

**ADDENDUM
CITY COUNCIL MEETING
JUNE 22, 2011
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

6ES

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

- United States of America ex rel. Douglas Moore, et al. v. City of Dallas, et al.,
Civil Action No. 3:09-CV-1452-O
- George Chavez v. City of Dallas, Cause No. 10-04702-L

Personnel (Sec. 551.074 T.O.M.A.)

- Deliberate the appointment of an interim City Secretary

CONSENT ADDENDUM

Aviation

1. Authorize a new five-year lease agreement with EAN Holdings, LLC containing approximately 5.8 acres of land improved with asphalt parking, with a commitment of not less than \$2,500,000 in capital improvements, at the estimated annual rental revenue in the amount of \$102,215 and an estimated total revenue over the term of the lease in the amount of \$517,210 at Dallas Love Field - Estimated Annual Revenue: \$102,215

Business Development & Procurement Services

2. Authorize a one-year master agreement for the purchase of heavy-duty trucks, motorcycles and transfer trailers - The Around the Clock Freightliner Group, LLC. Dallas Freightliner-Western Star in the amount of \$2,167,989, Rush Truck Centers of Texas, LP dba Rush Crane and Refuse Systems, International in the amount of \$233,639, Southwest International Trucks, Inc. in the amount of \$930,241, Denton Harley-Davidson LP dba American Eagle Harley-Davidson in the amount of \$433,004, Sam Pack's Five Star Ford, LLC in the amount of \$785,266 and B&C Body Company in the amount of \$200,498, lowest responsible bidders of twelve - Total not to exceed \$4,750,637 - Financing: Water Utilities Current Funds (\$91,422), 2006 Equipment Acquisition Contractual Obligation Notes (\$358,535), 2007 Equipment Acquisition Contractual Obligation Notes (\$391,979), 2008 Equipment Acquisition Contractual Obligation Notes (\$590,909), 2010 Certificates of Obligation (\$1,812,869), 2011 Equipment Acquisition Notes (\$980,693) and U.S. Department of Energy - Alternative Fuel and Advanced Technology Grant Funds (\$524,230)

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Business Development & Procurement Services (Continued)

3. Authorize a three-year service contract, with two one-year renewal options, for the purchase, installation and maintenance of video surveillance equipment citywide - CES Network Services, Inc., most advantageous proposer of three - Not to exceed \$1,207,000 - Financing: Current Funds (subject to annual appropriations)
4. Authorize a five-year service agreement for citywide lease and maintenance of multifunction (print, copy, fax, scan and email) devices - Xerox Corporation, most advantageous proposer of seven - Not to exceed \$13,656,046 - Financing: Current Funds (subject to annual appropriations)
5. Authorize an increase in the service contract with Burst Communications, Inc. to: **(1)** upgrade the existing broadcasting equipment in the City Council Chambers in the amount of \$164,647; and **(2)** include all existing broadcasting equipment in the City Council Chambers to the maintenance contract for the 3D virtual studio for the Public, Educational and Government Cable in the amount of \$188,700 - Total not to exceed \$353,347, from \$4,013,389 to \$4,366,736 - Financing: Public Educational and Governmental Access Funds
6. Authorize the sale of two thermoplastic premelter trucks and two thermoplastic striping trucks through a public auction on June 8, 2011 to Leonard Langevine in the amount of \$101,350 and Kevin Kelly in the amount of \$110,450, highest bidders - Revenue: \$211,800
7. Authorize a five-year concession contract for operation of the food and beverage concessions at the Oak Cliff Cultural Center Café - Guillaumes, Inc., most advantageous proposer of three - Estimated Annual Revenue: \$4,400 (Revenue share 15% of gross sales, less sales tax)

City Attorney's Office

8. Authorize settlement of the lawsuit styled George Chavez v. City of Dallas, Cause No. 10-04702-L - Not to exceed \$90,000 - Financing: Current Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

