

Memorandum



CITY OF DALLAS

DATE November 6, 2015

TO Honorable Members of the Quality of Life & Environment Committee: Sandy Greyson (Chair),
Tiffinni A. Young (Vice Chair), Rickey D. Callahan, Mark Clayton, Philip T. Kingston, B. Adam McGough

SUBJECT **November 10, 2015 Park and Recreation Department City Council Agenda Items**

On Tuesday, November 10, 2015, the Dallas City Council will consider six agenda items relating to the Park and Recreation Department.

- **AGENDA ITEM NO. 31 ANITA HARRIS PHELPS PARK** - Authorize a five-year beautification and maintenance agreement, with one five-year renewal option, with Uptown Dallas, Inc. at Anita Harris Phelps Park located at 2200 Cedar Springs Road - Financing: No cost consideration to the City. This item was approved by the Park and Recreation Board on Thursday, October 15, 2015.
- **AGENDA ITEM NO. 32 BUCKNER PARK** - Authorize (1) the receipt and deposit of funds in the amount of \$381,348 in the Buckner Park Fund; (2) the establishment of appropriations in the Buckner Park Fund in the amount of \$381,348; and (3) a development agreement with the Dallas Independent School District (DISD) providing for: (a) the sale of approximately 1.06 acres of Buckner Park to DISD; (b) the design, construction, and maintenance of improvements of Buckner Park; (c) the design and construction of parking and driveway improvements at Buckner Park located at 4550 Worth Street - Revenue: \$381,348. This item was approved by the Park and Recreation Board on Thursday, October 15, 2015.
- **AGENDA ITEM NO. 33 DALLAS ARBORETUM AND BOTANICAL SOCIETY** - Authorize a twelve-month funding agreement with the Dallas Arboretum and Botanical Society, Inc. to provide services and programs within the City of Dallas for the period October 1, 2015 through September 30, 2016 - Not to exceed \$394,098 - Financing: Current Funds. This item was approved by the Park and Recreation Board on Thursday, October 15, 2015.
- **AGENDA ITEM NO. 34 DALLAS COUNTY AUDUBON SOCIETY** - Authorize a twelve-month funding agreement with Dallas County Audubon Society, Inc. dba Audubon Dallas for the Cedar Ridge Preserve to provide services and programs within the City of Dallas for the period January 1, 2016 through December 31, 2016 - Not to exceed \$58,949 - Financing: Current Funds. This item was approved by the Park and Recreation Board on Thursday, October 15, 2015.
- **AGENDA ITEM NO. 35 TEXAS DISCOVERY GARDENS** - Authorize a twelve-month funding agreement with Texas Discovery Gardens to provide services and programs within the City of Dallas for the period October 1, 2015 through September 30, 2016 - Not to exceed \$145,862 - Financing: Current Funds. This item was approved by the Park and Recreation Board on Thursday, October 15, 2015.
- **AGENDA ITEM NO. 36 BISHOP FLORES PARK** - Authorize a public hearing to be held on December 9, 2015 to receive comments on the proposed use of a portion of Bishop Flores Park located at 2200 Talleyho Lane, consisting of approximately 74,698 square feet of land, by Atmos

Energy Corporation for an energy easement - Financing: No cost consideration to the City. This item was approved by the Park and Recreation Board on Thursday, October 1, 2015.

A City Council agenda sheet is attached with this memo to provide further details on each item. If you have any questions, please contact me at 214-670-4071.



Willis C. Winters, FAIA, Director
Park and Recreation Department

Attachments

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

Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

AGENDA ITEM # 31

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): 14

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 45-F

SUBJECT

Authorize a five-year beautification and maintenance agreement, with one five-year renewal option, with Uptown Dallas, Inc. at Anita Harris Phelps Park located at 2200 Cedar Springs Road - Financing: No cost consideration to the City

BACKGROUND

This action is for approval of a beautification and maintenance agreement with Uptown Dallas, Inc. for Anita Harris Phelps Park. Uptown Dallas, Inc. proposes to provide the following maintenance and beautification services for Anita Harris Phelps Park:

- Mow twice monthly
- Plant seasonal color beds three times a year
- Plant new trees and maintain trees
- Pick up litter and debris once per week
- Remove graffiti
- Maintain three loaned sculptures
- Pay electric and water bills
- Other miscellaneous maintenance

Uptown Dallas, Inc. will request pre-approval from the Park and Recreation Department for future improvements they desire to fund under this agreement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized a beautification and maintenance agreement on October 15, 2015.

