

# Memorandum

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CITY SECRETARY  
DALLAS, TEXAS



CITY OF DALLAS

DATE February 27, 2015

TO Members of the Economic Development Committee:  
Rick Callahan (Vice-Chair), Jerry R. Allen, Scott Griggs, Adam Medrano, Lee Kleinman

SUBJECT **Economic Development Committee**  
**Monday, March 2, 2015, 9:00 – 10:30 a.m.**  
**1500 Marilla Street, City Hall, Room 6ES, Dallas, Texas 75201**

## AGENDA

1. Approval of February 17, 2015 Minutes of the Economic Development Committee
2. Placemaking Project – Victory Sub-district Sports Arena TIF District  
Karl Zavitkovsky, Director  
Office of Economic Development  
**(Estimated time 20 minutes)**
3. Progress Report on the Economic Opportunities of Sustainable Food Systems  
Frank Camp, Director  
Office of Environmental Quality  
**(Estimated time 20 minutes)**
4. Upcoming agenda items
  - Kimberly Clark – Incentive Proposal
  - Pioneer Frozen Foods, Inc. – Incentive Proposal
  - Comparex USA, Inc. - Incentive Proposal

  
Tennell Atkins, Chair  
Economic Development Committee

C: The Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Ryan Evans, First Assistant City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Karl Zavitkovsky, Director, Office of Economic Development  
J. Hammond Perot, Assistant Director, Office of Economic Development  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

**Note: A quorum of the Dallas City Council may attend this Council Committee meeting.**

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

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

# Economic Development Committee **DRAFT**

## Meeting Record February 17, 2015

The Economic Development Committee meetings are recorded. Agenda materials and audiotapes may be reviewed/copied by contacting the Office of Economic Development, Staff Coordinator at 214-670-1686.

**Meeting Date:** February 17, 2015      **Meeting Start time:** 9:02 AM

**Committee Members Present:**

Tennell Atkins  
Rick Callahan  
Jerry R. Allen  
Lee Kleinman  
Scott Griggs

**Other Council Members Present:**

Philip Kingston

**Staff Present:**

Ryan Evans, First Assistant City Manager,  
City Manager Office  
Karl Zavitkovsky, Director, Office of Economic  
Development  
Karl Stundins, Manager, Office of Economic  
Development  
Tamara Leak, Senior Coordinator, Office of  
Economic Development

**Other Presenters:**

Aimee Sanborn, Director of Sustainability  
Associate Team Leader, Merriman  
Associates/Architects  
Bryan W. Dorsey, BDRC Partners

**1. Approval of February 2, 2015 Minutes of the Economic Development Committee**

**Presenter(s):**

**Action Taken/Committee Recommendation(s):** Motion made to approve the minutes

\*Noting that Mr. Medrano was not present during the voting for the approval of the minutes

**Motion made by:** Mr. Kleinman

**Motion seconded by:** Mr. Callahan

Item passed unanimously: X

Item passed on a divided vote:       

Item failed unanimously:       

Item failed on a divided vote:       

**Follow-up (if necessary):**

**2. The Mayflower Building (411 N Akard Street) Downtown Connection TIF District**

**Presenter(s):** Karl Zavitkovsky, Director, Office of Economic Development

**Action Taken/Committee Recommendation(s):** Motion made to approve the minutes

\*Noting that Mr. Medrano was not present during the voting for the Mayflower Building item

**Motion made by:** Mr. Callahan

**Motion seconded by:** Mr. Kleinman

Item passed unanimously: X

Item passed on a divided vote:       

Item failed unanimously:       

Item failed on a divided vote:       

**Follow-up (if necessary):**

**3. Upcoming Agenda Items**

- 1401 Elm Street (The Olympic Project) Development Agreement Amendments Downtown Connection TIF District)
- Amendments to the TIF Development Agreement and Chapter 380 Grant Agreement with Bishop Arts Village LLC for the Bishop Arts Phase I Project (Oak Cliff Gateway TIF District)
- TIF Annual Reports

**Action Taken/Committee Recommendation(s):** Motion made to recommend item to full council for approval \*Noting that Mr. Medrano was not present during the voting for the upcoming agenda items

**Motion made by:** Mr. Allen

**Motion seconded by:** Mr. Griggs

Item passed unanimously:  X

Item passed on a divided vote: \_\_\_\_\_

Item failed unanimously: \_\_\_\_\_

Item failed on a divided vote: \_\_\_\_\_

**Follow-up (if necessary):**

**Meeting Adjourned: 9:43 AM**

**Approved By:** \_\_\_\_\_

# Memorandum



DATE February 27, 2015

TO Members of the Economic Development Committee: Tennell Atkins (Chair),  
Rick Callahan (Vice Chair) Scott Griggs, Adam Medrano, Jerry R. Allen, Lee Kleinman

SUBJECT **Placemaking Project (Victory Sub-district) Sports Arena TIF District**

On Monday, March 2, 2015 the Economic Development Committee will be briefed on the Placemaking project in the Sports Arena TIF District.

Briefing materials are attached.

Should you have any questions, please contact me at (214) 670-3296



Ryan S. Evans  
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
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**Placemaking Project – Victory Sub-district**  
*Sports Arena TIF District*

Economic Development Committee  
March 2, 2015



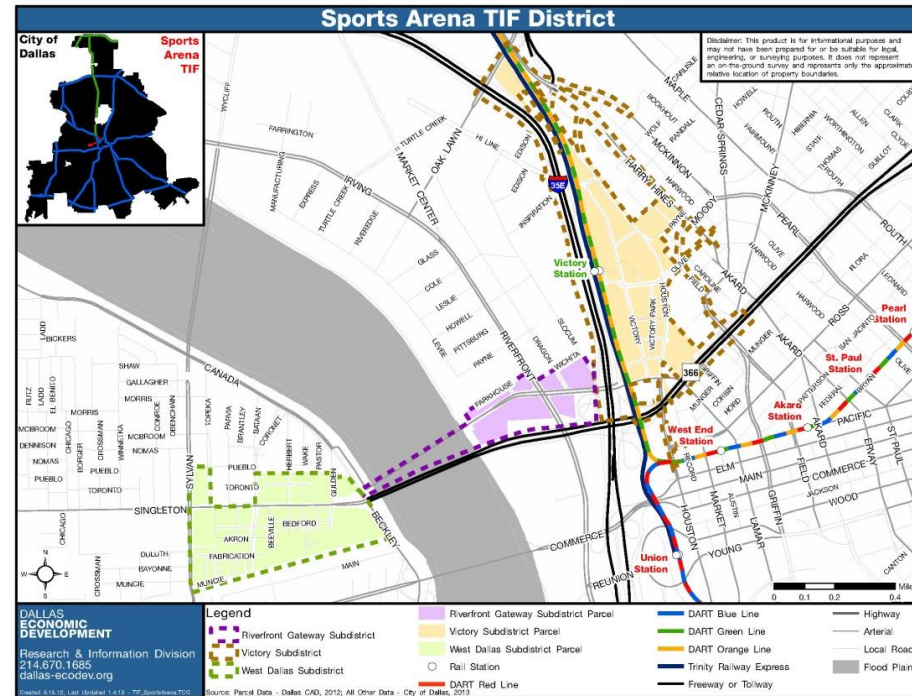
# Purpose

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- Provide background and update on Sports Arena TIF and Victory Sub-district
- Review Victory Sub-District Design/Technical Studies
- Review Actions Taken and Proposed Next Steps
- Obtain Economic Development Committee approval for Council consideration on April 8, 2015

# Sports Arena TIF District Background

- Originally created 1998
- Amended May 2012
  - Extended term to December 31, 2028
  - Boundary expanded to create Riverfront Gateway and West Dallas Sub-districts
  - Created 10% set-aside of Victory Sub-district increment for West Dallas Sub-district
  - Increased budget for TIF district to \$273M (See Appendix A) and Victory Sub-district to \$133M
- Purpose of District Amendment
  - Allows collection of additional tax increment in Victory Sub-district to address parking, circulation, and neighborhood design
  - Supports new development in West Dallas by dedicating 10% of increment generated in Victory Sub-district
  - Exponentially increases property value of Victory Sub-district during extended term (DCAD value increased 30% from 2012 values to \$530M in FY 2014)





# Sports Arena TIF District

## *Amended District's First Priority - Parking*

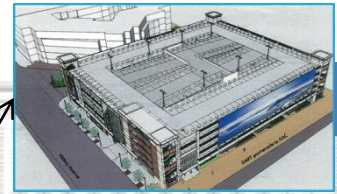
- City Zoning and Arena Agreements require 5,000 parking spaces to be available at all times for AAC event parking
  - Platinum Garage (2,000 spaces)
  - Surface parking lots (3,000 spaces)
- Prior to District's amendment surface parking lots tied up ±20 acres of developable land
- Since 2012 Amendment, City Council has approved following parking related TIF funding:
  - **North Parking Garage** (under construction) – 1,271 space parking structure dedicated solely to AAC event parking (releases ≈7 acres of surface parking for development; City will own the land and garage)
  - **South Parking Garage** – 425 AAC event spaces relocated into an existing parking garage (releases ≈6 acres for development; TIF District receives 75% of revenue generated by public transient parking during AAC event and non-event times)
- Approximately 10 acres of surface parking remain in the district
- Technical studies recommend, any future structured parking (supported by TIF funding) should provide usage at both AAC event and non-event times

# Victory Sub-district Status Update

- Worldwide Express signed 28,992 SF office lease October 2014
- Additional 14,000 SF office lease out for signature



- 378-unit multi-family complex
- Opened January 2014



- 1,271 space parking garage owned by the City
- Under construction adjacent to DART station



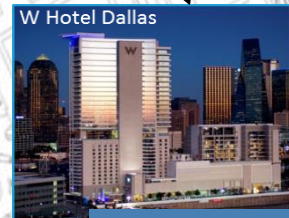
- 425-unit multi-family complex
- Anticipated completion Summer 2015



MWW Group signed 7,076 SF office lease



- 263-unit multi-family complex
- Opened in March 2014



- Modern American gastropub, Cook Hall, opened in Spring 2013
- \$4 million renovation – Fall 2013
- Ghostbar space replaced with Altitude – an event/banquet space



