

**JUNE 3, 2015 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 June 3, 2015. 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



Jeanne Chipperfield  
Chief Financial Officer



Date



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CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL BRIEFING AGENDA

June 3, 2015

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 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 está comprometida a 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 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 esté 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 esté 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, JUNE 3, 2015  
CITY HALL  
1500 MARILLA  
DALLAS, TEXAS 75201  
9:00 A.M.

9:00 am      Invocation and Pledge of Allegiance 6ES  
  
                  Special Presentations  
  
                  Update on Flood Control Systems and Operations  
  
                  Open Microphone Speakers

VOTING AGENDA 6ES

1.      Approval of Minutes of the May 20, 2015 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)

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Secretary's Office**

3.      Receive the report of the Ad Hoc City Council Canvassing Committee and adopt a resolution and order accepting the canvassing committee's report declaring the recount results of the May 9, 2015 general election for City Council District 7 - Financing: No cost consideration to the City

**Mayor and City Council**

4.      An ordinance amending Chapter 9C, "Carryout Bags," of the Dallas City Code to prohibit the distribution of single-use carryout bags by business establishments, eliminate the business establishment registration and environmental fee program, and other Chapter 9C amendments - Financing: No cost consideration to the City

BRIEFINGS 6ES

- A.      Downtown Dallas Historic Preservation Task Force  
          Report of Findings and Recommendations

Lunch

AGENDA  
CITY COUNCIL BRIEFING MEETING  
WEDNESDAY, JUNE 3, 2015

BRIEFINGS (Continued) 6ES

B. Proposed City/DART Hike and Bike Trail Agreement

Closed Session 6ES

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

- Update regarding foreclosure of liens securing loan to Sapphire Road Development, LLC.
- Legal issues relating to Southwest Airlines, Inc. v. U.S. Dept. of Transp., Case No. 15-1036 (D.C. Cir.), pending requests for gate accommodations at Love Field, and related matters.

Personnel (Sec. 551.074 T.O.M.A.)

- Discussion regarding evaluation of the performance of City Secretary Rosa A. Rios

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.





**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** June 3, 2015  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** City Secretary  
**CMO:** Rosa Rios, 670-3738  
**MAPSCO:** N/A

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**SUBJECT**

Receive the report of the Ad Hoc City Council Canvassing Committee and adopt a resolution and order accepting the canvassing committee's report declaring the recount results of the May 9, 2015 general election for City Council District 7 - Financing: No cost consideration to the City

**BACKGROUND**

On Wednesday, May 21, 2015, a request for recount of the May 9, 2015 General Election results for City Council District 7 was submitted. Immediately following the request, Mayor Rawlings designated the City Secretary as the Recount Supervisor/Coordinator to administrate the recount. The recount was held Thursday, May 28, 2015. The recount resulted in changes to the number of votes received by candidates. These changes, however, had no effect on the candidates that qualified for a place in the runoff election under the initial canvass of the May 9, 2015 General Election.

In accordance with Texas Election Code, Section 213.033 (a), which states in part, "As soon as practicable after completion of a recount that changes the number of votes received for a particular candidate..., the canvassing authority shall conduct a canvass for the office or measure involved using the recount committee's report in the recount supervisor's possession, instead of the original precinct election returns, for each precinct in which a recount was conducted. An original canvass for the office or measure is void, and the new canvass is the official canvass for the election on that office..."

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

Resolution No. 15-0515, passed by the City Council on March 25, 2015, authorized the appointment of the Ad Hoc City Council Canvassing Committee to review the returns of the May 9, 2015 general election and submit a canvass report to the full City Council on May 20, 2015.

**FISCAL INFORMATION**

No cost consideration to the City

## AGENDA ITEM # 4

**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** June 3, 2015

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Mayor and City Council

**CMO:** A C Gonzalez, 670-3297

**MAPSCO:** N/A

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### **SUBJECT**

An ordinance amending Chapter 9C, "Carryout Bags," of the Dallas City Code to prohibit the distribution of single-use carryout bags by business establishments, eliminate the business establishment registration and environmental fee program, and other Chapter 9C amendments - Financing: No cost consideration to the City

### **BACKGROUND**

On March 26, 2014, City Council approved an ordinance adding Chapter 9C, "Carryout Bags" to the Dallas City Code to provide regulations for single-use and reusable carryout bags; and a resolution instructing staff to explore options for reducing the impacts of single-use carryout bags. That ordinance went into effect on January 1, 2015. The Mayor and City Council requested that this item be placed on the City Council agenda.

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

Briefed to the Quality of Life and Environmental Committee on June 10, 2013.

Briefed to City Council on August 21, 2013.

Briefed to the Quality of Life and Environment Committee on September 9, 2013.

Briefed to the Quality of Life and Environment Committee on October 14, 2013.

Briefed to the Quality of Life and Environment Committee on November 18, 2013.

Briefed to City Council on January 15, 2014.

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

On March 26, 2014, City Council approved Ordinance No. 29307, adding Chapter 9C, "Carryout Bags" to the Dallas City Code to provide regulations for single-use and reusable carryout bags; and a resolution instructing staff to explore options for reducing the impacts of single-use carryout bags, effective January 1, 2015, by Resolution No. 14-0564.

**FISCAL INFORMATION**

No cost consideration to the City.

# Memorandum



CITY OF DALLAS

DATE May 13, 2015

TO The Honorable Mayor and Members of the City Council

SUBJECT Update on Single-Use Carry Out Bag Ordinance

The attached briefing provides an update on the single-use carry out bag ordinance.

Please contact me if you have any questions.

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

Joey Zapata  
Assistant City Manager

## Attachment

c: A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager  
Eric D. Campbell, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Update on Single-Use Carryout Bag Ordinance



# Purpose

- Provide an enforcement update for the first quarter of the Carryout Bag Ordinance
- Questions raised for discussion purposes

# Timeline

- Briefed Council Committee:
  - TEC and QOL: 06/10/13
  - QOL: 09/09/13; 10/14/13; 10/28/13; 11/18/13;
- Briefed City Council:
  - 08/21/13; 01/15/14; 03/26/14
- Carryout Bag ordinance adopted: March 26, 2014
- Effective date: January 1, 2015



# Environmental Fee

- Environmental fee of \$0.05 is charged to the customer per single-use bag
  - Businesses may charge additional amount for bags
- Environmental fee listed as a separate item on customer's transaction receipt
- Businesses remit environmental fees to the City on a quarterly basis by the 20<sup>th</sup> day of the month following each calendar quarter
  - Update: As of May 11, 2015, 608 business establishments have remitted \$520,300 to the City for the 1<sup>st</sup> quarter
- Business establishment may retain 10 percent of the environmental fee to offset costs

# Education of Business Owners

- Letters sent to identified business establishments regarding the ordinance
  - 9,000 mailed in June 2014
  - 7,700 mailed in October 2014
  - 7,700 mailed in January 2015
- Frequently asked questions, signage examples, registration forms and additional information are available on [www.greendallas.net](http://www.greendallas.net)

# Education of Consumers

- News segments
  - MyFOXDFW (Channel 4) morning show
  - WFAA (Channel 8) morning show
  - WFAA (Channel 8) afternoon show
- Dallas City News Network video
  - Video created and shared via internet
- Brochures distributed
  - Posters printed and distributed to City facilities
  - Bookmarks distributed at budget Town Hall meetings
  - Water bill insert sent through DWU
  - Tri-fold informational flier distributed to stores and residents
- Visited 12 WIC clinics and spoke with clients
  - Gave out 600 Green Dallas bags to families on assistance

# Enforcement Update

- Currently utilizing existing Code Compliance staff
  - 6 inspectors
  - 1 manager (0.25 FTE due to managing multiple units)
  - 1 supervisor (0.25 FTE)
  - 1 neighborhood code representative (0.50 FTE)

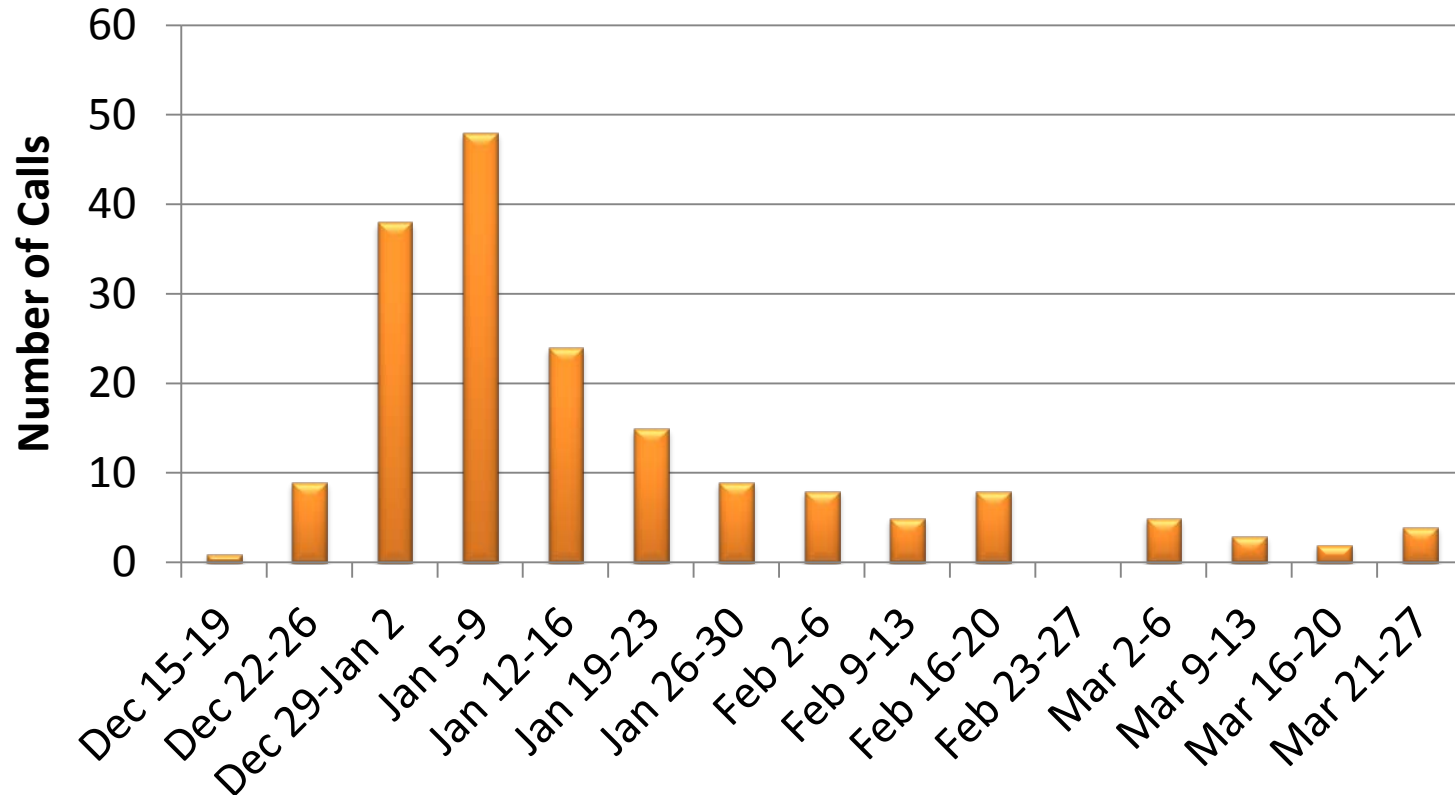
# Enforcement Update

As of March 31, 2015

- 2,133 businesses registered to issue single-use bags
  - Registration only required if business offers single-use bags and does not qualify for any exemptions
- Calls to 311 call center since December 15, 2014
  - 37 complaints by public
  - 54 comments received from public
  - 125 information requests by public
- Inspections conducted: 912
  - 874 proactive and 38 complaint
    - 680 cases closed; 232 open and being worked
- Notices of violation issued: 566
- **Citations issued: 0**

