between pedestrian entries opening directly onto an unobstructed sidewalk or connected via pedestrian path to an unobstructed sidewalk along each street-facing building façade on the ground story shall not exceed 50 feet.

(5) The primary entry court shown along Dickason Avenue on the special project development plan must include minimum 6 foot wide unobstructed pedestrian paths outside of vehicular travel lanes that connect ground story entrance doors to the sidewalk.

(6) Pedestrian lighting. Pedestrian lighting must be provided at regular intervals along all building facades facing a public street or the internal way in order to provide suitable lighting on sidewalks, streets or walkways, as applicable, to enhance pedestrian safety. Lighting must be directed downward and away from adjacent residential properties.

(7) Outdoor amplified sound. Retail and restaurant uses may not utilize outdoor amplified sound systems after 10:00 p.m., and outdoor amplified sound may not exceed 63 decibels.

(8) Additional pedestrian amenities. The following minimum pedestrian amenities must be provided along the street frontages of Dickason Avenue, Turtle Creek Boulevard, and Cedar Springs Road.

(a) Benches (occupying at least ten linear feet of street frontage).

(b) Trash receptacles (one per street frontage).

(e) Parking structures. Above ground portions of a parking structure facade must provide solid screening for a minimum of 42 inches from the floor level within the parking structure to screen vehicles and vehicle headlights via one or a combination of (i) a painted, stained, or masonry-like finish, similar in appearance or complimentary to the facade of the main non-parking building, or (ii) a green wall. Glass is not a required screening material, regardless of whether glass is a primary building material for the main building.

(f) Screening of rooftop equipment. All mechanical and related equipment located on the rooftop of any building must be screened so as not to be visible from any adjacent public right-of-way.

**SEC. S-135.111. SUSTAINABLE DESIGN FEATURES FOR A SPECIAL PROJECT.**

(a) Photovoltaic cells for producing solar energy shall be located on the main building.

(b) Drip irrigation shall be utilized for maintenance of plantings.

(c) Recycling containers shall be available for hotel guests and residents.

(d) Water efficient plumbing fixtures shall be utilized.

(e) Electric vehicle charging. A minimum of 10 percent of required off-street parking spaces shall service electric vehicles, with the required type of spaces as follows:

(1) A minimum of 1 percent of required off-street parking spaces must be EV installed parking spaces;

(2) A minimum of 2 percent of required off-street parking spaces must be EV ready; and

(3) a minimum of 7 percent of all required off-street parking spaces must be EV capable.

(f) Micro-mobility charging and parking. Micro-mobility charging and parking for at least 10 vehicles must be provided along public streets.

(g) Minimum pervious lot coverage is 20 percent.

(f) Roofs.

(1) A minimum of 30 percent of the podium roof area identified on the development plan shall be covered with improvements that minimize heat production such as turf, synthetic turf, raised planters, photovoltaic cells, swimming pools, water features, and shade structures.

(2) Light colored roof materials that minimize cooling loads shall be employed on all roofs.

(g) Sustainable landscape design features. Drip irrigation and plant species with reduced water consumption characteristics shall be utilized.

**SEC. S-135. ~~110~~ 112. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. S-135. ~~111~~ 113. LANDSCAPING.**

(a) For office uses, landscaping and screening must be provided in accordance with the landscape plan (Exhibit S-135B).

(b) For a special project, landscaping and screening must be provided in accordance with the special project landscape plan (Exhibit S-135D).

(c) For all other uses, landscaping and screening must be provided in accordance with Part I this article.

(d) Plant materials must be maintained in a healthy, growing condition.

**SEC. S-135.114. DEVELOPMENT BONUS FOR MIXED INCOME HOUSING.**

(a) Eligibility. Except as provided in this section, compliance with Division 51A-4.1100, as amended, is required for a special project.

(b) Reserved units. Five percent of the total residential units must be made available at an affordable rate with an income band of 51 percent to 60 percent of adjusted median family income.

(c) Development regulations. Compliance with Section 51A-4.1107 is not required.

(d) Off-street parking and loading. In the event of a conflict between Section 51A-4.1107(c) and this division, this division controls.

**SEC. S-135.~~112~~ 115. SIGNS.**

Signs must comply with the provisions for non-business zoning districts in Article VII.

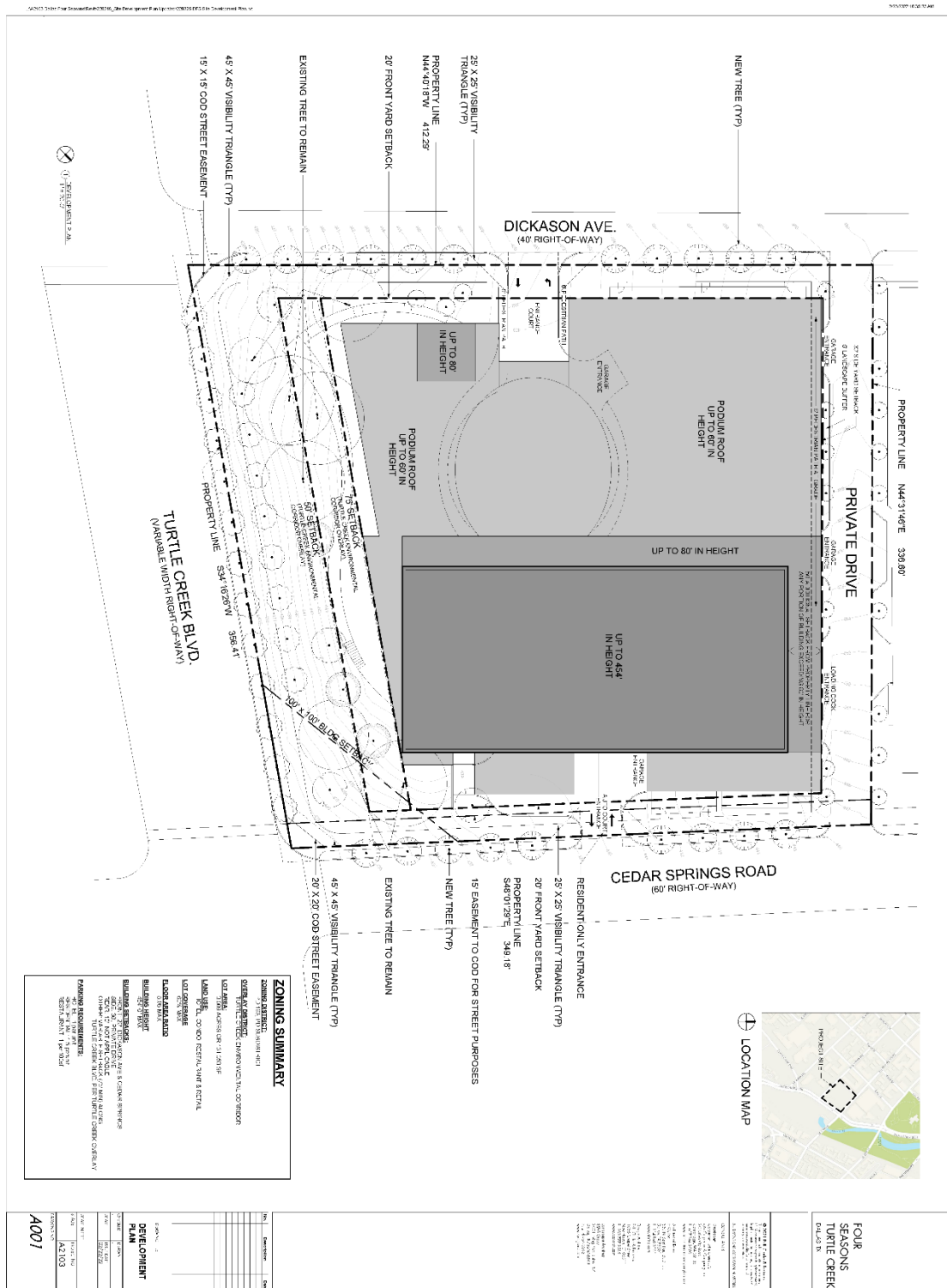
**SEC. S-135.~~113~~ 116. ADDITIONAL PROVISIONS.**

- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.
- (c) Development and use of the Property must comply with Part I of this article.

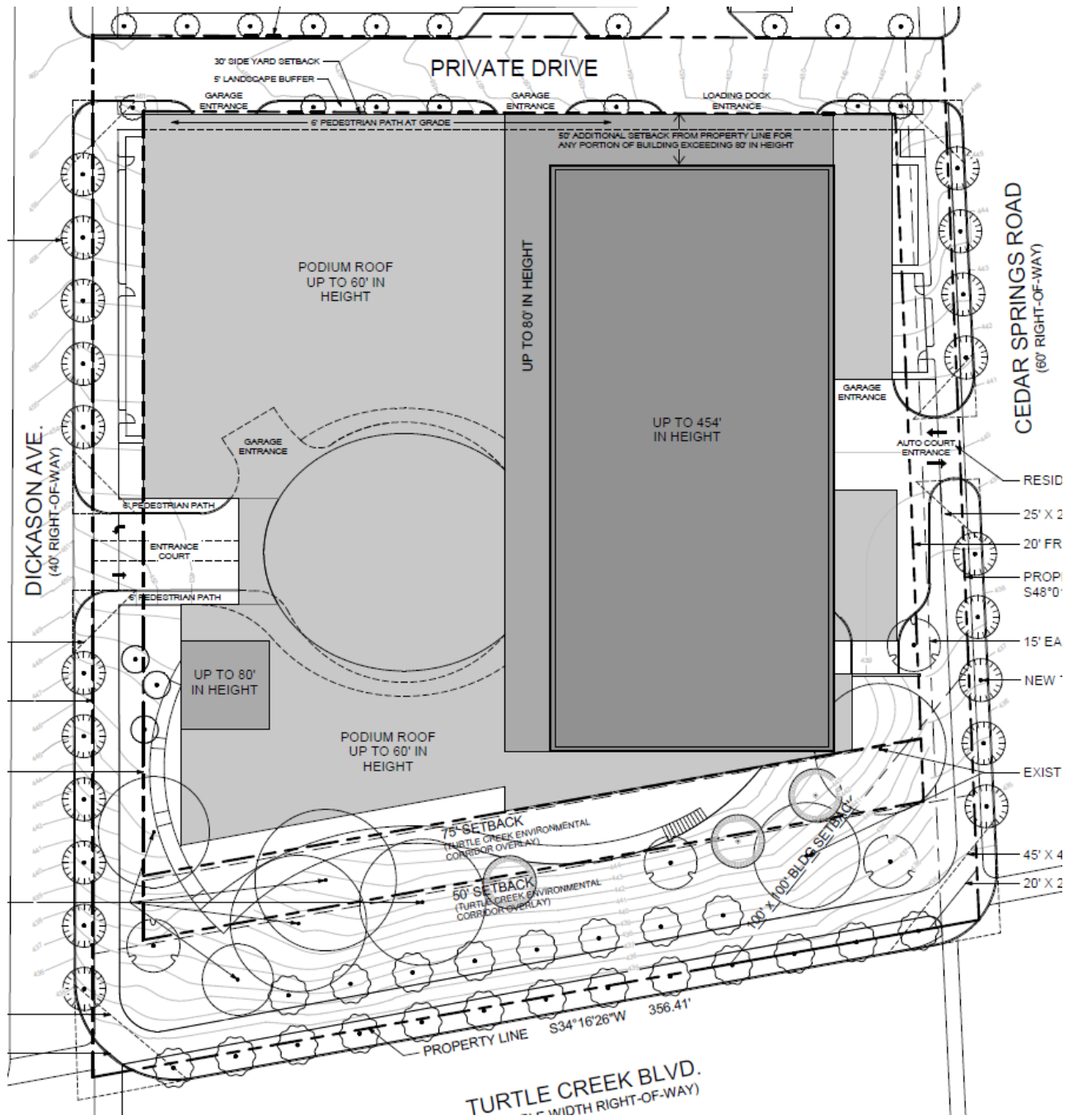
**SEC. S-135.~~114~~ 117. COMPLIANCE WITH CONDITIONS.**

- (a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.
- (b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

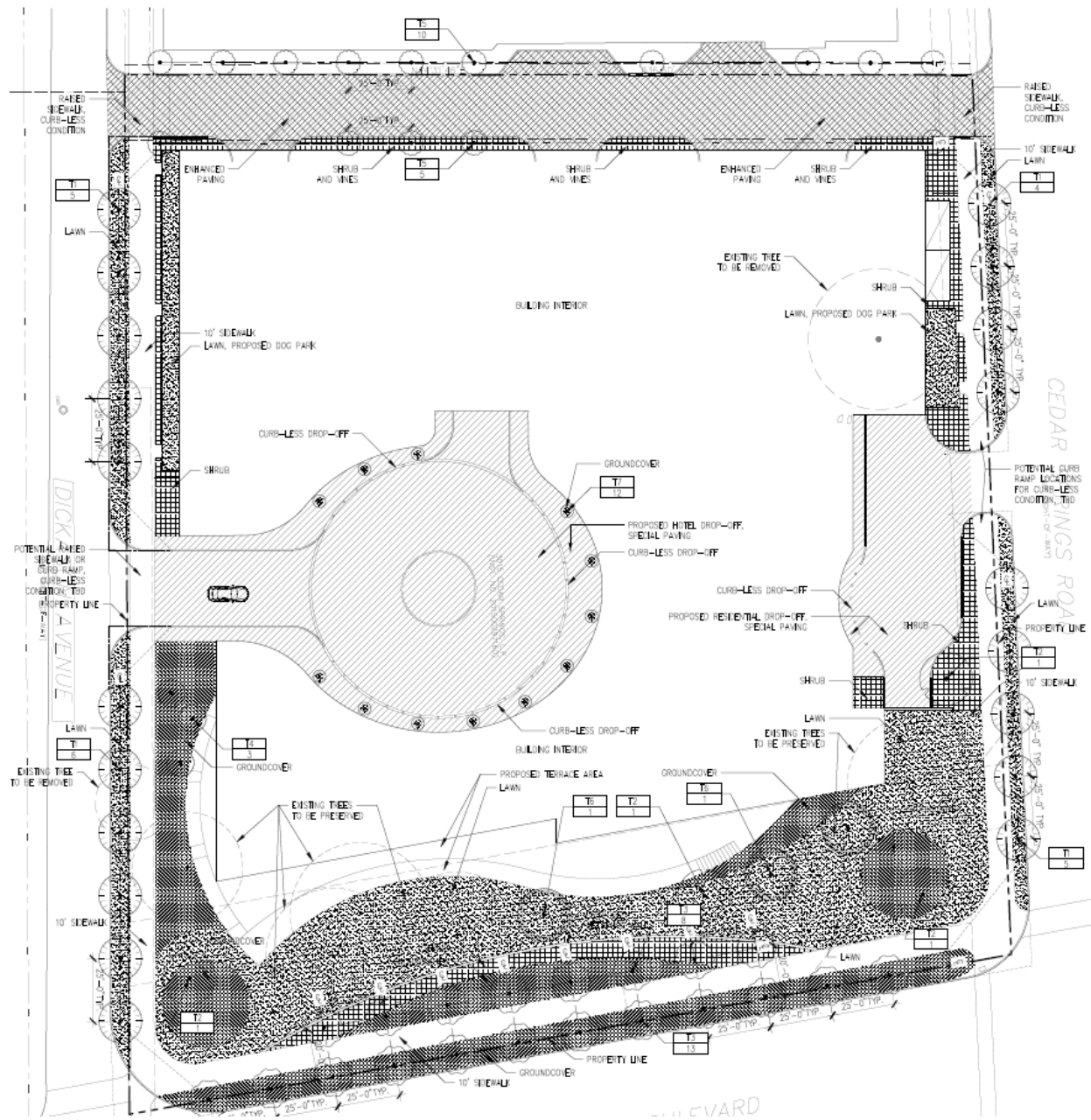
## CPC RECOMMENDED DEVELOPMENT PLAN



# CPC RECOMMENDED DEVELOPMENT PLAN (ENLARGED)



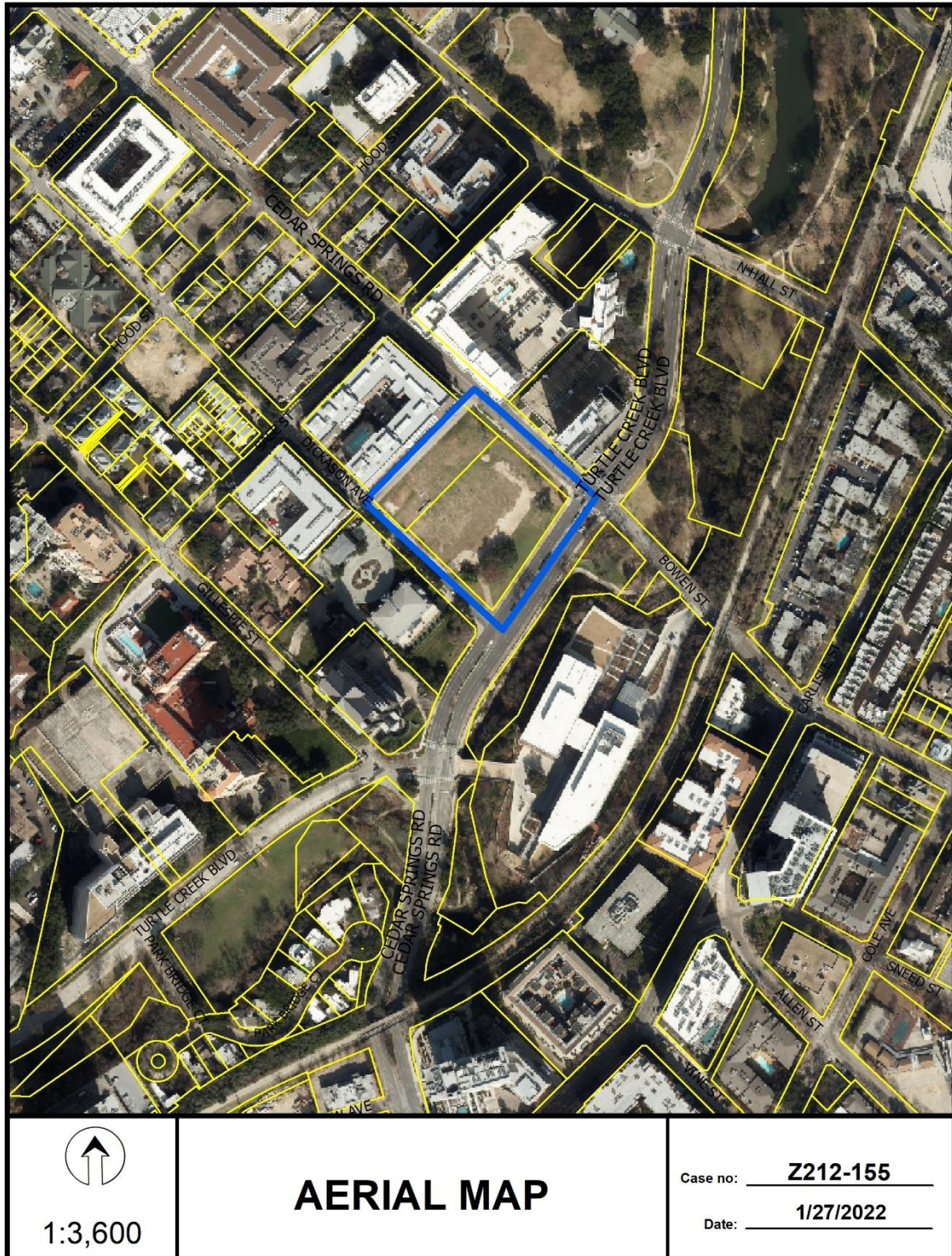
# CPC RECOMMENDED LANDSCAPE PLAN



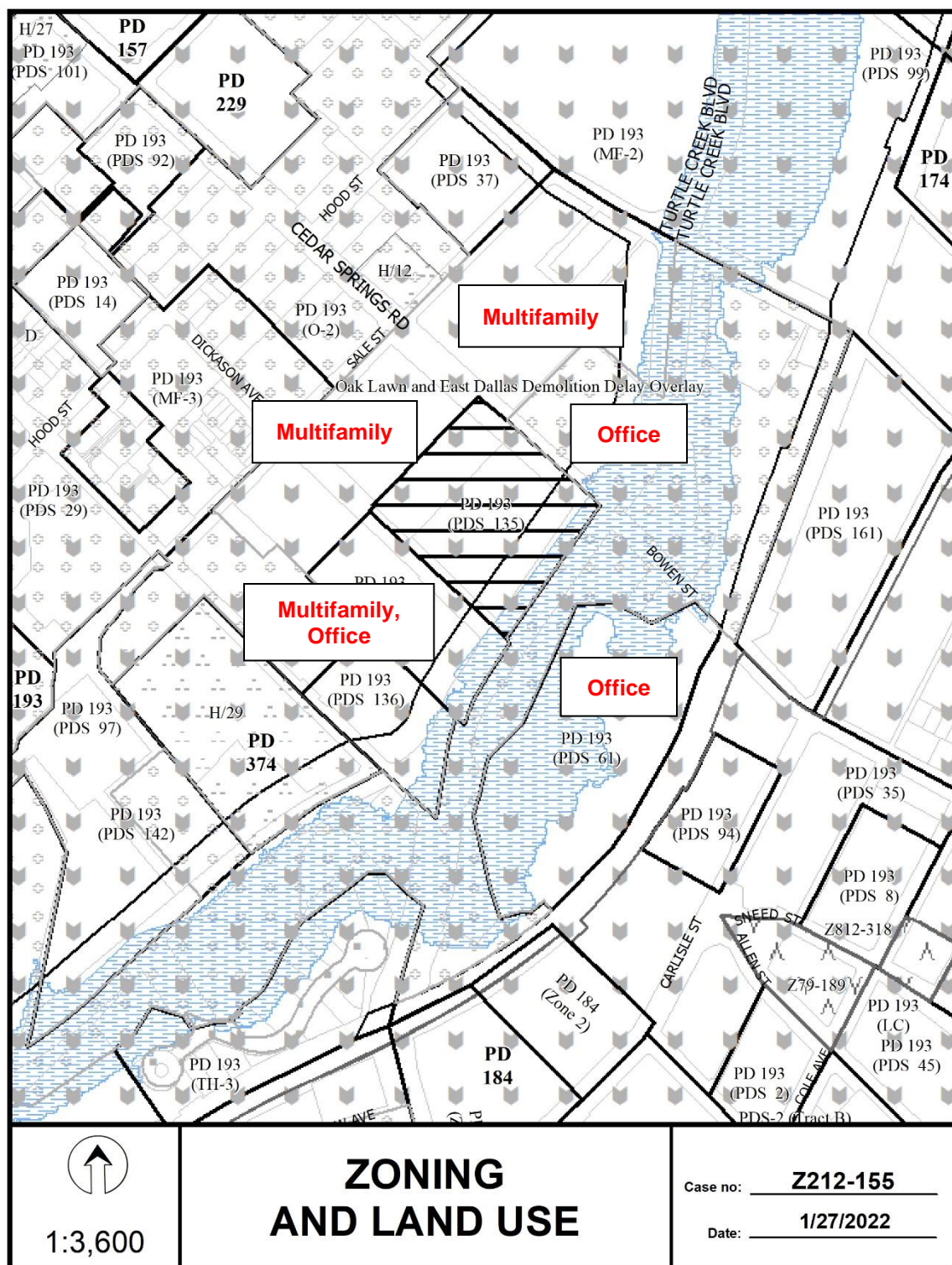


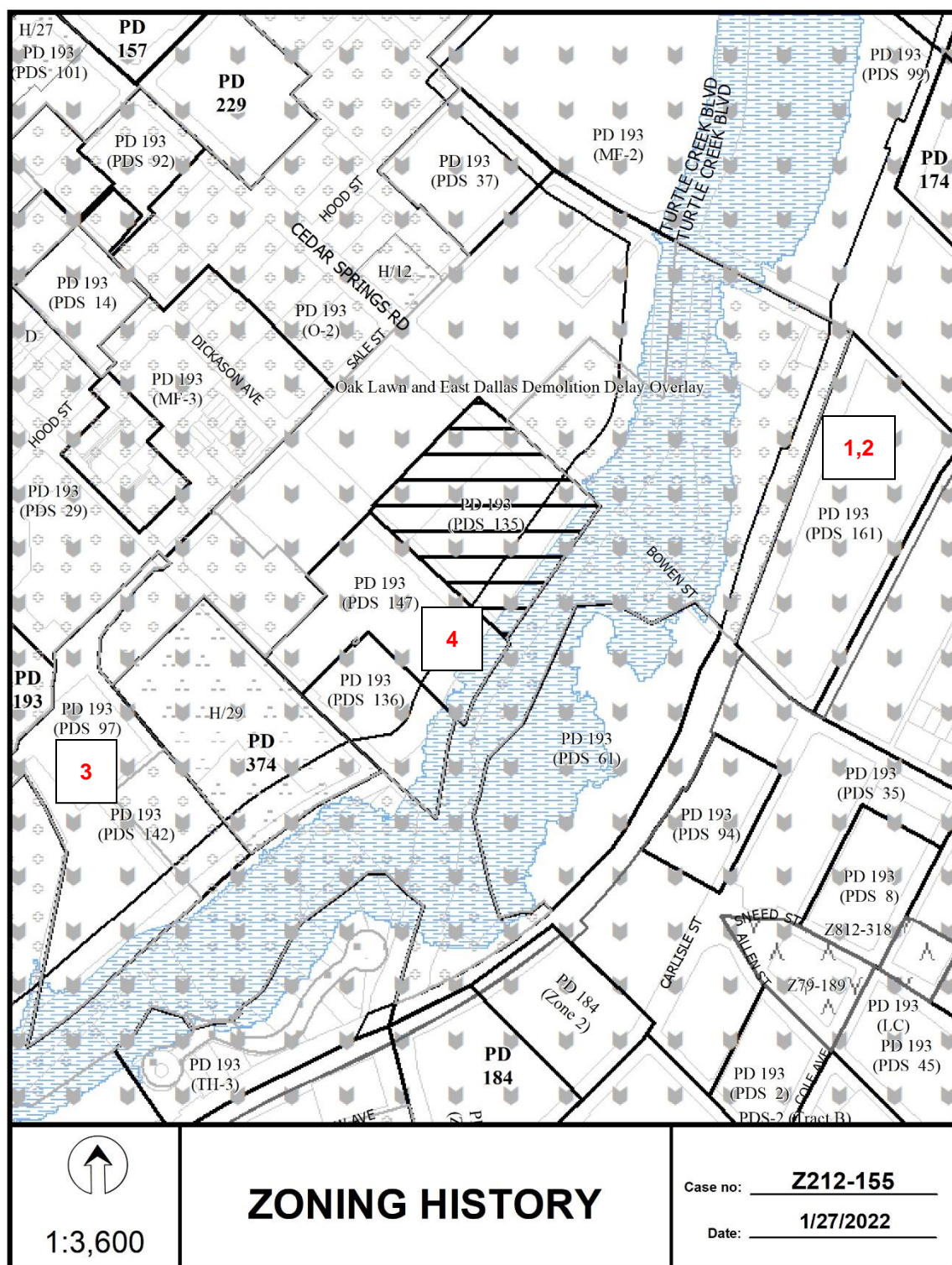




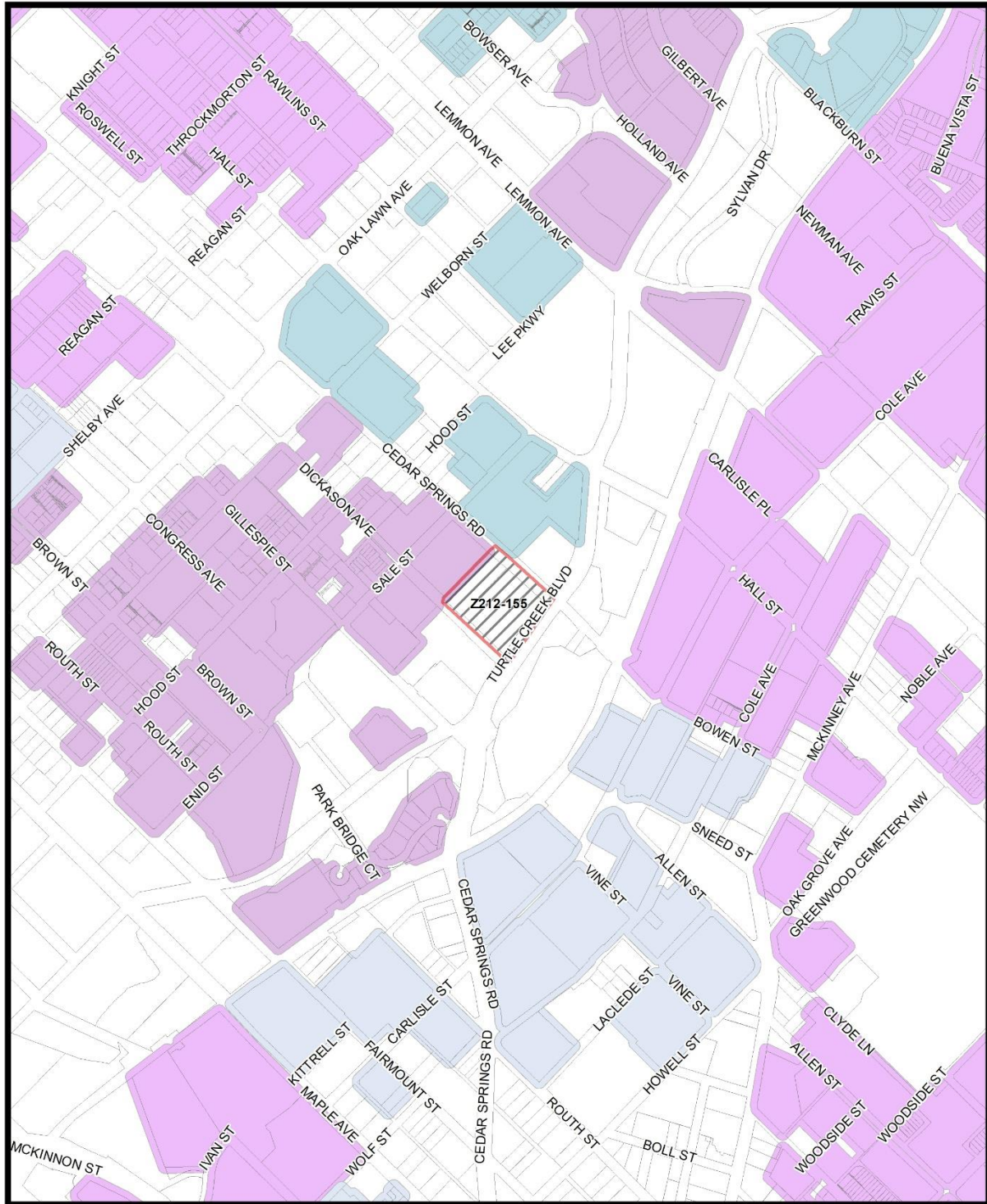












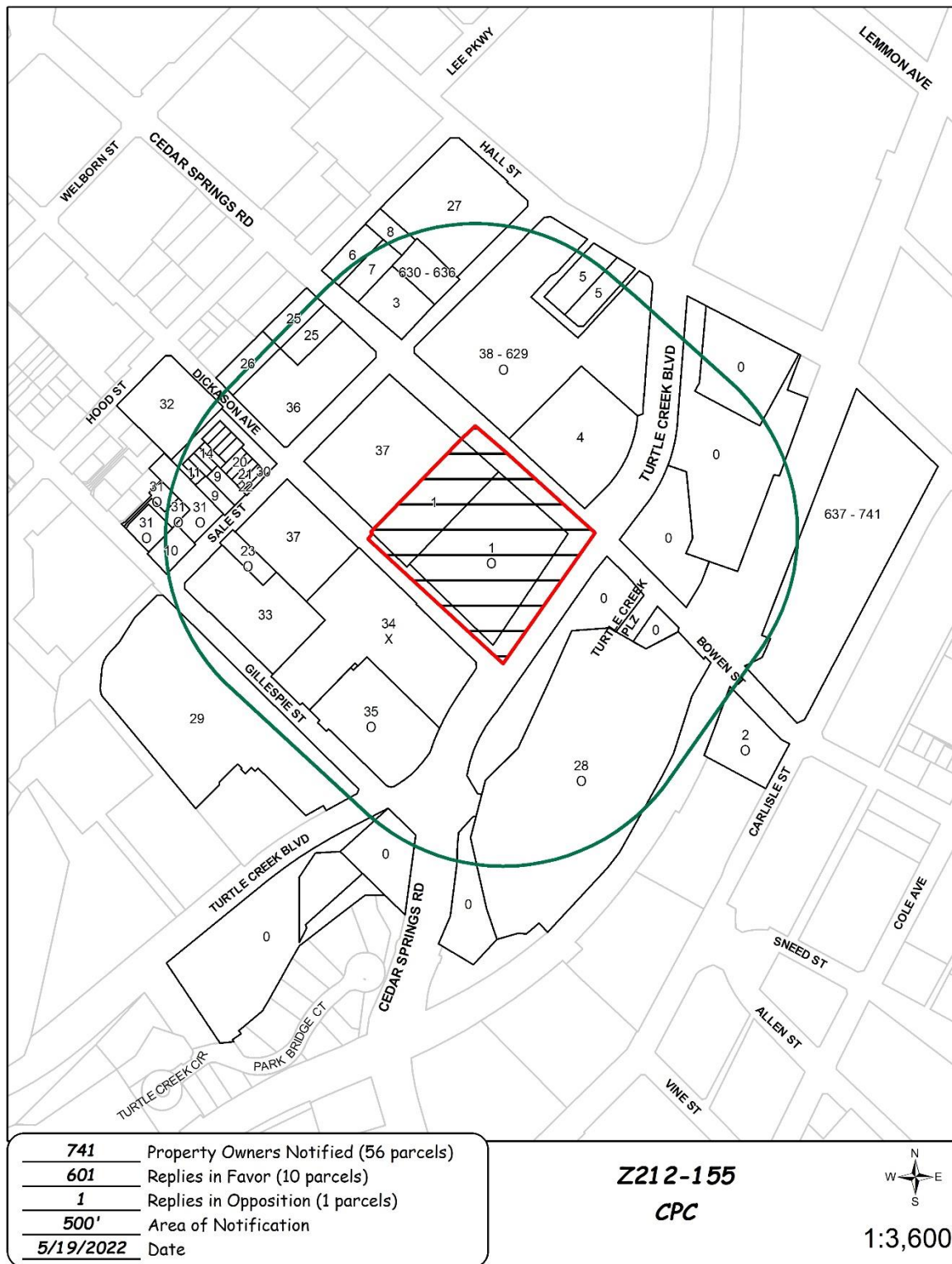
**Market Value Analysis** A B C D E F G H I NA



1:7,200

## Market Value Analysis

Printed Date: 1/27/2022



05/18/2022

***Reply List of Property Owners******Z212-155******741 Property Owners Notified 601 Property Owners in Favor 1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3415	CEDAR SPRINGS RD	3001 TURTLE CREEK LP
3	3506	CEDAR SPRINGS RD	SPC CEDAR SPRINGS LLC
4	3131	TURTLE CREEK BLVD	STRS OHIO TX REAL ESTATE
5	3409	N HALL ST	TURTLE CREEK TOWER LLC
6	3520	CEDAR SPRINGS RD	Taxpayer at
7	3514	CEDAR SPRINGS RD	Taxpayer at
8	3112	HOOD ST	Taxpayer at
9	2921	SALE ST	GRANOWSKI SCOTT
10	3502	GILLESPIE ST	Taxpayer at
11	3511	DICKASON AVE	LENTZ HAROLD CALVIN III
12	3511	DICKASON AVE	GRANOWSKI SCOTT MICHAEL
13	3509	DICKASON AVE	OESTERLING ANDREW
14	3509	DICKASON AVE	WANG LIN & ERIC W MILLER
15	3507	DICKASON AVE	SHUEY JOHN MILLER III
16	3507	DICKASON AVE	ROSA EMILIO
17	3505	DICKASON AVE	ADAMS DAVID G
18	3505	DICKASON AVE	STILES DONNA M
19	3503	DICKASON AVE	TILLMAN CHAD JONATHAN
20	3503	DICKASON AVE	BARBER BRANDON C
21	3501	DICKASON AVE	REISDORF TAYLOR
22	3501	DICKASON AVE	MOORE MICHAEL JUDD
24	2919	CEDAR SPRINGS RD	BURLESON PATE & GIBSON
25	3515	CEDAR SPRINGS RD	WINHAVIR LP
26	3516	DICKASON AVE	CUTSHALL RALPH S TR & HANNAH D TR
27	3535	N HALL ST	3535 N HALL ST LLC
29	2821	TURTLE CREEK BLVD	MANSION HOTEL LLC



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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	30	3500 DICKASON AVE	SALE STREET HOMEOWNERS AS
	32	3555 DICKASON AVE	ONE TURTLE CREEK HOLDINGS LLC
	36	3001 SALE ST	FCA TURTLE CREEK DALLAS
	37	3427 CEDAR SPRINGS RD	TR GALLERY TURTLE CREEK CORP
O	38	3225 TURTLE CREEK BLVD	SCOTT EDWARD MANAGEMENT TRUST THE
O	39	3225 TURTLE CREEK BLVD	FOSTER HENSTON TRUST THE
O	40	3225 TURTLE CREEK BLVD	T F W MANAGEMENT INC
O	41	3225 TURTLE CREEK BLVD	COONER REBECCA
O	42	3225 TURTLE CREEK BLVD	LAKEY IRENE
O	43	3225 TURTLE CREEK BLVD	MINOR JEFFERY KEVIN &
O	44	3225 TURTLE CREEK BLVD	GARCIA ADRIAN
O	45	3225 TURTLE CREEK BLVD	PERRY SHIRLEY LOUISE JOHNSON
O	46	3225 TURTLE CREEK BLVD	DUVALL PHILIP JAMES
O	47	3225 TURTLE CREEK BLVD	DUNHAM LARRY D &
O	48	3225 TURTLE CREEK BLVD	DELGADO GLORIA TATIS &
O	49	3225 TURTLE CREEK BLVD	GILBERT FRANCES M
O	50	3225 TURTLE CREEK BLVD	TAYLOR DONALD M
O	51	3225 TURTLE CREEK BLVD	LEWIS KIM DUKE
O	52	3225 TURTLE CREEK BLVD	MOORE RANDALL & DEBORAH
O	53	3225 TURTLE CREEK BLVD	MOORE ASHLEY W
O	54	3225 TURTLE CREEK BLVD	GALLARDO JENNIFER
O	55	3225 TURTLE CREEK BLVD	ABTAHI ALLEN
O	56	3225 TURTLE CREEK BLVD	GRUBBS GARY A & DONNA L
O	57	3225 TURTLE CREEK BLVD	PAGANINI MARC
O	58	3225 TURTLE CREEK BLVD	KHONSARI AMIR EFTEKHARI
O	59	3225 TURTLE CREEK BLVD	GARCIA LEE
O	60	3225 TURTLE CREEK BLVD	LIESNER DARLENE
O	61	3225 TURTLE CREEK BLVD	BLAKESLEY DAVID WAYNE &
O	62	3225 TURTLE CREEK BLVD	MARTINEZ GINALYN
O	63	3225 TURTLE CREEK BLVD	CALDWELL ROGER & KIMBERLY S
O	64	3225 TURTLE CREEK BLVD	NGUYEN HAIYEN T &

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	65	3225 TURTLE CREEK BLVD	RINICKER ELLENE
O	66	3225 TURTLE CREEK BLVD	MCCANCE MELISSA
O	67	3225 TURTLE CREEK BLVD	CHIEN NANCY K
O	68	3225 TURTLE CREEK BLVD	KSNM REALTY LLC
O	69	3225 TURTLE CREEK BLVD	BRISCOE SHEILA A
O	70	3225 TURTLE CREEK BLVD	ADAMS ARMELIA A
O	71	3225 TURTLE CREEK BLVD	HEIN JASON & ANDREA
O	72	3225 TURTLE CREEK BLVD	GJONI DENIS &
O	73	3225 TURTLE CREEK BLVD	WEBB GARY L & RONDA R
O	74	3225 TURTLE CREEK BLVD	STJ ASSOCIATES LLC
O	75	3225 TURTLE CREEK BLVD	HATAM ANDREW A JR
O	76	3225 TURTLE CREEK BLVD	STEFKA IRIS
O	77	3225 TURTLE CREEK BLVD	DREYER WILLIAM E &
O	78	3225 TURTLE CREEK BLVD	FETZER MARC
O	79	3225 TURTLE CREEK BLVD	JAMES GEORGE C &
O	80	3225 TURTLE CREEK BLVD	HIGHTOWER MALLORY ANNE
O	81	3225 TURTLE CREEK BLVD	FELD MARK B
O	82	3225 TURTLE CREEK BLVD	LUTTRELL TRACY L
O	83	3225 TURTLE CREEK BLVD	DENG BAO &
O	84	3225 TURTLE CREEK BLVD	SHIRK FRANCESCA
O	85	3225 TURTLE CREEK BLVD	YANG JACK
O	86	3225 TURTLE CREEK BLVD	FERNANDEZ DE LEON IRMA MAY
O	87	3225 TURTLE CREEK BLVD	PRESTON CAPITAL INVESTMENT LLC
O	88	3225 TURTLE CREEK BLVD	ANDERSON ALLAN L & KAY K
O	89	3225 TURTLE CREEK BLVD	SAJITHARAN DEENA DIVYA
O	90	3225 TURTLE CREEK BLVD	NAYLOR RACHEL MARIE
O	91	3225 TURTLE CREEK BLVD	KESTER RONALD C
O	92	3225 TURTLE CREEK BLVD	GANTI GIRIJA &
O	93	3225 TURTLE CREEK BLVD	HAMILTON JAMIE
O	94	3225 TURTLE CREEK BLVD	PADLO SONDRAL
O	95	3225 TURTLE CREEK BLVD	GARRIS LISA C

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	96	3225 TURTLE CREEK BLVD	WINOKUR TATYANA
O	97	3225 TURTLE CREEK BLVD	IGWT REALTY INVESTMENTS LLC
O	98	3225 TURTLE CREEK BLVD	BONE MEGAN E
O	99	3225 TURTLE CREEK BLVD	BULL BRIAN W
O	100	3225 TURTLE CREEK BLVD	POLURU SRINIVAS & HEATHER
O	101	3225 TURTLE CREEK BLVD	A CORPORATIONS TEXAS LLC THE
O	102	3225 TURTLE CREEK BLVD	CLEVELAND TOM & KRISTINE
O	103	3225 TURTLE CREEK BLVD	LEIBASCHOFF GUSTAVO &
O	104	3225 TURTLE CREEK BLVD	ZHAO JIAYI
O	105	3225 TURTLE CREEK BLVD	RAVISHANKAR ROSHAN &
O	106	3225 TURTLE CREEK BLVD	SLKALAY AVISHAI & MICHELE
O	107	3225 TURTLE CREEK BLVD	CLOUGH WILLIAM J & JACQUELINE
O	108	3225 TURTLE CREEK BLVD	ONEAL SHELDON
O	109	3225 TURTLE CREEK BLVD	REN JUE
O	110	3225 TURTLE CREEK BLVD	TURNER RICK
O	111	3225 TURTLE CREEK BLVD	ARISTY ARISMENDY NICOLAS
O	112	3225 TURTLE CREEK BLVD	HE AMANDA ZIWEI
O	113	3225 TURTLE CREEK BLVD	TORRES DENNIS M &
O	114	3225 TURTLE CREEK BLVD	CHU XIAOHONG J
O	115	3225 TURTLE CREEK BLVD	YOUNG ALISHA Y
O	116	3225 TURTLE CREEK BLVD	GOODHEART MELANIE
O	117	3225 TURTLE CREEK BLVD	WAGERS LENI &
O	118	3225 TURTLE CREEK BLVD	SMITH EDNA DARLENE
O	119	3225 TURTLE CREEK BLVD	COOK TERRY & KEEWANI
O	120	3225 TURTLE CREEK BLVD	CROUCH J MITCHELL &
O	121	3225 TURTLE CREEK BLVD	MARTIN ERIC C
O	122	3225 TURTLE CREEK BLVD	ALLAJBEU MONIKA
O	123	3225 TURTLE CREEK BLVD	YAVANZA LLC
O	124	3225 TURTLE CREEK BLVD	TOLAND JANICE
O	125	3225 TURTLE CREEK BLVD	TRAN BRENNAN P
O	126	3225 TURTLE CREEK BLVD	LEWIS LUCINDA J

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	127	3225 TURTLE CREEK BLVD	KIM JANICE
O	128	3225 TURTLE CREEK BLVD	BENOIST CAROLINE LEA
O	129	3225 TURTLE CREEK BLVD	MUNCIE DIANNA
O	130	3225 TURTLE CREEK BLVD	GARDNER ELIZABETH P
O	131	3225 TURTLE CREEK BLVD	RUMINKSI RICHARD K REVOCABLE
O	132	3225 TURTLE CREEK BLVD	WRIGHT ALISON MARGARET
O	133	3225 TURTLE CREEK BLVD	ROLIM GEVERSON
O	134	3225 TURTLE CREEK BLVD	MCDERMOTT JOHN P
O	135	3225 TURTLE CREEK BLVD	LEAHY DEDIE
O	136	3225 TURTLE CREEK BLVD	KREISEL KAY
O	137	3225 TURTLE CREEK BLVD	WILEMON ALAYNE
O	138	3225 TURTLE CREEK BLVD	NYANA CAPITAL F1 LLC
O	139	3225 TURTLE CREEK BLVD	FERREIRA HEYDIANE &
O	140	3225 TURTLE CREEK BLVD	PAVLOCK TARA
O	141	3225 TURTLE CREEK BLVD	ZAKI MENA
O	142	3225 TURTLE CREEK BLVD	MCLEAN KATHLEEN
O	143	3225 TURTLE CREEK BLVD	DEAN ASAD
O	144	3225 TURTLE CREEK BLVD	SWEENEY CHARLES M &
O	145	3225 TURTLE CREEK BLVD	EPSHTEYN ELEONORA
O	146	3225 TURTLE CREEK BLVD	MEADOWS DANIEL
O	147	3225 TURTLE CREEK BLVD	GUPTA CHIRAG
O	148	3225 TURTLE CREEK BLVD	HOPPER KELLY M
O	149	3225 TURTLE CREEK BLVD	ANDERSON JEFFREY ALLEN &
O	150	3225 TURTLE CREEK BLVD	SIMON MARK H
O	151	3225 TURTLE CREEK BLVD	CORDERO LUIS
O	152	3225 TURTLE CREEK BLVD	WARE MICHELLE MARIE
O	153	3225 TURTLE CREEK BLVD	MARKWARD RYAN SCOTT
O	154	3225 TURTLE CREEK BLVD	HERNANDEZ CARLOS
O	155	3225 TURTLE CREEK BLVD	ADAMS DARREN &
O	156	3225 TURTLE CREEK BLVD	XIE MENG & MICHAEL A BECK
O	157	3225 TURTLE CREEK BLVD	LEFEBVRE RONALD

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	158	3225 TURTLE CREEK BLVD	BURNETT AMBER
O	159	3225 TURTLE CREEK BLVD	HAMID WAKIL L& FARZANA
O	160	3225 TURTLE CREEK BLVD	WU ISABEL
O	161	3225 TURTLE CREEK BLVD	MAEDA SONIA A
O	162	3225 TURTLE CREEK BLVD	CURTSINGER ERNEST EVERETT JR
O	163	3225 TURTLE CREEK BLVD	SUMMEROUR SHELLY
O	164	3225 TURTLE CREEK BLVD	HIDELL TIMOTHY B &
O	165	3225 TURTLE CREEK BLVD	EASTLAWN AVENUE LLC
O	166	3225 TURTLE CREEK BLVD	ROPER RONDA K
O	167	3225 TURTLE CREEK BLVD	MECCA PAUL
O	168	3225 TURTLE CREEK BLVD	SONG JEONG SOON
O	169	3225 TURTLE CREEK BLVD	WALKER ROSLYN A
O	170	3225 TURTLE CREEK BLVD	WILBER LYN REID
O	171	3225 TURTLE CREEK BLVD	ODELL MICHAEL & TERESA KENNEDY
O	172	3225 TURTLE CREEK BLVD	SEATTLE RETURNS LLC
O	173	3225 TURTLE CREEK BLVD	YANUS MARGARET
O	174	3225 TURTLE CREEK BLVD	PATRICIA ELLEN LAU REV TR
O	175	3225 TURTLE CREEK BLVD	BCD SINGH PROPERTIES OF PLANO LLC
O	176	3225 TURTLE CREEK BLVD	IWEMA AARON M
O	177	3225 TURTLE CREEK BLVD	R & N RENOVATIONS LLC
O	178	3225 TURTLE CREEK BLVD	CHOY DAVID & PATRICIA L
O	179	3225 TURTLE CREEK BLVD	RICO ANGEL
O	180	3225 TURTLE CREEK BLVD	DAVIS TERRY
O	181	3225 TURTLE CREEK BLVD	PAUP PROPERTY MGMT LLC
O	182	3225 TURTLE CREEK BLVD	COOLEY SUSAN
O	183	3225 TURTLE CREEK BLVD	PANDEY RENU & SHUBHAM
O	184	3225 TURTLE CREEK BLVD	WALLACE LOUISE L
O	185	3225 TURTLE CREEK BLVD	KELLEY CLARENCE
O	186	3225 TURTLE CREEK BLVD	CALLIGARO ADEMAR A
O	187	3225 TURTLE CREEK BLVD	MEGHANA PATIL LLC
O	188	3225 TURTLE CREEK BLVD	HANKINS JACK C

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	189	3225 TURTLE CREEK BLVD	KARAMALLY ZAHOOOR A
O	190	3225 TURTLE CREEK BLVD	PINE TREE REAL ESTATE
O	191	3225 TURTLE CREEK BLVD	RIGDON HOLLEY &
O	192	3225 TURTLE CREEK BLVD	KLS INVESTMENTS LLC
O	193	3225 TURTLE CREEK BLVD	ESTREMERASAMUEL SANTIAGO
O	194	3225 TURTLE CREEK BLVD	ELAYDI JIHAD H
O	195	3225 TURTLE CREEK BLVD	RIGNEY PAUL W
O	196	3225 TURTLE CREEK BLVD	MARTINEZ MATISSE M &
O	197	3225 TURTLE CREEK BLVD	BURFORD MORGAN V &
O	198	3225 TURTLE CREEK BLVD	BEACH DENNIS E
O	199	3225 TURTLE CREEK BLVD	RAMEZAN FRED TR
O	200	3225 TURTLE CREEK BLVD	EDGAR TROY DEAN &
O	201	3225 TURTLE CREEK BLVD	3949 MULLINS LLC
O	202	3225 TURTLE CREEK BLVD	HU YUAN PAI
O	203	3225 TURTLE CREEK BLVD	MARCHE LIVE LLC
O	204	3225 TURTLE CREEK BLVD	AGUSALA MADHAVA & VASANTHA
O	205	3225 TURTLE CREEK BLVD	BEHGOOY BITA
O	206	3225 TURTLE CREEK BLVD	ITANI ABDUL RAHMAN YOUSSEF
O	207	3225 TURTLE CREEK BLVD	THOMAS JAMES BRIAN & BORSCH COLLEEN C
O	208	3225 TURTLE CREEK BLVD	ABBASI PARHAM
O	209	3225 TURTLE CREEK BLVD	CASTAGNET GERARDO & ROSA PATRICIA
O	210	3225 TURTLE CREEK BLVD	TU BENJAMIN & HELEN REVOCABLE
O	211	3225 TURTLE CREEK BLVD	GONZALEZ JESUS J
O	212	3225 TURTLE CREEK BLVD	COOK BRAD M
O	213	3225 TURTLE CREEK BLVD	BOYLE TED
O	214	3225 TURTLE CREEK BLVD	HATFIELD BRYAN BENTON
O	215	3225 TURTLE CREEK BLVD	VELA ALAJANDRA
O	216	3225 TURTLE CREEK BLVD	AZARARYA HOLDINGS LLC
O	217	3225 TURTLE CREEK BLVD	CAIN MARTIN &
O	218	3225 TURTLE CREEK BLVD	ASFAQ RAHEELA
O	219	3225 TURTLE CREEK BLVD	NGUYEN LAN N

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O	220	3225 TURTLE CREEK BLVD	HARRIS CHERYL L
O	221	3225 TURTLE CREEK BLVD	MILLER JOSEPH F
O	222	3225 TURTLE CREEK BLVD	EQUITY TRUST COMPANY CUSTODIAN &
O	223	3225 TURTLE CREEK BLVD	ANDREWS DUNCAN FAMILY
O	224	3225 TURTLE CREEK BLVD	SNODELL MEAGAN
O	225	3225 TURTLE CREEK BLVD	SHERRY JAMES TODD & CHRISTINE LYNN
O	226	3225 TURTLE CREEK BLVD	NEELEY KIMBERLY
O	227	3225 TURTLE CREEK BLVD	KLS INVESTMENTS
O	228	3225 TURTLE CREEK BLVD	MCKENNETT MICHELLE D
O	229	3225 TURTLE CREEK BLVD	KHAN AYSHA
O	230	3225 TURTLE CREEK BLVD	CATALANI ALLISON
O	231	3225 TURTLE CREEK BLVD	R & B REAL ESTATE PROPERTIES LLC
O	232	3225 TURTLE CREEK BLVD	SCHMIDT FAMILY TRUST
O	233	3225 TURTLE CREEK BLVD	SWEENEY DAN & RENEE
O	234	3225 TURTLE CREEK BLVD	DOULCET FELICIE T
O	235	3225 TURTLE CREEK BLVD	STAGGS WILLIAM F JR
O	236	3225 TURTLE CREEK BLVD	KENNEDY LESLIE A
O	237	3225 TURTLE CREEK BLVD	JONES HARRY A & SUSAN A
O	238	3225 TURTLE CREEK BLVD	BABA RP1 LLC
O	239	3225 TURTLE CREEK BLVD	TURTLE CREEK CONDO LLC
O	240	3225 TURTLE CREEK BLVD	MOGHADAM ALI
O	241	3225 TURTLE CREEK BLVD	GLICK HOWARD
O	242	3225 TURTLE CREEK BLVD	LIGHTWALA TASNEEM &
O	243	3225 TURTLE CREEK BLVD	XU JING & YING
O	244	3225 TURTLE CREEK BLVD	HADAVAND REZA
O	245	3225 TURTLE CREEK BLVD	PATEL MITESH
O	246	3225 TURTLE CREEK BLVD	LEPP JANICE MARIE LIVING TRUST
O	247	3225 TURTLE CREEK BLVD	HARWOOD KRISTIN JEAN &
O	248	3225 TURTLE CREEK BLVD	PELOSO LORRAINE C
O	249	3225 TURTLE CREEK BLVD	HICKMAN VICTORIA
O	250	3225 TURTLE CREEK BLVD	MONETTE MEGAN MICHELLE



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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	251	3225 TURTLE CREEK BLVD	SREEWASTAV KIRAN
O	252	3225 TURTLE CREEK BLVD	MILAM ADAM
O	253	3225 TURTLE CREEK BLVD	HESTIA REAL ESTATE
O	254	3225 TURTLE CREEK BLVD	GERALD ASHLEY E
O	255	3225 TURTLE CREEK BLVD	CANTU CHRISTOPHER J
O	256	3225 TURTLE CREEK BLVD	STEVENS TYLER C
O	257	3225 TURTLE CREEK BLVD	MOORE GARRETT M
O	258	3225 TURTLE CREEK BLVD	LESNIEWSKI LORI A
O	259	3225 TURTLE CREEK BLVD	BARNEY FRED O JR &
O	260	3225 TURTLE CREEK BLVD	SCHULENBERG ROSS
O	261	3225 TURTLE CREEK BLVD	CHAND ARJUN
O	262	3225 TURTLE CREEK BLVD	HUKIC OMER & SONJA
O	263	3225 TURTLE CREEK BLVD	HENNEBERG WILLIAM H III
O	264	3225 TURTLE CREEK BLVD	JOHNSON JEREMIAH J & KIMBERLY R
O	265	3225 TURTLE CREEK BLVD	HABEEB ROBERT A
O	266	3225 TURTLE CREEK BLVD	KING JON JOSHUA
O	267	3225 TURTLE CREEK BLVD	JONES JAMES ADRIAN &
O	268	3225 TURTLE CREEK BLVD	MURPHY GARY
O	269	3225 TURTLE CREEK BLVD	MARASLIOGLU SAHIN & DIKRANUHI
O	270	3225 TURTLE CREEK BLVD	SAPITSKY JACOBA R
O	271	3225 TURTLE CREEK BLVD	AMSTEIN MICHAEL B & CYNTHIA B
O	272	3225 TURTLE CREEK BLVD	STRONG JENNIFER M
O	273	3225 TURTLE CREEK BLVD	ENGLAND JULIE S & ROBERT W
O	274	3225 TURTLE CREEK BLVD	PANDYA ALMA R
O	275	3225 TURTLE CREEK BLVD	DIBBLE LARRY
O	276	3225 TURTLE CREEK BLVD	KOVAL JOHN & LAURA
O	277	3225 TURTLE CREEK BLVD	EED ALIA
O	278	3225 TURTLE CREEK BLVD	LEE VIVIAN S
O	279	3225 TURTLE CREEK BLVD	DURKAN MARTIN
O	280	3225 TURTLE CREEK BLVD	VASHISTH SURESH C & SUNITA S
O	281	3225 TURTLE CREEK BLVD	DUKKIPATI SAIRAM PRASAD &