- 336-unit tower under
- completion January 2015



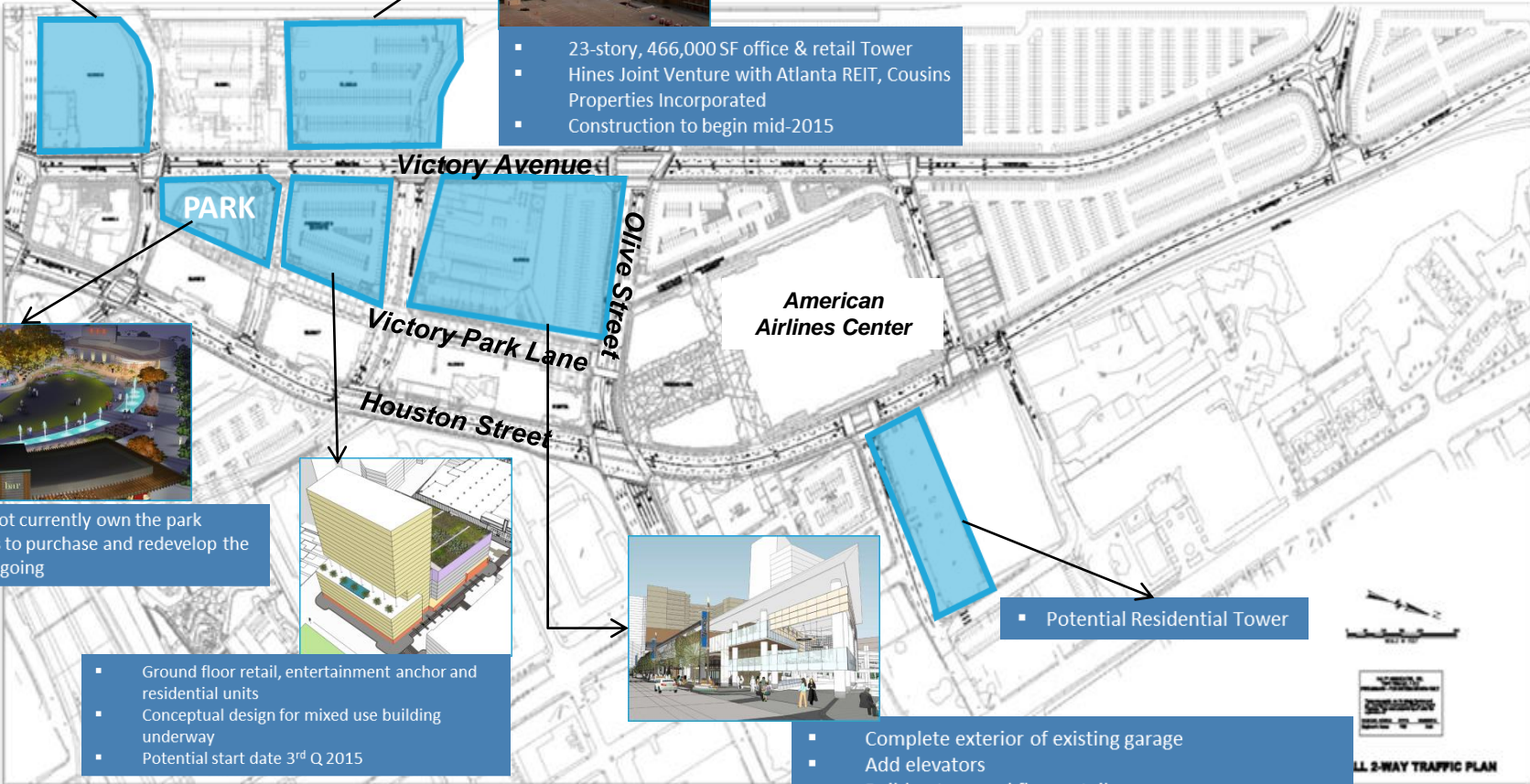
# Victory Sub-district

## Projects Announced and /or Anticipated

- 228 space parking structure for both event and public use
- Construction to begin 1<sup>st</sup> quarter 2015



- 23-story, 466,000 SF office & retail Tower
- Hines Joint Venture with Atlanta REIT, Cousins Properties Incorporated
- Construction to begin mid-2015



- UST does not currently own the park
- Discussions to purchase and redevelop the park are ongoing



- Ground floor retail, entertainment anchor and residential units
- Conceptual design for mixed use building underway
- Potential start date 3<sup>rd</sup> Q 2015



- Potential Residential Tower

- Complete exterior of existing garage
- Add elevators
- Build out ground floor retail
- Conceptual Design under review by CityDesign Studio
- Potential start date 1<sup>st</sup> Q 2015

# Victory Sub-district

## *Design and Technical Studies*

- City Council approved TIF Grant 05/2012 to reimburse UST for design and technical studies completed 05/2013 which examined:
  - **Circulation**
    - Two Way Traffic
    - Pedestrian Access
    - Bicycle Access
  - **Parking**
    - Current & Future Parking
    - Shared Parking Analysis
  - **Urban Neighborhood Design**
    - Placemaking
    - Victory Park Lane & Park Redesign
    - Signage & Wayfinding
  - **Retail Analysis**
    - Tenant Storefront Redesign Program
    - Complete Block D Retail & Activate Vacant Lots
    - Merchandise Strategy & Program



# Technical Studies

## *Circulation Recommendations/Actions Taken*

- **Two-Way Conversion**

- **Recommendation:** Amend City's Thoroughfare Plan to convert Houston Street and Victory Avenue to two-way traffic flow

**Action :** City Council approved Thoroughfare Plan amendment 01/22/2014; Two-Way Conversion Project estimated completion August 2015

- **Bicycle Access**

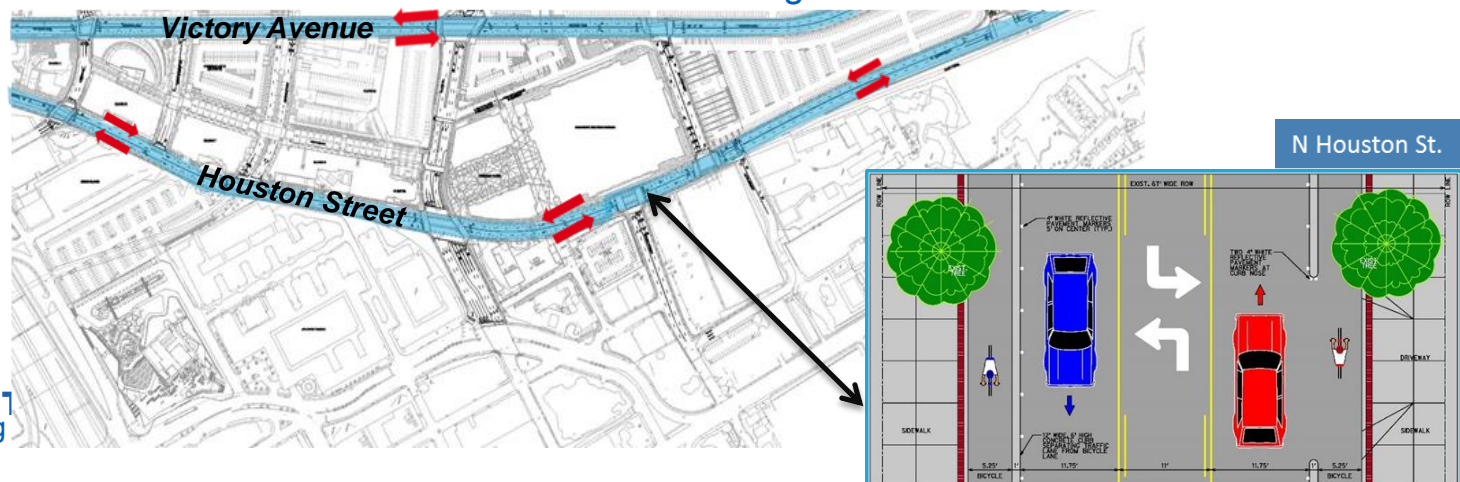
- **Recommendation:** Improve bicycle circulation throughout the sub-district

**Action:** On Houston Street a dedicated bicycle track will be constructed on both sides of the street and separated from car travel lanes by a raised curb

**Action:** Victory Park Lane will have shared bicycle lanes

- **Recommendation:** Capitalize on Victory's proximity to KATY Trail; relocate terminus of trail to district park

**Action:** The bicycle facilities on Houston Street and Victory Park Lane will connect to the current terminus of the KATY Trail and extend it throughout the sub-district



# Technical Studies

## *Circulation Recommendations /Actions Taken* (continued)

- Pedestrian Access

- **Recommendation:** Provide traffic calming improvements on Olive Street

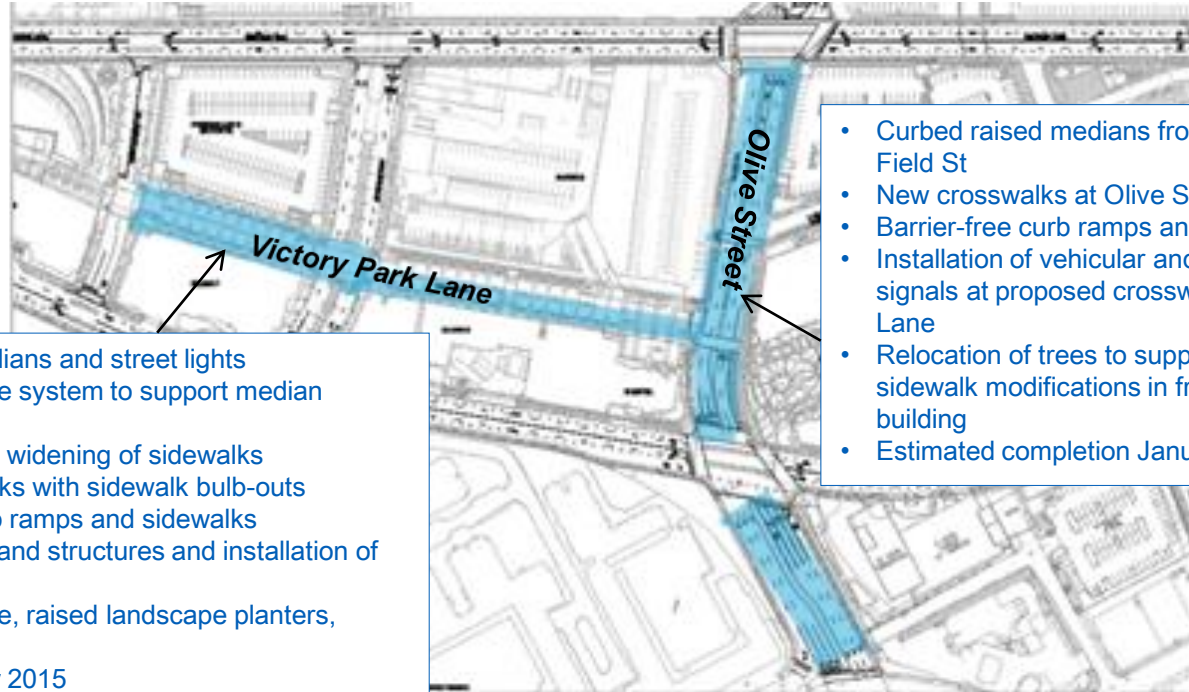
**Action:** City Council approved TIF reimbursement for Olive Street improvement project 12/11/2013

- **Recommendation:** Enhance sidewalk environment on Victory Park Lane

**Action:** City Council approved TIF reimbursement for Victory Park Lane improvement project 12/11/2014

- **Recommendation:** Encourage seamless flow of visitors and users throughout the urban district

