

**DECEMBER 9, 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 December 9, 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

12-4-15

Date



Foe! Jeanne Chipperfield
Chief Financial Officer

12/4/15

Date

RECEIVED

2015 DEC -4 PM 4: 51

CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, DECEMBER 9, 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 - 46

CONSENT ADDENDUM

Items 1 - 11

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 47 - 55

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 56 - 70

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

ADDITIONS:

Closed Session

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

- Personnel issues involving City Attorney.

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize a three-year service contract and policy, with two one-year renewal options, to provide **(1)** City paid basic life insurance for \$1.75 per employee per month - Estimated cost \$777,924; and **(2)** elective employee paid supplemental group term life, elective dependent life and accidental death and dismemberment insurance coverage - Estimated cost \$7,712,915 (to be fully reimbursed by participating employees) - Standard Insurance Company, most advantageous proposer of three - Total not to exceed \$8,490,839 - Financing: Current Funds (subject to annual appropriations)
2. Authorize a six-year service contract for elevator and escalator maintenance and repair at various city facilities - Southwest Elevator Company dba Oracle Elevator Company of Texas, lowest responsible bidder of five - Not to exceed \$4,242,931 - Financing: Current Funds (subject to annual appropriations)

City Attorney's Office

3. Authorize settlement of a claim filed by Steven Piano, Claim No. 15475033 - Not to exceed \$29,369 - Financing: Current Funds

Code Compliance

4. An ordinance authorizing an amendment to Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code to provide construction workers with a ten-minute rest break for every four hours; providing for signs explaining rest break requirements on construction sites; providing a criminal penalty; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 9, 2015**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Intergovernmental Services

5. Authorize approval by the City of Dallas of the proposed tax abatement agreement between American Airlines and Tarrant County for construction of American Airline's new corporate headquarters and related uses on DFW Airport property - Financing: No cost consideration to the City

Park & Recreation

6. Authorize application for an Environmental Solutions for Communities Grant in the amount of \$50,000 from Wells Fargo and the National Fish and Wildlife Foundation for the Dam Safety and Shoreline Erosion Control project at Kidd Springs Park - Financing: This action has no cost consideration to the City
7. Authorize a professional services contract with Kimley-Horn and Associates, Inc. for schematic design through construction administration services of the Phase I Aquatics Master Plan - 2015 Update to include six aquatic facilities to be constructed at: Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Beltline Road, Kidd Springs Park located at 700 West Canty Street, Lake Highlands North Park located at 9344 Church Road, Samuell-Grand Park located at 6200 East Grand Avenue, and Tietze Park located at 2700 Skillman Street - Not to exceed \$3,307,500 - Financing: Elgin B. Robertson Land Sale Funds

Public Works Department

**State of Texas Energy Conservation
Office LoanSTAR Fund**

Note: Addendum Item Nos. 8 and 9 must be considered collectively.

8. * Authorize **(1)** the acceptance of a loan from the State of Texas Energy Conservation Office LoanSTAR Fund in the amount of \$5,723,363, to be repaid plus interest, beginning in FY 2016-17 for a period of ten years from electric and natural gas energy savings; **(2)** the establishment of appropriations in the amount of \$5,723,363 in the State Energy Conservation Office LoanSTAR III Fund; **(3)** Supplemental Agreement No. 1 to the contract with Metco Engineering for **(a)** construction of energy conservation related projects at 28 City facilities in an amount not to exceed \$5,723,363 (list attached) and **(b)** measurement and verification of the guaranteed savings for a period not to exceed ten years, in an amount not to exceed \$150,000 to be paid from electric and natural gas savings; and **(4)** the acceptance and deposit of rebates from Oncor Electric Delivery in the Oncor Rebate Fund - Total not to exceed \$5,873,363 - Financing: State of Texas Energy Conservation Office LoanSTAR Funds (\$5,723,363) and Current Funds (\$150,000) (subject to annual appropriations)

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 9, 2015**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Public Works Department (Continued)

**State of Texas Energy Conservation
Office LoanSTAR Fund**

Note: Addendum Item Nos. 8 and 9 must be considered collectively.

9. * Authorize repayment of the loan, in the amount of \$5,723,363 over a ten year period, plus interest in the amount of \$480,000, from the State of Texas Energy Conservation Office Loan Repayment Fund using savings in the City's annual electricity and natural gas budgets - Not to exceed \$6,203,363 - Financing: Current Funds (subject to annual appropriations)
10. Authorize a net increase in the contract with Tiseo Paving Company for additional and deductive work associated with the excavation of trash and debris in abandoned basement structures discovered during construction along Cesar Chavez Boulevard between Commerce Street and Pacific Avenue and replacement with select fill material suitable for a roadway base - Not to exceed \$290,206, from \$15,282,670 to \$15,572,876 - Financing: 2012 Bond Funds
11. An ordinance amending Chapter 43, Article VIII of the Dallas City Code, relating to improvements in public right-of-way by **(1)** amending registration requirements; **(2)** modifying the permit application requirements; **(3)** amending trench and backfill requirements; **(4)** providing additional signage requirements for vehicles and equipment in the right-of-way; **(5)** providing additional notification requirements; and **(6)** making conforming changes - Financing: No cost consideration to the City

CORRECTION:

Park & Recreation

23. Authorize a Project Specific Agreement with Dallas County for trail design and right-of-way acquisition for the remainder of Northaven Trail Phase 1 from south of Valleydale Drive to White Rock Creek Trail - Financing: No cost consideration to the City

City Facilities
Addendum Item # 8

<u>Building Name</u>	<u>Address</u>	<u>Council District</u>
Animal Shelter	1818 N. Westmoreland Rd.	6
Bachman Recreation Center	2750 Bachman Dr.	6
Campbell Green Recreation Center	16600 Park Hill Dr.	12
Churchill Recreation Center	6906 Churchill Way	11
Cedar Crest Clubhouse / Pro Shop	1800 Southerland Ave.	4
EBS Offices - Canton	3202 Canton St.	2
Exall Recreation Center	1355 Adair St.	14
Exline Recreation Center	2525 Pine St.	7
Fire Training Administration	5000 Dolphin Rd.	2
Fretz Recreation Center	6950 Belt Line Rd.	11
Harry Stone Recreation Center	2403 Millmar Dr.	9
Homeless Assistance	1818 Corsicana St.	2
Jack Evans Police Headquarters	1400 S. Lamar St.	2
Janie C. Turner Recreation Center	6424 Elam Rd.	8
Kiest Recreation Center	3080 S. Hampton Rd.	4
Kleberg / Rylie Recreation Center	1515 Edd Rd.	8
Lake Highlands Recreation	9340 Church Rd.	10
MLK Recreation Ctr. / Child Development Ctr.	2922 Martin Luther King Blvd.	7
NW Police Station	9803 Harry Hines Blvd.	6
Park in the Woods Recreation Center	6801 Mountain Creek Pkwy.	3
Police Property Division	1726 Baylor St.	7
Recreation Services Headquarters	8007 E. Northwest Hwy.	10
Samuell-Grand Recreation Center	6100 E. Grand Ave/ 6200 E. Grand Ave.	2
Singing Hills Recreation Center	1909 Crouch Rd.	8
SW Police Station	4133 Kingbridge St.	6
Texas Discovery Gardens	3601 Martin Luther King Blvd.	6
Tower Bldg. - Fair Park Administration	3809 Grand Ave.	7
Walnut Hill Recreation Center	4101 Walnut Hill Ln.	13

ADDENDUM DATE December 9, 2015

ITEM		IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF								
1				All	C	PBD, HRD	\$777,924.00	0.00%	0.00%	Authorize a three-year service contract and policy, with two one-year renewal options, to provide (1) City paid basic life insurance for \$1.75 per employee per month - Estimated cost \$777,924; and (2) elective employee paid supplemental group term life, elective dependent life and accidental death and dismemberment insurance coverage - Estimated cost \$7,712,915 (to be fully reimbursed by participating employees) - Standard Insurance Company, most advantageous proposer of three - Total not to exceed \$8,490,839 - Financing: Current Funds (subject to annual appropriations)
2				All	C	PBD, EBS	\$4,242,931.00	100%	0.00%	Authorize a six-year service contract for elevator and escalator maintenance and repair at various city facilities - Southwest Elevator Company dba Oracle Elevator Company of Texas, lowest responsible bidder of five - Not to exceed \$4,242,931 - Financing: Current Funds (subject to annual appropriations)
3				N/A	C	ATT, WTR, ORM	\$29,368.80	NA	NA	Authorize settlement of a claim filed by Steven Piano, Claim No. 15475033 - Not to exceed \$29,369 - Financing: Current Funds
4				All	C	CCS	NC	NA	NA	An ordinance authorizing an amendment to Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code to provide construction workers with a ten-minute rest break for every four hours; providing for signs explaining rest break requirements on construction sites; providing a criminal penalty; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City
5				Outside	C	IGS	NC	NA	NA	Authorize approval by the City of Dallas of the proposed tax abatement agreement between American Airlines and Tarrant County for construction of American Airline's new corporate headquarters and related uses on DFW Airport property - Financing: No cost consideration to the City
6				1	C	PKR	NC	NA	NA	Authorize application for an Environmental Solutions for Communities Grant in the amount of \$50,000 from Wells Fargo and the National Fish and Wildlife Foundation for the Dam Safety and Shoreline Erosion Control project at Kidd Springs Park - Financing: This action has no cost consideration to the City
7				1, 2, 5, 10, 11, 14	C	PKR	\$3,307,500.00	85.40%	25.71%	Authorize a professional services contract with Kimley-Horn and Associates, Inc. for schematic design through construction administration services of the Phase I Aquatics Master Plan - 2015 Update to include six aquatic facilities to be constructed at: Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Beltline Road, Kidd Springs Park located at 700 West Canty Street, Lake Highlands North Park located at 9344 Church Road, Samuell-Grand Park located at 6200 East Grand Avenue, and Tietze Park located at 2700 Skillman Street - Not to exceed \$3,307,500 - Financing: Elgin B. Robertson Land Sale Funds
8				2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14	C	PBW, PKR	\$5,873,363.00	100.00%	0.00%	State of Texas Energy Conservation Office LoanSTAR Fund: Authorize (1) the acceptance of a loan from the State of Texas Energy Conservation Office LoanSTAR Fund in the amount of \$5,723,363, to be repaid plus interest, beginning in FY 2016-17 for a period of ten years from electric and natural gas energy savings; (2) the establishment of appropriations in the amount of \$5,723,363 in the State Energy Conservation Office LoanSTAR III Fund; (3) Supplemental Agreement No. 1 to the contract with Metco Engineering for (a) construction of energy conservation related projects at 28 City facilities in an amount not to exceed \$5,723,363 (list attached) and (b) measurement and verification of the guaranteed savings for a period not to exceed ten years, in an amount not to exceed \$150,000 to be paid from electric and natural gas savings; and (4) the acceptance and deposit of rebates from Oncor Electric Delivery in the Oncor Rebate Fund - Total not to exceed \$5,873,363 - Financing: State of Texas Energy Conservation Office LoanSTAR Funds (\$5,723,363) and Current Funds (\$150,000) (subject to annual appropriations)

ADDENDUM DATE December 9, 2015

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
9			2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14	C	PBW, PKR	GT	NA	NA	State of Texas Energy Conservation Office LoanSTAR Fund: Authorize repayment of the loan, in the amount of \$5,723,363 over a ten year period, plus interest in the amount of \$480,000, from the State of Texas Energy Conservation Office Loan Repayment Fund using savings in the City's annual electricity and natural gas budgets - Not to exceed \$6,203,363 - Financing: Current Funds (subject to annual appropriations)
10			2, 14	C	PBW	\$290,205.57	100.73%	35.50%	Authorize a net increase in the contract with Tiseo Paving Company for additional and deductive work associated with the excavation of trash and debris in abandoned basement structures discovered during construction along Cesar Chavez Boulevard between Commerce Street and Pacific Avenue and replacement with select fill material suitable for a roadway base - Not to exceed \$290,206, from \$15,282,670 to \$15,572,876 - Financing: 2012 Bond Funds
11			N/A	C	PBW	NC	NA	NA	An ordinance amending Chapter 43, Article VIII of the Dallas City Code, relating to improvements in public right-of-way by (1) amending registration requirements; (2) modifying the permit application requirements; (3) amending trench and backfill requirements; (4) providing additional signage requirements for vehicles and equipment in the right-of-way; (5) providing additional notification requirements; and (6) making conforming changes - Financing: No cost consideration to the City

TOTAL \$14,521,292.37

ADDENDUM ITEM # 1

KEY FOCUS AREA: E-Gov

AGENDA DATE: December 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Human Resources

CMO: Jeanne Chipperfield, 670-7804
A. C. Gonzalez, 670-3302

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract and policy, with two one-year renewal options, to provide **(1)** City paid basic life insurance for \$1.75 per employee per month – Estimated cost \$777,924; and **(2)** elective employee paid supplemental group term life, elective dependent life and accidental death and dismemberment insurance coverage – Estimated cost \$7,712,915 (to be fully reimbursed by participating employees) - Standard Insurance Company, most advantageous proposer of three - Total not to exceed \$8,490,839 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This item was placed on the addendum to allow for continued services.

This service contract and policy will provide group basic term life, elective dependent life and accidental death and dismemberment insurance. The City currently offers \$50,000 basic life insurance coverage to full-time employees at a cost of \$2.00 per month per employee at no cost to the employee. For this contract, the City will receive a decrease in cost from \$2.00 to \$1.75 per employee for \$50,000 basic life insurance coverage. Full-time employees can voluntarily purchase additional group (supplemental) life coverage up to three times their annual base salary not to exceed \$500,000, as well as dependent life and accidental death and dismemberment coverage via payroll deduction.

BACKGROUND (Continued)

A six member evaluation committee was selected from the following departments:

- City Attorney's Office (1)
- City Controller's Office (1)
- Human Resources (2)
- Business Development and Procurement Services (2)*

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

The proposer's responses were evaluated and recommended on the basis of their demonstrated competence and qualifications under the following criteria:

- Overall Approach and Methodology 45 points
- Fees/Cost 30 points
- Business Inclusion and Development Plan 15 points
- Capability and Expertise 10 points

The basic life insurance benefit of eligible employees will remain in the amount of \$50,000.00. The awarded contract will commence on January 1, 2016 and will be in effect for three years, with two one-year renewal options.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 247 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS 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 BDPS' 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 November 7, 2011, the City Council authorized a three-year service contract and policy, with two one-year renewal options, to provide basic and supplemental group term life, voluntary dependent life and accidental death and dismemberment insurance coverage by Resolution No. 11-3023.

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

On April 23, 2014, the City Council authorized the first one year extension to the contract, to provide basic and supplemental group term life, voluntary dependent life and accidental death and dismemberment insurance coverage by Resolution No. 14-0662.

Information about this item will be provided to the Budget, Finance and Audit Committee on December 7, 2015.

FISCAL INFORMATION

\$777,924.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

- 63 - Vendors Contacted
- 63 - No Response
 - 0 - Response (Bid)
 - 0 - Response (No Bid)
 - 0 - Successful

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

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

ETHNIC COMPOSITION

Standard Insurance Company

White Male	618	White Female	784
Black Male	20	Black Female	70
Hispanic Male	30	Hispanic Female	43
Other Male	100	Other Female	152

PROPOSAL INFORMATION

The following proposals were received from solicitation number BKZ1523 and were opened on August 6, 2015. This service contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Cost**</u>
*Standard Insurance Company	920 SW Sixth Avenue Portland, OR 97201	87%	\$ 8,490,838.11
Metropolitan Life Insurance Company	5400 LBJ Freeway Suite 1100 Dallas, TX 75240	86%	\$ 8,253,998.91
Minnesota Life Insurance Company	400 Robert Street North St. Paul, MN 55101	80%	\$10,337,411.97

**Cost includes both employee and employer paid premiums.

OWNER

Standard Insurance Company

Greg Ness, Chief Executive Officer
Jim Harbolt, Vice President
Holley Franklin, Vice President Corporate Secretary
Floyd Chadee, Chief Financial Officer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract and policy, with two one-year renewal options, to provide **(1)** City paid basic life insurance for \$1.75 per employee per month – Estimated cost \$777,924; and **(2)** elective employee paid supplemental group term life, elective dependent life and accidental death and dismemberment insurance coverage – Estimated cost \$7,712,915 (to be fully reimbursed by participating employees) - Standard Insurance Company, most advantageous proposer of three - Total not to exceed \$8,490,839 - Financing: Current Funds (subject to annual appropriations)

Standard Insurance Company is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$777,924.00	100.00%
TOTAL CONTRACT	\$777,924.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

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%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

December 9, 2015

WHEREAS, on November 7, 2011, the City Council authorized a three-year service contract and policy, with two one-year renewal options, to provide basic and supplemental group term life, voluntary dependent life and accidental death and dismemberment insurance coverage by Resolution No. 11-3023; and,

WHEREAS, on April 23, 2014, the City Council authorized the first one year extension to the contract, to provide basic and supplemental group term life, voluntary dependent life and accidental death and dismemberment insurance coverage by Resolution No. 14-0662;

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 service contract and policy with Standard Insurance Company (VS0000024410) to provide (1) City paid basic life insurance for \$1.75 per employee per month in an estimated cost of \$777,924.00 and (2) elective employee paid supplemental group term life, elective dependent life and accidental death and dismemberment insurance coverage in an estimated cost of \$7,712,914.11 (to be fully reimbursed by participating employees), for a term of three years, with two one-year renewal options, in amount not to exceed \$8,490,838.11, 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 Standard Insurance Company shall be based only on the amount of the services directed to be performed by the City and properly performed by Standard Insurance Company under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$777,924.00 from Service Contract MASC BKZ1523 for group basic term life insurance coverage (subject to annual appropriations).

Section 3. That the Chief Financial Officer is authorized to remit the employee premiums collected via payroll deduction from the appropriate funding sources to Standard Insurance Company for coverage as listed:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Type of Coverage</u>
0265	PER	7915	3568	Supplemental Life Insurance
0265	PER	7925	3523	Dependent Life Insurance
0265	PER	7925	3561	Accidental Death & Dismemberment

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: December 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a six-year service contract for elevator and escalator maintenance and repair at various city facilities – Southwest Elevator Company dba Oracle Elevator Company of Texas, lowest responsible bidder of five - Not to exceed \$4,242,931 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This item was placed on the addendum to allow for continued services without interruption.

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

This service contract will provide elevator and escalator preventative maintenance and repair. All equipment serviced under the agreement will be maintained monthly, in accordance with the manufacturer's recommended maintenance schedule, to meet all applicable codes and state regulations. A six-year contract will ensure the contractor addresses both immediate and long-term needs of the City's elevators and escalators.

In addition to regularly scheduled preventative maintenance the contractor will be on call twenty-four hours a day for emergency repairs. The contractor will respond to emergency calls within two hours and will complete emergency repairs within forty-eight hours. This service contract will provide maintenance and repair services for approximately 110 units managed by Equipment and Building Services throughout the City.

BACKGROUND (Continued)

To ensure that all equipment is in compliance with state and local codes, the City currently contracts with a certified elevator inspector with extensive elevator, escalator, and moving sidewalk experience. The inspector will assist in the oversight of maintenance and repair, and will provide technical expertise for any remodeling or construction projects.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 186 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS 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 BDPS' 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 March 10, 2010, City authorized a six-year service contract for elevator, escalator and moving sidewalk maintenance and repair at various city facilities by Resolution No. 10-0679.

On May 28, 2014, City Council authorized supplemental agreement no. 1 to increase the service contract for elevator, escalator and moving sidewalk maintenance and repair at various City facilities by Resolution No. 14- 0819.

Information about this item will be provided to the Budget, Finance and Audit Committee on December 7, 2015.

FISCAL INFORMATION

\$4,242,931.00 – Current Funds (subject to annual appropriations)

M/WBE INFORMATION

54 - Vendors contacted
54 - No response
0 - Response (Bid)
0 - Response (No bid)
0 - Successful vendor

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

M/WBE INFORMATION (Continued)

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

ETHNIC COMPOSITION

Southwest Elevator Company dba Oracle Elevator Company of Texas

White Male	12	White Female	1
Black Male	1	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BP1421 and were opened on October 30, 2014. This service contract is being awarded to the lowest responsive and responsible bidders by group.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Southwest Elevator Company dba Oracle Elevator Company of Texas	620 Crestside Dr. Duncanville, TX 75137	Multiple Groups
Otis Elevator Company	1931 Market Center Blvd. Dallas, TX 75207	Multiple Groups
ThyssenKrupp Elevator Company	4355 Excel Pkwy. Suite #800 Addison, TX 75001	Multiple Groups
EMR Elevator, Inc.	2320 Michigan Ct. Arlington, TX 76016	Multiple Groups
Schindler Elevator Company	6631 N. Beltline Rd. Irving, TX 75063-6001	Multiple Groups

OWNER

Southwest Elevator Company dba Oracle Elevator Company of Texas

Paul Belliveau, President

Mark Boelhouwer, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a six-year service contract for elevator and escalator maintenance and repair at various city facilities – Southwest Elevator Company dba Oracle Elevator Company of Texas, lowest responsible bidder of five - Not to exceed \$4,242,931 - Financing: Current Funds (subject to annual appropriations)

Southwest Elevator Company dba Oracle Elevator Company of Texas is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$4,242,931.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$4,242,931.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

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%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

December 9, 2015

WHEREAS, on March 10, 2010, City authorized a six-year service contract for elevator, escalator and moving sidewalk maintenance and repair at various city facilities by Resolution No. 10-0679; and,

WHEREAS, on May 28, 2014, City Council authorized supplemental agreement no. 1 to increase the service contract for elevator, escalator and moving sidewalk maintenance and repair at various City facilities by Resolution No. 14-0819;

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 service contract with Southwest Elevator Company dba Oracle Elevator Company of Texas (VS0000038350) for elevator and escalator maintenance and repair at various city facilities for a term of six years in an amount not to exceed \$4,242,931.00, 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 Southwest Elevator Company dba Oracle Elevator Company of Texas shall be based only on the amount of the services directed to be performed by the City and properly performed by Southwest Elevator Company dba Oracle Elevator Company of Texas under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$4,242,931.00 from Service Contract number BP1421 (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: December 9, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Water Utilities
Office of Risk Management

CMO: Warren M.S. Ernst, 670-3491
Mark McDaniel, 670-3256
Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize settlement of a claim filed by Steven Piano, Claim No. 15475033 - Not to exceed \$29,369 - Financing: Current Funds

BACKGROUND

Claimant filed a claim against the City seeking compensation for property damage as a result of a motor vehicle accident on August 4, 2015 involving a Dallas Water Utilities Department vehicle. This item is on the addendum due to legal deadlines before the next available agenda.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

\$29,368.80 - Current Funds

December 9, 2015

WHEREAS, a claim was filed by Steven Piano, Claim No. 15475033, seeking compensation from the city for alleged property damage sustained in a motor vehicle accident on August 4, 2015 involving a Dallas Water Utilities Department vehicle; and,

WHEREAS, claimant Steven Piano has agreed to settle this claim for the amount of \$29,368.80; **Now, Therefore**,

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

Section 1. That settlement of the claim filed by Steven Piano, Claim No. 15475033, in an amount not to exceed \$29,368.80 is hereby approved.

Section 2. That the Chief Financial Officer is authorized to pay to Steven Piano and all other persons having an interest in the claim the amount of \$29,368.80 from Fund 0192, Department ORM, Unit 3889, Obj. 3521, Vendor MVORM001.

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: Clean, Healthy Environment

AGENDA DATE: December 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Code Compliance

CMO: Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

An ordinance authorizing an amendment to Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code to provide construction workers with a ten-minute rest break for every four hours; providing for signs explaining rest break requirements on construction sites; providing a criminal penalty; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

The Occupational Safety and Health Administration (OSHA) recommends, but does not require, a work/rest cycle at construction worksites.

The City has been petitioned by citizens and interested groups to address concerns of workers not receiving rest breaks at construction sites. The proposed ordinance would establish requirements, procedures, penalties, and remedies for a ten minute rest break for every four hours of work performed at construction sites; providing for signs explaining rest break requirements on construction sites; providing a criminal penalty of a class C misdemeanor; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

Pending authorization by Council, staff will start implementation of the new ordinance on January 1, 2016 with public information releases, and start actively enforcing the ordinance in April 1, 2016.

This item was placed on the addendum following the December 2, 2015 Council Briefing meeting at the request of council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the Quality of Life and Environment Committee on June 23, 2014.

Briefed to City Council on September 3, 2014.

PRIOR ACTION/REVIEW (Continued)

Briefed to the Economic Development Committee on December 1, 2014.

Briefed to the Quality of Life and Environment Committee on January 26, 2015.

Briefed to the Economic Development Committee on February 2, 2015.

City Council authorized postponing the consideration of ordinances on March 4, 2015.

Briefed to City Council on December 2, 2015.

FISCAL INFORMATION

No cost consideration to the City

ORDINANCE NO. _____

An ordinance amending Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended; adding definitions; providing requirements for rest breaks for construction workers and associated signage; 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 Subsection 210.1, “General,” of Section 210, “Violations and Penalties,” of Subchapter 2, “Organization and Enforcement,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended, is amended to read as follows:

“**210.1 General.** A person commits a criminal offense if:

1. contrary to or in violation of any provision of this chapter or the codes, he knowingly:
 - 1.1. erects, constructs, enlarges, adds to, alters, repairs, replaces, moves, improves, removes, installs, converts, demolishes, equips, operates, uses, occupies, or maintains a structure or building service equipment;
 - 1.2. excavates or maintains an excavation;
 - 1.3. paves or grades on a property; or
 - 1.4. causes any work or activity described in Paragraphs 1 through 3 of this section to be done.
2. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner’s name, street address, and telephone number to code enforcement officials; [øf]

3. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property; or
4. the person is the contractor, the agent of the contractor, or the person in control of the construction site and fails to provide rest breaks in accordance with Section 610.

For purposes of this section, a person acts knowingly, or with knowledge, with respect to the nature of their conduct or to circumstances surrounding their conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of their conduct when the person is aware that the conduct is reasonably certain to cause the result. The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of Chapter 1 of the *Dallas City Code*, as amended.”

SECTION 2. That Subsection 210.3, “Punishment,” of Section 210, “Violations and Penalties,” of Subchapter 2, “Organization and Enforcement,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended, is amended to read as follows:

“**210.3 Punishment.** Any person who [~~knowingly~~] violates a provision of this chapter or the codes is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted and each offense is punishable by a fine not to exceed \$2,000.

Exception: Each offense of Section 610 is punishable by a fine not to exceed \$500.”

SECTION 3. That Subsection 601.2, “Definitions,” of Section 601, “General,” of Subchapter 6, “Construction Site Management,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended, is amended to read as follows:

“**601.2 Definitions.** In this subchapter:

CONSTRUCTION means any activity involving:

1. construction, demolition, erection, alteration, or repair of any structure or any portion or appurtenance to a structure; or
2. excavation, paving, or grading of property.

CONTRACTOR means the person so listed on a permit issued by the building official. When more than one contractor has a permit or is performing construction work on the same project, the provisions of this subchapter apply to the general or prime contractor listed on the building permit. “Contractor” also means the owner of any property on which construction work is being conducted when the construction work either does not require a permit or is being done without a required permit.

REST BREAK means a time within working hours during which a worker may not work. The term excludes any regular meal period provided by the contractor, agent of the contractor, or the person in control of the construction site.

SCHEDULED WORK means the time during which a worker is subject to the control of a contractor, agent of the contractor, or the person in control of the construction site and includes all the time the worker is required or permitted to work.”

SECTION 4. That Paragraph 602.3.1, “Required Information,” of Subsection 602.3, “Sign Content,” of Section 602, “Construction Information Signs,” of Subchapter 6, “Construction Site Management,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended is amended to read as follows:

“602.3.1 Required information. Each construction information sign shall contain the following information:

1. The construction project name, if any.
2. The official city-assigned street address, including any suite number, as it appears on the building permit.
3. The general contractor's name and local telephone number.
4. The words “City of Dallas Construction Information” and the city's construction information telephone number.
5. An explanation of the requirements of Section 610 in both English and Spanish with instructions on how to confidentially report noncompliance.”

SECTION 5. That Subchapter 6, “Construction Site Management,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended, is amended by adding a new Section 610, “Rest Breaks,” to read as follows:

**“SECTION 610.
REST BREAKS.**

610.1 Rest break required. A worker performing construction activity at a construction site is entitled to a rest break of not less than 10 minutes for every four hours of scheduled work.”

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 7. That Chapter 52 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 8. 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 9. That this ordinance will take effect on January 1, 2016, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

ADDENDUM ITEM # 5

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: December 9, 2015

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Intergovernmental Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

Authorize approval by the City of Dallas of the proposed tax abatement agreement between American Airlines and Tarrant County for construction of American Airline's new corporate headquarters and related uses on DFW Airport property - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum because the DFW Airport Board made a request in December for the owner cities to approve the proposed tax abatement as required by the Tarrant County Taxing Authorities. On November 18th the Dallas City Council approved execution of a long-term lease between Dallas Fort Worth International Airport Board (DFW Board) and American Airlines (American) to facilitate construction of American's new corporate headquarters.

In connection with American Airline's decision to place its corporate headquarters on DFW Airport property, Tarrant County, one of the relevant taxing jurisdictions, intends to grant certain tax incentives to American Airlines.

The Cities of Dallas and Fort Worth are the owner cities of DFW Airport and required to execute the proposed tax abatement agreement, pursuant to which Tarrant County will provide certain tax incentives to American.

Under the amended and restated lease, to be entered into by and between American Airlines and the Dallas Fort Worth International Airport Board, American will be obligated to pay all taxes on the premises, whether on the leasehold estate or the fee simple estate.

The agreement shall make clear that neither the Owner Cities nor the DFW Airport Board shall assume any liability under the agreement with respect to the tax incentives or otherwise.

PRIOR ACTION/REVIEW (Council, Board, Commissions)

Information about this item will be provided to the Economic Development Committee on December 7, 2015.

FISCAL INFORMATION

No cost consideration to the City.

December 9, 2015

WHEREAS, Dallas Fort Worth International Airport Board has entered into a lease agreement with American Airlines to facilitate construction of a new corporate headquarters on property at DFW Airport; and

WHEREAS, tax incentives for the project are offered to American Airlines by Tarrant County; and

WHEREAS, the Owner Cities, Dallas and Fort Worth, must execute, as fee simple owners of the land, the tax abatement agreement.

Now, Therefore,

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

Section 1. That the proposed agreement shall make clear that neither the Owner Cities nor the DFW Airport Board shall assume any liability under the agreement with respect to the tax incentives or otherwise.

Section 2. That the City Manager is hereby authorized to execute the proposed tax abatement agreement, subject to the City Attorney's approval as to form, pursuant to which Tarrant County will provide certain tax incentives to American Airlines.

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.

ADDENDUM ITEM # 6

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

AGENDA DATE: December 9, 2015

COUNCIL DISTRICT(S): 1

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 44-Y 54-C

SUBJECT

Authorize application for an Environmental Solutions for Communities Grant in the amount of \$50,000 from Wells Fargo and the National Fish and Wildlife Foundation for the Dam Safety and Shoreline Erosion Control project at Kidd Springs Park – Financing: This action has no cost consideration to the City

BACKGROUND

This item is on the addendum due to the grant application deadline of December 10, so in order to get City Council's approval, the Park and Recreation Department needed to place item on the only City Council agenda in December. We did not receive notification that Kidd Springs was the selected project for the City to submit until it was too late to be on the regular agenda.

Wells Fargo, in partnership with the National Fish and Wildlife Foundation (NFWF), is accepting grant applications for the *Environmental Solutions for Communities Grant* program. This program is available to private non-profit organizations and public agencies. The scoring criteria for this grant program focuses on projects that include private/public partnerships, volunteer community participation, greening of traditional infrastructure, stormwater management, and highly visible project sites. The Kidd Springs Dam Safety and Shoreline Erosion Control project was chosen for this application as it achieves the most points from the grant program priorities.

