

QUALITY OF LIFE, ARTS & CULTURE COMMITTEE

DALLAS CITY COUNCIL COMMITTEE AGENDA

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CITY SECRETARY
DALLAS, TEXAS

MONDAY, MARCH 25, 2019

CITY HALL

COUNCIL BRIEFING ROOM, 6ES

1500 MARILLA STREET

DALLAS, TEXAS 75201

9:00 A.M. – 11:00 A.M.

Chair, Councilmember Sandy Greyson
Vice-Chair, Councilmember Mark Clayton
Councilmember Rickey D. Callahan
Councilmember Jennifer S. Gates
Councilmember Scott Griggs
Councilmember B. Adam McGough
Councilmember Omar Narvaez

Call to Order

1. February 25, 2019 Minutes

BRIEFINGS

2. Proposed 5th Amendment to the Usage Agreement for the Morton H. Meyerson Symphony Center
Jennifer Scripps
Director, Office of Cultural Affairs
3. Five Mile Creek Urban Greenbelt – Phase 1 Implementation and Deal Points for Development Agreements
Willis Winters
Director, Park and Recreation

Robert Kent
Director, Trust for Public Land
4. Diaper Changing Tables
Kris Sweckard
Director, Sustainable Development and Construction Department
5. Consideration of a Moratorium on Gasoline-Powered Leaf Blowers
Joey Zapata
Assistant City Manager

6. **INFORMATIONAL MEMORANDUM**
Proposed Special Events Ordinance – Chapter 42A - Update

7. **Upcoming Agenda Items**

March 27, 2019

- A. Agenda Item #17 - Authorize (1) an increase in the construction services contract with Hammett Excavation, Inc. for the construction of a 52-acre waste cell, 6B2 and 7 at the McCommas Bluff Landfill to provide revisions and deletions to the contract which have been necessitated by changes in the site conditions and identified through value engineering; and (2) an increase in appropriations

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

- in an amount not to exceed \$556,773.15 in the Sanitation Capital Improvement Fund - Not to exceed \$556,773.15, from \$5,126,866.33 to \$5,683,639.48 - Financing: Sanitation Capital Improvement Funds
- B. Agenda Item #38 - Authorize a professional services contract with MESA Design Associates, Inc. dba MESA Design Group for the Samuel-Grand Park/Tenison Glen Golf Course Master Plan Project (Project No. 0330-18-6975-105) located at 6200 East Grand Avenue - Not to exceed \$284,200.00 - Financing: Samuel Park Expense Trust Fund
- C. Agenda Item #39 - Authorize an increase in the construction services contract with DENCO CS Corporation for the installation of updated mechanical, electrical, and plumbing systems to comply with the current energy code standards for the Park and Recreation Administrative Offices and Service Center located at 10031 East Northwest Highway - Not to exceed \$328,840.20, from \$3,528,802.00 to \$3,857,642.20 - Financing: Park and Recreation Facilities Fund (2006 Bond Funds)
- D. Agenda Item #40 - Authorize an increase in the construction services contract with The Fain Group, Inc. to add scope of work associated with three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuel Grand Park located at 6200 East Grand Avenue - Not to exceed \$194,313.10, from \$21,262,469.55 to \$21,456,782.65 - Financing: Elgin B. Robertson Land Sale Funds
- E. Agenda Item #41 - Authorize Supplemental Agreement No. 2 to the design-build services contract with Harrison, Walker & Harper, LP. for the design and construction for Fair Park Facility Improvements for additional architectural and engineering services and an increase in the construction package for the renovation of the Aquarium Annex located at 1458 1st Avenue - Not to exceed \$440,461.00, from \$2,263,859.00 to \$2,704,320.00 - Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)
- F. Agenda Item #47 - An ordinance amending Chapter 42A, "Special Events" and Chapter 29A, "Neighborhood Farmers Market" of the Dallas City Code by (1) reserving Chapter 29A and rewriting Chapter 42A; (2) providing regulations for special events, commercial filming activities, neighborhood markets, and streetlight pole banners; (3) providing a penalty not to exceed \$2,000.00 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and \$500.00 for all other violations; (4) providing a saving clause; (5) providing a severability clause; and (6) providing an effective date - Financing: No cost consideration to the City (see Fiscal Information) (This item was deferred on February 27, 2019)

Adjourn



Sandy Greyson, Chair
Quality of Life, Arts & Culture Committee

HANDGUN PROHIBITION NOTICE FOR MEETINGS OF GOVERNMENTAL ENTITIES

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

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una 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."

EXECUTIVE SESSION NOTICE

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

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

Quality of Life, Arts & Culture Committee Meeting Record

Meeting Date: February 25, 2019

Convened: 9:07 AM

Adjourned: 10:42 AM

Members Present:

Sandy Greyson (Chair)
Mark Clayton (Vice-Chair)
Rickey D. Callahan
Jennifer S. Gates
Scott Griggs
B. Adam McGough
Omar Narvaez

Members Absent:

Council Members Present:

Philip Kingston

Briefing Presenters

Kris Sweckard
Director, Sustainable Development & Construction

Neva Dean
Asst. Director, Sustainable Development & Construction

Jennifer Scripps
Director, Office of Cultural Affairs

Staff Present:

Casey Burgess; Chris Caso; Philip Erwin; Sara Farris; David Fisher; Juan Garcia; Cliff Gillespie; Anna Gonzalez; Kelly High; Yldefonso Rodriguez; Jennifer Scripps; Nathan Warren; Beverly Whittet; Emily Worland; Joey Zapata

Guests:

AGENDA:

1. **Approval of the February 11, 2019 Minutes**

Information Only:

Action Taken/Committee Recommendation(s): A motion was made to approve the minutes of February 11, 2019

Motion made by: Rickey D. Callahan

Motion seconded by: B. Adam McGough

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

2. **Neighborhood Forest Overlay**

Presenter(s): Kris Sweckard, Director, Sustainable Development & Construction

Information Only:

The Committee was briefed on the Neighborhood Forest Overlay.

Action Taken/Committee Recommendation(s):

The Committee discussed:

- Concern that the process might be too difficult and disadvantage neighborhoods of high tenant rates
- A reduction in the fees for certain MVA areas
- Clarification on the requirements and examples of similar models in other cities
- Applicable methods for the replacement
- Permit requirements for any tree removal
- A motion was made to move forward to full Council

Motion made by: Mark Clayton

Motion seconded by: Omar Narvaez

Item passed
unanimously:

Item passed on a divided vote:

Item failed

Item failed on a divided vote:

Motion opposed by:

3. Cultural Organizations Program FY 2019-20 Guidelines

Presenter(s): Jennifer Scripps, Director, Office of Cultural Affairs

Information Only:

The Committee was briefed on the Cultural Organizations Program FY 2019-20 Guidelines.

Action Taken/Committee Recommendation(s):

The Committee discussed:

- Concern that Equity, Diversity and Inclusion goals would maybe count out smaller organizations
- The need for defined metrics to identify and measure the equity goals
- The support OCA would give to organizations that were unable to meet the diversity goals
- A motion was made to move forward to full Council

Motion made by: Rickey D. Callahan

Motion seconded by: Mark Clayton

Item passed
unanimously:

Item passed on a divided vote:

Item failed

Item failed on a divided vote:

Motion opposed by:

4. Proposed supplemental agreement with FCC, S.A. for the operation and management of the City's Material Recovery Facility

Presenter(s):

Information Only:

The Committee was briefed by memorandum on the Proposed supplemental agreement with FCC, S.A. for the operation and management of the City's Material Recovery Facility.

Action Taken/Committee Recommendation(s):

The Committee discussed:

- Renewal and extension options of the original lease/contract
- A motion was made to move forward to full Council

Motion made by: Rickey D. Callahan

Motion seconded by: Mark Clayton

Item passed
unanimously:

Item passed on a divided vote:

Item failed

Item failed on a divided vote:

Motion opposed by:

5. Proposed Special Events Ordinance – Chapter 42A - Update

Presenter(s):

Information Only:

The Committee was briefed via memorandum on the Proposed Special Events Ordinance – Chapter 42A – Update.

Action Taken/Committee Recommendation(s):

The Committee supported the bifurcation of film industry sections from all other changes.

Motion made by:

Motion seconded by:

Item passed
unanimously:

Item passed on a divided vote:

Item failed
unanimously:

Item failed on a divided vote:

6. Upcoming Agenda Items

Presenter(s):

Information Only:

Information about the upcoming items was included in the briefing materials.

Action Taken/Committee Recommendation(s):

Upcoming Agenda Item C - The Committee requested clarification on the funding sources and asked if COG set-aside funds could be used in other areas.

Upcoming Agenda Item E - The Committee expressed concern with the directive that Bond funds would not be disbursed until matching funds were secured.

Upcoming Agenda Items were moved forward to full Council.

Motion made by:

Motion seconded by:

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

Councilmember Sandy Greyson
Chair

Memorandum



CITY OF DALLAS

DATE March 22, 2019

TO Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scott Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Proposed 5th Amendment to the Usage Agreement for the Morton H. Meyerson Symphony Center**

On Monday, March 25, 2019, you will be briefed on the Proposed 5th Amendment to the Usage Agreement for the Morton H. Meyerson Symphony Center.

The briefing materials are attached for your review.

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

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

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

Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Laila Aleqresh, Chief Innovation Officer
Directors and Assistant Directors

Proposed 5th Amendment to the Use Agreement for the Morton H. Meyerson Symphony Center

**Quality of Life, Arts and Culture
March 25, 2019**

**Jennifer H. Scripps, Director
Office of Cultural Affairs**



City of Dallas

Purpose

- Review the Proposed 5th Amendment to the Use Agreement for the Morton H. Meyerson Symphony Center to foster increases in the facility's utilization, maintenance and improvements, and gradually reduce the City's costs
- Request the Committee's support for City Council action and approval



Background: Existing Use Agreement Summary

- Opened in 1989, the Morton H. Meyerson Symphony Center was built through a public/private partnership with the Dallas Symphony Association (DSA) raising over \$54m in private support to match the City's bond contribution of \$49.3m
- The City and the DSA entered into a Use Agreement for the Meyerson on September 18, 1985, subsequently amended in 1995, 1999, 2004, and 2009
 - 1st Amendment changed the funding model by eliminating DSA's rental fees for use of the Meyerson and ended their major cultural support funding
 - 2nd Amendment provided for the DSA to design, construct and install capital improvements
 - 3rd Amendment clarified the proportionate utility payments by the City and DSA, updated insurance requirements and extended the term of the agreement to August 31, 2019
 - 4th Amendment adopted a plan for scheduling between the Meyerson and Annette Strauss Square (AT&T PAC) and extended the term of the agreement to August 31, 2049

Background: Current Operations

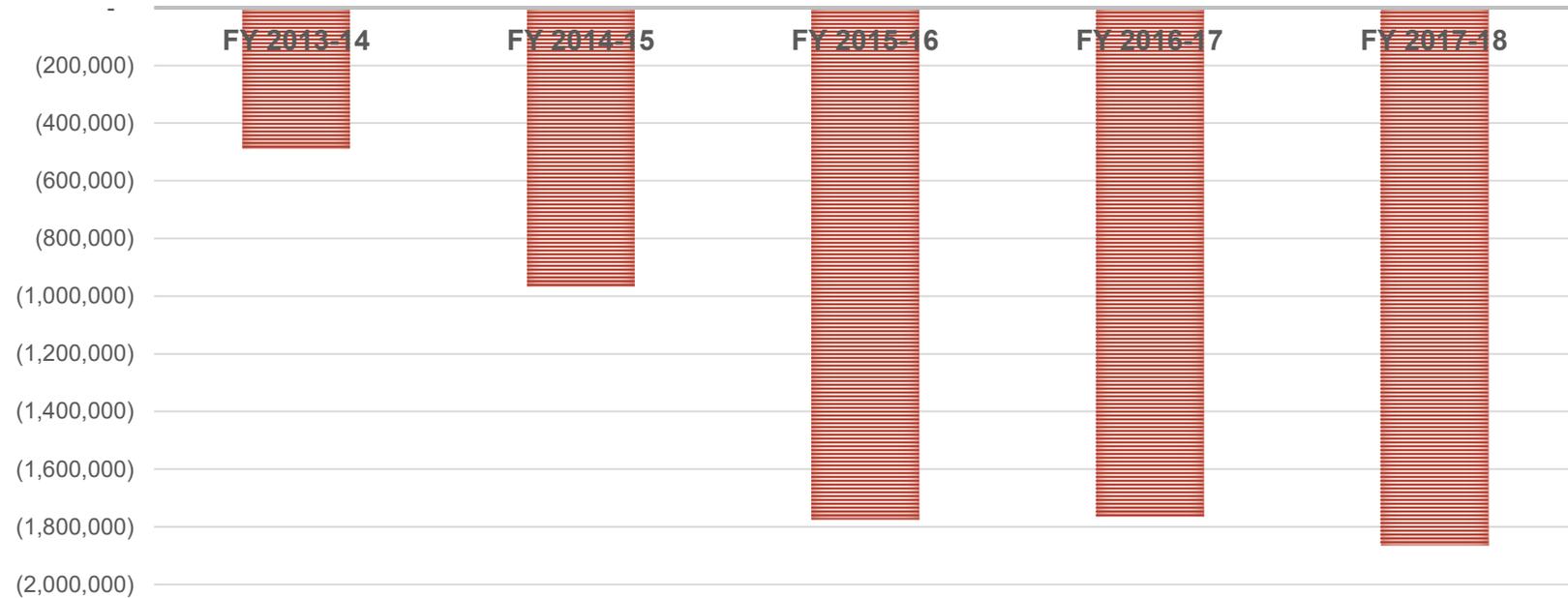
- The Use Agreement sets the terms under which the DSA uses and occupies the Meyerson as the primary user and the City's responsibilities for the operation and management of the facility
 - City funds staffing, maintenance, security and utilities
 - DSA reimburses the City for a portion of the utilities, based on the number of days they actually use
 - DSA provides a year-round season of classical music concerts, outreach and school programs, and other special concerts at the Meyerson
 - DSA is not exempt from facility use fees for events they book not related to their orchestral performances
 - Scheduling of the venue is the responsibility of the City and done in advance with priority given to DSA events
 - By September 30 of each year, the DSA holds dates for the Sept 1 – Aug 30 starting the following year
- City books other local cultural organizations and commercial entities for revenue-generating events for dates not held for use by DSA

Background: Current Operations

- In recent years, the City's expenses have increased and revenues have decreased
 - City booked less revenue-generating events due to more DSA date-holds
 - Additional DSA events have increased City operating expenses, which are offset by fees paid by other facility users' (but not DSA)
 - Personnel costs – City staff overtime for coordinators and technicians
 - Security – additional contract security officers/hours
 - Custodial – additional custodial service during events and after for recovery
 - Utilities – additional electricity and gas usage
 - Maintenance – additional wear and tear on the facility
 - Competition for events rentals has increased as well, e.g. Winspear, Perot

5-Year City Profit (Loss) For Meyerson Operations

	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Expense	1,479,980	2,013,183	2,722,726	2,618,575	2,898,492
Revenue	990,328	1,046,053	948,265	854,923	1,034,428
Profit (Loss)	(489,653)	(967,129)	(1,774,461)	(1,763,652)	(1,864,064)



Deferred Maintenance

- The DSA estimated \$11.9 million in major deferred maintenance in 2018, including the following items:
 - Elevator modernization
 - Plumbing and restroom ADA compliance
 - Roof replacement*
 - Fire systems*
 - HVAC repairs
 - Canopy lighting and sound systems in the McDermott Concert Hall
 - Reverb doors* used for acoustic tuning
 - Power washing and sealing of the building exterior
- Additional items include prominent “cosmetic repairs” such as replacing the original carpeting throughout and painting the interior

(*) Denotes bond projects

7

Prior Public Input Opportunities:

- Dallas Symphony briefing to Arts and Culture Advisory Commission – January 17, 2019
- Briefing to Arts and Culture Advisory Commission – February 21, 2019
- Public meeting at Meyerson attended by ~100 people – March 6, 2019
- Briefing to Arts and Culture Advisory Commission – March 21, 2019

Proposed 5th Amendment: Overview

- Amend use agreement to become a 99-year lease of the Meyerson land and improvements, subject to a reverter
 - DSA will use the Meyerson primarily for orchestral music-related events, and for other music and cultural events
 - If the DSA fails to use the Meyerson in that manner, the City would have to terminate this agreement and renegotiate
- DSA will become responsible for all operation and maintenance costs of the property following a six-year wind-down of the City's financial support for such costs
 - This transition period shall allow the DSA to ramp up their earned income and address long-deferred maintenance issues during this time

Proposed 5th Amendment: City Obligations

- City commits to expending dedicated capital funds for deferred maintenance approved by voters in 2006 and 2017 bond programs
- City will financially support over six years the DSA's into its new role of managing a major performing arts venue
 - Years 1 and 2 - \$3m
 - Year 3 - \$2.5m
 - Year 4 - \$1.5m – by Year 4, the City is saving money each year
 - Years 5 and 6 - \$750,000
- After Year 6, DSA will be eligible to apply for cultural programming funds through the Cultural Organizations Program
- Public art (Ellsworth Kelly panels) will remain City property on display at the Meyerson, and City will continue maintenance
- City will follow established policy and protocol for existing employees

Proposed 5th Amendment: Strauss Square

- Annette Strauss Artists Square is addressed in the 4th Amendment of the current DSA agreement (and the 2nd Amendment to the ATTPAC management agreement)
 - These amendments were added during construction of Strauss Square to mitigate sound bleed issues between the Meyerson and the outdoor performing arts venue
 - The role of the City is both as Manager of the Meyerson, and as a party to the Booking Process Guidelines, which allows for the scheduling of Strauss, based on a hierarchy of date permissions
- This scope of the City's commitment at the Meyerson is not assignable to the DSA; doing so could hamper and impede the usage and optimization of Strauss Square and the business of ATTPAC
 - However, technological and acoustical improvements mean that these date provisions need revisiting in order to allow for greater usage of Strauss Square
- All parties need to agree to future work to update the 2008/2009 Booking Process Guidelines (in-process)

Proposed 5th Amendment: DSA Obligations

- DSA commits to raising \$5m privately over the next five years and to completing at least \$5m of capital improvements by 2029
 - DSA will guarantee this investment via its Foundation or a donor guarantee
- DSA Events
 - DSA and its musicians are expected to perform 150 concerts per year
 - DSA may present and promote additional events at the Meyerson, including community-oriented, commercial and non-commercial bookings
- Existing City bookings for 2019 and 2020 will be honored by the DSA
- Events for grandfathered not-for-profit users will be at preferred rent rates
 - Grandfathered users: Greater Dallas Youth Orchestra, Dallas Children's Chorus, Dallas Winds, Dallas Bach Society, Fine Arts Chamber Players, The Black Academy of Arts and Letters' MLK Celebration and Dallas-based public high school graduations, Turtle Creek Chorale
- Comply with monthly and annual reporting in line with COP reports
- Free rent for up to 6 City event dates annually, and for up to an additional 10 event dates for community-oriented events requested by the City
- Free tickets for public school students in Dallas to at least 50 concerts and free Parks Concert series



Provisions for “Grandfathered” User Groups:

- The Meyerson is the home to many of Dallas’ performing arts groups, many of which have performed there since its opening:
 - The “Grandfathered” user groups are all Dallas-based nonprofit arts organizations and include: Greater Dallas Youth Orchestra, Dallas Children’s Chorus, Dallas Winds, Dallas Bach Society, Fine Arts Chamber Players, TBAAL MLK Celebration, the Turtle Creek Chorale, and select Dallas-based high school graduations
 - The North Texas Metroplex Children’s Choirs will also enjoy these benefits

Provisions for “Grandfathered” User Groups:

- In order to best serve as a steward of the Meyerson’s mission, the DSA has agreed to extend certain benefits and assurances to these key partners, which include but are not limited to:
 - Preferred rent rates locked in through 2029, based on 2018 rental rates, plus no more than a 2.5% annual rate increase thereafter
 - Permission for these groups to use their own in-house ticketing services or the DSA ticket service for no charge
 - DSA will provide 12-month advance notice of any pending rate increases for space or services (usher, custodial, etc.)
 - \$500 per-performance pipe organ use fee, including one gratis tuning of the organ for each performance/recording rental
 - Gratis piano usage agreement
 - No fee increases or the use of Chorus Rehearsal Room and Hart Symphony Suites
 - No increase in the fees for the use of sound mixing racks, microphones, and sound system supplemental fill speakers to remain unchanged
 - DSA and/or approved in-house caterer to honor current policy of providing gratis draped display tables, easels, crowd control stanchions/ropes in lobbies and public areas
 - 15% fee for the sale of novelty items
 - (Facility) Preservation Fees remain in effect and are also locked in until 2029. Thereafter, increases cannot be more than \$0.50 every two years, and the 12-month advance notice applies. All users, including the DSA, will deposit those fees into a common, annually audited account, whose funds are dedicated solely to facility preservation
 - Grandfathered users allowed the option to employ their own, non-union stage hands/technicians, in-lieu of IATSE personnel at the MHMSC
 - No increase to fees for technical support from in-house staff or use the DSO staff at no additional cost
 - No charge for DSO to strike/restore its musical instruments & stage properties
 - As part of any new food and beverage contract, DSA to do its best to negotiate a discount for grandfathered users for catering rates for event

Case Statement:

- Following a year-long community input process for the *Dallas Cultural Plan 2018*, it is apparent that the current use agreement no longer fits within the mission, values and strategic direction of the Office of Cultural Affairs
 - One of the early Phase 1 findings was that the OCA spends almost twice as much on facilities as on cultural contracts for arts production and management
- The DSA shares our values of Equity, Diversity, Space, and a Sustainable Arts Ecosystem and can manage the building to better serve the community, both in the Meyerson and via outreach programs
- The DSA can better utilize the Meyerson if they control the building and have clear incentive to best manage the available dates calendar and grow earned revenue and net bottom line
- The DSA is committed to raise private funds to address current deferred maintenance and to leverage the building for earned income, meaning public dollars can be reduced
- The City is relieved of its increasing financial and maintenance obligations, which may save taxpayers up to \$65 million over the life of the existing agreement
- Estimated annual savings of up to \$1.8 million not put into a physical building will support artists and cultural organizations citywide in fulfilling goals of the *Dallas Cultural Plan 2018*

Next Steps

- Request the Committee's support for City Council action and approval



Proposed 5th Amendment to the Use Agreement for the Morton H. Meyerson Symphony Center

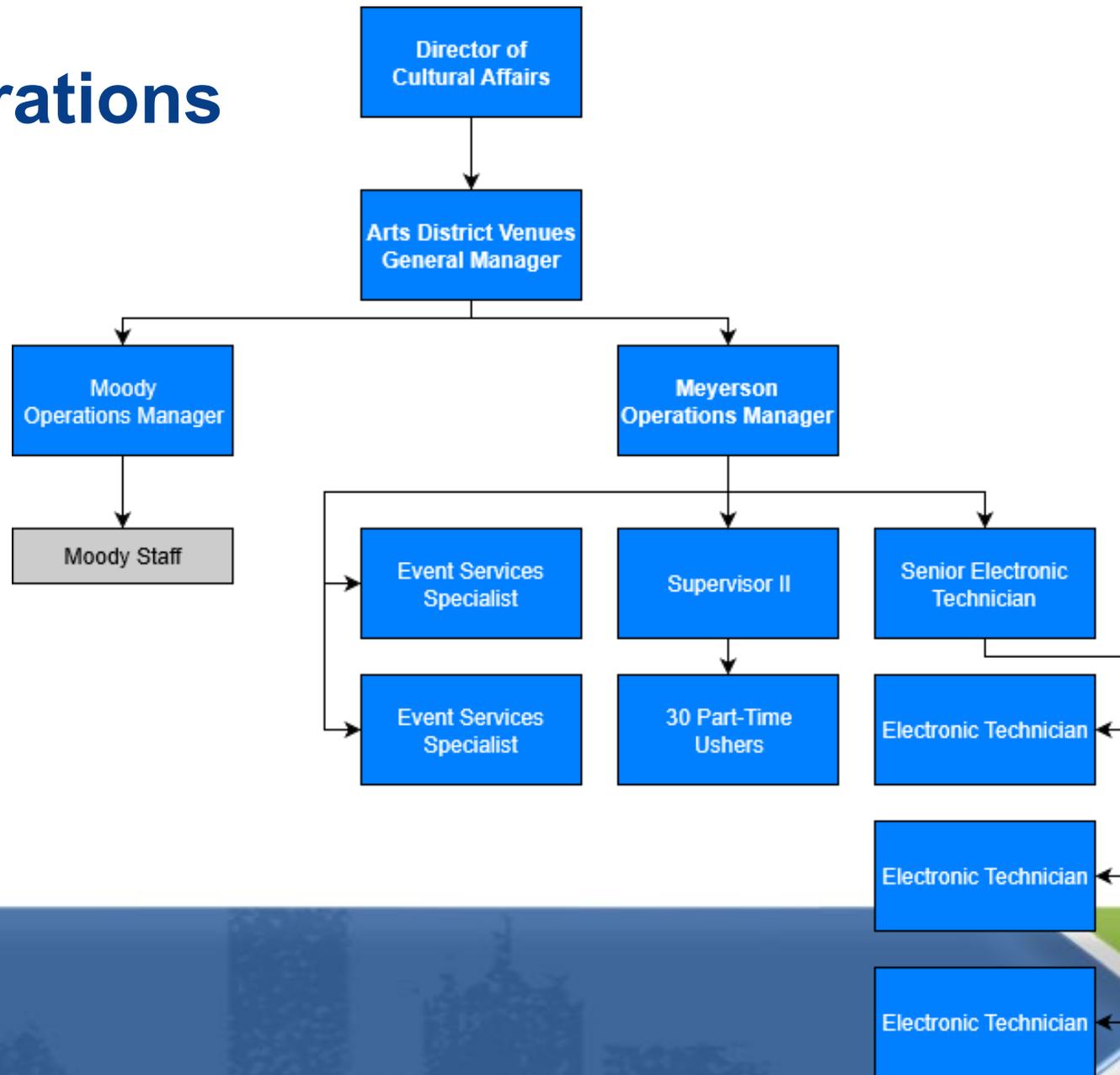
Quality of Life, Arts and Culture
March 25, 2019

Jennifer H. Scripps, Director
Office of Cultural Affairs



City of Dallas

Appendix: Current Operations



Memorandum



CITY OF DALLAS

DATE March 22, 2019

TO Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scott Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Five Mile Creek Urban Greenbelt – Phase 1 Implementation and Deal Points for Development Agreements**

On Monday, March 25, 2019, you will be briefed on the Five Mile Creek Urban Greenbelt – Phase 1 Implementation and Deal Points for Development Agreement.

The briefing materials are attached for your review.

