

**ADDENDUM
CITY COUNCIL MEETING
JUNE 23, 2010
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
8:00 A. M.**

ADDITIONS:

Closed Session

6ES

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

- Legal issues regarding imposition of a moratorium pursuant to §212.134 of the Local Government Code

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize a three-year service contract for temporary industrial labor for Sanitation Services - All Temps 1 Personnel, lowest responsible bidder of eight - Not to exceed \$11,264,013 - Financing: Current Funds (subject to annual appropriations)

City Attorney's Office

2. Authorize settlement of the lawsuit styled Yi Yin v. City of Dallas, Civil Action No. 3:09-CV-0295-G - Not to exceed \$12,500 - Financing: Current Funds
3. Authorize settlement of the lawsuit styled Helen Watts v. City of Dallas, Cause No. 08-13000 - Not to exceed \$30,000 - Financing: Current Funds
4. An ordinance **(1)** appointing 11 full-time municipal judges and 18 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2012; **(2)** designating an administrative municipal judge for the City of Dallas municipal court of record for a two-year term ending May 31, 2012; and **(3)** establishing the annual salary for the full-time and associate municipal judges and the administrative municipal judge - Financing: No cost consideration to the City

Civil Service

5. Authorize **(1)** the reappointment of one Administrative Law Judge (ALJ), Willie Crowder; **(2)** the appointment of Valerie Carrillo as an Administrative Law Judge (ALJ) for the period July 1, 2010 through December 31, 2011, to hear employee appeals of terminations and demotions; and **(3)** contracts with each ALJ in the amount of \$8,000 each - Total not to exceed \$16,000 - Financing: Current Funds (\$8,000 to be reimbursed by the appealing employees)

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Housing/Community Services

6. Authorize a three-year time extension for the development of 7 tracts of unimproved land in the Bexar Street Neighborhood obtained under the surplus process by East Dallas Community Organization and execution of a Correction Deed without Warranty and amended Deed Restrictions (list attached) - Financing: No cost consideration to the City

Human Resources

7. Authorize **(1)** a one-year renewal option to the contract with UnitedHealthcare of Texas, Inc. to continue to serve as the Third Party Administrator for employee and retiree health benefits for the period January 1, 2011 through December 31, 2011 in an amount not to exceed \$3,737,454, from \$17,162,546 to \$20,900,000; and **(2)** a change in Pharmacy Benefits Managers from Medco to Prescription Solutions effective October 1, 2010 through December 31, 2011 - Not to exceed \$3,737,454 - Financing: Employee Benefits Current Funds (subject to appropriations)

Office of Financial Services

8. An ordinance denying Atmos Energy Corp., Mid-Tex Division's proposed new Gas Reliability Infrastructure Program Rate Adjustment and setting Gas Reliability Infrastructure Program Rates to be charged by Atmos Energy Corp., Mid-Tex Division - Financing: No cost consideration to the City

Park & Recreation

9. Authorize a professional services contract with Good, Fulton & Farrell Architects for schematic design through construction administration services for a parking garage at the Dallas Arboretum located at 8525 Garland Road - Not to exceed \$693,250 - Financing: 2003 Bond Funds (\$238,296) and 2006 Bond Funds (\$454,954)
10. Authorize a professional services contract with Brown Reynolds Watford Architects, Inc. for design services for the Loop 12 Gateway project, including widening of the entrance road at the Trinity River Audubon Center; and solar lighting and signage along Loop 12 - Not to exceed \$198,700 - Financing: 1998 Bonds Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Public Works & Transportation

11. Authorize **(1)** a Local Project Advance Funding Agreement with the Texas Department of Transportation for the eastbound and westbound IH 30 frontage road improvements from Cockrell Hill Road to Westmoreland Road; **(2)** the receipt and deposit of funds from SLF III/INCAP, L.P. for the review cost of the project in an amount not to exceed \$162,500; and **(3)** an increase in appropriations in the amount of \$162,500 in the Capital Projects Reimbursement Fund - Not to exceed \$162,500 - Financing: Capital Projects Reimbursement Funds
12. Authorize a construction contract with Facility Solutions Group, Inc., lowest responsible bidder of three, for the lighting and identification system activation at the Vertiport located at the Dallas Convention Center - Not to exceed \$137,510 - Financing: Aviation Capital Construction Funds

**Dallas Area Rapid Transit
Railroad Crossing**

Note: Addendum Item Nos. 13 and 14 must be considered collectively.