The grant program does not require a funding match; however, projects which meet or exceed a 1:1 match will be more competitive. The City's 2006 Bond Program's \$500,000 allocation for the Kidd Springs project will be used to exceed the matching fund criterion for the application. If successful, the grant will provide for shoreline restoration, erosion control and re-establishment of a natural spring at the project site which would not be possible without the additional funds.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized application of the grant on November 19, 2015.

Information about this item will be presented to the Quality of Life & Environment Committee on December 8, 2015.

FISCAL INFORMATION

This action has no cost consideration to the City.

MAP

Attached



December 3, 2015

Kidd Springs Park (700 W. Cauty St.)

Mapsc0
44Y
54 C

District
1

December 9, 2015

WHEREAS, the City of Dallas be authorized to apply for a grant for the *Environmental Solutions for Communities Grant*, in the amount of \$50,000 from Wells Fargo and the National Fish and Wildlife Foundation (NFWF) for the Dam Safety and Shoreline Erosion Control Project at Kidd Springs Park 700 West Canty Street; and

WHEREAS, this grant application is for the Dam Safety and Shoreline Erosion Control Project at Kidd Springs Park; and

WHEREAS, the grant program does not require a funding match, however, projects which meet or exceed a 1:1 match will be more competitive.

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board and the City Manager are authorized to submit a grant application for the *Environmental Solutions for Communities Grant*, in the amount of \$50,000 from Wells Fargo and the National Fish and Wildlife Foundation (NFWF) for the Dam Safety and Shoreline Erosion Control Project at Kidd Springs Park.

SECTION 2. That the City's 2006 Bond Program \$500,000 allocation for the Kidd Springs Project will be used to exceed the matching fund criterion for the application. If successful, the grant will provide for a portion of the project which would not be possible without the additional funds.

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.

ADDENDUM ITEM # 7

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

AGENDA DATE: December 9, 2015

COUNCIL DISTRICT(S): 1, 2, 5, 10, 11, 14

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 15-D H 16-E 27-K L 44-X Y 36-Q U 46-D H 47-A E 54-B C
58-V Z 59-S W

SUBJECT

Authorize a professional services contract with Kimley-Horn and Associates, Inc. for schematic design through construction administration services of the Phase I Aquatics Master Plan - 2015 Update to include six aquatic facilities to be constructed at: Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Beltline Road, Kidd Springs Park located at 700 West Canty Street, Lake Highlands North Park located at 9344 Church Road, Samuell-Grand Park located at 6200 East Grand Avenue, and Tietze Park located at 2700 Skillman Street - Not to exceed \$3,307,500 - Financing: Elgin B. Robertson Land Sale Funds

BACKGROUND

This item is on the addendum in order to meet the opening date for the first set of Aquatic Centers in time for pool season 2018, we need to have the design contract approved on December 9.

Contract includes schematic design through construction administration services for six facility aquatic centers, including Regional facilities at Fretz Park, Samuell-Grand Park and Crawford Memorial Park; two Community facilities at Lake Highland North Park; and Kidd Springs Park and a Neighborhood facility at Tietze Park.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2016
Complete Design	December 2016
Begin Construction	May 2017
Complete Construction	May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council was briefed on September 14, 2015.

City Council was briefed on October 7, 2015.

The Park and Recreation Board was briefed on October 8, 2015.

The Park and Recreation Board authorized award of the professional services contract on November 19, 2015.

Information about this item will be provided to the Quality of Life & Environment Committee on December 8, 2015.

FISCAL INFORMATION

Elgin B. Robertson Land Sale Funds - \$3,307,500

<u>Council District</u>	<u>Amount</u>
1	\$ 476,700
2	\$ 672,000
5	\$ 747,600
10	\$ 476,700
11	\$ 568,050
14	<u>\$ 366,450</u>
Total	\$3,307,500

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Kimley-Horn and Associates, Inc.

White Male	93	White Female	42
Black Male	2	Black Female	2
Hispanic Male	6	Hispanic Female	6
Other Male	4	Other Female	2

OWNER

Kimley-Horn and Associates, Inc.

Mark C. Hatchel, PLA, ASLA – Vice President/Senior Park Planner

MAPS

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Kimley-Horn and Associates, Inc. for schematic design through construction administration services of the Phase I Aquatics Master Plan - 2015 Update to include six aquatic facilities to be constructed at: Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Beltline Road, Kidd Springs Park located at 700 West Canty Street, Lake Highlands North Park located at 9344 Church Road, Samuell-Grand Park located at 6200 East Grand Avenue, and Tietze Park located at 2700 Skillman Street - Not to exceed \$3,307,500 - Financing: Elgin B. Robertson Land Sale Funds

Kimley-Horn and Associates, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,824,500.00	85.40%
Total non-local contracts	\$483,000.00	14.60%
TOTAL CONTRACT	\$3,307,500.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

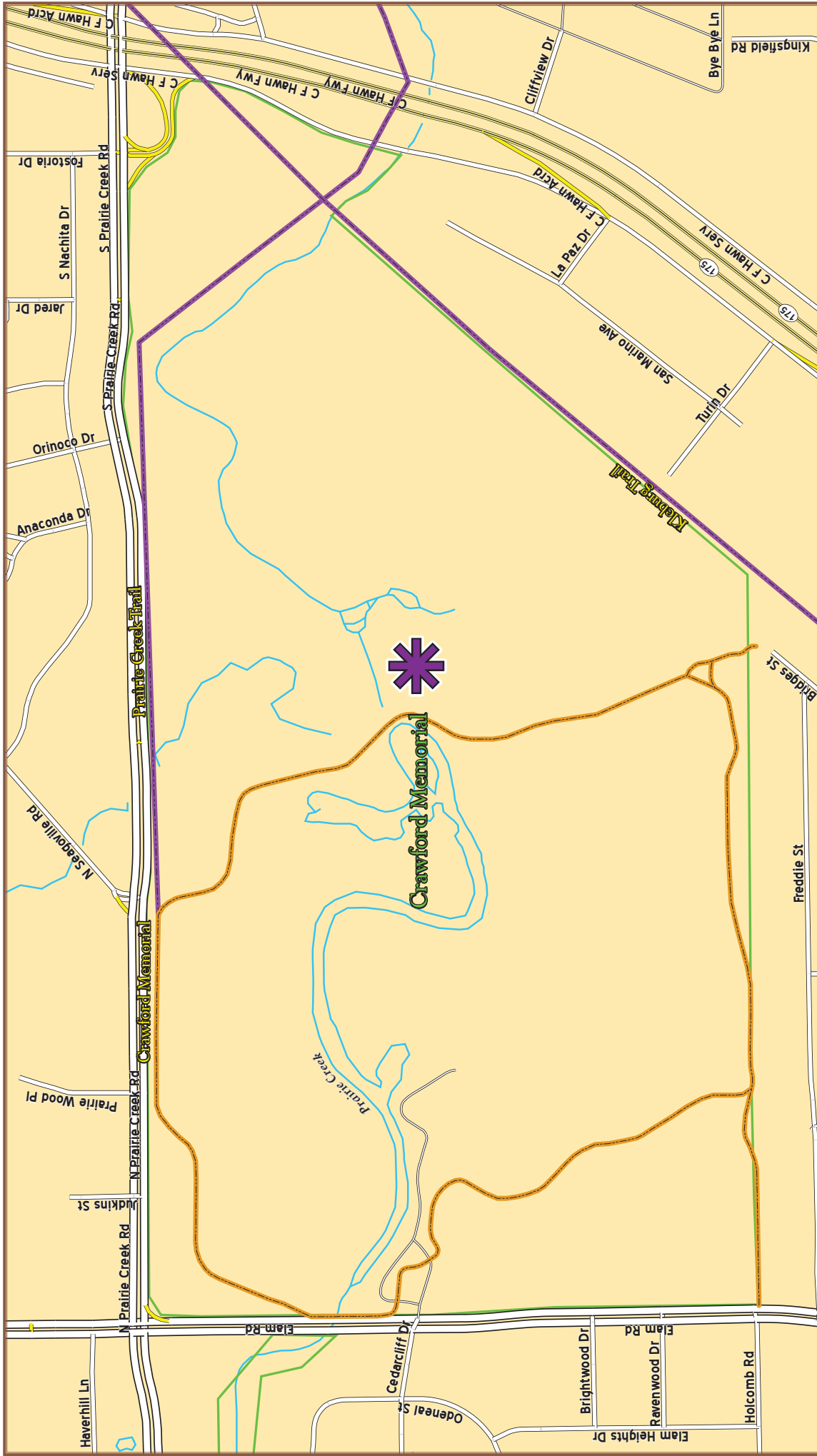
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Alliance Geotechnical	BMDB63934Y0116	\$44,100.00	1.56%
GSR Andrade	HMMB12941Y0617	\$231,000.00	8.18%
Lim & Associates	PMDB01647Y0416	\$100,800.00	3.57%
Quimby McCoy	WFWB63961N0117	\$231,000.00	8.18%
Access by Design	WFDB48336Y0616	\$12,600.00	0.45%
Total Minority - Local		\$619,500.00	21.93%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Ibanez Architecture	HMMB63460N1116	\$231,000.00	47.83%
Total Minority - Non-local		\$231,000.00	47.83%

TOTAL M/WBE CONTRACT PARTICIPATION

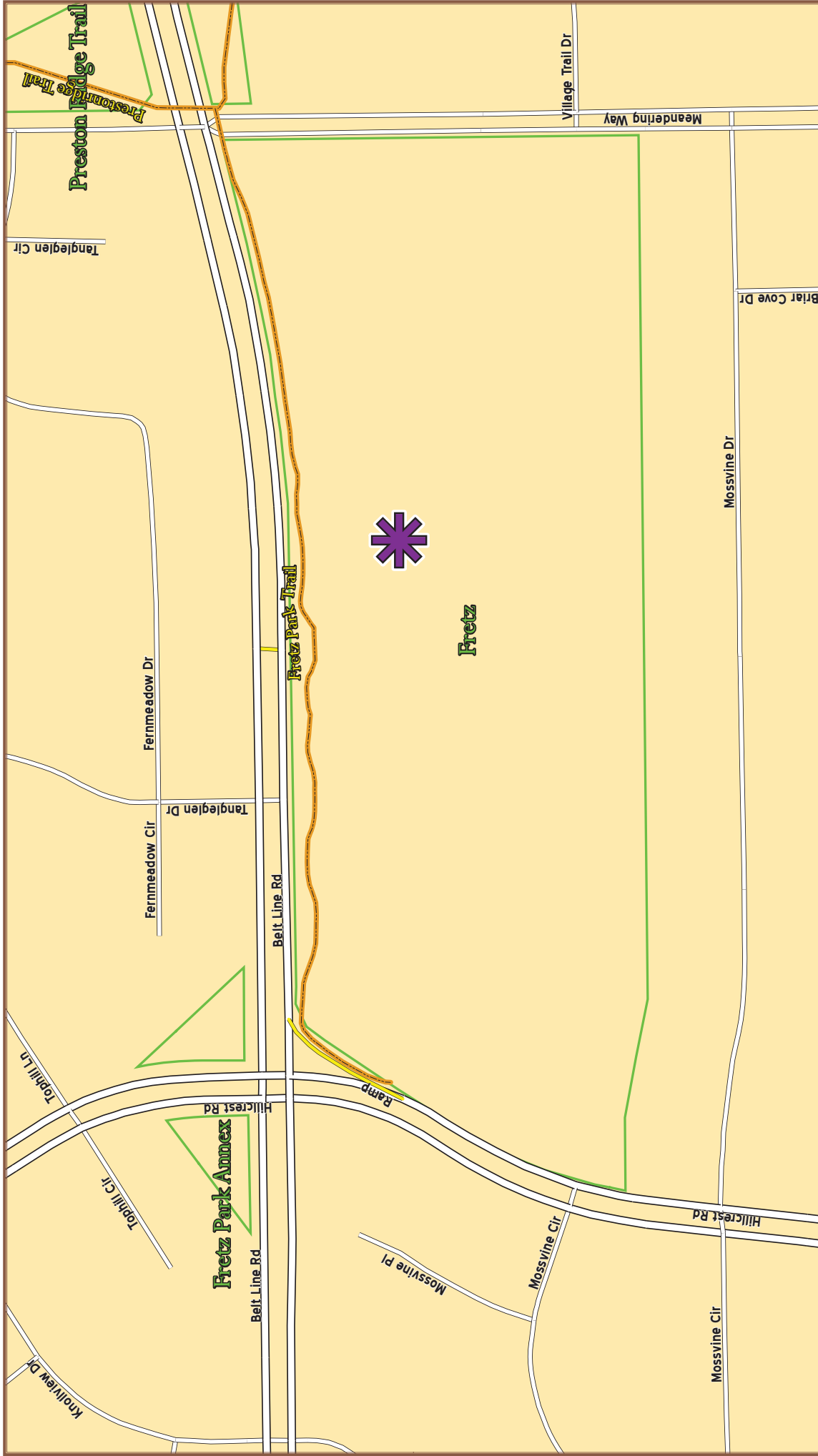
	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$44,100.00	1.56%	\$44,100.00	1.33%
Hispanic American	\$231,000.00	8.18%	\$462,000.00	13.97%
Asian American	\$100,800.00	3.57%	\$100,800.00	3.05%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$243,600.00	8.62%	\$243,600.00	7.37%
Total	\$619,500.00	21.93%	\$850,500.00	25.71%



District 5
 Mapsco 58 V Z 59 SW

Phase I Aquatics: Crawford Memorial Park
 (8700 Elam Rd)

November 19, 2015

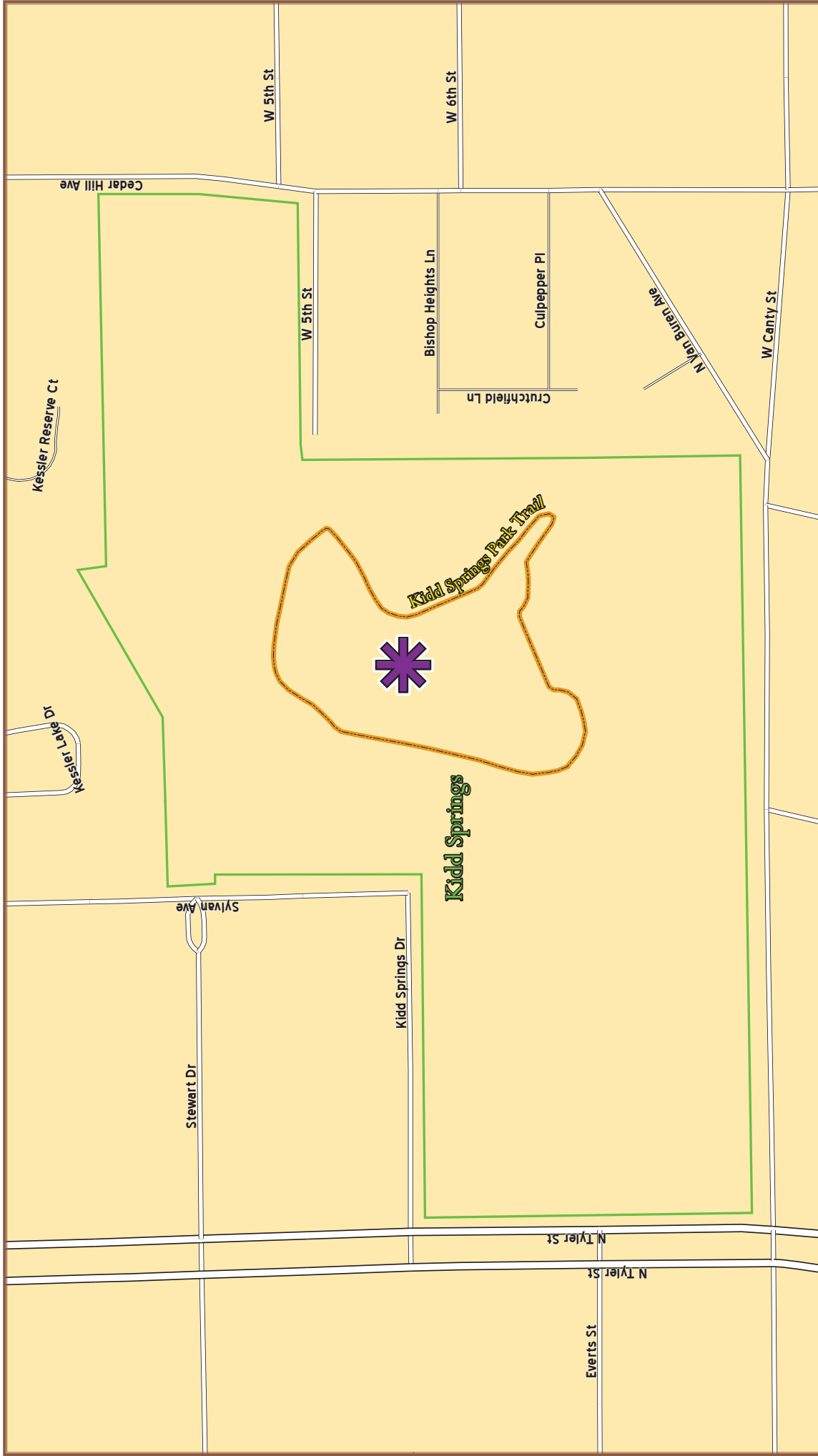


November 19, 2015

Phase I Aquatics: Fretz Park (6994 Belt Line Rd)

MapSCO
15 D, H
16 E

District
11

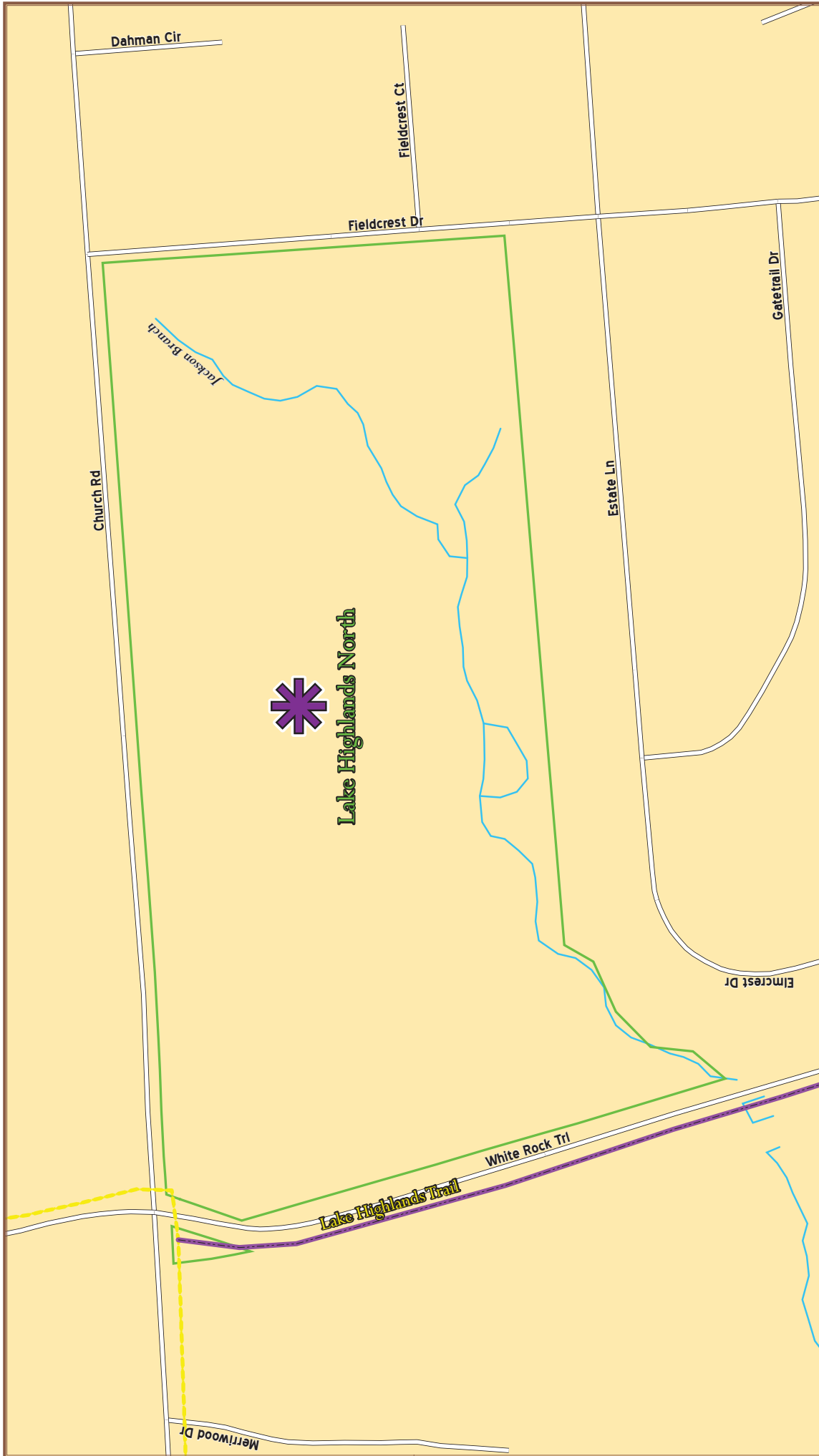


November 19, 2015

Phase I Aquatics: Kidd Springs Park (700 W Cauty St)

Mapsc
44 XY
54 B C

District
1



Lake Highlands North

Lake Highlands Trail

White Rock Trl

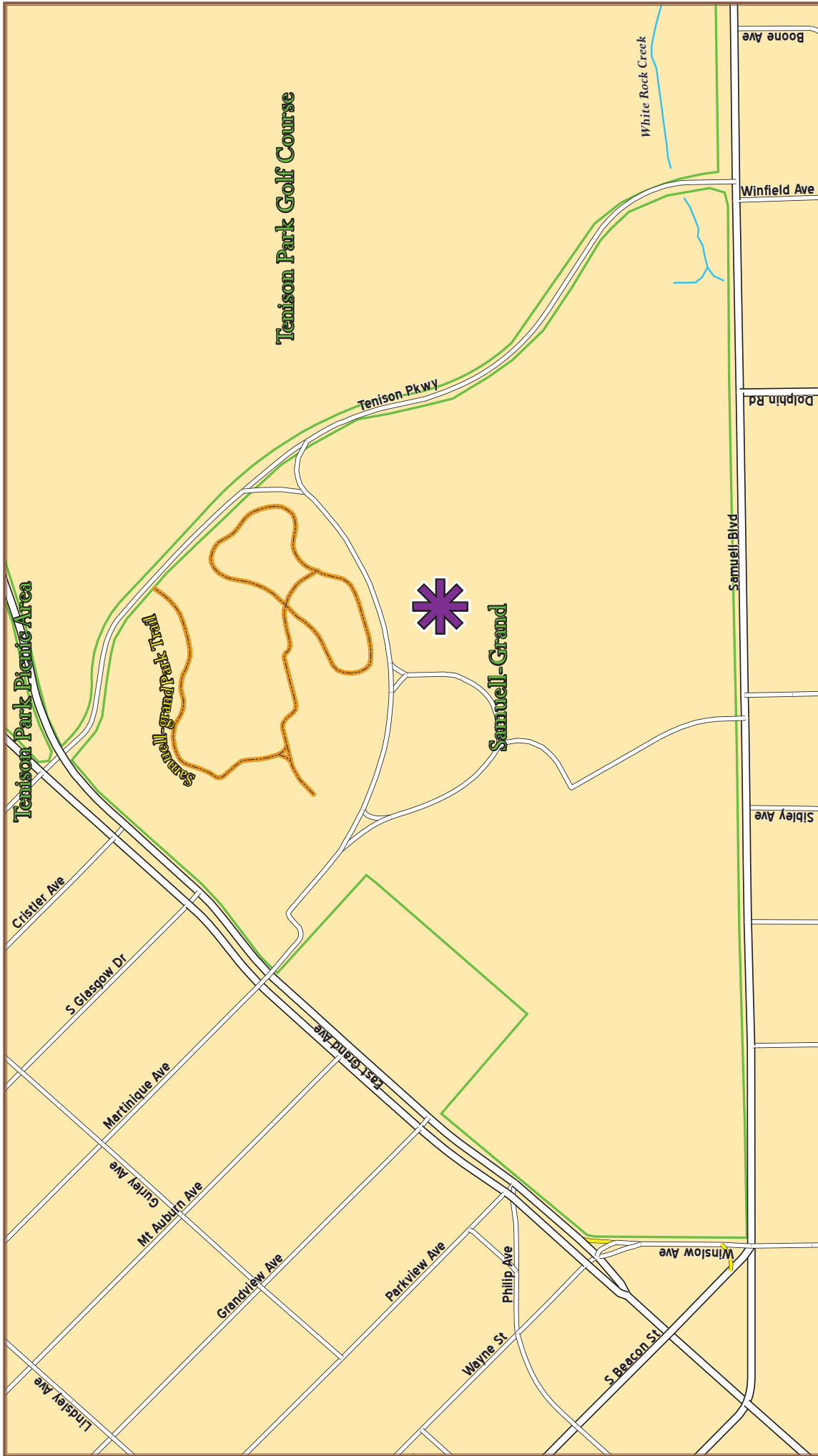


November 19, 2015

**Phase I Aquatics: Lake Highlands North Park
(9344 Church Rd)**

MapSCO
27 K L

District
10



Mapsco
46 D H
47 A E

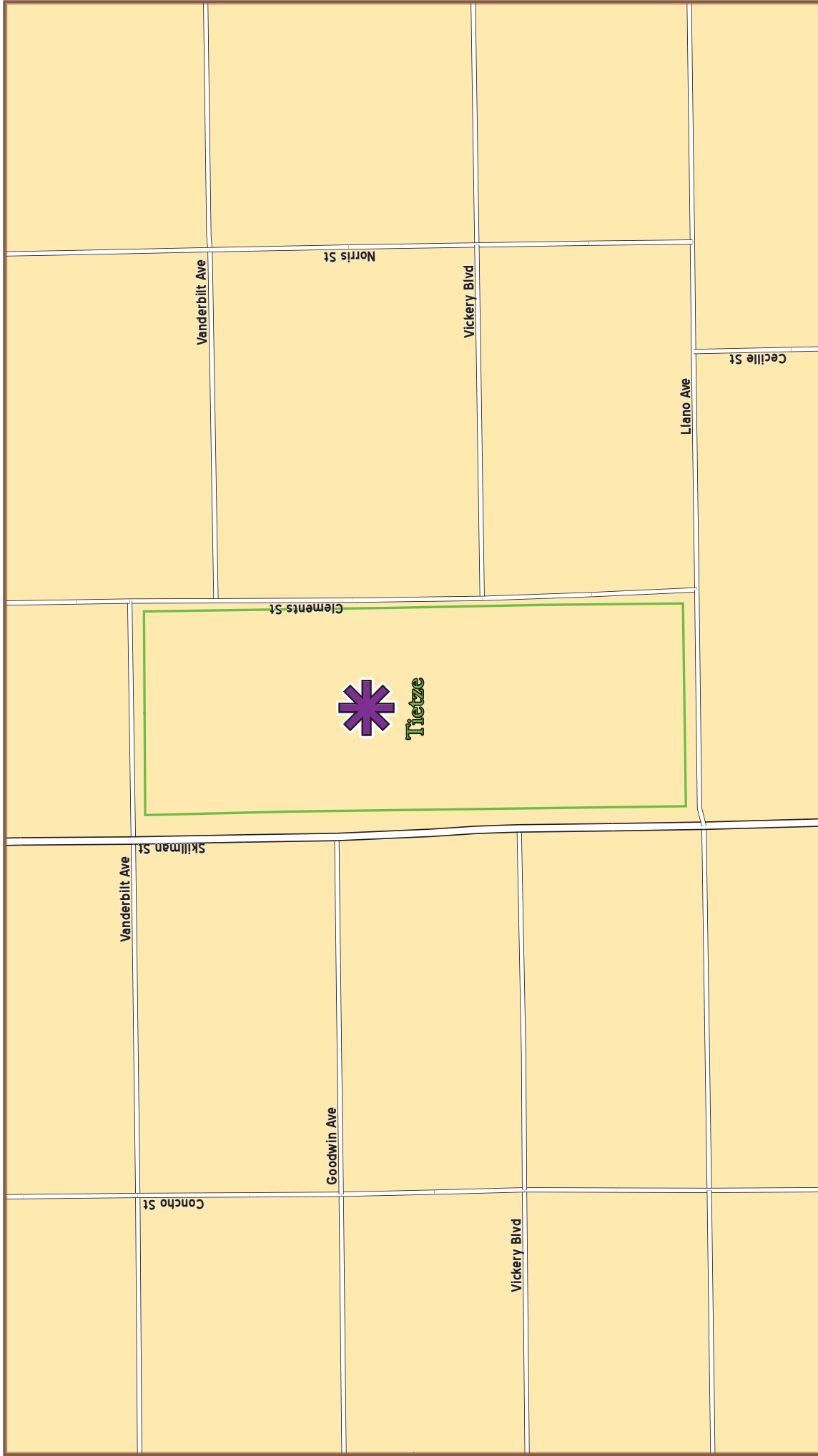
Phase I Aquatics: Samuell-Grand Park
(6200 E Grand Ave)



0 145 290 580 870 Feet

November 19, 2015

District
2



November 19, 2015

Phase I Aquatics: Tietze Park
(2700 Skillman St)

MapSCO
36 Q U

District
14

December 9, 2015

WHEREAS, it is necessary to hire a firm to provide for schematic design through construction administration services of the Phase I Aquatics Master Plan - 2015 Update to include six aquatic facilities to be constructed at: Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Beltline Road, Kidd Springs Park located at 700 West Canty Street, Lake Highlands North Park located at 9344 Church Road, Samuell-Grand Park located at 6200 East Grand Avenue, and Tietze Park located at 2700 Skillman Street, and the firm of Kimley-Horn and Associates, Inc. presented a proposal dated November 2, 2015 to provide these services, in an amount not to exceed \$3,307,500.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a professional services contract with Kimley-Horn and Associates, Inc. for schematic design through construction administration services of the Phase I Aquatics Master Plan - 2015 Update to include six aquatic facilities to be constructed at: Crawford Memorial Park, Fretz Park, Kidd Springs Park, Lake Highlands North Park, Samuell-Grand Park, and Tietze Park, in an amount not to exceed \$3,307,500.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a professional services contract with Kimley-Horn and Associates, Inc. after approval as to form by the City Attorney.

SECTION 3. That the City Manager is hereby authorized to establish the appropriation in an amount not to exceed \$3,307,500 in Fund 0467, Department PKR, Unit P945, Object 4112, Activity AQFC, Program PKP945, CT-PKR1019526, Commodity 92500.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$3,307,500 from Elgin B. Robertson Land Sale Funds, Fund 0467, Department PKR, Unit P945, Object 4112, Activity AQFC, Program PKP945, CT-PKR16019526, Commodity 92500, Vendor 135447.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: December 9, 2015

COUNCIL DISTRICT(S): 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14

DEPARTMENT: Public Works Department
Park & Recreation

CMO: Jill A. Jordan, P.E., 670-5299
Mark McDaniel, 670-3256

MAPSCO: 5R; 15H; 15V; 24Q; 27K Y; 33B C; 38R; 43L T; 45H Q U; 46H
J T P Y; 47J; 53Z; 55Q; 57V; 65R 69A-M; 71B-E

SUBJECT

State of Texas Energy Conservation Office LoanSTAR Fund

- * Authorize **(1)** the acceptance of a loan from the State of Texas Energy Conservation Office LoanSTAR Fund in the amount of \$5,723,363, to be repaid plus interest, beginning in FY 2016-17 for a period of ten years from electric and natural gas energy savings; **(2)** the establishment of appropriations in the amount of \$5,723,363 in the State Energy Conservation Office LoanSTAR III Fund; **(3)** Supplemental Agreement No. 1 to the contract with Metco Engineering for **(a)** construction of energy conservation related projects at 28 City facilities in an amount not to exceed \$5,723,363 (list attached) and **(b)** measurement and verification of the guaranteed savings for a period not to exceed ten years, in an amount not to exceed \$150,000 to be paid from electric and natural gas savings; and **(4)** the acceptance and deposit of rebates from Oncor Electric Delivery in the Oncor Rebate Fund - Total not to exceed \$5,873,363 - Financing: State of Texas Energy Conservation Office LoanSTAR Funds (\$5,723,363) and Current Funds (\$150,000) (subject to annual appropriations)
- * Authorize repayment of the loan, in the amount of \$5,723,363 over a ten year period, plus interest in the amount of \$480,000, from the State of Texas Energy Conservation Office Loan Repayment Fund using savings in the City's annual electricity and natural gas budgets - Not to exceed \$6,203,363 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This item was moved to the Addendum due to a change in funding from a single repayment account to the individual facility accounts. In 1997, Chapter 302, Texas Local Government Code approved legislation allowing Cities and political subdivisions to enter multi-year contracts for the purpose of implementing energy related conservation projects and use energy savings to repay the debt for a period up to 20 years. The City has implemented seven energy conservation projects.

