

**MARCH 26, 2014 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated March 26, 2014. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager



Date



Edward Scott
City Controller



Date

RECEIVED

2014 MAR 21 PM 5:00

CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, MARCH 26, 2014
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.

REVISED ORDER OF BUSINESS

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

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

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 31

CONSENT ADDENDUM

Items 1 - 12

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 32 - 36
Addendum Items 13 - 15

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 37 - 57

**ADDENDUM
CITY COUNCIL MEETING
MARCH 26, 2014
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

CONSENT ADDENDUM

City Attorney's Office

1. Authorize settlement of the lawsuit styled Ronald Bernard Jones v. Matthew Antkowiak, et al., Civil Action No. 3:11-CV-3443-P - Not to exceed \$1,100,000 - Financing: Current Funds

Code Compliance

2. An ordinance amending Chapter 27 of the Dallas City Code to delete the requirement that the owner, operator, or other person in control of a multi-tenant property annually attend a safe complex symposium sponsored by the City; increasing the annual number of crime watch safety meetings required to be attended by the owner, operator, or other person in control of a multi-tenant property from three to four; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

Housing/Community Services

3. Authorize an amendment to Resolution No. 13-1975, previously approved on November 12, 2013, for the housing development loan with 2122 Highland, LLC to extend the contract from January 31, 2014 through September 30, 2014 for completion of the rehabilitation and occupancy of the units - Financing: No cost consideration to the City

Office of Emergency Management

4. Authorize the acceptance of additional grant funds from the U.S. Department of Homeland Security under the 2011 Urban Area Security Initiative grant to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through August 15, 2014 - Not to exceed \$245,083, from \$9,418,363 to \$9,663,446 - Financing: U.S. Department of Homeland Security Grant Funds

**ADDENDUM
CITY COUNCIL MEETING
MARCH 26, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Park & Recreation

5. Authorize an amendment to the Donor Recognition Agreement with the White Rock Lake Conservancy for the design and renovation of the picnic pavilion, stone tables and other related improvements to include other modifications to the Donor Recognition Agreement and provisions for special events for White Rock Lake Park located at 711 East Lawther Drive - Financing: No cost consideration to the City
6. Authorize the first amendment to the Fair Park Contract (hereinafter "Agreement") with the Friends of Fair Park, Inc. (FFP) to establish, operate, manage and market the bicycle rental program at Fair Park - Not to exceed \$125,000 - Financing: Current Funds

Public Works Department

7. Authorize a contract with S.J. Louis Construction of Texas, Ltd., lowest responsible bidder of five, for the construction of street paving, storm drainage, water and wastewater main improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad - Not to exceed \$2,858,568 - Financing: General Obligation Commercial Paper Funds (\$2,738,035) and Water Utilities Capital Improvement Funds (\$120,533)
8. Authorize an agreement with the Texas Department of Transportation to contribute real property in lieu of right-of-way acquisition funds to cover the City's share of right-of-way acquisition and utility relocation costs associated with the S. M. Wright Project (Phase I) - Financing: This action has no cost consideration to the City

**Pearl Street and Cesar Chavez Boulevard
Improvements**

Note: Item Nos. 9 and 10 must be considered collectively.

9. * Authorize an increase in the contract with Tiseo Paving Company for the construction of sidewalk improvements on the Woodall Rodgers Freeway service road at Pearl Street, installation of new communication cables, and traffic signal upgrades along Pearl Street and Cesar Chavez Boulevard - Not to exceed \$582,303, from \$13,394,275 to \$13,976,578 - Financing: General Obligation Commercial Paper Funds (\$282,478) and 2006 Bond Funds (\$299,825)
10. * Authorize an increase in the contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street - Not to exceed \$776,713, from \$13,976,578 to \$14,753,291 - Financing: 2006 Bond Funds

**ADDENDUM
CITY COUNCIL MEETING
MARCH 26, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Trinity Watershed Management

11. Authorize a professional services contract with Halff Associates, Inc. for surveying, plating, environmental services and preparation of a Municipal Setting Designation application for the Dallas Floodway from the confluence of the West Fork and the Elm Fork of the Trinity River to the southern limit at DART Rail Line and the Santa Fe Trestle - Not to exceed \$640,498 - Financing: Stormwater Drainage Management Current Funds (\$316,294) and 1998 Bond Funds (\$324,204)
12. Authorize Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$49,000, from \$73,950 to \$122,950 - Financing: 1998 Bond Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

13. A resolution designating absences by Councilmember Rick Callahan and Councilmember Carolyn R. Davis as being for "official city business" - Financing: No cost consideration to the City

Mayor and City Council

14. An ordinance adding Chapter 9C, "Carryout Bags," to the Dallas City Code to provide regulations for single-use and reusable carryout bags; and a resolution instructing staff to explore options for reducing the impacts of single-use carryout bags - Financing: No cost consideration to the City

DESIGNATED PUBLIC SUBSIDY MATTERS

Housing/Community Services

15. Authorize a conditional grant agreement with Sphinx Development Corporation or its wholly owned subsidiary in the amount of \$480,000 to construct fourteen townhomes at Eighth Street and Corinth Street just south of the newly constructed senior homes on Tonga Street - Not to exceed \$480,000 - Financing: General Obligation Commercial Paper Funds

ADDENDUM DATE March 26, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			N/A	C	ATT, POL	\$1,100,000.00	NA	NA	Authorize settlement of the lawsuit styled Ronald Bernard Jones v. Matthew Antkowiak, et al., Civil Action No. 3:11-CV-3443-P
2			All	C	CCS	NC	NA	NA	An ordinance amending Chapter 27 of the Dallas City Code to delete the requirement that the owner, operator, or other person in control of a multi-tenant property annually attend a safe complex symposium sponsored by the City; increasing the annual number of crime watch safety meetings required to be attended by the owner, operator, or other person in control of a multi-tenant property from three to four; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date
3			9	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 13-1975, previously approved on November 12, 2013, for the housing development loan with 2122 Highland, LLC to extend the contract from January 31, 2014 through September 30, 2014 for completion of the rehabilitation and occupancy of the units
4			All	C	OEM	GT	NA	NA	Authorize the acceptance of additional grant funds from the U.S. Department of Homeland Security under the 2011 Urban Area Security Initiative grant to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through August 15, 2014
5			9	C	PKR	NC	NA	NA	Authorize an amendment to the Donor Recognition Agreement with the White Rock Lake Conservancy for the design and renovation of the picnic pavilion, stone tables and other related improvements to include other modifications to the Donor Recognition Agreement and provisions for special events for White Rock Lake Park located at 711 East Lawther Drive
6			7	C	PKR	\$125,000.00	NA	NA	Authorize the first amendment to the Fair Park Contract (hereinafter "Agreement") with the Friends of Fair Park, Inc. (FFP) to establish, operate, manage and market the bicycle rental program at Fair Park
7			8	C	PBW, WTR, ECO	\$2,858,567.91	83.59%	25.00%	Authorize a contract with S.J. Louis Construction of Texas, Ltd., lowest responsible bidder of five, for the construction of street paving, storm drainage, water and wastewater main improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad
8			7	C	PBW, TWM	NC	NA	NA	Authorize an agreement with the Texas Department of Transportation to contribute real property in lieu of right-of-way acquisition funds to cover the City's share of right-of-way acquisition and utility relocation costs associated with the S. M. Wright Project (Phase I)
9			2, 14	C	PBW, ECO	\$582,303.00	100.00%	35.88%	Pearl Street and Cesar Chavez Boulevard Improvements: Authorize an increase in the contract with Tiseo Paving Company for the construction of sidewalk improvements on the Woodall Rodgers Freeway service road at Pearl Street, installation of new communication cables, and traffic signal upgrades along Pearl Street and Cesar Chavez Boulevard
10			2, 14	C	PBW, ECO	\$776,713.30	100.00%	34.25%	Pearl Street and Cesar Chavez Boulevard Improvements: Authorize an increase in the contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street
11			1, 2, 4, 6	C	TWM, PBW	\$640,497.75	97.42%	19.66%	Authorize a professional services contract with Halff Associates, Inc. for surveying, plating, environmental services and preparation of a Municipal Setting Designation application for the Dallas Floodway from the confluence of the West Fork and the Elm Fork of the Trinity River to the southern limit at DART Rail Line and the Santa Fe Trestle
12			4	C	TWM	\$49,000.00	14.38%	12.07%	Authorize Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project
13			All	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Rick Callahan and Councilmember Carolyn R. Davis as being for "official city business"
14			All	I	MCC, CCS, OEQ	NC	NA	NA	An ordinance adding Chapter 9C, "Carryout Bags," to the Dallas City Code to provide regulations for single-use and reusable carryout bags; and a resolution instructing staff to explore options for reducing the impacts of single-use carryout bags

ADDENDUM DATE March 26, 2014

ITEM		IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
#	OK	DEF									
15				4	I	HOU	\$480,000.00	NA	NA	Authorize a conditional grant agreement with Sphinx Development Corporation or its wholly owned subsidiary to construct fourteen townhomes at Eighth Street and Corinth Street just south of the newly constructed senior homes on Tonga Street	
TOTAL							\$6,612,081.96				

ADDENDUM ITEM # 1

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Police

CMO: Warren M.S. Ernst, 670-3491
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Ronald Bernard Jones v. Matthew Antkowiak, et al., Civil Action No. 3:11-CV-3443-P - Not to exceed \$1,100,000 - Financing: Current Funds

BACKGROUND

Ronald Bernard Jones sued the City of Dallas and several Dallas police officers in federal court, alleging that the City and its officers violated Jones' rights to be free from excessive force and from arrest without probable cause, and that he was maliciously prosecuted. Jones, the City, and the officers have reached a mediated settlement, subject to city council approval, that resolves all claims against all parties, including any potential attorney's fees and costs of suit. Ronald Bernard Jones is represented by the Law Offices of Don Tittle.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on February 19, 2014, and March 5, 2014.

FISCAL INFORMATION

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

\$1,100,000 - Current Funds

March 26, 2014

WHEREAS, plaintiff filed a lawsuit styled Ronald Bernard Jones v. Matthew Antkowiak, et al., Civil Action No. 3:11-CV-3443-P, alleging the City and its officers violated Jones' rights to be free from excessive force and from arrest without probable cause, and that he was maliciously prosecuted; and,

WHEREAS, the City denies plaintiff's allegations; and,

WHEREAS, the parties have agreed to a proposed settlement of the case whereby the City will pay the plaintiff and his attorney the amount of \$1,100,000.00; and,

WHEREAS, it is in the best interest of the City to settle this case; **Now, Therefore,**

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

Section 1. That settlement of the lawsuit styled Ronald Bernard Jones v. Matthew Antkowiak, et al., Civil Action No. 3:11-CV-3443-P, in an amount not to exceed \$1,100,000.00 is hereby approved.

Section 2. That the City Controller is authorized to pay to Ronald B. Jones and his attorney, the Law Offices of Don Tittle, PLLC, the amount of \$1,100,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTORM001.

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

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Code Compliance

CMO: Charles Cato, 671-3908

MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 27 of the Dallas City Code to delete the requirement that the owner, operator, or other person in control of a multi-tenant property annually attend a safe complex symposium sponsored by the City; increasing the annual number of crime watch safety meetings required to be attended by the owner, operator, or other person in control of a multi-tenant property from three to four; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

This item deletes a requirement in Chapter 27 of the Dallas City Code, "Attendance At Crime Watch Meetings and Safe Complex Symposiums", for the owner, operator, or other person in control of a multi-tenant property to annually attend a safe complex symposium sponsored by the City. Multi-tenant facilities are required under Chapter 27 to hold multiple permits, submit to inspections, and participate in certain mandatory programs, including obtaining a certificate of occupancy, the multi-tenant registration program, the crime prevention lease addendum requirement, participation in an annual safe complex symposium, attendance at three crime watch meetings annually, a requirement to post emergency response contact information and a master meter notice, and a requirement to hold a swimming pool/spa permit (if applicable). These standards are designed to safeguard public health, safety and welfare, and prevent blight and decay. The safe complex symposium was established by Ordinance No. 25522 in March 2004, and is organized by Code Compliance with assistance from Police, Fire-Rescue, Water Utilities and the City Attorney's Office. City Code currently requires the symposium be held during the third week in May each year (may only be changed by Council resolution). Owners or operators that cannot attend are subject to a fine.

BACKGROUND (Continued)

Since the symposium requirement was instituted in 2004, additional programs effecting multi-tenant properties have been created, including the Mandatory Crime Reduction Program (MCRP), the Support Abatement Forfeiture and Enforcement Program (SAFE), the Gold Star Program, and Chief on the Beat. The proposed ordinance deletes the annual symposium requirement and increases the minimum number of crime watch meetings an owner or operator must annually attend from three to four.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Public Safety Committee briefed on February 24, 2014.

FISCAL INFORMATION

No cost consideration to the City

ORDINANCE NO. _____

An ordinance amending Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code by amending Sections 27-31, 27-38, and 27-44 to sunset the safe complex symposium program; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 27-31, "Registration Application," of Article VII, "Registration and Inspection of Multi-Tenant Properties," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code is amended to read as follows:

"SEC. 27-31. REGISTRATION APPLICATION.

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

- (1) the name, address, and telephone number of the applicant or the applicant's authorized agent;
- (2) the name, all legal addresses, and the main telephone number, if any, of the multi-tenant property;
- (3) the name, address, and telephone number of a person or persons to contact in an emergency as required by Section 27-39 of this article;
- (4) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business;
- (5) the number of units, buildings, and swimming pools located on the multi-tenant property and the total number of bedrooms located on the property (a unit with no separate bedroom will be counted as one bedroom);
- (6) documentary evidence of payment of ad valorem taxes owed in connection with the multi-tenant property;

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

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

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

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

SECTION 2. That Subsection (b) of Section 27-38, “Registrant’s Records,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code is amended to read as follows:

“(b) Records that must be maintained by the registrant include, but are not limited to:

(1) the current certificate of occupancy issued for the property;

(2) records of ownership for the property;

(3) the name and telephone number of the manager of operations, and the pool logs, for any swimming pool on the property;

(4) the crime prevention addendum for each tenant of the property as required under Section 27-43 of this article;

(5) records of attendance at crime watch safety meetings and mandatory crime prevention and safety meetings sponsored by the city of Dallas [~~safe complex symposiums~~] as required by Section 27-44 of this article; and

(6) any other records deemed necessary by the director for the administration and enforcement of this article.”

SECTION 3. That Section 27-44, “Attendance at Crime Watch Meetings and Safe Complex Symposiums,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code is amended to read as follows:

“SEC. 27-44.

