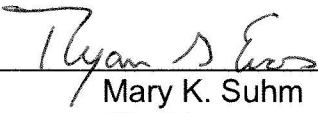

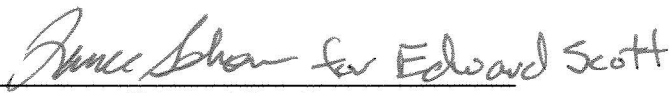


**JANUARY 14, 2009 CITY COUNCIL ADDENDUM  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated January 14, 2009. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

  
\_\_\_\_\_  
Mary K. Suhm  
City Manager

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Edward Scott  
City Controller

  
\_\_\_\_\_  
Date







**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 14, 2009  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A. M.**

ADDITIONS:

CONSENT ADDENDUM

**City Attorney's Office**

1. Authorize settlement of the lawsuit styled Joanna Tickle and Dallas Stephens v. City of Dallas, Cause No. 07-06529-K - Not to exceed \$77,500 - Financing: Current Funds

**City Manager's Office**

2. A resolution **(1)** cancelling the January 21, 2009 regular meeting of the Dallas City Council; and **(2)** authorizing a special meeting of the Dallas City Council for January 21, 2009 to be held at the Dallas Public Library - Financing: No cost consideration to the City

**Department of Development Services**

3. A resolution authorizing the regulation and restriction of access to Daria Place and Daria Drive and allowing for the placement and operation of access gates and related fence and structures located at the intersection of Daria Drive and Meaders Lane - Financing: No cost consideration to the City

**Economic Development**

4. Authorize the City Manager to enter into final negotiations with the University of North Texas System in support of establishing the School of Law in Downtown Dallas at the Municipal Building located at 106 South Harwood Street - Financing: No cost consideration to the City

**Office of Emergency Management**

5. Authorize approval of the Dallas County Local Mitigation Strategy, which identifies strategies to mitigate natural hazards in the City of Dallas and Dallas County, subject to available funding - Financing: No cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 14, 2009**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

**Police**

6. An ordinance amending Chapter 27 of the Dallas City Code to: **(1)** define terms; **(2)** require apartment complexes with excessive crime rates to participate in a mandatory crime reduction program administered and enforced by the Chief of Police; **(3)** establish qualifications, procedures, requirements, formulae, and standards for the program; **(4)** establish a program fee; **(5)** provide an appeal process; **(6)** make conforming amendments to the multi-tenant property registration program; and **(7)** provide a penalty not to exceed \$2,000 - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

**Public Works & Transportation**

7. Authorize **(1)** a contract with EAS Contracting, L.P., lowest responsible bidder of five, for the relocation of the north and west airfield lighting vaults in an amount not to exceed \$3,302,667; **(2)** ratification of the emergency repair and/or replacement of damaged equipment in the north lighting vault at Dallas Love Field in an amount not to exceed \$74,232; and **(3)** an increase in appropriations in the Federal Aviation Administration Airport Improvement Program Grant Fund for design, construction, testing, and other contract administration costs in an amount not to exceed \$4,109,653 - Total not to exceed \$3,376,899 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds (\$2,532,674) and Aviation Capital Construction Funds (\$844,225)

DELETION:

**Trinity River Corridor Project**

29. Authorize Supplemental Agreement No. 3 to the professional services contract with Bridgefarmer and Associates, Inc. for additional engineering design and surveying services for storm drainage and landscaping upgrades for the Beckley Avenue and Commerce Street intersection improvements - Not to exceed \$49,718, from \$275,123 to \$324,841 - Financing: 2003 Bond Funds

**ADDENDUM DATE January 14, 2009**

ITEM		IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
1			N/A	C	ATT, STS	\$77,500.00	NA	NA	Authorize settlement of the lawsuit styled Joanna Tickle and Dallas Stephens v. City of Dallas, Cause No. 07-06529-K	
2			N/A	C	CMO	NC	NA	NA	A resolution cancelling the January 21, 2009 regular meeting of the Dallas City Council and authorizing a special meeting of the Dallas City Council for January 21, 2009 to be held at the Dallas Public Library	
3			13	C	DDS, PWT	NC	NA	NA	A resolution authorizing the regulation and restriction of access to Daria Place and Daria Drive and allowing for the placement and operation of access gates and related fence and structures located at the intersection of Daria Drive and Meaders Lane	
4			2	C	ECO	NC	NA	NA	Authorize the City Manager to enter into final negotiations with the University of North Texas System in support of establishing the School of Law in Downtown Dallas at the Municipal Building located at 106 South Harwood Street	
5			All	C	OEM	NC	NA	NA	Authorize approval of the Dallas County Local Mitigation Strategy, which identifies strategies to mitigate natural hazards in the City of Dallas and Dallas County, subject to available funding	
6			All	C	POL, CCS	NC	NA	NA	An ordinance amending Chapter 27 of the Dallas City Code to: define terms; require apartment complexes with excessive crime rates to participate in a mandatory crime reduction program administered and enforced by the Chief of Police; establish qualifications, procedures, requirements, formulae, and standards for the program; establish a program fee; provide an appeal process; make conforming amendments to the multi-tenant property registration program; and provide a penalty not to exceed \$2,000	
7			14	I	PWT, AVI	\$3,376,899.00	12.40%	34.08%	Authorize a contract with EAS Contracting, L.P. lowest responsible bidder of five, for the relocation of the north and west airfield lighting vaults; ratification of the emergency repair and/or replacement of damaged equipment in the north lighting vault at Dallas Love Field	

**TOTAL            \$3,454,399.00**



**ADDENDUM ITEM # 1**

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

**AGENDA DATE:** January 14, 2009

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

**DEPARTMENT:** City Attorney's Office  
Street Services

**CMO:** Thomas P. Perkins, Jr., 670-3491  
Ramon F. Miguez, P.E., 670-3308

**MAPSCO:** N/A

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**SUBJECT**

Authorize settlement of the lawsuit styled Joanna Tickle and Dallas Stephens v. City of Dallas, Cause No. 07-06529-K - Not to exceed \$77,500 - Financing: Current Funds

**BACKGROUND**

Plaintiff Joanna Tickle is represented by Dixie & Mauzy, L.L.P., and Dallas Stephens is represented by Schulman Law Firm, P.C.

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

Council was briefed in Closed Session on January 7, 2009.

**FISCAL INFORMATION**

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

\$77,500 - Current Funds



January 14, 2009

**WHEREAS**, a lawsuit styled Joanna Tickle and Dallas Stephens v. City of Dallas, Cause No. 07-06529-K, was filed by Plaintiff Joanna Tickle seeking compensation from the City of Dallas for alleged sexual harassment, and by Plaintiff Dallas Stephens seeking compensation from the City of Dallas for alleged retaliation, involving a Street Services Department employee; and

**WHEREAS**, Plaintiff, Joanna Tickle, through her attorney, Dixie & Mauzy, L.L.P, and Plaintiff, Dallas Stephens, through his attorney, Schulman Law Firm, P.C., have agreed to settle this lawsuit for the amount of \$77,500; **Now, Therefore**,

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

**SECTION 1.** That the settlement of the lawsuit styled Joanna Tickle and Dallas Stephens v. City of Dallas, Cause No. 07-06529-K, in an amount not to exceed \$77,500 is hereby approved.

**SECTION 2.** That the City Controller is authorized to pay to Schulman Law Firm, P.C., the amount of \$18,399.64 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

**SECTION 3.** That the City Controller is authorized to pay to Dixie & Mauzy, L.L.P., the amount of \$19,557.79 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

**SECTION 4.** That the City Controller is authorized to pay to Joanna Tickle, the amount of \$19,771.29 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

**SECTION 5.** That the City Controller is authorized to pay to Dallas Stephens, the amount of \$19,771.28 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

**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.



**ADDENDUM ITEM # 2**

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

**AGENDA DATE:** January 14, 2009

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

**DEPARTMENT:** City Manager's Office

**CMO:** Mary K. Suhm, 670-5306

**MAPSCO:** N/A

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**SUBJECT**

A resolution **(1)** cancelling the January 21, 2009 regular meeting of the Dallas City Council; and **(2)** authorizing a special meeting of the Dallas City Council for January 21, 2009 to be held at the Dallas Public Library - Financing: No cost consideration to the City

**BACKGROUND**

Chapter III, Section 6 of the Dallas City Charter provides that "all regular meetings of the city council must be held in the city hall building in such locations and at such times as may be prescribed by ordinance, resolution, or lawfully-posted notice." The city charter also provides that regular meetings may be "postponed or cancelled for valid reasons as determined by the city council." Special meetings of the city council are not required to be held in the city hall building.

This item will cancel the January 21, 2009 regular meeting of the city council and authorize a special meeting of the city council for January 21, 2009 to be held at the Dallas Public Library.

In an increasingly competitive global economy it is necessary to enhance Dallas' quality of life and attractiveness as a place to live, work and play. Furthermore, during times of economic uncertainty it is common practice for businesses to engage in long-range planning. This special meeting will give the council an opportunity to hear from leading experts, from Canada and the United States, on urban design and the concept of "place making."

