

QUALITY OF LIFE & ENVIRONMENT COMMITTEE  
DALLAS CITY COUNCIL COMMITTEE AGENDA

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CITY SECRETARY  
DALLAS, TEXAS

MONDAY, JUNE 13, 2016

CITY HALL

COUNCIL BRIEFING ROOM, 6ES

1500 MARILLA ST.

DALLAS, TEXAS 75201

9:00 A.M. – 11:00 A.M.

**Chair**, Councilmember Sandy Greyson  
**Vice-Chair**, Councilmember Tiffinni A. Young  
Councilmember Rickey D. Callahan  
Councilmember Mark Clayton  
Councilmember Philip T. Kingston  
Councilmember B. Adam McGough

Call to Order

1. Approval of May 23, 2016 Minutes

**BRIEFING**

2. Animal Services Enforcement

Kris Sweckard  
*Director, Code Compliance*

**BRIEFING MEMOS**

3. Proposed Amendments to Chapter 17- Food Establishments
4. Three-year Contract for Temporary Industrial Labor for Sanitation Services – Results Staffing, Inc.
5. Proposed Amendments to Chapter 47A – Transportation For Hire

**BRIEFING**

6. Resilient Dallas Update

Theresa O'Donnell  
*Chief Resiliency Officer*

A quorum of the City Council may attend this Council Committee meeting

7. **UPCOMING AGENDA ITEMS**

**JUNE 15, 2016**

- A. Agenda Item #12 - A resolution authorizing the City of Dallas to communicate its positions and requests regarding the Texas Commission on Environmental Quality's (TCEQ's) proposed State Implementation Plan for the Dallas-Fort Worth Region ozone pollution to the State of Texas, the TCEQ, and other agencies - Financing: No cost consideration to the City
- B. Agenda Item #14 - Authorize a Multiple Use Agreement with the Texas Department of Transportation (TxDOT) for the construction and maintenance of a natural surface trail within TxDOT right-of-way at Hines Park located at 9700 Harry Hines Boulevard - Financing: No cost consideration to the City
- C. Agenda Item #15- Authorize an application for a matching grant through the Collin County Parks and Open Space Project Funding Assistance Program in the amount of approximately \$660,000 for development of Moss Glen Park located at 5200 Bentwood Trail - Financing: This action has no cost consideration to the City
- D. Agenda Item #16 - Authorize a contract with Going Forward, Inc., best value proposer of three, for pavilion repairs at Hamilton Park located at 12225 Willowdell Drive - Not to exceed \$154,000 - Financing: 2006 Bond Funds
- E. Agenda Item #17 - Authorize a contract with Henneberger Construction, Inc., lowest responsible bidder of five, for fire line and fire lane improvements at Elm Fork Shooting Sports located at 10751 Luna Road - Not to exceed \$267,512 - Financing: 2006 Bond Funds (\$217,512) and Park and Recreation Beautification Funds (\$50,000)
- F. Agenda Item #20 - Authorize the first amendment to Contract No. 582-16-60016 with the Texas Commission on Environmental Quality to accept additional state grant funds to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2016 through August 31, 2017 - Not to exceed \$483,321, from \$477,811 to \$961,132 - Financing: Texas Commission on Environmental Quality Grant Funds
- G. Agenda Item #21 - Authorize (1) the second amendment to Contract No. 582-15-50121 with the Texas Commission on Environmental Quality to accept additional state grant funds in the amount of \$525,117, from \$1,050,234 to \$1,575,351 to continue the Air Pollution Compliance Program to provide investigative services and complaint responses within the City of Dallas for a one-year period, from September 1, 2016 through August 31, 2017; and (2) a local match in an amount not to exceed \$258,640 - Total not to exceed \$783,757, from \$1,567,514 to \$2,351,271 - Financing: Texas Commission on Environmental Quality Grant Funds (\$525,117) and Current Funds (\$258,640) (subject to appropriations)

- H. Agenda Item #22 - Authorize the third amendment to Contract No. 582-15-50031 with the Texas Commission on Environmental Quality to accept additional state grant funds to conduct the Rockwall Ambient Air Monitoring Program for the period September 1, 2016 through August 31, 2017 - Not to exceed \$28,054, from \$56,106 to \$84,160 - Financing: Texas Commission on Environmental Quality Grant Funds
- I. Agenda Item #23 - Authorize the third amendment to Contract No. 582-15-50039 with the Texas Commission on Environmental Quality to accept additional grant funds in the amount of \$67,587 for air quality monitoring of the particulate matter 2.5 network for the period September 1, 2016 through August 31, 2017 - Not to exceed \$67,587, from \$135,173 to \$202,760 - Financing: Texas Commission on Environmental Quality Grant Funds
- J. Agenda Item #56 - A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Ryan Street Developers, LLC, JCR Team LLC, and Hugh W. Rucker located near the intersection of Ryan and Luna Roads and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Ryan Street Developers, LLC, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
- K. Addendum Item - Authorize an application to the Texas Commission on the Arts under the Cultural Districts Program to designate Fair Park as a Cultural District – Financing: No cost consideration to the City
- L. Authorize an amendment to the Municipal Maintenance Interlocal Agreement with the Texas Department of Transportation (TxDOT) to authorize the City to mow, clean, and control litter on state highway rights-of-way for an additional five years (list attached) - Financing: Current Funds (General Fund is currently funding the maintenance for TxDOT rights-of-way maintenance at an estimated cost of \$2,391,800 annually; of which \$871,000 is reimbursed by TxDOT)
- M. Authorize a Landscape Maintenance Agreement with the Texas Department of Transportation for the City to maintain the median, planters and bridge crossings related landscape improvements of succulent plantings along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT

**JUNE 22, 2016**

- N. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 9371 Garland, LLC and the City of Dallas, located near the intersection of Garland Road and N Buckner Boulevard and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to 9371 Garland, LLC, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

- O. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Willow Building 3800 Ltd., located near the intersection of Willow Street and Commerce Street and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Willow Building 3800 Ltd., by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
- P. Authorize a contract with MART, Inc., best value proposer of four, for a new recreation center at Singing Hills Recreation Center located at 6805 Patrol Way - Not to exceed \$4,470,001 - Financing: Park and Recreation Program Funds (\$500,000), Capital Construction Funds (\$900,000), 2006 Bond Funds (\$147,082), and General Obligation Commercial Paper Funds (\$2,922,919)
- Q. Authorize a development agreement with Pacific Plaza, LLC for schematic design of Pacific Plaza located at 401 North Harwood Street - Financing: No cost consideration to the City
- R. Authorize a Memorandum of Understanding with the Trust for Public Land (TPL) in order to implement the proposed Smart Growth for Dallas program – Financing: No cost consideration to the City

Adjourn



Sandy Greyson, Chair  
Quality of Life & Environment Committee

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

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

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 pistola 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.\*

# Quality of Life & Environment Committee Meeting Record

**Meeting Date:** May 23 , 2016

**Convened:** 9:09 AM

**Adjourned:** 10:45 AM

**Members Present:**

Sandy Greyson (Chair)  
Tiffinni A. Young (Vice-Chair)  
Rickey D. Callahan  
Mark Clayton  
Philip T. Kingston  
B. Adam McGough

**Members Absent:**

**Council Members Present:**

**Briefing Presenters**

Margaret Wright  
Assistant Director, 3-1-1 Dallas

Sandy Greyson, Chair,  
Quality of Life and Environment  
Committee

William Madison, Interim  
Director, Environmental Quality

David Cossum, Director,  
Sustainable Development and  
Construction

**Guests:**

Lon Burnam, Former Texas State Representative, District 90

**Staff Present:**

Anne Adele, Liza Bustamante, David Cossum, Neva Dean, Jill Jordan, Raymond Lee, Kevin Lefebvre, William Madison, Catrina M. Shead, Kevin Overton, Tammy Palomino, Kris Sweckard, Bert Vandenberg, Janette Weedon, Rick White, Crystal Woods, Margaret Wright, Joey Zapata

**AGENDA:**

1. **Approval of May 9, 2016 Minutes**

**Information Only**

**Presenter(s):**

A motion was made to approve the minutes of May 9, 2016.

**Action Taken/Committee Recommendation(s):** Approve minutes of May 9, 2016

**Motion made by:** Mark Clayton

**Motion seconded by:** Rickey D. Callahan

**Item passed unanimously:**

**Item passed on a divided vote:**

**Item failed unanimously:**

**Item failed on a divided vote:**

**2. 311 – Customer Interactions and Managing Goals**

**Presenter(s):** Margaret Wright

**Information Only**

An overview of the 311 Customer Service Center was presented to the committee on May 9, 2016, and committee discussion resumed on May 23, 2016.

The Chair requested the presentation of a briefing on the status of Dallas animal enforcement in June 2016.

CM Young requested a copy of the raw data from the monthly post-call survey results.

**Action Taken/Committee Recommendation(s):**

**Motion made by:**

**Motion seconded by:**

**Item passed unanimously:**

**Item passed on a divided vote:**

**Item failed unanimously:**

**Item failed on a divided vote:**

**3. Consideration of a Resolution Regarding the Proposed State Implementation Plan for DFW Ozone Pollution**

**Presenter(s):** Sandy Greyson, Chair and William Madison

**Information Only**

The Committee considered a resolution regarding the proposed State Implementation Plan for DFW Ozone pollution by the Office of Environmental Quality.

**Action Taken/Committee Recommendation(s):**

CM Kingston moved to send the resolution to full council for the first available voting agenda with the recommendation for approval from this Committee.

**Motion made by:** Philip T. Kingston

**Motion seconded by:** Mark Clayton

**Motion opposed by:** B. Adam McGough

**Item passed unanimously:**

**Item passed on a divided vote:**

**Item failed unanimously:**

**Item failed on a divided vote:**

**4. Parking Requirements for Retail and Personal Services Uses Utilizing Outdoor Areas**

**Presenter(s):** David Cossum

**Information Only**

The Committee received a briefing on parking requirements for retail and personal service use utilizing outdoor areas.

**Action Taken/Committee Recommendation(s):** CM Callahan motioned have the parking requirements reviewed by ZOC as well as CPC and for both departments to bring their recommendations back to the Committee for a briefing before going to full council.

**Motion made by:** Rickey D. Callahan

**Motion seconded by:** Philip T. Kingston

**Motion opposed by:**

**Item passed unanimously:**

**Item passed on a divided vote:**

**Item failed unanimously:**

**Item failed on a divided vote:**

**5. Upcoming Agenda Items**

**Presenter(s):**

**Information Only**



Information about the following upcoming items on the May 25, 2016 Council Agenda was included in the briefing materials:

- A. Authorize a contract with Phoenix I Restoration and Construction, Ltd., best value proposer of five, for renovations at Bachman Recreation Center located at 2750 Bachman Drive - Not to exceed \$576,240 - Financing: 2006 Bond Funds
- B. An ordinance amending Chapter 43A, "Swimming Pools," of the Dallas City Code by **(1)** amending definitions, enforcement authority, and safety standards for public and semi-public pools and spas; **(2)** adding Section 43A-3.1, incorporating Texas Health and Safety Code Regulations for multiunit pool enclosures; **(3)** adding Article IV on spa safety standards; and **(4)** making conforming changes; and providing a penalty not to exceed \$2,000 - Financing: No cost consideration to the City
- C. Authorize Supplemental Agreement No. 3 to the contract with Biggs & Mathews Environmental, Inc. to exercise the second of three, twelve-month renewal options to the professional engineering contract for hydrogeology and groundwater monitoring at McCommas Bluff landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station - Not to exceed \$153,539, from \$995,430 to \$1,148,969 - Financing: Sanitation Current Funds (subject to annual appropriations)
- D. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Extra Space Properties Two LLC located near the intersection of South Haskell Avenue and Interstate Highway 30 and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of municipal setting designation to Extra Space Properties Two LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designation property as portable water – Financing; No cost consideration to the City

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**Councilmember Sandy Greyson**

Chair

# Memorandum



CITY OF DALLAS

DATE June 10, 2016

Honorable Members of the Quality of Life & Environment Committee: Sandy Greyson (Chair), Tiffinni A. Young  
TO (Vice-Chair), Mark Clayton, Rickey D. Callahan, Phillip T. Kingston, B. Adam McGough

SUBJECT **Animal Services Enforcement**

On Monday, June 13, 2016 the Quality of Life and Environment Committee will be briefed on Animal Services Enforcement. A copy of the briefing is attached for your review.

Please contact me if you have any questions.

A handwritten signature in blue ink, appearing to read 'Joey Zapata', with a long horizontal line extending to the right.

Joey Zapata  
Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Christopher D. Bowers, Interim City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Eric D. Campbell, Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Animal Services Enforcement

Briefing to Quality of Life & Environment Committee  
June 13, 2016



# Purpose

- Review council member requested policy changes
  - Required microchipping of pets
  - Required insurance policy for dogs identified as dangerous breeds
  - Enhanced and more stringent penalties for non-compliant owners
  - Required partnership between 311, Dallas Police Department and Dallas Animal Services
  - Improved training and quality control for 311 operators
  - Appointment of a dog czar focused on stray dogs and animal cruelty
  - Creation of a loose animal force focused solely on rescuing animals
  - Creation of a separate animal services department
- Additional policy discussion regarding:
  - Spay/neuter requirements
  - Impounded animal holding periods

# Mandatory Microchipping

- Current Situation
  - Chapter 7 – Animals of the Dallas City Code requires a microchip implant when:
    - Redeeming an impounded animal from a city animal shelter
    - Owning a dog deemed dangerous
  - Additionally, as a policy, animals adopted from Dallas Animal Services are implanted with a microchip
- Possible enhancement to current microchip requirements
  - Make microchips mandatory
    - All dog owners must microchip pets and update ownership records
    - Issue citations for failure to microchip
- Additional Information
  - Currently, microchip fee at DAS is \$15; City's cost is \$21

# Breed-Specific Insurance

- Current Situation
  - Texas State Health & Safety Code (Sec. 822.047) prohibits breed-specific legislation
  - Chapter 7 – Animals of the Dallas City Code requires the owner of a dog deemed dangerous to obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the director
- Possible enhancements to existing dangerous dog ordinance
  - Increase insurance requirement
    - State and City laws stipulate “in the amount not less than \$100,000”
  - Strengthen impoundment requirements pending hearing
    - Currently, director may impound a dog at owner’s expense pending investigation and determination of whether it is a dangerous dog when it has caused bodily injury to any person

# Enhanced Penalties

- Current Situation
  - Chapter 7 – Animals of the Dallas City Code states an offense is punishable by a fine not to exceed:
    - (1) \$2,000 if the provision violated governs public health or sanitation;
    - (2) the amount fixed by state law if the violation is one for which the state has fixed a fine; or
    - (3) \$500 for all other offenses.
  - Chapter 7 – Animals also sets minimum fine amounts, unless specifically provided otherwise in the chapter or by state law, of \$50, \$100, and \$150 for first convictions of various violations
    - Minimum fines will be doubled for the 2nd conviction of the same offense within any 24-month period and tripled for the 3rd and subsequent convictions of the same offense within any 24-month period

# Enhanced Penalties

- The following “window fines” are in place for relevant animal-related criminal citations

Offense Code	Offense Description	Base Fine	Fees/ Cost	Total
5001	FAILURE TO SURRENDER FOR QUARANTINE	\$200	\$71	\$271
5004	DOG AT LARGE	\$85	\$71	\$156
5007	FAILURE TO HAVE DOG VACCINATED FOR RABIES	\$130	\$71	\$201
5011	DOG OR CAT NOT REGISTERED	\$85	\$71	\$156
5018	DOG OR CAT NOT SPAYED OR NEUTERED	\$135	\$71	\$206
5021	DOG OR CAT NOT WEARING COLLAR W/RABIES TAG	\$150	\$71	\$221
5024	DOG OR CAT NOT WEARING COLLAR W/REGISTRATION TAG	\$85	\$71	\$156
5025	FAILURE TO SHOW ANIMAL VACCINATION	\$150	\$71	\$221
5026	FAILURE TO SHOW ANIMAL REGISTRATION	\$85	\$71	\$156
5037	OWNS MORE THAN MAX NUMBER OF ANIMALS	\$85	\$71	\$156

# Enhanced Penalties

- The following “window fines” are in place for relevant animal-related civil citations

Offense Code	Offense Description	Base Fine	Fees/ Cost	Total
C5001	CIVIL-FAILURE TO SURRENDER FOR QUARANTINE	\$200	\$36	\$236
C5004	CIVIL-DOG AT LARGE	\$85	\$36	\$121
C5006	CIVIL-DOG OR CAT NOT VACCINATED FOR RABIES	\$150	\$36	\$186
C5011	CIVIL-DOG OR CAT NOT REGISTERED	\$85	\$36	\$121
C5018	CIVIL-DOG OR CAT NOT SPAYED OR NEUTERED	\$135	\$36	\$171
C5021	CIVIL-DOG OR CAT NOT WEARING COLLAR W/RABIES TAG	\$150	\$36	\$186
C5024	CIVIL-DOG OR CAT NOT WEARING COLLAR W/REGISTRATION TAG	\$85	\$36	\$121
C5025	CIVIL-FAILURE TO SHOW ANIMAL VACCINATION	\$150	\$36	\$186
C5026	CIVIL-FAILURE TO SHOW ANIMAL REGISTRATION	\$85	\$36	\$121
C5037	CIVIL-OWNS MORE THAN MAX NUMBER OF ANIMALS	\$85	\$36	\$121

# Enhanced Penalties

- Current Situation
  - Prosecution does not prevent the use of civil enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense
  - In addition to imposing a criminal penalty, the city may, in accordance with Section 54.012(5) and (10) of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter
    - The civil action may include, but is not limited to, a suit to recover a civil penalty pursuant to Section 54.017 of the Texas Local Government Code not to exceed \$1,000 for each day or portion of a day during which each violation is committed, continued, or permitted
  - As an alternative to imposing a criminal penalty, the city may, as authorized by Section 54.044 of the Texas Local Government Code, impose administrative penalties, fees, and court costs in accordance with Article IV-b of Chapter 27 of this code for an offense under this chapter
- Possible Enhancement
  - Use City's Legislative Agenda to support a Class A or B misdemeanor for bodily injury
    - State Law currently has statute only for serious bodily injury or death
- Additional Information
  - Dallas Marshal's Office was asked to prioritize serving warrants for individuals with multiple animal-related citations

# Required Partnership for 311, DPD, and DAS

- Current Situation
  - 311 receives all service requests for DAS and together they use the Customer Service Request (CSR) system and Chameleon system
    - 311 also dispatches high priority call types to Animal Service Officers
  - Dallas Police Department (DPD) uses the Computer Aided Dispatch (CAD) system to receive calls to 911 and dispatch police officers
  - 311 dispatch and DPD 911 dispatch routinely communicate with each other to dispatch resources based on needs of the caller
  - Review of Antoinette Brown death indicated a number of gaps where tighter partnership between DAS and DPD is needed
- On-going Actions
  - Deputy Chief and other DPD staff assigned to DAS to improve communications, policies, and operations between departments
    - QOL will receive periodic updates on these improvements
  - Public service announcements to call 911 for animal attacks in progress

# Improved Training & Quality Control for 311 Customer Service Agents

- Current Situation

- “Hiring our own” temp-to-permanent agents (initiated in January 2016) resulting in improved candidate quality

Training Topic	Training method	Length of training
Customer Service	Classroom	8 hours; reinforced throughout entire training period
City of Dallas organization	Classroom	4 hours; reinforced throughout entire training period
Motorola CRMS navigation; Familiarity with request types	Classroom, hands-on, field visits, knowledgebase	6 Weeks
Basic Water Customer Service	Classroom & hands-on	2 weeks
Call-taking and service request creation	On-the-Job	2 - 4 weeks

- On-going Actions

- Web-based refresher training for agents with pre- and post-training testing to be implemented by September 2016

# Improved Training & Quality Control for 311 Customer Service Agents

- Current Situation
  - All calls recorded and saved for 30 days
  - Quality monitoring: Agent has 8 calls reviewed and scored each month by Quality Assurance staff and agent's supervisor
  - Call “calibration”—311 supervisors, operations manager, and QA staff conduct monthly group scoring sessions to ensure consistent scoring and coaching across monitors
  - Any call resulting in a complaint is immediately reviewed and scored; as appropriate, agent is coached or disciplined
- On-going Action
  - Quality monitoring software

# Dog Czar for Strays & Cruelty

- Current Situation
  - Chapter 2 of the Dallas City Code establishes the Animal Advisory Commission as an advisory body to the City Manager and the City Council to assist in complying with state law and city ordinances pertaining to the operation of an animal shelter
    - Each Council Member appoints one member to the commission, Mayor appoints the chair, and full City Council appoints the vice-chair
  - A working group was formed in April to improve the reporting, investigation, and prosecution of animal cruelty cases and report to the Commission and Committee by October 2016
- On-going Actions
  - Embedded DPD staff into DAS to improve focus on loose dogs and dog attacks
    - Committee will receive periodic updates on these improvements
    - Animal cruelty improvements have been combined into DPD-DAS partnership and will be reported in periodic updates

# Loose Animal Force

- Current Situation
  - Dallas Animal Service currently has 145 permanent and temporary positions, of which 36 are Animal Services Officers (ASOs) and 5 are Sr. Animal Services Officers
    - ASOs respond to animal service requests based on priority (loose, neglect, bite, attack in progress, confined, limits, registration, etc.)
    - Also provide rabies quarantine services, euthanasia, animal interactions training to city departments, emergency/disaster response
    - In FY15-16 budget, City Council added 15 positions as part of the Southern Dallas Initiative
- Possible Enhancements
  - Increased impounds by ASOs through options to increase capacity at shelter
    - Improved staffing levels must be maintained
  - Add ASOs to restore deep night coverage
    - Cost of each ASO and equipment is approximately \$85,000 per year
    - Additional ASOs would require additional supervisors/managers and support staff

# Separate Animal Services Department

- Current Situation
  - The City has engaged Boston Consulting Group (BCG) in an 11-week project to create a city-wide Strategic Plan
    - Comprehensive analysis of issues and come up with recommendations based on best practices
    - Other policy changes to strengthen enforcement and reduce loose dogs and animal attacks
    - Will include looking at whether Dallas Animal Services should remain under Code Compliance in the City's organizational structure
- Recommendation
  - Await completion of Strategic Plan to guide improved governance of animal services

# Additional Discussion: Spay/Neuter Requirements

- Current Situation
  - Chapter 7 of Dallas City Code requires dogs and cats to be spayed/neutered with the following exclusions:
    - Under six months of age
    - Health reasons, as certified by a licensed veterinarian
    - Held for sale by a retail pet store or adoption
    - Competition cat or competition dog
    - Service animal
    - Owner holds a valid intact animal permit
  - An intact animal permit (\$100) may only be issued for a dog or cat:
    - Currently in compliance with vaccination and registration requirements
    - With a microchip implant
    - Whose owner is a member of a purebred dog or cat club, approved by the director, that maintains and enforces a code of ethics for the breed; or whose owner has, at the owner's expense, satisfactorily completed a course on responsible pet ownership offered by the city or otherwise approved by the director

# Additional Discussion: Spay/Neuter Requirements

- Current Situation
  - Annual registration fee:
    - \$7 for a spayed or neutered dog or cat
    - \$30 for an unsterilized dog or cat
  - Each dog or cat adopted from DAS is spayed or neutered prior to release of the animal to the adopter, unless:
    - The dog or cat is under six months of age
    - A licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile
    - Adopter signs a sterilization agreement for an unsterilized pet under six months of age to be released from DAS for adoption
- Possible Enhancement
  - Impound animals for failure to sterilize, instead of issuing citations
    - Over 80% of animal attacks involve unsterilized male dogs
  - Budget to provide free surgeries to improve compliance

# Additional Discussion: Impound Hold Periods

- Current Situation
  - The redemption period for an animal impounded, other than for quarantine or pursuant to a court order, is:
    - 3 days after the date of impoundment
    - 10 days after the date of impoundment if:
      - Animal has a legible tag or a microchip implant identifying owner; or
      - Director has reason to believe the animal has an owner
    - 10 days after the date of impoundment for animals held in protective custody
- Possible Enhancements
  - Shorter hold periods would allow for more impounds
    - San Antonio, Austin, and Fort Worth have minimum 3-day hold for all animals
    - Increase outreach to rescues to help save dogs
  - Eliminate hold times on community cats, underage animals, and/or strays impounded from designated areas with high incidence of injuries by animals

# Next Steps

- Seek Committee guidance on policy changes for Council action
- Provide periodic updates to Committee on improvements from DPD-DAS partnership

# Memorandum



DATE June 10, 2016

TO Honorable Members of the Quality of Life & Environment Committee: Sandy Greyson (Chair),  
Tiffinni A. Young (Vice Chair), Rickey D. Callahan, Mark Clayton, Philip T. Kingston, B. Adam McGough

SUBJECT Proposed Amendments to Chapter 47A – Transportation for Hire

This briefing memorandum provides an update on the regulation of transportation for hire and provides recommended changes to Chapter 47A.

The current Chapter 47A went into effect on April 30, 2015, redefining transportation for hire services as any ride for compensation, including motorized and non-motorized vehicles. It encouraged market competition by allowing new business models to operate, streamlined the permitting process and reduced fees. Different modes of transportation for hire companies can now compete directly against each other and consumers have a choice of what type of service to use. The regulations focus on issues that are important to the City, including:

- Driver qualification
- Vehicle safety and appearance
- Insurance
- Consumer choice
- Quality service

In order to provide transportation for hire service in Dallas, an operating authority, driver permit and vehicle permit are required under this ordinance. A driver permit and vehicle permit may be used under any or several operating authorities, as long as the operating authorities are valid and their insurance is in compliance with Chapter 47A.

At the same time, process improvements such as providing an online application for permits, distributing permits electronically, and using multiple outside vendors for vehicle inspection (currently 68 inspection sites), insurance, background and driving record checks have reduced the fees and the response time to process permit applications. Allowing newer business models to operate in Dallas and standardizing the regulation for all types of business models has increased the availability of transportation for hire services for Dallas customers. Following the introduction of this new ordinance, the total number of permits issued increased from 11,108 to 45,631 in the last year.

Proposed Amendments to Chapter 47A – Transportation for Hire  
June 10, 2016

The following proposed amendments to Chapter 47A are intended to further clarify and streamline regulations:

<b>Potential Amendments</b>	<b>Staff Comments/Concerns</b>
Prohibit ownership or control of vehicle inspection stations by a permitted TFH operating authority	Transportation-for-Hire companies with operating authorities have partnerships, agreements, or ownership in vehicle inspection stations in the city of Dallas.
Synchronize vehicle inspection due date with vehicle registration due dates	Allows for a vehicle inspection and state registration to be performed at the same location.
Require operating authorities that track vehicle location and availability electronically to provide real-time vehicle location and availability information to ground transportation tracking system	Real time information will provide the exact time, place, and event for Love Field Ground Transportation to determine fees and transportation-for-hire availability.
Clarify exception for DART vehicles	Transportation-for-Hire companies have paratransit contracts/agreements with DART to transfer Medicare/Medicaid patients to medical facilities.
Clarify exception for shuttles regulated by the state or federal governments	A clear distinction does not exist to regulate or not regulate transportation-for-hire companies that are regulated by state and federal authorities.
Clarify that an operating authority applicant must show that an insurance company has bound itself to provide the required insurance	Insurance companies submit information that they will cover an operating authority company but that doesn't necessarily mean they have bound themselves to provide the required insurance for the ordinance.
Clarify that an operating authority's insurer notifies the city in advance if there is a reduction in coverage	Eliminates transportation-for-hire companies from reducing coverage within a year while maintaining the same insurance policy until its expiration date.
Streamline 31 point inspection process	Reduction in time to conduct an inspection and eliminates loading a vehicle onto a lift.

