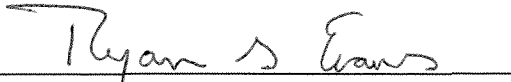



**MARCH 26, 2008 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated March 26, 2008. 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.



Mary K. Suhm
City Manager

3-21-08
Date



Edward Scott
City Controller

3/21/08
Date

2008 MAR 21 PM 8:15

DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, MARCH 26, 2008
CITY OF DALLAS
1500 MARILLA
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 - 76

CONSENT ADDENDUM

Items 1 - 3

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:30 a.m.

Item 77
Addendum Item 4

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 78 - 106

**ADDENDUM
CITY COUNCIL MEETING
MARCH 26, 2008
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

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

- Legal issues involving amendments to Chapter 51 regarding definition of a park or parkland
- Legal issues involving acceptance of benefits by public officials

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize an increase in the U.S. Communities Government Purchasing Alliance Administrative Agreement, for the purchase of systems furniture, freestanding furniture, seating, filing equipment and related support services - Not to exceed \$1,511,700, from \$2,600,000 to \$4,111,700 - Financing: Current Funds (subject to annual appropriations)

Housing

2. A resolution **(1)** in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low income housing tax credits pursuant to Section 50.5 (A) (7) (A-C) of the Qualified Allocation Plan for the new construction of 125 SRO units for families located at 2734 Clarence Street for LifeNet Supportive Housing SRO Community, L.P., and **(2)** authorizing a \$1,000,000 forgivable loan to the LifeNet Supportive Housing SRO Community, L.P. from the 2005 Bond Funds for acquisition of land and substandard properties in the project area, contingent, among other conditions, on the applicant receiving a 9% tax credit allocation by September 30, 2008 - Not to exceed \$1,000,000 - Financing: 2005 Bond Funds

Public Works & Transportation

3. An ordinance amending Chapter 52, Administrative Procedures for the Construction Code; Chapter 53, Dallas Building Code; and Chapter 57, Dallas One and Two-Family Dwelling Code, of the Dallas City Code; establishing a green building program; regulating construction work in the City; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
MARCH 26, 2008**

ITEMS FOR INDIVIDUAL CONSIDERATION

ITEMS FOR FURTHER CONSIDERATION

Equipment & Building Services

4. Authorize Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff Americas, Inc. for electric procurement services beyond December 31, 2008; the development of a billing information system; and related energy management services such as contracting renewable wind power, evaluation of the Texas Nodal Market and evaluation of emerging technologies - Not to exceed \$593,735, from \$713,900 to \$1,307,635 - Financing: Convention and Event Services Current Funds (\$39,516), Aviation Current Funds (\$56,452), Current Funds (\$169,356), Water Utilities Current Funds (\$328,411)

CORRECTION:

City Attorney's Office

19. Authorize Supplemental Agreement No. 2 to the professional services contract with R. W. Beck, Inc. for additional services needed by the City in connection with Bankruptcy Case No. 07-32219 related to the McCommas Bluff Landfill gas plant lease - Not to exceed ~~\$62,263~~, \$39,000, from \$217,949 to ~~\$280,212~~ \$256,949 - Financing: Current Funds

ADDENDUM DATE March 26, 2008

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			All	C	PBD, EBS	\$1,511,700.00	NA	NA	Authorize an increase in the U.S. Communities Government Purchasing Alliance Administrative Agreement, for the purchase of systems furniture, freestanding furniture, seating, filing equipment and related support services
2			7	C	HSG	\$1,000,000.00	NA	NA	A resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low income housing tax credits pursuant to Section 50.5 (A) (7) (A-C) of the Qualified Allocation Plan for the new construction of 125 SRO units for families located at 2734 Clarence Street for LifeNet Supportive Housing SRO Community, L.P., and authorizing a \$1,000,000 forgivable loan to the LifeNet Supportive Housing SRO Community, L.P. from the 2005 Bond Funds for acquisition of land and substandard properties in the project area, contingent, among other conditions, on the applicant receiving a 9% tax credit allocation by September 30, 2008
3			All	C	PWT, OEQ, DDS	NC	NA	NA	An ordinance amending Chapter 52, Administrative Procedures for the Construction Code; Chapter 53, Dallas Building Code; and Chapter 57, Dallas One and Two-Family Dwelling Code, of the Dallas City Code; establishing a green building program; regulating construction work in the City; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date
4			All	I	EBS, AVI, CES, WTR	\$593,735.00	52.40%	31.04%	Authorize Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff Americas, Inc. for electric procurement services beyond December 31, 2008; the development of a billing information system; and related energy management services such as contracting renewable wind power, evaluation of the Texas Nodal Market & emerging technologies

GRAND TOTAL \$3,105,435.00

ADDENDUM ITEM # 1

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: March 26, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services

CMO: Dave Cook, 670-7804
David O. Brown, 670-3390

MAPSCO: N/A

SUBJECT

Authorize an increase in the U.S. Communities Government Purchasing Alliance Administrative Agreement, for the purchase of systems furniture, freestanding furniture, seating, filing equipment and related support services - Not to exceed \$1,511,700 from \$2,600,000 to \$4,111,700 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

The U.S. Communities Government Purchasing Alliance Administrative Agreement leverages the collective purchasing power of government agencies nationwide and establishes cost-effective volume pricing. U. S. Communities Government Purchasing Alliance is jointly sponsored by the Association of School Business Officials International (ASBO), the National Association of Counties (NACo), the National Institute of Governmental Purchasing (NIGP), the National League of Cities (NLC), and the United States Conference of Mayors (USCM). The U.S. Communities Government Purchasing Alliance has made a commitment that, "Supplier's to this contract will offer the lowest available pricing (net to buyer) to agencies nationwide". As a result of this commitment, the City cannot obtain more favorable discounts than those offered on the U.S. Communities national contract.

This agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization. The Cooperative provides a source for member local governments and state agencies to buy goods and services, in accordance with Texas state bidding requirements, from qualified vendors, at a cost savings realized in economies of scale and reduction in administrative costs.

BACKGROUND (Continued)

The County of Fairfax, Virginia solicited 308 vendors to respond to this bid. Twenty-two vendors responded and four were awarded the contract.

Participation in this agreement makes available deep discounts from the following major furniture manufacturers: Haworth, Inc., Herman Miller, Inc., Knoll, and Krueger International. The range is from 40% to 70% off retail list pricing.

The City utilizes a master agreement to procure system furniture, freestanding furniture, seating, filing equipment, carpet and related support services to maximize efficiency and to consolidate administrative costs associated with multiple bids. If a master agreement was not utilized for purchases, projects would be bid individually resulting in higher cost for the furniture and an increased lead time to complete critical projects. When ordering from a master agreement, the lead time is reduced to one week as opposed to a competitively bid process, which takes a minimum of 6-8 weeks.

Another critical component to this master agreement is the vendor support services provided during the design phase of projects for material take-offs, costing and order preparation that significantly reduces the amount of City administrative time and improves delivery of services to client department.

The request for an increase in funds for this master agreement will be used for the following upcoming projects:

Furniture and systems for -

- Code Compliance - \$1,261,700.00
- Other miscellaneous projects - \$250,000.00

Vendors will provide products and installation with this master agreement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 25, 2007, City Council authorized participation in the U.S. Communities Government Purchasing Alliance Administrative Agreement for eighteen months, with four twelve-month renewal options, for the purchase of furniture by Resolution #07-1275.