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	282	3225 TURTLE CREEK BLVD	DUNCAN JOHN MICHAEL
O	283	3225 TURTLE CREEK BLVD	MOSTAFAIE ALIREZA
O	284	3225 TURTLE CREEK BLVD	DAVID LEBANON
O	285	3225 TURTLE CREEK BLVD	SELL JOHN G
O	286	3225 TURTLE CREEK BLVD	JOHNSON DANIEL &
O	287	3225 TURTLE CREEK BLVD	LUCIO JESUS S & DALILA
O	288	3225 TURTLE CREEK BLVD	KUSTOFF JULIE
O	289	3225 TURTLE CREEK BLVD	GRIFFITH CARROLL P JR 2011 TR &
O	290	3225 TURTLE CREEK BLVD	FAIR ROGERS P JR
O	291	3225 TURTLE CREEK BLVD	MAMLOUK RANIA
O	292	3225 TURTLE CREEK BLVD	YOUNG MARK D
O	293	3225 TURTLE CREEK BLVD	BISMAR HISHAM & DIMA
O	294	3225 TURTLE CREEK BLVD	BUISIER JANAN MOHAMED
O	295	3225 TURTLE CREEK BLVD	CHEEMA ROOHI
O	296	3225 TURTLE CREEK BLVD	MADANI RAMTIN
O	297	3225 TURTLE CREEK BLVD	ALKASSAB MOHAMAD AMMAR
O	298	3225 TURTLE CREEK BLVD	SCHMIDT JARRET
O	299	3225 TURTLE CREEK BLVD	GOPAL AKILAN
O	300	3225 TURTLE CREEK BLVD	MARTINEZ FRANCISCO JAVIER C
O	301	3225 TURTLE CREEK BLVD	CAMPBELL THOMAS MICHAEL &
O	302	3225 TURTLE CREEK BLVD	SAUER GARY L & CLAUDIA M
O	303	3225 TURTLE CREEK BLVD	GONZALEZ INGRID
O	304	3225 TURTLE CREEK BLVD	WARMINGTON MARIA C
O	305	3225 TURTLE CREEK BLVD	BROWNFIELD GARY
O	306	3225 TURTLE CREEK BLVD	RUSSELL KIMMIE LLC
O	307	3225 TURTLE CREEK BLVD	SHAHINPOUR SHAHRAM &
O	308	3225 TURTLE CREEK BLVD	SHAFFER DIANA L
O	309	3225 TURTLE CREEK BLVD	KAMALI BEHNOOSH
O	310	3225 TURTLE CREEK BLVD	BASHIROVA ULVIYYA
O	311	3225 TURTLE CREEK BLVD	KORAB JEANETTE
O	312	3225 TURTLE CREEK BLVD	LAAKE JARED A &

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	313	3225 TURTLE CREEK BLVD	GONZALES CYNTHIA
O	314	3225 TURTLE CREEK BLVD	RUTHERFORD AL F
O	315	3225 TURTLE CREEK BLVD	REECE BOBBY N
O	316	3225 TURTLE CREEK BLVD	SNOVER BURT ALLEN
O	317	3225 TURTLE CREEK BLVD	KIM EUNSUP
O	318	3225 TURTLE CREEK BLVD	LI SANDRA
O	319	3225 TURTLE CREEK BLVD	DOWD SEAN
O	320	3225 TURTLE CREEK BLVD	EDWARDS WILLIAM B & RHONDA M
O	321	3225 TURTLE CREEK BLVD	LOPEZ CARLOS JR & LAURIE A
O	322	3225 TURTLE CREEK BLVD	WITMER SCOTT TUAN
O	323	3225 TURTLE CREEK BLVD	MITTLEMAN KIMI
O	324	3225 TURTLE CREEK BLVD	RICHARDS-CARTY CHERRI J
O	325	3225 TURTLE CREEK BLVD	HOUARI SAMMY & MARWAN I
O	326	3225 TURTLE CREEK BLVD	KHODAPARAST SHAHIRA &
O	327	3225 TURTLE CREEK BLVD	EVSEEV PETER E
O	328	3225 TURTLE CREEK BLVD	CHAO LIN
O	329	3225 TURTLE CREEK BLVD	CANTON MICHAEL
O	330	3225 TURTLE CREEK BLVD	MARSHALL RYAN
O	331	3225 TURTLE CREEK BLVD	GILBERT MICAH ANDREW
O	332	3225 TURTLE CREEK BLVD	NVK PPTIES LLC
O	333	3225 TURTLE CREEK BLVD	WALSER CHRIS
O	334	3225 TURTLE CREEK BLVD	SPERO KIMBERLY
O	335	3225 TURTLE CREEK BLVD	LANKA MURALI KRISHNA
O	336	3225 TURTLE CREEK BLVD	MANCINI MASSIMO G
O	337	3225 TURTLE CREEK BLVD	LIU SHILUN
O	338	3225 TURTLE CREEK BLVD	RAUPP MAGDALA
O	339	3225 TURTLE CREEK BLVD	DONOVAN GEORGE J III
O	340	3225 TURTLE CREEK BLVD	SURESH TUNGA
O	341	3225 TURTLE CREEK BLVD	TIAN ZI
O	342	3225 TURTLE CREEK BLVD	FOX RUN SENIOR LLC
O	343	3225 TURTLE CREEK BLVD	RUBLE EILEEN M

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	344	3225 TURTLE CREEK BLVD	KOBYLINSKA MONIKA MARLENA
O	345	3225 TURTLE CREEK BLVD	BROWN CHRISTINA
O	346	3225 TURTLE CREEK BLVD	MASSARE JORGE &
O	347	3225 TURTLE CREEK BLVD	COONS ROBERT A &
O	348	3225 TURTLE CREEK BLVD	DAGHIGHI KIAN M
O	349	3225 TURTLE CREEK BLVD	MAZZARELLA RICHARD &
O	350	3225 TURTLE CREEK BLVD	JONES ANN LUTZ
O	351	3225 TURTLE CREEK BLVD	SIBLEY STEPHEN
O	352	3225 TURTLE CREEK BLVD	EDWARDS TRACEY SMITH
O	353	3225 TURTLE CREEK BLVD	KIM SEAN KYOM &
O	354	3225 TURTLE CREEK BLVD	FANG SUE
O	355	3225 TURTLE CREEK BLVD	BARBER JAMES & NANCY
O	356	3225 TURTLE CREEK BLVD	MARCHE LIVING LLC
O	357	3225 TURTLE CREEK BLVD	FEIKEMA JOHN & DAWN
O	358	3225 TURTLE CREEK BLVD	BAGHERI BEHROUZ
O	359	3225 TURTLE CREEK BLVD	BARKER TRAVIS BRIAN &
O	360	3225 TURTLE CREEK BLVD	FEDOCK RICHARD NICHOLAS & CAROLE CURRY
O	361	3225 TURTLE CREEK BLVD	MAYFIELD TAMMY L
O	362	3225 TURTLE CREEK BLVD	MESSINGER CLYDE J IV & YAIMA Q
O	363	3225 TURTLE CREEK BLVD	NEERUKONDA PRASAD P & LATHA S
O	364	3225 TURTLE CREEK BLVD	ABRAHAM CHARLES T
O	365	3225 TURTLE CREEK BLVD	DAI CHENGHUA
O	366	3225 TURTLE CREEK BLVD	AGUSALA MADHAVA
O	367	3225 TURTLE CREEK BLVD	MASROUR SHAMIN
O	368	3225 TURTLE CREEK BLVD	SHASTRI SHANI
O	369	3225 TURTLE CREEK BLVD	GENTRY NEWMAN FRANKLIN
O	370	3225 TURTLE CREEK BLVD	THAMM MARY C & RICK W
O	371	3225 TURTLE CREEK BLVD	KASMI AZEDDINE
O	372	3225 TURTLE CREEK BLVD	SHIDLER DAVID
O	373	3225 TURTLE CREEK BLVD	LEWIS CAILYN CARROLLJANE
O	374	3225 TURTLE CREEK BLVD	DAY WILLIAM D & KAREN M

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	375	3225 TURTLE CREEK BLVD	FRIEDMAN JACQUELINE
O	376	3225 TURTLE CREEK BLVD	SRIHARI SWASTIC KAVEESHWAR
O	377	3225 TURTLE CREEK BLVD	MARTINEZ JAIME A & LESLIE N
O	378	3225 TURTLE CREEK BLVD	MONIRI ALLEN A
O	379	3225 TURTLE CREEK BLVD	NOURANI MEHRDAD
O	380	3225 TURTLE CREEK BLVD	BOLDING GARY D
O	381	3225 TURTLE CREEK BLVD	REZNIK YAIR
O	382	3225 TURTLE CREEK BLVD	BOYKIN MICHAEL
O	383	3225 TURTLE CREEK BLVD	WARDFREEMAN SUSAN &
O	384	3225 TURTLE CREEK BLVD	ABUD ANGELICA & MANUEL
O	385	3225 TURTLE CREEK BLVD	CORNELL DOUGLAS T &
O	386	3225 TURTLE CREEK BLVD	CHURCH MICHAEL F
O	387	3225 TURTLE CREEK BLVD	MIDTLING STEPHANIE &
O	388	3225 TURTLE CREEK BLVD	HEAD KEITH L &
O	389	3225 TURTLE CREEK BLVD	BUISIER MOHAMAD SALEH &
O	390	3225 TURTLE CREEK BLVD	REDDY JAYAPRAKASH N & JYOTHI J
O	391	3225 TURTLE CREEK BLVD	LEONARD RHEADA
O	392	3225 TURTLE CREEK BLVD	DASH RANGADHAR
O	393	3225 TURTLE CREEK BLVD	PUWETO LLC
O	394	3225 TURTLE CREEK BLVD	PERRY TRACY D
O	395	3225 TURTLE CREEK BLVD	KOSHER PROPERTIES
O	396	3225 TURTLE CREEK BLVD	CARAM MEREDITH
O	397	3225 TURTLE CREEK BLVD	MOOSCHEKIAN TERRY TR &
O	398	3225 TURTLE CREEK BLVD	GRASSO RANDALL & LISA
O	399	3225 TURTLE CREEK BLVD	HEYMAN LINDA S
O	400	3225 TURTLE CREEK BLVD	PAUP PROPERTY MANAGEMENT LLC
O	401	3225 TURTLE CREEK BLVD	VIDAKOVIC ROBERT L
O	402	3225 TURTLE CREEK BLVD	JU MICHELLE RAYU
O	403	3225 TURTLE CREEK BLVD	MARTINEZ MARCO A EST OF &
O	404	3225 TURTLE CREEK BLVD	CAUDELL CHRISTINA C
O	405	3225 TURTLE CREEK BLVD	TAN FANGYUN

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	406	3225 TURTLE CREEK BLVD	PEYROVI LILLY
O	407	3225 TURTLE CREEK BLVD	PHILLIPS KERRI L
O	408	3225 TURTLE CREEK BLVD	SAMEI ROZITA &
O	409	3225 TURTLE CREEK BLVD	GRESHAM ANN
O	410	3225 TURTLE CREEK BLVD	HILL MARILYN K
O	411	3225 TURTLE CREEK BLVD	DELEON JOSE M &
O	412	3225 TURTLE CREEK BLVD	GRAY ROBERT & LESLI
O	413	3225 TURTLE CREEK BLVD	CORTEZ GLORIA J
O	414	3225 TURTLE CREEK BLVD	ORTIZ LUIS A
O	415	3225 TURTLE CREEK BLVD	KLS INVESTMENTS LLC
O	416	3225 TURTLE CREEK BLVD	ROSE JAMES E
O	417	3225 TURTLE CREEK BLVD	AERTS KURT &
O	418	3225 TURTLE CREEK BLVD	STONE JANE
O	419	3225 TURTLE CREEK BLVD	TARTIBI MOHSEN & HANA
O	420	3225 TURTLE CREEK BLVD	JHANGIANI NARAIN & LALITA
O	421	3225 TURTLE CREEK BLVD	HEIMANN MARK ALLEN &
O	422	3225 TURTLE CREEK BLVD	MYERS MICHELLE
O	423	3225 TURTLE CREEK BLVD	ALLEN JOHN
O	424	3225 TURTLE CREEK BLVD	MENDOZA GONZALO A BAEZ
O	425	3225 TURTLE CREEK BLVD	BAHIRWANI RANJEETA
O	426	3225 TURTLE CREEK BLVD	JL PPTY INV LLC JL TURTLE CREEK SERIES
O	427	3225 TURTLE CREEK BLVD	HOPPER KELLY
O	428	3225 TURTLE CREEK BLVD	PEREZ ROBERTO
O	429	3225 TURTLE CREEK BLVD	KOWALSKI ELIZABETH
O	430	3225 TURTLE CREEK BLVD	MONCADA ALEJANDRO &
O	431	3225 TURTLE CREEK BLVD	MAGUIRE BARBARA A & LAMBERT
O	432	3225 TURTLE CREEK BLVD	RAGSDALE THOMAS R &
O	433	3225 TURTLE CREEK BLVD	ABOLMAALI SEYED
O	434	3225 TURTLE CREEK BLVD	KEENAN MATTHEW JOHN
O	435	3225 TURTLE CREEK BLVD	BUISIER SALEH
O	436	3225 TURTLE CREEK BLVD	WALL JAMES

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	437	3225 TURTLE CREEK BLVD	HOPKINS TIMOTHY
O	438	3225 TURTLE CREEK BLVD	KARIMI MANDY
O	439	3225 TURTLE CREEK BLVD	HEIDE JACQUELINE
O	440	3225 TURTLE CREEK BLVD	CONSTANTINE SAMI
O	441	3225 TURTLE CREEK BLVD	TAN FANGYUN
O	442	3225 TURTLE CREEK BLVD	SALIM NASIM
O	443	3225 TURTLE CREEK BLVD	PSARIANOS SHARON A FMLY TRUST &
O	444	3225 TURTLE CREEK BLVD	CHARAN RAM
O	445	3225 TURTLE CREEK BLVD	NASH MARIANNE E
O	446	3225 TURTLE CREEK BLVD	KING DANIEL &
O	447	3225 TURTLE CREEK BLVD	VARIAN LAWRENCE
O	448	3225 TURTLE CREEK BLVD	WARE KENYA &
O	449	3225 TURTLE CREEK BLVD	CHARCHAFLIEH BASIL
O	450	3225 TURTLE CREEK BLVD	WHITWORTH LINA & BRIAN
O	451	3225 TURTLE CREEK BLVD	AMADOR MARISOL
O	452	3225 TURTLE CREEK BLVD	CASTLES JAMES B &
O	453	3225 TURTLE CREEK BLVD	HUNG JLANHSIUNG &
O	454	3225 TURTLE CREEK BLVD	MCCRARY KRISTIE K
O	455	3225 TURTLE CREEK BLVD	ZHANG GUANG
O	456	3225 TURTLE CREEK BLVD	SEATTLE RETURNS LLC
O	457	3225 TURTLE CREEK BLVD	KLS INVESTMENTS LLC
O	458	3225 TURTLE CREEK BLVD	RICHARDSCARTY CHERRI J
O	459	3225 TURTLE CREEK BLVD	KOBLER CHRISTOPHER
O	460	3225 TURTLE CREEK BLVD	SMITH AUBREY M & KAREN J
O	461	3225 TURTLE CREEK BLVD	KESSLER TIMOTHY
O	462	3225 TURTLE CREEK BLVD	ADAMS JENNY DIAN &
O	463	3225 TURTLE CREEK BLVD	BISMAR HISHAM & DIMA
O	464	3225 TURTLE CREEK BLVD	REKOWSKI NICOLE
O	465	3225 TURTLE CREEK BLVD	MACHON ED &
O	466	3225 TURTLE CREEK BLVD	MORGAN MARK G
O	467	3225 TURTLE CREEK BLVD	GREAUUX CHERYL



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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	468	3225 TURTLE CREEK BLVD	SIEBER JOHN
O	469	3225 TURTLE CREEK BLVD	BAILEY GEORGE H III &
O	470	3225 TURTLE CREEK BLVD	MANDAVA PREM K
O	471	3225 TURTLE CREEK BLVD	MCDANIEL LISA K
O	472	3225 TURTLE CREEK BLVD	NASTRI ANDREW &
O	473	3225 TURTLE CREEK BLVD	SHAKAMURI RAVI & MADHUMATHI
O	474	3225 TURTLE CREEK BLVD	GAGNET UNKEFER CORRINE
O	475	3225 TURTLE CREEK BLVD	ROBERTS BRUCE LEE & KRISTI
O	476	3225 TURTLE CREEK BLVD	CANNATA JAMES
O	477	3225 TURTLE CREEK BLVD	AHMED MOHAMMED SAIFUDDIN
O	478	3225 TURTLE CREEK BLVD	MOSS ANDRELYN C &
O	479	3225 TURTLE CREEK BLVD	EMBABI SHERIF &
O	480	3225 TURTLE CREEK BLVD	RODSKY MARCY
O	481	3225 TURTLE CREEK BLVD	RBR INTERESTS LLC
O	482	3225 TURTLE CREEK BLVD	MURRAY NATALIE TRUSTEE
O	483	3225 TURTLE CREEK BLVD	TEAGUE TRAVIS M
O	484	3225 TURTLE CREEK BLVD	INGMAN ROBERT MITCHELL
O	485	3225 TURTLE CREEK BLVD	VILLARREAL RAUL ROJAS &
O	486	3225 TURTLE CREEK BLVD	FOGLER JASON C
O	487	3225 TURTLE CREEK BLVD	MANCHANDA KSHITIJ &
O	488	3225 TURTLE CREEK BLVD	CONNOR JAMES THOMAS JR
O	489	3225 TURTLE CREEK BLVD	MCCAFFERY SEAN & ANNE
O	490	3225 TURTLE CREEK BLVD	HARBER SHAWN T
O	491	3225 TURTLE CREEK BLVD	MASROUR FARBOD
O	492	3225 TURTLE CREEK BLVD	ZIMMERMAN STEVEN & CINDY
O	493	3225 TURTLE CREEK BLVD	ZHAO ROBIN M &
O	494	3225 TURTLE CREEK BLVD	DEFURIA LINDA M
O	495	3225 TURTLE CREEK BLVD	ZHANG GUANG
O	496	3225 TURTLE CREEK BLVD	LANKFORD JAMES M
O	497	3225 TURTLE CREEK BLVD	POWELL BRETT W
O	498	3225 TURTLE CREEK BLVD	LIU ENCHI & PIN YUAN WANG

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	499	3225 TURTLE CREEK BLVD	KING IVORY L
O	500	3225 TURTLE CREEK BLVD	RUSSELL STEPHEN & MELANY
O	501	3225 TURTLE CREEK BLVD	GRAHAM JUDITH ANN
O	502	3225 TURTLE CREEK BLVD	DERINGER MATTHEW ROBERT
O	503	3225 TURTLE CREEK BLVD	SOHAEE SIAVASH &
O	504	3225 TURTLE CREEK BLVD	LARSON MARK & FAYE LARSON
O	505	3225 TURTLE CREEK BLVD	CAMPBELL JIM L
O	506	3225 TURTLE CREEK BLVD	MELTON BENJAMIN CORD
O	507	3225 TURTLE CREEK BLVD	REICHARD CARLA A &
O	508	3225 TURTLE CREEK BLVD	YAZDANI MAHMOUD MAGHSOUD &
O	509	3225 TURTLE CREEK BLVD	HERBST PAUL & LORI
O	510	3225 TURTLE CREEK BLVD	AFM INVESTMENTS LLC
O	511	3225 TURTLE CREEK BLVD	RIVERA BEN E & FREDA L
O	512	3225 TURTLE CREEK BLVD	SULLIVAN PATRICK
O	513	3225 TURTLE CREEK BLVD	KRALIS LESLEY E
O	514	3225 TURTLE CREEK BLVD	CRONK M ESTELLE TRUST OF 2010
O	515	3225 TURTLE CREEK BLVD	KNOCHER KIMBERLY
O	516	3225 TURTLE CREEK BLVD	CHANG TERESA ALLISON
O	517	3225 TURTLE CREEK BLVD	LANKA INDIRA &
O	518	3225 TURTLE CREEK BLVD	LANKA SURYA PRAKASH &
O	519	3225 TURTLE CREEK BLVD	COFFEY ELIZABETH M
O	520	3225 TURTLE CREEK BLVD	SUGIURA YOSHIE
O	521	3225 TURTLE CREEK BLVD	FELLI SAMUEL
O	522	3225 TURTLE CREEK BLVD	NAIR CKP & SYAMALA C
O	523	3225 TURTLE CREEK BLVD	PATEL PIYUSH K & MINA P
O	524	3225 TURTLE CREEK BLVD	SAKS KATHRINE TORY &
O	525	3225 TURTLE CREEK BLVD	BINFORD OSWALD &
O	526	3225 TURTLE CREEK BLVD	VELASQUEZ JOSE
O	527	3225 TURTLE CREEK BLVD	DESAI PRAVIN & ARATI
O	528	3225 TURTLE CREEK BLVD	PATEL SHITAL J & SUKETU KAUSHIK
O	529	3225 TURTLE CREEK BLVD	WILLS DELINDA DEMITA

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	530	3225 TURTLE CREEK BLVD	KENAA HANNA H &
O	531	3225 TURTLE CREEK BLVD	RAMIREZ CINDY
O	532	3225 TURTLE CREEK BLVD	ZHANG GUANG
O	533	3225 TURTLE CREEK BLVD	SOM SOLINA
O	534	3225 TURTLE CREEK BLVD	HUSBAND NIKKI SHERRELL
O	535	3225 TURTLE CREEK BLVD	MOROZOV ZAKHAR
O	536	3225 TURTLE CREEK BLVD	VELASQUEZ RUBEN II
O	537	3225 TURTLE CREEK BLVD	WENNO HILDA
O	538	3225 TURTLE CREEK BLVD	WILLIAMS KENT ROGER
O	539	3225 TURTLE CREEK BLVD	KOGAN ALLAN J
O	540	3225 TURTLE CREEK BLVD	HALL DAVID DOUGLAS JR &
O	541	3225 TURTLE CREEK BLVD	LIDJI MYRIAM B
O	542	3225 TURTLE CREEK BLVD	ZAKHOUR BASSAM
O	543	3225 TURTLE CREEK BLVD	BLAS EDUARDO & RENATA
O	544	3225 TURTLE CREEK BLVD	DAO VU A & KIM LANG
O	545	3225 TURTLE CREEK BLVD	LAHRODI POONEH
O	546	3225 TURTLE CREEK BLVD	SARIN ARVIND
O	547	3225 TURTLE CREEK BLVD	MATTHEWS STEVEN KEITH & JUDY G
O	548	3225 TURTLE CREEK BLVD	MZLS ENTERPRISES LP
O	549	3225 TURTLE CREEK BLVD	SALMI TOMMI
O	550	3225 TURTLE CREEK BLVD	LONGORIA LYDIA
O	551	3225 TURTLE CREEK BLVD	AHMED MAHRIN
O	552	3225 TURTLE CREEK BLVD	LANKA INDIRA
O	553	3225 TURTLE CREEK BLVD	WU GEORGE & XUNZHI JENNIFER
O	554	3225 TURTLE CREEK BLVD	CIOCAN FLORENTINA
O	555	3225 TURTLE CREEK BLVD	WENDLER JESSICA T
O	556	3225 TURTLE CREEK BLVD	TURNER BARRY & VIVKI
O	557	3225 TURTLE CREEK BLVD	SONI SWATIBEN R &
O	558	3225 TURTLE CREEK BLVD	NALL CHARLES J
O	559	3225 TURTLE CREEK BLVD	GALLEGOS SYLIA E
O	560	3225 TURTLE CREEK BLVD	DIJOSEPH JOHN

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	561	3225 TURTLE CREEK BLVD	PUERESCHITZ MARKUS &
O	562	3225 TURTLE CREEK BLVD	DUNCAN JOHN MICHAEL
O	563	3225 TURTLE CREEK BLVD	WETTREICH ZARA ELIZABETH
O	564	3225 TURTLE CREEK BLVD	LANKA INDIRA &
O	565	3225 TURTLE CREEK BLVD	LEPP JANICE MARIE LIVING TRUST
O	566	3225 TURTLE CREEK BLVD	NAZIFPOUR SHAYDA
O	567	3225 TURTLE CREEK BLVD	MASOUMALIZADEH MAHIN &
O	568	3225 TURTLE CREEK BLVD	BAEK STEVEN A
O	569	3225 TURTLE CREEK BLVD	ROZENZVIG YEHIEL
O	570	3225 TURTLE CREEK BLVD	PATEL DHARMESH
O	571	3225 TURTLE CREEK BLVD	FREEMAN RACHEL OLIVIA
O	572	3225 TURTLE CREEK BLVD	ASHRAF MOHAMMED AHMED
O	573	3225 TURTLE CREEK BLVD	MAH JEFFERY
O	574	3225 TURTLE CREEK BLVD	SCOTT MEGHAN
O	575	3225 TURTLE CREEK BLVD	C&L REAL ESTATE HOLDINGS LLC
O	576	3225 TURTLE CREEK BLVD	HERMANN JOHN
O	577	3225 TURTLE CREEK BLVD	JALALI SID POORYA &
O	578	3225 TURTLE CREEK BLVD	ADAMSON KAREN ANN HERRERA
O	579	3225 TURTLE CREEK BLVD	YUAN JENNIFER JING
O	580	3225 TURTLE CREEK BLVD	RICHENEMEH MOUFID & MAYA TRUST
O	581	3225 TURTLE CREEK BLVD	KAMPINE JOHN M &
O	582	3225 TURTLE CREEK BLVD	BONILLA EVA
O	583	3225 TURTLE CREEK BLVD	JACKMAN CHRISTOPHER
O	584	3225 TURTLE CREEK BLVD	CELLI ROBERT MICHAEL
O	585	3225 TURTLE CREEK BLVD	EVERTON MATTHEW &
O	586	3225 TURTLE CREEK BLVD	CAUTHEN DON & JULIA
O	587	3225 TURTLE CREEK BLVD	BLAKE NINA CERVANTES
O	588	3225 TURTLE CREEK BLVD	WATTS JANET L
O	589	3225 TURTLE CREEK BLVD	GODFREY CRAIG WILLIAM &
O	590	3225 TURTLE CREEK BLVD	DOYLE TIMOTHY B &
O	591	3225 TURTLE CREEK BLVD	GREEN JIMMY

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	592	3225 TURTLE CREEK BLVD	SENNETTEBROWN GRADYNE
O	593	3225 TURTLE CREEK BLVD	BLACKLEDGE LAWRENCE A
O	594	3225 TURTLE CREEK BLVD	LEE BILL G
O	595	3225 TURTLE CREEK BLVD	MARTINEZ FAUSTINA
O	596	3225 TURTLE CREEK BLVD	AKIN MARK & DEBI AKIN
O	597	3225 TURTLE CREEK BLVD	SEEBERGER JOAN P
O	598	3225 TURTLE CREEK BLVD	GLASSMOYER SUSAN & MICHAEL
O	599	3225 TURTLE CREEK BLVD	MINTZ MARTIN L
O	600	3225 TURTLE CREEK BLVD	STINSON JANET LYNN
O	601	3225 TURTLE CREEK BLVD	DEBLANK ANNE B
O	602	3225 TURTLE CREEK BLVD	GUREVITZ JENNIFER REV TR
O	603	3225 TURTLE CREEK BLVD	SMITH MEREDITH
O	604	3225 TURTLE CREEK BLVD	BLOOM ROBERT A
O	605	3225 TURTLE CREEK BLVD	MAYBERRY DAVID W
O	606	3225 TURTLE CREEK BLVD	WEERASINGHE AMIEL ERAJ
O	607	3225 TURTLE CREEK BLVD	HERNANDEZ ELISA C
O	608	3225 TURTLE CREEK BLVD	BINFORD OSWALD S &
O	609	3225 TURTLE CREEK BLVD	DUNDON KENNETH J
O	610	3225 TURTLE CREEK BLVD	PANCHASARP VANEE &
O	611	3225 TURTLE CREEK BLVD	STEIN GIFFORD P & SHARON
O	612	3225 TURTLE CREEK BLVD	KUBILIUN NISA
O	613	3225 TURTLE CREEK BLVD	MCQUAID JESSICA &
O	614	3225 TURTLE CREEK BLVD	TOMLINS JEFF E
O	615	3225 TURTLE CREEK BLVD	JENNINGS WENDY
O	616	3225 TURTLE CREEK BLVD	DELBAGNO JOHN B TR &
O	617	3225 TURTLE CREEK BLVD	ROOZROKH MICHAEL
O	618	3225 TURTLE CREEK BLVD	ZAKHOUR KAMIL
O	619	3225 TURTLE CREEK BLVD	LAU ANDRES G
O	620	3225 TURTLE CREEK BLVD	STRONG JAMES II & LESLIE KAY
O	621	3225 TURTLE CREEK BLVD	BENAHARON SOL
O	622	3225 TURTLE CREEK BLVD	BURGIO DONALD A

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O	623	3225 TURTLE CREEK BLVD	ALKAYED RIYAD
O	624	3225 TURTLE CREEK BLVD	MATHER MATTHEW JAMES
O	625	3225 TURTLE CREEK BLVD	DOYLE TIMOTHY BRIAN &
O	626	3225 TURTLE CREEK BLVD	ROBINSON DAVID & JULIE GARDES
O	627	3225 TURTLE CREEK BLVD	MROZ MELANIE
O	628	3225 TURTLE CREEK BLVD	RENAISSANCE ON TURTLE CREEK
O	629	3225 TURTLE CREEK BLVD	THE RENAISSANCE ON TURTLE CREEK
	630	3111 SALE ST	ROMERO GUSTAVO
	631	3111 SALE ST	KESSLER MICHAEL JAMES
	632	3111 SALE ST	BLUE SPRUCE PROPERTIES LLC
	633	3111 SALE ST	SEAMAN KENDRA
	634	3115 SALE ST	SALMI DAVEN R
	635	3115 SALE ST	DANIEL WILLIAM SAMUEL
	636	3115 SALE ST	FITZPATRICK JARED &
	637	3203 CARLISLE ST	MEDRANO FRANCISCO J
	638	3203 CARLISLE ST	COCANOUGH DANIELLE
	639	3203 CARLISLE ST	JOHNSON RANDALL LORNE
	640	3203 CARLISLE ST	CLAYTON RODRICK
	641	3203 CARLISLE ST	STAFFORD RUSSELL
	642	3203 CARLISLE ST	LOPEZ LINDA
	643	3203 CARLISLE ST	SORET MATTHEW
	644	3203 CARLISLE ST	HAITZ DANIEL
	645	3203 CARLISLE ST	NAKAZAWA GLEN REVOCABLE LIVING TR
	646	3203 CARLISLE ST	PARLOW RICHARD &
	647	3203 CARLISLE ST	WESSON DONALD JR
	648	3203 CARLISLE ST	WILLMETH GREGG STUART
	649	3203 CARLISLE ST	DALY LAURA A &
	650	3203 CARLISLE ST	BOSCH JOHN WILLIAM
	651	3203 CARLISLE ST	WEISFELD RONALD A
	652	3203 CARLISLE ST	PARLOW RICHARD
	653	3203 CARLISLE ST	MOORE HOWARD S

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	654	3203 CARLISLE ST	CARDONA MARIA &
	655	3203 CARLISLE ST	MEDRANO FRANCISCO J
	656	3203 CARLISLE ST	PENG NEWLIN
	657	3203 CARLISLE ST	DRIVER MARK WILLIAM
	658	3203 CARLISLE ST	MESSINA MARIO L
	659	3203 CARLISLE ST	BEASLEY JON
	660	3203 CARLISLE ST	STARKS GARY DEAN
	661	3203 CARLISLE ST	MARTIN PHIL
	662	3203 CARLISLE ST	JOSLIN JEFFERY E
	663	3203 CARLISLE ST	FLACH NATHAN W
	664	3203 CARLISLE ST	WATSON NINA LORA
	665	3203 CARLISLE ST	WATSON NINA LORA
	666	3203 CARLISLE ST	CROWDER BRENT E EST OF
	667	3203 CARLISLE ST	ARRIETA HUMBERTO
	668	3203 CARLISLE ST	HENDERSON CHRISTOPHER
	669	3203 CARLISLE ST	JOLLY VINEET
	670	3203 CARLISLE ST	HAITZ TIMOTHY L
	671	3203 CARLISLE ST	BARRETT JACQUELYN L
	672	3203 CARLISLE ST	ARRIETA N HUMBERTO C
	673	3203 CARLISLE ST	GARTMAN DUANE
	674	3203 CARLISLE ST	TENORIO GUILHERME A
	675	3203 CARLISLE ST	HEARD JASON
	676	3203 CARLISLE ST	DALBKE STEVE A
	677	3203 CARLISLE ST	HILL R C
	678	3203 CARLISLE ST	BARNETT DON & MARY ALICE
	679	3203 CARLISLE ST	ARRIETA N HUMBERTO
	680	3203 CARLISLE ST	HAIRSTON DAVID E
	681	3203 CARLISLE ST	DARILEK QUENTIN
	682	3203 CARLISLE ST	TUNISON KATIE
	683	3203 CARLISLE ST	FLAUGH CHRISTOPHER C
	684	3203 CARLISLE ST	EGINTON ALISON K

05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	685	3203 CARLISLE ST	JONES GUY FRANKLIN
	686	3203 CARLISLE ST	CAMPBELL NELSON C
	687	3203 CARLISLE ST	GALVAN NAUN
	688	3203 CARLISLE ST	PACKER CASSIDY
	689	3203 CARLISLE ST	VITEZ KEVIN DANIEL
	690	3203 CARLISLE ST	SHARMA SONY
	691	3203 CARLISLE ST	LOUP BENJAMIN
	692	3203 CARLISLE ST	BROWN THOMAS LEE
	693	3203 CARLISLE ST	SMITH TRUST
	694	3203 CARLISLE ST	BROWN THOMAS LEE &
	695	3203 CARLISLE ST	GING CHRISTINE LONG
	696	3203 CARLISLE ST	CHUNG TERESA
	697	3203 CARLISLE ST	ELATTRACHE DAVID &
	698	3203 CARLISLE ST	VANIAN MARY TRUSTEE
	699	3203 CARLISLE ST	SEIBERT CAMDEN P
	700	3203 CARLISLE ST	YAWITZ MICHAEL RAY
	701	3203 CARLISLE ST	RUTHERFORD WILLIAM S & JUDIE
	702	3203 CARLISLE ST	HARRIS BRENT
	703	3203 CARLISLE ST	MITELHAUS CHUCK
	704	3203 CARLISLE ST	SHARP KRIS J & CAROL A
	705	3203 CARLISLE ST	HARPER JOHN R JR &
	706	3203 CARLISLE ST	ROIDOPOULOS MARK E
	707	3203 CARLISLE ST	LEE THOMAS J
	708	3203 CARLISLE ST	STELLA ADDISON LLC
	709	3203 CARLISLE ST	BROWN THOMAS & JULIE
	710	3203 CARLISLE ST	FORRESTER JAMES PERRY
	711	3203 CARLISLE ST	RUCKER KATHRYN L
	712	3203 CARLISLE ST	TANNER & POST I LP
	713	3203 CARLISLE ST	SMITH WILLIAM AUSTIN
	714	3203 CARLISLE ST	HUMPHRIES DENNIS R TR
	715	3203 CARLISLE ST	MACKEY PATRICK & ELISABETH



05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	716	3203 CARLISLE ST	EQUITY TRUST CO CUSTODIAN
	717	3203 CARLISLE ST	CARREIRO BRYCE JOSEPH
	718	3203 CARLISLE ST	PENSCO TRUST CO
	719	3203 CARLISLE ST	SANDERS JOHN DAVID
	720	3203 CARLISLE ST	MCCOLLUM JOHN B
	721	3203 CARLISLE ST	BRIDWELL CRAIG & SUSAN K
	722	3203 CARLISLE ST	HALL ROBERT S
	723	3203 CARLISLE ST	SRO HOLDING GROUP LLC
	724	3203 CARLISLE ST	ELEUTERI FRANCO
	725	3203 CARLISLE ST	CIHAL MARY BETH
	726	3203 CARLISLE ST	LEWIS THOMAS ALLEN
	727	3203 CARLISLE ST	TSANKOVA NADEJDA M
	728	3203 CARLISLE ST	PEOPLES PATRICE V
	729	3203 CARLISLE ST	HOLSINGER JILL
	730	3203 CARLISLE ST	BINION DORIS
	731	3203 CARLISLE ST	PENNYMAC LOAN SERVICES LLC
	732	3203 CARLISLE ST	SMITH KRISTIN
	733	3203 CARLISLE ST	BAILEY SCOTT E &
	734	3203 CARLISLE ST	CARLETON BRIAN J
	735	3203 CARLISLE ST	FANKHAUSER MARK A NMF TRUST
	736	3203 CARLISLE ST	CHENOWITH GARY
	737	3203 CARLISLE ST	CLOK COMMERCIAL REAL
	738	3203 CARLISLE ST	MILAZZO DAVID
	739	3203 CARLISLE ST	ELKING LINDA ANN
	740	3203 CARLISLE ST	MCKINNEY MICHAEL SCOTT
	741	3203 CARLISLE ST	ARTHUR ROBERT TR &
O	A1	3508 GILLESPIE ST	LENNOX EDWARD & LISA
O	A2	3510 GILLESPIE ST	LENNOX EDWARD & LISA
O	A3	3512 GILLESPIE ST	LENNOX EDWARD & LISA
O	A4	2913 SALE ST	LENNOX EDWARD & LISA
O	A5	2916 SALE ST	LENNOX JOEL

Z212-155(RM)

05/18/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	A6	2911 TURTLE CREEK BLVD	PIEDMONT PARK PLACE LP
O	A7	3000 TURTLE CREEK PLAZA	TURTLE CREEK CAMPUS LP
O	A8	3109 CARLISLE ST	3109 CARLISLE LP
O	A9	3015 CEDAR SPRINGS RD	3001 TURTLE CREEK LP
	A10	3424 GILLESPIE ST	PUIG A WINSTON
	A11	3424 GILLESPIE ST	PUIG A WINSTON
X	A12	2999 TURTLE CREEK BLVD	MO 2999TC LLC



# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 22-1414  
Z10.

**Item #:**

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**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Department of Planning and Urban Design  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on a property zoned a CS Commercial Service District with a D-1 Liquor Control Overlay, on the southeast corner of South Belt Line Road and C.F. Hawn Expressway

Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

Recommendation of CPC: Denial without prejudice  
Z212-156(OA)

Note: This item was deferred by the City Council before opening the public hearings on May 25, 2022 and June 8, 2022, and is scheduled for consideration on June 22, 2022.

**FILE NUMBER:** Z212-156(OA) **DATE FILED:** December 29, 2021

**LOCATION:** Southeast corner of South Belt Line Road and C.F. Hawn Expressway.

**COUNCIL DISTRICT:** 8

**SIZE OF REQUEST:** ±1.11-acre **CENSUS TRACT:** 170.01

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**REPRESENTATIVE:** Melinda Nelson

**APPLICANT/OWNER:** Almo Investments, LTD

**REQUEST:** An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on a property zoned a CS Commercial Service District with a D-1 Liquor Control Overlay.

**SUMMARY:** The purpose of the request is to allow the sale of alcoholic beverages for off-premises consumption in conjunction with a general merchandise or food store greater than 3,500 square feet on the site.

**CPC RECOMMENDATION:** **Denial without prejudice**

**STAFF RECOMMENDATION:** **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The property is currently developed with a 3,860-square-foot general merchandise or food store, a gas station and restaurant.
- The general merchandise or food store is permitted by right. The sale of alcoholic beverages on the property requires a specific use permit due to the D-1 Liquor Control Overlay.
- The applicant also has a current convenience store registration, which expires on March 11, 2023, and a current TABC license that expires on February 14, 2024.

**Zoning History:** There has been one zoning requests in the surrounding area in the past five years.

1. **Z167-165:** On May 24, 2017, Specific Use Permit No. 2242 for a tower/antenna for Cellular Communication of property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay, located on the South side of CF Hawn Freeway, southeast of South Belt Line Road, a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevation, and conditions.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing/Proposed ROW
S. Belt Line Road	Principal Arterial	100 feet
C F Hawn Expwy.	Expressway	300 feet

**Traffic:**

The Transportation Development Services Division of the Transportation 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, outlining several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

**ECONOMIC 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.

**Policy 1.1..3** Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

## URBAN DESIGN ELEMENT

### GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

**Policy 5.3.1** Encourage a balance of land uses within walking distance of each other.

5.3.1.5 Build neighborhood facilities, such as schools, libraries, and community centers, within walking distance of transit stations and homes.

### West Kleberg Community Plan

*West Kleberg Community Plan* was adopted by City Council in April 2007. The Vision for the West Kleberg Community Plan was to reflect "Old Kleberg's" historical heritage, by promoting a strong rural atmosphere still allowing for future growth to occur that was sensitive to this context.

**5.2 POLICY STATEMENTS, EDD 1.1 ECONOMIC DEVELOPMENT.** Encourage new neighborhood-serving uses to locate along the Hwy. 175, Kleberg Rd., Belt Line Rd. and Seagoville Rd. corridors.

The request is consistent with the abovementioned policy statement of the area plan.

### STAFF ANALYSIS:

#### Surrounding Land Uses:

	Zoning	Land Use
Site	CS-D-1	General merchandise or food store, Motor vehicle fueling station,
Northwest/ North	CS-D-1	Vacant / Motor vehicle fueling station
Northeast	CS-D-1, SUP No. 2242	Tower/antenna for cellular communication
Southeast	CR-D-1	Undeveloped
Southwest	CS-D-1	Undeveloped

**Land Use Compatibility:**

The purpose of the request is to allow the sale of alcoholic beverages in conjunction with an existing general merchandise or food store greater than 3,500 square feet. The 1.11-acre site contains a convenience store with a fueling station and a restaurant. The existing 5,430 square building consists of 3,860 square feet dedicated to a general merchandise or food store and 1,570 square feet dedicated to the restaurant. The subject site is surrounded by a vacant commercial service use lot, and a fueling station to the northwest; tower/antenna for cellular communication use to the northeast; undeveloped land to southeast and southwest of the subject site.

The applicant is applying for a Specific Use Permit since the property is zoned CR a Community Retail District with a D-1 Overlay. According to Sec. 51A-4.503(3) of the Dallas Development Code, in a D-1" liquor control overlay district, a person shall not sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises, unless the sale or service is part of the operation of a use for which a specific use permit has been granted by the city council.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The City Council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the City.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- |  |                                 |
|--|---------------------------------|
| • Surveillance camera systems,         | • Security signs,               |
| • Video recording and storage systems, | • Height markers,               |
| • Alarm systems,                       | • Store visibility,             |
| • Drop safes,                          | • Safety training programs, and |
|  | • Trespass affidavits.          |



A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The applicant is in compliance with Chapter 12B.

The use is compatible with the surrounding uses. The recommended two-year period with automatic renewals for additional five-year periods allows staff to monitor the effect that this use has in the surrounding area. Furthermore, the current convenience store registration expires on March 11, 2023 and a current TABC license expires on February 14, 2024, which assures the use is compliant and not detrimental to the area.

**Landscaping:**

Landscaping must be provided in accordance with Article X, as amended; however, the request will not trigger any landscaping because there is no increase in the total floor area.

**Parking:**

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store greater than 3,500 square feet but less than 100,000 square feet requires one space per 200 square feet of floor area. The proposed store is 3,860 square feet. Therefore, the general merchandise or food store requires 20 parking spaces for the use. Additionally, a fueling station use requires two parking spaces, and a restaurant with a drive-through with 1,570 square feet requires one parking space per 100 square feet of floor area. The total parking required for the three uses is  $20+2+16=38$ . The general merchandise store, restaurant with a drive-through and fuel station are existing, and the original permits were approved with 36 parking spaces. The proposed SUP for the sale of alcohol does not require parking. The parking will be maintained.

**Market Value Analysis**

Market Value Analysis (MVA) is a tool to aid residents and policymakers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to target intervention strategies more precisely in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is not within an identifiable MVA category.

**List of Officers/Partners/Principals**

**Almo Investment, LTD**

- Ali Sharafr – Register Agent
- Walid Alameddine, – Vice President

**CPC ACTION**  
**APRIL 7, 2022**

**Motion:** It was moved to recommend **denial without prejudice** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on a property zoned CS Commercial Service District with a D-1 Liquor Control Overlay, at the southeast corner of South Belt Line Road and C.F. Hawn Expressway.

Maker: Blair  
Second: Jung  
Result: Carried: 12 to 0

For: 12 - Popken, Hampton, Anderson, Shidid,  
Carpenter, Blair, Jung, Housewright, Gibson,  
Stanard, Kingston, Rubin

Against: 0  
Absent: 1 - Haqq  
Vacancy: 2 - District 3, District 7

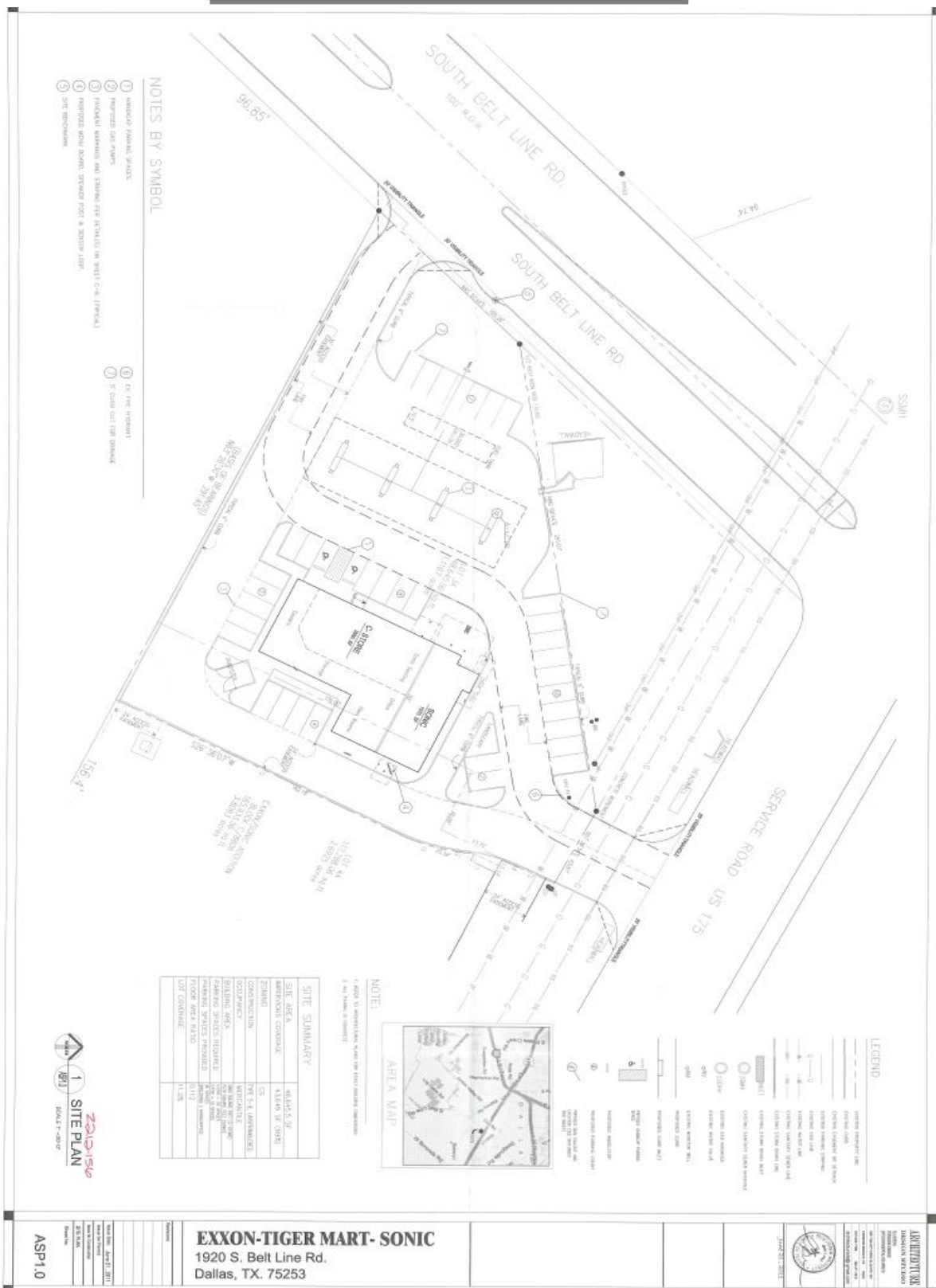
**Notices:** Area: 300 Mailed: 11  
**Replies:** For: 0 Against: 0

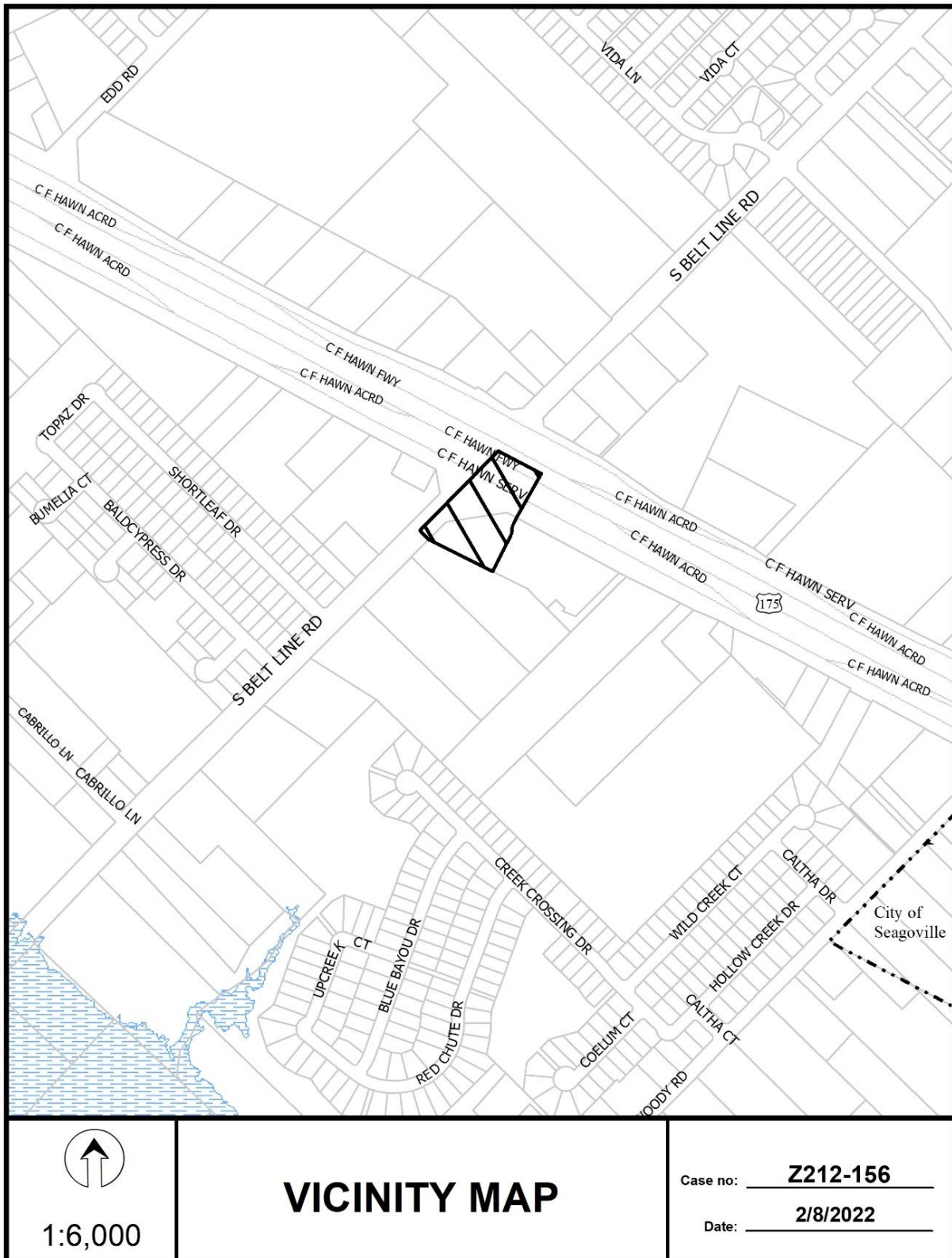
**Speakers:** For: Melinda Nelson, 105 YMCA Dr., Waxahachie, TX, 75165  
Nick Vasquez, 105 YMCA Dr., Waxahachie, TX, 75165  
For (Did not Speak): Mohamed Sharaf, 05 YMCA Dr., Waxahachie, TX, 75165  
Against: None

## **PROPOSED SUP CONDITIONS**

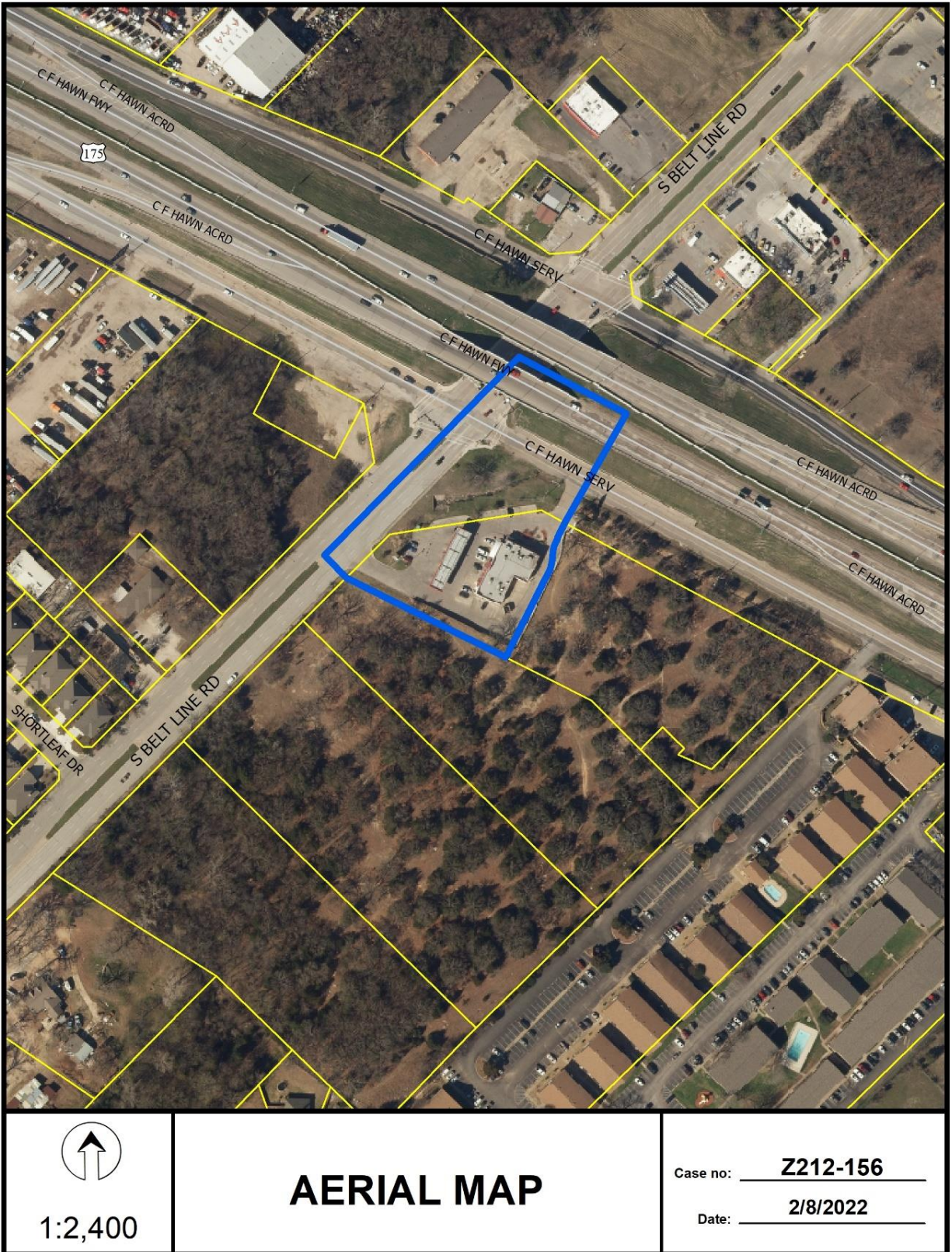
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two years from the passage of this ordinance) but is eligible for automatic renewals 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. DRIVE-THROUGH WINDOW: The use of the drive-through window for retail sales of alcoholic beverage is prohibited.
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.