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

January 14, 2009

**WHEREAS**, Chapter III, Section 6 of the Dallas City Charter provides that "all regular meetings of the city council must be held in the city hall building in such locations and at such times as may be prescribed by ordinance, resolution, or lawfully-posted notice"; and

**WHEREAS**, the city charter also provides that regular meetings may be "postponed or cancelled for valid reasons as determined by the city council"; and

**WHEREAS**, special meetings of the city council are not required to be held in the city hall building;

**NOW, THEREFORE,**

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

**Section 1.** That the January 21, 2009 regular meeting of the Dallas City Council is hereby cancelled.

**Section 2.** That a special meeting of the Dallas City Council is hereby called for January 21, 2009 to be held at the Dallas Public Library after a lawfully-posted notice.

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



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 14, 2009

**COUNCIL DISTRICT(S):** 13

**DEPARTMENT:** Department of Development Services  
Public Works & Transportation

**CMO:** A. C. Gonzalez, 671-8925  
Ramon F. Miguez, P.E., 670-3308

**MAPSCO:** 25J

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**SUBJECT**

A resolution authorizing the regulation and restriction of access to Daria Place and Daria Drive and allowing for the placement and operation of access gates and related fence and structures located at the intersection of Daria Drive and Meaders Lane - Financing: No cost consideration to the City

**BACKGROUND**

This item authorizes the regulation and restriction of access to Daria Place and Daria Drive and allows for the construction and operation of an access gate and related fence and structures located at the intersection of Daria Drive and Meaders Lane.

The President of the United States, George Walker Bush, has acquired a dwelling located on Daria Place for use upon completion of his current term in office.

Pursuant to the Texas Transportation Code, Section 311.904, being a codification of Vernon's Annotated Civil Statutes, article 1175, subdivision 7, provides that a home-rule municipality may regulate or restrict access to a street or alley in the municipality on which the dwelling of a former president of the United States is located and allows for the installation and maintenance of a fence, gate, or other structure.

The design, operation, construction, repair and full maintenance of the gate, related fence and structures shall be at no cost to the City of Dallas. Sole responsibility and cost shall be borne by Robert A. McCleskey, Trustee for the The Lone Star Trust. The access gate and related fence and structures shall allow reasonable access for City services and safety and public utility vehicles.

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

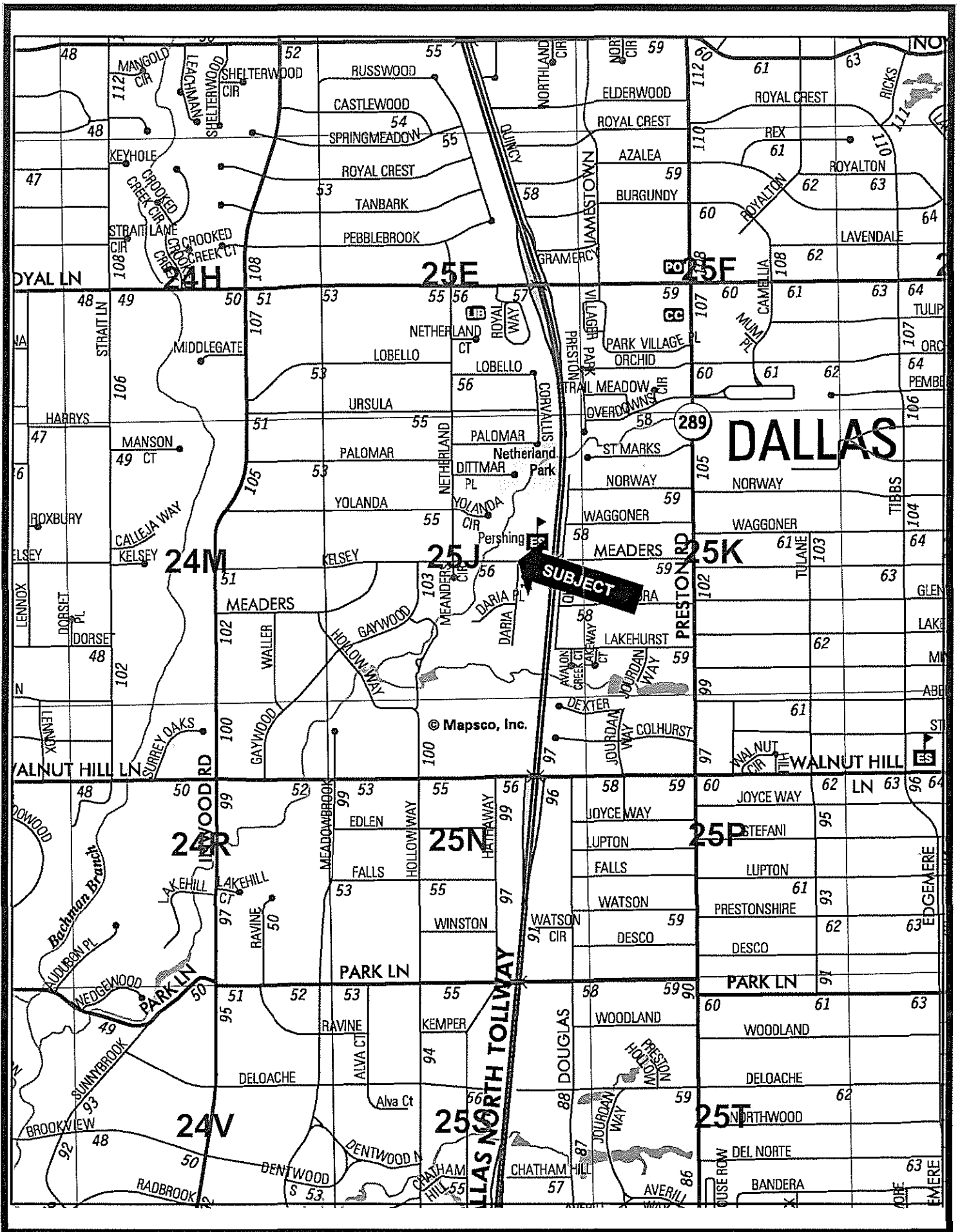
This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

**MAPS**

Attached



25E

25F

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25J

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25T

DALLAS

SUBJECT

© Mapsco, Inc.



Netherland Drive

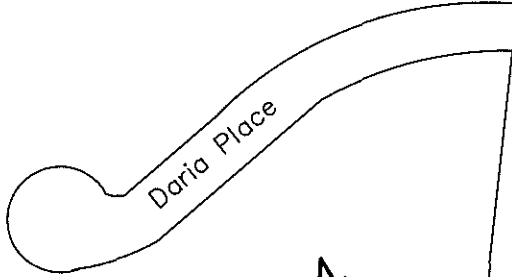


Meaders Lane

Meaders Circle

A/5514

Daria Drive



A/5514

A/5514

Dallas North Tollway

5516

Point of Restriction of Access



January 14, 2009

**WHEREAS**, Texas Transportation Code Section 311.904, being a codification of Vernon's Annotated Civil Statutes, article 1175, subdivision 7, provides that a home-rule municipality, alone or in conjunction with another person, may regulate or restrict access to a street or alley in the municipality on which the dwelling of a former president of the United States is located and that said authority includes the authority to install and maintain a fence, gate, or other structure; and

**WHEREAS**, President of the United States, George Walker Bush, has acquired a dwelling located on Daria Place in Dallas, Texas, for use upon completion of his current term of office; and

**WHEREAS**, Daria Place can only be accessed from Daria Drive which is a residential dead-end street with limited turn-around capacity and a single outlet located at its intersection with Meaders Lane, all as depicted in the plat recorded at Volume 31, Page 103, Plat Records of Dallas County, Texas; and

**WHEREAS**, due to the configuration of Daria Place and Daria Drive and the anticipated levels of traffic and congestion on same, the City Council finds that pedestrian and vehicular access to Daria Place and Daria Drive should be restricted and regulated, including, but not necessarily limited to, the use of gates, fencing and other structures at the intersection of Daria Drive and Meaders Lane, in order to facilitate security for the former president and to promote the health, safety, and welfare of the neighboring residents and the general public; **Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to regulate and restrict access to Daria Place and Daria Drive in City Block No. A/5514, as deemed advisable, including but not limited to, by allowing the placement and operation of access gates and related fencing and structures at the intersection of Daria Drive and Meaders Lane, pursuant to state law.

**SECTION 2.** That the design, construction and plan of operation of any gates, fencing, or structures intended to regulate and restrict access to Daria Place and Daria Drive shall be submitted to the Director of Public Works and Transportation for prior review and approval, and the Director may at any time require any modifications, additions, removals and changes as the Director deems necessary, appropriate, or convenient, from time to time.

**SECTION 3.** That the design and operation of the access gates and any fencing and other structures shall allow reasonable access for the neighboring residents on Daria Place and Daria Drive and adequate means of access for city service and safety vehicles and public utility vehicles.

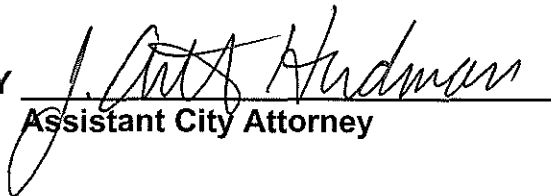
January 14, 2009

**SECTION 4.** That the design, construction, operation, and maintenance of the access gates and any fencing and other structure shall be the sole responsibility and cost of Robert A. McCleskey, Trustee for The Lone Star Trust, and no City funds are expended for this purpose.

