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**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, MARCH 8, 2006
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A.M.**

REVISED ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m. **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

CLOSED SESSION

OPEN MICROPHONE

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 43

CONSENT ADDENDUM

Items 1 - 18

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:30 a.m.

Items 71 - 77
Addendum Items 20 - 26

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 44 - 70
Addendum Item 19

**ADDENDUM
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MARCH 8, 2006
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. Jim Lowenberg, et al., Appellees,
No. 11-03-00061-CV
- Zackary N. Belton v. City of Dallas, Cause No. 04-12276-D
- Pedro A. Lopez, et al. v. City of Dallas,
Civil Action No. 3:03-CV-2223-M
- Legal issues relating to proposed settlement of City of Dallas, Texas
v. Hanover Insurance Co., Cause No. 04-11911-G

Personnel (Sec. 551.074 T.O.M.A.)

- Appointment of Deborah Watkins as City Secretary for City of Dallas

CONSENT ADDENDUM

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Authorization of Contracts

1. Authorize **(1)** a contract for the construction of storm drainage and water and wastewater mains for Flora Street from Leonard Street to Routh Street, Jack Evans Street from Woodall Rodgers to Ross Avenue, and Leonard Street from Flora Street to Ross Avenue with AUI Contractors, L.P., lowest responsible bidder of two, in an amount not to exceed \$1,989,887, **(2)** the assignment of the construction contract to the Dallas Center for the Performing Arts Foundation, Inc. as the City's agent and construction manager for all purposes including inspection, supervision and coordination of construction work and, **(3)** the establishment of appropriations in the amount of \$1,989,887 in the Performing Arts Theater Advance Fund - Financing: Private Funds (to be reimbursed from the proceeds of the sale of 2003 General Obligation Bonds)
2. Authorize a contract for storm water improvements to repair the trash collection area at Dallas Farmers Market - Texas Standard Construction, Ltd., lowest responsible bidder of three - \$104,500 - Financing: 2004 Certificates of Obligation

**ADDENDUM
CITY COUNCIL MEETING
MARCH 8, 2006**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Contract Amendments

3. Authorize **(1)** an increase in the contract with Jennings Glass Contractors for window replacement related to the redevelopment of the Republic Center Tower I located at 300 N. Ervay Street, in an amount not to exceed \$63,750, from \$1,297,000 to \$1,360,750; **(2)** assignment of the contract to Ervay Residential Limited Partnership, Inc. for construction management; **(3)** a decrease in the payment to Ervay Residential Limited Partnership, Inc. for design reimbursement in an amount not to exceed (\$63,750), from \$2,092,401 to \$2,028,651; and **(4)** an extension of the completion deadline from September 30, 2006 to June 30, 2007 - Financing: No cost consideration to the City

4. Authorize **(1)** an increase in the contract with Key Construction, Inc. for historic rehabilitation related to the redevelopment of the Gulf States Building located at 1415 Main Street in an amount not to exceed \$80,878, from \$2,594,000 to \$2,674,878; **(2)** assignment of the contract to G.S. Murray Development for construction management; **(3)** a decrease in the payment to G.S. Murray Development for construction management in an amount not to exceed (\$80,878), from \$1,044,360 to \$963,482; **(4)** a revision to the number of required residential units from 68 to approximately 64 units; and **(5)** an extension of the project completion deadline from February 28, 2006 to October 31, 2006 - Financing: No cost consideration to the City

5. Authorize **(1)** an increase in the contract with Certified/LVI Environmental Services, Inc. for abatement and selective demolition at the Fidelity Union Life Buildings located at 1507 Pacific Avenue, 1511 Bryan Street and 318 N. Akard Street in an amount not to exceed \$594,955, from \$8,288,000 to \$8,882,955; **(2)** assignment of the contract to Hamilton Fidelity Development, LP; and **(3)** a decrease in the payment to Hamilton Fidelity Development, LP for design, reimbursables and construction management in an amount not to exceed (\$594,955), from \$712,000 to \$117,045 - Financing: No cost consideration to the City

6. Authorize an increase in the contract with Rebcon, Inc. to provide additional median and paving quantities, lane designation and traffic handling, and the storm water quality construction requirements for the South Central Addition Improvements, Phase I - \$339,076, from \$3,637,851 to \$3,976,927 - Financing: 1998 Bond Funds

