

**ADDENDUM
CITY COUNCIL MEETING
JUNE 22, 2005
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A.M.**

ADDITIONS:

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

- City of Dallas v. Beazer Homes Texas, L.P., Trial No. 04-12777-G
- Derrick D. Grant v. Ray Cunningham, et al.; Civil No. 3:04-CV-0458-M
- Joy Everett & Patrick Grogan v. David Larsen, et al.,
Cause No. 3:04-CV-0192-K
- Legal issues relating to James, et al. v. City of Dallas,
Case No. 3:98-CV-00436 (N.D. Tex.) and Bell et al. v. City of Dallas,
Consol. Dist. Ct. Case No. 3:95-CV-00383 (N.D. Tex.) and
Appellate Case No. 4-10818 (5th Cir.)
- Legal issues regarding SB 245, the charitable solicitation amendment
to the Texas Transportation Code
- Legal issues regarding the audits of the United Health Care and
Humana health benefits administration contracts

CONSENT ADDENDUM

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Authorization of Contracts

1. Authorize **(1)** a contract for the construction of paving, storm drainage, landscaping and irrigation improvements on Merrifield Road from Grady Niblo Road to Kiest Boulevard with Tiseo Paving Company, lowest responsible bidder of three, in the amount of \$2,437,365, **(2)** the receipt and deposit of funds from Dallas Housing Finance Corporation in an amount not to exceed \$200,000, and Dallas County in an amount not to exceed \$1,218,863, and **(3)** an increase in appropriations in the amount of \$1,418,863 in the Capital Projects Reimbursement Fund - Total not to exceed \$2,437,365 - Financing: 2003 Bond Funds (\$169,785), Deerfield Housing Funds (\$848,717), Capital Projects Reimbursement Funds (\$1,418,863)

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Authorization of Contracts (Continued)

2. Authorize **(1)** a contract for the construction of a tower crane and personnel/material hoist at 1524/26 Main Street with Centex Construction, LLC, only bidder, in an amount not to exceed \$585,000, **(2)** a contract for foundation and vault construction at 1524/26 Main Street with Centex Construction, LLC, lowest responsible bidder of two, in an amount not to exceed \$761,477, **(3)** a contract for exterior restoration at 1530 Main Street and shell construction at 1524 Main Street with Centex Construction, LLC, only bidder, in an amount not to exceed \$6,510,000, **(4)** assignment of the contract to Dunhill 1530 Main LP for construction management, **(5)** the receipt and deposit of funds from TIF Hotel, Inc. in an amount not to exceed \$3,607,404, **(6)** an increase in appropriations in the amount of \$3,607,404 in the City Center TIF District Fund, and **(7)** payment to TIF Hotel, Inc. in an amount not to exceed \$1,750,000 for design, reimbursables and construction management - Total not to exceed \$9,606,477 - Financing: City Center TIF District Funds (\$5,999,073) and Private Funds (\$3,607,404)
3. Authorize **(1)** a contract for environmental abatement and selective interior demolition at Lake Cliff Tower located at 329 E. Colorado Blvd. with CST Environmental, Inc., lowest responsible bidder of eight, in an amount not to exceed \$648,800, and **(2)** assignment of the contract to Top Dog - Oak Cliff, LP for construction management - Total not to exceed \$648,800 - Financing: Oak Cliff TIF District Funds

Construction Miscellaneous

4. Authorize the rejection of bids for Phase 2 of the demolition, abatement and preservation of Lake Cliff Tower located at 329 E. Colorado Boulevard, and the readvertisement for new bids - Financing: No cost consideration to the City

Contract Amendments

5. Authorize an increase in the contract with Harrison Quality Construction, Inc. to provide heating, ventilation and air conditioning modifications and extend the contract until August 2005 for the Lancaster Kiest Branch Library - \$43,251, from \$2,860,615 to \$2,903,866 - Financing: 1998 Bond Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Contract Amendments (Continued)

