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CITY OF DALLAS
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, DECEMBER 12, 2007
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 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. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

CLOSED SESSION

MINUTES Item 1

CONSENT AGENDA Items 2 - 51

CONSENT ADDENDUM Items 1 - 26

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier than 9:30 a.m. Items 52 - 59
Addendum Item 27

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m. Items 60 - 86
Addendum Item 28

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 12, 2007
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.)

- Legal issues involving the design and construction of the Latino Cultural Center

CONSENT ADDENDUM

Aviation

1. Authorize an amendment to Resolution No. 07-1858, previously approved on June 20, 2007, to reduce Gulfstream Aerospace Corporation's minimum commitment from \$40,000,000 to \$20,000,000 and reimburse Gulfstream's environmental remediation costs exceeding \$100,000 through rental credits at Dallas Love Field - Estimated Annual Revenue: \$86,144

Business Development & Procurement Services

2. Authorize **(1)** rescinding the twelve-month master agreement with The Around the Clock Freightliner Group L.P., previously approved on March 28, 2007, by Resolution No. 07-1036, for automated refuse trucks; **(2)** a twelve-month master agreement for automated refuse trucks - Rush Truck Center, lowest responsible bidder of four in the amount of \$1,435,098; **(3)** an increase in the master agreement with Rush Truck Center for four additional automated refuse trucks in the amount of \$410,028, from \$1,435,098 to \$1,845,126; and **(4)** an increase in the master agreement with Equipment Southwest, Inc. for four additional single arm automated bodies in the amount of \$298,800, from \$1,045,800 to \$1,344,600 - Total amount not to exceed \$2,143,926 - Financing: 2004 Equipment Acquisition Contractual Obligation Notes (\$309,093), 2005 Equipment Acquisition Contractual Obligation Notes (\$8,328), 2006 Equipment Acquisition Contractual Obligation Notes (\$1,539,637), 2007 Equipment Acquisition Contractual Obligation Notes (\$286,868)

City Attorney's Office

3. Authorize settlement of the lawsuit styled Marilyn Ford v. City of Dallas, Cause No. 3:05-CV-1676-D - Not to exceed \$55,000 - Financing: Current Funds
4. Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Chaffe McCall, L.L.P. for additional legal services necessary in the lawsuit styled Thinkstream, Inc. v. The City of Dallas, Cause No. 06-834-JVP-DLD - Not to exceed \$5,577, from \$25,000 to \$30,577 - Financing: Current Funds

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 12, 2007**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

City Auditor's Office

5. Authorize the City Auditor's 2007-08 Annual Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

Code Compliance

6. Authorize an actual reasonable moving and related expenses-nonresidential payment for Joseph R. Story, dba Pallet Repair Services, who will be displaced as a direct result of real property acquisition of the property at 1301 McDonald Street, Bay #2, to be used in conjunction with the Trinity River Corridor Project to be paid once City has obtained proof that Pallet Repair Services has vacated the premises - Not to exceed \$106,050 - Financing: 1998 Bond Funds

Department of Development Services

7. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Family Design Homes, Inc., dba Forney Building & Mortgage, of 2 tracts of unimproved land containing a total of approximately 5 acres located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$225,540 - Financing: Water Utilities Capital Construction Funds
8. An ordinance abandoning portions of sanitary sewer easements to the Board of Regents of The University of Texas System, the abutting owner, containing a total of approximately 17,430 square feet of land located near the intersection of Inwood and Forest Park Roads - Revenue: \$5,400 plus the \$20 ordinance publication fee
9. An ordinance abandoning portions of utility and water line easements to Skyline Apartments Limited Partnership, the abutting owner, containing a total of approximately 6,727 square feet of land located near the intersection of Harry Hines Boulevard and the Dallas North Tollway - Revenue: \$5,400 plus the \$20 ordinance publication fee
10. An ordinance abandoning portions of water main, sewer, sanitary sewer, fire lane and utility easements to Dallas County Community College District, the abutting owner, containing a total of approximately 27,744 square feet of land located near the intersection of Walnut Street and Abrams Road - Revenue: \$5,400 plus the \$20 ordinance publication fee

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 12, 2007**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Department of Development Services (Continued)