**Action:** Addressed with proposed Placemaking Project described on Slides 10 & 11



- Removal of existing raised medians and street lights
- Modification of existing drainage system to support median removal
- Relocation of granite curbs and widening of sidewalks
- New raised mid-block crosswalks with sidewalk bulb-outs
- Modification of barrier-free curb ramps and sidewalks
- Foundation for new street light and structures and installation of street lights
- Installation of surface landscape, raised landscape planters, irrigation, drainage and power
- Estimated completion February 2015

- Curbed raised medians from Victory Ave to Field St
- New crosswalks at Olive St & Victory Park Lane
- Barrier-free curb ramps and modified sidewalks
- Installation of vehicular and pedestrian traffic signals at proposed crosswalks at Victory Park Lane
- Relocation of trees to support the curb and sidewalk modifications in front of Victory Plaza building
- Estimated completion January 2015

# Victory Sub-district

## *Next Steps: Placemaking Project*

- **Neighborhood Design Study Recommendations:**
  - Improve visual and pedestrian connectivity between Victory Park Lane and American Airlines Center encouraging seamless flow of visitors
  - Enhance Victory Park Lane as a distinctive place
  - Create a comprehensive Signing and Wayfinding Program that clarifies and simplifies information needed by visitors and customers to efficiently circulate through, park and arrive at the many Victory Park urban neighborhood destinations
- **How Proposed Placemaking Project addresses recommendations (See Appendix B – Placemaking Renderings):**
  - Constructing vertical improvements to complete redesigned street projects (Victory Park Lane and Olive Street)
  - Replacing existing directories along Victory Park Lane with directories that can display up-to-date tenant listings and locations as well as seasonal or promotional messages
  - Installing adaptable seating along sidewalks and pedestrian nodes activating the public realm and complementing future tenant activity as District grows and evolves
  - Installing district markers and banners that uniquely identify Victory Park as a distinctive place and will be appropriately placed to enhance and enrich experience of those that engage the District

# Victory Sub-district *Placemaking Project*

- **Public Improvements:**

- Demolition of existing and construction of new sidewalk on north side of Victory Park Lane between Olive Street and Museum Way
- Oval shaped planters with seating and landscaping at major intersection corners and mid block crosswalk on Victory Park Lane
- Freestanding and pole mounted directory kiosks
- District markers
- Bike racks, trash receptacles, recycling units



- **Phased Project:**

- Phase I – improvements that do not require any additional City Council approvals (\$3,774,804)
- Phase II – improvements (District Markers) requiring Council's approval of a Victory Special Provision Sign District amendment prior to installation (\$2,200,000)

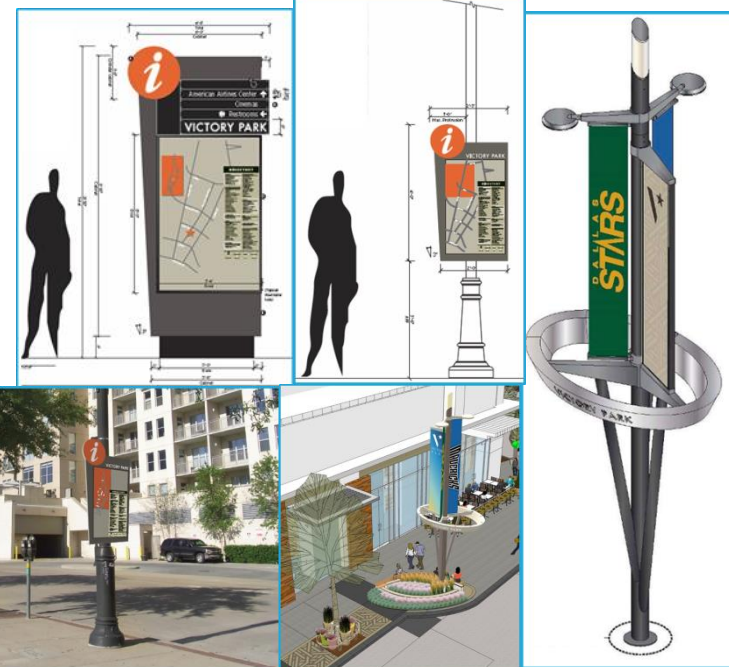
- **Project Cost:** \$5,974,804 (See Appendix C – Project Budget)

- **Required Private Investment in Sub-district:** \$18,000,000

- **Project Start Date:** October 2015

- **Project Completion Date:** December 2016

- UST will front project costs and be reimbursed upon completion from TIF funds, as they become available





# Placemaking Project

## *TIF Board Recommendation and Peer Review*

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- On January 9, 2015, the Sports Arena TIF District Board of Directors approved and recommended approval of a development agreement with Victory Park UST Joint Venture I, LP for TIF Funding for the Placemaking Project in an amount not to exceed \$5,974,804.
- On May 23, 2014, the City's Urban Design Peer Review Panel reviewed and recommended approval of the overall vision for public improvements and signage program (wayfinding and directional signage) for the Victory Sub-district.

# Recommendation

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- Staff requests ECO Committee's approval for consideration by Council on April 8, 2015:
  - Development agreement with Victory Park UST Joint Venture I, LP for TIF reimbursement not to exceed \$5,974,804 for the Placemaking Project.

# APPENDICES

# Appendix A: Sports Arena TIF District Budget

Sports Arena TIF District Projected Increment Revenues to Retire TIF Fund Obligations			
Category	Total Budget*	Total Committed or Spent	Total Remaining
<b>Original Improvements</b>			
<b>Total Original Improvements</b>	\$38,588,359	\$38,389,665	\$198,694
<b>Victory Sub-district Amended Budget</b>			
<b>West Dallas Set-Aside</b>	\$12,779,264	\$679,107	\$12,100,157
<b>Tier One Improvements</b>	\$50,294,300	\$48,919,013	\$1,375,287
North Parking Garage			
South Parking Garage			
Economic Development TIF Grants			
<b>Total Tier One Improvements</b>			
<b>Tier Two Improvements</b>	\$69,573,502	\$13,403,582	\$56,169,920
Additional North Parking Garage			
Additional South Parking Garage			
Other District Improvements:			
Open Space/Connectivity, Special Studies			
Infrastructure Improvements and Retail			
<b>Total Tier Two Improvements</b>			
<b>Total Victory Sub-District</b>	\$132,647,066	\$63,001,702	\$69,645,364
<b>Category</b>	<b>Total Budget</b>	<b>Total Committed or Spent</b>	<b>Total Remaining</b>
<b>West Dallas Sub-district</b>			
Economic Development Grants, Retail Incentives, Infrastructure Improvements, Technical Studies Environmental/Demolition			
<b>Total West Dallas Sub-District</b>	\$91,599,839	\$3,505,000	\$88,094,839
<b>Riverfront Gateway Sub-district</b>			
Economic Development Grants, Infrastructure Improvements, Environmental/Demolition Open Space, Connectivity and Retail			
<b>Total Riverfront Gateway Sub-district</b>	\$9,558,813	\$0	\$9,558,813
<b>Administration and Implementation</b>	\$997,010	\$571,974	\$425,036
<b>Total Amended Budget</b>	<b>\$273,391,087</b>	<b>\$105,468,341</b>	<b>\$167,922,746</b>
<b>Original Sports Arena TIF District Budget</b>	<b>\$46,961,785</b>		

# Appendix B: Placemaking Project *Renderings of Improvements*

Completed streetscape section – Victory Park Lane



# Appendix C: Placemaking Project Budget

Description	Amount
<b>Tier Two Improvements</b>	
<b>Connectivity/Quality of Life Improvements – Placemaking Phase I</b>	
<i>Landscaping Planters, Benches, Lighting</i>	1,002,338
<i>Streets, Sidewalks &amp; Utilities</i>	883,018
<i>Modifications to Victory Park Lane</i>	566,199
<i>Fixtures, Furnishings and Equipment</i>	316,065
<i>Modifications to Olive Street</i>	222,183
<i>Kiosks and Directories</i>	164,200
<i>Design, Construction Professional Services</i>	620,801
<b>Recommended TIF Subsidy - Placemaking Phase I</b>	<b>3,774,804</b>
<b>Tier Two Improvements</b>	
<b>Connectivity/Quality of Life Improvements – Placemaking Phase II</b>	
<i>District Markers</i>	\$1,978,690
<i>Design, Construction Professional Services</i>	\$221,310
<b>Recommended TIF Subsidy - Placemaking Phase II</b>	<b>\$2,200,000</b>
<b>Total Recommended TIF Subsidy - Placemaking Phases I &amp; II</b>	<b>\$5,974,804</b>

# Appendix D: Placemaking Project

## *Conditions of TIF Funding Highlights*

- Minimum of \$3,000,000 in Project costs funded by Developer for Phase I of the Placemaking Project;
- Minimum of \$1,700,000 in Project costs funded by Developer for Phase II of the Placemaking Project;
- Investment by Developer or affiliates of Developer of a minimum of \$14 million in improvements to property located within the Sports Arena TIF District (Phase I);
- Investment by Developer or affiliates of Developer of a minimum of \$4 million in improvements to property located within the Sports Arena TIF District (Phase II);
- Obtain approval of construction Plans, Specifications and Estimate (PS&E) package from the City, execute 3-way Private Development Contract, where applicable, and start Construction of the Project by October 31, 2015;
- Obtain final acceptance of all public infrastructure improvements associated with the Project, as evidenced by the issuance of a Green Tag from the Public Works and Transportation Department within 30 weeks after Start Construction date and submit documentation to the Office of Economic Development (the “OED”) and in no case later than December 31, 2016;
- Obtain approval by Council of Victory Special Provision Sign District amendment for Phase II District Markers prior to installation

# Appendix D: Placemaking Project

## *Conditions of TIF Funding (Continued)*

- Review and approval of the proposed fixtures, furnishings and equipment, kiosks and directories by the Victory Owners Association's Design Review Board prior to starting construction and installation of improvements. Submit documentation of approval and acceptance to the Director;
- Comply with the Business Inclusion and Development ("BID") goal of twenty five percent (25%) Minority/Women-owned Business Enterprise (M/WBE) participation for TIF reimbursable improvements, and the Developer shall make a good faith effort to achieve a goal of 25% certified M/WBE participation for total private improvement construction expenditures for the Project, and meet all reporting requirements for each;
- Enter into an operation and maintenance agreement for the Phase I and II improvements prior to payment of TIF reimbursement. Such operations and maintenance agreement may be assigned to a third party with the consent of the Director. The Victory Owners Association is preapproved as an approved assignee.



# Memorandum



CITY OF DALLAS

DATE February 27, 2015

TO Honorable Members of the Economic Development Committee:  
Tennell Atkins (Chair), Rick Callahan (Vice Chair), Scott Griggs, Adam Medrano, Jerry R. Allen, Lee Kleinman

SUBJECT **Progress Report on the Economic Opportunities of Sustainable Food Systems**

On Monday, March 2, 2015, the Economic Development Council Committee will be briefed on a Progress Report on the Economic Opportunities of Sustainable Food Systems.

