

**MARCH 27, 2019 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 27, 2019. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.


T.C. Broadnax
City Manager

03/27/19
Date


Elizabeth Reich
Chief Financial Officer

3/22/19
Date

RECEIVED

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, MARCH 27, 2019
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.

2019 MAR 22 PM 7:07

CITY SECRETARY
DALLAS, TEXAS

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 - 43

CONSENT ADDENDUM Addendum Item 1

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 44 - 48

Addendum Items 2 - 4

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 49 - 59

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

ADDITIONS:CONSENT ADDENDUM**Park & Recreation Department**

1. 19-406 Authorize an increase in the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks, through the Texas Association of School Boards, for structural foundation system due to geotechnical conditions, utility relocation, and additional excavation, pier drilling and concrete for three spraygrounds at Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, and K.B. Polk Park located at 3860 Thedford Avenue - Not to exceed \$374,850.00, from \$6,681,770.55 to \$7,056,620.55 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

ITEMS FOR INDIVIDUAL CONSIDERATION**Housing & Neighborhood Revitalization**

2. 19-435 Authorize approval of the City Council of the City of Dallas, to act as the applicable elected representative (AER) as defined by Section 147(f)(2)(E) of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to approving the issuance of tax-exempt multifamily residential revenue bonds (the "Bonds") issued by the City of Dallas Housing Finance Corporation in one or more series in an aggregate principal amount not to exceed \$15,000,000.00 to Flora Street Lofts, Ltd. to finance the acquisition and new construction of Flora Street Lofts, a 52-unit multifamily residential development to be located at 2121 Flora Street, following a public hearing held on March 11, 2019, after reasonable public notice, in order to comply with the Tax Equity and Fiscal Responsibility Act's public approval requirement of Section 147(f) of the Code - Financing: No cost consideration to the City

Mayor and City Council

3. 19-480 A resolution authorizing an additional retention payment for Christopher J. Caso, Interim City Attorney, during the time it takes to select a permanent City Attorney, payable in nine equal installments beginning on April 1, 2019, and ending on December 1, 2019, or until a new City Attorney is appointed - Not to exceed \$90,000.00 - Financing: General Fund
4. 19-495 A resolution appointing Mark S. Swann as City Auditor for the City of Dallas, for a two-year term, effective June 1, 2019, with an annual base salary not to exceed \$XXX,XXX - Financing: General Fund

CORRECTION:**Office of Community Care**

28. 19-306 Authorize **(1)** the ~~City Manager and the Office of Community Care/Management Services to accept~~ acceptance of a donation of up to \$70,000.00 from Leadership Dallas for the renovation of a vacant room a donation of a permanent “pop-up” produce stand with built-in refrigeration located at the Martin Luther King, Jr. Community Center (MLKJCC) into a permanent produce stand with built-in refrigeration with a value of up to \$70,000.00 from Leadership Dallas to increase the available supply of fresh produce within South Dallas neighborhoods designated as United States Department of Agriculture address the “food deserts” and to provide awareness and educational opportunities within the community relative to healthy, fresh foods issues in South Dallas through greater integration and expansion of current resources ; **(2)** the receipt and deposit of funds up to \$70,000.00 in the Alvin E. Moore Trust Fund; and **(3)** an increase of appropriations up to \$70,000.00 in the Alvin E. Moore Trust Fund - Not to exceed \$70,000.00 - Financing: No cost consideration to the City Alvin E. Moore Trust Fund (see Fiscal Information)

EXECUTIVE SESSION NOTICE

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

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

Addendum Date: March 27, 2019

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	2, 6, 8	C	PKR	\$374,850.00	Authorize an increase in the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks, through the Texas Association of School Boards, for structural foundation system due to geotechnical conditions, utility relocation, and additional excavation, pier drilling and concrete for three spraygrounds at Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, and K.B. Polk Park located at 3860 Thedford Avenue - Not to exceed \$374,850.00, from \$6,681,770.55 to \$7,056,620.55 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)
2.	14	I	HOU	NC	Authorize approval of the City Council of the City of Dallas, to act as the applicable elected representative (AER) as defined by Section 147(f)(2)(E) of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to approving the issuance of tax-exempt multifamily residential revenue bonds (the "Bonds") issued by the City of Dallas Housing Finance Corporation in one or more series in an aggregate principal amount not to exceed \$15,000,000.00 to Flora Street Lofts, Ltd. to finance the acquisition and new construction of Flora Street Lofts, a 52-unit multifamily residential development to be located at 2121 Flora Street, following a public hearing held on March 11, 2019, after reasonable public notice, in order to comply with the Tax Equity and Fiscal Responsibility Act's public approval requirement of Section 147(f) of the Code - Financing: No cost consideration to the City
3.	N/A	I	MCC	\$90,000.00	A resolution authorizing an additional retention payment for Christopher J. Caso, Interim City Attorney, during the time it takes to select a permanent City Attorney, payable in nine equal installments beginning on April 1, 2019, and ending on December 1, 2019, or until a new City Attorney is appointed - Not to exceed \$90,000.00 - Financing: General Fund
4.	N/A	I	MCC	TBD	A resolution appointing Mark S. Swann as City Auditor for the City of Dallas, for a two-year term, effective June 1, 2019, with an annual base salary not to exceed \$XXX,XXX - Financing: General Fund

TOTAL \$464,850.00



Agenda Information Sheet

File #: 19-406

Item #: 1.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: March 27, 2019
COUNCIL DISTRICT(S): 2, 6, 8
DEPARTMENT: Park & Recreation Department
EXECUTIVE: Willis C. Winters

SUBJECT

Authorize an increase in the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks, through the Texas Association of School Boards, for structural foundation system due to geotechnical conditions, utility relocation, and additional excavation, pier drilling and concrete for three spraygrounds at Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, and K.B. Polk Park located at 3860 Thedford Avenue - Not to exceed \$374,850.00, from \$6,681,770.55 to \$7,056,620.55 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

BACKGROUND

This item is on the addendum to meet the deadline for the Summer 2019 pool season.

On November 14, 2018, City Council authorized a contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks, through the Texas Association of School Boards, for construction of six spraygrounds at Grauwlyer Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue and Timberglen Park located at 3900 Timberglen Road, in an amount not to exceed \$5,920,827.15, by Resolution No. 18-1622.

On February 13, 2019, City Council authorized Change Order No. 1 to the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks for modifications to the pumps, filtration equipment, sprayground subgrade preparation, drainage systems and design refinements for six spraygrounds at Grauwlyer Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue and Timberglen Park located at 3900 Timberglen Road, in an amount not to exceed \$760,943.40, by Resolution No. 19-0298.

This action will authorize Change Order No. 2 to the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks. The added scope of work will include the following:

- Jaycee/Zaragoza Park Sprayground

Structural foundation system due to geotechnical conditions, in the amount of \$390,700.00, increasing the total construction cost amount to \$1,507,744.11.

- Kleberg Park Sprayground

Utility relocation and a credit for the sub-grade preparations due to geotechnical conditions in the amount of (\$22,650.00), decreasing the total construction cost amount to \$1,143,239.26.

- K.B. Polk Park Sprayground

Additional excavation, pier drilling and concrete for shade canopy pier in the amount of \$6,800.00, increasing the total construction cost amount to \$1,103,549.31.

The original schedule for design and construction was expedited in order to open the six spraygrounds for the Summer 2019 pool season instead of 2020. To meet the completion date, Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks was engaged, under a cooperative agreement, and provided the construction pricing at the end of the Design Development Phase instead at the completion of construction documents, so the contract could be approved by the City Council in November 2018. After the completion of the Design Development Phase and pricing was provided, further refinements were required to the design based on the geotechnical and environmental reports and the relocation of utilities.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	December 2018
Complete Construction	May 2019 (Jaycee/Zaragoza Park - July 2019)

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 18, 2018, the Park and Recreation Board authorized a construction contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks for construction of six spraygrounds.

On November 14, 2018, City Council authorized a contract for construction of six spraygrounds at Grauwylar Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue and Timberglen Park located at 3900 Timberglen Road by Resolution No. 18-1622.

The Park and Recreation Board was briefed by memorandum regarding Change Order No. 1 on February 1, 2019.

The Quality of Life, Arts and Culture was briefed by memorandum regarding Change Order No. 1 on February 8, 2019.

On February 13, 2019, City Council authorized Change Order No. 1 to the construction services contract with with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks for an increase in the contract for modifications to the pumps, filtration equipment, sprayground subgrade preparation, drainage systems and design refinements for six spraygrounds at Grauwylar Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue and Timberglen Park located at 3900 Timberglen Road by Resolution No. 19-0298.

On March 21, 2019, the Park and Recreation Board authorized Change Order No. 2 to the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks.

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

FISCAL INFORMATION

Park and Recreation Facilities (B) Fund (2017 Bond Funds) - \$374,850.00

Original Construction Contract	\$5,920,827.15
Change Order No. 1	\$ 760,943.40
Change Order No. 2 (this action)	<u>\$ 374,850.00</u>
 Total amount not to exceed	 \$7,056,620.55

<u>Council District</u>	<u>Amount</u>
2	\$ 6,800.00
6	\$390,700.00
8	<u>(\$22,650.00)</u>
 Total	 \$374,850.00

M/WBE INFORMATION

In accordance with the City’s Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$374,850.00	CO-OP	N/A	-25.72%	-\$96,396.00
<ul style="list-style-type: none"> • The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs), however, the prime contractor is subcontracting with certified M/WBEs. • Change Order No. 2 - 13.18% Overall M/WBE participation 				

OWNER

Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks

Korey Soderberg, Chief Operating Officer

MAPS

Attached



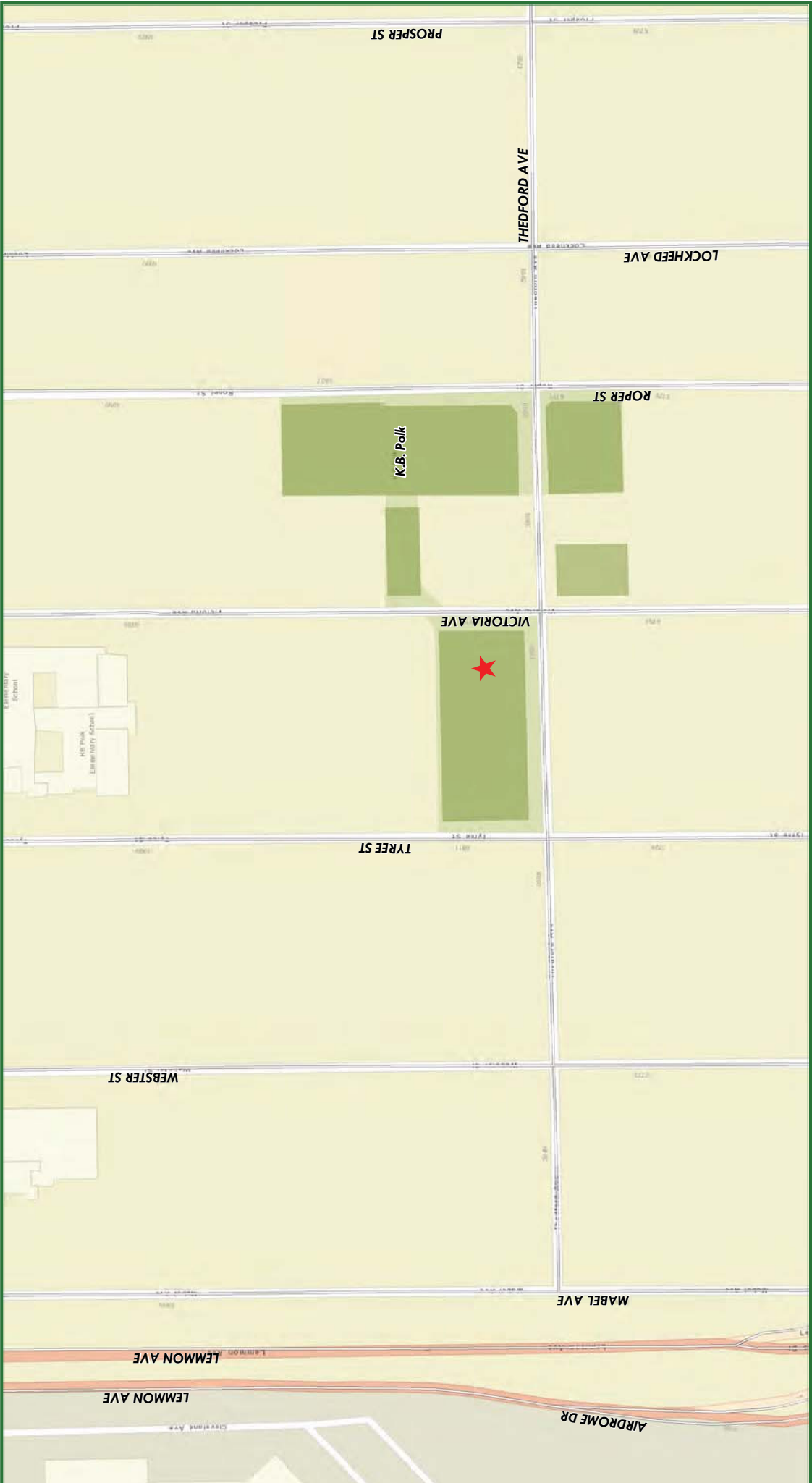
CD 6
 Mapsco 42 Q



Jaycee/Zaragoza Park

3114 Clymer Street



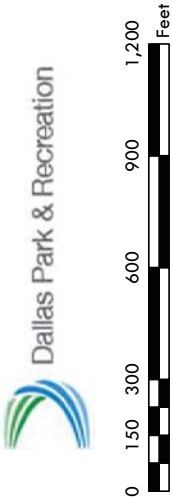
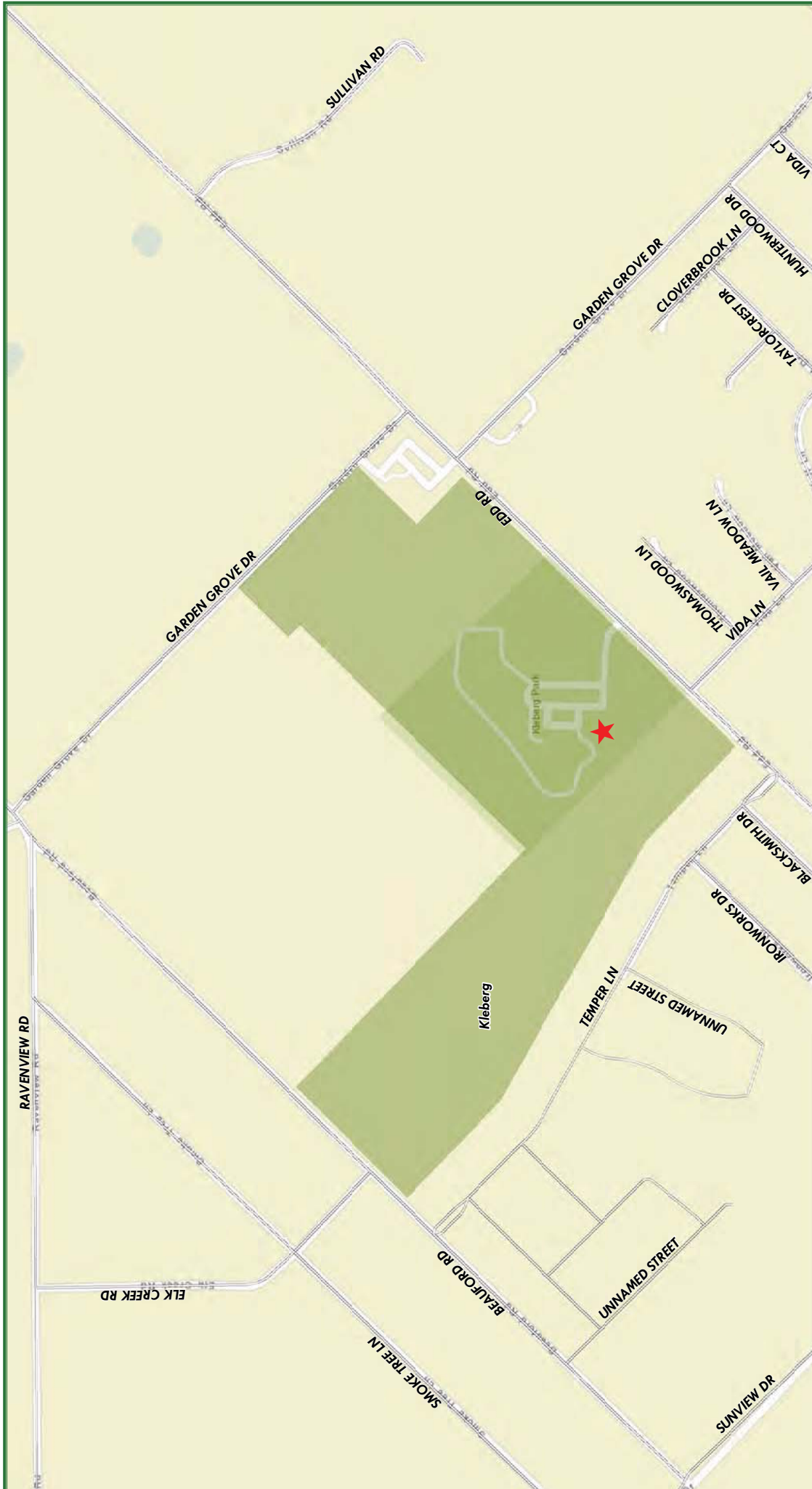


CD 2
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34 G



K.B. Polk Park 3860 Theford Avenue





Dallas Park & Recreation

Kleberg Park 1515 Edd Road



Mapscs
69A M
CD
8

March 27, 2019

WHEREAS, on November 14, 2018, City Council authorized a contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks for construction of six spraygrounds at Grauwylar Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue and Timberglen Park located at 3900 Timberglen Road, in an amount not to exceed \$5,920,827.15, by Resolution No. 18-1622; and

WHEREAS, on February 13, 2019, City Council authorized Change Order No. 1 to the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks for an increase in the contract to include modifications to the pumps and filtration equipment to achieve future reductions in operating and maintenance costs; additional subsurface preparation at Kleberg Park, Nash/Davis Park and Timberglen Park required by findings of the geotechnical and environmental reports; changes due to code requirements and other refinements to the design, in an amount not to exceed \$760,943.40, increasing the contract amount from \$5,920,827.15 to \$6,681,770.55, by Resolution No. 19-0298; and

WHEREAS, this action will authorize Change Order No. 2 to the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks for an increase in the contract for structural foundation system due to geotechnical conditions, utility relocation, additional excavation, pier drilling and concrete for three spraygrounds at Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, and K.B. Polk Park located at 3860 Thedford Avenue, in an amount not to exceed \$374,850.00, increasing the contract amount from \$6,681,770.55 to \$7,056,620.55.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks (Change Order No. 2) is authorized for structural foundation system due to geotechnical conditions, utility relocation, additional excavation, pier drilling and concrete for three spraygrounds at Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, and K.B. Polk Park located at 3860 Thedford Avenue, in an amount not to exceed \$374,850.00, increasing the contract amount from \$6,681,770.55 to \$7,056,620.55.

March 27, 2019

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$374,850.00 to Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks in accordance with the terms and conditions of the contract, as follows:

Jaycee/Zaragoza Park Sprayground

Park and Recreation Facilities (B) Fund
Fund 1V00, Department PKR, Unit VB76
Object 4599, Activity AQFC, Program PK17VB76
Encumbrance/Contract No. PKR-2018-00007950
Commodity 91200, Vendor VS85939 \$390,700.00

Kleberg Park Sprayground

Park and Recreation Facilities (B) Fund
Fund 1V00, Department PKR, Unit VK14
Object 4599, Activity AQFC, Program PK17VK14
Encumbrance/Contract No. PKR-2018-00007950
Commodity 91200, Vendor VS85939 (\$22,650.00)

K.B. Polk Park Sprayground

Park and Recreation Facilities (B) Fund
Fund 1V00, Department PKR, Unit VB44
Object 4599, Activity AQFC, Program PK17VB44
Encumbrance/Contract No. PKR-2018-00007950
Commodity 91200, Vendor VS85939 \$ 6,800.00

Total amount not to exceed \$374,850.00

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.



Agenda Information Sheet

File #: 19-435

Item #: 2.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality
AGENDA DATE: March 27, 2019
COUNCIL DISTRICT(S): 14
DEPARTMENT: Housing & Neighborhood Revitalization
EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize approval of the City Council of the City of Dallas, to act as the applicable elected representative (AER) as defined by Section 147(f)(2)(E) of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to approving the issuance of tax-exempt multifamily residential revenue bonds (the "Bonds") issued by the City of Dallas Housing Finance Corporation in one or more series in an aggregate principal amount not to exceed \$15,000,000.00 to Flora Street Lofts, Ltd. to finance the acquisition and new construction of Flora Street Lofts, a 52-unit multifamily residential development to be located at 2121 Flora Street, following a public hearing held on March 11, 2019, after reasonable public notice, in order to comply with the Tax Equity and Fiscal Responsibility Act's public approval requirement of Section 147(f) of the Code - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City of Dallas Housing Finance Corporation (DHFC) had to approve the issuance of bonds which occurred on March 5, 2019. Additionally, another Tax Equity and Fiscal Responsibility Act (TEFRA) hearing had to be held as the previous public hearing was held on February 13, 2018 and the hearing is only valid for one year. Adequate notice had to be provided for the public hearing and an ad was published on February 25, 2019 for a TEFRA public hearing to be held on March 11, 2019.

Flora Street Lofts will include 52 multifamily residential units composed of 6 zero-bedroom, 26 one-bedroom, 18 two-bedroom, and 2 three-bedroom units (the "Development") for mixed-income families as part of the overall Atelier Tower development which includes market rate residential and retail space. The original AER approval for the Development was provided by City Council on March 22, 2017 and was valid through March 21, 2018 under applicable federal income tax regulations, which require issuance within one year of an AER approval. A second AER approval was provided by City Council on February 28, 2018 and was valid through February 27, 2019.

Originally, the Bond closing was delayed awaiting the Texas Department of Housing and Community Affairs (TDHCA) approval of the 4% housing tax credits. Unfortunately, during that time the first validity period for the original AER expired. During the validity period for the second AER approval, the equity investor slated to purchase the 4% housing tax credits backed out of the deal, delaying the closing on the Bonds. Another equity investor has been identified and would like to close the transaction in April 2019, subject to approval of the investors of the Atelier Tower, which is part of the same development as Flora Street Lofts.

Because the Bonds will be issued after the second AER, and the approval will no longer be valid, a new AER approval is required. Notice of a new TEFRA public hearing was published in *The Dallas Morning News* on February 25, 2019. On March 11, 2019, the public hearing was held with no outside participants in attendance, and thus, no comments made. The approval being requested is only for purposes of complying with the public approval requirements of Section 147(f) of the Code, which require the City Council or other AER to approve the issuance of the Bonds after a public hearing following reasonable public notice.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 22, 2017, City Council approved the issuance of tax-exempt bonds by the DHFC following a public hearing by Resolution No. 17-0377.

On March 22, 2017, City Council authorized the DHFC to issue of tax-exempt bonds for the Development, adopted a resolution of no objection for the Development to TDHCA pursuant to deconcentration factors contained in TDHCA's Qualified Allocation Plan by Resolution No. 17-0533.

On February 28, 2018, City Council approved issuance of tax-exempt bonds by the DHFC in Resolution No. 18-0341.

Information about this item was provided to the Economic Development and Housing Committee on March 18, 2019.

FISCAL INFORMATION

No cost consideration to the City.

OWNERS

Flora Street Lofts, Ltd.

National Equity Fund	99.99% Limited Partner
2121 Flora, LLC	0.01% General Partner

**2121 Flora, LLC
GREENarc Corporation**

39% interest

Graham Greene, Sole member

LRTX Flora, Inc.

10% interest

La Reunion TX
Robert L. Meckfessel, President

CitySquare Flora, Inc.

51% interest

CitySquare Housing, Inc.
Larry James, President

DEVELOPERS

GREENarc Corp and La Reunion TX

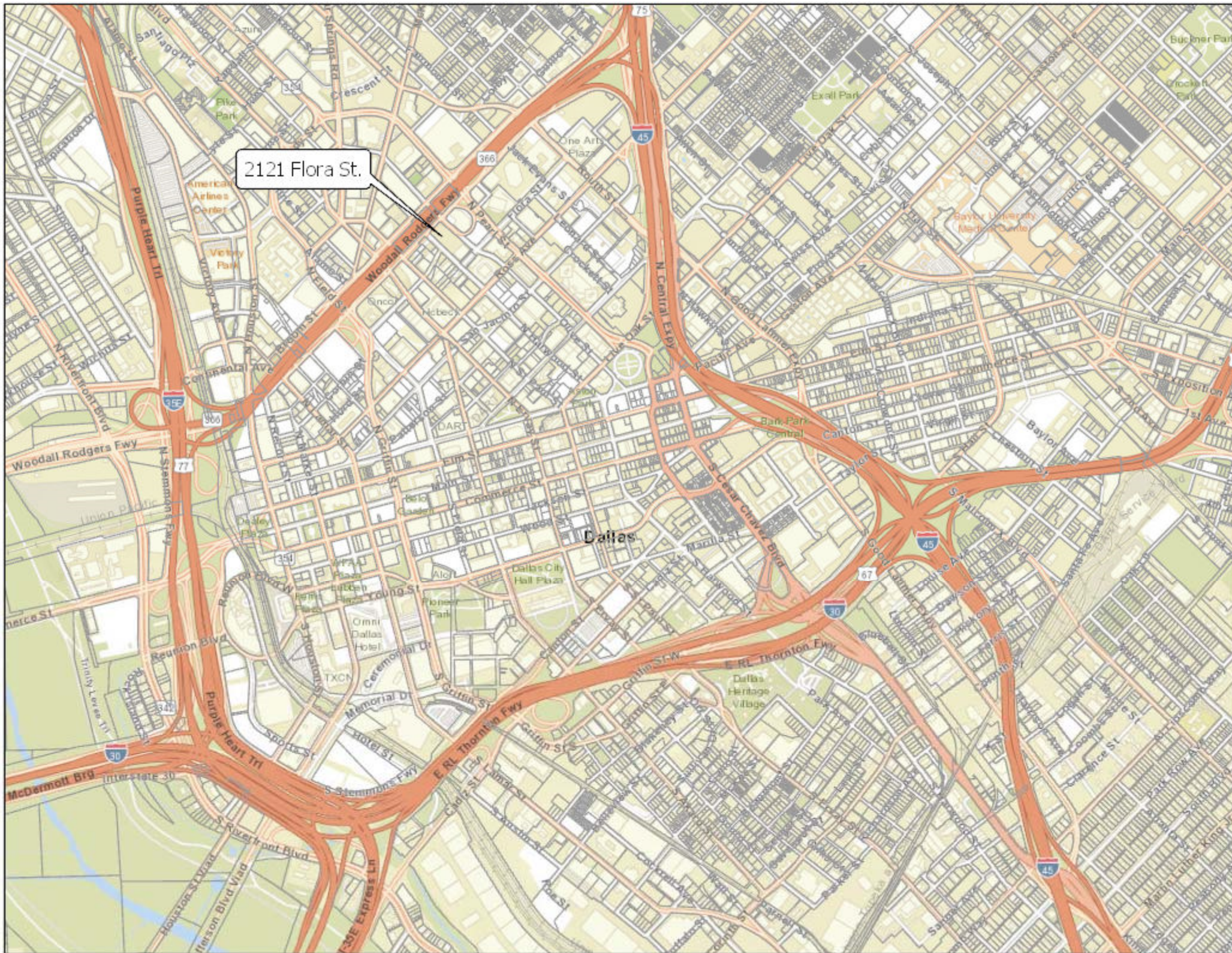
Graham Green, President and Robert L. Meckfessel, President

Ashwood Companies, Inc.

