

**ADDENDUM
CITY COUNCIL MEETING
AUGUST 23, 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. Don Blanton, et al., Appeal No. 05-05-00736-CV
- Legal issues involving the Dallas/Fort Worth International Airport oil and gas lease between the cities of Dallas and Fort Worth and Chesapeake Exploration Limited Partnership
- Legal issues related to the City's continuing compliance with subpoena duces tecum dated July 29, 2005, and related process

CONSENT ADDENDUM

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Authorization of Contracts

1. Authorize a contract for the renovation of the Police Quartermaster located at 1600 South Lamar - Reeves Construction Services, Inc., lowest responsible bidder of four - \$1,283,994 - Financing: 1998 Bonds Funds (\$679,971), Current Funds (\$604,023)

Contract Amendments

2. Authorize **(1)** an increase in the contract with ARC Abatement I Ltd. for selective demolition and environmental remediation at 1530 Main Street, in an amount not to exceed \$50,256, from \$462,529 to \$512,785; **(2)** an increase in the contract with Centex Construction, LLC for demolition and window replacement at 1530 Main Street, in an amount not to exceed \$50,879, from \$740,000 to \$790,879; **(3)** an increase in the contract with Centex Construction, LLC for foundation and vault construction at 1524 Main Street, in an amount not to exceed \$189,223, from \$761,477 to \$950,700; **(4)** an increase in the contract with Centex Construction, LLC for tower crane and personnel/material hoist at 1524 Main Street, in an amount not to exceed \$82,343, from \$585,000 to \$667,343; **(5)** an increase in the contract with Centex Construction, LLC for exterior restoration and shell construction at 1530 and 1524 Main Street in an amount not to exceed \$895,802, from \$6,510,000 to \$7,405,802; **(6)** assignment of the contracts to Dunhill 1530 Main LP for construction management; **(7)** an increase in appropriations in the amount of \$566,713 in the City Center TIF District Fund, and **(8)** a decrease in payment to TIF Hotel, Inc. in an amount not to exceed (\$701,790) for design, reimbursables and construction management - Total not to exceed \$566,713 - Financing: City Center TIF District Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

LAND ACQUISITION

3. Authorize exercise of the right of eminent domain for the acquisition of a tract of land from Betty J. Culbreath containing a total of approximately 784 square feet located near the intersection of Ervay Street and South Boulevard for the Street Group 03-601 Project - \$500 - Financing: 2003 Bond Funds

LAND MISCELLANEOUS

4. Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 7 tracts of land for the construction of the Northwest Corridor Line Section (NW-3) located near the intersections of Walnut Hill Lane and Denton Drive and Royal Lane and Denton Drive (list attached) - Financing: No cost consideration to the City
5. Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 5 tracts of land for the construction of the Southeast Corridor Line Section (SE-1) located near the intersections of Trunk Avenue and Harmon Street, Trunk and McDemott Avenues, Scyene Road and 1st Avenue, and Hatcher and Racell Streets (list attached) - Financing: No cost consideration to the City
6. A resolution authorizing the conveyance of a City-owned tract of land containing approximately 9,352 square feet and a slope easement containing approximately 13,264 square feet of land to the City of Carrollton located at the East Fork Water Treatment Plant near the intersection of Old Denton Road and Whitlock Lane - Revenue: \$36,933

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

7. Authorize a thirty-six-month service contract for telecommunications services to support the operation of the administrative offices, and the needs of concessionaires and promoters hosting events at Reunion Arena, with XO One, Inc., through the Texas Building and Procurement Commission for the Catalog Information System Vendor cooperative purchasing program - Not to exceed \$150,000 - Financing: Convention and Event Services Current Funds (subject to appropriations)

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES (Continued)

