

QUALITY OF LIFE, ARTS & CULTURE COMMITTEE
DALLAS CITY COUNCIL COMMITTEE AGENDA

RECEIVED

2019 FEB 20 AM 8:57

CITY SECRETARY
DALLAS, TEXAS

MONDAY, FEBRUARY 25, 2019
CITY HALL
COUNCIL BRIEFING ROOM, 6ES
1500 MARILLA STREET
DALLAS, TEXAS 75201
9:00 A.M. – 11:00 A.M.

Chair, Councilmember Sandy Greyson
Vice-Chair, Councilmember Mark Clayton
Councilmember Rickey D. Callahan
Councilmember Jennifer S. Gates
Councilmember Scott Griggs
Councilmember B. Adam McGough
Councilmember Omar Narvaez

Call to Order

1. February 11, 2019 Minutes

BRIEFINGS

2. Neighborhood Forest Overlay
Kris Sweckard
*Director, Sustainable Development
& Construction*
3. Cultural Organizations Program
FY 2019-20 Guidelines
Jennifer Scripps
Director, Office of Cultural Affairs

4. **INFORMATIONAL MEMORANDUMS**

Proposed supplemental agreement with FCC, S.A. for the operation and management of the City's Material Recovery Facility

5. Proposed Special Events Ordinance – Chapter 42A - Update

6. **Upcoming Agenda Items**

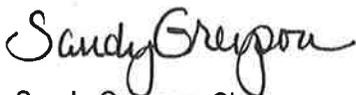
February 27, 2019

- A. Draft Agenda Item - An ordinance amending Chapter 42A, "Special Events" and Chapter 29A, "Neighborhood Farmers Market" of the Dallas City Code by **(1)** reserving Chapter 29A and rewriting Chapter 42A; **(2)** providing regulations for special events, commercial filming activities, neighborhood markets, and streetlight pole banners; **(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 -Financing: No cost consideration to the City (see Fiscal Information)

A quorum of the City Council may attend this Council Committee meeting

- B. Draft Agenda Item - Authorize a ten-year agreement with the Dallas Parks Foundation for the maintenance of Harry Hines Triangle, a park that is approximately 0.08 acres in size, located at 2402 Harry Hines Boulevard - Financing: This action has no cost consideration to the City (see Fiscal Information)
- C. Draft Agenda Item - Authorize **(1)** application of four candidate projects to the North Central Texas Council of Governments through the Transportation Alternatives Set-Aside Program for cost reimbursement in the Active Transportation Project category for the proposed: Five Mile Creek Trail Project, the Trinity Skyline Trail Link Project, the Cotton Belt Trail Project, Segments CB18 and CB20, and the proposed SoPac Trail Access and Safety Enhancement Project; and **(2)** a required local match not to exceed \$1,663,587.00 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)
- D. Draft Agenda Item - A resolution authorizing and establishing the Cultural Organizations Program within the Office of Cultural Affairs to support cultural services in the City of Dallas and approving the program guidelines - Financing: This action has no cost consideration (see Fiscal Information)
- E. Draft Agenda Item - Authorize **(1)** a development and funding agreement with the Circuit Trail Conservancy (CTC), a Texas non-profit organization, for the purpose of assisting with the funding, land acquisition, design and construction of hike and bike trails on the remaining undeveloped 10 miles of The Loop, comprised of the Circuit Trail Connection, Trinity Forest Spine Trail, the Trinity Gateway and Trinity Skyline Trail Links (collectively hereinafter referred to as "Project"); **(2)** the receipt and deposit of funds in an amount not to exceed \$10,000,000.00 from the CTC in the Circuit Trail Conservancy Fund; **(3)** establishment of appropriations in an amount not to exceed \$10,000,000.00 in the Circuit Trail Conservancy Fund; **(4)** a match in the amount of \$10,000,000.00 from the Park and Recreation Facilities (B) Fund (2017 Bond Funds); **(5)** execution of the development and funding agreement and all terms, conditions and documents required by the agreement; and **(6)** the disbursement of funds to the U.S. Army Corps of Engineers for work on the Trinity Forest Spine Trail South in an amount not to exceed \$3,500,000.00 from the Circuit Trail Conservancy Fund and in an amount not to exceed \$3,500,000.00 from the Park and Recreation Facilities (B) Fund (2017 Bond Funds) - Total not to exceed \$20,000,000.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds) (\$10,000,000.00) and Circuit Trail Conservancy Fund (\$10,000,000.00)

Adjourn



Sandy Greyson, Chair
Quality of Life, Arts & Culture Committee

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

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

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

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]

Quality of Life, Arts & Culture Committee Meeting Record

Meeting Date: February 11, 2019

Convened: 9:13 AM

Adjourned: 10:38 AM

Members Present:

Sandy Greyson (Chair)
Mark Clayton (Vice-Chair)
Rickey D. Callahan
Jennifer S. Gates
Scott Griggs
B. Adam McGough
Omar Narvaez

Members Absent:

Council Members Present:
Philip Kingston

Briefing Presenters

Rosa Fleming
Interim Director, Convention and Event Services

Louise Elam
Asst. Director, Park and Recreation

Willis Winters
Director, Park and Recreation

Staff Present:

Doris Bridges; Casey Burgess; Benjamin Espino; David Fisher; Rick Galceran; Juan Garcia; Anna Gonzalez; Falecia Jackson; David Mills; Mike Oaks; Yldefonso Rodriguez; Jennifer Scripps; Donna Taylor; Beverly Whittet; Emily Worland; Joey Zapata

Guests:

AGENDA:

1. **Approval of the January 28, 2019 Minutes**

Information Only:

Action Taken/Committee Recommendation(s): A motion was made to approve the minutes of January 28, 2019

Motion made by: Rickey D. Callahan

Motion seconded by: B. Adam McGough

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

2. **Proposed Changes to Permitting for Special Events**

Presenter(s): Rosa Fleming, Interim Director, Convention and Event Services

Information Only:

The Committee was briefed on the Proposed Changes to Permitting for Special Events.

Action Taken/Committee Recommendation(s):

The Committee discussed:

- The need for additional discussion with the film industry and report to Committee before item goes to Council on February 27, 2019
- The streamlined process and easier permitting for neighborhood groups to host events
- A request for follow-up information regarding film permitting requirements for journalistic use
- Creating standardized race routes for marathons and runs
- A motion was made to move forward to full Council on February 27

Motion made by: Rickey D. Callahan

Motion seconded by: Jennifer S. Gates

Item passed
unanimously:

Item passed on a divided vote:

Item failed
Motion opposed by:

Item failed on a divided vote:

3. Circuit Trail Conservancy Development and Funding Agreement for The Loop

Presenter(s): Louise Elam, Asst. Director, Park and Recreation; Willis Winters, Director, Park and Recreation

Information Only:

The Committee was briefed on the Circuit Trail Conservancy Development and Funding Agreement for The Loop.

Action Taken/Committee Recommendation(s):

The Committee discussed:

- The need for additional trails to connect neighborhoods to this loop trail system
- Clarification on the status of land acquisition for the completion of these 4 trails and if eminent domain would be used
- Including Parkdale Lake and create a loop trail around it
- A request for additional information on trail side development guidelines
- A motion was made to move forward to full Council

Motion made by: Rickey D. Callahan

Motion seconded by: Sandy Greyson

Item passed
unanimously:

Item passed on a divided vote:

Item failed
Motion opposed by:

Item failed on a divided vote:

4. **Upcoming Agenda Items**

Presenter(s):

Information Only:

Information about the upcoming items was included in the briefing materials.

Action Taken/Committee Recommendation(s): Upcoming Agenda Items were moved forward to full Council.

Staff discussed how the newly adopted Cultural Plan the use of 2006 Bond funds to design and build a multiform theater at the Latino Cultural Center. The Committee discussed the new policy and whether there would be sufficient funding for construction.

The Committee sought clarification if the new labor contract would adopt and index the current wage floor.

A motion was made to move items forward to full Council.

Motion made by: Sandy Greyson

Motion seconded by: Rickey D. Callahan

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

Councilmember Sandy Greyson
Chair

Memorandum



CITY OF DALLAS

DATE February 20, 2019

TO Honorable Members of the Quality of Life, Arts and Culture Committee

SUBJECT **Neighborhood Forest Overlay**

On Monday, February 25, 2019, the Committee will be briefed on the proposed amendments to the Dallas Development Code to create a new zoning overlay called a Neighborhood Forest Overlay. The City Plan Commission recommended approval of the amendments on January 17, 2019. The briefing material is attached for your review.

Please feel free to contact myself or Kris Sweckard, Director of the Department of Sustainable Development and Construction, if you have any questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Majed A. Al-Ghafry'.

Majed A. Al-Ghafry, P.E.
Assistant City Manager

[Attachment]

c: Honorable Mayor and Members of the City Council
T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Carol A. Smith, City Auditor (Interim)
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
Directors and Assistant Directors

Neighborhood Forest Overlay

Quality of Life, Arts &
Culture Committee

February 25, 2019

Kris Sweckard, Director
Sustainable Development
and Construction
Department



City of Dallas

Presentation Overview

- Purpose
- Background
- Proposal
- Next Steps
- Appendix

Purpose

- Brief the Committee on proposed amendments to the Dallas Development Code to create regulations for a new overlay called a Neighborhood Forest Overlay.
- Seek Committee approval to forward amendments to City Council for consideration.

Background

- The concept of a Neighborhood Forest Overlay originated at ZOAC meetings during the amendment of ARTICLE X. LANDSCAPE AND TREE CONSERVATION REGULATIONS.
- During Council consideration and approval of Article X, direction to create regulations for a Neighborhood Forest Overlay was given.
- Zoning Ordinance Advisory Committee (ZOAC) considered this item at four public meetings between September and November, and on November 15, 2018, recommended the proposal move to City Plan Commission.
- On January 17, 2019, City Plan Commission (CPC) recommended approval of the amendment.

Background

- Currently, the tree conservation and mitigation regulations in the Urban Forest Conservation division of Article X do not apply to:
 - lots smaller than two acres in size that contain single-family or duplex uses in residential districts.
 - the unrestricted zone on vacant lots in residential districts.

Proposal

- A Neighborhood Forest Overlay (NFO) is a neighborhood driven process that allows the neighborhood to establish regulations to conserve and maintain the urban forest within the boundaries of the overlay.

Proposal

- Tree Conservation Area
 - When creating a Neighborhood Forest Overlay, the neighborhood will select the area of tree protection, or tree conservation area, from the following options:
 1. Front yard setback
 2. Front yard to structure
 3. Front, side, and rear yard setbacks
 4. Entire lot

Proposal

- Additional options
 - Additional options may be elected by the neighborhood.
 1. Tree canopy cover goal
 2. Lots must maintain a designated number of trees in the front yard
 - These options, if elected, are only applicable should a property owner remove trees that would require mitigation.

Proposal

- Site Assessment Plan must be submitted to the building official prior to:
 - any development, construction activity, or disturbance of an area that may affect trees within the tree conservation area,
 - a tree removal application, or
 - permits for construction or grading.

Proposal

- Structure Proximity Area
 - A five foot buffer around a dwelling unit, called the Structure Proximity Area, will be observed within all NFOs.
 - Mitigation for the removal of trees is not required for qualifying trees within the Structure Proximity Area.
 - An approved tree removal application is required.

Proposal

- Tree Removal
 - Protected trees removed within the Tree Conservation Area require replacement.
- Tree Replacement
 - Applicable methods of tree replacement within an NFO are listed below:
 1. Replacement and mitigation on the site of removal
 2. Replacement by legacy tree
 3. Replacement on other property
 4. Payment into reforestation fund

Proposal

- Process to Establish an NFO
 - Representatives from the neighborhood submit to the Sustainable Development and Construction Department:
 - A form signed by the owners of at least 10 properties within the proposed overlay area.
 - A map of the area to be considered
 - Those who sign the form become the Neighborhood Committee.

Proposal

- Process
 - NFO area requirements:
 - Must contain at least 50 lots in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 lots.
 - May contain as few as 10 lots if lots are alongside a *primary natural area* or if the lots maintain a current forest cover of mature large and medium trees, including significant trees, or trees established prior to the original subdivision.
 - Boundary lines to be drawn to include blockfaces and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, or zoning boundary line. Boundary lines that split blockfaces in two should be avoided.

