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CITY SECRETARY
DALLAS, TEXAS



CITY OF DALLAS

Memorandum

DATE May 7, 2010

TO Transportation and Environment Committee Members: Linda L. Koop (Chair),
Sheffie Kadane (Vice Chair), Jerry Allen, Tennell Atkins, Carolyn R. Davis, Delia
Jasso, Pauline Medrano, Ron Natinsky, Vonciel Jones Hill

SUBJECT Transportation and Environment Committee Meeting Agenda

Monday, May 10, 2010 at 2:00 – 4:00 p.m.
City Hall, 1500 Marilla, Room 6ES
Dallas, TX 75201

1. **Approval of Minutes for the April 26, 2010 Meeting**
(Action / 5 Minutes)
2. **Long-Range Financial Plan Implications of Revised Sales Tax Projections
for DART**
Gary Thomas, Executive Director/President, DART and David Leininger, Senior
Vice President CFO, DART
(Briefing / 45 Minutes)
3. **Air Quality Standards and Clean Construction Pilot Program**
Kris Sweckard, Managing Director, Office of Environmental Quality
(Briefing / 30 Minutes)
4. **Community Gardens**
Kris Sweckard, Managing Director, Office of Environmental Quality
(Action / 30 Minutes)

A handwritten signature in black ink, appearing to read 'Linda L. Koop'.

Linda L. Koop, Chair
Transportation and Environment Committee

- c: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr. City Attorney
Deborah Watkins, City Secretary
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Edward Scott, Director, Controller's Office
Frank Libro, Public Information Office
Rick Galceran, P.E., Director, Public Works and Transportation
Theresa O'Donnell, Director, Sustainable Development and Construction
Helena Stevens-Thompson, Assistant to the City Manager – Council Office

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

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

TRANSPORTATION AND ENVIRONMENT COMMITTEE MEETING RECORD

The Transportation and Environment Committee (TEC) meetings are recorded. Agenda materials are available online at www.dallascityhall.com. Recordings may be reviewed/copied by contacting the TEC Staff Coordinator at 214-670-4545.

Meeting Date: April 26, 2010

Start Time: 3:05 p.m.

Adjournment: 3:30 p.m.

Committee Members Present:

Linda L. Koop (Chair), Jerry Allen, Tennell Atkins, Carolyn R. Davis, Delia Jasso, Pauline Medrano, Ron Natinsky, and Vonciel Jones Hill

Committee Members Absent:

Sheffie Kadane (Vice-Chair) absent on City Business

Other Council Members Present:

None

City Executive Staff Present:

Jill A. Jordan, Assistant City Manager

TRANSPORTATION AND ENVIRONMENT COMMITTEE AGENDA

1. **Approval of Minutes for April 12, 2010**

Action Taken/Committee Recommendation:

Motion was made to approve the minutes for the April 12, 2010 meeting subject to corrections. No corrections were suggested and the minutes were approved as submitted.

Made by: Hill

Seconded by: Medrano

Passed unanimously

2. **DART Board Nominee Interviews: Robert W. Strauss and Faye Moses-Wilkins**

The Committee interviewed Robert W. Strauss (Place 1) and Lafayette "Faye" Moses-Wilkins (Place 9 – Board position shared with Cockrell Hill, Glen Heights and Plano) as nominees for reappointment to the DART Board. Dallas City Council is scheduled to vote on nominees for DART Board Place 1 and 9 on May 5, 2010.

Action Taken/Committee Recommendation:

Ms. Koop informed the Committee that Mr. Angel Reyes (Place 2) had resigned and thanked him for his service to the Board. Once nominations have been received by the City Secretary's Office for his Board position, interviews with the Committee will be scheduled.

Motion was made to forward the DART Board nominations of Robert Strauss and Faye Wilkins to full Council for consideration on May 5, 2010.

Made by: Atkins

Seconded by: Allen

Passed unanimously

Linda L. Koop, Chair
Transportation and Environment Committee

DRAFT

Memorandum



CITY OF DALLAS

DATE May 7, 2010

TO Members of the Transportation and Environment Committee:
Linda Koop (Chair), Sheffie Kadane (Vice Chair), Jerry R. Allen, Tennell Atkins,
Carolyn R. Davis, Delia Jasso, Pauline Medrano, Ron Natinsky,
Vonciel Jones Hill

SUBJECT Long-Range Financial Plan Implications of Revised Sales Tax Projections for DART

On May 10, 2010, DART staff will brief the Committee on their evaluation of sales tax projections and its impact on the agency's Financial Plan and rail transit expansion plans.

Please feel free to contact me if you need additional information.

A handwritten signature in black ink, appearing to read 'Jill A. Jordan'.

^{for}Jill A. Jordan, P.E.
Assistant City Manager

c: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr. City Attorney
Deborah Watkins, City Secretary
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Long-Range Financial Plan Implications of Revised Sales Tax Projections for DART

