

AGENDA
CITY COUNCIL MEETING
APRIL 8, 2009
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers) **[09-0942]**

Agenda Item/Open Microphone Speakers **[09-0943]**

VOTING AGENDA

1. Approval of Minutes of the March 25, 2009 City Council Meeting **[09-0944; APPROVED]**

CONSENT AGENDA **[09-0945; APPROVED]**

Business Development & Procurement Services

2. Authorize a professional services contract to provide internal control consulting services emphasizing documenting, testing, evaluating, and recommending improvements, related to internal controls over financial reporting and reporting on city-wide internal controls - Weaver and Tidwell, L.L.P., most advantageous proposer of three - Not to exceed \$225,000 - Financing: Current Funds **[09-0946; APPROVED]**
3. Authorize a twelve-month master agreement for the purchase of sodium hexametaphosphate to be used by Water Utilities for the purification process at water treatment plants - Dien, Inc., lowest responsible bidder of seven - Not to exceed \$219,000 - Financing: Water Utilities Current Funds **[09-0947; APPROVED]**
4. Authorize a twenty-four-month master agreement for the purchase of infant spill proof cups for the Women, Infants, and Children Program - GTL Supply Solutions, LLC, lowest responsible bidder of nine - Not to exceed \$155,496 - Financing: Texas Department of State Health Services Grant Funds (subject to annual appropriations) **[09-0948; APPROVED]**

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

5. Authorize a thirty-six-month service contract for pipe rehabilitation using the cured-in-place pipe method - Suncoast Infrastructure, Inc., lowest responsible bidder of four - Not to exceed \$3,507,500 - Financing: Water Utilities Capital Construction Funds (subject to annual appropriations) **[09-0949; APPROVED]**
6. Authorize a thirty-six-month master agreement for handguns and accessories for the Dallas Police Department - GT Distributors, Inc., lowest responsible bidder of two - Not to exceed \$647,224 - Financing: Current Funds **[09-0950; APPROVED]**

City Attorney's Office

7. Authorize settlement of the lawsuit styled Florence W. Gray v. City of Dallas, Cause No. 08-05235-D - Not to exceed \$12,500 - Financing: Current Funds **[09-0951; APPROVED]**
8. Authorize settlement of the lawsuit styled Rodney Truttlng v. City of Dallas, Cause No. 08-08604-D - Not to exceed \$7,500 - Financing: Current Funds **[09-0952; APPROVED]**
9. Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Hankinson Levinger, L.L.P., for additional legal services necessary in the lawsuit styled City of Dallas v. Dora Saucedo-Falls, et al., No. 05-0973 - Not to exceed \$25,000, from \$25,000 to \$50,000 - Financing: Current Funds **[09-0953; APPROVED]**
10. Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Joe C. Tooley, Attorneys and Counselors, for legal services necessary in the lawsuit styled Victor Alvarado DeLeon v. City of Dallas, et al., Civil Action No. 3:02-CV-1097-K - Not to exceed \$125,000 - Financing: Current Funds **[09-0954; APPROVED]**
11. Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. for additional legal services necessary in the lawsuit styled Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B - Not to exceed \$103,000, from \$215,000 to \$318,000 - Financing: Current Funds **[09-0955; APPROVED]**

Department of Development Services

12. Authorize acquisition, from Enrique Gutierrez, of approximately 11,324 square feet of land improved with a single-family dwelling located near Kiest Boulevard and Five Mile Parkway under the Five Mile Parkway Voluntary Purchase Program - \$121,723 (\$120,000 plus closing cost not to exceed \$1,723) - Financing: 2006 Bond Funds **[09-0956; APPROVED]**
13. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Tom B. Jackson, II, of approximately 7,848 square feet of land located near the intersection of Fitzhugh Avenue and Lagow Street for the replacement of Fire Station No. 44 - \$23,200 (\$22,000 plus closing costs not to exceed \$1,200) - Financing: 2006 Bond Funds **[09-0957; APPROVED]**

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

14. Authorize a rental assistance payment for Jamila Sockwell as a result of an official written offer of just compensation to purchase real property at 2444 Easley Street to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program - Not to exceed \$18,900 - Financing: 2006 Bond Funds **[09-0958; APPROVED]**
15. Authorize moving expense and rental assistance payments for Jose Torres and Francisca M. Herrera in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2510 Cadillac Drive for the new Dallas Police Academy - Not to exceed \$11,600 - Financing: 2003 Bonds Funds **[09-0959; APPROVED]**
16. Authorize moving expense and replacement housing payments for Jose Guadalupe Quintero and Elvira Quintero in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 910 Packard Street for future City facilities - Not to exceed \$37,900 - Financing: 2006 Bond Funds **[09-0960; APPROVED]**

