

**AUGUST 5, 2015 CITY COUNCIL BRIEFING AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated August 5, 2015. 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.



A.C. Gonzalez  
City Manager

7-31-15

Date



Jeanne Chipperfield  
Chief Financial Officer

7/31/15

Date



RECEIVED

2015 JUL 31 PM 5:38

CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL BRIEFING AGENDA

August 5, 2015

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.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 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.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (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.



AGENDA  
CITY COUNCIL BRIEFING MEETING  
WEDNESDAY, AUGUST 5, 2015  
CITY HALL  
1500 MARILLA  
DALLAS, TEXAS 75201  
9:00 A.M.

9:00 am      Invocation and Pledge of Allegiance      6ES

Special Presentations

Open Microphone Speakers

VOTING AGENDA      6ES

1. Approval of Minutes of the June 17, 2015 City Council Meeting and June 22, 2015 Special and Inauguration Meetings
2. 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)

ITEMS FOR INDIVIDUAL CONSIDERATION

**Office of Financial Services**

3. Authorize amendments to the 2015 City Calendar to: **(1)** move the vote to adopt the budget on the first reading from Wednesday, September 9 to Wednesday, September 2, 2015; **(2)** move the Council Budget Amendments Workshop from Wednesday, September 16 to Tuesday, September 8, 2015 at 3:00pm and Wednesday, September 9, 2015 (as needed); **(3)** move the vote to adopt the budget on the second reading from Wednesday, September 23 to Wednesday, September 16, 2015; and **(4)** move the City Council Agenda meeting from Wednesday, September 23 to Wednesday, September 30, 2015 - Financing: No cost consideration to the City

BRIEFINGS      6ES

- A. Board and Commission Nominee Screening and Appointment Process - 2015/2017 Term
- B. Aquatic Facilities Master Plan Update
- C. "Living Wage" Discussion

Lunch

AGENDA  
CITY COUNCIL BRIEFING MEETING  
WEDNESDAY, AUGUST 5, 2015

BRIEFINGS (Continued) 6ES

D. Sidewalk Cafés and Streetscape

Closed Session 6ES

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Olegario DeLeon v. City of Dallas, Cause No. DC-14-08618-E
- Manuel Enriquez v. City of Dallas, Cause No. DC-14-06953-A

Open Microphone Speakers 6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

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

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



## AGENDA ITEM # 3

**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** August 5, 2015

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Office of Financial Services

**CMO:** Jeanne Chipperfield, 670-7804

**MAPSCO:** N/A

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### **SUBJECT**

Authorize amendments to the 2015 City Calendar to: **(1)** move the vote to adopt the budget on the first reading from Wednesday, September 9 to Wednesday, September 2, 2015; **(2)** move the Council Budget Amendments Workshop from Wednesday, September 16 to Tuesday, September 8, 2015 at 3:00pm and Wednesday, September 9, 2015 (as needed); **(3)** move the vote to adopt the budget on the second reading from Wednesday, September 23 to Wednesday, September 16, 2015; and **(4)** move the City Council Agenda meeting from Wednesday, September 23 to Wednesday, September 30, 2015 - Financing: No cost consideration to the City

### **BACKGROUND**

Resolution No. 89-3796 requires the City Council to adopt an annual calendar. Resolution No. 90-2673 establishes the annual July recess. The City Calendar includes all City Council briefing and agenda meetings, budget briefings and workshops, Council Committee meetings, and City holidays. The City Calendar is available on the City's website at [www.dallascityhall.com](http://www.dallascityhall.com) and is made available in the Office of Financial Services to all citizens who request copies.

To accommodate councilmembers attending the Texas Municipal League Annual Conference in San Antonio and in observance of Yom Kippur, several amendments are recommended to the September 2015 City calendar.

The amended 2015 City Council Calendar is being amended to reflect this change per Attachment A.

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

The City Council approved the 2015 City Calendar on November 12, 2014, by Resolution No. 14-1976.

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

The City Council approved amendments to the 2015 City Calendar on February 25, 2015, by Resolution No. 15-0433.

**FISCAL INFORMATION**

No cost consideration to the City.

August 5, 2015

**WHEREAS**, it is the desire of the City to improve the efficiency of our municipal operations by adopting an annual City Calendar; and

**WHEREAS**, it is the responsibility of the City Manager's Office to prepare an annual City Calendar each year for the upcoming calendar year; and

**WHEREAS**, the annual City Calendar should be presented to the City Council for adoption in October of each year for the upcoming calendar year; and

**WHEREAS**, the annual City Calendar should include all City Council briefing and agenda meetings, budget briefings and workshops, Council Committee meetings, and City holidays; and

**WHEREAS**, the City Calendar should be updated periodically to incorporate any additions and/or changes in the schedule of meetings; and

**WHEREAS**, the City Calendar should be made available to all citizens, upon request, in the Office of Financial Services;