FISCAL INFORMATION

\$1,511,700.00 - Current Funds (subject to annual appropriations)

March 26, 2008

WHEREAS, on April 25, 2007, City Council authorized participation in the U.S. Communities Government Purchasing Alliance Administrative Agreement for eighteen months for the purchase of furniture by Resolution #07-1275; and,

WHEREAS, it is now necessary to authorize an increase in the U.S. Communities Government Purchasing Alliance Administrative Agreement (RQ07-878957-20) for the purchase of systems furniture, freestanding furniture, seating, filing equipment and related support services with the following manufacturers who are listed on the Master Agreement: Haworth, Inc., Herman Miller, Inc., Knoll, and Krueger International, in an amount not to exceed \$1,511,700.00, from \$2,600,000.00 to \$4,111,700.00; and,

WHEREAS, the U.S. Communities Government Purchasing Alliance is an organization that the City of Dallas can enter into an agreement with under Section 271.102 of the Texas Local Government Code. Under 271.102 (c), a purchase under such cooperative purchasing agreement satisfies any competitive bid law we are subject to; and,

WHEREAS, the participation certificate for each vendor will serve as the contract for purposes of this arrangement;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to increase the U.S. Communities Government Purchasing Alliance Administrative Agreement (RQ07-878957-20) for the purchase of systems furniture, freestanding furniture, seating, filing equipment and related support services is authorized with the following manufacturers who are listed on the Master Agreement: Haworth, Inc., Herman Miller, Inc., Knoll and Krueger International, in an amount not to exceed \$1,511,700.00, increasing the agreement amount from \$2,600,000.00 to \$4,111,700.00.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$1,511,700.00 (subject to annual appropriations).

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.

DISTRIBUTION:

Business Development and Procurement Services, 3FS

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 26, 2008
COUNCIL DISTRICT(S): 7
DEPARTMENT: Housing
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 46S

SUBJECT

A resolution **(1)** in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low income housing tax credits pursuant to Section 50.5 (A) (7) (A-C) of the Qualified Allocation Plan for the new construction of 125 SRO units for families located at 2734 Clarence Street for LifeNet Supportive Housing SRO Community, L.P., and **(2)** authorizing a \$1,000,000 forgivable loan to the LifeNet Supportive Housing SRO Community, L.P. from the 2005 Bond Funds for acquisition of land and substandard properties in the project area, contingent, among other conditions, on the applicant receiving a 9% tax credit allocation by September 30, 2008 - Not to exceed \$1,000,000 - Financing: 2005 Bond Funds

BACKGROUND

On January 11, 2006, the City Council approved an item authorizing (1) amendments to the City of Dallas review criteria for multifamily project applications seeking City of Dallas approval and for tax-exempt mortgage revenue bond and/or low income housing tax credit financing and (2) prohibiting submission to the City of applications for approval of tax exempt mortgage revenue bonds and for low income tax credits for a 12-month period beginning January 11, 2006, unless the City Council grants a pre-application waiver.

LifeNet Supportive Housing SRO Community, L.P. (the "Applicant") submitted a pre-application waiver on November 19, 2007 seeking approval to apply for 9% tax credits with the TDHCA. LifeNet also requested a City loan in the amount of \$1 million from the 2005 Bond Funds proceeds to provide for the acquisition of vacant land, substandard properties and costs associated with the provisions of housing facilities for the homeless.

BACKGROUND (continued)

As a condition of the loan of the Bonds; Applicant has committed to restricting 45 units or 36% of the units for homeless housing. The term of the repayment for the \$1 million for acquisitions with the Applicant will be at 0% for a minimum of 15 years, with 1/180th of the loan amount being forgiven for each month that the Project is maintained in compliance with the terms and conditions of the deed restrictions regarding the set aside of 45 units for the homeless, and that on 3% of the \$1 million or \$30,000, subject to execution of a loan agreement will be paid to the Applicant for purposes of paying monthly contract extension costs of \$10,000 per month from August 1, 2008 through October 31, 2008; the closing date for the acquisition.

As a condition for the approval of the 9% tax credits, the Applicant has committed to renting 100 units or 80% of the units to tenants with household incomes capped at 50% or below the area median family income with rents affordable to tenants whose household incomes are 50% or below the area median family income and 25 units or 20% of the units to tenants with household incomes capped at 60% or below the area median family income with rents affordable to tenants whose household incomes are 60% or below the area median family income.

The SRO development will be south east of the City's new Homeless Assistance Center (HAC) and will provide much needed tenant space for those individuals transitioning out of homelessness. The Development will be accepting HAC referrals, work with LifeNet special needs clients and provide a variety of services, such as new tenant orientation, case management or service coordination, service plans, individual counseling and support, referrals to other service providers, crisis intervention and support groups, recreation and socialization opportunities.

On January 23, 2008, the City Council approved amendments to the review criteria to add youth projects and to allow new construction of housing for low and moderate income households with priority given to Master Plan Developments, Mixed Income Developments and Transit Developments and authorized City staff to send a letter to the TDHCA advising them of the changes and informing them that the City is willing to review applications on tax credit transactions individually, based on supply and demand needs in the project's submarket.

On February 4, 2008, the project was taken to the Housing Committee and recommended for Council consideration and on February 13, 2008, the City Council authorized the pre-application waiver for the Project.

Under the 2008 Qualified Allocation Plan Rules, if the development is located in a municipality that has more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality.

BACKGROUND (continued)

TDHCA funding for projects in the city of Dallas must be approved by the City Council. The resolution must include a written statement of support from the governing body referencing the state rule and authorizing an allocation of housing tax credits for the development.

As a requirement for City approval of low income housing tax credits, the Applicant(s) are required to conduct a survey of the needs of the tenants as each lease is signed and will provide some or all of the following social services at no cost to the tenants, such as: after-school and summer break care for children, health screenings; counseling/domestic crisis intervention; emergency assistance, computer education, adult education programs (such as: ESL, life skills and nutrition classes, etc.); and social and recreational activities.

This project is not within one mile of another Housing Tax Credit multifamily project that serves the same population and was funded within the last three years. State law prohibits approval of new tax credit projects that are located less than a mile from another tax credit project funded within the previous three years unless the projects are serving different clientele but in this case, this rule does not apply.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On February 4, 2008, the Housing Committee was briefed.

On February 13, 2008, the City Council authorized the pre-application waiver for the Project by Resolution No. 08-0453.

On March 3, 2008, the Housing Committee was briefed on the final 9% tax credit applications.

FISCAL INFORMATION

2005 Bond Funds - \$1,000,000

OWNER

LifeNet Supportive Housing Community, L.L.C.