**ADDENDUM
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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Contract Amendments (Continued)

7. Authorize an increase in the contract with Rebcon, Inc. for the new Linfield Road Bridge, to provide safety items including fencing along the bridge rail, address the increased concrete rail cost and the construction sequencing for the relocation of TXU power and the railroad crossing signal for the South Central Addition Improvements, Phase I, Linfield Road Bridge - \$208,600, from \$1,419,964 to \$1,628,564 - Financing: 1998 Bond Funds

Construction Miscellaneous

8. Authorize an amendment to the Interlocal Agreement with the Texas Department of Transportation to allow federal project savings to be used for the Transportation Management System upgrade using bond funds for the City's match and to increase the contract time - \$137,100 - Financing: 2003 Bond Funds
9. Authorize **(1)** rescinding the contract with Piazza Construction, LTD for the construction of the Fire Station No. 38 replacement facility at 2839 Wilhurt Avenue, previously approved on December 14, 2005 by Resolution No. 05-3587, in the amount of \$2,694,341; and **(2)** a contract for the construction of the Fire Station No. 38 replacement facility at 2839 Wilhurt Avenue with JE Dunn Construction, best value proposer of ten - \$2,799,980 - Financing: 2003 Bond Funds

LAND MISCELLANEOUS

10. An ordinance abandoning surface and air rights on and over a portion of an alley to Walter T. Pearson, Jr., and M. Heather Paterson-Pearson, the abutting owners, containing approximately 81 square feet of land located near the intersection of Gaston Avenue and Ridgeway Street, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee
11. An ordinance abandoning a portion of Directors Row to Labatt Food Service, LP, the abutting owner, containing approximately 21,458 square feet of land located at its intersection with Monetary Drive, and authorizing the quitclaim - Revenue: \$136,795 plus the \$20 ordinance publication fee

**ADDENDUM
CITY COUNCIL MEETING
MARCH 8, 2006**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

12. Authorize a service contract to provide facilities for an assessment center for promotional testing for Police Sergeant candidates, with the best value bidder of two - Fairmont Hotel Dallas - Not to exceed \$102,374 - Financing: Current Funds
13. Authorize the purchase of flood lights and poles for Fair Oaks Park located at 7600 Fair Oaks with the lowest responsible bidder of two - Wesco Distribution, Inc. - Not to exceed \$107,716 - Financing: Current Funds (to be fully reimbursed by 2003 Bond Funds)
14. Authorize a professional services contract to provide strategic budget development services, Phase II - Public Strategies Group - Not to exceed \$123,000 - Financing: Current Funds (to be reimbursed by private donations)

RATIFICATION OF EMERGENCY REPAIRS

15. Ratify an increase in the contract with Gibson & Associates, Inc., for the construction of the terminal apron repairs at Dallas Love Field to provide emergency repairs of below grade fuel lines located on the east concourse apron in the interest of public safety and environmental hazards - Not to exceed \$331,714, from \$1,848,662 to \$2,180,376 - Financing: Federal Aviation Administration Airport Improvement Grant Funds

MISCELLANEOUS

16. Authorize settlement of the lawsuit styled Jaime Chavez, et al. v. Mark DeLaPaz, et al., Civil Action No. 3:04-CV-0510-K - Not to exceed \$75,000 - Financing: Current Funds
17. Authorize Supplemental Agreement No. 2 to the development agreement with Dunhill 1530 Main L.P. for the redevelopment of 1530 Main Street and 1524 Main Street (Joule Hotel) to reflect revised terms to **(1)** extend the project deadline from January 1, 2007 to December 31, 2007, **(2)** remove the health club and spa requirement, **(3)** combine and increase the private investment on both buildings from \$24,000,000 to \$31,500,000, and **(4)** increase the number of hotel rooms from 108 to 114 - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
MARCH 8, 2006**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

18. Authorize the issuance of tax-exempt bonds to be issued by Tarrant County Cultural Education Facilities Finance Corporation in an amount not to exceed \$100,000,000 for the benefit of Northwest Senior Housing Corporation - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