Information about this item will be provided to the Quality of Life & Environment Committee on November 9, 2015.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

November 10, 2015

WHEREAS, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and

WHEREAS, the City of Dallas Park and Recreation Department (City) and Uptown Dallas Inc. located at 3600 McKinney Avenue, desire to enter into a beautification and maintenance agreement for Anita Harris Phelps Park located at 2200 Cedar Springs Road; and

WHEREAS, the City desires to have Uptown Dallas Inc. beautify and maintain the park during the Term of the Agreement for use and enjoyment of all city of Dallas citizens.

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a development and maintenance agreement with Uptown Dallas Inc. for the beautification and maintenance of Anita Harris Phelps Park, after approval as to form by the City Attorney.

SECTION 2. That the duration of the agreement will be for an initial term of five years with a five-year renewal option.

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

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): 2

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 46-F

SUBJECT

Authorize **(1)** the receipt and deposit of funds in the amount of \$381,348 in the Buckner Park Fund; **(2)** the establishment of appropriations in the Buckner Park Fund in the amount of \$381,348; and **(3)** a development agreement with the Dallas Independent School District (DISD) providing for: **(a)** the sale of approximately 1.06 acres of Buckner Park to DISD; **(b)** the design, construction, and maintenance of improvements of Buckner Park; **(c)** the design and construction of parking and driveway improvements at Buckner Park located at 4550 Worth Street - Revenue: \$381,348

BACKGROUND

With neighborhood input, and DISD involvement, the Park and Recreation Department commissioned a plan for the redevelopment of Buckner Park. A concept plan (Exhibit A) was finalized on February 8, 2008. The concept plan accommodates the need for safe school drop-off and parking, improved drainage within the park, construction of a new pavilion, reconstruction of court game facilities, a new playground, and new walkways and plantings.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004), the City Council held a public hearing on August 12, 2015 and approved the proposed change of use and sale of parkland for this project.

This item authorizes a development agreement with DISD and the sale of approximately 1.06 acres of land to DISD as a condition of the development agreement. Proceeds of the sale will be utilized in the construction of improvements to Buckner Park in accordance with state law.

BACKGROUND (Continued)

The agreement will be subject to the following terms:

- 1) City will sell to DISD approximately 1.06 acres of land at Buckner Park for parking and driveway improvements for use by the adjacent Ignacio Zaragoza Elementary School. Based on an independent fee appraisal, DISD will pay the City of Dallas \$381,348 for the purchase of this property.
- 2) DISD will provide all funding for the design and construction of DISD parking and driveway improvements on the land purchased from the City. DISD will also provide funding for the design and replacement of the existing park playground. The total contribution by DISD to the project will not exceed \$660,315 or up to five percent over this amount should bids exceed the estimated DISD development costs.
- 3) City will provide all funding for construction of the improvements to Buckner Park. Proceeds from the sale of land, in the amount of \$381,348, and will not exceed \$895,000 from 2006 Bond Funds and Capital Gifts, Donation and Development Funds are to be used for design and construction of parkland improvements.
- 4) City will bid and construct parkland improvements to Buckner Park based on the approved master plan. City will also bid and construct improvements to the 1.06 acres of land sold to DISD for additional parking and improved traffic circulation to serve the school property.
- 5) Once the bid process is complete, and before construction begins, if the actual development cost exceeds the estimated cost by more than five percent, the City and DISD may agree on the actual development costs. Should either party not come to an agreement on the actual development costs either party can terminate the agreement with no further obligation to the other. Should the agreement be terminated by either party, the sale of land to DISD shall not be consummated and City shall not be obligated to make any improvements to the parking and driveway area.
- 6) Should either party terminate the agreement in accordance with the terms of the agreement after commencement of construction and prior to project completion, the land conveyed to DISD shall revert back to the City and the sale shall be considered null and void.
- 7) Each party will be responsible for the maintenance and operations of its own property after completion of construction. DISD further agrees to maintain its parking area similar in character to the adjacent parkland.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized a public hearing on May 21, 2015.

