

QUALITY OF LIFE, ARTS & CULTURE COMMITTEE
DALLAS CITY COUNCIL COMMITTEE AGENDA

RECEIVED

2018 MAY 10 AM 9:26

CITY SECRETARY
DALLAS, TEXAS

MONDAY, MAY 14, 2018
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. Approval of April 9, 2018 Minutes

BRIEFINGS

2. Universal Access to Recycling:
Multifamily & Commercial
Kelly High
Director, Sanitation Services
3. Bulk and Brush Collection Changes - Update
Kelly High
Director, Sanitation Services

4. **INFORMATIONAL MEMORANDUM AND MATERIALS**
Downtown Dallas Proposed Parks Development
and Funding Agreement

5. **Upcoming Agenda Items**

May 23, 2018

- A. Draft Agenda Item - Authorize a three-year Interlocal Agreement with Grand Prairie Independent School District for transportation services - Not to exceed \$822,243 – Financing: General Funds (subject to annual appropriations)
- B. Authorize (1) a development and funding agreement with Pacific Plaza LLC, Harwood Park LLC, West End Plaza Park LLC, Carpenter Park LLC and Parks for Downtown Dallas (collectively referred to as Developer) for the proposed downtown parks, including Pacific Plaza, Harwood Park, Carpenter Park and West End Plaza; (2) land acquisition for West End Plaza in an amount not to exceed \$8,600,000; (3) land acquisition for Harwood Park for up to the amount of Developer's purchase price, not to exceed \$11,787,216; and (4) waiving the percentage for public art required by the Public Art Ordinance for the 2017 Bond Funds for Downtown Parks – Not to exceed \$20,387,216 - Financing: 2006 Bond Funds (\$4,429,623) and 2017 Bond Funds (\$15,957,593)

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

- C. Draft Agenda Item - Authorize (1) acquisition from SHOP DEV LLC, a Texas limited liability company, of approximately 49,000 square feet of land located at 6959 Arapaho Road for a proposed new park; and (2) a twenty-year development and maintenance agreement with two, five-year renewal options with SHOP DEV LLC, a Texas limited liability company, for the new park to be located at 6959 Arapaho Road – Land Acquisition not to exceed \$1,470,000 (\$1,450,000 plus closing cost and title expenses not to exceed \$20,000) – Financing: 2017 Bond Funds
- D. Draft Agenda Item - Authorize a contract with Alliance Geotechnical Group for engineering inspection and testing services of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street – Not to exceed \$201,930 – Financing: Elgin B. Robertson Land Sale Funds
- E. Draft Agenda Item - Authorize ratification of a service contract with Janus Signs dba FastSigns SKILLMAN for an additional expenditure for the replacement of the Cotton Bowl Stadium logo sign at Fair Park located at 3809 Grand Avenue – Not to exceed \$37,563, from \$49,940 to \$86,503 – Financing: General Funds

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: April 9, 2018

Convened: 9:09 AM

Adjourned: 10:59 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:

Mayor Pro Tem Dwaine Caraway

Briefing Presenters

John Johnson
Asst. Director, Convention and Event Services

Crystal Ross
Asst. Director, Park and Recreation Dept.

Daryl D. Quarles
Senior Program Division Manager, Park and Recreation Dept.

Staff Present:

Janis Burklund, David Coatney, Ben Collins, Gregory Courson, David Fisher, George Gamez, Juan Garcia, Felicia Hill, Shannon hopes, Kay Kallos, Juanita Ortiz, Mandy Shreve, Keith Wilson, Joey Zapata

Guests: Sharyn Fein, Chair, Senior Affairs Commission; Mary Ann Sparks, Chair, Socialization Committee, Senior Affairs Commission

AGENDA:

1. **Approval of the March 26, 2018 Minutes**

Information Only:

Action Taken/Committee Recommendation(s): A motion was made to approve the minutes of March 26, 2018.

Motion made by: Mark Clayton

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. **Special Events Overview & Update**

Presenter(s): John Johnson, Assistant Director, Convention and Event Services

Information Only:

The Committee was briefed on the Special Events Overview & Update.

Action Taken/Committee Recommendation(s):

The Committee expressed:

- Concerns regarding street closures' impact on adjacent merchants and the impact races have on neighborhoods
- Standardizing routes, entrances and exits for events through neighborhoods to avoid blockage of residents
- Fee distinctions between non-profit and for-profit events need to be more clear
- Residents should not be restricted from parking in front of their homes in certain streets due to lack of drive-ways; i.e. La Bajada
- Notifications of all events by Council District to share with constituents

Motion made by:

Motion seconded by:

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

3. Park & Recreation – Active Senior Adult Programs (ASAP)

Presenter(s): Crystal Ross, Assistant Director, Park and Recreation Department; Daryl D. Quarles, Senior Program Division Manager, Park and Recreation Department

Information Only:

The Committee was briefed on the Park & Recreation – Active Senior Adult Programs (ASAP)

Action Taken/Committee Recommendation(s):

The Committee expressed:

- A need for a list of inventory of unused City buildings to possibly use as centers
- Possible senior center at Fair Park and small senior centers near other recreation centers
- Spanish language surveys should be available at every senior center
- List of where attendance is coming from and what areas need to be targeted
- Website should be more user friendly when searching for Senior Programs

Motion made by:

Motion seconded by:

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

4. Upcoming Agenda Items

Presenter(s):

Information Only:

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

Action Taken/Committee Recommendation(s): Agenda Items were moved forward to full Council.

A memo regarding Kay Bailey Hutchison Convention Center's capital needs, expenditures, sources of revenue and trends was requested.

Motion made by:

Item passed unanimously:

Item failed unanimously:

Motion seconded by:

Item passed on a divided vote:

Item failed on a divided vote:

5. **INFORMATIONAL MEMORANDUM: Upcoming Park and Recreation Department City Council Agenda Items**

Presenter(s):

Information Only:

Information about the Upcoming Park and Recreation Department City Council Agenda Items was provided via memorandum.

Action Taken/Committee Recommendation(s):

Motion made by:

Item passed unanimously:

Item failed unanimously:

Motion seconded by:

Item passed on a divided vote:

Item failed on a divided vote:

Councilmember Sandy Greyson
Chair

Memorandum



CITY OF DALLAS

^{DATE} May 11, 2018

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

^{SUBJECT} **Universal Access to Recycling: Multifamily & Commercial**

On Monday, May 14, 2018, you will be briefed on Universal Access to Recycling: Multifamily & Commercial. 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 that reads "Joey Zapata".

Joey Zapata
Assistant City Manager

c: Honorable Mayor and Members of City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billierae Johnson, City Secretary (Interim)
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)
Jon Fortune, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Universal Access to Recycling: Multifamily & Commercial

Quality of Life, Arts &
Culture Committee

May 14, 2018

Kelly High, Director
Sanitation Services



City of Dallas

Presentation Overview

- Background
- Recap January 22nd Committee briefing
- Discuss multifamily recycling ordinance recommendations
- Discuss considerations for a commercial recycling ordinance
- Next Steps
- Receive Committee feedback

January 22nd Committee Recap



Recap – January 22 Committee Meeting

- Provided an update on recycling participation progress based on most recent survey
 - Survey showed little progress in increasing multifamily property recycling participation
- Provided information related to multifamily recycling ordinances in other Texas cities
- Discussed recycling ordinance best practices and considerations for a Dallas ordinance

Recap – January 22 Committee Meeting

- Received Committee feedback on ordinance preferences and direction on refining the ordinance
- The Committee asked staff to bring back a refined multifamily plan with cost impacts and an implementation plan
- The Committee also directed staff to look at implementing a similar ordinance for all commercial properties concurrently or on a parallel path

Proposed Multifamily Ordinance Requirements



Multifamily Recycling Ordinance – Property Requirements

- Applies to Multifamily properties with 8 or more units
- Require materials consistent with single family residential
 - Paper, cardboard, plastics #1 - #7, aluminum containers, and metal containers, and glass
 - Potential option to consider - exempt glass and plastics #3 - #7
- Require recycling capacity equivalent to 11 gallons, per unit, per week
 - Austin and San Antonio require between 6-7 gallons
 - Ex: 150 unit complex would need one 8 CY dumpster
 - Dallas single family residents, on average, recycle approximately 18 gallons per week
 - Multifamily units, on average, recycle less than single family household.
 - 11 gallons is ~60% of the single family recycling rate

Multifamily Recycling Ordinance – Property Requirements (cont.)

- A community recycling container should be within visual distance of all garbage containers
 - Roll-carts can be used to provide access near multiple garbage container areas on a property
- If valet trash service is provided, similar recycling service should be provided
- Annual education, training, signage, and reporting
- Properties required to use permitted recycling collection services only
- Waivers and extensions may be allowed if approved by the director of Sanitation Services or director's designee

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Multifamily Recycling Ordinance – Property Requirements (cont.)

- Multifamily property annual plan required:
 - Reporting will be incorporated into the Code Compliance annual multi-tenant registration process
 - Number of property units
 - Number and size/capacity of trash and recycling containers, including collection frequency
 - List materials accepted as part of recycling collection
 - Provide information on recycling collection service provider
 - Provide affidavit that the property is complying with the recycling ordinance, including requirements related to signage, education, and container locations
 - Submit any exemption request(s) or notate an already approved exemption; annual plans still required

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Multifamily Recycling Ordinance – Recycle Collection Service Requirements

- Multifamily Recycling Collection Services must have a permit to operate in Dallas
- Recyclable materials must be transported to appropriate material recycling facility
- All containers for multifamily properties must adhere to prescribed signage and labeling requirements
- Recycling collection services shall provide annual education to property managers regarding their recycling program

Multifamily Recycling Ordinance – Recycle Collection Service Requirements (cont.)

- Annual reporting for Recycling Collection Services required by February 1 of each year:
 - Identify recycling facilities utilized during the prior year
 - Prior year tonnage delivered to recycling facilities from Dallas properties
 - Number of properties served and total recycling capacity
 - Information on contamination percentages
 - Provide affidavit that the submitter understands and is complying with the Chapter 18 ordinance, including requirements related to signage, education, and container locations

Effective Date: Multifamily Recycling

- In order to simplify the process and reduce confusion, staff recommends one compliance/implementation date for all properties - **January 1, 2020**. This allows time for:
 - Recycling collection services to procure additional equipment, contract with recycling processors and amend collection contracts
 - Multifamily properties to amend collection contracts, provide recycling container enclosures (if needed), develop outreach/education methods and material, and educate residents
 - City staff to provide outreach and education to regarding implementation
 - City staff to develop in depth recycling guides/technical guides
 - City staff to fully develop online registration and reporting tools and to permit recycling collection services

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Effective Date: Multifamily Recycling

- To perform implementation with current staffing and in order to contain implementation cost, staff recommends:
 - Multifamily property plan must be submitted as part of first annual multi-tenant registration after January 1, 2020
 - Utilize electronic acceptance with no formal approval required
 - Staff will formally review any request for waiver or extension
 - Electronic or hard copies of plans must be available for on-site review after January 1, 2020
 - Recycling collection services
 - Permitted by January 1, 2020
 - Submit their first annual report by February 1, 2021

Effective Date: Multifamily Recycling

- All new multifamily properties built after
- January 1, 2020 will have to comply immediately
 - Recycling plan to be submitted with their first multifamily registration (before units are occupied)
- Sustainable Development and Construction will incorporate updates to their development and construction codes as part of their 2019 updates

Multifamily Recycling – City Responsibilities

Code Compliance

- Multi-tenant registration system will be used to receive annual recycling plans from properties
- Provide inspection and enforcement as part of Code's multi-tenant inspection program or based on registered complaints

Sustainable Development and Construction

- Update development and construction codes
 - Update codes as part of planned 2019 updates

Multifamily Recycling – City Responsibilities

Sanitation Services

- Manage recycling ordinance implementation and oversight
 - Develop online registration and reporting tools
 - Receive and process multifamily recycling annual plan submissions and extension or waiver requests
 - Permit recycle collection services
 - Manage recycle collection service annual reporting

Multifamily Recycling – City Responsibilities

Sanitation Services (cont.)

- Develop detailed recycling guides and technical material
 - Make sample graphics and other electronic outreach material available to multifamily properties
- Provide technical assistance, education and outreach to multifamily properties

Commercial Recycling Ordinance Considerations

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Commercial Recycling Ordinance

- A recycling ordinance related to all commercial properties is more complex than multifamily
- Commercial properties include a wide range of businesses, with different types of recycling opportunities. Some examples include:

Building or Property Type	
General office use	Churches
Grocery Stores	Restaurants
Convenience Stores	Entertainment Venues
Warehouses	Medical Facilities/Hospitals
General Retail	Hotels
Schools and Universities	Shopping/Mall Centers

Commercial Recycling Ordinance

- Unlike Code's multi-tenant inspection program, there is no similar inspection program for commercial properties
- Additional research and outreach is needed related to implementation of Universal Recycling Ordinance (URO) for all commercial properties
- Currently, the only major Texas city with a commercial recycling program is Austin, Texas

Commercial Recycling Example – Austin

- Commercial properties phased in by property type and size (square feet):
 - Require recycling capacity to be at least 50% of total waste and recycling service capacity
 - Convenient recycling access for tenants and employees
 - Required materials: plastics #1 & #2, mixed and office paper, aluminum cans, glass bottles and jars, and cardboard and boxboard
 - Potential substitutions allowed based on business type
 - Organics diversion for food establishments

Commercial Recycling Example – Austin

Group 1 – Office, medical office, medical facilities, religious assembly, or private educational facilities

- Year 1 – Premises over 100,000 square feet
- Year 2 – Premises with more than 75,000 square feet and up to 100,000 square feet

Group 2 – Smaller group 1 type properties and also including hotels and lodging, grocery stores, and commercial businesses

- Year 3 – Premises with more than 50,000 square feet of any type of non-residential use
- Year 4 – Premises with more than 25,000 square feet and up to 50,000 square feet
- Year 5 – Premises with more than 5,000 square feet and up to 25,000 square feet of any type of non-residential use; and
- Year 6 – All non-residential premises that are not described

Group 3 – Food establishments in year 6 and 7

- Organics diversion

Commercial Recycling Ordinance

- Additional commercial recycling research and outreach:
 - Receive input from a wide range of stakeholders and understand recycling opportunities and challenges (businesses, recycling collection services, recycling advocates)
 - Research of other cities commercial ordinances
 - Meet with staff and commercial businesses in Austin
 - Review the various needs of different businesses, versus a one size fits all approach
 - Collaborate with other Texas cities such as Houston, San Antonio and/or Fort Worth who may be considering a similar ordinance

Proposed Plan for Commercial Recycling

- Proposed timeline for research and stakeholder input
 - July - November 2018
 - Conduct research on best practices and review other cities ordinances, perform site visits in Austin, hold stakeholder meetings and/or public meetings
 - December 2018 - January 2019
 - Compile research and stakeholder input
 - Additional stakeholder input if needed
 - Develop recommendations and considerations for a URO
 - February 2019
 - Provide the Quality of Life, Arts & Culture Committee an update on recommendations and potential implementation

Next Steps

- Receive input and feedback from this Committee on the recommended multifamily recycling ordinance
- Finalize multifamily recycling ordinance and develop an agenda item scheduled for June 13, 2018, with revised ordinance, for Council consideration
- Conduct additional research related to a URO for all commercial properties
- Hold stakeholder meetings and visit other cities with commercial recycling programs
- Develop recommendations and considerations for a URO
- Provide a URO update to the Quality of Life, Arts & Culture Committee in February 2019

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Universal Access to Recycling: Multifamily & Commercial