ATTENDANCE AT CRIME WATCH SAFETY MEETINGS AND MANDATORY CRIME PREVENTION AND SAFETY MEETINGS SPONSORED BY THE CITY [SAFE COMPLEX SYMPOSIUMS].

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

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

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

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. That Chapter 27 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That the requirement to attend four crime watch safety meetings takes effect on January 1, 2015. The remainder of this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 26, 2014
COUNCIL DISTRICT(S): 9
DEPARTMENT: Housing/Community Services
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 47C

SUBJECT

Authorize an amendment to Resolution No. 13-1975, previously approved on November 12, 2013, for the housing development loan with 2122 Highland, LLC to extend the contract from January 31, 2014 through September 30, 2014 for completion of the rehabilitation and occupancy of the units - Financing: No cost consideration to the City

BACKGROUND

In March 2012, Gary Hasty, member of 2122 Highland, LLC, submitted a proposal to the City of Dallas for the rehabilitation of twenty four (24) affordable housing units for veterans at 2122 Highland Road. The two-story apartment complex which was built in 1964 was budgeted for a full rehabilitation for approximately \$943,000.

On August 20, 2012, the Housing Committee was briefed on the forgivable development loan and a loan for \$400,000 was approved by City Council on October 24, 2012. Veritex Bank provided the additional financing for the rehabilitation. The \$400,000 loan will be forgiven 1/10th annually following the completion of rehabilitation and unit by unit occupancy.

After the start of rehabilitation, a fire occurred and increased the total cost for the full rehabilitation of the units. The developer approached the first lender for the additional funds but was turned down. In order to complete the units, the developer requested that the City of Dallas increase its loan and agreed to repay the additional funds.

On November 12, 2013, City Council approved an amendment to Resolution No. 12-2706 to: (1) increase the development loan to \$550,000; (2) extend the term of the contract to January 31, 2014; and (3) set repayment terms for \$150,000 of the loan to 0% interest for 20 years.

BACKGROUND (continued)

The developer has informed the City that it was unable to meet the completion deadline of January 31, 2014 due to weather conditions, and has requested that the City extend the completion deadline until September 30, 2014.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 22, 2011, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2011-12 federal funds which included the HOME Investment Partnership Funds, by Resolution No. 11-1679.

On October 24, 2012, the City Council approved a housing development loan in the amount of \$400,000 to 2122 Highland LLC for the development of affordable housing to be located at 2122 Highland Road for veterans, by Resolution No. 12-2706.

On June 26, 2013, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2013-14 federal funds which included the HOME Investment Partnership Funds, by Resolution No. 13-1142.

On November 12, 2013, the City Council approved an amendment to Resolution No. 12-2706 to: (1) increase the development loan to \$550,000; (2) extend the term of the contract to January 31, 2014; and (3) set repayment terms for \$150,000 of the loan to 0% interest for 20 years, by Resolution No. 13-1975.

FISCAL INFORMATION

No cost consideration to the City

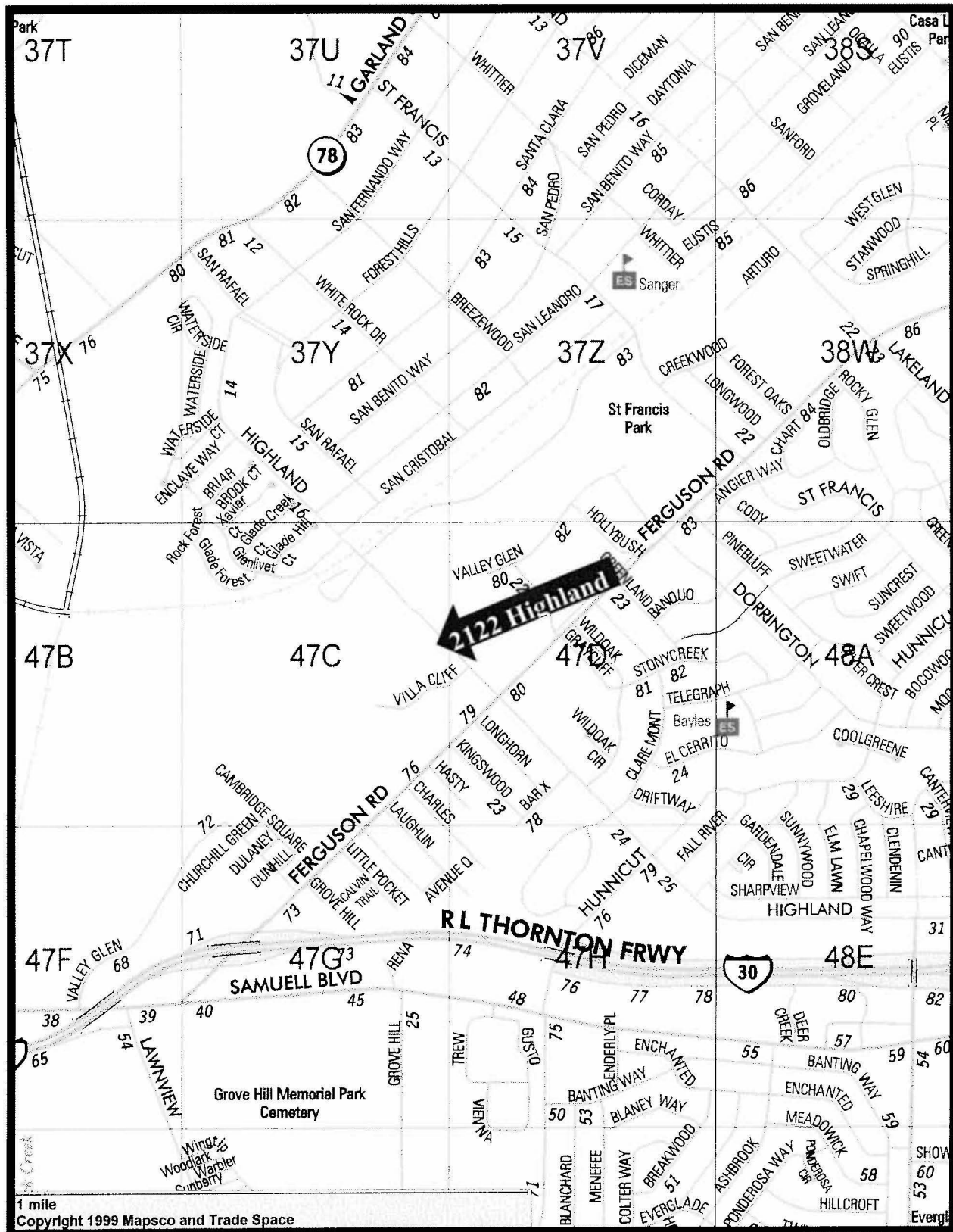
OWNER(S)

2122 Highland, LLC

Gary Hasty, Partner
Bryan Brown, Partner

MAP

Attached



MAPSCO 47C

March 26, 2014

WHEREAS, affordable housing for veterans is a high priority of the City of Dallas; and

WHEREAS, on June 23, 2010, the City Council approved the FY 2010-11 Consolidated Plan Budget which included the HOME Investment Partnership Program Funds by Resolution No. 10-1594; and

WHEREAS, on June 22, 2011, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2011-12 federal funds which included the HOME Investment Partnership Funds by Resolution No. 11-1679; and

WHEREAS, on October 24, 2012, the City Council approved a housing development loan in the amount of \$400,000 to 2122 Highland LLC for the development of affordable housing to be located at 2122 Highland Road for veterans by Resolution No. 12-2706; and

WHEREAS, on June 26, 2013, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2013-14 federal funds which included the HOME Investment Partnership Funds by Resolution No. 13-1142; and

WHEREAS, on November 12, 2013, the City Council approved an amendment to Resolution No. 12-2706 to: (1) increase the development loan to \$550,000; (2) extend the term of the contract to January 31, 2014; and (3) set repayment terms for \$150,000 of the loan to 0% interest for 20 years, by Resolution No. 13-1975; and

WHEREAS, the City desires for 2122 Highland, LLC to continue to develop and occupy the affordable units for veterans;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to amend the housing development loan for 2122 Highland, LLC to extend the contract from January 31, 2014 through September 30, 2014 for completion of the rehabilitation and occupancy of the units.

Section 2. The revised terms of the loan agreement include:

- a. 2122 Highland, LLC will have until September 30, 2014 to fully complete the rehabilitation and occupy of the units.

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

KEY FOCUS AREA: Public Safety
AGENDA DATE: March 26, 2014
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Emergency Management
CMO: Charles Cato, 671-3908
MAPSCO: N/A

SUBJECT

Authorize the acceptance of additional grant funds from the U.S. Department of Homeland Security under the 2011 Urban Area Security Initiative grant to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through August 15, 2014 - Not to exceed \$245,083, from \$9,418,363 to \$9,663,446 - Financing: U.S. Department of Homeland Security Grant Funds

BACKGROUND

In January 2012, the City of Dallas was awarded \$9,418,362.80 from the Department of Homeland Security (DHS) under the FY11 Urban Area Security Initiative (UASI) grant program to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters.

Funding from the UASI grant is designed to target the unique needs of urban areas in preventing, protecting from, responding to, and recovering from terrorist attacks and natural disasters. Funds are distributed through the State Administrative Agency (SAA) in the Governor's Division of Emergency Management. Recently, the SAA has identified additional UASI funds to be distributed to previously funded UASI jurisdictions. As a previously identified grantee, the City of Dallas is eligible for \$245,082.56 of these additional funds.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

Authorized the acceptance of 2011 Urban Area Security Initiative Grant Funds on January 11, 2012, by Resolution No. 12-0131.

FISCAL INFORMATION

\$245,082.56 - U.S. Department of Homeland Security Grant Funds

March 26, 2014

WHEREAS, the U.S. Department of Homeland Security has made funding available to the City of Dallas to build our capacity to prevent, protect against, respond to, and recover from a terrorist attack or natural disaster; and

WHEREAS, grant funds have been awarded to the City of Dallas to procure equipment and provide training for first responders; and

WHEREAS, the City of Dallas will benefit from increased preparedness throughout the City;

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to accept additional U.S. Department of Homeland Security grant funds to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through August 15, 2014, in an amount not to exceed \$245,082.56, from \$9,418,362.80 to \$9,663,445.36.

Section 2. That the City Manager is authorized to increase appropriations by \$245,082.56 in Fund F352, Department MGT, Unit 1680, Object Code 3099, from \$9,418,362.80 to \$9,663,445.36.

Section 3. That the City Controller is authorized to deposit U.S. Department of Homeland Security grant funds in Fund F352, Department MGT, Unit 1680, Revenue Source 6506, in an amount not to exceed \$245,082.56.

Section 4. That the City Controller is authorized to disburse funds from Fund F352, Department MGT, Unit 1680, Object Code 3099, in an amount not to exceed \$245,082.56.

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

KEY FOCUS AREA: Culture, Arts and Recreation
AGENDA DATE: March 26, 2014
COUNCIL DISTRICT(S): 9
DEPARTMENT: Park & Recreation
CMO: Willis Winters, 670-4071
MAPSCO: 37-M

SUBJECT

Authorize an amendment to the Donor Recognition Agreement with the White Rock Lake Conservancy for the design and renovation of the picnic pavilion, stone tables and other related improvements to include other modifications to the Donor Recognition Agreement and provisions for special events for White Rock Lake Park located at 711 East Lawther Drive – Financing: No cost consideration to the City

BACKGROUND

On April 13, 2011, by Resolution No. 11-0923, Council authorized a ten-year development and maintenance agreement with a ten-year renewal option with the White Rock Lake Conservancy for the construction of the White Rock Lake Centennial Donor Brick Recognition Plaza at White Rock Lake Park located at 8300 Garland Road.

The White Rock Lake Conservancy (WRLC) is a Texas non-profit corporation established and existing under Texas law for the purpose of improving White Rock Lake Park and its immediate surrounding area. The parties now desire to further improve the park by designing and renovating the picnic pavilion, stone tables and other related improvements located at 711 East Lawther Drive.

This Amendment contemplates the dealpoints as follows:

- The parties agree and acknowledge that WRLC may make future improvements to the premises or the park in accordance with the terms and conditions of the Master Agreement.
- WRLC shall fund the design and the construction of improvements at the premises as contemplated in the recitals above to include the following: renovation of the picnic pavilion, stone tables, walkways, parking and other related improvements.

BACKGROUND (Continued)

- WRLC agrees to raise the money to fund the improvements, whether constructed by a contractor of their choosing or forces provided by the City.
- WRLC at its sole cost and expense shall undertake and complete the design, development, and construction of the improvements subject to terms of this Master Agreement.
- The term of this agreement shall commence on execution, and shall expire or terminate co-terminously with the expiration or termination of the Donor Recognition Agreement (including any renewals of the Donor Recognition Agreement), or twenty years from the date of execution of this Master Agreement, whichever is longer.
- All construction plans and specifications for the construction of the improvements must be reviewed and approved in writing by the Director, prior to commencement of any work.
- WRLC, and its engineers, construction manager, contractors and subcontractors shall adopt good faith efforts in compliance with the City's Business Inclusion and Development Plan in hiring and contracting with minority and women-owned local businesses certified by the City of Dallas, or the North Central Texas Regional Certification Agency in construction of the improvements.
- The parties understand that the construction of the improvements is for a public purpose, and is being built upon public property for the benefit of the citizens of Dallas.
- WRLC may conduct special events at White Rock Lake Park.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized the development and maintenance agreement on March 3, 2011.

City Council authorized the development and maintenance agreement on April 13, 2011, by Resolution No. 11-0923.

