

October 28, 2009

**WHEREAS**, on September 24, 2008, the City Council approved funds to procure services from the Dallas Arboretum and Botanical Society, Inc., the Texas Discovery Gardens, and Dallas County Audubon Society, dba Audubon Dallas for the Cedar Ridge Preserve; and

**WHEREAS**, it is deemed necessary for official action to be taken by the City Council to define services to be received and authorize payment of these funding allocations during the 2008-2009 fiscal year. **Now, Therefore,**

**BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That contracts totaling \$306,880 be approved for the Dallas Arboretum and Botanical Society, Inc., the Texas Discovery Gardens, and Dallas County Audubon Society, Inc. dba Audubon Dallas for the Cedar Ridge Preserve.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are authorized to execute the contracts after approval as to form by the City Attorney's Office.

**SECTION 3.** That the City Controller be authorized to make payments out of Fund 0001, Department PKR, Object 3511, as vouchers are processed by the Park and Recreation Department, not to exceed the stated amounts:

<u>AMOUNT</u>	<u>UNIT</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>	<u>INSTITUTION</u>
\$218,057	5231	PKRCT10A17	219121	Dallas Arboretum and Botanical Society, Inc.
\$ 56,511	5231	PKRCT10A18	219134	Texas Discovery Gardens
\$ 22,312	5231	PKRCT10A19	509534	Dallas County Audubon Society, Inc. dba Audubon Dallas for the Cedar Ridge Preserve

**SECTION 4.** That the City Controller be authorized to make payments to Dallas County Audubon Society, Inc. dba Audubon Dallas, Vendor 509534 from Fund 0001, Department PKR, Unit 5145, Object 3511, Encumbrance PKRCT10A19, in an amount not to exceed \$5,000.

**SECTION 5.** That the City Controller be authorized to make payments to Dallas County Audubon Society, Inc. dba Audubon Dallas, Vendor 509534 from Fund 0001, Department PKR, Unit 5201, Object 3511, Encumbrance PKRCT10A19, in an amount not to exceed \$5,000.

**SECTION 6.** That services to be provided are as follows:

Dallas Arboretum and Botanical Society, Inc. - Operate and maintain the Dallas Arboretum and Botanical Garden for 12 months, and for the general public to include distribution of complimentary tickets to the Arboretum grounds as approved by the Park and Recreation Board, special educational programs, community outreach services and sponsorship of a special summer program for disadvantaged children.

Texas Discovery Gardens - Operate the Discovery Gardens building and surrounding grounds at Fair Park for 12 months for the general public, and provide community outreach services such as enrichment classes for school children, horticulture information services and presentations at community centers and special facilities.

Dallas County Audubon Society, Inc. dba Audubon Dallas - Operate and maintain the Cedar Ridge Preserve for 12 months for the general public to include 633 acres of escarpment and trails in Southwest Dallas and provide environmental education programs on the ecosystem and presentations at community centers and schools.

**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.

APPROVED BY  
CITY COUNCIL

OCT 28 2009

  
City Secretary

December 14, 2011

**WHEREAS**, on September 28, 2011, by Resolution No. 11-2613, the City Council approved funds to procure services from the Dallas Arboretum and Botanical Society, Inc., the Texas Discovery Gardens, and Dallas County Audubon Society, dba Audubon Dallas for the Cedar Ridge Preserve; and

**WHEREAS**, it is deemed necessary for official action to be taken by the City Council to define services to be received and authorize payment of these funding allocations during the 2011-2012 fiscal year. **Now, Therefore,**

**BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That contracts totaling \$398,909 be approved for the Dallas Arboretum and Botanical Society, Inc., the Texas Discovery Gardens, and Dallas County Audubon Society, Inc. dba Audubon Dallas for the Cedar Ridge Preserve.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are authorized to execute the contracts after approval as to form by the City Attorney's Office.