Proposal

- Process
 - After a committee form is received, staff:
 - Reviews proposed boundaries and verifies compliance with ordinance requirements.
 - Meets with the Neighborhood Committee to explain roles and responsibilities.
 - Outlines options available to Neighborhood Committee and educates the committee on the process.

Proposal

- Process
 - Staff holds a neighborhood meeting and explains:
 - What an NFO is and what it can do
 - Options for regulations in the NFO
 - Process to establish an NFO
 - Property owners have the opportunity to ask questions and discuss the potential regulations, options and process.
 - Staff provides a petition for every property in the proposal area to the Neighborhood Committee, which includes the following elements:
 - Map of area
 - A list of the names and addresses of the Neighborhood Committee members
 - Tree Conservation Area and Options proposed

Proposal

- Process
 - The Neighborhood Committee has 3-6 months from the date the petitions are provided to collect signed petitions and submit them to staff.
 - The elected tree conservation area option will determine the percentage of property owner signatures required for an application to be accepted:
 - Option 1 (Front yard setback) and Option 2 (Front yard to structure) require signatures from 60% of property owners within the NFO.
 - Options 3 (Front, side, and rear yard setbacks) and 4 (Entire lot) require signatures from 70% of property owners within the NFO.
 - The application fee is waived if petitions are signed by 75% or more of the property owners within the proposed overlay.

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Proposal

- Process
 - Staff verifies signed petitions and places the NFO request on the City Plan Commission agenda for public hearing
 - City Plan Commission meeting and public hearing
 - City Council votes on establishing an NFO at public hearing
 - Upon establishment of an NFO, each lot would be filed in the county deed records to give notice of the regulations imposed

Next Steps

- Schedule for City Council consideration.

Neighborhood Forest Overlay

Quality of Life Committee

February 25, 2019

Kris Sweckard, Director
Sustainable Development
and Construction
Department



City of Dallas

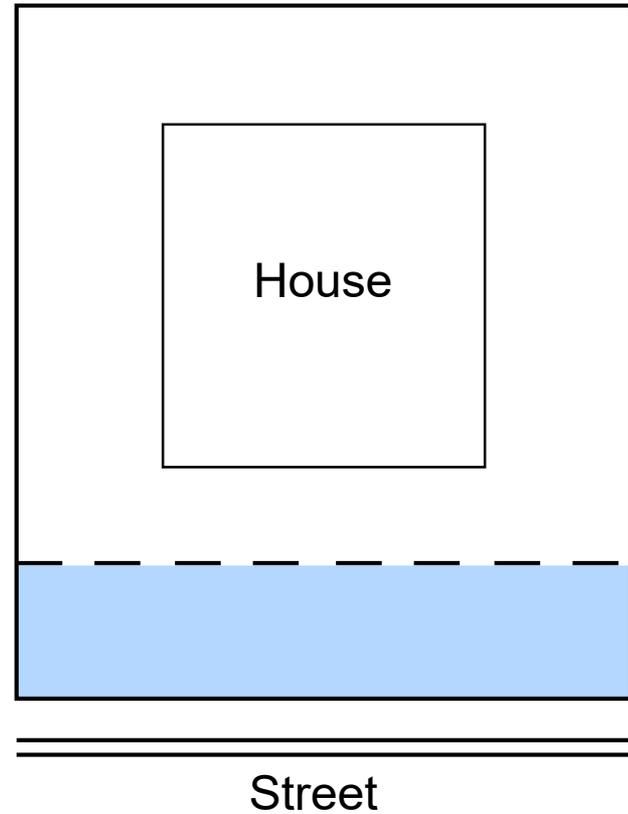
Appendix

Option #1: Front yard setback

Front Yard Setback →

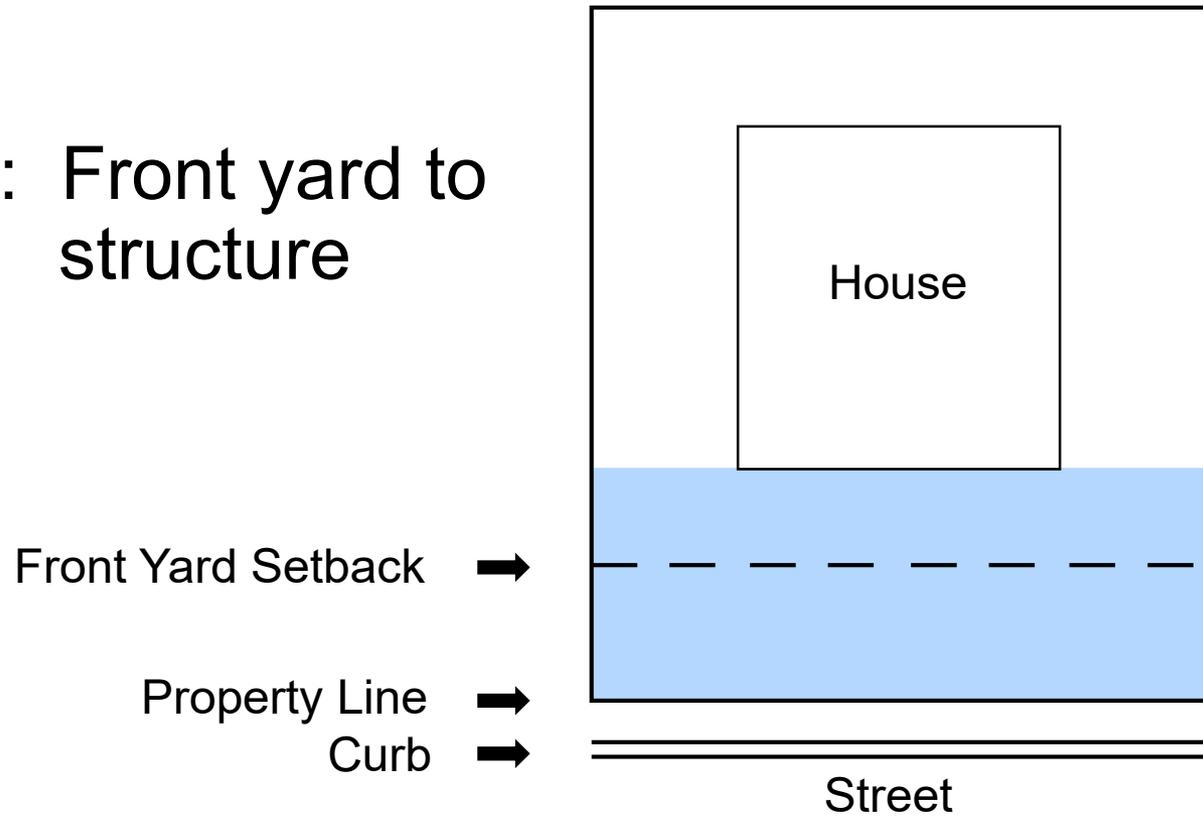
Property Line →

Curb →



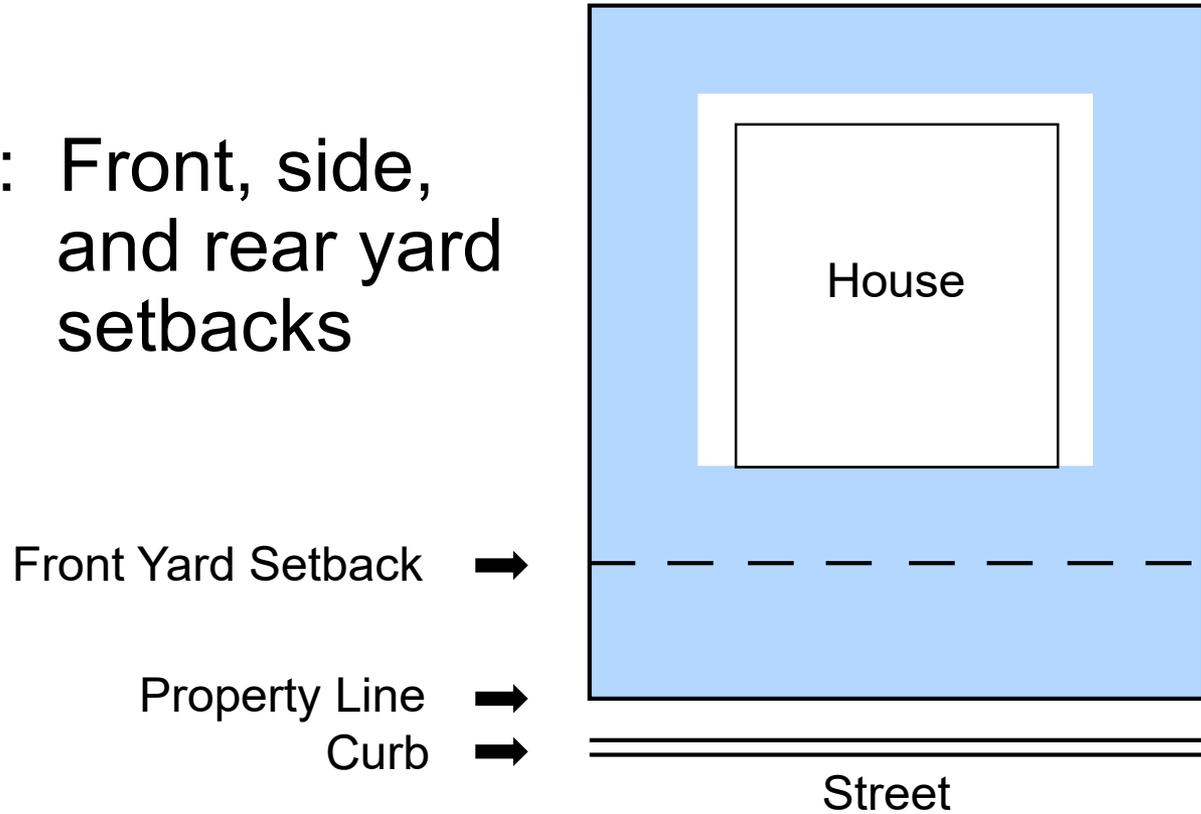
Appendix

Option #2: Front yard to structure



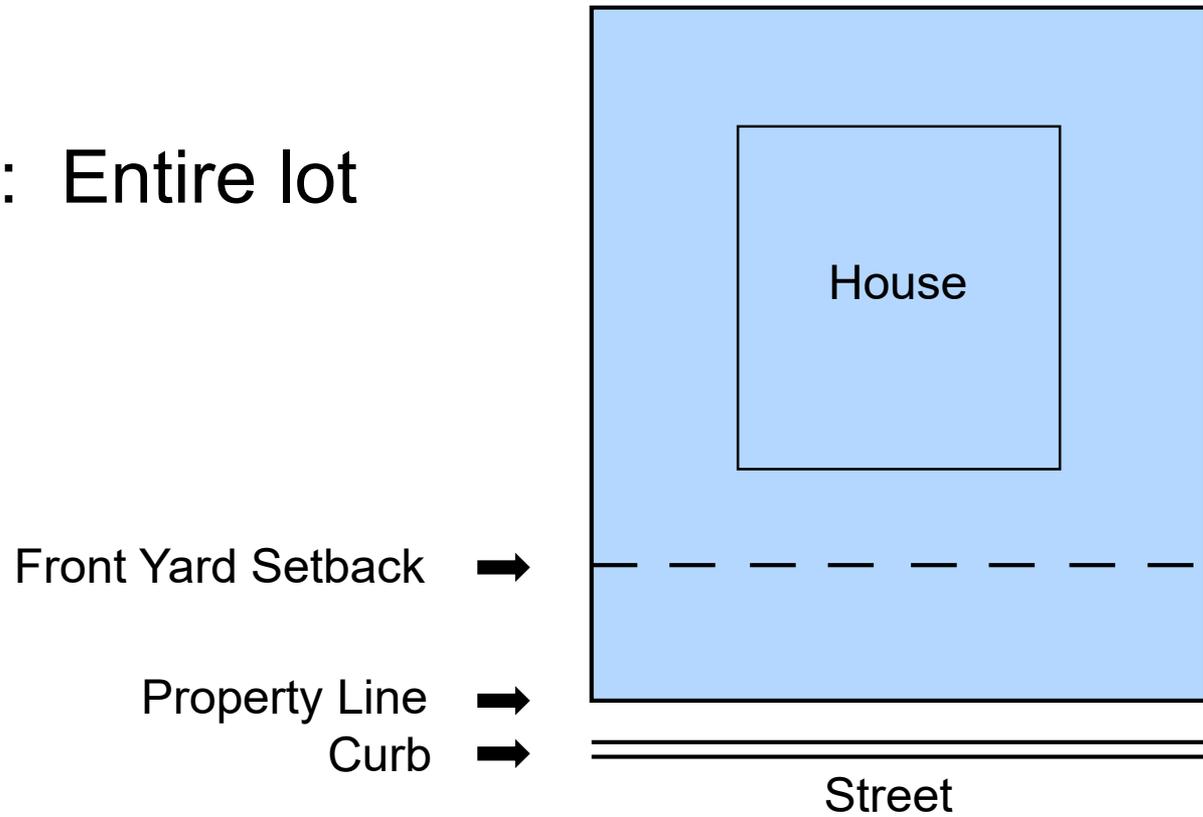
Appendix

Option #3: Front, side, and rear yard setbacks



Appendix

Option #4: Entire lot



Memorandum



CITY OF DALLAS

DATE February 20, 2019

TO Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scott Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Cultural Organizations Program FY 2019-20 Guidelines**

On Monday, February 25, 2019, you will be briefed on the Cultural Organizations Program FY 2019-20 Guidelines.

