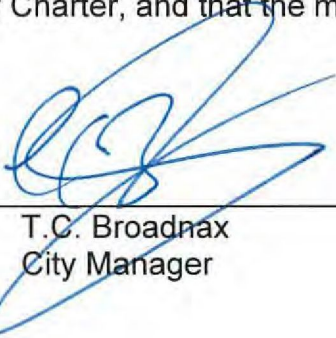


**AUGUST 8, 2018 CITY COUNCIL AGENDA
CERTIFICATION**

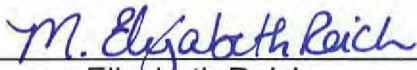
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated August 8, 2018. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



T.C. Broadnax
City Manager

7/27/18

Date



Elizabeth Reich
Chief Financial Officer

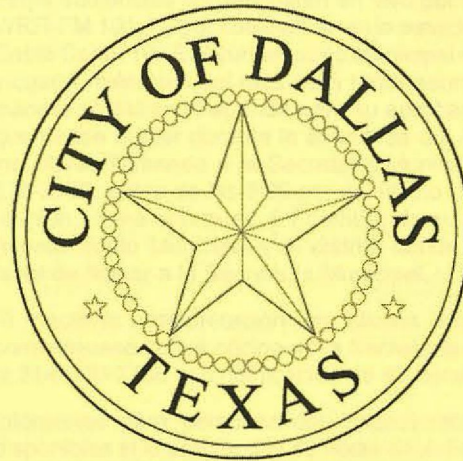
7-27-18

Date

RECEIVED

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

August 8, 2018

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)

(La Información General Y Reglas De Cortesía Que Deben Observarse

Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

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

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

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

The Council agenda is available in alternative formats upon request.

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

Rules of Courtesy

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

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

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

Información General

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

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

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

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

Reglas de Cortesía

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

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

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

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

**AGENDA
CITY COUNCIL MEETING
WEDNESDAY, AUGUST 8, 2018
ORDER OF BUSINESS**

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 39

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 40 - 44

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 45 - 63

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.

AGENDA
CITY COUNCIL MEETING
AUGUST 8, 2018
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A.M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the June 27, 2018 City Council Meeting

CONSENT AGENDA

City Attorney's Office

2. Authorize settlement of the lawsuit styled Nadeesha Gammampila v. City of Dallas, Cause No. DC-17-16547 - Not to exceed \$80,000 - Financing: Current Funds

City Controller's Office

3. An ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, in a principal amount not to exceed \$165,000,000; establishing parameters regarding the sale of the bonds; approving the execution of agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed \$512,360 - Financing: Water Utilities Current Funds

CONSENT AGENDA (continued)**City Manager's Office**

4. Authorize acceptance of the specific goals, initiatives and actions in the Resilient Dallas Plan to build resilience and further equity for all Dallas residents - Financing: No cost consideration to the City

Department of Code Compliance

5. An ordinance amending Chapter 17, "Food Establishments," of the Dallas City Code, by **(1)** amending Sections 17-1.5 and 17-10.2; **(2)** providing for definitions of different risk level establishments; **(3)** providing for varying periodic inspections of food establishments depending on risk level classification; **(4)** providing for standards for inspection frequency; **(5)** providing that on-site food establishment risk profile assessment inspections may be conducted; **(6)** providing a fee schedule for inspections of fixed facilities; **(7)** providing that variances are also vehicle specific, event specific, and location specific; **(8)** providing a penalty not to exceed \$2,000; **(9)** providing a saving clause; **(10)** providing a severability clause; and **(11)** providing an effective date - Estimated Revenue Reduction: (\$140,000)

Department of Public Works

6. Authorize **(1)** street paving, drainage, and water main improvements for Street Group 12-464; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on September 26, 2018, to receive comments - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)
7. Authorize an additional payment to the Texas Department of Transportation for the City of Dallas' share of estimated direct state costs for the construction oversight of the Dolphin Road (Hatcher Street) Project from Spring Avenue to north of Haskell Avenue - Not to exceed \$138,000 - Financing: 2006 Bond Funds

Department of Sustainable Development and Construction

8. Authorize **(1)** settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Cold Beer in Deep Ellum, L.P., et al., pending in County Court at Law No. 4, Cause No. CC-15-04210-D, for acquisition from Cold Beer in Deep Ellum, L.P., et al., of approximately 3,725 square feet of land for right-of-way located near the intersection of Exposition Avenue and Main Street for the CBD-Fair Park Link Project; and **(2)** the deposit of the settlement amount reached through Court ordered mediation and negotiation of the condemnation suit for an amount not to exceed the amount of the settlement amount - Not to exceed \$480,000 increased from \$253,833 (\$248,833 being the award, plus closing costs and title expenses not to exceed \$5,000) to \$487,000 (\$480,000 being the settlement amount, plus closing costs and title expenses not to exceed \$7,000) - Financing: 2003 Bond Funds

CONSENT AGENDA (continued)**Department of Sustainable Development and Construction** (continued)

9. Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 266,621 square feet from Forney Ranch Road, LLC located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$62,473, increased from \$96,815 (\$93,315, plus closing costs and title expenses not to exceed \$3,500) to \$159,288 (\$155,788, plus closing costs and title expenses not to exceed \$3,500) - Financing: Water Utilities Capital Improvement Funds
10. Authorize acquisition from Mildred A. Case, of approximately 20,604 square feet of land improved with an unoccupied manufactured dwelling located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$41,373 (\$38,373, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Improvement Funds
11. Authorize acquisition from Rosa Elia DeLeon and Ebaristo DeLeon, of a wastewater easement containing approximately 3,618 square feet of land located near the intersection of Winnetka Avenue and Clarendon Drive for the Yarmouth Avenue Wastewater Mains Replacement Project - Not to exceed \$21,500 (\$19,500, plus closing costs and title expenses not to exceed \$2,000) - Financing: Water Utilities Capital Construction Funds
12. A resolution authorizing the conveyance of an easement and right-of-way for two tracts of land containing a total of approximately 1,917 square feet to Oncor Electric Delivery Company, LLC for the construction, maintenance and use of power lines and electrical facilities across City-owned land located near the intersection of Taylor Street and South Pearl Expressway - Financing: No cost consideration to the City
13. A resolution authorizing the conveyance of a wastewater easement containing approximately 8,467 square feet of land to the City of Heath for the construction, maintenance and use of wastewater facilities across City-owned land located near the intersection of Hubbard and Scenic Drives - Revenue: \$10,962
14. Authorize a five-year, two-month lease agreement with Ricchi Towers, LLC for approximately 1,950 square feet of office space located at 8585 North Stemmons Freeway, Suite S-525 to be used for City personnel purposes for the period September 1, 2018 through October 31, 2023 - Not to exceed \$136,500 - Financing: General Funds (subject to annual appropriations)
15. An ordinance granting a revocable license to AT&T Services, Inc., for the use of a total of approximately 716 square feet of aerial space to install, maintain, and utilize aerial lights over portions of Jackson Street right-of-way near its intersection with Browder Street - Revenue: \$4,035 annually, plus the \$20 ordinance publication fee

CONSENT AGENDA (continued)**Department of Sustainable Development and Construction** (continued)

16. An ordinance granting a revocable license to Main Street Grocery, LLC dba Royal Blue Grocery, for the use of a total of approximately 449 square feet of land to install, maintain and utilize two canopies with premise signs and two planters on and over portions of Main and Ervay Streets rights-of-way near their intersection - Revenue: \$2,000 annually and \$200 one-time fee, plus the \$20 ordinance publication fee
17. An ordinance abandoning an alley to Legge Properties Limited, the abutting owner, containing approximately 3,038 square feet of land, located near the intersection of Brunner and Clinton Avenues; and authorizing the quitclaim - Revenue: \$9,448, plus the \$20 ordinance publication fee
18. An ordinance abandoning two portions of a drainage easement to JLB 4662 Amesbury Partners, L.P. and JLB Ash at the Branch Partners L.P., the abutting owners, containing a total of approximately 2,821 square feet of land, located near the intersection of Amesbury Drive and Sandhurst Lane - Revenue: \$5,400, plus the \$20 ordinance publication fee

Department of Trinity Watershed Management

19. Authorize acquisition from Raanel J. Steel and The Edith E. Steel Living Trust, of approximately 15,733 square feet of land located on Oak Creek Circle near its intersection with Greencreek Drive for the Oak Creek Circle 3504 & 3508 Voluntary Purchase Program - Not to exceed \$138,500 (\$135,000, plus closing costs and title expenses not to exceed \$3,500) - Financing: 2017 Bond Funds

Office of Budget

20. Authorize a public hearing to be held on August 22, 2018 to receive comments on the FY 2018-19 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

Office of Community Care

21. Authorize **(1)** the acceptance of a donation in the amount of \$72,000 from Reliant Energy Retail Services, LLC (Reliant Energy) to provide funding for energy assistance to Reliant Energy customers under their CARE Program, through the West Dallas Multipurpose Center and the Martin Luther King, Jr. Community Center, to individuals and families who are experiencing a temporary financial crisis; **(2)** the receipt and deposit of funds in an amount not to exceed \$36,000 in the West Dallas Multipurpose Center-Emergency Social Services Fund; **(3)** an increase in appropriations in an amount not to exceed \$36,000 in the West Dallas Multipurpose Center-Emergency Social Services Fund; **(4)** the receipt and deposit of funds in an amount not to exceed \$36,000 in the Alvin E. Moore Trust Fund; and **(5)** an increase in appropriations in an amount not to exceed \$36,000 in the Alvin E. Moore Trust Fund - Not to exceed \$72,000 - Financing: Private Funds

CONSENT AGENDA (continued)**Office of Community Care** (continued)

22. Authorize **(1)** a third amendment to the Contract No. 2015-047695-001 (Amendment No. 3 Contract No. 2015-047695-002) with the Department of State Health Services (DSHS), Family and Community Health Services, Office of Title V and Family Health and the Women, Infants, and Children (WIC) Program for the Lactation Support Center Services Strategic Expansion Program, to (a) revise the budget and extend the term of the contract from September 1, 2018 through August 31, 2019 to allow for successful completion of the WIC Project for FY 2019 grant allocation; (b) accept additional grant funds in the amount of \$260,000 for FY 2019 allocation (Amendment No. 3 Contract No. 2015-047695-002); **(2)** the establishment of appropriations in an amount not to exceed \$260,000 in the WIC Lactation Resource and Training Expansion 18-19 Fund; **(3)** the receipt and deposit of grant funds for reimbursement from DSHS in an amount not to exceed \$260,000 in the WIC Lactation Resource and Training Expansion 18-19 Fund; and **(4)** the execution of the contract amendment and all terms, conditions, and documents required by the contract - Not to exceed \$260,000, from \$910,000 to \$1,170,000 - Financing: Department of State Health Services, Office of Title V and Family Health Grant Funds

Office of Procurement Services

23. Authorize **(1)** an Interlocal Agreement with Sam Houston State University; and **(2)** a three-year service contract for a software subscription to the Criminal Research Information Management and Evaluation System through an interlocal agreement with Sam Houston State University - Not to exceed \$148,500 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)
24. Authorize a three-year service price agreement for analytical laboratory testing services - Technical Testing International, LLC dba TTI Environmental Laboratories in the amount of \$4,985,725 and Ana-Lab Corporation in the amount of \$114,112, lowest responsible bidders of four - Total not to exceed \$5,099,837 - Financing: General Funds (\$470), Water Utilities Current Funds (\$4,643,240), Stormwater Drainage Management Current Funds (\$342,175), Sanitation Current Funds (\$103,206), and Aviation Current Funds (\$10,746) (subject to annual appropriations)
25. Authorize a three-year service price agreement for vehicle exhaust extraction parts and maintenance for the Fire-Rescue Department - Air Cleaning Technologies, Inc., sole source - Not to exceed \$330,265 - Financing: General Funds (subject to annual appropriations)
26. Authorize a three-year service price agreement for the maintenance, repair, and restoration of multi-sport court surfaces for the Park and Recreation Department - Hellas Construction, Inc., lowest responsible bidder of three - Not to exceed \$526,425 - Financing: General Funds (subject to annual appropriations)

CONSENT AGENDA (continued)**Office of Procurement Services** (continued)

27. Authorize a three-year service price agreement for sewer and storm drain camera repair services, parts, and accessories - CLS Sewer Equipment Co., Inc. in the amount of \$597,675, Green Equipment Company in the amount of \$335,000, and Reliability Point LLC in the amount of \$155,000, lowest responsible bidders of three - Total not to exceed \$1,087,675 - Financing: Water Utilities Current Funds (\$645,000) and Stormwater Drainage Management Current Funds (\$442,675) (subject to annual appropriations)
28. Authorize a three-year service price agreement for grounds, creeks, and channel maintenance of floodway sumps for the Department of Trinity Watershed Management - Moir Watershed Services, LLC, lowest responsible bidder of three - Not to exceed \$3,090,995 - Financing: Stormwater Drainage Management Current Funds (subject to annual appropriations)
29. Authorize a two-year master agreement for the purchase of pumps and parts - Xylem Water Solutions USA, Inc. in the amount of \$1,778,000, FCX Performance, Inc. dba Pierce Pump Company in the amount of \$1,287,754, Master Pumps & Equipment in the amount of \$555,000, Environmental Improvements, Inc. in the amount of \$373,000, MaCaulay Controls Company in the amount of \$105,000, and United Rentals (North America), Inc. in the amount of \$50,000, lowest responsible bidders of thirteen - Total not to exceed \$4,148,754 - Financing: General Funds (\$303,500), Water Utilities Current Funds (\$2,555,254), Convention and Event Services Current Funds (\$855,000), Stormwater Drainage Management Current Funds (\$268,000), Sanitation Current Funds (\$160,000), and Aviation Current Funds (\$7,000)
30. Authorize a three-year master agreement for replacement reflective decals for squad cars, City fleet vehicles, and non-reflective labels for storage containers - INPS in the amount of \$65,513 and T-Grip, LLC dba T-Grip Graphics and Signs in the amount of \$5,117, lowest responsible bidders of six - Total not to exceed \$70,630 - Financing: Equipment Services Current Funds

Office of Strategic Partnerships & Government Affairs

31. Authorize the **(1)** acceptance of a grant from the U.S. Department of Justice, Bureau of Justice Assistance for a broad range of activities to help control and prevent crime, and to improve the criminal justice system (Grant No. 2017-DJ-BX-0834, CFDA No. 16.738), in the amount of \$900,568 for the period October 1, 2016 through September 30, 2020; **(2)** receipt and deposit of funds in an amount not to exceed \$900,568 in the Bureau of Justice Assistance Grant FY17 16-20 Fund; **(3)** establishment of appropriations in an amount not to exceed \$900,568 in the Bureau of Justice Assistance Grant FY17 16-20 Fund; and **(4)** execution of the grant agreement - Not to exceed \$900,568 - Financing: U.S. Department of Justice Grant Funds

CONSENT AGENDA (continued)**Park & Recreation Department**

32. Authorize a five-year maintenance agreement with one five-year renewal option with the Colts Cricket Club to maintain the cricket pitch at Marcus Park located at 3003 Northaven Road - Financing: No cost consideration to the City
33. Authorize **(1)** a twenty-year endowment and maintenance agreement with The Dallas Foundation for annual maintenance and beautification projects for Hamilton Park located at 12225 Willowdell Drive and portions of the Cottonwood Trail; **(2)** the establishment of appropriations in an amount not to exceed \$400,000 (\$20,000 annually) in the Park and Recreation Beautification Fund; **(3)** the receipt and deposit of endowment funds in an amount not to exceed \$400,000 (\$20,000 annually) in the Park and Recreation Beautification Fund; and **(4)** execution of the endowment and maintenance agreement - Financing: No cost consideration to the City

Water Utilities Department

34. Authorize an amendment to the Memorandum of Agreement entitled "City of Dallas-Tarrant Regional Water District Interlocal Cooperation Contract" with the Tarrant Regional Water District to include technical review support services associated with the United States Army Corps of Engineers Sulphur River Basin feasibility study - Not to exceed \$29,197 - Financing: Water Utilities Current Funds
35. Authorize a three-year service contract for internal pipe repair of large diameter reinforced concrete water mains - Structural Preservation Systems, LLC, most advantageous proposer of two - Not to exceed \$10,033,920 - Financing: Water Utilities Capital Construction Funds (subject to annual appropriations)
36. Authorize a three-year construction contract for pavement and infrastructure repairs at various locations throughout the city - NPL Construction Co., in the amount of \$20,527,343 and Vescorp Construction, LLC, in the amount of \$7,399,800, lowest responsible bidders of five - Total not to exceed \$27,927,143 - Financing: Water Utilities Capital Construction Funds (\$20,527,343) and Stormwater Drainage Management Current Funds (\$7,399,800) (subject to annual appropriations)
37. Authorize a construction contract for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Construction, LLC, lowest responsible bidder of two - Not to exceed \$8,849,540 - Financing: Water Utilities Capital Improvement Funds
38. Authorize a construction contract for the installation of water and wastewater mains at 29 locations (list attached) - RKM Utility Services, Inc., lowest responsible bidder of six - Not to exceed \$12,958,703 - Financing: Water Utilities Capital Improvement Funds (\$12,635,918) and Street and Alley Improvement Funds (\$322,785)

CONSENT AGENDA (continued)

Water Utilities Department (continued)

39. Authorize Supplemental Agreement No. 1 to the professional services contract with Arredondo, Zepeda and Brunz, LLC to provide additional engineering services to replace the Garland Road elevated water tank and associated water system improvements - Not to exceed \$2,180,290, from \$615,330 to \$2,795,620 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

40. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

Park & Recreation Department

41. Authorize a Chapter 380 Economic Development Grant Agreement with ESPN Productions Inc. in consideration of bringing teams from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 pursuant to the City of Dallas Public/Private Partnership Program - Not to exceed \$300,000 - Financing: General Funds (subject to annual appropriations)

ITEMS FOR FURTHER CONSIDERATION

Civil Service

42. Authorize a contract for a one-year corporate membership to LinkedIn Corporation - Not to exceed \$128,159 - Financing: General Funds (subject to appropriations) (This item was deferred on June 27, 2018)

Office of Procurement Services

43. Authorize **(1)** the rejection of the proposals received for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District; and **(2)** the re-advertisement for a new solicitation - Financing: No cost consideration to the City (This item was deferred on June 27, 2018)

Police Department

44. Authorize an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2017 through September 30, 2019 - Not to exceed \$1,200,000 - Financing: General Funds (subject to appropriations) (This item was deferred on June 27, 2018)

PUBLIC HEARINGS AND RELATED ACTIONS**Department of Sustainable Development and Construction**ZONING CASES - CONSENT

45. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 706 for a public school use on property zoned Planned Development District No. 706, on the northwest corner of Walnut Hill Lane and Gooding Drive
Recommendation of Staff and CPC: Approval, subject to a revised development plan, landscape plan, traffic management plan, and conditions
Z178-150(SM)
46. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school on property zoned an R-7.5(A) Single Family District, on the southeast corner of Holcomb Road and Odom Drive
Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan, and conditions
Z178-197(JM)
47. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 435 for a public school use on property zoned Planned Development District No. 435, on the northwest corner of Duncanville Road and Illinois Avenue
Recommendation of Staff and CPC: Approval, subject to a revised development plan, revised landscape plan, traffic management plan, and conditions
Z178-198(MB/JM)
48. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the northeast corner of Main Street and North Crowds Street
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z178-233(JM)
49. A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District and a resolution terminating existing deed restrictions [Z756-181], on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and Planned Development District No. 103, on the east side of Pastor Bailey Drive, north of Scout Avenue
Recommendation of Staff and CPC: Approval of an MF-2(A) Multifamily District and approval of the termination of existing deed restrictions
Z178-236(JM)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)**Department of Sustainable Development and Construction** (continued)ZONING CASES - CONSENT (continued)

50. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with Specific Use Permit No. 2007 for an attached projecting non-premise district activity videoboard sign, on the east side of North Griffin Street, between Pacific Avenue and Elm Street
Recommendation of Staff and CPC: Approval for a six-year period, subject to a site plan and conditions
Z178-241(PD)
51. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the east side of North Cesar Chavez Boulevard, between Elm Street and Main Street
Recommendation of Staff and CPC: Approval for a six-year period, subject to a site plan and conditions
Z178-242(PD)
52. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an A(A) Agricultural District, south of Telephone Road, east of Travis Trail
Recommendation of Staff and CPC: Approval
Z178-246(PD)

ZONING CASES - INDIVIDUAL

53. A public hearing to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District and Planned Development District No. 473 for mixed uses with consideration being given to appropriate zoning for the area including use, development standards, and other appropriate regulations in an area bounded by Main Street, Haskell Avenue, the Santa Fe right-of-way and DART's Green Line right-of-way and an ordinance granting a Planned Development District
Recommendation of Staff and CPC: Approval of a Planned Development District, subject to conditions
Z145-312(PT)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)**Department of Sustainable Development and Construction** (continued)ZONING CASES - INDIVIDUAL (continued)

54. A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a new tract for MF-2(A) Multifamily District uses; **(2)** an ordinance granting the termination of Specific Use Permit No. 1636 for multifamily uses; and, **(3)** an ordinance granting the termination of Specific Use Permit No. 2213 for single family uses, on property zoned Tract 12 for MU-1 Mixed Use District uses and Tract 13 for MF-2(A) Multifamily District uses within Planned Development District No. 508, on the north line of Singleton Boulevard, east of Westmoreland Road
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, and conditions; approval of the termination of Specific Use Permit No. 1636 for multifamily uses; and approval of the termination of Specific Use Permit No. 2213 for single family uses
Z167-404(SM)
55. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses on property zoned an R-10(A) Single Family District, southeast of Vanguard Way, west of Whittenburg Gate
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a conceptual plan and conditions
Z178-108(PD)
56. A public hearing to receive comments regarding an application for and an ordinance granting a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northeast corner of Peabody Avenue and Myrtle Street
Recommendation of Staff: Denial
Recommendation of CPC: Approval
Z178-200(MB/CT)
57. A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-1-D Limited Office District with a D Liquor Control Overlay, on Gaston Parkway, northwest of Garland Road, and northeast of Beachview Street
Recommendation of Staff: Approval
Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant
Z178-226(JM)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)**Department of Sustainable Development and Construction** (continued)ZONING CASES - INDIVIDUAL (continued)

58. A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the southeast side of Al Lipscomb Way, between Myrtle Street and Atlanta Street
Recommendation of Staff: Denial
Recommendation of CPC: Approval
Z178-237(CY)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

59. A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for mixed uses on property zoned Subdistrict 2, the Moderate Density Mixed Use Corridors, within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west corner of South Ervay Street and Beaumont Street
Recommendation of Staff: Approval, subject to staff's recommended conditions
Recommendation of CPC: Approval, subject to conditions
Z167-246(SM)
Note: This item was deferred by the City Council before opening the public hearing on June 27, 2018, and is scheduled for consideration on August 8, 2018
60. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions
Z178-163(SM)
Note: This item was deferred by the City Council before opening the public hearings on May 23, 2018 and June 27, 2018, and is scheduled for consideration on August 8, 2018
61. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned an IR Industrial Research District, on the south line of Skillman Street and the north line of Wendell Road, east of Pagemill Road
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan, traffic management plan, and conditions
Z178-213(SM)
Note: This item was deferred by the City Council before opening the public hearing on June 27, 2018, and is scheduled for consideration on August 8, 2018

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Department of Sustainable Development and Construction (continued)

STREET NAME CHANGE

62. A public hearing to receive comments regarding a proposal to change the name of Alamo Street between Cedar Springs Road and Woodall Rodgers Service Road, west of Caroline Street, to "Miguel Martinez Way" and an ordinance granting the name change - NC178-005 - Financing: This action has no cost consideration to the City (New street blades to be prepared and paid for by the applicant)

MISCELLANEOUS HEARINGS

Park & Recreation Department

63. A public hearing to receive comments on the proposed use of a portion of Hamilton Park located at 12100 Willowdell Drive, totaling approximately 39 square feet of land, for the installation of an outdoor warning siren by the Office of Emergency Management, to provide warning siren system coverage for the benefit of the public; and at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: This action has no cost consideration to the City (see Fiscal Information section for future cost)

Water and Wastewater Main Installations
Agenda Item #38

District 2

Haggar Way from Mockingbird Lane to Lemmon Ave

District 4

Alley between Alabama Avenue and Ramsey Avenue from Ohio Avenue north
Alley between Ewing Avenue and Harlandale Avenue from Hobson Avenue to Saner Avenue
Alley between Ewing Avenue and Harlandale Avenue from Illinois Avenue to Elmore Avenue
Alley between Ewing Avenue and Harlandale Avenue from Illinois Avenue north
Avenue F from 11th Street to Sanderson Avenue
Avenue G from 11th Street to Sanderson Avenue
Denley Drive from Garza Avenue south
Ewing Avenue from Kiest Boulevard to Graceland Avenue
Ewing Avenue from Vermont Avenue to Genoa Avenue
Illinois Avenue from Fordham Road southeast
Moffatt Avenue from Aztec Drive southwest
Scotland Drive from Sunnyvale Street to Tacoma Street

District 5

Alley between Woodcastle Drive and Craige Drive from Prairie Creek Road west
Woodcastle Drive from Prairie Creek Road to Craige Drive

District 6

Irving Boulevard from Top Line Drive to Apricot Street

District 7

Alley west of Rustown Drive from Inadale Avenue to Oates Drive
Good Latimer Expressway from DART rail to Logan Street
Gross Road from Peavy Road east
Inez Street from Brigham Lane to Marder Street
K Street from Good Latimer Expressway southwest
Martin Luther King Jr. Boulevard from Malcolm X Boulevard to Meadow Street
Pennsylvania Avenue from JB Jackson Jr. Boulevard southwest
Pennsylvania Avenue from Latimer Street to Malcolm X Boulevard
Pennsylvania Avenue from Meyers Street to Trunk Avenue
Stephenson Street from Bexar Street to Inez Street

Water and Wastewater Main Installations
Agenda Item #38 (continued)

District 8

Lenosa Lane from Parkcliff Drive to Belt Line Road
Parkcliff Drive from Kleberg Road to Lenosa Lane

District 14

Alley between Morningside Avenue and McCommas Boulevard from Skillman Street
to Clements Street

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]

AGENDA DATE August 8, 2018

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
#		DEF					
1			All	V	NA	NA	Approval of Minutes of the June 27, 2018 City Council Meeting
2			N/A	C	ATT, POL	\$80,000.00	Authorize settlement of the lawsuit styled Nadeesha Gammampila v. City of Dallas, Cause No. DC-17-16547 - Not to exceed \$80,000 - Financing: Current Funds
3			N/A	C	CON, WTR	\$512,360.00	An ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, in a principal amount not to exceed \$165,000,000; establishing parameters regarding the sale of the bonds; approving the execution of agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed \$512,360 - Financing: Water Utilities Current Funds
4			N/A	C	CMO	NC	Authorize acceptance of the specific goals, initiatives and actions in the Resilient Dallas Plan to build resilience and further equity for all Dallas residents - Financing: No cost consideration to the City
5			All	C	CCS	REV \$-140,000	An ordinance amending Chapter 17, "Food Establishments," of the Dallas City Code, by (1) amending Sections 17-1.5 and 17-10.2; (2) providing for definitions of different risk level establishments; (3) providing for varying periodic inspections of food establishments depending on risk level classification; (4) providing for standards for inspection frequency; (5) providing that on-site food establishment risk profile assessment inspections may be conducted; (6) providing a fee schedule for inspections of fixed facilities; (7) providing that variances are also vehicle specific, event specific, and location specific; (8) providing a penalty not to exceed \$2,000; (9) providing a saving clause; (10) providing a severability clause; and (11) providing an effective date - Estimated Revenue Reduction: (\$140,000)
6			4, 5	C	PBW, WTR	NC	Authorize (1) street paving, drainage, and water main improvements for Street Group 12-464; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and (2) a benefit assessment hearing to be held on September 26, 2018, to receive comments - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)
7			2, 7	C	PBW	\$138,000.00	Authorize an additional payment to the Texas Department of Transportation for the City of Dallas' share of estimated direct state costs for the construction oversight of the Dolphin Road (Hatcher Street) Project from Spring Avenue to north of Haskell Avenue - Not to exceed \$138,000 - Financing: 2006 Bond Funds
8			2	C	DEV, ATT, PBW	\$480,000.00	Authorize (1) settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Cold Beer in Deep Ellum, L.P., et al., pending in County Court at Law No. 4, Cause No. CC-15-04210-D, for acquisition from Cold Beer in Deep Ellum, L.P., et al., of approximately 3,725 square feet of land for right-of-way located near the intersection of Exposition Avenue and Main Street for the CBD-Fair Park Link Project; and (2) the deposit of the settlement amount reached through Court ordered mediation and negotiation of the condemnation suit for an amount not to exceed the amount of the settlement amount - Not to exceed \$480,000 increased from \$253,833 (\$248,833 being the award, plus closing costs and title expenses not to exceed \$5,000) to \$487,000 (\$480,000 being the settlement amount, plus closing costs and title expenses not to exceed \$7,000) - Financing: 2003 Bond Funds
9			Outside	C	DEV, WTR	\$62,473.00	Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 266,621 square feet from Forney Ranch Road, LLC located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$62,473, increased from \$96,815 (\$93,315, plus closing costs and title expenses not to exceed \$3,500) to \$159,288 (\$155,788, plus closing costs and title expenses not to exceed \$3,500) - Financing: Water Utilities Capital Improvement Funds
10			Outside	C	DEV, WTR	\$41,373.00	Authorize acquisition from Mildred A. Case, of approximately 20,604 square feet of land improved with an unoccupied manufactured dwelling located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$41,373 (\$38,373, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Improvement Funds
11			1	C	DEV, WTR	\$21,500.00	Authorize acquisition from Rosa Elia DeLeon and Ebaristo DeLeon, of a wastewater easement containing approximately 3,618 square feet of land located near the intersection of Winnetka Avenue and Clarendon Drive for the Yarmouth Avenue Wastewater Mains Replacement Project - Not to exceed \$21,500 (\$19,500, plus closing costs and title expenses not to exceed \$2,000) - Financing: Water Utilities Capital Construction Funds

AGENDA DATE August 8, 2018

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
#	OK	DEF					
12			2	C	DEV	NC	A resolution authorizing the conveyance of an easement and right-of-way for two tracts of land containing a total of approximately 1,917 square feet to Oncor Electric Delivery Company, LLC for the construction, maintenance and use of power lines and electrical facilities across City-owned land located near the intersection of Taylor Street and South Pearl Expressway - Financing: No cost consideration to the City
13			9	C	DEV, WTR	REV \$10,962	A resolution authorizing the conveyance of a wastewater easement containing approximately 8,467 square feet of land to the City of Heath for the construction, maintenance and use of wastewater facilities across City-owned land located near the intersection of Hubbard and Scenic Drives - Revenue: \$10,962
14			6	C	DEV, POL	\$136,500.00	Authorize a five-year, two-month lease agreement with Ricchi Towers, LLC for approximately 1,950 square feet of office space located at 8585 North Stemmons Freeway, Suite S-525 to be used for City personnel purposes for the period September 1, 2018 through October 31, 2023 - Not to exceed \$136,500 - Financing: General Funds (subject to annual appropriations)
15			14	C	DEV	REV \$4,035	An ordinance granting a revocable license to AT&T Services, Inc., for the use of a total of approximately 716 square feet of aerial space to install, maintain, and utilize aerial lights over portions of Jackson Street right-of-way near its intersection with Browder Street - Revenue: \$4,035 annually, plus the \$20 ordinance publication fee
16			14	C	DEV	REV \$2,000	An ordinance granting a revocable license to Main Street Grocery, LLC dba Royal Blue Grocery, for the use of a total of approximately 449 square feet of land to install, maintain and utilize two canopies with premise signs and two planters on and over portions of Main and Ervay Streets rights-of-way near their intersection - Revenue: \$2,000 annually and \$200 one-time fee, plus the \$20 ordinance publication fee
17			1	C	DEV	REV \$9,448	An ordinance abandoning an alley to Legge Properties Limited, the abutting owner, containing approximately 3,038 square feet of land, located near the intersection of Brunner and Clinton Avenues; and authorizing the quitclaim - Revenue: \$9,448, plus the \$20 ordinance publication fee
18			14	C	DEV	REV \$5,400	An ordinance abandoning two portions of a drainage easement to JLB 4662 Amesbury Partners, L.P. and JLB Ash at the Branch Partners L.P., the abutting owners, containing a total of approximately 2,821 square feet of land, located near the intersection of Amesbury Drive and Sandhurst Lane - Revenue: \$5,400, plus the \$20 ordinance publication fee
19			5	C	TWM	\$138,500.00	Authorize acquisition from Raanel J. Steel and The Edith E. Steel Living Trust, of approximately 15,733 square feet of land located on Oak Creek Circle near its intersection with Greencreek Drive for the Oak Creek Circle 3504 & 3508 Voluntary Purchase Program - Not to exceed \$138,500 (\$135,000, plus closing costs and title expenses not to exceed \$3,500) - Financing: 2017 Bond Funds
20			N/A	C	OFS	NC	Authorize a public hearing to be held on August 22, 2018 to receive comments on the FY 2018-19 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City
21			All	C	OCC	GT	Authorize (1) the acceptance of a donation in the amount of \$72,000 from Reliant Energy Retail Services, LLC (Reliant Energy) to provide funding for energy assistance to Reliant Energy customers under their CARE Program, through the West Dallas Multipurpose Center and the Martin Luther King, Jr. Community Center, to individuals and families who are experiencing a temporary financial crisis; (2) the receipt and deposit of funds in an amount not to exceed \$36,000 in the West Dallas Multipurpose Center-Emergency Social Services Fund; (3) an increase in appropriations in an amount not to exceed \$36,000 in the West Dallas Multipurpose Center-Emergency Social Services Fund; (4) the receipt and deposit of funds in an amount not to exceed \$36,000 in the Alvin E. Moore Trust Fund; and (5) an increase in appropriations in an amount not to exceed \$36,000 in the Alvin E. Moore Trust Fund - Not to exceed \$72,000 - Financing: Private Funds

AGENDA DATE August 8, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
22			All	C	OCC	GT	Authorize (1) a third amendment to the Contract No. 2015-047695-001 (Amendment No. 3 Contract No. 2015-047695-002) with the Department of State Health Services (DSHS), Family and Community Health Services, Office of Title V and Family Health and the Women, Infants, and Children (WIC) Program for the Lactation Support Center Services Strategic Expansion Program, to (a) revise the budget and extend the term of the contract from September 1, 2018 through August 31, 2019 to allow for successful completion of the WIC Project for FY 2019 grant allocation; (b) accept additional grant funds in the amount of \$260,000 for FY 2019 allocation (Amendment No. 3 Contract No. 2015-047695-002); (2) the establishment of appropriations in an amount not to exceed \$260,000 in the WIC Lactation Resource and Training Expansion 18-19 Fund; (3) the receipt and deposit of grant funds for reimbursement from DSHS in an amount not to exceed \$260,000 in the WIC Lactation Resource and Training Expansion 18-19 Fund; and (4) the execution of the contract amendment and all terms, conditions, and documents required by the contract - Not to exceed \$260,000, from \$910,000 to \$1,170,000 - Financing: Department of State Health Services, Office of Title V and Family Health Grant Funds
23			All	C	PBD, CIS, POL	\$148,500.00	Authorize (1) an Interlocal Agreement with Sam Houston State University; and (2) a three-year service contract for a software subscription to the Criminal Research Information Management and Evaluation System through an interlocal agreement with Sam Houston State University - Not to exceed \$148,500 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)
24			All	C	PBD, AVI, EBS, SAN, TWM, WTR	\$5,099,837.00	Authorize a three-year service price agreement for analytical laboratory testing services - Technical Testing International, LLC dba TTI Environmental Laboratories in the amount of \$4,985,725 and Ana-Lab Corporation in the amount of \$114,112, lowest responsible bidders of four - Total not to exceed \$5,099,837 - Financing: General Funds (\$470), Water Utilities Current Funds (\$4,643,240), Stormwater Drainage Management Current Funds (\$342,175), Sanitation Current Funds (\$103,206), and Aviation Current Funds (\$10,746) (subject to annual appropriations)
25			All	C	PBD, FIR	\$330,265.00	Authorize a three-year service price agreement for vehicle exhaust extraction parts and maintenance for the Fire-Rescue Department - Air Cleaning Technologies, Inc., sole source - Not to exceed \$330,265 - Financing: General Funds (subject to annual appropriations)
26			All	C	PBD, PKR	\$526,425.00	Authorize a three-year service price agreement for the maintenance, repair, and restoration of multi-sport court surfaces for the Park and Recreation Department - Hellas Construction, Inc., lowest responsible bidder of three - Not to exceed \$526,425 - Financing: General Funds (subject to annual appropriations)
27			All	C	PBD, TWM, WTR	\$1,087,675.00	Authorize a three-year service price agreement for sewer and storm drain camera repair services, parts, and accessories - CLS Sewer Equipment Co., Inc. in the amount of \$597,675, Green Equipment Company in the amount of \$335,000, and Reliability Point LLC in the amount of \$155,000, lowest responsible bidders of three - Total not to exceed \$1,087,675 - Financing: Water Utilities Current Funds (\$645,000) and Stormwater Drainage Management Current Funds (\$442,675) (subject to annual appropriations)
28			All	C	PBD, TWM	\$3,090,995.00	Authorize a three-year service price agreement for grounds, creeks, and channel maintenance of floodway sumps for the Department of Trinity Watershed Management - Moir Watershed Services, LLC, lowest responsible bidder of three - Not to exceed \$3,090,995 - Financing: Stormwater Drainage Management Current Funds (subject to annual appropriations)
29			All	C	PBD, AVI, CES, SAN, TWM, WTR	\$4,148,754.00	Authorize a two-year master agreement for the purchase of pumps and parts - Xylem Water Solutions USA, Inc. in the amount of \$1,778,000, FCX Performance, Inc. dba Pierce Pump Company in the amount of \$1,287,754, Master Pumps & Equipment in the amount of \$555,000, Environmental Improvements, Inc. in the amount of \$373,000, MacAulay Controls Company in the amount of \$105,000, and United Rentals (North America), Inc. in the amount of \$50,000, lowest responsible bidders of thirteen - Total not to exceed \$4,148,754 - Financing: General Funds (\$303,500), Water Utilities Current Funds (\$2,555,254), Convention and Event Services Current Funds (\$855,000), Stormwater Drainage Management Current Funds (\$268,000), Sanitation Current Funds (\$160,000), and Aviation Current Funds (\$7,000)
30			All	C	PBD, EBS, POL	\$70,629.58	Authorize a three-year master agreement for replacement reflective decals for squad cars, City fleet vehicles, and non-reflective labels for storage containers - INPS in the amount of \$65,513 and T-Grip, LLC dba T-Grip Graphics and Signs in the amount of \$5,117, lowest responsible bidders of six - Total not to exceed \$70,630 - Financing: Equipment Services Current Funds