Buddy Jordan, President

MAP

Attached



2121 Flora St.

March 27, 2019

WHEREAS, the City of Dallas Housing Finance Corporation (the “DHFC”) proposes to issue its \$15,000,000.00 City of Dallas Housing Finance Corporation Multifamily Housing Mortgage Revenue Bonds (Flora Street Lofts Project) Series 2019 (the “Bonds”) and to lend the proceeds thereof to Flora Street Lofts, Ltd. to finance the acquisition and construction of 52 units of new construction residential units for families on the site located at 2121 Flora Street, Dallas, Texas (the “Project”); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) requires that any issue of tax-exempt multifamily housing revenue bonds be approved, after a public hearing following reasonable public notice, by an applicable elected representative of the governmental unit on behalf of which the bond is issued and having jurisdiction of the area in which the multifamily project is located; and

WHEREAS, the DHFC previously held a public hearing with respect to the Bonds and the Project on February 13, 2018, following publication of reasonable public notice posted on January 29, 2018, in *The Dallas Morning News*, a newspaper of general circulation within the City of Dallas, and on February 28, 2018, the City Council approved the issuance of the Bonds for purposes of Section 147(f) of the Code (the “Prior Approval”); and

WHEREAS, pursuant to Federal income tax law, the Prior Approval is only valid for one year; and

WHEREAS, the DHFC held a new public hearing with respect to the Bonds and the Project on March 11, 2019, following publication of reasonable public notice in *The Dallas Morning News* on February 25, 2019, and there were no outside attendees at such public hearing and thus no comments received.

Now, Therefore,

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

SECTION 1. That the DHFC held a public hearing on March 11, 2019, following publication of reasonable public notice in *The Dallas Morning News* on February 25, 2019, with no outside participants in attendance and thus no comments were received, and that the City Council of the City of Dallas, an applicable elected representative (AER), as defined by Section 147(f)(2)(E) of the Internal Revenue Code, does hereby approve the issuance of the Bonds, the proceeds of which will be loaned by the DHFC to Flora Street Lofts, Ltd. for the purpose of financing the acquisition and new construction of the Project.

March 27, 2019

SECTION 2. That the approval hereby provided is for the purpose of satisfying the conditions and requirements of Section 147(f) of the Internal Revenue Code and is not to be construed as an undertaking by the City of Dallas. The Bonds shall not constitute a liability, an indebtedness, or obligation of the City of Dallas nor shall any of the assets of the City of Dallas be pledged to the payment of the Bonds. The Bonds shall specifically provide that the Bonds are not a debt of the City of Dallas and the State of Texas and that the City of Dallas and State of Texas are not liable with respect to the Bonds.

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



Agenda Information Sheet

File #: 19-480

Item #: 3.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Mayor and City Council Office

EXECUTIVE: T.C. Broadnax

SUBJECT

A resolution authorizing an additional retention payment for Christopher J. Caso, Interim City Attorney, during the time it takes to select a permanent City Attorney, payable in nine equal installments beginning on April 1, 2019, and ending on December 1, 2019, or until a new City Attorney is appointed - Not to exceed \$90,000.00 - Financing: General Fund

BACKGROUND

On September 5, 2018, City Council appointed Christopher J. Caso as Interim City Attorney for the City of Dallas to serve until the City Council selects and appoints a permanent City Attorney.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 5, 2018, City Council appointed Christopher J. Caso as Interim City Attorney for the City of Dallas, effective August 31, 2018, to serve until the City Council selects and appoints a permanent City Attorney. With the interim appointment of Christopher J. Caso on September 5, 2018, City Council approved a retention payment of \$39,978 and 25/100 Dollars (\$39,978.25), payable in four installments beginning on October 1, 2018, by Resolution No. 18-1218.

FISCAL INFORMATION

General Fund - \$90,000.00

March 27, 2019

WHEREAS, Christopher J. Caso was appointed Interim City Attorney, effective September 5, 2018; and

WHEREAS, upon appointing the Interim City Attorney, the City Council approved a retention payment for Christopher J. Caso to be paid in four installments ending January 1, 2019; and

WHEREAS, because of the length of the search and selection process, the City Council has determined that it is necessary to provide an additional retention payment to the Interim City Attorney during the time it takes to select a permanent City Attorney.

Now, Therefore,

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

SECTION 1. That during this interim appointment period, Christopher J. Caso shall have the full powers and duties of the City Attorney as provided in the City Charter and ordinances and shall continue to receive his base salary and additional interim assignment pay of five percent (5%) of his annual base salary while serving in this capacity and an additional retention payment of ninety thousand and 00/100 Dollars (\$90,000.00), payable in nine installments of ten thousand and 00/100 (\$10,000.00), on the first of each month beginning on April 1, 2019 and ending on December 1, 2019, or until a new City Attorney is appointed.

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



Agenda Information Sheet

File #: 19-495

Item #: 4.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Mayor and City Council Office

EXECUTIVE: T.C. Broadnax

SUBJECT

A resolution appointing Mark S. Swann as City Auditor for the City of Dallas, for a two-year term, effective June 1, 2019, with an annual base salary not to exceed \$XXX,XXX - Financing: General Fund

BACKGROUND

The position of the city auditor became vacant effective at the close of business on September 28, 2018. City Council appointed members to the City Auditor Nominating Commission who met in accordance with the Dallas City Chapter IX, Section 1 and Dallas City Code Section 2-17.2 for the purpose of nominating a candidate for the position of City Auditor.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized appointment of a City Auditor Nominating Commission on August 22, 2018.

On February 21, 2019, the City Auditor Nominating Commission recommended three applicants to the City Council to consider for the position of city auditor for the City of Dallas.

On March 20, 2019, City Council conducted interviews of the three candidates recommended by the City Auditor Nominating Commission.

FISCAL INFORMATION

General Fund

March 27, 2019

WHEREAS, the position of the city auditor became vacant on September 28, 2018; and

WHEREAS, on August 22, 2018, City Council appointed a City Auditor Nominating Commission for the purpose of nominating one or more candidates for city auditor in accordance with Dallas City Code Section 2-17.2; and

WHEREAS, on February 21, 2019, the City Auditor Nominating Commission recommended three applicants to the City Council for consideration for the position of city auditor for the City of Dallas; and

WHEREAS, on March 20, 2019, City Council conducted interviews of the three candidates recommended by the City Auditor Nominating Commission; and

WHEREAS, the City Council believes that Mark S. Swann to be the most qualified candidate to fill the position of city auditor in accordance with Chapter IX, Section 1 of the Dallas City Charter.

Now, Therefore,

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

SECTION 1. That Mark S. Swann is hereby appointed city auditor of the City of Dallas to perform the duties of the City Auditor in accordance with Chapter IX of the City Charter for a period of two years, effective June 1, 2019.

SECTION 2. That Mark S. Swann's annual salary is \$XXX,XXX.

SECTION 3. That the city auditor shall have until September 1, 2019, to move into the City of Dallas to comply with the requirements of the Charter.

SECTION 4. That the terms of employment approved by the City Council are reflected in the offer letter from the City to Mark S. Swann, dated March 22, 2019, for his services as the city auditor for a two-year term, effective June 1, 2019, and includes relocation expenses in accordance with the Administrative Directives of the City, as well as 80 hours of advanced vacation leave.

March 27, 2019

SECTION 5. That, if Mark S. Swann as city auditor, is involuntary separated as the city auditor within the initial two-year term or at the end of the two-year term commencing June 1, 2019, Mark S. Swann shall receive a lump sum payment equal to three (3) months of his then current base salary to be paid in a single lump sum payment, less applicable taxes; except, however, that if he is terminated because of a conviction of an offense involving moral turpitude, any criminal act involving the performance of his duties, or any criminal act of any degree of felony, then City shall have no obligation to pay the severance sum designated in this section.

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



Agenda Information Sheet

File #: 19-344

Item #: 2.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller's Office

EXECUTIVE: Elizabeth Reich

SUBJECT

An ordinance authorizing **(1)** the issuance and sale of City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series 2019A, in an aggregate principal amount not to exceed \$271,020,000; **(2)** levying a tax in payment thereof; **(3)** awarding the sale thereof and approving execution of a Purchase Agreement, and a Deposit Agreement; **(4)** approving the official statement; **(5)** enacting other provisions relating to the subject; and **(6)** declaring an effective date - Not to exceed \$720,000 - Financing: 2019A General Obligation Refunding and Improvement Bond Funds

BACKGROUND

Pursuant to elections held in November 2006, 2012, and 2017, the residents of Dallas voted and authorized the City to issue general obligation bonds for the purpose of providing funds for permanent public improvements. The City's Financial Advisors recommend: (1) refunding and retirement of commercial paper notes issued for interim financing; and (2) issuance of improvement bonds to finance capital improvement projects at the City, in an amount not to exceed \$271,020,000.

The City's financial advisors, PFM Financial Advisors LLC, recommend issuing up to \$271,020,000 in refunding and improvement bonds for the purpose of funding capital improvements, refunding outstanding commercial paper notes, and refunding special obligations of the City.

This ordinance authorizes City staff and financial advisors, subject to parameters, to competitively bid the sale and issuance of City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series 2019A, and establishes the maximum par amount of bonds to be issued at \$271,020,000.

ESTIMATED SCHEDULE OF PROJECT

Authorized Preparation for Issuance of Bonds	December 2018
Approval of Parameters Ordinance	March 2019
Pricing	April 2019
Delivery of Proceeds	May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance and Financial Management Committee was briefed on this item on December 3, 2018.

On December 12, 2018, City Council authorized the preparation of plans for issuance of General Obligation Refunding Bonds, Series 2019A, by Resolution No. 18-1756.

FISCAL INFORMATION

Series 2019A General Obligation Refunding and Improvement Bond Funds - \$720,000 (See Attachment I)

M/WBE INFORMATION

See Attachment I for M/WBE participation.

Attachment I

Series 2019A
General Obligation Refunding and Improvement Bonds
\$271,020,000

Estimate of Total Bond Issuance Costs and M/WBE Participation

	<u>Fees</u>	<u>Percent of Total Costs</u>
Co-Bond Counsel		
Bracewell (Vendor VS0000056820)	\$226,000	31%
West & Associates (Vendor 330805)	80,000	11%
Disclosure Counsel		
Orrick Herrington & Sutcliffe LLP (Vendor VC18413)	80,000	11%
Financial Advisor		
PFM (Vendor VC16222)	183,350	25%
Printing Fee		
TBD	5,000	1%
Paying Agent Fee		
UMB Bank, N.A. (Vendor VS92247)	200	0%
Rating Agencies		
Fitch Ratings (Vendor VC14720)	60,771	8%
S&P Global (Vendor 954974)	69,279	10%
Attorney General Filing Fee		
	9,500	1%
Misc. Expenses		
	<u>5,900</u>	<u>1%</u>
Total Issuance Costs		
	<u>\$720,000</u>	<u>100%</u>
Total M/WBE Participation as % of Total Issuance Costs:	\$85,000	12%

Note: Payment of fees and expenses is contingent upon the issuance and sale of the General Obligation Refunding and Improvement Bonds, Series 2019A.

ORDINANCE NO. 19-_____
AUTHORIZING THE ISSUANCE OF

CITY OF DALLAS, TEXAS
GENERAL OBLIGATION REFUNDING
AND IMPROVEMENT BONDS

Adopted: March 27, 2019

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SCHEDULE I - Refunded Obligation Candidates

EXHIBIT A – Sale Parameters

ORDINANCE NO. 19-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF DALLAS, TEXAS, GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$271,020,000; LEVYING A TAX IN PAYMENT THEREOF; AWARDED THE SALE THEREOF AND APPROVING EXECUTION OF A PURCHASE AGREEMENT, AND A DEPOSIT AGREEMENT; APPROVING THE OFFICIAL STATEMENT; ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, pursuant to special elections held in the City of Dallas (the “City”) on November 7, 2006, November 6, 2012, and November 7, 2017, a majority of the duly qualified resident electors of the City voting at such elections sustained propositions authorizing the City Council of the City (the “City Council”) to issue general obligation bonds of the City for the purpose of providing funds for permanent public improvements and public purposes, to-wit:

November 7, 2006 Election

- \$390,420,000 planning, designing, constructing, reconstructing, improving, extending, and expanding streets, thoroughfares, freeways, alleys, sidewalks, bridges, pedestrianways, trolleyways and other multi-modal transportation facilities, including related storm drainage facilities and improvements, signalization, signage, video roadside cameras, and other traffic and signal controls, street lighting, landscaping, streetscape and median improvements, and the acquisition of land therefor;

- \$334,315,000 planning, designing, constructing, renovating, repairing, replacing, and expanding flood protection and storm drainage facilities and improvements, including erosion control, flood management and storm drainage relief improvements, including the relocation of utilities and the acquisition of land therefor;

- \$343,230,000 planning, designing, constructing, improving, renovating, repairing, replacing, expanding, equipping, and acquiring land for park and recreation facilities, including neighborhood parks, downtown parks, aquatic facilities, municipal golf facilities, trails, open space, playgrounds, park service and maintenance facilities, and facilities located at Fair Park, the Dallas Arboretum and the City Zoo;

- \$46,200,000 planning, designing, constructing, renovating, repairing, replacing, expanding, equipping, and furnishing library facilities and the acquisition of land or interests in land therefor;

\$60,855,000	planning, designing, constructing, renovating, repairing, replacing, expanding, equipping, furnishing and acquiring land for cultural arts facilities, including a performing arts theater in the Downtown Arts District;
\$34,750,000	planning, designing, constructing, renovating, replacing, repairing, expanding, equipping and furnishing city hall, city service and city maintenance facilities, including the acquisition of land therefor;
\$1,500,000	acquiring land under the land bank program for the development of low or moderate income single family homes;
\$41,495,000	promoting economic development in the Southern area of the City, and promoting economic development in other areas of the City in connection with transit-oriented development, through planning, designing, constructing, improving, extending and expanding public street, utility and other infrastructure facilities, including the acquisition of land therefor, and through funding the City's programs for economic development including the acquisition of improved and unimproved properties, the demolition of existing structures, making loans and grants of bond proceeds and otherwise providing assistance for private commercial, industrial, retail, residential and mixed-use development;
\$6,635,000	planning, designing, reconstructing, improving, renovating, repairing, replacing, expanding and equipping facilities located at the Farmers Market, including the acquisition of land, relocation of utilities, street infrastructure improvements, sidewalks, storm drainage facilities and controls, street lighting, streetscape and median improvements in connection therewith;
\$22,550,000	acquiring land in the area known as Cadillac Heights for the future location of police academy related facilities and/or city service and maintenance facilities;
\$7,945,000	planning, designing, constructing, renovating, repairing, replacing, expanding equipping, and furnishing court facilities and the acquisition of land therefor;
\$63,625,000	planning, designing, constructing, renovating, repairing, replacing, expanding, equipping, and furnishing public safety facilities including police substations, a police academy and related facilities, fire stations, fire training and related facilities and emergency warning systems, and the acquisition of land therefor;

November 6, 2012 Election

\$260,625,000	planning, designing, constructing, reconstructing, improving, extending, and expanding streets, thoroughfares, freeways, alleys, sidewalks, bridges, and pedestrian and bike ways, including related storm drainage facilities and improvements, signalization, signage, video roadside cameras, and other traffic and signal controls, street lighting, landscaping, streetscape and median improvements, and the acquisition of land therefor;
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\$326,375,000 planning, designing, constructing, renovating, repairing, replacing, and expanding flood protection and storm drainage facilities and improvements, including erosion control, flood management and storm drainage relief improvements, including the relocation of utilities and the acquisition of land and subsurface easements therefor;

\$55,000,000 promoting economic development in the Southern area of the City, and promoting economic development in other areas of the City in connection with transit-oriented development, through planning, designing, constructing, improving, extending and expanding public street, utility and other infrastructure facilities, including the acquisition of land therefor, and through funding the City's programs for economic development including the acquisition of improved and unimproved properties, the demolition of existing structures, making loans and grants of bond proceeds and otherwise providing assistance for private commercial, industrial, retail, residential and mixed-use development;

November 7, 2017 Election

\$533,981,000 planning, designing, constructing, reconstructing, improving, extending, reconfiguring, and expanding streets, off-street parking, circulation elements, thoroughfares, freeways, intersections, alleys, medians, sidewalks, bridges, and pedestrian and bike ways, including related storm drainage facilities and improvements, signalization, pedestrian warning devices, signage, markings, video roadside cameras, and other traffic and signal controls, street lighting, pedestrian lighting, landscaping, streetscape and median improvements, railroad crossing quiet zones and the related acquisition of land;

\$261,807,000 planning, designing, constructing, improving, renovating, repairing, replacing, expanding and equipping park and recreation facilities and the acquisition of land therefor;

\$50,000,000 planning, designing, constructing, renovating, repairing, replacing, improving, expanding, and equipping facilities at Fair Park, including open space and recreation facilities;

\$48,750,000 planning, designing, constructing, improving, renovating, repairing, replacing, and expanding flood protection and storm drainage facilities and improvements, erosion control, including necessary and appropriate relocation of utilities and the acquisition of land related thereto;

\$15,589,000 planning, designing, constructing, renovating, repairing, replacing, improving, expanding and equipping library facilities and the acquisition of land therefor;

\$14,235,000 planning, designing, constructing, renovating, repairing, replacing, improving, expanding and equipping cultural and performing arts facilities and the acquisition of land therefor;

\$32,081,000	planning, designing, constructing, renovating, repairing, replacing, improving, expanding and equipping public safety facilities, including police substations, fire stations, police and fire training and related facilities and the acquisition of land therefor;
\$18,157,000	renovating, repairing, improving: expanding and equipping City Hall and City service and administrative facilities, including repair, replacement, and improvement of roofs, mechanical, electrical, plumbing, air conditioning, heating and ventilation equipment and systems, and improvements required by the Americans with Disabilities Act and other applicable laws;
\$55,400,000	providing funds for promoting economic development throughout the city, through planning, designing, constructing, improving, extending and expanding public street, utility, and other infrastructure facilities, including the acquisition of land therefor, and through the city's programs for economic development and housing including the acquisition of improved and unimproved properties, the demolition of existing structures, making grants of bond proceeds and otherwise providing assistance for private commercial, industrial, retail, residential and mixed-use development, neighborhood revitalization projects, and mixed income development;
\$20,000,000	Providing funds for permanent public improvements; to-wit: planning, designing, constructing, renovating, repairing, replacing, improving, expanding, and equipping facilities to serve the homeless population in the city, including permanent, supportive and transitional housing;

WHEREAS, the City Council has determined to issue for their respective purposes such of the aforesaid authorized but unissued bonds as are hereinafter provided to be issued, a tabulation showing the amount of bonds authorized, the amounts previously issued, the amounts authorized to be issued pursuant to this Ordinance (the "Ordinance") for the purposes indicated, and the balance remaining for future bond issues, as follows:

<u>Purpose</u>	<u>Amount Voted</u>	<u>Amount Previously Issued</u>	<u>Commercial Paper Issued and Outstanding</u>	<u>Amount Being Issued⁽³⁾</u>	<u>Unissued Balance⁽⁴⁾</u>
<u>November 7, 2006 Election:</u>					
Street and Transportation Improvements	390,420,000	\$363,831,000	\$3,500,000 ⁽¹⁾	\$23,089,000	-0-
Flood Protection and Storm Drainage Facilities	334,315,000	324,942,500	-0-	9,372,500	-0-
Park and Recreation Facilities	343,230,000	335,147,000	-0-	8,083,000	-0-
Library Facilities	46,200,000	46,200,000	-0-	-0-	-0-
Cultural Arts Facilities	60,855,000	57,424,000	\$320,000 ⁽²⁾	3,111,000	-0-
City Hall, City Service and City Maintenance Facilities	34,750,000	29,525,500	-0-	5,224,500	-0-
Land Acquisition for Development of Low and Moderate Income Single Family Homes	1,500,000	1,500,000	-0-	-0-	-0-
Economic Development in the Southern Area of the City and in Other Areas in Connection with Transit-Oriented Development	41,495,000	41,495,000	-0-	-0-	-0-
Farmers Market Improvements	6,635,000	6,635,000	-0-	-0-	-0-
Cadillac Heights Land Acquisition for City Facilities	22,550,000	9,206,000	765,000 ⁽²⁾	12,579,000	-0-
Court Facilities	7,945,000	7,945,000	-0-	-0-	-0-
Public Safety Facilities	63,625,000	63,625,000	-0-	-0-	-0-

¹ General Obligation Commercial Paper Notes, Series B.

² General Obligation Commercial Paper Notes, Series A. To be refunded from proceeds of the Bonds.

³ Amount may include premium allocated against voted authorization, as set forth in the Pricing Certificate. Additionally, the amount may be reduced or reallocated as determined by the Authorized Officer and provided in the Pricing Certificate.

⁴ This amount may be increased as provided in the Pricing Certificate if the amount being issued is reduced.

<u>Purpose</u>	<u>Amount Voted</u>	<u>Amount Previously Issued</u>	<u>Commercial Paper Issued</u>	<u>Amount Being Issued⁽³⁾</u>	<u>Unissued Balance⁽⁴⁾</u>
<u>November 6, 2012 Election:</u>					
Street Improvements	260,625,000	\$213,984,000	-0-	\$46,641,000	-0-
Flood Protection and Drainage Facilities	326,375,000	321,620,000	-0-	4,755,000	-0-
Economic Development Programs	55,000,000	55,000,000	-0-	-0-	-0-
<u>November 7, 2017 Election:</u>					
Street and Transportation Improvements	533,981,000	-0-	\$15,215,000 ⁽²⁾	\$34,325,000	\$484,441,000
Park and Recreation Facilities	261,807,000	-0-	13,640,000 ⁽²⁾	56,323,000	191,844,000
Fair Park Improvements	50,000,000	-0-	85,000 ⁽²⁾	8,515,000	41,400,000
Flood Protection and Storm Drainage	48,750,000	-0-	145,000 ⁽²⁾	3,235,000	45,370,000
Library Facilities	15,589,000	-0-	5,000 ⁽²⁾	7,495,000	8,089,000
Cultural and Performing Arts Facilities	14,235,000	-0-	15,000 ⁽²⁾	2,745,000	11,475,000
Public Safety Facilities	32,081,000	-0-	1,465,000 ⁽²⁾	2,096,000	28,520,000
City Hall, City Service and Administrative Facilities	18,157,000	-0-	5,000 ⁽²⁾	2,680,000	15,472,000

¹ General Obligation Commercial Paper Notes, Series B.

² General Obligation Commercial Paper Notes, Series A. To be refunded from proceeds of the Bonds.

³ Amount may include premium allocated against voted authorization, as set forth in the Pricing Certificate. Additionally, the amount may be reduced or reallocated as determined by the Authorized Officer and provided in the Pricing Certificate.

⁴ This amount may be increased as provided in the Pricing Certificate if the amount being issued is reduced.

<u>Purpose</u>	<u>Amount Voted</u>	<u>Amount Previously Issued</u>	<u>Commercial Paper Issued</u>	<u>Amount Being Issued⁽³⁾</u>	<u>Unissued Balance⁽⁴⁾</u>
Economic Development Programs and Infrastructure	55,400,000	-0-	-0-	\$13,013,000	42,387,000
Homeless Facilities	20,000,000	-0-	-0-	500,000	19,500,000
TOTALS	3,045,520,000	1,917,662,000	25,160,000	243,782,000	888,498,000

¹ General Obligation Commercial Paper Notes, Series B.

² General Obligation Commercial Paper Notes, Series A. To be refunded from proceeds of the Bonds.

³ Amount may include premium allocated against voted authorization, as set forth in the Pricing Certificate. Additionally, the amount may be reduced or reallocated as determined by the Authorized Officer and provided in the Pricing Certificate.

⁴ This amount may be increased as provided in the Pricing Certificate if the amount being issued is reduced.

WHEREAS, there are presently outstanding certain commercial paper notes (the “Refunded Commercial Paper Notes”) of the City described on Schedule I hereto, which are secured by and payable from ad valorem taxes levied on property within the City in an amount sufficient to pay principal of and interest on such obligations as they become due within the limits prescribed by law; and

WHEREAS, the City Council desires to delegate to the Authorized Officer, pursuant to Chapters 1207 and 1371, Texas Government Code, as amended, and the parameters of this Ordinance, the authority to approve the amount, the number of series, the interest rate, the price and terms of the bonds authorized hereby and to otherwise take such actions as are necessary and appropriate to effect the sale of the bonds and to select the specific maturities or series of Refunded Obligation Candidates to be refunded;

WHEREAS, Chapter 1207, Texas Government Code, authorizes the City to issue refunding bonds and to deposit the proceeds from the sale thereof, and any other available funds or resources, directly with a commercial bank or trust company, and such deposit, if made before the payment dates for the Refunded Commercial Paper Notes, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Commercial Paper Notes;

WHEREAS, the City Council hereby finds and determines that it is not practicable to calculate a savings amount attributable to the refunding of the Refunded Commercial Paper Notes, but that the refunding contemplated in this Ordinance will benefit the City and that such benefit is sufficient consideration for the refunding of the Refunded Commercial Paper Notes; and

WHEREAS, pursuant to Chapter 1207 and 1371, the District desires to delegate the authority to effect the sale of the Bonds from time to time to the Authorized Officer; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS:

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions. Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

“Authorized Officer” means the City Manager of the City, and in his or her absence, any Assistant City Manager.

“Bond” means any of the Bonds.

“Bonds” means the City’s bonds designated in Section 3.01.

“Business Day” means a day that is not a Saturday, Sunday, legal holiday or other day on which banking institutions in the City where the Designated Payment/Transfer Office is located are required or authorized by law or executive order to close.

“Charter” means the Home Rule Charter of the City, as amended.

“City” means the City of Dallas, Texas.

“City Council” means the governing body of the City of Dallas, Texas as identified in the preamble to this Ordinance.

“Closing Date” means the date of the initial delivery of and payment for the Bonds.

“Code” means the Internal Revenue Code of 1986, as amended, including applicable regulations, published rulings and court decisions relating thereto.

“Commercial Paper Notes” means the City’s General Obligation Commercial Paper Notes, Series A authorized pursuant to an ordinance of the City approved October 25, 2017.

“Construction Fund” means the construction fund established by Section 7.01 of this Ordinance.

“Deposit Agreement” means that certain Deposit Agreement between the City and the Paying Agent/Registrar for the Refunded Commercial Paper Notes and/or the Paying

Agent/Registrar for the Refunded Bonds, pertaining to the defeasance of the Refunded Commercial Paper Notes and Refunded Bonds, respectively, as listed in Schedule I.

“Escrow Agreement” means the escrow agreement, if any, by and between the City and the Escrow Agent relating to the Refunded Obligations.

“Escrow Fund” means the fund established by the Escrow Agreement to hold cash and securities for the payment of debt service on the Refunded Obligations.

“Escrow Securities” means (1) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States; (2) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date of hereof, are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent; and (3) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date hereof, are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent.

“Designated Payment/Transfer Office” means (i) with respect to the initial Paying Agent/Registrar named herein, its corporate trust office in St. Paul, Minnesota, and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

“DTC” means The Depository Trust Company of New York, New York, or any successor securities depository.

“DTC Participant” means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

“EMMA” means the Electronic Municipal Market Access System.

“Event of Default” means any event of default as defined in Section 10.01 of this Ordinance.

“Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that “financial obligation” shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

“Fiscal Year” means such fiscal year as shall be prescribed by the Charter and which under the existing Charter commences October 1 and ends September 30 of the following year.

“Initial Bond” means the initial Bond, described in Sections 3.04(d) and 6.02(e) of this Ordinance.

“Interest and Sinking Fund” means the “City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series 2019, Interest and Sinking Fund,” as established by Section 7.01 of this Ordinance.

“Interest Payment Date” means the date or dates upon which interest on the Bonds is scheduled to be paid until the maturity or prior redemption of the Bonds, such dates being February 15 and August 15 of each year, commencing on the date set forth in the Pricing Certificate.

“MSRB” means the Municipal Securities Rulemaking Board.