## PROPOSED SUP SITE PLAN

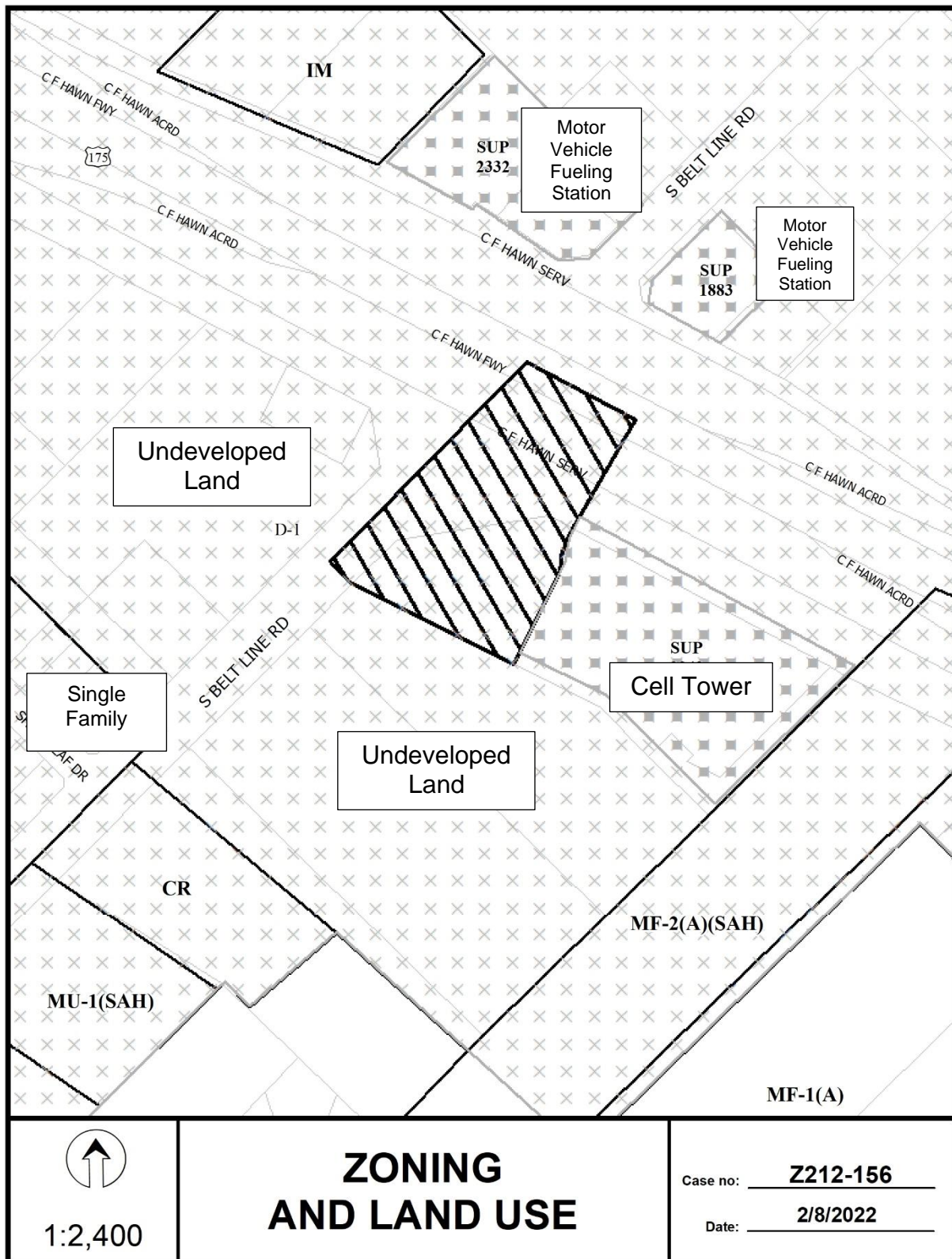


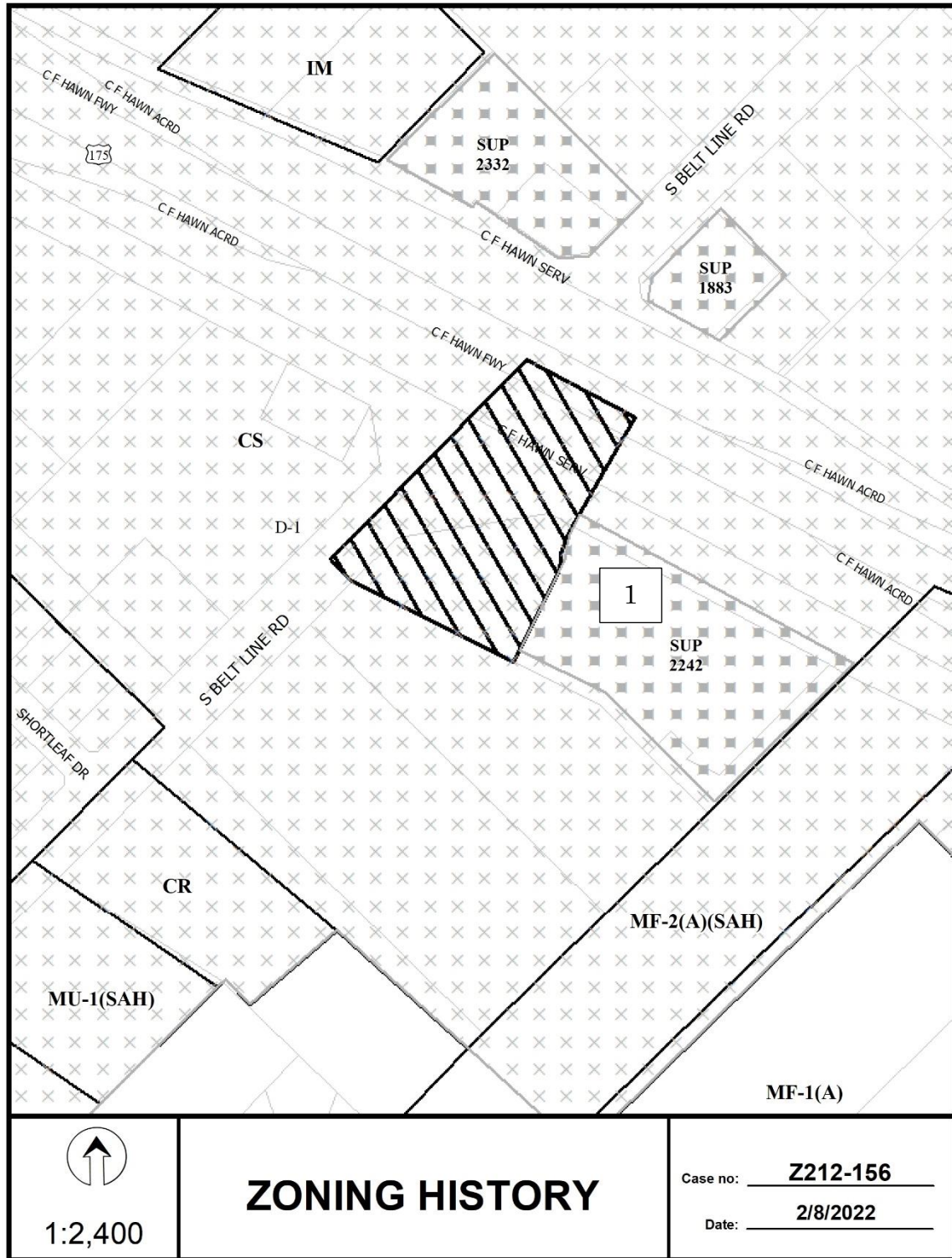




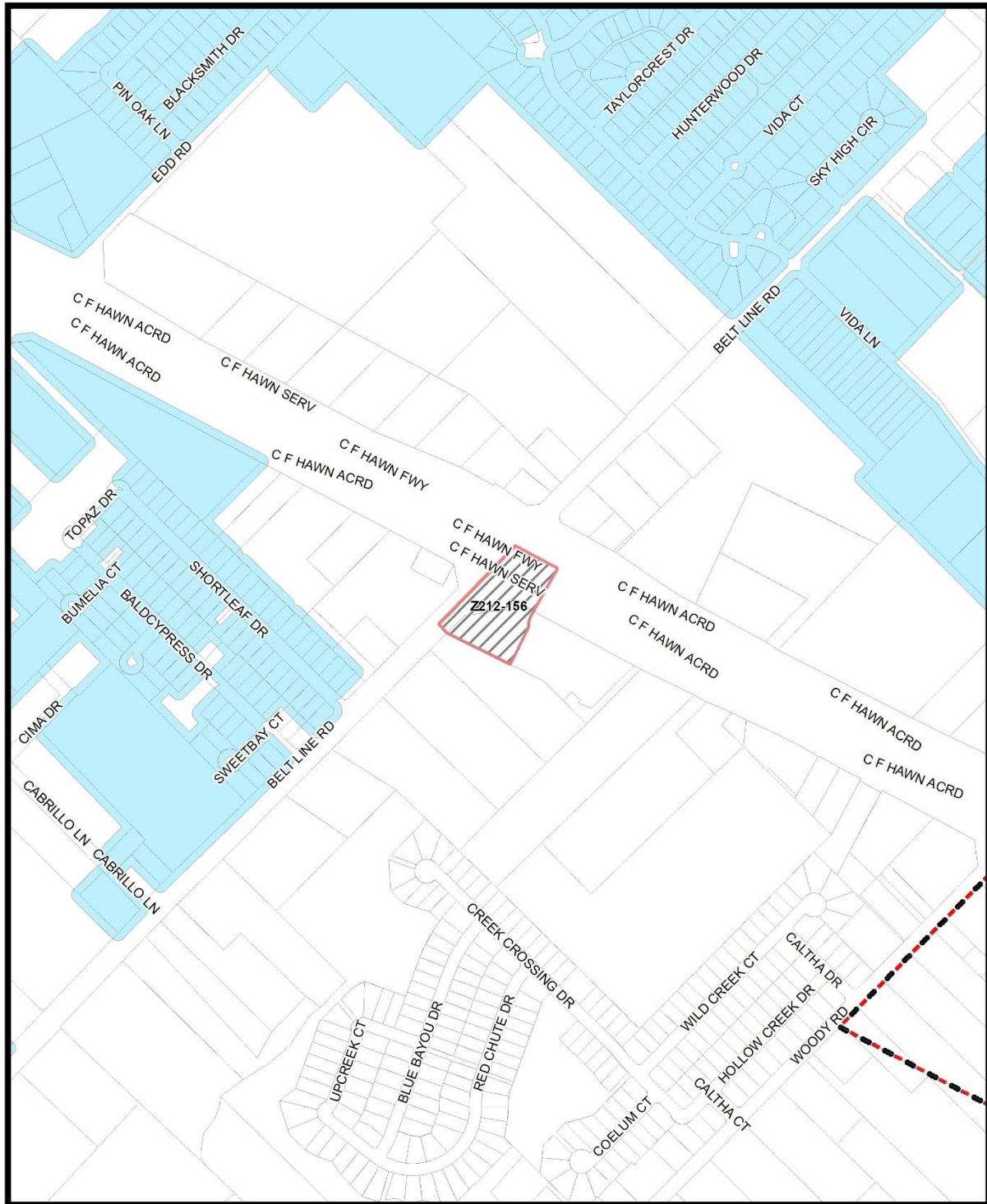












Market Value Analysis

A B C D E F G H I NA



1:6,000

# Market Value Analysis

Printed Date: 3/28/2022



04/06/2022

## ***Reply List of Property Owners***

***Z212-156***

***11 Property Owners Notified    0 Property Owners in Favor    0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1920	S BELTLINE RD	ALMO INVESTMENTS LTD
2	1931	S BELTLINE RD	T BUCKET LLC
3	13508	C F HAWN FWY	ALMO INVESTMENT II LTD
4	1904	S BELTLINE RD	KWON YOONGHEE
5	13710	C F HAWN FWY	BELTLINE & HAWN INC
6	13415	C F HAWN FWY	QT SOUTH LLC
7	13510	C F HAWN FWY	BUSTOS RUBEN
8	13558	C F HAWN FWY	RIM INVESTMENTS LLC
9	13601	C F HAWN FWY	SEJ ASSET MANAGEMENT & INVESTMENT COMPANY
10	13700	C F HAWN FWY	Taxpayer at
11	1808	S BELTLINE RD	MCDONALDS CORP 42 524



## Agenda Information Sheet

**File #:** 22-1339  
PH1.

**Item #:**

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

**AGENDA DATE:** June 22, 2022

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

**DEPARTMENT:** Budget and Management Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

A public hearing to receive comments on the Proposed FY 2022-23 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds; and at the close of the public hearing, authorize final adoption of the FY 2022-23 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$32,997,962 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$14,120,128; **(b)** HOME Investment Partnerships Program in the amount of \$6,440,498; **(c)** Emergency Solutions Grant in the amount of \$1,268,197; **(d)** Housing Opportunities for Persons with AIDS in the amount of \$8,469,139; and **(e)** estimated Program Income and One-Time Revenue in the amount of \$2,700,000 - Financing: No cost consideration to the City (see Fiscal Information)

Note: This item was considered by the City Council at a public hearing on May 25, 2022, and was held under advisement until June 22, 2022, with the public hearing open.

### **BACKGROUND**

The City of Dallas receives four formula grants each year from the U.S. Department of Housing and Urban Development (HUD) that make up the Consolidated Plan: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The purpose of CDBG is to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities. HOME funds provide, develop, support, produce, and expand the supply of decent and affordable housing. ESG funds help to prevent homelessness and assist individuals and families who are already experiencing homelessness. HOPWA funds provide housing and supportive services to individuals with AIDS, persons who are HIV positive, and their family members.

The Community Development Commission (CDC), a resident advisory board appointed by the City Council, conducted eight public meetings along with City staff. These meetings provided the public

opportunities to participate in identifying community needs and provide input on potential uses of HUD Grant Funds.

Public meetings were held as follows:

January 6, 2022 - On-Line Virtual Meeting  
January 10, 2022 - On-Line Virtual Meeting  
January 11, 2022 - On-Line Virtual Meeting  
January 12, 2022 - Ryan White Planning Council - On-Line Virtual Meeting  
January 13, 2022 - On-Line Virtual Meeting (12:00 p.m. & 6:00 p.m.)  
January 20, 2022 - Telephone Town Hall Meeting  
January 25, 2022 - Continuum of Care General Assembly - On-Line Virtual Meeting

For budget development purposes, pending notification from HUD of the City's actual formula grant allocations, the City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget assumed level funding for all four grants. In order to meet statutory deadline requirements, development of the City's FY 2022-23 Consolidated Plan Budget had to begin using preliminary estimates and could not wait for notification of actual grant amounts.

In response to the COVID-19 pandemic, HUD issued a waiver that allows grantees to conduct virtual meetings using an online platform in lieu of in-person public meetings to fulfill the public hearing requirements under HUD regulations and the City's Citizen Participation Plan. The waiver applies if national or local public health authorities recommend limiting public gatherings to reduce the spread of COVID-19, which continues to be the case.

On March 3, 2022, the CDC was briefed on the City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget and CDC Committees held meetings to review the proposed budget.

On April 7, 2022, the CDC approved the City Manager's proposed budget with no amendments.

On April 20, 2022, staff briefed City Council on the City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget and the CDC's recommendation. During the April 20 briefing, Council members were invited to submit amendments to the Proposed FY 2022-23 Consolidated Plan Budget.

On May 4, 2022, staff briefed City Council on the HUD Consolidated Plan Budget for FY 2022-23: City Council Amendments. City Council proposed no amendments.

On May 11, 2022, City Council authorized preliminary adoption of the Proposed FY 2022-23 HUD Consolidated Plan Budget and a public hearing. These budgets will have been made available for public review and comment from May 12, 2022 through June 21, 2022.

On May 13, 2022, HUD notified the City of Dallas of final grant allocations, and the City Manager has proposed increases and decreases as necessary to balance the budget with available resources.

On May 20, 2022, City Council was briefed by memorandum on the actual HUD grant allocations for the FY 2022-23 Consolidated Plan Budget. A copy of this memorandum was provided to the CDC

on May 23, 2022.

On May 25, 2022, in accordance with the HUD waiver discussed above, and based on local and national public health authority guidance and using an online platform, City Council conducted a public hearing, which was held under advisement until June 22, 2022, with the public hearing open, and which satisfies the requirements set forth in HUD regulations and the City's Citizen Participation Plan.

A summary of the Proposed FY 2022-23 HUD Consolidated Plan Budget was published in the Dallas Morning News on or about May 29, 2022, to provide an opportunity to submit written comments through June 21, 2022

The FY 2022-23 CDBG Annual Budget does not include reprogramming funds. Reprogramming funds were accelerated on March 9, 2022, to expedite deployment of those funds for eligible activities.

This action authorizes final adoption of the FY 2022-23 HUD Consolidated Plan Budget.

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

On March 3, 2022, the CDC was briefed on the City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget and CDC Committees held meetings to review the proposed budget.

On April 7, 2022, the CDC approved the City Manager's proposed budget with no amendments.

City Council was briefed on the "Proposed FY 2022-23 HUD Consolidated Plan Budget and the CDC's recommendation" on April 20, 2022.

City Council was briefed on the "HUD Consolidated Plan Budget for FY 2022-23: City Council Amendments," with no proposed amendments on May 4, 2022.

On May 11, 2022, City Council authorized preliminary adoption of the Proposed FY 2022-23 HUD Consolidated Plan Budget and authorized a public hearing to receive comments on the proposed use of funds by Resolution No. 22-0704.

City Council was briefed by memorandum on the actual HUD grant allocations for the FY 2022-23 Consolidated Plan Budget on May 20, 2022.

On May 25, 2022, City Council conducted a public hearing on the Proposed FY 2022-22 HUD Consolidated Plan Budget, which was held under advisement until June 22, 2022, with the public hearing open.

### **FISCAL INFORMATION**

#### **FY 2022-23 HUD Consolidated Plan Budget**



CDBG:	\$14,120,128	2022-23 Entitlement
	\$ 200,000	Program Income (estimate)
	<u>\$ 2,000,000</u>	One-Time Revenue (estimate)
	\$16,320,128	
HOME:	\$ 6,440,498	2022-23 Entitlement
	<u>\$ 500,000</u>	Program Income (estimate)
	\$ 6,940,498	
ESG:	\$ 1,268,197	2022-23 Entitlement
HOPWA:	<u>\$ 8,469,139</u>	2022-23 Entitlement
	\$32,997,962	Total FY 2022-23 HUD Consolidated Plan Budget

June 22, 2022

**WHEREAS**, during January and February 2022, the Community Development Commission (CDC) and City staff conducted eight virtual meetings that provided the public with opportunities to participate in identifying needs and to comment and provide input on the potential uses of U.S. Department of Housing and Urban Development (HUD) Grant Funds; and

**WHEREAS**, the HUD Grant Funds include Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA); and

**WHEREAS**, in order to meet statutory deadline requirements, development of the City's FY 2022-23 Consolidated Plan Budget had to begin using preliminary estimates pending notification from HUD of actual formula grant allocations; and

**WHEREAS**, on March 3, 2022, the CDC was briefed on the City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget, and CDC Committees held meetings to review the proposed budget; and

**WHEREAS**, on April 7, 2022, the CDC approved the City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget with no amendments; and

**WHEREAS**, on April 20, 2022, City Council was briefed on the City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget; and

**WHEREAS**, on May 4, 2022, City Council was briefed on the HUD Consolidated Plan Budget for FY 2022-23: City Council Amendments, with no proposed amendments; and

**WHEREAS**, on May 11, 2022, City Council authorized preliminary adoption of the Proposed FY 2022 23 HUD Consolidated Plan Budget and a public hearing, by Resolution No. 22-0704; and

**WHEREAS**, on May 13, 2022, HUD notified the City of Dallas of final allocation amounts, and the City Manager proposed increases or decreases that were necessary to balance the budget with available resources; and

**WHEREAS**, on May 20, 2022, City Council was briefed by memorandum on the actual HUD grant allocations for the FY 2022-23 Consolidated Plan Budget; and

**WHEREAS**, Federal regulations require that a public hearing be held on the City's Proposed FY 2022-23 HUD Consolidated Plan Budget; and

June 22, 2022

**WHEREAS**, in response to the COVID-19 pandemic, HUD issued a waiver that allows grantees to hold virtual meetings using an on-line platform in lieu of holding in-person public hearings to fulfill the public hearing requirements under HUD regulations and the City's Citizen Participation Plan, so long as national or local public health authorities recommend social distancing limiting public gatherings for public health reasons to limit the spread of COVID-19; and

**WHEREAS**, on May 25, 2022, in accordance with the HUD waiver, and based on local and national public health authority guidance and using an online platform, City Council conducted a public hearing, which was held under advisement until June 22, 2022, with the public hearing open, and which satisfies the requirements set forth in HUD regulations and the City's Citizen Participation Plan; and

**WHEREAS**, a summary of the Proposed FY 2022-23 HUD Consolidated Plan Budget was published in the Dallas Morning News on or about May 29, 2022, to provide an opportunity to submit written comments through June 21, 2022.

**Now, Therefore,**

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

**SECTION 1.** That final adoption of the FY 2022-23 HUD Consolidated Plan Budget per Schedules A, B, and C be approved.

**SECTION 2.** That the City Manager is authorized to apply for, accept, and take actions to implement HUD grant numbers B-22-MC-48-0009 (CDBG - \$16,320,128, which includes \$14,120,128 in grant funds, \$200,000 in program income, and \$2,000,000 in one-time revenue), M-22-MC-48-0203 (HOME - \$6,940,498, which includes \$6,440,498 in grants funds and \$500,000 in program income), E-22-MC-48-0009 (ESG - \$1,268,197), and TXH22-F001 (HOPWA - \$8,469,139), in the total amount of \$32,997,962, and is authorized to execute the contracts and grant agreements with HUD and all documents related to the execution of the grants approved as to form by the City Attorney.

**SECTION 3.** That the City Manager is hereby authorized to establish FY 2022-23 appropriations as follows:

- Community Development Block Grant Program in Fund CD22 up to the amount of \$16,320,128, consisting of the entitlement grant of \$14,120,128, estimated program income of \$200,000 to be returned to the City, and estimated one-time revenue of \$2,000,000 as set forth in the attached Schedule B, effective October 1, 2022.

**SECTION 3.** (continued)

- HOME Investment Partnerships Program in Fund HM22 up to the amount of \$6,940,498, consisting of the entitlement grant of \$6,440,498 and estimated program income of \$500,000 to be returned to the City as set forth in the attached Schedule B, effective October 1, 2022.
- Emergency Solutions Grant in Fund ES22 up to the amount of \$1,268,197 as set forth in the attached Schedule B, effective October 1, 2022.
- Housing Opportunities for Persons with AIDS in Fund HW22 up to the amount of \$8,469,139 as set forth in the attached Schedule B, effective October 1, 2022.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to receive funds up to the amounts set forth in the attached Schedule C.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to disburse funds up to the amounts set forth in the attached Schedule C.

**SECTION 6.** That the City Manager is authorized to take all actions necessary to account for and report the use of HUD grant funds, including but not limited to creating additional funds/units, and transferring appropriations, expenses and/or cash between funds/units, projects, and individual object codes and/or categories in accordance with HUD regulations and the City's Citizen Participation Plan.

**SECTION 7.** That the City Manager is hereby authorized to reimburse to HUD any expenditures identified as ineligible.

**SECTION 8.** That the City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

**SECTION 9.** That the City Manager shall keep the appropriate City Council Committee informed of all final HUD audit reports not later than 30 days after the receipt of the reports.

**SECTION 10.** That the City Manager is authorized to provide additional information, adjust, and take other actions relating to these grants and grant budgets, including but not limited to, designating and reporting on sources of funds for ESG and HOME matching contributions, as may be necessary in order to satisfy HUD requirements.

**SECTION 11.** That the City Manager be authorized to execute all documents and agreements necessary to implement rental assistance programs funded hereunder including rental assistance payment agreements with landlords participating in the programs, approved as to form by the City Attorney.

June 22, 2022

**SECTION 12.** That the CDBG Grant from HUD (Grant No. B-22-MC-48-0009 and CFDA No. 14.218) is designated as Contract No. BMS-2022-00019433.

**SECTION 13.** That the HOME Grant from HUD (Grant No. M-22-MC-48-0203 and CFDA No. 14.239) is designated as Contract No. BMS-2022-00019434.

**SECTION 14.** That the ESG Grant from HUD (Grant No. E-22-MC-48-0009 and CFDA No. 14.231) is designated as Contract No. BMS-2022-00019435.

**SECTION 15.** That the HOPWA Grant from HUD (Grant No. TXH22-F001 and CFDA No. 14.241) is designated as Contract No. BMS-2022-00019436.

**SECTION 16.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

# **SCHEDULE A** **FY 2022-23 HUD CONSOLIDATED PLAN BUDGET**

	Project Name	Amount
<b><u>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)</u></b>		
<b><u>CDBG - Public Services</u></b>		
1	PKR Out-of-School Time Program	\$ 738,301
2	Early Childhood and Out-of-School Time Services Program	650,000
	<b>Youth Programs Sub-Total</b>	<b>1,388,301</b>
3	Community Court Program	763,739
	<b>Other Public Services Sub-Total</b>	<b>763,739</b>
	<b>Total CDBG - Public Services</b>	<b>2,152,040</b>
<b><u>CDBG - Housing Activities</u></b>		
4	Dallas Homebuyer Assistance Program	400,000
	<b>Homeownership Opportunities Sub-Total</b>	<b>400,000</b>
5	Home Improvement and Preservation Program (HIPP)	4,654,038
6	Residential Development Acquisition Loan Program	2,265,710
	<b>Homeowner Repair Sub-Total</b>	<b>6,919,748</b>
	<b>Total CDBG - Housing Activities</b>	<b>7,319,748</b>
<b><u>CDBG - Public Improvements</u></b>		
7	Public Facilities and Improvements	4,024,314
	<b>Total CDBG - Public Improvement</b>	<b>4,024,314</b>

**SCHEDULE A**  
**FY 2022-23 HUD CONSOLIDATED PLAN BUDGET**

	Project Name	Amount
	<b><u>CDBG - Fair Housing and Planning &amp; Program Oversight</u></b>	
8	Fair Housing Division	530,112
9	Citizen Participation CDC Support HUD Oversight	1,029,062
10	Community Care Management Support	178,890
11	Housing Management Support	865,033
12	HUD Environmental Review	220,929
	<b>Total CDBG - Fair Housing and Planning &amp; Program Oversight</b>	<b>2,824,026</b>
	<b>TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT</b>	<b>16,320,128</b>

## HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

13	CHDO Development Loan Program	966,076
14	HOME Project Cost	450,000
15	HOME Program Administration	589,796
16	Dallas Homebuyer Assistance Program	400,000
17	Housing Development Loan Program	4,534,626
	<b>Homeownership Opportunities Sub-Total</b>	<b>6,940,498</b>
	<b>TOTAL HOME INVESTMENT PARTNERSHIP PROGRAM</b>	<b>6,940,498</b>

## **EMERGENCY SOLUTIONS GRANT (ESG)**

18	Emergency Shelter	614,627
19	Street Outreach	146,291
	<b>Essential Services/Operations Sub-Total</b>	<b>760,918</b>
20	Homelessness Prevention	246,086
	<b>Homeless Prevention Sub-Total</b>	<b>246,086</b>
21	Rapid Re-Housing	169,190
	<b>Rapid Re-Housing Sub-Total</b>	<b>169,190</b>
22	ESG Administration	92,003
	<b>Program Administration Sub-Total</b>	<b>92,003</b>
	<b>TOTAL EMERGENCY SOLUTIONS GRANT</b>	<b>1,268,197</b>

**SCHEDULE A**  
**FY 2022-23 HUD CONSOLIDATED PLAN BUDGET**

	Project Name	Amount
<b><u>HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)</u></b>		
23	Emergency/Tenant Based Rental Assistance	5,162,448
24	Facility Based Housing	2,385,000
25	Housing Placement & Other Support Services	150,000
26	Housing Information Services/Resource Identification	150,000
	<b>Other Public Services Sub-Total</b>	<b>7,847,448</b>
27	Program Administration/City of Dallas	254,069
28	Program Administration/Project Sponsors	367,622
	<b>Program Administration Sub-Total</b>	<b>621,691</b>
<b>TOTAL HOUSING OPPORTUNITIES FOR PERSONS W/ AIDS</b>		<b>8,469,139</b>
<b>GRAND TOTAL HUD CONSOLIDATED PLAN BUDGET</b>		<b>\$32,997,962</b>



**SCHEDULE B**  
**FY 2022-23 HUD CONSOLIDATED PLAN BUDGET**  
**APPROPRIATIONS AND ORGANIZATIONAL HIERARCHY**

<b>FUND</b>	<b>DEPT.</b>		<b>FY 2022-23 ADOPTED BUDGET</b>	<b>UNIT 1</b>	<b>UNIT 2</b>
<b>CD22</b>		<b><u>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)</u></b>	<b><u>\$ 16,320,128</u></b>	CDBG	
		<b><u>City Attorney's Office</u></b>			
		<b><u>Community Court Program</u></b>	<b><u>763,739</u></b>	CDAT	
1	ATT	South Dallas/Fair Park Community Court	296,772		601G
2	ATT	South Oak Cliff Community Court	203,203		602G
3	ATT	West Dallas Community Court	263,764		603G
		<b><u>Housing &amp; Neighborhood Revitalization</u></b>	<b><u>10,209,095</u></b>	CDHO	
4	HOU	Dallas Homebuyer Assistance Program	400,000		604G
5	HOU	Home Improvement and Preservation Program (HIPP)	3,094,038		605G
6	HOU	Support for Home Improvement and Preservation Program (HIPP)	1,560,000		606G
7	HOU	Residential Development Acquisition Loan Program	2,265,710		607G
8	HOU	Housing Management Support	865,033		608G
9	HOU	Public Facilities and Improvements	2,024,314		609G
		<b><u>Public Works Department</u></b>	<b><u>2,000,000</u></b>	CDPW	
10	PBW	Sidewalk Improvements	1,000,000		610G
11	PBW	ADA Improvements	1,000,000		611G
		<b><u>Management Services/Fair Housing</u></b>	<b><u>530,112</u></b>	CDMG	
12	MGT	Fair Housing Division	530,112		612G
		<b><u>Management Services/Office of Community Care</u></b>	<b><u>828,890</u></b>	CDMG	
13	MGT	Early Childhood and Out-of-School Time Services Program	650,000		613G
14	MGT	Community Care Management Support	178,890		614G
		<b><u>Budget &amp; Management Services</u></b>	<b><u>1,249,991</u></b>	CDBM	
15	BMS	Citizen Participation/CDC Support/HUD Oversight	1,029,062		615G
16	BMS	HUD Environmental Review	220,929		616G
		<b><u>Park and Recreation</u></b>	<b><u>738,301</u></b>	CDPK	
17	PKR	Out-of-School Time Program - School Sites	738,301		617G
<b>HM22</b>		<b><u>HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)</u></b>	<b><u>6,940,498</u></b>	HMHO	
		<b><u>Housing &amp; Neighborhood Revitalization</u></b>			
18	HOU	CHDO Development Loan Program	966,076		618G
19	HOU	HOME Project Cost	450,000		619G
20	HOU	HOME Program Administration	589,796		620G
21	HOU	Dallas Homebuyer Assistance Program	400,000		621G
22	HOU	Housing Development Loan Program	4,034,626		622G
23	HOU	Housing Development Loan Program - PI	500,000		623G

**SCHEDULE B**  
**FY 2022-23 HUD CONSOLIDATED PLAN BUDGET**  
**APPROPRIATIONS AND ORGANIZATIONAL HIERARCHY**

<b>FUND</b>	<b>DEPT.</b>		<b>FY 2022-23 ADOPTED BUDGET</b>	<b>UNIT 1</b>	<b>UNIT 2</b>
<b>ES22</b>		<b><u>EMERGENCY SOLUTIONS GRANT (ESG)</u></b>	<b><u>1,268,197</u></b>		
		<b><u>Management Services/Office of Homeless Solutions</u></b>	<b><u>999,111</u></b>	ESMG	
24	MGT	Emergency Shelter	614,627		624G
25	MGT	Street Outreach	146,291		625G
26	MGT	Rapid Re-Housing	169,190		626G
27	MGT	ESG Administration	69,003		627G
		<b><u>Management Services/Office of Community Care</u></b>	<b><u>246,086</u></b>	ESMG	
28	MGT	Homelessness Prevention	246,086		628G
		<b><u>Budget &amp; Management Services</u></b>	<b><u>23,000</u></b>	ESBM	
29	BMS	ESG Administration	23,000		629G
<b>HW22</b>		<b><u>HOUSING OPPORTUNITIES FOR PERSONS W/AIDS (HOPWA)</u></b>	<b><u>8,469,139</u></b>		
		<b><u>Management Services/Office of Community Care</u></b>	<b><u>8,349,660</u></b>	HWMG	
30	MGT	Emergency/Tenant Based Rental Assistance	5,162,448		630G
31	MGT	Facility Based Housing	2,385,000		631G
32	MGT	Housing Placement & Other Support Services	150,000		632G
33	MGT	Housing Information Services/Resource Identification	150,000		633G
34	MGT	Program Administration/City of Dallas	134,590		634G
35	MGT	Program Administration/Project Sponsors	367,622		635G
		<b><u>Budget &amp; Management Services</u></b>	<b><u>119,479</u></b>	HWBM	
36	BMS	Program Administration/City of Dallas	119,479		636G
<b>CONSOLIDATED PLAN TOTAL</b>			<b><u>\$ 32,997,962</u></b>		

**SCHEDULE C**  
**FY 2022-23 HUD CONSOLIDATED PLAN BUDGET**  
**SOURCE OF FUNDS**

<b>SOURCE OF FUNDS</b>	<b>Amount</b>
Community Development Block Grant (CDBG)	\$ 14,120,128
Program Income - Housing Activities (estimated)	200,000
One-Time Revenue	2,000,000
Home Investment Partnerships Program (HOME)	6,440,498
Program Income (estimated)	500,000
Emergency Solutions Grant (ESG)	1,268,197
Housing Opportunities for Persons With AIDS (HOPWA)	<u>8,469,139</u>
<b>GRAND TOTAL HUD GRANT FUNDS</b>	<b>\$ 32,997,962</b>



## Agenda Information Sheet

**File #:** 22-1333  
PH2.

**Item #:**

**STRATEGIC PRIORITY:** Economic Development  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 2, 14  
**DEPARTMENT:** Office of Economic Development  
**EXECUTIVE:** Majed Al-Ghafry

### SUBJECT

A public hearing to receive comments on proposed amendments to the Project Plan and Reinvestment Zone Financing Plan ("Plan") for Tax Increment Reinvestment Zone Number Eleven, the Downtown Connection Tax Increment Financing ("TIF") District ("District") to: **(1)** create two sub-districts within the **Zone District** : **(a)** Downtown Connection Sub-district (original District boundary) and **(b)** Newpark Sub-district; **(2)** increase the geographic area of the District to add approximately 14.2 acres to create the Newpark Sub-district to facilitate anticipated redevelopment; **(3)** increase the total budget of the District (Downtown Connection Sub-district budget) from \$231,593,554.00 Net Present Value (NPV 2005 dollars) (approximately \$454,707,775.00 total dollars) to \$402,897,888.00 NPV (approximately \$1,059,227,817.00 total dollars, an increase of \$171,304,334.00 NPV (approximately \$604,520,042.00 total dollars); **(4)** modify the Downtown Connection Sub-district budget to add a line item for a public safety building to replace Fire Station #18; **(5)** establish a termination date for the Newpark Sub-district of December 31, 2052; **(6)** establish the percentage of tax increment contributed by the City of Dallas during the term of the Newpark Sub-district at 90%; **(7)** establish a total budget for the Newpark Sub-district of \$90,329,182.00 NPV 2022 dollars (approximately \$223,786,626.00 total dollars); **(8)** request Dallas County participation in the Newpark Sub-district at 55% for twenty years beginning in 2027; and **(9)** make corresponding modifications to the District boundary, budget, Plan, and participation agreement with Dallas County; and at the close of the hearing, consider an ordinance amending Ordinance No. 26020, as amended, previously approved on June 8, 2005, and Ordinance No. 26096, as amended, previously approved on August 29, 2005, to reflect these amendments - Financing: No cost consideration to the City

### BACKGROUND

The Downtown Connection TIF District was initiated by property owner petition and created [by City Council](#) in 2005 to establish a long-term funding tool for public capital investment in the core of downtown essential to support the redevelopment of vacant/historic buildings and underutilized vacant/surface parking lots. The mission of the District is to provide incentives for projects that create a downtown neighborhood with more residents, greater density, and a critical mass of development.

Also in 2005, the Downtown Dallas Development Authority (“DDDA”), a local government corporation, was created to support the implementation of the District’s Plan and issue two series (2006 and 2007) of tax increment revenue bonds for the District.

Since 2005, the District’s value has grown to approximately \$5.9 billion, an increase of \$5.3 billion over the District’s base year value of \$564.9 million. To date, the District has directly supported the conversion and adaptive reuse of over 6.5 million square feet of vacant, obsolete and/or historic office buildings in the downtown core. TIF-supported adaptive reuse projects have resulted in the creation of 1,893 new residential units (including 342 affordable units), 1,186 hotel rooms, 223,631 square feet of retail space and 562,969 square feet of office space.

To date, TIF-supported projects have predominately included the redevelopment of existing buildings. The next phase of downtown development will be redevelopment of vacant/surface parking lots with new ground-up construction of high-density, mixed-use projects. Currently, there are approximately 77 acres of vacant/surface parking lots within the boundary of the District. Of those 77 acres, over 30 acres have been announced for potential redevelopment. Facilitating high-density redevelopment on these underutilized parcels will require significant investment in public infrastructure such as roadways, water, sewer, storm drainage, sidewalks, lighting, mixed-income housing, etc.

Additionally, on approximately 5 acres of surface parking lots located south of City Hall (adjacent to but not currently located in the Downtown Connection TIF District), the Newpark Dallas development (multi-phased; high-density; mixed-use) is planned. At full build-out, Newpark Dallas will include over 1 million square feet of Class A office space, 200,000 square feet of retail space, a few thousand residential units, and 4-star hotel. The estimated total private investment associated with full build-out of the Newpark Dallas development exceeds \$1.5 billion.

The Downtown Connection TIF District must continue to serve as a long-term funding tool to support the next phase of downtown redevelopment; however, the District’s budget does not have any remaining capacity to support new projects at this time. Explosive growth in the Uptown portion of the District, coupled with quicker-than-projected repurposing of vacant downtown buildings, has caused the District to collect more tax increment sooner than originally projected. The District is scheduled to expire on December 31, 2035 or when \$231.6 million Net Present Value (NPV) is collected. Currently, the District is projected to meet its t budget cap in 2026, nine years earlier than the 2035 termination date and the maturity date of TIF revenue bonds supported by the District. Early termination of the District in 2026 would result in not collecting enough increment to fund the full retirement of outstanding TIF revenue bond debt and not having a source of funds to support the full implementation of the District’s Plan which includes the redevelopment of vacant/surface parking lots.

To address the District’s current lack of budget capacity and provide a long-term funding mechanism to support future downtown redevelopment, including Newpark Dallas, Staff recommends amending the Project Plan and Reinvestment Zone Financing Plan (“Plan”) for Tax Increment Reinvestment Zone Number Eleven, the Downtown Connection Tax Increment Financing (“TIF”) District (“District”).

Pursuant to Texas Tax Code, Chapter 311, as amended, the Tax Increment Financing Act (the “Act”), a public hearing is required if the boundary of an existing TIF district is proposed to be increased or decreased, the amount of bond indebtedness is proposed to be increased or decreased, the percentage of a tax increment to be contributed by a taxing unit is proposed to be increased or

decreased, the total estimated project costs is proposed to be increased, or additional property within the existing TIF district is proposed to be designated for acquisition by the City.

This public hearing is being held on to hear comments on the proposed Plan amendments, including the following:

- (1)** create two sub-districts within the District:
  - (a)** Downtown Connection Sub-district (original District boundary); and
  - (b)** Newpark Sub-district;
- (2)** increase the geographic area of the District to add approximately 14.2 acres to create the Newpark Sub-district to facilitate anticipated redevelopment;
- (3)** increase the total budget of the District (Downtown Connection Sub-district budget) from \$231,593,554.00 Net Present Value (NPV 2005 dollars) (approximately \$454,707,775.00 total dollars) to \$402,897,888.00 NPV (approximately \$1,059,227,817.00 total dollars, an increase of \$171,304,334.00 NPV (approximately \$604,520,042.00 total dollars);
- (4)** modify the Downtown Connection Sub-district budget to add a line item for a public safety building to replace Fire Station #18;
- (5)** establish a termination date for the Newpark Sub-district of December 31, 2052;
- (6)** establish the percentage of tax increment contributed by the City of Dallas during the term of the Newpark Sub-district at 90%;
- (7)** establish a total budget for the Newpark Sub-district of \$90,329,182.00 NPV 2022 dollars (approximately \$223,786,626.00 total dollars);
- (8)** request Dallas County participation in the Newpark Sub-district at 55% for twenty years beginning in 2027; and
- (9)** make corresponding modifications to the District boundary, budget, Plan, and participation agreement with Dallas County.

The existing District is 266.5 acres. With the proposed Plan amendments, the boundary of the Zone will be expanded to add an additional 14.2 acres and create two sub-districts: the Downtown Connection Sub-district and the Newpark Sub-district. The original boundary of the District will become the Downtown Connection Sub-district, and the expanded portion will be the Newpark Sub-district. Each sub-district will have its own budget to support development activities.

The current budget of the original District, now the Downtown Connection Sub-district, will increase from \$231,593,554.00 NPV (2005 dollars) to \$402,897,888.00 NPV (2005 dollars). The proposed

increase of \$171,304,334.00 NPV (approximately \$604,520,042.00 total dollars) will support the redevelopment of 77 acres of vacant/surface parking lots within the sub-district's boundary, public infrastructure improvements, the creation of mixed-income housing, the relocation and/or reconstruction of Fire Station 18, and the retirement of the existing bond debt for the District.

The proposed budget of \$90,329,182.00 NPV 2022 dollars (approximately \$223,786,626.00 total dollars) for the Newpark Sub-district will provide a long-term funding source to support high-density mixed-use development on vacant/surface parking lots, public infrastructure improvements, mixed-income housing, and the relocation and construction of Fire Station 4. The Newpark Sub-district will have a term of 30 years and a termination date of December 31, 2052.

#### Quick Glance Summary of Qualitative Benefits to the City

- Encourages and supports continued growth of underutilized parts of downtown
- Supports development of additional mixed-income housing downtown and uptown
- Anticipated private development will fill in gaps in the urban fabric by redeveloping vacant/surface parking lots
- Provides a non-general fund source of funding capacity to support the upgrade of public infrastructure needed to support future development projects
- Provides a non-general fund source of funding capacity to replace two antiquated Dallas Fire Rescue stations in downtown
- Complements planned City investment in the redesigned Kay Bailey Hutchinson Convention Center, DISD investment in a downtown school, TXDOT investment in the redesigned Interstate-30 Canyon Project, and Dallas College investment in a new Downtown campus

#### Quick Glance Summary of Quantitative Benefits to the City

- Facilitates over \$3.7 billion in private investment in the Downtown Connection Sub-district over the remaining term of the sub-district.
- Taxable value of the Downtown Connection Sub-district is projected to increase from \$5.9 billion in 2021 to \$11.6 billion in 2035
- At the termination of the Downtown Connection Sub-district, approximately \$85 million in tax revenue is projected to flow to the City's general fund annually
- Facilitates approximately \$1.5 billion in private investment in the Newpark Sub-district over the proposed term of sub-district
- Taxable value of the Newpark Sub-district is projected to increase from \$21.6 million in 2021 to \$1.7 billion in 2052
- At termination of the Newpark Sub-district, approximately \$13.6 million in tax revenue is projected to flow to the City's general fund annually

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

On June 8, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) by Resolution No. 05-1779; Ordinance No. 26020, as amended.



On August 29, 2005, City Council authorized the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) and a participation agreement with Dallas County for the Downtown Connection TIF District by Resolution No. 05-2543; Ordinance No. 26096, as amended.

On October 19, 2005, City Council authorized amendments to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) to: (1) allow for commercial tax abatements pursuant to Chapter 312 of the Texas Tax Code; (2) designate the City's participation level of 90% in the Downtown Connection TIF District; (3) adjust Dallas County's participation in the Downtown Connection TIF District from \$24,000,000 net present value to \$18,500,000 net present value; and (4) correct a typographical error in Section 2, Part VII of the Project Plan, titled Non-Project Cost, from an amount to exceed \$15,000,000 to an amount not to exceed \$15,000,000 by Resolution No. 05-2993; Ordinance No. 26143.

On March 8, 2006, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to amend the District boundary to exclude 2400 Bryan Street and 2215 Bryan Street by Resolution No. 06-0836; Ordinance No. 26291.

On December 12, 2007, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to: (1) provide for an affordable housing program requiring Downtown Connection TIF District funded projects to set aside ten percent of the units as affordable and specifying alternatives to providing such units within the TIF funding project; (2) reprogram \$2,500,000 from the Park and Plaza Design and Acquisition budget line item to a new budget line item for Retail Initiatives/Streetscape Improvements; (3) expand the use of TIF funds for Grants, in accordance with the Downtown Connection TIF District Grant Program and Criteria, and for affordable housing assistance; (4) correct the principal amount of bonds to be sold from \$65,000,000 to \$66,000,000; and (5) update Exhibits G, H and J, Appendix A and modify the Plan to reflect 2007 property value and adjusted base year value and make any other necessary adjustments to implement the Plan amendments by Resolution No. 07-3698; Ordinance No. 27032.

On October 22, 2008, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to permit the direct lease or sale of City-owned/City-controlled property without auction and bidding requirements on the condition that the property is redeveloped in accordance with the Plan by Resolution No. 08-2917; Ordinance No. 27377.

On December 10, 2008, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to amend the District boundary to include 2307 Caroline Street, 2311 Caroline Street, 1600 Ashland Street, and 1601 Cedar Springs Road by Resolution No. 08-3396; Ordinance No. 27434.

On February 11, 2009, City Council authorized amendments to the Downtown Connection TIF District Project and Reinvestment Zone Financing Plan to: (1) expand the development goals and specific objectives of the Project Plan; (2) expand the Redevelopment of Vacant/ Underutilized Downtown Buildings budget line item to include the Development of Underdeveloped Parcels and Surface Parking Lots; and (3) update Exhibits G and J to reflect updated base value, 2008 increment

corrections, and future increment assumptions by Resolution No. 09-0469; Ordinance No. 27489.

On April 22, 2009, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to: (1) amend the affordable housing policy to: (a) permit additional assistance in the form of Affordable Housing Economic Development Grant to those projects providing affordable housing units, (b) extend the eligibility date for additional affordable housing assistance to projects which are approved by City Council from December 31, 2008 to December 31, 2011, (c) update the household income limit charts contained within the Plan to reflect the Dallas Area Median Household Income Limits for 2009; and (2) revise the budget to: (a) reprogram \$515,000 from the Retail Initiative/Streetscape Improvements budget line item to a new Downtown Area Plan budget line item; and (b) update Exhibit G to reflect the budget reprogramming and new additional budget line item and make any other necessary adjustments to implement the Plan amendment by Resolution No. 09-1108; Ordinance No. 27529.

On May 22, 2013, City Council authorized amendments to the Downtown Connection TIF District Project and Reinvestment Zone Financing Plan to: (1) increase the Downtown Connection TIF District's budget from \$189,807,592 NPV (approximately \$391,744,162 total dollars) to \$231,593,554 NPV (approximately \$545,726,096 total dollars, an increase of \$41,785,962 NPV (approximately \$153,981,934 total dollars); (2) expand the District's focus of redevelopment efforts; and (3) make corresponding modifications to the Downtown Connection TIF District's budget and Plan by Resolution No. 13-0894; Ordinance No. 29015.

On September 11, 2013, City Council authorized amendments to the Downtown Connection TIF District Project and Reinvestment Zone Financing Plan to: (1) increase the geographic area of the District by adding approximately 4,950 square feet; (2) add to the Plan the provision for a land exchange of City-owned property for privately-owned property within the District allowing for the land swap of City-owned property without requiring an auction and/or bidding of the property; and (3) make corresponding modifications to the District's boundary map and Plan and any other necessary adjustments to implement the Plan amendments by Resolution No. 13-1622; Ordinance No. 29143.

On December 14, 2016, City Council authorized: (1) an amendment to the Downtown Connection TIF District Project and Reinvestment Zone Financing Plan to add the Statler/Library redevelopment project to the Plan; (2) approval of the directed sale, for fair market value consideration and yet to be negotiated sale terms subject to City Council approval, of a 0.129 acre (5,600 square feet) City-owned tract of land addressed as 210 South Harwood Street located in the District to Centurion Acquisitions, LP to complete the Statler/Library redevelopment project in accordance with the District's Plan; and (3) corresponding modifications to the Plan by Resolution No. 16-1959; Ordinance No. 30274.

On April 29, 2022, the Downtown Connection TIF District Board of Directors and Downtown Dallas Development Authority reviewed and recommended City Council approval of the proposed Plan amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan.

On May 2, 2022, the Economic Development Committee was briefed on the proposed amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan.

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On June 8, 2022, the City Council authorized a public hearing to be held on June 22, 2022 to receive comments on the proposed amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan.

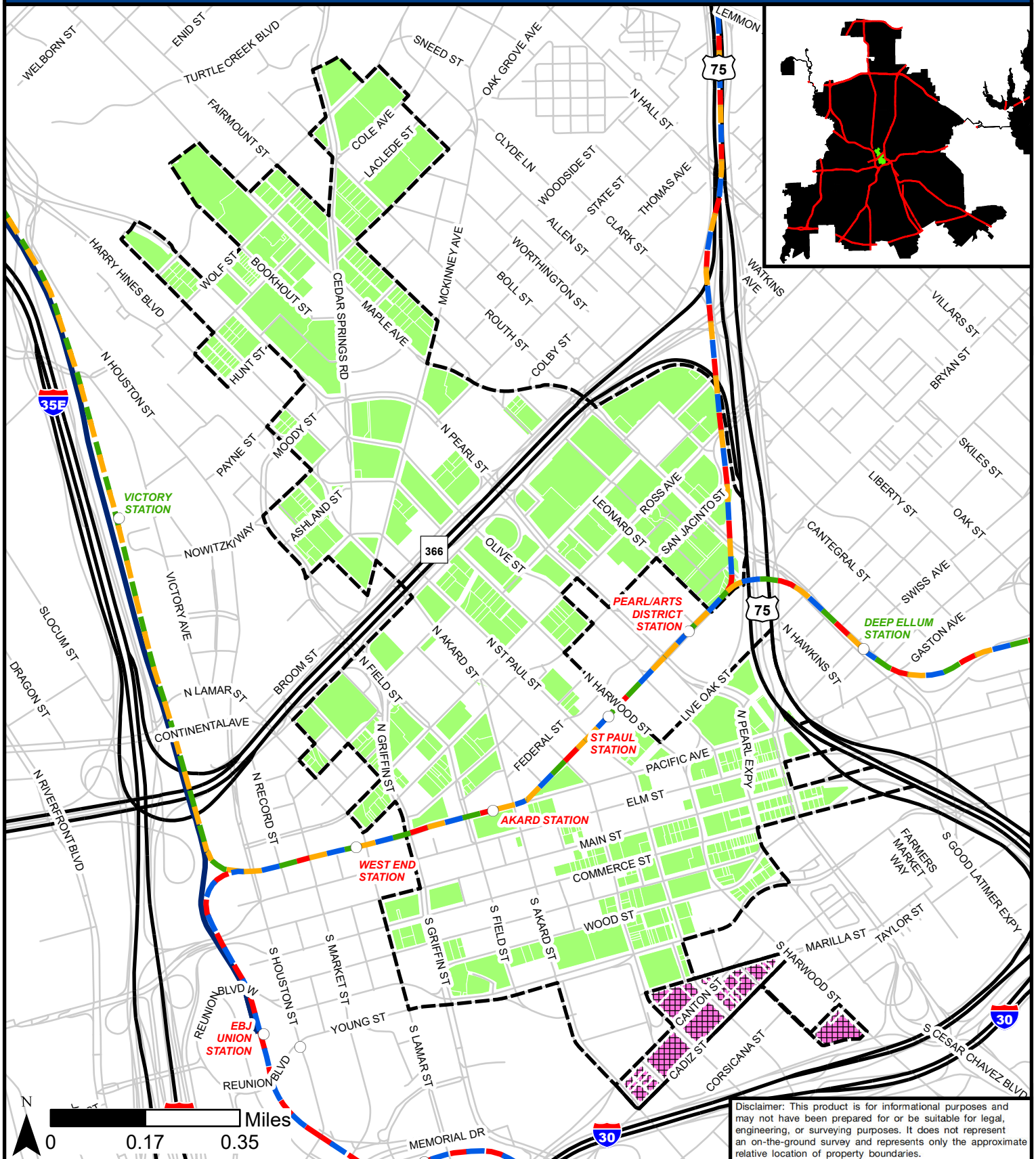
**FISCAL INFORMATION**

No cost consideration to the City.

**MAP**

Attached

# Downtown Connection TIF District (Proposed)



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

**AN ORDINANCE AMENDING ORDINANCE NO. 26020, AS AMENDED, PREVIOUSLY APPROVED ON JUNE 8, 2005, AND ORDINANCE NO. 26096, AS AMENDED, PREVIOUSLY APPROVED ON AUGUST 29, 2005 TO: (1) CREATE TWO SUB-DISTRICTS WITHIN TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ELEVEN (THE DISTRICT): (a) DOWNTOWN CONNECTION SUB-DISTRICT (ORIGINAL DISTRICT BOUNDARY) AND (b) NEWPARK SUB-DISTRICT; (2) INCREASE THE GEOGRAPHIC AREA OF THE DISTRICT TO ADD APPROXIMATELY 14.2 ACRES TO CREATE THE NEWPARK SUB-DISTRICT TO FACILITATE ANTICIPATED REDEVELOPMENT; (3) INCREASE THE TOTAL BUDGET OF THE DISTRICT (DOWNTOWN CONNECTION SUB-DISTRICT BUDGET) FROM \$231,593,554.00 NET PRESENT VALUE (NPV 2005 DOLLARS) (APPROXIMATELY \$454,707,775.00 TOTAL DOLLARS) TO \$402,897,888.00 NPV (APPROXIMATELY \$1,059,227,817.00 TOTAL DOLLARS) AN INCREASE OF \$171,304,334.00 NPV (APPROXIMATELY \$604,520,042.00 TOTAL DOLLARS); (4) MODIFY THE DOWNTOWN CONNECTION SUB-DISTRICT BUDGET TO ADD A LINE ITEM FOR A PUBLIC SAFETY BUILDING TO REPLACE FIRE STATION #18; (5) ESTABLISH A TERMINATION DATE FOR THE NEWPARK SUB-DISTRICT OF DECEMBER 31, 2052; (6) ESTABLISH THE PERCENTAGE OF TAX INCREMENT CONTRIBUTED BY THE CITY OF DALLAS DURING THE TERM OF THE NEWPARK SUB-DISTRICT AT 90%; (7) ESTABLISH A TOTAL BUDGET FOR THE NEWPARK SUB-DISTRICT OF \$90,329,182.00 NPV 2022 DOLLARS (APPROXIMATELY \$223,786,626.00 TOTAL DOLLARS); (8) REQUEST DALLAS COUNTY PARTICIPATION IN THE NEWPARK SUB-DISTRICT AT 55% FOR TWENTY YEARS BEGINNING IN 2027; AND (9) MAKE CORRESPONDING MODIFICATIONS TO THE DISTRICT BOUNDARY, BUDGET, PLAN, AND PARTICIPATION AGREEMENT WITH DALLAS COUNTY; AND CONTAINING OTHER RELATED MATTERS; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on June 8, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Eleven (the "Downtown Connection TIF District" or "District") in accordance with the Tax Increment Financing Act, as amended, Texas Tax Code, Chapter 311 (the "Act") by Resolution No. 05-1779; Ordinance No. 26020, as amended; and

**WHEREAS**, on August 29, 2005, City Council authorized the Project Plan and Reinvestment Zone Financing Plan (Plan) for Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) and a participation agreement with Dallas County for the Downtown Connection TIF District by Resolution No. 05-2544; Ordinance No. 26096, as amended; and

**WHEREAS**, on October 19, 2005, City Council authorized amendments to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) to: (1) allow for commercial tax abatements pursuant to Chapter 311 of the Texas Tax Code (2) designate the City's participation level of 90% in the Downtown Connection TIF District; (3) adjust Dallas County's participation in the Downtown Connection TIF District from \$24,000,000.00 net present value to \$18,500,000.00 net present value; and (4) correct a typographical error in Section 2, Part VII of the Project Plan, titled Non-Project Cost, from an amount to exceed \$15,000,000.00 to an amount not to exceed \$15,000,000.00 by Resolution No. 05-2993; Ordinance No. 26143; and

**WHEREAS**, on March 8, 2006, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to amend the District boundary to exclude 2400 Bryan Street and 2215 Bryan Street by Resolution No. 06-0836; Ordinance No. 26291; and

**WHEREAS**, on December 12, 2007, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to: (1) provide for an affordable housing program requiring Downtown Connection TIF District funded projects to set aside ten percent of the units as affordable and specifying alternatives to providing such units within the TIF funding project; (2) reprogram \$2,500,000.00 from the Park and Plaza Design and Acquisition budget line item to a new budget line item for Retail Initiatives/Streetscape Improvements; (3) expand the use of TIF funds for Grants, in accordance with the Downtown Connection TIF District Grant Program and Criteria, and for affordable housing assistance; (4) correct the principal amount of bonds to be sold from \$65,000,000.00 to \$66,000,000.00; and (5) update Exhibits G, H and J, Appendix A and modify the Plan to reflect 2007 property value and adjusted base year value and make any other necessary adjustments to implement the Plan amendments by Resolution No. 07-3698; Ordinance No. 27032; and

**WHEREAS**, on October 22, 2008, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to permit the direct lease or sale of City-owned/City-controlled property without auction and bidding requirements on the condition that the property is redeveloped in accordance with the Plan by Resolution No. 08-2917; Ordinance No. 27377; and

**WHEREAS**, on December 10, 2008, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to amend the District boundary to include 2307 Caroline Street, 2311 Caroline Street, 1600 Ashland Street, and 1601 Cedar Springs Road by Resolution No. 08-3396; Ordinance No. 27434; and

**WHEREAS**, on February 11, 2009, City Council authorized amendments to the Downtown Connection TIF District Project and Reinvestment Zoning Financing Plan to: (1) expand the development goals and specific objectives of the Project Plan; (2) expand the Redevelopment of Vacant/ Underutilized Downtown Buildings budget line item to include the Development of Underdeveloped Parcels and Surface Parking Lots; and (3) update Exhibits G and J to reflect updated base value, 2008 increment corrections, and future increment assumptions by Resolution No. 09-0469; Ordinance No. 27489; and

**WHEREAS**, on April 22, 2009, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to: (1) amend the affordable housing policy to: (a) permit additional assistance in the form of Affordable Housing Economic Development Grant to those projects providing affordable housing units, (b) extend the eligibility date for additional affordable housing assistance to projects which are approved by City Council from December 31, 2008 to December 31, 2011, (c) update the household income limit charts contained within the Zone to reflect the Dallas Area Median Household Income Limits for 2009; and (2) revise the budget to: (a) reprogram \$515,000.00 from the Retail Initiative/Streetscape Improvements budget line item to a new Downtown Area Plan budget line item; and (b) update Exhibit G to reflect the budget reprogramming and new additional budget line item and make any other necessary adjustments to implement the Plan amendment by Resolution No. 09-1108; Ordinance No. 27529; and

**WHEREAS**, on May 22, 2013, City Council authorized amendments to the Downtown Connection TIF District Project and Reinvestment Zone Financing Plan to: (1) increase the Downtown Connection TIF District's budget from \$189,807,592.00 NPV (approximately \$391,744,162.00 total dollars) to \$231,593,554.00 NPV (approximately \$545,726,096.00 total dollars, an increase of \$41,785,962.00 NPV (approximately \$153,981,934.00 total dollars); (2) expand the District's focus of redevelopment efforts; and (3) make corresponding modifications to the Downtown Connection TIF District's budget and Plan by Resolution No. 13-0894; Ordinance No. 29015; and

**WHEREAS**, on September 11, 2013, City Council authorized amendments to the Downtown Connection TIF District Project and Reinvestment Zone Financing Plan to: (1) increase the geographic area of the Zone by adding approximately 4,950 square feet; (2) add to the Plan the provision for a land exchange of City-owned property for privately-owned property within the Zone allowing for the land swap of City-owned property without requiring an auction and/or bidding of the property; and (3) make corresponding modifications to the Zone boundary map and Plan and any other necessary adjustments to implement the Plan amendments by Resolution No. 13-1622; Ordinance No. 29143; and



**WHEREAS**, on December 14, 2016, City Council authorized: (1) an amendment to the Downtown Connection TIF District Project and Reinvestment Zone Financing Plan to add the Statler/Library redevelopment project to the Plan; (2) approval of the directed sale, for fair market value consideration and yet to be negotiated sale terms subject to City Council approval, of a 0.129 acre (5,600 square feet) City-owned tract of land addressed as 210 South Harwood Street located in the District to Centurion Acquisitions, LP to complete the Statler/Library redevelopment project in accordance with the Plan; and (3) corresponding modifications to the Plan by Resolution No. 16-1959; Ordinance No. 30274; and

**WHEREAS**, on April 29, 2022, the Downtown Connection TIF District Board of Directors and Downtown Dallas Development Authority passed a motion adopting the following amendments to the Downtown Connection TIF District's Project Plan and Reinvestment Zone Financing Plan to: (1) create two sub-districts within the Zone: (a) Downtown Connection Sub-district (original Zone boundary) and (b) Newpark Sub-district; (2) increase the geographic area of the Zone to add approximately 14.2 acres to create the Newpark Sub-district to facilitate anticipated redevelopment; (3) increase the total budget of the Zone (Downtown Connection Sub-district budget) from \$231,593,554.00 Net Present Value (NPV 2005 dollars) (approximately \$454,707,775.00 total dollars) to \$402,897,888.00 NPV (approximately \$1,059,227,817.00 total dollars, an increase of \$171,304,334.00 NPV (approximately \$604,520,042.00 total dollars); (4) modify the Downtown Connection Sub-district budget to add a line item for a public safety building to replace Fire Station #18; (5) establish a termination date for the Newpark Sub-district of December 31, 2052; (6) establish the percentage of tax increment contributed by the City of Dallas during the term of the Newpark Sub-district at 90%; (7) establish a total budget for the Newpark Sub-district of \$90,329,182.00 NPV 2022 dollars (approximately \$223,786,626.00 total dollars); (8) request Dallas County participation in the Newpark Sub-district at 55% for twenty years beginning in 2027; and (9) make corresponding modifications to the Zone boundary, budget and Plan; and

**WHEREAS**, on June 8, 2022, City Council authorized a public hearing to be held on June 22, 2022, to hear citizen comments and concerns regarding the proposed amendments to the Project and Financing Plan in accordance with the Act, as amended. The public hearing was held on June 22, 2022, and was subsequently closed; and

**WHEREAS**, the Act requires the City to publish notice of the public hearing in a newspaper having general circulation in the City, and, in compliance with the Act, notice of the public hearing was published in Dallas Morning News, a daily newspaper of general circulation in the City, at least seven (7) days before the date of the public hearing.