The briefing materials are attached for your review.

Please feel free to contact me if you have any questions or concerns.

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney (I)
Carol Smith, City Auditor (I)
Billieae Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager

Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
Directors and Assistant Directors

Cultural Organizations Program FY 2019-20 Guidelines

Quality of Life, Arts & Culture Committee
February 25, 2019

Jennifer Scripps, Director
Office of Cultural Affairs



City of Dallas

Purpose

- Review updates to the FY 2019-20 Cultural Organizations Program guidelines (attached) based on direction from the *Dallas Cultural Plan 2018*



Background

- The Cultural Organizations Program (“C-O-P”) provides cultural support funding annually to established Dallas-based nonprofit arts and cultural organizations and institutions for general operating expenditures, including artistic and administrative expenses, directly related to a year-long program of events and cultural services
 - Supports 34 cultural organizations in FY 2018-19
 - Approximately \$4.9 million budget annually since FY 2015-16
 - Total combined attendance of over 4.5 million annually

Background

- Organizations apply annually, are scored by community review panels, and are recommended for funding through the Allocations Committee of the Arts and Culture Advisory Commission, and by the full Arts and Culture Advisory Commission
 - Community review panelists recommended by the Arts and Culture Advisory Commission upon nomination by interested members of the public, the Public Art Committee, the Arts and Culture Advisory Commission, and City Staff (Dallas Cultural Policy Section 3(C))
- City Council provides final authorization for the City Manager to enter into cultural services contracts

Background

- The *Dallas Cultural Plan 2018* and updated Cultural Policy were adopted following a year-long cultural planning effort
 - In-depth regional, national and international research conducted
 - Engagement across every zip code and district in Dallas
 - Analysis of existing City plans and collaboration with Dallas residents, artists, organizations, and City leaders
 - Nearly 9,000 residents engaged in the process
- Six priorities guiding more than 100 initiatives to be implemented over the next 7-10 years:
 - Equity, Diversity, Space, Support For Artists, Sustainable Arts Ecosystem, Communications ⁵



Updates to the COP Guidelines

- Updated OCA vision and mission statement in the COP Guidelines based on the *Dallas Cultural Plan 2018* and Cultural Policy
 - Commitment to Cultural Equity
 - Five-year goals to advance equity, diversity and inclusion – specifically related to board and staff diversity
 - Expanding access to events citywide
 - Updated funding limits

Updates to the COP Guidelines

- Scoring updated to encourage community programming and neighborhood outreach
 - The *Dallas Cultural Plan 2018* worked to address historical inequities in past policies and expanding access to events citywide
- Goal: for organizations funded through COP,
 - 100% of organizations have board-approved safe workplace policies (including, but not limited to, anti-discrimination and anti-harassment policies)
 - 100% of organizations have a policy and measurable goals related to equity, diversity and inclusion that is board-approved and published on their website
 - Board diversity goals established in Cultural Plan

COP Guidelines Scoring

- Review Panel – 70 Points
 - Quality of Services (35 points)
 - The organization exhibits a commitment to high quality standards in its artistic and cultural services and programming for Dallas residents and visitors.
 - Impact of Community Programming and Neighborhood Outreach (20 Points)
 - **NEW: The organization has a broad and significant impact on the residents of Dallas by direct neighborhood/community outreach or an intentional inclusion and involvement of underserved populations and/or outlying neighborhoods/communities at a headquarters location.**
 - Overall (15 points)
 - The overall evaluation of the organization. The organization demonstrates a benefit to the residents and visitors of Dallas through a strong application and panel presentation.

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COP Guidelines Scoring

- OCA Staff Administrative Scoring – 30 Points
 - Contract Compliance & Financial Viability (8 pts)
 - Monthly Reports (*IRS Non-Profit Letter*)
 - Audit Submission (*Audit or Form 990 Submission*)
 - Fundraising expense percentage
 - Change in unrestricted net assets
 - Organization Program Management (8 pts)
 - Services and Attendance
 - Organization Board Governance (2 pts)
 - Adherence to Updated Cultural Policy Diversity Criteria (12 pts)
 - Board and Staff Diversity
 - Equity, Diversity & Inclusion Policy

Administrative Scoring Process

- OCA is discussing assignment of equity, diversity and inclusion scoring of COP applications to the City's Office of Business Diversity
 - Mirror the City's goals and approach
 - Provide focused expertise
 - Allow OCA to focus on the cultural services
 - Provide additional resource to our cultural partners
- The Office of Business Diversity may also provide Equity, Diversity, and Inclusion (ED&I) training to cultural organizations

FY 2019-20 COP Timeline/Schedule

	Date	Event
Guidelines	January 15, 2019	Allocations Committee briefing on guidelines
	January 17, 2019	Arts & Culture Advisory Commission briefing on guidelines
	February 12, 2019	Allocations Committee final recommendation of guidelines to ACAC
	February 21, 2019	Arts & Culture Advisory Commission vote on guidelines
	February 25, 2019	Quality of Life Committee briefing on guidelines
	February 27, 2019	City Council Vote on guidelines
Applications and Review	March 4, 2019	FY 2019-20 COP Online Application Opens
	April 19, 2019	FY 2019-20 COP Application Closes at 11:59 PM
	May 14-17, 2019	COP Panel Presentations
	June-August 2019	COP Application Review/Funding Levels – Allocations Committee
	September 2019	COP funding recommendations made by Arts & Culture Advisory Commission and approved by City Council
Contracts and Compliance	October 2019	COP contracts executed with funded organizations
	January 2020	COP organizations eligible to receive first payment (if compliance and insurance requirements are met)
	April 15, 2020	COP organizations eligible to receive second payment (if compliance and insurance requirements are met)
	September 30, 2020	End of FY 2019-20 and COP contract period
	October 15, 2020	COP Final Reports due for FY 2019-20
	November 15, 2020	COP Final Monthly Report due for FY 2019-20
		COP organizations are eligible to receive final payment after FY 2019-20 Final Report and Final Monthly Report are submitted (if compliance and insurance requirements are met)

Next Steps

- Committee discussion
- A resolution supporting the recommended guidelines is scheduled for February 27, 2019
- With Committee support and Council approval, OCA will initiate the application process

Cultural Organizations Program FY 2019-20 Guidelines

Quality of Life, Arts & Culture Committee
February 25, 2019

Jennifer Scripps, Director
Office of Cultural Affairs



City of Dallas

Memorandum



CITY OF DALLAS

DATE February 20, 2019

TO Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scott Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Proposed Supplemental Agreement #1 – FCC Recycle Processing Services Contract**

At the February 25, 2019, Quality of Life, Arts and Culture Committee meeting, staff will request the Committee's support for a supplemental agreement to an existing vendor contract for the processing of single-stream recycling material. Based on recycling commodity market declines over the last 14 months, staff believes this contract amendment to temporarily adjust host fees on non-guaranteed/non-City material, is mutually beneficial to the City and vendor and supports the long-term success of this public-private partnership. This amendment will improve the vendor's ability to maintain and obtain contracts for non-City recycling materials and more fully utilize the recycling facility's processing capacity to help offset overall facility operating costs. In consideration for temporary host fee adjustments, the vendor has agreed to extend our current favorable contract term by 3 additional years. This amendment will not impact our residential recycling services or negatively impact the baseline revenue assumptions of the original contract, as non-guaranteed tons were not considered.

Background

On September 9, 2015, the City Council approved a 15-year contract with Fomento de Construcciones y Contratas, S.A. (FCC) to design, construct, operate and manage a new \$20M+ state of the art recycling facility at the City's McCommas Bluff Landfill. The contract also allows for conditional contract extension options from 1 to 10 years (if both parties agree). The new facility officially began operations on January 2, 2017. The City benefits from this contract because FCC processes the recyclable materials collected by the Sanitation Services Department with revenue sharing and at no cost to the City if processing costs exceed the revenue share.

Since beginning operations, the recycling commodity markets have changed considerably. The largest importer of recycling commodities in the world, China, has established tariffs on the import of recyclables, has begun banning certain recyclable imports, and is placing tougher restrictions on importing recyclables that exceed strict contamination limits. These restrictions have created an excess of available material and have caused commodity prices to tumble across the U.S. Additionally, processing costs have increased to meet new export standards. Mixed paper values have dropped by over 90% since the beginning of this contract and cardboard (OCC) has dropped 50% from its highs. These two materials alone make up over half of the City's residential stream.

Recycling commodity markets have declined in the past, but current conditions are projected to remain low for an extended period. FCC and other market analysts believe that new global markets and U.S. markets will be able to replace much of the demand for recycling commodities previously filled by China, but it could take several years for this to occur. To remain competitive during this adjustment period and stem ongoing financial losses, FCC has asked the City to

DATE February 20, 2019
SUBJECT Proposed Supplemental Agreement #1 – FCC Recycle Processing Services Contract

consider temporarily amending their contract related to a portion of the host fees paid to the City for non-City tons processed at the facility. FCC currently pays the City a \$15 per ton host fee on all non-City recycling processed at the facility and FCC guarantees specific annual quantities.

FCC has requested the City approve a temporary host fee adjustment period of three years, with two 1-year renewal options, if market conditions remained depressed. They have requested a variable, market-based host fee that would only be applied to non-City tons above contractually guaranteed tons. FCC believes that without this amendment, they may not be able to remain competitive and continue several short-term contracts that provide host fee revenues to the City above the guaranteed tons.

FCC has also requested a modified host fee that would be applied to clean pre-segregated material processed at the MRF (e.g., clean OCC that is baled and sold). Due to the current host fee requirements, FCC has not been able to pursue this market segment which could aid in offsetting facility operating costs and provide additional non-City tons above guaranteed volumes. Attached to this memo is a summary of key contract terms and proposed contract amendment changes.

In consideration for the temporary host fee adjustments, FCC has agreed to extend the current 15-year contract term for an additional three years (18 years total) without additional conditions. They also agreed to guaranteed host fee tons of 28,000 annually during the extended period. The guaranteed tons provide an additional host fee value of approximately \$1.3M to the City.

The City's contract with FCC is likely one of the most favorable recycle processing contracts to have been awarded nationwide over the last five years and certainly one of the best, if not the best, in Texas. Under current market conditions, it is estimated that all major Texas cities are currently paying for recycle processing services. Dallas' contract, with this requested amendment, remains revenue positive. Since the long-term success of this partnership is in the best interest of the City and FCC, staff requests committee support for approval of this supplemental agreement.

If you have any question, please contact Kelly High, Director of Sanitation, at 214-670-4485.