Quality of Life, Arts &
Culture Committee

May 14, 2018

Kelly High, Director
Sanitation Services



City of Dallas

Appendix



Ordinance Language

- See draft ordinance attached to this briefing

Appendix – Other Information



Multifamily Properties

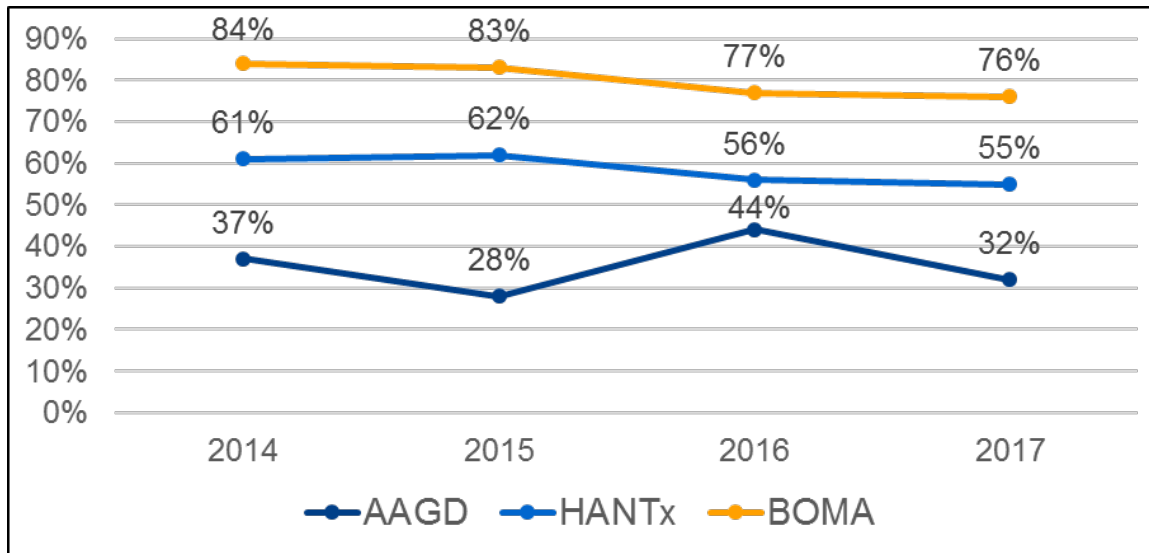
- Multifamily properties (by size)*

Number of Properties	Property Size (number of units)	Total Units	Percent of Total Units
498	8-19	5,753	2.8%
561	20-99	25,483	12.4%
344	100-199	50,132	24.4%
421	200+	124,229	60.4%
1,824	--	205,597	100%

**Based on Code Compliance multi-tenant property inspection data – October 2014 – September 2017.*

Multifamily/Commercial – Previous Surveys

- Properties providing recycling services (based on respondents)



AAGD – Apartment Association of Greater Dallas
HANTX – Hotel Association of North Texas
BOMA - Building Owners and Managers Association

Education and Signage – Properties

- **Property owners or their on-site contacts** are required on lease commencement and **annually** thereafter, or within 60 days if program changes occur, to inform tenants of the following:
 - **“This property provides access to recycling in accordance with Chapter 18 of the Dallas City Code”**
 - Location of recycling containers
 - Types of **“clean and empty materials”** accepted in recycling containers for recycling
 - Frequency of recycling collection
 - **Property contact information for overflowing containers or unkept waste/recycling areas**
 - Information on how to report waste or recycling problems to the City of Dallas utilizing 3-1-1, the 311 app or submitting an online service request

Education and Signage – Properties (cont.)

- **Property owners or their on-site contacts** offering “back of house” and valet recycling (collected by their staff or contractors hired to collect recycling) are required to assure **bi-annual** training to those collecting materials and within 30 days of a new employee start date
- Back of house and valet recycling training should include information such as:
 - Types of clean and empty materials accepted in recycling containers
 - Instruction to break down cardboard boxes before depositing into recycling containers serviced by haulers
 - Instruction to empty plastic bags (valet service) before depositing contents into recycling containers serviced by haulers. Bags should be placed into waste or garbage containers to be landfilled.
 - Instruction to place black plastic bags into waste or garbage containers to be landfilled
 - Location of recycling containers
 - Instruction for reporting overflowing containers and contamination

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Education and Signage – Properties (cont.)

- **Property owners or their on-site contacts** are required to post information (posters, flyers, or digital advertising) in suitable common areas related to on-site recycling, the types of recycling materials accepted and locations of recycling containers
 - Should include on-site contact information for additional questions

Education and Signage – Recycling Collection Services

- **Recycling Haulers** are required upon contracting and **annually** thereafter to inform customers of the following:
 - **“This company provides recycling hauling services in accordance with Chapter 18 of the Dallas City Code”**
 - Types and capacity of containers the hauler makes available for recycling use
 - Types of **“clean and empty materials”** the hauler is willing to collect from the property for transport to a material recycling facility
 - Clear disclosure of additional fees assessed to properties that exceed the hauler’s allowable contamination rate and instruction on how to reduce contamination of recyclables
 - Contact information for information or questions related to the companies recycling services, information on how to improve the properties recycling program and how to reduce recycling contamination

Education and Signage – Recycling Collection Services (cont.)

- **Recycling Haulers** are required to provide recycling containers with required signage affixed to the front of the containers
- Recycling container signage must include:
 - Photos or images to indicating materials accepted (minimum 18” x 12”)
 - The words “RECYCLING ONLY” and the chasing arrows symbol in prominent lettering (minimum 12”)
 - The words “No Plastic Bags” in prominent lettering
 - Graphic or image indicating boxes should be broken down
 - Can be included with photo/image graphic on recyclable materials
- Recycling container signage should include the name and contact to report overflowing recycling containers and contamination

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Enforcement –

City of Dallas

- Verification of an existing multifamily site provision of access to recycling services will be conducted during required multi-tenant inspections or based on a complaint by the City's Code Compliance Department
- Failure of a property, subject to the URO, to provide access to recycling service may result in a citation and fine to the property owner for each day the property is in violation

Waiver and Exemption Process – Properties

- Properties with a demonstrated inability to comply with the ordinance may apply for an exemption
- Exemption and/or waiver requests must be submitted to the director of Sanitation Services or the director's designee in writing by the property owner (not the on-site contact), within 90 days of recycling program implementation
- A thorough evaluation of the request will be conducted and the determination communicated in writing within 60 days
- The director of Sanitation Services or the director's designee decision is final

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Appendix – Stakeholder Input



Multifamily Recycling Ordinance - Input

- After the January 22 meeting:
 - Staff held additional meetings with stakeholders, including recycling collection services to:
 - Discuss input received from the Committee
 - Receive their input on a potential ordinance and implementation schedule
 - Receive any additional input relevant to implementing a multifamily recycling ordinance and/or commercial recycling ordinance

Multifamily Properties - Input

- Concerned about contamination at multifamily properties
- Want flexibility in recyclable commodities collected
 - Prefer paper, cardboard, plastics 1 & 2, aluminum containers, and metal containers
 - Glass and plastics 3-7 have little value or are hard to sell, which can add service costs
 - Glass is abrasive to processing machinery
- Allow a grace period for implementation and phase in over 3 years
- Allow for flexibility related to parking
- Make sure to apply ordinance to new construction
- Allow properties flexibility related to container locations
- Allow restricted container access and size openings

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Recycling Collection Services - Input

- Concerned about contamination at multifamily properties
- Want flexibility in recyclable commodities collected
 - Prefer paper, cardboard, plastics 1 & 2, aluminum containers, and metal containers
 - Glass has little to no value, can contaminate paper loads and is abrasive to material recovery facility machinery
 - Plastics 3-7 becoming difficult to sell
 - Low commodity market and commodities like glass and plastics 3-7 increasing cost of service
- Education will be critical for better success
- Promote recognition programs
 - Expand and advertise the City's Green Business Program
- Consider increasing landfill fees to incentivize recycling
- Consider banning recyclables at the landfill (e.g., cardboard)

Recycling Collection Services – Input (cont.)

- More time, research and input is needed before developing a broader commercial URO
- Allow for separate collection of recyclable materials, don't require one bin (single stream)
 - Single stream and accepting all materials leads to confusion and contamination
- Multifamily doesn't generate as much recycling per unit as residential, which needs to be considered when setting capacity requirements
- Mandate needed if you want participation
- Allow for restricted access dumpsters
 - Dumpsters with restricted openings for recyclable, but not other items like mattresses, toys, furniture, etc.

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Recycling Advocates - Input

- Require compliance by January 2020
- Develop URO for both multifamily and commercial, but start implementation of multifamily first
- Keep commodities the same for multifamily and residential
- Allow exceptions to commodities for commercial properties
- Need signage requirements and restricted openings for dumpsters
- Require haulers to report load rejection rates
- Set maximum contamination rates and have City inspection program of properties

**THIS IS A PRELIMINARY WORKING DRAFT FOR DISCUSSION PURPOSES,
AND IS SUBJECT TO ADDITIONAL REVISION.**

5/13/18

ORDINANCE NO. _____

An ordinance amending Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, by amending Sections [list sections]; providing (description of amendment); providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city seeks to increase residents’ access to recycling services because recycling reduces solid waste accumulations that are harmful to human health and the environment;

WHEREAS, recyclable materials are taking up valuable space at the city’s landfill when they could more beneficially be processed at recycling facilities;

WHEREAS, the city has passed a zero-waste plan and the regulations in this ordinance are consistent with the plan and will further the goals of the plan; Now, Therefore,

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

SECTION 1. That Section 18-2, “Definitions,” of Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, is amended to read as follows:

“SEC. 18-2 DEFINITIONS.

For the purpose of this chapter, the following words and phrases have the meanings respectively ascribed to them by this section:

(1) **ALLEY.** Any public way, generally of less width than a street, used for public utility purposes and right-of-way and as an alternate secondary or emergency route for vehicular and pedestrian traffic, generally situated at the rear of or alongside a tier of lots.

(2) ~~[APARTMENT. Apartment as defined by the building code.~~

~~(3)]~~ **APARTMENT HOUSE.** Apartment house as defined by the building code.

**THIS IS A PRELIMINARY WORKING DRAFT FOR DISCUSSION PURPOSES,
AND IS SUBJECT TO ADDITIONAL REVISION.**

(3[4]) BRUSH. Cuttings or trimmings, individual pieces not exceeding six inches in diameter, from trees, shrubs, or lawns and similar materials, further categorized as:

(A) OVERSIZE BRUSH. Brush of lengths exceeding five feet.

(B) SIZED BRUSH. Brush of lengths not exceeding five feet.

(C) BUNDLED BRUSH. Sized brush tied in bundles, not exceeding 50 pounds in weight.

(D) CONTAINERIZED BRUSH. Sized brush in containers not exceeding a combined weight of 50 pounds.

(4[5]) BUILDING. A structure used or intended for supporting or sheltering any use or occupancy.

(5[6]) BUILDING CODE. The Dallas Building Code, as amended.

(6[7]) CITY. The city of Dallas, Texas.

(7[8]) CODE. The Dallas City Code, as amended.

(8[9]) COMMERCIAL ESTABLISHMENT. Any structure intended or used for the purpose of conducting a commercial business enterprise.

(9[10]) CONTAINER. A receptacle for the deposit of solid waste, including garbage and recyclable materials (meeting the requirements of Section 18-3 for containers).

(10[11]) DESIGNATED ALLEY. An alley that is not paved to city standard with concrete or asphalt, that has a right-of-way less than 12 feet in width, that deadends, that serves a dual use as a lined drainage channel, or that involves other unusual conditions and which has been designated by the director of sanitation.

~~[(12) Reserved.]~~

(11[13]) DIRECTOR OF SANITATION. The head of the department of sanitation services of the city or any authorized representative.

(12[14]) DOWNTOWN AREA. The area within the Dallas city limits bounded by the west line of Houston Street, the south line of all properties on the south side of Young Street, the east line of Pearl Street, and the south line of Gaston-Pacific extension.

(13[15]) DRIVE-IN SERVICE. Service involving city sanitation service employees driving in on private property to collect garbage or recyclable materials.

(14[16]) DRY SOLID WASTE. Trash (or rubbish), as defined in this section.

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(15[17]) DUPLEX. A structure intended for the use and occupancy as two family dwelling units.

(16[18]) DWELLING UNIT. Dwelling unit has the meaning assigned in Section 51A-2.102 of the Dallas Development Code, as amended [~~as defined by the building code~~].

(17[19]) FOOD ESTABLISHMENT. Cafe, restaurant, or other similar establishment serving food or food products, including quick service drive-ins where food is prepared or served.

(18[20]) GARBAGE. Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce, and other food products.

(19[21]) ILLEGALLY DUMPED SOLID WASTE. Any solid waste placed on property with or without the consent of the owner or person in control.

(20[22]) INDUSTRIAL SOLID WASTE. Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.

(21[23]) INSTITUTION OR INSTITUTIONAL. Any church, church building, or structure housing any charitable, philanthropic, or eleemosynary undertaking, or any school.

(22[24]) MANAGER. The person in charge of real estate used for apartment, institutional, or commercial purposes.

(23[25]) MANUAL COLLECTION. The service rendered in collecting municipal solid waste, including recyclable materials, in bags or from containers where sanitation workers pick up the bags and containers manually instead of by mechanical means.

(24[26]) MOBILE HOME PARK. Six or more mobile home type dwelling units or mobile home parking spaces that are:

- (A) all located on one lot under single ownership; and
- (B) only accessible by a private road.

(25[27]) MULCH. Cutting grass, weeds, and similar vegetation into fine particles.

(26) MULTIFAMILY SITE RECYCLING COLLECTION SERVICE. The business of removing recyclable material, for processing, from a multifamily site for compliance with Section 18-5.1 of this code.

(27) MULTIFAMILY SITE. Multifamily site means eight or more dwelling units on a lot.

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(28) MUNICIPAL SOLID WASTE. Solid waste resulting from or incidental to municipal, community, commercial, and recreational activities, including garbage, trash (or rubbish), ashes, street cleanings, dead animals, and all other solid waste other than industrial solid waste.

(29) OCCUPANT. A person living on premises or in control of premises.

(30) OWNER. A person or the person's agent, including a condominium or homeowner's association, jointly or severally, with an ownership interest in a commercial establishment, multifamily site, residence, or duplex~~[The record title holder of real property].~~

(31) PACKOUT SERVICE. Service involving city sanitation service employees walking in on private property or walking in to a point that is not immediately adjacent to a location reasonably accessible to the standard city garbage or recycling truck by route of a public right-of-way to collect garbage or recyclable materials.

(32) PARKWAY. The area ordinarily intervening between the curb line of a street and the adjacent property line, or the sidewalk if a sidewalk exists.

(33) PERMITTEE. Any person licensed by the city of Dallas to contract to collect, remove, or dispose of solid waste.

(34) PERSON. Any individual, corporation, organization, partnership, association, or any other legal entity.

(35) PROPERTY LINE. The peripheral boundary of real estate.

(36) PUBLIC UTILITY EASEMENT. A right- of-way used or dedicated to be used by any public utility, including but not limited to services such as electricity, telephone, gas, solid waste collection, water, sewer, and drainage.

(37) PUBLIC WAY. Any street, alley, easement, or other right-of-way.

(38) RECYCLING. The process of collecting, sorting, cleansing, treating, and reconstituting recyclable materials for the purpose of using the altered form in the manufacture of a new product.

(39) RECYCLABLE MATERIAL. Any material or product designated in writing by the director of sanitation as being suitable for re-use and/or recycling.

(40) RESIDENCE. A structure intended for use and occupancy as a one family dwelling unit, including a mobile type dwelling unit that is not part of a mobile home park.

(41) ROLL CART. A plastic receptacle, which is furnished by the city for the collection of residential refuse and recyclable materials, that:

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- (A) has two wheels and a lid;
- (B) is designed to be lifted and emptied mechanically;
- (C) is too large for handling by manual means; and
- (D) is from 48 to 96 gallons.

(42) **ROLLCART SERVICE.** The service rendered in collecting municipal solid waste, including recyclable materials, by mechanical means from rollcart containers furnished by the city.

(43) **SANITARY LANDFILL.** A method of disposing of municipal solid waste on land without creating a nuisance or hazard to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at appropriate periodic intervals.

(44) **SANITATION SERVICES.** The department of the city that is responsible for the operation of the city's solid waste collection and disposal utility, including, but not limited to, the collection, removal, disposal, and processing of municipal solid waste (including recyclable materials).