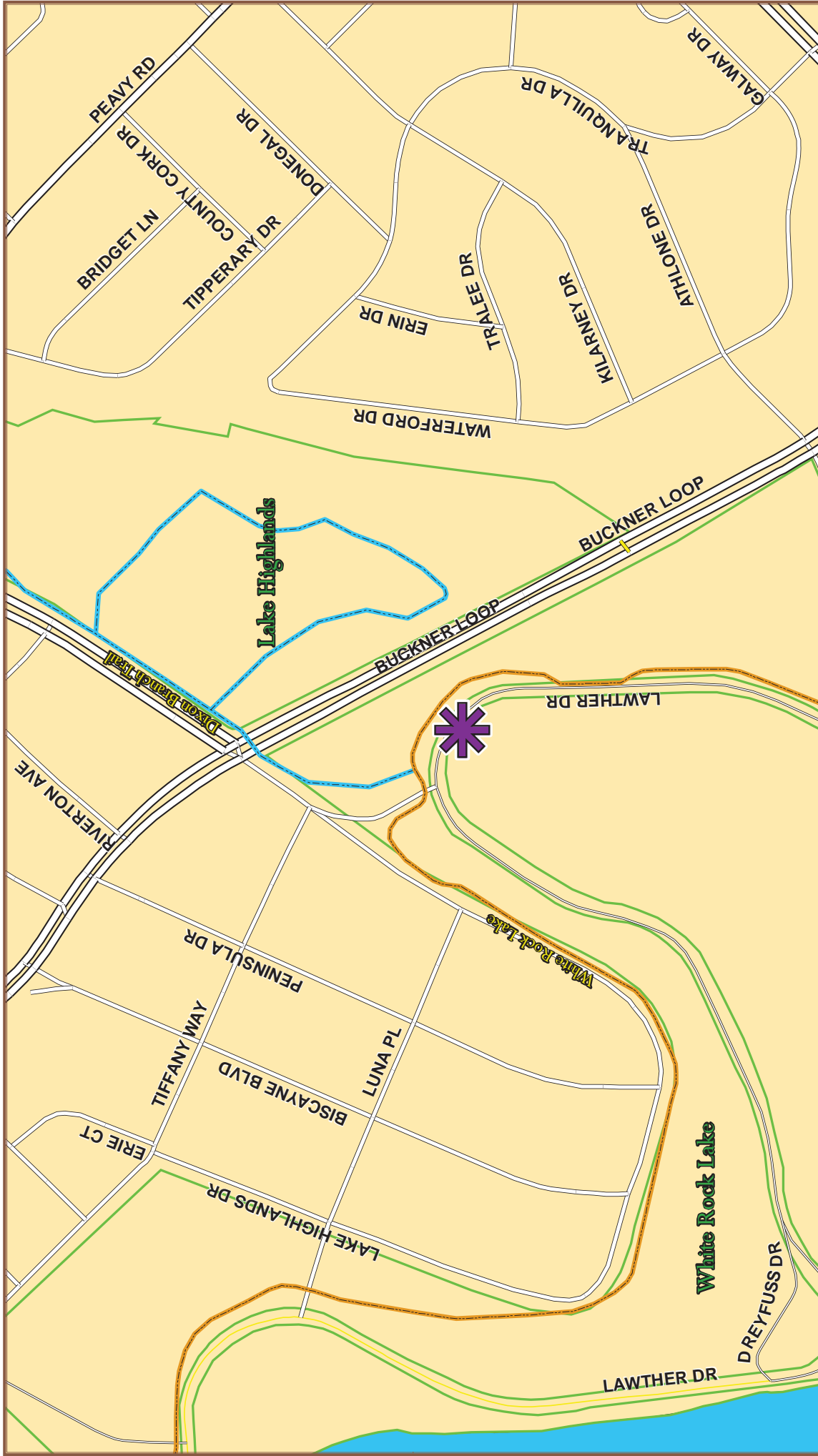
The Park and Recreation Board authorized the Stone Tables Agreement and White Rock Lake Conservancy Master Agreement on March 6, 2014.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



0 155 310 620 930 Feet

March 6, 2014

MapSCO
37 M

District
9

White Rock Lake Park (711 East Lawther Drive)

March 26, 2014

WHEREAS, the City of Dallas owns land known as White Rock Lake Park, which is located at 8300 Garland Road; and

WHEREAS, the White Rock Lake Conservancy (WRLC) is a Texas non-profit corporation established and existing under Texas law for the purpose of improving White Rock Lake Park and its immediate surrounding area; and

WHEREAS, on April 13, 2011, by Resolution No. 11-0923, the White Rock Lake Conservancy (WRLC) was awarded a ten-year development and maintenance agreement with a ten-year renewal option for the construction of the White Rock Lake Centennial Donor Brick Recognition Plaza at White Rock Lake Park located at 8300 Garland Road; and

WHEREAS, the parties now desire to further improve the park by designing and renovation the picnic pavilion, stone tables and other related improvements at the White Rock Lake Park located at 711 East Lawther Drive.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas, Park and Recreation Department and White Rock Lake Conservancy, a Texas non-profit corporation established and existing under Texas law, in consideration of the mutual covenants, terms and conditions in this Amendment, and for other good and valuable consideration, do hereby agree, as follows:

- The parties agree and acknowledge that WRLC may make future improvements to the premises or the park in accordance with the terms and conditions of the Master Agreement.
- WRLC shall design and construct improvements at the premises as contemplated in the recitals above to include the following: renovation of the picnic pavilion, stone tables, walkways, parking and other related improvements.
- WRLC agrees to raise the money to fund the improvements, whether constructed by a contractor of their choosing or forces provided by the City.
- WRLC at its sole cost and expense shall undertake and complete the design, development, and construction of the improvements subject to terms of this Master Agreement.

March 26, 2014

SECTION 1. (Continued)

- The term of this agreement shall commence on execution, and shall expire or terminate co-terminously with the expiration or termination of the Donor Recognition Agreement (including any renewals of the Donor Recognition Agreement), or twenty years from the date of execution of this Master Agreement, whichever is longer.
- All construction plans and specifications for the construction of the improvements must be reviewed and approved in writing by the Director, prior to commencement of any work.
- WRLC, and its engineers, construction manager, contractors and subcontractors shall adopt good faith efforts in compliance with the City's Business Inclusion and Development Plan in hiring and contracting with minority and women-owned local businesses certified by the City of Dallas, or the North Central Texas Regional Certification Agency in construction of the improvements.
- The parties understand that the construction of the improvements is for a public purpose, and is being built upon public property for the benefit of the citizens of Dallas.
- WRLC may conduct special events at White Rock Lake Park.

SECTION 2. That the President of the Park and Recreation Board, and the City Manager is hereby authorized to execute a Development and Maintenance Agreement with WRLC, after approval as to form by the City Attorney's Office.

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 26, 2014
COUNCIL DISTRICT(S): 7
DEPARTMENT: Park & Recreation
CMO: Willis Winters, 670-4071
MAPSCO: 45Q

SUBJECT

Authorize the first amendment to the Fair Park Contract (hereinafter "Agreement") with the Friends of Fair Park, Inc. (FFP) to establish, operate, manage and market the bicycle rental program at Fair Park - Not to exceed \$125,000 - Financing: Current Funds

BACKGROUND

On June 14, 2000, Resolution No. 00-1879 authorized an agreement with the Friends of Fair Park, Inc. (FFP) for the management and operation of the Magnolia Lounge for a term of ten years with options to extend for two consecutive terms of five years each, exercisable by the Park and Recreation Board. The agreement stipulates that Friends of Fair Park shall diligently improve and promote Fair Park as a recreational, historical, educational and entertainment destination, utilizing all revenues from the operation of the Magnolia Lounge. Founded in 1984, FFP is a Texas non-profit 501(c)(3) corporation dedicated to the improvement, preservation and continued use of Fair Park and its facilities. In support of the Fair Park Comprehensive Plan initiatives, FFP is committed to help make Fair Park a year-round destination and growing the number of visitors to the park by working in partnership with Fair Park Administration and the cultural/entertainment venues at Fair Park.

On June 3, 2010, the Park and Recreation Board exercised the first five-year option with FFP under the same terms and conditions as the original agreement. The first option is set to expire on June 14, 2015. One additional five-year option may be exercised by the Park and Recreation Board which would extend the contract through June 14, 2020.

BACKGROUND (Continued)

A bicycle rental program is proposed as part of the initiative to increase daily activity at Fair Park. This contract amendment will authorize the Friends of Fair Park to install and operate the bicycle rental facilities, including on-going maintenance obligations. It is anticipated the rental proceeds will provide for the on-going maintenance required for the bicycles, marketing this visitor amenity and potentially expanding the program within the parks interior in the future. Additionally, these bicycle stations are anticipated to be complimentary to any future city-wide bicycle rental program.

General Principles of the Contract:

1. City will pay Operator a one-time management fee of up to \$125,000 to establish, operate, manage, and market the Bicycle Rental Program.
2. Friends of Fair Park will use reasonable efforts to purchase, manage and operate a Bicycle Rental Program at Fair Park as a recreational opportunity and visitor amenity.
3. Friends of Fair Park will market and promote the Bicycle Rental Program as an offering to visitors.
4. Friends of Fair Park will manage and maintain the Bicycle Rental Program as an independent contractor.
5. City will retain ownership of premises, bicycles and all improvements.
6. Friends of Fair Park will recommend operating hours, subject to approval by the Park and Recreation Director.
7. Friends of Fair Park will recommend all rates, fees and charges, subject to final approval by Park and Recreation Director.
8. All items, materials and equipment purchased by Operator shall become the property of the City.
9. Friends of Fair Park will pay City a 20% commission on all sponsorship(s), including naming rights associated with the Bicycle Rental Program to be placed in a Park and Recreation Department multi-year fund designated for marketing of Fair Park.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Ten-year lease agreement with two consecutive five-year terms authorized by City Council on June 14, 2000, by Resolution No. 00-1879.

First five-year term option approved by the Park and Recreation Board on June 3, 2010.

First amendment to the lease agreement approved by the Park and Recreation Board on March 6, 2014.

FISCAL INFORMATION

Current Funds - \$125,000

March 26, 2014

WHEREAS, on June 14, 2000, by Resolution No. 00-1879, the City Council authorized a Fair Park Contract (hereinafter "Agreement") between the City of Dallas and Friends of Fair Park, Inc. for a period of ten years with options to extend for two consecutive terms of five years, exercisable by the Park and Recreation Board, for the management and operation of the Magnolia Lounge; and

WHEREAS, under the Agreement, Friends of Fair Park, Inc. shall diligently improve and promote Fair Park as a recreational, historical, educational and entertainment destination; and

WHEREAS, on June 3, 2010, the first five-year option was exercised by the Park and Recreation Board; and

WHEREAS, the Fair Park Vision and Strategies calls for visitor amenities to include bicycle rental stations to increase daily activity at Fair Park; and

WHEREAS, in this First Amendment, the City is proposing to amend the Agreement to authorize the Friends of Fair Park, Inc. to install and operate bicycle rental facilities, including on-going maintenance obligations as an independent contractor.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager, upon approval by the City Attorney as to form, is hereby authorized to enter into an amendment to the Agreement that will allow the City to pay Friends of Fair Park, Inc. (VS0000013550) a one-time management fee of \$125,000 to establish, operate, manage and market the bicycle share program and for the City to receive a 20% commission on all sponsorship(s), including naming rights associated with the bicycle rental program.

SECTION 2. That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$125,000 from Fund 0001; Department PKR; Unit 9487; Object 3070; CT PKRCT14F016; Vendor #VS0000013550.

SECTION 3. That the City Controller is hereby authorized to receive and deposit funds received under the Agreement for sponsorship revenues to Fund 0G43; Department PKR; Unit 6155; Revenue Source 8411.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 8

DEPARTMENT: Public Works Department
Water Utilities
Office of Economic Development

CMO: Jill A. Jordan, P.E., 670-5299
Forest E. Turner, 670-3390
Ryan S. Evans, 671-9837

MAPSCO: 76H 77E

SUBJECT

Authorize a contract with S.J. Louis Construction of Texas, Ltd., lowest responsible bidder of five, for the construction of street paving, storm drainage, water and wastewater main improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad - Not to exceed \$2,858,568 - Financing: General Obligation Commercial Paper Funds (\$2,738,035) and Water Utilities Capital Improvement Funds (\$120,533)

BACKGROUND

A professional services contract with Kimley-Horn and Associates, Inc. for the engineering design of a thoroughfare project for Bonnie View Road from Langdon Road to Hutchins city limits was authorized by City Council on June 25, 2008, by Resolution No. 08-1817. Council Resolution No. 12-2157, dated August 22, 2012, authorized a supplemental agreement that expanded the scope of the original design contract to include street improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad. This action will authorize a contract with S.J. Louis Construction of Texas, Ltd. for the construction of street paving, storm drainage and water and wastewater main improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad.

The street improvements will consist of reinforced concrete pavement, driveway approaches, sidewalks, storm drainage, utilities and water and wastewater main improvements.

S.J. Louis Construction of Texas, Ltd. has no completed contractual activities with the City of Dallas for the past three years.

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2013
Completed Design	August 2013
Begin Construction	April 2014
Complete Construction	February 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on June 25, 2008, by Resolution No. 08-1817.

Authorized Supplemental Agreement No. 1 to the professional services contract for engineering services on August 22, 2012, by Resolution No. 12-2157.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$2,738,034.51
Water Utilities Capital Improvement Funds - \$120,533.40

Design	\$	0.00
Supplemental Agreement No. 1	\$	262,850.00
Construction (this action)		
Paving & Drainage - PBW	\$2,738,034.51	
Water & Wastewater - WTR	<u>\$ 120,533.40</u>	
Total Project Cost	\$3,121,417.91	

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

S. J. Louis Construction of Texas, Ltd.

Hispanic Female	85	Hispanic Male	290
African-American Female	0	African-American Male	3
Other Female	0	Other Male	2
White Female	13	White Male	104

BID INFORMATION

The following bids with quotes were received and opened on September 19, 2013:

*Denotes successful bidder(s)

<u>BIDDERS</u>	<u>BID AMOUNT</u>
*S.J. Louis Construction of Texas, Ltd. 520 S. 6th Avenue Mansfield, Texas 76063	\$2,858,567.91
Tiseo Paving Company	\$2,892,317.61
Jeske Construction Company	\$3,647,703.70
Texas Standard Construction, Ltd.	\$3,708,760.50
Omega Contracting, Inc.	\$4,676,174.90
Engineer's Estimate: PBW - \$2,400,000 WTR - <u>\$ 500,000</u>	
Total	\$2,900,000

OWNER

S.J. Louis Construction of Texas, Ltd.

