

AGENDA
CITY COUNCIL MEETING
OCTOBER 8, 2008
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers) **[08-2740]**

Agenda Item/Open Microphone Speakers **[08-2741]**

VOTING AGENDA

1. Approval of Minutes of the September 24, 2008 City Council Meeting **[08-2742; APPROVED]**

CONSENT AGENDA [08-2743]

Business Development & Procurement Services

2. Authorize a twelve-month master agreement for cast iron fittings - Mainline Supply Company in the amount of \$147,200 and HD Supply Waterworks, LTD in the amount of \$73,600, lowest responsible bidders of four - Total not to exceed \$220,800 - Financing: Water Utilities Current Funds **[08-2744; APPROVED]**
3. Authorize a twelve-month master agreement for the purchase of smoke detectors for homeowners - Fine Line Products, lowest responsible bidder of two - Not to exceed \$135,300 - Financing: Centers for Disease Control and Prevention Grant Funds (\$67,650) and Meadows Foundation Grant Funds (\$67,650) **[08-2745; APPROVED AS AN INDIVIDUAL ITEM]**
4. Authorize a twenty-four-month master agreement for aluminum sign blanks - Custom Products Corporation, lowest responsible bidder of two - Not to exceed \$1,362,104 - Financing: Current Funds **[08-2746; APPROVED]**

CONSENT AGENDA (Continued)**Business Development & Procurement Services (Continued)**

5. Authorize a thirty-six-month master agreement for the purchase of poles and light fixtures for various parks and other sites throughout the City - Summit Electric Supply, lowest responsible bidder of two - Not to exceed \$727,811 - Financing: Current Funds **[08-2747; APPROVED]**
6. Authorize a thirty-six-month service contract for yard waste grinding service at the City's landfill and transfer stations - National Waste Management, Inc., lowest responsible bidder of five - Not to exceed \$1,989,470 - Financing: Current Funds (subject to annual appropriations) **[08-2748; APPROVED AS AN INDIVIDUAL ITEM]**
7. Authorize a thirty-six-month service contract for the collection and recycling of various materials - Okon Metals, Inc., highest responsible bidder of two - Estimated Annual Revenue: \$103,064 **[08-2749; APPROVED]**

City Attorney's Office

8. Authorize settlement of plaintiff Estela Menendez's claim in the lawsuit styled John Riley & Estela Menendez v. City of Dallas, Cause No. 07-00427-E - Not to exceed \$8,500 - Financing: Current Funds **[08-2750; APPROVED]**

Department of Development Services

9. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Eliza Wilhite, of approximately 56 square feet of unimproved land located near the intersection of Mouser Street and Cedar Crest Boulevard for the Mouser Street Public Improvement Project - \$134 - Financing: 2004-2005 Community Development Grant Funds **[08-2751; APPROVED]**
10. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of four tracts of unimproved land containing a total of approximately 63,672 square feet located near the intersection of Commerce and Griffin Streets for Belo Gardens Park (list attached) - \$4,289,300 (\$4,263,000 and closing cost not to exceed \$26,300) - Financing: 2006 Bond Funds **[08-2752; APPROVED]**
11. Authorize settlement in lieu of proceeding further with condemnation in City of Dallas v. Latour Partners L.P., et. al., Cause No. cc-06-05017-B, pending in the County Court at Law No. 2, for acquisition from Latour Partners L.P of approximately 45,656 square feet of land improved with a parking garage located near the intersection of Main and St. Paul Streets for the Main Street Gardens Project - \$388,076 - Financing: Park and Recreation Department Capital Improvement Funds **[08-2753; APPROVED]**
12. A resolution authorizing conveyance of an erosion control easement with a temporary construction easement containing a total of approximately 94,741 square feet of land to the Trinity River Authority of Texas for the construction and maintenance of erosion control facilities across City-owned land at Frazier Dam located near the intersection of Spur 482 and Century Boulevard - Revenue: \$1,000 **[08-2754; APPROVED]**

