

**JUNE 10, 2015 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated June 10, 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

6-5-15

Date



For: Jeanne Chipperfield
Chief Financial Officer

6/5/15

Date

RECEIVED

2015 JUN -5 PM 3:43

CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, JUNE 10, 2015
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.

REVISED ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 22

CONSENT ADDENDUM

Items 1 - 5

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 23 - 38
Addendum Items 6 - 7

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 39 - 64

**ADDENDUM
CITY COUNCIL MEETING
JUNE 10, 2015
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

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

- Damon Williams v. Micheal D. Waldroup and Jeffrey Kaiser, Civil Action No. 3:14-CV-4160-P
- Proposed contract for legal services with DLA Piper LLP (US), scheduled for City Council consideration on June 17, 2015.
- Legal issues regarding the marketing license agreement with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America.

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

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

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize a four-year service contract to provide armed and unarmed security guards to patrol and protect City facilities - Allied Barton Security Services, LLC in the amount of \$39,502,031, Ruiz Protective Service, Inc. in the amount of \$15,192,300 and Norred & Associates, Inc. in the amount of \$3,402,492, most advantageous proposers of eleven - Total not to exceed \$58,096,822 - Financing: Current Funds (\$15,933,236), Golf Improvement Funds (\$1,635,130), Convention and Event Services Current Funds (\$16,094,571), Water Utilities Current Funds (\$14,224,439), Aviation Current Funds (\$9,183,021) and Stormwater Drainage Management Current Funds (\$1,026,425) (subject to annual appropriations)

City Attorney's Office

2. Consideration of appointments to the Love Field Airport Modernization Corporation Board of Directors for a two-year term, expiring on September 30, 2017, or until the appointment of their successors by the City Council - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
JUNE 10, 2015**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

City Auditor's Office

3. Authorize a detailed budget estimate of the needs and requirements of the City Auditor's Office for fiscal year 2015-16 in the amount of \$2,884,701 (subject to final funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services charges, and other items that may affect all city departmental budgets) - Financing: No cost consideration to the City

Planning and Neighborhood Vitality

4. Authorize **(1)** a Supplemental Agreement to the Master Interlocal Agreement between the City of Dallas and Dallas Area Rapid Transit (DART) for the granting of easements for hike and bike trail purposes across approximately twenty-eight miles of DART owned property in exchange for the conveyance of the Madill Corridor by the City of Dallas to DART, subject to the retention of a water transmission line easement and other terms and conditions; **(2)** receipt and acceptance of said hike and bike trail easements; and **(3)** conveyance of the Madill Corridor by the City of Dallas to DART- Financing: No cost consideration to the City

Trinity Watershed Management

5. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Sienna Court Townhomes, LLC, a Texas Limited Liability Company, et al., Cause No. CC-14-05569-C, pending in Dallas County Court at Law No. 3, to acquire approximately 4,237 square feet of land, including any improvements, located on San Jacinto Street near its intersection with Haskell Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$58,500 (\$55,000 being the amount of the award, plus closing costs and title expenses not to exceed \$3,500); an increase of \$14,527 from the amount Council originally authorized for this acquisition - Financing: General Obligation Commercial Paper Funds

**ADDENDUM
CITY COUNCIL MEETING
JUNE 10, 2015**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Attorney's Office

6. An ordinance amending Chapter 12A of the Dallas City Code to: **(1)** require that a person filing an ethics complaint swear or affirm under penalty of perjury that the complaint states a violation of Chapter 12A and is not brought for an improper purpose; **(2)** allow a person filing an ethics complaint to swear or affirm under penalty of perjury that the contentions in the complaint are supported by credible evidence; and **(3)** provide that a preliminary panel of the ethics advisory commission may assess the credibility of the evidence provided in and with a complaint in determining whether the complaint is supported by just cause - Financing: No cost consideration to the City

City Secretary's Office

7. Consideration of appointments to the Dallas Area Rapid Transit Board of Directors for Places 03, 04, 05, 06, 07, and 08 (shared) all for two year appointments (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (List of nominees in the City Secretary's Office) - Financing: No cost consideration to the City

ADDENDUM DATE June 10, 2015

ITEM	IND	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			ALL	C	PBD, AVI, CCS, CES, EBS, FIR, LIB, OCA, PKR, SAN, TWM, WTR	\$58,096,821.66	91.54%	44.46%	Authorize a four-year service contract to provide armed and unarmed security guards to patrol and protect City facilities - Allied Barton Security Services, LLC in the amount of \$39,502,031, Ruiz Protective Service, Inc. in the amount of \$15,192,300 and Norred & Associates, Inc. in the amount of \$3,402,492, most advantageous proposers of eleven - Total not to exceed \$58,096,822 - Financing: Current Funds (\$15,933,236), Golf Improvement Funds (\$1,635,130), Convention and Event Services Current Funds (\$16,094,571), Water Utilities Current Funds (\$14,224,439), Aviation Current Funds (\$9,183,021) and Stormwater Drainage Management Current Funds (\$1,026,425) (subject to annual appropriations)
2			All	C	ATT, OFS, AVI	NC	NA	NA	Consideration of appointments to the Love Field Airport Modernization Corporation Board of Directors for a two-year term, expiring on September 30, 2017, or until the appointment of their successors by the City Council - Financing: No cost consideration to the City
3			N/A	C	AUD	NC	NA	NA	Authorize a detailed budget estimate of the needs and requirements of the City Auditor's Office for fiscal year 2015-16 in the amount of \$2,884,701 (subject to final funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services charges, and other items that may affect all city departmental budgets) - Financing: No cost consideration to the City
4			All	C	PNV, PKR, WTR	NC	NA	NA	Authorize (1) a Supplemental Agreement to the Master Interlocal Agreement between the City of Dallas and Dallas Area Rapid Transit (DART) for the granting of easements for hike and bike trail purposes across approximately twenty-eight miles of DART owned property in exchange for the conveyance of the Madill Corridor by the City of Dallas to DART, subject to the retention of a water transmission line easement and other terms and conditions; (2) receipt and acceptance of said hike and bike trail easements; and (3) conveyance of the Madill Corridor by the City of Dallas to DART- Financing: No cost consideration to the City
5			14	C	TWM, ATT	\$58,500.00	NA	NA	Authorize the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Sienna Court Townhomes, LLC, a Texas Limited Liability Company, et al., Cause No. CC-14-05569-C, pending in Dallas County Court at Law No. 3, to acquire approximately 4,237 square feet of land, including any improvements, located on San Jacinto Street near its intersection with Haskell Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$58,500 (\$55,000 being the amount of the award, plus closing costs and title expenses not to exceed \$3,500); an increase of \$14,527 from the amount Council originally authorized for this acquisition - Financing: General Obligation Commercial Paper Funds
6			N/A	I	ATT	NC	NA	NA	An ordinance amending Chapter 12A of the Dallas City Code to: (1) require that a person filing an ethics complaint swear or affirm under penalty of perjury that the complaint states a violation of Chapter 12A and is not brought for an improper purpose; (2) allow a person filing an ethics complaint to swear or affirm under penalty of perjury that the contentions in the complaint are supported by credible evidence; and (3) provide that a preliminary panel of the ethics advisory commission may assess the credibility of the evidence provided in and with a complaint in determining whether the complaint is supported by just cause - Financing: No cost consideration to the City
7			All	I	SEC	NC	NA	NA	Consideration of appointments to the Dallas Area Rapid Transit Board of Directors for Places 03, 04, 05, 06, 07, and 08 (shared) all for two year appointments (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (List of nominees in the City Secretary's Office) - Financing: No cost consideration to the City

TOTAL \$58,155,321.66

KEY FOCUS AREA: Public Safety

AGENDA DATE: June 10, 2015

COUNCIL DISTRICT(S): ALL

DEPARTMENT: Business Development & Procurement Services
Aviation
Code Compliance
Convention and Event Services
Equipment & Building Services
Fire
Library
Office of Cultural Affairs
Park & Recreation
Sanitation Services
Trinity Watershed Management
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Ryan S. Evans, 671-9837
Joey Zapata, 670-3009
Jill A. Jordan, P.E., 670-5299
Eric Campbell, 670-3255
Willis Winters, 670-4071
Mark McDaniel, 670-3256

MAPSCO: ALL

SUBJECT

Authorize a four-year service contract to provide armed and unarmed security guards to patrol and protect City facilities - Allied Barton Security Services, LLC in the amount of \$39,502,031, Ruiz Protective Service, Inc. in the amount of \$15,192,300 and Norred & Associates, Inc. in the amount of \$3,402,492, most advantageous proposers of eleven - Total not to exceed \$58,096,822 - Financing: Current Funds (\$15,933,236), Golf Improvement Funds (\$1,635,130), Convention and Event Services Current Funds (\$16,094,571), Water Utilities Current Funds (\$14,224,439), Aviation Current Funds (\$9,183,021) and Stormwater Drainage Management Current Funds (\$1,026,425) (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

BACKGROUND (Continued)

This service contract will provide armed and unarmed security guards to patrol and protect approximately 225 City facilities.