An ordinance with these recommended changes will be presented for consideration in August, 2016.

Proposed Amendments to Chapter 47A – Transportation for Hire  
June 10, 2016

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



Joey Zapata  
Assistant City Manager

Attachment

c:     Honorable Mayor and Members of the City Council  
       A.C. Gonzalez, City Manager  
       Christopher D. Bowers, Interim City Attorney  
       Craig D. Kinton, City Auditor  
       Rosa A. Rios, City Secretary  
       Daniel F. Solis, Administrative Judge  
       Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Eric D. Campbell, Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

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

An ordinance amending Chapter 17, “Food Establishments,” of the Dallas City Code by amending Sections 17-1.1, 17-1.5, 17-1.6, 17-2.1, 17-2.2, 17-3.1, 17-3.2, 17-4.1, 17-4.2, 17-5.1, 17-5.2, 17-6.1, 17-6.2, 17-7.1, 17-8.1, 17-8.2, 17-9.1, 17-9.2, 17-10.1, 17-10.2, 17-11.2, 17-12.1, 17-13.1, and adding Section 17-14.1; adopting new food establishment rules promulgated by the Texas Department of State Health Services; providing additional requirements for certain equipment; providing additional requirements for mobile food establishments; providing additional requirements for temporary food establishments; providing additional requirements for variances for dog friendly patios; providing certain Heimlich maneuver poster display requirements; making conforming changes; providing a penalty not to exceed \$2000; providing a savings clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 17-1.1, “Purpose,” of Article I, “Food Establishments Generally,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-1.1. PURPOSE.**

The purpose set forth in Section 228.1 [~~229.161~~] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference.”

SECTION 2. That Section 17-1.5, “Definitions,” of Article I, “Food Establishments Generally,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-1.5. DEFINITIONS.**

(a) Except for the terms defined in Subsection (b), t[F]he definitions set forth in Section 228.2 [229.162] of the Texas Food Establishment Rules are hereby adopted and made a part of this chapter by reference~~[, except that the definitions for “adulterated food,” “child care center,” “department,” “food establishment,” “mobile food establishment,” “permit,” “person in charge,” “premises,” “pusheart,” “regulatory authority,” “roadside food vendor,” and “temporary food establishment” contained in Section 229.162 are not adopted].~~

(b) In addition to the definitions adopted in Subsection (a), the following terms have the following meanings in this chapter:

(1) ADULTERATED means the condition of food that:

(A) contains a poisonous or deleterious substance in a quantity that may render it injurious to health; or

(B) contains an added poisonous or deleterious substance:

(i) for which no safe tolerance has been established or accepted by a governmental agency; or

(ii) in excess of a safe tolerance, established or accepted by a governmental agency; or

(C) consists in whole or part of a filthy, putrid, or decomposed substance; or

(D) is unsafe for human consumption; or

(E) was processed, prepared, or otherwise handled under an unsanitary condition that may have contaminated the food or rendered it injurious to health; or

(F) is in whole or part the product of a diseased animal or an animal that did not die by slaughter; or

(G) the container of which is composed in whole or part of a poisonous or deleterious substance that may render the food injurious to health; or

(H) is not in a safe, sound condition, free from spoilage, filth, and other contamination.

(2) CATERING SERVICE means a food establishment, other than a mobile food preparation vehicle, that:

(A) prepares or serves food on premises in control of another; or

Appendix A

(B) prepares food on the premises of a fixed food establishment and delivers the food to a different location to be served.

(3) COMMISSARY means a food establishment that serves as an operating base for a mobile food establishment and where:

(A) food, containers, or supplies are kept, handled, prepared, packaged, or stored for use by a mobile food establishment; and

(B) a mobile food establishment is stored, parked, serviced, cleaned, supplied, and maintained.

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

(5) DIRECTOR means the director of the department, the city health authority, or the environmental health officer and includes representatives, agents, or city employees designated by the director of the department, the city health authority, or the environmental health officer to enforce or administer this chapter; except that, in Section 17-10.2(p), the term refers only to the director of the department.

(6) EXTENSIVELY REMODELLED means the expenditure of at least \$25,000 [~~40,000~~] or an amount equal to at least 10 percent of the assessed value of the facility, whichever is more, for the purpose of repairs or remodeling, but does not include:

(A) expenditures for the replacement of movable equipment; or

(B) remodeling that does not affect the construction or operation of food storage or food preparation areas or areas used to store or clean utensils and equipment used in food storage or food preparation.

(7[6]) FOOD ESTABLISHMENT:

(A) The term means an operation that:

(i) sells, stores, prepares, packages, serves, or otherwise provides food for human consumption such as: a food service establishment; retail food store; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; remote catered operations; conveyance used to transport people; institution; or food bank; and

(ii) relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

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(B) The term includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; a restaurant; a grocery store; an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off premises; and regardless of whether there is a charge for the food.

(C) The term does not include a produce stand that only offers whole, uncut fresh fruits and vegetables or an establishment that offers only prepackaged foods that are not time/temperature control for safety [~~potentially hazardous~~], except that the term does include an establishment that sells ice cream, frozen custard, soft serve dairy products, gelato, or other frozen desserts.

(~~8~~[7]) MOBILE FOOD ESTABLISHMENT means a vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes, but is not limited to, mobile food preparation vehicles and pushcarts.

(~~9~~[8]) NON-FOOD CONTACT SURFACE means a surface (including, but not limited to, a shelf, counter, fan, or an exterior part of equipment) that does not normally come into contact with food in the operation of a food establishment.

(~~10~~[9]) PERMIT means the document issued by the department that authorizes a person to operate a food establishment.

(~~11~~[~~10~~]) PERSON IN CHARGE means the individual present in a food establishment who is the apparent supervisor of the food establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

(~~12~~[~~11~~]) PREMISES means:

(A) the physical facility, its contents, and the contiguous land or property under the control of the permit holder; or

(B) the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger operation.

(~~13~~[~~12~~]) RECONSTITUTED means the recombining of dehydrated food products with water or other liquids.

(~~14~~[~~13~~]) REGULATORY AUTHORITY means the director.

(~~15~~[~~14~~]) SAFE TEMPERATURE means a temperature of not more than 41 degrees Fahrenheit (5 degrees Centigrade) or not less than 140 degrees Fahrenheit (60 degrees

Centigrade). The symbols “°F.” and “°C.” are used in this chapter to refer, respectively, to degrees Fahrenheit and degrees Centigrade.

(16[15]) SEAL means to close the junction between surfaces in a way that prevents entry of moisture.

(17[16]) TEMPORARY FOOD SERVICE ESTABLISHMENT means:

(A) a food establishment that operates at a fixed location for a limited period of time in conjunction with:

(i) a plaza event for which a permit has been issued by the city under Chapter 35;

(ii) a special event for which a permit has been issued by the city under Chapter 42A;

(iii) a special event conducted with written permission of the city on property under the control of the park and recreation board, on property of the “convention center” or “reunion arena” as defined in Section 43-127 of this code, or on property of the “municipal produce market” as defined in Section 29-3 of this code;

(iv) a temporary carnival or circus conducted with written authorization of the building official under Section 51A-4.206(2) of the Dallas Development Code;

(v) an activity or event conducted entirely inside a facility that is primarily and routinely used to hold exhibitions, conventions, concerts, symphonies, plays, sporting events, or similar activities or events at which food is customarily served or offered for sale;

(vi) a single event or celebration conducted on any nonresidential premises as an accessory use under Section 51A-4.217 of the Dallas Development Code; or

(vii) a neighborhood farmers market for which a permit has been issued under Chapter 29A of this code; or

(B) a concessionaire operating under a seasonal contract with the city on property owned or operated by the city.

(18[17]) TEXAS FOOD ESTABLISHMENT RULES means the rules of the Texas Department of State Health Services found in Title 25 Texas Administrative Code, Chapter 228, as amended [~~Chapter 229, Subchapter K (effective date March 15, 2006)~~].”

SECTION 3. That Subsection (a) of Section 17-1.6, “Defenses for Certain Types of Activities,” of Article I, “Food Establishments Generally,” of Chapter 17, “Food Establishments” of the Dallas City Code is amended to read as follows:

**“SEC. 17-1.6. DEFENSES FOR CERTAIN TYPES OF ACTIVITIES.**

(a) It is a defense to prosecution under this chapter that, at the time of the offense, the person charged was:

(1) conducting food operations that are licensed, and inspected at least once a year, under federal or state law (as illustrated by, but not limited to, milk producers, day care facilities, nursing homes, and meat processors);

(2) selling, distributing, transporting, or storing a raw agricultural commodity (including, but not limited to, raw vegetables and fruit, and pure honey) by the original producer, provided that the sale, distribution, transportation, or storage is on property owned or leased by the original producer;

(3) selling, distributing, or serving food at an event, party, or other special gathering that is not open to persons other than the members or invited guests of the sponsor, provided that there is no public advertisement of the event, public solicitation of funds at or for the event, or participation by the general public in the event;

(4) conducting the retail sale or distribution of non-time/temperature control for safety [~~potentially hazardous~~] food from a fixed facility if the food is acquired and sold or distributed in cans, bottles, or other prepackaged containers that are not opened before obtained by a consumer, and no food manufacturing, processing, or preparing operations are conducted at the facility; or

(5) serving or distributing food, without charge, to homeless individuals on public or private property, provided that the person:

(A) sent a notice within the time required by subparagraph (B) to the director (by United States mail, facsimile, electronic mail to the addresses or numbers provided by the director, via the City’s 311 call center, or on the City’s Code Compliance Department’s website [~~at [www.dallascityhall.com/code\\_compliance/index.html](http://www.dallascityhall.com/code_compliance/index.html)]~~) containing the following information:

(i) the name of the individual or organization that was or will be serving or distributing food to the homeless;

(ii) the date or dates when food was or will be served or distributed to the homeless;

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(iii) the times of day when food service and distribution is anticipated to or did begin and end on each date listed in the notice;

(iv) the street address or addresses of where food was or is anticipated to be served or distributed to the homeless or, if the location has no street address, then a description of the location by street block number or by naming the nearest intersecting streets; and

(v) the approximate or expected number of food preparers and servers on the site where the food was or will be served or distributed and the approximate or expected number of individuals that were or will be served, provided the number of individuals that were or is anticipated to be served exceeds 75 at a single location;

(B) sent the notice required in subparagraph (A) at least 24 hours before the service or distribution of food to the homeless will commence, if it is anticipated that more than 75 people will be served, or within 48 hours after the service or distribution of food to the homeless has concluded, if it is anticipated that 75 or fewer people will be served at a single location;

(C) if the person is an individual, had attended a free city-sponsored food safety training class within the 24 months preceding the service or distribution of food to the homeless or, if the person is an organization, had at least one person who has attended a free city-sponsored food safety training class or has taken the class to become a certified food handler in the State of Texas within the 24 months preceding the service or distribution of food to the homeless present at all times when food was being served or distributed to the homeless, although this requirement applies only so long as the city sponsors a free food safety training class at least once during each three month period during a calendar year;

(D) did not serve or distribute time/temperature control for safety [~~potentially hazardous~~] to the homeless, unless the food has been stored at a temperature of:

(i) 41° F. (5° C.) or below; or

(ii) 135° F. (57° C.) or above;

(E) transported the food in a clean conveyance and, if the food was a time/temperature control for safety [~~potentially hazardous~~] food, as that phrase is defined in the Texas Food Establishment Rules, as amended, [9.161 et seq.,] served or distributed it within four hours after preparation;

(F) used one of the following methods of sanitizing hands before preparing, serving, or distributing food for the homeless:

(i) a hand sanitizer containing at least 70 percent alcohol or another substance capable of killing 99.9 percent of the bacteria on hands within 30 seconds of application;

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(ii) disposable gloves; or

(iii) handwashing equipment that included at a minimum:

(aa) a sink, or a five-gallon container with a spigot that provides free-flowing water and a catch bucket to collect wastewater from handwashing; and

(bb) soap and individual paper towels;

(G) properly disposed of any wastewater generated from any handwashing equipment used in the preparation, service, or distribution of food to the homeless into a sanitary sewer system and did not dispose of the wastewater on the ground or into the stormwater drainage system; and

(H) brought a sufficient number of trash bags to dispose of the solid waste generated by the food provided by the servers and used best efforts to remove or cause the removal of all trash or debris from the feeding site that was generated by the service or distribution of food to the homeless, and deposited the trash or debris in a public trash receptacle, or in a private trash receptacle if permission from the receptacle owner was obtained.”

SECTION 4. That Section 17-2.1, “Adoption of Section 229.163, Texas Food Establishment Rules,” of Article II, “Management and Personnel,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-2.1. ADOPTION OF SUBCHAPTER B [~~SECTION 229.163~~], TEXAS FOOD ESTABLISHMENT RULES.**

Subchapter B [~~Section 229.163~~] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Section 228.32 and Subsection 228.38(c) [~~Subsections (b) and (g) of Section 229.163~~] are not adopted.”

SECTION 5. That Subsection (b), “Demonstration of Knowledge by Person in Charge of Food Establishment,” of Section 17-2.2, “Additional Requirements,” of Article II, “Management and Personnel,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(b) Demonstration of knowledge by person in charge of a food establishment. Based on the risks of foodborne illness inherent to the food operation, the person in charge shall, during inspections and upon request, demonstrate to the director knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control Point principles, and the

## Appendix A

requirements of this chapter. The person in charge shall demonstrate this knowledge by compliance with this chapter, by being a registered food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program and by responding correctly to the inspector's questions as they relate to the specific food operation. The person in charge may demonstrate such knowledge by:

(1) describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;

(2) explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;

(3) describing the symptoms associated with the diseases that are transmissible through food;

(4) explaining the significance of the relationship between maintaining the time and temperature of time/temperature control for safety [~~potentially hazardous~~] food and the prevention of foodborne illness;

(5) explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;

(6) stating the required food temperatures and times for safe cooking of time/temperature control for safety [~~potentially hazardous~~] food including meat, poultry, eggs, and fish;

(7) stating the required temperatures and times for safe refrigerated storage, hot holding, cooling, and reheating of time/temperature control for safety [~~potentially hazardous~~] food;

(8) describing the relationship between the prevention of foodborne illness and the management and control of the following:

(A) cross-contamination;

(B) hand contact with ready-to-eat foods;

(C) handwashing; and

(D) maintaining the food establishment in a clean condition and in good repair;

(9) explaining the relationship between food safety and providing equipment that is:

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- (A) sufficient in number and capacity; and
  - (B) properly designed, constructed, located, installed, operated, maintained, and cleaned;
- (10) explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
- (11) identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
- (12) identifying poisonous and toxic material in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;
- (13) identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this chapter;
- (14) explaining the details of how the person in charge and food employees comply with the Hazard Analysis Critical Point (HACCP) plan (if a plan is required by the law), the Texas Food Establishment Rules, and this chapter; and
- (15) explaining the responsibilities, rights, and authorities assigned by this chapter to:
- (A) the food employee;
  - (B) the person in charge; and
  - (C) the director.”

SECTION 6. That Subsection (c), “Registered Food Service Managers,” of Section 17-2.2, “Additional Requirements,” of Article II, “Management and Personnel,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(c) Registered food service managers.

(1) Registered food service managers required.

(A) A food establishment shall employ at least one person who:

## Appendix A

(i) is a full-time, on-site supervisory employee of that food establishment responsible for food preparation and service; and

(ii) has a valid and current food service manager registration issued by the director.

(B) A food establishment must comply with the requirements of Section 17-2.2(c) before being issued an operating permit.

(C) One registered food service manager in a supervisory capacity may serve up to four food establishments contained within the same building and under the same ownership and same management.

(D) A food establishment shall have one registered food service manager employed and present in the establishment during all hours of operation, except that a registered food service manager serving multiple food establishments as authorized by Section 17-2.2(c)(1)(C) must only be present in the building in which the food establishment is located during all hours of operation.

(E) A food establishment that serves, sells, or distributes only prepackaged foods and non-time/temperature control for safety [~~potentially hazardous~~] beverages, and a temporary food service establishment that is in operation fewer than four consecutive calendar days, are exempt from Section 17-2.2(c)(1).

(2) Registered food service manager replacement. If a food establishment cannot meet the requirements of Section 17-2.2(c)(1) because of the termination or permanent transfer of a registered food service manager, the food establishment shall:

(A) notify the director, in writing, within 10 days after the effective date of the termination or permanent transfer of the registered food service manager; and

(B) employ another registered food service manager within 45 days after the effective date of the termination or permanent transfer of the previous registered food service manager.

(3) Registration of food service managers.

(A) The director shall issue a food service manager registration to any person who submits the required application on a form provided by the director, pays to the city the fee required by Section 17-2.2(c)(6), and provides proof of holding a current, valid registered food manager certification issued by the Texas Department of State Health Services or by a provider approved by that state department.

(B) During those times a registered food service manager is on duty at a food establishment, the registered food service manager must possess evidence of registration.

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(C) A food service manager registration is not transferable from one person to another.

(D) Unless sooner revoked by the director, a food service manager registration issued under this article expires five [~~two~~] years after the date of issuance. The expiration date on the city-issued food service manager registration may not be later than the expiration date on the food manager certificate issued by the state or by an approved provider organization.

(4) Renewal of food service manager registration. The director shall renew a food service manager registration if the applicant:

(A) submits an application for renewal within 30 days before expiration of the current food service manager registration;

(B) pays to the city the fee required by Section 17-2.2(c)(6);

(C) provides proof of holding a current, valid registered food manager certification issued by the Texas Department of State Health Services or by a provider approved by that state department; and

(D) provides evidence that within the six months prior to submitting the application for renewal the applicant has:

(i) attended a food service manager refresher training course approved by the director; or

(ii) received a passing score on a national examination for certification of food service managers that meets requirements of the United States Food and Drug Administration.

(5) Denial or revocation of food service manager registration.

(A) The director may refuse to issue or renew a food service manager registration or may revoke a food service manager registration if the applicant or holder:

(i) has been convicted of interfering with the lawful inspection of a food establishment;

(ii) makes a false statement of material fact in the application for registration or renewal of registration; or

(iii) fails to show proof of holding a current, valid registered food manager certification issued by the Texas Department of State Health Services or by a provider approved by that state department.

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(B) An applicant for or a holder of a food service manager registration may, in accordance with Section 17-10.2(q), appeal the director's decision to deny issuance or renewal of a registration or to revoke a registration.

(6) Food service manager registration fees. An applicant shall pay a nonrefundable fee of \$20 per year for a food service manager registration. The fee for replacing a lost, stolen, or damaged certificate of registration is \$11.

(7) Display of certificate of registered food service manager. A food service establishment shall display the original certificate of each primary registered food service manager employed by the establishment. Each certificate must be displayed in a glass-covered frame at a location where it is easily visible to the public."

SECTION 7. That Subsection (d), "Food Handlers," of Section 17-2.2, "Additional Requirements," of Article II, "Management and Personnel," of Chapter 17, "Food Establishments," of the Dallas City Code is deleted in its entirety as follows:

~~"[(d) Food handlers.~~

~~(1) Food establishments for which food handler certification is mandatory. Section 17-2.2(d) is only mandatory for the following food establishments:~~

~~(A) Any food establishment scoring 70 or below, out of a possible 100 points, on an inspection conducted under this chapter.~~

~~(B) Any food establishment scoring from 71 to 79, out of a possible 100 points, on a reinspection conducted under this chapter during which a critical violation is found.~~

~~(C) Any food establishment in which the same critical violation is found twice within any 12-month period during inspections conducted under this chapter.~~

~~(D) Any food establishment that has had a confirmed foodborne illness.~~

~~(E) Any mobile food establishment described in Section 17-8.2(b) of this chapter that prepares or serves non-prepackaged potentially hazardous food.~~

~~(2) Food handler certificate required.~~

~~(A) A person who owns, manages, or otherwise controls any food establishment described in Section 17-2.2(d)(1) (including but not limited to a fixed facility, a catering service, a mobile food preparation vehicle, a general service mobile food establishment,~~

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~~or a temporary food establishment operating for a duration of four or more consecutive days) shall not permit any person to be employed in the establishment who:~~

~~(i) will perform work that requires the handling of food, utensils, or food service equipment; and~~

~~(ii) does not hold a valid food handler certificate issued under Section 17 2.2(d) within 45 days after:~~

~~(aa) the date of employment by a food establishment described in Section 17 2.2(d)(1), for a new employee; or~~

~~(bb) the date the food establishment receives notice from the director that food handler certification is required because the establishment falls under Section 17 2.2(d)(1), for an existing employee.~~

~~(B) A food establishment described in Section 17 2.2(d)(1) shall maintain on the premises a food handler certificate for each employee whose work requires the handling of food, utensils, or food service equipment, and shall make each certificate available for inspection upon the director's request.~~

~~(3) Food handler certificate application; issuance; expiration; nontransferability.~~

~~(A) The director shall issue a food handler certificate to any person who submits the required application, pays to the city the fee required by Section 17 2.2(d)(5), and meets all of the following requirements:~~

~~(i) Provides evidence that the person has either:~~

~~(aa) viewed a video on sanitary food handling as approved by the director; or~~

~~(bb) attended a sanitary food handling presentation by the city of Dallas as approved by the director.~~

~~(ii) Is not infected with a disease in a communicable form that can be transmitted by foods.~~

~~(iii) Is not a carrier of any organism that causes a disease that can be transmitted by foods.~~

~~(iv) Does not have a boil, an infected wound, or an acute respiratory infection.~~

~~(B) Unless sooner revoked by the director, a food handler certificate expires two years after the date of issuance and may be renewed by submitting an application in~~

~~compliance with Section 17-2.2(d)(3)(A). Renewal is not required unless the person's work requires the handling of food, utensils, or food service equipment at a food establishment that has been notified by the director within the preceding two years that food handler certification is required because the establishment falls under Section 17-2.2(d)(1).~~

~~(C) A food handler certificate is not transferable from one person to another.~~

~~(4) Denial or revocation of a food handler certificate.~~

~~(A) The director may refuse to issue or renew a food handler certificate or may revoke a food handler certificate if the applicant or holder:~~

- ~~(i) is not qualified for a certificate under Section 17-2.2(d)(3);~~
- ~~(ii) fails to provide medical confirmation when required under Section 17-2.2(d)(4)(B);~~
- ~~(iii) has been convicted of interfering with the lawful inspection of a food establishment; or~~
- ~~(iv) makes a false statement of material fact in an application for issuance or renewal of a food handler certificate.~~

~~(B) If the director suspects that an applicant or holder is not qualified for a food handler certificate under Section 17-2.2(d)(3)(A)(ii), (iii), or (iv), the director may require the holder or applicant to produce medical confirmation by a physician that the applicant or holder is qualified for a food handler certificate under those provisions.~~

~~(C) If the director denies issuance or renewal of a food handler certificate, or revokes a food handler certificate, the director shall notify the applicant or holder in writing by personal service or regular United States mail. The notice must include the grounds for denial or revocation and a statement informing the applicant or holder of the right to appeal the decision. A copy of the notice must also be given to the food establishment in accordance with Section 17-10.2(n).~~

~~(D) An applicant for or a holder of a food handler certificate may, in accordance with Section 17-10.2(q), appeal the director's decision to deny issuance or renewal of a certificate or to revoke a certificate.~~

~~(5) Food handler certification fees. An applicant shall pay a nonrefundable fee of \$55 for a food handler certificate. The fee for replacing a lost, stolen, or damaged certificate is \$11.~~

(6) Exemption. ~~A person holding a current and valid food service manager registration issued by the director under Section 17-2.2(e) is exempt from the requirements to obtain a food handler certificate.]”~~

SECTION 8. That Section 17-3.1, “Adoption of Section 229.164, Texas Food Establishment Rules,” of Article III, “Food,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-3.1. ADOPTION OF SUBCHAPTER C [~~SECTION 229.164~~], TEXAS FOOD ESTABLISHMENT RULES.**

Subchapter C [~~Section 229.164~~] [including Figure 1: 25 TAC § 228.71(a)(1)(B) [~~229.164(k)(1)(A)(ii)~~], Figure 2: 25 TAC § 228.71(a)(2)(A) [~~229.164(k)(1)(B)(i)~~], and Figure 3: 25 TAC § 228.71(a)(2)(B) [~~229.164(k)(1)(B)(ii)~~] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Section 228.65(a) [~~229.164(e)~~] is not adopted.”

SECTION 9. That Section 17-3.2, “Additional Requirements,” of Article III, “Food,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-3.2. ADDITIONAL REQUIREMENTS.**

(a) In addition to the requirements adopted in Section 17-3.1 of this chapter, the requirements contained in this section govern food at food establishments.

(b) Preventing contamination by employees.

(1) Preventing contamination from hands.

(A) Food employees shall wash their hands as specified under Section 228.38(a) [~~229.163(e)~~] of the Texas Food Establishment Rules (relating to management and personnel).

(B) Except when washing fruits and vegetables as specified in Section 228.66(e) [~~229.164(f)(6)~~] of the Texas Food Establishment Rules, food employees shall avoid contact of exposed ready-to-eat food with their bare hands by use of suitable utensils such as deli tissue, spatulas, tongs, or single-use gloves.

(C) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.

(2) Preventing contamination when tasting. A food employee may not use a utensil more than once to taste food that is to be sold or served.

(c) Preventing contamination from the premises.

(1) Food storage.

(A) Except as specified in Section 17-3.2(c)(1)(B) and (C), food must be protected from contamination by storing the food:

- (i) in a clean, dry location;
- (ii) where it is not exposed to splash, dust, or other contamination; and
- (iii) at least 15 centimeters (6 inches) above the floor.

(B) Food in packages and working containers may be stored less than 15 centimeters (6 inches) above the floor on case lot handling equipment as specified under Section 228.106(v) [~~229.165(f)(22)~~] of the Texas Food Establishment Rules.

(C) Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

(2) Food storage, prohibited areas. Food may not be stored:

- (A) in locker rooms;
- (B) in toilet rooms;
- (C) in dressing rooms;
- (D) in garbage rooms;
- (E) in mechanical rooms;
- (F) under sewer lines that are not shielded to intercept potential drips;
- (G) under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (H) under open stairwells; or
- (I) under other sources of contamination.

(d) Outside distribution of time/temperature control for safety [~~potentially hazardous~~] food. A food establishment that serves, sells, or distributes time/temperature control for safety

[~~potentially hazardous~~] food outside the premises of a fixed facility must maintain the food at a safe temperature.

(e) Outdoor bars.

(1) An outdoor bar is a food establishment that prepares and serves only beverages at a location not completely housed inside a fixed facility.

(2) An outdoor bar is in compliance with Sections 17-3.1 and 17-3.2 if:

(A) the director finds that the outdoor bar will not result in a health or safety hazard or nuisance; and

(B) the outdoor bar is either:

(i) limited to a single, fixed structure; or

(ii) meets the requirements of this chapter pertaining to a general service mobile food establishment; and

(C) the outdoor bar complies with all other requirements of this chapter.

(3) An outdoor bar in compliance with Section 17-3.2(e)(2)(B)(i) must:

(A) have overhead protection of a suitable material that:

(i) completely covers the food preparation area;

(ii) extends at least 18 inches beyond the edge of the service counter; and

(iii) if the overhead protection extends to or beyond the edge of a swimming pool, is guttered to prevent the drainage of rainwater into the swimming pool;

(B) have service counters, walls, partitions, and doors constructed and finished to impede the entrance of rodents;

(C) store and dispense utensils, single service articles, and bar condiments and other unpackaged food only in containers with sealed, self-closing doors;

(D) dispense ice only from automatic ice dispensers or from containers with sealed, self-closing doors;

(E) provide only single service articles for use by the consumer; and

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(F) store food (including beverages), utensils, and single service articles in cabinets that are sealed to adequately protect the stored items from contamination by dust, water, insects, and rodents during the times the outdoor bar is not open for business.

