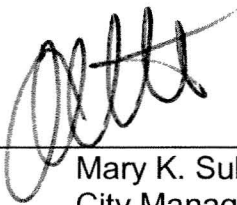


**AUGUST 8, 2012 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated August 8, 2012. 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

8/3/12
Date



Edward Scott
City Controller

8/3/12
Date

**ADDENDUM
CITY COUNCIL MEETING
AUGUST 8, 2012
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize the sale of used medium commercial truck tires through The Cooperative Purchasing Network public auction on July 20, 2012 to Logan and Son Tire in the amount of \$23,150, highest bidder of seven - Revenue: \$23,150

City Attorney's Office

2. Authorize payment to the Texas Comptroller of Public Accounts to settle all claims concerning sales taxes on green fees at City's golf courses - Not to exceed \$400,000 - Financing: Current Funds

City Controller's Office

3. An ordinance amending Chapter 40A of the Dallas City Code to revise certain provisions of the City of Dallas employees' retirement fund plan to comply with federal law - Financing: No cost consideration to the City

Street Services

**Citywide Implementation of
Safety Measures at Trail-Road Crossings**

Note: Addendum Item Nos. 4 and 5 must be considered collectively.

4. * Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for the Traffic Control and Safety Treatments for Trail-Road Crossings Project of the Statewide Transportation Enhancement Program Project; **(2)** establishing appropriations in an amount not to exceed \$808,834; and **(3)** payment to the Texas Department of Transportation in the amount of \$7,705 for the City's share of design review, engineering and contingency costs - Not to exceed \$816,539 - Financing: Texas Department of Transportation Grant Funds (\$709,773), 2006 Bond Funds (\$103,684) and Capital Projects Reimbursement Funds (\$3,082)

**ADDENDUM
CITY COUNCIL MEETING
AUGUST 8, 2012**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Street Services (Continued)

**Citywide Implementation of
Safety Measures at Trail-Road Crossings**

Note: Addendum Item Nos. 4 and 5 must be considered collectively.

5. * Authorize **(1)** a Project Specific Agreement with Dallas County for the Traffic Control and Safety Treatments for Trail-Road Crossings Project of the Statewide Transportation Enhancement Program; **(2)** the receipt and deposit of funds from Dallas County into the Texas Department of Transportation Grant Fund in an amount not to exceed \$70,677; and **(3)** increasing appropriations in an amount not to exceed \$70,677 - Not to exceed \$70,677 - Financing: Texas Department of Transportation Grant Funds

DELETIONS:

Sustainable Development and Construction

88. A public hearing to receive comments regarding consideration of amendments to Chapter 51A, the Dallas Development Code, to amend Section 51A-8.500, Subdivision Layout and Design, providing that lots for certain governmental uses are excluded from the requirement that lots must conform in width, depth, and area to the pattern already established in adjacent areas and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA112-004
91. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from the William B. Travis Academy required by Section 6-4 of the Dallas City Code to allow a restaurant with a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate [RA Sushi McKinney Corp.] on property on the southwest corner of McKinney Avenue and Bowen Street - Financing: No cost consideration to the City

ADDENDUM DATE August 8, 2012

ITEM		IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
1			N/A	C	PBD	REV \$23,150	NA	NA	Authorize the sale of used medium commercial truck tires through The Cooperative Purchasing Network public auction on July 20, 2012 to Logan and Son Tire in the amount of \$23,150, highest bidder of seven	
2			N/A	C	ATT	\$400,000.00	NA	NA	Authorize payment to the Texas Comptroller of Public Accounts to settle all claims concerning sales taxes on green fees at City's golf courses	
3			N/A	C	CON	NC	NA	NA	An ordinance amending Chapter 40A of the Dallas City Code to revise certain provisions of the City of Dallas employees' retirement fund plan to comply with federal law	
4			2, 9, 11, 12, 14	C	STS, DEV, PBW	\$106,766.00	NA	NA	Citywide Implementation of Safety Measures at Trail-Road Crossings: Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for the Traffic Control and Safety Treatments for Trail-Road Crossings Project of the Statewide Transportation Enhancement Program Project; and payment to the Texas Department of Transportation in the amount of \$7,705 for the City's share of design review, engineering and contingency costs	
5			2, 9, 11, 12, 14	C	STS, DEV, PBW	GT	NA	NA	Citywide Implementation of Safety Measures at Trail-Road Crossings: Authorize a Project Specific Agreement with Dallas County for the Traffic Control and Safety Treatments for Trail-Road Crossings Project of the Statewide Transportation Enhancement Program	

