

**MARCH 5, 2014 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated March 5, 2014. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager



Date



Edward Scott
City Controller



Date

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2014 FEB 28 PM 4:51

CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

March 5, 2014

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne en el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que este presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, MARCH 5, 2014
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am Invocation and Pledge of Allegiance 6ES

 Special Presentations

 Open Microphone Speakers

VOTING AGENDA 6ES

1. Approval of Minutes of the February 19, 2014 City Council Meeting
2. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

BRIEFINGS 6ES

- A. Commit! Our Kids. Our Tomorrow

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

3. Consideration of an appointment of a member to the Dallas Area Rapid Transit Board of Directors for Place 05 (Closed Session, if necessary, Personnel, Sec. 551.074, T. O. M. A.) (Name of nominee in the City Secretary's Office) - Financing: No cost consideration to the City

Mayor and City Council

4. A resolution supporting equal rights for the employees of the City of Dallas, citizens within the City of Dallas, and visitors to the City of Dallas to address disparate treatment, if any, of lesbian, gay, bisexual, and transgender (LGBT) persons - Financing: No cost consideration to the City

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, MARCH 5, 2014

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

Public Works Department

5. Authorize **(1)** the acceptance of a loan from the State of Texas Energy Conservation Office LoanSTAR Funds in the amount of \$2,353,972 to be repaid from electric savings, plus interest, beginning in FY 2014-15 for a period of ten years; **(2)** the establishment of appropriations in an amount not to exceed \$2,353,972 in the State of Texas Energy Conservation Office LoanSTAR Fund; **(3)** the acceptance of energy efficiency rebates from Oncor in the amount of \$1,732,944; **(4)** the establishment of appropriations in an amount not to exceed \$1,732,944 in the Oncor Rebate Fund; and **(5)** Supplemental Agreement No. 2 to the contract with Baker Roofing Company dba Baker Renewable Energy for construction of Photovoltaic Solar arrays at the Dallas Convention Center, City Hall, and Jack Evans Police Headquarters in an amount not to exceed \$4,086,916 - Total amount not to exceed \$4,086,916 - Financing: State of Texas Energy Conservation Office LoanSTAR Funds (\$2,353,972) and Oncor Rebate Funds (\$1,732,944)

BRIEFINGS (Continued)

6ES

B. Housing Plus

Lunch

C. City's Infrastructure Assessment

Closed Session

6ES

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Ronald Bernard Jones v. Matthew Antkowiak, et al., Civil Action No. 3:11-CV-3443-P

Open Microphone Speakers

6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

A closed executive session may be held if the discussion of any of the above agenda items 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 the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if 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 Texas Open Meetings Act.
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 Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

PUBLIC MEETINGS FOR MARCH 1 - MARCH 15, 2014

Wednesday, March 5, 2014

Civil Service Board – Special Called Meeting
9:30 a.m.
City Hall, Suite 1C-South

AGENDA ITEM # 3

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 5, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

Consideration of an appointment of a member to the Dallas Area Rapid Transit Board of Directors for Place 05 (Closed Session, if necessary, Personnel, Sec. 551.074, T. O. M. A.) (Name of nominee in the City Secretary's Office) - Financing: No cost consideration to the City

BACKGROUND

Mr. William Tsao, existing member on the Dallas Area Rapid Transit Board (DART), (Place 05), was initially appointed to Place 04 on the Dallas-Fort Worth International Airport Board (DFW) on January 15, 2014 for a term to begin July 1, 2014 and expire January 31, 2016. Mr. Robert Hsueh, the existing DFW member Place 04, was to remain in holdover status until June 30, 2014. On February 2, 2014, a vacancy occurred on the DFW Board Place 04, which necessitated that Mr. Tsao's DFW Board term be moved up as soon as possible to fill the vacancy. On February 12, 2014, Mr. Tsao was subsequently reappointed to the DFW Board for a term to begin February 12, 2014 (and expire January 31, 2016).

