



**City of Dallas**

# **PARK AND RECREATION BOARD AGENDA**

**THURSDAY, MAY 5, 2016  
DALLAS CITY HALL  
1500 MARILLA STREET, ROOM 6FN  
DALLAS, TEXAS 75201  
214-670-4078**

**9:00 am: Administration and Finance Committee, Room 6FS  
9:00 am: Planning and Design Committee, Room 6FN  
10:00 am: Park and Recreation Board, Room 6FN**

**MEMORANDUM**

RECEIVED

2016 APR 28 PM 3: 54



**DATE:** April 28, 2016

CITY SECRETARY  
DALLAS, TEXAS

**TO:** Members of the Administration and Finance Committee of the Dallas Park and Recreation Board:  
Rodney Schlosser, Chair; Raquel A. Rollins, Co-Chair  
Barbara A. Barbee, Lawrence S. Jones, Jesse Moreno, Susan Rader, Marlon Rollins

**SUBJECT:** Notice of Meeting – Thursday – May 5, 2016 – 9:00 a.m.  
Dallas City Hall – 1500 Marilla Street – Room 6FS – Dallas, Texas 75201

A meeting of the Administration and Finance Committee of the Dallas Park and Recreation Board is scheduled on Thursday, May 5, 2016 at Dallas City Hall, 1500 Marilla Street, Room 6FS, Dallas, Texas 75201 at 9:00 a.m.

**AGENDA**

**ACTION ITEMS**

**PARK BOARD AGENDA ITEM NO. 3** – Fair Park (7) – Consider the second and final one-year option to renew the food and beverage concession services contract at the Cotton Bowl Stadium in Fair Park located at 3750 The Midway between the Ed Campbell Company and the City of Dallas beginning Wednesday, June 8, 2016 through Wednesday, June 7, 2017 – Estimated Revenue: \$972,252

**PARK BOARD AGENDA ITEM NO. 4** – Fair Park (7) – Consider the second and final one-year option to renew the food and beverage concession services contract at the Old Mill Inn Restaurant in Fair Park located at 3611 Grand Avenue between the Ed Campbell Company and the City of Dallas beginning Wednesday, June 8, 2016 through Wednesday, June 7, 2017 – Estimated Revenue: \$12,647

**PARK BOARD AGENDA ITEM NO. 5** – Park and Recreation Department (All) – Consider a public hearing to be held on May 25, 2016, to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with state law – Financing: No cost consideration to the City



**DATE:** April 28, 2016

**TO:** Members of the Administration and Finance Committee of the Dallas Park and Recreation Board:  
Rodney Schlosser, Chair; Raquel A. Rollins, Co-Chair  
Barbara A. Barbee, Lawrence S. Jones, Jesse Moreno, Susan Rader, Marlon Rollins

**SUBJECT:** Notice of Meeting – Thursday – May 5, 2016 – 9:00 a.m.  
Dallas City Hall – 1500 Marilla Street – Room 6FS – Dallas, Texas 75201

**AGENDA**

**NON-ACTION ITEMS**

1. Park and Recreation Department (All) – Recommendation to the Dallas City Council to amend Chapter 32 and 41 of the Dallas City Code to prohibit smoking on park grounds, without exceptions – Financing: This action has no cost consideration to the City [This item was deferred by the full Board on December 17, 2015; Committee discussion on January 7, 2016, January 21, 2016, February 4, 2016; Committee consideration on February 18, 2016; deferred by the full Board on March 10, 2016; Committee discussion on April 7, 2016; Committee discussion on April 21, 2016]
2. Park Partnership Policy Review

  
Dawna M. Ray, Secretary  
Park and Recreation Board

- c: Dallas Park and Recreation Board Members  
Willis C. Winters, Director, Park and Recreation Board  
John D. Jenkins, Deputy Director, Park and Recreation Department  
Christine Lanners, Assistant City Attorney  
Rosa A. Rios, City Secretary



**DATE:** April 28, 2016

**TO:** Members of the Administration and Finance Committee of the Dallas Park and Recreation Board:  
Rodney Schlosser, Chair; Raquel A. Rollins, Co-Chair  
Barbara A. Barbee, Lawrence S. Jones, Jesse Moreno, Susan Rader, Marlon Rollins

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"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."*

**"A quorum of the Dallas Park and Recreation Board may attend this Dallas Park and Recreation Board Sub-Committee meeting."**

**MEMORANDUM**

RECEIVED

2016 APR 28 PM 3: 54



**DATE:** April 28, 2016

**TO:** Members of the Planning and Design Committee of the Dallas Park and Recreation Board:  
Amy W. Monier, Chair; Sean Johnson, Co-Chair  
Celina Barajas, Lawrence P. Hochberg, Paul Sims, Robb P. Stewart,  
Yolanda F. Williams

**SUBJECT:** Notice of Meeting – Thursday – May 5, 2016 – 9:00 a.m.  
Dallas City Hall – 1500 Marilla Street – Room 6FN – Dallas, Texas 75201

A meeting of the Planning and Design Committee of the Dallas Park and Recreation Board is scheduled on Thursday, May 5, 2016 at Dallas City Hall, 1500 Marilla Street, Room 6FN, Dallas, Texas 75201 at 9:00 a.m.


**AGENDA**

**ACTION ITEM**

**PARK BOARD AGENDA ITEM NO. 6** – Bachman Recreation Center (6) – Consider a contract with Phoenix I Restoration and Construction, Ltd., best value proposer of five, for renovations at Bachman Recreation Center located at 2750 Bachman Drive – Not to exceed \$576,240 – Financing: 2006 Bond Funds

**NON-ACTION ITEM**

1. Proposed Dallas Park and Recreation Board Plaque and Interpretive Signage Policy (continued)

  
Dawna M. Ray, Secretary  
Park and Recreation Board

- c: Dallas Park and Recreation Board Members  
Willis C. Winters, Director, Park and Recreation Department  
Louise Elam, Interim Assistant Director, Park and Recreation Department  
Christine Lanners, Assistant City Attorney  
Rosa A. Rios, City Secretary

**MEMORANDUM – PAGE 2**



**DATE:** April 28, 2016

**TO:** Members of the Planning and Design Committee of the Dallas Park and Recreation Board:  
Amy W. Monier, Chair; Sean Johnson, Co-Chair  
Celina Barajas, Lawrence P. Hochberg, Paul Sims, Robb P. Stewart,  
Yolanda F. Williams

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**"A quorum of the Dallas Park and Recreation Board may attend this Dallas Park and Recreation Board Sub-Committee meeting."**

**MEMORANDUM**

RECEIVED

2016 APR 28 PM 3: 55

CITY SECRETARY  
DALLAS, TEXAS



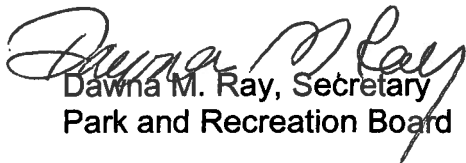
**DATE:** April 28, 2016

**TO:** Max W. Wells, President, and  
Members of the Dallas Park and Recreation Board

**SUBJECT:** Notice of Regular Meeting – Thursday – May 5, 2016 – 10:00 a.m.  
Dallas City Hall – 1500 Marilla Street – Room 6FN – Dallas, Texas 75201

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A Regular Meeting of the Dallas Park and Recreation Board is scheduled on Thursday, May 5, 2016 at Dallas City Hall, 1500 Marilla Street, Room 6FN, Dallas, Texas 75201 at 10:00 a.m. A copy of the agenda is attached.

  
Dawna M. Ray, Secretary  
Park and Recreation Board

- c: Barbara A. Barbee, Park Boardmember, Council District 1
- Jesse Moreno, Vice President, Council District 2
- Marlon Rollins, Park Boardmember, Council District 3
- Lawrence P. Hochberg, Park Boardmember, Council District 4
- Yolanda F. Williams, Park Boardmember, Council District 5
- Celina Barajas, Park Boardmember, Council District 6
- Sean Johnson, Park Boardmember, Council District 7
- Raquel A. Rollins, Park Boardmember, Council District 8
- Susan Rader, Park Boardmember, Council District 9
- Robb P. Stewart, Park Boardmember, Council District 10
- Amy W. Monier, Park Boardmember, Council District 11
- Rodney Schlosser, Park Boardmember, Council District 12
- Lawrence S. Jones, Park Boardmember, Council District 13
- Paul Sims, Park Boardmember, Council District 14
- Willis C. Winters, Director, Park and Recreation Department
- John D. Jenkins, Deputy Director, Park and Recreation Department
- Christine Lanners, Assistant City Attorney
- Rosa A. Rios, City Secretary

**DALLAS PARK AND RECREATION BOARD AGENDA  
DALLAS CITY HALL  
1500 MARILLA STREET, ROOM 6FN  
DALLAS, TEXAS 75201  
THURSDAY, MAY 5, 2016  
(10:00 A.M.)**

RECEIVED

2016 APR 28 PM 3:55

CITY SECRETARY  
DALLAS, TEXAS

**MEETINGS:**

9:00 am: Administration and Finance Committee – Room 6FS

9:00 am: Planning and Design Committee – Room 6FN

10:00 am: Park and Recreation Board – Room 6FN

(Public Speakers sign in by 9:30 a.m.)