City of Dallas Transportation and
Environment Committee

May 10, 2010

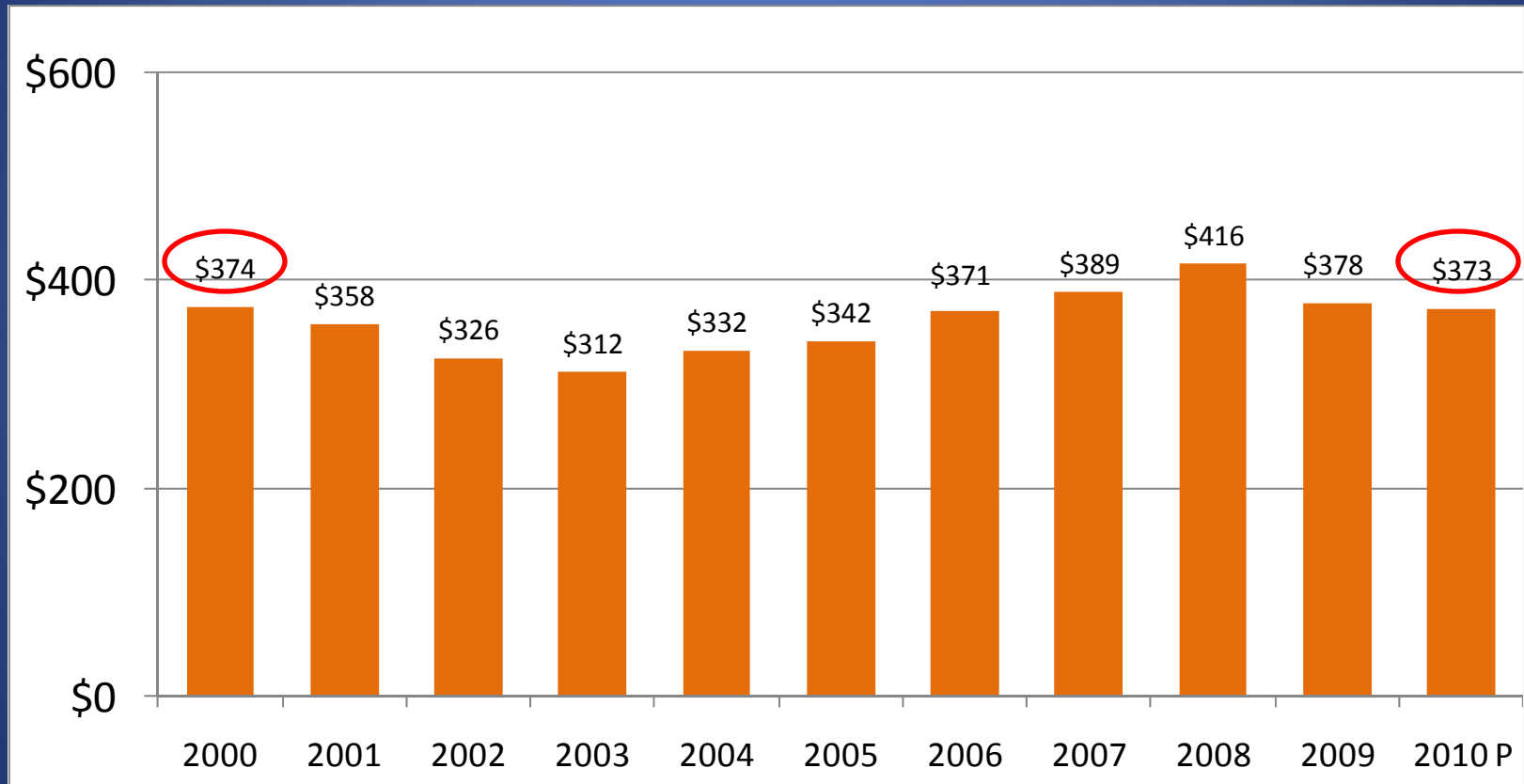


Comprehensive Sales Tax Forecast Review was Required

- Depth and duration of current decline argued for full review
- Underlying supplemental data raised concerns
 - Ten years of flat sales tax receipts
 - Dallas County changing demographic base
 - NCTCOG 2030 population forecasts for DART member cities much lower than regional forecast
- Greater risk of overshooting debt capacity

'The Lost Decade'

2000 – 2010 Sales Tax Receipts (in millions)



About Dallas County

In the 60's and 70's, the County's population was generally younger, better educated, and more affluent than the national average.

However, the County's population now either more closely resembles or has fallen behind the national population in terms of income and educational attainment.

From Dallas County Commissioners Court Presentation to Leadership Southwest – February 17, 2009



About Dallas County

	DALLAS COUNTY		UNITED STATES	
	<u>1970</u>	<u>2006-2008</u>	<u>1970</u>	<u>2006-2008</u>
Median age	26.3 yrs	33.2 yrs	28.1 yrs	36.7 yrs
% 65 yrs+	6.6%	8.5%	9.9%	12.6%
Median family income	\$10,680	\$53,710	\$9,327	\$63,211
% Poverty	10.7%	16.8%	13.6%	13.2%
% College degree	14.5%	26.4%	10.8%	27.4%
% No HS diploma	43.5%	25.4%	46.2%	15.5%

From Dallas County Commissioners Court Presentation to Leadership Southwest – February 17, 2009



NCTCOG Regional Population Forecasts

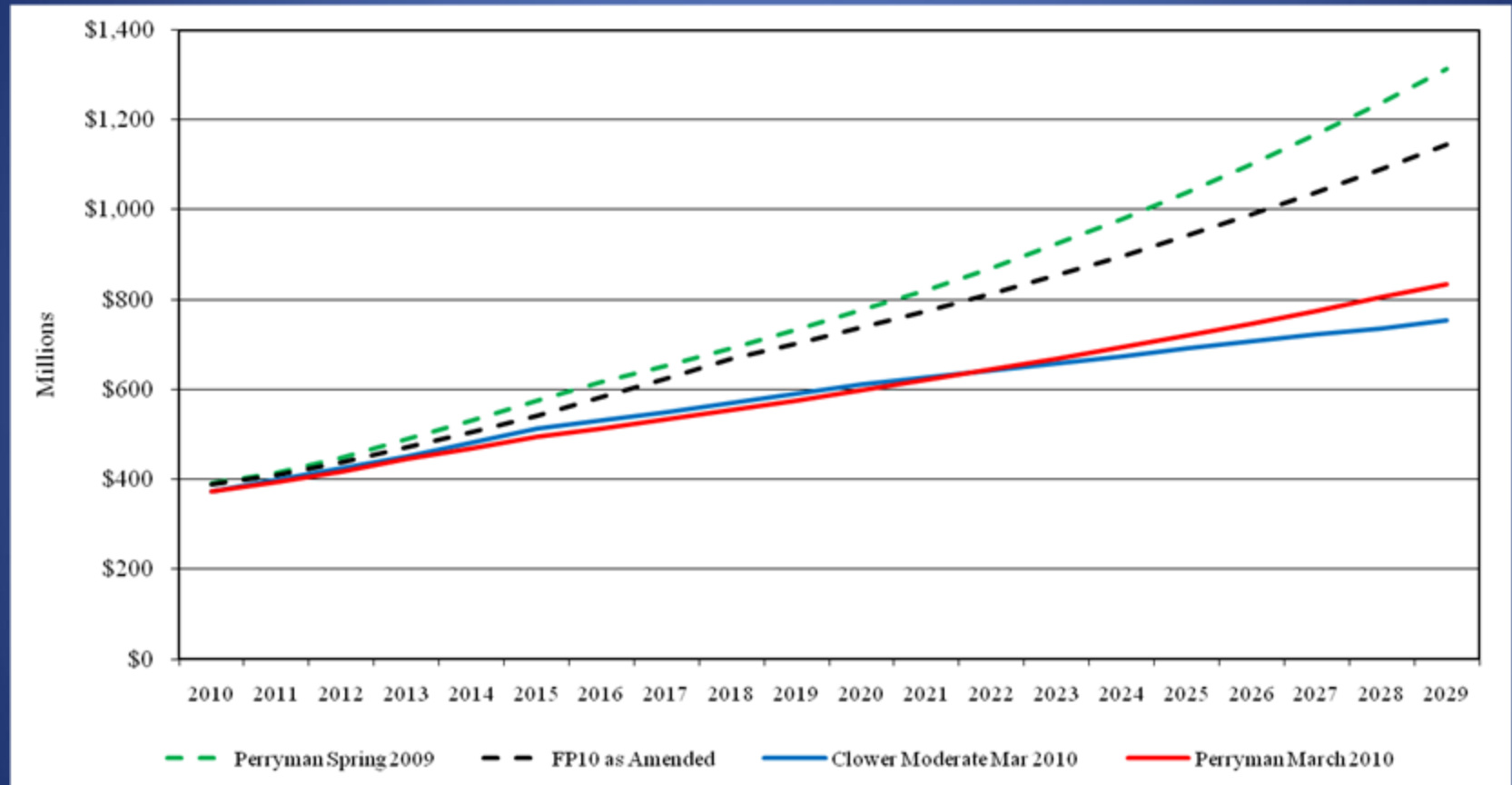
ITEM	2000	2005	2010	2015	2020	2025	2030
POPULATION							
DART MEMBER CITIES	2,162,155	2,276,106	2,343,956	2,382,404	2,421,910	2,481,933	2,544,119
DART SERVICE AREA+	1,025,357	1,361,280	1,602,823	1,791,702	2,020,173	2,213,872	2,438,558
OTHER INTRA REGION	1,879,881	2,143,839	2,381,402	2,782,112	3,204,501	3,649,205	4,124,552
10-COUNTY URBAN REGION	5,067,393	5,781,225	6,328,181	6,956,218	7,646,584	8,345,010	9,107,229
POPULATION ALLOCATION							
DART MEMBER CITIES	42.67%	39.37%	37.04%	34.25%	31.67%	29.74%	27.94%
DART SERVICE AREA+	20.23%	23.55%	25.33%	25.76%	26.42%	26.53%	26.78%
OTHER INTRA REGION	37.10%	37.08%	37.63%	39.99%	41.91%	43.73%	45.29%
10-COUNTY URBAN REGION	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
COMPOUNDED ANNUAL GROWTH RATES							
DART MEMBER CITIES	BASE YEAR	1.03%	0.59%	0.33%	0.33%	0.49%	0.50%
DART SERVICE AREA+	BASE YEAR	5.83%	3.32%	2.25%	2.43%	1.85%	1.95%
OTHER INTRA REGION	BASE YEAR	2.66%	2.12%	3.16%	2.87%	2.63%	2.48%
10-COUNTY URBAN REGION	BASE YEAR	2.67%	1.82%	1.91%	1.91%	1.76%	1.76%