Les V. Whitman, Executive Vice President/General Manager

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with S.J. Louis Construction of Texas, Ltd., lowest responsible bidder of five, for the construction of street paving, storm drainage, water and wastewater main improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad - Not to exceed \$2,858,568 - Financing: General Obligation Commercial Paper Funds (\$2,738,035) and Water Utilities Capital Improvement Funds (\$120,533)

S. J. Louis Construction of Texas, Ltd. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,389,455.91	83.59%
Total non-local contracts	\$469,112.00	16.41%
TOTAL CONTRACT	\$2,858,567.91	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
J.E. Guzman Construction, Inc.	HMMB56905N0314	\$245,655.00	10.28%
Total Minority - Local		\$245,655.00	10.28%

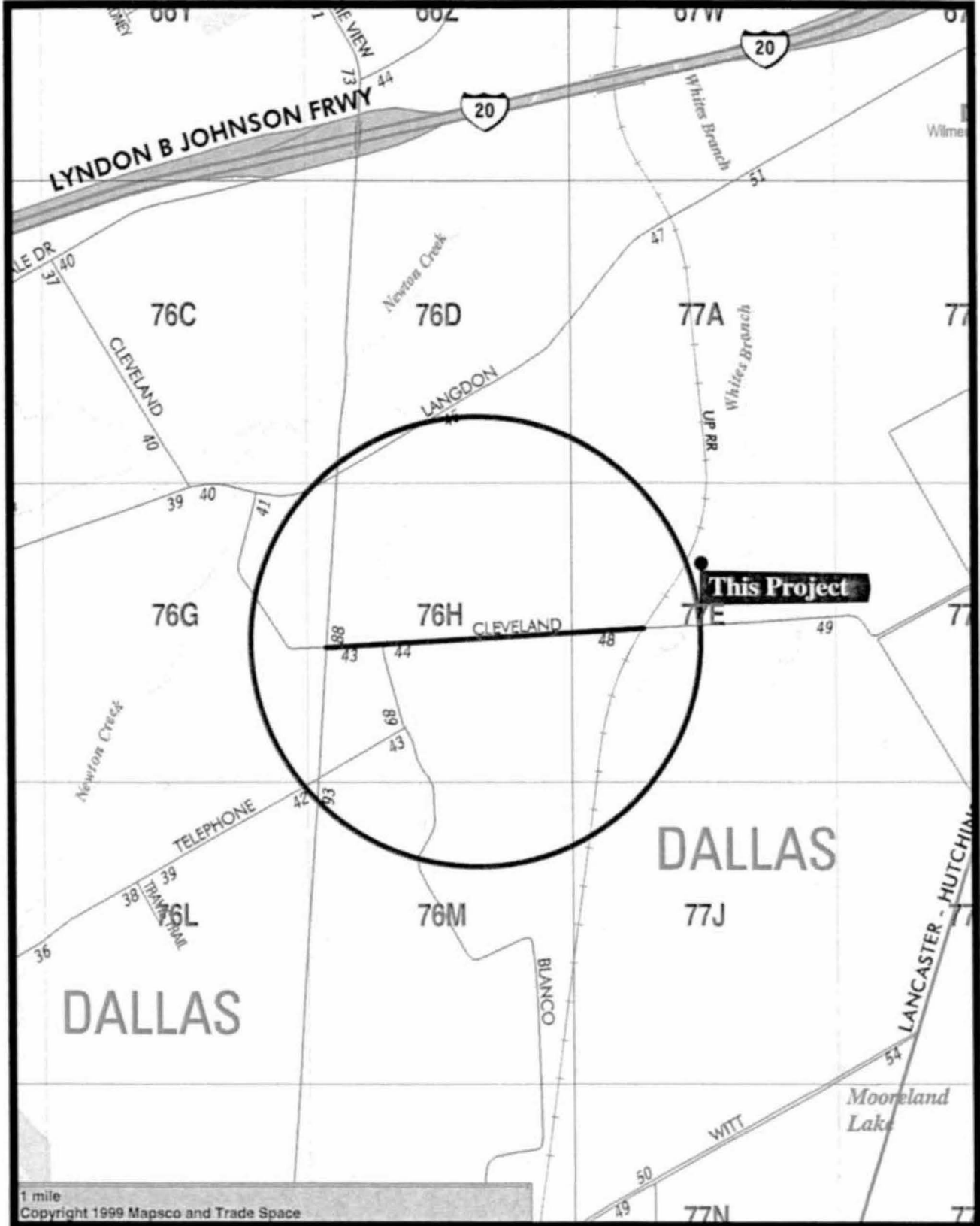
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
LKT Associates, LLC	WFDB55111Y1013	\$377,995.00	80.58%
JM Materials	WFDB57114Y0414	\$53,700.00	11.45%
Action Services	WFDB57086Y0414	\$37,417.00	7.98%
Total Minority - Non-local		\$469,112.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$245,655.00	10.28%	\$245,655.00	8.59%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$469,112.00	16.41%
Total	<u>\$245,655.00</u>	<u>10.28%</u>	<u>\$714,767.00</u>	<u>25.00%</u>

Street Reconstruction Cleveland Road from Bonnie View Road to West of BNSF Rail



Mapsco 76H & 77E

March 26, 2014

WHEREAS, on June 25, 2008, Resolution No. 08-1817 authorized a professional services contract with Kimley-Horn and Associates, Inc. for the engineering design of a thoroughfare project and a flood management project; and,

WHEREAS, on August 22, 2012, Resolution No. 12-2157 authorized Supplemental Agreement No. 1 to the professional services contract with Kimley-Horn and Associates, Inc. for additional design of water and wastewater mains along Bonnie View Road from Langdon Road to north of Wintergreen, paving and drainage improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad, and modifications to the regional detention basin for Bonnie View Road from Langdon Road to the Hutchins city limits; and,

WHEREAS, bids were received on September 19, 2013, for the construction of street paving, storm drainage and water and wastewater main improvements for Cleveland Road from Bonnie View Road to West of the BNSF Railroad, as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
S.J. Louis Construction of Texas, Ltd.	\$2,858,567.91
Tiseo Paving Company	\$2,892,317.61
Jeske Construction Company	\$3,647,703.70
Texas Standard Construction, Ltd.	\$3,708,760.50
Omega Contracting, Inc.	\$4,676,174.90

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a contract with S.J. Louis Construction of Texas, Ltd. for the construction of street paving, storm drainage, water and wastewater main improvements for Cleveland Road from Bonnie View Road to West of the BNSF Railroad in an amount not to exceed \$2,858,567.91, this being the lowest responsible bid received as indicated by the tabulation of bids, after it has been approved as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit P796, Act. THRF Obj. 4510, Program #PB06P796, CT PBW06P796E1 Vendor #356847, in an amount not to exceed	\$2,738,034.51
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March 26, 2014

Water Capital Improvement Fund
Fund 0115, Department DWU, Unit PW42, Act. RELP
Obj. 4550, Program #713055, Reporting W3KC, CT PBW713055CP
Vendor #356847, in an amount not to exceed \$ 56,622.00

Wastewater Capital Improvement Fund
Fund 0116, Department DWU, Unit PS42, Act. RELP
Obj. 4560, Program #713056, Reporting T2VJ, CT PBW713056CP
Vendor #356847, in an amount not to exceed \$ 63,911.40

Total in an amount not to exceed \$2,858,567.91

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Public Works Department
Trinity Watershed Management

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: 46 S W X 56 A B C G

SUBJECT

Authorize an agreement with the Texas Department of Transportation to contribute real property in lieu of right-of-way acquisition funds to cover the City's share of right-of-way acquisition and utility relocation costs associated with the S. M. Wright Project (Phase I) - Financing: This action has no cost consideration to the City

BACKGROUND

The Texas Department of Transportation's (TxDOT) planned S. M. Wright Project entails constructing direct freeway-to-freeway ramps connecting C. F. Hawn Freeway and I H 45, and converting the existing 6-lane S. M. Wright Freeway and frontage roads to a low-speed, 6-lane signalized boulevard. TxDOT has notified the City of Dallas of its intent to proceed with right-of-way acquisitions and utility relocations and has requested the City's share of associated costs. The City of Dallas is responsible for 10 percent of the right-of-way acquisition and utility relocation costs currently estimated at \$2.5 million. The City plans to meet its \$250,000 obligation for right-of-way acquisitions and utility relocations by conveying to TxDOT approximately 4.796 acres of real property previously acquired by the City. This action will authorize an agreement with the Texas Department of Transportation to contribute real property in lieu of right-of-way acquisition funds to cover the City's share of right-of-way acquisition and utility relocation costs associated with the S . M. Wright Project (Phase I). The City has already acquired the real property to be transferred to TxDOT and will come back to the City Council for consideration of the specific real property conveyances at a later time.

BACKGROUND (Continued)

The S. M. Wright Project will be constructed in two phases. Phase 1 entails constructing direct freeway-to-freeway ramps connecting westbound C. F. Hawn Freeway to northbound I H 45 and southbound I H 45 to eastbound C. F. Hawn Freeway. The new freeway connections will eliminate the existing sharp curve at the S. M. Wright Freeway/C. F. Hawn interchange, thus improving mobility and safety. Once the new connection is completed and open to traffic, traffic demand on the S. M. Wright Freeway will decrease and will allow Phase 2 of the project to begin.

Phase 2 entails converting the existing high-speed, 6-lane freeway with frontage roads to a low-speed, 6-lane, signalized boulevard. Hike and bike trails within the existing S. M. Wright right-of-way are also being planned as part of the project. The conversion of the S. M. Wright Freeway from a freeway facility to a boulevard will improve neighborhood connectivity and aesthetics, as well as help to serve as a transportation catalyst for community rejuvenation.

ESTIMATED SCHEDULE OF PROJECT

	Phase 1	Phase 2
Began Environmental Clearance	January 2012	January 2012
Completed Environmental Clearance	September 2013	September 2013
Began Design	July 2013	January 2015
Complete Design	June 2014	January 2016
Begin ROW Acquisition/Utility Relocations	March 2014	January 2016*
Complete ROW Acquisition/Utility Relocations	May 2015	January 2017*
Begin Construction	February 2015	January 2017
Complete Construction	August 2017	January 2019

* Phase 2 entails Utility Relocations only. No ROW is anticipated for Phase 2.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Memorandum of Understanding with the Regional Transportation Council of the North Central Council of Governments and the City of Dallas to establish a funding partnership, in an amount not to exceed \$6,250,000, for real estate acquisition, environmental remediation and utility relocation for implementation of the S. M. Wright Project, Phase 1 for the Trinity Parkway on April 11, 2012, by Resolution No. 12-1077.

Supported adding the planned freeway connection for C. F. Hawn Freeway (US 175) and I H 45 to the State Highway System as US 175 and the re-designation of S. M. Wright Freeway (currently designated as US 175) to SH 310 on February 13, 2013, by Resolution No. 13-0311.

FISCAL INFORMATION

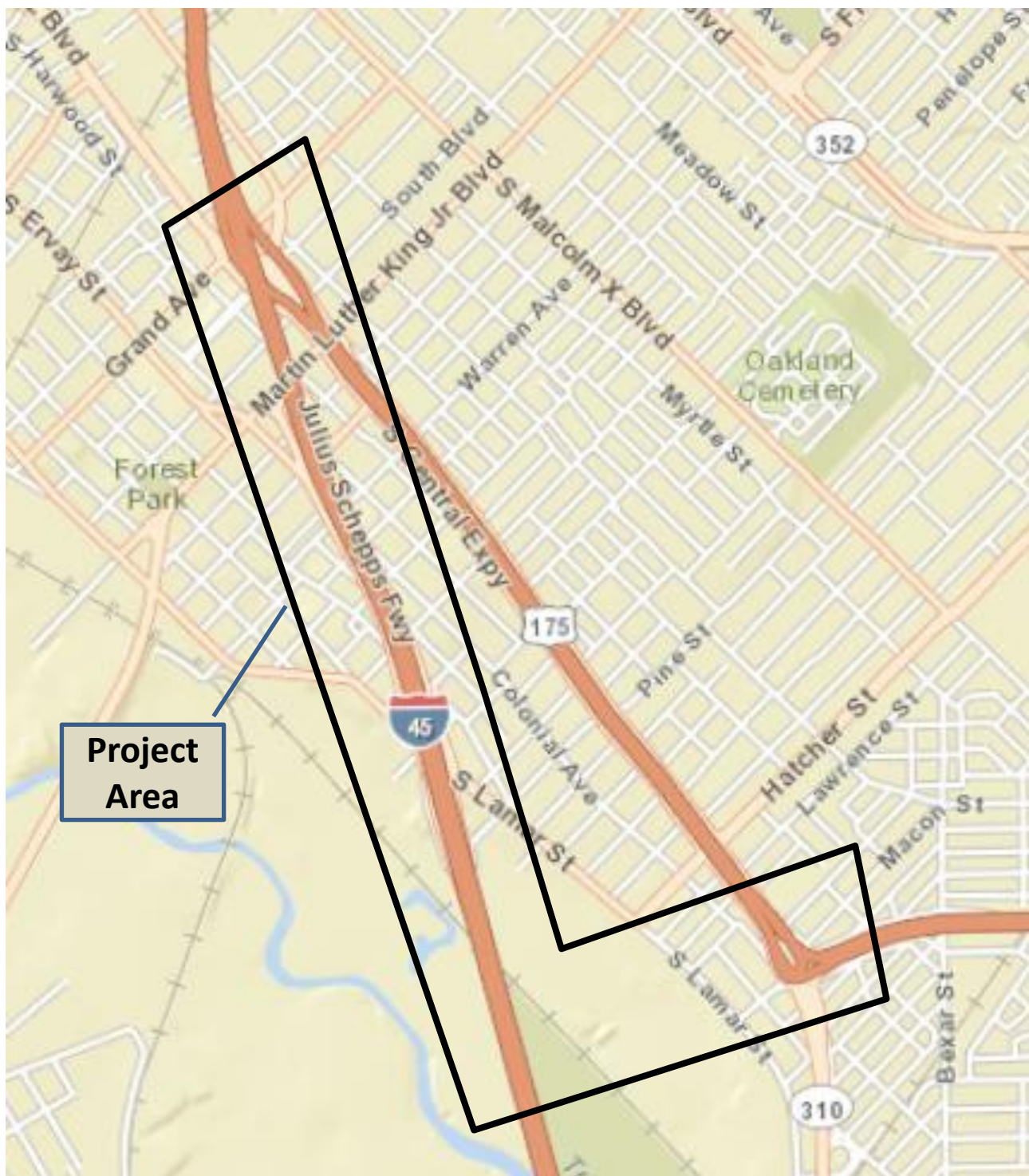
This action has no cost consideration to the City

MAP

Attached

US 175

Council District: 7



MAPSCO: 46S, W, X
56A, B, C, G

March 26, 2014

WHEREAS, on April 11, 2012, Resolution No. 12-1077 authorized a Memorandum of Understanding with the Regional Transportation Council of the North Central Council of Governments and the City of Dallas to establish a funding partnership, in an amount not to exceed \$6,250,000, for real estate acquisition, environmental remediation and utility relocation for implementation of the S. M. Wright Project, Phase 1 for the Trinity Parkway; and,

WHEREAS, Phase 1 of the Texas Department of Transportation's planned S. M. Wright Project will improve travel mobility and safety by providing direct ramps connecting C. F. Hawn Freeway (US 175) to I H 45, thus supplanting the existing sharp curve at S. M. Wright Freeway and C. F. Hawn Freeway; and,

WHEREAS, Phase 2 of the Texas Department of Transportation's planned S. M. Wright Project will improve neighborhood connectivity and aesthetics, and serve as a transportation catalyst for community development by converting the existing high-speed, 6-lane freeway with frontage roads to a low-speed, 6-lane, signalized boulevard; and,

WHEREAS, in order for TxDOT to construct Phase 1 of the S. M. Wright Project, the planned freeway connection between C. F. Hawn Freeway (US 175) and I H 45 must first be added to the State Highway System via a Texas Transportation Commission Minute Order; and,

WHEREAS, the Texas Department of Transportation recommends designating the planned C. F. Hawn Freeway to I H 45 connection to the State Highway System as US 175, and re-designating the existing section of U S 175 from I H 45 to S H 310, locally known as the S. M. Wright Freeway, as S H 310; and,

WHEREAS, on February 13, 2013, Resolution No. 13-0311 supported adding the planned C. F. Hawn Freeway to I H 45 connection to the State Highway System as US 175, and re-designating the existing section of U S 175 from I H 45 to SH 310, locally known as S. M. Wright Freeway, as S H 310; and,

WHEREAS, TxDOT is responsible for administering the design, right-of-way acquisition, utility relocation, and construction of U S 175 improvements from I H 45 to East of Bexar Street, locally know as S. M. Wright (Phase I); and,

WHEREAS, TxDOT has notified the City of Dallas of their intent to proceed with right-of-way acquisitions and utility relocations associated with the S. M. Wright Project (Phase I) and requested the City's 10% share of right-of-way acquisition and utility relocation costs estimated at \$2,500,000; and,

March 26, 2014

WHEREAS, TxDOT has agreed to accept real property in lieu of funds for the City's share of right-of-way acquisitions and utility relocations for the project, which will be presented for Council consideration at a later date.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute an agreement with the Texas Department of Transportation to contribute real property in lieu of right-of-way acquisition funds, evidencing the intent of the City to contribute approximately 4.796 acres of real property to TxDOT in lieu of funds for right-of-way acquisitions and utility relocations, to be performed by TxDOT associated with the S. M. Wright Project (Phase I).

