

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

RECEIVED

2017 AUG -7 PM 4: 30

CITY SECRETARY
DALLAS, TEXAS

MONDAY, AUGUST 14, 2017
CITY HALL
COUNCIL BRIEFING ROOM, 6ES
1500 MARILLA
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 Arts, Culture & Libraries Committee May 15, 2017 Minutes and Quality of Life & Environment Committee June 12, 2017 minutes.

BRIEFINGS

2. Proposed Chapter 17 Amendments
Kris Sweckard
Director, Code Compliance Services

3. **UPCOMING AGENDA ITEMS**

August 23, 2017

- A. Authorize (1) the acceptance of the reimbursable matching grant from the Texas Commission on Environmental Quality (TCEQ) in an amount not to exceed \$28,053 (2) the receipt and deposit of funds in an amount not to exceed \$28,053 from TCEQ; (3) the establishment of appropriations in an amount not to exceed \$28,053; (4) execution of the fourth amendment to the grant agreement with TCEQ for the Ambient Monitoring Program for the period September 1, 2017 through August 31, 2018 - Not to exceed \$28,053, from \$84,160 to \$112,213 - Financing: Texas Commission on Environmental Quality Grant Funds
- B. Authorize (1) the acceptance of a reimbursable matching grant from the Texas Commission on Environmental Quality (TCEQ) in an amount not to exceed \$67,587; (2) the receipt and deposit of funds in an amount not to exceed \$67,587 from TCEQ; (3) the establishment of appropriations in an amount not to exceed \$67,587; (4) execution of the fourth amendment to the grant agreement with TCEQ for Ambient Air Monitoring Program for the period September 1, 2017 through August 31, 2018 - Not to exceed \$67,587, from \$202,760 to \$270,346 - Financing: Texas Commission on Environmental Quality Grant Funds

- C. Authorize (1) the acceptance of a matching grant from the Texas Commission on Environmental Quality (TCEQ) in the amount of \$367,790; (2) the receipt and deposit of funds in an amount to exceed \$367,790 from TCEQ; (3) the establishment of appropriations in the amount not to exceed \$367,790; (4) a local match in an amount not to exceed \$181,151 over the two-year period; and (5) execution of a grant agreement with TCEQ for the Ambient Air Monitoring Program for the period September 1, 2017 through August 31, 2019 - Total not to exceed \$548,941 – Financing: Texas Commission on Environmental Quality Grant Funds (\$367,790) and Current Funds (\$181,151) (subject to annual appropriations)
- D. Authorize (1) the acceptance of a reimbursable matching grant from the Texas Commission on Environmental Quality (TCEQ) in the amount not to exceed \$475,000; (2) the receipt and deposit of funds in an amount not to exceed \$475,000 from TCEQ; (3) the establishment of appropriations in an amount not to exceed \$475,000 and (4) execution the second amendment to the grant agreement with TCEQ for the Ambient Air Monitoring Program for the period September 1, 2017 through August 2018-Not to exceed \$475,000 from \$961,132 to \$1,436,132 Financing: Texas Commission on Environmental Quality Grant Funds
- E. Authorize (1) the third amendment to the Local Air Program Contract No. 582-15-50121 with the Texas Commission on Environmental Quality (TCEQ) (Contract No. 582-15-50121) to accept state grant funds in the amount of \$525,117 to continue the Air Pollution Compliance program to provide investigation services and complaint response within the City of Dallas for a one year period, from September 1, 2017 through August 31, 2018 and (2) a local match in an amount not to exceed \$258,640 - Total not to exceed \$783,757, increasing the contract from \$1,575,351 to \$2,100,468 - Financing: Texas Commission on Environmental Quality Grant Funds (\$525,117) and Current Funds (\$258,640) (subject to annual appropriations)

Adjourn



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

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

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

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.

Arts, Culture & Libraries Committee Meeting Record

Meeting Date: May 15, 2017

Convened: 3:03 p.m.

Adjourned: 4:07 p.m.

Committee Members Present:

Monica R. Alonzo, Chair
Mark Clayton, Vice-Chair
Deputy Mayor Pro Tem Erik Wilson
Carolyn King Arnold
Jennifer S. Gates
Scott Griggs

Committee Members Absent:

Briefing Presenters:

Kevin Moriarty
Dallas Theater Center Artistic Director

Jennifer Scripps
Director, Office of Cultural Affairs

David Fisher
Assistant Director, Office of Cultural Affairs

Council Members Present:

Staff Present:

Juan Garcia, Clifton Gillespie, Don Knight, Barbara Martinez, Joey Zapata

Special Guests:

AGENDA:

1. **Approval of March 20, 2017 Minutes**

Presenter(s):

Information Only:

Action Taken/Committee Recommendation(s): Approve the minutes of March 20, 2017.

A motion was made to approve the minutes of March 20, 2017.

Motion made by: Mark Clayton

Item passed unanimously:

Item failed unanimously:

Motion seconded by: Deputy Mayor Pro Tem Erik Wilson

Item passed on a divided vote:

Item failed on a divided vote:

2. **Update on Dallas Theater Center Programming**

Presenter(s): Kevin Moriarty, Dallas Theater Center Artistic Director

Information Only:

Action Taken/Committee Recommendation(s):

The Committee was presented with an update on the Dallas Theater Center Programming.

3. Proposal to Name City Performance Hall

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

Information Only:

The committee was briefed on the Proposal to Name City Performance Hall

Action Taken/Committee Recommendation(s): A motion was made to move forward to the Council Agenda Meeting.

Motion made by: Deputy Mayor Pro Tem Erik Wilson Motion seconded by: Jennifer S. Gates

Item passed unanimously: Item passed on a divided vote:

Item failed unanimously: Item failed on a divided vote:

4. Consultant Contract for City of Dallas Cultural Plan

Presenter(s): David Fisher, Assistant Director, Office of Cultural Affairs

Information Only:

The committee was briefed on the Consultant Contract for City of Dallas Cultural Plan

Action Taken/Committee Recommendation(s): A motion was made to move forward to the Council Agenda Meeting.

Motion made by: Deputy Mayor Pro Tem Erik Wilson Motion seconded by: Jennifer S. Gates

Item passed unanimously: Item passed on a divided vote:

Item failed unanimously: Item failed on a divided vote:

Motion opposed by: Scott Griggs

5. Informational Memorandum: Downtown Dallas Inc.'s 2017 Matching Grant Award to the Majestic Theater

Presenter(s):

Information Only:

Information about Downtown Dallas Inc.'s 2017 Matching Grant Award to the Majestic Theater was provided to the committee via memorandum.

7. Upcoming Agenda Items

Presenter(s):

Information Only:

Action Taken/Committee Recommendation(s):

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

Motion made by: Jennifer Gates

Motion seconded by: Deputy Mayor Pro Tem Erik Wilson

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

Mark Clayton, Vice Chair for

Mayor Pro Tem Monica R. Alonzo
Chair

Quality of Life & Environment Committee Meeting Record

Meeting Date: June 12, 2017

Convened: 9:10 AM

Adjourned: 9:54 AM

Members Present:

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

Members Absent:

Council Members Present:

Briefing Presenters

David Cossum
*Director, Sustainable
Development & Construction*

Willis Winters
Director, Park and Recreation

Tommy Ludwig
*Assistant Director, Sustainable
Development & Construction*

Ryan O'Connor
Park and Recreation

Staff Present:

Casey Burgess, Juan Garcia, Bert Vandenberg, Joey Zapata

Guests:

AGENDA:

1. **Approval of May 22, 2017 Minutes**

Information Only:

Action Taken/Committee Recommendation(s): A motion was made to approve the minutes of May 22, 2017.

Motion made by: Rickey D. Callahan

Motion seconded by: Philip T. Kingston

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

2. **Park Land Dedication Overview**

Presenter(s): David Cossum, Director, Sustainable Development & Construction, Willis Winters, Director, Park and Recreation, Tommy Ludwig, Assistant Director, Sustainable Development & Construction, Ryan O'Connor, Park and Recreation

Information Only:

The Committee was briefed on the Park Land Dedication Overview.

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:

3. Upcoming Agenda Items

Presenter(s):

Information Only:

Information about upcoming items was included in the briefing materials.

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 August 7, 2017

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

SUBJECT **Proposed Chapter 17 Amendments**

Attached are the briefing materials for the Proposed Chapter 17 Amendments that will be presented on Monday, August 14, 2017. Please contact me if you have any questions or need additional information.