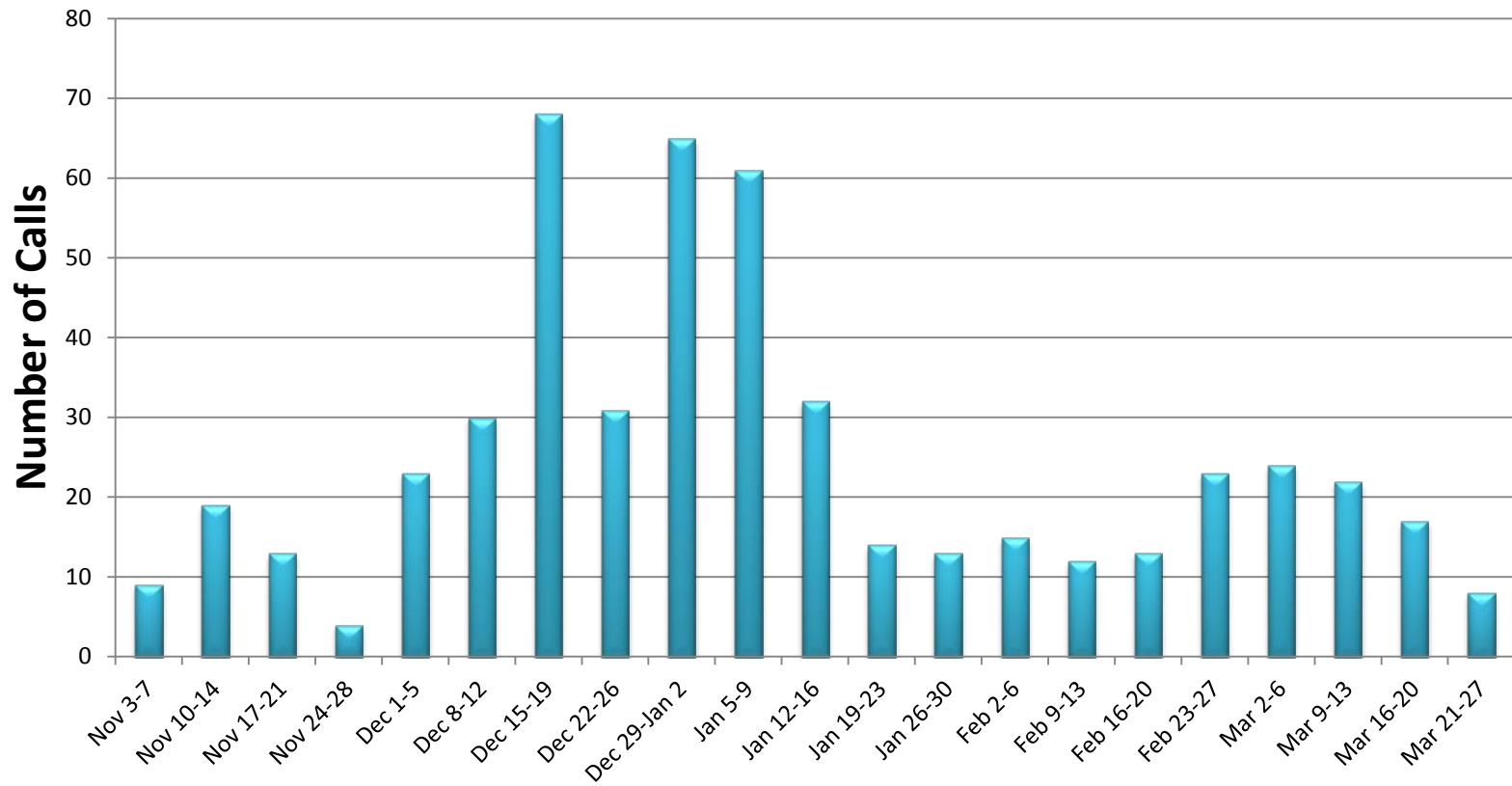
# 311 Call Volume

Comments and Information Only Calls  
(No Service Request Created)