Liam Mulvaney, President/CEO

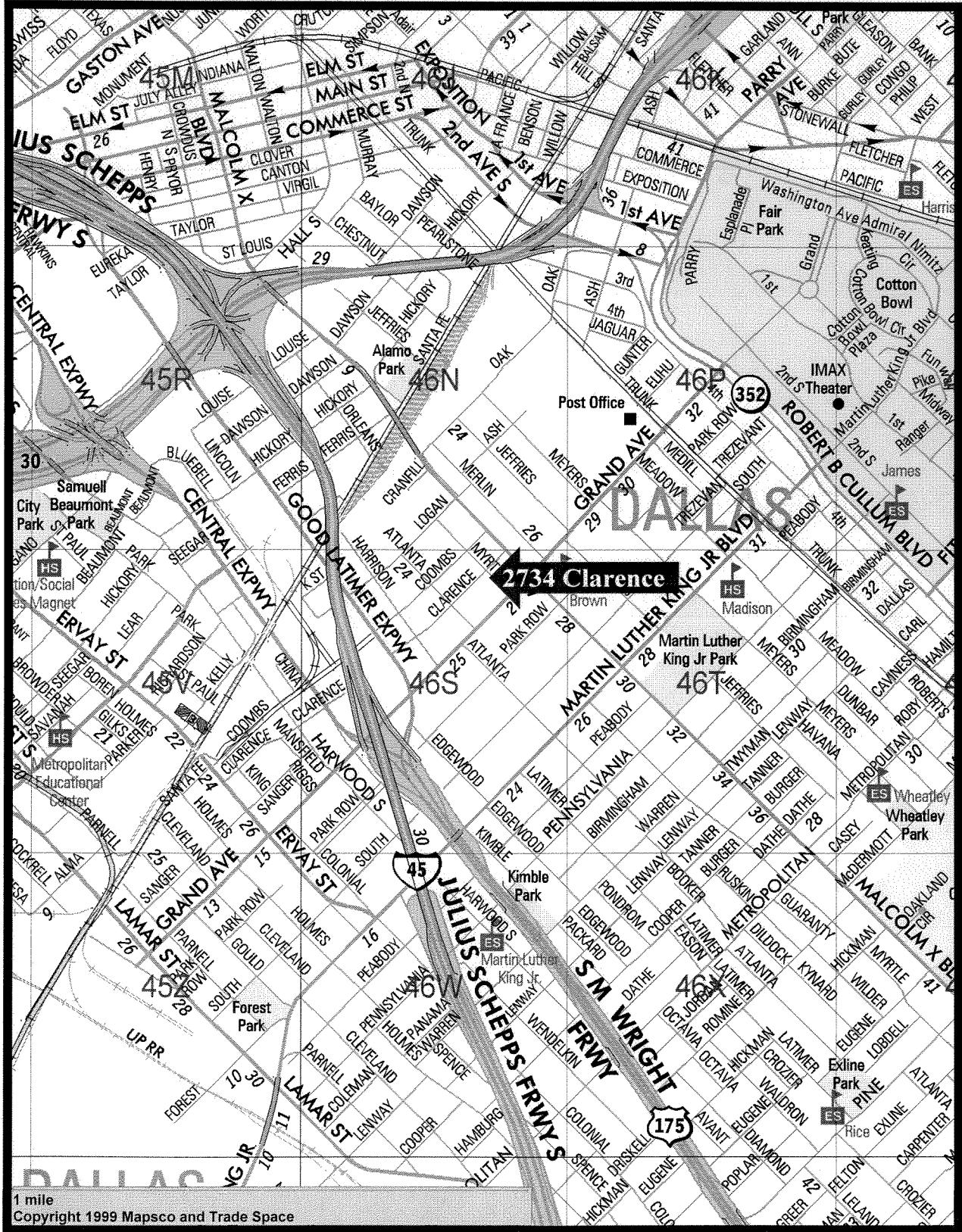
DEVELOPER

Churchill Residential

Brad Forslund, President
Tony Sisk, Director

MAP

Attached



MAPSCO 46S

March 26, 2008

WHEREAS, the Applicant, LifeNet Supportive Housing SRO Community, L.P. (the "Applicant") submitted a pre-application waiver on November 19, 2007 seeking approval to apply for 9% tax credits with the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, in January 2008, the Texas Department of Housing and Community Affairs (TDHCA) received a 9% pre-application from the Applicant, for 9% tax credits for the LifeNet Supportive Housing SRO Project (Project), for a proposed new construction of 125 SRO units; and

WHEREAS, under the TDHCA rules in the 2008 Qualified Allocation Plan and Rules (QAP), if the development is located in a municipality that has more than twice the State average of units per capita supported by Housing Tax Credits or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality; and

WHEREAS, as a condition for being considered for the award of the 9% tax credits, the Applicant has committed to renting 100 units or 80% of the units to tenants with household incomes capped at 50% or below the area median family income with rents affordable to tenants whose household incomes are 50% or below the area median family income and 25 units or 20% of the units to tenants with household incomes capped at 60% or below the area median family income with rents affordable to tenants whose household incomes are 60% or below the area median family income, with two units which may be occupied by management or maintenance personnel, in compliance with the maximum Low Income Housing Tax Credit rents as published by the TDHCA; and

WHEREAS, the applicant submitted a request in an amount not to exceed \$1,000,000 from 2005 Bond Funds proceeds for acquisition of land and substandard properties for the project; and

WHEREAS, as a condition of City approval of tax credit, the owner of the project must agree to expend a minimum of \$40,000 (a minimum of \$40,000 or \$200 per unit per year, whichever is greater) for social services at no cost to the tenants, based on the needs of the tenants, to include some or all of the following: after-school and summer break care for children, health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, and other social services and recreational activities; and that up to 50% of the social service requirement can be in the form of in-kind contributions, however approval for these in-kind services must be approved by the Housing Department; and

March 26, 2008

WHEREAS, the City of Dallas desires to (1) consider approval of the development of this housing project and therefore approves the TDHCA 9% tax credit financing pursuant to Sec. 50.5 (A) (7) (A-C) of the Qualified Allocation Plan subject to the conditions set forth herein; and (2) authorize a \$1,000,000 forgivable loan to the LifeNet Supportive Housing SRO Community, L.P. from the 2005 Bond Funds for acquisition of land and substandard properties in the project area, contingent, among other conditions, on the applicant receiving a 9% tax credit allocation, closing and partial funding of the tax credit financing and execution of a first lien lender's loan for acquisitions by October 31, 2008, except that the City, subject to execution of a loan agreement, will make a payment of loan proceeds in an amount not to exceed \$30,000, once the project has received the tax credits; **NOW, THEREFORE**,

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

SECTION 1. That the City approves and supports the Texas Department of Housing and Community Affairs (TDHCA) 9% tax credits for the SRO Life Net project pursuant to Sec. 50.5 (A) (7) (A-C). The Life Net Project is a proposed new construction of 125 SRO units comprised of 125 Efficiency SRO Units for LifeNet-Supportive Housing SRO Community, L.P. located at 2734 Clarence Street for LifeNet Supportive Housing SRO Community, L.P..

SECTION 2. That the City's approval of the tax credits for this project will be contingent on, among other requirements, (1) the Project Owner expending a minimum of \$40,000 (a minimum of \$40,000 or \$200 per unit per year, whichever is greater) for social services for and at no cost to the residents of the development, based on a survey of residents needs, to be implemented within three months of project completion; and (2) provided that the Project Owner will file deed restrictions or a covenant running with the land to provide social services and a separate unconditional guarantee regarding the provision of social services in favor of the City for \$200 per unit per year or up to \$40,000 annually, which ever is greater, by an entity or individual acceptable to the City. Up to 50% of the social service requirement can be fulfilled with in kind social services provided the Housing Department gives prior approval of the social service plan.

SECTION 3. That the City's approval of the tax credits for this project will be contingent on the Project Owner paying to the City an annual monitoring review fee in the amount of \$500, beginning on the anniversary of the closing on the tax credits and ending at the end of the tax credit compliance period, for the cost of monitoring compliance with the social service requirement.

March 26, 2008

SECTION 4. That prior to receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City of Dallas Office of Development Services with regard to security related design standards.

SECTION 5. That following approval as to form by the City Attorney, the City Manager is authorized to execute loan documents with LifeNet Supportive Housing SRO Community, L.P., or another entity created by Applicant, in an amount not to exceed \$1,000,000, for acquisition of land, substandard properties and associated costs, consistent with the 2005 Bond Funds requirements that such properties be used to provide housing for the homeless and the filing of deed restrictions related thereto. This approval is contingent upon Applicant obtaining 9% tax credit financing by December 31, 2008 for the Project. The outstanding principal balance of the loan shall bear an interest rate equal to 0% per year, with full principal balance being due and payable upon the later of fifteen years from the closing of the loan or upon the refunding, redemption or payment of all outstanding tax-exempt bonds, if any, or upon sale or refinancing of the Project; provided however, that 1/180th of the loan amount shall be forgiven each month that the property is maintained in compliance with applicable deed restrictions provisions of 45 housing units for homeless. The City, subject to execution of a loan agreement, will make a payment of loan proceeds in an amount not to exceed \$30,000, once the project has received approval of the tax credits.

SECTION 6. That the City Controller is hereby authorized to disburse funds in accordance with this Resolution and GO Bond requirements as follows:

LifeNet Supportive Housing SRO Community, L.P Vendor #VS0000030281

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>OBJ</u>	<u>CT</u>	<u>AMOUNT</u>
6S43	EHS	P446	3099	EHSSROLIFENET	\$1,000,000

SECTION 7. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the 2005 Bond Funds loan for the LifeNet-Supportive Housing SRO Community, L.P. project development, until such time as the loan documents are duly approved by all parties and executed.

SECTION 8. That the City Manager is authorized to convey a copy of this resolution to the Applicant and the TDHCA with a written statement of support by the City Council referencing Sec. 50.5 (A) (7) (A-C) of the Qualified Allocation Plan, subject to the conditions set forth herein.