11. An ordinance abandoning portions of fire lane, storm drain, sanitary sewer and water main easements to 7373 Valley View Apartments Limited Partnership and City North Development Group, L.P., the abutting owners, containing a total of approximately 38,516 square feet of land located near the intersections of Meandering Way and Lyndon B. Johnson Freeway and Valley View and Thistle Lanes - Revenue: \$5,400 plus the \$20 ordinance publication fee
12. An ordinance granting a Specific Use Permit for a bar, lounge or tavern on property zoned Planned Development District No. 269, the Deep Ellum / Near East Side Special Purpose District, on the north side of Commerce Street, east of Good Latimer Expressway - Z067-342 - Financing: No cost consideration to the City

Economic Development

13. Authorize a 50 percent new business personal property tax abatement agreement for five-years with Softlayer Technologies, Inc. and DCI Technology Infomart, LP located at 1950 North Stemmons Freeway - Revenue: First year revenue estimated at \$89,748; five-year revenue estimated at \$448,740; (Estimated revenue foregone for five-year new business personal property tax abatement estimated at \$448,740)
14. Authorize amendments to Resolution No. 06-2441, previously approved on September 13, 2006, and Resolution No. 07-1307, previously approved on April 25, 2007, for the redevelopment of the Santa Fe IV building located at 1033 Young Street in the Downtown Connection TIF District to **(a)** reduce the required number of hotel rooms from 190 to 170, **(b)** redefine the meeting and retail space to require 8,000 square feet of meeting space, including a lounge/bar **(c)** approve the use of a lounge/bar as meeting the conditional use category, **(d)** extend the date to obtain a building permit and the date to complete construction, each by six months, **(e)** increase the private investment from \$20,000,000 to \$21,600,000, **(f)** characterize a portion of the TIF subsidy as grants in accordance with the Downtown Connection TIF District Grant Program and Criteria, subject to City Council approval, and **(g)** allow the Office of Economic Development Director to authorize adjustments to the project contingencies should reasonable adjustments be needed and supported by additional consideration - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 12, 2007**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Economic Development (Continued)

15. Authorize Supplemental Agreement No. 1 to the Development Agreement with Pacific 2004 Holdings, Ltd., for the development and redevelopment of the Tower Petroleum Building located at 1907 Elm Street and 1900 Pacific Avenue in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District) to extend the required deadline for the public announcement of a hotel brand and execution of a contract with the hotel brand for the Tower Petroleum Building from December 13, 2007 to March 31, 2008, without penalty to the priority payment - Financing: No cost consideration to the City

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

Downtown Connection TIF District

16. * Subject to City Council approval of certain Downtown Connection TIF District Project and Financing Plan amendments, authorize **(1)** a development agreement with 1600 Pacific Partners, No. 1, L.P. , to provide funding for the redevelopment of 1600 Pacific Avenue located in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District), and, **(2)** the Downtown Connection TIF District Board of Directors to dedicate future tax increment revenue of the Downtown Connection TIF District in an amount not to exceed the lesser of **(a)** 25 percent of the added DCAD value one year after project completion on 1600 Pacific Avenue plus \$4,000,000 for additional assistance for affordable housing development, or **(b)** \$15,908,777 - Not to exceed \$15,908,777 - Financing: Downtown Connection TIF District Funds
17. * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse 1600 Pacific Partners, No. 1, L.P., for eligible expenditures pursuant to the development agreement with 1600 Pacific Partners, No. 1, L.P. - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 12, 2007**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Equipment & Building Services

18. Authorize the City Manager to execute **(1)** Supplemental Agreement No. 1 to the Energy Performance Contract with TAC America, Inc. to perform design and construction of energy conservation improvements at the Dallas Museum of Art, in an amount not to exceed \$5,962,047, which includes an amount not to exceed \$609,480 for performance assurance support services (not to exceed \$60,948 per year during the term of the contract) and an amount not to exceed \$42,960 for the cost of the energy audit, and provide a ten year guarantee of energy savings as a result of the energy conservation improvements; and **(2)** a Municipal Lease-Purchase Agreement from the All American Investment Group, LLC to finance the design and construction of the energy conservation improvements including an option to purchase the improvements on or before the termination of the agreement, with lease payments in an amount not to exceed \$5,294,560 plus interest, to be repaid from electric and natural gas savings resulting from the energy conservation measures in forty quarterly payments, beginning in FY 2008-09, the total of all payments plus interest not to exceed \$6,627,110 - Financing: Municipal Lease-Purchase Agreement and Current Funds (\$6,627,110); Current Funds (\$609,480) (subject to annual appropriations)

