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CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, DECEMBER 10, 2008
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 - 77

CONSENT ADDENDUM

Items 1 - 40

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:30 a.m.

Items 78 - 79
Addendum Item 41

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 80 - 106
Addendum Items 42 - 46

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 10, 2008
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. Jack Gouge, Cause No. 08-00309-E
- City of Dallas v. Virginia Aerospace, L.L.C. and Love Terminal Partners, L.P., Cause No. JE-0802085-P, Virginia Aerospace, L.L.C. and Love Terminal Partners, L.P. v. City of Dallas, Cause No. 08-15110-E
- James Curtis Giles v. City of Dallas, et al., Civil Action No. 3:08-CV-1767-D, Billy James Smith v. City of Dallas, et al., Civil Action No. 3:07-CV-1413-O, James Douglas Waller v. City of Dallas, et al., Civil Action No. 3:08-CV-0728-M, Charles Chatman v. City of Dallas, et al., Civil Action No. 3:08-CV-0767-D

CONSENT ADDENDUM

Aviation

1. An ordinance amending Chapter 5 of the Dallas City Code to: **(1)** adjust landing fees charged for commercial aircraft at Dallas Love Field and Dallas Executive Airport; and **(2)** increase fees paid to the City by fixed-base operators and self-fueling operators selling or dispensing fuel at Dallas Love Field and Dallas Executive Airport - Financing: No cost consideration to the City
2. Authorize a twenty-year amended and restated lease of terminal building premises with Southwest Airlines Co. at Dallas Love Field - Estimated Annual Revenue: \$2,067,918
3. Authorize a twenty year amended and restated lease of terminal building premises with Continental Airlines, Inc. at Dallas Love Field - Estimated Annual Revenue: \$128,350
4. Authorize a twenty-year amended and restated lease of terminal building premises with American Airlines, Inc. at Dallas Love Field - Estimated Annual Revenue: \$483,795

Business Development & Procurement Services

5. Authorize a forty-eight-month agreement, with two twelve-month renewal options, to operate and manage an on-site medical clinic at City Hall - Concentra Health Services, Inc., most advantageous proposer of two - Not to exceed \$2,400,000 - Financing: Employee Benefits Current Funds (subject to annual appropriations)

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 10, 2008**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Business Development & Procurement Services (Continued)

6. Authorize the purchase of a mobile command post with integrated communications and networking technologies - BearCom Operating LLC, most advantageous proposer of seven - Not to exceed \$973,900 - Financing: Current Funds (\$73,900), U.S. Department of Homeland Security Grant Funds (\$900,000)
7. Authorize Supplemental Agreement No. 1 to the service contract with SAP, Inc. for the purchase of BusinessObjects Enterprise Premium, Crystal Reports XI Developer, BusinessObjects Web Intelligence, and BusinessObjects Data Quality Management Professional - Not to exceed \$392,782, from \$3,915,450 to \$4,308,232 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes

City Attorney's Office

8. Authorize settlement of the lawsuit styled Ashley Yarberry v. City of Dallas, Civil Action No. 3:07-CV-0893-M - Not to exceed \$60,000 - Financing: Current Funds
9. Authorize administration and satisfaction of the judgment in a lawsuit styled A.E. Brewster et al. v. City of Dallas, Cause No. DV-98-08100-M, in the 298th District Court of Dallas County, by authorizing the City Attorney to implement the terms of a Class Action Distribution Plan and authorizing the City Controller **(1)** to reimburse class members who paid fire registration fees on or after July 28, 1995, and **(2)** to pay attorney fees to Lynn Tillotson Pinker & Cox, L.L.P. and Olson Nicoud & Gueck, L.L.P. - Not to exceed \$2,500,000 - Financing: Current Funds (\$2,200,000) and Current Funds (\$300,000) (subject to annual appropriations)
10. Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Munck Carter, P.C. for additional legal services necessary in the lawsuit styled United States of America v. City of Dallas, Texas, Civil Action No. 3:08-CV-1063-K - Not to exceed \$150,000, from \$117,500 to \$267,500 - Financing: Current Funds
11. An ordinance appointing either Esther Grossman, Thomas Stanton or Denise Campbell to fill two vacant associate (part-time) municipal judge positions to preside over the City of Dallas municipal court of record for terms ending on May 31, 2010 - Financing: No cost consideration to the City
12. An ordinance amending Chapter 13 of the Dallas City Code to create a new municipal court of record which will be a community court located at the West Dallas Multi-Purpose Center - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 10, 2008**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

City Attorney's Office (Continued)