19. An application for and an ordinance granting an amendment to the Conceptual Plan and conditions for Planned Development District No. 174 for Retirement housing, Assisted living, Convalescent and nursing home, Multiple family, Hotel, Office, Game court center, Private recreation club, Private club, Medical clinic, Electrical substation, and those retail uses permitted as limited uses in an Office 2 District located on the west corner of Lemmon Avenue and Carlisle Street
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z045-296(RB)

ITEMS FOR INDIVIDUAL CONSIDERATION

20. Authorize the appointment of Deborah Watkins as City Secretary for the City of Dallas for a two-year term beginning on March 15, 2006 - Financing: No additional cost consideration to the City
21. Authorize a resolution in support of a pre-application waiver for Texas Department of Housing and Community Affairs 9% low income housing tax-credits and/or tax-exempt bond and 4% low income housing tax credit financing for the rehabilitation of the City Walk at Akard Project to be located at 511 North Akard into 209 multifamily units - Financing: No cost consideration to the City
22. Adoption of a Concurrent Resolution by the City Councils of the Cities of Dallas and Fort Worth requesting the U.S. Congress to refrain from taking any further action regarding the Wright Amendment to allow the Cities an opportunity to work towards developing a plan for addressing air operations and aviation needs in the North Central Texas region (via Mayor Miller)

**ADDENDUM
CITY COUNCIL MEETING
MARCH 8, 2006**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

23. Authorize the adoption of a Cultural Facilities Naming Rights Policy (the Policy) which articulates the general criteria and procedure for naming certain city-owned cultural facilities as well as the scope of the Policy, amending Resolution No. 02-3206, previously approved on November 13, 2002, adopting a revised Cultural Policy and Program which articulates the guiding principles, goals and methods through which the City seeks to meet the future culture needs of the community - Financing: No cost consideration to the City
24. Authorize **(1)** the issuance and sale of up to \$51,000,000 in Downtown Dallas Development Authority Contract Tax Increment Revenue Bonds for the Mercantile project improvements; **(2)** approval of the Preliminary Official Statement, Trust Indenture and Bond Resolution; and, **(3)** enacting other provisions in connection therewith - Financing: This action has no cost consideration to the City
25. Authorize the preparation of plans for the issuance of an amount not to exceed \$266,000,000 in Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2006 - Financing: This action has no cost consideration to the City
26. Authorize an increase in the contract with JRJ Paving, L.P. for the construction of additional excavation, storm sewer and water improvements for Beckleymeade Avenue from Hampton Road to the Dallas Independent School District Athletic Complex - \$263,153, from \$1,756,307 to \$2,019,460 - Financing: 2003 Bond Funds

CORRECTIONS:

29. An ordinance amending Chapters 1 and 18 of the Dallas City Code to comply with changes in state law requiring a culpable mental state for certain ordinance violations and to reduce from \$2,000 to \$500 the maximum fine for early placement of garbage, oversize brush, and bulky trash, and for the late removal of garbage containers - Financing: No cost consideration to the City

**ADDENDUM
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CORRECTIONS: (Continued)

57. Consideration of amendments to Chapters 51, 51A, and 52 of the Dallas City Code, providing and defining a culpable mental state for offenses related to code violations which are punishable by a fine exceeding \$500; amending provisions making the agent of the property owner criminally responsible for code violations; and providing a penalty not to exceed \$2,000 and an ordinance implementing the proposal
Recommendation of Staff and CPC: Approval
DCA 056-005
59. Consideration of amendments to Section 51A-4.602(d), "Visual Obstruction Regulations," of Chapter 51A, the Dallas Development Code, to permit encroachments into visibility triangles caused by roadway construction or right-of-way acquisition when the director of Public Works and Transportation determines the encroachment will not constitute a traffic hazard and clarify that structures that encroach into visibility triangles as a result of right-of-way acquisition or road construction are non-conforming structures and an ordinance implementing the proposal
Recommendation of Staff and CPC: Approval
DCA 056-007
77. Authorize Supplemental Agreement No. 4 4 to the contract with Computronix (Canada), Ltd. for additional professional services and hardware purchases for the land management system and for an additional interface with the centralized collections system - Not to exceed \$251,307, from ~~\$4,826,957~~ \$4,826,597 to ~~\$5,078,264~~ \$5,077,904 - Financing: Building Inspection Current Funds (\$80,000), 2002 Equipment Acquisition Contractual Obligation Notes (\$171,307)