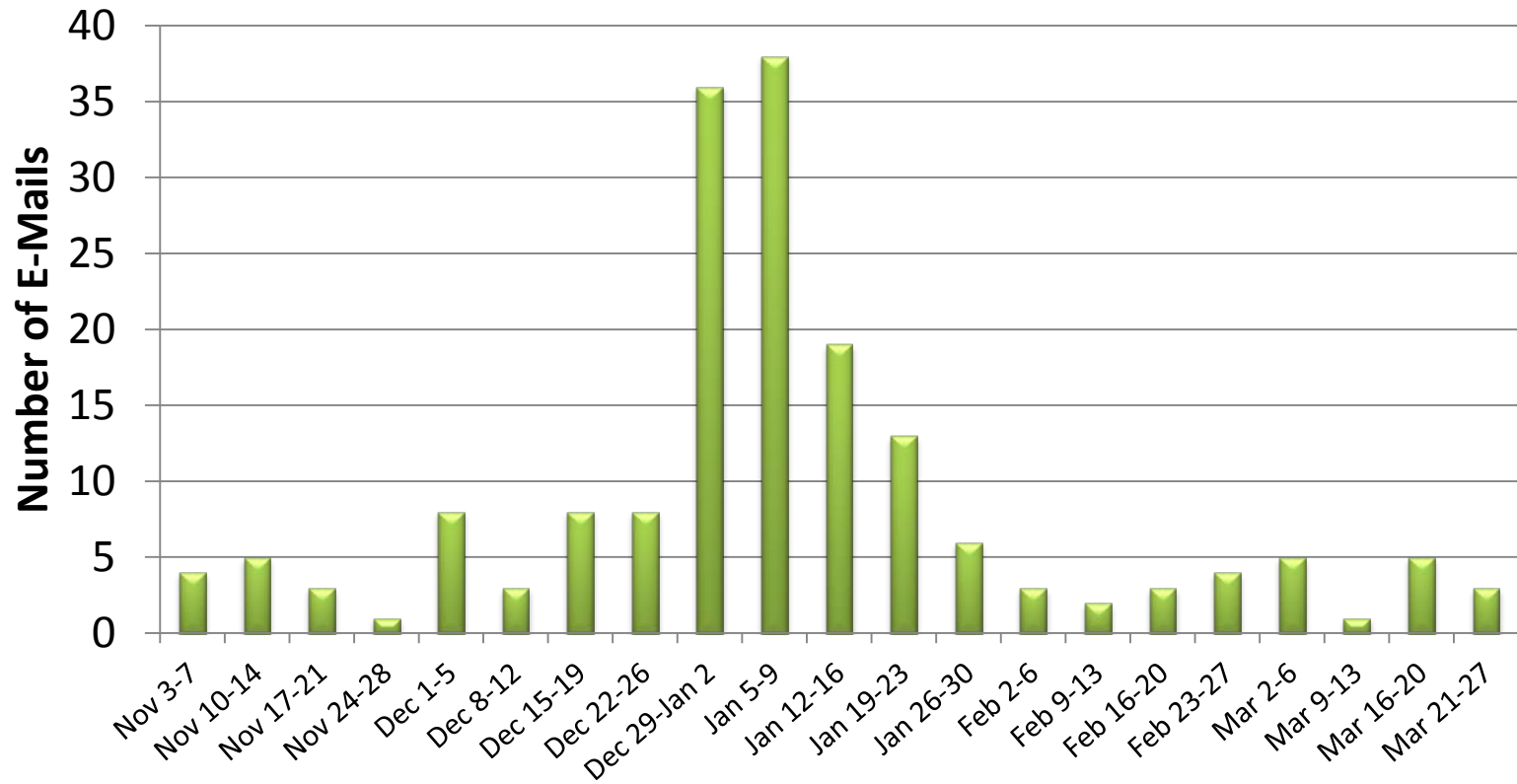
# Code Compliance Call Volume

## Carry-Out Bag Ordinance Calls



# [www.greendallas.net](http://www.greendallas.net) Volume

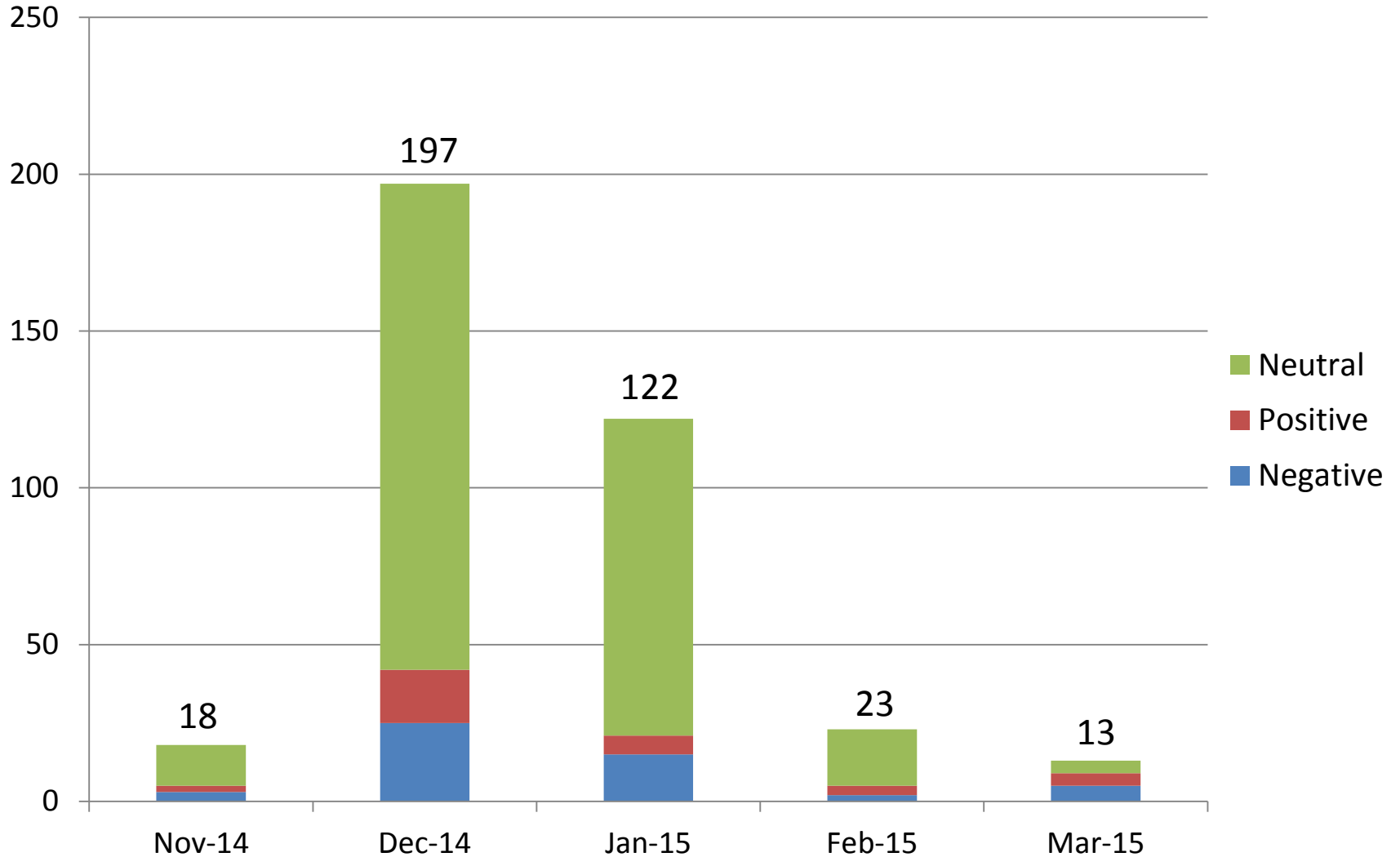
## GreenDallas E-mails





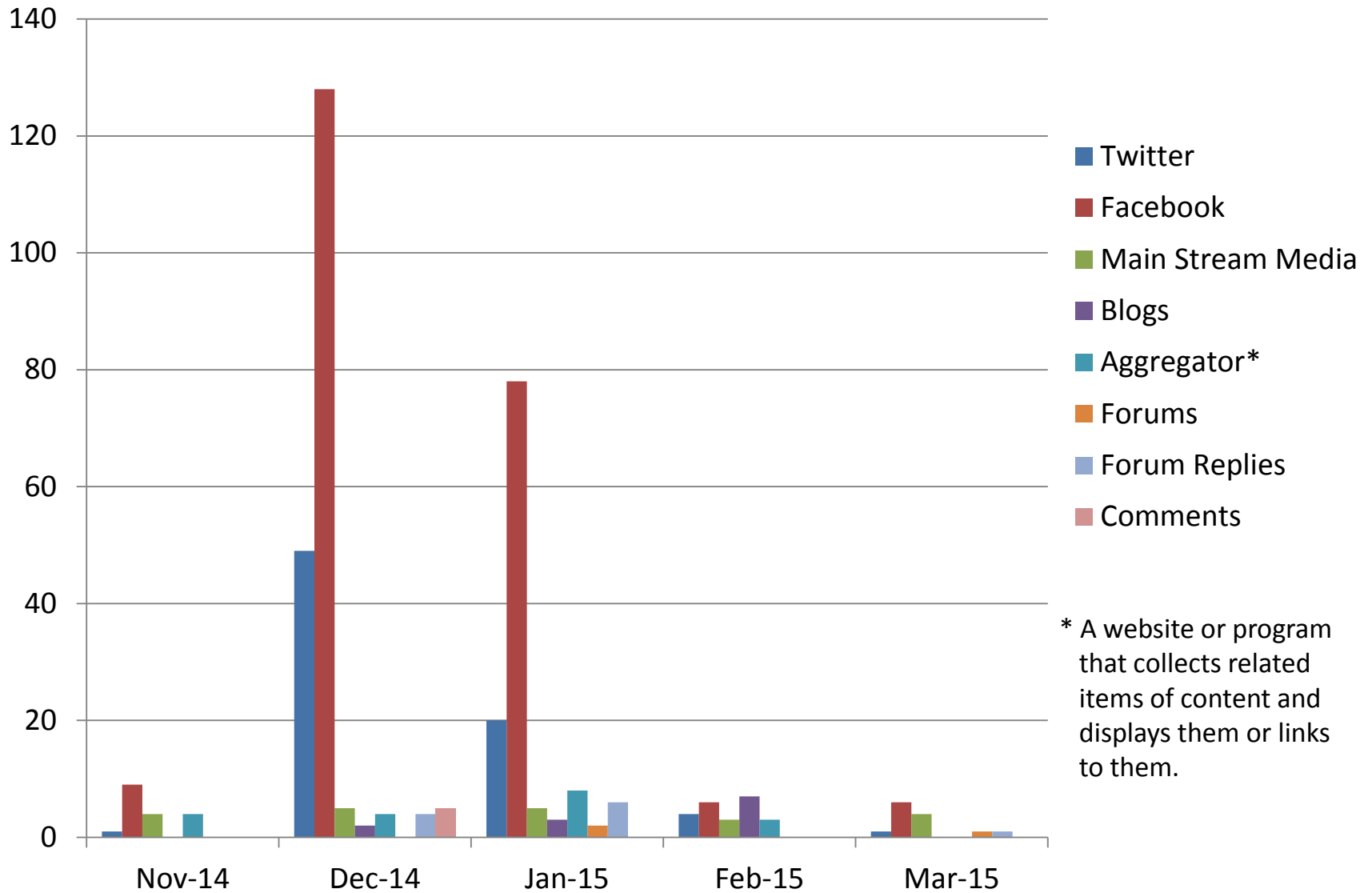


# Summary of Social Media Posts and Mentions by Sentiment



Note: positive indicates support for ban

# Carryout Bag Posts and Mentions by Media Type



# Most Common Notice of Violations Issued to Businesses

- Single-use carryout bag not meeting minimum thickness of 0.70 mil
- Lack of interior and/or exterior signage or verbiage requirements for each
- No registration to issue (sell) single-use bags
- Documentation for standards on allowable reusable carryout bags (16 lbs. X 100 uses)
- Failure to properly collect environmental fee for each single-use bag

# Outcomes

- Business establishments chose how they would comply with the requirements of the ordinance
  - Register and issue single-use bag that meet ordinance requirements
  - Offer reusable bags that meet the ordinance requirements or apply for alternative reusable bag approval
  - Offer no carryout bags to customers

# Outcomes

- Did consumers decide to shop outside of Dallas?
  - Recognizing this is not a definitive cause/effect relationship, sales tax revenues showed a 9.5% increase from January 2014 compared to January 2015
- Did shoplifting increase as a result of people bringing in their own bags?
  - Shoplifting statistics showed a 26% decrease from January/February 2014 to January/February 2015
- Has the ordinance been successful?
  - Success would show a declining number of single-use bags issued, which cannot be determined until after multiple reporting quarters can be compared
  - Staff has requested numbers from retailers

# Questions Raised for Discussion

- Are newspaper bags considered “carryout bags” and subject to the ordinance?
  - If yes, should only biodegradable newspaper bags be exempt?
  - If yes, are biodegradable newspaper bags available?
  - Staff recommendation: No
- Do carryout bag requirements apply to goods not purchased or not given at point of sale as well?
  - Examples: trade show giveaways, samples, purchases delivered
  - Staff recommendation: No
- Should the name of the business establishment have to be printed on the bag?
  - Staff recommendation: No

# Questions Raised for Discussion

- Should the thickness of the bag in mil have to be printed on paper bags even though standard measurement for paper bags is weight?
  - Staff recommendation: No, paper bags should have weight printed on them
- Should signs posted on interior of business establishment have to be made of rigid, weather-resistant metal?
  - Staff recommendation: No
- Should “independent documentation” for reusability and durability of reusable bags required for both “reusable bags” and “alternative reusable bags”?
  - Staff recommendation: Yes

# Next Steps

- Continue proactive enforcement to educate and bring businesses into compliance
- Based on direction given by Council, draft ordinance changes, if any, and propose for adoption
- Continue to provide periodic updates to City Council



ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 9C, "Carryout Bags," of the Dallas City Code prohibiting business establishments from providing single-use carryout bags to customers at the point of sale; eliminating the registration, environmental fee, business name on reusable bags, and signage requirements; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the City of Dallas wishes to promote a "culture of clean"; and

WHEREAS, the City of Dallas desires to protect the natural environment, the economy, and the health of its residents; and

WHEREAS, it is in the best interests of the health, safety, and welfare of the residents of the city of Dallas to protect the environment by regulating the use of carryout bags; Now, Therefore,

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

SECTION 1. That Chapter 9C, "Carryout Bags," of the Dallas City Code is amended to read as follows:

**"CHAPTER 9C  
CARRYOUT BAGS**

**SEC. 9C-1. PURPOSE.**

The purposes of this chapter are to:

(1) promote a "culture of clean" by reducing the negative impacts caused by single-use carryout bags, including:

(A) ugliness on city streets, sidewalks, trees, bushes, vacant lots, city parks, waterways, reservoirs, and shorelines that is detrimental to the quality of life of residents, the property values of homeowners, and the tourism industry;

(B) clogging stormwater and drainage systems, causing flooding, backups, and other additional harm to the environment; and

(C) polluting the landscape;

(2) reduce the costs associated with the use and distribution of single-use carryout bags;

(3) reduce the effort associated with the removal of litter generated by the use and distribution of single-use carryout bags;

(4) reduce the harmful impacts of single-use carryout bags on natural resources, including wildlife and plants;

(5) reduce the [environmental] impacts of single-use carryout bags on the environment, including natural landscapes, streams, creeks, reservoirs, lakes, and the Trinity River; and

(6) encourage the use of, and establish standards for, reusable carryout bags.

## **SEC. 9C-2. DEFINITIONS.**

In this chapter:

(1) **BUSINESS ESTABLISHMENT** means any entity that provides carryout bags to its customers, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not-for-profit, and includes all employees of the entity and any independent contractors associated with the entity.

(2) **CARRYOUT BAG** means a bag provided by a business establishment to a customer[, typically] at the point of sale[;] for the purpose of transporting purchases.

(3) **DEPARTMENT** means the department designated by the city manager to enforce and administer this chapter.

(4) **DIRECTOR** means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.

(5) **REUSABLE CARRYOUT BAG** means a carryout bag that is specifically designed and manufactured for multiple reuse and meets the requirements of Section 9C-5 of this chapter.

(6) SINGLE-USE CARRYOUT BAG means a carryout bag that is not a reusable carryout bag.

**SEC. 9C-3. SINGLE-USE CARRYOUT BAGS.**

(a) No person may provide single-use carryout bags at any city facility, city-sponsored special event as defined in Section 42A-2 of this code, or any event held on city property.

(b) A [~~Except as provided in Section 9C 4 of this chapter, a~~] business establishment may not provide single-use carryout bags to its customers or to any person.

(c) [~~A single use carryout bag permitted under Section 9C 4 of this chapter must have a thickness of at least 0.70 mil and be printed with the name of the business establishment and the thickness of the bag in mil.~~]

~~(d)~~ This section does not apply to the following:

(1) Laundry, dry cleaning, or garment bags; biodegradable door-hanger bags; biodegradable newspaper bags; or packages of multiple bags intended for the disposal of garbage, pet waste, or yard waste.

(2) [~~Recyclable~~] P[p]aper bags [~~provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities~~].

(3) [~~Recyclable paper bags used by restaurants to take away prepared food.~~]

~~(4)~~ Single-use plastic bags used by restaurants to take away prepared food only where necessary to prevent moisture damage, such as for soups, sauces, salads with dressing, and liquids.

~~(4[5])~~ Bags used by a consumer inside a business establishment to:

(A) contain bulk items, such as produce, nuts, grains, candy, or small hardware items;

(B) contain or wrap meat, fish, or frozen foods whether or not pre-packaged;

(C) contain or wrap flowers, potted plants, or other items to prevent moisture damage to other purchases; or

(D) contain unwrapped prepared foods or bakery goods.

~~(5[6])~~ Bags used by a non-profit corporation or other charity to distribute food, grocery products, clothing, or other household items to clients.