“Original Issue Date” means the date designated as such in Section 3.02(a) of this Ordinance.

“Owner” means the person who is the registered owner of a Bond or Bonds, as shown in the Register.

“Paying Agent/Registrar” means the Paying Agent as set forth in the Pricing Certificate, any successor thereto or any entity which is appointed as and assumes the duties of paying agent/registrar as provided in this Ordinance.

“Pricing Certificate” means a certificate or certificates to be signed by the Authorized Officer.

“Purchase Agreement” means one or more bond purchase agreements described in Section 12.01(b) of this Ordinance.

“Purchaser(s)” means the initial purchasers of the Bonds.

“Record Date” means the last Business Day of the month next preceding an Interest Payment Date.

“Refunded Commercial Paper Notes” means those Commercial Paper Notes of the City designated as such in the Pricing Certificate from the list of Refunded Obligation Candidates described in Schedule I attached hereto.

“Refunded Obligation Candidates” means the obligations of the City set forth in Schedule I.

“Register” means the Register specified in Section 3.06(a) of this Ordinance.

“Representation Letter” means the Blanket Letter of Representations between the City and DTC applicable to the Bonds.

“Representative” means the representative for the Purchasers named in the Purchase Agreement.

“Rule” means SEC Rule 15c2-12, as amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

“Special Payment Date” means the Special Payment Date prescribed by Section 3.03(b).

“Special Record Date” means the Special Record Date prescribed by Section 3.03(b).

“Term Bonds” has the meaning set forth in Section 4.04 hereof.

“Unclaimed Payments” means money deposited with the Paying Agent/Registrar for the payment of principal of or interest on the Bonds as the same come due and payable or money set aside for the payment of Bonds duly called for redemption prior to maturity, and remaining unclaimed by the Owners of such Bonds for 90 days after the applicable payment or redemption date.

Section 1.02. Findings. The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.03. Table of Contents, Titles and Headings. The table of contents, titles and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.04. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of this Ordinance.

(c) Article and section references shall mean references to articles and sections of this Ordinance unless designated otherwise.

ARTICLE II

SECURITY FOR THE BONDS

Section 2.01. Tax Levy for Payment of the Bonds.

(a) The City Council hereby declares and covenants that it will provide and levy a tax legally and fully sufficient for payment of the Bonds, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding obligations of the City.

(b) In order to provide for the payment of the debt service requirements of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their payment at maturity or a sinking fund of two percent per annum (whichever amount is the greater), there is hereby levied for the current year and each succeeding year thereafter while the Bonds or interest thereon remain outstanding and unpaid, a tax within legal limitations on each \$100 assessed valuation of taxable property in the City that is sufficient to pay such debt service requirements, full allowance being made for delinquencies and costs of collection.

(c) The tax levied by this Section shall be assessed and collected each year and applied to the payment of the debt service requirements on the Bonds, and the tax shall not be diverted to any other purpose.

(d) Said ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Interest and Sinking Fund for the Bonds are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Bonds when and as due and payable in accordance with their terms and this Ordinance.

(e) If the liens and provisions of this Ordinance shall be discharged in a manner permitted by Article XI hereof, then the collection of such ad valorem tax may be suspended or appropriately reduced, as the facts may permit, and further deposits to the Interest and Sinking Fund may be suspended or appropriately reduced, as the facts may permit. In determining the aggregate principal amount of outstanding Bonds, there shall be subtracted the amount of any Bonds that have been duly called for redemption and for which money has been deposited in accordance with Article XI herein.

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

Section 3.01. Authorization. One or more series or subseries of the City's bonds, as may be designated and having such title or titles as may be specified in the respective Pricing Certificates for each such series or subseries, are hereby authorized to be issued and delivered, from time to time, in accordance with the Constitution and laws of the State of Texas, including particularly Chapters 1207, 1371 and 1331, Texas Government Code. The designation for each such series or subseries of Bonds shall contain information identifying the Bonds as City of Dallas, Texas General Obligation Refunding and Improvement Bonds or City of Dallas, Texas General Obligation Bonds, "or such other designations as are set forth in the Pricing Certificate. The Bonds shall be issued in the aggregate principal amounts designated in a Pricing Certificate for the public purpose of providing funds for: (i) various permanent public improvements and public purposes, all as set forth in the preamble hereof, (ii) to pay the costs incurred in connection with the issuance of each series of Bonds (including, without limitation, Purchasers' discount), and/or (iii) to refund the Refunded Commercial Paper Notes, under and by virtue of Chapters 1207, 1331 and 1371, Texas Government Code, as amended, and pursuant to Chapter XXI of the Charter of the City. The Authorized Officer is hereby authorized and directed to modify the titles of each series to the extent that, in the judgment of the Authorized Officer, it is necessary or appropriate. The final title and principal amount of each series Bonds shall be

determined by the Authorized Officer, based on market conditions in the discretion of the Authorized Officer, and set forth in the Pricing Certificate. The Bonds shall be issued in the number of series and aggregate principal amount per series designated in the Pricing Certificate, provided that the aggregate principal amount of the Bonds issued for the purpose described in (i) above shall not exceed \$243,782,000 and the aggregate principal amount of Bonds issued for the purpose described in (ii) and above shall not exceed \$25,160,000. The aggregate principal amount of all of the Bonds shall not exceed \$271,020,000.

Section 3.02. Date, Denomination, Maturities, Numbers and Interest.

(a) The Bonds shall have the Original Issue Date set forth in the Pricing Certificate, shall be in fully registered form, without coupons, in the denomination of \$5,000 or any integral multiple thereof, and shall be numbered separately from one upward or such other designation acceptable to the City and the Paying Agent/Registrar, except the Initial Bond, which shall be numbered T-1.

(b) The Bonds shall mature on February 15 in the years, at the interest rates and in the principal amounts set forth in the Pricing Certificate, provided that the maximum maturity for the Bonds shall not exceed twenty years.

(c) Interest on each Bond shall accrue from the later of the Original Issue Date (or the date of their delivery to the Purchasers, as set forth in the Pricing Certificate) or the most recent Interest Payment Date to which interest has been paid or provided for at the per annum rates of interest specified in the Pricing Certificate. Such interest shall be payable on each Interest Payment Date until the principal amount shall have been paid or provision for such payment shall have been made, and shall be computed on the basis of a 360-day year of twelve 30-day months.

Section 3.03. Medium, Method and Place of Payment; Unclaimed Payments.

(a) The principal of and interest on the Bonds shall be paid in lawful money of the United States of America.

(b) Interest on the Bonds shall be payable to the Owners whose names appear in the Register at the close of business on the Record Date; provided, however, in the event of nonpayment of interest on a scheduled Interest Payment Date and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") shall be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which shall be 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Owner of a Bond appearing on the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) Interest on the Bonds shall be paid by check (dated as of the Interest Payment Date) and sent by the Paying Agent/Registrar to the person entitled to such payment, first class United States mail, postage prepaid, to the address of such person as it appears in the Register, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the

person to whom interest is to be paid; provided, however, that such person shall bear all risk and expenses of such other customary banking arrangements.

(d) The principal of each Bond shall be paid to the person in whose name such Bond is registered on the due date thereof (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Bond at the Designated Payment/Transfer Office.

(e) If the date for the payment of the principal of or interest on any Bond is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the City where the Designated Payment/Transfer Office is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday, or day on which such banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

(f) Unclaimed Payments shall be segregated in a special account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Bonds to which the Unclaimed Payments pertain. Subject to the provisions of Title 6, Texas Property Code, as amended, Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three years after the applicable payment or redemption date shall be applied to the next payment or payments on the Bonds thereafter coming due and, to the extent any such money remains after the retirement of all outstanding Bonds, shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar nor any other person shall be liable or responsible to any Owners of such Bonds for any further payment of such unclaimed moneys or on account of any such Bonds, subject to any applicable escheat law or similar law.

Section 3.04. Execution and Initial Registration.

(a) The Bonds shall be executed on behalf of the City by the Mayor and countersigned by the City Secretary and the City Manager, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Any facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of said officers, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the City had been manually impressed upon each of the Bonds.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Bonds ceases to be such officer before the authentication of such Bonds or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided in this Ordinance, duly authenticated by manual execution of the Paying Agent/Registrar. It shall not be required that the same authorized representative of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Bonds. In lieu of the executed Certificate of Paying

Agent/Registrar described above, the Initial Bond delivered on the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided in this Ordinance, manually executed by the Comptroller of Public Accounts of the State of Texas or by his duly authorized agent, which certificate shall be evidence that the Initial Bond has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(d) On the Closing Date, the typewritten Initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the Representative or its designee, executed by manual or facsimile signature of the Mayor and countersigned by manual or facsimile signatures of the City Secretary and the City Manager, approved by the Attorney General, and registered and manually signed by the Comptroller of Public Accounts will be delivered to the Representative or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver to DTC on behalf of the Representative registered definitive Bonds as described in Section 3.10(a). To the extent the Paying Agent/Registrar is eligible to participate in DTC's FAST System, as evidenced by agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Bond is registered as the absolute owner of such Bond for the purpose of making and receiving payment of the principal thereof and premium, if any, thereon, for the further purpose of making and receiving payment of the interest thereon (subject to the provisions herein that interest is to be paid to the person in whose name the Bond is registered on the Record Date or on the Special Record Date, as applicable), and for all other purposes, whether or not such Bond is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the person deemed to be the Owner of any Bond in accordance with this Section shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Bond to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Bonds remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Designated Payment/Transfer Office the Register in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with this Ordinance.

(b) Registration of any Bond may be transferred in the Register only upon the presentation and surrender thereof at the Designated Payment/Transfer Office for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of the Bonds, or any portion thereof in any integral multiple of \$5,000 for any one maturity, to the assignee or assignees thereof, and the right of such assignee or assignees thereof to have the

Bond or any portion thereof registered in the name of such assignee or assignees. No transfer of any Bond shall be effective until entered in the Register. Upon assignment and transfer of any Bond or portion thereof, a new Bond or Bonds will be issued by the Paying Agent/Registrar in exchange for such transferred and assigned Bond. To the extent possible the Paying Agent/Registrar will issue such new Bond or Bonds within not more than three Business Days after receipt of the Bond to be transferred in proper form and with proper instructions directing such transfer.

(c) Any Bond may be exchanged only upon the presentation and surrender thereof at the Designated Payment/Transfer Office, together with a written request therefor duly executed by the Owner or assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantees of signatures satisfactory to the Paying Agent/Registrar, for a Bond or Bonds of the same maturity and interest rate and in any authorized denomination and in an aggregate principal amount equal to the unpaid principal amount of the Bond presented for exchange. If a portion of any Bond is redeemed prior to its schedule maturity as provided herein, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in the denomination or denominations of any integral multiple of \$5,000 of any one maturity at the request of the Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Owner upon surrender thereof for cancellation. To the extent possible, a new Bond or Bonds shall be delivered by the Paying Agent/Registrar to the Owner of the Bond or Bonds within not more than three Business Days after receipt of the Bond to be exchanged in proper form and with proper instructions directing such exchange.

(d) Each Bond issued in exchange for any Bond or portion thereof assigned or transferred shall have the same principal maturity date and shall bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange the Bonds as provided herein, and each substitute Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such substitute Bond or Bonds are delivered.

(e) The City will pay the Paying Agent/Registrar's reasonable and customary charge for the initial registration or any subsequent transfer or exchange of Bonds, but the Paying Agent/Registrar will require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer or exchange of a Bond. In addition, the City hereby covenants with the Owners of the Bonds that it will (i) pay the reasonable and standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due, and (ii) pay the fees and charges of the Paying Agent/Registrar for services with respect to the transfer, registration and exchange of Bonds as provided herein.

(f) Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer, or exchange any Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled principal balance of a Bond.

Section 3.07. Cancellation and Authentication.

(a) All Bonds paid in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance with this Ordinance, shall be cancelled upon the making of proper records regarding such payment, redemption, exchange or replacement. Cancelled Bonds shall be disposed of in accordance with the requirements of the Securities and Exchange Act of 1934 and the regulations promulgated thereunder.

(b) Each substitute Bond issued pursuant to the provisions of Sections 3.06 and 3.09 of this Ordinance, in exchange for or replacement of any Bond or Bonds issued under this Ordinance, shall have printed thereon a Paying Agent/Registrar's Certificate, in the form hereinafter set forth. An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date such Certificate, and no such Bond shall be deemed to be issued or outstanding unless such Certificate is so executed. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, and said Bonds shall be of customary type and composition and printed, typewritten, lithographed, mimeographed or otherwise produced. Pursuant to Chapter 1201, Texas Government Code, the duty of exchange or replacement of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the above Paying Agent/Registrar's Authentication Certificate, the exchanged or replaced Bonds shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Initial Bond which originally was delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(c) Bonds issued in exchange or replacement of any other Bond or portion thereof, (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the registered owners thereof, (ii) may be transferred and assigned, (iii) may be exchanged for other Bonds, (iv) shall have the characteristics, (v) shall be signed and sealed, and (vi) shall be payable as to principal and interest, all as provided, and in the manner required or indicated, in the form of Bond set forth in this Ordinance.

Section 3.08. Temporary Bonds.

(a) Following the delivery and registration of the Initial Bond and pending the preparation of definitive Bonds, the proper officers of the City may execute and, upon the City's request, the Paying Agent/Registrar shall authenticate and deliver, one or more temporary Bonds that are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Bonds in lieu of which they are delivered, without coupons, and with such appropriate insertions, omissions, substitutions and other variations as the officers of the City executing such temporary Bonds may determine, as evidenced by their signing of such temporary Bonds.

(b) Until exchanged for Bonds in definitive form, such Bonds in temporary form shall be entitled to the benefit and security of this Ordinance.

(c) The City, without unreasonable delay, shall prepare, execute and deliver to the Paying Agent/Registrar the Bonds in definitive form; thereupon, upon the presentation and surrender of the Bond or Bonds in temporary form to the Paying Agent/Registrar, the Paying Agent/Registrar shall cancel the Bonds in temporary form and authenticate and deliver in exchange therefor a Bond or Bonds of the same maturity, in definitive form, in the authorized denomination, and in the same aggregate principal amount, as the Bond or Bonds in temporary form surrendered. Such exchange shall be made without the making of any charge therefor to any Owner.

Section 3.09. Replacement Bonds.

(a) Upon the presentation and surrender to the Paying Agent/Registrar, at the Designated Payment/Transfer Office of a mutilated Bond, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Bond to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Bond is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Bond;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar and the City to save them harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Bond from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, without the necessity of issuing a replacement Bond, may pay such Bond on the date on which such Bond becomes due and payable.

(e) Each replacement Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

Section 3.10. Book-Entry-Only System.

(a) The definitive Bonds shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof. Upon initial issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.11 hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Register as the absolute Owner of such Bond for the purpose of payment of principal of and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfer with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of, principal and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the register, shall receive a certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(c) The Representation Letter between the City and DTC applicable to the City's obligations delivered in book-entry-only form to DTC as securities depository for said obligations, is hereby affirmed.

Section 3.11. Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter, and that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants, as identified by DTC, of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts, as identified by DTC. In such event, the Bonds shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

Section 3.12. Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bonds are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bonds, and all notices with respect to such Bonds, shall be made and given, respectively, in the manner provided in the Representation Letter.

ARTICLE IV

REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01. Limitation on Redemption. Each series of Bonds shall be subject to redemption before scheduled maturity only as provided in this Article IV as may be modified by the Pricing Certificate.

Section 4.02. Optional Redemption.

(a) The City reserves the option to redeem Bonds in the manner provided in the form of Bond set forth in Section 6.02 of this Ordinance with such changes as are required by the Pricing Certificate.

(b) The City, at least 45 days before the redemption date (unless a shorter period shall be satisfactory to the Paying Agent/Registrar), shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of Bonds to be redeemed.

Section 4.03. Mandatory Sinking Fund Redemption.

(a) Bonds designated as “Term Bonds,” if any, in the Pricing Certificate are subject to scheduled mandatory redemption and will be redeemed by the City, in part at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund for such Bonds, on the dates and in the respective principal amounts as set forth in the Pricing Certificate.

(b) At least forty-five (45) days prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, or such other method specified in the Pricing Certificate, a principal amount of Term Bonds equal to the aggregate principal amount of such Term Bonds to be redeemed, shall call such Term Bonds for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 4.06.

The principal amount of the Term Bonds required to be redeemed on any redemption date pursuant to subparagraph (a) of this Section 4.04 shall be reduced, at the option of the City, by the principal amount of any Term Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Section 4.04. Partial Redemption.

(a) If less than all of the Bonds are to be redeemed pursuant to Section 4.02, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot or other customary method that results in a random selection of the Bonds, or portions thereof and maturity or maturities and in such principal amounts, for redemption.

(b) A portion of a single Bond of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof. The Paying Agent/Registrar shall treat each \$5,000 portion of the Bond as though it were a single Bond for purposes of selection for redemption.

(c) Upon surrender of any Bond for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and deliver an exchange Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered.

(d) The Paying Agent/Registrar shall promptly notify the City in writing of the principal amount to be redeemed of any Bond as to which only a portion thereof is to be redeemed.

Section 4.05. Notice of Redemption to Owners.

(a) The City shall give notice of any redemption of Bonds by sending or causing the Paying Agent/Registrar to send notice of such redemption by first class United States mail, postage prepaid, not less than 30 days before the date fixed for redemption, to the Owner of each Bond (or part thereof) to be redeemed, at the address shown on the Register at the close of business on the Business Day next preceding the date of mailing such notice.

(b) The notice shall state the redemption date, the redemption price, the place at which the Bonds are to be surrendered for payment, and, if less than all the Bonds outstanding are to be redeemed, an identification of the Bonds or portions thereof to be redeemed.

(c) The City reserves the right to give notice of its election or direction to redeem Bonds under Section 4.02 conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain Outstanding, and the rescission shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.

(d) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

Section 4.06. Payment Upon Redemption.

(a) Before or on each redemption date, the Paying Agent/Registrar shall make provision for the payment of the Bonds to be redeemed on such date by setting aside and holding in trust an amount from the Interest and Sinking Fund or otherwise received by the Paying Agent/Registrar from the City sufficient to pay the principal of and accrued interest on such Bonds.

(b) Upon presentation and surrender of any Bond called for redemption at the Designated Payment/Transfer Office of the Paying Agent/Registrar on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of and accrued interest on such Bond to the date of redemption from the money set aside for such purpose.

Section 4.07. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.06 of this Ordinance and subject to any conditions or rights reserved by the City under Section 4.06(c), the

Bonds or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in the payment of the principal thereof, premium, if any, or accrued interest thereon, such Bonds or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Bonds are presented and surrendered for payment on such date.

(b) If any Bond or portion thereof called for redemption is not so paid upon presentation and surrender of such Bond for redemption, such Bond or portion thereof shall continue to bear interest at the rate stated on the Bond until paid or until due provision is made for the payment of same.

Section 4.08. Lapse of Payment. Money set aside for the redemption of Bonds and remaining unclaimed by the Owners of such Bonds shall be subject to the provisions of Section 3.03(f) hereof.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

(a) The Authorized Officer is hereby authorized to select and appoint the initial Paying Agent/Registrar for each series of Bonds, and the initial Paying Agent/Registrar shall be designated in the Pricing Certificate. It shall be the duty of the Paying Agent/Registrar to obtain from the Owners and record in the Register the address of the Owner of each Bond to which payments with respect to the Bonds shall be mailed, as provided herein. The City or its designee shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Register confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(b) The Authorized Officer is hereby authorized and directed to execute and deliver or cause the execution and delivery by the City Manager and/or Mayor, one or more Paying Agent/Registrar Agreements or Contracts, specifying the duties and responsibilities of the City and the Paying Agent/Registrar. The City Council hereby approves the form of Paying Agent/Registrar Agreement.

Section 5.02. Qualifications. Each Paying Agent/Registrar shall be (i) a bank, trust company, financial institution, or other entity duly qualified and legally authorized under applicable law, (ii) authorized under such laws to exercise trust powers, (iii) subject to supervision or examination by a federal or state governmental authority, and (iv) a single entity.

Section 5.03. Maintaining Paying Agent/Registrar.

(a) At all times while any Bonds are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement.

Section 5.04. Termination. The City reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated a certified copy of a resolution of the City (i) giving notice of the termination of the appointment and of any contractual agreement, stating the effective date of such termination, and (ii) appointing a successor Paying Agent/Registrar.

Section 5.05. Notice of Change to Owners. Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by first class United States mail, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar and the mailing address of its Designated Payment/Transfer Office.

Section 5.06. Agreement to Perform Duties and Functions. By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed hereby.

Section 5.07. Delivery of Records to Successor. If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Bonds to the successor Paying Agent/Registrar and to the City.

ARTICLE VI

FORM OF THE BONDS

Section 6.01. Form Generally.

(a) The Bonds, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas to accompany the Initial Bond, and the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Bonds, (i) shall be generally in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and any Pricing Certificate, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Bonds, as evidenced by their execution thereof.

(b) Any portion of the text of any Bonds may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Bonds.

(c) The Bonds (except for any temporary Bonds and the Initial Bonds) shall be typewritten, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Bonds, as evidenced by their execution thereof.

Section 6.02. Form of the Bonds. The form of the Bonds, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Bonds, shall be generally as follows, provided, however, that the substantially final form of the Bonds shall be set forth in or attached to the Pricing Certificate and shall incorporate and reflect the final terms of the Bonds set forth in the Pricing Certificate:

(a) Form of Bond.

REGISTERED
No. _____

REGISTERED
\$ _____

United States of America
State of Texas
CITY OF DALLAS, TEXAS,
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BOND, SERIES _____⁵

INTEREST RATE: _____% MATURITY DATE: _____, _____ ORIGINAL ISSUE DATE: _____, _____⁶ CUSIP NO.: _____

The City of Dallas (the "City"), in the Counties of Dallas, Denton, Collin and Rockwall, State of Texas, for value received, hereby promises to pay to

or registered assigns, on the Maturity Date specified above, the principal sum of

_____ DOLLARS

unless this Bond shall have been duly called for prior redemption as provided herein and payment of the principal hereof and accrued but unpaid interest hereon shall have been paid or provided for, and to pay interest on the unpaid principal amount hereof from the later of the Original Issue Date specified above or the most recent Interest Payment Date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, at the interest rate per annum specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on February 15 and August 15 of each year, commencing _____.⁷ All capitalized terms used herein but not defined shall have the meaning assigned to them in the Ordinance (defined below).

The principal of this Bond shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Bond at the corporate trust office in _____⁸ (the "Designated Payment/Transfer Office") of _____,⁹ or with respect to a successor Paying Agent/Registrar, at the designated payment/transfer office of such successor. Interest on this Bond is payable by check dated as of the Interest Payment Date, mailed by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar or by such other customary banking arrangements acceptable to the Paying Agent/Registrar, requested by and at the risk and expense of, the person to whom interest is to be paid. For the purpose of the

⁵ As may be modified by the Pricing Certificate.
⁶ Information to be inserted from the Pricing Certificate.
⁷ Information to be inserted from the Pricing Certificate.
⁸ Information to be inserted from the Pricing Certificate.
⁹ Information to be inserted from the Pricing Certificate.

payment of interest on this Bond, the registered owner shall be the person in whose name this Bond is registered at the close of business on the "Record Date," which shall be the last Business Day of the month next preceding such Interest Payment Date; provided, however, that in the event of nonpayment of interest on a scheduled payment date and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date" which date shall be 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day preceding the date of mailing of such notice.

If a date for the payment of the principal of or interest on this Bond is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the City where the Designated Payment/Transfer Office is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which such banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

This Bond is dated _____¹⁰ and is one of a series of fully registered bonds specified in the title hereof issued in the aggregate principal amount of \$_____¹¹ (herein referred to as the "Bonds"), issued pursuant to a certain Ordinance of the City Council of the City (the "Ordinance") for the purpose of providing funds to refund the Refunded Commercial Paper Notes, to fund certain permanent public improvements and public purposes and to pay costs of issuance.

The Bonds and the interest thereon are payable from the levy of a direct and continuing ad valorem tax, within the limit prescribed by law, against all taxable property in the City.

[The City has reserved the option to redeem the Bonds maturing on or after _____, before their respective scheduled maturities in whole or in part in integral multiples of \$5,000 on _____, or on any date thereafter, at a redemption price of par, plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot or other customary method that results in random selection of the Bonds, or portions thereof within such maturity or maturities and in such amounts, for redemption.

Bonds maturing on February 15 in each of the years ____ through ____, inclusive (the "Term Bonds"), are subject to mandatory sinking fund redemption prior to their scheduled maturity, and will be redeemed by the City, in part at a redemption price equal to the principal amount thereof, without premium, plus interest accrued to the redemption date, on the dates and in the principal amounts shown in the following schedule:

¹⁰ Information to be inserted from the Pricing Certificate.

¹¹ Information to be inserted from the Pricing Certificate.

Redemption Date

Principal Amount

The Paying Agent/Registrar will select by lot or by any other customary method that results in a random selection the specific Term Bonds (or with respect to Term Bonds having a denomination in excess of \$5,000, each \$5,000 portion thereof) to be redeemed by mandatory redemption. The principal amount of Term Bonds required to be redeemed on any redemption date pursuant to the foregoing mandatory sinking fund redemption provisions hereof shall be reduced, at the option of the City, by the principal amount of any Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Notice of such redemption or redemptions shall be given by first class mail, postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the registered owner of each of the Bonds to be redeemed in whole or in part. In the Ordinance, the City reserves the right in the case of an optional redemption to give notice of its election or direction to redeem Bonds conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.]¹²

As provided in the Ordinance, and subject to certain limitations therein set forth, this Bond is transferable upon surrender of this Bond for transfer at the Designated Payment/Transfer Office, with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar, and, thereupon, one or more new fully registered Bonds of the same stated

¹² Insert redemption provisions, if any, and conform as necessary to the Pricing Certificate.

maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer or exchange any Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the registered Owner of the uncalled principal balance of a Bond.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Bond is registered as the Owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Bond is registered on the Record Date or Special Record Date, as applicable) and for all other purposes, whether or not this Bond be overdue, and neither the City nor the Paying Agent/Registrar shall be affected by notice or knowledge to the contrary.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Bond and the series of which it is a part is duly authorized by law; that all acts, conditions and things required to be done precedent to and in the issuance of the Bonds have been properly done and performed and have happened in regular and due time, form and manner, as required by law; that ad valorem taxes upon all taxable property in the City have been levied for and pledged to the payment of the debt service requirements of the Bonds within the limit prescribed by law; and that the total indebtedness of the City, including the Bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Bond to be executed in its name by the manual or facsimile signature of the Mayor of the City and countersigned by the manual or facsimile signature of the Interim City Secretary and the City Manager, and the official seal of the City has been duly impressed or placed in facsimile on this Bond.

City Manager,
City of Dallas, Texas

Mayor, City of Dallas, Texas

City Secretary, City of Dallas, Texas

[SEAL]

(b) Form of Certificate of Paying Agent/Registrar. The following Certificate of Paying Agent/Registrar may be deleted from the Initial Bond if the Comptroller's Registration Certificate is attached thereto.

CERTIFICATE OF PAYING AGENT/REGISTRAR

It is hereby certified that this Bond has been issued under the provisions of the Ordinance of the City; and that this Bond has been issued in exchange for or replacement of a bond, bonds or portion of a bond or bonds of an issue which was originally approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

_____,
as Paying Agent/Registrar

Dated: _____
Authorized Signatory

By: _____

(c) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto (print or typewrite name, address and zip code of transferee):

(Social Security or other identifying number: _____) the within Bond and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration hereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed By:

Authorized Signatory

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular and must be guaranteed by an officer of a federal or state bank or a member of the National Association of Securities Dealers.

(d) Initial Bond Insertions.