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

Joey Zapata
Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager

Majed A. Al-Ghafry, Assistant City Manager
Jo M. (Jody) Puckett, 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

Proposed Chapter 17 Amendments

Quality of Life, Arts & Culture Committee
August 14, 2017

Kris Sweckard, Director
Code Compliance Services
City of Dallas



Presentation Overview

- Background/History
- Proposed Chapter 17 Amendments:
 - Proposed FY17-18 Fee Study for Consumer Health
 - Blanketing Temporary Food Service Permits
 - Annual Permit for Food Trailers
- Staff Recommendation & Proposed Action
- Next Steps



Background/History

- Chapter 17 provides food safety regulations for food establishments in the city of Dallas that is in addition to the State of Texas Food Establishment Rules
- In FY 12-13 Code Compliance Consumer Health fees were studied and Council adopted new fee rates on October 23, 2013, amending Chapter 17, “Food Establishments” of the Dallas City Code
- MGT Consulting was hired by the Office of Financial Services to conduct a fee study for the FY 17-18 Code Compliance Consumer Health fees
 - Analysis of the time increments and costs associated with staff time to provide Consumer Health services was conducted to capture full cost recovery
 - The fee study recommendations were apart of the City Manager’s recommended FY 17-18 and FY 18-19 Proposed Budget that was briefed on August 8, 2017

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Background/History (continued)

- In conjunction with the fee study:
 - City staff is recommending a provision to Chapter 17 to include the practice of “blanketing” temporary food service fees, or
 - enforce the current ordinance as stated, which would eliminate the practice of “blanketing”
- In addition, City Council has expressed interest in modifying Chapter 17 to allow for annual permitting of food truck trailers






Proposed FY 17-18 Fee Study for Consumer Health

Food Service Personnel Fees (Ch 17.2.2)

Fee Name	Prior 10-23-13	Current	Current Volume	FY 17-18 Proposed	% change
Food Service Manager Registration Fee	\$100	\$20	3,144	\$30	50% 


Proposed FY 17-18 Fee Study for Consumer Health (Continued)

Permit Application Fees (Ch 17.10.2)

Fee Name	Prior 10-23-13	Current	Current Volume	FY 17-18 Proposed	% change
Application Fee	\$300	\$131	980	\$121	-8% 
Pre inspection (Fixed Facility)	\$-	\$200	10	\$106	-47% 
Food Preparation truck/hot truck	\$315	\$86	81	\$286	233% 




Proposed FY 17-18 Fee Study for Consumer Health (Continued)

Service Fees (Ch 17.10.2)

Fee Name	Prior 10-23-13	Current	Current Volume	FY 17-18 Proposed	% change
Name Change	\$65	\$48	39	\$127	165% 
Fixed Facility Re-inspection	\$380	\$110	100	\$71	-35% 

Proposed FY 17-18 Fee Study for Consumer Health (Continued)

Annual Inspection Fees (Ch 17.10.2)

Fee Name	Prior 10-23-13	Current	Current Volume	FY 17-18 Proposed	% change
Food Establishment 1- 2,000 sq. ft.	\$390	\$284	3,438	\$280	-1% 
Food Establishment 2,001 or more sq. ft.	\$425	\$313	3,065	\$318	2% 
Pre-closure (new fee)	\$-	\$-	500	\$87	New Fee
Reinstatement Fee After Lapsed Permit (mobile and fixed)	\$110	\$236	987	\$111	-53% 

Proposed FY 17-18 Fee Study for Consumer Health (Continued) Temporary Food Service Fees (Ch 17.10.2)

Fee Name	Prior 10-23-13	Current	Current Volume	FY 17-18 Proposed	% change
Permit Fee	\$190	\$156	2,094	\$121	-22% ↓
Daily Fee for each facility (per day per booth)	\$5	\$7	9,213	\$13	86% ↑
City Park and Recreation Concessionaires	\$100	\$124	28	\$187	51% ↑
Neighborhood Farmers Market	\$100	\$123	127	\$228	85% ↑
School Stadium	\$200	\$132	39	\$223	69% ↑
Hourly Fee- Inspector on Site Event (new fee)	\$-	\$-	5,584	\$57	New Fee
Non Time & Temperature Controlled Product Sampling	\$-	\$-	128	\$74	New Fee

Proposed FY 17-18 Fee Study for Consumer Health (Continued)

Mobile Food Unit Inspection Fees (Ch 17.10.2)

Fee Name	Prior 10-23-13	Current	Current Volume	FY 17-18 Proposed	% change
Catering Vehicle	\$130	\$120	48	\$125	4% ↑
Food Preparation Vehicle (inspection fee)	\$150	\$218	81	\$185	-15% ↓
Plan Review (hot trucks only)	\$250	\$66	25	\$205	211% ↑
General Services Pushcart (Hot dogs, snow cones, etc.)	\$150	\$236	66	\$240	2% ↑
Limited Service (produce or grocery trucks and ice cream carts)	\$130	\$137	69	\$238	74% ↑

Proposed FY 17-18 Fee Study for Consumer Health (Continued)

Variance Fees(Ch 17.10.2)*

Fee Name	Prior 10-23-13	Current	Current Volume	FY 17-18 Proposed	% change
Dog Variance	\$ -	\$127	30	\$264	108% ↑
Mobile Food Prep Vehicle	\$ -	\$95	6	\$264	178% ↑
Other variances	\$ -	\$100	18	\$264	164% ↑

**Variance was a new fee in 2013*

Proposed FY 17-18 Fee Study for Consumer Health (Continued)

- New Fees:
 - 1) Hourly inspector rate:
 - Primarily charged for vendors that require extensive training and monitoring of food regulations by inspectors

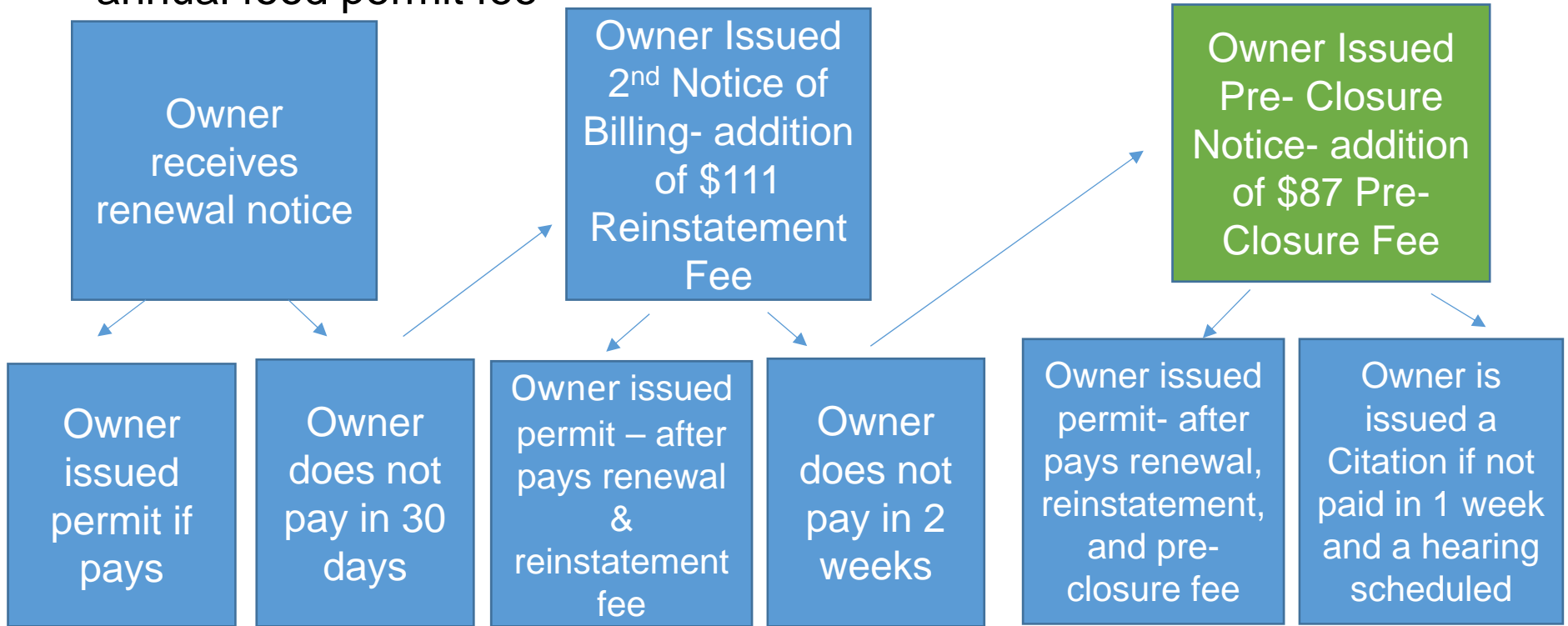
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Proposed FY 17-18 Fee Study for Consumer Health (Continued)

- New Fees:

2) Pre-Closure Fee- Failure to make payment for an annual food permit fee



Proposed FY 17-18 Fee Study for Consumer Health (Continued)

- New Fees:
 - 3) Non time and temperature control product sampling:
 - For shelf stable foods:
 - Canned or bottled beverages
 - Individually wrapped commercial prepared foods
 - i.e. granola bars, chips, energy bars, etc.
 - Does not include products that must be cooked, mixed or served with utensils
 - Currently product sampling vendors must apply for a temporary food service permit

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Blanketing Temporary Food Service Permits

- Blanketing is the practice of offering an exception or variance to temporary food service events in Dallas
- Current temporary food service permit is \$156 per booth, plus \$7 a day; (FY 17-18 Proposed Fee is \$121 per booth, plus \$13 a day)
- Reasons for blanketing include incentives for economic development initiatives:
 - Hotel occupancy
 - Utilization of Kay Bailey Hutchison Convention Center
 - Increased sales tax synergies

