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CITY SECRETARY  
DALLAS, TEXAS

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

MONDAY, FEBRUARY 26, 2018  
CITY HALL  
COUNCIL BRIEFING ROOM, 6ES  
1500 MARILLA STREET  
DALLAS, TEXAS 75201  
9:00 A.M. – 11:00 A.M.

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

Call to Order

1. Approval of February 12, 2018 Minutes

**BRIEFINGS**

2. Bulk and Brush Program - Update  
Kelly High  
*Director, Sanitation Services*
3. Amendments to Article X Landscape and Tree Preservation Regulation  
David Cossum  
*Director, Sustainable Development and Construction*

4. **Upcoming Agenda Items**

**February 28, 2018**

- A. Agenda Item #24 - Authorize the first amendment to the Lease Agreement with DSM Management Group, Inc. for Music Hall at Fair Park to provide for the City's contributions to the operations and utility costs of the facility, previously authorized on an annual basis, in the amount of \$290,000 per year for the period October 1, 2017 through June 30, 2029 - Not to exceed \$3,480,000 - Financing: General Funds (subject to annual appropriations)
- B. Agenda Item #25 - Authorize the second amendment to the Master Agreement with Dallas Black Dance Theatre, Inc. for the Development, Use and Operation of the Dallas Black Dance Theatre facility to memorialize an increase to the City's contributions for the operations and utility costs of the facility by \$77,000, previously authorized on an annual basis, from \$93,000 to \$170,000 annually for the period October 1, 2017 through December 31, 2048, and for related revisions - Not to exceed \$2,387,000, from \$2,883,000 to \$5,270,000 - Financing: General Funds (subject to annual appropriations)

- C. Agenda Item #54 - Authorize a Chapter 380 Economic Development Grant Agreement with ESPN Production Inc. in consideration of bringing teams from the Big Ten, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium at Fair Park in December 2018 and December 2019 pursuant to the City of Dallas Public/Private Partnership Program - Not to exceed \$800,000 - Financing: General Funds (subject to annual appropriations)
- D. Agenda Item #55 - Authorize a ten-year Interlocal Agreement, with two five-year renewal options, with Dallas Independent School District for shared access of campus grounds after school hours and weekends - Financing: This action has no cost consideration to the City (see Fiscal Information for future cost)
- E. Agenda Item #56 - Authorize a ten-year development and maintenance agreement, with two, five-year renewal options with Dallas Zoo Management for the development, construction, operation and maintenance of a two-acre whooping crane breeding facility at Samuell Farm, located at 100 US Highway 80E, Mesquite, Texas 75149 – Financing: No cost consideration to the City
- F. Agenda Item #57 - Authorize Supplemental Agreement No. 5 to the professional services contract with Quimby McCoy Preservation Architecture, LLP for the third phase of the park Master Plan; design, construction documents, construction procurement and construction administration phases for the disassembly/reassembly and new foundation for the historic barn at the future Sharrock-Niblo Park located at 6900 Grady Niblo Road - Not to exceed \$103,310, from \$229,207 to \$332,517 - Financing: 2006 Bond Funds (\$4,745) and 2017 Bond Funds (\$98,565)

Adjourn



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

#### **HANDGUN PROHIBITION NOTICE FOR MEETINGS OF GOVERNMENTAL ENTITIES**

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

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

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

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

## EXECUTIVE SESSION NOTICE

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

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

# Quality of Life, Arts & Culture Committee Meeting Record

**Meeting Date:** February 12, 2018      **Convened:** 9:10 AM      **Adjourned:** 10:27 AM

**Members Present:**

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

**Members Absent:**

**Council Members Present:**  
Philip Kingston

**Briefing Presenters**

David Cossum  
*Director, Sustainable Development & Construction*  
  
Willis Winters  
*Director, Park and Recreation*  
  
Ryan O'Connor  
*Program Manager, Park & Recreation*

**Staff Present:**

Majed Al-Ghafry, Casey Burgess, David Cossum, Neva Dean, Louise Elam, Juan Garcia, Adelia Gonzalez, Jennifer Scripps, Bert Vandenberg, Joey Zapata

**Guests:**

**AGENDA:**

**1. Approval of the January 22, 2018 Minutes**

**Information Only:**

**Action Taken/Committee Recommendation(s):** A motion was made to approve the minutes of January 22, 2018.

**Motion made by:** Rickey D. Callahan

**Motion seconded by:** Mark Clayton

**Item passed unanimously:**

**Item passed on a divided vote:**

**Item failed unanimously:**

**Item failed on a divided vote:**

**2. Park Land Dedication Ordinance**

**Presenter(s):** David Cossum, Director, Sustainable Development and Construction; Willis Winters, Director, Park and Recreation; Ryan O'Connor, Program Manager, Park and Recreation

**Information Only:**

The Committee was briefed on the Park Land Dedication Ordinance.

**Action Taken/Committee Recommendation(s):** The Park Land Dedication Ordinance will be briefed to City Council.  
  
Councilmember Griggs requested a memo on any conflicts there may be between the Tree Mitigation Ordinance and the Park Land Dedication Ordinance.

**Motion made by:**

**Item passed unanimously:**

**Item failed unanimously:**

**Motion seconded by:**

**Item passed on a divided vote:**

**Item failed on a divided vote:**

**3. Upcoming Agenda Items**

**Presenter(s):**

**Information Only:**

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

**Action Taken/Committee Recommendation(s):**

Councilmember Greyson requested additional information on Upcoming Agenda Item B, an interlocal agreement with RISD and Item C, authorizing an increase in the construction service contract with The Fain Group, Inc.

**Motion made by:**

**Item passed unanimously:**

**Item failed unanimously:**

**Motion seconded by:**

**Item passed on a divided vote:**

**Item failed on a divided vote:**

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**Councilmember Sandy Greyson**  
Chair

# Memorandum



CITY OF DALLAS

DATE February 23, 2018

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

SUBJECT Bulk and Brush Program - Update

On Monday, February 26, 2018, you will be briefed on Bulk and Brush Program - Update. The briefing materials are attached for your review.

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

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

Joey Zapata  
Assistant City Manager

c: Honorable Mayor and Members of City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Billierae Johnson, City Secretary (Interim)  
Daniel F. Solis, Administrative Judge  
Kimberly Bizer Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, Assistant City Manager

Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)  
Jon Fortune, Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Nadia Chandler Hardy, Chief of Community Services  
Raquel Favela, Chief of Economic Development & Neighborhood Services  
Theresa O'Donnell, Chief of Resilience  
Directors and Assistant Directors

# Bulk and Brush Program - Update

Quality of Life, Arts &  
Culture Committee

February 26, 2018

Kelly High, Director  
Sanitation Services



**City of Dallas**

# Presentation Overview

- Provide a recap of the last bulk and brush collection program briefings
- Provide an overview of current collection program
  - Discuss program challenges
- Discuss recently completed field surveys and examine results
- Discuss Committee feedback on service options
- Summarize and discuss potential next steps



# Previous Bulk and Brush Briefings

- In previous bulk and brush briefings to the Committee (December 2016 and February 2017), we discussed:
  - The current bulk and brush collection program and its challenges
  - Program alternatives and estimated financial impacts
  - Need for additional survey information to better inform councilmembers on impacts of potential program changes

# Current Collection Program

- Sanitation Services provides collection service to approximately 240,000 residential households
- The current bulk and brush collection program costs over \$20M annually
  - About \$8 of the monthly \$25.18 residential fee
- Bulk and brush service is provided monthly during designated collection weeks
- Broad ordinance language doesn't specify volume limits and allows bulk and brush to be comingled



# Current Collection Program – Challenges

- Bulk and brush are comingled and the organic material cannot be easily diverted or re-used
  - Meeting the City's residential diversion goal of 40%, by 2020, requires diversion of brush/yard waste
  - Currently diversion/re-use is at about 20%
    - 12% residential blue bin recycling
    - 8% beneficial re-use of brush



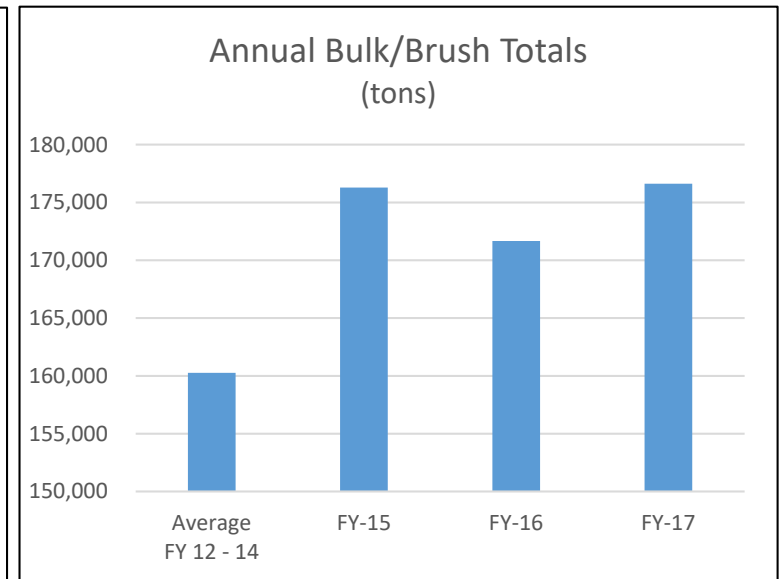
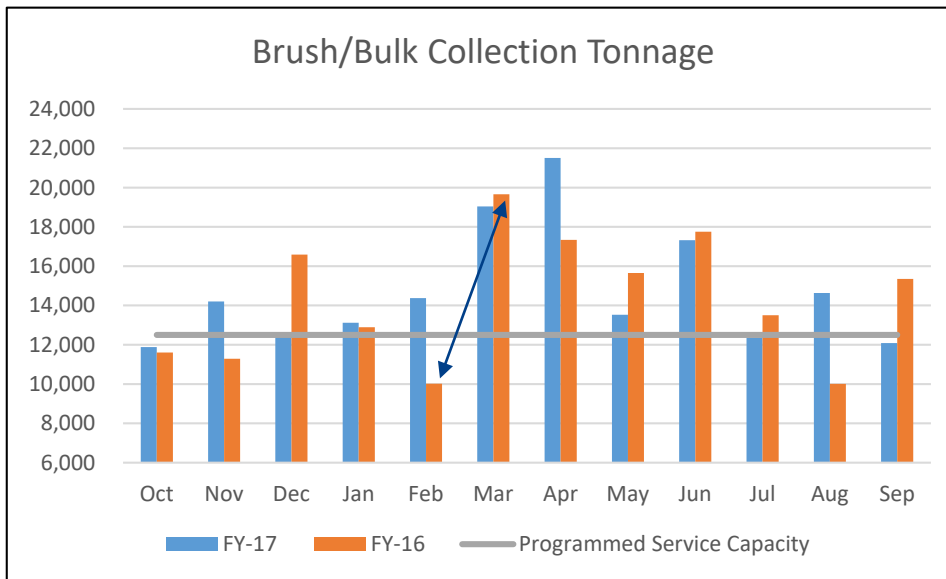
# Current Collection Program – Challenges

- With few restrictions, the program tolerates over use or inappropriate use
  - Program utilized by homeowner operated businesses
  - Non-resident material brought to Dallas for collection
  - Large and non-typical waste are set out by some



# Current Collection Program – Challenges (continued)

- Yearly volumes have increased and monthly volumes range from less than 10K tons to over 20K tons
  - Crews collect over 170,000 tons annually

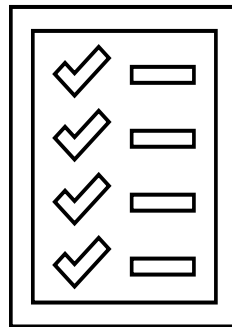


# Current Collection Program – Challenges (continued)

- Volume spikes impact service delivery
  - In the last two years, crews were only able to finish by Friday about 60% -70% of the time
- Frequent collections and limited restrictions can contribute to neighborhood blight
  - Potential indifference toward setting material out during non-collection weeks
  - Over 12,000 bulk and brush violation service requests worked annually by Code Compliance
    - Results in approximately 5,000 citations annually



# Recent Field Survey Results

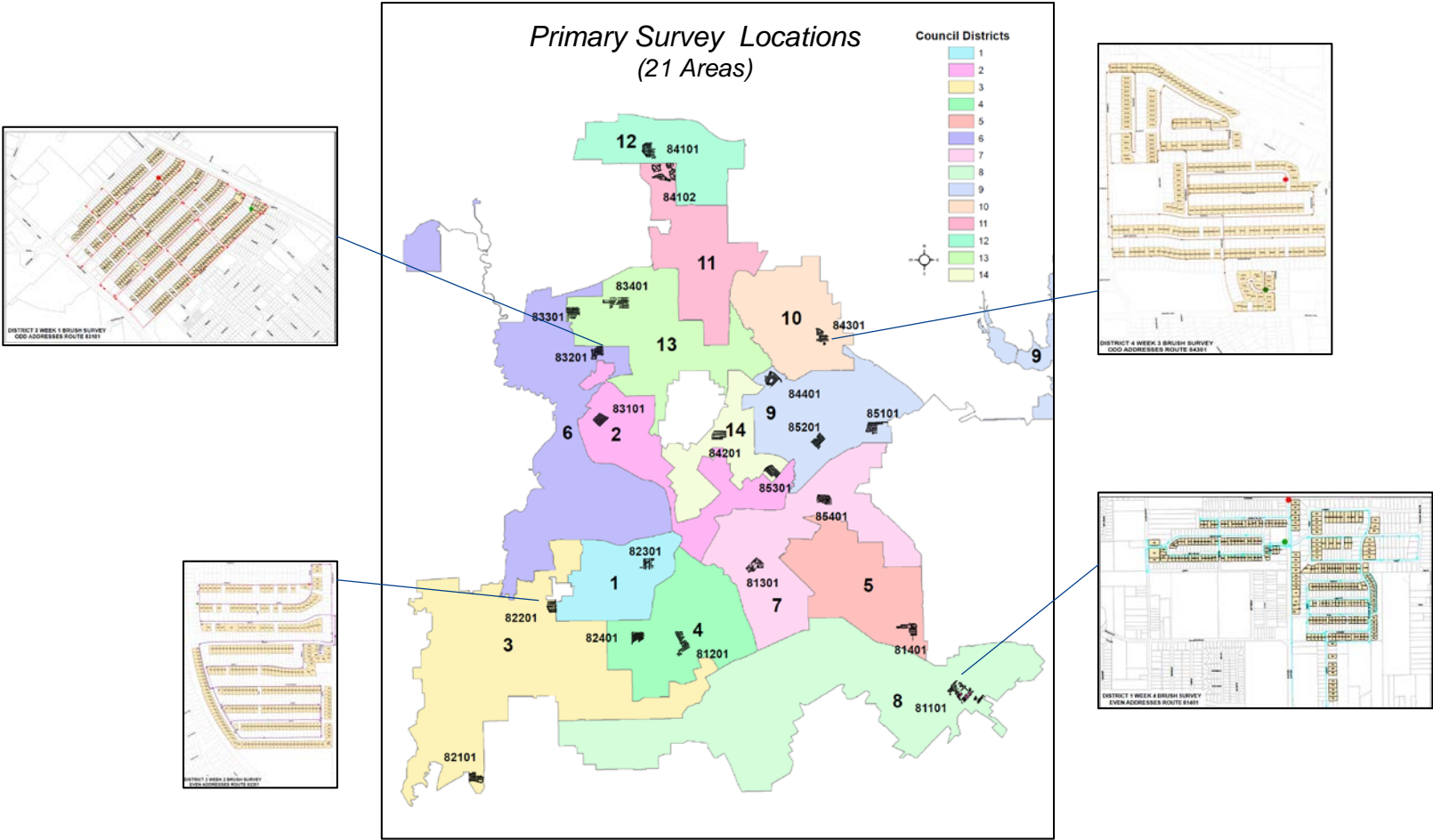


# Field Survey Details

- In 2017, staff conducted field surveys to:
  - Determine how customers utilized the current program
    - Frequency of use (participation levels)
    - Type of material set out (brush, non-brush, bagged leaves)
    - Set-out sizes (cubic yards)
- Two survey components:
  - A primary 6 month survey
    - 21 geographically identified areas Citywide
    - ~250 homes in each area (same 5,250 surveyed each month)
      - Odd side addresses for odd brush weeks and even side addresses for even brush weeks
    - March, April, May, June, November and December
    - At least one area in each Council District and four areas in each Sanitation District (one per brush week)
  - A secondary “support” survey was conducted in July only (2,500 separate homes)

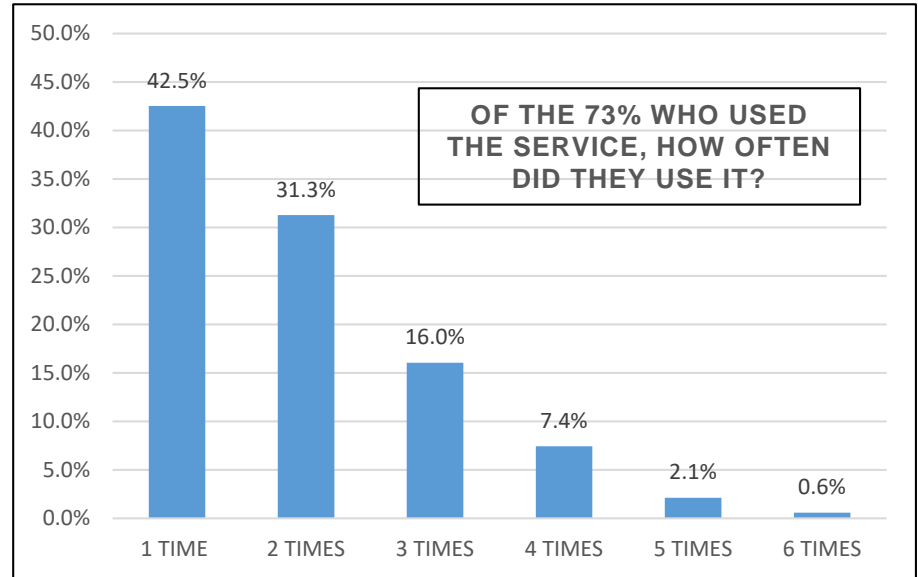
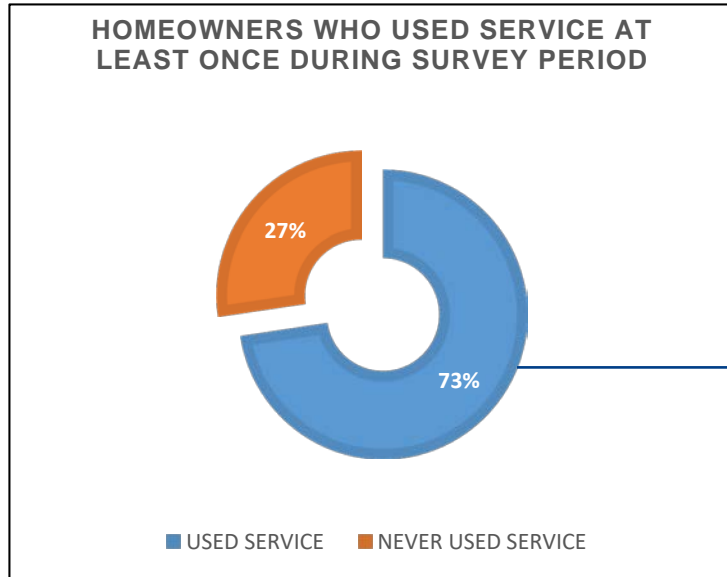


# Primary Survey Map



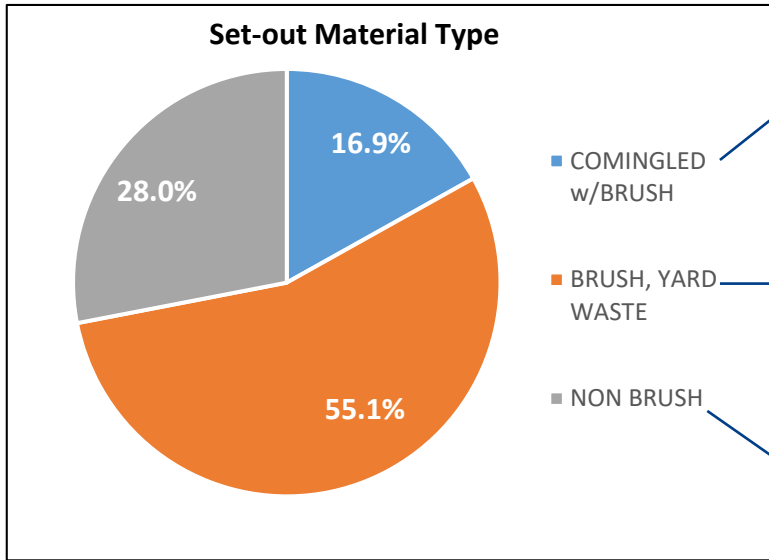
*Note: All Council districts, Sanitation districts and Bulk/Brush weeks represented*

# Primary Survey Results - Participation



*Note: Of the total number of opportunities available during the 6 months, only 24% of the opportunities utilized.*

# Primary Survey Results - Material Type



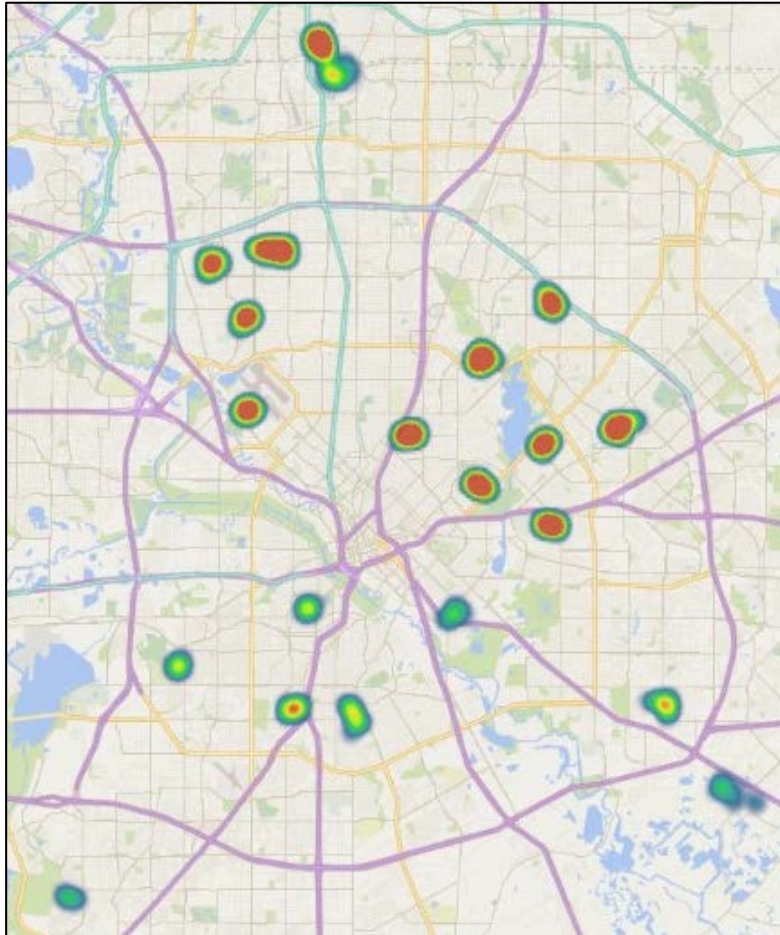
- COMINGLED w/BRUSH
- BRUSH, YARD WASTE
- NON BRUSH



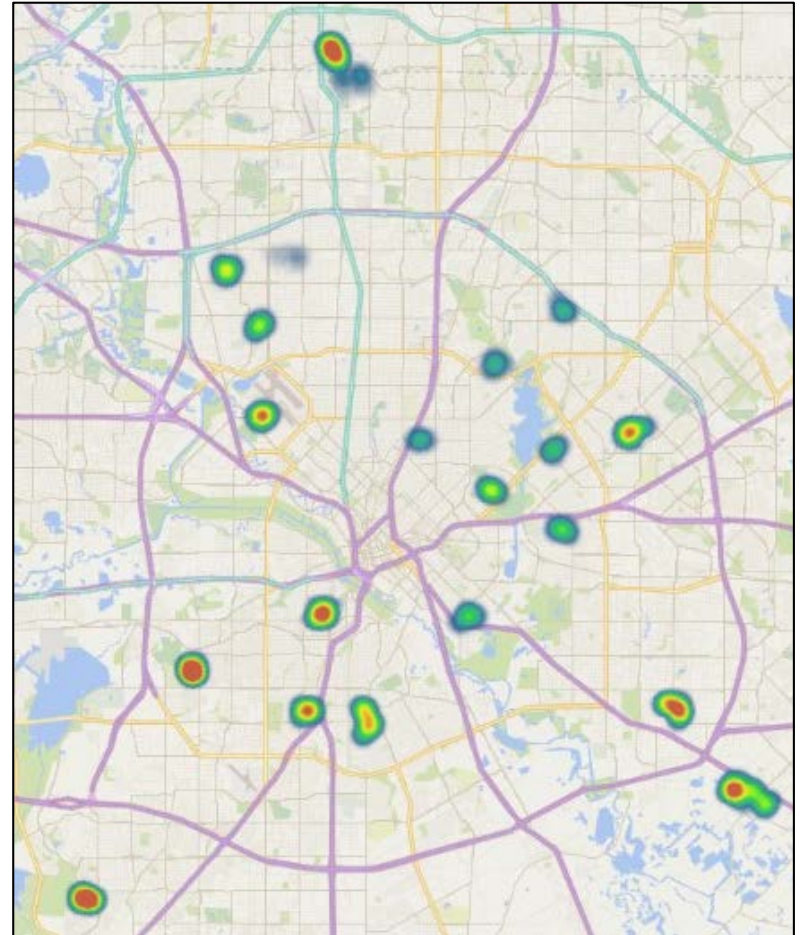
# Material Type by Area

(based on percentage)

