

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

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated November 10, 2015. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager



Date



Jeanne Chipperfield
Chief Financial Officer



Date

RECEIVED

2015 NOV -6 PM 4:30

CITY SECRETARY
DALLAS, TEXAS

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

REVISED ORDER OF BUSINESS

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

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

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 55

CONSENT ADDENDUM

Items 1 - 6

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 56 - 64
Addendum Items 7 - 12

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 65 - 88
Addendum Item 13

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

ADDITIONS:

Closed Session

Attorney Briefings (Sec. 551.074 T.O.M.A.)

- Personnel matter involving City Attorney Warren Ernst.

CONSENT ADDENDUM

City Attorney's Office

1. Authorize settlement of the condemnation lawsuit styled City of Dallas v. Main Capital Partners, LP, et al., Cause No. CC-13-00525-A - Not to exceed \$75,000, increased from \$32,800 (\$30,000 plus closing costs and title expenses not to exceed \$2,800) to \$107,800 (total settlement amount) - Financing: Water Utilities Capital Improvement Funds
2. Authorize Supplemental Agreement No. 1 to the professional services contract with Orgain Bell & Tucker, LLP for additional legal services in the lawsuit styled City of Dallas v. Cary "Mac" Abney et al., Cause No. D-150045-C - Not to exceed \$25,000, from \$50,000 to \$75,000 - Financing: Water Utilities Current Funds
3. Authorize Supplemental Agreement No. 1 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional services on matters relating to a Federal Aviation Administration Part 16 Investigation regarding the City's gate allocation policy at Dallas Love Field - Not to exceed \$40,000, from \$50,000 to \$90,000 - Financing: Aviation Current Funds
4. Authorize Supplemental Agreement No. 2 to the professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional services on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority - Not to exceed \$150,000, from \$300,000 to \$450,000 - Financing: Water Utilities Current Funds

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

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Housing/Community Services

5. Authorize an amendment to Resolution No. 15-1544, previously approved on August 26, 2015, for a conditional grant agreement with SDC Compton Housing, LP to **(1)** clarify the terms of the agreement to allow flexibility in the number of total units financed under the grant agreement in the event that the units are sold to households with income over 140% of Area Median Family Income; and **(2)** extend the start date to no later than December 31, 2015 for the project in South Dallas located on Fran Way near Eighth and Corinth Streets - Financing: No cost consideration to the City

Police

6. Authorize public hearings to be held on December 9, 2015 and January 13, 2016 to receive comments on the renewal of the Dallas juvenile curfew ordinance; and, at the close of the public hearing on January 13, 2016, consideration of an ordinance amending Chapter 31 of the Dallas City Code to reinstate and continue in effect the Dallas juvenile curfew ordinance to provide daytime and nighttime curfew hours for minors - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

Business Development & Procurement Services

Note: If Addendum Item No. 7 is adopted, Council will not consider Addendum Item No. 8.
If Addendum Item No. 8 is adopted, Council will not consider Addendum Item No. 7.

7. Authorize a five-year service contract for beverage services - Coca-Cola Refreshments USA, Inc., most advantageous proposer of two - Estimated revenue: \$1,998,400
8. Authorize **(1)** the rejection of the proposals received for beverage services; and **(2)** the re-advertisement for a new solicitation - Financing: No cost consideration to the City
9. A resolution authorizing a wage floor for specific City service contracts requiring City contractors and subcontractors to pay their employees a wage floor of no less than \$10.37 per hour, as established annually through use of the Massachusetts Institute of Technology Wage Calculator for Dallas County - Financing: This action has no cost consideration to the City

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

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

City Secretary's Office

10. A resolution designating absences by Councilmember Adam Medrano, Councilmember Rickey D. Callahan, and Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City
11. A resolution acknowledging receipt of the Ethics Advisory Commission Rules of Procedure adopted by the Commission on August 27, 2015, October 1, 2015, and October 16, 2015 - Financing: No cost consideration to the City

Mayor and City Council

12. An ordinance amending Chapter 46 of the Dallas City Code to **(1)** amend the title of the Chapter; **(2)** declare that the city encourages all entities within the city, even those entities that are excepted from the requirements of the Chapter, to recognize the rights of all individuals; **(3)** clarify the distinction between sexual orientation and gender identity and expression so that the definitions of those terms align with the definitions in Chapter 34, "Personnel Rules," of the Dallas City Code; **(4)** provide that a person's gender is determined by the person's own perception of their gender; **(5)** remove an exception that allowed discrimination in certain housing facilities; and **(6)** establish a deadline for the administrator to notify a complainant after determining that the person's complaint does not come within the scope of Chapter 46 - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - INDIVIDUAL

13. A public hearing to receive comments regarding an application for a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, on the east corner of Forney Road and Lawnview Avenue
Recommendation of Staff and CPC: Denial
Z145-313(WE)

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

CORRECTIONS:

Public Works Department

**State of Texas Energy Conservation
Office Loan Star Fund**

Note: Item Nos. 39 and 40
must be considered collectively.

39. * Authorize **(1)** the acceptance of a loan from the State of Texas Energy Conservation Office ~~Loan Star~~ LoanSTAR Fund in the amount of \$6,935,946, 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 \$6,935,946 in the State Energy Conservation Office ~~Loan Star~~ LoanSTAR II Fund; **(3)** Supplemental Agreement No. 1 to the contract with Pepco Energy Services for **(a)** construction of energy conservation related projects at eight City facilities in an amount not to exceed \$6,935,946 (list attached) and **(b)** measurement and verification for a period not to exceed ten years, in an amount not to exceed \$798,497 to be paid from electric and natural gas savings; **(4)** the acceptance and deposit in the Oncor Rebate Fund of rebates from Oncor Electric Delivery - Total not to exceed \$7,734,443 - Financing: State of Texas Energy Conservation Office ~~Loan Star~~ LoanSTAR Funds (\$6,935,946) and Current Funds (\$798,497) (subject to annual appropriations)
40. * Authorize **(1)** the repayment of a loan from the State of Texas Energy Conservation Office over a ten year period, plus interest, using savings in the City's annual electricity and natural gas budgets - Total not to exceed \$7,685,946 - Financing: Current Funds - \$7,685,946 (subject to annual appropriations)
41. Authorize a construction contract with McCon Building and Petroleum Services, Inc., lowest responsible bidder of two, for the installation of an above-ground fuel storage tanks at the Dallas Love Field Airport Maintenance Facility located at 3387 Hawes Avenue - Not to exceed \$299,393 - Financing: Aviation Capital Construction Funds

Housing/Community Services

64. Authorize **(1)** preliminary adoption of Substantial Amendment No. 4 to the Neighborhood Stabilization Program Plan to receive and deposit program income in the amount of \$350,000; **(2)** an increase in appropriations in the amount of \$350,000 from \$4,000,000 to \$4,350,000 to be used for similar eligible activities; and **(3)** a public hearing to be held on December 9, 2015 to receive comments on Substantial Amendment No. ~~20~~ 4 to the Neighborhood Stabilization Program Plan - Financing: No cost consideration to the City

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

DELETIONS:

Housing/Community Services

15. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by AAA Properties for the construction of affordable houses; **(2)** the sale of 2 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to AAA Properties; and **(3)** execution of a release of lien for any non-tax liens on the 2 properties that may have been filed by the City - Financing: No cost consideration to the City
16. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by G&G Restoration Solutions LLC for the construction of affordable houses; **(2)** the sale of 4 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to G&G Restoration Solutions LLC; and **(3)** execution of a release of lien for any non-tax liens on the 4 properties that may have been filed by the City - Financing: No cost consideration to the City
17. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by KW New Vision Properties and Land, Inc. for the construction of affordable houses; **(2)** the sale of 3 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to KW New Vision Properties and Land, Inc.; and **(3)** execution of a release of lien for any non-tax liens on the 3 properties that may have been filed by the City - Financing: No cost consideration to the City
18. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Lakee Group LLC for the construction of affordable houses; **(2)** the sale of 4 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Lakee Group LLC; and **(3)** execution of a release of lien for any non-tax liens on the 4 properties that may have been filed by the City - Financing: No cost consideration to the City

ADDENDUM DATE November 10, 2015

ITEM	IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			Outside	C	ATT, WTR	\$75,000.00	NA	NA	Authorize settlement of the condemnation lawsuit styled City of Dallas v. Main Capital Partners, LP, et al., Cause No. CC-13-00525-A - Not to exceed \$75,000, increased from \$32,800 (\$30,000 plus closing costs and title expenses not to exceed \$2,800) to \$107,800 (total settlement amount) - Financing: Water Utilities Capital Improvement Funds
2			N/A	C	ATT, WTR	\$25,000.00	0.00%	0.00%	Authorize Supplemental Agreement No. 1 to the professional services contract with Orgain Bell & Tucker, LLP for additional legal services in the lawsuit styled City of Dallas v. Cary "Mac" Abney et al., Cause No. D-150045-C - Not to exceed \$25,000, from \$50,000 to \$75,000 - Financing: Water Utilities Current Funds
3			N/A	C	ATT, AVI	\$40,000.00	0.00%	0.00%	Authorize Supplemental Agreement No. 1 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional services on matters relating to a Federal Aviation Administration Part 16 Investigation regarding the City's gate allocation policy at Dallas Love Field - Not to exceed \$40,000, from \$50,000 to \$90,000 - Financing: Aviation Current Funds
4			N/A	C	ATT, WTR	\$150,000.00	0.00%	0.00%	Authorize Supplemental Agreement No. 2 to the professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional services on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority - Not to exceed \$150,000, from \$300,000 to \$450,000 - Financing: Water Utilities Current Funds
5			4	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 15-1544, previously approved on August 26, 2015, for a conditional grant agreement with SDC Compton Housing, LP to (1) clarify the terms of the agreement to allow flexibility in the number of total units financed under the grant agreement in the event that the units are sold to households with income over 140% of Area Median Family Income; and (2) extend the start date to no later than December 31, 2015 for the project in South Dallas located on Fran Way near Eighth and Corinth Streets - Financing: No cost consideration to the City
6			All	C	POL	NC	NA	NA	Authorize public hearings to be held on December 9, 2015 and January 13, 2016 to receive comments on the renewal of the Dallas juvenile curfew ordinance; and, at the close of the public hearing on January 13, 2016, consideration of an ordinance amending Chapter 31 of the Dallas City Code to reinstate and continue in effect the Dallas juvenile curfew ordinance to provide daytime and nighttime curfew hours for minors - Financing: No cost consideration to the City
7			All	I	PBD, EBS	REV \$1,998,400	NA	NA	Authorize a five-year service contract for beverage services - Coca-Cola Refreshments USA, Inc., most advantageous proposer of two - Estimated revenue: \$1,998,400
8			All	I	PBD, EBS	NC	NA	NA	Authorize (1) the rejection of the proposals received for beverage services; and (2) the re-advertisement for a new solicitation - Financing: No cost consideration to the City
9			N/A	I	PBD	NC	NA	NA	A resolution authorizing a wage floor for specific City service contracts requiring City contractors and subcontractors to pay their employees a wage floor of no less than \$10.37 per hour, as established annually through use of the Massachusetts Institute of Technology Wage Calculator for Dallas County - Financing: This action has no cost consideration to the City
10			N/A	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Adam Medrano, Councilmember Rickey D. Callahan, and Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City
11			N/A	I	SEC	NC	NA	NA	A resolution acknowledging receipt of the Ethics Advisory Commission Rules of Procedure adopted by the Commission on August 27, 2015, October 1, 2015, and October 16, 2015 - Financing: No cost consideration to the City

ADDENDUM DATE November 10, 2015

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
12			All	I	MCC	NC	NA	NA	An ordinance amending Chapter 46 of the Dallas City Code to (1) amend the title of the Chapter; (2) declare that the city encourages all entities within the city, even those entities that are excepted from the requirements of the Chapter, to recognize the rights of all individuals; (3) clarify the distinction between sexual orientation and gender identity and expression so that the definitions of those terms align with the definitions in Chapter 34, "Personnel Rules," of the Dallas City Code; (4) provide that a person's gender is determined by the person's own perception of their gender; (5) remove an exception that allowed discrimination in certain housing facilities; and (6) establish a deadline for the administrator to notify a complainant after determining that the person's complaint does not come within the scope of Chapter 46 - Financing: No cost consideration to the City
13			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, on the east corner of Forney Road and Lawnview Avenue

TOTAL \$290,000.00

KEY FOCUS AREA: E-Gov

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: City Attorney's Office
Water Utilities

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

MAPSCO: N/A

SUBJECT

Authorize settlement of the condemnation lawsuit styled City of Dallas v. Main Capital Partners, LP, et al., Cause No. CC-13-00525-A - Not to exceed \$75,000, increased from \$32,800 (\$30,000 plus closing costs and title expenses not to exceed \$2,800) to \$107,800 (total settlement amount) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes the settlement of a lawsuit for the acquisition of approximately 9.217 acres of land out of an approximately 122.799 acre tract for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project. A final offer of \$9,217 was made based on a written appraisal from an independent certified appraiser. The owner's counteroffer was \$161,298 and the City filed an eminent domain proceeding to acquire the land. The City's appraiser updated his report for the hearing and testified that the City owed \$29,495 for the property. The landowner's appraiser testified that the City owed \$333,670 for the property. After the hearing, the Special Commissioners awarded the owner \$30,000, which the City deposited into the registry of the Court. Both parties filed objections to the award of the Special Commissioners.

The City obtained a new appraisal as of the date of the taking, which opined that the City owed \$101,384 for the property. The Parties agreed to the settlement of the lawsuit at \$105,000, subject to City Council approval. The settlement will require the payment of an additional \$75,000 to acquire the property.

This item is on the addendum due to legal deadlines before the next available agenda.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized the acquisition of real property and condemnation on February 8, 2012, by Resolution No. 12-0480.

City Council authorized deposit of the amount awarded by the Special Commissioners for the acquisition of the property on February 26, 2014, by Resolution No. 14-0456.

Council was briefed in Closed Session on November 3, 2015.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$75,000.00

Resolution No. 14-0456	\$ 32,800.00
Additional Amount (this action)	<u>\$ 75,000.00</u>
Total Settlement Amount	\$107,800.00

OWNER

Main Capital Partners, LP

November 10, 2015

A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION SUIT.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

CONDEMNATION SUIT: Cause No. CC-13-00525-A, in Dallas County Court at Law No. 1, and styled City of Dallas v. Main Capital Partners, LP, et al., filed in accordance with City Council Resolution No. 12-0480.

PROPERTY: Approximately 9.217 acres of land located in Dallas County, as described in the CONDEMNATION SUIT.

PROJECT: Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project

OFFER: \$9,217

COMMISSIONERS' AWARD: \$30,000 (Resolution No. 14-0456)

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$2,800

ORIGINAL AUTHORIZED AMOUNT (Resolution No. 14-0456): \$32,800

SETTLEMENT AMOUNT: \$107,800.00 which includes the ORIGINAL AUTHORIZED AMOUNT and the ADDITIONAL AMOUNT.

ADDITIONAL AMOUNT: \$75,000.00 which is the difference between the ORIGINAL AUTHORIZED AMOUNT and the SETTLEMENT AMOUNT.

DESIGNATED FUNDS:

\$11,000 from Water Utilities Capital Construction Funds, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Object 4210, Program 704041, Encumbrance No. CT-DWU704041CR and \$21,800 from Water Utilities Capital Improvement Funds, Fund 0115, Department DWU, Unit PW20, Activity MPSA, Object 4210, Program 704041, Encumbrance No. CT-DWU704041GU. (Resolution No. 14-0456).

\$75,000 from Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW20, Object 4210, Program 704041, Encumbrance No. CTDWU704041IZ.

WHEREAS, Defendants have agreed to settle the CONDEMNATION SUIT for the SETTLEMENT AMOUNT; and

November 10, 2015

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION SUIT; **Now, Therefore,**

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

Section 1. That the City Attorney and the City Manager are authorized to settle the CONDEMNATION SUIT for the SETTLEMENT AMOUNT.

Section 2. That the City Attorney and the City Manager are authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

Section 3. That the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, for the ADDITIONAL AMOUNT payable to the County Clerk of Dallas County, Texas to be deposited by the City Attorney with the Clerk.

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.

APPROVED AS TO FORM
WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

KEY FOCUS AREA: E-Gov

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Water Utilities

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

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Orgain Bell & Tucker, LLP for additional legal services in the lawsuit styled City of Dallas v. Cary "Mac" Abney et al., Cause No. D-150045-C - Not to exceed \$25,000, from \$50,000 to \$75,000 - Financing: Water Utilities Current Funds

BACKGROUND

Supplemental Agreement No. 1 will authorize Orgain Bell & Tucker, LLP to continue providing legal services in the lawsuit styled City of Dallas v. Cary "Mac" Abney et al., Cause No. D-150045-C. This item is on the addendum due to legal deadlines before the next available agenda.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on November 3, 2015.

FISCAL INFORMATION

\$25,000 - Water Utilities Current Funds

M/WBE INFORMATION

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

OWNER

Orgain Bell & Tucker, LLP

Nathan M. Brandimarte, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Orgain Bell & Tucker, LLP for additional legal services in the lawsuit styled City of Dallas v. Cary "Mac" Abney et al., Cause No. D-150045-C - Not to exceed \$25,000, from \$50,000 to \$75,000 - Financing: Water Utilities Current Funds

Orgain Bell & Tucker, LLP is a non-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 - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$25,000.00	100.00%
TOTAL THIS ACTION	\$25,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<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	\$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%

November 10, 2015

WHEREAS, the City of Dallas is involved in a lawsuit styled City of Dallas v. Cary "Mac" Abney et al., Cause No. D-150045-C; and,

WHEREAS, on April 22, 2015, pursuant to Administrative Action No. 15-5798, the City authorized a professional services contract with Orgain Bell & Tucker, LLP, in an amount not to exceed \$50,000.00 for legal services in the lawsuit styled City of Dallas v. Cary "Mac" Abney et al., Cause No. D-150045-C; and,

WHEREAS, the professional legal services of Orgain Bell & Tucker, LLP, continue to be necessary for this matter; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with Orgain Bell & Tucker, LLP, for additional services in the lawsuit styled City of Dallas v. Cary "Mac" Abney et al., Cause No. D-150045-C, in an amount not to exceed \$25,000.00, increasing the original contract amount from \$50,000.00 to \$75,000.00.

Section 2. That the Chief Financial Officer is authorized to disburse, in periodic payments to Orgain Bell & Tucker, LLP, an amount not to exceed \$25,000.00 from Fund 0100, Department DWU, Unit 7017, Obj. 3033, Encumbrance No. CTDWU7017G1557, Vendor No. VC14300.

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: November 10, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Aviation

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

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional services on matters relating to a Federal Aviation Administration Part 16 Investigation regarding the City's gate allocation policy at Dallas Love Field - Not to exceed \$40,000, from \$50,000 to \$90,000 - Financing: Aviation Current Funds

BACKGROUND

Supplemental Agreement No. 1 will authorize Kaplan Kirsch & Rockwell, L.L.P. to continue providing legal services to the City in a Federal Aviation Administration Part 16 investigation.

This item is on the addendum due to legal deadlines before the next available agenda.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on September 9, 2015.

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

\$40,000.00 - Aviation Current Funds

M/WBE INFORMATION

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

OWNER

Kaplan Kirsch & Rockwell, L.L.P.

Peter J. Kirsch, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional services on matters relating to a Federal Aviation Administration Part 16 Investigation regarding the City's gate allocation policy at Dallas Love Field - Not to exceed \$40,000, from \$50,000 to \$90,000 - Financing: Aviation Current Funds

Kaplan Kirsch & Rockwell, L.L.P. is a non-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 - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$40,000.00	100.00%
TOTAL THIS ACTION	\$40,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<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	\$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%

November 10, 2015

WHEREAS, on October 27, 2015, pursuant to Administrative Action No. 15-6990, the City authorized a professional services contract with Kaplan Kirsch & Rockwell, L.L.P., in an amount not to exceed \$50,000.00 to represent the City in a Federal Aviation Administration Part 16 Investigation regarding the City's gate allocation policy at Dallas Love Field; and,

WHEREAS, the professional services of Kaplan Kirsch & Rockwell, L.L.P. continue to be necessary; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional services on matters relating to a Federal Aviation Administration Part 16 Investigation regarding the City's gate allocation policy at Dallas Love Field in an amount not to exceed \$40,000.00, increasing the original contract amount from \$50,000.00 to \$90,000.00.

Section 2. That the Chief Financial Officer is authorized to disburse, in periodic payments to Kaplan Kirsch & Rockwell, L.L.P., an amount not to exceed \$40,000.00 from Fund 0130, Department AVI, Unit 7710, Obj. 3033, Encumbrance No. CTAVIKKR7710FY16, Vendor No. VC0000012035.

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: November 10, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Water Utilities

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

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional services on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority - Not to exceed \$150,000, from \$300,000 to \$450,000 - Financing: Water Utilities Current Funds

BACKGROUND

Supplemental Agreement No. 2 will authorize Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C. to provide additional services necessary on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority.

This item is on the addendum due to legal deadlines before the next available agenda.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on December 3, 2014.

City Council authorized Supplemental Agreement No. 1 with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional legal services in connection with the pending disputes between the City of Dallas and the Sabine River Authority on December 10, 2014, by Resolution No. 14-2191.

Council was briefed in Closed Session on January 14, 2015.

Council was briefed in Closed Session on November 3, 2015.

FISCAL INFORMATION

\$150,000 - Water Utilities Current Funds

M/WBE INFORMATION

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

OWNER

Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C.