CONSENT AGENDA (Continued)**Department of Development Services (Continued)**

13. Authorize a replacement housing payment for homeowner, Ethel Mae Daniels, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$77,900 - Financing: 2008-09 Community Development Grant Funds **[08-2755; APPROVED]**
14. Authorize replacement housing payment for homeowner, Dorothy Houston, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$81,000 - Financing: 2008-09 Community Development Grant Funds **[08-2756; APPROVED]**
15. Authorize replacement housing payment for homeowner, Margaret Francis, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$80,000 - Financing: 2008-09 Community Development Grant Funds **[08-2757; APPROVED]**
16. An ordinance abandoning portions of floodway and drainage easements to Next Block-Dallas I, L.P., the abutting owner, containing a total of approximately 11,434 square feet of land located near the intersection of Manderville Lane and US Highway 75 - Revenue: \$10,673 plus the \$20 ordinance publication fee **[08-2758; APPROVED; ORDINANCE 27358]**
17. An ordinance abandoning a portion of a water main easement to the Dallas County Community College District, the abutting owner, containing approximately 1,672 square feet of land located near the intersection of Dallas Avenue and Wintergreen Road - Revenue: \$5,400 plus the \$20 ordinance publication fee **[08-2759; APPROVED; ORDINANCE 27359]**

Economic Development

18. Authorize economic development grant agreements with two community-based nonprofit agencies, to enhance the quality of life for the residents in the South Dallas/Fair Park Trust Fund target area to provide funding as follows: **(1)** Services of Hope, Inc., in an amount not to exceed \$35,000; and **(2)** Preservation Link, Inc., in an amount not to exceed \$35,000 - Total not to exceed \$70,000 - Financing: South Dallas/Fair Park Trust Funds **[08-2760; APPROVED]**

Equipment & Building Services

19. Authorize a professional services contract with Conley Group, Inc. to provide architectural and engineering services for the renovation of the Municipal Building located at 2014 Main Street - \$1,142,700 - Financing: 1998 Bond Funds **[08-2761; APPROVED AS AN INDIVIDUAL ITEM]**

Fair Housing

20. Authorize **(1)** the acceptance of a Fair Housing Assistance Comprehensive Funding Approach Award from the U.S. Department of Housing and Urban Development (HUD) for the Fair Housing Assistance Program (FHAP) to process, investigate and conciliate housing discrimination complaints, to provide for administrative costs and HUD required staff training for the period October 1, 2008 through September 30, 2009; and **(2)** the execution of any and all documents related to the grant - Not to exceed \$155,800 - Financing: U.S. Department of Housing and Urban Development Grant Funds **[08-2762; APPROVED]**

CONSENT AGENDA (Continued)**Fire**

21. Authorize payment to the Texas Commission on Fire Protection for the annual certification of uniformed Fire Department personnel as required by the Texas Commission on Fire Protection - \$41,425 - Financing: Current Funds **[08-2763; APPROVED]**

Housing

22. A resolution declaring two properties unwanted and unneeded and authorizing their conveyance by Deed without Warranty to Hailu Ejigu, for \$10 and a promise to provide provision of mixed-use development on the properties within 3 years of execution of the deed (list attached) - Financing: No cost consideration to the City **[08-2764; APPROVED AS AN INDIVIDUAL ITEM]**
23. Authorize execution of a partial release of lien on the east 9.5 feet of Lot 3 in Block 25/7127 of Victory Gardens No. 5 Addition located at 2020 Shaw and delivery of the release to Dallas Neighborhood Alliance for Habitat, Inc. to allow their conveyance of this strip of land to the adjacent property owner - Financing: No cost consideration to the City **[08-2765; APPROVED]**
24. Authorize a secured, no interest, forgivable loan pursuant to the Residential Development Acquisition Loan Program in the amount of \$780,000 to Dallas Neighborhood Alliance for Habitat to pay for the acquisition cost of 50 unimproved properties bounded by U.S. Highway 175 and South Beltline Road for the development of low-to-moderate income single-family homes - Not to exceed \$780,000 - Financing: 2005-06 Community Development Grant Funds (\$680,000); 2006-07 Community Development Grant Funds (\$100,000) **[08-2766; APPROVED]**
25. Authorize the reconstruction on-site of six homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 5322 Garland Avenue in the amount of \$87,500, 2407 Kirby Street in the amount of \$87,500, 1831 Pueblo Street in the amount of \$87,500, 3638 Darien Street in the amount of \$87,500, 2920 South Marsalis Avenue in the amount of \$87,500, and 2026 Bickers Street in the amount of \$87,500 - Total not to exceed \$525,000 - Financing: 2001-02 Community Development Grant Funds (\$58,129); 2007-08 Community Development Grant Funds (\$379,371) and 2006-07 HOME Funds (\$87,500) **[08-2767; APPROVED]**
26. Authorize modifications to the Reconstruction/SHARE Program Statement to: **(1)** include an eligibility requirement that applicants be 62 years of age or older or disabled; **(2)** increase the maximum qualifying area median income up to and including 80% as determined by HUD; **(3)** provide one reimbursement payment to the Borrower within twenty-four (24) months of the completion date for the newly constructed home that may include all ad valorem property taxes for all taxing units for only the first year after reappraisal of the new home and the property insurance premium for one year; **(4)** require no interest repayment of the note at the time of death of the Borrower or transfer of the property as described in the revised Reconstruction/SHARE Program Statement; and **(5)** execute all necessary loan documents to implement these changes - Financing: No cost consideration to the City **[08-2768; APPROVED AS AN INDIVIDUAL ITEM]**