**SECTION 3.** That the City Controller be authorized to make payments out of Fund 0001, Department PKR, Object 3511, as vouchers are processed by the Park and Recreation Department, not to exceed the stated amounts:

<u>AMOUNT</u>	<u>UNIT</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>	<u>INSTITUTION</u>
\$269,098	5231	PKRCT12B011	219121	Dallas Arboretum and Botanical Society, Inc.
\$ 95,862	5231	PKRCT12B012	219134	Texas Discovery Gardens
\$ 33,949	5231	PKRCT12B013	509534	Dallas County Audubon Society, Inc. dba Audubon Dallas for the Cedar Ridge Preserve

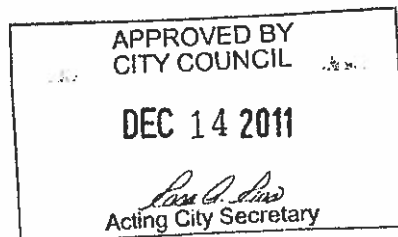
**SECTION 4.** That services to be provided are as follows:

Dallas Arboretum and Botanical Society, Inc. - Operate and maintain the Dallas Arboretum and Botanical Garden for 12 months, for the general public, and to include distribution of complimentary tickets to the Arboretum grounds as approved by the Park and Recreation Board, special educational programs, community outreach services and sponsorship of a special summer program for disadvantaged children.

Texas Discovery Gardens - Operate the Discovery Gardens building and surrounding grounds at Fair Park for 12 months for the general public, and provide community outreach services such as enrichment classes for school children, horticulture information services and presentations at community centers and special facilities.

Dallas County Audubon Society, Inc. dba Audubon Dallas (Cedar Ridge Preserve) - Operate and maintain the Cedar Ridge Preserve for 12 months for the general public, and to include 633 acres of escarpment and trails in Southwest Dallas and provide environmental education programs on the ecosystem and presentations at community centers and schools.

**SECTION 5.** 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.



November 14, 2012

**WHEREAS**, on September 19, 2012, by Resolution No. 12-2326, the City Council approved funds to procure services from the Dallas Arboretum and Botanical Society, Inc., the Texas Discovery Gardens, Inc., and the Dallas County Audubon Society, dba Audubon Dallas for the citizens of Dallas; and

**WHEREAS**, it is deemed necessary for official action to be taken by the City Council to define services to be received and authorize payment of these funding allocations during the 2012 – 2013 fiscal year. **Now, Therefore,**

**BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That contracts totaling \$398,909.00 be approved for the Dallas Arboretum and Botanical Society, Inc., the Texas Discovery Gardens, Inc., and the Dallas County Audubon Society, dba Audubon Dallas.

**SECTION 2.** That the President of the Park and Recreation Board, and the City Manager are authorized to execute the contracts after approval as to form by the City Attorney.

**SECTION 3.** That the City Controller is authorized to make payments out of Fund 0001, Department PKR, Object 3511, as vouchers are processed by the Park and Recreation Department, not to exceed the stated amounts:

<u>AMOUNT</u>	<u>UNIT</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>	<u>INSTITUTION</u>
\$269,098	5231	PKRCT13A020	219121	Dallas Arboretum and Botanical Society, Inc.
\$ 95,862	5232	PKRCT13A021	219134	Texas Discovery Gardens
\$ 33,949	5231	PKRCT13A022	509534	Dallas County Audubon Society, Inc. dba Audubon Dallas for the Cedar Ridge Preserve

**SECTION 4.** That services to be provided are as follows:

Dallas Arboretum and Botanical Society, Inc. Operate and maintain the Dallas Arboretum and Botanical Garden for 12 months for the general public to include special educational programs, community outreach services, and sponsorship of a special summer program for disadvantaged children.

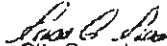
Texas Discovery Gardens Operate the Texas Discovery Gardens building and surrounding grounds at Fair Park for 12 months for the general public, and provide community outreach services such as enrichment classes for school children, horticulture information services and presentations at community centers and special facilities.

Dallas County Audubon Society, Inc., dba Audubon Dallas Operate and maintain the Cedar Ridge Preserve for 12 months for the general public to include 633 acres of escarpment and trails in Southwest Dallas and provide environmental education programs on the ecosystem and presentations at community centers and schools.

**SECTION 5.** 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.

APPROVED BY  
CITY COUNCIL

NOV 14 2012

  
City Secretary

# Expense Budget Summary

[Menu](#) [Quick Search](#)

[Browse](#) [Clear](#)

BFY : 2010

Fund : 0001

Department : PKR

Appr Unit :

Unit : 5231

Object : 2140

Detail :

BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓ 2010	0001	PKR		5231	2140	\$181,680.00	\$0.00	\$314,653.51	(\$132,973.51)

[First](#) [Prev](#) [Next](#) [Last](#)

BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓ 2010	0001	PKR		5231	2140	\$181,680.00	\$0.00	\$314,653.51	(\$132,973.51)

[First](#) [Prev](#) [Next](#) [Last](#)

[Budget Inquiry Page](#)