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

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

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

Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
Directors and Assistant Directors

5 MILE CREEK

u r b a n g r e e n b e l t

CONNECTING SOUTHERN DALLAS
WITH PARKS, TRAILS, AND NATURE

March 25, 2019
Quality of Life, Arts & Culture Committee

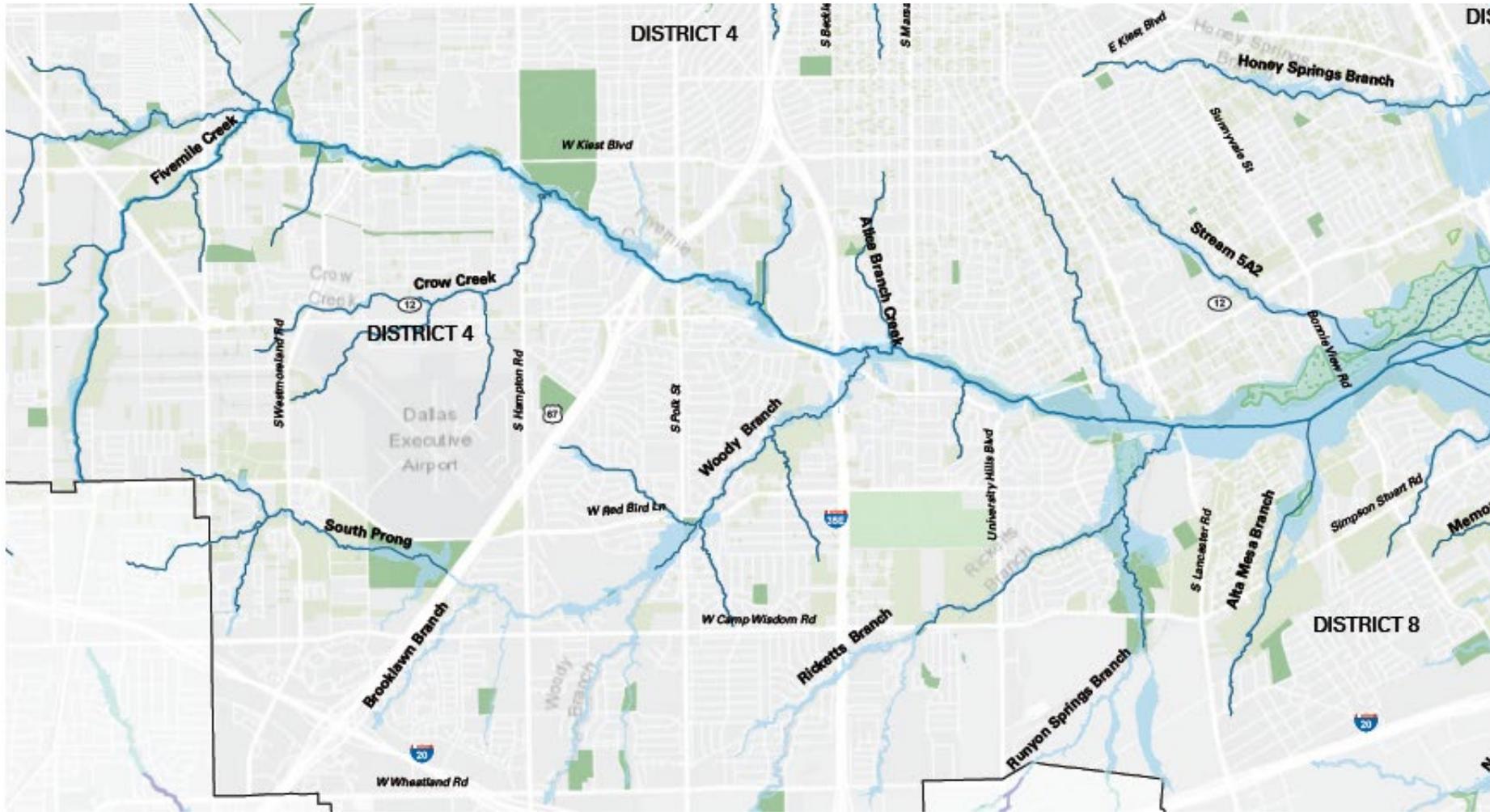


Five Mile Creek Presentation Summary

- Our Mission: Land for People
- Project Overview
 - Watershed Overview
 - Context Information: Park Access
 - Process
- The Five Mile Creek Urban Greenbelt Plan
 - Vision
 - Deliverables
 - Sections Included
- Implementation
- Outcomes



OUR MISSION: LAND FOR PEOPLE



BY THE NUMBERS

Area	70-miles ²
Total Population	186,297
Children	56,942
Seniors	25,318
Low-Income Households	51%
African American	61%
Hispanic	33%
White	20%

WATERSHED OVERVIEW

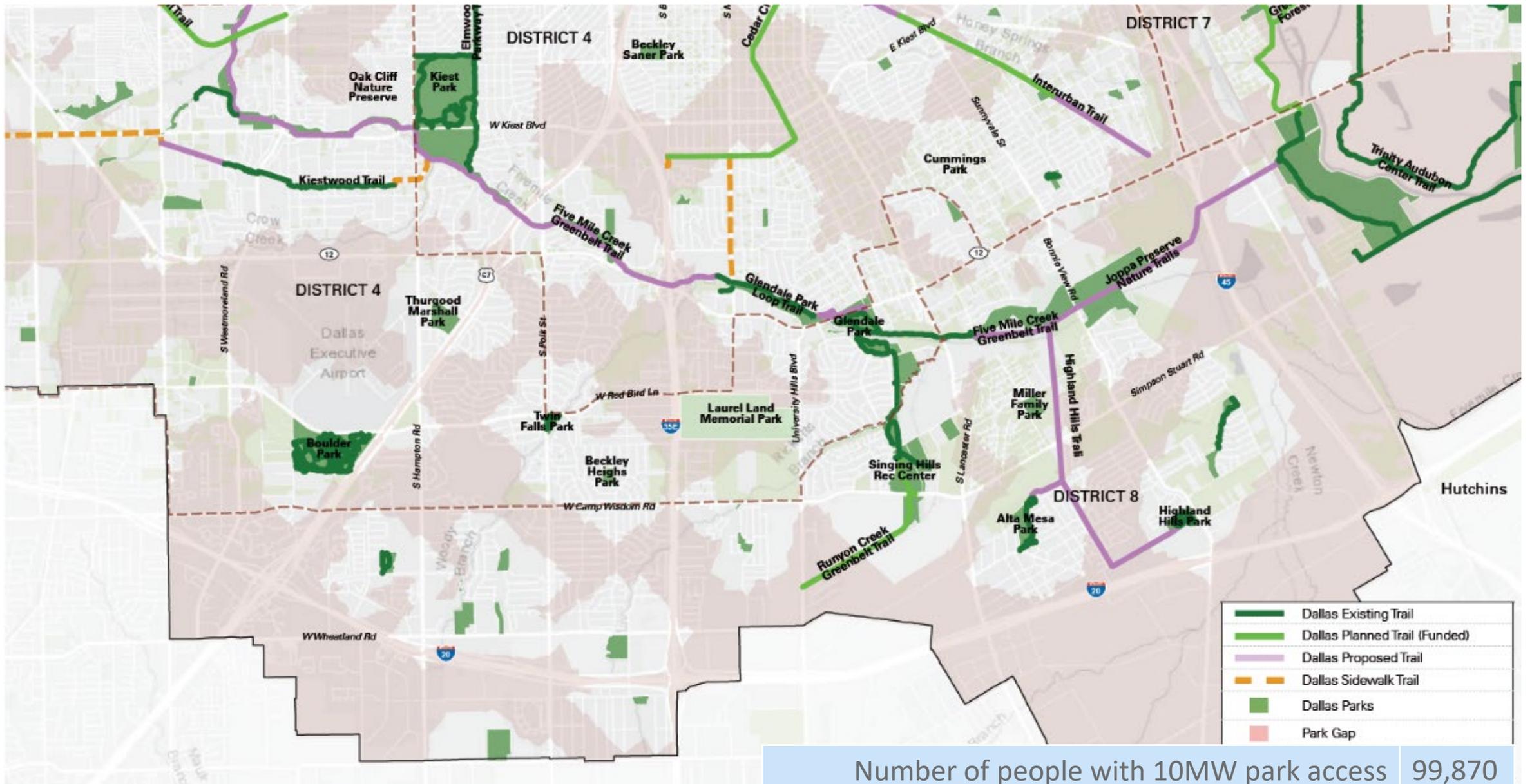


RUGGED AND BEAUTIFUL SCENERY



© Ben Sandifer

RUGGED AND BEAUTIFUL SCENERY



CONTEXT: PARK ACCESS

Number of people with 10MW park access	99,870
Percentage of Residents with 10MW park access	54%

Our Vision

FIVE MILE CREEK URBAN GREENBELT

In partnership with the community of Southern Dallas, develop a new master plan for an interconnected series of trails, parks, and greenspaces following the main stem and tributaries of Five Mile Creek. This greenbelt network will provide new recreational opportunities and unparalleled access to the natural beauty of the hills and valleys of Southern Dallas.

Deliverables

KEY ACTIVITIES

1. Five Mile Creek Urban Greenbelt Master Plan
2. Ten focus group interviews with key stakeholders
3. Three public visioning workshops
4. One community survey



Project Timeline

JUNE – JULY 2018

- Conduct background research
- Begin stakeholder interviews

AUGUST 2018

- Initiate public survey and outreach
- Conduct watershed asset inventory

SEPTEMBER 2018

- Conduct initial alignment study

OCTOBER 2018

- Present at National Night Out
- Community Meeting #1 (For Oak Cliff)

NOVEMBER 2018

- Community Meeting #2 (Highland Hills Library)
- Community Meeting #3 (Dallas Executive Airport)

DECEMBER 2018

- Synthesize community input
- Finalize trail alignment

JANUARY 2019

- Finalize equitable development recommendations
- Submit draft Master Plan to stakeholders for review

FEBRUARY 2019

- Present final Master Plan to community
- Dallas Park Board Approval

Community Engagement

KEY OUTCOMES

- **18 INTERVIEWS:** City Councilmembers, Park Board Members, Park & Recreation Staff, Office of Environmental Quality & Sustainability, Friends of Oak Cliff Parks, University of North Texas, Paul Quinn College, Groundworks Dallas, Parkland Bluit-Flowers Clinic, Opportunity Dallas, Dallas County – *39 total interviewees*
- **3 PUBLIC WORKSHOPS:** For Oak Cliff, Highland Hills Library, and Dallas Executive Airport – *89 total attendance*
- **COMMUNITY SURVEY:** Administered online via Facebook and email, with shorter paper version at workshops – *135 total responses*



Community Engagement

KEY FINDINGS

92%

of survey respondents said they would like to see **more trails** in the Five Mile Creek Corridor

88%

of survey respondents use trails for **exercise** and **fitness**

68%

of survey respondents said **increased security** was a top concern for parks and trails in the Five Mile Creek Corridor

Community Engagement

COMMUNITY VOICES

“There needs to be a balance between preserving nature and not adding too much concrete. Keep the greenbelt green!”

JASON MEDINA

President, Southern Hills
Neighborhood Association

“This urban wilderness is home to old growth burr oaks, blackland prairie, and migrating birds. Trails, interpretive signage, and educational programming would help everyone access the creek and enjoy its natural beauty.”

ELLEN FITZSIMMONS

Friends of Oak Cliff Parks

“Five Mile Creek presents us with the opportunity to create something that connects us with the rest of the City of Dallas. The greenbelt could be magnetic and transformative.”

MICHAEL SORRELL

President, Paul Quinn College



FEBRUARY 16, 2019

COMMUNITY REVIEW MEETING

Vision Themes

- 1. URBAN REFUGE:** Parks and trails in the Five Mile Creek corridor should increase access to greenspace while providing reprieve from daily urban life.
- 2. RESTORATION / REMEDIATION:** Trails and parks within the watershed should not only provide access to these features, but where necessary, restore and remediate their natural ecology.



Vision Themes

- 3. RESEARCH + INSTITUTIONS:**
Greenbelt parks and trails can serve as an outdoor learning lab, providing opportunities for students to experience and study ecology, water quality, and nature.
- 4. RECREATION + HEALTH:**
Increase park and trail use for a healthier, more active community by creating more close-to-home parks for all.





Equitable Development

PARKS FOR ALL PEOPLE

- Organizations working in the Five Mile Creek Corridor should work in concert with residents to address their concerns and design for their needs.
- Organizations working in the corridor should partner and advocate for programs that ensure economic development is equitable.
- Neighborhoods may need assistance in legal processes that can help prepare them for investment.



Environmental Resiliency

GREENING DALLAS

- Throughout the Five Mile Creek watershed— on both greenspaces and in the built environment— there are opportunities to deploy green infrastructure to address environmental challenges.
- The use of green infrastructure in parks and trails, as well as in new developments in the corridor, should be considered holistically and at a variety of scales to suit community context.

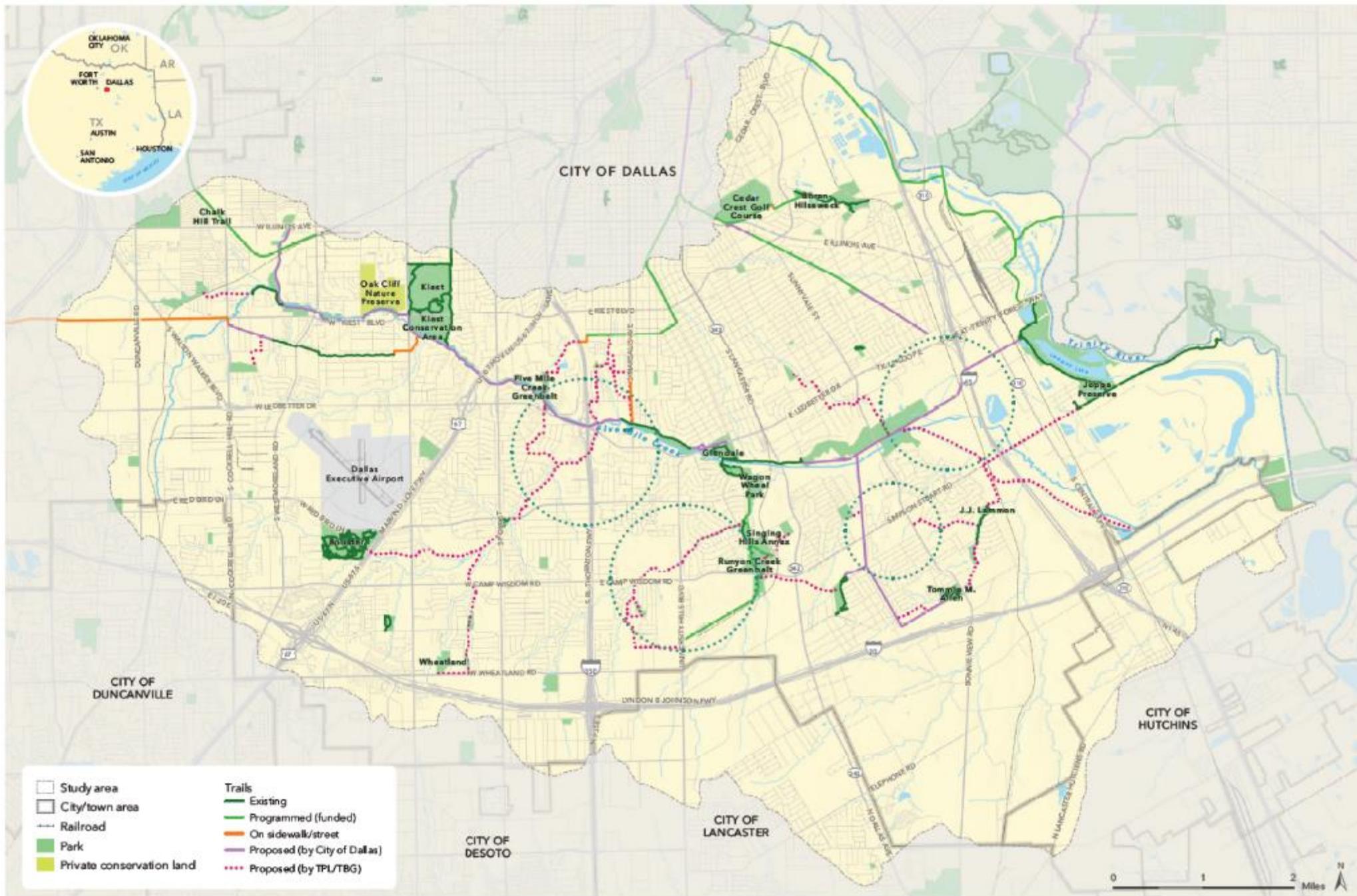


Designing for Safety

- Safety and crime prevention are of paramount importance.
- Locate high-activity zones near site edges to encourage circulation on a main path and attract users.
- Clear signage, wayfinding, and lighting enhance feelings of safety and comfort.
- Ensure regular and property maintenance and cleaning.
- Partner with DPD and Park Rangers to ensure regular patrols of greenbelt.



FIVE MILE CREEK URBAN GREENBELT



Our Vision:

An interconnected series of trails, parks, and greenspaces following the main stem and tributaries of Five Mile Creek. This greenbelt network will provide new recreational opportunities and unparalleled access to the natural beauty of the hills and valleys of Southern Dallas.

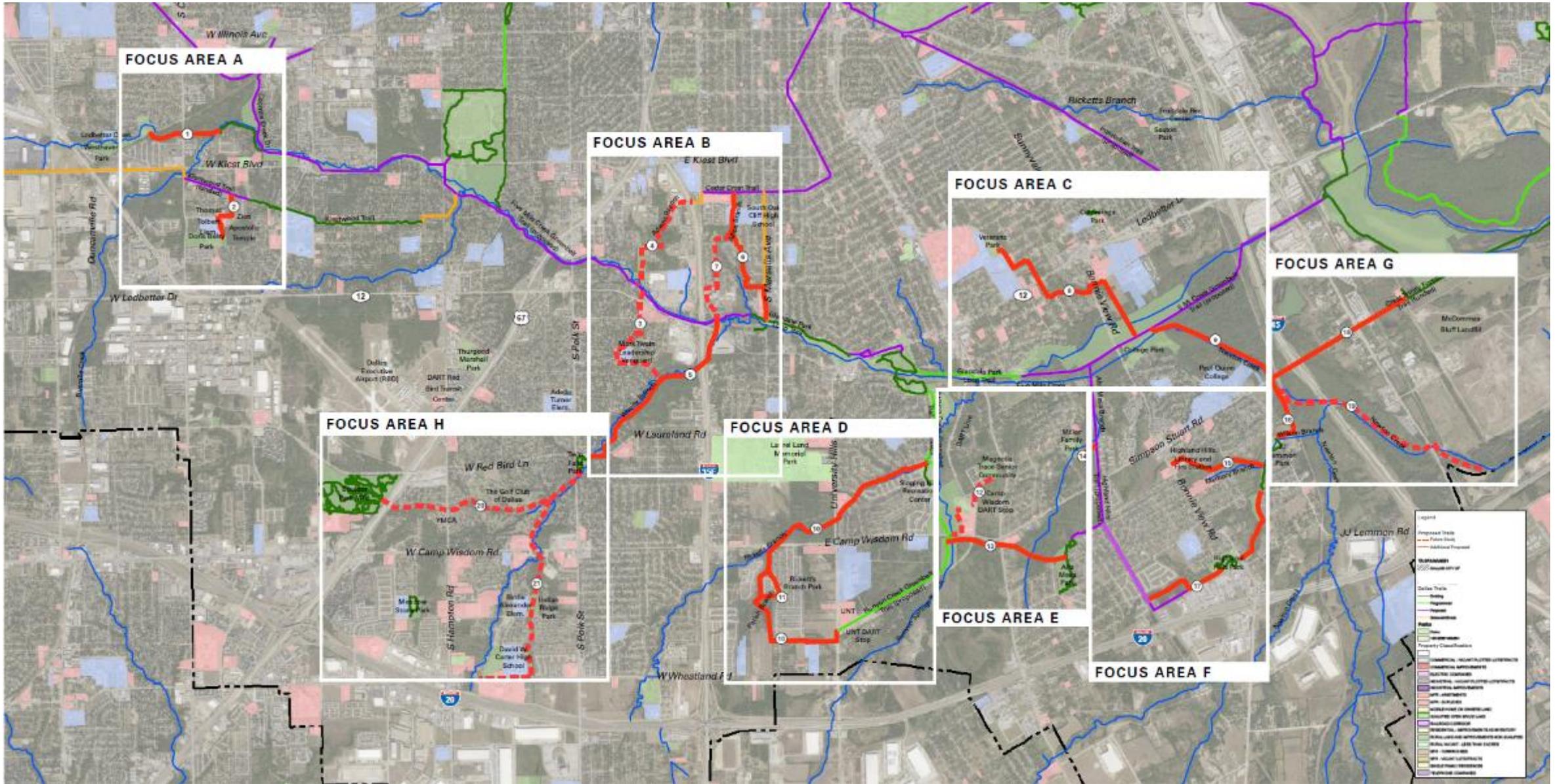
23.2 miles
NEW TRAILS

4 target areas
NEW PARKS

PROPOSED NEW TRAILS



RENDERING: WOODY BRANCH TRAIL AT I-35 CROSSING

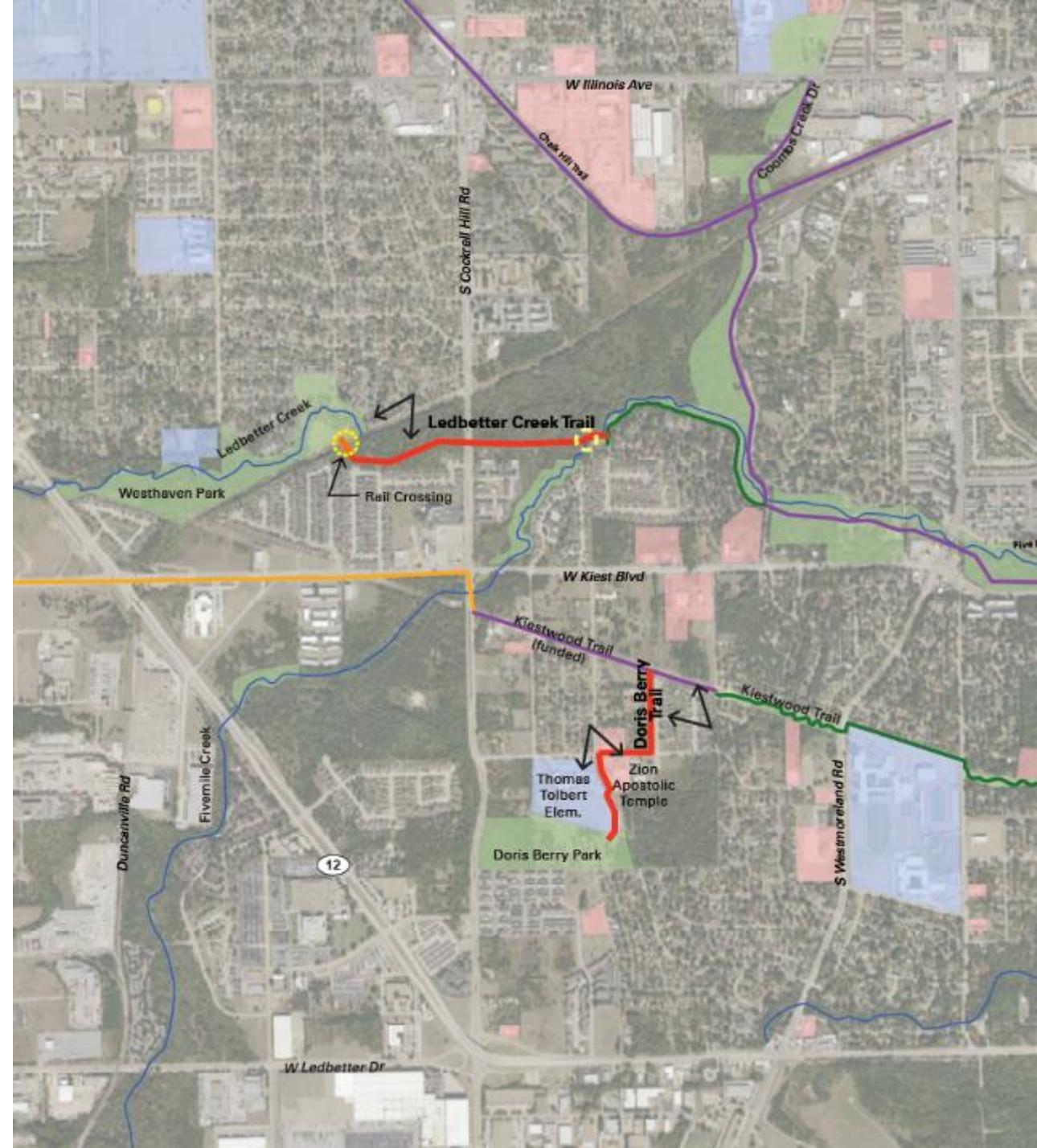


TRAIL MASTER PLAN MAP

Focus Area A

KIESTWOOD

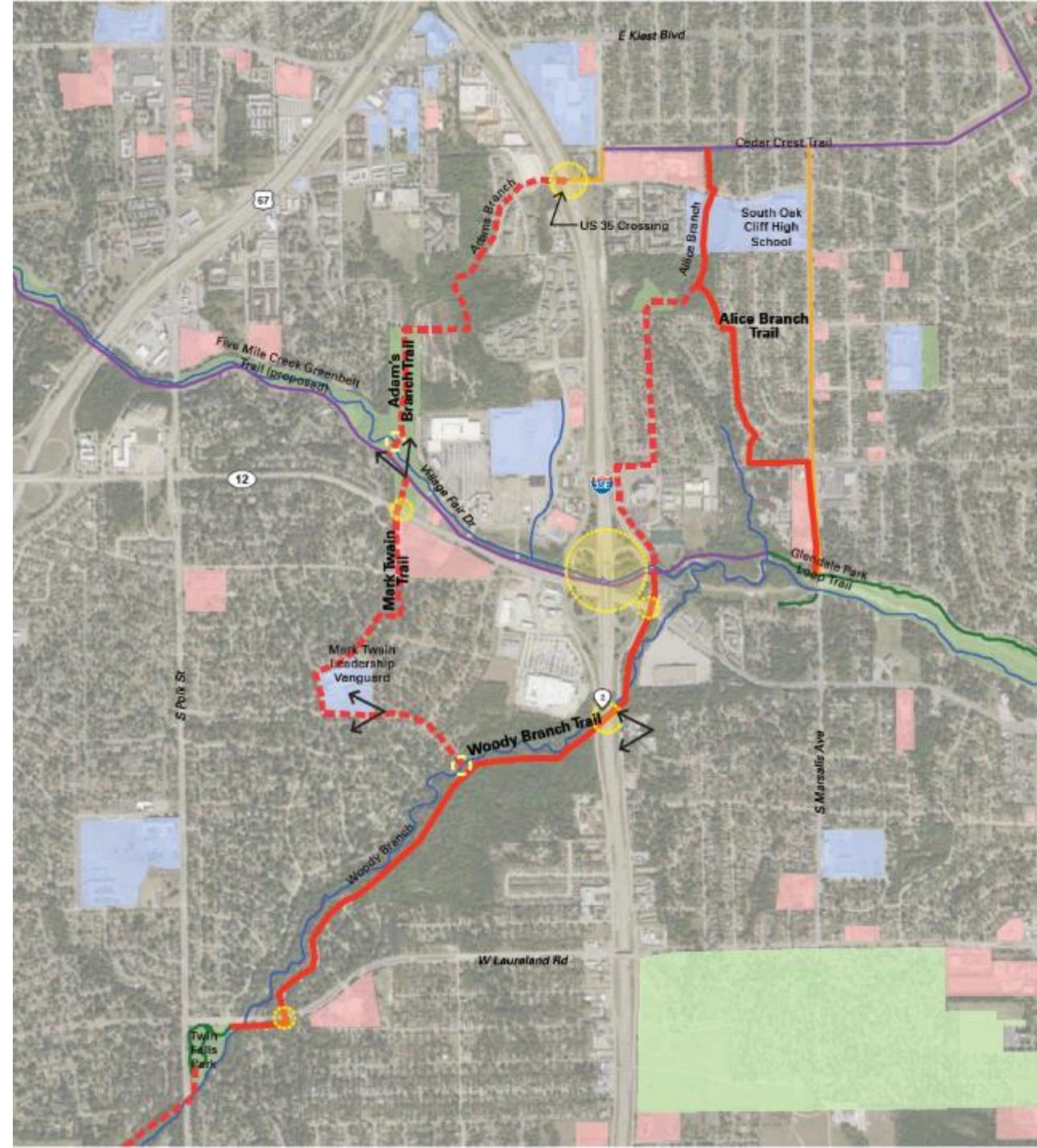
- **Ledbetter Creek Trail:** Follows Ledbetter Creek and connects Pecan Gove Park with Westhaven Park.
- **Doris Berry Trail:** On-street connection between Doris Berry Park and existing Kiestwood Trail, passing Thomas Tolbert Elementary School.