TOTAL \$506,766.00

ADDENDUM ITEM # 1

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

AGENDA DATE: August 8, 2012

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Business Development & Procurement Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize the sale of used medium commercial truck tires through The Cooperative Purchasing Network public auction on July 20, 2012 to Logan and Son Tire in the amount of \$23,150, highest bidder of seven - Revenue: \$23,150

BACKGROUND

This action seeks approval to sell 661 used medium commercial truck tires which have met or exceeded their useful life. Equipment and Building Services (EBS) is responsible for the maintenance of the City's fleet and has determined the tires, made available through this auction, are no longer useful to the City due to normal wear, road hazard damage or other factors deeming the tires unusable.

Before taking a tire out of service, EBS determines whether a tire is suitable for retreading to extend the life of the tire. Tires considered for retreading are carefully selected and are only used on non-steering axles. Currently EBS has approximately seventy retreaded tires in their inventory specific for medium commercial trucks.

The City's contract auctioneer, Lone Star Auctioneer, has verified the buyer meets the legal and environmental requirements established by Texas Commission on Environmental Quality.

The City used its current contract auctioneer, Lone Star Auctioneers, Inc., to auction this equipment through The Cooperative Purchasing Network at no cost to the City. The buyer will pay a buyer premium to the auctioneer.

Dallas City Code 2-37.4 requires that when the highest bid for property is more than \$20,000.00, the sale to the highest bidder must be confirmed by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$23,150.00 – Revenue

BID INFORMATION

The following bid was received at public auction on July 20, 2012.

*Denotes successful bidder

<u>Bidder</u>	<u>Address</u>	<u>Amount of Bid</u>
*Logan and Son Tire	7305 Julius Schepps Freeway Dallas, TX 75216	\$23,150.00
Quintanilla Tire Shop	1213 E. Ferguson Pharr, TX 78577	\$23,050.00
JEA Tires	4101 N. Cage Blvd. Pharr, TX 78577	\$16,050.00
James Griffiths	932 Peacock Dr. Saginaw, TX 76131	\$ 9,050.00
A1 Tire Repair	205 FM 2821 Rd. E Huntsville, TX 77320	\$ 1,200.00
Cowser Tire & Service	1700 NE Loop 820 Fort Worth, TX 76106	\$ 1,250.00
Central Texas Retreading	414 S. McLennan Loop Elm Mott, TX 76640	\$ 550.00

OWNER

Logan and Son Tire

Melvin Logan, Owner

August 8, 2012**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Manager or designee is hereby authorized to sell used medium commercial truck tires through The Cooperative Purchasing Network public auction on July 20, 2012 to the highest bidder Logan and Son Tire in the amount of \$23,150.00.

Section 2. That the City Controller is hereby authorized to receive and deposit funds received from the proceeds of the sale to:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>REVENUE SOURCE</u>	<u>AMOUNT</u>
0196	EBS	1701	8432	\$20,835.00
0199	POM	1232	8420 (10% Commission)	\$2,315.00

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.

ADDENDUM ITEM # 2

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

AGENDA DATE: August 8, 2012

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Thomas P. Perkins, Jr., 670-3491

MAPSCO: N/A

SUBJECT

Authorize payment to the Texas Comptroller of Public Accounts to settle all claims concerning sales taxes on green fees at City's golf courses - Not to exceed \$400,000 - Financing: Current Funds

BACKGROUND

The City has concessionaire contracts with golf pros at the City's golf courses. Historically the golf pros and the City have not collected sales taxes for green fees payable to the City. The Texas Comptroller has recently concluded that the golf pros' charging golfers green fees were taxable events and sought payment of taxes from the golf pros, who in turn asserted claims against the City. The proposed settlement will resolve all claims by all parties.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on May 2, 2012 and May 9, 2012.

Council will be briefed by memorandum concerning this item.