On June 17, 2015, City Council authorized a public hearing to be held on August 12, 2015, by Resolution No. 15-1154.

On August 12, 2015, City Council held a public hearing and authorized the change of park use of a portion of Buckner Park to non-park use, by Resolution No. 15-1472.

The Park and Recreation Board authorized a development agreement on October 15, 2015.

Information about this item will be provided to the Quality of Life & Environment Committee on November 9, 2015.

FISCAL INFORMATION

Revenue - \$381,348

MAP

Attached

November 10, 2015

WHEREAS, Chapter 791 of the Texas Government Code provides authorization for local governments to contract with one another to perform governmental functions and services, and joint funding of projects; and

WHEREAS, the Dallas Independent School District (DISD) desires to purchase a portion of property known as Buckner Park (Exhibit B) located in Dallas, Texas, ("Parking Property") and City of Dallas is willing to sell the Parking Property to DISD; and

WHEREAS, the sale of the Parking Property to DISD is a legally permissible sale of parkland under Local Government Code Chapter 253, and the proceeds of the sale or exchange may be used only to acquire property for park purpose, and in Chapter 272, the sale is exempt from Local Government Code Chapter 272 notice and bidding requirements for the sale of land owned by a municipality in that it is a sale to a governmental entity that has the power of eminent domain, and complies with Local Government Code Chapter 272 fair market value requirements for the sale of land owned by a municipality in that the purchase price is based on an independent appraisal; and

WHEREAS, the parties agree that the sale of the Parking Property shall include sale and other terms which they desire to memorialize in a development agreement which shall not only function as the purchase and sale agreement but also survive the closing of the sale of the Parking Property as necessitated to perform the governmental functions and services agreed to therein in addition to other provisions of the sale contained within the agreement; and

WHEREAS, the City of Dallas and DISD desire to enter into an agreement for the development of Buckner Park and parking and driveway improvements (Parking Property) for the adjacent Ignacio Zaragoza Elementary School ("Project"); and

WHEREAS, upon completion of construction of the Project DISD and the City of Dallas shall be responsible for maintenance and operation of its own property; and

WHEREAS, this Project will be designed, bid and constructed by the City using \$381,348 from the sale of Parking Property, as defined in the Agreement between the City and District, 2006 Bond Funds and Capital Gifts, Donation and Development Funds not to exceed \$895,000 for the design and construction of the parkland and DISD funds not to exceed \$660,315 for the design and construction of the Parking Property and playground.

Now, Therefore,

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

November 10, 2015

SECTION 1. That the City of Dallas hereby authorizes the President of the Park and Recreation Board, the Director of the Park and Recreation Department, and the City Manager, upon approval as to form by the City Attorney, to execute a Development Agreement between the City of Dallas and DISD providing for the sale of Parking Property, as defined in the Agreement between the City and District for the appraised value of \$381,348 and the design, bid, and construction of improvements to Buckner Park and the Parking Property conditioned on the following terms:

- (i) City and DISD will provide funding for their respective portions of the Project, namely, DISD will provide up to \$660,315 and City will provide \$381,348 from the sale of land to DISD and an amount not to exceed \$895,000 from 2006 Bond Funds and Capital Gifts, Donation and Development Funds;
- (ii) The City will design, bid, and construct improvements for the Project which includes parkland and the Parking Property conveyed to DISD;
- (iii) The design and construction of the Project shall be in accordance with state law, City Code, and all other applicable rules and regulations;
- (iv) Before construction begins, should the actual development cost exceed the estimated cost by more than five percent, and either party cannot come to an agreement on the actual development costs, either party can terminate the agreement without obligation to the other and the sale of land to DISD shall not be consummated and City shall have no obligation to make improvements to the Parking Property.
- (v) Should either party terminate the agreement after construction commences and prior to completion, the land conveyed to DISD shall revert back to the City and the sale shall be considered null and void.