Security guard duties under this contract include, but are not limited to, the following:

- Monitor and respond to building security and fire system equipment
- Patrol by vehicle and/or on foot in accordance with established routes and schedules
- Observe visitors for compliance with facility rules and regulations
- Intercept persons attempting to gain unauthorized access
- Respond to conditions or circumstances that pose a potential hazard or danger to personnel or property
- Provide comprehensive inspections and ensure all assigned facilities and/or equipment are secure

Security guards are strategic in the operation and surveillance of security at Love Field and Executive airports and are required to verify personnel and vehicle identification at restricted area access points in compliance with Transportation Security Administration (TSA) regulations. Additional duties also include monitoring of parking and traffic flow within the airport, inspecting vehicles, airfield construction security and assisting passengers.

Various Water Utilities locations, Kay Bailey Hutchison Convention Center Dallas, Love Field and Executive airports are City facilities that are prone to threats of attack due to their high visibility and the likely impact on Homeland Security. Due to these threats, it has become increasingly necessary to provide and maintain armed and unarmed security guards to prevent any security breach, suspicious activities, hazardous conditions or other situations observed that could pose a threat.

This service contract will provide security guards at City facilities such as:

- Dallas Love Field, Executive Airport and associated parking facilities
- Library branches (28)
- Park and Recreation facilities, to include Fair Park
- Water Utilities locations including treatment plants and pumping facilities (33)
- Kay Bailey Hutchison Convention Center
- Office of Cultural Affairs facilities (9)
- Trinity Watershed facilities (3)
- Dallas Fire-Rescue Dolphin Road facilities
- McCommas Bluff Landfill

BACKGROUND (Continued)

Security guards for this service contract will be mobile, site-specific, armed or unarmed, depending on the needs of individual facilities. The contracted security companies are licensed by the State of Texas as security contractors, and all guard personnel performing duties under this contract will have completed a training program and will be certified by the State of Texas prior to assignment.

An eight member committee from the following departments reviewed and evaluated the proposals:

- Business Development & Procurement Services (2)*
- Equipment and Building Services (1)
- Convention and Event Services (1)
- Aviation (1)
- Water Utilities (1)
- Park and Recreation (1)
- Office of Cultural Affairs (1)

*Business Development and Procurement Services only evaluated the Business Inclusion and Development Plan and cost.

The successful proposers were selected by the committee on the basis of demonstrated competence and qualifications under the following criteria:

- Experience and qualifications 35%
- Cost 30%
- Work Plan 20%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 722 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLink Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 13, 2011, City Council authorized a four year service contract to provide armed and unarmed security guards to patrol and protect City facilities by Resolution No. 11-0907.

On April 22, 2015, City Council authorized supplemental agreement no. 1 to the service contract for armed and unarmed security guards to patrol and protect City facilities, to extend the term from April 30, 2015 through July 30, 2015, by Resolution No. 15-0750.

On June 1, 2015, the Budget, Finance and Audit Committee was briefed via memorandum.

FISCAL INFORMATION

- \$15,933,235.88 - Current Funds (subject to annual appropriations)
- \$16,094,570.96 - Convention and Event Services Current Funds (subject to annual appropriations)
- \$14,224,438.80 - Water Utilities Current Funds (subject to annual appropriations)
- \$ 9,183,020.82 - Aviation Current Funds (subject to annual appropriations)
- \$ 1,635,130.00 - Golf Improvement Funds (subject to annual appropriations)
- \$ 1,026,425.20 - Stormwater Drainage Management Current Funds (subject to annual appropriations)

M/WBE INFORMATION

- 81 - Vendors contacted
- 77 - No response
- 4 - Response (Bid)
- 0 - Response (No bid)
- 1 - Successful

722 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardees have fulfilled the requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Allied Barton Security Services, LLC

White Male	408	White Female	78
Black Male	364	Black Female	195
Hispanic Male	104	Hispanic Female	42
Other Male	29	Other Female	10

ETHNIC COMPOSITION (Continued)

Ruiz Protective Service, Inc.

White Male	43	White Female	18
Black Male	57	Black Female	53
Hispanic Male	102	Hispanic Female	29
Other Male	24	Other Female	11

Norred & Associates, Inc.

White Male	216	White Female	76
Black Male	460	Black Female	310
Hispanic Male	20	Hispanic Female	9
Other Male	1	Other Female	2

PROPOSAL INFORMATION

The following proposals were received from solicitation number BVZ1506 and were opened on March 19, 2015. These service contracts are being awarded to the most advantageous proposers by group. Information related to this solicitation is available upon request

*Denotes successful proposers

<u>Proposers</u>	<u>Address</u>	<u>Amount</u>
*Allied Barton Security Services, LLC	3030 LBJ Fwy. Suite 800 Dallas, TX 75234	Multiple Groups**
*Ruiz Protective Service, Inc.	2646 Andjon Dr. Dallas, TX 75220	Multiple Groups
*Norred & Associates, Inc.	1003 Virginia Ave. Suite 200 Atlanta, GA 30354	Multiple Groups
Kent Security of Texas, Inc.	3530 Forest Ln. Suite 3000 Dallas, TX 75234	Multiple Groups**

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Amount</u>
Giadolor Holdings, Inc. dba Dog World Services	351 W. Jefferson Blvd. Suite 200 Dallas, TX 75208	Multiple Groups**
U.S. Security Associates, Inc.	200 Mansell Ct. 5th Floor Roswell, GA 30076	Multiple Groups
Twin City Security, Inc.	8131 LBJ Fwy. Suite 125 Dallas, TX 75251	Multiple Groups**
Champion National Security, Inc.	1616 Gateway Blvd. Richardson, TX 75080	Multiple Groups**
Cooley's Security Service	924 St. George Pl. Desoto, TX 75115	Multiple Groups**
ORJR, Inc. dba Texas Professional Security Services	2351 W. Northwest Hwy. Suite 3250 Dallas, TX 75220	Multiple Groups
Andy Frain Services, Inc.	3215 McKinney St. Houston, TX 77003	Multiple Groups

**Twin City Security, Inc., Kent Security of Texas, Inc., Champion National Security, Inc. Cooley's Security Service and Dog World Services were deemed non responsive for Group V - Aviation due to not meeting the specifications.

**Allied Barton Security Services, LLC and the City could not come to final terms on Group VII - Equipment and Building Services.

OWNERS

Allied Barton Security Services, LLC

Carol Johnson, President
David I. Buckman, Secretary
William A. Torzolini, Treasurer

OWNERS (Continued)

Ruiz Protective Service, Inc.

Hector Ruiz, President
Rob Minnis, Vice President
Sharon Vaughn, Secretary
Hector Ruiz, Treasurer

Norred & Associates, Inc.