(45) **STREET.** Any public roadway for the passage of vehicular and pedestrian traffic.

(46) **TRASH (OR RUBBISH).** Municipal solid wastes other than garbage and further categorized as:

(A) **BULKY TRASH.** Furniture, appliances, tree trunks, and other similar objects too large for routine placement in normal compaction-type collection vehicles.

(B) **YARD TRASH.** Leaves, grass, twigs, and other similar objects.

(C) **HOUSEHOLD TRASH.** Paper, wood, glass, metal, cans, rags, cartons, rubber, plastic, and other similar materials.

(D) **CONTAINERIZED TRASH.** Household or yard trash in containers not exceeding a combined weight of 50 pounds.

(E) **CONSTRUCTION DEBRIS.** Debris resulting from construction, demolition, roofing, destruction by fire, or clearance of vacant or improved property in preparation for construction that must be removed at the expense of the owner or developer.

(47) **UNPAVED ALLEY.** Any alley not paved with concrete or asphalt.

(48) **VEGETATION.** Any plant growth.

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(49) **VEHICLES.** Every wheeled conveyance or any other device in, or by which any property may be transported or drawn upon a public street or highway, including devices used exclusively on stationary rails or tracks.

(50) **WALKWAY.** Any area, paved or unpaved, normally used as a pedestrian right-of-way.

(51) **WET SOLID WASTE.** Any putrescible animal or vegetable waste materials, other than waterborne waste material, resulting from the handling, preparation, cooking, or consumption of food, including waste material from markets, storage facilities, or the handling or sale of produce or other food products.”

SECTION 2. That Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, is amended by adding a new Section 18-5.1, “Collection and Removal of Recyclable Materials from Multifamily Sites,” to read as follows:

**“SEC. 18-5.1 COLLECTION AND REMOVAL OF RECYCLABLE MATERIALS
FROM MULTIFAMILY SITES.**

(a) General regulations. The owner of a multifamily site shall:

(1) provide single stream, dual stream, or valet recycling through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(2) provide recycling container(s) through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(3) provide and place recycling containers in locations within visibility of waste containers. If valet trash service is provided, the recycling service should be of a similar nature. If trash chute rooms or trash rooms are utilized, then the recycling service should be of a similar nature or should be as convenient for the tenant, such as placing a recycling container adjacent to the trash chute, if there is adequate space.

(4) provide information (e.g. posters, signs) in suitable common areas, such as mail rooms and laundry facilities, that discusses how to recycle at the property, including information on the types of recyclable materials that are acceptable using photos or images, the chasing arrows recycling symbol, locations of recycling containers, and onsite contact information to report overflowing recycling containers and contamination. If the property utilizes valet recycling collection services, then only information regarding how to recycle and materials accepted is required.

(5) educate each tenant on recycling program implementation upon lease commencement and biannually thereafter of the following:

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(A) the multifamily site provides access to recycling in accordance with Chapter 18 of the Dallas City Code;

(B) location of recycling containers;

(C) types of recycling materials accepted;

(D) information related to proper recycling practices, including that cardboard boxes should be broken down before placed in recycling containers;

(E) onsite contact information to report overflowing recycling containers and contamination; and

(F) information on how to report waste or recycling problems to the City of Dallas, utilizing 3-1-1, the 311 app or submitting an online service request.

(6) inform each tenant within 30 days of any significant change in recycling services to the multifamily site.

(7) for multifamily sites offering back-of-house and valet recycling, provide biannual training (or within 30 days of new employee start date) to those collecting recyclable materials of the following:

(A) types of clean and empty materials accepted in recycling containers;

(B) instruction to break down cardboard boxes before depositing into recycling containers serviced by a permitted multifamily site recycling collection service business;

(C) for multifamily sites providing valet recycling, instruction to empty plastic bags before depositing contents into recycling containers serviced by permitted multifamily site recycling collection service businesses and instruction to place plastic bags into waste or garbage containers to be landfilled;

(E) location of recycling containers; and

(F) onsite contact information for reporting overflowing recycling containers and contamination.

(8) submit an annual recycling plan to the director of sanitation as set forth in Subsection (g) of this section, along with an affidavit of compliance as part of the owner's annual multi-tenant registration or on a form approved by the director of sanitation.

(b) Recyclable materials for collection. The owner of a multifamily site must provide collection for recyclable materials that are consistent with those materials accepted by the city's residential recycling program, unless otherwise exempted by the director of sanitation.

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(c) Recycling collection and capacity. The owner of a multifamily site must provide recycling container collection capacity equal to or greater than 11 gallons per unit, per week.

(d) Recycling containers. A recycling container must:

(1) be a roll cart, bin, wheelie bin, dumpster, or compactor. Wheelie bins, dumpsters, and compactors larger than two yards may have restricted access to prevent gross contamination; and

(2) comply with screening and other applicable regulations in the Dallas Development Code, as amended.

(e) Parking reduction. Minimum parking required for a multifamily site may be reduced in order to provide adequate space for recycling containers.

(f) Implementation.

(1) An owner of a multifamily site shall implement a multifamily site recycling program by January 1, 2020.

(2) An owner of a multifamily site applying for a certificate of occupancy after January 1, 2020, shall immediately comply with this section upon issuance of the property's certificate of occupancy and submit a recycling plan with their initial multi-tenant registration application.

(g) Recycling plans.

(1) The owner of a multifamily site shall submit a recycling plan each year, as part of their annual multi-tenant registration application, to the city. Initial recycling plans must be submitted upon the first annual multi-tenant registration after January 1, 2020. Electronic or hard copy of the recycling plan information should be available for inspection on site after January 1, 2020. The recycling plan must include the following information:

(A) name of permitted multifamily site recycling collection service business utilized;

(B) types of materials recycled;

(C) type, size, location(s), and frequency of recycling container(s) collection;

(D) a site map of the property showing current garbage and recycling locations, unless valet recycling service is provided and no community recycling containers are available;

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(E) notation of any changes to the multifamily site recycling program in the previous calendar year, including but not limited to changes of the following: multifamily site recycling collection service business utilized or method of collection, if applicable; and

(F) any other information that the director of sanitation deems necessary, and is reasonable, to verify compliance with this ordinance or to enhance program reporting capabilities and other information.

(2) The owner of a multifamily site shall maintain records and examples of materials relevant to meeting the requirements of Section 18-5.1(a)(5) and make records available if requested by the city manager's designee, or that designee's authorized representative during an on-site inspection.

(3) The director of sanitation may reject a recycling plan if it does not contain the information specified in this section or meet the minimum requirements as defined in this section. The owner of a multifamily site shall submit a revised plan no later than 30 days from notification of the director of sanitation's determination to reject the plan.

(h) Inspection. For any multifamily site, the city manager's designee, or that designee's authorized representative, may conduct an inspection for compliance with this section and verify the site's provision of access to recycling services at any time or when an inspection under Section 27-42, of Chapter 27 of the Dallas City Code, as amended, is conducted, even if the multifamily site is not a rental property, as defined in Chapter 27 of the Dallas City Code, as amended.

(i) Exemptions and Implementation Extension.

(1) Section 18-5.1(a)(8) does not apply to multifamily sites that have a current contract with the City of Dallas to receive recycling collection services from the city.

(2) The owner of a multifamily site may submit to the director of sanitation, within 90 days of required recycling program implementation, a written request for an implementation extension and/or exemption from all or specific provisions of the regulations of this section because of the owner's inability to comply. The director of sanitation will conduct a thorough evaluation on whether the owner demonstrated an inability to comply with the ordinance. The owner will receive a determination by the director of sanitation in writing within 60 days. The director of sanitation's decision will be final."

SECTION 3. That Subsection (c) of Section 18-12.1, "Penalties for Violation," of Article IV, "Collection and Disposal," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code, is amended to read as follows:

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“(c) An offense under section 18-4(c)(1) is punishable by a fine of not more than \$500 or less than \$50. An offense under Section 18-4(e)(2) is punishable by a fine of not more than \$500 or less than \$150. An offense under Section 18-5.1(a)(1) is punishable by a fine of not more than \$500 or less than \$150. Each day’s violation shall constitute a separate offense and will be subject to the fines established in this section.”

SECTION 4. That Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, is amended by adding a new Article IV-a, “Private Recycling Collection and Removal Services,” to read as follows:

“ARTICLE IV-a.

MULTIFAMILY SITE RECYCLING COLLECTION AND REMOVAL SERVICES.

SEC. 18-52. DIRECTOR OF SANITATION’S AUTHORITY.

(a) The director of sanitation shall implement and enforce this article and may, by written order, promulgate rules or regulations consistent with this article and other applicable laws, as the director of sanitation determines are necessary to discharge any duty under this article or to achieve a purpose outlined in the scope of this chapter.

(b) The city manager’s designee, or that designee’s authorized representative may impound any vehicle or container used for the collection and removal of recyclable materials if its contents become foul, offensive, or otherwise hazardous to the public health or safety or if it is being used in violation of this chapter. A vehicle or container impounded under this subsection may not be moved without the consent of the city manager’s designee, or that designee’s authorized representative and may not be returned to service until the contents are properly disposed of and the vehicle or container is cleaned and brought into compliance with this chapter.

SEC. 18-53. MULTIFAMILY SITE RECYCLING COLLECTION SERVICE.

(a) Multifamily site recycling collection service permit.

(1) Recycling collection service permit required. A person who is in the business of collecting or removing recyclable materials from a multifamily site shall obtain a multifamily site recycling collection service permit from the city. A permit is not required for a business such as a building contracting, home repair, landscaping, roofing, or other similar business that incidentally collects or removes recyclable materials in performance of their service.

(2) Permit application requirements. To obtain a multifamily site recycling collection service permit, a person shall submit an application, on a form or in a manner approved by the director of sanitation, and shall include the following information:

(A) the person’s name, address, and notarized signature;

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(B) the person’s form of business, and if, applicable, the documents establishing the form of business, including a list of directors and officers and their contact information;

(C) a description of any past business experience in providing recycling collection and removal services as well as information related to revocation or suspension by the city, or by any other governmental entity, of a recycling permit, solid waste collection license, franchise, or similar authorization held by the applicant;

(D) the number and description of vehicles to be used for recycling collection and removal services, including year, make, model, vehicle identification number, and state license registration number for each vehicle;

(E) documentary evidence from an insurance company that the person or company has liability insurance and a commercial fleet policy;

(F) documentation that applicant is registered and authorized to do business in the state of Texas;

(G) documentary evidence, if requested, of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed recycling collection service if the business establishment is located in the City of Dallas; and

(H) any other information that the director of sanitation deems necessary and is reasonable in determining if the person is qualified to provide recycling collection and removal services at a multifamily site in compliance with this code.

(3) Fees and annual renewal. The fee for an initial multifamily site recycling collection service permit is \$275 and is non-refundable. The recycling permit must be renewed every twelve months for a fee of \$100 and is non-refundable.

(b) Recycling containers. A multifamily site recycling collection service business shall provide color coded recycling containers to its customers. The recycling containers must display the following affixed signage:

(1) photo or images of recyclable materials accepted, minimum size of 18” x 12”, must be on the front of the container, along with information or a graphic indicating that cardboard boxes should be broken down and “No Plastic Bags”;

(2) the word “RECYCLING ONLY”, with minimum letter size of 12 inches, and chasing arrows symbol in prominent lettering and clearly labeled on the front recycling container; and

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(3) contact information to report overflowing recycling containers and contamination.

(c) Recycling facilities. A multifamily site recycling collection service business shall transport collected recyclable materials to a recycling facility authorized to operate in the State of Texas.

(d) Reporting. A multifamily site recycling collection service business shall submit an annual report to the director of sanitation by February 1 of each year, beginning on February 1, 2021, on a form provided by the director of sanitation, and shall include the following information:

(A) multifamily site recycling collection service business's contact information;

(B) tonnage of recyclable materials collected from multifamily sites in the city of Dallas in the prior calendar year. If collection routes require comingling of material collected outside the city, tonnage should be reported on a total basis and an appropriately prorated percentage to estimate Dallas tons;

(C) for the prior fiscal year, on average, the total number of units served and total weekly recycling capacity for multifamily sites in Dallas;

(D) name and location of materials recovery facilities or other recycling processing facility utilized in the prior calendar year;

(E) load reject rate used in the prior calendar year, as reported by materials recovery or recycling processing facilities;

(F) residue percentage rate used in the prior calendar year, as reported by materials recovery facilities or recycling processing facilities;

(G) documentary evidence, if requested, of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed multifamily site recycling collection service if the business establishment is located within the city; and

(H) any other information that may be reasonably requested by the director of sanitation regarding the recycling collection services.

(e) Customer education. A multifamily site recycling collection service business shall educate and inform each customer upon contracting and annually thereafter of the following:

(1) that the multifamily site recycling collection service business provides recycling collection services in accordance with Chapter 18 of the Dallas City Code;

(2) types and capacity of recycling containers that may be utilized;

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- (3) types of recyclable materials accepted to transport to a materials recovery facility;
- (4) disclosure of additional fees assessed to multifamily sites that exceed the multifamily site recycling collection service business's allowable contamination rate;
- (5) instruction on reducing contamination of recyclable materials; and
- (6) the multifamily site recycling collection service business's information to request an audit of recyclables collected from a multifamily site.

SEC. 18-54. INSPECTIONS, SUSPENSIONS, REVOCATIONS, AND PENALTIES.

(a) Inspections, suspensions, and revocations. A multifamily site recycling collection service business's vehicles are subject to inspections in a manner approved by the director of sanitation. If a multifamily site recycling collection service business has three violations of this chapter, then the director of sanitation may suspend or revoke the recycling permit until such time that the director of sanitation determines the business is in compliance with this chapter.

(b) Penalties. A person who violates a provision of this article, or who fails to perform a duty required of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted. An offense under this article is punishable by a fine not more than \$500 or less than \$150.

~~[SECS. 18-52 THRU 18-54. ——— RESERVED]~~"

SECTION 5. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 6. That Chapter 18 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. 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

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as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect January 1, 2019, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

DRAFT

Memorandum



CITY OF DALLAS

DATE May 11, 2018

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

SUBJECT **Bulk and Brush Collection Changes - Update**

On Monday, May 14, 2018, you will be briefed on the Bulk and Brush Collection Changes - Update. 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 that reads "Joey Zapata".