March 26, 2008

SECTION 9. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

DISTRIBUTION:

Housing Department
City Attorney's Office
Controller's Office - Sherrian Parham, 4BN
Office of Financial Services/Community Development, 4FN, 4FS

ADDENDUM ITEM # 3

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: March 26, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Public Works & Transportation
Office of Environmental Quality
Department of Development Services

CMO: Ramon F. Miguez, P.E., 670-3308
Jill A. Jordan, P.E., 670-5299
A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 52, Administrative Procedures for the Construction Code; Chapter 53, Dallas Building Code; and Chapter 57, Dallas One and Two-Family Dwelling Code, of the Dallas City Code; establishing a green building program; regulating construction work in the City; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

Commercial and residential buildings in the U.S. are the single largest contributor to global warming in the country; 48% of all energy consumption and greenhouse gas emissions (GHG) in the U.S. annually are from buildings and 76% of all power plant generated electricity is used to operate buildings annually. It is projected that 1,300 to 1,900 new power plants will be needed over the next 20 years to provide power to these buildings, amounting to approximately one per week.

A strategy to reduce or eliminate the negative impact of buildings on the environment is “green” building. Green building refers to design and construction practices that address resource conservation, energy efficiency and increased building performance. Green building practices can significantly lower energy and water consumption in buildings, which result in reduced operating and maintenance costs; reduced demands on local infrastructure; increased worker productivity and occupant comfort; improved indoor environmental air quality and reduced natural resources consumption.

BACKGROUND (Continued)

As a regional leader, the City of Dallas is at the forefront of addressing environmental issues. In January of 2003, the City adopted a green building program based on the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, which incorporated green (sustainable) building practices into its municipal building projects beginning with the 2003 bond program.

Currently, the City has 2 gold and 2 silver city facilities that are certified by the U.S. Green Building Council, and has 22 registered facilities that will become certified after completion. The City's next step is to encourage or require the private sector to incorporate sustainable principles and strategies.

The City Manager solicited input from a wide variety of building industry representatives and building owners through a green building task force. The green building task force developed recommendations for a citywide green building program and standards for all new private development in Dallas, both residential and commercial. The recommendations from the task force were reported back to the Dallas City Council on March 5, 2008, for consideration and implementation of a green building program for all residential and non-residential projects in the City of Dallas.

The purpose of the green building program is to reduce the use of natural resources, create healthier and more sustainable living environments, and minimize the negative impacts of development in Dallas and the North Texas region. The program addresses all new residential and commercial construction within the city.

Highlights of the proposed ordinance are as follows:

The green building program will be administered by the department of building inspection. It will consist of two phases. Phase 1 becomes effective October 1, 2009, and includes requirements for energy efficiency, water conservation, cool roofs, and outdoor light restrictions for new residential projects and new proposed commercial projects affecting less than 50,000 square feet of floor area in a single 12 month period. Specific requirements for those projects include: Use of 15 percent less energy than the minimum provisions of Chapter 5 of the Dallas Energy Conservation Code; use of 20 percent less water than the water use baseline calculated for the building's water fixtures, excluding irrigation, as required by the Dallas Plumbing Code; all roof surfaces with a slope of 2:12 inches or less (as defined in ASTM E 1918-97) must meet the specifications of the United States Environmental Protection Agency's (EPA) ENERGY STAR qualified low-slope roof requirements; and meet outdoor lighting restrictions, except for safety and security reasons as applicable.

BACKGROUND (Continued)

Proposed projects affecting 50,000 or more square feet of floor area, or more than 50 dwelling units, in a single 12 month period will have to meet the following requirements, although formal certification by the USGBC or an equivalent entity is not required and equivalent green building standards may be used. For proposed projects utilizing the LEED NC (new construction) rating system, a minimum of 22 points are required; for proposed projects utilizing the LEED CS (core and shell) rating system, a minimum of 20 points are required; for proposed projects utilizing the LEED for retail rating system, a minimum of 22 points are required; for proposed projects utilizing the LEED for healthcare rating system, a minimum of 25 points are required; for proposed projects utilizing the LEED for schools rating system, a minimum of 25 points are required; for proposed projects utilizing the LEED for homes rating system, a minimum of 38 points are required. In addition to the above, these projects will be required to include the following points: 1 point under the sustainable sites credit titled "Heat Island-Roof;" 1 point under the sustainable sites credit titled "Light Pollution Reduction;" 1 point under the water efficiency credit titled "Water Use Reduction (20% Reduction)," a minimum of 2 points (14 percent better than ASHRAE 90.1-2004) under the energy and atmosphere credit titled "Optimize Energy Performance." Multifamily developments have the option of using either LEED NC or LEED for homes.

Phase 2 becomes effective October 1, 2011. Phase 2 applies to all new proposed projects, residential and commercial. Proposed projects must be LEED certifiable or certifiable under an equivalent green building standard.

All new proposed residential projects must be LEED certifiable under either the LEED for homes standard, or meet the Green Built North Texas standard, or an equivalent minimum green building standard certification level as determined by the building official, although formal certification by the USGBC or an equivalent entity is not required. For LEED projects, the point total must include: 1 point under the sustainable sites credit titled "Heat Island Effects;" 1 point under the water efficiency credit titled "Indoor Water Use;" and a minimum of 4 points (Performance of ENERGY STAR for Homes with a HERS rating of 82.5 or less) under the energy and atmosphere credit titled "Optimize Energy Performance." Green Built North Texas projects must meet equivalent point requirements.

Each proposed commercial project may apply for compliance under any of the following LEED rating system products: LEED NC (new construction), LEED for schools, LEED for retail, LEED for healthcare, LEED CS (core and shell), or LEED for homes. The point total must include: 1 point under the sustainable sites credit titled "Heat Island-Roof;" 1 point under the sustainable sites credit titled "Light Pollution Reduction;" 1 point under the water efficiency credit titled "Water Use Reduction (20% Reduction);" a minimum of 3 points (17.5 percent better than ASHRAE 90.1-2004) under the energy and atmosphere credit titled "Optimize Energy Performance."

BACKGROUND (Continued)

The proposed ordinance incorporates the recommendations of the task force into the Dallas Development Code. The program will consist of two phases. The long term vision for the program is for Dallas to be carbon neutral by 2030 and for it to be the greenest city in the U.S.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the City Council on October 17, 2007.

Authorized the City Manager to solicit input from a wide variety of building industry representatives and building owners to develop a green building policy, program and standards for private development in Dallas on October 24, 2007, by Resolution No. 07-3199.

Briefed to Council Task Force green building program recommendations on March 5, 2008.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 52, “Administrative Procedures for the Construction Codes,” Chapter 53, “Dallas Building Code,” and Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code, as amended; establishing a green building program; regulating construction work in the city; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Subsection 102.3, “Definitions,” of Section 102, “Purpose of the Codes,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Procedures for the Construction Codes” of the Dallas City Code is amended to read as follows:

“**102.3 Definitions.** For the purpose of the codes:

BUILDING PERMIT means a permit issued to perform work described in Section 301, excluding permits to erect signs, barricade public property or public ways, or move or demolish structures.

BUILDING SERVICE EQUIPMENT means the plumbing, mechanical, electrical, and elevator equipment, including, but not limited to, wiring, fixtures, and other accessories that provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting, and transportation facilities essential for the occupation of the structure for its designated use and occupancy.

GREEN BUILDING means structures and their surrounding landscapes designed, constructed, and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems, and to decrease the burdens imposed on the environment and public health.

GREEN BUILT NORTH TEXAS means an initiative of the Homebuilders Association of Greater Dallas to provide guidelines for resource-efficient, green homes.

LEED means the Leadership in Energy and Environmental Design green building rating systems which are nationally accepted standards for green buildings developed by the USGBC.

LEED CERTIFIABLE means a structure that is planned, designed, and constructed to achieve the certified level using the LEED building rating system most appropriate for the proposed project but that is not registered with the USGBC.