(i) The Initial Bond shall be in the applicable form set forth in paragraphs (a) and (c) of this Section, except that:

A. immediately under the name of the Bond the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and the heading "CUSIP NO." shall be deleted; and

B. in the first paragraph of the Bond, the words "on the Maturity Date specified above" shall be deleted and the following will be inserted: "on February 15 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Year</u>	<u>Principal Installment</u>	<u>Interest Rate</u>
-------------	------------------------------	----------------------

(Information to be inserted from the Pricing Certificate as provided in Section 3.02 hereof.)

(ii) Form of Comptroller's Registration Certificate. The following Comptroller's Registration Certificate of the Comptroller of Public Accounts shall appear on each Initial Bond in lieu of the Certificate of Paying Agent/Registrar.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS § REGISTER NO. _____
OF THE STATE OF TEXAS §

I hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas to the effect that this Bond has been examined by him as required by law, that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that it is a valid and binding general obligation of the City of Dallas, Texas, and that this Bond has this day been registered by me.

WITNESS MY HAND AND SEAL OF OFFICE AT AUSTIN, TEXAS,
_____.

Comptroller of Public Accounts
of the State of Texas

[SEAL]

Section 6.03. CUSIP Registration. The City may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's Corporation, New York, New York, and may authorize the printing of such numbers on the face of the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds shall be of no significance or effect in regard to the legality thereof and neither the City nor the attorneys approving said Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

Section 6.04. Legal Opinion. The approving legal opinions of Bracewell LLP and West & Associates L.L.P., Co-Bond Counsel, may be printed on the back of each Bond over the certification of the City Secretary, which may be executed in facsimile.

Section 6.05. Municipal Bond Insurance. If municipal bond guaranty insurance is obtained with respect to the Bonds, the Bonds, including the Initial Bond, may bear an appropriate legend, as provided by the insurer.

ARTICLE VII

CREATION OF FUNDS AND ACCOUNTS, INITIAL DEPOSITS AND APPLICATION OF MONEY

Section 7.01. Creation of Funds. The City hereby establishes the following special funds or accounts to be designated as follows or as otherwise designated in the Pricing Certificate:

(a) “City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series _____, Interest and Sinking Fund”;

(b) “City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series _____, Construction Fund.”

Section 7.02. Initial Deposits. On the Closing Date, the City shall cause the proceeds from the sale of the Bonds to be deposited in the amounts set forth in the Pricing Certificate, as follows:

(a) first, an amount equal to all accrued interest, if any, on the Bonds from the Original Issue Date until the Closing Date, plus any additional amounts designated in the Pricing Certificate, shall be deposited to the credit of the Interest and Sinking Fund; and

(b) second, a portion of the proceeds of the sale of the Bonds together with any other funds of the City, if any, as set forth in the Pricing Certificate, shall be deposited with the Paying Agent for the Refunded Commercial Paper Notes pursuant to the Deposit Agreement and shall be used for the payment of such Refunded Commercial Paper Notes at their maturity; and

(c) third, a portion of the proceeds of the Bonds, in an amount sufficient to pay the Refunded Bonds on their maturity or date of early redemption, together with any other funds of the City, if any, shall be deposited with the Escrow Agent for the purchase of Escrowed Securities, all as set forth in the Pricing Certificate; and

(d) fourth, a portion of the proceeds of the Bonds, as set forth in the Pricing Certificate, and used for the purposes described in the preamble hereof shall be deposited to the Construction Fund and used for the purposes described in the preamble hereof; and

(e) fifth, the remaining balance received on the Closing Date, shall be deposited to a special account of the City and used for the payment of the costs of issuing the Bonds. Any amounts not needed for the payment of costs of issuance shall be deposited to the Interest and Sinking Fund.

Section 7.03. Interest and Sinking Fund.

(a) The taxes levied under Section 2.01 of this Ordinance shall be deposited to the credit of the Interest and Sinking Fund at such times and in such amounts as necessary for the timely payment of the principal of and interest on such Bonds.

(b) If the amount of money in the Interest and Sinking Fund is at least equal to the aggregate principal amount of the outstanding Bonds plus the aggregate amount of interest due and that will become due and payable on such Bonds, no further deposits to that fund need be made. In determining the aggregate principal amount of outstanding Bonds, there shall be subtracted the amount of any Bonds discharged in accordance with Article XI hereof.

(c) Money on deposit in the Interest and Sinking Fund shall be used to pay the principal of and interest on the Bonds as such become due and payable.

Section 7.04. Construction Fund. The Construction Fund shall be used for the purpose of making the permanent public improvements and accomplishing the public purposes for which the Bonds were issued (as specified in the preamble of this Ordinance) and for paying expenses incurred in connection with the issuance and delivery of the Bonds.

Section 7.05. Excess Bond Proceeds.

(a) Upon completion of the permanent public improvements and public purposes financed with the Bonds any amount (exclusive of that amount retained for the payment of costs of such improvements not then due and payable) that remains in the Construction Fund shall be transferred to the credit of the Interest and Sinking Fund and segregated in a special escrow account.

(b) The money in such special escrow account shall be used for the payment of principal of and interest on the Bonds, on the respective due dates thereof or dates as of which Bonds have been called for redemption.

Section 7.06. Security of Funds. All moneys on deposit in the funds referred to in this Ordinance shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of public funds, and moneys on deposit in such funds shall be used only for the purposes permitted by this Ordinance.

ARTICLE VIII

INVESTMENTS

Section 8.01. Investments.

(a) Money in the Interest and Sinking Fund created by this Ordinance, at the option of the City, may be invested in such securities or obligations as permitted under applicable law.

(b) Any securities or obligations in which money is so invested shall be kept and held in trust for the benefit of the Owners of the Bonds and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

(c) The money in an escrow account established under Section 7.05 of this Ordinance shall be invested in (i) tax-exempt obligations or (ii) securities or obligations that do not have a “higher yield,” within the meaning of Section 148(f) of the Code, than the yield on the Bonds.

Section 8.02. Investment Income.

(a) Interest and income derived from investment of the Interest and Sinking Fund shall be credited to such Fund.

(b) Interest and income derived from investment of the Construction Fund shall be either deposited to the credit of the Interest and Sinking Fund or retained in the Construction Fund until the permanent improvements and public purposes authorized by this Ordinance are completed.

(c) The investment and application of money in the Escrow Fund shall be in accordance with the provisions of the Escrow Agreement.

ARTICLE IX

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Bonds. On or before each Interest Payment Date for the Bonds, and while any of the Bonds are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such interest on, premium, if any, and principal of the Bonds as will accrue or mature on the applicable Interest Payment Date or date of prior redemption.

Section 9.02. Other Representations and Covenants.

(a) The City will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Bond; the City will promptly pay or cause to be paid the principal of and premium, if any, and interest on each Bond on the dates and at the places and manner prescribed in such Bond; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Bonds; all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and the Bonds in the hands of the Owners thereof are and will be valid and enforceable general obligations of the City in accordance with their terms.

Section 9.03. Federal Income Tax Exclusion of Bonds. The City intends that the interest on the Bonds shall be excludable from gross income for federal income tax purposes pursuant to sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations promulgated thereunder (the "Regulations"). The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that if taken or omitted, respectively, would cause the interest on the Bonds to be includable in gross income, as defined in section 61 of the Code, of the holders thereof for purposes of federal income taxation. In particular, the City covenants and agrees to comply with each requirement of Sections 9.03 through 9.09 of this Article IX; provided, however, that the City shall not be required to comply with any particular requirement of Sections 9.03 through 9.09 of this Article IX if the City has received an opinion of nationally recognized bond counsel

(“Counsel’s Opinion”) that such noncompliance will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds or if the City has received a Counsel’s Opinion to the effect that compliance with some other requirement set forth in Sections 9.03 through 9.09 of this Article IX will satisfy the applicable requirements of the Code, in which case compliance with such other requirement specified in such Counsel’s Opinion shall constitute compliance with the corresponding requirement specified in Sections 9.03 through 9.09 of this Article IX.

Section 9.04. No Private Use or Payment and No Private Loan Financing. The City shall certify, through an authorized officer, employee or agent that based upon all facts and estimates known or reasonably expected to be in existence on the date the Bonds are delivered, that the proceeds of the Refunded Obligations have not been used and the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be “private activity bonds” within the meaning of section 141 of the Code and the Regulations. The City covenants and agrees that it will make such use of the proceeds of the Bonds and the Refunded Obligations including interest or other investment income derived from Bond proceeds, regulate the use of property financed, directly or indirectly, with such proceeds, and take such other and further action as may be required so that the Bonds will not be “private activity bonds” within the meaning of section 141 of the Code and the Regulations.

Section 9.05. No Federal Guarantee. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that, if taken or omitted, respectively, would cause the Bonds to be “federally guaranteed” within the meaning of section 149(b) of the Code and the Regulations, except as permitted by section 149(b)(3) of the Code and the Regulations.

Section 9.06. No Hedge Bonds. The City covenants and agrees that it has not and will not to take any action, and has not knowingly omitted and will not knowingly omit to take any action, within its control, that, if taken or omitted, respectively, would cause the Bonds to be “hedge bonds” within the meaning of section 149(g) of the Code and the Regulations.

Section 9.07. No Arbitrage. The City shall certify, through an authorized officer, employee or agent that based upon all facts and estimates known or reasonably expected to be in existence on the date the Bonds are delivered, the City will reasonably expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be “arbitrage bonds” within the meaning of section 148(a) of the Code and the Regulations. Moreover, the City covenants and agrees that it will make such use of the proceeds of the Bonds including interest or other investment income derived from Bond proceeds, regulate investments of proceeds of the Bonds, and take such other and further action as may be required so that the Bonds will not be “arbitrage bonds” within the meaning of section 148(a) of the Code and the Regulations.

Section 9.08. Arbitrage Rebate. If the City does not qualify for an exception to the requirements of Section 148(f) of the Code relating to the required rebate to the United States, the City will take all necessary steps to comply with the requirement that certain amounts earned by the City on the investment of the “gross proceeds” of the Bonds (within the meaning of section 148(f)(6)(B) of the Code), be rebated to the federal government. Specifically, the City will (i) maintain records regarding the investment of the gross proceeds of the Bonds as may be

required to calculate the amount earned on the investment of the gross proceeds of the Bonds separately from records of amounts on deposit in the funds and accounts of the City allocable to other bond issue of the City or moneys which do not represent gross proceeds of any bonds of the City, (ii) calculate at such times as are required by the Regulations, the amount earned from the investment of the gross proceeds of the Bonds which is required to be rebated to the federal government, and (iii) pay, not less often than every fifth anniversary date of the delivery of the Bonds or on such other dates as may be permitted under the Regulations, all amounts required to be rebated to the federal government. Further, the City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Bonds that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in a smaller profit or a larger loss than would have resulted if the arrangement had been at arm's length and had the yield on the issue not been relevant to either party.

Section 9.09. Information Reporting. The City covenants and agrees to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Bonds are issued, an information statement concerning the Bonds, all under and in accordance with section 149(e) of the Code and the Regulations.

Section 9.10. Continuing Obligation. Notwithstanding any other provision of this Ordinance, the City's obligations under the covenants and provisions of Sections 9.03 through 9.09 of this Article IX shall survive the defeasance and discharge of the Bonds.

ARTICLE X

DEFAULT AND REMEDIES

Section 10.01. Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an "Event of Default," to-wit:

(a) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(b) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Owner to the City.

Section 10.02. Remedies for Default.

(a) Upon the happening of any Event of Default, then and in every case any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the

specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then outstanding.

Section 10.03. Remedies Not Exclusive.

(a) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(b) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

ARTICLE XI

DISCHARGE

Section 11.01. Discharge. The Bonds may be defeased, discharged or refunded in any manner permitted by applicable law.

ARTICLE XII

**SALE AND DELIVERY OF BONDS;
APPROVAL OF OFFICIAL STATEMENT;
CONTROL AND DELIVERY OF BONDS**

Section 12.01. Sale of Bonds; Delivery of Official Statement.

(a) The Bonds may be sold at negotiated sale to the Purchasers or may be sold pursuant to a competitive sale, in one or more series from time to time, all in accordance with the terms of this Ordinance, including this Section 12.01(a) and Exhibit B attached hereto, provided that all of the conditions set forth in Exhibit B can be satisfied. As authorized by Chapters 1207 and 1371, Texas Government Code, as amended, the Authorized Officer is authorized to act on behalf of the City upon determining that the conditions set forth in Exhibit B can be satisfied, in selling and delivering the Bonds and carrying out the other procedures specified in this Ordinance, including determining whether to acquire bond insurance for the Bonds, enter into a credit agreement with respect to the Bonds, whether to sell the Bonds in a competitive or negotiated sale, the aggregate principal amount of each series of Bonds, whether the Bonds shall be in one or more series from time to time, and price at which each of the Bonds will be sold, the identification of and the aggregate principal amount of and the Refunded Commercial Paper Notes and their payment dates, the number and designation of series of Bonds to be issued, whether the Bonds will be taxable or tax-exempt, the form in which the Bonds shall be issued,

the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the first interest payment date, the initial date from which interest will accrue, the dates, prices and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City and shall be subject to mandatory sinking fund redemption, and all other matters relating to the issuance, sale and delivery of the Bonds, all of which shall be specified in the Pricing Certificate.

The authority granted to the Authorized Officer under this Section 12.01(a) shall expire at 5:00 p.m., 365 days from the date of this Ordinance, unless otherwise extended by the City Council by separate action.

Any finding or determination made by the Authorized Officer relating to the issuance and sale of the Bonds and the execution of the Purchase Agreement (if any) in connection therewith shall have the same force and effect as a finding or determination made by the City Council.

(b) If any series of Bonds are sold in a negotiated sale, the Authorized Officer is hereby authorized and directed to execute and deliver one or more bond purchase agreements (the "Purchase Agreement"), which Purchase Agreement shall be in the form approved by the Authorized Officer. The Authorized Officer is hereby authorized and directed to approve the final terms and provisions of the Purchase Agreement in accordance with the terms of the Pricing Certificate and this Ordinance, which final terms shall be determined to be the most advantageous reasonably attainable by the City, such approval and determination being evidenced by its execution thereof by the Authorized Officer. All officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Bonds. The Initial Bond shall initially be registered in the name of the Representative or such other entity as may be specified in the Purchase Agreement.

(c) The City hereby approves the preparation of one or more Preliminary Official Statements and Official Notices of Sale for use in the initial offering and sale of each series of Bonds and authorizes the Authorized Officer to approve the final form(s) of the Preliminary Official Statement(s) and Notice of Sale and to deem the Preliminary Official Statement(s) (with such addenda, supplements or amendments as may be approved by the Authorized Officer) final within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities and Exchange Act of 1934 on behalf of the City. The City hereby authorizes the preparation of one or more Official Statements reflecting the terms of the applicable Purchase Contract(s) and/or Notice(s) of Sale and other relevant information. The Authorized Officer is hereby authorized and directed to authorize the use and distribution of such final Official Statement by the Purchasers in the offering and sale of the Bonds (in the form and with such appropriate variations as shall be approved by the Authorized Officer and the Purchasers).

(d) All officers of the City are authorized to take such actions and to execute such documents, certificates and receipts as they may deem necessary and appropriate in order to consummate the delivery of the Bonds in accordance with the terms of sale therefore including, without limitation, the Purchase Agreement, if any. Further, in connection with the submission of the record of proceedings for the Bonds to the Attorney General of the State of Texas for examination and approval of such Bonds, the appropriate officer of the City is hereby authorized

and directed to issue a check of the City payable to the Attorney General of the State of Texas as a nonrefundable examination fee in the amount required by Chapter 1202, Texas Government Code (such amount to be the lesser of (i) 1/10th of 1% of the principal amount of the Bonds or (ii) \$9,500).

(e) If the Bonds are sold in a negotiated sale, the obligation of the Purchasers to accept delivery of the Bonds is subject to the Purchasers being furnished with the final, approving opinions of Bracewell LLP and West & Associates L.L.P., Co-Bond Counsel for the City, which opinions shall be dated as of and delivered on the Closing Date.

Section 12.02. Control and Delivery of Bonds.

(a) The City Manager is hereby authorized to have control of the Initial Bond and all necessary records and proceedings pertaining thereto pending investigation, examination, and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts, delivery of the Initial Bond shall be made to the Representative under and subject to the general supervision and direction of the City Manager, against receipt by the City of all amounts due to the City under the terms of sale.

(c) In the event the Mayor, City Secretary or City Manager is absent or otherwise unable to execute any document or take any action authorized herein, the Mayor Pro Tem, any Assistant City Secretary and any Assistant City Manager, respectively, shall be authorized to execute such documents and take such actions, and the performance of such duties by the Mayor Pro Tem, the Assistant City Secretary and the Assistant City Manager shall for the purposes of this Ordinance have the same force and effect as if such duties were performed by the Mayor, City Secretary and City Manager, respectively.

ARTICLE XIII

CONTINUING DISCLOSURE UNDERTAKING

Section 13.01. Annual Reports.

(a) The City shall provide annually to the MSRB, (1) within six months after the end of each fiscal year of the City, financial information and operating data with respect to the City of the general type included in the final Official Statement, being information described in the Pricing Certificate, including financial statements of the City if audited financial statements of the City are then available, and (2) if not provided as part such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles prescribed by the Generally Accepted Accounting Principles or such other accounting principles as the City may be required to employ, from time to time, by State law or regulation, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not

complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

(b) If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

(c) The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

Section 13.02. Material Event Notices.

(a) The City shall provide the following to the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten (10) business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

- (i) Principal and interest payment delinquencies;
- (ii) Non-payment related defaults, if material;
- (iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) Substitution of credit or liquidity providers, or their failure to perform;
- (vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (vii) Modifications to rights of the holders of the Bonds, if material;
- (viii) Bond calls, if material, and tender offers;
- (ix) Defeasances;
- (x) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (xi) Rating changes;
- (xii) Bankruptcy, insolvency, receivership or similar event of the City;

Note to paragraph 12: For the purposes of the event identified in paragraph 12 (xii) of this section, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

(xiii) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(xiv) Appointment of successor or additional paying agent/registrar or the change of name of a paying agent/registrar, if material.

(xv) Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

(xvi) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

Note to paragraphs 15 and 16. The City intends the words used in paragraphs (xv) and (xvi) and the definition of Financial Obligations in this Section to have the same meanings as when they are used in Rule and SEC Release No. 34-83885, dated August 20, 2018.

(b) The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 13.01 of this Ordinance by the time required by such Section.

Section 13.03. Limitations, Disclaimers and Amendments.

(a) The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any Bond calls and any defeasances that cause the City to be no longer an “obligated person.”

(b) The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the Bonds, and nothing in this Article, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Article and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Article or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS ARTICLE, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(c) No default by the City in observing or performing its obligations under this Article shall constitute a breach of or default under the Ordinance for purposes of any other provisions of this Ordinance.

(d) Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(e) The provisions of this Article may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (i) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) an entity or individual person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Bonds. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 13.01 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 13.04. Amendments to the Rule. In the event the Authorized Officer, in consultation with Bond Counsel and the City's financial advisor, determines that it is necessary or desirable to amend the provisions of Article XII in order to facilitate compliance with

amendments to the Rule and related guidance from the SEC, the Authorized Officer may make such changes in the Pricing Certificate for the Bonds.

ARTICLE XIV

AMENDMENTS; ATTORNEY GENERAL MODIFICATION

Section 14.01. Amendments. This Ordinance shall constitute a contract with the Owners, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains outstanding except as permitted in this Section. The City may, without consent of or notice to any Owners, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of the Owners of the Bonds holding a majority in aggregate principal amount of the Bonds then outstanding, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Owners of outstanding Bonds, no such amendment, addition, or rescission shall (i) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the redemption price, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, or interest on the Bonds, (ii) give any preference to any Bond over any other Bond, or (iii) reduce the aggregate principal amount of Bonds required to be held by Owners for consent to any such amendment, addition, or rescission.

Section 14.02. Attorney General Modification. In order to obtain the approval of the Bonds by the Attorney General of the State of Texas, any provision of this Ordinance may be modified, altered or amended after the date of its adoption if required by the Attorney General in connection with the Attorney General's examination as to the legality of the Bonds and approval thereof in accordance with the applicable law. Such changes, if any, shall be provided to the City Secretary and the City Secretary shall insert such changes into this Ordinance as if approved on the date hereof.

Section 14.03. Partial Invalidity. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 14.04. No Personal Liability. No recourse shall be had for payment of the principal of or interest on any Bonds or for any claim based thereon, or on this Ordinance, against any official or employee of the City or any person executing any Bonds.

ARTICLE XV

PAYMENT OF REFUNDED COMMERCIAL PAPER NOTES; APPROVAL OF DEPOSIT AGREEMENT

Section 15.01. Payment of Refunded Commercial Paper Notes.

(a) The Refunded Obligations are to be paid on their maturity date or date(s) in the principal amount thereof plus interest accrued thereon as set forth in the Pricing Certificate.

Section 15.02. Approval of Deposit Agreement.

(a) The discharge and defeasance of the Refunded Commercial Paper Notes as set forth in the Pricing Certificate, if any, shall be effectuated pursuant to the terms and provisions of a Deposit Agreement, if necessary, (the "Deposit Agreement"), to be entered into by and between the City and the Paying Agent for the Refunded Commercial Paper Notes, and respectively, which Deposit Agreement shall contain terms and provisions to be approved by the Authorized Officer including terms and provisions for the purposes of (i) carrying out the program designed for the City, (ii) minimizing the City's costs, (iii) complying with all applicable laws and regulations relating to the refunding of the Refunded Commercial Paper Notes, (iv) carrying out the other intents and purposes of this Ordinance and (v) complying with the terms set forth in the Pricing Certificate. The execution and delivery by the City Manager or the Authorized Officer of the Deposit Agreement, if necessary, is hereby authorized and approved.

ARTICLE XVI

EFFECTIVE IMMEDIATELY

Section 16.01. Effective Immediately. 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, Texas, pertaining thereto, and it is accordingly so ordained.

FINALLY PASSED, APPROVED AND EFFECTIVE this March 27, 2019.

APPROVED AS TO FORM:

Christopher J. Caso
Interim City Attorney
City of Dallas, Texas

*Signature Page for the General Obligation
Refunding and Improvement Bonds, Series 2019*

SCHEDULE I

REFUNDED OBLIGATION CANDIDATES

All Outstanding General Obligation Commercial Paper Notes, Series A

EXHIBIT A

SALE PARAMETERS

In accordance with Section 12.01(a) of the Ordinance, the following conditions with respect to the Bonds must be satisfied in order for the Authorized Officer to act on behalf of the City in selling and delivering the Bonds to the Purchasers:

(a) the Bonds shall not bear interest at a rate greater than the maximum rate authorized by Chapter 1204, Texas Government Code, as amended;

(b) the aggregate principal amount of the Bonds authorized to be issued for the purposes described in Section 3.01 shall not exceed the limits described in that Section, and the Bonds sold for the purposes of refunding the Refunded Commercial Paper Notes shall be in an amount sufficient, in combination with the net premium from the sale of the Bonds, plus other available funds of the City, if any, to provide for the payment of the Refunded Commercial Paper Notes to be selected from the Refunded Obligation Candidates identified in Schedule I hereto and the costs and expenses of issuance of the Bonds, including underwriter's discount;

(c) the maximum maturity for any series of Bonds shall be no more than 20 years from their date of issuance; and

(d) the Bonds to be issued, prior to delivery, must have been rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for long term obligations.



Agenda Information Sheet

File #: 19-306

Item #: 28.

STRATEGIC PRIORITY: Human and Social Needs
AGENDA DATE: March 27, 2019
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Community Care
EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize (1) the City Manager and the Office of Community Care/Management Services to accept acceptance of a donation of up to \$70,000.00 from Leadership Dallas for the renovation of a vacant room a donation of a permanent “pop-up” produce stand with built-in refrigeration located at the Martin Luther King, Jr. Community Center (MLKJCC) into a permanent produce stand with built-in refrigeration with a value of up to \$70,000.00 from Leadership Dallas to increase the available supply of fresh produce within South Dallas neighborhoods designated as United States Department of Agriculture address the “food deserts” and to provide awareness and educational opportunities within the community relative to healthy, fresh foods issues in South Dallas through greater integration and expansion of current resources ; (2) the receipt and deposit of funds up to \$70,000.00 in the Alvin E. Moore Trust Fund; and (3) an increase of appropriations up to \$70,000.00 in the Alvin E. Moore Trust Fund - Not to exceed \$70,000.00 - Financing: No cost consideration to the City Alvin E. Moore Trust Fund (see Fiscal Information)

BACKGROUND

The donor, Leadership Dallas, will assist in the design of the produce facility and the city’s department of Equipment & Building Services will secure and oversee the actual construction of the produce facility within the MLK Jr. Community Center pursuant to an existing building systems contract for accessibility improvements, electrical systems, and interior and exterior finishes. The produce stand will operate two days a week under the direction of the MLK Jr. Community Center staff, who are certified and insured food handlers, and with the assistance of community service workers.

The proposed Project has multiple components intentionally organized to allow scalability to best match the Leadership Dallas 19 class expectations and to provide flexibility in the event financial, timeline, or regulatory issues arise. The goal with each component is to address the food desert issues in South Dallas through greater integration and expansion of current resources, through improved awareness of resources within the community, and through increasing community knowledge around nutrition and healthy food preparation.

The components are: 1) enhancing direct community access to fresh produce by constructing a permanent, "popup" produce stand with built-in refrigeration; 2) raising awareness and providing education to the community about these available, healthy, resources through a single-day, activity-based, celebratory event to be held at the Martin Luther King, Jr. Community Center (MLKJCC); 3) expanding the MLKCC's existing Freedom Garden and Beautification Project (painting/commissioning a MLKCC mural on a storage shipping container on site). Though limited in size and scope, the MLKCC currently has a Freedom Garden and Seedling Farm that is open to the public to serve as a backdrop for gardening based educational activities, as a location where community members can grow their own vegetables and plants on MLKCC grounds, and as a farm for seedlings available for free pickup by community members wishing to establish their own personal gardens completing a garden enhancement and beautification project on the MLKJCC's grounds; and 4) increasing available supply of locally sourced, fresh produce and dairy by constructing a walk-in refrigeration unit at ~~Benton Farms'~~ the MLKJCC's existing property.

This proposed Project aims to will improve access to healthy food options in South Dallas neighborhoods designated as ~~Food and Drug Administration~~ United States Department of Agriculture (FUSDA) 'food deserts' through the connection and enhancement of a local community center and urban farm. Because of the complex, multi-faceted nature of the healthy food access issues that face 1/5th of the residents of our city, this project suggests partnership with multiple organizations to increase the Project's impact and longevity.

This Project aims to 1) increase the available supply of fresh produce within an identified FUSDA food desert; 2) provide awareness and educational opportunities within the community relative to healthy, fresh foods - how to get it, how to cook with it, and how to grow it yourself; 3) increase the capacity of an established urban farm to store and share its food supply; and 4) improve the community.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Human and Social Needs Committee on March 18, 2019.

FISCAL INFORMATION

The City of Dallas will accept contributions from Leadership Dallas for this project and establish appropriations after receipt of funds.

No cost consideration to the City. Alvin E. Moore Trust Fund - \$70,000.00

March 27, 2019

WHEREAS, there is a need to increase the available supply of fresh produce within an identified ~~Food and Drug Administration (FDA)~~ area of the United States Department of Agriculture (USDA) “food deserts”, and to provide awareness and educational opportunities within the community relative to healthy, fresh foods; and

WHEREAS, by accepting this donation from Leadership Dallas and constructing the produce stand at the MLK Jr. Community Center, the city will ~~to improve~~ satisfy a public purpose by improving access to healthy food options in South Dallas neighborhoods designated as FUSDA ‘food deserts’ through the connection and enhancement of a local community center and urban farm.