Joey Zapata
Assistant City Manager

c: Honorable Mayor and Members of City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billierae Johnson, City Secretary (Interim)
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)
Jon Fortune, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Bulk and Brush Collection Changes - Update

Quality of Life, Arts &
Culture Committee

May 14, 2018

Kelly High, Director
Sanitation Services



City of Dallas

Presentation Overview

- Background
- Recap – “Why change the current program?”
- Recap February 26 Committee briefing
- Discuss new program scenario and impacts
- Discuss other related program considerations
- Review potential implementation schedule
- Next Steps
- Committee feedback

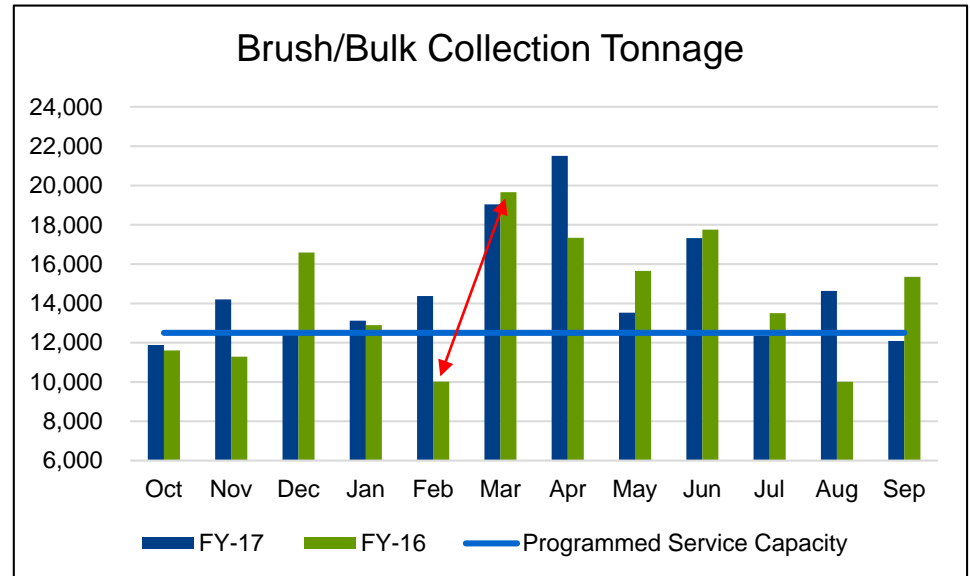
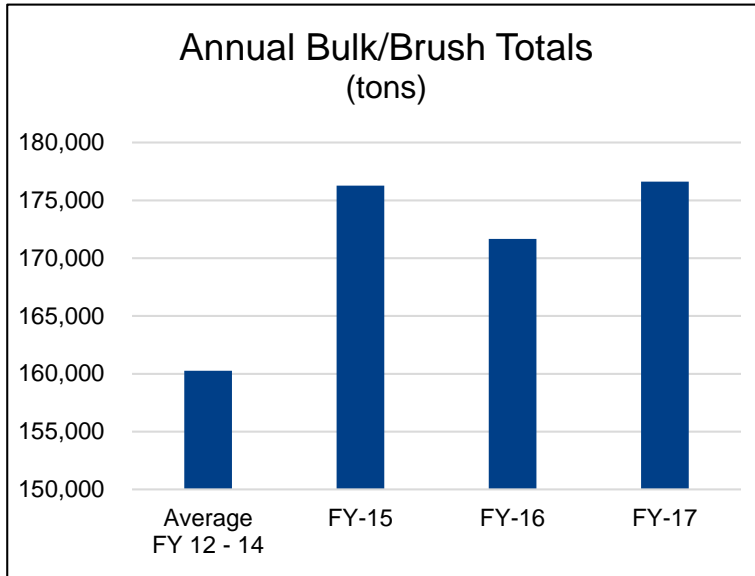
Recap - Why Change the Current Program?

- Collection tonnage has increased by over 25,000 tons annually since 2013
 - In the last two years, crews were only able to finish by Friday about 60% -70% of the time
- Tonnage can vary significantly from week to week and month to month, creating inefficiencies
- Frequent collections and lack of restrictions can contribute to neighborhood blight
- Bulk and brush material is commingled and cannot be effectively diverted
 - Making progress towards the City's residential diversion goal of 40%, by 2020, requires diversion of brush/yard waste

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Recap - Why Change the Current Program?

Annual Increases and Month Variations



Recap - February 26 Committee Briefing

- Reviewed results of a recently completed citywide field survey related to bulk and brush collections
 - The survey of about 5,200 homes over six months indicated:
 - Most residents used the bulk and brush collection service at least once during the survey period, but 73% only used the service once or twice
 - Over 55% of the material was brush and yard waste, 17% commingled brush and non-brush, and 28% non-brush
 - About 85% of the time residents placed less than 5 cubic yards of material out for collection
- With new survey information available, program alternatives were reviewed

Recap - February 26 Committee Briefing

- The Committee generally supported:
 - Separating collection of bulk and brush/yard waste
 - Continued monthly brush/yard waste collection
 - Limits on the size and number of bulk collections
 - Few limits, if any, on brush/yard waste material
- The Committee also asked staff to:
 - Bring back a preferred alternative based on input and provide cost impacts and timeline for implementation
 - Review the use of compostable bags for yard waste
 - Evaluate the need to create a free bags program
 - Review and update the current “cost plus” process for better customer experience and efficiency

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New Collection Alternative



New Collection Alternative Developed

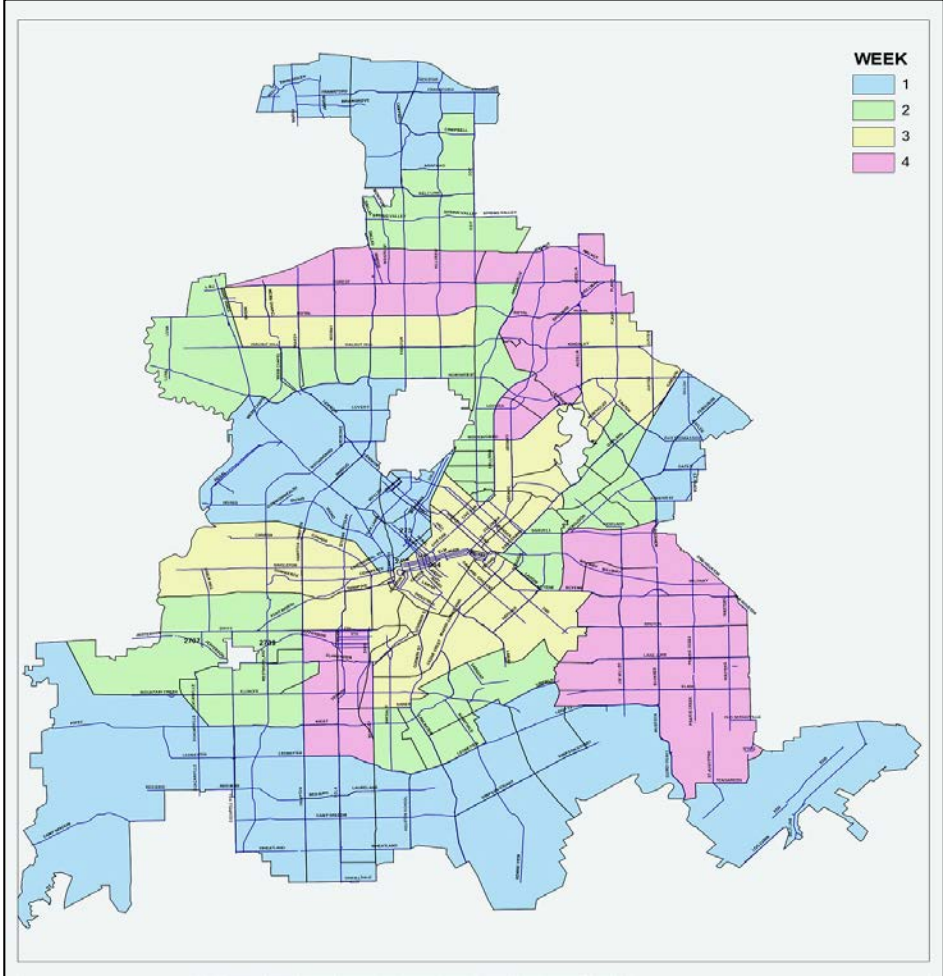
- Based on Committee input, a new collection alternative was developed
 - Maintains monthly brush/yard waste collection
 - Based on Committee feedback, staff recommends a maximum limit of 35 cubic yards (equal to one brush trailer)
 - Bagged yard waste must be in a paper yard bag or compliant compostable bag
 - Yard waste in plastic bags will be considered bulk waste and won't be collected as part of brush and yard waste collection
 - No change in current collection weeks

New Bulk and Brush Collection Alternative

- Bulk would only be collected quarterly, but during the same week as brush and yard waste
 - During the quarterly collection bulk and brush/yard waste must be separated at the curb and not commingled
 - Staff recommends a 10 CY limit on bulk material
 - Each collection week would be divided into 3 separate bulk groups for quarterly collection

Quarterly Bulk Collection Schedule (Draft)		
Schedule A	Schedule B	Schedule C
January	February	March
April	May	June
July	August	September
October	November	December

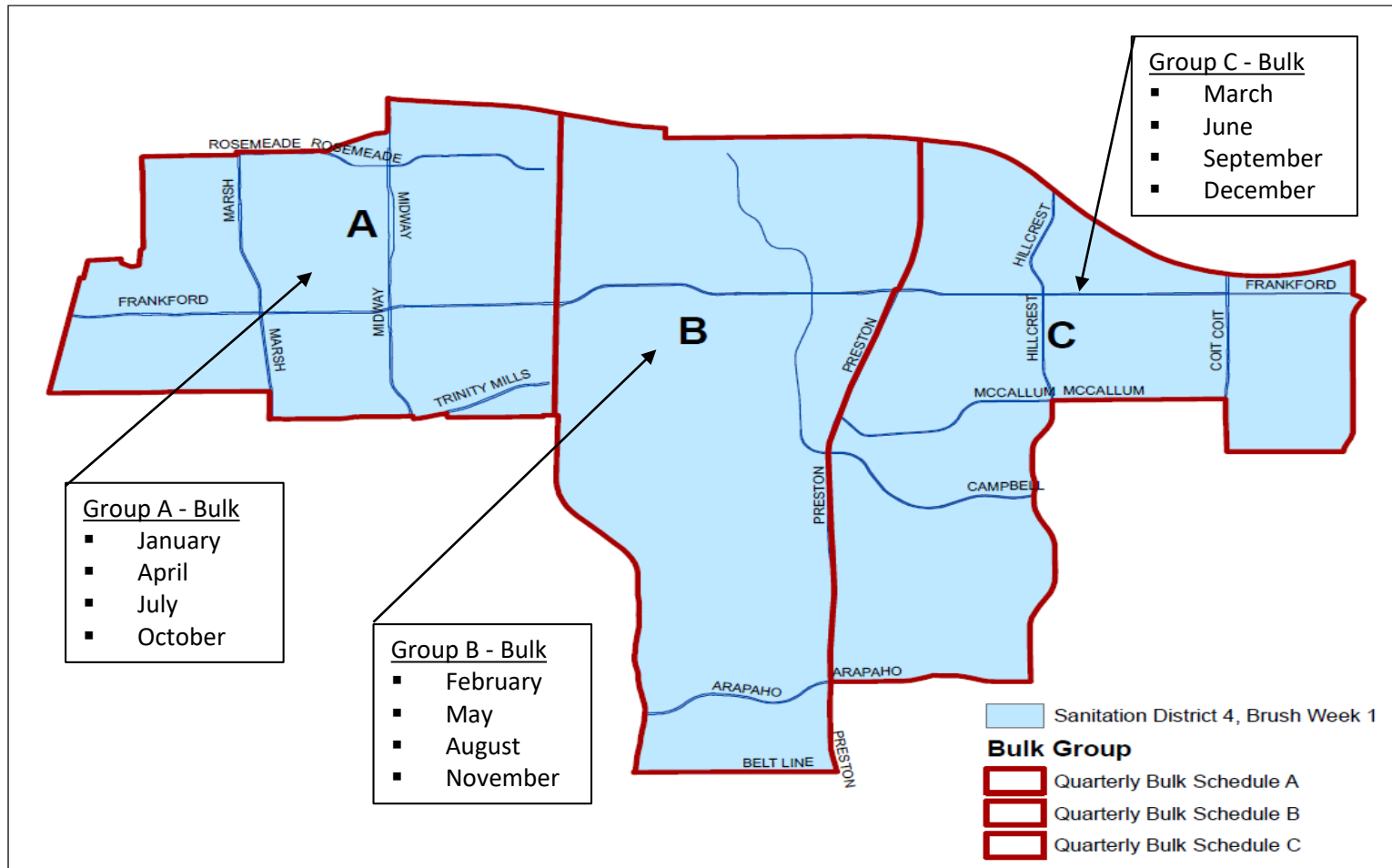
Current Collection Weeks - Overview



Citywide Bulk and Brush – Weeks of Service



Example of Quarterly Schedule Map



Far North – Week 1 (Brush/Yard Waste – All Areas)

New Scenario - Financial Impacts

- The financial impact of the new scenario is short-term neutral, since cost reductions are offset by ongoing or short-term cost increases
 - Slight decrease in Crew Leader positions and Truck Driver positions
 - Estimated decrease in overtime due to reduced tonnage and “right sizing” operations
 - Increased use of 19 contracted laborers
 - Increased up front capital to procure 18 new rear loaders (amortized over 5 years)
- Net positive operational savings of up to \$1M annually could be realized over the long term

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New Scenario - Diversion Opportunities

- It is estimated that the new scenario could divert or allow beneficial re-use of approximately 90,000 tons of brush and yard waste annually
 - Could increase overall diversion by over 12%
 - From 20% to over 32%
 - Equates to about 2.7M tons over a 30-year period
 - Approximately two years of landfill space
 - Current gate rate value of \$67.5M

New Scenario - Yard Waste Collection Bags

- Diverting yard waste material, such as bagged leaves, will require that the material not be placed in plastic bags
- Two types of bags are typically allowed for yard waste collected for diversion, “kraft” paper yard bags and compostable bags
 - The cities of Austin, Fort Worth, San Antonio and Plano only allow paper yard bags
 - Of the major Texas cities, only Houston requires the use of certified compostable bags
- We could tentatively agree to allow both and refine if needed with further research

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Bagged Yard Waste - Bag Considerations

- “Kraft” paper yard bags
 - Reasonable cost
 - No confusion related to compostable, biodegradable or plastic bags
 - Due to lack of opacity, “hidden” trash not easily identified
- Compostable bags
 - Typically allows for better visual inspection of material inside
 - Slightly higher cost than paper yard bags
 - Can be confused with other plastic bags or non-compliant bags
 - Need to meet standards for commercial or municipal composting use (US ASTM D6400 or European EN13432)
- Staff reviewed the need to provide free bags to residents, but a program does not appear warranted at this time

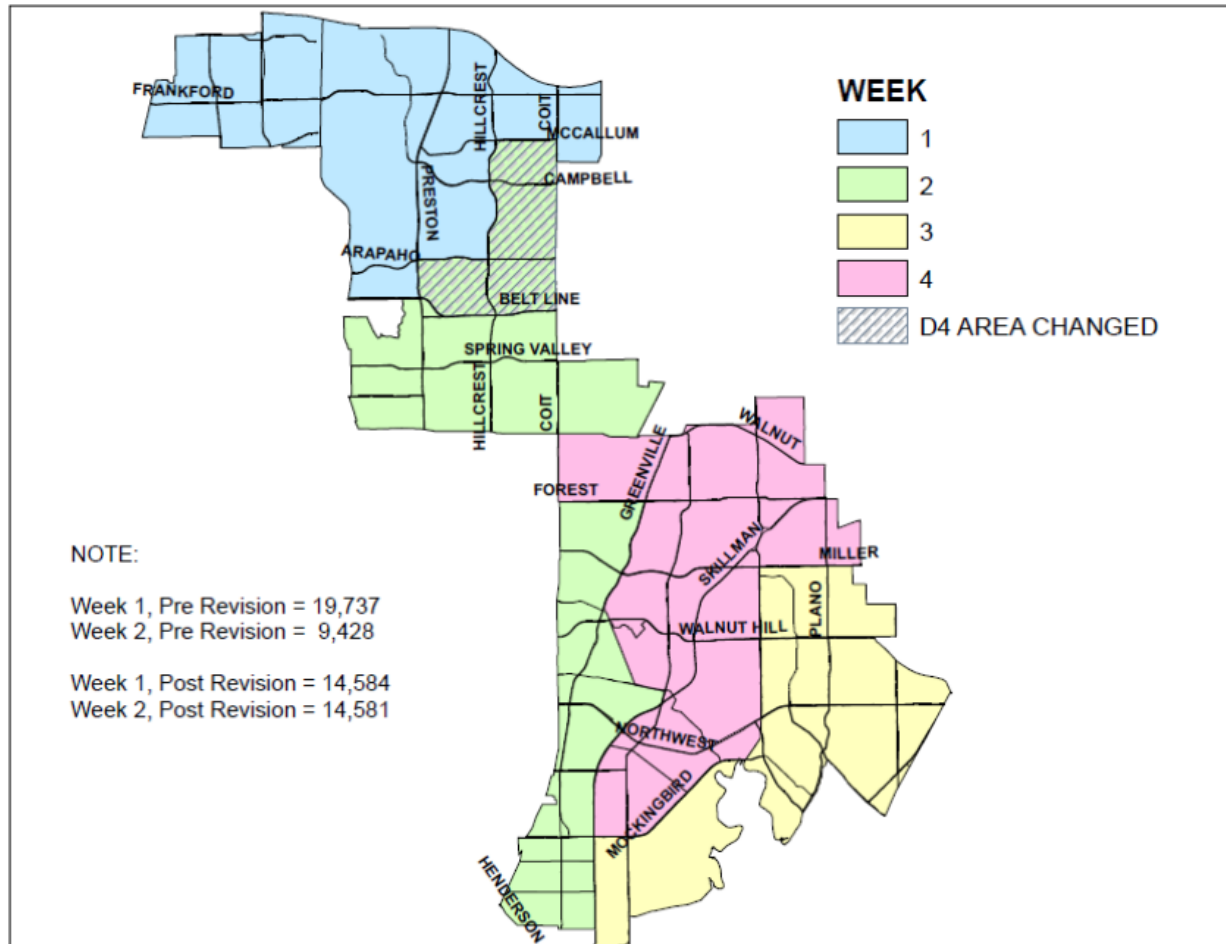
Other Related Program Considerations



Brush/Bulk Week Realignment

- There are a few bulk and brush weeks that currently need realignment to better distribute the number of households collected during a given week
 - Some weeks have significant household disparities
 - For example, a Sanitation district may have a Week 3 house count of 9,000 homes and a Week 4 house count of 18,000 homes
- Previously, Week 1 and Week 2, in far north Dallas, were realigned based on a disparity of almost 10,000 homes between weeks
 - The realignment was successfully completed and has been beneficial to service delivery and operational efficiency