NCTCOG Regional Employment Forecasts

ITEM	2000	2005	2010	2015	2020	2025	2030
EMPLOYMENT							
DART MEMBER CITY	1,715,735	1,889,986	2,016,850	2,147,554	2,288,349	2,375,055	2,466,437
DART SERVICE AREA+	493,705	590,285	682,450	766,057	868,515	944,081	1,035,267
OTHER INTRA REGION	948,762	1,088,930	1,197,653	1,347,213	1,501,805	1,704,279	1,915,014
10-COUNTY URBAN REGION	3,158,202	3,569,201	3,896,953	4,260,823	4,658,669	5,023,415	5,416,718
EMPLOYMENT ALLOCATION							
DART MEMBER CITY	54.33%	52.95%	51.75%	50.40%	49.12%	47.28%	45.53%
DART SERVICE AREA+	15.63%	16.54%	17.51%	17.98%	18.64%	18.79%	19.11%
OTHER INTRA REGION	30.04%	30.51%	30.73%	31.62%	32.24%	33.93%	35.35%
10-COUNTY URBAN REGION	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
COMPOUNDED ANNUAL GROWTH RATES							
DART MEMBER CITY	BASE YEAR	1.95%	1.31%	1.26%	1.28%	0.75%	0.76%
DART SERVICE AREA+	BASE YEAR	3.64%	2.94%	2.34%	2.54%	1.68%	1.86%
OTHER INTRA REGION	BASE YEAR	2.79%	1.92%	2.38%	2.20%	2.56%	2.36%
10-COUNTY URBAN REGION	BASE YEAR	2.48%	1.77%	1.80%	1.80%	1.52%	1.52%