SECTION 2. That in accordance with state law, sale proceeds, including any interest earned on the sales proceeds, are to be utilized for Park System projects overseen by the Park and Recreation Board.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit revenues from performance of the sale terms of the Development Agreement in an amount not to exceed \$381,348, in Buckner Park Fund, Fund 0468, Department PKR, Unit K129, Revenue Code 8416.

SECTION 4. That the City Manager is hereby authorized to establish appropriations in the amount not to exceed \$381,348, in Buckner Park Fund, Fund 0468, Department PKR, Unit K129, Object Code 4599.

November 10, 2015

SECTION 5. That the term of this agreement shall commence upon execution, and shall terminate upon completion of construction of all the improvements and conveyance of the Parking Property from the City of Dallas to DISD.

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.

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): 9

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a twelve-month funding agreement with the Dallas Arboretum and Botanical Society, Inc. to provide services and programs within the City of Dallas for the period October 1, 2015 through September 30, 2016 - Not to exceed \$394,098 - Financing: Current Funds

BACKGROUND

On March 23, 1988, the City entered into a multi-year agreement with the Dallas Arboretum and Botanical Society (DABS), a non-profit organization, to manage and operate the Dallas Arboretum. The agreement was for a twenty-five-year period and was extended on February 27, 2013 for a ten-year period. The agreement with Dallas Arboretum and Botanical Society, Inc. also requires the execution of a separate funding contract to authorize the stipend payable during the current year. The funds have been identified and appropriated in the City's General Fund by authorization of the City Council for the current fiscal year.

The stipend payments will support the following programs and services for the period of October 1, 2015 through September 30, 2016:

Operate and maintain the Dallas Arboretum and Botanical Garden for twelve months providing access to the general public, special educational programs, community outreach services and special events. DABS will distribute 24,000 complimentary tickets for entry into the Arboretum grounds as approved by the Park and Recreation Board.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized the twelve-month funding agreement on October 15, 2015.

Information about this item will be provided to the Quality of Life & Environment Committee on November 9, 2015.

FISCAL INFORMATION

\$394,098 - Current Funds

ETHNIC COMPOSITION

Dallas Arboretum and Botanical Society, Inc. - Board of Directors

African-American Male	3	African-American Female	4
Asian Male	0	Asian Female	0
Hispanic Male	2	Hispanic Female	1
White Male	35	White Female	28

OWNER

(Current Officers)

Dallas Arboretum and Botanical Society, Inc.

- Mary Brinegar, President
- Bill Graue, Chairman, Board of Directors
- Alan Walne, Vice Chairman, Board of Directors
- Tom McCasland, Secretary
- Christopher Harris, Treasurer

November 10, 2015

WHEREAS, on September 22, 2015, by Resolution No. 15-1784, City Council approved funds to procure services from the Dallas Arboretum and Botanical Society, Inc. for the citizens of Dallas; and

WHEREAS, it is deemed necessary for official action to be taken by the City Council to define services to be received and authorize payment of these funding allocations during the 2015 - 2016 fiscal year.

Now, Therefore,

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

SECTION 1. That the contract with the Dallas Arboretum and Botanical Society, Inc. totaling \$394,098 be approved.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute the contract, after approval as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to make payments to the Dallas Arboretum and Botanical Society, Inc. from Fund 0001, Department PKR, Unit 5231, Object 3072, Encumbrance No. PKR16A032, Vendor 219121, as vouchers are processed by the Park and Recreation Department, not to exceed \$394,098.

SECTION 4. That services to be provided are as follows:

Operate and maintain the Dallas Arboretum and Botanical Garden for 12 months for the general public to include special educational programs, community outreach services and sponsorship of a special summer program for disadvantaged children.