(f) Labeling of foods. Bulk, unpackaged foods that are apportioned to consumers with the assistance of food establishment personnel, including bakery products, need not be labeled if:

(1) a health or nutrient content claim, or other claim, is not made;

(2) the food is manufactured or prepared on the premises of the food establishment that is owned by the same person and is licensed by the food regulatory agency that has primary jurisdiction; and

(3) ingredients contained in the food, including potential allergens, are provided to the consumer on request from a recipe book or by other means.

(g) Food transportation.

(1) Transportation. A food establishment that transports food shall:

(A) comply with the applicable requirements of Section 17-3.2(c) during the transportation of food;

(B) transport the food in a clean conveyance;

(C) protect food and utensils from contamination by completely wrapping or packaging, except that foods in original individual packages do not need to be overwrapped or covered if the original package is intact.

(2) Carryout food. A food establishment that prepares food for off premises consumption shall place the food in a sack or closed container, or wrap the food in a way that protects it from adulteration, unless:

(A) the food is served in an individual serving;

(B) the food is intended for immediate consumption; and

(C) it is impracticable to enclose or wrap the food (as illustrated by, but not limited to, a serving of ice cream).”

SECTION 10. That Section 17-4.1, “Adoption of Section 229.165, Texas Food Establishment Rules,” of Article IV, “Equipment, Utensils, and Linens,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-4.1. ADOPTION OF SUBSECTION D [~~SECTION 229.165~~], TEXAS FOOD ESTABLISHMENT RULES.**

Subchapter D [~~Section 229.165~~] [including Figure 1: 25 TAC § 228.101(c)(1) [~~229.165(a)(3)~~] and Figure 2: 25 TAC § 228.111(n)(1) [~~229.165(k)(14)(A)~~]] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Section 228.109(c) [~~229.165(i)(3)~~] is not adopted.

SECTION 11. That Subsection (c), “Maintenance Equipment,” of Section 17-4.2, “Additional Requirements,” of Article IV, “Equipment, Utensils, and Linens,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(c) Maintenance of equipment. Equipment shall be maintained in a state of repair and condition that:

(1) meets the requirements specified in Subs[~~S~~]ection 228.101(a) and Section 228.102 [~~229.165(a) and (b)~~] of the Texas Food Establishment Rules; and

(2) enables the equipment to perform the function for which it is used, intended, or designed.”

SECTION 12. That Section 17-5.1, “Adoption of Section 229.166, Texas Food Establishment Rules,” of Article V, “Water, Plumbing, and Waste,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-5.1. ADOPTION OF SUBCHAPTER E [~~SECTION 229.166~~], TEXAS FOOD ESTABLISHMENT RULES.**

Subchapter E [~~Section 229.166~~] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Paragraphs 228.143(a)(1) through (3) and Subsections 228.146(b) and Subsection 228.147(e) [~~Subsections (c)(3), (f)(2), and (g)(3) of Section 229.166~~] are not adopted.”

SECTION 13. That Subsection (c), “Hand Washing, Lavatory, Water Temperature, and Flow,” of Section 17-5.2, “Additional Requirements,” of Article V, “Water, Plumbing, and Waste” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(c) Handwashing lavatory, water temperature, and flow.

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(1) A handwashing lavatory must be equipped to provide water at a temperature of at least 43 degrees Celsius (110 degrees Fahrenheit) through a mixing valve or combination faucet.

(2) A steam-mixing valve may not be used at a handwashing lavatory.

(3) Self-closing, slow-closing, sensor-closing, or metering faucets are prohibited in food preparation areas.

(4) For extensively remodelled food establishments, a handwashing lavatory must be located within 25 linear feet of a food preparation area.

SECTION 14. That Section 17-5.2, “Additional Requirements,” of Article V, “Water, Plumbing, and Waste” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended by adding a new Subsection (e), “Grease Traps/Interceptors,” to read as follows:

“(e) Grease traps/interceptors. For extensively remodelled food establishments, and unless otherwise approved by the director, a food establishment must locate grease traps/interceptors outside the food establishment so that they are easily accessible for cleaning. Grease traps/interceptors located inside the food establishment with the director’s approval must have a liquid-tight lid flush attached to the floor that prevents contamination of food or equipment.

SECTION 15. That Section 17-6.1, “Adoption of Section 229.167, Texas Food Establishment Rules,” of Article VI, “Physical Facilities,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“**SEC. 17-6.1. ADOPTION OF SUBCHAPTER F [~~SECTION 229.167~~], TEXAS FOOD ESTABLISHMENT RULES.**

Subchapter F [~~Section 229.167~~] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Sections 228.172 and 228.173 [~~Subsections (b) and (c) of Section 229.167~~] are not adopted.”

SECTION 16. That Subsection (b), “Outdoor Areas, Surface Characteristics,” of Section 17-6.2, “Additional Requirements,” of Article VI, “Physical Facilities,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(b) Outdoor areas, surface characteristics.

(1) Walking and driving areas. The outdoor walking and driving areas must be:

(A) surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions; and

(B) graded to prevent pooling.

(2) Exterior surfaces. Exterior surfaces of buildings and mobile food establishments must be of weather-resistant materials and must comply with applicable law.

(3) Storage areas. Outdoor storage areas for refuse, recyclables, or returnables must be of materials specified under Subsections 228.155(a) through (c) [229.166(1), (2), and (3)] of the Texas Food Establishment Rules, which governs water, plumbing, and waste. Only articles necessary for the operation and maintenance of a food establishment and its exterior may be stored on the premises, but only when the storage does not violate this chapter, other city ordinances, or other applicable law.”

SECTION 17. That Section 17-6.2, “Additional Requirements,” of Article VI, “Physical Facilities,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended by adding Subsection (d), “Location of certain equipment,” and Subsection (e), “Auxiliary Equipment,” to read as follows:

“(d) Location of certain equipment. For extensively remodelled food establishments, a food establishment must:

(1) locate equipment used for a work surface on which food is prepared (e.g., a meat or vegetable cutting block or bakers table) within five feet of a floor drain so that it may be properly cleaned;

(2) maintain unobstructed aisles between equipment of a width sufficient to permit passage without a likelihood of causing adulteration of food;

(3) position all readily movable storage equipment, including pallets, racks, and dollies, to provide accessibility to working areas;

(4) locate an ice machine, if any, inside a food service or food preparation area; and

(5) not locate equipment, including ice makers and ice storage equipment, under exposed or unprotected sewer lines or water lines, open stairwells, or near other sources of contamination, excluding automatic fire protection sprinkler heads.

(e) Auxiliary equipment for extensively remodelled food establishments.

(1) Except as otherwise provided in this subsection, a food establishment may not locate non-food service equipment (e.g., water heaters, laundry machines, remote connected refrigerator compressors, or air conditioners) inside a food preparation area unless otherwise authorized or required by law.

(2) If a water heater is authorized or required to be located inside a food handling area, it must be enclosed with walls or partitions constructed of rigid, smooth, non-absorbent, easily-cleanable materials.

(3) If a food establishment uses mechanical laundry equipment, the food establishment must locate the equipment in a separate room with self-closing, solid doors that fit tightly at each entrance.”

SECTION 18. That Section 17-7.1, “Adoption of Section 229.168, Texas Food Establishment Rules,” of Article VII, “Poisonous or Toxic Materials,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-7.1. ADOPTION OF SUBCHAPTER G [~~SECTION 229.168~~], TEXAS FOOD ESTABLISHMENT RULES.**

Subchapter G [~~Section 229.168~~] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference.”

SECTION 19. That Section 17-8.1, “Adoption of Section 229.169, Texas Food Establishment Rules,” of Article VIII, “Mobile Food Establishments,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-8.1. ADOPTION OF SECTION 228.221 [~~229.169~~], TEXAS FOOD ESTABLISHMENT RULES.**

Section 228.221 [~~229.169~~] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Subsections 228.221(a), (b), and (c)(2), [~~Section~~] are not adopted.”

SECTION 20. That Subsection (b), “Categories of Mobile Food Establishments,” of Section 17-8.2, “Additional Requirements,” of Article VIII, “Mobile Food Establishments,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(b) Categories of mobile food establishments. Mobile food establishments in the city are divided into the following categories:

(1) Limited service. A limited service mobile food establishment is a mobile food establishment from which only the following foods and beverages are served, sold, or distributed:

(A) Food that is prewrapped, bottled, or otherwise packaged in individual servings.

(B) Beverages that are not time/temperature control for safety [~~potentially hazardous~~] and are dispensed from covered urns or other protected equipment.

(2) Vegetable and fruit vendor. A vegetable and fruit vendor is a mobile food establishment from which only raw vegetables and fruits are served, sold, or distributed.

(3) Mobile food preparation vehicle. A mobile food preparation vehicle is a commercially- manufactured, motorized mobile food establishment in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution. “Commercially-manufactured” means the vehicle was manufactured, converted, or retrofitted for use as a mobile food preparation vehicle by a person regularly in the business of manufacturing, converting, or retrofitting motorized vehicles as mobile food preparation vehicles for sale or compensation.

(4) General service. Any mobile food establishment that is not a limited service mobile food establishment, a vegetable and fruit vendor, or a mobile food preparation vehicle is a general service mobile food establishment.”

SECTION 21. That Subparagraph (E) of Paragraph (1) of Subsection (c), “Vehicles,” of Section 17-8.2, “Additional Requirements,” of Article VIII, “Mobile Food Establishments,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(E) keep proof of minimum vehicle insurance that is issued in at least six month increments[~~display on the vehicle, in a manner and location approved by the director, a city telephone number provided by the director through which complaints about the mobile food establishment may be reported~~];”

SECTION 22. That Subsection (g), “Central Preparation Facility or Commissary,” of Section 17-8.2, “Additional Requirements,” of Article VIII, “Mobile Food Establishments,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(g) Central preparation facility or commissary.

(1) Supplies, cleaning, and servicing operations. A mobile food establishment must operate from a central preparation area, commissary, or other fixed food establishment and must report to the location for supplies and for cleaning and servicing operations at the end of each day. Pushcarts must be stored wholly within the the commissary location when not in operation.

(2) Construction. The central preparation facility, commissary, or other fixed food service establishment, used as a base of operation for a mobile food establishment, must be constructed and operated in compliance with this chapter.”

SECTION 23. That Subparagraph (A) of Paragraph (1), “General Operating Requirements,” of Subsection (h), “Operating requirements for Mobile Food Establishments,” of Section 17-8.2, “Additional Requirements,” of Article VIII, “Mobile Food Establishments,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(A) Any person operating a motor vehicle as a mobile food establishment must have a current driver’s license [~~issued by the State of Texas~~]. The permit holder must ensure that their vehicle drivers have a valid driver’s license.”

SECTION 24. That Subparagraph (M) of Paragraph (4), “General Service,” of Subsection (i), “Structural requirements for Mobile Food Preparation Vehicles and General Service Mobile Food Establishments,” of Section 17-8.2, “Additional Requirements,” of Article VIII, “Mobile Food Establishments,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(M) The vehicle must be equipped with mechanical refrigeration equipment if time/temperature control for safety [~~potentially hazardous~~] food is stored, prepared, or served on the vehicle. The mechanical refrigeration equipment must have at least 15 cubic feet of usable storage space and be capable of ensuring proper food temperature control during transportation and operation.”

SECTION 25. That Section 17-9.1, “Adoption of Section 229.170, Texas Food Establishment Rules,” of Article IX, “Temporary Food Establishments and Catering Services,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-9.1. ELECTION NOT TO ADOPT~~[ION—OF]~~ SECTION 228.222~~[229.170]~~, TEXAS FOOD ESTABLISHMENT RULES.**

Section 228.222 ~~[229.170]~~ of the Texas Food Establishment Rules is not adopted.”

SECTION 26. That Section 17-9.2, “Requirements for Temporary Food Establishments,” of Article IX, “Temporary Food Establishments and Catering Services,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-9.2. REQUIREMENTS FOR TEMPORARY FOOD ESTABLISHMENTS.**

(a) Authority. The director shall issue a permit, in accordance with applicable food establishment permit and fee requirements set forth in Article X, to a temporary food service establishment if the:

(1) ~~[the]~~ director finds that the operation will not result in a health or safety hazard or a nuisance;

(2) ~~[the]~~ operation is limited to a single, fixed location, which may include one or more facilities at the location;

(3) ~~[the]~~ establishment submits proof to the director that it has obtained all city, state, and federal permits and authorizations necessary to conduct a temporary food service operation, including, but not limited to the following:

(A) an out-of-town vendor must submit a copy of its current local health permit and a copy of its last health inspection from the local health department where the vendor is located; and

(B) a food manufacturer must submit a copy of its state manufacturer's license;

(4) ~~[the]~~ establishment and its location comply with all requirements of this chapter, the Dallas Development Code, and any other applicable city ordinance or state or federal law; and

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(5) ~~the~~ completed application for the permit to operate a temporary food service establishment is received by the director at least 48 hours before the scheduled commencement of the activity or event for which the permit is issued.

(b) Exception. A permit is not required for a temporary food service establishment that does not serve time/temperature control for safety ~~[potentially hazardous]~~ food and the weekly gross income of which does not exceed \$100.

(c) Limit on permits issued for same premises or address. No more than one temporary food service establishment permit may be issued within any calendar quarter for the same premises or street address, even if the permits are issued to different temporary food service establishments. This subsection does not apply if the permit is issued in conjunction with an activity or event described in Section 17-1.5(b)(16)(A)(i), (ii), (iii), (iv), (v), or (vii) of this chapter.

(d) Expiration. A temporary food service establishment permit expires:

(1) upon expiration of a special event permit, plaza event permit, neighborhood farmers market permit, or other written authorization of the city issued in conjunction with the temporary food service establishment permit for an activity or event described in Section 17-1.5(b)(16)(A)(i), (ii), (iii), (iv), or (vii) of this chapter;

(2) upon expiration of a concession agreement executed by the city in conjunction with the temporary food service establishment permit for an activity or event on property owned or operated by the city; or

(3) 14 days after the issuance of a temporary food service establishment permit for an activity or event described in Section 17-1.5(b)(16)(A)(v) or (vi) of this chapter or upon termination of the activity or event, whichever occurs first.

(e) Food and ice preparation and service. A temporary food establishment required to be permitted under this chapter shall not:

(1) prepare, serve, sell, or distribute more than four time/temperature control for safety menu items within a permitted booth, unless otherwise approved by the director;

(2) prepare, serve, sell, or distribute any food not approved in advance by the director;

(3~~2~~) prepare time/temperature control for safety ~~[potentially hazardous]~~ food, except that an establishment may prepare time/temperature control for safety ~~[potentially hazardous]~~ food that is approved in advance by the director and does not require substantial preparation prior to consumption (including, but not limited to, pre-formed hamburgers, beef fajitas, sausages, hotdogs, and frankfurters) or may provide time/temperature control for safety ~~[potentially hazardous]~~ food that is:

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- (A) obtained by the establishment in precooked, individual servings;
  - (B) stored at a temperature of:
    - (i) 41° F. (5° C.) or below using mechanical refrigeration (ice chests are not allowed for maintaining cold temperatures); or
    - (ii) 135° F. (57° C.) or above using mechanical holding units in each booth [~~booth~~] to ensure the proper temperature is maintained (canned heat or Sterno is not allowed for maintaining hot temperatures outdoors); and
  - (C) served to a consumer in the container in which it was originally packaged;
- (4[3]) prepare, serve, sell, or distribute raw seafood or poultry, except when the product is:
- (A) pre-cut, breaded, and frozen and ready to be directly placed from the freezer into a fryer; or
  - (B) precooked;
- (5[4]) allow open and unprotected displays of food (when using chafing dishes, only hinged lid dishes are allowed so that at least half of the food remains covered at all times);
- (6[5]) permit consumption of ice or contact of ice with food unless the ice is:
- (A) obtained from a source that is approved as safe by the director;
  - (B) in chipped, crushed, or cubed form;
  - (C) obtained in single-use plastic or wet-strength paper bags that are sealed by the manufacturer and unopened until used by the establishment; and
  - (D) dispensed from a container that is continuously drained into a waste receptacle approved by the director;
- (7[6]) store food in contact with water or undrained ice, except that wet storage of a beverage in a pressurized container is permitted if the water used:
- (A) contains not less than 50 mg/l of available chlorine; and
  - (B) is maintained in a clean condition; or
- (8[7]) use water from a source that is not approved as safe by the director.

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(f) Operational requirements. An establishment operating under authority of this article shall comply with all of the following requirements:

(1) limit the booth size to a maximum 15x 15 square foot space, unless the event planner provides fixed structures as temporary booths, or as otherwise approved by the director

(2) protect each food and food-contact surface from contamination, including, but not limited to, complying with the following requirements:

(A) All condiments, including, but not limited to, onions, relish, peppers, catsup, and mustard, that are available for customer self-service must be available in individual packets or from an approved dispenser.

(B) All foods, food containers, utensils, napkins, straws, and other single service articles must be stored at least six inches off the floor and adequately protected from splash, dust, insects, weather, and other contamination.

(C) When self-service ice dispensers are not used, ice scoops are required.

(D) Effective hair restraints (such as nets and caps) are required in food preparation and service areas. Food, beverage, and tobacco consumption is prohibited inside food booths, food preparation areas, and food service areas. Gum chewing is prohibited in food preparation and food service areas.

(E) Food handling personnel must wash their hands as frequently as necessary to maintain clean hands, even if disposable gloves are used. Nails must be closely trimmed and maintained. Long fingernails (natural, sculptured, etc.) or chipped nail polish is prohibited.

(F) Animals may not be located within 50 feet of a temporary food establishment or food service area.

(3[2]) Install equipment in a way that permits cleaning and sanitizing and that is not likely to cause adulteration of food, including, but not limited to, complying with the following requirements:

(A) A container of soapy water solution must be provided for washing dirty utensils. This is for emergency use only.

(B) A sanitizer solution must be provided to sanitize clean utensils and equipment. The required residual of 50-100 ppm chlorine may be obtained by placing one tablespoon of bleach in one gallon of water for the sanitizer. Other approved sanitizers may be used. Test papers must be provided to ensure that proper sanitizer concentration is achieved. All

utensils must be taken to a commissary location daily to be properly washed, rinsed, and sanitized.

(C) Wastewater (including but not limited to wastewater from handwashing, utensil washing, sinks, and steam tables) must be placed in an approved container until properly disposed. All wastewater must then be disposed of into a sanitary sewer system or in a manner that is consistent with federal, state, and local regulations and requirements relating to liquid waste disposal.

(4[3]) Provide hot and cold running water, under pressure, in a quantity sufficient to maintain personal hygiene of employees and the cleanliness and sanitation of the establishment, except that cold running water that is not under pressure may be used when the establishment will be in operation for fewer than four consecutive calendar days.

(5[4]) Provide a convenient handwashing facility with soap and individual paper towels for persons preparing and serving food, including, but not limited to, complying with the following requirements:

(A) The handwashing facility must have at least a 5-gallon container with a spigot that provides free flowing water.

(B) The handwashing facility must have a catch bucket to collect wastewater from hand washing.

(6[5]) Comply with federal, state, and local regulations and requirements relating to liquid waste disposal.

(7[6]) Use only equipment and utensils that meet the standards set forth in Article IV of this chapter, if the establishment will be in operation for four or more consecutive calendar days.

(8[7]) Use only equipment approved by the director if time/temperature control for safety [~~potentially hazardous~~] foods will be served by the establishment.

(9[8]) Maintain a full-time, on-site food service manager who is currently registered under Article II of this chapter if the establishment will be in operation for four or more consecutive calendar days, except that multiple establishments under the same ownership and management that are operating at the same activity or event may use the same full-time, on-site food service manager.

(g) Design and structural requirements. The design and structural material of a facility that houses a temporary food service establishment must be approved by the director. Each facility must:

(1) be enclosed by barriers at least 32 inches high that prevent customers from entering food preparation areas;

- (2) have a serving counter with a depth of at least 12 inches;
- (3) have floors constructed of concrete, asphalt, tight-fitting wood, or other similar, easily cleanable material kept in good repair;
- (4) if the temporary food service establishment is outdoors, have over every food preparation and serving area a fire resistant overhead covering that protects the interior of the facility from the weather; and
- (5) comply with all design and structural standards that may be established by the director for temporary food service establishments.”

SECTION 27. That Section 17-10.1, “Adoption of Section 229.171, Texas Food Establishment Rules,” of Article X, “Compliance and Enforcement,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-10.1. ADOPTION OF SUBCHAPTER I [~~SECTION 229.171~~], TEXAS FOOD ESTABLISHMENT RULES.**

Subchapter I [~~Section 229.171~~] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Figure 1: 25 TAC § 228.251(f) [~~229.171(j)(6)~~] is not adopted.”

SECTION 28. That Paragraph (2) of Subsection (i), “Temporary Food Service Fee,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

- “(2) Section 17-10.2(i)(1) does not apply to a temporary food service establishment that:
- (A) does not serve time/temperature control for safety [~~potentially hazardous~~] food; and
  - (B) the weekly gross income of which does not exceed \$100.”

SECTION 29. That Paragraph (8) of Subsection (c), “Permits,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code is deleted to read as follows:

Appendix A

~~“(8) Extensive remodeling. For purposes of this chapter, “extensive remodeling” means the expenditure of at least \$25,000 [10,000] or an amount equal to at least 10 percent of the assessed value of the facility, whichever is more, for the purpose of repairs or remodeling, but does not include:~~

~~\_\_\_\_\_ (A) expenditures for the replacement of movable equipment; or~~

~~\_\_\_\_\_ (B) remodeling that does not affect the construction or operation of food storage or food preparation areas or areas used to store or clean utensils and equipment used in food storage or food preparation.]”~~

SECTION 30. That Subsection (k), “Payment of Fee,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(k) Payment of fee. Except as expressly provided by this article, a fee prescribed by this article is payable on the date and in the manner prescribed by the director. If in a particular year a food establishment fails to pay the annual inspection fee required on or before the due date, the permit of that establishment lapses and the establishment must pay the reinstatement fee required by Section 17-10.2(d)(2), and all other outstanding fees owed to the city under this chapter, before the permit will be renewed. Fee payments will be applied to oldest outstanding balance first, if any.”

SECTION 31. That Subsection (s), “Variances,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(s) Variances.

(1) A food establishment may apply to the director for a variance modifying or waiving the requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the application all of the information required by Subsection 229.171(c)(2) of the Texas Food Establishment Rules. The application must be accompanied by a nonrefundable application fee of:

(A) \$127 for a variance to allow dogs to be present in the outdoor patio area of a food establishment under Subsection (s)(7);

## Appendix A

(B) \$95 for a variance to allow the preparation, cooking, and service of raw poultry, raw seafood, and non-fast-cooked food items on a mobile food preparation vehicle under Subsection (s)(8); and

(C) \$100 for all other variances applied for under this subsection.

(2) The director may grant a variance by modifying or waiving the requirements of ~~[the as authorized in]~~ Subchapter I, Subsections 228.243(a) through (c), [Section 229.171(e)] of the Texas Food Establishment Rules or the requirements of this chapter if, in the opinion of the director, a health hazard or nuisance will not result from the variance.

(3) If a variance is granted, the director shall retain in its records for the food establishment the information provided by the applicant under Subchapter I, Subsection 228.243(b), [Section (229.171(e)(2))] of the Texas Food Establishment Rules. A food establishment granted a variance shall comply with Subchapter I, Subsection 228.243)(c), [Section 229.171(e)(3)] of the Texas Food Establishment Rules and any conditions or standards for the variance established by the director or this chapter.

(4) A variance granted under this section is nontransferable. The variance expires two years after the date it is granted by the director, unless it is sooner revoked by the director or terminated by the food establishment. A variance may be renewed through the application process set forth in Paragraph (1) of this subsection.

(5) The director shall deny or revoke a variance under this section if:

(A) the food establishment made a false statement as to a material matter on or in connection with the request for the variance or on or in connection with the permit application for the food establishment;

(B) the food establishment does not hold a valid permit issued under this chapter;

(C) the director determines that a health hazard or nuisance will result or has resulted from the variance;

(D) the food establishment failed to pay a fee required under this chapter at the time it was due; or

(E) the food establishment is in violation of any term or condition of the variance as established by the director, this chapter, or state law.

(6) If the director denies or revokes a variance, the director shall notify the applicant in writing by personal service or regular United States mail. The notice must include the reasons for the denial or revocation and a statement informing the applicant of the right to appeal the decision in accordance with Subsection (q) of this section.

(7) If, pursuant to this section, the director grants a variance to Subchapter F, Subsection 228.186(o), [Section 229.167(p)(15)] of the Texas Food Establishment Rules (which prohibits animals on the premises of a food establishment) to allow dogs to be present in the outdoor patio area of a food establishment, then the food establishment shall comply with the following conditions and standards in addition to any other conditions and standards established by the director for the variance:

(A) Except as allowed under Subchapter F, Subsection 228.186(o), [Section 229.167(p)(15)] of the Texas Food Establishment Rules, no dog may be present inside the food establishment or on any playground area of the food establishment.

(B) A separate entrance must be provided from the outside of the food establishment to the outdoor patio so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A dog on an outdoor patio may not be allowed within seven feet of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio.

(C) A sign must be posted at the front entrance of the food establishment and on the outdoor patio so that it is easily visible to the public. The sign must state: "DOG FRIENDLY PATIO - DOG ACCESS ONLY THROUGH OUTDOOR PATIO. FOR COMPLAINTS RELATED TO THE DOG FRIENDLY PATIO, CALL 311." Signs must be:

(i) no smaller than 9-1/2 long by 12 inches wide;

(ii) printed in English and Spanish with bolded lettering at least 36 inches high in contrasting colors; and

(iii) displayed in a landscape orientation.

(D) Doors equipped with self-closing devices must be provided at all entrances to the outdoor patio from the interior of the food establishment.

(E) No food preparation, including mixing drinks or serving ice, may be performed in the outdoor patio area, except that a beverage glass may be filled on the patio from a pitcher or other container that has been filled or otherwise prepared inside the food establishment.

(F) The outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog-related waste or debris. The outdoor patio must be hosed down or mopped with animal friendly chemicals at the beginning of each shift during which food or beverages will be served (breakfast, lunch, dinner, or late-hours), or, if a food establishment has continuous food or beverage service without designated shifts, then every six hours that the establishment is open for business, except that cleaning under this subparagraph is not required if no dog has been present on the outdoor patio since the last cleaning. Waste created from a dog's bodily functions must be cleaned up with animal friendly chemicals within five minutes after

## Appendix A

each occurrence. All dog waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment. A food establishment shall maintain a log of the cleaning schedule of the dog friendly patio and make the log available to the director for inspection upon request.

(G) While on duty, wait staff or other food handlers at the food establishment may not pet or have contact with any dog.

(H) A dog must be kept on a leash and remain in the control of the customer while in the outdoor patio area. The dog must be wearing a collar or harness with a current rabies tag attached to it.

(I) A dog is not allowed on a seat, table, countertop, or similar surface in the outdoor patio area.

(J) A dog is not allowed to have contact with any dishes or utensils used for food service or preparation at the food establishment.

(K) A dog may not be given any food (including, but not limited to, dog kibble, biscuits, and edible treats) while in the outdoor patio area, but may be given water in a disposable container.