Joey Zapata
Assistant City Manager

Attachment

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Carol A. Smith, City Auditor (Interim)
Billierae Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager

Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
Directors and Assistant Directors

**Proposed Supplemental Agreement #1 – FCC Recycle Processing Services Contract
(Attachment – Key Contract Terms)**

Proposed supplemental agreement #1 – proposed changes in bold

- Material Recovery Facility Background
 - FCC Recycle Processing Services Contract Approved on September 9, 2015
 - FCC to design, build, operate and manage a new material recovery facility at the City’s McCommas Bluff landfill
 - Land at McCommas Bluff Landfill made available for the facility
 - FCC invested over \$20M in building the new facility
 - The term for the operation and management of the facility commenced on January 1, 2017 for a 15-year term (to 2032) with options to renew at mutually agreed upon terms for up to an additional 10 years.

- Host Fee on Non-City Tons (**proposed amendments**)
 - FCC pays a \$15 per ton host fee on all non-City tons processed at the facility
 - Subject to annual CPI increases
 - Year 1 guarantee of 5,000 tons
 - Year 2 guarantee of 10,000 tons
 - Year 3 guarantee of 15,000 tons
 - Year 4 - 15 guarantee of 28,000 tons per year

 - **For a period of three years, beginning this contract year (year 3), any mixed recycling tons above the guaranteed host fee tons, will be paid based on monthly recycling commodity market conditions.**
 - **This amendment would allow for two additional 1-year extensions based upon market conditions at the end of the 3-year period**
 - **City Manager’s approval required for annual extensions of the reduced rates**

 - **Variable host fee rates established based on monthly blended values**
 - **Host fee would range from \$3.00 - \$17.50 per ton**

Monthly Blended Value for such month (based on average monthly actual sales price)	Applicable Host Fee for such month (Per Ton)
\$110.00 or more	\$17.50
\$105.00 - \$109.99	\$15.00
\$100.00 - \$104.99	\$12.50
\$95.00 - \$99.99	\$10.00
\$90.00 - \$94.99	\$7.50
\$85.00 - \$89.99	\$5.00
\$80.00 - \$84.99	\$4.00
Below \$80.00	\$3.00

- **For a period of 3 years, beginning this contract year (year 3) any clean pre-segregated material could be processed at the facility with a host fee of \$2.50 per ton. Clean pre-segregated material (e.g., clean warehouse cardboard) is minimally process, essentially baled and sold by FCC.**
 - **This amendment would allow for annual renewals for processing of this new commodity for the term of the contract**
 - **City Manager’s approval required for annual renewal**

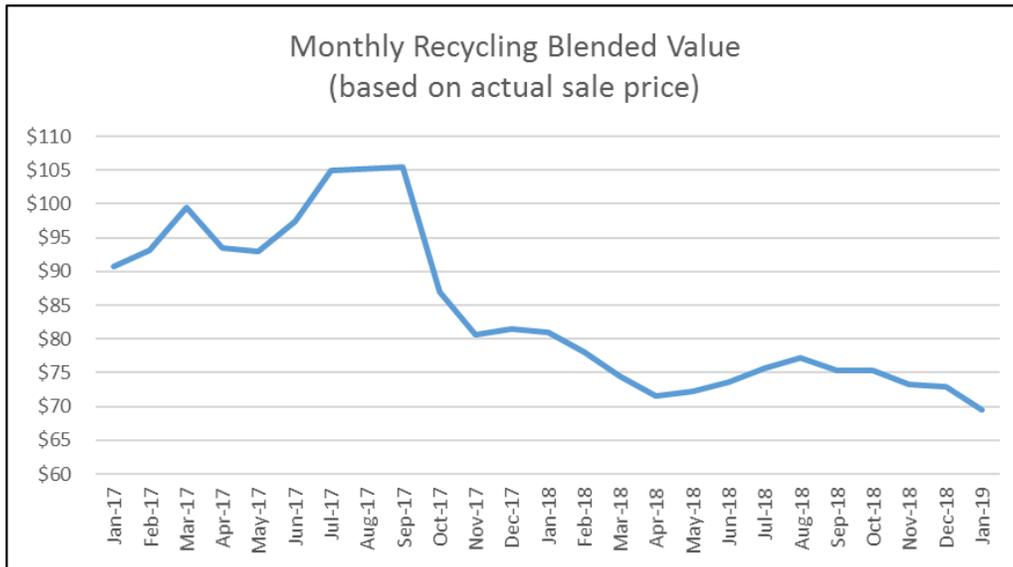
**Proposed Supplemental Agreement #1 – FCC Recycle Processing Services Contract
(Attachment – Key Contract Terms)**

Proposed supplemental agreement #1 – proposed changes in bold

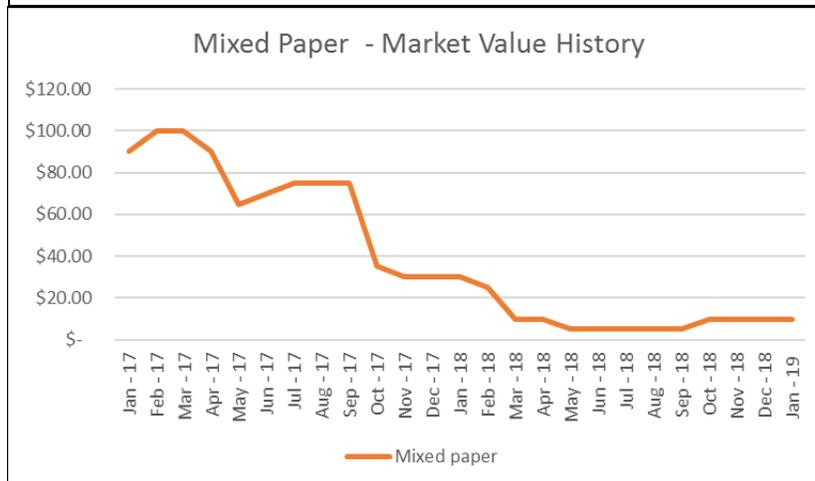
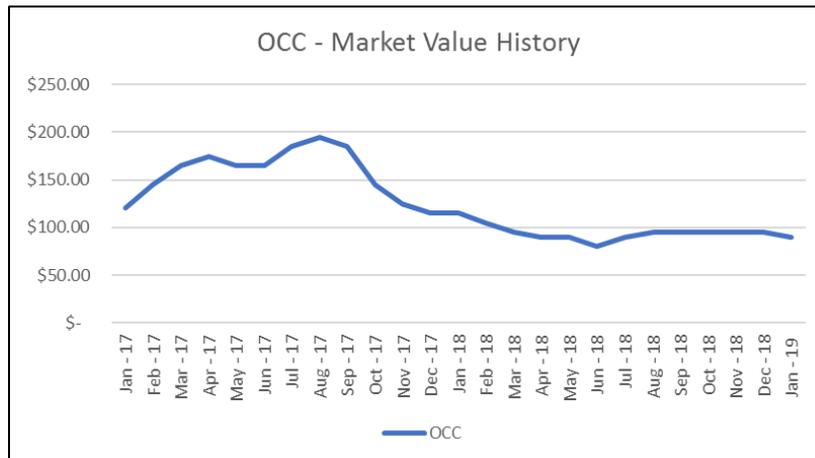
- Contract Term (***proposed amendments***)
 - 15-year primary contract term, with concurrent ground lease
 - Extension options from 1 - 10 years. No more than 10 years total
 - At the termination of the contract, the building ownership transfers to the City. Equipment ownership is maintained by FCC
 - Estimated \$22.8M in revenue over the 15-year contract term
 - Based on revenue share to City, education contribution and guaranteed host fee revenues (non-guaranteed host fee tons not included)
 - ***3-year extension of primary contract term with no changes in base contract***
 - ***FCC has agreed to guarantee 28,000 tons of non-City tons for each year of the 3-year contract extension***
 - ***Estimated additional revenue - \$1.3M***
 - ***For any extension options related to processing mixed recyclables, in addition to the proposed three years, the primary contract term will be extended by an equal amount with continued guaranteed annual tons and no other base contract changes***
- Processing cost and Revenue Share (*no proposed changes*)
 - \$70.84 per ton processing fee (subject to annual CPI increases)
 - 50/50 revenue share on sale of commodities
 - If processing costs exceeds revenue share, the City does not pay
- Public Education Contribution (*no proposed changes*)
 - FCC pays \$1 per household per year (based on 250k homes) to be used for the City's outreach and education efforts

Proposed Supplemental Agreement #1 – FCC Recycle Processing Services Contract (Attachment – Key Contract Terms)

Changes in blended value since January 2017



Fiber market changes since January 2017



Memorandum



CITY OF DALLAS

DATE February 20, 2019

Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair),
TO Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scott Griggs, B. Adam
McGough, Omar Narvaez

SUBJECT **Special Events Ordinance – Chapter 42A - Update**

The Office of Special Events (OSE) in Convention & Event Services (CES) briefed the Quality of Life, Arts and Culture Committee (QOLAC) on three separate occasions—April 9, 2018, November 26, 2018 and February 5, 2019—about proposed amendments, chapter consolidations, fees, survey proposals and results, and stakeholder concerns.

At the February 5, 2019 Committee briefing, OSE discussed additional proposed updates to the Special Events Ordinance resulting from nine stakeholder meetings held with representatives from the film and arts community between December 10, 2018 and January 16, 2019. Although the Committee agreed to place the proposed ordinance on the February 27, 2019 City Council agenda, it was requested that staff further engage the film industry and the Office of Economic Development (ECO) to outline any additional issues of concern.

Two meetings, with a conference call option, were conducted earlier today with the film industry and ECO staff. OSE staff found the comments from these meetings were consistent with the concerns addressed in the briefing, including requests to: (1) separate film from the ordinance and move ordinance authority to ECO, (2) be excluded from requirements related to notifications, high impact zones, street closures and no parking, (3) incur a single change fee regardless of the number of changes, (4) have B-roll completely unpermitted, (5) change the term *Late Fee* to *Rush Fee*, (6) have all insurance requirements waived and (7) have the ability to close the Margaret Hunt Hill Bridge for filming. Based on these and prior comments, OSE requested Office of Public Affairs and Outreach (PAO) input and will draft an additional exemption to B-roll permitting for journalism/media filming for the purposes of their routine news/publication/reporting, unless the filming impacts quality of life, public safety and/or traffic.

However, in order to balance public input with film requests, OSE recommends maintaining the requirements included to mitigate impact to quality of life. Additional requirements such as insurance and closure of the Margaret Hunt Hill Bridge were recommended by the Office of Risk Management and the Dallas Police Department and OSE will follow those recommendations.

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
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M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
Directors and Assistant Directors



Agenda Information Sheet

File #: 19-256

Item #: 5.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: February 27, 2019
COUNCIL DISTRICT(S): All
DEPARTMENT: Department of Convention and Event Services
EXECUTIVE: Joey Zapata

SUBJECT

An ordinance amending Chapter 42A, "Special Events" and Chapter 29A, "Neighborhood Farmers Market" of the Dallas City Code by **(1)** reserving Chapter 29A and rewriting Chapter 42A; **(2)** providing regulations for special events, commercial filming activities, neighborhood markets, and streetlight pole banners; **(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 - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

The amended ordinance, Chapter 42A "Special Events" of the Dallas City Code, consolidates information from the current version of Chapter 42A "Special Events," Chapter 29A "Neighborhood Farmers Markets," Administrative Directive 2-46 "Commercial Filming Policy" and adds additional information related to streetlight pole banners. This ordinance amendment better defines the roles and duties of the Convention and Event Services (CES) - Office of Special Events (OSE) and updates regulations, policies and fee structures.

The Quality of Life, Arts, and Culture Committee (QOLAC) was briefed on April 9, 2018 about current OSE permitting authority and functions, known challenges with current operations and City Code, planned operational improvements and process enhancements. OSE received Committee input and approval to move forward with surveys, stakeholder meetings, completing a fee study and revisions.

On November 26, 2018, QOLAC was briefed about proposed updates to the special events ordinance. Proposed revisions addressed existing gaps and deficiencies in the ordinance, incorporated public and stakeholder input, included researched best practices and the results of a new fee study conducted in the summer of 2018.