AGENDA DATE August 8, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
31			N/A	C	IGS	GT	Authorize the (1) acceptance of a grant from the U.S. Department of Justice, Bureau of Justice Assistance for a broad range of activities to help control and prevent crime, and to improve the criminal justice system (Grant No. 2017-DJ-BX-0834, CFDA No. 16.738), in the amount of \$900,568 for the period October 1, 2016 through September 30, 2020; (2) receipt and deposit of funds in an amount not to exceed \$900,568 in the Bureau of Justice Assistance Grant FY17 16-20 Fund; (3) establishment of appropriations in an amount not to exceed \$900,568 in the Bureau of Justice Assistance Grant FY17 16-20 Fund; and (4) execution of the grant agreement - Not to exceed \$900,568 - Financing: U.S. Department of Justice Grant Funds
32			13	C	PKR	NC	Authorize a five-year maintenance agreement with one five-year renewal option with the Colts Cricket Club to maintain the cricket pitch at Marcus Park located at 3003 Northaven Road - Financing: No cost consideration to the City
33			10, 11	C	PKR	NC	Authorize (1) a twenty-year endowment and maintenance agreement with The Dallas Foundation for annual maintenance and beautification projects for Hamilton Park located at 12225 Willowdell Drive and portions of the Cottonwood Trail; (2) the establishment of appropriations in an amount not to exceed \$400,000 (\$20,000 annually) in the Park and Recreation Beautification Fund; (3) the receipt and deposit of endowment funds in an amount not to exceed \$400,000 (\$20,000 annually) in the Park and Recreation Beautification Fund; and (4) execution of the endowment and maintenance agreement - Financing: No cost consideration to the City
34			All	C	WTR	\$29,197.00	Authorize an amendment to the Memorandum of Agreement entitled "City of Dallas-Tarrant Regional Water District Interlocal Cooperation Contract" with the Tarrant Regional Water District to include technical review support services associated with the United States Army Corps of Engineers Sulphur River Basin feasibility study - Not to exceed \$29,197 - Financing: Water Utilities Current Funds
35			All, Outside	C	WTR	\$10,033,920.00	Authorize a three-year service contract for internal pipe repair of large diameter reinforced concrete water mains - Structural Preservation Systems, LLC, most advantageous proposer of two - Not to exceed \$10,033,920 - Financing: Water Utilities Capital Construction Funds (subject to annual appropriations)
36			All	C	WTR, TWM	\$27,927,142.65	Authorize a three-year construction contract for pavement and infrastructure repairs at various locations throughout the city - NPL Construction Co., in the amount of \$20,527,343 and Vescorp Construction, LLC, in the amount of \$7,399,800, lowest responsible bidders of five - Total not to exceed \$27,927,143 - Financing: Water Utilities Capital Construction Funds (\$20,527,343) and Stormwater Drainage Management Current Funds (\$7,399,800) (subject to annual appropriations)
37			4	C	WTR	\$8,849,540.00	Authorize a construction contract for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Construction, LLC, lowest responsible bidder of two - Not to exceed \$8,849,540 - Financing: Water Utilities Capital Improvement Funds
38			2, 4, 5, 6, 7, 8, 14	C	WTR, PBW	\$12,958,702.25	Authorize a construction contract for the installation of water and wastewater mains at 29 locations - RKM Utility Services, Inc., lowest responsible bidder of six - Not to exceed \$12,958,703 - Financing: Water Utilities Capital Improvement Funds (\$12,635,918) and Street and Alley Improvement Funds (\$322,785)
39			9, 10	C	WTR	\$2,180,289.15	Authorize Supplemental Agreement No. 1 to the professional services contract with Arredondo, Zepeda and Brunz, LLC to provide additional engineering services to replace the Garland Road elevated water tank and associated water system improvements - Not to exceed \$2,180,290, from \$615,330 to \$2,795,620 - Financing: Water Utilities Capital Improvement Funds
40			N/A	I	SEC	NC	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
41			7	I	PKR, ECO	\$300,000.00	Authorize a Chapter 380 Economic Development Grant Agreement with ESPN Productions Inc. in consideration of bringing teams from the Big 10, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 pursuant to the City of Dallas Public/Private Partnership Program - Not to exceed \$300,000 - Financing: General Funds (subject to annual appropriations)
42			N/A	I	CVS	\$128,159.00	Authorize a contract for a one-year corporate membership to LinkedIn Corporation - Not to exceed \$128,159 - Financing: General Funds (subject to appropriations) (This item was deferred on June 27, 2018)
43			2, 7	I	PBD, ECO	NC	Authorize (1) the rejection of the proposals received for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District; and (2) the re-advertisement for a new solicitation - Financing: No cost consideration to the City (This item was deferred on June 27, 2018)

AGENDA DATE August 8, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
44			1, 2, 3, 4, 5, 6, 7, 8, 14	I	POL	\$1,200,000.00	Authorize an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2017 through September 30, 2019 - Not to exceed \$1,200,000 - Financing: General Funds (subject to appropriations) (This item was deferred on June 27, 2018)
45			13	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 706 for a public school use on property zoned Planned Development District No. 706, on the northwest corner of Walnut Hill Lane and Gooding Drive
46			5	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school on property zoned an R-7.5(A) Single Family District, on the southeast corner of Holcomb Road and Odom Drive
47			3	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 435 for a public school use on property zoned Planned Development District No. 435, on the northwest corner of Duncanville Road and Illinois Avenue
48			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the northeast corner of Main Street and North Crowdsus Street
49			3	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District and a resolution terminating existing deed restrictions [Z756-181], on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and Planned Development District No. 103, on the east side of Pastor Bailey Drive, north of Scout Avenue
50			14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with Specific Use Permit No. 2007 for an attached projecting non-premise district activity videoboard sign, on the east side of North Griffin Street, between Pacific Avenue and Elm Street
51			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, on the east side of North Cesar Chavez Boulevard, between Elm Street and Main Street
52			8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an A(A) Agricultural District, south of Telephone Road, east of Travis Trail
53			2	PH	DEV	NC	A public hearing to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District and Planned Development District No. 473 for mixed uses with consideration being given to appropriate zoning for the area including use, development standards, and other appropriate regulations in an area bounded by Main Street, Haskell Avenue, the Santa Fe right-of-way and DART's Green Line right-of-way and an ordinance granting a Planned Development District
54			6	PH	DEV	NC	A public hearing to receive comments regarding an application for and (1) an ordinance granting a new tract for MF-2(A) Multifamily District uses; (2) an ordinance granting the termination of Specific Use Permit No. 1636 for multifamily uses; and, (3) an ordinance granting the termination of Specific Use Permit No. 2213 for single family uses, on property zoned Tract 12 for MU-1 Mixed Use District uses and Tract 13 for MF-2(A) Multifamily District uses within Planned Development District No. 508, on the north line of Singleton Boulevard, east of Westmoreland Road
55			10	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses on property zoned an R-10(A) Single Family District, southeast of Vanguard Way, west of Whittenburg Gate
56			7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northeast corner of Peabody Avenue and Myrtle Street

AGENDA DATE August 8, 2018

ITEM	IND						DOLLARS	DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.			
57			9	PH	DEV		NC	A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-1-D Limited Office District with a D Liquor Control Overlay, on Gaston Parkway, northwest of Garland Road, and northeast of Beachview Street
58			7	PH	DEV		NC	A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the southeast side of Al Lipscomb Way, between Myrtle Street and Atlanta Street
59			2	PH	DEV		NC	A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for mixed uses on property zoned Subdistrict 2, the Moderate Density Mixed Use Corridors, within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west corner of South Ervay Street and Beaumont Street
60			9	PH	DEV		NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway
61			10	PH	DEV		NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned an IR Industrial Research District, on the south line of Skillman Street and the north line of Wendell Road, east of Pagemill Road
62			14	PH	DEV		NC	A public hearing to receive comments regarding a proposal to change the name of Alamo Street between Cedar Springs Road and Woodall Rodgers Service Road, west of Caroline Street, to "Miguel Martinez Way" and an ordinance granting the name change - NC178-005 - Financing: This action has no cost consideration to the City (New street blades to be prepared and paid for by the applicant)
63			10	PH	PKR, OEM		NC	A public hearing to receive comments on the proposed use of a portion of Hamilton Park located at 12100 Willowdell Drive, totaling approximately 39 square feet of land, for the installation of an outdoor warning siren by the Office of Emergency Management, to provide warning siren system coverage for the benefit of the public; and at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: This action has no cost consideration to the City (see Fiscal Information section for future cost)

TOTAL \$79,720,736.63

AGENDA ITEM # 2

STRATEGIC PRIORITY:

Government Performance and Financial Management

AGENDA DATE:

August 8, 2018

COUNCIL DISTRICT(S):

N/A

DEPARTMENT:

City Attorney's Office
Police Department

CMO:

Larry Casto, 670-1333
Jon Fortune, 670-1204

MAPSCO:

N/A

SUBJECT

Authorize settlement of the lawsuit styled Nadeesha Gammampila v. City of Dallas, Cause No. DC-17-16547 - Not to exceed \$80,000 - Financing: Current Funds

BACKGROUND

Plaintiff Nadeesha Gammampila filed a lawsuit against the City of Dallas seeking compensation for bodily injuries and other damages sustained in an automobile/pedestrian collision on December 14, 2015, involving a Dallas Police Department vehicle. The City and Ms. Gammampila have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Rad Law Firm.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum on August 3, 2018.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

Current Funds - \$80,000

August 8, 2018

WHEREAS, a lawsuit styled Nadeesha Gammampila v. City of Dallas, Cause No. DC-17-16547, was filed by the plaintiff, Nadeesha Gammampila, seeking compensation from the City of Dallas for bodily injuries and other damages sustained in an automobile/pedestrian collision on December 14, 2015, involving a Dallas Police Department vehicle; and

WHEREAS, the plaintiff has agreed to a settlement of the case whereby the City will pay Nadeesha Gammampila, Rad Law Firm, and all other persons having an interest in the settlement proceeds, the total amount of \$80,000; and

WHEREAS, it is in the best interest of the City to settle this lawsuit.

Now, Therefore,

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

SECTION 1. That the proposed settlement of the lawsuit, styled Nadeesha Gammampila v. City of Dallas, Cause No. DC-17-16547, in an amount not to exceed \$80,000 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Nadeesha Gammampila, Rad Law Firm, and all other persons having an interest in the settlement proceeds, the amount of \$80,000, from Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor CTORM001.

SECTION 3. 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.

AGENDA ITEM # 3

STRATEGIC PRIORITY:

Government Performance and Financial Management

AGENDA DATE:

August 8, 2018

COUNCIL DISTRICT(S):

N/A

DEPARTMENT:

City Controller's Office
Water Utilities Department

CMO:

Elizabeth Reich, 670-7804
Majed Al-Ghafry, 670-3302

MAPSCO:

N/A

SUBJECT

An ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, in a principal amount not to exceed \$165,000,000; establishing parameters regarding the sale of the bonds; approving the execution of agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed \$512,360 - Financing: Water Utilities Current Funds

BACKGROUND

This proposed revenue bond sale is for the refunding of commercial paper notes issued for interim financing of improvements to the City's water and wastewater system.

Issuance of revenue bonds for refunding up to \$165,000,000 in commercial paper notes is in accordance with the capital program for water and wastewater improvements, and is within the Fiscal Year 2017-18 operating and capital budgets for the Dallas Water Utilities Department.

The City's Co-Financial Advisors, Hilltop Securities, Inc. and Estrada Hinojosa, recommend a competitive sale based on favorable market conditions and Dallas Water Utilities' stable credit profile.

ESTIMATED SCHEDULE OF PROJECT

Authorized preparation for issuance of bonds	June 27, 2018
Approval of parameters ordinance	August 8, 2018
Pricing	August 29, 2018 (no later than)
Delivery of proceeds	September 26, 2018 (no later than)

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance and Financial Management Committee was briefed regarding this item on June 4, 2018.

On June 27, 2018, City Council authorized preparation of plans for the issuance of the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, by Resolution No. 18-0896.

FISCAL INFORMATION

Water Utilities Current Funds - \$512,360

See Attachment I.

M/WBE INFORMATION

Attachment I provides an estimate of bond issuance costs for the proposed bonds and the M/WBE participation.

Attachment I

SERIES 2018C

WATERWORKS AND SEWER SYSTEM

REVENUE REFUNDING BONDS

\$165,000,000

Estimate of Total Bond Issuance Costs and M/WBE Participation

Co-Bond Counsel

McCall, Parkhurst & Horton LLP (Vendor 193173)	\$ 78,000	15.2%
Escamilla & Poneck (Vendor 518903)	48,250	9.4%

Disclosure Counsel

Orrick, Herrington & Sutcliffe LLP (Vendor VC18413)	50,000	9.8%
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Co-Financial Advisors

Hilltop Securities (Vendor VS0000052889)	76,650	15.0%
Estrada Hinojosa (Vendor 259910)	45,960	9.0%

Official Statement Printing

TBD	10,000	2.0%
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Rating Agencies

FitchRatings (Vendor VC14720)	100,000	19.5%
Standard & Poor's (Vendor 954974)	80,000	15.6%

Auditor

Grant Thornton LLP (Vendor VS0000007921)	14,000	2.7%
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Filing Fee

Attorney General (Vendor 344989)	9,500	1.9%
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Total Issuance Costs

\$ 512,360	100%
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Total M/WBE Participation as % of Total Issuance Costs:	\$ 104,210	20.3%
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ORDINANCE NO. _____

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2018C; ESTABLISHING PARAMETERS REGARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :
CITY OF DALLAS :

WHEREAS, the City of Dallas (the "City" or the "Issuer") has heretofore issued its City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981 (the "Series 1981 Bonds"); and

WHEREAS, defined terms used in this Ordinance shall have the meaning given said terms in Section 7 of this Ordinance, unless otherwise indicated herein; and

WHEREAS, in the ordinance authorizing the issuance of the Series 1981 Bonds (the "1981 Ordinance"), the City reserved the right to issue revenue bonds on a parity with the Series 1981 Bonds; and

WHEREAS, under authority of the right reserved in the 1981 Ordinance, the City issued and there currently remain outstanding revenue bonds from each series of bonds described in the definition of "Previously Issued Parity Bonds" set forth in Section 7 of this Ordinance; and

WHEREAS, in addition to the outstanding Previously Issued Parity Bonds, the City has authorized the issuance from time to time and at any one time outstanding of up to \$600,000,000 of its Waterworks and Sewer System Commercial Paper Notes, Series D and Series E (collectively, the "Commercial Paper Notes"), for the purpose of improving and extending the System; and

WHEREAS, the City deems it appropriate to issue the hereinafter authorized bonds in part for the purpose of retiring an aggregate principal amount of the outstanding Commercial Paper Notes not to exceed \$164,200,000, subject to the parameters hereinafter described; and

WHEREAS, because of fluctuating conditions in the municipal bond market, the City Council has determined to delegate to the City Manager and any Assistant City Manager (each, an "Authorized Representative"), acting individually but not jointly, the authority to effect the sale of the bonds hereinafter authorized for the purpose of providing for the refunding of all or a portion of the outstanding Commercial Paper Notes, subject to the parameters hereinafter described; and

WHEREAS, the bonds hereinafter authorized are to be issued and delivered pursuant to the laws of the State of Texas, including Chapter 1207, Texas Government Code, for the purposes set forth above; and

WHEREAS, the bonds hereinafter authorized shall be on a parity with the outstanding Previously Issued Parity Bonds; and

WHEREAS, the City Council does hereby determine that it is necessary and desirable to adopt this Ordinance for the purposes hereinafter stated;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS;

Section 1. **BONDS AUTHORIZED.** That the City's bonds (the "Bonds") are hereby authorized to be issued for the purpose of (i) refunding and retiring an aggregate principal amount of the City's outstanding Commercial Paper Notes, not to exceed \$164,200,000, and (ii) paying costs of issuance of the Bonds. The Bonds shall be designated as the "**City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C**". The Bonds shall be issued as "Additional Bonds" as such term is defined in the 1981 Ordinance, and shall be in all respects on a parity with the outstanding Previously Issued Parity Bonds. The City Council authorizes the issuance of the Bonds in an aggregate principal amount not to exceed \$165,000,000.

Section 2. **DATE, DENOMINATIONS, NUMBER, MATURITIES AND TERMS OF BONDS.** (a) **Sale of Bonds.** That the Bonds shall be sold as fully registered bonds, without interest coupons, numbered consecutively from R-1 upward, payable to the respective initial registered owners of the Bonds, or to the registered assignee or assignees of the Bonds, in the denomination of \$5,000 or any integral multiple thereof (an "Authorized Denomination"), payable serially or otherwise on the dates, in the years and in the principal amounts, and dated, all as set forth in the bidding instructions prepared in connection with the sale of the Bonds (the "Bidding Instructions") and the bid form to be submitted by bidders seeking to purchase the Bonds (the "Official Bid Form").