(L) On an outdoor patio, the food establishment must create and maintain a separate dog-free area with a minimum of seven feet of separation from the dog-friendly patio area. The food establishment is responsible for informing its patrons of the dog-free area and must enforce the seven-foot spacing during its hours of operation.

(8) If, pursuant to this section, the director grants a variance to Section 17-8.2(h)(2)(C) of this chapter (which allows only fast-cooked food items to be prepared on a mobile food preparation vehicle and prohibits raw poultry or raw seafood from being prepared or cooked on the vehicle) to allow raw poultry, raw seafood, and non-fast-cooked food items to be prepared, cooked, and served from a mobile food preparation vehicle, then the food establishment shall comply with the following conditions and standards in addition to any other conditions and standards established by the director for the variance:

(A) The applicant must submit to the director detailed plans regarding the preparation, cooking, and service of the raw poultry, raw seafood, and non-fast-cooked food items on the mobile food preparation vehicle. The plans must include all of the following information:

(i) A description of the raw poultry, raw seafood, and non-fast-cooked food items and how they will be prepared, cooked, and served.

(ii) Details of how the raw poultry, raw seafood, and non-fast-cooked food items will be stored on the vehicle.

## Appendix A

(iii) Any other information or documentation the director deems necessary to determine whether or not a health hazard or nuisance will result from granting the variance.

(B) The food establishment must not have committed more than a total of three violations of this chapter or the Texas Food Establishment Rules within the preceding 12-month period that involved any mobile food preparation vehicle or fixed food facility operated by the food establishment, regardless of whether such violations were committed by an owner, officer, operator, manager, other person in charge, or employee of the food establishment.

(C) The food establishment must not have had any confirmed foodborne illnesses at any of its locations within the preceding 24 months.

(D) The food establishment must not have scored less than 80 on two separate graded food inspections within the preceding 24 months.

(E) Cutting of raw poultry or raw seafood is prohibited on a mobile food preparation vehicle, except for seafood intended to be consumed raw.

(9) An owner, officer, manager, or other person in charge of a food establishment commits an offense if he, either personally or through an employee or agent, violates, allows a violation of, or fails to comply with a term or condition of a variance granted under this section.”

SECTION 32. That Section 17-11.2, “Additional Requirements,” of Article XI, “Heimlich maneuver poster,” of the Dallas City Code is amended to read as follows:

### “SEC. 17-11.2. ADDITIONAL REQUIREMENTS.

~~[Reserved.]~~

(a) General. All food establishments that provide dining areas shall post the Heimlich maneuver sign in a place conspicuous to employees and customers.

(b) Specifications: The sign shall:

(1) be no smaller than 11 inches wide by 17 inches long;

(2) be printed in English and Spanish and in at least two conspicuous contrasting colors on a white background;

(3) provide major title and figure blocks in contrasting color to remaining copy blocks;

(4) provide major headings with a minimum bold 72 point font;

- (5) provide initial subheadings with a minimum bold italic 60 point font;
- (6) provide secondary subheadings with a minimum bold 24 point font; and
- (7) provide a body copy in bold 14 point font.

SECTION 33. That Section 17-12.1, “Adoption of Section 229.174, Texas Food Establishment Rules,” of Article XII, “Bed and Breakfast Extended Establishments,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-12.1. ADOPTION OF SECTION 228.223 [~~229.174~~], TEXAS FOOD ESTABLISHMENT RULES.**

Section 228.223 [~~229.174~~] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference.”

SECTION 34. That Section 17-13.1, “Adoption of Section 229.175 Texas Food Establishment Rules,” of Article XIII, “Outfitter Operations,” of the Dallas City Code is amended to read as follows:

**“SEC. 17-13.1. ADOPTION OF SECTION 228.224 [~~229.175~~], TEXAS FOOD ESTABLISHMENT RULES.**

Section 228.224 [~~229.175~~] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference.”

SECTION 35. That Article XIV, “Self Service Food Market,” of the Dallas City Code is added to read as follows:

**“ARTICLE XIV.**

**SELF SERVICE FOOD MARKET.**

**SEC. 17-14.1. ADOPTION OF CHAPTER 228, SUBCHAPTER H, SECTION 225**

Section 228.225 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference.

**SEC. 17-14.2. ADDITIONAL REQUIREMENTS.**

Reserved.”

SECTION 36. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 37. That Chapter 17 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 38. 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 39. That this ordinance shall take effect on July 1, 2016, except that the requirements in Section 17-10.2(s)(7)(C) take effect September 1, 2016, and it is accordingly so ordained.

APPROVED AS TO FORM:

Christopher D. Bowers, Interim City Attorney

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

Passed \_\_\_\_\_

## Appendix B – Summary of Staff Recommended Changes & Stakeholder Feedback

Article	Title	Proposed Change	Purpose	Stakeholder Feedback
II.	Management & Personnel.	Change the expiration date of the Certified Food Service Manager from two years to five years after date of issuance.	Provide consistency with other providers.	<i>None.</i>
V.	Water, Plumbing and Waste.	A hand wash sink shall be installed within 25 linear feet of a food preparation area.	Encourage frequent hand washing.	<i>None.</i>
V.	Water, Plumbing and Waste.	A food establishment shall locate grease traps / interceptors so that they are easily accessible for cleaning and outside the food establishment area. Exception provided to food locations inside an office building.	Increase accessibility for cleaning.	<i>None.</i>
VI.	Physical Facilities.	Locate equipment that is used as a work surface within 5 feet of a floor drain for proper cleaning.	Increase accessibility for cleaning.	<i>None.</i>
VI.	Physical Facilities.	Maintain unobstructed aisles between equipment of a width to permit passage without causing contamination of food.	Prevent contamination from “bumping” into food & utensils due to lack of space.	<i>None.</i>
VI.	Physical Facilities.	Locate auxiliary equipment (water heater, laundry machine, air conditioner, etc.) that is not food service related outside the food preparation areas unless authorized by law.	Prevent contamination from dust producing equipment.	<i>None.</i>
VI.	Physical Facilities.	Position all readily movable storage equipment outside the food preparation area.	Increase accessibility for cleaning.	<i>None.</i>
VI.	Physical Facilities.	Locate equipment such as an ice maker and ice storage equipment inside a food service or food preparation area.	Prevent contamination from exposed or unprotected water lines.	<i>None.</i>

## Appendix B – Summary of Staff Recommended Changes & Stakeholder Feedback

Article	Title	Proposed Change	Purpose	Stakeholder Feedback
VIII.	Mobile Food Establishments.	Vehicle liability insurance requirement prior to scheduling a permit inspection. The permit holder must ensure that the driver of the vehicle has a valid driver's license.	Applicant must provide proof of insurance – places responsibility on the permit holder and expedites the permit process.	<i>None.</i>
VIII.	Mobile Food Establishments.	Push carts must be stored inside the commissary location when not in operation.	Prevent cart owners from storing carts outside – exposed to the elements.	<i>None.</i>
IX.	Temporary Food Establishments & Catering Services.	Limit the number of time/temperature for safety (TCS) menu items within a permitted booth to not more than four.	Prevents vendors from storing or adding excess TCS items without proper heat/cold equipment to service the entire booth.	<i>None.</i>
IX.	Temporary Food Establishments & Catering Services.	Limit the booth size to a maximum of 15 x 15 unless the booth planner offers fixed structures as temporary booths.	Prevent potential contamination of food items due to TCS violations and prevent contamination due to lack of space.	<i>None.</i>

## Appendix B – Summary of Staff Recommended Changes & Stakeholder Feedback

Article	Title	Proposed Change	Purpose	Stakeholder Feedback
X.	Compliance and Enforcement.	Require a dog friendly sign on the patio in addition to the existing requirement of posting a sign at the front entrance; require a sign no smaller than 9-1/2 x 12; maintain a log of the cleaning schedule of the dog friendly patio; and maintain a separate dog-free area with a minimum of seven feet of separation from the dog friendly patio area.	Prevent potential contamination of food items and create a dog friendly atmosphere.	<i>None.</i>
<p>Proposed changes apply to new facilities or extensive remodel of at least \$25,000 or an amount equal to at least 10 percent of the assessed value of the facility, whichever is more, for the purposes of repairs or remodeling, but does not include:</p> <ul style="list-style-type: none"> <li>(A) expenditures for the replacement of movable equipment; or</li> <li>(B) remodeling that does not affect the construction or operation of food storage or food preparation areas used to store or clean utensils and equipment used in food storage or food preparation.</li> </ul>				

*\*Stakeholder feedback (Greater Dallas Restaurant Association) in green. Staff recommended changes in black.*

**KEY FOCUS AREA:** Clean, Healthy Environment  
**AGENDA DATE:** June 22, 2016  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Code Compliance  
**CMO:** Joey Zapata, 670-3009  
**MAPSCO:** N/A

---

### **SUBJECT**

An ordinance amending Chapter 17 of the Dallas City Code **(1)** adopting new food establishment rules promulgated by the Texas Department of State Health Services; **(2)** providing additional requirements for certain equipment; **(3)** providing additional requirements for mobile food establishments; **(4)** providing additional requirements for variances for dog friendly patios; **(5)** providing certain Heimlich Maneuver poster display requirements; and **(6)** making conforming changes; and providing a penalty not to exceed \$2,000 - Financing: No cost consideration to the City

### **BACKGROUND**

The proposed ordinance would amend Sections 17-1.1, 17-1.5, 17-1.6, 17-2.1, 17-2.2, 17-3.1, 17-3.2, 17-4.1, 17-4.2, 17-5.1, 17-5.2, 17-6.1, 17-6.2, 17-7.1, 17-8.1, 17-8.2, 17-9.1, 17-9.2, 17-10.1, 17-10.2, 17-11.2, 17-12.1, 17-13.1 and 17-14.1 of the Dallas City Code to: (1) expand Texas Food Establishment Rules (TFER) definitions and add new TFER requirements; (2) require a hand wash sink within 25 linear feet of a food preparation area; (3) locate grease traps outside the food preparation areas; (4) add language to increase accessibility to equipment for cleaning and to prevent contamination from dust producing equipment and/or prevent contamination from exposed or unprotected water lines; (5) require proof of insurance for mobile food establishments and storage location requirements for push carts; (6) limit the booth size for temporary food establishments to 15 x 15 and limit the number of time/temperature for safety (TCS) menu items within a permitted booth to no more than four; (7) provide additional requirements for dog friendly patios at food establishments; and (8) provide a "grandfather status" provision for non-TFER changes.

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

Briefed to the Quality of Life and Environment Committee on February 22, 2016.

Information about this item was provided to the Quality of Life and Environment Committee on April 11, 2016.

**FISCAL INFORMATION**

No cost consideration to the City

**KEY FOCUS AREA:** Clean, Healthy Environment  
**AGENDA DATE:** June 22, 2016  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Code Compliance  
**CMO:** Joey Zapata, 670-3009  
**MAPSCO:** N/A

---

### **SUBJECT**

An ordinance amending Chapter 17 of the Dallas City Code **(1)** adopting new food establishment rules promulgated by the Texas Department of State Health Services; **(2)** providing additional requirements for certain equipment; **(3)** providing additional requirements for mobile food establishments; **(4)** providing additional requirements for variances for dog friendly patios; **(5)** providing certain Heimlich Maneuver poster display requirements; and **(6)** making conforming changes; and providing a penalty not to exceed \$2,000 - Financing: No cost consideration to the City

### **BACKGROUND**

The proposed ordinance would amend Sections 17-1.1, 17-1.5, 17-1.6, 17-2.1, 17-2.2, 17-3.1, 17-3.2, 17-4.1, 17-4.2, 17-5.1, 17-5.2, 17-6.1, 17-6.2, 17-7.1, 17-8.1, 17-8.2, 17-9.1, 17-9.2, 17-10.1, 17-10.2, 17-11.2, 17-12.1, 17-13.1 and 17-14.1 of the Dallas City Code to: (1) expand Texas Food Establishment Rules (TFER) definitions and add new TFER requirements; (2) require a hand wash sink within 25 linear feet of a food preparation area; (3) locate grease traps outside the food preparation areas; (4) add language to increase accessibility to equipment for cleaning and to prevent contamination from dust producing equipment and/or prevent contamination from exposed or unprotected water lines; (5) require proof of insurance for mobile food establishments and storage location requirements for push carts; (6) limit the booth size for temporary food establishments to 15 x 15 and limit the number of time/temperature for safety (TCS) menu items within a permitted booth to no more than four; (7) provide additional requirements for dog friendly patios at food establishments; and (8) provide a "grandfather status" provision for non-TFER changes.

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

Briefed to the Quality of Life and Environment Committee on February 22, 2016.

Information about this item was provided to the Quality of Life and Environment Committee on April 11, 2016.

**FISCAL INFORMATION**

No cost consideration to the City

# Memorandum



CITY OF DALLAS

DATE June 10, 2016

Honorable Members of the Quality of Life and Environment Committee: Sandy Greyson (Chair), Tiffinni A. Young  
TO (Vice Chair), Mark Clayton, Rickey D. Callahan, Philip T. Kingston, B. Adam McGough

SUBJECT Three-Year Service Contract for Temporary Industrial Labor for Sanitation Services- Resulting Staffing Inc.

The June 22, 2016 Council Agenda includes an item to authorize a three-year service contract (with two 1-year renewal options) for temporary industrial labor for Sanitation Services with Results Staffing, Inc., most advantageous proposer of five in an amount not to exceed \$20,246,078.

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis. This contract will continue to provide temporary industrial labor for Sanitation Services. Temporary labor is needed to supplement Sanitation Services staff with approximately 210 industrial laborers on a daily basis to collect refuse, recycling, and bulk/brush, work at the transfer stations and landfill and to assist in environmental and special services duties. The temporary workers receive daily work assignments from City staff, but remain employees of the temporary agency. Temporary labor allows Sanitation Services the flexibility to adjust its workforce to meet service needs according to daily service demands.

Although Results Staffing is a temporary employment agency, their employees have the opportunity to purchase an individual or family health care plan upon hire. Additionally, all employees will be paid at the current wage floor requirement of \$10.37 per hour. The vendor has also committed to provide the following, for their employees, who want to increase their skillsets and seek permanent employment:

- Résumé building and interview skills workshops
- Computer skills training
- Assist their employees who may have a suspended license and would like to re-obtain their Class C driver license, but are having difficulty due to ability to pay outstanding fees
- Work with Sanitation Services to issue performance certificates for their employees which allow for reduced background requirement for certain City positions. These certificates can also be utilized by the employee to document performance to other potential employers
- Identify and support their employees to compete for permanent open laborer and truck driver positions within the City

Three-Year Service Contract for Temporary Industrial Labor for Sanitation Services- Resulting Staffing Inc.  
June 10, 2016

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



Joey Zapata

Assistant City Manager

c: Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Christopher D. Bowers, Interim City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Eric D. Campbell, Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Memorandum



DATE June 10, 2016

TO Honorable Members of the Quality of Life & Environment Committee: Sandy Greyson (Chair),  
Tiffinni A. Young (Vice Chair), Rickey D. Callahan, Mark Clayton, Philip T. Kingston, B. Adam McGough

SUBJECT Proposed Amendments to Chapter 47A – Transportation for Hire

This briefing memorandum provides an update on the regulation of transportation for hire and provides recommended changes to Chapter 47A.

The current Chapter 47A went into effect on April 30, 2015, redefining transportation for hire services as any ride for compensation, including motorized and non-motorized vehicles. It encouraged market competition by allowing new business models to operate, streamlined the permitting process and reduced fees. Different modes of transportation for hire companies can now compete directly against each other and consumers have a choice of what type of service to use. The regulations focus on issues that are important to the City, including:

- Driver qualification
- Vehicle safety and appearance
- Insurance
- Consumer choice
- Quality service

In order to provide transportation for hire service in Dallas, an operating authority, driver permit and vehicle permit are required under this ordinance. A driver permit and vehicle permit may be used under any or several operating authorities, as long as the operating authorities are valid and their insurance is in compliance with Chapter 47A.

At the same time, process improvements such as providing an online application for permits, distributing permits electronically, and using multiple outside vendors for vehicle inspection (currently 68 inspection sites), insurance, background and driving record checks have reduced the fees and the response time to process permit applications. Allowing newer business models to operate in Dallas and standardizing the regulation for all types of business models has increased the availability of transportation for hire services for Dallas customers. Following the introduction of this new ordinance, the total number of permits issued increased from 11,108 to 45,631 in the last year.

Proposed Amendments to Chapter 47A – Transportation for Hire  
June 10, 2016

The following proposed amendments to Chapter 47A are intended to further clarify and streamline regulations:

<b>Potential Amendments</b>	<b>Staff Comments/Concerns</b>
Prohibit ownership or control of vehicle inspection stations by a permitted TFH operating authority	Transportation-for-Hire companies with operating authorities have partnerships, agreements, or ownership in vehicle inspection stations in the city of Dallas.
Synchronize vehicle inspection due date with vehicle registration due dates	Allows for a vehicle inspection and state registration to be performed at the same location.
Require operating authorities that track vehicle location and availability electronically to provide real-time vehicle location and availability information to ground transportation tracking system	Real time information will provide the exact time, place, and event for Love Field Ground Transportation to determine fees and transportation-for-hire availability.
Clarify exception for DART vehicles	Transportation-for-Hire companies have paratransit contracts/agreements with DART to transfer Medicare/Medicaid patients to medical facilities.
Clarify exception for shuttles regulated by the state or federal governments	A clear distinction does not exist to regulate or not regulate transportation-for-hire companies that are regulated by state and federal authorities.
Clarify that an operating authority applicant must show that an insurance company has bound itself to provide the required insurance	Insurance companies submit information that they will cover an operating authority company but that doesn't necessarily mean they have bound themselves to provide the required insurance for the ordinance.
Clarify that an operating authority's insurer notifies the city in advance if there is a reduction in coverage	Eliminates transportation-for-hire companies from reducing coverage within a year while maintaining the same insurance policy until its expiration date.
Streamline 31 point inspection process	Reduction in time to conduct an inspection and eliminates loading a vehicle onto a lift.

An ordinance with these recommended changes will be presented for consideration in August, 2016.

Proposed Amendments to Chapter 47A – Transportation for Hire  
June 10, 2016

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



Joey Zapata  
Assistant City Manager

c: Honorable Mayor and members of the City Council  
A.C. Gonzalez, City Manager  
Christopher D. Bowers, Interim City Attorney  
Craig D. Kinton, City Auditor  
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# Memorandum



CITY OF DALLAS

DATE June 10, 2016

Honorable Members of the Quality of Life & Environment Committee: Sandy Greyson  
TO (Chair), Tiffinni A. Young (Vice Chair), Rickey D. Callahan, Mark Clayton, Philip T.  
Kingston, B. Adam McGough

SUBJECT **Resilient Dallas Update**

Today's presentation will provide a quick update on the 100 Resilient Cities Program and a review of the progress to date; discuss the development of the Discovery Areas and Diagnostic Questions; and discuss next steps and opportunities for additional stakeholder engagement.

Please do not hesitate to contact me if I can provide any additional information.

A handwritten signature in black ink that reads "Theresa O'Donnell".

Theresa O'Donnell  
Chief Resilience Officer  
214.670.3309

c: Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Christopher D. Bowers, Interim City Attorney  
Craig D. Kinton, City Auditor  
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Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Resilient Dallas Update

Quality of Life & Environment Committee  
June 13, 2016



# Introduction

- Quick update on the 100 Resilient Cities Program and a review of the progress to date
- Discuss the development of the Discovery Areas and Diagnostic Questions
- Discuss next steps and opportunities for additional stakeholder engagement



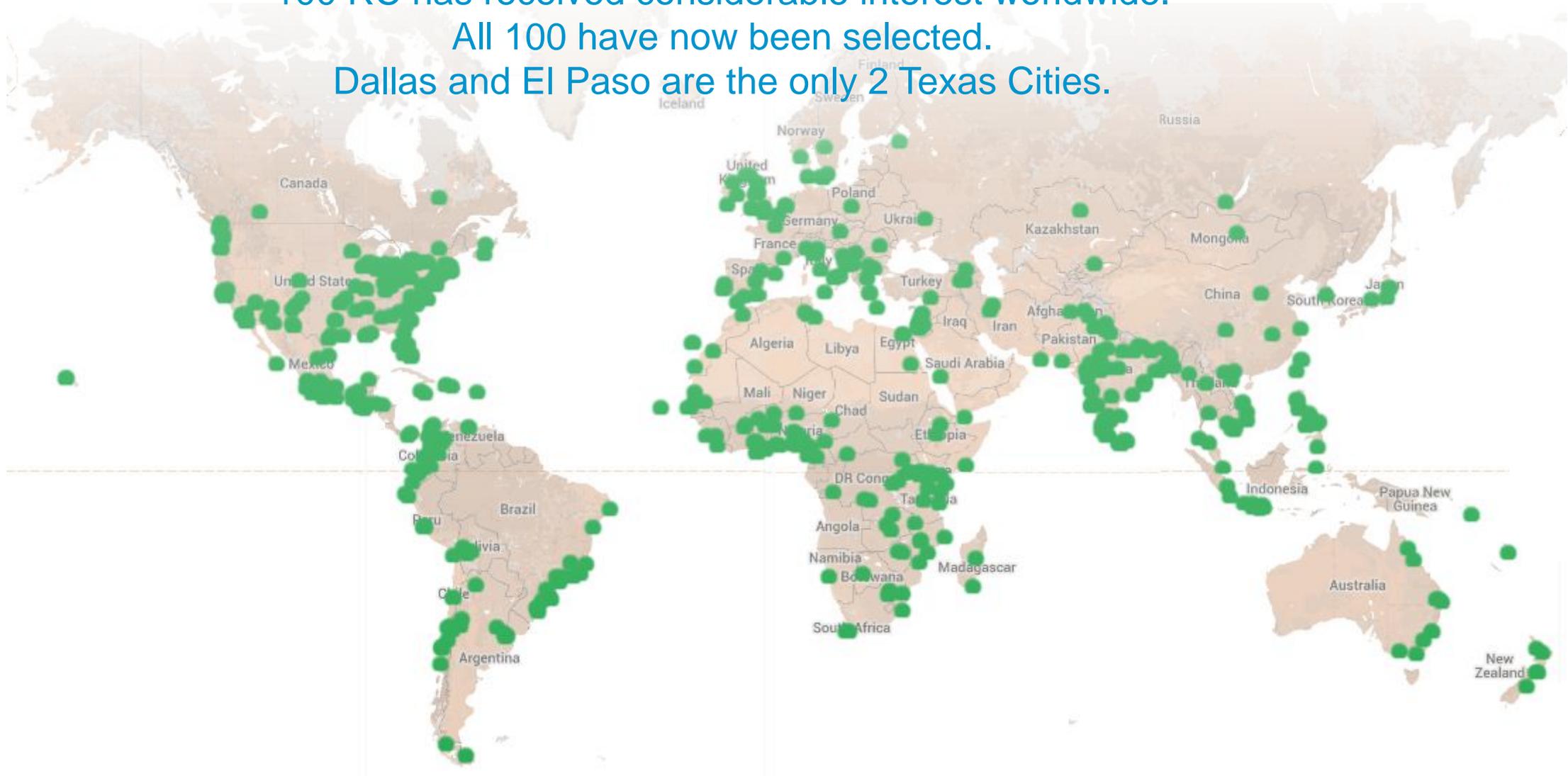
**100RC partners**  
with cities around the  
world to **help them**  
**become more resilient** to the  
social, economic and  
physical challenges that  
are a growing part of  
the 21st century.

# 100 Resilient Cities

100 RC has received considerable interest worldwide.

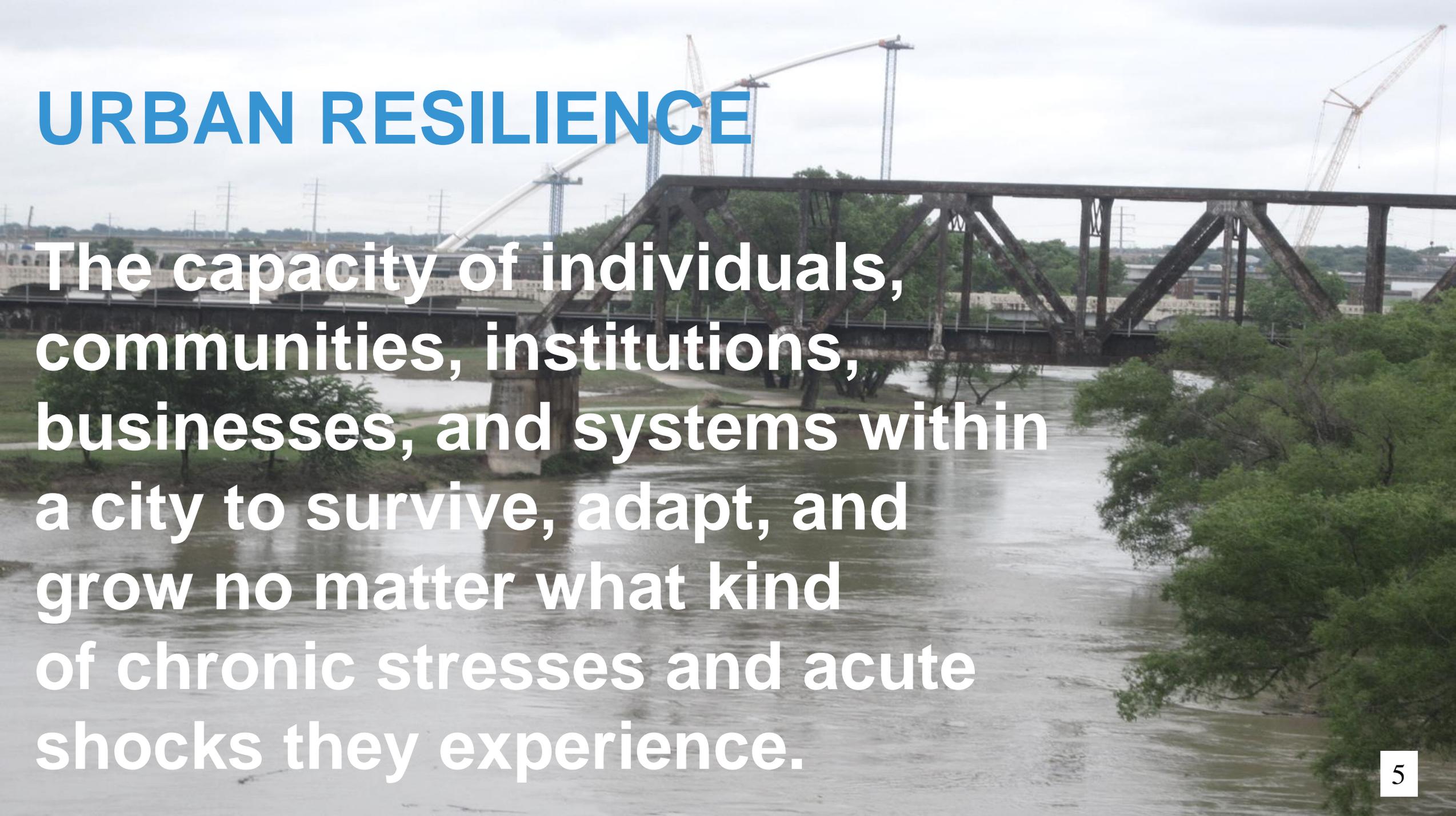
All 100 have now been selected.

Dallas and El Paso are the only 2 Texas Cities.