Norman J. Gordon, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional services on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority - Not to exceed \$150,000, from \$300,000 to \$450,000 - Financing: Water Utilities Current Funds

Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., is a non-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 - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$150,000.00	100.00%
TOTAL THIS ACTION	\$150,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<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	\$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%

November 10, 2015

WHEREAS, on October 1, 2014, pursuant to Administrative Action No. 14-6720, the City authorized a professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., in an amount not to exceed \$50,000.00 to provide consultation to the City in connection with the pending disputes between the City of Dallas and the Sabine River Authority; and,

WHEREAS, on December 10, 2014, the City Council authorized Supplemental Agreement No. 1, in the amount of \$250,000.00, with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., by Resolution No. 14-2191, for additional legal services in connection with the pending disputes between the City of Dallas and the Sabine River Authority; and,

WHEREAS, the professional legal services of Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., continue to be necessary; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 2 to the professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional services on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority, in an amount not to exceed \$150,000.00, increasing the contract amount from \$300,000.00 to \$450,000.00.

Section 2. That the Chief Financial Officer is authorized to disburse, in periodic payments to Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., an amount not to exceed \$150,000.00 from Fund 0100, Department DWU, Unit 7015, Obj. 3033, Encumbrance No. CTDWU7015A1606, Vendor No. 513285.

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: November 10, 2015
COUNCIL DISTRICT(S): 4
DEPARTMENT: Housing/Community Services
CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611
MAPSCO: 55F

SUBJECT

Authorize an amendment to Resolution No. 15-1544, previously approved on August 26, 2015, for a conditional grant agreement with SDC Compton Housing, LP to **(1)** clarify the terms of the agreement to allow flexibility in the number of total units financed under the grant agreement in the event that the units are sold to households with income over 140% of Area Median Family Income; and **(2)** extend the start date to no later than December 31, 2015 for the project in South Dallas located on Fran Way near Eighth and Corinth Streets - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum due to legal deadlines before the next available agenda.

City Council approved the grant of \$1,225,000 in general obligation bond funds for the development cost gap for forty nine (49) townhomes to be built. The gap per unit was estimated at \$25,000 with total cost of \$175,000. The developer has obtained private financing with Texas Legacy Bank for the balance of the development costs.

SDC Compton Housing, LP (SDC) proposed a mixed-income project to attract households ranging in low, moderate and middle incomes. This action clarifies that the developer will attempt to sell units to higher income households. In the event that buyers above 140% of Area Median Family Income (AMFI) wish to buy a home, the developer will not take gap financing from the City. Liens will be filed on each phase of development for performance purposes. The lien for the \$25,000 in gap funds will be released as each is built and sold to a household with income at or below 140% AMFI. Due to the extended negotiations on this project, this action also extends the construction start date to no later than December 31, 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 17, 2015, City Council authorized a conditional grant agreement with Sphinx Development Corporation or its wholly owned subsidiary to pay for a portion of the construction costs for a single family development for 49 townhomes in South Dallas located on Eighth Street and Corinth Street, by Resolution No. 15-1200.

On August 26, 2015, City Council authorized an amendment to Resolution No. 15-1200, previously approved on June 17, 2015, for a conditional grant agreement with Sphinx Development Corporation to change the name of the developer to SDC Compton Housing, LP to pay for a portion of the construction costs for a single family development for 49 homes in South Dallas located on Eighth and Corinth Streets, by Resolution No. 15-1544.

Information about this item was provided to the Housing Committee on November 2, 2015.

FISCAL INFORMATION

No cost consideration to the City

OWNER

SDC Compton Housing, LP

Jay Oji

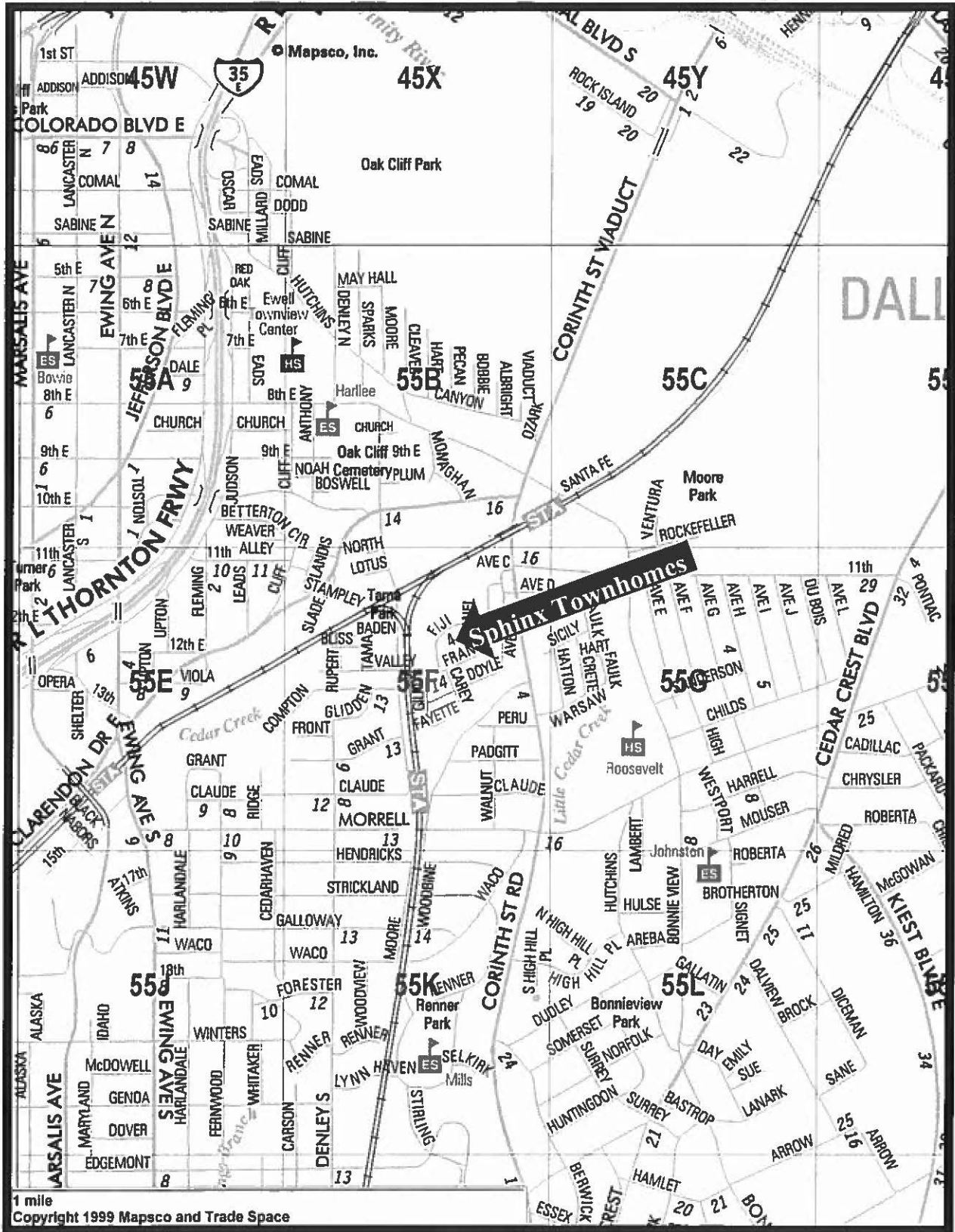
DEVELOPER

SDC Compton Housing, LP

Jay Oji

MAP

Attached



MAPSCO 55F

November 10, 2015

WHEREAS, affordable housing is a high priority of the City of Dallas; and

WHEREAS, the City of Dallas seeks to support economic growth in the southern area of the city and economic development in connection with transit-oriented developments; and

WHEREAS, the City Council finds that it is in the best interest of the City to promote local economic development and to stimulate development activity in the city, in particular, the Fiji-Compton area; and

WHEREAS, on June 15, 2015, the Housing Committee was briefed on the project and the recommended proposal for City Council consideration; and

WHEREAS, on June 17, 2015, City Council, authorized a conditional grant agreement with Sphinx Development Corporation or its wholly owned subsidiary to pay for a portion of the construction costs for a single family development for 49 townhomes in South Dallas located on Eighth Street and Corinth Street, by Resolution No. 15-1200; and

WHEREAS, on August 26, 2015, City Council authorized an amendment to Resolution No. 15-1200, previously approved on June 17, 2015, for a conditional grant agreement with Sphinx Development Corporation to change the name of the developer to SDC Compton Housing, LP (SDC) to pay for a portion of the construction costs for a single family development for 49 homes in South Dallas located on Eighth and Corinth Streets, by Resolution No. 15-1544; and

WHEREAS, the redevelopment of the Property will further the City's goals for development in the southern Sector; and

WHEREAS, the City desires for SDC Compton Housing, LP to develop 49 single family townhomes offer a mix of housing choices;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is authorized to execute an amended the conditional grant agreement with SDC Compton Housing, LP to (1) clarify the terms of the agreement to allow flexibility in the number of total units financed under the grant agreement in the event that the units are sold to households with income over 140% of Area Median Family Income (AMFI); and (2) extend the start date to no later than December 31, 2015 for the project in South Dallas located on Fran Way near Eighth and Corinth Streets.

November 10, 2015

Section 2. That the terms of the grant agreement include:

- (a) SDC Compton Housing, LP will execute a lien through a Deed of Trust for performance.
- (b) SDC will start construction no later than December 31, 2015 and have until March 31, 2017 to complete the build out and sales to buyers.
- (c) SDC will build forty nine (49) units to be offered to households at all income levels,
 - (1) SDC will be allowed reimbursement for homebuyers at or below 140% Area Median Family Income; and
 - (2) SDC will not be required to sell all units to households at or below 140% Area Median Income.
- (d) SDC will be forgiven of all debt at the completion of construction of the forty nine (49) units.

Section 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute releases of liens on the property upon compliance with the loan terms for forgiveness of debt.

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: Public Safety
AGENDA DATE: November 10, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: Police
CMO: Eric Campbell, 670-3255
MAPSCO: N/A

SUBJECT

Authorize public hearings to be held on December 9, 2015 and January 13, 2016 to receive comments on the renewal of the Dallas juvenile curfew ordinance; and, at the close of the public hearing on January 13, 2016, consideration of an ordinance amending Chapter 31 of the Dallas City Code to reinstate and continue in effect the Dallas juvenile curfew ordinance to provide daytime and nighttime curfew hours for minors - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum because authorization is needed for the public hearings to be held on December 9, 2015 and January 13, 2016. Enforcement of the Dallas juvenile curfew ordinance began May 1, 1994. Section 370.002 of the Texas Local Government Code requires that the curfew ordinance be reviewed every three years after conducting public hearings to receive citizen comments on whether the curfew ordinance should be abolished, continued, or modified. The last renewal of the Dallas juvenile curfew ordinance (which contained nighttime curfew hours) was approved on April 25, 2012 and became effective May 1, 2012. The daytime curfew hours were added to the juvenile curfew ordinance on May 13, 2009 and became effective May 18, 2009. The juvenile curfew ordinance expired on May 1, 2015.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On April 22, 2009, a public hearing was held to receive comments on the renewal of the Dallas juvenile curfew ordinance; and at the close of the hearing, City Council adopted Ordinance No. 27527 amending Chapter 31 of the Dallas City Code to readopt and continue in effect the Dallas juvenile curfew.

This item was briefed to the Public Safety Committee on February 13, 2012.

PRIOR ACTION/REVIEW (Council, Boards, Commissions) (Continued)

On February 22, 2012, City Council authorized public hearings to be held on March 28, 2012 and April 25, 2012, to receive comments on the renewal of the Dallas juvenile curfew ordinance and consideration of an ordinance amending Chapter 31 of the Dallas City Code to re-adopt and continue in effect the Dallas juvenile curfew ordinance to provide daytime and nighttime curfew hours for minors, by Resolution No. 12-0561.

On March 28, 2012 and April 25, 2012, a Public Hearing was held. Information about this item will be provided to the Public Safety Committee on November 9, 2015.

FISCAL INFORMATION

No cost consideration to the City.

November 10, 2015

WHEREAS, enforcement of the Dallas juvenile curfew ordinance began on May 1, 1994; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that a city's juvenile curfew ordinance be reviewed and re-adopted every three years, after public hearings are conducted to receive citizen comments; and

WHEREAS, on April 22, 2009, a public hearing was held to receive comments on the renewal of the Dallas juvenile curfew ordinance; and at the close of the hearing, City Council adopted Ordinance No. 27527 amending Chapter 31 of the Dallas City Code to readopt and continue in effect the Dallas juvenile curfew; and

WHEREAS, it has been more than three years since the last renewal of the Dallas juvenile curfew ordinance, which renewal became effective May 1, 2012, and which expired on May 1, 2015; and

WHEREAS, another review and re-adoption of the city's juvenile curfew ordinance, which establishes daytime and nighttime curfew hours for minors, must be accomplished in order for the juvenile curfew ordinance to be reinstated.

Now, Therefore,

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

Section 1. That public hearings on re-adopting and continuing in effect Section 31-33 of Chapter 31, "OFFENSES - MISCELLANEOUS," of the Dallas City Code, which establishes the City's juvenile curfew ordinance to provide daytime and nighttime curfew hours for minors, will be held on December 9, 2015 and January 13, 2016, in the City Council Chambers to receive citizen comments on the renewal of the Dallas juvenile curfew ordinance.

Section 2. That an ordinance to re-adopt and continue in effect Section 31-33 of Chapter 31, "OFFENSES - MISCELLANEOUS," of the Dallas City Code, which establishes the City's juvenile curfew ordinance to provide daytime and nighttime curfew hours for minors, will be considered by the City Council on January 13, 2016 after the public hearing.

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: November 10, 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 five-year service contract for beverage services - Coca-Cola Refreshments USA, Inc., most advantageous proposer of two - Estimated revenue: \$1,998,400

BACKGROUND

In an effort to explore new revenue options for the City in early 2004, the City solicited proposals from the vending community for exclusive rights for beverage services at City facilities. Prior to the contract, City facilities negotiated with service providers individually reducing the opportunity to leverage the exclusivity of a specific brand.

The initial procurement process resulted in a five-year contract awarded in Sept 2004 and subsequently the second five-year contract in September 2009 with Dr. Pepper being successful on both solicitations.

The current recommended contract provides exclusive beverage machine and pouring rights at over 275 City locations. The scope of work described in the proposal included the previous five-year sales history (approximately 97,000 cases) and made no guarantee of anticipated sales volume during the five-year term of the contract.

The City made a significant change to the requirements of the proposal being recommended adding language requiring, at a minimum, one healthy beverage option in every machine. The specific language was as follows:

- The City desires a variety of healthy beverage options provided by the Vendor which may include individually bottled water, tea-based products, electrolyte drinks, carbonated beverages, and other related products.

As with all proposals, the City convened an evaluation committee to review the proposals and provide independent evaluations of the solutions.

BACKGROUND (Continued)

A six member committee from the following departments reviewed and evaluated the proposals:

- City Manager’s Office (1)
- Office of Cultural Affairs (1)
- Park and Recreation (1)
- Equipment and Building Services (1)
- Water Utilities (1)
- Business Development & Procurement Services (1)*

*Business Development & Procurement Services only evaluated the financial commitment.

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

- Financial Commitment 65%
- Operational Plan 25%
- Marketing 10%

The City's specifications did not require a minimum annual guarantee or request upfront payments on this contract. The Financial Commitment criteria allowed proposers the ability to provide their unique financial response to the City’s solicitation. The City requested a plan to compensate the City in each of the following categories:

- A) Payment of a Marketing Rights Fee: City defines a Marketing Rights Fee as a set payment for granting the Vendor the right to sell its products on City owned and occupied premises
- B) Sales Commission: Sales Commission should be structured with a minimum “floor” payment to the City of \$400,000 per year (No proposer met)
- C) Additional Value: Proposer shall state if they are willing to provide a financial commitment to the City that is in addition to payment of the Marketing Rights Fee and sales commissions

NOTE: The additional value was added to provide the proposers with an incentive to provide any areas of marketing they felt would increase the value to their brand and the City. This could include sponsoring City events, new equipment for recreation centers or specific limits on product donations for City events.

BACKGROUND (Continued)

The Financial Comparison chart below was included in the briefing material to Budget, Finance and Audit Committee on November 2, 2015.

	Coca Cola Refreshments USA		Dr. Pepper Snapple Group	
Financial Investment	5-Year Estimated Investment	Notes	5-Year Estimated Investment	Notes
Exclusive Marketing Rights	\$550,000	\$150k first year; \$100k per year remaining	\$1,800,000	Upfront payment*
Product Donation	\$82,360	1,400 cases/year; product value assigned by proposer	\$117,000	1,800 cases/year; product value assigned by proposer
Estimated Vendor Commissions (Non-Guaranteed)	\$1,366,040	Based on Coke's Estimate of 26,820 cases/year	N/A	No commissions
Financial Commitment Used for Evaluation Purposes	\$1,998,400		\$1,917,000	

*For financial reporting purposes, payment would be recognized over the term of the contract

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 451 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 September 9, 2009, City Council authorized a five year service contract for beverage services by Resolution No. 09-2244.

On November 2, 2015, the Budget, Finance and Audit Committee was briefed and did not recommend approval of the contract (5-1).

FISCAL INFORMATION

\$1,998,400.00 - Estimated Revenue

M/WBE INFORMATION

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

451 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

Coca-Cola Refreshments USA, Inc.

White Male	207	White Female	27
Black Male	224	Black Female	21
Hispanic Male	166	Hispanic Female	16
Other Male	10	Other Female	2

PROPOSAL INFORMATION

The following proposals were received from solicitation number BKZ1437 and read on April 2, 2015. This service contract is being awarded in its entirety to the most advantageous proposer to the City.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*Coca-Cola Refreshments USA, Inc.	8161 Moberly Ln. Dallas, TX 75227	91.80%	\$1,998,400.00

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
The American Bottling Company dba Dr Pepper Snapple Group	2304 Century Center Blvd. Irving, TX 75062	82.15%	\$1,917,000.00

OWNER

Coca-Cola Refreshments USA, Inc.

Mark Schortman, Sr. Vice President-Sales Operations
Winn Everhart, Market Unit Vice President General Manager
Maura Neuendank, Senior Director of Finance

November 10, 2015

WHEREAS, on September 9, 2009, City Council authorized a five year service contract for beverage services by Resolution No. 09-2244; and,

WHEREAS, on September 25, 2014, Administrative Action No. 14-6741 authorized supplemental agreement no. 1 to extend the service contract for six months from October 1, 2014 to March 31, 2015; and,

WHEREAS, on February 25, 2015, Administrative Action No. 15-5507 authorized extension of the service contract for six months from April 1, 2015 to September 30, 2015; and,

WHEREAS, on September 25, 2015, Administrative Action No. 15-6923 authorized extension of the service contract for sixty days from September 30, 2015 to November 29, 2015;

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 Coca-Cola Refreshments USA, Inc. (VS0000031358) for beverage services for a term of five years for an estimated revenue amount of \$1,998,400.00, upon approval as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit all revenues received from Coca-Cola Refreshments USA, Inc. as follows:

<u>Fund</u>	<u>Dept.</u>	<u>Unit</u>	<u>Revenue Source</u>	<u>Amount</u>
0001	EBS	3059	7263	\$1,998,400.00

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: November 10, 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 **(1)** the rejection of the proposals received for beverage services; and **(2)** the re-advertisement for a new solicitation - Financing: No cost consideration to the City

BACKGROUND

This action will authorize the rejection of the proposals received for solicitation BKZ1437 for a five-year service contract for beverage services. Business Development & Procurement Services (BDPS) will modify the specifications. BDPS further determined it would be more advantageous to the City to reject the proposals and re-advertise for a new solicitation.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 2, 2015, the Budget, Finance and Audit Committee was briefed and did not recommend approval of the contract (5-1).

FISCAL INFORMATION

No cost consideration to the City

November 10, 2015

WHEREAS, it has been determined that it is in the best interest of the City of Dallas to reject the proposals that were received for beverage services;

NOW, THEREFORE,

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

Section 1. That the proposals received for beverage services are hereby rejected and authorization to advertise a solicitation is granted.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Business Development & Procurement Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

A resolution authorizing a wage floor for specific City service contracts requiring City contractors and subcontractors to pay their employees a wage floor of no less than \$10.37 per hour, as established annually through use of the Massachusetts Institute of Technology Wage Calculator for Dallas County – Financing: This action has no cost consideration to the City

BACKGROUND

This resolution shall authorize the City to require vendors awarded general service contracts to pay their employees, who are directly impacting the delivery of such services, no less than \$10.37 per hour, adjusted annually. Examples of general service contracts governed by this resolution are janitorial, grounds maintenance, mowing and temporary labor. The goal of this resolution is to promote an acceptable standard for working families in the City of Dallas, increasing the level of service delivered to the City, and reducing staff turnover in referenced City contracts.

The City Council was briefed by the Mayor’s Task Force on Poverty on August 20, 2014. Recommendations outlined in the Mayor's Task Force on Poverty included establishing a City and contractor employee wage rate of \$10.25 per hour, adjusted to inflation. On July 8, 2015 five City Council members requested a briefing to discuss contractor wages. The City Council was briefed on the following dates regarding a “Living Wage” : August 5, 2015, September 2, 2015, September 16, 2015 and October 21, 2015.

Recommendations outlined in the “Living Wage” briefings included: City Council to establish a wage floor policy on contracts awarded by the City (excluding construction); and, establishment of evaluation criteria for proposals to consider the vendors’ approach to employee pay rates and any other employee consideration legally permissible.

BACKGROUND (Continued)

The City has found that the procurement of service contracts for general services performed on City property or within the City of Dallas, such as janitorial, grounds maintenance, mowing and temporary labor, resulted in wage payment by service contractors to their employees that are at or just slightly above federal minimum wage.