13. * Authorize **(1)** a railroad crossing agreement with Dallas Area Rapid Transit for the construction of an at-grade crossing at Midtown Boulevard; and **(2)** payment to Dallas Area Rapid Transit for a portion of the construction cost of the at-grade railroad crossing at Midtown Boulevard - Total not to exceed \$1,000,000 - Financing: 2006 Bond Funds
14. * Authorize an amendment to the Development Agreement with Next Block Dallas I, L.P. for the authorization of funds to be used for Dallas Area Rapid Transit railroad crossing - Financing: No cost consideration to the City

Sustainable Development and Construction

15. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Frank Coit Right, LP of approximately 28,308 square feet of land located near the intersection of Frankford and Coit Roads for the Frankford Road Improvement Project - Not to exceed \$286,580 (\$283,080 plus closing costs not to exceed \$3,500) - Financing: 2003 Bond Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Sustainable Development and Construction (Continued)

16. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from I-190/Frankford Partners, LTD, of approximately 89,690 square feet of land located near the intersection of Frankford and Coit Roads for the Frankford Road Improvement Project - Not to exceed \$810,610 (\$803,110 plus closing costs not to exceed \$7,500) - Financing: 2003 Bond Funds
17. Authorize **(1)** an amendment to the lease agreement with International Business Machines Corporation to restructure the annual base rental rate to reduce the current rental payment and extend the lease term an additional one-year period for the continued use by the Police Department of a three-story parking garage situated on approximately 170,814 square feet of land located at 1000 Belleview Street near its intersection with Cockrell Street in an amount not to exceed \$1,162,499, from \$7,075,038 to \$8,237,537; and **(2)** an amendment to the Option Agreement to amend the option period dates to coincide with the amended lease term of July 1, 2010 through September 30, 2024 for the purchase of the three-story parking garage and a connected four-story office building situated on approximately 224,528 square feet of land for \$1 at the end of the lease term and to delete the provision that allows the City to purchase the property prior to the expiration of the lease - Not to exceed \$1,162,499 - Financing: General Funds (subject to appropriations)
18. An ordinance abandoning a portion of Campbell Street to Temple Emanu-El Congregation, the abutting owner, containing approximately 10,581 square feet of land located at its intersection with Calvary Avenue, authorizing the quitclaim, and providing for the dedication of approximately 65,096 square feet of land - Revenue: \$5,400 plus the \$20 ordinance publication fee
19. An ordinance abandoning portions of Hawkins and Jack Evans Streets and an alley to Spire Development Holdings, LLC, the abutting owner, containing a total of approximately 30,901 square feet of land located near the intersection of Ross Avenue and Hawkins Street and authorizing the quitclaim - Revenue: \$927,030 plus the \$20 ordinance publication fee

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Trinity Watershed Management

Pavaho and Baker Pump Stations

Note: Addendum Item Nos. 20, 21 & 22 must be considered collectively.

20. * Authorize a professional services contract with George Sills Geotechnical Engineering Consultant, LLC for independent external peer review services for the 100-Year Levee Improvement Project, Pavaho Pump Station and Baker Pump Station for the Trinity River Corridor Project - Not to exceed \$201,353 - Financing: 2006 Bond Funds
21. * Authorize a professional services contract with David T. Williams and Associates, Engineers, LLC for independent external peer review services for the 100-Year Levee Improvement Project, Pavaho Pump Station and Baker Pump Station for the Trinity River Corridor Project - Not to exceed \$226,900 - Financing: 2006 Bond Funds
22. * Authorize a professional services contract with Arun Wagh, Inc. for independent external peer review services for the 100-Year Levee Improvement Project, Pavaho Pump Station and Baker Pump Station for the Trinity River Corridor Project - Not to exceed \$114,400 - Financing: 2006 Bond Funds
23. Authorize a contract for the construction of the Pavaho Storm Water Pumping Station for the Trinity River Corridor Project - BAR Constructors, Inc., lowest responsible bidder of six - Not to exceed \$26,532,270 - Financing: 2006 Bond Funds
24. Authorize Supplemental Agreement No. 2 to the professional services contract with Carter & Burgess, Inc., a wholly owned subsidiary of the Jacobs Engineering Group, Inc., for construction management services and design support during construction of the Pavaho Pump Station and Baker Pump Station for the Trinity River Corridor Project - Not to exceed \$3,727,000, from \$8,151,440 to \$11,878,440 - Financing: 2006 Bond Funds

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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

Local Option Election by Petition

Note: If Addendum Item No. 25 is not adopted, then Addendum Item No. 29 should not be considered. If Addendum Item No. 27 is not adopted, then Addendum Item No. 30 should not be considered. If neither Addendum Item No. 25 nor Addendum Item No. 27 is adopted, then Addendum Item Nos. 29 through 37 should not be considered.