## Expense Budget Summary

[Menu Quick Search](#)

[Browse](#) [Clear](#)

BFY :

Fund :

Department :

Appr Unit :

Unit :

Object :

Detail :

	BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2010	0001	PKR		5231	2160	\$45,000.00	\$0.00	\$19,607.90	\$25,392.10

First Prev Next Last

	BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2010	0001	PKR		5231	2160	\$45,000.00	\$0.00	\$19,607.90	\$25,392.10

First Prev Next Last

[Budget Inquiry Page](#)



## Expense Budget Summary

[Menu Quick Search](#)

[Browse](#) [Clear](#)

BFY :

Fund :

Department :

Appr Unit :

Unit :

Object :

Detail :

	BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2010	0001	PKR		5231	2170	\$124,000.00	\$0.00	\$144,743.04	(\$20,743.04)

First Prev Next Last

	BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2010	0001	PKR		5231	2170	\$124,000.00	\$0.00	\$144,743.04	(\$20,743.04)

First Prev Next Last

[Budget Inquiry Page](#)

## Expense Budget Summary

[Menu](#) [Quick Search](#)

[Browse](#) [Clear](#)

BFY :

Fund :

Department :

Appr Unit :

Unit :

Object :

Detail :

	BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2012	0001	PKR		5231	2140	\$181,325.00	\$0.00	\$217,720.81	(\$36,395.81)

First Prev Next Last

	BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2012	0001	PKR		5231	2140	\$181,325.00	\$0.00	\$217,720.81	(\$36,395.81)

First Prev Next Last

[Budget Inquiry Page](#)

## Expense Budget Summary

[Menu](#) [Quick Search](#)

[Browse](#) [Clear](#)

BFY :

Fund :

Department :

Appr Unit :

Unit :

Object :

Detail :

BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓ 2012	0001	PKR		5231	2160	\$4,000.00	\$0.00	\$11,719.39	(\$7,719.39)

First Prev Next Last

BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓ 2012	0001	PKR		5231	2160	\$4,000.00	\$0.00	\$11,719.39	(\$7,719.39)

First Prev Next Last

[Budget Inquiry Page](#)

### Expense Budget Summary

[Menu](#) [Quick Search](#)

[Browse](#) [Clear](#)

BFY :

Fund :

Department :

Appr Unit :

Unit :

Object :

Detail :

	<u>BFY</u>	<u>Fund</u>	<u>Department</u>	<u>Appr Unit</u>	<u>Unit</u>	<u>Object</u>	<u>Current Budget</u>	<u>Encumbered</u>	<u>Actual Expenses</u>	<u>Unobligated</u>
✓	2012	0001	PKR		5231	2170	\$49,000.00	\$0.00	\$166,186.84	(\$117,186.84)

[First](#) [Prev](#) [Next](#) [Last](#)

	<u>BFY</u>	<u>Fund</u>	<u>Department</u>	<u>Appr Unit</u>	<u>Unit</u>	<u>Object</u>	<u>Current Budget</u>	<u>Encumbered</u>	<u>Actual Expenses</u>	<u>Unobligated</u>
✓	2012	0001	PKR		5231	2170	\$49,000.00	\$0.00	\$166,186.84	(\$117,186.84)

[First](#) [Prev](#) [Next](#) [Last](#)

[Budget Inquiry Page](#)

### Expense Budget Summary

[Menu](#) [Quick Search](#)

[Browse](#) [Clear](#)

BFY :

Fund :

Department :

Appr Unit :

Unit :

Object :

Detail :

	BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2013	0001	PKR		5231	2140	\$220,971.00	\$0.00	\$80,038.76	\$140,932.24

[First](#) [Prev](#) [Next](#) [Last](#)

	BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2013	0001	PKR		5231	2140	\$220,971.00	\$0.00	\$80,038.76	\$140,932.24

[First](#) [Prev](#) [Next](#) [Last](#)

[Budget Inquiry Page](#)

## Expense Budget Summary

[Menu](#) [Quick Search](#)

[Browse](#) [Clear](#)

BFY :

Fund :

Department :

Appr Unit :

Unit :

Object :

Detail :

	BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2013	0001	PKR		5231	2160	\$5,000.00	\$0.00	\$6,614.62	(\$1,614.62)

First Prev Next Last

	BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2013	0001	PKR		5231	2160	\$5,000.00	\$0.00	\$6,614.62	(\$1,614.62)

First Prev Next Last

[Budget Inquiry Page](#)