Payments of higher wages are associated with a greater business investment in employee training, higher productivity and lower employee absenteeism and turnover. Recognizing the benefits to the City when service contractors provide employee compensation that will improve the level and quality of services rendered to the City, the City Council requested the scheduling of an agenda item to approve the implementation of a wage floor for City of Dallas general service contracts, which services are to be performed on City property or within the City of Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 5, 2015, City Council was briefed on a “Living Wage”.

On September 2, 2015, City Council was briefed on a “Living Wage”.

On September 16, 2015, City Council was briefed on a “Living Wage”.

On October 21, 2015, City Council was briefed on a “Living Wage”.

FISCAL INFORMATION

This action has no cost consideration to the City; however, future contract awards may be affected by the implementation of this policy.

November 10, 2015

WHEREAS, the City of Dallas is committed to promoting an acceptable standard of living for working families and individuals in the City; and,

WHEREAS, the economic viability of such families and individuals in the City is necessary to keep Dallas thriving with a strong workforce, healthy families, and improved quality of life; and,

WHEREAS, the City awards many contracts to private firms to provide general services to the public and to City government; and,

WHEREAS, the City has found that the procurement of general services contracts by the City for services performed on City property or within the City of Dallas, such as janitorial, grounds maintenance, mowing, and temporary labor, resulted in wage payments by the service contractors to their employees that were at or just slightly above the federal minimum wage; and,

WHEREAS, studies have shown that paying wage rates at or near the federal minimum wage tends to inhibit the quantity and quality of services rendered by such employees; and,

WHEREAS, economic studies have shown that paying wage rates at or near the federal minimum wage fosters higher turnover, absenteeism and lackluster performance, while paying a “living wage” has raised productivity and decreased turnover which improves the quality of work provided and improves the overall quality of a project; and,

WHEREAS, a study by the Economic Policy Institute has shown that living wage laws have small to moderate effects on municipal budgets; and,

WHEREAS, the City recognizes that the Massachusetts Institute of Technology Living Wage Calculator for Dallas County, Texas, reflects that the current “living wage” for an individual is \$10.37 per hour; and,

WHEREAS, the City recognizes the benefits to the City when its general services contractors provide employee compensation that will improve the level and quality of services rendered to the City.

NOW, THEREFORE,

November 10, 2015

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

Section 1. That the City Manager, or the Manager's designee, is authorized and directed to develop a procurement process with a wage floor on contracts awarded by the City for general services performed on City property or within the City of Dallas requiring contractors and subcontractors to pay their employees a "living wage" of no less than the "living wage" rate for an individual (currently calculated at \$10.37 per hour), adjusted annually through use of the Massachusetts Institute of Technology Living Wage Calculator, or its successor, for Dallas County, Texas, in order to obtain increased work quality and better services to the City on such City contracts.

Section 2. That the City Manager, or the Manager's designee, is further authorized and directed to implement every fiscal year, without further city council action, the annual "living wage" rate as determined by the Massachusetts Institute of Technology Living Wage Calculator, or its successor, for Dallas County, Texas.

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: November 10, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Secretary
CMO: Rosa Rios, 670-3738
MAPSCO: N/A

SUBJECT

A resolution designating absences by Councilmember Adam Medrano, Councilmember Rickey D. Callahan, and Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

BACKGROUND (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

November 10, 2015

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

WHEREAS, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) referenced above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Councilmember Adam Medrano, Councilmember Rickey D. Callahan, and Councilmember Philip T. Kingston participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted;

Now, Therefore,

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

November 10, 2015

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in Exhibit A, by Councilmember Adam Medrano, Councilmember Rickey D. Callahan, and Councilmember Philip T. Kingston because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence will not count against Councilmember Adam Medrano, Councilmember Rickey D. Callahan, and Councilmember Philip T. Kingston in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absences by Councilmember Adam Medrano, Councilmember Rickey D. Callahan, and Councilmember Philip T. Kingston as described in Exhibit A, were for "official city business," and no further city council action or approval of those minutes is required.

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.

EXHIBIT A
CITY COUNCIL MEMBER(S)
REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	PURPOSE/TRIP/EVENT	LOCATION	DATE	MEETING(S) MISSED	ABSENCE TYPE
Rickey D. Callahan	Attended the Connect the World Meeting with the Mayor at D/FW Airport.	Dallas, TX	10/5/2015	Budget, Finance and Audit Committee	Absent more than 50%
Rickey D. Callahan	Attended the Southeast Chamber's Annual fundraising event, 26th Annual Southeast Dallas Community Golf Classic representing the City of Dallas.	Dallas, TX	10/12/2015	Quality of Life and Environment Committee	Absent
Adam Medrano	Attended the Local Progress 2015 National Conference.	Los Angeles, CA	10/26/2015	Transportation and Trinity River Project Corridor Committee	Absent
Philip T. Kingston	Attended the Local Progress 2015 National Conference.	Los Angeles, CA	10/26/2015	Quality of Life and Environment Committee	Absent

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

SUBJECT

A resolution acknowledging receipt of the Ethics Advisory Commission Rules of Procedure adopted by the Commission on August 27, 2015, October 1, 2015, and October 16, 2015 - Financing: No cost consideration to the City

BACKGROUND

On June 28, 2000 the Dallas City Council approved Ordinance No. 24316 adding Chapter 12A, "Code of Ethics", to the Dallas City Code, as amended. Chapter 12A created the Ethics Advisory Commission to be composed of seven members appointed by the Dallas City Council. On May 21, 2001, the Dallas City Council appointed the seven members of the Ethics Advisory Commission.

As a part of the Ethics Advisory Commission roles and responsibilities the Rules of Procedure were created to assist the commission in its own internal organization and operation in a manner and form consistent with Chapter 12A "Code of Ethics".

In 2015, the Ethics Advisory Commission amended its rules to further enhance its internal organization and to ensure uniformity of its rules with the recent revisions to Chapter 12A of the Dallas City Code.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 16, 2009, City Council acknowledged receipt of the Ethics Advisory Commission Rules of Procedure adopted by the commission on October 27, 2006, and amended March 30, 2007, April 13, 2007, August 28, 2009, February 20, 2009 and March 27, 2009, by Resolution No. 09-2267.

On November 2, 2015, the Budget, Finance and Audit Committee was briefed on acknowledging receipt of the Ethics Advisory Commission Rules of Procedure adopted by the Commission on August 27, 2015, October 1, 2015, and October 16, 2015.

FISCAL INFORMATION

No cost consideration to the City.

November 10, 2015

WHEREAS, Subsection (c)(1) of Section 12A-25 of the Dallas City Code empowers the Ethics Advisory Commission to establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with Chapter 12A; and

WHEREAS, the Ethics Advisory Commission adopted its Rules of Procedure on October 27, 2006; and

WHEREAS, the Ethics Advisory Commission last amended its Rules of Procedure on April 17, 2009, and submitted all previous amendments to the City Council on September 16, 2009; and

WHEREAS, the City Council adopted revisions to Chapter 12A on the Dallas City Code on February 25, 2015 (Ordinance No. 29660) and June 1, 2015 (Ordinance No. 29770); and

WHEREAS, the Ethics Advisory Commission amended its Rules of Procedure on August 27, 2015, October 1, 2015, and October 16, 2015, to further enhance its internal organization and ensure uniformity of its rules with the recent revisions to Chapter 12A of the Dallas City Code adopted by the City Council.

NOW, THEREFORE,

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

SECTION 1. That the City Council acknowledges receipt of the Ethics Advisory Commission Rules of Procedure adopted by the Commission on August 27, 2015, October 1, 2015, and October 16, 2015, attached hereto as Exhibit A.

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



ETHICS ADVISORY COMMISSION

RULES OF PROCEDURE

CITY OF DALLAS, TEXAS

Adopted: 10/27/06

**Amended on 03/30/07, 04/13/07, 08/28/08, 02/20/09,
03/27/09, 04/17/09, 08/27/15, 10/1/15, and 10/16/15**

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Section 1 JURISDICTION AND POWERS

1.1 Jurisdiction. The ethics advisory commission shall have jurisdiction to review and make findings concerning any alleged violation of Dallas City Code Chapter 12A (the Code of Ethics) by any person subject to those provisions, including but not limited to current city officials and employees, former city officials and employees, and persons doing business with the city, if a complaint is filed within one year after the date of the alleged violation.

[See Dallas City Code, Section 12A-25]

1.2 Powers. The ethics advisory commission has the following powers only:

- (1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with 12A;
- (2) To meet as often as necessary to fulfill its responsibilities;
- (3) To request from the city manager through the city council the appointment of such staff as is necessary to carry out the duties of the commission;
- (4) To review, index, maintain on file, and dispose of sworn complaints;
- (5) To make findings of fact as necessary for the disposition of a complaint;
- (6) To make notifications, extend deadlines, and conduct investigations;
- (7) To advise and make recommendations to the city council concerning the city's ethics code and ethics policies;
- (8) To make determinations that complaints are frivolous, make findings of facts, and sanction persons who file frivolous complaints;
- (9) Such other powers as are specifically granted in 12A or by the city council.

[See Dallas City Code, Section 12A-25]

1.3 Amendments to the Rules. After amending the Rules of Procedure, the ethics advisory commission shall provide a copy of the amended rules to the city council for acknowledgment of receipt by resolution.

Section 2 MEETINGS OTHER THAN HEARINGS

2.1 Regular Meetings. The ethics advisory commission shall hold regular quarterly meetings, as the responsibilities of the board necessitate, at a location within a city building. The meeting time is 9:00 a.m. on the third Friday of each month, unless the chair cancels the meeting or establishes another meeting time.

[See Dallas City Code, Section 8-2]

2.2 Special Meetings. Special meetings may be called by the chair at any time. Special meetings shall be called by the chair upon the written request of three members of the commission.

[See Dallas City Code, Section 8-3]

2.3 Quorum. At the beginning of each regular or special meeting, the chair shall determine whether or not a quorum exists to properly transact business of the commission. A quorum exists when there are physically present a simple majority of the number of members officially appointed to the commission, regardless of the total number of members actually provided for the commission. If a quorum does not exist 30 minutes after the time for which the meeting was

called, the chair shall adjourn the meeting and either reschedule the meeting at its next regular time or call a special meeting, depending on the circumstances.

[See Dallas City Code, Section 8-4]

2.4 Notice of Meetings. Notice of all special and regular meetings of the commission shall be published in accordance with the Texas Open Meetings Act.

[See Dallas City Code, Section 8-4]

2.5 Citizen Speakers. At the discretion of the commission, citizens may speak at regular and special meetings of the commission. Each speaker will have a maximum of three minutes to speak unless the time limit is shortened or extended by a majority vote of the commission.

Citizen speakers and other members of the public attending a commission meeting shall comply with the rules of conduct and decorum set forth in Section 8-25 of the Dallas City Code.

2.6 Public Character of Meetings and Actions. All meetings of the commission shall be open to the public unless pertaining to matters authorized under the Texas Open Meetings Act to be discussed in executive session. All actions of the commission shall be public and sufficient copies of the minutes shall be filed with the city secretary, who will make them available to staff members, the news media, and other interested persons upon request.

[See Dallas City Code, Section 8-6(a)]

2.7 Executive Session. When meeting in executive session, the chair shall publicly announce the category under the Texas Open Meetings Act that permits the executive session, tape record the executive session, and comply with all other requirements of the Texas Open Meetings Act applicable to executive sessions.

[See Dallas City Code, Section 8-6(b)]

Section 3 FILING OF COMPLAINTS

3.1 Complaint Form. All complaints must be submitted to the commission through the city secretary's office, on the complaint form provided by the city secretary's office and available on the city's website. The complaint must contain the information and items required by 12A-26(a), and any evidence submitted must be in the format required by 12A-26(b). The commission shall not consider a complaint until it is accepted by the city secretary's office.

[See Dallas City Code, Chapter 12A-26(a)-(b)]

3.2 Supplementing Complaints. A complete complaint, as defined by 12A-26(c), may be supplemented as provided in this rule. Supplements to a complete complaint must be submitted to the commission through the city secretary's office with the complaint supplement form provided by the city secretary's office and available on the city's website. A complainant may supplement a complete complaint in accordance with this section for the following reasons only:

- (1) to correct incorrect statements in the complete complaint;
- (2) to allege a new or additional violation of Chapter 12A of the code;
- (3) to provide names, addresses, email addresses, and telephone numbers of witnesses, if any, that can offer testimony in support of the complaint; or

- (4) to provide other sources of evidence that the complainant recommends should be considered by the ethics advisory commission.

Supplements to a complaint may only be filed within seven days after the city secretary's acceptance of the original completed complaint.

3.3 Responses and Procedural Requests. The person charged in the complaint shall have the opportunity to submit a sworn statement, together with such other information he or she feels is relevant.

This response shall be submitted on the respondent form provided by the city secretary's office and available on the city's website.

The response must be received in the city secretary's office at least four days before the date of the preliminary panel hearing so that the panel may have sufficient time to review the response.

Failure to file the response in a timely manner may result in a continuance or reset of the preliminary panel hearing.

Procedural motions by the respondent to the complaint must be filed with the city secretary's office four days before the preliminary panel hearing. The preliminary panel will consider procedural motions before making a finding on the complaint.

[See Dallas City Code, Chapter 12A-26(e)]

3.4 Withdrawal of Complaints. After being filed with the city secretary's office, a completed complaint may not be withdrawn, unless the respondent agrees to the withdrawal in writing. A request to withdraw a complaint must be made on the form provided by the city secretary's office and available on the city's website, and must contain the notarized signatures of both the complainant and the respondent. The request must be received by the city secretary's office no later than 9:00 a.m. of the last business day before the date scheduled for the preliminary panel meeting at which the complaint will be reviewed.

3.5 Multiple Complaints. Multiple complete complaints that are filed with the city secretary's office within seven days of each other may be combined and processed together if:

- (1) The same complainant files the same or substantially similar complaints against multiple respondents; or
- (2) Different complainants file the same or substantially similar complaints against the same respondent.

The determination to combine multiple complaints will be made by the chair or vice-chair, whoever is serving on the preliminary panel, after consultation with the city secretary's office. If combined, one preliminary panel would review all the complaints at one meeting. The preliminary panel, however, would make a finding on each complaint individually as to whether a claim is stated and is supported by just cause.

3.6 Frivolous Complaints. If the ethics advisory commission or a preliminary panel has unanimously dismissed a complaint, the commission or panel may, by affirmative vote of at least two-thirds present, order complainant to show cause as to why the commission should not determine that the complaint is frivolous. A frivolous complaint is one that is groundless and is

brought either in bad faith or for the purpose of harassment. GROUNDLESS means there is no basis in law or fact.

The complainant and the person charged in the complaint shall have an opportunity to submit a sworn response within 10 days after the date notice of the show cause order was provided by the city secretary. This response must be submitted on the frivolous complaint response form provided by the city secretary's office and available on the city's website. As an alternative to a response, the person charged in a complaint may, within 10 days after the date the complainant was given notice of the show cause order, file with the city secretary a notice to terminate the hearing on the frivolous complaint on a form provided by the city secretary's office.

The complainant and the person charged in the complaint shall be entitled to:

- (1) The right to attend the show cause hearing.
- (2) The right to make a statement.
- (3) The right to present and cross-examine witnesses.
- (4) The right to be represented by legal counsel or another advisor.

A complaint may only be deemed frivolous upon an affirmative vote of three-fifths of all commission members present and voting. An affirmative finding must be supported by "clear and convincing" evidence, as defined in 12A-28(b).

[See Dallas City Code, Chapter 12A-40.1]

Section 4 PRELIMINARY PANEL MEETINGS

4.1 Preliminary Panel Selection. A commission member (including the chair and vice-chair) selected for a preliminary panel shall serve on that panel, unless excused in writing by the chair for a valid medical, business, or personal reasons, or if other such conflict of interest exists as determined by the city attorney.

4.2 Responsibilities of Preliminary Panel. Within 30 days after receipt of a complete complaint, the preliminary panel must meet and make a preliminary finding as to whether or not the complaint states a claim under Chapter 12A and is supported by just cause. "Just cause" means such cause as is found to exist upon a reasonable inquiry that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under Chapter 12A.

[See Dallas City Code, Chapter 12A-26(g)(1)]

4.3 Preliminary Panel Meetings. At a preliminary panel meeting, the panel will not take any testimony and will consider only the complete complaint(s), supplements to the complaint(s) submitted under Section 3.2 of these rules, response(s), and procedural motion(s) as submitted to the city secretary's office. At the preliminary panel meeting, the response shall only be considered to the extent that it addresses whether or not the complaint states a claim under 12A and is supported by just cause.

In determining whether the complaint states a claim and is supported by just cause, the panel will consider each section of Chapter 12A that the complainant alleges has been violated. The

panel should also consider whether other sections of Chapter 12A not alleged by the complainant may have been violated based on the facts presented in the complaint.

If the preliminary finding is that the complaint does not state a claim under Chapter 12A or is not supported by just cause based upon the statements and evidence submitted the complaint must be dismissed. A determination that a complaint be dismissed can only be made upon the affirmative vote of at least two of the three preliminary panel members. Written notice of the dismissal must be sent to both the person who made the complaint and the person about whom the complaint was made, identifying the reason or reasons for dismissal.

[See Dallas City Code, Chapter 12A-26(g)(2)]

If a complaint is not summarily dismissed, the panel will forward the complaint to the full commission for an evidentiary hearing.

[See Dallas City Code, Chapter 12A-27(a)]

Section 5 EVIDENTIARY HEARING

5.1 Scheduling Evidentiary Hearing. Within seven days after the preliminary panel issues a decision to forward a complaint to the full EAC for an evidentiary hearing, the city secretary's office, in consultation with the chair and after polling members of the EAC, shall select the date for the evidentiary hearing.

5.2 Notice of Hearing Date. At least 10 days prior to the hearing, written notice of the hearing will be sent to the complainant, the person charged in the complaint, the EAC, and the city attorney's office by certified mail or personal service. Courier service may be used to provide notice by personal service. If consent is given in writing, a person entitled to notice may agree to accept notice by facsimile, email, or first class mail.

[See Dallas City Code, Section 12A-27(a)]

5.3 Responses. The person charged in the complaint shall have the opportunity to submit a sworn statement, together with such other information he/she feels is relevant, in response to the charges to be considered at the evidentiary hearing. Responses should be received in the city secretary's office at least four days before the date of the evidentiary hearing so that the EAC may have sufficient time to review the responses.

Failure to file a response in a timely manner may result in the continuance or reset of the evidentiary hearing. If a response is not received by the city secretary's office before the four-day deadline, the EAC, at its discretion, may waive the requirement and the response may be considered at the hearing.

5.4 Procedural Requests. All procedural motions that the complainant or person charged in the complaint wishes the EAC to consider at the evidentiary hearing must be filed with the city secretary's office at least four days prior to the evidentiary hearing.

Within one business day after receipt, the city secretary's office will promptly forward the procedural motions to the EAC, the city attorney's office, the complainant, and the person charged in the complaint.

In addition to other procedural motions, the EAC may consider a request for a reset or continuance of a hearing. The EAC may also, on its own motion, reset or continue a hearing.

At the beginning of the hearing, the EAC will consider and rule upon procedural motions.

5.5 Quorum Requirement. A quorum of at least four commissioners must be present for an evidentiary hearing. If no quorum is present within 30 minutes after the posted start time, the city secretary shall reschedule the hearing date and provide all parties with written notice by certified mail, personal service, or by other means agreed to in writing by the parties, at least 10 days before the new hearing date.

[See Dallas City Code, Section 12A-28(c) & Section 8-4]

5.6 Executive Session. The EAC may go into executive session and shall publicly announce the purpose of such a session and the provision under the Texas Open Meetings Act that permits such session. All executive sessions of the EAC shall be recorded as required by Section 8-6 of the Dallas City Code.

5.7 Hearing Procedures. Evidentiary hearings shall be conducted in accordance with this section.

The chair shall call the hearing to order, announce the time the hearing is called to order, and state whether a quorum of the EAC is present. The chair shall identify the complaint being considered by the EAC.

Each of the following persons attending the hearing shall state his/her name and title for the record:

- EAC members.
- City Secretary's Office staff.
- City Attorney's Office staff.
- Complainant and legal counsel.
- Person charged in the complaint and legal counsel.

The city secretary's office shall administer an oath to everyone who is to provide testimony during the hearing.

The chair shall provide an overview of the complaint by summarizing the complaint form and the complaint supplement form, if any, submitted by the complainant.

The EAC will then consider procedural motions by the complainant and/or person charged in the complaint. Each procedural motion will be decided by a majority vote of the EAC members present.

The complainant or his/her legal counsel may, at the discretion of the EAC, be given an opportunity to present a case, which may include:

- Presenting evidence.
- Calling and questioning witnesses.
- Playing audio or video recordings.
- Giving direct testimony.

The person charged in the complaint, or his/her legal counsel, shall then be given an opportunity to present a case, which may include:

- Presenting evidence.
- Calling and questioning witnesses.
- Playing audio or video recordings.
- Giving direct testimony.

[See Dallas City Code, Section 12A-28(d)-(e)]

EAC members may ask questions of the complainant and/or person charged in the complaint at any time during the hearing, unless otherwise directed by the chair.

If the complainant is not present, the person charged in the complaint will still be given an opportunity to present his/her case. Likewise, if the person charged in the complaint is not present, the complainant may, at the discretion of the EAC, still be given an opportunity to present his/her case.

Once both the complainant and person charged in the complaint have presented their cases, the EAC will discuss the evidence presented and make a determination on the complaint.

After a written decision is issued in accordance with Section 5.9 of these rules, the chair shall announce the hearing is adjourned and state the time of adjournment.