Brush/Yard Waste Only



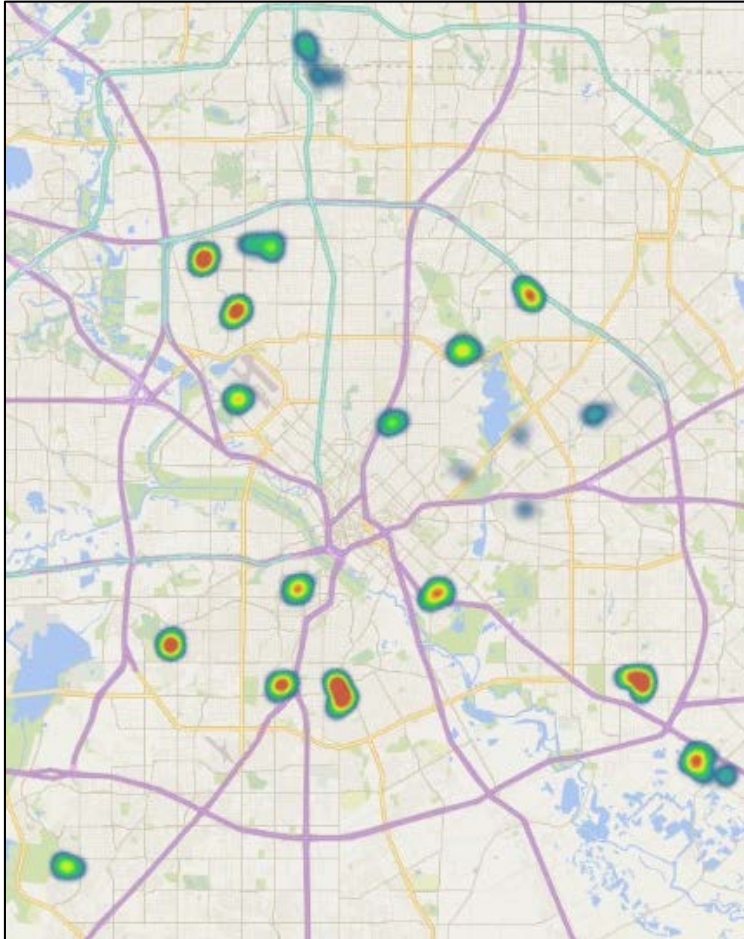
Non-brush Waste



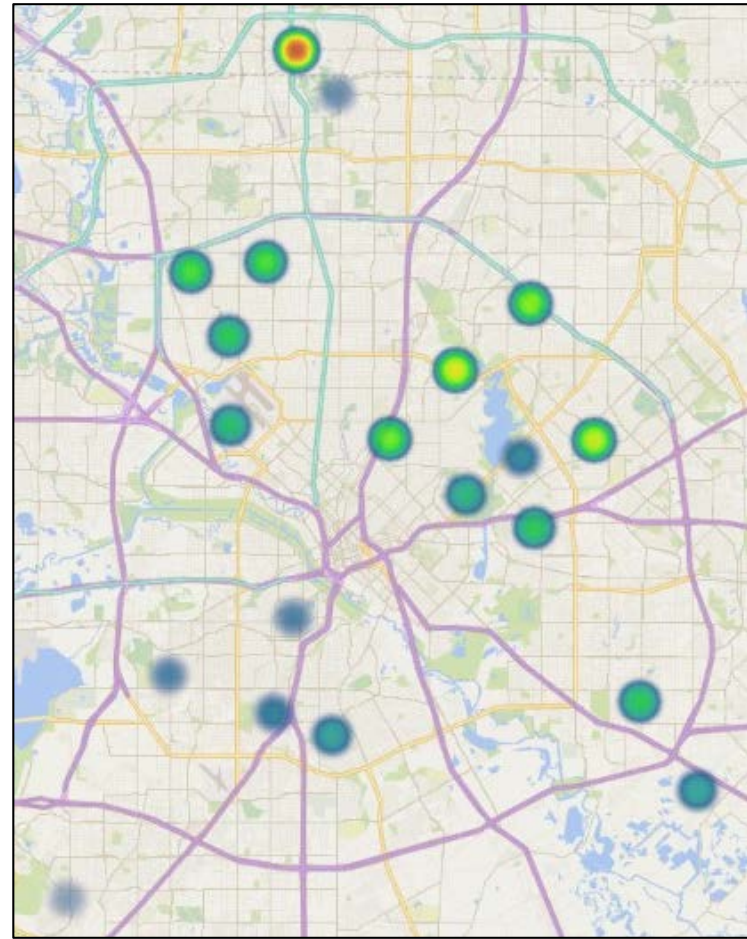
# Material Type by Area

(based on percentage or number\*)

Comingled



Bags\*



# Primary Survey Results - Sizes

The survey indicated the following regarding the sizes of individual set outs:

Set Out Size	Percentage
Less than 5 cubic yards	85%
6 – 10 cubic yards	11%
11 – 15 cubic yards	2%
Over 15 cubic yards	2%

*Note:*

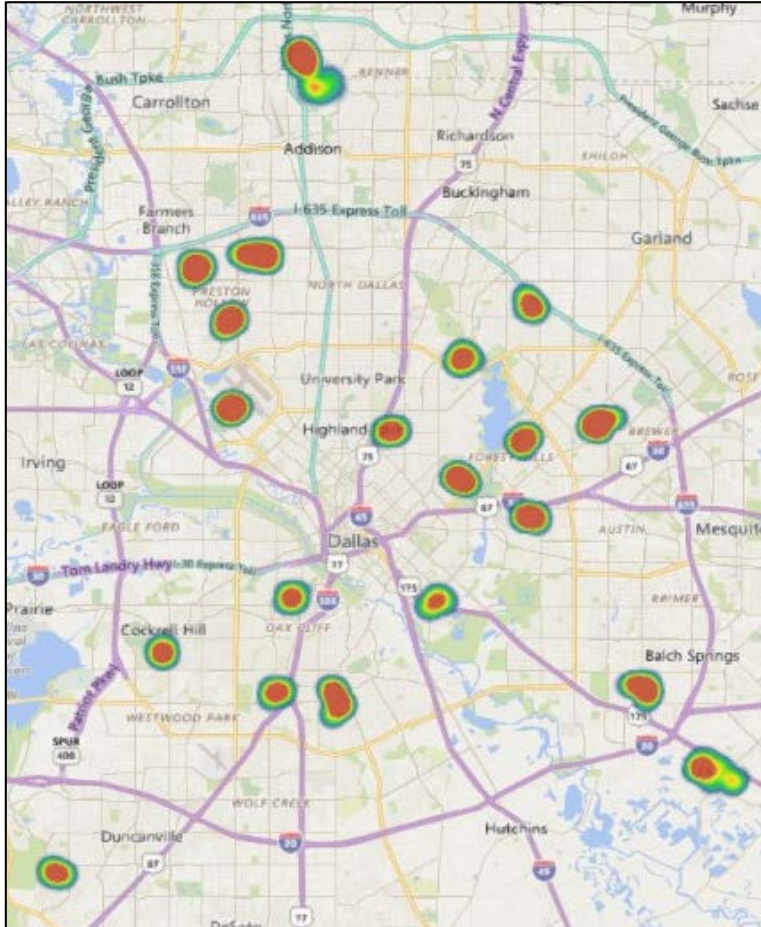
- *1 Cubic Yard ~ Two 96-gallon roll carts*
- *10 Cubic Yards ~ 16 full sized clothes dryers or 6 full sized refrigerators*
- *16-18 Cubic Yards ~ Minivan*
- *35 Cubic Yards ~ One full brush trailer*

# Primary Survey Results – Size Examples

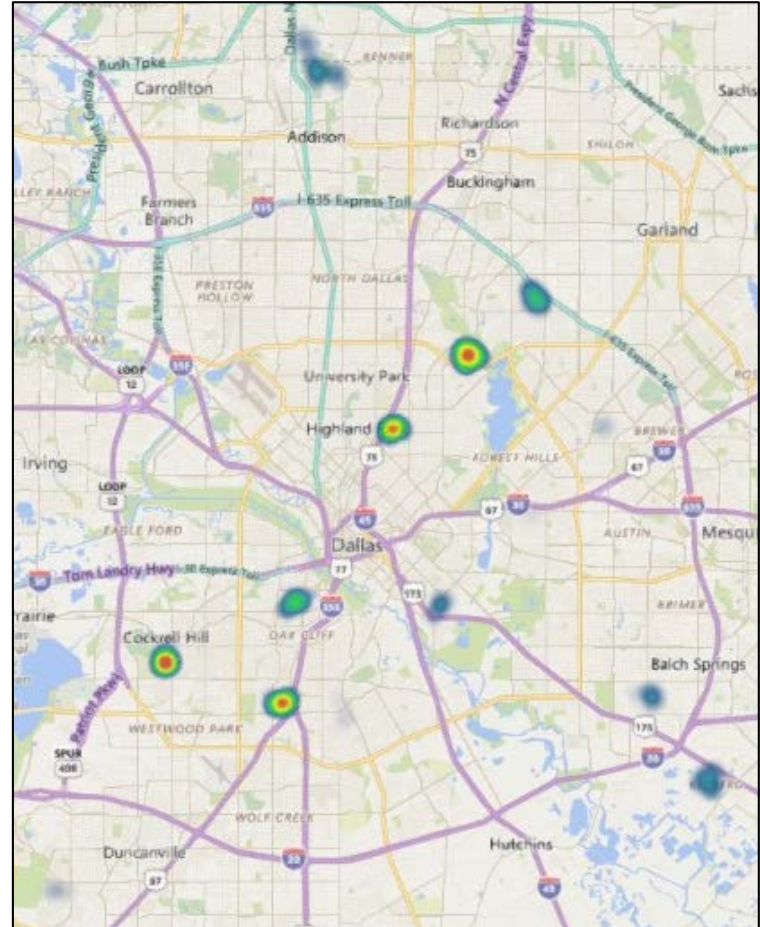


# Set-out Volume by Area

Less than 10 Cubic Yards



Over 10 Cubic Yards





# Summary of 6 Month Survey Results

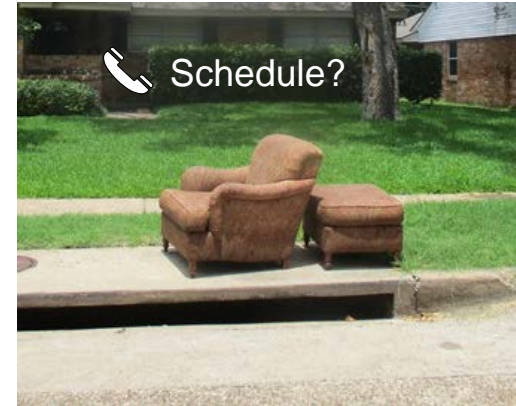
- Most residents (73%) used the City's bulk/brush service at least once during the survey period
- Of the residents that used the service, about 74% only used the service once or twice
- Most residents (85%) put out fewer than 5 cubic yards per collection week
- When service utilized, about 55% was brush/yard waste only and 17% comingled brush/waste

# Summary of 6 Month Survey Results

- There were some slight differences among the 21 areas related to:
  - Composition of materials and use of bagged material\*
    - Brush/yard waste only ranging from 30% - 77%
    - Non-brush ranging from 8% - 53%
  - Volumes of material set out for collection\*
    - Over 10 cubic yards ranging from 0 – 11.9%
  - Participation and utilization rates\*
    - Participation ranging from 38% - 88%
- Although not discussed (in appendix), the July survey data correlated well to primary survey

*\*Note: Details by area in appendix*

# Moving Forward - Program Options?



# Primary Goals for Considering Program Changes:

- Improve citywide neighborhood appearances by reducing and/or mitigating negative collection impacts
- Improve consistency and efficiency of service
- Meet “zero-waste” program goals by increasing diversion or re-use of brush and yard waste, while meeting residents service needs
  - Changes could increase brush diversion from 8% to 19%
  - Over 30-40 years, changes could save 2-3 years of landfill space

# Program Options for Discussion

- Separate Bulk and Brush material to increase organic waste diversion or reuse ✓
- Collection schedule options:
  1. Same collection week for bulk and brush ✓
    - Materials separated at curb for collection
    - Call-in to 311 to indicate a bulk set-out (for routing)
    - No call-in needed for brush set-out
  2. Monthly brush and yard waste, with quarterly bulk
  3. Alternating months of bulk and brush collection
  4. Monthly brush, but schedule bulk
    - Call-in to 311 to indicate a bulk set-out (for routing)

# Program Options for Discussion

- Collection restriction options:
  - Volume restrictions (10 cubic yards)\*: ✓
    - Volumes over limit at an additional charge
  - Bag type restrictions:
    - Require leaves and grass clippings to be in paper yard bags, only if set-out with brush/yard waste ✓
      - Yard waste in plastic bags considered bulk

*\*Note: it is estimated that 25-30% of total tons collected is from less than 5% of the set-outs (over 10 cubic yards)*

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# Summary

- The City's current bulk and brush collection program has few limitations and can create an unsightly appearance
  - Monthly collection volumes fluctuate too significantly for efficient and consistent service delivery
- Program changes needed to increase diversion and re-use, reduce tonnage collected, and allow for more consistent service
- Committee feedback is needed on program options and recommendations to refine program changes (if desired)

# Next Step

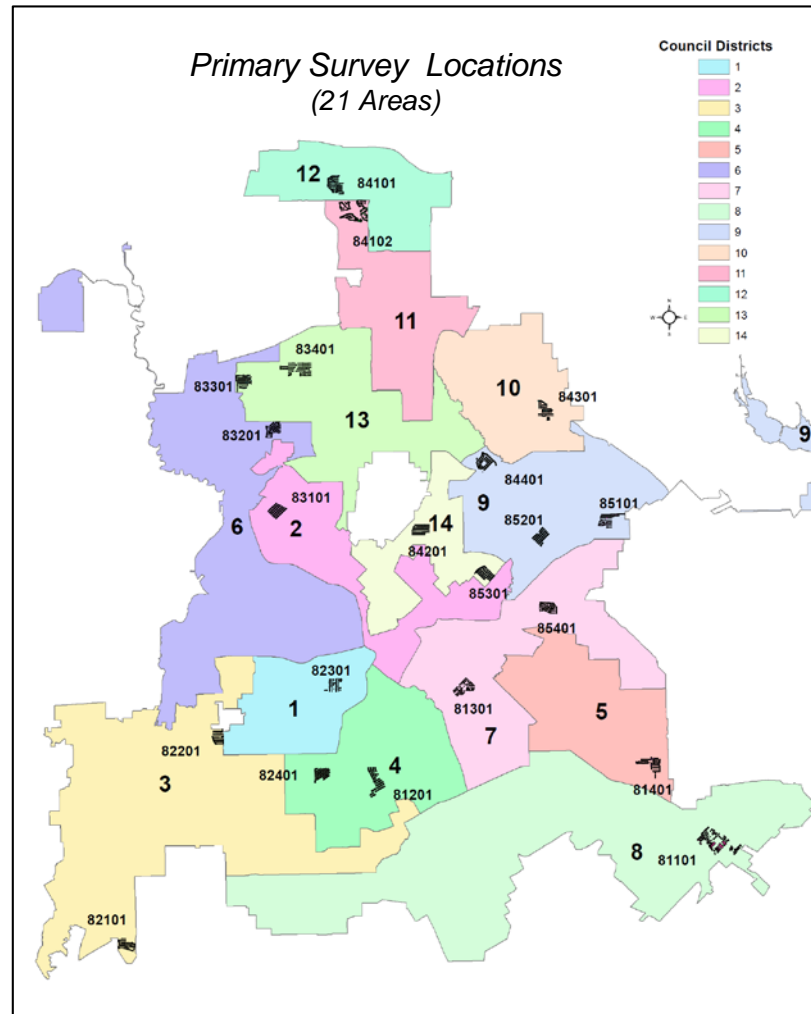
- Receive Committee feedback on potential program changes/options
- If the Committee desires program changes and identifies preferred program options, staff would:
  - Develop a complete program based on key service factors and/or levels identified by the Committee
  - Develop estimated financial impacts and implementation plan based on program changes
  - Bring a detailed plan back to the Committee to consideration within 90 days



# Appendix



# Primary Area Profiles



# Area 81101 Profile – Southeast CD 8

- Area Borders

- CF Hawn Fwy
- Jordan Valley
- Kleberg Rd.
- Woody Rd.

- Number of Homes

- 239 Homes

- General Profile

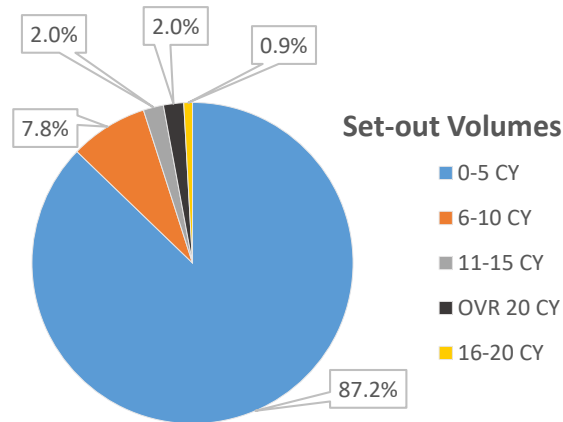
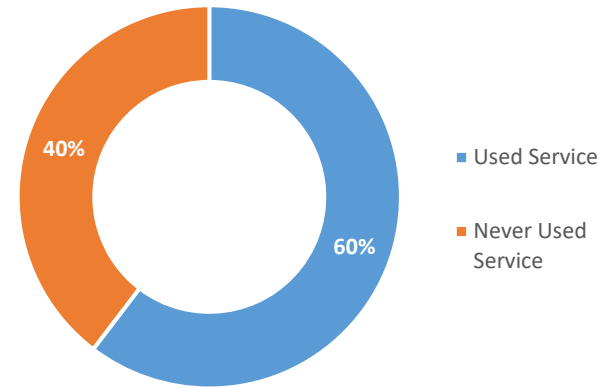
- Average volumes
- Above average non-brush and below average brush percentages
- Below average participation

- Other Information

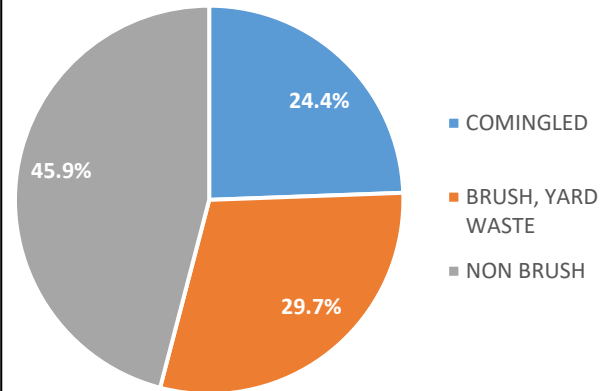
- Bag Count – 148
- Opportunities Used
  - 21%



**HOMEOWNER PARTICIPATION**



**Material Type**



# Area 81201 Profile - South CD 4

- Area Borders

- Saner Ave.
- Lancaster Rd.
- Overton Rd.
- Frio Dr.

- Number of Homes

- 238 Homes

- General Profile

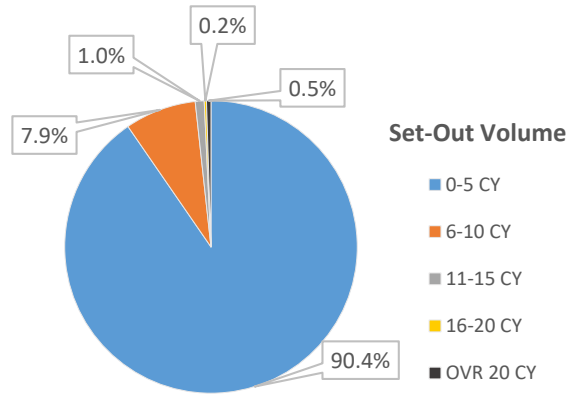
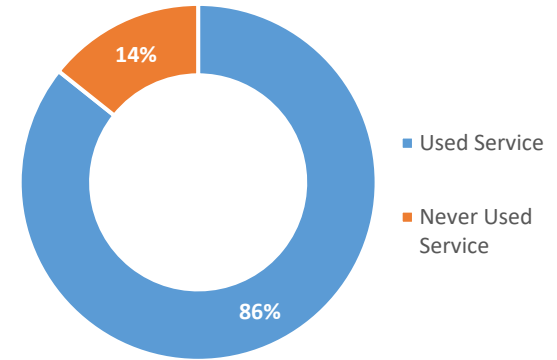
- Slightly below average volumes
- Above average comingled and below average brush percentage
- Above average participation

- Other Information

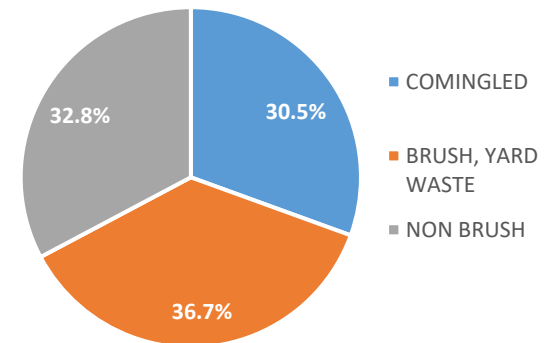
- Bag Count – 147
- Opportunities Used
  - 28%



### Homeowner Participation



### Material Type



# Area 81301 Profile - South CD 7

- Area Borders

- Hatcher St.
- Malcolm X Blvd.
- CF Hawn Frwy

- Number of Homes

- 238 Homes

- General Profile

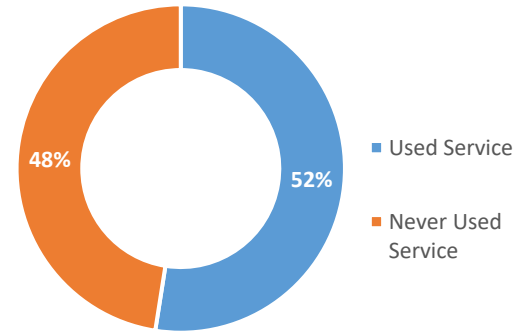
- Average volumes
- Above average comingled and below average brush percentage
- Below average participation

- Other Information

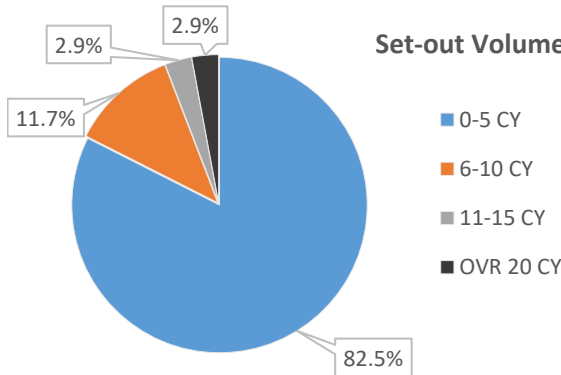
- Bag Count – 73
- Opportunities Used
  - 13%



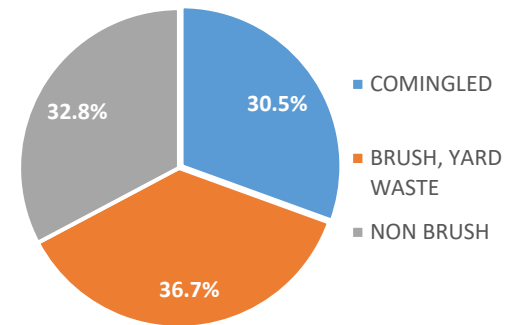
Homeowner Participation



Set-out Volume



Material Types



# Area 81401 Profile - South CD 5

- Area Borders

- Stebbins Dr.
- N. Masters Dr.
- Old Seagoville Rd.
- St. Augustine Rd.