## Expense Budget Summary

[Menu](#) [Quick Search](#)

[Browse](#) [Clear](#)

BFY :

Fund :

Department :

Appr Unit :

Unit :

Object :

Detail :

	BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2013	0001	PKR		5231	2170	\$103,000.00	\$1,745.61	\$87,206.80	\$14,047.59

First Prev Next Last

	BFY	Fund	Department	Appr Unit	Unit	Object	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2013	0001	PKR		5231	2170	\$103,000.00	\$1,745.61	\$87,206.80	\$14,047.59

First Prev Next Last

[Budget Inquiry Page](#)

**AGENDA ITEM # 40**

**KEY FOCUS AREA:** Better Cultural, Arts and Recreational Amenities

**AGENDA DATE:** February 27, 2013

**COUNCIL DISTRICT(S):** 10

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** N/A

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**SUBJECT**

Authorize Supplemental Agreement No. 2 to the contract with the Dallas Arboretum and Botanical Society, Inc, as previously amended and supplemented to manage, maintain and operate an arboretum and botanical garden for a ten-year term, for the period March 23, 2013 through March 23, 2023 – Not to exceed \$395,000 annually – Financing: Current Funds (subject to annual appropriations)

**BACKGROUND**

In 1982, the Dallas Arboretum and Botanical Society, Inc. (DABS) entered into an agreement with the City for the operation, management and maintenance of an arboretum and botanical garden. The City, through the Park and Recreation Department, owns the DeGolyer Estate and Camp Estate properties donated through DABS in 1984. In 1988, the contract was amended to reflect that the Park and Recreation Department (City) and DABS both agreed upon a 25 year agreement with one 10 year renewal option for the operation, management and maintenance of the Dallas Arboretum. DABS was organized for the purpose of establishing, maintaining, promoting, and operating one or more arboretum and botanical gardens for the benefit of the citizens of Dallas and its members. Since then, DABS has provided beautiful gardens and theatrical-themed displays to thousands of citizens and visitors to the City of Dallas.

DABS is a Texas non-profit corporation that maintains the Dallas Arboretum; a 66 acre garden featuring spectacular display gardens that showcase incredible seasonal flowers, ornamental shrubs, trees and plant collections in a tranquil setting on White Rock Lake. DABS wishes to continue to manage the Dallas Arboretum on behalf of the City of Dallas and continue providing educational opportunities to 46,090 school children each year and programs for 20,000 recreation center participants. The Dallas Arboretum hours of operation are 9:00 a.m. to 5:00 p.m., daily, year-round and welcomed an estimated 700,000 visitors this past year.



## **BACKGROUND** (Continued)

Dallas Arboretum, under the management of DABS, continues to add world-class gardens to the experience including the Rory Meyers Children's Adventure Garden, a premier 10-acre children's garden located within the Arboretum that is scheduled to open later this year.

The contract between the City and DABS allows for a ten-year renewal, at the option of both parties and as authorized by the City Council. The terms and conditions of the original concession contract dated July 25, 1984 and subsequent contract amendments and supplements shall remain in full force and effect for the term of this extension.

The proposed operations and maintenance agreement contemplates the dealpoints as follows:

Obligations of the City include the following:

1. The term of the contract is ten years and allows the City to terminate for convenience.
2. The City will consider providing a contribution to DABS each year, included in the annual budget, and approved in a separate funding agreement. The funding agreement for the current fiscal provided \$269,098.
3. The City will pay for certain utilities as described in the agreement, approximately \$395,000 per year.
4. The City will receive annual complimentary admission tickets to be made available to the Dallas recreation center patrons.
5. The City will have right of entry to every part of Dallas Arboretum for to carry out authorized duties.
6. The City will have the right to observe and inspect work during the construction of the Rory Meyers Children's Adventure Garden.
7. The City will provide routine maintenance for certain parking facilities during construction period and while under agreement until term ending.

Obligations of Dallas Arboretum and Botanical Society, Inc., include the following related to DABS.

1. Dallas Arboretum and Botanical Society, Inc. is responsible for all grounds, buildings and personnel of DABS and other such matters as private security, leasing, safety, insurance coverage, plant acquisitions, and displays and gardens.
2. Dallas Arboretum and Botanical Society, Inc. shall employ personnel necessary for the operation and maintenance of DABS.
3. Dallas Arboretum and Botanical Society, Inc. shall provide all materials, tools and equipment in performing the operation and maintenance of DABS.
4. Dallas Arboretum and Botanical Society, Inc. will operate, manage and maintain Rory Meyers Children's Adventure Garden and all parking facilities.