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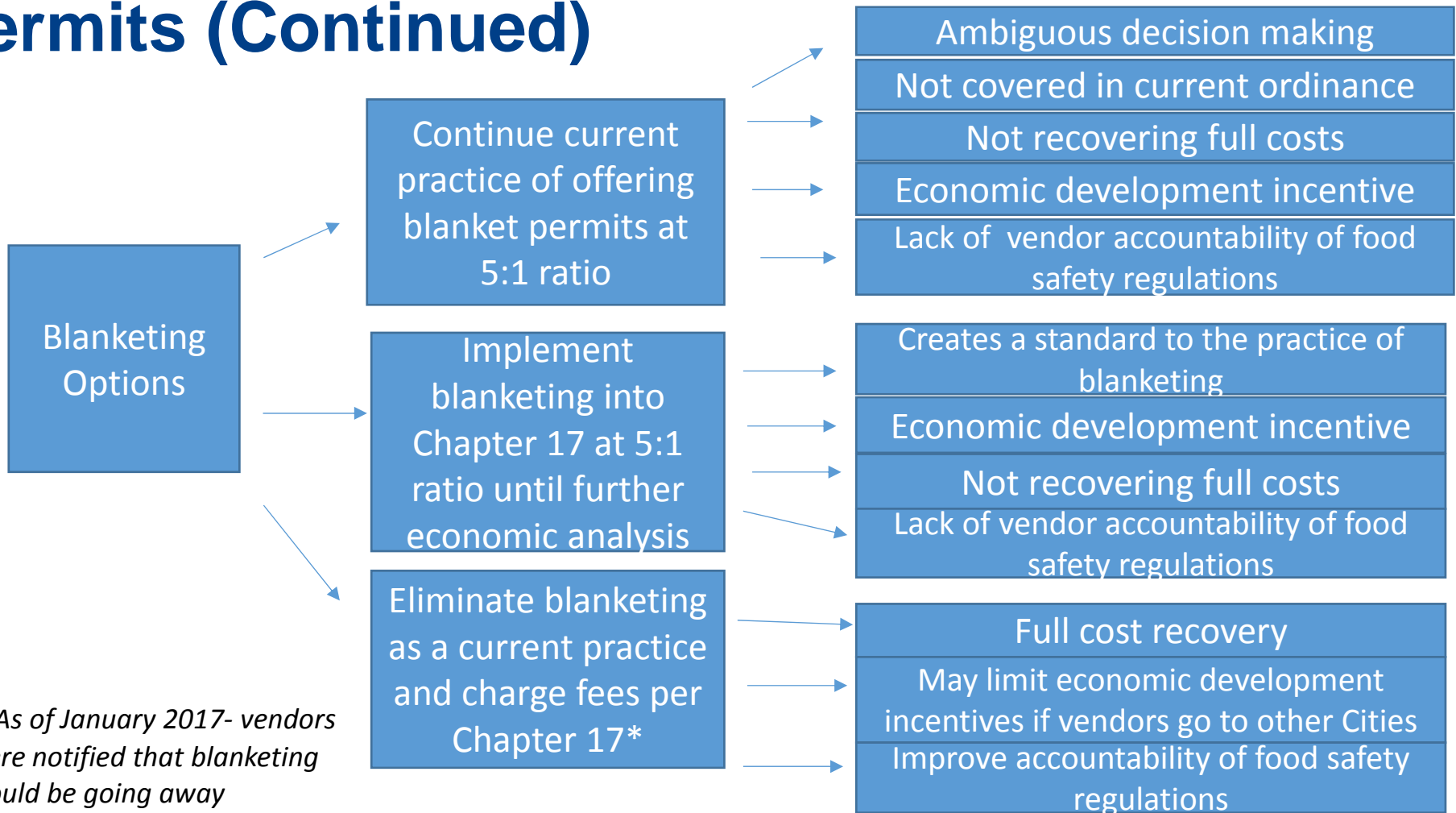
Blanketing Temporary Food Service Permits (Continued)

- Issues with blanketing include:
 - Practice of blanketing is not included in Chapter 17
 - The City is not recovering its full cost to ensure compliance of food regulations for these events
 - Blanketing can create a lack of accountability for vendors to be trained and uphold City regulations; permits are typically held by the event coordinators and not by each vendor

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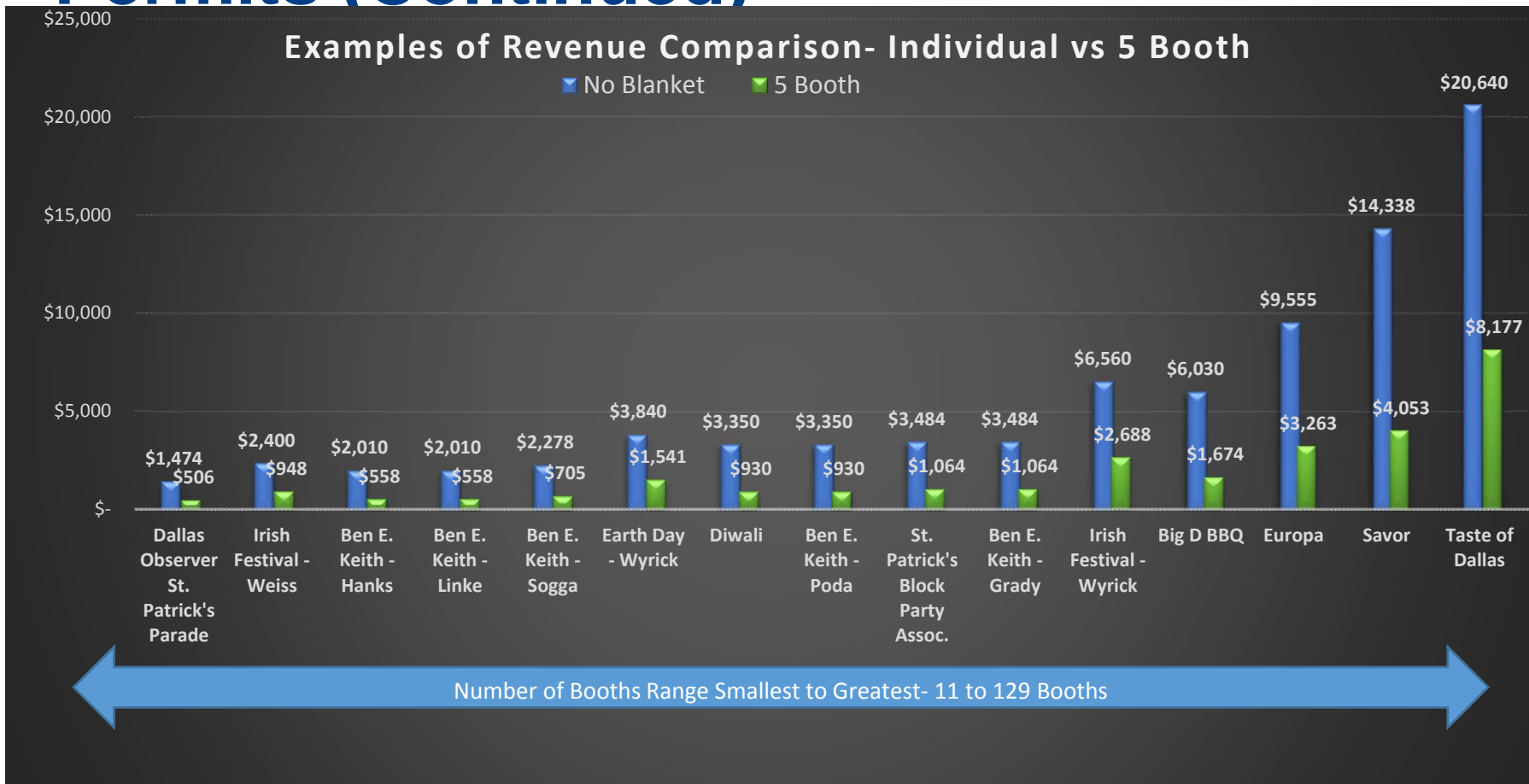


Blanketing Temporary Food Service Permits (Continued)



** As of January 2017- vendors were notified that blanketing would be going away*

Blanketing Temporary Food Service Permits (Continued)



Blanketing Temporary Food Service Permits (Continued)

Name of Event	# of booths	No Blanket*	Staff Recommendation: 5 Booth*	Proposed Fee Change from No Blanket
Dallas Observer St. Patrick's Parade	11	\$1,474	\$506	\$(968)
Irish Festival - Weiss	15	\$2,400	\$948	\$(1,452)
Earth Day - Wyrick	24	\$3,840	\$1,541	\$(2,299)
Diwali	25	\$3,350	\$930	\$(2,420)
St. Patrick's Block Party Assoc.	26	\$3,484	\$1,064	\$(2,420)
Irish Festival - Wyrick	41	\$6,560	\$2,688	\$(3,872)

Continued onto next page

**Permit rates based on FY 17-18 Proposed Fee Structure*

Quality of Life, Arts & Culture



City of Dallas

Blanketing Temporary Food Service Permits (Continued)

Name of Event	# of booths	No Blanket*	Staff Recommendation: 5 Booth*	Proposed Fee Change from No Blanket
Big D BBQ	45	\$6,030	\$1,674	\$(4,356)
Europa	65	\$9,555	\$3,263	\$(6,292)
Ben E Keith	98	\$13,132	\$3,257	\$(9,875)
Savor	107	\$14,338	\$4,053	\$(10,285)
Taste of Dallas	129	\$20,640	\$8,177	\$(12,463)
	Total	\$84,803	\$28,101	\$(56,702)

*Permit rates based on FY 17-18 Proposed Fee Structure

Quality of Life, Arts & Culture



City of Dallas

Blanketing Temporary Food Service Permits (Continued)

Temporary Fee Schedules in Other Cities in Texas:

- Dallas
 - 14 consecutive day maximum
 - \$121 per booth + \$13 per day
 - FY 17- 18 Proposed Fee Structure
 - For One Booth: 1 Day: \$134, 2 Day: \$147, 3 Day: \$160
- Houston
 - 1 to 9 days
 - \$67.08 per day per booth + \$11.18 administrative fee per booth
 - For One Booth: 1 Day: \$78.26, 2 Day: \$145.34, 3 Day: \$212.42
 - 10 to 21 days
 - \$682.12 per booth
 - Received 7 days prior to event:
 - Additional \$55.91 per booth