On November 12, 2013, Resolution No. 13-1998 authorized a Memorandum of Understanding with the State Energy Conservation Office (SECO) for energy projects at Park and Recreation facilities in the amount of \$7,000,000.

On August 7, 2015, Administrative Action No. 15-1503 authorized Phase 1 of the Energy Services Contract with Metco Engineering to perform an energy audit and develop energy conservation related projects at 34 Park and Recreation facilities throughout the City of Dallas.

This Supplemental Agreement No. 1 authorizes energy conservation measures for lighting, controls, commissioning, and staff funding for conservation management programs. In addition, METCO Engineering and their sub-contractor - Texas A & M Energy Systems Laboratory will perform measurement and verification services for a period up to ten years for a total cost not to exceed \$150,000 for this same period. These services will also be paid from guaranteed energy savings.

The terms of the supplemental agreement stipulate, pursuant to Chapter 302, Texas Local Government Code, that the project financing must be repaid from realized annual energy savings, as identified and guaranteed in the contract. An independent third party engineering review was completed by SECO's approved third party consultant.

Project financing for this supplemental agreement will have a term of ten years and will be funded through State Energy Conservation Office's (SECO's) LoanSTAR Fund in the amount of \$5,723,363, which will be amortized over a ten-year period at a 2.00% interest rate. This interest rate is considered competitive with the City's most recent debt issuance.

This contract will not require any upfront dollars from the City and guarantees the savings. The construction project will be completely funded out of the SECO's LoanSTAR Fund and then repaid with the realized energy savings on an annual basis for a period of ten years. If the annual savings falls below the amount guaranteed by Metco Engineers, they will be contractually obligated to make up the amount of energy savings not realized. Metco Engineers will also provide one year guaranteed bonds renewed on an annual basis throughout the duration of the project to further secure the loan.

BACKGROUND (Continued)

As required by terms, the City Manager is authorized to repay the SECO loan over ten years, plus interest, through energy savings from the City's annual electricity and natural gas budgets, subject to appropriation by the Council, at the beginning of each fiscal year. The guaranteed energy savings will be deducted from the annual electricity and natural gas budget and set aside for the repayment of the loan to SECO LoanSTAR III Fund in an amount of \$5,723,363 plus interest. The City's annual electricity and natural gas budget will include the guaranteed savings for the term of the loan. As exact electric and gas service rates cannot be known over the ten year term of the repayment, the guaranteed savings from the project will be in the form of units of energy (such as kilowatt hours) and not the rate charged. This means that in the event of a rate increase during the repayment term, the dollar value of the utility savings within the City's budget would increase commensurate with the rate adjustment and not negatively impact the City.

This project is eligible to receive energy and demand reduction incentives from Oncor which will be utilized toward the implementation of this project and other energy conservation efforts.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	February 2016
Complete Construction	September 2016
Complete Contract	September 2026

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Memorandum of Understanding with the State Energy Conservation Office for energy projects at Park and Recreation facilities project in the amount of \$7,000,000 on November 12, 2013, by Resolution No. 13-1998.

Information about this item will be provided to the Budget, Finance and Audit Committee on December 7, 2015.

FISCAL INFORMATION

Subject 1

State of Texas Energy Conservation Office LoanSTAR Fund - \$5,723,363
Current Funds - \$150,000 (subject to annual appropriations)

Subject 2

Current Funds - \$6,203,363 (subject to annual appropriations)

FISCAL INFORMATION (Continued)

<u>Council District</u>	<u>Amount</u>
2	\$3,012,659
3	\$ 52,105
4	\$ 439,707
6	\$ 667,114
7	\$ 959,173
8	\$ 184,817
9	\$ 127,883
10	\$ 91,580
11	\$ 103,405
12	\$ 44,564
13	\$ 172,186
14	\$ 18,170
Total	\$5,873,363

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Metco Engineering

Hispanic Female	0	Hispanic Male	4
African-American Female	0	African-American Male	2
Other Female	0	Other Male	0
White Female	1	White Male	12

OWNER

Metco Engineering

Barry Bagheri, P.E., President

MAPS

Attached

City Facilities

<u>Building Name</u>	<u>Address</u>	<u>Council District</u>
Animal Shelter	1818 N. Westmoreland Rd.	6
Bachman Recreation Center	2750 Bachman Dr.	6
Campbell Green Recreation Center	16600 Park Hill Dr.	12
Churchill Recreation Center	6906 Churchill Way	11
Cedar Crest Clubhouse / Pro Shop	1800 Southerland Ave.	4
EBS Offices - Canton	3202 Canton St.	2
Exall Recreation Center	1355 Adair St.	14
Exline Recreation Center	2525 Pine St.	7
Fire Training Administration	5000 Dolphin Rd.	2
Fretz Recreation Center	6950 Belt Line Rd.	11
Harry Stone Recreation Center	2403 Millmar Dr.	9
Homeless Assistance	1818 Corsicana St.	2
Jack Evans Police Headquarters	1400 S. Lamar St.	2
Janie C. Turner Recreation Center	6424 Elam Rd.	8
Kiest Recreation Center	3080 S. Hampton Rd.	4
Kleberg / Rylie Recreation Center	1515 Edd Rd.	8
Lake Highlands Recreation	9340 Church Rd.	10
MLK Recreation Ctr. / Child Development Ctr.	2922 Martin Luther King Blvd.	7
NW Police Station	9803 Harry Hines Blvd.	6
Park in the Woods Recreation Center	6801 Mountain Creek Pkwy.	3
Police Property Division	1726 Baylor St.	7
Recreation Services Headquarters	8007 E. Northwest Hwy.	10
Samuell-Grand Recreation Center	6100 E. Grand Ave/6200 E. Grand Ave.	2
Singing Hills Recreation Center	1909 Crouch Rd.	8
SW Police Station	4133 Kingbridge St.	6
Texas Discovery Gardens	3601 Martin Luther King Blvd.	6
Tower Bldg. - Fair Park Administration	3809 Grand Ave.	7
Walnut Hill Recreation Center	4101 Walnut Hill Ln.	13

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** the acceptance of a loan from the State of Texas Energy Conservation Office LoanSTAR Fund in the amount of \$5,723,363, to be repaid plus interest, beginning in FY 2016-17 for a period of ten years from electric and natural gas energy savings; **(2)** the establishment of appropriations in the amount of \$5,723,363 in the State Energy Conservation Office LoanSTAR III Fund; **(3)** Supplemental Agreement No. 1 to the contract with Metco Engineering for **(a)** construction of energy conservation related projects at 28 City facilities in an amount not to exceed \$5,723,363 (list attached) and **(b)** measurement and verification of the guaranteed savings for a period not to exceed ten years, in an amount not to exceed \$150,000 to be paid from electric and natural gas savings; and **(4)** the acceptance and deposit of rebates from Oncor Electric Delivery in the Oncor Rebate Fund - Total not to exceed \$5,873,363 - Financing: State of Texas Energy Conservation Office LoanSTAR Funds (\$5,723,363) and Current Funds (\$150,000) (subject to annual appropriations)

Metco Engineering is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$150,000.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$150,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

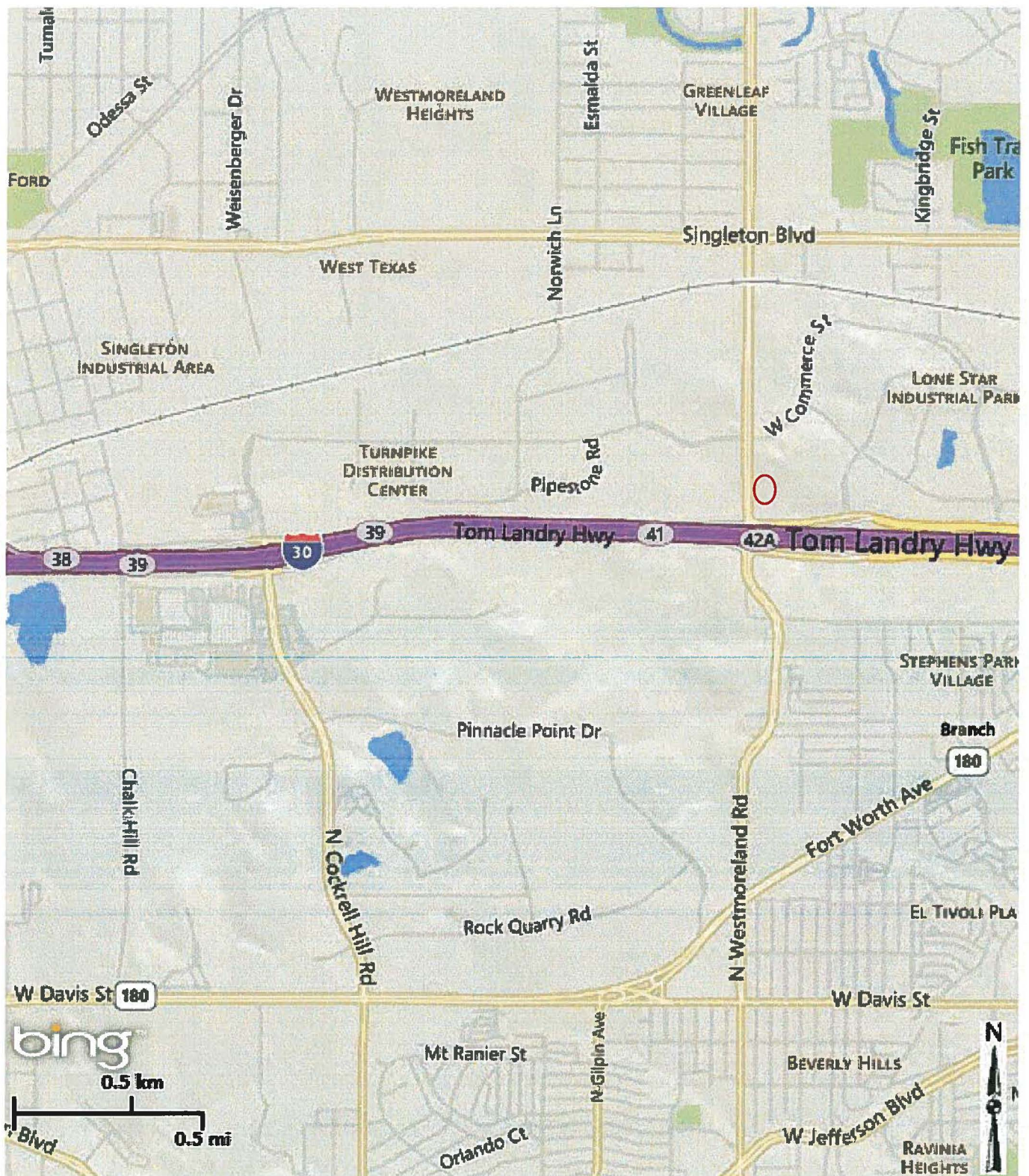
None

Non-Local Contractors / Sub-Contractors

None

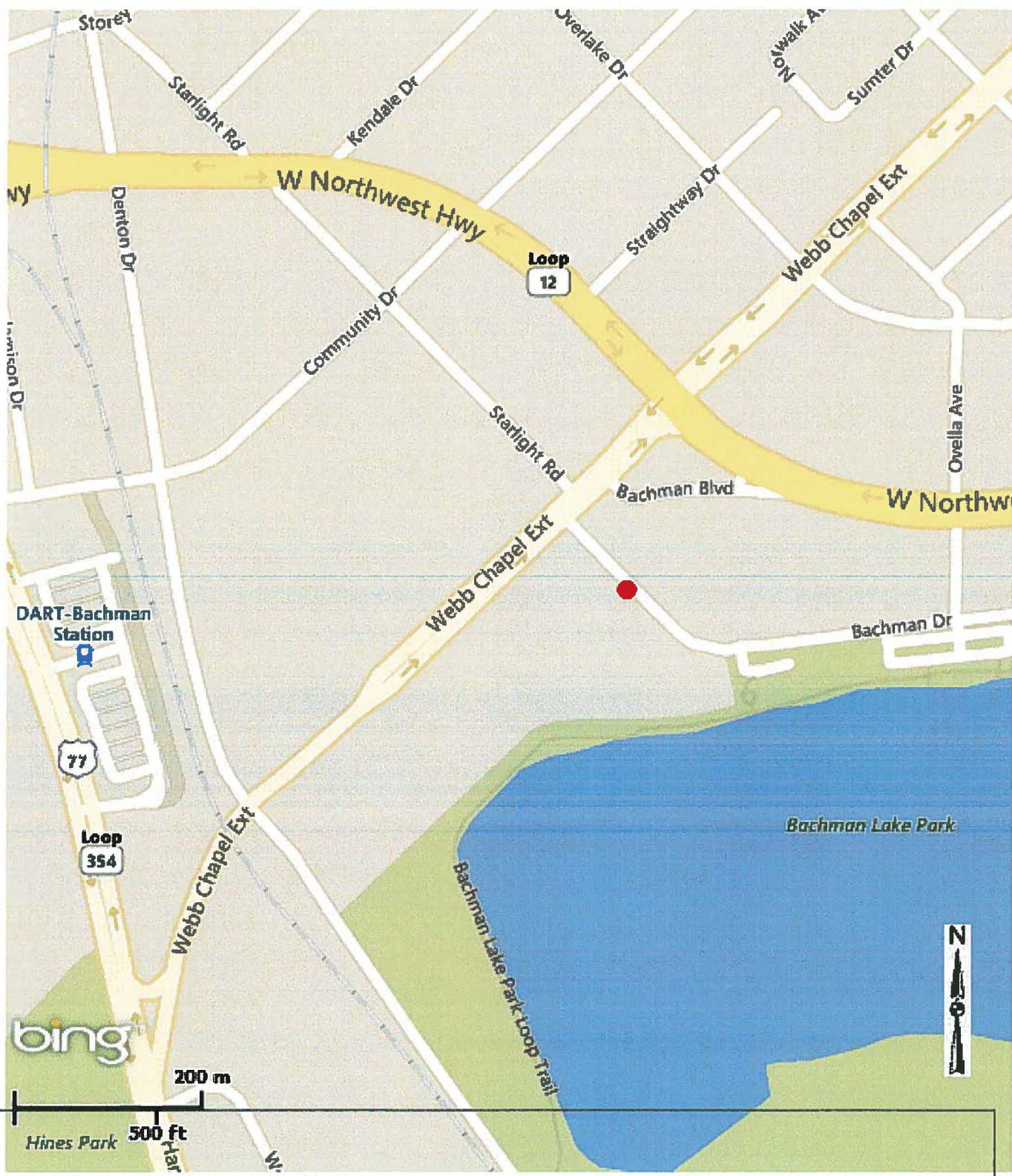
TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