**SECTION 5.** That this resolution shall not require the City of Dallas to regulate and restrict access to Daria Place and Daria Drive in the future, and the City of Dallas, by action of its City Council, may discontinue said regulation and restriction of access and require removal of any gates, fencing or other structures impacting its public rights-of-way.

**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:**  
**THOMAS P. PERKINS, Jr., City Attorney**

BY   
Assistant City Attorney

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 14, 2009  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Office of Economic Development  
**CMO:** A. C. Gonzalez, 671-8925  
**MAPSCO:** 45 L

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**SUBJECT**

Authorize the City Manager to enter into final negotiations with the University of North Texas System in support of establishing the School of Law in Downtown Dallas at the Municipal Building located at 106 South Harwood Street - Financing: No cost consideration to the City

**BACKGROUND**

The City recognizes the contribution that a UNT Law School will bring to the City's economic development and downtown revitalization. The site selected to house the proposed UNT Law School is initially the Municipal Building located at 106 S. Harwood Street, and potentially will later include the Courts Annex located at 2014 Main Street. The City has engaged the services of consultants to perform architectural and engineering design and develop a scope of work, in cooperation with the City of Dallas and UNT System.

Currently, conditions at the Municipal Building site deem it necessary to perform renovations to stabilize the building and prevent any further deterioration. The City agreed to proceed with exterior renovation, waterproofing, and the separation of the Municipal Building from the Courts Annex to stabilize deteriorating building conditions. The City and UNT System have agreed: (i) on an assessment of the condition of the buildings; (ii) to discuss the plan for stabilization; and (iii) to discuss the timeline for use of the buildings by UNT System if the UNT Law School is approved by the State of Texas during the 81<sup>st</sup> legislative session in 2009.

## **BACKGROUND** (Continued)

Pending the approval of the law school by the 2009 State Legislature as well as approval by the City Council of a formal inter-local agreement, the City Manager will promptly commence the preparation of an Interlocal Agreement ("Interlocal Agreement") that will serve to: (i) further define each parties' responsibilities; (ii) provide UNT System with sufficient control of the site and assurance of City funding to induce the parties to proceed with design implementation relating to the new public law school (and the related capital expenditures associated therewith); and (iii) define the specific Project implementation process to be followed by UNT System and the City.

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

On April 25, 2007, the City Council authorized the City Manager to prepare definite documents for (1) \$14,000,000 from 1998 Bond Funds for renovations to the Municipal Building, (2) provide for the joint use of the Municipal Building with the UNT law school, (3) dedicated \$500,000 in City of Dallas Public/Private Partnership Funds in each of the next four years, beginning in FY 2007-08. The resolution was contingent on the State of Texas authorization of the law school and commitment of funding during the 2007 legislative session by Resolution No. 07-1305.

The Economic Development Committee was briefed on the UNT Law School Project/Dallas Judicial Center on June 16, 2008.

On June 25, 2008, the City Council authorized the City Manager to prepare definitive documents for capital investment in the University of North Texas law school including: (1) provide for the joint use of the Municipal Building located at 106 South Harwood and the Courts Annex located at 2014 Main Street by the University of North Texas for its law school and the City for public purposes, (2) \$14,000,000 from the 1998 Bond Program for renovations to the Municipal Building; and (3) the dedication of \$500,000 in City of Dallas Public/Private Partnership Funds in each of the next four years, beginning in FY 2007-08, for capital investment in the UNT Law School by Resolution No. 08-1889.

On October 8, 2008, the City Council authorized a professional services contract with Conley Group, Inc. to provide architectural and engineering services for the renovation of the Municipal Building located at 106 S. Harwood Street by Resolution No. 08-2761.

## **FISCAL INFORMATION**

No cost consideration to the City

January 14, 2009

**WHEREAS**, the establishment of a public law school in Downtown Dallas would contribute to the City's economic development and downtown revitalization efforts; and

**WHEREAS**, on June 25, 2008, the City Council authorized the City Manager to prepare definitive documents for capital investment in the University of North Texas law school including: (1) provide for the joint use of the Municipal Building located at 106 South Harwood and the Courts Annex located at 2014 Main Street by the University of North Texas for its law school and the City for public purposes, (2) \$14,000,000 from the 1998 Bond Program for renovations to the Municipal Building; and (3) the dedication of \$500,000 in City of Dallas Public/Private Partnership Funds in each of the next four years, beginning in FY 2007-08, for capital investment in the UNT law school by Resolution No. 08-1889; and

**WHEREAS**, the City is prepared to move forward with its commitment to the downtown UNT Law School by pledging use of the Municipal Building; and

**WHEREAS**, on October 8, 2008, the City Council authorized a professional services contract with the Conley Group, Inc. to provide architectural and engineering services for the renovations of the Municipal Building located at 106 Harwood Street by Resolution No. 08-2761.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is hereby authorized to enter into final negotiations with the University of North Texas System in support of establishing the School of Law in Downtown Dallas at the Municipal Building located at 106 South Harwood Street.

**Section 2.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Distribution: Office of Economic Development – Tenna Kirk, 5CS  
Office of Economic Development – Sajid Safdar, 2CN  
City Manager's Office – Mark Duebner, 4DN  
City Attorney's Office – Larry Scalf, 7DN



**ADDENDUM ITEM # 5**

**KEY FOCUS AREA:** Public Safety Improvements and Crime Reduction

**AGENDA DATE:** January 14, 2009

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Emergency Management

**CMO:** Ryan S. Evans, 670-3314

**MAPSCO:** N/A

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**SUBJECT**

Authorize approval of the Dallas County Local Mitigation Strategy, which identifies strategies to mitigate natural hazards in the City of Dallas and Dallas County, subject to available funding - Financing: No cost consideration to the City

**BACKGROUND**

The Dallas County Local Mitigation Strategy defines the hazards (such as flooding) and potential strategies to mitigate those hazards as federal grant funding becomes available. Without this strategy, the City of Dallas will not be eligible to apply for the grants. This document has been a collaborative undertaking between Dallas County, cities within Dallas County, and the North Central Texas Council of Governments.

The Dallas County Local Mitigation Strategy has been developed to identify projects that may be eligible for pre and post disaster mitigation grants when such funding does become available.

The State of Texas, Governor's Division of Emergency Management (GDEM), and the Federal Emergency Management Agency (FEMA), have approved the Dallas County Local Mitigation Strategy pending adoption by the City Council.

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.



January 14, 2009

**WHEREAS**, the City of Dallas Office of Emergency Management, with assistance from Dallas County, the North Central Texas Council of Governments and other Dallas County cities, has gathered information and prepared the Dallas County Local Mitigation Strategy; and

**WHEREAS**, the Dallas County Local Mitigation Strategy has been prepared in accordance with FEMA requirements at 44 C.F.R. 201.6; and

**WHEREAS**, the Dallas City Council has reviewed the Plan and affirms that the Plan will be updated in accordance to the plan maintenance process described;

**NOW, THEREFORE,**

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

**Section 1.** The City of Dallas adopts the Dallas County Local Mitigation Strategy as this jurisdiction's Multi-Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan subject to available funding.

**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.



**ADDENDUM ITEM # 6**

**KEY FOCUS AREA:** Public Safety Improvements and Crime Reduction

**AGENDA DATE:** January 14, 2009

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Police  
Code Compliance

**CMO:** Ryan S. Evans, 670-3314  
Forest E. Turner, 670-3390

**MAPSCO:** N/A

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**SUBJECT**

An ordinance amending Chapter 27 of the Dallas City Code to: **(1)** define terms; **(2)** require apartment complexes with excessive crime rates to participate in a mandatory crime reduction program administered and enforced by the Chief of Police; **(3)** establish qualifications, procedures, requirements, formulae, and standards for the program; **(4)** establish a program fee; **(5)** provide an appeal process; **(6)** make conforming amendments to the multi-tenant property registration program; and **(7)** provide a penalty not to exceed \$2,000 – Financing: No cost consideration to the City

**BACKGROUND**

The proposed ordinance amending Chapter 27 of the Dallas City Code will establish a mandatory crime reduction program for apartment complexes that exceed a statistically-determined threshold of criminal activity. An apartment complex required to participate in the program must pay a \$250 program fee, be inspected by police officers for compliance with certain local and state regulations, confer with representatives of the police department regarding crime reduction in the apartment complex, and comply with requirements relating to trespass affidavits, background checks, lighting, landscaping, locked common areas, perimeter fencing, pay phones, crime watch meetings, key control, and residential security surveys. An apartment complex designated by the chief of police to be in the program may appeal to the permit and license appeal board. The ordinance would also require additional information in the multi-tenant property registration application that will assist in administering the mandatory crime reduction program.

**BACKGROUND** (Continued)

The Dallas Police Department participated in the analysis and consideration of crime reducing methods to propose security and safety improvements to benefit the multi-family industry as a whole. The final recommendations are a result of multiple meetings with stakeholders which included City department staff, apartment managers, management companies, property owners, and citizens. These recommendations were included in the proposed ordinance amendment to Chapter 27.