## **BACKGROUND** (Continued)

5. Dallas Arboretum and Botanical Society, Inc. shall be responsible for all educational, research and informational programs conducted at DABS.
6. Dallas Arboretum and Botanical Society, Inc. shall furnish annual reports and information to the City at prescribed intervals and as reasonably requested.
7. Dallas Arboretum and Botanical Society, Inc. shall be responsible for its volunteers.
8. Dallas Arboretum and Botanical Society, Inc. shall comply with all applicable Park Board policies, City ordinances, licenses, permits and authorizations for the maintenance and operation of the premises as well as state and federal environmental laws applicable to its use and maintenance.
9. Dallas Arboretum and Botanical Society, Inc. shall be responsible for scheduling events on the premises, ensuring that all events it conducts shall be consistent with the use of the premises for park purposes.
10. Dallas Arboretum and Botanical Society, Inc. shall retain all revenues generated from the operation of the Dallas Arboretum, Rory Meyers Children's Adventure Garden and all parking facilities.
11. Dallas Arboretum and Botanical Society, Inc. shall comply with all state and federal environmental laws applicable to the use and maintenance of the premises.
12. Dallas Arboretum and Botanical Society, Inc. shall obtain and maintain insurance as prescribed by the City's Risk Management Department, naming the City, its officers, employees and elected representatives as additional insured parties.

## **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

The Park and Recreation Board authorized the operation and maintenance agreement on February 7, 2013.

## **FISCAL INFORMATION**

\$395,000 annually – Current Funds (subject to annual appropriations)

February 27, 2013

**WHEREAS**, the City Charter provides for the Park and Recreation Board to grant contracts and agreements pertaining to park facilities with such terms and conditions as it shall deem proper; and

**WHEREAS**, the City Charter requires that the City Council shall approve any contract which exceeds one year in duration; and

**WHEREAS**, the Dallas Arboretum and Botanical Society, Inc. (DABS), a Texas non-profit corporation, was organized for the purpose of establishing, maintaining, promoting and operating one or more arboretum and botanical gardens for the benefit of the citizens of Dallas and its members; and

**WHEREAS**, in 1982, DABS entered into an agreement with the City for the operation, management and maintenance of an arboretum and botanical garden. DABS donated the DeGolyer Estate and Camp Estate properties to the City through the Park and Recreation Department in 1984; and

**WHEREAS**, in 1988, the contract was amended to reflect that the City and DABS both agreed upon a 25 year agreement with one 10 year renewal option for the operation, management and maintenance of the Dallas Arboretum; and

**WHEREAS**, DABS wishes to continue to manage the Dallas Arboretum on behalf of the City of Dallas and continue providing educational opportunities to 46,090 school children each year and free tickets for 20,000 recreation center participants each year; and

**WHEREAS**, the 25 year agreement between the City and DABS ends on March 23, 2013, and allows for a ten-year renewal, at the option of both parties and as authorized by the City Council. The terms and conditions of the original concession contract dated July 25, 1984 and subsequent contract amendments and supplements shall remain in full force and effect for the term of this extension; and

**WHEREAS**, one of the terms of the original contract obligates the City to pay for certain utilities for the operation of the Dallas Arboretum.

**Now, Therefore,**

**BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1:** That Supplemental Agreement No. 2 to the contract between the City and the Dallas Arboretum and Botanical Society, Inc. for the maintenance, operation and management of the Arboretum and Botanical Garden be approved for a term of 10 years.

**SECTION 2:** That the City Controller is hereby authorized to disburse funds to make payments to the utility providers for the Dallas Arboretum as follows:

For Light and Power (Not to exceed \$220,000)

Current Fund 0001, Department PKR, Unit 5231, Object Code 2140, TXU Energy, Vendor 257241 (or the City's contemporary provider, subject to annual appropriations)

For Natural Gas (Not to exceed \$12,000)

Current Fund 0001, Department PKR, Unit 5231, Object Code 2160, Atmos Energy, Vendor 202855 (or the City's contemporary provider, subject to annual appropriations)

For Water and Sewer (Not to exceed \$163,000)

Current Fund 0001, Department PKR, Unit 5231, Object Code 2170, Dallas Water Utilities, Vendor 075972 (or the City's contemporary provider, subject to annual appropriations)

**SECTION 3:** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute the contract after approval as to form by the City Attorney.

**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.