The following materials are attached for your review:

1. Progress Report on the Economic Opportunities of Sustainable Food Systems Briefing
2. Attachment A – Draft Ordinance with Revisions to Development Code Chapters 51 & 51A
3. Attachment B – Draft Ordinance with Revisions to Neighborhood Farmers Market Code Chapter 29A
4. Attachment C – Background Document: Community Garden Grant Fund

If you have any questions or require additional information, please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read 'Jill Jordan'.

Jill A. Jordan, P.E.  
Assistant City Manager

C: The Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
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Elsa Cantu, Assistant to the City Manager – Mayor and Council

# Progress Report on the Economic Opportunities of Sustainable Food Systems

Presented by the Office of Environmental Quality  
to the Economic Development Committee  
of the Dallas City Council

March 2, 2015



# Departments Involved

- **Office of Environmental Quality**
  - Frank A. Camp, Managing Director
- **Sustainable Development and Construction**
  - David Cossum, Director
    - *Chapters 51 & 51A – Development Code*
    - *Chapter 52 – Administrative Procedures for Construction Codes*
- **Convention and Event Services**
  - Ron King, Director
    - *Chapter 29A – Neighborhood Farmers Markets*
- **Code Compliance Services**
  - Ben Collins, Assistant Director

# Purpose

- **Update Economic Development Committee on items to be presented on March 25 Council Agenda**
  - Proposed changes to Chapters 51 & 51A
  - Proposed changes to Chapter 29A
  - Proposed changes to Chapter 52
  - Community Garden Grant Fund program
- **Share information about other elements associated with sustainable food systems**
  - Consumption and Waste Recovery
  - Protection of Bees and Butterflies

# Stakeholder Input

- Met with stakeholders from spring 2014 to current
- Created Sustainable Food Systems page on GreenDallas.net
- Distributing information via social media and GreenDallas.net website
- Created contact form on GreenDallas.net
- Stakeholders have participated in public meetings with staff and at Zoning Ordinance Committee and City Plan Commission

# Stakeholders Involved

- Dallas residents
- American Beekeeping Federation
- Anita's Arbor
- Aquaponic Dave
- bcWorkshop
- Bethlehem Center
- Children at Risk
- Corinth Park Gardens
- Dallas Coalition for Hunger Solutions
- Dallas Farmers Market
- DISD – Food & Child Nutrition
- Dallas Zoo Green Team
- Diabetes Health and Wellness Institute
- Divinekinship
- Dolphin Heights Neighborhood Association
- Earth Day Texas
- Earth Healthy
- Eat The Yard
- Eden's Organic Garden Center
- First Presbyterian Church Meal Services
- Garden Café
- Good Company Creative
- Green Phoenix Farms
- GROW North Texas
- Half Pint Palates
- Hunt Institute at SMU
- Kevin Sloan Studio
- Lake Highlands Community Garden
- North Texas Food Bank
- Painter Garden Classroom
- Promise of Peace Garden
- Revitalize South Dallas Coalition
- Save Open Space
- Seed Incorporated
- Slow Food Dallas
- Texas Beekeepers Association
- Texas Honeybee Guild
- Texas Hunger Initiative
- Texas State Federation of Garden Clubs
- Trinity Valley Beekeepers
- Unity Community Gardens
- Urban Acres
- We Over Me Farm – Paul Quinn College
- White Rock Local Market

# Changes requested by Stakeholders

- Allow aquaponics
- Allow animal grazing
- Change garden size requirements
- Encourage sustainable farming practices
- Address fees
- Define structures and uses
- Eliminate redundant oversight
- Allow sales
- Allow alternative food delivery mechanisms



# Development Code Amendment Process

- Zoning Ordinance Committee (ZOC) considered this issue at five public meetings between December 2014 and February 2015
- ZOC meetings were attended and issues and input provided by local stakeholders: agrarian gardeners, aquaponic gardeners, non-profit and educational institutions, and Dallas residents
- February 5, 2015: ZOC recommended approval of the Chapter 51 & 51A proposed amendments to City Plan Committee (CPC)
- February 19, 2015: CPC recommended approval of the Chapter 51 & 51A proposed amendments



# Ch. 51 & 51A: Development Code

## Proposed Amendments

- Name change from “COMMUNITY GARDEN” to “URBAN GARDEN”
- Allow sale of URBAN GARDEN (UG) produce:
  - Off-site sales when UG located in residential districts
  - On-site sales when UG located in non-residential districts
- Allow aquaponics, aquaculture and the raising of female chickens

# Ch. 51 & 51A: Development Code (continued)

## Proposed Amendments

- **Structures** (when UG in residential district)
  - Combined floor area may not exceed 10% of the lot
  - No single structure may exceed 200 square feet
  - Must comply with yard, lot and space regulations for district
  - Structures that assist in growing such as bed covers or raised planting beds are not included in square footage calculations
- **Parking**
  - One space for every 200 square feet of sales area, minimum of 2 spaces
  - No sales area - no parking required
- **Signage** (when UG in a residential district)
  - Must contain phone number of emergency contact for the Urban Garden
  - If animals are present must contain information for Dallas 311 City services

# Ch. 51 & 51A: Development Code (continued)

## Proposed Amendments

- **Definitions Added:**

- **AQUACULTURE**: means the cultivation, maintenance, and harvesting of aquatic species
- **AQUAPONICS**: means the combination of aquaculture (fish) and hydroponics (plants) to grow food or ornamental crops and aquatic species together in a recirculating system without any discharge or exchange of water
- **BED COVER**: means a hoop-house, shade structure, or similar structure located above a growing bed to assist with the growing or shading of food crops or ornamental crops

# Ch. 51 & 51A: Development Code (continued)

## Proposed Amendments

- **Animal Production**

- Currently:

- Allowed in Agricultural District only
- Minimum 3 acres required

- Proposed:

- Allow by Specific Use Permit (SUP) in non-residential districts
- No minimum acreage required in non-residential districts
- Minimum 3 acres required in Agricultural District

# Chapter 52 – Construction Code

## Proposed Amendment

- Extend exemption for storage structures under 200 square feet to URBAN GARDEN
  - To be presented to Building Inspection Advisory, Examining & Appeals Board on March 17, 2015

# Chapter 29A: Neighborhood Farmers Market

## Proposed Amendments

- Increase number of vendors from 50 to 70
- Adjust permitting fees
  - \$250 for markets up to 35 vendors
  - \$350 for markets up to 70 vendors
- Increase number of sale days per calendar year from 28 to 40
- Increase booth size to 10 feet by 15 feet
- Allow applicants to apply for multiple permits in the same year; only one permit will be issued per location per year

# Community Garden Grant Fund

- Since 2008, City of Dallas has been accepting funds to promote water conservation at community gardens
  - August 8, 2008: Administrative Action 082344 created Community Garden Grant Fund
- Fund has over \$9,500 available
  - Funded through voluntary donations on water bill and other contributions
- Office of Environmental Quality is seeking City Council approval to disburse these funds to applicants for this grant program

# Community Garden Grant Administration

- Director of OEQ to administer grant program
  - May designate staff to oversee application and verification processes
- Criteria to include:
  - Documented garden leadership and experience
  - 3 year commitment
  - Reporting requirements
  - Use of funds for the establishment or expansion of gardens that use organic growing methods, donate food to local food banks, and use rain water harvesting and drip irrigation



# Consumption & Waste Recovery

- City of Dallas creating wellness initiative pilot projects with interactive public website to focus on health, nutrition, and wellness<sup>1</sup>
- City staff working with stakeholders on U.S. EPA Food Recovery Challenge to reduce the environmental impact of food materials through their entire life cycle
  - Nearly 35 million tons of wasted food generated in 2012, 95 percent of which was thrown into landfills or incinerators<sup>2</sup>
  - Per the 2012 Municipal Solid Waste Characterization Report, food waste makes up 21% of material going to landfill and combusted for energy recovery<sup>3</sup>

1: CUSP Report, November 18, 2014

2: [http://www.epa.gov/smm/foodrecovery/join\\_info.htm](http://www.epa.gov/smm/foodrecovery/join_info.htm)

3: [http://www.epa.gov/epawaste/conservesmm/images/foodchart\\_640px.jpg](http://www.epa.gov/epawaste/conservesmm/images/foodchart_640px.jpg)

# Protection of bees and butterflies

- **Stakeholders seeking Council action to recognize economic and agricultural value of honeybees and other pollinators**
  - Bees, butterflies, and other pollinator species help sustain ecosystem health
  - Pollinators help produce an estimated 1 out of every 3 bites of food and reproduce at least 80 percent of flowering plants
  - Honeybees pollinate an estimated \$14,600,000,000 worth of crops in the United States each year
  - Aggressive bee species move into areas without managed honeybee colonies
  - Seeking to improve process before mosquito spraying to allow for protection of pollinators
- **Staff exploring current use of pesticides at City facilities**
  - Exploring ways to reduce the use of substances known to harm bees and pollinators at City facilities
  - *Integrated Pest Management* program in development

# Proposed Timeline

- ✓ Meet with stakeholders – **November 2014 - January 2015**
- ✓ Present suggested code changes to Economic Development Committee – **January 2015**
- ✓ Present Chapter 51 & 51A code amendments to ZOC – **February 2015**
- ✓ Present Chapter 51 & 51A code amendments to CPC – **February 2015**
- Present proposed changes to Chapters 29A, 51 & 51A, and 52; and, present Community Garden Grant Fund Program to Economic Development Committee for approval – **March 2, 2015**
- Present approved items to City Council on Agenda – **March 25, 2015**
- Changes effective for spring season – **upon adoption**

# Next Steps

- Economic Development Committee being asked to:
  - Approve proposed amendments to city code Chapters 51 & 51A and Chapter 29A and send amendments to March 25, 2015 Council Agenda for approval
  - Approve proposed Community Garden Grant Fund program and send to March 25, 2015 Council Agenda for approval