Environmental & Health Services

17. Authorize a first amendment to the lease agreement with Phoenix Houses of Texas, Inc. for an additional thirty-two years for the continued use of an approximately 14,220 square foot building located at 2345 Reagan Street to provide substance abuse prevention and treatment services for adolescents for the period April 1, 2016 through March 31, 2048 - Annual Revenue: \$1 **[09-0961; APPROVED AS AMENDED]**
18. Authorize the third amendment to the contract with the Texas Commission on Environmental Quality to **(1)** accept additional grant funds to operate air samplers for particulate matter 2.5 and conduct air monitoring activities in Dallas; and **(2)** extend the term of the contract for the period September 1, 2009 through August 31, 2010 - Not to exceed \$64,080, from \$215,817 to \$279,897 - Financing: Texas Commission on Environmental Quality Grant Funds **[09-0962; APPROVED]**

Equipment & Building Services

19. Authorize a construction services contract for replacement of kitchen ventilation systems, air handler units and exhaust ducts for Fire Station No. 2 located at 4211 Northhaven Road, Fire Station No. 5 located at 2039 North St. Augustine Drive, Fire Station No. 8 located at 1904 North Garrett Avenue, Fire Station No. 18 located at 660 North Griffin Boulevard, and Mildred Dunn Recreation Center located at 3322 Reed Lane - Powers MEP Engineering, Inc., lowest responsible bidder of three - Not to exceed \$347,000 - Financing: 2006 Bond Funds (\$252,441) and Capital Construction Funds (\$94,559) **[09-0963; APPROVED]**

CONSENT AGENDA (Continued)**Equipment & Building Services (Continued)**

20. Authorize a contract for the expansion of the Drug Vault heating, ventilation and air conditioning installation and emergency generator for the Police Property Building located at 1725 Baylor Street - Mart, Inc., the lowest responsible bidder of seven - Not to exceed \$189,000 - Financing: 1995 Bond Funds (\$8,000) and 2006 Bond Funds (\$181,000) **[09-0964; APPROVED]**

Housing

21. Authorize the reconstruction on-site of four homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 2315 Wilhurt Avenue in the amount of \$87,500, 1839 Nomias Street in the amount of \$87,500, 2743 Arizona Avenue in the amount of \$87,500, and 6931 Lucy Street in the amount of \$87,500 - Total not to exceed \$350,000 - Financing: 2006-07 Community Development Block Grant Funds (\$304,605), 2004-05 HOME Funds (\$23,766) and 2006-07 HOME Funds (\$21,629) **[09-0965; APPROVED]**
22. Authorize an amendment to change the awarded contractor, previously approved on November 10, 2008, by Resolution No. 08-3055, to reconstruct on-site two homes in accordance with the requirements for the properties located at 2714 Fernwood Avenue in the amount of \$87,500 and 3327 Spring Avenue in the amount of \$87,500 - Total not to exceed \$175,000 - Financing: 2006-07 Community Development Block Grant Funds **[09-0966; APPROVED]**

Park & Recreation

23. Authorize **(1)** the acceptance of a reimbursable matching grant from Collin County in the amount of \$98,000; **(2)** an increase in appropriations in the amount of \$98,000 in the Collin County Fund; **(3)** an Interlocal Agreement with Collin County for the construction of a picnic pavilion at NorthBark Park located at 4911 Haverwood Lane; and **(4)** termination of the Interlocal Agreement with Collin County for the construction of a picnic pavilion at Bentwood Park - Total not to exceed \$196,000 - Financing: 2006 Bond Funds (\$98,000) and Collin County Grant Funds (\$98,000) **[09-0967; APPROVED AS AMENDED]**

Public Works & Transportation

24. Authorize a Local Project Advanced Funding Agreement with the Texas Department of Transportation for paving and drainage improvements on Valley View Lane / Walnut Street from the IH 635 service road to the east city limits (Las Brisas) - Financing: No cost consideration to the City **[09-0968; APPROVED]**
25. Authorize approval of the recommended plan for the proposed alignment of Cadiz Street from South Industrial Boulevard to the Union Pacific Railroad Underpass, from its current alignment to the proposed alignment of Cadiz Street - Financing: No cost consideration to the City **[09-0969; APPROVED]**