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

On November 17, 2008, the Public Safety Committee was briefed.

On January 5, 2009, the Public Safety Committee was briefed.

**FISCAL INFORMATION**

No cost consideration to the City.

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

An ordinance amending Sections 27-4, 27-31, 27-33, 27-34, 27-36, and 27-44 of and adding Article VIII (composed of Sections 27-45 through 27-58) to CHAPTER 27, "MINIMUM URBAN REHABILITATION STANDARDS," of the Dallas City Code, as amended; defining terms; requiring apartment complexes with excessive crime rates to participate in a mandatory crime reduction program administered and enforced by the chief of police; establishing qualifications, procedures, requirements, formulae, and standards for the program; establishing a program fee; providing an appeal process; making conforming amendments to the multi-tenant property registration program; providing a penalty not to exceed \$2,000; 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 27-4, "Violations; Penalty," of Article II, "Administration," of CHAPTER 27, "MINIMUM URBAN REHABILITATION STANDARDS," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 27-4. VIOLATIONS; PENALTY.**

(a) A person who violates a provision of this chapter, or who fails to perform an act required of him by this chapter, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.

(b) Criminal penalties.

(1) An offense under this chapter is punishable by a fine not to exceed \$2,000; except, that an offense under Section 27-5.2 and 27-25 of this chapter is punishable by a fine not to exceed \$500.

(2) An offense under this chapter is punishable by a fine of not less than:

(A) \$200 for a first conviction of a violation of Section 27-11(a)(1), (3), or (4), ~~[or]~~ 27-11(b)(1), (2), (3), (4), (6), (7), (8), (9), or (10), or Article VIII of this chapter;

(B) \$500 for a first conviction of a violation of Section 27-11(a)(2), (5), or (6), 27-11(b)(5), 27-11(c), or 27-11(d); and

(C) \$2,000 for a first conviction of a violation of Section 27-30.

(3) The minimum fines established in Subsection (b)(2) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (b)(1).

(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) In addition to imposing the criminal penalty prescribed in Subsection (b) or exercising the other remedies provided by this chapter, the city may, in accordance with Chapter 54, Subchapter B of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed \$1,000 for each day or portion of a day during which the violation is committed, continued, or permitted.

(e) The penalties provided for in Subsections (b), (d), and (h) are in addition to any other enforcement remedies that the city may have under city ordinances and state law.

(f) The director has the authority to enforce provisions of Chapter 7A and Article II, Chapter 18 of this code.

(g) A person commits an offense if he fails to correct a violation of this chapter in compliance with any order issued under this chapter that has become final.

(h) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of this chapter, as authorized by Section 54.044 of the Texas Local Government Code, for an offense under this chapter. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b).”

SECTION 2. That Section 27-31, “Registration Application,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of CHAPTER 27, “MINIMUM URBAN REHABILITATION STANDARDS,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-31. REGISTRATION APPLICATION.**

To obtain a certificate of registration for a multi-tenant property, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the multi-tenant property. The application must contain the following information:

(1) the name, address, and telephone number of the applicant or the applicant’s authorized agent;

(2) the name, all legal addresses, and the main telephone number, if any, of the multi-tenant property;

(3) the name, address, and telephone number of a person or persons to contact in an emergency as required by Section 27-39 of this article;

(4) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business;

(5) the number of units, buildings, and swimming pools located on the multi-tenant property and the total number of bedrooms located on the property (a unit with no separate bedroom will be counted as one bedroom);

(6) documentary evidence of payment of ad valorem taxes owed in connection with the multi-tenant property;

(7) the names, addresses, and telephone numbers of any lien holders and insurance carriers for the multi-tenant property;

(8) the names, addresses, and telephone numbers of all owners, operators, property managers, and other persons in control of the multi-tenant property and of any other persons designated to attend crime watch meetings and safe complex symposiums as required by Section 27-44 of this article; [~~and~~]

(9) the current occupancy rate of the multi-tenant property (expressed as a percentage); and

(10) such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted.”

SECTION 3. That Section 27-33, “Issuance, Denial, and Display of Certificate of Registration,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of

CHAPTER 27, "MINIMUM URBAN REHABILITATION STANDARDS," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 27-33. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.**

(a) Upon payment of all required fees, the director shall issue a certificate of registration for a multi-tenant property to the applicant if the director determines that:

(1) the applicant has complied with all requirements for issuance of the certificate of registration;

(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration;

(3) the applicant has no outstanding fees assessed under this article or Article VIII of this chapter; and

(4) operation of the multi-tenant property would not violate the city's zoning ordinances.

(b) If the director determines that the requirements of Subsection (a) have not been met, the director shall deny a certificate of registration to the applicant.

(c) If the director determines that an applicant should be denied a certificate of registration, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.

(d) A certificate of registration issued under this section must be displayed to the public in a manner and location approved by the director. The certificate of registration must be presented upon request to the director or to a peace officer for examination."

SECTION 4. That Section 27-34, "Revocation of License," of Article VII, "Registration and Inspection of Multi-Tenant Properties," of CHAPTER 27, "MINIMUM URBAN REHABILITATION STANDARDS," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 27-34. REVOCATION OF CERTIFICATE OF REGISTRATION [~~LICENSE~~].**

(a) The director shall revoke any certificate of registration for a multi-tenant property if the director determines that:

(1) the registrant failed to comply with any provision of this chapter, any other city ordinance, or any state or federal law applicable to the operation of a multi-tenant property;

(2) the registrant intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration;

(3) the registrant failed to pay a fee required by this article or Article VIII of this chapter at the time it was due; or

(4) operation of the multi-tenant property violates the city's zoning ordinances.

(b) Before revoking a certificate of registration under Subsection (a), the director shall notify the registrant in writing that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action the registrant must take to prevent the revocation, and a statement that the registrant has 10 days to comply with the notice.

(c) If, after 10 days from receipt of the notice required in Subsection (b), the registrant has not complied with the notice, the director shall revoke the certificate of registration and notify the registrant in writing of the revocation. The notice must include the reason for the revocation, the date the director orders the revocation, and a statement informing the registrant of the right of appeal.”

SECTION 5. That Section 27-36, “Expiration and Renewal of License,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of CHAPTER 27, “MINIMUM URBAN REHABILITATION STANDARDS,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-36.            EXPIRATION AND RENEWAL OF CERTIFICATE OF REGISTRATION [~~LICENSE~~].**

(a) A certificate of registration for a multi-tenant property expires one year after the date of issuance.

(b) A certificate of registration may be renewed by making application in accordance with Section 27-31. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration.”

SECTION 6. That Section 27-44, “Attendance at Crime Watch Meetings and Safe Complex Symposiums,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of CHAPTER 27, “MINIMUM URBAN REHABILITATION STANDARDS,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-44. ATTENDANCE AT CRIME WATCH MEETINGS AND SAFE COMPLEX SYMPOSIUMS.**

(a) The owner, operator, or other person in control of a multi-tenant property shall attend a total of at least three crime watch meetings each calendar year. The meetings attended must be held by crime watch organizations consisting of business owners, single-family residential property owners, or managers, employees, or tenants of multifamily properties, or any combination of those groups, gathered for the purpose of improving the quality of life in and around the properties, promoting crime prevention, reducing criminal opportunity, and encouraging cooperation with the Dallas Police Department. The meetings must be attended in the neighborhood in which the multi-tenant property is located or, if that neighborhood has no crime watch organization, then in the nearest neighborhood that does. A written statement, signed by a crime watch chair, verifying that the crime watch meeting was attended by the owner, operator, or other person in control of the multi-tenant property, or by the person designated to attend meetings for the property under Subsection (c), must be submitted to the director upon request.

(b) In addition to attending crime watch meetings, the owner, operator, or other person in control of a multi-tenant property shall attend at least one safe complex symposium sponsored by the city of Dallas, which will be held during the third week in May of each calendar year, unless otherwise rescheduled by city council resolution. It is a defense to prosecution for a violation of this subsection that the multi-tenant property was an apartment complex participating in a volunteer crime reduction program sponsored by the Dallas police department that required attendance at a training session on safe apartment complexes.

(c) If unable to personally attend every crime watch meeting and safe complex symposium required by this section, the owner, operator, or other person in control of a multi-tenant property may designate in the property registration application another person to attend the meetings and symposiums. A person may not be designated to attend crime watch meetings and safe complex symposiums for more than five separate multi-tenant properties.”

SECTION 7. That CHAPTER 27, “MINIMUM URBAN REHABILITATION STANDARDS,” of the Dallas City Code, as amended, is amended by adding Article VIII, entitled “Mandatory Crime Reduction Program for Designated Apartment Complexes,” (composed of Sections 27-45 through 27-58) to read as follows:

**“ARTICLE VIII.**

**MANDATORY CRIME REDUCTION PROGRAM  
FOR DESIGNATED APARTMENT COMPLEXES.**

**SEC. 27-45. PURPOSE.**

(a) A correlation exists between high crime rates at an apartment complex and an apartment complex’s failure to meet minimum property standards. High crime rates contribute to the deterioration, decay, disrepair, and substandard appearance and condition of the structures and premises of an apartment complex. The purpose of this article is to protect the health, safety, morals, and welfare of the occupants of apartment complexes and other citizens of the city of Dallas by obtaining greater compliance with minimum property standards through the establishment of a mandatory crime reduction program for apartment complexes. Reducing the crime rate at an apartment complex is essential to making the apartment complex safe, sanitary, and fit for human use and habitation.