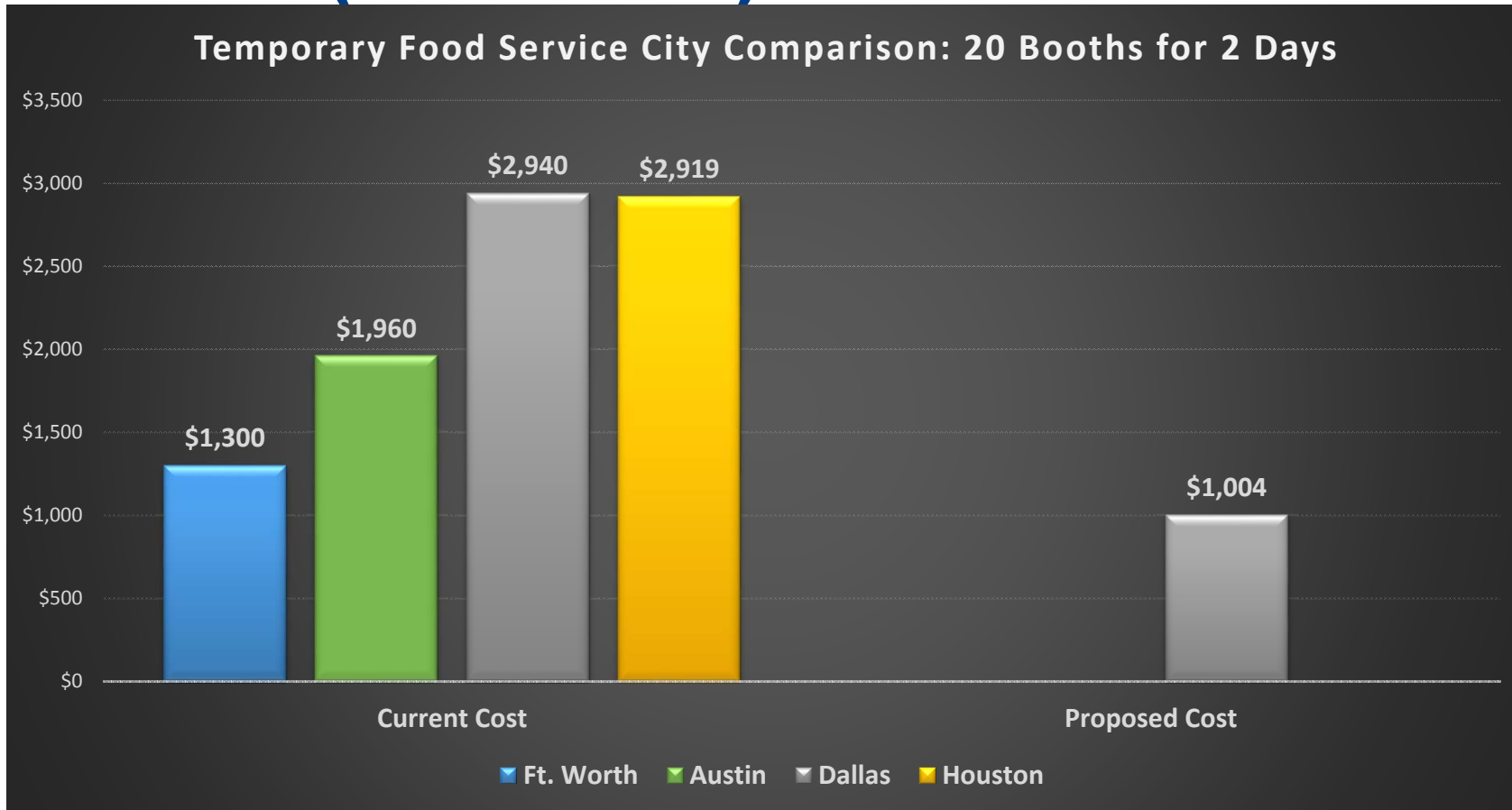
Blanketing Temporary Food Service Permits (Continued)

Temporary Fee Schedules in Other Cities in Texas:

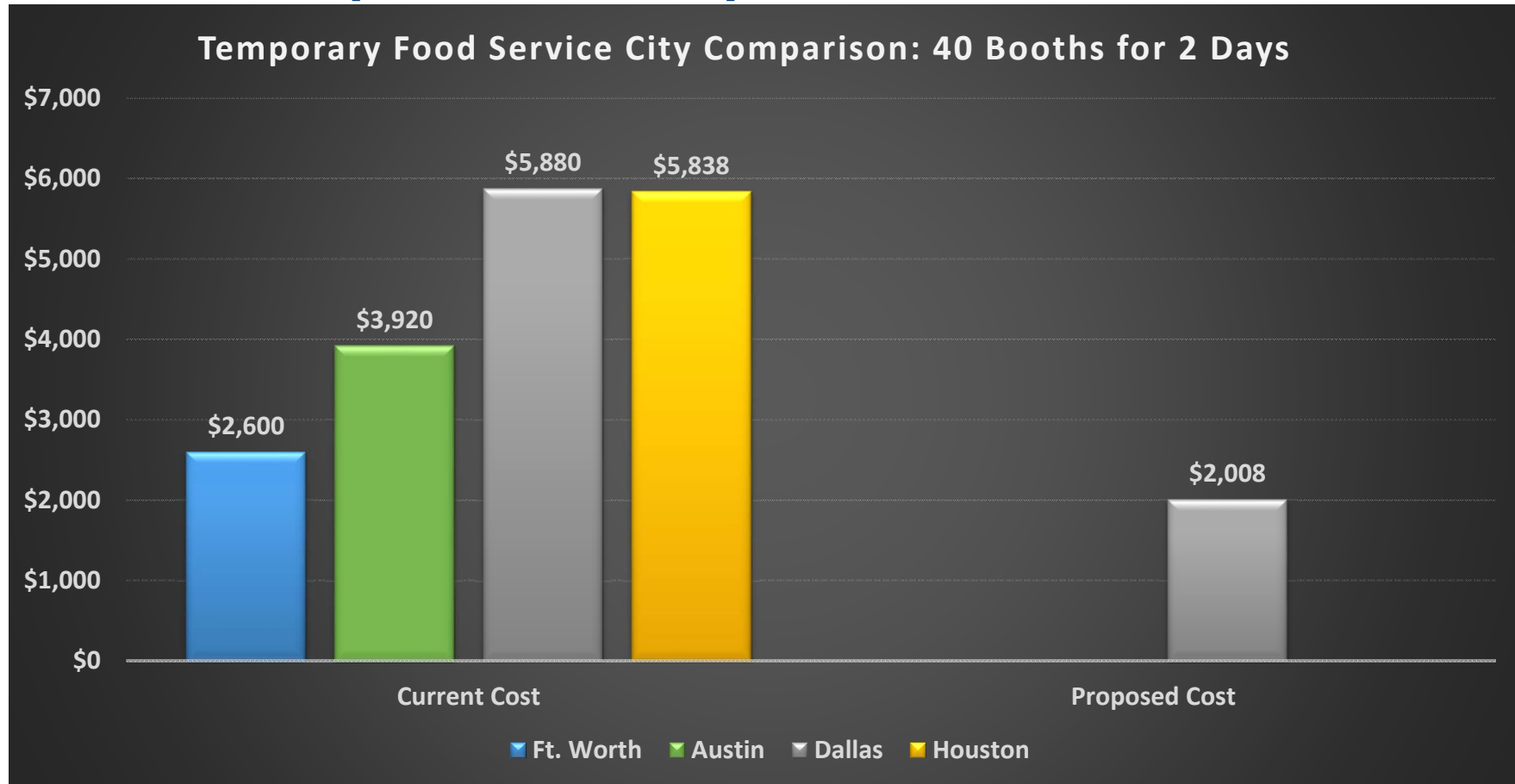
- Austin
 - 1 to 5 days
 - \$98 per booth
 - For One Booth: 1 Day: \$98, 2 Day: \$98, 3 Day: \$98
 - 6 to 14 days
 - \$145 per booth
 - Received 10 days prior to event:
 - Additional \$98 per booth
- Ft. Worth
 - 14 consecutive day maximum
 - \$50 per booth + \$15 per booth for each additional day
 - For One Booth: 1 Day: \$50, 2 Day: \$65, 3 Day: \$80
 - Received 3 days prior to event:
 - Additional \$20 per booth



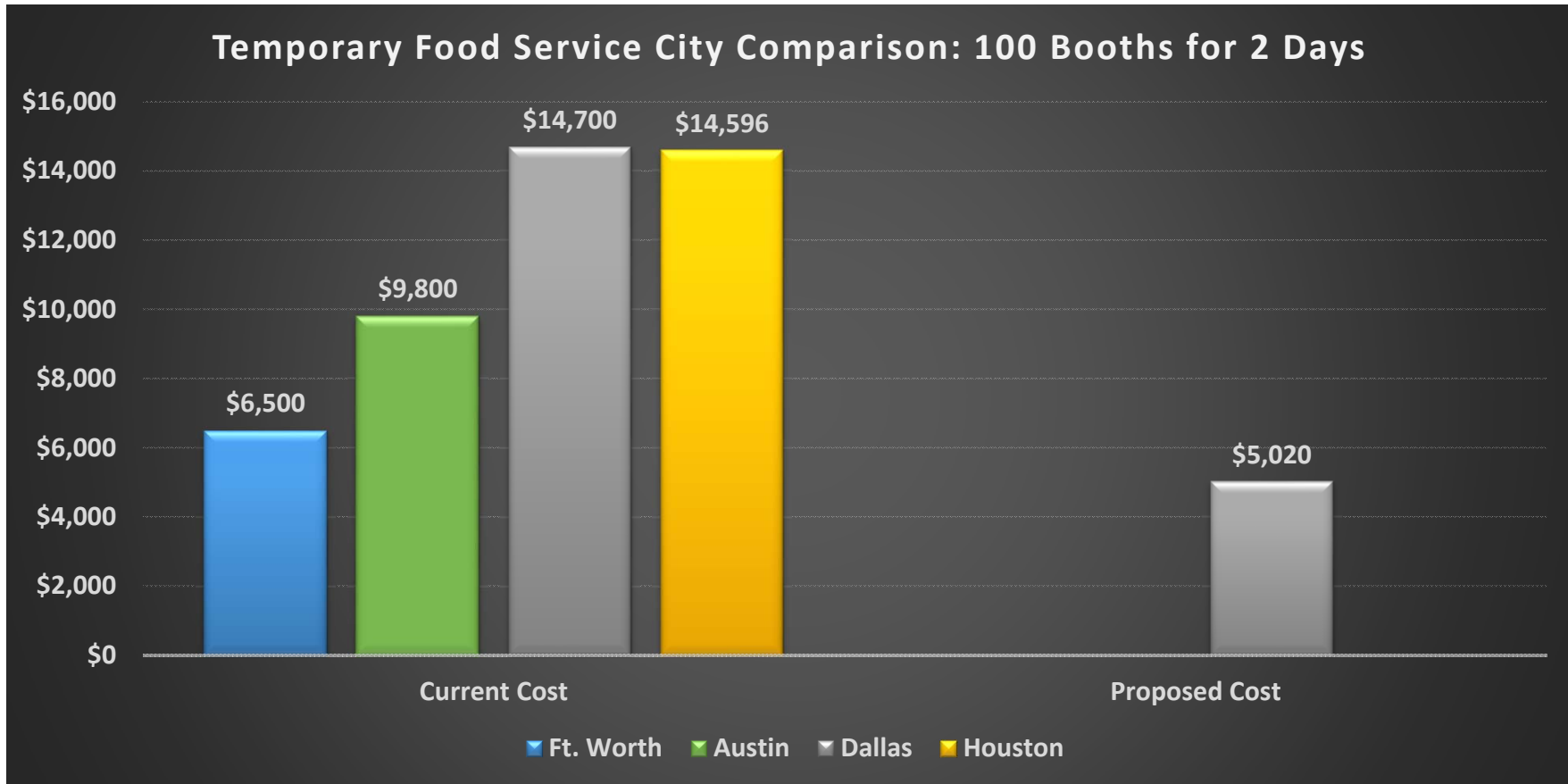
Blanketing Temporary Food Service Permits (Continued)