Note: If Addendum Item No. 25 is adopted, Council will not consider Addendum Item No. 26.

- 25. * A resolution accepting a petition for "the legal sale of beer and wine for off-premise consumption only" as presented by the City Secretary and confirmed to contain a sufficient number of signatures to require the ordering of a local option election - Financing: No cost consideration to the City
- 26. * A resolution accepting a petition for "the legal sale of beer and wine for off-premise consumption only" as presented by the City Secretary and confirmed to contain an insufficient number of signatures to require the ordering of a local option election - Financing: No cost consideration to the City

Note: If Addendum Item No. 27 is adopted, Council will not consider Addendum Item No. 28.

- 27. * A resolution accepting a petition for "the legal sale of mixed beverages in restaurants by food and beverage certificate holders only" as presented by the City Secretary and confirmed to contain a sufficient number of signatures to require the ordering of a local option election - Financing: No cost consideration to the City
- 28. * A resolution accepting a petition for "the legal sale of mixed beverages in restaurants by food and beverage certificate holders only" as presented by the City Secretary and confirmed to contain an insufficient number of signatures to require the ordering of a local option election - Financing: No cost consideration to the City
- 29. * An ordinance ordering a special election to be held in the City of Dallas on Tuesday, November 2, 2010, for the purpose of submitting to the qualified voters a proposition on whether to legalize "the legal sale of beer and wine for off-premise consumption only" in the City of Dallas - Financing: No cost consideration to the City

**ADDENDUM
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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

City Secretary's Office (Continued)

Local Option Election by Petition (Continued)

Note: If Addendum Item No. 25 is not adopted, then Addendum Item No. 29 should not be considered. If Addendum Item No. 27 is not adopted, then Addendum Item No. 30 should not be considered. If neither Addendum Item No. 25 nor Addendum Item No. 27 is adopted, then Addendum Item Nos. 29 through 37 should not be considered.

30. * An ordinance ordering a special election to be held in the City of Dallas on Tuesday, November 2, 2010, for the purpose of submitting to the qualified voters a proposition on whether to legalize "the legal sale of mixed beverages in restaurants for food and beverages certificate holders only" in the City of Dallas - Financing: No cost consideration to the City
31. * A resolution authorizing **(1)** a joint election agreement and election services contract between the City of Dallas, Dallas County, and various other jurisdictions within Dallas County, for the conduct of a joint election to be held on Tuesday, November 2, 2010, in an amount not to exceed \$900,000; **(2)** legal advertising in connection with the November 2, 2010 City Special Election, in an amount not to exceed \$100,000; **(3)** \$150,000 for temporary help to verify petitions, translation services for publication and posting notices, security services for City Hall during early voting and other miscellaneous expenditures related to verify and/or hold the election; and **(4)** an increase in appropriations in the amount of \$1,150,000, from \$82,791 to \$1,232,791 in the City Secretary's Office Elections' budget - Total not to exceed \$1,150,000 - Financing: Contingency Reserve Funds
32. * A resolution authorizing **(1)** a joint election agreement and election services contract between the City of Dallas, Collin County, and various other jurisdictions within Collin County, for the conduct of a joint election to be held on Tuesday, November 2, 2010, in an amount not to exceed \$50,000; and **(2)** an increase in appropriations in the amount of \$50,000, from \$1,232,791 to \$1,282,791 in the City Secretary's Office Elections' budget - Total not to exceed \$50,000 - Financing: Contingency Reserve Funds
33. * A resolution authorizing **(1)** a joint election agreement and election services contract between the City of Dallas, Denton County, and various other jurisdictions within Denton County, for the conduct of a joint election to be held on Tuesday, November 2, 2010, in an amount not to exceed \$20,000, and **(2)** an increase in appropriations in the amount of \$20,000, from \$1,282,791 to \$1,302,791 in the City Secretary's Office Elections' budget - Total not to exceed \$20,000 - Financing: Contingency Reserve Funds

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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

City Secretary's Office (Continued)

Local Option Election by Petition (Continued)

Note: If Addendum Item No. 25 is not adopted, then Addendum Item No. 29 should not be considered. If Addendum Item No. 27 is not adopted, then Addendum Item No. 30 should not be considered. If neither Addendum Item No. 25 nor Addendum Item No. 27 is adopted, then Addendum Item Nos. 29 through 37 should not be considered.