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

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): 3

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a twelve-month funding agreement with Dallas County Audubon Society, Inc. dba Audubon Dallas for the Cedar Ridge Preserve to provide services and programs within the City of Dallas for the period January 1, 2016 through December 31, 2016 - Not to exceed \$58,949 - Financing: Current Funds

BACKGROUND

On November 14, 2012, the City entered into a five-year agreement with Dallas County Audubon Society, Inc. dba Audubon Dallas (a non-profit organization) to manage and operate the Cedar Ridge Preserve and requires the execution of a separate funding contract to authorize the stipends payable during the current year. Funds have been identified and appropriated in the City’s General Fund by authorization of the City Council for the current fiscal year.

The stipend payment will support the following programs and services for the period of January 1, 2016 through December 31, 2016:

Operate and maintain the Cedar Ridge Preserve for twelve months providing access to the general public to 633 acres of escarpment and trails in Southwest Dallas, environmental education programs on the ecosystem and presentations at community centers and schools.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized the twelve-month funding agreement on October 15, 2015.

Information about this item will be provided to the Quality of Life & Environment Committee on November 9, 2015.

FISCAL INFORMATION

\$58,949 – Current Funds

ETHNIC COMPOSITION

Dallas County Audubon Society, Inc. dba Audubon Dallas – Board of Directors

African-American Male	2	African-American Female	1
Asian Male	1	Asian Female	0
Hispanic Male	0	Hispanic Female	0
White Male	2	White Female	7

OWNERS

(Current Officers)

Dallas County Audubon Society, Inc. dba Audubon Dallas

Kaylynne Beck, President
Rose Mercer, Chair, Board of Directors
Joel Woody Cantrell, Incoming Chair, Board of Directors
Blythe Randolph, Secretary
Kim Thomas, Treasurer
Debbie Milligan, Vice President, Conservation
Lindsay Flowers, Vice President, Fundraising
Kevin Malonson, Vice President, Education
Michael Millican, Vice President, Sanctuary
Anthony Mays, Jessie Salb, and Stalin SM, Directors-at large

November 10, 2015

WHEREAS, on September 22, 2015, by Resolution No. 15-1784, City Council approved funds to procure services from the Dallas County Audubon Society, Inc. dba Audubon Dallas for the citizens of Dallas; and

WHEREAS, it is deemed necessary for official action to be taken by the City Council to define services to be received and authorize payment of these funding allocations during the 2015 – 2016 fiscal year.

Now, Therefore,

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

SECTION 1. That the contract with Dallas County Audubon Society, Inc. dba Audubon Dallas totaling \$58,949 be approved.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute the contract, after approval as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to make payments to Dallas County Audubon Society, Inc. dba Audubon Dallas from Fund 0001, Department PKR, Unit 5231, Object 3072, Encumbrance No. PKR16A033, Vendor 509534, as vouchers are processed by the Park and Recreation Department, not to exceed \$58,949.

SECTION 4. That services to be provided are as follows:

Operate and maintain the Cedar Ridge Preserve for 12 months providing access to the general public to 633 acres of escarpment and trails in Southwest Dallas, and provide environmental education programs on the ecosystem and presentations at community centers and schools.

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

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements
AGENDA DATE: November 10, 2015
COUNCIL DISTRICT(S): 7
DEPARTMENT: Park & Recreation
CMO: Willis Winters, 670-4071
MAPSCO: N/A

SUBJECT

Authorize a twelve-month funding agreement with Texas Discovery Gardens to provide services and programs within the City of Dallas for the period October 1, 2015 through September 30, 2016 – Not to exceed \$145,862 – Financing: Current Funds

BACKGROUND

On June 25, 2003, the City entered into a multi-year agreement with Texas Discovery Gardens (a non-profit organization) to manage and operate the Texas Discovery Gardens building and surrounding grounds at Fair Park for a ten-year period. The agreement was extended on November 7, 2013 for a ten-year period and requires the execution of a separate funding contract to authorize the stipends payable during the current year. The funds have been identified and appropriated in the City’s General Fund by authorization of the City Council for the current fiscal year.