- Number of Homes

- 255 Homes

- General Profile

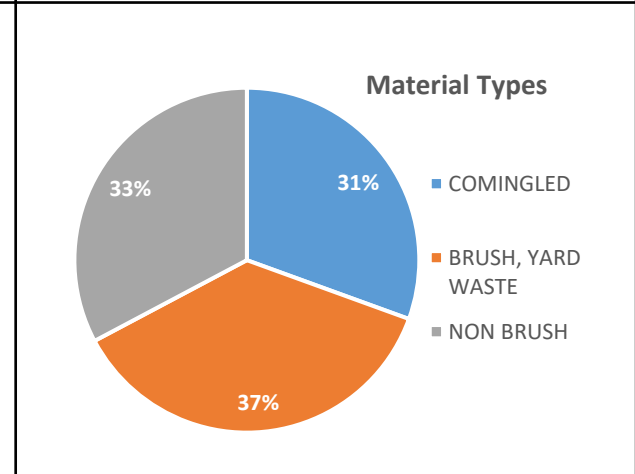
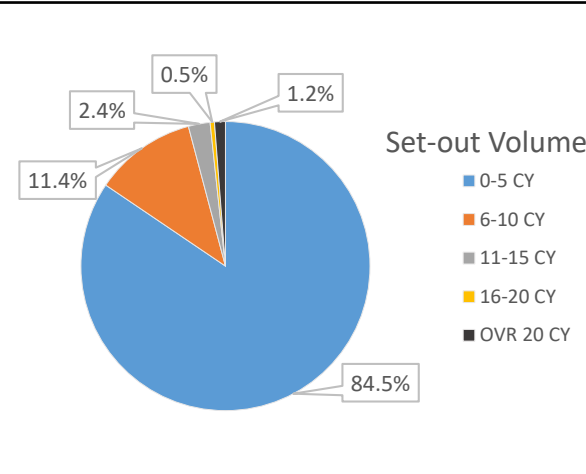
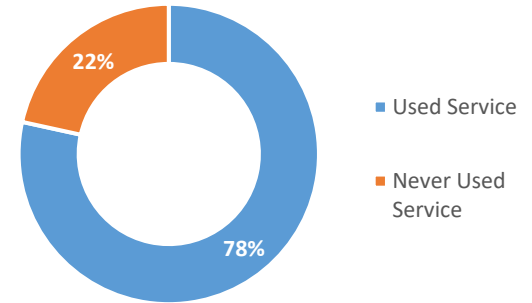
- Average Volumes
- Above average non-brush and below average brush percentage
- Average participation

- Other Information

- Bag Count – 202
- Opportunities Used
  - 27%



## Homeowner Participation



# Area 82101 Profile - Southwest CD 3

- Area Borders

- Sorcey/Mt. Creek Pkwy
- Clark Rd.
- Flameleaf Pl
- Oakmore Dr.

- Number of Homes

- 245 Homes

- General Profile

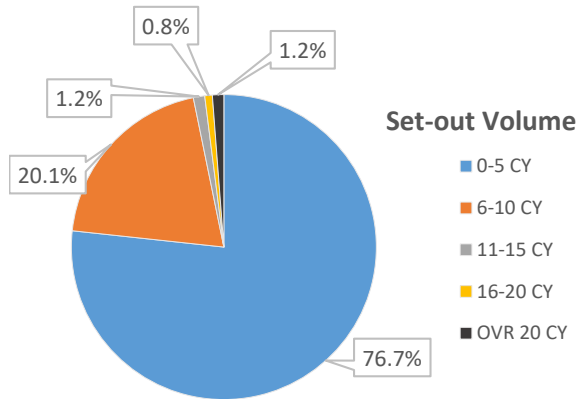
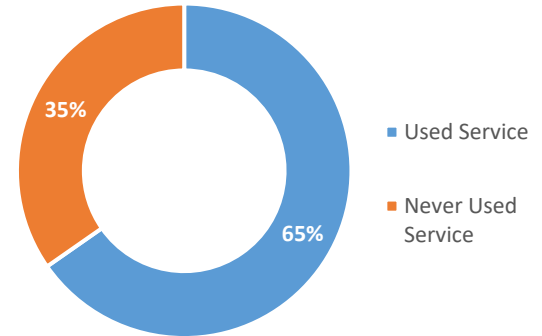
- Above average volumes
- Well above average non-brush and below average brush percentage
- Slightly below average participation

- Other Information

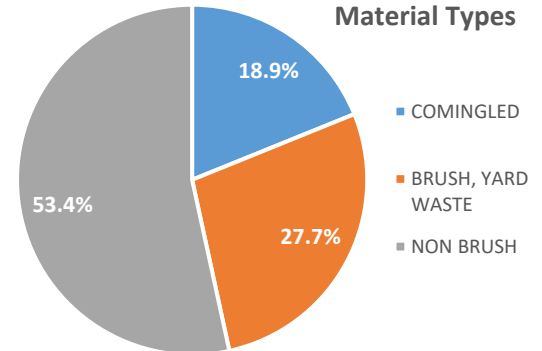
- Bag Count – 93
- Opportunities Used
  - 17%



Homeowner Participation



Material Types



# Area 82201 Profile - Southwest CD 3

- Area Borders

- Marcell Ave.
- Cockrell Hill Rd.
- Lizzy Dr.
- Dacki Ave.

- Number of Homes

- 280 Homes

- General Profile

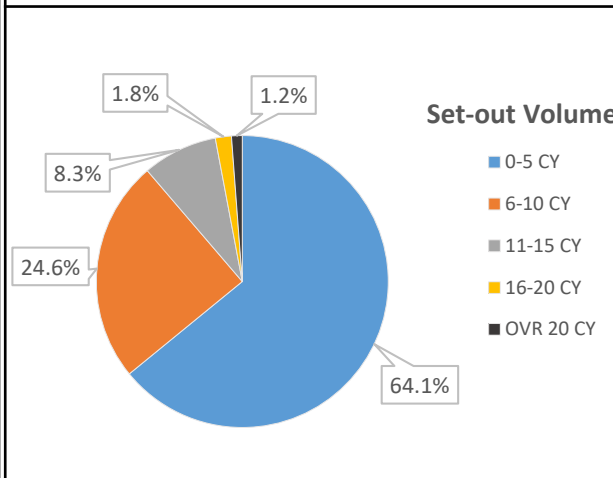
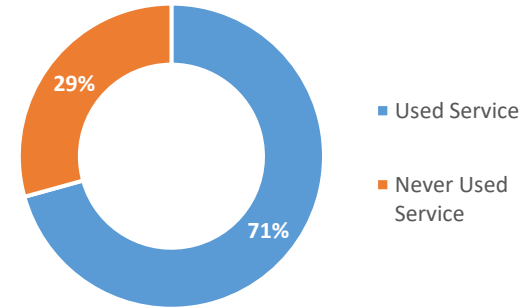
- Above average volumes
- Well above average non-brush and below average brush percentage
- Average participation

- Other Information

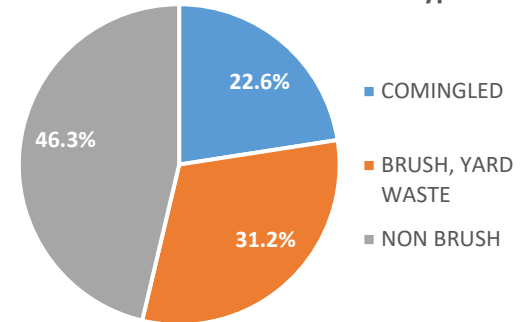
- Bag Count – 107
- Opportunities Used
  - 20%



Homeowner Participation



Material Types





# Area 82301 Profile - South CD 1

- Area Borders

- Neches
- Zang Blvd.
- W. Davis St.
- Cedar Hill Ave.

- Number of Homes

- 212 Homes

- General Profile

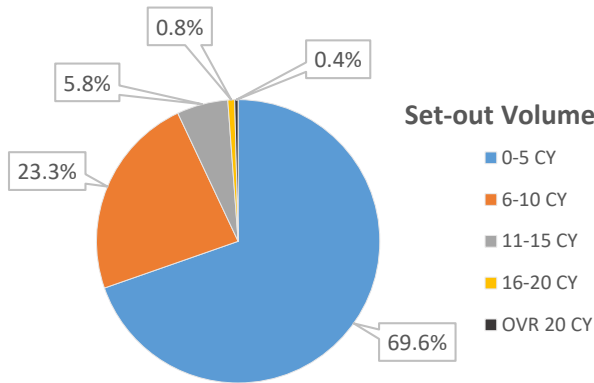
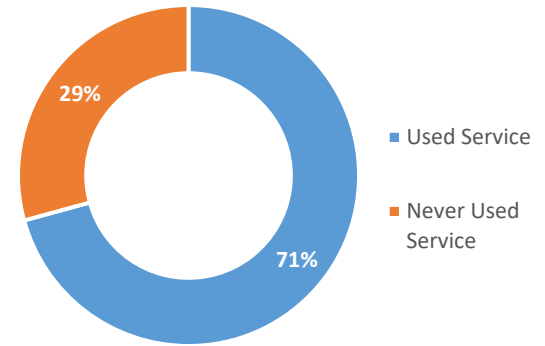
- Above average volumes
- Above average non-brush and below average brush percentage
- Average participation

- Other Information

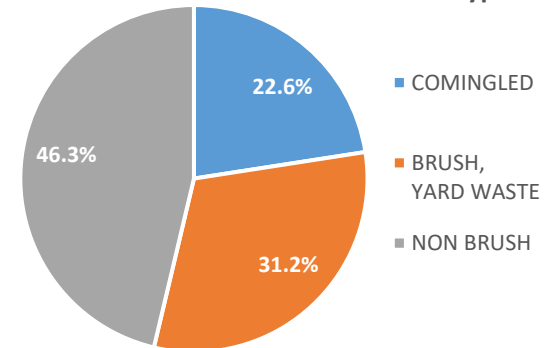
- Bag Count – 107
- Opportunities Used
  - 18%



Homeowner Participation



Material Types



# Area 82401 Profile - South CD 4

- Area Borders

- W. Saner Ave.
- S. Llewellyn
- W. Kiest Ave.
- S. Polk St.

- Number of Homes

- 258 Homes

- General Profile

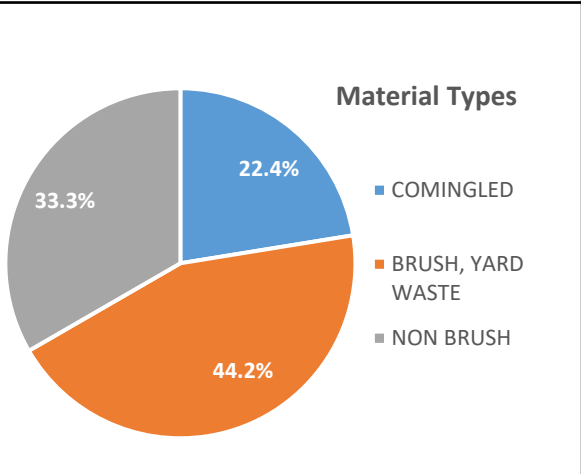
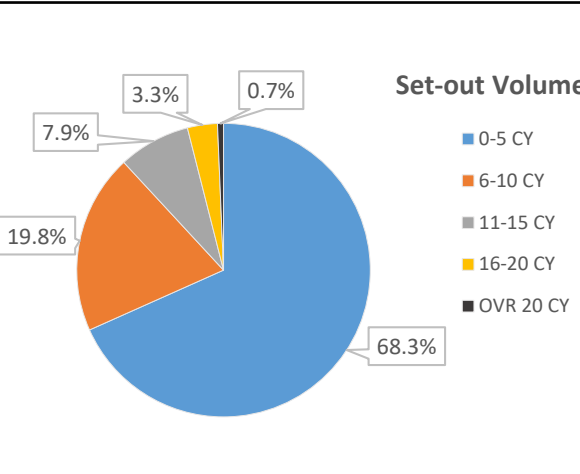
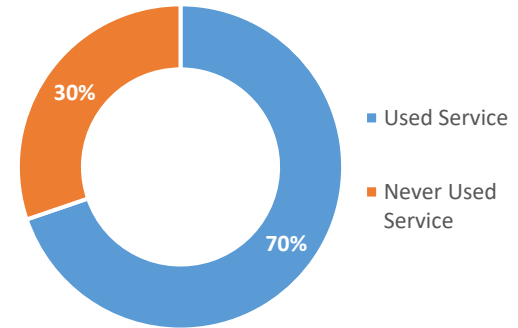
- Above average volumes
- Near average material percentages
- Average participation

- Other Information

- Bag Count – 119
- Opportunities Used
  - 19%



Homeowner Participation



# Area 83101 Profile - Northwest CD 2

- Area Borders

- Burbank St.
- Denton Rd.
- Gilford St.
- Harry Hines Blvd.

- Number of Homes

- 258 Homes

- General Profile

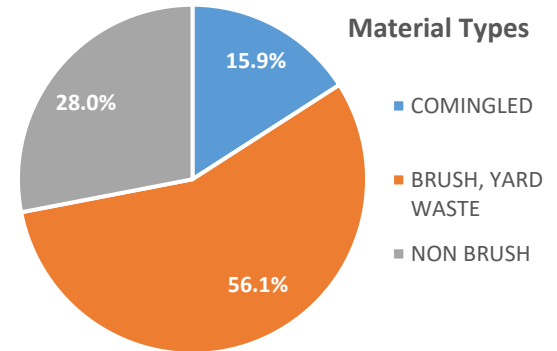
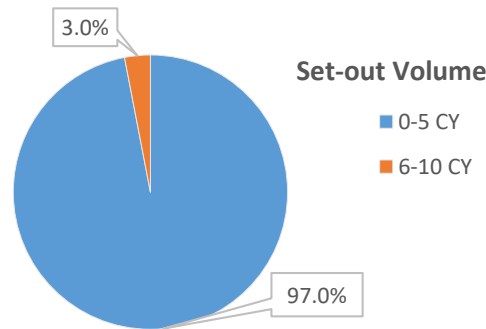
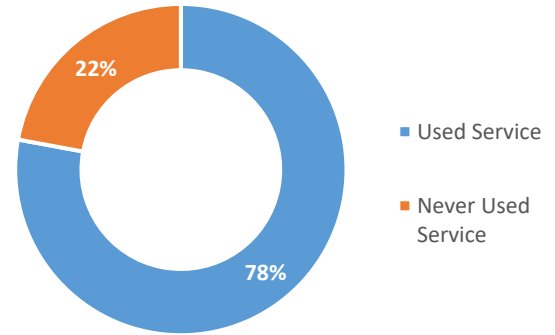
- Below average volumes
- Average material percentages
- Average participation

- Other Information

- Bag Count – 184
- Opportunities Used
  - 25%



Homeowner Participation



# Area 83201- Northwest CD 6

- Area Borders

- Walnut Hill Rd.
- Marsh Ln.
- Linda Dr.
- Webb Chapel Rd.

- Number of Homes

- 234 Homes

- General Profile

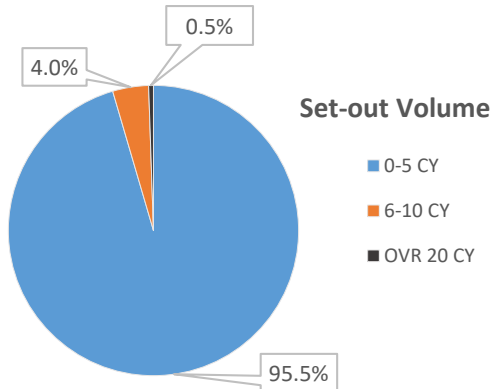
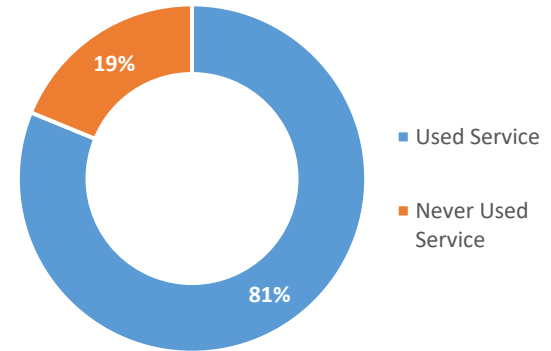
- Below average volumes
- Near average material percentages
- Slightly above average participation

- Other Information

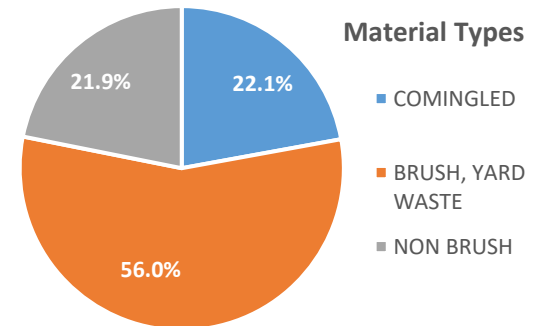
- Bag Count – 201
- Opportunities Used
  - 26%



Homeowner Participation



Material Types



# Area 83301- Northwest CD 13

- Area Borders

- Northaven Rd.
- Webb Chapel Rd.
- Royal Ln.
- Dennis Rd.

- Number of Homes

- 255 Homes

- General Profile

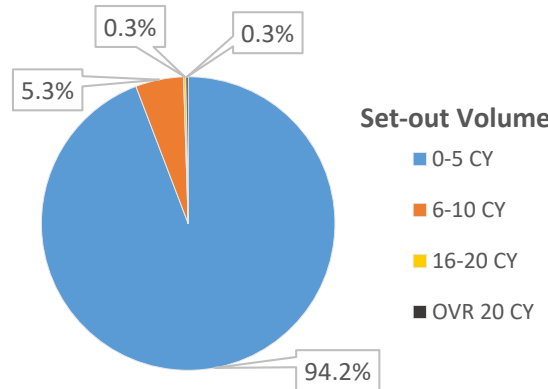
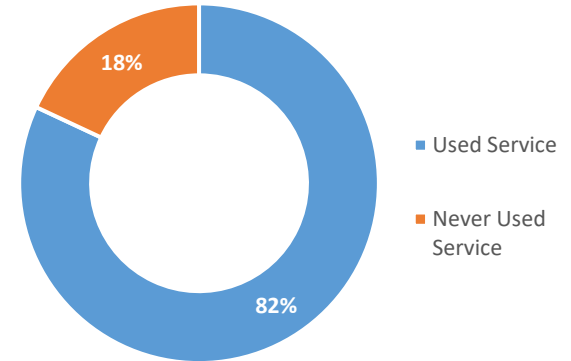
- Below average volumes
- Average material percentages
- Slightly above average participation

- Other Information

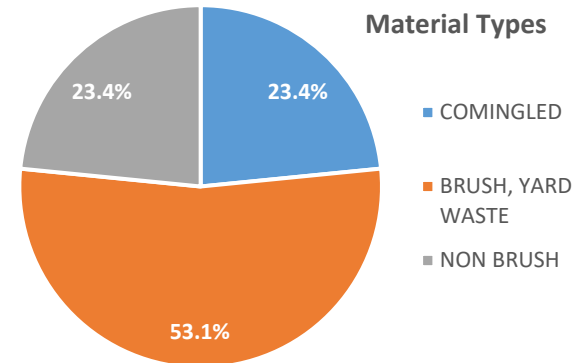
- Bag Count – 231
- Opportunities Used
  - 26%



Homeowner Participation



Material Types



# Area 83401 Profile - North CD 13

- Area Borders

- Goodfellow Dr.
- Midway Rd.
- Northaven Rd.
- Marsh Ln.

- Number of Homes

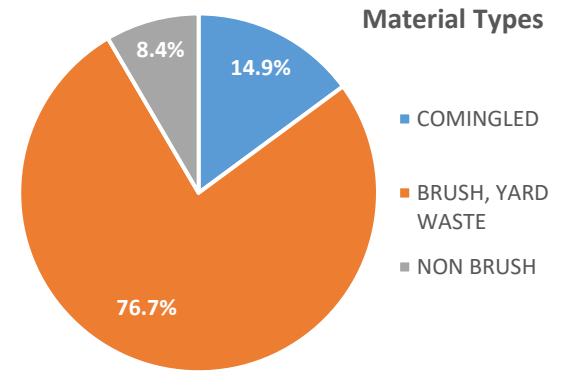
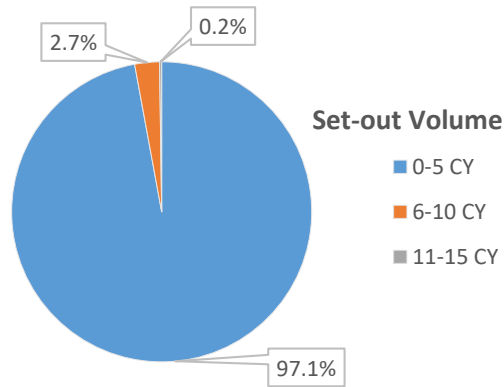
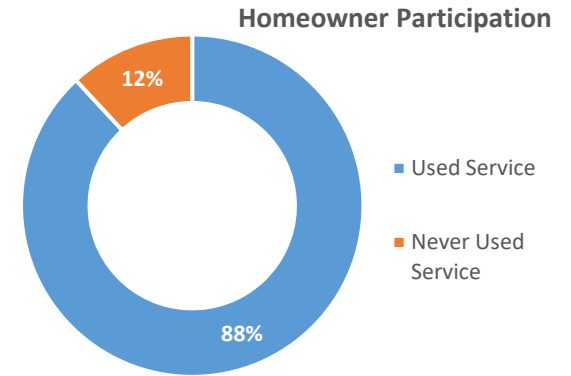
- 227 Homes

- General Profile

- Below average volumes
- Above average brush and below average non-brush
- Above average participation

- Other Information

- Bag Count – 232
- Opportunities Used
  - 33%



# Area 84101 Profile - North CD 12

- Area Borders

- Frankford Rd.
- Ivy Hill Dr.
- Inverrary Ct.
- Spyglass Dr.

- Number of Homes

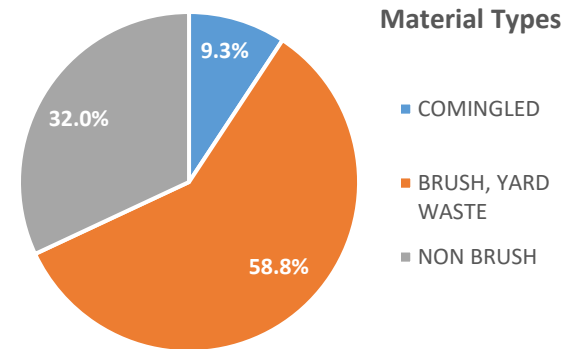
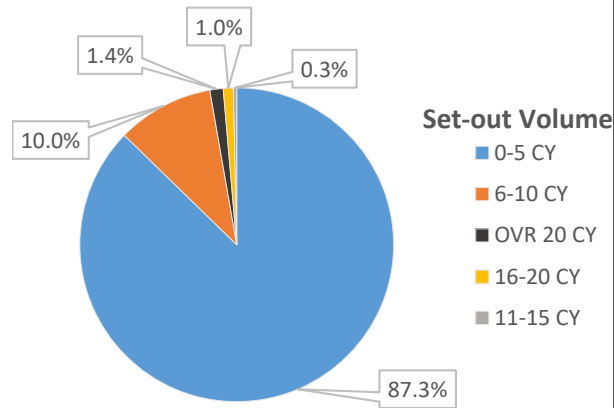
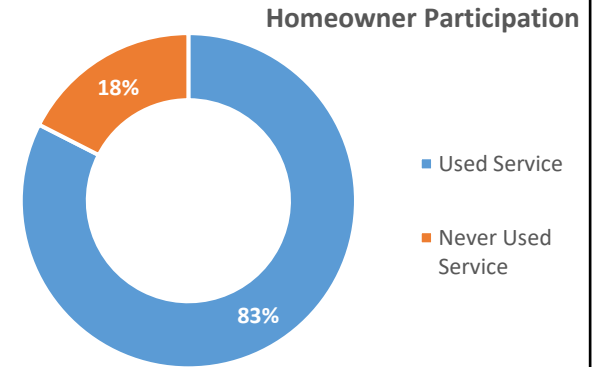
- 240 Homes

- General Profile

- Average volumes
- Average material percentages
- Slightly above average participation

- Other Information

- Bag Count – 453
- Opportunities Used
  - 40%



# Area 84102 Profile - North CD 11

- Area Borders

- Chipping Way
- Preston Rd.
- Westgrove Dr.
- Knoll Trail Dr.