(b) **Delegation of Authority.** That each Authorized Representative, acting for and on behalf of the City, is hereby authorized to seek competitive bids for the sale of the Bonds authorized to be sold by this Ordinance, and is hereby authorized to prepare and distribute the Bidding Instructions and the Official Bid Form with respect to seeking competitive bids for the sale of the Bonds. The Bidding Instructions shall contain the terms and conditions relating to the sale of the Bonds, including the date bids for the purchase of the Bonds are to be received, the date of the Bonds, any additional designation or title by which the Bonds shall be known, the aggregate principal amount of the Bonds to be sold, the price at which the Bonds will be sold, the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate or rates of interest to be borne by each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale and delivery of the Bonds so sold including, without limitation, the use of municipal bond insurance for the Bonds. The Bonds shall bear interest at the rates per annum set forth in the Official Bid Form accepted as the best bid. The interest on the Bonds shall be payable to the registered owner of any such Bond on the dates and in the manner provided in the FORM OF BOND set forth in Exhibit B to this Ordinance. The specific dates on which interest shall be payable shall be set forth in the Official Bid Form. Each Authorized Representative, acting for and on behalf of the City, is hereby authorized to receive and accept bids for the sale of Bonds in accordance with the Bidding

Instructions on such date as determined by an Authorized Representative. The Bonds so sold shall be sold at such price as an Authorized Representative of the City shall determine to be the most advantageous to the Issuer, which determination shall be evidenced by the execution thereby of the Official Bid Form submitted by the best and winning bidder. As a condition to executing the Official Bid Form, the Bonds must bear a rating at a level such that the Bonds satisfy the requirements of Chapter 1371 to constitute "obligations", as such term is defined in Chapter 1371. One Bond in the principal amount maturing on each maturity date as set forth in the Official Bid Form shall be delivered to the Purchasers, and the Purchasers shall have the right to exchange such bonds as provided in Section 5 hereof without cost. The FORM OF BOND shall be revised to reflect the terms of the sale of the Bonds as reflected in the Official Bid Form accepted as the best bid for the Bonds. The Bonds shall initially be registered in the name as set forth in the Official Bid Form. In case any officer whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. An Authorized Representative shall not execute the Official Bid Form unless the best bidder has confirmed to an Authorized Representative that either it has made disclosure filings to the Texas Ethics Commission in accordance with Section 2252.908, Texas Government Code or is exempt from making such filings under Section 2252.008(c)(4), Texas Government Code. Within thirty (30) days of receipt of the disclosure filings from the best bidder for the Bonds, the City will submit a copy of the disclosure filings to the Texas Ethics Commission. The authority of an Authorized Representative to execute the Official Bid Form accepting the best and winning bid for the Bonds shall expire at 5:00 p.m. on Friday, September 28, 2018. Any finding or determination made by an Authorized Representative relating to the issuance and sale of the Bonds shall have the same force and effect as a finding or determination made by the City Council.

(c) **Parameters.** That the following parameters shall govern the sale of the Bonds: (i) the price to be paid for the Bonds shall not be less than 95% of the aggregate original principal amount thereof, plus accrued interest, if any, thereon from the date of their delivery, (ii) none of the Bonds shall bear interest at a rate greater than 6.00% per annum; (iii) none of the Bonds shall have a stated maturity that extends beyond October 1, 2048; and (iv) the interest on and principal of the Bonds shall be scheduled to be paid or mature on April 1 or October 1 (or both) of the years such principal is scheduled to be paid or mature.

(d) **General.** That the City Council authorizes the City Manager, any Assistant City Manager and the Chief Financial Officer of the City to provide for and oversee the preparation of a preliminary official statement and the final official statement (the "Official Statement") in connection with the issuance of the Bonds, and to approve the preliminary official statement and the Official Statement and deem the preliminary official statement final, and to provide the Official Statement to the Purchasers, in compliance with the Rule. The Official Statement in the form and content approved by an Authorized Representative shall be deemed approved by the City Council and constitute the Official Statement authorized for distribution to and use by the initial purchasers of the Bonds.

Section 3. **REDEMPTION.** (a) **Optional Redemption.** That the Bonds may be subject to redemption prior to their scheduled maturities at the option of the City, on the dates and in the manner provided in the Bidding Instructions. Should the Bonds be subject to redemption prior to their scheduled maturities, if less than all of the Bonds are to be redeemed by the City, the City shall

determine the maturity or maturities and the amounts to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions of Bonds, within a maturity and in the principal amounts for redemption; provided, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds shall be selected in accordance with the arrangements between the City and the securities depository. The FORM OF BOND shall be revised to reflect any optional redemption of the Bonds, to the extent provided in the Bidding Instructions and incorporated by reference into the Official Bid Form accepted by an Authorized Representative as the best bid on the Bonds. The optional redemption of Bonds at the option of the City may be made conditional upon the occurrence of certain events, as further described in subsection (d) of this Section 3.

(b) Mandatory Redemption. That should the Official Bid Form provide for the mandatory sinking fund redemption of the Bonds, the terms and conditions governing any mandatory sinking fund redemption and the payment of Amortization Installments shall be set forth therein, and the FORM OF BOND shall be revised to reflect any mandatory sinking fund redemption of the Bonds, to the extent provided in the Official Bid Form accepted by an Authorized Representative as the best bid for the Bonds.

(c) General Notice. That at least thirty (30) days prior to the date any such Bonds are to be redeemed, (i) a written notice of redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at the address thereof as shown on the Registration Books and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Bonds, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of the Bonds or any portion thereof. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing or accruing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in this Ordinance. In addition, notice of such redemption shall be provided in the manner described in Section 5(h) hereof, but the failure to provide such notice as described in Section 5(h)

hereof shall not affect the validity or effectiveness of the proceedings for the redemption of the Bonds.

(d) **Conditional Notice.** That with respect to any optional redemption of the Bonds, unless the Paying Agent/Registrar has received funds sufficient to pay the principal and premium, if any, and interest on the Bonds to be redeemed before giving of a notice of redemption, the notice of redemption may state the City may condition redemption on the receipt by the Paying Agent/Registrar of such funds on or before the date fixed for the redemption, or on the satisfaction of any other prerequisites set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient funds are not received, the notice shall be of no force and effect, the City shall not redeem the Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, that the Bonds have not been redeemed.

Section 4. **INTEREST.** That the Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BOND set forth in this Ordinance, to their respective dates of maturity at the rates set forth in the Official Bid Form accepted by an Authorized Representative as the best bid for the Bonds. Interest on the Bonds shall be payable on the dates set forth in the accepted Official Bid Form, until maturity or prior redemption of the Bonds.

Section 5. **PAYING AGENT/REGISTRAR; BOOK-ENTRY ONLY SYSTEM.** (a) **Registration and Transfer.** That the City shall keep or cause to be kept at the corporate trust office designated by U.S. Bank National Association as its place of payment for the Bonds, or such other bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve and perform duties of and services of paying agent and registrar, named in accordance with the provisions of (g) of this Section hereof (the "Paying Agent/Registrar"), books or records of the registration and transfer of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep the Registration Books and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and registrations as herein provided. The place of payment so designated by the Paying Agent/Registrar shall be referred to herein as the "Designated Trust Office" of the Paying Agent/Registrar. It shall be the duty of the Paying Agent/Registrar to obtain from the registered owner and record in the Registration Books the address of such registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided. The Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any entity other than the City. Registration of each Bond may be transferred in the Registration Books only upon presentation and surrender of such Bond for transfer of registration and cancellation to the Paying Agent/Registrar at its Designated Trust Office during normal business hours, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing the assignment of the Bond, or any portion thereof in any Authorized Denomination, to the assignee or assignees thereof, and the right of such assignee or assignees to have the Bond or any such portion thereof registered in the name of such assignee or assignees. Upon the assignment and transfer of any Bond or any portion thereof, a new substitute Bond or Bonds shall be issued in exchange therefor in the manner herein provided.

As of the date this Ordinance is approved by the City, the Designated Trust Office is the Dallas, Texas corporate trust office of U.S. Bank National Association.

(b) **Ownership of Bonds.** That the entity in whose name any Bond shall be registered in the Registration Books at any time shall be treated as the absolute owner thereof for all purposes of this Ordinance, whether such Bond shall be overdue, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary unless otherwise required by law; and payment of, or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(c) **Payment of Bonds and Interest.** That the City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds, and to act as its agent to exchange or replace Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all exchanges of the Bonds, and all replacements of the Bonds, as provided in this Ordinance.

(d) **Exchange.** That each Bond may be exchanged for fully registered Bonds in the manner set forth herein. Each Bond issued and delivered pursuant to this Ordinance, to the extent of the unpaid or unredeemed principal amount thereof, may, upon surrender thereof at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered Bonds, without interest coupons, in the form prescribed in the FORM OF BOND, in an Authorized Denomination (subject to the requirement hereinafter stated that each substitute Bond shall have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the unpaid or unredeemed principal amount of any Bond or Bonds so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Bond shall be redeemed prior to its scheduled maturity as provided herein, at the request of the registered owner a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in an Authorized Denomination, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for cancellation. If any Bond or portion thereof is assigned and transferred, each Bond issued in exchange therefor shall have the same principal maturity date and bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange or replace Bonds as provided herein, and each fully registered Bond delivered in exchange for or replacement of any Bond or portion thereof as permitted or required by any provision of this Ordinance shall constitute one of the Bonds for all purposes of this Ordinance, and may again be exchanged or replaced. On each substitute Bond issued in exchange for or replacement of any Bond or Bonds issued under this Ordinance there shall be printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF BOND (the "Authentication Certificate"). An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date the Authentication Certificate, and no such Bond shall be deemed to be issued or outstanding unless the Authentication Certificate is so

executed and dated. The Paying Agent/Registrar promptly shall cancel all Bonds surrendered for exchange or replacement. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, pursuant to Chapter 1206, particularly Subchapter B thereof. The duty of such exchange or replacement of Bonds as described in the preceding sentence is hereby imposed upon the Paying Agent/Registrar, and upon the execution of the Authentication Certificate, the exchanged or replaced Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which originally were delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts. Neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business fifteen (15) days before the day of the first mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bond after it is selected for redemption, in whole or in part, when such redemption is scheduled to occur within thirty (30) calendar days; provided, however, that such limitation shall not be applicable to an exchange by the owner of the uncalled principal balance of a Bond.

(e) **General.** That all Bonds issued in exchange or replacement of any other Bond or portion thereof (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on the Bonds to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BOND.

(f) **Payment of Fees.** That the City shall pay all of the Paying Agent/Registrar's reasonable and customary fees and charges for making transfers, conversions and exchanges of the Bonds in accordance with an agreement between the City and the Paying Agent/Registrar, but the registered owner of any Bond requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. In addition, the City hereby covenants with the registered owners of the Bonds that it will pay the reasonable standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due.

(g) **Substitute Paying Agent/Registrar.** That the City covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar, to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than sixty (60) days' written notice to the Paying Agent/Registrar. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the services of Paying Agent/Registrar, which shall be a cor-

poration organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state authority, and whose qualifications substantially are similar to the previous Paying Agent/Registrar, to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the City and to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class, postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(h) **Additional Notice of Redemption.** (i) That in addition to the manner of providing notice of redemption of Bonds as described in Section 3 hereof, the Paying Agent/Registrar shall give notice of redemption of Bonds by United States mail, first-class, postage prepaid, at least thirty (30) days prior to a redemption date to the MSRB. Any notice sent to the MSRB shall be sent so that such notice is received at least two (2) days prior to the general mailing or publication date of such notice. The Paying Agent/Registrar shall also send a notice of redemption to the registered owner of any Bonds who has not sent the Bonds in for redemption sixty (60) days after the redemption date. The failure to send, mail or receive any such notice described in this clause (i), or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond.

(ii) Each redemption notice, whether required in the FORM OF BOND or otherwise by this Ordinance, shall contain a description of the Bonds to be redeemed including the complete name of the Bonds, the Series, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts called of each Bond, the publication and mailing date for the notice, the date of redemption, the redemption price, the name of the Paying Agent/Registrar and the address at which the Bond may be redeemed including a contact person and telephone number.

(iii) All redemption payments made by the Paying Agent/Registrar to the registered owners of the Bonds shall include a CUSIP number relating to each amount paid to such registered owner.

(i) **DTC Registration.** That the Bonds initially shall be issued and delivered in such manner that no physical distribution of the Bonds will be made to the public, and DTC initially will act as depository for the Bonds. DTC has represented to the City that it is a limited purpose trust company incorporated under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered under Section 17A of the Securities Exchange Act of 1934, as amended, and the City accepts, but in no way verifies, such representations. It is expected that DTC will hold the Bonds on behalf of the Purchasers and its participants, and that the definitive Bonds held at DTC upon delivery of the Bonds to the Purchasers shall be registered in the name of CEDE & CO., the nominee of DTC. So long as each Bond is registered in the name of CEDE & CO., the Paying Agent/Registrar shall treat and deal with DTC the same in all respects as if it were the actual

and beneficial owner thereof. It is expected that DTC will maintain a book-entry system which will identify ownership of the Bonds in Authorized Denominations, with transfers of ownership being effected on the records of DTC and its participants pursuant to rules and regulations established by them, and that the Bonds initially deposited with DTC shall be immobilized and not be further exchanged for substitute Bonds except as hereinafter provided. The City is not responsible or liable for any functions of DTC, will not be responsible for paying any fees or charges with respect to the services of DTC, will not be responsible or liable for maintaining, supervising, or reviewing the records of DTC or its participants, or protecting any interests or rights of the beneficial owners of the Bonds. It shall be the duty of the DTC Participants, as described in the official statement for the Bonds referred to in Section 2(d) hereof, to make all arrangements with DTC to establish this book-entry system, the beneficial ownership of the Bonds, and the method of paying the fees and charges of DTC. The City does not represent nor does it in any way covenant that the initial book-entry system established with DTC will be maintained in the future. Notwithstanding the initial establishment of the foregoing book-entry system with DTC, if for any reason any of the originally delivered Bonds is duly filed with the Paying Agent/Registrar with proper request for transfer and substitution, as provided for in this Ordinance, substitute Bonds will be duly delivered as provided in this Ordinance, and there will be no assurance or representation that any book-entry system will be maintained for the Bonds. The City heretofore has executed a "Blanket Letter of Representations" prepared by DTC in order to implement the book-entry system described above.

Section 6. **FORM OF BONDS.** That the form of all Bonds, including the form of the Authentication Certificate, the form of Assignment, and the form of the Comptroller's Registration Certificate to accompany the Bonds on the initial delivery thereof, shall be, respectively, substantially in the form set forth in Exhibit A to this Ordinance, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance and the Official Bid Form.

Section 7. **DEFINITIONS.** That, as used in this Ordinance, the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term "Additional Bonds" shall mean the additional parity revenue bonds which the City reserves the right to issue in the future, as provided in this Ordinance.

The term "Amortization Installment", with respect to any Term Bonds of any Previously Issued Parity Bonds, any of the Bonds designated in this Ordinance as Term Bonds, or any series of Additional Bonds, shall mean the amount of money which is required to be deposited into the Mandatory Redemption Account referred to in Section 10(b) hereof for retirement of such Term Bonds (whether at maturity or by mandatory redemption and including redemption premium, if any), provided that the total Amortization Installments for such Term Bonds shall be sufficient to provide for retirement of the aggregate principal amount of such Term Bonds.

The term "Authorized Denomination" shall have the same meaning as set forth in Section 2(a) hereof.

The term "Authorized Representative" shall have the same meaning as set forth in the preamble to this Ordinance.

The terms "Bonds" and "Series 2018C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, authorized to be issued by this Ordinance.

The term "Bidding Instructions" shall have the meaning given said term in Section 2(a) hereof.

The term "Business Day" shall mean a day other than a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the City or the city where the Designated Trust Office of the Paying Agent/Registrar is located.

The term "Chapter 9" shall mean Chapter 9, Texas Business & Commerce Code.

The term "Chapter 1206" shall mean Chapter 1206, Texas Government Code.

The term "Chapter 1207" shall mean Chapter 1207, Texas Government Code.

The term "Chapter 1208" shall mean Chapter 1208, Texas Government Code.

The terms "City" and "Issuer" shall mean the City of Dallas, Texas.

The term "Code" shall mean the Internal Revenue Code of 1986.

The term "Commercial Paper Notes" shall mean the City's Waterworks and Sewer System Commercial Paper Notes, Series D and Series E, authorized to be outstanding from time to time and at any one time in the aggregate principal amount of \$600,000,000.

The term "DTC" shall mean The Depository Trust Company, New York, New York.

The term "DTC Participant" shall mean the securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

The term "Designated Trust Office" shall have the same meaning as set forth in Section 5(a) hereof.

The terms "Gross Revenues of the City's Combined Waterworks and Sewer System" and "Gross Revenues" shall mean all revenues, income, and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the investment or deposit of money in any Fund created by this Ordinance, or maintained by the City in connection with the System.

The term "Interest and Sinking Fund" shall have the meaning as set forth in Section 10(a) hereof.

The term "MAC" shall mean the Municipal Advisory Council of Texas.

The term "MSRB" shall mean the Municipal Securities Rulemaking Board.

The terms "Net Revenues of the City's Combined Waterworks and Sewer System" and "Net Revenues" shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Section 1502.056, Texas Government Code, including all salaries, labor, materials, interest, repairs, and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the Previously Issued Parity Bonds, the Bonds or Additional Bonds, shall be deducted in determining "Net Revenues". Payments made by the City for water supply or treatment of sewage which constitute under the law an operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation and any payments to the City in lieu of ad valorem taxes and any other similar payments shall never be considered as an expense of operation and maintenance.

The term "1981 Ordinance" shall mean the ordinance authorizing the issuance of the Series 1981 Bonds.

The term "Official Bid Form" shall have the meaning given said term in Section 2(a) hereof.

The term "Paying Agent/Registrar" shall have the meaning as set forth in Section 5(a) hereof.

The term "Pledged Revenues" shall mean

(1) the Net Revenues, plus

(2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter may be pledged to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds.

The term "Previously Issued Parity Bonds" shall mean the Series 2008 Bonds, the Series 2009A Bonds, the Series 2009B Bonds, the Series 2009C Bonds, the Series 2010 Bonds, the Series 2011 Bonds, the Series 2012A Bonds, the Series 2012B Bonds, the Series 2013 Bonds, the Series 2015A Bonds, the Series 2015B Bonds, the Series 2016A Bonds, the Series 2016B Bonds, the Series 2017 Bonds, the Series 2018A Bonds and the Series 2018B Bonds.

The term "Purchasers" shall mean the entity or entities listed in the Official Bid Form accepted by the City as the best bid for the Bonds.

The term "Refunded Commercial Paper Notes" shall mean those Commercial Paper Notes outstanding on the date the Official Bid Form is executed that are selected to be refunded by the Chief Financial Officer of the City in accordance with Section 27 hereof.

The term "Registration Books" shall have the meaning as set forth in Section 5(a) hereof.

The term "Reserve Fund" shall have the meaning as set forth in Section 11 hereof.

The term "Revenue Fund" shall have the meaning as set forth in Section 9 hereof.

The term "Rule" shall mean SEC Rule 15c2-12, as amended from time to time.

The term "SEC" shall mean the United States Securities and Exchange Commission.

The term "Series 1981 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981, dated April 1, 1981, and authorized by ordinance of the City passed April 1, 1981; the term "Series 2008 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2008, dated May 15, 2008, and authorized by ordinance of the City passed May 28, 2008; the term "Series 2009A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009A, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009B, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009C, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2010 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2010, dated June 15, 2010, and authorized by ordinance of the City passed June 9, 2010; the term "Series 2011 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2011, dated July 26, 2011, and authorized by ordinance of the City passed June 23, 2011; the term "Series 2012A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2012B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2012B, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2013 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2013, dated September 17, 2013, and authorized by ordinance of the City passed August 14, 2013; the term "Series 2015A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015A, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2015B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2015B, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2016A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; the term "Series 2016B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; the term "Series 2017 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017, dated August 17, 2017, and authorized by ordinance of the City passed June 14, 2017; the term "Series 2018A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System

Revenue Bonds, Series 2018A, dated April 1, 2018, and authorized by ordinance of the City passed April 11, 2018; and the term "Series 2018B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018B, dated April 1, 2018, and authorized by ordinance of the City passed April 11, 2018.