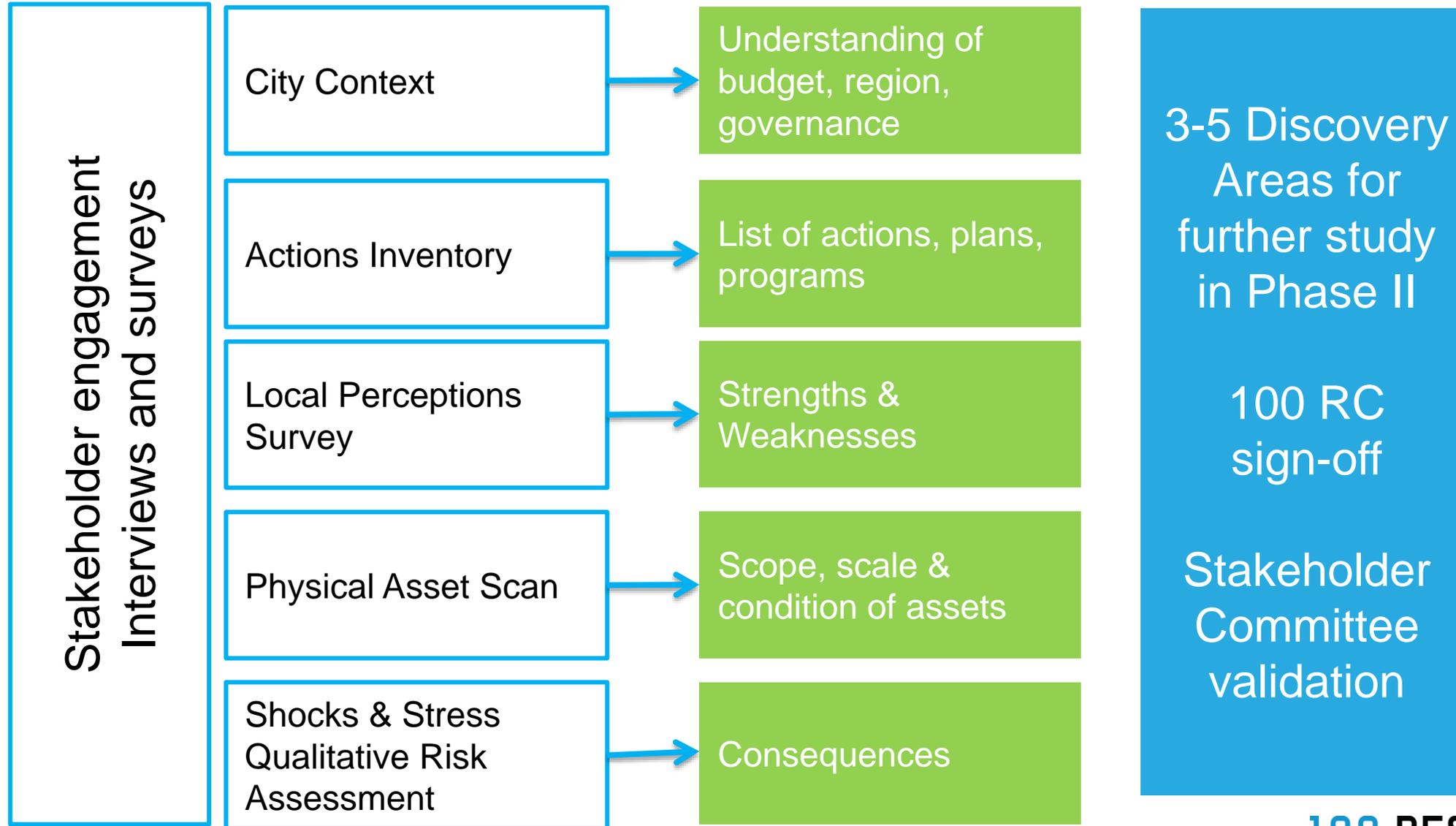
**100 RESILIENT CITIES**

# URBAN RESILIENCE

A large steel truss bridge is under construction over a wide river. Several tall cranes are positioned around the bridge structure, indicating ongoing work. The background shows a cityscape with buildings and utility poles under an overcast sky. The river is calm, and there are green trees on the banks.

The capacity of individuals, communities, institutions, businesses, and systems within a city to survive, adapt, and grow no matter what kind of chronic stresses and acute shocks they experience.

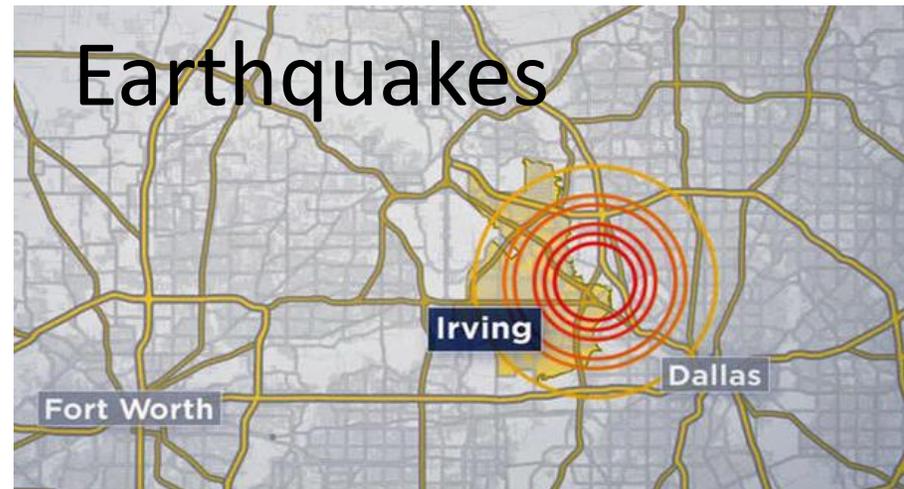
# Preliminary Resilience Assessment



# Overview of progress to date

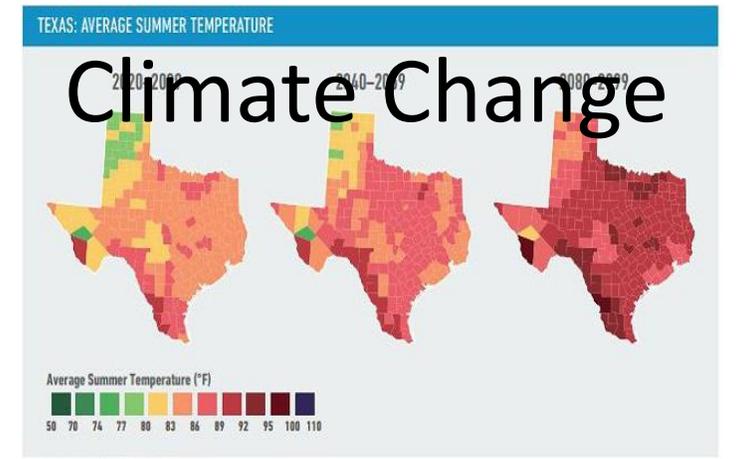
- Stakeholder committee meetings
- Stakeholder interviews
- Dallas Resilience Website
- City Context (data collected, analysis complete this month)
- Actions Inventory (final draft)
- Perceptions Survey (in progress, draft community survey )
- Physical Asset Scan (complete. validation by Stakeholder Committee)
- Qualitative Shocks and Stresses Assessment. (complete. validation by Stakeholder Committee)
- Scenario Planning (complete, validation by Stakeholder Committee)

# Top Shocks for Dallas

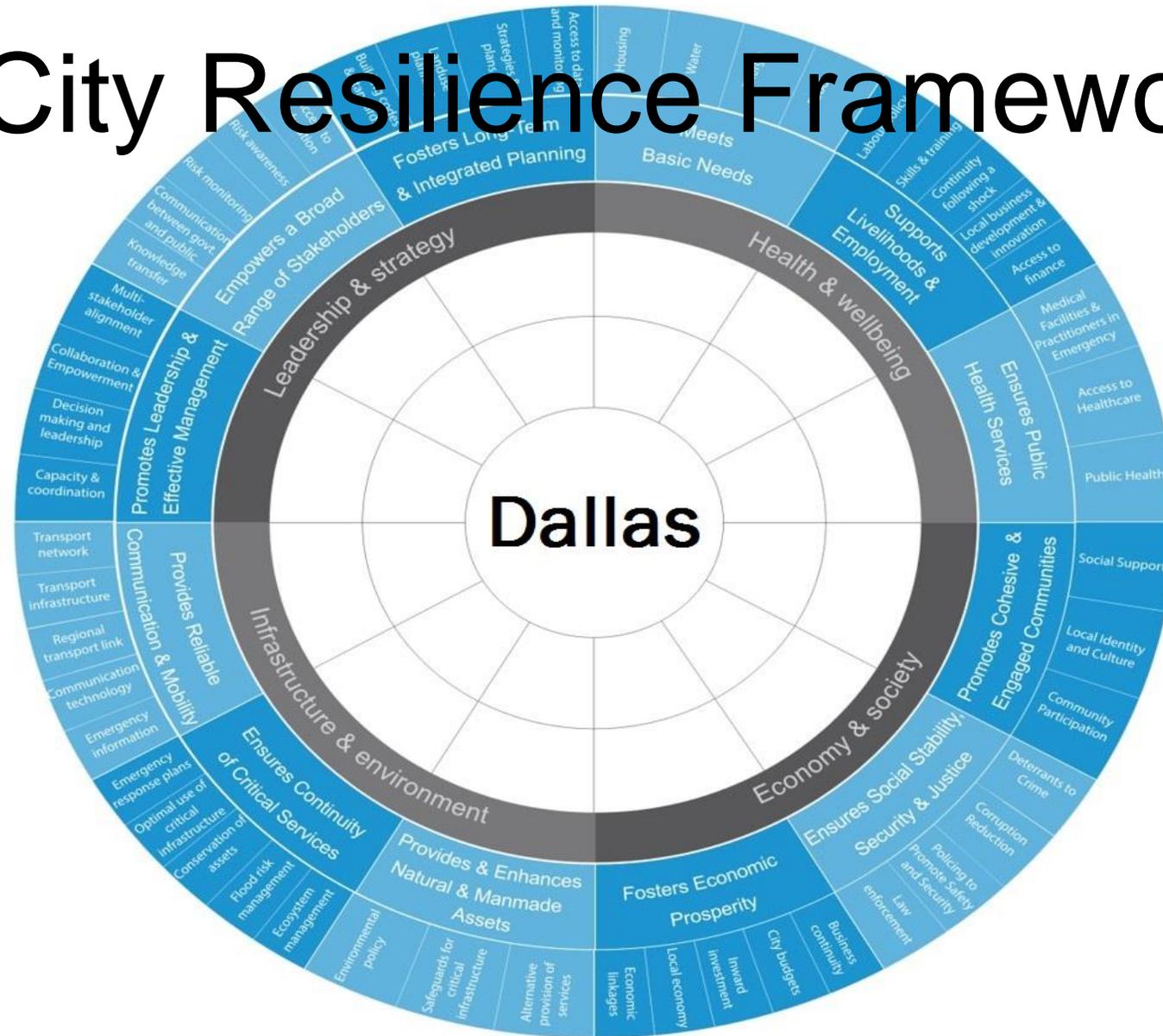


Disease  
Outbreak

# Top Stresses for Dallas



# City Resilience Framework



# Considerations during Phase I

## Discussions during Phase I that inform and shape Phase II

- What are the important linkages between shocks and stresses?
- What existing strengths and successful actions should we build on?
- Does the public's perception of the city's preparedness and performance match the plans and actions currently underway?
- What aspects of resilience is the city not yet addressing?

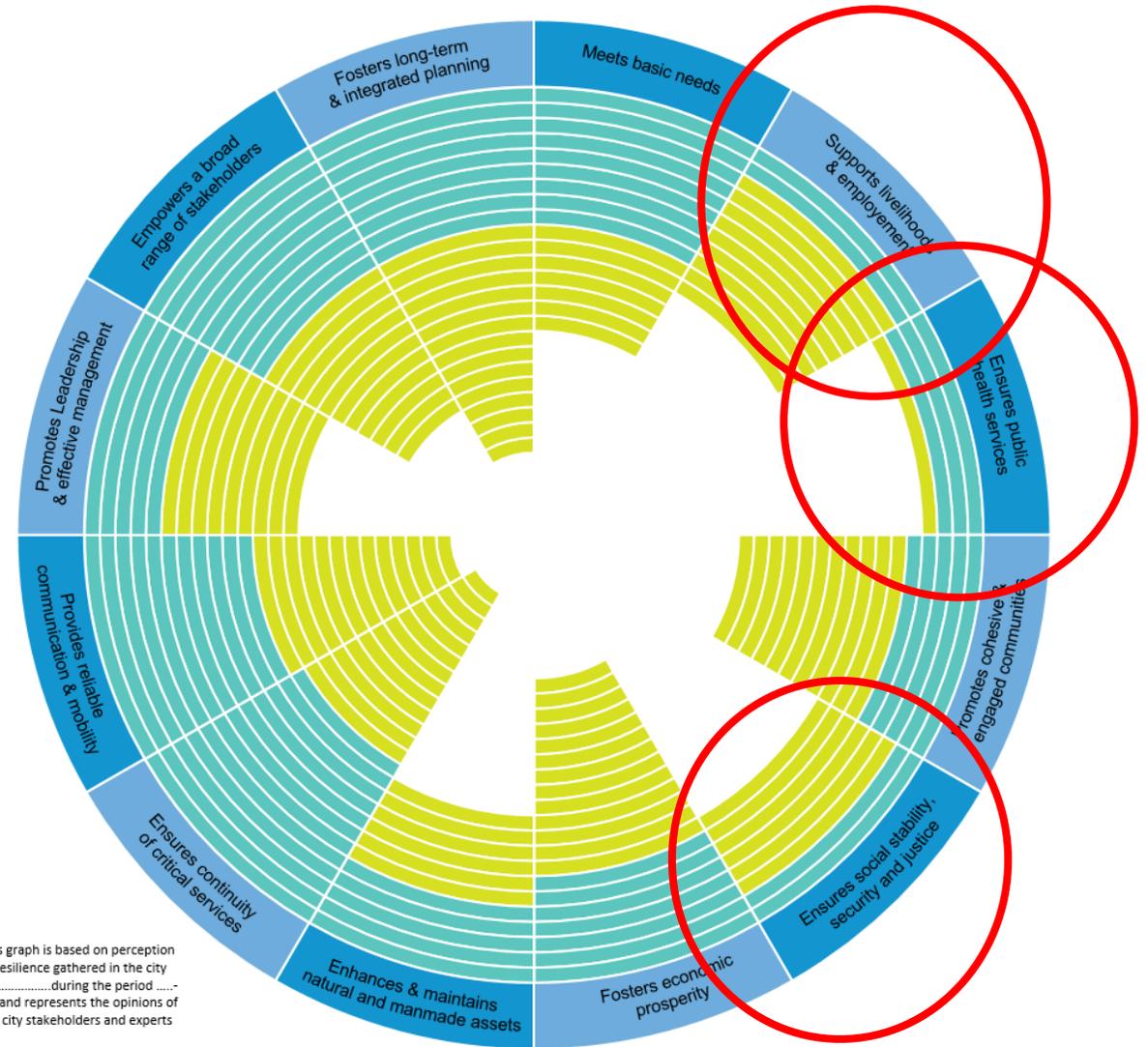
# Actions

## Significant number of actions

- Leadership
- Long-term, integrated planning
- Empowering Stakeholders
- Communications
- Continuity of Critical Services
- Mobility
- Meeting basic needs

## Lack actions

- Supporting Livelihoods
- Public Health
- Social Justice and Community Stability



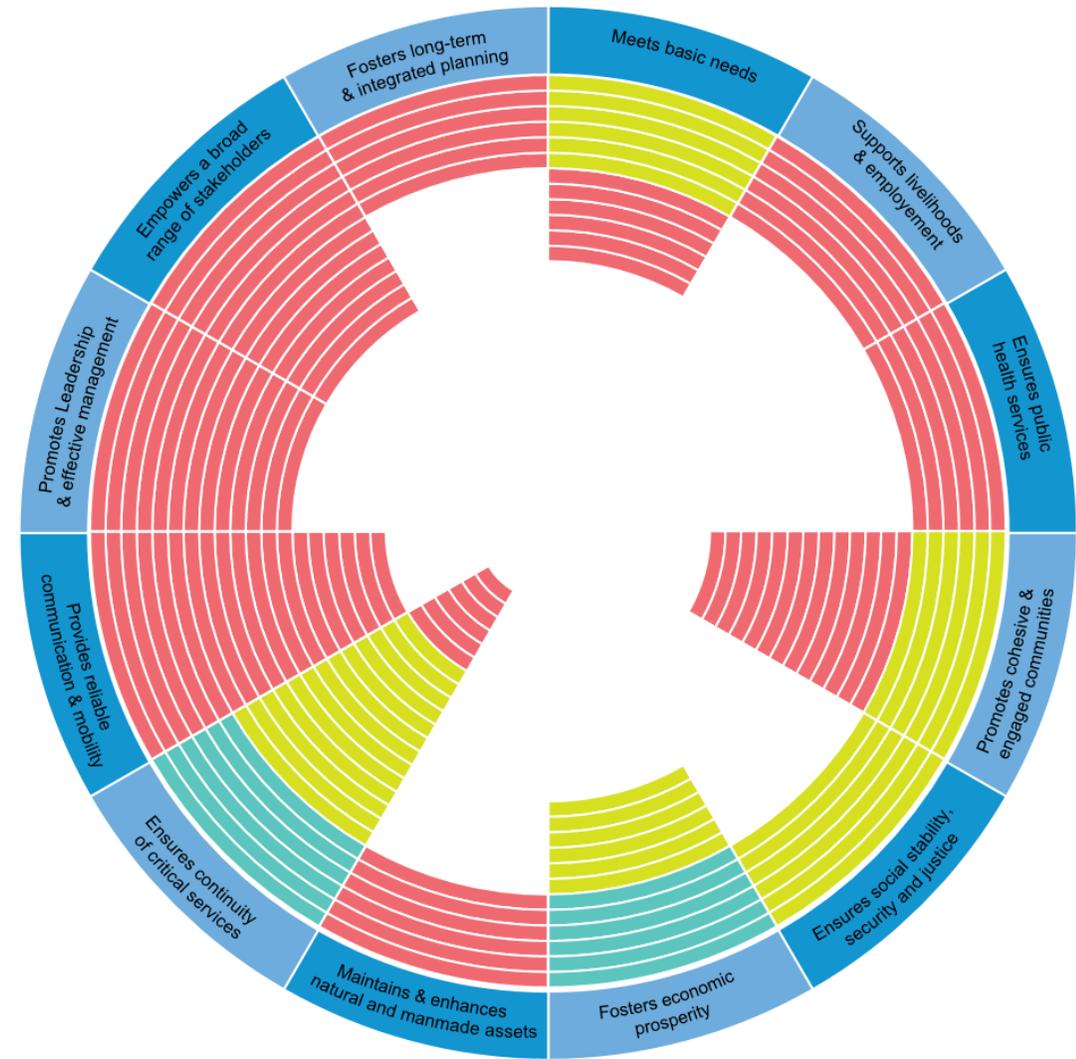
# Perceptions

## Strengths

- Economic Prosperity
- Continuity of Critical Services

## Areas for Improvement

- Lots of red!



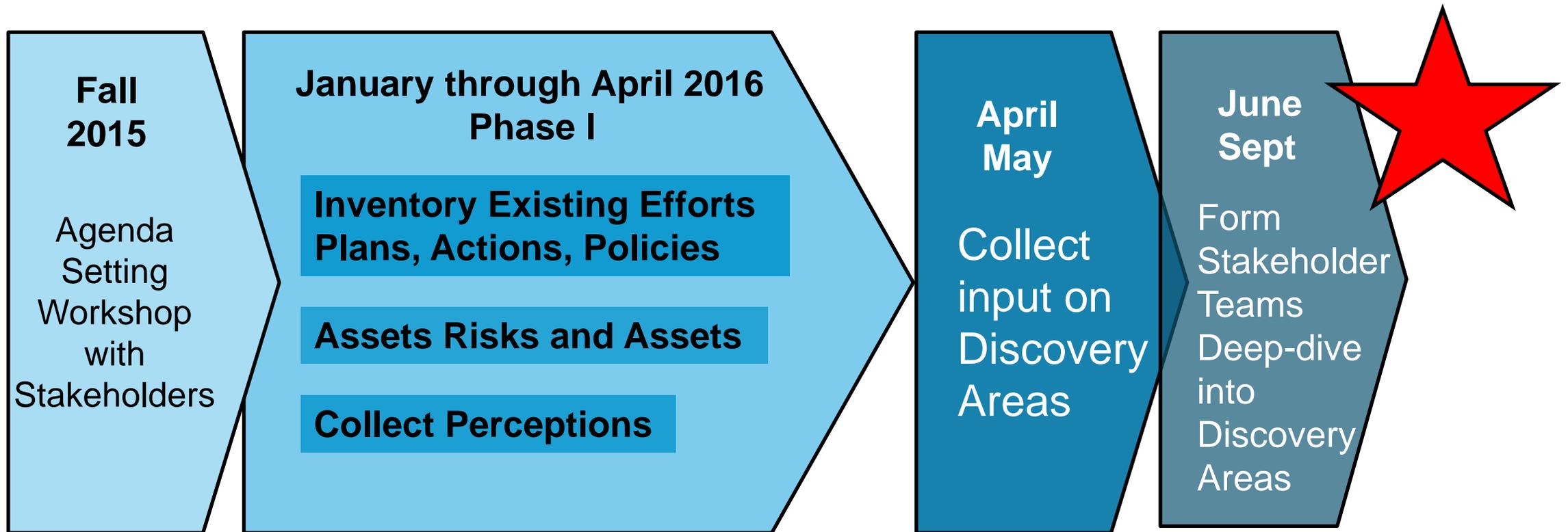
# Asset and Shocks Matrix

Physical asset type	Current overall condition	Future score considering vulnerability to shocks	Screened shocks - if this shock event were to occur, what would be the consequence for this asset type? (consider the worst case scenario shock event)									
	Total score (from RA1)	Total score (auto-calculated)	River flood (fluvial flood)	Drought	Icestorm	Earthquake	Power Grid Failure	Tornado	Disease outbreak	Heatwave	Riot / Civil Unrest	Terrorism
Water Sources	1.3	16.3	Low	High	Low	Medium	Low	Low	High	High	Low	High
Water Distribution/Delivery	1.3	18.8	Low	Low	Medium	High	High	Medium	Low	Low	Low	High
Water Production	1.5	25.5	Medium	High	Low	High	High	High	High	High	Low	High
Waste Water Collection System	1.3	16.3	Low	Low	Low	High	Medium	High	High	Low	Low	High
Water Reuse	2.0	32.0	Low	High	Low	High	High	High	High	Medium	Low	High
Waste Water Treatment plants	1.3	17.5	Low	Low	Low	High	High	High	High	Low	Low	High
Storm Water Drainage assets	2.3	36.0	High	Low	High	High	Low	Low	Low	Low	Low	Low
Electricity generation	1.0	17.0	High	Low	Medium	High	High	High	Low	High	Low	High
Electricity transmission	1.0	18.0	High	Low	High	High	High	High	Low	Low	Low	High
Natural gas distribution	2.0	10.0	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Main roads	2.5	40.0	High	Low	High	High	Low	Medium	Low	Low	Medium	High
Railways	2.0	36.0	High	Low	High	High	High	Medium	Low	Low	Low	High
Tunnels	0.0	0.0	High	Low	High	High	Low	Medium	Low	Low	Low	High
Bridges	1.8	28.0	High	Low	High	High	Low	Medium	Low	Low	Medium	High
Airports	1.0	18.0	Low	High	High	High	High	High	High	High	Medium	High

## Assets most vulnerable to shocks

- Main Roads
- Storm water Drainage Assets
- Railways
- Bridges
- Water Infrastructure

# Process timeline



# A resilience approach to identifying Discovery Areas

- Understand and consider the interrelationship of shocks and the long-term stresses that increase Dallas' vulnerability
- Integrated, cross-cutting approach that involves multiple stakeholders
- Leverage assets and strengths of a broad range of partners and stakeholders
- Consider the long term impacts as well as the immediate benefits
- Cognizant of equity issues and a diversity our population

# Proposed Discovery Areas

- Harnessing the power of the robust North Central Texas economy to expand inclusiveness and create economic resilience for Dallas residents
- Exploring opportunities for partnerships and collaborations to improve Public Health outcomes
- Assessing the infrastructure in Dallas neighborhoods and the impacts of climate change on the natural and built environment
- Leveraging the region's transportation investments to improve mobility options and transit equity for residents

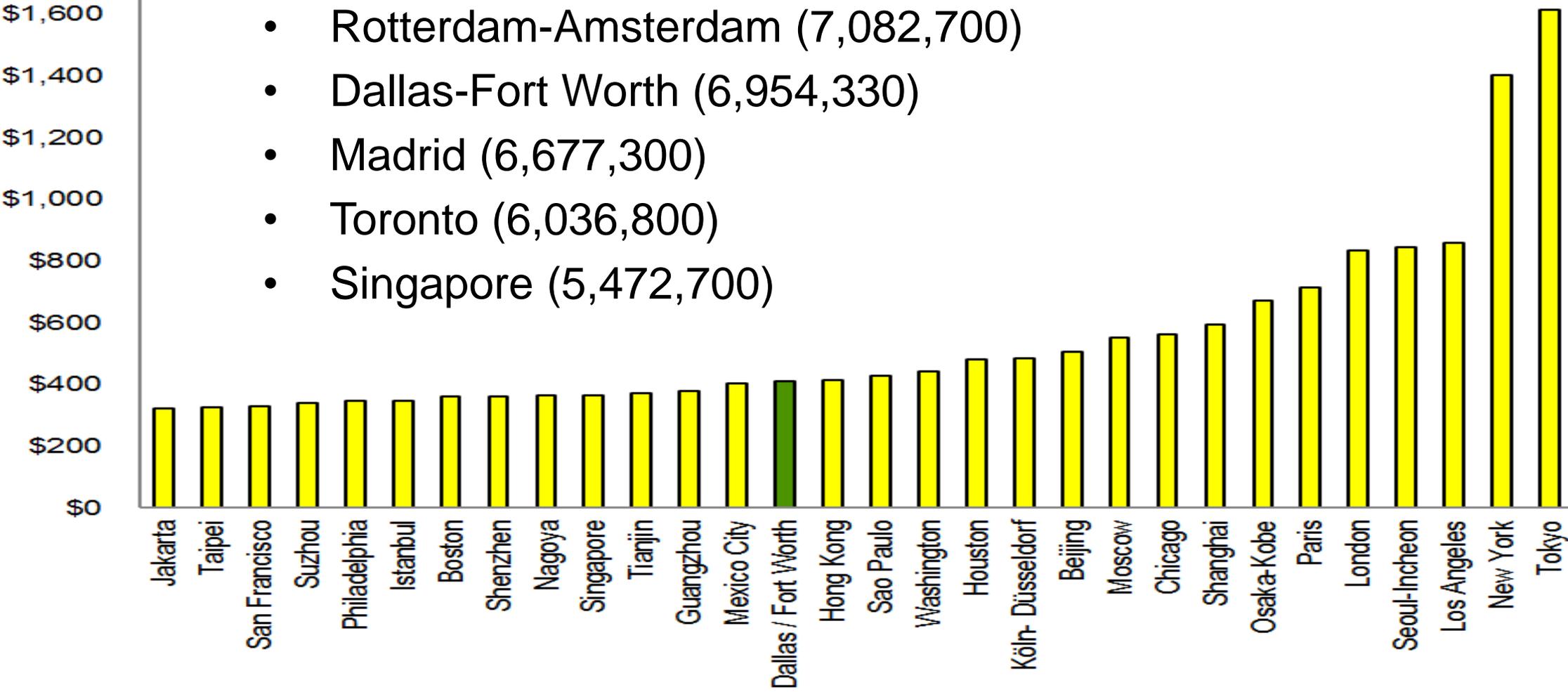
# Inclusive Economy

## DFW Economic Overview

- 4th largest population in U.S.
- 6th largest economy by output (2013)
- 5th largest by personal income (2012)
- 5<sup>th</sup> largest employment market
- Unemployment rate of 3.7%

The screenshot shows a web browser displaying an article on The National Interest website. The browser's address bar shows the URL: nationalinterest.org/feature/texas-americas-economic-miracle-11410. The page features a dark header with the site's logo and navigation links. The main content area is titled "Texas: America's Economic Miracle?" and includes a large image of a "Welcome to Texas" sign with the state flag and the text "Drive Friendly-The Texas Way" and "Proud Home Of President George W. Bush". Below the image is a quote: "The shale revolution—and the services necessary—is primarily responsible for the boom in Texas. So—does Texas really deserve all the praise it receives for its economy?". To the right of the main article is a sidebar with several smaller articles, including "People You Won't Believe Actually Exist", "Homeowners Who Have Not Missed A Payment in 3 Years Are In For A Big Surprise...", "Brett Favre's Net Worth Will Absolutely Drop Your Jaw!", and "Bill Cosby's Net Worth Will Blow You Away!". At the bottom right, there is a "Latest Issue" section for "THE NATIONAL INTEREST" featuring a cover with the word "CHINESE".