6. Authorize an increase in the contract with Austin Bridge & Road, LP for additional resurfacing improvements for the 2005 Asphaltic Concrete Street Resurfacing Group 2 (list attached) - \$943,457, from \$7,274,284 to \$8,217,741 - Financing: Current Funds
7. Authorize Supplemental Agreement No. 1 to the contract with CamargoCopeland Architects, LLP to provide final programming and conceptual design services for the Homeless Assistance Center located near the intersection of St. Louis Street and St. Paul Street - \$229,448, from \$25,000 to \$254,448 - Financing: 2003 Bond Funds
8. Authorize an increase in the contract with JRJ Paving, LP for additional resurfacing improvements for the 2005 Asphaltic Concrete Street Resurfacing Group 1 (list attached) - \$840,541, from \$7,326,072 to \$8,166,613 - Financing: 2003 Bond Funds (\$198,490), Current Funds (\$642,051)

Construction Miscellaneous (Continued)

9. Authorize an Advance Funding Agreement and joint contracts with the Texas Department of Transportation for water and wastewater main improvements and a stormwater diversion sluice gate housing replacement in Hampton Road and Inwood Road from Angelina Drive to Harry Hines Boulevard - \$3,394,443 - Financing: Water Utilities Capital Improvement Funds (\$3,143,676), Water Utilities Capital Construction Funds (\$115,767), 1995 Bond Funds (\$135,000)

LAND ACQUISITION

10. Authorize acquisition of 4 parcels of land, including the exercise of the right of eminent domain, if such becomes necessary, containing a total of approximately 63,056 square feet of land located near the intersection of Main and Harwood Streets for the Main Street Garden park (list attached) - \$3,745,000 - Financing: 2003 Bond Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

LAND ACQUISITION (Continued)

11. Authorize acquisition of approximately 5,945 square feet of land from The Trust for Public Land and a purchase and sale agreement providing for the potential acquisition of approximately 47,563 square feet of land located near the intersection of Live Oak and St. Paul Streets - \$500,000 - Financing: 2003 Bond Funds

LAND MISCELLANEOUS

12. A resolution declaring approximately 87,367 square feet of City-owned land, improved with the Southern Skates Skating Rink, unwanted and unneeded located near the intersection of Ledbetter Drive and Sunnyvale Street and authorizing its advertisement for sale by sealed bid with a minimum bid of \$980,000 - Financing: No cost consideration to the City
13. An ordinance abandoning certain air rights over approximately 496 square feet of Olive Street (formerly Wichita Street) located near its intersection with North Houston Street to Anland Block C, L.P., the abutting owner, and authorizing the quitclaim - Revenue: \$22,221 plus the \$20 ordinance publication fee
14. An ordinance abandoning easements and a portion of Turtle Creek Plaza to LT Turtle Creek Development, Ltd., the abutting owner, containing approximately 33,805 square feet of land located near the intersection of Bowen Street and Cedar Springs Road, and authorizing the quitclaim - Revenue: \$2,028,525 plus the \$20 ordinance publication fee

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

15. Authorize a sixty-month service contract for workers' compensation and third party liability claims administration and related cost containment services for the period of October 1, 2005 through September 30, 2011 with the most advantageous proposer of fourteen - Tristar Risk Management - Not to exceed \$12,272,901 - Financing: Workers' Compensation Current Funds (subject to annual appropriations)
16. Authorize a twenty-year service contract for a comprehensive outdoor sign kiosk advertising program with the most advantageous proposer of five - Quorum Media Group, L.P. - Estimated Net Revenue: \$17,970,000

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES (Continued)