FISCAL INFORMATION

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

\$400,000.00 - Current Funds

August 8, 2012

WHEREAS, claims were filed by the City's golf pro concessionaires relating to the Texas Comptroller of Public Accounts claims concerning sales tax on green fees at the City's golf courses; and,

WHEREAS, the parties have agreed to a settlement of the claims whereby the City of Dallas will pay Texas Comptroller of Public Accounts, in an amount not to exceed \$400,000.00; and,

WHEREAS, it is in the best interest of the City of Dallas to settle these claims; **Now, Therefore,**

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

Section 1. That settlement of the claims asserted by the City's golf pro concessionaires and Texas Comptroller of Public Accounts in an amount not to exceed \$400,000.00, is hereby approved.

Section 2. That the City Controller is authorized to pay to the Texas Comptroller of Public Accounts, in an amount not to exceed \$400,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

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.

ADDENDUM ITEM # 3

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

AGENDA DATE: August 8, 2012

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 40A of the Dallas City Code to revise certain provisions of the City of Dallas employees' retirement fund plan to comply with federal law - Financing: No cost consideration to the City

BACKGROUND

Chapter 40A of the Dallas City Code establishes the Employees' Retirement Fund of the City of Dallas (ERF) to provide retirement benefits for civilian employees. Chapter 40A is amended from time to time to maintain the plan's qualified status as new federal laws are passed and additional guidance is provided by the Internal Revenue Service (IRS). One of the mechanisms for maintaining the plan's qualified status is a determination letter provided by the IRS which confirms the plan is in the proper form for qualification.

As a result of the process of applying for a determination letter and receiving IRS comments, the amendments to Chapter 40A set forth in this proposed ordinance were determined by the ERF Board to be necessary to comply with federal laws and were adopted by the ERF Board on July 25, 2012 for recommendation to the City Council. The proposed amendments include changes relating to: (1) clarifying the definition of a leased employee; (2) eliminating gender-specific application of certain actuarial tables used for determining benefits; (3) clarifying benefits for a person who dies in active military service while on leave from city employment; (4) providing more flexible rollover requirements; (5) clarifying the application of certain benefit limits under the Internal Revenue Code; and (6) clarifying requirements for vesting at a normal retirement age.

Section 40A-35 of the Dallas City Code allows changes, like the ones contained in the proposed ordinance, to be approved by the ERF Board and City Council, without voter approval, when those changes are necessary to comply with federal laws. The determination letter from the IRS is conditioned on these amendments being approved by both the ERF Board and the City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

On August 6, 2012, this item will be included on the Budget, Finance, and Audit Committee Agenda.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Sections 40A-1, 40A-9, 40A-12, 40A-26, and 40A-33 of CHAPTER 40A, "RETIREMENT," of the Dallas City Code, as amended; revising the city of Dallas employees' retirement fund plan to comply with federal law, including changes relating to leased employees, actuarial assumptions, credited service for military active duty, direct rollovers, benefit limit adjustments, and vesting; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, on July 25, 2012, the board of trustees of the employees' retirement fund of the city of Dallas determined that the amendments to Chapter 40A, "Retirement," of the Dallas City Code contained in this ordinance are necessary to comply with federal law and recommended that the city council adopt such amendments, without voter approval, in accordance with and as authorized by Section 40A-35 of the Dallas City Code; Now, therefore,

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

SECTION 1. That Paragraph (21) of Section 40A-1, "Definitions," of CHAPTER 40A, "RETIREMENT," of the Dallas City Code, as amended, is amended to read as follows:

"(21) LEASED EMPLOYEE means an individual who is not a common law employee of the city but who provides services to the city, if:

(A) such services are performed pursuant to an agreement between the city and another person;

(B) the individual has performed such services for the city or for the city and a related person or persons on a substantially full-time basis for at least one year; and

(C) such services are performed under the primary direction or control of the city [~~a person considered a leased employee under Section 414(n) or 414(o) of the Internal Revenue Code~~]."

SECTION 2. That Section 40A-9, "Actuarial Assumptions," of CHAPTER 40A, "RETIREMENT," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 40A-9. ACTUARIAL ASSUMPTIONS.