# Similarly-Sized Global Metropolitan Areas

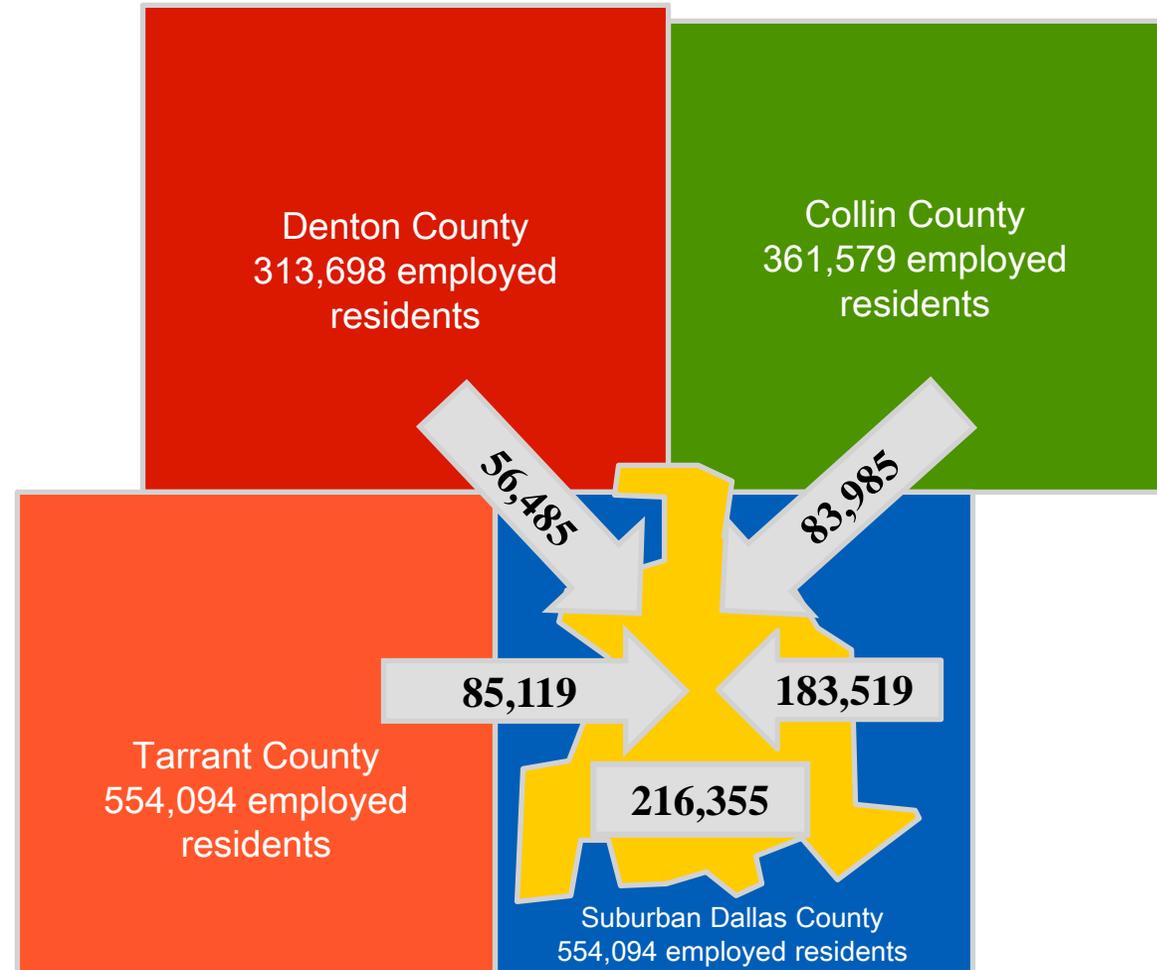


# Dallas is the vibrant urban core



# Inbound commuters in the Dallas labor force

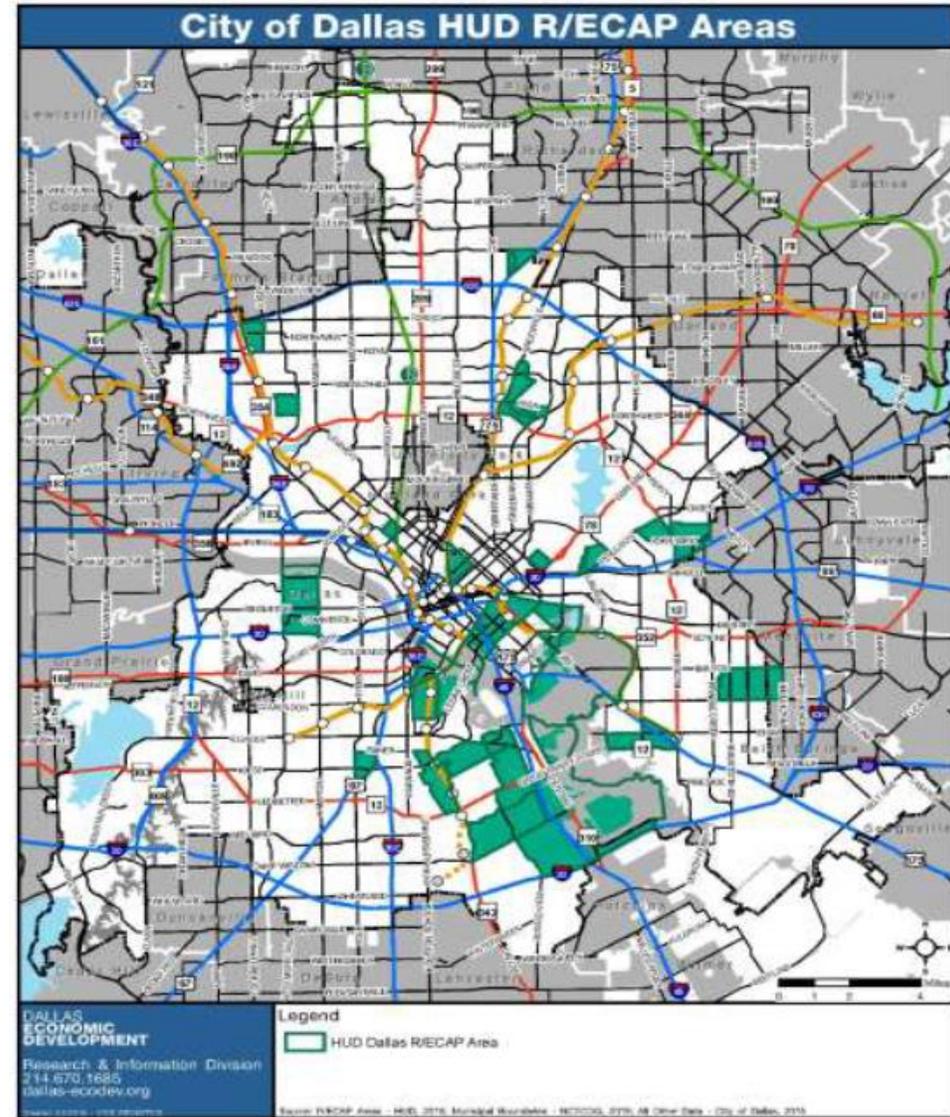
- Dallas has well over 1 million jobs
- 625,000 + workers commute into Dallas every day to work
- 638,792 Dallas residents in the labor force



# HUD R/ECAP

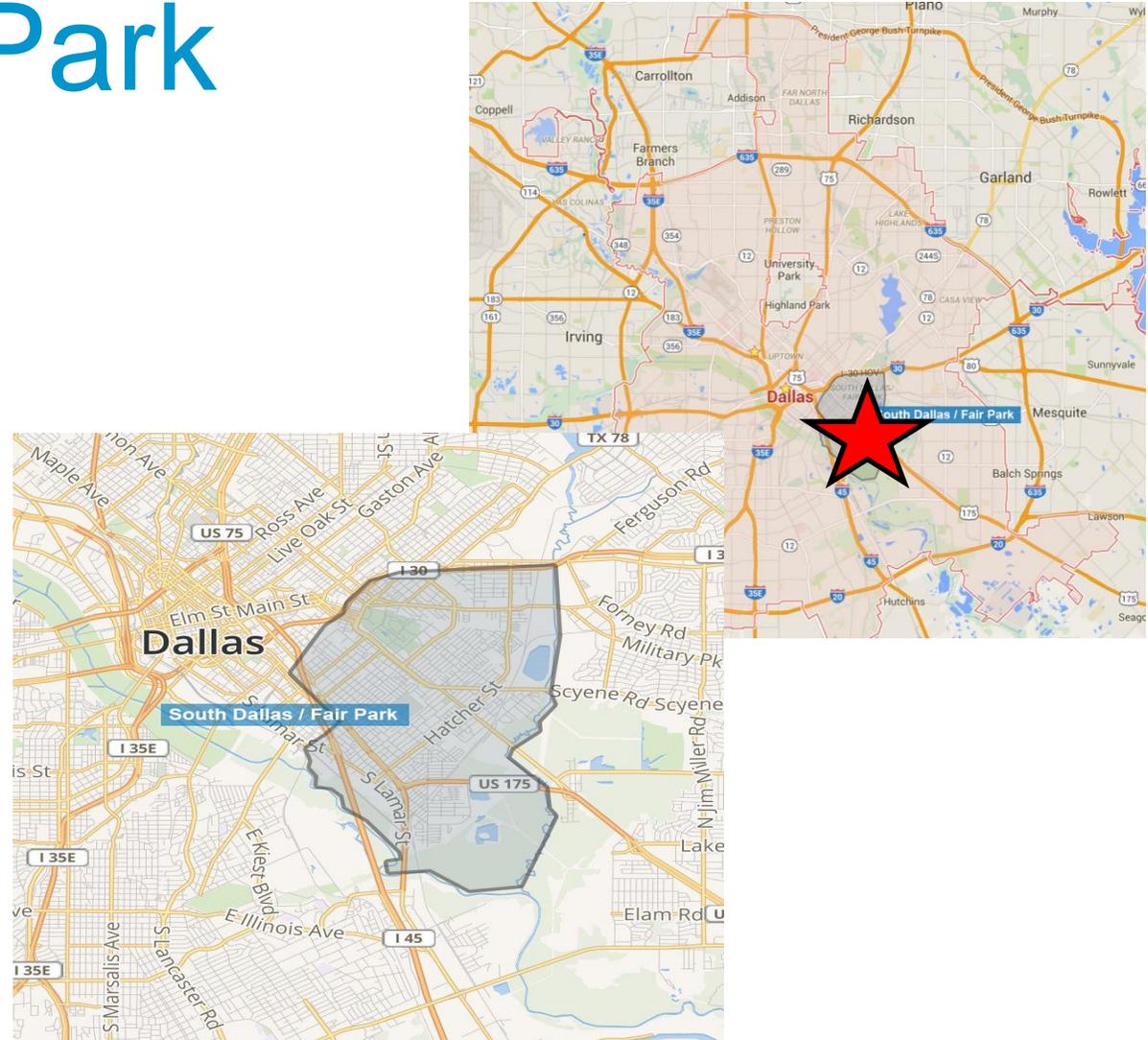
- 122,330 people, 55% are families
- Unemployment rate is 13%
- Adults not in the workforce can exceed 30% in some census tracts
- Per capita income is \$12,291

Challenges of education attainment, skills gap, language barriers, limited transportation options, and childcare costs have left many Dallas residents behind



# South Dallas Fair Park

- Unemployment rate of 19%
- Over 70% of Adults are not currently unemployed
- 43% of Families with children live below the poverty level
- Per capita income is \$12,500
- Population decline of 19% from 2000 - 2010



# Discovery Area – Inclusive Economy

Understand how the robust North Central Texas economy could expand to become more inclusive and provide market-driven opportunities to residents who have been excluded from the traditional labor force.

# Proposed Diagnostic Questions

- What are proven, best practices for Dallas to consider for building an expanded and inclusive economy?
- What are the barriers and impediments that prevent some Dallas residents from finding employment?
- How can we improve or adjust our existing practices, policies and funding priorities to expand economic opportunity and build economic resilience for Dallas residents?
- What role can the City play to ensure quality education and skills training opportunities are available to all city residents?

# Health care in Dallas



# Disparity in Health Care

Report: Texas has the highest number of uninsured Hispanic kids in the country

About two out of three of uninsured Hispanic children are eligible for Medicaid or CHIP but not enrolled.



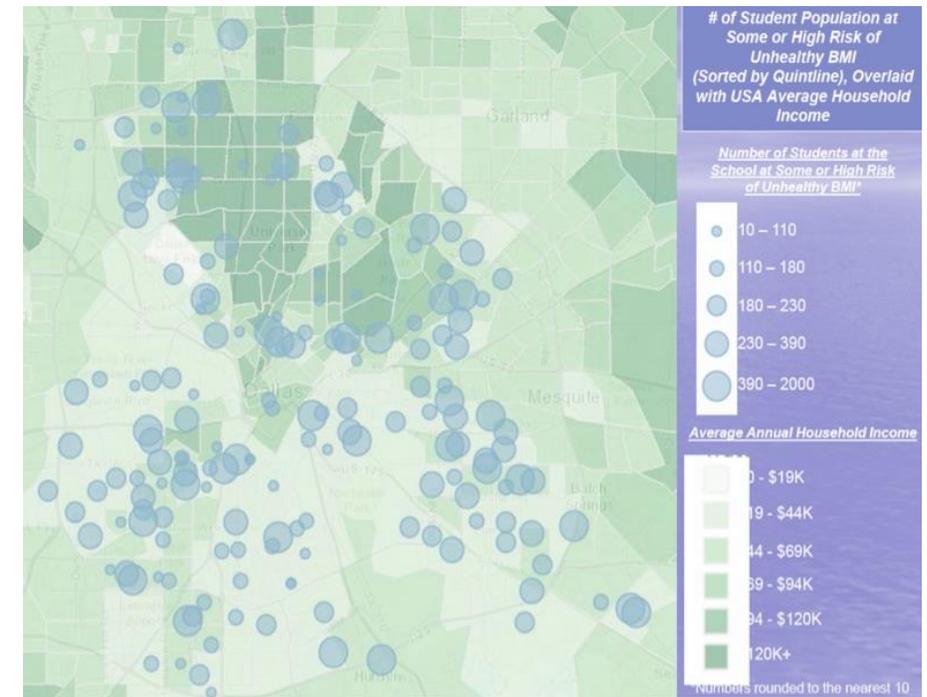
Learn more: <http://bit.ly/1ZvblUz>

## Community Need Index Aggregates a number of socioeconomic risk factors

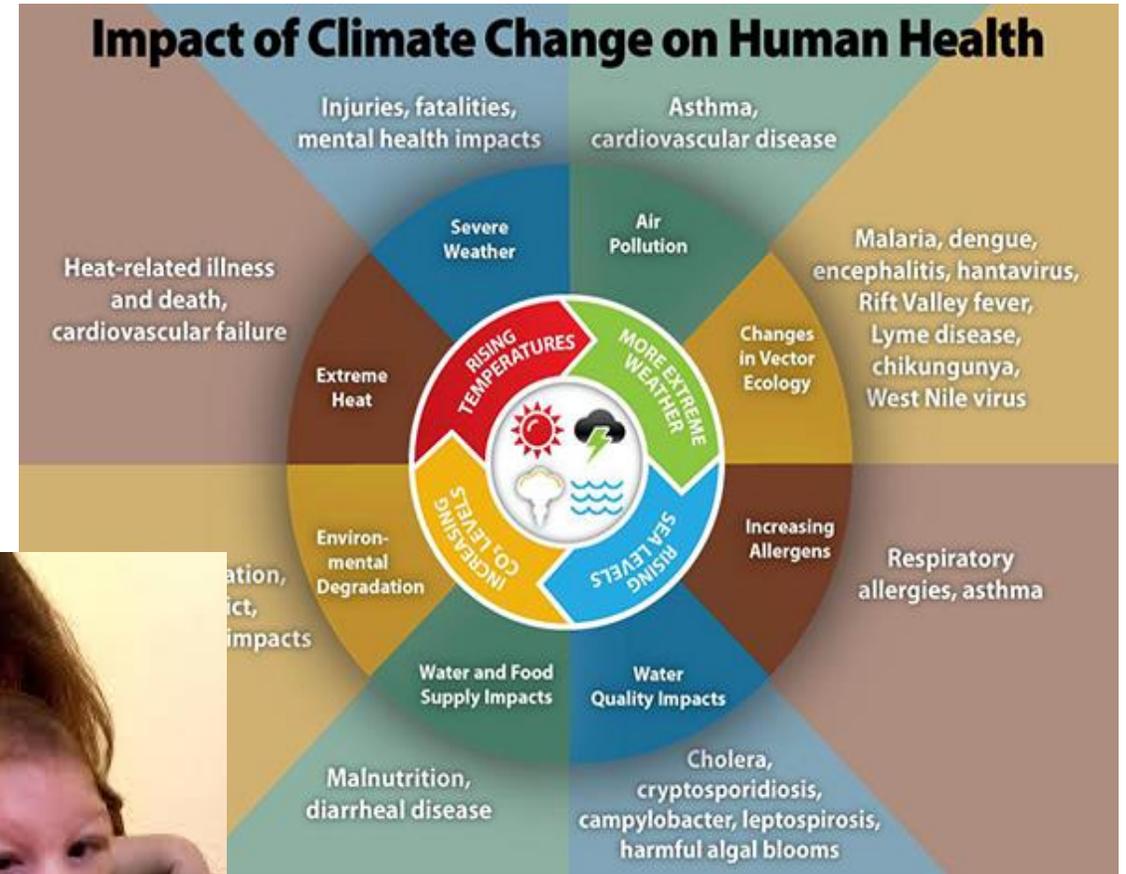
- **Poverty**
- **Educational attainment**
- **Racial/ethnic minorities**
- **Limited English proficiency**
- **Unemployment**
- **Lack of health insurance**

# Growing up poor in Dallas

- 38% of Dallas children live in poverty
- 20% don't have health insurance
- 28% have inadequate food and nutrition
- 35% live in a single-parent home
- Infant mortality is increasing



# Is Dallas vulnerable to a disease outbreak?



# Discovery Area – Public Health

How can Dallas make a meaningful contribution to improving public health outcomes for Dallas residents?

# Proposed Diagnostic Questions

- What are the gaps in health literacy, health care service provision and coordination among health providers?
- What are the existing assets and resources that could be leveraged to improve public health outcomes?
- How can those assets and resources be used to provide health care services and improve health literacy in neighborhoods with inadequate health care services?
- How can emerging best practices, such as those in telemedicine and virtual care, be utilized in areas with inadequate health care services?

# Proposed Diagnostic Questions

- What role should the City of Dallas play in developing a county-wide, comprehensive public health emergency plan for an infectious disease outbreak?
- What are the critical communications gaps that currently exist between government agencies, hospitals, healthcare providers, non-profits, and the public? How can technology bridge those gaps?

# Discovery Area – Infrastructure

Ensuring adequate public infrastructure. Understanding the impacts deferred maintenance, the costs of neighborhood decline, and the impacts of climate change on the built environment and our natural assets.

**How does Dallas ensure adequate infrastructure provision in an equitable way?**

# Infrastructure



# Proposed Diagnostic Questions

- What is the 21<sup>st</sup> century standard for basic infrastructure in Dallas neighborhoods?
- What are the long-term financial commitments, funding mechanisms, and policies necessary to build and maintain a 21<sup>st</sup> century Neighborhood Standard?
- How can city resources be prioritized and strategically deployed to serve as a catalyst for private investment and development?

# Proposed Diagnostic Questions

- How does climate change affect our most significant natural resources and other critical infrastructure, such as the Great Trinity Forest, flood control systems and water resource supply?
- What are the latest studies, best practices, and emerging technologies that Dallas can examine to understand how our natural and built environment must adapt to the changing climate?



# Mobility options and transportation equity

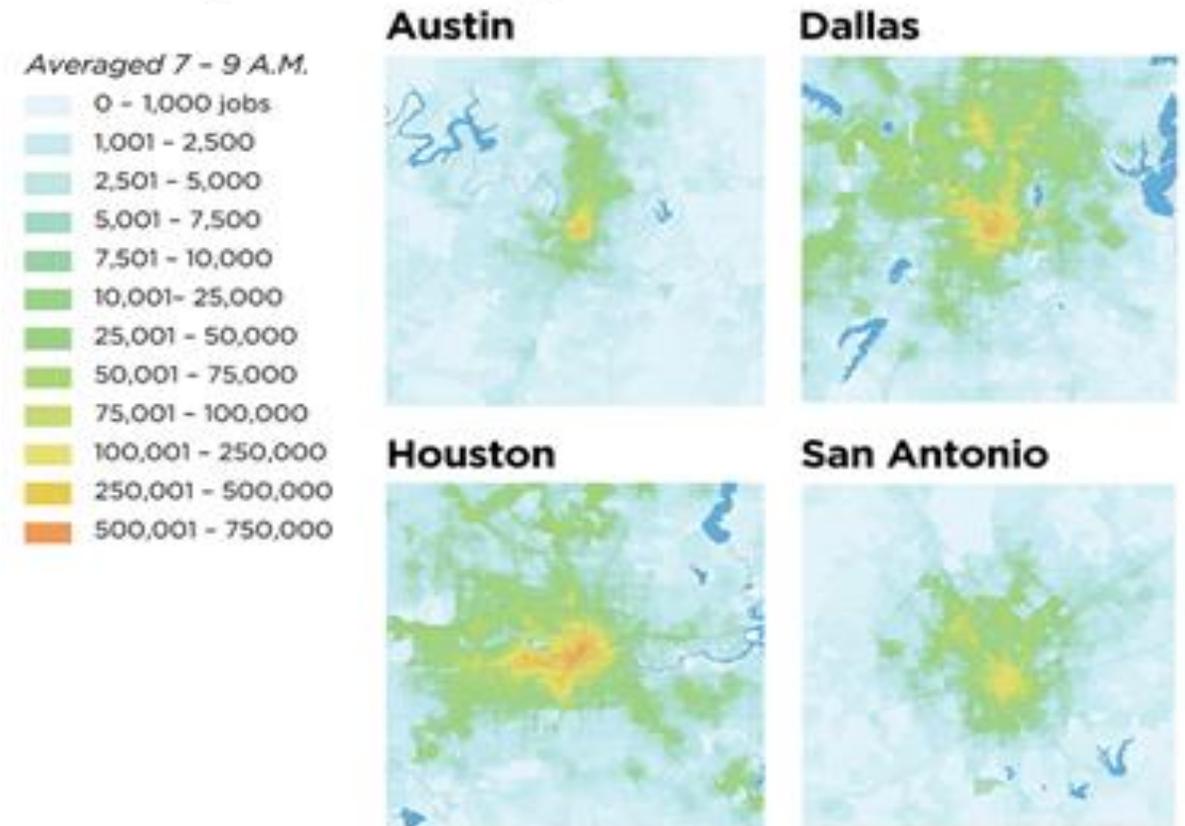


# Mobility, Jobs and Housing

- The Metroplex ranks 5<sup>th</sup> nationally in jobs
- Less than 20% of jobs are accessible by transit in less than 90 minutes
- More than 70% of HUD assisted properties are considered **unaffordable** when housing costs and transportation costs are combined

## Jobs within 30 minutes by transit

Most of Dallas' jobs accessible by transit within 30 minutes are in downtown and surrounding areas, though some suburbs have job centers near public transportation routes. But while the Dallas-Fort Worth region as a whole ranks fifth nationally in terms of the number of jobs, it ranks 21st in how many of them can be reached by transit in under one hour.



# Discovery Area – Transportation Equity

How can Dallas leverage the regional transportation investments to expand mobility options, improve transportation equity, and build social and economic resilience for City residents?

# Proposed Diagnostic Questions

- What is the current state of transportation equity in the Metroplex and what are the policies, funding constraints, or organizational structures that impact transportation equity for Dallas residents?

# Proposed Diagnostic Questions

- How can transit networks be improved to ensure transit dependent populations have equitable and efficient access to employment, education, healthcare and basic retail services while also enticing life-style riders?