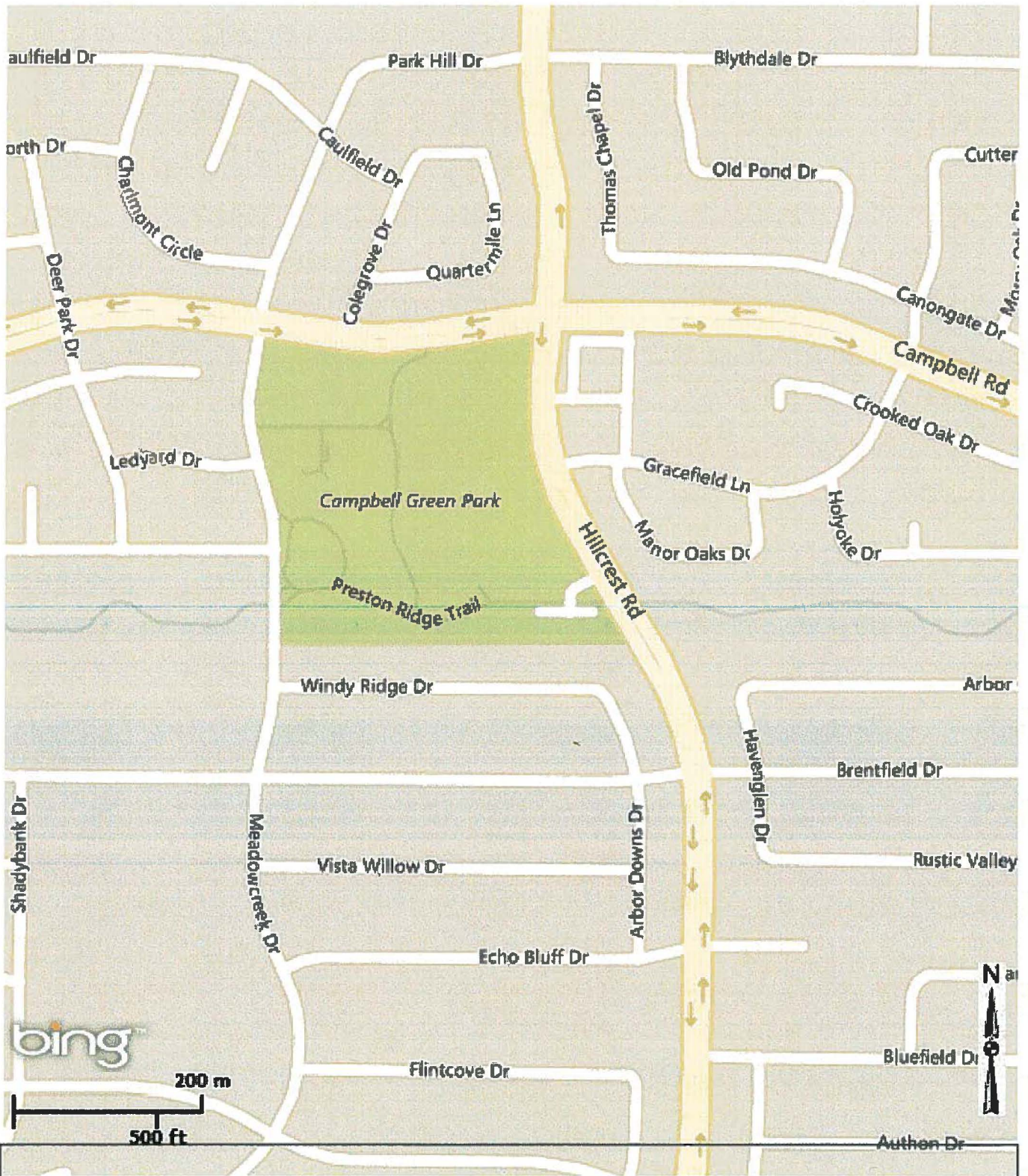


Animal Shelter
1818 N. Westmoreland Road

MAPSCO 43T

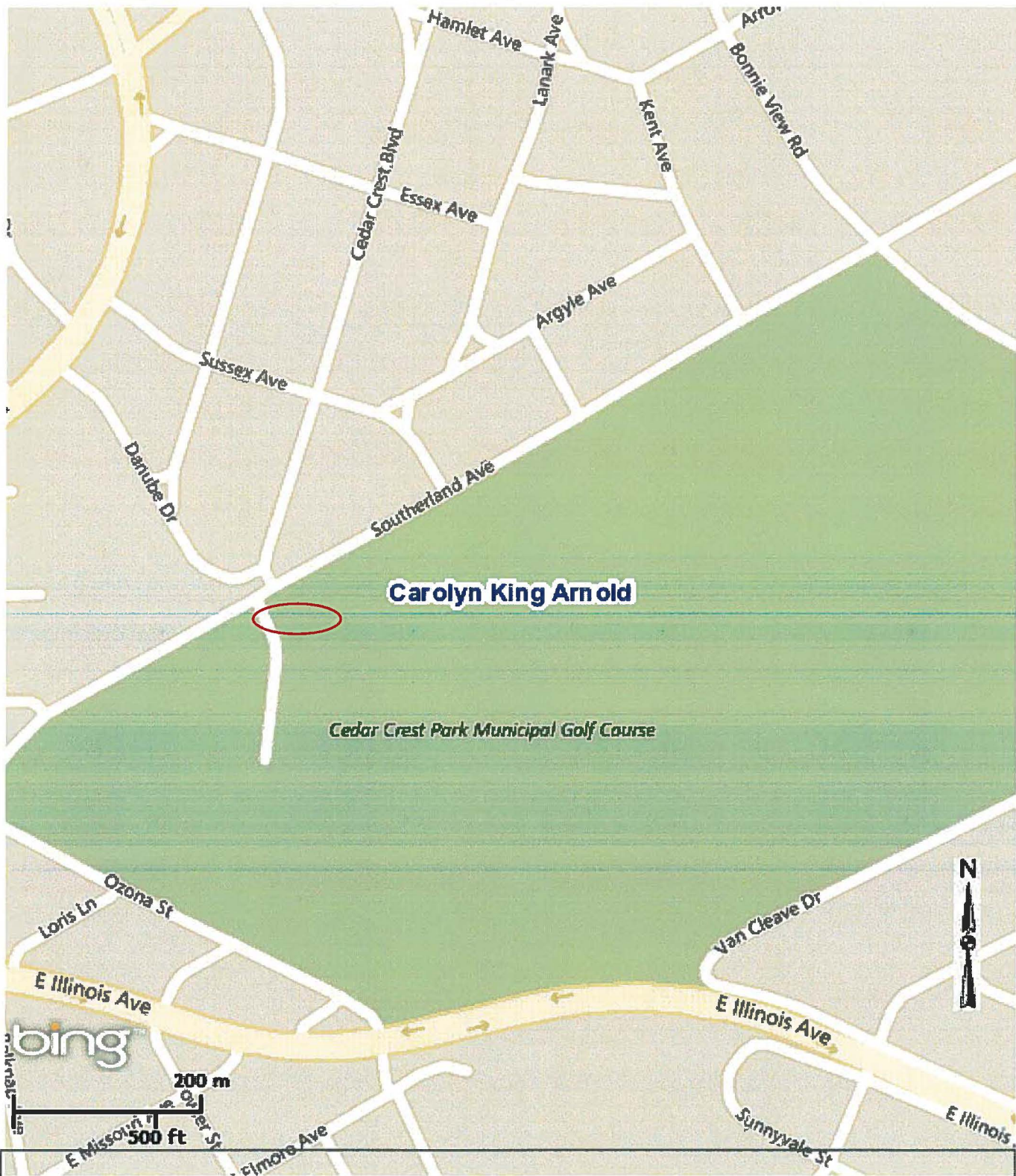


Bachman Recreation Center
2750 Bachman Drive
MAPSCO 33C



Campbell Green Recreation Center
16600 Park Hill Drive

MAPSCO 5R

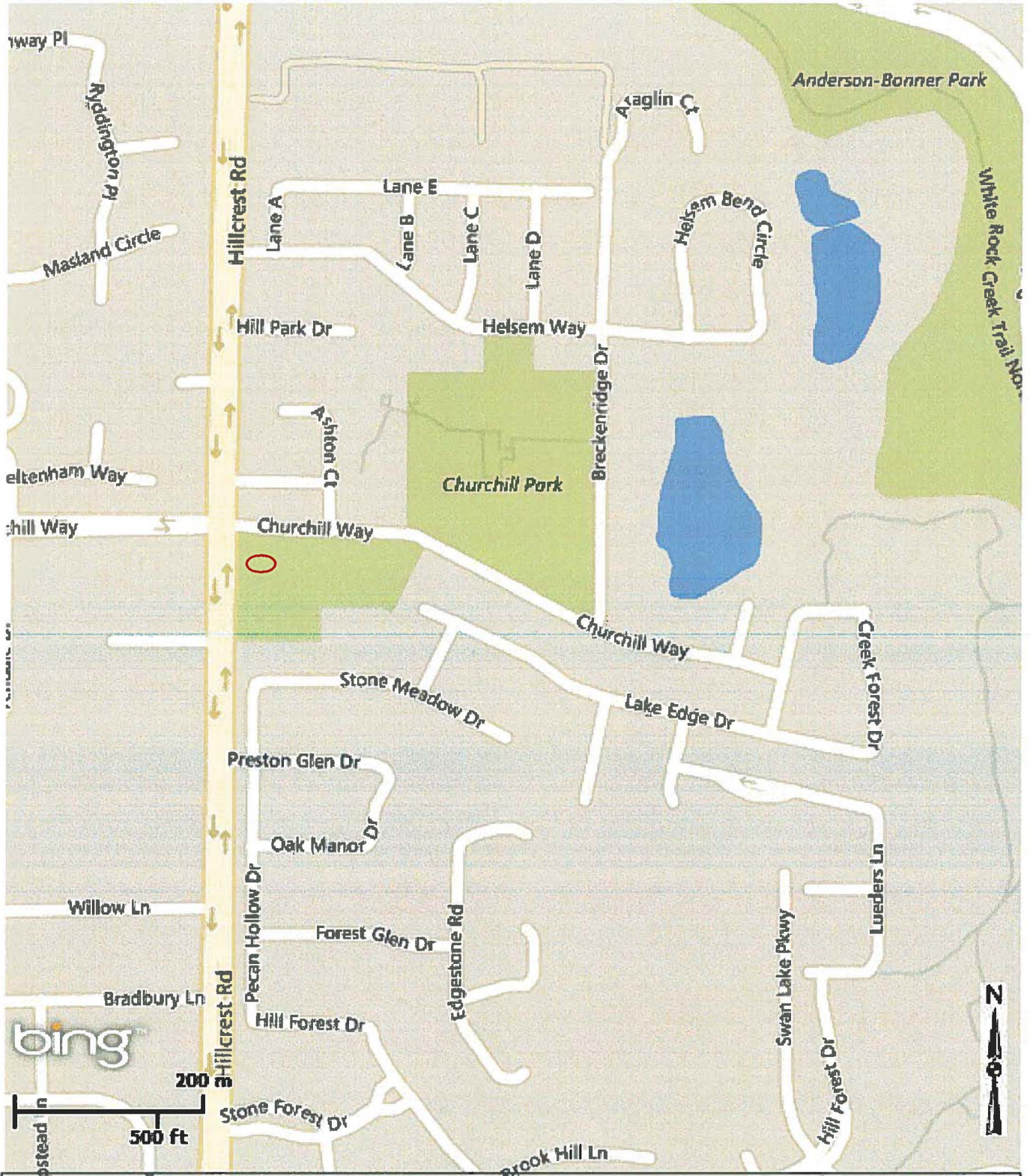


Carolyn King Arnold

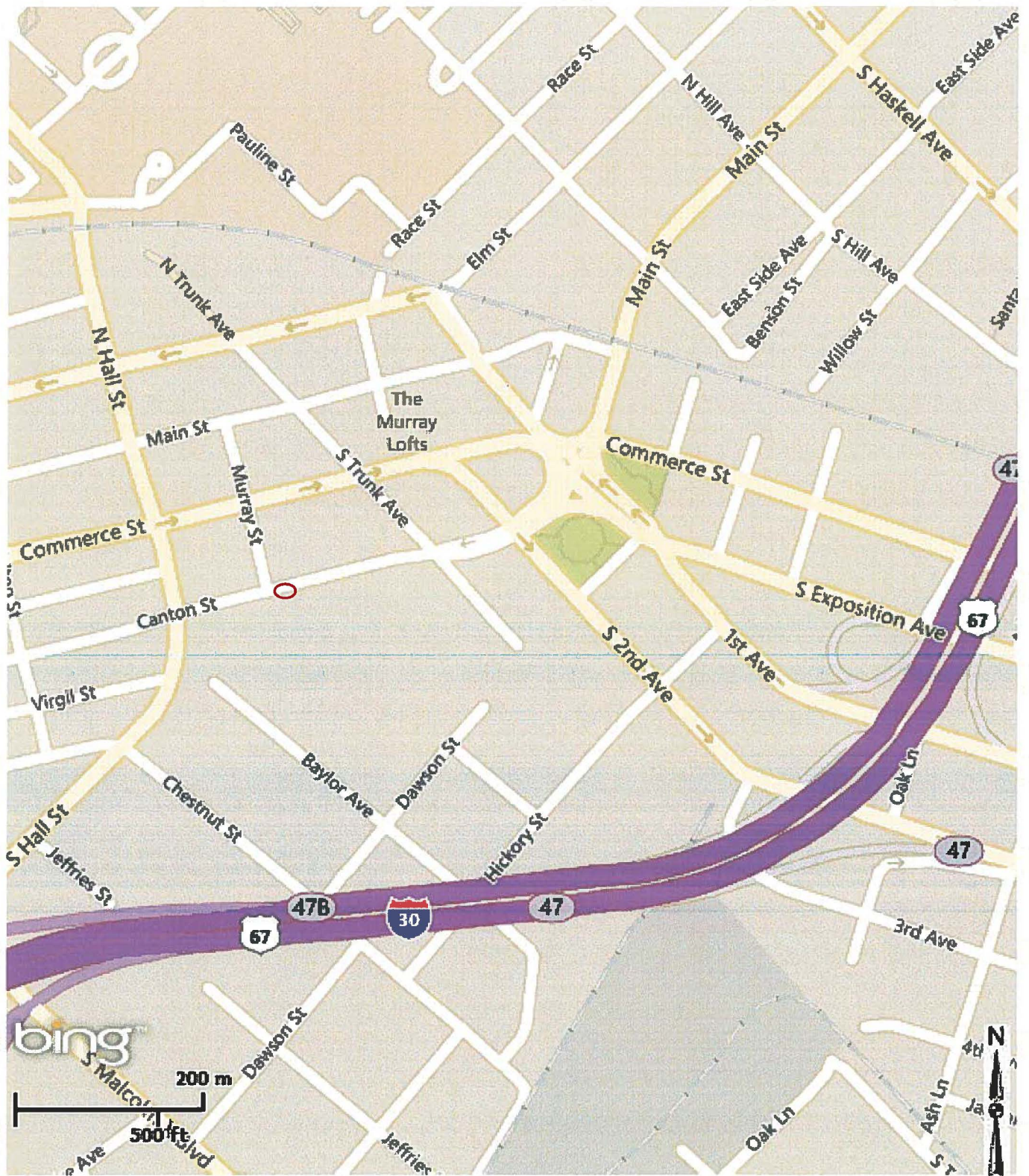
Cedar Crest Park Municipal Golf Course

**Cedar Crest Clubhouse & Pro Shop
1800 Southerland Avenue**

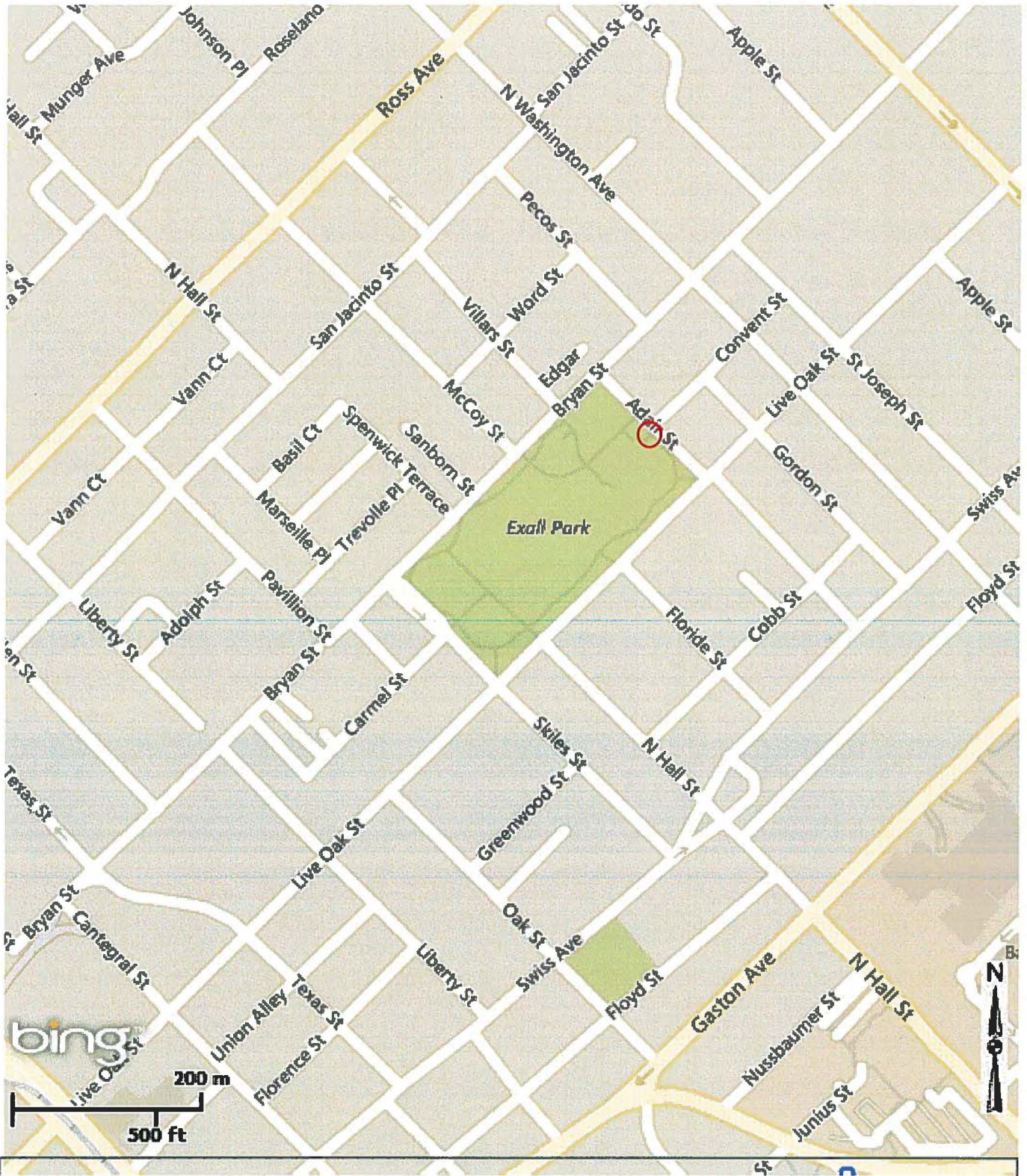
MAPSCO 55Q



Churchill Recreation Center
6906 Churchill Way
MAPSCO 15V

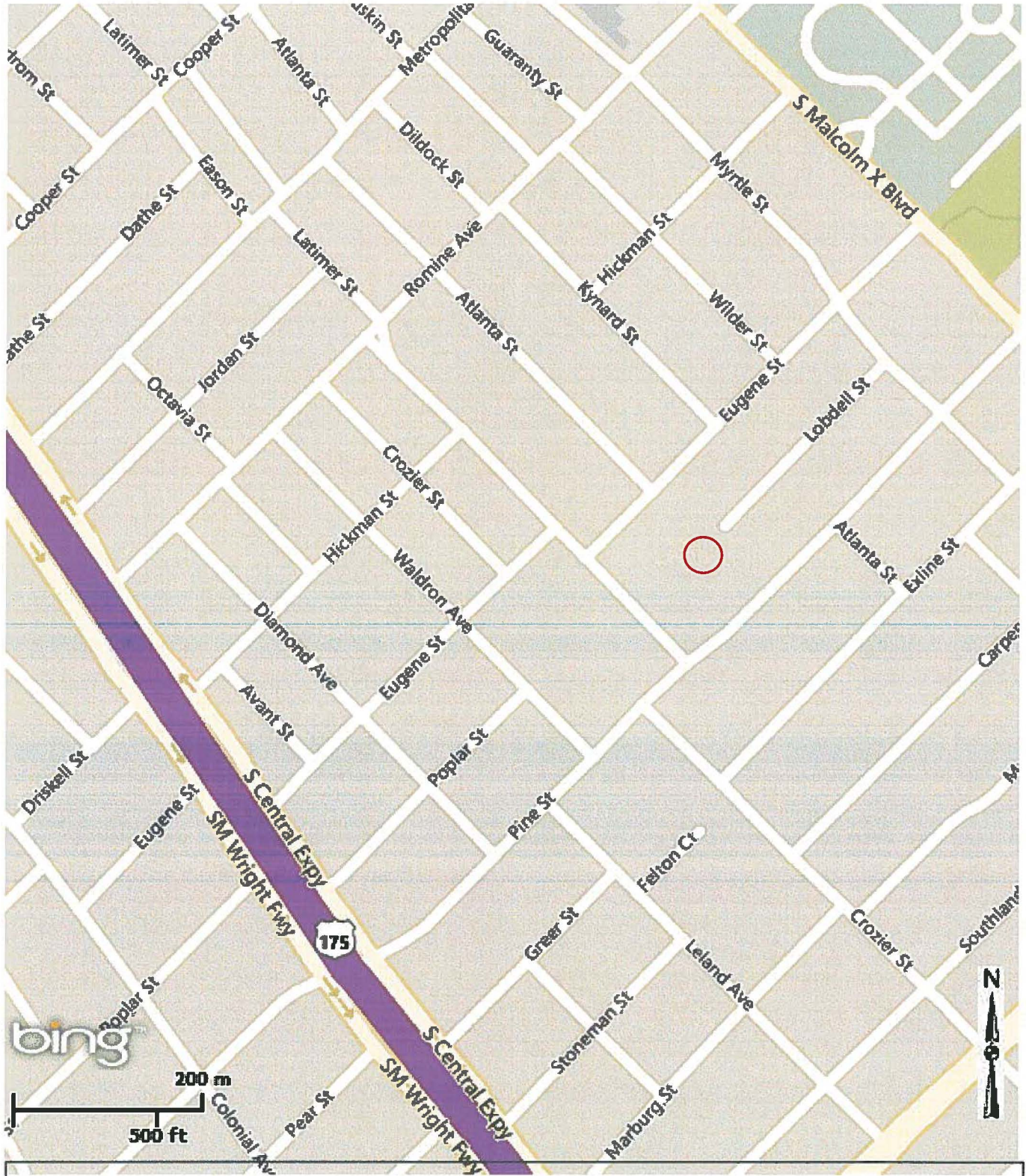


EBS Offices
3202 Canton St.
MAPSCO 46J



**Exall Recreation Center
1355 Adair Street**

MAPSCO 45H

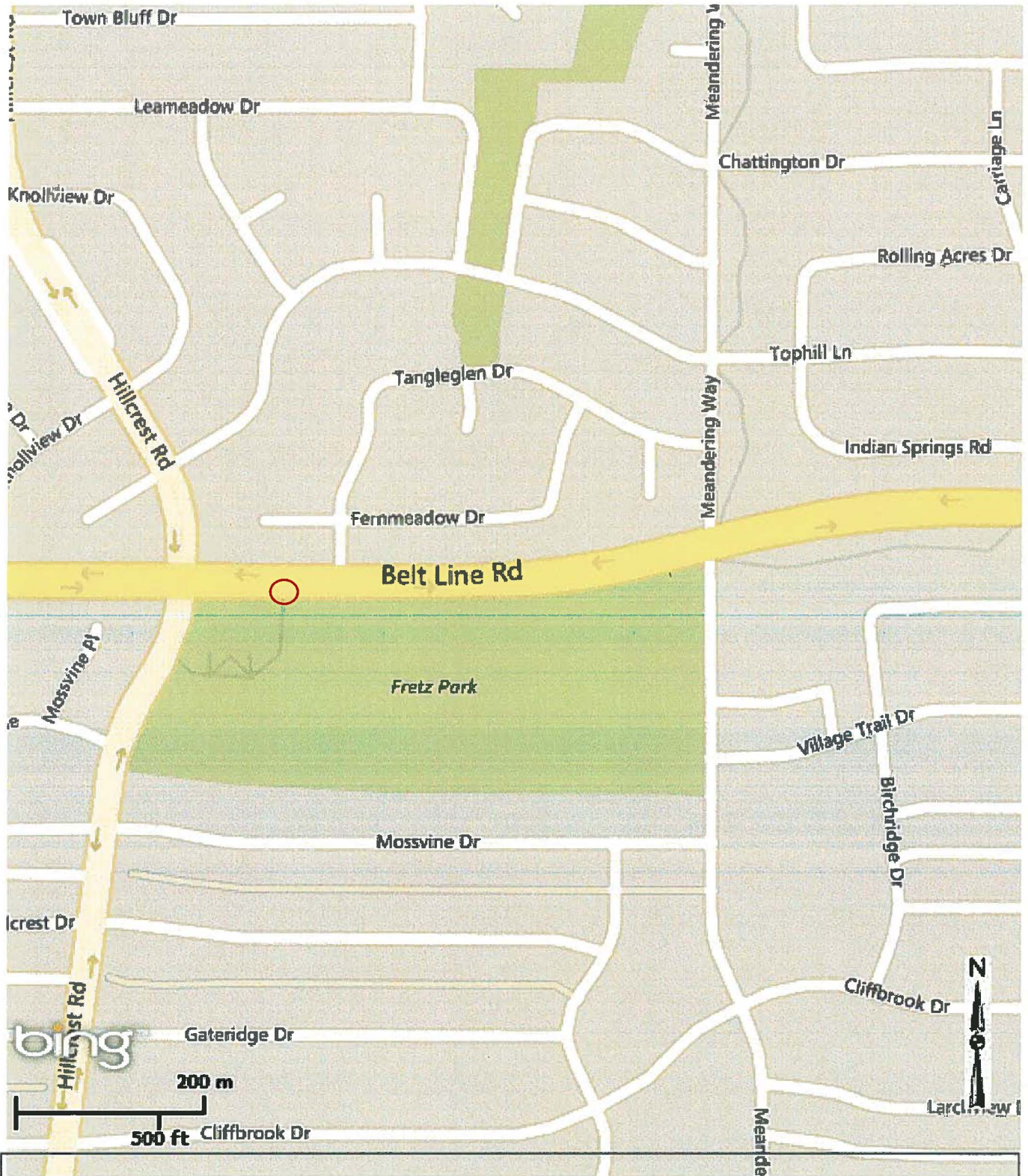


Exline Recreation Center
2525 Pine Street
MAPSCO 46Y

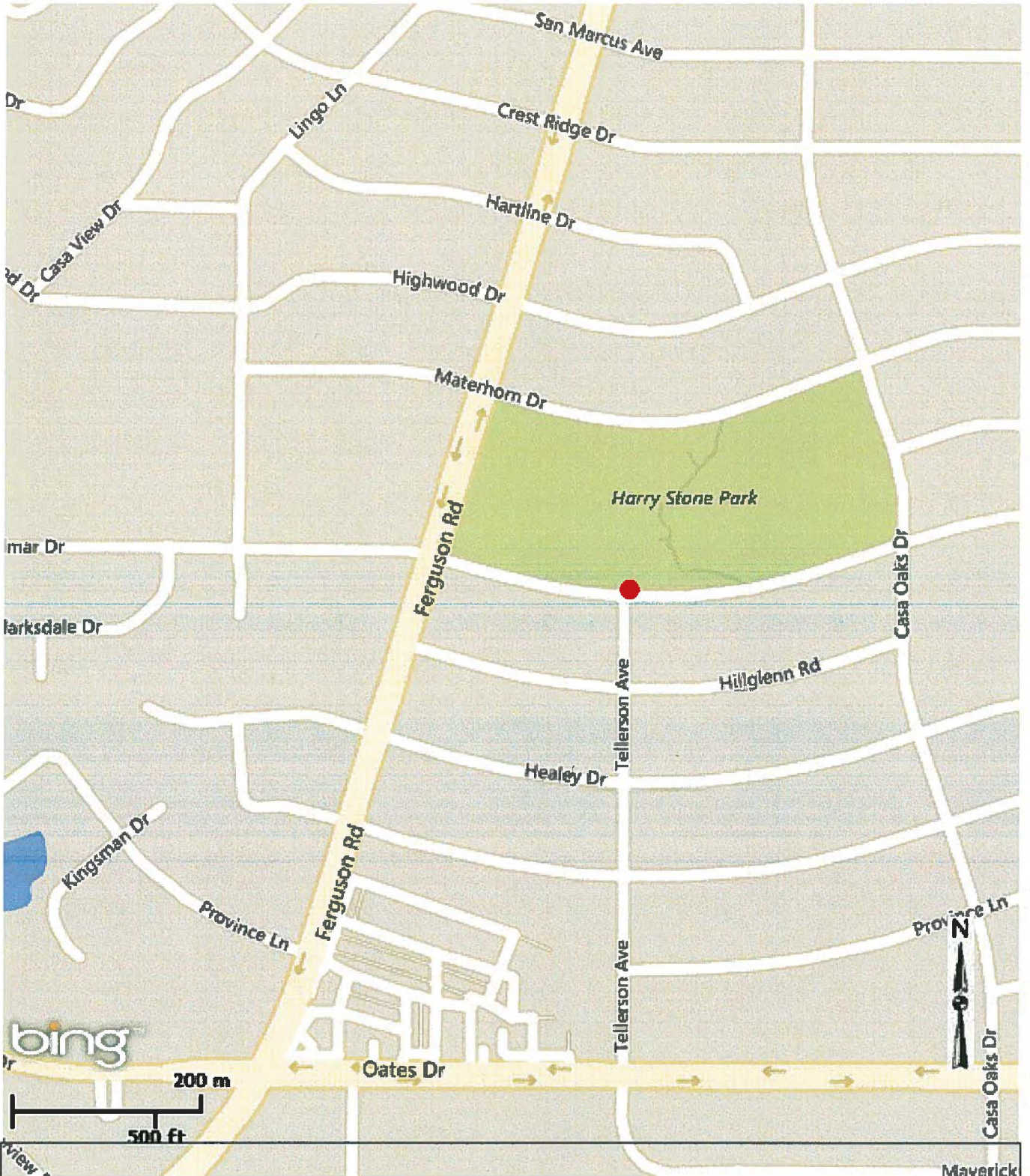
498



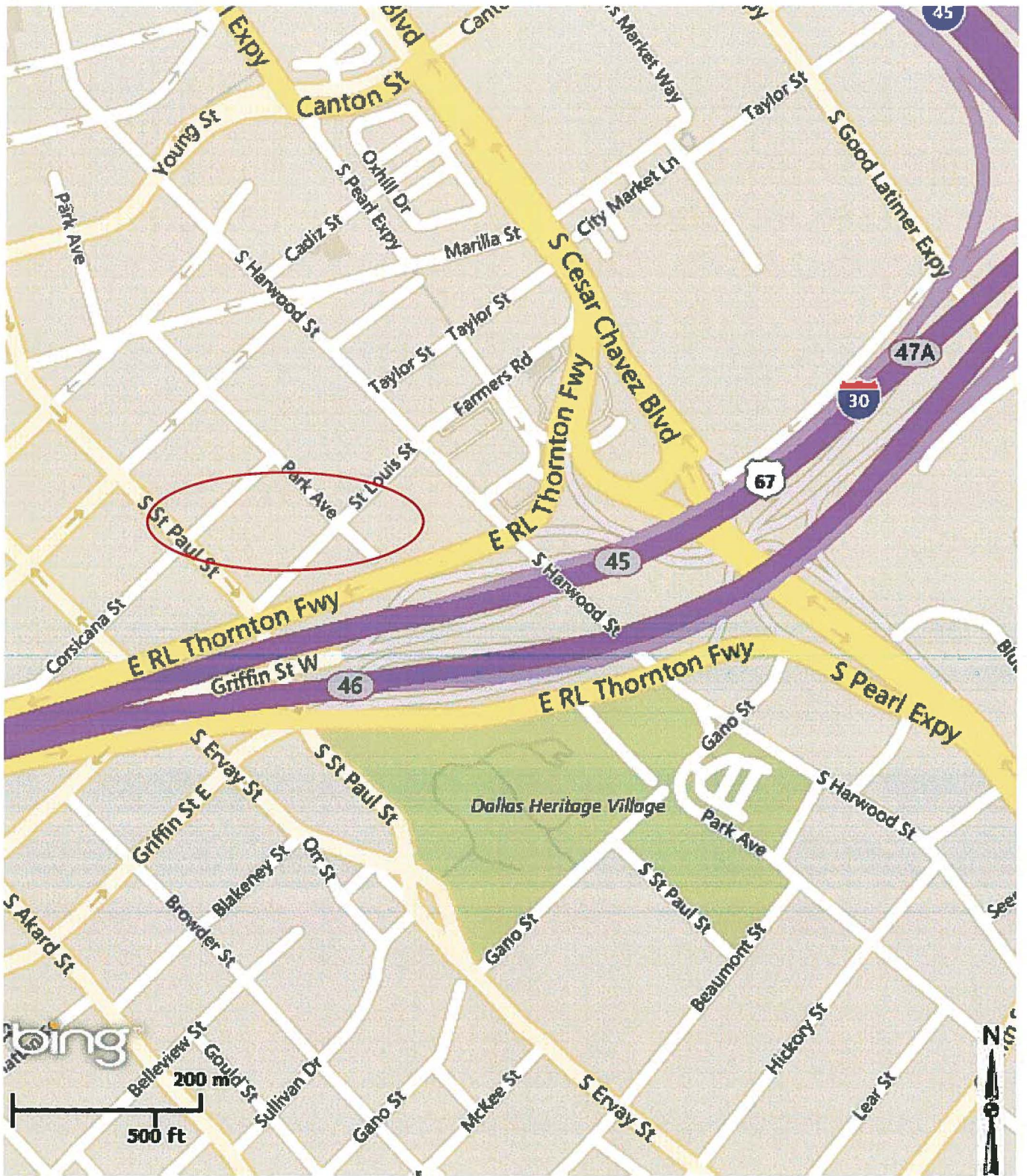
**Fire Training Administration
5000 Dolphin Road
MAPSCO 47J**



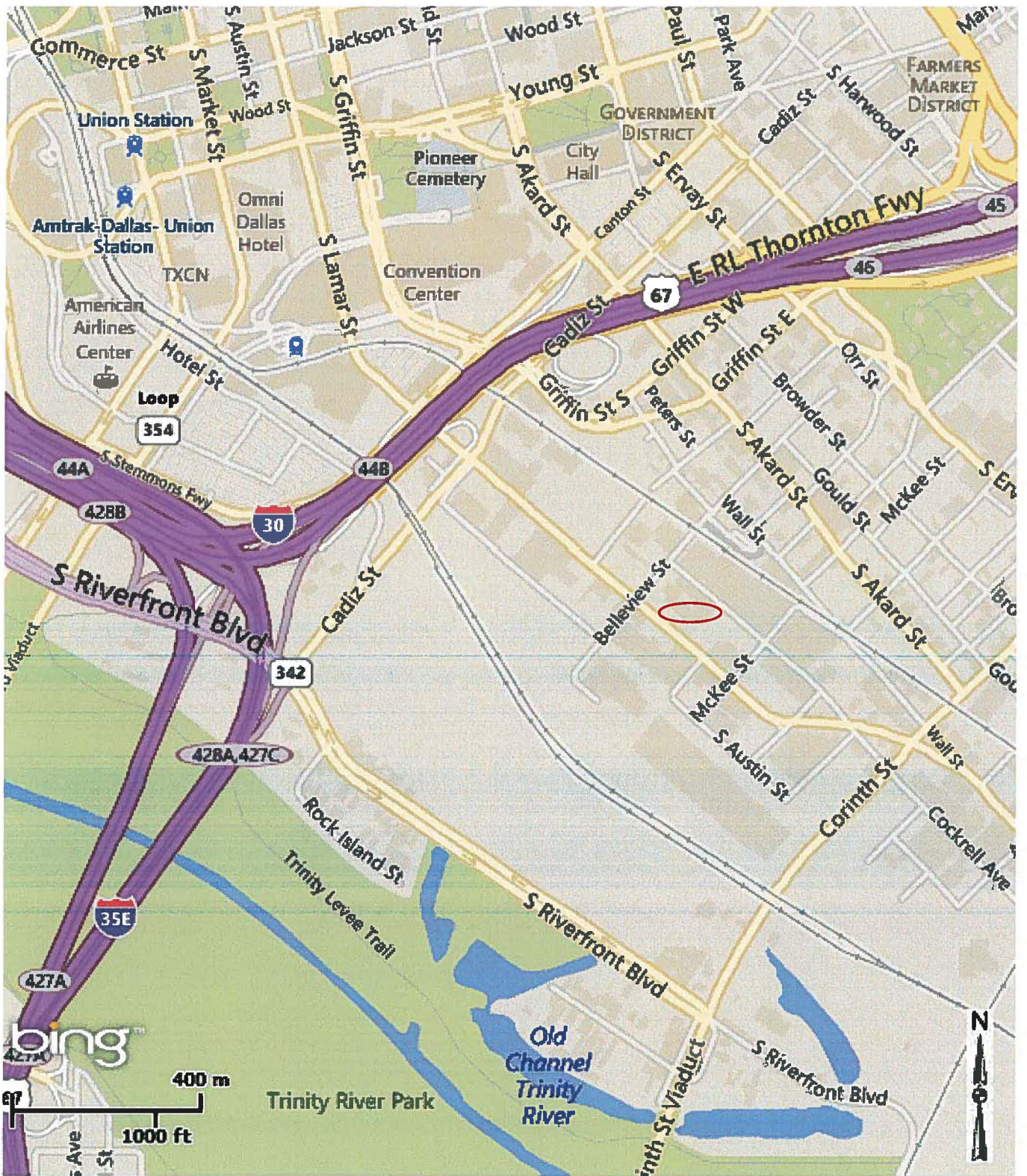
Fretz Recreation Center
6950 Belt Line Road
MAPSCO 15H



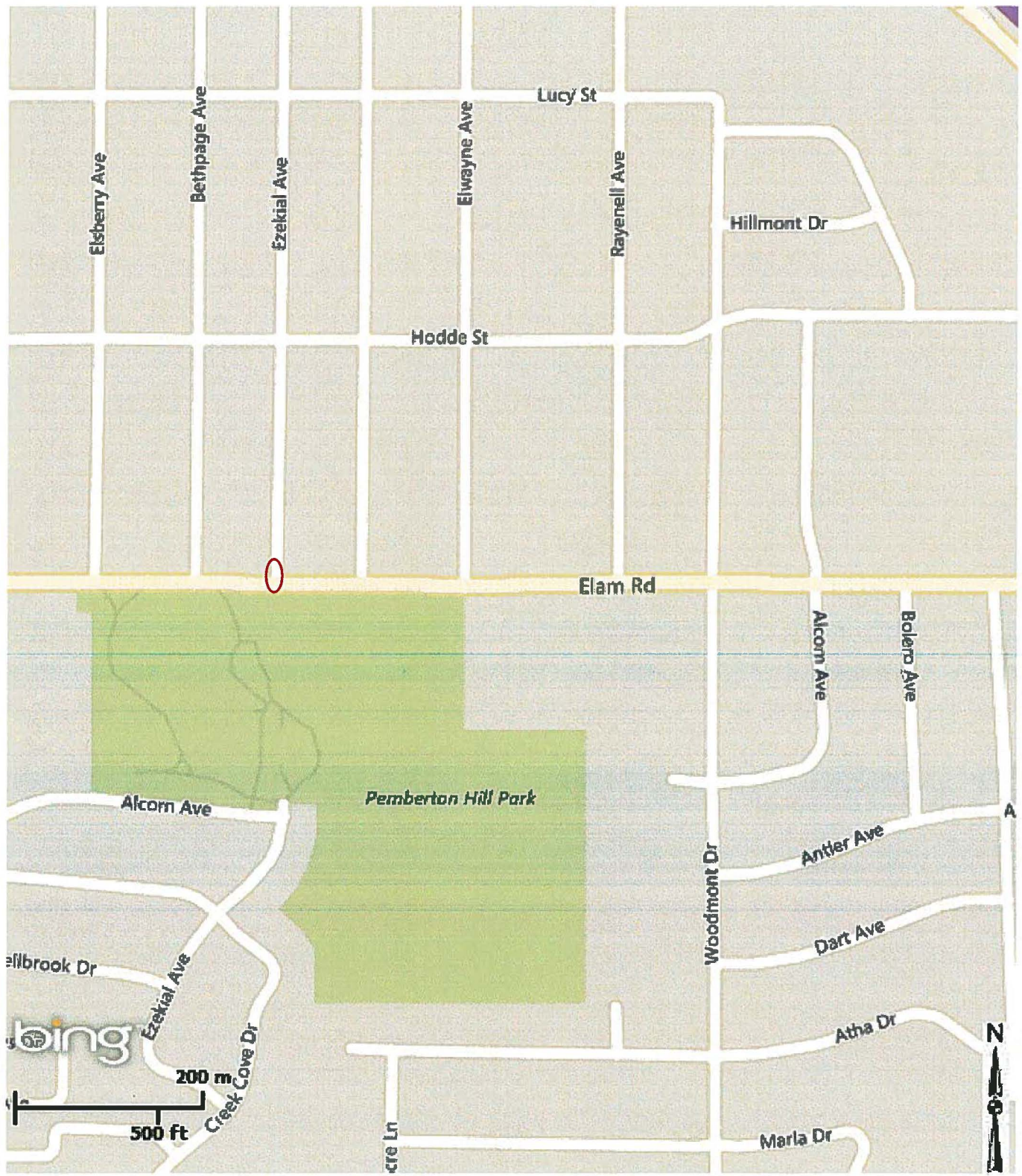
Harry Stone Recreation Center
2403 Millmar Drive
MAPSCO 38R