**Now, Therefore,**

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

**Section 1.** That the Dallas City Council amends Resolution No. 15-0433, passed on February 25, 2015.

**Section 2.** That the Dallas City Council adopts the amended 2015 City Calendar per Attachment A.

**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.



September 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		<b>1</b>	<b>2</b> Council Briefing 9:00am  Budget Workshop  <u>Vote to Adopt Budget 1<sup>st</sup> Reading</u>	<b>3</b> Budget Town Hall Meetings End	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b> Council Committee Meetings Moved to September 8  Labor Day City Holiday/ Cesar E. Chavez Day	<b>8</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit  <u>Council Budget Amendments Workshop 3:00pm</u>	<b>9</b> Council Agenda <u>Light Zoning</u> 9:00am  <u>Council Budget Amendments Workshop (continuation as needed)</u>  <u>Vote to Adopt Budget 1<sup>st</sup> Reading</u>	<b>10</b>	<b>11</b> September 11 <sup>th</sup> Remembrance Day	<b>12</b>
<b>13</b> Rosh Hashanah (Begins at Sundown)	<b>14</b> Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>15</b>	<b>16</b> Council Briefing 9:00am  <u>Budget Adoption 2<sup>nd</sup> Reading</u>  <u>Council Budget Amendments Workshop 9:00am</u>	<b>17</b>	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>22</b>  Texas Municipal League Annual Conference – San Antonio, Texas  Yom Kippur (Begins at Sundown)	<b>23</b> <u>Council Agenda Meeting Moved to September 30</u> <u>Council Agenda 9:00am</u> <u>Budget Adoption 2<sup>nd</sup> Reading</u>  Texas Municipal League Annual Conference – San Antonio, Texas  Yom Kippur	<b>24</b>  Texas Municipal League Annual Conference – San Antonio, Texas	<b>25</b>  Texas Municipal League Annual Conference – San Antonio, Texas	<b>26</b>
<b>27</b>	<b>28</b> Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>29</b>	<b>30</b> <u>Council Agenda 9:00am</u>			

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

# Memorandum



DATE May 15, 2015

TO A.C. Gonzalez  
City Manager

SUBJECT **Agenda Item August 5, 2015 – Board and Commission Appointment Process**

Please schedule the following agenda item for the August 5, 2015 briefing agenda:

Briefings

- Overview of boards and commissions and the appointment process for the 2015-2017 term

Please contact me if you have questions.



Rosa A. Rios  
City Secretary

C: Warren M.S. Ernst, City Attorney  
Mark McDaniel, Assistant City Manager  
Biliera Johnson, Assistant City Secretary  
Barbara Martinez, Assistant City Attorney  
Jesus J. Salazar, Boards and Commissions Manager, CSO  
Cheryl Nichols, Agenda Coordinator  
Marla Avelar, Coordinator – Agenda Office

# BOARDS AND COMMISSIONS NOMINEE SCREENING AND APPOINTMENT PROCESS 2015/2017 TERM



City Secretary's Office  
August 5, 2015

# STATISTICS

- 49 – B/C with members appointed by city council (16 “Individual” and 33 “Full Council”)
- 03 – B/C whose membership is appointed or nominated by city manager
- 01 - board appointed by the Mayor (Dallas Housing Authority)
- 53 - Total

# CLASSIFICATIONS

- **Quasi-Judicial** – Has the power to exercise sovereign functions of government, such as determining the rights of one or more parties under state law, city ordinances, regulations or general laws, largely independent of the control of others (e.g. *Park Board, Permit and License Appeal Board*)
- **Advisory** – Provide advice or recommendations to the city council on issues or policies (e.g. *Senior Affairs Commission, Animal Advisory Commission*)
- **Instrumentality** – a subsidiary of local government created for a special purpose (e.g. *Dallas Housing Finance Corp., Southern Dallas Development Corp.*)
- **Miscellaneous** – Municipal Management Districts (e.g. Trinity River West, North Oak Cliff and Cypress Waters)

Note: Some boards require certain members to have special qualifications (e.g. architect [Landmark Commission], city/county official [Animal Advisory Commission], etc.).

# TERMS

- Two (2) years in length (any period of service in excess of one year... Chapter III, Section 3A(c) of the Dallas City Charter)
- End September 30/odd-numbered years (for most boards)
- Begin October 1/odd-numbered years (for most boards)
- Vacant and holdover positions may be filled at any time to complete the remainder of the term

# Holdover Period

## Advisory

- Up to 9 months

## Quasi-judicial and Instrumentality

- Indefinitely, until replacement appointed or member resigns



# SERVICE ELIGIBILITY

- Chapter 8 of the Dallas City Code:
  - Resident of Dallas for six months
  - Qualified voter at time of appointment
  - Have no criminal record considered by the City council to be so serious that it should be a disqualification
  - Generally, not be an adversary party to pending litigation against the city
  - Not be in arrears on any city taxes, water service charges or other obligations owed the city
  - Credible record of attendance and performance in any previous board service

# OFFICER APPOINTMENTS

- Mayor
  - nominates most chairs
  - nominates Board of Adjustment vice-chairs
- Individual Councilmembers
  - nominate most vice-chairs
- City Council
  - Confirms chair and vice-chair nominations