City Controller's Office

9. Authorize the optional redemption of the Sports Arena Project Taxable Special Tax Revenue Bonds, Series 1998B, on August 15, 2011 - Not to exceed \$10,450,000 - Financing: Sports Arena Project Surplus Debt Redemption Funds (\$9,400,603) and Sports Arena Debt Service Reserve Funds (\$1,049,397)
10. An ordinance authorizing the issuance and sale of Waterworks and Sewer System Revenue Refunding Bonds, Series 2011 in an amount not to exceed \$285,000,000; establishing parameters regarding the sale of the Bonds; approving the execution of the Bond Purchase Agreement and all other matters related thereto - Not to exceed \$579,800 - Financing: Water Utilities Current Funds

Equipment & Building Services

11. Authorize **(1)** Supplemental Agreement No. 1 to the contract with Entech Sales and Service, Inc., for the purchase of equipment to expand security coverage at City Hall located at 1500 Marilla Street in the amount of \$46,660, from \$679,979 to \$726,639; and **(2)** a thirty-six-month service and maintenance agreement in the amount of \$157,689, from \$98,140 to \$255,829 - Total not to exceed \$204,349 - Financing: Current Funds

Office of Financial Services

12. An ordinance accepting the June 3, 2011 "Settlement Agreement Between Atmos Energy Corp., Mid-Tex Division and the City of Dallas", authorizing interim rates to be charged by Atmos Energy Corp. Mid-Tex Division (Atmos) pursuant to its February 25, 2011 Gas Reliability Infrastructure Program (GRIP) Interim Rate request and authorizing tariff DARR-Dallas Annual Rate Review - Financing: No cost consideration to the City

Office of Management Services

13. Authorize **(1)** an application for and acceptance of the FY 2011 Edward Byrne Memorial Justice Assistance Grant in the amount of \$1,409,205 from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period October 1, 2010 through September 30, 2014; **(2)** execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County, and eligible units of local government; and **(3)** execution of the grant agreement - Not to exceed \$1,409,205 - Financing: U.S. Department of Justice, Bureau of Justice Assistance Grant Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Park & Recreation

14. Authorize **(1)** an increase in the contract with McCarthy Building Companies, Inc. for additional park amenities to include a children's garden and water features at Woodall Rodgers Park located at Woodall Rodgers Freeway from St. Paul Street to Pearl Street; **(2)** the receipt and deposit of funds from the Woodall Rodgers Park Foundation in the amount of \$2,496,601; and **(3)** an increase in appropriations in the amount of \$2,496,601 in the Woodall Rodgers Development Fund - Not to exceed \$2,496,601, from \$13,340,169 to \$15,836,770 - Financing: Woodall Rodgers Development Funds

Public Works & Transportation

15. Authorize a construction services contract with DMI, Inc. d/b/a Decker Mechanical to construct and install new heating, ventilating and air conditioning system at the Northeast Police Station located at 9915 East Northwest Highway - Not to exceed \$476,250 - Financing: 2006 Bond Funds
16. Authorize Supplemental Agreement No. 1 to the professional services contract with Iconic Consulting Group, Inc. for design modifications necessary for the Malcolm X Bridge light replacement project - Not to exceed \$3,463, from \$24,984 to \$28,447 - Financing: 2003 Bond Funds

Sustainable Development and Construction

17. An ordinance amending Ordinance No. 27931, which abandoned portions of Hawkins and Jack Evans Streets and an alley to Spire Development Holdings, LLC, to extend the final replat requirement from one year to 485 days - Revenue: \$5,400 plus the \$20 ordinance publication fee
18. An ordinance abandoning a portion of Progressive Drive to Foxhall International, LLC, the abutting owner, containing approximately 26,030 square feet of land located near the intersection of Progressive Drive and Ruder Street, authorizing the quitclaim and providing for the dedication of approximately 21,552 square feet of land needed for right-of-way - Revenue: \$7,664 plus the \$20 ordinance publication fee

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Sustainable Development and Construction (Continued)

19. An ordinance abandoning portions of Reagan Street and alley to North Maple, L.L.C. and Old Parkland Unit E, L.L.C., the abutting owners, containing a total of approximately 18,063 square feet of land located near the intersection of Maple Avenue and Reagan Street, authorizing the quitclaim and providing for the dedication of approximately 1,954 square feet of land needed for street right-of-way - Revenue: \$966,660 plus the \$20 ordinance publication fee
20. An ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of 3,500 square feet or less on property zoned Subdistrict 2 within Planned Development District No. 366 with a D Liquor Control Overlay on the southeast corner of South Buckner Boulevard and Alto Garden Drive - Z101-151 - Financing: No cost consideration to the City