**SEC. 9C-4.                    RESERVED [~~REGISTRATION; ENVIRONMENTAL FEE~~].**

~~[(a)    Registration.~~

~~(1)    A business establishment may provide single use carryout bags to its customers if it registers with the department and charges a fee in accordance with this section.~~

~~(2)    A business establishment wishing to provide single use carryout bags to its customers shall annually register with the department on a form provided by the director.~~

~~(3)    A separate registration is required for each location where the business establishment wishes to provide single use carryout bags to its customers.~~

~~(4)    There is no fee for registration.~~

~~(b)    Environmental fee.~~

~~(1)    If single use carryout bags are provided to a customer, a business establishment shall charge the customer an environmental fee of \$0.05 per bag.~~

~~(2)    The customer shall pay the environmental fee required by this section at the time of purchase.~~

~~(3)    A business establishment shall list the environmental fee as a separate item on the customer's transaction receipt detailing the number of single use carryout bags provided to the customer and the total charge for the environmental fee.~~

~~(4)    A business establishment shall not rebate or reimburse any portion of the environmental fee to a customer.~~

~~(5)    Except as provided in Paragraph (6), a business establishment shall remit the environmental fees collected to the city on a quarterly basis with fees due to the city by the 20<sup>th</sup> day of the month following each calendar quarter, or the next business day if the 20<sup>th</sup> day of the following month falls on a weekend or holiday.~~

~~(6)    A business establishment may retain 10 percent of the environmental fee to offset the costs of collecting the fee and complying with this section.~~

~~(7)    Environmental fees collected under this section may only be used for the following purposes:~~

~~(A)    paying for the costs of the registration program;~~

- ~~(B) the purchase and distribution of reusable carryout bags;~~
- ~~(C) public education on reducing the use of single-use carryout bags;~~
- ~~(D) environmental clean-up programs.~~

or

~~(e) Recordkeeping.~~

~~(1) A business establishment shall keep detailed records of:~~

- ~~(A) the number of single-use carryout bags supplied to customers; and~~
- ~~(B) the amount of environmental fees collected from customers.~~

~~(2) A business establishment shall keep separate records for each location registered under this section.~~

~~(3) A business establishment shall maintain the records required under this subsection onsite at each registered location for at least the prior year.~~

~~(4) A business establishment shall make the records required under this subsection available for inspection by the director or a peace officer at reasonable times upon request for purposes of administering this chapter.]~~

**SEC. 9C-5. REUSABLE CARRYOUT BAG STANDARDS.**

(a) A business establishment may provide or sell reusable carryout bags to its customers or to any person. A person, subject to authorization by the city, may provide or sell reusable carryout bags at any city facility, city-sponsored special event as defined in Section 42A-2 of this code, or any event held on city property.

(b) A reusable carryout bag must display [~~in a highly visible manner~~] on the bag's exterior, the name of the bag's manufacturer [~~business establishment~~] and [~~language describing~~] the thickness of the bag in mil [~~bag's ability to be reused or recycled~~].

(c) A reusable carryout bag must have a handle[~~, except that a handle is not required for a reusable carryout bag constructed out of recyclable paper with a height of less than 14 inches and a width of less than eight inches~~].

(d) A reusable carryout bag must be constructed out of:

(1) cloth, other washable fabric, or other durable materials whether woven or non-woven; or

(2) recyclable plastic, with a minimum thickness of 4.0 mil[; or

(3) recyclable paper that contains a minimum of 40 percent recycled content].

~~[(e) A reusable carryout bag must meet the minimum reuse testing standard of 100 reuses carrying 16 pounds.~~

~~(f) A reusable carryout bag made out of paper must have the percentage of recycled content of the bag printed on it.~~

~~(g) Alternative reusable bags.~~

~~(1) The director may approve an alternative bag to the reusable carryout bag if the director finds that:~~

~~(A) the proposed alternative bag provides reusability and durability that is equivalent to or better than the required bag[; and~~

~~(B) the manufacturer or distributor of the proposed alternative bag has independent documentation that shows that the bag is capable of 100 reuses carrying 16 pounds.~~

~~(2) A request for approval of an alternative bag must be submitted on a form provided by the director.~~

~~(3) The applicant has the burden of proof to establish the necessary facts to warrant favorable action by the director. The director shall evaluate all applications on a case-by-case basis.~~

~~(4) The director shall render a decision on an application filed in accordance with this subsection no later than 60 days after the request is submitted. If the director fails to render a decision within 60 days, the application shall be deemed denied. The director shall prepare written findings to support the grant or denial of a request filed in accordance with this subsection.~~

~~(5) If the director denies an application for an alternative bag, the decision is final unless the applicant files an appeal with the permit license and appeals board in accordance with Section 2-96 of this code.]~~

## **SEC. 9C-6. RESERVED [SIGNAGE AND OTHER REQUIREMENTS].**

~~[(a) Except as provided in this section, a business establishment shall display signage in accordance with this section.~~

~~(b) A business enterprise is not required to display signage if the only single use carryout bags it provides to customers fall under the exemption of Section 9C 3(d) of this chapter.~~

~~(c) Required signs must be displayed in both English and Spanish.~~

~~(d) The specific wording of a required sign may be chosen by the business establishment as long as the sign states all of the following:~~

~~(1) If the business establishment is not registered in accordance with Section 9C 4 of this chapter, that the business establishment does not offer single use carryout bags.~~

~~(2) If the business establishment is registered in accordance with Section 9C 4 of this chapter, that single use carryout bags are only provided to a customer who pays a per bag or per transaction fee, as applicable.~~

~~(3) The options available for carrying items purchased from the business establishment.~~

~~(4) The environmental benefits of reducing, reusing, and recycling.~~

~~(e) A sign must be posted no farther than six feet from each point of sale.~~

~~(d) A business establishment that owns, leases, or controls its customer parking areas shall post and maintain in each customer parking area exterior signs with the following requirements:~~

~~(1) The signs must include wording that encourages customers to bring their own reusable carryout bags.~~

~~(2) The signs must be at least 11 inches by 17 inches in area and readable by walking customers.~~

~~(3) The signs must be posted so that they are visible to customers with a minimum of one sign for every 50 required parking spaces. Except as provided in this subsection, the signs must be distributed in a roughly even manner throughout the parking lot.~~

~~(4) If a business establishment has fewer than 50 required parking spaces, in lieu of posting signs in the parking area, it must post one sign at the exterior of each customer entrance, visible to customers entering the business establishment.~~

~~(5) The signs must be made of rigid, weather resistant metal.~~

~~(e) The city does not provide the signs required by this section. It is the responsibility of the business establishment to produce, erect, and maintain the signs.~~

~~(f) A sign required by this section may only be removed by the owner of the business establishment or the property owner.]~~

**SEC. 9C-7. VIOLATIONS; PENALTY.**

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

(b) An offense under this chapter is punishable by a fine not to exceed \$500.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That Chapter 9C of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_



# Memorandum



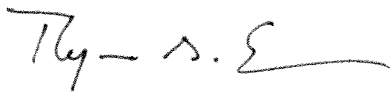
DATE May 29, 2015

TO Honorable Mayor and Members of the City Council

SUBJECT Downtown Dallas Historic Preservation Task Force Report of Findings and Recommendations

On Wednesday, June 3, 2015, you will be briefed on the Downtown Dallas Historic Preservation Task Force Report of Findings and Recommendations. The briefing materials are attached for your review.

If you have any questions, please let me know.



Ryan S. Evans  
First Assistant City Manager

c: A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Eric D. Campbell, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# **DOWNTOWN DALLAS HISTORIC PRESERVATION TASK FORCE**

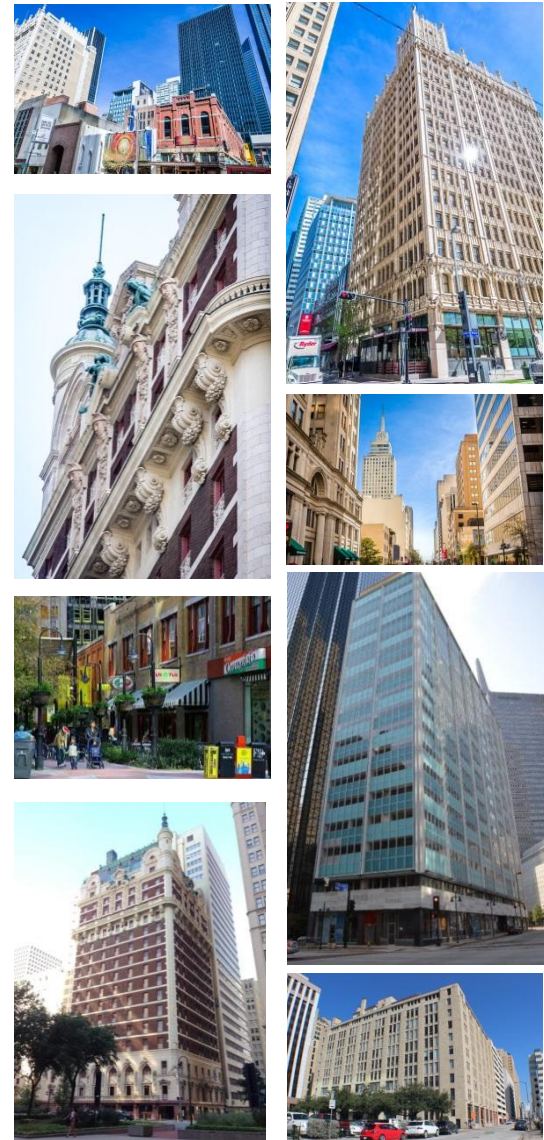
**Report of Findings and Recommendations**

**City Council Briefing  
June 3, 2015**



**“Historic Preservation creates profits and economic development for Dallas. It is our competitive advantage. We have a resource, and we’re going to lose it. We don’t want to squander what we already have. It is unique to Downtown.”**

*– Downtown Historic Preservation Task Force*



# Impact of the City's Historic Preservation Program

- 140+ local historic districts with 4000+ individual structures
- \$672.8 million in investment in Dallas Downtown National Register District since 2006
- Reinvestment in East Dallas in neighborhoods like Swiss Avenue and Munger Place = tax base expansion
- Kickstart of Uptown through reinvestment in State-Thomas Historic District
- Program has been a model for the nation.



*1400 Block of Commerce Street; Thomas Garza Photography, courtesy of Downtown Dallas, Inc.*

# Task Force Methodology

- Review of Dallas's Historic Preservation Program
  - Framework of program as it originally conceived
  - Used as **planning tool** to serve larger goals of city:
    - revitalize decreasing property values
    - establish viable activity
    - management of re-development in the context of rising property values (development pressure)
    - preserve/restore patterns of activity
    - create a context/fabric for desired change
  - Served as **advocate** for city-wide improvement
  - Fully integrated into other city planning functions: urban design and long-range planning



Stone Street, courtesy of Downtown Dallas, Inc

# Task Force Methodology

Study of best practices nationwide

- Successful programs utilize:
  - preservation and development serve each other
  - partnerships between historic preservation, planning, economic development, etc.