**Now, Therefore,**

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

**SECTION 1.** That Ordinance No. 26020, as amended, previously approved on June 8, 2005, and Ordinance No. 26096, as amended, previously approved on August 29, 2005 are hereby further amended to: **(1)** create two sub-districts within the District: **(a)** Downtown Connection Sub-district (original District boundary) and **(b)** Newpark Sub-district; **(2)** increase the geographic area of the District to add approximately 14.2 acres to create the Newpark Sub-district to accommodate anticipated redevelopment; **(3)** increase the total budget of the District (Downtown Connection Sub-district budget) from \$231,593,554.00 Net Present Value (NPV 2005 dollars) (approximately \$454,707,775.00 total dollars) to \$402,897,888.00 NPV (approximately \$1,059,227,817.00 total dollars), an increase of \$171,304,334.00 NPV (approximately \$604,520,042.00 total dollars); **(4)** modify the Downtown Connection Sub-district budget to add a line item for a public safety building to replace Fire Station #18; **(5)** establish a termination date for the Newpark Sub-district of December 31, 2052; **(6)** establish the percentage of tax increment contributed by the City of Dallas during the term of the Newpark Sub-district at 90%; **(7)** establish a total budget for the Newpark Sub-district of \$90,329,182.00 NPV 2022 dollars (approximately \$223,786,626.00 total dollars); **(8)** request Dallas County participation in the Newpark Sub-district at 55% for twenty years beginning in 2027; and **(9)** make corresponding modifications to the District boundary, budget, and Project and Financing Plan attached hereto as **Exhibit A**, and corresponding modifications to the participation agreement with Dallas County.

**SECTION 2.** That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

**SECTION 3.** That amendments to the budget of the District will result in benefits to the City and to the property included in the District.

**SECTION 4.** That the addition of approximately 14.2 acres will not result in more than thirty percent of the property in the District being used for residential purposes pursuant to the Act.

**SECTION 5.** That the vacant and underutilized property in the proposed expansion area (Newpark Sub-district) substantially arrests or impairs the sound growth of the City and that redevelopment in the proposed expansion area would not occur solely through private investment in the foreseeable future.

**SECTION 6.** That the tax increment base for the Newpark Sub-district, which is the total appraised value of all taxable real property located in the Sub-district, is to be determined as of January 1, 2022, the year in which the District was amended to include the expansion area.

**SECTION 7.** That the Newpark Sub-district shall take effect on January 1, 2023, and that the termination of the Newpark Sub-district shall occur on December 31, 2052, (including collection of the 2052 increment in calendar year 2053 and any related matters to be concluded in 2053) or at an earlier time designated by subsequent ordinance of the City Council.

**SECTION 8.** That this action is necessary to complete the public improvements necessary to facilitate the anticipated redevelopment projects in the Zone.

**SECTION 9.** That improvements in the Zone will significantly enhance the value of all taxable real property in the Zone and will be of general benefit to the City.

**SECTION 10.** That Ordinance Nos. 26020 and 26096 will remain in full force and effect, save and except as amended by this ordinance.

**SECTION 11.** That if any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or un-enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

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

APPROVED AS TO FORM:  
CHRISTOPHER J. CASO, City Attorney

BY: \_\_\_\_\_  
Assistant City Attorney

Passed: \_\_\_\_\_

Exhibit A

# Downtown Connection Tax Increment Financing District



*Photo Source: Todd Interests  
Photographer: [www.ronshippphotography.com](http://www.ronshippphotography.com)*

## Project Plan & Reinvestment Zone Financing Plan

**ADOPTED – AUGUST 29, 2005**

AMENDED – OCTOBER 19, 2005

AMENDED – MARCH 8, 2006

AMENDED – DECEMBER 12, 2007

AMENDED – OCTOBER 22, 2008

AMENDED – DECEMBER 10, 2008

AMENDED – FEBRUARY 11, 2009

AMENDED – APRIL 22, 2009

AMENDED – MAY 22, 2013

AMENDED – SEPTEMBER 11, 2013

AMENDED – DECEMBER 14, 2016

**AMENDED – JUNE 22, 2022**

## Section 1: Project Plan

### Background

The Downtown Connection TIF District represents the outgrowth of the City of Dallas' effort to create a downtown neighborhood with 10,000 plus residents, supporting retail establishments, adequate parks and open space, an attractive employment environment, and a variety of arts venues.

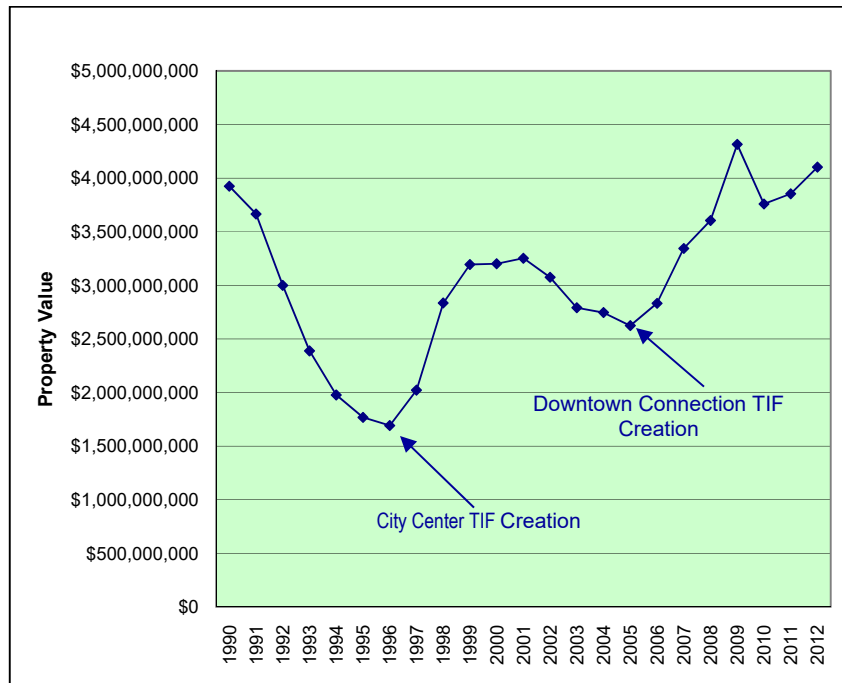
The City of Dallas created the first tax increment financing ("TIF") district for downtown, the City Center TIF District, in 1996. Its purpose was, and is, to create a fund for public capital improvements in the core of Downtown essential for redevelopment of key spaces and buildings. The City Center TIF District has collected \$52 million, all of which has been spent or allocated, creating the beginning of a vibrant downtown. This existing TIF zone is expected to generate tax growth to fund approximately \$29 million of remaining improvements from a total budget of \$87.6 million (total budget includes parking revenue and interest earnings). City Center TIF District projects relying on future increment for reimbursement include Republic Center Tower I, the Interurban Building, Eureka/Joule Hotel, Fidelity Union Tower (Mosaic), 1200 Main, 1608 Main, Dallas County Plaza and affordable housing.

In May 2003, the City Center TIF District Board of Directors attended a workshop to assess the direction in which unallocated TIF funds should be spent. At the time, because there was no application for a large catalyst project, the Board made a decision to focus the remaining funds on seed projects within the Main Street core area. This approach successfully brought projects such as Stone Street Gardens and the Thompson Building at Pegasus Plaza.

The Downtown Connection TIF District, while sharing similar goals of the City Center TIF District, focuses on catalyst projects to create a greater density and critical mass of development within the Main Street core area. This shift in approach will further develop downtown, making it a vibrant, destination neighborhood.

Even though the City Center TIF District increased private investment in Downtown and zone values have increased since inception in 1996, a sluggish office market has pushed zone values down from a 2001 high. Because office buildings are more than 80% of appraised real property value in Downtown, their value will continue to drive total Downtown appraisals for years. The decrease in office values has diluted the accomplishment and added value generated by City Center TIF District projects. **Exhibit A** graphs taxable appraisals inside the Downtown freeway ring since 1990.

## Exhibit A Downtown Improvement District Real Property Value



In response to a depressed office market's impact on increment collections for the City Center TIF fund, the Downtown Improvement District and the Uptown Public Improvement District jointly proposed to remove selected properties from the existing City Center TIF District and create a second TIF district in parts of Downtown and Uptown. See **Appendix C** for a map of the amended City Center TIF District. **Exhibit B** is a map of the Downtown Connection TIF District

The Downtown Connection TIF District ("Zone") was initiated by petition, pursuant to Section 311.005 (a)(5), Texas Tax Code through the sponsorship of the Downtown Improvement District and Uptown Public Improvement District. The City Council, using the authority of the Tax Increment Financing Act (Chapter 311, Tax Code) established the Downtown Connection TIF District pursuant to Ordinance Number 26020 on June 8, 2005:

- Declaring portions of the Downtown/Uptown areas as a "reinvestment zone"
- Establishing the boundaries of Downtown Connection TIF District
- Adopting a preliminary project and financing plan
- Establishing a Board of Directors for the Downtown Connection TIF District

On June 8, 2005, the City Center TIF District boundary was amended. Although no properties were added to the existing City Center TIF District, some, but not all, properties removed from the City Center TIF District became part of the new Downtown Connection TIF District. The advantage of the new TIF zone is it includes no major occupied office buildings and relatively few recently renovated buildings. Consequently, it leaves potential value increases for such buildings available to the general operating

funds of the City and other taxing entities participating in the TIF program and it makes the tax increments for the new TIF fund less susceptible to fluctuation in the office market.

Also, on June 8, 2005, the Dallas City Council established the Downtown Dallas Development Authority (DDDA), a Local Government Corporation, to support the implementation of the Zone's Project Plan and Reinvestment Zone Financing Plan by Resolution No. 05-1755. The DDDA issued two series of tax increment contract revenue bonds to support the District's catalyst project, The Mercantile.

A successful Downtown Connection TIF District program will mean that most of the historic sites in the heart of Downtown and the surrounding area will have been adapted for reuse, most vacant buildings will no longer be vacant, and Downtown will have over 10,000 residences inside the freeway ring. These achievements are "must-do" items for a vibrant Downtown. A vibrant Downtown is essential for a first-class, competitive city.

The Downtown Connection TIF District Board of Directors include nine members consisting of six City Council appointees, one appointee by the State Senator, one appointee from the State Representative, and one member from Dallas County.

The duration of the Downtown Connection TIF District is 30 years; it is scheduled to terminate December 31, 2035.

### ***2013 Project Plan Amendment***

Since 1996, the City Center and Downtown Connection TIF Districts have been successful in incentivizing redevelopment of once vacant or nearly vacant buildings in downtown's core. The TIF District's focus on the downtown core has resulted in 6,765 residential units, 3,589 hotel rooms, 10.3 million square feet of renovated vacant office space and 8.44 acres of park space added within the freeway loop.

In 2011, City Council adopted the Downtown Dallas 360 Area Plan funded by the Downtown Connection TIF District. The plan set forth a shared vision for Downtown's future that provided implementation actions for achieving the vision. The plan is a long-term, strategic guide to ensure Downtown Dallas is a vibrant urban center, by providing clear, targeted recommendations. The recommendations and concepts presented in the plan are intended to be considered when reviewing development, considering public investments and making development decisions.

In conjunction with the Downtown Dallas 360 Plan, a Main Street District Retail Activation Strategy was completed. The strategy aims to create a contiguous downtown core that eliminates gaps in the pedestrian experience created by vacant buildings and ground level space and disjointed streetscape improvements. The Main Street District Retail Activation Strategy's Tool Box provides techniques and methods for achieving a vibrant and active ground level experience for downtown residents, workers and visitors and will be used to guide the district's Ground Floor Activation Program.



The purpose of this amendment is to: (1) expand the downtown core and redevelopment momentum outside of the immediate Main Street area; (2) increase the district's budget to continue to provide a funding source for redevelopment within the downtown core by redeveloping last remaining vacant buildings; (3) strengthen connections between redevelopment occurring in the Main Street district to other destinations downtown; (4) support ground floor activation and occupancy that is contiguous by filling vacant gaps at the ground floor plane in accordance with the Downtown Dallas 360's activation strategy; and (5) provide a source of funding for the next phase of development within the District which is the redevelopment of surface parking lots, undeveloped or underdeveloped parcels, and underutilized buildings.

Additional increment collections resulting from increasing the Zone's budget should be focused to assist in redevelopment of the remaining vacant and/or underutilized building in the downtown core. A secondary focus of funds should be projects in areas that are contiguous to the core whose improvement will create and/or enhance linkages to other destinations, specifically the West End and Farmers Market where recent TIF District extensions have provided funding for development in those areas.

To be most effective, Downtown Connection TIF District funds should be concentrated in areas where TIF projects are in close proximity to other TIF projects or Districts or areas of City investment, creating large areas of contiguous redevelopment. Providing TIF funding to singular projects scattered throughout downtown is not encouraged.

### ***2022 Project Plan Amendment***

Since 2005, the Zone's value has grown to approximately \$5.9 billion, an increase of \$5.3 billion over the Zone's base year value of \$564.9 million. As of 2021, the Zone has directly supported the conversion and adaptive reuse of over 6.5 million square feet of vacant, obsolete and/or historic office buildings in the downtown core. TIF-supported adaptive reuse projects have resulted in the creation of 1,893 new residential units (including 342 affordable units), 1,186 hotel rooms, 223,631 square feet of retail space and 562,969 square feet of office space.

By 2022, TIF-supported projects have predominately included the redevelopment of existing buildings. The next phase of downtown development will be redevelopment of vacant/surface parking lots with new ground-up construction of high-density, mixed-use projects. Currently, there are approximately 77 acres of vacant/surface parking lots within the boundary of the Zone. Of those 77 acres, over 30 acres have been announced for potential redevelopment. Facilitating high-density redevelopment on these underutilized parcels will require significant investment in public infrastructure such as roadways, water, sewer, storm drainage, sidewalks, lighting, mixed-income housing, etc.

Additionally, on approximately 5 acres of surface parking lots located south of City Hall (adjacent to but not currently located in the Downtown Connection TIF District), the Newpark Dallas development (multi-phased; high-density; mixed-use) is planned. At full build-out, Newpark Dallas will include over 1 million square feet of Class A office space, 200,000 square feet of retail space, a few thousand residential units, and 4-star hotel.

#### **Exhibit A**

The estimated total private investment associated with full build-out of the Newpark Dallas development exceeds \$1.5 billion.

The Downtown Connection TIF District must continue to serve as a long-term funding tool to support the next phase of downtown redevelopment; however, the Zone's budget does not have any remaining capacity to support new projects at this time. Explosive growth in the Uptown portion of the Zone, coupled with quicker-than-projected repurposing of vacant downtown buildings, has caused the Zone to collect more increment sooner than originally projected. The Zone is scheduled to expire on December 31, 2035 or when \$231.6 million Net Present Value (NPV) is collected. The Zone is projected to meet its current budget cap in 2026, nine years earlier than the 2035 termination date and the maturity date of TIF revenue bonds supported by the Zone. Early termination of the Zone in 2026 would result in not collecting enough increment to fund the full retirement of outstanding TIF revenue bond debt and not having a source of funds to support the full implementation of the Zone's Plan which includes the redevelopment of vacant/surface parking lots.

To address the Zone's current lack of budget capacity and provide a long-term funding mechanism to support future downtown redevelopment, including Newpark Dallas, this amended Project Plan and Reinvestment Zone Financing Plan amends the existing plan to achieve the following: (1) create two sub-districts within the Zone: (a) Downtown Connection Sub-district (original Zone boundary) and (b) Newpark Sub-district; (2) increase the geographic area of the Zone to add approximately 14.2 acres to create the Newpark Sub-district to facilitate anticipated redevelopment; (3) increase the total budget of the Zone (Downtown Connection Sub-district budget) from \$231,593,554.00 Net Present Value (NPV 2005 dollars) (approximately \$454,707,775.00 total dollars) to \$402,897,888.00 NPV (approximately \$1,059,227,817.00 total dollars, an increase of \$171,304,334.00 NPV (approximately \$604,520,042.00 total dollars); (4) modify the Downtown Connection Sub-district budget to add a line item for a public safety building to replace Fire Station #18; (5) establish a termination date for the Newpark Sub-district of December 31, 2052; (6) establish the percentage of tax increment contributed by the City of Dallas during the term of the Newpark Sub-district at 90%; (7) establish a total budget for the Newpark Sub-district of \$90,329,182.00 NPV 2022 dollars (approximately \$223,786,626.00 total dollars); and (8) establish Dallas County participation in the Newpark Sub-district at 55% for twenty years beginning in 2027.

The amendments described above will provide the following benefits to the Zone and the City of Dallas:

- Encourages and supports continued growth of underutilized parts of downtown
- Supports development of additional mixed-income housing downtown and uptown
- Anticipated private development will fill in gaps in the urban fabric by redeveloping vacant/surface parking lots
- Provides a non-general fund source of funding capacity to support the upgrade of public infrastructure needed to support future development projects

- Provides a non-general fund source of funding capacity to replace two antiquated Dallas Fire Rescue stations in downtown
- Complements planned City investment in the redesigned Kay Bailey Hutchinson Convention Center, DISD investment in a downtown school, TXDOT investment in the redesigned Interstate-30 Canyon Project, and Dallas College investment in a new Downtown campus
- Facilitates over \$3.7 billion in private investment in the Downtown Connection Sub-district over the remaining term of the sub-district.
- Taxable value of the Downtown Connection Sub-district is projected to increase from \$5.9 billion in 2021 to \$11.6 billion in 2035
- At the termination of the Downtown Connection Sub-district, approximately \$85 million in tax revenue is projected to flow to the City's general fund annually
- Facilitates approximately \$1.5 billion in private investment in the Newpark Sub-district over the proposed term of sub-district
- Taxable value of the Newpark Sub-district is projected to increase from \$21.6 million in 2021 to \$1.7 billion in 2052

## Zone Description

The Downtown Connection TIF District is located in Downtown Dallas and portions of Uptown. The District is generally bounded by the Katy Trail, Maple Avenue, Kittrell Street, Cedar Springs Road, Routh Street, Carlisle Street, Vine Street, Howell Street, Fairmount Street, McKinney Avenue, Maple-Routh Connection, Woodall Rodgers Freeway, Central Expressway, I-45, Commerce Street, Young Street, Marilla Street, Lamar Street, Caroline Street, Wichita Street, Harry Hines Boulevard, Randall Street, Harwood Street, Jack Street, McKinnon Street, Ivan Street and Cadiz Street.

**Exhibit B** is a map of the amended Zone and sub-district boundaries. Boundaries that follow public streets and highways shall be construed to extend to the far sides of such rights-of-way, measured from the reinvestment zone. Boundaries that approximate property lines shall be construed as following such property lines. Any real property account within the City Center TIF zone after the date of designation of the Downtown Connection TIF zone is not within the Downtown Connection TIF zone. Rights of-ways, however, may lie within multiple zones unless a future interpretation of law precludes such a construction.

A taxing unit's tax increment for a particular year during the term of the Zone is calculated by reference to the appraised value of real property in the Zone for such year compared to the "taxable base year value" for such tax unit with respect to the Zone. The "tax increment base" for a tax unit with respect the Zone is the appraised value of all real property in the Zone that is taxable by the tax unit for the year in which the Zone was created (i.e., 2005).

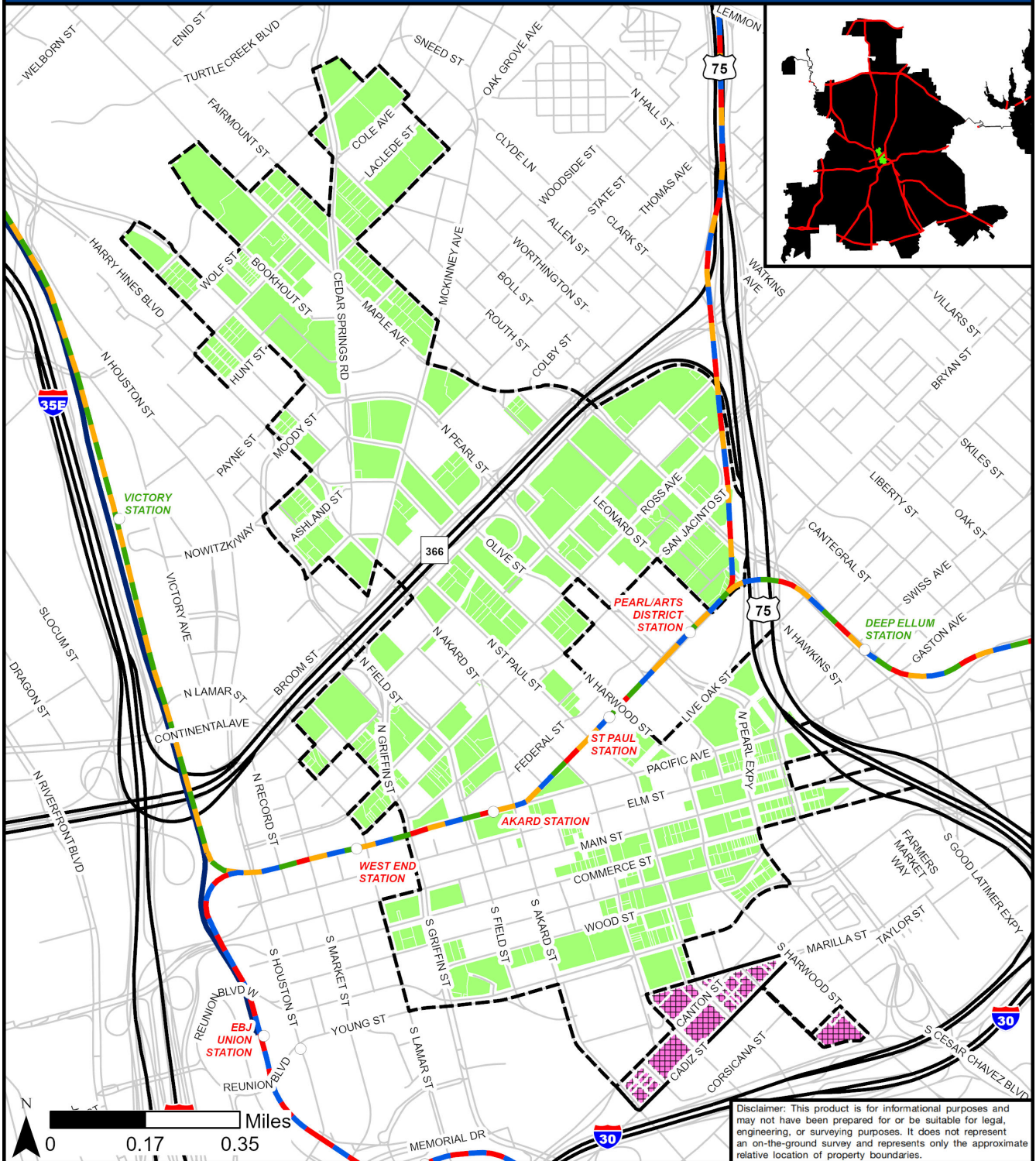
**Appendix A** identifies all real property accounts within the Downtown Connection Sub-district. Parcels identified as outparcels in **Exhibit B** are not within the Downtown Connection Sub-district unless the boundaries are further amended in accordance with the law. The adjusted total taxable appraised value of the Downtown Connection Sub-district for the 2005 base year is \$561,696,137, as determined by the Dallas Central Appraisal District (DCAD) certified 2005 tax roll. The 2009 total taxable appraised value of property added to the Downtown Connection Sub-district in December of 2008 was \$3,221,180, see **Appendix A**.

**Appendix B** identifies all real property accounts within the Newpark Sub-district. Parcels identified as outparcels in **Exhibit B** are not within the Newpark Sub-district unless the boundaries are further amended in accordance with the law. The estimated 2022 taxable appraised value of real property within the Newpark Sub-district is \$22,270,550. This base year value may be adjusted when final 2022 figures are available and pending any litigation or tax roll corrections.

The Downtown Connection TIF District essentially includes vacant and underutilized buildings in the downtown core that are not being redeveloped as part of the City Center TIF District program, surface parking lots, and portions of the Uptown area.

## Exhibit B

### Downtown Connection TIF District (Proposed)



## Development Goals and Objectives

The Board of Directors adopted development goals that are expected to meet the specific needs of the Downtown Connection TIF District:

- Improve pedestrian connections between and within the Uptown and Downtown areas.
- Improve pedestrian connections between Dallas City Hall, Kay Bailey Hutchinson Convention Center and the Farmers Market.
- Improve the appearance of the buildings, surface parking lots, undeveloped sites and parks and open spaces within the Zone.
- Support redevelopment of the existing building supply and surface parking lots located within the area.
- Develop a more diverse mixture of land uses within the Downtown Connection area
- Increase open space and recreational opportunities in the Downtown Connection area
- After providing incentives for selected catalyst project to accelerate residential development, initiate a long-term plan to achieve critical mass goals related to housing and retail development, and public space amenities needed for a vibrant downtown
- Facilitate private development within the Downtown Connection TIF District for the public purpose of developing and diversifying the economy of the District, eliminating unemployment or underemployment in the District, and developing or expanding transportation, business and commercial activity in the District.

The following specific objectives set the framework for the planned public improvements within the Downtown Connection TIF District:

- Improve street and pedestrian lighting within the Downtown Connection TIF District.
- Offset the costs of environmental remediation, interior and exterior demolition, fire corridor improvements and facade improvements to encourage redevelopment of vacant or underutilized downtown buildings including, but not limited to, the buildings listed as anticipated redevelopment projects identified in **Exhibit G**.

- Encourage the redevelopment of surface parking lots and undeveloped/underdeveloped sites, especially those located on key pedestrian linkages, to create residential and retail opportunities and achieve critical mass goals within the district.
- Ensure new construction and/or redevelopment projects are compatible with surrounding historic buildings, particularly with regards to building design, material quality and pedestrian appeal at ground level.
- Improve key linkages between the DART light rail transit mall and other significant Downtown and Uptown venues by extending streetscape improvements and encouraging street level pedestrian-oriented development.
- Promote higher quality development in the Zone through the application of design standards for public improvements and design guidelines for private development within the district.
- Encourage the strategic development of residential, mixed-income housing within the area, including redevelopment of existing buildings, and new construction on existing surface parking lots and currently underdeveloped sites.
- Encourage redevelopment of sites, such as the Old Statler Hilton building and municipal library building that encompasses an entire City block and the Arts District Garage site, where development activity was started over fifteen years ago but not completed and are not likely to be completed without some public financial incentives.
- Complement and protect existing historic structures.
- Expand the success of the downtown core to other downtown destinations including the West End, Farmers Market, Klyde Warren Park, and Arts District.
- Provide TIF incentives to fund a Ground Floor Activation Program based on the recommendations of the Downtown Dallas 360 Plan's retail activation strategy.
- Encourage Mixed Income Housing in the Zone and surrounding downtown area by providing TIF incentives to offset the costs of providing affordable housing.



The project costs enumerated in the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan (“Project Plan”) require the expenditure of approximately \$231 million, primarily for the Mercantile Block, Atmos Complex and Continental Building (“Catalyst Project”) and the redevelopment of vacant and underutilized buildings in downtown, including environmental remediation, interior and exterior demolition assistance, facade improvement assistance, purchase of facade beautification easements, fire corridor improvements, streetscape, street and utility improvements, land acquisition for pedestrian safety and accessibility, park sites, and key development sites, acquisition and restoration of historic sites and grants. In addition, the Project Plan makes Uptown/Downtown connectivity improvements a priority. The Woodall Rodgers Deck/Park will be undertaken early in the term of the TIF District, to the extent funds are available, to create a seamless link between Uptown and Downtown. The Project Plan also provides for a cash contribution for Affordable Housing that will be funded jointly with the Catalyst Project. These improvements planned for the Downtown Connection TIF District are designed to meet the long-term public needs to secure the growth and investment of the area.

Tax increment financing will be used to assist with these improvements. Utilizing this economic development tool to encourage public infrastructure improvements, the economics of developing market rate and affordable housing in the Downtown Connection area and attracting more commercial investment is greatly improved. The Project Plan also provides for extensive public improvements for the redevelopment of vacant and underutilized downtown buildings, streetscaping, connectivity and public use improvements and other amenities which complement existing and anticipated investment in the Downtown Connection area.

## **Direct Lease or Sale of City-owned/ City-controlled Property**

The City of Dallas is permitted to directly lease or sell City-owned/City-controlled property within the Downtown Connection TIF District without complying with auction and bidding requirements with the condition that the property is redeveloped in accordance with the Downtown Connection TIF District Plan.

The City of Dallas owned the Dallas Arts District Garage when the Downtown Connection TIF District was established, and the Dallas Arts District Garage is located within the boundaries of the Downtown Connection TIF District. The City of Dallas entered into a new 80-year sub-lease with an option to purchase the Dallas Arts District Garage to a developer, for a minimum of fair market value, beginning January 1, 2009, and assigned the leasehold for the underdeveloped site to a developer for the purpose of, and subject to, restoration and redevelopment in accordance with the objectives of the City in stabilizing Tax Increment Financing Zone Number Eleven, City of Dallas, Texas, and as provided in the Act.

The Atmos Complex, which was donated to the City of Dallas and transferred to Forest City for redevelopment in accordance with the Downtown Connection TIF District Project Plan and is located within the boundaries of the Downtown Connection TIF District. The Atmos Complex was to be redeveloped by Forest City pursuant to the

development agreement (“Development Agreement”) executed on October 5, 2005. On October 22, 2008, Dallas City Council directed the transfer of the Atmos Complex to Hamilton Atmos LP for redevelopment in accordance with the Downtown Connection TIF District Plan. Should Hamilton Atmos LP fail to obtain a building permit by October 20, 2010, ownership will revert back to Forest City pursuant to the provisions of the City’s Development Agreement.

The City of Dallas owned 3.5 acres of land in the district designated as the future Pacific Plaza Park in the updated Downtown Parks Master Plan. Adjacent to the assembled land is the One Dallas Center building, addressed as 350 N. St. Paul and owned by St. Paul Holdings, L.P. The City has expanded the District’s boundary to add approximately 4,950 square feet of the One Dallas Center property. The boundary expansion facilitates the direct sale of City-owned land by way of a land swap of approximately 4,950 square feet of the land assembled for the proposed park, for approximately 4,950 square feet of land owned by St. Paul Holdings, LP. This land swap does not affect the size or development or future Pacific Plaza Park. The land exchange has been coordinated with the City’s Park and Recreation Department.

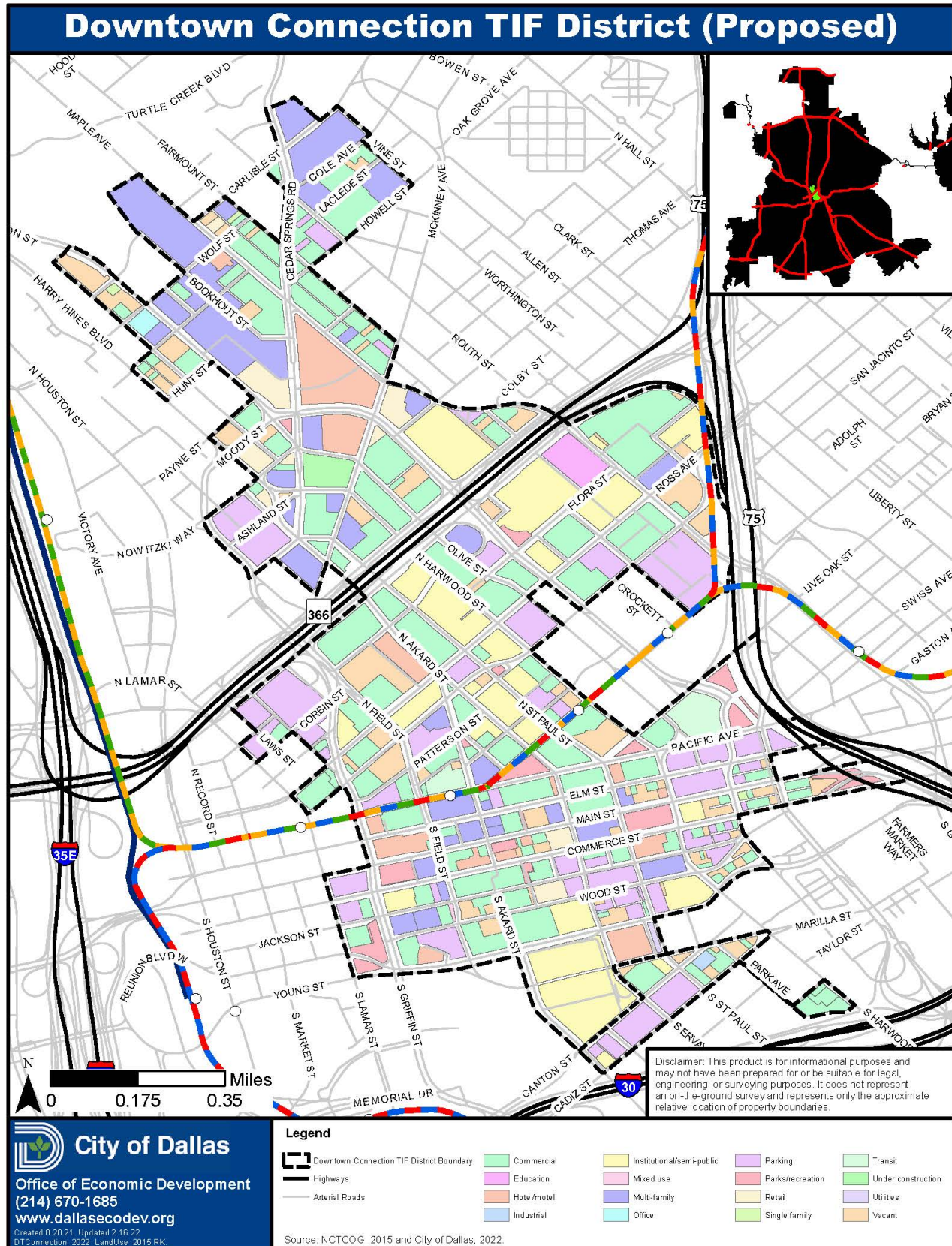
The City of Dallas owns a tract of land addressed as 210 S. Harwood Street and it is located at the northeast corner of S. Harwood Street and Jackson Street in the Downtown Connection TIF District. The City-owned property is adjacent to two vacant, historic buildings, the old Statler Hotel and Library Buildings (Statler/Library) that were identified as anticipated redevelopment projects in **Exhibit G** of this Plan.

Centurion Acquisitions, LP, has purchased both buildings and plans to renovate and activate the buildings with hotel, residential, office, entertainment and retail uses. The redevelopment plan for the project includes the construction of a parking garage adjacent to the vacant buildings. In order to complete the land assemblage for the proposed parking garage and complete the Statler/Library redevelopment project, the City desires to have the City owned property at 210 S. Harwood Street developed as part of the Statler/Library redevelopment project. As such, the City desires to enter into a directed sale of the City-owned property to Centurion Acquisitions, LP, without an auction or bidding process. The City finds the direct sale of the City-owned tract of land to Centurion Acquisitions, LP for the purpose of redevelopment and constructing a parking garage for the Statler/Library project is in accordance with the objectives of the Tax Increment Financing Zone Number Eleven, City of Dallas, Texas, and as provided in the Act.

## **Existing Uses**

The Downtown Connection TIF District is a mixed-use area, primarily composed of existing office or vacant office structures, surface parking lots, and undeveloped property. **Exhibit C** shows the existing land use for the area within the Downtown Connection TIF Boundary (for specific parcels included in the TIF District refer to **Exhibit B** the TIF Boundary Map).

## Exhibit C Downtown Connection TIF District Land Use



## **Downtown Connection Area Zoning**

The Downtown Dallas area has the highest zoning district classification in the City. Revisions to the central area zoning districts were made at the request of the CDA Housing Committee in 2002 to eliminate some of the less desirable uses and to reduce the parking requirement for residential uses. The encouragement of mixed uses permitted by the zoning district could be a positive force in the creation of an urban neighborhood.

On June 12, 2002, City Council approved Planned Development (PD) District No. 619, establishing use regulations and development standards for the core downtown area bounded by the centerlines of Pacific Avenue, Harwood Street, Jackson Street, and Griffin Street. Other zoning districts in downtown include CA-1(A) Central Area, a portion of PD 357 near the Farmers Market, PD 145 in the Arts District, and PD 708 in the northeast corner.

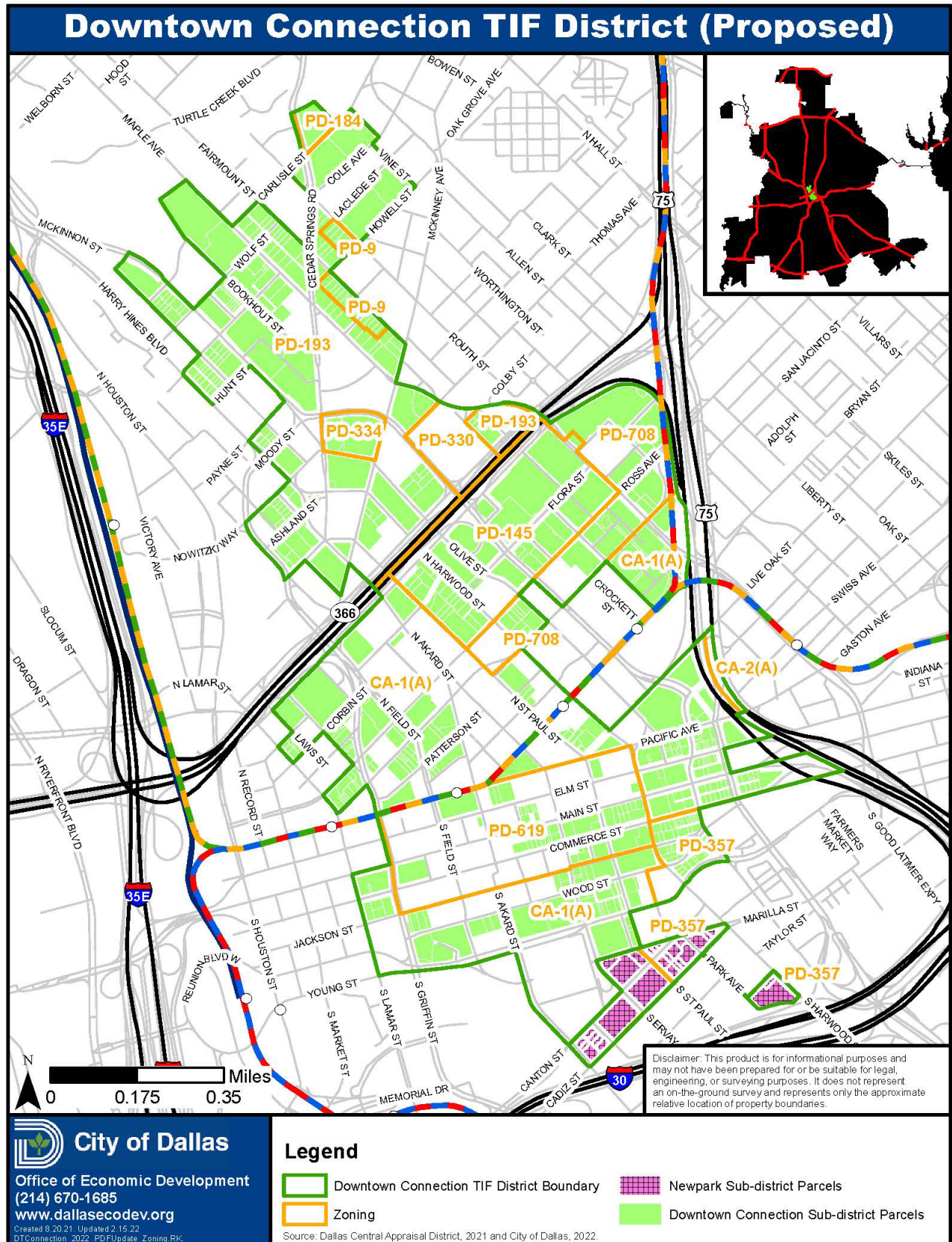
Zoning districts in the Uptown portion of the TIF District include PD 193 (Oak Lawn), and smaller PDs 9, 184, 330, and 334.

**Exhibit D** shows existing zoning and the Planned Development Districts in Downtown and Uptown.

The only zoning change contemplated at this time is an amendment for a special provision sign district.



## Exhibit D Downtown Connection TIF District Zoning



## Market Feasibility

The predominant land use in the planned 30-year term of each sub-district's development program is for mixed-use development. If built as planned, the residential and commercial development will create a market for the planned retail component. In addition, the residential development should also drive the demand for new commercial office investment. Therefore, the original market feasibility evaluation conducted by the City Center Advisory Committee in January of 1996 was correct and remains accurate in its conclusion that the Dallas Intown/CBD residential development market is still relevant, and is intended, in connection with the preparation of this Plan, to be used as part of the economic feasibility study for the Downtown Connection TIF District in accordance with the provisions of Section 311.011, Texas Tax Code.

The past two decades of Downtown-related urban development activity in the larger U.S. cities has indicated that there is a "pent-up" demand for mixed rate housing development, but that other land uses more often "outbid" residential projects for prime locations. In addition, the most successful downtown-oriented market rate housing projects have required large enough sites to implement multi-stage developments after an "urban village" atmosphere and residential locational identity are established.

While the appeal of being in downtown has been a key feature of these other projects, both within Dallas and in other cities, the greatest increases in the number of downtown residential units has occurred where a true sense of neighborhood has been created. In addition, there has been a demonstrated need to provide a multi-faceted and self-sustaining destination neighborhood where shopping, professional services, recreation, and suitable entertainment are readily available and accessible in the context of a pedestrian environment.

The type of high-density urban development contemplated in the plan will most certainly lead to a need for conveniently located parking facilities. Experience in other downtown districts indicates that high density urban residential development requires convenient, secured parking facilities.

**Exhibit E** shows a 2005 forecast for downtown housing construction comparing the North Central Texas Council of Governments (NCTCOG) Household Forecast for downtown and the residential Pro Forma Downtown Housing Construction Schedule. By 2030, it is estimated that downtown will reach capacity of over 10,600 residential units.

# Exhibit E

## 2005 Comparison of NCTCOG Household Forecast for Downtown and Pro Forma Downtown Housing Construction Schedule

Conclusion:

The pro forma's pace of Downtown housing additions tracks the forecast by the North Central Texas Council of Governments.  
NCTCOG

		<b>Compare</b>									
		(a)	(b)	(c)	(d)	(e)	(f)			(g)	
		NCTCOG Forecast of Downtown Households	Residences Needed to Meet NCTCOG Forecast @ 92% Occupancy	vs. Cumulative Downtown Residential Units	After Completion of	Estimated Building Floor Area (SF) (excl. parking)	Approximate Residential Units Added @ 1,000 SF per Unit If Unknown			Status	
2000	1,654		1,798	1,798 **							
2001	2,090 *		2,272	1,806	1611 Main Street Lofts***		8			Complete	
2002	2,526 *		2,746	2,426	Camden Farmers Market, Ph. 1***		620			Complete	
2002	2,526 *		2,746	2,443	Camden Farmers Market Townhouses***		17			Complete	
2003	2,962 *		3,220	2,451	Residences at Jackson***		8			Complete	
2004	3,398 *		3,694	2,634	Davis Building***		183			Complete	
2004	3,398 *		3,694	2,701	1505 Elm Street Condominiums***		67			Complete	
2005	3,835 *		4,168	2,859	Dallas Power and Light***		158			Complete	
2005	3,835 *		4,168	3,063	West End Complex (1001 Ross)		204			Complete	
2005	3,835		4,168	3,197	Interurban Building***		134			Under Construction	
2006	4,271 *		4,642	3,482	Camden Farmers Market, Ph. 2***		285			Under Construction	
2007	4,707 *		5,116	3,572	1407 Main***		90			Under Construction	
2007	4,707 *		5,116	3,640	1415 Main (Gulf States Building)***		68			Under Construction	
2007	4,707 *		5,116	3,800	Santa Fe #4	159,791	160			Planned	
2007	4,707 *		5,116	3,891	The Lofts at Thanksgiving Square***		91			Planned	
2007	4,707 *		5,116	3,995	Merryvale***		104			Planned	
2007	4,707 *		5,116	4,222	Gables at Republic Center***		227			Under Construction	
2007	4,707		5,116	4,505	1200 Main (Metropolitan)***		283			Under Construction	
2008	5,143		5,590	4,937	Fidelity Union***		432			Planned	
2008	5,143 *		5,590	4,962	1414 Elm	35,000	25			Planned	
2008	5,143 *		5,590	5,337	Mercantile block	500,000	375			Planned	
2009	5,579 *		6,064	5,397	One Arts Plaza***		60			Planned	
2009	5,579 *		6,064	5,557	Continental Building	304,860	160			Planned	
2009	5,579		6,064	5,737	211 N. Ervay***	180,000	180			Developer Interest	
2009	5,849 *		6,357	6,137	Tower Petroleum/1900 Pacific	400,328	400			Planned	
2009	5,849 *		6,357	6,156	1600 Elm	19,210	19			Planned	
2009	5,849 *		6,357	6,654	1600 Pacific	498,270	498			Planned	
2009	5,849 *		6,357	6,702	1604 Main	47,720	48			Developer Interest	
2009	5,849 *		6,357	6,860	Praetorian Building	157,991	158			Developer Interest	
2010	6,015 *		6,538	6,860							
2010	6,015 *		6,538	7,062	Atmos block	86,586	202			Planned	
2010	6,015 *		6,538	7,642	511 Akard	580,000	580			Developer Interest	
2011	6,181 *		6,719	7,880	Federal Reserve Building	237,643	238			Developer Interest	
2015	6,846 *		7,442	8,070	Mercantile Commerce Building	190,221	190			Developer Interest	
2020	7,678 *		8,345	8,152	1954 Commerce	81,800	82			Developer Interest	
2022	8,010 *		8,707	8,389	500 South Ervay	614,176	237			Developer Interest	
2023	8,176 *		8,887	8,514	Crozier Tech	125,058	125			Developer Interest	
2026	8,675 *		9,429	8,836	Jackson Building	322,596	323			Developer Interest	
2027	8,841 *		9,610	9,348	Dallas Grand	511,584	512			Developer Interest	
2027	8,841 *		9,610	10,685	Elm Place	1,336,894	1,337			Developer Interest	
2030	9,340 *		10,152	10,685							
							8,887				

\*Straight-line interpolation between NCTCOG estimates

\*\*Assumes NCTCOG household count and 92% occupancy

\*\*\*Outside Downtown Connection TIF Zone



## **Section 2**

### **Project Plan Improvements**

This amended project plan provides for various TIF eligible public improvements. Each sub-district may include all or some of the eligible improvements described below. See Exhibits J and K for the budget of TIF eligible Project Plan Improvements (“Project Costs”) for each sub-district of the Zone.

**I. Catalyst Project** – The Zone’s only catalyst project included the Mercantile block, Continental Building, and Atmos Energy Buildings (including, but not limited to, environmental remediation, demolition, historic façade restoration, street and utility improvements, streetscape improvements, machinery, equipment, materials, and supplies). The Mercantile Block was completed 2009, the Phase I of the Atmos Complex project and the Continental Building were completed in 2013. Phase II of the Atmos Complex project will be completed 2016. This category is specific to the Downtown Connection Sub-district.

**II. Redevelopment of Vacant/Underutilized Downtown Buildings, Undeveloped/Underdeveloped Parcels, and Surface Parking Lots** – This category includes TIF eligible expenditures for design, engineering and construction costs for environmental remediation, interior and exterior demolition, façade improvements, historic façade restoration and Economic Development TIF Grants for TIF projects in the Zone and is further described below.

#### **I and II:**

**A. Environmental Remediation, Interior/Exterior Demolition, Historic Facade Restoration Improvements/ Easements and Fire Safety Improvements/Grants.** Downtown Dallas has several buildings that have been financially unfeasible to redevelop because of the cost of environmental remediation of asbestos, lead-based paint and other contaminants, interior and exterior demolition costs, façade improvement costs and fire accessibility issues. Interior and external demolition expenses are tied directly to the remediation expenses. These costs are TIF eligible expenditures. Remediation of environmentally hazardous materials and associated improvements, using TIF funds, greatly improves the marketability of these buildings. This budget category is necessary for attracting a high impact mixed use project to the TIF District and to attract new retail activity in the ground floor of buildings in the downtown area.

Historic facade restoration improvements and new construction under this program will be reviewed for compliance with design guidelines to ensure compatibility with other improved structures and investment in the area.

**B. Acquisition and restoration of historic sites.** The vacancy rate of historic buildings in the downtown area is high. Acquisition and restoration of historic buildings by public entities will be supported as an eligible Project Cost to enable

the redevelopment of these structures. Only buildings that are designated as a local historic landmark or listed on the National Register of Historic Places will be eligible for assistance under this program. The intent of this program is to support and preserve these recognized historic landmarks within the Downtown Connection TIF District.

Acquisition of a conservation or beautification easement may preserve the architectural (i.e., aesthetic) effects of these buildings enhancing the facade of new or redeveloped structures downtown. The City of Dallas, using TIF funds, can acquire such an interest in these architecturally or aesthetically significant structures in the District, leaving the maintenance to the property owner. Facade easements may include funding for projects where additional facade expenditures are needed to ensure that new construction is compatible with historic buildings, particularly with regards to building quality.

State law has been amended to permit the Downtown Connection TIF District to consider making direct grants to accomplish these purposes.

As part of the Catalyst Project, TIF funds may be used to purchase or re-purchase a vacant property or building and costs related to purchasing the building and developing a redevelopment plan for the building, consistent with the economic development objectives of the Downtown Connection TIF District.

- C. Street and utility improvements.** This category includes TIF eligible expenditures for street paving and related items, infrastructure upgrades/relocation (water, wastewater, storm sewer), and burial of overhead utilities.
- D. Streetscape Improvements.** The category includes lighting, sidewalk and infrastructure improvements, expanding linkages between the downtown core, the DART light rail system, the Farmers Market, the Arts District, the Convention Center, Deep Ellum, Dallas County offices and Uptown Districts to enhance pedestrian and vehicle continuity and other streetscape improvements related to specific projects.
- E. Land Acquisition.** The City may consider acquiring property by using eminent domain, if necessary and to the extent permitted by law, to implement the TIF Plan. Potential land acquisitions may include: Properties needed for pedestrian safety and accessibility;
  - Park sites described in the Downtown Park Master Plan, that supports the Downtown Connection TIF District, in accordance with Downtown Dallas 360 Area Plan;
  - Key development sites, which may be:
    - a) Locations adjacent to park sites in the Downtown core, or
    - b) Locations identified in the City Center TIF District Parking Strategy study as priority locations for public parking, or

- c) Land or rights to land obtained for a redevelopment project in accordance with a development agreement.

**F. Mixed Income Housing.** This category supports the Zone's mixed income housing requirements for residential projects. Funds may be used to offset the costs of providing affordable housing within the boundaries of this Zone and the greater downtown area only.

**G. Economic Development TIF Grants.** Direct TIF grants for vacant/underutilized buildings, undeveloped/underdeveloped parcels and existing surface parking lots may be provided if TIF funds necessary to make a project feasible exceed TIF eligible costs. The project must support the Zone's goals and objectives.

**II. Uptown/Downtown Connection Improvements.** This category is specific to the Downtown Connection Sub-district and includes projects that enhance pedestrian accessibility and provide public activity areas, as well as other enhancements for the Uptown and Downtown areas. Development of the Woodall Rodgers Deck/Park was a priority project for the Downtown Connection TIF District and funds dedicated to this line item were to be used to fund the City portion of the project's cost. Alternatively, the City used 2006 General Obligation Bond proceeds to fund the City's portion of the Klyde Warren Deck Park and Cedar Springs Median improvements because TIF funds were not available. The Klyde Warren Deck Park opened in 2012. As a result of the completion of the deck park and median improvements, funds originally allocated to this line item were reprogrammed to the Redevelopment of Vacant/Underutilized Downtown Buildings, Undeveloped/Underdeveloped Parcels, and Existing Surface Parking Lots budget line item.

**III. Park and plaza design and acquisition.** Public open space is an important amenity in a Downtown area. Several projects can help accomplish this objective using the Downtown Dallas 360 Area Plan as a primary guide. Funding would be provided for design and land acquisition as necessary for implementation. This category is specific to the Downtown Connection Sub-district.

**IV. Mixed Income Housing.** This category supports the Zone's mixed income housing requirement for residential projects: (1) a minimum of ten percent 10% of all units constructed as part of redevelopment of an existing building; (2) a minimum of 20% of all units constructed as part of a new ground-up development project; and (3) a minimum of 30% of residential units constructed on City owned land purchased by a private developer for residential development. The funds in this line item may be used to offset the costs of providing affordable housing within the boundaries of this Zone and the greater downtown area only, in the form of a TIF Grant.

For the Downtown Connection Sub-district, this Mixed Income Housing category was funded by a portion of the proceeds from the TIF Bonds issued for the Zone.