Impact on the 20-Year Financial Plan

March 2010 Sales Tax Projections

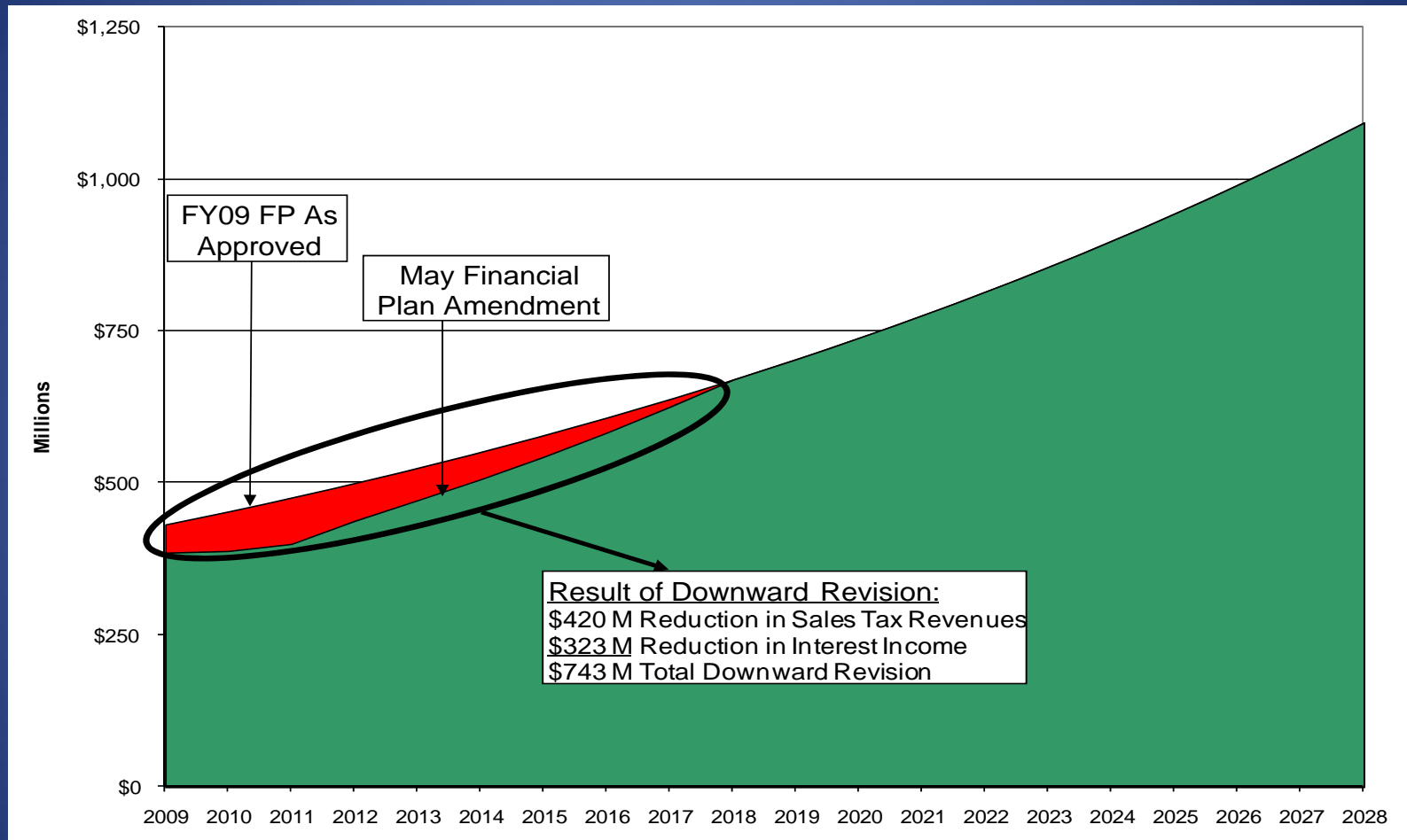


March 2010 Sales Tax Projections

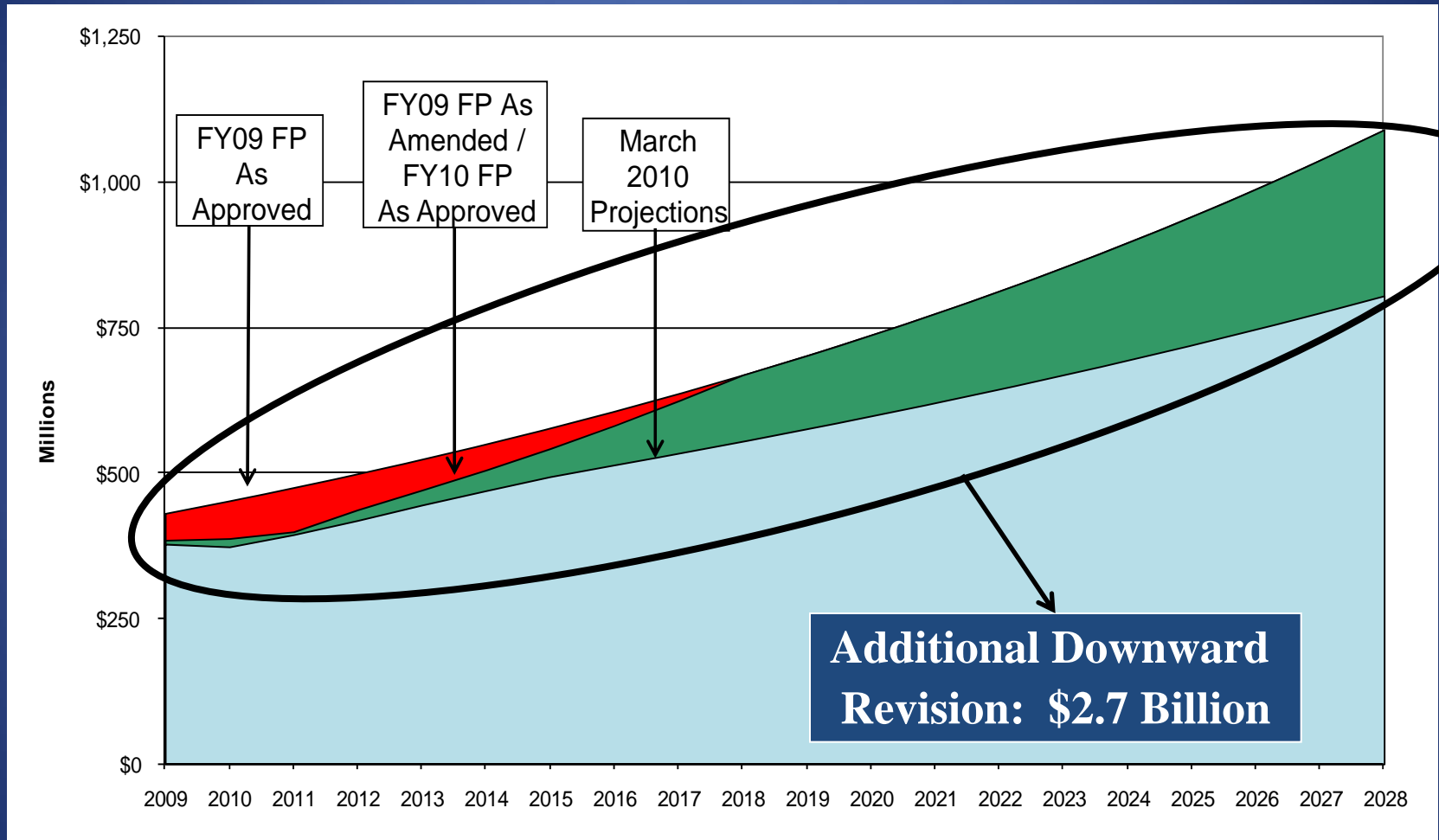
(in millions)

	Clower Moderate Fall 2008	Perryman Spring 2009	FP10 as Amended	Clower Moderate Mar 2010	Perryman March 2010
2010	\$388	\$392	\$388	\$373	\$373
2011	399	413	409	398	394
2012	437	449	439	424	419
2013	471	489	471	452	445
2014	n/a	532	506	481	470
2015	n/a	575	543	513	494
2016	n/a	617	582	531	514
2017	n/a	653	625	550	534
2018	n/a	691	669	569	555
2019	n/a	732	703	590	576
2020	n/a	776	738	611	598
2021	n/a	822	775	626	621
2022	n/a	871	814	642	645
2023	n/a	924	854	658	669
2024	n/a	979	897	675	695
2025	n/a	1,038	942	692	721
2026	n/a	1,101	989	707	748
2027	n/a	1,167	1,039	722	777
2028	n/a	1,238	1,092	737	806
2029	n/a	1,313	1,146	753	837
Total	n/a	\$15,773	\$14,622	\$11,702	\$11,891
Change from FP	n/a	\$1,151	n/a	(\$2,920)	(\$2,731)

May 2009 Sales Tax Revision



March 2010 Sales Tax Revision



March 23 Conclusions

- Must return to a structurally balanced status by FY13
- Existing operating expenses and service levels will need to be reduced, in any event
- Revised estimates will still provide funding of all current obligated projects plus all State-of-Good-Repair obligations
- With possible exception of I-3 project, capital expansion programs not currently under contract most likely cannot fit within a revised Financial Plan

Revenue/Sources Adjustments

(in millions)

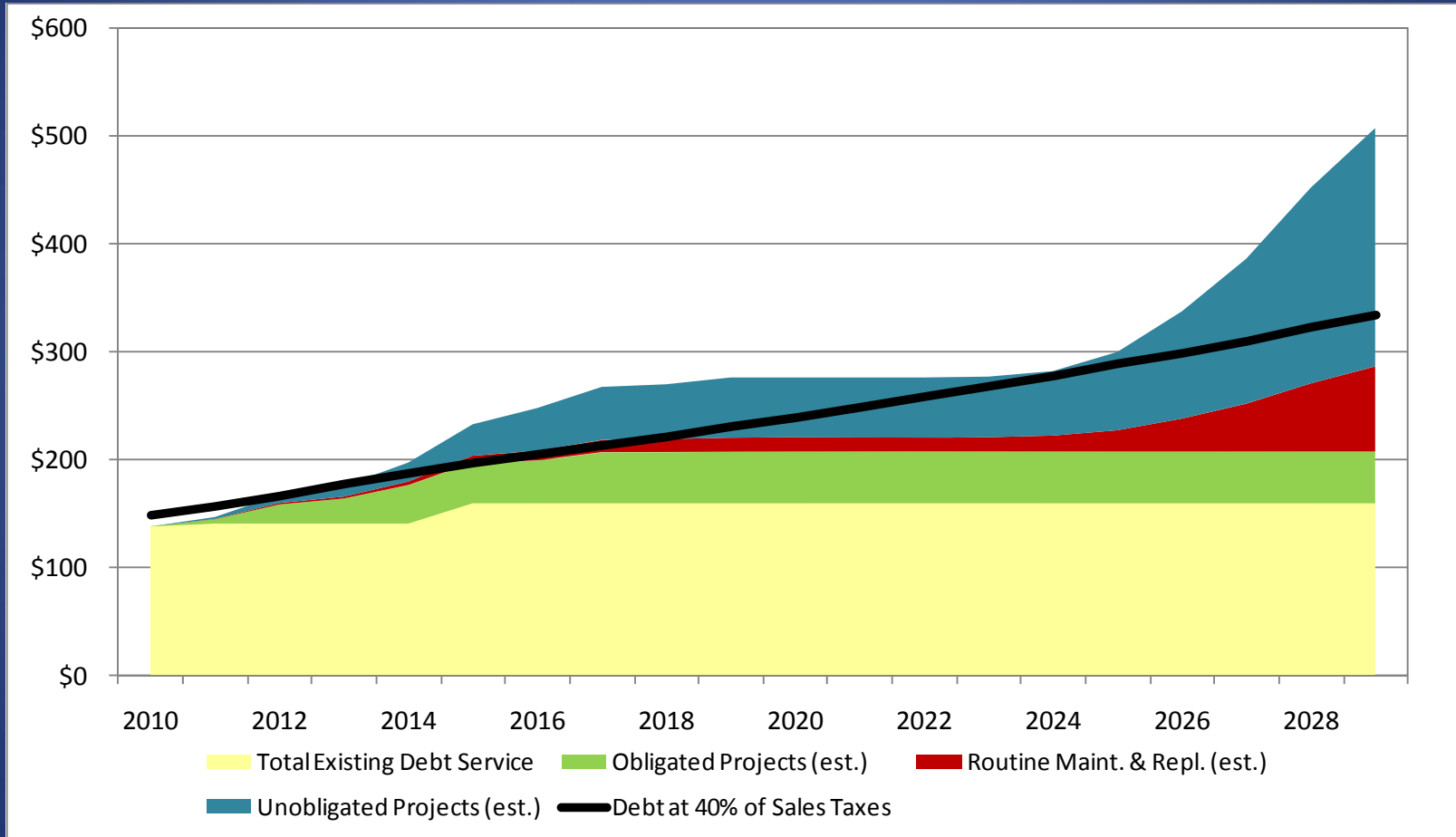
	FP10 As Amended	Revised Estimate	Difference
Sources of Funds			
Sales Taxes	\$14,621.9	\$11,891.4	(\$2,730.5)
Operating Revenues	2,561.6	2,465.9	(95.7)
Interest Income	308.3	304.4	(3.9)
Federal Formula Funds	1,240.1	1,271.5	31.4
Federal Discretionary	1,832.0	417.6	(1,414.4)
Debt Issuances	6,238.0	2,550.0	(3,688.0)
Other Sources	443.5	460.5	17.0
Total Sources of Funds	\$27,245.4	\$19,361.3	(\$7,884.1)