17. Authorize the purchase of **(1)** computer hardware from Dell Marketing L.P. through the Department of Information Resources contract in an amount not to exceed \$64,700; and, **(2)** software licenses, training and professional support services for a citywide staff performance based tracking system from Cognos Corporation through the Catalog Information Systems Vendor contract in an amount not to exceed \$307,410 - Total not to exceed \$372,110 - Financing: Current Funds (\$170,000) and 2003 Equipment Acquisition Contractual Obligation Notes (\$202,110)
18. Authorize a twenty-four-month price agreement for **(1)** General Electric lamps with W.W. Grainger, Inc. through the Western States Contracting Alliance contract in the amount of \$236,365; and, **(2)** Phillips and Sylvania lamps with the lowest responsible bidders of two - Voss Lighting Co. dba Voss Lighting in the amount of \$110,440 and Bulbman, Inc. in the amount of \$23,760 - Total not exceed \$370,565 - Financing: Current Funds (\$151,510), Convention and Event Services Current Funds (\$126,760) and Water Utilities Current Funds (\$92,295)
19. Authorize the purchase of a fire station alert system from the most advantageous proposer of two - Locution Systems, Inc. - Not to exceed \$547,170 - Financing: 2004 Equipment Acquisition Contractual Obligation Notes
20. Authorize the purchase of compact mobile library shelving units for the fifth floor of the J. Erik Jonsson Central Library from Southwest Solutions Group, Inc. through participation in the Texas State contract - Not to exceed \$388,515 - Financing: Library Gifts and Donations

MISCELLANEOUS

21. Authorize settlement of the lawsuits styled **(1)** Erubiel Cruz et al. v. City of Dallas, et al.; Civil Action No. 3:02-CV-0649-K, **(2)** Yvonne Gwyn v. City of Dallas, et al.; Civil Action No. 3:02-CV-2121-K, **(3)** Betty Jenkins v. City of Dallas, et al.; Civil Action No. 3:03-CV-0810-K, **(4)** Betty Jenkins v. Jack Gouge, Civil Action No. 3:04-CV-2245-K - Total not to exceed \$2,095,000 - Financing: Current Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

22. An ordinance adopting Dallas/Fort Worth International Airport Board Resolution No. 2005-05-187, to amend Section 2-5 of Chapter 2 of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board to clarify the authorization required by persons and vehicles in places designated "Restricted Area", and Section 2-6 of Chapter 2 of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board to clarify language permitting the enforcement of traffic regulations specific to the Air Operation Area - Financing: No cost consideration to the City
23. Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Webb & Webb for legal services and representation of the City on water rights matters pending before the Texas Commission on Environmental Quality and for legal services related to other water rights matters - \$200,000, from \$200,000 to \$400,000 - Financing: Water Utilities Current Funds
24. Authorize back payment of compensation for the period of October 31, 1999 to August 14, 2001 to **(1)** former Executive Assistant Chief of Police Robert Jackson in the amount of \$127,739 and **(2)** former Deputy Chief of Police Willie Taylor in the amount of \$31,448 under the lawsuit styled Robert Jackson, John Holt, Marlin Price, and Willie Taylor v. City of Dallas, Texas, City Manager Teodoro Benavides, Assistant City Manager Charles Daniels and Chief of Police Terrell Bolton, Civil Action Number 3:00-CV-588-H, consolidated with Jill Muncy, Pamela Walt, Douglas Kowalski, and Donald Whitten v. City of Dallas, City Manager Teodoro Benavides, Assistant City Manager Charles Daniels and Chief of Police Terrell Bolton, Civil Action Number 3:99-CV-2960-P, in the United States District Court for the Northern District of Texas, Dallas Division, Appeal Number 04-10506 in the United States Court of Appeals for the Fifth Circuit - Total not to exceed \$159,187 - Financing: Current Funds
25. An ordinance granting an amendment to and expansion of Planned Development District No. 504 for a Private School and R-16(A) Single Family District uses on property zoned Planned Development District No. 504 and an R-16(A) Single Family District on the southeast corner of Midway Road and Northaven Road subject to a development plan, landscape plan and conditions - Z034-296 - Financing: No cost consideration to the City