13. An ordinance amending Chapter 41 of the Dallas City Code to: **(1)** prohibit the sale of individual cigars; **(2)** require that cigars be sold in packages of at least five; **(3)** provide defenses; and **(4)** provide a penalty not to exceed \$500 - Financing: No cost consideration to the City

Communication and Information Services

14. Authorize a three-year Interlocal Agreement with the Town of Addison to provide the Town of Addison with two-way radio service and radio system airtime for the period September 9, 2008 through September 8, 2011 - Revenue: \$17,800

Convention and Event Services

15. Authorize **(1)** amendment of the three-party Pre-Development Agreement between Matthews Holdings Southwest, Inc., the City of Dallas and the City's local government corporation (LGC) (Dallas Convention Center Hotel Development Corporation) to extend the deadline dates for execution of the developer agreement and the GMP construction contract until January 31, 2009, and **(2)** authorize the City Manager to finalize the documentation of the developer agreement for subsequent approval by the City Council and the LGC - Financing: No cost consideration to the City

Department of Development Services

16. An ordinance abandoning a portion of a garbage collection and public utilities easement to LJB Springs, LP, the abutting owner, containing approximately 2,146 square feet of land, located near the intersection of Wander Lane and Wander Place - Revenue: \$5,400 plus the \$20 ordinance publication fee

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 10, 2008**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Economic Development

Note: If Addendum Item Nos. 17 and 18 do not pass, Council will not consider Addendum Item No. 19.

Note: Addendum Item Nos. 17 and 18 must be considered collectively.

Hall Lone Star Associates, L.P.

17. * Authorize **(1)** a development agreement with Hall Lone Star Associates, L.P., for the redevelopment of 2301 Ross Avenue (known as the Dallas Arts District Garage), located in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District); and **(2)** the Downtown Connection TIF District Board of Directors intent to dedicate future tax increment revenue of the Downtown Connection TIF District in an amount not to exceed \$7,000,000 plus interest up to \$2,000,000 for a total incentive amount, including interest, not to exceed \$9,000,000 - Not to exceed \$9,000,000 - Financing: Downtown Connection TIF District Funds
18. * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse Hall Lone Star Associates, L.P., for eligible expenditures pursuant to the development agreement with Hall Lone Star Associates, L.P. - Financing: No cost consideration to the City
19. Authorize **(1)** an amendment to the sublease agreement dated January 23, 1986 with Metropolitan/Harbord Joint Venture, and its successor, Hall Lone Star Associates, L.P., a Texas limited partnership, for the Arts District Garage located at 2301 Ross Avenue to provide for a change in the operation of the Dallas Arts District Garage commencing on January 1, 2009, and **(2)** an amendment to the Garage Lease Agreement dated January 23, 1986 to provide certain conforming changes - Estimated Revenue: \$100,700,000
20. Authorize an amendment to the real property tax abatement and economic development grant agreement with KP Million, LP to: **(1)** extend the substantial completion date from December 31, 2008 to December 31, 2010, and **(2)** revise the start of the real property tax abatement from January 1, 2009 to January 1, 2011 with KP Million, LP for the construction of Shinchon Grand Shopping Plaza, pursuant to Resolution No. 07-1514, previously approved on May 23, 2007 - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 10, 2008**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Environmental & Health Services

21. An ordinance amending Chapter 41 of the Dallas City Code to: **(1)** prohibit smoking in all indoor and enclosed areas in the city and within 15 feet of any entrance to an indoor or enclosed area; **(2)** provide certain defenses; **(3)** provide signage and other requirements; **(4)** provide for enforcement of smoking violations against both the person smoking and the owner, operator, or person in control of the establishment or area where smoking is prohibited; and **(5)** provide a penalty of \$200 - Financing: This action has no cost consideration to the City

Equipment & Building Services

22. Authorize an increase in the contract with Gilbert May, Inc. dba Phillips/May Corporation for protection of the archive collection of Dallas Historical Society at the Hall of State located at 3939 Grand Avenue - \$323,496, from \$6,253,000 to \$6,576,496 - Financing: 2006 Bond Funds (\$292,605) and Current Funds (\$30,891)

Fire

23. Authorize Supplemental Agreement No. 1 to the contract with Southwest General Services of Dallas, LLC for additional collection, billing and reporting services assessed for motor vehicle accident cleanup fees - Estimated Annual Revenue: \$1,125,000

Housing

24. Authorize acquisition of two vacant lots located at 6214 Municipal Street and 2511 St. Clair Street and one parcel improved with an occupied commercial structure located at 6211 Municipal Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program (list attached) - \$62,000 including estimated closing costs - Financing: 2006 Bond Funds
25. Authorize a subordination agreement with Wachovia Multifamily Capital, Inc. to subordinate the Deed Restrictions for affordable rents for the benefit of the City originally placed on the vacant property located at 1201 South Ewing Avenue at the time of purchase by SDC Ewing Court, LP - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 10, 2008**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Housing (Continued)