CONSENT AGENDA (Continued)**Public Works & Transportation (Continued)**

26. Authorize a contract for the construction of erosion control improvements for five erosion projects at Ash Creek Tributary 5B7 at Kiltartan, Joe's Creek at Merrell Road, Walnut Hill Bridge at Joe's Creek, Walnut Hill Bridge at White Rock Creek, and Williamson Bridges at McCommas Branch - ARK Contracting Services, LLC, lowest responsible bidder of six - Not to exceed \$811,196 - Financing: 2006 Bond Funds **[09-0970; APPROVED]**
27. Authorize an increase in the contract with Ed Bell Construction Company for the reconstruction of 4,000 square feet of reinforced, stamped, colored concrete sidewalk for Medical District Drive from Southwestern Medical Avenue to Harry Hines Boulevard - Not to exceed \$38,840, from \$2,150,936 to \$2,189,776 - Financing: 2003 Bond Funds **[09-0971; APPROVED]**
28. Authorize an increase in the contract with Flores Technical Services, Inc. to provide additional work necessary for the replacement of the Airport Access Control System at Dallas Love Field - Not to exceed \$50,146, from \$5,258,592 to \$5,308,738 - Financing: Aviation Capital Construction Funds (\$12,536) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$37,610) **[09-0972; APPROVED AS AN INDIVIDUAL ITEM]**
29. Authorize an increase in the contract with McMahon Contracting, LP for additional excavation and fill quantities necessary for the construction of street paving, water and wastewater main improvements on Highland Road from Ferguson Road to Jim Miller Road - Not to exceed \$35,000, from \$3,951,789 to \$3,986,789 - Financing: 1998 Bond Funds **[09-0973; APPROVED]**
30. Authorize an increase in the contract with Tiseo Paving Company for revisions to the water main system due to unforeseen site conditions for the reconstruction of street paving, drainage, water and wastewater main improvements for Street Reconstruction Group 03-610 (list attached) - Not to exceed \$298,348, from \$2,961,465 to \$3,259,813 - Financing: Water Utilities Capital Construction Funds **[09-0974; APPROVED]**
31. Authorize Supplemental Agreement No. 1 to the contract with Jacobs Engineering Group, Inc., for additional design services related to the design of water and wastewater improvements for Central Expressway, from Commerce Street to Live Oak Street - Not to exceed \$49,944, from \$908,947 to \$958,891 - Financing: Water Utilities Capital Construction Funds **[09-0975; APPROVED]**
32. Authorize Supplemental Agreement No. 3 to the contract with Hayden Consultants, Inc. for additional design services for surveying, street paving, storm drainage, water and wastewater improvements for Continental Avenue from Core Street to Industrial Boulevard and Industrial Boulevard from Parkhouse Street to the Union Pacific Railroad - Not to exceed \$1,566,474, from \$247,182 to \$1,813,656 - Financing: 2006 Bond Funds (\$1,121,434) and Water Utilities Capital Construction Funds (\$445,040) **[09-0976; APPROVED]**

CONSENT AGENDA (Continued)

Water Utilities

- 33. Authorize a Standard Utility Agreement, with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations and adjustments in Interstate Highway 35E (Stemmons Freeway) southbound frontage road at Joe Field Road - Financing: No cost consideration to the City **[09-0977; APPROVED]**
- 34. Authorize a contract for the installation of water and wastewater mains at 21 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of eight - \$4,530,868 - Financing: Water Utilities Capital Improvement Funds **[09-0978; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

- 35. 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) **[09-0979; NO APPOINTMENTS MADE TO BOARDS AND COMMISSIONS]**

PUBLIC HEARINGS AND RELATED ACTIONS

MISCELLANEOUS HEARINGS

Housing

Amended FY 2008-09 Urban Land Bank Demonstration Program Plan

Note: Item Nos. 36 and 37 must be considered collectively.

- 36. * A public hearing to receive comments on the proposed amendments to the City of Dallas FY 2008-09 Urban Land Bank Demonstration Program Plan which would allow rental housing units on the Land Bank lots and/or rental housing units above a retail/commercial/office development located on the Land Bank lots and require 15 year deed restrictions for affordability to households with incomes not greater than sixty percent (60%) of area median family income in any rental housing units and as further restricted by statute - Financing: No cost consideration to the City **[09-0980; HEARING CLOSED]**
- 37. * Authorize approval of the amended City of Dallas FY 2008-09 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City **[09-0981; APPROVED]**

**ADDENDUM
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APRIL 8, 2009
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session **[09-0982; HELD]**