The stipend payment will support the following programs and services for the period of October 1, 2015 through September 30, 2016:

Operate the Discovery Gardens building and surrounding grounds at Fair Park for twelve months providing access to the general public, community outreach services such as enrichment classes for school children, horticulture information services and presentations at community centers and special facilities.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized the twelve-month funding agreement on October 15, 2015.

Information about this item will be provided to the Quality of Life & Environment Committee on November 9, 2015.

FISCAL INFORMATION

\$145,862 – Current Funds

ETHNIC COMPOSITION

Texas Discovery Gardens – Board of Directors

African-American Male	0	African-American Female	2
Asian Male	0	Asian Female	0
Hispanic Male	0	Hispanic Female	0
White Male	5	White Female	4

OWNER

(Current Officers)

Texas Discovery Gardens

Mike Bosco, Chair, Board of Directors
Marilyn Waisanen, Secretary
Barbara Hunt Crow, Historian
John Fox Holt, III. CPA, Treasurer

November 10, 2015

WHEREAS, on September 22, 2015, by Resolution No. 15-1784, City Council approved funds to procure services from the Texas Discovery Gardens for the citizens of Dallas; and

WHEREAS, it is deemed necessary for official action to be taken by the City Council to define services to be received and authorize payment of these funding allocations during the 2015 – 2016 fiscal year.

Now, Therefore,

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

SECTION 1. That the contract with the Texas Discovery Gardens totaling \$145,862 be approved.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute the contract, after approval as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to make payments to Texas Discovery Gardens from Fund 0001, Department PKR, Unit 5232, Object 3072, Encumbrance No. PKR16A031, Vendor 219134, as vouchers are processed by the Park and Recreation Department, not to exceed \$145,862.

SECTION 4. That services to be provided are as follows:

Operate the Texas Discovery Gardens building and surrounding grounds at Fair Park for 12 months for the general public, and provide community outreach services such as enrichment classes for school children, horticulture information services and presentations at community centers and special facilities.

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

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): 6

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 42-T

SUBJECT

Authorize a public hearing to be held on December 9, 2015 to receive comments on the proposed use of a portion of Bishop Flores Park located at 2200 Talleyho Lane, consisting of approximately 74,698 square feet of land, by Atmos Energy Corporation for an energy easement - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas owns municipal parkland known as Bishop Flores Park located west of downtown near the I-20 and Loop 12 Highway interchange. Atmos Energy Corporation (Atmos) currently has an existing energy easement in the park which was granted by a previous owner prior to the City acquiring the land.

Atmos has requested a permanent energy easement consisting of a total of approximately 74,698 square feet of land (Exhibit A) for construction of a new gas main. As part of this request Atmos will vacate its existing easement consisting of approximately 38,915 square feet of land (Exhibit B). Atmos plans to directional bore a new thirty-inch diameter gas main approximately 30' below the ground surface. The configuration of the highway interchange does not allow for directional boring a thirty-inch gas main within the current energy easement. Atmos will pay the fair market value of this new easement, or equivalent in-kind value, as determined by an independent appraisal. The installation of the gas line will not affect the park.

In compliance with the law, Atmos has determined that there is a need and that no feasible and prudent alternative exists and that all reasonable care has been taken so as to not damage the remainder of the park property and to mitigate any disruption of current and future park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 15, 2015 the Park and Recreation Board authorized a public hearing to be held on December 9, 2015.

Information about this item will be provided to the Quality of Life & Environment Committee on November 9, 2015.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

November 10, 2015

WHEREAS, the City of Dallas owns land in Dallas known as Bishop Flores Park which was acquired for park purposes and has been maintained as parkland; and

WHEREAS, Atmos Energy Corporation (Atmos) has determined that a utility easement is needed, in the public interest, and necessary for the delivery of energy as shown in Exhibit A; and

WHEREAS, the Texas Parks and Wildlife Code, Chapter 26 (Section 26.001 through 26.004), requires that before a municipality may approve any program or project that requires the use or taking of any public land designated and used as parkland, the governing body of such public municipality must determine that there is no feasible and prudent alternative to the use or taking of such land, and that the program or project includes all reasonable planning to minimize harm to the remainder of the park; and

WHEREAS, prior to making this determination, notice must be given and a public hearing be held relative to the proposed change of park use; and

WHEREAS, the City Council desires to give notice and hold such hearing in accordance with the law with respect to granting of a utility easement to Atmos in Bishop Flores Park.

