

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 14, 2005
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A.M.**

ADDITIONS:

Closed Session

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

- City of Dallas v. Beazer Homes Texas v. Raj Sharma, Cause No. 04-12777-G
- Legal issues related to Arcadia Park Library/Dallas Independent School District
- Legal issues involving Chapter 176 of the Texas Local Government Code regarding disclosures of conflicts of interests

CONSENT ADDENDUM

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Engineering and Architectural Contracts

1. Authorize a professional services contract with Architexas, Inc., for construction documents, bidding and negotiation management, and construction administration services related to the development of a fire access corridor necessary and convenient to the redevelopment of 1600-1604, 1606, 1608-1610, 1612 and 1614 Elm Street, and 1613-1615 Main Street - Not to exceed \$135,000 - Financing: City Center TIF District Funds

Authorization of Contracts

2. Authorize a contract for the construction of the Fire Station No. 38 replacement facility at 2839 Wilhurt Avenue - Piazza Construction, LTD, best value proposer of ten - \$2,694,341 - Financing: 2003 Bond Funds
3. Authorize a contract for streetscape improvements on Field Street from Pacific Avenue to Ross Avenue, St. Paul Street from Pacific Avenue to Ross Avenue, and Harwood Street from Pacific Avenue to Ross Avenue - Gibson and Associates, Inc., lowest responsible bidder of three - \$2,748,957 - Financing: 2003 Bond Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Contract Amendments

4. Authorize **(1)** the acceptance of a loan from All American Investment Group, LLC in the amount of \$15,955,356 to be repaid plus interest beginning in FY 2006-07 for a period of 10 years from electric and natural gas energy savings; **(2)** Supplemental Agreement No. 1 to the contract with Johnson Controls, Inc. for the design and construction of energy conservation related projects at the Dallas Convention Center located at 650 South Griffin and Union Station located at 400 South Houston, in an amount not to exceed \$15,955,356, and for performance assurance support services for period not to exceed 10 years in a total amount not to exceed \$2,323,728 to be paid from electric and natural gas savings; and **(3)** the establishment of appropriations in an amount not to exceed \$15,955,356 in the Energy Management Fund - Total not to exceed \$18,279,084 - Financing: Loan from All American Investment Group, LLC (\$15,955,356); Convention and Event Services Current Funds (\$2,323,728) (subject to annual appropriations)

5. Authorize **(1)** the acceptance of a loan from All American Investment Group, LLC in the amount of \$5,303,061 to be repaid plus interest beginning in FY 2006-07 for a period of 11 years from electric and natural gas energy savings; **(2)** Supplemental Agreement No. 1 to the contract with Ameresco, Inc. for the design and construction of energy conservation related projects at Dallas Love Field in an amount not to exceed \$5,303,061 and for performance assurance support services for a period not to exceed 11 years in a total amount not to exceed \$410,063 to be paid from electric and natural gas savings; and **(3)** the establishment of appropriations in an amount not to exceed \$5,303,061 in the Energy Management Fund - Total not to exceed \$5,713,124 - Financing: Loan from All American Investment Group, LLC (\$5,303,061); Aviation Current Funds (\$410,063) (subject to annual appropriations)

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Contract Amendments

6. Authorize **(1)** a decrease in the contract with Andres Construction Services, LLC for selective demolition, historic facade improvements and other public improvements for the redevelopment of 1500 Jackson Street (Interurban Building) in the amount of (\$623,655), from \$5,852,070 to \$5,228,415; **(2)** assignment of the contract to Barker-Nichols, LLC for construction management under the terms of the existing development agreement; and, **(3)** authorize payment to Barker-Nichols, LLC in an amount not to exceed \$576,331 for design, reimbursables and construction management - Total not to exceed (\$47,324) - Financing: 2003 Bond Funds

LAND ACQUISITION

7. Authorize the acquisition of 5 properties improved with single family homes in the Cadillac Heights neighborhood near the intersection of Cedar Crest and Kiest Boulevards for the proposed Dallas Police Academy (list attached) - \$210,000 - Financing: 2003 Bond Funds

LAND MISCELLANEOUS

8. An ordinance abandoning subsurface and air rights under and over Alamo Street and under Houston Street to Icon Tower, LP, the abutting owner, containing approximately 463 square feet of land located near the intersections of Houston and Olive Streets and Alamo and Olive Streets, and authorizing the quitclaim - Revenue: \$11,066 plus the \$20 ordinance publication fee
9. A resolution authorizing the sale of approximately 32,865 square feet of unwanted and unneeded City-owned land which was advertised jointly with the adjacent Parkland Hospital property located at the intersection of Oak Lawn Avenue and the Dallas North Tollway to the highest bidder, Mansion House, Ltd - Revenue: \$1,487,868
10. An ordinance abandoning easements to W. W. Caruth, Jr. Foundation, the abutting owner, containing approximately 69,122 square feet of land located near the intersection of Abrams Road and Northwest Highway, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS

11. Authorize settlement of the lawsuit styled Rudy Martinez v. City of Dallas, Cause No. 04-13354-B - Not to exceed \$7,500 - Financing: Current Funds
12. An ordinance granting an R-10(A) Single Family District subject to deed restrictions volunteered by the applicant on the north side of Middlefield Road, east of St. Augustine Road - Z045-239 - Financing: No cost consideration to the City
13. An ordinance granting a Specific Use Permit for a child-care facility on the east line of Greenspan Avenue, south of Midvale Drive and north of High Fall Drive for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions - Z045-272 - Financing: No cost consideration to the City
14. Authorize an amendment to Resolution No. 05-2548 previously approved on August 29, 2005, to change the name of the contracting party in the tax abatement agreement from Mercantile Complex, LP to FC Merc Complex, LP for the 100 percent tax abatement for ten years on added value of real property for the new construction in the Mercantile Block at 1802 Main Street, 1808 Main Street, and 1807 Commerce Street located in Enterprise Zone One - Financing: No cost consideration to the City

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

Note: Item Nos. 15 and 16 must be considered collectively.

Vickery Meadow TIF District

15. * Authorize **(1)** the establishment of the City of Dallas Vickery Meadow Grant Program to implement the Project Plan and Reinvestment Zone Financing Plan (Project Plan) for Tax Increment Financing Reinvestment Zone Number Nine, (Vickery Meadow TIF District) pursuant to Chapter 311 of the Texas Tax Code, V.T.C.A. (the Act) to be administered by the City of Dallas - Office of Economic Development to promote economic development within the Vickery Meadow TIF District, and **(2)** a development agreement with Harvest NPE, Ltd., to implement the Project Plan in an amount not to exceed \$20,000,000 plus interest payable from future Vickery Meadow TIF funds in consideration of Harvest NPE, Ltd.'s development of a mixed-use, transit-oriented project on 33.3 acres of land located at the southeast corner of Park Lane and North Central Expressway; and **(3)** the establishment of a contingent liability to pay Harvest NPE, Ltd., from future tax increments of the Vickery Meadow TIF District up to \$20,000,000 plus accrued interest - Total not to exceed \$20,000,000 - Financing: Vickery Meadow TIF District Funds
16. * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Nine (Vickery Meadow TIF District) to reimburse Harvest NPE, Ltd., for eligible expenditures pursuant to the development agreement with Harvest NPE, Ltd., Inc., in an amount not to exceed \$20,000,000, plus interest, for certain public improvements related to the development of a mixed-use, transit-oriented project located at the southeast corner of Park Lane and North Central Expressway in the Vickery Meadow TIF District - Financing: No cost consideration to the City
17. Authorize the acceptance of an Economic Development Initiative grant from the U.S. Department of Housing and Urban Development to be used for renovation costs related to the Texas Theatre project located at 231 W. Jefferson Boulevard - Not to exceed \$238,584 - Financing: U.S. Department of Housing and Urban Development Grant Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

18. Authorize an additional penalty on delinquent taxes for tax years 2005 and subsequent years as provided by section 33.11 of the Texas property tax code, in the amount of 20% of the delinquent tax penalty and interest if the tax becomes delinquent on February 1st of each year and remains delinquent on the 60th day thereafter - Financing: No cost consideration to the City
19. Authorize a Development and Use Agreement with Dallas Black Dance Theatre, an independent non-profit corporation, for the donation of the facility to the City and the design, development, construction, maintenance, management, use and operation of the facility located at 2700 Flora Street as a multi-use dance rehearsal, instructional and administrative office facility - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

ZONING CASES - CONSENT

20. An application for and an ordinance granting an amendment to Planned Development District No. 517 for a Country Club with private membership, south of Gaston Avenue and east of Abrams Road
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z045-308 (WE)

ITEMS FOR INDIVIDUAL CONSIDERATION

21. An ordinance abandoning portions of Emmett Street and two alleys to the Dallas Independent School District, the abutting owner, containing approximately 34,676 square feet of land located near their intersections with Ravinia Avenue, authorizing the quitclaim and providing for the dedication of a mutual access easement - Revenue: \$31,226 plus the \$20 ordinance publication fee
22. Authorize the creation of the Urban Forest Advisory Committee to provide professional, pro bono leadership on matters of public policy concerning the management of trees citywide, especially on all city-owned property, including the Great Trinity Forest - Financing: No cost consideration to the City

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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