Amendments to the ordinance address public concerns including: parking, traffic closures/detours, public notices and flexibility in permitting based on event size and other features for each application.

QOLAC members requested that OSE conduct additional meetings with the film industry, Arts District community and other external stakeholders to ensure their concerns about revisions were addressed.

Following the November briefing, OSE hosted nine additional meetings with internal and external stakeholders. The feedback included concerns about the organization and navigability of the ordinance, requests to provide clarity of language, difficulty in understanding permit requirements, and concerns over fees and insurance requirements. OSE worked with the City Attorney's Office (CAO) to add definitions, re-organize sections, standardize language across all permit types and include more details that improve clarity while making the ordinance more transparent and easier to understand. Some fees and fee tiers were updated and insurance requirements were revised in consultation with the Office of Risk Management.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Quality of Life, Arts and Culture Committee was briefed on current OSE authority, functions and challenges with Chapter 42A "Special Events" on April 9, 2018.

The Quality of Life, Arts and Culture Committee was briefed on proposed ordinance changes amending Chapter 42A "Special Events" on November 26, 2018.

The Quality of Life, Arts and Culture Committee will be briefed with updated proposed ordinance changes and clarifications to Chapter 42A "Special Events" ordinance on February 11, 2019.

FISCAL INFORMATION

Cost consideration to others. This ordinance corrects deficiencies (identified in a fee study) in the current permit structure, by aligning application costs to those which require the most time and resources. Currently, pricing is based on event attendance, which does not account for the complexity of the event. Applicants will now be charged based on the new special event permit tiers: simple, moderate, complex. It also develops a la carte and discount pricing models for additional permit components.



Agenda Information Sheet

File #: 19-241

Item #: 32.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: February 27, 2019
COUNCIL DISTRICT(S): 14
DEPARTMENT: Park & Recreation Department
EXECUTIVE: Willis C. Winters

SUBJECT

Authorize a ten-year agreement with the Dallas Parks Foundation for the maintenance of Harry Hines Triangle, a park that is approximately 0.08 acres in size, located at 2402 Harry Hines Boulevard - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

The Dallas Parks Foundation is an independent, private, nonprofit 501(c)(3) corporation that secures funds to promote the use of parks and support the development of new and exciting recreational amenities within the City of Dallas. Donations received by the Dallas Parks Foundation support the Dallas Parks and Recreation system.

The Dallas Parks Foundation agrees to provide all grounds maintenance to public property at Harry Hines Triangle, subject to the approval of the Park and Recreation Department Director.

Dallas Parks Foundation responsibilities:

- Weekly mowing and edging during the growing season (April -October)
- Daily litter removal
- Periodic forestry work
- Irrigation
- Horticulture
- Fertilization
- Pesticide application
- Security lighting
- Repair and maintenance of park amenities
- All utility costs associated with the site
- Any pesticides (insecticides, herbicides, fungicides) applied to the site shall be within Environmental Protection Agency and Texas Department of Agriculture requirements

City responsibility:

- Allow Dallas Parks Foundation to occupy and maintain the Premises subject to terms and conditions of this agreement at no expense to the City.

Termination:

- The parties reserve the right to terminate this agreement for convenience upon thirty days advance written notice by either party. Notwithstanding the foregoing, City may terminate this agreement without any notice if City finds, in its sole discretion, that termination is necessary or convenient to the public interest, safety, health or comfort.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 10, 2019, the Park and Recreation Board authorized a ten-year agreement with the Dallas Parks Foundation for the maintenance of Harry Hines Triangle.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on February 25, 2019.

FISCAL INFORMATION

This action has no cost consideration to the City. Dallas Parks Foundation will pay for all costs associated with the maintenance of Harry Hines Triangle.

MAP

Attached



Agenda Information Sheet

File #: 19-250

Item #: 33.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: February 27, 2019
COUNCIL DISTRICT(S): 3, 4, 12, 13
DEPARTMENT: Park & Recreation Department
EXECUTIVE: Willis C. Winters

SUBJECT

Authorize application of four candidate projects to the North Central Texas Council of Governments through the Transportation Alternatives Set-Aside Program for cost reimbursement in the Active Transportation Project category for the proposed: Five Mile Creek Trail Project, the Trinity Skyline Trail Link Project, the Cotton Belt Trail Project, Segments CB18 and CB20, and the proposed SoPac Trail Access and Safety Enhancement Project - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

BACKGROUND

The Transportation Alternatives Set-Aside (TA Set-Aside) Program was authorized under Section 1109 of Fixing America's Surface Transportation Act (the current transportation funding and authorization bill) and provides funding for programs and projects defined as transportation alternatives. The program is similar to the former Transportation Alternatives Program, Transportation Enhancement, and Safe Routes to School Programs. The Regional Transportation Council (RTC) has deemed eligible projects to be those which include active transportation projects that make non-motorized transport safe, convenient, and appealing. Such types of eligible projects include: on-road and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation, enhanced mobility, and pedestrian and bicycle infrastructure.

The program in North Central Texas is being administered by the RTC and the North Central Texas Council of Governments (NCTCOG). Of the total approximate \$8,000,000.00 funds available, approximately \$5,243,040.00 is being made available in the Eastern Subregion of NCTCOG. There is no limit to the number of projects that may be submitted by a municipality. Successful projects are eligible for a federal funding award of between \$150,000.00 and \$5,000,000.00 per project. The minimum local match requirement is 20 percent with projects eligible for reimbursement of up to 80 percent of allowable costs.

The program is not a grant and funds are provided on a cost reimbursement basis. Applications are due March 1, 2019, and there is a requirement of a resolution of a local cash match commitment of funds. For each successful project submission, the municipality will need to consummate a project agreement with the Texas Department of Transportation within one year after selection. Subsequently, a construction contract must be consummated within three years of the date of selection.

The **Five Mile Creek Trail** will connect the existing trail on the east side at Hampton Road for 6,500 linear feet to the west side of Westmoreland Road. The project is on the City's 2008 Dallas Trail Network Master Plan. The project is estimated to cost \$2,500,000.00. This application requests \$2,000,000.00 of Active Transportation Project funding for this project. The 2006 Bond Program has funding available for this project in the amount of \$500,000.00 which meets the local match requirement. Construction documents were previously prepared for this project, but there was not sufficient funding for construction.

The **Trinity Skyline Trail Link** will connect the Santa Fe Trestle Trail to the Trinity Skyline Trail and is part of the Circuit Trail Loop. This 0.5-mile trail is on the City's 2008 Dallas Trail Network Master Plan. The project is estimated to cost \$2,000,000.00. This application requests \$1,600,000.00 of Active Transportation Project funding for this project. The Circuit Trail Conservancy, as part of their private match funding for the Circuit Trail Loop has committed \$400,000.00, which meets the local match requirement.

The **Cotton Belt Trail** is a part of the Regional Veloweb Trail that connects the Dallas/Fort Worth International Airport through Dallas and into Plano. All sections except Segments CB18 and CB20 are already funded. The **Cotton Belt Trail, Segment CB18**, will connect the trail from Campbell Road eastward to Davenport Road at approximately 1,717 linear feet. This trail is on the City's 2008 Dallas Trail Network Master Plan. The CB18 portion of the project is estimated to cost \$666,500.00. This application requests \$533,200.00 of Active Transportation Project funding for this segment. The 2006 Bond Program has funding available for this project in the amount of \$133,300.00 which meets the local match requirement. The **Cotton Belt Trail, Segment CB20** is from Waterview Parkway west to the Preston Ridge Trail, just east of Meandering Way at approximately 7,231 linear feet. This trail is on the City's 2008 Dallas Trail Network Master Plan. The CB20 portion of the project is estimated to cost \$1,530,000.00. This application requests \$1,224,000.00 of Active Transportation Project funding for this segment. Transportation Development Credits are available for this project in the amount of \$306,000.00 which meets the local match requirement.

The **SoPac Trail Access and Safety Enhancement Project** will expand trail access and safety enhancements at the Fair Oaks Park entry and at the Eastridge Drive and Park Lane intersection, and 160 lighting fixtures. This trail is on the City's 2008 Dallas Trail Network Master Plan. The total project is estimated to cost \$1,297,148.00. This application requests \$972,861.00 of Active Transportation Project funding for this project. The Vickery Meadow Public Improvement District has funding available for this project in the amount of \$324,287.00 which meets the local match requirement.

*Please note that this action does not encumber funds.



Agenda Information Sheet

File #: 19-248

Item #: 37.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: February 27, 2019
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Office of Cultural Affairs
EXECUTIVE: Joey Zapata

SUBJECT

A resolution authorizing and establishing the Cultural Organizations Program within the Office of Cultural Affairs to support cultural services in the City of Dallas and approving the program guidelines - Financing: This action has no cost consideration (see Fiscal Information)

BACKGROUND

The updated Cultural Policy of the City of Dallas, adopted on November 28, 2018, provides that guidelines for the various Cultural Funding Programs will be submitted for review and approval of the City Council. This serves to affirm the artistic nature of services to be provided through these various cultural programs and to specify the review and selection process for cultural services.

The COP is the support program through which the Office of Cultural Affairs contracts for cultural services with established non-profit organizations for a variety of cultural programs that include concerts, plays, exhibitions, performances, workshops and other cultural programming for the benefit of Dallas residents and visitors. These cultural service contracts are awarded annually using a review panel approach to evaluate applications.

The *Dallas Cultural Plan 2018* and updated Cultural Policy were adopted following a year-long cultural planning effort, which included in-depth regional, national and international research, engagement across every zip code and district in the City, and analysis of City plans and collaboration with Dallas residents, artists, organizations, City staff and leaders. Nearly 9,000 Dallas residents were engaged in this process to develop over one hundred initiatives and strategies under these six priorities: equity, diversity, space, support for artists, sustainable arts ecosystem, and communications.

The FY 2019-20 COP seeks to improve equity through expanded and adapted programmatic offerings in Dallas neighborhoods. Applicants will be partially scored on their proposals to provide cultural services in Dallas communities, outside of the urban core of the city. The COP will begin working with partner-organizations to develop their own internal policies and measurable goals related to equity and diversity.

The COP guidelines will be brought forward for City Council approval from time-to-time as the Office of Cultural Affairs continues to implement to initiatives and strategies identified in the *Dallas Cultural Plan 2018*.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 28, 2018, City Council adopted the Dallas Cultural Plan 2018 and updated Cultural Policy of the City of Dallas; and authorized and established the Cultural Projects Funding Program, Cultural Vitality Program and Community Artist Program to support artist and cultural services in the City of Dallas by Resolution No. 18-1683.

On February 13, 2019, the Allocations Committee of the Arts and Culture Advisory Commission approved a recommendation in support of this item.

The Arts and Culture Advisory Commission will consider a recommendation in support of this item on February 21, 2019.

Information about this item will provided to the Quality of Life, Arts and Culture Committee on February 25, 2019.

FISCAL INFORMATION

No cost consideration to the City.

Appropriations for the Cultural Support Programs are established through the annual General Fund budget development process. Each award to a cultural organization through Cultural Organizations Program will be authorized by resolution of the City Council.

February 27, 2019

WHEREAS, on November 28, 2018, City Council adopted the *Dallas Cultural Plan 2018* and a revised and restated Cultural Policy of the City of Dallas (Cultural Policy); and authorized and established the Cultural Projects Funding Program, Cultural Vitality Program and Community Artist Program to support artist and cultural services in the City of Dallas by Resolution No. 18-1683, by Resolution No. 18-1683; and

WHEREAS, the Cultural Policy provides for Cultural Support Programs for the support of Dallas-based cultural organizations and individual artists; and

WHEREAS, the Cultural Organizations Program (COP) falls under the Organizational Support category of the Cultural Policy, and provides support to established Dallas-based nonprofit arts and cultural organizations and institutions for general operating expenditures, including artistic and administrative expenses, directly related to a year-long program of events; and

WHEREAS, the Cultural Policy requires that Cultural Support Programs must be authorized by resolution of the City Council, including approval of the various program guidelines.

Now, Therefore,

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

SECTION 1. That the City Council of the City of Dallas hereby authorizes and establishes the Cultural Organizations Program, and approves the program guidelines attached hereto as Exhibit A (FY 2019-20 Cultural Organizations Program (COP) Guidelines), which provide for the program eligibility and review criteria to be used in evaluating applications for cultural support funds.