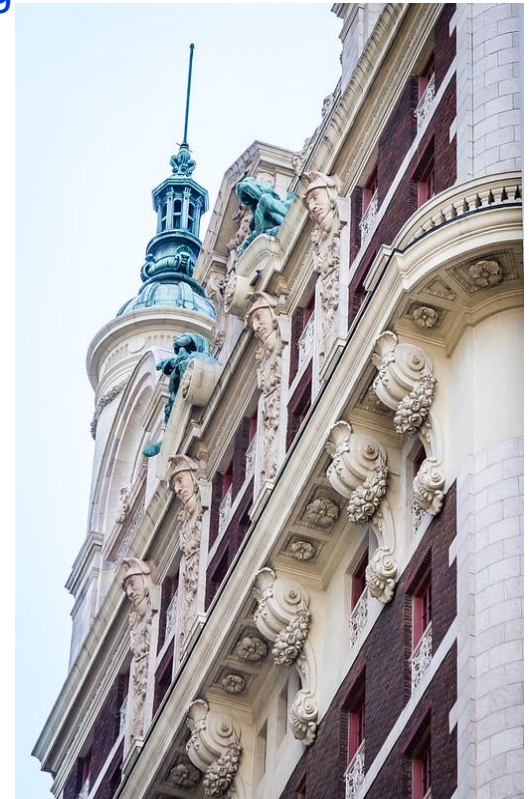


*Thanksgiving Square vicinity, courtesy of Downtown Dallas, Inc*

# Task Force Methodology

How Dallas's Historic Preservation Program works today:

- Preservation Program subject to budget/staff cuts, restructuring
- Focus on designation/regulation instead of planning and future development
- Preservation and development perceived as opposing goals
- 60% of buildings in Dallas Downtown National Register Historic District not protected



*Adolphus Hotel; Thomas Garza Photography, courtesy of Downtown Dallas, Inc*



Dallas Downtown National Register District (outlined in blue), City of Dallas Landmark Districts (outlined in yellow), extant buildings contributing to the National Register District (green) and buildings contributing to the National Register District that have been demolished (red). Courtesy of the City of Dallas.



# Task Force Observations



*Storefronts, streets, sidewalks, awnings, landscape, and variety in scale: the historic and authentic urban fabric of Main Street. Thomas Garza Photography, courtesy of Downtown Dallas, Inc*

- Maintain property rights
- Advocacy role diminished
- Historic Fabric not always considered when City plans improvements
- Preservation must be considered during public projects
- Lengthy designation application process
- Out-of-date surveys and preservation plan
- Program information not easily accessible
- Stakeholder/public education needs improvement
- Incentives must be creative; have more benefits than restrictions
- Dallas has a competitive advantage of authentic historic fabric
- “We can’t squander our unique resources.” –Task Force Member

# Task Force Vision for the Historic Preservation Program (the North Star)

“There must be a major shift in how Dallas views historic preservation. Instead of viewing preservation and development as opposing goals, they must be seen as the same goal – to create a Downtown that embraces its historic past while being a culturally, socially, and economically diverse center of activity for the City.”



*Downtown's exciting mix of old and new. Thomas Garza Photography, courtesy of Downtown Dallas, Inc.*

# Goal of Recommendations



*The Kirby Building. Thomas Garza Photography, courtesy of Downtown Dallas, Inc.*

- Phased approach to shift Preservation Program from perceived hindrance to a position of influencing change
- Benefit all Downtown stakeholders
- Overcome challenges to the mutual benefits of historic preservation and development
- Support must come from leadership in the City of Dallas and the stakeholder community

## Summary of Recommendations:

### ***Phase 1: Immediate Solutions (0-12 months)***

1. ***Advocacy:*** Establish Preservation Solutions Committee to assist in implementation of the recommendations.

2. ***Simplify Designation:*** Streamline the landmark designation process.

Landmark Designations can take as much as 12- 15 months. The application is burdensome for most applicants. Staff reductions have contributed to the lengthy process.

- Review the application and process to ensure it is effective and not an impediment to landmark designation;
- Consider streamlined process that incorporates deadlines for Designation Committee and Staff review;
- Explore expedited approval for City Landmark applications when the building or resource is contributing to the National Register of Historic Places.

## Summary of Recommendations:

# ***Phase 1: Immediate Solutions (0-12 months)***

**3. Assess Staffing:** Broaden staff capabilities and review staff priorities to foster efficiency.

- Existing staff positions could be re-allocated to focus on public education and new planning initiatives;
- Move the Preservation Tax Abatement to Office of Economic Development to consolidate all tax abatements in one spot;
- Identify ways to expedite landmark designations, file certificates of appropriateness, field inquiries from the public.

## Summary of Recommendations:

# ***Phase 1: Immediate Solutions (0-12 months)***

### ***4. Demolition Delay:*** Evaluate time limits for demolition review periods for historic buildings.

“Preservation of historic resources should be given at least the same consideration of streets and sewers, and treated as important infrastructure.”

- Increase staff review from 10 days to 30 days with a possible extension of 90 days not to exceed 120 days for buildings and resources over 50 years old within Greater Downtown.
- Notice of the demolition would be posted on the building in the same manner as zoning changes.
- If within 30 day review period, no concerns regarding the historic or cultural significance are presented, the permit for demolition would be granted.
- If concerns are presented, the applicant would be notified and the review period extended another 90 days for a total of 120 days.
- The extended review gives staff and the owner time to consider alternatives to demolition.



## Summary of Recommendations:

# *Phase 2: Near Term Solutions (1 to 3 years)*

### **5. Education:** Increase Educational Initiatives within the Historic Preservation Program.

- Education is of primary importance to the Program;
- The Program's Goals and its accomplishments need to be communicated to the public;
- The visibility of the Program should be elevated;
- Staff outreach provides opportunity for public input and keeps the constituency engaged.



## Summary of Recommendations:

# ***Phase 2: Near Term Solutions (1 to 3 years)***

**6. *Downtown Survey:*** Conduct a new Historic Resources Survey for Downtown Dallas.

- The City's last Downtown Survey dates to the mid-1990s.
- Surveys help establish priorities, and become a tool for existing and future planning.
- State of the art technology provides opportunity to capture the larger street fabric.
- Funding possibilities include Certified Local Government grants and local private foundations.

## Summary of Recommendations:

# ***Phase 2: Near Term Solutions (1 to 3 years)***

**7. Incentives:** Identify additional strategies that will re-animate older buildings that are otherwise vacant, underutilized, and threatened with demolition.

- Strategies should be focused to address market conditions;
- Incentives should not be a “one-size-fits-all” approach;
- Identify barriers to re-development such as more flexibility in preservation criteria, parking requirements, permitting, and code requirements.

## Summary of Recommendations:

# ***Phase 3: Long Term Solutions (3 to 5 years)***

**8. *Preservation Plan:*** Prepare and adopt a new Preservation Plan for Dallas.

- The City's existing plan, Historic Preservation Plan 1987-1988, was adopted by Dallas City Council in 1988.
- An Updated Preservation Plan is needed to address the historic fabric of the entire city as well as the Historic Preservation Program and its policies.
- Funding possibilities include grants such as Certified Local Government grants and local private foundations.

## Summary of Recommendations:

### ***Phase 3: Long Term Solutions (3 to 5 years)***

**9. Planning:** Create interdepartmental forum to shift the focus of the Historic Preservation Program from regulation to influence by including planning as a main activity.

Historic Preservation should be used as a planning tool, and planning should be its main activity.

- Historic Resources must be considered when a common interest is being pursued such as the allocation of Tax Increment Financing funds, land use/zoning, certain aspects of Economic Development.
- New partnerships are needed so that preservation may influence existing and future planning efforts.
- Partners might include: Current Planning, City Design Studio, Economic Development, Public Works, Streets, Parks and Recreation, Code Enforcement, City Attorney's Office.

**“Dallas’s historic buildings and streetscapes create unique economic development opportunities within Downtown. They are our business community’s heritage – where Dallas began as the region’s economic engine. They represent the ‘main streets’ of our commercial corridors. They are Downtown’s competitive advantage. But these historic resources are gradually disappearing and without creative intervention, they will be lost.”**

–Downtown Historic Preservation Task Force



*The Streetscape of Downtown Dallas. Thomas Garza Photography, courtesy of Downtown Dallas, Inc.*

# Staff Response

Staff is generally supportive of the Task Force recommendations:

- Requested two new positions in FY15-16 budget - one Chief Planner and one additional Planner
- Staff will work with the Preservation community to identify funding sources for the Downtown survey and the Preservation Plan
- Identify codes and policies that may need to be amended depending on which incentives are pursued
- Staff will work with the Landmark Commission's Designation Committee to streamline the documents required as part of the designation process

# Staff Response

- Two of the Task Force recommendations could have alternative solutions to achieve the same goals:
  - Preservation Solutions Committee
  - Demolition Delay

# Preservation Solutions Committee

- Staff believes there are advantages to using existing committee structures for the recommended Preservation Solutions Committee that would provide the necessary resources for the committee.
- Staff has discussed two alternatives:
  - Committee of Landmark Commission
    - Made up of a subset of Landmark Commissioners and citizens (non-Commissioners)
    - Model after City Plan Commission's Zoning Ordinance Committee
    - Establish the PSC as an ad hoc committee initially
    - Nominated by the Chair of the Landmark Commission & approved by the full Landmark Commission
    - Work with Landmark Commission and staff to ensure implementation of the recommendations
    - Amend Landmark Commission's rules of procedure to list the PSC as a standing committee, if warranted
  - Continuation of the current Task Force
    - Continue current membership
    - As vacancies occur, replacements made by the Chair of the Landmark Commission and City Manager's Office
    - Work with staff to ensure implementation of the recommendations



# Preservation Solutions Committee

- Preservation Solutions Committee (PSC)
  - Identify responsibilities of the PSC
    - Facilitate implementation of the recommendations of the Task Force
    - Make recommendations regarding incentives
    - Other responsibilities to be identified
  - Identify specific interests to be represented on the PSC
    - Representatives from:
      - organization which supports historic preservation
      - organization which supports downtown Dallas
      - Property owners
      - Developers
      - Professional organizations (AIA, APA, etc.)
      - Others to be identified

# Demolition Delay Proposal

- Demolition Delay Proposal:
  - Demolition delays in other Texas cities have rarely resulted in buildings being preserved.
  - Ultimately, a demolition permit must be issued if it complies with city codes in affect when the permit application is submitted.
- After review of other cities demolition delay ordinances and applicable law, Historic Preservation Staff and CAO have determined that a demolition delay provision would be most appropriate in Chapter 51A as a demolition delay overlay.
- Staff alternatives to Task Force recommendation provides flexibility in working with property owners.

# Demolition Delay Recommendation

## Create a Demolition Delay Overlay

- Amend Chapter 51A to create overlay on the Greater Downtown Dallas area used by Dallas Downtown, Inc. or just the CBD
  - Create authority and authorize a hearing establish the demolition delay overlay
    - Council directs staff to create authority
    - CPC or Council authorize a hearing to consider the Overlay
    - Landmark Commission public hearing and recommendation
    - City Plan Commission public hearing and recommendation
    - City Council public hearing and recommendation
- Apply to buildings or structures
  1. At least 50 years old, and
  2. Meeting one of the following criteria
    - Located in a National Register District or individually listed
    - Recorded Texas Historic Landmark
    - State Antiquities Landmark
    - National Historic Landmark
    - National Register District eligible property identified in a future Historic Buildings Survey \*

\*ordinance would need to be amended when the survey is completed

# Demolition Delay Recommendation

## Create a Demolition Delay Overlay

- Phases process

1. Phase 1 - Historic Preservation Officer (HPO), within 10 days of receive of application, reviews to determine if the property meets the delay criteria.
2. Phase 2 - If it meets the delay criteria, within 30 days, HPO meets with owner to discuss alternatives to demolition
3. Phase 3 - HPO and property owner may agree in writing to extend time period to continue to work on alternatives.