When an actuarial assumption is required under this chapter, the following will apply:

- (1) When determining the commuted value of future benefits under the fund, a 10 percent interest assumption must be used.
- (2) When calculating service retirement pension benefits for a person who retires before age 50, a five percent interest assumption must be used.
- (3) When calculating the cost of benefits under the fund, the following mortality tables must be used:
 - (A) 1965 Railroad Disabled Life Mortality Table, for disability retirement pension benefits; and
 - (B) 1984 Unisex Mortality Table, set back four years [~~for a female~~], for all benefits under the fund except disability retirement pension benefits.
- (4) When calculating the limits under Section 415 of the Internal Revenue Code, the applicable mortality table and applicable interest rate determined by the United States secretary of the treasury and in effect at the time of the calculation must be used.

SECTION 3. That Section 40A-12, "Credited Service for Military Active Duty," of CHAPTER 40A, "RETIREMENT," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 40A-12. CREDITED SERVICE FOR MILITARY ACTIVE DUTY.

- (a) A member with a break in service for military active duty is entitled to credited service for the period of military active duty not exceeding five years if the time is spent in the service of the armed forces of the United States, provided the member satisfactorily completes active service and returns to the service of the city after the member's discharge within the period described by law, if any.
- (b) Benefits of a member allowed under Subsection (a) for the period of the break in service for military active duty is computed at the appropriate rate of the average monthly earnings of the member on the date the break in service for military active duty was granted for each year the member is on military active duty.

(c) Notwithstanding any other provision to the contrary, contributions, benefits, and service with respect to qualified military service will be provided in accordance with Section 414(u) of the Internal Revenue Code.

(d) If a member dies while performing qualified military service (as defined in Section 414(u) of the Internal Revenue Code), the beneficiaries of the member are entitled to any additional benefits (other than benefits relating to the period of qualified military service) that would have been provided if the member had returned to service and then died."

SECTION 4. That Section 40A-26, "Direct Rollover," of CHAPTER 40A, "RETIREMENT," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 40A-26. DIRECT ROLLOVER.

(a) This section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) Definitions. In this section:

(1) ELIGIBLE ROLLOVER DISTRIBUTION means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:

(A) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life or life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more;

(B) any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; or

(C) any distribution that is made upon hardship of the employee.

(2) ELIGIBLE RETIREMENT PLAN means an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, an annuity plan described in Section 403(a) of the Internal Revenue Code, an eligible deferred compensation plan that is maintained by an eligible employer described in Section 457(e)(1) of the Internal Revenue Code, an annuity contract described in Section 403(b) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution. An eligible retirement plan means only an individual retirement account or individual retirement annuity in [H] the case of an eligible rollover distribution for a designated beneficiary that is not:

(A) ~~[tø]~~ the surviving spouse; or

(B) an alternate payee under a qualified domestic relations order who is a spouse or former spouse ~~[, an eligible retirement plan means an individual retirement account or individual retirement annuity].~~

(3) DISTRIBUTE means:

(A) an employee or former employee;

(B) ~~[, In addition,]~~ the employee or former employee's surviving spouse;

(C) an ~~[and the employee or former employee's spouse or former spouse who is the]~~ alternate payee under a qualified domestic relations order who is the employee or former employee's spouse or former spouse, but only ~~[, as defined in Section 414(p) of the Internal Revenue Code, are distributees]~~ with regard to the interest of the spouse or former spouse under the qualified domestic relations order; or

(D) the employee or former employee's designated beneficiary.

(4) DIRECT ROLLOVER means a payment by the plan to the eligible retirement plan specified by the distributee.

(5) DESIGNATED BENEFICIARY means an individual who is designated to receive an eligible rollover distribution."

SECTION 5. That Section 40A-33, "Compliance with Federal Tax Laws," of CHAPTER 40A, "RETIREMENT," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 40A-33. COMPLIANCE WITH FEDERAL TAX LAWS.

(a) A member or survivor of a member of the pension system may not accrue a retirement pension, or any other benefit under this chapter, in excess of the benefit limits applicable to the fund under Section 415 of the Internal Revenue Code. The board shall reduce the amount of any benefit that exceeds those limits by the amount of the excess. If total benefits under this fund and the benefits and contributions to which any member is entitled under any other qualified plans maintained by the city would otherwise exceed the applicable limits under Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from the fund shall be reduced to the extent necessary to enable the benefits to comply with Section 415. The limits shall be adjusted annually in accordance with Section 415(d) of the Internal Revenue Code. The annual adjustment shall apply to the benefits of both active and inactive members and shall apply without regard to whether retirement benefits are being received.