8. Authorize **(1)** the purchase of equipment to upgrade the existing building security system at City Hall in the amount of \$501,832, and **(2)** a twenty-four-month service and maintenance agreement in the amount of \$98,140, with the most advantageous proposer of three - Entech Sales and Service, Inc. - Total not to exceed \$599,972 - Financing: Water Utilities Capital Construction Funds (\$30,805), Urban Area Security Initiative Grant Funds (\$125,000), Capital Construction Funds (\$267,200), Current Funds (\$176,967) (\$98,140 subject to annual appropriations)

9. Authorize **(1)** the purchase and installation of an automated water meter reading system in the Central Business District, Deep Ellum, and South Dallas/Fair Park area in the amount of \$3,705,793, and **(2)** a sixty-month service and maintenance agreement in the amount of \$44,787, with the most advantageous proposer of four - Itron, Inc. - Total not to exceed \$3,750,580 - Financing: 2006 Water Revenue Bonds (\$3,705,793), Water Utilities Current Funds (\$44,787)

RATIFICATION OF EMERGENCY REPAIRS

10. Ratify an emergency services contract for roof replacement and asbestos abatement at the Police Property Building located at 1725 Baylor Street - Castro Roofing of Texas, L.P. - \$473,000 - Financing: 2003 Bond Funds

MISCELLANEOUS

11. Authorize application for and acceptance of a grant from the Federal Aviation Administration for the federal share of the eligible costs for capital improvement projects at Love Field - Not to exceed \$8,100,000 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

12. Authorize a twenty-four-month contract with the Department of State Health Services to provide on-line computer services for the City's Bureau of Vital Statistics program to obtain certified copies of birth certificates at a cost of \$1.83 for each certificate printed for the period September 1, 2006 through August 31, 2008 - Not to exceed \$100,000 annually for a total not to exceed \$200,000 - Financing: Current Funds (subject to annual appropriations)

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

13. Authorize a public hearing to be held on September 13, 2006 to receive comments concerning the creation of City of Dallas Reinvestment Zone No. 65 located at the property north of Interstate 20 and east of Mountain Creek Parkway; and, at the close of the hearing, consideration of **(1)** an ordinance creating City of Dallas Reinvestment Zone No. 65; and **(2)** a 50 percent real property and a 75 percent business personal property tax abatement for ten years with Nestle Waters North American Inc. - Financing: No cost consideration to the City
14. Authorize an application to the Office of the Governor Economic Development and Tourism, through the Economic Development Bank, nominating Nestle Waters North America Inc. located in Mountain Creek Business Park to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) - Financing: No cost consideration to the City
15. Authorize assignment of the real property tax abatement agreement with John and Diana Volmer and PETSMART, Inc., previously approved on September 23, 1998 by Resolution No. 98-2742, for the store located at 2964 Wheatland Road to W. Bruce Howe, Trustee of the Bruce Howe and Trust - Financing: No cost consideration to the City

Note: Item Nos. 16 and 17 must be considered collectively.

Design District TIF District

16. * Authorize **(1)** a development agreement with La Zona Verde, LLC to provide funding for the design, engineering, professional services, and construction of public improvements for a performing arts venue (Green Zone Performing Arts Center) in Tax Increment Financing Reinvestment Zone Number Eight, (Design District TIF District); and **(2)** the Design District TIF District Board of Directors to dedicate up to \$217,000 from Design District TIF revenues in accordance with the development agreement - \$217,000 - Financing: Design District TIF District Funds
17. * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eight (Design District TIF District) to reimburse La Zona Verde, LLC up to \$217,000 for certain TIF-eligible project costs related to the development of a performing arts venue (Green Zone Performing Arts Center) in the Design District TIF District - Financing: No cost consideration to the City

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

Note: Item Nos. 18 and 19 must be considered collectively.