On February 10, 2014, the Transportation and Trinity River Project Council Committee met to discuss Mr. William Tsao's simultaneous service on both the Dallas Area Rapid Transit (DART) Board and the Dallas-Fort Worth International Airport Board (DFW). The Committee agreed Mr. Tsao would be allowed to continue serving on the DART Board until such time as a qualified individual was presented for consideration and appointment in his place. The stipulation was to schedule formal approval of a replacement at the February 26, 2014 regular meeting of the City Council, only if council members coalesced an informal agreement on a single nominee to consider as the replacement for Place 05. As with any nominee scheduled for appointment, the nominee must clear the standard background check.

BACKGROUND (Continued)

On Wednesday, February 12, 2014, the City Council agreed with the Transportation & Trinity River Council Committee's recommendation that on February 26, 2014, a replacement for Mr. Tsao would be appointed only if there was a single nominee presented for appointment to DART Place 05 for a term to begin February 26, 2014 and expire on July 1, 2015. The item provides for the appointment of a replacement to Place 05.

On Monday, February 24, 2014, an informal agreement was reached to appoint an individual to replace Mr. William Tsao on DART Place 05 and the Transportation and Trinity River Project Council Committee concurred the individual be presented for appointment to the Council at the Wednesday, March 5, 2014 City Council Briefing.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On January 15, 2014, the City Council adopted Resolution No. 14-0156 appointing Mr. William Tsao to the Dallas-Fort Worth International Airport Board for a term to begin July 1, 2014 and expire January 31, 2016.

On February 12, 2014, the City Council adopted Resolution No. 14-0340 reappointing Mr. William Tsao to the Dallas-Fort Worth International Airport Board for a term to begin February 12, 2014 and expire January 31, 2016.

FISCAL INFORMATION

No Cost Consideration to the City

March 5, 2014

WHEREAS, the City Council is entitled to appoint eight (8) members to the Dallas Area Rapid Transit (DART) Board of Directors and one (1) shared member (shared with the City of Cockrell Hill); and

WHEREAS, members of DART's Board of Directors serve staggered two-year terms, commencing July 1, pursuant to Section 452.578 of the Texas Transportation Code; and

WHEREAS, William Tsao, member of the DART Board, Place 05, was appointed to the Dallas-Fort Worth International Airport Board (D/FW) on January 15, 2014 for a term to begin July 1, 2014 and expire January 31, 2016; and

WHEREAS, Robert Hsueh, the existing DFW member (Place 04), was to remain in holdover status until June 30, 2014; and

WHEREAS, a vacancy occurred on DFW Board Place 05 on February 2, 2014, which necessitated that Mr. Tsao's term be moved up as soon as possible to fill the vacancy; and

WHEREAS, Mr. Tsao was subsequently reappointed on February 12, 2014 to the DFW Board for a term to begin February 12, 2014 and expire January 31, 2016; and

WHEREAS, the City Council desires to immediately appoint a replacement for William Tsao's seat on the DART Board (Place 05) in order to allow Mr. Tsao to fully devote his time to the DFW Board;

Now, Therefore,

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

SECTION 1. That the following individual is hereby appointed to the DART Board for a term to begin March 5, 2014 and expire June 30, 2015, filling the vacancy in the unexpired term of William Tsao:

_____, Place 05

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

AGENDA ITEM # 4

KEY FOCUS AREA:	Efficient, Effective and Economical Government
AGENDA DATE:	March 5, 2014
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Mayor and City Council
CMO:	N/A
MAPSCO:	N/A

SUBJECT

A resolution supporting equal rights for the employees of the City of Dallas, citizens within the City of Dallas, and visitors to the City of Dallas to address disparate treatment, if any, of lesbian, gay, bisexual, and transgender (LGBT) persons - Financing: No cost consideration to the City

BACKGROUND

On December 2, 2013, the Budget, Finance, and Audit Committee was briefed on the recent U.S. Supreme Court decision in U.S. v. Windsor (2013) concerning the Federal Defense of Marriage Act (DOMA).

On January 6, 2014, the Committee received two briefings. The first concerned the financial benefits and protections for LGBT couples legally married in states other than Texas as a result of the U.S. Supreme Court ruling in U.S. v. Windsor (2013) and subsequent Federal administrative directives. The second briefing discussed the City's enforcement actions under its fair housing ordinance against unlawful discriminatory practices relating to sexual orientation.