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1. Speakers
2. Approval of Minutes of the April 21, 2016 Park and Recreation Board Meeting

**CONSENT AGENDA (ITEMS 3-6)**

**ADMINISTRATION AND FINANCE COMMITTEE – MISCELLANEOUS**

3. Fair Park (7) – Authorize the second and final one-year option to renew the food and beverage concession services contract at the Cotton Bowl Stadium in Fair Park located at 3750 The Midway between the Ed Campbell Company and the City of Dallas beginning Wednesday, June 8, 2016 through Wednesday, June 7, 2017 – Estimated Revenue: \$972,252
4. Fair Park (7) – Authorize the second and final one-year option to renew the food and beverage concession services contract at the Old Mill Inn Restaurant in Fair Park located at 3611 Grand Avenue between the Ed Campbell Company and the City of Dallas beginning Wednesday, June 8, 2016 through Wednesday, June 7, 2017 – Estimated Revenue: \$12,647
5. Park and Recreation Department (All) – Authorize a public hearing to be held on May 25, 2016, to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with state law – Financing: No cost consideration to the City

**PLANNING AND DESIGN COMMITTEE – CONTRACT AWARDS**

6. Bachman Recreation Center (6) – Authorize a contract with Phoenix I Restoration and Construction, Ltd., best value proposer of five, for renovations at Bachman Recreation Center located at 2750 Bachman Drive – Not to exceed \$576,240 – Financing: 2006 Bond Funds



**DALLAS PARK AND RECREATION BOARD AGENDA – PAGE 2**  
**DALLAS CITY HALL, 1500 MARILLA STREET, ROOM 6FN**  
**DALLAS, TEXAS 75201**  
**THURSDAY, MAY 5, 2016**  
**(10:00 A.M.)**

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**NON-ACTION ITEMS**

7. 2016 Texas Recreation and Parks Society Institute Reports
8. Recent Police Activity in the Park System:  
Rick Watson, Deputy Chief, Dallas Police Department

**BRIEFINGS**

9. Dallas Arboretum and Botanical Society Partnership Update:  
John Jenkins, Deputy Director, Park and Recreation Department
10. Fair Park Texas Foundation Vision:  
Willis Winters, Director, Park and Recreation Department

**ITEM FOR FURTHER DISCUSSION**

11. Proposed Management Agreement with Fair Park Texas Foundation - Deal Points:  
Willis Winters, Director, Park and Recreation Department

**OTHER/NON-ACTION ITEMS**

12. Committee Reports
13. Trinity Standing Wave Update
14. Park and Recreation Board Members Liaison Reports: Audubon Dallas/Cedar Ridge Preserve, Cultural Affairs Commission, Dallas Arboretum and Botanical Society, Dallas Zoological Society, Downtown Dallas, Inc./Downtown Parks, Friends of Fair Park, The Friends of Katy Trail, Lee Park and Arlington Hall Conservancy, State Fair of Texas, Texas Discovery Gardens, The Trinity Commons Foundation, Trinity River Audubon Center, Turtle Creek Association, The Woodall Rodgers Park Foundation/Klyde Warren Park
15. Staff Announcements – Upcoming Park and Recreation Department Events
16. Next Park and Recreation Board Regular Meeting: Thursday, May 19, 2016
17. Adjournment

**DALLAS PARK AND RECREATION BOARD AGENDA – PAGE 3**  
**DALLAS CITY HALL, 1500 MARILLA STREET, ROOM 6FN**  
**DALLAS, TEXAS 75201**  
**THURSDAY, MAY 5, 2016**  
**(10:00 A.M.)**

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A closed session may be held if the deliberation on any agenda item concerns one of the following:

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

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Regular Meeting: Max W. Wells, President, presiding

Present: Max W. Wells, President; Jesse Moreno, Vice President; Celina Barajas, Barbara A. Barbee, Lawrence Hochberg, Sean Johnson, Lawrence S. Jones, Amy W. Monier, Susan Rader, Marlon Rollins, Raquel Rollins, Rodney Schlosser, Paul Sims, Robb Stewart, Yolanda F. Williams – 15

Absent: None

President Wells convened the regular meeting at 10:15 a.m. A quorum of the Board was present.

Agenda Item 1. No Speakers.

### **MINUTES**

Agenda Item 2. A motion by Rodney Schlosser, seconded by Barbara Barbee, for approval of Minutes of the April 7, 2016 Park and Recreation Board Meeting, was carried. The vote was unanimous.

### **CONSENT AGENDA (ITEM 3)**

#### **ADMINISTRATION AND FINANCE COMMITTEE – MISCELLANEOUS**

Agenda Item 3. White Rock Lake (9) – A motion by Rodney Schlosser, seconded by Lawrence Hochberg, to authorize an alcohol permit request and waiver of permit fees for special events at the Bathhouse Cultural Center located at 521 East Lawther Drive to serve alcohol at gallery opening receptions and theater series being conducted from Saturday, April 16, 2016 through Friday, August 5, 2017 – Estimated Revenue: \$0, was carried. The vote was unanimous.

### **BACKGROUND**

The Bath House Cultural Center located at White Rock Park at 521 East Lawther Drive is managed and operated by the City of Dallas Office of Cultural Affairs. The venue hosts a number of exhibits and visual and performing arts related activities throughout the year. Opening gallery receptions and other functions often include beer and wine service for patrons.

The Park and Recreation Board has the authority by City Code, Section.32-11.2(3) to approve alcohol consumption on park property. Enrique Fernandez, with the Bathhouse Cultural Center, is requesting approval to serve alcohol at a series of gallery exhibits and theater functions being held at the Bath House Cultural Center beginning Saturday, April 16, 2016 through Friday, August 5, 2017. The estimated attendance for each event will range from 100-200 people. Events currently scheduled include:

| <b><u>DATE</u></b> | <b><u>EVENT</u></b>            |
|--------------------|--------------------------------|
| April 16, 2016     | Friends of the Bath House Gala |
| May 7, 2016        | Gallery Reception              |
| June 9, 2016       | Echo Opening                   |
| July 2, 2016       | Gallery Reception              |
| July 8-9, 2016     | FIT Underground                |

| <u>DATE</u>          | <u>EVENT</u>   |
|----------------------|--|
| July 15-16, 2016     | FIT Underground  |
| July 22-23, 2016     | FIT Underground  |
| July 29-30, 2016     | FIT Underground  |
| August 3, 2016       | Bath House Cultural Center<br>Gallery Reception            |
| August 9, 2016       | Bath House Cultural Center<br>Gallery Reception            |
| November 18, 2016    | Friends of the Bath House Center<br>Art Mart Reception     |
| February 9-11, 2017  | Echo Theatre – Her Song (Cabaret Show)                     |
| February 16-18, 2017 | Echo Theatre – Her Song (Cabaret Show)                     |
| February 23-25, 2017 | Echo Theatre – Her Song (Cabaret Show)                     |
| March 4, 2017        | Bath House Cultural Center<br>Gallery Reception            |
| April 28-29, 2017    | Friends of the Bath House Cultural Center<br>Art Mart-Gala |
| June 16, 2017        | Echo Theater – Opening Reception                           |
| July 14-15, 2017     | Festival of Independent Theatre<br>FIT Underground         |
| July 21-22, 2017     | Festival of Independent Theatre<br>FIT Underground         |
| July 28-29, 2017     | Festival of Independent Theatre<br>FIT Underground         |
| August 4-5, 2017     | Festival of Independent Theatre<br>FIT Underground         |

DRAFT

Park and Recreation Board approval for each of the listed events and waiver of alcohol permit fees at the Bath House Cultural Center is being requested.

The Alcoholic Beverage Permit Conditions document has been given to the event organizers who will be required to meet all of the conditions to include (1) Naming the City of Dallas as an Additional Insured as specified by the City's Risk Management Office and (2) restricting alcohol consumption to a designated enclosed area staffed by Dallas Police.