**V. Ground Floor Activation/Streetscape Improvements.** This category is specific to the Downtown Connection Sub-district and supports ground floor activation and/or occupancy that is contiguous by filling vacant gaps at the ground floor plane and will be

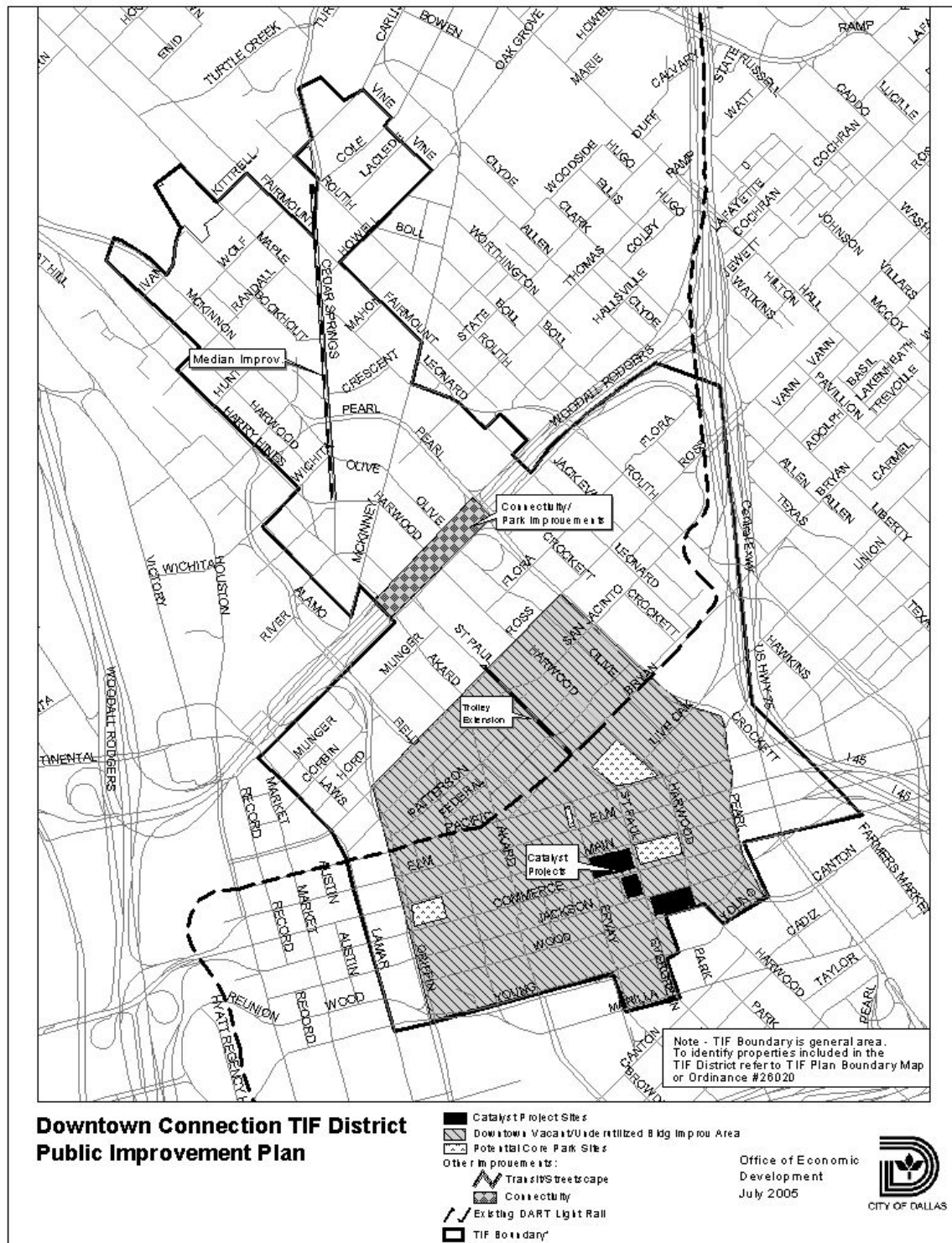
in the form of a TIF Grant. The use of funds in this category will be guided by the Downtown 360 Plan's Main Street Activation Strategy which provides recommendations for street level vibrancy, including retail activation, tenant mix, branding and design as well as storefront improvements, façade renovation, blank wall activations, outdoor/patio dining, cafes in public open spaces and glass box retail. Funds from this line item will be used in the Zone and the greater downtown area, if it benefits the Zone, in accordance with a Ground Floor Activation Program.

This category funded streetscape improvement projects, including decorative screening of surface parking lots within the District. A fencing program was completed in 2007 installing enhanced fencing along commercial surface parking lots located within the City Center TIF District. Remaining funds in this line item will be dedicated solely to funding a Ground Floor Activation Program.

**VI. Administration and Implementation.** Administrative costs, including reasonable charges for the time spent by employees of the municipality and/or employees associated with any non-profit groups established to assist with implementation within the TIF District will be eligible for reimbursement as project costs, upon approval by the TIF Board of Directors and in connection with the implementation of the Downtown Connection TIF Project Plan and Reinvestment Zone Financing Plan. Other related administrative expenses including legal fees and consulting fees of the City, management expenses, meeting expenditures and equipment are included in this category.

**VII. Non-project Costs.** It is anticipated that the City may make economic development loans or grants either to the Downtown Connection TIF District or to the DDDA, in furtherance of implementing this Plan. Should such loans or grants be made, consistent with the financing documents authorizing the issuance of bonds or other obligations issued by the DDDA to finance project costs, tax increments may be transferred to the City, in an amount not to exceed \$15,000,000, to reimburse the City for the funds made available by any such Chapter 380 economic development loans or grants in furtherance of the implementation of this Plan, and fulfilling the public purposes of developing and diversifying the economy of the District, eliminating unemployment or underemployment in the District, and developing or expanding transportation, business and commercial activity in the District. All bonds issued by the DDDA are subject to City Council approval and to minimize the exposure to the City's general funds revenues, the DDDA shall maintain sufficient debt reserve accounts and coverage ratios.

**VIII. Public Safety Building.** This category supports the relocation and/or reconstruction of two antiquated Dallas Fire Rescue stations in in the Zone – Fire Station #18 in the Downtown Connection Sub-district and Fire Station #4 in the Newpark Sub-district.



# Planned Private Development – Downtown Connection Sub-district

The private development anticipated to occur within the Downtown Connection Sub-district includes:

- 5,600 residential units in Downtown
- 3,200 additional units in Uptown
- Absorption of 3,000,000 square feet of vacant office space in the Zone
- Absorption of 125,000 square feet of retail space in Downtown
- Absorption of 250,000 square feet of retail space in Uptown
- Absorption of 800,000 square feet of new office space in Downtown
- Absorption of 800,000 square feet of new office space in Uptown
- Creation of 20 acres of park and open space
- Leverage funding for improved connectivity between Downtown and Uptown.
- Restore property value “inside the Loop” to levels above the 1990 value

## Exhibit G 2005 Anticipated Redevelopment Projects in Downtown Connection Sub-district

### Assumptions:

Sites, uses, floor areas and development timing are estimates by consultant and clients.  
Some listed developments will not happen; substitution by other development is possible.  
Some listed sites require public participation through TIF or other sources.

\* Fifteen year tax abatement on Mercantile Tower delays addition to tax roll until 2025 (60% of added value). Ten year tax abatement on Mercantile new construction delays addition to tax roll until 2018 (40% of added value).

\*\* Hunt HQ appraisal is estimated at 21% of added real property taxable value for 2008 through 2017 with the remainder added in 2018.

\*\*\* Ashton development reduced by 2/3 because DCAD has added much of the value to the 2005 tax roll.

\*\*\*\* Gabies Uptown Development reduced by 15% because DCAD has added value on preliminary construction to the 2005 tax roll.

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)
Site Number/Name	Approximate Land Area (SF)	Primary Use	Floor Area Ratio	Estimated Building Floor Area (SF) (excl. parking)	per	Estimated DCAD Improvement Appraisals in 2005 Dollars			Assumed Complete Before Jan. 1.	TIF Increment Arrives on Tax Roll	Net New Improvement Appraisal on Jan. 1 After Completion, If Inflation	Net New Appraisal at Completion, Less Condo Exemptions @ 20% in 50% of Units
					BSF	All New Improvements	Less Existing	Net New			3.00%	
North of Woodall Rodgers Freeway												
Wells Fargo Bank - Cedar Springs Ashton**	17,237	bank	0.23	3,919	\$100	\$391,900	\$0	\$391,900	2006	2006	\$403,657	\$403,657
	90,000	apartments	7.37	663,000	\$85	\$18,785,000	\$0	\$18,785,000	2006	2006	\$19,348,550	\$19,348,550
Gables Uptown, Phase 1****	140,000	residential	2.33	326,550	\$75	\$20,817,563	\$0	\$20,817,563	2006	2006	\$21,442,089	\$21,442,089
Uptown Plaza shopping, 1	56,000	retail	0.63	35,000	\$85	\$2,975,000	\$0	\$2,975,000	2006	2006	\$3,064,250	\$3,064,250
ZOM Rosewood	181,724	apartments	1.87	340,538	\$95	\$36,981,760	\$0	\$36,981,760	2007	2007	\$39,233,949	\$39,233,949
Azure	57,000	condos	5.09	290,000	\$160	\$46,400,000	\$0	\$46,400,000	2009	2009	\$46,400,000	\$41,760,000
Ritz Carlton w 70 condos	207,000	hotel/condos	1.50	352,800	\$175	\$61,740,000	\$55,000	\$61,685,000	2008	2008	\$61,685,000	\$61,685,000
Gables Uptown, Phase 2	127,000	res./retail	2.00	296,700	\$75	\$22,252,500	\$0	\$22,252,500	2009	2009	\$22,252,500	\$22,252,500
Stoneleigh Hotel renovations	65,000	condos/hotel	5.30	344,200	\$125	\$20,000,000	\$3,789,000	\$16,211,000	2009	2009	\$16,211,000	\$16,211,000
AMLII Quadrangle	110,000	residential	1.75	192,500	\$85	\$22,750,000	\$0	\$22,750,000	2011	2011	\$22,750,000	\$22,750,000
Accor site	101,000	condos/hotel	2.73	275,730	\$90	\$24,815,700	\$0	\$24,815,700	2019	2019	\$24,815,700	\$23,334,130
Metropolitan site (Centurion)	19,000	condos	3.50	66,500	\$95	\$6,317,500	\$169,000	\$6,148,500	2021	2021	\$6,148,500	\$5,533,650
Lincoln/Corrigan site	126,000	office	0.00		\$95	\$72,000,000	\$19,000	\$71,981,000	2012	2012	\$71,981,000	\$71,981,000
Stoneleigh Tower Condos		condos				\$70,000,000	\$800,000	\$69,200,000	2009	2009	\$69,200,000	\$62,280,000
Maple Terrace renovation	63,226	condos	4.98	315,000	\$85	\$26,775,000	\$820,000	\$25,955,000	2010	2010	\$25,955,000	\$23,359,500
Uptown Plaza shopping, 2	84,000	retail	1.00	84,000	\$85	\$7,140,000	\$0	\$7,140,000	2015	2015	\$7,140,000	\$7,140,000
Greenway site	29,000	mixed	2.00	58,000	\$90	\$5,220,000	\$0	\$5,220,000	2019	2019	\$5,220,000	\$5,220,000
Granite Gables	83,426	mixed	-		\$100	\$120,000,000	\$0	\$120,000,000	2014	2014	\$120,000,000	\$108,000,000
St. Ann's Court	60,000	office	0.00		\$100	\$60,000,000	\$0	\$60,000,000	2011	2011	\$60,000,000	\$60,000,000
Ritz Carlton Tower 2	100,482	condos		250,000	\$170	\$105,000,000	\$0	\$105,000,000	2010	2010	\$105,000,000	\$94,500,000
unspecified site	50,000	condos	2.50	125,000	\$65	\$8,125,000	\$250,000	\$7,875,000	2028	2028	\$7,875,000	\$7,087,500
1900 McKinney (Hanover)		office			\$95	\$0	\$0	\$42,000,000	2013	2013	\$42,000,000	\$42,000,000
unspecified sites (infill)	50,000	condos	2.50	125,000	\$65	\$8,125,000	\$250,000	\$7,875,000	2030	2030	\$7,875,000	\$7,087,500
unspecified sites (infill)	50,000	mixed	2.50	125,000	\$65	\$8,125,000	\$250,000	\$7,875,000	2030	2030	\$7,875,000	\$7,087,500
unspecified sites (infill)	60,000	condos	2.50	150,000	\$65	\$9,750,000	\$250,000	\$9,500,000	2030	2030	\$9,500,000	\$8,550,000
Subtotal	1,937,095			\$4,419,437		\$784,486,923	\$6,652,000	\$819,834,923			\$823,376,196	\$781,099,276
South of Woodall Rodgers Freeway												
Aristocrat Hotel renovation	8,477	hotel	11.47	97,241	\$40	\$3,889,640	\$0	\$3,889,640	2007	2007	\$4,126,519	\$4,126,519
1414 Elm	-	apartments	-	35,000	\$75	\$2,625,000	\$300,000	\$2,325,000	2008	2008	\$2,540,590	\$2,540,590
Hunt Headquarters**	61,289	office	6.42	393,553	\$125	\$55,954,280	\$1,554,880	\$54,399,400	2008	2008, 2018	\$59,443,693	\$12,483,176
												\$46,960,518
Mercantile block*	80,000	apartments	6.25	500,000	\$80	\$40,000,000	\$77,550	\$39,922,450	2010	2020, 2025	\$39,922,450	\$15,968,980
												\$23,953,470
1600 Elm	7,300	apartments	2.63	19,210	\$65	\$1,248,650	\$183,940	\$1,064,710	2016	2016	\$1,064,710	\$1,064,710
Museum Tower		condos			\$125	\$143,800,000	\$200,000	\$144,000,000	2012	2012	\$144,000,000	\$144,000,000
1900 Pacific	10,836	condos				\$78,615,888	\$0	\$78,632,000	2012	2027	\$78,632,000	\$70,948,800
Tower Petroleum	10,836	hotel				\$17,544,112	\$112,000	\$17,304,000	2012	2027	\$17,304,000	\$17,304,000
Praetorian Building	9,820	apartments	16.09	157,991	\$90	\$14,219,190	\$311,810	\$13,907,380	2021	2021	\$13,907,380	\$13,907,380
1600 Pacific	30,000	apartments	16.61	498,270	\$50	\$24,913,500	\$3,212,990	\$21,700,510	2015	2015	\$21,700,510	\$21,700,510
500 South Erway	110,853	apartments	5.54	614,176	\$65	\$39,921,440	\$1,391,470	\$38,529,970	2011	2011	\$38,529,970	\$38,529,970
Dallas block	75,000	apartments	3.33	250,000	\$75	\$18,750,000	\$581,890	\$18,168,110	2015	2015	\$18,168,110	\$18,168,110
Wood building								\$15,000,000	2014	2014	\$15,000,000	\$15,000,000
Almos block	56,738	apartments	9.02	511,584	\$75	\$38,368,800	\$5,720	\$38,363,080	2021	2021	\$38,363,080	\$38,363,080
Federal Reserve Building	125,860	apartments	1.89	237,643	\$50	\$11,882,150	\$3,524,200	\$8,357,950	2021	2021	\$8,357,950	\$8,357,950
1712 Commerce	10,000	apartments	19.02	190,221	\$50	\$9,511,050	\$1,294,900	\$8,216,150	2015	2015	\$8,216,150	\$8,216,150
1954 Commerce	25,000	apartments	3.27	81,800	\$50	\$4,090,000	\$6,790	\$4,083,210	2020	2020	\$4,083,210	\$4,083,210
Santa Fe #4	35,632	hotel	4.48	159,791	\$90	\$14,381,190	\$719,820	\$13,661,370	2011	2011	\$13,661,370	\$13,661,370
1604 Main	7,650	apartments	6.24	47,720	\$50	\$2,386,000	\$5,050	\$2,380,950	2022	2022	\$2,380,950	\$2,380,950
1613-1615 Main/1614 Elm		retail/office				\$2,894,850	\$325,000	\$2,569,850	2025	2025	\$2,569,850	\$2,569,850
Elm Place	80,933	apartments	16.52	1,336,894	\$50	\$66,844,700	\$4,810,299	\$62,034,401	2025	2025	\$62,034,401	\$62,034,401
Subtotal	746,224			\$5,169,692		\$591,840,440	\$18,618,309	\$588,710,131			\$594,206,894	\$585,258,964
Total	2,683,319			9,589,129		\$1,376,327,363	\$25,270,309	\$1,408,545,054			\$1,417,583,089	\$1,366,358,259



## Planned Private Development – Newpark Sub-district

The private development anticipated to occur within the Newpark Sub-district includes:

- 800 residential units
- Approximately 1 million square feet of office space
- Approximately 100,00 square feet of retail space
- Approximately 200,000 square feet of hotel/hospitality space

The Newpark Sub-district encompasses the planned Newpark Dallas development, a multi-phased, high-density, mixed-use project. At full build-out, Newpark Dallas will include over 1 million square feet of Class A office space, 200,000 square feet of retail space, a few thousand residential units, and 4-star hotel. The estimated total private investment associated with full build-out of the Newpark Dallas development exceeds \$1.5 billion.

**Exhibit H** provides a conceptual rendering of the planned development in the Newpark Sub-district.

### Exhibit H Conceptual Rendering of Development in Newpark Sub-district





## Exhibit I

### Anticipated Redevelopment Projects in Newpark Sub-district

Project	Use	Estimated Private Investment	Estimated DCAD Value	Year Complete
One Newpark	Mixed Use	\$385,054,481	\$206,435,058	2024
Two Newpark	Mixed Use	\$406,635,421	\$238,955,050	2027
Three Newpark	Mixed Use	\$312,941,821	\$187,617,550	2029
Four Newpark	Mixed Use	\$406,635,421	\$239,183,950	2032
<b>Totals</b>		<b>\$1,511,267,145</b>	<b>\$872,191,608</b>	

## TIF District Policy Considerations

City policy requires TIF District plans to include public objectives such as a provision for mixed-income housing; development of design guidelines that promote the high-quality design of structures and infrastructure within the TIF District; utilization of minority and women-owned businesses in new construction; promotion of jobs for neighborhood residents; and resolution of issues related to the relocation of area residents displaced by new development. These issues are addressed specifically below.

Catalyst Project Economic Development TIF Grant Program. Certain costs of improvements of Mercantile Block, Atmos Complex, and Continental Building catalyst project, as further discussed herein, have become eligible for funding with tax increment revenues under legislative actions taken in 2005. These improvements enumerated in the Project Plan provide for approximately \$39 million in grants of TIF revenues, subject to final construction plans, for costs associated with redevelopment of vacant structures and costs of new development including, but not limited to, equipment, machinery, supplies and materials, to be purchased for the benefit of the catalyst project. The City implemented controls per contract documents sufficient to ensure that all funds provided for the catalyst project are used to fulfill the public purposes of developing and diversifying the economy of the District, eliminating unemployment or underemployment in the District, and developing or expanding transportation, business and commercial activity in the District.

Excluding only the Catalyst Project approved prior to the issuance of any debt obligations, no other projects receiving TIF funds may be categorized as a catalyst project or shall receive tax abatements within the Zone.

Economic Development TIF Grant Program. TIF grants may be provided to projects that meet Downtown Connection TIF District development goals and specific development objectives. Grants may be provided to facilitate redevelopment of vacant/underutilized buildings, undeveloped/underdevelopment parcels, existing surface parking lots and ground floor activation and occupancy, as well as mixed income housing. An economic development TIF Grant may be used to fund a project in excess of non-grant TIF eligible expenditures, if the project is not feasible but for a TIF Grant.

Mixed Income Housing. The following affordable housing units are required for projects with a residential component that are using TIF funds: (1) a minimum of 10% of all units constructed as part of redevelopment of an existing building; (2) a minimum of 20% of all units constructed as part of a new ground-up development project to meet affordable housing guidelines; and (3) a minimum of 30% of residential units constructed on City owned land purchased by a private developer for residential development and must meet City and County established criteria for mixed-income housing.

Affordable housing units are those which are affordable to a household earning eighty percent (80%) or below of the Area Median Family Income for the Dallas metropolitan area. A developer may, subject to City and County approval, and subject to the Downtown Connection TIF District Mixed Income Housing Guidelines, propose an alternative means of fulfilling the City's and County's affordable housing requirement. If the Guidelines allow affordable housing outside the City Center TIF District, and those units are placed within the boundaries of another TIF district, the developer must also secure approval for the affordable housing units within the respective district's boundaries from the respective TIF district's board of directors unless that board formally declines to review the project.

Business Inclusion and Development (BID) Plan. All TIF-funded projects must follow the City's adopted Business Inclusion and Development Plan. This policy outlines goals for certified Minority and Women-Owned Business (M/WBE) participation in publicly funded infrastructure projects. The BID Plan goal when the Zone was created was 25 percent (25%) for construction of public improvements. On September 23, 2020 the City Council increased the construction goal to thirty-two percent (32%). Any project approved for TIF funds after September 23, 2020 will be required to make a good faith effort to meeting the increased M/WBE participation goal.

The goal for private improvements is negotiated in the development agreement. The process for BID compliance and City oversight will be negotiated with City staff and included in the development agreement for each individual project.

Creating Permanent Jobs for Area Residents. TIF applicants must agree to sponsor job fairs or other programs to attract neighborhood residents to any permanent jobs created in the development.

Design Review/Peer Review Process. The City's TIF program has a set of master design guidelines that development projects seeking direct site-specific TIF funding assistance will be required to comply with. Additionally, the design of each TIF supported project will be reviewed by the Urban Design Peer Review Panel (UDPRP),

an independent group of design, engineering, and/or planning professionals selected by the Dallas City Manager. UDPRP will review and provide recommendations on the Project's design to the TIF Board for consideration. Conformance to design standards for non-TIF funded projects is voluntary but strongly encouraged to maintain the design focus of the implementation of the Downtown Connection TIF Plan. TIF District Design Guidelines for new development and redevelopment in the Zone maybe modified to add design goals for the Newpark Sub-district and subsequently adopted by the Downtown Connection TIF District board.

Existing Resident Displacement. The Act requires that existing resident displacement be minimized. No persons are expected to be displaced by redevelopment activity within the Downtown Connection TIF District.

Eminent Domain. The City may consider the use of eminent domain as necessary and convenient to implement the Downtown Connection TIF project and financing plan. Potential land acquisitions with eminent domain may include:

- Properties needed for pedestrian safety and accessibility;
- Park sites described in the CBD Park Master Plan;
- Key development sites, which may be:
  - a) Locations adjacent to park sites in the Downtown core; or
  - b) Locations identified in the City Center TIF District Parking Strategy study as priority locations for public parking, or
  - c) Catalyst Project.
  - d) Land or rights to land obtained for a redevelopment project in accordance with a development agreement.

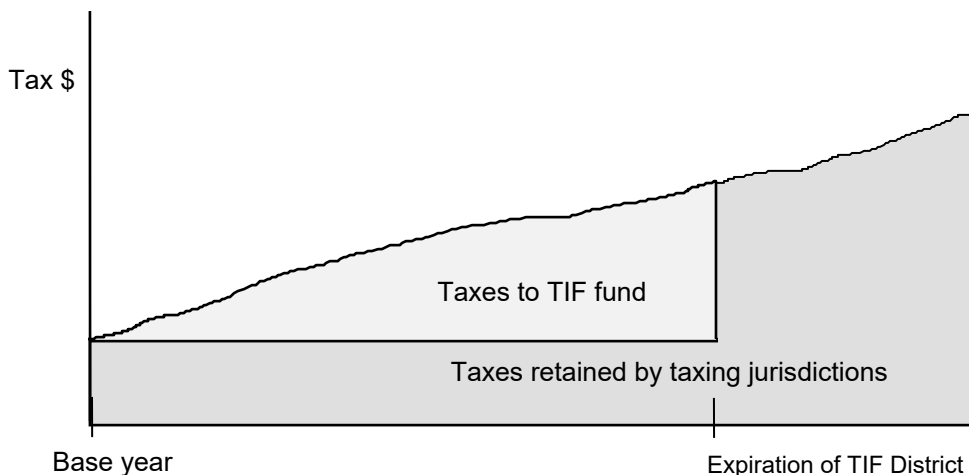
## Section 3: Financing Plan

Tax increment financing (“TIF”) is a tool local governments of Texas have used since 1986 to finance public improvements within defined areas that have unique challenges and opportunities for economic development. The improvements strengthen existing communities and attract investment. Statutes governing TIF are in Chapter 311 of the Texas Tax Code.

A municipality makes an area eligible for tax increment financing by designating a reinvestment zone. The additional tax dollars generated by growth of real property value flow to a “tax increment financing fund” (“TIF fund”) for a specified term of years. Money flowing to the TIF fund each year is disbursed according to a plan approved by a TIF board and the City Council, as prescribed by statutes and the ordinance designating the reinvestment zone. The Fund may be used to make grants in furtherance of the development for the District and for public improvements within the reinvestment zone. TIF funds may also to be used for public improvements at places of public assembly, such as a park, or for affordable housing, even though outside the zone.

The illustration below shows how tax from real properties in a TIF zone flows to a taxing jurisdiction and to a TIF fund. This assumes real property values in the TIF zone rise soon after the zone’s designation.

### Real Property Tax Flow with Tax Increment Financing



Inclusion of property in a TIF zone does not change any tax rate for the property. Tax rates in a TIF zone are the same as tax rates outside the zone and within the same set of taxing jurisdictions.

Once the public improvements are completed and paid for, the TIF is dissolved and the full amount of the taxes collected in area are kept by the taxing jurisdictions. In effect, the taxing jurisdictions are “investing” future earnings to receive the benefit of higher tax

#### Exhibit A

revenues from new development. Also, taxing jurisdictions are not restricted from raising their tax rates during the life of the zone.

## Financing Plan

The Reinvestment Zone Financing Plan provides for incremental financing and predicts revenues for the Downtown Connection TIF District. **Exhibit P** compares the 2013 amended budget to the original budget adopted for the Zone. **Exhibit Q** compares the 2022 amended budget shown below to the budget adopted in 2013.

### Exhibit J Downtown Connection Sub-district Amended Improvements Budget

*Project costs are public improvements and grants paid or reimbursed by the District.  
Projects cost may be changed in subsequent project and financing plan amendments.*

Category	Amended NPV Budget (2005) <sup>1</sup>	Estimated Total Dollars TIF Budget <sup>2</sup>
<b>Catalyst Projects:</b> - Environmental remediation, demolition, historic façade, restoration, street/utility improvements & streetscape improvements, land acquisition, and non project costs, including, but not limited to machinery, equipment, materials and supplies	\$68,000,000	\$68,000,000
<b>Redevelopment of Vacant/Underutilized Downtown Buildings, Underdeveloped Parcels, Surface Parking Lots -</b> <i>Environmental remediation, interior/exterior demolition, historic façade restoration, street/utility improvements, land acquisition, TIF grants, affordable housing</i>	\$239,255,247	\$629,007,549
<b>Uptown/Downtown connection improvements<sup>3</sup></b>	\$0	\$0
<b>Park and plaza design and acquisition</b>	\$1,500,000	\$3,943,535
<b>Affordable Housing<sup>4</sup></b>	\$3,000,000	\$3,000,000
<b>Ground Floor Activation/Streetscape Improvements<sup>4</sup></b>	\$1,985,000	\$1,985,000
<b>Downtown Area Plan<sup>4</sup></b>	\$515,000	\$515,000
<b>Public Safety Building</b> (replace Fire Station #18)	\$5,146,398	\$13,530,000
<b>Administration and Implementation</b>	\$3,940,386	\$10,359,365
<b>Debt Service</b> (Principal and Interest)	\$79,555,857	\$206,972,265
<b>Total</b>	<b>\$402,897,888</b>	<b>\$937,312,714</b>

<sup>1</sup>Amended NPV Budget values discounted to 2005 dollars at 5% discount rate.

<sup>2</sup>Amended Total Dollar values reflect estimated total collections over the life of the District. These values will fluctuate annually.

<sup>3</sup>Funds allocated to the Uptown/Downtown connection improvements line item have been reprogrammed to the Redevelopment line item.

<sup>4</sup>Funds for the Affordable Housing, Ground Floor Activation/Streetscape Improvements, and Downtown Area Plan are in cash.

## Exhibit K

### Newpark Sub-district Amended Improvements Budget

*Project costs are public improvements and grants paid or reimbursed by the District.*

*Projects cost may be changed in subsequent project and financing plan amendments*

Category	NPV Budget <sup>1</sup> (2022)	Estimated Total Dollar TIF Budget <sup>2</sup>
<b>Redevelopment of Vacant/Underutilized Downtown Buildings, Underdeveloped Parcels, Surface Parking Lots - Environmental remediation, interior/exterior demolition, historic façade restoration, street/utility improvements, land acquisition, streetscape</b>	\$19,778,349	\$49,000,000
<b>Public Safety Building</b> <i>(replace Fire Station #4)</i>	\$5,461,246	\$13,530,000
<b>Economic Development TIF Grant - High density mixed-use development projects, mixed-income housing</b>	\$63,273,208	\$156,756,626
<b>Administration and Implementation</b>	\$1,816,379	\$4,500,000
<b>Total Project Costs</b>	<b>\$90,329,182</b>	<b>\$223,786,626</b>

<sup>1</sup> NPV Budget values discounted to 2022 dollars at 5% discount rate.

<sup>2</sup> Estimated Total Dollar values reflect estimated total collections over the life of the sub-district. These values will fluctuate annually.

Financing Method. The City's current policy for financing TIF projects is for private groups to advance funds for public improvements in the reinvestment zone or to have funds paid directly from the Downtown Connection TIF District Fund as funds become available. The City has financed all its prior TIF District projects on a pay-as-you-go basis. Advances may be repaid by the future cash flows to the Downtown Connection TIF District fund. Taxing jurisdictions need not guarantee these loan repayments with any other source. The City of Dallas, using TIF funds, may purchase facade easements for specific buildings. In addition, other public improvements included in the Project Plan may be funded directly from the Downtown Connection TIF District funds, as incremental revenue is available.

In connection with the shift in approach from funding seed project to focusing resources into a large catalyst project, the City may consider using the TIF fund to reimburse project cost principal and interest and other financing costs. The City may negotiate with financial institutions to secure bonds or other obligations, or lines of credit, to aid in the funding of two categories of projects within the TIF zone, using any financial instrument, subject to City Council approval of the note or credit line or issue bonds or other obligations for:

- Catalyst Project: These were public improvements related to the Mercantile Block, Atmos Complex and Continental Building for which total project investment from all sources will exceed \$100,000,000;
- Accessibility/safety projects: These are public improvements to achieve greater safety or accessibility and to foster redevelopment of small commercial structures.
- Other projects so determined by the Downtown Connection TIF District Board of Directors and the City Council.

The City of Dallas created a local government corporation called the Dallas Downtown Development Authority ("DDDA") to assist with the development of TIF improvements in the zone. The City, in its name or through the DDDA, may issue bonds or other obligations ("Bonds") in an aggregate principal amount estimated to be \$66 million to aid in the funding of project costs within the Downtown Connection TIF District, secured in whole or in part with City general fund annual appropriation of Chapter 380 grants and/or tax increment revenues, subject to City Council approval of the issuance of such Bonds. Bonds may be issued to fund capitalized interest and reserve funds for the Bonds. In addition, the DDDA may seek to obtain a line or letter of credit to support activities consistent with the objectives of this Plan.

Financing Policy and Long-Term Financing. The goal of the Downtown Connection TIF District is to leverage increment accrued to maximize development in the District. It is the intention of the Board of Directors that the increment received initially goes to catalyst projects such as the Mercantile block, Continental Building, and Atmos Energy Buildings.

It is anticipated that the City, the Downtown Connection TIF District Board of Directors and the will DDDA enter into an agreement pursuant to which:



- TIF revenues would be transferred from the TIF fund to the DDDA.
- The City delegates to the DDDA certain duties and responsibilities concerning implementation of the project plan
- The DDDA agrees to use the funds received to secure bonds and agrees to assume the duties and responsibilities delegated to it by the City, subject to the conditions of the agreement.

Expected Revenues. **Exhibit G** is a list of development anticipated in the Downtown Connection Sub-district through 2027. **Exhibit I** is a list of development anticipated in the Newpark Sub-district through 2032. Some of the identified developments will probably not occur, while other development projects likely will replace them. This schedule represents the best estimate of anticipated development in the area. Actual timing, floor area, uses and other attributes of the identified developments may differ from the schedule.

Unit values supporting appraisal estimates in **Exhibits G and I** are based on observations of values assigned to comparable developments by the Dallas Central Appraisal District (DCAD). Actual construction costs or trading prices may differ. Because tax increments are measured by DCAD values, these are the relevant measures of value for a TIF financing plan. To show the reasonableness of appraisal estimates in this plan, **Exhibit L** presents 2004 appraisals by DCAD of several properties in the TIF zone and nearby that are believed similar to the forecasted development in **Exhibit G**.

Within the next twenty years, the anticipated pace of development will likely consume much of the vacant land in the Downtown Connection Sub-district north of Woodall Rodgers Freeway. There is also strong probability that some land with existing structures in 2005 will redevelop within that time horizon.

The sites anticipated for redevelopment with the Downtown Connection Sub-district may constitute most of the redevelopment in the zone through 2027, although some unnamed sites will inevitably substitute for listed sites. Further redevelopment on both sides of Woodall Rodgers Freeway after 2027 is likely, but not forecast in this analysis for two reasons: (1) Tax increments are estimated to flow to the TIF zone for only twenty-two years (the legal life of the TIF is thirty years); (2) Forecasts further into the future become marginally reliable.

Based on the development projects identified in **Exhibit G** and other stated assumptions, **Exhibit M** and **Exhibit N** estimates annual City/County real property taxes from the TIF zone and annual percentages and amounts of the real property tax growth increment reinvested each year in the Downtown Connection TIF fund from each sub-district. Cumulative increased property value is expected to be approximately \$11 billion during the 30-year term of the Downtown Connection Sub-district and approximately \$1.7 billion for the Newpark Sub-district. The Downtown Connection Sub-district projections assume a 90% reinvestment rate for the City during the 30-year life of the sub-district and 55% from the County with a term of 20 years or until the Project Cost Budget is collected. The County's contribution to the Downtown

Connection Sub-district is capped at a net present value of \$18.5 million. The final terms of the County's contribution of its tax increment to the Downtown Connection Sub-district was set forth in an inter-local participation agreement between the City and the County.

The Newpark Sub-district projections assume a 90% reinvestment rate for the City during the 30-year life of the sub-district and 55% from the County with a term of 20 years or until the Project Cost Budget is collected. The County's contribution to the Newpark Sub-district will ultimately be negotiated and set forth in an inter-local participation agreement between the City and the County.

## **Financial Assumptions**

The key factors influencing the financial feasibility study and its conclusions are the financial assumptions that have been adopted.

Inflation. The generally accepted inflation for construction costs and the value of improvements is three percent (3.0%) per annum. Based on current market rates, net present values of the tax increment were calculated at a discount rate of five percent (5%) per annum.

Appreciation. Property appreciation is assumed to be 2.5% per annum on average.

Tax Rate Changes. Although tax rates will certainly increase during the 30-year development period of both sub-districts, the financial plan conservatively assumes that the tax rate will remain constant for the life of the Downtown Connection TIF District, except to incorporate tax rate changes when known.

Remittance to the TIF Fund. The City of Dallas will participate at a rate equal to approximately 90% of incremental value during the 30-year term of the TIF or until the budget of \$402.9 million (net present value) is reached and Dallas County will participate at a rate of 55% of incremental value during the first 20 years of the term of the Downtown Connection Sub-district. Dallas County's participation is capped at a net present value of \$18.5 million in this sub-district.

The City of Dallas will participate at a rate equal to approximately 90% of incremental value during the 30-year term of the Newpark Sub-district or until the budget of \$90.3 million (net present value) is reached, and Dallas County is anticipated to participate at a rate of 55% of incremental value for a term of 20 years beginning in year 5 (2027) of the term of the Newpark Sub-district.

## **Financial Feasibility**

The private development plans, public improvement program, general financing strategy and financial assumptions were all included in an economic feasibility study prepared by

Stein Planning and Management. The study is intended to be used as part of the economic feasibility study for the District in accordance with the provisions of Section 311.011, Texas Tax Code, and is available upon request.

At the time of creation of the original District, the now Downtown Connection Sub-district, cumulative increased property value was expected to be approximately \$4 billion during the 30-year term of the TIF District.

The TIF District projections provide for increment collections over the entire 30-year life of the Downtown Connection Sub-district.

On a strict “pay-as-you-go” basis, the progress of the public improvements portion of the development program is a direct result of the revenues received (and matched by the City’s contributions). Therefore, if revenues exceed these projections, then the public improvements can be completed ahead of schedule. If revenues do not meet expectations, then the pace of public improvements will be slowed or discontinued altogether based upon the advice of the Board of Directors and the approval of the City Council.

Based upon a set of TIF District assumptions and analysis of the project and financing plan, the Downtown Connection Board of Directors has concluded that the plan is feasible.

## **Financial Policies**

General financial policies are governed by the City of Dallas Public/Private Partnership Program that was first approved by the City Council on March 13, 1996. This program provides a framework for development incentives in a variety of areas. Within this framework the Downtown Connection Board of Directors has adopted specific policies for the Downtown Connection TIF District:

- The Catalyst Project (Mercantile Block, Atmos Complex, and Continental Building) in the Downtown Connection Sub-district was recognized as a major component of the Downtown Connection TIF District Public Improvement Plan, therefore, the majority of increment accrued will be set aside for such projects.
- Public improvements will be phased at a pace that coincides with private development.
- Private developers desiring City participation in cost-sharing for infrastructure improvement needs for their projects must sign a Development Agreement with the City.
- Each Development Agreement is mutually exclusive - that is, the nature and extent of support with public funds may change over time as the District becomes more developed.

- The City may negotiate with financial institutions to secure notes or lines of credit to aid in the funding of two categories of projects within the TIF zone, using any financial instrument, subject to City Council approval of the note or credit line, or issue certificates of obligation or TIF bonds for catalyst projects and accessibility/safety projects as described earlier in the Project Plan.
- If a developer needs infrastructure improvements constructed at a time when sufficient funds are not available in the TIF Reserve Fund, then improvements may be:
  - ~ deferred until funds are available
  - ~ constructed at the sole expense of the developer
  - ~ constructed at developer expense, with the City reimbursing the developer as funds become available
- Private development must substantially conform to "private development design guidelines" adopted by the Downtown Connection Board of Directors in order to receive cost participation benefits for infrastructure improvements.

The Downtown Connection TIF Board may from time-to-time recommend amendments to these financial policies which will affect the operations of the TIF District.

Should project costs be paid that directly benefit the developer of a catalyst project, such as the acquisition of machinery, equipment, materials and supplies, or grants made to a developer as permitted by Chapter 311, Texas Tax Code, the City will establish sufficient controls to ensure that the expenditure does result in the public purpose being carried out and that the public is protected in the use of public funds, such as the tax increment revenues, for the intended result.

The DDDA may undertake such activities as determined by the City Council to be necessary or convenient to implement the Plan, including the issuance of bonds or other obligations to finance the payment of project costs. No such bonds or other obligations shall be issued by the local government corporation without prior City Council approval.

The City reserves the right to amend this plan to provide for the establishment of a "sales tax increment" collection process, as permitted by Chapter 311, Texas Tax Code.

## Other Financial Benefits

New residents of Downtown will spend for goods and services subject to sales tax. Because the City has a one-cent sales tax, this generates municipal revenue. **Exhibit O** estimates City sales tax attributed to new Downtown residences. The schedule makes no allowance for a share of purchases by Downtown residents outside Downtown, but it assumes these external purchases will be offset by purchases from

tourists, convention attendees and visitors from outside Downtown who will be drawn to spend more time Downtown. Many of the buildings that will be adapted for residential use with help from the TIF program are expected to use ground level space for retail tenants or restaurants.

The Dallas Independent School District is not expected to participate in the Zone. State law governing school funding since September 1999 makes TIF participation generally unattractive for a school district. Nevertheless, the DISD will receive a windfall from the Downtown Connection Sub-district estimated at roughly \$1.8 billion over forty years. All DISD tax projections bear risk that new Texas law may cap the rate of local property tax a school district may levy.

## **Conclusions**

Based upon a set of assumptions and analysis of the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan, the Downtown Connection TIF District Board of Directors has concluded that the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan is feasible.

The success of development in the Zone will allow downtown Dallas to become more of an activity center. The new residential population base will support downtown Dallas' expanding retail and entertainment activities and enhance the area's overall market image. The success of this program will protect and build on the region's greatest real estate asset.

The Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan was developed with these specific needs in mind.

# Exhibit L

## Comparable Developments based on DCAD 2004 Appraisals

(a)	(b)	(c)	9d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
Development Name	Address	Improvements	Land	Total Value	Bldg. SF	IV per BSF	Land SF	Land per LSF	Total per BSF	FAR
Mixed use centers										
The Crescent	500 Crescent	\$242,570,000	\$25,984,920	\$268,554,920	1,722,192	\$141	433,082	\$60	\$156	3.98
	3699 McKinney	\$33,269,340	\$6,745,320	\$40,014,660	315,535		224,844			
	3699 McKinney	\$4,255,070	\$1,730,070	\$5,985,140	34,336		57,669			
West Village		\$37,524,410	\$8,475,390	\$45,999,800	349,871	\$107	282,513	\$30	\$131	1.24
Mockingbird Station	5307 Mockingbird	\$51,224,220	\$10,627,060	\$61,851,280	565,675	\$91	379,538	\$28	\$109	1.49
Retail centers										
One-Stop Mini-Mart	2324 McKinney	\$576,860	\$1,423,080	\$1,999,940	3,509	\$164	23,718	\$60	\$570	0.15
Knox Park Village	3001 Knox	\$12,182,090	\$2,798,910	\$14,981,000	81,893	\$149	87,172	\$32	\$183	0.94
Lincoln Park (retail with. grocery)	7700 W. Northwest	\$20,260,770	\$11,299,680	\$31,560,450	153,642	\$132	502,208	\$23	\$205	0.31
Highland Park Village	4201 Mockingbird	\$28,648,860	\$15,918,560	\$44,567,420	230,948	\$124	397,964	\$40	\$193	0.58
HPV parking north of M'bird	4200 Mockingbird	\$0	\$4,108,360	\$4,108,360	0	N.A.	102,709	\$40	N.A.	0.00
Highland Park Village total		\$28,648,860	\$20,026,920	\$48,675,780	230,948	\$124	500,673	\$40	\$211	0.46
Best Buy, CompUSA, Office Max	9358 N. Central	\$21,310,230	\$9,544,770	\$30,855,000	184,996	\$115	636,318	\$15	\$167	0.29
Office buildings										
Chase Tower	2200 Ross	\$151,599,640	\$2,799,830	\$154,399,470	1,250,000	\$121	111,993	\$25	\$124	11.16
Trammell Crow Center	2001 Ross	\$140,591,200	\$2,851,440	\$143,442,640	1,245,324	\$113	95,048	\$30	\$115	13.10
2100 McKinney	2100 McKinney	\$39,810,540	\$8,189,460	\$48,000,000	374,654	\$106	136,491	\$60	\$128	2.74
Fountain Place	1445 Ross	\$121,795,310	\$2,204,690	\$124,000,000	1,297,418	\$94	78,739	\$28	\$96	16.48
1845 Woodall Rodgers	1845 Woodall Rodgers	\$10,278,510	\$1,266,650	\$11,545,160	185,007	\$56	36,190	\$35	\$62	5.11
Residences										
1999 McKinney condos (62)	1999 McKinney	\$32,925,450	\$1,309,414	\$34,234,864	175,482	\$188	29,098	\$45	\$195	6.03
		(Improvement figures are estimates based on 100% of three middle floors.)								
Portobello townhouse condo unit	33xx Blackburn	\$415,870	\$59,130	\$475,000	2,606	\$160	N.A.	N.A.	N.A.	N.A.
Travis Terrace townhouse condo	39xx Travis	\$400,610	\$42,420	\$443,030	2,782	\$144	2,121	\$20	\$159	1.31
Lincoln Park	5445 Caruth Haven	\$35,455,780	\$9,544,220	\$45,000,000	395,377	\$90	636,281	\$15	\$114	0.62
The Abbey	2521 Worthington	\$4,155,550	\$944,450	\$5,100,000	48,082	\$86	29,514	\$32	\$106	1.63
Heights of State Thomas	3015 State	\$14,778,910	\$3,921,090	\$18,700,000	173,545	\$85	122,534	\$32	\$108	1.42
Knox Travis Park	4611 Travis	\$10,962,040	\$537,960	\$11,500,000	137,331	\$80	26,898	\$20	\$84	5.11
	2816 Guillot	\$10,364,586	\$3,185,490	\$13,550,076	171,403		91,014			
	2518 Colby	\$14,849,970	\$5,889,960	\$20,739,930	275,636		175,982			
	2427 Allen	\$8,687,790	\$1,962,210	\$10,650,000	123,754		61,319			

Uptown Village		\$33,902,346	\$11,037,660	\$44,940,006	570,793	\$59	328,315	\$34	\$79	1.74
Gables at Routh	2600 Cole	\$9,033,540	\$2,128,460	\$11,162,000	142,507	\$63	60,813	\$35	\$78	2.34
Mirabella	2600 Cole	\$9,033,540	\$2,128,460	\$11,162,000	142,507	\$63	60,813	\$35	\$78	2.34
Jefferson at Gaston	2752 Gaston	\$26,158,960	\$4,665,280	\$30,824,240	417,815	\$63	548,856	\$9	\$74	0.76
Block 588 Condos	3110 Thomas	\$13,603,550	\$1,636,450	\$15,240,000	229,074	\$59	51,139	\$32	\$67	4.48
Heights of State Thomas	3110 Thomas	\$16,111,970	\$3,688,030	\$19,800,000	299,362	\$54	115,251	\$32	\$66	2.60
Davis Building	1309 Main	\$12,876,320	\$873,000	\$13,749,320	241,481	\$53	14,550	\$60	\$57	16.60
Majestic Lofts Residences	1900 Elm	\$6,553,000	\$1,200,000	\$7,753,000	126,000	\$52	20,000	\$60	\$62	6.30
Kirby Building	1501 Main	\$9,849,880	\$900,120	\$10,750,000	203,824	\$48	15,002	\$60	\$53	13.59
Gables Concord	3003 Bookhout	\$6,044,580	\$4,755,420	\$10,800,000	138,390	\$44	158,514	\$30	\$78	0.87
Jefferson at the North End	2323 N. Field	\$25,754,460	\$16,395,540	\$42,150,000	623,997	\$41	468,444	\$35	\$68	1.33
Camden Farmers Market	2210 Canton	\$15,823,610	\$5,676,390	\$21,500,000	381,441	\$41	306,832	\$18	\$56	1.24
Wilson Building	1623 Main	\$8,985,000	\$1,740,000	\$10,725,000	250,778	\$36	29,000	\$60	\$43	8.65
Rovello	2610 Allen	\$13,960,180	\$4,727,740	\$18,687,920	397,294	\$35	132,117	\$36	\$47	3.01
<b>Hotels</b>										
The Mansion on Turtle Creek	2821 Turtle Creek	\$16,504,480	\$5,495,420	\$21,999,900	82,976	\$199	157,012	\$35	\$265	0.53
Hotel Zaza	2332 Leonard	\$11,782,940	\$2,918,340	\$14,701,280	102,010	\$116	48,639	\$60	\$144	2.10
	2007 Live Oak	\$3,898,390	\$1,521,000	\$5,419,390	0		43,457			
	2117 Live Oak	\$68,759,606	\$3,484,460	\$72,244,066	535,478		99,556			
	443 Olive	\$5,722,150	\$2,777,810	\$8,499,960	292,056		79,366			
	400 Olive	\$0	\$94,550	\$94,550	0		7,879			
Adam's Mark Hotel		\$78,380,146	\$7,877,820	\$86,257,966	827,534	\$95	230,258	\$34	\$104	3.59
	300 Reunion	\$62,744,660	\$3,287,340	\$66,032,000	657,212		205,549			
	500 S. Stemmons	\$0	\$2,491,750	\$2,491,750	0		177,982			
	201 Reunion	\$0	\$916,180	\$916,180	0		76,348			
	400 S. Stemmons	\$0	\$811,640	\$811,640	0		57,974			
	311 Reunion	\$0	\$237,240	\$237,240	0		16,946			
	300 Hyatt Regency	\$0	\$41,060	\$41,060	0		9,165			
Hyatt Regency Hotel		\$62,744,660	\$7,785,210	\$70,529,870	657,212	\$95	543,964	\$14	\$107	1.21
Hotel St. Germain	2516 Maple	\$500,790	\$540,400	\$1,041,190	8,273	\$61	15,440	\$35	\$126	0.54
	1717 N. Akard	\$24,721,980	\$2,462,520	\$27,184,500	579,037		87,947			
	1717 N. Akard	\$0	\$315,500	\$315,500	0		11,268			
Fairmont Hotel		\$24,721,980	\$2,778,020	\$27,500,000	579,037	\$43	99,215	\$28	\$47	5.84
Building floor area measurements exclude parking garages. Improvement appraisals include garages.										
<b>Grocery stores</b>										
Whole Foods Market	4100 Lomo Alto	\$3,382,000	\$1,775,900	\$5,157,900	35,600	\$95	70,236	\$25	\$145	0.51
Kroger Signature	5665 E. Mockingbird	\$2,623,330	\$4,188,550	\$6,811,880	79,228	\$33	349,046	\$12	\$86	0.23



# Exhibit M

## Downtown Connection Sub-district Increment Projections

Downtown Connection Sub-district Projected TIF Increment Schedule									
Tax Year	Total Property Value Estimate <sup>1</sup>	Property Value Growth	Comp. Value Growth	Anticipated Captured Value	Anticipated Accumulated Revenue (NPV)	Tax Increment Revenue into TIF CITY @ 90%	Tax Increment Revenue into TIF COUNTY @ 55%	Anticipated Increment Revenue	NPV Anticipated Increment Revenue
<b>Base 2005</b>	\$561,696,137								
<b>Adj. Base 2009</b>	\$564,917,317								
<b>1 2006</b>	<b>\$759,033,448</b>	35.13%	35.13%	\$197,337,311	\$1,370,108	\$1,208,059		<b>\$1,438,614</b>	<b>\$1,370,108</b>
County	\$759,016,948			\$197,320,811			\$230,555		
<b>2 2007</b>	<b>\$989,078,707</b>	30.31%	76.09%	\$427,382,570	\$4,450,867	\$2,844,731		<b>\$3,396,536</b>	<b>\$4,450,867</b>
County	\$988,341,787			\$426,645,650			\$551,805		
<b>3 2008</b>	<b>\$1,515,616,786</b>	53.24%	169.83%	\$953,920,649	\$10,691,983	\$6,065,898		<b>\$7,224,872</b>	<b>\$10,691,983</b>
County	\$1,595,047,713			\$1,033,501,376			\$1,158,974		
<b>4 2009</b>	<b>\$1,512,292,589</b>	-0.22%	169.24%	\$947,375,272	\$17,179,939	\$6,768,369		<b>\$7,886,151</b>	<b>\$17,179,939</b>
County	\$1,559,199,640			\$994,432,123			\$1,117,782		
<b>5 2010</b>	<b>\$1,539,047,900</b>	1.77%	174.00%	\$974,130,583	\$23,590,942	\$6,849,382		<b>\$8,182,245</b>	<b>\$23,590,942</b>
County	\$1,583,755,734			\$1,018,988,217			\$1,332,864		
<b>6 2011</b>	<b>\$1,546,807,101</b>	0.50%	175.38%	\$981,889,784	\$29,976,530	\$7,235,640		<b>\$8,557,298</b>	<b>\$29,976,530</b>
County	\$1,589,222,014			\$1,024,304,697			\$1,321,658		
<b>7 2012</b>	<b>\$1,747,004,927</b>	12.94%	211.02%	\$1,182,087,610	\$37,100,585	\$8,408,406		<b>\$10,024,261</b>	<b>\$37,100,585</b>
County	\$1,791,557,491			\$1,226,640,174			\$1,615,855		
<b>8 2013</b>	<b>\$2,151,461,278</b>	23.15%	283.03%	\$1,586,543,961	\$46,190,348	\$11,306,531		<b>\$13,429,720</b>	<b>\$46,190,348</b>
County	\$2,194,764,321			\$1,629,847,004			\$2,123,189		
<b>9 2014</b>	<b>\$2,336,630,090</b>	8.61%	316.00%	\$1,771,712,773	\$55,832,170	\$12,654,259		<b>\$14,957,631</b>	<b>\$55,832,170</b>
County	\$2,384,374,137			\$1,819,456,820			\$2,303,372		
<b>10 2015</b>	<b>\$2,532,268,642</b>	8.37%	350.83%	\$1,967,351,325	\$66,143,943	\$14,209,948		<b>\$16,796,791</b>	<b>\$66,143,943</b>
County	\$2,591,240,060			\$2,026,322,743			\$2,586,843		
<b>11 2016</b>	<b>\$3,009,289,603</b>	18.84%	435.75%	\$2,444,372,286	\$78,059,128	\$17,038,233		<b>\$20,379,009</b>	<b>\$78,059,128</b>
County	\$3,065,147,196			\$2,500,379,679			\$3,340,776		
<b>12 2017</b>	<b>\$3,562,648,652</b>	18.39%	534.27%	\$2,997,731,335	\$92,058,318	\$21,054,866		<b>\$25,140,534</b>	<b>\$92,058,318</b>
County	\$3,620,500,763			\$3,055,583,446			\$4,085,668		
<b>13 2018</b>	<b>\$4,305,186,757</b>	20.84%	666.46%	\$3,740,269,440	\$108,512,523	\$25,946,284		<b>\$31,026,859</b>	<b>\$108,512,523</b>
County	\$4,316,648,978			\$3,557,632,030			\$5,080,574		
<b>14 2019</b>	<b>\$4,877,367,675</b>	13.29%	768.33%	\$4,312,450,358	\$125,227,588	\$30,201,792		<b>\$33,094,684</b>	<b>\$125,227,588</b>
County	\$4,924,721,005			\$3,936,379,218			\$2,892,892		
<b>15 2020</b>	<b>\$5,444,301,395</b>	11.62%	869.26%	\$4,879,384,078	\$141,171,071	\$33,145,357		<b>\$33,145,357</b>	<b>\$141,171,071</b>
<b>16 2021</b>	<b>\$5,883,074,613</b>	8.06%	947.38%	\$5,318,157,296	\$158,127,051	\$37,012,779		<b>\$37,012,779</b>	<b>\$158,127,051</b>
<b>17 2022</b>	<b>\$6,177,228,344</b>	5.00%	999.75%	\$5,612,311,027	\$175,168,801	\$39,060,001		<b>\$39,060,001</b>	<b>\$175,168,801</b>
<b>18 2023</b>	<b>\$6,486,089,761</b>	5.00%	1054.73%	\$5,921,172,444	\$192,292,234	\$41,209,584		<b>\$41,209,584</b>	<b>\$192,292,234</b>
<b>19 2024</b>	<b>\$6,810,394,249</b>	5.00%	1112.47%	\$6,245,476,932	\$209,493,462	\$43,466,646		<b>\$43,466,646</b>	<b>\$209,493,462</b>
<b>20 2025</b>	<b>\$7,150,913,961</b>	5.00%	1173.09%	\$6,585,996,644	\$226,768,779	\$45,836,561		<b>\$45,836,561</b>	<b>\$226,768,779</b>
<b>21 2026</b>	<b>\$7,508,459,659</b>	5.00%	1236.75%	\$6,943,542,342	\$244,114,659	\$48,324,972		<b>\$48,324,972</b>	<b>\$244,114,659</b>
<b>22 2027</b>	<b>\$7,883,882,642</b>	5.00%	1303.58%	\$7,318,965,325	\$261,527,740	\$50,937,803		<b>\$50,937,803</b>	<b>\$261,527,740</b>
<b>23 2028</b>	<b>\$8,278,076,774</b>	5.00%	1373.76%	\$7,713,159,457	\$279,004,823	\$53,681,276		<b>\$53,681,276</b>	<b>\$279,004,823</b>
<b>24 2029</b>	<b>\$8,691,980,613</b>	5.00%	1447.45%	\$8,127,063,296	\$296,542,860	\$56,561,922		<b>\$56,561,922</b>	<b>\$296,542,860</b>
<b>25 2030</b>	<b>\$9,126,579,644</b>	5.00%	1524.83%	\$8,561,662,327	\$314,138,949	\$59,586,601		<b>\$59,586,601</b>	<b>\$314,138,949</b>
<b>26 2031</b>	<b>\$9,582,908,626</b>	5.00%	1606.07%	\$9,017,991,309	\$331,790,325	\$62,762,514		<b>\$62,762,514</b>	<b>\$331,790,325</b>
<b>27 2032</b>	<b>\$10,062,054,057</b>	5.00%	1691.37%	\$9,497,136,740	\$349,494,354	\$66,097,223		<b>\$66,097,223</b>	<b>\$349,494,354</b>
<b>28 2033</b>	<b>\$10,565,156,760</b>	5.00%	1780.94%	\$10,000,239,443	\$367,248,531	\$69,598,666		<b>\$69,598,666</b>	<b>\$367,248,531</b>
<b>29 2034</b>	<b>\$11,093,414,598</b>	5.00%	1874.99%	\$10,528,497,281	\$385,050,467	\$73,275,183		<b>\$73,275,183</b>	<b>\$385,050,467</b>
<b>30 2035</b>	<b>\$11,648,085,328</b>	5.00%	1973.73%	\$11,083,168,011	\$402,897,888	\$77,135,524		<b>\$77,135,524</b>	<b>\$402,897,888</b>
<b>Total</b>						<b>\$1,029,485,010</b>	<b>\$29,742,807</b>	<b>\$1,059,227,817</b>	<b>\$402,897,888</b>
<b>2006 NPV @ 5%</b>						<b>\$384,184,399</b>	<b>\$18,713,489</b>	<b>\$402,897,888</b>	

### Assumptions:

- City of Dallas expected to participate in the Downtown Connection TIF District for 30 years at a rate of 90%.
- Dallas County participation rate is 55% and is capped at \$18.5M NPV.
- Stream of annual investments in TIF reflects intent to retire TIF obligations after 30 years.
- Property value estimates assume 1% to 2% annual property appreciation and 3% annual inflation.
- The base year was adjusted to \$561,696,137 to accommodate boundary additions and deletions made prior to 2006 bonds sale and to accommodate account consolidations/duplications.
- The base year was adjusted in 2009 to \$564,917,317 to accommodate boundary additions and deletions made in 2008 and to accommodate account consolidations/duplications.
- The projections in this chart are estimated and may fluctuate as a result of any of the following occurrences:
  - Changes in date in which the TIF District may begin releasing TIF funds;
  - Changes in the real property tax rates of participating taxing jurisdictions (City of Dallas and Dallas County);
  - Changes in the participation rate of participating taxing jurisdictions; and/or
  - Completion dates of projects listed in the district's reimbursement queue

### Notes:

<sup>1</sup>District values in bold print are actual collection amounts for the district; Remaining values are projections.