# Questions



# Appendix

# Index Cities

	Aquaculture & Aquaponics	Community Garden	Farm	Market Garden	Structures
Austin	Allowed in Market Garden & Farm	Less than 1 acre, allowed in all districts. Sales above and beyond supporting the maintenance is prohibited.	1 acre or more. If raising animals, must provide dwelling unit. Sales allowed.	Less than 1 acre for production and sales onsite.	Considered accessory, and must meet accessory setbacks, height, and size for each district
Chicago	Allowed in Farm.	25,000 square feet max. No sales.	3,000 square feet of growing area max for accessory use in non-residential districts. Sales allowed.	N/A	Structures must meet accessory structures setbacks, size, and height of each district; except hoop house or other fabric structures, which do not require a building permit.
Detroit	Separate use. Allowed in business and industrial districts.	Allowed in all districts. No farm animals.	No size requirement, must meet base zoning regulations. Allowed in all districts, limited in residential districts. No farm animals. Sales allowed.	N/A	Allowed structures: greenhouse, farm stand, hoop house or similar, signs, site amenities (benches, etc), tool sheds and shade pavilions, garages; no limit on size, must meet district height regulations or accessory structures.
Minneapolis	Allowed under Urban Farm.	Allowed in all districts. Temporary sales only. No animals.	Production, procession and storage in commercial & industrial districts. No animals.	10,000 square feet allowed in all districts, over 10,000 square feet in non-residential. Temporary sales in residential, by right in non-residential. No animals.	Limits growing structures to 20 square feet and 8' height, raised beds allowed up to 3' in height and 5' from property line, allows temporary structures for seasonal use
Seattle	Separate use. Allowed for production and sales in industrial and commercial districts.	No size restrictions. Allowed in all districts. No sales. Animals allowed.	Allowed in all districts. Sales allowed. Up to 4,000 square feet as an accessory use, and over 4,000 square feet by SUP. Animals allowed. Sales allowed.	N/A	Total floor area of structures cannot exceed 1,000 square feet, and 12' height limit

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

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-4.215 and 51A-4.201; renaming community gardens to urban gardens; providing new regulations for urban gardens; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subparagraph (A), “Definitions,” of Paragraph (1), “Farm or Ranch,” of Section 51-4.215, “Animal Related Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(A) Definitions:

(i) URBAN [~~COMMUNITY~~] GARDEN means an area [~~of land~~] managed and maintained [~~by a group of individuals~~] to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, sale, or donation. Urban [~~Community~~] gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(ii) FARM OR RANCH means an area which is used for growing farm products or keeping farm poultry and farm livestock.



(iii) AQUACULTURE means the cultivation, maintenance, and harvesting of aquatic species.

(iv) AQUAPONICS means the combination of aquaculture (fish) and hydroponics (plants) to grow food crops or ornamental crops and aquatic species together in a recirculating system without discharge or exchange of water.

(v) BED COVER means a hoop-house, shade structure, or similar structure located above a growing bed to assist with the growing or shading food crops or ornamental crops.”

SECTION 2. That Romanette (i) of Subparagraph (C), “Required Off-Street Parking,” of Paragraph (1), “Farm or Ranch,” of Section 51-4.215, “Animal Related Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(i) For an urban [~~community~~] garden, except as otherwise provided in this Subparagraph, off-street parking is not required [none]. For an urban garden in non-residential districts that allows on-site sales, one off-street parking space is required for every 200 square feet of sales area with a minimum two off-street parking spaces provided.”

SECTION 3. That Subparagraph (E), “Additional Provisions for Community Gardens,” of Paragraph (1), “Farm or Ranch,” of Section 51-4.215, “Animal Related Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Additional provisions for urban [~~community~~] gardens:

(i) An urban [~~community~~] garden must comply with the regulations for the zoning district in which the urban [~~community~~] garden is located.

(ii) Aquaponics, aquaculture, and the raising of chickens are permitted. All other a[A]nimal grazing and animal production are prohibited.

(iii) For an urban [community] garden in a residential district, the combined floor area of structures may not exceed 10 percent of the lot, with no single structure exceeding 200 square feet in floor area [and must be erected in the rear 30 percent of the lot]. Structures that assist in the growing of vegetation, such as bed covers and raised planting beds, are not included when calculating the maximum square footage. Structures must comply with yard, lot, and space regulations for the district.

(iv) For an urban [community] garden in a residential district, [signage is limited to] a single, non-illuminated, flat sign of no more than six square feet must be visible from public right-of-way. The sign must contain the phone number of an emergency contact person for the urban garden. If animals are present in the urban garden, the sign must also contain the contact information for Dallas 311 city services. In residential districts, no other signage is permitted.

(v) Each bed cover may only cover one single growing bed.

(vi) Except as provided in this subparagraph, maximum height of a bed cover is four feet from the growing surface or eight feet from grade, whichever is less. Within the required front yard, maximum height of a bed cover is four feet from grade.

(vii) The on-site sale of food crops, ornamental crops, and eggs produced on the property is allowed only in non-residential districts. No other items may be sold on the property.

SECTION 4. That Subparagraph (B), “Districts Permitted,” of Paragraph (1), “Animal Production,” of Section 51A-4.201, “Agricultural Uses,” of Division 51A-4.200, “Use Regulations” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(B) Districts permitted: By right in the A(A) district. By SUP only in non-residential districts.”

SECTION 5. That Romanette (i) of Subparagraph (E), “Additional Provisions,” of Paragraph (1), “Animal Production,” of Section 51A-4.201, “Agricultural Uses,” of Division 51A-4.200, “Use Regulations” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(i) In the A(A) district, a [A] person shall not operate this use upon an area less than three acres. In non-residential districts, no minimum acreage is required.”

SECTION 6. That Subparagraph (A), “Definitions,” of Paragraph (3), “Crop Production,” of Section 51A-4.201, “Agricultural Uses,” of Division 51A-4.200, “Use Regulations” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(A) Definitions. In this paragraph:

(i) URBAN [COMMUNITY] GARDEN means an area ~~[of land]~~ managed and maintained ~~[by a group of individuals]~~ to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, sale, or donation. Urban [Community] gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(ii) FARM means an area used for the raising or harvesting of agricultural crops such as vegetables, fruit, trees, grain, field forage, and other plant crops intended to provide food and fiber.

(iii) AQUACULTURE means the cultivation, maintenance, and harvesting of aquatic species.

(iv) AQUAPONICS means the combination of aquaculture (fish) and hydroponics (plants) to grow food crops or ornamental crops and aquatic species together in a recirculating system without discharge or exchange of water.

(v) BED COVER means a hoop-house, shade structure, or similar structure located above a growing bed to assist with the growing or shading food crops or ornamental crops.”

SECTION 7. That Subparagraph (C), “Required Off-Street Parking,” of Paragraph (3), “Crop Production,” of Section 51A-4.201, “Agricultural Uses,” of Division 51A-4.200, “Use Regulations” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Except as otherwise provided in this Subparagraph, off-street parking is not required. For an urban garden in non-residential districts that allows on-site sales, one off-street parking space is required for every 200 square feet of sales area with a minimum two off-street parking spaces provided. [None.]”

SECTION 8. That Subparagraph (E), “Additional Provisions for Community Gardens,” of Paragraph (3), “Crop Production,” of Section 51A-4.201, “Agricultural Uses,” of Division 51A-4.200, “Use Regulations” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Additional provisions for urban [community] gardens:

(i) An urban [community] garden must comply with the regulations for the zoning district in which the urban [community] garden is located.

(ii) Aquaponics, aquaculture, and the raising of chickens are permitted. All other animal grazing and animal production are prohibited.

(iii) For an urban [community] garden in a residential district, the combined floor area of structures may not exceed 10 percent of the lot, with no single structure exceeding 200 square feet in floor area [and must be erected in the rear 30 percent of the lot]. Structures that assist in the growing of vegetation, such as bed covers and raised planting beds, are not included when calculating the maximum square footage. Structures must comply with yard, lot, and space regulations for the district.

(iv) For an urban [community] garden in a residential district, [signage is limited to] a single, non-illuminated, flat sign of no more than six square feet must be visible from public right-of-way. The sign must contain the phone number of an emergency contact person for the urban garden. If animals are present in the urban garden, the sign must also contain the contact information for Dallas 311 city services. In residential districts, no other signage is permitted.

(v) Each bed cover may only cover one single growing bed.

(vi) Except as provided in this subparagraph, maximum height of a bed cover is four feet from the growing surface or eight feet from grade, whichever is less. Within the required front yard, maximum height of a bed cover is four feet from grade.

(vii) The on-site sale of food crops, ornamental crops, and eggs produced on the property is allowed only in non-residential districts. No other items may be sold on the property.”

SECTION 9. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code.

SECTION 10. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 11. That Chapter 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 12. 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 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

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

Passed \_\_\_\_\_

2-27-15

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

An ordinance amending Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code by amending Sections 29A-5, 29A-6, 29A-8, and 29A-11; increasing application fees; allowing an applicant to apply for more than one neighborhood farmers market annually; allowing 40 neighborhood farmers markets at each location annually; allowing 70 vendors at each neighborhood farmers market; allowing stalls to be a maximum 10 feet by 15 feet; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subsection (a) of Section 29A-5, "Application; Issuance," of Article II, "Neighborhood Farmers Markets Permits," of Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code is amended to read as follows:

“(a) A person desiring to hold a neighborhood farmers market shall apply for a neighborhood farmers market permit by filing with the director a written application upon a form provided for that purpose. ~~[Only one permit for a neighborhood farmers market will be issued to the same applicant within a calendar year, and that permit will only allow the market to be operated at the single location designated in the permit application.]~~ Each application must be accompanied by the required application fee. An application must be filed not less than 30 days before the neighborhood farmers market is to begin. The director may waive the 30-day filing requirement if the application can be processed in less than 30 days, taking into consideration the number and types of permits required to be issued in conjunction with the neighborhood farmers market.”

SECTION 2. That Paragraph (1) of Section 29A-6, "Fees," of Article II, "Neighborhood Farmers Markets Permits," of Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code is amended to read as follows:

"(1) A nonrefundable application fee of:

(A) \$250 [~~\$200~~] for a neighborhood farmers market in which the estimated number of vendors does not exceed 35 [~~25~~];

(B) \$350 [~~\$300~~] for a neighborhood farmers market in which the estimated number of vendors is more than 35 [~~25~~] but does not exceed 70 [~~50~~]; or

(C) \$400 for the Dallas Farmers Market."

SECTION 3. That Subsection (a) of Section 29A-8, "Denial or Revocation," of Article II, "Neighborhood Farmers Markets Permits," of Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code is amended to read as follows:

(a) The director shall deny a neighborhood farmers market permit if:

(1) a neighborhood farmers market permit has been previously granted in the calendar year to another neighborhood farmers market that is located within one mile of the proposed market and has the same or overlapping operating dates and times as the proposed market, except that this restriction does not apply when the proposed market is the Dallas Farmers Market;

(2) the proposed neighborhood farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(3) the applicant fails to adequately provide for:

(A) the protection of the vendors and attendees at the neighborhood farmers market;

(B) maintenance of public order in and around the neighborhood farmers market location;

(C) crowd security, taking into consideration the size of the market; or

(D) emergency vehicle access.