5.8 Written Decision. At the conclusion of the hearing, the EAC shall issue a written decision on the evidentiary hearing decision form provided by the city secretary's office and available on the city's website. The EAC shall make all reasonable efforts to issue that decision within 60 days after receipt of the complete complaint. A decision to find an ethics violation must be by an affirmative vote of at least three-fifths of the commission members present and voting.

[See Dallas City Code, Section 12A-28(b) & 12A-29(a)]

At the termination of the hearing, each EAC member participating in the hearing shall sign the evidentiary hearing decision form.

5.9 Notification. Within ten days after the written decision is issued, the city secretary's office, on behalf of the EAC, shall forward copies of the findings and decision to the complainant, the person charged in the complaint, the city attorney's office, the city council, any EAC member not participating in the decision, and any person or body to whom a complaint is being referred for sanctions under Section 12A-30(a).

The city secretary shall make the findings and decision available to the public as authorized by law.

5.10 Sanctions. When the EAC refers a matter to the city council as prescribed in Section 12A-30(a)(3) and (4) of the code of ethics, the city secretary's office shall prepare a resolution that states the findings of the EAC and any recommended sanctions. The city secretary's office shall place the resolution for council action on the first available city council voting agenda meeting occurring after the date of the EAC decision.

[See Dallas City Code, Section 12A-30(b)(1)(2)(3)(4)(5)]

Section 6 PETITIONS FOR DECLARATORY RULING

6.1 Declaratory Ruling. Any city official or employee against whom public allegations of ethics violations have been made in the media or elsewhere may file a petition for a declaratory ruling with the city secretary's office to obtain from the EAC a determination of the compliance or lack of compliance of the petitioner's action(s) with the City's Code of Ethics.

[See Dallas City Code, Section 12A-31]

The city official or employee petitioning for a declaratory ruling should request the EAC to review the public allegations of ethics violations made against the city official or employee and make known its findings. The request shall include the city official's or employee's sworn statement affirming his/her innocence.

The petition for a declaratory ruling shall:

- (1) state the specific provision or provisions of the ethics code that the city official or employee has publicly been accused of violating;
- (2) present evidence that such allegations have been made public; and
- (3) provide sources of evidence that the city official or employee believes should be considered by the EAC in order to make a determination on the petition.

6.2 Withdrawal of Request for Declaratory Ruling. After being filed with the city secretary's office, a request for declaratory ruling may be withdrawn by written request of the petitioner. The written request must be received by the city secretary's office no later than 9:00 A.M. of the last business day before the date scheduled for the hearing on the request for declaratory ruling.

6.3 Scheduling Hearing for Declaratory Ruling. Within five business days after a petition for a declaratory ruling is received, the city secretary's office, in consultation with the chair, and after polling members of the EAC, shall select the date for the hearing to consider the petition.

6.4 Notice of Hearing Date. At least 10 days prior to the hearing, written notice of the hearing will be sent to the person requesting a declaratory ruling, the EAC, and the city attorney's office by certified mail or personal service. Courier service may be used to provide notice by personal service. If consent is given in writing, a person entitled to notice may agree to accept notice by facsimile, email, or first class mail.

6.5 Quorum Requirement. A quorum of at least four commissioners must be present for a hearing to consider a petition for a declaratory ruling. If no quorum is present within 30 minutes after the posted start time, the city secretary shall reschedule the hearing date and provide all parties with written notice by certified mail or personal service at least 10 days prior to the new hearing date. If consent is given in writing, persons entitled to notice may agree to accept notice by facsimile, email, or first class mail.

6.6 Executive Session. The EAC may go into executive session and shall publicly announce the purpose of such a session and the provision under the Texas Open Meetings Act that permits such session. All executive sessions of the EAC shall be recorded as required by Section 8-6 of the Dallas City Code.

6.7 Hearing Procedures. Hearings on petitions for declaratory rulings shall be conducted in accordance with this section.

The chair shall call the hearing to order, announce the time the hearing is called to order, and state whether a quorum of the EAC is present.

The chair shall identify the petition being considered by the EAC.

Each of the following persons attending the hearing shall state his/her name and title for the record:

- EAC members.
- City Secretary's Office staff.
- City Attorney's Office staff.
- Petitioner and legal counsel.

The city secretary's office shall administer an oath to everyone who is to provide testimony during the hearing.

The chair shall provide an overview of the petition to be considered by summarizing the materials submitted by the petitioner.

The petitioner, or his/her legal counsel, shall then be given an opportunity to present a case, which may include:

- Presenting evidence.
- Calling and questioning witnesses.
- Playing audio or video recordings.
- Giving direct testimony.

The EAC members may ask the petitioner questions at any time during the hearing, unless otherwise directed by the chair.

After the petitioner has presented his/her case, the EAC will discuss the evidence presented and make a determination on the petition for a declaratory ruling.

After a written decision is issued in accordance with Section 6.9 of these rules, the chair shall announce that the hearing is adjourned and state the time of adjournment.

6.8 Continuance for Additional Information. The EAC may, in the course of deliberations, decide that additional information is needed to make a finding. The EAC may, on its own motion, continue the hearing in order to receive and review information from sources not available during the hearing.

The EAC may request that the petitioner provide additional information to support his/her request for declaratory ruling. Information requested must be submitted to the city secretary's office no later than three days prior to the date the hearing is to reconvene.

The EAC may request that the city secretary's office obtain additional information contained in city records maintained by the city secretary's office that the EAC deems necessary to making a finding, subject to any restrictions set forth in the Texas Public Information Act. No later than three days before the hearing is to reconvene, the city secretary's office shall provide the EAC with the requested information or advise the EAC that the information is not available.

6.9 Written decision. At the conclusion of a hearing to consider a petition for a declaratory ruling, the EAC shall issue a written decision. A decision on a petition for a declaratory ruling must be by a majority vote of the commission members present and voting.

6.10 Notification. Within 10 days after a written decision is issued, the city secretary's office, on behalf of the EAC, shall forward copies of the written decision to the petitioner, the city attorney's office, the city council, and any EAC member not participating in the decision.

The city secretary shall make the findings and decision of the EAC available to the public as authorized by law.

[See Dallas City Code, Section 12A-31]

Section 7 CITY STAFF PARTICIPATION

7.1 City Secretary. The city secretary's office provides administrative support to the commission as is necessary to carry out the duties of the commission. The city secretary shall review complaints for completeness, be represented at all meetings and hearings of the commission to provide support, clarify issues and concerns, swear in witnesses at hearings, and maintain records of the meetings and hearings.

7.2 City Attorney. The city attorney's office acts as the legal counsel to the commission. The city attorney shall be represented at all meetings and hearings of the commission as needed to provide legal advice when appropriate and to clarify issues and concerns.

[See Dallas City Code, Section 12A-32(a)]

7.3 Independent Counsel. An independent outside attorney, who does not otherwise represent the city, a city official, or an employee in his or her official capacity, may be appointed by the city council, at the recommendation of the city attorney, to serve as legal counsel to the EAC for a particular case when:

- (1) a complaint is filed relating to an alleged violation of Chapter 12A by a city council member or by a city employee who is a department director of higher rank;
- (2) the ethics advisory commission requests such an appointment; or
- (3) the city attorney requests such an appointment for good cause shown.

[See Dallas City Code, Section 12A-32(b)]

If an independent outside attorney is appointed to serve as the commission's legal counsel regarding a particular complaint, the deadline established in Section 12A-26(g)(1) of the city code for making a preliminary finding on the complaint will automatically be extended until 30 days after the date of appointment of the independent outside attorney.

**ETHICS ADVISORY COMMISSION (EAC)
RULES OF PROCEDURE COMPARATIVE TABLE**

NOTE – The following is a list of amendments to the EAC Rules of Procedure and the disposition of those amendments, beginning with the amendment of March 30, 2007.

DATE OF AMENDMENT	SECTION/FORM	DISPOSITION BY SECTION/FORM	
03/30/07	Added: Amended Complaint Form	3.2	Exhibit B
	Added: Preliminary Panel Checklist	4.3	Exhibit E
	Added: Respondent Form	3.3	Exhibit C
04/13/07	Added: Withdrawal Form	3.5	Exhibit D
	Added: Complaint Form	3.1	Exhibit A
08/28/08	Added: Evidentiary Hearing Decision Form	5	Exhibit G
02/20/09	Added: Ethics Advisory Commission Evidentiary Hearings	5	Section
03/27/09	Added: Petition For Declaratory Ruling	6	Section
04/17/09	Added: Declaratory Ruling Written Decision Form	6.10	Exhibit I
08/27/15	Revised: All Sections; Removed Exhibits	1-7	Sections
10/1/15	Revised: Rule on Supplementing Complaints	3.2	Section
10/16/15	Added: Method of Delivery of Amended Rules to Council	1	Section

KEY FOCUS AREA: E-Gov
AGENDA DATE: November 10, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: Mayor and City Council
CMO: A. C. Gonzalez, 670-3297
MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 46 of the Dallas City Code to **(1)** amend the title of the Chapter; **(2)** declare that the city encourages all entities within the city, even those entities that are excepted from the requirements of the Chapter, to recognize the rights of all individuals; **(3)** clarify the distinction between sexual orientation and gender identity and expression so that the definitions of those terms align with the definitions in Chapter 34, "Personnel Rules," of the Dallas City Code; **(4)** provide that a person's gender is determined by the person's own perception of their gender; **(5)** remove an exception that allowed discrimination in certain housing facilities; and **(6)** establish a deadline for the administrator to notify a complainant after determining that the person's complaint does not come within the scope of Chapter 46 - Financing: No cost consideration to the City

BACKGROUND

On March 5, 2014, the City Council passed Resolution No. 14-0477, which stated that the city is in full favor of equal rights for lesbian, gay, bisexual, and transgender (LGBT) employees of the City of Dallas, citizens within the City of Dallas, and visitors to the City of Dallas. Pursuant to Resolution No. 14-0477, on September 24, 2014, the City Council amended Chapter 34, "Personnel Rules," of the Dallas City Code) to address the disparate treatment of LGBT employees and their families. This ordinance addresses the disparate treatment of LGBT citizens within the city of Dallas and LGBT visitors to the City of Dallas. This ordinance also reflects input from and concerns of the city's LGBT Taskforce, who were actively involved in the recommendation process.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life Committee on November 9, 2015.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 46, “Unlawful Discriminatory Practices Relating to Sexual Orientation,” of the Dallas City Code by amending the title of the Chapter and amending Sections 46-1, 46-4, 46-6 (“Unlawful Employment Practices”), 46-6 (“Unlawful Public Accommodation Practices”), 46-7, and 46-10; declaring that the city encourages all entities within the city, even those entities that are excepted from the requirements of this Chapter, to recognize the rights of all individuals; clarifying the distinction between sexual orientation and gender identity and expression so that the definitions of those terms align with the definitions in Chapter 34, “Personnel Rules,” of the Dallas City Code; providing that a person’s gender is determined by the person’s own perception of their gender; removing an exception that allowed discrimination in certain housing facilities; establishing a deadline for the administrator to notify a complainant after determining that the person’s complaint does not come within the scope of Chapter 46; making technical and conforming changes; 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 the title of Chapter 46, “Unlawful Discriminatory Practices Relating to Sexual Orientation,” of the Dallas City Code, as amended, is amended to read as follows:

“CHAPTER 46

**UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO SEXUAL
ORIENTATION AND GENDER IDENTITY AND EXPRESSION”**

SECTION 2. That Section 46-1, “Declaration of Policy,” of Article I, “General,” of Chapter 46, “Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 46-1. DECLARATION OF POLICY.

(a) It is the policy of the city of Dallas to bring about through fair, orderly, and lawful procedures the opportunity for every person to obtain employment, access to all places of public accommodation, and housing, without regard to sexual orientation or gender identity and expression. The city of Dallas is proud of the diversity of its employees, as reflected in Section 34-35 of this Code, and is proud of the diversity of its citizens. The city strongly encourages all entities within the city, including those who are excepted from the requirements of this chapter, to recognize [~~This policy is based upon recognition of~~] the rights of every individual to work and earn wages through gainful employment, to obtain and enjoy goods, services, facilities, privileges, advantages, and accommodations in all places of public accommodation, and to obtain housing.

(b) The denial or deprivation of these rights because of a person’s actual or perceived sexual orientation or gender identity and expression is detrimental to the health, safety, and welfare of the citizens of Dallas and is within the power and responsibility of the city to prevent.”

SECTION 3. That Section 46-4, “Definitions,” of Article I, “General,” of Chapter 46, “Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 46-4. DEFINITIONS.

(a) In this chapter:

(1) ADMINISTRATOR means the person designated by the city manager to receive, investigate, and conciliate complaints under this chapter and includes the administrator’s designated representatives.

(2) CITY means the city of Dallas, Texas.

(3) COMPLAINANT means a person, including the administrator, who files a complaint under this chapter.

(4) CONCILIATION means the attempted resolution of issues raised in a complaint filed under this chapter, or raised in the investigation of the complaint, through informal negotiations involving the complainant, the respondent, and the administrator.

(5) CONCILIATION AGREEMENT means a written agreement setting forth the resolution of the issues in a conciliation.

(6) DISCRIMINATION means any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person or persons because of sexual orientation or gender identity and expression.

(7) DWELLING means:

(A) any building, structure, or part of a building or structure that is occupied as, or designed and intended for occupancy as, a residence for one or more persons; and

(B) any vacant land that is offered for sale or lease for the construction or location of any building, structure, or part of a building or structure designed and intended for occupancy as a residence for one or more persons.

(8) EMPLOYEE means any individual employed by an employer. The term does not include an elected official.

(9) EMPLOYER means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and includes any agent of such a person. The term does not include a bona fide private membership club (other than a labor organization) that is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954, as amended.

(10) EMPLOYMENT AGENCY means any person, and any agent of a person, who regularly undertakes, with or without compensation, to procure:

(A) employees for an employer; or

(B) opportunities for a person to work for an employer.

(11) GENDER IDENTITY AND EXPRESSION means “gender identity and expression” as defined in Chapter 34 of the Dallas City Code.

(12) LABOR ORGANIZATION means a labor organization and any of its agents, and includes:

(A) any organization, agency, or employee representation committee, group, association, or plan in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment; and

(B) any conference, general committee, joint or system board, or joint council so engaged that is subordinate to a national or international labor organization.

(13[42]) PERSON means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint

stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries, and other legal entities.

(14[13]) PLACE OF PUBLIC ACCOMMODATION means any of the following establishments if they are open to the general public and, for compensation, offer any product, service, or facility to the general public:

(A) Any inn, hotel, motel, or other establishment that provides lodging to transient guests, other than an establishment:

(i) located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of the establishment as a residence; or

(ii) in which the majority of the occupants are permanent residents and maintain their fixed place of domicile in the establishment.

(B) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of a retail establishment or gasoline station.

(C) Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment.

(D) Any bar, tavern, pub, drinking establishment, or facility where alcoholic beverages are served.

(E) Any retail or wholesale establishment selling any kind of goods or services.

(F) Any public conveyance, including stations and terminals.

(15[14]) RELIGION means all aspects of religious observance and practice, as well as belief.

(16[15]) RELIGIOUS ORGANIZATION means:

(A) a religious corporation, association, or society; or

(B) a school, college, university, or other educational institution or institution of learning, if:

(i) the institution is, in whole or in substantial part, controlled, managed, owned, or supported by a religion, religious corporation, association, or society; or

(ii) the curriculum of the institution is directed toward the propagation of a religion.

(17[16]) RENT means to lease, sublease, let, or otherwise grant for a consideration the right to occupy premises not owned by the occupant.

(18[17]) RESPONDENT means a person identified in a complaint as having committed an unlawful practice under this chapter.

(19[18]) SEXUAL ORIENTATION means “sexual orientation” as defined in Chapter 34 of the Dallas City Code [~~an individual’s real or perceived orientation as heterosexual, homosexual, or bisexual or an individual’s real or perceived gender identity~~].

(20[19]) UNLAWFUL PRACTICE means a discriminatory act or practice relating to employment, public accommodations, or housing that is prohibited under this chapter.

(b) For purposes of this chapter, an individual’s gender is determined solely by that individual’s own perception of their gender.”

SECTION 4. That Section 46-6, “Unlawful Employment Practices,” of Article II, “Unlawful Discriminatory Practices,” of Chapter 46, “Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 46-6. UNLAWFUL EMPLOYMENT PRACTICES.

(a) Employers. It is unlawful for an employer, because of sexual orientation or gender identity and expression:

- (1) to fail or refuse to hire, or to discharge, any person;
- (2) to discriminate against any person with respect to compensation, terms, conditions, or privileges of employment; or
- (3) to limit, segregate, or classify employees or applicants for employment in any way that would deprive or tend to deprive a person of employment or employment opportunities, or that would otherwise adversely affect a person’s status as an employee.

(b) Employment agencies. It is unlawful for an employment agency:

- (1) to fail or refuse to refer for employment, or to otherwise discriminate against, any person because of sexual orientation or gender identity and expression; or

(2) to classify or refer for employment any person on the basis of sexual orientation or gender identity and expression.

(c) Labor organizations. It is unlawful for a labor organization:

(1) to exclude or expel from its membership, or to otherwise discriminate against, any person because of sexual orientation or gender identity and expression;

(2) to fail or refuse to refer for employment any person because of sexual orientation or gender identity and expression;

(3) to limit, segregate, or classify its members or applicants for membership in any way that would deprive or tend to deprive a person of employment or employment opportunities, or that would otherwise adversely affect a person's status as an employee or as an applicant for employment; or

(4) to cause or attempt to cause an employer to discriminate against a person in violation of this chapter.

(d) Training programs. It is unlawful for an employer, a labor organization, or a joint labor-management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to discriminate against any person because of sexual orientation or gender identity and expression in the admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Notices and advertisements.

(1) It is unlawful for an employer to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by the employer that indicates any preference, limitation, specification, or discrimination based on sexual orientation or gender identity and expression.

(2) It is unlawful for an employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to membership in or any classification or referral for employment by the employment agency that indicates any preference, limitation, specification, or discrimination based on sexual orientation or gender identity and expression.

(3) It is unlawful for a joint labor-management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to print or publish, or cause to be printed or published, any notice or advertisement relating to admission to, or employment in, any program established to provide apprenticeship or other training by the joint labor-management committee that indicates any preference, limitation, specification, or discrimination based on sexual orientation or gender identity and expression.

(4) Nothing in this subsection prohibits a notice or advertisement from indicating a preference, limitation, specification, or discrimination based on sexual orientation or

gender identity and expression when sexual orientation or gender identity and expression is a bona fide occupational qualification for employment.

(f) Exception. This section does not apply to, and does not require, the provision of employee benefits to a person for the benefit of the person’s domestic partner.”

SECTION 5. That Section 46-6, “Unlawful Public Accommodation Practices,” of Article II, “Unlawful Discriminatory Practices,” of Chapter 46, “Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression,” of the Dallas City Code, as amended, is renumbered and amended to read as follows:

“SEC. 46-6.1. UNLAWFUL PUBLIC ACCOMMODATION PRACTICES.

(a) Discrimination in public accommodations. It is unlawful for any owner, proprietor, or lessee of any place of public accommodation, because of sexual orientation or gender identity and expression:

(1) to directly or indirectly exclude, segregate, limit, refuse, or deny to any person any of the accommodations, advantages, facilities, benefits, privileges, services, or goods offered to the general public at that place; or

(2) to circulate, issue, display, post, mail, or otherwise publish a statement, advertisement, or sign indicating that:

(A) a person will be denied accommodations, advantages, facilities, benefits, privileges, services, or goods at that place; or

(B) the patronage or presence of a person at that place is objectionable, unwelcome, unacceptable, undesirable, or unsolicited.

(b) Defenses. It is a defense to prosecution under this section that the refusal to admit a person to a place of public accommodation or the expulsion of a person from a place of public accommodation was required by law.

(c) Exceptions. This section does not apply to:

(1) a hotel, restaurant, bar, lounge, nightclub, cabaret, theater, bowling alley, skating rink, or golf course when the accommodations, advantages, facilities, and services are restricted to members of a club and their guests; or

(2) any bona fide social, fraternal, educational, civic, political, or religious organization, when the profits of the accommodations, advantages, facilities, and services (above reasonable and necessary expenses) are solely for the benefit of the organization.”

SECTION 6. That Section 46-7, “Unlawful Housing Practices,” of Article II, “Unlawful Discriminatory Practices,” of Chapter 46, “Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 46-7. UNLAWFUL HOUSING PRACTICES.

(a) Discrimination in the sale or rental of housing.

(1) It is unlawful for a person, because of sexual orientation or gender identity and expression:

(A) to refuse to negotiate with a person for the sale or rental of a dwelling or to otherwise deny or make unavailable a dwelling to a person;

(B) to refuse to sell or rent a dwelling to a person who has made a bona fide offer for the dwelling;

(C) to discriminate against a person in the terms, conditions, or privileges of the sale or rental of a dwelling or in the provision of services or facilities in connection with the sale or rental of a dwelling; or

(D) to represent to a person that a dwelling is not available for inspection, sale, or rental when the dwelling is in fact so available.

(2) It is unlawful for a person:

(A) to make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement relating to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on sexual orientation or gender identity and expression or an intention to make any such preference, limitation, or discrimination; or

(B) for profit, to induce or attempt to induce a person to sell or rent, or to not sell or rent, a dwelling by representations that a person or persons of a particular sexual orientation or with a particular gender identity or expression are present in or may enter into the neighborhood.