19. Authorize **(1)** an increase in the construction contract with Reeves Construction Services, Inc. for installation of a sump pit, sump pump, and collection pipes at the Police Quartermaster building located at 1600 South Lamar Street in the amount of \$88,886, from \$1,383,389 to \$1,472,275, and **(2)** the establishment of appropriations in the 2003 Bond Funds in the amount of \$88,886 - Not to exceed \$88,886 - Financing: 2003 Bond Funds

Housing

20. Authorize an amendment to the Public/Private Partnership Program to include a special category for an Economic Development General Obligation Bond Program for Southern Dallas in the Guidelines and Criteria governing economic development loans and grants pursuant to Chapter 380 of the Texas Local Government Code - Financing: No cost consideration to the City

21. Authorize an amendment to the Single-Family Housing Infrastructure Development Bond Program Statement to allow for unsolicited proposals that meet the overall program purpose, to provide that the current standard of income applies to previously approved projects, and to clarify the City's participation structure - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 12, 2007**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Park & Recreation

22. Authorize a decrease in the contract with Shirley and Sons Construction Company, Inc. for deletion of one of the three construction staging areas, and concrete slope protection at Stonebridge Drive for dredging and erosion control improvements for Stonebridge and Blackburn Ponds - (\$72,697), from \$960,766 to \$888,070 - Financing: 2003 Bond Funds (-\$5,589) and Capital Gifts, Donation and Development Funds (-\$67,108)
23. Authorize Supplemental Agreement No. 3 to the design-build contract with Heery International, Inc. to increase the Guaranteed Maximum Price for the addition of 20,000 new seats, new concessions, rest rooms, conference center and South end zone open-air club level, partial facade, renovation and expansion of existing locker rooms and reconstruction of the two entrance gates for Fair Park at Cullum Boulevard and Martin Luther King, Jr. Boulevard and Cullum Boulevard and Grand Avenue in Fair Park located at 3750 Midway Plaza - Not to exceed \$38,316,000, from \$19,042,059 to \$57,358,059 - Financing: 2006 Bond Funds (\$38,028,764) and State Fair of Texas Capital Construction Interest Earnings (\$287,236)
24. Authorize **(1)** acceptance of a grant from Dallas CBD Enterprises, Inc. ("DCBDE"), managing entity for the Downtown Dallas Improvement District for the restoration of Dealey Plaza, in the amount of \$200,000; **(2)** the establishment of appropriations in the amount of \$200,000 in the Capital Gifts, Donation and Development Fund; and, **(3)** execution of the grant agreement - \$200,000 - Financing: Capital Gifts, Donation and Development Funds

Public Works & Transportation

25. A resolution designating hearing officers to administratively adjudicate all red light violations for which a civil red light citation has been issued under the City's automated red light enforcement program - Financing: No cost consideration to the City
26. Authorize professional services contracts with 11 consulting firms for the engineering design of 15 bridge repair and modification projects, 7 erosion control projects, 1 flood management project, 3 street reconstruction projects, 2 streetscape/urban design projects, 1 target neighborhood project, and 11 thoroughfare projects (list attached) - \$3,479,778 - Financing: 2006 Bond Funds (\$3,168,501), 2003 Bond Funds (\$38,697), Water Utilities Capital Improvement Funds (\$100,190), and Water Utilities Construction Funds (\$172,390)

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 12, 2007**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

Water Utilities

27. Authorize the application for and acceptance of a loan from the Texas Water Development Board in an amount up to \$23,400,000 for financial assistance in the design and construction of water conservation and development projects for implementation of Dallas' recommended strategies in the State Water Plan - Financing: Water Utilities Current Funds (approximately \$1,200,000 annually for 20 years) (subject to annual appropriations)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Development Services

ZONING CASES - INDIVIDUAL

28. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1567 for a homeless assistance center use on property zoned Planned Development District No. 715 for CA-1(A) Central Area District uses and a homeless assistance center use, located on the south corner of Cadiz Street and Ervay Street
Recommendation of Staff and CPC: Approval, subject to conditions
Z078-117(DC)