(4) the applicant fails to comply with or the proposed neighborhood farmers market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;

(5) the applicant makes a false statement of material fact on an application for a neighborhood farmers market permit or fails to properly complete an application for a neighborhood farmers market permit;

(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood farmers market;

(7) the applicant has had a neighborhood farmers market permit revoked within the preceding 14 months;

(8) the applicant or a vendor at the applicant's market has committed, within the preceding 14 months, two or more violations of a provision of a neighborhood farmers market permit or this chapter;

(9) the applicant fails to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;

(10) ~~[the applicant has conducted or sponsored another neighborhood farmers market during the same calendar year in which the proposed neighborhood farmers market is to be held, except that this restriction does not apply to the Dallas Farmers Market;~~

~~(11)~~ a neighborhood farmers market has been conducted at the location of the proposed neighborhood farmers market on at least ~~40~~ [28] days during the same calendar year in which the proposed market is to be conducted, except that this restriction does not apply to the Dallas Farmers Market;

~~(12)~~ the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market would pose a serious threat to the public health, safety, or welfare;

~~(13)~~ the applicant or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;



(~~13~~<sup>14</sup>) the applicant has a history of conducting or sponsoring a neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or

(~~14~~<sup>15</sup>) the applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).”

SECTION 4. That Subsection (a) of Section 29A-11, “Operation of a Neighborhood Farmers Market,” of Article III, “Miscellaneous Provisions,” of Chapter 29A, “Neighborhood Farmers Markets,” of the Dallas City Code is amended to read as follows:

“(a) A neighborhood farmers market may not be operated more than 40 [~~28~~] days at the same location in a calendar year and may not be operated on consecutive days.”

SECTION 5. That Subsection (d) of Section 29A-11, “Operation of a Neighborhood Farmers Market,” of Article III, “Miscellaneous Provisions,” of Chapter 29A, “Neighborhood Farmers Markets,” of the Dallas City Code is amended to read as follows:

“(d) No more than 70 [~~50~~] vendors may participate in a neighborhood farmers market. Each stall area used by a vendor may not exceed 10 feet by 15 [~~10~~] feet.”

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 7. That Chapter 29A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. 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 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

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

Passed \_\_\_\_\_

# Attachment C

March 2, 2015

Members of the Economic Development Committee:

Tennell Atkins (Chair), Rick Callahan (Vice Chair), Scott Griggs, Adam Medrano, Jerry R. Allen, Lee Kleinman

## **Authorize approval of disbursement of Community Garden Donation Fund (Fund 0894, Unit 1294, A.A. 082344), March 25, 2015 Council Agenda**

### **BACKGROUND**

On August 8, 2008, Administrative Action 082344 authorized the creation of Fund 0894 and Unit 1294 for the purpose of acceptance of donations for the Community Garden Donation Fund.

The Community Garden Donation Fund functions as a means for the community to support community gardening through donations to provide for organic gardening with a special emphasis on water conservation practices by implementing drip irrigation and rain water harvesting.

Through the summer of 2014, the Community Garden Donation Fund collected \$9,502.

### **Community Garden Donation Fund Goals**

- Award reimbursement grants up to \$1000 for community gardens on property equal to or smaller than  $\frac{1}{4}$  acre and up to \$2500 for community gardens on property larger than  $\frac{1}{4}$  acre to create or expand existing gardens that will:
  - Donate a portion of their produce to local food banks;
  - Use organic growing methods; and,
  - Use rain water harvesting and drip irrigation.
- The fund will promote water conservation and sustainable gardening practices in Dallas as part of the creation of sustainable food systems which will provide economic opportunity and healthy food choices for Dallas residents, businesses, and visitors.
- Garden groups applying for the reimbursement grant must commit to operation of a garden for a term of no less than 3 years from the time of award.
- Garden groups apply for the reimbursement grant must have written documentation of authority to operate on said parcel for a term of no less than 3 years from the time of award.
- The Office of Environmental Quality (OEQ) will manage the Community Garden Donation Fund program on behalf of the City of Dallas. OEQ will:
  - Screen grant applicants for eligibility
  - Award reimbursement grants for applicable materials up to the awarded level; funds not used will return to the Community Garden Donation Fund

- Conduct reviews of each facility to verify equipment placement and use for the full term; reviews will be conducted at least once per year
- Process and distribute reimbursements upon installation and use of drip irrigation and rain water harvesting system
- Maintain all documentation per reimbursement grant award

## **FISCAL INFORMATION**

\$9,502 – Community Garden Donation Funds

## **Staff**

Frank A. Camp, Managing Director, Office of Environmental Quality

Dayna Cowley, Senior Environmental Coordinator, Office of Environmental Quality

Kevin Lefebvre, Senior Environmental Coordinator, Office of Environmental Quality

## **RECOMMENDATION**

Staff recommends the city council authorize the Office of Environmental Quality to administer the Community Garden Donation Fund reimbursement grant program and establish an appropriation on an amount not to exceed \$9,502 in Fund 0894 and disbursement of funds.

# Memorandum



DATE February 27, 2015

TO Members of the Economic Development Committee: Tennell Atkins (Chair),  
Rick Callahan (Vice Chair) Scott Griggs, Adam Medrano, Jerry R. Allen, Lee Kleinman

SUBJECT **Kimberly-Clark Incentive Proposal**

On March 25, 2015, the City Council will be asked to consider authorization of a ten-year tax abatement of 90 percent of the taxes on added value to the real property with Prologis, L.P. and a \$350,000 Chapter 380 economic development grant with Kimberly-Clark Global Sales, LLC related to the development of a new distribution and warehouse facility located within Mountain Creek Business Park in Dallas, Texas.

For the past several months, city staff has been in discussions with Prologis, L.P. ("Prologis") and Kimberly-Clark Global Sales, LLC ("Kimberly-Clark"), regarding the development of a new approximately 870,000 square foot build-to-suit distribution and warehouse facility on approximately 55.4225 acres within Reinvestment Zone No. 81 on the east side of Mountain Creek Parkway within Mountain Creek Business Park. Prologis, the property owner, will develop and lease the facility to Kimberly-Clark, subject to favorable City Council consideration of the requested development incentives.

Kimberly-Clark is a leading international consumer product company with 142 years in business. The company employs approximately 42,500 employees working at manufacturing facilities in 37 countries and sells its product brands in 175 countries. The company had in excess of \$21 billion in sales during 2013 and claims that nearly one-quarter of the world's population purchases its products every day. Leading brands include Kleenex, Scott, Huggies, Pull-Ups, Kotex, Poise and Depend. Kimberly-Clark holds the No. 1 or No. 2 brand share in more than 80 countries.

Prologis has committed that approximately \$22 million in real property improvements, including hard and soft costs will be spent to develop the site and construct the facility to accommodate Kimberly-Clark's operational needs. Further, Kimberly-Clark will use a third-party logistics provider to operate the facility and anticipates the employment of at least 99 FTE employees at the facility with an associated payroll of an estimated \$3.5 million annually. Additionally, Kimberly-Clark expects that there may be between 20 to 100 additional temporary workers at the facility each week. Kimberly-Clark has agreed that a minimum of 99 FTEs will be maintained at the site during the incentive period. Anticipated taxable inventory value at the facility is estimated at \$13 million annually.

Prologis and Kimberly-Clark request City Council consideration of the proposed 10-year 90 percent real property tax abatement and \$350,000 economic development grant. The proposed tax abatement agreement with Prologis will require substantial completion of the planned \$22 million facility by December 31, 2016. Estimated revenue forgone for the ten-year real property abatement is estimated at \$1,578,060. The \$350,000 economic development grant will be payable upon verification of at least 99 FTEs on or before December 31, 2017. Kimberly-Clark will be required to maintain its lease and ensure 99 FTE positions are located on the property annually in order for the property to be eligible for tax abatement each year. A failure to maintain the described jobs will result in the loss of tax abatement for that year. A failure to maintain the jobs for two consecutive years will result in termination of the tax abatement. Additionally, a failure to maintain the required 99 FTE positions on site for a period of five (5) years after disbursement of the economic development grant will result in repayment of half of the economic development grant (\$175,000).

Net fiscal impact from the project after incentives is estimated at \$1,000,988 over 10 years. This proposed project conforms to minimum eligibility criteria for the City's Public/Private Partnership Program Guidelines and Criteria as it has a private investment exceeding \$1 million and creates more than 25 jobs. Staff recommends the proposed incentives be approved.

Should you have any questions, please contact me at (214) 670-3296.



Ryan S. Evans  
First Assistant City Manager

- C:   The Honorable Mayor and Members of the City Council   Mark McDaniel, Assistant City Manager  
A.C. Gonzalez, City Manager   Joey Zapata, Assistant City Manager  
Warren M.S. Ernst, City Attorney   Jeanne Chipperfield, Chief Financial Officer  
Craig D. Kinton, City Auditor   Sana Syed, Public Information Officer  
Rosa A. Rios, City Secretary   Karl Zavitkovsky, Director, Office of Economic Development  
Daniel F. Solis, Administrative Judge   J. Hammond Perot, Assistant Director, Office of Economic Development  
Eric D. Campbell, Assistant City Manager   Elsa Cantu, Assistant to the City Manager – Mayor & Council  
Jill A. Jordan, P.E., Assistant City Manager

## Proposed Project Information Worksheet Economic Development Committee

### A. Project Summary/Assumptions

City Council District	3	
Project/Company Name	Kimberly-Clark Global Sales, LLC	
Project Location	Mountain Creek Business Park	
Project Type	Distribution Warehouse	
Facilities (Square Feet)		
Construction Schedule	Begin	May 2015
	Complete	June 2016
Private Improvement Investment	Real Property	\$22,000,000
	Business Property	\$13,000,000
Jobs	Created	99+
	Retained	NA
Average Wage Rate	Salary	\$35,354
	Hourly	N/A
City Incentive Summary	Tax Abatement	\$1,578,060
	Infrastructure	N/A
	Other - Grant	\$350,000

### B. Economic Impact Estimates (Dallas City Economy Only, \$ Million)

	10-year		20-Year	
	Jobs	Economic Output	Jobs	Economic Output
Direct Impact	99	84,368,683	99	157,973,214
Indirect and Induced Impact*	36	67,494,947	36	126,378,571
<b>Total Impact</b>	<b>127</b>	<b>151,863,630</b>	<b>135</b>	<b>284,351,785</b>

### C. City of Dallas General Fund Fiscal Impact (\$ Million)

(From direct, indirect and induced economic impacts)

	10-year	20-year
Total City GF Revenue Generated	4,544,980	9,687,914
Total City GF Service Costs	1,615,931	2,823,089
Net Impact Before Incentives	2,929,048	6,864,825
City Incentives	1,929,060	1,929,060
<b>Net City Fiscal Impact</b>	<b>999,988</b>	<b>4,935,765</b>