Now, Therefore,

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

SECTION 1. That the City Manager and the Office of Community Care/Management Services are hereby authorized to accept a donation of up to \$70,000.00 from Leadership Dallas for the renovation of a vacant room ~~a donation of a permanent “pop-up” produce stand with built-in refrigeration located~~ at the Martin Luther King, Jr. Community Center (MLKJCC) into a permanent produce stand with built-in refrigeration ~~with a value of up to \$70,000.00 from Leadership Dallas to~~ increase the available supply of fresh produce within ~~address the food desert issues in~~ South Dallas neighborhoods designated as United States Department of Agriculture “food deserts” and to provide awareness and educational opportunities within the community relative to healthy, fresh foods ~~through greater integration and expansion of current resources~~, approved as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds up to \$70,000.00 in the Alvin E. Moore Trust Fund, Fund 0309, Department MGT, Unit 8206, Revenue Code 8411.

SECTION 3. That the City Manager is hereby authorized to increase appropriations up to \$70,000.00 in the Alvin E. Moore Trust Fund, Fund 0309, Department MGT, Unit 8206, Object 4710 after receipt of funds.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds up to \$70,000.00 from the Alvin E. Moore Trust Fund, Fund 0309, Department MGT, Unit 8206, Object 4710 after receipt of funds.

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



Agenda Information Sheet

File #: 19-367

Item #: 37.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality
AGENDA DATE: March 27, 2019
COUNCIL DISTRICT(S): Outside City Limits
DEPARTMENT: Office of Strategic Partnerships & Government Affairs
EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

A resolution consenting to the amendment of the economic incentive agreement (“Agreement”) between the City of Irving and Aviall Services, Inc. for extension of the Agreement term - Financing: No cost consideration to the City

BACKGROUND

The Dallas/Fort Worth International Airport Board (the “Board”) requests the Owner Cities of Dallas and Fort Worth approve an amendment to the Agreement with Aviall Services, Inc. (“Aviall”) on Dallas/Fort Worth International Airport (“DFW Airport”) property until 2031. Aviall’s corporate headquarters has been on DFW Airport property, within City of Irving limits, since 2001.

Aviall has agreed to remain at the location, pending approval of the Agreement, and to provide the following public benefits:

- Maintain business operations and renew current lease for a minimum of 605,000 square feet of warehouse/office located at 2750 and 2755 Regent Boulevard
- Retain 951 current employees in the region
- Create at least 100 new full-time jobs at the current location by December 31, 2023

Aviall’s retention will maintain and enhance the commercial and industrial economic and employee base as well as provide direct revenues to the Owner Cities and City of Irving. As a result of the Agreement, the City of Irving estimates that by the end of tax year 2031, Dallas and Fort Worth will receive \$5.4 Million in total business property tax revenues. It is estimated that \$309,137.00 will be distributed this year to the Cities of Dallas and Fort Worth, based on 2018 tax assessments.

Aviall, a Boeing subsidiary, is the world’s largest diversified aircraft parts distributor delivering airplane parts and repair services. The company manages inventory for the global aerospace and defense industry and holds significant inventory at its facility in Irving. All employees reside in North Texas, with 30 percent of employees residing within the city limits of Dallas, Fort Worth, and Irving.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 26, 2014, City Council authorized a resolution consenting to proposed changes to the Agreement between the City of Irving and Aviall Services, Inc. by Resolution No. 14-0395.

On February 14, 2019, the City of Irving approved this Agreement at their City Council Meeting.

On March 7, 2019, the Dallas/Fort Worth International Airport Board approved this item at their Board Meeting.

The Economic Development and Housing Committee will be briefed on this item on March 18, 2019.

FISCAL INFORMATION

No cost consideration to the City.

March 27, 2019

WHEREAS, on November 11, 1998, City Council approved Resolution No. 98-3297 authorizing an Interlocal Agreement between the Dallas/Fort Worth International Airport Board, a joint board of the cities of Dallas, Texas and Fort Worth, Texas (the "Board"), the City of Fort Worth, Texas and the City of Irving, Texas, which was executed on December 21, 1998, for sharing of revenue generated from property located in the City of Irving and within the boundaries of the Dallas/Fort Worth International Airport ("DFW Airport") (the "Interlocal Agreement"); and

WHEREAS, the Interlocal Agreement provides that the Board and the governing bodies of Dallas and Fort Worth must approve any requested tax exemptions, abatements, or Chapter 380 agreements pertaining to developments within the geographic boundaries of DFW Airport property that are subject to the Interlocal Agreement; and

WHEREAS, the City of Irving, with the consent of the Board, Dallas, and Fort Worth, entered into an economic development grant agreement with Aviall Services, Inc. ("Aviall") dated February 22, 2001, ~~which was renewed~~ as amended on September 7, 2006 and ~~amended~~ on February 6, 2014, for the development of property by Aviall within the geographic boundaries of the DFW Airport (~~collectively~~ the "Chapter 380 Agreement"); and

WHEREAS, on February 14, 2019, the Irving City Council pursuant to Resolution No. RES-2019-55, and subject to the approval of the Board and the governing bodies of Dallas, and Fort Worth, approved an amendment to the Agreement to extend the term in order to maintain and enhance the commercial, industrial economic, and employment development and to provide direct revenues to DFW Airport and the cities of Irving, Dallas, and Fort Worth; and

WHEREAS, the Board approved the amendment to the Agreement on March 7, 2019 pursuant to Resolution No. 2019-03-057; and

WHEREAS, the City of Dallas' approval of the amendment to the Agreement is contingent upon the city of Fort Worth's approval of the amendment to the Agreement.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby consents to an amendment to the Agreement between the City of Irving and Aviall Services, Inc. for the extension of the Agreement term.

SECTION 2. That the approval contained in this resolution is subject to the same approval by the governing body of the City of Fort Worth.

March 27, 2019

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



Agenda Information Sheet

File #: 19-390

Item #: 47.

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

SUBJECT

An ordinance amending Chapter 42A, "Special Events" and Chapter 29A, "Neighborhood Farmers Market" of the Dallas City Code by **(1)** reserving Chapter 29A and rewriting Chapter 42A; **(2)** providing regulations for special events, commercial filming activities, neighborhood markets, and streetlight pole banners; **(3)** providing a penalty not to exceed \$2,000.00 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and \$500.00 for all other violations; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information) (This item was deferred on February 27, 2019)

BACKGROUND

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

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

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

Amendments to the ordinance address public concerns including: parking, traffic closures/detours, public notices and flexibility in permitting based on event size and other features for each application. QOLAC members requested that OSE conduct additional meetings with the film industry, Arts District community and other external stakeholders to ensure their concerns about revisions were addressed.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

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

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

On February 27, 2019, this item was deferred by Councilmember Sandy Greyson.

FISCAL INFORMATION

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

ORDINANCE NO. _____

An ordinance amending Chapter 29A, “Neighborhood Farmers Market,” and Chapter 42A, “Special Events,” of the Dallas City Code by reserving Chapter 29A and rewriting Chapter 42A; providing regulations for special events, commercial filming activities, neighborhood markets, the Dallas Farmers Market, and streetlight pole banners; providing a penalty not to exceed \$2,000 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and \$500 for all other violations; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

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

SECTION 1. That Chapter 29A, “Neighborhood Farmers Markets,” of the Dallas City Code is amended to read as follows:

**~~“CHAPTER 29A.
RESERVED. [NEIGHBORHOOD FARMERS MARKETS.~~**

**~~ARTICLE I.
GENERAL PROVISIONS.~~**

~~SEC. 29A-1. PURPOSE.~~

~~The purpose of this chapter is to facilitate the promotion of neighborhood farmers markets within the city to support the local economy, to encourage sustainable living, and to create a more positive image of the city.~~

~~SEC. 29A-2. DEFINITIONS.~~

~~In this chapter:~~

~~(1) APPLICANT means a person who has filed a written application for a neighborhood farmers market permit.~~

~~(2) CENTRAL BUSINESS DISTRICT means the area bounded by Woodall Rogers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.~~

~~(3) CITY means the city of Dallas, Texas.~~

~~(4) DALLAS FARMERS MARKET means a permanent, indoor and outdoor marketplace on public and private property where produce, merchandise, food, or other products are distributed, offered for sale, or sold to consumers and that is:~~

~~(A) bounded by Marilla Street on the north, northbound Cesar Chavez Boulevard on the east, Interstate Highway 30 on the south, and Harwood Street on the west; and~~

~~(B) described in and subject to a master agreement with the city adopted on February 27, 2013 by Resolution No. 13-0447 and the operating covenants with the city contained in lease and deed documents authorized on March 27, 2013 by Resolution Nos. 13-0535, 13-0536, 13-0537, 13-0538, and 13-0539.~~

~~(5) DIRECTOR means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.~~

~~(6) NEIGHBORHOOD FARMERS MARKET or MARKET means:~~

~~(A) a temporary, outdoor marketplace on private property:~~

~~(i) where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products;~~

~~(ii) for which the estimated number of vendors and attendees for any day of the market does not exceed 1,000;~~

~~(iii) that is not being operated as part of a special event permitted under Chapter 42A of this code; and~~

~~(iv) that involves one or more of the following activities:~~

~~(aa) the sale of merchandise, food, or beverages on private property where otherwise prohibited by ordinance;~~

~~(bb) the erection of stalls or tents on private property where otherwise prohibited by ordinance;~~

~~(cc) the placement of portable toilets on private property where otherwise prohibited by ordinance; or~~

~~(dd) the placement of temporary no parking, directional, over size, or identification signs or banners on private property where otherwise prohibited by ordinance; or~~

~~(B) the Dallas Farmers Market.~~

~~(7) NEIGHBORHOOD FARMERS MARKET PERMIT means written approval to hold a neighborhood farmers market issued by the director under this chapter.~~

~~(8) PERMIT HOLDER means a person issued a neighborhood farmers market permit.~~

~~(9) PERSON means an individual, firm, partnership, corporation, association, or other legal entity.~~

~~(10) VENDOR means a person who distributes, offers for sale, or sells produce, merchandise, food, or other products at a neighborhood farmers market.~~

~~SEC. 29A-3. GENERAL AUTHORITY AND DUTY OF DIRECTOR.~~

~~(a) The director shall implement, administer, and enforce the provisions of this chapter.~~

~~(b) The director has authority to issue a neighborhood farmers market permit that authorizes one or more of the activities described in Section 29A-2(6)(A)(iv) when requirements of this chapter have been met.~~

~~SEC. 29A-4. CHAPTER CUMULATIVE.~~

~~(a) The provisions of this chapter are cumulative of all city ordinances. Tent permits, building permits, electrical permits, food establishment permits, alcoholic beverage permits and licenses, and all other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the neighborhood farmers market must be applied for separately, in accordance with the applicable ordinance or law. The director shall receive and coordinate applications for any city issued permit or license required in addition to the neighborhood farmers market permit.~~

~~(b) Application for a neighborhood farmers market permit authorizes appropriate city departments to issue permits for the activities described in Section 29A-2(6)(A)(iv) in locations where the activity would otherwise be prohibited by ordinance.~~

ARTICLE II.
NEIGHBORHOOD FARMERS MARKET PERMITS.

SEC. 29A-5. APPLICATION; ISSUANCE.

(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. 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.~~

(b) ~~An application must contain the following information:~~

(1) ~~The name, address, and telephone number of the applicant and of any other persons responsible for the conduct of the neighborhood farmers market.~~

(2) ~~The street address of the proposed location of the neighborhood farmers market; the name, address, and telephone number of the property owner; and a copy of the consent required by Section 29A-10(c), if applicable.~~

(3) ~~A description of the neighborhood farmers market, including a proposed schedule of the dates and hours of operation for the market (not to exceed 28 operating days in any calendar year, none of which may be consecutive days), except that this requirement does not apply to the Dallas Farmers Market.~~

(4) ~~The estimated number of vendors and attendees for each day of the market.~~

(5) ~~A drawing showing the area to be used for the neighborhood farmers market, along with proposed structures, tents, fences, barricades, signs, and banners.~~

(6) ~~Provisions for parking with a designation of where "No Parking" signs will be used.~~

(7) ~~Details of the sale of merchandise or the sale or serving of food or alcoholic or nonalcoholic beverages at the market, including but not limited to the names of participating vendors, a description of items to be sold, and the percentages of food and nonfood items to be sold.~~

(8) ~~Details of how the applicant will clean up after the neighborhood farmers market each day.~~

~~(9) Proof that the applicant possesses or is able to obtain all licenses and permits required by this code or other city ordinances or by state law for the conduct of the neighborhood farmers market.~~

~~(10) If the applicant is a corporation, copies of a current certificate of account status issued by the Texas Comptroller's Office and a current certificate of existence issued by the Texas Secretary of State's Office, or, if the corporation is not incorporated in or holding a certificate of authorization in the State of Texas, copies of similar current certificates from the state in which the corporation is incorporated.~~

~~(11) A description (including but not limited to the name, date, location, and size) of each neighborhood farmers market that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.~~

~~(12) Any other information the director determines necessary for the administration and enforcement of this chapter.~~

~~(e) Upon receipt of the completed application, the director shall forward a copy of the application to the building official and the departments of police, fire-rescue, risk management, code compliance, and transportation. The building official and each department shall review the application and return it, with any comments, to the director within 10 working days after receipt.~~

~~(d) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a neighborhood farmers market, to be incorporated into the permit before issuance.~~

~~(e) After reviewing the application and comments, the director shall issue the neighborhood farmers market permit unless denial is required by Section 29A.8. A neighborhood farmers market permit expires one year after issuance and may be renewed by applying in accordance with this section.~~

SEC. 29A-6. FEES.

~~An applicant for a neighborhood farmers market permit shall pay the following fees to conduct the market:~~

~~(1) A nonrefundable application fee of:~~

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

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

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

(2) All fees for permits and licenses required by other city ordinances to conduct specific activities in conjunction with or as part of the neighborhood farmers market.

SEC. 29A-7. INDEMNIFICATION.

An applicant for a neighborhood farmers market permit must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the conduct of the market.

SEC. 29A-8. DENIAL OR REVOCATION.

(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) a neighborhood farmers market has been conducted at the location of the proposed neighborhood farmers market on at least 40 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;~~

~~(11) 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;~~

~~(12) 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) the applicant has a history of conducting or sponsoring a neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or~~

~~(14) 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).~~

~~(b) The director shall revoke a neighborhood farmers market permit if:~~

~~(1) the permit holder failed to comply with or the neighborhood farmers market is in violation of any provision of the neighborhood farmers market permit, a city ordinance, or any other applicable law;~~

~~(2) the permit holder made a false statement of material fact on an application for a neighborhood farmers market permit or failed to properly complete an application for a neighborhood farmers market permit;~~

~~(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market poses a serious threat to the public health, safety, or welfare;~~

~~(4) the permit holder failed 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;~~

~~(5) the permit holder 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 permit holder or other person; or~~

~~(6) the permit holder, if it is a corporation, failed to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).~~

~~SEC. 29A-9. APPEAL FROM DENIAL OR REVOCATION OF A NEIGHBORHOOD FARMERS MARKET PERMIT.~~

~~If the director denies the issuance or renewal of a permit or revokes a permit, the director shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant or permit holder may appeal the decision of the director to a permit and license appeal board in accordance with Section 2-96 of this code.~~

**~~ARTICLE III.
MISCELLANEOUS PROVISIONS.~~**

~~SEC. 29A-10. LOCATION OF A NEIGHBORHOOD FARMERS MARKET.~~

- ~~(a) A neighborhood farmers market may not be conducted:~~
- ~~(1) in the central business district;~~
 - ~~(2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;~~
 - ~~(3) within one mile of another neighborhood farmers market permitted under this chapter that has the same or overlapping operating dates and times;~~
 - ~~(4) at any location other than the one listed in the permit application; or~~
 - ~~(5) at any location where one or more neighborhood farmers markets have already been conducted a total of 28 days during the particular calendar year.~~

~~(b) The restrictions of Subsections (a)(1), (2), (3), and (5) of this section do not apply to the Dallas Farmers Market.~~

~~(c) If the permit holder does not own the property on which the neighborhood farmers market will be conducted, the permit holder shall obtain the written consent of the property owner to conduct the market on the property. The permit holder shall present the written consent to the director or any peace officer upon request.~~

SEC. 29A-11. OPERATION OF A NEIGHBORHOOD FARMERS MARKET.

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

~~(b) A neighborhood farmers market may only be operated between the hours of 8 a.m. and 7 p.m. on any day of the week.~~

~~(c) The neighborhood farmers market may only be operated in accordance with the schedule filed with the director at the time of permit application. Amendment to the schedule may be approved by the director during the calendar year if the changes do not conflict with the schedule of another neighborhood farmers market. An amendment request must be received by the director at least 10 days before implementing any changes.~~

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

~~(e) When the main use of the property is open for business, not more than 25 percent of the total area of the parking lot for the property may be used for a neighborhood farmers market.~~

~~(f) All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood farmers market must be removed from the premises at the end of each market day.~~

~~(g) Subsections (a) through (f) of this section do not apply to the Dallas Farmers Market, which shall operate in compliance with its agreements and covenants with the city.~~

SEC. 29A-12. PRODUCTS AT A NEIGHBORHOOD FARMERS MARKET.

~~(a) Products that may be sold at a neighborhood farmers market include, but are not limited to, the following:~~

- ~~(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.~~

- (2) ~~Meats.~~
 - (3) ~~Dairy products.~~
 - (4) ~~Prepared foods, including but not limited to baked goods, packaged foods, and oils.~~
 - (5) ~~Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.~~
 - (6) ~~Garden items, including but not limited to plants, flowers, and soil.~~
- (b) ~~At least one half of the vendors participating in a neighborhood farmers market must sell produce or other food items.~~
- (c) ~~All products distributed, offered for sale, or sold at a neighborhood farmers market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area. No products may be offered for resale. This subsection does not apply to the Dallas Farmers Market.~~
- (d) ~~Live animals may not be distributed, offered for sale, or sold at a neighborhood farmers market.~~

SEC. 29A-13. VENDOR'S STATEMENT.

- (a) ~~Each calendar year before vending at a neighborhood farmers market, a vendor shall sign and provide to the permit holder a written statement that:~~
- (1) ~~all products to be distributed, offered for sale, or sold at the neighborhood farmers market by the vendor have been raised, grown, made, crafted, processed, or produced by the vendor in compliance with all applicable federal, state, and local laws and in a Texas county completely or partially located within a 150-mile radius of Dallas County (or in an area from which the director, pursuant to Section 29A-12(c), allows certain produce or other food items to be distributed, offered for sale, or sold at the market because of the unavailability of those items from vendors in the radius area); and~~
 - (2) ~~no product is being offered for resale.~~
- (b) ~~The permit holder shall maintain a vendor statement for each vendor operating at the neighborhood farmers market and shall present the vendors' statements to the director or any peace officer upon request.~~
- (c) ~~Subsections (a) and (b) of this section do not apply to the Dallas Farmers Market.~~

**ARTICLE IV.
ENFORCEMENT.**

SEC. 29A-14. OFFENSES.

(a) ~~A person commits an offense if he commences or conducts a neighborhood farmers market:~~

(1) ~~without a neighborhood farmers market permit; or~~

(2) ~~in violation of any provision of a neighborhood farmers market permit, this chapter, or any other city ordinance or applicable law.~~

(b) ~~It is a defense to prosecution under this section that the neighborhood farmers market was being lawfully conducted pursuant to a valid special events permit issued under Chapter 42A of this code.~~

(c) ~~The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.~~

SEC. 29A-15. PENALTY.

(a) ~~A person who violates a provision of this chapter or a requirement of a neighborhood farmers market permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.~~

(b) ~~Each offense is punishable by a fine not to exceed:~~

(1) ~~\$2,000 for a violation of a provision of this chapter or a requirement of a neighborhood farmers market permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or~~

(2) ~~\$500 for all other violations of this chapter or requirements of a neighborhood farmers market permit.]”~~

SECTION 2. That Chapter 42A, “Special Events,” of the Dallas City Code is amended to read as follows:

**“CHAPTER 42A.
SPECIAL EVENTS; COMMERCIAL FILMING;
NEIGHBORHOOD MARKETS; DALLAS FARMERS MARKET
NEIGHBORHOOD FARMERS MARKET; STREETLIGHT POLE BANNERS.”**

**ARTICLE I.
GENERAL PROVISIONS.**

SEC. 42A-1. PURPOSE.

The purpose of this chapter is to facilitate the promotion of temporary outdoor activities including special events, commercial filming, neighborhood markets, the Dallas Farmers Market neighborhood farmers market, and streetlight pole banners [activities] within the city, as defined in this chapter, [especially within the central business district, to create a more positive image of the city and to stimulate significant economic growth in the city. To this end, it is] T[~~t~~]he city's overall goal is [intent] to encourage activities [and give high priority to established special events] that benefit [have a record of significantly benefiting] the city, stimulate economic growth, and provide a vibrant, active community for all citizens. The city gives priority [and] to established special events [that promote commercial film development in the city].

SEC. 42A-2. DEFINITIONS.

In this chapter:

(1) AMPLIFIED SOUND means any sound projected or transmitted by artificial means, including but not limited to, loudspeakers, amplifiers, powered megaphones, or similar devices.

(2) APPLICANT means a person who has submitted an [filed a written] application for a [special event] permit under this chapter. This term includes the person submitting the application, the secondary person listed on the application, and any person or organization that an applicant applies for a permit on behalf of, as well any third party providing contracted functions to an activity permitted under this chapter, and the owner or property manager of the property or venue where a permitted activity will occur if a lease or contract has been executed, or will be executed, or if the property owner has provided written approval for the proposed permitted activity, and the property owner or manager is providing services to the event.

(3) APPLICATION PROCESSING FEE means a non-refundable fee required at the time application submission.

(4) B-ROLL means filming of beauty and background shots on, or of, city property that includes no more than three people on foot filming using no equipment other than a camera and a tripod.

(5) CENTRAL BUSINESS DISTRICT means the area bounded by Woodall Rodgers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.

(6[2]) CITY means the city of Dallas, Texas.

~~[(3) CITY LICENSED VENDOR means any person licensed or permitted under this code or another city ordinance to sell or offer for sale food, beverages, goods, or services at or within a specific location or area in the city.]~~

~~(7[4]) CITY-SPONSORED ACTIVITY [SPECIAL EVENT] means a temporary outdoor activity [~~special event~~] that the city council, by resolution, or the city manager, by written notice, has:~~

~~(A) determined to be directly related to a recognized function of city government;~~

~~(B) declared the city a cosponsor of the event; and~~

~~(C) committed the city to significantly sharing in initiating, financing, supporting, and conducting the event.~~

~~(8) CLEAN ZONE means a geographically defined area surrounding a permitted activity footprint or event host venues, where temporary restrictions are enforced related to temporary advertising, signage, structures, transient merchants, vendors, or otherwise licensed activities.~~

~~(9) COMMERCIAL FILMING means digital, film, or any other technology used to capture a visual image and sound recording on public or private property for commercial purposes including, but not limited to B-roll, still photography, commercials, documentaries, feature films, television series, television movies, television shows, webisodes, public service announcements, music videos, student films, corporate shoots, or advertisements, which involves one or more of the following:~~

~~(A) closing or restricting a public street or restricting access to public property.~~

~~(B) filming effects on private or public property that may be disruptive to surrounding residences and businesses such as outdoor lighting before sunrise or after sunset, or outdoor amplified sound.~~

~~(C) filming effects on private or public property that may disrupt public safety such as depicting a crime or the use of firearms, prop weapons, special effects, stunts, car chases, or pyrotechnics in view or hearing of the general public or adjacent properties.~~

~~(D) erection of a tent larger than 399 square feet in area or erection of multiple tents with a cumulative area of over 399 square feet.~~

~~(E) installation of a temporary structure or portable toilets on public or private property where otherwise prohibited by ordinance.~~

(F) filming on public or private property that includes staging production related equipment on public property, including sidewalks, that will impact pedestrian or vehicular traffic, or running cable across a public sidewalk.

(G) filming of the official flag, shield, seal, service mark, badge, or any other insignia of the city.

(H) filming on or of any city property including city hall plaza.

(I) filming of city equipment or vehicles.

(J) installation of temporary directional signs, identification signs, or banners that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance.

(10[5]) DALLAS FARMERS MARKET means a permanent, indoor and outdoor market on public and private property where produce, merchandise, food, or other products are distributed, offered for sale, or sold and [the area] that is:

(A) bounded by Marilla Street on the north, northbound Cesar Chavez Boulevard on the east, Interstate Highway 30 on the south, and Harwood Street on the west; and

(B) described in and subject to a master agreement with the city adopted on February 27, 2013 by Resolution No. 13-0447 and the operating covenants with the city contained in lease and deed documents authorized on March 27, 2013 by Resolution Nos. 13- 0535, 13-0536, 13-0537, 13-0538, and 13-0539, inclusive of future agreements and leases executed between the city and the Dallas Farmers Market and amendments to existing agreements and leases.

(11) DIRECTOR means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.

(12) DISTRICT IDENTIFICATION BANNER means a long-term banner that identifies a geographic location or place of interest with defined perimeters.

~~[(6) DEMONSTRATION means a public display of the attitude of assembled persons toward a person, cause, issue, or other matter.]~~

(13[7]) ESTABLISHED SPECIAL EVENT means an event or activity that:

(A) occurs at least once a year;

(B) has an average expected attendance exceeding 1,000 ~~[participants and spectators]~~ for each day of the event or activity;

(C) [~~significantly~~] contributes to positive advertising and economic growth of the city; and

(D) is open to the public, with or without an entry fee.

(14) EXPECTED TOTAL ATTENDANCE means the estimated attendance at a permitted activity as estimated by the applicant on an application. Expected total attendance includes all event staff, vendors, spectators, participants, and attendees.

(15) FIRST AMENDMENT ACTIVITY means all expressive personal religious or political beliefs and associative activity on the public right-of-way that is protected by the United States and Texas constitutions, including freedom of speech, freedom of the press, freedom of assembly, and the right to petition.

(16) HIGH IMPACT AREA means an area included on the list published annually in accordance with Section 42A-10.

(17) INTERMITTENT TRAFFIC CONTROL means the control of the flow of traffic to temporarily, and for brief periods of time (two minutes or less), stop or slow the flow of vehicular traffic.

(18) MAJOR CHANGE means any change to an application that requires subsequent public safety or departmental review. Examples include, but are not limited to, route changes, location or venue changes, date changes, changes in expected attendance, adding alcohol distribution, and changes to complex scenes.

(19) MOVING EVENT means an event that is not confined to a fixed location.

(20) NEIGHBORHOOD MARKET means a temporary outdoor marketplace, outside of the central business district, on private property, or on city property with approval of the department controlling the property, where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products.

(21) NEWS MEDIA means photographing, filming, or recording for the purpose of daily news gathering and spontaneous, unplanned news broadcasts and news segments.

(22) PERMIT means an official document authorizing the activation of an approved activity granted by the director as required under this chapter.

(23) PERMIT HOLDER means a person issued a permit under this chapter. This term includes the applicant and any person or organization on behalf of which an applicant applies for a permit on behalf of, as well as the owner or manager of property where a permitted activity will occur.

(24[8]) PERSON means an individual, firm, partnership, corporation, association, or other legal entity.

(25) PRELIMINARY LETTER means a document sent by the director to the applicant outlining all requirements that must be met prior to permit issuance.

(26[9]) SPECIAL EVENT means a temporary outdoor gathering, with an expected total attendance greater than 100, which involves one or more of the following on [a temporary event or gathering, including a special event parade, using either] private or public property where otherwise prohibited by ordinance[, in which the estimated number of participants and spectators exceeds 75 during any day of the event and that involves one or more of the following activities, except when the activity is for construction or housemoving purposes only]:

(A) closing or restricting of a public street lane, alley, or sidewalk;

(B) restricting access to [~~blocking or restriction of~~] public property;

(C) sale of merchandise, food, alcohol, or other beverages [~~on public property outside the central business district, or on private property~~] where otherwise not permitted as a neighborhood market or by an annual Dallas Farmers Market neighborhood farmers market permit [~~prohibited by ordinance~~];

(D) erection of a tent larger than 399 square feet in area or erection of multiple tents with a cumulative area of over 399 square feet [~~on public property, or on private property where otherwise prohibited by ordinance~~];

(E) installation of a temporary stage, bandshell, outdoor projection technology, trailer, van, [portable building,] grandstand, [or] bleachers, or portable toilets for [~~on~~] public use [~~property, or on private property where otherwise prohibited by ordinance~~];

(F) use of city hall plaza [~~placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance~~]; [~~or~~]

(G) a run, walk, ride, or special event parade; [~~placement of temporary no parking, directional, over size, or~~]

(H) placement of temporary no parking, directional, oversized, or identification signs or banners in connection with an event that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance; or

(I) clean zone enforcement.