CORRECTION:

Department of Development Services

ZONING CASES - INDIVIDUAL

64. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District Uses on property zoned an MF-2(A) Multifamily District in the northwest quadrant of Northwest Highway and Lullwater Drive
Recommendation of Staff: Approval, subject to a conceptual plan and conditions
Recommendation of CPC: Denial
Z067-299(RB)

**ADDENDUM
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DECEMBER 12, 2007**

DELETIONS:

City Attorney's Office

9. Authorize a professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. for legal services necessary in the lawsuit styled Theron Green v. City of Dallas, et al., Civil Action No. 3:07-CV-0016-N - Not to exceed \$65,000 - Financing: Current Funds

Housing

23. Authorize a resolution declaring approximately 18 acres located near the intersection of St. Augustine Road and Elam Road unwanted and unneeded and authorizing its conveyance to Dallas Neighborhood Alliance for Habitat, a City certified Community Housing Development Organization, through the Land Transfer Program - Revenue: \$104,465
24. Authorize **(1)** an amendment to the Single-Family Housing Infrastructure Development Bond Program Statement to allow for unsolicited proposals, to provide that the current standard of income applies to previously approved projects, and to clarify the City's participation structure, and **(2)** a participation agreement and private development contract with St. Andrews Housing, LLC, for street infrastructure development costs to support the development of a single-family housing subdivision at 318 North St. Augustine Road - Total not to exceed \$377,304 - Financing: 2003 Bond Funds

Park and Recreation

33. Authorize Supplemental Agreement No. 6 to the professional services contract with Brown, Reynolds and Watford Architects, Inc. for design, bidding, and construction administration for the Texas Horse Park located at 811 Pemberton Hill Road - Not to exceed \$2,673,000, from \$3,618,305 to \$6,291,305 - Financing: 1998 Bond Funds (\$1,743,750) and 2006 Bond Funds (\$929,250)

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 12, 2007**

DELETIONS: (Continued)

Department of Development Services

ZONING CASES - INDIVIDUAL

66. A public hearing to receive comments regarding an application for an MU-1 Mixed Use District on the western half of the site, and an MF-3(A) Multifamily District on the eastern half of the site with deed restrictions volunteered by the applicant on the entire site, on property zoned an MF-1(A) Multifamily District, in an area bounded by Lovers Lane, Amesbury Drive, Milton Street, and Matilda Street
Recommendation of Staff: Approval of an MU-1 Mixed Use District on the western half of the property and an MF-3(A) on the eastern half of the property and a strip along Milton Street on the western side of the property, subject to deed restrictions volunteered by the applicant on the entire property.
Recommendation of CPC: Denial
Z067-259(OTH)
68. A public hearing to receive comments regarding an application for and an ordinance granting a Neighborhood Stabilization Overlay (NSO) on property zoned an R-5(A) Single Family District in an area generally bounded by Lee Street, Pershing Street, Henderson Avenue and Homer Street and including both sides of Pershing and Homer (Cochran Heights)
Recommendation of Staff and CPC: Approval
Z067-318(MF)

Professional Services Contracts with 11 Consulting Firms
Addendum Item #26

<u>Projects</u>	<u>Council District</u>	<u>Firm</u>	<u>Amount</u>
<u>Bridge Improvements</u>			
Belt Line Road over Hickory Creek	8	TranSystems, Inc.	\$27,077.00
Canada Drive over West Fork Trinity River	3, 6	TranSystems, Inc.	\$17,853.00
Clover hill Road over Hickory Creek Tributary	8	TranSystems, Inc.	\$13,238.00
Colorado Boulevard over Coombs Creek	3	TranSystems, Inc.	\$11,477.00
Continental Avenue over Trinity River	6	TranSystems, Inc.	\$19,093.00
Duncanville Road over Five Mile Creek	3	TranSystems, Inc.	\$10,333.00
East Kiest Boulevard over Lancaster Kiest Shopping Center	4	TranSystems, Inc.	\$38,503.00
Gayglen Drive over Elam Creek	5	TranSystems, Inc.	\$15,198.00
Kiest Boulevard over DART (Burlington Northern Santa Fe Railroad)	3	TranSystems, Inc.	\$19,873.00
Lake June Road over Prairie Creek	5	TranSystems, Inc.	\$18,163.00
Lawson Road over Mesquite Branch Tributary	8	TranSystems, Inc.	\$7,453.00
Lawther Drive (West) over White Rock Creek	9, 10	TranSystems, Inc.	\$23,223.00
Ravenview Road over Hickory Creek	8	TranSystems, Inc.	\$ 7,558.00
Simpson Stuart Road over Five Mile Creek	8	TranSystems, Inc.	\$23,443.00
TI Boulevard over Floyd Branch Tributary	10	TranSystems, Inc.	\$14,153.00