Oak Cliff Gateway TIF District

18.* Authorize **(1)** a development agreement with, INCAP Fund I, L.P. to provide funding for the design, engineering, professional services, and construction of public improvements for the Park Tilden Town Home development, a residential project located at 265 Tilden Street in Tax Increment Financing Reinvestment Zone Number Three (Oak Cliff Gateway TIF District); and **(2)** the Oak Cliff Gateway TIF District Board of Directors to pledge and dedicate up to \$901,443 from future Oak Cliff Gateway TIF revenues or TIF Bond funds in accordance with the development agreement - \$901,443 - Financing: Oak Cliff Gateway TIF District Funds and/or Tax Increment Bonds

19.* A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Three (Oak Cliff Gateway TIF District) to fund INCAP Fund I, L.P. up to \$901,443 for certain TIF-eligible project costs related to the development of the Park Tilden residential project located at 265 Tilden Street in the Oak Cliff Gateway TIF District - Financing: No cost consideration to the City

Note: Item Nos. 20 and 21 must be considered collectively.

Oak Cliff Gateway TIF District

20.* Authorize **(1)** a development agreement with Belclair Realty, LTD to provide funding for the design, engineering, professional services, and construction of public improvements for the Bishop Arts Plaza & Lofts development, a mixed-use project located at 1222 Bishop Avenue in Tax Increment Financing Reinvestment Zone Number Three (Oak Cliff Gateway TIF District); and **(2)** the Oak Cliff Gateway TIF District Board of Directors to pledge and dedicate up to \$585,000 from future Oak Cliff Gateway TIF revenues or TIF Increment Bonds in accordance with the development agreement - \$585,000 - Financing: Oak Cliff Gateway TIF District Funds and/or Tax Increment Bonds

21.* A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Three (Oak Cliff Gateway TIF District) to fund Belclair Realty, LTD up to \$585,000 for certain TIF-eligible project costs related to the development of Bishop Arts Plaza & Lofts, a mixed-use project located at 1222 Bishop Avenue in the Oak Cliff Gateway TIF District - Financing: No cost consideration to the City

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

22. Authorize Supplemental Agreement No. 4 to the professional services contract with Diversified Utility Consultants, Inc., for additional expert consulting services and testimony in matters related to the statement of intent of TXU Gas Company to change rates in the company's statewide gas utility system, Railroad Commission of Texas Gas Utilities Docket No. 9400 (consolidated), Atmos Energy Corp. Mid-Tex Division's Dallas Show Cause Filing dated November 22, 2005 and Atmos Energy Corporation Statement of Intent to Change Rates in the Atmos Energy Corp., Mid-Tex Division Gas Utility System dated May 31, 2006 - Not to exceed \$175,000, from \$350,000 to \$525,000 - Financing: Current Funds (to be fully reimbursed by Atmos Energy)
23. Authorize a professional services contract with McFadden Consulting Group, Inc. for expert consulting services and testimony in matters related to Atmos Energy Corporation Statement of Intent to Change Rates in the Atmos Energy Corp., Mid-Tex Division Gas Utility System dated May 31, 2006 - Not to exceed \$99,600 - Financing: Current Funds (to be fully reimbursed by Atmos Energy)
24. Authorize Supplemental Agreement No. 8 to the professional services contract with PCI Group of Texas, LLC, to provide on-site technical support of the capital project software system, maintenance for the web enhancing software, data transfers from the previous capital project software system and CapPro Interface with the accounting system software AMS Advantage system - \$197,063, from \$2,369,304 to \$2,566,367 - Financing: Current Funds (\$138,423), Aviation Capital Construction Funds (\$29,320), and Wastewater Construction Funds (\$29,320)
25. Authorize **(1)** exercise of the second twelve-month renewal option to the residential recycling services contract with Community Waste Disposal, Inc. for weekly collection of recyclables in blue bags for the period of October 1, 2006 through September 30, 2007, **(2)** a change in the contract terms to eliminate one tier of unit pricing and to add a clause for termination of contract - Not to exceed \$2,252,971 - Financing: Current Funds (subject to appropriations)

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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