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

26. An ordinance authorizing a correction to Ordinance No. 25804 for a Planned Development District for Single Family uses south of Grady Niblo Road, west of Kiwanis Road to correct Section 51P 701.111(d) Landscaping and Tree Mitigation to allow for requirements mandated in the deed restrictions previously accepted by the City Council on November 10, 2004 - Z034-273 - Financing: No cost consideration to the City
27. Authorize a secured one percent interest forgivable loan with Central Dallas Community Development Corporation to acquire property located at 5414 Bexar Street as part of the Neighborhood Investment Program Bexar Street Redevelopment Project for use as a child enrichment center which will create two full-time jobs - Not to exceed \$40,000 - Financing: 2002-03 Community Development Grant Funds
28. Authorize **(1)** a public hearing to be held on August 10, 2005 to receive citizens' comments concerning the renewal of the Uptown Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Uptown Public Improvement District (District) for the purpose of providing supplemental public services, to be funded by an assessment for each property owner of record on real property and real property improvements in the District, and at the close of the hearing, **(2)** consideration of a resolution renewing the Uptown Public Improvement District for the purpose of providing supplemental public services, to be funded by an assessment for each property owner of record on real property and real property improvements in the District; and providing an effective date; and **(3)** approval of the Uptown Public Improvement District Service Plan for 2006-2012 - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

29. An ordinance abandoning Mayo Street to the Dallas Independent School District, the abutting owner, containing approximately 17,802 square feet of land located between Washington Avenue and Caddo Street, and authorizing the quitclaim - Revenue: \$151,317 plus the \$20 ordinance publication fee

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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

30. An ordinance abandoning a portion of Metropolitan Avenue and a portion of an alley to the Dallas Independent School District, the abutting owner, containing approximately 7,077 square feet of land located near their intersection with Lamar Street, and authorizing the quitclaim - Revenue: \$15,313 plus the \$20 ordinance publication fee
31. Authorize hardship relief for property located at 2750 West Northwest Highway No. 200 from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City
32. Authorize a modification to the loan terms of the \$4,000,000 Section 108 loan to 1122 Jackson Street Ltd originally made for the rehabilitation of the Santa Fe Lofts II to allow for **(1)** subordination to a new condo conversion loan; **(2)** release of the deed restrictions after a pay-down of \$1,600,000; and, **(3)** an accelerated pay-off in full of the remainder of the balance of the Section 108 loan - Financing: No cost consideration to the City
33. Authorize an amendment to the 2005 City Council Calendar to revise and establish certain City Council Committees and establish meeting times to be effective August 1, 2005 - Financing: No cost consideration to the City
34. Authorize the City Manager to negotiate definitive documents in accordance with the term sheet with Forest City for the development of the Mercantile Block, Continental Building, Atmos Complex, and the Main Street Gardens park - Financing: No cost consideration to the City

ITEMS FOR FURTHER CONSIDERATION

35. Authorize a three-fiscal-year settlement agreement for full payment of Emergency 9-1-1 Phase I and Phase II location implementation, maintenance fees, and release of further obligations by the City for future payment - Cingular Wireless, Inc. - \$2,999,878 - Financing: Current Funds (subject to annual appropriations)

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CORRECTIONS:

26. Authorize a twenty-four-month price agreement for unleaded gasoline, and Texas low-emission diesel fuel, ~~and bio-diesel fuel~~ with the lowest responsible bidders of seven - Lisa Hare dba Clarksville Oil in the amount of \$8,793,780, PS Energy Group, Inc. in the amount of \$5,981,500 and Sun Coast Resources, Inc. in the amount of \$442,990 - Total not to exceed \$15,218,270 - Financing: Current Funds
56. An application for and an ordinance granting a Planned Development District for ~~TH-1(A)~~ R-5(A) Townhouse Single Family District uses plus a private recreation center, club, or area; a community service center; an adult day care; a child-care facility; and a transit passenger shelter and an ordinance granting the termination of Specific Use Permit No. 442 for a community service center, and an ordinance granting the termination of Specific Use Permit No. 694 for a bus transfer shelter, on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, located on the east corner of Latimer Street and Romine Avenue with consideration given to a Specific Use Permit for a private recreation center, club, or area; a community service center; an adult day care; and a child-care facility
Recommendation of Staff: Approval of amending and expanding Specific Use Permit No. 442 for a private recreation center, club, or area; a community service center; an adult day care; and a child-care facility for a permanent time period, subject to a site plan and conditions and approval of the termination of Specific Use Permit No. 694 in lieu of the requested planned development district
Recommendation of CPC: Approval of a Planned Development District for ~~TH-1(A)~~ R-5(A) Townhouse Single Family District uses plus a private recreation center, club, or area; a community service center; an adult day care; a child-care facility ~~for a permanent time period~~; subject to a development plan and conditions and a transit passenger shelter and approval of the termination of Specific Use Permit No. 442 for a community service center, and approval of the termination of Specific Use Permit No. 694 for a bus transfer shelter
Z045-187 (DW)