- Number of Homes

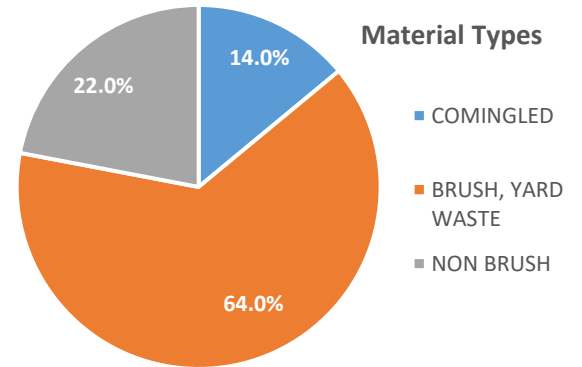
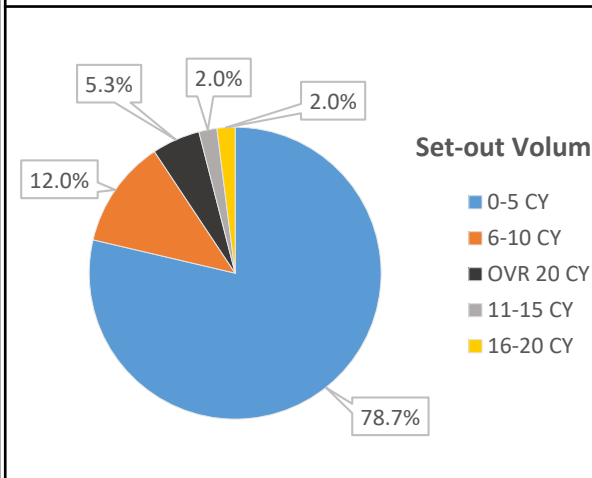
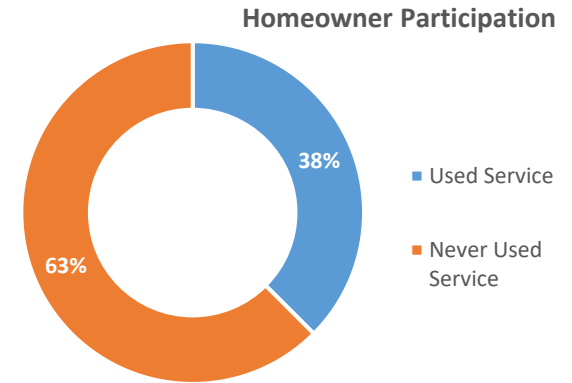
- 248 Homes

- General Profile

- Slightly above average volumes
- Slightly above average brush
- Well below average participation

- Other Information

- Bag Count – 101
- Opportunities Used
  - 10%





# Area 84201 Profile - Central CD 14

## Area Borders

- McCommas Blvd.
- Greenville Ave.
- Vanderbilt Ave.
- Homer St.

## Number of Homes

- 275 Homes

## General Profile

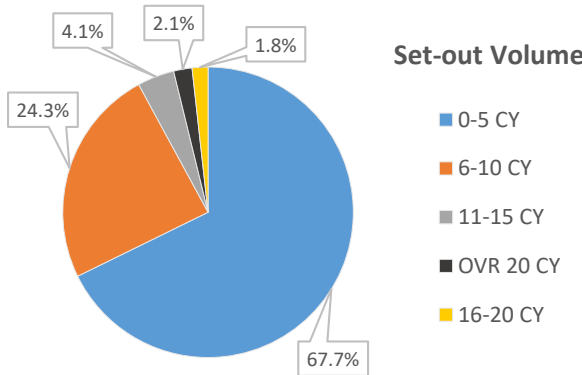
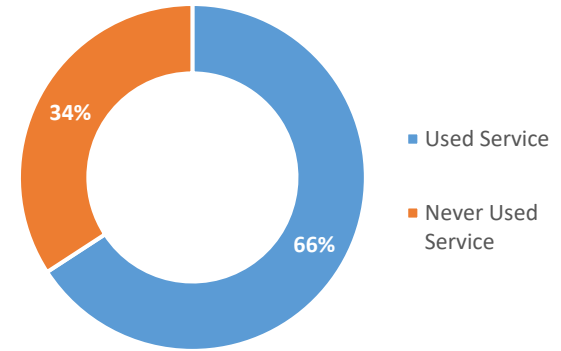
- Well above average volumes
- Well above average brush percentage
- Average participation

## Other Information

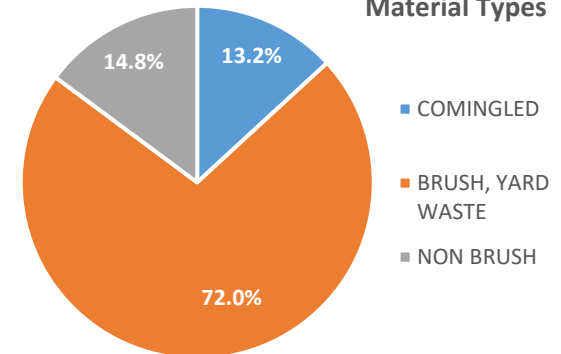
- Bag Count – 255
- Opportunities Used
  - 21%



Homeowner Participation



Material Types



# Area 84301 Profile - Northeast CD 10

- Area Borders

- LBJ Frwy.
- Plano Rd.
- Walnut Hill Ln.

- Number of Homes

- 256 Homes

- General Profile

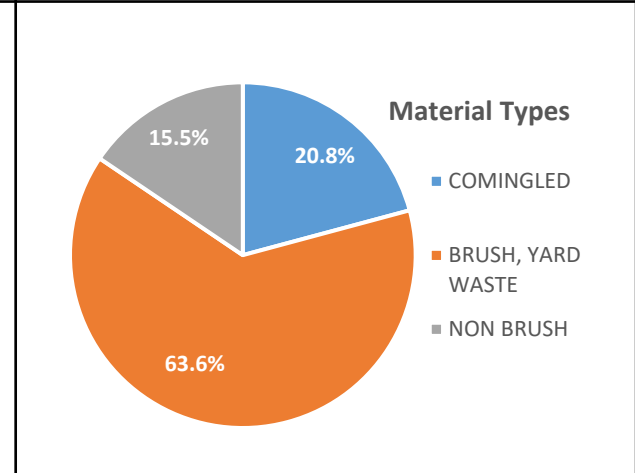
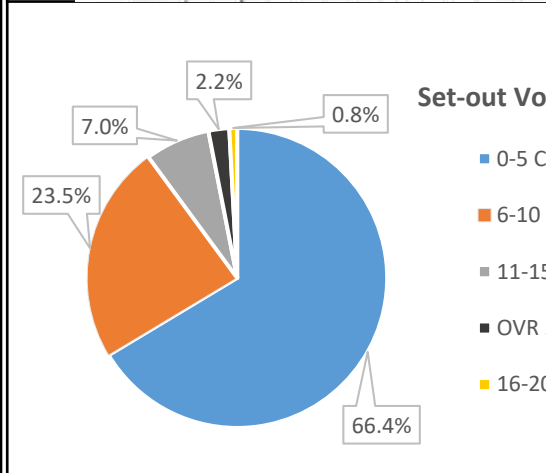
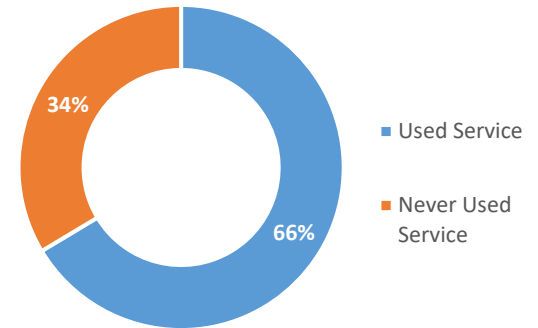
- Well above average volumes
- Slightly above average brush percentage
- Average participation

- Other Information

- Bag Count – 270
- Opportunities Used
  - 22%



Homeowner Participation



# Area 84401 Profile - Northeast CD 9

- Area Borders

- Walling Ln.
- Wild Valley Dr.
- E. Northwest Hwy.
- Kingsbury Dr.

- Number of Homes

- 252 Homes

- General Profile

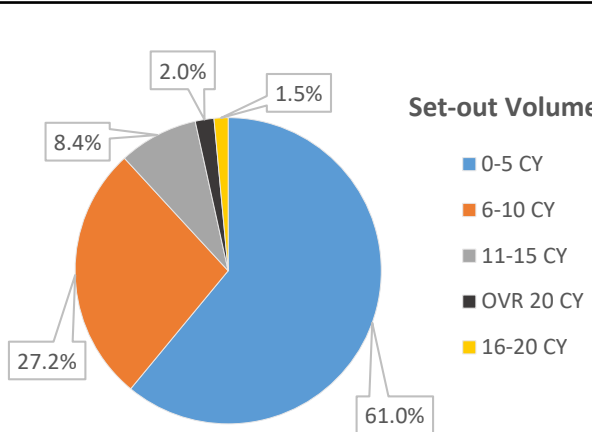
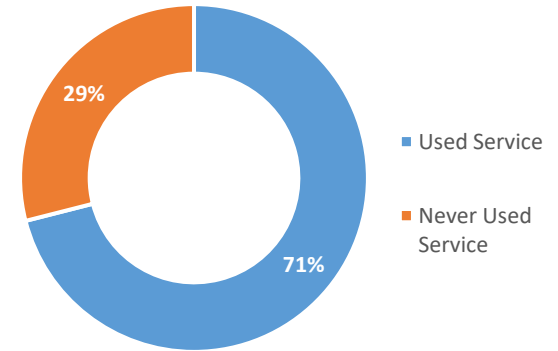
- Well above average volumes
- Above average brush percentage
- Average participation

- Other Information

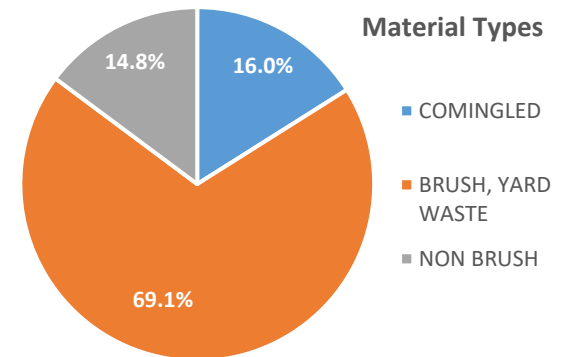
- Bag Count – 319
- Opportunities Used
  - 27%



Homeowner Participation



Material Types



# Area 85101 Profile - East CD 9

- Area Borders

- San Medina Ave.
- Shiloh Rd.
- Milmar Dr.
- Ferguson Rd.

- Number of Homes

- 287 Homes

- General Profile

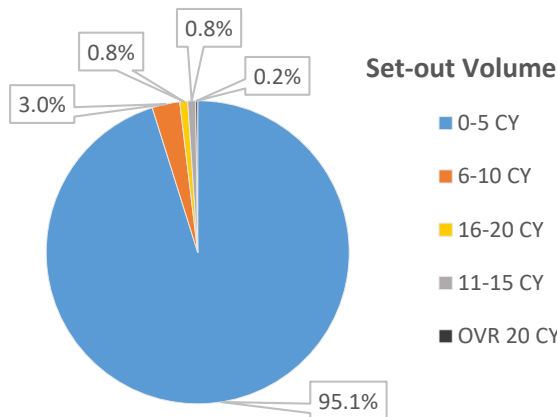
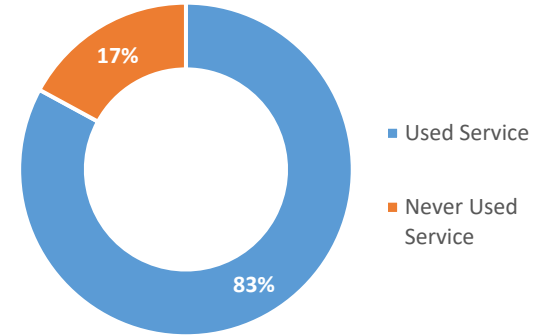
- Below average volumes
- Slightly above average brush and below average comingled percentages
- Slightly above average participation

- Other Information

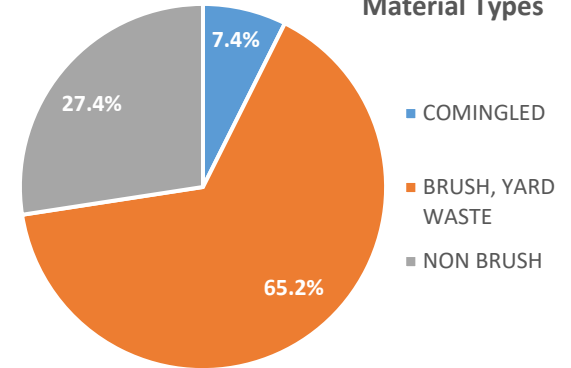
- Bag Count – 302
- Opportunities Used
  - 27%



Homeowner Participation



Material Types



# Area 85201 Profile - East CD 9

- Area Borders

- Garland Rd.
- Old Gate Ln.
- Diceman Dr.
- Lakeland Dr.

- Number of Homes

- 233 Homes

- General Profile

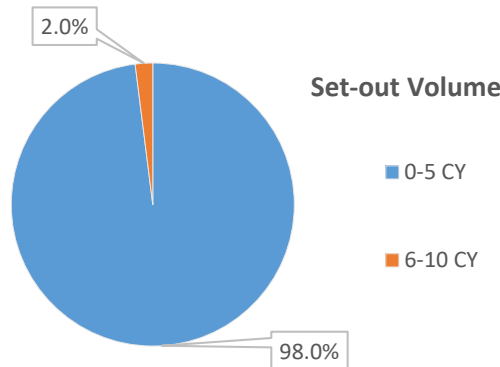
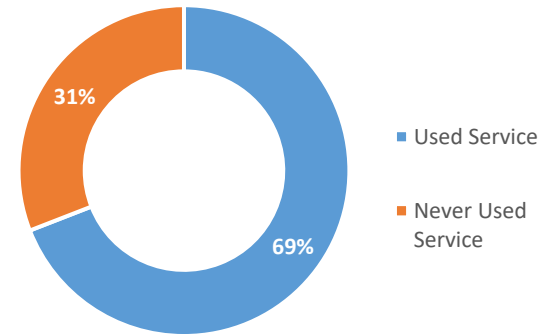
- Below average volumes
- Above average brush and below average comingled percentages
- Average participation

- Other Information

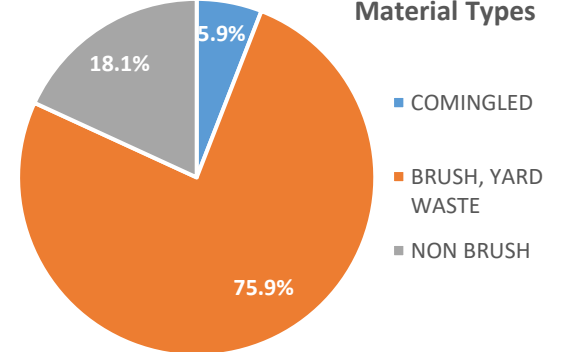
- Bag Count – 125
- Opportunities Used
  - 21%



Homeowner Participation



Material Types



# Area 85301 Profile - Central CD 14

- Area Borders

- Santa Fe Ave.
- Tenison Memorial
- E. Grand Ave.
- Cordova St.

- Number of Homes

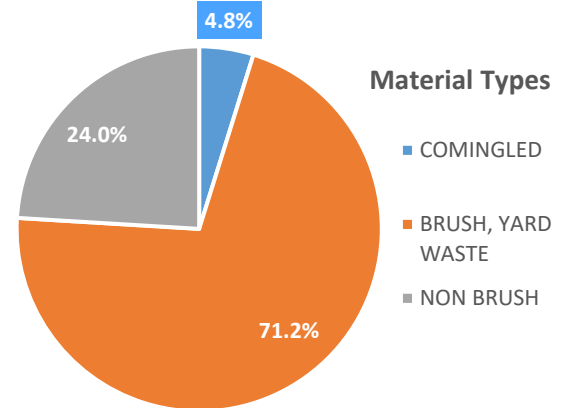
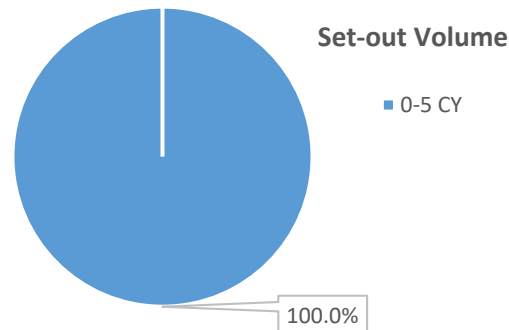
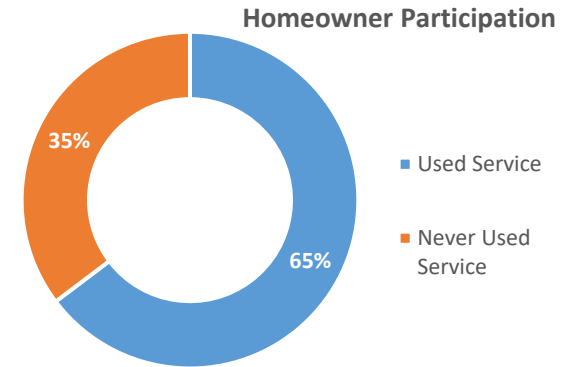
- 272 Homes

- General Profile

- Well below average volumes
- Above average brush and below average comingled percentages
- Average participation

- Other Information

- Bag Count – 170
- Opportunities Used
  - 20%



# Area 85401 Profile - East CD 7

- Area Borders

- Samuel Ave.
- Everglade Rd.
- Menefee Dr.
- Enderly Pl

- Number of Homes

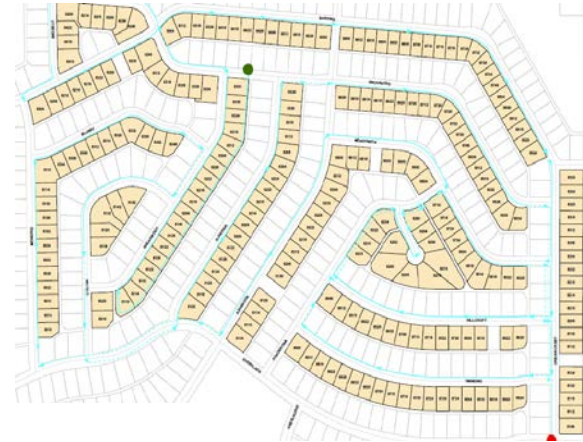
- 239 Homes

- General Profile

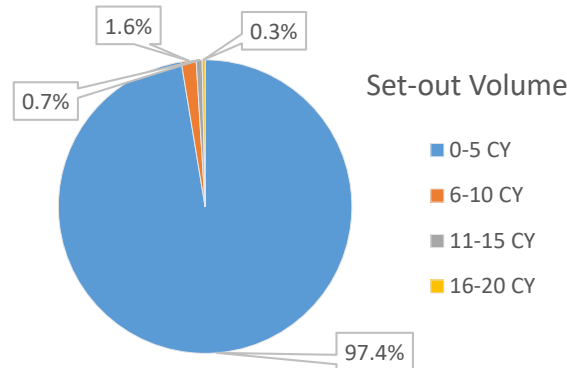
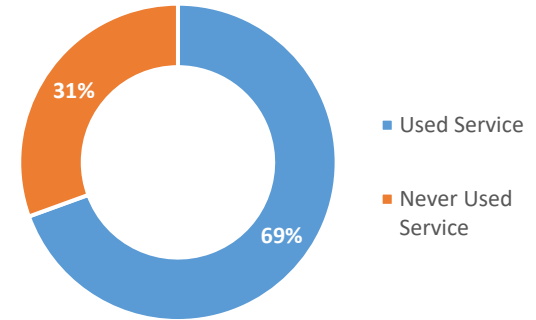
- Below average volumes
- Above average brush and below average comingled percentages
- Average participation

- Other Information

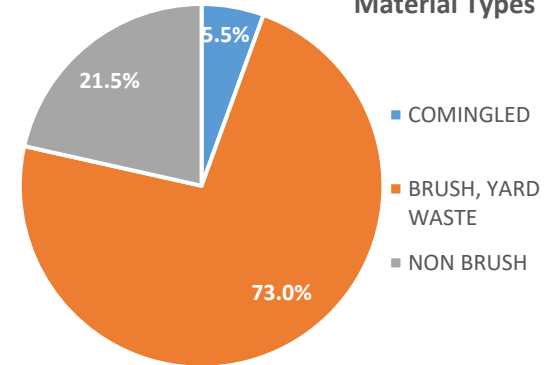
- Bag Count – 201
- Opportunities Used
  - 21%



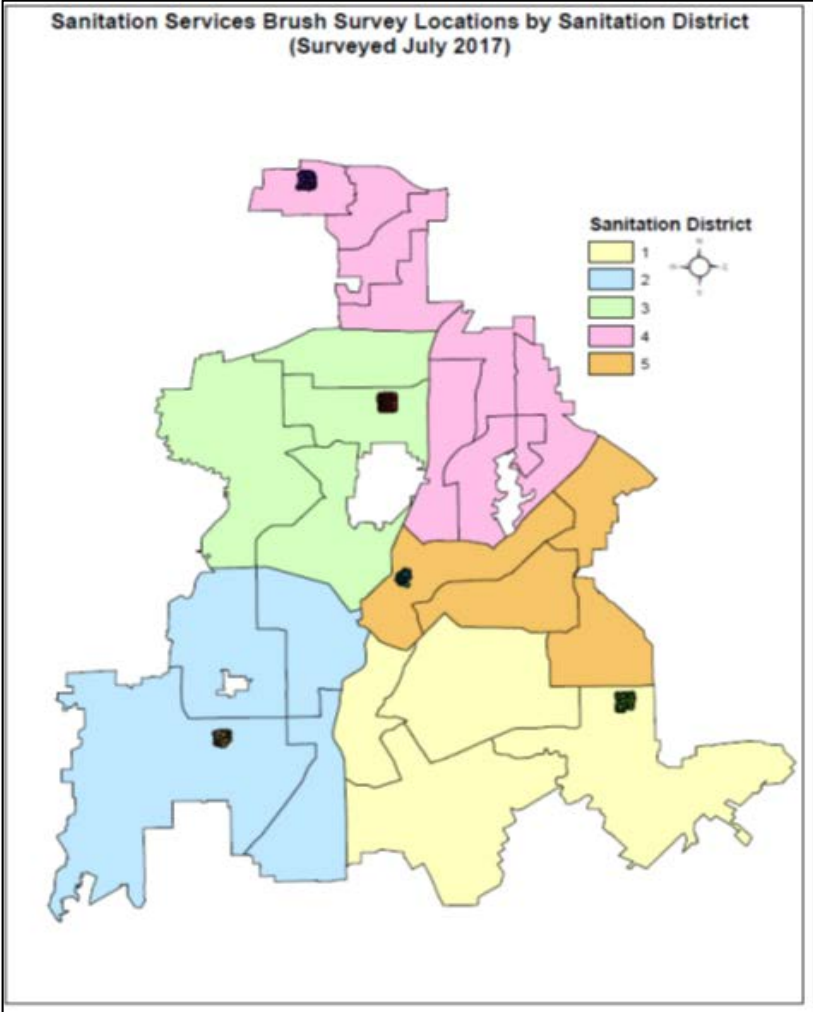
Homeowner Participation



Material Types



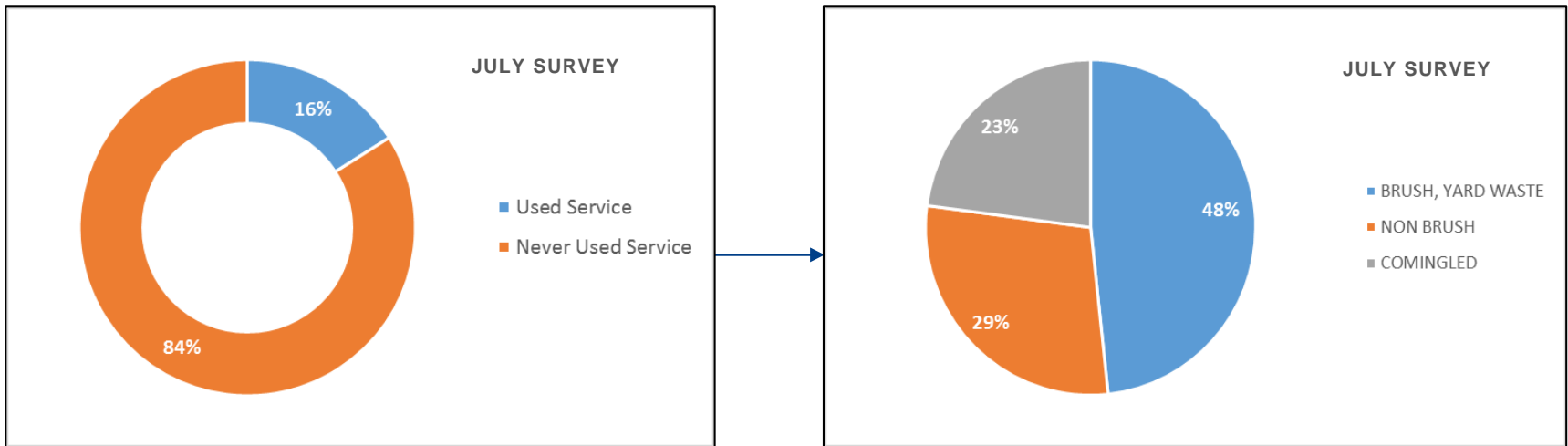
# Secondary Survey (July) Locations





# Secondary Survey Results - Participation

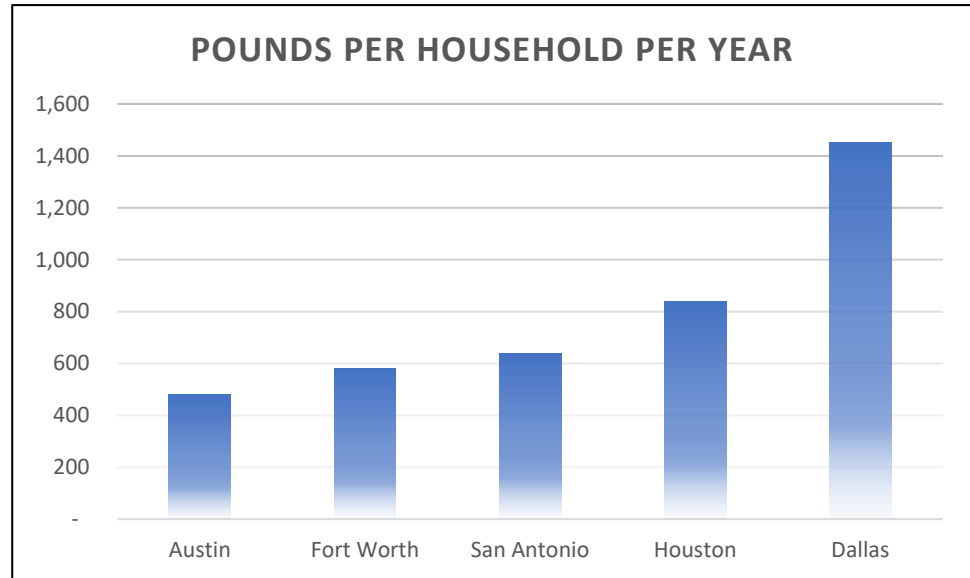
- Secondary survey (July only) data similar to primary data and differences likely due to seasonal variation\*
  - Service used less (16% utilization vs. 27%)
  - Brush/yard waste percentage lower (48% vs. 55%)
  - Non-brush percentage higher (23% vs. 17%)