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board is hereby authorized and directed to advise in writing of such proposed use of the park property by delivering a notice for publishing to the official newspaper to be advertised once each week for three consecutive weeks, the last publication to be not less than one week nor more than two weeks before the date of the hearing, which shall be held in the City Council Chambers on December 9, 2015.

SECTION 2. That the approval of the aforementioned project by the City Council, at the close of said hearing, shall be construed as making the proper findings as to the use, taking and conveyance of park land, consistent with the Texas Parks and Wildlife Code and the Texas Local Government Code.

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

KEY FOCUS AREA: E-Gov
AGENDA DATE: November 10, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: Sanitation Services
CMO: Joey Zapata, 670-3009
MAPSCO: N/A

SUBJECT

Authorize an increase in the contract with Rehrig Pacific Company for the purchase of waste and recycling collection roll carts - Rehrig Pacific Company through the Houston–Galveston Area Council of Governments - Not to exceed \$122,600, from \$48,209 to \$170,809 - Financing: Sanitation Current Funds

BACKGROUND

The City's current vendor is experiencing manufacturing delays that prevent timely delivery of roll carts to Sanitation Services. The proposed increase to this back up contract will allow Sanitation Services to maintain adequate inventory during any additional delays that may be experienced by the current vendor within the next 60 days.

The waste and recycling collection roll carts purchased through this contact will be issued throughout the City in response to new roll cart requests, replacement carts, as well as replacements for broken and unrepairable roll carts. Roll carts come in three sizes, 96, 64 and 48 gallons and are gray (solid waste), bluestone (recycle waste) and brown (commercial waste) in color. The City collects an estimated total of 283,000 tons of solid and recycling waste from residential and commercial customers annually.

The City intends to purchase Rehrig Pacific Company brand roll carts under the Houston–Galveston Area Council of Governments purchasing agreement.

The HGAC agreement with Rehrig Pacific Company conforms to the requirements of state law requiring competitive bids and proposals, and this contract is in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, the HGAC agreement receives bids from manufacturers and dealers throughout the United States.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life & Environment Committee on November 9, 2015.

FISCAL INFORMATION

\$122,600.00 - Sanitation Current Funds

November 10, 2015

WHEREAS, on October 22, 2015, Administrative Action No. 15-6961 authorized the purchase of waste and recycling collection roll carts from Rehrig Pacific Company in the amount of \$48,208.88; and

WHEREAS, it is necessary to authorize an increase in the contract with Rehrig Pacific Company for the purchase of waste and recycling collection roll carts due to the City's current vendor experiencing manufacturing delays that prevent timely delivery of roll carts to Sanitation Services.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to increase the contract with Rehrig Pacific Company (VC0000011288) for the purchase of waste and recycling collection roll carts through the Houston-Galveston Area Council of Governments for a 60-day term in an amount not to exceed \$122,600.00, from \$48,208.88 to \$170,808.88, after approval as to form by the City Attorney.

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

Sanitation Current Fund	
Fund 0440, Department SAN, Unit 3504, Obj. 2890,	
Encumbrance rehrigpacificcompanyfy15-2	
Vendor #VC0000011288, in an amount not to exceed	\$122,600.00

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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 10, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: Water Utilities
CMO: Mark McDaniel, 670-3256
MAPSCO: N/A

SUBJECT

Authorize continuation of the contract with the United States Geological Survey for operation of stream flow and water quality gauging stations in the Trinity River basin, a pharmaceutical and personal care products water quality study, and Zebra Mussel sampling and Water Quality study on each of the reservoirs in Dallas' water supply system from November 1, 2015 through September 30, 2016 – Not to exceed \$633,825 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

The United States Geological Survey (USGS) provides basic water quality and flow monitoring data collection services throughout the United States. It is recognized as an unbiased agency whose data is unquestionably accepted by state and federal regulatory agencies. The City of Dallas' current contract is a cost-sharing agreement with USGS. Obtaining water quality and flow data through a cost sharing program provides the most economical method for Dallas to obtain the needed information.