**Homeless Assistance Center
1818 Corsicana Street
MAPSCO 45Q**

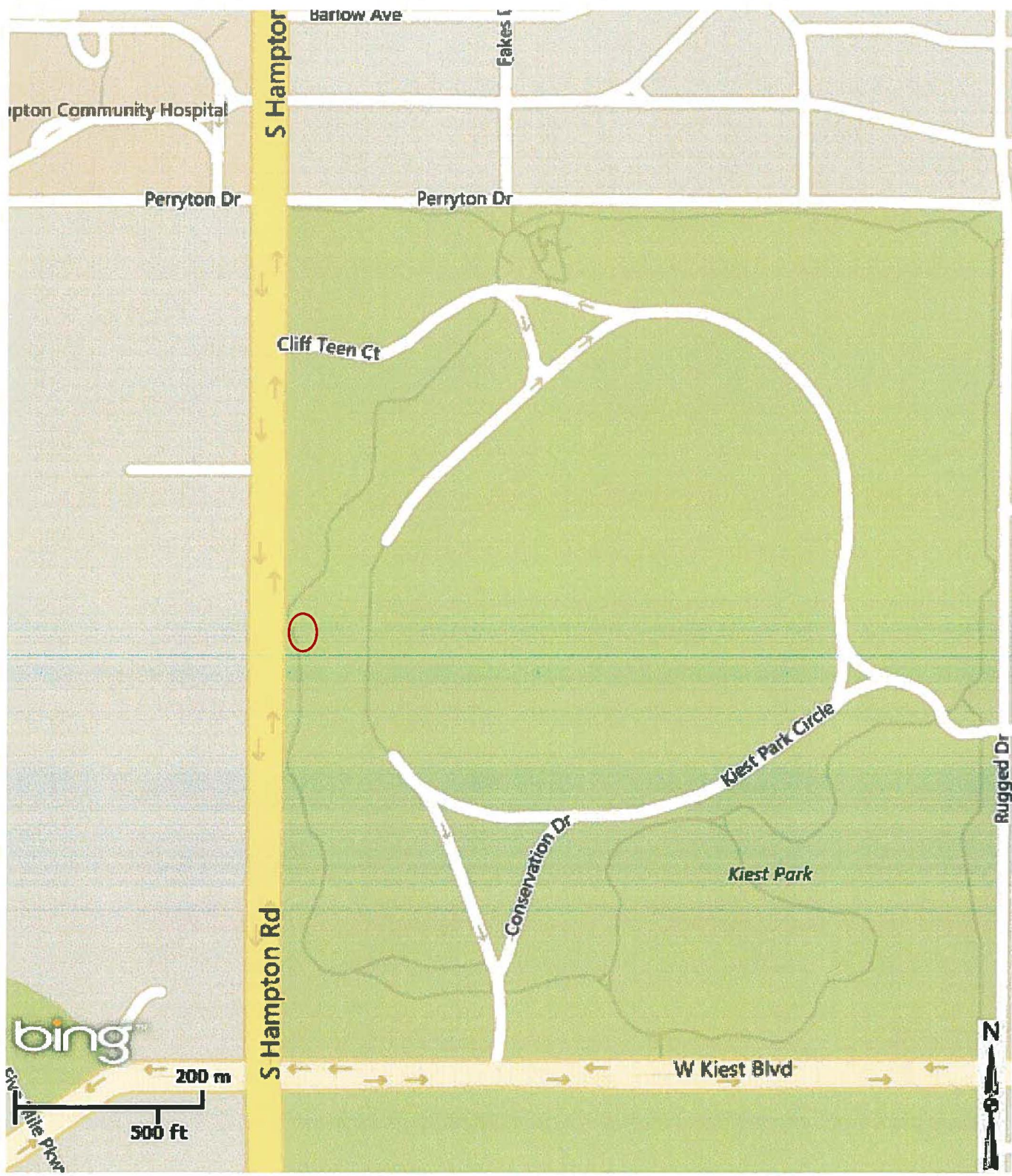


Jack Evans Police Headquarters
1400 S. Lamar Street
MAPSCO 45U

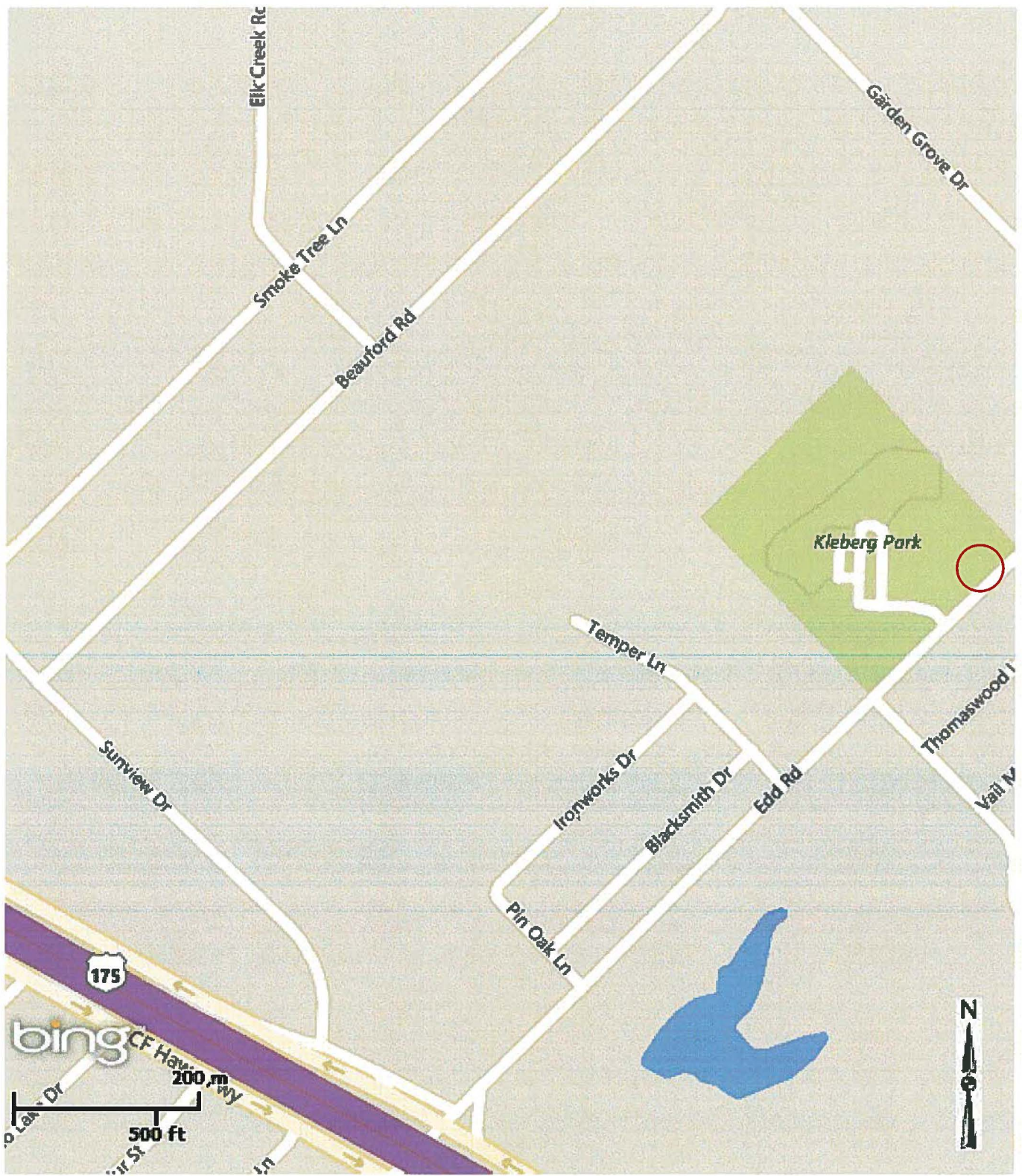


**Janie C. Turner Recreation Center
6424 Elam Road**

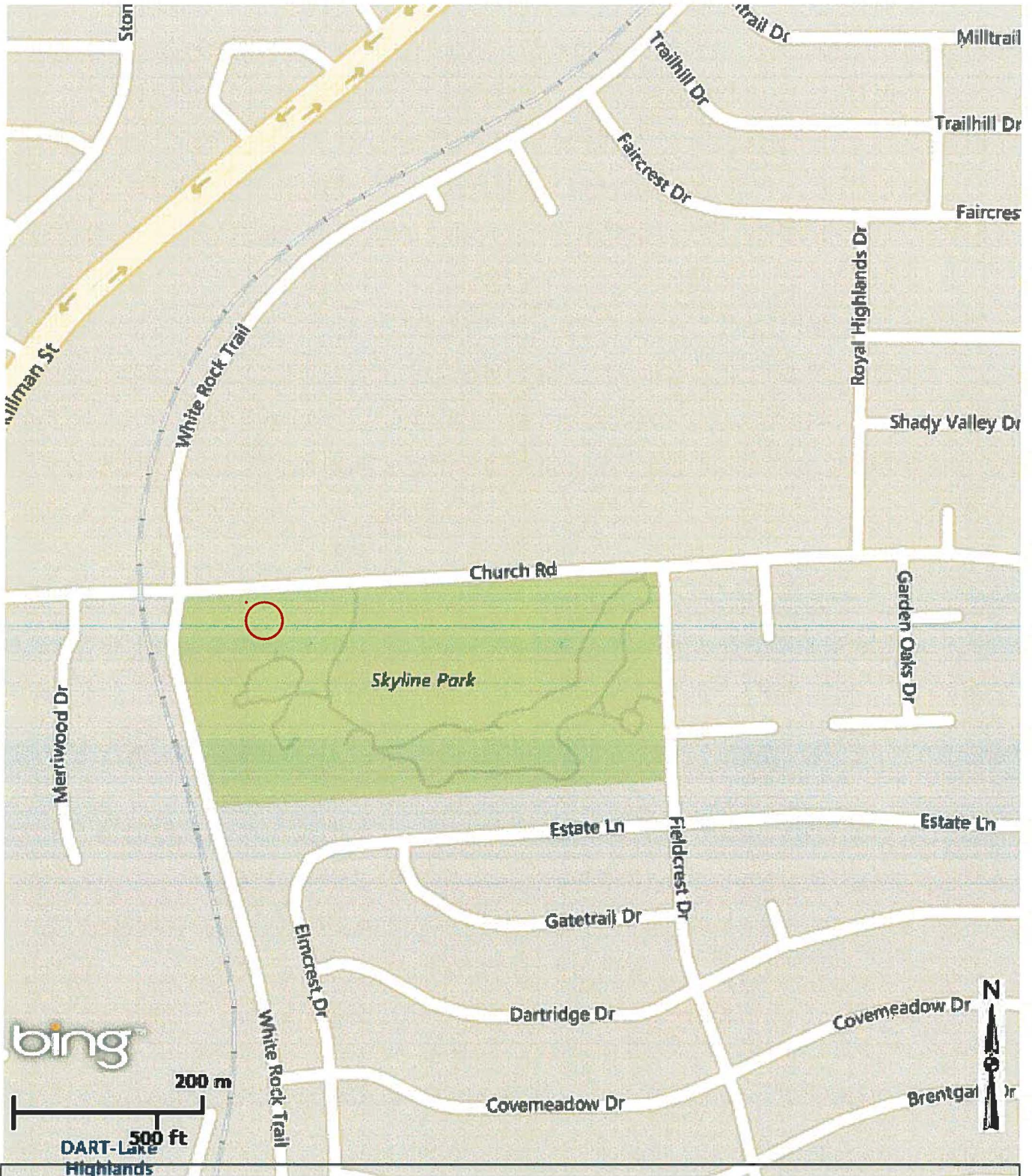
MAPSCO 57V



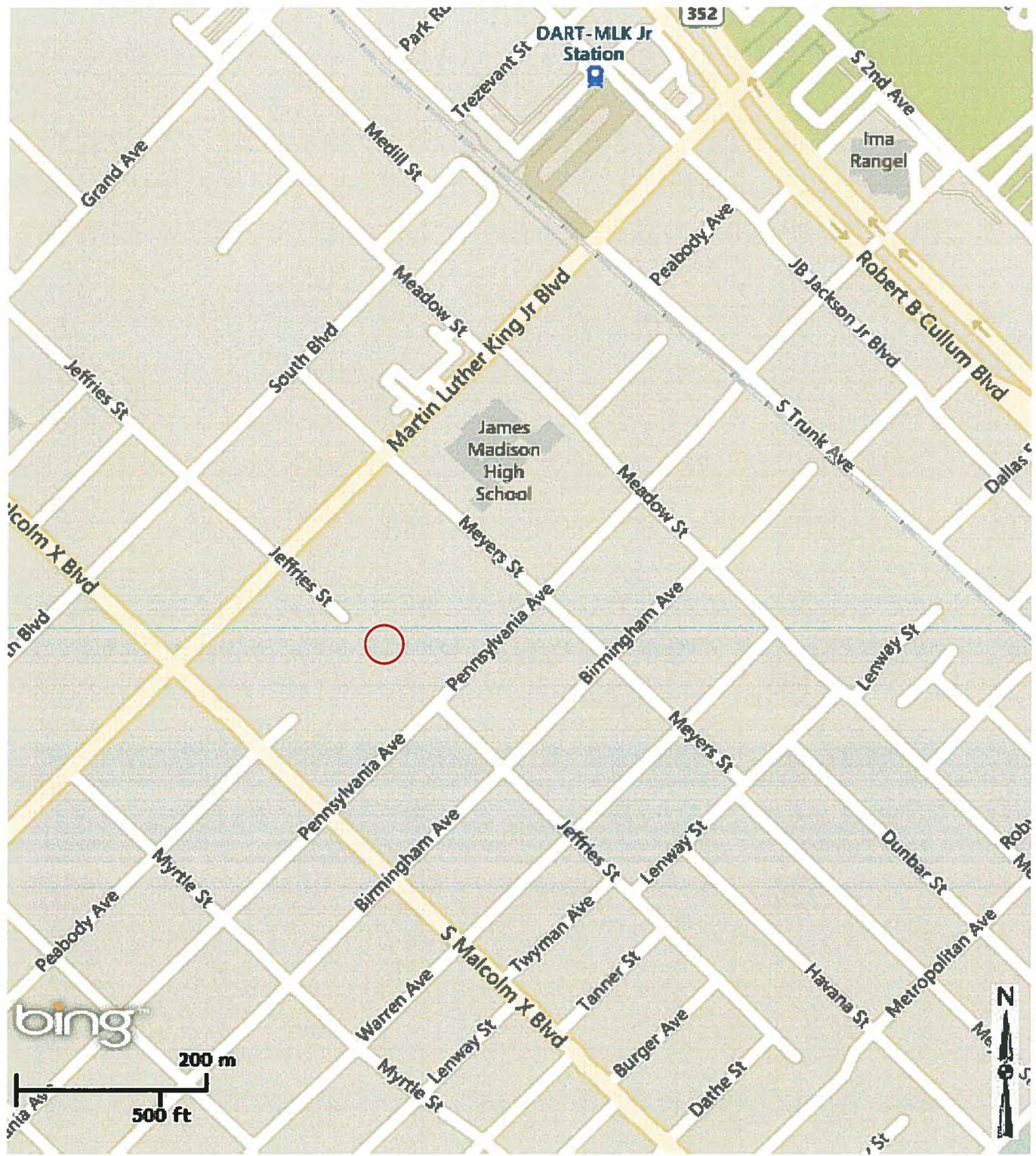
Kiest Recreation Center
3080 S. Hampton Road
MAPSCO 53Z



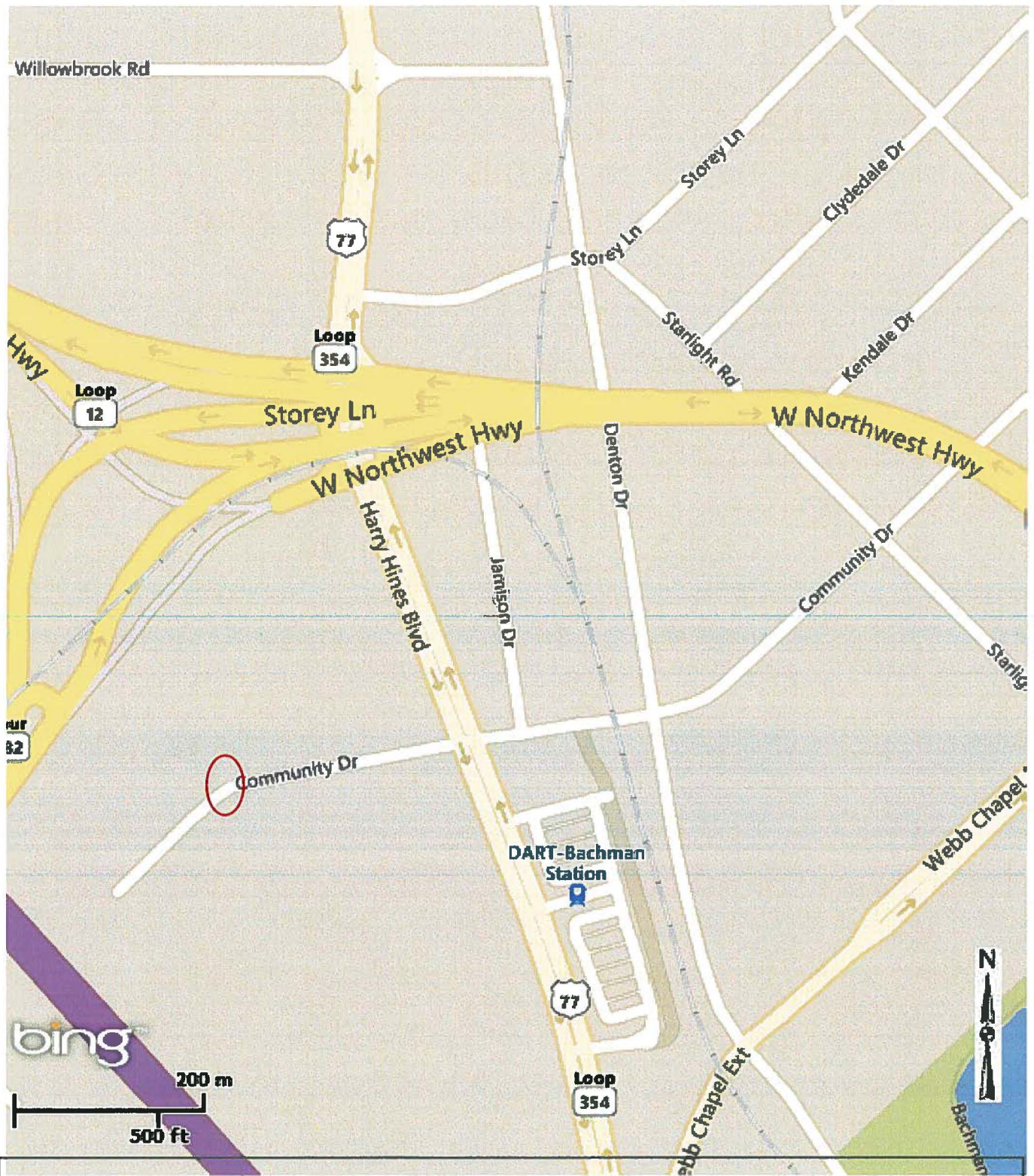
Kleberg/Rylie Recreation Center
1515 Edd Road
MAPSCO 69A-M



Lake Highlands Recreation Center
9340 Church Road
MAPSCO 27K

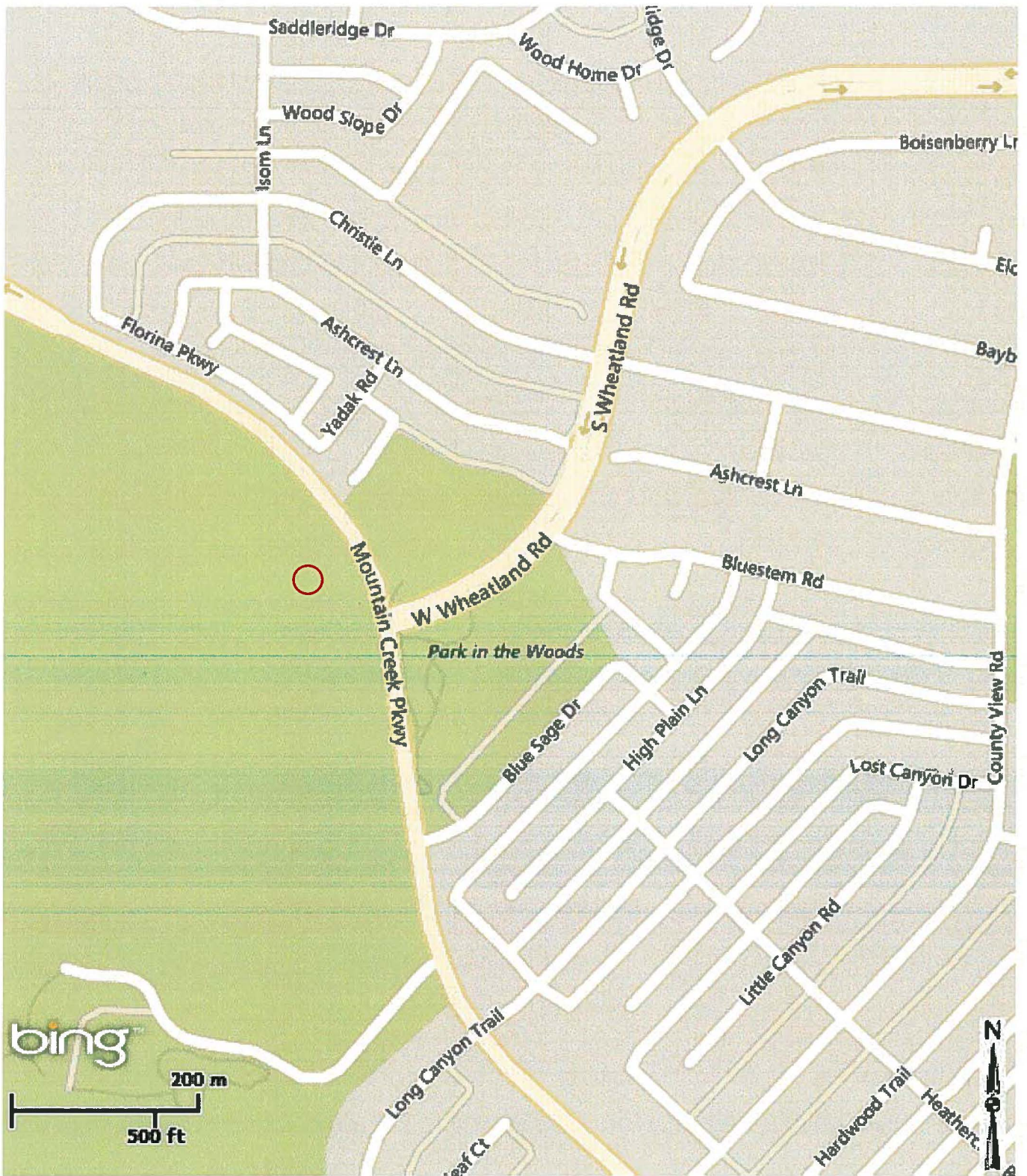


MLK Recreation Center & Child Development Center
2922 Martin Luther King Blvd.
MAPSCO 46T

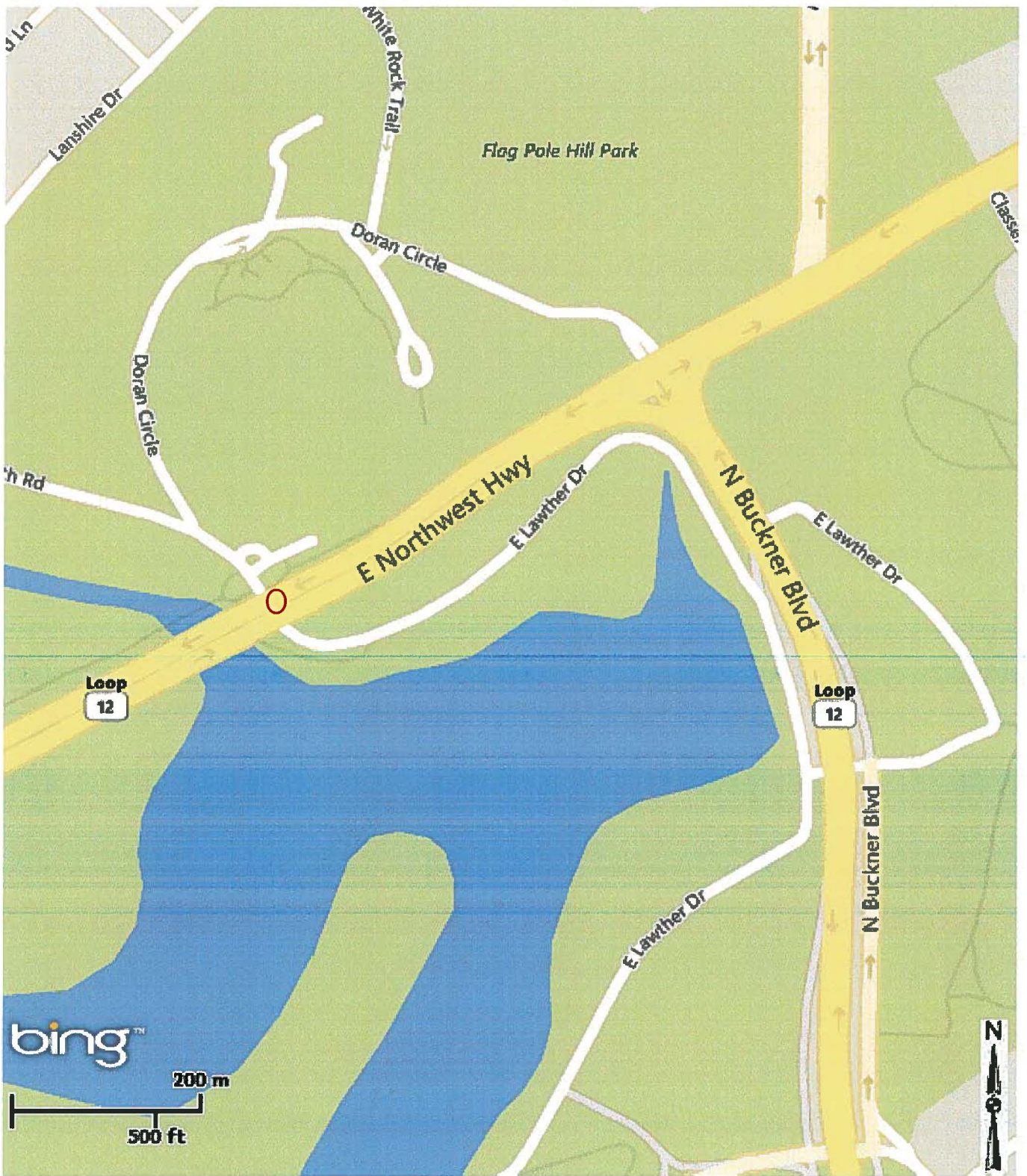


Northwest Police Station
9803 Harry Hines Blvd.

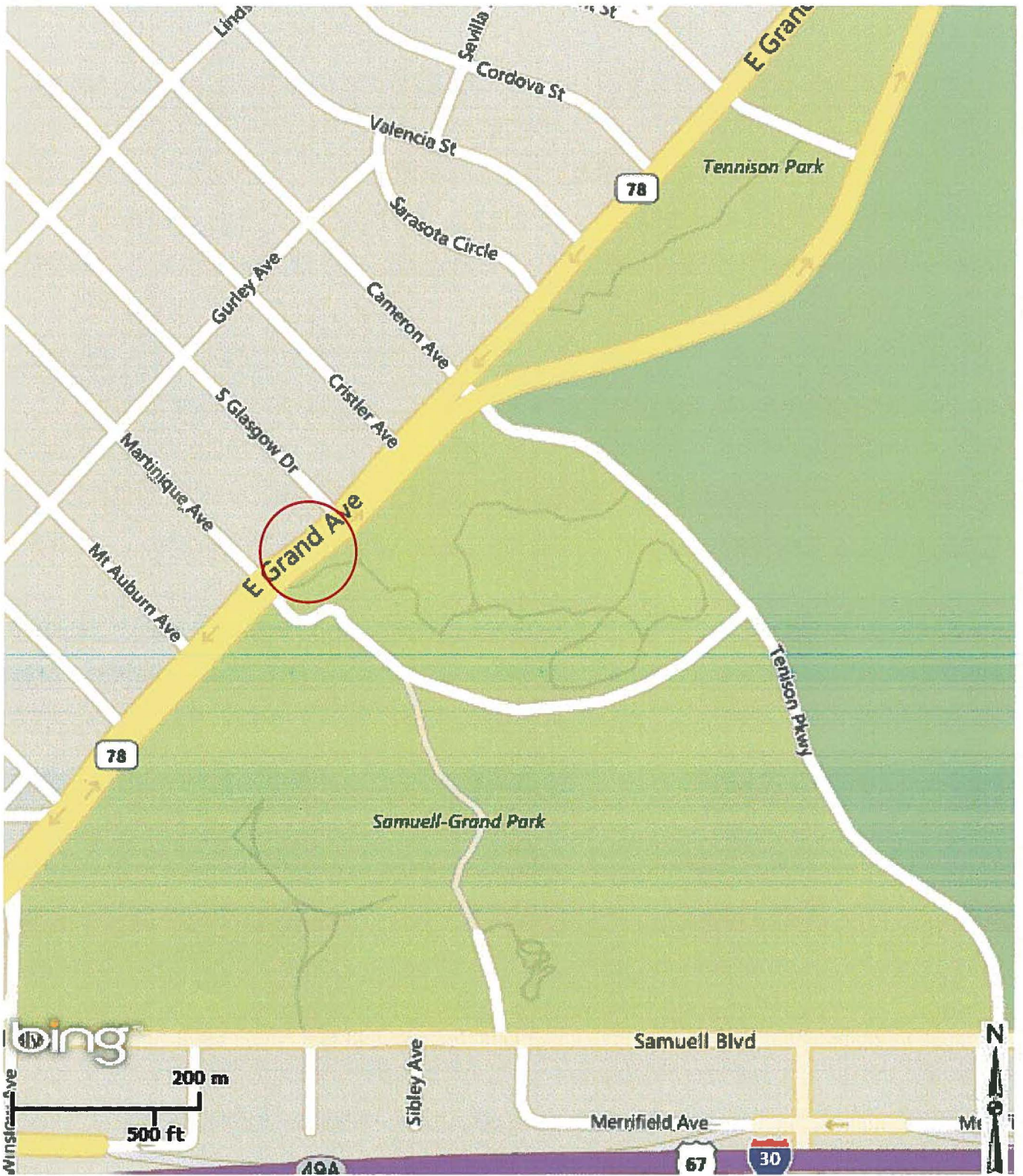
MAPSCO 33B



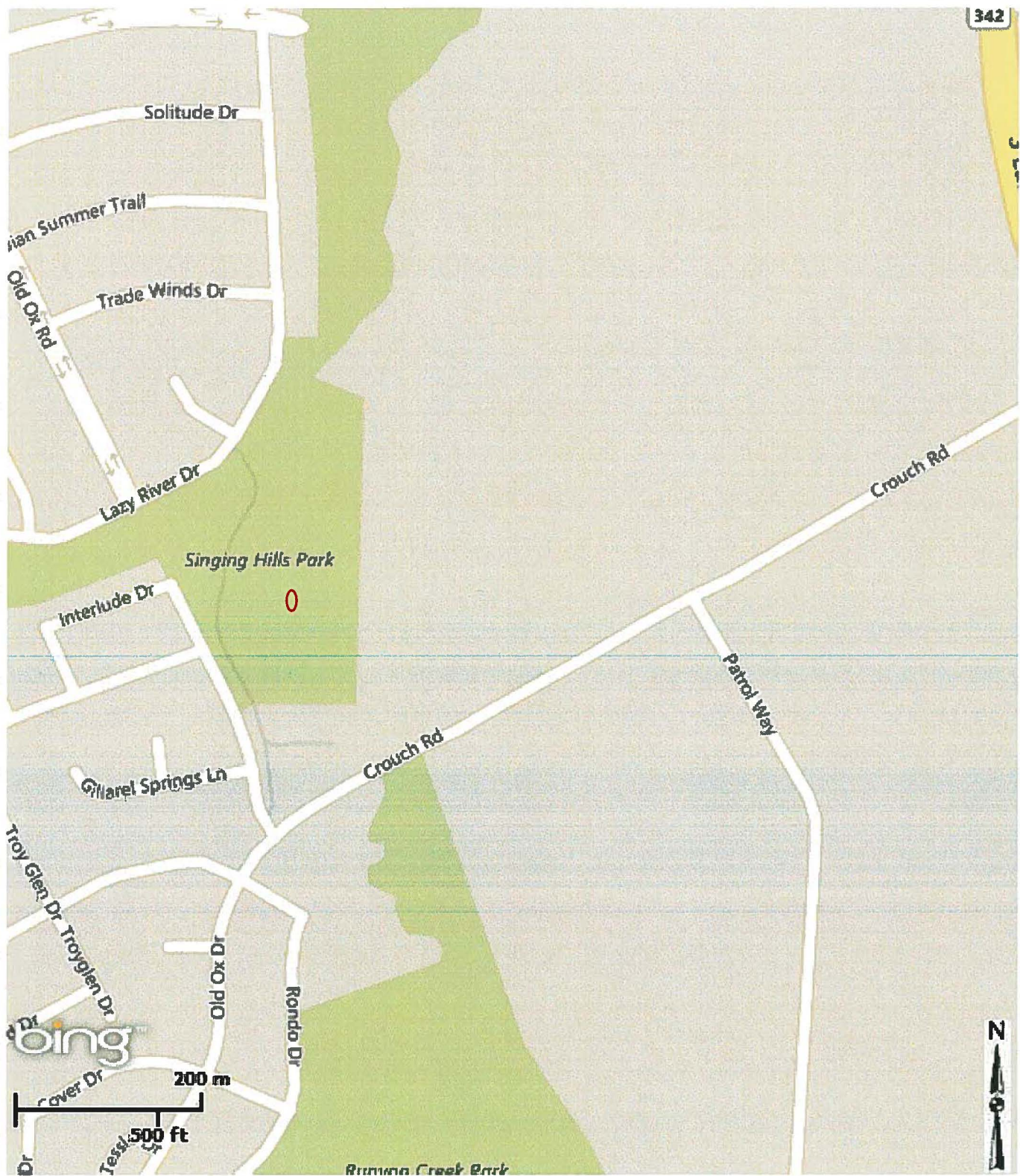
Park In The Woods Recreation Center
6801 Mountain Creek Parkway
MAPSCO 71 B-E



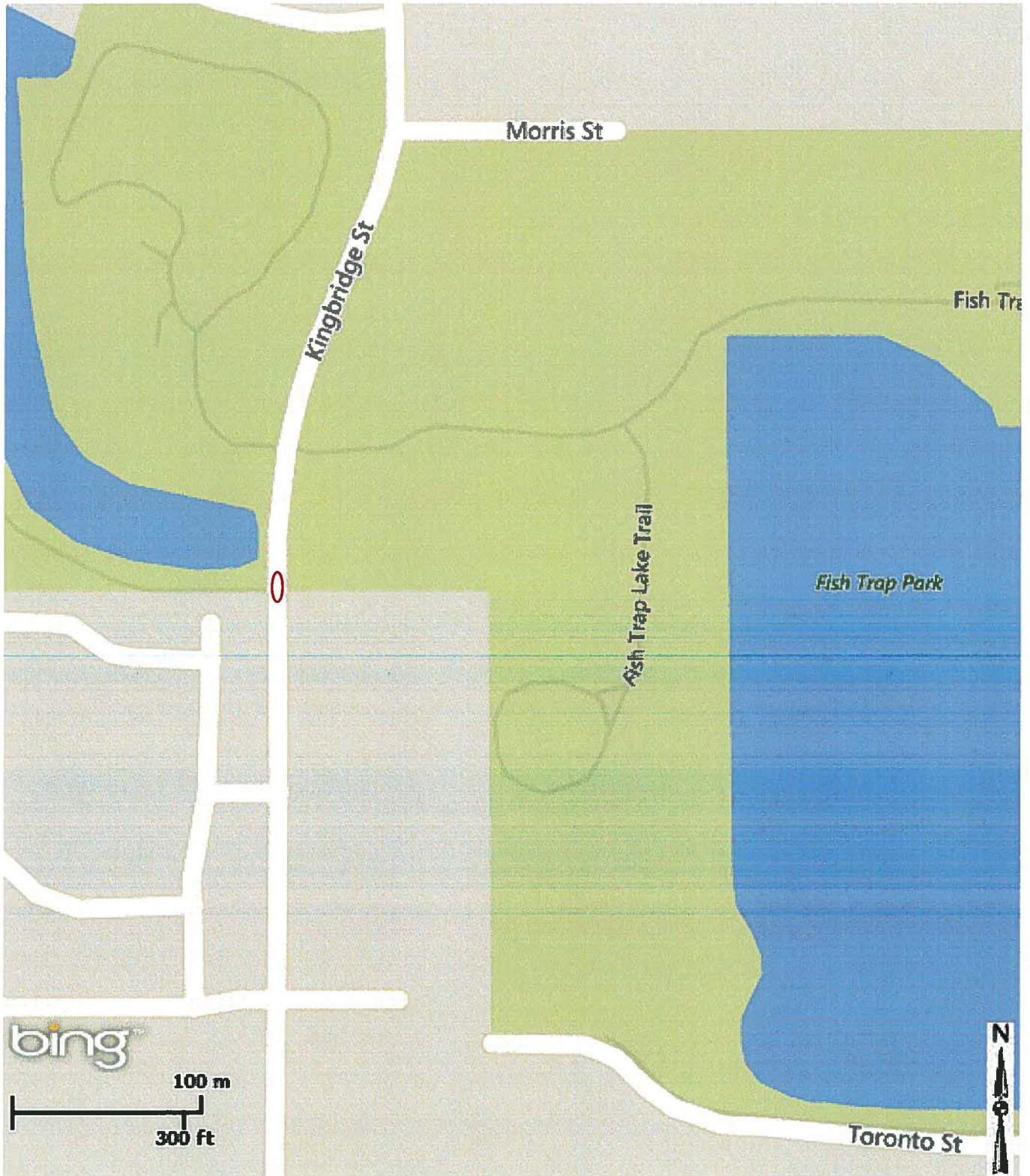
Recreation Services Headquarters
8007 E. Northwest Highway
MAPSCO 27Y