26. Authorize **(1)** an amendment to Resolution No. 08-1895, previously approved on June 25, 2008, authorizing the execution of an economic development loan agreement with East Dallas Community Organization (EDCO) to allow EDCO to be released from a portion of the indebtedness on the note as each property is sold to an eligible homebuyer; and **(2)** an amendment to the HOME Investment Partnership loan agreement with EDCO to forgive a portion of the indebtedness on the note as each property is sold to an eligible homebuyer - Financing: No cost consideration to the City

Human Resources

27. Authorize the adoption of the City's Master Plan Document that governs the City's 2009 Employee and Retiree Health Benefits Plans (self-funded Preferred and Exclusive Provider Organizations), including the Flexible Benefits (Section 125) - Total cost is based on the number of employees/retiree participants in the plan - Financing: Employee Benefits Current Funds (subject to appropriations)
28. Authorize a one-year renewal option of the contract with Marsh@WorkSolutions to provide voluntary benefits to employees and qualified retirees - Financing: No cost consideration to the City (to be funded by employees and retirees through payroll deduction)

Office of Cultural Affairs

29. Authorize a contract for the fabrication and installation of a site-specific artwork to be installed in the seating area where Bishop Street terminates into Davis Street - Graphic Content, Inc. - Not to exceed \$49,600 - Financing: 2003 Bond Funds
30. Authorize a contract for the fabrication and installation of two site-specific artworks to be installed inside Lochwood Library located at 11221 Lochwood Boulevard - Rex Kare - Not to exceed \$50,000 - Financing: 2003 Bond Funds
31. Authorize **(1)** the second amendment to the Performing Arts Center Development Agreement with the Dallas Center for the Performing Arts Foundation, Inc., an independent, nonprofit foundation, for the design and construction of the Annette Strauss Artist Square; and **(2)** the second amendment to the Performing Arts Center Use Agreement with the Dallas Center for the Performing Arts Foundation, Inc. for operation and use of the Annette Strauss Artist Square - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 10, 2008**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Office of Emergency Management

32. Authorize the acceptance of a grant from the U.S. Department of Homeland Security under the Emergency Management Performance Grant Program to fund emergency preparedness operations and planning related to emergency response activities for the period October 1, 2007 through September 30, 2008 - Not to exceed \$180,338 - Financing: U.S. Department of Homeland Security Grant Funds

Office of Financial Services

33. Authorize adjustments to appropriations for various multi-year funds and to authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

Police

34. Authorize the recognition and participation in the Dallas County Criminal Justice Advisory Board as the board commits its efforts to synergize public safety programs and services across Dallas County, coordinate programs and systems to reduce crime, and maximize the effectiveness of criminal justice resources throughout Dallas County - Financing: No cost consideration to the City
35. Authorize a fifteen-month agreement for software maintenance of the Data Integration System for Law Enforcement software with Greystone Digital Technologies, Inc., a Texas corporation, for access of specific computer information required by the Dallas Police Department for criminal investigations for the period October 1, 2007 through December 31, 2008 - Not to exceed \$125,000 - Financing: 2005-06 Urban Area Security Initiative Grant Funds

Public Works & Transportation

36. Authorize a professional services contract with Hellmuth, Obata + Kassabaum, LP for preparation of a master plan study for an Asian American Cultural Center; coordination of community input, development of conceptual design, analysis and recommendation of potential site locations and preparation of cost estimates for design and construction phases of the project - Not to exceed \$262,500 - Financing: 2006 Bond Funds

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 10, 2008**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Public Works & Transportation (Continued)

37. Authorize Supplemental Agreement No. 2 to the contract with Huitt-Zollars, Inc. for additional services for managing and providing construction inspection throughout the duration of construction of State-Thomas TIF District Groups I through IV - Not to exceed \$281,276, from \$292,330 to \$573,606 - Financing: State-Thomas TIF District Funds