Jeff Bohling, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a four-year service contract to provide armed and unarmed security guards to patrol and protect City facilities - Allied Barton Security Services, LLC in the amount of \$39,502,031, Ruiz Protective Service, Inc. in the amount of \$15,192,300 and Norred & Associates, Inc. in the amount of \$3,402,492, most advantageous proposers of eleven - Total not to exceed \$58,096,822 - Financing: Current Funds (\$15,933,236), Golf Improvement Funds (\$1,635,130), Convention and Event Services Current Funds (\$16,094,571), Water Utilities Current Funds (\$14,224,439), Aviation Current Funds (\$9,183,021) and Stormwater Drainage Management Current Funds (\$1,026,425) (subject to annual appropriations)

Allied Barton Security Services, LLC., is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and propose to use the following sub-contractors. Ruiz Protective Service, Inc., is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and propose to use the following sub-contractors. Norred & Associates, Inc., is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and propose to use the following sub-contractors.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$53,180,712.32	91.54%
Total non-local contracts	\$4,916,109.34	8.46%
TOTAL CONTRACT	\$58,096,821.66	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
De'Leon Protective Services	HFDB63123Y0915	\$2,270,426.25	4.27%
Ruiz Protective Services	HMDB63116Y0915	\$11,408,255.49	21.45%
Houston Harris Patrol Division	HMMB56161N0516	\$9,401,483.26	17.68%
Total Minority - Local		\$23,080,165.00	43.40%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
National Security & Protective Services	BMDB6457Y0316	\$1,235,104.54	25.12%
Carrizal & Associates	HMMB4928N0915	\$1,513,617.50	30.79%
Total Minority - Non-local		\$2,748,722.04	55.91%

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%	\$1,235,104.54	2.13%
Hispanic American	\$23,080,165.00	43.40%	\$24,593,782.50	42.33%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$23,080,165.00	43.40%	\$25,828,887.04	44.46%

June 10, 2015

WHEREAS, on April 13, 2011, City Council authorized a four-year service contract to provide armed and unarmed security guards to patrol and protect City facilities by Resolution No. 11-0907; and,

WHEREAS, on April 22, 2015, City Council authorized supplemental agreement no. 1 to the service contract for armed and unarmed security guards to patrol and protect City facilities, to extend the term from April 30, 2015 through July 30, 2015, by Resolution No. 15-0750;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a contract with Allied Barton Security Services, LLC (VS0000019041) in the amount of \$39,502,030.58, Ruiz Protective Service, Inc. (354861) in the amount of \$15,192,299.24 and Norred & Associates, Inc. (VS0000078855) in the amount of \$3,402,491.84 to provide armed and unarmed security guards to patrol and protect City facilities for a term of four years in a total amount not to exceed \$58,096,821.66, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Allied Barton Security Services, LLC, Ruiz Protective Service, Inc. and Norred & Associates, Inc. shall be based only upon the amount of the services directed to be performed by the City and properly performed by Allied Barton Security Services, LLC, Ruiz Protective Service, Inc. and Norred & Associates, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$58,096,821.66 (subject to annual appropriations).

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 10, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: City Attorney's Office
Office of Financial Services
Aviation

CMO: Warren M.S. Ernst, 670-3491
Jeanne Chipperfield, 670-7804
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Consideration of appointments to the Love Field Airport Modernization Corporation Board of Directors for a two-year term, expiring on September 30, 2017, or until the appointment of their successors by the City Council - Financing: No cost consideration to the City

BACKGROUND

On June 25, 2008, by Resolution No. 08-1876, Council approved (1) the establishment of a local government corporation, the Love Field Airport Modernization Corporation (the "Corporation"), for the purpose of financing the Love Field Modernization Program (the "LFMP"); (2) the Corporation's articles of incorporation and bylaws; and (3) the appointment of the Corporation's initial Board of Directors.

The Corporation is a nonstock, nonprofit local government corporation organized and existing under the laws of the State of Texas, including particularly Subchapter D of Chapter 431, Texas Transportation Code (the "Act"), and is a duly constituted public instrumentality of the City of Dallas, Texas (the "City"), a political subdivision of the State of Texas, within the meanings of the regulations of the United States Treasury Department and the rulings of the Internal Revenue Service prescribed and promulgated pursuant to section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and the Corporation is functioning and acting solely on behalf of the City.

The Corporation's current Board of Directors consists of Forest Turner, Shelia Robinson and Corrine Steeger. Each member serves a two year term, expiring on September 30th of the year the term expires, or until his or her successor is appointed by the City Council in accordance with Corporation Bylaws. The current members' terms have expired and all are eligible for reappointment.

BACKGROUND (Continued)

Under the Bylaws, eligible persons must be a City employee, and a resident and qualified elector of the City.

The City Manager, in accordance with the Bylaws, has recommended the reappointment of Forest Turner, Shelia Robinson and Corrine Steeger to the Love Field Airport Modernization Corporation Board of Directors.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On June 25, 2008, City Council approved the Corporation's articles of incorporation and bylaws and the appointment of the Corporation's initial Board of Directors by Resolution No. 08-1876.

FISCAL INFORMATION

No cost consideration to the City

June 10, 2015

WHEREAS, the City of Dallas established the Love Field Airport Modernization Corporation (“the Corporation”); and

WHEREAS, the City of Dallas wishes to approve appointments to the Love Field Airport Modernization Corporation Board of Directors for an additional two-year term, expiring on September 30, 2017, or until the appointment of their successors by the City Council in accordance with the Corporation Bylaws; and

WHEREAS, the City Manager, in accordance with the Bylaws, recommended the reappointment of Forest Turner, Shelia Robinson and Corrine Steeger; **Now, Therefore,**

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

Section 1. That Forest Turner, Shelia Robinson and Corrine Steeger be reappointed to the Love Field Airport Modernization Corporation Board of Directors for an additional two-year term, expiring on September 30, 2017, or until the appointment of their successors by the City Council in accordance with the Corporation Bylaws.

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.

KEY FOCUS AREA: E-Gov
AGENDA DATE: June 10, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Auditor
CMO: Craig Kinton, 670-3222
MAPSCO: N/A

SUBJECT

Authorize a detailed budget estimate of the needs and requirements of the City Auditor's Office for fiscal year 2015-16 in the amount of \$2,884,701 (subject to final funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services charges, and other items that may affect all city departmental budgets) - Financing: No cost consideration to the City

BACKGROUND

The Dallas City Charter, Chapter IX establishes the City Auditor's Office as an independent audit function with the primary responsibility of serving at the direction of the City Council

Proposition 5 (11-04-2014) amended the Dallas City Charter Chapter XI, Sec. 2 to require the City Auditor to furnish a detailed budget estimate of the needs and requirements of the City Auditor's Office for the coming year directly to the City Council, to be approved by the City Council, and then consolidated with the City Manager's annual budget estimate. (Amend. of 11-8-05, Prop. No. 13; Amend. of 11-4-14, Prop. No. 5)

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 18, 2015, the City Auditor's Office fiscal year 2015-2016 detailed budget estimate was briefed to the Budget, Finance & Audit Committee. Motion made by Councilmember Philip Kingston and seconded by Councilmember Sheffield Kadane that the Budget, Finance & Audit Committee approve the detailed budget estimate, subject to final citywide adjustments, and recommend full City Council approval for inclusion in the City Manager's annual budget estimate for fiscal year 2015-16. The motion was passed unanimously.

FISCAL INFORMATION

No cost consideration to the City.

June 10, 2015

WHEREAS, on May 18, 2015, the City Council's Budget, Finance & Accountability Committee unanimously voted to recommend approval by the full City Council the City Auditor's Office detailed budget estimate of \$2,844,701, subject to final citywide adjustments, for inclusion in the City Manager's annual budget estimate for fiscal year 2015-16.

NOW, THEREFORE,

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

Section 1. That the City Auditor's Office detailed budget estimate of \$2,844,701, subject to final citywide adjustments such as staff benefits, insurance, Communication and Information Services charges, and other items that may affect all city departmental budgets, be included in the City Manager's annual budget estimate for fiscal year 2015-16.

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 10, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Planning and Neighborhood Vitality
Park & Recreation
Water Utilities

CMO: A. C. Gonzalez, 670-3297
Willis Winters, 670-4071
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize **(1)** a Supplemental Agreement to the Master Interlocal Agreement between the City of Dallas and Dallas Area Rapid Transit (DART) for the granting of easements for hike and bike trail purposes across approximately twenty-eight miles of DART owned property in exchange for the conveyance of the Madill Corridor by the City of Dallas to DART, subject to the retention of a water transmission line easement and other terms and conditions; **(2)** receipt and acceptance of said hike and bike trail easements; and **(3)** conveyance of the Madill Corridor by the City of Dallas to DART- Financing: No cost consideration to the City

BACKGROUND

At the request of A.C Gonzalez this item was placed on the June 10, 2015, City Council Addendum due to the pending approval of the Supplemental Agreement to the Master Interlocal Agreement between the City of Dallas and Dallas Area Rapid Transportation (DART) for the granting of easements.