## Exhibit N

### Newpark Sub-district Increment Projections

**Newpark Sub-district Project TIF Increment Schedule**

									Anticipated	Anticipated
			Property			Tax Increment	Tax Increment	Total Tax	Total Tax	
Tax Year	Increment	Property Value	Value Growth	Cumulative	Anticipated	Revenue	Revenue	Increment	Increment	
	Collected	Estimate	(Annual)	Value Growth	Captured Value	City (90%)	County (55%)	Revenue	Revenue NPV	
Base Year*	2022	\$22,270,550								
1	2023	2024	\$22,938,667	3.00%	3.00%	\$668,117	\$4,650	\$0	\$4,650	\$4,428
2	2024	2025	\$44,040,555	91.99%	97.75%	\$21,770,005	\$151,513	\$0	\$151,513	\$141,855
3	2025	2026	\$65,775,501	49.35%	195.35%	\$43,504,951	\$302,781	\$0	\$302,781	\$403,409
4	2026	2027	\$231,058,598	251.28%	937.51%	\$208,788,048	\$1,453,102	\$0	\$1,453,102	\$1,598,880
5	2027	2028	\$240,473,011	4.07%	979.78%	\$218,202,461	\$1,518,624	\$273,566	\$1,792,190	\$3,003,107
6	2028	2029	\$247,687,201	3.00%	1012.17%	\$225,416,651	\$1,568,832	\$282,610	\$1,851,443	\$4,384,682
7	2029	2030	\$492,080,317	98.67%	2109.56%	\$469,809,767	\$3,269,735	\$589,012	\$3,858,747	\$7,127,022
8	2030	2031	\$506,842,726	3.00%	2175.84%	\$484,572,176	\$3,372,477	\$607,520	\$3,979,997	\$9,820,841
9	2031	2032	\$707,673,008	39.62%	3077.62%	\$685,402,458	\$4,770,195	\$859,306	\$5,629,502	\$13,449,668
10	2032	2033	\$728,903,199	3.00%	3172.95%	\$706,632,649	\$4,917,951	\$885,923	\$5,803,874	\$17,012,743
11	2033	2034	\$750,770,294	3.00%	3271.13%	\$728,499,744	\$5,070,140	\$913,338	\$5,983,478	\$20,511,159
12	2034	2035	\$1,010,255,903	34.56%	4436.29%	\$987,985,353	\$6,876,082	\$1,238,662	\$8,114,744	\$25,029,751
13	2035	2036	\$1,040,563,580	3.00%	4572.37%	\$1,018,293,030	\$7,087,014	\$1,276,659	\$8,363,673	\$29,465,186
14	2036	2037	\$1,071,780,488	3.00%	4712.55%	\$1,049,509,938	\$7,304,274	\$1,315,797	\$8,620,071	\$33,818,908
15	2037	2038	\$1,103,933,902	3.00%	4856.92%	\$1,081,663,352	\$7,528,052	\$1,356,108	\$8,884,161	\$38,092,341
16	2038	2039	\$1,137,051,920	3.00%	5005.63%	\$1,114,781,370	\$7,758,544	\$1,397,629	\$9,156,173	\$42,286,889
17	2039	2040	\$1,171,163,477	3.00%	5158.80%	\$1,148,892,927	\$7,995,950	\$1,440,396	\$9,436,346	\$46,403,936
18	2040	2041	\$1,206,298,381	3.00%	5316.56%	\$1,184,027,831	\$8,240,478	\$1,484,445	\$9,724,924	\$50,444,843
19	2041	2042	\$1,242,487,333	3.00%	5479.06%	\$1,220,216,783	\$8,492,343	\$1,529,816	\$10,022,159	\$54,410,951
20	2042	2043	\$1,279,761,953	3.00%	5646.43%	\$1,257,491,403	\$8,751,763	\$1,576,548	\$10,328,311	\$58,303,583
21	2043	2044	\$1,318,154,811	3.00%	5818.82%	\$1,295,884,261	\$9,018,966	\$1,624,682	\$10,643,648	\$62,124,039
22	2044	2045	\$1,357,699,456	3.00%	5996.39%	\$1,335,428,906	\$9,294,185	\$1,674,261	\$10,968,445	\$65,873,601
23	2045	2046	\$1,398,430,439	3.00%	6179.28%	\$1,376,159,889	\$9,577,660	\$1,725,326	\$11,302,986	\$69,553,529
24	2046	2047	\$1,440,383,353	3.00%	6367.66%	\$1,418,112,803	\$9,869,640	\$1,777,923	\$11,647,563	\$73,165,064
25	2047	2048	\$1,483,594,853	3.00%	6561.69%	\$1,461,324,303	\$10,170,379		\$10,170,379	\$76,168,406
26	2048	2049	\$1,528,102,699	3.00%	6761.54%	\$1,505,832,149	\$10,480,140		\$10,480,140	\$79,115,848
27	2049	2050	\$1,573,945,780	3.00%	6967.39%	\$1,551,675,230	\$10,799,194		\$10,799,194	\$82,008,394
28	2050	2051	\$1,621,164,153	3.00%	7179.41%	\$1,598,893,603	\$11,127,820		\$11,127,820	\$84,847,030
29	2051	2052	\$1,669,799,078	3.00%	7397.79%	\$1,647,528,528	\$11,466,304		\$11,466,304	\$87,632,726
30	2052	2053	\$1,719,893,050	3.00%	7622.72%	\$1,697,622,500	\$11,653,928		\$11,653,928	\$90,329,182
Totals						\$199,892,716	\$23,829,531	\$223,722,247		
2022 NPV @ 5%						\$79,405,078	\$10,924,105	\$90,329,182		

**Assumptions:**

- a. City of Dallas expected to participate in the New park Sub-district for 30 years at a rate of 90%.
- b. Dallas County is projected to participate in the New park Sub-district for 20 years at a rate of 55%.
- c. The projections in this chart are estimated and may fluctuate as a result of any of the following occurrences:
  - (1) Changes in the real property tax rates of participating taxing jurisdictions (City of Dallas and Dallas County);
  - (2) Changes in the participation rate of participating taxing jurisdictions; and/or
  - (3) Timing and value of new development in the New park Sub-district

**Notes:**

\*Estimated 2022 base year value for sub-district. Base year value may be adjusted when final 2022 property values for the sub-district are available.

# Exhibit O

## Additional City Sales Tax Attributed to New Downtown Residences in the TIF District – 2005

**Assumptions:**

Average household has AGI of \$60,000 to \$70,000.  
 Average household has 1.3 people (1.3 exemptions).  
 Sales tax is based on 2004 IRS tables for Texas.  
 City sales tax rate remains at 1% of taxable sales.  
 Sales tax paid by Downtown residents outside Downtown equals tax on additional Downtown purchases by non-residents.  
 No increase of households after 2028.  
 No sales tax has been added for building construction materials.

(a)	(b)	(c)	(d)	(e)
	Anticipated Downtown Residential Units	Households @ 92% Occupancy	Households Added After 2005	New Municipal Sales Tax @ \$131 per Added Household Plus Inflation @ 3.00%
Year				
2005	2,701	2,485	0	\$0
2006	3,482	3,203	719	\$96,950
2007	4,222	3,884	1,399	\$194,448
2008	5,397	4,965	2,480	\$355,023
2009	5,557	5,112	2,627	\$387,378
2010	7,062	6,497	4,012	\$609,344
2011	7,880	7,249	4,765	\$745,289
2012	7,880	7,249	4,765	\$767,647
2013	6,137	5,646	3,161	\$524,596
2014	6,137	5,646	3,161	\$540,334
2015	8,070	7,424	4,940	\$869,639
2016	8,070	7,424	4,940	\$895,728
2017	6,702	6,166	3,681	\$687,557
2018	6,702	6,166	3,681	\$708,184
2019	6,702	6,166	3,681	\$729,430
2020	8,152	7,500	5,015	\$1,023,509
2021	8,152	7,500	5,015	\$1,054,214
2022	8,389	7,718	5,233	\$1,133,051
2023	8,514	7,833	5,348	\$1,192,702
2024	6,860	6,311	3,827	\$878,998
2025	6,860	6,311	3,827	\$905,368
2026	8,836	8,130	5,645	\$1,375,624
2027	8,836	8,130	5,645	\$1,416,893
2028	10,685	9,830	7,345	\$1,899,073
2029	10,685	9,830	7,345	\$1,956,045
2030	10,685	9,830	7,345	\$2,014,726
2031	10,685	9,830	7,345	\$2,075,168
2032	10,685	9,830	7,345	\$2,137,423
2033	10,685	9,830	7,345	\$2,201,546
2034	10,685	9,830	7,345	\$2,267,592
2035	10,685	9,830	7,345	\$2,335,620
2036	10,685	9,830	7,345	\$2,405,688
2037	10,685	9,830	7,345	\$2,477,859
2038	10,685	9,830	7,345	\$2,552,195
2039	10,685	9,830	7,345	\$2,628,761
2040	10,685	9,830	7,345	\$2,707,624
2041	10,685	9,830	7,345	\$2,788,852
2042	10,685	9,830	7,345	\$2,872,518
2043	10,685	9,830	7,345	\$2,958,693
2044	10,685	9,830	7,345	\$3,047,454
2045	10,685	9,830	7,345	\$3,138,878
Sum for 40 years:				\$61,557,619

# Exhibit P

## Comparison of 2013 Downtown Connection TIF District Budget Amendment

Downtown Connection TIF District Budget Comparison 2013 Amendment				
Category	Current NPV Budget (2005) <sup>1</sup>	Current Total Dollars TIF Budget <sup>2</sup>	Amended NPV Budget (2005) <sup>1</sup>	Estimated Total Dollars TIF Budget <sup>2</sup>
<b>Catalyst Projects:</b> - Environmental remediation, demolition, historic façade, restoration, street/utility improvements & streetscape improvements, land acquisition, and non-project costs, including, but not limited to machinery, equipment, materials and supplies	\$68,000,000	\$68,000,000	\$68,000,000	\$68,000,000
<b>Redevelopment of Vacant/Underutilized Downtown Buildings, Underdeveloped Parcels, Surface Parking Lots</b> - Environmental remediation, interior/exterior demolition, historic façade restoration, street/utility improvements, land acquisition, TIF grants, affordable housing	\$90,367,206	\$156,652,741	\$152,653,168	\$309,043,392
<b>Uptown/Downtown connection improvements<sup>3</sup></b>	\$20,500,000	\$0	\$0	\$0
<b>Park and plaza design and acquisition</b>	\$1,500,000	\$3,095,852	\$1,500,000	\$3,534,594
<b>Affordable Housing<sup>4</sup></b>	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
<b>Ground Floor Activation/Streetscape Improvements<sup>4</sup></b>	\$1,985,000	\$1,985,000	\$1,985,000	\$1,985,000
<b>Downtown Area Plan<sup>4</sup></b>	\$515,000	\$515,000	\$515,000	\$515,000
<b>Administration and Implementation</b>	\$3,940,386	\$8,132,568	\$3,940,386	\$9,285,109
<b>Debt Service (Interest Only)</b>		\$150,363,000		\$150,363,000
<b>Total Project Costs</b>	\$189,807,592	\$391,744,162	\$231,593,554	\$545,726,096
<sup>1</sup> Current and Amended values discounted to 2005 dollars at 5% discount rate.				
<sup>2</sup> Current and Amended Total Dollar values are estimated based on annual TIF District value, project costs, increment collections and Debt Service schedules. These values will fluctuate annually.				
<sup>3</sup> Funds allocated to this line item have been reprogrammed to the Redevelopment line item.				
<sup>4</sup> Funds for the Affordable Housing, Ground Floor Activation/Streetscape Improvements, and Downtown Area Plan line items are in cash.				

# Exhibit Q

## Comparison of 2022 Downtown Connection TIF District Budget Amendment

Downtown Connection Sub-district Improvements Budget Comparison 2022 Amendment				
Category	Current NPV Budget (2005) <sup>1</sup>	Estimated Total Dollars TIF Budget <sup>2</sup>	Amended NPV Budget (2005)	Estimated Total Dollars TIF Budget
<b>Catalyst Projects:</b> - Environmental remediation, demolition, historic façade, restoration, street/utility improvements & streetscape improvements, land acquisition, and non-project costs, including, but not limited to machinery, equipment, materials and supplies	\$68,000,000	\$68,000,000	\$68,000,000	\$68,000,000
<b>Redevelopment of Vacant/Underutilized Downtown Buildings, Underdeveloped Parcels, Surface Parking Lots -</b> Environmental remediation, interior/exterior demolition, historic façade restoration, street/utility improvements, land acquisition, TIF grants, affordable housing	\$152,653,168	\$220,163,192	\$239,255,247	\$629,007,549
<b>Uptown/Downtown connection improvements<sup>3</sup></b>	\$0	\$0	\$0	\$0
<b>Park and plaza design and acquisition</b>	\$1,500,000	\$2,945,081	\$1,500,000	\$3,943,535
<b>Affordable Housing<sup>4</sup></b>	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
<b>Ground Floor Activation/Streetscape Improvements<sup>4</sup></b>	\$1,985,000	\$1,985,000	\$1,985,000	\$1,985,000
<b>Downtown Area Plan<sup>4</sup></b>	\$515,000	\$515,000	\$515,000	\$515,000
<b>Public Safety Building</b> (replace Fire Station #18)	\$0	\$0	\$5,146,398	\$13,530,000
<b>Administration and Implementation</b>	\$3,940,386	\$7,736,503	\$3,940,386	\$10,359,365
<b>Debt Service</b> (Principal and Interest)		\$150,363,000	\$79,555,857	\$206,972,265
<b>Total Project Costs</b>	\$231,593,554	\$454,707,775	\$402,897,888	\$937,312,714
<sup>1</sup> Current and Amended values discounted to 2005 dollars at 5% discount rate.				
<sup>2</sup> Current and Amended Total Dollar values are estimated based on annual TIF District value, project costs, increment collections and Debt Service schedules. These values will fluctuate annually.				
<sup>3</sup> Funds allocated to this line item have been reprogrammed to the Redevelopment line item.				
<sup>4</sup> Funds for the Affordable Housing, Ground Floor Activation/Streetscape Improvements and Downtown Area Plan line items are in cash.				

# Appendix A

## Real Property Accounts in the Downtown Connection TIF District

(Base Year, Adjusted)

ACCOUNT NUMBER	PROPERTY ADDRESS	CITY TAXABLE BASE
00000100393000000	900 MAIN ST	\$2,836,620.00
00000100405000000	909 COMMERCE ST	\$112,500.00
00000100411000000	908 COMMERCE ST	\$500,000.00
00000100414000000	903 JACKSON ST	\$600,000.00
00000100417000000	907 JACKSON ST	\$500,000.00
00000100441000000	1401 ELM ST	\$5,648,680.00
00000100441000100	1403 ELM ST	\$600,060.00
00000100441000200	1405 ELM ST	\$1,199,880.00
00000100441000300	1407 ELM ST	\$300,060.00
00000100441000400	1409 ELM ST	\$600,060.00
00000100441000500	1411 ELM ST	\$150,000.00
0000010044100D100	1401 ELM ST	\$4,261,290.00
00000100492000000	1014 MAIN ST	\$1,964,700.00
00000100498000000	1100 MAIN ST	\$364,410.00
00000100498000100	1100 MAIN ST	\$535,320.00
00000100555000000	1100 JACKSON ST	\$441,000.00
00000100558000000	1016 JACKSON ST	\$421,800.00
00000100561000000	1109 WOOD ST	\$168,750.00
00000100564000000	1104 JACKSON ST	\$125,550.00
00000100565000000	300 S GRIFFIN ST	\$0.00
00000100565000100	1000 WOOD ST	\$157,710.00
00000100576000000	1114 WOOD ST	\$2,522,040.00
00000100594000000	1033 YOUNG ST	\$1,788,780.00
00000100801009700	403 S AKARD ST	\$270.00
00000100801009900	403 S AKARD ST	\$7,310.00
00000100876000000	1600 PACIFIC AVE	\$6,337,990.00
00000100876000100	1600 PACIFIC AVE	\$440,000.00
00000100882000000	1511 ELM ST	\$912,010.00
00000100966000000	1604 ELM ST	\$600,000.00
00000100969000000	1606 ELM ST	\$191,450.00
00000100972000000	1600 ELM ST	\$347,730.00
00000100975000000	1607 MAIN ST	\$1,326,170.00
00000100984009900	1614 ELM ST	\$113,530.00
00000100987000000	1612 ELM ST	\$189,930.00
00000100990000000	1610 ELM ST	\$326,000.00
00000100996000000	1615 MAIN ST	\$623,650.00
00000101005009900	1603 COMMERCE ST	\$4,828,340.00
00000101008000000	1622 MAIN ST	\$600,000.00
00000101011000000	1618 MAIN ST	\$150,000.00
00000101017000000	1604 MAIN ST	\$464,050.00
00000101050000000	1417 COMMERCE ST	\$305,630.00
00000101053000000	1503 COMMERCE ST	\$225,970.00
00000101056000000	1505 COMMERCE ST	\$226,950.00
00000101062000000	1513 COMMERCE ST	\$300,000.00
00000101065000000	1517 COMMERCE ST	\$300,000.00
00000101068000000	1523 COMMERCE ST	\$300,000.00
00000101071000000	1525 COMMERCE ST	\$272,080.00
00000101074000000	1603 COMMERCE ST	\$300,000.00
00000101077000000	1607 COMMERCE ST	\$150,000.00

00000101080000000	1609 COMMERCE ST	\$600,000.00
00000101083000000	1616 MAIN ST	\$300,000.00
00000101119000000	1610 JACKSON ST	\$294,940.00
00000101125000000	315 S ERVAY ST	\$472,500.00
00000101128000000	1600 JACKSON ST	\$89,480.00
0000010112800D100	1600 JACKSON ST	\$89,480.00
0000010112800D200	1600 JACKSON ST	\$44,740.00
0000010112800D300	1600 JACKSON ST	\$44,740.00
0000010112800D400	1600 JACKSON ST	\$22,370.00
0000010112800D500	1600 JACKSON ST	\$22,370.00
0000010112800D600	1600 JACKSON ST	\$22,370.00
0000010112800D700	1600 JACKSON ST	\$22,370.00
00000101136000000	400 S AKARD ST	\$8,272,000.00
00000101257000000	1515 YOUNG ST	\$0.00
00000101530000000	1907 ELM ST	\$5,000,000.00
00000101689100000	1808 MAIN ST	\$3,177,550.00
00000101689500000	1807 COMMERCE ST	\$500,000.00
00000101692000000	1954 COMMERCE ST	\$1,131,790.00
00000101695000000	1902 COMMERCE ST	\$2,510,000.00
00000101698000000	1712 COMMERCE ST	\$300,000.00
00000101698000100	1712 COMMERCE ST	\$4,907,100.00
00000101701000000	1810 COMMERCE ST	\$2,208,600.00
00000101707000000	208 S ERVAY ST	\$207,900.00
00000101710100000	1709 JACKSON ST	\$337,500.00
00000101713000000	1810 JACKSON ST	\$1,583,660.00
00000101734000000	1708 JACKSON ST	\$240,450.00
00000101746000000	1710 JACKSON ST	\$333,950.00
00000101752000000	308 S ERVAY ST	\$68,850.00
00000101755000000	302 S ERVAY ST	\$203,850.00
00000101758000000	312 S ERVAY ST	\$155,460.00
00000101764000000	1900 JACKSON ST	\$2,600,000.00
00000101767000000	1915 WOOD ST	\$994,080.00
00000101770000000	1815 WOOD ST	\$1,433,030.00
00000101779000000	1916 JACKSON ST	\$111,720.00
00000101782000000	301 S HARWOOD ST	\$1,298,790.00
00000101788000000	416 S ERVAY ST	\$39,410.00
00000101791000000	420 S ERVAY ST	\$105,000.00
00000101797000000	1707 YOUNG ST	\$91,920.00
00000101800000000	1713 YOUNG ST	\$34,880.00
00000101803000000	1715 YOUNG ST	\$38,750.00
00000101806000000	1705 YOUNG ST	\$80,100.00
00000101815000000	418 S ERVAY ST	\$88,830.00
00000101818000000	400 S ERVAY ST	\$312,000.00
00000101821000000	404 S ERVAY ST	\$50,000.00
00000101824000000	408 S ERVAY ST	\$99,830.00
00000101827000000	1706 WOOD ST	\$113,220.00
00000101830000000	1714 WOOD ST	\$318,600.00
00000101833009900	1721 YOUNG ST	\$116,030.00
00000101834009900	1721 YOUNG ST	\$20,480.00
00000101836000000	1717 YOUNG ST	\$70,530.00
00000101839000000	1727 YOUNG ST	\$77,000.00
00000101842000000	500 S ERVAY ST	\$2,500,000.00
00000101944000000	1933 MAIN ST	\$5,000,000.00
00000101974009900	1928 MAIN ST	\$500,000.00
00000101977000000	1924 MAIN ST	\$301,000.00
00000101980000000	1920 MAIN ST	\$343,330.00

## Exhibit A



00000101983000000	1916 MAIN ST	\$300,000.00
00000101986000000	1912 MAIN ST	\$300,000.00
00000101989000000	1910 MAIN ST	\$660,000.00
00000101992000000	1906 MAIN ST	\$1,133,400.00
00000101995000000	1913 COMMERCE ST	\$300,000.00
00000101998000000	1917 COMMERCE ST	\$0.00
00000102004000000	1921 COMMERCE ST	\$950,000.00
00000102007000000	1775 YOUNG ST	\$249,380.00
00000102016000000	401 N ST PAUL ST	\$67,500.00
00000102025000000	1801 YOUNG ST	\$316,440.00
00000102040000000	509 S ST PAUL ST	\$26,500.00
00000102049000000	515 S ST PAUL ST	\$92,220.00
00000102064000000	1800 YOUNG ST	\$53,000.00
00000102389000000	2001 ELM ST	\$956,480.00
00000102391000000	2009 ELM ST	\$45,000.00
00000102394000000	2115 ELM ST	\$154,240.00
00000102397000000	2120 PACIFIC AVE	\$228,160.00
00000102403000000	2101 ELM ST	\$112,000.00
00000102406000000	2108 PACIFIC AVE	\$181,200.00
00000102409000000	210 OLIVE ST	\$42,000.00
00000102412000000	2104 PACIFIC AVE	\$126,560.00
00000102415000000	2111 ELM ST	\$140,700.00
00000102418000000	2107 ELM ST	\$80,000.00
00000102481000000	2009 COMMERCE ST	\$0.00
00000102484000000	2033 COMMERCE ST	\$199,800.00
00000102487000000	2019 COMMERCE ST	\$0.00
00000102490000000	2020 MAIN ST	\$0.00
00000102493000000	2030 MAIN ST	\$0.00
00000102496000000	2012 COMMERCE ST	\$326,240.00
00000102499500000	210 S HARWOOD ST	\$0.00
00000102502000000	2002 COMMERCE ST	\$160,200.00
00000102505000000	2007 JACKSON ST	\$108,000.00
00000102508000000	2013 JACKSON ST	\$207,000.00
00000102514000000	2008 COMMERCE ST	\$333,820.00
00000102517000000	2016 COMMERCE ST	\$100,000.00
00000102520000000	2015 JACKSON ST	\$102,960.00
00000102523000000	2037 JACKSON ST	\$120,000.00
00000102526000000	2031 JACKSON ST	\$69,700.00
00000102529000000	2027 JACKSON ST	\$194,280.00
00000102538000000	2020 COMMERCE ST	\$45,000.00
00000102541000000	2022 COMMERCE ST	\$60,460.00
00000102544000000	2024 COMMERCE ST	\$150,000.00
00000102547000000	2026 COMMERCE ST	\$330,340.00
00000102550000000	2030 COMMERCE ST	\$45,000.00
00000102553000000	2032 COMMERCE ST	\$45,000.00
00000102556000000	2036 COMMERCE ST	\$0.00
00000102559000000	2036 COMMERCE ST	\$0.00
00000102562000000	2038 COMMERCE ST	\$0.00
00000102565009900	408 S HARWOOD ST	\$32,530.00
00000102568009900	408 S HARWOOD ST	\$32,530.00
00000102571009900	408 S HARWOOD ST	\$32,530.00
00000102574000000	2012 JACKSON ST	\$576,820.00
00000102592000000	2027 WOOD ST	\$95,580.00
00000102598000000	404 S HARWOOD ST	\$78,540.00
00000102601000000	300 S HARWOOD ST	\$170,560.00
00000102604000000	308 S HARWOOD ST	\$151,360.00

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00000102607000000	412 S HARWOOD ST	\$135,000.00
0000010260700HS00	412 S HARWOOD ST	\$84,859.00
00000102610000000	2008 JACKSON ST	\$186,176.00
00000102613000000	312 S HARWOOD ST	\$0.00
0000010261300HS00	312 S HARWOOD ST	\$0.00
00000102616000000	2011 YOUNG ST	\$128,790.00
00000102619000000	2010 JACKSON ST	\$45,000.00
00000102622000000	317 S PEARL EXPY	\$1,000,000.00
00000102625000000	2027 YOUNG ST	\$260,000.00
00000102629000000	2023 YOUNG ST	\$200,000.00
00000102631000000	2017 YOUNG ST	\$243,020.00
00000102635000000	2011 YOUNG ST	\$267,520.00
00000102637000000	307 S PEARL EXPY	\$108,900.00
00000102766000000	2200 PACIFIC AVE	\$99,280.00
00000102769000000	210 S PEARL EXPY	\$37,910.00
00000102772000000	2221 ELM ST	\$73,340.00
00000102775000000	2222 PACIFIC AVE	\$204,000.00
00000102778000000	2219 ELM ST	\$46,660.00
00000102787000000	2217 ELM ST	\$70,000.00
00000102790000000	2210 PACIFIC AVE	\$221,500.00
00000102796000000	2213 ELM ST	\$35,000.00
00000102799000000	2211 ELM ST	\$35,000.00
00000102802000000	2209 ELM ST	\$70,000.00
00000102805000000	2208 PACIFIC AVE	\$55,130.00
00000102808000000	2205 ELM ST	\$40,000.00
00000102811000000	2203 ELM ST	\$27,880.00
00000102814000000	2125 MAIN ST	\$90,000.00
00000102817000000	2121 MAIN ST	\$1,400,640.00
00000102820000000	2107 MAIN ST	\$110,060.00
00000102823000000	2101 MAIN ST	\$182,340.00
00000102824000000	108 N PEARL EXPY	\$127,500.00
00000102829000000	2206 ELM ST	\$95,460.00
00000102832000000	2210 ELM ST	\$45,000.00
00000102835000000	2212 ELM ST	\$45,000.00
00000102838000000	2214 ELM ST	\$45,000.00
00000102841000000	2216 ELM ST	\$90,000.00
00000102844000000	2220 ELM ST	\$45,000.00
00000102847000000	2222 ELM ST	\$255,270.00
00000102850000000	2224 ELM ST	\$51,540.00
00000102853000000	2226 ELM ST	\$126,000.00
00000102856500000	2125 COMMERCE ST	\$0.00
00000102859000000	2121 COMMERCE ST	\$78,750.00
00000102862000000	2117 COMMERCE ST	\$155,070.00
00000102865000000	2113 COMMERCE ST	\$106,200.00
00000102868000000	2109 COMMERCE ST	\$500,900.00
00000102871000000	2105 COMMERCE ST	\$1,400,000.00
00000102874009900	2101 COMMERCE ST	\$39,380.00
00000102874509900	2101 COMMERCE ST	\$39,380.00
00000102877009900	2100 MAIN ST	\$59,060.00
00000102877509900	2100 MAIN ST	\$59,060.00
00000102880000000	2106 MAIN ST	\$241,360.00
00000102883000000	2110 MAIN ST	\$78,750.00
00000102886000000	2114 MAIN ST	\$114,750.00
00000102889000000	2120 MAIN ST	\$78,750.00
00000102892000000	2124 MAIN ST	\$78,750.00
00000103081000000	2306 PACIFIC AVE	\$594,100.00

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00000103144400000	2214 MAIN ST	\$300,000.00
00000103144800000	2210 MAIN ST	\$236,250.00
00000103145000000	2208 MAIN ST	\$590,630.00
00000103159000000	2215 COMMERCE ST	\$207,000.00
00000103168000000	2211 COMMERCE ST	\$675,000.00
00000103174009900	2207 COMMERCE ST	\$450,000.00
00000103186400000	2222 MAIN ST	\$273,440.00
00000103187000000	2201 COMMERCE ST	\$105,080.00
00000104380000000	1910 N LAMAR ST	\$174,920.00
00000104383000000	906 MUNGER AVE	\$157,410.00
00000104386000000	1901 LAWS ST	\$248,580.00
00000104389000000	1902 N LAMAR ST	\$386,820.00
00000104392000000	911 CORBIN ST	\$423,680.00
00000104395000000	1914 N LAMAR ST	\$174,960.00
00000104419000000	1012 MCKINNEY AVE	\$1,916,110.00
00000104485000000	912 ROSS AVE	\$648,830.00
00000104488000000	406 N LAMAR ST	\$89,780.00
00000104491000000	400 N LAMAR ST	\$222,130.00
00000104500009900	913 SAN JACINTO ST	\$25,310.00
00000104503000000	915 SAN JACINTO ST	\$262,500.00
00000104506000000	505 N GRIFFIN ST	\$403,530.00
00000104509000000	911 SAN JACINTO ST	\$83,130.00
00000104515000000	1001 SAN JACINTO ST	\$246,440.00
00000104518000000	902 ROSS AVE	\$160,920.00
00000104521000000	1012 ROSS AVE	\$254,390.00
00000104527000000	1003 SAN JACINTO ST	\$141,990.00
00000104533000000	909 SAN JACINTO ST	\$83,130.00
00000104536000000	907 SAN JACINTO ST	\$128,250.00
00000104536500000	905 SAN JACINTO ST	\$90,010.00
00000104539009900	913 SAN JACINTO ST	\$53,440.00
00000104578000000	1108 CORBIN ST	\$198,170.00
00000104581000000	1110 CORBIN ST	\$143,150.00
00000104584000000	1102 CORBIN ST	\$242,130.00
00000104590000000	1810 N GRIFFIN ST	\$253,540.00
00000104597000000	1210 CORBIN ST	\$0.00
00000104602000000	1206 CORBIN ST	\$362,570.00
00000104617000000	1802 N GRIFFIN ST	\$525,530.00
00000104645000000	660 N GRIFFIN ST	\$0.00
00000104650000000	1102 HORD ST	\$225,610.00
00000104653000000	1708 N GRIFFIN ST	\$391,980.00
00000104683000000	1110 ROSS AVE	\$157,460.00
00000104686000000	1115 SAN JACINTO ST	\$130,000.00
00000104689000000	500 N GRIFFIN ST	\$231,910.00
00000104707000000	1205 PATTERSON AVE	\$722,570.00
00000104716000000	1100 PATTERSON AVE	\$1,294,800.00
00000104812000000	611 N FIELD ST	\$411,940.00
00000104815000000	1300 ROSS AVE	\$624,810.00
00000104857000000	500 N FIELD ST	\$95,810.00
00000104860000000	511 N AKARD ST	\$2,000,000.00
00000104872000000	1414 SAN JACINTO ST	\$150,900.00
00000104875000000	1406 SAN JACINTO ST	\$221,880.00
00000104878000000	1404 SAN JACINTO ST	\$152,050.00
00000104881000000	1402 SAN JACINTO ST	\$178,070.00
00000104884000000	1338 SAN JACINTO ST	\$85,960.00
00000104887000000	1320 SAN JACINTO ST	\$149,500.00
00000104890000000	1217 PATTERSON AVE	\$319,800.00

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00000104893000000	1216 SAN JACINTO ST	\$74,750.00
00000104896000000	1214 SAN JACINTO ST	\$74,750.00
00000104899000000	1212 SAN JACINTO ST	\$282,570.00
00000104902000000	1215 PATTERSON AVE	\$149,500.00
00000104905000000	501 N FIELD ST	\$91,490.00
00000104908000000	512 N FIELD ST	\$84,140.00
00000104911000000	1309 PATTERSON AVE	\$159,900.00
00000104914000000	1407 PATTERSON AVE	\$309,400.00
00000104917000000	1411 PATTERSON AVE	\$154,700.00
00000104920000000	1415 PATTERSON AVE	\$211,460.00
00000104923000000	505 N AKARD ST	\$2,150,160.00
00000104926000000	1310 PATTERSON AVE	\$146,200.00
00000104929000000	409 N AKARD ST	\$164,320.00
00000104932000000	413 N AKARD ST	\$50,910.00
00000104935000000	1411 FEDERAL ST	\$158,260.00
00000104938000000	1405 FEDERAL ST	\$284,750.00
00000104941000000	1414 PATTERSON AVE	\$202,980.00
00000104944000000	1403 FEDERAL ST	\$188,550.00
00000104947000000	1319 FEDERAL ST	\$94,280.00
00000104950000000	1314 PATTERSON AVE	\$94,280.00
00000104953009900	411 N AKARD ST	\$8,208,980.00
00000104956000000	1311 FEDERAL ST	\$30,500.00
00000104959000000	1313 FEDERAL ST	\$98,000.00
00000104962000000	1317 FEDERAL ST	\$90,650.00
00000104965000000	415 N AKARD ST	\$115,700.00
00000104968000000	417 N AKARD ST	\$56,990.00
00000105196000000	504 N ST PAUL ST	\$331,140.00
00000105198000000	400 N ST PAUL ST	\$0.00
00000105208000000	502 N ST PAUL ST	\$355,600.00
00000105235000000	2020 ROSS AVE	\$868,270.00
00000105241000000	2013 SAN JACINTO ST	\$649,920.00
00000105250000000	2016 ROSS AVE	\$191,730.00
00000105253000000	2000 ROSS AVE	\$564,540.00
00000105256000000	2010 ROSS AVE	\$298,800.00
00000105259000000	2014 ROSS AVE	\$192,540.00
00000105262000000	2021 SAN JACINTO ST	\$848,400.00
00000105265000000	820 N HARWOOD ST	\$419,490.00
00000105397000000	1901 PACIFIC AVE	\$0.00
00000105534000000	2318 ROSS AVE	\$2,332,530.00
00000105592000000	2300 LIVE OAK ST	\$0.00
00000105607000000	435 N CENTRAL EXPY	\$0.00
00000105616000000	318 CROCKETT ST	\$0.00
00000105628000000	2201 PACIFIC AVE	\$0.00
00000105634000000	312 N PEARL EXPY	\$0.00
00000105646000000	2211 PACIFIC AVE	\$0.00
00000105652000000	2411 SAN JACINTO ST	\$158,400.00
00000105655000000	2401 SAN JACINTO ST	\$52,500.00
00000105658000000	810 LEONARD ST	\$36,000.00
00000105661000000	812 LEONARD ST	\$86,220.00
00000105664000000	2403 SAN JACINTO ST	\$60,000.00
00000105667000000	2407 SAN JACINTO ST	\$90,000.00
00000105676000000	2415 SAN JACINTO ST	\$48,570.00
00000105679000000	2419 SAN JACINTO ST	\$48,570.00
00000105682000000	2421 SAN JACINTO ST	\$48,570.00
00000105685000000	2425 SAN JACINTO ST	\$110,250.00
00000105688000000	2510 SALINA ALLEY DR	\$69,380.00

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00000105691000000	2516 SALINA ALLEY DR	\$69,380.00
00000105694000000	2520 SALINA ALLEY DR	\$76,320.00
00000105697000000	1109 HAWKINS ST	\$41,630.00
00000105700000000	2425 FEDERAL ST	\$0.00
00000105703000000	2431 FEDERAL ST	\$0.00
00000105706000000	1015 HAWKINS ST	\$1,057,000.00
00000105718000000	1025 HAWKINS ST	\$502,340.00
00000105727000000	732 LEONARD ST	\$458,160.00
00000105739250000	700 LEONARD ST	\$141,280.00
00000105739500000	702 LEONARD ST	\$141,460.00
00000105739750000	722 LEONARD ST	\$178,910.00
00000105742000000	2401 FEDERAL ST	\$196,860.00
00000105757000000	2401 BRYAN ST	\$0.00
00000105760000000	2411 BRYAN ST	\$0.00
00000105763000000	2409 BRYAN ST	\$0.00
00000105766000000	2419 BRYAN ST	\$0.00
00000105769000000	2415 BRYAN ST	\$0.00
00000105790000000	2520 ROSS AVE	\$463,680.00
00000105799000000	2503 SAN JACINTO ST	\$318,470.00
00000105808000000	2508 ROSS AVE	\$98,550.00
00000105811000000	2501 SAN JACINTO ST	\$58,410.00
00000105814000000	2512 ROSS AVE	\$302,950.00
00000105817000000	2504 ROSS AVE	\$103,500.00
00000105820000000	2504 SALINA ALLEY DR	\$83,050.00
00000105823000000	2526 ROSS AVE	\$240,890.00
0000010582300D100	2526 ROSS AVE	\$33,460.00
0000010582300D200	2526 ROSS AVE	\$16,730.00
00000105826000000	2500 ROSS AVE	\$143,780.00
00000105829000000	1018 HAWKINS ST	\$0.00
00000105835000000	2500 SAN JACINTO ST	\$0.00
00000105838000000	2502 SAN JACINTO ST	\$0.00
00000105841000000	1039 ROUTH ST	\$0.00
00000105844000000	1026 HAWKINS ST	\$0.00
00000105845000000	2700 ROUTH ST	\$36,750.00
00000105853000000	1022 HAWKINS ST	\$0.00
00000105856000000	1010 HAWKINS ST	\$145,080.00
00000105859000000	1023 ROUTH ST	\$0.00
00000105862000000	904 HAWKINS ST	\$0.00
00000105997000000	2600 ROSS AVE	\$0.00
00000106000000000	2620 ROSS AVE	\$168,700.00
00000106003000000	2608 ROSS AVE	\$173,020.00
00000106006000000	2625 SAN JACINTO ST	\$192,890.00
00000106009000000	2615 ROSS AVE	\$199,260.00
00000106012000000	2615 SAN JACINTO ST	\$134,600.00
00000106015000000	2632 ROSS AVE	\$243,160.00
00000106018000000	2624 ROSS AVE	\$134,960.00
00000106021000000	2619 SAN JACINTO ST	\$148,650.00
00000106024000000	2616 ROSS AVE	\$168,700.00
00000106027000000	2603 SAN JACINTO ST	\$354,810.00
00000106030000000	2611 SAN JACINTO ST	\$136,760.00
00000106033500000	845 N CENTRAL EXPY	\$0.00
00000106105000000	400 N CENTRAL EXPY	\$0.00
00000106108000000	400 N CENTRAL EXPY	\$0.00
00000106687000000	2421 N AKARD ST	\$174,150.00
00000106690000000	2417 N AKARD ST	\$149,850.00
00000106693000000	2413 N AKARD ST	\$162,000.00

00000106696000000	2411 N AKARD ST	\$162,000.00
00000106699000000	2407 N AKARD ST	\$162,000.00
00000106702000000	2403 N AKARD ST	\$161,640.00
00000106705000000	2412 CAROLINE ST	\$324,000.00
00000106708000000	2416 CAROLINE ST	\$1,233,090.00
00000106711000000	2325 N AKARD ST	\$272,090.00
00000106714000000	2301 N AKARD ST	\$1,700,000.00
00000106726000000	1703 CEDAR SPRINGS RD	\$1,958,500.00
00000106741000000	1712 CEDAR SPRINGS RD	\$499,590.00
00000106744000000	2203 N AKARD ST	\$398,550.00
00000106747000000	1709 MCKINNEY AVE	\$224,210.00
00000106750000000	1708 CEDAR SPRINGS RD	\$373,980.00
00000106753000000	1701 MCKINNEY AVE	\$690,130.00
00000106756000000	2210 CAROLINE ST	\$450,630.00
00000106759000000	2222 CAROLINE ST	\$217,000.00
00000106762000000	2216 CAROLINE ST	\$217,000.00
00000106765000000	2215 N AKARD ST	\$208,250.00
00000106768000000	1899 MCKINNEY AVE	\$1,600,000.00
00000106936009900	2503 ROSS AVE	\$0.00
00000106939000000	2526 FLORA ST	\$0.00
00000106942009900	2501 ROSS AVE	\$162,980.00
00000106945000000	2509 ROSS AVE	\$89,480.00
00000106945000200	2511 ROSS AVE	\$0.00
00000106945000300	2507 ROSS AVE	\$0.00
00000106948000000	2513 ROSS AVE	\$0.00
00000106954000000	2515 ROSS AVE	\$0.00
00000106957000000	2525 ROSS AVE	\$0.00
00000106960000000	2500 FLORA ST	\$0.00
00000106963000000	2504 FLORA ST	\$0.00
00000106966000000	2508 FLORA ST	\$0.00
00000106969000000	2510 FLORA ST	\$133,350.00
00000106972000000	2512 FLORA ST	\$0.00
00000106975000000	2514 FLORA ST	\$200,100.00
00000106978000000	2518 FLORA ST	\$200,100.00
00000106981000000	1725 ROUTH ST	\$0.00
00000106984000000	1715 ROUTH ST	\$0.00
00000106987000000	1719 ROUTH ST	\$27,330.00
00000106990000000	1723 ROUTH ST	\$22,380.00
00000106993000000	2524 FLORA ST	\$0.00
00000106996000000	2522 FLORA ST	\$0.00
00000106999000000	2501 FLORA ST	\$0.00
00000107002000000	1901 ROUTH ST	\$0.00
00000107005000100	2706 WOODALL RODGERS FWY	\$80,610.00
00000107008000000	2702 WOODALL ROGERS FWY	\$127,880.00
00000107011000000	1904 ROUTH ST	\$33,330.00
00000107014000000	1902 ROUTH ST	\$26,270.00
00000107017000000	2704 WOODALL ROGERS FWY	\$56,530.00
00000107020000000	2609 WADE RD	\$473,330.00
00000107068000000	2600 MUNGER AVE	\$0.00
00000107071000000	2606 MUNGER AVE	\$0.00
00000107074000000	2605 WADE RD	\$0.00
00000107086000000	2607 WADE RD	\$18,010.00
00000107089000000	2608 MUNGER AVE	\$17,930.00
00000107110000000	2603 ROSS AVE	\$295,230.00
00000107113000000	2613 ROSS AVE	\$162,530.00
00000107116000000	2613 ROSS AVE	\$162,530.00

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00000107374000000	1909 FAIRMOUNT ST	\$0.00
00000107374000100	1907 FAIRMOUNT ST	\$0.00
00000107419000000	2403 FLORA ST	\$0.00
00000107431000000	2401 FLORA ST	\$0.00
00000107449000000	1725 FAIRMOUNT ST	\$0.00
00000107452000000	2411 ROSS AVE	\$0.00
00000107455000000	1707 FAIRMOUNT ST	\$0.00
00000107458000000	2400 FLORA ST	\$0.00
00000107784509600	1035 YOUNG ST	\$0.00
00000107795000000	400 S GRIFFIN ST	\$0.00
00000107796000000	1002 WOOD ST	\$2,669,180.00
00000107845000000	1900 N AKARD ST	\$3,700,000.00
00000107908000000	2422 AKARD ST	\$0.00
00000107911000000	2402 HARRY HINES BLVD	\$0.00
00000107986000000	2607 N HARWOOD ST	\$150,000.00
00000107989000000	2611 N HARWOOD ST	\$150,000.00
00000107992000000	2617 N HARWOOD ST	\$270,000.00
00000107995000000	2614 HARRY HINES BLVD	\$120,000.00
00000108001000000	2612 HARRY HINES BLVD	\$150,000.00
00000108002000000	2610 HARRY HINES BLVD	\$128,970.00
00000108004000000	2501 N HARWOOD ST	\$2,710,000.00
00000110720000000	1627 PACIFIC AVE	\$0.00
00000110749000000	306 N ST PAUL ST	\$150,160.00
0000011074900D100	306 N ST PAUL ST	\$119,710.00
0000011074900D200	306 N ST PAUL ST	\$95,770.00
0000011074900D300	306 N ST PAUL ST	\$63,850.00
0000011074900D400	306 N ST PAUL ST	\$63,850.00
0000011074900D500	306 N ST PAUL ST	\$63,850.00
0000011074900D600	306 N ST PAUL ST	\$52,330.00
0000011074900D700	306 N ST PAUL ST	\$51,420.00
0000011074900D800	306 N ST PAUL ST	\$41,370.00
0000011074900D900	306 N ST PAUL ST	\$23,940.00
000001107490D1000	306 N ST PAUL ST	\$23,940.00
000001107490D1100	306 N ST PAUL ST	\$23,940.00
000001107490D1200	306 N ST PAUL ST	\$23,940.00
00000110773000000	308 N ST PAUL ST	\$97,786.00
00000110773000100	308 N ST PAUL ST	\$122,194.00
00000110836000000	401 N HARWOOD ST	\$1,124,870.00
00000110836000100	322 N ST PAUL ST	\$77,145.00
00000110836000300	413 N HARWOOD ST	\$462,420.00
00000110836000400	300 N ST PAUL ST	\$123,200.00
00000110836000500	322 N ST PAUL ST	\$208,105.00
00000110848000000	312 N ST PAUL ST	\$374,080.00
00000110848000100	312 N ST PAUL ST	\$41,815.00
00000112297000100	1717 N AKARD ST	\$315,000.00
00000112324000000	1616 WOODALL RODGRS FWY	\$7,500,000.00
00000112348000000	2012 N FIELD ST	\$2,800,000.00
00000112360000000	1820 N ST PAUL ST	\$0.00
00000112363000000	1701 N HARWOOD ST	\$0.00
00000112366000000	1730 N ST PAUL ST	\$0.00
00000112369000000	1811 N HARWOOD ST	\$0.00
00000112372000000	1807 N HARWOOD ST	\$0.00
00000112375000000	1903 ROSS AVE	\$0.00
00000112378000000	1729 N HARWOOD ST	\$0.00
00000112381000000	1717 N HARWOOD ST	\$0.00
00000112384000000	1727 N HARWOOD ST	\$0.00

# Exhibit A



00000112387000000	1735 N HARWOOD ST	\$0.00
00000112393000000	1919 ROSS AVE	\$0.00
00000112396000000	1802 N ST PAUL ST	\$0.00
00000112399000000	1810 N ST PAUL ST	\$0.00
00000112402000000	1901 MUNGER AVE	\$0.00
00000112405000000	1901 N HARWOOD ST	\$0.00
00000112408000000	1915 MUNGER AVE	\$0.00
00000112411000000	1922 N ST PAUL ST	\$0.00
00000112414000000	1915 N HARWOOD ST	\$0.00
00000112417000000	1916 N ST PAUL ST	\$0.00
00000112420000000	1912 N ST PAUL ST	\$0.00
00000112423000000	1936 MCKINNEY AVE	\$1,272,840.00
00000112456000000	1920 MCKINNEY AVE	\$320,200.00
00000112549000100	2001 PEARL ST	\$0.00
00000112579000100	1700 N HARWOOD ST	\$0.00
00000112636000000	1722 PEARL ST	\$0.00
00000112636000100	1726 PEARL ST	\$0.00
00000112636000200	2200 ROSS AVE	\$0.00
00000112636000300	2251 PEARL ST	\$0.00
00000112636009900	2251 PEARL ST	\$0.00
00000112708000000	2212 WOODALL RODGERS FWY	\$0.00
00000112723000000	1901 CROCKETT ST	\$0.00
00000112750000000	2101 PEARL ST	\$4,146,520.00
00000112753000000	2130 OLIVE ST	\$283,680.00
00000112765000000	2110 COLBY ST	\$257,250.00
00000112771000000	2122 OLIVE ST	\$713,760.00
00000112774000000	2121 PEARL ST	\$532,910.00
00000112777000000	2127 PEARL ST	\$195,510.00
00000112780000000	2131 PEARL ST	\$195,510.00
00000112969000000	2125 FAIRMOUNT ST	\$165,900.00
00000112970000000	2124 LEONARD ST	\$242,000.00
00000112972000000	2122 LEONARD ST	\$165,900.00
00000112975000000	2121 FAIRMOUNT ST	\$166,950.00
00000112978000000	2118 LEONARD ST	\$167,030.00
00000112981000000	2113 FAIRMOUNT ST	\$2,145,480.00
00000113647000000	1710 BOLL ST	\$0.00
00000113650000000	2701 ROSS AVE	\$0.00
00000113674000000	2700 FLORA ST	\$0.00
00000113692000000	1800 BOLL ST	\$1,301,590.00
00000113693000000	2802 WOODALL ROGERS FWY	\$320.00
00000113693000100	1802 BOLL ST	\$48,850.00
00000113785000000	2815 FLORA ST	\$56,840.00
00000113788000000	2880 WOODALL RODGERS FWY	\$0.00
00000113791000000	1817 WOODALL RODGERS FWY	\$9,810.00
00000113792000000	1900 BOLL ST	\$6,140.00
00000134365000000	2728 MCKINNON ST	\$6,595,340.00
00000134395000000	2819 MCKINNON ST	\$187,500.00
00000134398000000	2823 MCKINNON ST	\$187,500.00
00000134401000000	2825 MCKINNON ST	\$243,750.00
00000134404000000	2826 N HARWOOD ST	\$213,000.00
00000134407000000	2822 N HARWOOD ST	\$150,000.00
00000134410000000	2818 N HARWOOD ST	\$150,000.00
00000134413000000	2814 N HARWOOD ST	\$125,700.00
00000134431000000	2821 N HARWOOD ST	\$108,120.00
00000134434000000	2818 HARRY HINES BLVD	\$150,360.00
00000134437000000	2825 N HARWOOD ST	\$325,910.00

## Exhibit A

00000134440000000	2807 N HARWOOD ST	\$126,000.00
00000134443000000	2806 HARRY HINES BLVD	\$148,470.00
00000134446000000	2801 N HARWOOD ST	\$173,250.00
00000134449000000	2810 HARRY HINES BLVD	\$203,010.00
00000134452000000	2805 N HARWOOD ST	\$110,250.00
00000134455000000	2830 HARRY HINES BLVD	\$462,530.00
00000134458000000	2814 HARRY HINES BLVD	\$183,940.00
00000134461000000	2804 HARRY HINES BLVD	\$149,490.00
00000134464000000	2800 HARRY HINES BLVD	\$158,010.00
00000134467000000	2815 N HARWOOD ST	\$128,875.00
00000134470000000	2809 N HARWOOD ST	\$103,950.00
00000134473000000	2819 N HARWOOD ST	\$138,600.00
00000134476000000	2813 N HARWOOD ST	\$150,000.00
00000134518000000	3015 MCKINNON ST	\$170,950.00
00000134521000000	3009 MCKINNON ST	\$173,191.00
00000134524000000	3019 MCKINNON ST	\$195,760.00
00000134527000000	3023 MCKINNON ST	\$184,668.00
00000134533000000	3000 N HARWOOD ST	\$192,950.00
00000134536000000	3004 N HARWOOD ST	\$173,250.00
00000134539000000	3008 N HARWOOD ST	\$172,480.00
00000134542000000	3012 N HARWOOD ST	\$173,670.00
00000134545000000	3016 N HARWOOD ST	\$186,340.00
00000134548000000	3020 N HARWOOD ST	\$177,610.00
00000134551000000	3005 MCKINNON ST	\$175,480.00
00000134554000000	3024 N HARWOOD ST	\$249,180.00
00000134557000000	3003 MCKINNON ST	\$180,040.00
00000134923000000	2817 MAPLE AVE	\$870,000.00
00000134927000000	2905 MAPLE AVE	\$1,303,610.00
00000134947000000	2425 CEDAR SPRINGS RD	\$358,090.00
0000013494700HS00	2425 CEDAR SPRINGS RD	\$236,912.00
00000134962000000	2912 MAPLE AVE	\$545,380.00
00000134965000000	2917 FAIRMOUNT ST	\$308,800.00
00000134968000000	2921 FAIRMOUNT ST	\$400,120.00
00000134971000000	2926 MAPLE AVE	\$623,900.00
00000134974000000	2923 FAIRMOUNT ST	\$314,500.00
00000134977000000	2925 FAIRMOUNT ST	\$303,360.00
00000134980000000	3000 MAPLE AVE	\$900,000.00
00000134981000000	3008 MAPLE AVE	\$1,650,000.00
00000134983000000	3001 FAIRMOUNT ST	\$340,000.00
00000134986000000	3005 FAIRMOUNT ST	\$200,880.00
00000134991000000	3033 FAIRMOUNT ST	\$142,176.00
00000134991050000	3011 FAIRMOUNT ST	\$160,264.00
00000134991100000	3013 FAIRMOUNT ST	\$152,400.00
00000134991150000	3015 FAIRMOUNT ST	\$148,000.00
00000134991200000	3017 FAIRMOUNT ST	\$168,400.00
00000134991250000	3019 FAIRMOUNT ST	\$210,500.00
00000134991300000	3021 FAIRMOUNT ST	\$200,000.00
00000134991350000	3023 FAIRMOUNT ST	\$199,460.00
00000134991400000	3025 FAIRMOUNT ST	\$202,000.00
00000134991450000	3027 FAIRMOUNT ST	\$161,600.00
00000134991500000	3029 FAIRMOUNT ST	\$137,600.00
00000134991550000	3031 FAIRMOUNT ST	\$160,000.00
00000134995000000	3012 MAPLE AVE	\$389,790.00
00000135001000000	2902 MAPLE AVE	\$370,120.00
00000135106000000	3131 MAPLE AVE	\$10,000,000.00
00000135202000000	2222 N HARWOOD ST	\$2,066,140.00

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00000135214000000	2001 MCKINNEY AVE	\$6,027,720.00
00000135301000000	2521 FAIRMOUNT ST	\$578,430.00
00000135304000000	2507 FAIRMOUNT ST	\$1,745,890.00
00000135307000000	2425 MCKINNEY AVE	\$1,720,260.00
00000135313000000	2515 FAIRMOUNT ST	\$234,300.00
00000135316000000	2519 FAIRMOUNT ST	\$580,000.00
00000135322000000	2421 MCKINNEY AVE	\$494,730.00
00000135340000000	2516 MAPLE AVE	\$900,000.00
00000135343000000	2525 FAIRMOUNT ST	\$700,200.00
00000135346000000	2527 FAIRMOUNT ST	\$440,000.00
00000135355000000	2504 MAPLE AVE	\$315,000.00
00000135356000000	2508 MAPLE AVE	\$746,220.00
00000135367000000	2603 FAIRMOUNT ST	\$1,032,470.00
00000135370000000	2611 FAIRMOUNT ST	\$737,510.00
00000135376000000	2701 FAIRMOUNT ST	\$380,000.00
00000135382000000	2707 FAIRMOUNT ST	\$371,700.00
00000135385000000	2628 MAPLE AVE	\$2,191,620.00
00000135388000000	2711 FAIRMOUNT ST	\$167,300.00
0000013538800HS00	2711 FAIRMOUNT ST	\$111,064.00
00000135391000000	2715 FAIRMOUNT ST	\$331,470.00
00000135394000000	2719 FAIRMOUNT ST	\$430,920.00
00000135397000000	2723 FAIRMOUNT ST	\$726,470.00
00000135400000000	2408 CEDAR SPRINGS RD	\$1,072,620.00
00000135403000000	2812 FAIRMOUNT ST	\$297,000.00
00000135406000000	2816 FAIRMOUNT ST	\$1,931,540.00
00000135409000000	2911 ROUTH ST	\$2,651,020.00
00000135415000000	2907 ROUTH ST	\$487,000.00
00000135418000000	2901 ROUTH ST	\$472,500.00
00000135421000000	2821 ROUTH ST	\$487,000.00
00000135424000000	2808 FAIRMOUNT ST	\$270,000.00
00000135427000000	2808 FAIRMOUNT ST	\$2,844,180.00
00000135430000000	2817 ROUTH ST	\$473,500.00
00000135433000000	2813 ROUTH ST	\$472,500.00
00000135436000000	2811 ROUTH ST	\$866,250.00
00000135439000000	2803 ROUTH ST	\$456,750.00
000063000A0010000	1000 COMMERCE ST	\$1,608,120.00
000073000A0010100	1301 YOUNG ST	\$2,258,890.00
00007701220210000	1511 COMMERCE ST	\$303,180.00
000114206901A0000	1414 ELM ST	\$975,000.00
00012500000010000	2000 ELM ST	\$4,000,010.00
00012500000019700	2000 ELM ST	\$7,070.00
00012500000019900	2000 ELM ST	\$611,360.00
000125003301A0000	2102 ELM ST	\$5,166,890.00
00012800300000000	317 S PEARL ST	\$29,880.00
00021700000000000	406 N LAMAR ST	\$20,510.00
00021700000030000	908 ROSS AVE	\$7,770.00
00021700000030100	908 ROSS AVE	\$129,560.00
00021700000030200	900 SAN JACINTO ST	\$112,910.00
00021900170010000	1100 MCKINNEY AVE	\$6,853,930.00
0002220B000090000	1704 N GRIFFIN ST	\$307,970.00
00022700000010000	704 N GRIFFIN ST	\$2,737,280.00
000228000A0030000	706 N GRIFFIN ST	\$191,720.00
000229000001A0000	1407 SAN JACINTO ST	\$1,602,900.00
00023500000010200	615 N AKARD ST	\$38,110.00
00024300010000000	608 N ST PAUL ST	\$2,208,770.00
00025500000010000	2110 LIVE OAK ST	\$0.00