The cost sharing for this agreement has several components. It includes \$35,975 as City of Dallas' cost share of an agreement between USGS and the cities of Dallas and Fort Worth, and the Trinity River Authority for monitoring of the Trinity River. The total cost to all parties for this portion of the 2015-16 agreement will be \$129,900. The City of Dallas' share is 27.6944 percent of the total costs.

The agreement also includes \$90,630 as the City of Dallas' share of an agreement between the City of Dallas and USGS for the operation and maintenance of stream flow stations. The Denton Creek Gage near Grapevine is required by the Texas Commission on Environmental Quality's Settlement Order on Lake Grapevine. Dallas County Park Cities Municipal Utility District (DCPCMUD) splits the cost with the City of Dallas for this gage. USGS provides stream flow data to the City of Dallas that is used in operating Lake Grapevine, Lake Ray Hubbard, Lake Lewisville and Ray Roberts Lake. The City of Dallas also participates in the collection of water quality monitoring at several stream flow and lake stations.

BACKGROUND (Continued)

The agreement includes \$110,720 as Dallas' share of water quality monitoring. The City of Dallas share of stream flow and water quality monitoring is 84.7 percent of these total costs of \$130,720.

In addition to the stream flow and water quality stations the 2015-16 agreement includes the continuation of a pharmaceutical and personal care products water quality study on the Trinity River and Zebra Mussel sampling and water quality study on Dallas' water supply reservoirs. The City of Dallas share of the investigative study program is \$396,500. The total cost for this portion of the agreement is \$474,000. Dallas' share is approximately 83.65 percent of these total costs.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized Joint Funding Agreement with USGS for Fiscal Year 2011-12 on October 26, 2011, by Resolution No. 11-2852.

Authorized Joint Funding Agreement with USGS for Fiscal Year 2012-13 on September 26, 2012, by Resolution No. 12-2382.

Authorized Joint Funding Agreement with USGS for Fiscal Year 2013-14 on January 8, 2014, by Resolution No. 14-0123.

Authorized Joint Funding Agreement with USGS for Fiscal Year 2014-15 on November 12, 2014, by Resolution No. 14-1936.

Information about this item will be provided to the Quality of Life & Environment Committee on November 9, 2015.

FISCAL INFORMATION

\$633,825 – Water Utilities Current Funds

November 10, 2015

WHEREAS, the City of Dallas has participated with the United States Geological Survey (USGS) in gauging flows relating to the City’s water supply reservoirs, collection of water quality and the flow data in the Trinity River, a pharmaceutical and personal care products water quality study on the Trinity River; and Zebra Mussel sampling and water quality study in Dallas’ water supply reservoirs; and,

WHEREAS, the USGS, has submitted a contract to continue the program for the period November 1, 2015 – September 30, 2016, with the City of Dallas share of the cost at \$633,825. The total program cost of \$831,680 is to be shared between USGS, Ft. Worth, Dallas County, Park Cities Municipal Utility District, Dallas, and the Trinity River Authority; and,

WHEREAS, a joint funding agreement is the most cost-effective method for the City of Dallas to obtain the required data.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with United States Geological Survey for operation of stream flow and water quality gauging stations in the Trinity River basin, a pharmaceutical and personal care products water quality study, and Zebra Mussel sampling and Water Quality study on each of the reservoirs in Dallas’ water supply system.

Section 2. That the Chief Financial Officer is hereby authorized to pay the sum of \$633,825 from the Water Utilities Current Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0100	DWU	7030	3070	CTDWU7030A1603	157940

United States Geological Survey - \$633,825

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.