PROPOSED PROJECT means the erection, extension, rehabilitation, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which a person, firm, or corporation is required to obtain a building or use permit.

USGBC means the U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable, and healthy places to live and work.”

SECTION 2. That Paragraph 301.4.7, “Plans and Specifications,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Provisions for the Construction Codes,” of the Dallas City Code is amended by adding a new Subparagraph 301.4.7.7, “Green Building Standard Documentation,” to read as follows:

“301.4.7.7 Green building standard documentation. In addition to the requirements of Section 301.4.1, for proposed projects subject to Subchapter 10, an applicant must submit documentation that the proposed project is LEED certifiable, that the Green Built North Texas guidelines have been met, or that another approved green building standard has been met.

301.4.7.7.1 Requirements. The documentation required by Section 301.4.7.7 must:

1. demonstrate that the proposed project will comply with the requirements of Subchapter 10,
2. be certified by a LEED accredited professional, a builder that has been trained in the Green Built North Texas program, or an approved equivalent professional, and
3. include any other documentation the building official deems necessary.

301.4.7.7.2 Acceptable standards. The building official may accept documentation from LEED NC (new construction), LEED CS (core and shell), LEED CI (commercial interiors), LEED for schools, LEED for healthcare, LEED for retail, LEED for homes, Green Built North Texas, or another approved equivalent.”

SECTION 3. That Section 304, “Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Provisions for the Construction Codes,” of the Dallas City Code is amended by adding a new Subsection 304.12, “Expedited Plan Review of Green Building Projects,” to read as follows:

“304.12 Expedited plan review of green building projects. For projects subject to Subchapter 10, an applicant requesting an expedited plan review must submit evidence that the project has been registered with the USGBC and provide a current copy of the project’s LEED checklist that demonstrates the project will be able to obtain a LEED silver or higher certification.”

SECTION 4. That Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Subchapter 10, “Green Building Program,” to read as follows:

**“SUBCHAPTER 10
GREEN BUILDING PROGRAM**

**SECTION 1001
PURPOSE; ADMINISTRATION; PHASES**

1001.1 Purpose. The purpose of the green building program is to reduce the use of natural resources, create healthier and more sustainable living environments, and minimize the negative impacts of development in Dallas and the North Texas region. The program addresses all new residential and commercial construction within the city.

1001.2 Administration. The green building program is administered by the department of building inspection.

1001.3 Phases. The green building program consists of two phases.

1001.3.1 Phase 1. Phase 1 becomes effective October 1, 2009, and includes requirements for energy efficiency, water conservation, and cool roofs for proposed projects affecting less than 50,000 square feet of floor area in a single 12 month period. Proposed projects affecting 50,000 or more square feet of floor area, or more than 50 dwelling units, in a single 12 month period must meet the requirements of Section 4303.3 of the *Dallas Building Code*.

1001.3.2 Phase 2. Phase 2 becomes effective October 1, 2011. Phase 2 applies to all new proposed projects. Proposed projects must be LEED certifiable or certifiable under an equivalent green building standard.

**SECTION 1002
PROGRAM REQUIREMENTS**

1002.1 One- and two-family dwellings. Proposed projects must comply with the requirements in Section 325 of the *Dallas One- and Two-Family Dwelling Code*.

1002.2 All other new construction. Proposed projects must comply with the requirements of Chapter 43 of the *Dallas Building Code*.

1002.3 Annual consumption data. The owner of a proposed project must agree that utility companies may release annual energy consumption data to the city.

**SECTION 1003
REGULATIONS**

1003.1 Regulations. The building official may establish regulations to administer the green building program.

**SECTION 1004
PUBLIC OUTREACH**

1004.1 Public spokesperson. The office of environmental quality (OEQ) serves as the city’s spokesperson regarding private sector green building issues.

1004.2 Outreach program. The OEQ shall develop and maintain a public outreach program for architects, engineers, developers, land use attorneys, contractors, builders, employers, and city residents.”

SECTION 5. That Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Subchapter 43, “Green Building Program,” to read as follows:

**“CHAPTER 43
GREEN BUILDING PROGRAM**

**SECTION 4301
PURPOSE**

4301.1 Purpose. The purpose of this chapter is to establish green building standards to help reduce the use of natural resources, create a healthier and more sustainable living environment, and minimize the negative impacts of development in Dallas and the North Texas region.

**SECTION 4302
DEFINITIONS**

4302.1 Definitions. The following terms used in this chapter shall have the meanings indicated in this section:

ENERGY SYSTEMS LABORATORY. An agency established by the Texas Legislature to assist communities in evaluating code amendments to the *International Residential Code (IRC)* and the *International Energy Conservation Code (IECC)* which now define the minimum energy efficiency standards for the State of Texas.

GREEN BUILDING. Structures and their surrounding landscapes designed, constructed and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems and to decrease the burdens imposed on the environment and public health.

IRRIGATION SYSTEM. An assembly of components parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by Section 251.002 of the *Texas Agricultural Code*.

LEED. The Leadership in Energy and Environmental Design green building rating systems are nationally accepted standards for green buildings developed by the USGBC.

LEED CERTIFIABLE. A structure that is planned, designed and constructed to achieve the certified level using the LEED building rating system most appropriate for the proposed project but that is not registered with the USGBC.

PROPOSED PROJECT. The erection, extension, rehabilitation or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which a person, firm or corporation is required to obtain a building or use permit.

SOLAR REFLECTANCE. The fraction of solar flux reflected by a surface expressed as a percent or within the range of 0.00 and 1.00.

USGBC. The U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable and healthy places to live and work.

SECTION 4303 PHASE 1

4303.1 General. The provisions of Section 4303 become effective October 1, 2009, and include requirements for energy efficiency, water conservation and cool roofs for proposed projects affecting less than 50,000 square feet of floor area in a single 12 month period. Proposed projects affecting 50,000 or more square feet of floor area, or more than 50 dwelling units, in a single 12 month period must meet the requirements of Section 4303.3.

4303.2 New commercial construction under 50,000 square feet of floor area.

4303.2.1 Checklist required. The submittal of a checklist from a selected green building standard will be required, although a minimum number of points or formal certification by the USGBC or an equivalent entity will not be required.

4303.2.2 Energy use. New construction must use 15 percent less energy than the minimum provisions of Chapter 5 of the *Dallas Energy Conservation Code* as shown by:

1. Energy code compliance modeling through Energy Systems Laboratory approved software or COMcheck; or
2. Installing systems that have been certified by a national, state or local accredited energy efficiency program and approved by the Energy Systems Laboratory. The United States Environmental Protection Agency's ENERGY STAR Program certification of energy code equivalency shall be considered an approved program.

4303.2.3 Water use. Proposed projects must use 20 percent less water than the water use baseline calculated for the building's water fixtures, excluding irrigation systems, as required by the *Dallas Plumbing Code*.

4303.2.4 Irrigation systems. Irrigation systems must be separately metered.

4303.2.5 Cool roofs. All roof surfaces with a slope of 2:12 inches or less (as defined in ASTM E 1918-97) must meet the specifications of the United States Environmental Protection Agency's ENERGY STAR qualified low-slope roof requirements. To be considered an ENERGY STAR qualified low-slope roof, a roof must:

1. be the uppermost part of the roof system that is in direct contact with solar radiation;
2. have an initial solar reflectance of ≥ 0.65 ;
3. have a solar reflectance of ≥ 0.50 after 3 years; and
4. have a manufacturer warranty for defects in materials and manufacturing where each company's warranty for reflective roof products must be equal in all material respects to the product warranty offered by the same company for comparable non-reflective roof products. A company that sells only reflective roof products must offer a warranty that is equal in all material respects to the standard industry warranty for comparable non-reflective roof products.

4303.2.6 Outdoor lighting restriction.

4303.2.6.1 Area of use. For the lighting of predominately horizontal surfaces such as roadways, areas of vehicular and pedestrian passage, merchandising and storage areas, automotive fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, paths, site entrances, and parking areas, light fixtures must be aimed straight down and must be full cutoff or fully shielded, unless the aggregate wattage per fixture does not exceed the output of a standard non-directional 60 watt incandescent lamp, i.e., 900 lumens, in which case non-cutoff fixtures are permitted.