(b) The total salary taken into account for any purpose for any member of the pension system may not exceed the limit imposed pursuant to Section 401(a)(17) of the Internal Revenue Code [~~\$200,000~~] for any year (~~\$360,000~~ for an eligible participant and ~~\$245,000~~ [~~or \$150,000 a year~~ (~~\$200,000 for years beginning after 2001~~)] for an ineligible participant for 2009). These dollar limits shall be adjusted from time to time in accordance with guidelines provided by the United States secretary of the treasury. For purposes of this subsection, an eligible participant is a person who first became an active member before 1996, and an ineligible participant is a member who is not an eligible participant.

(c) Amounts representing forfeited nonvested benefits of terminated members may not be used to increase benefits payable from the fund.

(d) Distribution of benefits must begin not later than April 1 of the year following the calendar year during which the member entitled to the benefits becomes 70-1/2 years of age or terminates employment with the city, whichever is later, and must otherwise conform to Section 401(a)(9) of the Internal Revenue Code.

(e) Termination of the retirement fund and discontinuance of city contributions. If the retirement fund is fully terminated or partially terminated, as determined by the Internal Revenue Service, or if all city contributions to the retirement fund are discontinued, the rights of each member affected by the termination or discontinuance that have accrued at the date of termination or discontinuance will be fully vested to the extent funded.

(f) It is intended that the provisions of this chapter be construed and administered in such a manner that the fund's program of benefits will be considered a qualified plan under Section 401(a) of the Internal Revenue Code. In determining qualification status under Section 401(a), the fund's program of benefits will be considered the primary retirement plan for members of the fund.

(g) The right of each member to such member's interest accrued under this chapter shall become 100 percent vested, if not already vested, upon the member's attainment of normal retirement age, and the member shall have a right to terminate employment and commence to receive a pension at that time."

SECTION 6. That CHAPTER 40A of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. 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 8. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

LC/DCC/00526A

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: August 8, 2012

COUNCIL DISTRICT(S): 2, 9, 11, 12, 14

DEPARTMENT: Street Services
Public Works Department

CMO: Forest E. Turner, 670-3390
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Citywide Implementation of Safety Measures at Trail-Road Crossings

- * Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for the Traffic Control and Safety Treatments for Trail-Road Crossings Project of the Statewide Transportation Enhancement Program Project; **(2)** establishing appropriations in an amount not to exceed \$808,834; and **(3)** payment to the Texas Department of Transportation in the amount of \$7,705 for the City's share of design review, engineering and contingency costs - Not to exceed \$816,539 - Financing: Texas Department of Transportation Grant Funds (\$709,773), 2006 Bond Funds (\$103,684) and Capital Projects Reimbursement Funds (\$3,082)
- * Authorize **(1)** a Project Specific Agreement with Dallas County for the Traffic Control and Safety Treatments for Trail-Road Crossings Project of the Statewide Transportation Enhancement Program; **(2)** the receipt and deposit of funds from Dallas County into the Texas Department of Transportation Grant Fund in an amount not to exceed \$70,677; and **(3)** increasing appropriations in an amount not to exceed \$70,677 - Not to exceed \$70,677 - Financing: Texas Department of Transportation Grant Funds

BACKGROUND

The Texas Department of Transportation (TxDOT) announced a Statewide Transportation Enhancement Program (STEP) Call for Projects on October 9, 2009, which was coordinated through the North Central Texas Council of Governments (NCTCOG). STEP is a program funded through SAFETEA-LU, and is administered by TxDOT for the U.S. Federal Highway Administration (FHWA).

BACKGROUND (Continued)

On July 29, 2010, the Traffic Control and Safety Treatments for Trail-Road Crossings Project was selected as one of the ten projects in the NCTCOG Metropolitan Planning Area (MPA).

This action will authorize the Local Project Advance Funding Agreement with the Texas Department of Transportation and the Project Specific Agreement with Dallas County necessary for the Traffic Control and Safety Treatments for Trail-Road Crossings Project.