Blanketing Temporary Food Service Permits (Continued)



Blanketing Temporary Food Service Permits (Continued)



Annual Permit Fee for Food Trailers

Mobile Food Truck



vs.

Food Trailer



Annual Permit Fee for Food Trailers (Continued)

Mobile Food Truck

- The City has a process to permit mobile food trucks annually
 - Must meet Plan Review Process and Quality Standards
 - Must have permission from private property owner and cannot be on public property, public right away, or in residential areas

Food Trailer

- The City does not currently have a process to permit a food trailer
 - A trailer must be propelled by another vehicle
- Food trailers must apply for a temporary permit

Annual Permit Fee for Food Trailers (Continued)

- Council has expressed an interest in looking into a way to annually permit food trailers
- Considerations:
 - Trailers must meet same review process and quality standards as the mobile food truck
 - Participation would be for temporary events only
 - No more than 14 consecutive days per calendar quarter
 - Do not want to create an environment in the city where trailers that are not up to City Code or permitted begin causing blight on the streets

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Staff Recommendation & Proposed Action

- Seeking Council approval on the staff recommendations to amend Chapter 17 to:
 - Adopt Consumer Health Fee Study Changes
 - Adopt a policy to blanket temporary food service permits that support economic development
 - Conduct an economic development analysis of temporary food events
 - Research solutions with temporary food permit industry to bring back to the Quality of Life Committee in 2018
 - Adopt permitting food trailers annually under the same provisions of mobile food trucks

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Next Steps

- Council will vote to adopt new fee ordinance rates on September 20, 2017
- Adopt recommendations from Council on Chapter 17 amendments for blanket permitting and annual food trailer permitting- Date to be determined



Proposed Chapter 17 Amendments

Quality of Life, Arts & Culture Committee
August 14, 2017

Kris Sweckard, Director
Code Compliance Services
City of Dallas



DRAFT

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: August 23, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Office Of Environmental Quality

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: N/A

SUBJECT

Authorize **(1)** the acceptance of the reimbursable matching grant from the Texas Commission on Environmental Quality (TCEQ) in an amount not to exceed \$28,053; **(2)** the receipt and deposit of funds in an amount not to exceed \$28,053 from TCEQ; **(3)** the establishment of appropriations in an amount not to exceed \$28,053; **(4)** execution of the fourth amendment to the grant agreement with TCEQ for the Ambient Monitoring Program for the period September 1, 2017 through August 31, 2018 - Not to exceed \$28,053, from \$84,160 to \$112,213 - Financing: Texas Commission on Environmental Quality Grant Funds

BACKGROUND

Since 1967, the City of Dallas has worked with the Texas Commission on Environmental Quality (TCEQ) and its predecessor agencies, to support clean air monitoring and enforcement of air quality regulations through a set of renewing contracts for services. There are currently four contracts under which TCEQ funds the City's Ambient Air Monitoring Group to monitor local air quality and also purchase and maintain necessary equipment.

This action addresses Contract No. 582-15-50031 for the Ambient Air Pollution Monitoring Program. The Texas Commission on Environmental Quality (TCEQ) requested that the City of Dallas operate the Rockwall (Rockwall County) continuous ambient air monitoring station as a part of the City's and Dallas/Fort Worth region's ambient air monitoring network. TCEQ purchased and installed major components of the station and will maintain these components at their expense, including all hardware and equipment required for the facility to be operational. Authorization of this contract will allow for the City to accept TCEQ funds for FY '18, and enable the City to continue the Rockwall air monitoring program. TCEQ reimburses the City of Dallas 100 percent of the cost associated to maintain the program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2010, City Council authorized the acceptance of a grant from the Texas Commission on Environmental Quality for air monitoring activities for the period September 1, 2010 through August 31, 2011 and a grant agreement by Resolution No. 10-1603.

On June 8, 2011, City Council authorized the first amendment to the Texas Commission on Environmental Quality Air Monitoring Contract No. 582-11-86427 for the acceptance of additional grant funds and grant agreement by Resolution No. 11-1524.

On June 13, 2012, City Council authorized the second amendment to the contract with Texas Commission on Environmental Quality for Ambient Air Monitoring Program Contract No. 582-11-86427, by Resolution No. 12-1540.

On October 8, 2012, Texas Commission on Environmental Quality authorized the third amendment to the Ambient Air Monitoring Program Contract No. 582-11-86427 to reduce grant funds specific to state funding requirements; no council resolution required.

On June 26, 2013, City Council authorized the fourth amendment to the contract with Texas Commission on Environmental Quality for Ambient Air Monitoring Program Contract No. 582-11-86427 to accept additional grant funds and grant agreement by Resolution No. 13-1079.

On June 25, 2014, City Council authorized the acceptance of a grant from Texas Commission on Environmental Quality for Ambient Air Monitoring Program for the period September 1, 2014 to August 31, 2015 and a grant agreement by Resolution No. 14-1021.

On August 10, 2015, information about this item was provided to the Quality of Life and Environmental Committee.

On August 26, 2015, City Council authorized the first amendment to the Texas Commission on Environmental Quality Air Monitoring Program Contract No. 582-15-50031 for the acceptance of additional grant funds and a grant agreement by Resolution No. 15-1564.

On August 27, 2015, Texas Commission on Environmental Quality authorized the second amendment to the contract for Ambient Air Monitoring Program Contract No. 582-15-50031 to extend the expiration date of FY 2015 contract by 90 days; and

On June 13, 2016, information about this item was provided to the Quality of Life and Environment Committee.

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

On June 15, 2016, City Council authorized the acceptance of the third amendment to the contract with the Texas Commission on Environmental Quality for Ambient Air Monitoring Program Contract No. 582-15-50031 by Resolution 16-0984.

On March 27, 2017, information about this item was provided to the Transportation and Trinity River Project Committee.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on August 14, 2017.

FISCAL INFORMATION

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

August 23, 2017

WHEREAS, on June 23, 2010, City Council authorized acceptance of a grant from the Texas Commission on Environmental Quality (TCEQ) for the Ambient Air Monitoring Program for the period September 1, 2010 through August 31, 2011, and a grant agreement by Resolution No. 10-1603; and

WHEREAS, on June 8, 2011, City Council authorized the first amendment to the contract with the Texas Commission on Environmental Quality for the Ambient Air Monitoring and acceptance of a grant for the period September 1, 2011 through August 31, 2012 in an amount not to exceed \$26,811.36, increasing the contract amount from \$26,811.36 to \$53,622.72 and a grant agreement by Resolution No. 11-1524; and

WHEREAS, on June 13, 2012, City Council authorized the second amendment to Contract No. 582-11-86427 to the contract with the Texas Commission on Environmental Quality for the Ambient Air Monitoring and acceptance of a grant for the period September 1, 2012 through August 31, 2013 in an amount not to exceed \$26,811.36, increasing the contract amount from \$53,622.72 to \$80,434.08; and a grant agreement by Resolution No. 12-1540; and

WHEREAS, on October 8, 2012, Texas Commission on Environmental Quality authorized third amendment to Contract No. 582-11-86427 to reduce the amount of grant funds by \$6,000.00; and

WHEREAS, on June 26, 2013, City Council authorized the fourth amendment to Contract No. 582-11-86427 to the contract with Texas Commission on Environmental Quality for the Ambient Air Monitoring and acceptance of additional grant funds in an amount not to exceed \$20,811.36, increasing the contract amount from \$80,434.08 to \$101,245.44; Resolution No. 13-1079; and

WHEREAS, on June 25, 2014, City Council authorized acceptance of a grant from the Texas Commission on Environmental Quality for Ambient Air Monitoring Program for the period September 1, 2014 through August 31, 2015 and a grant agreement by Resolution No. 13-1079; and

WHEREAS, on August 26, 2015, City Council authorized the first amendment to Contract No. 582-15-50031 to the contract with Texas Commission on Environmental Quality for the Ambient Air Monitoring and acceptance of additional grant funds in an amount not to exceed \$28,053.19, increasing the contract amount from \$28,053.19 to \$56,106.38 by Resolution No. 15-1564; and

WHEREAS, on August 27, 2015, Texas Commission on Environmental Quality authorized the second amendment to Air Monitoring Contract No. 582-15-50031 to extend the expiration date of the FY 2015 contract by 90 days; and