(27) SPECIAL EVENT PARADE means the assembly of 100 or more persons whose gathering is for the common design of traveling or marching in procession from one location to another location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.

(28) STREET CLOSURE means any lane or street closure that impacts or disrupts the flow of traffic, unless the closure is intermittent.

(29) STREETLIGHT POLE BANNER means a temporary sign suspended between brackets and attached to utility or streetlight poles in city right-of-way, designed for an approved activity, an historical or commemorative event within the city, or identification of a public improvement district.

(30) TENT means any structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material.

(31) TRAFFIC CONTROL PLAN means a plan designed for the purpose of safely and efficiently managing traffic or arranging for DART detours associated with an activity permitted under this chapter.

~~[(10) SPECIAL EVENT MANAGER means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the special event manager.]~~

~~(11) SPECIAL EVENT PARADE means the assembly of three or more persons whose gathering is for the common design of traveling or marching in procession from one location to any other location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.~~

~~(12) SPECIAL EVENT PERMIT means written approval to hold a special event granted by the special event manager under this chapter.]~~

**SEC. 42A-3. GENERAL AUTHORITY AND DUTY OF DIRECTOR
[~~SPECIAL EVENT MANAGER~~].**

(a) The director [~~special event manager~~] shall implement, administer, and enforce the provisions of this chapter.

(b) The director [~~special event manager~~] has authority to issue a [~~special event~~] permit that authorizes one or more of the activities described in this chapter [~~Sections 42A-2(9)~~] when requirements of this chapter have been met.

(c) The director, police chief, and fire chief may require public safety measures that exceed the minimum standards set forth in this chapter based on specific event risk and threat factors identified by the appropriate city departments. ~~[In addition to other duties designated by this chapter, the city manager, or the city council, the special event manager shall provide for the enhancement of commercial film development in the city by assisting the film industry in:~~

- ~~(1) identifying film locations;~~
- ~~(2) securing required permits;~~
- ~~(3) coordinating traffic and security needs; and~~
- ~~(4) providing information.]~~

(d) The director may impose additional permit requirements upon the applicant or permit holder for any activity as required in this chapter if the total attendance is expected to exceed the applicant's expected total attendance, if the activity is held in a high impact area, or there will be an impact to residents and businesses.

(e) The director may decline or propose alternate dates, times, street closures, venues, or routes, or impose additional requirements upon a permit holder based on public safety or impact on local residents and businesses.

SEC. 42A-4. CHAPTER CUMULATIVE.

(a) The provisions of this chapter are cumulative of all city ordinances. Except as provided in Subsection (c), ~~[tent permits, building permits, electrical permits, food establishment permits, alcoholic beverage licenses, and]~~ all other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the activities permitted under this chapter ~~[special event]~~ must be applied for separately, in accordance with the applicable ordinance or law. ~~[The special event manager shall receive and coordinate applications for any city issued permit or license required in addition to the special event permit].~~

(b) Application for a ~~[special event]~~ permit under this chapter authorizes appropriate city departments to issue permits for the activities authorized by this chapter with office of special events approval ~~[described in Section 42A 2(9) in locations where the activity would otherwise be prohibited by ordinance].~~

(c) A license for the use of the public right-of-way required by Article VI of Chapter 43 of this code ~~[The following permits and licenses],~~ and any fees applicable to obtaining the ~~[those permits and]~~ license[s], is [are] not required for a special event, commercial filming, neighborhood market, or Dallas Farmers Market neighborhood farmers market conducted in compliance with this chapter and the terms of a valid ~~[special event]~~ permit issued under this chapter.~~]~~

~~(1) A license for the use of public right of way required by Article VI of Chapter 43 of this code.~~

~~(2) A central business district concession license or location permit required by Division 2, Article XII of Chapter 50 of this code.]~~

SEC. 42A-5. EXEMPTIONS.

The provisions of this chapter do not apply to:

(1) a special event conducted entirely on:

(A) property under the control of the park and recreation board; ~~or~~

(B) the “convention center” ~~or “reunion arena”~~ as defined in Section 43-127 of this code; or

(C) public property managed by an organization with a lease or operating agreement with the city that details special event permit exemptions.

~~(2) a funeral procession [parade, as defined in Section 28-186(4) of this code, for which a permit has been issued under Article XVI of Chapter 28 of this code, except that a special event permit must be obtained for any activity not covered by the parade permit that is conducted in conjunction with the parade and that comes within the definition of a special event];~~

~~(3) First Amendment activities, except that a special event permit must be secured for any activity that triggers a special event permit as detailed in Section 42A-2(22) of this chapter that is activated in conjunction with the First Amendment activity. All applicable fees will apply [a demonstration at a fixed location other than the roadway of a street];~~

~~(4) a neighborhood block party that is conducted on a single block and is expected to have fewer than 200 attendees [farmers market (other than the Dallas Farmers Market), as defined in Section 29A-2(6) of this code, for which a permit has been issued under Chapter 29A of this code, except that a special event permit must be obtained if the market is being conducted in conjunction with other activities for which a special event permit is required by or has been issued under this chapter; or]~~

~~(5) escort vehicles; [the distribution, offering for sale, or sale of produce, merchandise, food, or other products to consumers at the Dallas Farmers Market in compliance with a neighborhood farmers market permit issued under Chapter 29A of this code, except that a special event permit must be obtained for any event or activity, not covered by the neighborhood farmers market permit, that is conducted at the Dallas Farmers Market in conjunction with or in addition to the distribution, offering for sale, or sale of produce, merchandise, food, or other products to consumers and that comes within the definition of a special event.]~~

- Market;
- (6) moving a structure in accordance with the Dallas Building Code;
- (7) the regular indoor permanent daily operations of the Dallas Farmers
- filming;
- (8) photography or filming for personal use;
- (9) any filming activity that does not meet the definition of commercial
- (10) any filming activity on public property managed by an organization with a lease or operating agreement with the city that details commercial event permit exemptions;
- (11) filming by news organizations in conjunction with daily newsgathering, spontaneous unplanned television news broadcasts or news segment reports produced for air on the same day or within a short timeframe; or
- (12) commercial filming on, or of, public property related to the typical daily reporting, journalism, and publication activities of journalists, media, and bloggers, except where filming activity meets the definition of commercial filming or includes access to city staff and resources. In such cases, approval to film on city property is required by the department responsible for oversight of the property.

SEC. 42A-6. FEES [~~VENDORS AT A SPECIAL EVENT~~].

- (a) Special event permit. An applicant for a special event permit shall pay the following application processing fees:

Special Event Application Processing Fees*

Base Application Fee Based On Expected Total Attendance

<u><200</u>	<u>\$50</u>
<u>201 - 400</u>	<u>\$80</u>
<u>401 - 800</u>	<u>\$100</u>
<u>801 - 1000</u>	<u>\$150</u>
<u>1,001 - 2,000</u>	<u>\$200</u>
<u>2,001 - 4,000</u>	<u>\$300</u>
<u>4,001 - 8,000</u>	<u>\$400</u>
<u>8,001 - 12,000</u>	<u>\$500</u>
<u>12,001 - 20,000</u>	<u>\$600</u>
<u>20,001+</u>	<u>\$700</u>

In addition, select the applicable street closure fee:

<u>No Street Closure</u> - An event with no street closures.	<u>\$0</u>
<u>Static Street Closure Event (Simple)</u> - An event with a set footprint that is limited to one block on residential/neighborhood streets and does not involve the closure of any intersections.	<u>\$50</u>
<u>Static Street Closure Event (Moderate)</u> - An event with a set footprint that includes the closure of one to three street blocks or intersections.	<u>\$100</u>
<u>Static Street Closure Event (Complex)</u> - An event with a set footprint that includes the closure of four or more street blocks or intersections, or any closure in a high impact area.	<u>\$200</u>
<u>Moving Event (Simple)</u> - A moving event that is limited to trails and residential or neighborhood streets.	<u>\$75</u>
<u>Moving Event (Moderate)</u> - A moving event on city streets other than residential/neighborhood streets and outside of a high impact area.	<u>\$150</u>
<u>Moving Event (Complex)</u> - A moving event of which any part moves through a high impact area.	<u>\$300</u>

* No application processing fees for a special event that is open to the public and being conducted at the Dallas Farmers Market as produced by the Dallas Farmers Market in compliance with the market’s agreements and covenants with the city.

~~[Not less than 10 days before a special event begins, the special event manager shall deliver notice to every city licensed vendor lawfully operating at or within a location or area in which the special event will be conducted.]~~

(b) Commercial filming permit. An applicant for a commercial filming permit shall pay the following application processing fees:

<u>COMMERCIAL FILMING APPLICATION PROCESSING FEES</u>	
<u>Base Application Fee (per project)</u>	<u>\$50</u>
<i><u>In addition, select the applicable daily fee:</u></i>	
<u>Commercial Filming (Simple) - B-roll (Permit required for city property only) with unlimited locations; and/or, filming activity at one location with no parking restrictions, no street/lane closures, or no intermittent traffic control (Permit required for City Property only).</u>	<u>\$25</u>
<u>Commercial Filming (Moderate) - No street/lane closures; maximum two locations; includes legal parking restrictions and intermittent traffic control.</u>	<u>\$100</u>
<u>Commercial Filming (Complex) - Any street/lane closure or need for a traffic control plan; maximum two locations; and/or filming effects on private or public property that may disrupt public safety such as depicting a crime or the use of firearms, prop weapons, special effects, stunts, car chases, or pyrotechnics in view or hearing of the general public or adjacent properties.</u>	<u>\$300</u>
<i><u>In addition, select the applicable other fees:</u></i>	
<u>Additional Single Location (exceeding the minimum two per day)</u>	<u>\$50</u>
<u>Retroactive B-roll - Per location (related to a current active permit only).</u>	<u>\$150</u>
*Project-based filming will be assessed a maximum application processing fee of \$1,250 for a project that includes up to seven filming days.	

(1) Student filming that meets the requirements of Section 42A-21(1) is exempt from the fees in this subsection.

(2) Project-based filming will be assessed a maximum application processing fee of \$500 for a project that includes three or fewer filming days, and a maximum application processing fee of \$1,000 for a project that includes four or more filming days. [The notice must include:

(1) ~~the date, hours, and location of the special event;~~

(2) ~~any special requirements that the city licensed vendor must meet to operate at the special event, including:~~

(A) ~~any locations from which the vendor is prohibited from vending, a map of which must be included with the notice;~~

(B) ~~any designated food, beverage, or product brand being promoted by the special event sponsor that the vendor is required to sale or advertise, provided that the vendor is only required to make expenditures for the actual food, beverage, or product to be sold; and~~

(C) ~~any special payment procedures for the sale of any food, beverage, product, or service;~~

(3) ~~a statement that the special event manager may be contacted with any questions or comments concerning the special event.]~~

(c) Neighborhood market. An applicant for a neighborhood market permit shall pay the following application processing fees:

<u>NEIGHBORHOOD MARKET ANNUAL APPLICATION PROCESSING FEES</u>	
<u>Base Application Fee</u>	<u>\$100</u>
<u>Per every 10 vendors</u>	<u>\$25</u>
<u>Street Closure Fee - Simple (1 block, no intersections)</u>	<u>\$50</u>

(d) Streetlight pole banners. An applicant for a streetlight pole banner shall pay the following application processing fees:

<u>STREET POLE BANNER APPLICATION PROCESSING FEES</u>	
<u>Base Application Fee</u>	<u>\$100</u>
<u>Per Pole Fee</u>	<u>\$20</u>
<u>Permitted event</u> - First 5 poles at no charge, additional poles will be invoiced at full price (banners must be related to permitted event).	<i><u>5 poles at no charge</u></i>
<u>District Identification Banners</u> – District identification banners do not include short-term event banners designed to promote events, festivals, major sporting events, or tourism programs with specific dates or time periods.	<i><u>No charge</u></i>

~~[The special event manager may order any city licensed vendor who violates the special requirements of the notice to cease, for the duration of the special event, selling or offering for sale food, beverages, goods, or services at any location within 25 feet of the area designated in the special event permit for the conduct of the special event.]~~

(e) Dallas Farmers Market. An applicant for a Dallas Farmers Market neighborhood farmers market permit shall pay an annual application processing fee of \$400.

(f) Additional application processing fees for all permit types.

(1) A late application processing fee of \$40 per day is required, in addition to the applicable application processing fees required by Subsections (a), (b), (c), (d), and (e) of this section, if the application is filed with the director less than the minimum number calendar days required by Sections 42A-12, 42A-21, 42A-28, 42A-36, or 42A-42 before the scheduled activity is to begin. This fee is limited to five days.

(2) An application processing fee of \$50 per minor change to an application requested by the applicant.

(3) An application processing fee of \$5,000 for a full or half street closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(4) An application processing fee of \$2,000 for a partial lane closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(5) An application processing fee of \$500 for a clean zone.

(6) An application processing fee of \$50 if alcohol will be provided at a permitted activity.

(7) An application processing fee of \$150 if alcohol will be sold at a permitted activity.

(g) Additional city department related fees when applicable.

(1) A fee of \$1,500 for the required activation of the office of emergency management for a planned permitted activity where the expected attendance is 30,000 or more.

(2) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for a planned permitted activity.

(3) A rental fee for city equipment and property used by the applicant for a planned permitted activity.

(4) A fee for the number of Dallas police officers, Dallas fire/rescue officers, or vehicles required by Sections 42A-13, 42A-14, 42A-24, and 42A-25 to provide security, crowd control, and traffic control at a permitted activity.

(5) A fee to reimburse the city for direct costs incurred by the city in providing services at a permitted activity; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, public safety, oversight of city facilities and equipment, electrical services, construction, placement and retrieval of city equipment, and other related

services beyond what the city would provide to the general public in the ordinary course of its daily operations.

(6) Fee for all other required permits and licenses must be paid.

(h) Non-profit applicants. The base application fee for all application types will be reduced by 50 percent for a certified 501(c)(3) non-profit applicant.

(i) List of charges. A current list of charges for the items, services, and personnel described in Subsections (g)(3), (4), and (5) and in Subsection (j), and for any other items, services, or personnel that may be required under this chapter, must be maintained by the director and published annually to the office of special events website. The chiefs of the police department and fire-rescue department shall provide to the director the current schedule of charges for the personnel and vehicles described in Subsection (g)(5).

(j) Security deposit. Not less than 10 days before the date of the planned permitted activity, the applicant shall deposit with the appropriate city department an amount equal to a security deposit for any city equipment or property rented under Subsection (g)(3), to be refunded to the applicant if the equipment or property is returned undamaged to the city.

(k) Police and fire/rescue fees. The applicant shall pay any remaining fees owed for all public safety expenses incurred by a special event, commercial filming project, neighborhood market, or Dallas Farmers Market neighborhood farmers market within 15 business days after receipt of an invoice from the city.

(l) Waiver. All or part of the application processing fees required by this section to be paid to the city for a city-sponsored activity may be waived by approval of the city manager or by city council resolution.

(m) Fee credit. If an application or permit is cancelled due to an Act of God and the permitted activity is rescheduled for an available date within 60 days from the original event date, any previously paid application processing fees will be credited toward the rescheduled date [A city licensed vendor commits an offense if he continues to sell or offer for sale food, beverages, goods, or services from a location in violation of the special event manager's order].

~~[ARTICLE II.
SPECIAL EVENT PERMITS.]~~

SEC. 42A-7. INDEMNIFICATION.

An applicant for a permit issued under this chapter shall execute an agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the permitted activity.

SEC. 42A-8. APPEAL FROM DENIAL OR REVOCATION OF A PERMIT.

(a) If the director denies the issuance of a permit or revokes a permit, after three attempts to contact by phone or email, the director shall send the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right of appeal. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(b) The applicant or permit holder may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code.

SEC. 42A-9. AMPLIFIED OUTDOOR SOUND AND LIGHTING.

(a) Except as provided in this section, amplified outdoor sound and lighting is allowed in conjunction with a permit issued under this chapter only between the hours of 8:00 a.m. and 10:00 p.m.

(b) The director may grant a variance to Subsection (a) if he determines that allowing outdoor amplified sound or lighting during additional hours will not result in an excessive negative impact on the quality of life of surrounding residences and businesses.

SEC. 42A-10. HIGH IMPACT AREAS.

(a) The director shall publish a list of high impact areas on the office of special events website annually.

(b) A committee shall meet at least once annually to determine the list of high impact areas. The committee must be comprised of the office of special events and representatives of at least five city departments and partner agencies.

(c) The committee shall consider the following factors in determining which areas to designate as high impact areas:

- (1) Construction in the area.
- (2) Complaints received by the director.
- (3) Input from citizens.
- (4) Historical event and location knowledge of committee members.

SEC. 42A-11.

CLEAN ZONE.

(a) The operational restrictions within a clean zone are imposed to negate the impact of a planned permitted activity on neighboring businesses and residents and to protect the integrity of the host and sponsors of the permitted activity. A clean zone does not affect any existing operations, signage, or permitted activity associated with a business’s typical operations.

(b) The director may designate the duration and geographic boundaries of a clean zone following consultation with the chief of police and all applicable departments.

(c) The boundaries of a clean zone, as well as any requirements and restrictions for the clean zone, must be in writing and included in the terms of the permit.

(d) If a clean zone is approved, the applicant shall deliver notice a minimum of seven days before the permitted activity begins, at the applicant’s expense, to all registered homeowners’ associations, religious institutions, schools, and owners or occupants of real property within the boundaries of the area of the clean zone. Notice must include, but not be limited to, the location, boundaries, effective dates and times, and the requirements and restrictions of the clean zone. Complete documentation of this effort must be submitted to the director and approved prior to permit issuance.

ARTICLE II.
SPECIAL EVENT PERMITS.

SEC. 42A-12.

APPLICATION; ISSUANCE.

(a) A person desiring to hold a special event shall submit an online [apply for a special event permit by filing with the special event manager a written] application with the office of special events [upon a form provided for that purpose. Each application must be accompanied by the required application fee]. An application must be filed not less than the number of calendar [45] days indicated in the following table before the special event is to begin. The director [special event manager] may waive the [45-day] filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar [45] days indicated on the chart, taking into consideration the number and types of additional licenses and permits that may be required to be issued in conjunction with the special event permit and the extent of public safety, department, or agency review required based on the scope of the event.

<u>APPLICATION SUBMISSION DUE DEADLINES</u>	
<u>No Street Closures</u>	<u>30 calendar days</u>
<u>Static Street Closures</u>	<u>60 calendar days</u>

<u>Moving Events</u>	<u>120 calendar days</u>
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(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a special event permit will be issued. All requirements must be met prior to permit issuance. [~~contain the following information:~~

~~(1) the name, address, and telephone number of the applicant and of any other persons responsible for the conduct of the special event;~~

~~(2) a description of the special event, including any historical and promotional information, and requested dates and hours of operation for the event;~~

~~(3) the estimated number of participants and spectators at the special event;~~

~~(4) a drawing showing the area or route to be used during the special event, along with proposed structures, tents, fences, barricades, signs, banners, and restroom facilities;~~

~~(5) provisions for parking with a designation of where “No Parking” signs will be used;~~

~~(6) details of how applicant proposes to provide for security, crowd control, and traffic control and for any medical or other emergency;~~

~~(7) the time and location of street closings, if any are requested;~~

~~(8) details of the sale of merchandise or the sale or serving of food or alcoholic or nonalcoholic beverages at the special event, designating any street vendors or peddlers involved;~~

~~(9) a description of animals to be used in the special event, if any;~~

~~(10) a description of each motor vehicle to be used in the special event and proof that each vehicle is covered by insurance meeting the minimum requirements of:~~

~~(A) Section 42A-10 of this chapter, if the estimated number of participants and spectators at the special event exceeds 2,500 for any day of the event; or~~

~~(B) the Texas Motor Vehicle Safety Responsibility Act (Chapter 601, Texas Transportation Code), as amended, if the estimated number of participants and spectators at the special event does not exceed 2,500 for any day of the event;~~

~~(11) the name of each person who will operate a motor vehicle as part of the special event and proof that each person holds a valid driver’s license;~~

(12) ~~details of how the applicant will clean up the area used after the special event, if on public property;~~

(13) ~~proof that the applicant possesses or is able to obtain all licenses and permits required by this code or other city ordinance or by state law for the conduct of the special event;~~

(14) ~~if the applicant is a corporation, copies of a current certificate of account status issued by the Texas Comptroller's Office and a current certificate of existence issued by the Texas Secretary of State's Office, or, if the corporation is not incorporated in or holding a certificate of authorization in the State of Texas, copies of similar current certificates from the state in which the corporation is incorporated; and~~

(15) ~~a description (including but not limited to the name, date, location, and size) of each special event that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.]~~

(c) Upon receipt of the completed application, the director [~~special event manager~~] shall forward a copy of the application to all applicable city departments and partner agencies for review [~~the building official, to the departments of police, fire rescue, equipment and building services, risk management, transportation, sanitation services, and code compliance, and to Dallas area rapid transit (DART)]. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by city departments and partner agencies. If any part of the scheduled activity [~~special event~~] is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director [~~special event manager~~] shall also include [~~forward a copy of the application to~~] the entity [~~department~~] that manages or controls the exempt property in the review of the application. Each department and partner agency [~~DART~~] shall review the application and return it, with any comments, to the director [~~special event manager~~] within 10 business [~~working~~] days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.~~

(d) If the proposed scheduled activity will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the scheduled activity on the property with the authorization including the date and time of the scheduled activity. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request. [The departments, DART, and the special event manager may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a special event, to be incorporated into the permit before issuance.]

(e) The director may cancel a special event permit application if:

(1) a special event permit has been granted or is in the review process for another special event at the same or a nearby place and the same time;

(2) an established special event is customarily held at the same or a nearby place and the same time as the proposed special event;

(3) the proposed special event will occupy any part of a freeway, expressway, or tollway;

(4) the proposed special event will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(5) the proposed special event cannot comply with high impact area parameters;

(6) the applicant makes a false statement of material fact on an application for a special event permit or fails to properly complete an application for a special event permit;

(7) the applicant received within the preceding 14 months, two or more notices of violation or citations related to a provision of a special event permit or this chapter;

(8) the applicant has conducted or sponsored one or more special events within the city on at least 60 days of the same calendar year during which the proposed special event is to be held; or

(9) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(f) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, after the five-month courtesy review, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing and confirming all permit requirements have been met [the application and comments], the director [special event manager] shall issue the special event permit unless denial or revocation is required by Section 42A-20 [42A-13]. Except as provided in this subsection, a [A] special event permit will be issued for a period not to exceed 10 consecutive days. A special event permit for a city-sponsored event on city hall plaza will be issued for a period not to exceed 30 consecutive days. A special event permit may be extended [renewed, without payment of the application fee,] for additional consecutive 10-day periods not to exceed 60 days in a calendar year [during which a special event will be conducted, unless the time limitations set forth in Section 42A-13(a)(12) of this chapter would be exceeded]. All applicable fees must be paid for any permit extension.

(k) In granting a permit, the city may provide city services and equipment for city-sponsored activities and other events in accordance with the city's special event in-kind sponsorship guidelines and subject to approval of the city manager.

[SEC. 42A-8. FEES.]

~~(a) Special event permit. An applicant for a special event permit shall pay the following fees to conduct the special event:~~

~~(1) A nonrefundable application fee of:~~

~~(A) \$30 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 75 but does not exceed 200;~~

~~(B) \$50 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 200 but does not exceed 400;~~

~~(C) \$75 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 400 but does not exceed 800;~~

~~(D) \$100 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 800 but does not exceed 1,000;~~

~~(E) \$250 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 1,000 but does not exceed 20,000;~~

~~(F) \$500 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 20,000;~~

~~(G) \$250 for a special event involving commercial filming activity, regardless of the estimated number of participants and spectators in any day of the event, except that the fee is \$50 if the special event requires:~~

~~(i) only street closings and/or traffic management services; or~~

~~(ii) only the hooding of parking meters; and~~

~~(H) no application fee for a special event that is open to the public and being conducted at the Dallas Farmers Market in compliance with the market's agreements and covenants with the city.~~

~~(2) All fees for permits and licenses required by other city ordinances to conduct specific activities in conjunction with or as part of the special event.~~

~~(3) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for the special event.~~

~~(4) A rental fee for city equipment and property, including but not limited to barricades and street fixtures, used by the applicant for the special event.~~

~~(5) A fee for the number of Dallas police officers required by Section 42A-12 to provide security, crowd control, and traffic control at the special event.~~

~~(6) A fee to reimburse the city for direct costs incurred by the city in providing services at the special event; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, electrical services, construction, placement of "No Parking" signs and other traffic control devices, and other related services beyond what the city would provide to the general public in the ordinary course of its daily operations.~~

~~(7) A fee of \$40, in addition to the applicable application fee required by Paragraph (1) of this subsection, if:~~

~~(A) the application for a special event is filed with the special event manager less than 45 days before the special event is scheduled to begin; or~~

~~(B) changes are requested to a previously submitted application that, in the opinion of the special event manager, substantially modify the scope or nature of the special event.~~

~~(8) A fee for the number of Dallas emergency medical personnel and emergency medical vehicles required by Section 42A 11.1 to provide first aid and emergency medical services at the special event.~~

~~(b) A current list of charges for the items, services, and personnel described in Subsections (a)(4), (5), (6), and (8) and in Subsection (c)(3) must be maintained in the special event manager's office and made available for public inspection during normal business hours. The chief of the police department shall provide to the special event manager the current schedule of charges for the personnel described in Subsection (a)(5), and the chief of the fire-rescue department shall provide to the special event manager the current schedule of charges for the personnel and vehicles described in Subsection (a)(8).~~

~~(c) Not less than 10 days before the date of the special event as shown on the special event permit, the applicant shall deposit with the special event manager an amount equal to:~~

~~(1) all permit and license fees required by Subsection (a)(2);~~

~~(2) one third of the estimated fees required by Subsections (a)(3), (4), and (6);~~

~~and~~

~~(3) a security deposit for any city equipment or property rented under Subsection (a)(4), to be refunded to the applicant if the equipment or property is returned undamaged to the city.~~

~~(d) The applicant shall pay any remaining fees owed the city for a special event within 60 days after the special event ends. The applicant may, upon written request to the special event manager, obtain a refund of any fee deposited with the special event manager for a service that the city did not provide for the special event.~~

~~(e) All or part of the fees required by Subsection (a) to be paid to the city for a city-sponsored special event may be waived by city council resolution.}]~~

SEC. 42A-13.

SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.

(a) An applicant for a special event permit shall provide police officers for security, crowd control, and traffic control at the special event in accordance with Subsection (b) and the following schedule:

<u>Number of Participants and Spectators at Special Event</u>	<u>Minimum Number of Police Officers Required*</u>
<u>0 to 250</u>	<u>0 or 2</u>
<u>251 to 1,500</u>	<u>2 - 4</u>
<u>1,501 to 3,000</u>	<u>4 - 6</u>

<u>3,001 to 5,000</u>	<u>6 - 15</u>
<u>over 5,000</u>	<u>15 plus 1 police officer for every 1,000 participants and spectators over 5,000 at the special event</u>

* The minimum number of officers in the above table may vary depending on the scope of the event, the sale or service of alcohol, on-stage talent, event geography, historical knowledge of the event, police intelligence, and any other factor that is determined to impact public safety.