# VETTING PROCESS

- Online board application via NEOGOV required for all nominees
- Nominating memo with application sent to the City Secretary's Office indicating:
  - board
  - position
  - special qualifications met, if required
- Conflict/Background checks conducted:
  - City Secretary's Office – ethics/elections/attendance
  - City Attorney's Office – conflicts of interest
  - City Manager's Office – indebtedness
  - Dallas Police Department – criminal background check

# NOMINEE PROCESSING

- 2013
  - 467 board and commission members (3% decrease since 2011 due to sunseting of some boards)
  - 2 FTE's dedicated to processing nominees between August and December (loss of ½ position since 2012)
  - 42-day average processing time
- 2015
  - 483 board and commission members (3% increase since 2013 due to addition of boards)
  - 2 FTE's dedicated to processing nominees between August and December
  - 45-day average processing time

# REFERENCE MATERIAL

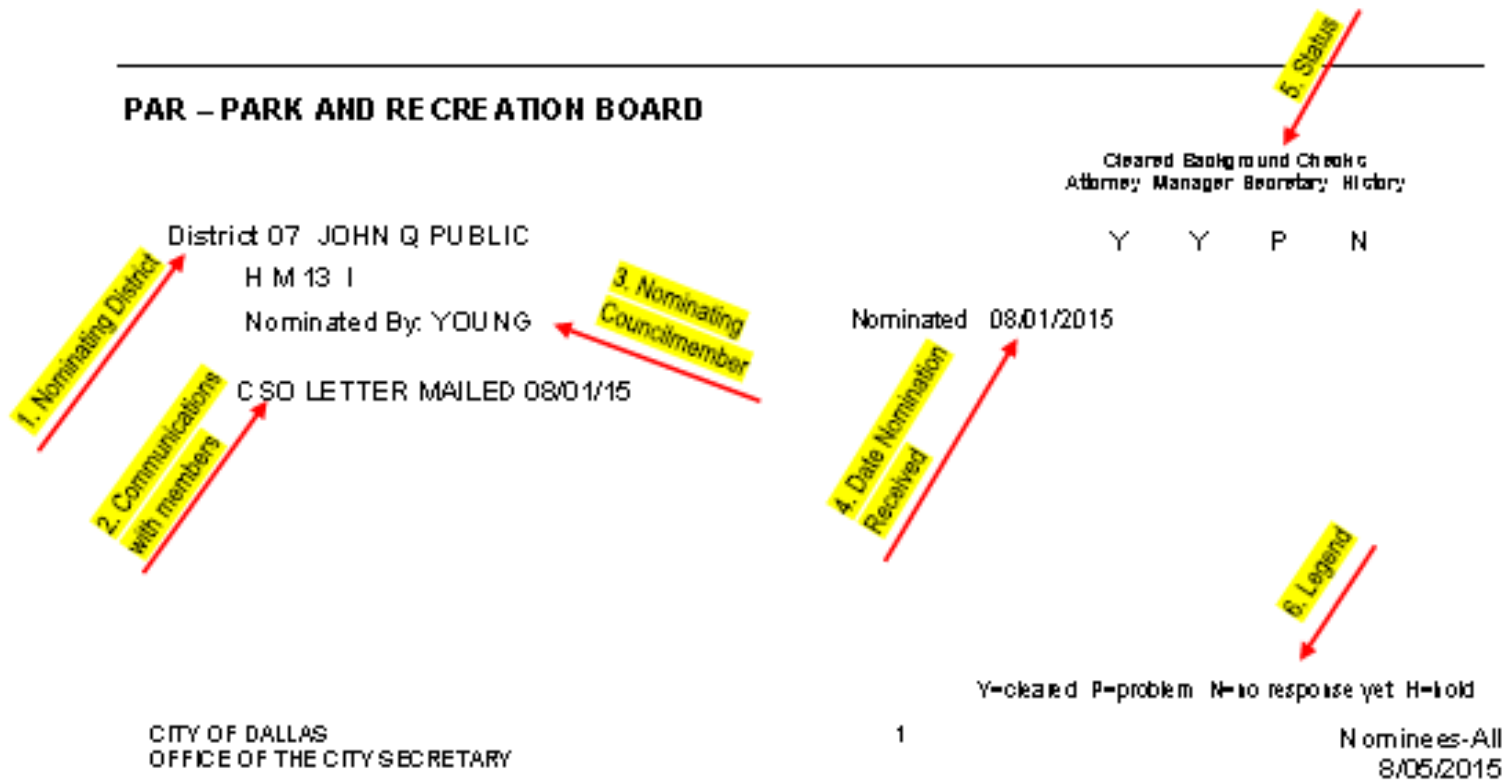
- The B/C notebook contains the following information:
  - Appointment highlights (Tab 1)
  - Membership statistics (Tab 2)
  - Current “individual” and “full council” appointees (Tab 3)
  - Special qualification boards and commissions (Tab 4)
  - Chair and vice-chair report (Tab 5)
  - Member term data (Tab 6)
  - Demographic information (Tab 7)
  - B/C descriptions and details (Tab 8)
  - Dallas City Code and Charter Provisions (Tab 9)  
(Excerpts)