August 23, 2017

WHEREAS, on June 15, 2016, City Council authorized the third amendment to Contract No. 582-15-50031 to the contract with Texas Commission on Environmental Quality for the Ambient Air Monitoring and acceptance of additional grant funds, in an amount not to exceed \$28,053.19, from \$56,160.38 to \$84,159.57, by Resolution No. 16-0984; and

WHEREAS, there is a continuing need for an air pollution monitoring site in Rockwall County; and

WHEREAS, it is now necessary to authorize the fourth amendment to the grant agreement with the Texas Commission on Environmental Quality (Contract No. 582-15-50031) to accept additional state grant funds to conduct the Rockwall Ambient Air Monitoring Program for the period September 1, 2017 through August 31, 2018, in an amount not to exceed \$28,053.19, increasing the contract amount from \$84,159.57 to \$112,212.76.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a grant agreement with the Texas Commission on Environmental Quality (TCEQ) (Contract No. 582-15-50031, CFDA No. 66.605), approved as to form by the City Attorney, for acceptance of a grant for the Ambient Air Monitoring Program for the period September 1, 2017 through August 31, 2018, in an amount not to exceed \$28,053.19, increasing the contract amount from \$84,159.57 to \$112,212.76.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in Fund S315, Department MGT, Unit 3199, Revenue Code 6506, in an amount not to exceed \$28,053.19.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$28,053.19 in Fund S315, Department MGT, Unit 3199, Object 3099.

SECTION 4. That the Chief Financial Officer is hereby authorized to transfer funds from Fund S315, Department MGT, Unit 3199, Object 3099, to reimburse Fund 0001, Department MGT, Unit 4241, Object 5011 in the amount of \$28,053.19 per year.

SECTION 5. That the City Manager is hereby authorized to reimburse the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 6. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

SECTION 7. That this contract is designated as number MGT-2017-00002137.

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Clean, Healthy Environment
AGENDA DATE: August 23, 2017
COUNCIL DISTRICT(S): All
DEPARTMENT: Office Of Environmental Quality
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: N/A

SUBJECT

Authorize **(1)** the acceptance of a reimbursable matching grant from the Texas Commission on Environmental Quality (TCEQ) in an amount not to exceed \$67,587; **(2)** the receipt and deposit of funds in an amount not to exceed \$67,587 from TCEQ; **(3)** the establishment of appropriations in an amount not to exceed \$67,587; **(4)** execution of the fourth amendment to the grant agreement with TCEQ for Ambient Air Monitoring Program for the period September 1, 2017 through August 31, 2018 – Not to exceed \$67,587, from \$202,760 to \$270,346 - Financing: Texas Commission on Environmental Quality Grant Funds

BACKGROUND

Since 1967, the City of Dallas has worked with Texas Commission on Environmental Quality (TCEQ) and its predecessor agencies to support clean air monitoring and enforcement of air quality regulations through a set of renewing contracts for services. There are currently four contracts under which TCEQ funds fund the City's Ambient Air Monitoring Group to monitor local air quality and also purchase and maintain necessary equipment.

This action addresses Contract No. 582-115-50039 for monitoring of Particulate Matter PM2.5. The City's Air Specialists collect sample specimens from six particulate matter (PM) samplers in Dallas County. This program is of importance because of the serious health effects associated with exposure to fine particulates. Authorization of this contract will allow for the City to accept TCEQ funds for FY '18, and enable the City to continue the Particulate Matter (PM2.5) Program. TCEQ reimburses the City of Dallas 100 percent of the cost associated to maintain the program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2010, City Council authorized the acceptance of a grant from the Texas Commission on Environmental Quality Ambient Air Monitoring Program for period September 1, 2010 through August 31, 2011 and a grant agreement by Resolution No. 10-1602.

On June 8, 2011, City Council authorized the first amendment to Texas Commission on Environmental Quality Air Monitoring Contract No. 582-11-86432 for the acceptance of additional grant funds and a grant agreement by Resolution No. 11-1525.

On June 13, 2012, City Council authorized the second amendment to the contract with Texas Commission on Environmental Quality for the Ambient Air Monitoring Program Contract No. 582-11-86432, by Resolution No. 12-1541.

On June 26, 2013, City Council authorized the third amendment to the contract with Texas Commission on Environmental Quality for the Ambient Air Monitoring Program Contract No. 582-11-86432, by Resolution No. 13-1078.

On June 25, 2014, City Council authorized the acceptance of a grant from the Texas Commission on Environmental Quality for Ambient Air Monitoring Program for the period September 1, 2014 through August 31, 2015 and a grant agreement by Resolution No. 14-1022.

On August 26, 2015, City Council authorized the first amendment to Texas Commission on Environmental Quality Air Monitoring Contract No. 582-15-50039 to accept additional grant funds and a grant agreement by Resolution No. 15-1565.

On August 27, 2015, the Texas Commission on Environmental Quality authorized the second amendment to the contract for the Ambient Air Monitoring Program Contract No. 582-15-50039, to extend the expiration date of the FY 2015 contract by 90 days.

On June 13, 2016, information about the item was provided to the Quality of Life and Environment Committee.

On June 15, 2016, City Council authorized the third amendment to the contract with Texas Commission on Environmental Quality for the Ambient Air Monitoring Program Contract No. 582-15-50039, by Resolution No. 16-0985.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on August 14, 2017.

FISCAL INFORMATION

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

August 23, 2017

WHEREAS, on June 23, 2010, City Council authorized acceptance of a grant from the Texas Commission on Environmental Quality (TCEQ) for Ambient Air Monitoring Program for the period September 1, 2010 through August 31, 2011 and grant agreement by Resolution No. 10-1602; and

WHEREAS, on June 8, 2011, City Council authorized the first amendment to the contract with Texas Commission on Environmental Quality for the Ambient Air Monitoring and acceptance of a grant for the period September 1, 2011 through August 31, 2012, in an amount not to exceed \$67,586.52 increasing the contract amount from \$67,586.52 to \$135,173.04, by Resolution No. 11-1525; and

WHEREAS, on June 13, 2012, City Council authorized the second amendment to the contract with the Texas Commission on Environmental Quality for the Ambient Air Monitoring Program Contract No. 582-11-86432 for the acceptance of additional grant funds for the period September 1, 2012 through August 31, 2013, in an amount not to exceed \$67,586.52 increasing the contract amount from \$135,173.04 to \$202,759.56 to continue air monitoring services and grant agreement by Resolution No. 12-1541; and

WHEREAS, there is a continuing need for the City of Dallas to operate an air pollution control program; and

WHEREAS, the City of Dallas Office of Environmental Quality has been approved by the TCEQ to receive up to \$67,586.52 to support the air pollution control program and the particulate matter 2.5 network; and

WHEREAS, on June 26, 2013, City Council authorized the third amendment to the contract with the Texas Commission on Environmental Quality for the Ambient Air Monitoring and acceptance of a grant for the period September 1, 2013 through August 31, 2014, in an amount not to exceed \$67,586.52 increasing the contract amount from \$202,759.56 to \$ 270,346.08, by Resolution No. 13-1078; and

WHEREAS, on June 25, 2014, City Council authorized acceptance of a grant from the Texas Commission on Environmental Quality for Ambient Air Monitoring Program for the period September 1, 2014 through August 31, 2015 and a grant agreement by Resolution No. 14-1022; and

WHEREAS, on August 26, 2015, City Council authorized the first amendment to the contract with the TCEQ for the Ambient Air Monitoring and acceptance of a grant for the September 1, 2015 through August 31, 2016, in an amount not to exceed \$67,586.52, from \$67,586.52 to \$135,173.04, by Resolution No. 15-1565; and

August 23, 2017

WHEREAS, on August 27, 2015, Texas Commission on Environmental Quality authorized the second amendment to Air Monitoring Contract No. 582-15-50039 to extend the expiration date of the FY 2015 contract by 90 days, by Resolution No. 15-1565; and

WHEREAS, on June 15, 2016, City Council authorized the third amendment to the Texas Commission on Environmental Quality to acceptance of a grant for the period September 1, 2016 through August 31, 2017, in an amount not to exceed \$67,586.52, from \$135,173.04 to \$202,759.56 by Resolution No. 16-0985; and

WHEREAS, there is a continuing need for an air pollution control program for particulate matter 2.5; and

WHEREAS, it is now necessary to authorize the fourth amendment to the grant agreement with the Texas Commission on Environmental Quality (Contract No. 582-15-50039) for the Ambient Air Monitoring Program.

August 23, 2017

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a grant agreement with the Texas Commission on Environmental Quality (TCEQ) (Contract No. 582-15-50039, CFDA No. 66.034), approved as to form by the City Attorney, for acceptance of a grant in an not to exceed \$67,587.52 for the Ambient Air Monitoring Program for the period September 1, 2017 through August 31, 2018.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in Fund F524, Department MGT, Unit 3276, Revenue Code 6506, in an amount not to exceed \$67,586.52.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in the amount of \$67,586.52 in Fund F524 Dept. MGT, Unit 3276, Object 3099.

SECTION 4. That the Chief Financial Officer is hereby authorized to transfer grant funds from Fund F524, Department MGT, Unit 3276, Object 3099 to reimburse Fund 0001, Department MGT, Unit 4241, Object 5011, in an amount not to exceed \$67,586.52 per year.

SECTION 5. That the City Manager is hereby authorized to reimburse the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 6. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

SECTION 7. That this contract is designated as number MGT-2017-00002136.

SECTION 8. 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 resolve.