On August 13, 1983, Dallas Area Rapid Transit Authority (DART) was created as a regional transportation authority organized and existing pursuant to Chapter 452, Texas Transportation Code, for the purpose of providing public transportation and general transportation services within the DART service area, which includes the City of Dallas, a Texas home rule municipal corporation, and surrounding regions. On February 28, 1990, the Dallas City Council, by Resolution No. 90-0810 approved a Master Interlocal Agreement (“Master ILA”) between DART and City regarding DART’s system and establishing a cooperative and supportive relationship between DART and City.

BACKGROUND (Continued)

The Master ILA has undergone numerous supplementations and amendments over the years as City and DART have sought to address newly arising circumstances, issues, and needs as well as to refine and improve the relationship.

The emerging evolution of transportation infrastructure in the City of Dallas and the providing of an integrated transportation system that balances the needs of pedestrians, public transit, bicycles, and automobiles are of ever increasing importance to the economic vitality and quality of life in the city. The principles of Sustainable Livable Communities are essential for the vitality of the city, and the development of a hike and bike trail system is an essential component in establishing sustainable communities.

In recognition and furtherance of these principles, the Park and Recreation Board adopted the Dallas Trail Network Master Plan in 2005 and updated same in 2008. Per the Dallas Trail Network Master Plan, City's trail system is proposed to be located on properties owned by various parties, including but not limited to approximately 27.9 miles of trails on properties owned or controlled by DART.

The City has already received from DART a number of terminable licenses and permissions to use DART properties for various segments of its hike and bike trail system, but desires to secure permanent easements for its public hike and bike trails as to DART's properties.

DART is willing to grant hike and bike trail easements, to include existing trails, trails currently planned and under development, and future trails in furtherance of City's trail system in exchange for the conveyance to DART by the City of a corridor of real property located in Dallas County, Texas, formerly owned by Chicago Pacific Corporation, conveyed to City by deed dated March 19, 1986, recorded on March 24, 1986, at Volume 86057, Page 0342, Official Real Property Records of Dallas County, Texas, being held by the Dallas Water Utilities for a water transmission line or lines, and currently accommodating railway lines, (the "Madill Corridor").

This item will authorize a Supplemental Agreement as to the Master ILA with DART establishing a process for granting to City hike and bike trail easements consistent with City's Trail Network Master Plan on DART owned or controlled property for and in consideration of conveyance to DART by City of the Madill Corridor. Existing trail licenses will be replaced with easements and trail sections currently being developed and future trails will also be secured as easements.

The attached Attachment A to this AIS identifies the various trail sections that will be covered and the Madill Corridor.

BACKGROUND (Continued)

The trail easements will be non-exclusive perpetual easements for recreation trail use. They will allow for the installation of various improvements associated with the public's use and enjoyment of the trails, consistent with similar trails operated by City, at City's cost and expense, and upon review and approval by DART, said approval not to be unreasonably withheld. The easements will be terminable under very limited circumstances, thereby providing the City with much greater rights and safeguards of its investment in its trails. The City will be responsible for maintaining trail easement areas, but not DART's lines, facilities, or improvements.

Conveyance of the Madill Corridor will be by Deed without Warranty, "AS IS", and subject to the City's usual exceptions, waivers, reservations, restrictions, and conditions. Also, the City will retain a variable width water transmission line easement (approximately 30-feet in width) for use by DWU. The water line easement will also be available for hike and bike trail development. DART will maintain the easement surface area until such time as a trail is developed.

Dallas Water Utilities shall be reimbursed by the General Capital Reserve for the estimated value of its interest in the Madill Corridor being exchanged for the hike and bike trails in an amount of \$620,000.00 to be paid in four, annual installments of \$155,000.00 beginning in Fiscal Year 2015-16.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board was briefed on this item on May 21, 2015.

The City Council was briefed on this item on June 3, 2015.

FISCAL INFORMATION

No cost consideration to the City

MAPS

Attached.

Attachment A

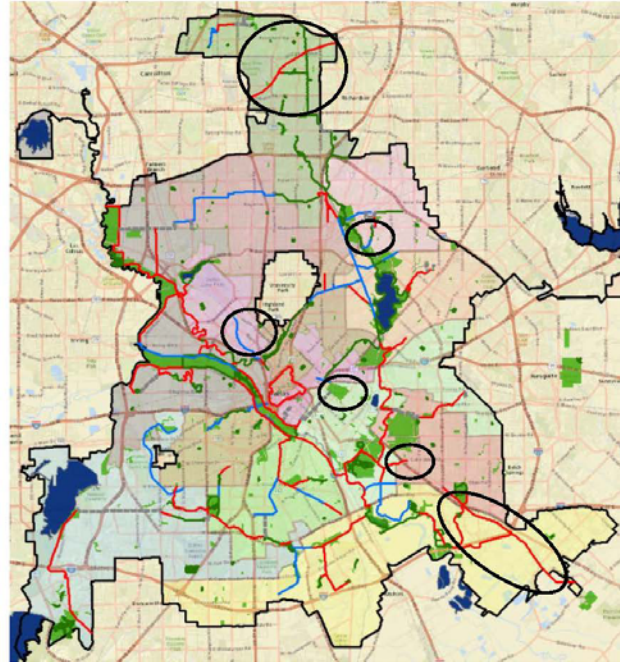
DART Easement Acquisition

Trail	Status	Area	Total Acreage of DART Property	Miles	Total needed for H&B Trails (generally 30 feet is required where possible)
Katy Trail	Existing	Harvard Avenue to Airline Drive	2.92	0.44	1.60
Santa Fe Trail	Existing	Winstead Rd to Hill Street	53.67	4.03	14.65
Santa Fe Trestle Trail	Existing	E. 8th St to Union Pacific RR Line	23.89	1.98	7.20
Cottonwood Trail Forest Lane DART Station	Existing	Connection at Forest Ln Station	1.81	0.17	0.62
Katy Trail Extension/Ridgewood Trail	Existing	Mockingbird Ln and Pedestrian Bridge	2.84	0.24	0.87
Katy Trail Extension/Ridgewood Trail	Pending	Abrams Rd to Ridgewood Park	2.65	0.36	1.31
Katy Trail Extension/Ridgewood Trail	Pending	Ridgewood Park to Northwest Highway	13.95	0.71	2.58
Santa Fe Trail Extension	Pending	Hill St to Parry Ave and Elm St	2.95	0.63	2.29
			104.68	8.56	31.13
SOPAC Trail Phase 3	Future	Ridgewood Trail to White Rock Lake Trail	25.94	1.82	6.62
SOPAC Trail Phase 4	Future	White Rock Creek Trail to Ridgewood Trail	49.32	3.41	12.40
Fair Park Boulevard Trail	Future	Parry Avenue to Hatcher St	17.81	1.64	5.96
Trinity Forest Spine Trail Connection at Lawnview DART Station	Future	Lawnview DART Station	6.51	0.58	2.11
Cedar Crest Trail	Future	8th Street Station to Morrell Station	6.21	0.76	2.76
Kieberg Trail	Future	Buckner DART Station to Interstate 20	48.78	3.25	11.82
Cottonbelt Trail	Future	Richardson City Limit to Dallas North Tollway	91	4.54	16.51
Ruyon Creek Greenbelt Camp Wisdom Station	Future	Ruyon Creek Greenbelt Trail to Camp Wisdom DART Station	1.87	0.24	0.87
Ruyon Creek Greenbelt to DART UNT Dallas Station	Future	Ruyon Creek Greenbelt to DART UNT Dallas Station	15.56	0.87	3.16
Trinity Strand Trail Phase 2	Future	Oaklawn Ave to Motor Rd	19.63	1.88	6.84
Lake Highlands Trail Phase 4	Future	Church Road to Lake Highlands DART Station	2.94	0.42	1.53
Total			285.57	19.41	70.58
		Totals	390.25	27.97	101.71