Brush Week Realignment - Example



Week 1 and Week 2 Realignment (Far North)

Consideration of a Citizen Drop Off Site - Temporary/Pilot Site

- Council could also consider developing a neighborhood drop-off site in coordination with program changes
- A drop-off site would be self-service in an area that currently has limited self disposal options
 - Should be strategically placed for convenient access
 - Minimally staffed, appropriately designed, and landscaped
 - Intended to discourage neighborhood illegal dumping by providing a convenient drop off location
 - Per TCEQ regulations, the facility would be “for the convenience and exclusive use of residents” (no commercial or industrial users or collection vehicles)

Consideration of a Citizen Drop Off Site - Temporary/Pilot Site

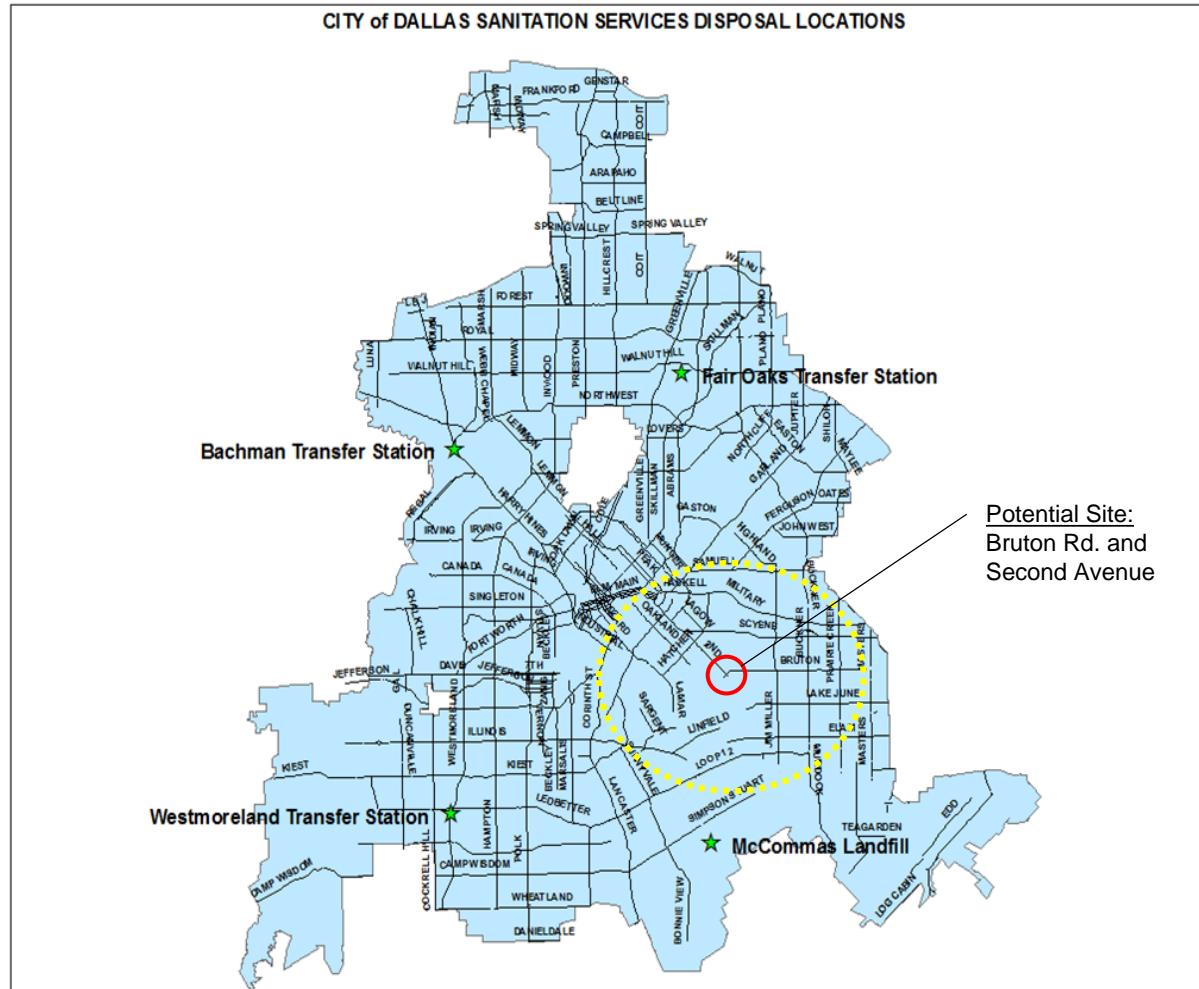
- Sanitation staff could pursue a facility with minimal start up costs and utilizing existing City property
 - Preliminary estimated annual operating cost of about \$300-\$400K, but site requirement could affect cost
 - Would require purchase of equipment and containers
 - Site could be minimally staffed (2-3 staff members)
 - Site may require some paving, fencing and landscaping
 - May require a small mobile/temporary office building
 - About \$0.12 - \$0.16 increase in the residential fee
- A typical, fully developed, neighborhood drop off site requires 1-2 acres and with a capital cost of approximately \$2.5M - \$3.5M
 - A fully developed site could be considered if temporary site proves to be successful (see appendix for examples)

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Potential Citizen Drop-Off Site

- A site near Bruton Road and Second Avenue has been identified as a potential citizen drop-off site
 - Site has good highway and major thoroughfare access
 - The City owns several parcels of land in this area
 - Site is situated in a geographic area that could benefit from a convenient citizen drop-off location
- Additional review and research would be needed
 - Site is in the floodplain which may restrict such site
 - TCEQ requirements would have to be met, which requires further review
 - Site zoning would have to be reviewed
 - Unintended consequences would have to be considered
- If the Committee would like to consider this further, staff will proceed with a more detailed review of this site's viability or another site

Potential Citizen Drop-Off Site



Cost Plus Improvements

- Conceptual new process:
 - Citizen calls for service and is informed of potential service cost based on sizes
 - May be e-mailed or referred to Sanitation's website for more cost of service details (including graphics for estimating set-out size)
 - If citizen wants to proceed, collection is scheduled and they verbally agree to be billed for service based on set-out size at time of collection
 - Before collection the set-out size is measured and photographed
 - Material is collected, paperwork and associated photograph(s) uploaded into CRMS, the service request is closed and referred to billing
 - The department's financial service division will place the collection charge on the citizen's next water bill
- Additional details, documentation and legal requirements, CRMS configuration and process flow need to be further refined

Program Changes – Potential Timeline



Bulk and Brush Program Changes - Implementation Timeline (if approved)

- June 6, 2018
 - Full Council briefing on proposed collection changes
- August/September 2018
 - City Council consideration of collection program changes as part of budget adoption process
- October 1, 2018 through September 30, 2019
 - Equipment Procurement and delivery
 - Education and Outreach on program changes
- December 2018
 - Publish 2019 collection schedule, indicating new schedule to begin in October 2019

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Bulk and Brush Program Changes - Implementation Timeline (if approved)

- October 1, 2019
 - First quarterly bulk collection, with limits, for Group A
 - October through December “soft opening”
- December 2019
 - Publish 2020 calendars for the upcoming year

Bulk and Brush Week Realignmentments

- June 2018
 - Finalize brush week realignment
- July 2018 and August 2018
 - Brush week realignment outreach in the community
- September 1, 2018
 - Begin using new brush week areas

Bulk and Brush Collection Changes - Update

Quality of Life, Arts &
Culture Committee

May 14, 2018

Kelly High, Director
Sanitation Services



City of Dallas

Appendix



Review of Options - Impacts

Bulk and Brush Collection Scenarios and Potential Long-Term Savings

Material Type	Existing System	Scenario 1	Scenario 2	Scenario 3	New - Scenario 4
Yard Trimmings	Monthly	Monthly	Monthly	Every Other Month	Monthly
Large Brush			Twice per Year		
Bulky Items		Call- in*	Twice per Year	Every Other Month	Quarterly
Estimated Long-term Savings		(\$2.9M)	(\$4.0M)	(\$2.2M)	(\$1.1M)

* Analysis assumes a certain number of collections per year, with additional collections charged at an additional fee

Bulk and Brush Collection Scenarios and Estimated Collection Tonnage

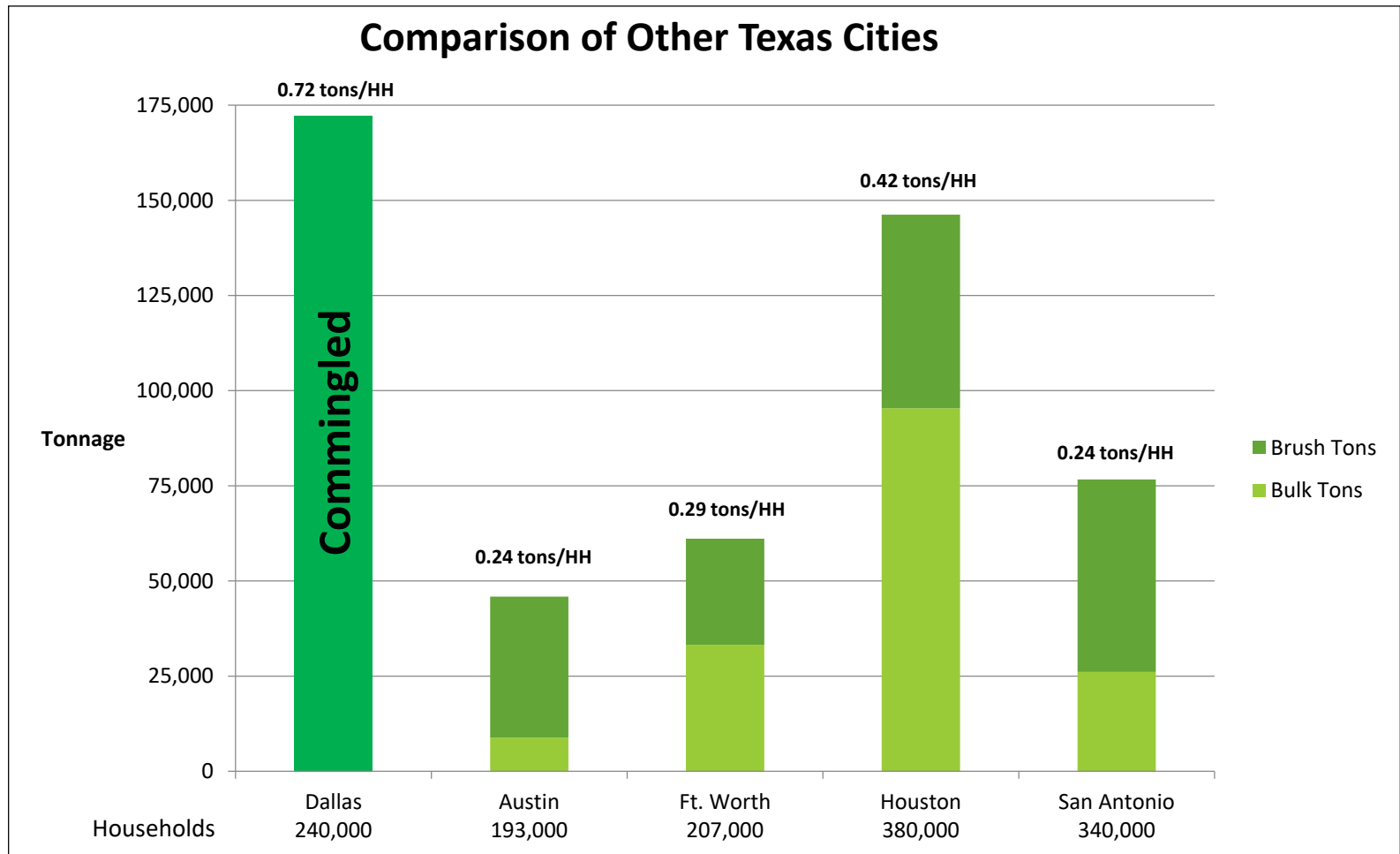
Material Type	Existing System	Scenario 1	Scenario 2	Scenario 3	New - Scenario 4
Yard Trimmings		35,000	35,000	73,500	35,000
Large Brush		54,250	31,000		54,250
Bulky Items		31,000	31,000	46,500	38,750
Total	176,232	120,250	97,000	120,000	128,000
Annual Pounds per Household	1,469	1,002	808	1,000	1,067

Comparison - Other Texas Cities

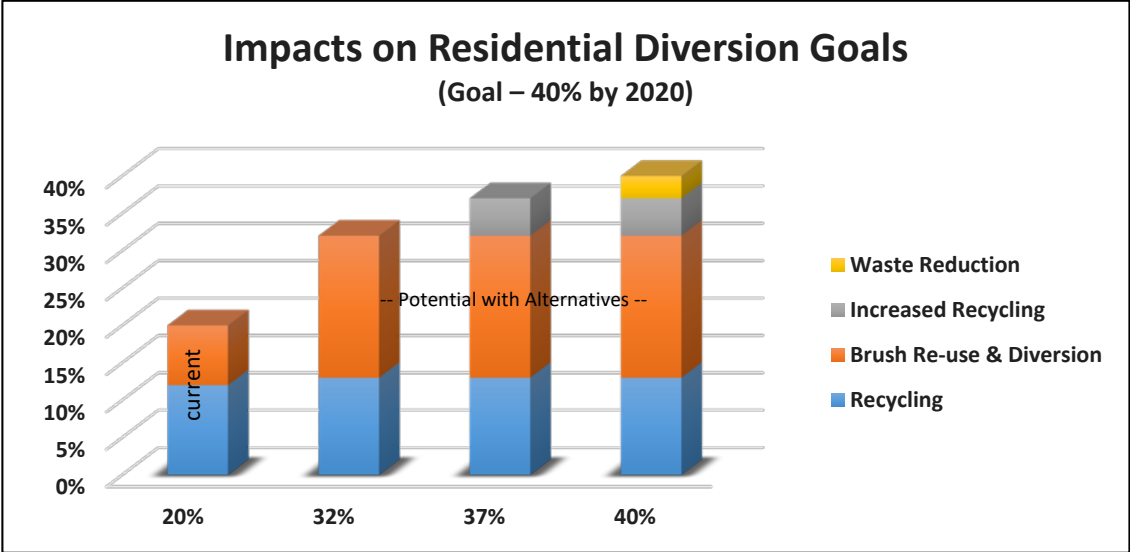
- Austin (193,000 households)
 - 2X per year bulk and 2x per year brush (restrictions)
 - Weekly yard waste (restrictions)
 - Bagged yard waste in “Kraft” paper yard bags only
- Ft. Worth (207,000 households)
 - Monthly bulk (10 CY limit)
 - No monthly brush, but weekly yard waste (restrictions)
 - Bagged yard waste in “Kraft” paper yard bags only
- Houston (380,000 households)
 - Alternating bulk and brush months (8 CY limit)
 - Weekly yard waste (restrictions)
 - Bagged yard waste in “Kraft” paper yard bags or ASTM 6400D compostable bags
- San Antonio (340,000 households)
 - 2X per year bulk and 2x per year brush (8 CY limit)
 - Bagged yard waste in “Kraft” paper yard bags only