Trinity Watershed Management

21. Authorize **(1)** a construction contract with Massana Construction Inc., best value proposer of eight, for site improvements including pavilion, walkways, pedestrian bridges, land forms, amphitheater, parking area, landscaping and other miscellaneous items necessary to complete the project for the Great Trinity Forest: Moore Park Gateway Project in an amount not to exceed \$1,612,360; and **(2)** a Municipal Corridor Use License with the Dallas Area Rapid Transit (DART) for the expansion and joint use of the DART overflow parking lot at 8th Street - Not to exceed \$1,612,360 - Financing: Private Funds
22. Authorize an increase in the contract with Austin Filter Systems, Inc., to provide additional erosion control improvements for four sites within Erosion Control Group 06-805 - Not to exceed \$237,781, from \$992,539 to \$1,230,320 - Financing: 2006 Bond Funds
23. Authorize Supplemental Agreement No. 3 to the professional services contract with Arun Wagh, Inc., Geotechnical & Environmental Consultants, for additional independent external peer review services for the 100-Year Levee Improvement Project, Baker Pump Station, and Able Pump Station for the Trinity River Corridor Project - Not to exceed \$85,225, from \$205,352 to \$290,577 - Financing: 2006 Bond Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Trinity Watershed Management (Continued)

24. Authorize Supplemental Agreement No. 3 to the professional services contract with David T. Williams and Associates, Engineers, LLC for additional independent external peer review services for the 100-Year Levee Improvement Project, Baker Pump Station Project, and Able Pump Station for the Trinity River Corridor Project - Not to exceed \$89,580, from \$294,752 to \$384,332 - Financing: 2006 Bond Funds
25. Authorize Supplemental Agreement No. 3 to the professional services contract with George Sills Geotechnical Engineering Consultant, LLC for additional independent external peer review services for the 100-Year Levee Improvement Project, Baker Pump Station and Able Pump Station, and Flood Control Training for the Trinity River Corridor Project - Not to exceed \$95,948, from \$292,425 to \$388,373 - Financing: 2006 Bond Funds
26. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of land containing a total of approximately 13,549 square feet from Jim Mills located on Trammel Drive near its intersection with Santa Anita Drive for drainage improvements for the Rush Creek Flood Protection and Storm Drainage Improvement Project - Not to exceed \$56,000 (\$52,135 plus closing costs not to exceed \$3,865) - Financing: 2003 Bond Funds
27. Authorize settlement in lieu of proceeding with condemnation of two tracts of land containing a total of approximately 1,920 square feet from Kirk O. Mears located on Patrick Drive near its intersection with Blessing Drive for the installation of drainage improvements for the Rush Creek Flood Protection and Storm Drainage Improvement Project - Not to exceed \$11,377 (\$8,877 plus closing costs not to exceed \$2,500) - Financing: 2006 Bond Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Manager's Office

28. An ordinance amending Chapter 50 of the Dallas City Code to: **(1)** define terms; **(2)** require registration of credit access businesses; **(3)** establish a registration fee; **(4)** impose restrictions on extensions of consumer credit by credit access businesses; **(5)** provide recordkeeping requirements; and **(6)** provide defenses - Financing: No cost consideration to the City

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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

Sustainable Development and Construction

29. Authorize an amendment to the Oil and Gas Leases, (“Lease 1” and “Lease 2A”) dated August 15, 2008 between the City of Dallas, “Lessor”, and Trinity East Energy, LLC, “Lessee”, by: **(1)** extending the primary term in both leases by 30 months; **(2)** modifying Exhibit A of Lease 1 to describe a total of approximately 1,439 acres of land; **(3)** modifying Exhibit A of Lease 2A to describe a total of approximately 1,132 acres of land; **(4)** deleting the “Extension Option” from each lease; **(5)** adding a provision requiring the pre-disclosure of all chemicals that would be used at the drill sites; **(6)** adding a provision that Lessee understands that it is required to obtain a Specific Use Permit and gas well permit before the land can be used for oil and gas drilling; **(7)** adding a provision that Lessee understands that the proposed drill sites are located on park land and that the city council must authorize the oil and gas drilling use on park land; and **(8)** adding a provision that Lessee understands that the proposed drill sites are located within the flood plain and that oil and gas drilling is not a permitted use within the flood plain and requires additional procedures and authorizations before the use is allowed - Financing: No cost consideration to the City