4303.2.6.2 Maximum lamp wattage and required luminaire or lamp shielding. All lighting installations must be designed and installed to be fully shielded (full cutoff). Maximum lamp wattage for commercial lighting is 250 watts. Maximum lamp wattage for residential lighting is 100 watts for incandescent bulbs, and 32 watts for compact fluorescent bulbs.

Exceptions:

1. Luminaries for safety or security reasons.
2. Lighting in swimming pools and other water features governed by the *Dallas Electrical Code*.
3. Exit signs and other illumination required by the codes.
4. Lighting for stairs and ramps, as required by the codes.
5. Signs that are regulated by Article VII of the *Dallas Development Code*, however, all signs are recommended to be fully shielded.
6. Holiday and temporary lighting as governed by the *Dallas Electrical Code*.
7. Athletic field lighting if steps have been taken to minimize glare and light trespass.
8. Low voltage landscape lighting, but such lighting should be shielded to eliminate glare and light trespass.

4303.3 New construction with 50,000 or more square feet of floor area or 50 or more dwelling units. Proposed projects affecting 50,000 or more square feet of floor area or more than 50 dwelling units in a single 12 month period must meet the following requirements, although formal certification by the USGBC or an equivalent entity is not required and equivalent green building standards may be used:

1. For proposed projects utilizing the LEED NC (new construction) rating system, a minimum of 22 points are required.

2. For proposed projects utilizing the LEED CS (core and shell), or LEED CS with LEED CI (commercial interiors) rating system, a minimum of 20 points are required.
3. For proposed projects utilizing the LEED for retail rating system, a minimum of 22 points are required.
4. For proposed projects utilizing the LEED for healthcare rating system, a minimum of 25 points are required.
5. For proposed projects utilizing the LEED for schools rating system, a minimum of 25 points are required.
6. For proposed projects utilizing the LEED for homes rating system, a minimum of 38 points are required.

4303.3.1 Point total. The points required by Section 4303.3 must include:

1. 1 point under the sustainable sites credit titled “Heat Island-Roof.”
2. 1 point under the sustainable sites credit titled “Light Pollution Reduction.”
3. 1 point under the water efficiency credit titled “Water Use Reduction (20% Reduction).”
4. A minimum of 2 points (14 percent better than ASHRAE 90.1-2004) under the energy and atmosphere credit titled “Optimize Energy Performance.”

4303.3.2 Multifamily developments. Multifamily developments have the option of using either LEED NC or LEED for homes.

SECTION 4304 PHASE 2

4304.1 General. The provisions of Section 4304 become effective October 1, 2011. Phase 2 applies to all new proposed projects. Proposed projects must be LEED certifiable or certifiable under an equivalent green building standard.

4304.2 All new construction. All proposed projects must meet the LEED certified level or an equivalent minimum green building standard certification level, although formal certification by the USGBC or an equivalent entity is not required. Each proposed project may apply for compliance under any of the following LEED rating system products: LEED NC (new construction), LEED for schools, LEED for retail, LEED for healthcare, LEED CS (core and shell), or LEED for homes.

4304.2.1 Point total. The point total must include:

1. 1 point under the sustainable sites credit titled “Heat Island-Roof.”
2. 1 point under the sustainable sites credit titled “Light Pollution Reduction.”
3. 1 point under the water efficiency credit titled “Water Use Reduction (20% Reduction).”
4. A minimum of 3 points (17.5 percent better than ASHRAE 90.1-2004) under the energy and atmosphere credit titled “Optimize Energy Performance.”

4304.2.2 Multifamily developments. Multifamily developments have the option of using either LEED NC or LEED for homes.”

SECTION 6. That Subchapter 35, “Referenced Standards,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding ASHRAE standards to read as follows:

“**ASHRAE** American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.
1791 Tullie Circle, NE
Atlanta, GA 30329

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>90.1—2004</u>	<u>Energy Standard for Buildings Except Low-Rise Residential Buildings, I-P Edition</u>	<u>.4303.3.1, 4304.2.1”</u>

SECTION 7. That the ASTM standards of Subchapter 35, “Referenced Standards,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code are amended by adding the following standard in sequential order to read as follows:

“E 1918—97 Standard Test Method for Measuring Solar Reflectance of Horizontal and Low-Sloped Surfaces in the Field 4303.2.5”

SECTION 8. That Section R202, “Definitions,” of Subchapter 2, “Definitions,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended by alphabetically adding the following definitions to read as follows:

“ENERGY SYSTEMS LABORATORY. An agency established by the Texas Legislature to assist communities in evaluating code amendments to the *International Residential Code (IRC)* and the *International Energy Conservation Code (IECC)* which now define the minimum energy efficiency standards for the State of Texas.

GREEN BUILDING. Structures and their surrounding landscapes designed, constructed and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems and to decrease the burdens imposed on the environment and public health.

GREEN BUILT NORTH TEXAS. An initiative of the Homebuilders Association of Greater Dallas to provide guidelines for resource-efficient, green homes.

IRRIGATION SYSTEM. An assembly of components parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by Section 251.002 of the *Texas Agricultural Code*.

LEED. The Leadership in Energy and Environmental Design green building rating systems are nationally accepted standards for green buildings developed by the USGBC.

LEED CERTIFIABLE. A structure that is planned, designed and constructed to achieve the certified level using the LEED building rating system most appropriate for the proposed project but that is not registered with the USGBC.

PROPOSED PROJECT. The erection, extension, rehabilitation or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which a person, firm or corporation is required to obtain a building or use permit.

SOLAR REFLECTANCE. The fraction of solar flux reflected by a surface expressed as a percent or within the range of 0.00 and 1.00.

USGBC. The U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable and healthy places to live and work.”

SECTION 9. That Chapter 3, “Building Planning,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended by adding a new Section 325, “Green Building Program,” to read as follows:

**“SECTION 325
GREEN BUILDING PROGRAM**

325.1 Purpose. The purpose of this section is to establish green building standards to help reduce the use of natural resources, create a healthier and more sustainable living environment, and minimize the negative impacts of development in Dallas and the North Texas region.

325.2 Phases. The green building program consists of two phases.

325.2.1 Phase 1. Phase 1 becomes effective October 1, 2009, and includes requirements for energy efficiency, water conservation and cool roofs for proposed projects. The submittal of a checklist from a selected green building standard will be required, although a minimum number of points or formal certification by the USGBC or an equivalent entity will not be required.

325.2.1.1 Energy use. New construction must use 15 percent less energy than the minimum provisions of Chapter 4 of the *Dallas Energy Conservation Code* as shown by:

1. Use of the International Code Compliance Calculator (IC3) software by the Energy Systems Laboratory;
2. The use of accredited energy code compliance software and the result of a HERS index of 85 or less; or
3. Installing systems that have been certified by a national, state or local accredited energy efficiency program and approved by the Energy Systems Laboratory. The United States Environmental Protection Agency's ENERGY STAR Program certification of energy code equivalency shall be considered an approved program.

325.2.1.2 Water use. Proposed projects must use 20 percent less water than the water use baseline calculated for the building's water fixtures, excluding irrigation systems, as required by the *Dallas Plumbing Code*.

325.2.1.3 Cool roofs. All roof surfaces with a slope of 2:12 inches or less (as defined in ASTM E 1918-97) must meet the specifications of the United States Environmental Protection Agency's ENERGY STAR qualified low-slope roof requirements. To be considered an ENERGY STAR qualified low-slope roof, a roof must:

1. be the uppermost part of the roof system that is in direct contact with solar radiation;
2. have an initial solar reflectance of ≥ 0.65 ;
3. have a solar reflectance of ≥ 0.50 after 3 years; and

4. have a manufacturer warranty for defects in materials and manufacturing where respects to the product warranty offered by the same company for comparable non-reflective roof products. A company that sells only reflective roof products must offer a warranty that is equal in all material respects to the standard industry warranty for comparable non-reflective roof products.