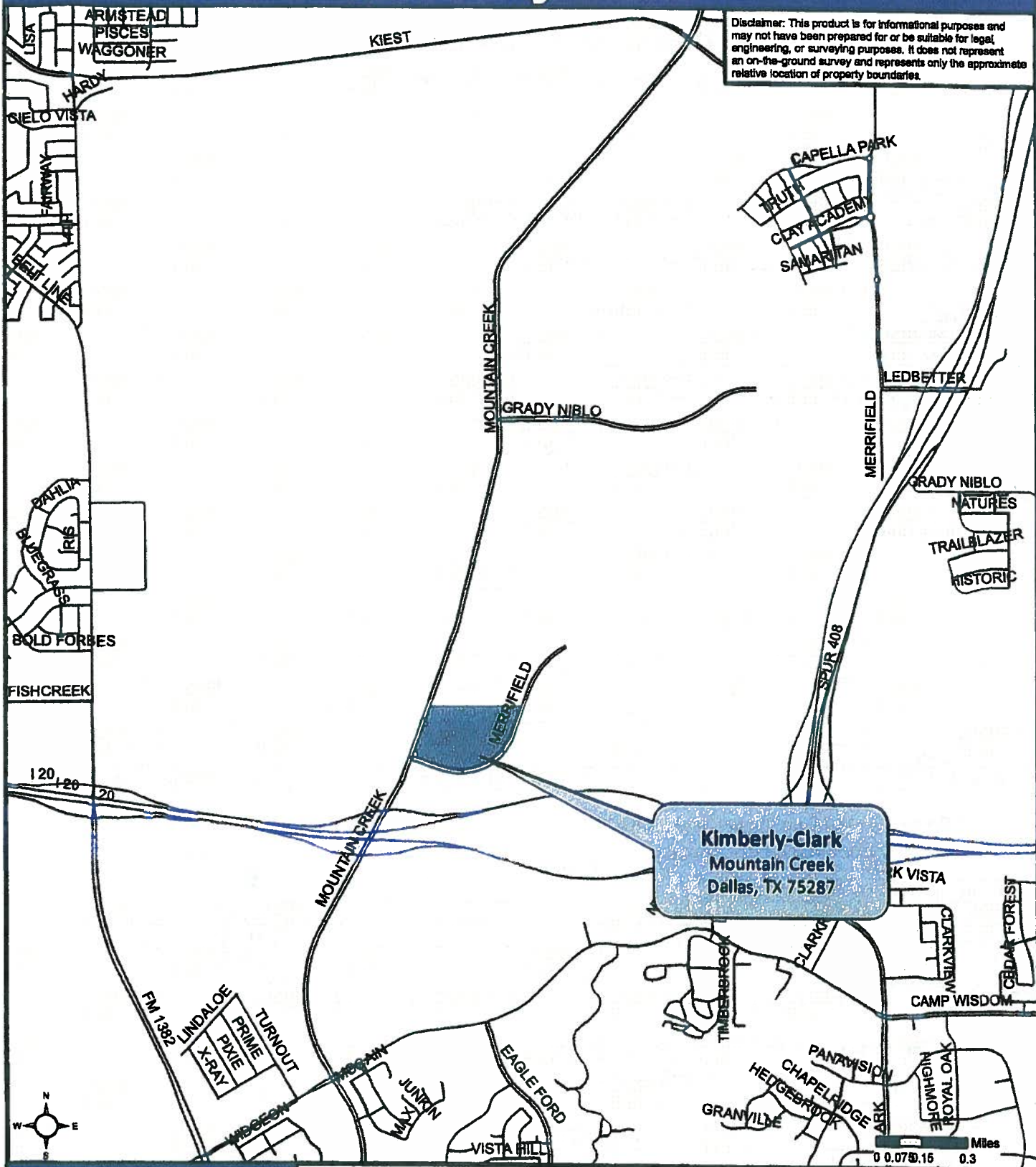
\* Indirect impacts represent supplier effects, induced impacts represent spin-off household effects.

### D. Other Taxing Jurisdiction 10-yr Estimated Tax Revenue

	Property Taxes	Sales Taxes
DISD	\$ 4,487,298	N/A
Dallas County	\$ 885,850	N/A
DCCCD	\$ 436,450	N/A
Parkland Hospital	\$ 966,000	N/A
DART	\$ -	N/A

# Kimberly-Clark

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



**Kimberly-Clark**  
 Mountain Creek  
 Dallas, TX 75287



## Legend

Site Development

# EXHIBIT "B"

DALLAS  
 ECONOMIC  
 DEVELOPMENT  
 Research & Information Division  
 214.670.1685  
 dallas-ecodev.org

Data Source

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# Memorandum



DATE February 27, 2015

TO Members of the Economic Development Committee: Tennell Atkins (Chair), Rick Callahan (Vice Chair)  
Scott Griggs, Adam Medrano, Jerry R. Allen, Lee Kleinman

SUBJECT **Pioneer Frozen Foods, Inc. – Incentive Proposal**

On March 25, 2015, the City Council will be asked to consider authorization of a business personal property tax abatement with Pioneer Frozen Foods, Inc., associated with its proposed food production facility at 4616 Langdon Road, Dallas.

For the past several months, City staff has been in discussions with Pioneer Frozen Foods, Inc. regarding a potential food production facility to be located at 4616 Langdon Road, the former Dallas Morning News facility. The proposed facility includes approximately 50 acres and approximately 132,000 square feet of finished space. The company plans to expand its manufacturing operations for its Pioneer Brand line of products. Pioneer Frozen Foods plans to invest approximately \$10,000,000 in business personal property and related equipment, invest a minimum of \$100,000 in real property improvements to the site and hire a minimum of 25 new FTE's by December 31, 2016. The company has long term plans for additional growth at the facility.

Founded by Carl Hilmar Guenther, C.H. Guenther & Son, Inc. and the Pioneer®Brand proudly hold the distinction of being the oldest continuously operated, family-owned milling company in the United States. For more than 160 years, and from generation to generation, C.H. Guenther & Son has consistently produced products with superior taste and the most wholesome ingredients. Pioneer Brands include products such as biscuit and baking mixes, gravy mixes, pancake and waffle mixes as well as flour and cornmeal.

In order to develop this project, Pioneer Frozen Foods, Inc. requests council consideration of a 75 percent business personal property tax abatement for 8-years on the added value of equipment and other business personal property at the facility. The incentive will help offset costs associated with building modifications, relocation and other related costs.

In consideration of the tax abatements proposed, Pioneer Frozen Foods, Inc. will: 1.) Invest a minimum of \$100,000 in real property improvements and other related costs such as design, engineering, architects, etc., 2.) Invest a minimum of \$10,000,000 in business personal property, 3.) Obtain substantial completion by December 31, 2016 and 4.) Employ a minimum of 25 FTE's onsite by December 31, 2016.

The forgone revenue associated with the abatement is \$478,740. The ten-year net estimated fiscal impact of this project is \$197,681. Staff recommends the proposed incentives.

Should you have any questions, please contact me at (214) 670-3296.

Ryan S. Evans  
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
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Sana Syed, Public Information Officer  
Karl Zavitkovsky, Director, Office of Economic Development  
J. Hammond Perot, Assistant Director, Office of Economic Development  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

## Proposed Project Information Worksheet Economic Development Committee

### A. Project Summary/Assumptions

<b>City Council District</b>	8	
<b>Project/Company Name</b>	Pioneer Frozen Foods, Inc.	
<b>Project Location</b>	4616 Langdon Road	
<b>Project Type</b>	Manufacturing	
<b>Facilities (Square Feet)</b>		
<b>Construction Schedule</b>	Begin	1-Mar-15
	Complete	31-Dec-16
<b>Private Improvement Investment</b>	Real Property	\$3,450,000
	Business Property	\$10,000,000
<b>Jobs</b>	Created	50
	Retained	NA
<b>Average Wage Rate</b>	Salary	\$44,235
	Hourly	N/A
<b>City Incentive Summary</b>	Tax Abatement	NA
	Infrastructure	N/A
	Other - Grant	\$350,000

### B. Economic Impact Estimates (Dallas City Economy Only, \$ Million)

	10-Year		20-Year	
	Jobs	Economic Output	Jobs	Economic Output
Direct Impact	51	37,234,941	51	89,370,515
Indirect and Induced Impact*	92	22,360,964	92	53,642,309
<b>Total Impact</b>	<b>143</b>	<b>59,595,905</b>	<b>143</b>	<b>143,012,825</b>

### C. City of Dallas General Fund Fiscal Impact (\$ Million)

(From direct, indirect and induced economic impacts)

	10-Year	20-Year
Total City GF Revenue Generated	1,990,652	4,680,338
Total City GF Service Costs	1,314,231	2,779,881
Net Impact Before Incentives	676,421	1,900,457
City Incentives	478,740	478,740
<b>Net City Fiscal Impact</b>	<b>197,681</b>	<b>1,421,717</b>

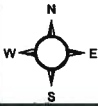
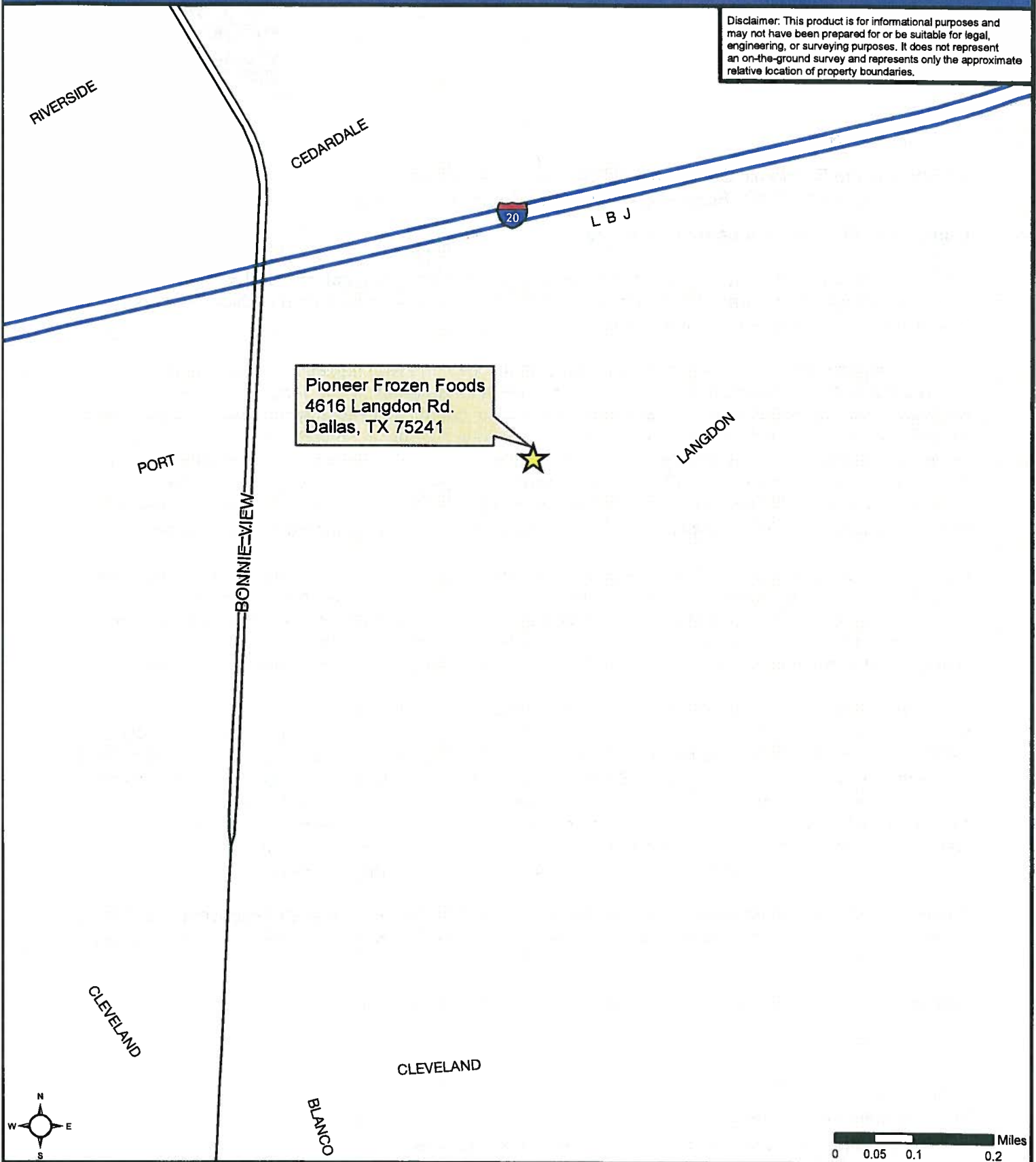
\* Indirect impacts represent supplier effects, induced impacts represent spin-off household effects.