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00025500000010100	300 OLIVE ST	\$0.00
0002610A000010000	2400 ROSS AVE	\$2,052,120.00
000301000003A0000	2521 ROSS AVE	\$0.00
000301000004A0000	2525 ROSS AVE	\$176,900.00
000306000003A0000	2623 ROSS AVE	\$699,600.00
00036000020010000	2414 N AKARD ST	\$3,900,000.00
0004780A000010000	401 N HARWOOD ST	\$743,200.00
000524000003A0000	1900 MCKINNEY AVE	\$4,194,840.00
000525000A0010000	2000 MCKINNEY AVE	\$6,304,950.00
000527000A01A0000	2021 FLORA ST	\$0.00
00052800000010000	901 PEARL ST	\$2,699,820.00
000529000A0010000	2101 ROSS AVE	\$3,752,280.00
00053000000010000	2301 ROSS AVE	\$4,364,500.00
00053000000019800	2301 ROSS AVE	\$0.00
00053000000019900	2301 ROSS AVE	\$899,990.00
0005310A000010000	1800 N PEARL EXPY	\$0.00
0005340A000010000	1825 LEONARD ST	\$0.00
000541000A01B0000	2222 MCKINNEY AVE	\$5,870,800.00
000541000A02B0000	2212 MCKINNEY AVE	\$2,629,180.00
000566000A03A0000	2809 ROSS AVE	\$0.00
000929000J06A0000	2101 CEDAR SPRINGS RD	\$4,174,050.00
000930000201A0000	2828 N HARWOOD ST	\$30,975,560.00
000930000202A0000	2815 MCKINNON ST	\$152,250.00
00093200020010000	3130 N HARWOOD ST	\$2,379,954.00
000933000201C0000	2840 BOOKHOUT ST	\$812,820.00
00093300030010000	2215 CEDAR SPRINGS RD	\$46,750,950.00
000938000H01A0000	2820 MCKINNON ST	\$12,870,730.00
000939000E02A0000	2925 BOOKHOUT ST	\$305,848.00
000939000E02B0000	2923 BOOKHOUT ST	\$392,150.00
000939000E04A0000	2921 BOOKHOUT ST	\$309,696.00
000939000E04B0000	2919 BOOKHOUT ST	\$313,016.00
000939000E06A0000	2917 BOOKHOUT ST	\$313,848.00
000939000E08A0000	2915 BOOKHOUT ST	\$309,784.00
000939000E08B0000	2911 BOOKHOUT ST	\$305,032.00
000939000E09C0000	2912 N PEARL ST	\$284,000.00
000939000E09D0000	2910 N PEARL ST	\$286,368.00
000939000E10A0000	2909 BOOKHOUT ST	\$309,696.00
000939000E10B0000	2907 BOOKHOUT ST	\$309,696.00
000939000E11C0000	2908 N PEARL ST	\$295,296.00
000939000E11D0000	2906 N PEARL ST	\$231,840.00
000939000E12A0000	2905 BOOKHOUT ST	\$392,150.00
000939000E12B0000	2903 BOOKHOUT ST	\$301,536.00
0009390E0001A0000	2920 PEARL ST	\$0.00
000942000I01A0000	2826 BOOKHOUT ST	\$2,112,530.00
000943000604A0000	2811 MAPLE AVE	\$1,734,880.00
000943000803A0000	2927 MAPLE AVE	\$436,530.00
000944000501A0000	2401 CEDAR SPRINGS RD	\$18,440,000.00
000944000702A0000	2905 FAIRMOUNT ST	\$1,429,910.00
000944000702A0100	2913 FAIRMOUNT ST	\$772,920.00
000944000702A0200	2915 FAIRMOUNT ST	\$270,380.00
000944000703A0000	2906 MAPLE AVE	\$423,000.00
000947001601A0000	2605 CEDAR SPRINGS RD	\$1,149,880.00
00094800030010000	2510 CEDAR SPRINGS RD	\$3,686,760.00
00094800030010100	2121 MCKINNEY AVE	\$8,741,160.00
000949000101A0000	2401 MCKINNEY AVE	\$1,921,140.00
000949000110A0000	2512 MAPLE AVE	\$2,333,330.00

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000950000301A0000	2610 MAPLE AVE	\$938,520.00
000950000301A0100	2616 MAPLE AVE	\$952,380.00
000950000309A0000	2620 MAPLE AVE	\$441,540.00
000956000001A0000	2800 ROUTH ST	\$16,056,500.00
000956000001A0300	2717 HOWELL ST	\$4,900,500.00
000956000001A9900	2800 ROUTH ST	\$0.00
000958001301E0000	2728 CEDAR SPRINGS RD	\$4,525,250.00
000959001202D0000	2650 CEDAR SPRINGS RD	\$7,797,552.00
000959001202D0100	2707 COLE AVE	\$11,942,590.00
00C03660000000301	2900 MCKINNON ST	\$9,613.48
00C03660000000302	2900 MCKINNON ST	\$4,798.21
00C03660000000303	2900 MCKINNON ST	\$5,245.53
00C03660000000304	2900 MCKINNON ST	\$8,053.57
00C03660000000305	2900 MCKINNON ST	\$8,335.98
00C03660000000306	2900 MCKINNON ST	\$5,245.53
00C03660000000307	2900 MCKINNON ST	\$4,798.21
00C03660000000308	2900 MCKINNON ST	\$9,543.35
00C03660000000401	2900 MCKINNON ST	\$9,613.48
00C03660000000402	2900 MCKINNON ST	\$4,798.21
00C03660000000403	2900 MCKINNON ST	\$5,245.53
00C03660000000404	2900 MCKINNON ST	\$8,053.57
00C03660000000405	2900 MCKINNON ST	\$8,335.98
00C03660000000406	2900 MCKINNON ST	\$5,245.53
00C03660000000407	2900 MCKINNON ST	\$4,798.21
00C03660000000408	2900 MCKINNON ST	\$9,543.35
00C03660000000501	2900 MCKINNON ST	\$9,613.48
00C03660000000502	2900 MCKINNON ST	\$4,798.21
00C03660000000503	2900 MCKINNON ST	\$5,245.53
00C03660000000504	2900 MCKINNON ST	\$8,053.57
00C03660000000505	2900 MCKINNON ST	\$8,335.98
00C03660000000506	2900 MCKINNON ST	\$5,245.53
00C03660000000507	2900 MCKINNON ST	\$4,798.21
00C03660000000508	2900 MCKINNON ST	\$9,543.35
00C03660000000601	2900 MCKINNON ST	\$9,613.48
00C03660000000602	2900 MCKINNON ST	\$4,798.21
00C03660000000603	2900 MCKINNON ST	\$5,245.53
00C03660000000604	2900 MCKINNON ST	\$8,053.57
00C03660000000605	2900 MCKINNON ST	\$8,335.98
00C03660000000606	2900 MCKINNON ST	\$5,245.53
00C03660000000607	2900 MCKINNON ST	\$4,798.21
00C03660000000608	2900 MCKINNON ST	\$9,543.35
00C03660000000701	2900 MCKINNON ST	\$14,529.21
00C03660000000702	2900 MCKINNON ST	\$4,798.21
00C03660000000703	2900 MCKINNON ST	\$5,245.53
00C03660000000704	2900 MCKINNON ST	\$8,053.57
00C03660000000705	2900 MCKINNON ST	\$8,335.98
00C03660000000706	2900 MCKINNON ST	\$5,245.53
00C03660000000707	2900 MCKINNON ST	\$4,798.21
00C03660000000708	2900 MCKINNON ST	\$14,576.59
00C03660000000801	2900 MCKINNON ST	\$9,613.48
00C03660000000802	2900 MCKINNON ST	\$4,798.21
00C03660000000803	2900 MCKINNON ST	\$5,245.53
00C03660000000804	2900 MCKINNON ST	\$8,053.57
00C03660000000805	2900 MCKINNON ST	\$8,335.98
00C03660000000806	2900 MCKINNON ST	\$5,245.53
00C03660000000807	2900 MCKINNON ST	\$4,798.21

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00C03660000000808	2900 MCKINNON ST	\$19,951.01
00C03660000000901	2900 MCKINNON ST	\$14,529.21
00C03660000000902	2900 MCKINNON ST	\$4,798.21
00C03660000000903	2900 MCKINNON ST	\$5,245.53
00C03660000000904	2900 MCKINNON ST	\$8,053.57
00C03660000000905	2900 MCKINNON ST	\$8,335.98
00C03660000000906	2900 MCKINNON ST	\$5,245.53
00C03660000000907	2900 MCKINNON ST	\$4,798.21
00C03660000000908	2900 MCKINNON ST	\$9,543.35
00C03660000001001	2900 MCKINNON ST	\$9,613.48
00C03660000001002	2900 MCKINNON ST	\$4,798.21
00C03660000001003	2900 MCKINNON ST	\$5,245.53
00C03660000001004	2900 MCKINNON ST	\$8,053.57
00C03660000001005	2900 MCKINNON ST	\$8,335.98
00C03660000001006	2900 MCKINNON ST	\$5,245.53
00C03660000001007	2900 MCKINNON ST	\$4,798.21
00C03660000001008	2900 MCKINNON ST	\$9,543.35
00C03660000001101	2900 MCKINNON ST	\$14,635.35
00C03660000001102	2900 MCKINNON ST	\$4,798.21
00C03660000001103	2900 MCKINNON ST	\$5,245.53
00C03660000001104	2900 MCKINNON ST	\$8,053.57
00C03660000001105	2900 MCKINNON ST	\$8,335.98
00C03660000001106	2900 MCKINNON ST	\$5,245.53
00C03660000001107	2900 MCKINNON ST	\$4,798.21
00C03660000001108	2900 MCKINNON ST	\$14,570.91
00C03660000001201	2900 MCKINNON ST	\$14,635.35
00C03660000001202	2900 MCKINNON ST	\$4,798.21
00C03660000001203	2900 MCKINNON ST	\$5,245.53
00C03660000001204	2900 MCKINNON ST	\$8,053.57
00C03660000001205	2900 MCKINNON ST	\$8,335.98
00C03660000001206	2900 MCKINNON ST	\$5,245.53
00C03660000001207	2900 MCKINNON ST	\$4,798.21
00C03660000001208	2900 MCKINNON ST	\$20,004.08
00C03660000001401	2900 MCKINNON ST	\$14,635.35
00C03660000001402	2900 MCKINNON ST	\$4,798.21
00C03660000001403	2900 MCKINNON ST	\$5,245.53
00C03660000001404	2900 MCKINNON ST	\$13,528.44
00C03660000001405	2900 MCKINNON ST	\$13,970.06
00C03660000001406	2900 MCKINNON ST	\$5,245.53
00C03660000001407	2900 MCKINNON ST	\$4,798.21
00C03660000001408	2900 MCKINNON ST	\$14,576.59
00C03660000001501	2900 MCKINNON ST	\$14,635.35
00C03660000001502	2900 MCKINNON ST	\$4,798.21
00C03660000001503	2900 MCKINNON ST	\$5,227.52
00C03660000001504	2900 MCKINNON ST	\$8,053.57
00C03660000001505	2900 MCKINNON ST	\$13,970.06
00C03660000001506	2900 MCKINNON ST	\$5,245.53
00C03660000001507	2900 MCKINNON ST	\$4,798.21
00C03660000001508	2900 MCKINNON ST	\$9,536.72
00C03660000001601	2900 MCKINNON ST	\$14,635.35
00C03660000001602	2900 MCKINNON ST	\$4,798.21
00C03660000001603	2900 MCKINNON ST	\$5,227.52
00C03660000001604	2900 MCKINNON ST	\$8,053.57
00C03660000001605	2900 MCKINNON ST	\$8,335.98
00C03660000001606	2900 MCKINNON ST	\$5,345.04
00C03660000001607	2900 MCKINNON ST	\$4,798.21

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00C03660000001608	2900 MCKINNON ST	\$14,576.59
00C03660000001701	2900 MCKINNON ST	\$14,635.35
00C03660000001702	2900 MCKINNON ST	\$4,798.21
00C03660000001703	2900 MCKINNON ST	\$5,227.52
00C03660000001704	2900 MCKINNON ST	\$13,528.44
00C03660000001705	2900 MCKINNON ST	\$13,964.38
00C03660000001706	2900 MCKINNON ST	\$5,345.04
00C03660000001707	2900 MCKINNON ST	\$4,798.21
00C03660000001708	2900 MCKINNON ST	\$14,576.59
00C03660000001801	2900 MCKINNON ST	\$14,635.35
00C03660000001802	2900 MCKINNON ST	\$4,798.21
00C03660000001803	2900 MCKINNON ST	\$5,245.53
00C03660000001804	2900 MCKINNON ST	\$8,053.57
00C03660000001805	2900 MCKINNON ST	\$8,335.98
00C03660000001806	2900 MCKINNON ST	\$5,386.73
00C03660000001807	2900 MCKINNON ST	\$4,798.21
00C03660000001808	2900 MCKINNON ST	\$14,576.59
00C03660000001901	2900 MCKINNON ST	\$11,380.00
00C03660000001902	2900 MCKINNON ST	\$4,798.21
00C03660000001903	2900 MCKINNON ST	\$5,245.53
00C03660000001904	2900 MCKINNON ST	\$8,053.57
00C03660000001905	2900 MCKINNON ST	\$8,335.98
00C03660000001906	2900 MCKINNON ST	\$5,386.73
00C03660000001907	2900 MCKINNON ST	\$4,798.21
00C03660000001908	2900 MCKINNON ST	\$14,576.59
00C03660000002001	2900 MCKINNON ST	\$9,613.48
00C03660000002002	2900 MCKINNON ST	\$4,798.21
00C03660000002003	2900 MCKINNON ST	\$5,245.53
00C03660000002004	2900 MCKINNON ST	\$8,053.57
00C03660000002005	2900 MCKINNON ST	\$8,424.12
00C03660000002006	2900 MCKINNON ST	\$5,386.73
00C03660000002007	2900 MCKINNON ST	\$4,798.21
00C03660000002008	2900 MCKINNON ST	\$19,992.71
00C03660000002101	2900 MCKINNON ST	\$9,613.48
00C03660000002102	2900 MCKINNON ST	\$4,798.21
00C03660000002103	2900 MCKINNON ST	\$5,245.53
00C03660000002104	2900 MCKINNON ST	\$13,528.44
00C03660000002105	2900 MCKINNON ST	\$13,876.24
00C03660000002106	2900 MCKINNON ST	\$5,386.73
00C03660000002107	2900 MCKINNON ST	\$4,798.21
00C03660000002108	2900 MCKINNON ST	\$14,576.59
00C03660000002201	2900 MCKINNON ST	\$9,554.72
00C03660000002202	2900 MCKINNON ST	\$4,798.21
00C03660000002203	2900 MCKINNON ST	\$5,245.53
00C03660000002204	2900 MCKINNON ST	\$13,587.19
00C03660000002205	2900 MCKINNON ST	\$13,869.61
00C03660000002206	2900 MCKINNON ST	\$5,386.73
00C03660000002207	2900 MCKINNON ST	\$4,798.21
00C03660000002208	2900 MCKINNON ST	\$9,549.04
00C03660000002301	2900 MCKINNON ST	\$14,659.04
00C03660000002302	2900 MCKINNON ST	\$4,798.21
00C03660000002303	2900 MCKINNON ST	\$5,227.52
00C03660000002304	2900 MCKINNON ST	\$8,053.57
00C03660000002305	2900 MCKINNON ST	\$13,887.61
00C03660000002306	2900 MCKINNON ST	\$5,386.73
00C03660000002307	2900 MCKINNON ST	\$4,798.21

## Exhibit A

00C03660000002308	2900 MCKINNON ST	\$9,549.04
00C03660000002401	2900 MCKINNON ST	\$9,613.48
00C03660000002402	2900 MCKINNON ST	\$4,798.21
00C03660000002403	2900 MCKINNON ST	\$5,227.52
00C03660000002404	2900 MCKINNON ST	\$8,053.57
00C03660000002405	2900 MCKINNON ST	\$8,324.61
00C03660000002406	2900 MCKINNON ST	\$5,245.53
00C03660000002407	2900 MCKINNON ST	\$4,798.21
00C03660000002408	2900 MCKINNON ST	\$14,582.28
00C03660000002501	2900 MCKINNON ST	\$14,552.90
00C03660000002502	2900 MCKINNON ST	\$4,798.21
00C03660000002503	2900 MCKINNON ST	\$5,227.52
00C03660000002504	2900 MCKINNON ST	\$8,053.57
00C03660000002505	2900 MCKINNON ST	\$13,887.61
00C03660000002506	2900 MCKINNON ST	\$5,386.73
00C03660000002507	2900 MCKINNON ST	\$4,798.21
00C03660000002508	2900 MCKINNON ST	\$9,549.04
00C03660000002601	2900 MCKINNON ST	\$9,613.48
00C03660000002602	2900 MCKINNON ST	\$4,798.21
00C03660000002603	2900 MCKINNON ST	\$5,227.52
00C03660000002604	2900 MCKINNON ST	\$8,053.57
00C03660000002605	2900 MCKINNON ST	\$8,335.98
00C03660000002606	2900 MCKINNON ST	\$5,245.53
00C03660000002607	2900 MCKINNON ST	\$4,798.21
00C03660000002608	2900 MCKINNON ST	\$9,549.04
00C03660000002701	2900 MCKINNON ST	\$14,653.36
00C03660000002702	2900 MCKINNON ST	\$4,798.21
00C03660000002703	2900 MCKINNON ST	\$5,227.52
00C03660000002704	2900 MCKINNON ST	\$13,557.81
00C03660000002705	2900 MCKINNON ST	\$13,899.93
00C03660000002706	2900 MCKINNON ST	\$5,245.53
00C03660000002707	2900 MCKINNON ST	\$4,798.21
00C03660000002708	2900 MCKINNON ST	\$14,641.04
00C03660000002801	2900 MCKINNON ST	\$13,540.76
00C03660000002802	2900 MCKINNON ST	\$10,762.10
00C03660000002803	2900 MCKINNON ST	\$12,863.15
00C03660000002804	2900 MCKINNON ST	\$13,581.51
00C03660000002901	2900 MCKINNON ST	\$13,575.82
00C03660000002902	2900 MCKINNON ST	\$10,655.95
00C03660000002903	2900 MCKINNON ST	\$12,934.23
00C03660000002904	2900 MCKINNON ST	\$13,587.19
00C03660000003001	2900 MCKINNON ST	\$29,518.05
00C03660000003002	2900 MCKINNON ST	\$29,800.47
00C4528000000H101	3001 MAPLE AVE	\$40,667.95
00C4528000000H102	3001 MAPLE AVE	\$28,022.49
00C4528000000H103	3001 MAPLE AVE	\$42,769.16
00C4528000000H104	3001 MAPLE AVE	\$52,401.30
00C4528000000H106	3001 MAPLE AVE	\$32,778.87
00C4528000000H107	3001 MAPLE AVE	\$32,659.48
00C4528000000H109	3001 MAPLE AVE	\$57,869.22
00C4528000000H110	3001 MAPLE AVE	\$36,150.35
00C4528000000H111	3001 MAPLE AVE	\$28,022.49
00C4528000000H112	3001 MAPLE AVE	\$40,667.95
00C4528000000H201	3001 MAPLE AVE	\$40,667.95
00C4528000000H202	3001 MAPLE AVE	\$28,022.49
00C4528000000H203	3001 MAPLE AVE	\$52,124.32

## Exhibit A



00C4528000000H204	3001 MAPLE AVE	\$38,132.17
00C4528000000H206	3001 MAPLE AVE	\$54,383.12
00C4528000000H207	3001 MAPLE AVE	\$37,573.44
00C4528000000H209	3001 MAPLE AVE	\$60,247.40
00C4528000000H210	3001 MAPLE AVE	\$46,771.01
00C4528000000H211	3001 MAPLE AVE	\$28,022.49
00C4528000000H212	3001 MAPLE AVE	\$40,667.95
00C4528000000H301	3001 MAPLE AVE	\$40,667.95
00C4528000000H302	3001 MAPLE AVE	\$28,022.49
00C4528000000H303	3001 MAPLE AVE	\$52,124.32
00C4528000000H304	3001 MAPLE AVE	\$38,132.17
00C4528000000H306	3001 MAPLE AVE	\$54,383.12
00C4528000000H307	3001 MAPLE AVE	\$37,573.44
00C4528000000H309	3001 MAPLE AVE	\$60,247.40
00C4528000000H310	3001 MAPLE AVE	\$46,771.01
00C4528000000H311	3001 MAPLE AVE	\$28,022.49
00C4528000000H312	3001 MAPLE AVE	\$40,667.95
00C4528000000H401	3001 MAPLE AVE	\$40,667.95
00C4528000000H402	3001 MAPLE AVE	\$28,022.49
00C4528000000H403	3001 MAPLE AVE	\$52,124.32
00C4528000000H404	3001 MAPLE AVE	\$38,132.17
00C4528000000H406	3001 MAPLE AVE	\$54,383.12
00C4528000000H407	3001 MAPLE AVE	\$37,573.44
00C4528000000H409	3001 MAPLE AVE	\$60,247.40
00C4528000000H410	3001 MAPLE AVE	\$46,771.01
00C4528000000H411	3001 MAPLE AVE	\$28,022.49
00C4528000000H412	3001 MAPLE AVE	\$40,667.95
00C4528000000H501	3001 MAPLE AVE	\$40,667.95
00C4528000000H502	3001 MAPLE AVE	\$28,022.49
00C4528000000H503	3001 MAPLE AVE	\$52,124.32
00C4528000000H504	3001 MAPLE AVE	\$38,132.17
00C4528000000H506	3001 MAPLE AVE	\$54,383.12
00C4528000000H507	3001 MAPLE AVE	\$37,573.44
00C4528000000H509	3001 MAPLE AVE	\$60,247.40
00C4528000000H510	3001 MAPLE AVE	\$46,771.01
00C4528000000H511	3001 MAPLE AVE	\$28,022.49
00C4528000000H512	3001 MAPLE AVE	\$40,667.95
00C4528000000H601	3001 MAPLE AVE	\$40,667.95
00C4528000000H602	3001 MAPLE AVE	\$28,022.49
00C4528000000H603	3001 MAPLE AVE	\$52,124.32
00C4528000000H604	3001 MAPLE AVE	\$38,132.17
00C4528000000H606	3001 MAPLE AVE	\$54,383.12
00C4528000000H607	3001 MAPLE AVE	\$37,573.44
00C4528000000H609	3001 MAPLE AVE	\$60,247.40
00C4528000000H610	3001 MAPLE AVE	\$46,771.01
00C4528000000H611	3001 MAPLE AVE	\$28,022.49
00C4528000000H612	3001 MAPLE AVE	\$40,667.95
00C4528000000H701	3001 MAPLE AVE	\$40,667.95
00C4528000000H702	3001 MAPLE AVE	\$28,022.49
00C4528000000H703	3001 MAPLE AVE	\$52,124.32
00C4528000000H704	3001 MAPLE AVE	\$38,132.17
00C4528000000H706	3001 MAPLE AVE	\$54,383.12
00C4528000000H707	3001 MAPLE AVE	\$37,573.44
00C4528000000H709	3001 MAPLE AVE	\$60,247.40
00C4528000000H712	3001 MAPLE AVE	\$103,217.14
00C4528000000T101	3001 MAPLE AVE	\$28,094.12

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00C4528000000T103	3001 MAPLE AVE	\$28,094.12
00C4528000000T105	3001 MAPLE AVE	\$28,094.12
00C4528000000T107	3001 MAPLE AVE	\$28,094.12
00C4528000000T109	3001 MAPLE AVE	\$28,094.12
00C4528000000T111	3001 MAPLE AVE	\$28,094.12
00C4528000000T113	3001 MAPLE AVE	\$28,094.12
00C4528000000T115	3001 MAPLE AVE	\$28,094.12
00C4528000000T600	3001 MAPLE AVE	\$15,467.77
00C4528000000T601	3001 MAPLE AVE	\$10,730.49
00C4528000000T602	3001 MAPLE AVE	\$10,415.31
00C4528000000T603	3001 MAPLE AVE	\$16,413.31
00C4528000000T604	3001 MAPLE AVE	\$16,413.31
00C4528000000T605	3001 MAPLE AVE	\$8,839.41
00C4528000000T606	3001 MAPLE AVE	\$10,415.31
00C4528000000T607	3001 MAPLE AVE	\$10,730.49
00C4528000000T608	3001 MAPLE AVE	\$10,730.49
00C4528000000T609	3001 MAPLE AVE	\$11,045.68
00C4528000000T610	3001 MAPLE AVE	\$14,202.27
00C4528000000T611	3001 MAPLE AVE	\$15,782.95
00C4528000000T612	3001 MAPLE AVE	\$15,782.95
00C4528000000T614	3001 MAPLE AVE	\$10,730.49
00C4528000000T616	3001 MAPLE AVE	\$10,730.49
00C4528000000T700	3001 MAPLE AVE	\$15,467.77
00C4528000000T701	3001 MAPLE AVE	\$10,730.49
00C4528000000T702	3001 MAPLE AVE	\$10,415.31
00C4528000000T703	3001 MAPLE AVE	\$16,413.31
00C4528000000T704	3001 MAPLE AVE	\$16,413.31
00C4528000000T705	3001 MAPLE AVE	\$8,839.41
00C4528000000T706	3001 MAPLE AVE	\$10,415.31
00C4528000000T707	3001 MAPLE AVE	\$10,730.49
00C4528000000T708	3001 MAPLE AVE	\$10,730.49
00C4528000000T709	3001 MAPLE AVE	\$11,045.68
00C4528000000T710	3001 MAPLE AVE	\$14,202.27
00C4528000000T712	3001 MAPLE AVE	\$15,782.95
00C4528000000T714	3001 MAPLE AVE	\$10,730.49
00C4528000000T716	3001 MAPLE AVE	\$10,730.49
00C4528000000T800	3001 MAPLE AVE	\$15,467.77
00C4528000000T801	3001 MAPLE AVE	\$10,730.49
00C4528000000T802	3001 MAPLE AVE	\$10,415.31
00C4528000000T803	3001 MAPLE AVE	\$16,413.31
00C4528000000T804	3001 MAPLE AVE	\$16,413.31
00C4528000000T805	3001 MAPLE AVE	\$8,839.41
00C4528000000T806	3001 MAPLE AVE	\$10,415.31
00C4528000000T807	3001 MAPLE AVE	\$10,730.49
00C4528000000T808	3001 MAPLE AVE	\$10,730.49
00C4528000000T809	3001 MAPLE AVE	\$11,045.68
00C4528000000T810	3001 MAPLE AVE	\$14,202.27
00C4528000000T811	3001 MAPLE AVE	\$15,782.95
00C4528000000T812	3001 MAPLE AVE	\$15,782.95
00C4528000000T814	3001 MAPLE AVE	\$10,730.49
00C4528000000T816	3001 MAPLE AVE	\$10,730.49
00C4528000000T900	3001 MAPLE AVE	\$15,467.77
00C4528000000T901	3001 MAPLE AVE	\$10,730.49
00C4528000000T902	3001 MAPLE AVE	\$10,415.31
00C4528000000T903	3001 MAPLE AVE	\$16,413.31
00C4528000000T904	3001 MAPLE AVE	\$16,413.31

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00C452800000T905	3001 MAPLE AVE	\$8,839.41
00C452800000T906	3001 MAPLE AVE	\$30,634.68
00C452800000T907	3001 MAPLE AVE	\$10,730.49
00C452800000T908	3001 MAPLE AVE	\$10,730.49
00C452800000T909	3001 MAPLE AVE	\$11,045.68
00C452800000T910	3001 MAPLE AVE	\$14,202.27
00C452800000T911	3001 MAPLE AVE	\$15,782.95
00C452800000T912	3001 MAPLE AVE	\$15,782.95
00C452800000T914	3001 MAPLE AVE	\$10,730.49
00C452800000T916	3001 MAPLE AVE	\$10,730.49
00C452800000T1000	3001 MAPLE AVE	\$15,467.77
00C452800000T1001	3001 MAPLE AVE	\$10,730.49
00C452800000T1002	3001 MAPLE AVE	\$10,415.31
00C452800000T1003	3001 MAPLE AVE	\$16,413.31
00C452800000T1004	3001 MAPLE AVE	\$16,413.31
00C452800000T1005	3001 MAPLE AVE	\$26,169.61
00C452800000T1006	3001 MAPLE AVE	\$10,415.31
00C452800000T1007	3001 MAPLE AVE	\$10,730.49
00C452800000T1009	3001 MAPLE AVE	\$11,045.68
00C452800000T1010	3001 MAPLE AVE	\$14,202.27
00C452800000T1012	3001 MAPLE AVE	\$15,782.95
00C452800000T1014	3001 MAPLE AVE	\$10,730.49
00C452800000T1016	3001 MAPLE AVE	\$10,730.49
00C452800000T1100	3001 MAPLE AVE	\$15,467.77
00C452800000T1101	3001 MAPLE AVE	\$10,730.49
00C452800000T1102	3001 MAPLE AVE	\$10,415.31
00C452800000T1103	3001 MAPLE AVE	\$16,413.31
00C452800000T1104	3001 MAPLE AVE	\$16,413.31
00C452800000T1105	3001 MAPLE AVE	\$8,839.41
00C452800000T1106	3001 MAPLE AVE	\$10,415.31
00C452800000T1107	3001 MAPLE AVE	\$10,730.49
00C452800000T1108	3001 MAPLE AVE	\$10,730.49
00C452800000T1109	3001 MAPLE AVE	\$11,045.68
00C452800000T1110	3001 MAPLE AVE	\$14,202.27
00C452800000T1111	3001 MAPLE AVE	\$15,782.95
00C452800000T1112	3001 MAPLE AVE	\$15,782.95
00C452800000T1114	3001 MAPLE AVE	\$10,730.49
00C452800000T1116	3001 MAPLE AVE	\$10,730.49
00C452800000T1200	3001 MAPLE AVE	\$15,467.77
00C452800000T1201	3001 MAPLE AVE	\$10,730.49
00C452800000T1202	3001 MAPLE AVE	\$10,415.31
00C452800000T1203	3001 MAPLE AVE	\$16,413.31
00C452800000T1204	3001 MAPLE AVE	\$16,413.31
00C452800000T1205	3001 MAPLE AVE	\$8,839.41
00C452800000T1206	3001 MAPLE AVE	\$10,415.31
00C452800000T1207	3001 MAPLE AVE	\$10,730.49
00C452800000T1208	3001 MAPLE AVE	\$10,730.49
00C452800000T1209	3001 MAPLE AVE	\$11,045.68
00C452800000T1210	3001 MAPLE AVE	\$14,202.27
00C452800000T1211	3001 MAPLE AVE	\$15,782.95
00C452800000T1212	3001 MAPLE AVE	\$15,782.95
00C452800000T1214	3001 MAPLE AVE	\$10,730.49
00C452800000T1216	3001 MAPLE AVE	\$10,730.49
00C452800000T1300	3001 MAPLE AVE	\$15,467.77
00C452800000T1301	3001 MAPLE AVE	\$10,730.49
00C452800000T1302	3001 MAPLE AVE	\$10,415.31

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00C452800000T1303	3001 MAPLE AVE	\$16,413.31
00C452800000T1304	3001 MAPLE AVE	\$16,413.31
00C452800000T1305	3001 MAPLE AVE	\$8,839.41
00C452800000T1306	3001 MAPLE AVE	\$10,415.31
00C452800000T1307	3001 MAPLE AVE	\$10,730.49
00C452800000T1308	3001 MAPLE AVE	\$10,730.49
00C452800000T1309	3001 MAPLE AVE	\$11,045.68
00C452800000T1310	3001 MAPLE AVE	\$14,202.27
00C452800000T1311	3001 MAPLE AVE	\$15,782.95
00C452800000T1312	3001 MAPLE AVE	\$15,782.95
00C452800000T1314	3001 MAPLE AVE	\$10,730.49
00C452800000T1316	3001 MAPLE AVE	\$10,730.49
00C452800000T1400	3001 MAPLE AVE	\$15,467.77
00C452800000T1401	3001 MAPLE AVE	\$10,730.49
00C452800000T1402	3001 MAPLE AVE	\$10,415.31
00C452800000T1403	3001 MAPLE AVE	\$16,413.31
00C452800000T1404	3001 MAPLE AVE	\$16,413.31
00C452800000T1405	3001 MAPLE AVE	\$8,839.41
00C452800000T1406	3001 MAPLE AVE	\$10,415.31
00C452800000T1407	3001 MAPLE AVE	\$10,730.49
00C452800000T1408	3001 MAPLE AVE	\$10,730.49
00C452800000T1409	3001 MAPLE AVE	\$11,045.68
00C452800000T1410	3001 MAPLE AVE	\$14,202.27
00C452800000T1411	3001 MAPLE AVE	\$15,782.95
00C452800000T1412	3001 MAPLE AVE	\$15,782.95
00C452800000T1414	3001 MAPLE AVE	\$10,730.49
00C452800000T1416	3001 MAPLE AVE	\$10,730.49
00C452800000T1500	3001 MAPLE AVE	\$15,467.77
00C452800000T1501	3001 MAPLE AVE	\$10,730.49
00C452800000T1502	3001 MAPLE AVE	\$10,415.31
00C452800000T1503	3001 MAPLE AVE	\$16,413.31
00C452800000T1504	3001 MAPLE AVE	\$16,413.31
00C452800000T1505	3001 MAPLE AVE	\$8,839.41
00C452800000T1506	3001 MAPLE AVE	\$10,415.31
00C452800000T1507	3001 MAPLE AVE	\$10,730.49
00C452800000T1508	3001 MAPLE AVE	\$10,730.49
00C452800000T1509	3001 MAPLE AVE	\$11,045.68
00C452800000T1510	3001 MAPLE AVE	\$14,202.27
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00C452800000T1512	3001 MAPLE AVE	\$15,782.95
00C452800000T1514	3001 MAPLE AVE	\$10,730.49
00C452800000T1516	3001 MAPLE AVE	\$10,730.49
00C452800000T1600	3001 MAPLE AVE	\$20,200.26
00C452800000T1601	3001 MAPLE AVE	\$10,415.31
00C452800000T1603	3001 MAPLE AVE	\$16,728.49
00C452800000T1604	3001 MAPLE AVE	\$16,413.31
00C452800000T1605	3001 MAPLE AVE	\$8,839.41
00C452800000T1606	3001 MAPLE AVE	\$8,839.41
00C452800000T1607	3001 MAPLE AVE	\$10,415.31
00C452800000T1608	3001 MAPLE AVE	\$10,415.31
00C452800000T1610	3001 MAPLE AVE	\$14,837.40
00C452800000T1611	3001 MAPLE AVE	\$23,987.22
00C452800000T1612	3001 MAPLE AVE	\$15,152.58
00C452800000T1614	3001 MAPLE AVE	\$10,730.49
00C47770000000301	800 OLIVE ST	\$31,770.00
00C47770000000302	800 OLIVE ST	\$31,710.00

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00C47770000000303	800 OLIVE ST	\$31,710.00
00C47770000000401	800 OLIVE ST	\$31,710.00
00C47770000000402	800 OLIVE ST	\$31,710.00
00C47770000000403	800 OLIVE ST	\$31,710.00
00C47770000000501	800 OLIVE ST	\$31,710.00
00C47770000000502	800 OLIVE ST	\$31,710.00
00C47770000000503	800 OLIVE ST	\$31,710.00
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00C47770000000703	800 OLIVE ST	\$31,710.00
00C47770000000704	800 OLIVE ST	\$31,710.00
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00C47770000000804	800 OLIVE ST	\$31,710.00
00C47770000000901	800 OLIVE ST	\$31,710.00
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00C47770000000903	800 OLIVE ST	\$31,710.00
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00C47770000001002	800 OLIVE ST	\$31,710.00
00C47770000001003	800 OLIVE ST	\$31,710.00
00C47770000001004	800 OLIVE ST	\$31,710.00
00C47770000001101	800 OLIVE ST	\$31,710.00
00C47770000001102	800 OLIVE ST	\$31,710.00
00C47770000001103	800 OLIVE ST	\$31,710.00
00C47770000001104	800 OLIVE ST	\$31,710.00
00C47770000001201	800 OLIVE ST	\$31,710.00
00C47770000001202	800 OLIVE ST	\$31,710.00
00C47770000001301	800 OLIVE ST	\$31,710.00
00C47770000001302	800 OLIVE ST	\$31,710.00
00C47770000001303	800 OLIVE ST	\$31,710.00
00C47770000001304	800 OLIVE ST	\$31,710.00
00C47770000001401	800 OLIVE ST	\$31,710.00
00C47770000001402	800 OLIVE ST	\$31,710.00
00C47770000001403	800 OLIVE ST	\$31,710.00
00C47770000001404	800 OLIVE ST	\$31,710.00
00C47770000001501	800 OLIVE ST	\$31,710.00
00C47770000001502	800 OLIVE ST	\$31,710.00
00C47770000001503	800 OLIVE ST	\$31,710.00
00C47770000001504	800 OLIVE ST	\$31,710.00
00C47770000001601	800 OLIVE ST	\$31,710.00
00C47770000001602	800 OLIVE ST	\$31,710.00
00C47770000001603	800 OLIVE ST	\$31,710.00
00C47770000001604	800 OLIVE ST	\$31,710.00
00C47770000001701	800 OLIVE ST	\$31,710.00
00C47770000001702	800 OLIVE ST	\$31,710.00
00C47770000001703	800 OLIVE ST	\$31,710.00
00C47770000001801	800 OLIVE ST	\$31,710.00
00C47770000001802	800 OLIVE ST	\$31,710.00
00C47770000001901	800 OLIVE ST	\$31,710.00
00C47770000001902	800 OLIVE ST	\$31,710.00

**Exhibit A**

00C47770000002001	800 OLIVE ST	\$31,710.00
00C47770000002002	800 OLIVE ST	\$31,710.00
00C47770000002003	800 OLIVE ST	\$31,710.00
00C47770000002004	800 OLIVE ST	\$31,710.00
00C47770000002101	800 OLIVE ST	\$31,710.00
00C47770000002102	800 OLIVE ST	\$31,710.00
00C47770000002103	800 OLIVE ST	\$31,710.00
00C47770000002104	800 OLIVE ST	\$31,710.00
00C47770000002201	800 OLIVE ST	\$31,710.00
00C47770000002202	800 OLIVE ST	\$31,710.00
00C47770000002203	800 OLIVE ST	\$31,710.00
00C47770000002301	800 OLIVE ST	\$31,710.00
00C47770000002302	800 OLIVE ST	\$31,710.00
00C47770000002303	800 OLIVE ST	\$31,710.00
00C47770000002401	800 OLIVE ST	\$31,710.00
00C47770000002402	800 OLIVE ST	\$31,710.00
00C47770000002403	800 OLIVE ST	\$31,710.00
00C47770000002404	800 OLIVE ST	\$31,710.00
00C47770000002501	800 OLIVE ST	\$31,710.00
00C47770000002502	800 OLIVE ST	\$31,710.00
00C47770000002503	800 OLIVE ST	\$31,710.00
00C47770000002504	800 OLIVE ST	\$31,710.00
00C47770000002601	800 OLIVE ST	\$31,710.00
00C47770000002602	800 OLIVE ST	\$31,710.00
00C47770000002603	800 OLIVE ST	\$31,710.00
00C47770000002604	800 OLIVE ST	\$31,710.00
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00C47770000002702	800 OLIVE ST	\$31,710.00
00C47770000002703	800 OLIVE ST	\$31,710.00
00C47770000002801	800 OLIVE ST	\$31,710.00
00C47770000002802	800 OLIVE ST	\$31,710.00
00C47770000002803	800 OLIVE ST	\$31,710.00
00C47770000002901	800 OLIVE ST	\$31,710.00
00C47770000002902	800 OLIVE ST	\$31,710.00
00C47770000002903	800 OLIVE ST	\$31,710.00
00C47770000002904	800 OLIVE ST	\$31,710.00
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00C47770000003303	800 OLIVE ST	\$31,710.00
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00C47770000003402	800 OLIVE ST	\$31,710.00
00C47770000003403	800 OLIVE ST	\$31,710.00
00C47770000003501	800 OLIVE ST	\$31,710.00
00C47770000003502	800 OLIVE ST	\$31,710.00

# **Exhibit A**

00C47770000003503	800 OLIVE ST	\$31,710.00
00C47770000003601	800 OLIVE ST	\$31,710.00
00C47770000003602	800 OLIVE ST	\$31,710.00
00C47770000003603	800 OLIVE ST	\$31,710.00
00C47770000003701	800 OLIVE ST	\$31,710.00
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00C47770000003802	800 OLIVE ST	\$31,710.00
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00C47770000004101	800 OLIVE ST	\$31,710.00
00C47770000004201	800 OLIVE ST	\$31,710.00
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00C61280000000902	2525 N PEARL ST	\$0.00
00C61280000000903	2525 N PEARL ST	\$0.00
00C61280000000904	2525 N PEARL ST	\$0.00
00C61280000000905	2525 N PEARL ST	\$0.00
00C61280000000906	2525 N PEARL ST	\$0.00
00C61280000001001	2525 N PEARL ST	\$0.00
00C61280000001002	2525 N PEARL ST	\$0.00
00C61280000001003	2525 N PEARL ST	\$0.00
00C61280000001004	2525 N PEARL ST	\$0.00
00C61280000001005	2525 N PEARL ST	\$0.00
00C61280000001006	2525 N PEARL ST	\$0.00
00C61280000001007	2525 N PEARL ST	\$0.00
00C61280000001101	2525 N PEARL ST	\$0.00
00C61280000001102	2525 N PEARL ST	\$0.00
00C61280000001103	2525 N PEARL ST	\$0.00
00C61280000001104	2525 N PEARL ST	\$0.00
00C61280000001105	2525 N PEARL ST	\$0.00
00C61280000001106	2525 N PEARL ST	\$0.00
00C61280000001107	2525 N PEARL ST	\$0.00
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00C61280000001202	2525 N PEARL ST	\$0.00
00C61280000001203	2525 N PEARL ST	\$0.00
00C61280000001204	2525 N PEARL ST	\$0.00
00C61280000001205	2525 N PEARL ST	\$0.00
00C61280000001206	2525 N PEARL ST	\$0.00
00C61280000001207	2525 N PEARL ST	\$0.00
00C61280000001301	2525 N PEARL ST	\$0.00
00C61280000001302	2525 N PEARL ST	\$0.00
00C61280000001303	2525 N PEARL ST	\$0.00
00C61280000001304	2525 N PEARL ST	\$0.00
00C61280000001305	2525 N PEARL ST	\$0.00
00C61280000001306	2525 N PEARL ST	\$0.00
00C61280000001307	2525 N PEARL ST	\$0.00
00C61280000001401	2525 N PEARL ST	\$0.00
00C61280000001402	2525 N PEARL ST	\$0.00
00C61280000001403	2525 N PEARL ST	\$0.00
00C61280000001404	2525 N PEARL ST	\$0.00
00C61280000001405	2525 N PEARL ST	\$0.00
00C61280000001406	2525 N PEARL ST	\$0.00
00C61280000001407	2525 N PEARL ST	\$0.00
00C61280000001501	2525 N PEARL ST	\$0.00

# Exhibit A

00C61280000001502	2525 N PEARL ST	\$0.00
00C61280000001503	2525 N PEARL ST	\$0.00
00C61280000001504	2525 N PEARL ST	\$0.00
00C61280000001505	2525 N PEARL ST	\$0.00
00C61280000001506	2525 N PEARL ST	\$0.00
00C61280000001507	2525 N PEARL ST	\$0.00
00C61280000001601	2525 N PEARL ST	\$0.00
00C61280000001602	2525 N PEARL ST	\$0.00
00C61280000001603	2525 N PEARL ST	\$0.00
00C61280000001604	2525 N PEARL ST	\$0.00
00C61280000001605	2525 N PEARL ST	\$0.00
00C61280000001607	2525 N PEARL ST	\$0.00
00C61280000001701	2525 N PEARL ST	\$0.00
00C61280000001702	2525 N PEARL ST	\$0.00
00C61280000001703	2525 N PEARL ST	\$0.00
00C61280000001704	2525 N PEARL ST	\$0.00
00C61280000001801	2525 N PEARL ST	\$0.00
00C61280000001802	2525 N PEARL ST	\$0.00
00C61280000001803	2525 N PEARL ST	\$0.00
00C61280000001804	2525 N PEARL ST	\$0.00
00C61280000001901	2525 N PEARL ST	\$0.00
00C61280000001902	2525 N PEARL ST	\$0.00
00C61280000001903	2525 N PEARL ST	\$0.00
00C61280000001904	2525 N PEARL ST	\$0.00
00C61280000002002	2525 N PEARL ST	\$0.00
00C61280000002003	2525 N PEARL ST	\$0.00
00C61280000002100	2525 N PEARL ST	\$0.00
00C61280000002101	2525 N PEARL ST	\$0.00
00C7268000000003A	2927 MAPLE AVE	\$55,507.95
00C7268000000003B	2927 MAPLE AVE	\$55,484.00
00C7268000000003C	2927 MAPLE AVE	\$55,484.00
00C7268000000004A	2927 MAPLE AVE	\$55,484.00
00C7268000000004B	2927 MAPLE AVE	\$55,484.00
00C7268000000004C	2927 MAPLE AVE	\$55,484.00
00C7268000000004F	2927 MAPLE AVE	\$55,484.00
00C7268000000004K	2927 MAPLE AVE	\$55,484.00
00C7268000000004L	2927 MAPLE AVE	\$55,484.00
00C7268000000004M	2927 MAPLE AVE	\$55,484.00
00C7268000000005A	2927 MAPLE AVE	\$55,484.00
00C7268000000005B	2927 MAPLE AVE	\$55,484.00
00C7268000000005C	2927 MAPLE AVE	\$55,484.00
00C7268000000005F	2927 MAPLE AVE	\$55,484.00
00C7268000000005K	2927 MAPLE AVE	\$55,484.00
00C7268000000005L	2927 MAPLE AVE	\$55,484.00
00C7268000000005M	2927 MAPLE AVE	\$55,484.00
00C7268000000006A	2927 MAPLE AVE	\$55,484.00
00C7268000000006B	2927 MAPLE AVE	\$55,484.00
00C7268000000006C	2927 MAPLE AVE	\$55,484.00
00C7268000000006F	2927 MAPLE AVE	\$55,484.00
00C7268000000006K	2927 MAPLE AVE	\$55,484.00
00C7268000000006L	2927 MAPLE AVE	\$55,484.00
00C7268000000006M	2927 MAPLE AVE	\$55,484.00
00C7268000000007A	2927 MAPLE AVE	\$55,484.00
00C7268000000007B	2927 MAPLE AVE	\$55,484.00
00C7268000000007C	2927 MAPLE AVE	\$55,484.00
00C7268000000007F	2927 MAPLE AVE	\$55,484.00

# Exhibit A



00C7268000000007K	2927 MAPLE AVE	\$55,484.00
00C7268000000007L	2927 MAPLE AVE	\$55,484.00
00C7268000000007M	2927 MAPLE AVE	\$55,484.00
00C7268000000008A	2927 MAPLE AVE	\$55,484.00
00C7268000000008B	2927 MAPLE AVE	\$55,484.00
00C7268000000008C	2927 MAPLE AVE	\$55,484.00
00C7268000000008F	2927 MAPLE AVE	\$55,484.00
00C7268000000008K	2927 MAPLE AVE	\$55,484.00
00C7268000000008L	2927 MAPLE AVE	\$55,484.00
00C7268000000008M	2927 MAPLE AVE	\$55,484.00
00C7268000000009A	2927 MAPLE AVE	\$55,484.00
00C7268000000009B	2927 MAPLE AVE	\$55,484.00
00C7268000000009C	2927 MAPLE AVE	\$55,484.00
00C7268000000009F	2927 MAPLE AVE	\$55,484.00
00C7268000000009K	2927 MAPLE AVE	\$55,484.00
00C7268000000009L	2927 MAPLE AVE	\$55,484.00
00C7268000000009M	2927 MAPLE AVE	\$55,484.00
00C7268000000010A	2927 MAPLE AVE	\$55,484.00
00C7268000000010B	2927 MAPLE AVE	\$55,484.00
00C7268000000010C	2927 MAPLE AVE	\$55,484.00
00C7268000000010F	2927 MAPLE AVE	\$55,484.00
00C7268000000010K	2927 MAPLE AVE	\$55,484.00
00C7268000000010L	2927 MAPLE AVE	\$55,484.00
00C7268000000010M	2927 MAPLE AVE	\$55,484.00
00C7268000000011A	2927 MAPLE AVE	\$55,484.00
00C7268000000011B	2927 MAPLE AVE	\$55,484.00
00C7268000000011C	2927 MAPLE AVE	\$55,484.00
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00C7268000000011L	2927 MAPLE AVE	\$55,484.00
00C7268000000011M	2927 MAPLE AVE	\$55,484.00
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00C7268000000012L	2927 MAPLE AVE	\$55,484.00
00C7268000000012M	2927 MAPLE AVE	\$55,484.00
00C7268000000013A	2927 MAPLE AVE	\$55,484.00
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00C7268000000013M	2927 MAPLE AVE	\$55,484.00
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00C7268000000015F	2927 MAPLE AVE	\$55,484.00
00C7268000000015K	2927 MAPLE AVE	\$55,484.00
00C7268000000015L	2927 MAPLE AVE	\$55,484.00

## Exhibit A

00C7268000000015M	2927 MAPLE AVE	\$55,484.00
00C7268000000016A	2927 MAPLE AVE	\$55,484.00
00C7268000000016B	2927 MAPLE AVE	\$55,484.00
00C7268000000016C	2927 MAPLE AVE	\$55,484.00
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00C7268000000016K	2927 MAPLE AVE	\$55,484.00
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00C7268000000016M	2927 MAPLE AVE	\$55,484.00
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00C7268000000017C	2927 MAPLE AVE	\$55,484.00
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00C7268000000018C	2927 MAPLE AVE	\$55,484.00
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00C7268000000019K	2927 MAPLE AVE	\$55,484.00
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00C7268000000020P6	2927 MAPLE AVE	\$55,484.00
00C7268000000021P1	2927 MAPLE AVE	\$55,484.00
00C7268000000021P2	2927 MAPLE AVE	\$55,484.00
00C7268000000021P3	2927 MAPLE AVE	\$55,484.00
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00C72700000000003	2400 OLIVE ST	\$0.00
00C72700000000004	2400 OLIVE ST	\$0.00
00C72700000000100	2555 N PEARL ST	\$0.00
00C72700000000201	2555 N PEARL ST	\$0.00
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00C72700000000504	2555 N PEARL ST	\$0.00

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00C72700000001603	2555 N PEARL ST	\$0.00
00C72700000001604	2555 N PEARL ST	\$0.00
00C72700000001605	2555 N PEARL ST	\$0.00

# Exhibit A

00C72700000001701	2555 N PEARL ST	\$0.00
00C72700000001702	2555 N PEARL ST	\$0.00
00C72700000001703	2555 N PEARL ST	\$0.00
00C72700000001704	2555 N PEARL ST	\$0.00
00C72700000001705	2555 N PEARL ST	\$0.00
00C72700000001801	2555 N PEARL ST	\$0.00
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00C72700000001804	2555 N PEARL ST	\$0.00
00C72700000001901	2555 N PEARL ST	\$0.00
00C72700000001902	2555 N PEARL ST	\$0.00
00C72700000001903	2555 N PEARL ST	\$0.00
00C72700000001904	2555 N PEARL ST	\$0.00
00C72700000002001	2555 N PEARL ST	\$0.00
00C72700000002002	2555 N PEARL ST	\$0.00
00C72700000002003	2555 N PEARL ST	\$0.00
00C72700000002101	2555 N PEARL ST	\$0.00
00C72700000002102	2555 N PEARL ST	\$0.00
00C72700000002200	2555 N PEARL ST	\$0.00
00C72700000002300	2555 N PEARL ST	\$0.00

**\$561,696,137.00**

**TO BE ADDED WITH 2009 VALUES**

'00029600030070000	1600 ASHLAND ST	\$421,350.00
00000106810000000	2311 CAROLINE ST	\$1,580,250.00
00000106822000000	2307 CAROLINE ST	\$966,080.00
00000106846000000	1601 CEDARS SPRINGS RD	\$253,500.00

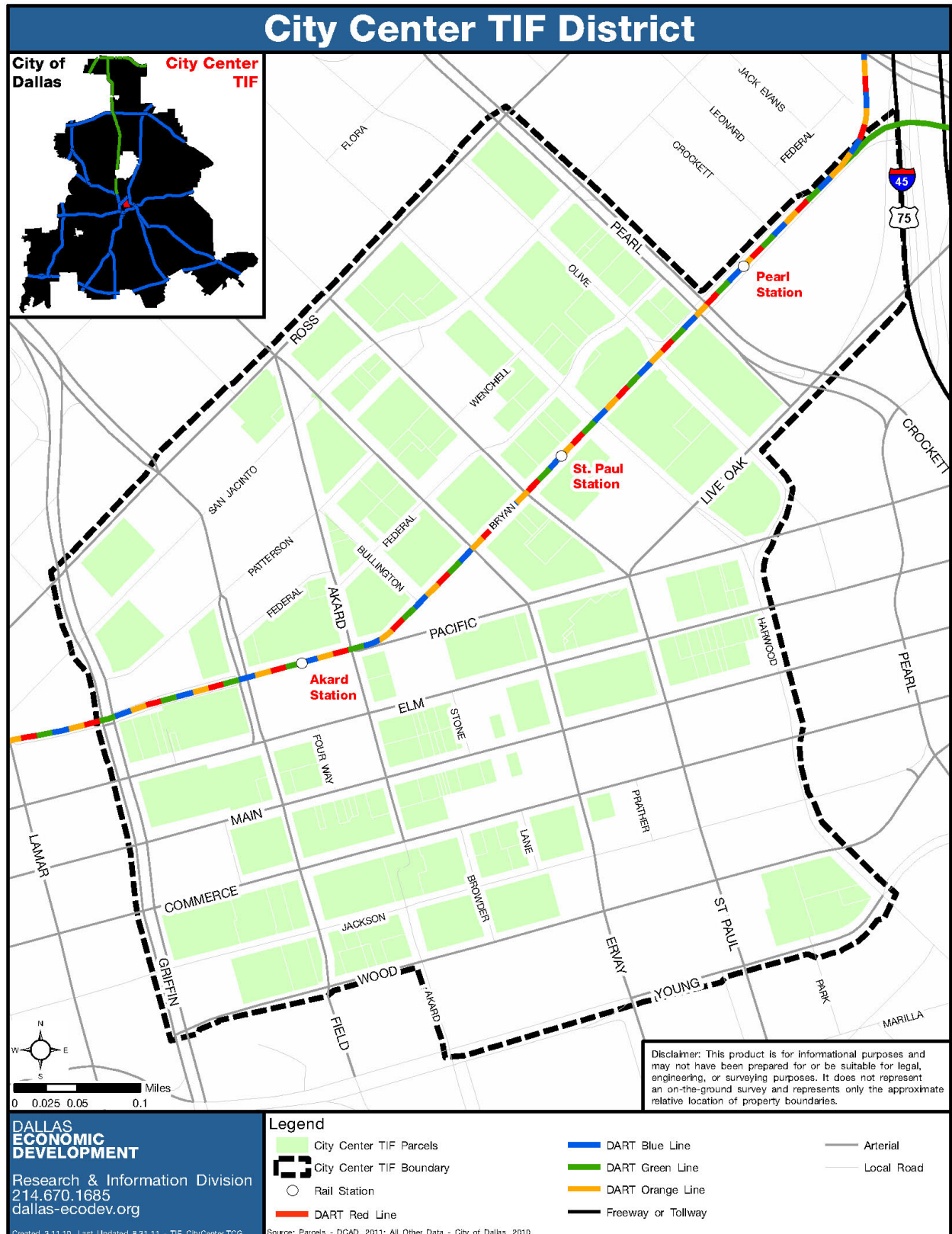
# Appendix B

## Real Property Accounts in the Newpark Sub-district

(Estimated 2022 base year value will be adjusted when final 2022 values are available)

DCAD Account Number	Property Address	Tax Exempt	Taxable Value
00000102352000000	1103 S HARWOOD ST		\$434,130.00
00000101200000000	817 BROWDER ST		\$336,000.00
00000102100000000	1823 CADIZ ST		\$874,090.00
00000101203000000	808 S AKARD ST		\$185,370.00
00011900000100000	1915 CADIZ ST	X	\$0.00
00000102070000000	700 N ST PAUL ST		\$150,000.00
00000101347000000	1600 CANTON ST		\$3,188,070.00
00000101197000000	801 BROWDER ST		\$272,250.00
00000102073000000	1811 CANTON ST		\$60,000.00
00000102088000000	1820 CANTON ST		\$547,630.00
00000101206000000	1404 CANTON ST		\$227,010.00
00000101212000000	816 S AKARD ST	X	\$0.00
00000102277000000	1913 CADIZ ST		\$220,450.00
00000102259000000	1909 CADIZ ST		\$973,130.00
00000102067000000	1809 CANTON ST		\$90,000.00
00000101869000000	1701 CADIZ ST		\$3,087,960.00
00000101848000000	1701 CANTON ST		\$3,604,000.00
00000102106000000	1809 CADIZ ST		\$175,230.00
00000102079000000	806 S ST PAUL ST		\$384,280.00
00000102109000000	1811 CADIZ ST		\$199,260.00
00000101851000000	1722 MARILLA ST	X	\$0.00
00000101845000000	702 S ERVAY ST		\$942,700.00
00000102082000000	1808 CANTON ST		\$202,900.00
00000102091000000	1824 CANTON ST		\$660,840.00
00000101191000000	807 BROWDER ST		\$248,820.00
00000102361000000	1900 ST LOUIS ST		\$4,600,930.00
00008350000030000	809 BROWDER ST		\$231,300.00
00000102112000000	810 S ST PAUL ST		\$374,200.00
			<b>\$22,270,550.00</b>

# Appendix C: As Amended on February 8, 2006





## Agenda Information Sheet

**File #:** 22-1315  
PH3.

**Item #:**

**STRATEGIC PRIORITY:** Environmental & Sustainability  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Office of Environmental Quality & Sustainability  
**EXECUTIVE:** M. Elizabeth Cedillo-Pereira

### **SUBJECT**

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 1400 Triple B Holdings, LP located near the intersection of West Commerce and Neal Streets and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to 1400 Triple B Holdings, LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

### **BACKGROUND**

Based on information provided by the Applicant, the designated property is underlain by shallow groundwater that is encountered at approximately 13 to 21 feet below ground surface (bgs) and extends down to approximately 5 to 30 feet bgs at the top of the underlying Austin Chalk Limestone and/or Eagle Ford Shale formations. The Austin Chalk and Eagle Ford Shale are confining layers and serve as hydraulic barriers to the underlying Woodbine Aquifer. The direction of groundwater flow beneath the designated property is towards the northwest. A portion of the designated groundwater has been affected by tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, trans-1,2-dichloroethylene, 1,1-dichloroethylene, vinyl chloride, total petroleum hydrocarbons, 1,1,2-trichloroethane, 1,2-dichloroethane, benzo(a)pyrene, and dibenz(a,h)anthracene at concentrations above groundwater ingestion standards. The potential onsite source of identified chemicals in groundwater is from the historical operations of the Dearborn Stove Company, a stove finishing and stock warehouse, that operated from at least 1945 until 1969.