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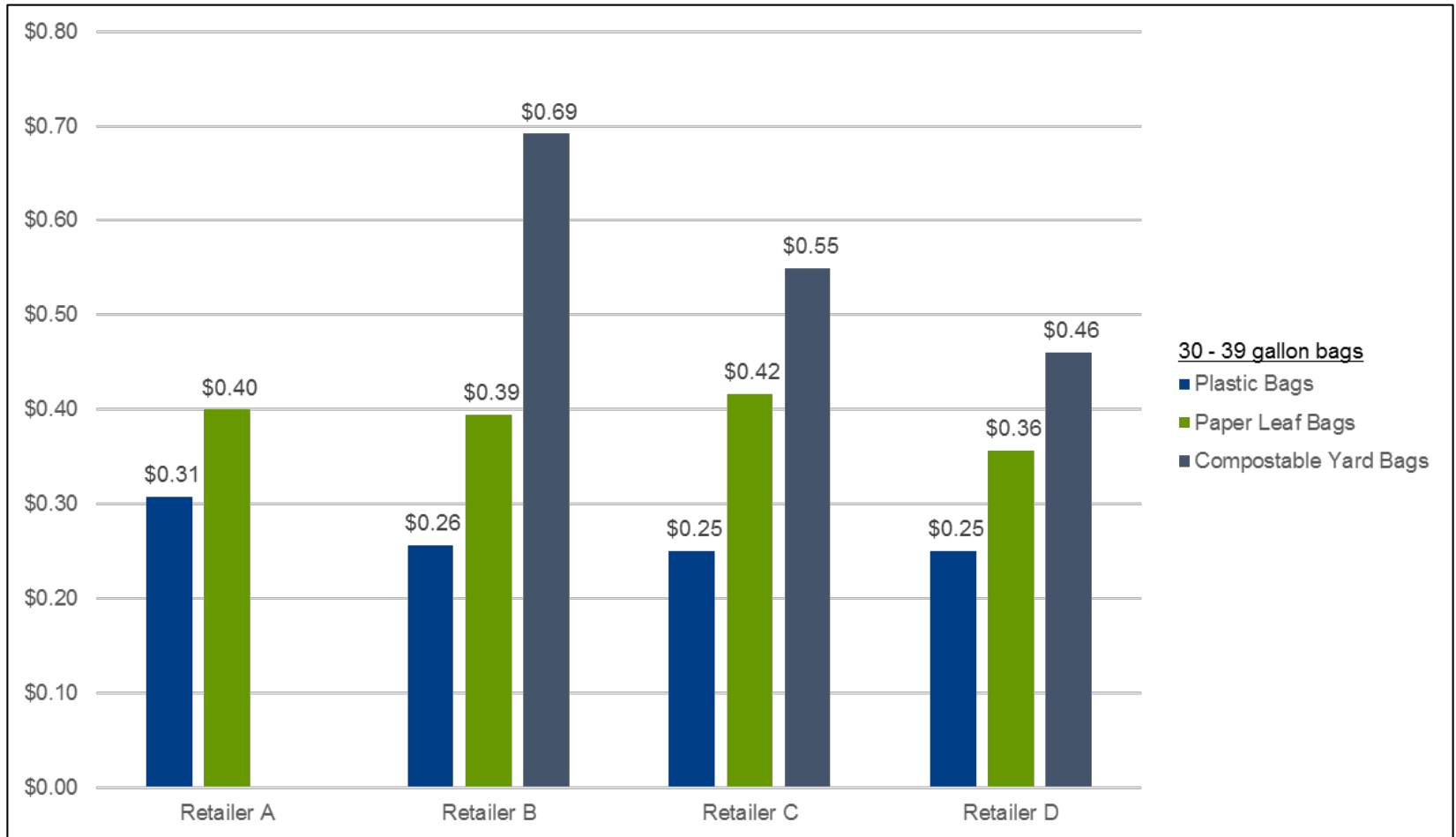
Bulk and Brush Tonnage Comparison



Impacts on Residential Diversion



Bagged Yard Waste - Bag Cost Comparison



Brush and Yard Waste Diversion

- Brush and Yard Waste Diversion Program Development
 - Over the next year, staff will review options and best practices, including in-house, contracted and/or a public/private partnership for operation of a mulching or composting facility
 - Look at options for free citizen mulch and potential to provide mulch for other city departments (e.g., Parks)
 - Until a new collection program is established and the actual composition of the green waste stream is determined, a long-term diversion solution cannot be fully developed

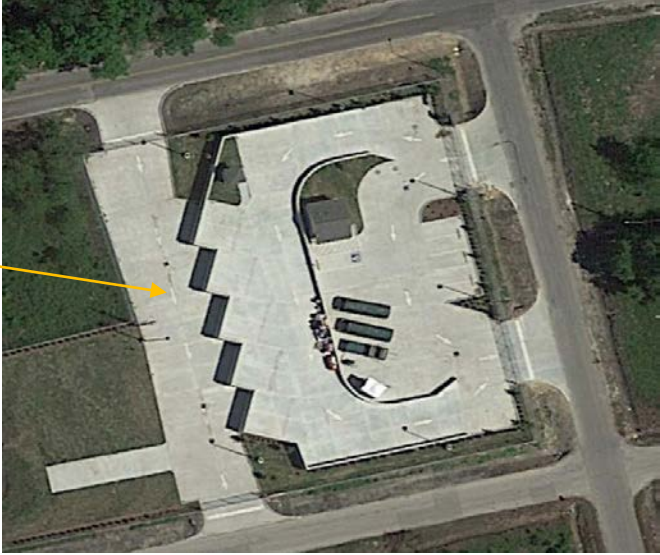
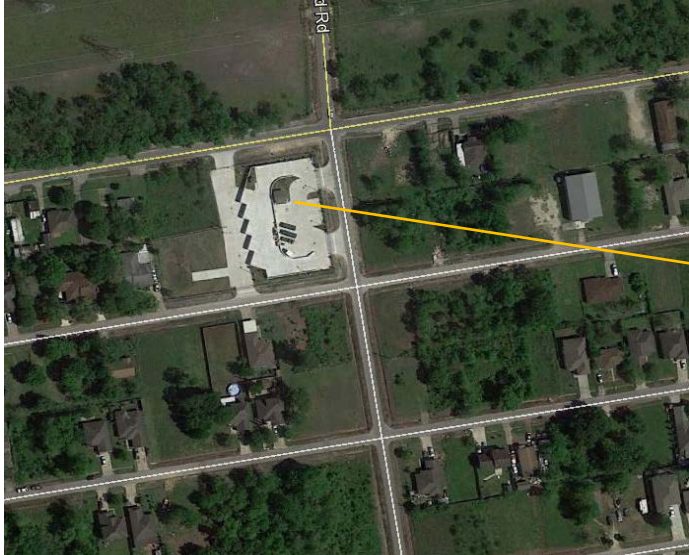
Citizen Drop-off Site (example)



San Antonio Neighborhood Drop Off

Citizen Drop-off Site (example)

Houston Neighborhood Drop Off



Temporary Drop-off Site – Site Ideas



Memorandum



DATE May 11, 2018

CITY OF DALLAS

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

SUBJECT **Downtown Dallas Proposed Parks Development and Funding Agreement**

On May 23, 2018, the Dallas City Council will consider the Agenda Item below, which authorizes the following:

1. A development and funding agreement with Pacific Plaza LLC, Harwood Park LLC, West End Plaza Park LLC, Carpenter Park LLC and Parks for Downtown Dallas (collectively referred to as Developer) for the four proposed downtown parks, including Pacific Plaza, Harwood Park, West End Plaza and Carpenter Park;
2. Land acquisition for West End Plaza in an amount not to exceed \$8,600,000;
3. Land acquisition for Harwood Park for up to the amount of Developer's purchase price, not to exceed \$11,787,216; and
4. Waiving the percentage for public art required by the Public Art Ordinance for the 2017 Bond Funds for Downtown Parks
 - a. This will allow Parks for Downtown Dallas' contribution of approximately \$877,000 for the redesign, fabrication and re-installation of the sculptures at Carpenter Park to serve as the public art assessment for the Downtown Parks.
 - b. This was briefed to the Public Art Committee on May 1, 2018.

This agreement outlines the responsibilities of both the City of Dallas and Parks for Downtown Dallas (PfDD), including PfDD's contribution of \$45.1 M for downtown parks. This item is being brought forward now so that the design and development of these proposed downtown parks may commence. PfDD will utilize the proceeds from the land acquisition for design and development of West End Plaza, Carpenter and Harwood Parks. This action is scheduled for May 23, 2018 in order not to delay progress of the 2017 Bond Program Downtown Parks projects.

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

A handwritten signature in black ink, appearing to read 'Willis Winters'.

Willis C. Winters, FAIA, Director
Park and Recreation Department

DATE May 11, 2018
SUBJECT Downtown Dallas Proposed Parks Development and Funding Agreement

C: Honorable Mayor and Members of the City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billerae Johnson, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)
Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donoghue, Chief of Resilience
Directors and Assistant Directors

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: May 23, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Park & Recreation Department

CMO: Willis Winters, 670-4071

MAPSCO: Various

SUBJECT

Authorize a three-year Interlocal Agreement with Grand Prairie Independent School District for transportation services - Not to exceed \$822,243 – Financing: General Funds (subject to annual appropriations)

BACKGROUND

Beginning May 1, 2018 through April 30, 2021, the following divisions of the Park and Recreation Department will utilize the bus services: Recreation Services, Senior Program Division, Special Services, Community Development Block Grant, Youth Services, After-School Program, and Send-A-Kid-to-Camp sites.

State law authorizes the procurement of services provided by another subdivision of the State without submitting the contract for competitive bidding. This may be accomplished by means of an Interlocal Agreement approved by the City Council.

The City of Dallas has contracted with Dallas Independent School District since 1988 to provide economical transportation for the participants in the summer programs and activities of the Park and Recreation Department. In November 2017, Dallas County voters elected to dissolve Dallas County Schools and all services rendered by this vendor. Therefore, the Park and Recreation Department is currently without bus transportation services for our recreational programs and events.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 3, 2018, the Park and Recreation Board authorized a three-year Interlocal Agreement with Grand Prairie Independent School District for transportation services.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on May 14, 2018.

FISCAL INFORMATION

General Funds - \$822,243 (subject to annual appropriations)

May 23, 2018

WHEREAS, Chapter 791 of the Texas Government Code and Texas Transportation Code Chapter 251 provides authorization for local governments to contract with each other for the performance of governmental functions and services; and

WHEREAS, Grand Prairie Independent School District provides bus services to the students of the Grand Prairie public schools; and

WHEREAS, the City of Dallas and Grand Prairie Independent School District desire to enter into a three-year Interlocal Agreement to provide transportation to participants of various programs and activities of the Park and Recreation Department.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a three-year Interlocal Agreement with Grand Prairie Independent School District, approved as to form by the City Attorney, for transportation services, in an amount not to exceed \$822,243.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a three-year Interlocal Agreement with Grand Prairie Independent School District, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$822,243 (subject to annual appropriations) to Grand Prairie Independent School District, in accordance with the terms and conditions of the Interlocal Agreement from Fund 0001, Department PKR, Unit 5071, Object 3060, Activity PK09, Encumbrance/Contract No. PKR-2018-00006424, Vendor VS97758.

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

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: May 23, 2018

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Park & Recreation Department
Department of Public Works

CMO: Willis Winters, 670-4071
Majed Al-Ghafry, 670-3302

MAPSCO: 45 L P Q

SUBJECT

Authorize **(1)** a development and funding agreement with Pacific Plaza LLC, Harwood Park LLC, West End Plaza Park LLC, Carpenter Park LLC and Parks for Downtown Dallas (collectively referred to as Developer) for the proposed downtown parks, including Pacific Plaza, Harwood Park, Carpenter Park and West End Plaza; **(2)** land acquisition for West End Plaza in an amount not to exceed \$8,600,000; **(3)** land acquisition for Harwood Park for up to the amount of Developer’s purchase price, not to exceed \$11,787,216; **(4)** the City, through its Park and Recreation Department, to use any remaining portion of the City’s Pacific Plaza environmental allocation for West End Plaza, Harwood Park, and Carpenter Park; and **(5)** waiving the percentage for public art required by the Public Art Ordinance for the 2017 Bond Funds for Downtown Parks – Not to exceed \$20,387,216 - Financing: 2006 Bond Funds (\$4,429,623) and 2017 Bond Funds (\$15,957,593)

BACKGROUND

The 2013 Downtown Parks Master Plan Update includes the following parks: Carpenter Park, Harwood Park, Pacific Plaza and West End Plaza. On March 22, 2017, City Council authorized the terms for the Development Agreement between the Pacific Plaza LLC and Parks for Downtown Dallas collectively the “Developer” and the City for the design and construction of a public park currently named Pacific Plaza; an Operating Endowment Agreement between the City and Developer by Resolution No. 17-0494. These Pacific Plaza agreements will remain in place.

BACKGROUND (continued)

This action will authorize **(1)** a development and funding agreement with Pacific Plaza LLC, Harwood Park LLC, West End Plaza Park LLC, Carpenter Park LLC and Parks for Downtown Dallas (collectively referred to as Developer) for the proposed downtown parks, including Pacific Plaza, Harwood Park, Carpenter Park and West End Plaza; **(2)** land acquisition for West End Plaza in an amount not to exceed \$8,600,000.00; **(3)** land acquisition for Harwood Park for up to the amount of Developer's purchase price, not to exceed \$11,787,216.00; **(4)** the City, through its Park and Recreation Department, to use any remaining portion of the City's Pacific Plaza environmental allocation for West End Plaza, Harwood Park, and Carpenter Park; and **(5)** waiving the percentage for public art required by the Public Art Ordinance for the 2017 Bond Funds for Downtown Parks.

Following are the proposed deal points for the Development and Funding Agreement and information concerning land acquisition:

General

- Agreement includes the development and funding of the parks outlined in the 2013 Downtown Parks Master Plan Update
- Term of agreement: Commence on execution and terminate one year after completion of construction and issuance of final acceptance letter from City for the parks

Funding

- Developer shall fund the balance of its \$44,100,000.00 commitment toward the development of the parks plus \$1,000,000.00 towards an operating endowment for Pacific Plaza
- Developer shall fund 100 percent of the design and construction of Pacific Plaza, per the Pacific Plaza Development Agreement and \$1,000,000.00 towards an operating endowment, per the Operating Endowment Agreement
- City shall fund \$35,000,000.00 in proceeds from the 2017 Bond Program and approximately \$4,400,000.00 from the 2006 Bond Program towards land acquisition and the development of Carpenter Park, Harwood Park and West End Plaza
 - The \$35,000,000.00 in 2017 Bond Funds requires a \$35,000,000.00 match from Developer
 - The amount that Developer has already spent on the parks and West End Plaza can apply towards the match funding requirement
- Any proceeds City earns from parking and building rentals on the West End Plaza and Harwood Park properties after the City's acquisition, may be used for the benefit of the parks: Carpenter Park, Harwood Park and West End Plaza

BACKGROUND (continued)

Land Acquisition

Pacific Plaza and Carpenter Park

- City currently owns the properties for Pacific Plaza and Carpenter Park

West End Plaza

- This item authorizes the acquisition of a tract of land located at 607 Corbin Street containing a total of approximately 34,000 square feet of land from West End Plaza Park LLC for West End Plaza. The total consideration for this acquisition is \$8,600,000.00. Funding is provided by 2006 and 2017 Bond Funds.
 - The 2006 Bond Funds for land acquisition for West End Plaza are not subject to a match funding requirement
- Developer will utilize the proceeds from the land acquisition for the design and development of West End Plaza and the two proposed downtown parks in accordance with the agreement.