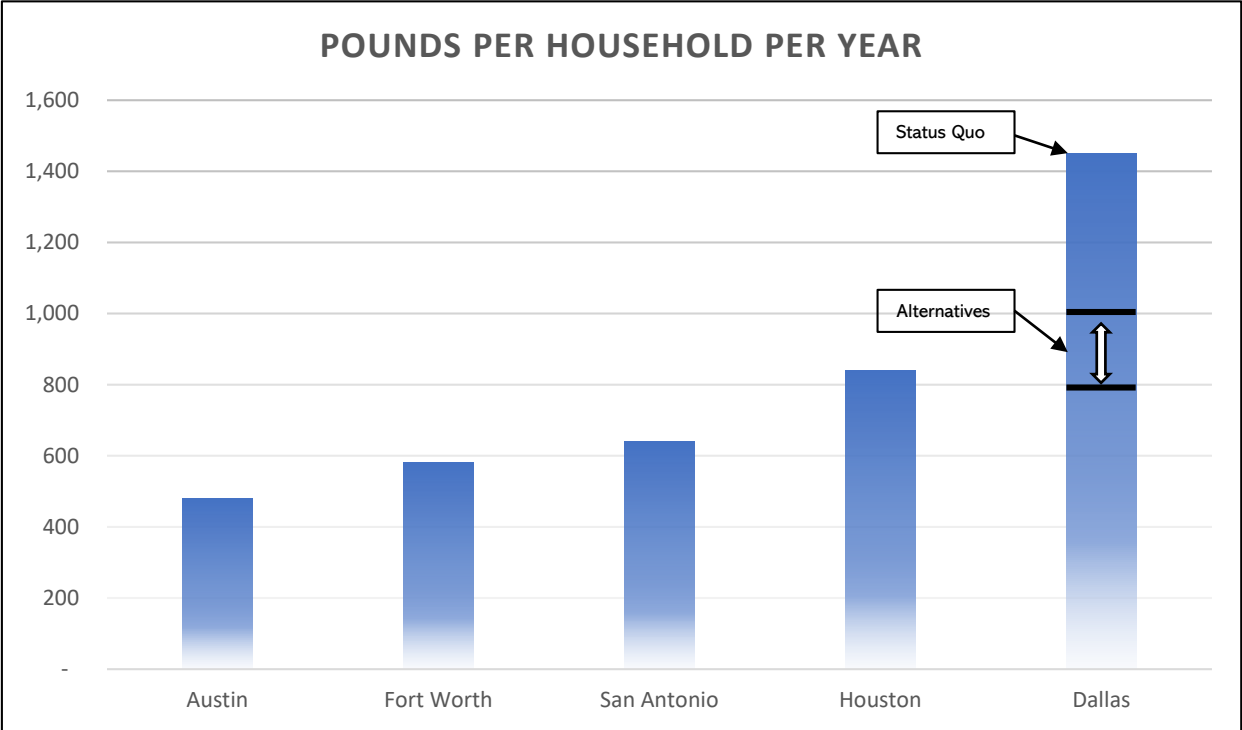
*\*Note: 2017 - July tonnage 29% lower than June and 16% lower than August*

# Comparison – Other Texas Cities

- Austin (193,000 households)
  - 2X per year bulk and 2x per year brush (restrictions)
  - Weekly yard waste (restrictions)
- Ft. Worth (207,000 households)
  - Monthly bulk (10 CY limit)
  - No monthly brush, but weekly yard waste (restrictions)
  - Early set-out: Friday 6pm
- Houston (380,000 households)
  - Alternating bulk and brush months (8 CY limit)
  - Weekly yard waste (restrictions)
  - Early set-out: Friday 6pm
- San Antonio (340,000 households)
  - 2X per year bulk and 2x per year brush (8 CY limit)
  - Notified a week before collection is scheduled



# Comparison – Other Texas Cities



# Previously Reviewed Service Alternatives

- Three alternatives and their associated financial impact have been previously evaluated:
  - Monthly collection of brush/yard trimmings and scheduled bulk collection (e.g., four times per year)
  - Monthly collection of yard trimmings and twice per year collection of large brush and twice per year collection of bulk items
  - Every other month collection of Brush/Yard Trimmings and Bulk Items

Material Type	Existing System	Alternative 1	Alternative 2	Alternative 3
Yard Trimmings	Monthly	Monthly	Monthly	Every Other Month
Large Brush			Twice per Year	
Bulky Items		Call-in <sup>1</sup>	Twice per Year	Every Other Month

1. The analysis assumes that a certain number of collections per year would be included in the base residential rate, with additional collections charged an additional fee.

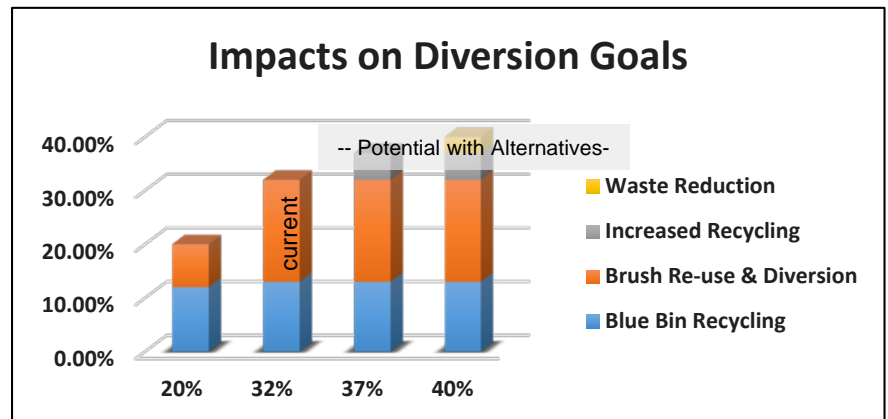
# Previously Reviewed Alternatives

- Each collection alternative evaluated would increase diversion or beneficial re-use, as well as reduce program costs and collected tonnage
- All alternatives include:
  - Volume limits (8-10 cubic yards) on bulky items or large brush
  - Require use of bundles or compostable bags for yard trimmings
  - Would allow for “Cost Plus” option to collect additional waste or non-program waste such as construction or remodeling debris
- Implementation of any alternative would require significant outreach and education costs, as well as potential fleet procurement

# Previously Reviewed Alternatives

- Alternatives and their impact on collection tonnage and diversion (at full implementation)
- One of the primary goals of increasing diversion requires separation of bulk and brush materials
  - Consistent with other large Texas cities such as Austin, Ft. Worth, Houston and San Antonio

Material Type	2017 Tons Collected	Alternative 1	Alternative 2	Alternative 3
Yard Waste Tons*		35,000	35,000	73,500
Large Brush Tons*		54,250	31,000	
Bulk Items Tons		31,000	31,000	46,500
<b>Total Tons</b>	<b>176,628</b>	<b>120,250</b>	<b>97,000</b>	<b>120,000</b>
Potential Savings		(\$2.8M)	(\$3.9M)	(\$2.2M)
Residential Fee Impact		(\$0.97)	(\$1.35)	(\$0.76)



# Memorandum



DATE February 23, 2018

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

SUBJECT **Amendments to Article X Landscape and Tree Preservation Regulations**

On Monday, February 26, 2018, the Committee will be briefed on proposed amendments to Article X "Landscape and Tree Preservation Regulations" of the Development Code. The City Plan Commission recommended approval of the amendments on December 14, 2017. The briefing material is attached for your review.

Please feel free to contact either myself or David Cossum if you have any questions or need additional information.



Majed A. Al-Ghafry  
Assistant City Manager

c: Honorable Mayor and Members of City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Biliera Johnson, City Secretary (Interim)  
Daniel F. Solis, Administrative Judge  
Kimberly Bizer Tolbert, Chief of Staff to the City Manager  
Jo M. (Jody) Puckett, Assistant City Manager (Interim)

Jon Fortune, Assistant City Manager  
Joey Zapala, Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Nadia Chandler Hardy, Chief of Community Services  
Raquel Favela, Chief of Economic Development & Neighborhood Services  
Theresa O'Donnell, Chief of Resilience  
Directors and Assistant Directors

# **Amendments to Article X Landscape and Tree Preservation Regulations**

**Quality of Life, Arts &  
Culture Committee**

**February 26, 2018**

**David Cossum, Director  
Sustainable Development  
and Construction**





# Overview

- Background
- Key Amendments
- Next Steps



# Background

## Need for Landscape and Tree Conservation

- Mitigate effects of urban heat islands
- Air purification
- Oxygen regeneration
- Groundwater recharge
- Stormwater runoff retardation and filtration
- Buffering and abatement of noise, glare and wind
- General benefits to quality of life

# Background

## Need for Amendments

- Viable and flexible solutions are necessary to address issues that have required a variance or exception from the Board of Adjustment
  - Time period needed to comply with landscaping and mitigation requirements
  - Utility conflicts
  - Alternative mitigation methods
- Need for alternatives to meet objectives of tree preservation/conservation while allowing for flexibility and desired development

# Background

## Need for Amendments

- Need to incentivize sustainable site development and enhance the public realm and streetscape
- Local studies have increased awareness of the role trees play relative to air quality, urban heat islands, stormwater and quality of life issues

# Background

- Article X, the landscape and tree ordinance, was established in 1994 by adding provisions on tree preservation, removal and replacement
- City Council established an Urban Forest Advisory Committee (UFAC) in 2005
- Discussions on possible amendments to Article X date back to 2009-2010
- Continued dialogue for the next five years

# Background

## Zoning Ordinance Advisory Committee

- In February 2015, the Zoning Ordinance Advisory Committee (ZOAC) began deliberating possible amendments to Article X
- ZOAC had more than 40 meetings in two years focused on education, public input, discussion and evaluation of options and proposals
- February 16, 2017: ZOAC recommended the proposed amendments to City Plan Commission (CPC) along with the recommendation that a Neighborhood Forest Overlay (NFO) tool be created in the future

# Background

## City Plan Commission

- April 27, 2017: CPC received the first of eight briefings to review ZOAC recommendations
- December 14, 2017: CPC recommended approval of the ZOAC proposed amendments and recommendation to develop an NFO

# Structure of Article X

- General
  - Purpose and definitions
  - Planting and irrigation requirements
  - Maintenance
- Landscaping
  - Applicability
  - Site, parking lot and street trees
  - Landscape design standards
- Tree Preservation
  - Applicability
  - Tree removal and methods of tree replacement
  - Protection during construction
  - Defenses to prosecution for tree removal



# Key Amendments

Amendments introduced to incentivize sustainable site development by providing:

- Greater landscape flexibility and adaptability
- Updated tree establishment (planting area and soil conditions) and preservation regulations
- Additional and reasonable means of tree replacement and mitigation
- Supplemental landscape and tree manual

# Key Amendments

## General

- Rename Article X: “Landscape and Tree Conservation Regulations”
- Authorizes development of Landscape and Tree Manual to support Article X
- Improved soil and planting area requirements and tree location requirements
- Flexibility in plant irrigation requirements

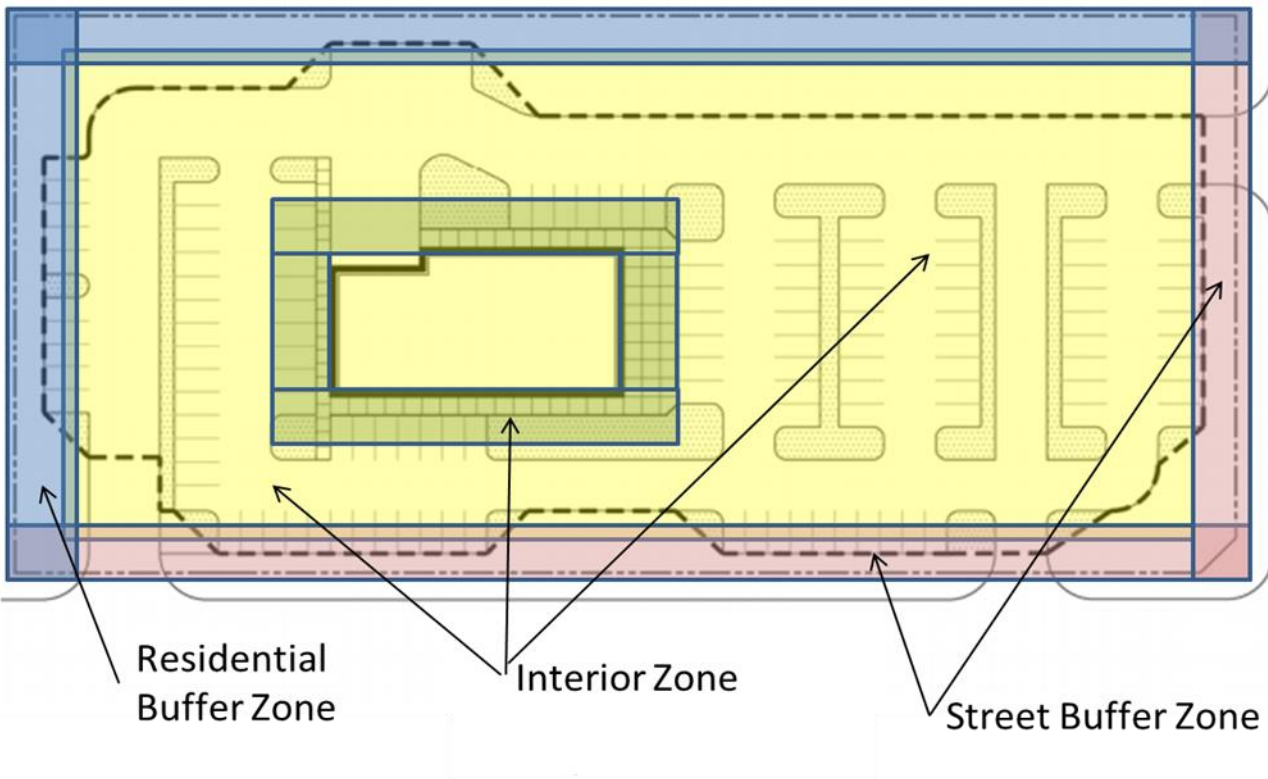
# Key Amendments

## Landscape

- Landscape requirements based on site zones:
  - Street buffer zone
  - Residential buffer zone
  - Interior zone
- Planting requirements to provide tree canopy coverage in parking lots
- Design options created using a point system

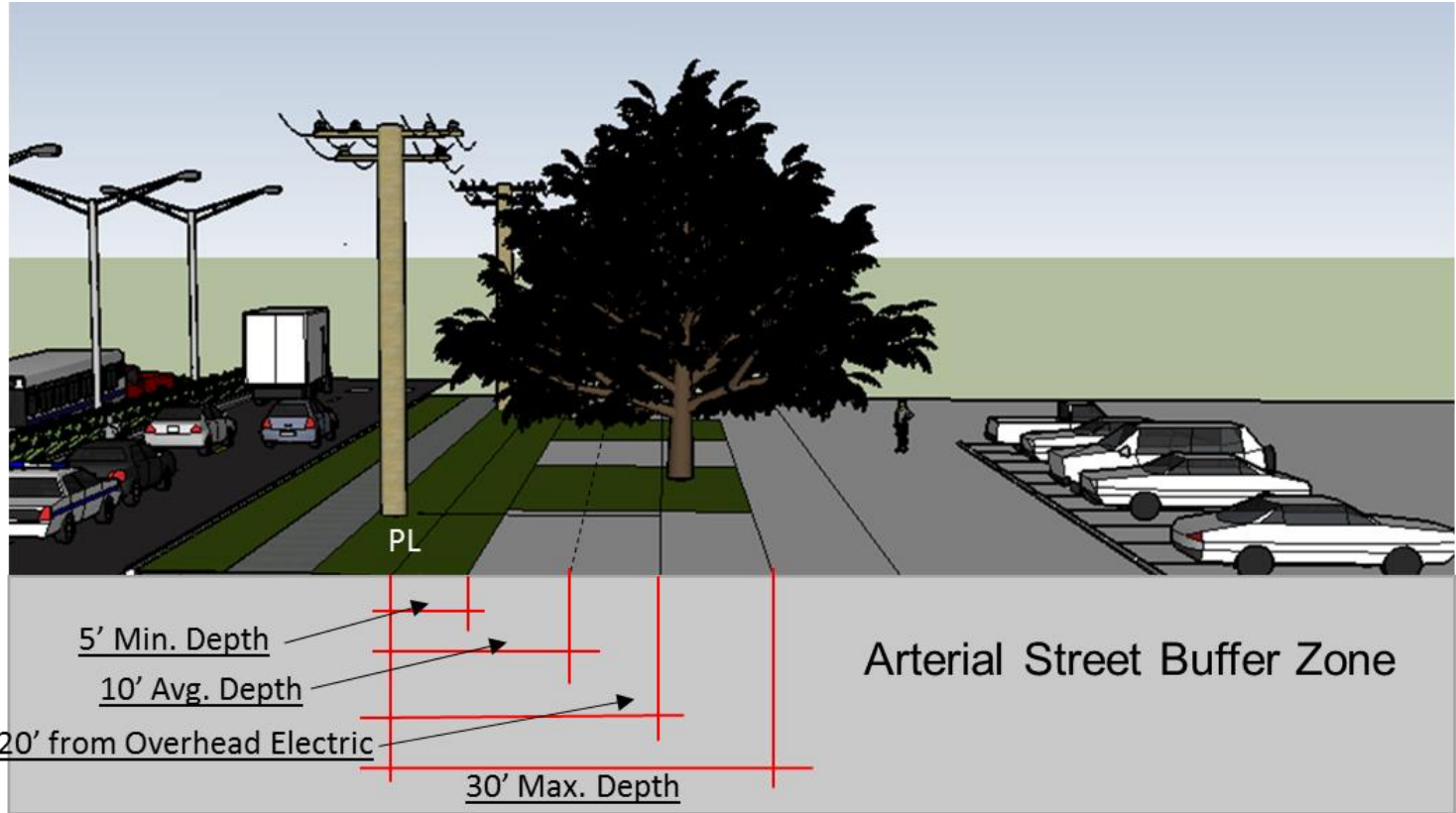
# Key Amendments

## Landscape – Zones



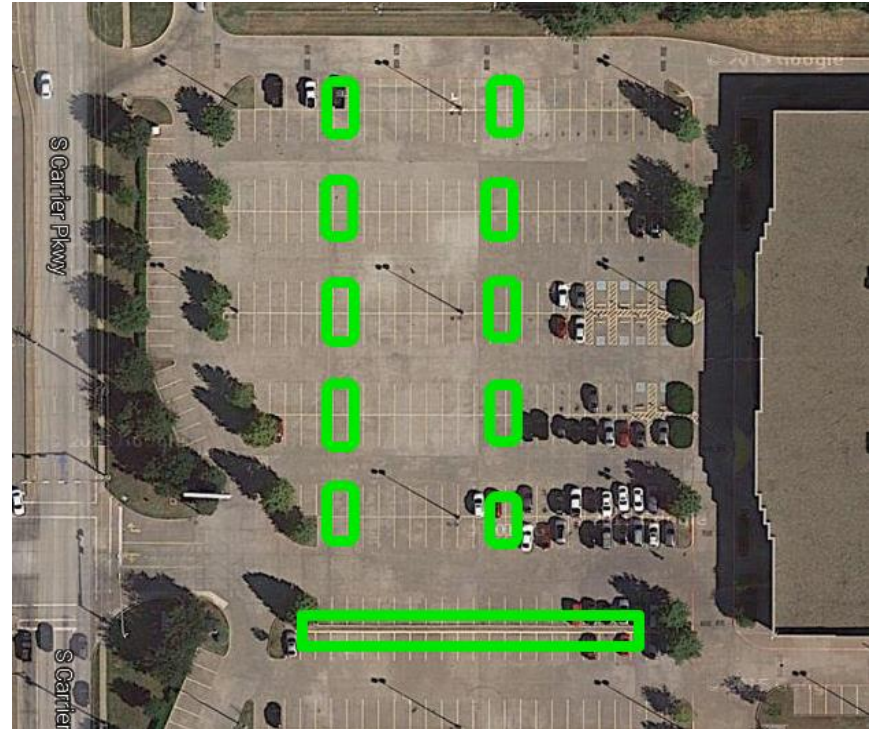
# Key Amendments

## Landscape – Zones



# Key Amendments

## Landscape – Zones



Example of Interior Zone surface parking requirements

# Key Amendments

## Tree Preservation – Approach

- Balance the desire for new development with the need to conserve and regenerate the urban forest
- Tree replacement and mitigation options based on incentives, reductions and credits, taking into consideration future tree growth
- Flexibility in options for mitigation with greater potential for tree growth and retention of existing tree canopy
- Align with adopted plans and goals of the City

# Key Amendments

## Tree Preservation – General

- Rename section: Urban Forest Conservation
- Timing requirements increased for mitigation compliance to coincide with completion of development
- Establishment of tree classification system:
  - *Significant*: Rated for significant size or species that cannot be readily replaced (mitigation at 1.5:1)
  - *Class 1*: Rated for location in environmentally sensitive land area (mitigation at 1:1)
  - *Class 2*: Rated for benefits provided in the urban environment (mitigation at 0.7:1)
  - *Class 3*: Rated for general condition and growth habits (mitigation at 0.4:1)



# Key Amendments

## Tree Preservation – Mitigation Tools (New)

- Development impact area waiver: Except for significant trees, mitigation may be waived for trees located in a development impact area when the project is designed in accordance with sustainable landscape design
- Transplanted tree credits: Up to 5” credit for each inch of a transplanted protected tree, dependent on size of tree
- Forest Stand Delineation (FSD): Can reduce or remove mitigation requirement on “old field sites”
- Legacy tree credits: Legacy tree will receive 12” of credit for as small as a 2” tree planted

# Key Amendments

## Tree Preservation – Mitigation Tools (New)

- Habitat preservation credit: 1,200 s/f of protected habitat area can receive a 12” tree credit
- Sustainable development incentives: Credit can be given depending on sustainable landscape design and canopy preservation
- Park land dedication: Credit received for each protected tree in park land dedication area
- Tree canopy cover: Credit for single-family and duplex uses with a goal of 40% canopy cover
- Unrestricted zone exemption for single-family and duplex properties exempts from mitigation certain areas not in required setbacks

# Key Amendments

## Tree Preservation – Enforcement Tools

- Use of FSD to identify and enforce penalties against tree removal without permit or physical evidence of removed trees by use of aerial imagery and other resources
- Demolition permit issuance will establish termination of single-family use in determining when single-family exemption is applicable

# Stakeholder Input on Final Proposal

- Generally supportive of compromises reached to balance need for development with need to address environmental concerns
- Concerns expressed to CPC include:
  - Use of Planned Development districts to modify Article X tree conservation provisions
  - Compliance with HB 7 passed in the last special legislative session

# Recommendations

Staff recommends approval of the City Plan Commission recommendations.