CONSENT AGENDA (Continued)**Housing (Continued)**

27. Authorize the second of two twelve-month renewal options to the service contract with the Enterprise Community Partners, Inc., a non-profit corporation, for operation and administration of the Mortgage Assistance Program, including homebuyer education, for the period October 1, 2008 through September 30, 2009 - \$4,872,460 (\$4,372,460 program loan funds and \$500,000 administration/direct project costs) - Financing: 2008-09 Community Development Grant Funds (\$300,000), 2008-09 HOME Funds (\$4,500,000), 2008-09 American Dream Downpayment Initiative Funds (\$72,460) **[08-2769; APPROVED]**
28. Authorize an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to: **(1)** align the Program Statement with prior 2007 state statute changes including reducing the delinquent taxes from six consecutive years to five total years and adding uninhabitable vacant buildings or residences to the site assessment criteria, and **(2)** eliminate the community meeting requirement if the properties are packaged in groups of 10 or fewer lots - Financing: No cost consideration to the City **[08-2770; APPROVED]**
29. Authorize modifications to the People Helping People (PHP) program statement to: **(1)** include an eligibility requirement that homeowners be low income elderly (age 62 or older) and/or disabled, **(2)** allow low income homeowners age 65 or older or who are disabled who, under the Texas Property Tax Code, have obtained tax deferrals from the Central Appraisal District or are current on their payment plans for delinquent taxes, to be eligible to apply for PHP volunteer home repair assistance, **(3)** remove roofing projects from PHP regimen of volunteer services and refer citizens with roofing needs to the Home Repair Program for possible assistance, and **(4)** include lead-based paint stabilization using safe work practices - Financing: No cost consideration to the City **[08-2771; APPROVED]**

Park & Recreation

30. Authorize a contract for the installation of a new playground, parking lot replacement, sidewalks, site furnishings, and a portable toilet enclosure at McCree Park located at 9016 Plano Road - A S Con, Inc., lowest responsible bidder of three - \$239,900 - Financing: 2003 Bond Funds **[08-2772; APPROVED]**
31. Authorize a professional services contract with LopezGarcia Group for surveying and schematic design through construction administration services for the creek bank stabilization, erosion control improvements, and trail reconstruction at various locations within the Turtle Creek Greenbelt - \$101,540 - Financing: 2006 Bond Funds **[08-2773; APPROVED]**
32. Authorize an increase in the contract with Riverway Contractors and Management, Inc. for additional site furnishings, retaining wall, railroad crossing, concrete slope protection, additional drainage improvements, and pedestrian bridge modifications at Preston Ridge Trail - Not to exceed \$157,370, from \$1,051,047 to \$1,208,417 - Financing: 2003 Bond Funds **[08-2774; APPROVED]**

CONSENT AGENDA (Continued)

Park & Recreation (Continued)