On February 18, 2014, the Committee was briefed by Cathryn Oakley, the Legislative Counsel for State and Municipal Affairs for the Human Rights Campaign (HRC), regarding its Municipal Equality Index (MEI). The MEI is an evaluation by HRC of municipal laws and policies and a ranking of how inclusive city policies and services are toward the LGBT community.

After the briefing, the Committee voted to support a resolution expressing support for the equal rights of employees, citizens, and visitors and to:

- Address disparate treatment, if any, of LGBT employees under the City's pension plans.
- Address disparate treatment, if any, of LGBT employees and their families under the City's human resources policies and health care plan.

BACKGROUND (Continued)

- Explore actions that would improve the City's Municipal Equality Index ranking.
- Support state and federal legislation and administrative regulations that further equality and prevent discrimination against LGBT individuals and families.

On February 26, 2014, the City Council was briefed in closed session on legal issues regarding the resolution.

The Mayor, pursuant to City Council Rule 6.1(a)(2) which authorizes the Mayor to determine the contents of the agenda relating to policy items, has placed this resolution on the City Council agenda to comply with the Committee's request to place the resolution on the City Council agenda pursuant to City Council Rule 6.2(a). This revised resolution clarifies the processes and responsibilities for implementation of the resolution to include a directive to the City Council's appointees to the pension boards.

The resolution itself does not change any existing City procedure or ordinance, nor does the resolution itself authorize any actions or expenditures. Rather, the resolution directs the City Manager and the City Council's appointees to the pension boards to explore actions to further the goals of the resolution and initiate any necessary processes through the appropriate channels to amend City policies, procedures, or ordinances.

The City Manager or his designee is directed to report quarterly to the Budget, Finance and Audit Committee to keep City Council informed of progress toward implementing this resolution and any proposed actions. Any changes to existing City ordinances or expenditures of funds will require further City Council action.

FISCAL INFORMATION

No cost consideration to the City.

March 5, 2014

WHEREAS, the Fourteenth Amendments to the U.S. Constitution states that “No State shall . . . deny to any person . . . the equal protection of the laws”; and

WHEREAS, Article I, Sections 3 of the Texas Constitution Bill of Rights states that “All free men . . . have equal rights”; and

WHEREAS, Dallas City Code Section 2-17.3 states: “The city of Dallas will not discriminate because of a person’s . . . sexual orientation . . . in the provision of services to the general public”; and

WHEREAS, Dallas City Code Section 34-35 states: “City management may not discharge an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual’s . . . sexual orientation . . . City management may not limit, segregate, or classify employees or applicants for employment in a way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect an employee’s status because of the individual’s . . . sexual orientation.”; and

WHEREAS, Dallas City Code Section 46-1 states: “It is the policy of the city of Dallas to bring about through fair, orderly, and lawful procedures the opportunity for every person to obtain employment, access to all places of public accommodation, and housing, without regard to sexual orientation. This policy is based upon recognition of the rights of every individual to work and earn wages through gainful employment, to obtain and enjoy goods, services, facilities, privileges, advantages, and accommodations in all places of public accommodation, and to obtain housing. The denial or deprivation of these rights because of sexual orientation is detrimental to the health, safety, and welfare of the citizens of Dallas and is within the power and responsibility of the city to prevent; and

WHEREAS, the City of Dallas acknowledges and values the contributions of all her citizens regardless of race, religion, national origin, gender, age, disability, or sexual orientation; and

WHEREAS, the City of Dallas is made more whole by embracing and welcoming the diversity of all her citizens; and

WHEREAS, the City of Dallas will remain competitive as a world-class city by treating all her citizens equally so that all citizens experience Dallas as a fair and just place to live, work, and raise a family;

March 5, 2014

Now, Therefore,

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

Section 1. That the City of Dallas is in full favor of equal rights for lesbian, gay, bisexual, and transgender (LGBT) employees of the city of Dallas, citizens within the city of Dallas, and visitors to the city of Dallas.

Section 2. That the City Manager or his designee and the City Council's appointees to the pension boards are directed to take action as necessary to address the disparate treatment, if any, of LGBT employees under the City of Dallas' civilian pension plan and the City of Dallas' police and fire pension plan.

Section 3. That the City Manager or his designee is directed to take action as necessary to amend the City of Dallas' human resources policies and ordinances and the City of Dallas' health care plan to address the disparate treatment, if any, of LGBT employees and their families.