**FISCAL INFORMATION**

Estimated Revenue: \$0

**ITEMS FOR INDIVIDUAL CONSIDERATION**

**PLANNING AND DESIGN COMMITTEE – CONTRACT AWARDS**

Agenda Item 4. Fair Oaks Tennis Center (10), Fretz Tennis Center (11), Kiest Tennis Center (4), L.B. Houston Tennis Center (6) – A motion by Amy Monier, seconded by Robb Stewart, to authorize a contract with Hellas Construction, In., lowest responsible bidder of two, for tennis court resurfacing at Fair Oaks Tennis Center located at 7501 Merriman Parkway, Fretz Tennis Center located at 6998 Beltline Road, Kiest Tennis Center located at 2324 West Kiest Boulevard, and L.B. Houston Tennis Center located at 11225 Luna Road – Not to exceed \$390,940 – Financing: Current Funds [This item was deferred on March 10, 2016], was carried. The vote was unanimous.

**WHEREAS**, on January 28, 2016, two bids were received for tennis court resurfacing at Fair Oaks Tennis Center located at 7501 Merriman Parkway, Fretz Tennis Center located at 6998 Beltline Road, Kiest Tennis Center located at 2324 West Kiest Boulevard, and L.B. Houston Tennis Center located at 11225 Luna Road.

| <u>Bidders</u>                | <u>Total Bid**</u> |
|-------------------------------|--------------------|
| Hellas Construction, Inc.     | \$390,940          |
| Eco and Sons (DBA Solidlines) | **Non-responsive   |

\*\*Eko and Sons (DBA Solidlines) is deemed non-responsive based on the lack of five years experience required for this project.

**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 contract with Hellas Construction, Inc. for tennis court resurfacing at Fair Oaks, Fretz, Kiest, and L.B. Houston Tennis Courts, in an amount not to exceed \$390,940.

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

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse an amount not to exceed \$390,940 to Hellas Construction, Inc., as follows:

|  |                  |
|--|------------------|
| Current Fund, Fund 0001, Department PKR, Unit 5281, Object 4599<br>Activity PK19, Program PK9363, CT-PKR16E018, Commodity 91265<br>Vendor VS0000078437 | \$67,550         |
| Current Fund, Fund 0001, Department PKR, Unit 5284, Object 4599<br>Activity PK19, Program PK9363, CT-PKR16E019, Commodity 91265<br>Vendor VS0000078437 | \$48,250         |
| Current Fund, Fund 0001, Department PKR, Unit 5282, Object 4599<br>Activity PK19, Program PK9363, CT-PKR16E020, Commodity 91265<br>Vendor VS0000078437 | \$77,200         |
| Current Fund, Fund 0001, Department PKR, Unit 5285, Object 4599<br>Activity PK19, Program PK9363, CT-PKR16E021, Commodity 91265<br>Vendor VS0000078437 | <u>\$197,940</u> |
| Total amount not to exceed   | \$390,940        |

**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.

Agenda Item 5. Robert E. Lee Park (14) – A motion by Amy Monier, seconded by Robb Stewart, to authorize an alcohol permit request for Michael Doughman, with Dallas Pride, to serve alcohol at a festival to be held at Reverchon Park located at 3505 Maple Avenue, on Sunday, September 18, 2016 from 11:00 a.m. – 7:00 p.m. – Estimated Revenue: \$3,050, was carried. The vote was unanimous.

**WHEREAS**, on January 8, 2016, two bids were received for renovation of historic roque courts at Robert E. Lee Park located at 3400 Turtle Creek Boulevard.

| <u>Bidders</u>                 | <u>Base Bid</u> | <u>Alternate Nos.<br/>1C, 1E and 1F**</u> | <u>Total Bid</u> |
|--------------------------------|-----------------|---|------------------|
| Henneberger Construction, Inc. | \$321,191.17    | \$32,490.76                               | \$353,681.93     |
| Wall Enterprises               | \$641,700.00    | \$84,100.00                               | \$725,800.00     |

\*\*Alternate No. 1C - provides for installation of drinking fountain and bottle filler.

\*\*Alternate No. 1E - provides for installation of existing fountain electrical control box relocation.

\*\*Alternate No. 1F - provides for installation of landscape tree downlighting.

**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 contract with Henneberger Construction, Inc. for renovation of historic roque courts at Robert E. Lee Park, in an amount not to exceed \$353,681.93.

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

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse an amount not to exceed \$353,681.93 to Henneberger Construction, Inc., as follows:

|  |                    |
|--|--------------------|
| (2006) Park and Recreation Facilities Improvement Fund<br>Fund 1T00, Department PKR, Unit T261, Object 4599<br>Activity RFSI, Program PK06T261, CT-PKR16019534<br>Commodity 91200, Vendor 331939 | \$130,000.00       |
| (2006) Park and Recreation Facilities Improvement Fund<br>Fund 2T00, Department PKR, Unit T261, Object 4599<br>Activity RFSI, Program PK06T261, CT-PKR16019534<br>Commodity 91200, Vendor 331939 | \$157,443.00       |
| (2006) Park and Recreation Facilities Improvement Fund<br>Fund 9T00, Department PKR, Unit T261, Object 4599<br>Activity RFSI, Program PK06T261, CT-PKR16019534<br>Commodity 91200, Vendor 331939 | \$22,896.93        |
| (2006) Park and Recreation Facilities Improvement Fund<br>Fund 3T00, Department PKR, Unit T044, Object 4599<br>Activity RFSI, Program PK06T261, CT-PKR16019534<br>Commodity 91200, Vendor 331939 | \$12,342.00        |
| (2003) Major Recreational Facilities Improvement Fund<br>Fund 6R00, Department PKR, Unit T261, Object 4599<br>Activity RFSI, Program PK06T261, CT-PKR16019534<br>Commodity 91200, Vendor 331939  | <u>\$31,000.00</u> |
| Total amount not to exceed   | \$353,681.93       |

**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.

#### **PLANNING AND DESIGN COMMITTEE - MISCELLANEOUS**

Agenda Item 6. Federal Plaza (14) – A motion by Amy Monier, seconded by Robb Stewart, to authorize preparation of a development, operation and maintenance agreement with Dallas Hartford, L.L.C. (Dallas Hartford) for the development, operation and maintenance of parkland at Federal Plaza located at 1900 Federal Street (Exhibit A) [This item was deferred on April 7, 2016], was carried. The vote was unanimous.

**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 Hartford, L.L.C. (Dallas Hartford), a Texas limited liability company, desire to enter into a development and maintenance agreement for the purpose of development, operation, and maintenance of parkland at Federal Plaza located at 1900 Federal Street shown in Exhibits A and B; and

**WHEREAS**, the City desires to have Dallas Hartford develop, operate, and maintain parkland during the Term of the Agreement for use and enjoyment of all city of Dallas citizens.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into a twenty-year development, operation and maintenance agreement with Dallas Hartford for the development, operation and maintenance of Federal Plaza.

**SECTION 2.** That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a development, operation and maintenance agreement with Dallas Hartford, after approval as to form by the City Attorney.

**SECTION 3.** That the duration of the agreement will be for a term of 20 years.

**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.

#### **PARK AND RECREATION BOARD – ANNUAL REPORT**

Agenda Item 7. A motion by Rodney Schlosser, seconded by Lawrence Jones, for adoption of the Park and Recreation Board Annual Report for Fiscal Year 2014/15 – Financing: No cost consideration to the City, was carried. The vote was unanimous.

#### **BACKGROUND**

Section 8-1.1 of the City Code requires each Board of the City of Dallas to submit to the City Council an annual report. A draft of the Park and Recreation Board Annual Report for the period October 1, 2014 – September 30, 2015, was provided to the full Board at the April 7, 2016 board meeting, for review. The Park and Recreation Board is being requested to authorize submission of the Park and Recreation Board Annual Report to the City Council.

#### **FISCAL INFORMATION**

No cost consideration to the City.

## **BRIEFINGS**

Agenda Item 8. Circuit Trail Conservancy presented by Louise Elam, Interim Assistant Director, Park and Recreation Department and Jeffrey Ellerman.

Agenda Item 9. 2017 Bond Program Briefing 1: Introduction and Technical Criteria presented by Louise Elam, Interim Assistant Director, Park and Recreation Department.

Agenda Item 10. Dallas Zoo: Update and Look Forward presented by Gregg Hudson, President and CEO, Dallas Zoo and Joan Walne, Chairwoman, Dallas Zoological Society.