STEP is a reimbursement program. The City is the lead agency and will provide project management. TxDOT will provide project oversight and review and Dallas County will provide project review and technical services. The total cost for this project is estimated at \$887,216 of which TxDOT is responsible for 80% (\$709,773) and the City and Dallas County are responsible for the remaining 20% (\$177,443). For this project, Dallas County's portion is for the project locations within Dallas County for a minimum of \$70,677. The City's portion is the remaining \$106,766 which includes \$7,705 in Bond funds for up front costs related to design review, engineering and contingency costs.

This project represents the initial implementation of a new standard to improve the safety and user-friendliness of the City's trail and street system in the locations where they currently intersect. Signage, pavement markings, and safety lighting will be installed at seventy (70) signalized and un-signalized trail-road crossings at mid-block and intersection locations. This project will help to satisfy an essential need for residents and visitors to have safer pathways for pedestrian and non-motorized vehicle use. The primary benefit of the project will be to reduce user conflict and confusion at the specified locations throughout the surface transportation system.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	June 2013
Complete Construction	September 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Dallas City Council Transportation and Environment Committee endorsed the list of candidate projects for the Statewide Transportation Enhancement Program Call for Projects on November 16, 2009.

FISCAL INFORMATION

Texas Department of Transportation Grant Funds - \$709,773
2006 Bond Funds - \$103,684
Capital Projects Reimbursement Funds - \$3,082
Texas Department of Transportation Grant Funds from Dallas County Funds - \$70,677

FISCAL INFORMATION (Continued)

<u>Council District</u>	<u>TxDOT</u>	<u>Dallas County</u>	<u>City of Dallas</u>
2	\$113,564.00	\$ 11,356.36	\$ 17,082.56
9	\$205,834.00	\$ 20,583.41	\$ 30,962.14
11	\$ 78,075.00	\$ 7,807.47	\$ 11,744.26
12	\$283,909.00	\$ 28,090.67	\$ 42,706.40
14	<u>\$ 28,391.00</u>	<u>\$ 2,839.09</u>	<u>\$ 4,270.64</u>
Total	\$709,773.00	\$ 70,677.00	\$106,766.00

August 8, 2012

WHEREAS, the City of Dallas (City) recognizes World-wide progress in the evolution of transportation infrastructure towards a more sustainable future, as well as emerging trends among cities and towns in the United States and in the State of Texas which emphasize the provision of substantial alternative transportation choices that are well-integrated within the overall surface transportation system; and

WHEREAS, over 100 miles of off-street multi-use pathways or bike/pedestrian “trails” have been developed by the City with the help of Federal and State funds intended to mitigate automobile congestion and its negative impacts on air quality by providing bicycle and pedestrian links to places of employment and to transit; and

WHEREAS, a safe, predictable, and efficient travel environment is the primary goal of transportation infrastructure development, and increased accidents, near-miss incidents, conflicts, and delays between bicyclists, pedestrians, and motorists have been observed at the operational at-grade trail-road crossings throughout the City; and

WHEREAS, the Texas Transportation Commission and the Texas Department of Transportation (TxDOT) saw the intended merits of the Traffic Control and Safety Treatments for Trail-Road Crossings Project of the Statewide Transportation Enhancement Program, and therefore, awarded the City full funding for this project submission on July 29, 2010; and

WHEREAS, TxDOT requires the STEP project be implemented within “a reasonable amount of time”, which in this case has been determined that a construction contract be awarded prior to July, 29, 2014; and,

WHEREAS, it is now desirable to authorize a Local Project Advance Funding Agreement with the Texas Department of Transportation for the Traffic Control and Safety Treatments for Trail-Road Crossings Project of the Statewide Transportation Enhancement Program Project and a payment to the Texas Department of Transportation in the amount of \$7,705 for the City’s share of design review, engineering and contingency costs.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to execute an Interlocal Agreement with Texas Department of Transportation for the Traffic Control and Safety Treatments for Trail-Road Crossings Project of the Statewide Transportation Enhancement Program Project, after it has been approved as to form by the City Attorney.