MADILL PROPERTY INFO					
DWU's Madill Property	Current	Walnut Hill to Bellline (6.2 miles mile marker 700 to 706.2)	Total Acreage - DCAD	Miles	Total to DART (less the 30-foot strip for pipeline) Acres
			101.79	6.2	79.24

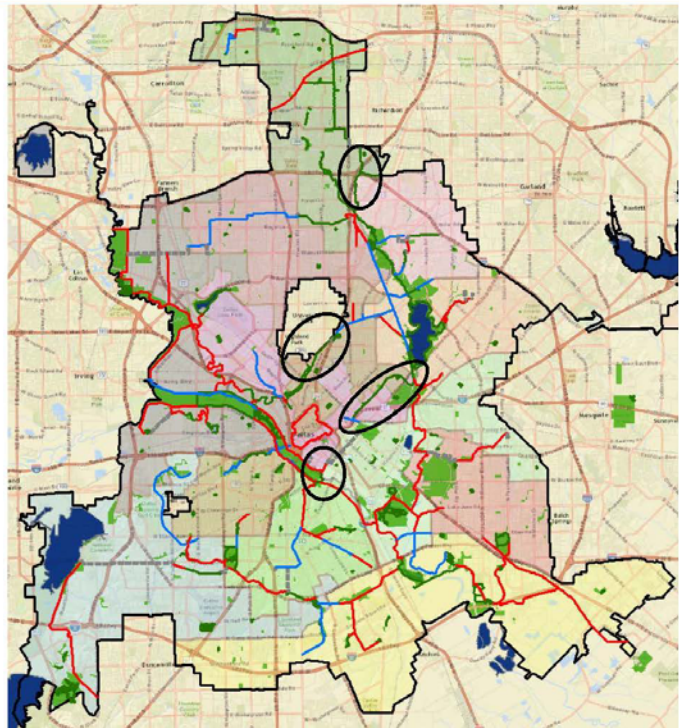
DART: Future Easements

- 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



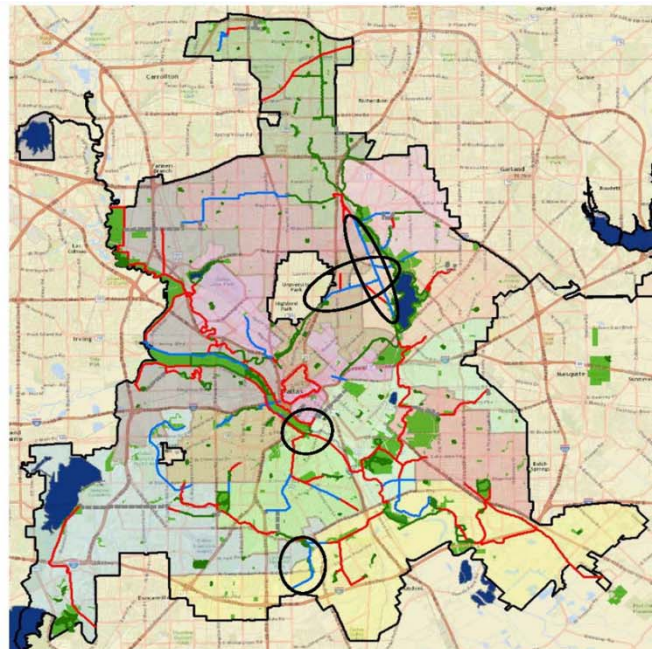
DART: Existing Licenses

- 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

- 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



June 10, 2015

WHEREAS, on August 13, 1983, Dallas Area Rapid Transit Authority (DART) was created as a regional transportation authority organized and existing pursuant to Chapter 452, Texas Transportation Code, for the purpose of providing public transportation and general transportation services within the DART service area, which includes the City of Dallas, a Texas home rule municipal corporation, and surrounding regions; and

WHEREAS, on February 28, 1990, Dallas City Council Resolution No. 90-0810 approved a Master Interlocal Agreement (“Master ILA”) between DART and City regarding DART’s system and establishing a cooperative and supportive relationship between DART and City; and

WHEREAS, the Master ILA has undergone numerous supplementations and amendments over the years as City and DART have sought to address newly arising circumstances, issues, and needs and to refine and improve the relationship; and

WHEREAS, City recognizes the emerging evolution of transportation infrastructure in the City of Dallas and the importance of providing an integrated transportation system that balances the needs of pedestrians, public transit, bicycles, and automobiles; and

WHEREAS, it is recognized that the principles of Sustainable Livable Communities are essential for the vitality of the city and the development of a hike and bike trail system is an essential component in establishing sustainable communities and, in furtherance of these principles, the City Council adopted the Dallas Trail Network Master Plan in 2005 and updated same in 2008; and

WHEREAS, per the Dallas Trail Network Master Plan, City’s trail system is proposed to be located on properties owned by various parties, including but not limited to approximately 27.9 miles of trails on properties owned or controlled by DART; and

WHEREAS, City has already received from DART a number of licenses and permissions to use DART properties for various segments of its hike and bike trail system; and

WHEREAS, City desires to secure permanent easements for its public hike and bike trails as to DART’s properties; and

June 10, 2015

WHEREAS, DART is willing to grant such hike and bike trail easements, to include existing trails, trails currently planned and under development, and future trails in furtherance of City's trail system in exchange for the conveyance to DART by City of a corridor of real property located in Dallas County, Texas, formerly owned by Chicago Pacific Corporation, conveyed to City by deed dated March 19, 1986, recorded on March 24, 1986, at Volume 86057, Page 0342, Official Real Property Records of Dallas County, Texas, being held by the Dallas Water Utilities for a water transmission line or lines, and currently accommodating railway lines,(the "Madill Corridor"); and

WHEREAS, in order to secure the hike and bike trail easements from DART, City is willing to convey the Madill Corridor to DART, subject to the retention of a water line easement and the other terms and conditions herein provided; and

WHEREAS, the City of Dallas may sell or exchange its property to a governmental entity that has the power of eminent domain without complying with the notice and bidding requirements for the sale of public lands provided for in Chapter 272, Section 272.001 of the Texas Local Government Code; and

WHEREAS, to facilitate this exchange of property interests, reduce the transaction cost of same, and expedite same City wishes to waive those provisions of Section 2-24 of the Dallas City Code not required by state law as to this transaction; and

WHEREAS, City wishes to enter into a Supplemental Agreement as to the Master ILA with DART establishing a process for granting to City hike and bike trail easements consistent with City's Trail Network Master Plan on DART owned or controlled property for and in consideration of conveyance to DART by City of the Madill Corridor, upon the terms and conditions herein stated and as approved by the City Attorney.

Now, Therefore,

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

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a Supplemental Agreement to the Master Agreement with DART (the "Supplemental ILA") between City of Dallas, a municipal corporation, ("City"), and the Dallas Area Rapid Transit Authority ("DART"), establishing a process for the locating and granting of hike and bike trail easements upon DART owned or controlled property in furtherance of the City's Trail Network Master Plan.

June 10, 2015

SECTION 2. That the terms and conditions of the Supplemental ILA shall include the following:

- (a) DART shall commit to grant hike and bike trail easements (“Trail Easements”) to City for the portions of City’s hike and bike trail system identified on Attachment A hereto, subject to DART’s review and approval on a project-by-project basis, said approvals not to be unreasonably withheld.
- (b) DART and City shall utilize a form for the Trail Easements agreed to by the parties, substantially similar to a form attached to and incorporated into the Supplemental ILA, and containing the terms and conditions provided in Section 3 hereof.
- (c) As consideration for the easements granted and to be granted in the future, City shall convey to DART the Madill Corridor on the terms and conditions.