## **OTHER/NON-ACTION ITEMS**

Agenda Item 11. FY 2016-17 Budget Update presented by John Jenkins, Deputy Director, Park and Recreation Department. The Board supported Alternate Reductions of Recreation Services-Contract out Southern Skates Roller Rink, \$119,650, 4.0 FTEs, Citizen would interface with third party instead of city staff.

Agenda Item 12. Committee Reports deferred to May 5, 2016.

Agenda Item 13. Trinity Standing Wave Update presented by Louise Elam, Interim Assistant Director, Park and Recreation Department.

Agenda Item 14. Texas Recreation and Parks Society Institute Reports deferred to May 5, 2016.

Agenda Item 15. Park and Recreation Board Members Liaison Reports: Audubon Dallas/Cedar Ridge Preserve, Cultural Affairs Commission, Dallas Arboretum and Botanical Society, Dallas Zoological Society, Downtown Dallas, Inc./Downtown Parks, Friends of Fair Park, The Friends of Katy Trail, Lee Park and Arlington Hall Conservancy, State Fair of Texas, Texas Discovery Gardens, The Trinity Commons Foundation, Trinity River Audubon Center, Turtle Creek Association, The Woodall Rodgers Park Foundation/Klyde Warren Park deferred to May 5, 2016.

Agenda Item 16. Staff Announcements – Upcoming Park and Recreation Department Events:  
Crystal Ross: Senior Mother's Day Luncheon and Mayor's Youth Fitness Initiative Grant from National Recreation and Park Association.  
Daniel Huerta: DPARD Volunteer Luncheon, Earth Day and DPARD Logo.  
Oscar Carmona: It's My Park Day and Annual Employee Awards Luncheon.  
Ryan O'Connor: CAPRA Update.  
Willis Winters: National Recreation and Park Association Conference Dallas 2023.

Agenda Item 17. President Wells announced the next Park and Recreation Board Regular Meeting on Thursday, May 5, 2016.

Agenda Item 18. President Wells adjourned the Board meeting at 1:49 p.m.

Dawna M. Ray, Secretary  
Park and Recreation Board

Max W. Wells, President  
Park and Recreation Board

NOTE: For more information on discussion of any issue heard during this meeting, refer to the tape recording retained in the Park Department's Central File.



**DALLAS PARK AND RECREATION BOARD  
AGENDA SHEET**

**DATE:** May 5, 2016

**COUNCIL DISTRICT(S):** 7

**STAFF:** Daniel Huerta, 214-670-8483

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**SUBJECT**

Authorize the second and final one-year option to renew the food and beverage concession services contract at the Cotton Bowl Stadium in Fair Park located at 3750 The Midway between the Ed Campbell Company and the City of Dallas beginning Wednesday, June 8, 2016 through Wednesday, June 7, 2017 - Estimated Revenue: \$972,252

**BACKGROUND**

On June 5, 2005, Council Resolution No. 05-1740 authorized a ten-year food service contract for concessions at the Cotton Bowl Stadium with the Ed Campbell Company. The term of the contract was ten years, with two one-year renewal periods subject to Director and Park Board approval.

On September 3, 2014, the Mayor's Fair Park Task Force briefed the City Council and the Park and Recreation Board on their recommendations for Fair Park that included (1) enhance access and connectivity with the community and city; (2) establish a community park on the south side of property, and (3) empower new organization as operational and marketing authority for Fair Park.

On September 18, 2014, the Park and Recreation Board was briefed on "The Future of Fair Park" which identified and addressed a number of issues related to a proposed change in governance. The briefing included an overview of campus members and service provider contracts, to include food and beverage concessions.

The agreement with the Ed Campbell Company expired June 7, 2015 and required that the Concessionaire (1) make monthly payments to the City equal to forty and one-tenth percent (40.1%) of its gross proceeds of all concessions operations and ten percent (10%) of gross receipts of catering operations. Gross receipts is defined as all monies paid or payable to the Concessionaire for sales made or services rendered at or from the premises or from any other source, less sales tax and (2) expend \$300,000 towards improvements to the premises during the first three years of the contract and \$50,000 during each option renewal, if exercised.

Authorize the second and final one-year option to renew the food and beverage concession services contract at the Cotton Bowl Stadium in Fair Park located at 3750 The Midway between the Ed Campbell Company and the City of Dallas beginning Wednesday, June 8, 2016 through Wednesday, June 7, 2017 - Estimated Revenue: \$972,252 – May 5, 2016 – Page 2

**BACKGROUND** (Continued)

On March 5, 2015, the Park and Recreation Board approved exercising the first one-year option to renew with the Ed Campbell Company for providing food and beverage services contract at the Cotton Bowl Stadium under the same terms and conditions as the original agreement. The first one-year renewal period began on June 8, 2015 and expires on June 7, 2016. The Concessionaire was required to expend \$50,000 towards improvements to the premises which have been completed.

The Ed Campbell Company has requested that the Park and Recreation Board approve the last remaining one-year option with the Ed Campbell Company for providing food and beverage services contract at the Cotton Bowl Stadium under the same terms and conditions as the original agreement. The second and final one-year renewal if approved would begin on June 8, 2016 and end on June 7, 2017. The Concessionaire will also be required to expend \$50,000 towards improvements to the premises prior to June 7, 2017.

On April 7, 2016, the Park and Recreation Board was briefed on a proposed management agreement with the Fair Park Texas Foundation, a new 501(c) 3 non-profit organization to operate and manage Fair Park. As part of the proposed deal points, the City will assign to the Foundation all contracts applicable to the ongoing operation of Fair Park to include concession contracts.

The City has the right to assign, transfer or convey this Contract, as amended, in whole or in part, to another entity.

**FISCAL INFORMATION**

\$972,252 – Revenue to the City

**COMMITTEE ACTION**

The Administration and Finance Committee will consider this item on May 5, 2016 and will present its recommendations to the full Park and Recreation Board on the same day. This item does not require City Council approval.

**STAFF RECOMMENDATION**

Staff recommends approval.

**DALLAS PARK AND RECREATION BOARD  
AGENDA SHEET**

**DATE:** May 5, 2016

**COUNCIL DISTRICT(S):** 7

**STAFF:** Daniel Huerta, 214-670-8483

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**SUBJECT**

Authorize the second and final one-year option to renew the food and beverage concession services contract at the Old Mill Inn Restaurant in Fair Park located at 3611 Grand Avenue between the Ed Campbell Company and the City of Dallas beginning Wednesday, June 8, 2016 through Wednesday, June 7, 2017 - Estimated Revenue: \$12,647

**BACKGROUND**

On June 5, 2005, Council Resolution No. 05-1740 authorized a ten-year food service contract for concessions at the Old Mill Inn at Fair Park with the Ed Campbell Company. The term of the contract was ten years, with two one-year renewal periods subject to Director and Park Board approval. The agreement expires June 7, 2015.

The agreement requires that the Concessionaire make every reasonable effort to cause the restaurant facility to be part of the overall programming effort of Fair Park on a year-round basis. As part of the agreement, the concessionaire agreed to (1) operate the restaurant facility six days a week, unless otherwise agreed in writing and make every reasonable effort to be open for the public during hours of major events at Fair Park; (2) make monthly payments to the City equal to ten percent (10%) of its gross proceeds defined as all monies paid or payable to the Concessionaire for sales made or services rendered at or from the premises or from any other sources, less sales tax; and (3) expend \$100,000 towards improvements to the premises during the first three years of the contract and \$10,000 during each renewal period, if exercised.

On September 3, 2014, the Mayor's Fair Park Task Force briefed the City Council and the Park and Recreation Board on their recommendations for Fair Park that included (1) enhance access and connectivity with the community and city; (2) establish a community park on the south side of property, and (3) empower new organization as operational and marketing authority for Fair Park.

Authorize the second and final one-year option to renew the food and beverage concession services contract at the Old Mill Inn Restaurant in Fair Park located at 3611 Grand Avenue between the Ed Campbell Company and the City of Dallas beginning Wednesday, June 8, 2016 through Wednesday, June 7, 2017 - Estimated Revenue: \$12,647 – May 5, 2016 – Page 2

**BACKGROUND** (Continued)

On September 18, 2014, the Park and Recreation Board was briefed on “The Future of Fair Park” which identified and addressed a number of issues related to a proposed change in governance. The briefing included an overview of campus members and service provider contracts, to include food and beverage concessions.