### D. Other Taxing Jurisdiction 10-yr Estimated Tax Revenue

	Property Taxes	Sales Taxes
DISD	\$ 172,440	N/A
Dallas County	\$ 34,042	N/A
DCCCD	\$ 16,772	N/A
Parkland Hospital	\$ 37,122	N/A
DART	\$ -	N/A

# Pioneer Frozen Foods

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**DALLAS ECONOMIC DEVELOPMENT**  
Research & Information Division  
214.670.1685  
dallas-ecodev.org

**Legend**  
— Freeway  
— Arterial  
— Local Road

# Memorandum



DATE February 27, 2015

TO Members of the Economic Development Committee: Tennell Atkins (Chair),  
Rick Callahan (Vice Chair) Scott Griggs, Adam Medrano, Jerry R. Allen, Lee Kleinman

SUBJECT **Comparex USA, Inc. – Incentive proposal**

On March 25, 2015, the City Council will be asked to consider authorization of a \$350,000 Chapter 380 economic development grant with Comparex USA, Inc., associated with its proposed new operation to be located at 600 North Pearl Street, Dallas.

For the past several months, City staff has been in discussions with representatives of Comparex USA, Inc. regarding the establishment of a sales and operations center in the Plaza of the Americas. The company has agreed to open a sales and operations center in Downtown Dallas to support a very aggressive high growth business model. Other locations that were considered for the operation were Iselin, NJ, Cupertino, CA and Seattle, WA. Comparex is signing a three year lease at the Plaza of Americas on the 19<sup>th</sup> floor with very favorable expansion options. Construction is to begin in February 2015. Estimated total employees based in Dallas by end of 2016 is 200 with an average compensation (salary and bonus) of \$85,000 per year. Tenant improvements are estimated to total over \$500,000.

Comparex is a global cloud solutions and software licensing firm with over 1,800 team members across 30 countries. The company works with clients to reduce the risk, cost, and complexity of cloud and software licensing. The company is strategically aligned with Microsoft and has received recognition as one of their top partners around the world. Recently Microsoft and Comparex began a partnership to support customers together in the US. Dallas, Texas is the corporate headquarters for Comparex USA.

Comparex USA, Inc. will be eligible for the first installment of the grant (\$175,000) upon executing a lease of at least three years at 600 North Pearl Street, making a minimum investment of \$400,000 in tenant improvements and verification of at least 90 FTE's being located at its new Plaza of the Americas office at 600 North Pearl Street by December 31, 2016. The second grant installment (\$175,000) will be payable once the company has reached 180 FTE's. Comparex USA, Inc. will be required to reimburse the City any grant payments made should it not maintain at least 180 FTE's in the Central Business District for a period of five years from move in. The Central Business District, for this purpose is defined as bordered by I-35E, I-30, I-45 and Woodall Rodgers Freeway.

The proposed project surpasses minimum Public/Private Partnership Program guidelines and results in an estimated 5-year net fiscal impact of \$494,624. The estimated 10-year net fiscal impact is \$2,239,152.

Should you have any questions, please contact me at (214) 670-3296.

Ryan S. Evans  
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
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Karl Zavitkovsky, Director, Office of Economic Development  
J. Hammond Perot, Assistant Director, Office of Economic Development  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

## Proposed Project Information Worksheet Economic Development Committee

### A. Project Summary/Assumptions

City Council District	14	
Project/Company Name	Comparex USA, Inc.	
Project Location	600 North Pearl Street	
Project Type	Office	
Facilities (Square Feet)		
Construction Schedule	Begin	15-Feb-15
	Complete	30-Apr-15
Private Improvement Investment	Real Property	\$400,000
	Business Property	\$3,500,000
Jobs	Created	180
	Retained	NA
Average Wage Rate	Salary	\$65,000
	Hourly	N/A
City Incentive Summary	Tax Abatement	NA
	Infrastructure	N/A
	Other - Grant	\$350,000

### B. Economic Impact Estimates (Dallas City Economy Only, \$ Million)

	5-Year		20-Year	
	Jobs	Economic Output	Jobs	Economic Output
Direct Impact	180	71,374,583	180	179,390,332
Indirect and Induced Impact*	324	57,099,667	324	143,512,266
<b>Total Impact</b>	<b>504</b>	<b>128,474,250</b>	<b>504</b>	<b>322,902,597</b>

### C. City of Dallas General Fund Fiscal Impact (\$ Million)

(From direct, indirect and induced economic impacts)

	5-Year	10-Year
Total City GF Revenue Generated	2,636,669	6,872,251
Total City GF Service Costs	1,792,045	4,283,099
Net Impact Before Incentives	844,624	2,589,152
City Incentives	350,000	350,000
<b>Net City Fiscal Impact</b>	<b>494,624</b>	<b>2,239,152</b>

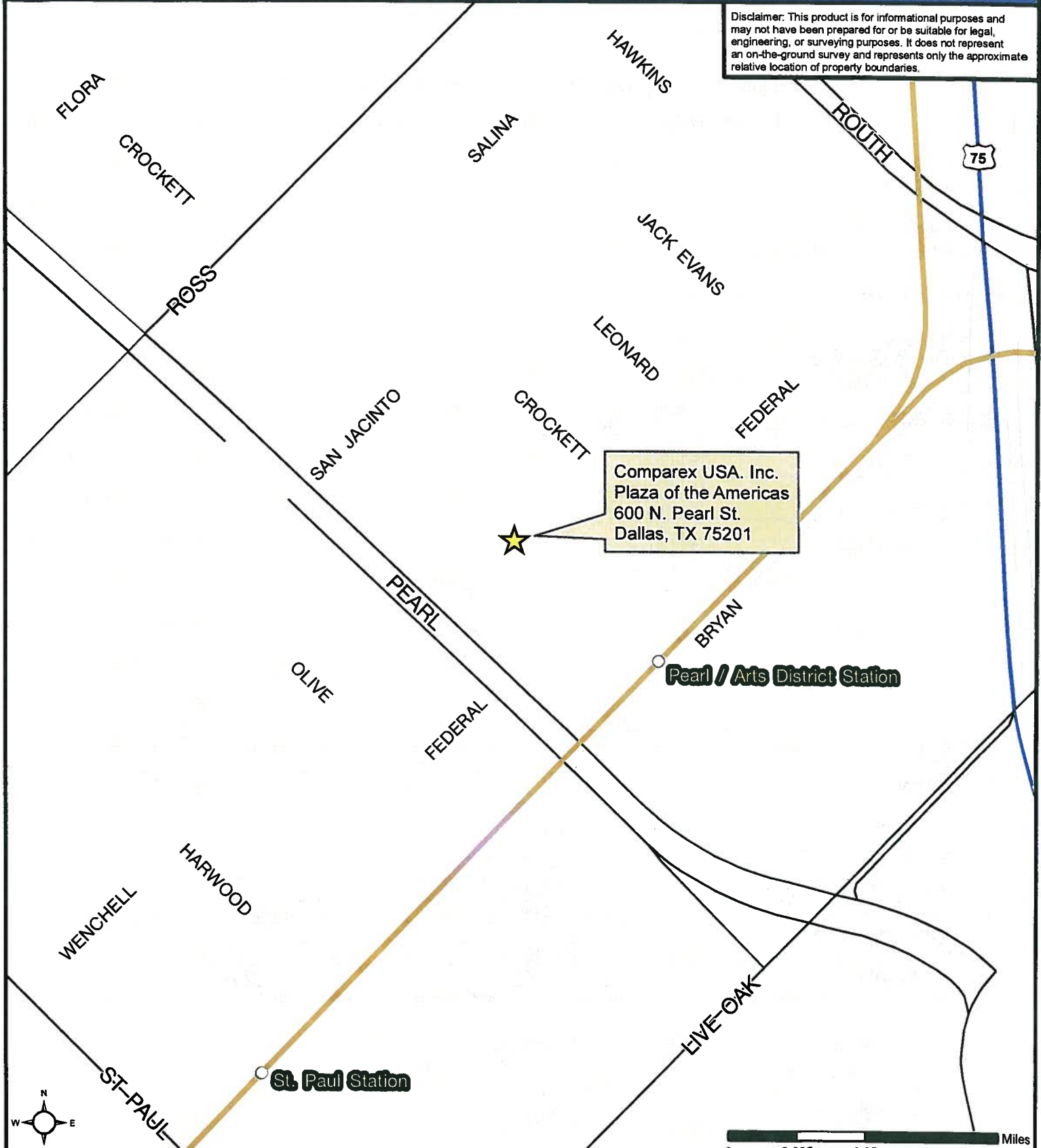
\* Indirect impacts represent supplier effects, induced impacts represent spin-off household effects.

### D. Other Taxing Jurisdiction 10-yr Estimated Tax Revenue

	Property Taxes	Sales Taxes
DISD	\$ 50,001	N/A
Dallas County	\$ 9,871	N/A
DCCCD	\$ 4,863	N/A
Parkland Hospital	\$ 10,764	N/A
DART	\$ -	N/A

# Comparex USA, Inc.

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Comparex USA, Inc.  
Plaza of the Americas  
600 N. Pearl St.  
Dallas, TX 75201

**Pearl / Arts District Station**

**St. Paul Station**

**DALLAS ECONOMIC DEVELOPMENT**  
Research & Information Division  
214.670.1685  
dallas-ecodev.org

### Legend

- Rail Station
- DART Light Rail

- Freeway
- Arterial
- Local Road

Source: City of Dallas, 2015

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