Section 4. That the City Manager or his designee is directed to take actions as necessary to improve the ranking of the City of Dallas in the Human Rights Campaign's Municipal Equality Index.

Section 5. That the City of Dallas' legislative efforts will support state and federal legislation and administrative regulations that further equality and prevent discrimination against LGBT employees and citizens and their families.

Section 6. That the City Manager or his designee is directed to report quarterly to the Budget, Finance, and Audit Committee on efforts to implement this resolution.

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

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By


Assistant City Attorney

AGENDA ITEM # 5

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 5, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Public Works Department
Convention and Event Services
Police

CMO: Jill A. Jordan, P.E., 670-5299
Forest E. Turner, 670-3390
Ryan S. Evans, 671-9837

MAPSCO: 45P Q U

SUBJECT

Authorize **(1)** the acceptance of a loan from the State of Texas Energy Conservation Office LoanSTAR Funds in the amount of \$2,353,972 to be repaid from electric savings, plus interest, beginning in FY 2014-15 for a period of ten years; **(2)** the establishment of appropriations in an amount not to exceed \$2,353,972 in the State of Texas Energy Conservation Office LoanSTAR Fund; **(3)** the acceptance of energy efficiency rebates from Oncor in the amount of \$1,732,944; **(4)** the establishment of appropriations in an amount not to exceed \$1,732,944 in the Oncor Rebate Fund; and **(5)** Supplemental Agreement No. 2 to the contract with Baker Roofing Company dba Baker Renewable Energy for construction of Photovoltaic Solar arrays at the Dallas Convention Center, City Hall, and Jack Evans Police Headquarters in an amount not to exceed \$4,086,916 - Total amount not to exceed \$4,086,916 - Financing: State of Texas Energy Conservation Office LoanSTAR Funds (\$2,353,972) and Oncor Rebate Funds (\$1,732,944)

BACKGROUND

Third party engineering review required by the State Energy Conservation Office (SECO) was completed in February 2014. This review caused a revision to the original Council Agenda Item, Resolution No. 13-2154, previously approved December 11, 2013, reducing the implementation cost required to meet the 10 year payback. This Agenda Item replaces and nullifies Resolution No. 13-2154, previously approved December 11, 2013.

BACKGROUND (Continued)

Supplemental Agreement No. 2 is for the installation of roof-mounted Photovoltaic Solar arrays to decrease energy draw from the grid, which will decrease utility costs at the Dallas Convention Center, City Hall and Jack Evans Police Headquarters.

On May 30, 2013, Administrative Action No. 13-0679 authorized Phase 1 of the Energy Services Contract with Baker Roofing Company dba Baker Renewable Energy to perform an energy audit and develop energy conservation related projects at the Dallas Convention Center, not to exceed \$5,000.

Per Texas Government Code, Section 2305.032, the energy office under the LoanSTAR revolving loan program may provide loans to finance energy and water efficiency measures for public facilities. Borrowers that receive a loan under this section shall repay the principal of and interest on the loan from the value of energy savings, further, repayment of the loan shall be from the amount budgeted for the agency's energy costs.

The contract meets the terms of Texas Government Code, Section 2305.032. However, unlike previous city performance-based contracts, this project does not meet Chapter 302 of the Texas Local Government Code, This Chapter requires that an energy savings performance contract shall contain provisions requiring the provider of the energy or water conservation or usage measures to provide a guarantee.

Project financing for this Supplemental Agreement will have a term of ten years and will be funded through SECO's LoanSTAR Fund in the amount of \$2,353,972, which will be amortized over the ten year period at a 2.50% interest rate. This interest rate is considered competitive with the City's most recent debt issuance.

It is the intent of this Resolution to authorize the City Manager to set aside the energy savings annually, after appropriation by the City Council, at the beginning of each fiscal year. The energy savings will be deducted from the annual electricity budget and set aside for the repayment of the loan to SECO LoanSTAR Fund in an amount of \$2,353,972 plus interest. The City's annual electricity budget will include the savings for the term of the loan. Due to electric deregulation, the City's electricity budget may continue to increase, despite the energy efficiency improvements, due to rate changes/increases. Therefore, the savings will be based on consumption and not on the rate.