DELETION:

32. Authorize a thirty-six-month service contract for litter removal on street medians and rights-of-way with the lowest responsible bidders of six - A Lift for Life Outreach Center, Inc. in the amount of \$472,500 and Urban Landscaping & Irrigation in the amount of \$119,040 - Total not to exceed \$591,540 - Financing: Current Funds

2005 Asphaltic Concrete Street Resurfacing Group 2
 Addendum Item #6

<u>Project</u>	<u>Limits</u>	<u>Council District</u>
Alton Ave.	Beacon St. to Fulton St.	2
Cockrell Ave.	McKee St. to Alexander St.	2
Dumas St.	Junius St. to Gaston Ave.	2,14
Edgecrest Dr.	Spring Valley Rd. to Stonecrest Dr.	11
Florence St.	Hawkins St. to Good Latimer Frwy.	14
Henderson Ave. (N)	Alcott St. to Miller Ave.	2,14
Lomita Ln.	Lakemont Dr. to Midway Rd.	13
McKinney Ave.	St. Paul St. to Pearl St.	14
Medallion Ln.	Betty Jane Ln. to Coopedge Ln.	13
Nuestra Dr.	Williamstown Rd. to Alley north of Charlestown Dr.	13
Orchid Ln.	Tibbs St. to Edgemere Rd.	13
Payne St.	McKinnon St. to Harwood St.	2
Penrose Ave.	Greenville Ave. to Delmar Ave.	14
Shans St.	Townsend Dr. to beginning of concrete	13
	185' north of Jubilee Trail	13
Shiloh Rd.	Province Ln. to Millmar Dr.	7
Thornberry Ln.	Northwest Hwy to Cortez Dr.	13
Winton St.	Skillman St. to Norris St.	14

2005 Asphaltic Concrete Street Resurfacing Group 1
 Addendum Item #8

<u>Project</u>	<u>Limits</u>	<u>Council District</u>
Altoona Dr.	4101 Altoona Dr. 134' east of Cockrell Hill Rd. to Ledbetter Dr.	3
Apache Ln.	Grady Ln. to 161' north of Pebble Valley Ln.	8
Berwick Ave.	Danube Dr. to Sussex Ave.	4
Denver St. (N)	Tenth St. to Ninth St.	1
Eloisa St.	Elsa Ln. to Memory Ln.	5
Elsa Ln.	Eloise St. to Musgrave Dr.	5
Emmett St.	Hollywood Ave. to Hampton Rd.	1
Grafton Ave.	Pierce St. to Ravinia Dr.	1
Hall St.	Central Expwy. (75) to Duff St.	14
Hall St.	Duff St. to Marie St.	14
Hall St.	Marie St. to McKinney Ave.	14
Jennie Lee Cir.	Jennie Lee Ln. to dead end cul-de-sac	5
Lemmon Ave.	Turtle Creek Blvd. to Oak Lawn Ave.	5
Parlay Cir.	Challedon Ln. to beginning of concrete pavement	3
St. Augustine Dr. (S)	Cushing Dr. to Silver Falls Blvd.	8
Sunnyvale St.	Moffat Ave. to Ann Arbor Ave.	4
Valley Meadow Dr.	Brockbank Dr. to Park Ln.	6

Main Street Garden Park
Addendum Item #10

<u>Parcel No.</u>	<u>Owner</u>	<u>Address</u>	<u>Square Feet</u>	<u>Offer Amount</u>	<u>Council District</u>
1.	D and D Tan Enterprises Inc.	1928 Main St.	7,401	\$535,000	14
2.	James Walker	1924 Main St.	5,000	\$470,000	14
3.	The Boren Trust	1920 Main St.	5,000	\$440,000	14
4.	Latour Partners L. P.	1916 Main St.	45,656	\$2,300,000	14