Focus Area B

SOUTH OAK CLIFF

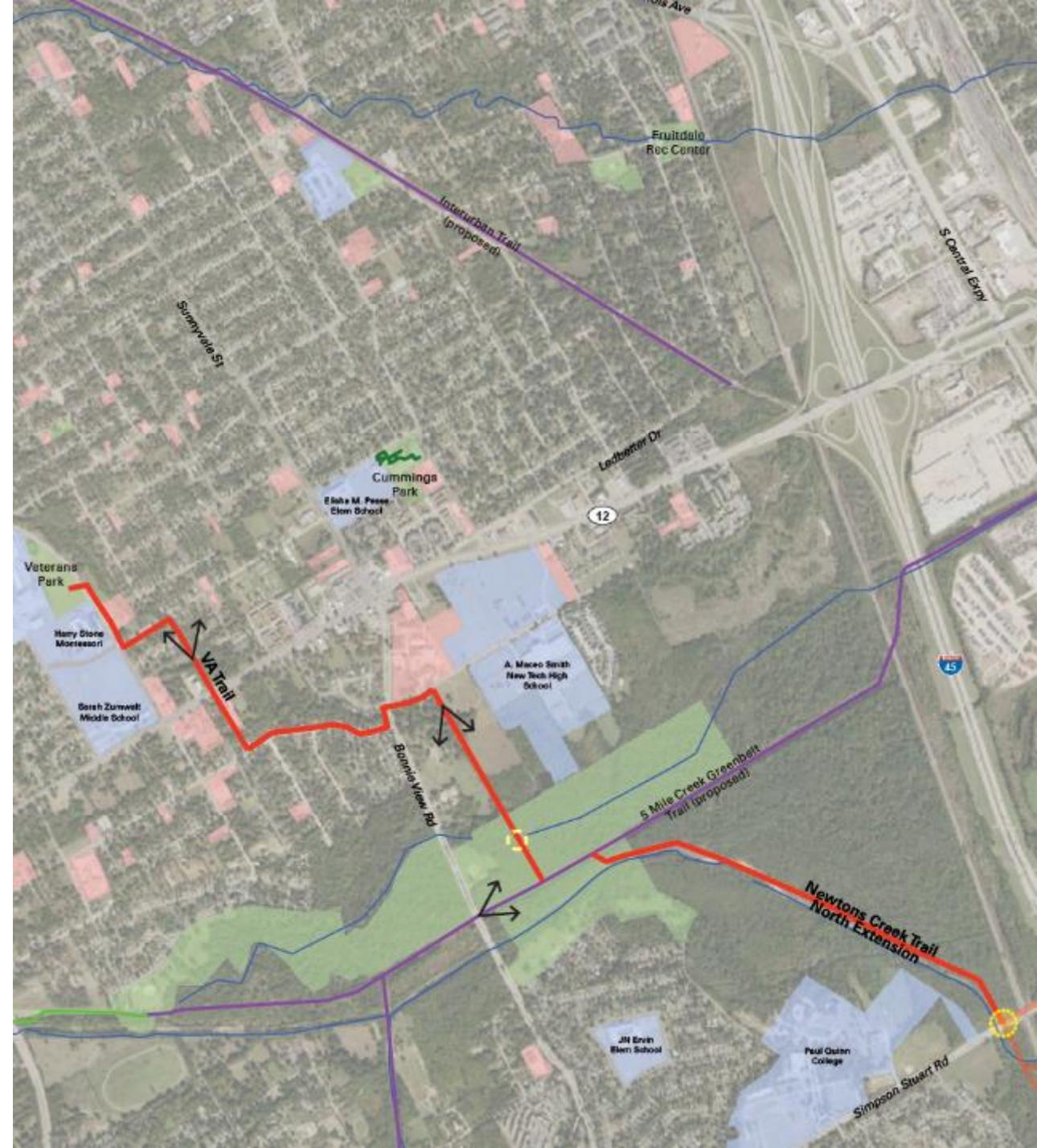
- **Alice Branch Creek Trail:** Connects South Oak Cliff High School, Parkland Bluit-Flowers Clinic, and Glendale Park
- **Woody Branch Trail:** Traverses a heavily-forested 88-acre site and provides connection to Mark Twain Elementary and Twin Falls Park



Focus Area C

VA HOSPITAL DISTRICT

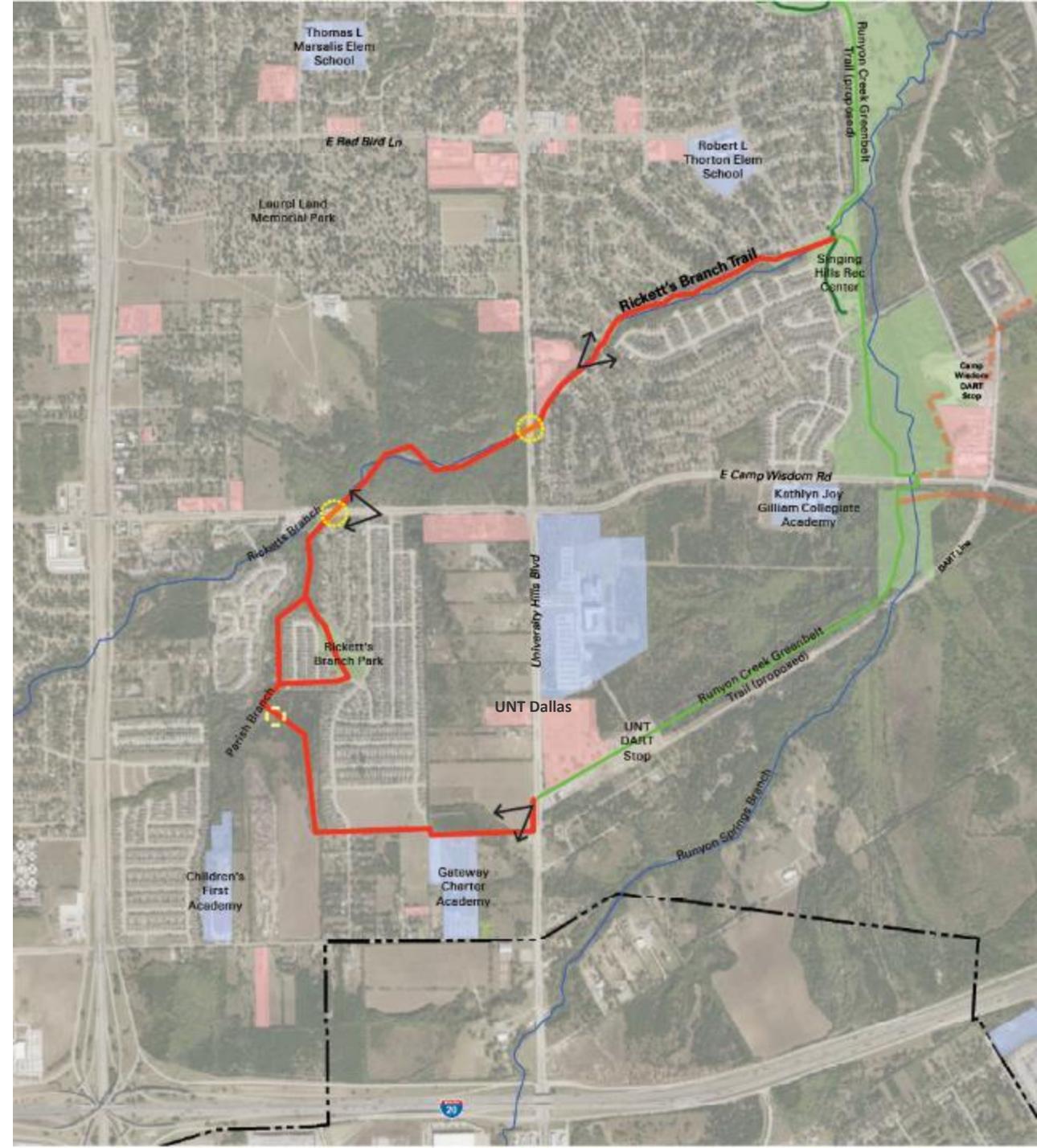
- **Veteran's Trail:** Passes through mixture of wooded land and residential neighborhoods to connect Veteran's Park to the main branch of Five Mile Creek.
- **Newton Creek Trail:** Traverses through heavily wooded land owned by City of Dallas north of Paul Quinn College.



Focus Area D

UNIVERSITY HILLS

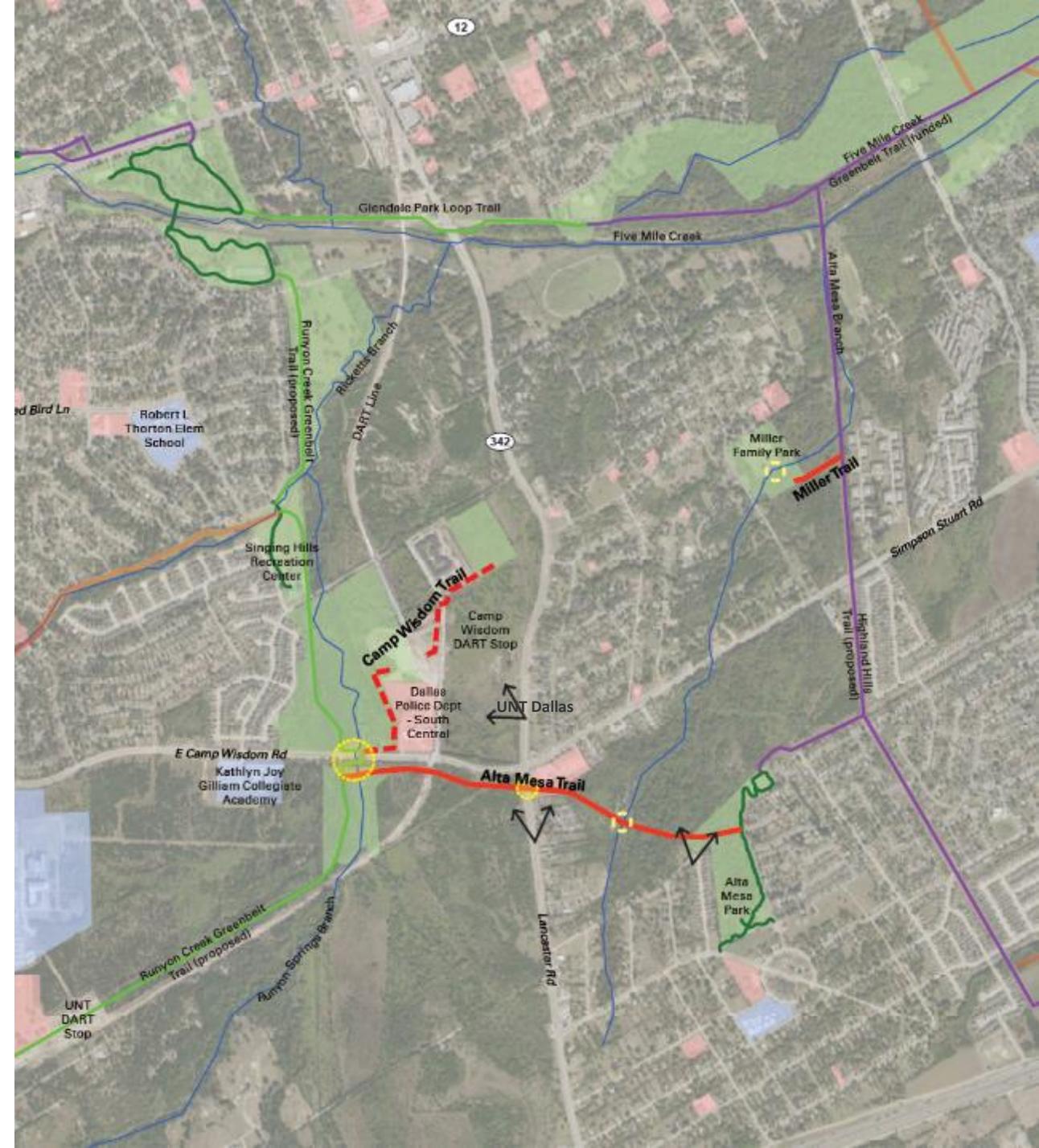
- **Rickett's Branch Trail:** Connects with Runyon Creek Trail to create a 4.5-mile loop through the University Hills neighborhood, anchored by UNT Dallas and Singing Hills Recreation Center
- **UNT Dallas:** Trail will provide outdoor education opportunities for university and improve student quality-of-life



Focus Area E

SINGING HILLS

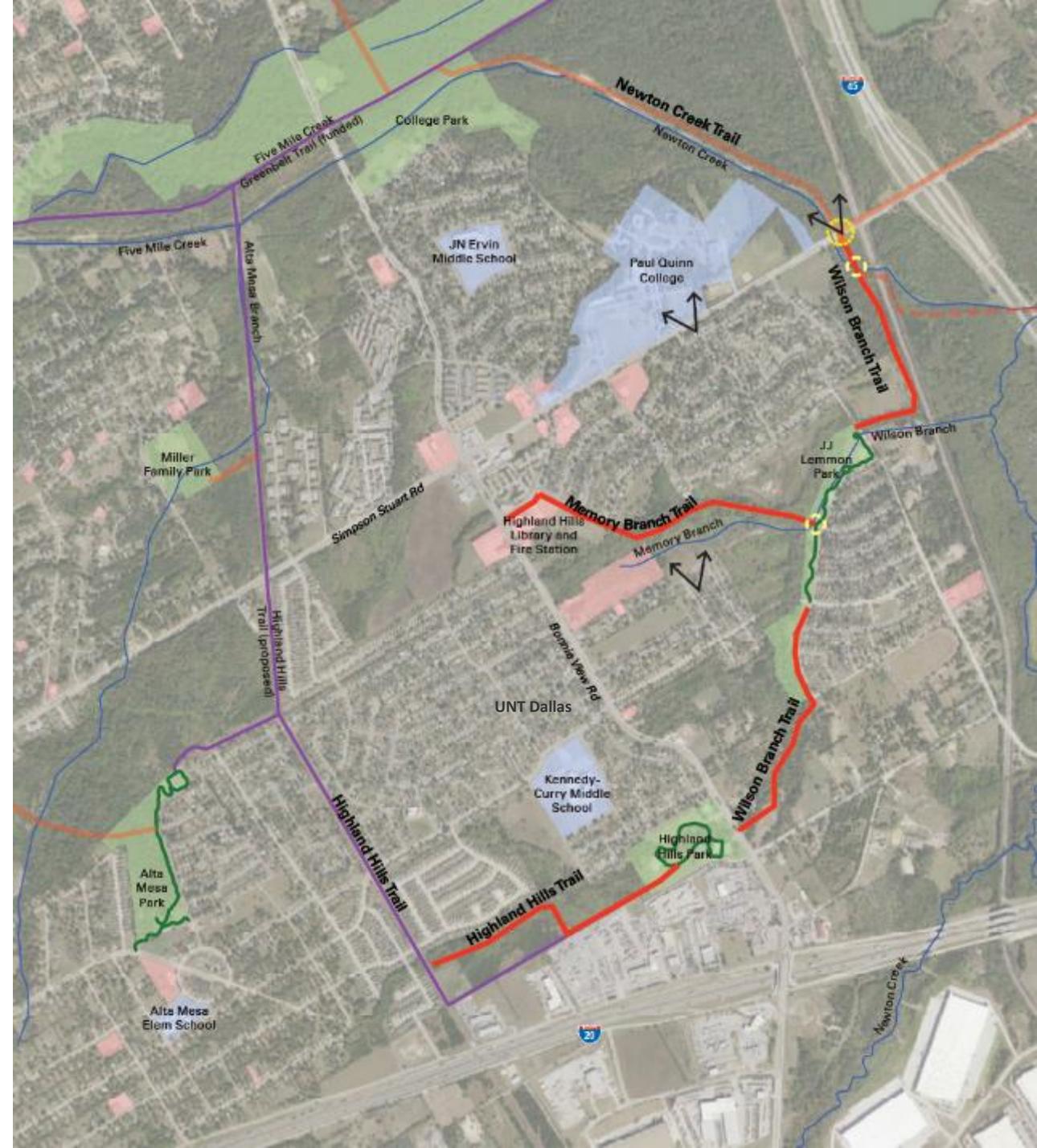
- **Alta Mesa Trail:** Connects Runyon Creek Trail with Alta Mesa Park. This connection forms the southern leg of an approximately 5.5-mile loop, anchored by Glendale Park and Singing Hills Recreation Center.
- **Miller Trail:** Short spur trail connecting Miller Family Park with rest of trail network



Focus Area F

HIGHLAND HILLS

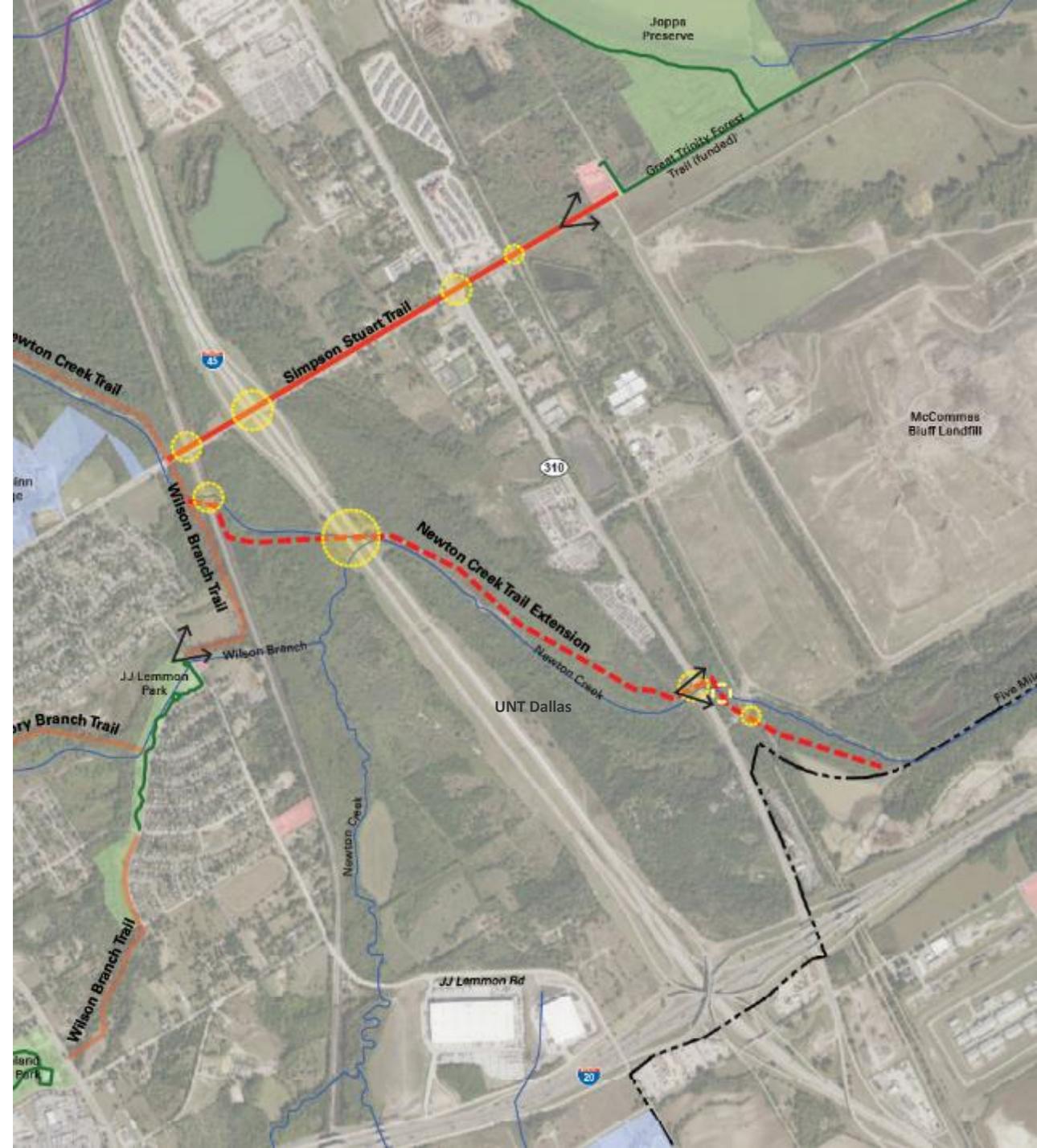
- **Wilson Branch Trail:** Connects Paul Quinn College to Tommie M. Allen Recreation Center at Highland Hills Park.
- **Highland Hills Trail:** Connects Tommie M. Allen Recreation Center to proposed Highland Hills Trail.
- **Memory Branch Trail:** Spur trail connecting Highland Hills Library to rest of trail network.



Focus Area G

NEWTON CREEK

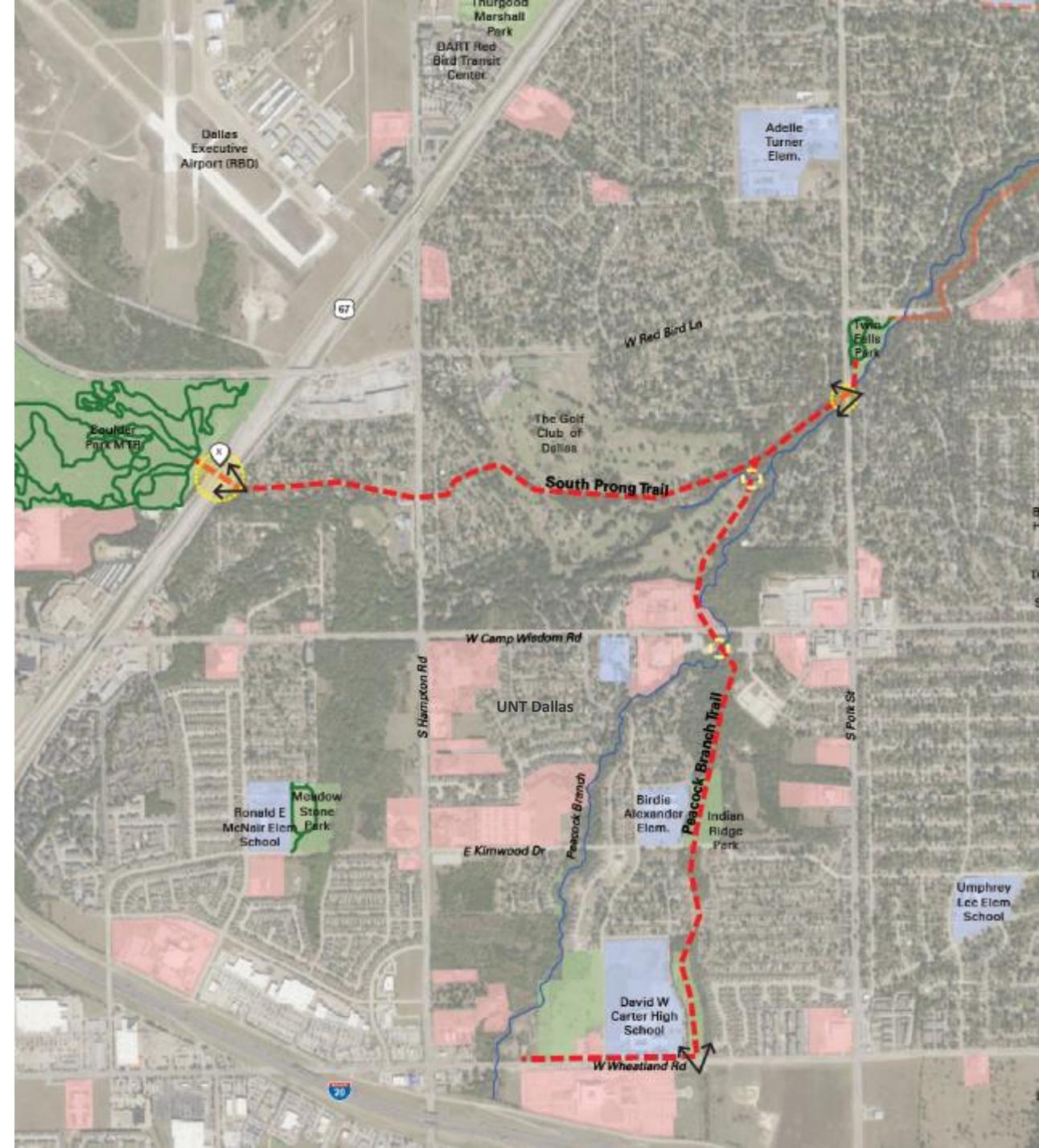
- **Simpson Stuart Trail:** Provides sidewalk or on-street connection following Simpson Stuart Rd, across IH-45, and connecting to Great Trinity Forest Trail.
- **Newton Creek Trail Extension:** Trail follows Newton Creek to the Trinity River. Area for future study.



Focus Area H

SOUTH PRONG AND PEACOCK BRANCH

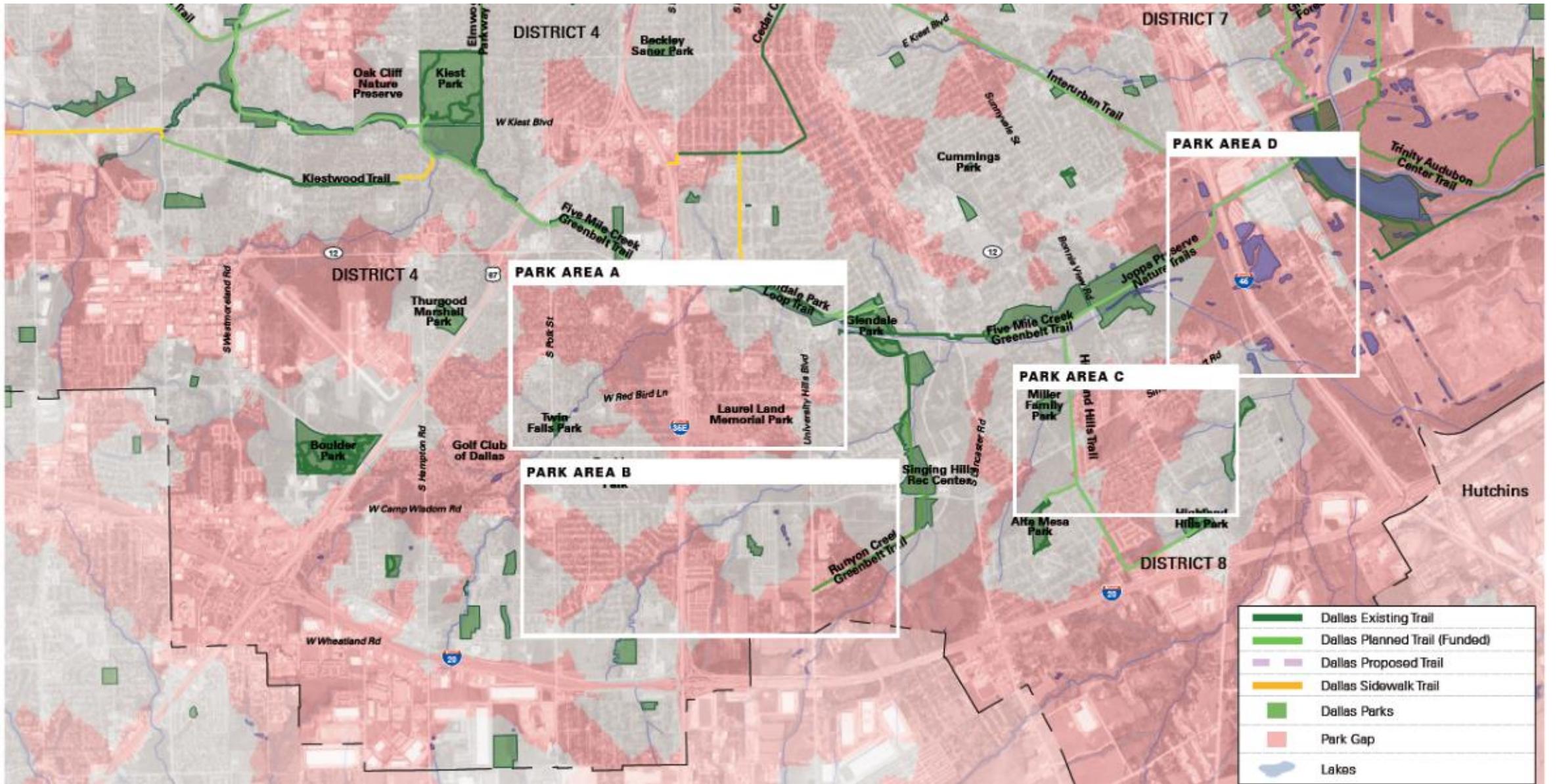
- **South Prong Trail:** Trail follows South Prong across Golf Club of Dallas to connect with Boulder Park. Area for future study.
- **Peacock Branch Trail:** Connects Twin Falls Park to Indian Ridge Park and David W. Carter High School. Area for future study.