DRAFT

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: August 23, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Office Of Environmental Quality

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: N/A

SUBJECT

Authorize Contract No. 582-18-80089 with the Texas Commission on Environmental Quality for the Ambient Air Monitoring Program to **(1)** accept a grant in the amount of \$367,790 for the Ambient Air Monitoring Program for the period September 1, 2017 through August 31, 2019; and **(2)** a local match in an amount not to exceed \$181,151 over the two-year period - Total not to exceed \$367,790 – Financing: Texas Commission on Environmental Quality Grant Funds (\$367,790) and Current Funds (\$181,151) (subject to annual appropriations)

BACKGROUND

Since 1967, the City of Dallas has worked with the Texas Commission on Environmental Quality (TCEQ) and its predecessor agencies, to support clean air monitoring and enforcement of air quality regulations through a set of renewing contracts for services. There are currently four contracts under which TCEQ funds the City's Ambient Air Monitoring Group to monitor local air quality and also purchase and maintain necessary equipment.

This action addresses Contract No. 582-18-80089 for the Ambient Air Pollution Monitoring. The City's Air Specialists monitor air sampling sites at 6 locations across the City, checking for levels of sulfur oxides, nitrous oxides, ozone, lead, carbon monoxide, and particulate matter (PM10). The data from these sampling sites is transmitted to the TCEQ, who compares the data with air quality standards and identifies trends in certain pollutants. Authorization of this contract will allow for the City to accept TCEQ funds for FY '18 and FY '19, and enable the City to continue the Ambient Air Monitoring Program. Funding for this program is split with TCEQ providing 67% of the cost of this program and the City of Dallas providing 33% of the cost.

June 28, 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 27, 2003, City Council authorized the acceptance of a grant for FY 2003-05, by Resolution No. 03-2307.

On June 8, 2005, City Council authorized the acceptance of a grant for FY 2005-07, by Resolution No. 05-1751.

On June 27, 2007, City Council authorized the acceptance of a grant for FY 2007-09, by Resolution No. 07-1973.

On June 10, 2009, City Council authorized the acceptance of a grant for FY 2009-11, by Resolution No. 09-1446.

On June 8, 2011, City Council authorized the acceptance of a grant for FY 2011-13, by Resolution No. 11-1528.

On June 26, 2013, City Council authorized the acceptance of a grant for FY 2013-15, by Resolution No. 13-1075.

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

On August 26, 2015, City Council authorized the acceptance of a grant for FY 2015-17, by Resolution No. 15-1562.

On March 27, 2017, information about this item was provided to the Transportation and Trinity River Project Committee.

Information about this item will be provided to the Quality of Life and Environment Committee on June 12, 2017.

FISCAL INFORMATION

Texas Commission on Environmental Quality Grant Funds - \$367,790.00
Current Funds (subject to annual appropriations) - \$181,151

August 23, 2017

WHEREAS, on June 13, 2011, Resolution No. 11-1528 authorized Contract No. 582-12-10009 for the City to accept grant funds from the Texas Commission on Environmental Quality (TCEQ) to monitor ambient air quality at a network of sites within and near the City of Dallas for the period September 1, 2011 through August 31, 2013; and,

WHEREAS, on June 26, 2013, Resolution No. 13-1075 authorized Contract No. 582-14-40015 with the TCEQ to conduct ambient air monitoring for the period September 1, 2013 through August 31, 2015, at a not-to-exceed amount of \$548,940, utilizing funding from both the TCEQ (\$367,790) and with City matching funds (\$183,895, subject to annual appropriations); and,

WHEREAS, on May 27, 2015, Council Resolution No. 15-0966 authorized Amendment No. 1 to Contract No. 582-14-40015 to add funds of \$9,781.66 to continue air monitoring services; and

WHEREAS, on August 26, 2015, Resolution No. 15-1562 authorized Contract No. 582-14-40015 with the TCEQ to conduct ambient air monitoring for the period September 1, 2015 through August 31, 2017, at a not-to-exceed amount of \$1,112,480.10, utilizing funding from both the TCEQ (\$367,790) and with City matching funds (\$183,895, subject to annual appropriations); and

WHEREAS, there is a continuing need for the City to monitor ambient air quality at a network of sites within and near the City of Dallas; and

WHEREAS, the City of Dallas, Public Works Department, has been approved by the TCEQ to continue said monitoring; and

WHEREAS it is now necessary to authorize Contract No. 582-18-80089 with the Texas Commission on Environmental Quality for the Ambient Air Monitoring Program to **(1)** accept a grant in the amount of \$367,790 for the Ambient Air Monitoring Program for the period September 1, 2017 through August 31, 2019; and **(2)** a local match in an amount not to exceed \$181,151 over the two-year period - Total not to exceed \$367,790 – Financing: Texas Commission on Environmental Quality Grant Funds (\$367,790) and Current Funds (\$181,151) (subject to annual appropriations).

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Contract No. 582-18-80089, CFDA No. 66.605, with the Texas Commission on Environmental Quality (TCEQ) to **(1)** accept a grant in the amount of \$367,790 for the Ambient Air Monitoring Program for the period, September 1, 2017 through August 31, 2019; and **(2)**

provide a local match in an amount not to exceed \$181,150.30 over the two-year period, subject to annual appropriations, after it has been approved as to form by the City Attorney.

June 28, 2017

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in Fund F525, Department MGT, Unit 3277, Revenue Code XXXX, in an amount not to exceed \$367,790.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in the amount of \$367,790 in Fund F525, Department MGT, Unit 3277, Object Code XXXX

SECTION 4. That the Chief Financial Officer is hereby authorized to transfer grant funds from Fund F525, Department MGT, Unit 3277, Object Code XXXX to reimburse Fund 0001, Dept. MGT, Unit 4241, Object Code XXXX in the amount of \$367,790 per year.

SECTION 5. That the Chief Financial Officer will provide matching in Fund 0001, Department MGT, Unit 4241, Object Code XXXX in an amount not to exceed \$181,150.30 (subject to annual appropriations).

SECTION 6. That the City Manager is hereby authorized to reimburse to the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 7. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

SECTION 8. 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.

DRAFT

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: August 23, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Office Of Environmental Quality

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: NA

SUBJECT

Authorize the second amendment to Contract No. 582-16-60016 with the Texas Commission on Environmental Quality to accept additional state grant funds to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2017 through August 31, 2018 - Not to exceed \$475,000 from \$961,132 to \$1,436,132 - Financing: Texas Commission on Environmental Quality Grant Funds

BACKGROUND

Since 1967, the City of Dallas has worked with the Texas Commission on Environmental Quality (TCEQ) and its predecessor agencies, to support clean air monitoring and enforcement of air quality regulations through a set of renewing contracts for services. There are currently four contracts under which TCEQ funds the City's Ambient Air Monitoring Group to monitor local air quality and also purchase and maintain necessary equipment.

This action addresses Contract No. 582-16-60016 which ensures the monitoring of biological contaminants that could be associated with a bioterrorist attack on Dallas County. The TCEQ supports the Department of Homeland Security (DHS)'s National Whole Air Monitoring (BioWatch) network which began in February 2003 in Texas. The TCEQ in turn, contracts with the City to operate the Biowatch network of whole air samplers at various locations throughout Dallas County. Authorization of this contract will allow for the City to accept TCEQ funds for FY '18, and enable the City to continue the Biowatch Program. TCEQ reimburses the City of Dallas 100% of the cost associated to maintain the program.

June 28, 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

On May 24, 2010, was briefed to the Transportation & Environment Committee .

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

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

On June 13, 2012, the City Council authorized Contract No. 582-13-30015 with the Texas Commission on Environmental Quality to accept state grant funds to continue to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2012 through August 31, 2013, by Resolution No. 12-1542.

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

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

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

June 28, 2017

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

On August 26, 2015, the City Council authorized Contract No. 582-16-60016 with TCEQ for BioWatch air monitoring from September 1, 2015 to August 31, 2016, , by Resolution No. 15-1563.

On June 13, 2016, briefed the Quality of Life and Environment Committee.

On June 15, 2016, the City Council authorized the first amendment to Contract No. 582-16-60016 to extend the term of the contract period from September 1, 2016 through August 31, 2017, by Resolution No. 16-0982.

In March 2017, briefed the Transportation Committee.

FISCAL INFORMATION

Texas Commission on Environmental Quality Grant Funds - \$475,000

August 23, 2017

WHEREAS, on May 13, 2009, Resolution No. 09-1170 authorized Contract No. 582-10-86403 with the Texas Commission on Environmental Quality (TCEQ) to accept grant funds to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2009 through August 31, 2010, in the amount of \$293,562.00, and the actual contract in the amount of \$277,968.00 was signed and executed on August 20, 2010; and

WHEREAS, on June 23, 2010, Resolution No. 10-1611 authorized the first amendment to Contract No. 582-10-86403 to extend the term of the contract period from September 1, 2010 through August 31, 2011, in the amount of \$422,360, increasing the contract amount from \$277,968 to \$700,328; and

WHEREAS, on June 8, 2011, Resolution No. 11-1526 authorized the second amendment to Contract No. 582-10-86403 to extend the term of the contract period from September 1, 2011 through August 31, 2012, in the amount of \$422,360, increasing the contract amount from \$700,328 to \$1,122,688; and

WHEREAS, on June 13, 2012, Resolution No. 12-1542 authorized Contract No. 582-13-30015 with the Texas Commission on Environmental Quality to accept state grant funds to continue to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2012 through August 31, 2013, in the amount of \$422,360; and

WHEREAS, on June 26, 2013, Resolution No. 13-1077 authorized the first amendment to Contract No. 582-13-30015 to extend the term of the contract period from September 1, 2013 through August 31, 2014 in the amount of \$422,360, increasing the contract amount from \$422,360 to \$844,720; and

WHEREAS, on March 26, 2014, Resolution No. 14-0516 authorized the second amendment for the acceptance of additional grant funds for the Whole Air Sampling Contract No. 582-13-30015 to conduct air monitoring activities from September 1, 2013 through August 31, 2014, in the amount of \$49,640, increasing the contract amount from \$844,720 to \$894,360; and