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Public Works Department
Office of Economic Development

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 45L R

SUBJECT

Pearl Street and Cesar Chavez Boulevard Improvements

- * Authorize an increase in the contract with Tiseo Paving Company for the construction of sidewalk improvements on the Woodall Rodgers Freeway service road at Pearl Street, installation of new communication cables, and traffic signal upgrades along Pearl Street and Cesar Chavez Boulevard - Not to exceed \$582,303, from \$13,394,275 to \$13,976,578 - Financing: General Obligation Commercial Paper Funds (\$282,478) and 2006 Bond Funds (\$299,825)
- * Authorize an increase in the contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street - Not to exceed \$776,713, from \$13,976,578 to \$14,753,291 - Financing: 2006 Bond Funds

BACKGROUND

On September 28, 2011, Resolution No. 11-2548 authorized a contract with Tiseo Paving Company for the reconstruction of street paving, storm drainage, streetscape, landscape, traffic signal, striping, water and wastewater improvements on Cesar Chavez Boulevard and Pearl Expressway. This action will authorize Change Order Nos. 3 and 4 to the contract with Tiseo Paving Company. Change Order No. 3 includes sidewalk improvements on Woodall Rodgers Freeway service road at Pearl Street, installation of new communication cables for traffic signal upgrades along Pearl Street and Cesar Chavez Boulevard, and the relocation of digital signs on Cesar Chavez Boulevard. Change Order No. 4 includes pavement replacement, sidewalks and crosswalks improvements, and an underground duct bank on Taylor Street from Cesar Chavez Boulevard to Pearl Street. Change Order No. 4 improvements are part of the planned Farmers Market improvements.

ESTIMATED SCHEDULE OF PROJECT

Pearl Street and Cesar Chavez Boulevard

Began Design	May 2013
Completed Design	September 2013
Began Construction	September 2013
Complete Construction	July 2015

Taylor Street from Cesar Chavez Boulevard to Pearl Street

Began Design	September 2013
Completed Design	February 2014
Begin Construction	April 2014
Complete Construction	June 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services for Cesar Chavez (formerly Central Expressway) on December 12, 2007, by Resolution No. 07-3794.

Authorized a professional services contract for engineering services for Pearl Expressway on April 23, 2008, by Resolution No. 08-1278.

Authorized approval of the recommended plan for the proposed alignment of Cesar Chavez (formerly Central Expressway) on April 22, 2009, by Resolution No. 09-1082.

Authorized a Development and Reimbursement Agreement with the Museum of Nature and Science on September 8, 2010, by Resolution No. 10-2321.

Authorized a construction contract with Tiseo Paving Company on September 28, 2011, by Resolution No. 11-2548.

Authorized Change Order No. 1 to the construction contract with Tiseo Paving Company on September 12, 2012, by Resolution No. 12-2309.

FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Funds) - \$282,477.99
2006 Bond Funds - \$1,076,538.31

Pearl Street and Cesar Chavez Boulevard

<u>Council District</u>	<u>Amount</u>
2	\$ 97,995.00
14	<u>\$ 484,308.00</u>
Total	\$ 582,303.00

Taylor Street from Cesar Chavez Boulevard to Pearl Street

<u>Council District</u>	<u>Amount</u>
2	\$ 776,713.30

Pearl Street and Cesar Chavez Boulevard

Design	
Cesar Chavez and Pearl	\$ 1,670,626.10
Museum of Nature and Science Streetscape Improvements	\$ 148,500.00
Construction	
Paving & Drainage - PBW	\$ 9,460,374.37
Water & Wastewater - DWU	\$ 3,013,544.94
Change Order No. 1	\$ 870,854.75
Change Order No. 2	\$ 49,500.00
Change Order No. 3 (this action)	<u>\$ 582,303.00</u>
Total Project Cost	\$15,795,703.16

FISCAL INFORMATION (Continued)

Taylor Street from Cesar Chavez Boulevard to Pearl Street

Design	
Cesar Chavez and Pearl	\$ 1,670,626.10
Museum of Nature and Science Streetscape Improvements	\$ 148,500.00
Construction	
Paving & Drainage - PBW	\$ 9,460,374.37
Water & Wastewater - DWU	\$ 3,013,544.94
Change Order No. 1	\$ 870,854.75
Change Order No. 2	\$ 49,500.00
Change Order No. 3	\$ 582,303.00
Change Order No. 4 (this action)	<u>\$ 776,713.30</u>
Total Project Cost	\$16,572,416.46

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Tiseo Paving Company

Hispanic Female	1	Hispanic Male	65
African-American Female	0	African-American Male	2
Other Female	0	Other Male	0
White Female	2	White Male	31

OWNER

Tiseo Paving Company

Arthur Tiseo, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Tiseo Paving Company for the construction of sidewalk improvements on the Woodall Rodgers Freeway service road at Pearl Street, installation of new communication cables, and traffic signal upgrades along Pearl Street and Cesar Chavez Boulevard - Not to exceed \$582,303, from \$13,394,275 to \$13,976,578 - Financing: General Obligation Commercial Paper Funds (\$282,478) and 2006 Bond Funds (\$299,825)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$582,303.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$582,303.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Axis Contracting	WFDB57262Y0414	\$215,913.00	37.08%
Total Minority - Local		\$215,913.00	37.08%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$215,913.00	37.08%	\$5,014,564.45	35.88%
Total	\$215,913.00	37.08%	\$5,014,564.45	35.88%

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street - Not to exceed \$776,713, from \$13,976,578 to \$14,753,291 - Financing: 2006 Bond Funds

Tiseo Paving Company is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$776,713.30	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$776,713.30	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Larrett, Inc.	WFWB59753Y0115	\$187,915.00	24.19%
K & S Utilities	WFDB59478Y1214	\$101,260.15	13.04%
Axis Contracting	WFDB57262Y0414	\$38,943.25	5.01%
Total Minority - Local		\$328,118.40	42.24%

Non-Local Contractors / Sub-Contractors

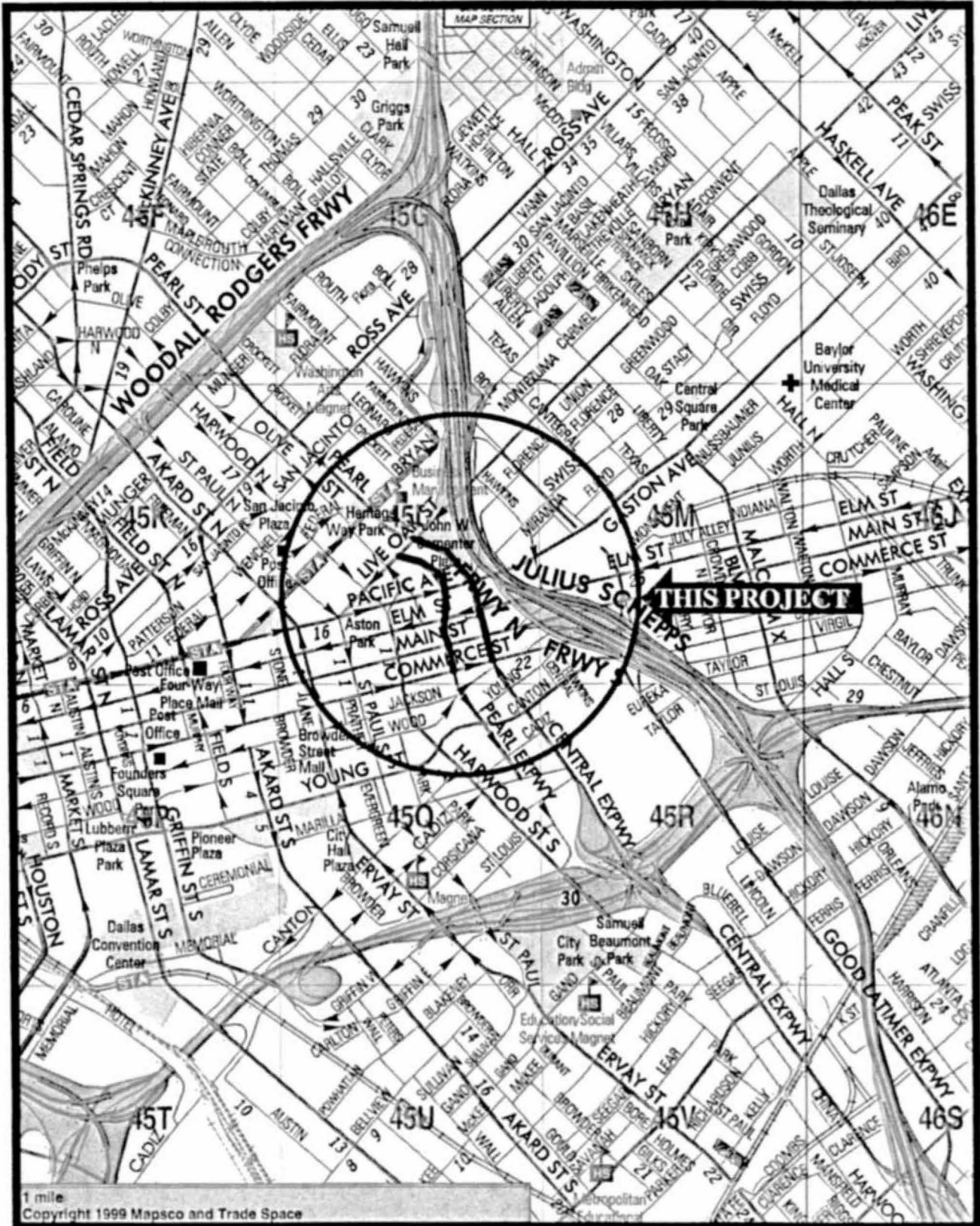
None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$328,118.40	42.24%	\$5,053,507.70	34.25%
Total	\$328,118.40	42.24%	\$5,053,507.70	34.25%

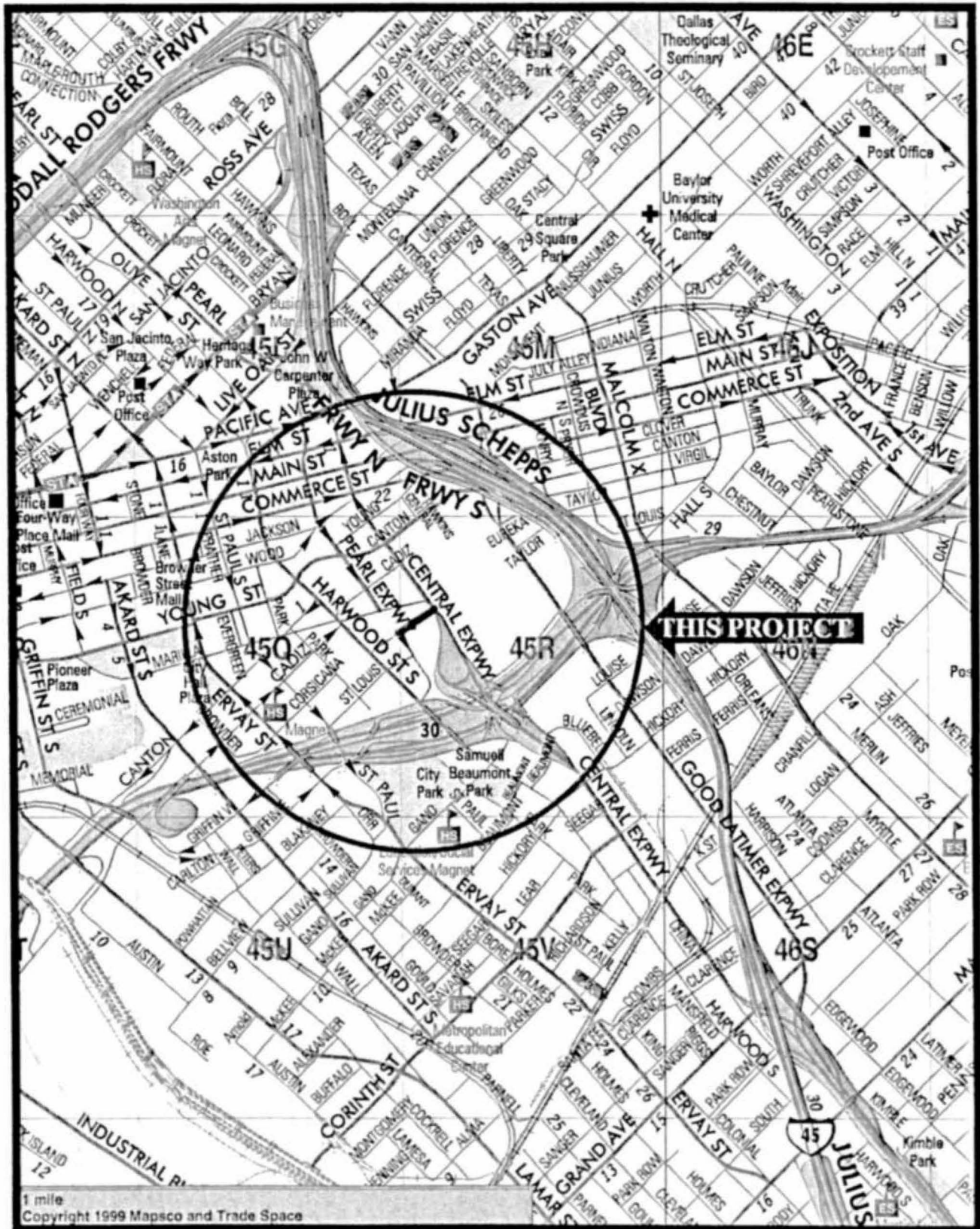
STREET IMPROVEMENTS

CESAR CHAVEZ BLVD. FROM COMMERCE ST. TO LIVE OAK ST.
PEARL ST. FROM COMMERCE ST. TO LIVE OAK ST.