# Demolition Delay Recommendation

## (additional detail)

### Create a Demolition Delay Overlay

#### – Phases process

1. Property Owner submits demolition application to Building Inspection
2. Building Inspection notifies Historic Preservation Officer (HPO) that demolition application has been submitted.
3. Within 10 days, HPO reviews/determines if property meets the criteria. (Phase 1)
4. If the property does not meet the delay criteria, HPO notifies BI, demolition permit is issued.
5. If the property meets the delay criteria, HPO meets with owner to discuss alternatives to demolition (Phase 2 – 30 day delay)
  - List properties in Phase 2 on the City's webpage
  - Invite interested organizations to the meeting (Dallas Downtown, Inc., Preservation Dallas)
  - Include appropriate City departments
6. If no alternatives are found after 30 days, HPO notifies BI to issue demolition permit.
7. If the property owner is interested in investigating alternatives to demolition, HPO and property owner agree in writing to extend the time period to continue to work on alternatives. (Phase 3 – no set time period)
8. If other alternatives are not agreed upon during this extended time period, HPO notifies BI to issue demolition permit at the end of the time period.

# Addendum

## Downtown Historic Preservation Task Force

Katherine D. Seale  
Task Force Chair, Landmark Commission Chair

Brian Adams  
Callison Commercial Architecture Group

Connie Cooper, FAICP  
Cooper Consulting Company  
Rep., American Planning Assn., TX Chapter

Larry Hamilton  
Hamilton Properties Corporation

W. Brian Keith; AIA, AICP, LEED® AP  
JHP Architecture/Urban Design  
Rep., Greater Dallas Planning Council

Jack Matthews  
Matthews Southwest  
Rep., Downtown Dallas, Inc.

*View of West End Historic District*  
Robert Meckfessel, FAIA DSGN Associates  
Rep., American Institute of Architects, Dallas Chapter

Mitch Paradise  
Paradise Development Partners  
Rep., The Real Estate Council

David Preziosi, AICP  
Preservation Dallas

Scott Remphrey  
Brytar Companies

Todd Watson  
Hunt Consolidated



*View of West End Historic District*

# Addendum

## Dallas City Staff

David Cossum, Director  
Sustainable Development and Construction

Neva Dean, Interim Assistant Director  
Sustainable Development and Construction - Current Planning

Mark Doty  
Sr. Historic Preservation Planner

Jennifer Anderson  
Sr. Historic Preservation Planner

Marsha Prior  
Historic Preservation Planner

Tammy Palomino  
Executive Assistant City Attorney

Casey Burgess  
Sr. Assistant City Attorney

Bert Vandenberg  
Assistant City Attorney

## Task Force Advisors

Nicky DeFreece Emery, Assoc. AIA, LEED® AP  
Task Force Facilitator  
Adaptire:Adapt Preservation and Conservation

Robin McCaffrey, AIA, FAICP  
*Magnolia Building (1922)*  
*Thomas Garza Photography, courtesy of Downtown Dallas, Inc.*  
MESA-Planning, former Planner, City of Dallas



*Magnolia Building (1922)*  
*Thomas Garza Photography, courtesy of Downtown Dallas, Inc.*

# Memorandum



CITY OF DALLAS

DATE May 29, 2015

TO Honorable Mayor and Members of the City Council

SUBJECT **Proposed City / DART Hike and Bike Trail Agreement**

On Wednesday, June 3, 2015, the City Council will be briefed on the Proposed City / DART Hike and Bike Trail Agreement by the Department of Park and Recreation. The briefing materials are attached for your review.

Please let me know if you have any questions or need additional information.

A handwritten signature in black ink, appearing to read 'Mark McDaniel'.

Mark McDaniel  
Assistant City Manager

c: A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager  
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Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council





**PROPOSED CITY/DART HIKE  
AND BIKE TRAIL AGREEMENT**

**Dallas City Council  
June 3, 2015**

# OVERVIEW

2

- Hike and Bike Trail Network Update
- Review of 2011 Oncor License Agreement
- Proposed DART Easement Agreement

# TRAIL NETWORK MASTER PLAN UPDATE

3

- The Dallas Trail Network Master Plan was adopted in 2005
  - Updated in 2008
    - 86 miles existed in 2002
    - 143.6 miles completed as of May 1, 2015
    - 43.6 additional miles funded

Trail Status	Miles
Completed Trails	143.6 Miles
Funded Trails	43.6 Miles
Unfunded Trails	112.8 Miles
<b>Total Trail Network</b>	<b>300 Miles</b>

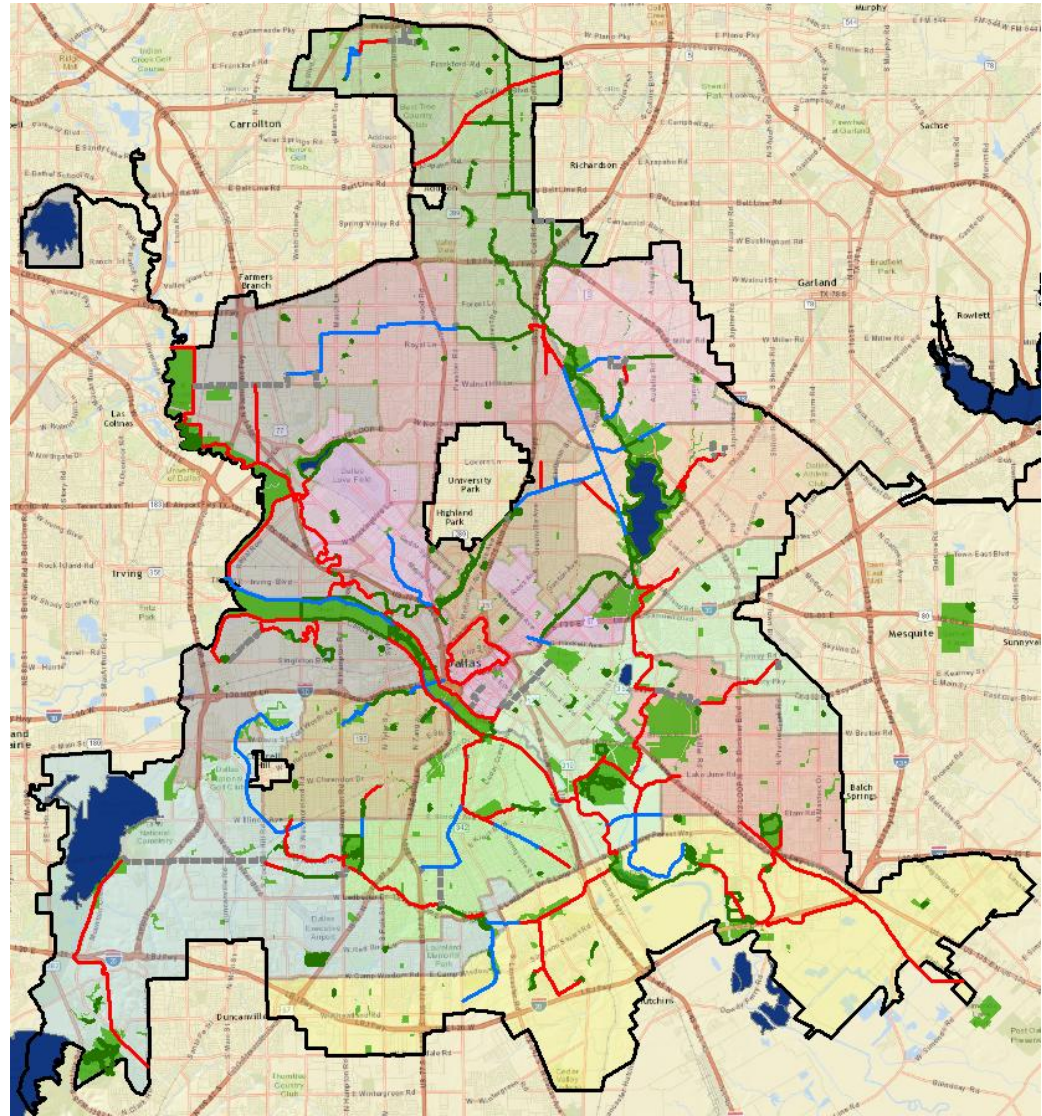


# TRAIL NETWORK STATUS: COMPLETED & FUNDED TRAILS

4

- Completed Trails
  - 143.6 Miles
- Funded Trails
  - 43.6 Miles
  - Trails Under Construction  
5.7 miles
  - Trails in Design  
37.9 miles

— Completed Trails  
— Trails Under Construction/  
Remaining to be built  
— Proposed Trails



# TRAIL NETWORK STATUS: FUTURE TRAILS

5

- Per the Trail Network Master Plan, the Dallas trail system is proposed to be located across:
  - Private property (acquire right-of-way)
  - Abandoned railroad rights-of-way (acquire right-of-way)
  - City park land and other City-owned land (DWU, TWM, Streets)
  - **Oncor property– approximately 60.7 miles / 22.4% of total network**
  - **DART property – approximately 27.9 miles / 9.7% of total Network**
  - Others (School district, County property, etc)

# ONCOR LICENSE AGREEMENT

6

- Approved in 2011
- Established agreement to be used on 60.7 miles (22.4%) of the trail system