(b) This article does not create a private cause of action (other than one brought by the city) or expand existing tort liability against an owner, operator, property manager, or other person in control of an apartment complex that is designated for participation in a mandatory crime reduction program.

**SEC. 27-46. DEFINITIONS.**

In this article:

(1) APARTMENT COMPLEX means a multifamily property that contains 10 or more dwelling units that are leased or offered for lease and are not independently owned.

(2) CHAPTER 125 CRIMES means murder; capital murder; sexual assault; aggravated sexual assault; aggravated assault; robbery; aggravated robbery; unlawfully carrying a weapon; prostitution; gambling; delivery, possession, manufacture, or use of a controlled substance; discharging a firearm in a public place; reckless discharge of a firearm; engaging in organized criminal activity; commercial distribution or manufacture of obscene material; and other crimes listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended. The term does not include nonapplicable crimes.

(3) CHIEF OF POLICE means the chief of the police department of the city or the chief’s authorized representative.

(4) COMMUNITY PER CAPITA CRIME INDEX or CRIME INDEX means a statistically-determined level of criminal activity in an individual apartment complex in the city during a 12-month period that is expressed on a per capita basis and calculated in accordance with Section 27-48 of this article.

(5) CRIME RISK THRESHOLD means a statistically-determined level of criminal activity in apartment complexes in the city during a 12-month period, adjusted for the occupancy of the apartment complexes surveyed and expressed on a per capita basis, that is calculated in accordance with Section 27-49 of this article.

(6) DESIGNATED APARTMENT COMPLEX means an apartment complex that is required to participate in a mandatory crime reduction program under Section 27-50 of this article.

(7) MULTI-TENANT PROPERTY REGISTRATION means registration as a multi-tenant property under Article VII of this chapter.

(8) NONAPPLICABLE CRIMES means all offenses involving domestic violence, forgery, counterfeiting, fraud, embezzlement, stolen property (buying, receiving, or possessing), crimes against family and children, driving while intoxicated, violations of alcoholic beverage laws, and vagrancy.

(9) PART 1 CRIMES means murder (excluding suicide and murder resulting from domestic violence), rape, robbery, aggravated assault (excluding domestic violence), burglary, theft, and auto theft. The term does not include nonapplicable crimes.

(10) PART 2 CRIMES means assaults other than those listed as Part I crimes, narcotics offenses (restricted to those of delivery, possession, or manufacture), arson, vandalism, weapons offenses, prostitution, gambling, and disorderly conduct. The term does not include nonapplicable crimes.

(11) REGISTERED APARTMENT COMPLEX means an apartment complex holding a certificate of registration as a multi-tenant property under Article VII of this chapter.

**SEC. 27-47. AUTHORITY OF THE CHIEF OF POLICE.**

The chief of police shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the chief of police determines are necessary to discharge any duty under or to effect the policy of this article.

**SEC. 27-48. COMMUNITY PER CAPITA CRIME INDEX.**

(a) The chief of police shall calculate on a monthly basis the community per capita crime index for each registered apartment complex in the city.

(b) The community per capita crime index for an apartment complex is calculated as follows:

(1) Determine the total number of bedrooms in the apartment complex as designated in the most recent multi-tenant property registration application filed with the director for the property;

(2) Multiply the number of bedrooms by two (two occupants counted for each bedroom) to produce the ideal occupancy number for the property;

(3) Multiply the ideal occupancy number by the percent of units in the apartment complex that are occupied (as designated in the most recent multi-tenant property registration application filed with the director for the property) to produce the actual occupancy number;

(4) Divide the number of Part I crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Part I crimes;

(5) Divide the number of Part II crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Part II crimes.

(6) Divide the number of Chapter 125 crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Chapter 125 crimes.

(c) Example of calculation of community per capita crime index.

<u>Apartment size:</u>	<u>100 units</u>
<u>Apartment occupancy rate:</u>	<u>90% occupied</u>
<u>Apartment crime in 12-month period:</u>	<u>10 Part I crimes; 20 Part II crimes; 15 Chapter 125 crimes</u>
<u>Apartment-unit mix:</u>	<u>70 one-bedrooms; 30 two-bedrooms</u>
<u>Total bedrooms</u>	<u>130 (with two occupants counted for each bedroom)</u>

Ideal occupancy number =  $130 \times 2 = 260$

Actual occupancy number =  $260 \times 90\% = 234$

Crime index for Part I crimes =  $(10 \div 234) \times 100 = 4.3$

Crime index for Part II crimes =  $(20 \div 234) \times 100 = 8.5$

Crime index for Chapter 125 crimes =  $(15 \div 234) \times 100 = 6.4$

**SEC. 27-49. CRIME RISK THRESHOLD.**

(a) The chief of police shall collectively calculate on a monthly basis the crime risk threshold for all registered apartment complexes in the city.

(b) The crime risk threshold for apartment complexes is calculated as follows:

(1) Determine the total number of registered apartment complexes in the city.

(2) Add together each apartment complex's crime index for Part I crimes and divide the sum by the total number of registered apartment complexes to produce the average crime index for Part I crimes.

(3) Subtract each apartment complex's crime index for Part I crimes from the average crime index for Part I crimes to get the apartment complex's deviation from the average crime index for Part I crimes.

(4) Add the square of each apartment complex's deviation from the average crime index for Part I crimes together and divide the sum by the total number of registered apartment complexes to produce the average squared deviation for Part I crimes.

(5) Take the square root of the average squared deviation for Part I crimes and add it to the average crime index for Part I crimes to produce the crime risk threshold for Part I crimes.

(6) Repeat the process using each apartment complex's crime index for Part II crimes and Chapter 125 crimes to determine the crime risk threshold for Part II crimes and Chapter 125 crimes, respectively.

(c) Example of calculation of crime risk threshold.

<u>Apartment Complex No.</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>SUM</u>
<u>Crime Index for Part I Crimes</u>	<u>12</u>	<u>9</u>	<u>3</u>	<u>10</u>	<u>12</u>	<u>22</u>	<u>7</u>	<u>11</u>	<u>15</u>	<u>19</u>	<u>120</u>
<u>Deviation from Average Crime Index</u>	<u>0</u>	<u>-3</u>	<u>-9</u>	<u>-2</u>	<u>0</u>	<u>10</u>	<u>-5</u>	<u>-1</u>	<u>3</u>	<u>7</u>	<u>0</u>
<u>Deviation Squared</u>	<u>0</u>	<u>9</u>	<u>81</u>	<u>4</u>	<u>0</u>	<u>100</u>	<u>25</u>	<u>1</u>	<u>9</u>	<u>49</u>	<u>278</u>

Average crime index for Part I crimes =  $120 \div 10 = 12$

Average squared deviation =  $278 \div 10 = 27.8$

Standard deviation =  $\sqrt{27.8} = 5.27$

Crime risk threshold for Part I crimes =  $12 + 5.27 = 17.27$

(Note: To calculate the crime risk threshold for Part II crimes and Chapter 125 crimes, repeat the formula using the crime indexes for Part II crimes and then for Chapter 125 crimes.)

**SEC. 27-50. MANDATORY CRIME REDUCTION PROGRAM; WHEN REQUIRED.**

(a) An apartment complex must participate in a mandatory crime reduction program, whenever the apartment complex has:

(1) a crime index for Part I crimes that is greater than the crime risk threshold for Part I crimes for all registered apartment complexes in the city and a crime index for Part II crimes that is greater than the crime risk threshold for Part II crimes for all registered apartment complexes in the city; or

(2) a crime index for Chapter 125 crimes that is greater than the crime risk threshold for Chapter 125 for all registered apartment complexes in the city.

(b) An apartment complex must remain in the mandatory crime reduction program for six months or until the apartment complex's crime index falls below the crime risk threshold for the applicable types of crime, whichever occurs later.

**SEC. 27-51. NOTICE OF DESIGNATION TO PARTICIPATE IN PROGRAM.**

(a) The chief of police shall provide written notice to the owner, operator, or property manager of each apartment complex designated to participate in the mandatory crime reduction program.

(b) The notice must include the following information:

(1) The name and address of the apartment complex.

(2) A statement that the apartment complex is required to participate in a mandatory crime reduction program, including a description of the fee and other requirements of the program.

(3) The community per capita crime index and crime risk threshold used to calculate the apartment complex's qualification for the mandatory crime reduction program.

(4) The actual occupancy number used to calculate the apartment complex's crime index.

(5) The number of Part I, Part II, and Chapter 125 crimes used to calculate the apartment complex's crime index, including the date, time, and location of each offense.

(6) A statement that a mandatory inspection of the apartment complex premises will be conducted by the chief of police at a scheduled date and time.

(7) The process for appealing the chief of police's decision requiring an apartment complex to participate in a mandatory crime reduction program.