MAPSCO 45L

STREET IMPROVEMENTS TAYLOR STREET FROM CESAR CHAVEZ BOULEVARD TO PEARL STREET



MAPSCO 45R

March 26, 2014

WHEREAS, on December 12, 2007, Resolution No. 07-3794 authorized a professional services contract with Jacobs Engineering Group, Inc. for the design of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street; and,

WHEREAS, on April 23, 2008, Resolution No. 08-1278 authorized a professional services contract with EJES, Inc. for the design of Pearl Expressway from Commerce Street to Live Oak Street; and,

WHEREAS, on April 22, 2009, Resolution No. 09-1082 authorized approval of the recommended plan for the proposed alignment of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street from its current alignment to the proposed alignment; and,

WHEREAS, on September 8, 2010, Resolution No. 10-2321 authorized a Development and Reimbursement Agreement with the Museum of Nature and Science, an independent, 501(c)(3) non-profit foundation for the design and construction of streetscape improvements in the City's right-of-way along Field Street and the Woodall Rodgers Expressway access road, and reimbursement of engineering and design fees to the Museum of Nature and Science; and,

WHEREAS, on September 28, 2011, Resolution No. 11-2548 authorized the construction of street paving, storm drainage, streetscape, traffic signal upgrades, water and wastewater main improvements for Cesar Chavez Boulevard (Central Expressway) from Commerce Street to Live Oak Street and Pearl Expressway from Commerce Street to Live Oak Street in the amount of \$12,473,919.31; and,

WHEREAS, on September 12, 2012, Resolution No. 12-2309 authorized Change Order No. 1 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Broom Street from North Field Street to Laws Street for the Museum of Nature and Science in the amount of \$870,854.75, increasing the contract from \$12,473,919.31 to \$13,344,774.06; and,

WHEREAS, on October 10, 2013, Administrative Change Order No. 13-6485 authorized Change Order No. 2 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Woodall Rodgers Freeway service road from North Harwood Street to Olive Street in the amount of \$49,500.00, increasing the contract from \$13,344,774.06 to \$13,394,274.06; and,

March 26, 2014

WHEREAS, it is now necessary to authorize Change Order No. 3 to the construction contract with Tiseo Paving Company for additional sidewalk improvements on Woodall Rodgers Freeway service road at Pearl Street, and the installation of new communication cables and traffic signal upgrades at Pearl Street and Cesar Chavez Boulevard in the amount of \$582,303.00, increasing the contract from \$13,394,274.06 to \$13,976,577.06.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Change Order No. 3 to the contract with Tiseo Paving Company for additional sidewalk improvements on Woodall Rodgers Freeway service road at Pearl Street, and the installation of new communication cables and traffic signal upgrades at Pearl Street and Cesar Chavez Boulevard in the amount of \$582,303.00, increasing the contract from \$13,394,274.06 to \$13,976,577.06, after it has been approved as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S414, Act. SIDI Obj. 4530, Program #PB12S414, CT PBW06U779L1 Vendor #011466, in an amount not to exceed	\$282,477.99
Street and Transportation Improvements Fund Fund 7T22, Department PBW, Unit U779, Act. THRF Obj. 4510, Program #PB06U779, CT PBW06U779L1 Vendor #011466, in an amount not to exceed	\$163,325.01
Street and Transportation Improvements Fund Fund 7T22, Department PBW, Unit U779, Act. THRF Obj. 4432, Program #PB06U779, CT PBW06U779L1 Vendor #011466, in an amount not to exceed	<u>\$136,500.00</u>
Total in an amount not to exceed	\$582,303.00

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

March 26, 2014

WHEREAS, on December 12, 2007, Resolution No. 07-3794 authorized a professional services contract with Jacobs Engineering Group, Inc. for the design of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street; and,

WHEREAS, on April 23, 2008, Resolution No. 08-1278 authorized a professional services contract with EJES, Inc. for the design of Pearl Expressway from Commerce Street to Live Oak Street; and,

WHEREAS, on April 22, 2009, Resolution No. 09-1082 authorized approval of the recommended plan for the proposed alignment of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street from its current alignment to the proposed alignment; and,

WHEREAS, on September 8, 2010, Resolution No. 10-2321 authorized a Development and Reimbursement Agreement with the Museum of Nature and Science, an independent, 501(c)(3) non-profit foundation for the design and construction of streetscape improvements in the City's right-of-way along Field Street and the Woodall Rodgers Expressway access road, and reimbursement of engineering and design fees to the Museum of Nature and Science; and,

WHEREAS, on September 28, 2011, Resolution No. 11-2548 authorized the construction of street paving, storm drainage, streetscape, traffic signal upgrades, water and wastewater main improvements for Cesar Chavez Boulevard (Central Expressway) from Commerce Street to Live Oak Street and Pearl Expressway from Commerce Street to Live Oak Street in the amount of \$12,473,919.31; and,

WHEREAS, on September 12, 2012, Resolution No. 12-2309 authorized Change Order No. 1 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Broom Street from North Field Street to Laws Street for the Museum of Nature and Science in the amount of \$870,854.75, increasing the contract from \$12,473,919.31 to \$13,344,774.06; and,

WHEREAS, on October 10, 2013, Administrative Change Order No. 13-6485 authorized Change Order No. 2 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Woodall Rodgers Freeway service road from North Harwood Street to Olive Street in the amount of \$49,500.00, increasing the contract from \$13,344,774.06 to \$13,394,274.06; and,

March 26, 2014

WHEREAS, on March 26, 2014, Change Order No. 3 is being considered by City Council as a separate action to the construction contract with Tiseo Paving Company for additional sidewalk improvements on Woodall Rodgers Freeway service road at Pearl Street, and the installation of new communication cables and traffic signal upgrades at Pearl Street and Cesar Chavez Boulevard in the amount of \$582,303.00, increasing the contract from \$13,394,274.06 to \$13,976,577.06; and,

WHEREAS, it is now necessary to authorize Change Order No. 4 to the construction contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street at Farmers Market in the amount of \$776,713.30, increasing the contract from \$13,976,577.06 to \$14,753,290.36.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Change Order No. 4 to the contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street at Farmers Market in the amount of \$776,713.30, increasing the contract from \$13,976,577.06 to \$14,753,290.36, after it has been approved as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Farmers Market Fund	
Fund 7T40, Department PBW, Unit T820, Act. FMIM	
Obj. 4510, Program #PB06T820, CT PBW06U779L1	
Vendor #011466, in an amount not to exceed	\$ 776,713.30

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 1, 2, 4, 6

DEPARTMENT: Trinity Watershed Management
Public Works Department

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: 32 D H
43 A B C D E F G H
44 A E F G K L M R V
45 N S W X Y
55 B C

SUBJECT

Authorize a professional services contract with Halff Associates, Inc. for surveying, plating, environmental services and preparation of a Municipal Setting Designation application for the Dallas Floodway from the confluence of the West Fork and the Elm Fork of the Trinity River to the southern limit at DART Rail Line and the Santa Fe Trestle - Not to exceed \$640,498 – Financing: Stormwater Drainage Management Current Funds (\$316,294) and 1998 Bond Funds (\$324,204)

BACKGROUND

The City of Dallas has been operating and maintaining the levee system since 1965, and currently owns most of the parcels within the Dallas Floodway. Primary usage of the Dallas Floodway has been water conveyance. Capital improvement plans for the Dallas Floodway include flood risk reduction, ecosystem restoration, transportation and recreation amenities. Completing surveys and plating is necessary to facilitate future project development.

The Dallas Floodway Municipal Setting Designation (MSD) is planned to support the proposed capital improvement projects. Previous subsurface investigations revealed elevated soil concentrations above the regulatory limits set by the state regulatory agency, Texas Commission on Environmental Quality, (TCEQ). A Municipal Site Designation (MSD) application for this area is planned to allow higher soil concentrations within the project areas. Halff Associates, Inc. will complete subsurface investigations and prepare documents required by TCEQ.

ESTIMATED SCHEDULE OF PROJECT

Begin MSD and Plat April 2014
Complete MSD and Plat September 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Stormwater Drainage Management Current Funds - \$316,293.75
1998 Bond Funds - \$324,204.00

<u>Council District</u>	<u>Amount</u>
1	\$ 96,074.66
2	\$ 96,074.66
4	\$ 64,049.78
6	<u>\$384,298.65</u>
Total	\$640,497.75

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Half Associates, Inc.

Hispanic Female	16	Hispanic Male	56
African-American Female	5	African-American Male	9
Other Female	6	Other Male	11
White Female	75	White Male	270

OWNER

Half Associates, Inc.

Kent Belaire, P.G., Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Halff Associates, Inc. for surveying, plating, environmental services and preparation of a Municipal Setting Designation application for the Dallas Floodway from the confluence of the West Fork and the Elm Fork of the Trinity River to the southern limit at DART Rail Line and the Santa Fe Trestle - Not to exceed \$640,498 – Financing: Stormwater Drainage Management Current Funds (\$316,294) and 1998 Bond Funds (\$324,204)

Halff Associates, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$623,997.75	97.42%
Total non-local contracts	\$16,500.00	2.58%
TOTAL CONTRACT	\$640,497.75	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Garcia Land Data, Inc.	HMMB60221N0215	\$104,000.00	16.67%
B & A Laboratories, Inc. dba XENCO Laboratories	HMMB59377Y1114	\$5,400.00	0.87%
Total Minority - Local		\$109,400.00	17.53%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
G. L. Morris Enterp, Inc., dba Sunbelt Indst	WFWB60201Y0215	\$12,000.00	72.73%
GeoSearch, LLC	WFWB14031N1216	\$4,500.00	27.27%
Total Minority - Non-local		\$16,500.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$109,400.00	17.53%	\$109,400.00	17.08%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$16,500.00	2.58%
Total	<u>\$109,400.00</u>	<u>17.53%</u>	<u>\$125,900.00</u>	<u>19.66%</u>

March 26, 2014

WHEREAS, it is now necessary to authorize a professional services contract with Halff Associates, Inc. for surveying services, environmental services, and the preparation of a municipal setting designation application of the Dallas Floodway.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Halff Associates, Inc. for surveying and environmental services associated with the Dallas Floodway in an amount not to exceed \$640,497.75 after it has been approved as to form by the City Attorney.

SECTION 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Trinity River Corridor Project Fund Fund 5P14, Dept. PBW, Unit N963, Act. TRPP Object 4114, Program #PB98N963, CT PBW98N963F1 Vendor #089861, in an amount not to exceed	\$324,204.00
Stormwater Drainage Management Current Funds Fund 0061, Department SDM, Unit 4792, Act. SD01 Obj. 3070, Program # PB98N963, CT SDM4792BM35 Vendor #089861, in an amount not to exceed	<u>\$316,293.75</u>
Total amount not to exceed	\$640,497.75

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 26, 2014
COUNCIL DISTRICT(S): 4
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 55D & 56A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$49,000, from \$73,950 to \$122,950 - Financing: 1998 Bond Funds

BACKGROUND

The Upper Chain of Wetland (UCOW) Cells A, B, and C will be constructed by the U.S. Army Corps of Engineers (USACE) on a site located within the Dallas Floodway Extension on the west side of the Trinity River between the Cedar Crest Boulevard Bridge and the Central Wastewater Treatment Plant. Previous subsurface investigations revealed elevated soil concentrations of lead above the regulatory limits set by the state regulatory agency, Texas Commission on Environmental Quality, (TCEQ).

The City of Dallas is required to remediate the lead contaminated soil prior to the start of the USACE's UCOW construction project. This contract with Modern Geosciences, LLC assisted with the remediation design, prepared the required soil treatability study, and finalized the Soil Management Plan for the UCOW as required by TCEQ. Additional subsurface investigation is needed during construction to verify soil acceptance at all three designated landfills and complete this project.

This action will include an additional twenty-six shallow soil borings that are necessary for waste characterization to complete the subsurface investigation for the engineering design. Work also includes plugging and abandoning of five existing monitoring wells as required by the state regulatory agency, TCEQ. It is anticipated that all soil remediation work will be completed by June 2014.

ESTIMATED SCHEDULE OF PROJECT

Began Engineering Design August 2013
Complete Engineering Design June 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Modern Geosciences, LLC, on August 14, 2013, by Resolution No. 13-1383.