The term "System" shall mean and include the City's combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements, and additions thereto, and all replacements thereof; provided, however, that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Pledged Revenues as defined herein, but which are secured by and payable solely from special contract revenues or payments received from any other legal entity in connection with such facilities; and such revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

The term "Term Bonds" shall mean those Bonds (if any) so designated pursuant to this Ordinance, and those Previously Issued Parity Bonds or Additional Bonds so designated in the ordinances authorizing such bonds, which shall be subject to retirement by operation of the Mandatory Redemption Account referred to in Section 10(b) hereof.

The term "Year" shall mean the regular fiscal year used by the City in connection with the operation of the System, which may be any twelve consecutive months period established by the City.

Section 8. **PLEDGE.** (a) **Pledge.** That the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, and any interest payable thereon, are and shall be secured by and payable from an irrevocable first lien on and pledge of the Pledged Revenues; and the Pledged Revenues are further pledged irrevocably to the establishment and maintenance of the Interest and Sinking Fund and the Reserve Fund as hereinafter provided. The Previously Issued Parity Bonds, the Bonds and any Additional Bonds are and will be secured by and payable only from the Pledged Revenues, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting the System.

(b) **Application of Chapter 1208.** That Chapter 1208 applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues granted by the City is to be subject to the filing requirements of Chapter 9, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9 and enable a filing to perfect the security interest in said pledge to occur.

Section 9. **REVENUE FUND.** That there has been created and established on the books of the City, and accounted for separate and apart from all other funds of the City, a special fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Fund" (the "Revenue Fund"). All Gross Revenues are and shall be credited to the Revenue Fund immediately upon receipt. All current expenses of operation and maintenance of the System are and shall be paid from such Gross Revenues as a first charge against same.

Section 10. **INTEREST AND SINKING FUND.** (a) **Fund Created.** That for the sole purpose of paying the principal of and interest on the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, as the same come due, there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Interest and Sinking Fund" (the "Interest and Sinking Fund"). Monies in the Interest and Sinking Fund are and shall be maintained at an official depository bank of the City.

(b) **Mandatory Redemption Account.** That within the Interest and Sinking Fund there has been established the Mandatory Redemption Account, into which account shall be credited the Amortization Installments which shall be used for the payment of the principal of Term Bonds as the same shall come due, whether by maturity thereof or by redemption, through the operation of the Mandatory Redemption Account.

Section 11. **RESERVE FUND.** That there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Reserve Fund" (the "Reserve Fund"). Monies in the Reserve Fund shall be used solely for the purpose of retiring the last of any Previously Issued Parity Bonds, Bonds or Additional Bonds as they become due or paying principal of and interest on any Previously Issued Parity Bonds, Bonds or Additional Bonds when and to the extent the amounts in the Interest and Sinking Fund are insufficient for such purpose. Monies in the Reserve Fund shall be maintained at an official depository bank of the City.

Section 12. **DEPOSITS OF PLEDGED REVENUES; INVESTMENTS.** (a) **Deposits.** That the Pledged Revenues shall be deposited in the Interest and Sinking Fund and the Reserve Fund when and as required by ordinances authorizing Previously Issued Parity Bonds and by this Ordinance.

(b) **Investments.** That money in any Fund established by this Ordinance or by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be invested in Authorized Investments; provided, however, that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds. As used in this Section, the term "Authorized Investments" shall mean those investments in

which the City is now or hereafter authorized by law, including, but not limited to, Chapter 2256, and consistent with the City's investment policy adopted and approved from time to time by the City Council pursuant to the provisions of Chapter 2256, to purchase, sell and invest its funds and funds under its control.

Section 13. **FUNDS SECURED.** That money in all Funds created by this Ordinance, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City.

Section 14. **DEBT SERVICE REQUIREMENTS.** (a) **Deposit of Any Accrued Interest.** That promptly after the delivery of the Bonds the City shall cause to be deposited to the credit of the Interest and Sinking Fund any accrued interest received from the sale and delivery of the Bonds, and any such deposit shall be used to pay part of the interest next coming due on the Bonds.

(b) **Transfers to Interest and Sinking Fund.** That in addition to all amounts heretofore required to be transferred from the Pledged Revenues and deposited to the credit of the Interest and Sinking Fund by the ordinances authorizing the issuance of the Previously Issued Parity Bonds, the City shall transfer from the Pledged Revenues and deposit to the credit of the Interest and Sinking Fund the amounts, at the times, as follows:

(1) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the interest scheduled to accrue and come due on the Bonds on the next succeeding interest payment date; and

(2) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the principal scheduled to mature and come due on the Bonds on the next succeeding principal payment date.

Section 15. **RESERVE REQUIREMENTS.** That the Reserve Fund shall be maintained in an amount equal to the average annual principal and interest requirements (including Amortization Installments) of the Previously Issued Parity Bonds, the Bonds and Additional Bonds (the "Required Amount"). When and so long as the money and investments in the Reserve Fund are not less than the Required Amount, no deposits need be made to the credit of the Reserve Fund. When and if the Reserve Fund contains less than the Required Amount due to the issuance of the Bonds or Additional Bonds, beginning on the 25th day of the month following the delivery of the Bonds or Additional Bonds to the purchasers thereof, and continuing for sixty months, the City shall transfer from the Pledged Revenues and deposit to the credit of the Reserve Fund an amount equal to 1/60th of the difference determined as of such delivery date between the amount in the Reserve Fund and the Required Amount. When and if the Reserve Fund at any time contains less than the Required Amount due to any cause or condition other than the issuance of Additional Bonds, then, subject and subordinate to making the required deposits to the credit of the Interest and Sinking Fund, such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from

any other sources available for such purpose. The City may, at its option, withdraw and use for any lawful purpose not inconsistent with the City's Charter, all surplus in the Reserve Fund over the Required Amount.

Section 16. **DEFICIENCIES; EXCESS PLEDGED REVENUES.** (a) **Deficiencies.** That if on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Sinking Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

(b) **Excess Pledged Revenues.** That, subject to making the required deposits to the credit of the Interest and Sinking Fund and the Reserve Fund when and as required by this Ordinance, or any ordinance authorizing the issuance of Previously Issued Parity Bonds or Additional Bonds, the excess Pledged Revenues may be used by the City for any lawful purpose not inconsistent with the City's Charter.

Section 17. **PAYMENT OF THE BONDS AND ADDITIONAL BONDS.** That on or before October 1, 2018, and semiannually on or before each April 1 and October 1 thereafter while any of the Previously Issued Parity Bonds, the Bonds or Additional Bonds are outstanding and unpaid, the City shall make available to the paying agents therefor (including the Paying Agent/Registrar), out of the Interest and Sinking Fund and the Reserve Fund (if necessary), money sufficient to pay such interest on and such principal of the Previously Issued Parity Bonds, the Bonds and Additional Bonds as shall become due on such dates, respectively, at maturity or by redemption prior to maturity. The aforesaid paying agents (including the Paying Agent/Registrar) shall destroy all paid Previously Issued Parity Bonds, Bonds and Additional Bonds, and furnish the City with an appropriate certificate of cancellation or destruction.

Section 18. **FINAL DEPOSITS; GOVERNMENTAL OBLIGATIONS.** (a) **Defeasance.** That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Defeasance Securities, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Defeasance Securities.

(b) **Investment in Defeasance Securities.** That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from all Defeasance Securities in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) **Not Arbitrage Bonds.** That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) **Defeasance Securities Defined.** That for the purpose of this Section, the term "Defeasance Securities" shall mean (i) direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the City provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the City provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, or (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

(e) **Payment of Defeased Bonds.** That notwithstanding any other provisions of this Ordinance, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) **Redemption Rights Reserved.** That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of

the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes.

Section 19. **ADDITIONAL BONDS.** (a) **Issuance.** That the City shall have the right and power at any time and from time to time to authorize, issue and deliver additional parity revenue bonds (herein called "Additional Bonds") in one or more series or issues, in accordance with law, in any amounts, for purposes of extending, improving or repairing the System or for the purpose of refunding of any Previously Issued Parity Bonds, Bonds, Additional Bonds or other obligations of the City incurred in connection with the ownership or operation of the System. Such Additional Bonds, if and when authorized, issued and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with the Previously Issued Parity Bonds, the Bonds, and all other outstanding Additional Bonds, from an irrevocable first lien on and pledge of the Pledged Revenues.

(b) **Funds Secure Additional Bonds.** That the Interest and Sinking Fund and the Reserve Fund established by the 1981 Ordinance shall secure and be used to pay all Additional Bonds as well as the Previously Issued Parity Bonds and the Bonds. However, each ordinance under which Additional Bonds are issued shall provide and require that, in addition to the amounts required to be deposited to the credit of the Interest and Sinking Fund by the provisions of this Ordinance and the provisions of any other ordinance or ordinances authorizing Additional Bonds, the City shall deposit to the credit of the Interest and Sinking Fund at least such amounts as are required for the payment of all principal of and interest on said Additional Bonds then being issued, as the same come due; and that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased (if and to the extent necessary) to an amount not less than the average annual principal and interest requirements (including Amortization Installments) of all Previously Issued Parity Bonds, Bonds and Additional Bonds which will be outstanding after the issuance and delivery of the then proposed Additional Bonds; and that the required additional amount shall be so accumulated by the deposit in the Reserve Fund of all or any part of said required additional amount in cash immediately after the delivery of the then proposed Additional Bonds, or, at the option of the City, by the deposit of said required additional amount (or any balance of said required additional amount not deposited in cash as permitted above) in monthly installments, made on or before the 25th day of each month following the delivery of the then proposed Additional Bonds, of not less than 1/60th of said required additional amount (or 1/60th of the balance of said required additional amount not deposited in cash as permitted above).

(c) **Calculations.** That all calculations of average annual principal and interest requirements (including Amortization Installments) made pursuant to this Section shall be made as of and from the date of the Additional Bonds then proposed to be issued.

(d) **Payment Dates.** That the principal of all Additional Bonds must be scheduled to be paid or mature on April 1 or October 1 (or both) of the years in which such principal is scheduled to be paid or mature; and all interest thereon must be payable on April 1 and October 1.

Section 20. **FURTHER REQUIREMENTS FOR ADDITIONAL BONDS.** That Additional Bonds shall be issued only in accordance with this Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, Series or issue of Additional Bonds shall be issued or delivered unless:

(a) **No Default.** The Mayor and the City Secretary of the City sign a written certificate to the effect that the City is not in default as to any covenant, condition or obligation in connection with all outstanding Previously Issued Parity Bonds, the Bonds and Additional Bonds, and the ordinances authorizing same, and that the Interest and Sinking Fund and the Reserve Fund each contains the amount then required to be therein.

(b) **Coverage Certificate.** The Chief Financial Officer of the City signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in her or his opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds.

Section 21. **GENERAL COVENANTS.** That the City further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) **Performance.** It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance, and each ordinance authorizing the issuance of Previously Issued Parity Bonds and Additional Bonds, and in each and every Previously Issued Parity Bond, Bond and Additional Bond; it will promptly pay or cause to be paid the principal of and interest on every Previously Issued Parity Bond, Bond and Additional Bond, on the dates and in the places and manner prescribed in such ordinances and Previously Issued Parity Bonds, Bonds or Additional Bonds; and it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Interest and Sinking Fund and the Reserve Fund; and any holder of the Previously Issued Parity Bonds, Bonds or Additional Bonds may require the City, its officials and employees to carry out, respect or enforce the covenants and obligations of this Ordinance, or any ordinance authorizing the issuance of Additional Bonds, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the City, its officials and employees.

(b) **City's Legal Authority.** It is a duly created and existing home rule city of the State of Texas, and is duly authorized under the laws of the State of Texas to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable special obligations of the City in accordance with their terms.

(c) **Title.** It has or will obtain lawful title to the lands, buildings, structures and facilities constituting the System, that it warrants that it will defend the title to all the aforesaid lands, buildings, structures and facilities, and every part thereof, for the benefit of the holders and owners of the Previously Issued Parity Bonds, Bonds and Additional Bonds, against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds in the manner prescribed herein, and has lawfully exercised such rights.

(d) **Liens.** It will from time to time and before the same become delinquent pay and discharge all taxes, assessments and governmental charges, if any, which shall be lawfully imposed upon it, or the System; it will pay all lawful claims for rents, royalties, labor, materials, and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein; and it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the City.

(e) **Operation of System; No Free Service.** It will, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, continuously and efficiently operate the System, and shall maintain the System in good condition, repair and working order, all at reasonable cost. No free service of the System shall be allowed, and should the City or any of its agencies or instrumentalities make use of the services and facilities of the System, payment of the reasonable value shall be made by the City out of funds from sources other than the revenues of the System, unless made from surplus or excess Pledged Revenues as permitted in Section 16(b) hereof.

(f) **Further Encumbrance.** It, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional Bonds, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and agreements of this Ordinance; but the right of the City to issue revenue bonds payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(g) **Sale or Disposal of Property.** It, while the Previously Issued Parity Bonds, the Bonds or any Additional Bonds are outstanding and unpaid, will not sell, convey, mortgage, encumber, lease or in any manner transfer title to, or otherwise dispose of the System, or any significant or substantial part thereof; provided, however, that whenever the City deems it necessary to dispose of any property, machinery, fixtures or equipment, it may sell or otherwise dispose of such property, machinery, fixtures or equipment when it has made arrangements to replace the same or provide substitutes therefor, unless it is determined that no such replacement or substitute is necessary. Proceeds from any sale hereunder not used to replace or provide for substitution of such property sold, shall be used for improvements to the System or to purchase or redeem Previously Issued Parity Bonds, Bonds and Additional Bonds.

(h) **Insurance.** (1) It shall cause to be insured such parts of the System as would usually be insured by corporations operating like properties, with a responsible insurance company or companies, against risks, accidents or casualties against which, and to the extent, insurance is usually carried by corporations operating like properties, including, to the extent reasonably obtainable, fire and extended coverage insurance, insurance against damage by floods, and use and occupancy insurance. Public liability and property damage insurance shall also be carried unless the City Attorney of the City gives a written opinion to the effect that the City is not liable for claims which would be protected by such insurance. At any time while any contractor engaged in construction work shall be fully responsible therefor, the City shall not be required to carry insurance on the work

being constructed if the contractor is required to carry appropriate insurance. All such policies shall be open to the inspection of the bondholders and their representatives at all reasonable times. Upon the happening of any loss or damage covered by insurance from one or more of said causes, the City shall make due proof of loss and shall do all things necessary or desirable to cause the insuring companies to make payment in full directly to the City. The proceeds of insurance covering such property, together with any other funds necessary and available for such purpose, shall be used forthwith by the City for repairing the property damaged or replacing the property destroyed; provided, however, that if said insurance proceeds and other funds are insufficient for such purpose, then said insurance proceeds pertaining to the System shall be used promptly as follows:

(i) for the redemption prior to maturity of the Previously Issued Parity Bonds, the Bonds and Additional Bonds, ratably in the proportion that the outstanding principal of each series of Previously Issued Parity Bonds, Bonds or Additional Bonds bears to the total outstanding principal of all Previously Issued Parity Bonds, Bonds and Additional Bonds, provided that, if on any such occasion the principal of any such series is not subject to redemption, it shall not be regarded as outstanding in making the foregoing computation; or

(ii) if none of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds is subject to redemption, then for the purchase on the open market and retirement of said Previously Issued Parity Bonds, Bonds and Additional Bonds in the same proportion as prescribed in the foregoing clause (i), to the extent practicable; provided, however, that the purchase price for any Previously Issued Parity Bond, Bond or Additional Bond shall not exceed the redemption price of such Previously Issued Parity Bond, Bond or Additional Bond on the first date upon which it becomes subject to redemption; or

(iii) to the extent that the foregoing clauses (i) and (ii) cannot be complied with at the time, the insurance proceeds, or the remainder thereof, shall be deposited in a special and separate trust fund, at an official depository of the City, to be designated the Insurance Account. The Insurance Account shall be held until such time as the foregoing clauses (i) and/or (ii) can be complied with, or until other funds become available which, together with the Insurance Account, will be sufficient to make the repairs or replacements originally required, whichever of said events occurs first.

(2) The foregoing provisions of (1) above notwithstanding, the City shall have authority to enter into coinsurance or similar plans where risk of loss is shared in whole or in part by the City.

(3) The annual audit hereinafter required shall contain a section commenting on whether or not the City has complied with the requirements of this Section with respect to the maintenance of insurance, and listing all policies carried, and whether or not all insurance premiums upon the insurance policies to which reference is hereinbefore made have been paid.

(i) **Rate Covenant.** The City Council of the City will fix, establish, maintain and collect such rates, charges and fees for the use and availability of the System at all times as are necessary to produce Gross Revenues sufficient, (1) to pay all current operation and maintenance expenses of the System, (2) to produce Net Revenues for each Year at least equal to 1.25 times the principal and interest requirements (including Amortization Installments) of all then outstanding Previously Issued

Parity Bonds, Bonds and Additional Bonds for the Year during which such requirements are scheduled to be the greatest, and (3) to pay all other obligations of the System.

(j) **Records.** It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the System, the Pledged Revenues and the Funds created pursuant to this Ordinance, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

(k) **Audits.** After the close of each Year while any of the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding, an audit will be made of the books and accounts relating to the System and the Pledged Revenues by an independent certified public accountant or an independent firm of certified public accountants. As soon as practicable after the close of each such Year, and when said audit has been completed and made available to the City, a copy of such audit for the preceding Year shall be mailed to the MAC and to any holder of 5% or more in aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds who shall so request in writing. Such annual audit reports shall be open to the inspection of the bondholders and their agents and representatives at all reasonable times.

(l) **Governmental Agencies.** It will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorization and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

(m) **No Competition.** It will not grant any franchise or permit for the acquisition, construction or operation of any competing facilities which might be used as a substitute for the System's facilities, and, to the extent that it legally may, the City will prohibit any such competing facilities.

Section 22. **AMENDMENT OF ORDINANCE.** (a) **Approval.** That the holders of the Previously Issued Parity Bonds, Bonds and Additional Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall have the right from time to time to approve any amendment to this Ordinance which may be deemed necessary or desirable by the City; provided, however, that without the consent of the holders of all of the Previously Issued Parity Bonds, Bonds and Additional Bonds at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Ordinance or in the Previously Issued Parity Bonds, Bonds or Additional Bonds so as to:

- (1) Make any change in the maturity of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;
- (2) Reduce the rate of interest borne by any of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

- (3) Reduce the amount of the principal payable on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;
- (4) Modify the terms of payment of principal of or interest on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds or impose any conditions with respect to such payment;
- (5) Affect the rights of the holders of less than all of the Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding; or
- (6) Change the minimum percentage of the principal amount of Previously Issued Parity Bonds, Bonds and Additional Bonds necessary for consent to such amendment.