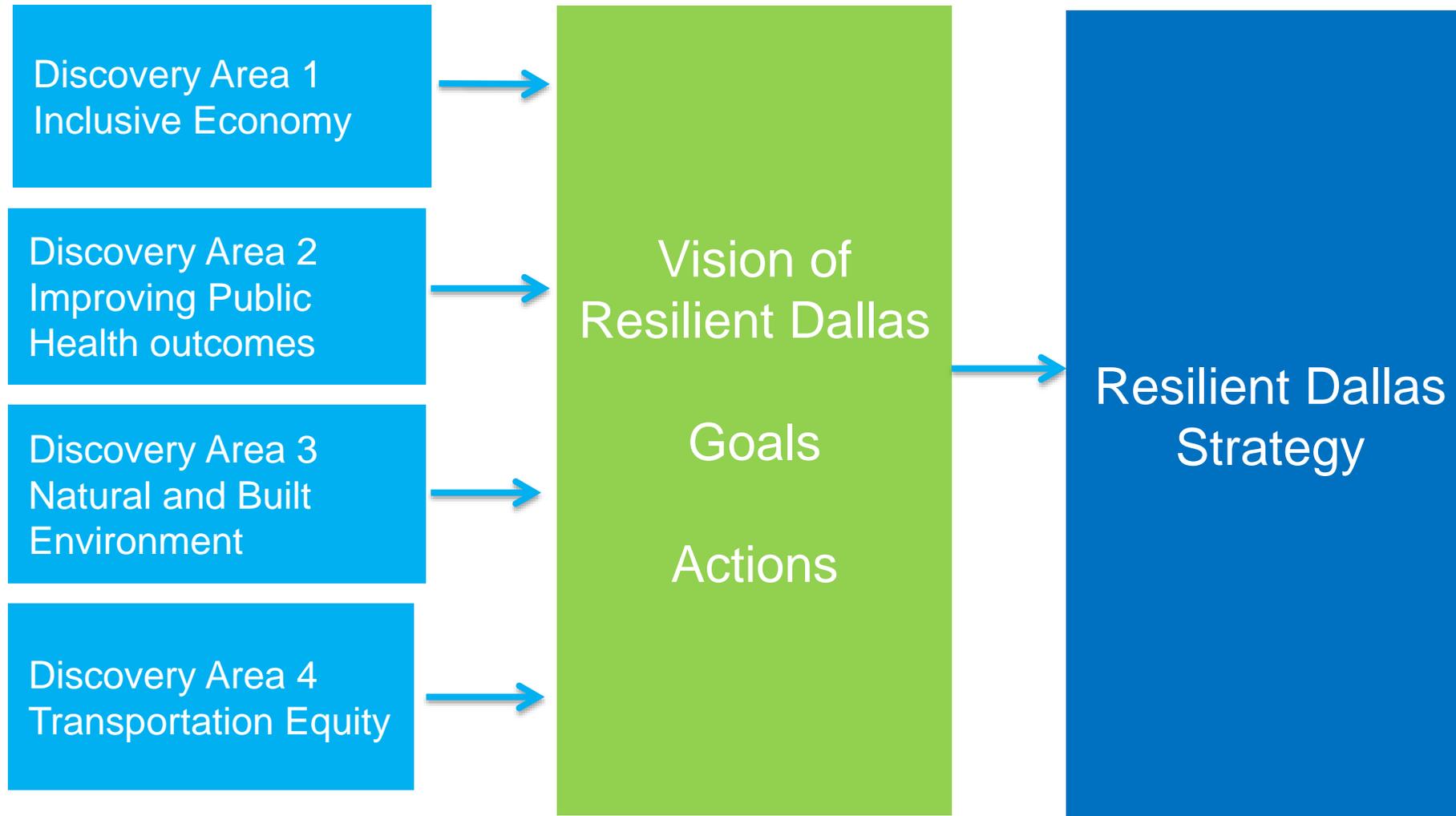
# Proposed Diagnostic Questions

- Do the policies and mechanisms that allocate transportation funding in the region align with Dallas' growth and redevelopment priorities? Do current funding priorities fuel sprawl at the expense of maintaining a thriving urban core?

# Proposed Diagnostic Questions

- DART is currently undertaking a Comprehensive Operations Analysis. What are the fiscal or policy impediments that may impede greater transportation equity for transit dependent riders?

# What happens during Phase II?



# Discovery Areas

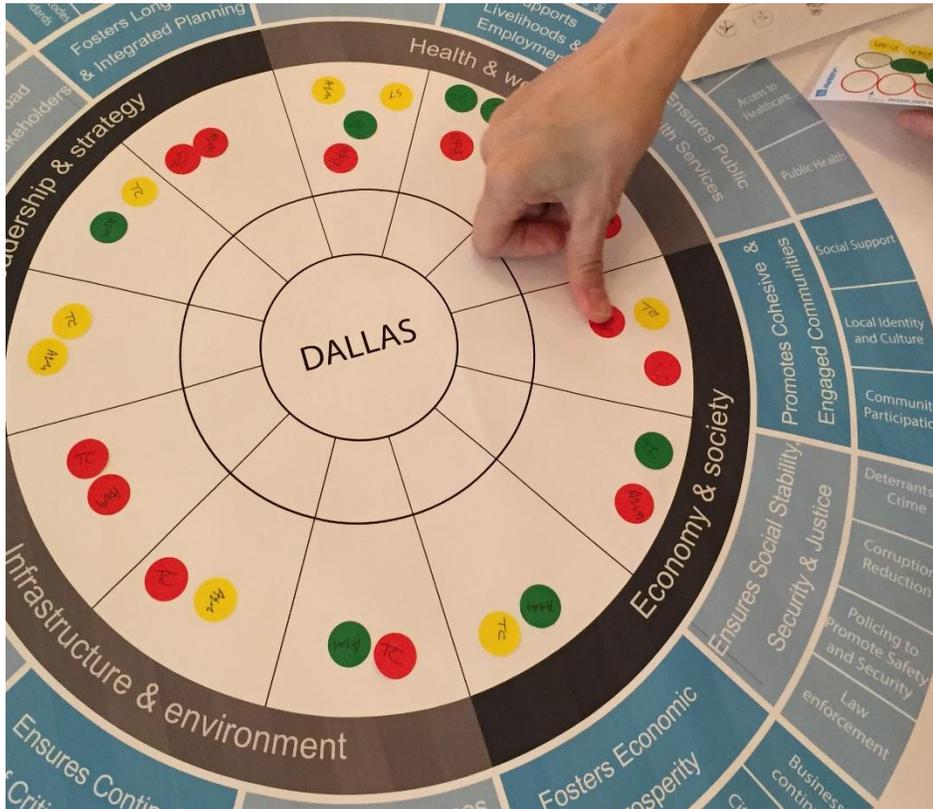
## Possible methodologies and approaches



### Discovery Areas may be designed to:

- **Further understand and analyze the city's vulnerability to a shock.** e.g. flooding, tornado or disease outbreak
- **Explore how shocks and stresses interact.** Reliability of public transit during an ice storm or flood
- **Integration and prioritization of existing efforts and initiatives.** Area Universities are studying inclusive economies, transportation equity and climate change
- **Focus on a specific part of a shock or stress which requires deep articulation.** Understanding the full impact of blight and disinvestment in southern Dallas neighborhoods

# Diagnostic Approaches for Phase II work



- **Scenario or situational analysis.** Test a hypothesis over several iterations to refine choices
- **Comparative analysis.** Study best practices from regional or global examples
- **A time-bound study.** Longitudinal study of a risk or a hazard assessment

# Diagnostic Approaches for Phase II work



- **A facilitated focus group.** Understand the public perception or interest in a particular stress or shock
- **Expert consultation.** Solicit external recommendations
- **Data gathering or interpretation.** Synthesis and analysis of data and facts

# Goals and Actions, example from New Orleans

**Redesign** our regional transit system to connect people, employment, and essential services

The City will hire a Transportation Coordinator to facilitate a transit system redesign and implementation strategy to connect people, employment, and services. The City will lead by example in promoting mass transit use by providing public employees with a pre-tax transit pass.

# Goals and Actions, example from New Orleans

## FEATURED ACTION

### Launch Downtown Energy Efficiency Challenge

The City will partner with the Downtown Development District (DDD) to launch a Downtown Energy Efficiency Challenge that will engage property owners, businesses, and employees in a one-year competition to reduce overall energy consumption in the New Orleans CBD. City Hall will lead by example by reducing its energy consumption, seeking renewable energy sources, and promoting good practices.

# Next Steps

- Submit the Discovery Areas to 100 Resilient Cities staff for review and refinement
- Identify partners, research methodologies, and convene Stakeholder Groups for each Discovery Area
- Begin the diagnostic work, research and analysis for each Discovery Area

# Want to help?

- If residents or organizations would like to contribute their time, resources or data to a Discovery Area, please contact us
- Help us identify other people or organizations that should be involved
- Please complete the survey

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ROCKEFELLER FOUNDATION**

**100**



**CITIES**

[www.100resilientcities.org](http://www.100resilientcities.org)

**100 RESILIENT CITIES**

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

**AGENDA DATE:** June 15, 2016

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office Of Environmental Quality

**CMO:** Jill A. Jordan, P.E., 670-5299

**MAPSCO:** N/A

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**SUBJECT**

A resolution authorizing the City of Dallas to communicate its positions and requests regarding the Texas Commission on Environmental Quality's (TCEQ's) proposed State Implementation Plan for the Dallas-Fort Worth Region ozone pollution to the State of Texas, the TCEQ, and other agencies - Financing: No cost consideration to the City

**BACKGROUND**

Since 1991, the Dallas-Fort Worth (D-FW) region has been out of compliance with the ozone air quality standard. The Environmental Protection Agency (EPA) required the Texas Commission on Environmental Quality (TCEQ) to develop a State Implementation Plan (SIP) because the region is out of compliance with the ozone standard of 75 parts per billion. Implementation of the actions contained in the SIP are supposed to bring the air quality in the D-FW region into compliance with the standard. The TCEQ received public comment on its draft SIP, and will submit the final SIP to the EPA in July 2016.

The EPA commented on the draft SIP stating that the actions proposed for mobile sources were adequate. However, the actions proposed for stationary sources need significantly more emission reductions. In addition, the models used in the plan are not sufficient because they overestimate ozone reductions. Overall, the EPA stated that the draft SIP will not get the air quality in the region into compliance with the ozone standard.

If the EPA determines that the final TCEQ SIP is inadequate for bringing the region into compliance, there could be economic consequences. These potentially include the denial of air permits for new businesses in the region, limiting the approval of the expansion of current air permits for businesses in the region, and the withholding of federal highway funds.

## **BACKGROUND** (Continued)

Additionally, there are public health consequences if the EPA determines the TCEQ SIP is inadequate. People's health would continue to be impacted by the air in this region. Ozone is detrimental to human health. Studies show it exacerbates or leads to premature death from asthma, Chronic Obstructive Pulmonary Disease, and other pulmonary and cardiac issues. Thus, people and businesses may not want to move to this region because of the unhealthy air. Also, business may not be able to relocate here because of the limitations from the sanctions.

Scientists have determined there are three types of stationary sources inside and outside the region that need to be addressed in order to reduce ozone inside the region. These include the three cement plants located in Midlothian; the natural gas compressors and other gas production equipment located in the Barnett Shale Natural Gas Production Area; and the five coal-fired power plants located south, southeast, and east of the region.

Given the severity of the consequences and EPA's evaluation of the draft SIP, a stronger SIP is needed. This resolution is an opportunity to encourage the TCEQ to develop a stronger SIP by utilizing accelerated measures, requiring reductions in the stationary sources, encouraging more renewable energy development, and implementing the EPA's Clean Power Plan.

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

On May 23, 2016, the Quality of Life and Environment Committee approved sending a resolution regarding the proposed State Implementation Plan for DFW ozone pollution to the full City Council for approval.

## **FISCAL INFORMATION**

No cost consideration to the City.

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

**AGENDA DATE:** June 15, 2016

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 33-B F

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**SUBJECT**

Authorize a Multiple Use Agreement with the Texas Department of Transportation (TxDOT) for the construction and maintenance of a natural surface trail within TxDOT right-of-way at Hines Park located at 9700 Harry Hines Boulevard - Financing: No cost consideration to the City

**BACKGROUND**

This action will authorize a Multiple Use Agreement with TxDOT for the construction and maintenance of a natural surface trail within TxDOT right-of-way at Hines Park. The trail will be constructed and maintained by Groundwork Dallas, Inc. The Park and Recreation Department authorized a previous agreement with Groundwork Dallas, Inc., a non-profit group formed for the purpose of developing and promoting trails and other enhancements in addition to community programming to promote the quality of life in the Trinity River Corridor.

Groundwork Dallas, Inc. has been removing trash from Hines Park and has constructed natural surface trails to provide opportunities to view wildlife in the wetland. It now desires to create a natural surface trail to circumnavigate the entire wetland at Hines Park. Due to the property boundaries and irregular shape of the wetland it is necessary to enter into a Multiple Use Agreement with TxDOT for the construction of a natural surface trail within TxDOT right-of-way.

The agreement would be subject to the following terms:

1. The agreement has no term length; however, the agreement may be terminated upon notice by either party. The site must be restored to a condition satisfactory to TxDOT if the trail is abandoned.

**BACKGROUND** (Continued)

2. TxDOT retains its use of the land for highway purposes and does not grant any interest in the land to the City.
3. Maintenance, repair, and operation of the trail shall be the responsibility of the City including trash removal, mowing, and otherwise keeping the trail in a clean and sanitary condition.

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

On May 19, 2016, the Park and Recreation Board authorized the Multiple Use Agreement with TxDOT.

Information about this item will be provided to the Quality of Life & Environment Committee on June 13, 2016.

**FISCAL INFORMATION**

No cost consideration to the City.

**MAP**

Attached

**AGENDA ITEM # 15**

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

**AGENDA DATE:** June 15, 2016

**COUNCIL DISTRICT(S):** 12

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 656-X

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**SUBJECT**

Authorize an application for a matching grant through the Collin County Parks and Open Space Project Funding Assistance Program in the amount of approximately \$660,000 for development of Moss Glen Park located at 5200 Bentwood Trail - Financing: This action has no cost consideration to the City

**BACKGROUND**

The 4.5-acre Moss Glen Park was acquired in 2000 as part of the President George Bush Turnpike Segment I construction project. The park contains a detention basin and trees, but otherwise has remained undeveloped since the Park and Recreation Department acquired the property.

A master plan (Exhibit A) for the park was developed in late May 2013 with neighborhood input and support. The master plan calls for a loop trail, berms, preservation of existing trees, stone performance stage with stone seat walls, exercise equipment, tree, shrub, and perennial plantings, native plantings, and enhancement of the detention basin as a natural area planted with riparian and upland native plants. A future connector trail, which will link Timberglen Trail and Preston Ridge Trail, will pass through Moss Glen Park and provide access to additional amenities in other parks.

In November 2007 the voters of Collin County approved a \$17 million bond proposition for Parks and Open Space administered through the Collin County Project *Funding Assistance Program*. In this, the seventh series and final call for proposals, a total of \$2.3 million is planned to be made available. Funding is allocated on a competitive application basis to projects which are consistent with and further the objectives of the *Collin County Parks and Open Space Strategic Plan* (October 2001). The program requires a dollar for dollar match, funds being provided by the applicant in any combination of cash, materials, in-kind services, or the appraised value of undeveloped parkland. There must be a reasonable expectation that matching funds will be secured by the applicant within six months from the time Commissioners Court approves funding for a project.

**BACKGROUND** (Continued)

The scoring criteria for this grant program focuses on projects that: 1) Support and advance objectives of the *Collin County Parks and Open Space Strategic Plan* (such objectives include: acquisition of land, coordinated development of an interconnected system, development of a wide variety of recreational facilities with priority on trails, with an emphasis on trail interconnectedness, active sports, floodplain greenways, and regional prairie parks); 2) Adequacy of funding and level of funding commitment; and 3) Perception of need and benefit to the citizens of Collin County.

Currently available for the grant match are \$30,000 in funds allocated for improvements to Moss Glen Park and approximately \$630,000 in parkland value. An appraisal is forthcoming at which time the exact land value match amount will be determined. Construction of the entire park is estimated at \$750,000.

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

On May 19, 2016, the Park and Recreation Board authorized an application for a matching grant through the Collin County Parks and Open Space Project Funding Assistance Program.

Information about this item will be provided to the Quality of Life & Environment Committee on June 13, 2016.

**FISCAL INFORMATION**

This action has no cost consideration to the City.

If awarded, the \$660,000 grant requires a 1-to-1 local match. This match will come from \$30,000 of 2006 Bond Funds as well as an in-kind match of \$630,000 from the estimated value of the parkland (value to be determined by forthcoming appraisal).

**MAP**

Attached

**AGENDA ITEM # 16**

**KEY FOCUS AREA:** Culture, Arts and Recreation and Educational Enhancements  
**AGENDA DATE:** June 15, 2016  
**COUNCIL DISTRICT(S):** 10  
**DEPARTMENT:** Park & Recreation  
**CMO:** Willis Winters, 670-4071  
**MAPSCO:** 16-T X

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**SUBJECT**

Authorize a contract with Going Forward, Inc., best value proposer of three, for pavilion repairs at Hamilton Park located at 12225 Willowdell Drive - Not to exceed \$154,000 - Financing: 2006 Bond Funds

**BACKGROUND**

On April 1, 2016, three proposals were received for pavilion repairs at Hamilton Park. Going Forward, Inc. was selected as the best value proposer for the Base Price and Alternate Nos. 1 and 2, in the amount of \$154,000.

Proposals based on Request for Competitive Sealed Proposals (RFCSP) are evaluated on pre-set criteria which include cost, qualifications of the prime contractor, construction amount and schedule ratings, which are based on mathematical formulas, with the best price and best schedule being given the highest scores. Ratings "1" to "10" are given for each criterion with "10" being the best rating. These ratings are multiplied by the weighting to obtain the score for each criterion.

The following is a list of the rating criteria and values for each criterion:

<u>Rating Criteria</u>	<u>Value</u>
1. Proposed Construction Contract Award	45%
2. Qualifications/Experience/References for Prime Firm	20%
3. Subcontractor Experience	10%
4. Business Inclusion and Development Plan	15%
5. Financial Sufficiency	5%
6. Schedule/Time of Completion	5%
	<u>100%</u>

**ESTIMATED SCHEDULE OF PROJECT**

Began Design April 2010  
Completed Design February 2011  
Begin Construction July 2016  
Complete Construction May 2017

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

The Park and Recreation Board authorized proceeding with construction procurement on January 13, 2011.

On May 19, 2016, the Park and Recreation Board authorized award of the contract.

Information about this item will be provided to the Quality of Life & Environment Committee on June 13, 2016.

**FISCAL INFORMATION**

2006 Bond Funds - \$154,000

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Going Forward, Inc.

White Male	1	White Female	0
Hispanic Male	0	Hispanic Female	1
Black Male	2	Black Female	3
Other Male	1	Other Female	0

**PROPOSAL INFORMATION**

The following three proposals were received and opened on April 1, 2016:

\*Denotes the successful proposer

<u>Proposer's</u>	<u>Base Price</u>	<u>Alter. Nos. 1 and 2**</u>	<u>Total Price</u>	<u>Scores</u>
*Going Forward, Inc. 100 North Central Expy. Dallas, Texas 75080	\$138,000	\$16,000	\$154,000	4410.00

**PROPOSAL INFORMATION** (Continued)

<b><u>Proposer's</u></b>	<b><u>Base Price</u></b>	<b><u>Alter. Nos. 1 and 2**</u></b>	<b><u>Total Price</u></b>	<b><u>Scores</u></b>
DENCO CS Corporation	\$242,769	\$12,700	\$255,469	3486.05
MART, Inc.	\$285,000	\$15,000	\$300,000	3354.30

\*\*Alternate No. 1 - provides for painting of concrete roof canopies and supporting columns after repairs.

\*\*Alternate No. 2 - provides for painting of the existing decorative concrete masonry after repair.

Note: The best and final offer from Going Forward, Inc. for Base Price and Alternate Nos. 1 and 2 was for \$154,000.

**OWNER**

**Going Forward, Inc.**

Tom Chawana, President

**MAP**

Attached

**AGENDA ITEM # 17**

**KEY FOCUS AREA:** Culture, Arts and Recreation and Educational Enhancements  
**AGENDA DATE:** June 15, 2016  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Park & Recreation  
**CMO:** Willis Winters, 670-4071  
**MAPSCO:** 21B-R 21B-V 22-N S

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**SUBJECT**

Authorize a contract with Henneberger Construction, Inc., lowest responsible bidder of five, for fire line and fire lane improvements at Elm Fork Shooting Sports located at 10751 Luna Road - Not to exceed \$267,512 - Financing: 2006 Bond Funds (\$217,512) and Park and Recreation Beautification Funds (\$50,000)

**BACKGROUND**

On April 8, 2016, five bids were received for fire line and fire lane improvements at Elm Fork Shooting Sports. This item authorizes award of the construction contract to Henneberger Construction, Inc., with a total contract amount of \$267,512.

The following chart illustrates Henneberger Construction, Inc.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	0	0	4
Change Orders	0	0	6
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

**ESTIMATED SCHEDULE OF PROJECT**

Began Design                      March 2015  
Completed Design                October 2015  
Begin Construction                July 2016  
Complete Construction            January 2017

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

The Park and Recreation Board authorized proceeding with advertisement for construction procurement on December 3, 2015.

On May 19, 2016, the Park and Recreation Board authorized award of the contract.

Information about this item will be provided to the Quality of Life & Environment Committee on June 13, 2016.

**FISCAL INFORMATION**

2006 Bond Funds - \$217,512  
Park and Recreation Beautification Funds - \$50,000

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Henneberger Construction, Inc.

White Male	2	White Female	1
Hispanic Male	8	Hispanic Female	0
Black Male	0	Black Female	0
Other Male	0	Other Female	0

**BID INFORMATION**

The following five bids were received and opened on April 8, 2016:

\*Denotes the successful bidder

<b><u>Bidders</u></b>	<b><u>Total Bid</u></b>
*Henneberger Construction, Inc. 8928 Fairglen Drive Dallas, Texas 75231	\$267,512
MART, Inc.	\$279,000
Northstar Construction, LLC	\$331,992
Wall Enterprises	\$334,712
DENCO CS Corporation	\$337,450

**OWNER**

**Henneberger Construction, Inc.**

Cynthia Henneberger, President

**MAP**

Attached

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

**AGENDA DATE:** June 15, 2016

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Public Works Department

**CMO:** Jill A. Jordan, P.E., 670-5299

**MAPSCO:** N/A

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**SUBJECT**

Authorize the first amendment to Contract No. 582-16-60016 with the Texas Commission on Environmental Quality to accept additional state grant funds to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2016 through August 31, 2017 - Not to exceed \$483,321, from \$477,811 to \$961,132 - Financing: Texas Commission on Environmental Quality Grant Funds

**BACKGROUND**

Since 1967, the City of Dallas has worked with the Texas Commission on Environmental Quality (TCEQ) to support clean air monitoring and enforcement of air quality regulations through a set of renewing contracts for services.

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

Authorized the acceptance of grant funds for the Whole Air Sampling Contract No. 582-10-86403 to conduct air monitoring activities from September 1, 2009 through August 31, 2010 on May 13, 2009, by Resolution No. 09-1170.

Briefed to the Transportation & Environment Committee on May 24, 2010.

Authorized the first amendment to Contract No. 582-10-86403 to extend the term of the contract period from September 1, 2010 through August 31, 2011 on June 23, 2010, by Resolution No. 10-1611.

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

Authorized the second amendment to Contract No. 582-10-86403 to extend the term of the contract period from September 1, 2011 through August 31, 2012 on June 8, 2011, by Resolution No. 11-1526.

Authorized Contract No. 582-13-30015 with the Texas Commission on Environmental Quality to accept state grant funds to continue to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2012 through August 31, 2013.

Authorized the first amendment to Contract No. 582-13-30015 to extend the term of the contract period from September 1, 2013 through August 31, 2014 on June 26, 2013, by Resolution No. 13-1077.

Authorized the second amendment for the acceptance of additional grant funds for the Whole Air Sampling Contract No. 582-13-30015 to conduct air monitoring activities from September 1, 2013 through August 31, 2014 on March 26, 2014, by Resolution No. 14-0516.

Authorized the third amendment for the acceptance of additional grant funds for the Whole Air Sampling Contract No. 582-13-30015 to conduct air monitoring activities from September 1, 2014 through August 31, 2015 on June 25, 2014, by Resolution No. 14-1024.

Authorized Contract No. 582-16-60016 with TCEQ for BioWatch air monitoring from September 1, 2015 to August 31, 2016, on August 26, 2015, by Resolution No. 15-1563.

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

**FISCAL INFORMATION**

Texas Commission on Environmental Quality Grant Funds - \$483,320.62

**KEY FOCUS AREA:** Clean, Healthy Environment  
**AGENDA DATE:** June 15, 2016  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Public Works Department  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** N/A

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**SUBJECT**

Authorize **(1)** the second amendment to Contract No. 582-15-50121 with the Texas Commission on Environmental Quality to accept additional state grant funds in the amount of \$525,117, from \$1,050,234 to \$1,575,351 to continue the Air Pollution Compliance Program to provide investigative services and complaint responses within the City of Dallas for a one-year period, from September 1, 2016 through August 31, 2017; and **(2)** a local match in an amount not to exceed \$258,640 - Total not to exceed \$783,757, from \$1,567,514 to \$2,351,271 - Financing: Texas Commission on Environmental Quality Grant Funds (\$525,117) and Current Funds (\$258,640) (subject to appropriations)

**BACKGROUND**

Since 1967, the City of Dallas has worked with the Texas Commission on Environmental Quality (TCEQ) to support clean air monitoring and enforcement of air quality regulations through a set of renewing contracts for services.

Under this contract, the City's Air Quality Specialists conduct periodic inspections of industries and business in Dallas that have the potential to emit pollutants, as defined in the city code. These may include manufacturing entities, fueling stations, paint-and-body shops, and so on. Field staff also respond to citizen complaints of odor, smoke or other airborne pollutants. The TCEQ may also ask City staff to review air permit requests made by potential emitters.

This action will authorize Amendment No. 2 to Contract No. 582-15-50121, renewing the service agreement through FY '17. The City and the TCEQ share in the cost of this annual program on a 33%-to-67% funding basis.

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

Authorized Contract No. 582-4-64437 to accept to accept grant funds for FY 2003-05 on August 13, 2003, by Resolution No. 03-2151.

Authorized the first amendment of Contract No. 582-6-74390 to accept grant funds for FY 2005-07 on August 10, 2005, by Resolution No. 05-2198.

Authorized the second amendment to Contract No. 582-6-74390 to accept grant funds for FY 2007-08 on June 27, 2007, by Resolution No. 07-1971.

Authorized the third amendment to Contract No. 582-6-74390 to accept grant funds for FY 2008-09 on June 25, 2008, by Resolution No. 08-1793.

Authorized Contract No. 582-10-90257 to accept grant funds for FY 2009-10 on June 24, 2009, by Resolution No. 09-1628.

Briefed to the Transportation & Environmental Committee on May 24, 2010.

Authorized the first amendment of Contract No. 582-10-90257 to accept grant funds for FY 2010-11 on June 23, 2010, by Resolution No. 10-1612.

Authorized the second amendment to Contract No. 582-10-90257 to accept grant funds for FY 2011-12 on June 8, 2011, by Resolution No. 11-1527.

Authorized the third amendment to Contract No. 582-10-90257 to decrease the amount of grant funds for the period September 1, 2011 through August 31, 2012.

Authorized the fourth amendment to Contract No. 582-10-90257 to accept grant funds for FY 2012-13 on June 1, 2012, by Resolution No. 12-1543.

Authorized Contract No. 582-14-40025 to accept grant funds for FY 2013-14 on June 26, 2013, by Resolution No. 13-1076.

Authorized Contract No. 582-15-50121 with TCEQ for the period September 1, 2014 to August 31, 2015, on June 25, 2014, by Resolution No. 14-1023.

Information about this item was provided to the Quality of Life and Environment Committee on August 10, 2015.

Authorized the first amendment of Contract No. 582-15-50121 to accept grant funds for FY 2015-2016 on August 26, 2015, by Resolution No. 15-1566.

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

**FISCAL INFORMATION**

Texas Commission on Environmental Quality Grant Funds - \$525,117.00  
Current Funds - \$258,640.00 (subject to appropriations)

**KEY FOCUS AREA:** Clean, Healthy Environment  
**AGENDA DATE:** June 15, 2016  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Public Works Department  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** N/A

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**SUBJECT**

Authorize the third amendment to Contract No. 582-15-50031 with the Texas Commission on Environmental Quality to accept additional state grant funds to conduct the Rockwall Ambient Air Monitoring Program for the period September 1, 2016 through August 31, 2017 - Not to exceed \$28,054, from \$56,106 to \$84,160 - Financing: Texas Commission on Environmental Quality Grant Funds

**BACKGROUND**

Since 1967, the City of Dallas has received various state and federal grants to support the Air Pollution Control Program. The Air Pollution Control Program consists of: (1) Monitoring Ambient Air Quality; (2) Enforcing the Texas Clean Air Act and the City's Clean Air Ordinance; and (3) reviewing permits for the construction and/or modification of industrial plants which have the potential for emitting airborne contaminants.