(c) Designation of an apartment complex for participation in the mandatory crime reduction program and application of the requirements of this article are binding upon all subsequent owners or other transferees of an ownership interest in the apartment complex.

**SEC. 27-52. DELIVERY OF NOTICES.**

Any written notice that the chief of police is required to give to an apartment complex under this article is deemed to be delivered:

(1) on the date the notice is hand delivered to the owner, operator, or property manager of the apartment complex; or

(2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the owner, operator, or property manager of the apartment complex at the address provided for in the most recent multi-tenant property registration application.

**SEC. 27-53. APPEAL FROM DESIGNATION.**

(a) If the chief of police designates an apartment complex for participation in the mandatory crime reduction program pursuant to this article, this action is final unless the owner, operator, or property manager of the apartment complex files a written appeal to the permit and license appeal board with the city secretary not later than 10 days after receiving notice of being a designated apartment complex.

(b) If the appeal of the chief of police's decision is based on changes in an apartment complex's occupancy rate, then the owner, operator, or property manager of the apartment complex shall, at the time of filing the appeal, also file with the city secretary and the chief of police a copy of a current and valid lease for every occupied dwelling unit in the apartment complex.

(c) If a written request for an appeal hearing is filed under Subsection (a) with the city secretary within the 10-day limit, the permit and license appeal board shall hear the appeal. The city secretary shall set a date for the hearing within 60 days after the date the appeal is filed.

(d) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.

(e) In deciding the appeal, the permit and license appeal board is limited to the issue of whether the apartment complex's crime index is greater than the crime risk threshold calculated for all registered apartment complexes in the city for the particular types of crime that qualified the apartment complex for designation under Section 27-50(a). The board shall affirm the decision of the chief of police if the board finds that the apartment complex's crime index exceeds the applicable crime risk threshold and shall reverse the chief of police's decision if the board finds that the crime index does not exceed the applicable crime risk threshold.

(f) The board's decision must be by a majority vote. Failure to reach a majority vote will leave the decision of the chief of police unchanged. The decision of the permit and license appeal board is final, and no rehearing may be granted.

**SEC. 27-54. PROPERTY INSPECTIONS.**

(a) After an apartment complex has been designated to participate in the mandatory crime reduction program, the chief of police shall inspect the apartment complex to:

(1) determine whether the apartment complex is in compliance with applicable city ordinances and state laws relating to public safety and security, including but not limited to requirements for locks, door viewers, signage, building numbering, and crime prevention addenda;

(2) evaluate what changes and improvements to the premises and operations of the apartment complex will assist in reducing the occurrence of crimes at the apartment complex; and

(3) determine whether the apartment complex is in compliance with this article.

(b) The chief of police is authorized at a reasonable time to inspect:

(1) the exterior of the apartment complex; and

(2) the interior of the apartment complex, if the permission of the owner, operator, property manager, or other person in control is given or a search warrant is obtained.

(c) The chief of police shall inspect a designated apartment complex at least twice during each period that the apartment complex is required to participate in the mandatory crime reduction program. The first inspection must be conducted for the purposes of Subsections (a)(1) and (a)(2), and the second inspection must be conducted for the purposes of Subsection (a)(3). Other inspections may be conducted as the chief of police deems necessary to the administration and enforcement of this article.

(d) The owner, operator, property manager, or person in control of an apartment complex commits an offense if, either personally or through an agent or employee, he refuses to permit a lawful inspection of the apartment complex as required by this section.

(e) Whenever an apartment complex is inspected by the chief of police and a violation of this article or any other city ordinance or state law applicable to the apartment complex is found, the apartment complex will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the chief of police to determine that the violation has been eliminated.

**SEC. 27-55. CONFERENCE WITH POLICE.**

(a) At least once during each period that an apartment complex is required to participate in the mandatory crime reduction program, the chief of police shall require a conference with the owner, operator, or property manager of a designated apartment complex to review:

- (1) the requirements of the mandatory crime reduction program;
- (2) the results of the chief of police's inspection of the apartment complex;
- (3) any voluntary recommendations for reducing crimes on and near the apartment complex; and
- (4) any other information the chief of police wishes to discuss at the conference.

(b) An owner, operator, or property manager of a designated apartment complex commits an offense if he fails to attend a scheduled conference after receiving notice of the conference from the chief of police.

**SEC. 27-56. PROGRAM FEE.**

(a) A program fee of \$250 will be charged to each designated apartment complex to defray the costs incurred by the chief of police in conducting inspections of the apartment complex, attending conferences with the owner, operator, or property manager of the apartment complex, and administering and enforcing the mandatory crime reduction program. A separate program fee is required each time an apartment complex is designated to participate in the mandatory crime reduction program.

(b) The owner, operator, or property manager of a designated apartment complex shall pay the program fee to the chief of police within 30 days after receiving notice of being a designated apartment complex.

(c) No refund of a program fee will be made.

**SEC. 27-57. MANDATORY REQUIREMENTS.**

(a) Within 30 days after receiving notice of being a designated apartment complex, the apartment complex must meet all of the requirements of this section, except Subsection (h) (fencing requirements). Subsection (h) (fencing requirements) must be met within 60 days after receiving notice of being a designated apartment complex. The chief of police may extend the deadlines of this subsection, in increments not exceeding 30 days each, upon a showing that the work cannot be performed within the required time period because of its scope and complexity.

(b) Trespass affidavits.

(1) An owner, operator, or property manager of the apartment complex shall execute a trespass affidavit, on a form provided by the chief of police for that purpose, that authorizes the police department to enforce, on behalf of the apartment complex, all applicable trespass laws on the premises of the apartment complex.

(2) A true and correct copy of the trespass affidavit must be posted at the apartment complex in a manner and location so that it is clearly visible to the public at all times.

(c) Background checks.

(1) A current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) must be obtained on all current and prospective employees of the apartment complex.

(2) A current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) must be obtained on all prospective tenants 18 years of age or older who apply for occupancy in the apartment complex on or after February 1, 2009.

(3) A current credit report must be obtained on all prospective tenants 18 years of age or older who apply for occupancy in the apartment complex on or after February 1, 2009.

(4) All records maintained on an employee or tenant in compliance with this subsection must be retained at the apartment complex for at least 90 days following the date of any termination of the employee's employment or the tenant's occupancy at the apartment complex.

(5) The owner, operator, or property manager of the apartment complex shall make all records maintained under this subsection available for inspection by a police officer at reasonable times upon request.

(d) Lighting.

(1) Security lighting must be provided, maintained, and operated so that it adequately illuminates all parking areas, walkways, stairs, steps, doorways, and garbage storage areas of the apartment complex to such a degree that the facial features of a person at least five feet tall are distinguishable from a distance of 35 feet.

(2) Security lighting must be in compliance with all applicable city ordinances and state law. If there is any conflict between Subsection (d)(1) of this section and another city ordinance or state law, the other law will prevail.

(e) Landscaping.

(1) No bush or shrub on the premises of the apartment complex may be taller than three and one-half feet.

(2) No tree on the premises of the apartment complex may have a canopy lower than six feet above the ground.

(3) All trees, shrubs, bushes, and other landscaping must be maintained in compliance with all applicable city ordinances and state law. If there is any conflict between Subsection (e)(1) or (e)(2) of this section and another city ordinance or state law, the other law will prevail.

(f) Locked common areas. All enclosed common areas of the apartment complex (including but not limited to laundry rooms, club rooms, and fitness rooms) must be kept locked and may only be accessed with a key, key card, key pad, or similar device.

(g) Key control plan. A description of the plan and procedures for storing and accessing keys, key cards, and key codes to dwelling units, enclosed common areas, and other facilities of the apartment complex must be filed with the chief of police.

(h) Fencing.

(1) The perimeter of the premises of a designated apartment complex must be enclosed with a fence that is at least six feet high, except that if a lower height is required by another city ordinance, the fence must be the maximum height allowed under the other city ordinance.

(2) Notwithstanding Subsection (h)(1) of this section, vehicular driveways and pedestrian walkways are not required to be fenced or gated, except that the combined width of openings in the fence for vehicular driveways and pedestrian walkways may not exceed 10 percent of the perimeter of the area of the property required to be fenced.

(3) All fencing must be maintained in compliance with applicable city ordinances and state law. If there is any conflict between Subsection (h)(1) or (h)(2) of this section and another city ordinance or state law, the other law will prevail.

(i) Pay phones. All pay phones on the premises of the apartment complex must be blocked to incoming calls or removed from the premises.

(j) Crime watch meetings.

(1) At least one crime watch meeting must be held each month on the premises of the apartment complex.

(2) The chief of police must be given at least 10 days advance notice of the meeting.

(k) Residential security survey.

(1) An owner, operator, or property manager of the apartment complex shall distribute a residential security survey, on a form provided by the chief of police, to each tenant of the apartment complex who is 18 years of age or older.

(2) The owner, operator, or property manager of the apartment complex shall file all returned surveys with the chief of police within 30 days after distribution.

**SEC. 27-58. MODIFICATION OF FENCING REQUIREMENTS.**

(a) The owner, operator, or property manager of a designated apartment complex may request a modification of the fencing requirements set forth in Section 27-57(h) by filing a written request with the city secretary not later than 10 days after receiving notice of:

(1) being designated for participation in a mandatory crime reduction program under Section 27-50; or

(2) having a previously-granted fencing modification revoked by the chief of police under Subsection (f) of this section.