On March 5, 2015, the Park and Recreation Board approved exercising the first one-year option to renew with the Ed Campbell Company for providing food and beverage services contract at the Old Mill Inn Restaurant under the same terms and conditions as the original agreement. The first one-year renewal period began June 8, 2015 and will expire on June 7, 2016. The Concessionaire was also be required to expend \$10,000 towards improvements to the premises which have been completed

The Ed Campbell Company has requested that the Park and Recreation Board approve the last remaining one-year option with the Ed Campbell Company for providing food and beverage services contract at the Old Mill Inn Restaurant under the same terms and conditions as the original agreement. The second and final one-year renewal if approved would begin on June 8, 2016 and end on June 7, 2017. The Concessionaire will also be required to expend \$10,000 towards improvements to the premises prior to June 7, 2017.

On April 7, 2016, the Park and Recreation Board was briefed on a proposed management agreement with the Fair Park Texas Foundation, a new 501(c) 3 non-profit organization to operate and manage Fair Park. As part of the proposed deal points, the City will assign to the Foundation all contracts applicable to the ongoing operation of Fair Park to include concession contracts.

The City has the right to assign, transfer or convey this Contract, as amended, in whole or in part, to another entity.

**FISCAL INFORMATION**

\$12,647 – Revenue to the City

Authorize the second and final one-year option to renew the food and beverage concession services contract at the Old Mill Inn Restaurant in Fair Park located at 3611 Grand Avenue between the Ed Campbell Company and the City of Dallas beginning Wednesday, June 8, 2016 through Wednesday, June 7, 2017 - Estimated Revenue: \$12,647 – May 5, 2016 – Page 3

**COMMITTEE ACTION**

The Administration and Finance Committee will consider this item on May 5, 2016, and will present its recommendations to the full Park and Recreation Board on the same day. This item does not require City Council approval.

**STAFF RECOMMENDATION**

Staff recommends approval.

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

**AGENDA DATE:** May 11, 2016

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Park & Recreation

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

**MAPSCO:** N/A

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## **SUBJECT**

Authorize a public hearing to be held on May 25, 2016, to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with state law - Financing: No cost consideration to the City

## **BACKGROUND**

Section 42.041(b)(14) of the Texas Human Resources Code, as amended, allows city-sponsored youth recreation programs to be exempted from the state's day care licensing laws if the city adopts standards of care for those programs and complies with other requirements of that legislation. One requirement is that the City Council hold a public hearing annually on the city's youth program standards of care and adopt an ordinance re-establishing and continuing in effect the standards.

Ordinance No. 23159, adopted by the City Council on June 11, 1997, created Chapter 12 of the Dallas City Code in order to exempt City of Dallas youth programs from State child-care licensing requirements and provide minimum standards by which the City operates youth programs. Chapter 12 was readopted by Ordinance No. 23534 on June 10, 1998, by Ordinance No. 23907 on June 9, 1999, by Ordinance No. 24281 on June 14, 2000, by Ordinance No. 24611 on May 23, 2001, by Ordinance No. 24943 on May 22, 2002, by Ordinance No. 25269 on May 28, 2003, by Ordinance No. 25628 on June 9, 2004, by Ordinance No. 25998 on May 25, 2005, by Ordinance No. 26376 on June 14, 2006, by Ordinance No. 26800 on June 13, 2007, by Ordinance No. 27222 on June 11, 2008, by Ordinance No. 27565 on June 10, 2009, by Ordinance No. 27911 on June 9, 2010; by Ordinance No. 28217 on May 25, 2011; by Ordinance No. 28670 on May 23, 2012; by Ordinance No. 29036 on June 12, 2013, and by Ordinance No. 29358 on May 28, 2014. Chapter 12 will expire on June 16, 2016 unless sooner terminated or extended by ordinance of the City Council.

### **BACKGROUND (continued)**

The Director of the Park and Recreation Department implements, administers, and enforces Chapter 12, which applies to youth programs sponsored by the City, whether offered after school, during the summer, or during holidays. A coordinator initiates an inspection report for each program to confirm that standards of care are being met.

The youth program coordinators and leaders must meet certain qualifications pertaining to age, education, and experience and are provided orientation and training relating to working with children.

Each program must operate with a participant to leader ratio of 20:1 and must follow guidelines pertaining to safety, fire, and health as set forth in the standards of care.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

This item has no prior action.

### **FISCAL INFORMATION**

No cost consideration to the City.

**(ADMINISTRATION AND FINANCE COMMITTEE ONLY- NON-ACTION ITEM)**

**DALLAS PARK AND RECREATION BOARD  
AGENDA SHEET**

**DATE:** May 5, 2016  
**COUNCIL DISTRICT(S):** All  
**STAFF:** Oscar Carmona, 214-670-8871

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**SUBJECT**

Recommendation to the Dallas City Council to amend Chapter 32 and 41 of the Dallas City Code to prohibit smoking on park grounds, without exceptions – Financing: This action has no cost consideration to the City

**BACKGROUND**

Chapter 41 of the Dallas City Code generally prohibits smoking (1) in any indoor enclosed area in the City; (2) within 15 feet of any entrance to an indoor or enclosed area in the City and (3) in any area designated as nonsmoking by the owner, operator, or person in control of the area and marked with a no smoking sign complying with Section 41-3. The current code does not prohibit smoking outdoors in parks.

On November 6, 2014, the Park and Recreation Board was briefed on proposed changes to the smoking ordinance that would include a ban on smoking outdoors on park property. The briefing included information on benefits, potential challenges and peer and area city comparisons. Staff was directed by the Park and Recreation Board to continue research and to prepare proposed recommendations, changes, and exceptions for consideration by the Administration and Finance Committee of the Park and Recreation Board.

The Committee has discussed the proposed changes over the past year with input from staff. After discussion with the committee and stakeholders, staff recommended an amendment to Chapter 41 of the Dallas City Code that would make it an offense for anyone to smoke on park property, with the following exceptions:

1. Allow partners, Fair Park tenants and special events to designate smoking areas based on criteria developed by the Park and Recreation Department.
2. Allow smoking on golf courses.
3. Allow smoking on park property by actors during filming or theatrical performances as permitted by the Office of Special Events.

On February 18, 2016, the Administration and Finance Committee discussed the exceptions and voted 4-3 to recommend to the Park and Recreation Board an outright ban on smoking outdoors on park property with no exceptions.



Recommendation to the Dallas City Council to amend Chapter 32 and 41 of the Dallas City Code to prohibit smoking on park grounds, without exceptions – Financing: This action has no cost consideration to the City – May 5, 2016 – Page 2

### **BACKGROUND (CONTINUED)**

On March 10, 2016, the Park and Recreation Board deferred this item and sent the item back to the Administration and Finance Committee for further review.

### **FISCAL INFORMATION**

This action has no cost consideration to the City.

### **PRIOR ACTION**

Park and Recreation Board Briefing on November 6, 2014.

Administration and Finance Committee consideration on December 17, 2015.

Park and Recreation Board deferred the item on December 17, 2015.

Administration and Finance Committee discussion on January 7, 2016.

Administration and Finance Committee discussion on January 21, 2016.

Administration and Finance Committee discussion on February 4, 2016.

The Administration and Finance Committee considered this item on February 18, 2016, and voted to recommend that the Park and Recreation Board ban smoking outdoors on park property with no exceptions.

On March 10, 2016, the Park and Recreation Board deferred this item. The item was sent back to the Administration and Finance Committee for further review of the criteria for the three exceptions.

Administration and Finance Committee discussion on April 7, 2016.

Administration and Finance Committee discussion on April 21, 2016.

### **COMMITTEE ACTION**

The Administration and Finance Committee will further discuss this item on May 5, 2016.

This item will require City Council approval.

### **ATTACHMENT**

1. Chapter 41 of the Dallas City Code

Print

The Dallas City Code

## **CHAPTER 41 SMOKING**

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### **ARTICLE I. GENERAL PROVISIONS.**

Sec. 41-1 . Definitions.

### **ARTICLE II. SMOKING PROHIBITIONS.**

Sec. 41-2 . Smoking prohibited in certain areas.

Sec. 41-3 . Signage and other requirements.

Secs. 41-4 thru 41-5. Reserved.

### **ARTICLE III. RESERVED.**

Secs. 41-6 thru 41-8. Reserved.

### **ARTICLE IV. ENFORCEMENT.**

Sec. 41-9 . Penalties.

### **ARTICLE V. TOBACCO-PRODUCT VENDING MACHINES.**

Sec. 41-10 . Definitions.

Sec. 41-11 . Tobacco-product vending machines prohibited; defenses.

Sec. 41-12 . Lock-out devices.

### **ARTICLE I. GENERAL PROVISIONS.**

#### **SEC. 41-1. DEFINITIONS.**

In this chapter:

(1) BAR means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas

Alcoholic Beverage Code, for on-premises consumption. If an establishment is located in a hotel or motel, the gross revenues of the particular establishment, rather than the gross revenues of the entire hotel or motel, will be used in calculating the percentage of revenues derived from the sale or service of alcoholic beverages.