(b) Discrimination in housing financing. It is unlawful for any bank, building and loan association, insurance company, or other person whose business, in whole or in part, consists of the making of real estate loans to, on the basis of sexual orientation or gender identity and expression:

(1) deny any person a loan or other financial assistance for the purchase, construction, improvement, repair, or maintenance of a dwelling; or

(2) discriminate against any person in the fixing of the amount, interest rate, duration, or other terms or conditions of a loan or other financial assistance for the purchase, construction, improvement, repair, or maintenance of a dwelling.

(c) Discrimination in providing brokerage services. It is unlawful for any person, because of sexual orientation or gender identity and expression:

(1) to deny another person access to, membership in, or participation in any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or

(2) to discriminate against another person in the terms or conditions of access to, membership in, or participation in any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings.

(d) Exceptions.

(1) This section does not apply to the following:

(A) The sale or rental of any single-family dwelling, if the owner:

(i) does not own an interest in or title to more than three single-family dwellings at one time, regardless of whether the dwellings are located inside or outside of the city;

(ii) has resided in the dwelling within the 24-month period preceding the sale or rental of the dwelling; and

(iii) does not use the services or facilities of any real estate broker, agent, or salesman, or of any other person in the business of selling or renting dwellings, in connection with the sale or rental of the dwelling.

(B) The rental of a dwelling that is occupied or intended to be occupied by no more than four families living independently of each other, when the owner actually maintains and occupies part of the dwelling as a residence.

(C) The rental of a dwelling by a private organization only to its members, when the dwelling is owned, controlled, or managed by the organization for other than a commercial purpose and the rental of the dwelling is incidental to the organization's primary purpose.

~~[(D) The rental of a dwelling in which rooms are leased, subleased, or rented only to persons of the same sex, when the dwelling contains common lavatory, kitchen, or similar facilities available for the use of all persons occupying the dwelling.]~~

(e) Nothing in this section prohibits conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance under state or federal law."

SECTION 7. That Subsection (a) of Section 46-10, "Investigation," of Article III "Enforcement," of Chapter 46, "Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression," of the Dallas City Code, as amended, is amended to read as follows:

"(a) Upon the filing of a complaint, the administrator shall commence a prompt and full investigation to determine the facts behind the complaint and whether there is reasonable cause to believe an unlawful practice was committed, except that no investigation may commence if, after personally reviewing the allegations with the complainant, the administrator determines that the complaint does not come within the scope of this chapter. Within 15 days after ~~Upon~~ determining that a particular complaint does not come within the scope of this chapter, the administrator shall give the complainant a clear and concise explanation of the reasons why it does not and take no further action on the complaint."

SECTION 8. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 9. That Chapter 46 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 immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

ADDENDUM ITEM # 13

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 10, 2015
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 47 L

SUBJECT

A public hearing to receive comments regarding an application for a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, on the east corner of Forney Road and Lawnview Avenue

Recommendation of Staff and CPC: Denial
Z145-313(WE)

ACM: Ryan S. Evans

FILE NUMBER: Z145-313(WE) **DATE FILED:** July 29, 2015
LOCATION: East corner of Forney Road and Lawnview Avenue
COUNCIL DISTRICT: 7 **MAPSCO:** 47L
SIZE OF REQUEST: Approx. 0.493 acres **CENSUS TRACT:** 84.00

APPLICANT: Antonio Brito, Just to Flirt Inc.

OWNER: Robert and Darlene Messina

REPRESENTATIVE: Antonio Brito

REQUEST: An application for a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District.

SUMMARY: The purpose of this request is to allow for the manufacturing of swimwear and dancewear apparel within the existing structure. The deed restrictions will prohibit specific CS District uses on site. The site is currently developed with a one-story, 5,904 square foot structure. The property is unoccupied and was being used as a photo developing lab, considered a personal service use.

CPC RECOMMENDATION: **Denial**

STAFF RECOMMENDATION: **Denial**

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff's recommendation of denial is based upon:

1. *Performance impacts upon surrounding property* – The applicant's request to rezone to a CS Commercial Service District will have a negative impact on the surrounding properties. Even though the applicant is volunteering deed restrictions that will prohibit specific CS uses, the industrial (inside) for light manufacturing use will permit a variety of processing, fabricating, and assembly, which is not a compatible use where there is low residential adjacency.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the street system can accommodate the rezoning request.
3. *Comprehensive Plan or Area Plan Conformance* – The proposed request is not in compliance with the forwardDallas! Comprehensive Plan. The request site is located within a Residential Neighborhood Building Block.

Zoning History: There has been one recent zoning change in the area.

1. **Z123-357** On January 8, 2014, the City Council approved a renewal of Specific Use Permit No. 1935 for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet for a five-year period on the south corner Lawnview Avenue and Forney Road.

STAFF ANALYSIS

COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in a Residential Neighborhood Building Block.

The Residential Neighborhood Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Lawnview Avenue	Collector	60 ft.	60 ft.
Forney Road	Collector	60 ft.	60 ft.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the street system can accommodate the rezoning request.

Land Use:

	Zoning	Land Use
Site	CR-D-1	Unoccupied
North	R-7.5(A)	Single Family
South	CR-D-1	General merchandise or food store with fueling station, personal service, Personal service,
East	CR-D-1, R-7.5(A)	Church, single-family
West	CR-D-1	Undeveloped, auto-related use

Land Use Compatibility: The approximately 0.493 acre site is zoned a CR Community Retail District with a D Liquor Control Overlay and is currently developed with a one-story, 5,904 square foot structure. The property is currently being used as a photo developing lab, which is considered as a personal service use. The applicant’s request to manufacture apparels is considered as an industrial (inside) for light manufacturing use and is not a compatible use in a residential area. Even though the applicant has volunteered deed restrictions that prohibit specific uses on the site, the industrial (inside) for light manufacturing use is an industrial use.

The site is located at an intersection (Forney Road and Lawnview Avenue) where properties are developed with community-related retail and personal businesses. The intent of the Community Retail District is to “provide for the development of community-service serving retail, personal service, and office uses at a scale and intensity compatible with residential communities.”

Staff’s recommendation is for denial due to the residential adjacency and the Residential Neighborhood Building Block.

Development Standards:

<u>DISTRICT</u>	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CR Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office
CS Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office

Landscaping: The site is currently developed and the applicant is not increasing the impervious surface, landscaping is not required.

CPC Action – October 15, 2015

Motion: It was moved to recommend **denial** of a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, on the east corner of Forney Road and Lawnview Avenue.

Maker: Abtahi
Second: Emmons
Result: Carried: 12 to 0

For: 12 - Emmons, Rodgers, Shidid, Anantasomboon,
Abtahi, Lavallaisaa, Jung, Shellene, Peadon,
Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - Anglin, Schultz
Vacancy: 1 - District 4

Notices: Area: 200 Mailed: 32
Replies: For: 3 Against: 0

Speakers: For: Audra Buckley, 416 S. Ervay St., Dallas, TX, 75201
Against: John Myers, 4440 Lawnview Ave., Dallas, TX, 75227

PROPOSED DEED RESTRICTIONS

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF DALLAS) KNOW ALL PERSONS BY THESE PRESENTS:

The undersigned, The Color Lab, a Texas Corporation ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the Thomas Lagow Survey, Abstract No. 759 , City Block 5804, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Robert L. Messina & Darlene Messina, by deed dated December 31, 1991, and recorded in Volume 93172, Page 1036, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Exhibit A

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. The following uses are prohibited:

Commercial and business services uses.

- Bus or rail transit vehicle maintenance or storage facility.
- Custom woodworking, furniture construction, or repair.
- Truck sales and services.
- Lumber, brick, or building materials sales yard

Institutional and community service uses.

- Halfway house.
- Hospital

Lodging uses

- Extended stay hotel or motel.

Retail and personal service uses.

- Animal shelter or clinic with outside runs.
- Commercial motor vehicle parking.
- Drive-in theater.
- Outside sales.
- Taxidermist.
- Truck stop.
- Vehicle display, sales and service.

Transportation uses.

- Commercial bus station and terminal.
- Heliport.
- Helistop.
- Railroad passenger station.

Wholesale, distribution, and storage uses.

- Auto action.
- Building mover's temporary storage yard.
- Contractor's maintenance yard.
- Freight terminal.
- Manufactured building sales lot.
- Outside storage.
- Petroleum product storage and wholesale.
- Sand, gravel, or earth sales and storage.
- Trade center.
- Vehicle storage lot.

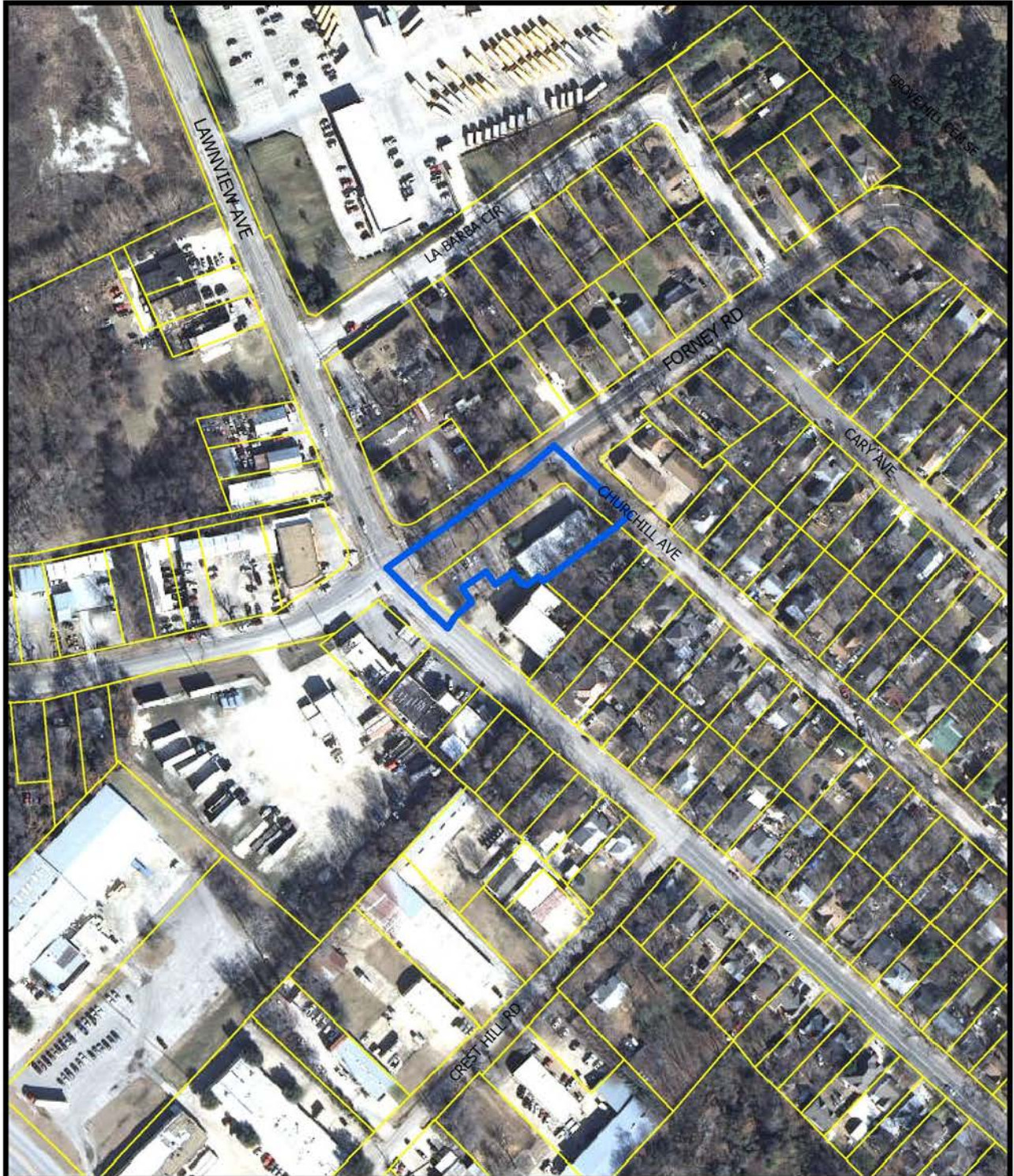
Motor vehicle related uses.

- Auto repair garage (inside)
- Auto repair garage (outside)
- Auto painting or body rebuilding shop (inside and outside)

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.



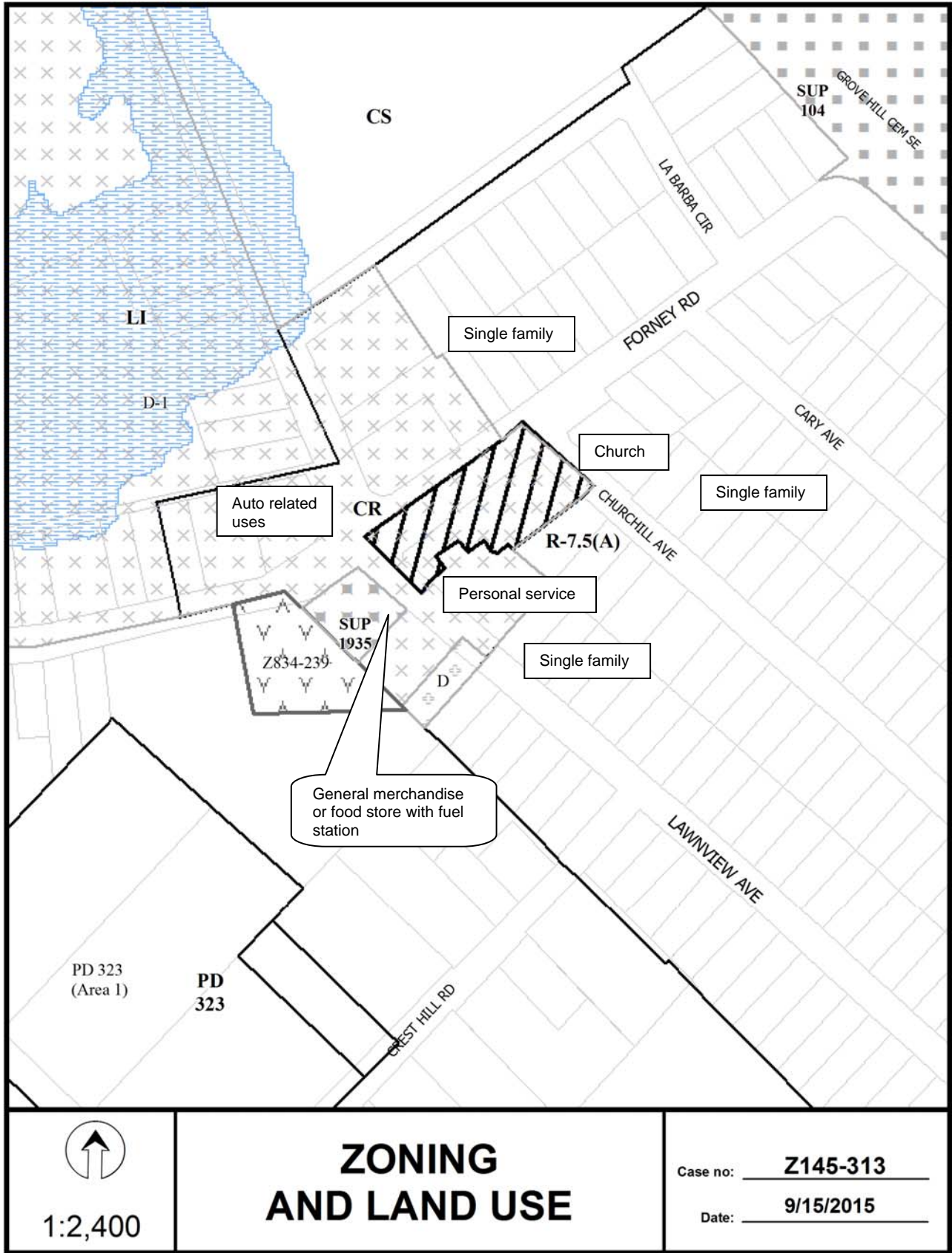


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AERIAL MAP

Case no: Z145-313

Date: 9/15/2015

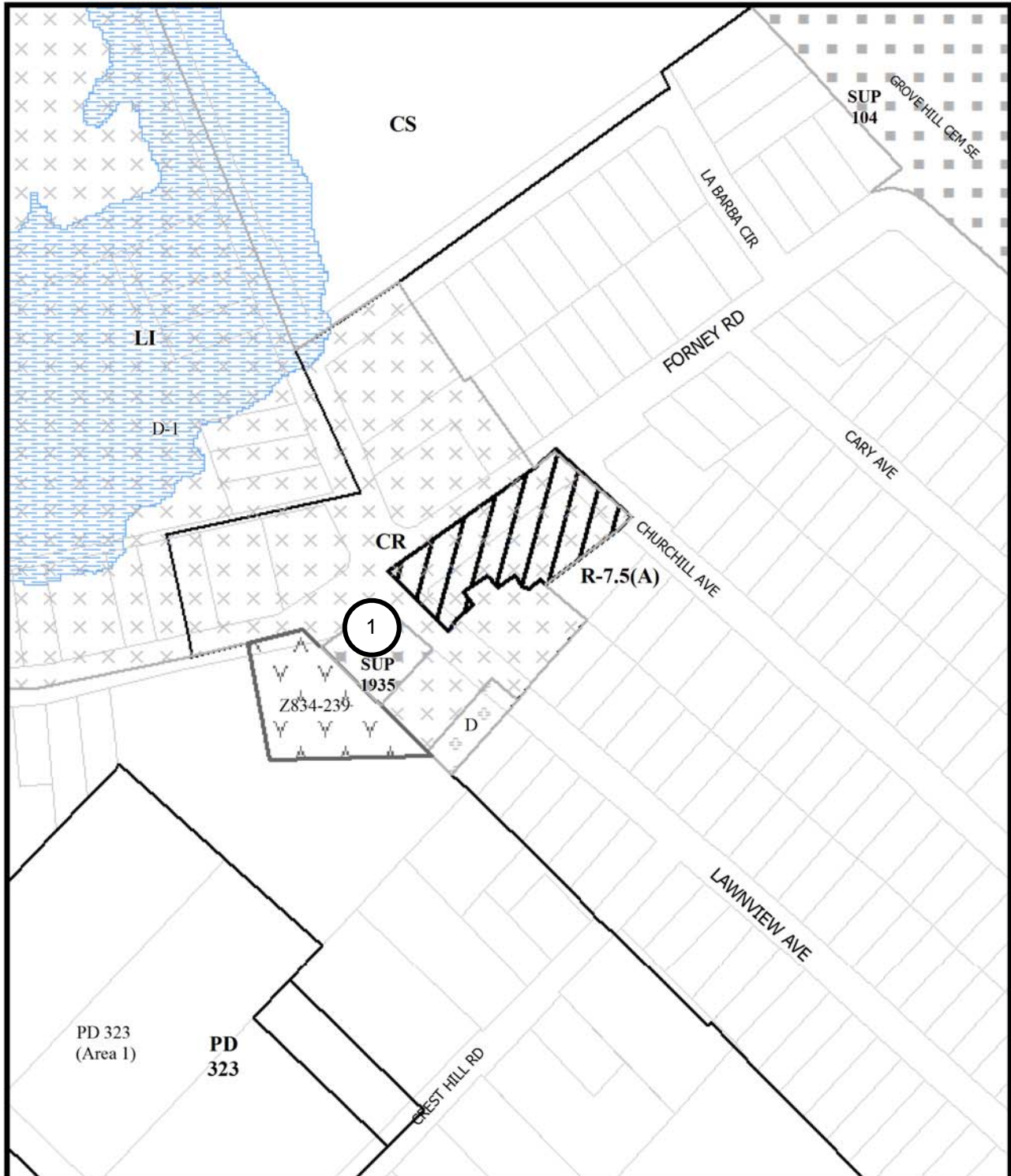


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ZONING AND LAND USE

Case no: Z145-313

Date: 9/15/2015



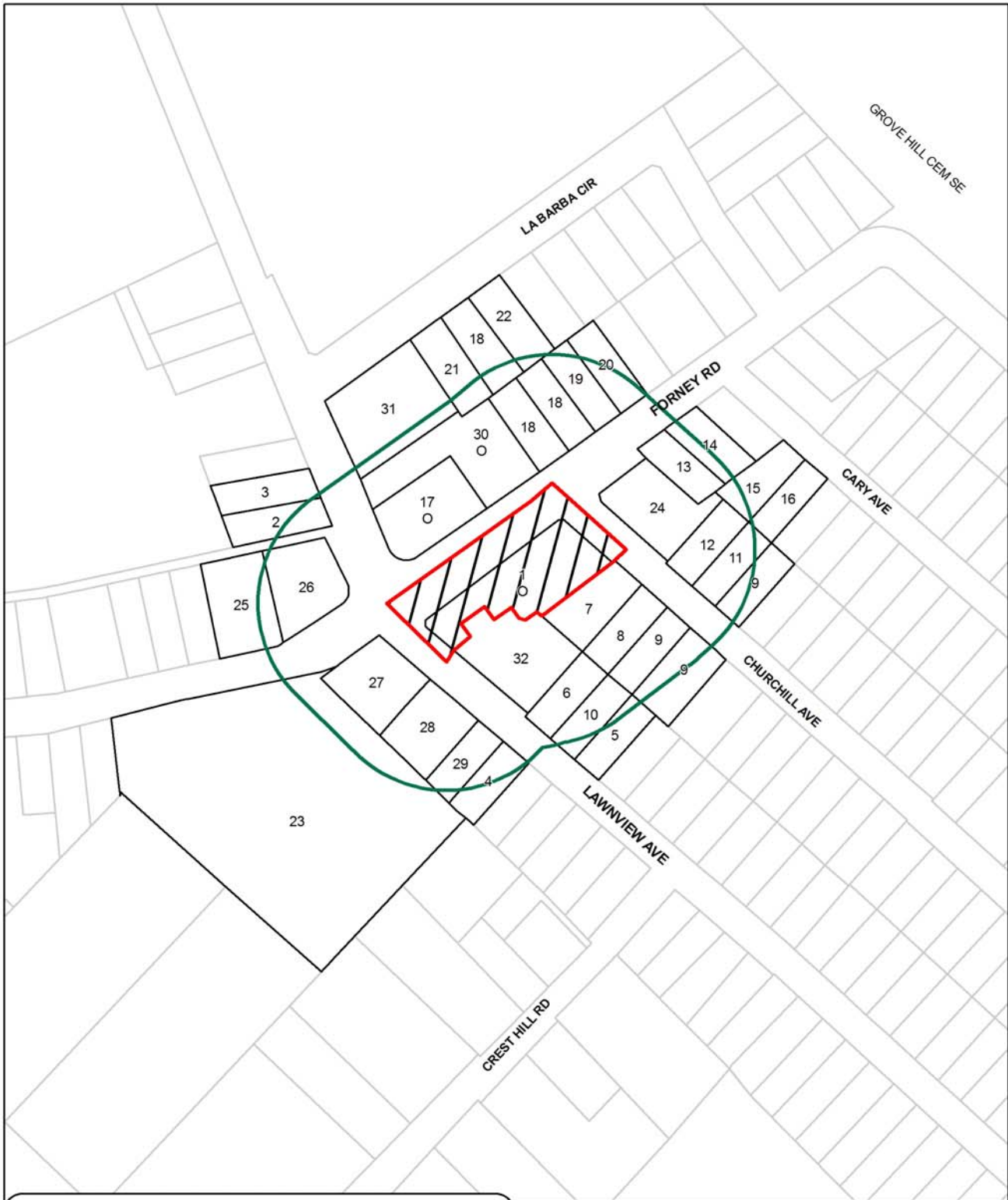
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ZONING HISTORY