# ONCOR LICENSE AGREEMENT

7

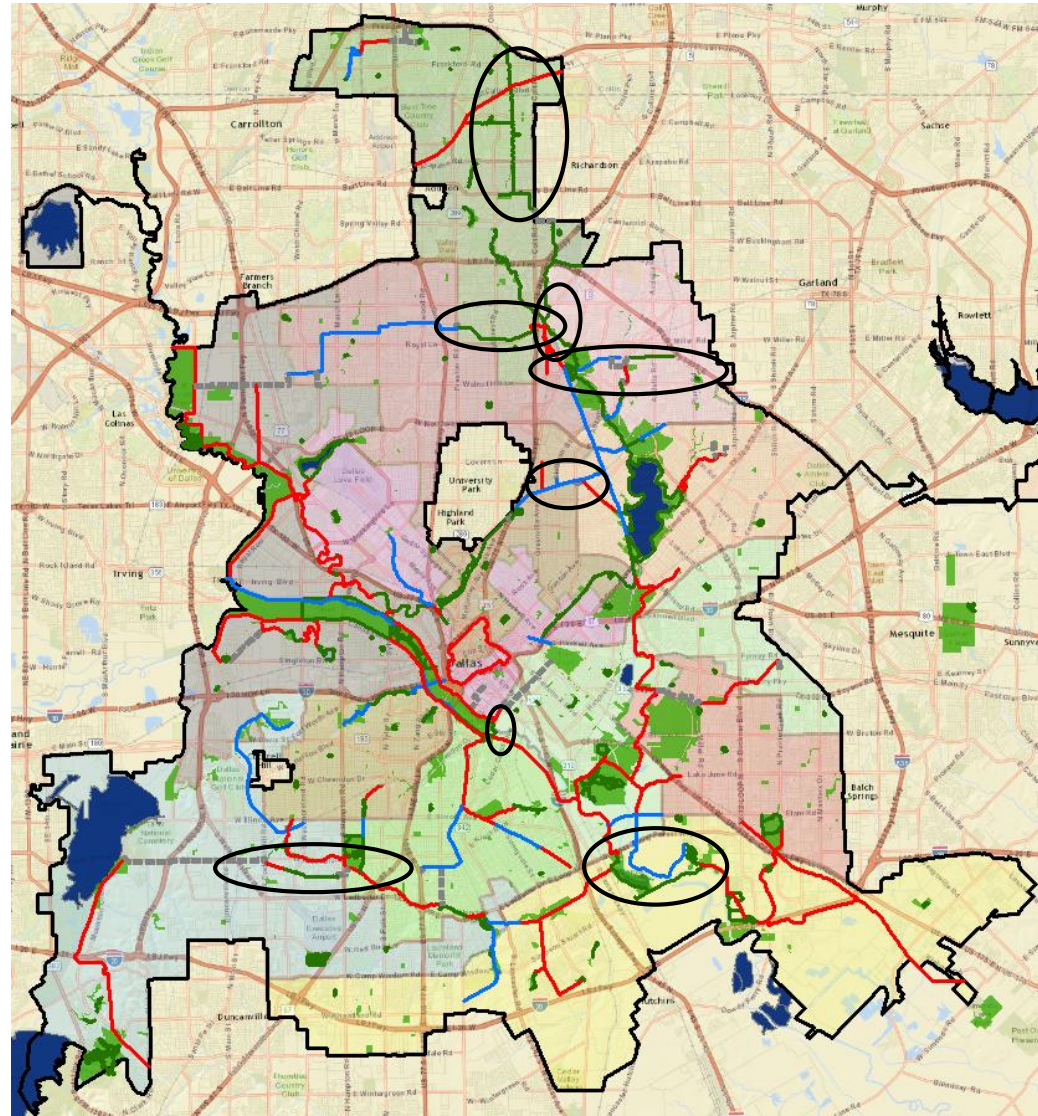
- Key provisions of Oncor License Agreement
  - Perpetual
  - No up-front cost considerations
  - City of Dallas maintains full width of corridor
- Approved by City Council on April 13, 2011



# ONCOR LICENSE AGREEMENT

8

- Existing trails on Oncor property:
  - Most of Preston Ridge Trail
  - Portions of Cottonwood Creek Trail
  - Most of Lake Highlands Trail
  - Portions of Katy Trail extension to White Rock Lake
  - Most of Kiestwood Trail
  - Portions of Santa Fe Trestle Trail
  - Portions of Trinity Forest Trail/AT&T Trail
  - Northaven Trail (Phase I)

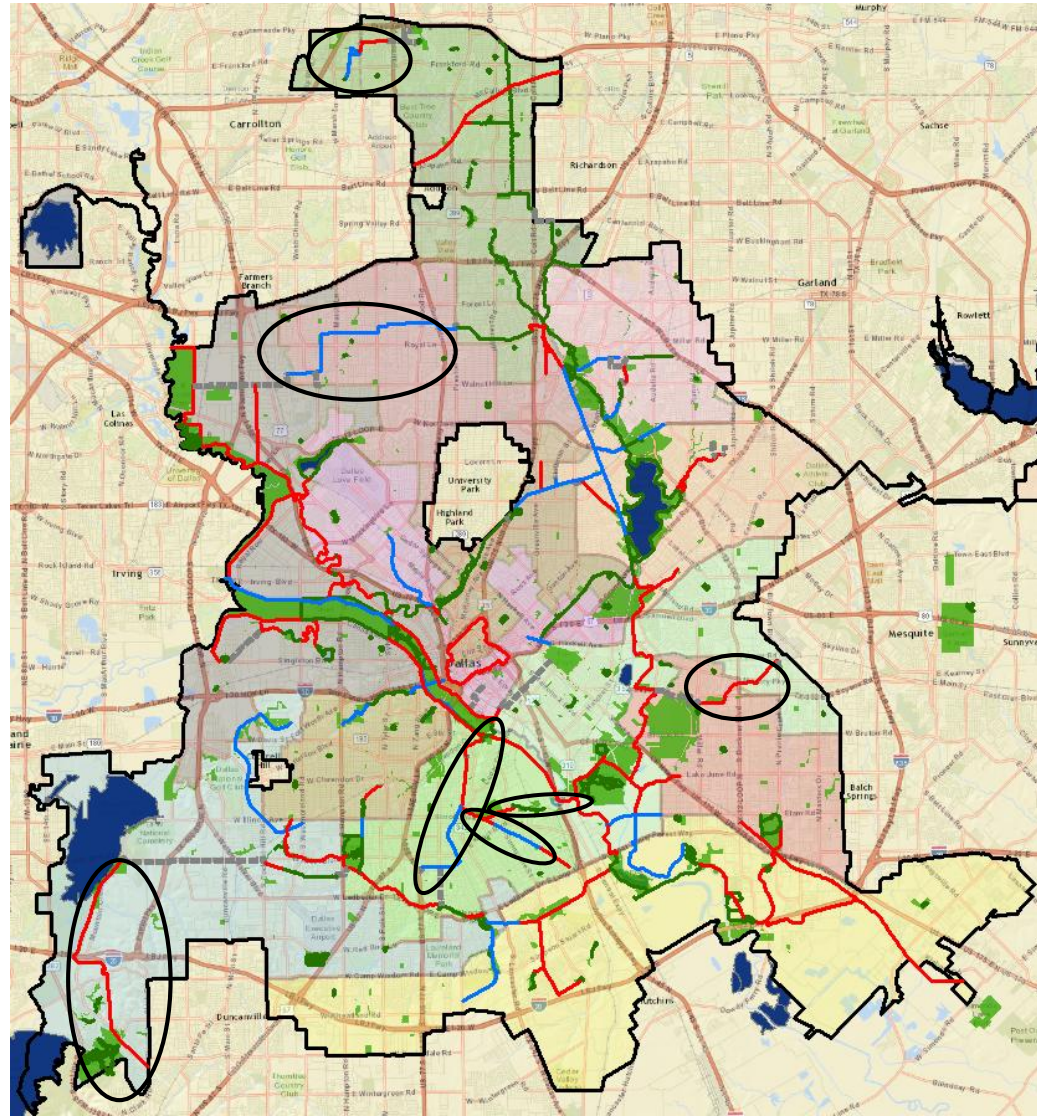




# ONCOR LICENSE AGREEMENT

9

- **Proposed future trails on Oncor property:**
  - Cedar Crest Trail
  - Northaven Trail (Phases II & III)
  - Timberglen Trail
  - Interurban Trail
  - John C. Phelps Trail
  - Scyene Trail
  - Mountain Creek Trail



# DART Easement Agreement

10

- Park and Recreation Department has been working with DART on a possible agreement since 2012
- Working to create agreement similar to City of Dallas and Oncor License Agreement



# DART Easement Agreement

## Key Provisions

11

- Type of Agreement
  - A non-exclusive perpetual easement for trails (both existing and proposed) to use identified DART property (the “Property”) for hike and bike trail recreational purposes
- Subordinate
  - DART rail corridor is the paramount use
- Plan Approvals
  - Trails shown on City’s Trail Network Master Plan are proposed trails and not necessarily approved. All trail projects are subject to DART review on a project-by-project basis, which is not to be unreasonably withheld.
- Construction Guidelines
  - Establishes certain construction procedures and safeguards (no boom-type equipment near lines, etc.)
- Use Guidelines
  - Allows for trail improvements on trail, including benches, trash bins, drainage improvements, and water fountains

# DART Easement Agreement

## Key Provisions

12

### □ Terms

#### ■ Maintenance

- All landscaping and improvements must be reviewed and approved by DART
- City will maintain, at its cost, the Property and improvements installed by City (but not DART's lines and facilities)
- Covers entire width of Property where there is no DART facility, not just areas next to trails (but contemplates varying levels of attention consistent with other similar City properties)
  - DART facilities are responsibility of DART

# COMPARISON

13

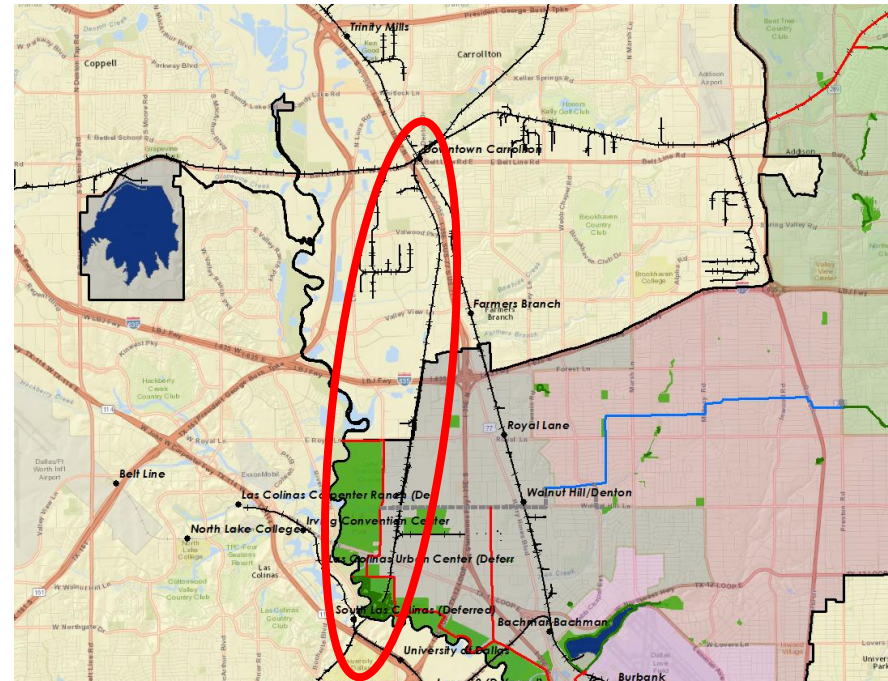
- DART easement and Oncor license agreements have similarities and differences
  - Same effect
  - License (Oncor)
  - Easement (DART)
    - More protection
  - Consideration
    - DART requires compensation for the easements (Madill Corridor)
    - Oncor license consideration is maintenance of utility corridor only

# DART Easement Agreement

## Key Provisions

14

- Consideration
  - DART receives Madill Corridor
  - Dallas Water Utilities (DWU) retains 30' easement for proposed **72-inch water line**
  - **City to retain easement for future trail uses**
- In return for Madill Corridor through an amended Interlocal Agreement, DART will provide the City easements on **all existing and proposed hike and bike trails located on DART property**
- City Attorney has determined that the Park and Recreation Department is required to reimburse DWU for the value of the original purchase less the easement