DESIGNATED PUBLIC SUBSIDY MATTERS

Housing/Community Services

30. Authorize an amendment to the loan agreement, previously approved by Resolution No. 08-0310 on January 23, 2008, with South Dallas/Fair Park Innerscity Community Development Corporation (ICDC) for the acquisition of unimproved properties within the Frazier Neighborhood Investment Program area for residential development and construction of eleven single-family homes to: **(1)** extend the term of the loan agreement from January 23, 2012 to January 23, 2013; **(2)** allow for ICDC to offer lease-purchase or rental options to eligible low-income households; **(3)** change loan provisions from recapture to resale terms; and **(4)** allow the affordability period to be adjusted from ten years to up to twenty years for rental units - Financing: No cost consideration to the City
31. Authorize **(1)** an amendment to the Community-Based Development Organization (CBDO) Program Statement for implementation and use of Community Development Block Grant Funds; and **(2)** a secured 0% interest forgivable loan in the amount of \$200,000 to Builder's of Hope, Inc., a North Carolina nonprofit corporation authorized to transact business in Texas as Ecological Community Builders (ECB), for the development of unimproved property into affordable senior rental housing in the Bexar Street neighborhood as part of the Neighborhood Investment Program (NIP) revitalization - Not to exceed \$200,000 - Financing: 2010-11 Community Development Block Grant Funds

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ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

DESIGNATED ZONING CASES - INDIVIDUAL

32. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 331 on property zoned Planned Development District No. 331 and an RS-MU Regional Service Mixed Use Subdistrict within Planned Development District No. 595, the South Dallas Fair Park Special Purpose District, and an ordinance terminating Specific Use Permit No. 1084 for a Metal salvage facility, an Outside salvage or reclamation use, and an Industrial (inside) potentially incompatible use limited to an aluminum sweat furnace on a portion of the expansion area on the southwest side of South Lamar Street generally between Pine Street and Hatcher Street with consideration for a Specific Use Permit for metal salvage facility, outside salvage or reclamation, outside storage, recycle buy-back center for the collection of household metals, industrial metals, and recyclable materials, and commercial motor vehicle parking uses
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan and conditions and approval of the termination of Specific Use Permit No. 1084
Z101-165(JH)
33. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 553 for a Church and Private school on property zoned Planned Development District No. 553 and an R-16(A) Single Family District in the southeast quadrant of Preston Road and Orchid Lane
Recommendation of Staff and CPC: Approval, subject to a revised development/landscape plan and conditions
Z101-113(RB)

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CORRECTIONS:

Public Works & Transportation

61. Authorize ~~Supplemental Agreement No. 1 to the a~~ professional services contract with Urban Engineers Group, Inc. ~~to provide~~ for the engineering design of alley improvements between McKee Street and Beaumont Street from Browder Street to McKee Street - Not to exceed \$45,329, from \$187,033 to \$232,362 - Financing: Cedars TIF District Funds (\$31,759) and Water Utilities Capital Improvement Funds (\$13,570)

Economic Development

106. Authorize ~~(1)~~ an amendment to the Project Plan and Reinvestment Zone Financing Plan ("Plan") for Tax Increment Financing Reinvestment Zone Number Twelve, City of Dallas, Texas ("Deep Ellum TIF District") in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act"), to: ~~allow a directed sale of City-owned property to facilitate implementation of the proposed development plan for the City Lights project~~ (1) prioritize the redevelopment of the City Lights site' as a goal of the Plan; (2) expand the City Lights Improvements budget category to include City Lights Area Improvements; (3) add Exhibits G-1 and G-2 to the Plan to illustrate redevelopment plans for the City Lights site; and (2) (4) authorize related changes to the Plan required to allow this directed land sale consistent with the directed sale of city property for the City Lights project - Financing: No cost consideration to the City