(b) If a written request is filed under Subsection (a) with the city secretary within the 10-day limit, the permit and license appeal board shall consider the request. The city secretary shall set a date for the hearing within 45 days after the date the written request is filed.

(c) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.

(d) The permit and license appeal board shall grant the request for a fencing modification if it finds that:

(1) an existing fence or other barrier, or a proposed fence or other barrier, on the premises of the apartment complex will serve to deter and reduce crime at the apartment complex to the same extent as the fence required under Section 27-57(h); and

(2) the existing fence or barrier, or the proposed fence or barrier, complies with all other applicable city ordinances and state law.

(e) The board shall grant or deny the request for a fencing modification by a majority vote. Failure to reach a majority vote will result in denial of the request. The decision of the permit and license appeal board is final, and no rehearing may be granted.

(f) If the board grants the request for a fencing modification, the modification remains valid and does not have to be renewed each time an apartment complex is designated for participation in the mandatory crime reduction program, unless the chief of police revokes the fencing modification upon a determination that the modified fence or other barrier:

(1) fails to deter and reduce crime at the apartment complex to the same extent as the fence required under Section 27-57(h); or

(2) fails to comply with a city ordinance or state law applicable to fences.

(g) Upon revoking a fencing modification, the chief of police shall notify the owner, operator, or property manager of a designated apartment complex in writing of the revocation. The notice must include the reason for the revocation, the date the chief of police orders the revocation, and a statement informing the owner, operator, or property manager of the right to appeal the decision by filing a new request for a fencing modification in accordance with Subsection (a). The chief of police may not revoke a fencing modification under Subsection (f) sooner than six months after the modification is granted by the permit and license appeal board.

(h) The grant of a request for modification of the fencing requirements of Section 27-57(h) does not exempt a designated apartment complex from any other provision of this chapter or other applicable city ordinances or state law.”

SECTION 8. That CHAPTER 27 of the Dallas City Code, as amended, will 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 will take effect on February 1, 2009, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

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

Passed \_\_\_\_\_

LC/DCC/00454A

**ADDENDUM ITEM # 7**

**KEY FOCUS AREA:** Public Safety Improvements and Crime Reduction

**AGENDA DATE:** January 14, 2009

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Public Works & Transportation  
Aviation

**CMO:** Ramon F. Miguez, P.E., 670-3308

**MAPSCO:** 34E

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**SUBJECT**

Authorize **(1)** a contract with EAS Contracting, L.P., lowest responsible bidder of five, for the relocation of the north and west airfield lighting vaults in an amount not to exceed \$3,302,667; **(2)** ratification of the emergency repair and/or replacement of damaged equipment in the north lighting vault at Dallas Love Field in an amount not to exceed \$74,232; and **(3)** an increase in appropriations in the Federal Aviation Administration Airport Improvement Program Grant Fund for design, construction, testing, and other contract administration costs in an amount not to exceed \$4,109,653 - Total not to exceed \$3,376,899 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds (\$2,532,674) and Aviation Capital Construction Funds (\$844,225)

**BACKGROUND**

This action will authorize a contract with EAS Contracting, L.P. for the relocation of the north and west airfield lighting vaults and ratify the emergency repair and/or replacement of damaged equipment in the North Lighting Vault at Dallas Love Field.

The relocation of the North and West Airfield Lighting Vaults is an enabling project of the Love Field Modernization Program (LFMP). The North Vault must be completed by June 2009 in order to maintain the LFMP schedule. While the West Vault is not on the critical path, it is being relocated under the same contract to gain economies of scale. The term sheet with Southwest Airlines for the development of the LFMP, approved by the Dallas City Council on June 25, 2008, established the responsibility of the City to relocate these vaults to enable the demolition of the concourses.

**BACKGROUND** (Continued)

On August 23, 2008, a fire in the North Airfield Lighting Vault destroyed two (2) of the fourteen (14) electrical regulators and damaged the associated wiring. This vault serves the east side of Love Field, including Runway 13L / 31R and adjacent taxiways. The loss of taxiway and runway lighting and signage on the east side of the airfield presents a potentially dangerous safety hazard to aircraft using these taxiways. In addition, loss of taxiway airfield lighting and signage shuts down the east side of the airport for nighttime operations. Since EAS Contracting, L.P. is currently working at Love Field and has knowledge of the north airfield lighting electrical composition, a requested proposal to restore services to all runway, taxiways and signage on an emergency basis is included in this contract. EAS Contracting, L.P., with their expertise in airport electrical lighting and signage, was able to provide a quick solution to avert an extended down time of the lighting and signage. The contractor was instructed to provide emergency repairs of the regulators and associated wiring on a temporary basis due to the fact that the North Concourse demolition will begin in Summer 2009.

On December 4, 2008, there was another fire in the temporary location of the North Airfield Lighting Vault. Four lighting regulators were damaged by fire, of which two were beyond repair. The fire started in one regulator which heated the cable tray above to the point where it burned in half and fell on top of the burning regulator which shorted out the three regulators downstream from it. The Aviation Department staff were able to provide temporary power to the Runway and Taxiways lighting affected by the fire. EAS was able to reactivate the remaining circuits affected by the fire.

This matter has been referred to Risk Management to investigate the possibility of recovering the costs incurred by the Department of Aviation in the post-fire restoration of the North Airfield Lighting Vault.

The Federal Aviation Administration (FAA) will participate in an amount equal to 75% of the total eligible construction costs for the relocation of the Airfield Lighting Vaults and fire restoration repairs.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	November 2008
Completed Design	December 2008
Begin Construction	February 2009
Complete Construction (West Vault)	December 2009

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

Authorized Supplemental Agreement No. 14 to the contract with Jacobs Engineering Group, Inc. (formerly Carter & Burgess, Inc.) for additional design services for the preparation of construction drawings and specifications and the construction administration services for the relocation of the airfield lighting vaults at Dallas Love Field on December 10, 2008, by Resolution No. 08-3362.

**FISCAL INFORMATION**

Federal Aviation Administration Airport Improvement Program Grant Funds - \$2,532,674.25  
Aviation Capital Construction Funds - \$844,224.75

Construction	\$3,302,667
Emergency Repairs to North Vault	<u>\$ 74,232</u>
Subtotal	\$3,376,899
Design by Consultant (Jacobs)	\$ 159,707
Construction Administration by Consultant	\$ 163,047
Administration by City Personnel	\$ 110,000
Construction Testing	<u>\$ 300,000</u>
Subtotal	\$ 732,754
Total Project Cost	\$4,109,653

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

EAS Contracting, L.P.

Hispanic Female	0	Hispanic Male	67
African-American Female	0	African-American Male	14
Other Female	0	Other Male	1
White Female	5	White Male	39

## **BID INFORMATION**

The following bids were received and opened on December 4, 2008, for the Relocation of the North and West Airfield Lighting Vaults at Dallas Love Field:

\* Denotes successful bidder.

<b><u>Bidder</u></b>	<b><u>Base Bid</u></b>	<b><u>Alternate Nos. 1 &amp; 2**</u></b>	<b><u>Total Bid</u></b>
*EAS Contracting, L.P. 2941 Trade Center Dr. Suite 200 Carrollton, TX 75007	\$2,469,069	\$ 833,598	\$3,302,667
Phillips/May Corporation	\$2,943,333	\$ 995,000	\$3,938,333
Hill & Wilkinson, Ltd.	\$4,457,000	\$1,446,000	\$5,903,000
Key Construction Texas, LLC	\$4,938,000	\$1,471,238	\$6,409,238
Henry Building, Inc.	\$5,396,000	\$1,256,730	\$6,652,730

\*\*Alternate No. 1: LED Light Fixtures - North Vault

\*\*Alternate No. 2: Replacement of Guidance Signs

## **OWNERS**

### **EAS Contracting, L.P.**

Carroll Edwards, President  
Lawrence Pinzel, Vice President

## **MAP**

Attached.