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.



Office of Cultural Affairs
CITY OF DALLAS

**FY 2019-20
Cultural Organizations Program
(COP)
Guidelines**



City of Dallas

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Introduction

The Cultural Organizations Program is the support program through which the City of Dallas Office of Cultural Affairs contracts for cultural services with established non-profit organizations for a variety of cultural programs that include concerts, plays, exhibitions, performances, workshops and other cultural programming for the benefit of Dallas residents and visitors. These cultural service contracts are awarded annually using a review panel approach to evaluate applications. Program eligibility and review criteria are published annually. An organization receiving a COP contract cannot receive a Cultural Projects Funding (CPF) contract but is eligible to apply for the Cultural Vitality Program (CVP) with the condition that the project is not a repeated annual project, or part of the scope of services to be provided in the COP contract.

This document contains guidelines, deadlines and application instructions for the Cultural Organizations Program (COP) managed by the Office of Cultural Affairs (OCA) for fiscal year 2019-20. Please refer to the appropriate sections of this guide for more detailed information about the different parts of this program. The FY 2019-20 City of Dallas fiscal year begins October 1, 2019 and ends September 30, 2020.

All applicants are required to read the guidelines and application instructions for details of program eligibility and requirements prior to beginning the application process. Guidelines are updated every funding cycle.

The organization is responsible for the quality, completeness and timely submission of the proposal. Application steps and deadlines are included in this document and online at dallasculture.org. OCA staff are available to answer additional questions. See [Contact OCA](#) below.

FY 2019-20 COP Timeline

March 4, 2019	FY 2019-20 COP Online Application Opens
April 19, 2019	FY 2019-20 COP Application Closes at 11:59 PM
May 14-17, 2019	COP Panel Presentations
June-August 2019	COP Application Review/Funding Levels – Allocations Committee
September 2019	COP funding recommendations made by Arts & Culture Advisory Commission and approved by City Council
October 2019	COP contracts executed with funded organizations
January 2020	COP organizations eligible to receive first payment (if compliance and insurance requirements are met)
April 15, 2020	COP organizations eligible to receive second payment (if compliance and insurance requirements are met)
October 15, 2020	COP Final Reports due for FY 2019-20
November 15, 2020	COP Final Monthly Report due for FY 2019-20
COP organizations are eligible to receive final payment after FY 2019-20 Final Report and Final Monthly Report are submitted (if compliance and insurance requirements are met)	

Contact OCA

For general inquiries or assistance, please contact the Office of Cultural Affairs, Cultural Programs Division at 214-670-3687, extension 2. Specific staff telephone numbers and email addresses may be found online at DallasCulture.org/contact.

Cultural Support Programs

The Cultural Organizations Program is the OCA's cultural support program that provides Organizational Support as described the Dallas Cultural Policy, approved by City Council on November 28, 2018 [Section 5(D)(i)]. Per the Dallas Cultural Policy:

Vision

The Office of Cultural Affairs aims to create an equitable, diverse and connected community, whose residents and visitors thrive through meaningful arts and cultural experiences in every neighborhood across Dallas.

Mission

The Office of Cultural Affairs works to enhance the vitality of the city and the quality of life for all Dallas residents by creating an equitable environment wherein artists as well as arts and cultural organizations thrive; people of all ages enjoy opportunities for creative expression; and all celebrate our multicultural heritage.

Our mission is to support and grow a sustainable cultural ecosystem that ensures all residents and visitors have opportunities to experience arts and culture throughout the city.

Statement on Cultural Equity

In Dallas, we envision a city of people whose success and well-being are not pre-determined by their race, age, disability, sexual orientation, gender, social status, zip code, or citizenship status. We recognize that artistic and cultural expression are fundamental to the development of our identity, as individuals and as a community at large. We assert the right for all people to have access to arts and cultural experiences throughout Dallas.

We recognize the historic legacies of racism, overt bias and injustice that shape our present reality. In fact, the City of Dallas' arts funding originated to support organizations of the Western European canon, collectively referred to as "The Big Six." Going forward, we will strive to support the broadest range of art forms and creative producers, considering inclusivity, diversity and neighborhood impact to direct resources equitably to artists and organizations. We will work to build a robust arts ecosystem that continually evolves to better reflect the diverse composition of Dallas. Towards this end, we recognize and affirm the potential of new and emerging artists and organizations.

The Office of Cultural Affairs will serve as convener and connector to catalyze equity in the policies and practices of its partners across the Dallas arts ecosystem. Core to this is leading other organizations and private resource providers to advance diversity, equity and inclusion in concrete, measurable ways. Annually, the Office of Cultural Affairs will summarize its own support for artists and arts organizations, highlighting measures of equity and diversity.

As we work together to create a more vibrant Dallas, the Office of Cultural Affairs is committed to nurturing the wide diversity of creative culture and experiences that make up this great city.

COP Diversity Requirements

Organizations funded through the Cultural Organizational Program should aim to meet the following goals, as set forth in the Cultural Policy. Organizations' progress will be monitored by the OCA on an ongoing basis and OCA staff are available to answer any questions or provide guidance on achieving these goals:

- (1) Have board-approved safe workplace policies (including, but not limited to, anti-discrimination and anti-harassment policies).
- (2) Have a policy and measurable goals related to equity, diversity and inclusion that is board-approved and published on their website.
- (3) Board Diversity¹ goals (by organization budget size):
 - a. Annual operating budget of \$5 million and above: at least 30% board diversity.
 - b. Annual operating budget of \$1 million - \$5 million: at least 20% board diversity.
 - c. Annual operating budget of \$500,000 to \$1 million: at least 10% board diversity.
- (4) For organizations with operating budgets over \$1 million: offer paid internships with livable wages to increase the diversity of the pipeline for future arts leaders.

Funding Level Restrictions

A. The limit on support through the COP program is scaled to be proportional, based on an organization's most recently completed fiscal year's audited revenue, and in no case shall the amount of funding for an organization through the COP program be greater than:

- (i) 25% of most recent year's audited revenue for organizations with revenue less than \$1 million;
- (ii) 15% of most recent year's audited revenue for organizations with revenue between \$1 million and \$5 million;
- (iii) and 10% of most recent year's audited revenue for organizations with revenue greater than \$5 million.

B. Total support by the City in a fiscal year, whether cash or in-kind, regardless of the department from which the funds and support originate, shall not exceed:

¹ Diversity (as relates to board goals) means the percentage of non-majority (based on race/ethnicity) members of a board. For example, if the goal is at least 30% diversity on a board, an organization meeting that goal must have no more than 70% of any one racial/ethnic group on their board.

- (i) 50% of an organization's most recent year's audited revenue for organizations with revenue less than \$1 million.
- (ii) 40% of an organization's most recent year's audited revenue for organizations with revenue of \$1 million or more.

C. In-kind support includes, but is not limited to, utility payments made directly by the City, payments made to a third party, including other City departments, in support of the organization, and facility use fee discounts at Cultural Centers.

Source of Cultural Support Funds

The City of Dallas invests in the arts by allocating a portion of the City's general fund (primarily property and sales tax collections) and a portion of Hotel Occupancy Tax (HOT) revenue to eligible applicants who meet the established program criteria and are recommended for funding as a result of an application and review panel process. Per state law, revenue from the municipal Hotel Occupancy Tax collection may be used only to promote tourism and the convention and hotel industry (Texas Tax Code, Chapter 351.101. Use of Tax Revenue)

Eligibility Requirements

Organizations must meet the following criteria to qualify for COP funding:

- Must be a 501(c)(3) tax-exempt entity as provided by the U.S. Internal Revenue Code, as amended, in good standing for at least 3 years.
- Must be an established City of Dallas arts or cultural organization with an operation history of at least 3 years.
- Organizations must have administrative offices permanently located in the City of Dallas. **This does not include P.O. Boxes – organization must have a physical office and Dallas address.**
- Must have an annual operating budget of at least \$100,000, based on prior year's actual audited expenses. If not available at the time of application, an audited financial statement must be provided to the City before the organization may enter into a contract for organizational support.
- Obtain and maintain during the contract term all necessary licenses, permits, insurance and other approvals required by law for the provision of services.
- An audit that has been conducted by an outside certified accountant for the most recently completed fiscal year must be submitted by all COP funded organizations every year that they are funded.
- Must have at least one paid part-time Director/Manager staff person hired upon award of City contract and employed throughout the 12-month contract period.
- Must produce a season of programs, exhibitions, and/or performances in the city of Dallas for the public.
- Must work to have a diverse community representation on the Board of Directors.
- Must be in compliance with local, state, and federal laws prohibiting discrimination.
- Must be in good standing IRS regulations related to 501(c)(3) tax-exemption status.
- Must be authorized to transact business in the State of Texas.
- Must demonstrate community outreach programs.
- Must work to demonstrate commitment to cultural equity, diversity, and inclusion in all aspects of

the organization's operations and programming.

- The primary focus of the organization's operation must be to provide services to residents and visitors in the city limits of Dallas and at least 50% of activities must take place within the city limits of Dallas. City funding may only be used for services provided within the city of Dallas.
- Comply with regulations pertaining to federal grant recipients including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Education Amendments of 1972, the Americans with Disabilities Act of 1990, and the Drug Free Workplace Act of 1988.

COP funds allocated cannot be used to pay direct costs for:

- Activities which do not have a cultural or artistic focus or whose primary focus is religious in nature
- Projects planned primarily for fundraising purposes
- Activities restricted to members or which do not benefit the general public
- Tuition expenses
- College/university or school projects that are part of a course or curriculum or which do not benefit the general public
- Fellowships/grants, scholarships, cash prizes or awards
- Activities that include food or alcohol
- Out-of-city travel
- Underwriting of capital expenditures (buildings, land, permanent equipment or artwork)
- Purchase of artwork
- Activities that have occurred prior to the execution of the cultural service contract
- Underwriting of past deficits
- Endowments
- Non-contract related services, lobbying, attorney's fees, fees for penalties, and fees for incorporation or obtaining tax-exempt status
- Activities of Dallas-based organizations that occur outside of the City limits are ineligible.
- Permanent or semi-permanent public art that is located on City property

First-Time Applicants

First time applicants must contact OCA staff before the application deadline. This is to ensure that the applicant is aware of the COP requirements and additional information that is needed.

Note: The term first-time applicant refers to applicants submitting proposals to the program for the first time, as well as to applicants that have applied in the past but are not currently funded through the program.

In addition to the funding requirements, first-time COP applicants should submit one copy of the following:

- Charter and by-laws of the organization.
- Status as a non-profit 501(c)(3) corporation. A copy of the organization's Internal Revenue Service letter of determination must be submitted with the completed proposal form. Failure to submit this IRS letter will result in disqualification of the proposal.

- Prior Year Audited Financials or IRS Form 990's if audit is not completed. An audit will be required if the organization is recommended for funding in the COP program prior to contract execution.
- First time applicants will also be required to show the last three years of audited financial statements. This is a separate form that will be provided to you.

Exception: A new organization after its first three years of existence may apply by the proposal deadline without providing the required IRS letter of determination as long as: (a) the organization provides a completed copy of IRS Form 1023 and attachments as evidence that it has applied to the IRS for its 501(c)(3) status, and (b) if recommended for funding, provides the actual IRS letter of determination before the contract can be executed.

2019-20 COP Application

All organizations, new and previously funded, are required to complete an application and review process to be considered for funding through the FY 2019-20 Cultural Organizations Program (COP)

The FY 2019-20 COP Application can be found on the COP page of the OCA website at: <https://dallasculture.org/cultural-programs/cultural-organizations-program/>

Applications must be submitted via the online funding system by April 19, 2019 at 11:59 PM. Hard copies of funding applications will not be accepted.

NOTE: An organization that submits a substantially incomplete application at the time of the deadline, as deemed by the Office of Cultural Affairs, will receive notification via e-mail as to the incomplete status of the application from OCA staff. This could result in the application being rejected.

General Application Guidelines

Before you begin your application, carefully read all applicable COP program guidelines. Develop your application so that it addresses applicable program goals and evaluation criteria. Complete every required section and upload any additional required documents.