# 2015-2017 TERM NOMINEE AND STATUS REPORTS

# NOMINEE STATUS REPORT

## CITY OF DALLAS BOARDS AND COMMISSIONS ALL NOMINEES

### PAR – PARK AND RECREATION BOARD





# BOARD AND COMMISSION MATRIX

		Position No./District															Total	
INDIVIDUAL BOARDS		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		
ANIMAL ADVISORY COMMISSION (15)	ASC	H	H	H	N	H	H	H	H	H	H	V	H	H	H	H	15	
BOARD OF ADJUSTMENT (15)	BOA	H	H	V	H	V	H	H	H	H	H	H	H	H	H	H	15	
CITY PLAN AND ZONING COMMISSION (15)	CPC	H	H	H	V	H	H	H	H	H	H	H	H	H	H	H	15	
COMMUNITY DEVELOPMENT COMMISSION (15)	CDC	H	H	V	H	H	H	N	V	H	H	H	H	H	H	H	15	
CULTURAL AFFAIRS COMMISSION (15)	CAC	H	H	H	H	V	H	H	H	H	V	V	H	H	H	H	15	
JUDICIAL NOMINATING COMMISSION (15)	JNC	V	V	H	H	H	H	H	H	H	V	H	H	H	H	H	15	
PARK AND RECREATION BOARD (15)	PAR	H	H	H	H	H	H	H	H	H	N	H	H	H	H	H	15	
SENIOR AFFAIRS COMMISSION (15)	SAC	H	H	H	H	H	H	H	V	H	NPM	H	H	H	H	H	15	
NON TYPICAL TERM END BOARDS		Position No.									Total							
		1	2	3	4	5	6	7	8	9								
CYPRESS WATERS MMD (6)	CYP	H	H	H	H	X	X	X	X	X	9							
NORTH OAK CLIFF MMD (6)	NOG	H	H	H	H	X	X	X	X	X	9							
TRINITY RIVER WEST MMD (6)	TRW	H	H	V	V	H	H	X	X	X	9							
Term Ends		7/1/2015	7/1/2015	7/1/2015	7/1/2015	7/1/2017	7/1/2017	Ex-Officio	Ex-Officio	Ex-Officio								
These initials indicate check incomplete:		A = City Attorney's Office S = City Secretary's Office M = City Manager's Office D = Dallas Police Department					These initials indicate status: N = Nominated P = Problem X = Appointed H = Holdover V = Vacant § = Prior Attendance Issue											

# CHAIR AND VICE CHAIR MATRIX

**BOARD AND COMMISSION CHAIR/VICE CHAIR MATRIX  
15-17 TERM**

<b>FULL COUNCIL BOARDS</b>								
BOARDS		Total Members	Appointed	Holdover/Vacant/ Nominated	% Appointed	Chair Appointed by Mayor or Board	Vice Chair	Comments
CIVIL SERVICE BOARD (7)	CSB	7	0	7	0.00%		chosen by board	
CYPRESS WATERS MMD (6)	CYP	6	0	6	0.00%	N/A	N/A	CHVC chosen by board
ETHICS ADVISORY COMMISSION (7)	EAC	7	0	7	0.00%			
HOUSING FINANCE CORPORATION (11)	HFC	11	0	11	0.00%	N/A	N/A	CHVC chosen by board
RZ03 (OAK CLIFF GATEWAY) (5)	RZ03	5	0	5	0.00%		Yes	
RZ04 (CEDARS AREA) (6)	RZ04	6	0	6	0.00%		chosen by board	
RZ10 (SOUTHWESTERN MEDICAL) (5)	RZ10	5	0	5	0.00%		chosen by board	
RZ12 (DEEP ELLUM) (6)	RZ12	6	0	6	0.00%		chosen by board	
RZ16 (DAVIS GARDEN) (6)	RZ16	6	0	6	0.00%		chosen by board	
TRINITY RIVER WEST MMD (6)	TRW	6	0	6	0.00%	N/A	N/A	CHVC chosen by board
<b>CITY MANAGER BOARDS</b>								
BOARDS		Total Members	Appointed	Holdover/Vacant/ Nominated	% Appointed	Chair Appointed by Mayor	Vice Chair Appointed by Council	Comments
BUILDING INSPECTION ADVISORY, EXAMINING & APPEALS BOARD (16)	BIA	16	0	16	0.00%			
FIRE CODE ADVISORY AND APPEALS BOARD (9)	FCB	9	0	9	0.00%			

**LEGEND:** Boards in red indicate percentage ready for chair or vice nominations & appointments.  
Report lists only those Boards and Commissions still pending chair or vice

# QUESTIONS?

# Memorandum



CITY OF DALLAS


DATE July 31, 2015

TO Honorable Mayor and Members of the City Council

SUBJECT **Aquatic Facilities Master Plan Update**

On Wednesday, 5 August 2015, the Park and Recreation Board would like to request a deferral of the briefing, Aquatic Facilities Master Plan Update. The briefing was requested by Council to be briefed the first meeting in August; however, the Board and staff would like to request that Council defer until all staff are present and available for questions.