SECTION 3. That the terms and conditions of the Trail Easements shall include the following:

- (a) The easements shall be a non-exclusive perpetual easement for the construction, installation, maintenance and operation of a public hike and bike trail consisting of improved surfaces and related approved facilities for use by the general public for recreational purposes.
- (b) The easements shall not constitute a public street, road, or alley.
- (c) The easements shall allow for the installation of various improvements associated with the public’s use and enjoyment of the trails, consistent with similar trails operated by City, at City’s cost and expense, and upon review and approval by DART, said approval not to be unreasonably withheld.
- (d) The easements shall be terminable only as follows: (1) by DART in the event and to the extent necessitated by a change in federal or state law, subject to 2 years notice and reasonable efforts to minimize impact on City’s trails; (2) by DART as to easement area to within 25-feet of paved trail areas, if sold to third-parties with 180-days notice of said sale; (3) by DART upon City’s default under the easement terms after 90-days notice and opportunity to cure; and (4) by City upon formal abandonment by City.
- (e) The easements shall provide for minimizing negative impact on the trails and the relocation of impacted facilities of the parties.

June 10, 2015

- (f) The easements shall provide for a limited indemnification of DART by City for City's negligence, but only to the extent allowed by law.
- (g) The easements shall require City's contractor to meet commercially reasonable insurance requirements.
- (h) The easements shall require City to maintain the easement area, but not DART's facilities, lines, or improvements.
- (i) The easements may contain such other commercially reasonable provisions as are deemed appropriate or necessary by the City Attorney.

SECTION 4. That upon execution and delivery of the Supplemental ILA, the City Manager or designee is authorized to execute a Deed Without Warranty, to be attested by the City Secretary, upon approval as to form by the City Attorney, for conveyance of the Madill Corridor to DART. The Deed Without Warranty shall be subject to the covenants, conditions, reservations, and restrictions contained in Sections 5 and 6, hereof.

SECTION 5. That the Deed Without Warranty shall provide for the reservation and retention by City of a water transmission line easement to be located along the eastern/southern side of the Madill Corridor, having a variable width of approximately 30 feet as deemed necessary by City. The easement shall be for the construction, maintenance and operation of a water transmission line or lines (including without limitation a 72-inch water transmission line) and related facilities on terms acceptable to City and/or for future hike and bike trail use on substantially similar terms as contemplated in the Supplemental ILA. City shall restore the surface of the easement area after any construction and DART shall provide routine mowing, trash control and maintenance of the surface of the easement area until such time as hike and bike trails are installed on same.

SECTION 6. That the Deed Without Warranty shall provide that the conveyance to DART is subject to the following:

- (a) a restriction prohibiting the placement of industrialized housing on the property; and
- (b) any visible and apparent easements and any encroachments whether of record or not; and

June 10, 2015

- (c) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the property or any part thereof; and
- (d) to the maximum extent allowed by law, (i) grantee is taking the property "AS IS, WHERE IS, WITH ALL FAULTS"; (ii) grantor disclaims responsibility as to the accuracy or completeness of any information relating to the property; (iii) grantee assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including, but not limited to, repair or demolition orders; and (iv) grantor expressly disclaims and grantee expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property; and
- (e) grantee takes the property subject to existing trackage rights agreements, if any, applicable to same; and
- (f) grantor makes no representations of any nature regarding the property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the property, including without limitation, the water, soil and geology, and the suitability thereof and the property for any and all activities and uses which grantee may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended,

June 10, 2015

(c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder; and

- (g) Subject to four utility lines to be relocated into and crossing the property in connection with I-35 expansion work, if necessary; and
- (h) Such other terms and requirements of the sale and/or disclaimers as City deems necessary, convenient or appropriate.

SECTION 7. That if a title policy is desired by any of the parties for any real property interest it is receiving, same shall be at the expense of said party.

SECTION 8. That the Madill Corridor conveyance shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by grantee.

SECTION 9. That the terms and procedures required by Section 2-24 of the Dallas City Code that are not required by state law concerning the sale of real property are waived with respect to this transaction.

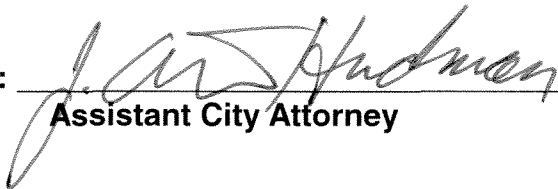
June 10, 2015

SECTION 10. That the Chief Financial Officer is hereby authorized to reimburse Dallas Water Utilities from the General Capital Reserve for the estimated value of its interest in the Madill Corridor being in exchange for the hike and bike trails in an amount of \$620,000.00 to be paid in four, annual installments of \$155,000.00 beginning in Fiscal Year 2015-16 (subject to appropriations). The reimbursement proceeds shall come from Fund 0625, Dept BMS, Unit 8888, Object 3637, and shall be deposited in Fund 0100, Dept DWU, Unit 7005, Revenue Source 9201.

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.

APPROVED AS TO FORM
Warren M. S. Ernst, City Attorney

BY:


Assistant City Attorney

Attachment A

DART Easement Acquisition

Trail	Status	Area	Total Acreage of DART Property	Miles	Total needed for H&B Trails (generally 30 feet is required where possible)
Katy Trail	Existing	Harvard Avenue to Airline Drive	2.92	0.44	1.60
Santa Fe Trail	Existing	Winstead Rd to Hill Street	53.67	4.03	14.65
Santa Fe Trestle Trail	Existing	E. 8th St to Union Pacific RR Line	23.89	1.98	7.20
Cottonwood Trail Forest Lane DART Station	Existing	Connection at Forest Ln Station	1.81	0.17	0.62
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Katy Trail Extension/Ridgewood Trail	Pending	Ridgewood Park to Northwest Highway	13.95	0.71	2.58
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Ruyon Creek Greenbelt Camp Wisdom Station	Future	Ruyon Creek Greenbelt Trail to Camp Wisdom DART Station	1.87	0.24	0.87
Ruyon Creek Greenbelt to DART UNT Dallas Station	Future	Ruyon Creek Greenbelt to DART UNT Dallas Station	15.56	0.87	3.16
Trinity Strand Trail Phase 2	Future	Oaklawn Ave to Motor Rd	19.63	1.88	6.84
Lake Highlands Trail Phase 4	Future	Church Road to Lake Highlands DART Station	2.94	0.42	1.53
Total			285.57	19.41	70.58
		Totals	390.25	27.97	101.71

MADILL PROPERTY INFO					
DWU's Madill Property	Current	Walnut Hill to Belpline (6.2 miles mile marker 700 to 706.2)	Total Acreage - DCAD	Miles	Total to DART (less the 30-foot strip for pipeline) Acres
			101.79	6.2	79.24

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 10, 2015

COUNCIL DISTRICT(S): 14

DEPARTMENT: Trinity Watershed Management
City Attorney's Office

CMO: Mark McDaniel, 670-3256
Warren M.S. Ernst, 670-3491

MAPSCO: 45D

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Sienna Court Townhomes, LLC, a Texas Limited Liability Company, et al., Cause No. CC-14-05569-C, pending in Dallas County Court at Law No. 3, to acquire approximately 4,237 square feet of land, including any improvements, located on San Jacinto Street near its intersection with Haskell Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$58,500 (\$55,000 being the amount of the award, plus closing costs and title expenses not to exceed \$3,500); an increase of \$14,527 from the amount Council originally authorized for this acquisition - Financing: General Obligation Commercial Paper Funds

BACKGROUND

On August 13, 2014, the City Council authorized the acquisition of this property, by Resolution No. 14-1270. The property owner was offered \$40,473, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on May 29, 2015, the property owner was awarded \$55,000. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$14,527 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$3,500.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on August 13, 2014, by Resolution No. 14-1270.