ESTIMATED SCHEDULE OF PROJECT

Audit Schedule will be as follows:

Begin Construction	June 2014
Complete Construction	September 2014
Complete Contract	September 2024

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Memorandum of Understanding with the State Energy Conservation Office for energy projects at the Dallas Convention Center in the amount of \$2,980,000, on June 12, 2013, by Resolution No. 13-1020.

Authorized a 10-year loan agreement with SECO LoanSTAR and Baker Roofing dba Baker Renewable Energy for construction of photovoltaic solar arrays at the Dallas Convention Center, City Hall and Jack Evans Police Headquarters on December 11, 2013, by Resolution No. 13-2154.

On January 6, 2014, Budget, Finance and Audit Committee was briefed concerning this item.

Council will be briefed by memorandum concerning this item.

FISCAL INFORMATION

State of Texas Energy Conservation Office Loan Star Fund - \$2,353,972
Oncor Rebate Funds - \$1,732,944

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Baker Roofing Company dba Baker Renewable Energy

Hispanic Female	15	Hispanic Male	262
African-American Female	1	African-American Male	75
Other Female	0	Other Male	13
White Female	41	White Male	278

OWNER(S)

Baker Roofing Company dba Baker Renewable Energy

William Prentiss Baker III, President, Chairman and Director of Raleigh
Ms. Rebekah Baker, Chief Financial Officer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** the acceptance of a loan from the State of Texas Energy Conservation Office LoanSTAR Funds in the amount of \$2,353,972 to be repaid from electric savings, plus interest, beginning in FY 2014-15 for a period of ten years; **(2)** the establishment of appropriations in an amount not to exceed \$2,353,972 in the State of Texas Energy Conservation Office LoanSTAR Fund; **(3)** the acceptance of energy efficiency rebates from Oncor in the amount of \$1,732,944; **(4)** the establishment of appropriations in an amount not to exceed \$1,732,944 in the Oncor Rebate Fund; and **(5)** Supplemental Agreement No. 2 to the contract with Baker Roofing Company dba Baker Renewable Energy for construction of Photovoltaic Solar arrays at the Dallas Convention Center, City Hall, and Jack Evans Police Headquarters in an amount not to exceed \$4,086,916 - Total amount not to exceed \$4,086,916 - Financing: State of Texas Energy Conservation Office LoanSTAR Funds (\$2,353,972) and Oncor Rebate Funds (\$1,732,944)

Baker Roofing Company dba Baker Renewable Energy a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$425,980.00	10.42%
Total non-local contracts	\$3,660,936.00	89.58%
TOTAL CONTRACT	\$4,086,916.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
AT's Electric Company, Inc.	WFDB60132Y0215	\$425,980.00	100.00%
Total Minority - Local		\$425,980.00	100.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Callis Contractors	BMMB14749N0614	\$644,423.00	17.60%
Total Minority - Non-local		\$644,423.00	17.60%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$644,423.00	15.77%
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	\$425,980.00	100.00%	\$425,980.00	10.42%
	-----	-----	-----	-----
Total	\$425,980.00	100.00%	\$1,070,403.00	26.19%

March 5, 2014

WHEREAS, on May 30, 2013, Administrative Action No. 13-0679 authorized a professional services contract with Baker Roofing Company dba Baker Renewable Energy for a detailed audit of the Dallas Convention Center (DCC) in an amount not to exceed \$5,000 for energy saving measures; and,

WHEREAS, on June 12, 2013, Resolution No. 13-1020 authorized a Memorandum of Understanding with the State Energy Conservation Office for energy projects to install a solar array at the Dallas Convention Center in the amount of \$2,980,000; and,

WHEREAS, on August 30, 2013, Administrative Action No. 13-6704 authorized Supplemental Agreement No. 1 to add City Hall and Jack Evans Police Headquarters to the DCC contract in the amount of \$4,815; and,

WHEREAS, the energy audit resulted in proposals for energy installation of solar arrays for the Dallas Convention Center, City Hall and Jack Evans Police Headquarters; and,

WHEREAS, in February 2014, an independent third party review was completed as required by the State Energy Conservation Office (SECO); and,

WHEREAS, the terms of the contract stipulate that the project financing will be repaid from realized annual energy savings, as identified and proposed in the contract; and,