(2) **BILLIARDS** means any game played on a cloth-covered table with balls and cue sticks where the balls are struck by the sticks and the balls strike against one another.

(3) **BILLIARD HALL** means an establishment that:

(A) holds a valid billiard hall license issued by the city under Chapter 9A of this code;

(B) has at least 12 billiard tables that are not coin-operated available for rent to persons desiring to play billiards on the premises; and

(C) derives 70 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption and from the rental of billiard tables and billiard equipment to persons desiring to play billiards on the premises.

(4) **CIGAR BAR** means a bar that derives 15 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or rental of tobacco, tobacco products, smoking implements, or smoking accessories for on-premises consumption.

(5) **DIRECTOR** means the director of the department designated by the city manager to enforce and administer this chapter, or the director's designated representative.

(6) **EATING ESTABLISHMENT** means any establishment that prepares or serves food or beverages, regardless of whether the establishment provides seating or facilities for on-premises consumption. The term includes, but is not limited to, restaurants, coffee shops, cafeterias, short order cafes, fast food establishments, luncheonettes, lunchrooms, soda fountains, food carts, food vending vehicles, and catering establishments.

(7) **EMPLOYEE** means any person who works for hire at an indoor or enclosed area including an independent contractor with an assigned indoor location.

(8) **EMPLOYER** means any person who employs one or more employees.

(9) **ENCLOSED** means an area that:

(A) is closed in overhead by a roof or other covering of any material, whether permanent or temporary; and

(B) has 40 percent or more of its perimeter closed in by walls or other coverings of any material, whether permanent or temporary.

(10) **HOSPITAL** means any institution that provides medical, surgical, and overnight facilities for patients.

(11) **MINOR** means any individual under 18 years of age.

(12) **PERSON** means an individual, firm, partnership, association, or other legal entity.

(13) **RETAIL OR SERVICE ESTABLISHMENT** means any establishment that sells goods or services to the general public, including but not limited to any eating establishment, bar, hotel, motel, department store, grocery store, drug store, shopping mall, laundromat, bingo parlor, bowling center, billiard hall, or hair styling salon.

(14) **SECOND-HAND SMOKE** means ambient smoke resulting from the act of smoking.

(15) **SMOKE OR SMOKING** means inhaling, exhaling, possessing, or carrying any lighted or burning cigar or cigarette, or any pipe or other device that contains lighted or burning tobacco or tobacco products.

(16) **TOBACCO SHOP** means a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly (three-month) basis from the sale of tobacco, tobacco products, or smoking implements.

(17) **WORKPLACE** means any indoor or enclosed area where an employee works for an employer. (Ord. Nos. 18961; 19648; 25168; 27440)

## ARTICLE II. SMOKING PROHIBITIONS.

### SEC. 41-2. SMOKING PROHIBITED IN CERTAIN AREAS.

- (a) A person commits an offense if he smokes:
- (1) in any indoor or enclosed area in the city;
  - (2) within 15 feet of any entrance to an indoor or enclosed area in the city; or
  - (3) in any area designated as nonsmoking by the owner, operator, or person in control of the area and marked with a no smoking sign complying with Section 41-3.
- (b) An owner, operator, or person in control of an indoor or enclosed area in the city commits an offense if he, either personally or through an employee or agent, permits a person to smoke in the indoor or enclosed area.
- (c) For purposes of this chapter, an indoor or enclosed area includes but is not limited to the following:
- (1) An elevator.
  - (2) A hospital or nursing home.
  - (3) Any facility owned, operated, or managed by the city.
  - (4) Any retail or service establishment.
  - (5) Any workplace.
  - (6) Any facility of a public or private primary or secondary school or any enclosed theater, movie house, library, museum, or transit system vehicle.
- (d) It is a defense to prosecution under Subsection (a)(1), (a)(3), or (b) of this section if the person was smoking in a location that was:
- (1) a private residence, except that this defense does not apply when the residence is being used as a child care facility, adult day care facility, or health care facility;
  - (2) a stage or set of a production of a television program, a theatrical presentation, or a motion picture or filming event where smoking by an actor or performer is essential to the production;
  - (3) a cigar bar that:
    - (A) was lawfully operating as a cigar bar on December 10, 2008 (except that this defense does not apply if the cigar bar is expanded, is relocated, or changes majority ownership after December 10, 2008);
    - (B) does not open into any other indoor or enclosed area in which smoking is prohibited under this section;
    - (C) is not generally accessible by a minor; and
    - (D) keeps all windows and doors closed at all times except as reasonably necessary for the expeditious entering and exiting of the cigar bar;
  - (4) a tobacco shop that:
    - (A) does not open into any other indoor or enclosed area in which smoking is prohibited under this section; and
    - (B) keeps all windows and doors closed at all times except as reasonably necessary for the expeditious entering and exiting of the tobacco shop;
  - (5) an unenclosed outdoor seating area associated with an indoor or enclosed area, including but not limited to a bar, hotel, motel, or eating establishment, except that this defense does not apply if:
    - (A) the outdoor seating area is adjacent to a playground or play area for children; or

(B) the location was posted as a nonsmoking area by the owner, operator, or person in control of the establishment or area with a sign complying with Section 41-3; or

(6) a private, rented guest room in a hotel or motel that has been designated as a smoking room by the owner, operator, or person in control of the hotel or motel.

(e) It is a defense to prosecution under Subsection (a)(2) of this section if the person was smoking in a location that was an unenclosed outdoor seating area associated with an indoor or enclosed area, including but not limited to a bar, hotel, motel, or eating establishment, except that this defense does not apply if:

(1) the outdoor seating area is adjacent to a playground or play area for children; or

(2) the location was posted as a nonsmoking area by the owner, operator, or person in control of the establishment or area with a sign complying with Section 41-3. (Ord. Nos. 18961; 19648; 21109; 21109; 21614; 25168; 27440)

### **SEC. 41-3. SIGNAGE AND OTHER REQUIREMENTS.**

(a) The owner, operator, or person in control of an establishment or other area in which smoking is prohibited under Section 41-2(a)(1) or (a)(3) shall post a conspicuous sign at the main entrance to the establishment or area. The sign must contain the words "No Smoking, City of Dallas Ordinance," the universal symbol for no smoking, or other language that clearly prohibits smoking.

(b) The owner, operator, or person in control of an indoor or enclosed area to which the smoking prohibition of Section 41-2(a)(2) applies shall post a conspicuous sign at each entrance to the indoor or enclosed area. The sign must contain the words "No Smoking within 15 Feet of Entrance, City of Dallas Ordinance." The universal symbol for no smoking may be substituted for the words "No Smoking."

(c) The owner, operator, or person in control of an establishment or area in which smoking is prohibited under Section 41-2 shall remove all ashtrays from the establishment or area.

(d) It is a defense to prosecution under this section that the establishment or area is a location for which a defense to prosecution is provided under Section 41-2(d). (Ord. 27440)

### **SECS. 41-4 THRU 41-5. RESERVED.**

(Repealed by Ord. 25168)

## **ARTICLE III. RESERVED.**

### **SECS. 41-6 THRU 41-8. RESERVED.**

(Repealed by Ord. 27440)

## **ARTICLE IV. ENFORCEMENT.**

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

(b) Unless specifically provided otherwise in this chapter, an offense under this chapter is punishable by a fine of \$200.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code. (Ord. Nos. 18961; 19648; 21540; 25168; 27440)

## **ARTICLE V. TOBACCO-PRODUCT VENDING MACHINES.**

### **SEC. 41-10. DEFINITIONS.**

In this article:

(1) **TOBACCO-PRODUCT VENDING MACHINE** means any self-service device that, upon insertion of any coin, paper currency, token, card, key, or other item, dispenses one or more tobacco products. The term does not include any machine that is in storage, in transit, or otherwise not set up for use and operation, nor does it include any machine that is situated on a train, bus, or other public conveyance.

(2) **RESTAURANT BAR** means any area of an eating establishment, excluding the dining area:

(A) that is primarily devoted to the serving of alcoholic beverages for consumption by guests on the premises; and

(B) in which food service, if any, is only incidental to the consumption of alcoholic beverages. (Ord. Nos. 21540; 21613; 25168; 27440)

### **SEC. 41-11. TOBACCO-PRODUCT VENDING MACHINES PROHIBITED; DEFENSES.**

(a) A person commits an offense if he owns or allows the display or use of any tobacco-product vending machine upon any property within the city.