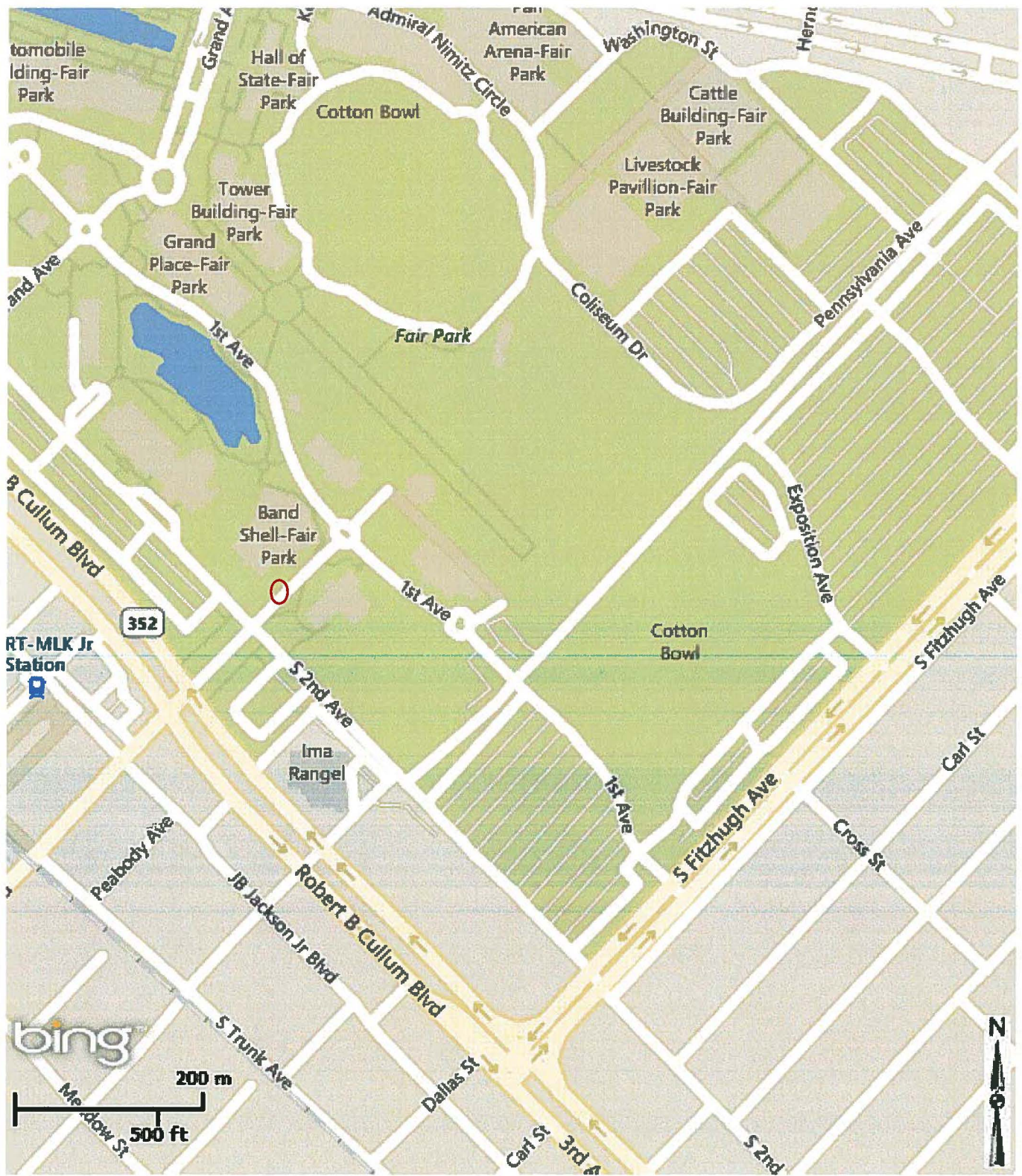
Samuell Grand Recreation Center
6100 E. Grand Avenue/6200 E. Grand Avenue
MAPSCO 46H



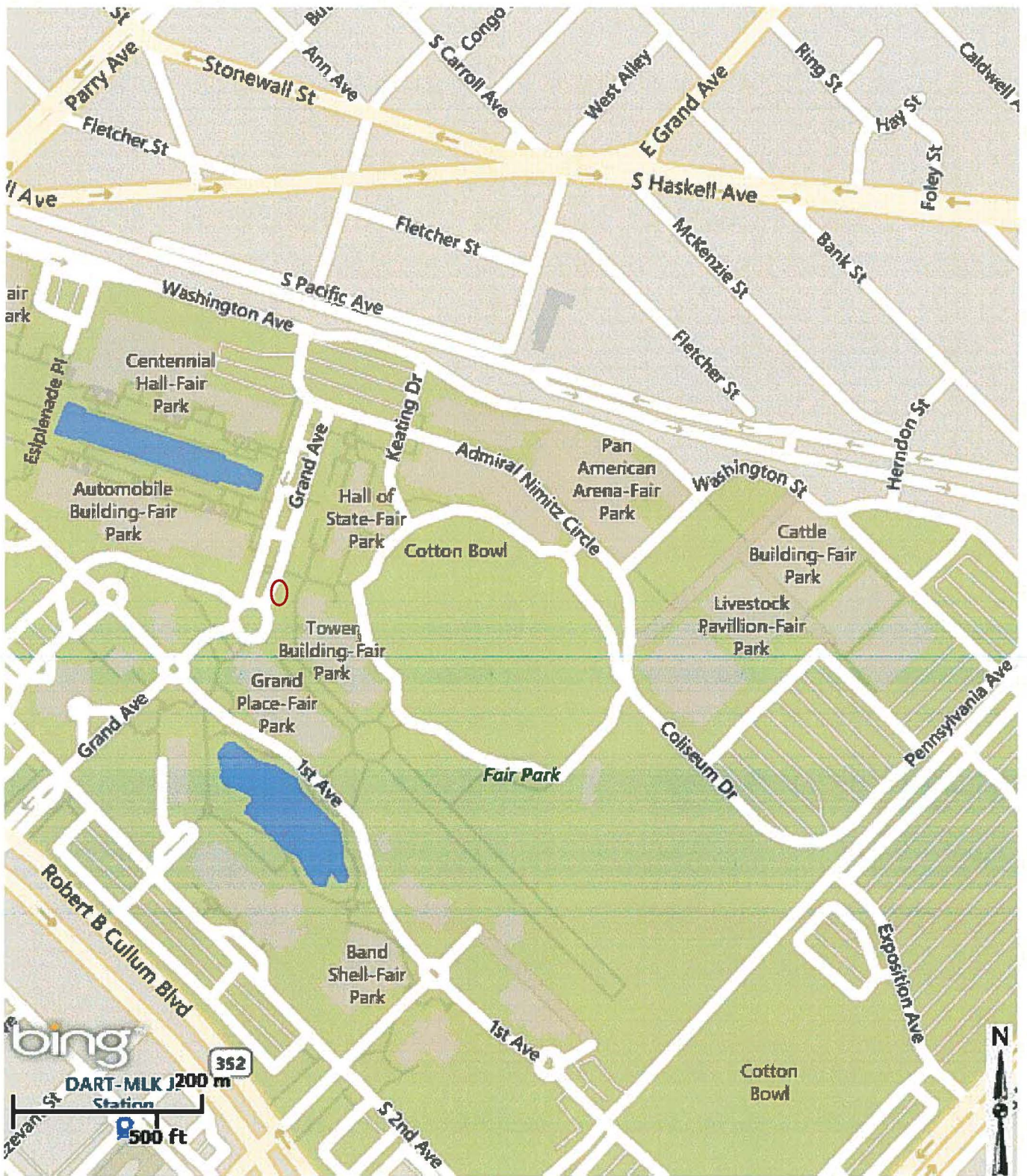
Singing Hills Recreation Center
1909 Crouch Road
MAPSCO 65R



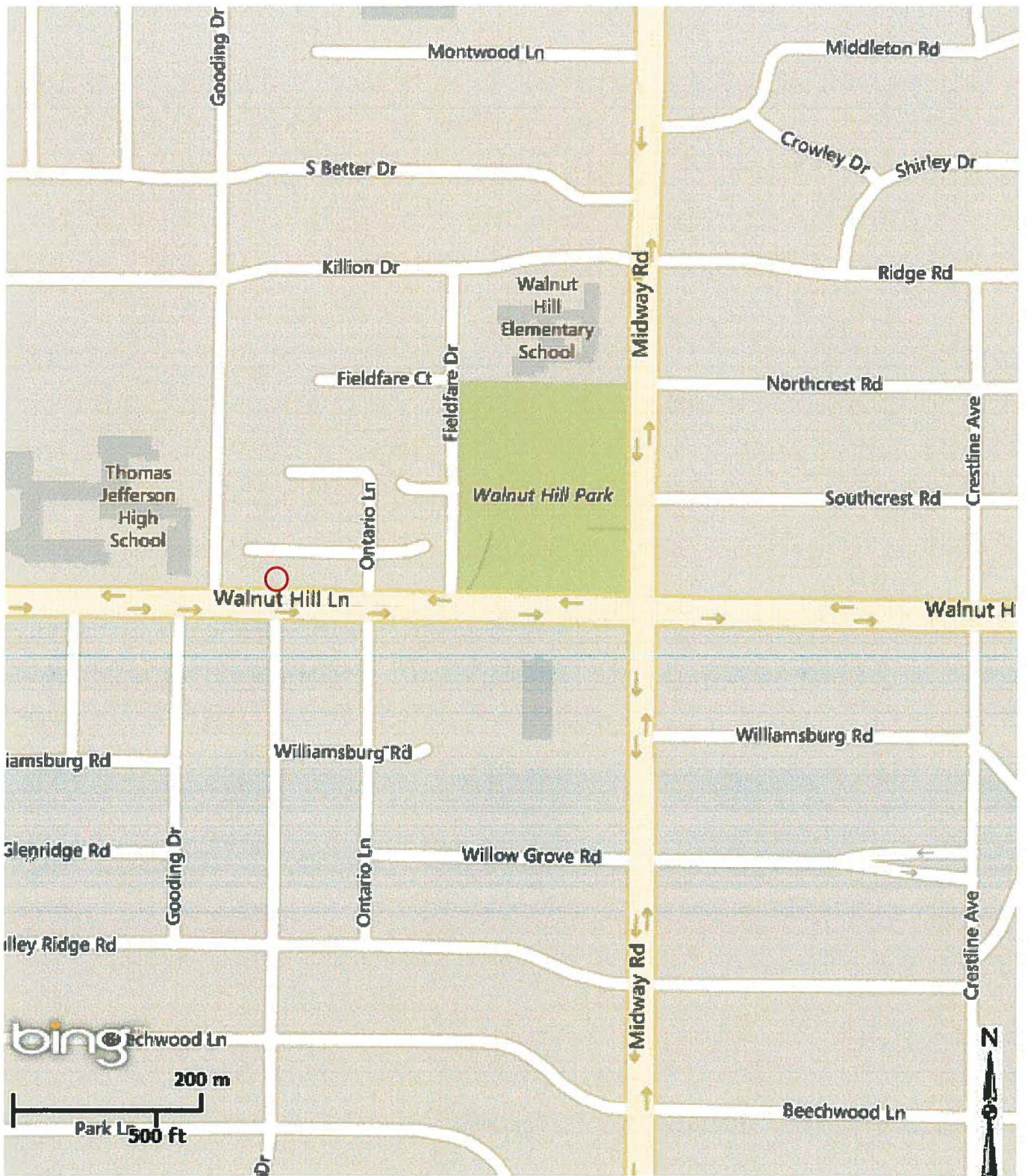
Southwest Police Station
4133 Kingbridge Street
MAPSCO 43L



Texas Discovery Gardens
3601 Martin Luther King Blvd.
MAPSCO 46T



Tower Building - Fair Park Administration
3809 Grand Avenue
MAPSCO 46P



Walnut Hill Recreation Center
4101 Walnut Hill Lane
MAPSCO 24Q

December 9, 2015

WHEREAS, Chapter 302 of the Texas Local Government Code, as amended, allows the procurement of energy performance contracts for the purpose of making energy conservation improvements to public buildings; and,

WHEREAS, on November 12, 2013, Resolution No. 13-1998 authorized a Memorandum of Understanding with the State Energy Conservation Office (SECO) for energy projects at Park and Recreation facilities in the amount of \$7,000,000; and,

WHEREAS, on August 7, 2015 Administrative Action No. 15-1503 authorized a Comprehensive Energy Savings and Photovoltaic (PV) Performance Contract with Metco Energy Services, Inc. for an energy audit and development of proposals for energy conservation related projects in the amount of \$5,000; and,

WHEREAS, the energy audit resulted in proposals for energy conservation measures for Office of Cultural Affairs buildings throughout the city of Dallas; and,

WHEREAS, in April 2015, an independent third party review was completed as required per Chapter 302 of the Texas Local Government Code; and,

WHEREAS, the terms of the contract stipulate, per the Texas Local Government Code Chapter 302, that the project financing must be repaid from realized annual energy savings, as identified and guaranteed in the contract; and,

WHEREAS, it is desirable to authorize **(1)** acceptance of a loan from the State of Texas Energy Conservation Office LoanSTAR Fund in the amount of \$5,723,363 to be repaid plus interest beginning in FY 2016-17 for a period of ten years from electric and natural gas energy savings; **(2)** establishment of appropriations in the amount of \$5,723,363 in the SECO LoanSTAR III Funds; **(3)** Supplemental Agreement No. 1 to the contract with Metco Engineering for (a) construction of energy conservation related projects at 28 City facilities in an amount not to exceed \$5,723,363, and (b) measurement and verification of the guaranteed savings for a period not to exceed ten years, in an amount not to exceed \$150,000, to be paid from electric and natural gas savings; and **(4)** acceptance, deposit, and establishment of appropriations of rebates from Oncor Electric Delivery in the Oncor Rebate Fund - Total not to exceed \$5,723,363 and Current Funds - \$150,000.00 (subject to annual appropriations).

Now, Therefore,

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

December 9, 2015

Section 1. That the City Manager is hereby authorized to execute a ten-year term loan agreement with SECO LoanSTAR Program, in the amount of \$5,723,363 for the funding of the energy related projects, upon approval as to form by the City Attorney, of all loan documents required.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit loan proceeds from SECO LoanSTAR Program in the SECO LoanSTAR Fund III, Fund 0707, Dept. PBW, Unit 1729, Revenue Source Code 6532.

Section 3. That the City Manager is hereby authorized to establish appropriations in the SECO LoanSTAR III, Fund 0707, Department PBW, Unit 1729, Activity PB45, Object Code 4310, in an amount not to exceed \$5,723,363.

Section 4. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the contract with Metco Engineering for the construction of energy conservation related projects at 28 facilities, in an amount not to exceed \$5,723,363; and for measurement and verification services, in a total amount not to exceed \$150,000 for a ten year period, after it has been approved as to form by the City Attorney.

Section 5. That the Chief Financial Officer is hereby authorized to receive and deposit any Rebate and/or incentive funds in the Rebate Fund EG02, Department PBW, Unit P588, Revenue Source Code 7894.

Section 6. That the Chief Financial Officer is hereby authorized to disburse funds to Metco Engineering in accordance with the terms and conditions of Supplemental Agreement No. 1 from:

State of Texas Energy Conservation Office LoanSTAR III Funds
Fund 0707, Department PBW, Unit 1729, Activity PB45
Object 4310, Program #PBSEC005, CT PBWSEC005C1
Vendor #VS0000025965, in an amount not to exceed \$5,723,363

Section 7. That the Chief Financial Officer is hereby authorized to transfer funds over a ten-year period, from the electricity and natural gas savings in an amount not to exceed \$150,000.00 to pay the Measurement and Verification Support Services (subject to annual appropriations).

From Fund 0001, Department CCS, Unit 3476, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$7,822.00.

From Fund 0001, Department EBS, Unit 3069, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$11,212.00.

December 9, 2015

From Fund 0001, Department DFD, Unit TR00, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$13,049.00.

From Fund 0001, Department HOU, Unit 4291, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$10,218.00.

From Fund 0001, Department DPD, Unit 2141, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$44,699.00.

From Fund 0001, Department DPD, Unit 2122, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$2,260.00.

From Fund 0001, Department DPD, Unit 2142, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$6,705.00.

From Fund 0001, Department DPD, Unit 2124, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$4,574.00.

From Fund 0001, Department PKR, Unit 5291, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$4,532.00.

From Fund 0001, Department PKR, Unit 5043, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$1,614.00.

From Fund 0001, Department PKR, Unit 5044, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$1,738.00.

From Fund 0001, Department PKR, Unit 5272, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$536.00.

From Fund 0001, Department PKR, Unit 5101, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$658.00.

From Fund 0001, Department PKR, Unit 5102, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$2,148.00.

From Fund 0001, Department PKR, Unit 5031, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$2,007.00.

From Fund 0001, Department PKR, Unit 5103, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$2,767.00.

From Fund 0001, Department PKR, Unit 5177, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$1,763.00.

December 9, 2015

From Fund 0001, Department PKR, Unit 5152, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$3,117.00.

From Fund 0001, Department PKR, Unit 5179, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$1,117.00.

From Fund 0001, Department PKR, Unit 5036, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$2,187.00.

From Fund 0001, Department PKR, Unit 5165, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$1,887.00.

From Fund 0001, Department PKR, Unit 5071, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$453.00.

From Fund 0001, Department PKR, Unit 5104, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$2,210.00.

From Fund 0001, Department PKR, Unit 5155, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$1,871.00.

From Fund 0001, Department PKR, Unit 5232, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$8,160.00.

From Fund 0001, Department PKR, Unit 5034, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$3,725.00.

From Fund 0001, Department PKR, Unit 5206, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$6,971.00.

Section 8. That the Chief Financial Officer is hereby authorized to disburse funds to Metco Engineering for the Measurement and Verification Support Services and Oncor's Energy Rebate application deposit, in accordance with the terms and conditions of Supplemental Agreement No. 1 from the electricity and natural gas savings, from:

SECO Loan Repayment Fund
Fund 0575, Department PBW, Unit DG49
Object 3070, Job #PBSEC005
Vendor #VS0000025965, in an amount not to exceed \$ 150,000

December 9, 2015

Section 9. That in the event the guaranteed annual energy savings are not fully achieved, Metco Engineering shall reimburse the City in the amount of the difference between the actual energy savings achieved for the contract year in question and the guaranteed annual energy savings, or the performance security required under the supplemental agreement in such amount as is necessary to make payment of the outstanding loan payment for the contract year in question. Metco Engineering will also maintain a Letter of Credit to provide additional loan security in accordance with the terms of the contract. The Chief Financial Officer is authorized in such event to deposit the proceeds of any reimbursement or performance security collection in SECO Loan Repayment Fund 0575, Department PBW, Unit DG49, Revenue Source Code 8428.

Section 10. 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.

December 9, 2015

WHEREAS, Chapter 302 of the Texas Local Government Code, as amended, allows the procurement of energy performance contracts for the purpose of making energy conservation improvements to public buildings; and,

WHEREAS, on November 12, 2013, Resolution No. 13-1998 authorized a Memorandum of Understanding with the State Energy Conservation Office (SECO) for energy projects at Park and Recreation facilities in the amount of \$7,000,000; and,

WHEREAS, on August 7, 2015 Administrative Action No. 15-1503 authorized a Comprehensive Energy Savings and Photovoltaic (PV) Performance Contract with Metco Engineering for an energy audit and development of proposals for energy conservation related projects in the amount of \$5,000; and,

WHEREAS, the energy audit resulted in proposals for energy conservation measures for Park and Recreation buildings throughout the city of Dallas; and,

WHEREAS, in April 2015, an independent third party review was completed as required per Chapter 302 of the Texas Local Government Code; and,

WHEREAS, the terms of the contract stipulate, per the Texas Local Government Code Chapter 302, that the project financing must be repaid from realized annual energy savings, as identified and guaranteed in the contract; and,

WHEREAS, it is desirable to authorize **(1)** the repayment of the loan from the State of Texas Energy Conservation Office over a 10 year period plus interest, using savings in the City's annual electricity and natural gas budgets for a total amount not to exceed \$6,203,363.00 (subject to annual appropriations)

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to set aside funds from the annually appropriated electric and natural gas budgets for City departments, in an amount equal to the guaranteed savings, in order to repay the loan and for measurement and verification support services.

Section 2. That the Chief Financial Officer is hereby authorized to transfer funds over a 10 year period, from the electricity and natural gas savings in an amount not to exceed \$6,203,363 to repay the loan (subject to annual appropriations).

From Fund 0001, Department CCS, Unit 3476, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$370,529.00.

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From Fund 0001, Department EBS, Unit 3069, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$330,130.00.

From Fund 0001, Department DFD, Unit TR00, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$556,377.00.

From Fund 0001, Department HOU, Unit 4291, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$435,655.00.

From Fund 0001, Department DPD, Unit 2141, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$1,905,868.00.

From Fund 0001, Department DPD, Unit 2122, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$67,361.00.

From Fund 0001, Department DPD, Unit 2142, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$199,863.00.

From Fund 0001, Department DPD, Unit 2124, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$136,347.00.

From Fund 0001, Department PKR, Unit 5291, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$135,092.00.

From Fund 0001, Department PKR, Unit 5043, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$48,115.00.

From Fund 0001, Department PKR, Unit 5044, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$51,817.00.

From Fund 0001, Department PKR, Unit 5272, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$15,989.00.

From Fund 0001, Department PKR, Unit 5101, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$19,616.00.

From Fund 0001, Department PKR, Unit 5102, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$101,749.00.

From Fund 0001, Department PKR, Unit 5031, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$59,829.00.

From Fund 0001, Department PKR, Unit 5103, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$133,969.00.

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From Fund 0001, Department PKR, Unit 5177, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$85,380.00.

From Fund 0001, Department PKR, Unit 5152, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$431,755.00.

From Fund 0001, Department PKR, Unit 5179, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$54,114.00.

From Fund 0001, Department PKR, Unit 5036, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$75,458.00.

From Fund 0001, Department PKR, Unit 5165, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$56,257.00.

From Fund 0001, Department PKR, Unit 5071, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$21,928.00.

From Fund 0001, Department PKR, Unit 5104, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$63,463.00.

From Fund 0001, Department PKR, Unit 5155, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$55,777.00.

From Fund 0001, Department PKR, Unit 5232, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$272,979.00.

From Fund 0001, Department PKR, Unit 5034, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$180,381.00.

From Fund 0001, Department PKR, Unit 5206, Object 3690 to Fund 0575, Department PBW, Unit DG49, Revenue Source 9201, in the amount of \$337,565.00.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds to the State of Texas to repay the loan, in accordance with the terms and conditions of the loan agreement, in an amount not to exceed \$5,723,363 plus interest in the amount of \$480,000 over a ten year period, subject to appropriation, beginning FY 2016-17, from the electricity and natural gas savings, from:

SECO Loan Repayment Fund
Fund 0575, Department PBW, Unit DG47
Object 354A, Job #PBSEC005
Vendor #269648, in an amount not to exceed \$6,203,363

December 9, 2015

Section 4. That in the event the guaranteed annual energy savings are not fully achieved, Metco Engineering shall reimburse the City in the amount of the difference between the actual energy savings achieved for the contract year in question and the guaranteed annual energy savings, or the performance security required under the supplemental agreement in such amount as is necessary to make payment of the outstanding loan payment for the contract year in question. Metco Engineering will also maintain a Letter of Credit to provide additional loan security in accordance with the terms of the contract. The Chief Financial Officer is authorized in such event to deposit the proceeds of any reimbursement or performance security collection in SECO Loan Repayment Fund 0575, Department PBW, Unit DG47, Revenue Source Code 8428.

Section 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 9, 2015
COUNCIL DISTRICT(S): 2, 14
DEPARTMENT: Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 45L

SUBJECT

Authorize a net increase in the contract with Tiseo Paving Company for additional and deductive work associated with the excavation of trash and debris in abandoned basement structures discovered during construction along Cesar Chavez Boulevard between Commerce Street and Pacific Avenue and replacement with select fill material suitable for a roadway base - Not to exceed \$290,206, from \$15,282,670 to \$15,572,876 - Financing: 2012 Bond Funds

BACKGROUND

This item is submitted as an addendum item in order to avoid further construction delays on the Cesar Chavez Boulevard roadway construction project.

On September 28, 2011, Resolution No. 11-2548 authorized a construction contract with Tiseo Paving Company for street paving, storm drainage, streetscape, landscape, traffic signal, water and wastewater improvements on Cesar Chavez Boulevard and Pearl Expressway. This action will authorize a change order to the contract with Tiseo Paving Company for additional and deductive work associated with the excavation of trash and debris in abandoned basement structures discovered during construction along Cesar Chavez Boulevard between Commerce Street and Pacific Avenue and replacement with select fill material suitable for a roadway base.

The planned improvements on Cesar Chavez Boulevard from Commerce Street to Elm Street entail converting the existing four-lane one-way roadway to a six-lane divided boulevard. Right-of-way needed for the improvements was acquired from former surface parking lot properties located at 2125 Commerce Street, 2221 and 2226 Elm Street, and 2222 Pacific Avenue. While demolishing the parking lots, the construction contractor encountered abandoned basements filled with trash and debris not suitable for a roadway base.

BACKGROUND (Continued)

Prior to constructing the new roadway, the trash and debris needs to be removed and replaced with select fill material.

This action will authorize an additional \$290,205.57 to the construction contract with Tiseo Paving Company. The actual cost to remove and replace the trash and debris in the basements with select fill is \$1,023,364.50. In order to keep the total construction contract within the 25% increase of the original contract amount allowed by State statute, work and construction items are being deleted and/or reduced in the construction contract for a net deductive amount of (-\$733,158.93). The breakdown for the deductive amounts are as follows: (1) paving, drainage and traffic signal work on Pearl Street between Live Oak Street and Pacific Avenue is being deleted from the project for a net deductive amount of (-\$662,575.10); (2) drainage and traffic signal/communication item quantities on Cesar Chavez Boulevard are being adjusted to account for overruns and underruns for a net deductive amount of (-\$59,411.83); and (3) sidewalk quantities for work adjacent to Klyde Warren Park that was previously change ordered into this project are being adjusted to account for underruns for a net deductive amount of (-\$11,172.00).

The street improvements on Pearl Street between Live Oak Street and Pacific Avenue that are being deleted from this contract in order to create the needed capacity in the contract are planned to be constructed later as part of a separate contract. Construction along this section of Pearl Street was already on hold as the roadway is being redesigned to accommodate planned improvements to John W. Carpenter Park. The proposed redesign of Pearl Street will reduce the street cross-section from the originally planned six-lane divided roadway to a four-lane divided roadway. A traffic study recently conducted concluded that the lane reduction would still maintain an acceptable level-of-service for traffic. The proposed redesign will serve to slow vehicular traffic and create a more pedestrian friendly roadway conducive to the urban park environment envisioned for the future improved John W. Carpenter Park. A Thoroughfare Plan amendment will be needed for the proposed roadway modifications and staff anticipates the amendment will be brought to City Council for approval consideration in early 2016. Construction on Pearl Street is estimated to recommence late summer of 2016 and be complete an estimated six months later.

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2007
Completed Design	June 2011
Began Construction	March 2012
Complete Construction	December 2016

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

Authorized a professional services contract for engineering services for Cesar Chavez (formerly Central Expressway) on December 12, 2007, by Resolution No. 07-3794.

Authorized a professional services contract for engineering services for Pearl Expressway on April 23, 2008, by Resolution No. 08-1278.

Authorized approval of the recommended plan for the proposed alignment of Cesar Chavez (formerly Central Expressway) on April 22, 2009, by Resolution No. 09-1082.

Authorized a Development and Reimbursement Agreement with the Museum of Nature and Science on September 8, 2010, by Resolution No. 10-2321.

Authorized a construction contract with Tiseo Paving Company on September 28, 2011, by Resolution No. 11-2548.

Authorized Change Order No. 1 to the construction contract with Tiseo Paving Company on September 12, 2012, by Resolution No. 12-2309.

Authorized Change Order No. 3 to the construction contract with Tiseo Paving Company on March 26, 2014, by Resolution No. 14-0559.

Authorized Change Order No. 4 to the construction contract with Tiseo Paving Company on March 26, 2014, by Resolution No. 14-0560.

Authorized Change Order No. 7 to the construction contract with Tiseo Paving Company on April 22, 2015, by Resolution No. 15-0757.

Information about this item will be provided to the Public Safety Committee on December 8, 2015.