Please contact John Jenkins at 670-4073 if you have any questions.

  
Max W. Wells  
President  
Park and Recreation Board

c: A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager  
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Willis Winters, Director, Park and Recreation Department  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Memorandum



CITY OF DALLAS

DATE July 31, 2015

TO Honorable Mayor and Members of City Council

SUBJECT "Living Wage" Discussion

On Wednesday, August 5, 2015, the City Council will be briefed on a "Living Wage" Discussion. The briefing is attached for your review.

Please let me know if you need additional information.

A handwritten signature in blue ink that reads "Jeanne Chipperfield".

Jeanne Chipperfield  
Chief Financial Officer

c: A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
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Joey Zapata, Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Eric D. Campbell, Assistant City Manager  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager



# **“Living Wage” Discussion**

City Council Briefing August 5, 2015

# Purpose

- Present Council with an overview of current practices utilized by the City on labor related contracts
- Provide fiscal impact of mandating minimum wage floor, or “living wage” on City contracts



# Definition

- Living Wage - a wage that is high enough to maintain a normal standard of living
- Due to subjective nature of “living wage,” the term “wage floor” is used for this briefing and is assumed to be at \$10.25 per hour adjusted for inflation, as recommended by the Mayor’s Task Force on Poverty in August 2014

# Background

- May 2008 – Council directed the removal of all wage requirements (other than Federal minimum wage) from contracts, allowing for the market to establish the contractor's wages to employees
- August 20, 2014 – Mayor's Task Force on Poverty recommended a City employee and City contractors' employee hourly rate of \$10.25 adjusted for inflation
- August, 2014 – City Council FY14-15 budget discussion regarding hourly rate paid to Sanitation temporary employees
- June 8, 2015 – Sanitation labor briefed at Quality of Life
  - Additional cost to hire day laborers estimated to be \$4 million annually – approx. \$1.60 per month impact to Sanitation Residential Fee
  - Discussed creating the opportunity for temporary laborers to become City employees
  - Quality of Life Committee directed staff to proceed with pilot program on June 8, 2015

## Background (cont'd)

- June 15, 2015 – Budget, Finance and Audit briefing on security services contract, staff obtained the rate of pay of contract employees for the recommended contract (paid hourly)
  - Data showed 87% of proposed contractors' employees being paid above \$10.62 per hour, the City's minimum wage rate for full-time employees
- June 24, 2015 – Council discussed modifying the Love Field concession contracts to include a “living wage” or wage floor provision
  - Scheduled for consideration on the August 12th, 2015 agenda

## Background (cont'd)

- The City has over 80 direct labor, general services and concession/revenue contracts currently in place to serve Dallas' citizens and customers
  - Estimated expenditures over \$100 million annually
- Vendors do not disclose how much they pay their employees on most contracts
  - City contracts a large number of service contracts by the task, not by the hour
  - Difficult to estimate pay rates for employees and estimate the cost implications for an increased wage floor
  - City requires all vendors to pay at least the Federal minimum wage

## Background (cont'd)

- Following the Council's direction in 2008 to not specify a wage rate above the Federal minimum, all labor and service contracts bids/proposals were structured to allow the market to determine wages contractors pay their employees and in compliance with labor laws

	Service	Labor	Construction Projects
Allow market to determine wage rates	X	X	
Prevailing wage - Texas Statutes			X
Prevailing wage – Federal Davis-Bacon Act			X

# Federal Minimum Wage – History

\$5.15	Prior to July 24 <sup>th</sup> , 2007
\$5.85	July 24 <sup>th</sup> , 2007
\$6.55	July 24 <sup>th</sup> , 2008
\$7.25	July 24 <sup>th</sup> , 2009

- No change in federal minimum wage since 2009

# Categories of Contracts

- There are three primary categories of contracts that have direct and/or indirect labor components
  1. Service/Concession
  2. Labor
  3. Construction Projects



# 1 – Service/Concession

- Service and concession contracts provide specific service levels to be met by the vendor for a fixed price or a revenue share.
- Although some level of labor is required to perform the task, the City is not provided a breakdown of the labor component of the overall contract cost.
- Examples:
  - Mowing – per acre mowed or per location
  - Armored car service – unit price per pick-up
  - Food and beverage concession, car rental concession – revenue share
  - Grounds maintenance – by facility or location



## 2 - Labor

- The City requests a hourly billable rate on certain labor-related contracts.
- In all cases, the contractor must pay the employee at least the Federal minimum wage.
- Examples:
  - Security guards
  - Temporary and clerical labor
  - IT temporary staff