WHEREAS, on June 25, 2014, Resolution No. 14-1024 authorized the third amendment for the acceptance of additional grant funds for the Whole Air Sampling Contract No. 582-13-30015 to conduct air monitoring activities from September 1, 2014 through August 31, 2015 in the amount of \$461,744, increasing the contract amount from \$894,360 to \$1,356,104; and

June 28, 2017

WHEREAS, on August 26, 2015, Resolution No. 15-1563 authorized Contract No. 582-16-60016 with TCEQ to conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2015 through August 31, 2016 in the amount of \$477,811.30; and

WHEREAS, there is a continuing need to operate an air pollution control program and a network of monitors sampling for BioWatch contaminants; and

WHEREAS, it is now necessary to authorize the second amendment to Contract No. 582-16-60016, CFDA No. 97.091, Federal Grant Number 998117, with the Texas Commission on Environmental Quality to accept additional state grant funds to continue to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2017 through August 31, 2018, in the amount of \$475,000.00 from \$961,132 to \$1,436,132

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Contract No. 582-16-60016, CFDA No. 97.091, Federal Grant Number 998117, with the Texas Commission on Environmental Quality to accept additional state grant funds to continue to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2017 through August 31, 2018, in the amount of \$475,000.00 increasing the contract from \$961,131.92 to \$1,436,132 after it has been approved as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in Fund F523, Dept. MGT, Unit 3200, **Revenue XXXX XXXX**, in the amount of \$475,000.00.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in an amount of \$475,000.00 in Fund F523, Dept. MGT, Unit 3200, Object **Code XXXX**.

SECTION 4. That the Chief Financial Officer is hereby authorized to transfer funds from Fund F523, Dept. MGT, Unit 3200, to reimburse the **Fund 0001**, Dept., Unit 4241, **Object Code XXXX** in an amount of \$475,000.00 per year.

SECTION 5. That the Chief Financial Officer will provide matching funds in Fund 0001, Dept., MGT, Unit 4241 in an amount not to exceed \$483,320.62 (subject to annual appropriations.)

June 28, 2017

SECTION 6. That the City Manager is hereby authorized to reimburse the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 7. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

SECTION 8. 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.

DRAFT

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: August 23, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Office Of Environmental Quality

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: N/A

SUBJECT

Authorize **(1)** Amendment No. 3 to Contract No. 582-15-50121 with the Texas Commission on Environmental Quality to accept state grant funds in the amount of \$525,117 to continue the Air Pollution Compliance program to provide investigation services and complaint response within the City of Dallas for a one year period, from September 1, 2017 through August 31, 2018 and **(2)** a local match in an amount not to exceed \$258,640 - Total not to exceed \$783,757, increasing the contract from \$1,575,351 to \$2,100,468 Financing: Texas Commission on Environmental Quality Grant Funds (\$525,117) and Current Funds (\$258,640) (subject to annual appropriations)

BACKGROUND

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

Under this contract, TCEQ funds the City's Air Pollution Compliance program. In the City's Air Pollution Compliance program, City environmental Specialists conduct periodic inspections of industries and business in Dallas that have the potential to emit pollutants, as defined in the city code. These may include manufacturing facilities, fueling stations, paint-and-body shops, and other industrial sites. The City's specialists respond to citizen complaints of odor, smoke or other airborne pollutants, and they also review air permit requests made by potential emitters in the City of Dallas.

This action will authorize Amendment No.3 to Contract No.3 582-15-50121, renewing the service agreement through FY18. The City and the TCEQ share in the cost of this annual program, with,TCEQ funding 67% of the cost and the City providing 33% subject to annual appropriation.

PRIOR ACTION/REVIEW (COUNCILS, BOARDS, COMMISSIONS)

On August 10, 2005, City Council authorized the first amendment to Contract No. 582-6-74390 to accept grant funds for FY 2005-07 by Resolution No. 05-2198.

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

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

On June 24, 2009, City Council authorized Contract No. 582-10-90257 to accept grant funds for FY 2009-10 by Resolution No. 09-1628.

On May 24, 2010, the Transportation & Environment Committee was briefed regarding this item.

On June 23, 2010, City Council authorized the first amendment to Contract No. 582-10-90257 to accept grant funds for FY 2010-11 by Resolution No. 10-1612.

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

On June 13, 2012, City Council authorized the fourth amendment to contract 582-10-90257 to accept grant funds for FY 2012-13 by Resolution No. 12-1543.

On June 26, 2013, City Council authorized Contract No. 582-14-40025 to accept grant funds for FY 2013-2014 by Resolution No. 13-1076.

On June 25, 2014, City Council authorized Contract No. 582-15-50121 to accept grant funds for FY 2014-2015 by Resolution No. 14-1023.

On August 10, 2015, information about this item was provided to the Quality of Life Committee.

On August 26, 2016, City Council authorized the first amendment to Contract No. 582-15-50121 to accept grant funds for FY 2015-2016 by Resolution No. 15-1566

On June 15, 2016, City Council authorized the second amendment to Contract No. 582-15-50121 to accept grant funds for FY 2016-2017 by Resolution No. 16-0983.

On March 27, 2017, information about City Air Initiatives including the City's local air programs funded by TCEQ was provided to the Transportation and Trinity River Project Committee.

Information about this item will be provided to the Quality of Life and Environment

DRAFT

Committee on June 12, 2017.

FISCAL INFORMATION

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

August 23, 2017

WHEREAS, on November 9, 2011, the third amendment to Contract No. 582-10-90257 was authorized to decrease the amount of grant funds to continue the Air Pollution Compliance Program to provide investigation services and complaint response within the city of Dallas for the period September 1, 2011 through August 31, 2012, decreasing the contract from \$1,591,263 to \$1,585,959; and

WHEREAS, on June 13, 2012, Resolution No. 12-1543 authorized fourth amendment to Contract No. 582-10-90257 to accept additional grant funds to continue the Air Pollution Compliance Program to provide investigation services and complaint response within the city of Dallas for the period September 1, 2012 through August 31, 2013, increasing the contract from \$1,585,959 to \$2,111,076; and

WHEREAS, on June 26, 2013, Resolution No. 13-1076 authorized Contract No. 582-14-40025 to accept grant funds for the Air Pollution Compliance Program to provide investigation services and complaint response within the city of Dallas for the period of September 1, 2013 through August 31, 2014; and

WHEREAS, on June 25, 2014, Resolution No. 14-1023 authorized Contract No. 582-15-50121 to accept grant funds for the Air Pollution Compliance Program to provide investigation services and complaint responses within the City of Dallas for the period of September 1, 2014 through August 31, 2015; and

WHEREAS, on August 26, 2015 Resolution No. 15-1566 authorized the first amendment to Contract No. 582-15-50121 to accept additional grant funds to continue the Air Pollution Compliance Program to provide investigative services and complaint responses within the City of Dallas for the period September 1, 2015 through August 31, 2016; in the amount of \$525,117.00 with a local match of \$258,640.00, increasing the contract from \$783,757.00 to \$1,567,514.00; and,

WHEREAS, on June 15, 2016 Resolution N. 16-0983 authorized the second amendment to Contract No. 582-15-50121 to accept additional grant funds to continue the Air Pollution Compliance Program to provide investigative services and complaint responses within the City of Dallas for the period September 1, 2016 through August 31, 2017; in the amount of \$525,117.00 with a local match of \$258,640.00, increasing the contract from \$1,567,514.00 to \$2,351,271.00; and,

WHEREAS, there is a continuing need for the City of Dallas to provide investigation services and complaint response within the City of Dallas; and,

WHEREAS, the City of Dallas Public Works Department has been approved by the Texas Commission on Environmental Quality to receive grant funds up to \$525,117 per year to accomplish air pollution control investigations within the city of Dallas; and

June 28, 2017

WHEREAS, the total amount to be reimbursed under this agreement shall not exceed 67 percent of the City's total cost for its local air pollution program investigations; and

WHEREAS, the remaining 33 percent of the Air Pollution Compliance program costs are to be funded by the City as matching funds (\$258,640 per year); and

WHEREAS, it is now necessary to authorize the third amendment to Contract No. 582-15-50121 with the Texas Commission on Environmental Quality to accept additional state grant funds to continue the Air Pollution Compliance program to provide investigative services and complaint response, for an extended performance period September 1, 2017 through August 31, 2018, in the amount of \$525,117 and a local match in the amount of \$258,640 from \$2,351,271 to \$3,135,028

Now, Therefore

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

SECTION 1. That the City Manager is hereby authorized to sign Contract No. 582-15-50121 with the Texas Commission on Environmental Quality to accept state grant funds in the amount of \$525,117 to continue the Air Pollution Compliance program to provide investigation services approved as to form by the City Attorney and complaint response, for a one year period of September 1, 2017 through August 31, 2018 and **(2)** a local match in an amount not to exceed \$258,640.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds in Fund S314, Department MGT, Unit 3198, Revenue Source Code 6516, in an amount not to exceed \$525,117.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in an not to exceed amount of \$525,117 in Fund S314, Department MGT, Unit 3198, Object Code 3090

SECTION 4. That the Chief Financial Officer is hereby authorized to transfer funds from Fund S314, Department MGT, Unit 3198, Object Code 3090, to reimburse the Fund 0001, Department MGT, Unit 4298, Object Code 5011, in the amount of \$525,117 per year.

SECTION 5. That the Chief Financial Officer will provide matching funds in Fund 0001, Department MGT, Unit 4298, Object Code 1101 in an amount not to exceed \$258,640 (subject to annual appropriations).

June 28, 2017

SECTION 6. That the City Manager is hereby authorized to reimburse the granting agency and expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditure identifies as ineligible not later than 30 days after the reimbursement.

SECTION 7. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring report not later than 30 days after receipt of the report.

SECTION 8. 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.