FISCAL INFORMATION

2012 Bond Funds - \$290,205.57

Design

Cesar Chavez and Pearl	\$ 1,670,626.10
Museum of Nature and Science Streetscape Improvements	\$ 148,500.00

FISCAL INFORMATION (Continued)

Construction	
Paving & Drainage - PBW	\$ 9,460,374.37
Water & Wastewater - DWU	\$ 3,013,544.94
Change Order No. 1	\$ 870,854.75
Change Order No. 2	\$ 49,500.00
Change Order No. 3	\$ 582,303.00
Change Order No. 4	\$ 776,713.30
Change Order No. 5	\$ 41,285.00
Change Order No. 6	\$ 0.00
Change Order No. 7	\$ 488,095.06
Change Order No. 8 (this action)	<u>\$ 290,205.57</u>
Total Project Cost	\$17,392,002.09

<u>Council District</u>	<u>Amount</u>
2	\$145,102.79
14	<u>\$145,102.78</u>
Total	\$290,205.57

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Tiseo Paving Company

Hispanic Female	1	Hispanic Male	78
African-American Female	0	African-American Male	2
Other Female	0	Other Male	0
White Female	2	White Male	25

OWNER

Tiseo Paving Company

Arthur Tiseo, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a net increase in the contract with Tiseo Paving Company for additional and deductive work associated with the excavation of trash and debris in abandoned basement structures discovered during construction along Cesar Chavez Boulevard between Commerce Street and Pacific Avenue and replacement with select fill material suitable for a roadway base - Not to exceed \$290,206, from \$15,282,670 to \$15,572,876 - Financing: 2012 Bond Funds

Tiseo Paving Company a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$292,315.14	100.73%
Non-local contracts	(\$2,109.57)	(0.73%)
TOTAL THIS ACTION	\$290,205.57	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Oscar Orduno Inc.	HMD63996Y0116	\$222,775.00	76.21%
WOE Construction	WFWB22300N0516	(\$14,600.00)	(4.99%)
JT Dersner	WFDB48190Y0112	(\$52,465.00)	(17.95%)
Total Minority - Local		\$155,710.00	53.27%

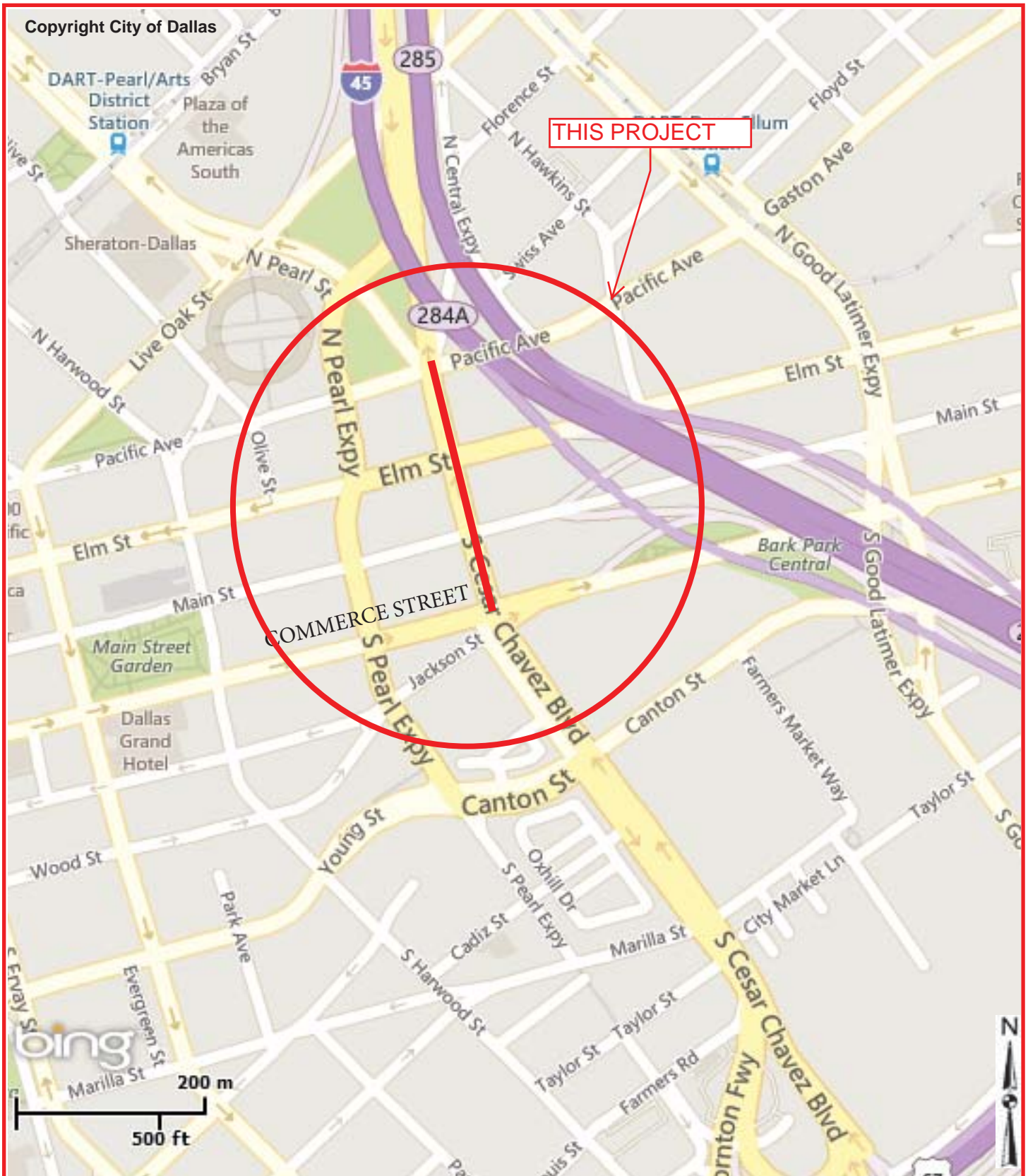
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Brock Environmental Services	WFWB61711Y0516	\$4,062.00	-192.55%
Axis Contracting	WFDB03204Y0516	(\$9,216.57)	436.89%
Total Minority - Non-local		(\$5,154.57)	244.34%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$33,028.00	0.21%
Hispanic American	\$222,775.00	76.76%	\$222,775.00	1.43%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	<u>(\$72,219.57)</u>	<u>(24.89%)</u>	<u>\$5,272,523.52</u>	<u>33.86%</u>
Total	\$150,555.43	51.88%	\$5,528,326.52	35.50%

CESAR CHAVEZ BOULEVARD FROM COMMERCE STREET TO PACIFIC AVENUE



MAPSCO 45L

December 9, 2015

WHEREAS, on December 12, 2007, Resolution No. 07-3794 authorized a professional services contract with Jacobs Engineering Group, Inc. for the design of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street; and,

WHEREAS, on April 23, 2008, Resolution No. 08-1278 authorized a professional services contract with EJES, Inc. for the design of Pearl Expressway from Commerce Street to Live Oak Street; and,

WHEREAS, on April 22, 2009, Resolution No. 09-1082 authorized approval of the recommended plan for the proposed alignment of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street from its current alignment to the proposed alignment; and,

WHEREAS, on September 8, 2010, Resolution No. 10-2321 authorized a Development and Reimbursement Agreement with the Museum of Nature and Science, an independent, 501(c)(3) non-profit foundation for the design and construction of streetscape improvements in the City's right-of-way along Field Street and the Woodall Rodgers Expressway access road, and reimbursement of engineering and design fees to the Museum of Nature and Science; and,

WHEREAS, on September 28, 2011, Resolution No. 11-2548 authorized a construction contract with Tiseo Paving Company for the construction of street paving, storm drainage, streetscape, traffic signal upgrades, water and wastewater main improvements for Cesar Chavez Boulevard (Central Expressway) from Commerce Street to Live Oak Street and Pearl Expressway from Commerce Street to Live Oak Street in the amount of \$12,473,919.31; and,

WHEREAS, on September 12, 2012, Resolution No. 12-2309 authorized Change Order No. 1 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Broom Street from North Field Street to Laws Street for the Museum of Nature and Science in the amount of \$870,854.75, increasing the contract from \$12,473,919.31 to \$13,344,774.06; and,

WHEREAS, on October 10, 2013, Administrative Change Order No. 13-2198 authorized Change Order No. 2 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Woodall Rodgers Freeway service road from North Harwood Street to Olive Street in the amount of \$49,500.00, increasing the contract from \$13,344,774.06 to \$13,394,274.06; and,

December 9, 2015

WHEREAS, on March 26, 2014, Resolution No. 14-0559 authorized Change Order No. 3 to the construction contract with Tiseo Paving Company for additional sidewalk improvements on Woodall Rodgers Freeway service road at Pearl Street, and the installation of new communication cables and traffic signal upgrades at Pearl Street and Cesar Chavez Boulevard in the amount of \$582,303.00, increasing the contract from \$13,394,274.06 to \$13,976,577.06; and,

WHEREAS, on March 26, 2014, Resolution No. 14-0560 authorized Change Order No. 4 to the construction contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street at Farmers Market in the amount of \$776,713.30, increasing the contract from \$13,976,577.06 to \$14,753,290.36; and,

WHEREAS, on October 20, 2014, Administrative Change Order No. 14-1739 authorized Change Order No. 5 to the construction contract with Tiseo Paving Company to build and remove a temporary loading dock on Taylor Street from Cesar Chavez Boulevard to Pearl Street at Farmers Market in the amount of \$41,285.00, increasing the contract from \$14,753,290.36 to \$14,794,575.36; and,

WHEREAS, on January 29, 2015, Administrative Change Order No. 15-0221 authorized Change Order No. 6 to the construction contract with Tiseo Paving Company to reduce and add pay items for work on Taylor Street from Cesar Chavez Boulevard to Pearl Street at Farmers Market in the amount of \$0.00, and the contract amount will not increase; and,

WHEREAS, on April 22, 2015, Resolution No. 15-0757 authorized Change Order No. 7 to the construction contract with Tiseo Paving Company to construct a 24-inch water main along Pacific Avenue from Pearl Expressway to Cesar Chavez Boulevard in the amount of \$488,095.06, increasing the contract from \$14,794,575.36 to \$15,282,670.42; and,

WHEREAS, this action will authorize a net increase in the construction contract with Tiseo Paving Company for additional and deductive work associated with the excavation of trash and debris in abandoned basement structures discovered during construction along Cesar Chavez Boulevard between Commerce Street and Pacific Avenue and replacement with select fill material suitable for a roadway base in the amount of \$290,205.57, from \$15,282,670.42 to \$15,572,875.99.

December 9, 2015

Now, Therefore,

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

Section 1. That a net increase in the contract with Tiseo Paving Company is hereby approved for additional and deductive work associated with the excavation of trash and debris in abandoned basement structures discovered during construction along Cesar Chavez Boulevard between Commerce Street and Pacific Avenue in the amount of \$290,205.57, from \$15,282,670.42 to \$15,572,875.99, and the City Manager is hereby authorized to execute the document after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from the Street and Transportation Improvements Fund 2U22, Department PBW, Unit U779, Activity THRF, Obj. 4510, Program #PB06U779, CT PBW06U779L1, Vendor #011466, in an amount not to exceed \$1,023,364.50.

Section 3. That the Chief Financial Officer is hereby authorized to reduce previously approved encumbered funds from: Street and Transportation Improvements Fund, Fund 7T22, Department PBW, Unit U798, Activity THRF, Obj. 4510, Program #PB06U798, CT PBW06U779L1, Vendor #011466, in an amount not to exceed \$662,575.10; Street and Transportation Improvements Fund, Fund 7T22, Department PBW, Unit U779, Activity THRF, Obj. 4510, Program #PB06U779, CT PBW06U779L1, Vendor #011466, in an amount not to exceed \$59,411.83; Current Funds, Fund 0001, Department DPD, Unit 2141, Activity DP35, Obj. 3099, Program #PB06U747, CT PBW06U747A1, Vendor #011466, in an amount not to exceed \$11,172.00.

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.

KEY FOCUS AREA: E-Gov
AGENDA DATE: December 9, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 43, Article VIII of the Dallas City Code, relating to improvements in public right-of-way by **(1)** amending registration requirements; **(2)** modifying the permit application requirements; **(3)** amending trench and backfill requirements **(4)** providing additional signage requirements for vehicles and equipment in the right-of-way; **(5)** providing additional notification requirements; and **(6)** making conforming changes - Financing: No cost consideration to the City

BACKGROUND

Chapter 43 of the Dallas City Code currently provides conditions for conducting improvements and utility work in the public right-of-way. The proposed ordinance would amend Chapter 43 to include required notification to the city 24-hours before the start of any work, within 24-hours of any temporary pavements repairs, and within 24-hours of completion of permanent pavement repairs. Amendments will also require additional signage on the street or nearby notifying of temporary pavement repairs and provide additional trench backfill requirements.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was briefed to Budget, Finance and Audit Committee on August 3, 2015.

Information about this item will be provided to the Budget, Finance and Audit Committee on December 7, 2015.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 43, “Streets and Sidewalks,” of the Dallas City Code by amending Sections 43-137, 43-139, 43-140.2 and 43-141; amending the registration requirements; modifying the permit application requirements; providing additional trench backfill requirements; providing additional signage requirements; requiring additional notice for phases of construction; making conforming changes; providing a penalty not to exceed \$500; providing a savings 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 Section 43-137, “Registration; Other Requirements,” of Article VIII, “Certain Uses of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“SEC. 43-137. REGISTRATION; OTHER REQUIREMENTS.

(a) Nothing in this section relieves any person [~~a public service provider~~] from obtaining a permit under this article to perform work in the public right-of-way.

(b) In order to protect the public health, safety, and welfare, a public service provider maintaining or operating existing facilities in the public right-of-way, and any other person working in the public right-of-way, must register with the director in accordance with the following requirements:

(1) The registration must be on a form furnished by the director and made in the name of the public service provider that owns the facilities or the person working in the public right-of-way.

(2) Registration expires March 1 of every other year after the calendar year in which the first registration occurs. If a registration is not renewed by the expiration date, the director shall furnish written notice to the public service provider or person that the registration has expired. If a [the] public service provider fails to renew registration within 30 calendar days

after the director gives notice of the expiration, the facilities of the public service provider will be deemed to have been legally abandoned.

(3) If information provided as part of the registration changes, the public service provider or person must inform the director in writing not more than 30 days after the date the change occurs.

(4) The public service provider or person shall also include the following with the registration:

(A) The name of the public service provider or person using the public right-of-way, including any business name, assumed name, or trade name the public service provider operates under or has operated under within the past five years.

(B) If the public service provider is a certificated telecommunications provider, the certificate number issued by the Texas Public Utility Commission.

(C) The ordinance number of any franchise or license issued by the city of Dallas that authorizes the public service provider or person to use the public right-of-way.

(D) The names, addresses, and telephone numbers of at least two persons who will be general, day-to-day contacts for the public service provider or person. At least one of the addresses must be within the Dallas/Fort Worth metropolitan area.

(E) The name and mailing address of the officer or agent designated as the person authorized to receive service of process on behalf of the public service provider or person.

(F) The name, address, and telephone number of any contractor or subcontractor, if known, who will be working in the public right-of-way on behalf of the public service provider or person.

(G) The names and telephone numbers of at least two persons serving as emergency contacts who can be reached by telephone 24 hours a day, seven days a week. The telephone numbers should be accessible without the city having to pay a long distance telephone or toll charge.

(H) Proof of existing insurance that complies with the following requirements:

(i) The minimum insurance coverage for a public service provider must be commercial general liability insurance, or any combination of general liability and umbrella/excess insurance, (including, but not limited to, premises operations, personal and advertising injury, products/completed operations, and independent contractors and contractual liability) with a minimum combined bodily injury (including death) and property damage limit of \$25,000,000 per occurrence, \$25,000,000 products/completed operations aggregate, and

\$25,000,000 general aggregate. The liability insurance policy must also include coverage for explosion, collapse, and underground hazards. The insurance coverage must be written by a company or companies approved to conduct business in the State of Texas. The city must be named as an additional insured on the policy by using endorsement CG 20 26 or broader.

(ii) The insurance filed by a public service provider or person working in the public right-of-way must also meet the same requirements as insurance filed by a permittee under Section 43-140(a)(3) through (a)(7). A public service provider or person registered under this section has the same duties, obligations, and liabilities as a permittee under Section 43-140(a)(3) through (a)(7), except that a public service provider or person registered under this section does not have to file separate proof of insurance every time it obtains a permit to perform work in the public right-of-way.

(iii) If the public service provider or person is an entity that has a tangible net worth ratio of 3 to 1 (assets to liabilities) with a minimum tangible net worth of at least \$100,000,000, proof of self-insurance sufficient to meet the coverage required in this subparagraph is sufficient to satisfy the insurance requirements of this subparagraph.

(5) The insurance requirements of Subsection (b)(4)(H) of this section do not apply to:

(A) construction or other activity performed by the city's own forces or by contractors hired by the city and working on city-owned facilities within the public right-of-way; or

(B) a public service provider or person operating facilities or performing construction pursuant to a valid existing franchise or license approved by the city council."

SECTION 2. That Subsection (c) of Section 43-139, "Permit Required; Exceptions; Conditions; Denial and Revocation," of Article VIII, "Certain Uses of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

"(c) The following procedures and requirements govern the application for and issuance of a permit required under Subsection (a) of this section:

(1) A permit application must be made in writing on a form approved by the director. The application must be signed and submitted by the owner of the facility for which the permit is requested or, if the work does not involve a facility, by the owner of the improvement for which the permit is requested.

(2) Except in the case of a major project, a permit application must be submitted to the director not less than two business days before commencement of the proposed

construction unless emergency activity is required, in which case immediate notice, including the reasons for the emergency activity, must be given to the director.

(3) A permit application for a major project must be submitted enough time in advance of the commencement of the proposed construction to allow the director at least 30 business days for review. During this project submission review period, schedules, alternatives to cutting the street, utility assignments, special repair requirements, and all other questions will be resolved. Adjustments to time limits specified in the Pavement Cut and Repair Standards Manual may be granted by the director for major project work. The proposed construction on the project may commence upon issuance of the permit by the director.

(4) A permit application must include a statement by the applicant that the applicant has collected all available plans for existing city of Dallas underground facilities and other public and private utilities and has included those facilities and utilities in the applicant's design, showing no apparent conflict. The statement must also affirm that the applicant will perform field verifications as necessary during construction to locate all city and other existing underground facilities.

(5) A permit application for an above ground utility structure in or outside of a public right-of-way must include identification of appropriate locations for the structure that are consistent with the placement criteria set forth in the AGUS Placement Guidelines.

(6) The permit application on any project must include submittal of plans to the director. When required by the Texas Engineering Practice Act, as amended, the plans must be sealed by a professional engineer licensed to practice in the State of Texas. The plans must include the horizontal alignment of all proposed facilities in relation to all existing public and private facilities in plan view. The plans must clearly show the proposed locations of all above ground utility structures and include a detail view showing the height, width, and depth dimensions of each type of above ground utility structure (including any supporting pad) to be installed. If the project is a major project that is located within the central business district, crosses street intersections, or involves crossing proposed facilities over or under existing facilities, the plans must also include a representation of the vertical alignment of the facilities in profile view. Each sheet of the plans must have a note instructing the contractor to verify the location of underground utilities at least 100 feet in advance of all proposed utility crossings, and also at locations where the proposed facilities are shown to be running parallel to existing facilities within five feet. The plans must be half size (11" X 17") at a scale no smaller than 1" = 40' in plan view and 1" = 6' in profile view. Each project must be assigned a project number, which must appear on each sheet.

(7) A permit is required even if other authority has been granted by the director to make a pavement cut or excavation in a public right-of-way as part of a city construction project.

(8) The director shall state on the permit the activity for which the permit is issued and include any additional restrictions or requirements determined necessary by the director.

(9) The permittee has the exclusive responsibility to coordinate with other public service providers to protect all existing facilities in the public right-of-way in which the construction occurs.

(10) The permittee shall, as an express condition of the permit, comply in all respects with the requirements prescribed for the permitted activity in the Pavement Cut and Repair Standards Manual and with all other city ordinances and state or federal laws or regulations affecting the permitted activity.

(11) The director shall notify persons who ~~[public service providers that]~~ registered under Section 43-137 during the previous calendar year of pavement surfaces to be reconstructed or resurfaced by the city during the next calendar year.

(12) A person or public service provider planning construction within the public right-of-way shall notify the director by March 1 of each year of all then-known facility expansion or replacement projects planned for the next fiscal year that may require pavement cuts or excavations.

(13) The director may require any permittee to use trenchless technology or boring, instead of disturbing a public right-of-way surface, if it is:

- (A) in the best interest of the city;
- (B) technically, commercially, and economically feasible; and
- (C) not in violation of federal or state regulations or industry safety standards.

(14) Directional drilling or boring may not be used in the central business district, unless otherwise approved by the director as being in the best interest of the public health, safety, welfare, and convenience.

(15) In using trenchless technology or boring, whether or not required under Paragraph (13) of this subsection, the permittee must:

(A) obtain and have at the construction site recent plans from the city's water utilities department, and, where available, plans from owners of all other underground facilities, showing the horizontal and vertical placement of the underground facilities, if the permittee's proposed facilities will:

- (i) cross other existing facilities; or
- (ii) be located within five feet of existing facilities at any point;

(B) locate all water main lines by potholing, if the permittee's proposed facilities will:

- (i) cross other existing facilities; or
- (ii) be located within five feet of existing facilities at any point;

and

(C) be able to locate the bore head at all times in accordance with the latest technologies and provide the location of the bore to the director upon request.

(16) The permittee shall maintain the construction area in a public right-of-way in a manner that avoids dust, other health hazards, and hazards to vehicular and pedestrian traffic until the public right-of-way is permanently repaired.

(17) When making a pavement cut or excavation, or placing spoils or excavated material in or along a public right-of-way, the permittee shall place barricades, warning signs, and warning lights at the location sufficient to warn the public of the hazard of the cut, excavation, spoils, or excavated material in compliance with the 1980 Edition of the Texas Manual on Uniform Traffic Control Devices, as amended, published by the Texas Department of Transportation.

(18) The director may require the permittee to share trench space to minimize the disruption of vehicular and pedestrian traffic or to provide space for needed city facility installations if such sharing is:

(A) technically, commercially, and economically feasible; and

(B) not in violation of state or federal regulations or industry safety standards.

(19) The permit application must include a traffic control plan that includes detailed drawings showing the proposed traffic controls for vehicular and pedestrian traffic for each phase of the proposed work in the public right-of-way.

SECTION 3. That Subsection (k) of Section 43-139, “Permit Required; Exceptions; Conditions; Denial and Revocation,” of Article VIII, “Certain Uses of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(k) Any variance from the requirements of this article must be approved in advance by the director. The director may grant a variance only if an extreme hardship exists and the public health, safety, welfare, and convenience is not adversely affected by granting the variance. The director may not approve any variance that would give a competitive advantage to one person [~~public service provider~~] over another person [~~public service provider~~] providing the same or similar service. The director may not grant a variance from the indemnity requirements of Section 43-140(d).”

SECTION 4. That Section 43-140.2, “Waiver of Bonding Requirements,” of Article VIII, “Certain Uses of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“SEC. 43-140.2. WAIVER OF BONDING REQUIREMENTS.

(a) A person registered under Section 43-137 [~~public service provider~~] may annually submit to the director a written request for a waiver from the requirement that it provide a performance bond, letter of credit, or cash deposit pursuant to Section 43-140.1.

(b) The waiver request must set forth in detail the basis for the request, including but not limited to:

(1) the person’s [~~public service provider’s~~] history of performance in completing its projects and complying with restoration obligations in the city's rights-of-way; and

(2) documentation, in a form acceptable to the city, demonstrating that the person [~~public service provider~~] has unencumbered assets or reserves sufficient to cover the amount of the performance bond, letter of credit, or cash deposit that would otherwise be required under Section 43-140.1.

(c) Within 30 calendar days after receiving a written request for a waiver, the director may, for good cause shown, grant a waiver from the requirement that the person [~~public service provider~~] provide a performance bond, letter of credit, or cash deposit pursuant to Section 43-140.1. In making this decision, the director shall consider all of the following:

(1) The person’s [~~public service provider’s~~] record of performance in the city’s rights-of-way.

(2) The person’s [~~public service provider’s~~] record of compliance with this article.

(3) A showing of financial responsibility by the person [~~public service provider~~] sufficient to guarantee the full and faithful execution of the estimated work to be performed during the year in which the waiver is in effect.

(4) Any other factor relevant to a determination of the financial responsibility of the person [~~public service provider~~] and its ability to safely and fully perform permitted work.

(d) A waiver expires one year after being granted by the director, and the person [~~public service provider~~] must reapply for a waiver each year during which it will perform work in the city’s rights-of-way.

(e) Upon determining that a person [~~public service provider~~] is in violation of this article, the director may deny any request for a waiver and may terminate any existing waiver that had been granted under this section. A person [~~public service provider~~] whose waiver is terminated may not reapply for another waiver until two years have elapsed since the date of termination.

(f) If a waiver is denied or terminated by the director, the person [~~public service provider~~] shall immediately take all necessary steps to temporarily restore the right-of-way and then cease all work in the right-of-way until the person [~~public service provider~~] has provided a bond, letter of credit, or cash deposit that has been approved by the director.”

SECTION 5. That Subsection (f) “Tests,” of Section 43-141, “Miscellaneous Requirements for Street Excavation and Installations, Trench Safety, and Above Ground Utility Structures,” of Article VIII, “Certain Uses of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(f) Tests.

(1) The permittee will be required to provide a certified construction materials testing lab, or use a testing method approved by the director, to perform the appropriate tests, at the permittee's expense, to ensure quality control for the backfill and pavement construction phases. Concrete strength test results must be submitted to the director for any placement greater than five cubic yards.

(2) Unless another method is approved by the director, tests must be made in accordance with the latest methods of the American Society of Testing and Materials. The results from tests for backfill compaction must be supplied to the city within three days of the backfill work completion and before pavement construction begins. The results from tests for pavement construction must be submitted within one week of completion of the project. Retesting after failure to pass the required tests will be at the expense of the permittee.

(3) Compaction testing is not required when a flowable [~~type~~] backfill material that complies with the *Pavement Cut and Repair Standards Manual*, as amended, is used [~~and accepted~~].

(4) If the materials used for the street repairs do not meet the minimum requirements of the *Pavement Cut and Repair Standards Manual*, they may be considered unacceptable and may be ordered to be removed and replaced at the permittee's expense. In cases where the repairs are unacceptable and the permittee refuses to make them acceptable, the work may be accomplished by the city, and all of the direct and indirect costs will be charged back to the permittee responsible for the work.

(5) The city at its expense may perform, or have performed, any material tests it deems necessary to verify conformance with the specifications set forth in Paragraph (6) of this subsection. If tests performed at the city's expense show cause for additional work or rework by the permittee, then further testing required to show conformance with the specifications will be at the expense of the permittee, including the cost of the original testing that showed the need for additional work or rework.

(6) Specifications for backfill compaction must meet the requirements contained in the *Pavement Cut and Repair Standards Manual*. Specifications for pavement testing must meet the requirements contained in the applicable provisions of the *Standard Specifications for Public Works Construction – North Central Texas* and the city's addendum thereto, as amended.”

SECTION 6. That Section 43-141, “Miscellaneous Requirements for Street Excavation and Installations, Trench Safety, and Above Ground Utility Structures,” of Article VIII, “Certain Uses of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to add Subsection (h) to read as follows:

“(h) Signage.

(1) A copy of the approved permit must be displayed by the permittee at the worksite at all times during construction in the public right-of-way.

(2) Each vehicle and piece of equipment located in the permitted area of construction in the right-of-way must display a sign identifying the business name and primary contact information of the permittee. The sign letters and numbers must be legible and at least two inches in height.

(2) A copy of the approved traffic control plan required in Section 43-139 must be displayed at the permitted area of construction at all times when barriers are erected to divert or alter the flow of traffic.

(3) At least one sign labeled “Temporary Paving Repairs” must be displayed in accordance with the *Dallas Pavement Cut and Repair Standards Manual*, as amended, in any location that has temporary paving repairs. If temporary paving repairs exceed 50 feet in length, one “Temporary Paving Repairs” sign must be provided every 50 feet on the perimeter of the permitted area of public right-of-way under construction. Alternatively, a “Temporary Paving Repairs” sign may be written on the temporary paving repairs in accordance with this paragraph. The lettering of the written sign on the temporary paving repairs must be a minimum of three inches using only white paint. If temporary paving repairs exceed 40 feet in length, one painted “Temporary Paving Repairs” sign must be painted on the temporary paving repairs every 30 feet on the perimeter on the perimeter of the permitted area of public right-of-way under construction.”

SECTION 7. That Section 43-141, “Miscellaneous Requirements for Street Excavation and Installations, Trench Safety, and Above Ground Utility Structures,” of Article VIII, “Certain Uses of Public Right-Of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to add Subsection (i) to read as follows:

“(i) Permittee notice requirements.

(1) After issuance of a permit under this article, the permittee shall provide written notice to the director:

(A) at least one business day before any material or equipment is placed in the permitted area or the commencement of any temporary construction;

(B) within one business day after completing the temporary construction; and

(C) at least one business day before any permanent construction begins.”

SECTION 8. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 9. That Chapter 43 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 10. 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 11. That this ordinance shall take effect on April 1, 2016, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

REVISED AGENDA ITEM # 23

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

AGENDA DATE: December 9, 2015

COUNCIL DISTRICT(S): 10, 11, 13

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 26-A B E F

SUBJECT

Authorize a Project Specific Agreement with Dallas County for trail design and right-of-way acquisition for the remainder of Northaven Trail Phase 1 from south of Valleydale Drive to White Rock Creek Trail - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas and Dallas County are partnering to design and construct the Northaven Trail in north Dallas. Currently, Phase II and III are under design. This Project Specific Agreement (PSA) establishes the terms for the design, right-of-way acquisition, and other responsibilities for the remainder of Phase 1. As design progresses and funding becomes available, future agreements will advance project milestones for Phase 1, 2A, 2B and 2C including preferred alignments, design, and construction. Upon completion of Phase 1, 2A, 2B and 2C, the entire length of the Northaven Trail will be nearly 9 miles long extending from White Rock Creek Trail to the Walnut Hill/Denton DART Station.

On April 13, 2011, Resolution No. 11-0927, City Council authorized a new ten-year master agreement with Dallas County governing major transportation capital improvement projects.

On November 7, 2011, Resolution No. 11-2977, City Council authorized a Funding Agreement with Dallas County for the development of a master plan for an approximate 6.5-mile section of the Northaven Trail between the Walnut Hill DART Green Line light rail station and Preston Road, in an amount not to exceed \$50,000.

BACKGROUND (Continued)

On December 12, 2012, Resolution No. 12-3057, City Council authorized Amendment No. 1 to the Program Funding Agreement with Dallas County for the development of a master plan for the Northaven Trail between the Walnut Hill/Denton Station and Preston Road to expand the project limits, scope and funding to include design and construction of the Northaven Trail's additional phases between the Walnut Hill/Denton Station and the White Rock Creek Trail.

This PSA requires a 50/50 match from the City. Dallas County is accepting a construction credit of \$2,600,000 as the City match ~~for this PSA~~ regarding the Northaven Trail Project for past City expenditures from 2006 Bond Funds and other monies associated with the design and construction of a portion of Phase I, which was substantially completed in May 2012. At build-out, Phase 1, which extends from White Rock Creek Trail to Preston Road, will be approximately 2.8 miles. The County is providing funds of \$2,600,000 for Phase I and under this PSA, County will provide \$1.6 million for the remaining acquisitions to be done by City of Dallas. ~~from its Major Capital Improvement Projects fund.~~

Dallas County will be responsible for the management, design, TxDOT and other agency coordination and agreements, and construction management. Under this PSA, City will be assuming County's responsibility for the remaining ~~The City will be responsible for~~ right-of-way acquisition and coordination of City-owned utility adjustments for construction. Funding for the remaining acquisitions will be provided by a portion of the County's \$2,600,000 match which is approximately \$1.6 million.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized a new ten-year master agreement on April 13, 2011, by Resolution No. 11-0927.

The Park and Recreation Board authorized the Funding Agreement with Dallas County on October 20, 2011.

City Council authorized the Funding Agreement with Dallas County on November 7, 2011, by Resolution No.11-2977.

City Council authorized Amendment to Funding Agreement with Dallas County on December 12, 2012, by Resolution No.12-3057.

The Park and Recreation Board authorized the Project Specific Agreement on November 5, 2015.

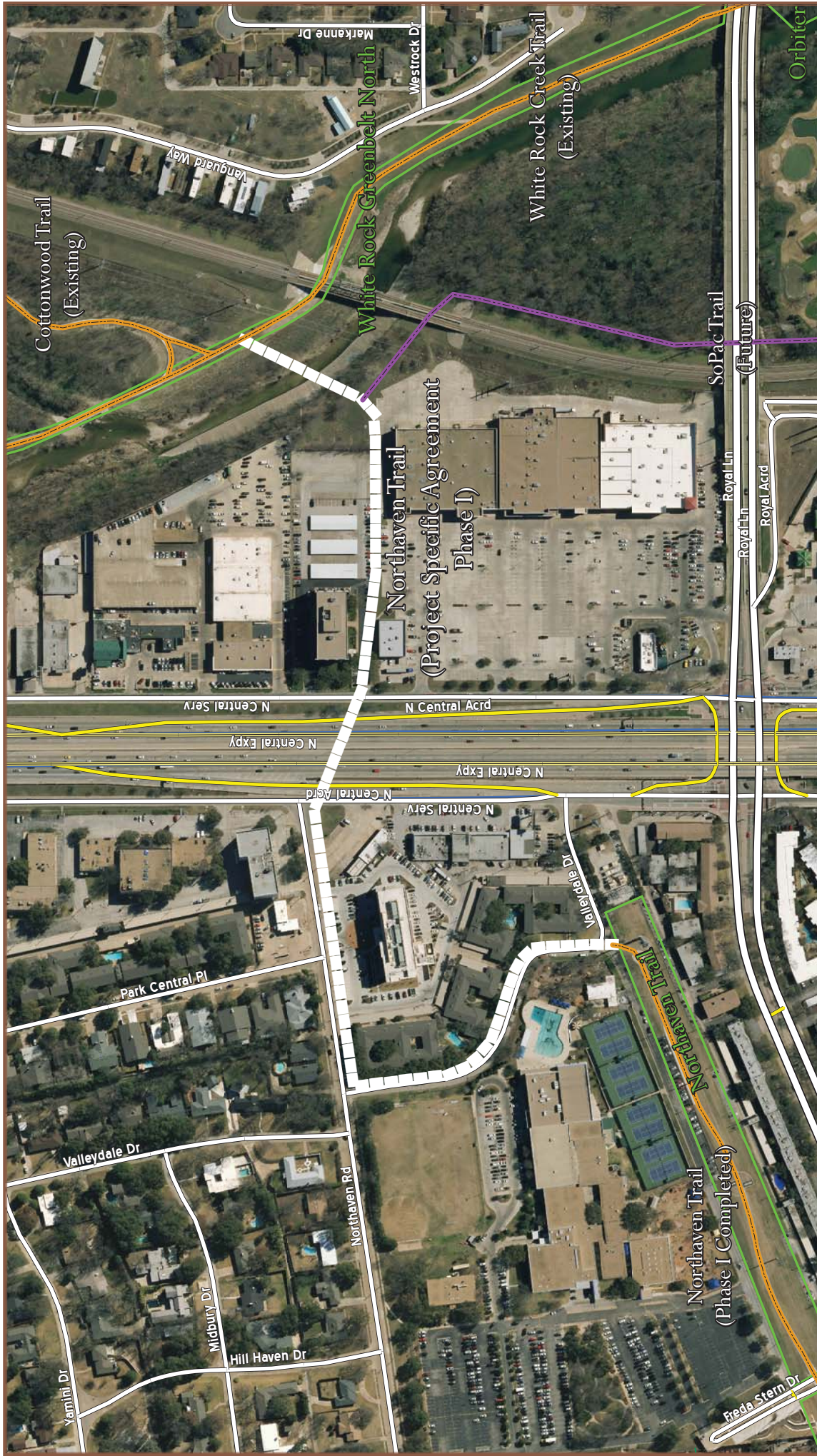
Information about this item will be provided to the Quality of Life & Environment Committee on December 8, 2015.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



Northaven Trail Phase I (Valleydale Drive to White Rock Creek Trail)

Mapsco
26 A,B,E,F

District
10, 11, 13

0 110 220 440 660 Feet



November 5, 2015

December 9, 2015

WHEREAS, Chapter 791 of the Texas government Code and Texas Transportation Code Article 251 provides authorization for local governments to contract with each other for the performance of governmental functions and services, and joint funding of transportation projects; and

WHEREAS, on April 13, 2011, Resolution No. 11-0927, authorized a new ~~ten~~10-year master agreement with Dallas County governing major transportation capital improvement projects to be jointly funded and developed by the County and the City (Dallas County Commissioners Court Order 2011-1287); and

WHEREAS, on November 7, 2011, Resolution No. 11-2977, authorized a Funding Agreement with Dallas County for the development of a master plan for an approximate 6.5-mile section of the Northaven Trail between the Walnut Hill/DART Green Line light rail station and Preston Road, in an amount not to exceed \$50,000 (MCIP Project 10225); and

WHEREAS, on December 12, 2012, Resolution No. 12-3057, authorized Amendment No. 1 to the Program Funding Agreement with Dallas County for the development of a master plan for the Northaven Trail between the Walnut Hill/Denton Station and Preston Road to expand the project limits, scope and funding to include design and construction of the Northaven Trail's additional phases between the Walnut Hill/Denton Station and the White Rock Creek Trail; and

WHEREAS, it is now necessary to authorize a Project Specific Agreement (PSA) for the development of construction plans, coordination with Dallas County for any agreements required with TxDOT, ~~assignment and acquisition to the City of right-of-way for future construction of the project~~ assumption by City of County's obligation to acquire the necessary right-of-ways with County funding, and establishment of the preferred alignment (Exhibit A) which encompasses the remainder of the Northaven Trail Phase I from Valleydale Drive to White Rock Creek Trail.