### 3 - Construction Projects

- Texas statutes require any public body awarding any contract for public works to ascertain the general prevailing wage rates which were last adopted by Council on August 22, 2012
- Federal law (Davis-Bacon Act) requires the same on all federally funded projects
- Since state and federal law preempts municipal law, the City has no ability to set another wage rate for construction-related contracts

# Fiscal Impact

- To establish a policy to establish a wage floor above the Federal minimum wage for all eligible contracts:
- Applying the 41.4% differential– represented by the difference between the current Federal minimum wage and the \$10.25 rate recommended by the Mayor’s Task Force on Poverty (August 20, 2014)– would cost the City at least an estimated \$12 million annually, based on contracts *assumed* to have employees in the lower end of the pay scale
- Largest labor contract– Sanitation temporary labor– estimated annual cost impact is \$4 million
  - Sanitation fee increase of approximately \$1.60 per month
- Other contract increases would need to be addressed through fee/rate increases and/or other budget reductions

# Other Considerations

- Establishing wage floor may not achieve goal of increased salaries for Dallas' citizens, if vendors' employees live outside of Dallas
  - City is not permitted to use residency requirement for the payment of a higher wage
- Vendors' ability/desire to allocate time and change pay rates for employees who work on multiple contracts outside of their City of Dallas' contracts may discourage vendors from bidding on contracts or increase the vendors' administrative costs
- City's enforcement of a wage floor may result in additional costs
  - Proactive audits
  - Complaint-driven investigations

# Conclusion

- If the City required a minimum wage floor of \$10.25 per hour on its contracts (41.4% above the federal minimum wage), estimated cost increase of at least \$12 million per year
  - Impact on revenue/concession contracts is unknown at this time
- City has no option to remove wage requirements for construction-related contracts due to state and federal statutes

# Memorandum



CITY OF DALLAS


DATE July 31, 2015

TO Honorable Mayor and Members of the City Council

SUBJECT **Sidewalk Cafés and Streetscape**

On Wednesday, August 5, 2015, the City Council will be briefed on the Sidewalk Cafés and Streetscape. The briefing materials are attached for your review.

If you have any questions, please let me know.



Ryan S. Evans  
First Assistant City Manager

C: A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Eric D. Campbell, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Sidewalk Cafés and Streetscape

City Council Briefing  
August 5, 2015





# Purpose

- Follow-up to previous discussions for using public right-of-way
- Present Alternative Process and Fee Proposal (Policy change)
  - Reduced Fee Ordinance
  - Implementation of Permit Process
- Identify next steps



# Background

- March 2004, City Council approved a 5yr pilot program (April 1, 2004 to December 31, 2009)
  - Established one-time fees (instead of annual fees) of \$1,000 for landscaping improvements, awnings, and subdivision signs/monuments
  - Established reduced fees for sidewalk cafés - formula determination based on square feet and assessed value, up to a maximum of \$2,500 and not less than \$1,000 (annual fee)
- December 2009, City Council authorized the extension of the pilot program indefinitely

# Background

- June 2013 - Quality of Life Committee briefed on reducing License fees for streetscape elements
  - Current license fees considered a barrier by some potential users
  - Downtown and other entertainment area entrepreneurs are seeking to encourage street life
  - Enclaves of restaurants and shops spurring revitalization of urban neighborhoods

# Background

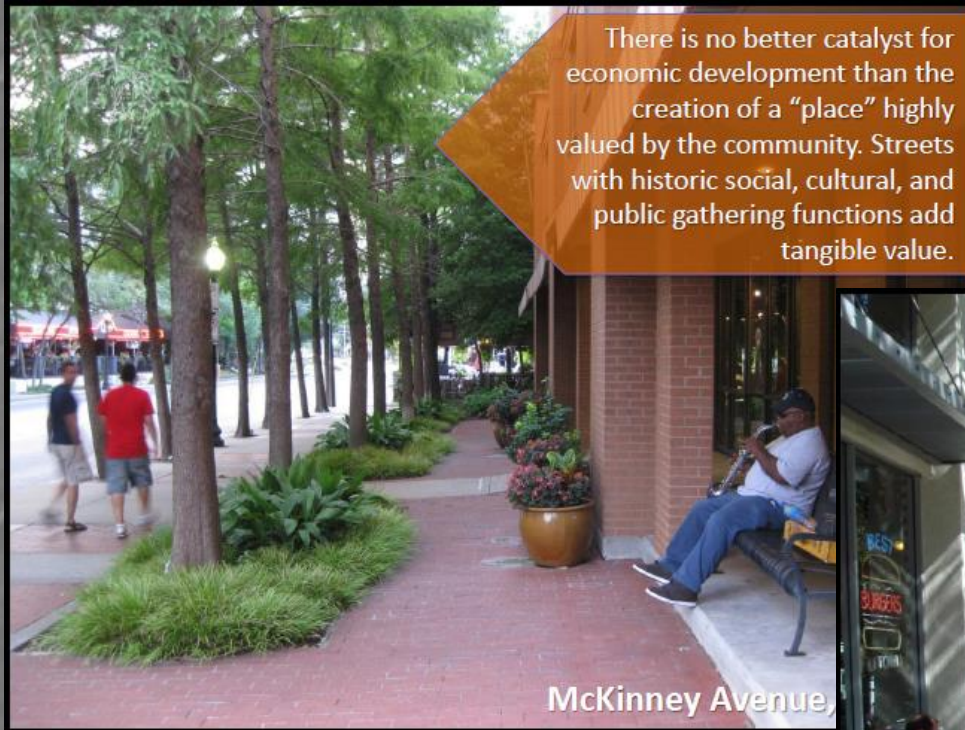
- November 2013 - Quality of Life Committee requested staff to move forward with reduced fee proposal:
  - \$250 One-Time Fee per Streetscape element
  - Sidewalk Café sliding scale (Annual Fee)
    - \$300 – Max. 3 Tables and 6 Chairs
    - \$600 – Max. 6 Tables and 12 Chairs
    - \$1,000 – 7 + Tables and 13 + Chairs