August 8, 2012

Section 2. That the City Controller is authorized to disburse funds to the Texas Department of Transportation in accordance with the terms and conditions of the agreement from:

Street and Transportation Improvements Fund Fund 6T22, Dept PBW, Unit P730, Act. INGV Obj. 4111, Program #PB06P730, CT PBW06P730K1 Vendor #239588, in an amount not to exceed	\$294.00
Capital Projects Reimbursement Fund Fund 0556, Dept PBW, Unit P730, Act. INGV Obj. 4111, Program #PB06P730, CT PBW06P730K1 Vendor #239588, in an amount not to exceed	\$196.00
Street and Transportation Improvements Fund Fund 6T22, Dept PBW, Unit P730, Act. INGV Obj. 4599, Program #PB06P730, CT PBW06P730K1 Vendor #239588, in an amount not to exceed	\$4,329.00
Capital Projects Reimbursement Fund Fund 0556, Dept PBW, Unit P730, Act. INGV Obj. 4599, Program #PB06P730, CT PBW06P730K1 Vendor #239588, in an amount not to exceed	<u>\$2,886.00</u>
Total in an amount not to exceed	\$7,705.00

Section 3. That the City Controller is hereby authorized to deposit all reimbursements from TxDOT pertaining to this project in an amount not to exceed \$709,773.00, to Fund F8FD, Dept. STS, Unit 88FD, Revenue Source 6506,

Section 4. That the City Controller is hereby authorized to transfer all charges related to the required local match in an amount not to exceed \$99,061.00 from Fund F8FD, Dept. STS, Unit 88FD, Obj. 4820, Major Program TxDOT, Program TPF8FD12, Act. THRG to Fund 6T22, Dept. PBW, Unit P730, Act. INGV, Obj. 4820, Program PB06P730.

Section 5. That the City Manager is hereby authorized to establish an appropriation in the amount of \$808,834.00 in Fund F8FD, Dept. STS, Unit 88FD, Obj. 4820, Major Program TxDOT, Program TPF8FD12.

Section 6. That the City Controller is hereby authorized to disburse funds from Fund F8FD, Dept. STS, Unit 88FD, Obj. 4820, Act. THRG, in an amount not to exceed \$808,834.00.

August 8, 2012

Section 7. 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.

August 8, 2012

WHEREAS, the City of Dallas (City) recognizes World-wide progress in the evolution of transportation infrastructure towards a more sustainable future, as well as emerging trends among cities and towns in the United States and in the State of Texas which emphasize the provision of substantial alternative transportation choices that are well-integrated within the overall surface transportation system; and

WHEREAS, over 100 miles of off-street multi-use pathways or bike/pedestrian “trails” have been developed by the City with the help of Federal and State funds intended to mitigate automobile congestion and its negative impacts on air quality by providing bicycle and pedestrian links to places of employment and to transit; and

WHEREAS, a safe, predictable, and efficient travel environment is the primary goal of transportation infrastructure development, and increased accidents, near-miss incidents, conflicts, and delays between bicyclists, pedestrians, and motorists have been observed at the operational at-grade trail-road crossings throughout the City; and

WHEREAS, the Texas Transportation Commission and the Texas Department of Transportation (TxDOT) saw the intended merits of the Traffic Control and Safety Treatments for Trail-Road Crossings Project of the Statewide Transportation Enhancement Program, and therefore, awarded the City full funding for this project submission on July 29, 2010; and

WHEREAS, TxDOT requires the STEP project be implemented within “a reasonable amount of time”, which in this case has been determined that a construction contract be awarded prior to July, 29, 2014; and,

WHEREAS, it is now desirable to authorize a Project Specific Agreement with Dallas County for the Traffic Control and Safety Treatments for Trail-Road Crossings Project of the Statewide Transportation Enhancement Program Project.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to execute a Project Specific Agreement with Dallas County for the Traffic Control and Safety Treatments for Trail-Road Crossings Project of the Statewide Transportation Enhancement Program Project, after it has been approved as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to receive and deposit funds from Dallas County pertaining to this project in an amount not to exceed \$70,677.00 into Fund F8FD, Dept. STS, Unit 88FD, Revenue Source 6511.

August 8, 2012

Section 3. That the City Manager is hereby authorized to increase appropriations in the amount of \$70,677.00 in Fund F8FD, Dept. STS, Unit 88FD, Obj. 4820, Act., THRG, Major Program TxDOT, Program TPF8FD12.

Section 4. That the City Controller is hereby authorized to disburse funds from Fund F8FD, Dept. STS, Unit 88FD, Obj. 4820, Act. THRG, in an amount not to exceed \$70,677.00.

Section 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the City of Dallas, and it is accordingly so resolved.