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize **(1)** a contract with EAS Contracting, L.P., lowest responsible bidder of five, for the relocation of the north and west airfield lighting vaults in an amount not to exceed \$3,302,667; **(2)** ratification of the emergency repair and/or replacement of damaged equipment in the north lighting vault at Dallas Love Field in an amount not to exceed \$74,232; and **(3)** an increase in appropriations in the Federal Aviation Administration Airport Improvement Program Grant Fund for design, construction, testing, and other contract administration costs in an amount not to exceed \$4,109,653 - Total not to exceed \$3,376,899 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds (\$2,532,674) and Aviation Capital Construction Funds (\$844,225)

EAS Contracting, L.P. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$418,669.71	12.40%
Total non-local contracts	\$2,958,229.29	87.60%
<b>TOTAL CONTRACT</b>	<b>\$3,376,899.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

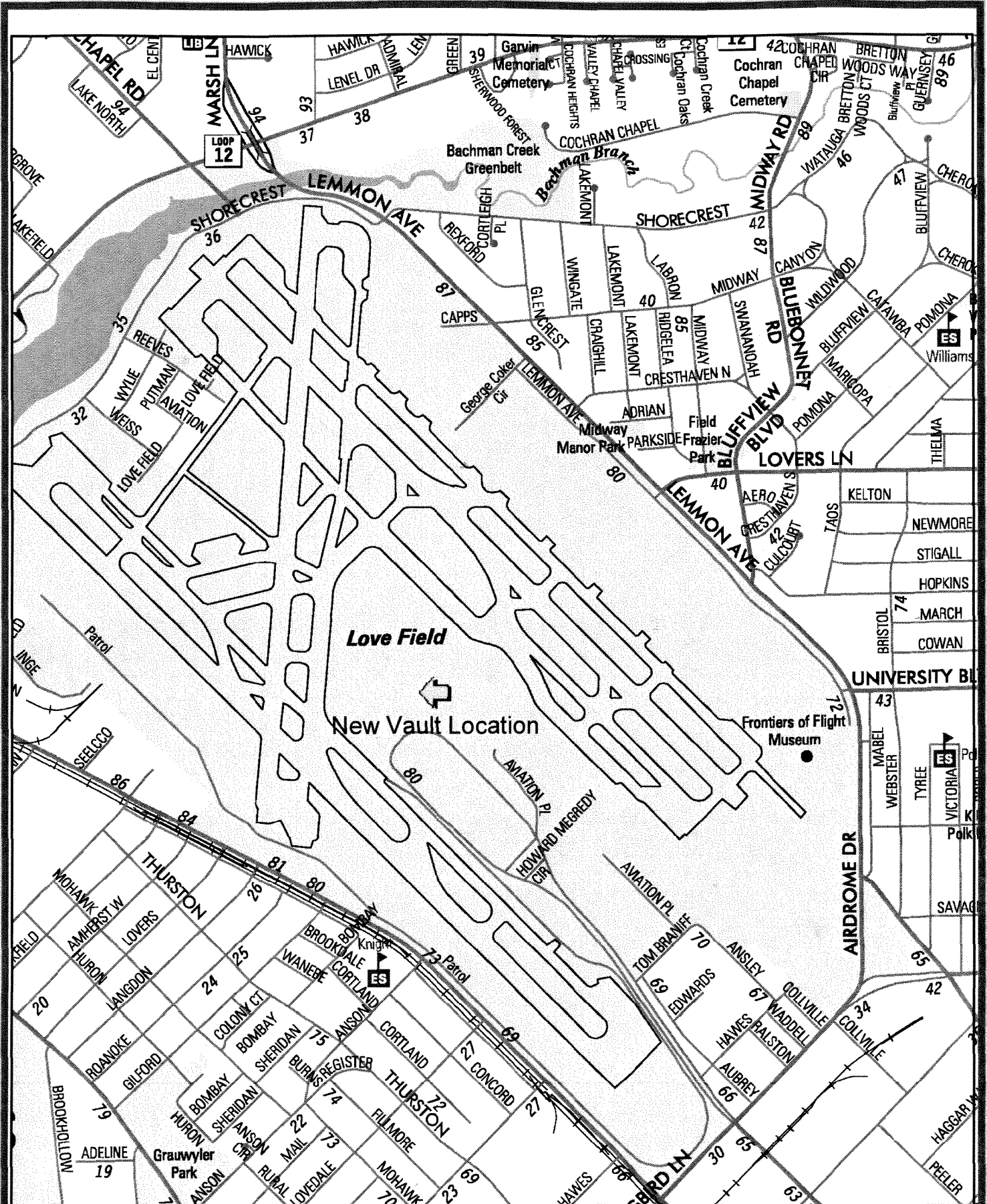
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Copeland Concrete Contractor, Inc.	BMDB33605Y0208	\$108,369.00	25.88%
Flores Technical Services, Inc.	HMDB38535Y0909	\$39,530.71	9.44%
Masonry/Stucco Services	WFDB34564Y0809	\$89,500.00	21.38%
<b>Total Minority - Local</b>		<b>\$237,399.71</b>	<b>56.70%</b>

#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Airport Lighting Systems, Inc.	WFDB35800Y1108	\$913,578.82	30.88%
<b>Total Minority - Non-local</b>		<b>\$913,578.82</b>	<b>30.88%</b>

**TOTAL M/WBE CONTRACT PARTICIPATION**

	<b><u>Local</u></b>	<b><u>Percent</u></b>	<b><u>Local &amp; Non-Local</u></b>	<b><u>Percent</u></b>
African American	\$108,369.00	25.88%	\$108,369.00	3.21%
Hispanic American	\$39,530.71	9.44%	\$39,530.71	1.17%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$89,500.00	21.38%	\$1,003,078.82	29.70%
Total	<u>\$237,399.71</u>	<u>56.70%</u>	<u>\$1,150,978.53</u>	<u>34.08%</u>



Dallas Love Field Airfield Lighting Vault Replacement





January 14, 2009

**WHEREAS**, the North and West Electrical Vaults at Dallas Love Field will require relocation in conjunction with the schedule set forth for the Love Field Modernization Program; and,

**WHEREAS**, on December 10, 2008, Resolution No. 08-3362 authorized Supplemental Agreement No. 14 to the contract with Jacobs Engineering Group, Inc. (formerly Carter & Burgess, Inc.) for additional design services for the preparation of construction drawings and specifications and the construction administration services for the relocation of the airfield lighting vaults at Dallas Love Field; and,

**WHEREAS**, bids were received on December 4, 2008 for the construction of the new electrical vault at Dallas Love Field as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate Nos. 1 &amp; 2**</u>	<u>Total Bid</u>
*EAS Contracting, L.P. Carrollton, TX 75007	\$2,469,069	\$ 833,598	\$3,302,667
Phillips/May Corporation	\$2,943,333	\$ 995,000	\$3,938,333
Hill & Wilkinson, Ltd.	\$4,457,000	\$1,446,000	\$5,903,000
Key Construction Texas, LLC	\$4,938,000	\$1,471,238	\$6,409,238
Henry Building, Inc.	\$5,396,000	\$1,256,730	\$6,652,730

\*\*Alternate No. 1: LED Light Fixtures - North Vault

\*\*Alternate No. 2: Replacement of Guidance Signs

and,

**WHEREAS**, it is now desirable to authorize a contract with EAS Contracting, L.P. for the relocation of the north and west airfield lighting vaults (\$3,302,667); ratify the emergency repair and/or replacement of damaged equipment in the north lighting vault at Dallas Love Field (\$74,232) for a total contract in an amount not to exceed \$3,376,899; and an increase in appropriations for design, construction, testing, and other contract administration costs in an amount not to exceed \$4,109,653 in the Federal Aviation Administration Airport Improvement Program Grant Fund.

**Now, Therefore,**

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

January 14, 2009

**Section 1.** That the City Manager is hereby authorized to enter into a contract with EAS Contracting, L.P. for the relocation of the north and west airfield lighting vaults (\$3,302,667) and for the emergency repair and/or replacement of damaged equipment in the north lighting vault at Dallas Love Field (\$74,232) in an amount not to exceed \$3,376,899.

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

**Section 3.** That the City Manager is hereby authorized to establish appropriations for the total project cost, which includes design cost, construction, testing, and contract administration, in an amount not to exceed \$4,109,653, in the Aviation Airport Improvement Program Grant Fund F233, Department AVI, Unit P515, Obj. 4599.

**Section 4.** That the City Controller is hereby authorized to transfer 25% of the total cost, which is the City's matching share of the total cost, from the Aviation Capital Construction Fund 0131, Department AVI, Balance Sheet Account 0001 (Cash Account), to the Aviation AIP Grant Fund F233, Department AVI, Balance Sheet 0001 (Cash Account).

**Section 5.** That the City Controller is hereby authorized to transfer 75% of the total eligible cost reimbursement from the FAA to the Aviation AIP Grant Fund F233, Unit P515, Act. AAIP, Revenue Source 9907. (A future AIP Grant No. 34 will be applied for in the first quarter of 2009.)

**Section 6.** That the City Controller is hereby authorized to transfer 100% of the design and construction administration services cost incurred (A) in the Aviation Capital Construction Fund 0131, Department AVI, Unit 8735, Obj. 4111 and (B) in the Aviation Capital Construction Fund 0131, Department AVI, Unit LFMP, Obj. 4111 to the Aviation AIP Grant Fund F233, Department AVI, Obj. 4111.

**Section 7.** That the City Controller is hereby authorized and directed to encumber an amount not to exceed \$3,376,899 to be paid to EAS Contracting, L.P. out of the Aviation AIP Grant Fund F233, to be paid upon approval of invoice by the Director of Aviation, as follows:

Aviation Airport Improvement Program Grant Fund  
Fund F233, Department AVI, Unit P515, Obj. 4599, Act. AAIP  
Program #F233-P515, Major Program #AVP515, CT AVIF233EAS,  
Comm. 91200  
Vendor #518115, in an amount not to exceed           \$3,376,899

January 14, 2009

**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.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101  
Public Works and Transportation, Bill Morris, OCMC, Room 321  
City Attorney  
Aviation  
Office of Financial Services  
City Controllers Office, Sherrian Parham, 4BN