Case no: Z145-313

Date: 9/15/2015

CPC RESPONSES



<u>32</u>	Property Owners Notified (36 parcels)
<u>3</u>	Replies in Favor (3 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>10/15/2015</u>	Date

Z145-313
CPC



1:2,400

Notification List of Property Owners

Z145-313

32 Property Owners Notified

3 Property Owners in Favor

0 Property Owners Opposed

Reply	Label #	Address	Owner	
O	1	4442	LAWNVIEW AVE	MESSINA ROBERT L &
	2	4515	LAWNVIEW AVE	BLACK RICHARD &
	3	4525	LAWNVIEW AVE	BURRESCIA MINTA
	4	4423	LAWNVIEW AVE	MCLEOD BILLY JOE
	5	4416	LAWNVIEW AVE	ZAVALA AURELIO H
	6	4424	LAWNVIEW AVE	PEREZ-GUARDADO OLGA L
	7	5610	CHURCHILL AVE	FAZ HECTOR &
	8	5614	CHURCHILL AVE	MORENO RAUL & CIPRIANA
	9	5618	CHURCHILL AVE	MORENO RICARDO
	10	4420	LAWNVIEW AVE	HM EXECUTIVE HOMES INC
	11	5619	CHURCHILL AVE	REYES MARIA FRANCISCA
	12	5615	CHURCHILL AVE	ROBISON ETHEL ESTATE OF
	13	5538	FORNEY RD	ZAMARRIPA FELIX C &
	14	5542	FORNEY RD	MIRELES JUAN
	15	5610	CARY AVE	RIVERA NOE
	16	5614	CARY AVE	SUAREZ ENRIQUE & MARTHA E
O	17	5511	FORNEY RD	MANTZURANIS TONY
	18	5521	FORNEY RD	MORRIS HARLEY T
	19	5531	FORNEY RD	BIBANCO PATRICIA
	20	5535	FORNEY RD	DEGONZALEZ NORA H
	21	5508	LA BARBA CIR	GUERRA CYNTHIA ROSALES
	22	5516	LA BARBA CIR	BANDA SUSAN P
	23	5420	FORNEY RD	PARKER LAURENCE E
	24	5528	FORNEY RD	LORING CORP
	25	5439	FORNEY RD	ESCOBAR J ALEJANDRO &
	26	4503	LAWNVIEW AVE	VARGAS GUILLERMO

Z145-313(WE)

10/23/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27 4439	LAWNVIEW AVE	GRACE KK INV LLC
	28 4431	LAWNVIEW AVE	OTTO IRIS
	29 4427	LAWNVIEW AVE	MCLEOD BILLY JOE
O	30 4510	LAWNVIEW AVE	MANTZURANIS TONY
	31 4540	LAWNVIEW AVE	LAWNVIEW PPTIES JV
	32 4440	LAWNVIEW AVE	MYERS JOHN &

KEY FOCUS AREA: E-Gov
AGENDA DATE: November 10, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: Intergovernmental Services
CMO: A. C. Gonzalez, 670-3297
MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 2 of the Dallas City Code to: **(1)** create the Youth Commission of the City; and **(2)** provide for the Commission’s membership and duties - Financing: This action has no cost consideration to the City

BACKGROUND

In 1994, the Dallas City Council created the first Youth Commission to address and advocate for issues that impact the lives of youth in the City of Dallas. The Youth Commission was instrumental in passing the City's smoking ordinance and hosting annual youth summits. Due to budget reductions, the Youth Commission was dissolved in 2010.

The prior successes of the Youth Commission and the City's continuing commitment to youth involvement in city policy making has led to a renewed effort to reinstate the Commission. The purpose of the Youth Commission is to promote regular and active civic engagement among the youth of the City by giving the City’s youth a formal role in local decision making, offering real world experiences with elected bodies, teaching them about the roles of our council and our numerous boards and commissions, providing them an opportunity to develop leadership skills, offering them an avenue to engage in discussion with adults and other youth, increasing volunteerism, and enhancing classroom civic education.

The Youth Commission will advise the City Council on City-related issues and provide a forum for voicing the concerns of the City's youth.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 24, 1994, by Ordinance No. 22172, City Council amended Chapter 2 of the Dallas City Code to create the Youth Commission of the City; to establish the qualifications and duties of its members; and to create a Youth Advisory Committee to be an advisory subcommittee of the Youth Commission.

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

Information about this item was provided to the Quality of Life & Environment Committee on October 26, 2015.

City Council will be briefed on November 3, 2015.

FISCAL INFORMATION

This action has no cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Article XXV of Chapter 2, "Administration," of the Dallas City Code, as amended; creating the youth commission; and providing for its membership, terms, and duties; 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 Article XXV, "Reserved," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"ARTICLE XXV.

YOUTH COMMISSION [RESERVED].

~~[SEC. 2-159 THRU 160.1.]~~

SEC. 2-159. **PURPOSE.**

The purpose of this commission is to promote regular and active civic engagement among the youth of the city by giving them a formal role in local decision making, offering real world experiences with elected bodies, teaching them about the role of our city council and the city's boards and commissions, providing an opportunity to develop leadership skills, offering an avenue to engage in discussion with adults and other youth, increasing volunteerism, and enhancing classroom civic education.

SEC. 2-159.1. **CREATED; MEMBERSHIP; TERMS; MEETINGS.**

(a) There is hereby created the youth commission, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the commission. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) All members shall be appointed for an initial term to expire on September 30, 2017. Subsequent appointments will be made in September of each odd-numbered year for a two-year term beginning on October 1.

(c) Each member of the commission must:

(1) either:

(A) be enrolled as a full-time student in grades nine through 12 at a public or private school that accepts students who reside within the city of Dallas; or

(B) be a home-schooled student, as that term is defined in Chapter 29 of the Texas Education Code, entitled to attend public school within the city of Dallas; and

(2) be no younger than 14 years of age and no older than 19 years of age at the time of appointment; and

(3) reside within the district for which the member is appointed.

(d) A member is not required to fulfill the qualifications for board service in Chapter 8 of the Dallas City Code except that the member must:

(1) have been a resident of the city for at least six months prior to the date of appointment; and

(2) not be in arrears on any obligations owed to the city.

(e) The commission must meet at least once each month and may hold additional meetings at the call of the chair.

SEC. 2-160. DUTIES AND RESPONSIBILITIES.

(a) The commission shall act as an advisory body to the city manager and the city council and shall:

(1) advise the city council and city manager on issues impacting the city;

(2) assist the city in identifying programs that are needed in the community;

and

(3) perform such other duties assigned by the city council or city manager.

(b) The city manager shall provide information and assistance to the commission in the performance of its duties and responsibilities.”

SECTION 2. That Chapter 2 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. 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 4. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): 1, 7, 9, 14

DEPARTMENT: Public Works Department
Office of Cultural Affairs

CMO: Jill A. Jordan, P.E., 670-5299
Joey Zapata, 670-1204

MAPSCO: 37H; 45F/G; 45K; 45L; 46K; 46Q; 46U; 54H

SUBJECT

State of Texas Energy Conservation Office LoanSTAR Fund

- * Authorize **(1)** the acceptance of a loan from the State of Texas Energy Conservation Office ~~Loan Star~~ LoanSTAR Fund in the amount of \$6,935,946, 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 \$6,935,946 in the State Energy Conservation Office ~~Loan Star~~ LoanSTAR II Fund; **(3)** Supplemental Agreement No. 1 to the contract with Pepco Energy Services for **(a)** construction of energy conservation related projects at eight City facilities in an amount not to exceed \$6,935,946 (list attached) and **(b)** measurement and verification for a period not to exceed ten years, in an amount not to exceed \$798,497 to be paid from electric and natural gas savings; **(4)** the acceptance and deposit in the Oncor Rebate Fund of rebates from Oncor Electric Delivery - Total not to exceed \$7,734,443 - Financing: State of Texas Energy Conservation Office ~~Loan Star~~ LoanSTAR Funds (\$6,935,946) and Current Funds (\$798,497) (subject to annual appropriations)
- * Authorize **(1)** the repayment of a loan from the State of Texas Energy Conservation Office over a ten year period, plus interest, using savings in the City's annual electricity and natural gas budgets - Total not to exceed \$7,685,946 - Financing: Current Funds - \$7,685,946 (subject to annual appropriations)

BACKGROUND

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 15 years. The City has implemented four energy conservation projects.

BACKGROUND (Continued)

On September 12, 2014, Administrative Action No. 14-6619 authorized Phase 1 of the Energy Services Contract with Pepco Energy Services, Inc. to perform an energy audit and develop energy conservation related projects at 20 Office of Cultural Affairs facilities throughout the City of Dallas.

On January 28, 2015, Resolution No. 15-0171 authorized a Memorandum of Understanding with the State Energy Conservation Office (SECO) for energy projects at City Hall and various city facilities project in the amount of \$7,000,000.

This Supplemental Agreement No. 1 authorizes energy conservation measures for lighting, controls, and commissioning for conservation management programs. In addition, Pepco Energy Services, Inc. will perform measurement and verification services for a period up to ten years for a total cost not to exceed \$798,497 for this same period. ~~This~~ 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) ~~Loan Star~~ LoanSTAR Fund in the amount of \$6,935,946, which will be amortized over a ten-year period at a ~~2.50%~~ 2.00% interest rate. This interest rate is considered competitive with the City's most recent debt issuance.

This contract will not require any up-front dollars from the City and guarantees the savings. The construction project will be completely funded out of the SECO's ~~Loan Star~~ 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 Pepco Energy Services, Inc., they will be contractually obligated to make up the amount of energy savings not realized. Pepco Energy Services will also provide one year guaranteed bonds renewed on an annual basis throughout the duration of the project to further secure the loan.

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 ~~Loan Star~~ LoanSTAR Fund in an amount of \$6,935,946 plus interest.

BACKGROUND (Continued)

The City's annual electricity and natural gas budget will include the guaranteed savings for the terms 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 Onco which will be utilized toward the implementation of this project and other energy conservation efforts.

ESTIMATED SCHEDULE OF PROJECT

Retrofit Schedule will be as follows:

Begin Construction	January 2016
Complete Construction	October 2016
Complete Contract	October 2026

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Memorandum of Understanding with the State Energy Conservation Office for energy projects at City Hall and various City facilities project in the amount of \$7,000,000 on January 28, 2015, by Resolution No. 15-0171.

Information about this item will be presented to the Budget, Finance, and Audit Committee on November 2, 2015.

FISCAL INFORMATION

State of Texas Energy Conservation Office ~~Loan Star~~ LoanSTAR Fund - \$6,935,946
Current Funds - \$798,497 (subject to annual appropriations)

Current Funds - \$7,685,946 (subject to annual appropriations)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Pepco Energy Services, Inc.

Hispanic Female	1	Hispanic Male	5
African-American Female	9	African-American Male	15
Other Female	6	Other Male	19
White Female	15	White Male	75

OWNER

Pepco Energy Services, Inc.

John Huffman, President and Chief Executive Officer

MAP(S)

Attached

City Facilities

<u>Bldg</u>	<u>Building Name</u>	<u>Address</u>	<u>District</u>	<u>Mapsco</u>
1	Meyerson Symphony Center	2301 Flora St.	14	45F/G
2	Music Hall at Fair Park	909 1st Ave.	7	46K
3	WRR Radio Studio	1516 1st Ave.	7	46Q
4	Latino Cultural Center	2600 Live Oak St.	14	45L
5	Oak Cliff Cultural Center	223 W Jefferson Blvd.	1	54H
6	South Dallas Cultural Center	3400 S Fitzhugh Ave.	7	46U
7	Bath House	521 E Lawther Dr.	9	37H
8	Dallas Museum of Art	1717 N Harwood	14	45K

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** the acceptance of a loan from the State of Texas Energy Conservation Office Loan Star Fund in the amount of \$6,935,946, 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 \$6,935,946 in the State Energy Conservation Office Loan Star II Fund; **(3)** Supplemental Agreement No. 1 to the contract with Pepco Energy Services for **(a)** construction of energy conservation related projects at eight City facilities in an amount not to exceed \$6,935,946 (list attached) and **(b)** measurement and verification for a period not to exceed ten years, in an amount not to exceed \$798,497 to be paid from electric and natural gas savings; **(4)** the acceptance and deposit in the Oncor Rebate Fund of rebates from Oncor Electric Delivery - Total not to exceed \$7,734,443 - Financing: State of Texas Energy Conservation Office Loan Star Funds (\$6,935,946) and Current Funds (\$798,497) (subject to annual appropriations)

Pepco Energy Services is a non-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	\$1,986,073.50	28.63%
Total non-local contracts	\$4,949,872.50	71.37%
TOTAL CONTRACT	\$6,935,946.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Triton Supply	WFDB84070Y1016	\$1,986,073.50	100.00%
Total Minority - Local		\$1,986,073.50	100.00%

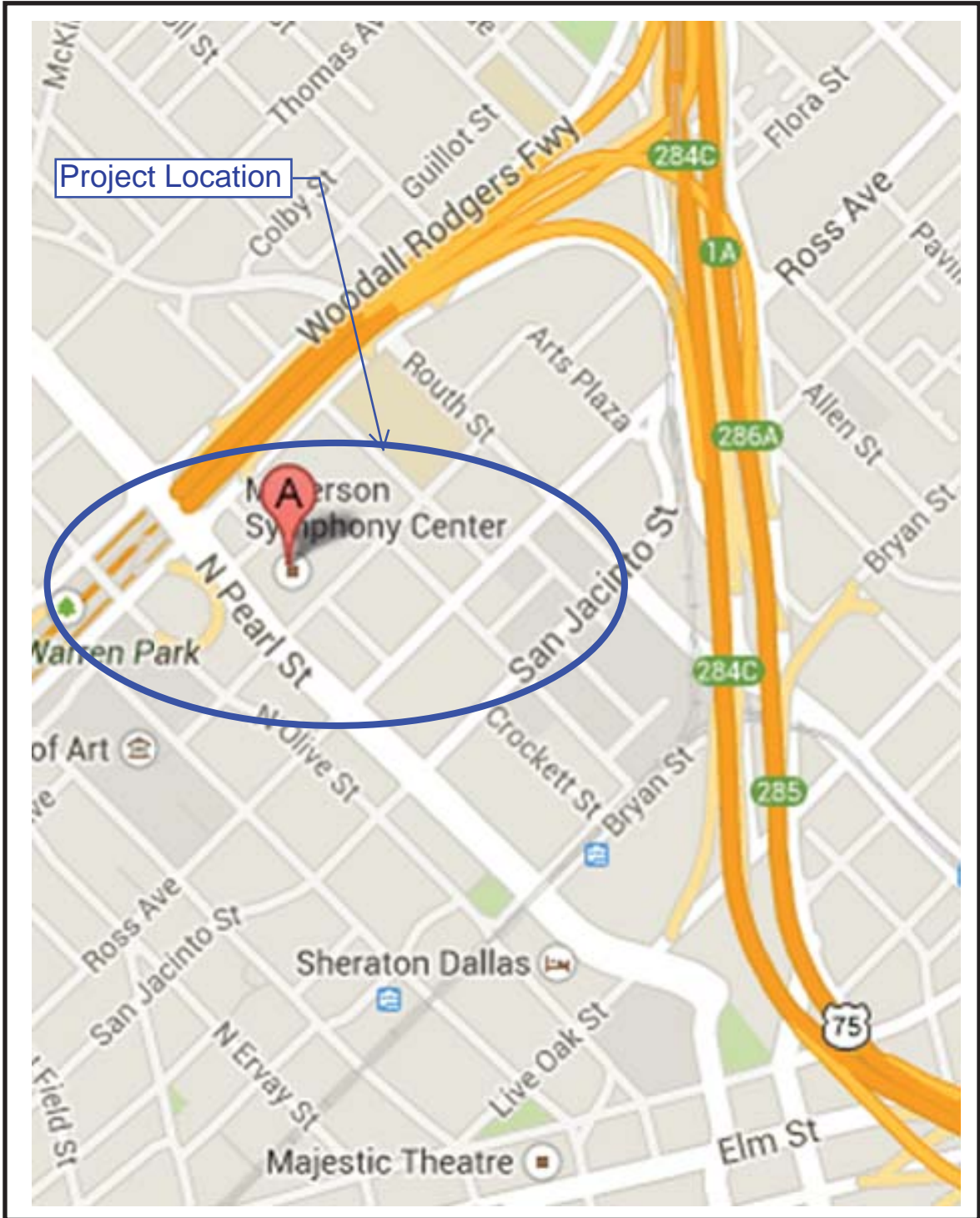
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

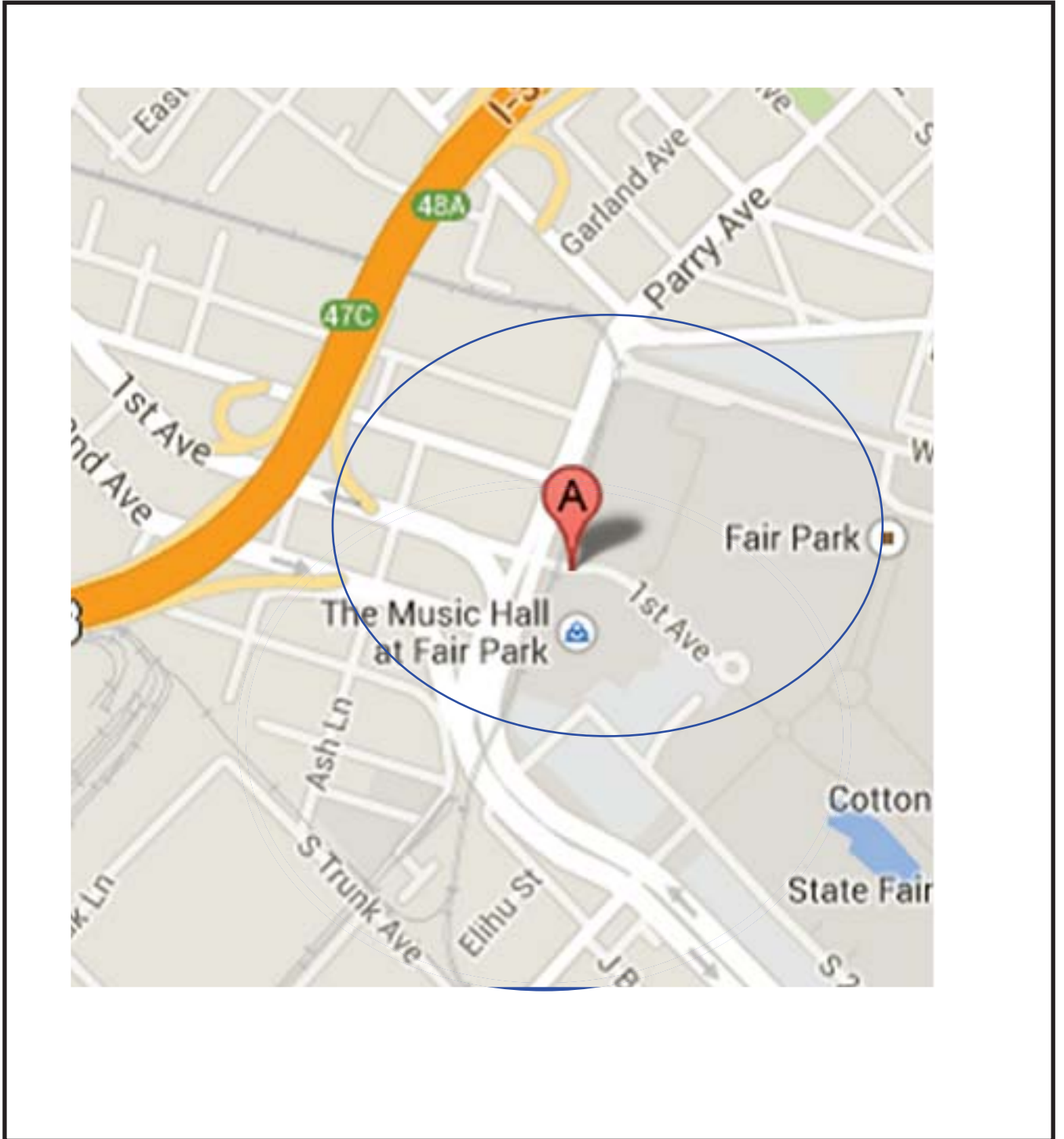
	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,986,073.50	100.00%	\$1,986,073.50	28.63%
Total	<u>\$1,986,073.50</u>	<u>100.00%</u>	<u>\$1,986,073.50</u>	<u>28.63%</u>