# Next Steps

- Schedule for full City Council consideration
- Complete “Landscape and Tree Manual”
- Process proposal for “Neighborhood Forest Overlay”

# **Amendments to Article X Landscape and Tree Preservation Regulations**

**Quality of Life, Arts &  
Culture Committee**

**February 26, 2018**

**David Cossum, Director  
Sustainable Development  
and Construction**



# Appendix

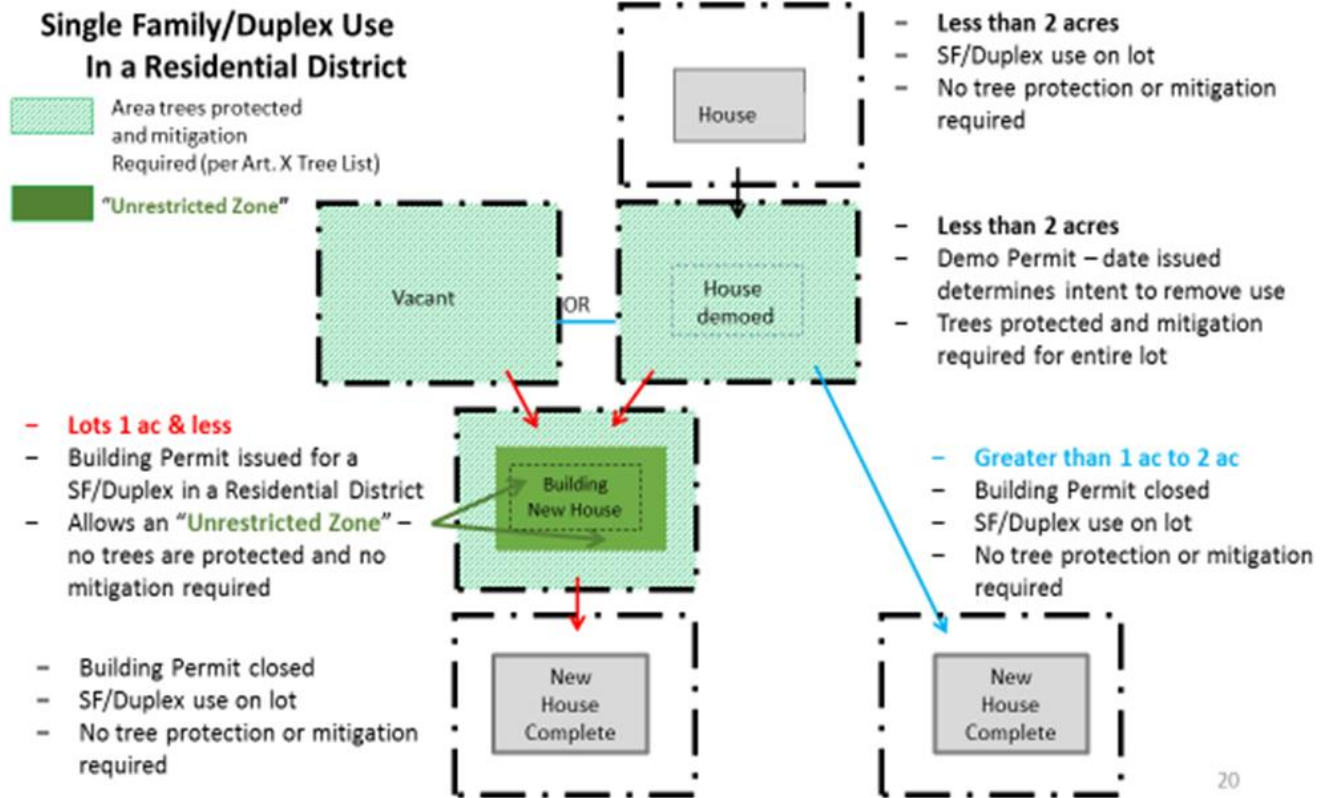




# Tree Preservation – Tree Classification

- Historic Trees (mitigated at 3:1)
  - Established by Council resolution designating a tree or grove of trees as historic
- Significant Tree (mitigated at 1.5:1)
  - At 12” or greater; post oaks
  - At 24” or greater; American elm, bois d’ arc, cedar elm, chittamwood, common persimmon, Eastern red cedar, green ash, all other oaks, pecan, all walnut species, and white ash
- Class 1 trees (mitigated at 1:1)
  - Trees located in primary natural area or geologically similar area
- Class 2 trees (mitigated at 0.7:1)
  - Protected trees not otherwise classified
- Class 3 trees (mitigated at 0.4:1)
  - Arizona ash, black willow, cottonwood, hackberry, honey locust, mesquite, mimosa, mulberry, ornamentals, pinus spp., Siberian elm, silver maple, sugarberry, or a small tree

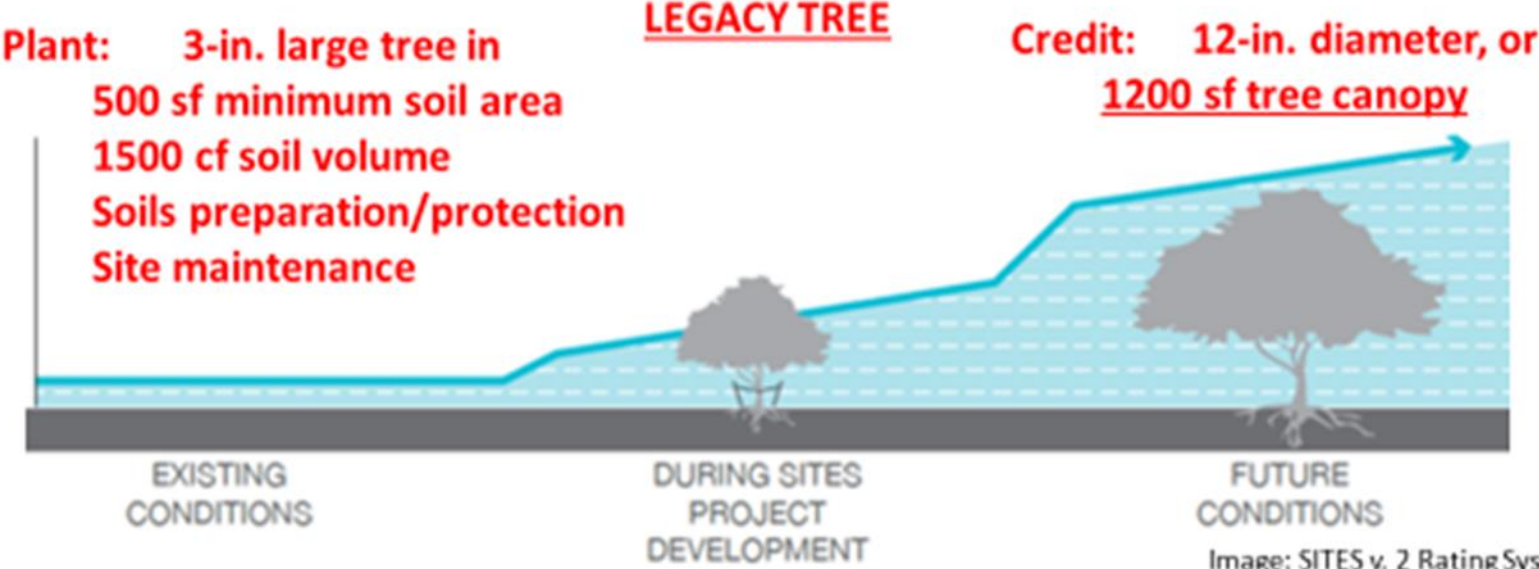
# Tree Preservation – Single Family/Duplex



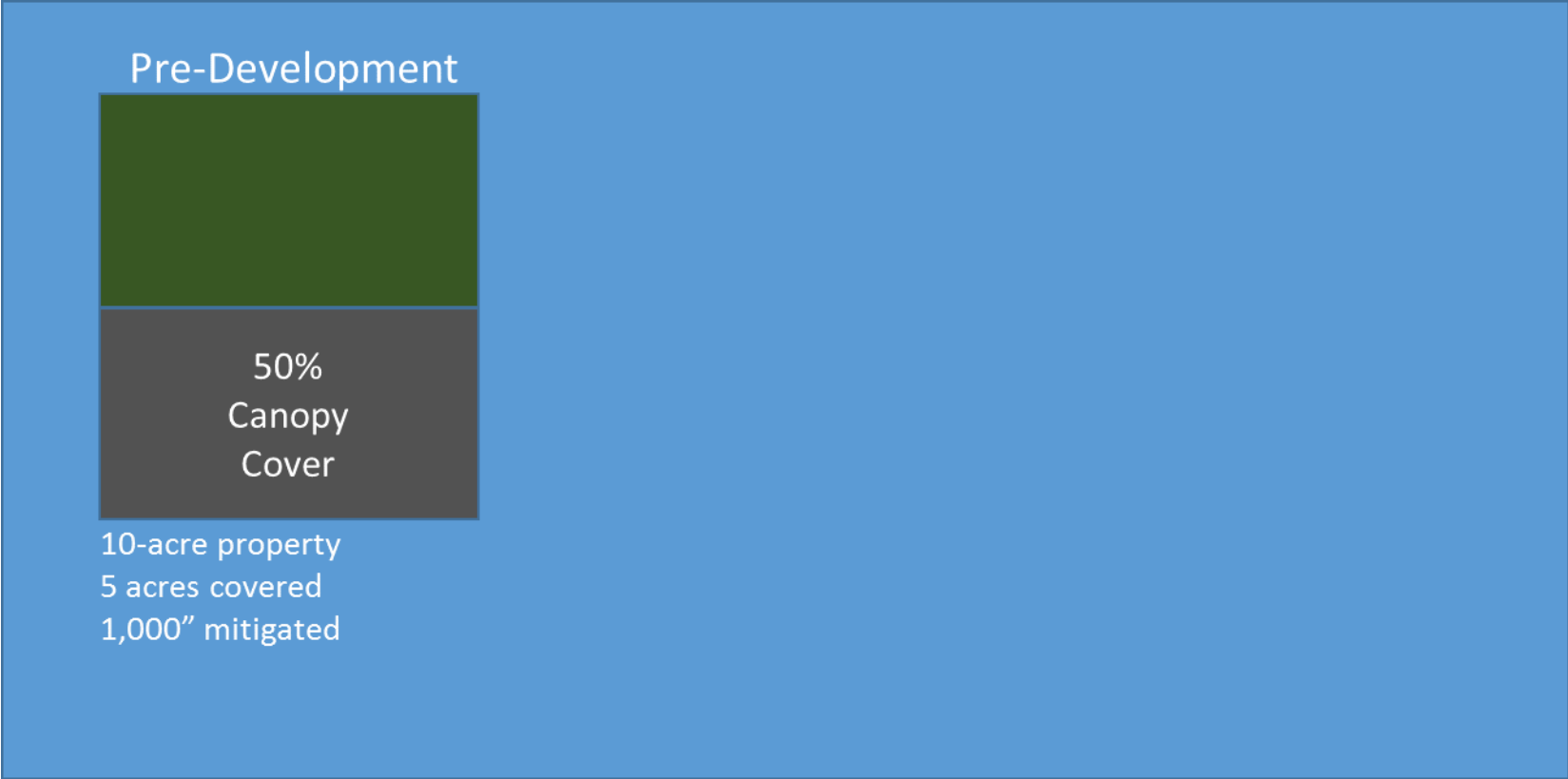
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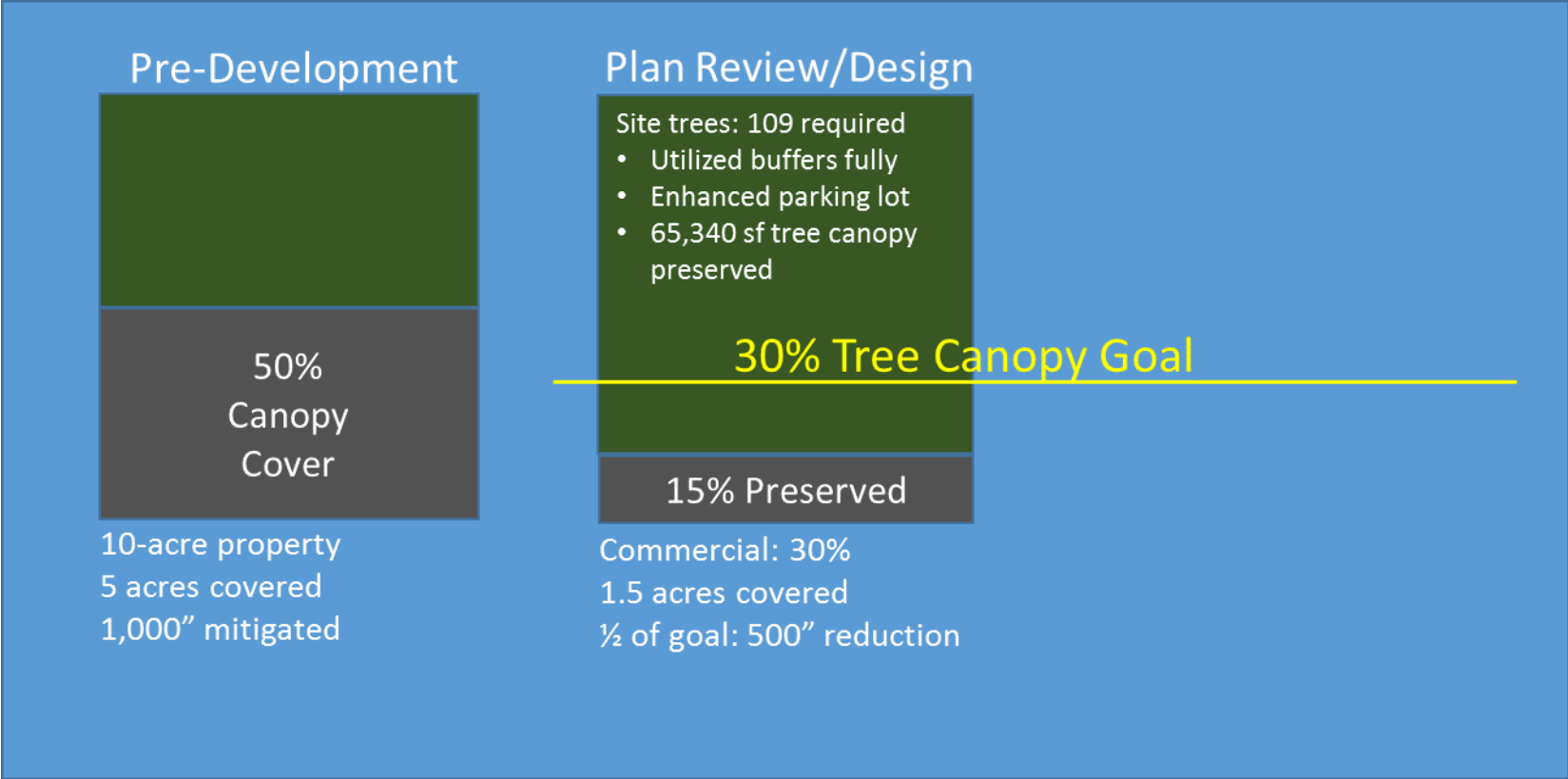
# Tree Preservation – Legacy Tree Credit



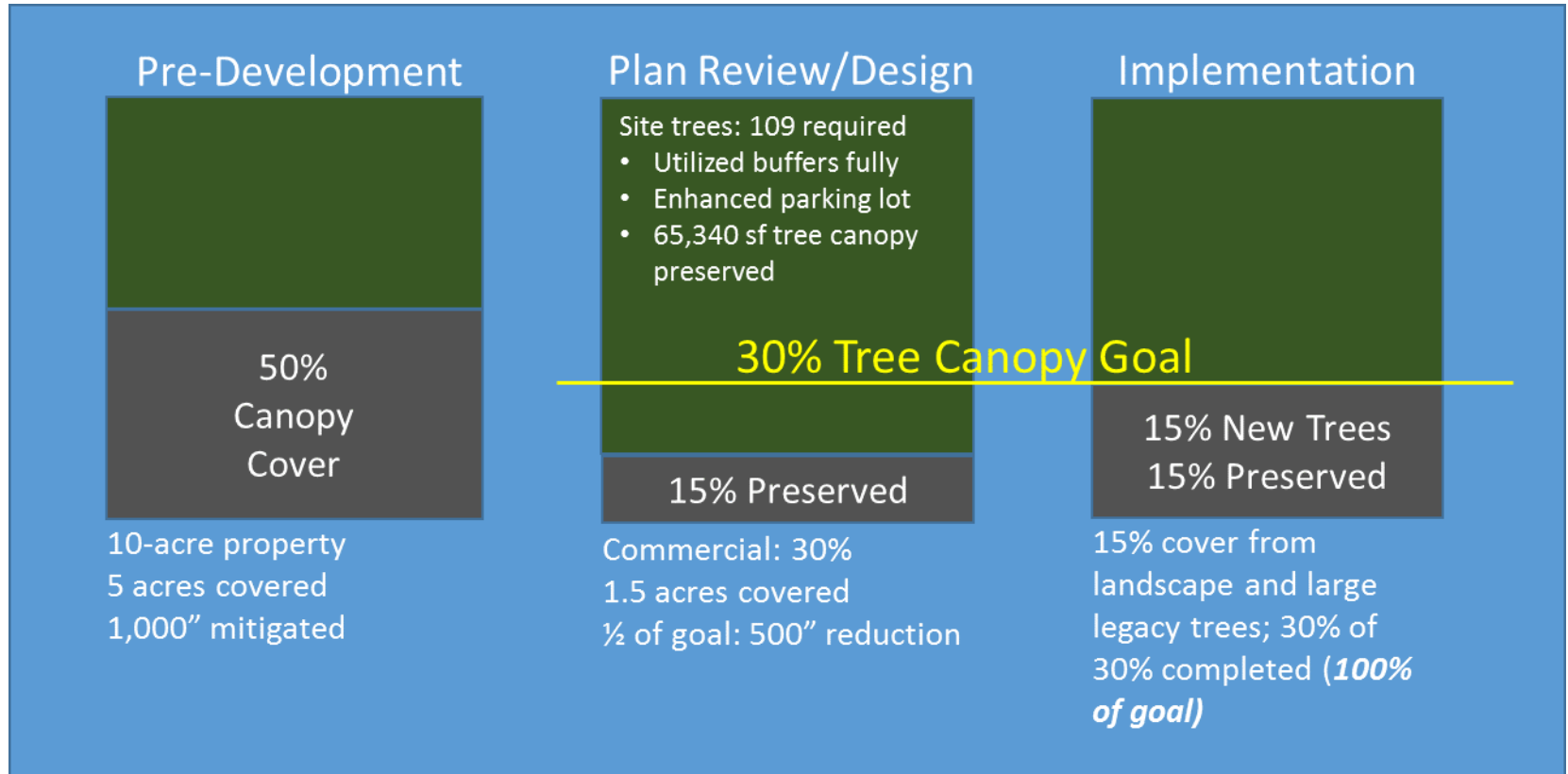
# Sustainable Development Incentive Process



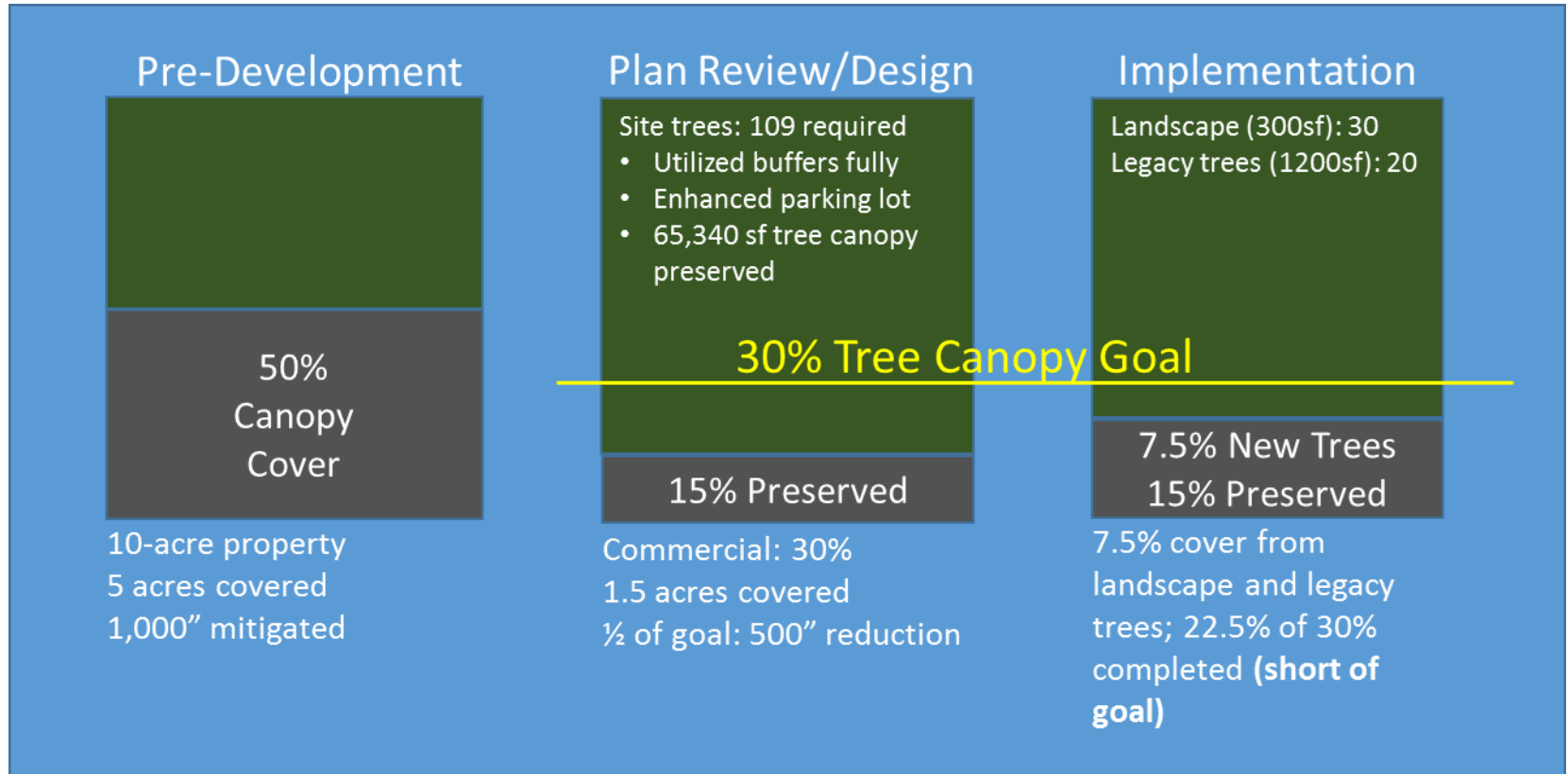
# Sustainable Development Incentive Process



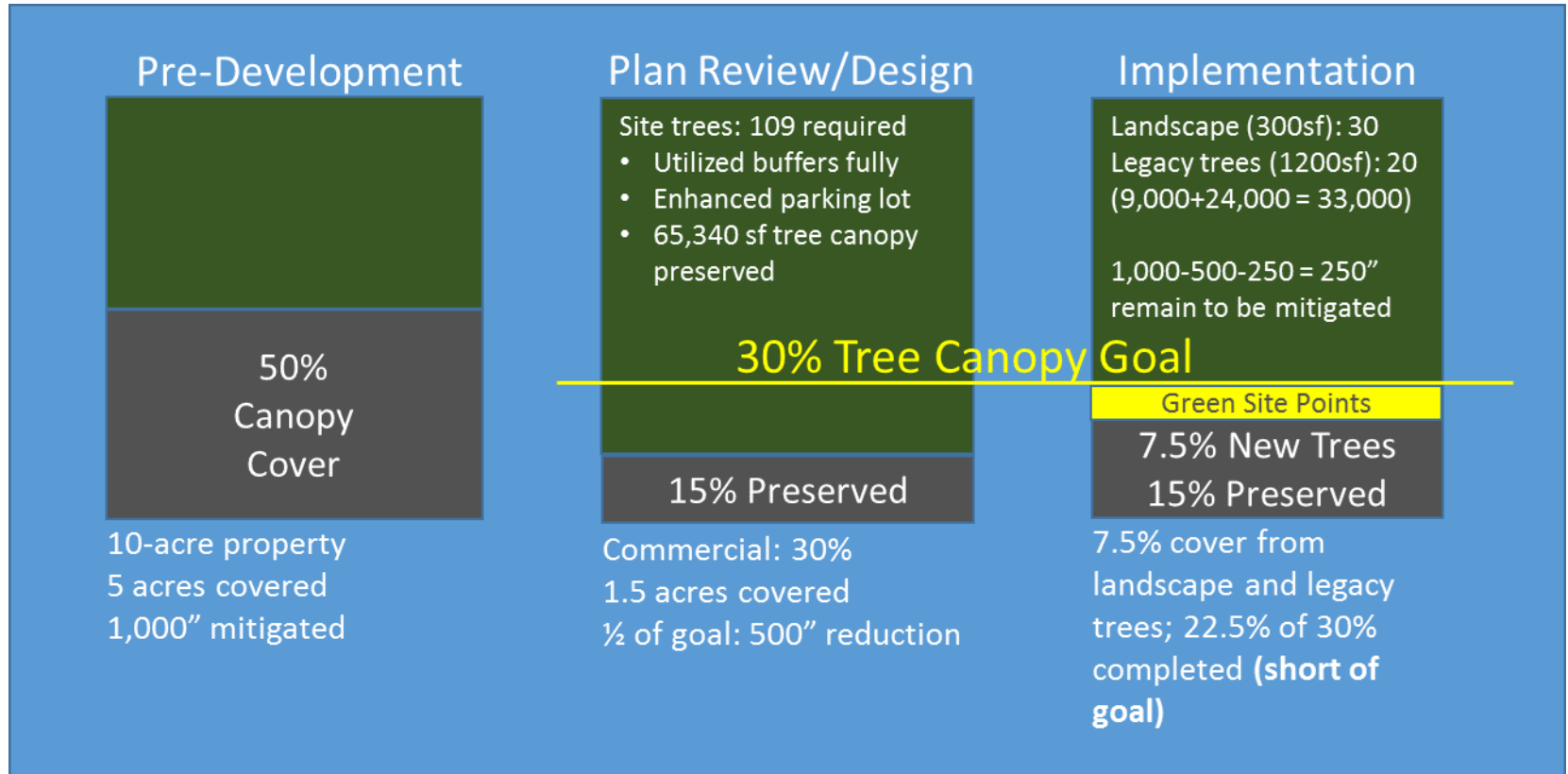
# Sustainable Development Incentive Process



# Sustainable Development Incentive Process



# Sustainable Development Incentive Process with Green Site Points





# Sustainable Development Incentive Process with Green Site Points

## Pre-Development

Point total for lots larger than 3 acres is based on 50 points or a greater tree canopy cover prior to review. (5 pts. = 5")

50%  
Canopy  
Cover

10-acre property

5 acres covered

1,000" mitigated

SDI: Reduced requirements  
by 75% (250" remain)

# Sustainable Development Incentive Process with Green Site Points

## Pre-Development

Point total for lots larger than 3 acres is based on 50 points or a greater tree canopy cover prior to review. (5 pts. = 5")

50%  
Canopy  
Cover

10-acre property  
5 acres covered  
1,000" mitigated

SDI: Reduced requirements  
by 75% (250" remain)

## Plan Review/Design

- Sustainable Landscape Plan – 5 pts.
- Tree Preservation Plan – 5 pts.
- #2 Enhanced buffer zone increase – 15 pts.
- #5 Parking lots – 20 pts.
- #7 Public deed restriction – 5 pts.