26. An ordinance appointing 18 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2008, and establishing the annual salary for associate municipal judges - Financing: No additional cost consideration to the City
27. An ordinance **(1)** appointing 9 full-time municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2008; **(2)** designating an administrative municipal judge for the City of Dallas municipal court of record for a two-year term ending May 31, 2008; and **(3)** establishing the annual salary for the administrative municipal judge and the full-time municipal judges - Financing: No additional cost consideration to the City
28. Authorize a first amendment to the City Attorney Agreement of Appointment with City Attorney Thomas P. Perkins, Jr. to increase his annual base salary from \$199,000 to \$236,000, for a total annual additional cost of \$43,227 - Financing: Current Funds

ITEMS FOR FURTHER CONSIDERATION

29. Authorize a forty-eight-month service contract to provide armed and unarmed security guards to patrol and protect City properties, with the best value bidder of thirteen - Initial Security - Not to exceed \$17,281,243 - Financing: Current Funds (\$14,727,523), Aviation Current Funds (\$2,337,720), and Texas Department of State Health Services Grant Funds (\$216,000)

CORRECTION:

14. Authorize settlement in lieu of proceeding further with condemnation with Asuda Holdings, LLC, in the amount of ~~\$13,000~~ \$13,600, for a parcel of land containing approximately 1,810 square feet located near the intersection of Rosemeade Parkway and Midway Road for the Congestion Mitigation and Air Quality Intersection Improvement Program - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
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DELETIONS:

Note: Item Nos. 34 and 35 must be considered collectively.

State-Thomas TIF District

- 34.* Authorize **(1)** a development agreement with GWTH, LP to provide funding for the design, engineering, professional services, and construction of public improvements for the Greenwood Town Homes in Tax Increment Financing Reinvestment Zone Number One (State-Thomas TIF District); and **(2)** the State-Thomas TIF District Board of Directors to dedicate up to \$237,000 from State-Thomas TIF revenues in accordance with the development agreement - \$237,000 - Financing: State-Thomas TIF District Funds
- 35.* A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number One (State-Thomas TIF District) to reimburse GWTH, LP up to \$237,000 for certain TIF-eligible project costs related to the development of the Greenwood Town Homes, in the State-Thomas TIF District - Financing: No cost consideration to the City
60. An application for and an ordinance granting a Specific Use Permit for a Private school on property zoned an R-16(A) Single Family District on the southwest corner of Belt Line Road and Emeraldwood Drive
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z056-264(RB)

Dallas Area Rapid Transit Northwest Corridor Line Section (NW-3)
Addendum Item #4

<u>Tract</u>	<u>Property Owner</u>	<u>Address</u>	<u>Lot & Block</u>	<u>Council District</u>
1.	Peerless Manufacturing Co.	2811 Walnut Hill Lane	Lot 4, A/6458	6
2.	Peerless Manufacturing Co.	2811 Walnut Hill Lane	Lot 4, A/6458	6
3.	Peerless Manufacturing Co.	2811 Walnut Hill Lane	Lot 4, A/6458	6
4.	J One Enterprises, Inc.	10909 Grissom Lane	6608	6
5.	John Marcus Young	10929 Grissom Lane	6608	6
6.	DT Systems, Inc.	2888 Walnut Hill Lane	6457	6
7.	DT Systems, Inc.	2888 Walnut Hill Lane	6457	6

Dallas Area Rapid Transit Southeast Corridor Line Section (SE-1)
Addendum Item #5

<u>Tract</u>	<u>Property Owner</u>	<u>Address</u>	<u>Lot & Block</u>	<u>Council District</u>
1.	Verma Conley	3143 Harmon Street	Lot 7&8, C/1801	7
2.	Billie McDonald & JoAnne Harris	3152 McDermott Avenue	Lot 39, 1803	7
3.	Mary Angela Rosales	4207 1st Avenue	Lot 19, 1/1834	7
4.	Lee Ester Polk	4211 1st Avenue	Lot 18, 1/1834	7
5.	Ray Kermanian	3934 Hatcher Street	5/4463	7