(b) **Notice.** That if at any time the City shall desire to amend the Ordinance under this Section, the City shall cause notice of the proposed amendment to be published in a financial newspaper or journal published in The City of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Paying Agent/Registrar for inspection by all holders of Previously Issued Parity Bonds, Bonds and Additional Bonds. Such publication is not required, however, if notice in writing is given to each holder of Previously Issued Parity Bonds, Bonds and Additional Bonds.

(c) **Consent.** That whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the City Council may pass the amendatory ordinance in substantially the same form.

(d) **Effective Date.** That upon the passage of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with such amendatory ordinance, and the respective rights, duties and obligations under this Ordinance of the City and all the holders of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) **Consent Irrevocable.** That any consent given by the holder of a Previously Issued Parity Bond, Bond or Additional Bond pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of the first publication of the notice or other service of written notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Previously Issued Parity Bond, Bond or Additional Bond during such period. Such consent may be revoked at any time after six (6) months from the date of the first publication of such notice or other service of written notice by the holder who gave such consent, or by a successor in title, by filing notice thereof with the paying agent/registrar therefor and the City, but such revocation shall not be effective if the holders, identified in accordance with subsection (f) of this

Section, of 51% in aggregate principal amount of the then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds have, prior to the attempted revocation, consented to and approve the amendment.

(f) **Ownership.** That for the purpose of this Section, the fact of the holding of Previously Issued Parity Bonds, Bonds, or Additional Bonds issued in registered form without coupons and the amounts and numbers of such Previously Issued Parity Bonds, Bonds or Additional Bonds and the date of their holding same shall be proved by the bond registration books of the paying agent/registrar therefor. For purposes of this Section, the holder of a Previously Issued Parity Bond, Bond or Additional Bond in such registered form shall be the owner thereof as shown on such registration books. The City may conclusively assume that such ownership continues until written notice to the contrary is served upon the City.

(g) **Certain Amendments.** That the foregoing provisions of this Section notwithstanding, the City by action of the City Council may amend this Ordinance for any one or more of the following purposes:

(1) To add to the covenants and agreements of the City in this Ordinance contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the City;

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Ordinance, or in regard to clarifying matters or questions arising under this Ordinance, including, without limitation, those matters described in Section 26(c)(vi) hereof, or those matters necessary to obtain a rating on the Bonds or to obtain the approving opinion of the Attorney General of Texas as required by law, as are necessary or desirable and not contrary to or inconsistent with this Ordinance and which shall not adversely affect the interests of the holders of the Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) To modify any of the provisions of this Ordinance in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Previously Issued Parity Bonds outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Bonds issued after the date of the adoption of such modification.

Section 23. **DAMAGED, MUTILATED, LOST, STOLEN OR DESTROYED BONDS.**

(a) **Replacement of Bonds.** That in the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) **Indemnity.** That application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the City and to the Paying

Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) **Payment.** That notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement bond, provided security or indemnity is furnished as above provided in this Section.

(d) **Fees Payable by Bondholder.** That prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) **Legal Authority.** That in accordance with Chapter 1206, particularly Subchapter B thereof, this Section of this Ordinance shall constitute authority for the issuance of any such replacement bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such bonds in the form and manner and with the effect, as provided in Section 5(d) of this Ordinance for Bonds issued in exchange for other Bonds.

Section 24. **TAX COVENANTS.** That the City covenants to refrain from any action which would adversely affect, or to take any action to assure, the treatment of the Bonds as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use", as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds are so used, that amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event that the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Bonds or the

projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate", within the meaning of section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any), is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(a) of the Code;

(e) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

(1) proceeds of the Bonds invested for a reasonable temporary period, until such proceeds are needed for the purpose for which the Bonds are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(g) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(h) to refrain from using the proceeds of the Bonds or the proceeds of any prior bonds to pay debt service on another issue more than ninety (90) days after the issuance of the Bonds in contravention of section 149(d) of the Code (relating to advance refundings); and

(i) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "excess earnings", within the meaning of section 148(f) of the Code, and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of a refunding bond, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of the issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of the foregoing, the Mayor, the City Manager, the Chief Financial Officer of the City, and any Assistant City Manager may execute any certificates or other reports required by the Code and make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds. In order to facilitate compliance with the above clause (i), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such Rebate Fund shall not be subject to the claim of any other person, including without limitation the registered owners of the Bonds. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

Section 25. ADDITIONAL TAX COVENANTS; WRITTEN PROCEDURES. (a) Disposition of Bond Financed Property. That the City covenants that property financed with the proceeds of the Refunded Commercial Paper Notes will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds or the Refunded Commercial Paper Notes. For purposes of this Section, the portion of the property comprising personal property and disposed of in the ordinary course of business shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(b) Written Procedures. That unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the written procedures adopted by the City in the ordinance authorizing the issuance of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, adopted by the City Council on September 19, 2012, apply to the Bonds.

Section 26. CONTINUING DISCLOSURE UNDERTAKING. (a) Annual Reports. (i) That the City shall provide annually to the MSRB, within six months after the end of each Year ending in or after 2018, financial information and operating data with respect to the City of the general type included in the final official statement for the Bonds referred to in Section 2(d) of this

Ordinance, being the information described in Exhibit B hereto (as such information may be amended or supplemented by the City Manager or the Chief Financial Officer of the City to conform Exhibit B to the final official statement prepared in connection with the sale of the Bonds). The City will additionally provide audited annual financial statements of the City, when and if available, and in any event, within twelve (12) months after the end of each Year ending in or after 2018. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial information of the type described in the numbered tables referenced in Exhibit B hereto by the required time, and will provide audited financial statements for the applicable Year to the MSRB, when and if the audit report on such statements become available. Such information shall be transmitted electronically to the MSRB, in such format as prescribed by the MSRB.

(ii) If the Year is changed by the City, the City will notify the MSRB of such change (and of the date of the new end of the Year) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(b) **Disclosure Event Notices.** That the City shall notify the MSRB of any of the following events with respect to the Bonds, in a timely manner not in excess of ten Business Days after the occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material.

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City. The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

(c) Limitations, Disclaimers, and Amendments. (i) That the City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

Section 27. **REFUNDING.** That the City hereby finds that the issuance of the Bonds for the purpose of refunding the Refunded Commercial Paper Notes is a public purpose. The Refunded Commercial Paper Notes are being refunded to convert interim financing into long-term fixed rate financing, as contemplated by the City in the operation of the interim financing program for the System, and the manner in which the refunding of the Refunded Commercial Paper Notes is being executed by the City makes it impracticable to make the determinations required by subsection (a) of Section 1207.008, Texas Government Code. The Refunded Commercial Paper Notes shall be those outstanding Commercial Paper Notes to be refunded and retired with a portion of the proceeds of the Bonds, in an aggregate principal amount not to exceed \$164,200,000 in principal amount, as designated in a letter of instructions delivered by the Chief Financial Officer of the City. The principal amount of the Refunded Commercial Paper Notes shall be specifically identified in the letter of instructions delivered by the Chief Financial Officer of the City. For the sole purpose of establishing for the benefit of the Public Finance Division of the Office of the Attorney General of Texas that the City possesses sufficient Pledged Revenues to pay the Commercial Paper Notes and the interest thereon, the City shall establish sufficiency through the issuance of bonds on a parity with the Bonds under authority of Chapter 1207 at then current market interest rates with level debt service over a thirty (30) year period to refinance such Commercial Paper Notes, under authority of Section 1371.057(c), Texas Government Code. The determination of an Authorized Representative relating to the issuance and sale of Bonds to refund Refunded Commercial Paper Notes in such principal amount as provided in the Bidding Instructions and the letter of instructions delivered by the Chief Financial Officer of the City shall have the same force and effect as if such determination were made by the City Council.

Section 28. **DEFAULT AND REMEDIES.** (a) **Events of Default.** That each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the registered owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any registered owner to the City.

(b) Remedies for Default.

(i) That upon the happening of any Event of Default, then and in every case, any registered owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the registered owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the registered owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all registered owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) That no remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of

this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 29. **APPROVAL AND REGISTRATION OF BONDS.** That the City Manager of the City is hereby authorized to have control of the Bonds and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds, the Comptroller of Public Accounts (or a deputy designated in writing to act therefor) shall manually sign the Comptroller's Registration Certificate set forth in the FORM OF BOND. The Bonds thus registered shall remain in the custody of the City Manager (or the designee thereof) until delivered to the Purchasers.

Section 30. **FURTHER PROCEDURES.** That the City Manager, the Chief Financial Officer of the City, any Assistant City Manager, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, and the sale and delivery of the Bonds and fixing all details in connection therewith. Should a municipal bond insurance policy be obtained insuring the payment of debt service on all or any portion of the Bonds, it is hereby authorized that a statement of insurance provided by the bond insurer may be printed on the Bonds so insured. The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the issuance of the Bonds, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

Section 31. **USE OF PROCEEDS.** That the proceeds representing accrued interest on the Bonds, if any, shall be deposited to the credit of the Interest and Sinking Fund. Proceeds representing premium, if any, paid by the Purchasers in connection with the sale of the Bonds may be used for any purpose authorized by Section 1201.042(d), Texas Government Code, including specifically, but not by way of limitation, in connection with the refunding of the Refunded Commercial Paper Notes. Concurrently with the delivery of the Bonds, proceeds in the amount of the principal amount of the Refunded Commercial Paper Notes shall be deposited to the credit of the "Series D Note Payment Fund" and the "Series E Note Payment Fund", as the case may be, each established in accordance with the provisions of the respective ordinances of the City adopted December 10, 2014 and June 25, 2014, to refund Commercial Paper Notes of such series designated by the Chief Financial Officer of the City to be refunded and retired with a portion of the proceeds of the Bonds, in accordance with and as further described in the letter of instructions executed by the Chief Financial Officer of the City referred to in Section 27 of this Ordinance.

Section 32. **PREAMBLE.** That the preamble to this Ordinance is incorporated by reference and made a part hereof for all purposes.

Section 33. **RULES OF CONSTRUCTION.** That for all purposes of this Ordinance, unless the context requires otherwise, all references to designated Sections and other subdivisions are to the Sections and other subdivisions of this Ordinance. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any

particular Section or other subdivision. Except where the context otherwise requires, terms defined in this Ordinance to impart the singular number shall be considered to include the plural number and vice versa. References to any named person means that party and its successors and assigns. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Ordinance is adopted by the City and any future amendments thereto or successor provisions thereof. Any reference to the payment of principal in this Ordinance shall be deemed to include the payment of Amortization Installments (if any). Any reference to "FORM OF BOND" shall refer to the form of the Bonds set forth in Exhibit A to this Ordinance. As used in Section 18 hereof, the term "Previously Issued Parity Bonds" means those Previously Issued Parity Bonds issued on and after March 25, 2015. The calculation of average annual principal and interest requirements as may be required by this Ordinance shall be made at the beginning of each Year and shall be the sum of the annual principal and interest requirements due for the current and each subsequent Year in which the Previously Issued Parity Bonds, the Bonds and any Additional Bonds are outstanding divided by the number of such Years, or partial Years, if applicable. Surplus moneys in the Reserve Fund the source of which are proceeds of bonds may be used only to complete projects for which such bond proceeds were issued, for improvements to the System, or for other costs for which the City could issue bonds for the System. The terms "owner" and "holder" and "bondholder", as used in this Ordinance, shall mean the registered or beneficial owner of a Bond.

Section 34. **IMMEDIATE EFFECT.** That this Ordinance shall be effective immediately from and after its passage in accordance with the provisions of Section 1201.028, Texas Government Code.

PASSED AND APPROVED the 8th day of August, 2018.

APPROVED AS TO FORM:
Larry Casto, City Attorney

EXHIBIT A

FORM OF BOND:

NO. R-

\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL
CITY OF DALLAS, TEXAS
WATERWORKS AND SEWER SYSTEM
REVENUE REFUNDING BOND
SERIES 2018C

MATURITY
DATE

INTEREST
RATE

DELIVERY
DATE
September 26, 2018

CUSIP

ON THE MATURITY DATE SPECIFIED ABOVE, THE CITY OF DALLAS, IN DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL COUNTIES, TEXAS (the "City"), hereby promises to pay to _____, or the registered assignee hereof (either being hereinafter called the "registered owner") the principal amount of

and to pay interest thereon, from the delivery date of this Bond specified above, to the date of its scheduled maturity or the date of its redemption prior to scheduled maturity, at the rate of interest per annum specified above, with said interest being payable on April 1, 2019, and semiannually on each October 1 and April 1 thereafter, except that if the Paying Agent/Registrar's Authentication Certificate appearing on the face of this Bond is dated later than April 1, 2019, such interest is payable semiannually on each October 1 and April 1 following such date.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the designated corporate trust office in Dallas, Texas (the "Designated Trust Office"), of U.S. Bank National Association, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof as shown by the "Registration Books" kept by the Paying Agent/Registrar at the close of business on the Record Date (hereinafter defined) by check drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class, postage prepaid, on each such interest payment date, to the registered owner hereof at its address as it appears on the

Registration Books kept by the Paying Agent/Registrar, as hereinafter described, or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. The date for determining the person to whom the interest is payable on any interest payment date means the 15th day of the preceding month (the "Record Date"). In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. The City covenants with the registered owner of this Bond that no later than each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due, in the manner set forth in the ordinance authorizing the issuance of the Bonds (the "Ordinance").

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the city where the Designated Trust Office of the Paying Agent/Registrar is located, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. Notwithstanding the foregoing, during any period in which ownership of the bonds of this Series is determined only by a book entry at a securities depository therefor, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THIS BOND is one of a Series of bonds of like tenor and effect except as to denomination, number, maturity, interest rate and right of prior redemption, dated as of the delivery date specified above, issued in the aggregate principal amount of \$____,000,000 for the purpose of refunding the "Refunded Commercial Paper Notes" (as defined in the Ordinance), and paying costs of issuance. All Bonds of this Series are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of \$5,000 (an "Authorized Denomination").

THE BONDS of this Series scheduled to mature on and after October 1, 2029 may be redeemed prior to their scheduled maturities, in whole or in part, in principal amounts of any Authorized Denomination, at the option of the City, on October 1, 2028, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the principal amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; provided, however, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the

Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

THE BONDS are also subject to mandatory redemption in part by lot pursuant to the terms of the Ordinance, on October 1 in each of the years 20__ through 20__, inclusive, with respect to Bonds maturing October 1, 20__, in the following years and in the following amounts, at a price equal to the principal amount thereof and accrued and unpaid interest to the date of redemption, without premium:

<u>Term Bonds Maturing October 1, 20__</u>	
<u>Year</u>	<u>Principal Amount (\$)</u>

*

* Final Maturity

To the extent, however, that Bonds subject to sinking fund redemption have been previously purchased or called for redemption in part and otherwise than from a sinking fund redemption payment, each annual sinking fund payment for such Bond shall be reduced by the amount obtained by multiplying the principal amount of Bonds so purchased or redeemed by the ratio which each remaining annual sinking fund redemption payment for such Bonds bears to the total remaining sinking fund payments, and by rounding each such payment to the nearest \$5,000 integral; provided, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, the particular Bonds to be called for mandatory redemption shall be selected in accordance with the arrangements between the City and the securities depository.

AT LEAST 30 days prior to the date fixed for any such redemption, (i) a written notice of such redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for this Bond or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, this Bond, or the portion hereof which is

to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Bond or any portion hereof. If a portion of this Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender hereof for cancellation, at the expense of the City, all as provided in the Ordinance.

WITH RESPECT TO any optional redemption of this Bond, unless the Paying Agent/Registrar has received funds sufficient to pay the principal and premium, if any, and interest on this Bond to be redeemed before giving of a notice of redemption, the notice of redemption may state the City may condition redemption on the receipt by the Paying Agent/Registrar of such funds on or before the date fixed for the redemption, or on the satisfaction of any other prerequisites set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient funds are not received, the notice shall be of no force and effect, the City shall not redeem this Bond and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, that this Bond has not been redeemed.

AS PROVIDED IN THE ORDINANCE, this Bond, or any unredeemed portion hereof, may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at the same rate, in any Authorized Denomination as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar at its Designated Trust Office for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any Authorized Denomination to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The City shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring, converting and exchanging any Bond or portion thereof; provided, however, that any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such transfer, conversion and exchange. In any circumstance, neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business 15 days before the day of the first mailing of a notice of redemption of bonds and ending at the close of business on the day of such mailing, or (2) to transfer

or exchange any Bonds so selected for redemption when such redemption is scheduled to occur within 30 calendar days; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the City, and agrees that the terms and provisions of this Bond and the Ordinance constitute a contract between each registered owner hereof and the City.

THE CITY has reserved the right, subject to the restrictions stated, and adopted by reference, in the Ordinance, to issue additional parity revenue bonds which also may be made payable from, and secured by a first lien on and pledge of, the "Pledged Revenues" (as defined in the Ordinance).

THE REGISTERED OWNER HEREOF is not entitled to demand payment of this obligation out of any money raised or to be raised by taxation, or from any source whatsoever other than the Pledged Revenues.

IT IS HEREBY certified and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is a special obligation; and that the principal of and interest on this Bond together with outstanding parity revenue bonds are payable from, and secured by a first lien on and pledge of, the Pledged Revenues, which include the Net Revenues of the City's Combined Waterworks and Sewer System (as defined in the Ordinance).

IN TESTIMONY WHEREOF, the City Council has caused the seal of the City to be duly impressed or placed in facsimile hereon, and this Bond to be signed with the imprinted facsimile signature of the Mayor and countersigned by the facsimile signatures of the City Manager and the City Secretary.

COUNTERSIGNED:

City Manager

Mayor

City Secretary

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

It is hereby certified that this Bond has been issued under the provisions of the proceedings adopted by the City as described in the text of this Bond; and that this Bond has been issued in exchange for or replacement of a Bond, Bonds, or a portion of a Bond or Bonds of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated _____

U.S. BANK NATIONAL ASSOCIATION,
Paying Agent/Registrar

By: _____
Authorized Representative

(FORM OF COMPTROLLER'S CERTIFICATE ATTACHED TO
THE BONDS UPON INITIAL DELIVERY THEREOF ONLY)

OFFICE OF COMPTROLLER :

REGISTER NO. _____

STATE OF TEXAS :

I hereby certify that there is on file and of record in my office a true and correct copy of the opinion of the Attorney General of the State of Texas approving this Bond and that this Bond has been registered this day by me.

Witness my signature and seal this

Comptroller of Public Accounts of
the State of Texas

FORM OF ASSIGNMENT:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer Identification Number of Transferee

/_____/

(Please print or typewrite name and address, including zip code of Transferee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____ attorney to

register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signatures must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 26 of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified below (and included in the Appendix or under the headings of the Official Statement referred to):

Tables 1 through 9 under the Official Statement Section entitled "THE WATER AND WASTEWATER SYSTEM".

Tables 10 through 12 under the Official Statement Section entitled "DEBT INFORMATION".

Tables 13 through 17 under the Official Statement Section entitled "FINANCIAL INFORMATION".