Council was briefed by memorandum regarding this item.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$58,500 (\$55,000 being the amount of the award, plus closing costs and title expenses not to exceed \$3,500)

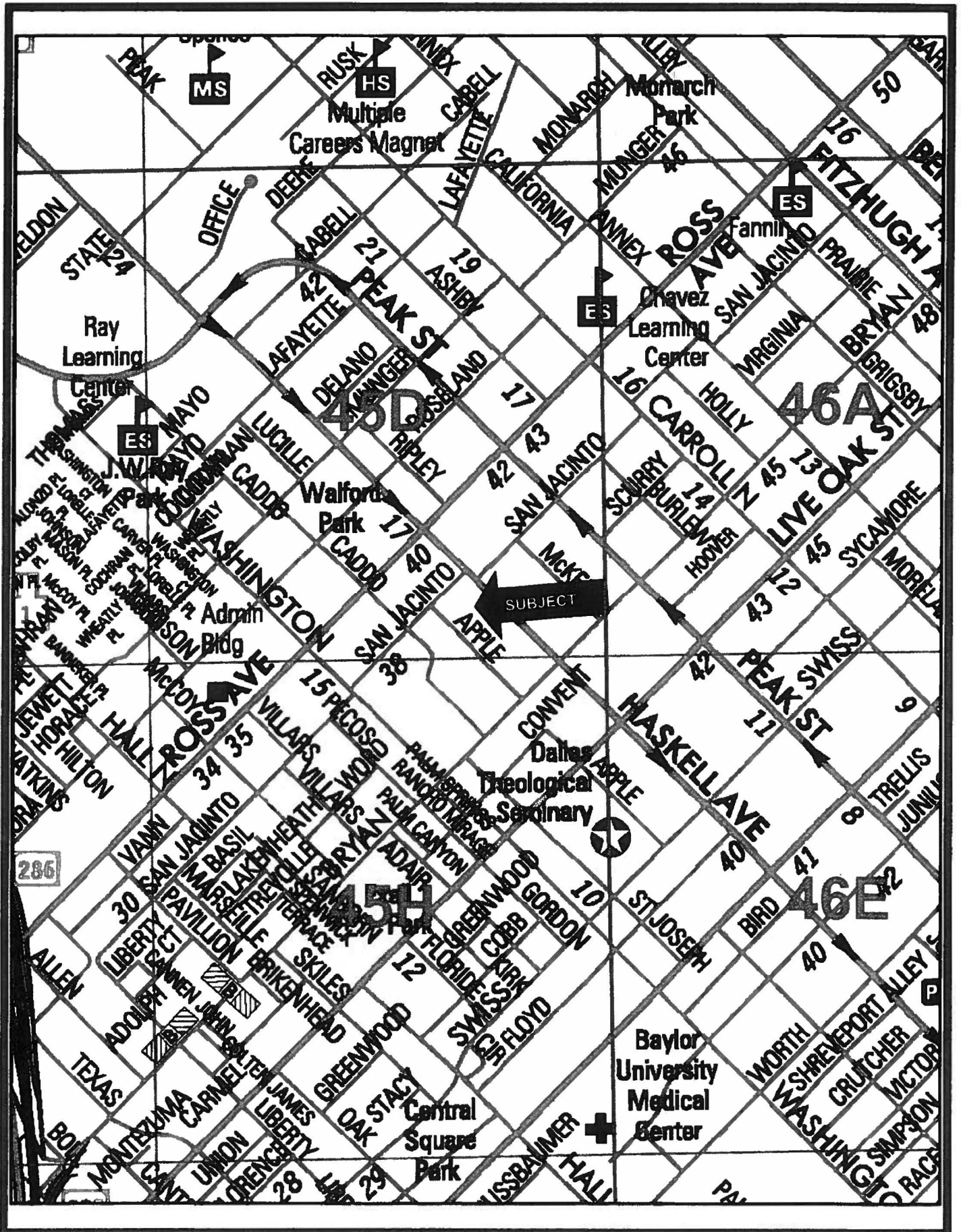
OWNER

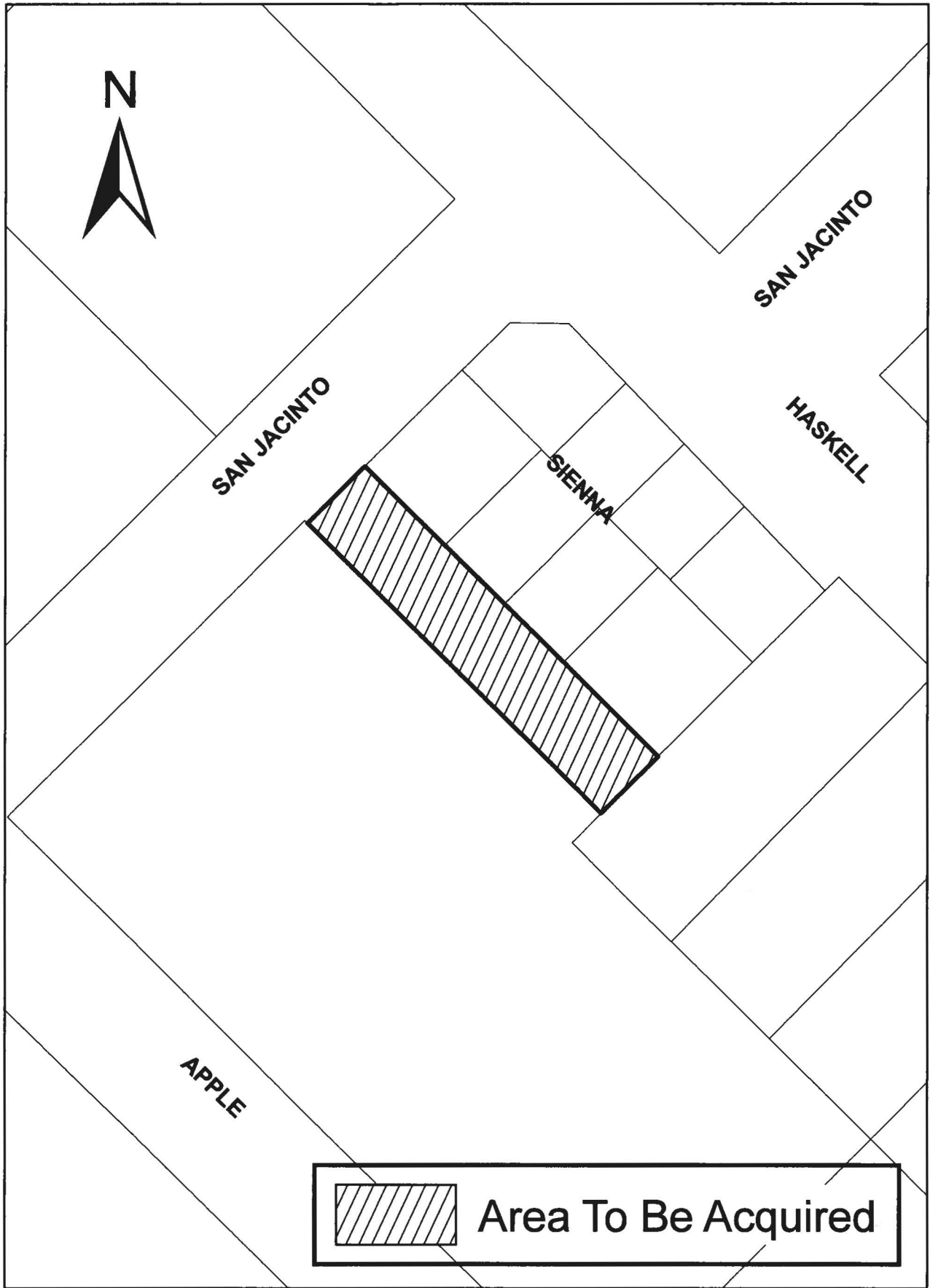
Sienna Court Townhomes, LLC

Misty Sargent, President

MAPS

Attached





June 10, 2015

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED THE CONDEMNATION LAWSUIT FOR AN AMOUNT NOT TO EXCEED THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

CONDEMNATION PROCEEDING: Cause No. CC-14-05569-C, in Dallas County Court at Law No. 3, and styled City of Dallas v. Sienna Court Townhomes, LLC, et al., filed pursuant to City Council Resolution No. 14-1270.

PROPERTY: Approximately 4,237 square feet of land located in Dallas County, as described in the CONDEMNATION PROCEEDING.

PROJECT: Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

OFFICIAL OFFER: \$40,473.00

AWARD: \$55,000.00

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$3,500.00

AUTHORIZED AMOUNT: Not to exceed: \$58,500.00

DESIGNATED FUNDS: AWARD payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525J1, CLOSING COSTS AND TITLE EXPENSES payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525J5.