PROPOSED PARKS

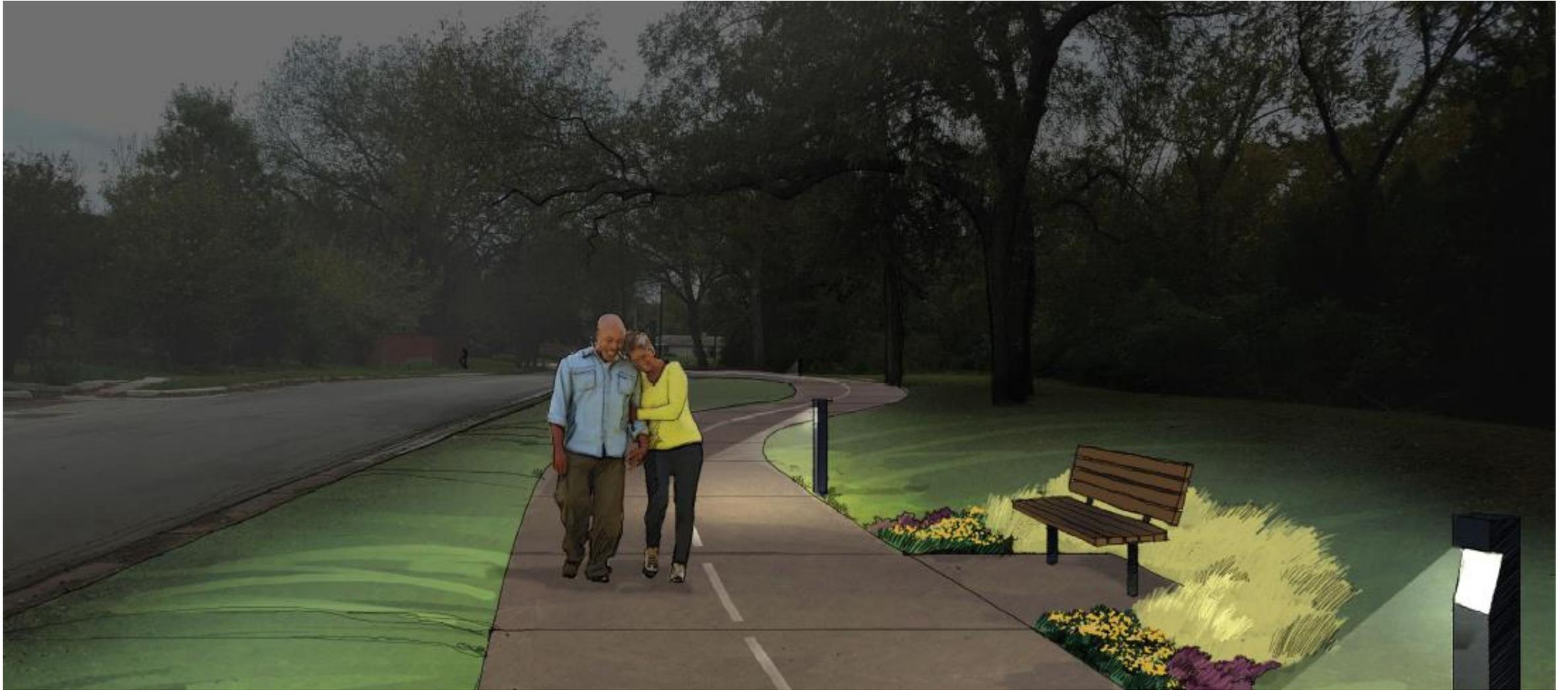


RENDERING: CROSSING AND ENGAGING WITH WATER



PROPOSED PARK AREAS

IMPLEMENTATION

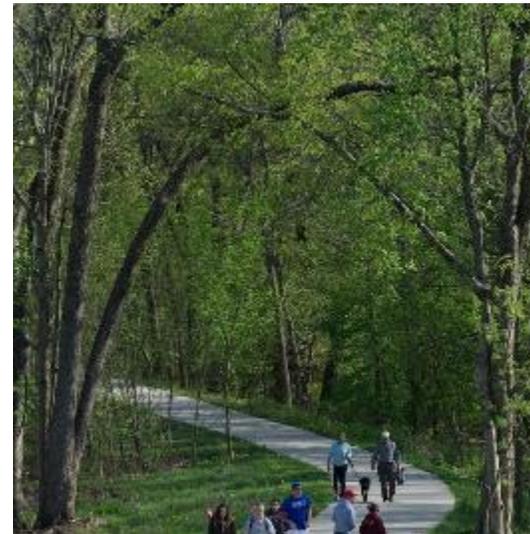
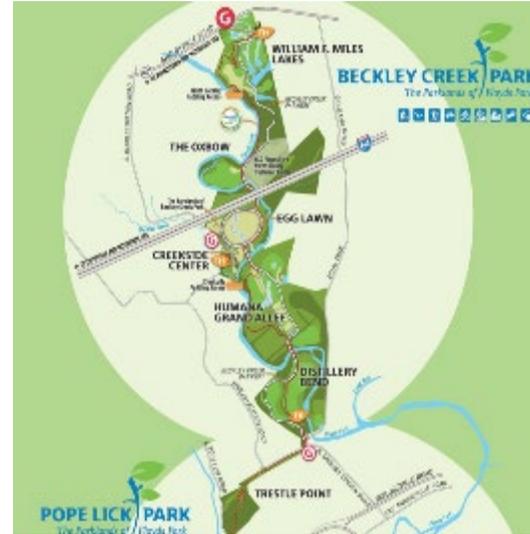


RENDERING: RICKETT'S BRANCH TRAIL

The Parklands at Floyd's Fork

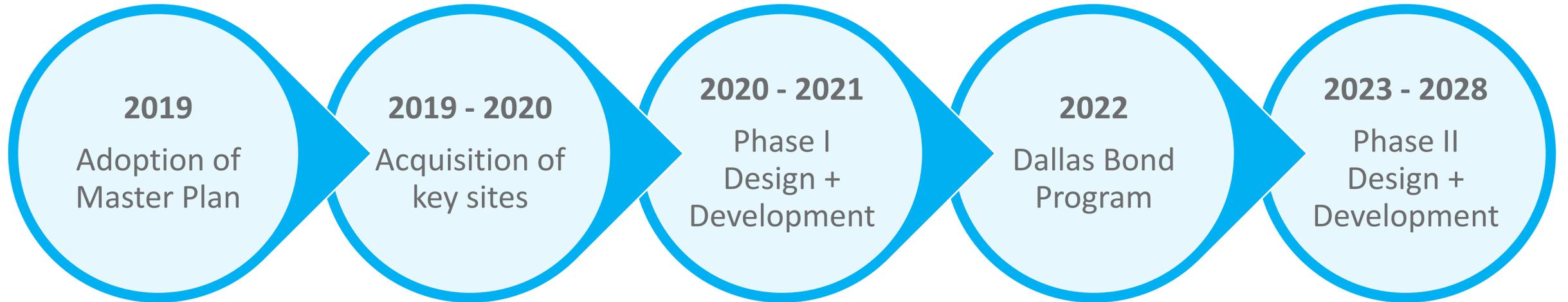
AN IMPLEMENTATION MODEL

- 4,000-acre public park system in Louisville, KY
- Network of parks and trails following watershed, provides varied and unique recreation opportunities
- Entire system developed between 2006 - 2016
- Managed by “21st Century Parks,” a non-profit organization founded by Dan Jones



Proposed Timeline

2019 - 2028



Estimated Costs for Full Implementation

TRAILS

23.2 miles

Low: \$18.5 million

High: \$27.6 million

LAND ACQUISITION

\$95,000 per acre

Low (50 acres): \$4,750,000

High: (350 acres): \$33,250,000

PARK DEVELOPMENT

\$50,000 - \$250,000 per acre

Low: \$17.5 million

High: \$87.7 million

Phase 1 Opportunity

2019-2021

1. **Simpson Stuart Park:** 40.4 acre community park, featuring natural areas and athletic facilities.
2. **Alice Branch Creek:** One-mile greenbelt with 1.9-acre anchor park.



Simpson Stuart Park

- 40.4 acres
- 3,567 people within 10-minute walk
- Unique opportunity to co-locate urban wilderness preservation, prairie restoration, and recreation amenities
- Approximately half-mile from Paul Quinn College





Simpson Stuart Park

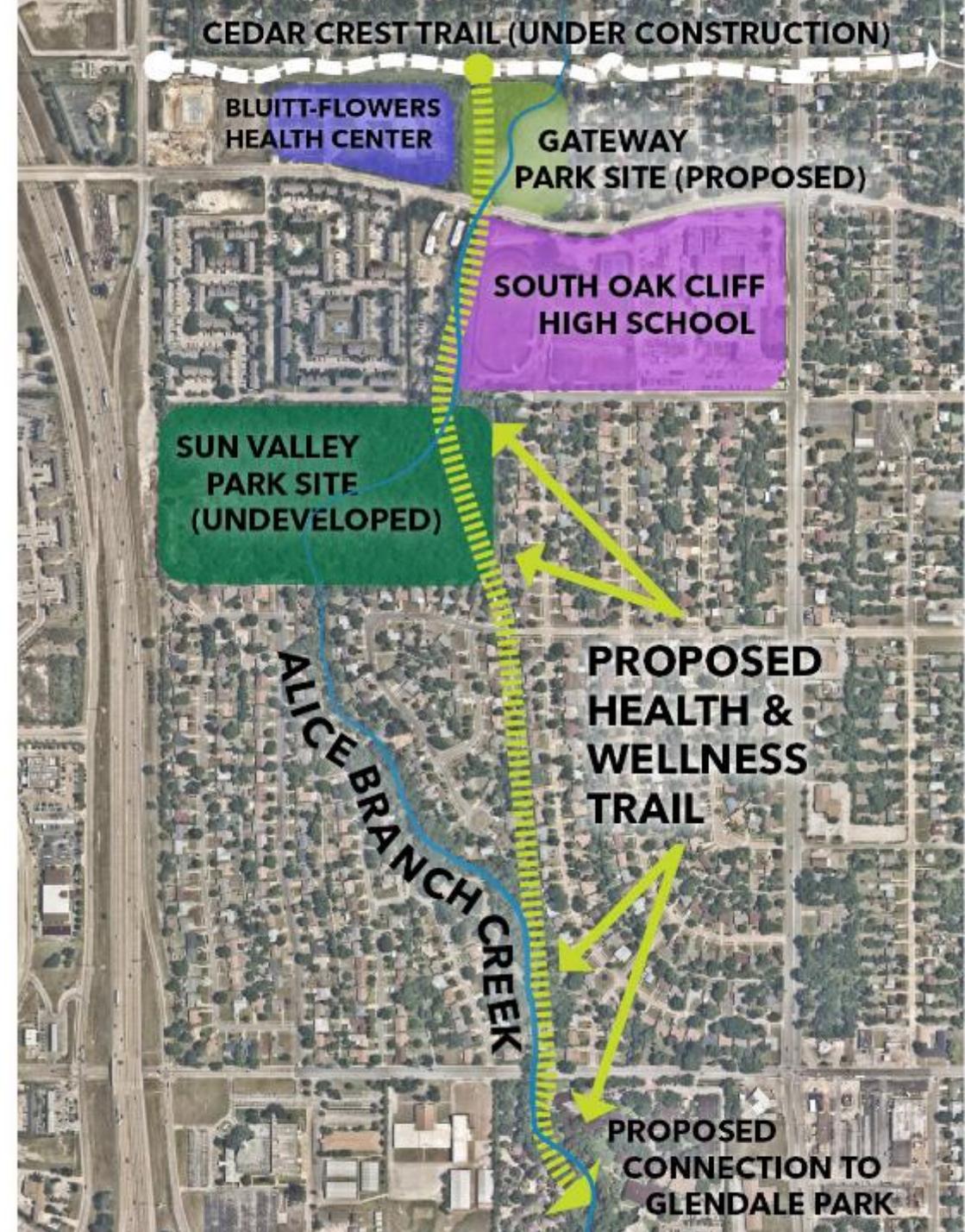
- First phase development to include:
 - Prairie restoration
 - Soft surface nature trails with interpretation
 - Athletic facilities to meet community needs
- Potential partners: Paul Quinn College, UNT Dallas, Groundwork Dallas

“A renaissance opportunity for Highland Hills” – Bob Mong

Alice Branch Creek

HEALTH AND WELLNESS TRAIL

- Approximately 1-mile long greenbelt following Alice Branch Creek, anchored by a 1.9-acre neighborhood park
- Connects key community institutions, including Cedar Crest Trail, Parkland Bluit-Flowers Health Center, South Oak Cliff High School, and Glendale Park



Alice Branch Creek

HEALTH AND WELLNESS TRAIL

- Improved health, education, and public safety outcomes
- Will create multi-generational gathering space for community
- Will serve nearly 7,000 people within a 10-minute walk
- South Oak Cliff High School and Alumni Association are key supporters and advocates



Leveraged Funding

Potential Public Sources:

- National Endowment for the Arts
- National Fish and Wildlife Foundation
- National Park Service Outdoor Recreation Legacy Partnership
- TxDOT Safe Routes to School
- Texas Parks & Wildlife Urban Outdoor Grant
- Capital Bond Funds
- Dallas Tree Mitigation Fund
- Dallas Park Land Dedication Ordinance

Philanthropic Support Received to Date:

- Sapphire Foundation
- Community Impact Fund of the Dallas Foundation
- Trust for Public Land Community Impact Fund
- Katherine Carmody Trust, Bank of America, N.A., Trustee
- Rosewood Foundation



Outcomes

- **HEALTH:** Nearby greenspace associated with 48.8% increase in physical activity.¹
- **EDUCATION:** Students with access to greenspace have higher standardized test scores.²
- **PUBLIC SAFETY:** Converting vacant lots to parks associated with reductions in vandalism and assaults.³
- **ECONOMIC GROWTH:** Dallas parks have a 1-to-7 economic impact.⁴
- **COMMUNITY VITALITY:** Parks increase social interactions between neighbors.⁵

A HEALTHIER, MORE CONNECTED,
AND MORE RESILIENT DALLAS



“The waterways and green spaces of Five Mile Creek have the capacity to become wonderful parts of our city’s resilience systems and social infrastructure – if only we have the vision.” – Chris Dowdy, VP of Academic Affairs, Paul Quinn College

Thank you.

Robert Kent | North Texas Area Director
robert.kent@tpl.org | 469-615-5448

Molly Plummer | North Texas Program Manager
Molly.Plummer@tpl.org | 214-433-1361

Memorandum



CITY OF DALLAS

DATE March 22, 2019

TO Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scott Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Diaper Change Tables**

On Monday, March 25, 2019, you will be briefed on the Diaper Change Tables.

The briefing materials are attached for your review.

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

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

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

Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
Directors and Assistant Directors

Diaper Changing Tables

Quality of Life, Arts &
Culture Committee

March 25, 2019

Kris Sweckard, Director
Sustainable Development
and Construction
Department



City of Dallas

Presentation Overview

- Purpose
- Background
- Draft Ordinance
- Implementation
- Next Steps

Purpose

- Brief the Committee on potential amendments to the Dallas City Code, Chapter 19, “Health and Sanitation” to require a diaper changing accommodation in city-owned buildings and structures with certain uses.
- Committee vote on sending amendments to City Council for consideration.

Background

- The request for regulations requiring diaper changing accommodations came to the City Council from a Dallas resident.
- A three-signature memorandum from three members of the Quality of Life, Arts & Culture Committee requested the City Attorney to prepare a draft ordinance.
- The City Attorney's Office drafted an ordinance in accordance with the request made by the three-signature memorandum and Sustainable Development & Construction discussed implementation.

Proposed Regulations

- Diaper changing accommodation means a table or other device suitable for changing the diaper of a child age three or under.
- Requirement would apply to new construction and major renovations of:
 - City-owned buildings
 - Restaurants
 - Retail stores
 - Theaters

Proposed Regulations

- A minimum of one safe, sanitary, and convenient diaper changing accommodation in each publicly available and accessible restroom.
- Exception
 - Does not apply to a restroom that contains clear and conspicuous signage indicating where an alternative restroom with a diaper changing accommodation is located on that same floor.

Enforcement

- Operating an applicable use without a diaper changing accommodation following new construction or major renovation after the effective date of the ordinance is punishable by a fine not to exceed \$500.
 - Sustainable Development & Construction – Building Inspection checks for compliance with all relevant Chapter 19 requirements when performing plan review for permitting.
 - Code Compliance would respond to complaints on non-compliance.

Next Steps

- If Committee recommends, schedule for City Council consideration.

Diaper Changing Tables

Quality of Life, Arts &
Culture Committee

March 25, 2019

Kris Sweckard, Director
Sustainable Development
and Construction
Department



City of Dallas

Memorandum



CITY OF DALLAS

DATE March 22, 2019

TO Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scott Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Consideration of a Moratorium on Gasoline-Powered Leaf Blowers**

On Monday, March 25, 2019, you will be briefed on the Consideration of a Moratorium on Gasoline-Powered Leaf Blowers.

The briefing materials are attached for your review.

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

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Assistant City Manager

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Gasoline-Powered Leaf Blower Moratorium

Quality of Life, Arts and Culture Committee
March 27, 2019

Joey Zapata
Assistant City Manager
City of Dallas



Presentation Overview

- Purpose
- Background
- Examples of Similar Regulations
- Complaint Calls
- Next Steps



Purpose

- Review current noise regulations for lawn maintenance activities, examples of similar regulations, and complaint calls
- Consideration of a moratorium on gasoline-powered leaf blowers and request that staff develop an ordinance for City Council action and implementation plan



Background

- Current noise regulations limit lawn maintenance activities to be conducted between the hours of:
 - 7 a.m. and 10 p.m. Monday-Friday
 - 8 a.m. and 7 p.m. Saturday-Sunday, and legal holidays
- Additionally, require that equipment is maintained in proper working condition



Background

- Councilman Philip Kingston requested that staff brief the Quality of Life, Arts and Culture Committee on a potential moratorium on gasoline-powered leaf blowers



Examples of Similar Regulations

Example City	Complete Gas Blower Ban	Seasonal Gas Blower Ban ¹	Noise and/or Time of Day Restrictions ²	Complete Gas and Electric Blower Ban
Houston, TX			X	
Seattle, WA			X	
Santa Barbara, CA	X			
Santa Monica, CA				X
Washington, DC ³	X			
Yonkers, NY		X		

Source: https://hdsupplysolutions.com/s/leaf_blower_noise_regulation

¹ In most cases gas blowers are only allowed in the Fall

² Users may be restricted to use low noise gas units that are <70 dB or <65 dB. Others may be restricted to certain hours of the day—in some cases, restricted to use their blower one day per week.

³ Effective January 2022; Source: <https://www.nbcwashington.com/news/local/DC-Council-Considers-Banning-Gas-Powered-Leaf-Blowers-501928591.html>

Complaint Calls

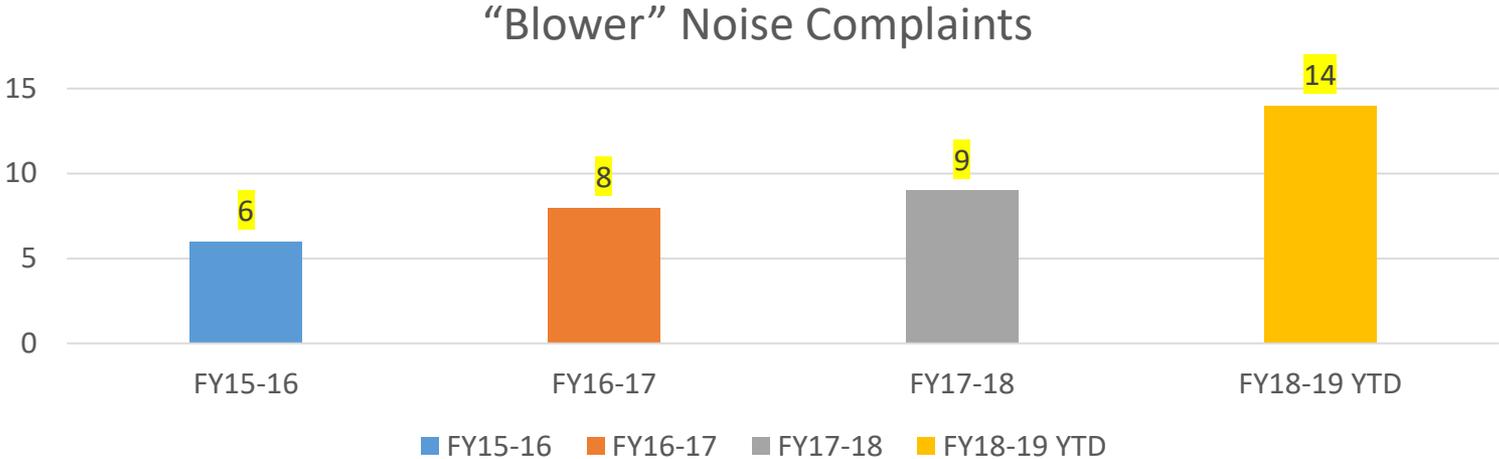
- Residents reported an average of 1,345 noise complaints to the City annually from FY16 through FY18

3-Yr Average Noise Complaint Sources



Complaint Calls

- 311 does not have a specific complaint category for leaf blower noise, but a text search for “blower” in all noise complaints produced the following annual counts



Next Steps

- Committee discussion to consider a moratorium on gasoline-powered leaf blowers and request that staff develop an ordinance for City Council action and implementation plan



Gasoline-Powered Leaf Blower Moratorium

Quality of Life, Arts and Culture Committee
March 27, 2019

Joey Zapata
Assistant City Manager
City of Dallas



Memorandum



CITY OF DALLAS

DATE March 22, 2019

Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scott Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Special Events Ordinance – Chapter 42A Update**

On February 27, 2019, the City Council deferred consideration of an ordinance to update Chapter 42A until March 27, 2019. At that time, an alternate motion will be presented to separate film permitting from the posted ordinance and continue under the existing administrative directive pending review and updates through the Office of Economic Development.

The attached proposed version of Chapter 42A excludes film and represents how the ordinance will read if the alternate motion is approved. Additionally, it includes the following revisions to the Dallas Farmers Market (DFM), Neighborhood Markets and Streetlight Pole Banners sections which address stakeholder concerns:

- **DFM / Neighborhood Markets**
 - Redefines DFM to underscore its distinction as a year-round/daily marketplace and incorporates references to the existing contract with the Office of Economic Development
 - Compromises with DFM and Neighborhood Markets by
 - Reinstating one-mile minimum distance between neighborhood markets
 - Adding six additional market days by increasing days to 46
 - Changing the ratio of food/artisan vendors from 50/50 to 40/60
 - Increasing allowable vendors to 75, with 100 allowed twice annually
 - Maintaining 150-mile radius for product sourcing
- **Streetlight Pole Banners**
 - Revises the section to exclude Public Improvement District (PID) identification banners from all application processing fees, underscores that PID management corporations have the exclusive right to district identification banners in defined geographic areas and gives first-right of application renewal for previously permitted poles
 - Designates an annual permit for PIDs rather than a 60-day permit

The attached table summarizes changes since February 27, 2019. Please let me know if you have additional questions.

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

DATE March 22, 2019

SUBJECT Special Events Ordinance – Chapter 42A Update

T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Carol A. Smith, City Auditor (Interim)
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
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Chapter 42A - revisions since February 27, 2019

SECTION	HEADER	CHANGE
Ordinance (all chapters)		Standardized language across all permit types for the following sections: <i>Application; Issuance , Cancellations , Street Closure , Parking and Denial or Revocation</i>
Ordinance (all chapters)	Insurance	Revised Insurance per request of ORM
Ordinance (all chapters)		Replaced the listing of all permit types (Special Events, Commercial Filming, Neighborhood Market, Dallas Farmers Market and Streetlight Pole Banners) with general wording (<i>a permit issued under this chapter</i>)
Title	Chapter 42A	Added Dallas Farmers Market to overall header
Sec 42A-2	Defintions	Special Event letter (c) clarified the exemption of Neighborhood Markets & the Dallas Farmers Market neighborhood market from needing a special event permit
Sec 42A-3	General Authority	Consolidated generally authority references from across all articles into article 1 (d) and (e)
Sec 42A-5	Exemptions	(3) Revised First Amendment exemption to include allowance for requiring a special event permit when applicable (7) Added the Dallas Farmers Market daily activities
Sec 42A-6	Fees	Streetlight Pole Banner fees were adjusted to include PID district identification banners to be excluded from all permitting fees Dallas Farmers Market exempt from required special event application processing fees
Sec 42A-6	High Impact Areas	(b) Clarified that High Impact Zone Committee must include representatives from at least 5 City departments.
Sec 42A-12	Application; Issuance	Special Event Permits (e) Replaced "shall" with "may"
Sec 42A-12	Application; Issuance	Special Event Permits (7) Updated to revise language, recommended by City Prosecutors (all other sections had been updated previously; this had been missed in earlier revisions)
Sec 42A-13	Security; Crowd Control; and Traffic Control	Special Event Permits Simplified language regarding traffic control plan
Article IV Sec 42A-29 Sec 42A-30	Neighborhood Market	(3) Reverted back to original distance between markets (c) Reverted back to original 150-mile radius for product sourcing (a) Compromised on 46 market days (b) Changed ratio of food/artisan vendors from 50/50 to 40/60 (d) Compromised to increase allowable vendors to 75, with 100 allowed on 2 of the 46 market days (a) Standardized private property approval language to match other permit types
Article V Sec 42A - 36	DALLAS FARMERS MARKET NEIGHBORHOOD MARKET PERMIT	Created separate article for Dallas Farmers Market's annual neighborhood market permit (a) Clarified standardized language in Article V to correspond with all other permit types (c) Reverted back to original 150-mile radius for product sourcing
Article VI	Streetlight Pole Banner	Revised Public Improvement District details to allow for district identification banners to be excluded from all permitting fees (1) This section applies only to PID management corporations. (2) District identification banners are defined as long-term banners that identify a geographic location or place of interest. Streetlight poles must be located within the defined geographic boundaries of the public improvement district. (3) Streetlight pole banner permits granted to a public improvement district management corporation must comply with the standards in this subsection and will be issued on an annual basis. (4) District identification banners are excluded from all permit application processing fees (5) PIDs have first right-of-refusal for streetlight poles previously permitted to a public improvement district before being reissued to an applicant other than that of the public improvement district management corporation; however, an active permit must be maintained by the public improvement management corporation to prevent poles from being reissued to another entity.

ORDINANCE NO. _____

An ordinance amending Chapter 29A, “Neighborhood Farmers Market,” and Chapter 42A, “Special Events,” of the Dallas City Code by reserving Chapter 29A and rewriting Chapter 42A; providing regulations for special events, neighborhood markets, the Dallas Farmers Market, and streetlight pole banners; providing a penalty not to exceed \$2,000 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and \$500 for all other violations; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

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

SECTION 1. That Chapter 29A, “Neighborhood Farmers Markets,” of the Dallas City Code is amended to read as follows:

**“CHAPTER 29A.
RESERVED.**

SECTION 2. That Chapter 42A, “Special Events,” of the Dallas City Code is amended to read as follows:

**“CHAPTER 42A.
SPECIAL EVENTS;
NEIGHBORHOOD MARKETS; DALLAS FARMERS MARKET NEIGHBORHOOD
FARMERS MARKET; STREETLIGHT POLE BANNERS.**

**ARTICLE I.
GENERAL PROVISIONS.**

SEC. 42A-1. PURPOSE.

The purpose of this chapter is to facilitate the promotion of temporary outdoor activities including special events, neighborhood markets, the Dallas Farmers Market Neighborhood Farmers Market, and streetlight pole banners within the city, as defined in this chapter. The city’s

overall goal is to encourage activities that benefit the city, stimulate economic growth, and provide a vibrant, active community for all citizens. The city gives priority to established special events.

SEC. 42A-2. DEFINITIONS.

In this chapter:

(1) **AMPLIFIED SOUND** means any sound projected or transmitted by artificial means, including but not limited to, loudspeakers, amplifiers, powered megaphones, or similar devices.

(2) **APPLICANT** means a person who has submitted an application for a permit under this chapter. This term includes the person submitting the application, the secondary person listed on the application, and any person or organization that an applicant applies for a permit on behalf of, as well as any third party providing contracted functions to a permit under this chapter, and the owner or property manager of the property or venue where the permitted activity will occur if a lease or contract has been executed, or will be executed, or if the property owner has provided written approval for the proposed permitted activity, and the property owner or manager is providing services to the event.

(3) **APPLICATION PROCESSING FEES** means non-refundable fees required at the time of application submission.

(4) **CENTRAL BUSINESS DISTRICT** means the area bounded by Woodall Rodgers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.

(5) **CITY** means the city of Dallas, Texas.

(6) **CITY-SPONSORED ACTIVITY** means a temporary outdoor activity that the city council, by resolution, or the city manager, by written notice, has:

(A) determined to be directly related to a recognized function of city government;

(B) declared the city a cosponsor of the event; and

(C) committed the city to significantly sharing in initiating, financing, supporting, and conducting the event.

(7) **CLEAN ZONE** means a geographically defined area surrounding a permitted activity footprint or event host venues, where temporary restrictions are enforced related to temporary advertising, signage, structures, transient merchants, vendors, or otherwise licensed activities.

(8) **DALLAS FARMERS MARKET** means a permanent, indoor and outdoor market on public and private property where produce, merchandise, food, or other products are distributed, offered for sale, or sold and that is:

(A) bounded by Marilla Street on the north, northbound Cesar Chavez Boulevard on the east, Interstate Highway 30 on the south, and Harwood Street on the west; and

(B) described in and subject to a master agreement with the city adopted on February 27, 2013 by Resolution No. 13-0447 and the operating covenants with the city contained in lease and deed documents authorized on March 27, 2013 by Resolution Nos. 13-0535, 13-0536, 13-0537, 13-0538, and 13-0539.

(C) inclusive of future agreements and/or leases executed between the city and Dallas Farmers Market and amendments to existing agreements and/or leases.

(9) **DIRECTOR** means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.

(10) **ESTABLISHED SPECIAL EVENT** means an event or activity that:

(A) occurs at least once a year;

(B) has an average expected attendance exceeding 1,000 for each day of the event or activity;

(C) contributes to positive advertising and economic growth of the city; and

(D) is open to the public, with or without an entry fee.

(11) **EXPECTED TOTAL ATTENDANCE** means the estimated attendance at a special event as estimated by the applicant on an application. Expected total attendance includes all event staff, vendors, spectators, participants, and attendees.

(12) **FIRST AMENDMENT ACTIVITY** means all expressive personal religious or political beliefs and associative activity on the public right-of-way that is protected by the United States and Texas constitutions, including freedom of speech, freedom of the press, freedom of assembly, and the right to petition.

(13) **HIGH IMPACT AREA** means an area included on the list published annually in accordance with Section 42A-10.

(14) **INTERMITTENT TRAFFIC CONTROL** means the control of the flow of traffic to temporarily, and for brief periods of time (two minutes or less), stop or slow the flow of vehicular traffic.

(15) **MAJOR CHANGE** means any change to an application that requires subsequent public safety or departmental review. Examples include, but are not limited to, route changes, location or venue changes, date changes, changes in expected attendance, and adding alcohol distribution.

(16) **MOVING EVENT** means an event that is not confined to a fixed location.

(17) **NEIGHBORHOOD MARKET** means a temporary outdoor marketplace outside of the central business district on private property, or on city property with approval of the department controlling the property, where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products.

(18) **PERMIT** means an official document authorizing the activation of an approved activity granted by the director as required under this chapter.

(19) **PERMIT HOLDER** means a person issued a permit under this chapter. This term includes the applicant and any person or organization on behalf of which an applicant applies for a permit on behalf of, as well as the owner or manager of property where the permitted activity will occur.