Appendix C to the Official Statement, entitled "DALLAS WATER UTILITIES FINANCIAL STATEMENTS".

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in Appendix C described above.

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :
CITY OF DALLAS :

I, BILLIERAE JOHNSON, City Secretary of the City of Dallas, Texas, do hereby certify that the above and foregoing is a true and correct copy of an excerpt from the minutes of the City Council of the City of Dallas, had in Regular Meeting on the 8th day of August, 2018, and an Ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, which Ordinance is duly of record in the minutes of said City Council; and that said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and seal of the City of Dallas, Texas, this the 8th day of August, 2018.

Billierae Johnson, City Secretary
City of Dallas, Texas

(SEAL)

AGENDA ITEM # 4

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: August 8, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Manager's Office

CMO: Theresa O'Donnell, 670-3309

MAPSCO: N/A

SUBJECT

Authorize acceptance of the specific goals, initiatives and actions in the Resilient Dallas Plan to build resilience and further equity for all Dallas residents - Financing: No cost consideration to the City

BACKGROUND

In 2015, Dallas was selected as one of only 100 cities around the world to participate in the prestigious 100 Resilient Cities (100 RC) program, pioneered by the Rockefeller Foundation. The 100 RC program has provided a well-documented, field-tested strategy development process to shepherd cities through the creation of a robust resilience plan. With the technical assistance of AECOM, Dallas has methodically adhered to these processes and utilized the analytic tools provided by the 100 Resilient Cities program.

The Dallas Resilience process has greatly benefited from extensive community participation and meaningful stakeholder engagement to gain a comprehensive perspective of the state of Dallas' current conditions and guidance on how we should move forward into the 21st century as an inclusive, vibrant community. Input was gathered through a variety of methods that acknowledge and respect the similarities as well as the notable differences inherent in Dallas' economically and socially diverse population. Throughout this process public surveys, desktop research, and sophisticated analytic tools were used to develop a data-driven examination into Dallas' strengths and vulnerabilities. That analytic assessment was evaluated, validated, and enriched through one-on-one interviews, focus groups, listening sessions, and stakeholder advisory meetings with a diverse array of Dallas residents.

BACKGROUND (continued)

This examination of data strengthened by community insight confirmed that Dallas' primary resilience challenge is not the threat posed by weather-related disasters that devastate communities across the world every year.

Rather, Dallas' future as the robust, economic engine of the prosperous North Central Texas economy is threatened by a series of alarming socio-economic trends that have bound hard working Dallas residents in the grips of financial adversity despite their best efforts to provide a stable, secure lives for themselves and their families. Currently, more than one-half of Dallas households earn less than a living wage. This staggering statistic reveals an unsustainable trend that threatens Dallas' economic vitality now and in the future.

It was this awareness and understanding that shaped the early iterations of project focus areas or Discovery Areas. The preliminary Discovery Areas were crafted by residents, business leaders, community experts, and academicians in a variety of stakeholder workshops, discussion groups, and interviews. The synthesis of this work resulted in four final Discovery Areas for Dallas: Inclusive Economy, Healthy Communities, Neighborhood Infrastructure, and Transportation Equity.

- Inclusive Economy: Harnessing the power of the robust North Central Texas economy to be more inclusive and create economic resilience for Dallas residents
- Healthy Communities: Exploring opportunities to improve public health outcomes and decrease health disparity
- Neighborhood Infrastructure: Assessing the conditions in Dallas neighborhoods, and understanding the impacts of climate change on the natural and built environment
- Transportation Equity: Preparing for a 21st century urban mobility by leveraging the region's transportation investment to expand mobility options, and improve transportation equity

Strategy Development

These four Discovery Areas became the basis of an extensive Phase II scope of work. Over several months, staff worked with internal and external stakeholders to develop new knowledge, strengthen partnerships, explore opportunities, and understand the challenges that constrain Dallas' future prosperity. This work culminated in the development of concrete goals, initiatives and actions that correspond with each of the four Discovery Areas, and are intended to move Dallas toward greater equity on a number of social and economic measures.

The recommended goals and initiatives, as written below, have been crafted by subject matter experts, the 100 RC staff, and the Resilient Cities Community Advisory Committee:

BACKGROUND (continued)

1. Advance equity in City government

- A Build an equitable City administration and culture.
- B Support and partner with anchor institutions and community based efforts to advance equity initiatives across Dallas by recognizing and reconciling a history of inequity and fostering communication of social differences between diverse communities and individuals.
- C Incorporate an "Equity Lens" into the city-wide visioning process for Goals for Dallas 2030, creation of the City's Strategic Plan, and the development of the biennial budget.
- D Commit to identifying and measuring inequity to drive collaborative action across sectors.

2. Ensure Dallas is a Welcoming City to immigrants and all residents

- A Partner with Welcoming America to become a Certified Welcoming City, a national best practice program that assesses and scores a city's strengths and achievements toward becoming an inclusive, welcoming place for immigrants.
- B Develop community leadership partnership strategy with a focus on immigration reception and increasing immigrant participation in civic life.
- C Improve immigrant access to government, nonprofit, and educational services and resources to foster well-being and prosperity.

3. Expand economy opportunity for Dallas' vulnerable and marginalized residents.

- A Prioritize workforce readiness and training, skills development, small business capacity-building, and access to wrap-around services to provide marginalized populations to living wage jobs and career pathways.
- B Collaborate with the Community Council of Greater Dallas to develop outreach strategies, programs, and workforce services Dallas residents who experience significant barriers to living wage employment.
- C Champion community efforts that ensure: (a) all Dallas students have access to a quality education that provides the skills and knowledge necessary to succeed in the 21st century workforce; and (b) ensure that high school graduates are career and/or college-ready and have access to post-secondary opportunities for education, certification, and employment.
- D Partner with key community stakeholders, including Dallas County Community College District, community-based organizations, and local foundations to explore successful financial empowerment center models that leverage municipal engagement or support.

BACKGROUND (continued)

4. Ensure Dallas provides residents with reasonable, reliable, and equitable access.

- A Ensure the Strategic Mobility Plan incorporates transportation equity into all elements of the plan, including the vision, goals, guiding principles, partnerships, resource allocation and funding priorities.
- B Regularly convene Dallas members of the Dallas Area Rapid Transit (DART) Board to establish and formalize City goals and policy recommendations to guide decision-making and align representation with Dallas' priorities.
- C Improve transportation access to employment, housing, education, health care, and other essential services for Dallas residents by addressing neighborhood infrastructure and system operational standards.

5. Leverage partnerships to promote healthy Communities

- A Develop new collaborative strategies and align resources to address health disparities for children and families living with toxic stress generated by adverse economic, social, and environmental conditions of poverty and blight.
- B Advance operational strategies and public education models that will effectively reduce non-emergency Emergency Management System calls and improve public health outcomes.
- C Strengthen the Office of Emergency Management's capacity to plan for, prevent, respond to, and ensure recovery from pandemic public health emergencies and events.

6. Invest in neighborhood infrastructure to revitalize historically underserved neighborhoods.

- A Recognize and institutionalize the need for a multi-pronged, coordinated, place-based approach and the long-term commitment to achieve wholistic revitalization in low-income and moderate-income neighborhoods.

7. Promote environment sustainability to improve public health and alleviate adverse environmental conditions.

- A Support and leverage the leadership of academic institutions, non-profit organizations, and philanthropic foundations working to fill science and data gaps to bring best practices to Dallas and North Texas.
- B Promote partnership efforts to implement green infrastructure projects in neighborhoods disproportionately vulnerable to the impacts of urban heat island effect, poor water quality, and poor air quality.

BACKGROUND (continued)

In addition to the seven goals and accompanying initiatives presented above, the Resilience Strategy also contains specific actions with timeframes and key partners identified to move these initiatives forward. The initiatives and actions should be considered a solid first step in achieving progress toward the recommended goals. As progress is achieved, additional work will be needed to fully implement each of the initiatives to attain the vision of building a more resilient and equitable Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 8, 2016, the Quality of Life and Environment Committee received a briefing on the 100 Resilient Cities Program and a description of the tools, resources and support provided by the 100 Resilient Cities organization to assist cities in undertaking the creation of a resilience plan.

On April 11, 2016, the Quality of Life and Environment Committee received a briefing update on the initial research and analysis performed during Phase I of the strategy development process and the proposed Discovery Areas under consideration for Phase II.

On August 8, 2016, the Quality of Life and Environment Committee received a briefing update on the Scope of Work for Phase I.

On March 27, 2017, the Quality of Life and Environment Committee received a briefing update on the progress of work on Phase II initiatives in which a companion briefing on Transportation Equity was presented.

On September 5, 2017, the Human and Social Needs Committee received a briefing update on the 100 Resilient Cities Program and process, the Phase I work, and the Preliminary Resilience Assessment document.

On October 23, 2017, the Mobility Solutions, Infrastructure and Sustainability Committee received a briefing on Transportation Equity and Access to Opportunity for Transit-Dependent Populations in Dallas.

On October 16, 2017, the Human and Social Needs Committee received a briefing on the Phase II scope of work and the analysis and findings to-date including outlined preliminary, conceptual goals identified by stakeholders and a bulleted list of proposed initiatives.

On December 4, 2017, the Human and Social Needs Committee received a briefing memo on Resilience Dallas preliminary goals and initiatives and a staff presentation on proposed themes and topics for the Equity Indicators project.

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

On May 7, 2018, the Human and Social Needs Committee received a briefing on preliminary findings of the Equity Indicators Project update.

On June 4, 2018, the Human and Social Needs Committee received a briefing on the final draft of the Resilient Dallas Strategy Project and the completed data and findings of the Equity Indicators project.

City Council will be briefed regarding this item on August 1, 2018.

FISCAL INFORMATION

No cost consideration to the City.

August 8, 2018

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

WHEREAS, urban resilience is defined as the capacity of individuals, communities, institutions, businesses, and systems within a city to survive, adapt and grow despite chronic stresses and acute shocks; and

WHEREAS, the City of Dallas, through stakeholder engagement, focus groups, data collection and geographic analysis, has identified resilience goals and initiatives to build upon areas of strength and to address weaknesses/needs throughout the community; and

WHEREAS, a foundational principle of the Resilient Dallas plan is building an Equitable Dallas; and

WHEREAS, the first resilience goal is to advance equity in City government; and

WHEREAS, an analysis of city programs and administration will lead to greater equity in service delivery, strategic planning and budget allocation; and

WHEREAS, leading by example will enable the City of Dallas to engage its partner institutions and neighborhood organizations to address areas of inequality such as childhood poverty, access to quality education, transportation, housing, and greater participation in our robust economy; and

WHEREAS, implementation of equity initiatives and actions will allow the city to measure progress toward achieving greater equity in Dallas and move the community toward increased resilience.

Now, Therefore,

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

SECTION 1. That the Dallas City Council accepts the specific goals, initiatives and actions set forth in the Resilient Dallas Plan.

SECTION 2. That the City Manager is directed to move forward with these initiatives to further the goals of resilience and equity within the City of Dallas.

SECTION 3. 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: Clean, Healthy Environment

AGENDA DATE: August 8, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Code Compliance

CMO: Raquel Favela, 670-3309

MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 17, "Food Establishments," of the Dallas City Code, by **(1)** amending Sections 17-1.5 and 17-10.2; **(2)** providing for definitions of different risk level establishments; **(3)** providing for varying periodic inspections of food establishments depending on risk level classification; **(4)** providing for standards for inspection frequency; **(5)** providing that on-site food establishment risk profile assessment inspections may be conducted; **(6)** providing a fee schedule for inspections of fixed facilities; **(7)** providing that variances are also vehicle specific, event specific, and location specific; **(8)** providing a penalty not to exceed \$2,000; **(9)** providing a saving clause; **(10)** providing a severability clause; and **(11)** providing an effective date - Estimated Revenue Reduction: (\$140,000)

BACKGROUND

Adoption of this ordinance amendment will allow the City to move from inspecting food establishments at a minimum of once every six months to inspecting food establishments on a risk-based approach set forth under Section 228.249 of the Texas Administrative Code.

On June 25, 2018, Code briefed the Quality of Life, Arts and Culture Committee with a proposal to reform the current food inspection model to add criteria that will determine the frequency of inspections for food establishments. Over the past 10 years, the number of food establishments has grown at a rate of approximately 200 per year. Under the current ordinance, Sanitarians are required to provide health inspections to approximately 7,100 food establishments every 6 months. The proposed food inspection model reform will allow Code to keep pace with the current work demand from the increase in the food market to maintain operations within our current budget. This proposal will allow Code to reduce operational costs by \$175K that coincides with a \$140K reduction in annual food permit fees, creating a net savings of \$35K.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2018, the Quality of Life, Arts, and Culture Committee was briefed on Chapter 17 changes for risk-based food assessments.

FISCAL INFORMATION

Estimated Revenue Reduction: (\$140,000)

ORDINANCE NO. _____

An ordinance amending Chapter 17, "Food Establishments," of the Dallas City Code, by amending Sections 17-1.5 and 17-10.2; providing for definitions of different risk level establishments; providing for varying periodic inspections of food establishments depending on risk level classification; providing for standards for inspection frequency; providing that on-site food establishment risk profile assessment inspections may be conducted; providing a fee schedule for inspections of fixed facilities; providing that variances are also vehicle specific, event specific, and location specific; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

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

SECTION 1. That Subsection (b) of Section 17-1.5, "Definitions," of Article I, "Food Establishments Generally," of Chapter 17, "Food Establishments," of the Dallas City Code, is amended to read as follows:

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

(1) ADULTERATED means the condition of food that:

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

(B) contains an added poisonous or deleterious substance:

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

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

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

(D) is unsafe for human consumption; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) **FOOD ESTABLISHMENT:**

(A) The term means an operation that:

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

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

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

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

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

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

(10) **PERMIT** means the document issued by the department that authorizes a person to operate a food establishment.

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

(12) PREMISES means:

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

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

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

(14) REGULATORY AUTHORITY means the director.

(15) RISK LEVEL ONE ESTABLISHMENT means an establishment with no cooking processes of any kind, no heat holding, no open exposed food handling (including handling mixed drinks), or only holds refrigerated and frozen foods packaged from the manufacture.

(16) RISK LEVEL THREE ESTABLISHMENT means an establishment that cooks time and temperature control products from the raw state, heat hold, and reheat food items. These establishments may have an extensive menu and/or extensive handling of food ingredients. This includes food establishments that engage in special processes, have a hazard analysis critical control point (HACCP) plan, or serves a highly susceptible population.

(17) RISK LEVEL TWO ESTABLISHMENT means an establishment that has a limited menu selection, serves only commercially processed time and temperature control foods, heats and serves food items with no cooking or reheating process, or has minimal heat holding.

(18) SAFE TEMPERATURE means a temperature of not more than 41 degrees Fahrenheit if held cold (5 degrees Centigrade) or not less than 135 degrees Fahrenheit if held hot (60 degrees Centigrade). The symbols "°F." and "°C." are used in this chapter to refer, respectively, to degrees Fahrenheit and degrees Centigrade.

(19[46]) SEAL means to close the junction between surfaces in a way that prevents entry of moisture.

(20[47]) TEMPORARY FOOD SERVICE ESTABLISHMENT means:

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

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

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

(iii) a special event conducted with written permission of the city on property under the control of the park and recreation board, on property of the "convention center" or "reunion arena" as defined in Section 43-127 of this code, or on property of the "Neighborhood Farmers Market" [~~"municipal produce market"~~] as defined in Section 29A-2(6)[~~(A)~~] of this code;

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

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

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

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

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

(21[48]) TEXAS FOOD ESTABLISHMENT RULES means the rules of the Texas Department of State Health Services found in Title 25 Texas Administrative Code, Chapter 228, as amended."

SECTION 2. That Subsection (f), "Inspections," of Section 17-10.2, "Additional Requirements," of Article X, "Compliance and Enforcement," of Chapter 17, "Food Establishments," of the Dallas City Code, is amended to read as follows:

"(f) Inspections.

(1) Consent to inspection. Application for and operation of a food establishment inside the city constitutes consent for the director to inspect the food establishment to determine whether the establishment complies with all conditions of the permit and applicable requirements of this chapter and other city ordinances and state and federal law.

(2) Inspection procedure. An inspection will be conducted in the following manner:

(A) The director may inspect during business hours or at any other reasonable time.

(B) An inspecting officer shall present official identification to the manager or person in charge before conducting the inspection.

(C) An inspecting officer shall wear appropriate clothing and hair restraint when entering food preparation or equipment and utensil washing areas of a food establishment.

(D) Upon authorization of the director, photographs of any part of a food establishment, or of any food handling activities conducted inside or outside of a food establishment, may be taken during an inspection.

(3) Pre-operation inspection. Before issuing a permit under this article, the director shall inspect a food establishment to determine whether the establishment complies with applicable requirements of this chapter and other city ordinances and state and federal law. If the food establishment does not comply, the director shall notify the permit applicant of the nonconformance in the manner prescribed by this article.

(4) Periodic inspections. The director shall periodically inspect each separate and distinct facility and vehicle from which a food establishment operates to determine whether the establishment complies with this chapter and other applicable city ordinances and state and federal law. The director shall conduct the periodic inspection as often as the director considers necessary to enforce this chapter or other applicable law, but at least once each six-month period for risk level three establishments, once a year for risk level two establishments, and every other year for risk level one establishments. Whenever a food establishment is inspected by the director and a violation of this chapter or other applicable law is found, the director shall, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, reinspect the food establishment to determine that the violation has been eliminated. A \$71 fee will be charged for each reinspection that must be conducted before the violation is determined to be eliminated.

(5) Inspection form. The director shall prepare and use an inspection form for rating the code compliance of a food establishment.

(6) On-site food establishment risk profile assessment inspection. An on-site food establishment risk profile assessment inspection may be conducted when the establishment is newly opened, changes ownership, or experiences a substantial change in menu offerings or food handling processes. Inspection frequency is based on types of food preparation processes used by the food establishment, the food served and sold, the average number of meals served, and the population served. A non-refundable service fee of \$106.00 will be charged for each on-site food establishment risk profile assessment inspection.

(7) Entry of persons other than the director. Nothing in this chapter authorizes the entry of persons other than the director and the director's authorized

representatives into food preparation or equipment and utensil washing areas of a food establishment.”