(b) The director, upon recommendation from the chief of the Dallas police department, may require a number of police officers, in addition to those required in Subsection (a), if:

(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;

(2) special needs for increased security, crowd control, or traffic control are created by:

(A) the topography or size of the special event location;

(B) weather conditions at the special event; or

(C) the time of day during which the special event is conducted;

(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic; or

(4) the history of the particular special event indicates that a greater number of police officers are required to protect the public health, safety, and welfare.

(c) The police officers required to be provided at a special event by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a special event applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police officers will be available for a particular special event. Off-duty jobs for Dallas police officers at a special event must comply with the Dallas Police Department General Orders and Code of Conduct.

(d) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the event, as well as at the special event site the day of the special event, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the special event site within one hour of being contacted by telephone or email.

(e) If the police department requires a traffic control plan in conjunction with a special event, the plan must be submitted in the standard format approved by the director.

(f) A traffic control plan required by Subsection (e) must receive approval from applicable city departments.

SEC. 42A-14. EMERGENCY MEDICAL SERVICES.

(a) An applicant for a special event permit shall provide, in accordance with Subsection (b) and the following schedule, emergency medical personnel and emergency medical vehicles to perform first aid and emergency medical services at the special event as required in the preliminary letter:

<u>NUMBER OF EMERGENCY MEDICAL PERSONNEL/VEHICLES REQUIRED</u> <u>(based on estimated total attendance and scope of the special event)</u>					
<u>Type of Emergency Medical Personnel or Vehicle Required</u>	<u>1 - 100 participants/ spectators</u>	<u>101 - 3,000 participants/ spectators</u>	<u>3,001 - 5,000 participants/ spectators</u>	<u>5,001 - 25,000 participants/ spectators</u>	<u>Over 25,000 participants/ spectators</u>
<u>Paramedics</u>	<u>0</u>	<u>2</u>	<u>6</u>	<u>8</u>	<u>14</u>
<u>EMS Supervisors</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>3</u>	<u>5</u>
<u>Emergency Medical Vehicles</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>7</u>

The fire chief may determine, based on the event scope, special needs, or risks, that emergency medical services will be provided via the 911 emergency response system.

(b) The director, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, in addition to those required in Subsection (a), if:

- (1) any alcoholic beverage is sold, served, or otherwise made available at the special event;
- (2) special needs for increased emergency medical services are created by:
 - (A) the topography or size of the special event location;

(B) weather conditions at the special event; or

(C) the time of day during which the special event is conducted;

(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the special event;

(4) the special event involves specific activities that create a higher risk of illness or injury to persons participating in or attending the event, including but not limited to rodeos, sporting or athletic events, events involving motor vehicles, or marathons; or

(5) the history of the particular special event indicates that a greater number of emergency medical personnel or emergency medical vehicles are required to protect the public health, safety, and welfare.

(c) The emergency medical personnel required to be provided at a special event by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire- rescue department may authorize a special event applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular special event. Off-duty jobs for Dallas fire- rescue officers at a special event must comply with the Dallas Fire-Rescue Rules and Regulations.

SEC. 42A-15.

INSURANCE.

(a) An applicant for a permit to hold a special event in which the estimated number of participants and spectators exceeds 2,500 for any day of the event shall procure and keep in full force and effect for the duration of the event insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the special event by the applicant.

(b) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than:

(A) \$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) \$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(2) If a special event includes vehicles, aircraft, or other equipment, devices, or activities that are excluded from coverage in the commercial general liability insurance policy required in Paragraph (1) of this subsection, then separate additional liability insurance coverage for the applicable exclusion must be provided by the applicant or the aircraft provider with combined single limits of liability for bodily injury and property damage of not less than:

(A) \$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) \$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(3) If any alcoholic beverage is sold, served, or otherwise made available at the special event, then separate additional liquor liability insurance must be provided by the alcoholic beverage license holder in an amount of not less than \$1,000,000 for each claim.

(4) If any fireworks, pyrotechnics, explosives, or other special effects are displayed at the special event, then separate additional general liability insurance must be provided by the pyrotechnics company in an amount of not less than \$3,000,000 for each claim.

(5) If security guards (other than Dallas police officers or city staff) are used at the special event, then separate additional security guard liability insurance must be provided by the security guard company in an amount of not less than \$1,000,000 for each claim.

(6) If emergency response or first aid stations (other than stations staffed by only Dallas fire-rescue officers or city staff) are provided at the special event, then separate additional medical liability insurance must be provided by the applicant in an amount of not less than \$1,000,000 for each claim, and if ambulance service (other than service provided by Dallas fire-rescue officers and vehicles) is provided, then separate additional automobile liability insurance must be provided by the emergency response or ambulance provider in an amount of not less than \$1,000,000 combined single limit for each claim.

(7) If amusement rides are provided at the special event, proof of separate additional general liability insurance meeting the state liability and coverage requirements for each particular ride must be provided by the applicant or the amusement ride provider, along with a current certificate of inspection for each ride.

(8) If animals are part of the special event, then separate additional general liability insurance covering any bodily injury and property damage caused by animals must be provided by the applicant or the animal provider in an amount of not less than \$500,000 for each claim.

(9) If the special event is conducted at a city-owned facility, general liability insurance must be provided by the applicant in an amount of not less than \$500,000 for each claim.

(c) In addition to the insurance requirements of Subsection (b) of this section, the director may require additional insurance for a special event if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the special event at the facility or property.

(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the director at least 15 days before the special event begins.

(f) A special event permit will not be issued until the insurance requirements have been verified by the city's third-party provider.

SEC. 42A-16. STREET CLOSURES.

(a) Street closures require approval from applicable partner agencies and city departments.

(b) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow the standard format approved by the director and be approved by the city prior to permit issuance.

(d) All traffic apparatus required to fulfil a traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-17. PARKING.

(a) A complete parking plan must be submitted with each special event application. The director may waive this requirement for special events with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a special event permit.

(d) Meter hooding and no parking zones in connection with a special event must be limited to the shortest time feasible. “No parking” signs must be posted a minimum of 24 hours in advance of the special event and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the event space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(f) When activating an event in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(g) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-18[9].

NOTICE.

(a) An applicant for a permit under this chapter [~~to hold a special event in which the estimated number of participants and spectators exceeds 500 during any day of the special event~~] shall deliver notice[~~;~~]-at [~~least 30 days before the special event begins;~~] the applicant’s expense. The director will determine the most appropriate method of notification according to the following table: [~~deliver notice to all owners or occupants of real property abutting the boundaries of the area in which the special event will be conducted, including all owners or occupants of real property abutting the route of a progressive event such as a special event parade or marathon.~~]

<u>NOTIFICATION REQUIREMENTS</u>							
<u>COMMUNICATION TYPES</u>	<u>NO STREET CLOSURE</u>	<u>STATIC CLOSURE EVENTS</u>			<u>MOVING EVENTS</u>		
		<u>Simple</u>	<u>Moderate</u>	<u>Complex</u>	<u>Simple</u>	<u>Moderate</u>	<u>Complex</u>
<u>Notifications are NOT required for outdoor events with an expected attendance of 250 or fewer people and with no street/lane closures.</u>	<u>X</u>						
<u>Neighborhood/Residential based events: notify all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date utilizing a minimum of two of the following communication methods: email distribution; electronic notification through web app. e.g. NextDoor; yard signs along the event footprint; posting in a neighborhood association/PTA/PTO newsletter and/or social media page; hand delivered; or mailed.</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 30 days prior to the event date (mail, hand delivered, or door hanger).</u>				<u>X</u>			<u>X</u>
<u>Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date (mail, hand delivered, or door hanger). Zone specific communication pieces apply.</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Direct communication and notification is required via in-person or phone and a follow-up email to all major employers; multi-family housing; places of worship; and neighborhood associations abutting the event area and all those impacted by the event.</u>			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Contact Waze, Google etc. to request street closures be posted.</u>				<u>X</u>		<u>X</u>	<u>X</u>
<u>Council members are encouraged to post district specific event details to social media.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

<u>Council members are encouraged to distribute district specific street closure details to stakeholders from OSE weekly report.</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Develop targeted (zone specific) communication. Utilize digital neighborhood based platforms and available databases to communicate street closures specific to neighborhoods and business zones impacted.</u>					<u>X</u>	<u>X</u>	<u>X</u>
<u>Develop targeted (zone specific) communication. Provide OSE a final communication piece to distribute to community stakeholders through the City Council Office and OSE (available database).</u>				<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>OSE to create and distribute a Traffic Advisory.</u>				<u>X</u>			<u>X</u>
<u>OSE to create and distribute a City Hall Announcement for all City Hall Plaza permitted events and all events that impact city hall garage access.</u>	<u>X</u>			<u>X</u>			<u>X</u>
<u>OSE to post event to web calendar with hyperlink to event website for maps, street closures, rerouting information etc.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Provide communication piece to be distributed by OSE through OSE email database (to be developed).</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

The director will determine the specific notification requirements based on a variety of factors including but not limited to: event size, dates, times, footprint, anticipated impact, and historical knowledge of the event.

(b) Notice must include any information that is required to be provided in the template approved by the director prior to distribution. [The notice must be delivered to the address of each abutting property.

(e) ~~The notice must state that an application for a special event permit has been filed for the location and that interested persons may contact the special event manager with their comments.~~

SEC. 42A-10. INSURANCE.

(a) ~~An applicant for a permit to hold a special event in which the estimated number of participants and spectators exceeds 2,500 for any day of the event shall procure and keep in full force and effect for the duration of the event insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers and employees as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the special event by the applicant.~~

(b) Insurance is required in the following types and amounts:

(1) ~~Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than:~~

(A) ~~\$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or~~

~~(B) \$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.~~

~~(2) If a special event includes vehicles, aircraft, or other equipment, devices, or activities that are excluded from coverage in the commercial general liability insurance policy required in Paragraph (1) of this subsection, then separate additional liability insurance coverage for the applicable exclusion must be provided with combined single limits of liability for bodily injury and property damage of not less than:~~

~~(A) \$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or~~

~~(B) \$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.~~

~~(3) If any alcoholic beverage is sold, served, or otherwise made available at the special event, then separate additional liquor liability insurance must be provided by the alcoholic beverage license holder in an amount of not less than \$1,000,000 for each claim.~~

~~(4) If any fireworks or other special effects are displayed at the special event, then separate additional general liability insurance must be provided by the pyrotechnics company in an amount of not less than \$3,000,000 for each claim.~~

~~(5) If security guards (other than Dallas police officers or city staff) are used at the special event, then separate additional security guard liability insurance must be provided by the security guard company in an amount of not less than \$1,000,000 for each claim.~~

~~(6) If emergency response or first aid stations (other than stations staffed by only Dallas fire rescue officers or city staff) are provided at the special event, then separate additional medical liability insurance must be provided by the applicant in an amount of not less than \$1,000,000 for each claim, and if ambulance service (other than service provided by Dallas fire rescue officers and vehicles) is provided, then separate additional automobile liability insurance must be provided by the ambulance provider in an amount of not less than \$1,000,000 combined single limit for each claim.~~

~~(7) If amusement rides are provided at the special event, proof of separate additional general liability insurance meeting the state liability and coverage requirements for each particular ride must be provided by the applicant, along with a current certificate of inspection for each ride.~~

~~(8) If animals are part of the special event, then separate additional general liability insurance covering any bodily injury and property damage caused by animals must be provided by the applicant in an amount of not less than \$500,000 for each claim.~~

~~(9) If the special event is conducted at a city owned facility that is not covered by insurance requirements established by a city lease and use agreement, then separate~~

additional general liability insurance must be provided by the applicant in an amount of not less than \$500,000 for each claim.

~~(e) In addition to the insurance requirements of Subsection (b) of this section, the special event manager may require additional insurance for a special event if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.~~

~~(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the special event at the facility or property.~~

~~(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the special event manager at least 10 days before the special event begins.~~

SEC. 42A-11. INDEMNIFICATION.

An applicant for a special event permit must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the special event.

SEC. 42A-11.1. EMERGENCY MEDICAL SERVICES.

~~(a) An applicant for a special event permit shall provide, in accordance with Subsection (b) and the following schedule, emergency medical personnel and emergency medical vehicles to perform first aid and emergency medical services at the special event:~~

[MINIMUM NUMBER OF EMERGENCY MEDICAL PERSONNEL/VEHICLES REQUIRED (based on number of participants and spectators at the special event)]					
Type of Emergency Medical Personnel or Vehicle Required	1 - 2,500 participants/ spectators	2,501 - 10,000 participants/ spectators	10,001 - 25,000 participants/ spectators	25,001 - 50,000 participants/ spectators	Over 50,000 participants/ spectators
Paramedics	0	4	8	8	10
EMS Supervisors	0	1	2	3	3
Emergency Medical	0	1	1	2	2]

Vehicles					
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~~(b) The special event manager, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, in addition to those required in Subsection (a), if:~~

- ~~(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;~~
- ~~(2) special needs for increased emergency medical services are created by:

 - ~~(A) the topography or size of the special event location;~~
 - ~~(B) weather conditions at the special event; or~~
 - ~~(C) the time of day during which the special event is conducted;~~~~
- ~~(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the special event;~~
- ~~(4) the special event involves specific activities that create a higher risk of illness or injury to persons participating in or attending the event, including but not limited to rodeos, sporting or athletic events, events involving motor vehicles, or marathons; or~~
- ~~(5) the history of the particular special event indicates that a greater number of emergency medical personnel or emergency medical vehicles are required to protect the public health, safety, and welfare.~~

~~(e) The emergency medical personnel required to be provided at a special event by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire-rescue department may authorize a special event applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular special event. Off-duty jobs for Dallas fire-rescue officers at a special event must comply with the Dallas Fire-Rescue Rules and Regulations.~~

SEC. 42A-12. SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.

~~(a) An applicant for a special event permit shall provide police officers for security, crowd control, and traffic control at the special event in accordance with Subsection (b) and the following schedule:~~

Number of Participants and Spectators at Special Event	Minimum Number of Police Officers Required
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0 to 250	0
251 to 1,500	2
1,501 to 3,000	4
3,001 to 5,000	6
over 5,000	6 plus 1 police officer for every 1,000 participants and spectators over 5,000 at the special event

~~(b) The special event manager, upon recommendation of the chief of the Dallas police department, may require a number of police officers, in addition to those required in Subsection (a), if:~~

- ~~(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;~~
- ~~(2) special needs for increased security, crowd control, or traffic control are created by:
 - ~~(A) the topography or size of the special event location;~~
 - ~~(B) weather conditions at the special event; or~~
 - ~~(C) the time of day during which the special event is conducted;~~~~
- ~~(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic; or~~
- ~~(4) the history of the particular special event indicates that a greater number of police officers are required to protect the public health, safety, and welfare.~~

~~(c) The police officers required to be provided at a special event by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a special event applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police officers will be available for a particular special event. Off duty jobs for Dallas police officers at a special event must comply with the Dallas Police Department General Orders and Code of Conduct.]~~

SEC. 42A-19[12.1]. PORTABLE RESTROOM AND TRASH RECEPTACLE REQUIREMENTS.

(a) An applicant for a special event permit shall provide portable restrooms and trash receptacles at the special event in accordance with Subsection (b) and the following table:

MINIMUM NUMBER OF RESTROOM UNITS AND TRASH RECEPTACLES REQUIRED										
EXPECTED ATTENDANCE	HOURS OF EVENT									
	1	2	3	4	5	6	7	8	9	10
<u>500 - 599</u>	<u>2</u>	<u>4</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>9</u>	<u>9</u>	<u>10</u>	<u>12</u>
<u>600 - 699</u>	<u>2</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>7</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
<u>700 - 799</u>	<u>3</u>	<u>5</u>	<u>6</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>10</u>	<u>10</u>	<u>11</u>	<u>12</u>
<u>800 - 899</u>	<u>3</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>8</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>
<u>900 - 999</u>	<u>4</u>	<u>6</u>	<u>7</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>11</u>	<u>11</u>	<u>12</u>	<u>13</u>
<u>1,000 - 1,999</u>	<u>4</u>	<u>6</u>	<u>8</u>	<u>8</u>	<u>9</u>	<u>9</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>13</u>
<u>2,000 - 2,999</u>	<u>5</u>	<u>6</u>	<u>9</u>	<u>12</u>	<u>14</u>	<u>16</u>	<u>18</u>	<u>20</u>	<u>23</u>	<u>25</u>
<u>3,000 - 3,999</u>	<u>6</u>	<u>9</u>	<u>12</u>	<u>16</u>	<u>20</u>	<u>24</u>	<u>26</u>	<u>30</u>	<u>34</u>	<u>38</u>
<u>4,000 - 4,999</u>	<u>8</u>	<u>13</u>	<u>16</u>	<u>22</u>	<u>25</u>	<u>30</u>	<u>35</u>	<u>40</u>	<u>45</u>	<u>50</u>
<u>5,000 - 5,999</u>	<u>12</u>	<u>15</u>	<u>20</u>	<u>25</u>	<u>31</u>	<u>38</u>	<u>44</u>	<u>50</u>	<u>56</u>	<u>63</u>
<u>6,000 - 6,999</u>	<u>13</u>	<u>17</u>	<u>24</u>	<u>30</u>	<u>37</u>	<u>45</u>	<u>53</u>	<u>60</u>	<u>67</u>	<u>75</u>
<u>7,000 - 7,999</u>	<u>13</u>	<u>19</u>	<u>27</u>	<u>35</u>	<u>44</u>	<u>53</u>	<u>62</u>	<u>70</u>	<u>79</u>	<u>88</u>
<u>8,000 - 8,999</u>	<u>14</u>	<u>21</u>	<u>31</u>	<u>40</u>	<u>50</u>	<u>60</u>	<u>70</u>	<u>80</u>	<u>90</u>	<u>100</u>
<u>9,000 - 9,999</u>	<u>14</u>	<u>23</u>	<u>34</u>	<u>45</u>	<u>57</u>	<u>68</u>	<u>79</u>	<u>90</u>	<u>102</u>	<u>113</u>
<u>10,000 - 14,999</u>	<u>15</u>	<u>25</u>	<u>38</u>	<u>50</u>	<u>63</u>	<u>75</u>	<u>88</u>	<u>100</u>	<u>113</u>	<u>125</u>
<u>15,000 - 19,999</u>	<u>20</u>	<u>38</u>	<u>56</u>	<u>75</u>	<u>94</u>	<u>113</u>	<u>131</u>	<u>150</u>	<u>169</u>	<u>188</u>
<u>20,000 - 24,999</u>	<u>25</u>	<u>50</u>	<u>75</u>	<u>100</u>	<u>125</u>	<u>150</u>	<u>175</u>	<u>200</u>	<u>225</u>	<u>250</u>
<u>25,000 - 29,999</u>	<u>38</u>	<u>69</u>	<u>99</u>	<u>130</u>	<u>160</u>	<u>191</u>	<u>221</u>	<u>252</u>	<u>282</u>	<u>313</u>
<u>30,000 - 34,999</u>	<u>46</u>	<u>82</u>	<u>119</u>	<u>156</u>	<u>192</u>	<u>229</u>	<u>266</u>	<u>302</u>	<u>339</u>	<u>376</u>
<u>35,000 - 39,999</u>	<u>53</u>	<u>96</u>	<u>139</u>	<u>181</u>	<u>224</u>	<u>267</u>	<u>310</u>	<u>352</u>	<u>395</u>	<u>438</u>
<u>40,000 - 44,999</u>	<u>61</u>	<u>109</u>	<u>158</u>	<u>207</u>	<u>256</u>	<u>305</u>	<u>354</u>	<u>403</u>	<u>452</u>	<u>501</u>
<u>45,000 - 49,999</u>	<u>68</u>	<u>123</u>	<u>178</u>	<u>233</u>	<u>288</u>	<u>343</u>	<u>398</u>	<u>453</u>	<u>508</u>	<u>563</u>
<u>50,000 - 54,999</u>	<u>76</u>	<u>137</u>	<u>198</u>	<u>259</u>	<u>320</u>	<u>381</u>	<u>442</u>	<u>503</u>	<u>564</u>	<u>626</u>
<u>55,000 - 59,999</u>	<u>83</u>	<u>150</u>	<u>217</u>	<u>285</u>	<u>352</u>	<u>419</u>	<u>486</u>	<u>554</u>	<u>621</u>	<u>688</u>
<u>60,000 - 64,999</u>	<u>91</u>	<u>164</u>	<u>237</u>	<u>311</u>	<u>384</u>	<u>457</u>	<u>531</u>	<u>604</u>	<u>677</u>	<u>751</u>
<u>65,000 - 69,999</u>	<u>98</u>	<u>177</u>	<u>257</u>	<u>336</u>	<u>416</u>	<u>495</u>	<u>575</u>	<u>654</u>	<u>734</u>	<u>813</u>

<u>70,000 – 74,999</u>	<u>106</u>	<u>191</u>	<u>277</u>	<u>362</u>	<u>448</u>	<u>533</u>	<u>619</u>	<u>704</u>	<u>790</u>	<u>876</u>
<u>75,000 – 79,999</u>	<u>113</u>	<u>205</u>	<u>296</u>	<u>388</u>	<u>480</u>	<u>571</u>	<u>663</u>	<u>755</u>	<u>846</u>	<u>938</u>
<u>80,000 – 84,999</u>	<u>121</u>	<u>218</u>	<u>316</u>	<u>414</u>	<u>512</u>	<u>609</u>	<u>707</u>	<u>805</u>	<u>903</u>	<u>1001</u>
<u>85,000 – 89,999</u>	<u>128</u>	<u>232</u>	<u>336</u>	<u>440</u>	<u>544</u>	<u>647</u>	<u>751</u>	<u>855</u>	<u>959</u>	<u>1063</u>
<u>90,000 – 94,999</u>	<u>136</u>	<u>246</u>	<u>356</u>	<u>466</u>	<u>576</u>	<u>686</u>	<u>796</u>	<u>906</u>	<u>1016</u>	<u>1126</u>
<u>95,000 – 99,999</u>	<u>143</u>	<u>259</u>	<u>375</u>	<u>491</u>	<u>607</u>	<u>724</u>	<u>840</u>	<u>956</u>	<u>1072</u>	<u>1188</u>
<u>100,000 or more</u>	<u>151</u>	<u>273</u>	<u>395</u>	<u>517</u>	<u>639</u>	<u>762</u>	<u>884</u>	<u>1006</u>	<u>1128</u>	<u>1251</u>

[MINIMUM NUMBER OF RESTROOM UNITS REQUIRED]										
Estimated Number of Participants and Spectators Attending Event Daily	Length of Event (in hours) Per Day									
	1	2	3	4	5	6	7	8	9	10
1–50	1	1	1	1	2	2	2	2	2	2
51–100	2	2	2	2	2	3	3	3	3	3
101–250	3	3	3	3	4	4	4	6	6	6
251–500	4	4	4	4	6	6	8	8	8	8
501–1,000	4	5	6	7	7	8	8	8	9	9
1,001–2,000	6	10	12	13	14	14	14	15	15	15
2,001–3,000	9	14	17	19	20	21	21	21	21	21
3,001–4,000	12	19	23	25	28	28	28	30	30	30
4,001–5,000	15	23	32	32	34	36	36	36	36	36
5,001–6,000	17	28	34	38	40	42	42	42	42	42
6,001–7,000	20	32	40	44	46	48	50	50	50	50
7,001–8,000	23	38	46	50	54	57	57	57	57	57
8,001–10,000	30	46	57	63	66	69	69	72	72	72]

(b) The director [~~special event manager~~] may require additional restroom units if:

- (1) the estimated number of participants and spectators exceeds 100,000 during any day of the special event;
- (2) the estimated duration of the special event exceeds 10 hours on any day of the event;

(3) any alcoholic beverage is sold, served, or otherwise made available at the special event; or

(4) the history of the particular special event indicates that a greater number of portable restroom units are required for the public health, safety, and welfare.

(c) At least five percent of the portable restrooms required by this section must comply with the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12101, et seq.

(d) The director may reduce restroom requirements with written confirmation that restrooms will be serviced during the permitted event.

SEC. 42A-~~20~~[13]. DENIAL OR REVOCATION.

(a) The director [~~special event manager~~] shall deny a special event permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter; [~~a special event permit has been granted for another special event at the same place and time;~~]

(2) [~~an established special event is customarily held at the same place and time as the proposed special event;~~

(3) ~~the proposed special event will occupy any part of a freeway, expressway, or tollway;~~

(4) ~~the proposed special event will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;~~

(5) ~~the applicant fails to adequately provide for:~~

(A) ~~the protection of special event participants and spectators;~~

(B) ~~maintenance of public order in and around the special event location;~~

(C) ~~security, crowd control, or traffic control, taking into consideration the size of the special event;~~

(D) ~~emergency vehicle access and the provision of emergency medical services and personnel; or~~

(E) ~~portable restroom facilities for the special event as required by Section 42A-12.1.~~

~~(6) the applicant fails to comply with or the proposed special event will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;~~

~~(7) the applicant makes a false statement of material fact on an application for a special event permit or fails to properly complete an application for a special event permit;~~

~~(8)] 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 special event;~~

~~(3[9]) the applicant has had a special event permit revoked within the preceding 14 months;~~

~~(4[10]) the applicant has received [~~committed~~], within the preceding 14 months, two or more notices of violation[s] or citations related to [~~of~~] a provision of a special event permit or this chapter;~~

~~[(11) the applicant fails to pay any outstanding fees assessed under Section 42A-8 of this chapter for the proposed special event or for a past special event;~~

~~(12) the applicant has conducted or sponsored one or more special events within the city on at least 60 days of the same calendar year during which the proposed special event is to be held, except that this 60-day limitation does not apply to a special event that:~~

~~(A) involves a commercial movie production; or~~

~~(B) is being conducted at the Dallas Farmers Market in compliance with the market's agreements and covenants with the city;]~~

~~(5[13]) the chief of the police department, the chief of the fire-rescue department, or the director [~~special event manager~~] determines that the special event would pose a serious threat to the public health, safety, or welfare;~~

~~(6[14]) the applicant or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;~~

~~(7[15]) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;~~

~~[(16) an event has been previously scheduled for the same time on property described in Section 42A-5(1) that is adjacent to the location of the proposed special event; or~~

~~(17) 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 42A-7(b)(14);~~

~~(8) the director is notified of any code violation on the property where the special event will be held; or~~

~~(9) an event will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.~~

(b) The director [~~special event manager~~] shall revoke a special event permit if:

(1) the applicant fails to comply with or the special event is in violation of any provision of the special event permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a special event permit [~~or failed to properly complete an application for a special event permit~~];

(3) the chief of the police department, the chief of the fire-rescue department, or the director [~~special event manager~~] determines that the special event poses a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the special event location;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 [~~42A-8~~] of this chapter for the proposed special event or for a past special event;

~~(6[5]) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or~~

~~(7[6]) the director is notified of any code violations on the property where the special event will be held. [permit holder, if it is a corporation, failed to provide copies of a current certificate of account status and current certificate of existence as required by Section 42A-7(b)(14).~~

SEC. 42A-14.

~~APPEAL FROM DENIAL OR REVOCATION OF A SPECIAL EVENT PERMIT.~~

~~If the special event manager denies the issuance of a permit or revokes a permit, the special event manager shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant~~

or permit holder may appeal the decision of the special event manager to a permit and license appeal board in accordance with Section 2-96 of this code.]

ARTICLE III.
COMMERCIAL FILMING PERMIT.

SEC. 42A-21. **APPLICATION; ISSUANCE.**

(a) Any person who desires to undertake commercial filming is required to submit an online application with the office of special events. An application must be filed not less than the number of days indicated in the following table before the commercial filming activity is to begin. The director may waive the filing requirement if the application is submitted and the application can be processed in less than the number of days indicated on the chart, taking into consideration the number of additional licenses and permits that may be required to be issued in conjunction with the commercial filming permit and the extent of public safety, department, or agency review required based on the scope of the commercial filming. An activity that qualifies for a commercial filming permit under this article is not required to obtain a special event permit under Article II of this chapter.