Debt Service Should be Limited to 40% of Annual Sales Taxes (based on a 2X Coverage Ratio)

Fiscal Year	Revised Sales Tax Projections (\$M)	Max = 40% (\$M)	Debt in Revised FP (\$M)	Debt in Revised FP (%)
2010	\$373.0	\$149.2	\$140.5	37.7%
2011	393.9	157.6	148.0	37.6%
2012	418.5	167.4	154.6	36.9%
2013	445.1	178.0	162.6	36.5%
2014	469.9	188.0	194.4	41.4%
2015	493.9	197.6	220.3	44.6%
2016	514.2	205.7	225.3	43.8%
2017	534.3	213.7	226.8	42.4%
2018	555.0	222.0	227.1	40.9%
2019	576.3	230.5	230.8	40.0%
2020	598.4	239.4	233.1	39.0%
2021	621.2	248.5	233.4	37.6%
2022	644.8	257.9	233.7	36.2%
2023	669.2	267.7	234.0	35.0%
2024	694.6	277.8	234.3	33.7%
2025	720.8	288.3	248.7	34.5%
2026	748.1	299.2	279.3	37.3%
2027	776.8	310.7	296.8	38.2%
2028	806.5	322.6	324.5	40.2%
2029	836.9	334.8	339.0	40.5%
Total Allowable Debt Service		\$4,756.6	\$ 4,587.2	

Annual Debt Service

(Test vs. FY10 FP As Amended, in millions)



Summary of Potential Adjustments

(in millions)

	FP10 As Amended	Revised Pro Forma FP	Difference
Sources	\$27,245.4	\$19,361.3	(\$7,884.1)
Capital Uses	11,431.3	5,216.2	(6,215.1)
Debt Service	5,609.7	4,587.2	(1,022.5)
Operating Uses	11,090.1	10,051.6	(1,084.8)

Capital Program Summary Data

FY 2010 Capital / Non-Operating Program Summary (in millions)

PROJECT NAME:	FY10 - FY14 Total	FY15 - FY19 Total	FY20 - FY24 Total	FY25 - FY29 Total	20-Year Total	External Funding
Obligated*	\$1,893.6	\$96.9	\$0.0	\$0.0	\$1,990.5	\$553.8
Routine Maintenance & Replacement	\$134.5	\$196.6	\$319.3	\$1,704.0	\$2,354.4	\$103.1
Unobligated	\$804.0	\$715.3	\$478.0	\$4,603.6	\$6,600.8	\$1,464.5
Total	\$2,832.1	\$1,008.8	\$797.3	\$6,307.6	\$10,945.7	\$2,121.4

*Routine Maintenance & Replacement projects that are already under contract (or otherwise obligated) are shown as obligated

Unobligated Capital Project Summary

FY 2010 Unobligated Capital / Non-Operating Project Summary (in millions)

PROJECT NAME:	FY10 - FY14 Total	FY15 - FY19 Total	FY20 - FY24 Total	FY25 - FY29 Total	20-Year Total	External Funding
All 2030 Projects (Rail, Bus, HOV)	\$16.4	\$30.1	\$450.9	\$4,591.4	\$5,088.9	\$1,035.5
LRT Expansion (I-3, D2, SOC-3, Major Project Reserve)	\$717.5	\$681.6			\$1,399.2	\$400.0
RapidCard (Fare Collection System)	\$22.0		\$23.3	\$10.1	\$55.5	\$17.6
Capital Planning / Non-Operating Reserves	\$11.5	\$3.5	\$3.7	\$2.0	\$20.8	
General Mobility / Road Improvements	\$13.9				\$13.9	\$8.8
BRT Elm and Commerce Bus Lanes Reconstruction	\$7.0				\$7.0	
Other Miscellaneous (8 Projects)	\$15.6				\$15.6	\$2.7
Total Unobligated	\$804.0	\$715.3	\$478.0	\$4,603.6	\$6,600.8	\$1,464.5

Capital Expenditures in Revised Financial Plan, by Category (in millions)

Capital Uses of Funds	Obligated	Routine Maintenance & Replacement	Unobligated
Agency-wide	\$86.9	\$263.1	\$57.1
Bus	329.0	623.5	7.0
Light Rail	1,364.8	1,154.2	268.5
Commuter Rail	53.8	166.6	0.0
Paratransit	32.4	73.3	0.0
HOV	92.2	7.7	3.4
Gen Mobility & Non-Ops	31.3	4.6	34.6
Total Capital Projects	\$1,990.5	\$2,293.1	\$370.6
		Capital P&D & Start-Up	562.1
Total Capital Uses			\$5,216.2

Other Capital Considerations

- Availability of new significant external funding could change prospects for some projects
- There may be opportunities for significant capital savings
 - Likely to see a reduced number of replacement LRVs
 - Also, reduced number of buses, conversion to cab-on-chassis
- However, possible significant additional capital requirements
 - Ongoing effort to identify future capital exposure to systems obsolescence of long-lived assets (such as the recently-discussed LRV propulsion systems)

Other Capital Considerations (Cont'd)

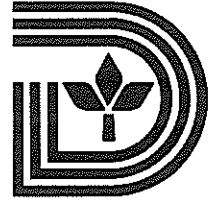
There are compelling arguments for funding I-3, if at all possible:

- All planning & engineering work complete
- Rail has been purchased and delivered
- Light Rail Vehicles are under contract and have been ordered
- Low interest rates are unlikely to hold
- Build America Bonds (BABs) funding at 35% credit level ends December 2010
- DFW Airport has committed to providing station at Terminal A by 2013
- Favorable construction cost environment
- Good candidate for potential external funding sources recently announced by DOT

Summary

- The Financial Plans under consideration will permit DART to meet its current obligations and state-of-good-repair requests on an ongoing basis.
- The next six months of economic performance will be a primary determinant of what can be accommodated within an updated capital plan.

Memorandum



CITY OF DALLAS

DATE May 7, 2010

TO Transportation and Environment Committee Members: Linda L. Koop (Chair),
Sheffie Kadane (Vice Chair), Jerry Allen, Tennell Atkins, Carolyn R. Davis, Delia
Jasso, Pauline Medrano, Ron Natinsky, Vonciel Jones Hill

SUBJECT Air Quality Standards and Clean Construction Pilot Program Briefing

On May 10, 2010 staff will brief the Committee with an update on air quality standards and an opportunity to participate in a clean construction pilot program. Please find attached a copy of the presentation, and feel free to contact me if you need additional information.

A handwritten signature in black ink that reads "Jeff Jordan".