50 points attained

## Implementation

250" remain to be mitigated

- 5 pts. = 25"
- 5 pts. = 25"
- 15 pts. = 75"
- 20 pts. = 100"
- 5 pts. = 25"

Total: 250" (100% of goal)

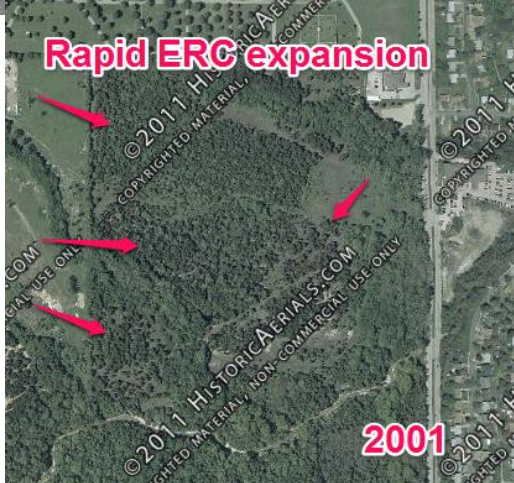
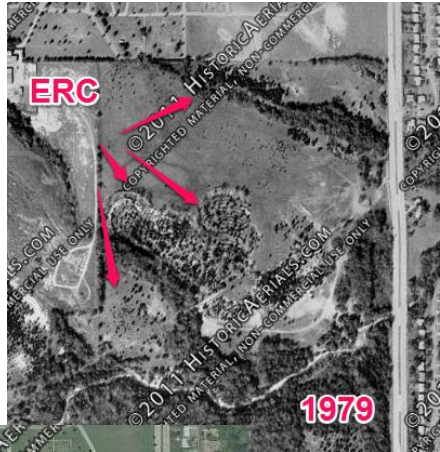
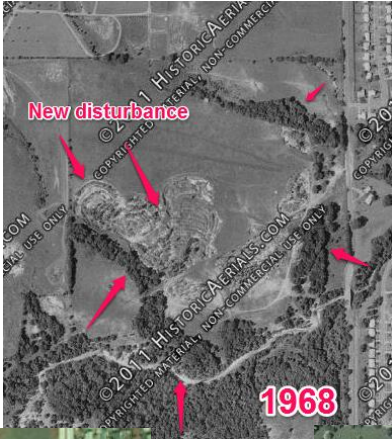
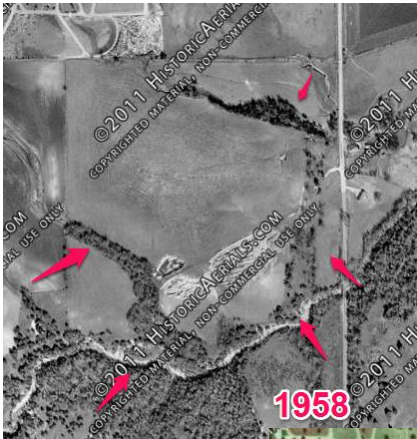
# Tree Preservation – Old Field Lots

## Forest Stand Delineation

- The 2015 Google Earth view shows the existing conditions on the property
- An FSD can distinguish predominant young juniper stands from older stands, or stands of other species
- Field assessment is needed to establish the boundaries of the stratified forest survey
- Historical ground and aerial imagery provides confirmation on the age and history of the tree stand



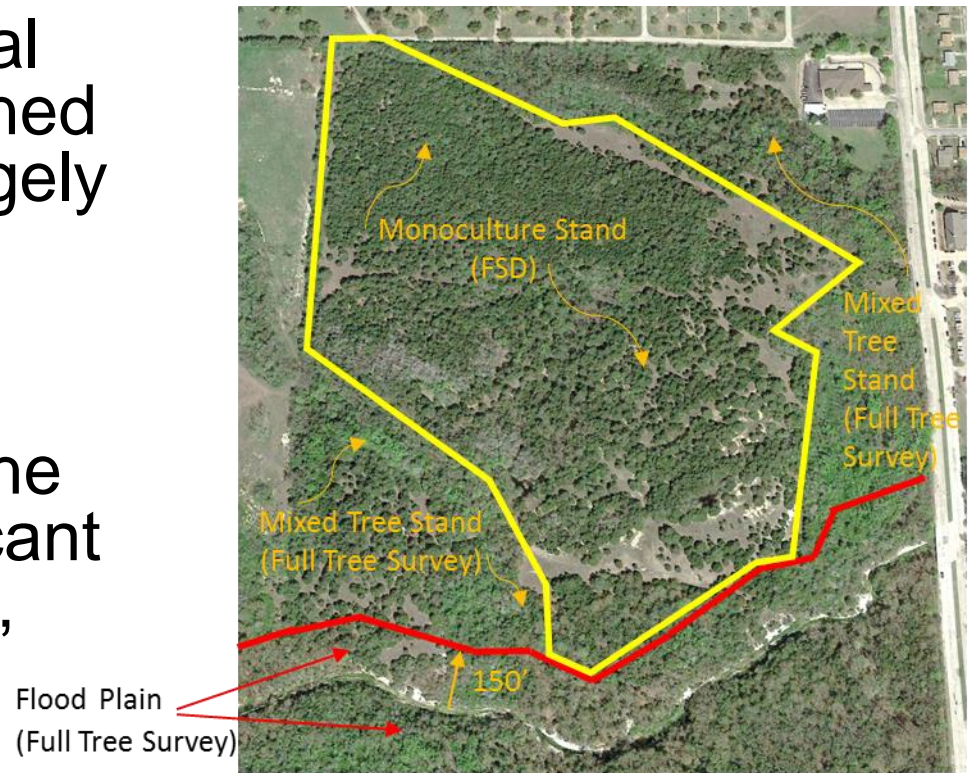
# Tree Preservation – Old Field Lots Forest Stand Delineation



# Tree Preservation – Old Field Lots

## Forest Stand Delineation

- Based on the historical aerials, the area outlined in yellow could be largely exempt from tree mitigation as an “old field”
- If any trees meeting the definition of a “significant tree” were in the area, they would require mitigation



# Interaction with Park Land Dedication Ordinance

- A developer may receive credit for all protected trees in dedicated park land as they would if the land were in a dedicated conservation easement for tree mitigation purposes
- A developer may receive park land dedication credit for land that is dedicated as a conservation easement

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** February 28, 2018

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Office of Cultural Affairs  
Park & Recreation Department

**CMO:** Joey Zapata, 670-1204  
Willis Winters, 670-4071

**MAPSCO:** 46 P

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**SUBJECT**

Authorize the first amendment to the Lease Agreement with DSM Management Group, Inc. for Music Hall at Fair Park to provide for the City's contributions to the operations and utility costs of the facility, previously authorized on an annual basis, in the amount of \$290,000 per year for the period October 1, 2017 through June 30, 2029 - Not to exceed \$3,480,000 - Financing: General Funds (subject to annual appropriations)

**BACKGROUND**

On May 13, 2009, City Council authorized a Lease Agreement with DSM Management Group, Inc. (DSMMGI) for the Music Hall at Fair Park by Resolution No. 09-1226. In FY 2014-15, as part of the annual Cultural Services Program contracts for cultural services, the City Council authorized a contract with DSMMGI for operations and utility reimbursements up to \$290,000 for operation of the Music Hall facility by Resolution No. 14-1795. That increase was continued in fiscal years 2015-16 and 2016-17. The Audit of Fair Park Business Partners Oversight (Report No. A16-009) by the City Auditor's Office, published on May 13, 2016, recommended, in part, that the Office of Cultural Affairs establish procedures to ensure that all key contract requirements are monitored and are in compliance with the contract requirements. As part of this effort, the Office of Cultural Affairs is working with the City Attorney's Office to align each agreement with current expense reimbursement practices.

This action seeks to memorialize the operation and utility reimbursement into the lease agreement.

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

On May 13, 2009, City Council authorized a Lease Agreement with DSM Management Group, Inc by Resolution No. 09-1226.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (continued)

On October 22, 2014, City Council authorized a Cultural Organizations Program Service Contract with DSM Management Group, Inc in the amount of \$290,000 for reimbursement of utilities and facility operations support of Dallas Summer Musicals by Resolution No. 14-1795.

On October 28, 2015, City Council authorized a Cultural Organizations Program Service Contract with DSM Management Group, Inc in the amount of \$290,000 for reimbursement of utilities and facility operations support of Dallas Summer Musicals by Resolution No. 15-1949.

On October 26, 2016, City Council authorized a Cultural Organizations Program Service Contract with DSM Management Group, Inc in the amount of \$72,500 for reimbursement of utilities and facility operations support of Dallas Summer Musicals by Resolution No. 16-1749.

On December 14, 2016, City Council authorized an amendment to the Cultural Organizations Program Service Contract with DSM Management Group, Inc to increase the contract amount by \$217,500 (revised total \$290,000) for reimbursement of utilities and facility operations support of Dallas Summer Musicals by Resolution No. 16-1995.

On October 25, 2017, City Council authorized a Cultural Organizations Program Service Contract with DSM Management Group, Inc in the amount of \$290,000 for reimbursement of utilities and facility operations support of Dallas Summer Musicals by Resolution No. 17-1658.

Information about this item will be provided to the Quality of Life, Arts & Culture Committee on February 26, 2018.

**FISCAL INFORMATION**

General Funds - \$3,480,000 (\$290,000 per year for 12 years) (subject to annual appropriations)



February 28, 2018

**WHEREAS**, on May 13, 2009, City Council authorized a Lease Agreement with DSM Management Group, Inc. (DSMMGI) for use of the Music Hall at Fair Park located at 909 First Avenue by Resolution No. 09-1226; and

**WHEREAS**, beginning in Fiscal Year 2014-15, as part of the annual Office of Cultural Affairs' Cultural Services Program contracts for cultural services, the City Council authorized a contract with DSMMGI for operations and utility reimbursements up to \$290,000 for operation of the Music Hall facility by Resolution No. 14-1795; and

**WHEREAS**, the City desires to enter into the first amendment to the Lease Agreement to memorialize the City's contribution for operations and utility costs of the Music Hall facility.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign the first amendment to the Lease Agreement with DSM Management Group, Inc., approved as to form by the City Attorney, for contribution to operations and utility costs for the Music Hall at Fair Park, up to \$290,000 per year, subject to annual appropriations, for the period October 1, 2017 through June 30, 2029, and for related revisions.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse, in periodic payments, to the DSM Management Group, Inc., an amount not to exceed \$3,480,000 (subject to annual appropriations) from Fund 0001, Department PKR, Unit 5206, Object 3099, Encumbrance/Contract No. MASC OCA-2018-00005201, Vendor VS0000049924.

**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.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** February 28, 2018

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Office of Cultural Affairs

**CMO:** Joey Zapata, 670-1204

**MAPSCO:** N/A

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**SUBJECT**

Authorize the second amendment to the Master Agreement with Dallas Black Dance Theatre, Inc. for the Development, Use and Operation of the Dallas Black Dance Theatre facility to memorialize an increase to the City's contributions for the operations and utility costs of the facility by \$77,000, previously authorized on an annual basis, from \$93,000 to \$170,000 annually for the period October 1, 2017 through December 31, 2048, and for related revisions - Not to exceed \$2,387,000, from \$2,883,000 to \$5,270,000 - Financing: General Funds (subject to annual appropriations)

**BACKGROUND**

On December 14, 2005, City Council authorized a Master Agreement for the Development, Use and Operation of the former Moorland YMCA Building in the Dallas Arts District with Dallas Black Dance Theatre, Inc. (DBDT), ownership of which was transferred from DBDT to the City as part of the agreement. The master agreement provides that the City will reimburse DBDT up to \$93,000 annually for operation and utility expenses for facility, and provides for period increases related to utility rate adjustments.

In FY 2014-15, as part of the annual Cultural Organizations Program contract with DBDT for cultural services, City Council authorized an increase to the City's payment obligation for operation and utility costs of the facility from \$93,000 to \$170,000. That increase was continued in fiscal years 2015-16 and 2016-17. The Audit of Business Partners Oversight - Arts District (Report No. A17-010) by the City Auditor's Office, published on August 25, 2017, recommended, in part, that the Office of Cultural Affairs work with the individual business partners and the City Attorney's Office to align each agreement with current expense reimbursement practices.

This action seeks to memorialize the increased operation and utility reimbursement into the contract, and delete the periodic utility rate adjustments based on an annual utility usage amount, which was never established following execution of the agreement.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On December 14, 2005, City Council authorized a Development and Use Agreement with Dallas Black Dance Theatre for the donation of the facility to the City and the design, development, construction, maintenance, management, use and operation of the facility located at 2700 Flora Street as a multi-use dance rehearsal, instructional and administrative office facility by Resolution No. 05-3604.

On January 16, 2008, City Council authorized the First Amendment to the Master Agreement for the Development, Use and Operation of the Dallas Black Dance Theatre facility to (1) extend the term of the Master Agreement by thirty-six months to end December 31, 2048; and (2) consent to the sublease of the Dallas Black Dance Theatre facility located at 2700 Flora Street to a master tenant entity controlled by the Dallas Black Dance Theatre to allow the Dallas Black Dance Theatre to receive federal historic tax credits in connection with the improvement and rehabilitation of the Dallas Black Dance Theatre facility by Resolution No. 08-0225.

On October 22, 2014, City Council authorized a Cultural Organizations Program Service contract with Dallas Black Dance Theatre, Inc. in the amount of \$311,603, of which \$170,000 was designated for reimbursement of utilities and facility operations support of the Dallas Black Dance Theatre facility by Resolution No. 14-1795.

On October 28, 2015, City Council authorized a Cultural Organizations Program Service contract with Dallas Black Dance Theatre, Inc. in the amount of \$357,711, of which \$170,000 was designated for reimbursement of utilities and facility operations support of the Dallas Black Dance Theatre facility by Resolution No. 15-1949.

On October 26, 2016, City Council authorized a Cultural Organizations Program Service contract with Dallas Black Dance Theatre, Inc. in the amount of \$357,711, of which \$170,000 was designated for reimbursement of utilities and facility operations support of the Dallas Black Dance Theatre facility by Resolution No. 16-1749.

Information about this item will be provided to the Quality of Life, Arts & Culture Committee on February 26, 2018.

## **FISCAL INFORMATION**

General Funds - \$2,387,000 (subject to annual appropriations)

February 28, 2018

**WHEREAS**, the Dallas Black Dance Theatre, Inc. (DBDT) is a world-class modern dance company, whose mission is to achieve artistic excellence through performance and educational programs bridging cultures, reaching diverse communities and encompassing national and international audiences; and

**WHEREAS**, in 1999 DBDT acquired the former Moorland YMCA, an approximately 20,058 square foot tract of land improved with a building, located at 2700 Flora Street for conversion into a multi-use dance rehearsal, instructional and administrative office facility for DBDT; and

**WHEREAS**, in the City's 2003 Bond election, the voters approved a proposition which included \$3,263,976 for the planning, design, construction and renovation of the former Moorland YMCA building as a multi-use dance rehearsal, instructional and administrative office facility for DBDT; and

**WHEREAS**, on December 14, 2005, City Council authorized a Development and Use Agreement with Dallas Black Dance Theatre for the donation of the facility to the City and the design, development, construction, maintenance, management, use and operation of the facility located at 2700 Flora Street as a multi-use dance rehearsal, instructional and administrative office facility by Resolution No. 05-3604; and

**WHEREAS**, on January 16, 2008, City Council authorized the First Amendment to the Master Agreement for the Development, Use and Operation of the Dallas Black Dance Theatre facility to (1) extend the term of the Master Agreement by thirty-six months to end December 31, 2048; and (2) consent to the sublease of the Dallas Black Dance Theatre facility located at 2700 Flora Street to a master tenant entity controlled by the Dallas Black Dance Theatre to allow the Dallas Black Dance Theatre to receive federal historic tax credits in connection with the improvement and rehabilitation of the Dallas Black Dance Theatre facility by Resolution No. 08-0225; and

**WHEREAS**, pursuant to the Master Agreement the City is responsible to pay a portion of the annual operations and utilities costs of the premises up to but not exceeding \$93,000; and

**WHEREAS**, beginning in Fiscal Year 2014-15, the Dallas City Council authorized its annual Cultural Organizations Program (COP) contract with DBDT inclusive of an appropriation increase to the City's payment obligation for DBDT's annual Operation and Utilities Cost from \$93,000 to \$170,000 annually; and

February 28, 2018

**WHEREAS**, the City desires to enter into a second amendment to the Master Agreement with Dallas Black Dance Theatre, Inc. for the Development, Use and Operation of the Dallas Black Dance Theatre facility to memorialize an increase to the City's contributions for the operations and utility costs of the facility by \$77,000, previously authorized on an annual basis, from \$93,000 to \$170,000 annually for the period October 1, 2017 through December 31, 2048.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign the second amendment to the Master Agreement with Dallas Black Dance Theatre, Inc., approved as to form by the City Attorney, for the Development, Use and Operation of the Dallas Black Dance Theatre facility to memorialize an increase to the City's contributions for the operations and utility costs of the facility by \$77,000, previously authorized on an annual basis, from \$93,000 to \$170,000 annually for the period October 1, 2017 through December 31, 2048, and for related revisions.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,387,000 (subject to annual appropriations), in periodic payments to the Dallas Black Dance Theatre, Inc. from the General Fund, Fund 0001, Department OCA, Unit 4854, Object 3099, Encumbrance/Contract No. MASC OCA-2018-00003856, Vendor 219206.

**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.

**STRATEGIC PRIORITY:** Quality of Life  
Economic and Neighborhood Vitality

**AGENDA DATE:** February 28, 2018

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Park & Recreation Department  
Office of Economic Development

**CMO:** Willis Winters, 670-4071  
Raquel Favela, 670-3309

**MAPSCO:** 46 Q

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**SUBJECT**

Authorize a Chapter 380 Economic Development Grant Agreement with ESPN Production Inc. in consideration of bringing teams from the Big Ten, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium at Fair Park in December 2018 and December 2019 pursuant to the City of Dallas Public/Private Partnership Program - Not to exceed \$800,000 - Financing: General Funds (subject to annual appropriations)

**BACKGROUND**

The first Cotton Bowl collegiate game was held on January 1, 1937 at the Cotton Bowl Stadium with the Texas Christian University Horned Frogs defeating the Marquette Golden Avalanche, 16-6. A bowl game has been held at the Cotton Bowl Stadium each year since, except in 2010. The Cotton Bowl Stadium has hosted more bowl games than any other stadium in the United States, with the exception of the Rose Bowl.

On November 14, 2012, the City of Dallas (City) and the Heart of Dallas, a Texas non-profit corporation, entered into a Chapter 380 Economic Development Grant Agreement. Under the authority of Chapter 380 of the Texas Local Government Code (the "Act), the City has made grants of public money to: (1) promote local economic development and (2) stimulate business and commercial activity in the City; more particularly within the South Dallas/Fair Park area. The City desired to provide an economic incentive to the Heart of Dallas to bring teams from the Big Ten, Big 12, or Conference USA to play in an annual bowl game at Cotton Bowl Stadium which would also help promote development and diversification of the economy, elimination of unemployment and underemployment and development and expansion of commerce.

## **BACKGROUND** (continued)

The Heart of Dallas expressed a commitment to contract with the City to host bowl games with specified National Collegiate Athletic Association (NCAA) football conferences and in consideration for the completion and compliance of said functions, the City committed to make an economic development grant to the Heart of Dallas of \$400,000, renewed for up to five additional 12-month periods and subject to annual approval and appropriation by the City Council and continued statutory authorization of the incentive under the Act.

In 2013, ESPN Production Inc. (ESPN) took over management and operation of the Plains Capital Heart of Dallas Bowl and in 2014 Zaxby's became the title sponsor. On December 26, 2017, the final bowl game was played under the Chapter 380 Economic Development Grant Agreement between the City and Heart of Dallas/ESPN.

According to Visit Dallas, the bowl game between Utah and West Virginia on December 26, 2017 had an economic impact of \$7,024,513. The bowl game between Army and North Texas on December 27, 2016 had a total economic impact of \$5,903,619 and the bowl game between Louisiana Tech and Illinois played on December 26, 2014 had an economic impact of \$14,890,630.

Via a separate agreement, the Heart of Dallas/ESPN has two years remaining in a six-year partnership agreement with the Big 12 (seventh selection), Big Ten (ninth selection) and Conference USA. Remaining matchups include Conference USA versus Big Ten in 2018 and Conference USA versus Big 12.

On November 2, 2017, the Park and Recreation Board was briefed on the history of the bowl games and future Chapter 380 Economic Development Grant Agreement funding options. Staff is recommending that a new two-year funding agreement be pursued as a shorter term would result in better aligning of City interests with contract terms of any new agreement between ESPN and the college conferences.

The proposed Chapter 380 Economic Development Grant Agreement is subject to the following key terms:

1. The grant shall be payable in two installments of \$400,000 each in December 2018 and December 2019
  - The first installment will be payable in December 2018 upon completion and verification of ESPN bringing teams in from the Big Ten, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium at Fair Park to promote with the City of Dallas, and in particular within the South Dallas/Fair Park area that will promote development and diversification of the economy; elimination of unemployment and underemployment; and development and expansion of commerce

## **BACKGROUND** (continued)

- The second installment will be payable in December 2019 upon completion and verification of ESPN bringing teams in from the Big Ten, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium at Fair Park to promote with the City of Dallas, and in particularly within the South Dallas/Fair Park area that will promote development and diversification of the economy; elimination of unemployment and underemployment; and development and expansion of commerce
2. ESPN shall contract with the City to host bowl games at the Cotton Bowl Stadium with specified NCAA football conferences in 2018 and 2019
  3. ESPN shall organize and manage advertising, broadcasting, news media, promotional activities and other such related game functions
  4. The grant shall renew each year for up to one additional 12-month period, subject to approval and appropriation by the City Council
  5. Continued statutory authorization of this incentive under the Act
  6. ESPN shall host the annual bowl game at Cotton Bowl Stadium at Fair Park in December 2018 and December 2019

Pursuant to the City's Public/Private Partnership (PPP) Program, Guidelines and Criteria (effective for the period of January 1, 2018 through December 31, 2018) the project does not meet the minimum eligibility requirements for a non-target area. Notwithstanding, the project represents a unique economic development opportunity and, as such is considered a "Non-Conforming Project" pursuant to the PPP Program. As a Non-Conforming Project, the proposed Grant requires approval by a three-fourths vote of the Dallas City Council.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 14, 2012, City Council authorized an economic development grant agreement with The HOFD, Incorporated pursuant to the City's Public/Private Partnership Program for participating universities from the Big Ten, Big 12 or Conference USA subject to the annual New Year's Day Bowl Game at the Cotton Bowl, by Resolution No. 12-2785.