WHEREAS, this project will be funded through a 2.5% interest rate loan with SECO LoanSTAR Fund and the ONCOR rebates; and,

WHEREAS, on February 7, 2014, Administrative Action No. 14-0068 authorized a \$50,000 deposit to ONCOR to reserve the rebate funds; and

WHEREAS, the implementation costs and repayments were verified by the third party engineering review and the implementation costs have been reduced so that the 10-year repayment required by the LoanSTAR loan terms has been met; and

WHEREAS, it is desirable to authorize **(1)** the acceptance of a loan from the State of Texas Energy Conservation Office LoanSTAR Funds in the amount of \$2,353,972 to be repaid from electric savings, plus interest, beginning in FY 2014-15 for a period of ten years; **(2)** the establishment of appropriations in an amount not to exceed \$2,353,972 in the State of Texas Energy Conservation Office LoanSTAR Fund; **(3)** the acceptance of energy efficiency rebates from Oncor in the amount of \$1,732,944; **(4)** the establishment of appropriations in an amount not to exceed \$1,732,944 in the Oncor Rebate Fund; and **(5)** Supplemental Agreement No. 2 to the contract with Baker Roofing Company dba Baker Renewable Energy for construction of Photovoltaic Solar arrays at the Dallas Convention Center, City Hall, and Jack Evans Police Headquarters in an amount not to exceed \$4,086,916.

March 5, 2014**Now, Therefore,****BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Manager is hereby authorized to execute a ten-year term loan agreement with SECO LoanSTAR Fund, in the amount of \$2,353,972 for the funding of the Photovoltaic Solar array projects, upon approval as to form by the City Attorney of all loan documents required.

Section 2. That the City Controller is hereby authorized to receive and deposit loan proceeds from SECO LoanSTAR Funds in the SECO Loan Star Fund 0574, Department PBW, Unit C023, Revenue Source Code 6532.

Section 3. That the City Manager is hereby authorized to establish appropriations in the SECO LoanSTAR Fund 0574, Department PBW, Unit C023, Object Code 4310 in an amount not to exceed \$2,353,972.

Section 4. That the City Controller is hereby authorized to receive and deposit the Oncor Rebate funds in the Oncor Rebate Fund 0576, Department PBW, Unit C024, Revenue Source Code 6532.

Section 5. That the City Manager is hereby authorized to establish appropriations in the Oncor Rebate Fund 0576, Unit C024, Object 4310 in an amount not to exceed \$1,732,944.

Section 6. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the contract with Baker Roofing Company dba Baker Renewable Energy for the construction of Photovoltaic Solar arrays at the Dallas Convention Center, City Hall and Jack Evans Police Headquarters, in an amount not to exceed \$4,086,916 after it has been approved as to form by the City Attorney.

Section 7. That the City Controller is hereby authorized to disburse funds to Baker Roofing Company dba Baker Renewable Energy in accordance with the terms and conditions of the Supplemental Agreement No. 2 from:

SECO Loan Star Fund Fund 0574, Department PBW, Unit C023 Object 4310, Program #PBSECO003, CT PBWPRC023C1 Vendor #VS0000077034 in an amount not to exceed	\$2,353,972
Oncor Rebate Fund Fund 0576, Department PBW, Unit C024 Object 4310, Program #PBSECO003, CT PBWPRC023C1 Vendor #VS0000077034 in an amount not to exceed	\$1,732,944

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Section 8. That the City Manager is hereby authorized to set aside funds from the annually appropriated electric budgets for City departments, in an amount equal to the savings, in order to repay the loan.

Section 9. That the City Controller is hereby authorized to disburse funds to the State of Texas to repay the loan, in accordance with the terms and conditions of the loan agreement, in an amount not to exceed \$2,353,972 plus interest over a ten year period, subject to appropriation beginning FY 2014-15, from the electricity savings, from:

SECO Loan Repayment Fund
Fund 0575, Department PBW, Unit DG47
Object #3535/3536, Program #PBSECO003, CT PBWPRC023C1
Vendor #269648, in an amount not to exceed \$3,020,209.21

Section 10. That Resolution No. 13-2154, passed by the City Council on December 11, 2013, is replaced in its entirety by this resolution and is no longer of any force or effect.

Section 11. 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.