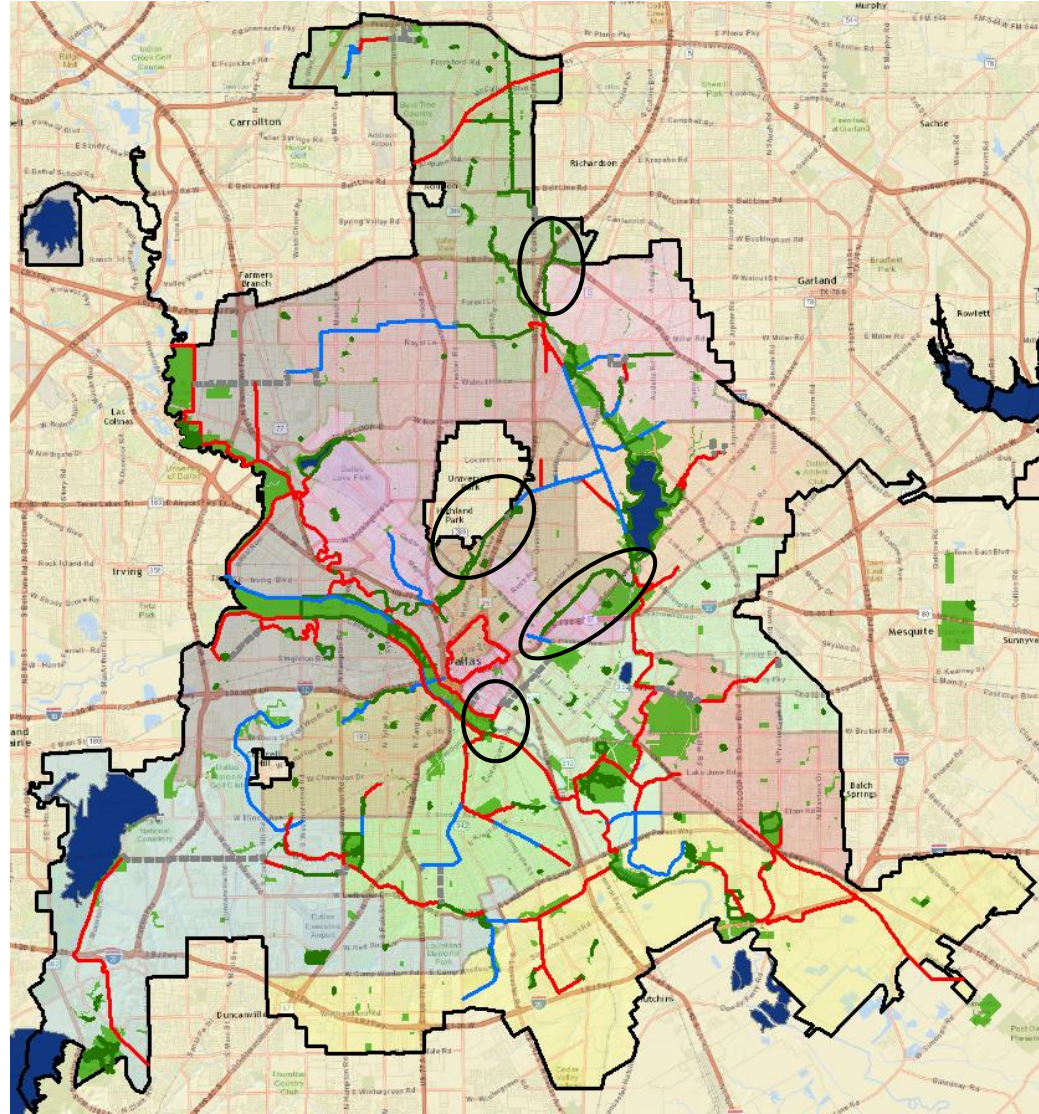


**Madill Corridor**

# DART: Existing Licenses

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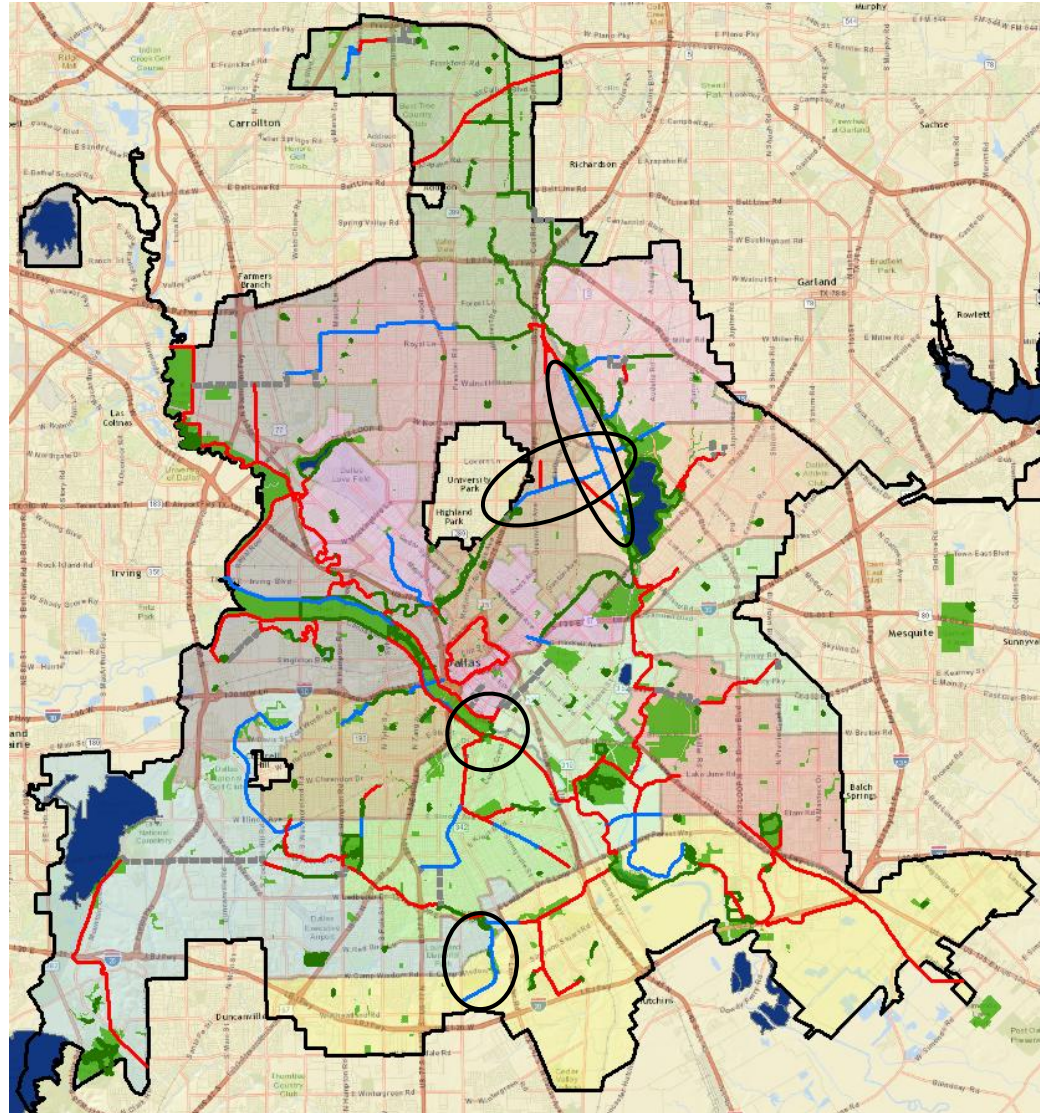
- City has existing license agreements with DART covering 7.25 miles of existing trails
  - Portion of the Katy Trail
  - Santa Fe Trail
  - Santa Fe Trestle Trail
  - Portion of Cottonwood Trail
  - Santa Fe Trail Extension
- These agreements are currently terminable
- All these licenses become easements under Amended ILA



# DART: Pending Licenses

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- The City of Dallas is working on pending easements for 7.65 miles of trails with DART
  - Katy Trail Extension
  - SOPAC Trail (Phase 3 and 4)
  - Runyun Creek Greenbelt Trail
  - Santa Fe Trestle Trail/Moore Park Trailhead





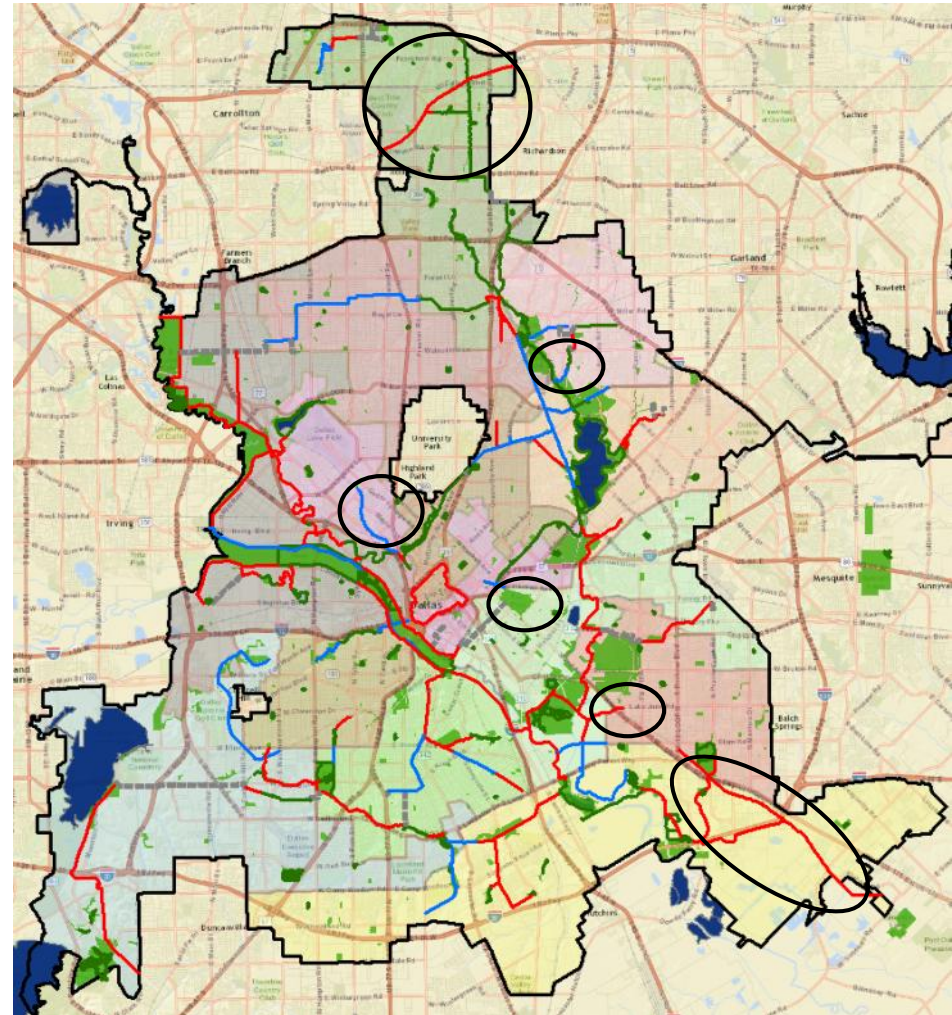
# DART: Future Easements

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□ The proposed amended ILA and easement will cover 13.07 miles of future trails including:

- Fair Park – Fair Park Boulevard/Trail connector
- Trinity Forest Spine Trail approaches and connection at Lawnview DART Station Cedar Crest Trail
- Kleberg Trail
- Cottonbelt Trail
- Trinity Strand Trail Phase 2
- Lake Highlands Trail Phase 3

□ Also future connections between other trails and DART Light Rail Stations



# Next Steps

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- City Attorney and Property Management to develop amendment to the DART Interlocal Agreement to accept the Hike and Bike Trail Easement from DART and to convey the Madill property to DART
  - May 21, 2015: Park and Recreation Board briefing
  - June 3: City Council briefing
  - June 10: City Council consideration



**PROPOSED CITY/DART HIKE  
AND BIKE TRAIL AGREEMENT**

**Dallas City Council  
June 3, 2015**