(20) **PERSON** means an individual, firm, partnership, corporation, association, or other legal entity.

(21) **PRELIMINARY LETTER** means a document sent by the director to the applicant outlining all requirements that must be met prior to permit issuance.

(22) **SPECIAL EVENT** means a temporary outdoor gathering, with an expected total attendance greater than 100, which involves one or more of the following on private or public property where otherwise prohibited by ordinance:

(A) closing or restricting of a public street lane, alley, or sidewalk;

(B) restricting access to public property;

(C) sale of merchandise, food, alcohol, or other beverages where otherwise not permitted as a neighborhood market or by an annual Dallas Farmers Market Neighborhood Farmers Market permit;

(D) erection of a tent larger than 399 square feet in area or erection of multiple tents with a cumulative area of over 399 square feet;

(E) installation of a temporary stage, bandshell, outdoor projection technology, trailer, van, grandstand, bleachers, or portable toilets for public use;

(F) use of city hall plaza;

(G) a run, walk, ride, or special event parade;

(H) placement of temporary no parking, directional, oversized, or identification signs or banners in connection with an event that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance; or

(I) clean zone enforcement.

(23) **SPECIAL EVENT PARADE** means the assembly of 100 or more persons whose gathering is for the common design of traveling or marching in procession from one location to another location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.

(24) **STREET CLOSURE** means any lane or street closure that impacts or disrupts the flow of traffic, unless the closure is intermittent.

(25) **STREETLIGHT POLE BANNER** means a temporary sign suspended between brackets and attached to utility or streetlight poles in city right-of-way, designed for an approved activity, an historical or commemorative event within the city, or identification of a public improvement district.

(26) **TENT** means any structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material.

(27) **TRAFFIC CONTROL PLAN** means a plan designed for the purpose of safely and efficiently managing traffic or arranging for DART detours associated with a permitted activity under this chapter.

SEC. 42A-3. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

(a) The director shall implement, administer, and enforce the provisions of this chapter.

(b) The director has authority to issue a permit that authorizes one or more of the activities described in this chapter when requirements of this chapter have been met.

(c) The director, police chief, and fire chief may require public safety measures that exceed the minimum standards set forth in this chapter based on specific event risk and threat factors identified by the appropriate city departments.

(d) The director may impose additional permit requirements upon the applicant or permit holder for any activity as required in this chapter if the total attendance is expected to exceed the applicant's expected total attendance, the activity is held in a high impact area, or there will be impact to residents and businesses.

(e) The director may decline or propose alternate dates, times, street closures, venues, or routes or impose additional requirements upon a permit holder based on public safety or impact on residents and businesses.

SEC. 42A-4. CHAPTER CUMULATIVE.

(a) The provisions of this chapter are cumulative of all city ordinances. Except as provided in Subsection (c). All other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the permitted activities under this chapter must be applied for separately, in accordance with the applicable ordinance or law.

(b) Application for a permit under this chapter authorizes appropriate city departments to issue permits for the activities authorized by this chapter with Office of Special Events approval.

(c) A license for the use of the public right-of-way required by Article VI of Chapter 43 of this code, and any fees applicable to obtaining the license, is not required for a special event, neighborhood market, or Dallas Farmers Market Neighborhood Farmers Market conducted in compliance with this chapter and the terms of a valid permit.

SEC. 42A-5. EXEMPTIONS.

The provisions of this chapter do not apply to:

(1) a special event conducted entirely on:

(A) property under the control of the park and recreation board;

(B) the "convention center" as defined in Section 43-127 of this code;

or

(C) public property managed by an organization with a lease or operating agreement with the city that details special event permit exemptions.

(2) a funeral procession;

(3) First Amendment activities except that a special event permit must be secured for any activity that triggers a special event permit as detailed in section 42A-2 (22) of this

chapter that is activated in conjunction with the First Amendment activity. All applicable fees will apply;

(4) a neighborhood block party that is conducted on a single block and is expected to have fewer than 200 attendees;

(5) escort vehicles;

(6) moving a structure in accordance with the Dallas Building Code;

(7) the regular indoor, permanent, daily operations of the Dallas Farmers Market

SEC. 42A-6. FEES

(a) Special event permit. An applicant for a special event permit shall pay the following application processing fees:

Special Event Application Processing Fees*	
Base Application Fee Based On Expected Total Attendance	
<200	\$50
201 - 400	\$80
401 - 800	\$100
801 - 1000	\$150
1,001 - 2,000	\$200
2,001 - 4,000	\$300
4,001 - 8,000	\$400
8,001 - 12,000	\$500
12,001 - 20,000	\$600
20,001+	\$700
<i>Plus the following application processing fees:</i>	
No Street Closure - An event with no street closures.	\$0
Static Street Closure Event (Simple) - An event with a set footprint that is limited to one block on residential/neighborhood streets and does not involve the closure of any intersections.	\$50
Static Street Closure Event (Moderate) - An event with a set footprint that includes the closure of one to three street blocks or intersections.	\$100
Static Street Closure Event (Complex) - An event with a set footprint that includes the closure of four or more street blocks or intersections, or any closure in a high impact area.	\$200
Moving Event (Simple) - A moving event that is limited to trails and residential or neighborhood streets.	\$75
Moving Event (Moderate) - A moving event on city streets other than residential/neighborhood streets and outside of a high impact area.	\$150
Moving Event (Complex) - A moving event of which any part moves through a high impact area.	\$300

* No application processing fees for a special event that is open to the public and being conducted at the Dallas Farmers Market as produced by the Dallas Farmers Market in compliance with the market's agreements and covenants with the city.

(c) Neighborhood market. An applicant for a neighborhood market permit shall pay the following application processing fees:

NEIGHBORHOOD MARKET ANNUAL APPLICATION PROCESSING FEES	
Base Application Fee	\$100
Per every 10 vendors	\$25
Street Closure Fee - Simple (1 block, no intersections)	\$50

(d) Streetlight pole banners. An applicant for a streetlight pole banner shall pay the following application processing fees:

STREETLIGHT POLE BANNER APPLICATION PROCESSING FEES	
Base Application Fee	\$100
Per Pole Fee	\$20
Permitted event - First 5 poles at no charge, additional poles will be invoiced at full price (banners must be related to permitted event).	5 poles at no charge
Public Improvement District Annual Permit – excluded from all fees. Banners must be related to PID identification.	

(e) Dallas Farmers Market. The applicant for a Dallas Farmers Market Neighborhood Farmers Market permit shall pay an annual application processing fee of \$400.

(f) Additional application processing fees for all permit types.

(1) A late application processing fee of \$40 per day is required, in addition to the applicable application processing fees required by Subsections (a), (b), (c), (d), and (e) of this section, if the application is filed with the director less than the minimum number of calendar days required by Sections 42A-12, 42A-21, 42A-29, 42A-35, or 42A-36 before the scheduled activity is to begin.

(2) An application processing fee of \$50 per minor change to an application requested by the applicant.

(3) An application processing fee of \$5,000 for a full or half street closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(4) An application processing fee of \$2,000 for a partial lane closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(5) An application processing fee of \$500 for a clean zone.

(6) An application processing fee of \$50 if alcohol will be provided at a permitted activity.

(7) An application processing fee of \$150 if alcohol will be sold at a permitted activity.

(g) Additional city department related fees when applicable.

(1) A fee of \$1,500 for the required activation of the office of emergency management for a planned permitted activity where the expected attendance is 30,000 or more.

(2) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for a planned permitted activity.

(3) A rental fee for city equipment and property used by the applicant for a planned permitted activity.

(4) A fee for the number of Dallas police officers, Dallas fire/rescue officers, or vehicles required by Sections 42A-13, 42A-14, 42A-24, and 42A-25 to provide security, crowd control, and traffic control at a permitted activity.

(5) A fee to reimburse the city for direct costs incurred by the city in providing services at a permitted activity; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, public safety, oversight of city facilities and equipment, electrical services, construction, placement and retrieval of city equipment, and other related services beyond what the city would provide to the general public in the ordinary course of its daily operations.

(6) Fee for all other required permits and licenses must be paid.

(h) Non-profit applicants. The base application fee for all application types will be reduced by 50 percent for a certified 501(c)(3) non-profit applicant.

(i) List of charges. A current list of charges for the items, services, and personnel described in Subsections (g)(3), (4), and (5) and in Subsection (j), and for any other items, services, or personnel that may be required under this chapter, must be maintained by the director and published annually to the office of special events website. The chiefs of the police department and fire-rescue department shall provide to the director the current schedule of charges for the personnel and vehicles described in Subsection (g)(5).

(j) Security deposit. Not less than 10 days before the date of the planned permitted activity, the applicant shall deposit with the appropriate city department an amount equal to a security deposit for any city equipment or property rented under Subsection (g)(3), to be refunded to the applicant if the equipment or property is returned undamaged to the city.

(k) Police and fire/rescue fees. The applicant shall pay any remaining fees owed for all public safety expenses incurred by a special event, or neighborhood market within 15 business days after receipt of an invoice from the city.

(l) Waiver. All or part of the application processing fees required by this section to be paid to the city for a city-sponsored activity may be waived by approval of the city manager or by city council resolution.

(m) Fee credit. If an application or permit is cancelled due to an Act of God and the permitted activity is rescheduled for an available date within 60 days from the original event date, any previously paid application processing fees will be credited toward the rescheduled date.

SEC. 42A-7.

INDEMNIFICATION.

An applicant for a permit issued under this chapter shall execute an agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the permitted activity.

SEC. 42A-8. APPEAL FROM DENIAL OR REVOCATION OF A PERMIT.

(a) If the director denies the issuance of a permit or revokes a permit, after three attempts to contact by phone or email, the director shall send the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right of appeal. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(b) The applicant or permit holder may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code.

SEC. 42A-9. AMPLIFIED OUTDOOR SOUND AND LIGHTING.

(a) Except as provided in this section, amplified outdoor sound and lighting is allowed in conjunction with a permit issued under this chapter only between the hours of 8:00 a.m. and 10:00 p.m.

(b) The director may grant a variance to Subsection (a) if he determines that allowing outdoor amplified sound or lighting during additional hours will not result in an excessive negative impact on the quality of life of surrounding residences and businesses.

SEC. 42A-10. HIGH IMPACT AREAS.

(a) The director shall publish a list of high impact areas on the office of special events website annually.

(b) A committee shall meet at least once annually to determine the list of high impact areas. The committee must be comprised of the office of special events and representatives of at least five city departments and partner agencies.

(c) The committee shall consider the following factors in determining which areas to designate as high impact areas:

- (1) Construction in the area.
- (2) Complaints received by the director.

- (3) Input from citizens.
- (4) Historical event and location knowledge of committee members.

SEC. 42A-11. CLEAN ZONE.

(a) The operational restrictions within a clean zone are imposed to negate the impact of a planned permitted activity on neighboring businesses and residents and to protect the integrity of the host and sponsors of the permitted activity. A clean zone does not affect any existing operations, signage, or permitted activity associated with a business's typical operations.

(b) The director may designate the duration and geographic boundaries of a clean zone following consultation with the chief of police and all applicable departments.

(c) The boundaries of a clean zone, as well as any requirements and restrictions for the clean zone, must be in writing and included in the terms of the permit.

(d) If a clean zone is approved, the applicant shall deliver notice a minimum of seven days before the permitted activity begins, at the applicant's expense, to all registered homeowners' associations, religious institutions, schools, and owners or occupants of real property within the boundaries of the area of the clean zone. Notice must include, but not be limited to, the location, boundaries, effective dates and times, and the requirements and restrictions of the clean zone. Complete documentation of this effort must be submitted to the director and approved prior to permit issuance.

**ARTICLE II.
SPECIAL EVENT PERMITS.**

SEC. 42A-12. APPLICATION; ISSUANCE.

(a) A person desiring to hold a special event as defined in Section 42A-2(22) of this chapter shall submit an online application with the office of special events. An application must be filed not less than the number of calendar days indicated in the following table before the special event is to begin. The director may waive the filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar days indicated on the chart, taking into consideration the number and types of additional licenses and permits that may be required to be issued in conjunction with the special event permit and the extent of public safety, department, or agency review required based on the scope of the event.

NO STREET CLOSURES	30 calendar days
STATIC CLOSURES	60 calendar days
MOVING EVENTS	120 calendar days

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a special event permit will be issued. All requirements must be met prior to permit issuance.

(c) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review of city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(d) If the proposed scheduled activity will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the scheduled activity on the property with the authorization including the date and time of the scheduled activity. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request.

(e) The director may cancel a special event permit application if:

(1) a special event permit has been granted or is in the review process for another special event at the same or a nearby place and at a similar time;

(2) an established special event is customarily held at the same or a nearby place and the same time as the proposed special event;

(3) the proposed special event will occupy any part of a freeway, expressway, or tollway;

(4) the proposed special event will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(5) the proposed special event cannot comply with high impact area parameters;

(6) the applicant makes a false statement of material fact on an application for a special event permit or fails to properly complete an application for a special event permit;

(7) the applicant has received, within the preceding 14 months, two or more notices of violation or citations related to a provision of a special event permit or this chapter;

(8) the applicant has conducted or sponsored one or more special events within the city on at least 60 days of the same calendar year during which the proposed special event is to be held; or

(9) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(f) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, after the five-month courtesy review, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing and confirming all permit requirements have been met, the director shall issue the special event permit unless denial or revocation is required by Section 42A-20. Except as provided in this subsection, a special event permit will be issued for a period not to exceed 10 consecutive days. A special event permit for a city-sponsored event on city hall plaza will be issued for a period not to exceed 30 consecutive days. A special event permit may be extended for additional consecutive 10-day periods not to exceed 60 days in a calendar year. All applicable fees must be paid for any permit extension.

(k) In granting a permit, the city may provide city services and equipment for city-sponsored activities and other events in accordance with the city's special event in-kind sponsorship guidelines and subject to approval of the city manager.

SEC. 42A-13. SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.

(a) An applicant for a special event permit shall provide police officers for security, crowd control, and traffic control at the special event in accordance with Subsection (b) and the following schedule:

Number of Participants and Spectators at Special Event	Minimum Number of Police Officers Required*
0 to 250	0 or 2
251 to 1,500	2 - 4
1,501 to 3,000	4 - 6
3,001 to 5,000	6 - 15
over 5,000	15 plus 1 police officer for every 1,000 participants and spectators over 5,000 at the special event

* The minimum number of officers in the above table may vary depending on the scope of the event, the sale or service of alcohol, on-stage talent, event geography, historical knowledge of the event, police intelligence, and any other factor that is determined to impact public safety.

(b) The director, upon recommendation from the chief of the Dallas police department, may require a number of police officers, in addition to those required in Subsection (a), if:

- (1) any alcoholic beverage is sold, served, or otherwise made available at the special event;
- (2) special needs for increased security, crowd control, or traffic control are created by:
 - (A) the topography or size of the special event location;
 - (B) weather conditions at the special event; or
 - (C) the time of day during which the special event is conducted;
- (3) the special event requires street closures or rerouting of vehicular or pedestrian traffic; or
- (4) the history of the particular special event indicates that a greater number of police officers are required to protect the public health, safety, and welfare.

(c) The police officers required to be provided at a special event by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a special event applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police

officers will be available for a particular special event. Off-duty jobs for Dallas police officers at a special event must comply with the Dallas Police Department General Orders and Code of Conduct.

(d) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the event, as well as at the special event site the day of the special event, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the special event site within one hour of being contacted by telephone or email.

(e) If the police department requires a traffic control plan in conjunction with a special event, the plan must be submitted in the standard format as approved by the director.

(f) A traffic control plan required by Subsection (e) must receive approval from the applicable city departments.

SEC. 42A-14. EMERGENCY MEDICAL SERVICES.

(a) An applicant for a special event permit shall provide, in accordance with Subsection (b) and the following schedule, emergency medical personnel and emergency medical vehicles to perform first aid and emergency medical services at the special event as required in the preliminary letter:

NUMBER OF EMERGENCY MEDICAL PERSONNEL/VEHICLES REQUIRED (based on estimated total attendance and scope of the special event)					
Type of Emergency Medical Personnel or Vehicle Required	1 - 100 participants/ spectators	101 - 3,000 participants/ spectators	3,001 - 5,000 participants/ spectators	5,001 - 25,000 participants/ spectators	Over 25,000 participants/ spectators
Paramedics	0	2	6	8	14
EMS Supervisors	0	1	1	3	5
Emergency Medical Vehicles	0	1	1	4	7

The fire chief may determine, based on the event scope, special needs, or risks, that emergency medical services will be provided via the 911 emergency response system.

(b) The director, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, in addition to those required in Subsection (a), if:

- (1) any alcoholic beverage is sold, served, or otherwise made available at the special event;
- (2) special needs for increased emergency medical services are created by:
 - (A) the topography or size of the special event location;
 - (B) weather conditions at the special event; or
 - (C) the time of day during which the special event is conducted;
- (3) the special event requires street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the special event;
- (4) the special event involves specific activities that create a higher risk of illness or injury to persons participating in or attending the event, including but not limited to rodeos, sporting or athletic events, events involving motor vehicles, or marathons; or
- (5) the history of the particular special event indicates that a greater number of emergency medical personnel or emergency medical vehicles are required to protect the public health, safety, and welfare.

(c) The emergency medical personnel required to be provided at a special event by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire- rescue department may authorize a special event applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular special event. Off-duty jobs for Dallas fire- rescue officers at a special event must comply with the Dallas Fire-Rescue Rules and Regulations.

SEC. 42A-15. INSURANCE.

(a) An applicant for a permit to hold a special event in which the estimated number of participants and spectators exceeds 2,500 for any day of the event shall procure and keep in full force and effect for the duration of the event insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the special event by the applicant.

(b) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than:

(A) \$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) \$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(2) If a special event includes vehicles, aircraft, or other equipment, devices, or activities that are excluded from coverage in the commercial general liability insurance policy required in Paragraph (1) of this subsection, then separate additional liability insurance coverage for the applicable exclusion must be provided by the applicant or the aircraft provider with combined single limits of liability for bodily injury and property damage of not less than:

(A) \$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) \$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(3) If any alcoholic beverage is sold, served, or otherwise made available at the special event, then separate additional liquor liability insurance must be provided by the alcoholic beverage license holder in an amount of not less than \$1,000,000 for each claim.

(4) If any fireworks, pyrotechnics, explosives, or other special effects are displayed at the special event, then separate additional general liability insurance must be provided by the pyrotechnics company in an amount of not less than \$3,000,000 for each claim.

(5) If security guards (other than Dallas police officers or city staff) are used at the special event, then separate additional security guard liability insurance must be provided by the security guard company in an amount of not less than \$1,000,000 for each claim.

(6) If emergency response or first aid stations (other than stations staffed by only Dallas fire-rescue officers or city staff) are provided at the special event, then separate additional medical liability insurance must be provided by the applicant in an amount of not less than \$1,000,000 for each claim, and if ambulance service (other than service provided by Dallas fire-rescue officers and vehicles) is provided, then separate additional automobile liability insurance must be provided by the emergency response or ambulance provider in an amount of not less than \$1,000,000 combined single limit for each claim.

(7) If amusement rides are provided at the special event, proof of separate additional general liability insurance meeting the state liability and coverage requirements for each particular ride must be provided by the applicant or the amusement ride provider, along with a current certificate of inspection for each ride.

(8) If animals are part of the special event, then separate additional general liability insurance covering any bodily injury and property damage caused by animals must be provided by the applicant or the animal provider in an amount of not less than \$500,000 for each claim.

(9) If the special event is conducted at a city-owned facility, general liability insurance must be provided by the applicant in an amount of not less than \$500,000 for each claim.

(c) In addition to the insurance requirements of Subsection (b) of this section, the director may require additional insurance for a special event if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the special event at the facility or property.

(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the director at least 15 days before the special event begins.

(f) A special event permit will not be issued until the insurance requirements have been verified by the city's third-party provider.

SEC. 42A-16. STREET CLOSURES.

(a) Street closures shall require approval from applicable partner agencies and city departments.

(b) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow a standard format approved by the director and be approved by the applicable departments prior to permit issuance.

(d) All traffic apparatus required to fulfil a traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-17. PARKING.

(a) A complete parking plan must be submitted with each special event application. The director may waive this requirement for special events with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a special event permit.

(d) Meter hooding and no parking zones in connection with a special event must be limited to the shortest time feasible. “No parking” signs must be posted a minimum of 24 hours in advance of the special event and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the event space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(f) When activating an event in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(g) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-18. NOTICE.

(a) An applicant under a permit of this chapter shall deliver notice at the applicant’s expense. The director will determine the most appropriate method of notification according to the following table:

NOTIFICATION REQUIREMENTS							
COMMUNICATION TYPES	NO STREET CLOSURE	STATIC CLOSURE EVENTS			MOVING EVENTS		
		Simple	Moderate	Complex	Simple	Moderate	Complex
Notifications are NOT required for outdoor events with an expected attendance of 250 or fewer people and with no street/lane closures.	X						
Neighborhood/Residential based events: notify all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date utilizing a minimum of two of the following communication methods: email distribution; electronic notification through web app. e.g. NextDoor; yard signs along the event footprint; posting in a neighborhood association/PTA/PTO newsletter and/or social media page; hand delivered; or mailed.		X	X	X	X	X	X
Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 30 days prior to the event date (mail, hand delivered, or door hanger).				X			X
Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date (mail, hand delivered, or door hanger). Zone specific communication pieces apply.		X	X	X	X	X	X
Direct communication and notification is required via in-person or phone and a follow-up email to all major employers; multi-family housing; places of worship; and neighborhood associations abutting the event area and all those impacted by the event.			X	X	X	X	X
Contact Waze, Google etc. to request street closures be posted.				X		X	X
Council members are encouraged to post district specific event details to social media.	X	X	X	X	X	X	X
Council members are encouraged to distribute district specific street closure details to stakeholders from OSE weekly report.		X	X	X	X	X	X
Develop targeted (zone specific) communication. Utilize digital neighborhood based platforms and available databases to communicate street closures specific to neighborhoods and business zones impacted.					X	X	X
Develop targeted (zone specific) communication. Provide OSE a final communication piece to distribute to community stakeholders through the City Council Office and OSE (available database).				X	X	X	X
OSE to create and distribute a Traffic Advisory.				X			X
OSE to create and distribute a City Hall Announcement for all City Hall Plaza permitted events and all events that impact city hall garage access.	X			X			X
OSE to post event to web calendar with hyperlink to event website for maps, street closures, rerouting information etc.	X	X	X	X	X	X	X
Provide communication piece to be distributed by OSE through OSE email database (to be developed).		X	X	X	X	X	X

The director will determine the specific notification requirements based on a variety of factors including but not limited to: event size, dates, times, footprint, anticipated impact, and historical knowledge of the event.

(b) Notice must include any information that is required to be provided in the template approved by the director prior to distribution.

SEC. 42A-19. PORTABLE RESTROOM AND TRASH RECEPTACLE REQUIREMENTS.

(a) An applicant for a special event permit shall provide portable restrooms and trash receptacles at the special event in accordance with Subsection (b) and the following table:

MINIMUM NUMBER OF RESTROOM UNITS AND TRASH RECEPTACLES REQUIRED										
EXPECTED ATTENDANCE	HOURS OF EVENT									
	1	2	3	4	5	6	7	8	9	10
500 - 599	2	4	4	5	6	7	9	9	10	12
600 - 699	2	4	5	6	7	7	9	10	11	12
700 - 799	3	5	6	6	7	8	10	10	11	12
800 - 899	3	5	6	7	8	8	10	11	12	13
900 - 999	4	6	7	7	8	9	11	11	12	13
1,000 - 1,999	4	6	8	8	9	9	11	12	13	13
2,000 - 2,999	5	6	9	12	14	16	18	20	23	25
3,000 - 3,999	6	9	12	16	20	24	26	30	34	38
4,000 - 4,999	8	13	16	22	25	30	35	40	45	50
5,000 - 5,999	12	15	20	25	31	38	44	50	56	63
6,000 - 6,999	13	17	24	30	37	45	53	60	67	75
7,000 - 7,999	13	19	27	35	44	53	62	70	79	88
8,000 - 8,999	14	21	31	40	50	60	70	80	90	100
9,000 - 9,999	14	23	34	45	57	68	79	90	102	113
10,000 - 14,999	15	25	38	50	63	75	88	100	113	125
15,000 - 19,999	20	38	56	75	94	113	131	150	169	188
20,000 - 24,999	25	50	75	100	125	150	175	200	225	250
25,000 - 29,999	38	69	99	130	160	191	221	252	282	313
30,000 - 34,999	46	82	119	156	192	229	266	302	339	376
35,000 - 39,999	53	96	139	181	224	267	310	352	395	438
40,000 - 44,999	61	109	158	207	256	305	354	403	452	501
45,000 - 49,999	68	123	178	233	288	343	398	453	508	563
50,000 - 54,999	76	137	198	259	320	381	442	503	564	626
55,000 - 59,999	83	150	217	285	352	419	486	554	621	688
60,000 - 64,999	91	164	237	311	384	457	531	604	677	751
65,000 - 69,999	98	177	257	336	416	495	575	654	734	813
70,000 - 74,999	106	191	277	362	448	533	619	704	790	876
75,000 - 79,999	113	205	296	388	480	571	663	755	846	938
80,000 - 84,999	121	218	316	414	512	609	707	805	903	1001
85,000 - 89,999	128	232	336	440	544	647	751	855	959	1063
90,000 - 94,999	136	246	356	466	576	686	796	906	1016	1126
95,000 - 99,999	143	259	375	491	607	724	840	956	1072	1188
100,000 or more	151	273	395	517	639	762	884	1006	1128	1251

- (b) The director may require additional restroom units if:
 - (1) the estimated number of participants and spectators exceeds 100,000 during any day of the special event;
 - (2) the estimated duration of the special event exceeds 10 hours on any day of the event;
 - (3) any alcoholic beverage is sold, served, or otherwise made available at the special event; or
 - (4) the history of the particular special event indicates that a greater number of portable restroom units are required for public health, safety, and welfare.
- (c) At least five percent of the portable restrooms required by this section must comply with the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12101, et seq.
- (d) The director may reduce restroom requirements with written confirmation that restrooms will be serviced during the permitted event.

SEC. 42A-20. DENIAL OR REVOCATION.

- (a) The director shall deny a special event permit if:
 - (1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;
 - (2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the special event;
 - (3) the applicant has had a special event permit revoked within the preceding 14 months;
 - (4) the applicant has received, within the preceding 14 months, two or more notices of violation or citations related to a provision of a special event permit or this chapter;
 - (5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the special event would pose a serious threat to the public health, safety, or welfare;
 - (6) the applicant or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(7) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

(8) the director is notified of any code violation on the property where the special event will be held; or

(9) an event will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a special event permit if:

(1) the applicant fails to comply with or the special event is in violation of any provision of the special event permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a special event permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the special event poses a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the special event location;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed special event or for a past special event;

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7) the director is notified of any code violations on the property where the special event will be held.

ARTICLE III. NEIGHBORHOOD MARKET.

SEC. 42A-21. APPLICATION; ISSUANCE.

(a) A person desiring to hold a neighborhood market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the neighborhood market is to begin. The director may waive the filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar days required, taking into consideration the number and types of additional licenses and permits that may be required to be issued in

conjunction with the neighborhood market permit and the extent of public safety, department, or agency review required based on the scope of the market. An activity that qualifies for a neighborhood market permit under this article is not required to obtain a special event permit under Article II of this chapter.

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a neighborhood market permit will be issued. All requirements must be met prior to permit issuance.

(c) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(d) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review of the city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. If no response is received, the director may proceed with permitting; however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(e) If the proposed market will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the scheduled activity on the property with the authorization including the dates and times of the scheduled activity. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request.

(f) The director shall cancel a neighborhood market permit application if:

(1) a neighborhood market permit has been granted or is in the review process for another neighborhood market at the same or a nearby place and the same time.

(2) an established neighborhood market is customarily held at the same or a nearby place and the same time as the proposed neighborhood market.

(3) the proposed neighborhood market will occupy any part of a freeway, expressway, or tollway.

(4) the proposed neighborhood market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(5) the proposed neighborhood market cannot comply with high impact parameters.

(6) the applicant makes a false statement of material fact on an application for a neighborhood market permit or fails to properly complete an application for a neighborhood market permit.

(7) the applicant had a neighborhood market permit revoked within the preceding 14 months.

(8) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter.

(9) the applicant has a history of conducting or sponsoring neighborhood markets in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, this will result in the original permit application being cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing and confirming all permit requirements have been met, the director shall issue the permit unless denial or revocation is required by Section 42A-35. A neighborhood market permit expires one year after issuance and may only be issued for 46 nonconsecutive days in a year.

SEC. 42A-22. LOCATION OF A NEIGHBORHOOD MARKET.

(a) A neighborhood market may not be conducted:

(1) in the central business district;

(2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;

(3) within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(4) at any location where one or more neighborhood markets have already been conducted a total of 28 days during the particular calendar year;

(5) at any location other than the one listed in the permit application;

(6) at a public park; or

(7) on a sidewalk.

SEC. 42A-23. OPERATION OF A NEIGHBORHOOD MARKET.