Meyerson Symphony Center

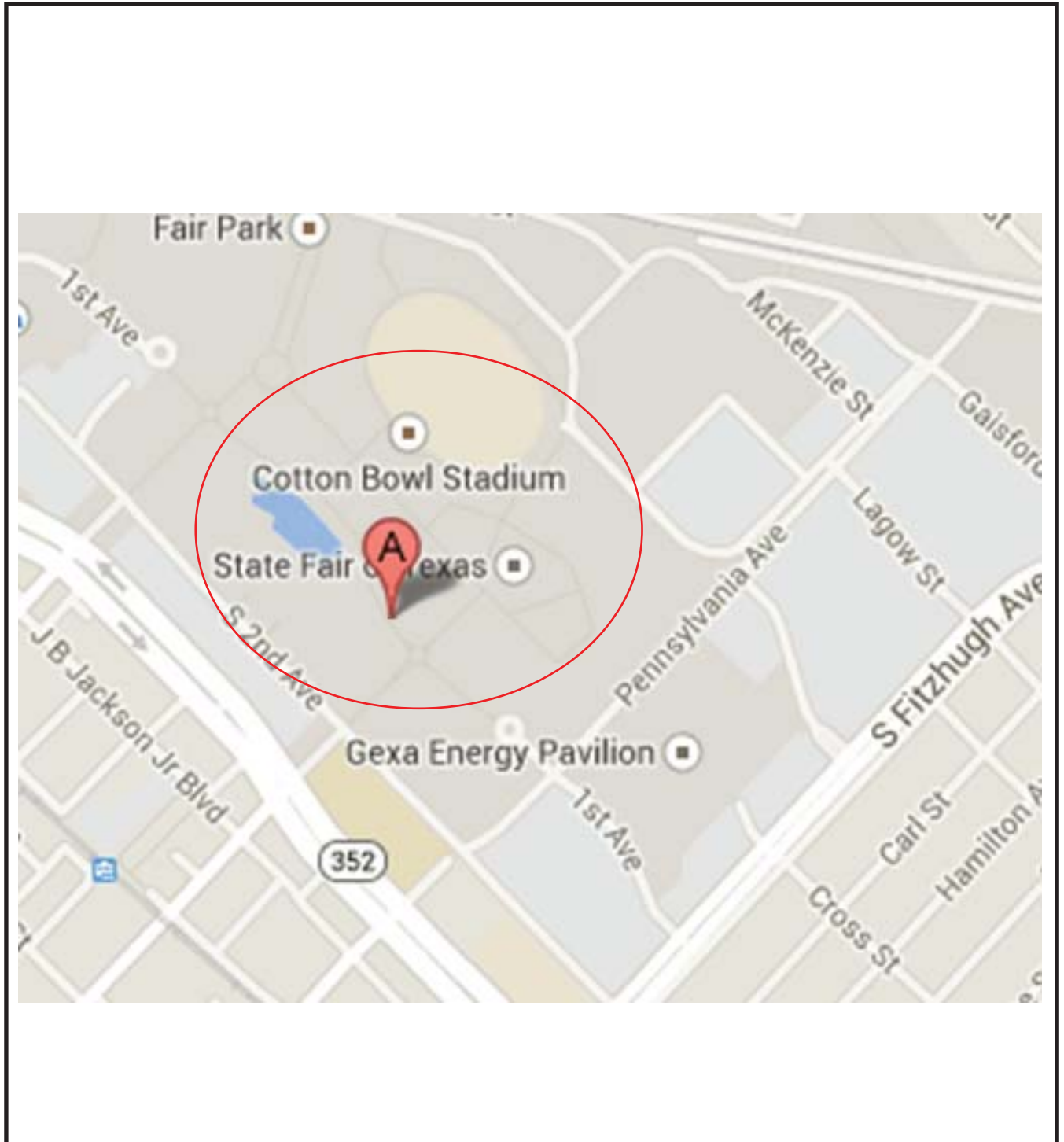


Mapsc0 45F, G

Music Hall at Fair Park

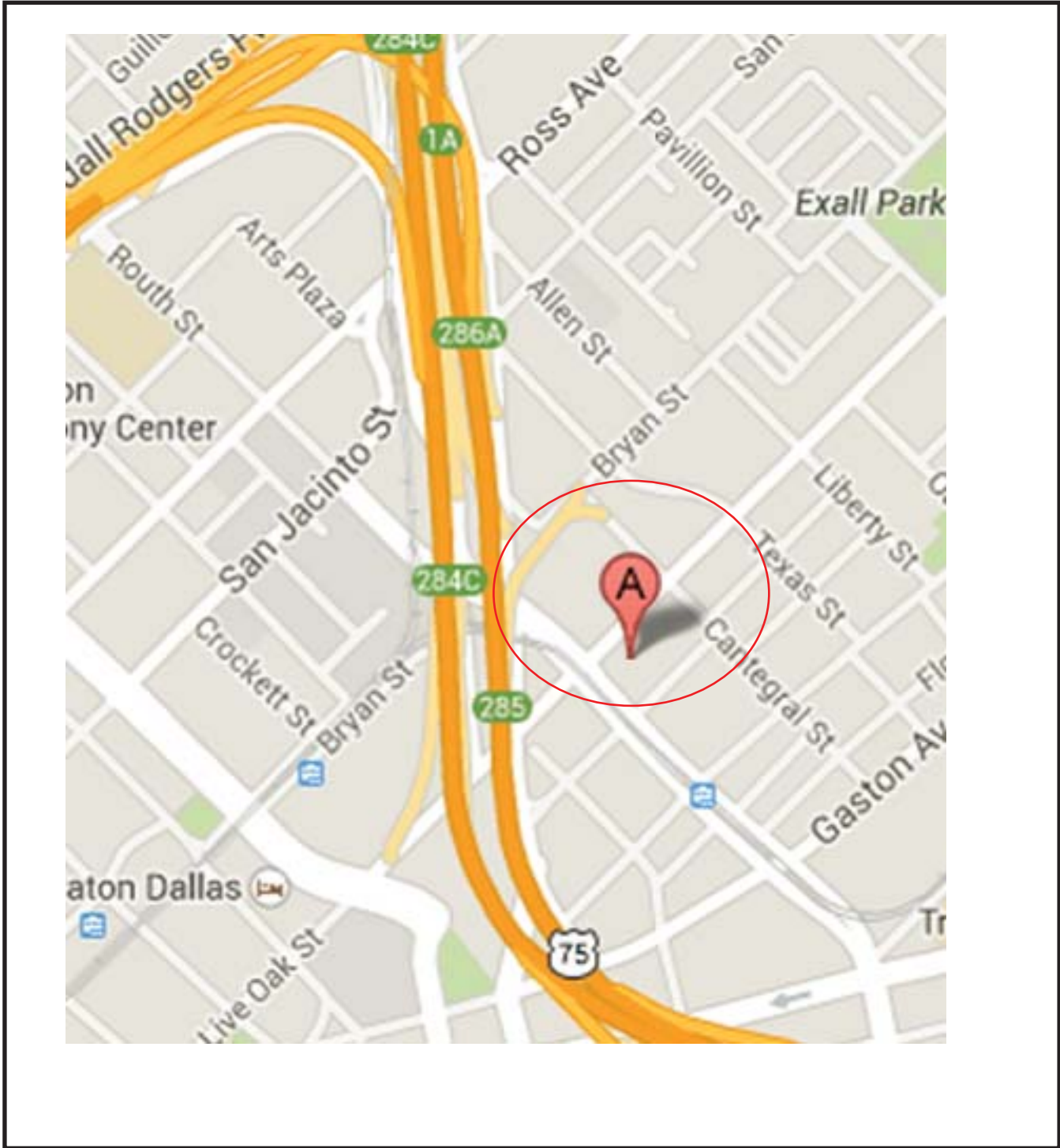


WRR Radio Studio



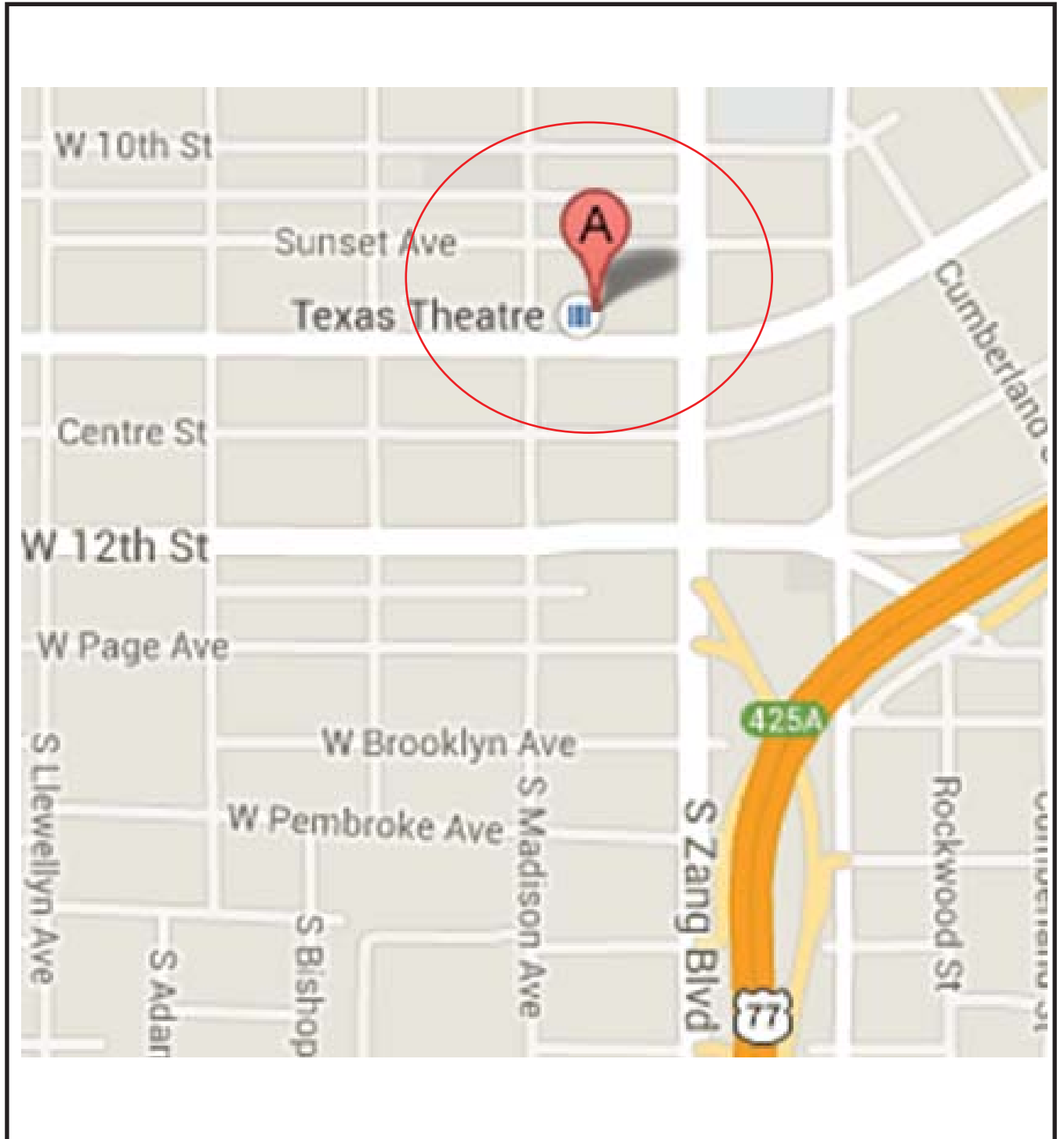
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Latino Cultural Center



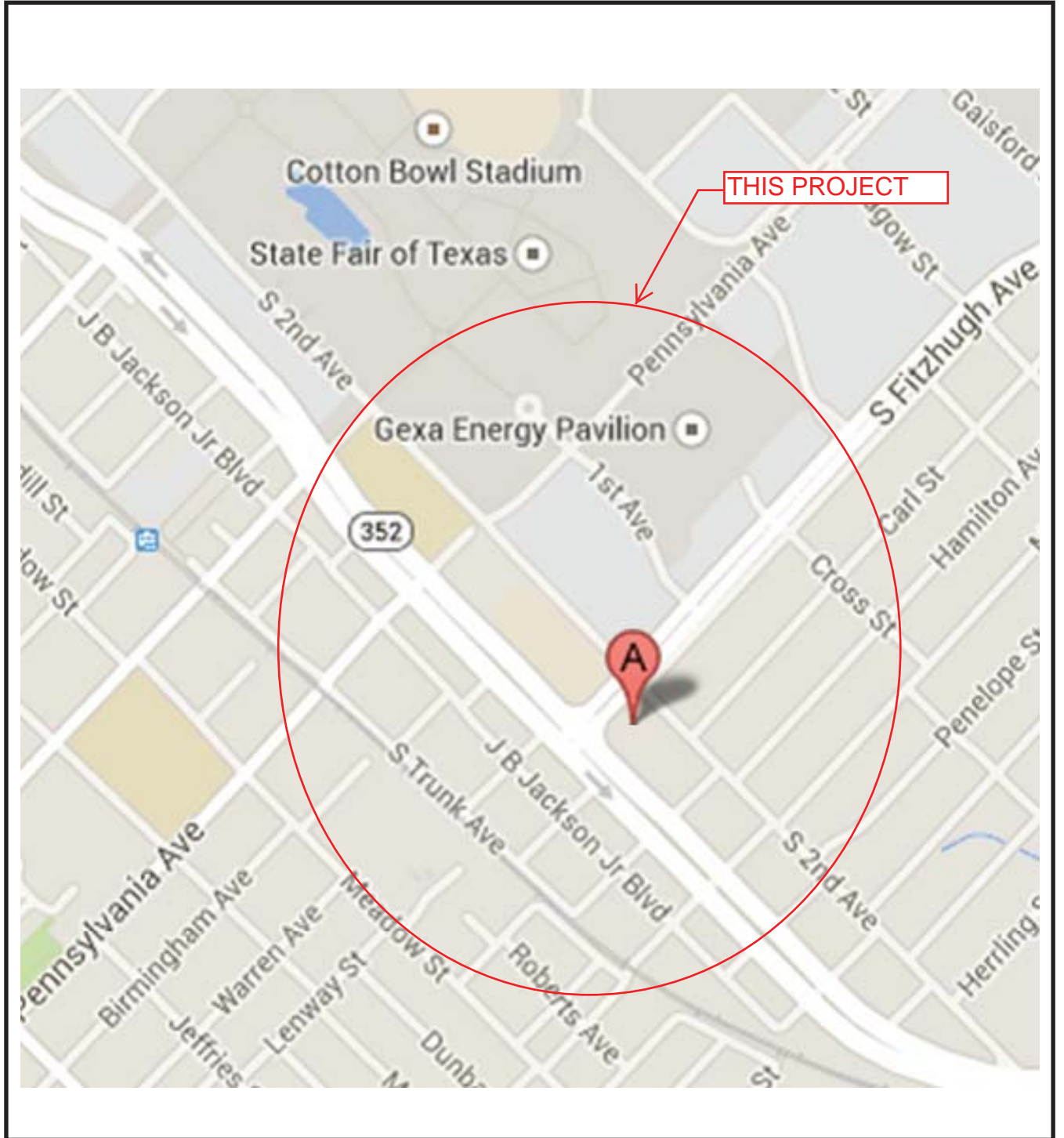
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Oak Cliff Cultural Center



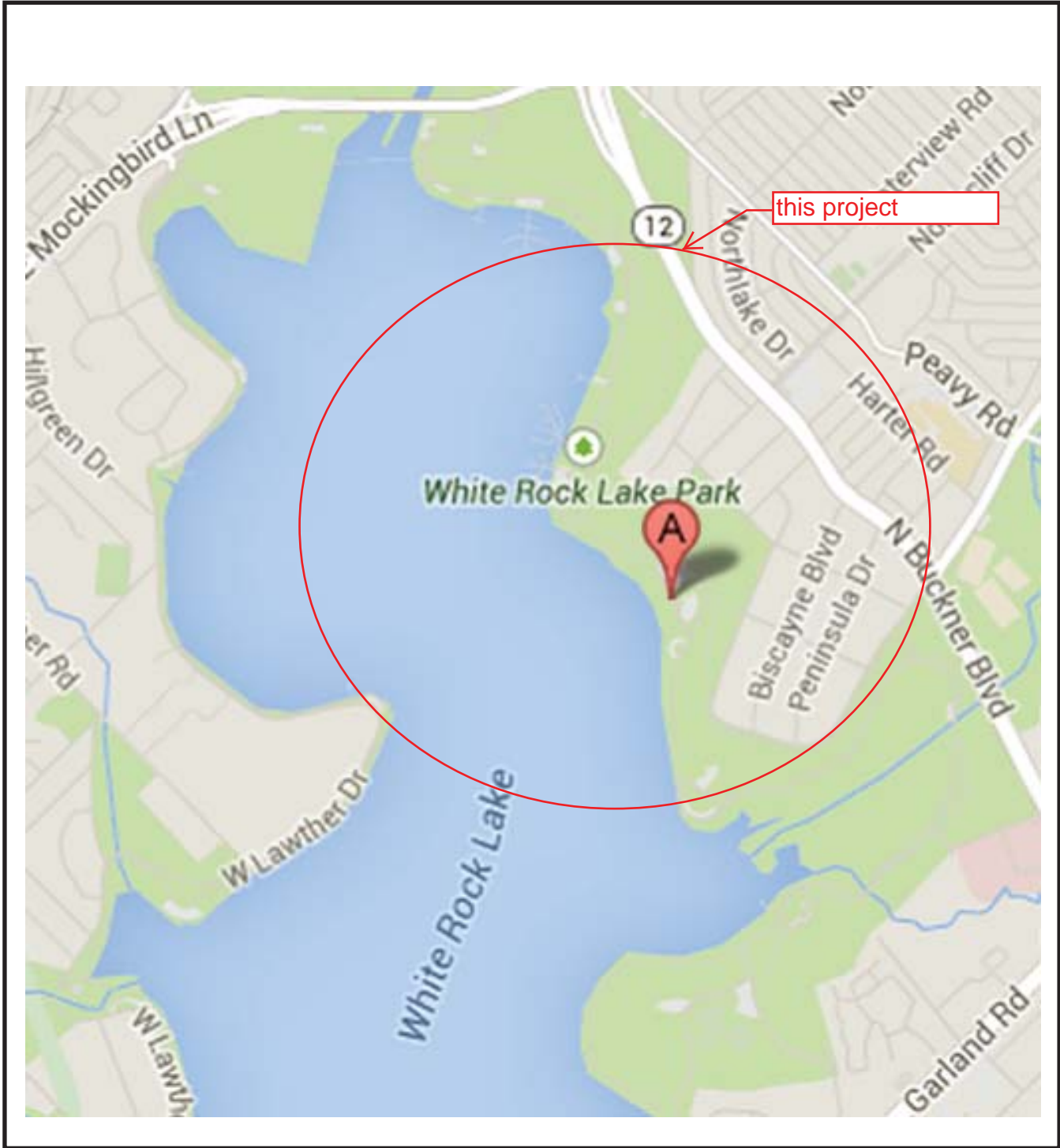
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S Dallas Cultural Center



