

City of Dallas

*1500 Marilla Street
Dallas, Texas 75201*



COUNCIL BRIEFING AGENDA

March 20, 2019

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

General Information

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

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act.

The Council agenda is available in alternative formats upon request.

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

Rules of Courtesy

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

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

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

Información General

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

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaría del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

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

Reglas de Cortesía

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

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

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

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

9:00 a.m. Invocation and Pledge of Allegiance 6ES

Special Presentations

Open Microphone Speakers

VOTING AGENDA 6ES

1. 19-397 Approval of Minutes of the February 6, 2019 City Council Meeting
2. 19-396 Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

BRIEFING

A. Right-of-Way Management: Proposed Process and Code Revisions 6ES

Closed Session 6ES

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

- Three Expo Events LLC v. City of Dallas, Cause No. 3:16-CV-00513-D; Cause No. 17-10632.
- The State of Texas, City of Dallas v. Dallas Pets Alive, Cause No. CC-18-00590-E; No. 19-0126 in the Supreme Court of Texas.
- Legal issues related to the Uniformed Services Employment and Reemployment Rights Act.

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

- Interview and discuss the qualifications and appointment of a candidate for the position of City Auditor. (City Council may split into interview panels and conduct interviews in Rooms L1FN-A, L1FN-B, and L1FN-C in City Hall and will return to Room 6ES in City Hall to discuss the qualifications and appointment of a candidate for the position of City Auditor).

Open Microphone Speakers

6ES

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

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

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

Memorandum



CITY OF DALLAS

DATE March 15, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Right-of-Way Management: Proposed Process & Code Revisions**

On Wednesday, March 20, 2019, Robert Perez, Interim Director of the Department of Public Works, will brief the City Council on Right-of-Way Management and the proposed revisions to processes, codes, and ordinances governing work in the City's right of way. The briefing materials are attached for your review.

Please feel free to contact me if you have any questions or concerns.

A handwritten signature in blue ink, appearing to read 'Majed A. Al-Ghafry'.

Majed A. Al-Ghafry, P.E.
Assistant City Manager

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Carol A. Smith, City Auditor (Interim)
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
Directors and Assistant Directors

Right-of-Way Management: Proposed Process & Code Revisions

**City Council Briefing
March 20, 2019**

**Robert M. Perez, Interim Director
Department of Public Works
City of Dallas**



Presentation Overview

- Background/History
- Purpose
- Implemented Actions
- Proposed Actions
- Next Steps

Background/History

- Construction in the City's right-of-way (ROW) is governed by:
 - Chapter 43 of the Dallas City Code
 - Pavement Cut and Repair Standards Manual
 - City of Dallas Traffic Barricade Manual
- City Council has raised concerns regarding construction being completed in the right-of-way

Background/History

- There is the need to:
 - Increase oversight of construction in the ROW
 - Implement more-stringent restoration requirements for street cuts in streets with high Pavement Condition Index (PCI) ratings
 - Maintain accessible walkways or pedestrian detours during construction
 - Accelerate traffic barricade removal (max. number of days) when idle or upon project completion
 - Evaluate and recommend revised City Codes on steel plates (noise concerns)

Background/History

- There is the need to (continued):
 - * Evaluate noise ordinance and waiver process
 - * Enhance regulations to reduce utility damage
 - * Coordinate work with other City departments and partners
 - Enhance public notification of construction activities
 - Explore alternative delivery methods for Public Works projects

** Note: Feedback from November 26, 2018 MSIS Committee meeting*

Background/History

- To address the concerns, staff evaluated and proposed revisions to existing processes, Codes, and Ordinances governing construction within the City's ROW
- Staff presented recommendations and sought feedback during briefings to the MSIS Committee on November 26, 2018 and the Mayor and Council on January 2, 2019

Background/History

- Staff also presented the proposed revisions to and sought feedback from contractors and ROW users during a meeting on February 22, 2019

Purpose

- The purpose of this briefing is to present and discuss actions that have been implemented or will be proposed for City Council consideration in the coming months
- Upon completion of this briefing, staff will request any revisions to proposed City Code or process changes before finalizing for City Council action or implementation

Implemented Actions

- Concern – Increased oversight of construction in the ROW:
 - Between August 1, 2018 and March 11, 2019, Public Works issued 314 citations for violations while working within the ROW
 - Through consolidating Public Works ROW positions and Transportation Traffic Coordination staff, (13) staff members are now licensed to issue citations
 - Staff will evaluate escalation of fines for repeat offenders; recommendations will be part of the FY 2020 budget discussions