(a) A neighborhood market must operate a minimum of 12 days in a calendar year at the same location, but may not be operated more than 46 days at the same location in a calendar year and may not be operated on consecutive days.

(b) A neighborhood market may only be operated between the hours of 8 a.m. and 10 p.m. on any day of the week.

(c) The neighborhood market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. An amendment request and the required change fee must be received by the director at least 15 days before implementing any changes. Date changes do not constitute a major change.

(d) Except as provided in this subsection, no more than 75 vendors may participate in a neighborhood market. Two of the 46 market days may be designated as holiday or specialty markets, and as such, will allowed up to 100 vendors. A current vendor list must be on file with the Office of Special Events. Changes or additions to this vendor list may be made throughout the year. Current vendor fees will be assessed with each submission. No change fees will apply.

(e) Each stall area used by a vendor may not exceed 10 feet by 15 feet.

(f) All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood market must be removed from the premises at the end of each market day.

(g) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the neighborhood market, as well as at the neighborhood market site the day of the neighborhood market, to respond to any questions or concerns from police officers or code compliance officers.

This individual shall meet police officers or code enforcement officers at the neighborhood market site within one hour of being contacted by telephone or email.

SEC. 42A-24. STREET CLOSURES.

(a) Street closures are limited to one block with no intersections for a Neighborhood Market.

(b) Street closures shall require approval from applicable partner agencies and city departments.

(c) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(d) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow a standard format approved by the director and be approved by the applicable departments prior to permit issuance.

(e) All traffic apparatus required to fulfill a traffic control plan must be acquired at the applicant's expense.

(f) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-25. PARKING.

(a) A complete parking plan must be submitted with each neighborhood market application. The director may waive this requirement for neighborhood markets with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a neighborhood market permit.

(d) Meter hooding and no parking zones in connection with a neighborhood market must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the neighborhood market and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the neighborhood market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the neighborhood market space.

(f) When activating a neighborhood market in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(g) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-26. PRODUCTS AT A NEIGHBORHOOD MARKET.

(a) Products that may be sold at a neighborhood market include, but are not limited to, the following:

- (1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.
- (2) Meats.
- (3) Dairy products.
- (4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.
- (5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.
- (6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 40 percent of the vendors participating in a neighborhood market must sell produce or other food items.

(c) All products to be distributed, offered for sale, or sold at the neighborhood market have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area.

(d) No products may be offered for resale.

(e) Live animals may not be distributed, offered for sale, or sold at a neighborhood market.

SEC. 42A-27. VENDOR'S STATEMENT.

(a) Each calendar year before vending at a neighborhood market, a vendor shall sign and provide the permit holder with a written statement that:

(1) all products to be distributed, offered for sale, or sold at the neighborhood market have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area; and

(2) no product is being offered for resale.

(b) The permit holder shall maintain a vendor statement for each vendor operating at the neighborhood market and shall present the vendors' statements to the director or any peace officer upon request.

SEC. 42A-28. DENIAL OR REVOCATION.

(a) The director shall deny a neighborhood market permit if:

(1) within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(2) the proposed neighborhood market will unreasonably disrupt the surrounding areas or the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(3) the applicant fails to adequately provide for:

(A) the protection of the vendors and attendees at the neighborhood market;

(B) maintenance of public order in and around the neighborhood market location;

(C) crowd security, taking into consideration the size of the neighborhood market; or

(D) emergency vehicle access.

(4) the applicant fails to comply with or the proposed neighborhood market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;

(5) the applicant makes a false statement of material fact on an application for a neighborhood market permit or fails to properly complete an application for a neighborhood market permit;

(6) the applicant has had a neighborhood market permit revoked within the preceding 14 months;

(7) the applicant or a vendor at the applicant's neighborhood market has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter;

(8) a neighborhood market has been conducted at the location of the proposed neighborhood market on at least 40 days during the same calendar year in which the proposed neighborhood market is to be conducted;

(9) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market would pose a serious threat to the public health, safety, or welfare;

(10) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person or the applicant fails to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market; or

(11) the applicant has a history of conducting or sponsoring a neighborhood market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(b) The director shall revoke a neighborhood market permit if:

(1) the permit holder failed to comply with or the neighborhood market is in violation of any provision of the neighborhood market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a neighborhood market permit or failed to properly complete an application for a neighborhood market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market;

(5) the permit holder or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person;

(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood market; or

(7) the director is notified of any code violations on the property where the neighborhood market will be held.

ARTICLE IV.

DALLAS FARMERS MARKET NEIGHBORHOOD FARMERS MARKET.

SEC. 42A-29. APPLICATION; ISSUANCE.

(a) This article relates solely to the Leased Premises as defined in the Dallas Farmers Market Shed 1 lease.

(b) The Dallas Farmers Market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the Dallas Farmers Market Neighborhood Farmers Market is to begin.

(c) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a permit will be issued. All requirements must be met prior to permit issuance.

(d) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(e) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by partner agencies. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. Each review phase is allowed 10 business days. Review phases run sequentially with public safety review getting the first 10 business days and department and partner agency review getting the second 10 business days. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the event request, or a resolution cannot be reached, a permit will be denied.

(f) The director shall cancel a Dallas Farmers Market Neighborhood Farmers Market permit application if:

(1) the proposed Dallas Farmers Market Neighborhood Farmers Market will occupy any part of a freeway, expressway, or tollway.

(2) the proposed Dallas Farmers Market Neighborhood Farmers Market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(3) the proposed Dallas Farmers Market Neighborhood Farmers Market cannot comply with high impact parameters.

(4) the applicant makes a false statement of material fact on an application for a Dallas Farmers Market Neighborhood Farmers Market permit or fails to properly complete an application for Dallas Farmers Market Neighborhood Farmers Market permit.

(5) the applicant had a Dallas Farmers Market Neighborhood Farmers Market permit revoked within the preceding 14 months.

(6) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a Dallas Farmers Market Neighborhood Farmers Market permit or this chapter.

(7) the applicant has a history of conducting or sponsoring the Dallas Farmers Market Neighborhood Farmers Market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of the Dallas Farmers Market Neighborhood Farmers Market to be incorporated into the permit before issuance.

(h) Major changes to the original submission of an application require the submission of a new permit application along with new application processing fees. The original permit application will be deemed incomplete and cancelled.

(i) After reviewing and confirming all permit requirements have been met, the director shall issue a Dallas Farmers Market Neighborhood Farmers Market permit unless denial is required by Section 42A-34. A Dallas Farmers Market Neighborhood Farmers Market permit expires one year after issuance.

SEC. 42A-30. STREET CLOSURES.

(a) Street closures shall require approval from applicable partner agencies and city departments:-

(b) An applicant must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow a standard format approved by the director and be approved by the applicable departments prior to permit issuance.

(d) All traffic apparatus required to fulfil a traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-31. PARKING.

(a) A complete parking plan must be submitted with each application. The director may waive this requirement for markets with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a permit.

(d) Meter hooding and no parking zones in connection with a market must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the market and follow a standard format approved by the director.

(f) When the main use of the property is open for business and the designated parking is to be activated as part of the market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(g) When activating a market in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(h) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-32. OPERATIONS OF DALLAS FARMERS MARKET NEIGHBORHOOD FARMERS MARKET.

(a) The Dallas Farmers Market Neighborhood Farmers Market may only be operated between the hours of 8 a.m. and 10 p.m. on any day of the week.

(e) The Dallas Farmers Market Neighborhood Farmers Market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. The request and the required change fee must be received by the director in writing at least 15 days before implementing any changes.

(c) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the Dallas Farmers Market Neighborhood Farmers Market, as well as at the Dallas Farmers Market site the day of the permitted activity, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the Dallas Farmers Market Neighborhood Farmers Market site within one hour of being contacted by telephone or email.

SEC. 42A-33. PRODUCTS AT DALLAS FARMERS MARKET NEIGHBORHOOD FARMERS MARKET.

(a) Products that may be sold at the Dallas Farmers Market Neighborhood Farmers Market include, but are not limited to, the following:

- (1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.
- (2) Meats.
- (3) Dairy products.
- (4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.
- (5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.
- (6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 40 percent of the vendors participating in the Dallas Farmers Market Neighborhood Farmers Market must sell produce or other food items.

(c) Live animals may not be distributed, offered for sale, or sold at the Dallas Farmers Market Neighborhood Farmers Market.

SEC. 42A-34. DENIAL OR REVOCATION.

(a) The director shall deny a Dallas Farmers Market Neighborhood Farmers Market permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the Dallas Farmers Market Neighborhood Farmers Market;

(3) the applicant has had a Dallas Farmers Market Neighborhood Farmers Market permit revoked within the preceding 14 months;

(4) the applicant has received within the preceding 14 months, two or more notices of violations or citations related to a provision of the Dallas Farmers Market Neighborhood Farmers Market permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the Dallas Farmers Market Neighborhood Farmers Market would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the conduct or sponsorship of the Dallas Farmers Market Neighborhood Farmers Market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(7) the applicant has a history of conducting or sponsoring the Dallas Farmers Market Neighborhood Farmers Market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

(8) the director is notified of any code violation on the property where the Dallas Farmers Market Neighborhood Farmers Market will be held; or

(9) the Dallas Farmers Market Neighborhood Farmers Market will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a Dallas Farmers Market Neighborhood Farmers Market permit if:

(1) the applicant fails to comply with or the market is in violation of any provision of the Dallas Farmers Market Neighborhood Farmers Market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for the Dallas Farmers Market Neighborhood Farmers Market permit;

- (3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the market poses a serious threat to the public health, safety, or welfare;
- (4) the permit holder fails to maintain public order in and around the market location;
- (5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the market or for a past market;
- (6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or
- (7) the director is notified of any code violations on the property.

ARTICLE V. STREETLIGHT POLE BANNERS.

SEC. 42A-35. APPLICATION; ISSUANCE.

(a) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, an application for a streetlight pole banner permit must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(b) The application for a permit authorizing the placement of streetlight pole banners must be submitted online to the office of special events at least 30 business days prior to the proposed streetlight pole banner installation date.

(c) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review of city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(d) An application must be completed in full before it can be invoiced. An application will not be processed, and the streetlight poles will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a permit will be issued. All requirements must be met prior to permit issuance.

(e) The director shall respond in writing by email to the applicant within three business days of receipt of the application acknowledging receipt of the application.

(f) The director shall review the application to determine whether the requested streetlight poles are available for the erection of streetlight pole banners. If the requested streetlight poles are not available, the applicant must resubmit an alternate list of requested streetlight poles within 48 hours of receiving the preliminary letter. If alternate streetlight poles are not submitted within 48 hours of receiving the preliminary letter, the process will continue with only the available poles.

(g) The director shall provide the applicant with a preliminary letter containing the requirements for permit issuance upon completion of departmental and partner agency review.

(h) The director may cancel an application for a streetlight pole banner permit if:

(1) a streetlight pole banner permit has been granted or is in the review process for another streetlight pole banner permit with the same poles and during the same time period;

(2) the applicant makes a false statement of material fact on an application for a streetlight pole banner permit or fails to properly complete an application for a streetlight pole banner permit;

(3) the applicant had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter; or

(5) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(i) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(j) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed installation of the streetlight pole banners, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(k) If the applicant makes major changes to the original submission of an application after the preliminary letter has been issued, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(l) An application that has been cancelled cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(m) An applicant may not hold more than one active streetlight pole banner permit at a time.

(n) A streetlight pole banner permit application may not be submitted more than one year prior to the banner installation date.

(o) Applications for streetlight pole banners in the arts district must be from cultural institutions located in the arts district. The Arts District Foundation shall provide the office of special events a map with pole assignments for each cultural institution each calendar year.

(p) Applications for streetlight pole banners for pre-determined signature events within the downtown area including, but not limited to, Main Street, Commerce Street, and Elm Street, have a right of first refusal. All other permit applications will be processed on a first-come, first-serve basis.

(q) After reviewing and confirming all permit requirements have been met, the director shall issue the streetlight pole banner permit unless denial or revocation is required by Section 42A-39. Except as provided in this subsection, a streetlight pole banner permit will be issued for a period of 60 consecutive days. A streetlight pole banner permit may be extended for additional consecutive 60-day periods not to exceed a year. All applicable fees must be paid for any permit extension. A streetlight pole banner permit for a Public Improvement District will be issued for a period of one calendar year.

SEC. 42A-36.

PERMIT EXTENSION

a) An applicant may not submit a request to extend a streetlight pole banner permit to the office of special events earlier than two weeks prior to the expiration of an existing streetlight pole banner permit.

b) A streetlight pole banner permit may be extended in additional 60-day increments based upon availability of the streetlight poles.

c) Streetlight pole banner permits may be extended for a maximum of one year.

d) The director shall assess all applicable streetlight pole banner fees in 60-day increments.

e) Except that this section does not apply to the Public Improvement District Annual Streetlight Pole Banner Permit.

SEC. 42A-37. INSURANCE.

(a) A person installing a streetlight pole banner shall procure and keep in full force and effect insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the installation of the streetlight pole banner by the applicant.

(b) Insurance required under this article must include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy or before making a reduction in coverage.

(c) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence with a \$2,000,000 annual aggregate.

(2) Business automotive liability insurance covering owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$1,000,000 per occurrence.

(3) Worker's compensation insurance with statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, \$1,000,000 per each accident; and

(B) disease, \$1,000,000 per employee with a per policy aggregate of \$1,000,000.

(5) Umbrella liability insurance following the form of the primary liability coverage described in Subsection (a) and providing coverage with minimum combined bodily injury (including death) and property damage limit of \$1,000,000 per occurrence and \$1,000,000 annual aggregate.

(d) In addition to the insurance requirements of Subsection (c) of this section, the director may require additional insurance for a streetlight pole banner if such additional insurance

is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(e) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to erect a streetlight pole banner at the facility or property.

(f) A streetlight pole banner permit will not be issued until the insurance requirements have been verified by the city's designated third-party provider.

SEC. 42A-38. STREETLIGHT POLE BANNER REGULATIONS.

(a) In general.

(1) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, streetlight pole banners must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(2) A streetlight pole banner must be in general compliance with the streetlight pole design manual published by the office of special events.

(3) The sign hardware for a streetlight pole banner may be left in place between displays of a banner.

(4) A streetlight pole banner and its sign hardware must:

- (A) be mounted on a streetlight pole;
- (B) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;
- (C) be made out of weather resistant and rust proof material especially designed for outdoor use;
- (D) be printed on both sides of material;
- (E) not be illuminated;
- (F) not project more than three feet from the pole onto which it is mounted;

(G) not exceed 25 square feet in effective area;

(H) not obstruct the view of traffic or any traffic control devices or impede or endanger the flow of traffic; and

(I) not interfere with emergency equipment, including fire, police, medical, electrical, commercial vehicles and trucks, or bus transportation.

(5) The maximum number of streetlight pole banners is two per pole, with each banner on one opposite side of the pole.

(b) Public improvement districts.

(1) This section applies only to PID management corporations.

(2) District identification banners are defined as long-term banners that identify a geographic location or place of interest. Streetlight poles must be located within the defined geographic boundaries of the public improvement district.

(3) Streetlight pole banner permits granted to a public improvement district management corporation must comply with the standards in this subsection and will be issued on an annual basis.

(4) District identification banners are excluded from all permit application processing fees

(5) PID's have first right-of-refusal for streetlight poles previously permitted to a public improvement district before being reissued to an applicant other than that of the public improvement district management corporation; however, an active permit must be maintained by the public improvement management corporation to prevent poles from being reissued to another entity.

SEC. 42A-39. DENIAL OR REVOCATION.

(a) The director shall deny a streetlight pole banner permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the installation, maintenance, or removal of the streetlight pole banners;

(3) the applicant has had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person; or

(7) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(b) The director shall revoke a streetlight pole banner permit if:

(1) the applicant fails to comply with, or the streetlight pole banners are in violation of any provision of the streetlight pole banner permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a streetlight pole banner permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners pose a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the installation, maintenance, or removal of the streetlight pole banners;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the installation, maintenance, or removal of the streetlight pole banners; or

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person.

ARTICLE VI. ENFORCEMENT.

SEC. 42A-40. OFFENSES.

(a) A person commits an offense if he commences set up or conducts a special event, or neighborhood market, or erects a streetlight pole banner:

(1) without a permit issued under this chapter or, for a streetlight pole banner in a special provision sign district, a sign permit issued under Chapter 51A of this code; or

(2) in violation of any provision of a permit issued under this chapter, this chapter, or any other city ordinance or applicable law.

(b) A person commits an offense if he is the individual named by the permit holder as the contact person for the event and he fails to meet police officers or code enforcement officers at the site of the special event, or neighborhood market within one hour of being contacted by a police officer or code enforcement officer by telephone or email.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, or their designated representatives.

SEC. 42A-41. PENALTY.

(a) A person who violates a provision of this chapter or a requirement of a permit issued under this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

(b) Each offense is punishable by a fine not to exceed:

(1) \$2,000 for a violation of a provision of this chapter or a requirement of a permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(2) \$500 for all other violations of this chapter or requirements of a permit issued under this chapter.”

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That Chapters 29A and 42A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. 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 7. That this ordinance shall take effect on June 1, 2019, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____



Agenda Information Sheet

File #: 19-307

Item #: 17.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: March 27, 2019
COUNCIL DISTRICT(S): 8
DEPARTMENT: Department of Sanitation Services
EXECUTIVE: Joey Zapata

SUBJECT

Authorize **(1)** an increase in the construction services contract with Hammett Excavation, Inc. for the construction of a 52-acre waste cell, 6B2 and 7 at the McCommas Bluff Landfill to provide revisions and deletions to the contract which have been necessitated by changes in the site conditions and identified through value engineering; and **(2)** an increase in appropriations in an amount not to exceed \$556,773.15 in the Sanitation Capital Improvement Fund - Not to exceed \$556,773.15, from \$5,126,866.33 to \$5,683,639.48 - Financing: Sanitation Capital Improvement Funds

BACKGROUND

The McCommas Bluff Landfill is a 2,048-acre property, of which 965 acres are permitted for waste disposal. As one cell is being filled, another is being planned and prepared for use. The Department of Sanitation Services utilizes a Capital Improvement Fund, supported by landfill revenues, to fund waste cell development projects. Current waste cells are estimated to reach capacity in June 2019, not including an additional 12+ months of cell capacity permitted for construction and demolition type debris in previously filled areas that now have capacity due to settlement. All new waste cells are constructed in accordance with state and federal regulations. This change order will allow contract revisions to accommodate changes in specific site conditions as outlined in Exhibit A. The 52-acre waste cell construction is currently projected to remain on schedule throughout the implementation of the proposed changes. The completion of this project will provide needed disposal capacity for the landfill's waste stream until approximately June 2023.

The site condition changes that resulted in the need for this change order stemmed from historic fall rainfall amounts during the construction of this project. The site has received over 40 inches of rain since excavation began in August of 2018 and over 27 inches of rain in September and October alone. As a result, increased resources were devoted to stormwater management, stormwater infrastructure maintenance and execution of emergency stormwater management plans. Additionally, the soil borrow areas for waste cell construction were often impacted and flooded. At the time the project was bid, estimates were utilized to determine the excavation needs of the project; however, after two weeks of non-stop pumping activity in the designated soil borrow area, the topography was

appreciably different than anticipated, soils were over saturated, and the volume of usable soil was less than anticipated. A different soil borrow area had to be utilized and this required new stormwater management alignments, new haul roads and additional earthen ramps to be constructed to support the project activities. Soil borrow availability and the diversion of landfill staff time to managing stormwater issues has created a backlog of landfill operational needs that need to be addressed. Support infrastructure (e.g., roads and access ramps) to the new waste cell was originally planned for completion by landfill staff, but the diversion of resources and a backlog of other operational needs have necessitated the need to increase the waste cell construction scope to add this work.

Staff contracted with Biggs & Mathews Environmental, Inc. (BME) to provide construction management services for this 52-acre project. BME worked collaboratively with the Hammett Excavation, Inc. (waste-cell contractor) and McCommas Landfill staff to develop and evaluate value engineering opportunities to address the site condition challenges created. Value engineering addresses the specific needs of current problems by utilizing economies of scale and future modeling to determine the best and most cost-efficient solution. The results of those efforts are included in Exhibits A-E (attached):

- Exhibit A - Line-item narrative
- Exhibit B - Revised Schedule of Values
- Exhibit C - Site plan
- Exhibit D - Ramp to Working Face
- Exhibit E - Quote for Services

This action will authorize Change Order No. 1 to the construction contract with Hammett Excavation, Inc. The additional amount for the additional construction services for this Supplemental Agreement request is \$556,773.15, as itemized in Exhibit B.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	July 2018
Complete Construction	September 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2018, City Council authorized a contract with Hammett Excavation Inc., for the construction of a 52-acre waste cell, cell 6B2 and 7, at the McCommas Bluff Landfill; and site improvements that included upgraded drain pumps, control panels, electric service and discharge systems by Resolution No. 18-0817.

Information about this item will be provided to the Quality of Life, Arts & Culture Committee on March 25, 2019.

FISCAL INFORMATION

Sanitation Capital Improvement Funds - \$556,773.15

Construction Contract \$5,126,866.33

Change Order No. 1 (this action) \$ 556,773.15

Total \$5,683,639.48

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$556,773.15	Construction	25.00%	0.00%	\$0.00
<ul style="list-style-type: none"> • This contract does not meet the M/WBE goal, but complies with good faith efforts. • Change Order No. 1 - 44.97% Overall M/WBE participation 				

OWNER

Hammett Excavation, Inc.

Gaylon Hammett, President

EXHIBIT A - Request for Change Order No. 1

McCommas Bluff Landfill Cells 6B2 and 7 Construction

Item No. 3 – Temporary Controls

Temporary controls include dewatering both groundwater and surface water from the construction area. The plans originally provided for the contractor to install temporary pumps at the eastern side of Borrow Area 2. However, after it was determined that an insufficient quantity of sand protective cover material was available in this area the limits of Borrow Area 2 had to be expanded to the north and west.

Since the temporary dewatering sump and pump must to be relocated to dewater the expanded borrow area, the City has requested that contractor install a long term pumping station that will be usable by the City after the project is completed.

The contractor will relocate the sump, discharge pipes and discharge point from the future Cell 8 to the future Cell 9 to provide an improved long-term stormwater pumping station (see Exhibit C). The pumping station will include a 20' x20' aggregate paved pad to hold up to 3 pumps, a 12" diameter HDPE discharge pipe from the pump pad to the outside toe of the levee, a manifold to allow up to 3 pumps to be connected to the discharge pipe, and a sump excavated to the underlying rock. Expansion of the borrow area will also require the contractor to excavate ditches and regrade the surface to direct groundwater and surface water away from the excavation and to the new pumping station. Item No. 3 is increased to include these additional items.

Item No. 4 – Clearing and Grubbing

Based on the final configuration of the excavation within Borrow Area 1, less clearing and grubbing was required than was predicted. Item No. 4 is decreased to provide the actual quantity.

Item No. 5 – Stripping of Topsoil

Based on the final configuration of the excavation within Borrow Area 1, less stripping of topsoil was required than was predicted. Item No. 5 is decreased to provide the actual quantity.

Item No. 6 – General Excavation within Cells 6B2 and 7

Cells 6B2 and 7 were under water during the design phase, therefore the excavation bid quantity was estimated from older topographic data. After the contractor dewatered the cell area, a field survey was performed and the actual excavation quantity was calculated. Based on the survey, less excavation was performed within Cells 6B2 and 7 than was predicted. Item No. 6 is decreased to provide the actual quantity.

Item No. 7 – General Excavation within Borrow Area 1

Additional excavation was performed within Borrow Area 1 because less soil was available from within Cells 6B2 and 7 and more earthfill was required to backfill areas with unsuitable soils (see Item No. 12). Item No. 7 is increased to provide the actual quantity.

EXHIBIT A - Request for Change Order No. 1

McCommas Bluff Landfill Cells 6B2 and 7 Construction

Item No. 8 – General Excavation within Borrow Area 2

Borrow Area 2 was expanded because less soil was available from within Cells 6B2 and 7, more earthfill was required to backfill areas with unsuitable soils (see Item No. 12), and an insufficient quantity of sand was available within the original borrow limits. The expanded borrow area cut off access from the landfill to Borrow Area 1, therefore an access road and ramp had to be installed to provide access to Borrow Area 1 (see Exhibit C). For these reasons, additional excavation was performed within Borrow Area 2. Item No. 8 is increased to provide the actual quantity.

Item No. 9 – Debris Relocation

The City had relocated some of the debris from within Cells 6B2 and 7 prior to the start of the project so less debris had to be relocated by the contractor. Item No. 9 is decreased to provide the actual quantity.

Item No. 10 – Unsuitable Material Excavation

The contractor encountered a large wet soft area where the water had previously been ponded in Cells 6B2 and 7. This unsuitable material had to be excavated to the underlying rock and backfilled with general earthfill to provide a firm stable subgrade for the liner system. More unsuitable material had to be excavated from within Cells 6B2 and 7 than was predicted. Item No. 10 is increased to provide the actual quantity.

Item No. 11 – Rock Excavation

Rock was not encountered within the excavation for Cells 6B2 and 7. Item No. 11 is decreased to zero.

Item No. 12 – General Earthfill

Since much of Cells 6B2 and 7 were under water during the design phase, the general earthfill bid quantity was estimated from older topographic data. After the contractor dewatered the cell area, a field survey was performed and the actual general earthfill quantity was calculated. Based on the survey, more general earthfill was placed within Cells 6B2 and 7. In addition, more general earthfill was required to backfill areas with unsuitable soils (see Item No. 10) and to build the access ramp to Borrow Area 1 through the expanded Borrow Area 2 (see Item No. 8). Item No. 12 is increased to provide the actual quantity.

EXHIBIT A - Request for Change Order No. 1

McCommas Bluff Landfill Cells 6B2 and 7 Construction

Item No. 13 - Underdrain

The bid quantity included optional underdrains for isolated wet soft areas that could not be excavated. Less underdrain was installed because all wet soft areas were excavated and backfilled. Item No. 13 is decreased to provide the actual quantity.

Item No. 29 – Leachate Pumps, Control Panels, Electric Service and Discharge Systems

The bid was based on an overhead electric service being provided to the contractor adjacent to each riser vault. Since Oncor did not extend the overhead electric service as planned, the contractor must install a buried electric service from the meter at Cell 6B1 to the riser vaults at Cell 6B2 (see Exhibit B). Item No. 29 is increased to provide the additional buried electric service.

Item No. 34 – Toe Drain Pumps, Control Panels, Electric Service and Discharge System

Due to the record rainfall, the capacity of the pump in the north sump has been slightly exceeded by the infiltration rate. The City has requested that the contractor replace the pump with a higher capacity pump. Item No. 34 is increased to provide the new pump.

Item No. 36 – Borrow Area 2 Soil to Top of Landfill

As Borrow Area 2 was expanded and Borrow Area 1 became flooded, the City was unable to access borrow soil without impeding the contractor's operations. Therefore, the City directed the contractor to haul soil from Borrow Area 2 to the top of the landfill. Since the bid price for General Excavation within Borrow Area 2 (Item No. 8) includes only hauling soil to Cell 6B2 and 7, Item No. 36 is added to provide for excavating soil from Borrow Area 2 and hauling it to the top of the landfill.

Item No. 37 – Clearing and Hauling to Brush Grinder

As Borrow Area 2 is expanded and the pumping station is relocated (see Item No. 3) the contractor must clear the trees from the area within the future Cells 8 and 9. The City has requested that these trees be hauled to the brush grinder (see Exhibit C). Since the bid price for Clearing and Grubbing (Item No. 4) includes only stockpiling trees adjacent to the cleared area, Item No. 37 is added to provide for clearing trees from Borrow Area 2 and hauling them to brush grinder.

Item No. 38 – Cell Access Ramp and Pad Fill

The contractor must remove debris and soil overburden within the expanded Borrow Area 2 to expose the sand protective cover material. Since the debris and soil overburden is not suitable for use in the cell construction project but must be excavated, the City has requested that the contractor use this material to construct an access ramp and pad into the new cell. The contractor will install a 50-foot wide access ramp from the south perimeter levee road to a turnaround pad in Cell 6B2 (see Exhibits C and D). Item No. 38 is added to provide both the excavation and fill for the ramp and pad.

EXHIBIT A - Request for Change Order No. 1

McCommas Bluff Landfill Cells 6B2 and 7 Construction

Item No. 39 – Haul Road Fill

Expansion of Borrow Area 2 and the relocation of the pumping station will cutoff access over the north perimeter levee to Borrow Area 1. Since the contractor must remove debris and soil overburden which is not suitable for use in the cell construction within the expanded Borrow Area 2, the City has requested that the contractor use this material to construct an access ramp and road from Borrow Area 1 to the north side of the landfill. The contractor will install a 40-foot wide access ramp from the north perimeter levee road to a Sector 3b (see Exhibits C and D). Item No. 39 is added to provide both the excavation and fill for the ramp and road.

Item No. 40 – Haul Road Subgrade Preparation

The contractor must remove vegetation and soft wet soils from the subgrade prior to constructing the haul road and ramp (Item No. 39). Item No. 40 is added to provide the subgrade preparation for the haul road.