Now, Therefore,

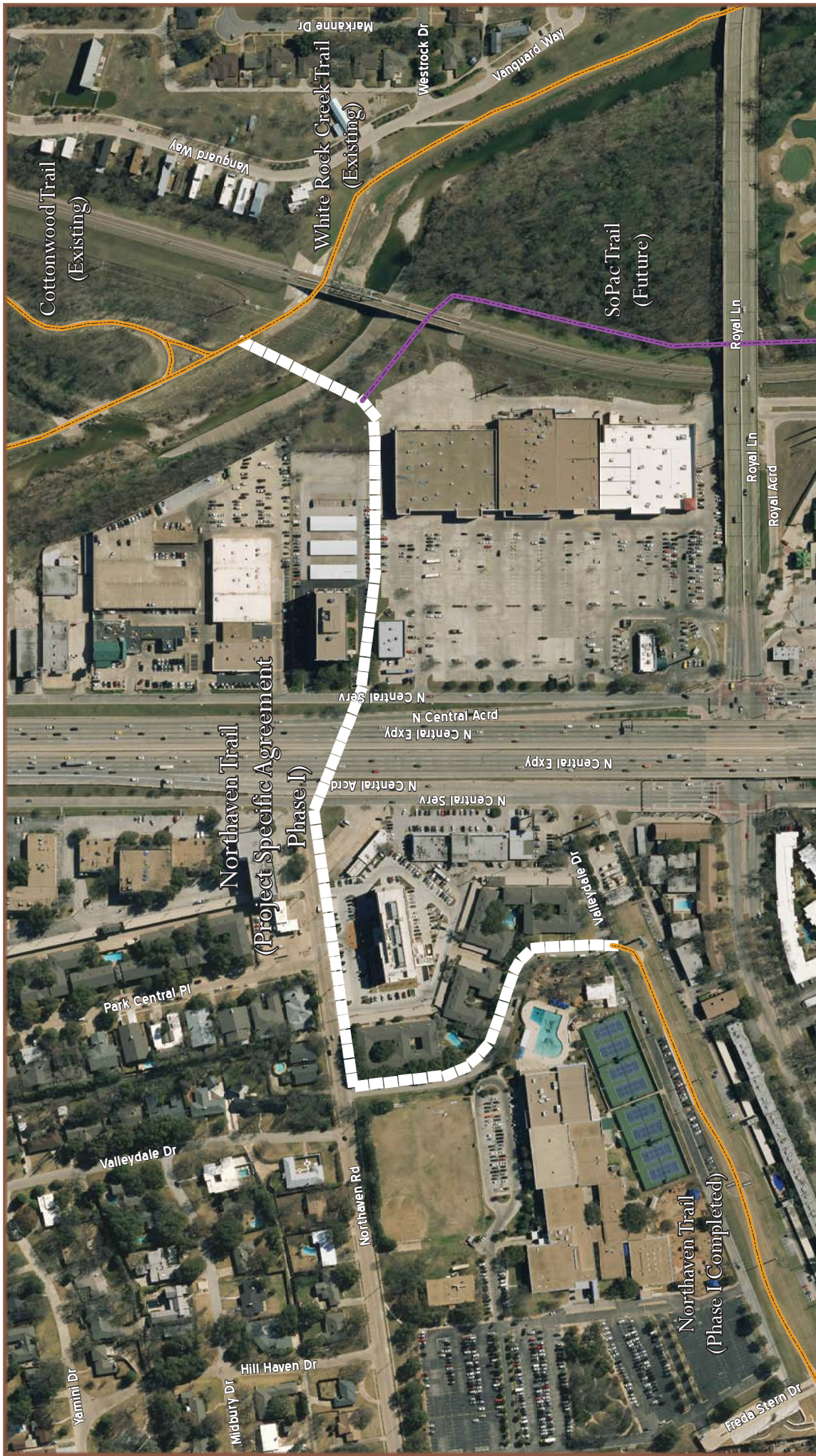
BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to enter a Project Specific Agreement with Dallas County for the completion of the Northaven Trail Phase I construction plans, right-of-way acquisition, and coordination with Dallas County on TxDOT agreements required for the project.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a Project Specific Agreement with Dallas County, after approval, as to form by the City Attorney.

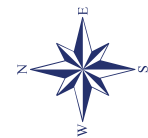
December 9, 2015

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.



**Northaven Trail
(Project Specific Agreement
Phase I)**

**Northaven Trail
(Phase I Completed)**



October 15, 2015

**Northaven Trail Phase I
Project Specific Agreement Area Map
Exhibit A**

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: December 9, 2015

COUNCIL DISTRICT(S): 1

DEPARTMENT: Public Works Department
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Mark McDaniel, 670-3256

MAPSCO: 53G L

SUBJECT

Authorize a contract with Texas Standard Construction Ltd., lowest responsible bidder of two, for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Superior Street from Catherine Street to West Clarendon Drive - Not to exceed \$1,678,671 - Financing: General Obligation Commercial Paper Funds (\$686,545), 2012 Bond Funds (\$457,379), Water Utilities Capital Improvement Funds (\$531,548) and Water Utilities Capital Construction Funds (\$3,199)

BACKGROUND

Superior Street from Catherine Street to West Clarendon Drive was approved in the 2012 Bond Program. A professional services contract with Lina T. Ramey & Associates was authorized on September 25, 2013, by Resolution No. 13-1731 for the engineering design of Superior Street from Catherine Street to West Clarendon Drive. This action will authorize a contract with Texas Standard Construction, Ltd. for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Superior Street from Catherine Street to West Clarendon Drive.

The project consists of reinforced concrete pavement, drive approaches, sidewalks, storm drainage, water and wastewater main improvements.

BACKGROUND (Continued)

The following chart shows Texas Standard Construction, Ltd. completed contractual activities for the past three years:

	<u>PBW</u>	<u>WTR</u>	<u>PKR</u>
Projects Completed	12	0	4
Change Orders	1	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	September 2013
Completed Design	October 2015
Begin Construction	January 2016
Complete Construction	August 2016

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Lina T. Ramey & Associates for engineering services on September 25, 2013, by Resolution No. 13-1731.

Information about this item will be provided to the ~~Transportation and Trinity River Project~~ Public Safety Committee on December 8, 2015.

FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Funds) - \$686,545.00

2012 Bond Funds - \$457,378.80

Water Utilities Capital Improvement Funds - \$531,547.50

Water Utilities Capital Construction Funds - \$3,199.00

Design - PBW	\$ 59,183.80
Design - DWU	\$ 24,323.00
Construction (this action)	
Paving & Drainage - PBW	\$1,143,923.80
Water & Wastewater - DWU	<u>\$ 534,746.50</u>
Total	\$1,762,177.10

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Texas Standard Construction, Ltd.

Hispanic Female	2	Hispanic Male	74
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	3	White Male	4

BID INFORMATION

The following bids with quotes were received and opened on October 16, 2015:

*Denotes successful bidder(s)

<u>BIDDERS</u>	<u>BID AMOUNT</u>
*Texas Standard Construction, Ltd. P.O. Box 210768 Dallas, Texas 75211	\$1,678,670.30
Tiseo Paving Company	\$1,682,740.25
Engineer's estimate: PBW - \$ 866,834.67 DWU - \$ <u>616,247.00</u>	
Total	\$1,483,081.67

OWNER

Texas Standard Construction, Ltd.

Ronald H. Dalton, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Texas Standard Construction Ltd., lowest responsible bidder of two, for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Superior Street from Catherine Street to West Clarendon Drive - Not to exceed \$1,678,671 - Financing: General Obligation Commercial Paper Funds (\$686,545), 2012 Bond Funds (\$457,379), Water Utilities Capital Improvement Funds (\$531,548) and Water Utilities Capital Construction Funds (\$3,199)

Texas Standard Construction, Ltd. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,678,670.30	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$1,678,670.30	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Kenyatta Sand and Gravel	BMDB63984Y0116	\$436,454.27	26.00%
Total Minority - Local		\$436,454.27	26.00%

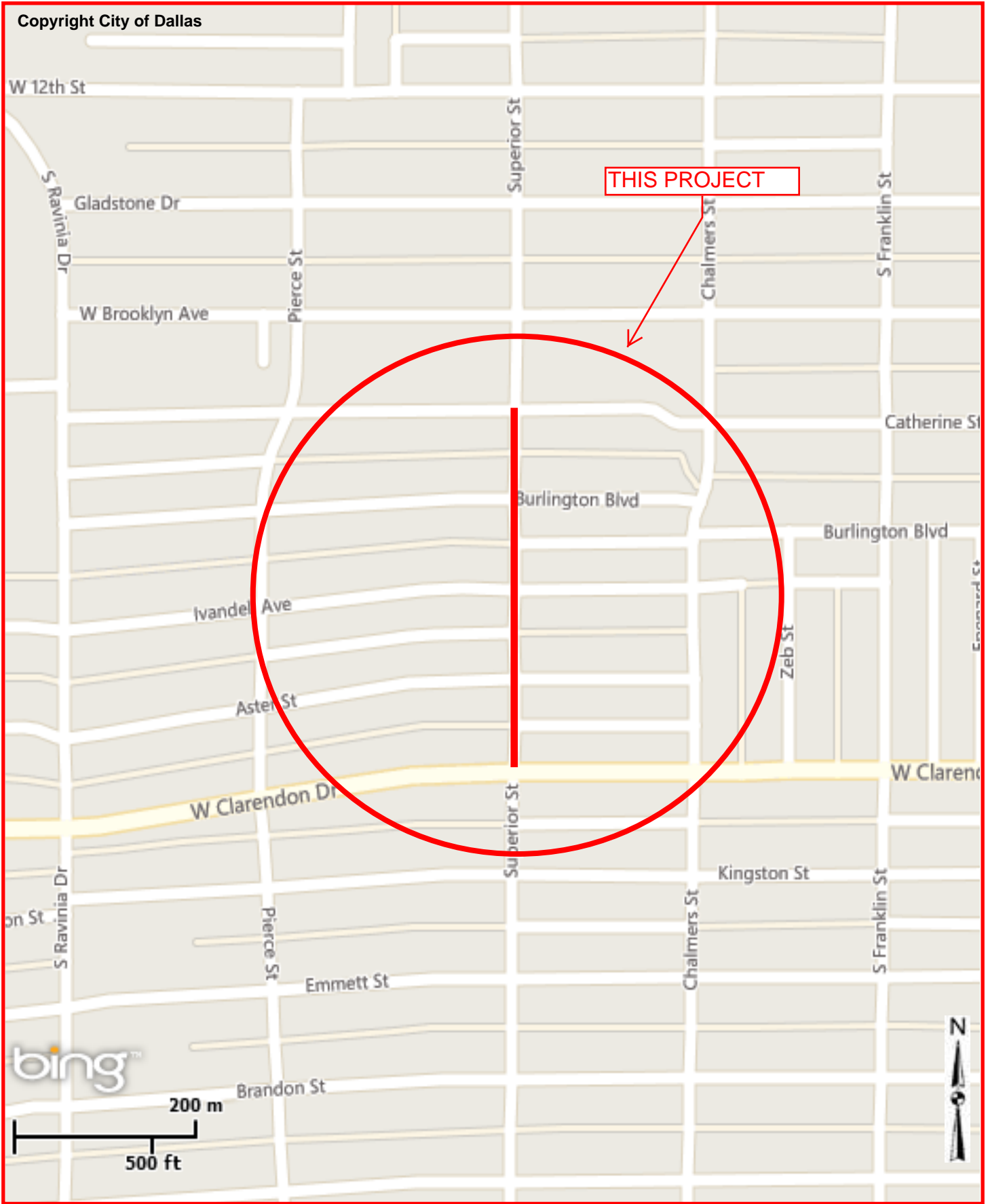
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$436,454.27	26.00%	\$436,454.27	26.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$436,454.27	26.00%	\$436,454.27	26.00%

SUPERIOR STREET FROM CATHERINE STREET TO W. CLARENDON DRIVE



MAPSCO 53G, L

December 9, 2015

WHEREAS, on September 25, 2013, Resolution No. 13-1731 authorized an engineering design contract with Lina T. Ramey & Associates for the engineering design of Superior Street from Catherine Street to West Clarendon Drive; and,

WHEREAS, bids were received on October 16, 2015 for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Superior Street from Catherine Street to West Clarendon Drive as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Texas Standard Construction, Ltd.	\$1,678,670.30
Tiseo Paving Company	\$1,682,740.25

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a contract with Texas Standard Construction, Ltd. for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Superior Street from Catherine Street to West Clarendon Drive in an amount not to exceed \$1,678,670.30, this being the lowest responsive bid received as indicated by the tabulation of bids, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund Fund 3U22, Department PBW, Unit S444, Act. SREC Obj. 4510, Program #PB12S444, CT PBW12S444C1 Vendor #508379, in an amount not to exceed	\$ 686,545.00
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Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S444, Act. SREC Obj. 4510, Program #PB12S444, CT PBW12S444C1 Vendor #508379, in an amount not to exceed	\$ 457,378.80
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Water Capital Improvement Fund Fund 2115, Department DWU, Unit PW42 Obj. 4550, Program #716017, CT PBW716017CP Vendor #508379, in an amount not to exceed	\$ 531,547.50
--	---------------

December 9, 2015

Section 2. (Continued)

Water Construction Fund	
Fund 0102, Department DWU, Unit CW42	
Obj. 3221, Program #716017X, CT PBW716017EN	
Vendor #508379, in an amount not to exceed	<u>\$ 3,199.00</u>
 Total amount not to exceed	 \$1,678,670.30

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: Economic Vibrancy
AGENDA DATE: December 9, 2015
COUNCIL DISTRICT(S): 6
DEPARTMENT: Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 42U Y 52C

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road from West Davis Street to 800 feet south of the IH 30 eastbound frontage road and Chalk Hill Road from the IH 30 westbound frontage road to Singleton Boulevard - Not to exceed \$94,001, from \$518,648 to \$612,649 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

On January 23, 2008, Resolution No. 08-0324 authorized a professional services contract for two projects with Parsons Brinckerhoff, Inc. for the engineering design of street paving, storm drainage, railroad crossing, water and wastewater main improvements on Chalk Hill Road from West Davis Street to 800 feet south of the IH 30 eastbound frontage road and Chalk Hill Road from the IH 30 westbound frontage road to Singleton Boulevard. The existing cross-section for Chalk Hill Road consists of a two-lane, undivided asphalt roadway, and the planned paving improvements for Chalk Hill Road will provide for a four-lane, divided concrete roadway with dedicated bicycle facilities. On May 26, 2010, Resolution No. 10-1330, approved the proposed alignment of Chalk Hill Road from West Davis Street to Singleton Boulevard. This action will authorize Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for the Chalk Hill Road project.

The additional engineering services include utility and design coordination for water and wastewater improvements that were added to the project to accommodate anticipated future development along Chalk Hill Road between West Davis Street and IH 30. The additional engineering services also include the preparation of materials for public meetings and updating the plans to meet current City standards for traffic signals, street lighting and bicycle facilities.

ESTIMATED SCHEDULE OF PROJECTS

Began Design	February 2008
Completed Design	December 2015
Begin Construction	January 2016
Complete Construction	September 2017

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Parsons Brinckerhoff, Inc. on January 23, 2008, by Resolution No. 08-0324.

Authorized approval of the proposed alignments for Chalk Hill Road between West Davis Street and Singleton Boulevard on May 26, 2010, by Resolution No. 10-1330.

Authorized Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff, Inc. on December 8, 2010, by Resolution No. 10-3076.

Authorized paving improvements and a benefit assessment hearing for Chalk Hill Road from West Davis Street to 800 feet south of IH 30 eastbound frontage road to be held on November 10, 2015 to receive comments on September 22, 2015, by Resolution No. 15-1772.

Authorized a benefit assessment hearing and ordinance levying assessment on November 10, 2015, by Resolution No. 15-2130.

Authorized a construction contract with Pavecon Public Works LP for Chalk Hill Road from West Davis Street to 800 feet south of IH 30 eastbound frontage road on November 10, 2015, by Resolution No. 15-2130.

Authorized a professional services contract with Alliance Geotechnical Group, Inc. for construction material testing services for Chalk Hill Road from West Davis Street to 800 feet south of IH 30 eastbound frontage road on November 10, 2015, by Resolution No. 15-2131.

Information about this item will be provided to the ~~Transportation and Trinity River Project~~ Public Safety Committee on December 8, 2015.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$94,000.70

Design	\$	464,096.20
Supplemental Agreement No. 1	\$	54,551.50
Supplemental Agreement No. 2 (this action)	\$	94,000.70

Construction (Chalk Hill Road from West Davis Street to 800 feet south of the IH 30)

Paving & Drainage - (PBW)	\$	7,676,673.42
Water & Wastewater - (DWU)	\$	1,422,988.82
Construction Material Testing	\$	90,924.50

Construction (Chalk Hill Road from the IH 30 to Singleton Boulevard)

Paving & Drainage - (PBW)	\$	6,400,000.00 (est.)
Water & Wastewater - (DWU)	\$	<u>1,200,000.00 (est.)</u>

Total Project Cost \$17,403,235.14 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Parsons Brinckerhoff, Inc.

African American Female	1	African American Male	5
Hispanic Female	0	Hispanic Male	6
White Female	4	White Male	13
Other Female	1	Other Male	12

OWNER

Parsons Brinckerhoff, Inc.

Robert M. Brown, P.E., Vice President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road from West Davis Street to 800 feet south of the IH 30 eastbound frontage road and Chalk Hill Road from the IH 30 westbound frontage road to Singleton Boulevard - Not to exceed \$94,001, from \$518,648 to \$612,649 - Financing: General Obligation Commercial Paper Funds

Parsons Brinckerhoff, Inc. f/k/a PB Americas, Inc. d/b/a Parsons Brinckerhoff Americas, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$94,000.70	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$94,000.70	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Lim & Associates	PMDB01647Y0416	\$6,800.00	7.23%
Caye Cook & Associates	WFWB62079Y0616	\$850.00	0.90%
Total Minority - Local		\$7,650.00	8.14%

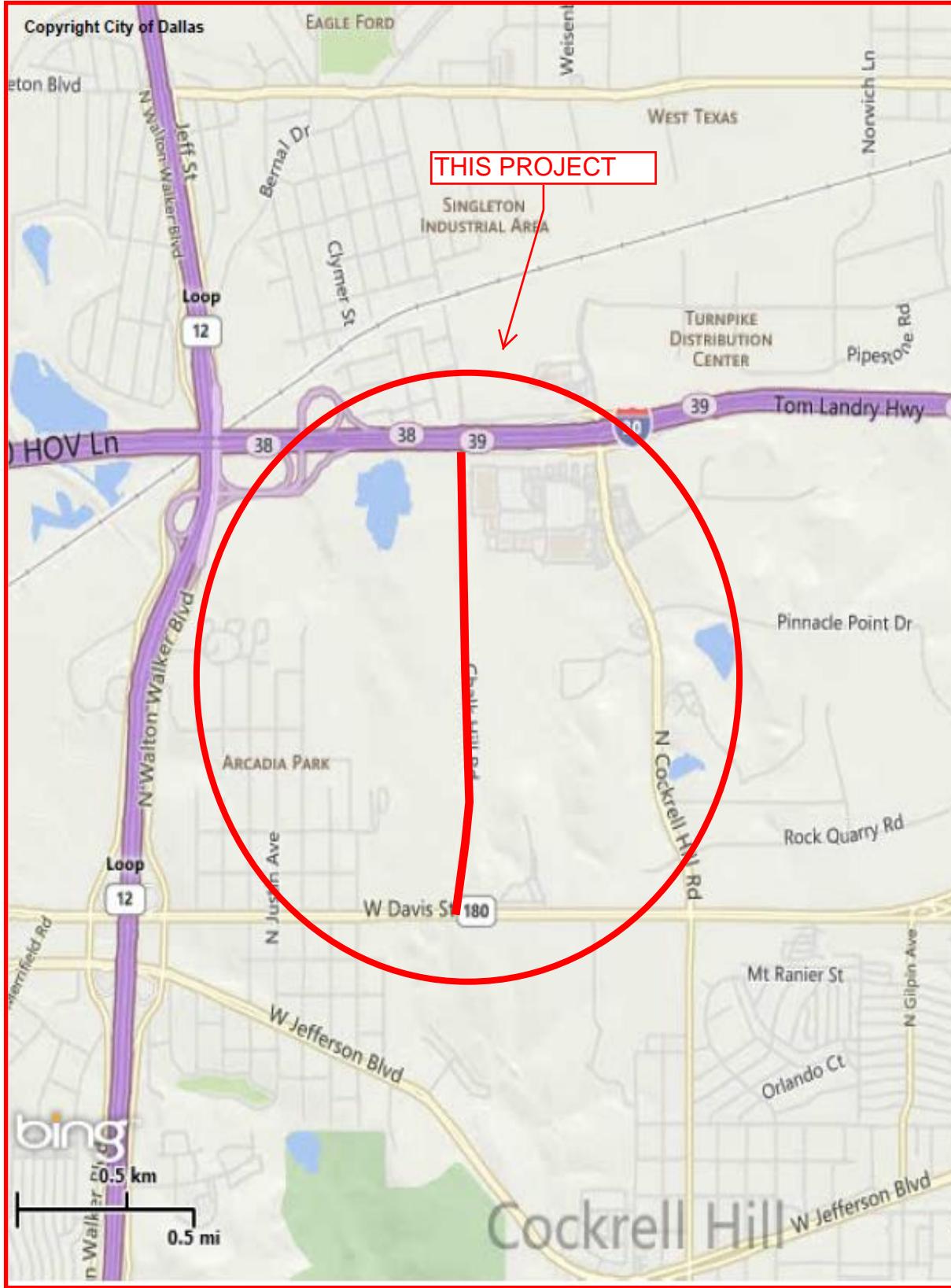
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$6,800.00	7.23%	\$118,960.00	19.73%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$850.00	0.90%	\$56,022.51	9.29%
Total	<u>\$7,650.00</u>	<u>8.14%</u>	<u>\$174,982.51</u>	<u>29.02%</u>

CHALK HILL ROAD FROM W. DAVIS STREET TO 800' SOUTH OF IH-30



MAPSCO 42U, Y & 52C

December 9, 2015

WHEREAS, on January 23, 2008, Resolution No. 08-0324 authorized a professional services contract with Parsons Brinckerhoff, Inc. for the design of paving, drainage, water and wastewater main improvements on Chalk Hill Road from West Davis Street to 800' south of the IH 30 eastbound frontage road and Chalk Hill Road from the IH 30 westbound frontage road to Singleton Boulevard in the amount of \$464,096.20; and,

WHEREAS, on May 26, 2010, Resolution No. 10-1330 established and approved the alignment of Chalk Hill Road from West Davis Street to Singleton Boulevard, from its current alignment to the proposed alignment; and,

WHEREAS, on December 8, 2010, Resolution No. 10-3076 authorized Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering and survey services for the Chalk Hill Road project in the amount of \$54,551.50, increasing the contract from \$464,096.20 to \$518,647.70; and,

WHEREAS, bids were received on September 4, 2015, for street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from West Davis Street to 800 feet south of the IH 30 eastbound frontage road; and,

WHEREAS, on September 22, 2015, Resolution No. 15-1772 authorized street paving improvements and a benefit assessment hearing for Chalk Hill Road from West Davis Street to 800 feet south of the IH 30 eastbound frontage road; and,

WHEREAS, on November 10, 2015, Resolution No. 15-2130 authorized a benefit assessment hearing and an ordinance levying assessment; and,

WHEREAS, on November 10, 2015, Resolution No. 15-2130 authorized a construction contract with Pavecon Public Works LP for the construction of street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from West Davis Street to 800 feet south of the IH 30 eastbound frontage road in the amount of \$9,099,662.24; and,

WHEREAS, on November 10, 2015, Resolution No. 15-2131 authorized a professional services contract with Alliance Geotechnical Group, Inc. to provide construction material testing services during the construction of Chalk Hill Road from West Davis Street to 800 feet south of the IH 30 eastbound frontage road in the amount of \$90,924.50; and,

December 9, 2015

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road on West Davis Street to 800 feet south of the IH 30 eastbound frontage road and Chalk Hill Road from the IH 30 westbound frontage road to Singleton Boulevard in the amount of \$94,000.70, increasing the contract from \$518,647.70 to \$612,648.40.

Now Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road from West Davis Street to 800 feet south of the IH 30 eastbound frontage road and Chalk Hill Road from the IH 30 westbound frontage road to Singleton Boulevard in the amount of \$94,000.70, increasing the contract from \$518,647.70 to \$612,648.40, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund	
Fund 3T22, Department PBW, Unit U781, Act. THRF	
Obj. 4111, Program #PB06U781, CT PBW06U780D1	
Vendor #134356, in an amount not to exceed	\$ 94,000.70

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: Economic Vibrancy
AGENDA DATE: December 9, 2015
COUNCIL DISTRICT(S): 13
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 24X

SUBJECT

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately .37 acres of the current 1.33 acres of land, located at 4133 Shorecrest Drive within the floodplain of Bachman Branch, Fill Permit 15-04 - Financing: No cost consideration to the City

BACKGROUND

This request is to fill approximately .37 acres of the current 1.33 acres of floodplain, from a total tract of 1.33 acres, to be used for single-family residential. The proposed fill is located at 4133 Shorecrest Drive, within the floodplain of Bachman Branch.

A neighborhood meeting was held at the Bachman Therapeutic Recreation Center on November 9, 2015. There were no nearby property owners present. Attendees included the developer's engineer, the developer's representative, and five City staff members. There has been no objection to the fill permit.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application in order to preserve the status quo until acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on December 8, 2015.~~

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/APPLICANT

Hayes Signature Homes
P.O Box 671168
Dallas, Texas

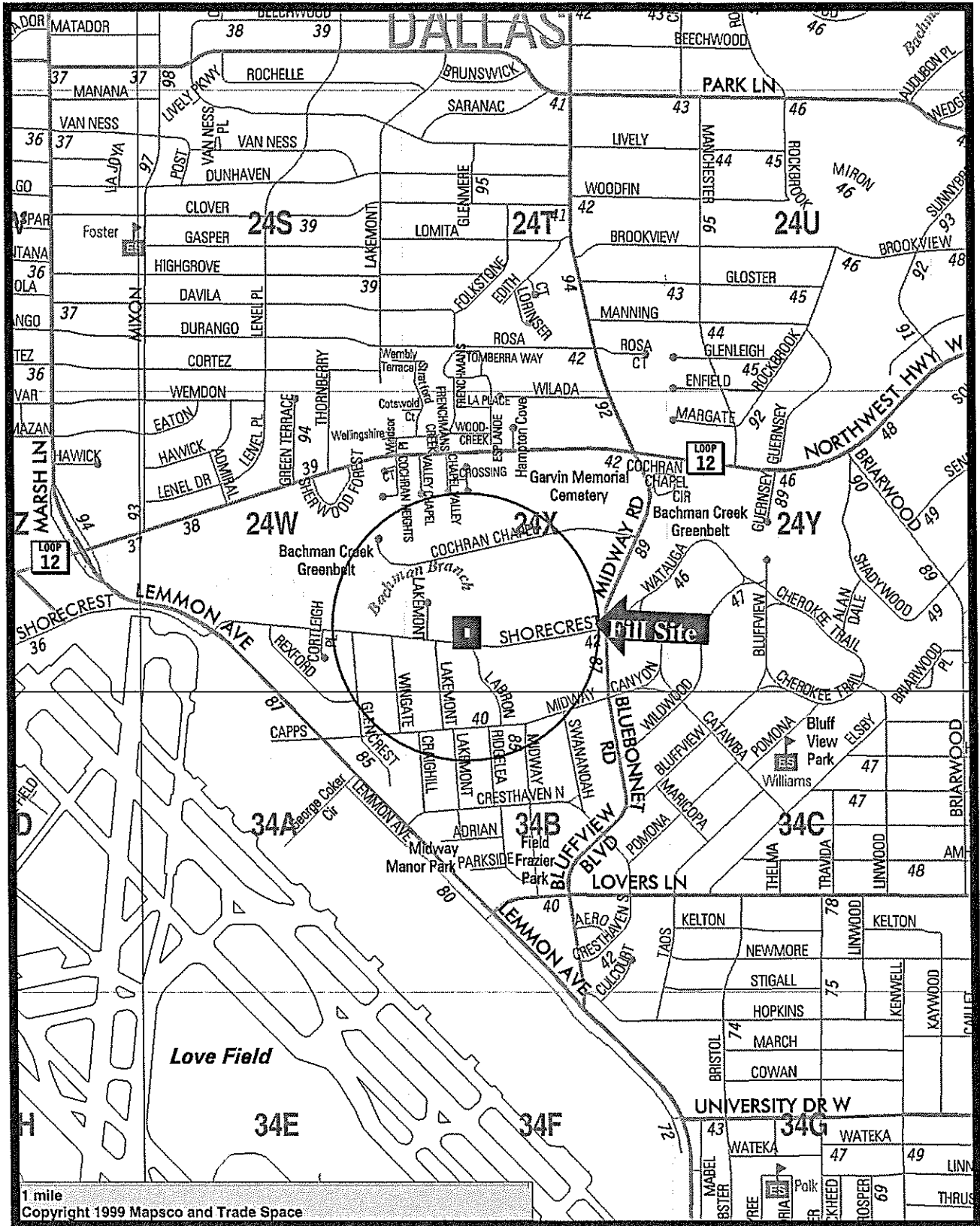
ENGINEER

Mr. Mike Boyd, P.E., CFM
Boyd Hydrology, PLLC
601 Oak Street, P.O. Box 117
Palo Pinto, Texas 76484

MAP

Attached.

Fill Permit 15-04



Mapsco 24-X