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Proposed Actions

- Concern – More stringent restoration requirements for streets with high PCI ratings:
 - Revise Chapter 43, Sec. 43-139 (b) (2) of the Dallas City Code (DCC)
 - PCI of 70 for Concrete Streets requires replacement of the entire concrete panel from joint to joint
 - PCI of 70 or higher for Asphalt Streets requires seal coat treatment for the entire block
 - For PCI streets below 70, restoration required at a level of “as good or better” than before construction

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Proposed Actions

- Concern – Maintain accessible walkways or pedestrian detours during construction:
 - Revise Chapter 43, Sec. 43-139 (c) (19) of the Dallas City Code (DCC) to require the following on traffic control plans:
 - Necessary pedestrian sidewalk detours and walkways during active work
 - Temporary walkways or scaffolding required when no active work underway on sidewalk or when no danger posed to pedestrians

Proposed Actions

- Concern – Maintain accessible walkways or pedestrian detours during construction (continued): Example



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Proposed Actions

- Concern – Accelerate traffic barricade removal (max. number of days) upon project completion:
 - Chapter 28, Sec. 28-24 (1) of the Dallas City Code (DCC)
 - Traffic Barricade Manual states that traffic control shall be removed when not in use
 - Public Works will notify the responsible party of traffic control in the ROW and give 24-hours for removal – failure to remove will result in a citation

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Proposed Actions

- Concern – Evaluate and recommend revised City Codes on steel plates (noise concerns):
 - Revise Chapter 43, Sec. 43-139 (2) (d) of the Dallas City Code (DCC)
 - Add language to make it punishable for steel plates to, “...cause any loud and disturbing noises and vibrations.”

Proposed Actions

- Concern – Evaluate Noise Ordinance and waiver process
 - Chapter 30, Sec. 30-2 (8) of the Dallas City Code (DCC)
 - Establishes work hours for building construction activity adjacent to residential areas between 7:00 AM and 7:00 PM
 - Non-emergency ROW permits are approved by the guidelines above – deviation from the approved hours are evaluated on a case by case basis

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Proposed Actions

- Concern – Enhance regulations to reduce utility damages:
 - As part of each ROW Permit, the permittee is required to obtain plans and perform field investigations to locate private and public utilities
 - Revise Chapter 43, Sec. 43-141 (5) (h) of the Dallas City Code (DCC)
 - In addition to requiring the ROW Permit be on site, new requirement would include verification of utilities also be on site (811 and COD water/wastewater locating information)

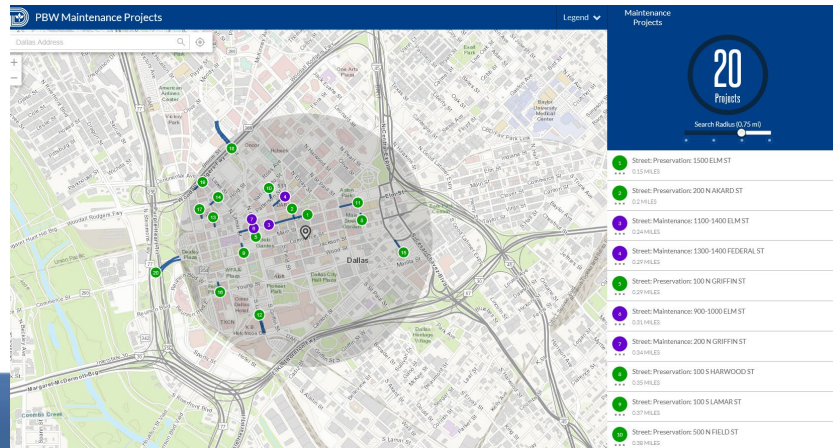
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Proposed Actions

- Concern – Coordinate work with other City departments and partners:
 - All work is coordinated by Traffic Coordinators as users apply for ROW/lane closure permits
 - Five-Year Infrastructure Management Program (IMP) is being shared with other City departments and partners to better coordinate future work

Map of IMP Projects

<https://gis.dallascityhall.com/srd/index.html>



Proposed Actions

- Concern – Enhanced public notification of construction:
 - Revise Chapter 43, Sec. 43-141 (i) (2) (A-E) of the DCC regarding Notice to the Public:
 - No notification needed if less than 24 hours without excavation and/or lane closure (examples: AT&T vault inspection or utility locates)
 - Notification needed if longer than 24 hours
 - Notification necessary if work involves excavation and/or lane closure