Item No. 41 – Aggregate Pavement

The cell access ramp and pad (Item No. 38) must be paved with aggregate to provide a usable all weather route for customers to access the new landfill cell. The contractor will furnish and install geotextile and an 8-inch thick section of 3" recycled concrete aggregate on the cell access ramp and turnaround pad (see Exhibit D). The City has also requested that the contractor install a 6-inch thick section of 1" aggregate that will be furnished by the City on the cell access ramp and turnaround pad. Item No. 41 is added to provide material and installation of the geotextile and 3" aggregate and installation of the 1" aggregate.

Item No. 42 – Brush Relocation

The contractor must remove stockpiled trees and brush within the expanded Borrow Area 2 to expose the sand protective cover material. The contractor will relocate the stockpiled trees and brush to the brush grinder (see Exhibit C). Item No. 42 has been added to provide relocation of the stockpiled trees and brush.

EXHIBIT A - Request for Change Order No. 1

McCommas Bluff Landfill Cells 6B2 and 7 Construction

Schedule

The original contract requires that Cell 6B2 be completed by February 25, 2019 and that Cell 7 be completed by September 23, 2019. Change Order No. 1 revises the completion time as follows:

Cell 6B2 May 6, 2019

Cell 7 May 6, 2019

All other work September 23, 2019

Cost

The net change in value for Change Order No. 1 is \$556,773.15, which is 10.9 % of the original contract amount. The additions and deletions to the contract values are provided in Exhibit B.

EXHIBIT A - Request for Change Order No. 1

McCommas Bluff Landfill Cells 6B2 and 7 Construction

Background

The Cell 6B2 and 7 Construction Contract includes construction of approximately 52 acres of lined landfill cells and improvements to the west toe drain. Cells 6B2 and 7 will provide approximately 12,000,000 cy of solid waste disposal capacity, which will take about 5 years to fill.

The contract start date was July 30, 2018 and the contract completion date is September 23, 2019. Hammett Excavation began work on August 6, 2018, at which time much of the construction area was under water. Hammett pumped surface water from the construction area nonstop for two weeks then began earthwork activities. The site has experienced unusually high rainfall volumes since the construction began. Record rainfall totals were recorded during September and October and over 38 inches of rain have fallen at the site since the project began.

The record rainfalls have presented many challenges to the construction project and the landfill operations, including:

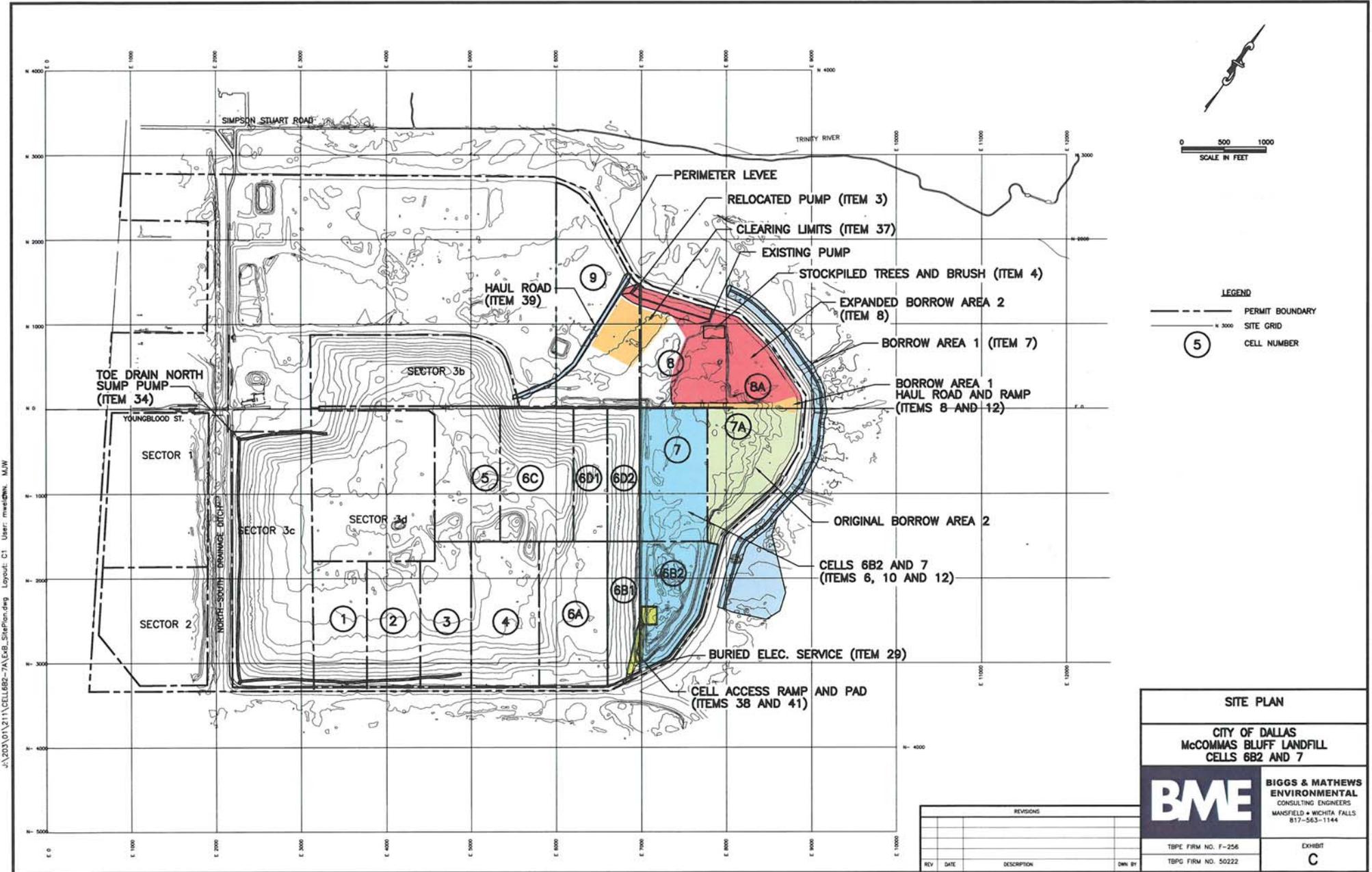
- During a heavy rain event on October 17, 2018, storm water overtopped a diversion berm in the active Cell 6B1 and washed waste into the construction area. The City notified the contractor to cease all dewatering activities until they could determine if the storm water was contaminated. The City notified the contractor to resume dewatering operations on October 23, 2018.
- The wet flooded conditions have limited access to the borrow areas outside and inside of the perimeter levee for both the City and the contractor. Finding areas for the City to excavate cover soil without impeding the contractor's operations has been difficult to impossible.
- The high rainfall volume has substantially increased the infiltration into the west toe drain. The increased infiltration has at times exceeded the capacity of the submersible pump in the north toe drain sump.

Representatives of the City, Biggs & Mathews Environmental and Hammett Excavation have met weekly since the beginning of the project to review the progress and evaluate value engineering opportunities. This proactive process has identified changes to the project scope which will keep the project on schedule and mitigate negative impacts to the project budget while improving the functionality of the landfill cell, storm water controls and borrow areas. Even with the aforementioned challenges, the project is currently projected to be completed in April 2019, which will be 5 months before the contract completion date.

This change order has been requested by the City to provide the following revisions, additions and deletions to the construction contract which have been necessitated by changes in site conditions or identified through value engineering. The revised schedule of values is provided on Exhibit B, the site plan is provided on Exhibit C, the cell access ramp plan is provided on Exhibit D and Hammett Excavation's price quote is provide on Exhibit E.

EXHIBIT B - REVISED SCHEDULE OF VALUES
McCOMMAS BLUFF LANDFILL CELLS 6B2 AND 7 CONSTRUCTION

Item No.	Unit	Description	Unit Price	Quantity		Price			
				Original	Revised	Original	Additions	Deletions	Revised
1	LS	Mobilization and Demobilization	\$ 77,000.00	1	1	\$ 77,000.00			\$ 77,000.00
2	LS	Safety	\$ 4,500.00	1	1	\$ 4,500.00			\$ 4,500.00
3	LS	Temporary Controls	\$ 100,115.00	1	1.43	\$ 100,115.00	\$ 43,049.45		\$ 143,164.45
4	AC	Clearing and Grubbing	\$ 1,200.00	20	15	\$ 24,000.00		\$ 6,000.00	\$ 18,000.00
5	CY	Stripping of Top Soil	\$ 2.09	32,270	25,107	\$ 67,444.30		\$ 14,970.67	\$ 52,473.63
6	CY	General Excavation within Cell 6B2 and 7	\$ 1.73	105,600	96,016	\$ 182,688.00		\$ 16,580.32	\$ 166,107.68
7	CY	General Excavation within Borrow Area 1	\$ 2.02	240,300	268,000	\$ 485,406.00	\$ 55,954.00		\$ 541,360.00
8	CY	General Excavation within Borrow Area 2	\$ 1.73	297,600	346,534	\$ 514,848.00	\$ 84,655.82		\$ 599,503.82
9	CY	Debris Relocation	\$ 2.22	26,450	19,837	\$ 58,719.00		\$ 14,680.86	\$ 44,038.14
10	CY	Unsuitable Material Excavation	\$ 2.44	10,000	45,000	\$ 24,400.00	\$ 85,400.00		\$ 109,800.00
11	CY	Rock Excavation	\$ 2.30	2,000	0	\$ 4,600.00		\$ 4,600.00	\$ -
12	CY	General Earthfill	\$ 0.10	290,400	366,144	\$ 29,040.00	\$ 7,574.40		\$ 36,614.40
13	LF	Underdrain	\$ 25.25	3,000	2,950	\$ 75,750.00		\$ 23,987.50	\$ 51,762.50
14	LF	Sidewall Drain	\$ 38.05	1,810	1,810	\$ 68,870.50			\$ 68,870.50
15	LS	Crossing 1 and Crossing 2	\$ 2,370.00	1	1	\$ 2,370.00			\$ 2,370.00
16	LF	Exiting Liner Tie-in	\$ 4.90	3,090	3,090	\$ 15,141.00			\$ 15,141.00
17	SY	Compacted Soil Liner	\$ 0.06	250,660	250,660	\$ 15,039.60			\$ 15,039.60
18	SY	Geomembrane Subgrade Preparation	\$ 0.13	250,660	250,660	\$ 32,585.80			\$ 32,585.80
19	SY	Protective Cover	\$ 0.06	250,800	250,800	\$ 15,048.00			\$ 15,048.00
20	LF	North Future Liner Tie-in	\$ 4.90	802	802	\$ 3,929.80			\$ 3,929.80
21	LF	Future Liner Tie-in	\$ 4.90	1,733	1,733	\$ 8,491.70			\$ 8,491.70
22	LF	Anchor Trench	\$ 3.70	1,750	1,750	\$ 6,475.00			\$ 6,475.00
23	SF	Geomembrane	\$ 0.56	2,262,920	2,262,920	\$ 1,268,592.95			\$ 1,268,592.95
24	SF	Geocomposite	\$ 0.59	2,262,920	2,262,920	\$ 1,337,385.72			\$ 1,337,385.72
25	CY	Protective Cover Pad and Berm	\$ 1.78	3,500	3,500	\$ 6,230.00			\$ 6,230.00
26	LF	Leachate Collection Trench	\$ 71.74	5,154	5,154	\$ 369,747.96			\$ 369,747.96
27	LS	Leachate Sumps and Risers	\$ 37,229.49	1	1	\$ 37,229.49			\$ 37,229.49
28	LS	Leachate Riser Vaults	\$ 18,764.00	1	1	\$ 18,764.00			\$ 18,764.00
29	LS	Leachate Pumps, Control Panels, Electric Services and Discharge Systems	\$ 101,886.96	1	1.18	\$ 101,886.96	\$ 18,339.65		\$ 120,226.61
30	LF	Leachate Forcemain	\$ 39.25	1,270	1,270	\$ 49,847.50			\$ 49,847.50
31	LS	Underdrain Sump and Riser	\$ 14,383.81	1	1	\$ 14,383.81			\$ 14,383.81
32	LS	Underdrain Riser Vault	\$ 3,500.00	1	1	\$ 3,500.00			\$ 3,500.00
33	LS	Underdrain Pump, Control Panel, Electric Service and Discharge System	\$ 36,700.00	1	1	\$ 36,700.00			\$ 36,700.00
34	LS	Toe Drain Pumps, Control Panels, Electric Services, Discharge Systems	\$ 64,950.00	1	1.15	\$ 64,950.00	\$ 9,742.50		\$ 74,692.50
35	LF	Intercell Berm	\$ 0.44	2,696	2,696	\$ 1,186.24			\$ 1,186.24
36	CY	Borrow Area 2 Soil to Top of Landfill	\$ 2.22	0	20,000	\$ -	\$ 44,400.00		\$ 44,400.00
37	AC	Clearing and Hauling to Brush Grinder	\$ 3,900.00	0	6	\$ -	\$ 23,400.00		\$ 23,400.00
38	CY	Cell Access Ramp and Pad Fill	\$ 3.24	0	21,121	\$ -	\$ 68,432.04		\$ 68,432.04
39	CY	Haul Road Fill	\$ 2.99	0	24,000	\$ -	\$ 71,760.00		\$ 71,760.00
40	LF	Haul Road Subgrade Preparation	\$ 2.95	0	2,000	\$ -	\$ 5,900.00		\$ 5,900.00
41	SY	Aggregate Pavement	\$ 16.08	0	6,333	\$ -	\$ 101,834.64		\$ 101,834.64
42	CY	Brush Relocation	\$ 4.90	0	3,500	\$ -	\$ 17,150.00		\$ 17,150.00
						\$ 5,126,866.33	\$ 637,592.50	\$ 80,819.35	\$ 5,683,639.48
Net Change			\$ 556,773.15						
Percent Change			10.9%						



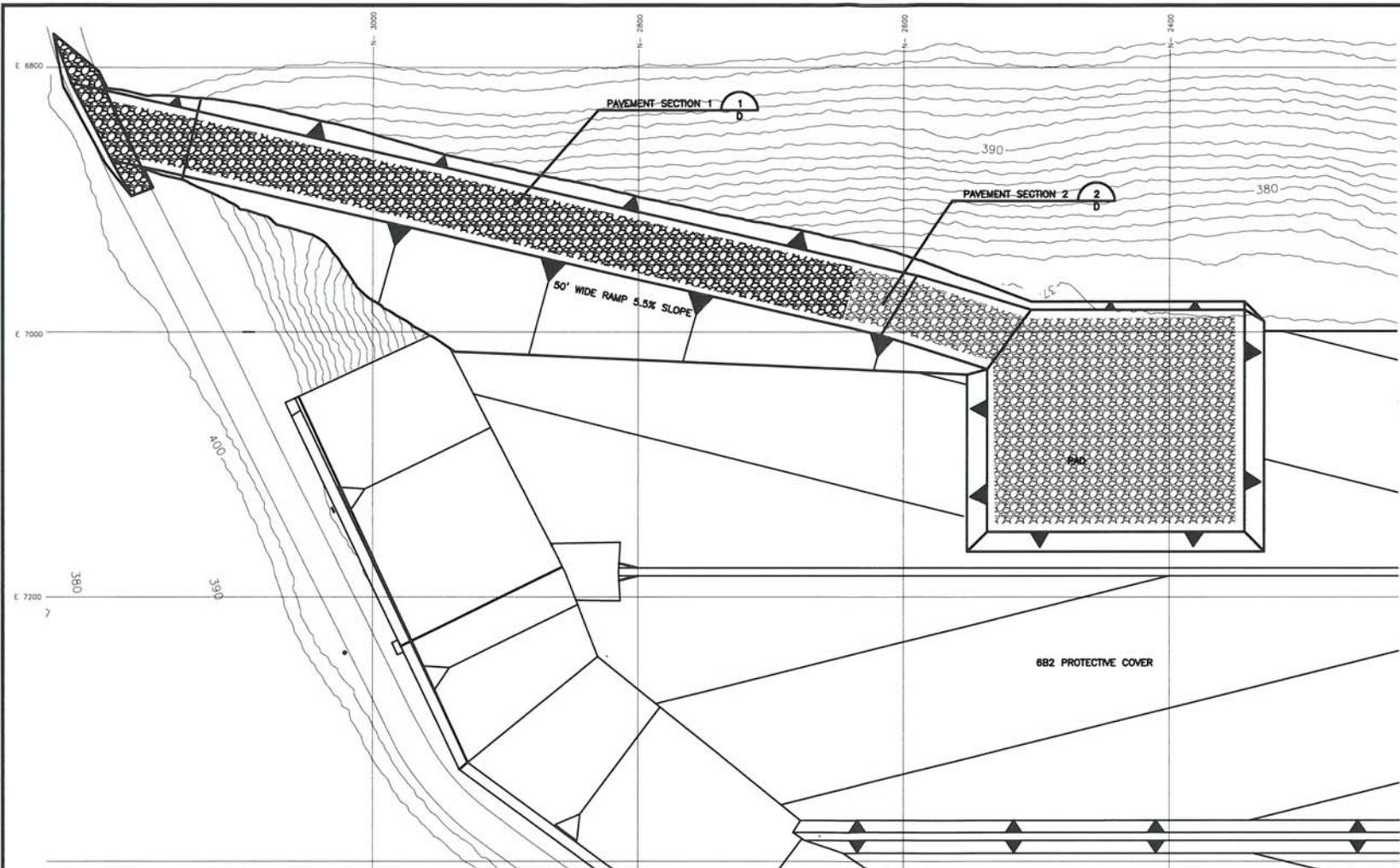
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LEGEND

- PERMIT BOUNDARY
- SITE GRID
- 5 CELL NUMBER

SITE PLAN	
CITY OF DALLAS McCOMMAS BLUFF LANDFILL CELLS 6B2 AND 7	
BME	BIGGS & MATHEWS ENVIRONMENTAL CONSULTING ENGINEERS MANSFIELD + WICHITA FALLS 817-563-1144
TBPE FIRM NO. F-256	EXHIBIT C
TBPG FIRM NO. 50222	

REVISIONS			
REV	DATE	DESCRIPTION	DWN BY



LEGEND

- SITE GRID
- EXISTING 2' CONTOUR
- TOP OF PROTECTIVE COVER CONTOUR

NOTES:

- EXISTING CONTOURS COMPILED FROM AERIAL SURVEY BY BIGGS AND MATHEWS ENVIRONMENTAL, INC. DATED FEBRUARY 17, 2018.

QUANTITIES

21,121 CY EARTHFILL
 6,333 SY AGGREGATE
 2,700 SY WOVEN GEOTEXTILE



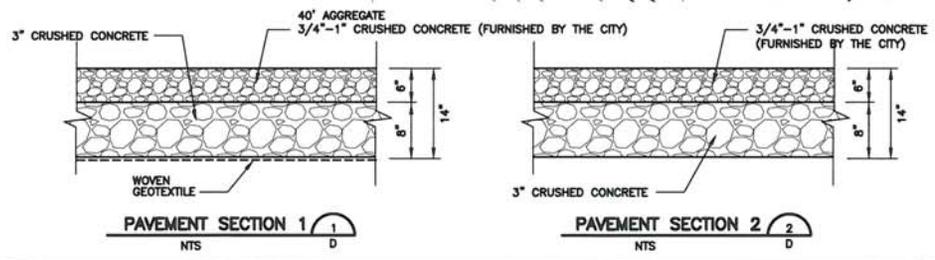
RAMP TO WORKING FACE

CITY OF DALLAS
 MCCOMMAS BLUFF LANDFILL
 CELLS 82 AND 7

BME BIGGS & MATHEWS ENVIRONMENTAL CONSULTING ENGINEERS
 MANFIELD • WICKITA FALLS
 817-563-1144

TBPE FIRM NO. F-256
 TBPG FIRM NO. 50222

EXHIBIT
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REVISIONS			
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**EXHIBIT E - QUOTE FOR ADDITIONAL SERVICES FOR
MCCOMMAS BLUFF LANDFILL CELLS 6B2 AND 7 CONSTRUCTION**

Item No.	Unit	Description	Unit Price	Quantity	Price
3	LS	Temporary Controls-Relocate Pump Station Ditch Borrow Area	\$ 43,049.45	1	\$ 43,049.45
29	LS	Leachate Pumps-Additional Underground Electric	\$ 18,339.65	1	\$ 18,339.65
34	LS	Toe Drain Pumps-Upgrade Pump	\$ 9,742.50	1	\$ 9,742.50
36	CY	Borrow Area 2 Soil to Top of Landfill	\$ 2.22	20,000	\$ 44,400.00
37	AC	Clearing and Hauling Brush to Brush Grinder	\$ 3,900.00	6	\$ 23,400.00
38	CY	Cell Access Ramp and Fill Pad	\$ 3.24	21,121	\$ 68,432.04
39	CY	Haul Road Fill	\$ 2.99	24,000	\$ 71,760.00
40	LF	Haul Road Subgrade Preparation	\$ 2.95	2,000	\$ 5,900.00
41	SY	Aggregate Pavement	\$ 16.08	6,333	\$ 101,834.64
42	CY	Brush Relocation	\$ 4.90	3,500	\$ 17,150.00
Total					\$ 404,008.28

By: 
 Title: President
 Date: 2/1/19



Agenda Information Sheet

File #: 19-287

Item #: 38.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: March 27, 2019
COUNCIL DISTRICT(S): 2
DEPARTMENT: Park & Recreation Department
EXECUTIVE: Willis C. Winters

SUBJECT

Authorize a professional services contract with MESA Design Associates, Inc. dba MESA Design Group for the Samuel-Grand Park/Tenison Glen Golf Course Master Plan Project (Project No. 0330-18-6975-105) located at 6200 East Grand Avenue - Not to exceed \$284,200.00 - Financing: Samuel Park Expense Trust Fund

BACKGROUND

This action will authorize a professional services contract with MESA Design Associates, Inc. dba MESA Design Group for the Samuel-Grand Park/Tenison Glen Golf Course Master Plan Project. Funds from the Samuel Park Expense Trust Fund will be used for this project. The master plan will cover master planning services for Samuel-Grand Park and Tenison Glen Golf Course as well as evaluate potential enhancements to the Tenison Glen Golf Course Clubhouse. The context-sensitive study will recommend improvements to the parks, opinions of probable costs, and prioritizations. The scope of work will include: study of golf and non-golf programming options; inventory of site and programming and assessment thereof; market analysis to establish market related goals; preparation of a diagrammatic framework plan; cost options and phasing, and repurposing or redesign of Tenison Glen Golf Course. Public engagement is an important component of the study, including multiple meetings with park staff, two online survey of stakeholders, two public workshops organized by a public engagement consultant, five individual meetings with stakeholders, and presentation of findings to the Park and Recreation Board.

On July 20, 2017, a Request for Qualifications (RFQ) was issued for Master Planning Services for the Samuel-Grand Park/Tenison Glen Golf Course Master Plan Project. Ten firms responded. A five-member committee of City staff selected three firms to submit proposals. On March 28, 2018, a Request for Proposals (RFP) was issued for this project. A five-member committee of City staff reviewed proposals and interviewed each of the three firms invited to submit proposals. MESA Design Associates, Inc. dba MESA Design Group was selected as the most qualified firm for this project.

ESTIMATED SCHEDULE OF PROJECT

Begin Master Plan May 2019
 Complete Master Plan March 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 14, 2019, the Park and Recreation Board authorized a professional services contract with MESA Design Associates, Inc. dba MESA Design Group.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on March 25, 2019.

FISCAL INFORMATION

Samuell Park Expense Trust Fund - \$284,200.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE%	M/WBE \$
\$284,200.00	Architectural & Engineering	25.66%	26.03%	\$73,970.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

Three proposals were received and opened on March 28, 2018. This professional services contract is being awarded in its entirety to the most qualified proposer.

*Denotes most qualified proposer

<u>Proposers</u>	<u>Address</u>	<u>Rank</u>
* MESA Design Associates, Inc. dba MESA Design Group	2001 North Lamar Street Suite 100 Dallas, Texas 75202	1
Freese and Nichols, Inc.	2711 Haskell Avenue Suite 3300 Dallas, Texas 75204	2
Pacheco Koch Consulting Engineers, Inc.	7557 Rambler Road Suite 1400 Dallas, Texas 75231	3

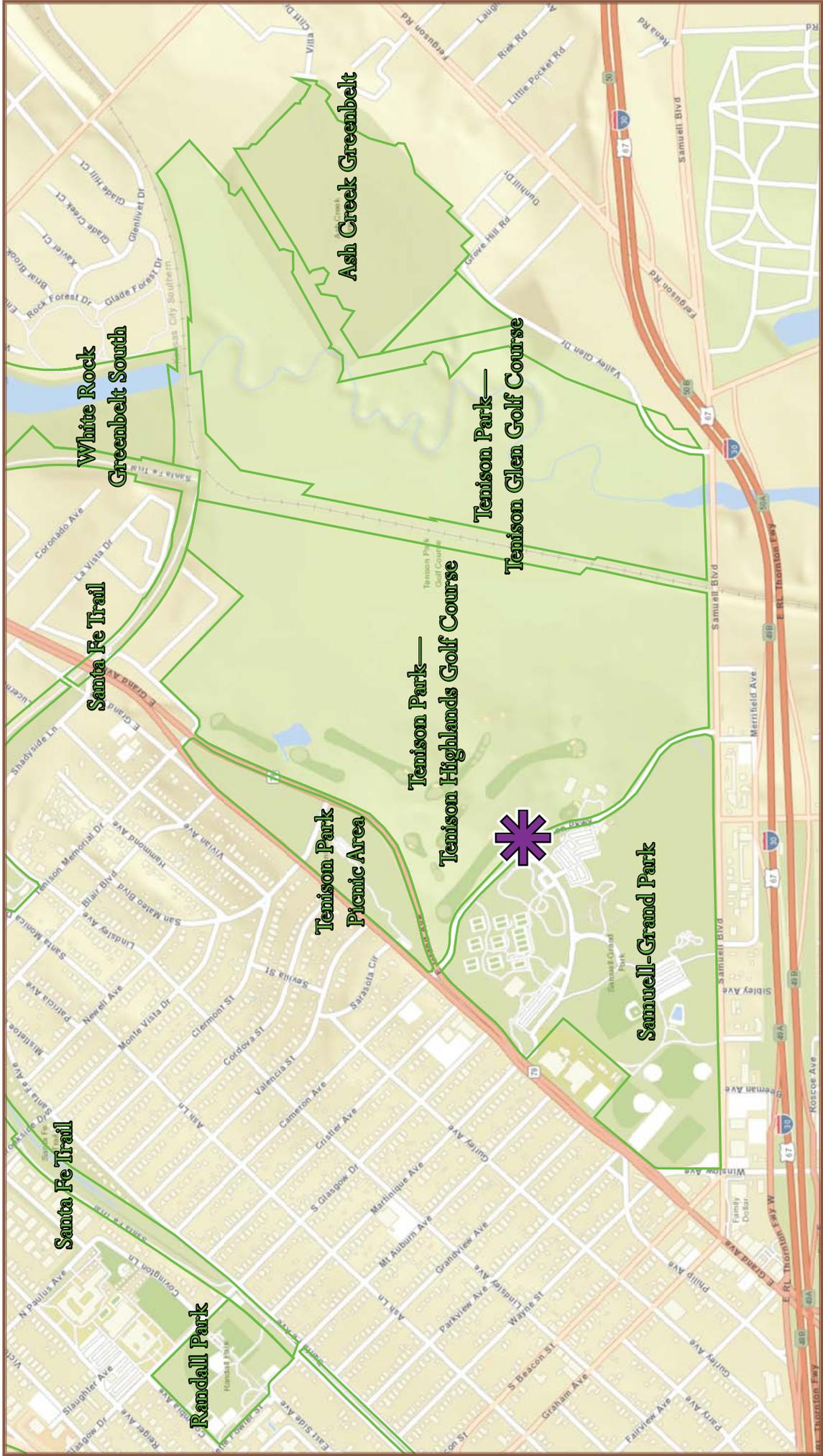
OWNER

MESA Design Associates, Inc. dba MESA Design Group

Stan Cowan, President

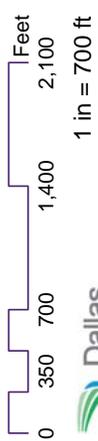
MAP

Attached



District
(2)

Samuell-Grand Park/Tenison Glen Golf Course Master Plan
(6200 East Grand Avenue)





Agenda Information Sheet

File #: 19-335

Item #: 39.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: March 27, 2019
COUNCIL DISTRICT(S): 10
DEPARTMENT: Park & Recreation Department
EXECUTIVE: Willis C. Winters

SUBJECT

Authorize an increase in the construction services contract with DENCO CS Corporation for the installation of updated mechanical, electrical, and plumbing systems to comply with the current energy code standards for the Park and Recreation Administrative Offices and Service Center located at 10031 East Northwest Highway - Not to exceed \$328,840.20, from \$3,528,802.00 to \$3,857,642.20 - Financing: Park and Recreation Facilities Fund (2006 Bond Funds)

BACKGROUND

On November 9, 2016, City Council authorized a construction contract with DENCO CS Corporation for the renovation of the former Jules E. Muchert Army Reserve facility located at 10031 E. Northwest Highway, in an amount not to exceed \$3,456,648.00, by Resolution No. 16-1809.