Trinity River Corridor Project

38. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of six properties located near the intersection of Sylvan Avenue and Morris Street for the Oncor Transition Facility associated with the West Levee Norwood 345 kV Transmission Line and the Sylvan Avenue Bridge Project (list attached) - Not to exceed \$381,250 (\$367,750 plus closing costs not to exceed \$13,500) - Financing: 2006 Bond Funds
39. Authorize acquisition from the County of Dallas, including the exercise of the right of eminent domain, if such becomes necessary, and subsequent sale to Oncor Electric Delivery Company, of an unimproved tract of land containing approximately 16,040 square feet located near the intersection of Sylvan Avenue and Morris Street for the Oncor Transition Facility associated with the West Levee Norwood 345 kV Transmission Line - Not to exceed \$26,060 (\$24,060 plus closing costs not to exceed \$2,000) - Financing: 2006 Bond Funds
40. Authorize an amendment to the Purchase and Sale Agreement with Union Pacific Railroad Company to modify certain conditions precedent to the sale for the acquisition of land known as portions of the Trinity Industrial Lead located adjacent to the northeast side of the east Trinity Levee near the Continental Viaduct extending to Mockingbird Lane - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

Department of Development Services

41. An ordinance amending Chapter 51A of the Dallas City Code to add an Article XIII creating new "Form Districts" for walkable mixed use developments at a range of densities - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 10, 2008**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Development Services

ZONING CASES - CONSENT

42. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private school on property zoned an R-7.5(A) Single Family District on the south corner of Cortland Avenue and Bombay Avenue
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Z078-302(OTH)
43. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment use for a private club on property zoned an MU-1 Mixed Use District on the west side of Marvin D. Love Freeway, south of Camp Wisdom Road
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Z089-110(MAW)

MISCELLANEOUS HEARINGS

Economic Development

Note: If Addendum Item Nos. 44 and 45 do not pass, Council will not consider Addendum Item No. 46.

Davis Garden TIF District

Note: Addendum Item Nos. 44 and 45 must be considered collectively.

44. * A public hearing to receive comments on an amendment to Tax Increment Reinvestment Zone Number Sixteen (Davis Garden TIF District) to increase the geographic area of the TIF District to include selected adjacent properties - Financing: No cost consideration to the City
45. * An ordinance amending Ordinance No. 26799, passed by the City Council on June 13, 2007, to increase the geographic area of the Tax Increment Reinvestment Zone Number Sixteen (Davis Garden TIF District) to include selected adjacent properties; establishing an effective date; making a finding regarding feasibility; providing a severability clause; and enacting other matters related hereto - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 10, 2008**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

Economic Development (Continued)

46. An ordinance authorizing an amendment to the Project Plan and Reinvestment Zone Financing Plan ("Plan") for Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to increase the geographic area of the Davis Garden TIF District to include certain adjacent properties - Financing: No cost consideration to the City

DELETION:

Department of Development Services

ZONING CASES - INDIVIDUAL

90. A public hearing to receive comments regarding a City Council authorized hearing with consideration being given to determining the land use compatibility of Specific Use Permit No. 1222 for a Commercial amusement (inside) use for a Class A Dance hall on property zoned a CR Community Retail District on the northeast line of Gaston Avenue, northwest of Garland Road and an ordinance repealing Specific Use Permit No. 1222
Recommendation of Staff: Approval, subject to a site plan and conditions
Recommendation of CPC: Repeal of Specific Use Permit No. 1222
Z078-256(RB)

Bexar Street Redevelopment Project
Addendum Item #24

<u>Parcel No.</u>	<u>Owner</u>	<u>Property Address</u>	<u>Offer Amount</u>	<u>Mapsco</u>	<u>Council District</u>
A21	Delphia J. Burns	6214 Municipal Street	\$10,000	56G	7
A38	James Epps	6211 Municipal Street	\$33,000	56G	4
B9	Spann Liberty Management & Investment Co.	2511 St. Clair Street	\$13,000	56G	7

Oncor Transition Facility/Sylvan Avenue Bridge Project
Property List
 Addendum Item #38

<u>Tract No.</u>	<u>Property Owner</u>	<u>Address</u>	<u>Tract Size Sq. Ft.</u>	<u>Offer Amount</u>
1.	Juan & Maria Renderos	3402 Sylvan Avenue	6,058 sf	\$85,000 (plus closing costs, not to exceed \$2,500)
2.	Domingo Rios	3406 Sylvan Avenue	6,058 sf	\$60,000 (plus closing costs, not to exceed \$1,800)
3.	Daniel & Francis Rios	3410 Sylvan Avenue	6,058 sf	\$60,000 (plus closing costs, not to exceed \$1,800)
4.	Trinidad Delgado	3401 Topeka Avenue	6,875 sf	\$13,750 (plus closing costs, not to exceed \$1,400)
5.	Consolacion Cruz	3405 Topeka Avenue	6,875 sf	\$90,000 (plus closing costs, not to exceed \$2,500)
6.	Estate of Leonor Delgado	3411 Topeka Avenue	6,875 sf	\$59,000 (plus closing costs, not to exceed \$3,500)