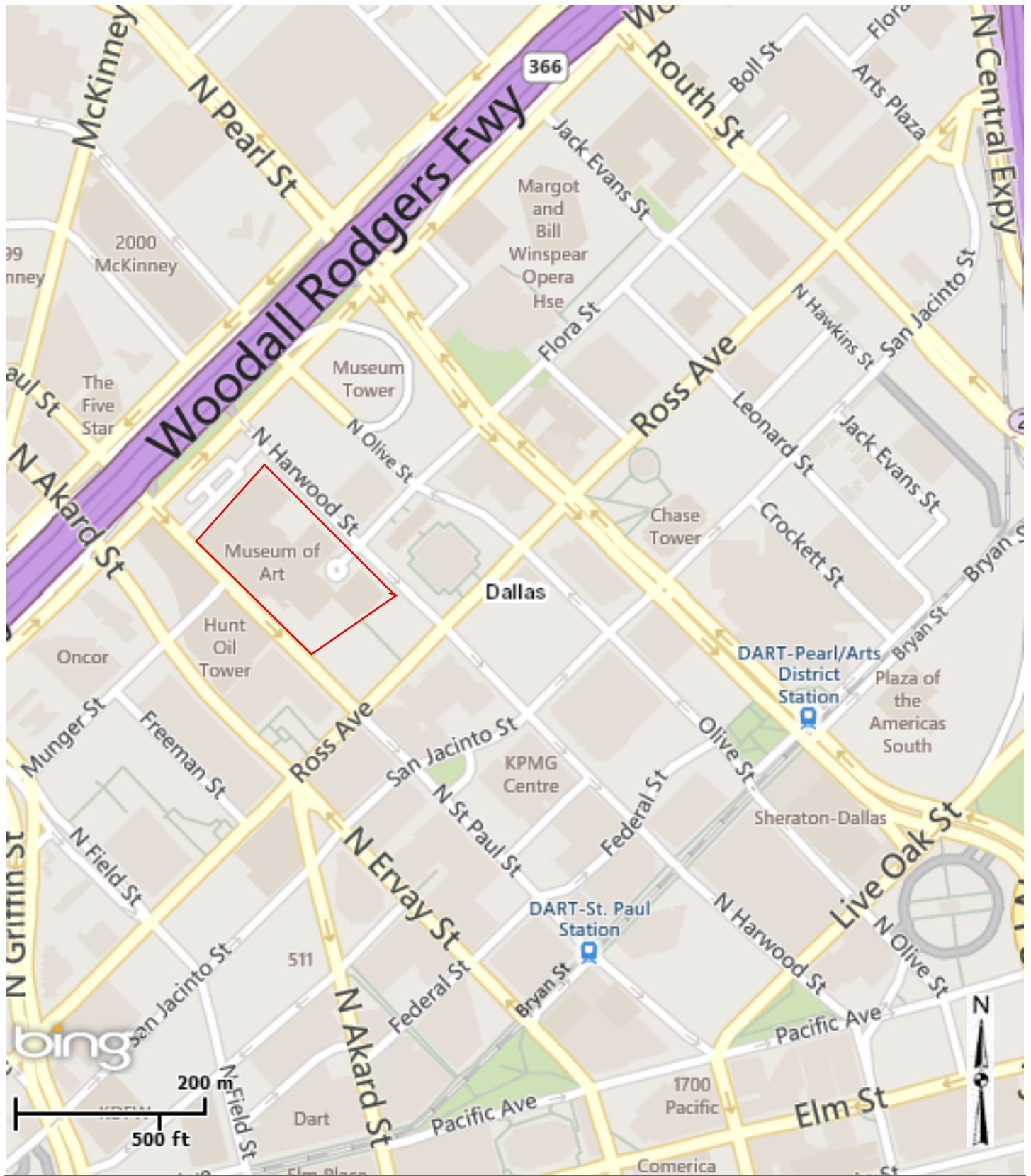
Mapsc0 46U

Bath House



Mapsc0 37H

1717 N Harwood St



Mapsc0 45K

November 10, 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 September 12, 2014, Administrative Action No. 14-6619 authorized a Comprehensive Energy Savings and Photovoltaic (PV) Performance Contract with Pepco 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, on January 28, 2015, Resolution No. 15-0171 authorized a Memorandum of Understanding with the State Energy Conservation Office (SECO) for energy projects at City Hall and various City facilities in the amount of \$7,000,000; 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 acceptance of a loan from the State of Texas Energy Conservation Office ~~Loan-Star~~ LoanSTAR Fund in the amount of \$6,935,946, 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 \$6,935,946 in the State Energy Conservation Office ~~Loan-Star~~ LoanSTAR II Fund; **(3)** Supplemental Agreement No. 1 to the contract with Pepco Energy Services for **(a)** construction of energy conservation related projects at eight City facilities in an amount not to exceed \$6,935,946 (list attached) and **(b)** measurement and verification for a period not to exceed ten years, in an amount not to exceed \$798,497 to be paid from electric and natural gas savings; **(4)** the acceptance and deposit in the Oncor Rebate Fund of rebates from Oncor Electric Delivery for a total amount not to exceed \$7,734,443 (subject to annual appropriations)

Now, Therefore,

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

November 10, 2015

Section 1. That the City Manager is hereby authorized to execute a ten-year term loan agreement with SECO LoanSTAR II Program, in the amount of \$6,935,946 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 II Program in the SECO ~~Loan Star~~ LoanSTAR II Fund 0706, Dept. PBW, Unit 1724, Revenue Source Code 6532, in the amount of \$6,935,946.

Section 3. That the City Manager is hereby authorized to establish appropriations in the SECO LoanStar II Program Fund 0706, Department PBW, Unit 1724, Object Code 4310, in an amount not to exceed \$6,935,946.

Section 4. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the contract with Pepco Energy Services, Inc. for the construction of energy conservation related projects at 8 facilities, in an amount not to exceed \$6,935,946; and for measurement and verification services, in a total amount not to exceed \$798,497 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 the Oncor Rebate and incentives funds in the Oncor 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 Pepco Energy Services, Inc. in accordance with the terms and conditions of Supplemental Agreement No. 1 from:

State of Texas Energy Conservation Office LoanStar II Fund
Fund 0706, Department PBW, Unit 1724
Object #4310, Program #PBSEC004, CT PBWSEC004K1
Vendor #VS0000036947, in an amount not to exceed \$6,935,946

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 \$798,497 from Fund 0001, Department OCA, Unit 4903, Object 3690 to Fund 0575, Department PBW, Unit DG48, Revenue Source 9201 to pay the Measurement and Verification Support Services (subject to annual appropriations).

Section 8. That the Chief Financial Officer is hereby authorized to disburse funds to Pepco Energy Services, Inc. for the Measurement and Verification Support Services, in accordance with the terms and conditions of Supplemental Agreement No. 1 from the electricity and natural gas savings, from:

November 10, 2015

SECO Loan Repayment Fund
Fund 0575, Department PBW, Unit DG48
Object #3070, Job #PBSEC004
Vendor #VS0000036947, in an amount not to exceed \$ 798,497

Section 9. That in the event the guaranteed annual energy savings are not fully achieved, the Pepco Energy Services, Inc. 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. Pepco Energy Services, Inc. will also maintain a ~~Letter of Credit~~ Guarantee Bond to provide additional loan security in accordance with the terms of the contract. The ~~City Controller~~ 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 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.

November 10, 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 September 12, 2014, Administrative Action No. 14-6619 authorized a Comprehensive Energy Savings and Photovoltaic (PV) Performance Contract with Pepco 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, on January 28, 2015, Resolution No. 15-0171 authorized a Memorandum of Understanding with the State Energy Conservation Office (SECO) for energy projects at City Hall and various City facilities in the amount of \$7,000,000; 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 a loan from the State of Texas Energy Conservation Office over a ten year period, plus interest, using savings in the City's annual electricity and natural gas budgets for a total amount not to exceed \$7,685,946 (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.

November 10, 2015

Section 2. 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 \$7,685,946 from Fund 0001, Department OCA, Unit 4903, Object 3690 to Fund 0575, Department PBW, Unit DG47, Revenue Source 9201 to repay the loan (subject to annual appropriations).

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 \$6,935,946 plus interest over a ten year period, subject to annual appropriations, beginning FY 2016-17, from the electricity and natural gas savings, from:

SECO Loan Repayment Fund
Fund 0575, Department PBW, Unit DG47
Obj. 3535, Job #PBSEC004
Vendor #269648, in an amount not to exceed \$7,685,946

Section 4. That in the event the guaranteed annual energy savings are not fully achieved, the Pepco Energy Services, Inc. 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. Pepco Energy Services, Inc. will also maintain a ~~Letter of Credit~~ Guarantee Bond 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: November 10, 2015
COUNCIL DISTRICT(S): 2
DEPARTMENT: Public Works Department
Aviation
CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837
MAPSCO: 34K

SUBJECT

Authorize a construction contract with McCon Building and Petroleum Services, Inc., lowest responsible bidder of two, for the installation of an above-ground fuel storage tanks at the Dallas Love Field Airport Maintenance Facility located at 3387 Hawes Avenue – Not to exceed \$299,393 – Financing: Aviation Capital Construction Funds

BACKGROUND

This action will authorize a construction contract with McCon Building & Petroleum Services, Inc. for an above-ground fuel storage tank installation at the Dallas Love Field Airport Maintenance Facility.

Airport personnel and equipment need to move about the Dallas Love Field airside runway system to perform daily tasks and respond to events for the airport to remain open. The installation of a fuel storage tank at the airport maintenance facility adjacent to the runway system will ensure that the equipment will have fuel available on site to operate. A contract with the firm of EJES, Inc. was authorized by Resolution No. 14-1916, dated November 12, 2014, to design and provide construction documents for a 4,000-gallon above-ground fuel storage tank installation.

ESTIMATED PROJECT SCHEDULE

Began Design	November 2014
Completed Design	July 2015
Begin Construction	November 2015
Complete Construction	April 2016

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with EJES, Inc. on November 12, 2014, by Resolution No. 14-1916.

Information about this item will be presented to the Transportation and Trinity River Project Committee on November 9, 2015.

FISCAL INFORMATION

Aviation Capital Construction Funds - \$299,393.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

McCon Building & Petroleum Services, Inc.

Hispanic Female	2	Hispanic Male	9
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	8	White Male	34

BID INFORMATION

The following bids were received and opened on August 20, 2015:

*Denotes successful bidder(s)

BIDDERS

BID AMOUNT

*McCon Building & Petroleum Services, Inc. 8120 Jetstar Drive, Suite 150, Irving, TX 75063	\$299,393.00
United Pump Supply	\$321,255.32

OWNER

McCon Building & Petroleum Services, Inc.

Christopher M. Lawson, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a construction contract with McCon Building and Petroleum Services, Inc., lowest responsible bidder of two, for the installation of above-ground fuel storage tanks at the Dallas Love Field Airport Maintenance Facility located at 3387 Hawes Avenue - Not to exceed \$299,393 - Financing: Aviation Capital Construction Funds

McCon Building & Petroleum Services, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$165,416.00	55.25%
Total non-local contracts	\$133,977.00	44.75%
TOTAL CONTRACT	\$299,393.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

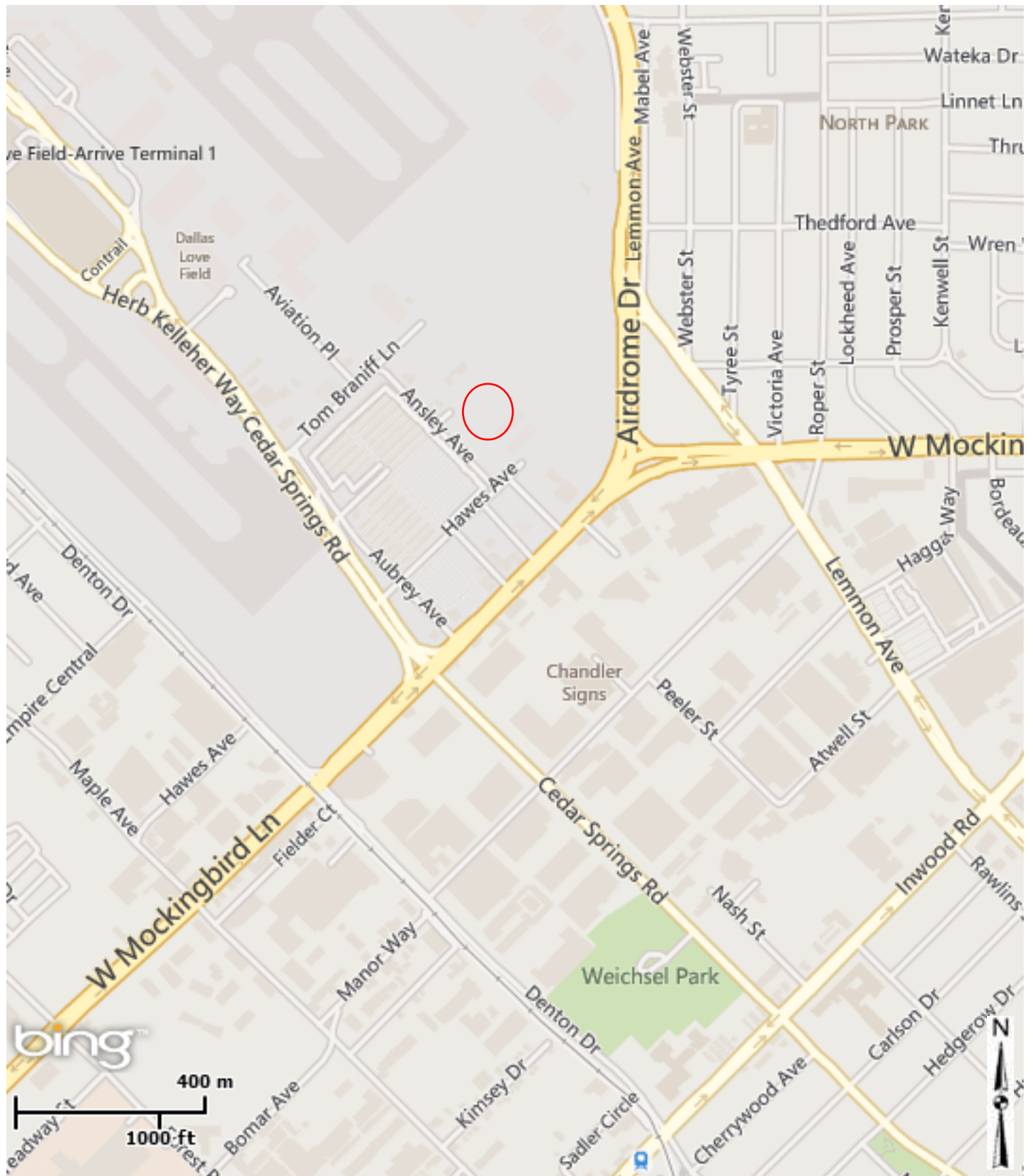
None

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	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>



Dallas Love Field Above Ground Fuel Storage Tank

3387 Hawes Avenue

November 10, 2015

WHEREAS, the installation of a fuel storage tank to support airside operations is needed to allow airport support and maintenance vehicles to remain in operation during temporary fuel delivery delays to Dallas Love Field; and,

WHEREAS, EJES, Inc. was awarded a professional services contract to complete construction documents for a fuel storage tank installation at Dallas Love Field as authorized by Resolution No. 14-1916, dated November 12, 2014; and,

WHEREAS, the following bids were received and opened on August 20, 2015 for construction of the fuel storage tank installation:

* Denotes lowest responsible bidder

<u>BIDDERS</u>	<u>BID AMOUNT</u>
*McCon Building & Petroleum Services, Inc. 8120 Jetstar Drive, Suite 150, Irving, TX 75063	\$299,393.00
United Pump Supply	\$321,255.32

and,

WHEREAS, it is now desirable to authorize a construction contract with McCon Building & Petroleum Services, Inc., the lowest responsible bidder of two, for an above-ground fuel storage tank installation at the Dallas Love Field Airport Maintenance Facility, located at 3387 Hawes Avenue, in an amount not to exceed \$299,393.00.

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 McCon Building & Petroleum Services, Inc. for construction of an above-ground fuel storage tank installation at the Dallas Love Field Airport Maintenance Facility, located at 3387 Hawes Avenue, in an amount not to exceed \$299,393.00, 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:

Aviation Capital Construction Funds Fund 0131, Dept. AVI, Unit 8748, Act. AAIP Obj. 4599, Program AVSTNK, CT AVIMCN1015 Vendor 513730, in an amount not to exceed	\$299,393.00
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November 10, 2015

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 10, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: Housing/Community Services
CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611
MAPSCO: N/A

SUBJECT

Authorize **(1)** preliminary adoption of Substantial Amendment No. 4 to the Neighborhood Stabilization Program Plan to receive and deposit program income in the amount of \$350,000; **(2)** an increase in appropriations in the amount of \$350,000 from \$4,000,000 to \$4,350,000 to be used for similar eligible activities; and **(3)** a public hearing to be held on December 9, 2015 to receive comments on Substantial Amendment No. ~~20~~ 4 to the Neighborhood Stabilization Program Plan – Financing: No cost consideration to the City

BACKGROUND

The Neighborhood Stabilization Program (NSP) funds may benefit low, moderate and middle income persons up to 120% Area Median Family Income (AMFI) for Dallas and 25% of the NSP funds must benefit low income persons up to 50% AMFI. The use of the funds must comply with the requirements under the Housing and Economic Recovery Act (HERA), the Community Development Block Grant regulations, the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970, and other federal requirements.

Notice to the public was provided of the allocation of NSP funds on October 23, 2008 and comments as to the use of funds were also requested. On November 17, 2008, the Housing Committee of the City Council was briefed on the NSP and reviewed recommendations for the use of funds. On November 19, 2008, City Council authorized the FY 2008-09 Consolidated Plan Reprogramming Budget #1 for the NSP funds, which included \$2.5 million for Acquisition, Demolition, and Redevelopment of Foreclosed and Abandoned Properties (ADR), \$4,639,300 for Acquisition, Rehabilitation, and Sell or Rent Foreclosed Properties (ARSR), and \$793,255 to provide for the administration, planning, oversight, reporting and implementation of projects to be funded by NSP over a four year period.

BACKGROUND (continued)

This council action will authorize (1) preliminary adoption of Substantial Amendment No. 4 to the Neighborhood Stabilization Program Plan to receive and deposit program income in the amount of \$350,000; (2) an increase in appropriations in the amount of \$350,000 from \$4,000,000 to \$4,350,000 to be used for similar eligible activities; and (3) a public hearing to be held on December 9, 2015 to receive comments on Substantial Amendment No. ~~20~~ 4 to the Neighborhood Stabilization Program Plan.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 26, 2011, City Council held a public hearing on Substantial Amendment No. 10 to the FY 2008-2009 Consolidated Plan for the Neighborhood Stabilization Program (NSP1); and at the end of the public hearing, authorized: **(1)** final adoption of Substantial Amendment No. 10 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program (NSP1); **(2)** the receipt and deposit of program income in the amount of \$1,200,000 in the Neighborhood Stabilization Program Fund; and **(3)** an increase in appropriations in the amount of \$1,200,000 to be used for similar eligible activities, by Resolution No. 11-2876.

On November 14, 2012, City Council authorized **(1)** preliminary adoption of Substantial Amendment No. 16 to the FY 2008-09 through 2012-13 Consolidated Plan for the Neighborhood Stabilization Program (NSP1) to receive and deposit program income in the amount of \$400,000; **(2)** an increase in appropriations in the amount of \$400,000, from \$3,400,000 to \$3,800,000 to be used for similar eligible activities; and **(3)** a public hearing to be held on December 12, 2012 to receive comments on Substantial Amendment No. 16 to the FY 2008-09 through 2012-13 Consolidated Plan for the NSP1, by Resolution No. 12-2799.

On April 10, 2013, City Council authorized **(1)** preliminary adoption of Substantial Amendment No. 19 to the 2008-09 through 2012-13 Consolidated Plan for the Neighborhood Stabilization Program (NSP1) to receive and deposit program income in the amount of \$200,000; **(2)** an increase in appropriations in the amount of \$200,000, from \$3,800,000 to \$4,000,000 to be used for similar eligible activities; and **(3)** a public hearing to be held on May 22, 2013 to receive comments on Substantial Amendment No. 19 to the 2008-09 through 2012-13 Consolidated Plan for the NSP1, by Resolution No. 13-0650.

Information about this item will be provided to the Housing Committee on November 2, 2015.

FISCAL INFORMATION

No cost consideration to the City

November 10, 2015

WHEREAS, on October 26, 2011, City Council held a public hearing on Substantial Amendment No. 10 to the FY 2008-2009 Consolidated Plan for the Neighborhood Stabilization Program (NSP1); and at the end of the public hearing, authorized: **(1)** final adoption of Substantial Amendment No. 10 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program (NSP1); **(2)** the receipt and deposit of program income in the amount of \$1,200,000 in the Neighborhood Stabilization Program Fund; and **(3)** an increase in appropriations in the amount of \$1,200,000 to be used for similar eligible activities, by Resolution No. 11-2876; and

WHEREAS, on November 14, 2012, City Council authorized **(1)** preliminary adoption of Substantial Amendment No. 16 to the FY 2008-09 through 2012-13 Consolidated Plan for the Neighborhood Stabilization Program (NSP1) to receive and deposit program income in the amount of \$400,000; **(2)** an increase in appropriations in the amount of \$400,000, from \$3,400,000 to \$3,800,000 to be used for similar eligible activities; and **(3)** a public hearing to be held on December 12, 2012 to receive comments on Substantial Amendment No. 16 to the FY 2008-09 through 2012-13 Consolidated Plan for the NSP1, by Resolution No. 12-2799; and

WHEREAS, on April 10, 2013, City Council authorized **(1)** preliminary adoption of Substantial Amendment No. 19 to the 2008-09 through 2012-13 Consolidated Plan for the Neighborhood Stabilization Program (NSP1) to receive and deposit program income in the amount of \$200,000; **(2)** an increase in appropriations in the amount of \$200,000, from \$3,800,000 to \$4,000,000 to be used for similar eligible activities; and **(3)** a public hearing to be held on May 22, 2013 to receive comments on Substantial Amendment No. 19 to the 2008-09 through 2012-13 Consolidated Plan for the NSP1, by Resolution No. 13-0650; and

WHEREAS, program income generated through Neighborhood Stabilization Program activities must be used for other Neighborhood Stabilization Program eligible activities.

NOW, THEREFORE,

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

SECTION 1. That the City Council hereby authorizes **(1)** preliminary adoption of Substantial Amendment No. ~~20~~ 4 to the Neighborhood Stabilization Program Plan to receive and deposit program income in the amount of \$350,000; **(2)** an increase in appropriations in the amount of \$350,000 from \$4,000,000 to \$4,350,000 to be used for similar eligible activities; and **(3)** a public hearing to be held on December 9, 2015 to receive comments on Substantial Amendment No. ~~20~~ 4 to the Neighborhood Stabilization Program Plan.

November 10, 2015

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit the NSP1 Program Income funds in the amount of \$350,000 in the Neighborhood Stabilization Program Fund NS08, Department HOU, Unit 413A, Revenue Source Code 8474.

SECTION 3. That the City Manager is hereby authorized to increase established appropriations from \$4,000,000 to \$4,350,000 in Fund NS08, Department HOU, Unit 413A.

SECTION 4. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loan or conditional grant, until such time as the loan and conditional grant documents are duly approved by all parties and executed.

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.