Jeff A. Jordan, P.E.
Assistant City Manager

c: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
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Air Quality Standards and Clean Construction Pilot Program

Presented to the
Transportation and Environment Committee
May 10, 2010





Purpose of Presentation

- Provide Air Quality Standard Update
- Present Clean Construction Pilot Program Opportunity

Federal Air Quality Standards

- **Federal Clean Air Act:** Passed in 1970;
Amended in 1990

- Requires the Environmental Protection Agency (EPA) to establish health-based standards called National Ambient Air Quality Standards (NAAQS)

- **Six Criteria Pollutants**
 - **Ground Level Ozone/Smog (O3)**
 - Particulate Matter (PM)
 - Nitrogen Dioxide (NO₂)
 - Sulfur Dioxide (SO₂)
 - Carbon Dioxide (CO)
 - Lead



Air Quality in Dallas-Fort Worth (DFW) Region

- DFW area currently exceeds the EPA's 8-hour ozone standard of 85 ppb but meets all other national ambient air quality criteria
- Designated as a moderate non-attainment area and has until June 2010 to meet the standard
- Based on data from NCTCOG, DFW region is at 86 ppb which is not in compliance with the standard

Potential Consequences of Violation

- Loss of highway funds
- Loss of Community Development Block
- Grant funds
- Stricter permit limits
- Health impacts

Next Ozone Standard

- EPA is proposing to lower the ozone standard to between 60 to 70 ppb
- New ozone standard was published on January 6, 2010, for public comment
 - City of Dallas commented on standard
- Tighter standard will force Dallas and other surrounding cities to look for additional emissions reductions

Proposed Schedule for Ozone Standard Implementation

- **August 31, 2010**
 - EPA will issue final standards for ozone

- **January 2011**
 - States make recommendations for areas to be designated attainment, nonattainment or unclassifiable

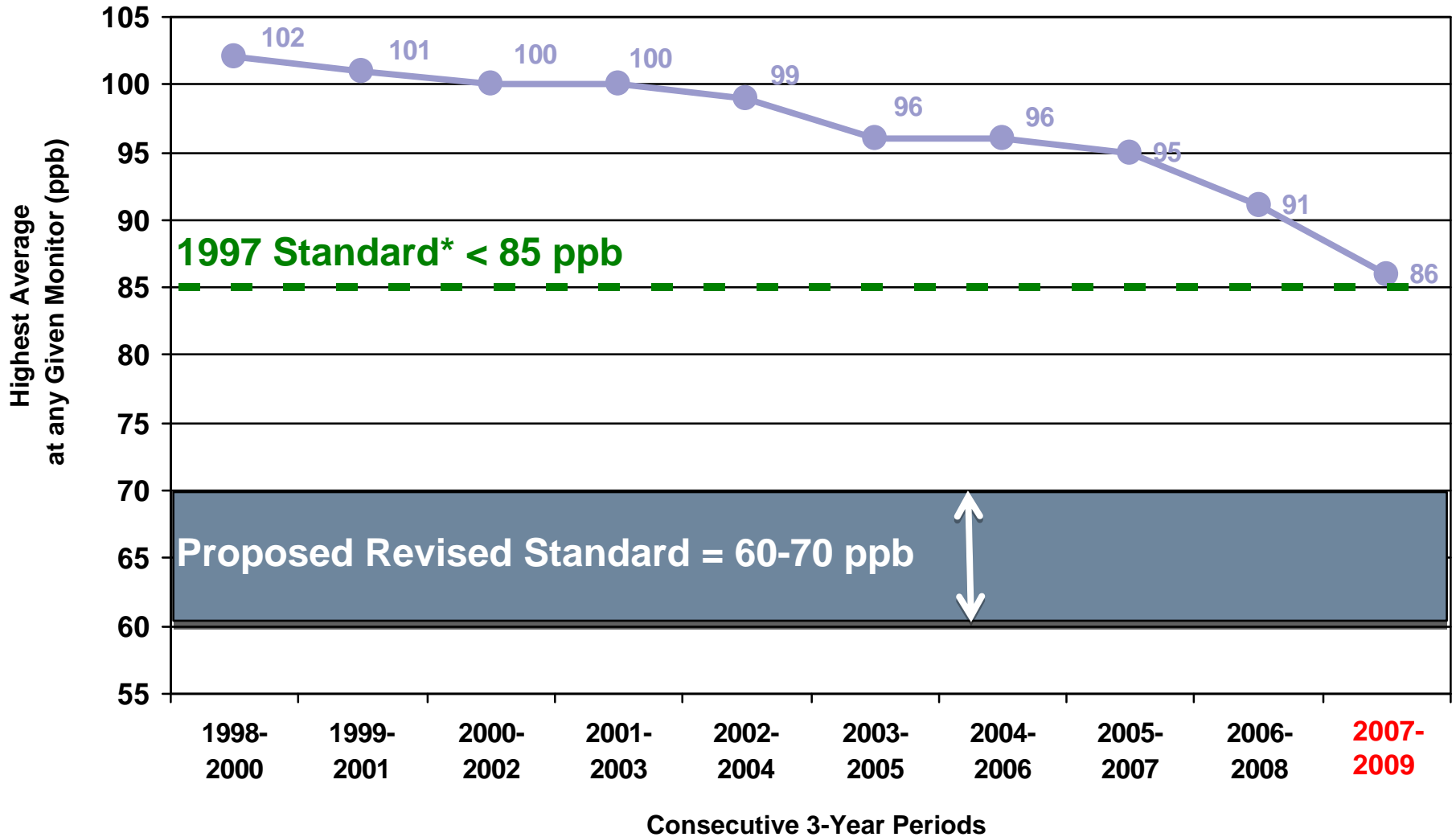
- **July 2011**
 - EPA makes final area designations

- **August 2011**
 - Designations become effective

- **December 2013**
 - State Implementation Plans, outlining how states will reduce pollution to meet the standards, are due to EPA

- **2014 to 2031**
 - States are required to meet the primary standard, with deadlines depending on the severity of the problem

North Central Texas 8-Hour Ozone Historical Trend



* 2010 Attainment Goal - According to the US EPA National Ambient Air Quality Standards, attainment is reached when, at each monitor, the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than 85 parts per billion (ppb).