FISCAL INFORMATION

1998 Bond Funds - \$49,000.00

Professional Services Contract	\$ 73,950.00
Supplemental Agreement No. 1 (this action)	<u>\$ 49,000.00</u>
Total	\$122,950.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Modern Geosciences, LLC

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	5	White Male	7

OWNER

Modern Geosciences LLC

Kenneth Tramm, Principal

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$49,000, from \$73,950 to \$122,950 - Financing: 1998 Bond Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$7,046.00	14.38%
Non-local contracts	\$41,954.00	85.62%
TOTAL THIS ACTION	\$49,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
B & A Laboratories, Inc., dba XENCO Lab.	HMMB59377Y1114	\$7,046.00	100.00%
Total Minority - Local		\$7,046.00	100.00%

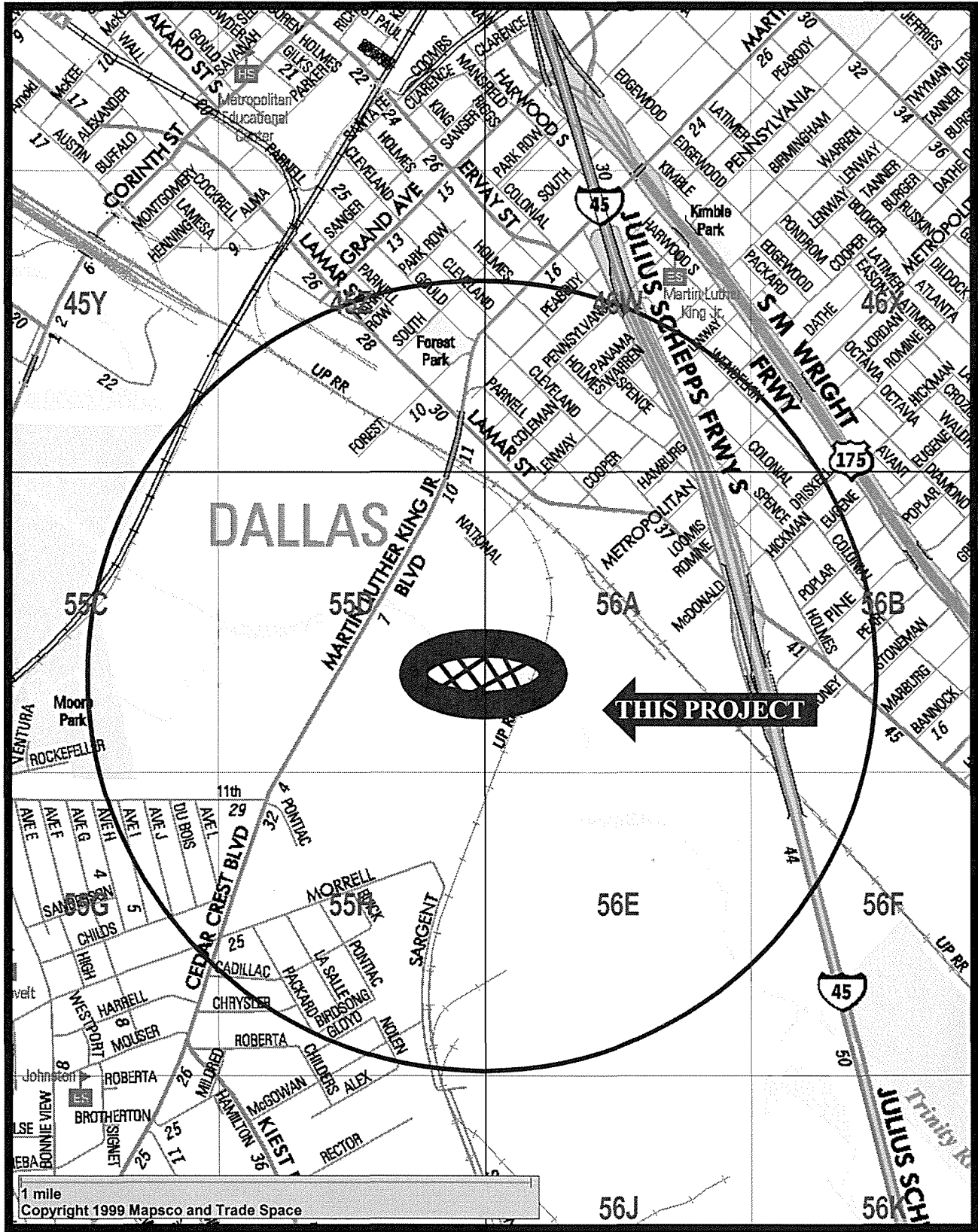
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
G.L. Morris Enterprises Inc., dba Sunbelt Industrial	WFWB60201Y2015	\$1,800.00	4.29%
Total Minority - Non-local		\$1,800.00	4.29%

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$7,046.00	14.38%	\$13,046.00	10.61%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$1,800.00	1.46%
WBE	\$1,800.00	3.67%	\$0.00	0.00%
Total	\$8,846.00	18.05%	\$14,846.00	12.07%

UCOW REMEDIATION



MAPSCO 55D, 56A

March 26, 2014

WHEREAS, on August 14, 2013, Resolution No. 13-2874 authorized a professional services contract with Modern Geosciences, LLC, for the preparation of the soil remediation and municipal setting designation for the Upper Chain of Wetlands Project, in an amount not to exceed \$73,950, and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$49,000, increasing the contract from \$73,950 to \$122,950.

Now Therefore,

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

Section 1. That the City Manager is hereby authorized to approve Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$49,000, increasing the contract from \$73,950 to \$122,950.

Section 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

1998 Bond Fund
Fund TP14, Dept. TWM, Unit N962, Act. TRPP
Obj. 4113, Program PB98N962, CT PBW98N962L4
Vendor # VS0000063453, in an amount not to exceed \$49,000.00

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

ADDENDUM ITEM # 13

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution designating absences by Councilmember Rick Callahan and Councilmember Carolyn R. Davis as being for "official city business" - Financing: No cost consideration to the City

BACKGROUND

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

BACKGROUND (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

March 26, 2014

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

WHEREAS, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Councilmember Rick Callahan and Councilmember Carolyn R. Davis participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted in Exhibit A; **Now, Therefore**,

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

March 26, 2014

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in Exhibit A, by Councilmember Rick Callahan and Councilmember Carolyn R. Davis because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence will not count against Councilmember Rick Callahan and Councilmember Carolyn R. Davis in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absence by Councilmember Rick Callahan and Councilmember Carolyn R. Davis as described in Exhibit A, was for "official city business," and no further city council action or approval of those minutes is required.

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

EXHIBIT A
 CITY COUNCIL MEMBER(S)
 REQUEST ABSENT AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	TRIP/EVENT	LOCATION	DATE	PURPOSE	MEETING(S) MISSED	ABSENCE TYPE
Rick Callahan	Attended a luncheon at the Southeast Dallas Chamber of Commerce	Dallas, TX	02/24/2014	Representing District 5	Housing Committee	Absent more than 50%
Carolyn R. Davis	Attended meetings with State Representative Eddie Bernice Johnson, Bernadette Mitchell, Housing, Lee McKinney and Karl Zavitkovsky at City Hall	Dallas, TX	2/24/2014	Representing District 7	Quality of Life & Environment Committee	Absent more than 50%

ADDENDUM ITEM # 14

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Mayor and City Council
Code Compliance
Office Of Environmental Quality

CMO: A. C. Gonzalez, 670-3302
Charles Cato, 671-3908
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

An ordinance adding Chapter 9C, "Carryout Bags," to the Dallas City Code to provide regulations for single-use and reusable carryout bags; and a resolution instructing staff to explore options for reducing the impacts of single-use carryout bags - Financing: No cost consideration to the City

BACKGROUND

The ordinance (1) bans single-use carryout bags at city facilities, events, or properties; (2) allows businesses to provide single-use carryout bags if they register and charge customers an environmental fee; (3) establishes requirements for reusable carryout bags; and (4) requires businesses to have signage explaining the program. The resolution instructs staff to explore options to reduce the impacts of single-use carryout bags.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the Quality of Life and Environment Committee on June 10, 2013.

Briefed to City Council on August 21, 2013.

Briefed to the Quality of Life and Environment Committee on September 9, 2013.

Briefed to the Quality of Life and Environment Committee on October 14, 2013.

Briefed to the Quality of Life and Environment Committee on November 18, 2013.

Briefed to City Council on January 15, 2014.

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

Quality of Life and Environment Council Committee was briefed on June 10, 2013, September 9, 2013, October 14, 2013, and November 18, 2013.

FISCAL INFORMATION

No cost consideration to the City.

March 26, 2014

WHEREAS, the City of Dallas wishes to promote a “culture of clean”; and

WHEREAS, the City of Dallas has a duty to protect the natural environment, the economy, and the health of its residents; and

WHEREAS, the improper disposal of single-use carryout bags has a negative impact on the environment by contributing to unsightly ugliness on the streets, sidewalks, trees, bushes, and vacant lots that is detrimental to the quality of life of residents, the property values of homeowners, and the tourism industry; clogging sewers and drainage systems causing flooding, backups, and other harm to the environment, natural habitats and private property; and polluting the landscape and the Trinity River watershed; and

WHEREAS, single-use carryout bags have significant environmental impacts each year, requiring hundreds of volunteer hours to remove single-use carryout bags from trees, lots, bushes, and roadways; and

WHEREAS, single-use carryout bags cause harmful impacts to migrating wildlife including injury and death; and

WHEREAS, the City Council desires to continue to assess the adverse environmental impact of single-use carryout bags and explore additional options for reducing the impacts generated by the use and processing of single-use carryout bags; **Now, Therefore,**

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

Section 1. That the Office of Environmental Quality is instructed to perform additional studies to:

determine the nature of litter in the City of Dallas;

assess the impacts of single-use carryout bags on the municipal stormwater system and the Trinity River;

assess the potential environmental, aesthetic, and other benefits of banning single-use carryout bags;

explore the potential for city recycling or reuse of single-use carryout bags, such as the reuse of plastic bags as a source for diesel fuel;

explore options for vendors to collect and recycle single-use carryout bags; and

collect information regarding litter resulting from single-use carryout bags not labeled with the name of the business establishment supplying the bag.

March 26, 2014

Section 2. That the Office of Environmental Quality is instructed to report its new findings on the requests in Section 1 to the City Council by December 31, 2014.

Section 3. That the department of Code Compliance is instructed to focus its attention to the enforcement of litter generated by single-use carryout bags.

Section 4. That the City Manager is instructed to assign appropriate departments to incorporate a component focusing specifically on single-use carryout bags into existing city litter abatement and beautification programs where none currently exists.

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

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

ORDINANCE NO. _____

An ordinance adding Chapter 9C, “Carryout Bags,” to the Dallas City Code; providing a statement of purpose; defining terms; prohibiting business establishments from distributing single-use carryout bags unless they register with the city and charge customers a fee for the bags; providing for exemptions; providing standards for reusable carryout bags; requiring signage; providing a penalty not to exceed \$500; providing for a public education campaign; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the City of Dallas wishes to promote a “culture of clean”; and

WHEREAS, the City of Dallas desires to protect the natural environment, the economy, and the health of its residents; and

WHEREAS, it is in the best interests of the health, safety, and welfare of the residents of the city of Dallas to protect the environment by regulating the use of carryout bags; Now, Therefore,

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

SECTION 1. That the Dallas City Code is amended by adding a new Chapter 9C, “Carryout Bags,” to read as follows:

“CHAPTER 9C

CARRYOUT BAGS

SEC. 9C-1. PURPOSE.

The purposes of this chapter are to:

(1) promote a “culture of clean” by reducing the negative impacts caused by single-use carryout bags, including:

(A) ugliness on city streets, sidewalks, trees, bushes, vacant lots, city parks, waterways, reservoirs, and shorelines that is detrimental to the quality of life of citizens, the property values of homeowners, and the tourism industry;

(B) clogging sewers and drainage systems, causing flooding, backups, sewage spills, and other additional harm to the environment; and

(C) polluting the landscape;

(2) reduce the costs associated with the use and distribution of single-use carryout bags;

(3) reduce the effort associated with the removal of litter generated by the use and distribution of single-use carryout bags;

(4) reduce the harmful impacts of single-use carryout bags on natural resources, including wildlife and plants;

(5) reduce the environmental impacts of single-use carryout bags on the environment, including natural landscapes, streams, creeks, reservoirs, lakes, and the Trinity River; and

(6) encourage the use of, and establish standards for, reusable carryout bags.

SEC. 9C-2. DEFINITIONS.

In this chapter:

(1) **BUSINESS ESTABLISHMENT** means any entity that provides carryout bags to its customers, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not-for-profit, and includes all employees of the entity and any independent contractors associated with the entity.

(2) **CARRYOUT BAG** means a bag provided by a business establishment to a customer, typically at the point of sale, for the purpose of transporting purchases.

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

(4) **DIRECTOR** means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.

(5) REUSABLE CARRYOUT BAG means a carryout bag that is specifically designed and manufactured for multiple reuse and meets the requirements of Section 9C-5 of this chapter.

(6) SINGLE-USE CARRYOUT BAG means a carryout bag that is not a reusable carryout bag.

SEC. 9C-3. SINGLE-USE CARRYOUT BAGS.

(a) No person may provide single-use carryout bags at any city facility, city-sponsored special event as defined in Section 42A-2 of this code, or any event held on city property.

(b) Except as provided in Section 9C-4 of this chapter, a business establishment may not provide single-use carryout bags to its customers or to any person.

(c) A single-use carryout bag permitted under Section 9C-4 of this chapter must have a thickness of at least 0.70 mil and be printed with the name of the business establishment.

(d) This section does not apply to the following:

(1) Laundry, dry cleaning, or garment bags; biodegradable door-hanger bags; biodegradable newspaper bags; or packages of multiple bags intended for the disposal of garbage, pet waste, or yard waste.

(2) Recyclable paper bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities.

(3) Recyclable paper bags used by restaurants to take away prepared food.

(4) Single-use plastic bags used by restaurants to take away prepared food only where necessary to prevent moisture damage, such as for soups, sauces, salads with dressing, and liquids.

(5) Bags used by a consumer inside a business establishment to:

(A) contain bulk items, such as produce, nuts, grains, candy, or small hardware items;

(B) contain or wrap meat, fish, or frozen foods whether or not pre-packaged;

(C) contain or wrap flowers, potted plants, or other items to prevent moisture damage to other purchases; or

(D) contain unwrapped prepared foods or bakery goods.

(6) Bags used by a non-profit corporation or other charity to distribute food, grocery products, clothing, or other household items to clients.

SEC. 9C-4. REGISTRATION; ENVIRONMENTAL FEE.

(a) Registration.

(1) A business establishment may provide single-use carryout bags to its customers if it registers with the department and charges a fee in accordance with this section.

(2) A business establishment wishing to provide single-use carryout bags to its customers shall annually register with the department on a form provided by the director.

(A) A separate registration is required for each location where the business establishment wishes to provide single-use carryout bags to its customers.

(B) A business establishment shall indicate in its registration application whether it will charge environmental fees on a per-bag or per-transaction basis.

(i) Except as provided in this paragraph, a business establishment may only change from charging a per-bag fee to a per-transaction fee, or vice versa, at the time of its annual registration.

(ii) A business establishment may change from charging a per-bag fee to a per-transaction fee, or vice versa, if it delivers written notice to the director within the first six months after its original registration.

(C) There is no fee for registration.

(b) Environmental fee.

(1) If single-use carryout bags are provided to a customer, a business establishment shall charge the customer an environmental fee of:

(A) \$0.10 per bag if the business establishment has elected to charge fees on a per-bag basis; or

(B) \$1.00 per transaction if the business establishment has elected to charge fees on a per-transaction basis.