<u>Commercial Filming type</u>	<u>Required number of application processing days</u>
<u>Student or Commercial Filming (Simple) application</u>	<u>Two business days</u>
<u>Commercial Filming (Moderate) application/permit</u>	<u>Three business days</u>
<u>Commercial Filming (Complex) application/permit</u>	<u>Five business days</u>

(b) An application must be completed in full before it can be invoiced. An application will not be processed until the application processing fees have been paid.

(c) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include department that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 24 hours of receipt requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(d) If the proposed commercial filming activity will be held on private property, the commercial filming activity requires a permit, and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the commercial filming activity on the property with the authorization including the date and time of the

scheduled activity. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request.

(e) Changes to a commercial filming application must be submitted in writing by the applicant and accompanied by any fees required by Section 42A-6. No changes can be made to an application on the scheduled filming date.

(f) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant. An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8.

(g) The director shall cancel a commercial filming permit if:

(1) another permit has been granted under this chapter or is in the review process at the same or a nearby place and the same time and no reasonable means of accommodating both requests is available without undue quality of life or public safety impact;

(2) the proposed commercial filming activity will occupy any part of a freeway, expressway, or tollway;

(3) the proposed commercial filming activity will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available; or

(4) the proposed commercial filming cannot comply with high impact parameters.

(h) Major changes to the original submission of an application will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed commercial filming activity or a past commercial filming activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(j) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all fees associated with the application processing fees are forfeited.

(k) Submission of a complete application does not guarantee a commercial filming permit will be issued. All requirements must be met prior to permit issuance.

(l) Prior to the issuance of a permit for a student film:

(1) the student shall submit a letter on school letterhead from the student's professor or teacher outlining the following:

- (A) the student's name;
- (B) filming dates;
- (C) confirmation that the applicant is a currently enrolled student in good standing;
- (D) the name of the class the student is taking; and
- (E) confirmation that the film project is for school credit.

(2) the applicant, each crew member, and talent that is participating in the film shoot is required to complete and submit a waiver release form to the office of special events.

(m) Unless cancellation or denial is required by this section or Section 42A-27, after reviewing and confirming all permit requirements have been met, the director shall issue a commercial filming permit if he finds:

(1) The commercial filming activity will not:

- (A) interfere with vehicular traffic or pedestrian movement,
- (B) interfere with or endanger the public peace, health, safety, or welfare,
- (C) interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property,
- (D) interfere with normal governmental operations,
- (E) threaten to result in damage or detriment to public property,
- (F) result in the city incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant,
- (G) impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the permit area, or adversely affect the city's ability to perform municipal functions or furnish city services in the vicinity of the permitted area.

(H) constitute a fire or safety hazard and that all proper safety precautions will be taken as is reasonably necessary to protect the public peace, health, safety, or general welfare,

(I) require the diversion of such a large number of police officers to properly police the activity that it interferes with the normal level of police protection for all other areas of the city, and

(2) The applicant has provided the required documentation to city departments.

(n) A commercial filming permit may be issued for a permit not exceeding 10 consecutive days.

(o) Additional licenses and permits may be required by this code or other city ordinances or state law based on the scope of the commercial filming activity.

SEC. 42A-22.

NOTICE.

(a) An applicant for commercial film permit, when restricting parking or the public right-of-way (including sidewalks), or when film equipment or special effects impact quality of life, shall notify all residents and business owners impacted by the commercial filming activity a minimum of two business days before commencing the commercial filming activity.

(b) Notice must include any information that is required to be provided in the template approved by the director prior to distribution.

(c) The notice must state that an application for a commercial filming permit has been filed for the location and that interested persons may contact the director with their comments.

SEC. 42A-23.

INSURANCE.

(a) Except as provided in this section, an applicant for a commercial filming permit shall procure and keep in full force and effect for the duration of the commercial filming activity insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the commercial filming activity by the applicant.

(b) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence with a \$2,000,000 annual aggregate.

(2) If a commercial filming activity includes vehicles, business automotive liability insurance covering owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$500,000 per occurrence. If the commercial filming activity involves stunts or car chases, the business automotive liability insurance must be increased to \$3,000,000 per occurrence.

(3) If a commercial filming activity includes aircrafts, aircraft liability insurance covering owned, hired, and non-owned aircraft with a minimum limit of \$5,000,000 per occurrence.

(4) If any fireworks, pyrotechnics, explosives, or other special effects are utilized as part of the commercial filming activity, then separate additional general liability insurance must be provided by the applicant or pyrotechnic provider in an amount of not less than \$3,000,000 for each claim, with a \$3,000,000 annual aggregate.

(5) If filming occurs at or on a city facility or premise, worker's compensation insurance with statutory limits. Filming at other locations does not require worker's compensation insurance. Worker's compensation insurance is not required for B-roll filming where the applicant provides a written statement that all photographers, staff, and crew will have both feet on the ground during filming.

(6) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, \$500,000 per each accident; and

(B) disease, \$500,000 per employee with a per policy aggregate of \$500,000.

(c) In addition to the insurance requirements of Subsection (b) of this section, the director may require additional insurance for a commercial filming activity if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the commercial filming activity at the facility or property.

(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the director at least two days before the commercial filming activity begins.

(f) A commercial filming permit will not be issued until the insurance requirements have been verified by the city's third-party provider.

SEC. 42A-24. EMERGENCY MEDICAL SERVICES.

(a) The director, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, onsite at the commercial filming location to perform first aid and emergency medical services at the commercial filming location. Requirements for emergency medical services may be adjusted for:

- (1) the topography or size of the commercial filming activity;
- (2) weather conditions
- (3) the time of day;
- (4) required street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the commercial filming location; and
- (5) whether the commercial filming activity involves specific features that create a higher risk of illness or injury to persons participating in or attending the commercial filming activity.

(b) The emergency medical personnel required to be provided at a commercial filming location by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire-rescue department may authorize a commercial filming applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular commercial filming activity. Off-duty jobs for Dallas fire-rescue officers at a commercial filming location must comply with the Dallas Fire-Rescue Rules and Regulations.

SEC. 42A-25. SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.

(a) The director, upon recommendation of the chief of the Dallas police department, may require a number of police officers, to provide security, crowd control and traffic management. Special needs for onsite security, crowd control, or traffic control may be adjusted for:

- (1) the topography or size of the commercial filming activity;

- (2) weather conditions
- (3) the time of day;
- (4) required street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the commercial filming location; and
- (5) the history of the application indicates that a greater number of police officers are required to protect the public health, safety, and welfare.

(b) The police officers required to be provided at a commercial filming location by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a commercial filming applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police officers will be available. Off-duty jobs for Dallas police officers must comply with the Dallas Police Department General Orders and Code of Conduct.

(c) The applicant shall provide the director with the name, badge number, and phone number of the assigned lead police officer hired to provide services during filming. The applicant shall provide the name and badge number of all other hired police officers.

(d) The applicant shall provide all hired police officers with a copy of the commercial filming permit.

(e) The onsite Dallas police supervisor may increase the number of police officers, in addition to the number specified in the commercial filming permit, if special needs for security, crowd control, or traffic control are created by the size of the filming or spectators. The applicant shall bear all costs related to the additional police officers.

(f) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the commercial filming activity, as well as at the commercial filming location the day of the commercial filming activity, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the commercial filming location within one hour of being contacted by telephone or email.

(g) If the director requires a traffic control plan in conjunction with a commercial filming permit, the plan must include the following:

- (1) the route and footprint of the commercial filming activity.
- (2) all street closures.
- (o) lane restrictions.

- (p) alternate through traffic routes.
- (q) footprint for staging.
- (r) the type and location of all traffic control devices.

(h) A traffic control plan required by Subsection (f) must receive approval from the directors of public works and transportation, and the chief of police.

SEC. 42A-26. PARKING.

(a) A complete parking plan must be submitted with each commercial filming application.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a commercial filming permit.

(d) Meter hooding and no parking zones in connection with a commercial filming activity must be limited to the shortest time feasible. No parking signs must be posted a minimum of 24 hours in advance of the commercial filming activity and follow a standard format approved by the director.

(e) Additional parking requirements or restrictions may be implemented for areas determined to be high impact areas in accordance with Section 42A-10 or in areas with known parking issues.

(f) When the main use of the property is open for business and the designated parking is to be activated as part of the commercial filming activity, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the commercial filming activity.

(g) When filming in a multi-tenant parking lot and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

SEC. 42A-27. DENIAL OR REVOCATION.

(a) The director shall deny a commercial filming permit if:

(1) the applicant fails to adequately provide for:

(A) the protection of commercial filming participants and spectators;

(B) maintenance of public order in and around the commercial filming location;

(C) security, crowd control, or traffic control, taking into consideration the size of the commercial filming activity; or

(D) emergency vehicle access and the provision of emergency medical services and personnel;

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

(3) the applicant makes a false statement of material fact on an application for a commercial filming permit or fails to properly complete an application for a commercial filming permit;

(4) 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 commercial filming activity;

(5) the applicant has had a commercial filming permit revoked within the preceding 14 months;

(6) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a commercial filming permit or this chapter;

(7) the chief of the police department, the chief of the fire-rescue department, or the director determines that the commercial filming activity would pose a serious threat to the public health, safety, or welfare;

(8) the applicant or any other person responsible for the conduct or sponsorship of the commercial filming activity is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(9) the applicant has a history of conducting or sponsoring commercial filming activities in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or

(10) a commercial filming activity will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a commercial filming permit if:

(1) the applicant fails to comply with or the commercial filming activity is in violation of any provision of the commercial filming permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a commercial filming permit or failed to properly complete an application for a commercial filming;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the commercial filming activity poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed commercial filming activity or for a past commercial filming activity;

(5) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the commercial filming activity is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(6) the director is notified of any code violations on the property where the commercial filming activity will be held.

ARTICLE IV. **NEIGHBORHOOD MARKET.**

SEC. 42A-28. **APPLICATION; ISSUANCE.**

(a) A person desiring to hold a neighborhood market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the neighborhood market is to begin. The director may waive the filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar days required, taking into consideration the number and types of additional licenses and permits that may be required to be issued in conjunction with the neighborhood market permit and the extent of public safety, department, or agency review required based on the scope of the market. An activity that qualifies for a neighborhood market permit under this article is not required to obtain a special event permit under Article II of this chapter.

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a neighborhood market permit will be issued. All requirements must be met prior to permit issuance.

(c) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(d) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. If no response is received, the director may proceed with permitting; however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(e) If the proposed neighborhood market will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the neighborhood market on the property with the authorization including the dates and times of the neighborhood market. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request.

(f) The director shall cancel a neighborhood market permit application if:

(1) a neighborhood market permit has been granted or is in the review process for another neighborhood market at the same or a nearby place and the same time.

(2) an established neighborhood market is customarily held at the same or a nearby place and the same time as the proposed neighborhood market.

(3) the proposed neighborhood market will occupy any part of a freeway, expressway, or tollway.

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

(5) the proposed neighborhood market cannot comply with high impact parameters.

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

(7) the applicant had a neighborhood market permit revoked within the preceding 14 months.

(8) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter.

(9) the applicant has a history of conducting or sponsoring neighborhood markets in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, this will result in the original permit application being cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing the application and confirming all permit requirements have been met, the director shall issue the permit unless denial is required by Section 42A-35. A neighborhood market permit expires one year after issuance and may only be issued for 46 nonconsecutive days in a year.

SEC. 42A-29.

LOCATION OF A NEIGHBORHOOD MARKET.

A neighborhood market may not be conducted:

(1) in the central business district;

(2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;

(3) within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(4) at any location where one or more neighborhood markets have already been conducted a total of 28 days during the particular calendar year;

- (5) at any location other than the one listed in the permit application;
- (6) at a public park; or
- (7) on a sidewalk.

SEC. 42A-30. **OPERATION OF A NEIGHBORHOOD MARKET.**

(a) A neighborhood market must operate a minimum of 12 days in a calendar year at the same location, but may not be operated more than 46 days at the same location in a calendar year and may not be operated on consecutive days.

(b) A neighborhood market may only be operated between the hours of 8 a.m. and 10 p.m. on any day of the week.

(c) The neighborhood market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. An amendment request and the required change fee must be received by the director at least 15 days before implementing any changes. Date changes do not constitute a major change.

(d) Except as provided in this subsection, no more than 75 vendors may participate in a neighborhood market. Two of the 46 market days may be designated as holiday or specialty markets, and as such, will allowed up to 100 vendors. A current vendor list must be on file with the office of special events. Changes or additions to this vendor list may be made throughout the year. Current vendor fees will be assessed with each submission. No change fees will apply.

(e) Each stall area used by a vendor may not exceed 10 feet by 15 feet.

(f) All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood market must be removed from the premises at the end of each market day.

(g) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the neighborhood market, as well as at the neighborhood market site the day of the neighborhood market, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the neighborhood market site within one hour of being contacted by telephone or email.

SEC. 42A-31. **STREET CLOSURES.**

(a) Street closures are limited to one block with no intersections.

(b) Street closures require approval from applicable partner agencies and city departments.

(c) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(d) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow the standard format approved by the director and be approved by the city prior to permit issuance.

(e) All traffic apparatus required to fulfill a traffic control plan must be acquired at the applicant's expense.

(f) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-32.

PARKING.

(a) A complete parking plan must be submitted with each neighborhood market application. The director may waive this requirement for neighborhood markets with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a neighborhood market permit.

(d) Meter hooding and no parking zones in connection a neighborhood market must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the neighborhood market and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the neighborhood market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the neighborhood market space.

(f) When activating neighborhood market in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(g) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-33.

PRODUCTS AT A NEIGHBORHOOD MARKET.

(a) Products that may be sold at a neighborhood market include, but are not limited to, the following:

(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.

(2) Meats.

(3) Dairy products.

(4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.

(5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.

(6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 40 percent of the vendors participating in a neighborhood market must sell produce or other food items.

(c) All products distributed, offered for sale, or sold at a neighborhood market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area.

(d) No products may be offered for resale.

(e) Live animals may not be distributed, offered for sale, or sold at a neighborhood market.

SEC. 42A-34.

VENDOR'S STATEMENT.

(a) Each calendar year before vending at a neighborhood market, a vendor shall sign and provide the permit holder with a written statement that:

(1) all products to be distributed, offered for sale, or sold at the neighborhood market have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area; and

(2) no product is being offered for resale.

(b) The permit holder shall maintain a vendor statement for each vendor operating at the neighborhood market and shall present the vendors' statements to the director or any peace officer upon request.

SEC. 42A-35. DENIAL OR REVOCATION.

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

(1) the proposed neighborhood market will be located within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(2) the proposed neighborhood market will unreasonably disrupt the surrounding areas or 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 market;

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

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

(D) emergency vehicle access.

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

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

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

(7) the applicant or a vendor at the applicant's neighborhood market has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter;

(8) a neighborhood market has been conducted at the location of the proposed neighborhood market on at least 40 days during the same calendar year in which the proposed neighborhood market is to be conducted;

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

(10) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person or the applicant fails to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market; or

(11) the applicant has a history of conducting or sponsoring a neighborhood market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(b) The director shall revoke a neighborhood market permit if:

(1) the permit holder failed to comply with or the neighborhood market is in violation of any provision of the neighborhood market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a neighborhood market permit or failed to properly complete an application for a neighborhood market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market;

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

(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 market; or

(7) the director is notified of any code violations on the property where the neighborhood market will be held.

ARTICLE V.
DALLAS FARMERS MARKET
NEIGHBORHOOD FARMERS MARKET.

SEC. 42A-36.

APPLICATION; ISSUANCE.

(a) This article only applies to the leased premises as defined in the Dallas Farmers Market Shed 1 lease.

(b) The Dallas Farmers Market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the Dallas Farmers Market neighborhood farmers market is to begin.

(c) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a permit will be issued. All requirements must be met prior to permit issuance.

(d) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(e) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by city departments and partner agencies. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. Each review phase is allowed 10 business days. Review phases run sequentially with public safety review getting the first 10 business days and department and partner agency review getting the second 10 business days. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the event request, or a resolution cannot be reached, a permit will be denied.

(f) The director shall cancel a Dallas Farmers Market neighborhood farmers market permit application if:

(1) the proposed Dallas Farmers Market neighborhood farmers market will occupy any part of a freeway, expressway, or tollway.

(2) the proposed Dallas Farmers Market 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 proposed Dallas Farmers Market neighborhood farmers market cannot comply with high impact parameters.

(4) the applicant makes a false statement of material fact on an application for a Dallas Farmers Market neighborhood farmers market permit or fails to properly complete an application for Dallas Farmers Market neighborhood farmers permit.

(5) the applicant had a Dallas Farmers Market neighborhood farmers market permit revoked within the preceding 14 months.

(6) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a Dallas Farmers Market neighborhood farmers market permit or this chapter.

(7) the applicant has a history of conducting or sponsoring a Dallas Farmers Market neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of the Dallas Farmers Market neighborhood farmers market to be incorporated into the permit before issuance.

(h) Major changes to the original submission of an application require the submission of a new permit application along with new application processing fees. The original permit application will be deemed incomplete and cancelled.

(i) After reviewing and confirming all permit requirements have been met, the director shall issue a Dallas Farmers Market neighborhood farmers market permit unless denial is required by Section 42A-39. A Dallas Farmers Market neighborhood farmers market permit expires one year after issuance.

SEC. 42A-37.

STREET CLOSURES.

(a) Street closures shall require approval from applicable partner agencies and city departments.

(b) An applicant must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow a standard format approved by the director and be approved by the applicable departments prior to permit issuance.

(d) All traffic apparatus required to fulfil a traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-38.

PARKING.

(a) A complete parking plan must be submitted with each application. The director may waive this requirement for markets with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a permit.

(d) Meter hooding and no parking zones in connection with a market must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the market and follow a standard format approved by the director.

(f) When the main use of the property is open for business and the designated parking is to be activated as part of the market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(g) When activating a market in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(h) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-39.

OPERATIONS OF DALLAS FARMERS MARKET NEIGHBORHOOD FARMERS MARKET.

(a) A Dallas Farmers Market neighborhood farmers market may only be operated between the hours of 8 a.m. and 10 p.m. on any day of the week.

(b) A Dallas Farmers Market neighborhood farmers market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. The

request and the required change fee must be received by the director in writing at least 15 days before implementing any changes.

(c) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the Dallas Farmers Market neighborhood farmers market, as well as at the Dallas Farmers Market site the day of the permitted activity, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the Dallas Farmers Market site within one hour of being contacted by telephone or email.

SEC. 42A-40. PRODUCTS AT DALLAS FARMERS MARKET.

(a) Products that may be sold at the Dallas Farmers Market neighborhood farmers market include, but are not limited to, the following:

- (1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.
- (2) Meats.
- (3) Dairy products.
- (4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.
- (5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.
- (6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 40 percent of the vendors participating in the Dallas Farmers Market neighborhood farmers market must sell produce or other food items.

(c) Live animals may not be distributed, offered for sale, or sold at the Dallas Farmers Market neighborhood farmers market.

SEC. 42A-41. DENIAL OR REVOCATION.

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

- (1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;
- (2) 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 a Dallas Farmers Market neighborhood farmers market;

(3) the applicant has had a Dallas Farmers Market neighborhood farmers market permit revoked within the preceding 14 months;

(4) the applicant has received within the preceding 14 months, two or more notices of violations or citations related to a provision of a Dallas Farmers Market neighborhood farmers market permit or this chapter;

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

(6) the applicant or any other person responsible for the conduct or sponsorship of a Dallas Farmers Market 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;

(7) the applicant has a history of conducting or sponsoring a Dallas Farmers Market neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

(8) the director is notified of any code violation on the property where the Dallas Farmers Market neighborhood farmers market will be held; or

(9) the Dallas Farmers Market neighborhood farmers market will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a Dallas Farmers Market neighborhood farmers market permit if:

(1) the applicant fails to comply with or the Dallas Farmers Market neighborhood farmers market is in violation of any provision of the Dallas Farmers Market neighborhood farmers market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for the Dallas Farmers Market neighborhood farmers market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the Dallas Farmers Market neighborhood farmers market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the market location;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the market or for a past market;

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7) the director is notified of any code violations on the property.

ARTICLE VI. **STREETLIGHT POLE BANNERS.**

SEC. 42A-42. **APPLICATION; ISSUANCE.**

(a) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, an application for a streetlight pole banner permit must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(b) The application for a permit authorizing the placement of streetlight pole banners must be submitted online to the office of special events at least 30 business days prior to the proposed streetlight pole banner installation date.

(c) The director shall respond in writing by email to the applicant within three business days of receipt of the application acknowledging receipt of the application.

(d) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review of city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(e) An application must be completed in full before it can be invoiced. An application will not be processed, and the streetlight poles will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a permit will be issued. All requirements must be met prior to permit issuance.

(f) The director shall review the application to determine whether the requested streetlight poles are available for the erection of streetlight pole banners. If the requested streetlight poles are not available, the applicant must resubmit an alternate list of requested streetlight poles within 48 hours of receiving the preliminary letter. If alternate streetlight poles are not submitted within 48 hours of receiving the preliminary letter, the process will continue with only the available poles.

(g) The director shall provide the applicant with a preliminary letter containing the requirements for permit issuance upon completion of departmental and partner agency review.

(h) The director may cancel an application for a streetlight pole banner permit if:

(1) a streetlight pole banner permit has been granted or is in the review process for another streetlight pole banner permit with the same poles and during the same time period;

(2) the applicant makes a false statement of material fact on an application for a streetlight pole banner permit or fails to properly complete an application for a streetlight pole banner permit;

(3) the applicant had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter; or

(5) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(i) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(j) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed installation of the streetlight pole banners, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(k) If the applicant makes major changes to the original submission of an application after the preliminary letter has been issued, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(l) An application that has been cancelled cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(m) An applicant may not hold more than one streetlight pole banner permit application at a time.

(n) A streetlight pole banner permit application may not be submitted more than one year prior to the banner installation date.

(o) Applications for streetlight pole banners in the arts district must be from cultural institutions located in the arts district. The Arts District Foundation shall provide the office of special events a map with pole assignments for each cultural institution each calendar year.

(p) Applications for streetlight pole banners for pre-determined signature events within the downtown area including, but not limited to, Main Street, Commerce Street, and Elm Street, have a right of first refusal. All other permit applications will be processed on a first-come, first-serve basis.

(q) After reviewing and confirming all permit requirements have been met, the director shall issue the streetlight pole banner permit unless denial or revocation is required by Section 42A-31. Except as provided in this subsection, a streetlight pole banner permit will be issued for a period of 60 consecutive days. A streetlight pole banner permit may be extended for additional consecutive 60-day periods not to exceed a year. All applicable fees must be paid for any permit extension. A streetlight pole banner permit for a public improvement district will be issued for a period of one calendar year.

SEC. 42A-43. PERMIT EXTENSION.

(a) An applicant may not submit a request to extend a streetlight pole banner permit earlier than two weeks prior to the expiration of an existing streetlight pole banner permit.

(b) A streetlight pole banner permit may be extended in additional 60-day increments based upon availability of the streetlight poles.

(c) Streetlight pole banner permits may be extended for a maximum of one year.

(d) The director shall assess all applicable streetlight pole banner fees in 60-day increments.

(e) This section does not apply to a public improvement district annual streetlight pole banner permit.

SEC. 42A-44. INSURANCE.

(a) A person installing a streetlight pole banner shall procure and keep in full force and effect insurance written by an insurance company approved by the State of Texas and

acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the installation of the streetlight pole banner by the applicant.

(b) Insurance required under this article must include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy or before making a reduction in coverage.

(c) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence with a \$2,000,000 annual aggregate.

(2) Business automotive liability insurance covering owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$1,000,000 per occurrence.

(3) Worker's compensation insurance with statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, \$1,000,000 per each accident; and

(B) disease, \$1,000,000 per employee with a per policy aggregate of \$1,000,000.

(5) Umbrella liability insurance following the form of the primary liability coverage described in Subsection (a) and providing coverage with minimum combined bodily injury (including death) and property damage limit of \$1,000,000 per occurrence and \$1,000,000 annual aggregate.

(d) In addition to the insurance requirements of Subsection (c) of this section, the director may require additional insurance for a streetlight pole banner if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(e) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the

insurance requirements with the greater limits and coverages must be met to erect a streetlight pole banner at the facility or property.

(f) A streetlight pole banner permit will not be issued until the insurance requirements have been verified by the city's designated third-party provider.

SEC. 42A-45. STREETLIGHT POLE BANNER REGULATIONS.

(a) In general.

(1) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, streetlight pole banners must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(2) A streetlight pole banner must be in general compliance with the streetlight pole design manual published by the office of special events.

(3) The sign hardware for a streetlight pole banner may be left in place between displays of a banner.

(4) A streetlight pole banner and its sign hardware must:

(A) be mounted on a streetlight pole;

(B) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;

(C) be made out of weather resistant and rust proof material especially designed for outdoor use;

(D) be printed on both sides of material;

(E) not be illuminated;

(F) not project more than three feet from the pole onto which it is mounted;

(G) not exceed 25 square feet in effective area;

(H) not obstruct the view of traffic or any traffic control devices or impede or endanger the flow of traffic; and

(I) not interfere with emergency equipment, including fire, police, medical, electrical, commercial vehicles and trucks, or bus transportation.

(5) The maximum number of streetlight pole banners is two per pole, with each banner on one opposite side of the pole.

(b) Public improvement districts.

(1) This section applies only to public improvement district management corporations.

(2) District identification banners are defined as long-term banners that identify a geographic location or place of interest. Streetlight poles must be located within the defined geographic boundaries of the public improvement district.

(3) Streetlight pole banner permits granted to a public improvement district management corporation must comply with the standards in this subsection and will be issued on an annual basis.

(4) District identification banners are excluded from all permit application processing fees

(5) Public improvement district have first right-of-refusal for streetlight poles previously permitted to a public improvement district before being reissued to an applicant other than that of the public improvement district management corporation; however, an active permit must be maintained by the public improvement management corporation to prevent poles from being reissued to another entity.

SEC. 42A-46.

DENIAL OR REVOCATION.

(a) The director shall deny a streetlight pole banner permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) 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 installation, maintenance, or removal of the streetlight pole banners;

(3) the applicant has had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person; or

(7) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(b) The director shall revoke a streetlight pole banner permit if:

(1) the applicant fails to comply with, or the streetlight pole banners are in violation of any provision of the streetlight pole banner permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a streetlight pole banner permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners pose a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the installation, maintenance, or removal of the streetlight pole banners;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the installation, maintenance, or removal of the streetlight pole banners; or

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person.

ARTICLE VII. **ENFORCEMENT.**

SEC. 42A-47[15]. OFFENSES.

(a) A person commits an offense if he commences set up or conducts a special event, commercial filming activity, or neighborhood market, or erects a streetlight pole banner:

(1) without a ~~[special event]~~ permit issued under this chapter or, for a streetlight pole banner in a special provision sign district, a sign permit issued under Chapter 51A of this code; or

(2) in violation of any provision of a ~~[special event]~~ permit issued under this chapter, this chapter, or any other city ordinance or applicable law.

(b) A person commits an offense if he is the individual named by the permit holder as the contact person for the event and he fails to meet police officers or code enforcement officers at the site of the special event, commercial filming activity, or neighborhood market within one hour of being contacted by a police officer or code enforcement officer by telephone or email.

(c) The [A] culpable mental state [is not] required for the commission of an offense under this chapter is governed by S[s]ection 1-5.1 of this code.

(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, or their designated representatives.

SEC. 42A-48[16]. PENALTY.

(a) A person who violates a provision of this chapter or a requirement of a ~~[special event]~~ permit issued under this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

(b) Each offense is punishable by a fine not to exceed:

(1) \$2,000 for a violation of a provision of this chapter or a requirement of a ~~[special event]~~ permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(2) \$500 for all other violations of this chapter or requirements of a ~~[special event]~~ permit issued under this chapter.”

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That Chapters 29A and 42A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or

part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

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

SECTION 7. That this ordinance shall take effect on June 1, 2019, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____