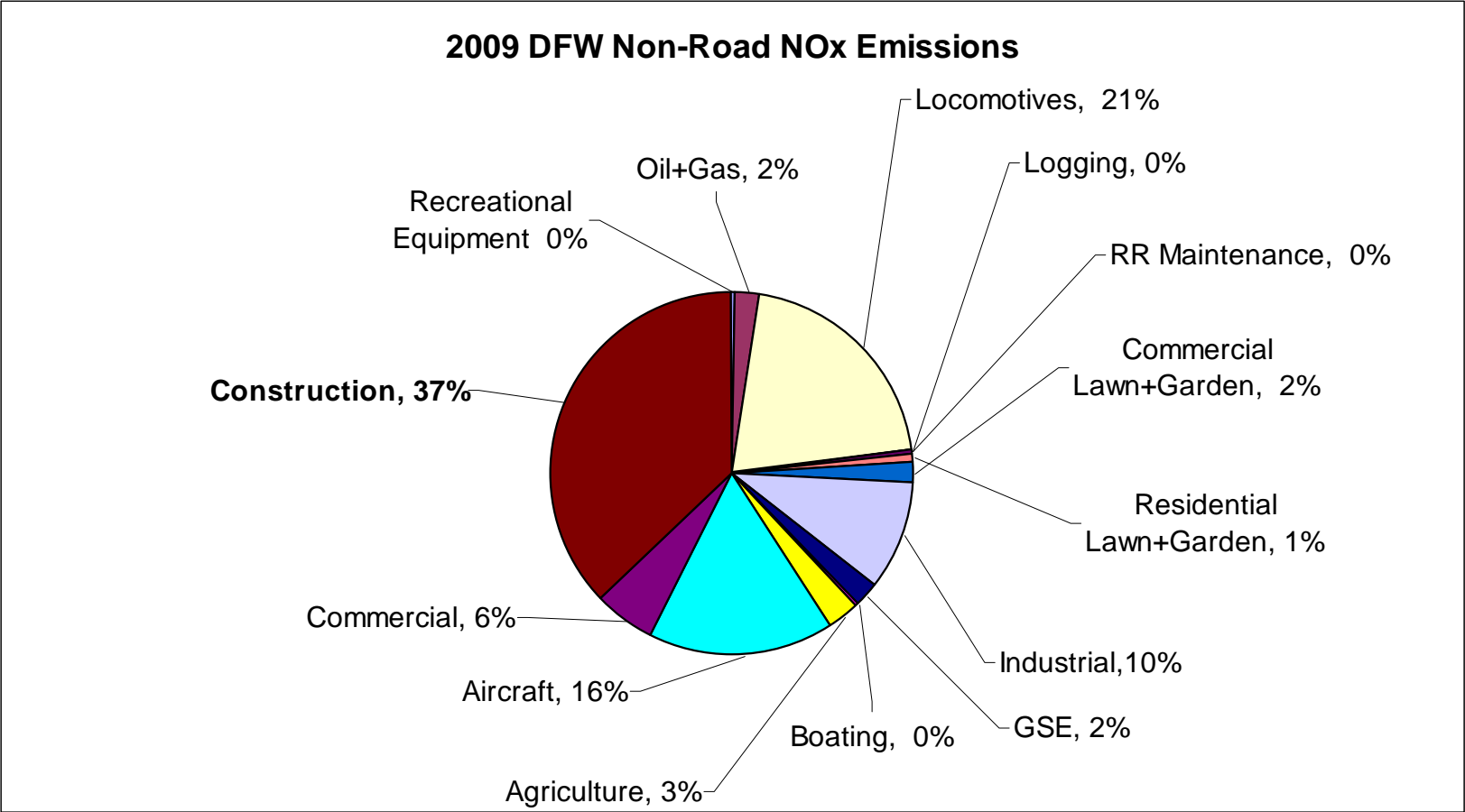
State Implementation Plan

- Plan to reduce pollution to meet health-based standards
- Sets control strategies for reducing emissions
- Applies to areas not meeting federal air quality standards (ozone)
- Sets technical/regulatory process for demonstrating attainment

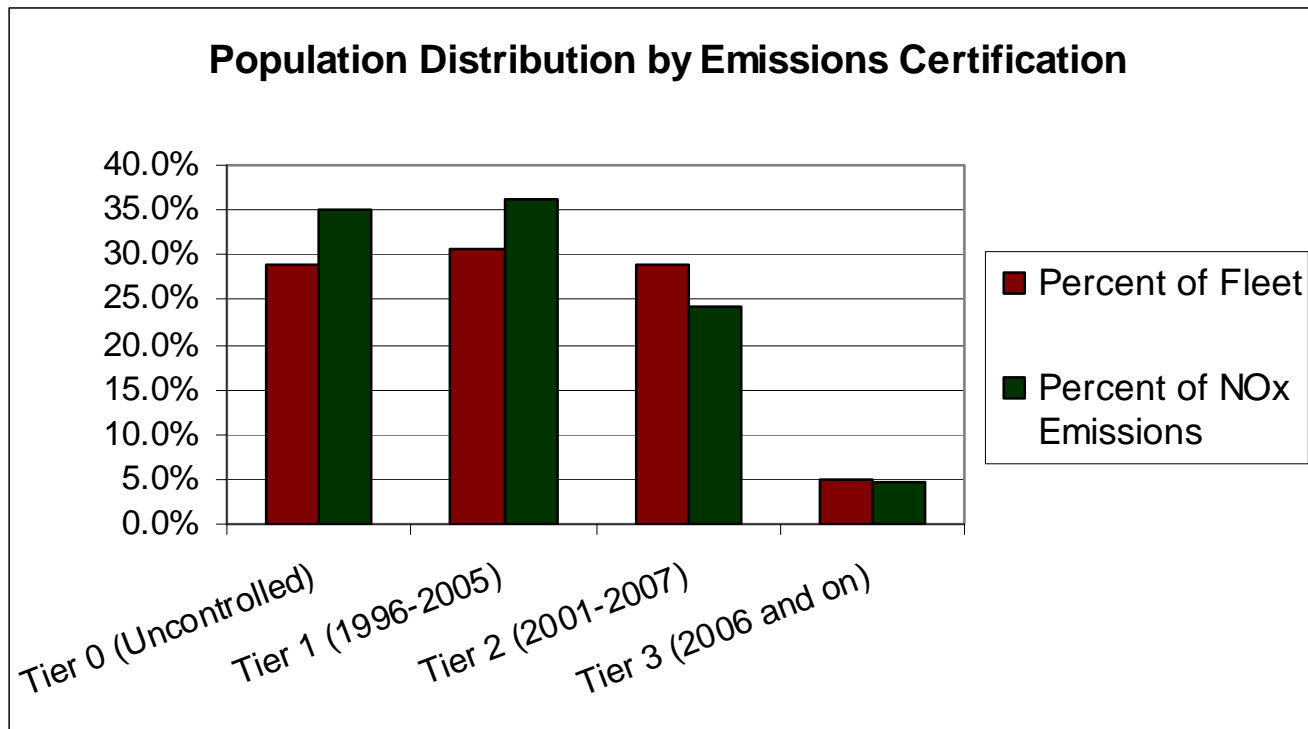
State Implementation Plan: Voluntary Control Strategies in Tons Per Day

Aviation Efficiencies	0.95 tpd
HOV/Managed Lane Projects	0.79 tpd
Locally Enforced Idling Restriction	0.62 tpd
Employee Trip Reduction	0.43 tpd
Diesel Freight Idling Reduction	0.33 tpd
Rail Transit Projects	0.28 tpd
Clean Vehicle	0.24 tpd
Grade Separation Projects	0.18 tpd
Intersection Improvement Projects	0.15 tpd
Vanpool Projects	0.08 tpd
Policy for Construction Equipment	0.06 tpd
Park and Ride Improvement Projects	0.04 tpd
Bicycle/Pedestrian Projects	0.01 tpd
SmartWay Transport Demonstration Project	0.002 tpd

Construction Contribution to NOx in DFW Area



Existing Fleet Composition of Diesel Construction Equipment in DFW



1. Source: NCTCOG
2. Construction equipment means all machinery of 25 horsepower or more which is powered by an internal combustion engine
3. Both public and privately owned equipment is included in data

Public Agency Policy for Construction Equipment Demonstration Project

- On March 11, the Regional Transportation Council of the North Central Texas Council of Governments (NCTCOG) approved a one-year demonstration project to evaluate potential cost impacts of a Clean Construction Specification
- For public works projects that are going out to bid, Clean Construction Specification for the equipment to be used will be provided to City contractors
 - Contractors will estimate the bid price that they would have submitted for the project if they were required to comply with the standards
- Award of contract will not be tied to pilot program or the submitted estimated bid price if clean construction specifications are in effect
- Goals of demonstration project
 - Collect information on changes of bid costs which could financially impact City
 - Findings will be presented to determine feasibility of the implementation of a permanent policy
- City of Dallas would voluntarily participate in the NCTCOG's demonstration project
- Time Frame: One year for collection of data