(2) The customer shall pay the environmental fee required by this section at the time of purchase.

(3) A business establishment shall list the environmental fee as a separate item on the customer's transaction receipt detailing the number of single-use carryout bags provided to the customer and the total charge for the environmental fee.

(4) A business establishment shall not rebate or reimburse any portion of the environmental fee to a customer.

(5) Except as provided in this subsection, a business establishment shall remit the environmental fees collected to the city on a monthly basis with fees due to the city by the 20th day of the following month, or the next business day if the 20th day of the following month falls on a weekend or holiday.

(6) A business establishment that collects environmental fees of less than \$250 per month may request permission to remit environmental fees on a quarterly basis. If the request is approved by the director, the business establishment shall remit the environmental fees collected to the city by the 20th day of the month following each calendar quarter, or the next business day if the 20th day of the following month falls on a weekend or holiday.

(7) A business establishment may retain up to 50 percent of the environmental fees collected in accordance with this paragraph.

(A) A business establishment may retain 10 percent of the environmental fee to offset the costs of collecting the fee and complying with this section.

(B) A business establishment may retain an additional 20 percent of the environmental fee if the business establishment offers in-store rebates of \$0.05 per reusable bag that a customer brings with them to carry purchased items.

(C) A business establishment may retain an additional 20 percent of the environmental fee if the business establishment implements an external public education campaign approved by the director to inform customers on the importance of environmental stewardship.

(8) Environmental fees collected under this section may only be used for the following purposes:

(A) paying for the costs of the registration program;

(B) the purchase and distribution of reusable carryout bags;

(C) public education on reducing the use of single-use carryout bags;

or

(D) environmental clean-up programs.

SEC. 9C-5. REUSABLE CARRYOUT BAG STANDARDS.

(a) A business establishment may provide or sell reusable carryout bags to its customers or to any person. A person, subject to authorization by the city, may provide or sell reusable carryout bags at any city facility, city-sponsored special event as defined in Section 42A-2 of this code, or any event held on city property.

(b) A reusable carryout bag must display in a highly visible manner on the bag's exterior, language describing the bag's ability to be reused or recycled.

(c) A reusable carryout bag must have a handle, except that a handle is not required for a reusable carryout bag constructed out of recyclable paper with a height of less than 14 inches and a width of less than eight inches.

(d) A reusable carryout bag must be constructed out of:

(1) cloth, other washable fabric, or other durable materials whether woven or non-woven;

(2) recyclable plastic, with a minimum thickness of 4.0 mil; or

(3) recyclable paper that contains a minimum of 40 percent recycled content.

(e) A reusable carryout bag must meet the minimum reuse testing standard of 100 reuses carrying 16 pounds.

(f) Alternative reusable bags.

(1) The director may approve an alternative bag to the reusable carryout bag if the director finds that:

(A) the proposed alternative bag provides reusability and durability that is equivalent to or better than the required bag; and

(B) the manufacturer or distributor of the proposed alternative bag has independent documentation that shows that the bag is capable of 100 reuses carrying 16 pounds.

(2) A request for approval of an alternative bag must be submitted on a form provided by the director.

(3) The applicant has the burden of proof to establish the necessary facts to warrant favorable action by the director. The director shall evaluate all applications on a case-by-case basis.

(4) The director shall render a decision on an application filed in accordance with this subsection no later than 60 days after the request is submitted. If the director fails to render a decision within 60 days, the application shall be deemed denied. The director shall prepare written findings to support the grant or denial of a request filed in accordance with this subsection.

(5) If the director denies an application for an alternative bag, the decision is final unless the applicant files an appeal with the permit license and appeals board in accordance with Section 2-96 of this code.

SEC. 9C-6. SIGNAGE AND OTHER REQUIREMENTS.

(a) Except as provided in this section, a business establishment shall display signage in accordance with this section.

(b) A business enterprise is not required to display signage if the only single-use carryout bags it provides to customers fall under the exemption of Section 9C-3(d) of this chapter.

(c) Required signs must be displayed in both English and Spanish.

(d) The specific wording of a required sign may be chosen by the business establishment as long as the sign states all of the following:

(1) If the business establishment is not registered in accordance with Section 9C-4 of this chapter, that the business establishment does not offer single-use carryout bags.

(2) If the business establishment is registered in accordance with Section 9C-4 of this chapter, that single-use carryout bags are only provided to a customer who pays a per-bag or per-transaction fee, as applicable.

(3) The options available for carrying items purchased from the business establishment.

(4) The environmental benefits of reducing, reusing, and recycling.

(e) A sign must be posted no farther than six feet from each point of sale.

(f) A business establishment that owns, leases, or controls its customer parking areas shall post and maintain in each customer parking area exterior signs with the following requirements:

(1) The signs must include wording that encourages customers to bring their own reusable carryout bags.

(2) The signs must be at least 11 inches by 17 inches in area and readable by walking customers.

(3) The signs must be posted so that they are visible to customers with a minimum of one sign for every 50 parking spaces. Except as provided in this subsection, the signs must be distributed in a roughly even manner throughout the parking lot.

(4) If a business establishment has fewer than 50 parking spaces, in lieu of posting signs in the parking area, it must post one sign at the exterior of each customer entrance, visible to customers entering the business establishment.

(5) The signs must be made of rigid, weather-resistant metal.

(g) The city does not provide the signs required by this section. It is the responsibility of the business establishment to produce, erect, and maintain the signs.

(h) A sign required by this section may only be removed by the owner of the business establishment or the property owner.

SEC. 9C-7. VIOLATIONS; PENALTY.

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

(b) An offense under this chapter is punishable by a fine not to exceed \$500.”

SECTION 2. That prior to the effective date of this ordinance, the city manager shall develop a public education campaign to inform business establishments and citizens of the requirements of this ordinance and the benefits of using reusable carryout bags.

SECTION 3. That the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

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

SECTION 5. That this ordinance will take effect on January 1, 2015, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 26, 2014
COUNCIL DISTRICT(S): 4
DEPARTMENT: Housing/Community Services
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 55F

SUBJECT

Authorize a conditional grant agreement with Sphinx Development Corporation or its wholly owned subsidiary in the amount of \$480,000 to construct fourteen townhomes at Eighth Street and Corinth Street just south of the newly constructed senior homes on Tonga Street - Not to exceed \$480,000 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

In 2006, a master plan was created for the Fiji-Compton Area that would guide the implementation of several redevelopment components. The Fiji-Compton Area is a 23.43 acre site located along Corinth Avenue between two DART light rail stations. The economic development goals for the Fiji-Compton area include: 130 units of new senior housing, a new 60 room assisted living facility (34,500 sq. ft.), 50 new townhouses, 19,200 sq. ft. of office space, and a mixed use building with 12,200 sq. ft. of commercial/retail space with 74 one and two bedroom apartments above. Infrastructure was installed in the community and one hundred thirty units of senior housing were completed in 2010, with a current occupancy rate of 92%.

In July 2013, Jay Oji (Owner/Developer) submitted a proposal to the City requesting gap financing of \$480,000 to begin construction of the townhomes that are included in the master plan. Sphinx Development Corporation is a Dallas based real estate development company with over 30 years of development experience, both single family and multifamily.

Mr. Oji proposes to develop the first 14 townhomes with 3 to 4 bedrooms, 2.5 baths and up to 1400 sq. ft. per unit. The pricing of the homes will range between \$129,000 and \$149,000 per unit. With the approval of \$480,000 of 2012 Bond Program (General Obligation Commercial Paper) funds, the City will finance a portion of the construction costs for each home, up to \$40,000 per unit. The developer will secure the balance of financing from a private lender.

BACKGROUND (continued)

The City will hold a second lien deed of trust and subordinate to the construction lender. Homes will be available for homebuyers at or below 140% of area median family income, currently \$95,060 for a family of four. Deed restrictions will remain in place for 5 to 10 years dependent upon the amount of assistance provided.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 3, 2014, the Housing Committee was briefed on the Fiji Townhomes Project and approved the project to move forward to full City Council.

FISCAL INFORMATION

\$480,000 - 2012 Bond Program (General Obligation Commercial Paper Funds)

OWNER

Sphinx Development Corporation

Jay Oji, President & Chief Executive Officer

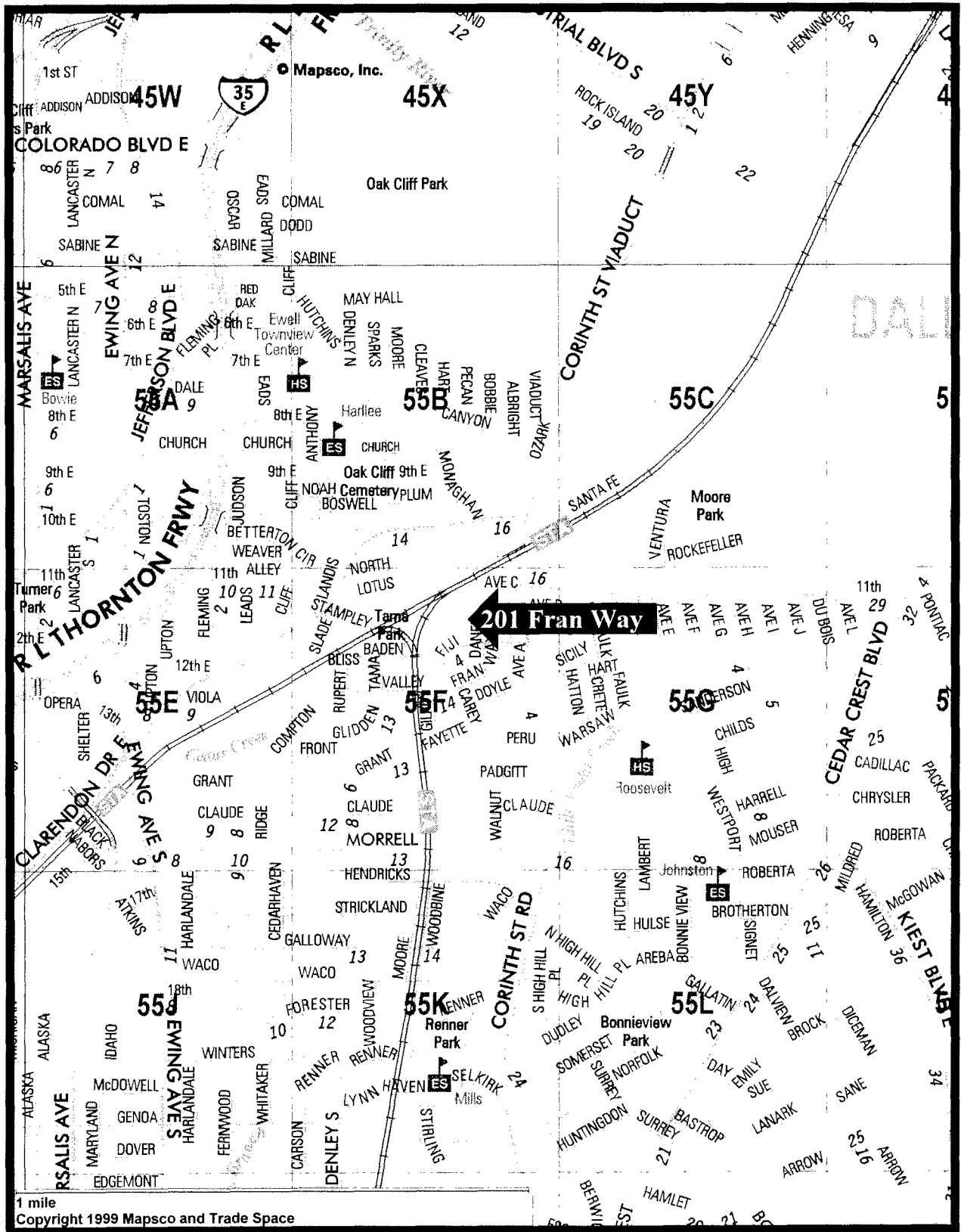
DEVELOPER

Sphinx Development Corporation

Jay Oji, President & Chief Executive Officer

MAP

Attached



MAPSCO 55F

March 26, 2014

WHEREAS, the City of Dallas seeks to support economic growth in the Southern area of the city and economic development in connection with transit-oriented developments; and

WHEREAS, the City Council finds that it is in the best interest of the City to promote local economic development and to stimulate development activity in the city, in particular, the Fiji-Compton area; and

WHEREAS, on March 3, 2014, the Housing Committee was briefed on the Fiji Townhomes Project and approved the project to move forward to full City Council; and

WHEREAS, the redevelopment of the Property will further the City's goals for development in the Southern Sector;

NOW, THEREFORE,

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

Section 1. That the City Manager upon approval as to form by the City Attorney is hereby authorized to execute a conditional grant agreement with Sphinx Development Corporation or its wholly owned subsidiary in an amount of \$480,000 to construct fourteen townhomes at Eighth Street and Corinth Street just South of the newly constructed senior homes on Tonga Street.

Section 2. That the grant agreement is hereby expressly made subject to all of the following conditions which must be performed or occur:

- A. Sphinx Development Corporation (SDC) or its wholly owned subsidiary will enter into a conditional grant agreement, deed of trust, and deed restrictions. The deed restrictions for affordability will be 5 years for \$20,000 and 10 years for \$40,000 in assistance.
- B. SDC must provide a commitment from a private lender financing the balance of construction costs.
- C. SDC shall begin construction of the 14 units no later than August 1, 2014.
- D. Project shall contain a minimum of 14 townhome units.
- E. SDC will present homebuyers with incomes at or below 140% of Area Median Family Income.
- F. Developer will have two (2) years to complete construction and occupancy of the 14 units.
- G. SDC shall market pursuant to the City's Affirmative Fair Housing Marketing Plan

Section 3. That the City Manager may provide subordination of deed of trust and deed restrictions as needed for this project.

March 26, 2014

Section 4. That the City Manager may provide lien or deed restriction releases and/or assumptions of those lien or deed restrictions as appropriate.

Section 5. That the Controller is hereby authorized to encumber and disburse funds in accordance with the terms and conditions of the contracts as follows:

Sphinx Development Corporation Vendor No. VS0000015671

<u>Fund</u>	<u>Dept.</u>	<u>Unit</u>	<u>Object Code</u>	<u>Encumbrance No.</u>	<u>Amount</u>
2U53	HOU	S803	3016	HOUS803F091	\$480,000

Section 6. That nothing in this resolution shall be construed as a binding contract or agreement upon the City, that it is subject to available bond funding, and there will be no liability or obligation on the City until final contract documents are approved, executed, and final closing completed.

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