34. * A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Dallas County for the November 2, 2010 joint election - Financing: No cost consideration to the City
35. * A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Collin County for the November 2, 2010 joint election - Financing: No cost consideration to the City
36. * A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Denton County for the November 2, 2010 joint election - Financing: No cost consideration to the City
37. * A resolution authorizing the Mayor to appoint an Ad Hoc City Council canvassing committee to review the returns of the November 2, 2010 special election, and submit a canvass report to the full City Council on Wednesday, November 10, 2010 - Financing: No cost consideration to the City

Economic Development

38. Authorize re-adoption of the City of Dallas Public/Private Partnership Program Guidelines and Criteria, pursuant to the Property Redevelopment and Tax Abatement Act (V.T.C.A., Tax Code, Chapter 312), governing tax abatement agreements and other City incentives intended to promote private investment, tax base growth and job creation - Financing: No cost consideration to the City

Note: If Addendum Item No. 38 does not pass, Council will consider Addendum Item No. 39.

39. Authorize the re-adoption of the City's current Public/Private Partnership Program Guidelines and Criteria to extend the Program from June 30, 2010 through September 30, 2010, unless new Guidelines to the Public/Private Partnership Program are adopted before such date, pursuant to the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A., Tax Code Chapter 312) and other incentives intended to promote private investment, tax base growth and job creation - Financing: No cost consideration to the City

**ADDENDUM
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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

ITEMS FOR FURTHER CONSIDERATION

Aviation

40. Authorize an amendment to the Love Field Food and Beverage Concession Contract with Dallas Love Field Joint Venture, Ltd. "DLFJV" to: **(1)** extend the renewal term; **(2)** waive DLFJV's payment of the Minimum Annual Guarantee and modify DLFJV's required Percentage Payments upon the first closure of one of DLFJV's food and beverage locations; and **(3)** provide certain terms under which DLFJV will be compensated by the Love Field retail concessionaire for the retail concessionaire's right to sell bottled water at its news and gift store locations at Dallas Love Field - Estimated Annual Revenue: \$2,000,000
41. Authorize a twelve-year contract, with one three-year renewal option, with Love Field Partners I, Ltd. "LFP" to operate a food and beverage concession at Dallas Love Field - Estimated Annual Revenue: \$3,310,538
42. Authorize an amendment to the Love Field Retail Concession Contract with Hudson Retail Dallas, J.V. "Hudson" to: **(1)** extend the renewal term; **(2)** waive Hudson's payment of the Minimum Annual Guarantee and modify Hudson's required Percentage Payments upon the first closure of one of Hudson's airside retail locations; and **(3)** provide certain terms under which Hudson will be allowed to sell bottled water at its news and gift store locations at Dallas Love Field - Estimated Annual Revenue: \$900,000
43. Authorize a twelve-year contract, with one three-year renewal option, with Hudson Retail Dallas, J.V. "Hudson" to operate a retail concession at Dallas Love Field - Estimated Annual Revenue: \$1,517,408

Note: If Addendum Item Nos. 40, 41, 42 and 43 pass, Council will not consider Addendum Item No. 44.

44. Authorize the City Manager to negotiate extensions of the renewal terms of the existing concession contracts at Dallas Love Field with Dallas Love Field Joint Venture, Ltd. ("DLFJV") for food and beverage ("F&B") concessions, and with Hudson Retail Dallas, JV ("Hudson") for retail concessions, to extend the renewal terms to expire on the date of closure of the last concession location for each respective contract in the existing terminal building as the new terminal is constructed under the Love Field Modernization Program - Financing: No cost consideration to the City

**ADDENDUM
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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS

Housing/Community Services

45. Authorize an amendment to the Reconstruction/SHARE Program loan, previously approved on April 8, 2009 by Resolution No. 09-0966, to change the awarded contractor for one home located at 2714 Fernwood Avenue (the amount of the loan not to exceed \$87,500, of which \$64,060 has been expended with a balance of \$23,440) - Financing: This action has no cost consideration to the City

East Dallas Community Organization Extensions
Addendum Item #6

<u>Parcel No.</u>	<u>Property</u>
E8	5322 Bexar Street
E9	5326 Bexar Street
E11	5332 Bexar Street
E12	5402 Bexar Street
E13	5404 Bexar Street
W5	5309 Bexar Street
W12	2444 Starks Avenue