The applicant has requested that the City support its application for an MSD. A public meeting was held on June 9, 2022 to receive comments and concerns. Notices of the meeting were sent to 1,161 property owners within 2,500 feet of the property and 77 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

The designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in March 2020 and is designated as Facility ID No. 3065.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of West Commerce and Neal Streets including adjacent street rights-of-way; and supporting the issuance of an MSD by TCEQ.

The applicant's current plan is to obtain closure through the VCP supported by an MSD. Currently the designated property is developed for commercial use and is occupied by a vacant light industrial warehouse. The anticipated future use is expected to be residential apartment dwellings but could include commercial development.

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

**OWNER**

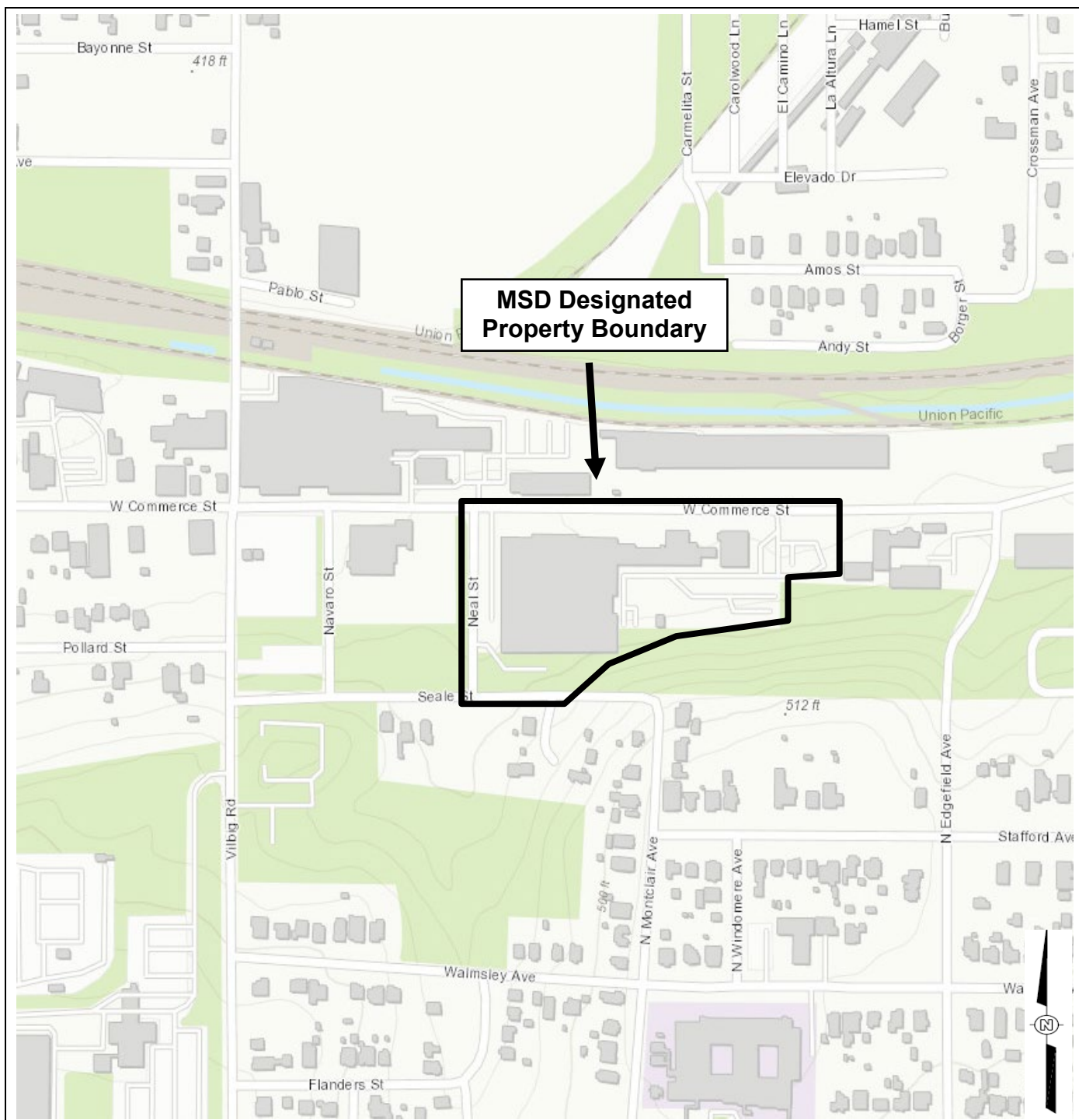
**1400 Triple B Holdings, LP**

1400 Triple B Holdings GP, LLC, General Partner  
Brent Burns, Sole Member

**MAP**

Attached





CITY OF DALLAS

**Municipal Setting Designation**  
**MSD Log # OEQ0088**  
**Applicant - Triple B Holdings LP**  
**Designated Property Boundary Map**  
1400 W. Commerce Street  
Dallas, TX 75208

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

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 1400 West Commerce Street and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, 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 municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.
- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.

- (3) The portion of the designated property assigned Voluntary Cleanup Program (VCP) No.3065 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than June 22, 2024.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedance zone originating from sources on the designated property or migrating from the designated property no later than June 22, 2024. That within this time period, the applicant shall provide the director of the office of environmental quality and sustainability documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the director of the office of environmental quality and sustainability may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedance zone;
- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;

- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the director of the office of environmental quality and sustainability believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the director of the office of environmental quality and sustainability with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the director of the office of environmental quality and sustainability with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the director of the office of environmental quality and sustainability shall file a certified

copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the director of the office of environmental quality and sustainability shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the director of the office of environmental quality and sustainability shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the director of the office of environmental quality and sustainability with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the director of the office of environmental quality and sustainability with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The director of the office of environmental quality and sustainability may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the director of the office of environmental quality and sustainability in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

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

Passed \_\_\_\_\_

# Exhibit A

## **MSD Survey Field Notes Describing a 377,467 Square Foot (8.665 Acre) In City Blocks 34/7263, 35/7263, 36/7263 and 39/7263 City of Dallas, Dallas County, Texas**

**BEING** a 377,467 square foot (8.665 acre) tract of land situated in the William Coombs Survey, Abstract No. 290, City of Dallas, Dallas County, Texas and being part of the W. R. Fishers Subdivision (unrecorded) in Blocks 34/7263, 35/7263, 36/7263 and 39/7263, Official Numbers of the City of Dallas, Texas; said tract being part of a called 8.636 Acre tract of land described in Special Warranty Deed to 1400 Triple B Holdings, LP recorded in Volume 2005059, Page 1408 of the Official Public Records of Dallas County, Texas and part of a called 3,611 Square Foot tract of land described in Deed Without Warranty to 1400 Triple B Holdings, LP recorded in Volume 2005059, Page 1402 of said Official Public Records; said tract also being part of Seale Street (a variable width public right-of-way), part of Neal Street (60-foot wide public right-of-way) and part of West Commerce Street (60-foot wide public right-of-way); said 377,467 square foot (8.665 acre) tract being more particularly described as follows:

**BEGINNING**, at a 2-inch iron pipe found in, Controlling Monument (C.M.), the south right-of-way line of said West Commerce Street; said point being the northeast corner of the first referenced 1400 Triple B Holdings, LP tract and the northwest corner of that tract of land described in Warranty Deed with Vendor's Lien to Raphael W. Smith recorded in Volume 93109, Page 6874 of the Deed Records of Dallas County, Texas;

**THENCE**, South 00 degrees, 44 minutes, 17 seconds East, departing the said south line of West Commerce Street, along the east line of the first referenced 1400 Triple B Holdings, LP tract and the west line of said Smith tract, a distance of 167.00 feet to a point for corner in the north line of that tract of land described in a General Warranty Deed to Ashish Manjrekar recorded in Instrument No. 20070292896 of said Official Public Records; said point being the most eastern southeast corner of the first referenced 1400 Triple B Holdings, LP tract, and the southwest corner of said Smith tract; from said point a 1/2-inch iron rod found bears North 00 degrees, 44 minutes West, at a distance of 0.8 feet;

**THENCE**, South 89 degrees, 19 minutes, 43 seconds West, along a south line of the first referenced 1400 Triple B Holdings, LP tract and the north line of said Manjrekar tract, a distance of 121.01 feet to a 1/2-inch iron rod with "SURVEYING ASSOC." cap found for a corner, Controlling Monument (C.M.); said point being a reentrant corner of the first referenced 1400 Triple B Holdings, LP tract and being the northwest corner of said Manjrekar tract;

**THENCE**, South 00 degrees, 50 minutes, 17 seconds East, along the east line of the first referenced 1400 Triple B Holdings, LP tract and the west line of said Manjrekar tract, a distance of 38.96 feet to point for corner in the north line of Pollard Street as abandoned by Ordinance No 9939 as recorded in Volume 2003171, Page 9205 of said Deed Records;

FIELD NOTES APPROVED: C.E.C.  




**MSD Survey Field Notes Describing a 377,467 Square Foot (8.665 Acre)  
In City Blocks 34/7263, 35/7263, 36/7263 and 39/7263  
City of Dallas, Dallas County, Texas**

**THENCE**, in a southwesterly direction, departing the said east line of the first referenced 1400 Triple B Holdings, LP tract and the said west line of the Manjrekar tract, along the said north line of the abandoned Pollard Street and into and across the first referenced 1400 Triple B Holdings, LP tract, the following four (4) calls:

South 76 degrees, 40 minutes, 00 seconds West, a distance of 369.32 feet to an angle point;

South 68 degrees, 22 minutes, 00 seconds West, a distance of 156.47 feet to an angle point;

South 42 degrees, 43 minutes, 00 seconds West, a distance of 84.74 feet to an angle point;

South 00 degrees, 40 minutes, 17 seconds East, at a distance of 19.64 feet passing the south line of the first referenced 1400 Triple B Holdings, LP tract and the north line of the second referenced 1400 Triple B Holdings, LP tract, continuing into and across the second referenced 1400 Triple B Holdings, LP tract, at a distance of 35.53 feet passing the south line of the second referenced 1400 Triple B Holdings, LP tract and the north right-of-way line of said Seale Street (7-foot right-of-way at this point), continuing over and across said Seale Street right-of-way, in all a total distance of 42.84 feet to a point for corner in the south right-of-way of said Seale Street; said point being the north line of Block 3961, Cedar Dale Addition, an addition to the City of Dallas according to the plat recorded in Volume 2, Page 156 of the Map Records of Dallas County, Texas and the north line of that tract of land described in Warranty Deed to Deborah K. Carpenter recorded in Instrument No. 201000177254 of said Official Public Records;

**THENCE**, in a westerly direction, along the said south line of Seale Street and the said north line of Block 3961, the following three (3) calls:

North 88 degrees, 23 minutes, 27 seconds West, along the said north line of the Carpenter tract, a distance of 54.80 feet to a point for corner; said point being the northwest corner of said Carpenter tract;

South 01 degrees, 36 minutes, 33 seconds West, along the west line of said Carpenter tract, a distance of 12.27 feet to a point for corner at the intersection of the said south line of Seale Street and the east right-of-way line of Neal Street (a variable width public right-of-way, 33-foot at this point);

South 89 degrees, 14 minutes, 59 seconds West, departing the said east line of Neal Street and the said west line of the Carpenter tract, and over and across said Neal Street right-of-way, at a distance of 32.90 feet passing the intersection of the said south line of Seale Street and the west right-of-way line of said Neal Street, continuing in all a total distance of 254.03 feet to a point for corner; said point being at the intersection of the projected west right-of-way line of Neal Street and the said south line of Seale Street;

**MSD Survey Field Notes Describing a 377,467 Square Foot (8.665 Acre)  
In City Blocks 34/7263, 35/7263, 36/7263 and 39/7263  
City of Dallas, Dallas County, Texas**


**THENCE**, North 00 degrees, 45 minutes, 01 seconds West, departing the said south line of Seale Street, along the said west line of Neal Street, the east terminus of Pollard Street (an 86-foot public right-of-way) and the east line of Block 40/7263 and Block 33/7263, Rachel Bolding Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 3, Page 108 of said Map Records, and over and across said West Commerce Street right-of-way, a distance of 517.68 feet to a point for corner at the intersection of the north right-of-way of said West Commerce Street and the projected said west line of Neal Street; said point also being in the south line of that tract of land described in Special Assumption Warranty Deed to Ringer, LLC recorded in Instrument No. 201700320183 of said Official Public Records;

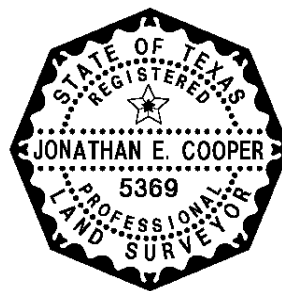
**THENCE**, North 89 degrees, 19 minutes, 26 seconds East, along the said north line of West Commerce Street and the south line of said Ringer, LLC tract, at a distance of 338.73 feet passing the southeast corner of said Ringer, LLC tract and the southwest corner of that tract of land described in Special Warranty Deed to LO 1401 West Commerce LLC recorded in Instrument No. 201500175566 of said Official Public Records, continuing along the said north line of West Commerce Street and the south line of said LO 1401 West Commerce LLC tract, in all a total distance of 995.34 feet to a point for corner;

**THENCE**, South 00 degrees, 40 minutes, 34 seconds East, departing the said north line of West Commerce Street and the said south line of the LO 1401 West Commerce LLC tract and over and across said West Commerce Street right-of-way, a distance of 60.03 feet to the POINT OF BEGINNING;

**CONTAINING**, 377,467 square feet or 8.665 acres of land, more or less.

Bearing basis for this survey is based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

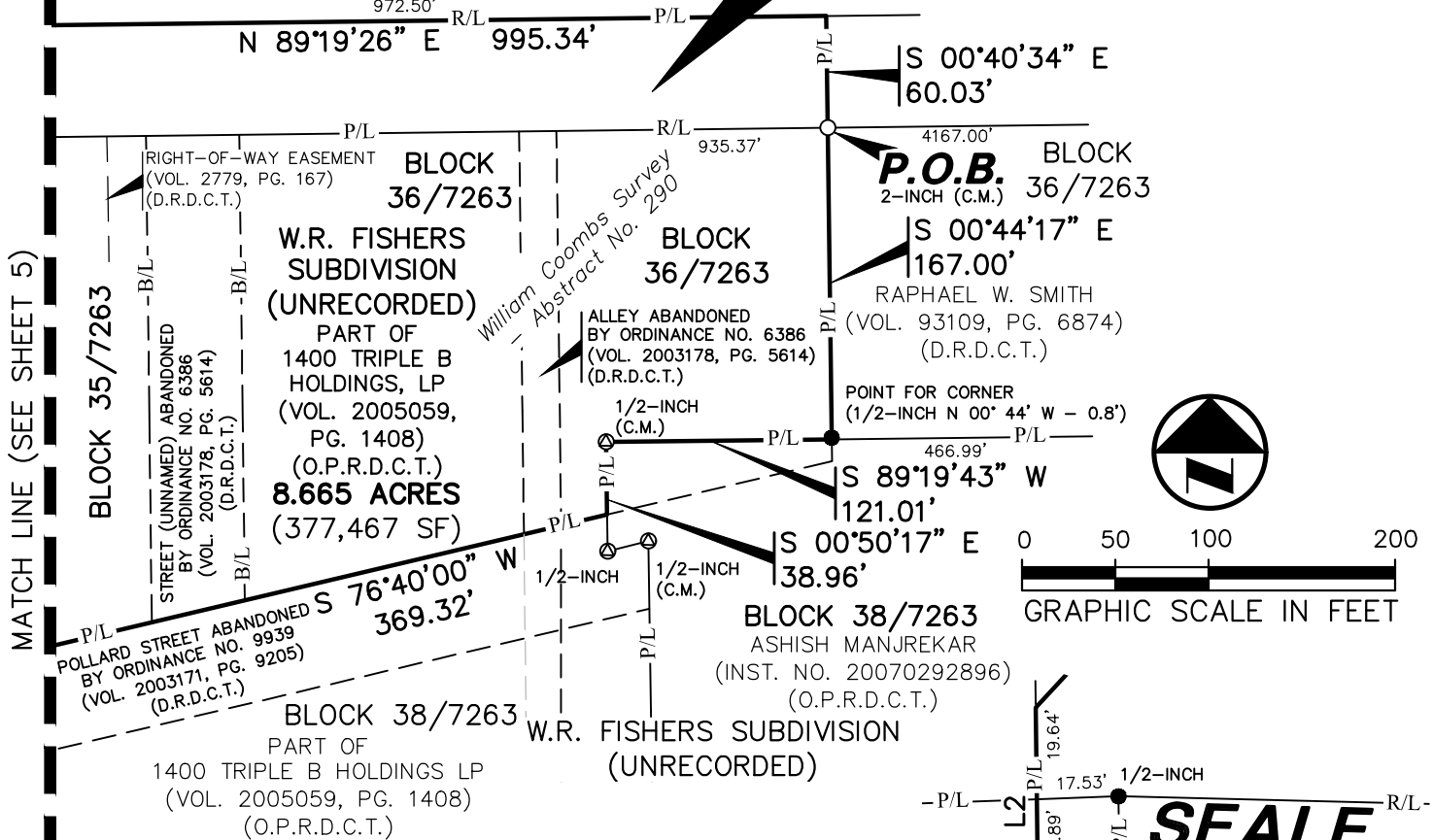
  
Jonathan E. Cooper  
04-12-2022 Date  
Registered Professional Land Surveyor No. 5369  
Pacheco Koch Consulting Engineers, Inc.  
7557 Rambler Road, Suite 1400, Dallas TX 75231  
(972) 235-3031  
TX Reg. Surveying Firm LS-10008000



3859-21.674EX1.doc  
3859-21.674EX1.dwg sbp

BLOCK 7263  
W.R. FISHERS SUBDIVISION  
(UNRECORDED)  
LO 1401 WEST COMMERCE LLC  
(INST. NO. 201500175566, O.P.R.D.C.T.)

**WEST COMMERCE STREET**  
(60' R.O.W.)



LEGEND	
— P/L —	PROPERTY LINE
— B/L —	BLOCK LINE
— R/L —	RIGHT-OF-WAY LINE
— R/L — P/L —	SUBJECT TRACT LINE
— R/L — P/L —	EXISTING EASEMENT LINE
P.O.B. (C.M.)	POINT OF BEGINNING CONTROLLING MONUMENT
SF	SQUARE FEET
VOL./PG.	VOLUME/PAGE
INST./NO.	INSTRUMENT/NUMBER
(D.R.D.C.T.)	DEED RECORDS OF DALLAS COUNTY, TEXAS
(O.P.R.D.C.T.)	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
(M.R.D.C.T.)	MAP RECORDS OF DALLAS COUNTY, TEXAS

SYMBOLS	
⊙	IRON ROD W/ "SURVEYING ASSOC." CAP FOUND
○	IRON PIPE FOUND
●	IRON ROD FOUND

**SEALE STREET**  
BLOCK 3961  
CEDAR DALE ADDITION  
(VOL. 2, PG. 156) (M.R.D.C.T.)  
DEBORAH K. CARPENTER  
(INST. NO. 201000177254) (O.P.R.D.C.T.)

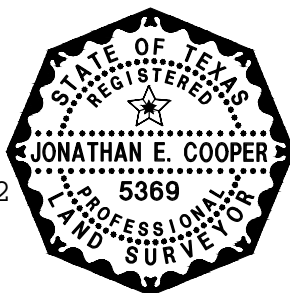
**1** **DETAIL**  
NOT TO SCALE SEE PAGE 5 OF 5

**NOTES:**

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing basis for this survey is based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

**MUNICIPAL SETTING DESIGNATION**  
IN CITY BLOCKS 34/7263, 35/7263, 36/7263 AND 39/7263  
FROM 1400 TRIPLE B HOLDINGS, LP AND THE CITY OF DALLAS, TEXAS  
WILLIAM COOMBS SURVEY, ABSTRACT NO. 290,  
PAGE 4 OF 5

*[Signature]*  
04-12-2022  
Jonathan E. Cooper  
Registered Professional  
Land Surveyor No. 5369



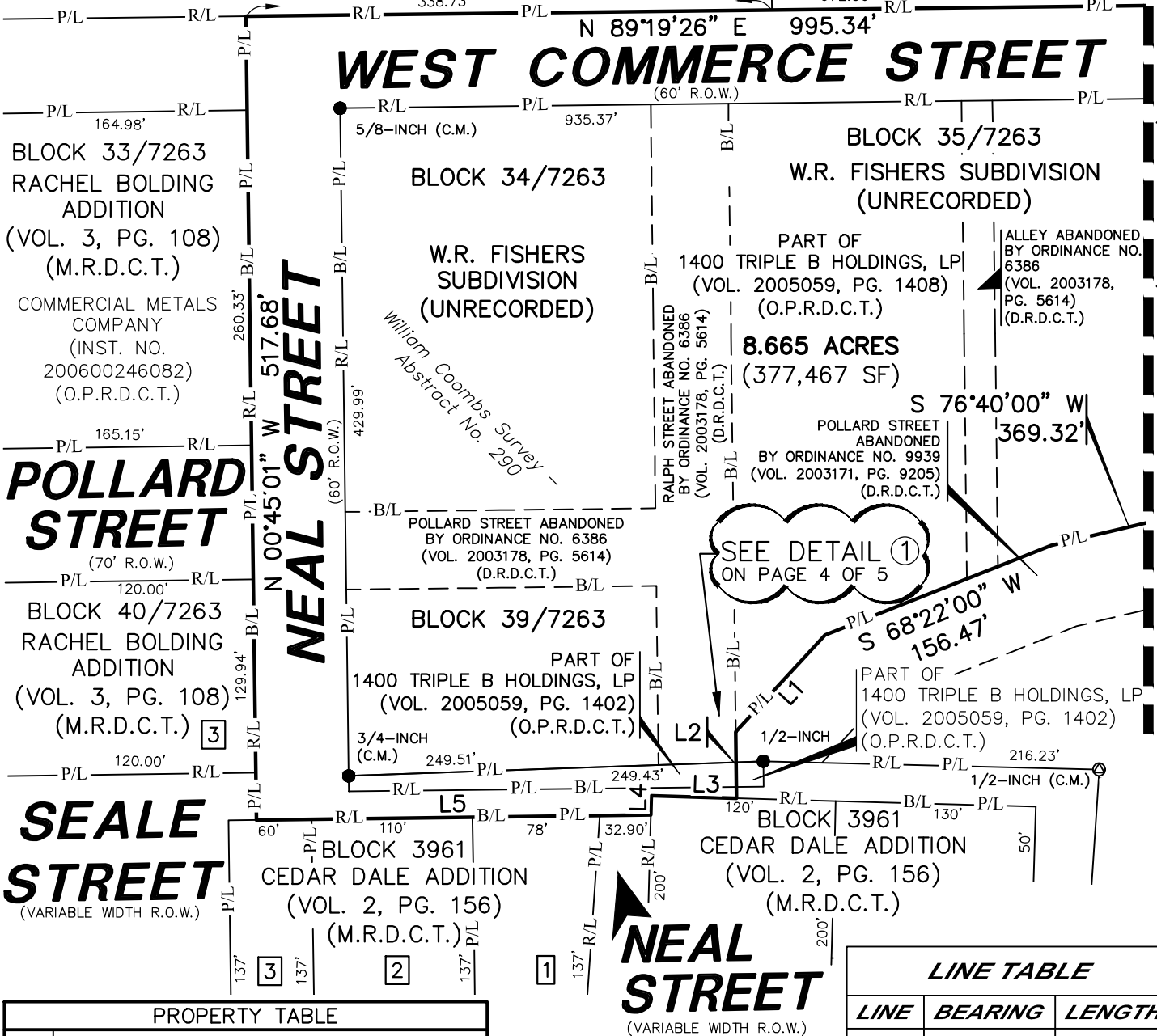
**Pacheco Koch**  
7557 RAMBLER ROAD SUITE 1400  
DALLAS, TX 75231 972.235.3031  
TX REG. ENGINEERING FIRM F-469  
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
SBP	JEC	1"=100'	APRIL 2022	3859-21.674



0 50 100 200  
GRAPHIC SCALE IN FEET

W.R. FISHERS SUBDIVISION  
BLOCK 7263 (UNRECORDED) BLOCK 7263  
RINGER, LLC LO 1401 WEST COMMERCE LLC  
(INST. NO. 201700320183) (INST. NO. 201500175566)  
(O.P.R.D.C.T.) (O.P.R.D.C.T.)



PROPERTY TABLE	
1	JOSE L. MORIN AND MARIE C. MORIN (INST. NO. 201800051200, O.P.R.D.C.T.)
2	RONNIE C. CRABTREE AND WIFE, DEBORAH K. CARPENTER (VOL. 85227, PG. 463, D.R.D.C.T.)
3	DEBORAH CARPENTER AND RON CRABTREE (INST. NO. 200512207449, O.P.R.D.C.T.)
4	C.S.M. TRANSPORT (INST. NO. 200600246082, O.P.R.D.C.T.)

NOTE: SEE PAGE 4 OF 5  
FOR GENERAL NOTES,  
LEGEND, LINE TABLE  
AND DETAIL.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 42°43'00" W	84.74'
L2	S 00°40'17" E	42.84'
L3	N 88°23'27" W	54.80'
L4	S 01°36'33" W	12.27'
L5	S 89°14'59" W	254.03'

**MUNICIPAL  
SETTING DESIGNATION**  
IN CITY BLOCKS 34/7263, 35/7263, 36/7263  
AND 39/7263  
FROM 1400 TRIPLE B HOLDINGS, LP AND THE  
CITY OF DALLAS, TEXAS  
WILLIAM COOMBS SURVEY, ABSTRACT NO. 290,  
PAGE 5 OF 5



7557 RAMBLER ROAD SUITE 1400  
DALLAS, TX 75231 972.235.3031  
TX REG. ENGINEERING FIRM F-469  
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
SBP	JEC	1"=100'	APRIL 2022	3859-21.674



## Agenda Information Sheet

**File #:** 22-1313  
PH4.

**Item #:**

**STRATEGIC PRIORITY:** Environmental & Sustainability  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Office of Environmental Quality & Sustainability  
**EXECUTIVE:** M. Elizabeth Cedillo-Pereira

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### **SUBJECT**

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Dallas Independent School District located near the intersection of Bickers and Greenleaf Streets and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Dallas Independent School District by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

### **BACKGROUND**

Based on information provided by the Applicant, the designated property is underlain by shallow groundwater that is encountered at approximately 14 feet below ground surface (bgs) and extends down to approximately 17 to 21 feet bgs at the top of the underlying Eagle Ford Shale Formation. The Eagle Ford Shale has an estimated thickness of approximately 200-300 feet and is considered an aquitard that protects the underlying aquifers. The direction of groundwater flow beneath the designated property is towards the north, northeast, and west. A portion of the designated groundwater has been affected by arsenic at concentrations above groundwater ingestion standards. The potential onsite source of arsenic is from historical uncontrolled filling of former sand and gravel mining areas on the southwest portion of the property. The potential off-site source is from aerial dispersion of particulates from historical operation of the former RSR lead smelter located approximately 3,300 feet southwest.

The applicant has requested that the City support its application for an MSD. A public meeting will be held on June 13, 2022 to receive comments and concerns. Notices of the meeting were sent to 677 property owners within 2,500 feet of the property and 104 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

PH4.

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The designated property was entered into the Corrective Action Program administered by the Texas Commission on Environmental Quality (TCEQ) in July 2018 and is designated as Facility ID No. T3437.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Bickers and Greenleaf Streets including adjacent street rights-of-way; and supporting the issuance of an MSD by TCEQ.

The applicant's current plan is to obtain closure through the Corrective Action Program supported by an MSD. Currently the designated property is undergoing construction. The future use is expected to be the new Pinkston High School.

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

**OWNER**

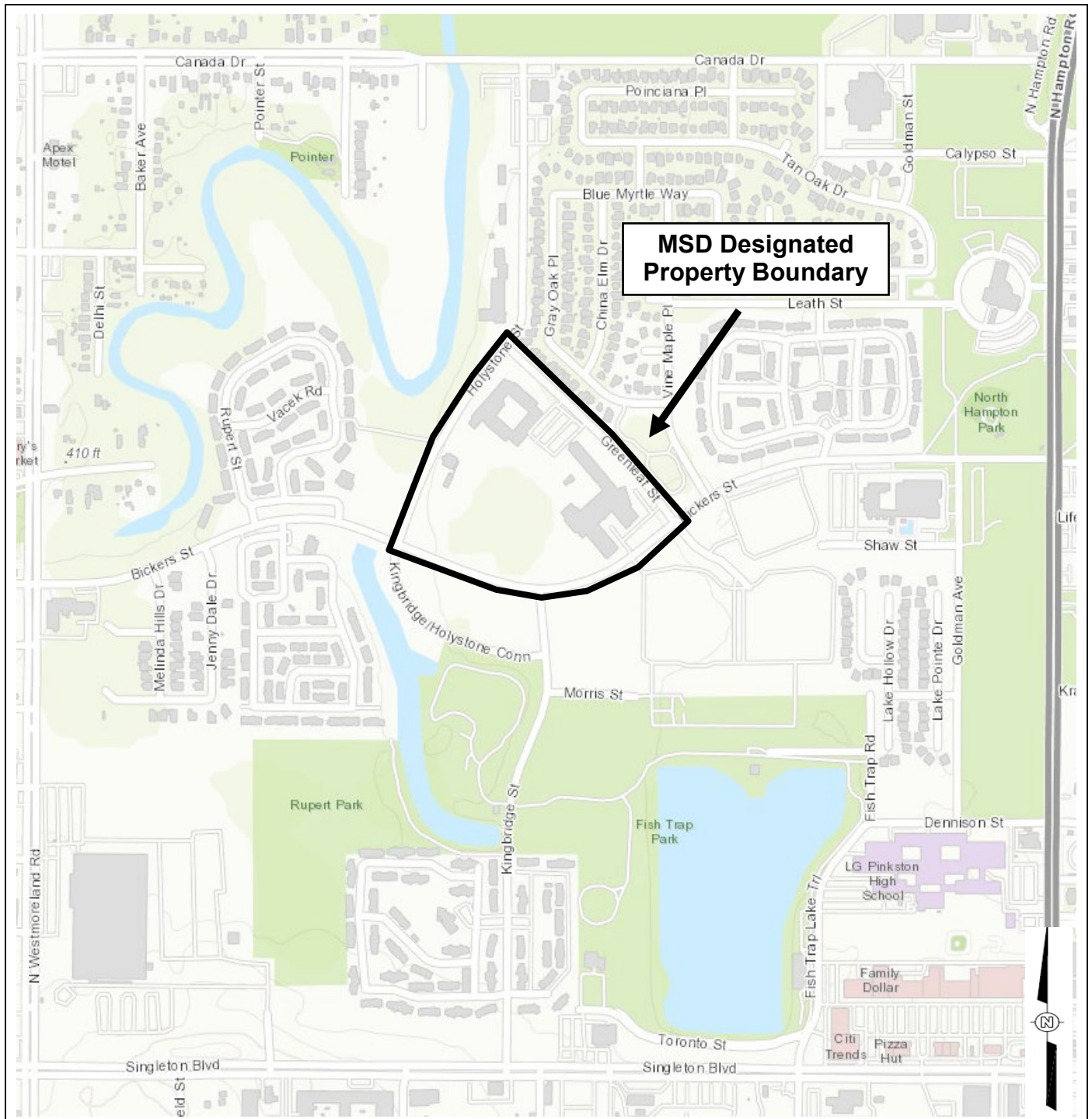
**Dallas Independent School District**

Brent Alfred, Deputy Chief

**MAP**

Attached





CITY OF DALLAS

**Municipal Setting Designation**  
**MSD Log # OEQ0084**  
**Applicant - Dallas Independent School District**  
**Designated Property Boundary Map**  
 3719 Greenleaf Street (aka 2815 Bickers Street)  
 Dallas, TX 75212

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

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 3719 Greenleaf Street (aka 2815 Bickers Street) and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and



(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, 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 municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.
- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.

- (3) The portion of the designated property assigned Corrective Action Program No. T3437 must receive a closure letter from the Texas Commission on Environmental Quality by no later than June 22, 2024.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a closure letter only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedance zone originating from sources on the designated property or migrating from the designated property no later than June 22, 2024. That within this time period, the applicant shall provide the director of the office of environmental quality and sustainability documentation, including a closure letter from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the director of the office of environmental quality and sustainability may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedance zone;
- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;

- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the director of the office of environmental quality and sustainability believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the director of the office of environmental quality and sustainability with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the director of the office of environmental quality and sustainability with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the director of the office of environmental quality and sustainability shall file a certified

copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the director of the office of environmental quality and sustainability shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the director of the office of environmental quality and sustainability shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the director of the office of environmental quality and sustainability with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the director of the office of environmental quality and sustainability with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The director of the office of environmental quality and sustainability may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the director of the office of environmental quality and sustainability in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

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

Passed \_\_\_\_\_

**LEGAL DESCRIPTION**

Being a 25.91 acre (1,128,495 square feet) tract of land situated in the E. Horton Survey, Abstract No. 604, and the L.G. Coombs Survey, Abstract No. 289 City of Dallas, Dallas County, Texas, and being all of that certain tract of land as described in a Deed to Dallas Independent School District as recorded in Volume 4669, Page 15, Deed Records, Dallas, County Texas (D.R.D.C.T.), and being part of Bickers Street (60 feet wide right of way) as recorded in in Volume 97114, Page 03786 (D.R.D.C.T.), and being part of Holystone Street right of way (50 feet wide based on "use and occupation") no Deed record found, and being part of Greenleaf Street right of way (56 feet wide based on "use and occupation") no Deed record found, said 25.91 acre (1,128,495 square feet) tract of land being more particularly described by metes and bounds as follows:

Beginning at a 5/8 inch iron rod with broken cap found for a point on the Southerly right of way of said Bickers Street, same being a point of tangency of a curve to the East, having a Texas State Plane Coordinate of N: 6,972,597.14, E: 2,470,553.34;

Thence along said Southerly right of way line of Bickers Street North 69 degrees 41 minutes 13 seconds West, passing at a distance of 417.03 feet a 5/8 in iron rod with cap stamped "Dallas" found for the Northeast corner of a 56 feet wide right of way dedication as recorded in Volume 99187 Page 02356 (D.R.D.C.T.), continuing a total a distance of 492.19 feet to a point for corner;

Thence departing said Southerly right of way of Bickers Street , along the extension of the Westerly right-of-way line of said Holystone Street, over and across said Bickers Street, passing at a distance of 60.00 feet the intersection of the Northerly right-of-way line of said Bickers Street with the Westerly right-of-way line of said Holystone Street, continuing along the Westerly right of way line of said Holystone Street North 20 degrees 24 minutes 06 seconds East, a distance of 292.84 feet to a point, same being a point of curvature;

Thence continuing along said Westerly right of way line of Holystone Street and along a curve to the right, having a radius of 2,318.77 feet, a delta angle of 20 degrees 10 minutes 13 seconds, a chord bearing of North 30 degrees 24 minutes 40 seconds East, a chord distance of 812.08 feet, an arc length 816.29 feet, to a point for corner at the end of said curve;

Thence continuing along said Westerly right of way line of Holystone Street North 40 degrees 29 minutes 15 seconds East, a distance of 104.87 feet to a point at the intersection of the westerly right-of-way line of said Hollystone Street with the extension of the Northeasterly right-of-way line of said Greenleaf Street,

Thence departing said Westerly right of way line of Holystone Street, along the extension of the Northeasterly right of way line of aforementioned Greenleaf Street, South 49 degrees 23 minutes 55 seconds East, passing at a distance of 63.32 feet a 1/2 inch iron rod with cap stamped "PACHECO AND KOCH" found for the Southeasterly corner of a corner clip on the Southwesterly line of Greenleaf Village Phase II as recorded in Volume 2002144, Page 1584, (D.R.D.C.T.), continuing a total distance of 641.37 feet to a 5/8 inch iron rod found for



## LEGAL DESCRIPTION

Southeasterly corner of lot 65 block JJ/7135 of said Greenleaf Village Phase 2, same being a point of curvature;

Thence continuing along said Northeasterly right of way line of Greenleaf Street, along a curve to the right, having a radius of 2,322.83 feet a delta angle of 11 degrees 17 minutes 31 seconds, a chord bearing of South 43 degrees 45 minutes 10 seconds East, a chord distance of 457.05 feet and an arc length of 457.79 feet, to a "X" cut in concrete found for corner;

Thence continuing along said Northeasterly right of way line of Greenleaf Street, South 38 degrees 06 minutes 24 seconds East, passing at a distance of 140.56 feet a "X" cut found for a point on the Northerly right of way line of the aforementioned Bickers Street, continuing a total distance of 210.58 feet to calculated point, on the Southerly right of way line of said Bickers Street;

Thence departing said Northeasterly right of way line of Greenleaf Street, along said Southerly right of way line of Bickers Street South 51 degrees 54 minutes 36 seconds West, a distance of 297.09 feet to a point of curvature;

Thence continuing along said Southerly right of way line of Bickers Street, a curve to the right, having a radius of 848.56 feet, a delta angle of 58 degrees 28 minutes 31 seconds, a chord bearing a of South 81 degrees 03 minutes 09 seconds West, a chord distance of 828.93 feet, an arc length of 866.03 feet to the point of beginning and containing 25.91 acre (1,128,495 square feet).



*[Handwritten signature]*  
10/29/2021







## Agenda Information Sheet

**File #:** 22-1337  
PH5.

**Item #:**

**STRATEGIC PRIORITY:** Environmental & Sustainability  
**AGENDA DATE:** June 22, 2022  
**COUNCIL DISTRICT(S):** 11  
**DEPARTMENT:** Office of Environmental Quality & Sustainability  
**EXECUTIVE:** M. Elizabeth Cedillo-Pereira

### **SUBJECT**

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Preston Forest SC, LLC located near the intersection of Preston Road and Forest Lane and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Preston Forest SC, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

### **BACKGROUND**

Based on information provided by the Applicant, the designated property is underlain by a shallow groundwater bearing zone located along the bottom of the weathered limestone where it makes contact with competent bedrock at depths of 5 to 10 feet below ground surface (bgs). This bedrock confining unit is the Austin Chalk that has an estimated thickness of approximately 240 feet. The direction of groundwater flow beneath the designated property is towards the southwest. A portion of the designated groundwater has been affected by tetrachloroethene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene (cis-DCE), and vinyl chloride (VC) at concentrations above groundwater ingestion standards. The onsite source is from historical dry-cleaning operations that operated in a western suite of the northwestern building on the property from at least 1961 to 1989.

The applicant has requested that the City support its application for an MSD. A public meeting was held on June 6, 2022 to receive comments and concerns. Notices of the meeting were sent to 1,270 property owners within 2,500 feet of the property and 76 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

The designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in October 2020 and is designated as VCP Facility ID No. 3108.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Preston Road and Forest Lane including adjacent street rights-of-way; and supporting the issuance of an MSD by TCEQ.

The applicant's current plan is to obtain closure through the VCP supported by an MSD. Currently the designated property is developed for commercial and retail use and is occupied by the Preston Forest Shopping Center consisting of a grocery store, restaurants, office supply store, retail shopping and associated parking areas. The anticipated future use is expected to remain the same.

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

This item has no prior action.

**FISCAL INFORMATION**

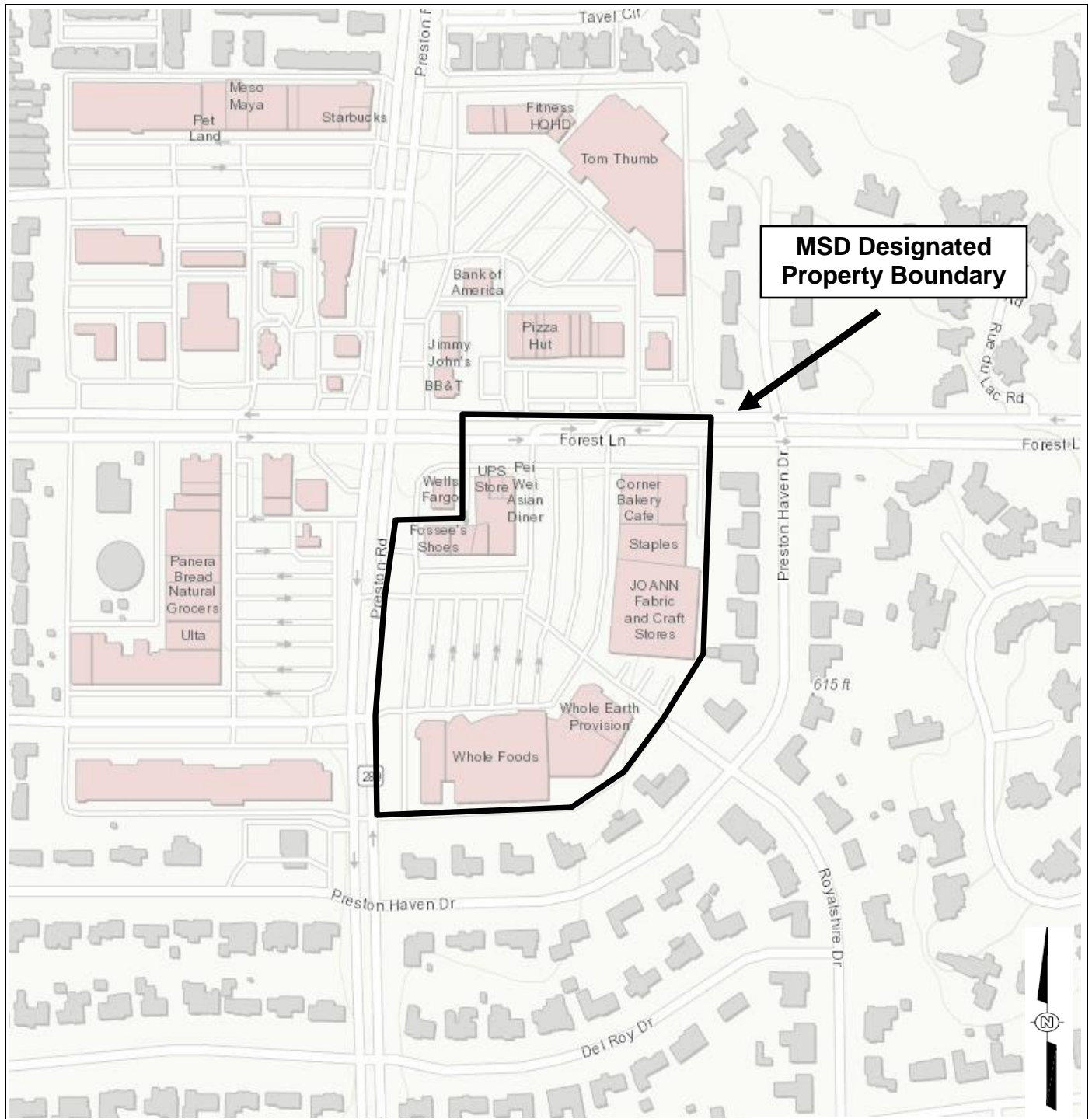
No cost consideration to the City.

**OWNER**

**Preston Forest SC, LLC**  
Kenneth Pratt, Manager

**MAP**

Attached



**MSD Designated  
Property Boundary**



CITY OF DALLAS

**Municipal Setting Designation  
MSD Log # OEQ0089  
Applicant - Preston Forest SC, LLC  
Designated Property Boundary Map  
11700 Preston Road  
Dallas, TX 75230**

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

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 11700 Preston Road (aka 11770 and 11741 Preston Road, and 6046 and 6060 Forest Lane), and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, 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 municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.
- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.

- (3) The portion of the designated property assigned Voluntary Cleanup Program (VCP) No. 3108 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than June 22, 2024.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedance zone originating from sources on the designated property or migrating from the designated property no later than June 22, 2024. That within this time period, the applicant shall provide the director of the office of environmental quality and sustainability documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the director of the office of environmental quality and sustainability may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedance zone;
- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;

- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the director of the office of environmental quality and sustainability believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the director of the office of environmental quality and sustainability with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the director of the office of environmental quality and sustainability with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the director of the office of environmental quality and sustainability shall file a certified

copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the director of the office of environmental quality and sustainability shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the director of the office of environmental quality and sustainability shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the director of the office of environmental quality and sustainability with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the director of the office of environmental quality and sustainability with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The director of the office of environmental quality and sustainability may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the director of the office of environmental quality and sustainability in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.



SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

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

Passed \_\_\_\_\_

# MUNICIPAL SETTING DESIGNATION SURVEY LEGAL DESCRIPTION

BEING a 14.9903 acre, (652,977 square foot) tract of land out of the Charles G. Newton Survey, Abstract No. 1090, and the John M. Thomas Survey, Abstract No. 1485, and situated in the City of Dallas Block Number 6378, being all of a 12.8554-acre tract of land conveyed to Preston Forest SC, LLC as recorded in Document No. 202000028883, of the Official Public Records of Dallas County, Texas (OPRDCT), also being a portion of Forest Lane, a variable width public right-of-way, said 14.9903-acre tract being more particularly described as follows:

BEGINNING at a point for the northwest corner of Lot 1, Block 09/6378, Preston Haven Estates Third Section, an addition to the City of Dallas as recorded in Volume 22, Page 1, of the Map Records of Dallas County, Texas, also being the southwest corner of a called 15-foot alley out of said Preston Haven Estates Third Section, further being in the easterly right-of-way line of Preston Road, a variable width public right-of-way, and being the start of a non-tangent curve to the right having a delta angle of 05°04'59", a radius of 5,679.65 feet, and a chord bearing of N 02°48'45"E, a distance of 503.71 feet;

THENCE, along said curve to the right and the east line of said Preston Road, passing at an arc distance of 14.05 feet, an "X" found for the southwest corner of said 12.8554-acre tract and northwest corner of said alley, and continuing along the east line of said Preston road and the most southerly west line of said called 12.8554 acre tract for a total arc distance of 503.88 feet to a 1/2-inch iron rod found with unreadable cap found for the most westerly northwest corner of said called 12.8554 acre tract and southwesterly corner;

THENCE, N 05°24'08"E, continuing along the east line of said Preston Road over and across said alley, for a distance of 201.04 feet to a 1/2-inch iron rod with unreadable cap found for an interior corner of said 12.8554 acre tract and the southwest corner of a 0.359-acre tract of land conveyed to Preston Forest Corner, LLC as recorded in Document No. 202000028882, of the O.P.R.D.C.T.;

THENCE, N 87°47'45"E, departing said easterly line of said Preston Road and west line of said Lot 8A, and along the most westerly North line of said 12.8554-acre tract and the south line of said 0.359-acre tract, for a distance of 122.16 feet to an "X" found in concrete for the southeasterly corner of said 0.359 acre tract and an interior corner of said called 12.8554 acre tract;

THENCE, N 00°27'18"E, departing the south line of said 0.359-acre tract, and along the east line of said 0.359-acre tract, same being the northernmost-westerly line of said 12.8554-acre tract, passing at a distance of 154.15 feet a 1/2-inch iron rod found with unreadable cap for the northeast corner of said 0.359-acre tract and northwest corner of said 12.8554-acre tract, and continuing for a total distance of 269.39 feet to a point for corner in the north right-of-way line of Forest Lane, also being the south line of a tract owned by 0.300-acre Branch Banking & Trust Co., known as Lot 1, Block A/6623, of the Colonial Forest Addition, an addition to the City of Dallas as recorded in Instrument No. 201000176739, of the O.P.R.D.C.T.;

THENCE, N 89°56'46"E, along the north right-of-way line of Forest Lane, passing at a distance of 33.21 feet a 1/2-inch iron rod found with cap stamped "TXHS" for the southwest corner of a 0.52 acre tract of land conveyed to 6021 Forest LLC by the deed recorded in Instrument No. 201000176736 O.P.R.D.C.T., further passing at 590.42 feet an "X" found for the southeast corner of Lot 1A, Block 49/7460, of the Market at Preston Forest Addition, an addition to the City of Dallas as recorded in Instrument No. 199000284145, of the Official Public Records of Dallas County, Texas, and continuing for a total distance of 612.30 feet to a point for corner, for the northeast corner of this;

THENCE, S 00°21'16" W, departing said north line of Forest Lane, over and across said Forest Lane passing at a distance of 119.73 feet, a 1/2-inch iron rod found at the northwest corner of Lot 6, Block 10/6378 of Preston Haven Estates Third Section, an addition to the City of Dallas as recorded in Volume 22, Page 1 of the Map Records of Dallas County, Texas, said point being in the easterly line of a 15 foot width alley as dedicated by said Preston Haven Estates Third Section and continuing along the east line of said 15-foot alley, for a total distance of 645.38 feet to a point for corner with a 1/2-inch iron rod found for reference at N 69°23'09"W, a distance of 15.90 feet.

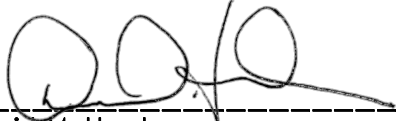
THENCE, S 38°27'58" W, along the said southeasterly alley line at 100.98 feet, passing the northeasterly right-of-way line of Royalshire Drive, a 50 foot width street, as dedicated by said plat of Preston Haven Estates Third Section, at 150.98 feet, passing the southwesterly right-of-way line of said Royalshire drive, a distance of 300.23 feet to a point for corner with reference to a 1/2-inch iron rod found at N 42°50'43"W, a distance of 15.54 feet;

THENCE, S 55°23'45" W, continuing along said southeasterly alley line, at 125.61 feet passing a 1/2-inch iron rod found, and continuing for a total distance of 144.85 feet to a point for corner;

THENCE, S 88°08'49" W, along the southerly alley line, a distance of 470.42 feet to the POINT OF BEGINNING and containing 14.9903 acres or 652,977 square feet of land, more or less.

Survey Performed By: Benchmark Group of Texas, Inc.  
899 Presidential Drive Richardson, TX 75081  
License No. 10120700 | commbgt@gmail.com

PROPERTY: Preston Forest Shopping Center  
ADDRESS: 11700 Preston Road, Dallas, Texas 75230  
JOB NO: 20-8484 | DATE: 10/08/2021 | SCALE: 1" = 150'  
DWG NO: 2025013 | REF NO: 20-8484 | DRAWN BY: MC | CHECKED BY: CC

  
David M. Henderson  
Registered Professional Land Surveyor No. 4489  
In the State of Texas  
11/04/21 Date



## LANDCO, L.P.

11281 RICHMOND, BLDG. J SUITE 105, HOUSTON, TEXAS 77082  
OFFICE (281) 556-1202 ♦ FAX (281) 606-1202  
INFO@LANDCOSERVICES.COM

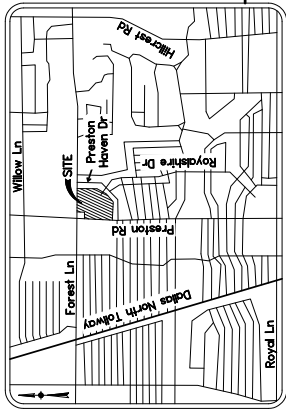
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Firm Number: 10045300



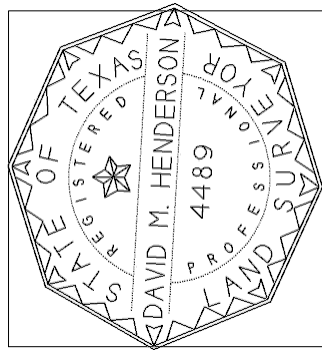
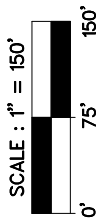
FIELD NOTES APPROVED:  
12-07-2021



Sheet: 1 of 2



VICINITY MAP  
(NOT TO SCALE)



### LEGEND

- C.M. Controlling Monument
- Found Iron Rod (FIR)
- Point for Corner (PFC)
- ✕ P.K. Nail Found
- ⊗ "X" Found In Concrete
- ( ) Record Bearing and Distance
- M= Measured Distance
- ~ Area Indicator

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 05°24'08"E	201.04'
L2	N 87°47'45"E	122.16'
L3	N 00°27'18"E	269.39'

0.359 AC.  
PRESTON FOREST CORNER LLC  
0.359 ACRES, BLOCK 6378  
INST. NO. 202000028882  
D.R.D.C.T.

APPROXIMATE SURVEY LINE

FIND PK NAIL

(352.74')  
RP FOREST LANE  
PROPERTIES LP  
LOT 9, BLOCK 7/6383  
BIBBENTUCKERS ADDITION  
INST. NO. 199900788250  
P.R.D.C.T.

FIR 1/2"

M=74.75'  
(70.00')  
M=62.16'  
(60.00')

FIND PK NAIL

(123.34')  
PFC

M=71.65'  
(70.80')

FIR 1/2"

(109.23')  
PFC

M=71.65'  
(70.80')

FIR 1/2"

(109.23')  
PFC

M=71.65'  
(70.80')

FIR 1/2"

(109.23')  
PFC

M=71.65'  
(70.80')

FIR 1/2"

(109.23')  
PFC

M=71.65'  
(70.80')

FIR 1/2"

(109.23')  
PFC

M=71.65'  
(70.80')

FIR 1/2"

(109.23')  
PFC

M=71.65'  
(70.80')

FIR 1/2"

(109.23')  
PFC

M=71.65'  
(70.80')

FIR 1/2"

(109.23')  
PFC

M=71.65'  
(70.80')

FIR 1/2"

(109.23')  
PFC

M=71.65'  
(70.80')

FIR 1/2"

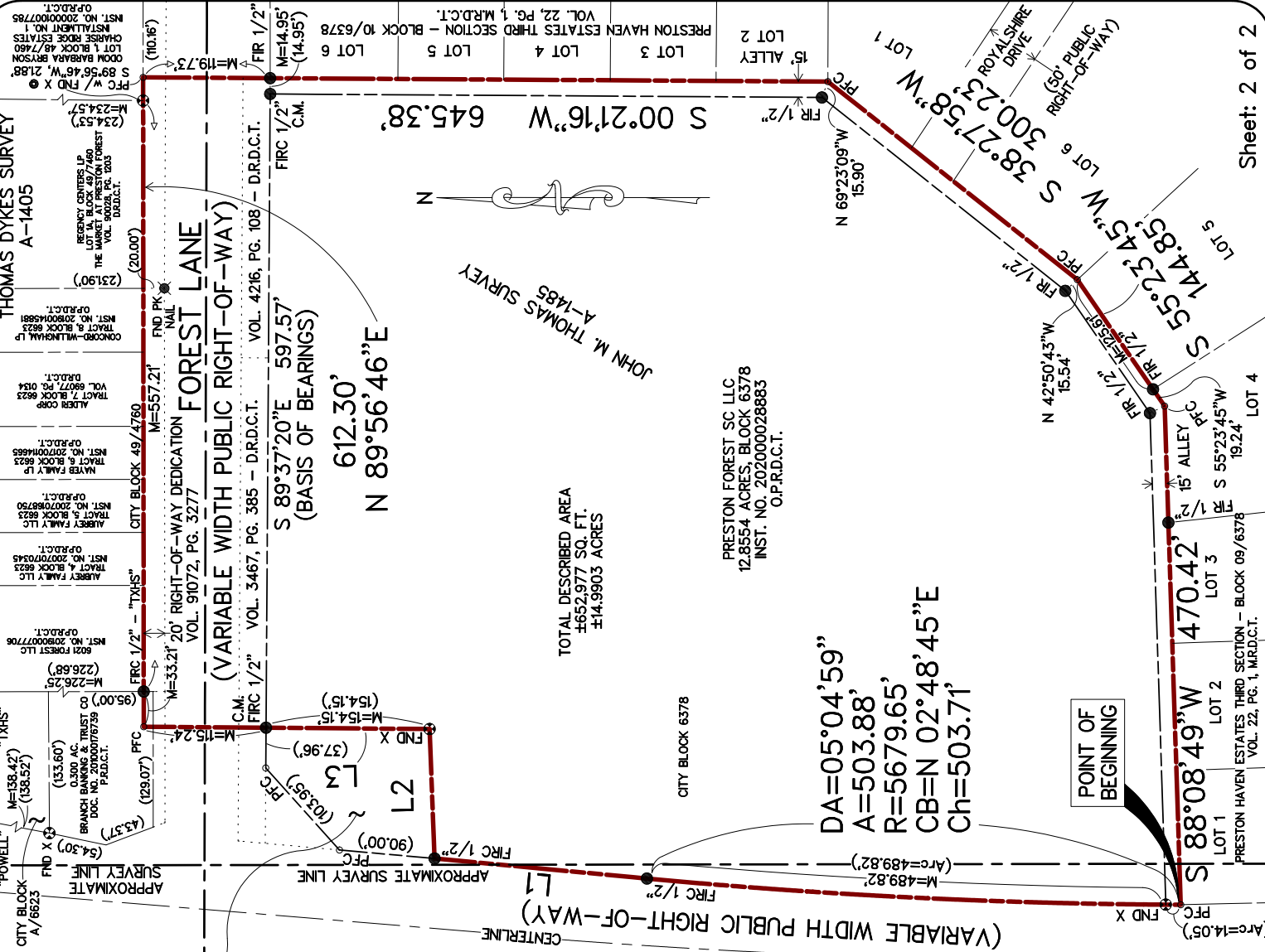
(109.23')  
PFC

M=71.65'  
(70.80')

FIR 1/2"

(109.23')  
PFC

M=71.65'  
(70.80')



NOTE: The Basis of Bearings for this survey was based on the southerly right-of-way line of Forest Lane (S 89°37'20"E) as described in the recorded Deed, Doc. No. 202000028883, of the Deed Records of Dallas County, Texas.

**MUNICIPAL SETTING**  
**DESIGNATION SURVEY**  
C.G. NEWTON SURVEY, ABSTRACT NO. 1090,  
& JOHN THOMAS SURVEY, ABSTRACT NO. 1485,  
CITY OF DALLAS BLOCK NUMBER 6378,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
PROPERTY: Preston Forest Shopping Center  
ADDRESS: 11700 Preston Road, Dallas, Texas 75230  
JOB NO: 20-8484 | DATE: 10/08/2021 | SCALE: 1" = 150'  
DWG NO: 2025013 | REF NO: 20-8484  
DRAWN BY: MC | CHECKED BY: CC