325.2.2 Phase 2. Phase 2 becomes effective October 1, 2011. Phase 2 applies to all new proposed projects.

325.2.2.1 All new construction. All proposed projects must be either LEED certifiable under the LEED for homes standard, meet the Green Built North Texas standard, or meet an equivalent minimum green building standard certification level as determined by the building official, although formal certification by the USGBC or an equivalent entity is not required.

325.2.2.1.1 LEED. For LEED projects, the point total must include:

1. 1 point under the sustainable sites credit titled “Heat Island Effects.”
2. 1 point under the water efficiency credit titled “Indoor Water Use.”
3. A minimum of 4 points (performance of ENERGY STAR for homes with a HERS rating of 82.5 or less) under the energy and atmosphere credit titled “Optimize Energy Performance.”

325.2.2.1.2 Green Built North Texas.

325.2.2.1.2.1 Energy use. For projects utilizing the Green Built North Texas standards, energy use requirements must be met by:

1. Providing an International Code Compliance Calculator (IC3)-Energy Systems Laboratory certificate to the building official showing 17.5 percent less energy consumption than the minimum requirements of Chapter 4 of the *Dallas Energy Conservation Code*;
2. A HERS index of 82.5 or less; or
3. Installing systems that have been certified by a national, state or local accredited energy efficiency program and approved by the Energy Systems Laboratory. The United States Environmental Protection Agency's ENERGY STAR Program certification of energy code equivalency shall be considered an approved program.

325.2.2.2 Water use. Proposed projects must use 20 percent less water than the water use baseline calculated for the building’s water fixtures, excluding irrigation systems, as required by the *Dallas Plumbing Code*.

325.2.2.3 Cool roofs. All roof surfaces with a slope of 2:12 inches or less (as defined in ASTM E 1918-97) must meet the specifications of the United States Environmental Protection Agency’s ENERGY STAR qualified low-slope roof requirements. To be considered an ENERGY STAR qualified low-slope roof, a roof must:

1. be the uppermost part of the roof system that is in direct contact with solar radiation;
2. have an initial solar reflectance of ≥ 0.65 ;
3. have a solar reflectance of ≥ 0.50 after 3 years; and
4. have a manufacturer warranty for defects in materials and manufacturing where respects to the product warranty offered by the same company for comparable non-reflective roof products. A company that sells only reflective roof products must offer a warranty that is equal in all material respects to the standard industry warranty for comparable non-reflective roof products.

SECTION 10. That the ASTM standards of Subchapter 43, “Referenced Standards,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code are amended by adding the following standard in sequential order to read as follows:

“E 1918—97 Standard Test Method for Measuring Solar Reflectance of Horizontal and Low-Sloped Surfaces in the Field 325.2.1.3, 325.2.2.3”

SECTION 11. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 12. That Chapters 52, 53, and 57 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 13. 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 14 That Phase 1 of the green building program will take effect on October 1, 2009, and Phase 2 of the green building program will take effect on October 1, 2011, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: March 26, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Equipment & Building Services
Aviation
Convention and Event Services
Water Utilities

CMO: David O. Brown, 670-3390
Ramon F. Miguez, P.E., 670-3308

MAPSCO: ALL

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff Americas, Inc. for electric procurement services beyond December 31, 2008; the development of a billing information system; and related energy management services such as contracting renewable wind power, evaluation of the Texas Nodal Market and evaluation of emerging technologies - Not to exceed \$593,735, from \$713,900 to \$1,307,635 - Financing: Convention and Event Services Current Funds (\$39,516), Aviation Current Funds (\$56,452), Current Funds (\$169,356), Water Utilities Current Funds (\$328,411)

BACKGROUND

Since 2001, the City has procured electricity through the Public Power Pool (P3) Aggregation Group. P3 retained procurement consultants and charged the City \$0.0048 per dollar spent for their services. On April 26, 2006, Council Resolution #06-1265 opted out of P3 and the City now procures independently. The City retains procurement experts to assist in negotiating the best deals in the market.

On September 27, 2006, Council Resolution #06-2633 authorized Parsons Brinckerhoff Americas, Inc. to procure the first independent electric procurement contract for the City. Parsons Brinckerhoff Americas, Inc. assisted in procuring a one year contract, at a market low point which ends on December 31, 2008. The contract term was only for one year to coincide with the opening of the Texas Nodal Market on January 1, 2009. The implementation of the Texas Nodal Market will change how electric transmission and distribution charges are contracted.

BACKGROUND (Continued)

Parsons Brinckerhoff Americas, Inc. will develop a multi-year procurement strategy to respond to the new Texas Nodal Market. The contract will procure electricity starting in January 2009 for multiple years. In addition to the independent procurement services this contract will allow for automated billing and auditing of all electric invoices beginning in 2008, and provide energy management information to each Department. The information management services will result in improved FY 2008/2009 and FY 2009/2010 budget projections.

House Bill 3693 instructs the State Energy Conservation Office (SECO) to develop a program to provide regulatory flexibility for political subdivisions to achieve energy conservation of thirty percent or five percent (5%) for each year of six years. The management information system and other incorporated services will provide the City a means to improve monitoring of our energy reduction goal. These services will allow the City to better manage both our demand side (consumption) and supply side (procurement) of our energy program.

This action will authorize Parsons Brinckerhoff Americas, Inc. to implement a multi-year electric procurement effective on January 1, 2009; develop a bill auditing and automated electricity bill payments system; research other nodal markets and evaluate DWU's Time-of-Use accounts; conduct a feasibility study for future sustainable energy developments of both the transfer station waste to energy and wind power procurements; and prepare a preliminary design to evaluate accounts for ERCOT's Emergency Interruptible Loads Program.

ESTIMATED SCHEDULE OF PROJECT

Begin Consulting	March 2008
Award Procurement	June 2008
Complete Consulting	May 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

Authorized withdrawal from P3 aggregation on April 26, 2006 by Resolution #06-1265.

Authorized a professional services contract on September 27, 2006 by Resolution #06-2633.

This item was deferred on February 13, 2008 by Mayor Pro Tem Dr. Elba Garcia.

FISCAL INFORMATION

\$169,356 - Current Funds
\$328,411 - Water Utilities Current Funds
\$56,452 - Aviation Current Funds
\$39,516 - Convention and Event Services Current Funds

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Parson Brinckerhoff Americas, Inc.

Hispanic Female	2	Hispanic Male	1
African American Female	1	African American Male	2
Other Female	8	Other Male	5
White Female	12	White Male	43

OWNER

Parsons Brinckerhoff Americas, Inc.

Wayne McDaniel, Vice President

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff Americas, Inc. for electric procurement services beyond December 31, 2008; the development of a billing information system; and related energy management services such as contracting renewable wind power, evaluation of the Texas Nodal Market and evaluation of emerging technologies - Not to exceed \$593,735, from \$713,900 to \$1,307,635 - Financing: Convention and Event Services Current Funds (\$39,516), Aviation Current Funds (\$56,452), Current Funds (\$169,356), Water Utilities Current Funds (\$328,411)

Parsons Brinckerhoff Americas, Inc., is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$311,135.00	52.40%
Non-local contracts	\$282,600.00	47.60%
TOTAL THIS ACTION	\$593,735.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
PWR Solutions, Inc.	IMDB35972Y1208	\$64,500.00	20.73%
Total Minority - Local		\$64,500.00	20.73%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Van Brunt & Associates	HFWB35928N1208	\$102,000.00	36.09%
Total Minority - Non-local		\$102,000.00	36.09%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$17,021.00	1.30%
Hispanic American	\$102,000.00	17.18%	\$276,743.00	21.16%
Asian American	\$64,500.00	10.86%	\$112,173.00	8.58%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$166,500.00</u>	<u>28.04%</u>	<u>\$405,937.00</u>	<u>31.04%</u>

March 26, 2008

WHEREAS, in 1999 the State of Texas deregulated electricity and established the Texas Electric Choice Act; and,

WHEREAS, since 2001 the City procured electricity with Public Power Pool (P3) until April 26, 2006, Resolution #06-1265 when the City opted out of P3 to independently procure electricity, and,

WHEREAS, on September 27, 2006, by Resolution #06-2633 the City authorized Parsons Brinckerhoff Americas, Inc., to develop bid specifications for procuring electricity; and,

WHEREAS, Parsons Brinckerhoff Americas, Inc. has successfully negotiated two procurements and has proven they can provide qualified consulting services; and,

WHEREAS, the current City electricity contracts will end on December 31, 2008 and the City desires to have a multiple year electricity contact in place prior to December 31, 2008,

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to amend the contract with Parsons Brinckerhoff Americas, Inc. for electric procurement related services in accordance with the negotiated contract requirements, in a total amount not to exceed \$593,735, from \$713,900 to \$1,307,635.