- 33. Authorize Supplemental Agreement No. 2 to the professional services contract with Linda Tycher and Associates, Inc. for structural engineering services at Wagging Tail Park located at 5900 Keller Springs Road - Not to exceed \$6,000, from \$21,770 to \$27,770 - Financing: 2003 Bond Funds **[08-2775; APPROVED]**
- 34. Authorize a public hearing to be held on November 10, 2008, to receive comments on the proposed use of a portion of Reverchon Park, totaling approximately 4,409 square feet of land, for the installation of a 54-inch wastewater main - Financing: No cost consideration to the City **[08-2776; APPROVED]**

Police

- 35. Authorize **(1)** the application for and acceptance of the Texas Comptroller's 2009 Tobacco Compliance Grant in the amount of \$59,000 from the Office of the Comptroller of Public Accounts for the purpose of reducing youth access to tobacco products, and to ensure compliance with the Health and Safety Code, Chapter 161 for the period of September 1, 2008 through August 31, 2009, and **(2)** execution of the grant agreement - Total not to exceed \$59,000 - Financing: Texas Comptroller's Tobacco Compliance Grant Funds **[08-2777; APPROVED]**

Public Works & Transportation

- 36. Authorize **(1)** street paving, storm drainage, water and wastewater main improvements for Korgan Street from South Ewing Avenue west to dead-end; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on November 10, 2008, to receive comments - Financing: No cost consideration to the City **[08-2778; APPROVED]**

Trinity River Corridor Project

- 37. Adoption of the Great Trinity Forest 100-Year Forest Management Plan to guide future planning and implementation of the Trinity River Corridor Project - Financing: No cost consideration to the City **[08-2779; APPROVED]**

Water Utilities

- 38. Authorize **(1)** the rejection of bids received for the construction of the site utilities associated with the energy recovery facility at the Southside Wastewater Treatment Plant, and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City **[08-2780; APPROVED AS AN INDIVIDUAL ITEM]**

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

- 39. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office) **[08-2781 AND 08-2782; APPOINTMENTS MADE TO BOARDS]**

Business Development & Procurement Services

- 40. Authorize a thirty-six-month professional services contract, with two twelve-month renewal options, for the continuance of the advertising campaign and media placement for the promotion and reinforcement of water conservation initiatives and the grease abatement program - Camp Dresser & McKee, Inc., most advantageous proposer of three - Not to exceed \$5,640,000 - Financing: Water Utilities Current Funds (subject to annual appropriations) **[08-2783; APPROVED]**

PUBLIC HEARINGS AND RELATED ACTIONS

MISCELLANEOUS HEARINGS

Department of Development Services

- 41. A public hearing to receive comments regarding a proposal for and an ordinance waiving certain street name change standards and changing the name of Missouri Avenue between Interstate 35E and Marsalis Avenue to Grover C. Washington Avenue - Financing: No cost consideration to the City **[08-2784; HEARING CLOSED; APPROVED; ORDINANCE 27360]**

Housing

FY 2008-09 Urban Land Bank Demonstration Program Plan

Note: Item Nos. 42 and 43 must be considered collectively.

- 42. * A public hearing to receive comments on the proposed City of Dallas FY 2008-09 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City **[08-2785; HEARING CLOSED]**
- 43. * Authorize approval of the City of Dallas FY 2008-09 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City **[08-2785; APPROVED]**

**ADDENDUM
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ADDITIONS:

Closed Session **[08-2786; HELD]**

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

- Legal issues regarding the development of the proposed Convention Center hotel

CONSENT ADDENDUM

City Attorney's Office

1. Authorize settlement of the lawsuit styled Robert Crider v. City of Dallas, Cause No. 07-03885-J - Not to exceed \$535,000 - Financing: Current Funds **[08-2787; APPROVED]**

Communication and Information Services

2. Authorize an increase in the contract with TriTech Software Systems for professional services to comply with the Federal Bureau of Investigation's security requirements to access the Criminal Justice Information System (CJIS) to perform record checks against state and federal records - Not to exceed \$341,613, from \$5,141,650 to \$5,483,263 - Financing: Current Funds (\$50,000), 2007 Equipment Acquisition Contractual Obligation Notes (\$291,613) **[08-2788; APPROVED AS AN INDIVIDUAL ITEM]**