All supplementary materials submitted should reflect the quality of the organization's artistic product.

Please limit your online supplemental materials to create a concise list that represents the organization.

Contact the Cultural Programs Staff for clarification. The OCA staff can review an application with the organization PRIOR to the submission date. See [Contact OCA](#) above for information.

Review Panel & Selection Process

Applications for the Cultural Organization Program are evaluated by a Review Panel. The review panel should, to the greatest extent possible, reflect the diversity of the City of Dallas, without sacrificing expertise, knowledge, or demonstrated interest in arts and culture.

Nominations to Review Panels shall be provided by interested members of the public, the Arts & Culture Advisory Commission, and City staff. In no instance shall a City employee, Arts & Culture Advisory Commissioner, or other City official be a voting member of a review panel.

Review panel members shall be independent, impartial, and responsible only to the people of the city and shall comply with the Code of Ethics in Chapter 12A of the Dallas City Code including, but not limited to, recusal and disclosure provisions. Panelists should strive to avoid the appearance and risk of impropriety.

Tier Structure

All COP funding applicants will be reviewed in tier levels based on their adjusted operating budget from the previous year's official audited records. There will be one review panel for each tier level. The tier levels are as follows:

- Tier I – \$500,000 and Under
- Tier II – \$500,001 - \$999,999
- Tier III – \$1,000,000 – \$4,999,999
- Tier IV – \$5,000,000 and Above

Panel Presentations

Every organization that applies for funding is required to make a presentation to the Review Panel. Applicant organizations must be represented at the review panel meeting by principal representatives, e.g. the Executive Director, Artistic Director, Board President and/or a Financial Officer or other staff as determined by the organization.

The presentation times will be allotted in the following manner:

- 2 minutes – Organization will be introduced to the panel members by a Commission member
- 5 minutes – Presentation time for the organization to the Panel
- 10 minutes - Q and A time for panel members with the organization

A notice about audio-visual capabilities and equipment for the presentation will be sent to groups prior to the panel dates. Failure to attend the Review Panel meeting will result in the organization being disqualified.

Selection

Panel and staff scores are forwarded to the Arts & Culture Advisory Commission for review. The Commission recommends a level of funding for each organization taking into consideration the scoring,

prior year funding, funding projections, contract compliance, and fiscal management of applying organizations. **An organization whose normalized panel score is below 70% is only eligible to receive a maximum of 60% of their FY2018-19 COP funding level.** All scores are normalized within their tier. Normalizing a score means each score is divided by the highest score of that tier.

The Commission's recommendation is then forwarded to the City Council through the City Manager's Office. The recommended allocation, and individual contracts will receive approval or modification by the City Council in October of each year.

Variances from these guidelines may be approved by the Director; however, material variances shall require City Council approval.

Scoring

Each applicant will be scored on a 100-point scale. Seventy points will be at the discretion of the review panel. The remaining 30 points will be an administrative and compliance score calculated by OCA staff.

Review Panel Scoring

- **Quality of Services (35 points)** – The organization exhibits a commitment to high quality standards in its artistic and cultural services and programming for Dallas residents and visitors.
- **Impact of Community Programming and Neighborhood Outreach (20 Points)** – The organization has a broad and significant impact on the residents of Dallas by direct neighborhood/community outreach or an intentional inclusion and involvement of underserved populations and/or outlying neighborhoods/communities at a headquarter location.
- **Overall (15 points)** – The overall evaluation of the organization. The organization demonstrates a benefit to the residents and visitors of Dallas through a strong application and panel presentation.

OCA Administrative Scoring for Returning Applicants

Contract Compliance & Financial Viability (8 points) – the organization has shown the capacity to comply with COP monthly reporting and financial audit submission requirements that are required by the COP contract (measured from the prior complete fiscal year). The organization has sound financial viability in fundraising/development and unrestricted net assets (measured from the organization's most recent audit).

2 Points: Monthly Reports (submitted by the 15th of each month)

2 = 75%-100%

1 = 51% - 74%

0 = 50% or below

2 Points: Audit submitted by deadline (6 months after the close of the organization's fiscal year)

2 = Audit submitted on time

0 = Audit submitted after deadline

2 Points: Fundraising Expense Percentage – Percentage of sum of fundraising/development expenses to sum of fundraising/development revenues.

2 = Ratio less than 20%

1 = Ratio between 20% and 40%

0 = Ratio more than 40%

2 Points: Change in unrestricted net assets

2 = Change in unrestricted net assets greater than \$0 (surplus)

0 = Change in unrestricted net assets less than \$0 (deficit)

Organization Program Management (8 points) – Organization has performed in a reliable manner in the past in terms of contract sustainability. Special consideration will be taken for organizations going dramatically over their proposed number on an individual basis. Calculations based on proposed numbers in the FY 2017-18 COP contract Scope of Services versus actual reported FY 2017-18 numbers by the organization through the monthly reports.

4 Points: Services

4 = Has met or exceeded the proposed service numbers

2 = Has not met the proposed service numbers

0 = Is 50% or lower than the proposed service numbers

4 Points: Attendance

4 = Has met or exceeded the proposed attendance numbers

2 = Has not met the proposed attendance numbers

0 = Is 50% or lower than the proposed attendance numbers

Organization Board Governance (2 points) – Organization has “give or get” policy with board of directors. In the most recently completed fiscal year, what percentage of board members contributed either by personal donation or securing predetermined funding from a third party for the organization.

2 = 90% - 100% board participation in “give or get” policy

1 = 75% - 89% board participation in “give or get” policy

0 = Less than 75% board participation in “give or get” policy

Adherence to Cultural Policy Diversity Criteria (12 points)

Board Diversity (5 points) – Per the City of Dallas Cultural Policy as adopted November 28, 2018, the following goals have been put in place for cultural organizations to demonstrate a commitment to diverse community representation of the organization’s board. (Diversity numbers taken from the FY 2019-20 COP Application)

Points	Tier I	Tier II	Tier III	Tier IV
5	10% or more	10% or more	20% or more	30% or more
3	3% - 9%	3% - 9%	6% - 19%	10% - 29%
0	2% or less	2% or less	5% or less	9% or less

Staff Diversity (5 points) – While the Cultural Policy does not set specific goals for staff diversity, the Office of Cultural Affairs will mirror staff diversity goals based on those of board diversity goals and definitions for the purposes of this scoring category. Staff is considered pay-rolled staff, not contracted labor. Because organizations in Tier I generally do not have significant numbers of staff, they are exempt from staff diversity goals.

Points	Tier I	Tier II	Tier III	Tier IV
5		10% or more	20% or more	30% or more
3		3% - 9%	6% - 19%	10% - 29%
0		2% or less	5% or less	9% or less

Equity, Diversity & Inclusion Policy (2 points) - Per the City of Dallas Cultural Policy as adopted November 28, 2018, organizations receiving operational support through COP must have measurable goals related to equity, diversity and inclusion that are board-approved and published on the organization’s website.

2 Points = Organization has completed and published their board-approved policy

0 Points = Organization has not completed and published their board-approved policy

OCA Administrative Scoring for New Applicants

Contract Compliance & Financial Viability (8 points) – the organization has shown the capacity to comply with IRS 501(c)(3) Status and financial audit submission requirements that are required by the COP contract (measured from the prior complete fiscal year). The organization has sound financial viability in fundraising/development and unrestricted net assets (measured from the organization’s most recent audit).

2 Points: IRS non-profit status letter submitted with application

2 = Letter submitted with application

0 = Letter not submitted with application

2 Points: Financial audit or IRS Form 990 submitted with application (documentation based on most recent fiscal year of organization)²

2 = Audit submitted with application

0 = Audit not submitted with application

² NOTE: A financial audit will be required if the organization is recommended for funding in the COP program prior to contract execution.

2 Points: Fundraising Expense Percentage – Percentage of sum of fundraising/development expenses to sum of fundraising/development revenues (calculated from financial audit or IRS Form 990)

- 2 = Expense percentage less than 20%
- 1 = Expense percentage between 20% and 40%
- 0 = Expense percentage more than 40%

2 Points: Change in unrestricted net assets (calculated from financial audit or Form 990)

- 2 = Change in unrestricted net assets greater than \$0 (surplus)
- 0 = Change in unrestricted net assets less than \$0 (deficit)

Organization Program Management (8 points) – Organization has performed in a reliable manner in the past in terms of services/public events provided and event attendance. Calculations based on three-year services and attendance reporting in 2019-20 COP Application.

4 Points: Services/Public Events

- 4 = Shows an increase in both second and third year in services provided
- 2 = Shows an increase in either second or third year in services provided
- 0 = Shows decrease or no change in both second and third year in services provided

4 Points: Event Attendance

- 4 = Shows an increase in both second and third year in event attendance
- 2 = Shows an increase in either second or third year in event attendance
- 0 = Shows decrease or no change in both second and third year in event attendance

Organization Board Governance (2 points) – Organization has “give or get” policy with board of directors. In the most recently completed fiscal year, what percentage of board members contributed either by personal donation or securing predetermined funding from a third party for the organization.

- 2 = 90% - 100% board participation in “give or get” policy
- 1 = 75% - 89% board participation in “give or get” policy
- 0 = Less than 75% board participation in “give or get” policy

Adherence to Cultural Policy Diversity Criteria (12 points)

Board Diversity (5 points) – Per the City of Dallas Cultural Policy as adopted November 28, 2018, the following goals have been put in place for cultural organizations to demonstrate a commitment to diverse community representation of the organization’s board. (Diversity numbers taken from the FY 2019-20 COP Application)

Points	Tier I	Tier II	Tier III	Tier IV
5	10% or more	10% or more	20% or more	30% or more
3	3% - 9%	3% - 9%	6% - 19%	10% - 29%
0	2% or less	2% or less	5% or less	9% or less

Staff Diversity (5 points) – While the Cultural Policy does not set specific goals for staff diversity, the Office of Cultural Affairs will mirror staff diversity goals based on those of board diversity goals and definitions for the purposes of this scoring category. Staff is considered pay-rolled staff, not contracted labor. Because organizations in Tier I generally do not have significant numbers of staff, they are exempt from staff diversity goals.

Points	Tier I	Tier II	Tier III	Tier IV
5		10% or more	20% or more	30% or more
3		3% - 9%	6% - 19%	10% - 29%
0		2% or less	5% or less	9% or less

Equity, Diversity & Inclusion Policy (2 points) - Per the City of Dallas Cultural Policy as adopted November 28, 2018, organizations receiving operational support through COP must have measurable goals related to equity, diversity and inclusion that are board-approved and published on the organization’s website.

2 Points = Organization has completed and published their board-approved policy

0 Points = Organization has not completed and published their board-approved policy

Compliance

COP contracts require compliance for the entirety of the contract period (October 1, 2019 – September 30, 2020). Any major contract compliance issues such as current audits not being received, or other similar items will be presented to the Allocations Committee to recommend a course of action to be taken. This will then be presented to the full Arts and Culture Advisory Commission for recommendation of funding continuation.

To maintain compliance, organizations must provide the following:

Audited Financial Reports

An annual audit that has been conducted by an outside certified accountant for the most recently completed fiscal year must be submitted by all COP funded organizations to the OCA. Audits should be available and sent no later than six months after the completion of the organization's fiscal year. Failure to meet audit deadlines may result in the withholding of contract payments. First time applicants must submit an audit prior to contract execution.

Monthly COP Reports

A monthly report listing Dallas activities and programs presented by the organization, the total attendance at each activity and supporting information must be submitted by the 15th day of each month (reporting the prior month's activities) to OCA.

Final Report

A final evaluation report summarizing activities for the contract period must be submitted to OCA by October 15, 2020. Failure to submit the report in a timely manner or submission of an incomplete report may result in delayed payment or non-payment of the final contract installment as well as payment on future contracts. This online form can be found on the COP page at dallasculture.org.