(b) It is a defense to prosecution under Subsection (a) that the tobacco-product vending machine was:

(1) situated in a premises where entry by a minor is prohibited by law;

(2) situated in a hotel, motel, bar, or restaurant bar;

(3) located in a workplace with the permission of the employer, provided that:

(A) the employer usually has no person under 18 years of age employed at the workplace; and

(B) the tobacco-product vending machine is situated at a location within the workplace to which no person other than an employee of the workplace is usually permitted to have access; or

(4) located in an eating establishment and equipped with a lock-out device that was installed, maintained, and operated in compliance with Section 41-12. (Ord. Nos. 21540; 21613; 25168; 27440)

### **SEC. 41-12. LOCK-OUT DEVICES.**

(a) A lock-out device on a tobacco-product vending machine located in an eating establishment must be installed, maintained, and operated in compliance with this section.

(b) A lock-out device may be electrical or mechanical and must be approved by the director.

(c) An owner, operator, employee, or other person in charge of an eating establishment who is at least 18 years of age shall:

(1) install and continuously maintain a lock-out device on a tobacco-product vending machine in good working order;

(2) require identification from any potential customer of the tobacco-product vending machine who appears to be under 18 years of age;

(3) physically observe all transactions in which the tobacco-product vending machine is used; and

(4) physically release the lock-out device before each sale from a tobacco-product vending machine. (Ord. Nos. 21613; 25168; 27440)

#### **SEC. 41-9. PENALTIES.**

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

**AGENDA DATE:** May 25, 2016

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Park & Recreation

**CMO:** Louise Elam, 214-670-5275

**MAPSCO:** 33-B, C

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### **SUBJECT**

Authorize a contract with Phoenix I Restoration and Construction, Ltd., best value proposer of five, for renovations at Bachman Recreation Center located at 2750 Bachman Drive - Not to exceed \$576,240 - Financing: 2006 Bond Funds

### **BACKGROUND**

On March 18, 2016, five proposals were received for renovations at Bachman Recreation Center. Phoenix I Restoration and Construction, Ltd. was selected as the best value proposer for the Base Price and Alternate Nos. 1, 2, 3, 4 and 5, in the amount of \$576,240. The scope of work includes: roof replacement; re-grading in front of building; cleaning and painting steel at existing pool shed; exterior masonry façade repairs; building perimeter joint sealant; replacing storefront and two exterior doors at gymnasium; painting porte-cochère and replacing light fixtures.

Proposals based on RFCSP are evaluated on pre-set criteria which include cost, qualifications of the prime contractor, construction amount and schedule ratings, which are based on mathematical formulas, with the best price and best schedule being given the highest scores. Ratings "1" to "10" are given for each criterion with "10" being the best rating. These ratings are multiplied by the weighting to obtain the score for each criterion.



**BACKGROUND** (Continued)

The following is a list of the rating criteria and values for each criterion:

| <u>Rating Criteria</u>                                 | <u>Value</u> |
|--|--------------|
| 1. Proposed Construction Contract Award                | 45%          |
| 2. Qualifications/Experience/References for Prime Firm | 20%          |
| 3. Subcontractor Experience                            | 10%          |
| 4. Business Inclusion and Development Plan             | 15%          |
| 5. Financial Sufficiency                               | 5%           |
| 6. Schedule/Time of Completion                         | <u>5%</u>    |
|  | 100%         |

There are no associated new operating and maintenance costs for this project.

**ESTIMATED SCHEDULE OF PROJECT**

|                       |               |
|-----------------------|---------------|
| Began Design          | June 2013     |
| Completed Design      | February 2016 |
| Begin Construction    | July 2016     |
| Complete Construction | November 2016 |

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

The Park and Recreation Board authorized the advertisement for a Request for Competitive Sealed Proposals on February 4, 2016.

The Planning and Design Committee will consider this item on May 5, 2016 and will present a recommendation to the Park and Recreation Board on the same day.

This item will be scheduled for City Council approval on May 25, 2016.

**FISCAL INFORMATION**

2006 Bond Funds - \$576,240

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

**Phoenix I Restoration and Construction, Ltd.**

|               |    |                 |   |
|---------------|----|-----------------|---|
| White Male    | 24 | White Female    | 5 |
| Hispanic Male | 37 | Hispanic Female | 0 |
| Black Male    | 0  | Black Female    | 0 |
| Other Male    | 0  | Other Female    | 0 |

**OWNER**

**Phoenix I Restoration and Construction, Ltd.**

Dale Sellers, President

**MAP**

Attached

## **Anastacio, Vhee**

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**From:** Williams, Regina T.  
**Sent:** Monday, April 25, 2016 2:09 PM  
**To:** Anastacio, Vhee; Parker, Lisa  
**Subject:** FW: BID APPROVAL PHOENIX I BACHMAN REC CTR 52.45

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## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a contract with Phoenix I Restoration and Construction, Ltd., best value proposer of five, for renovations at Bachman Recreation Center located at 2750 Bachman Drive - Not to exceed \$576,240 - Financing: 2006 Bond Funds

Phoenix I Restoration and Construction, Ltd. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Construction

### LOCAL/NON-LOCAL CONTRACT SUMMARY

|                           | <u>Amount</u>       | <u>Percent</u> |
|---------------------------|---------------------|----------------|
| Total local contracts     | \$570,768.00        | 99.05%         |
| Total non-local contracts | \$5,472.00          | 0.95%          |
| <b>TOTAL CONTRACT</b>     | <b>\$576,240.00</b> | <b>100.00%</b> |

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

| <u>Local</u>                  | <u>Certification</u> | <u>Amount</u>       | <u>Percent</u> |
|-------------------------------|----------------------|---------------------|----------------|
| Texas Roof Management         | WFWB26655N0716       | \$293,597.00        | 51.44%         |
| Instant Rain Designs          | WFWB61739N0516       | \$8,631.00          | 1.51%          |
| <b>Total Minority - Local</b> |                      | <b>\$302,228.00</b> | <b>52.95%</b>  |

#### Non-Local Contractors / Sub-Contractors

None

### TOTAL M/WBE CONTRACT PARTICIPATION

|                   | <u>Local</u>        | <u>Percent</u> | <u>Local &amp; Non-Local</u> | <u>Percent</u> |
|-------------------|---------------------|----------------|------------------------------|----------------|
| African American  | \$0.00              | 0.00%          | \$0.00                       | 0.00%          |
| Hispanic American | \$0.00              | 0.00%          | \$0.00                       | 0.00%          |
| Asian American    | \$0.00              | 0.00%          | \$0.00                       | 0.00%          |
| Native American   | \$0.00              | 0.00%          | \$0.00                       | 0.00%          |
| WBE               | \$302,228.00        | 52.95%         | \$302,228.00                 | 52.45%         |
| <b>Total</b>      | <b>\$302,228.00</b> | <b>52.95%</b>  | <b>\$302,228.00</b>          | <b>52.45%</b>  |



**CITY OF DALLAS  
CONTRACTOR'S AFFIDAVIT  
SCHEDULE OF WORK AND ACTUAL PAYMENT FORM**

Project Name: Bachman Recreation Center Renovation

Bid/Contract #: \_\_\_\_\_

**Instructions:**

Column 1: List type of work to be performed by Prime and 1st tier subcontractors.

Column 6: Indicate firm's location as L=local (within Dallas county limits);  
N=Non-local (Outside Dallas county limits).

Column 2: City of Dallas Vendor Number for Prime and Subcontractors/Suppliers (If none, register online: [www.bids.dallascityhall.org](http://www.bids.dallascityhall.org)). ALL Prime and Subcontractors/Suppliers must be registered with the City of Dallas.

Column 7: Indicate dollar amount of value of work for the Prime contractor, subcontractors, and suppliers.

Column 3: List name of firm; M/WBE Certification Number (if applicable).

Column 8: Indicate percentage of total contract amount.

Column 4: List firm(s); contact name; address; telephone number.

Column 9: Indicate total payments to date.

Column 5: List ethnicity of firm(s) owner as B=African American; H=Hispanic; I=Asian Indian; N=Native American; P=Asian Pacific; W=Woman; NON=other than M/WBE.