Harwood Park

- Harwood Park LLC has acquired properties for Harwood Park (exclusive of Wood Street, which will be closed and vacated)
- City to acquire the Harwood Park properties from Harwood Park LLC utilizing 2017 Bond Funds
- Properties to be purchased up to the amount paid by the Harwood Park LLC, not to exceed \$11,787,216.00
- Developer will utilize the proceeds from the land acquisition for the design and development of Harwood Park and other proposed downtown parks in accordance with the agreement

Naming Opportunities

- Developer reserves naming rights for Pacific Plaza, Harwood Park and West End Plaza, subject to Park and Recreation Board approval
 - A minimum of \$10,000,000.00 to name Pacific Plaza or Harwood Park
 - A minimum of \$5,000,000.00 to name West End Plaza
- Components of each park can be named subject to Developer and Park and Recreation Department Director's approvals
- Naming rights proceeds will be used only for the proposed downtown parks
 - First for construction of the parks and then for a permanent endowment fund

BACKGROUND (continued)

Environmental

- Required environmental clean-up of the Pacific Plaza, Harwood Park and Carpenter Park and West End Plaza sites, if needed, shall be the responsibility of the City, up to \$2,000,000.00
 - Typically, the City is responsible for environmental remediation of their properties
 - Pacific Plaza agreement allowed for up to \$2,000,000.00 of City funds for environmental remediation for that park
 - In this Agreement, the balance of the \$2,000,000.00 in City funds approved for Pacific Plaza could also be utilized for Harwood Park, West End Plaza and Carpenter Park for costs associated with environmental remediation and required reports
- A Phase 1 Environmental Assessment of each of the sites has been completed

Design and Construction Responsibilities

- LLCs formed by Developer will manage the design and construction of each park
 - Subject to the City Representative's review and approval
 - Park and Recreation Department Director (or Director's designee) to serve as City's representative for this agreement
- For City bond-funded costs, City will procure construction contracts in accordance with all applicable laws and assign said contracts, upon award, to Developer to manage
 - For Carpenter Park, Harwood Park and West End Plaza, as an alternative, City can reimburse Developer for up to 30 percent of the public improvement costs, in accordance with state law developer participation requirements
- Any contracts entered into by LLCs formed by Developer related to agreements for design or construction of the parks, shall:
 - Comply with the City's Business Inclusion and Development Plan (BID Plan) to facilitate M/WBE participation
 - Developer to provide reports to the City on their good faith efforts to comply with the BID Plan
 - Contain insurance provisions with limits acceptable to the City
 - Release, indemnify and hold the City harmless
 - Obligate the contractor or firm to comply with all applicable state, federal, and local laws
- City representative will review and approve design development and construction documents
- City representative has right to inspect construction
- After completion of construction and acceptance by the City representative, each park will be turned over to the City for maintenance and operation

BACKGROUND (continued)

Dedication as Parks

- To the extent allowed by law, on or about the issuance of the Final Acceptance Letter applicable to each park, the City shall take all required actions to dedicate such park and its use as a public park under applicable law for the citizens of Dallas.

Public Art

- The expenditures by Developer in an estimated amount of \$1,250,000.00 for the artwork at Carpenter Park shall satisfy the percentage assessment for public art requirement in the Public Art Ordinance for both the private and 2017 Bond Program funding. Staff recommends that the percentage for public art for the 2017 Bond Funds for the proposed downtown parks be waived, as a result and that the City Manager recommend to the City Council such waiver pursuant to the Code.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 22, 2017, City Council authorized approval of the terms for the Development Agreement between the Pacific Plaza LLC and Parks for Downtown Dallas collectively the “Developer” and the City for the design and construction of a public park currently named Pacific Plaza; and approval of an Operating Endowment Agreement between the City and Developer; and recommendation for approval of both the Development and Operating Endowment Agreements, as approved as to form by the City Attorney's Office by Resolution No. 17-0494.

On April 19, 2018, the Park and Recreation Board was briefed regarding the Downtown Dallas Proposed Parks Development and Funding Agreement.

On May 3, 2018, the Park and Recreation Board authorized a development and funding agreement with Pacific Plaza LLC, Harwood Park LLC, West End Plaza Park LLC, Carpenter Park LLC and Parks for Downtown Dallas (collectively referred to as Developer) for the proposed downtown parks, including Pacific Plaza, Harwood Park, West End Plaza and Carpenter Park; land acquisition for West End Plaza; land acquisition for Harwood Park for up to the amount of Developer's purchase price; and the placeholder names of West End Plaza and Harwood Park.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on May 14, 2018.

FISCAL INFORMATION

2006 Bond Funds - \$4,429,622.55

2017 Bond Funds - \$15,957,593.45

<u>Council District</u>	<u>Amount</u>
2	\$11,787,216.00 (est.)
14	<u>\$ 8,600,000.00</u> (est.)
Total amount	\$20,387,216.00 (est.)

MAP

Attached

May 23, 2018

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROJECT 1": West End Plaza

"PROPERTY WEST": Approximately 34,000 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"USE": To be developed for park purposes; provided, however, to the extent fee title to the PROPERTY WEST is acquired, such title and the PROPERTY WEST shall not be limited to or otherwise deemed restricted to the USE herein provided. The property is not officially dedicated as municipal parkland; and, to the extent allowed by law, shall be dedicated as such time the property is developed for park purposes.

"PROPERTY INTEREST": Fee Simple Title with closing conditions to include all improvements and tenant lease(s), subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the conveyance instrument(s) approved as to form by the City Attorney and such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

"PROPERTY WEST OWNER": WEST END PLAZA PARK, LLC, a Texas limited liability company, provided, however, that the term "PROPERTY WEST OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PROPERTY WEST PURCHASE AMOUNT": An amount not to exceed the purchase price paid by WEST END PLAZA PARK LLC (\$8,600,000)

"CLOSING COSTS AND TITLE EXPENSES": \$0; to be paid by WEST END PLAZA PARK, LLC

"PROPERTY WEST AUTHORIZED AMOUNT": Not to exceed \$8,600,000

May 23, 2018

“PROJECT 2”: HARWOOD PARK

“PROPERTY HARWOOD”: Land located in Dallas County, Texas, generally bounded by Jackson, Young and Harwood Streets and S. Pearl Expressway, and being the same property generally identified in the initial concept drawing as "Concept Harwood Park", as depicted on "Exhibit B" attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto. Specific land description shall be provided upon approval of the final concept development plan.

“USE”: To be developed for park purposes, provided, however, to the extent fee title to the PROPERTY HARWOOD is acquired, such title and the PROPERTY HARWOOD shall not be limited to or otherwise deemed restricted to the USE herein provided. The property is not officially dedicated as municipal parkland; and to the extent allowed by law, shall be dedicated as such time the property is developed for park purposes.

"PROPERTY INTEREST": Fee Simple Title with closing conditions to include all improvements and tenant lease(s), subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the conveyance instrument(s) approved as to form by the City Attorney and such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

"PROPERTY HARWOOD OWNER": HARWOOD PARK, LLC, a Texas limited liability company, provided, however, that the term “PROPERTY HARWOOD OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PROPERTY HARWOOD PURCHASE AMOUNT": An amount not to exceed the purchase price paid by Harwood Park LLC (\$11,787,216)

“CLOSING COSTS AND TITLE EXPENSES”: \$0; to be paid by Harwood Park LLC

"PROPERTY HARWOOD AUTHORIZED AMOUNT": Not to exceed \$11,787,216

May 23, 2018

PROJECT 3": CARPENTER PARK

"PROPERTY CARPENTER": Approximately 5.6 acres of land owned by CITY in Dallas County, Texas, and being the same property generally depicted in "Exhibit C", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT 4": PACIFIC PLAZA

"PROPERTY PACIFIC": Approximately 3.2 acres of land owned by CITY located in Dallas County, Texas, generally bounded by Harwood Street on the east side, Pacific Avenue on the south side, St. Paul Street on the west side and Bryan Street/One Dallas Center on the north side, including existing James W. Aston Park, a portion of Live Oak Street between Harwood Street and St. Paul Street and existing sidewalk areas, and being the same property generally depicted in "Exhibit D", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"DEVELOPER": Collectively PROPERTY WEST OWNER, PROPERTY HARWOOD OWNER, CARPENTER PARK LLC, PACIFIC PLAZA LLC

"DEVELOPER ENTITIES": Collectively DEVELOPER and Parks for Downtown Dallas, a private operating foundation.

WHEREAS, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and

WHEREAS, CITY, by and through the City of Dallas Park and Recreation Department, and DEVELOPER ENTITIES desire to enter into a comprehensive development and funding agreement for the design and construction of West End Plaza, Pacific Plaza, Harwood Park, and Carpenter Park (the agreement hereinafter the "Downtown Parks Agreement"); and

WHEREAS, the parties agree that PROPERTY WEST, PROPERTY HARWOOD, PROPERTY CARPENTER, and PROPERTY PACIFIC are necessary for the completion of PROJECT 1, PROJECT 2, PROJECT 3, and PROJECT 4, respectively; and

WHEREAS, CITY, as owner, will contribute PROPERTY CARPENTER, and PROPERTY PACIFIC for PROJECT 3 and PROJECT 4, respectively; and

May 23, 2018

WHEREAS, CITY and DEVELOPER ENTITIES agree to consummate the necessary sale transaction to transfer title to PROPERTY WEST and PROPERTY HARWOOD from PROPERTY WEST OWNER and PROPERTY HARWOOD OWNER respectively, to CITY for PROJECT 1 and PROJECT 2, for the PROPERTY WEST PURCHASE AMOUNT and the PROPERTY HARWOOD PURCHASE AMOUNT, respectively; and

WHEREAS, the parties agree the proceeds of the sales are necessary for the completion of PROJECT 1, PROJECT 2, and PROJECT 3, and DEVELOPER ENTITIES will contribute said proceeds to said projects costs; the Downtown Parks Agreement shall provide that the sale proceeds shall be contributed toward PROJECT 1, PROJECT 2, and PROJECT 3 costs; and

WHEREAS, to the extent there are existing tenant leases on PROPERTY WEST AND PROPERTY HARWOOD, the parties agree said leases will be assigned to and assumed by CITY, and CITY shall contribute lease revenues toward PROJECT 1, PROJECT 2, and PROJECT 3 costs; and

WHEREAS, on March 22, 2017, the City Council authorized approval of the terms for a Development Agreement between the City and Pacific Plaza LLC and Parks for Downtown Dallas collectively the "Developer" and the City for the design and construction of a public park currently named Pacific Plaza; and approval of an Operating Endowment Agreement between the City and Developer and recommendation for approval of both the Development and Operating Endowment Agreements, as approved as to form by the City Attorney's Office by Resolution No. 17-0494; and

WHEREAS, the Pacific Agreements will remain in place between the parties and any references to Pacific Plaza in the Downtown Parks Agreement shall not create or expand obligations or rights of the parties outside of the Pacific Agreements; provided however, CITY desires to use any remaining portion of the CITY's Pacific Plaza environmental allocation for PROJECT 1, PROJECT 2, and PROJECT 3; and

WHEREAS, the expenditures by Developer for the artwork at Carpenter Park shall satisfy the percentage assessment for public art requirement in the Public Art Ordinance for both the private and 2017 Bond Program funding applicable to the parks subject of the Downtown Parks Agreement; and

WHEREAS, upon final acceptance of the completed park by the CITY, to the extent allowed by law the park and its use shall be deemed to be a dedicated park under applicable law.

May 23, 2018

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board and the City Manager, and/or the City Manager's designees, is hereby authorized to sign a development and funding agreement ("Downtown Parks Agreement") with Pacific Plaza LLC, Harwood Park LLC, West End Plaza Park LLC, Carpenter Park LLC and Parks for Downtown Dallas (collectively referred to as "DEVELOPER ENTITIES"), approved as to form by the City Attorney, for the design and construction of the proposed downtown parks, including Pacific Plaza, Harwood Park, West End Plaza and Carpenter Park. The Pacific Agreements will remain in place between the parties and be controlling as to Pacific Plaza development and any references to Pacific Plaza in the Downtown Parks Agreement shall not create or expand obligations or rights of the parties outside of the Pacific Agreements; provided however the Downtown Parks Agreement shall provide that CITY, through its Park and Recreation Department is authorized to use any remaining portion of the CITY's Pacific Plaza environmental allocation for PROJECT 1, PROJECT 2, and PROJECT 3.

SECTION 2. That the duration of the development and funding agreement shall commence on execution and terminate one year after completion of construction and issuance of final acceptance letter from CITY for the projects.

SECTION 3. That the USE of the PROPERTY WEST for PROJECT 1 is a public use.

SECTION 4. That the USE of the PROPERTY HARWOOD for PROJECT 2 is a public use.

SECTION 5. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY WEST and PROPERTY HARWOOD for PROJECT 1 and PROJECT 2, respectively.

SECTION 6. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY WEST AND the PROPERTY HARWOOD, respectively, pursuant to the conveyancing instrument(s) approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction, including the assignment to and assumption by CITY of existing tenant leases.

May 23, 2018

SECTION 7. That to the extent the PROPERTY WEST is being purchased wholly or partly with bond proceeds CITY has obtained independent appraisals of the PROPERTY WEST's market values.

SECTION 8. That to the extent the PROPERTY HARWOOD is being purchased wholly or partly with bond proceeds CITY will obtain independent appraisals of the PROPERTY HARWOOD's market values.

SECTION 9. That in the event the PROPERTY WEST acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the PROPERTY WEST OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PROPERTY WEST PURCHASE AMOUNT payable out of 2006 and 2017 Bond Funds from Encumbrance/Contract No. PKR-2018-00006291 as follows:

West End Plaza

Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit U757 Object 4230, Activity SSUD, Program PB06U757 Commodity 94615, Vendor 342843	\$2,831,100.00
Street and Transportation Improvements Fund Fund 3T22, Department PBW, Unit U757 Object 4230, Activity SSUD, Program PB06U757 Commodity 94615, Vendor 342843	\$1,169,188.87
Street and Transportation Improvements Fund Fund 4T22, Department PBW, Unit U757 Object 4230, Activity SSUD, Program PB06U757 Commodity 94615, Vendor 342843	\$ 426,399.74
Street and Transportation Improvements Fund Fund 8T22, Department PBW, Unit U757 Object 4230, Activity SSUD, Program PB06U757 Commodity 94615, Vendor 342843	\$ 2,933.94
2017 Bond Fund Fund 1V00, Department PKR, Unit VB03 Object 4230, Activity PKLA, Program PK17VB03 Commodity 94615, Vendor 342843	<u>\$4,170,377.45</u>
Total amount not to exceed	\$8,600,000.00

May 23, 2018

SECTION 9. (continued)

The PROPERTY WEST PURCHASE AMOUNT shall not exceed the PROPERTY WEST AUTHORIZED AMOUNT.

SECTION 10. That in the event the PROPERTY WEST acquisition closes, and active lease(s) are in effect, the City Manager, and/or the City Manager's designees, is hereby authorized and directed to assume or terminate the lease(s) under terms and conditions approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction. All revenue generated from assumed lease(s), if any, shall be used for development costs for the proposed downtown parks.

SECTION 11. That in the event the PROPERTY WEST acquisition closes, the Chief Financial Officer is hereby authorized and directed to deposit funds in accordance with the terms and conditions of any assumed lease(s) as follows:

Capital Gifts, Donation and Development Fund
Fund 0530, Department PKR, Unit W306
Activity DWTN, Program PKWEPLZ
Revenue Code 8471 or Revenue Code 744A

SECTION 12. That in the event the PROPERTY HARWOOD acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the PROPERTY HARWOOD OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PROPERTY HARWOOD PURCHASE AMOUNT, not to exceed \$11,787,216, payable out of 2017 Bond Funds from Fund 1V00, Department PKR, Unit VB03, Object 4230, Activity PKLA, Program PK17VB03, Commodity 94615, Encumbrance/Contract No. PKR-2018-00006291, Vendor 342843. The PROPERTY HARWOOD PURCHASE AMOUNT shall not exceed the PROPERTY HARWOOD AUTHORIZED AMOUNT.