Business Inclusion and Development: Minority and Women-Owned Business Enterprises

It is the policy of the City of Dallas to use qualified Minority and Women-Owned Business Enterprises (M/WBEs) to the greatest extent feasible on the City's construction, procurement and professional services contracts. The City and its contractors shall not discriminate on the basis of race, color, religion, national origin, age or sex in the award and performance of contracts. In consideration of this policy, the City of Dallas has adopted the Business Inclusion and Development Plan (BID Plan) for all City of Dallas contracts. The purpose of the Business Inclusion and Development Plan is to increase participation of M/WBEs in City procurement and contracting opportunities. And to develop the local business base through the award of contracts and purchases to locally owned businesses. Under the BID Plan, bidders/proposers are required to sign an affidavit agreeing to comply with the City's BID Plan.

The BID Plan shall apply to all City contracts for the procurement of construction, architectural and engineering, goods, other services and professional services, with emphasis on first tier subcontracts on City contracts over \$50,000. As a prerequisite for City Council award, the prime contractor must make a

good faith effort to meet established M/WBE subcontracting goals and if goals are not met, must demonstrate and document its good faith effort to meet the established goals.

In addition to the goal-based policy, it is the preference of the City of Dallas for the workforce of contract awardees to be reflective of the diversity of the residents of the City of Dallas.

The City reserves the right to request a company's affirmative action plan or equal opportunity plan from potential contract awardees. In addition, if the potential awardee plans to hire additional staff to complete the contract, the City reserves the right to request a local hiring plan.

Insurance Requirements

Insurance requirements are included in the contract and are determined by the Office of Risk Management. A Certificate of Insurance (COI) must be submitted to the City whenever a policy expires and is renewed. Funds cannot be released without a memorandum of compliance from the Office of Risk Management stating insurance requirements have been met. Proof of insurance must meet the specific terms of the contract. During the contract term, applicants are required to obtain and maintain all necessary licenses, permits, insurance and other approvals required by law for the provision of services.

Failure to meet insurance requirements will be reported to the Arts & Culture Advisory Commission and could result in contract termination. *(For more information on insurance requirements please see 2019-20 COP Appendix)*

Logo and Credit Line

It is imperative that the residents of Dallas know that their local tax dollars make it possible for them to enjoy the caliber of arts produced in this City. All contractors must recognize the City of Dallas in the same way it recognizes other contributors in terms of benefits, type size on publications, and frequency of acknowledgment.

The City of Dallas logo can be downloaded from our website: www.dallasculture.org, click on "Funding Programs" scroll down to the bottom of that page to the City of Dallas logo. You will find several versions there to download.

Arts organizations and artists awarded City of Dallas contracts for cultural services must include the following credit line and logo in publications, programs, press releases, season brochures, lobby displays, advertising and every other mode of public communication:

"(Name of your organization/program) is supported in part by the City of Dallas Office of Cultural Affairs."

Complimentary Tickets

Cultural organizations shall make available up to four complimentary tickets per event, program, production, exhibition or other activity produced by the organization to the Office of Cultural Affairs for the purpose of allowing City staff to assess the management and operation of City-owned facilities within their jurisdiction and to oversee City sponsored events. This requirement applies to organization's regular programming only and not to special fundraising events. Additionally, the organization may provide free

tickets to promotional activities to the Director for distribution to the general public at various OCA facilities.

Receipt of complimentary tickets by City staff is subject to the provisions of the City's Gift Policy For City Employees, provided in Council Resolution 17-0516 adopted on March 22, 2017.

Social Media Recognition

In social media promotions related to any service funded by COP, you can tag City of Dallas Office of Cultural Affairs and utilize preferred hashtags when appropriate. See Dallas Culture handles, preferred hashtags and recommendations for social media engagement below.

Twitter

- Through professional and/or personal accounts follow Dallas OCA Twitter account <https://twitter.com/dallasculture>
- When making posts about your project tag us in your tweet by using our handle @dallasculture
- Include the hashtags: #dallasculture #liveart #oca

Facebook

- Through professional and/or personal pages, "like" the City of Dallas Office of Cultural Affairs
- Facebook page <https://www.facebook.com/dallasculture>
- When making posts about your project, tag in them @City of DallasOffice of Cultural Affairs
- Tag @City of DallasOffice of Cultural Affairs in any photos/videos you post related to your project. Be sure to share photos on the Dallas Culture page as well

Utilize the #dallasculture #liveart #oca hashtags on Facebook posts of your projects

- Through professional and/or personal accounts follow Dallas OCA Instagram account https://www.instagram.com/dallas_culture/
- When making posts about your project tag us in your tweet by using our handle @dallas_culture

Include the hashtags: #dallasculture #liveart #oca

Arts and Culture Advisory Commission Liaison

Funded COP organizations will be assigned a liaison from the Arts and Culture Advisory Commission whose duties will be outlined per organization needs. The liaison assignment will depend on the availability of the Commissioners.

Probation

Organizations that fail to provide contractual services or meet program eligibility and reporting requirements may be in default of contract and may be placed on probation. Failure of an organization to satisfactorily address the City's concerns within a period of the probation may result in a recommendation of "no funding" for the next fiscal year.

Revisions

Once the contract has been signed, any changes in the project (either programmatic or financial) must be approved in advance by the Director of the Office of Cultural Affairs and may require a formal amendment. The contractor must submit a written request for approval of any changes.



Agenda Information Sheet

File #: 19-139

Item #: 38.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: February 27, 2019
COUNCIL DISTRICT(S): 2, 4, 5, 6, 7, 9
DEPARTMENT: Park & Recreation Department
EXECUTIVE: Willis C. Winters

SUBJECT

Authorize **(1)** a development and funding agreement with the Circuit Trail Conservancy (CTC), a Texas non-profit organization, for the purpose of assisting with the funding, land acquisition, design and construction of hike and bike trails on the remaining undeveloped 10 miles of The Loop, comprised of the Circuit Trail Connection, Trinity Forest Spine Trail, the Trinity Gateway and Trinity Skyline Trail Links (collectively hereinafter referred to as "Project"); **(2)** the receipt and deposit of funds in an amount not to exceed \$10,000,000.00 from the CTC in the Circuit Trail Conservancy Fund; **(3)** establishment of appropriations in an amount not to exceed \$10,000,000.00 in the Circuit Trail Conservancy Fund; **(4)** a match in the amount of \$10,000,000.00 from the Park and Recreation Facilities (B) Fund (2017 Bond Funds); **(5)** execution of the development and funding agreement and all terms, conditions and documents required by the agreement; and **(6)** the disbursement of funds to the U.S. Army Corps of Engineers for work on the Trinity Forest Spine Trail South in an amount not to exceed \$3,500,000.00 from the Circuit Trail Conservancy Fund and in an amount not to exceed \$3,500,000.00 from the Park and Recreation Facilities (B) Fund (2017 Bond Funds) - Total not to exceed \$20,000,000.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds) (\$10,000,000.00) and Circuit Trail Conservancy Fund (\$10,000,000.00)

BACKGROUND

The 2017 Bond Program included an allocation of \$20,000,000.00 for the Project. The CTC offered to match \$10,000,000.00 of the City funds with \$10,000,000.00 in private funds. Additionally, Dallas County (County) will fund \$5,000,000.00 towards the Trinity Forest Spine Trail portion of the Project, and North Central Texas Council of Governments (NCTCOG) will fund \$8,000,000.00 for the Circuit Trail Connection portion of the Project. The total matching funds for the Project from non-City sources are \$23,000,000.00, for a total project cost of \$43,000,000.00.

Following are the proposed deal points:

General

- The agreement sets forth the terms for the funding, land acquisition, design and construction of the Project, including the trail and improvements that include park furnishings, signage, trailheads and landscaping
- The term of the agreement commences on execution and terminates one year after completion of the Project, subject to approval and acceptance by the City (by and through the Park and Recreation Department Director) of the project
- CTC, in consideration for their private funding contributions, shall have the right to name elements of the Project, subject to the approval of the Park and Recreation Department Director

Funding

- Total estimated cost of the Project is \$43,000,000.00
 - City’s contribution is \$20,000,000.00 from the 2017 Bond Program
 - \$10,000,000.00 match to CTC’s funding
 - \$10,000,000.00 match to other governmental funding
 - City’s funds will be utilized for construction, public art, and owner’s costs
- CTC’s contribution from private funding is \$10,000,000.00
 - Required match funding from non-City sources must be in place prior to City bond funds being expended for the Project
 - CTC will match \$10,000,000.00 with funds provided to the City or spent directly on eligible project expenses.
 - City funds can match non-City source funds on an incremental basis as non-City funds are utilized and/or provided to the City
 - If CTC raises more than \$10,000,000.00 in private funds, after project costs have been met, then CTC may use remaining funds for a future maintenance endowment
- NCTCOG’s contribution is \$8,000,000.00 for the Circuit Trail Connection
 - Future agreement will be needed
- Dallas County’s contribution is \$5,000,000.00 for the Trinity Forest Spine Trail
 - Future agreement will be needed

A summary of the funding is as follows:

	NCTCOG	City	County	CTC/Other	Totals
Trinity Forest Spine Trail North	\$0	\$3.5M	\$5M	\$2.5M	\$11M
Trinity Forest Spine Trail South	\$0	\$3.5M	\$0	\$3.5M	\$ 7M
Circuit Trail Connection	\$8M	\$8M	\$0	\$800K	\$16.8M
Trinity Gateway Trail	\$0	\$5M	\$0	\$3.2M	\$ 8.2M
Totals	\$8M	\$20M	\$5M	\$10M	\$43M

Funding for the Trinity Skyline Trail Link is to be determined.

Design Phase

City

- Shall have the ability to review each phase of the CTC's design plans and approve prior to proceeding to the next phase

CTC

- CTC shall fund and manage the design process for the trail segments
 - Alternatively, design of the Trinity Forest Spine Trail from the Lawnview DART Station to Elam Road and AT&T Trail may be transferred to the U.S. Army Corps of Engineers (USACE)

Land Acquisition

City

- Shall be responsible for land acquisition needed for the trail corridor, including acquiring any easements from Oncor or other entities

CTC

- Can acquire land on the City's behalf, if it is more advantageous to the Project in terms of time and/or costs
- CTC can elect to donate or sell the property it acquires to the City
 - City may purchase the property from CTC, for a price not to exceed CTC's acquisition price
 - If the City purchases the property from CTC, CTC will receive credit towards their match funding only for the related closing costs associated with the City's purchase
 - If CTC donates the property to the City, CTC will receive credit towards their match funding for the acquisition price and the closing costs associated with the transfer to the City

Construction Phase

City

- Shall be responsible for procuring and overseeing the construction of the trails
 - Alternatively, construction of the Trinity Forest Spine Trail from the Lawnview DART Station to Elam Road and AT&T Trail may be transferred to the USACE
 - City will have the right to inspect construction performed by CTC's contractors

CTC

- CTC has an option to raise additional non-City funding for additional improvement/amenities to the trails
 - CTC may contract directly for the design and construction of the added improvements/amenities with City's review and approval

Operations/Maintenance Phase

City

- Shall provide the standard trail maintenance, subject to appropriations
- Shall be responsible for major maintenance, subject to appropriations

CTC

- May fund a maintenance endowment subject to availability of funds

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 21, 2016, the Park and Recreation Board was briefed regarding this matter.

On November 15, 2016, the City Council was briefed on The Loop Circuit Trail Conservancy.

On January 10, 2019, the Park and Recreation Board authorized a development and funding agreement with the Circuit Trail Conservancy.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on February 25, 2019.

FISCAL INFORMATION

The total project cost of this funding agreement is \$20,000,000.00 with the following components:

Park and Recreation Facilities (B) Fund (2017 Bond Funds) - \$10,000,000.00
FY 2018-19: \$3,500,000.00 (this action)

Estimated Future Cost:
FY 2018-19: \$3,600,000.00 (Land Acquisition and Construction Design)
FY 2019-20: \$12,900,000.00 (Construction)

Circuit Trail Conservancy Funds - \$10,000,000.00
FY 2018-19: \$3,500,000.00 (this action)

Project Summary

Trinity Forest Spine Trail South (this action)	\$ 7,000,000.00
Circuit Trail Connection	\$16,800,000.00
Trinity Forest Spine Trail North	\$11,000,000.00
Trinity Gateway Trail	<u>\$ 8,200,000.00</u>
 Project Total	 \$43,000,000.00

MAP

Attached