23. An ordinance amending Chapter 15C of the Dallas City Code, to provide that the Dallas Police Department will no longer respond to burglar alarm signals indicated by burglar alarm systems at commercial alarm sites in the City of Dallas - Estimated Annual Revenue Loss: \$228,000 (\$152,000 for FY 2005-06)
24. Authorize acceptance of the FY 2005-06 Performance Plan for the City Manager and the City Council Priority FY 2005-06 Action Plan for the City of Dallas - Financing: No cost consideration to the City
25. Authorize **(1)** the acceptance and deposit of funds from the Dallas Independent School District for the reimbursement of material and labor for the installation of crosswalks and school zones at Lee A. McShan, Jr. Elementary School located at 8307 Meadow Road and Rosemont Primary School located at 1919 Stevens Forest Drive in the amount of \$36,076, and **(2)** an increase in appropriations in the amount of \$36,076 in the Capital Projects Reimbursement Fund - Total not to exceed \$36,076 - Financing: Private Funds
26. Authorize **(1)** an Interlocal Agreement with the City of Irving regarding the removal of Irving Boulevard (State Highway 356), subject to approval and execution of the necessary boundary adjustment agreement and approval of an acceptable ordinance waiving the City's extraterritorial jurisdiction of certain unincorporated land on the west bank of the Elm Fork of the Trinity River located between Wildwood/Tom Braniff Drive and Loop 12, **(2)** the City to assume responsibility for operation and maintenance of the portion of State Highway 356 located in Dallas at an estimated annual cost of \$112,400, **(3)** a request to the Texas Department of Transportation to remove State Highway 356 from the state highway system, **(4)** negotiation and execution of a boundary adjustment agreement for the City limits near the Irving Boulevard bridge over the Elm Fork of the Trinity River, and, **(5)** necessary steps toward approval of an ordinance to waive the extraterritorial jurisdiction for unincorporated land on the west bank of the Elm Fork of the Trinity River located between Wildwood/Tom Braniff Drive and Loop 12 - \$112,400 - Financing: Current Funds

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DELETIONS:

8. Authorize **(1)** a contract for the construction of streetscape improvements, water adjustments and lighting for the Gables at West Village Project located at 3107 Blackburn Street located in Tax Increment Financing Reinvestment Zone Number Two (Cityplace Area TIF District) with Texas Standard Construction, LLP., lowest responsible bidder of three, in an amount not to exceed \$224,357, **(2)** assignment of the construction contract to Gables Realty Limited for construction administration, and, **(3)** payment to Gables Realty Limited in an amount not to exceed \$54,900 for design, construction administration, testing and lighting - Total not to exceed \$279,257 - Financing: Cityplace TIF District Funds (advance from Gables Realty Limited to the Cityplace TIF District Fund)

37. Authorize a twelve-month extension to the service contract for full service, support and enhancement of the Applicant Tracking System software for grading, managing and reporting civil service and other applicant information for the period of November 1, 2005 through October 31, 2006 - Unified Data Systems, Inc. - Sole Source - \$47,849 - Financing: Current Funds

52. Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Carrington Coleman Sloman & Blumenthal, L.L.P., for additional legal advice and counsel concerning aviation law matters - Not to exceed \$75,000, from \$25,000 to \$100,000 - Financing: Current Funds

53. An ordinance amending Chapter 1 of the Dallas City Code to comply with changes in state law requiring a culpable mental state for certain ordinance violations - Financing: No cost consideration to the City

73. Authorize **(1)** a public hearing to be held on January 11, 2006 to receive comments on amendments to the City Center TIF Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan ("Plan"), to **(a)** increase the City's participation in the City Center TIF District from 61% to 90% beginning in the 2006 tax year, **(b)** amend the City Center TIF District boundary to exclude 1603 Commerce Street, 1607 Commerce Street, 1609 Commerce Street, 1616 Main Street, 1618 Main Street and 1622 Main Street (Neiman Marcus), **(c)** define disbursement of affordable housing funds, and **(d)** make corresponding modifications to the Plan and Ordinance Nos. 22802 and 23034 to implement such Plan amendments for the City Center TIF District in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311); and at the close of the hearing, **(2)** consideration of an ordinance amending Ordinance Nos. 22802 and 23034 to reflect all such Plan amendments - Financing: No cost consideration to the City

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DELETIONS: (continued)

74. An ordinance **(1)** approving the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Ten, (Southwestern Medical TIF District); and **(2)** authorizing a participation agreement with Dallas County for the Southwestern Medical TIF District - Financing: No cost consideration to the City

Properties in Cadillac Heights
Addendum Item #7

<u>Parcel</u>	<u>Property Owner</u>	<u>Address</u>	<u>Lot & Block</u>	<u>Council District</u>
1.	Arias, Soledad	2507 Cadillac	8, 2/5906	2
2.	Alardin, Gloria	2518 Cadillac	16, 3/5906	2
3.	Knox Jr, Nathaniel Parker	2514 Cadillac	17, 3/5906	2
4.	Franklin, Earl	2406 Chrysler	2, 4/5906	2
5.	Smith, Garry	2410 Chrysler	4, 4/5906	2
6.	Kelly, Pamela	2700 Roberta	1, 3/5888	7