# Background

- Reduced Fee Ordinance placed on the January 22, 2014 agenda for Council consideration
  - City Council requested Economic Development Committee be briefed
- Economic Development Committee briefed April 21, 2014
  - Committee requested staff to reduce fees further and to determine a more efficient way to use public right-of-way for sidewalk café's and streetscape elements



# Why Accommodate Use of Right-of-Way?



Compliments Complete  
Streets Vision



# Why Accommodate Use of Right-of-Way?

- Street Character Defines A Place
- Active Streets
- Adds to Urban Experience
- Creating pedestrian friendly environments
- Encourage increased use of street amenities
- Encourage economic development
- Encourages more interaction between citizens and enhances community



# Examples



# Existing Sidewalk Cafés

- Sidewalk cafés generally located in the following areas:
  - Bishop Arts, Deep Ellum, Downtown, Greenville Avenue, Uptown, West End
- There are currently 42 sidewalk cafés licensed in the public right-of-way
- The vast majority of outside seating areas are located on private property.



# Why Licenses Are Required

- State statute (Texas Transportation Code Section 316.001 et seq) provides that:
  - Governing body of city may permit use of ROW
  - For decorative landscaping, sidewalk cafés, ornamental features and street amenities (like benches, water fountains, bus shelters, planters)
  - To abutting owner of underlying fee title or tenant with permission to use

# Why Licenses Are Required

- Dallas City Charter and Article VI, Chapter 43 of the Code require license for private use of right-of-way:
  - Be granted by Council ordinance
  - To abutting property owners
  - Not be inconsistent with or unreasonably impair public use
  - City retaining right to terminate as necessary

# Why Licenses Are Required

- Enables staff to perform due diligence required by State and City statutes and address any public safety concerns
  - Confirms grant to appropriate party
  - Location and coordination with other uses in ROW (especially utilities)
  - Insurance protection of public & City
  - Indemnification and defense of City
  - Confirm no hazards, interference, obstructions, etc.
  - Removal from and restoration of ROW upon termination

# Current Process

(Cost Recovery Model)

- Applicant submits request along with:
  - \$750 non-refundable application fee
    - Fee credited to first year license fee
  - Field notes describing licensed area and drawings showing proposed use
  - Deed showing ownership, or tenant lease
  - Written concurrence of abutting owners



# Current Process

- City routes request to departments and outside agencies / utilities for review and approval
  - Any concerns must be addressed by applicant
  - If concerns cannot be resolved, license does not progress
- License fee determined through formula based on assessed value or one-time fee
- Commercial General Liability Insurance required
- Request submitted to City Council for authorization by ordinance

# Why Fees are Charged

- Texas Constitution prohibits gifts of public funds exclusively for private benefit
  - There must be a definite public benefit to City articulated
- Recover costs associated with processing and reviewing license requests

# Three Fee Approaches

- Market-Based – past model
  - Until 2004, calculation based on assessed value
  - State law allows municipalities to receive market value
- Cost-Recovery – current model
  - In 2009, reduced fees based on pilot program
- Public Subsidy – model under further consideration
  - Encourage public amenities and Complete Street goals while meeting regulatory requirements

# Alternative Process and Fee Proposal

- Option #1
  - Amend current process and reduce fees
    - Application fee - \$100 (vs. \$750)
      - Fee not credited to first year license fee (vs credited to first year)
    - Sidewalk café (annual) fee - \$200 (vs. formula determination based on square feet and assessed value, up to a maximum of \$2,500, not less than \$1,000)
    - Streetscape One-time license fee - \$100 (vs. \$1,000) ex. Landscaping and appurtenant irrigation systems, Monument Sign, Subdivision Sign, Awning/Canopy w/out premise sign



# Alternative Process and Fee Proposal

- Option #1, cont'd
  - Measured drawings of area required - distances and clearances defined (vs Metes and Bounds Description)
  - Commercial General Liability Insurance required
  - Request submitted to City Council for authorization by ordinance