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

- Legal issues regarding the W. W. Samuell Permanent Foundation, Samuell Trust Fund, park properties devised under the will of Dr. W. W. Samuell, and related matters

CONSENT ADDENDUM

City Attorney's Office

1. Authorize **(1)** settlement of the lawsuit styled Virginia Aerospace, LLC and Love Terminal Partners, L.P. v. City of Dallas, Cause No. 08-15110-E in an amount not to exceed \$1,875,000; and **(2)** an increase in appropriations in an amount not to exceed \$1,903,125 in the Aviation Capital Construction Fund - Not to exceed \$1,903,125 (\$1,875,000 plus title expenses and closing costs not to exceed \$28,125) - Financing: Aviation Capital Construction Funds **[09-0983; APPROVED]**
2. Authorize Supplemental Agreement No. 5 to the professional services contract with the law firm of Vinson & Elkins LLP for additional legal services necessary in connection with litigation and related matters involving Dallas Love Field and the Wright Amendment compromise - Not to exceed \$85,000, from \$1,935,000 to \$2,020,000 - Financing: Aviation Current Funds **[09-0984; APPROVED]**

Economic Development

3. Authorize a Chapter 380 Economic Development grant with the Urban Land Institute to conduct an Advisory Services Panel to develop a framework for future economic development and investment in Southwest Center Mall - Not to exceed \$120,000 - Financing: Public/Private Partnership Funds **[09-0985; APPROVED AS AN INDIVIDUAL ITEM]**

ITEMS FOR INDIVIDUAL CONSIDERATION

City Attorney's Office

4. An ordinance amending Ordinance No. 27440 (which adopted amendments to Chapter 41, "Smoking," of the Dallas City Code) to extend its April 10, 2009 effective date to a later designated date certain - Financing: No cost consideration to the City **[09-0986; DEFERRED INDEFINITELY]**

**ADDENDUM
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APRIL 8, 2009**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

ITEMS FOR FURTHER CONSIDERATION

Human Resources

5. Authorize an contract with ~~amendment to the sixty-month contract with TRISTAR Risk Management, for workers' compensation and third party liability claims administration, to oversee Injury Management Organization's (IMO) implementation and administration of the Certified Network~~ for a workers' compensation Certified Network for the period of May 1, 2009 through November 30, 2010 - Not to exceed \$855,000, ~~from \$11,971,853 to \$12,826,853~~ - Financing: Current Funds (subject to annual appropriations) **[09-0987; APPROVED]**

April 8, 2009

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Street Reconstruction Group 03-610
Agenda Item #30

<u>Project</u>	<u>Limits</u>	<u>Council District</u>
Pipestone Road	La Reunion Parkway to French Settlement Road	3
French Settlement Road	Pipestone Road to La Reunion Parkway	3
Manila Road	West Commerce Street to Union Pacific Railroad	3

**Installation of Water and Wastewater Mains
at 21 Locations
Agenda Item #34**

District 2

Alley between Henderson Avenue and Moser Avenue from Capitol Avenue to Fuqua Street
Capitol Avenue from Moser Avenue to Henderson Avenue
Henderson Avenue from Capitol Avenue to Glencoe Street
Lindsley Avenue from Bank Street to Caldwell Avenue
Moser Avenue from Capitol Avenue to Fuqua Street

District 7

Reed Lane from Second Avenue to Scyene Road

District 9

Alley between Dunloe Drive and Gus Thomasson Road from Dalehurst Drive west
Alley east of Kilkenny Place from Gus Thomasson Road north
El Capitan Drive from Barnes Bridge Road to San Francisco Drive
Mayhew Drive from Maylee Boulevard to Sandra Lynn Drive
Ruth Ann Drive from Maylee Boulevard to Sandra Lynn Drive
San Francisco Drive from El Capitan Drive to Joaquin Drive
Ferguson Road from Shiloh Road to Barnes Bridge Road*

District 10

Easement between Lanshire Drive and Shoreview Road from Ferndale Road west

District 11

Delmeta Drive from Meadowcreek Drive to Vistaridge Drive
Janmar Court from Jasmine Lane to Jasmine Lane

District 13

Desco Drive from Edgemere Road to Thackery Street

District 14

Alley between Lipscomb Avenue and Glasgow Drive from Junius Street northwest
Alley between Nesbitt Drive and Lipscomb Avenue from Junius Street northwest
Alley south of Gaston Avenue from Glasgow Drive to Paulus Avenue
Hester Avenue from Travis Street to Insurance Lane

* Trenchless Installation