The Texas Commission on Environmental Quality (TCEQ) requested that the City of Dallas operate the Rockwall (Rockwall County) continuous ambient air monitoring station as a part of the City's and Dallas/Fort Worth region's ambient air monitoring network. TCEQ purchased and installed major components of the station and will maintain these components at their expense, including all hardware and equipment required for the facility to be operational.

This action will authorize the third amendment to Contract No. 582-15-50031 for grant funds to conduct continuing service of the Rockwall Ambient Air Monitoring Program in FY 2017 with the same scope of work and compensation level as provided by TCEQ in FY 2016.

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

Authorized Contract No. 582-11-86427 to accept grant funds to operate and maintain an ambient air monitoring station in Rockwall County on June 23, 2010, by Resolution No. 10-1603.

Authorized the first amendment to Contract No. 582-11-86427 to accept additional grant funds to operate and maintain an ambient air monitoring station on June 8, 2011, by Resolution No. 11-1524.

Authorized the second amendment to Contract No. 582-11-86427 to accept additional grant funds to operate and maintain an ambient air monitoring station on June 13, 2012, by Resolution No. 12-1540.

Third amendment to Contract No. 582-11-86427 issued by TCEQ to reduce grant funds specific to state funding requirements on October 8, 2012; no council resolution required.

Authorized the fourth amendment to Contract No. 582-11-86427 to accept additional grant funds to operate and maintain an ambient air monitoring station on June 26, 2013, by Resolution No. 13-1079.

Authorized Contract No. 582-15-50031 to accept grant funds to operate and maintain an ambient air monitoring station in Rockwall County on June 25, 2014, by Resolution No. 14-1021.

Authorized the first amendment to Contract No. 582-15-50031 to accept grant funds to operate and maintain an ambient air monitoring station in Rockwall County on August 26, 2015, by Resolution No. 15-1564.

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

## **FISCAL INFORMATION**

Texas Commission on Environmental Quality Grant Funds - \$28,053.19

**KEY FOCUS AREA:** Clean, Healthy Environment  
**AGENDA DATE:** June 15, 2016  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Public Works Department  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** N/A

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**SUBJECT**

Authorize the third amendment to Contract No. 582-15-50039 with the Texas Commission on Environmental Quality to accept additional grant funds in the amount of \$67,587 for air quality monitoring of the particulate matter 2.5 network for the period September 1, 2016 through August 31, 2017 - Not to exceed \$67,587, from \$135,173 to \$202,760 - Financing: Texas Commission on Environmental Quality Grant Funds

**BACKGROUND**

Since 1967, the City of Dallas has received various state and federal grants to support the Air Pollution Control Program. The Air Pollution Control Program, funded by the U.S. Environmental Protection Agency (EPA) through the Texas Commission on Environmental Quality (TCEQ), consists of: (1) monitoring ambient air quality; (2) enforcing the Texas Clean Air Act and the City's Clean Air Ordinances; and (3) reviewing permits for the construction and/or modification of facilities/sources which have the potential for emitting airborne contaminants.

The TCEQ has, for many years, looked to the City to support the monitoring of particulate matter 2.5 (PM 2.5) in the air because of evidence of serious health effects associated with exposure to fine particulates. This action will authorize execution of the third amendment to Contract No. 582-15-50039, which funds the continuance of the monitoring of PM 2.5 in FY 2017 under the same terms as provided in FY 2016.

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

Authorized Contract No. 582-11-86432 to accept grant funds to operate air samplers for particulate matter 2.5 on June 23, 2010, by Resolution No. 10-1602.

Authorized the first amendment to Contract No. 582-11-86432 to accept additional grant funds to operate air samplers for particulate matter 2.5 on June 8, 2011, by Resolution No. 11-1525.

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

Authorized the second amendment to Contract No. 582-11-86432 to accept additional grant funds to operate air samplers for particulate matter 2.5 on June 13, 2012, by Resolution No. 12-1541.

Authorized the third amendment to Contract No. 582-11-86432 to accept additional grant funds to operate air samplers for particulate matter 2.5 on June 26, 2013, by Resolution No. 13-1078.

Authorized Contract No. 582-15-50039 to accept grant funds to operate air samplers for particulate matter 2.5 on June 25, 2014, by Resolution No. 14-1022.

Authorized the first amendment to Contract No. 582-15-50039 to accept additional grant funds to operate air samplers for particulate matter 2.5 on August 26, 2015, by Resolution No. 15-1565.

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

**FISCAL INFORMATION**

Texas Commission on Environmental Quality Grant Funds - \$67,586.52

**KEY FOCUS AREA:** Clean, Healthy Environment  
**AGENDA DATE:** June 15, 2016  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Office Of Environmental Quality  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 22 N P S T

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**SUBJECT**

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Ryan Street Developers, LLC, JCR Team LLC, and Hugh W. Rucker located near the intersection of Ryan and Luna Roads and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Ryan Street Developers, LLC, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

**BACKGROUND**

Based on information provided by the Applicant, the designated property is underlain by a perched shallow groundwater bearing unit encountered at approximately 11.5 feet to just above the underlying Eagle Ford Shale Formation at 34 feet below ground surface (bgs). The Eagle Ford Shale Formation is considered an aquitard with an estimated thickness of 208 feet in the area. The general direction of groundwater flow beneath the designated property is to the southeast and is considered variable over time with flow expected to the southwest. A portion of the groundwater has been affected by cis-1,2-dichloroethylene (cis-1,2-DCE), vinyl chloride, and arsenic at concentrations above groundwater ingestion standards. The probable historical source of chemicals has not been identified onsite. The potential offsite sources for cis-1,2-DCE and vinyl chloride are from surrounding industrial facilities with similar chemical use and storage.

A portion of the designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in October 2015 and is designated as VCP Facility ID No. 2772.

## **BACKGROUND (Continued)**

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting was held on May 23, 2016 to receive comments and concerns. Notices of the meeting were sent to 91 property owners within 2,500 feet of the property and 126 private well owners within 5 miles of the property. The City of Irving is the only other municipality located within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Ryan and Luna Roads including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program supported by a MSD. Currently, the designated property is undeveloped and there is light truck maintenance at 1840 Ryan Road. The portion of the designated property currently located at 10704 Luna Road is a drainage culvert owned by the City of Dallas with a future use that is expected to remain the same. The anticipated future use at 1860 Ryan Road is a metal recycling facility for Venture Metals LLC and the anticipated future use of the remaining portions of the property is unknown at this time.

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

Information about this item will be presented to the Quality of Life and Environment Committee on June 13, 2016.

## **FISCAL INFORMATION**

No cost consideration to the City.

## **OWNERS**

### **Ryan Street Developers, LLC**

Michael Uhrick, Manager

### **JCR Team LLC**

Rebekah K Nix, Managing Member

### **Hugh W. Rucker**

## **MAP**

Attached

**ADDENDUM ITEM # 1**

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

**AGENDA DATE:** June 15, 2016

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Intergovernmental Services

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

**MAPSCO:** N/A

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**SUBJECT**

Authorize an application to the Texas Commission on the Arts under the Cultural Districts Program to designate Fair Park as a Cultural District – Financing: No cost consideration to the City

**BACKGROUND**

The Texas Commission on the Arts (TCA) can designate cultural arts districts in cities, as authorized by House Bill 2208 of the 79<sup>th</sup> Legislature. Cultural districts can increase business, generate activity, attract tourists, stimulate cultural and economic activities, and help support community revitalization.

The goal of the TCA cultural arts program is to recognize outstanding community cultural efforts across the state in an effort to promote cultural tourism opportunities for designated places and bring audiences to the community. Those receiving a cultural district designation are able to apply for Arts Respond project support grants that comply with the priority areas of Texas government (education, health and human services, economic development, criminal justice and public safety, and natural resources and agriculture) from TCA to support activity that takes place in the cultural district.

Fair Park has been a gathering place for people for more than a hundred and thirty years and it was the Texas Centennial of 1936 that launched its permanence on the Dallas landscape. In addition to its current cultural institutions, many of Dallas' cultural institutions had their beginnings at Fair Park to include the Dallas Museum of Art, the Perot Museum of Nature and Science, the Dallas Symphony, the Dallas Opera, and numerous theater groups.

## **BACKGROUND** (Continued)

Fair Park has the largest collection of Art Deco architecture in the United States and extensive public art. In addition to its cultural institutions, the Park annually hosts large events such as Earth Day Texas, North Texas Irish Festival, KwanzaaFest, the Taste of Dallas, Fair Park Fourth, the Diwali Mela Festival, Festival de Mayo, the State Fair of Texas, and the Zaxby's Heart of Dallas Bowl at the Cotton Bowl.

Securing designation as a cultural district would invigorate a new level of vibrancy for the Park's future with all cultural institutions and events being encouraged to actively support, promote and help maintain activities and events in said district.

This item is on the addendum because the authorization to submit the application must be acted on before the next available agenda.

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

The Park and Recreation Board approved award of this item on June 2, 2016.

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

## **FISCAL INFORMATION**

No cost consideration to the City.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** June 15, 2016  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Street Services  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** Various

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**SUBJECT**

**Agreement with TxDOT**

- \* Authorize an amendment to the Municipal Maintenance Interlocal Agreement with the Texas Department of Transportation (TxDOT) to authorize the City to mow, clean, and control litter on state highway rights-of-way for an additional five years (list attached) - Revenue: \$871,000 (see Fiscal Information for potential future costs)
- \* Authorize a Landscape Maintenance Agreement with the Texas Department of Transportation for the City to maintain the median, planters and bridge crossings related landscape improvements of succulent plantings along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

**BACKGROUND**

This item was placed on the addendum to authorize the Municipal Maintenance Interlocal Agreement with TxDOT to allow the City to continue to mow, clean, and control litter on TxDOT right-of-way; therefore to authorize partial reimbursement. TxDOT requires an approval from the City before TxDOT will fund the landscape installation project.

## **BACKGROUND** (Continued)

With respect to the Municipal Maintenance Interlocal Agreement, on April 13, 2011, Resolution No. 11-0929 authorized an amendment to the Municipal Maintenance Interlocal Agreement with TxDOT that allowed the City to mow, clean, and control litter on state highways within the Dallas City limits. At the request of the City, TxDOT agreed to allow the City to perform mowing, cleaning, and litter control services for no less than five (5) years on approximately 3,300 acres along 17 corridors previously managed by TxDOT. The estimated cost for TxDOT right-of way maintenance is \$2.4 million per year or \$12 million over the five year term of the agreement. The City currently funds \$2.4 million per year to maintain TxDOT rights-of-way.

TxDOT will partially reimburse the City for mowing and litter removal; and the estimated amount of annual reimbursement is \$871,000, based on production levels of 3 mowing cycles per year, and up to 12 litter cycles per year. The City provides an enhanced level of service for an estimated cost of \$2.4 million per year. This Municipal Maintenance Interlocal Agreement contract term is for five (5) years.

With respect to the Landscape Maintenance Agreement, TxDOT is proposing changes to the existing native grasses and will remove and install succulents along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way due to their resiliency during drought conditions. The Quality of Life and Environment committee recommended the installation of succulents as an aesthetic enhancement over the existing native grasses.

TxDOT will fund, approximately \$840,000, for the succulent installation. In turn, the City will agree to be responsible for all required landscape maintenance, including but not limited to, plant maintenance, plant replacement, weeding, trimming, and manual watering, as required. The typical annualized maintenance cost to the City would be \$704,060. Incremental future cost to the City for the succulent maintenance is \$232,180 annually.

This action will authorize (1) an amendment to the Municipal Maintenance Interlocal Agreement with TxDOT to allow the City continued control to mow, clean, and control litter on state highway rights-of-way; and (2) a Landscape Maintenance Agreement with TxDOT for the City to maintain median/planter and bridge crossings related landscape improvements of succulent plantings along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way. Council approval is required to move forward with the amendment to the Municipal Maintenance Interlocal Agreement and the Landscape Maintenance Agreement with TxDOT. The Landscape Maintenance Agreement with TxDOT has no specified contract term. As stated in the termination clause of the agreement, it is understood and agreed between the parties hereto that should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon thirty days written notice. Additionally, this agreement may be terminated by mutual agreement and consent of both parties.

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

Authorized a master Municipal Maintenance Agreement with the State of Texas on December 14, 1983, by Resolution No. 83-4008.

Authorized a Municipal Maintenance Interlocal Agreement with TxDOT to formally define the duties of each agency related to all aspects of roadway maintenance on state highways within the city limits on December 13, 2006, by Resolution No. 06-3471.

Authorized an amendment to the Municipal Maintenance Interlocal Agreement with TxDOT to authorize the City to operate red light camera enforcement systems at signals located on state highways on December 13, 2006, by Resolution No. 06-3472.

Briefed to the Transportation and Environment Committee regarding North Central Expressway landscaping on February 11, 2008.

Briefed to the Transportation and Environment Committee regarding North Central Expressway landscaping on September 8, 2008.

Briefed to the Transportation and Environment Committee regarding North Central Expressway landscaping on April 12, 2010.

Deferred Landscape Maintenance Agreement with TxDOT for US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 on June 23, 2010.

Deferred Landscape Maintenance Agreement with TxDOT for US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 by Council Majority on August 11, 2010.

Authorized a Landscape Maintenance Agreement with TxDOT to provide supplemental mowing in the parkways and maintain median landscape improvements along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way on September 22, 2010, by Resolution No. 10-2413.

Authorized an amendment to the Municipal Maintenance Interlocal Agreement with TxDOT to authorize the City to mow, clean, and control litter on state highway rights-of-way on April 13, 2011, by Resolution No. 11-0929.

Briefed to the Quality of Life and Environment Committee regarding Landscape Maintenance Agreements on January 9, 2012.

Authorize a Landscape Maintenance Agreement with TxDOT for the City to maintain bridge crossing related landscape improvements along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way on February 8, 2012, by Resolution No. 12-0461.

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

Briefed to the Quality of Life and Environment Committee regarding Landscape Maintenance Agreements and Potential TxDOT and City Partnerships on January 11, 2016.

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

**FISCAL INFORMATION**

Revenue - \$871,000 (Net expense for the city to maintain the rights-of-way is estimated to be \$1,520,800 (\$2,391,800 annually; of which \$871,000 is reimbursed by TxDOT) (subject to appropriations)

When the City assumes maintenance responsibility for the new vegetation, the annualized expense is estimated to be \$704,060 (subject to appropriations)

**MAP**

Attached

**KEY FOCUS AREA:** Clean, Healthy Environment  
**AGENDA DATE:** June 22, 2016  
**COUNCIL DISTRICT(S):** 9  
**DEPARTMENT:** Office Of Environmental Quality  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 38 J

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**SUBJECT**

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 9371 Garland, LLC and the City of Dallas, located near the intersection of Garland Road and North Buckner Boulevard and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to 9371 Garland, LLC, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

**BACKGROUND**

Based on information provided by the Applicant, the Designated Property is underlain by a perched shallow groundwater bearing unit encountered at approximately 15 feet below ground surface (bgs) and extending to approximately 25 feet bgs where the Austin Chalk Limestone is first encountered. The Austin Chalk is considered a regional aquitard and is composed primarily of light gray limestone chalk and marl. The estimated thickness of the Austin Chalk in the area is approximately 200 feet. The Austin Chalk is underlain by a second regional aquitard, the Eagle Ford Shale, which has an estimated thickness of 450 feet in the area. The direction of groundwater flow beneath the Designated Property is to the west-northwest. A portion of the groundwater has been affected by tetrachloroethene (PCE), trichloroethene (TCE), and Cis-1,2-dichloroethene (Cis-1,2-DCE) at concentrations above groundwater ingestion standards. There are two suspected sources of these chemicals, one on-site and one off-site. The suspected onsite source is the former Dry Clean Super Center that operated as a dry cleaning facility from at least 1999 until November 2015, and was located on the northeastern tract of the Designated Property. The suspected offsite source is the historical dry cleaning operations located approximately 200 feet east of the Designated Property at 9440 Garland Road in Suite 110 of the Casa Linda Plaza Shopping Center. This suite was occupied by multiple dry cleaning tenants from at least 1967 through sometime around 1989, including the former Top Hat Cleaners facility.

**BACKGROUND (Continued)**

A portion of the designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in November 2015 and is designated as VCP Facility ID No. 2787.

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting will be held on June 15, 2016 to receive comments and concerns. Notices of the meeting were sent to 576 property owners within 2,500 feet of the property and 46 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Garland Road and North Buckner Boulevard including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program supported by a MSD. Currently, the northeastern tract located at 9371 Garland Road is vacant and anticipated to be redeveloped for commercial use. The southwestern tract located at 9365 Garland Road is currently a City of Dallas Fire Station and is anticipated to continue use as a Fire Station.

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

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

**FISCAL INFORMATION**

No cost consideration to the City

**OWNERS**

**9371 Garland, LLC**

Douglas M. MacMahon, Manager

**City of Dallas**

A.C. Gonzalez, City Manager

**MAP**

Attached

**KEY FOCUS AREA:** Clean, Healthy Environment  
**AGENDA DATE:** June 22, 2016  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Office Of Environmental Quality  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 46 J K

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**SUBJECT**

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Willow Building 3800 Ltd., located near the intersection of Willow Street and Commerce Street and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Willow Building 3800 Ltd., by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

**BACKGROUND**

Based on information provided by the Applicant, the designated property is underlain by shallow groundwater that is encountered at approximately 34 feet below ground surface (bgs) and extends to approximately 58 feet bgs at the top of the underlying Austin Chalk and Eagle Ford Shale confining units. These confining units are expected to be many hundreds of feet thick in this area of Dallas. The direction of groundwater flow beneath the designated property is to the south-southwest. The groundwater has been affected by chlorinated volatile organic compounds (CVOCs) including trichloroethylene (TCE), cis-1,2-dichloroethylene (Cis-1,2-DCE), and tetrachloroethylene (PCE); total petroleum hydrocarbons (TPH); and metals including arsenic, cadmium, and lead at concentrations above groundwater ingestion standards. The potential onsite source of CVOCs and TPH is from historical operations at the former John E. Mitchell Company, a machining and manufacturing facility that was used as a sheet metal works and machinery warehouse and operated from 1941 through at least 1970. The potential onsite source for metals is unknown, and there are no current or historical sources. However, the detected metals are naturally occurring and are reported at relatively low concentrations. The potential offsite source of CVOCs and TPH are historical operations at nearby facilities that used or stored similar chemicals.

**BACKGROUND (Continued)**

A portion of the designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in January 2014 and is designated as VCP Facility ID No. 2629.

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting will be held on June 14, 2016 to receive comments and concerns. Notices of the meeting were sent to 554 property owners within 2,500 feet of the property and 84 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Willow Street and Commerce Street including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program supported by a MSD. Currently, the designated property is occupied by various commercial entities including a woodworking business, automotive refurbishment and restoration businesses, a motorcycle restoration company, and vehicle and equipment storage. The anticipated near-term future use of the designated property is expected to continue as commercial use. The long-term future use will likely include redevelopment for commercial and/or residential purposes.

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

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

**FISCAL INFORMATION**

No cost consideration to the City

**OWNER**

**Willow Building 3800 Ltd.**

Millennium Urban Village, Inc., General Partner  
John Miller, President

**MAP**

Attached

**KEY FOCUS AREA:** Culture, Arts and Recreation and Educational Enhancements  
**AGENDA DATE:** June 22, 2016  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Park & Recreation  
**CMO:** Willis Winters, 670-4071  
**MAPSCO:** 65-U V

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**SUBJECT**

Authorize a contract with MART, Inc., best value proposer of four, for a new recreation center at Singing Hills Recreation Center located at 6805 Patrol Way - Not to exceed \$4,470,000 - Financing: Park and Recreation Program Funds (\$500,000), Capital Construction Funds (\$900,000), 2006 Bond Funds (\$147,082), and General Obligation Commercial Paper Funds (\$2,922,918)

**BACKGROUND**

On March 25, 2016, four proposals were received for a new Singing Hills Recreation Center. MART, Inc. was selected as the best value proposer for the Base Price and Alternate Nos. 1, 2b and 7, in the amount of \$4,470,000. The new recreation center includes: reception/waiting area, administration area, exercise room, fitness room, game room and two multipurpose rooms. There are plans for a future gym.

Proposals based on Request for Competitive Sealed Proposals (RFCSP) are evaluated on pre-set criteria which include cost, qualifications of the prime contractor, construction amount and schedule ratings, which are based on mathematical formulas, with the best price and best schedule being given the highest scores. Ratings "1" to "10" are given for each criterion with "10" being the best rating. These ratings are multiplied by the weighting to obtain the score for each criterion.

The following is a list of the rating criteria and values for each criterion:

<u>Rating Criteria</u>	<u>Value</u>
1. Proposed Construction Contract Award	45%
2. Qualifications/Experience/References for Prime Firm	20%
3. Subcontractor Experience	10%
4. Business Inclusion and Development Plan	15%
5. Financial Sufficiency	5%
6. Schedule/Time of Completion	<u>5%</u>
	100%

**ESTIMATED SCHEDULE OF PROJECT**

Began Design                      September 2013  
Completed Design                February 2016  
Begin Construction               July 2016  
Complete Construction         March 2017

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

The Park and Recreation Board authorized proceeding with construction procurement on November 20, 2014.

The Park and Recreation Board authorized the rejection of proposals on August 6, 2015.

Information about this item was provided to the Quality of Life & Environment Committee on August 24, 2015.

On June 2, 2016, the Park and Recreation Board will consider this item.

Information about this item will be provided to the Quality of Life & Environment Committee on June 13, 2016.

**FISCAL INFORMATION**

Park and Recreation Program Funds - \$500,000.00  
Capital Construction Funds - \$900,000.00  
2006 Bond Funds - \$147,081.64  
2006 Bond Program (General Obligation Commercial Paper Funds) - \$2,922,918.36

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

MART, Inc.

White Male	27	White Female	6
Hispanic Male	7	Hispanic Female	2
Black Male	0	Black Female	1
Other Male	0	Other Female	0

## PROPOSAL INFORMATION

The following four proposals were received and opened on March 25, 2016:

\*Denotes the successful proposer

<u>Proposer's</u>	<u>Base Price</u>	<u>Alter. Nos. 1, 2b and 7**</u>	<u>Total Price</u>	<u>Scores</u>
*MART, Inc. 1503 Perry Street Irving, Texas 75060	\$4,272,000	\$198,000	\$4,470,000	4,217.25
J.C. Commercial, Inc.	\$4,600,777	\$214,000	\$4,814,777	4,204.12
DENCO CS Corporation	\$6,006,568	\$162,929	\$6,169,497	2,784.70
3i Contracting, LLC			***Withdraw	

\*\*Alternate No. 1 - provides for installation of LED lighting in lieu of conventional lighting.

\*\*Alternate No. 2b - provides for installation of fitness equipment.

\*\*Alternate No. 7 - provides for installation of epoxy resin terrazzo flooring in lieu of polished concrete.

\*\*\*3i Contracting, LLC withdrew their proposal.

Note: The best and final offer from MART, Inc. for Base Price and Alternate Nos. 1, 2b and 7 was for \$4,470,000.

## OWNER

### **MART, Inc.**

Vernon Proctor, President/Treasurer  
Tim Proctor, Vice President  
Linda Proctor, Corporate Secretary

## MAP

Attached

**KEY FOCUS AREA:** Culture, Arts and Recreation and Educational Enhancements  
**AGENDA DATE:** June 22, 2016  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Park & Recreation  
**CMO:** Willis Winters, 670-4071  
**MAPSCO:** 45-L

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**SUBJECT**

Authorize a development agreement with Pacific Plaza, LLC for schematic design of Pacific Plaza located at 401 North Harwood Street - Financing: No cost consideration to the City

**BACKGROUND**

This item will authorize an agreement with Pacific Plaza, LLC, which was formed by and wholly owned by Parks for Downtown Dallas, formerly known as The Belo Foundation, for the purpose of developing a schematic design for Pacific Plaza in downtown Dallas.

As part of the 2004 *Downtown Parks Master Plan* Pacific Plaza was identified for development as one of the downtown parks network. In 2013 the City updated the *Downtown Parks Master Plan* with funding provided by The Decherd Foundation and Maureen H. and Robert W. Decherd. This plan identified Pacific Plaza, along with Carpenter Park, West End Plaza, and Harwood Park, as four priority parks in downtown Dallas for design and construction. The plan envisioned Pacific Plaza as "...a place of respite, a companion park to Carpenter Park, and a release valve to the heavy use of Main Street Garden."

The agreement allows Pacific Plaza, LLC to provide services for the creation of a schematic design for Pacific Plaza. The agreement will be subject to the following terms:

1. The agreement expires upon completion of the schematic design and the Director of Park and Recreation's acceptance and approval of the schematic design.
2. The City shall not be responsible for any of the costs associated with the design.

**BACKGROUND** (Continued)

3. Pacific Plaza, LLC shall have reasonable access to the park to facilitate creation of the schematic design.
4. Pacific Plaza, LLC shall contract with SWA Group, a landscape architecture, planning and urban design firm, for fulfillment of all PacificPlaza, LLC obligations.

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

On June 2, 2016, the Park and Recreation Board authorized the development agreement.

Information about this item will be provided to the Quality of Life & Environment Committee on June 13, 2016.

**FISCAL INFORMATION**

No cost consideration to the City.

**MAP**

Attached

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

**AGENDA DATE:** June 22, 2016

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** N/A

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**SUBJECT**

Authorize a Memorandum of Understanding with the Trust for Public Land in order to implement the proposed Smart Growth for Dallas program – Financing: No cost consideration to the City

**BACKGROUND**

The City of Dallas Park and Recreation Board wishes to enter into a partnership with the Trust for Public Land (TPL) to develop a set of strategies for Dallas' parks, open spaces, and green infrastructure called Smart Growth for Dallas. The privately-funded effort will use computer modeling and community engagement to identify areas of Dallas where parks can grow the local economy, connect communities, improve public health, and protect the city's most important natural places.

By combining sophisticated Geographic Information System (GIS) computer modeling and on-the-ground engagement with residents and park users, Smart Growth for Dallas will create an interactive "decision support tool" to help Dallas prioritize its investments in parks based on their economic, social, and ecological benefits. Using this decision support tool, Dallas will be able to create parks that can cool neighborhoods during summertime heat waves, protect homes from floods, improve the health of nearby residents, and build wealth for residents and tax base for the city. The results of the program will be available to city staff, non-profit partners, and the public at large through an interactive website.

As partners in Smart Growth for Dallas, The Texas Trees Foundation will continue its groundbreaking work studying Dallas's urban forest and the heat islands and bcWORKSHOP will lead community engagement and storytelling activities, while furthering its work on racial equity and park access. The Texas Trees Foundation's 2015 State of the Dallas Urban Forest Report and bcWORKSHOP's 2014 Race and the Control of Public Parks were important milestones in Dallas's efforts to understand how parks, open space, and other natural assets can improve the city's resiliency and social equity.

## **BACKGROUND** (Continued)

The Smart Growth for Dallas program will create an unprecedented data library and analysis of how parks and open space can offer social, economic, and environmental benefits to the city. The complete analysis will be available through a website featuring maps, data visualizations, storytelling about the importance of parks to neighborhoods, and other innovative features which will allow users to interact with the data.

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

On December 3, 2015, the Park and Recreation Board authorized a resolution supporting the partnership with the City of Dallas and the Trust for Public Land.

On March 10, 2016, the Park and Recreation Board was briefed regarding the proposed partnership.

On June 2, 2016, the Park and Recreation Board authorized a Memorandum of Understanding.

Information about this item will be provided to the Quality of Life & Environment Committee on June 13, 2016.

## **FISCAL INFORMATION**

No cost to consideration to the City. Private donors will fund the work of this partnership.