Proposed Actions

- Concern – Enhanced public notification of construction:
 - Revise Chapter 43, Sec. 43-141 (i) (2) (A-E) of the DCC to regarding Notice to Public
 - ROW work with excavation and/or a lane closure lasting more than 24 hours requires two separate construction notifications
 - Construction on a thoroughfare, arterial, or a community collector with extended traffic delays requires at least (2) portable Changeable Message Signs (CMS)

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Proposed Actions

- Concern – Explore alternative project delivery methods:
 - Competitive Bidding (currently used)
 - Competitive Sealed Proposals
 - Construction Manager-Agent
 - Construction Manager-At Risk
 - Design-Build Method

Proposed Actions

- Concern – Explore alternative project delivery methods (continued):
 - Competitive Bidding Method
 - Currently, all Department of Public Works construction projects* are procured utilizing this low bid method
 - Historically, change orders increase project cost up to 25%
 - Awards contract to “lowest responsible bidder”
 - Considers bidder’s skill, qualifications, financial resources, experience, honesty and integrity along with bid price, however, typically awarded to lowest bidder

*Excludes Office of the Bond Program projects

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Proposed Actions

- Concern – Explore alternative project delivery methods (continued):
 - Competitive Sealed Proposal Method
 - Most similar to Competitive Bid with a weighted selection criteria added to allow for “best value”
 - May only be used on “Civil Works projects” with a cost of \$1.5 million or less
 - Relevant contractor experience and qualifications may be equal or of greater importance than cost

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Proposed Actions

- Concern – Explore alternative project delivery methods (continued):
 - Construction Manager-Agent Method
 - Evaluation and selection is based on Construction Manager-Agent experience and qualifications
 - Allows one Manager-Agent to manage multiple contracts with various prime contractors

Proposed Actions

- Concern – Explore alternative project delivery methods (continued):
 - Construction Manager-At-Risk Method
 - Evaluation and selection is based on Construction Manager experience and qualifications
 - Successful project delivery is contingent upon collaboration and teamwork
 - Sets a Guaranteed Maximum Price (GMP) proposal

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Proposed Actions

- Concern – Explore alternative project delivery methods (continued):
 - Design-Build Method
 - One bidder delivers both design and construction
 - Highest ranked firm selected based on evaluation criteria such as design-build experience, qualifications, contractor matrix, etc. leading to contract negotiation
 - Limited to six “Civil Works projects” per municipality (population > 500,000) in any fiscal year
 - City’s standard evaluation can be readily customized and utilized

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Proposed Actions

- Procurement methods other cities are utilizing for Public Works projects

	Competitive Bidding	Competitive Sealed Proposals	Construction Manager-Agent	Construction Manager-At-Risk	Design-Build
Dallas*	Yes	No	No	No	No
Austin	Yes	Yes	Unknown	No	No
San Antonio	Yes	Yes	Unknown	Unknown	Yes
San Diego	Yes	Yes	Unknown	Yes	Yes
Boston	Yes	Unknown	Unknown	Unknown	Unknown
Phoenix	Yes	No	No	Yes	Yes

*Department of Public Works, excluding Office of the Bond Program, DWU, and Parks

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Proposed Actions

- Concern – Explore alternative project delivery methods (continued):
 - Use of Contractor Scoring Matrix in bidder evaluations for solicitations for public projects

Construction Score Matrix Example				
Project Name: PB 17VXXX	Maximum Points 100	Company 1	Company 2	Company 3
A - Experience, Background, and Qualifications for Prime Contractor	25	25	23	22
<i>B - Contractor Performance and Safety Record</i>	15	14	13	15
C - Subcontractor Experience	10	10	8	5
D - Proposed Plan	20	18	19	20
E - Price Schedule	15	15	13	12
F - MWBE Participation	15	15	15	15
TOTAL SCORE	100	97	91	89
RANK		1	2	3

Next Steps

- Finalize code/process changes for future City Council consideration
- Finalize the scoring matrix for awarding future contracts based on “best value” to the City and implement one of each applicable alternative bidding methods this fiscal year
- Continue refining post-construction feedback tools for the public and present recommendations to MSIS Committee in May 2019 as part of the IMP update

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Right-of-Way Management: Proposed Process & Code Revisions

**City Council Briefing
March 20, 2019**

**Robert M. Perez, Interim Director
Department of Public Works
City of Dallas**