# Alternative Process and Fee Proposal

- Option #2
  - Requires grant of a revocable, non-exclusive license to all abutting owners or tenants for use of public right-of-way for certain streetscape elements and sidewalk café's
    - the license, while granted, could not be used without a validly issued permit
  - Implement a permit process with reduced fees
    - Permit subject to all ordinances, rules, and regulations of the City

# Alternative Process and Fee Proposal

- Option #2, Cont'd
  - Cash or surety bond required (sufficient to remove improvements and restore sidewalk/right-of-way)
    - Sidewalk café bond amount:
      - \$5,000—If no bolts are secured in the right-of-way
        - Cost of Bond (1%-15% or \$50-\$750)
      - \$10,000 - If a single bolt per corner is secured in the right-of-way
        - Cost of Bond (1%-15% or \$100-\$1,500)
    - Other Streetscape Bond Amount:
      - \$2,500 per element
        - Cost of Bond (1%-15% or \$25-\$375)

# Alternative Process and Fee Proposal

- Option #2, Cont'd
  - Measured Drawings of area required (distances and clearances defined)
  - Commercial General Liability Insurance required
  - Permit Fees
    - \$100-Application review fee (non-refundable)
    - \$200-Sidewalk Café Fee (annual fee)
    - \$100-One-Time Fee per streetscape element  
ex. Landscaping and appurtenant irrigation systems,  
Monument Sign, Subdivision Sign, Awning/Canopy w/out  
premise sign
  - Permit issued administratively



# Budget Implications

## Assuming 25% Increase in Applications

- Reduced fees with 25% increase in applications have potential to result in:
  - Revenue reduction
    - Current streetscape revenue: \$315,000
    - Potential revenue with reduced fees: \$175,000
    - Reduction in annual revenue of \$140,000
  - Increased workload
    - May have staffing and associated cost implications to the General Fund in addition to any lost revenue

# Next Steps

- Chapter 43 Amendment (October 2015)
  - Option #1
    - Reduced Fee Ordinance required
  - Option # 2
    - Provide for a revocable, non-exclusive license granted to all owners abutting right-of-way or tenants (of said owner, with consent) in the City authorizing certain uses of abutting right-of-way.
      - Permit for use required (subject to all ordinances, rules, and regulations of the City)
    - Provide for a permit process with reduced fees
- Council may choose to leave fees as is

# Next Steps

- Adopt Sidewalk Café Design Standards
  - Ensure accessibility and conformance with ADA
  - Ensure adequate sidewalk clearance for pedestrian traffic volumes at a particular location
  - Minimize conflicts with other uses of the right-of-way (i.e. bus shelters)
  - Ensure design that enhances streetscape
  - Ensure durability of proposed improvements



# Next Steps

## Sidewalk Café Design Standards

### LAYOUT AND DESIGN

- 1 Placement of cafe seating, enclosure and other amenities must continue to provide a minimum unobstructed sidewalk width of 5 feet or as specified in applicable zoning, whichever is greater.
- 2 The pedestrian path of travel provided by the cafe must be straight and not require turns that impair pedestrian circulation on the sidewalk, nor create a trip hazard.
- 3 Placement of furnishings or other separation devices or amenities must comply with visibility triangle requirements, must not obstruct barrier free ramps at intersections, nor impair stormwater drainage.
- 4 Table and other furnishings must maintain a minimum setback from the back of curb of 18 inches, except when on-street parallel parking is present, then minimum setback from the back of curb is 3 feet.
- 5 Umbrellas may not extend over vehicular travel ways or parking, and must maintain a minimum vertical clearance of 7 feet over pedestrian travel way.
- 6 Cafe furnishings and enclosures may not obstruct emergency egress from building.



# Next Steps

## Sidewalk Café Design Standards

### MATERIALS AND CONSTRUCTION

- 1 Fencing may not exceed 36 inches in height and must be constructed of durable finish materials [metal, glass, finished wood, removable stone or concrete planters].
- 2 Chain and bollard fencing is prohibited as it poses a hazard to visually impaired pedestrians. Fencing must be detectable by cane through one or more of the following: toe rail with top edge 6-inch minimum in height and bottom edge no higher than 1.5 inches above sidewalk; landscaping or other elements detectable by cane spaced no more than 27 inches vertically and 24 inches horizontally, or elements sufficiently detectable by cane.
- 3 Tables, chairs, plantings and other furnishings must be removable. Upon removal of sidewalk cafes and furnishings, sidewalk must be returned to original or better conditions.



Questions????



# Appendix

## ■ Sidewalk Café Fees in other Cities

City	Review Fee	Annual
Seattle	\$516.00	\$146.00 plus \$1.56/sqft
Portland	\$175.00 plus \$5.50/linear ft	\$85.00 plus \$2.75/linear ft
San Antonio	\$100.00	<250 sqft = \$250.00 250 sqft - 500 sqft = \$500.00 >500 sqft= \$750.00
Denver	\$150.00	\$100.00
Austin	\$100.00	\$200.00