Department of Development Services

3. An ordinance granting a private license to Baylor Health Care System for the use of a total of approximately 1,120 square feet of land to construct and maintain subsurface communications cables under portions of Elm Street, Gaston and North Washington Avenues rights-of way - Revenue: \$1,000 annually plus the \$20 ordinance publication fee **[08-2789; APPROVED; ORDINANCE 27361]**

Economic Development

4. Authorize **(1)** a public hearing to be held on December 10, 2008 to receive comments to consider the creation of a tax increment financing reinvestment zone for several areas adjacent to DART Light Rail stations for transit-oriented development projects (TOD TIF District) under the authority of 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 creating the TOD TIF District - Financing: No cost consideration to the City **[08-2790; APPROVED AS AN INDIVIDUAL ITEM]**

**ADDENDUM
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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Park & Recreation

5. Authorize Supplemental Agreement No. 2 to the development agreement with the Woodall Rodgers Park Foundation for the Woodall Rodgers Deck Plaza to amend the Agreement to update Sections 2.2 and 2.3, entitled Woodall Rodgers Park Foundation "WRPF Project Contribution" and "Estimated Funding Allocation," respectively, to: (i) reflect reductions in budgeted construction costs of approximately \$11,300,000; (ii) reallocate Phase 2 work to Phase 3; (iii) acknowledge an additional \$10,000,000 in funding secured from Texas Department of Transportation (TxDOT) by the Woodall Rodgers Park Foundation, resulting in a total Statewide Transportation Enhancement Program (STEP) grant allocation of \$20,000,000; (iv) reflect design and pre-construction cost contributions and/or contractual obligations made by the Foundation in excess of \$8,000,000; and (v) reflect the obligation of the Foundation to fund all costs in excess of the City's and TxDOT's project contributions for Phases 1-4 and to apply the full balance of the Foundation's \$20,000,000 minimum in private funding obligation to Phase 5 - Financing: No cost consideration to the City **[08-2791; APPROVED AS AN INDIVIDUAL ITEM]**

Public Works & Transportation

6. Authorize a professional services contract with Public Sector Design Studio for the development of building standards for future fire station projects, including building components, establishing adjacencies of rooms, programming, schematic design, preliminary design floor plan concepts and performance and technical specifications - Not to exceed \$75,450 - Financing: 2006 Bond Funds **[08-2792; APPROVED]**
7. Authorize **(1)** the first 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, construction and development of the City Performance Hall underground parking garage; and **(2)** the first amendment to the Performing Arts Center Use Agreement with the Dallas Center for the Performing Arts Foundation, Inc. for the long-term possession, operation, maintenance and use of the City Performance Hall underground parking garage - Financing: No cost consideration to the City **[08-2793; APPROVED AS AN INDIVIDUAL ITEM]**

**ADDENDUM
CITY COUNCIL MEETING
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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Public Works & Transportation (Continued)

**Cityville Carlisle Pedestrian
Improvement Project**

Note: Item Nos. 8 and 9 must be considered collectively.

8. * Authorize **(1)** an Interlocal Agreement with the North Central Texas Council of Governments for design and construction of the Cityville Carlisle pedestrian improvement project; **(2)** the receipt and deposit of funds from the North Central Texas Council of Governments in an amount not to exceed \$450,000; and **(3)** an increase in appropriations in the amount of \$450,000 in the Capital Projects Reimbursement Fund - Not to exceed \$450,000 - Financing: No cost consideration to the City **[08-2794; APPROVED]**

9. * Authorize payment to Cityville Carlisle LP, LLC for the North Central Texas Council of Government's share of design and construction costs for the Cityville Carlisle pedestrian improvement project - Not to exceed \$450,000 - Financing: Capital Projects Reimbursement Funds **[08-2795; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

Office of Financial Services

10. A resolution **(1)** confirming that a public hearing was held on October 1, 2008 for the Dallas Performing Arts Cultural Facilities Corporation Cultural Facility Revenue Bonds to finance certain cultural facilities located in the City of Dallas, Texas; **(2)** approving the Series 2008 Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended; and **(3)** approving the Notice of Intent of the Dallas Performing Arts Cultural Facilities Corporation relating to the Series 2008 Bonds - Financing: No cost consideration to the City **[08-2796; APPROVED]**