Section 2. That the City Manager is hereby authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Convention and Event Services Current Funds
Fund 0080, Department CCT, Unit 7840
Obj. 3070, Program #06DC020, CT#EBS3062CT36
Vendor #VS0000007370 in an amount not to exceed \$39,516

Aviation Current Funds
Fund 0130, Department AVI, Unit 7725
Obj. 3070, Program #06DC020, CT#EBS3062CT36
Vendor #VS0000007370 in an amount not to exceed \$56,452

March 26, 2008

Equipment and Building Services Current Funds
Fund 0001, Department EBS, Unit 3062
Obj. 3070, Program #06DC020, CT#EBS3062CT36
Vendor #VS0000007370 in an amount not to exceed \$169,356

Water Utilities Current Funds
Fund 0100, Department DWU, Unit 7015
Obj. 3070, Program #06SC020, CT#EBS3062CT36
Vendor #VS0000007370 in an amount not to exceed \$328,411

Total amount not to exceed \$593,735

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.

Distribution: Equipment and Building Services (Sheila Singleton), 6BN
Office of Financial Services

REVISED AGENDA ITEM # 19

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: March 26, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Sanitation Services

CMO: Thomas P. Perkins, Jr., 670-3491
Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with R. W. Beck, Inc. for additional services needed by the City in connection with Bankruptcy Case No. 07-32219 related to the McCommas Bluff Landfill gas plant lease - Not to exceed ~~\$62,263~~, \$39,000 from \$217,949 to ~~\$280,242~~ \$256,949 - Financing: Current Funds

BACKGROUND

On October 22, 2003, by Resolution No. 03-2841, the City Council approved an application for and acceptance of a grant in the amount of \$500,000 from the North Central Texas Council of Governments for a Landfill Bioreactor study at the McCommas Bluff Landfill.

On October 27, 2004, by Resolution No. 04-3057, the City Council authorized a professional services contract with R. W. Beck, Inc. (RWB), in an amount not to exceed \$384,000 to conduct a bioreactor study and to seek a modification of the municipal solid waste permit for accelerated decomposition of waste and increased methane gas generation at the McCommas Bluff Landfill. The services under this contract were completed and the contract expired on July 31, 2005.

On August 9, 2006, by Resolution No. 06-2036, the City Council authorized a second professional services contract with RWB in an amount not to exceed \$121,949 to continue landfill biotechnology work and to seek a modification of the municipal solid waste permit to enhance the anaerobic decomposition of solid waste to allow for more efficient use of airspace and landfill gas production at the McCommas Bluff Landfill. RWB has completed a design of biotech landfill waste cells and prepared a modification of the permit for Texas Commission of Environmental Quality (TCEQ) consideration. Future waste cells will be operated to optimize waste degradation, which enhances the production of a green energy source (methane).

BACKGROUND (continued)

On May 7, 2007, the leaseholders for the McCommas Bluff Landfill gas plant filed a Chapter 11 bankruptcy case. On June 13, 2007, by Resolution No. 07-1834, the City Council authorized Supplemental Agreement No. 1 to the second professional services contract with RWB in an amount not to exceed \$96,000, increasing the contract amount from \$121,949 to \$217,949, to provide an appraisal and valuation of the lease at the McCommas Bluff Landfill gas plant and all associated assets in connection with the bankruptcy. This action authorizes Supplemental Agreement No. 2 to the second professional services contract with RWB in the amount of ~~\$62,263~~ \$39,000 for additional services needed by the City in this bankruptcy matter.

A memorandum is being prepared for Council to provide additional information.

SCHEDULE OF PROJECT

Begin Project	June 2007
Complete Project	November 2007

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2007, by Resolution No. 07-1834, the City Council authorized Supplemental Agreement No. 1 to the second professional services contract with RWB in an amount not to exceed \$96,000, increasing the original contract amount from \$121,949 to \$217,949, to provide consultation and valuation of assets in connection with Bankruptcy Case No. 07-32219-HDH-11.

On August 9, 2006, by Resolution No. 06-2036, the City Council authorized a second professional services contract with RWB in the amount of \$121,949 to continue landfill biotechnology work at the McCommas Bluff Landfill through December 31, 2007.

On October 27, 2004, by Resolution No. 04-3057, the City Council authorized a professional services contract with RWB in an amount not to exceed \$384,000 to conduct a landfill bioreactor study and to seek a modification of the municipal solid waste permit at the McCommas Bluff Landfill.

On October 22, 2003, by Resolution No. 03-2841, the City Council authorized an application for and acceptance of a grant from the North Central Texas Council of Governments for a Landfill Bioreactor Study at the McCommas Bluff Landfill in an amount not to exceed \$500,000.

FISCAL INFORMATION

Current Funds - ~~\$62,263.00~~ \$39,000.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

R.W. Beck, Inc.

White Male	401	White Female	203
African-American Male	12	African-American Female	15
Hispanic Male	16	Hispanic Female	15
Other Male	12	Other Female	19

OWNER

R.W. Beck, Inc.

Robert W. Craggs, Vice President

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with R.W. Beck, Inc. for additional services needed by the City in connection with Bankruptcy Case No. 07-32219 related to the McCommas Bluff Landfill gas plant lease - Not to exceed ~~\$62,263~~, \$39,000 from \$217,949 to ~~\$280,212~~ \$256,949 - Financing: Current Funds

R.W. Beck, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$39,000.00	100.00%
TOTAL THIS ACTION	\$39,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

March 26, 2008

WHEREAS, on August 9, 2006, by Resolution No. 06-2036, the City Council authorized a second professional services contract with R.W. Beck, Inc., in an amount not to exceed \$121,949 to continue landfill biotechnology work and to seek a modification of the municipal solid waste permit to enhance the anaerobic decomposition of solid waste to allow for more efficient use of airspace and landfill gas production at the McCommas Bluff Landfill; and

WHEREAS, On June 13, 2007, by Resolution No. 07-1834, the City Council authorized Supplemental Agreement No. 1 to the second professional services contract with R.W. Beck, Inc., in an amount not to exceed \$96,000 to provide appraisal and valuation of assets in connection with Bankruptcy Case No. 07-32219-HDH-11, related to the McCommas Bluff Landfill gas plant lease, increasing the original contract amount from \$121,949 to \$217,949; and

WHEREAS, R.W. Beck, Inc., provided additional professional services needed by the City in connection with Bankruptcy Case No. 07-32219-HDH-11; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 2 to the second professional services contract with R.W. Beck, Inc., in an amount not to exceed ~~\$62,263~~ \$39,000 for additional services needed by the City in connection with Bankruptcy Case No. 07-32219-HDH-11, related to the McCommas Bluff Landfill gas plant lease, increasing the original contract amount, as supplemented, from \$217,949 to ~~\$280,212~~ \$256,949.

Section 2. That the City Controller is authorized to disburse additional periodic payments in an amount not to exceed ~~\$62,263.00~~ \$39,000.00 to R.W. Beck, Inc., in accordance with the terms of the contract and Supplemental Agreement No. 2, from Fund 0001, Dept. SAN, Unit 3591, Object Code 3070, Encumbrance No. SAN6637071421, Vendor No. 352391.

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.