On November 2, 2017, the Park and Recreation Board was briefed on the history of the bowl games and future Chapter 380 Economic Development Grant Agreement funding options.

On February 1, 2018, the Park and Recreation Board authorized staff to work with the Office of Economic Development to seek the reauthorization of a Chapter 380 Economic Development Grant Agreement with ESPN and for staff to seek additional match funding sources, specifically the Tourism Public Improvement District.



**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (continued)

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on February 26, 2018.

**FISCAL INFORMATION**

General Funds - \$800,000 (subject to annual appropriations)

February 28, 2018

**WHEREAS**, under the authority of Chapter 380 of the Texas Local Government Code, the City of Dallas has made grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas, and more particularly within the South Dallas/Fair Park area; and

**WHEREAS**, on November 14, 2012, City Council authorized an economic development grant with The HOFD, Incorporated to bring teams from the Big Ten, Big 12 or Conference USA to play their annual New Year's Day bowl game at the Cotton Bowl Stadium at Fair Park, by Resolution No. 12-2785; and

**WHEREAS**, holding the games at the Cotton Bowl Stadium, along with advertising, broadcasting, news media, and promotion activities related to the Heart of Dallas Bowl game, attracts tourists to the City and Fair Park, increases business opportunities throughout the City, and portrays the City in a positive fashion; and

**WHEREAS**, in 2013, ESPN Production Inc. (ESPN) took over management and operation of the Plains Capital Bank Heart of Dallas Bowl and in 2014 Zaxby's became the title sponsor of the Bowl; and

**WHEREAS**, on December 14, 2016, City Council adopted a new Public/Private Partnership Program Guidelines and Criteria for the period of January 1, 2017 through December 31, 2018, unless new Guidelines to the Public/Private Partnership Program are adopted before such date pursuant to the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A., Tax Code Chapter 312) and other incentives intended to promote private investment, tax base growth and job creation by Resolution No. 16-1984; and

**WHEREAS**, according to Visit Dallas, the bowl game on December 26, 2017 between Utah and West Virginia had an economic impact of \$7,024,513, the bowl game on December 27, 2016 between Army and North Texas had a total economic impact of \$5,903,619; and the bowl game on December 26, 2014 between Louisiana Tech and Illinois had an economic impact of \$14,890,630; and

**WHEREAS**, ESPN has expressed a commitment to contract with the City of Dallas to host bowl games at the Cotton Bowl Stadium with specified football conferences in December 2018 and December 2019 in exchange for certain considerations; and

**WHEREAS**, on February 1, 2018, the Park and Recreation Board authorized staff to proceed working with the Office of Economic Development to seek reauthorization of a Chapter 380 Economic Development Grant Agreement with ESPN in an amount not to exceed \$800,000 in consideration of bringing teams from the Big Ten, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium at Fair Park.

February 28, 2018

**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 sign a Chapter 380 Economic Development Grant Agreement with ESPN Production Inc. in consideration of bringing teams from the Big Ten, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium at Fair Park in December 2018 and December 2019 pursuant to the City of Dallas' Public/Private Partnership Program.

**SECTION 2.** That the City Manager is hereby authorized to provide annual funding beginning 2018 through 2019, in the amounts as set forth in SECTION 4 below, subject to the games being played at the Cotton Bowl Stadium and annual appropriation of funding by the City Council.

**SECTION 3.** That the President of the Park and Recreation Board and the City Manager, are hereby authorized to execute a Chapter 380 Economic Development Grant Agreement with ESPN, approved as to form by the City Attorney.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds to ESPN Production Inc. in an amount not to exceed \$800,000 from General Fund, Fund 0001, Agency PKR, Unit 5208, Object 3099, Vendor VC18227, subject to annual appropriations.

**SECTION 5.** That this contract is designated as Contract No. PKR-2018-00005409.

**SECTION 6.** That the commitments for funding set forth in this resolution shall be terminated by the City Manager, without liability in the event of non-appropriation of such subsequent funding by the City Council; provided, however, the City Manager is hereby authorized to include such funding in the proposed budget submissions to the City Council.

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

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** February 28, 2018

**COUNCIL DISTRICT(S):** 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14

**DEPARTMENT:** Park & Recreation Department

**CMO:** Willis Winters, 670-4071

**MAPSCO:** Various

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**SUBJECT**

Authorize a ten-year Interlocal Agreement, with two five-year renewal options, with Dallas Independent School District for shared access of campus grounds after school hours and weekends - Financing: This action has no cost consideration to the City (see Fiscal Information for future cost)

**BACKGROUND**

Currently, approximately only half of Dallas residents live within a ten minute walk of a park. Throughout Dallas, there are areas that are highly deficient in open space. A strategy utilized nationally to increase resident access to park and open space is to partner with schools to make their campuses available for resident use after school hours and weekends. By partnering with multiple school districts including Dallas Independent School District (DISD), the City will be able to fill many gaps in service without the need to acquire new park land.

There are two primary deal points in the agreement. First, DISD will formally allow neighborhood resident access to the campuses after school hours and weekends. Second, DISD and the City will partner on capital improvements subject to funding availability of both parties. It is anticipated that the primary improvements will be playground enhancements. DISD will provide new play equipment and the City will provide a subsurface drainage system, concrete containment edge and an Americans with Disabilities Act accessible walkway, if one is not present. Any capital improvements completed under the agreement will be maintained by the City and owned by DISD.

On February 14, 2018, City Council approved an Interlocal Agreement with Richardson Independent School District for shared access of campus grounds after school and weekends. The City is seeking grant opportunities for capital improvements, which will be funded and procured in future, separate authorizations.

**BACKGROUND** (continued)

The agreement will cover the following 25 schools:

<b><u>School Name</u></b>	<b><u>Council District</u></b>
Leila P. Cowart Elementary School	1
L.O. Donald Elementary School	1
John H. Reagan Elementary School	1
Arturo Salazar Elementary School	1
Sam Houston Elementary School	2
Esperanza Hope Medrano Elementary	2
Alex W. Spence Middle Learning Center & Talented/Gifted Academy	2
Anson Jones Elementary School	3
John Leslie Patton Jr. Academic Center	4
Boude Storey Middle School	4
John Ireland Elementary School	5
David G. Burnet Elementary School	6
Francisco F. Pancho Medrano Middle School	6
S.S. Conner Elementary School	7
Frank Guzick Elementary School	7
Harold Wendell Lang Sr. Middle School	7
C.A. Tatum Jr. Elementary School	7
Frederick Douglass Elementary School	8
Reinhardt Elementary School	9
Anne Frank Elementary School	11
Tom C. Gooch Elementary School	13
Jill Stone At Vickery Meadow Elementary School	13
Jack Lowe Sr. Elementary School	13
Dan D. Rogers Elementary School	14
Stonewall Jackson Elementary School	14

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

On May 18, 2017, the Park and Recreation Board was briefed on this item.

On January 4, 2018, the Park and Recreation Board deferred this item.

On February 1, 2018, the Park and Recreation Board authorized a ten-year Interlocal Agreement, with two five-year renewal options, with Dallas Independent School District.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on February 26, 2018.

## **FISCAL INFORMATION**

This action has no cost consideration to the City. In the event that both parties choose to make capital improvements to a campus and subject to funding availability, the anticipated cost of a subsurface drainage system, concrete containment edge and an Americans with Disabilities Act accessible walkway per school playground, if not present, ranges between \$25,000 and \$50,000 depending upon existing site conditions.

## **MAP**

Attached

February 28, 2018

**WHEREAS**, a national best practice is for park systems to partner with school districts to increase the availability of park land and open space to residents; and

**WHEREAS**, the City of Dallas has joined the Trust for Public Land's ten minute walk initiative to ensure as many residents as possible have access to a park or open space within a ten minute or 0.5 mile walk of their home; and

**WHEREAS**, the City of Dallas and Dallas Independent School District (DISD) desire to enter into a ten-year Interlocal Agreement, with two five-year renewal options, for shared access of campus grounds after school hours and weekends and to partner on capital improvements subject to funding availability; and

**WHEREAS**, any capital improvements to the school campuses completed under this agreement will be maintained by the City and owned by DISD.

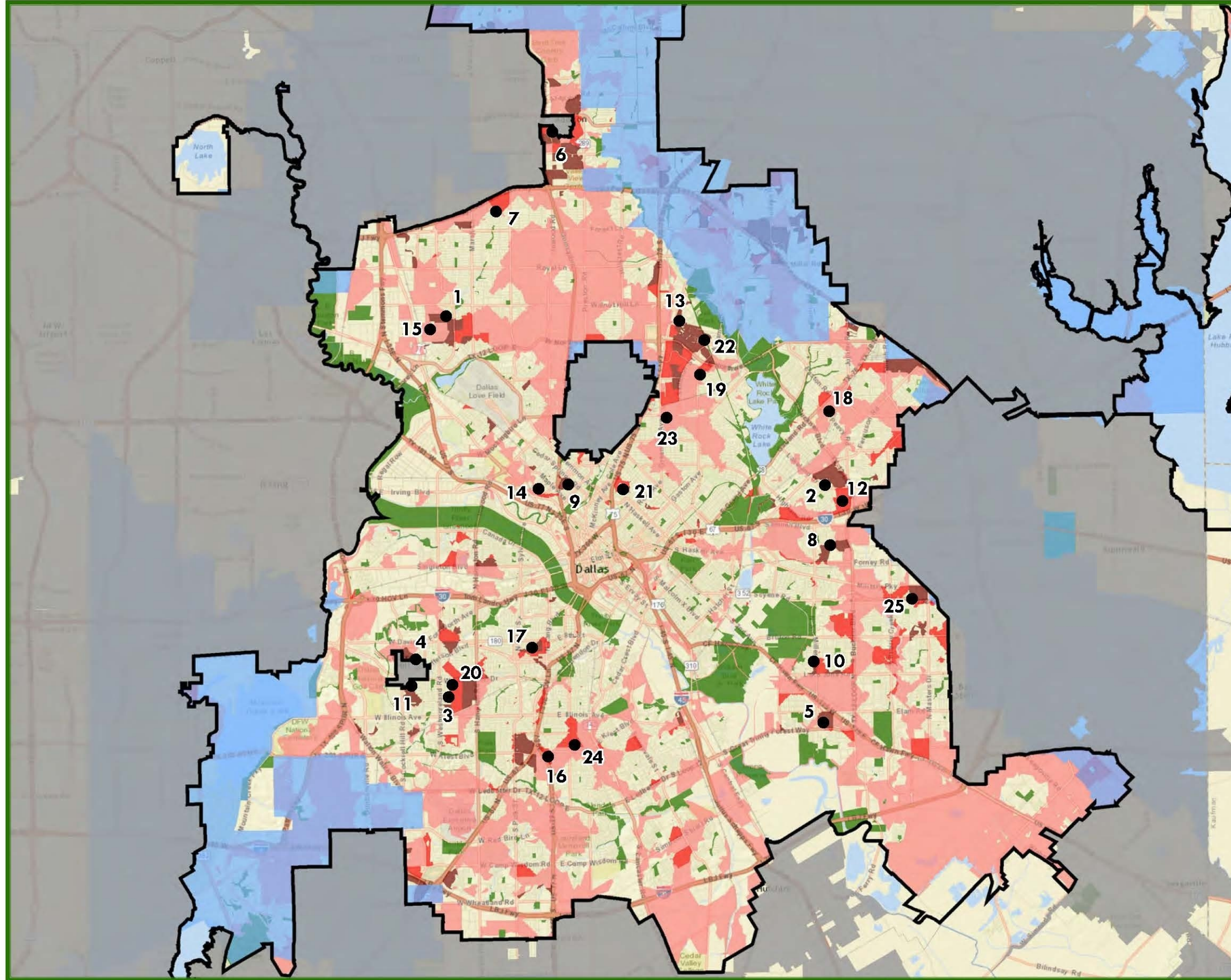
**Now, Therefore,**

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

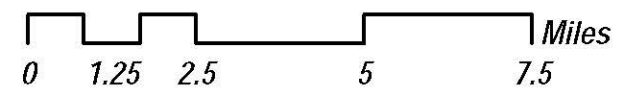
**SECTION 1.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to sign a ten-year Interlocal Agreement, with two five-year renewal options, with Dallas Independent School District, approved as to form by the City Attorney, for shared access of campus grounds after school hours and weekends.

**SECTION 2.** That this contract is designated as Contract No. PKR-2018-00005277.

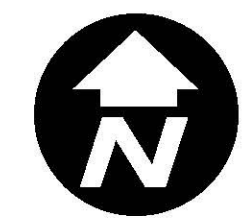
**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



ID	DISD Campus	Type	CD	BOT
1	Burnet	ES	6	8
2	Conner	ES	7	3
3	Cowart	ES	1	7
4	Donald	ES	1	7
5	Douglass	ES	8	9
6	Frank	ES	11	1
7	Gooch	ES	13	1
8	Guzick	ES	7	9
9	Houston	ES	2	8
10	Ireland	ES	5	4
11	Jones	ES	3	7
12	Lang	MS	7	9
13	Lowe Sr	ES	13	3
14	Medrano	ES	2	8
15	Medrano	MS	6	8
16	Patton	ES	4	6
17	Reagan	ES	1	7
18	Reinhardt	ES	9	3
19	Rogers	ES	14	2
20	Salazar	ES	1	7
21	Spence	ES	2	8
22	Stone	ES	13	3
23	Stonewall Jackson	ES	14	2
24	Storey	MS	4	6
25	Tatum	ES	7	9



**Dallas Independent School District**  
**Dallas Park and Recreation Department**  
**Partnership Campuses**





**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** February 28, 2018

**COUNCIL DISTRICT(S):** Outside City Limits

**DEPARTMENT:** Park & Recreation Department

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 50 E F J K

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**SUBJECT**

Authorize a ten-year development and maintenance agreement, with two, five-year renewal options with Dallas Zoo Management for the development, construction, operation and maintenance of a two-acre whooping crane breeding facility at Samuell Farm, located at 100 US Highway 80E, Mesquite, Texas 75149 – Financing: No cost consideration to the City

**BACKGROUND**

The City, through the Park and Recreation Department, maintains Samuell Farm that is approximately 609 acres in size. Dallas Zoo Management (DZM) shall construct a two-acre breeding facility that will sit on approximately five acres of land near the west/southwest corner of Samuell Farm.

Obligation of the City of Dallas includes the following:

- 1. Provide approximately five acres of land for use by DZM.

Obligations of DZM include the following:

- 1. The term of the contract is for ten years with two, five-year renewal options and allows the City to terminate on a 90-day notice.
- 2. DZM shall develop, construct, operate, and maintain the breeding facility.
- 3. DZM, at its sole cost, shall undertake the development of the premises as approved by the Park and Recreation Director or designee.
- 4. DZM shall provide educational and outreach programs to the public including schools and other groups, to present the conservation message about this endangered species.
- 5. DZM shall pay for all utilities.

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

On February 1, 2018, the Park and Recreation Board authorized a ten-year agreement development and maintenance with two, five-year renewal options with Dallas Zoo Management.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on February 26, 2018.

**FISCAL INFORMATION**

No cost consideration to the City.

February 28, 2018

**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 Dallas Zoo Management (DZM) desire to enter into a ten-year development and maintenance agreement, with two, five-year renewal options, for the development, construction, operation and maintenance of a two-acre whooping crane breeding facility at Samuell Farm located at 100 US Highway 80E, Mesquite, Texas 75149; and

**WHEREAS**, the City shall provide approximately five acres of land for use by DZM; and

**WHEREAS**, DZM shall develop, construct, operate and maintain this whooping crane breeding facility at its sole cost.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into a ten-year development and maintenance agreement, with two, five-year renewal options with Dallas Zoo Management, approved as to form by the City Attorney, for the development, construction, operation and maintenance of a two-acre whooping crane breeding facility at Samuell Farm located at 100 US Highway 80E, Mesquite, Texas 75149.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a ten-year development and maintenance agreement, with two, five-year renewal options with Dallas Zoo Management, approved as to form by the City Attorney.

**SECTION 3.** That the duration of the agreement will be for a term of ten years with two, five-year renewal options.

**SECTION 4.** That this contract is designated as Contract No. PKR-2018-00005422.

**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.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** February 28, 2018

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Park & Recreation Department

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 61B L M

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**SUBJECT**

Authorize Supplemental Agreement No. 5 to the professional services contract with Quimby McCoy Preservation Architecture, LLP for the third phase of the park Master Plan; design, construction documents, construction procurement and construction administration phases for the disassembly/reassembly and new foundation for the historic barn at the future Sharrock-Niblo Park located at 6900 Grady Niblo Road - Not to exceed \$103,310, from \$229,207 to \$332,517 - Financing: 2006 Bond Funds (\$4,745) and 2017 Bond Funds (\$98,565)

**BACKGROUND**

The original professional services contract with Marcel Quimby Architecture Preservation, Inc. was authorized by City Council on September 13, 2006 for an archaeological survey, historic structures report, Historic American Building Survey, park development plan and the preparation of a City of Dallas Landmark Designation report for Grady Niblo/Sharrock property located at the southwest corner of Grady Niblo Road and Kiwanis Road, in an amount not to exceed \$101,532.63, by Resolution No. 06-2375.

On April 6, 2007, Administrative Action No. 07-1222 authorized Supplemental Agreement No. 1 to the professional services contract for the reassignment of the contract from Marcel Quimby Architecture Preservation, Inc. to the new firm of Quimby McCoy Preservation Architecture, LLP.

On August 8, 2012, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Quimby McCoy Preservation Architecture, LLP for survey, landscape architecture and structural services for a construction document package for bidding for further State and National Historic Registry of the site at Sharrock-Niblo Park, in an amount not to exceed \$74,385.00, increasing the contract amount from \$101,532.63 to \$175,917.63, by Resolution No. 12-1911.

**BACKGROUND** (continued)

On January 30, 2013, Administrative Action No. 13-0142 authorized Supplemental Agreement No. 3 to the professional services contract with Quimby McCoy Preservation Architecture, LLP for surveyor services for the identification of possible land acquisitions and for identification of boundaries of the historical site for a State Historical marker and National Historic Registry of the site at Sharrock-Niblo Park, in an amount not to exceed \$9,450.00, increasing the contract amount from \$175,917.63 to \$185,367.63.

On June 28, 2017, Administrative Action No. 17-0797 authorized Supplemental Agreement No. 4 to the professional services contract with Quimby McCoy Preservation Architecture, LLP for architectural, civil engineering, landscape architecture and archaeological services at Sharrock-Niblo Park, in an amount not to exceed \$43,839.00, increasing the contract amount from \$185,367.63 to \$229,206.63.

This action will authorize Supplemental Agreement No. 5 to the professional services contract with Quimby McCoy Preservation Architecture, LLP for the third phase of the park Master Plan; design, construction documents, procurement and construction administration phases for the disassembly/reassembly and new foundation for the historic barn structure at the future Sharrock-Niblo Park, in an amount not to exceed \$103,310.00, increasing the contract amount from \$229,206.63 to \$332,516.63.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	March 2018
Complete Design	December 2018

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

On August 17, 2006, the Park and Recreation Board authorized award of the professional services contract.

On September 13, 2006, City Council authorized a professional services contract with Marcel Quimby Architecture Preservation, Inc. by Resolution No. 06-2375.

On August 8, 2012, City Council authorized Supplemental Agreement No. 2 to the professional services contract Quimby McCoy Preservation Architecture, LLP by Resolution No. 12-1911.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on February 26, 2018.

**FISCAL INFORMATION**

2006 Bond Funds - \$4,745.00  
2017 Bond Funds - \$98,565.00

Design Contract	\$101,532.63
Supplemental Agreement No. 1	\$ 0.00
Supplemental Agreement No. 2	\$ 74,385.00
Supplemental Agreement No. 3	\$ 9,450.00
Supplemental Agreement No. 4	\$ 43,839.00
Supplemental Agreement No. 5 (this action)	<u>\$103,310.00</u>
Total	\$332,516.63

**M/WBE INFORMATION**

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

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$103,310.00	Professional Services	36.30%	90.80%	\$93,810.00

- This contract exceeds the M/WBE goal of 36.30%
- This item is a supplemental agreement. The overall M/WBE participation 75.74%

**OWNER**

**Quimby McCoy Preservation Architecture, LLP**

Nancy McCoy, FAIA, Principal

**MAP**

Attached

February 28, 2018

**WHEREAS**, on September 13, 2006, City Council authorized a professional services contract with Marcel Quimby Architecture Preservation Inc. for an archaeological survey, historic structures report, Historic American Building Survey, park development plan and the preparation of a City of Dallas Landmark Designation report for Grady Niblo/Sharrock property located at the southwest corner of Grady Niblo Road and Kiwanis Road, in an amount not to exceed \$101,532.63, by Resolution No. 06-2375; and

**WHEREAS**, on April 6, 2007, Administrative Action No. 07-1222 authorized Supplemental Agreement No. 1 to the professional services contract for the reassignment of the contract from Marcel Quimby Architecture Preservation, Inc. to the new firm of Quimby McCoy Preservation Architecture, LLP; and

**WHEREAS**, on August 8, 2012, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Quimby McCoy Preservation Architecture, LLP for survey, landscape architecture and structural services for a construction document package for bidding for further State and National Historic Registry of the site at Sharrock-Niblo Park, in an amount not to exceed \$74,385.00, from \$101,532.63 to \$175,917.63, by Resolution No. 12-1911; and

**WHEREAS**, on January 30, 2013, Administrative Action No. 13-0142 authorized Supplemental Agreement No. 3 to the professional services contract with Quimby McCoy Preservation Architecture, LLP for surveyor services for the identification of possible land acquisitions and for identification of boundaries of the historical site for a State Historical marker and National Historic Registry of the site at Sharrock-Niblo Park, in an amount not to exceed \$9,450.00, from \$175,917.63 to \$185,367.63; and

**WHEREAS**, on June 28, 2017 Administrative Action No. 17-0797 authorized Supplemental Agreement No. 4 to the professional services contract with Quimby McCoy Preservation Architecture, LLP for architectural, civil engineering, landscape architecture and archaeological services at Sharrock-Niblo Park, in an amount not to exceed \$43,839.00, from \$185,367.63 to \$229,206.63; and

**WHEREAS**, this action will authorize Supplemental Agreement No. 5 to the professional services contract with Quimby McCoy Preservation Architecture, LLP for the third phase of the park Master Plan; design, construction documents, procurement and construction administration phases for the disassembly/reassembly and new foundation for the historic barn structure at the future Sharrock-Niblo Park, in an amount not to exceed \$103,310.00, increasing the contract amount from \$229,206.63 to \$332,516.63.

February 28, 2018

**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 sign Supplemental Agreement No. 5 to the professional services contract with Quimby McCoy Preservation Architecture, LLP, approved as to form by the City Attorney, for the third phase of the park Master Plan; design, construction documents, procurement and construction administration phases for the disassembly/reassembly and new foundation for the historic barn at the future Sharrock-Niblo Park, in an amount not to exceed \$103,310.00, increasing the contract amount from \$229,206.63 to \$332,516.63.

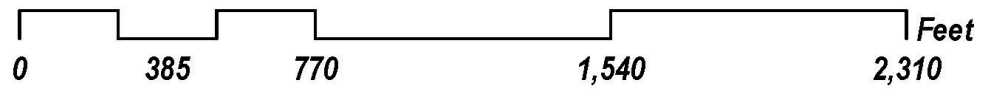
**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$103,310.00 to Quimby McCoy Preservation Architecture, LLP, as follows:

Park and Recreation Facilities Fund Fund 1T00, Department PKR Unit T155, Object 4112, Activity CWPK Program PKGRADY, Encumbrance CT-PKR06018824 Commodity 92500, Vendor VS0000017961	\$ 4,745.00
 Park and Recreation Facilities Fund Fund 1V00, Department PKR Unit VB53, Object 4112, Activity CWPK Program PK17VB53, Encumbrance CT-PKR06018824 Commodity 92500, Vendor VS0000017961	 <u>\$ 98,565.00</u>
Total amount not to exceed	\$103,310.00

**SECTION 3.** That this contract is designated as Contract No. PKR-2017-00002029.

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





# Sharrock Niblo Park



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