On October 29, 2018, Administrative Action No. 18-1006 authorized Change Order No. 1 to the construction services contract DENCO CS Corporation for sanitary sewer lines and concrete work, in an amount not to exceed \$45,154.00, increasing the contract from \$3,456,648.00 to \$3,501,802.00.

On January 3, 2019, Administrative Action No. 19-0132 authorized Change Order No. 2 to the construction services contract with DENCO CS Corporation for information technology pathways, in an amount not to exceed \$27,000.00, increasing the contract from \$3,501,802.00 to \$3,528,802.00.

This action will authorize Change Order No. 3 to the construction services contract with DENCO CS Corporation for the installation of updated mechanical, electrical, and plumbing systems at Park and Recreation Administrative Offices and Service Center located at 10031 East Northwest Highway to comply with the 2015 International Energy Conservation Code (IECC) regulations in an amount not to exceed \$328,840.20, increasing the contract amount from \$3,528,802.00 to \$3,857,642.20. The original design of this building was based on 2006 IECC. The State Energy Conservation Office amended 34 Texas Administrative Code §19.53 establishing the 2015 IECC as the energy code for commercial construction, effective November 1, 2016.

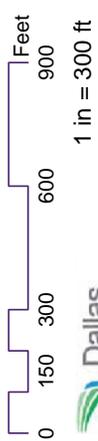
OWNER

DENCO CS Corporation

Steven J. Smith, Director of Construction

MAP

Attached



Park and Recreation Administrative Offices and Service Center
 (10031 East Northwest Highway)



Agenda Information Sheet

File #: 19-401

Item #: 40.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: March 27, 2019
COUNCIL DISTRICT(S): 2, 5, 11
DEPARTMENT: Park & Recreation Department
EXECUTIVE: Willis C. Winters

SUBJECT

Authorize an increase in the construction services contract with The Fain Group, Inc. to add scope of work associated with three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuell Grand Park located at 6200 East Grand Avenue - Not to exceed \$194,313.10, from \$21,262,469.55 to \$21,456,782.65 - Financing: Elgin B. Robertson Land Sale Funds

BACKGROUND

On June 28, 2017, City Council authorized a contract with The Fain Group, Inc., for construction of three regional family aquatic centers (Package 1) at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuell Grand Park located at 6200 East Grand Avenue, in an amount not to exceed \$20,562,297.00 (Crawford Park \$7,219,772.00, Fretz Park \$6,445,526.00, Samuell Grand Park \$6,896,999.00), by Resolution No. 17-1085.

On February 14, 2018, City Council authorized Change Order No. 1 to the construction services contract with The Fain Group, Inc. to add increased scope of work associated with three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuell Grand Park located at 6200 East Grand Avenue, in an amount not to exceed \$351,666.61, increasing the contract amount from \$20,562,297.00 to \$20,913,963.61 by Resolution No. 18-0291, to modify the location of the filtration building to accommodate a future right-of-way on Hillcrest Road at Fretz Park, re-route the existing water line which serves the recreation center and the aquatic center at Fretz Park, install a three-phase primary electrical power feed at Crawford Memorial Park, and add gates to the perimeter fence at Crawford Memorial Park and Samuell Grand Park aquatic centers.

On April 11, 2018, City Council authorized Change Order No. 2 to the construction services contract with The Fain Group, Inc. to furnish, assemble and install picnic tables, trash receptacles and umbrellas at Crawford Memorial Park, Fretz Park and Samuell Grand Park aquatic centers, in an amount not to exceed \$198,526.73, increasing the contract amount from \$20,913,963.61 to \$21,112,490.34 by Resolution No. 18-0551.

On April 13, 2018, Administrative Action No. 18-0170 authorized Change Order No. 3 to the construction services contract with The Fain Group, Inc. for added scope of work at Crawford Regional Aquatic Center to add 125 feet of left turn lane on Prairie Creek Road for entry into Crawford Memorial Park for north bound traffic, in an amount not to exceed \$42,154.69.

On May 11, 2018, Administrative Action No. 18-0248 authorized Change Order No. 4 to the construction services contract with The Fain Group, Inc. for added scope of work to install a security keypad door hardware system for: 10 doors at Crawford Regional Aquatic Center, 11 doors at Fretz Regional Aquatic Center, and 10 doors Samuell Grand Regional Aquatic Center, in an amount not to exceed \$36,483.75.

On June 13, 2018, Administrative Action No. 18-0406 authorized Change Order No. 5 to the construction services contract with The Fain Group, Inc. for added scope of work to: install seven security shutters at Crawford Regional Aquatic Center and install wall tile and fiberglass reinforced plastic panels at Samuell Grand Regional Aquatic Center, in an amount not to exceed \$39,855.53.

On November 7, 2018, Administrative Action No. 18-1089 authorized Change Order No. 6 to the contract with the Fain Group, Inc. for additional boring for the electrical main conduits and moving a light pole and electrical control box in the median for the left turn lane on Prairie Creek Road at Crawford Memorial Park in an amount not to exceed \$31,485.24.

This action will authorize Change Order No. 7 to the construction services contract with The Fain Group, Inc. The added scope of work will include the following:

- Crawford Regional Aquatic Center

Add a mop sink and floor drain, increase grease trap size, roof drains, piping and downspouts, data drops, fiberglass reinforced plastic panels, wall finish, masonry changes, window and counter shutter, sod, automatic closing sliding windows, extend electrical in median on Prairie Creek Road and single hung windows, increasing the total construction cost to \$7,708,511.36.

- Fretz Regional Aquatic Center

Add a mop sink and floor drain, increase grease trap size, AT&T ground box, electrical for garbage disposal, data drops, removal of Oncor light pole, ceiling changes, automatic closing sliding windows, fence railings, door locks, z-framing for masonry, fence panels, moving irrigation meter, landscape revisions and hand sink, increasing the total construction cost to \$6,653,067.34.

- Samuell Grand Regional Aquatic Center

Utility and drainage adjustments, stone under slides and along bathhouse, sod, increase grease trap size, data drops, furr-out at concessions, masonry changes, automatic closing sliding windows, handrails, door change, concrete at concessions breezeway, and painting, increasing the total construction cost amount to \$7,095,203.95.

ESTIMATED SCHEDULE OF PROJECT

Began Construction September 2017
Complete Construction May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 9, 2015, City Council authorized the professional services contract for Phase 1 Implementation by Resolution No. 15-2271.

On December 1, 2016, the Park and Recreation Board authorized proceeding with advertisement for construction procurement.

On May 18, 2017, the Park and Recreation Board authorized a professional services contract for construction of three regional family aquatic centers at Crawford Memorial Park, Fretz Park and Samuell Grand Park for Package 1.

On June 28, 2017, City Council authorized a contract with The Fain Group, Inc. for construction of three regional family aquatic centers at Crawford Memorial Park, Fretz Park and Samuell Grand Park for Package 1, by Resolution No. 17-1085.

On January 25, 2018, the Park and Recreation Board authorized Change Order No. 1 to the construction services contract with The Fain Group, Inc.

On February 14, 2018, City Council authorized Change Order No. 1 to the construction services contract with The Fain Group, Inc. to add increased scope of work associated with three regional aquatic centers located at Crawford Memorial Park, Fretz Park and Samuell Grand Park by Resolution No. 18-0291.

On March 22, 2018, the Park and Recreation Board authorized Change Order No. 2 to the construction services contract with The Fain Group, Inc.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on April 9, 2018.

On April 11, 2018, City Council authorized Change Order No. 2 to the construction services contract with The Fain Group, Inc., in an amount not to exceed \$198,526.73, from \$20,913,963.61 to \$21,112,490.34, for an increase in the contract to furnish, assemble and install picnic tables, trash receptacles and umbrellas at Crawford Memorial Park, Fretz Park and Samuell Grand Park aquatic centers by Resolution No. 18-0551.

The Park and Recreation Board will consider this item on March 21, 2019.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on March 25, 2019.

FISCAL INFORMATION

Elgin B. Robertson Land Sale Funds - \$194,313.10

Original Contract Amount	\$20,562,297.00
Change Order No. 1	\$ 351,666.61
Change Order No. 2	\$ 198,526.73
Change Order No. 3	\$ 42,154.69
Change Order No. 4	\$ 36,483.75
Change Order No. 5	\$ 39,855.53
Change Order No. 6	\$ 31,485.24
Change Order No. 7 (this action)	<u>\$ 194,313.10</u>
 Total amount	 \$21,456,782.65

<u>Council District</u>	<u>Amount</u>
2	\$ 98,796.91
5	\$ 53,592.69
11	<u>\$ 41,923.50</u>
 Total	 \$194,313.10

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$194,313.10	Construction	25.00%	20.18%	\$29,204.05
<ul style="list-style-type: none"> • This contract does not meet the M/WBE goal, but complies with good faith efforts. • Change Order No. 7 - 42.03% Overall M/WBE participation 				

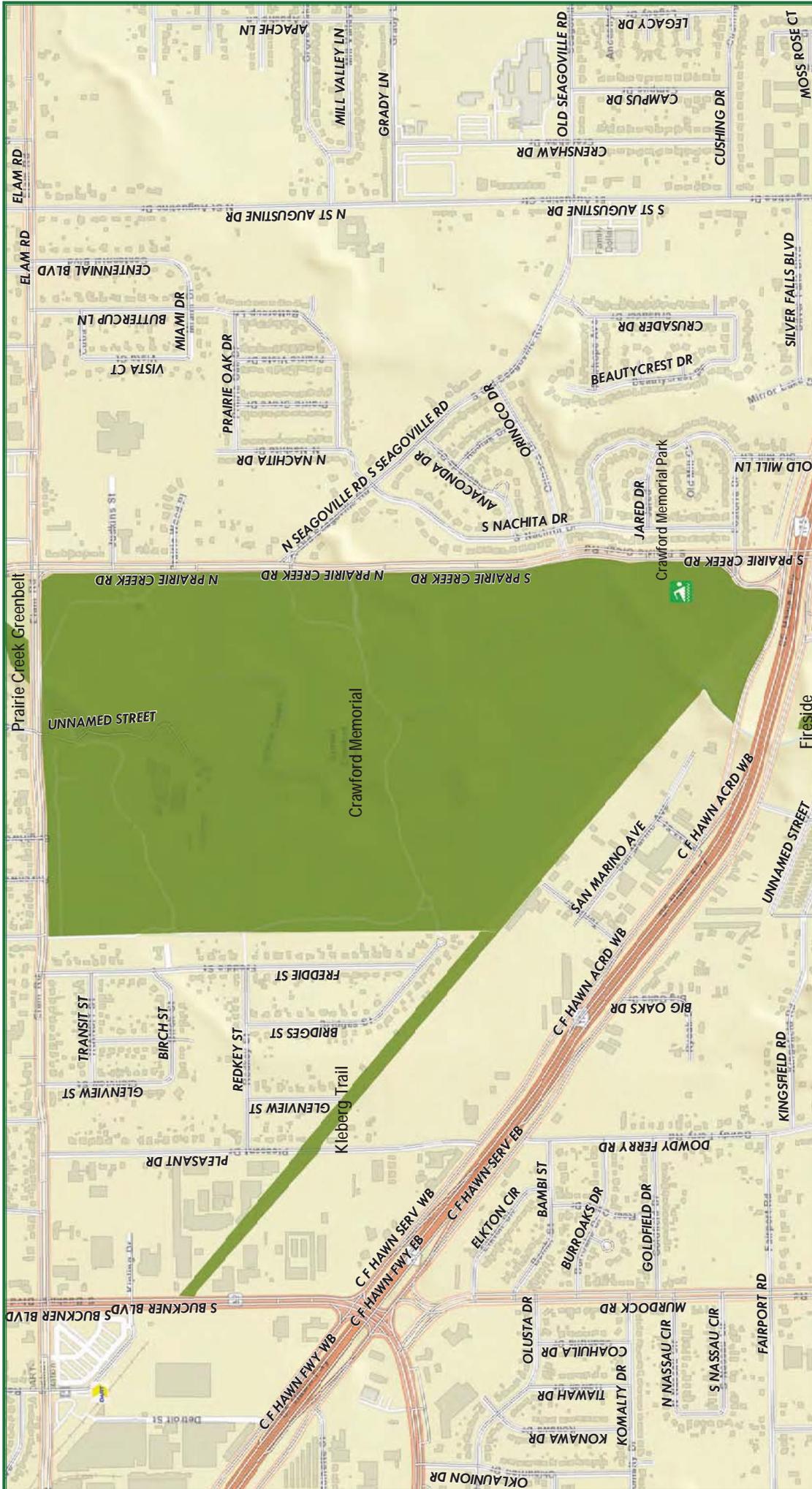
OWNER

The Fain Group, Inc.

Larry Frazier, President

MAPS

Attached

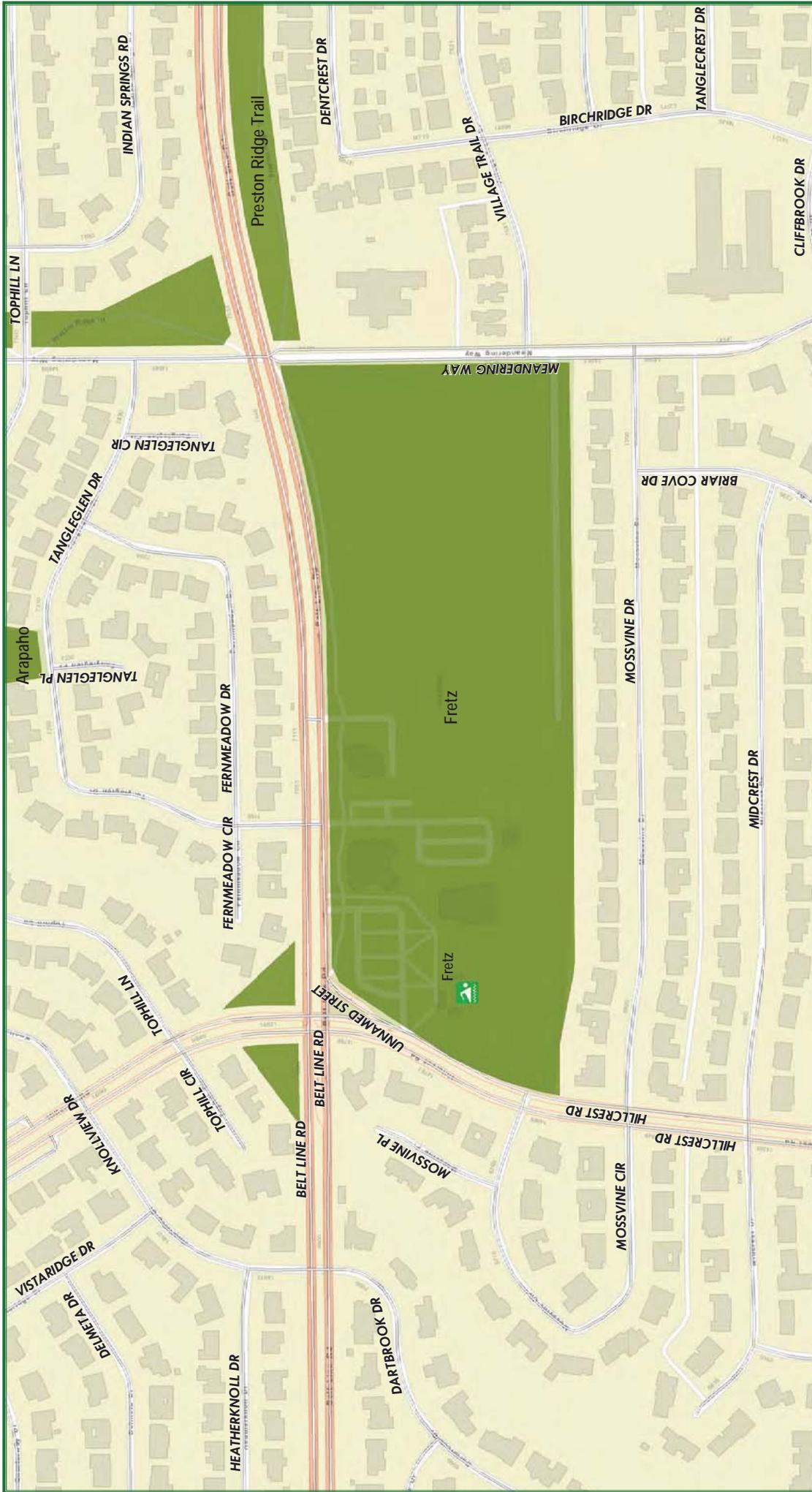


Mapsc0
59 W
CD
5



Crawford Memorial Park Aquatic Center 8700 Elam Road





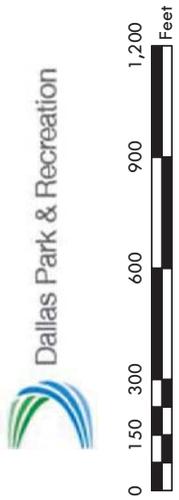
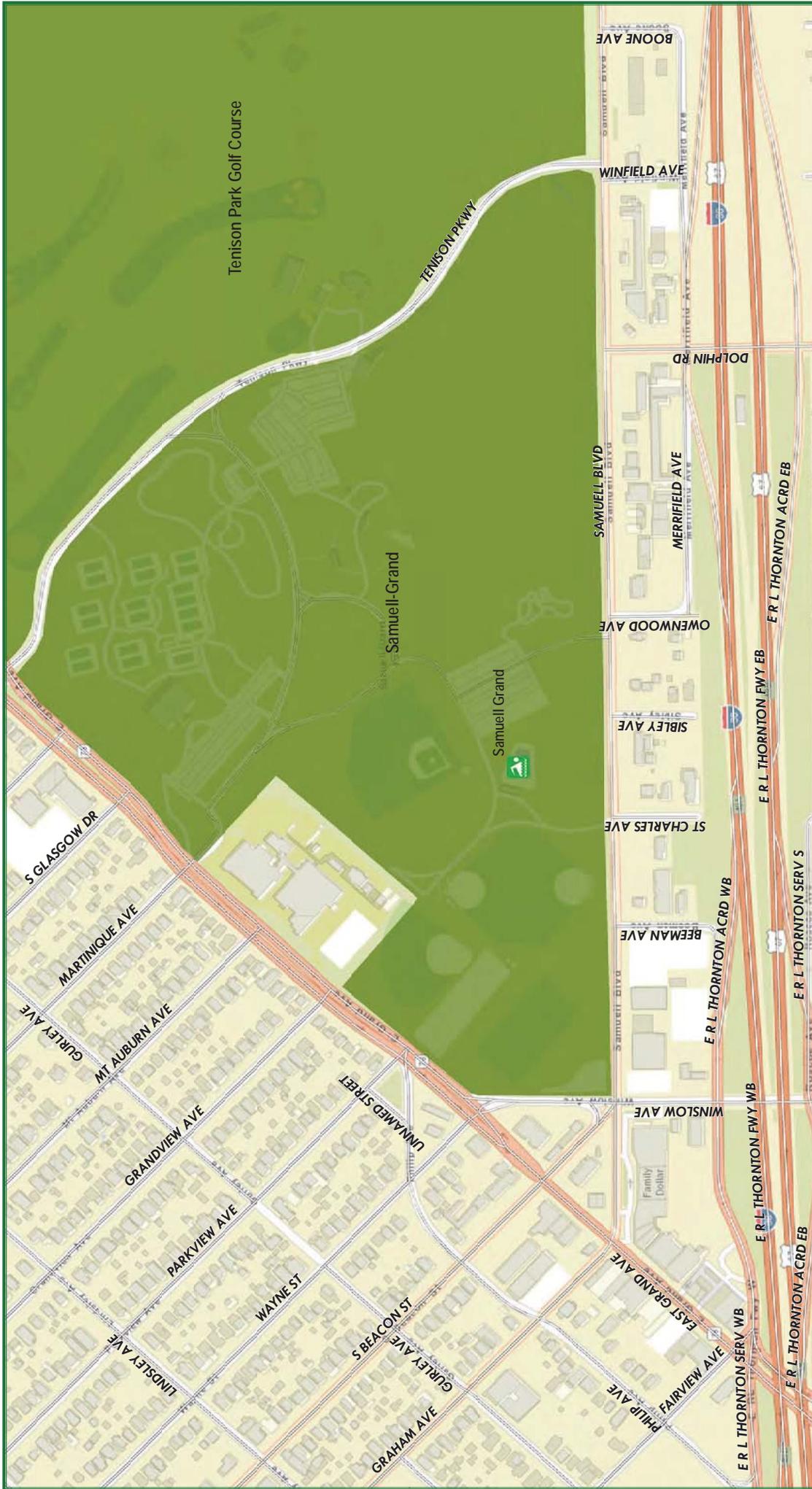
CD 11
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Fretz Park Aquatic Center 6994 Belt Line Rd

Dallas Park & Recreation

0 112.5 225 450 675 900 Feet



Dallas Park & Recreation

Samuell Grand Park Aquatic Center

6200 E. Grand Avenue



Mapscio
47 E

CD
2



Agenda Information Sheet

File #: 19-314

Item #: 41.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: March 27, 2019
COUNCIL DISTRICT(S): 7
DEPARTMENT: Park & Recreation Department
EXECUTIVE: Willis C. Winters

SUBJECT

Authorize Supplemental Agreement No. 2 to the design-build services contract with Harrison, Walker & Harper, LP. for the design and construction for Fair Park Facility Improvements for additional architectural and engineering services and an increase in the construction package for the renovation of the Aquarium Annex located at 1458 1st Avenue - Not to exceed \$440,461.00, from \$2,263,859.00 to \$2,704,320.00 - Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)

BACKGROUND

On June 27, 2018, City Council authorized a design-build services contract with Harrison, Walker & Harper, LP. for pre-design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of Fair Park Facility Improvements for Music Hall located at 909 1st Avenue, African American Museum located at 3536 Grand Avenue and Aquarium Annex located at 1458 1st Avenue by Resolution No. 18-0997. The original contract award included pre-design and pre-construction services and architectural and engineering services for the design and construction of the facility improvements at the Music Hall at Fair Park, African American Museum and Aquarium Annex. The original contract award also included an early construction package for the Music Hall in the amount of \$600,000.00 to address the needs for Americans with Disabilities Act (ADA) items and an ADA accessible elevator.

On November 28, 2018, City Council authorized Supplemental Agreement No. 1 to the design-build contract with Harrison, Walker & Harper, LP. authorized additional architectural and engineering design services and an increase in the early construction package for an elevator and Americans with Disabilities Act improvements in the amount of \$723,556.00 and an increase in the early construction package to add exterior lighting in the amount of \$610,000.00, for a total amount not to exceed \$1,333,556.00, increasing the contract amount from \$930,303.00 to \$2,263,859.00, by Resolution No. 18-1714.

This action will authorize Supplemental Agreement No. 2 to the design-build services contract with Harrison, Walker & Harper, LP. for additional architectural and engineering services and an increase in the construction package for the renovation of the Aquarium Annex, in an amount not to exceed \$440,461.00, increasing the contract amount from \$2,263,859.00 to \$2,704,320.00. The renovation includes repairs to the exterior wall, door and window framing; glass pane replacement; improvements to the front door approach and rest room to comply with the ADA; structural repairs; ceiling replacement; plumbing fixtures replacement; lighting system replacements; heating, ventilation and air conditioning (HVAC) replacement; fire alarm replacement; and security system replacement.

This design-build services contract has and will continue to assess, prioritize and provide design solutions for the following needs: (1) Music Hall at Fair Park: ADA improvements, water infiltration, roof leaks, plumbing line repairs, carpeting and other repairs as identified by the assessment; and (2) African American Museum: building sign, water infiltration, stage railing, carpeting, HVAC system, lighting, security and other repairs as identified by the assessment.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction April 2019
Complete Construction September 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 7, 2018, the Park and Recreation Board authorized a design-build services contract with Harrison, Walker & Harper, LP.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on June 25, 2018.

On June 27, 2018, City Council authorized a design-build services contract with Harrison, Walker & Harper, LP. for pre-design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of Fair Park Facility Improvements for Music Hall located at 909 1st Avenue, African American Museum located at 3536 Grand Avenue and Aquarium Annex located at 1458 1st Avenue by Resolution No. 18-0997.

On November 1, 2018, the Park and Recreation Board deferred this item to the November 15, 2018 agenda.

On November 15, 2018, the Park and Recreation Board authorized Supplemental Agreement No. 1 to the design-build services contract with Harrison, Walker & Harper, LP.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on November 26, 2018.

On November 28, 2018, City Council authorized Supplemental Agreement No. 1 to the design-build services contract with Harrison, Walker & Harper, LP. for the design and construction for Fair Park Facility Improvements for additional architectural and engineering design services and an increase in the early construction package for an elevator, Americans with Disabilities Act improvements and to add exterior lighting for the Music Hall located at 909 1st Avenue by Resolution No. 18-1714.

On February 28, 2019, the Park and Recreation Board authorized a Supplemental Agreement No. 2 to the design-build services contract with Harrison, Walker & Harper, LP.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on March 25, 2019.

FISCAL INFORMATION

Fair Park Improvements (C) Fund (2017 Bond Funds) - \$440,461.00

Original Design-Build Contract	\$ 930,303.00
Supplemental Agreement No. 1	\$1,333,556.00
Supplemental Agreement No. 2 (this action)	<u>\$ 440,461.00</u>

Total amount not to exceed \$2,704,320.00

M/WBE INFORMATION

In accordance with the City’s Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$440,461.00	Construction	25.00%	17.69%	\$77,900.00
<ul style="list-style-type: none"> • This contract does not meet the M/WBE goal, but complies with good faith efforts. • Supplemental Agreement No. 2 - 65.59% Overall M/WBE participation 				

OWNER

Harrison, Walker & Harper, LP.

Jordan Harper, Chief Executive Officer

MAP

Attached



Agenda Information Sheet

File #: 19-390

Item #: 47.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Convention and Event Services

EXECUTIVE: Joey Zapata

SUBJECT

An ordinance amending Chapter 42A, "Special Events" and Chapter 29A, "Neighborhood Farmers Market" of the Dallas City Code by **(1)** reserving Chapter 29A and rewriting Chapter 42A; **(2)** providing regulations for special events, commercial filming activities, neighborhood markets, and streetlight pole banners; **(3)** providing a penalty not to exceed \$2,000.00 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and \$500.00 for all other violations; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information) (This item was deferred on February 27, 2019)

BACKGROUND

The amended ordinance, Chapter 42A "Special Events" of the Dallas City Code, consolidates information from the current version of Chapter 42A "Special Events," Chapter 29A "Neighborhood Farmers Markets," Administrative Directive 2-46 "Commercial Filming Policy" and adds additional information related to streetlight pole banners. This ordinance amendment better defines the roles and duties of the Convention and Event Services (CES) - Office of Special Events (OSE) and updates regulations, policies and fee structures.

The Quality of Life, Arts, and Culture Committee (QOLAC) was briefed on April 9, 2018 about current OSE permitting authority and functions, known challenges with current operations and City Code, planned operational improvements and process enhancements. OSE received Committee input and approval to move forward with surveys, stakeholder meetings, completing a fee study and revisions.

On November 26, 2018, QOLAC was briefed about proposed updates to the special events ordinance. Proposed revisions addressed existing gaps and deficiencies in the ordinance, incorporated public and stakeholder input, included researched best practices and the results of a new fee study conducted in the summer of 2018.

Amendments to the ordinance address public concerns including: parking, traffic closures/detours, public notices and flexibility in permitting based on event size and other features for each application. QOLAC members requested that OSE conduct additional meetings with the film industry, Arts District community and other external stakeholders to ensure their concerns about revisions were addressed.

Following the November briefing, OSE hosted nine additional meetings with internal and external stakeholders. The feedback included concerns about the organization and navigability of the ordinance, requests to provide clarity of language, difficulty in understanding permit requirements, and concerns over fees and insurance requirements. OSE worked with the City Attorney's Office (CAO) to add definitions, re-organize sections, standardize language across all permit types and include more details that improve clarity while making the ordinance more transparent and easier to understand. Some fees and fee tiers were updated and insurance requirements were revised in consultation with the Office of Risk Management.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Quality of Life, Arts and Culture Committee was briefed on current OSE authority, functions and challenges with Chapter 42A "Special Events" on April 9, 2018.

The Quality of Life, Arts and Culture Committee was briefed on proposed ordinance changes amending Chapter 42A "Special Events" on November 26, 2018.

The Quality of Life, Arts and Culture Committee was briefed with updated proposed ordinance changes and clarifications to Chapter 42A "Special Events" ordinance on February 11, 2019.

On February 27, 2019, this item was deferred by Councilmember Sandy Greyson.

FISCAL INFORMATION

Cost consideration to others. This ordinance corrects deficiencies (identified in a fee study) in the current permit structure, by aligning application costs to those which require the most time and resources. Currently, pricing is based on event attendance, which does not account for the complexity of the event. Applicants will now be charged based on the new special event permit tiers: simple, moderate, complex. It also develops a la carte and discount pricing models for additional permit components.