Clean Construction Specifications – Include:

1) Engine Requirements

- Tier 2 or Equivalent

- Exemptions

- Engine age less than or equal to 10 years old
- Equipment subject to grant requirements
- Low-use equipment
- Emergency situations

Clean Construction Specifications – Include: (continued)

2) Operational Requirements

- Fuel Usage: Ultra-Low Sulfur Diesel (ULSD) or TxLED-compliant Biodiesel blends
- Limits idling to no more than five minutes unless exceptions occur:
 - Emergency response purposes
 - Necessary component of operation, maintenance, or diagnostic purposes
 - Health or Safety of operator
- Staging/Minimizing use of equipment

3) Reporting Requirements

- Inventory of equipment used on-site



Next Step

- Participate in NCTCOG demonstration project for one year to evaluate cost impacts of a Clean Construction Specification

Memorandum



CITY OF DALLAS

DATE May 7, 2010

TO Transportation and Environment Committee Members: Linda L. Koop (Chair),
Sheffie Kadane (Vice Chair), Jerry Allen, Tennell Atkins, Carolyn R. Davis, Delia
Jasso, Pauline Medrano, Ron Natinsky, Vonciel Jones Hill

SUBJECT Community Gardens Briefing

On May 10, 2010 staff will brief the Committee with an additional option on zoning for community gardens. Please find attached a copy of the presentation, and feel free to contact me if you need additional information.

A handwritten signature in cursive script, appearing to read 'Jiff Jordan'.

Jiff A. Jordan, P.E.
Assistant City Manager

c: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah A. Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
Ryan S. Evans, First Assistant City Manager
A. C. Gonzalez, Assistant City Manager
Forest Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Office
Helena Stevens-Thompson, Assistant to the City Manager

Community Gardens

Creating a Sustainable Dallas

Dallas City Council
Transportation and Environment Committee
May 10, 2010



Purpose

- Provide an additional option on zoning for community gardens
 - Follow up to March 8, 2010 TEC briefing
- Allow for gardens on vacant lots while meeting the needs of surrounding property owners, community gardening groups, and the City

Community Garden Definition

- An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, or donation
- Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members

Zoning Issue - Vacant Lots

- Zoning for gardens is currently an issue when the desired location is a vacant lot and not accessory to a main use
 - No specific use in the Development Code for community gardens
 - Agricultural uses are listed in 51A-4.201
 - Require a minimum of 3 acres
 - Community gardens are often smaller than 3 acres
- Goal: For the Development Code to explicitly allow community gardens on vacant lots

Comparison of Options 1 – 3:

Presented TEC Briefing March 8, 2010

	By Right	SUP	Hybrid
Other Cities	Consistent	Inconsistent	Unique; mostly consistent
Cost to Garden	None	\$1170 application fee; reapplication fees	\$0 for use by right; \$1170 SUP application fee and reapplication fees for Urban Agriculture and Neighborhood/Community Gardens in Single Family and Duplex
Process	Private agreement between property owner and gardeners	<ol style="list-style-type: none"> 1) Pay \$1170 application fee 2) Make case before Council 3) 6 month process 4) Draft ordinance 5) Public hearing 6) Application accepted or rejected 	<ol style="list-style-type: none"> 1) If 0-1 acres, community garden or neighborhood garden and in Single Family or Duplex 2) If 1-3 acres, urban agriculture, or if in Single Family or Duplex see SUP column for process
Accountability System	Standard code regulations for property owners as compatible with zoning district	<p>SUP ordinance lists conditions that the property must meet before BI issues certificate of occupancy</p> <p>Options:</p> <ol style="list-style-type: none"> 1) SUP with no expiration date 2) SUP with expiration date but allows for automatic renewal 3) SUP with expiration date with no automatic renewal 	<ol style="list-style-type: none"> 1) CO requires compliance with zoning regulations. If not meeting zoning regulations, responsible party may be cited or CO could be revoked. 2) SUP: see SUP column

New: Option 4

Gardens By Right with Neighbor Input

- Allowing by right in all districts (except the P(A) parking district) is consistent with zoning regulations in other cities
- The lower cost will encourage groups to create these gardens
- Includes process for neighborhood involvement and feedback
- Development Code change:
 - Add “Community Garden” as a new specific use under 51A-4.201

New: Option 4

Gardens by Right with Neighbor Input

- Request to establish community gardens must be supported by:
 1. Written statement signed by the property owner affirming that the operator, if different from the property owner, has obtained permission from the property owner to use the property as a community garden
 2. Site plan
 3. List of names and addresses of all property owners located within 200 feet of the proposed location of the community garden with signatures of the owners of at least 50% of the number of lots evidencing support of the operation of a community garden

New: Option 4

Gardens by Right with Neighbor Input

- If the owner or operator does not obtain the required signatures, then the Sustainable Development and Construction director shall:
 - Notify property owners within 500 feet of the proposed community garden and obtain comments
 - Hold a public neighborhood meeting to receive additional comments from the community members
 - Pursuant to comments received at the meeting, the director may impose reasonable conditions on the site plan that are necessary to make the use more compatible with surrounding residential uses
 - Neighborhood input will be considered, but does not determine whether or not a certificate of occupancy is granted

New: Option 4

Gardens by Right with Neighbor Input

- If neighbor signatures are produced, there is no cost other than the issuance of a certificate of occupancy - \$215
- If neighbor signatures are NOT produced and director moves to notify property owners and hold a neighborhood meeting, City's costs will be reimbursed at a fee not exceeding \$500 (TBD pending fee study)

New: Option 4

Proposed Additional Provisions

Provision	Current Staff Recommendation
Lot Size	Complies with the regulations for the zoning district in which the community garden is located
Structures	Combined square footage of all structures not to exceed 400 square feet of floor area in rear 30% of lot
Animals	Grazing and production prohibited
Sales	Prohibited
Fencing	Complies with the regulations for zoning district in which community garden is located
Lighting	Overhead lighting prohibited
Signage	Limited to a single, non-illuminated, flat sign less than six square feet
Parking/Loading	Off-street parking not allowed in single family districts; Off-street parking/loading not required in all other districts

New: Option 4

Upkeep of Community Gardens

- Community gardens as a land use would be treated the same as any land use we currently have on the books as far as code violations are handled
- The request for the CO must comply with the development code, other city ordinances, rules, regulations, etc. and will be required to remain in compliance
- If a violation occurs, the City may proceed in the following order:
 1. Issue a notice of violation
 2. Issue a citation
 3. Revoke the CO
 4. Seek a Chapter 54/211 injunction

New: Option 4

Upkeep of Community Gardens (continued)

- Chapter 52 also allows the City to revoke a CO if "the use or occupancy authorized by the certificate of occupancy has been discontinued for six months or more."
- If the vegetation is so poorly kept that it gets out of hand, the City's Mow Clean program can take care of it and then place a lien on the property

Staff Recommendation

- Option 4 best addresses the discussion expressed in the March TEC briefing:
 - Allowing by right will encourage the creation of community gardens throughout the City without burdening the gardeners with SUP fee and process
 - Requiring additional conditions will give neighbors an opportunity to be heard in the event opposition exists
 - Gardeners must prove they have the permission of the property owner to create a community garden on the lot
 - Meeting the needs of the surrounding property owners, the community gardening group, and the City

Next Steps

- Receive direction from TEC
- Staff takes recommendation to ZOC
- ZOC submits recommendation to CPC
- CPC makes recommendation
- Staff briefs TEC on CPC recommendation
- CPC submits recommendation to Council
- Council action

Questions?