Professional Services Contracts with 11 Consulting Firms
Addendum Item #26 (Continued)

<u>Projects</u> (Continued)	<u>Council District</u>	<u>Firm</u>	<u>Amount</u>
<u>Erosion Control Improvements</u>			
2631, 2635 Deep Hill Circle	3	Freese and Nichols, Inc.	\$41,040.00
2647, 2651 Deep Hill Circle	3	Freese and Nichols, Inc.	\$37,296.00
2695, 2699 Deep Hill Circle	3	Freese and Nichols, Inc.	\$49,671.00
1404 Matagorda Drive	5	Dannenbaum Engineering Corp.	\$15,793.45
2707 Millbrook Drive	8	Dannenbaum Engineering Corp.	\$22,266.03
3423 - 3447 Willow Crest Lane	3	Dannenbaum Engineering Corp.	\$89,066.10
881 Wixom Lane	8	Dannenbaum Engineering Corp.	\$7,845.77
<u>Flood Management Improvements</u>			
Dixon Branch Flood Study	9	Freese and Nichols, Inc.	\$235,000.00
<u>Street Reconstruction</u>			
Dolphin Road from Samuell Boulevard to Merrifield Avenue	2, 7	RJN Group, Inc.	\$42,000.00
Henderson Avenue (South) from Winslow Avenue to Oleander Street	2	Teague Nall and Perkins, Inc.	\$88,810.70
Samuell Boulevard from Tennison Parkway to Union Pacific Railroad	2, 7	RJN Group, Inc. Inc.	\$164,184.00
<u>Streetscape/Urban Design Improvements</u>			
Akard Street from Commerce Street to Elm Street	14	Bucher Willis & Ratliff Corporation	\$109,260.00
Akard Street from Ross Avenue to Woodall Rodgers Freeway	14	Bucher Willis & Ratliff Corporation	\$225,705.00

Professional Services Contracts with 11 Consulting Firms
Addendum Item #26 (Continued)

<u>Projects</u> (Continued)	<u>Council District</u>	<u>Firm</u>	<u>Amount</u>
<u>Target Neighborhood</u>			
Dickerson Street from McCallum Boulevard to Frankford Road	12	APM & Associates, Inc.	\$279,258.00
<u>Thoroughfares</u>			
Akard Street from Commerce Street to Elm Street	14	Dal-Tech Engineering, Inc.	\$31,430.00
Bexar Street (Phase III) from Municipal Street to Levee Street	4	Lina T. Ramey & Associates, Inc.	\$166,500.00
Bexar Street from Brigham Lane to Myrtle Street	7	Teague Nall and Perkins, Inc.	\$109,195.70
Central Boulevard from Commerce Street to Live Oak Street	14	Jacobs Engineering Group	\$908,947.52
Federal Street from Akard Street to Ervay Street	14	Dal-Tech Engineering, Inc.	\$16,400.00
Field Street from Wood Street to Elm Street	14	Dal-Tech Engineering, Inc.	\$80,670.00
Houston Street from Young Street to Elm Street	2	Dal-Tech Engineering, Inc.	\$90,430.00
Live Oak Street from Olive Street to Central Boulevard	14	Jacobs Engineering Group	\$49,710.00
Patterson Street from Field Street to Akard Street	14	Dal-Tech Engineering, Inc.	\$17,960.00
Routh Street from Ross Avenue to San Jacinto Street	14	ARS Engineers, Inc.	\$125,780.00
Routh Street from Ross Avenue to Woodall Rodgers Freeway	14	ARS Engineers, Inc.	\$208,920.00