Column 10: Indicate payments during current pay period

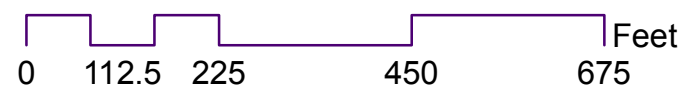
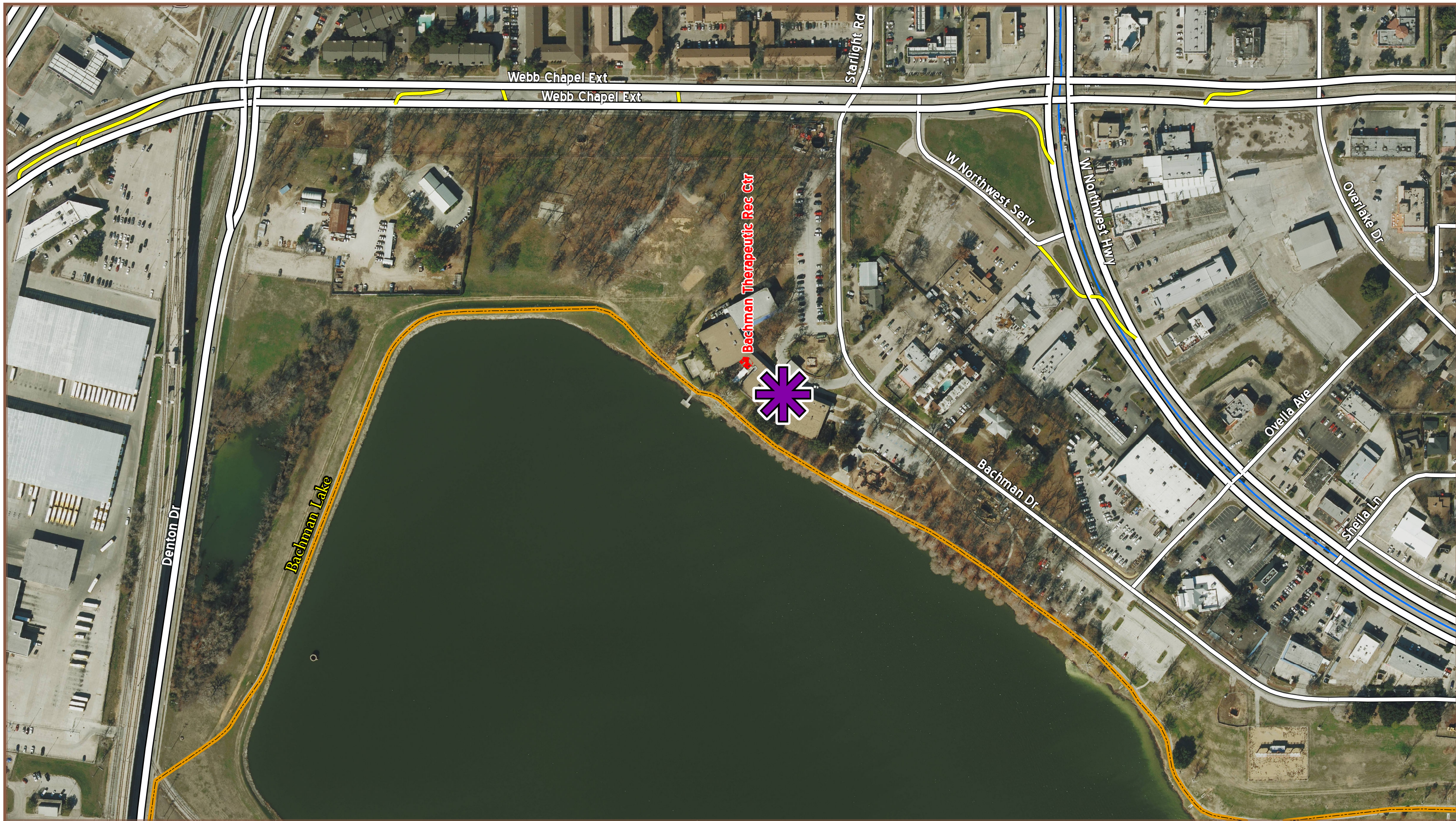
| Type of Work<br>[1]    | City of Dallas Vendor Number<br>[2] | Name of Firm & M/WBE Certification (if Applicable)<br>[3] | Contact Name Address, City, State, Zip & Tel. Number<br>[4]         | Type of Firm<br>[5] | L<br>N<br>[6] | Value of Work (\$)<br>[7] | Percent (%)<br>[8] | Payments to Date (\$)<br>[9] | Payment this Period (\$)<br>[10] |
|------------------------|-------------------------------------|---|---|---------------------|---------------|---------------------------|--------------------|------------------------------|----------------------------------|
| General Contracting    | 3594                                | Phoenix I Restoration and Construction, Ltd.              | 14032 Distribution Way, Farmers Branch, TX 75234, 214.902.0111      | non                 | N             | \$ 268,540.00             | 46.60%             | \$ -                         |                                  |
| Notes:                 |                                     |   |   |                     |               |                           |                    |                              |                                  |
| Cast-In-Place Concrete |                                     | Instant Rain Designs.<br>WFWB53704N0513                   | Teri Slaughter, 5311 Parkland Ave., Dallas, TX, 75235, 469.767.4565 | W                   | L             | \$ 8,631.00               | 1.50%              | \$ -                         | \$ -                             |
| Notes: WFWB 61939N0516 |                                     |   |   |                     |               |                           |                    |                              |                                  |
| Site Lighting          |                                     | Integrus  | 735 Plaza Blvd., Suite 210, Coppell, TX 75019                       | non                 | N             | \$ 5,472.00               | 0.95%              | \$ -                         | \$ -                             |
| Notes:                 |                                     |   |   |                     |               |                           |                    |                              |                                  |
| Roofing                |                                     | Texas Roof Management<br>WFWB26655N0716                   | 728 Lingco Dr, Richardson, TX 75081                                 | W                   | L             | \$ 293,597.00             | 50.95%             | \$ -                         | \$ -                             |

| Type of Work   | City of Dallas Vendor Number | Name of Firm & M/WBE Certification (If Applicable) | Contact Name Address, City, State, Zip & Tel. Number | Type of Firm | L or N | Value of Work (\$)       | Percent (%)          | Payments to Date (\$) | Payment this Period (\$) |             |
|--|------------------------------|--|--|--------------|--------|--------------------------|----------------------|-----------------------|--------------------------|-------------|
| Notes:   |                              |  |  |              |        |                          |                      |                       |                          |             |
|  |                              |  |  |              |        |                          | 0.00%                | \$ -                  | \$ -                     |             |
| Notes:   |                              |  |  |              |        |                          |                      |                       |                          |             |
|  |                              |  |  |              |        |                          | 0.00%                | \$ -                  | \$ -                     |             |
| Notes:   |                              |  |  |              |        |                          |                      |                       |                          |             |
|  |                              |  |  |              |        |                          | 0.00%                |                       |                          |             |
| Notes:   |                              |  |  |              |        |                          |                      |                       |                          |             |
|  |                              |  |  |              |        |                          | 0.00%                |                       |                          |             |
| Notes:   |                              |  |  |              |        |                          |                      |                       |                          |             |
|  |                              |  |  |              |        |                          | 0.00%                |                       |                          |             |
| Notes:   |                              |  |  |              |        |                          |                      |                       |                          |             |
| [Note: Totals and Percentages will automatically calculate.] |                              |  |  |              |        | <b>Total Bid Amount:</b> | <b>\$ 576,240.00</b> | <b>100.00%</b>        | <b>\$ -</b>              | <b>\$ -</b> |

The undersigned intends to enter into a formal agreement with the subcontractors listed, conditioned upon being awarded the City of Dallas contract. If any changes are made to this list, the Prime contractor must submit to the City for approval a revised schedule with documented explanations for the changes. Failure to comply with this provision could result in termination of the contract, sanctions against the Prime contractor, and/or ineligibility for future City contracts.

Officer's Signature: *DeDee Bellomy*  
Printed Name: DeDee Bellomy  
Company Name: Phoenix I Restoration and Construction, Ltd.

Title: Office Manager  
Date: April 8, 2016



May 5, 2016

# Bachman Recreation Center (2750 Bachman Dr)

Mapsco  
33 B, C

District  
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**MEMORANDUM**



**DATE:** April 28, 2016

**TO:** Max W. Wells, President, and  
Members of the Dallas Park and Recreation Board

**SUBJECT:** May 5, 2016 Park and Recreation Board Briefings

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On Thursday, May 5, 2016, the following briefings will be presented to the Dallas Park and Recreation Board:

- Dallas Arboretum and Botanical Society Partnership Update:  
John Jenkins, Deputy Director, Park and Recreation Department
- Fair Park Texas Foundation Vision:  
Willis Winters, Director, Park and Recreation Department

Should you have any questions, please contact me at 214-670-4071.

A handwritten signature in black ink, appearing to read "Willis Winters".

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