WHEREAS, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and,

WHEREAS, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made the AWARD, which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and,

June 10, 2015

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD;

Now, Therefore,

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

SECTION 1. That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the CLOSING COSTS AND TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 2. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

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

APPROVED AS TO FORM

Warren M. S. Ernst

City Attorney

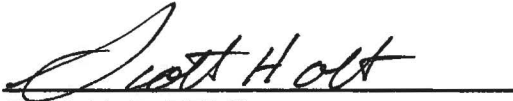
By: 

Assistant City Attorney

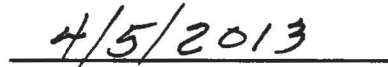
Field Notes Describing Land in Block 5/642

Being situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, and being all of Lot 31L, Block 5/642 of the Tuscan Villas Addition, an addition to the City of Dallas dated August 20, 2009 and Recorded in Instrument Number 200900247820 of the Official Public Records of Dallas County, Texas and being all of the property conveyed to Sienna Court Townhomes, LLC by Deed dated April 7, 2011 and recorded in Instrument Number 201100093152 of the Official Public Records of Dallas County, Texas and containing approximately 4,237 square feet, or 0.097 Acres of land, according to the plat thereof.

This description is approved as to form.



Scott Holt, RPLS
Survey Program Manager



Date

KEY FOCUS AREA: E-Gov
AGENDA DATE: June 10, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Attorney's Office
CMO: Warren M.S. Ernst, 670-3491
MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 12A of the Dallas City Code to: **(1)** require that a person filing an ethics complaint swear or affirm under penalty of perjury that the complaint states a violation of Chapter 12A and is not brought for an improper purpose; **(2)** allow a person filing an ethics complaint to swear or affirm under penalty of perjury that the contentions in the complaint are supported by credible evidence; and **(3)** provide that a preliminary panel of the ethics advisory commission may assess the credibility of the evidence provided in and with a complaint in determining whether the complaint is supported by just cause - Financing: No cost consideration to the City

BACKGROUND

On February 25, 2015, the City Council approved several amendments to Chapter 12A of the Dallas City Code relating to ethics complaints. The City Council requested additional recommendations from the Ethics Advisory Commission relating to the level of personal knowledge required in an ethics complaint. In response to this request, on May 15, 2015, the Ethics Advisory Commission recommended changes to Section 12A-26 of the Code of Ethics. On June 1, 2015, the Budget, Finance, and Audit Committee recommended approval of the Ethics Advisory Commission's recommendations.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 25, 2015, the Dallas City Council approved amendments to Chapter 12A of the Dallas City Code relating to ethics complaints.

On May 15, 2015, the Ethics Advisory Commission recommended changes to the level of knowledge requirement addressed in Subsections (a) and (g) of Section 12A-26 of the City Code.

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

On June 1, 2015, the Budget, Finance, and Audit Committee approved the Ethics Advisory Commission's recommendation on the amendments.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 12A, “Code of Ethics,” of the Dallas City Code by amending Section 12A-26; requiring that a person filing an ethics complaint swear or affirm under penalty of perjury that the complaint states a violation of Chapter 12A and is not brought for an improper purpose; allowing a person filing an ethics complaint to swear or affirm under penalty of perjury that the contentions in the complaint are supported by credible evidence; providing that a preliminary panel of the ethics advisory commission may assess the credibility of the evidence provided in and with a complaint in determining whether the complaint is supported by just cause; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Paragraph (8) of Subsection (a), “Filing,” of Section 12A-26, “Complaints,” of Article VII, “Ethics Advisory Commission,” of Chapter 12A, “Code of Ethics,” of the Dallas City Code, as amended, is amended to read as follows:

“(8) An affidavit in which the complainant swears or affirms, under the penalty of perjury, that:

(A) the complaint states a violation of this chapter;

(B) the complaint is not being presented for any improper purpose, such as to harass, cause unnecessary delays, or needlessly increase the cost of defense to the person charged in the complaint; and

(C) either:

(i) all information submitted in and with the complaint is true and correct; or

(ii) to the best of the complainant's knowledge, formed after an inquiry reasonable under the circumstances, the factual contentions in the complaint are supported by credible evidence submitted in and with the complaint.

SECTION 2. That Subsection (g), "Summary Dismissal," of Section 12A-26, "Complaints," of Article VII, "Ethics Advisory Commission," of Chapter 12A, "Code of Ethics," of the Dallas City Code, as amended, is amended to read as follows:

“(g) Summary dismissal.

(1) Within 30 days after receipt of a complete complaint, either the chair or vice chair, selected on a rotational basis and subject to availability, and two commission members, selected by lot by the city secretary and subject to availability, shall make a preliminary finding as to whether or not the complaint states a claim under this chapter and is supported by just cause. "Just cause" means such cause as is found to exist upon a reasonable inquiry, including an assessment of the credibility of the evidence, that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under this chapter.”

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 4. That Chapter 12A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. 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 6. 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 _____

KEY FOCUS AREA: E-Gov
AGENDA DATE: June 10, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: City Secretary
CMO: Rosa Rios, 670-3738
MAPSCO: N/A

SUBJECT

Consideration of appointments to the Dallas Area Rapid Transit Board of Directors for Places 03, 04, 05, 06, 07, and 08 (shared) all for two year appointments (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (List of nominees in the City Secretary's Office) - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to provide for all "prior action" time frames to be included as up to date as possible.

The Dallas Area Rapid Transit (DART) board was structured by the Texas Legislature in 1993. Membership is allocated among member cities according to population, with recalculations after every U.S. census. At that time, members of the DART board serve staggered terms of 2 years with 8 of the positions' terms beginning July 1 of odd-numbered years and seven positions' terms beginning July 1 of even numbered years. The enabling legislation provides that a member city may not rule by order or ordinance to limit for the number of terms that a member of the DART board may serve.

On August 23, 2011, the DART Board approved a reallocation of the Board based on the 2010 Census data. As a result, the City of Dallas lost one direct appointment to the Board previously shared with the cities of Cockrell Hill, Glen Heights and Plano. The City of Dallas is now entitled to 7 full members and 1 shared member only with the City of Cockrell Hill. This now provides for the terms of 6 members to expire in odd-numbered years and 2 to expire on even-numbered years.

This action provides for six individuals to be re-appointed for full 2-year terms beginning July 1, 2015 and ending June 30, 2017.

All (re)nominees are existing members. Therefore, the Transportation and Trinity River Project Committee (TTRPC) did not need to conduct interviews.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 27, 2015, the Transportation and Trinity River Project Committee (TTRPC) moved to forward all six (6) candidates to full Council for approval of appointment to the DART Board.

On May 18, 2015, the Transportation and Trinity River Project Committee (TTRPC) had a meeting with the Dallas Members of the Dallas Area Rapid Transit ["DART"] Board to discuss the city's goals and expectations in the transportation arena.

FISCAL INFORMATION

No cost consideration to the City

June 10, 2015

WHEREAS, the City Council has, since 1993, appointed 8 members to the DART Board; and

WHEREAS, the City Council has, since 1993, appointed its additional shared member to the DART Board, in conjunction with the cities of Cockrell Hill, Glenn Heights, and Plano; and

WHEREAS, the seats on the DART Board were reallocated on August 23, 2011 as a result of the 2010 census data in accordance with Section 457.577 of the Texas Transportation Code; and

WHEREAS, the 2011 reallocation decreased the number of members to be appointed by the City of Dallas; and

WHEREAS, the City Council, as of the 2011 reallocation, is responsible for appointing 7 full members and 1 shared member, with the City of Cockrell Hill, to the DART Board of Directors; and

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

WHEREAS, Place 03, Place 04, Place 05, Place 06, Place 07 and Place 08 (“shared”) terms expire June 30, 2015;

Now, Therefore,

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

SECTION 1. That the following individuals are hereby appointed to the DART Board with the term to expire June 30, 2017:

PLACE 00	James F. Adams
PLACE 00	Jerry L. Christian, Sr.
PLACE 00	Pamela Dunlop Gates
PLACE 00	Michelle Wong Krause
PLACE 00	Amanda Moreno Lake
PLACE 00	William M. Velasco, II

SECTION 2. That, upon selection of individuals to serve on the DART Board, the City Secretary’s Office shall assign these individuals to one of the available board places.

SECTION 3. That, the City of Dallas, principal municipality, designates William M. Velasco, II to represent the transportation disadvantaged.

June 10, 2015

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