SECTION 3. That Paragraph (2), “Amount,” of Subsection (h), “Annual Inspection Fee: Fixed Facilities,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code, is amended to read as follows:

“(2) Amount. The amount of the fee for each facility is determined by the floor area of the facility. In determining the floor area, the director shall include each interior part of the facility used to manufacture or process, store, package, prepare, distribute, sell, or serve food. The fees are as prescribed in the following schedule:

(A) For facilities not included in Section 17-10.2(h)(2)(B):

Risk Level One Establishment:

Area in square feet	Annual fee
1 to 2,000	<u>\$77</u> [\$280]
2,001 or more	<u>\$87</u> [\$318]

Risk Level Two Establishment:

Area in square feet	Annual fee
1 to 2,000	<u>\$155</u>
2,001 or more	<u>\$174</u>

Risk Level Three Establishment:

Area in square feet	Annual fee
1 to 2,000	<u>\$280</u>
2,001 or more	<u>\$318</u>

(B) If a food establishment is being operated from more than one separate and distinct facility in the same building, for each facility in excess of one:

Risk Level One Establishment:

Area in square feet	Annual fee
1 to 2,000	<u>\$77</u> [\$280]

2,001 or more	<u>\$87</u> [\$318]
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Risk Level Two Establishment:

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	<u>\$155</u>
2,001 or more	<u>\$174</u>

Risk Level Three Establishment:

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	<u>\$280</u>
2,001 or more	<u>\$318</u> ”

SECTION 4. That Paragraph (2) of Subsection (l), “Service Fees,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code, is amended to read as follows:

“(2) To obtain from the director a detailed, written survey or risk level assessment of an existing food establishment, a prospective operator must:

(A) present to the director written permission for the survey or risk level assessment from the owner of the food establishment; and

(B) pay to the city a nonrefundable service fee of \$106.”

SECTION 5. That Paragraph (1) of Subsection (s), “Variances,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code, is amended to read as follows:

“(1) A food establishment may apply to the director for a variance modifying or waiving the requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the application all of the information required by Subsection ~~228.243(c)(2)~~ [229.171(e)(2)] of the Texas Food Establishment Rules. The application must be accompanied by a nonrefundable application fee of \$264.”

SECTION 6. That Paragraph (4) of Subsection (s), “Variances,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code, is amended to read as follows:

“(4) A variance granted under this section is nontransferable, vehicle specific, event specific, and location specific. If granted, the variance is valid for at least one year but not for more than two years. The variance expiration date must be printed on the variance and will remain effective unless it is sooner revoked by the director or terminated by the food establishment. A variance may be renewed through the application process set forth in Paragraph (1) of this subsection.”

SECTION 7. 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 \$2,000.

SECTION 8. That Chapter 17 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 10. 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 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

AGENDA ITEM # 6

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

August 8, 2018

COUNCIL DISTRICT(S):

4, 5

DEPARTMENT:

Department of Public Works
Water Utilities Department

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

54V 59X

SUBJECT

Authorize **(1)** street paving, drainage, and water main improvements for Street Group 12-464; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on September 26, 2018, to receive comments - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)

BACKGROUND

Crenshaw Drive from Cushing Drive to Old Seagoville Road was requested by property owner petition, accepted on July 29, 2011. Michigan Avenue from East Saner Avenue to East Hobson Avenue was requested by property owner petition, accepted on January 26, 2012. These streets are included in the 2012 Bond Program as Street Petition Projects.

On December 11, 2013, City Council authorized a professional services contract with Teague Nall and Perkins, Inc. for the engineering design of street improvements on Crenshaw Drive from Cushing Drive to Old Seagoville Road and Michigan Avenue from East Saner Avenue to East Hobson Avenue by Resolution No. 13-2072.

This action will authorize the project, partial payment of costs by assessment, and a benefit assessment hearing. The improvements will consist of constructing a 26-foot wide concrete pavement with curbs, sidewalks, drive approaches, drainage, and water main improvements.

BACKGROUND (continued)

The paving assessment process requires the following three steps:

1. Authorize paving improvements.
2. Authorize a benefit assessment hearing.
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

These actions are the first and second steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	February 2014
Completed Design	May 2018
Begin Construction	December 2018
Complete Construction	December 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 11, 2013, City Council authorized a professional services contract with Teague Nall and Perkins, Inc. for the engineering design of alley petition and three street petition improvement projects on: alley between Bluffman Drive, Castle Hills Drive and Lovingood Drive from Lovingood Drive to Loud Drive and alley between Idaho Avenue and Maryland Avenue from Holden Avenue an estimated 250' south to Dallas Power and Light Property; street petition projects on Crenshaw Drive from Cushing Drive to Old Seagoville Road, Fernheath Lane from South Beltline Road to Dead End and Michigan Avenue from Saner Avenue to Hobson Avenue by Resolution No. 13-2072.

On September 14, 2016, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Teague Nall and Perkins, Inc. for additional engineering design and survey services for three street petition improvement projects on: Crenshaw Drive from Cushing Drive to Old Seagoville Road, Fernheath Lane from South Beltline Road to Dead End and Michigan Avenue from Saner Avenue to Hobson Avenue by Resolution No. 16-1459.

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed by memorandum regarding this item on August 3, 2018.

FISCAL INFORMATION

Design	\$ 82,264.50
Supplemental Agreement No. 1	\$ 20,554.94
Construction	
Paving & Drainage (PBW)	\$1,108,485.00 (est.)
Water & Wastewater (DWU)	\$ <u>249,482.00</u> (est.)
Total Project Cost	\$1,460,786.44 (est.)

This project does involve assessments.

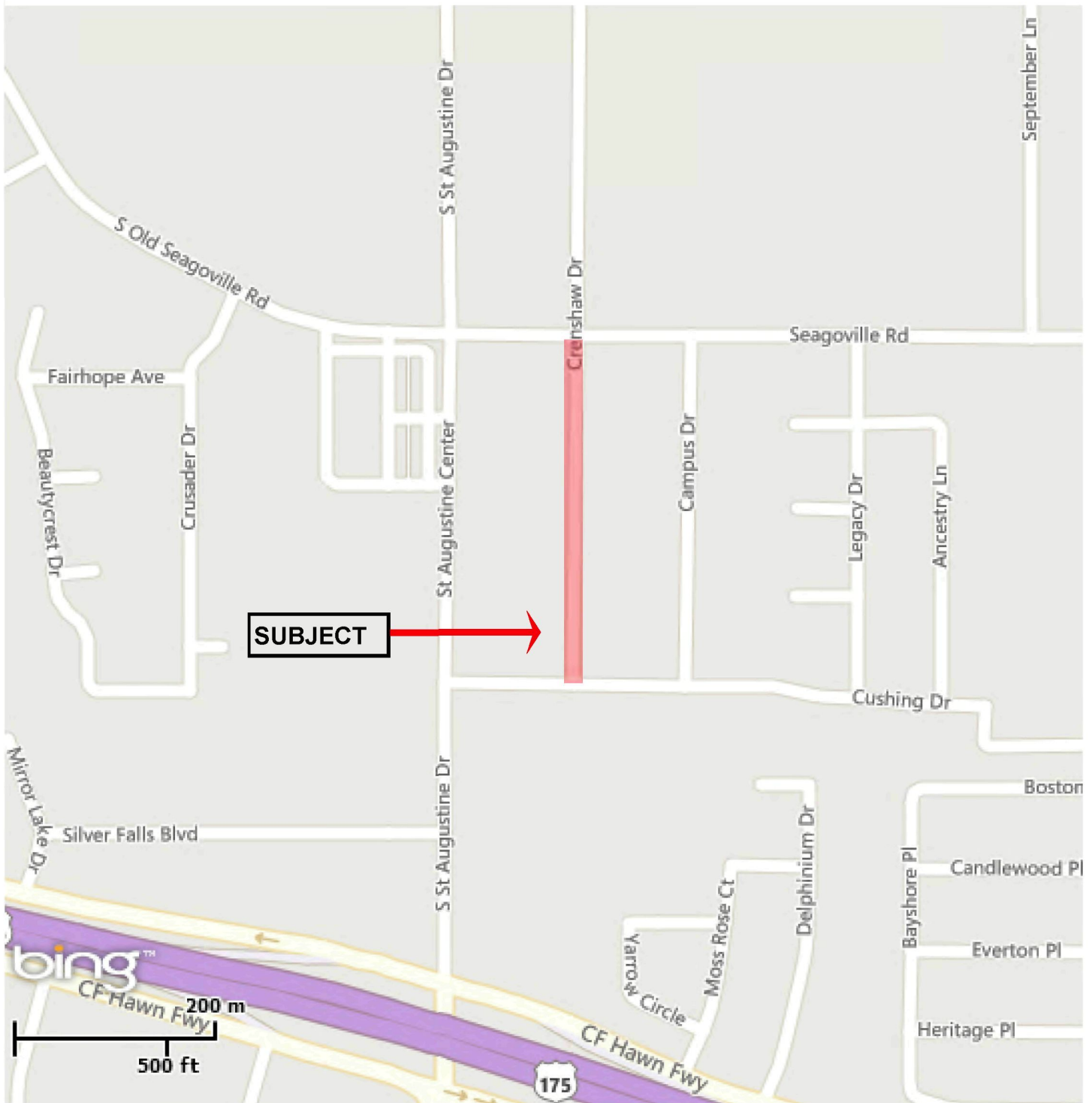
MAPS

Attached

Street Group 12-464

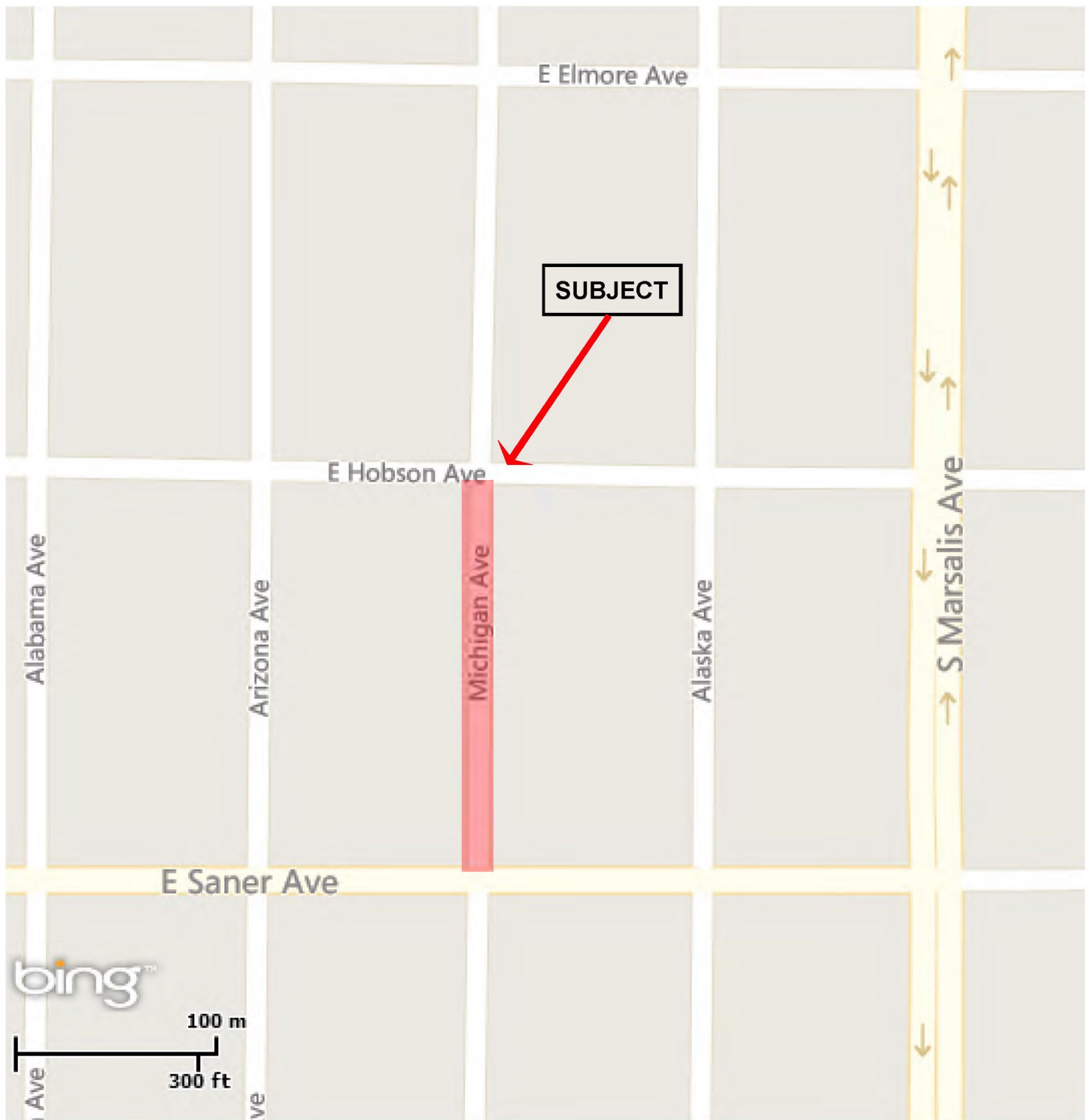
<u>Project</u>	<u>Limits</u>	<u>Council District</u>
Crenshaw Drive	from Cushing Drive to Old Seagoville Road	5
Michigan Avenue	from East Saner Avenue to East Hobson Avenue	4

STREET GROUP 12-464 (CRENSHAW DRIVE)



MAPSCO 59X

STREET GROUP 12-464 (MICHIGAN AVENUE)



MAPSCO 54V



**AUGUST 8, 2018 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated August 8, 2018. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



T.C. Broadnax
City Manager

Date

Elizabeth Reich
Chief Financial Officer

Date

RECEIVED

2018 AUG -3 PM 4: 15

CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, AUGUST 8, 2018
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

REVISED ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 39

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 40 - 44
Addendum Item 1

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 45 - 63

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

**ADDENDUM
CITY COUNCIL MEETING
AUGUST 8, 2018
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A.M.**

ITEM FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

1. A resolution designating absences by Councilmember Scott Griggs, Councilmember Rickey D. Callahan and Councilmember Kevin Felder as being for "Official City Business" - Financing: No cost consideration to the City

DELETIONS:

Civil Service

42. Authorize a contract for a one-year corporate membership to LinkedIn Corporation - Not to exceed \$128,159 - Financing: General Funds (subject to appropriations) (This item was deferred on June 27, 2018)

Police Department

44. Authorize an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2017 through September 30, 2019 - Not to exceed \$1,200,000 - Financing: General Funds (subject to appropriations) (This item was deferred on June 27, 2018)

ADDENDUM DATE August 8, 2018

ITEM		IND					DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	
1			N/A	I	SEC	NC	A resolution designating absences by Councilmember Scott Griggs, Councilmember Rickey D. Callahan and Councilmember Kevin Felder as being for "Official City Business" - Financing: No cost consideration to the City

TOTAL \$0.00

ADDENDUM ITEM # 1

STRATEGIC PRIORITY:

Government Performance and Financial Management

AGENDA DATE:

August 8, 2018

COUNCIL DISTRICT(S):

N/A

DEPARTMENT:

City Secretary

CMO:

Bilierae Johnson, 670-3738

MAPSCO:

N/A

SUBJECT

A resolution designating absences by Councilmember Scott Griggs, Councilmember Rickey D. Callahan and Councilmember Kevin Felder as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

BACKGROUND (continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

August 8, 2018

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

WHEREAS, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) referenced above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Councilmember Scott Griggs, Councilmember Rickey D. Callahan and Councilmember Kevin Felder participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted.

Now, Therefore,

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

August 8, 2018

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in **Exhibit A**, by Councilmember Scott Griggs, Councilmember Rickey D. Callahan and Councilmember Kevin Felder because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence(s) will not count against Councilmember Scott Griggs, Councilmember Rickey D. Callahan and Councilmember Kevin Felder in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is hereby authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in **Exhibit A**, if applicable, to reflect that the absence(s) by Councilmember Scott Griggs, Councilmember Rickey D. Callahan and Councilmember Kevin Felder as described in **Exhibit A**, were for "official city business," and no further city council action or approval of those minutes is required.

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.

EXHIBIT A

**CITY COUNCIL MEMBER(S)
REQUEST ABSENCE AS OFFICIAL CITY BUSINESS**

COUNCILMEMBER	DATE	MEETING(S) MISSED	PURPOSE/LOCATION	ABSENCE TYPE
Scott Griggs	6/18/2018	Government Performance and Financial Management Committee	Meeting with residents, business owners, developers and City staff to address chronic permitting violations by construction projects that are interfering with the quality of life in Bishop Arts District; and meeting with the applicant for an SUP renewal to discuss the business' impact on area residents.	Absent 50%+
Kevin D. Felder	6/20/2018	City Council Briefing	Participated in news interviews, announcing the Slavery at Monticello: Paradox of Liberty exhibition at the African American Museum in District 7.	Absent
Rickey D. Callahan	6/25/2018	Mobility Solutions, Infrastructure and Sustainability Committee	Attended a meeting with Edward Jamison, Dallas Animal Services that was extended.	Absent 50%+

RECEIVED

Memorandum

2018 JUN 19 AM 9: 27

CITY SECRETARY
DALLAS, TEXAS



CITY OF DALLAS

DATE June 18, 2018

TO Councilmember Jennifer Gates, Chair
Government Performance and Financial Management Committee

SUBJECT Late Arrival to June 18, 2018 GPFM Committee Meeting

I arrived late to the Government Performance and Financial Management Committee meeting on June 18 because I was in two time-sensitive meetings about City business:

- A meeting with residents, business owners, developers and City staff to address chronic permitting violations by construction projects that are interfering with the quality of life in the Bishop Arts District.
- A meeting with the applicant for an SUP renewal to discuss the business' impact on area residents.

If you have questions, please contact my assistant, Mina Ramon, at 214.670.0776.



Scott Griggs, Councilmember
District 1

c: Bilierae Johnson, City Secretary
The Honorable Members of the Government Performance and Financial
Management Committee

Memorandum

RECEIVED

2018 JUN 19 PM 4:52

CITY SECRETARY
DALLAS, TEXAS



CITY OF DALLAS

DATE June 19, 2018

TO Bilierae Johnson, City Secretary

SUBJECT **Absent to the City Council Briefing Wednesday, June 20, 2018**

Please be advised that I will be absent from the June 20, 2018 Council Briefing. I will be participating in news interviews, announcing the *Slavery at Monticello: Paradox of Liberty* exhibition at the African American Museum in District 7.

Should you have any questions, please contact my office at 214-670-4689

Ever Loved for Councilmember Kevin D. Felder

Kevin D. Felder
Council Member
District 7

c: Honorable Mayor and Members of the City Council

Memorandum

RECEIVED

2018 JUL 18 AM 10:56

CITY SECRETARY
DALLAS, TEXAS



CITY OF DALLAS

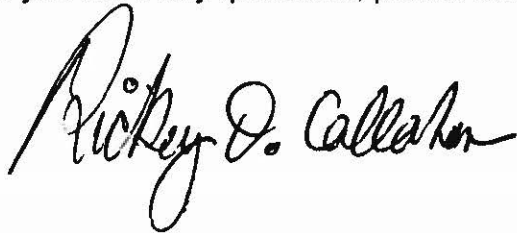
DATE July 18, 2018

TO Bilierae Johnson, City Secretary

SUBJECT **Late Arrival – Mobility Solutions, Infrastructure & Sustainability Committee**

Councilman Rickey Callahan was late to arrive for the Mobility Solutions, Infrastructure & Sustainability Committee meeting on June 25, 2018 due to a scheduled meeting with Edward Jamison, Dallas Animal Services that extended over the 2:00 pm time the meeting started.

If you have any questions, please contact my office at 214-670-4052.



Rickey D. Callahan
City Councilmember