SECTION 13. That in the event the PROPERTY HARWOOD acquisition closes, and active lease(s) are in effect, the City Manager, and/or the City Manager's designees, is hereby authorized and directed to assume or terminate the lease(s) under terms and conditions approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction. All revenue generated from assumed lease(s), if any, shall be used for development costs for the proposed downtown parks.

May 23, 2018

SECTION 14. That in the event the PROPERTY HARWOOD acquisition closes, the Chief Financial Officer is hereby authorized and directed to deposit funds in accordance with the terms and conditions of any assumed lease(s) as follows:

Capital Gifts, Donation and Development Fund
Fund 0530, Department PKR, Unit W307
Activity DWTN, Program PKHRWDPK
Revenue Code 8471 or Revenue Code 744A

SECTION 15. That CITY is to have possession and/or use, as applicable, of the PROPERTY WEST and PROPERTY HARWOOD, respectively, at closing; and in accordance with the Downtown Parks Agreement, Downtown Parks Developer will pay any title expenses and closing costs.

SECTION 16. That the funds expended by the Developer for artwork at Carpenter Park satisfy the percentage assessment for public art requirement in the Public Art Ordinance for both the private and 2017 Bond Program funding applicable to the parks subject of the Downtown Parks Agreement.

SECTION 17. That CITY, through its Park and Recreation Department, use any remaining portion of the CITY's Pacific Plaza environmental allocation for PROJECT 1, PROJECT 2, and PROJECT 3.

SECTION 18. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: May 23, 2018

COUNCIL DISTRICT(S): 12

DEPARTMENT: Park & Recreation Department

CMO: Willis Winters, 670-4071

MAPSCO: 5 Y Z

SUBJECT

Authorize **(1)** acquisition from SHOPCO DEV LLC, of a tract of land containing a total of approximately 65,716 square feet located at 6959 Arapaho Road for a proposed new park; and **(2)** a twenty-year development and maintenance agreement, with two five-year renewal options, with SHOPCO DEV LLC for the new park to be located at 6959 Arapaho Road - Not to exceed \$1,470,000 (\$1,450,000, plus closing costs and title expenses not to exceed \$20,000) - Financing: 2017 Bond Funds

BACKGROUND

In the 2017 Bond Program, Council District 12 included an allocation of \$6,500,000 in discretionary funds for land acquisition and development of a new park in northern Dallas. SHOPCO DEV LLC (SHOP) has approached the City to consider a site under their control within the existing Hillcrest Village Shopping Center for such park. The City's Park and Recreation Department staff find the site is suitable for a park purpose. The land proposed for the park will provide for development of open space that will serve the community, in addition to the workers and patrons of the shopping center.

SHOP intends on purchasing Hillcrest Village Shopping Center and is willing to sell a portion of the Shopping Center site to the City for the development of a park to serve Northern Dallas. This item authorizes the acquisition of a tract of land containing a total of approximately 65,716 square feet from SHOP for the proposed new park. The total consideration for this acquisition is \$1,470,000 based on an independent appraisal (\$1,450,000, plus closing costs and title expenses not to exceed \$20,000).

BACKGROUND (continued)

SHOP acknowledges this acquisition is not intended to proceed under eminent domain. A portion of the land proposed for the park is currently encumbered with buildings which SHOP will be responsible to remove prior to closing on the land transfer to the City. The City funds for land acquisition will be placed in escrow and closing on the property shall be contingent on SHOP presenting copies of the demolition permit(s) for removal of the improvements and final inspection completion report(s) from the Building Official.

Due to the park's location within the Hillcrest Village Shopping Center, SHOP will provide City access and parking rights on the adjacent property to be owned by SHOP. SHOP shall be responsible for any relocation expenses related to the acquisition.

Staff recommends approval of this acquisition with the condition that this property is not officially dedicated as municipal parkland until such time the property is developed for its intended use.

It is proposed that SHOP and the City enter into a development and maintenance agreement which outlines the roles and responsibilities for the proposed park. Following are the proposed deal points:

General

- The term of agreement is for 20 years, with two five-year renewal options and allows the City to terminate for convenience
- SHOP shall retain naming rights to the proposed park, after the park is developed and dedicated as park land, subject to the approval of the Park and Recreation Department Director

Development Phase: Design

City

- Shall have the ability to review the schematic design plans and approve prior to proceeding to the next phase
- Shall fund and manage the design contract from Design Development phase through the end of construction
- Shall provide SHOP the plans for their review; however, the decisions on the final park design shall belong to the City

BACKGROUND (continued)

Development Phase: Design (continued)

SHOP

- Shall provide the schematic design of the park as a gift to the City and they will manage the schematic design process
- Shall take the lead in soliciting public input and to include the City in public input and design reviews
- Shall ensure that the schematic design fits within the available budget provided in the 2017 Bond Program
- Shall ensure that the schematic design takes into consideration maintenance, vandalism and operational issues
- Shall ensure that the schematic design takes into consideration the land as a City park, open to the public

Development Phase: Construction

City

- Shall be responsible for funding, procuring and overseeing the construction of the park
- City's contractor will be responsible for the park site during construction

SHOP

- Access provided per legal documents
- Shall protect the tenants, their customers and property during construction of the park (fencing, etc.)

Operations/Maintenance Phase

City

- Shall provide the standard maintenance for a neighborhood park, subject to appropriations. In general, standard maintenance includes
 - If the City books an event at the park, the City shall be responsible for any associated maintenance attributable to that event
- Shall coordinate events with SHOP, including parking needs, set-up and tear-down activities, etc.
- Shall be responsible for major maintenance, subject to appropriations

BACKGROUND (continued)

Operations/Maintenance Phase (continued)

SHOP

- Shall provide enhanced maintenance for the park as required due to the adjacent uses
 - Mowing, if more frequent than every 7 days
 - Trash/litter pick up if more frequent than the City of Dallas' standard
 - If SHOP desires major maintenance, they have the right, but not the responsibility for such maintenance (Examples: replacement of turf, maintenance of any structures, replacement of lighting, replacement of paving, etc.)
- SHOP has the right to make capital improvements to the park, subject to the approval of the Park and Recreation Department Director, and subject to terms regarding indemnification, insurance, any required payment and performance bonds, and adherence to all applicable codes and ordinances
- Shall not restrict access to the park from their property, unless there is an emergency requiring such restriction; SHOP will notify the City immediately in this event
- Shall allow use of the Hillcrest Village Shopping Center parking and driveways to park patrons
- If SHOP desires to book an event at the park, they will go through the normal reservation process, including acquiring any necessary permits for the associated activities
- Shall be responsible for any maintenance associated with the event
- Shall provide access and parking rights for the benefit of the park

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 15, 2018, the Park and Recreation Board was briefed on the proposed new city park at Hillcrest Road and Arapaho Road.

On March 22, 2018, the Park and Recreation Board authorized the acquisition.

On May 3, 2018, the Park and Recreation Board authorized a twenty-year development and maintenance agreement, with two five-year renewal options, with SHOPCO DEV LLC.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on May 14, 2018.

FISCAL INFORMATION

2017 Bond Funds - \$1,470,000 (\$1,450,000, plus closing costs and title expenses not to exceed \$20,000)

OWNER

SHOPCO DEV LLC

Pete Podesta, Managing Member

Rand Horowitz, Managing Member

David Sacher, Managing Member

Jay Ceitlin, Managing Member

John Doubleday, Managing Member

MAP

Attached

May 23, 2018

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 65,716 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Hillcrest Village Green Project

"USE": To be developed for park purposes, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided. The property is not officially dedicated as municipal parkland and shall be dedicated as such time the property is developed for park purposes.

"PROPERTY INTEREST": Fee Simple Title subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

"OWNER": SHOPCO DEV LLC, a Texas limited liability company, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$1,450,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$20,000

"AUTHORIZED AMOUNT": Not to exceed \$1,470,000

WHEREAS, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and

May 23, 2018

WHEREAS, the CITY and SHOPCO DEV LLC (SHOP) desire to enter into a twenty-year development and maintenance agreement, with two five-year renewal options, for the new park to be located at 6959 Arapaho Road; and

WHEREAS, SHOP will purchase property, known as Hillcrest Village Shopping Center, located at 6959 Arapaho Road and the CITY desires to purchase approximately 65,716 square feet of land from SHOP for a proposed new park in an amount not to exceed \$1,450,000, plus \$20,000 in closing costs and title expenses for a total of \$1,470,000; and

WHEREAS, upon the final completion of the park by the CITY, the park and its use shall be deemed to be a dedicated park under applicable law.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a twenty-year development and maintenance agreement, with two five-year renewal options, with SHOPCO DEV LLC, approved as to form by the City Attorney, for the new park to be located at 6959 Arapaho Road.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a twenty-year development and maintenance agreement, with two five-year renewal options, with SHOPCO DEV LLC, approved as to form by the City Attorney.

SECTION 3. That the term of development and maintenance agreement is for twenty years, with two five-year renewal options and allows the City to terminate for convenience.

SECTION 4. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 5. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

May 23, 2018

SECTION 6. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 7. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of 2017 Bond Funds, Fund 1V00, Department PKR, Unit VK63, Activity 57863, Program PK17VK63, Object 4210 (\$1,450,000), Object 4230 (\$20,000) Encumbrance/Contract No. CX-PKR-2018-00005644. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 8. That CITY funds for land acquisition will be placed in escrow until closing and City is to have possession and/or use, as applicable, of the PROPERTY at closing, which shall be contingent on OWNER presenting copies of the demolition permit(s) for removal of the improvements on the Property in accordance with all local, state and federal rules, laws and ordinances and final inspection completion report(s) from the Building Official; OWNER shall be responsible for any relocation expenses related to the acquisition; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 9. That due to the PROPERTY's location within the Hillcrest Village Shopping Center OWNER will provide City access and parking rights on the adjacent property to be owned by OWNER pursuant to a recordable instrument approved as to form by the City Attorney.

SECTION 10. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: May 23, 2018

COUNCIL DISTRICT(S): 1, 10, 14

DEPARTMENT: Park & Recreation Department

CMO: Willis Winters, 670-4071

MAPSCO: 27K 36Q U 44Y 54B C

SUBJECT

Authorize a professional services contract with Alliance Geotechnical Group for engineering inspection and testing services of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street – Not to exceed \$201,930 – Financing: Elgin B. Robertson Land Sale Funds

BACKGROUND

This will authorize a professional services contract with Alliance Geotechnical Group for construction materials testing services of the three family aquatic centers: Kidd Springs Park \$58,690, Lake Highlands North Park \$87,000, and Tietze Park \$56,240.

Alliance Geotechnical Group performed the geotechnical investigation for the aquatic projects and as such, it is recommended that Alliance Geotechnical Group perform inspection and testing services to ensure that the recommendations of the investigation meet quality control requirements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 1, 2016, the Park and Recreation Board authorized proceeding with advertisement for construction procurement for six new family aquatic centers.

On January 24, 2018, City Council authorized a contract for construction of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street with The Fain Group, Inc. by Resolution No. 18-0211.

On May 3, 2018, Park and Recreation Board authorized a contract with Alliance Geotechnical Group for engineering inspection and testing services of three family aquatic centers.

FISCAL INFORMATION

Elgin B. Robertson Land Sale Funds - \$201,930.00

<u>Council District</u>	<u>Amount</u>
1	\$ 58,690.00
10	\$ 87,000.00
14	<u>\$ 56,240.00</u>
Total	\$201,930.00

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$201,930.00	Professional Services	36.30%	100.00%	\$201,930.00

- This contract exceeds the M/WBE goal of 36.30%

OWNER

Alliance Geotechnical Group

Robert P. Nance, President

MAPS

Attached

May 23, 2018

WHEREAS, on January 24, 2018, City Council authorized a contract with The Fain Group, Inc. for construction of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street in an amount not to exceed \$14,776,735, by Resolution No. 18-0211.

WHEREAS, the Park and Recreation Department has determined the need for construction materials testing at the three construction sites for family aquatic centers; and

WHEREAS, engineering services are required to perform engineering inspection and materials testing services during construction; and

WHEREAS, it is necessary to hire a firm to provide engineering inspection and testing services of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street, and the firm Alliance Geotechnical Group has presented a proposal dated April 12, 2018 to provide these services for a fee not to exceed \$201,930.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Alliance Geotechnical Group, approved as to form by the City Attorney, for engineering inspection and testing services of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street, in an amount not to exceed \$201,930.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a professional services contract with Alliance Geotechnical Group, approved as to form by the City Attorney.

May 23, 2018

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$201,930 to Alliance Geotechnical Group in accordance with the terms and conditions as follows:

Kidd Springs Park

Elgin B. Robertson Land Sale Fund
 Fund 0467, Department PKR, Unit W109
 Object 4113, Activity AQFC, Program PKP945.3
 Encumbrance/Contract No. PKR-2018-00006193
 Commodity 92500, Vendor 338366 \$ 58,690

Lake Highlands North Park

Elgin B. Robertson Land Sale Fund
 Fund 0467, Department PKR, Unit W109
 Object 4113, Activity AQFC, Program PKP945.4
 Encumbrance/Contract No. PKR-2018-00006193
 Commodity 92500, Vendor 338366 \$ 87,000

Tietze Park

Elgin B. Robertson Land Sale Fund
 Fund 0467, Department PKR, Unit W109
 Object 4113, Activity AQFC, Program PKP945.5
 Encumbrance/Contract No. PKR-2018-00006193
 Commodity 92500, Vendor 338366 \$ 56,240

Total amount not to exceed \$201,930

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

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: May 23, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation Department

CMO: Willis Winters, 670-4071

MAPSCO: 46 Q

SUBJECT

Authorize ratification of a service contract with Janus Signs dba FastSigns SKILLMAN for an additional expenditure for the replacement of the Cotton Bowl Stadium logo sign at Fair Park located at 3809 Grand Avenue - Not to exceed \$37,563, from \$46,940 to \$84,503 - Financing: General Funds

BACKGROUND

This action will authorize a service contract with Janus Signs dba FastSigns SKILLMAN, for an additional expenditure for the replacement of the 18 feet by 84 feet Cotton Bowl Stadium logo sign on the main scoreboard. The sign covering, which is part of the face of the scoreboard, is approximately 12 stories high and protects the public-address system. The sign cover material failed requiring a repair completed in September 2017.

Due to previous work with Janus Signs dba FastSigns SKILLMAN, staff recently learned that the repair cost pushed the established amount with a single vendor beyond the \$50,000.00 limit in a twelve-month period. The repair services include labor and materials for the installation of stronger sign material for the replacement of the Cotton Bowl Stadium logo sign which requires the use of two cranes. Since the cranes were already mobilized and on site, staff decided to recover the sign using a heavier material. To bring the cranes back to the Cotton Bowl at a later time would require Park and Recreation Board and City Council approval and would increase the costs substantially more than \$37,562.64. In addition, the speakers would have been further exposed to the elements for a longer period of time, potentially causing additional damage.

The Cotton Bowl Stadium hosts many sporting events throughout the year, many of which are televised. Janus Signs dba FastSigns SKILLMAN has installed and replaced signs at Fair Park and other City facilities. Given their demonstrated ability on those projects, they were contacted to assist with the repair.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 19, 2018, the Park and Recreation Board authorized ratification of a service contract with Janus Signs dba FastSigns SKILLMAN.

The Quality of Life, Arts and Cultural Committee was briefed by memorandum regarding this matter on May 7, 2018.

FISCAL INFORMATION

General Funds - \$37,562.64

OWNER

Janus Signs dba FastSigns SKILLMAN

Sarosh Nayar, Chief Executive Officer