

**ANNOTATED AGENDA
CITY COUNCIL MEETING
OCTOBER 24, 2012
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:05 A.M. – 1:48 P.M.**

Invocation and Pledge of Allegiance (Council Chambers)
[12-2650]

Agenda Item/Open Microphone Speakers
[12-2651]

VOTING AGENDA

1. Approval of Minutes of the October 10, 2012 City Council Meeting and the Corrected Minutes of the September 26, 2012 City Council Meeting
[12-2652; CORRECTED ON THE ADDENDUM; APPROVED]

CONSENT AGENDA
[12-2653; APPROVED]

Business Development & Procurement Services

2. Authorize a two-year master agreement for water service plugs and specialized hand tools - McGard, LLC in the amount of \$96,029 and What if?/ Mach Industries, Inc. in the amount of \$21,119, lowest responsible bidders of two - Total not to exceed \$117,148 - Financing: Water Utilities Current Funds
[12-2654; APPROVED]
3. Authorize a three-year master agreement for industrial, medical and welding gases - Red Ball Oxygen Company, Inc. in the amount of \$334,138 and Matheson Gas, Inc. in the amount of \$260,624, lowest responsible bidders of three - Total not to exceed \$594,762 - Financing: Current Funds (\$298,968), Water Utilities Current Funds (\$286,859), Aviation Current Funds (\$2,115), Convention and Event Services Current Funds (\$1,905) and Stormwater Drainage Management Current Funds (\$4,915)
[12-2655; APPROVED]

CONSENT AGENDA (Continued)

Business Development & Procurement Services (Continued)

4. Authorize a five-year concession contract for the installation, operation and maintenance of automated teller machines at the Police Auto Pound, Farmers Market, Municipal Court and Central Library - Metro Route Services, highest responsible bidders of three - Estimated Annual Revenue: \$25,816 (minimum annual guarantee)
[12-2656; APPROVED]

City Attorney's Office

5. Authorize settlement of the lawsuit styled Taneshia Brown v. City of Dallas, Cause No. DC-12-00753-E - Not to exceed \$30,000 - Financing: Current Funds
[12-2657; APPROVED]
6. Authorize settlement of the lawsuit styled Eric Hendry v. City of Dallas, Cause No. DC-10-16684 - Not to exceed \$35,000 - Financing: Current Funds
[12-2658; APPROVED]

Housing/Community Services

7. Authorize a contract with Legacy Counseling Center, Inc. to provide housing information services and resource identification for persons with HIV/AIDS for the period October 1, 2012 through September 30, 2013 - Not to exceed \$90,000 - Financing: 2012-13 Housing Opportunities for Persons with AIDS Grant Funds
[12-2659; APPROVED]
8. Authorize an amendment to an Interlocal Agreement with the University of Texas at Dallas to: **(1)** increase the budget from \$32,500 to \$58,500; and **(2)** extend the contract term to December 31, 2012 to continue work on program evaluation services for the Project Reconnect Health Improvements for Re-entering Ex-offenders (HIRE) Initiative Grant - Not to exceed \$26,000, from \$32,500 to \$58,500 - Financing: U.S. Department of Health and Human Services Grant Funds
[12-2660; APPROVED]

Office of Cultural Affairs

9. Authorize contracts with cultural organizations for the provision of services to the City through the Cultural Services Contracts Program (list attached) - Not to exceed \$3,264,898 - Financing: Current Funds
[12-2661; APPROVED AS AMENDED]

CONSENT AGENDA (Continued)

Office of Management Services

10. Authorize **(1)** the acceptance of the 2012 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Area Security Initiative, and the State Homeland Security Grant Program to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2012 through May 31, 2014; and **(2)** execution of the grant agreement - Not to exceed \$5,323,591 - Financing: U.S. Department of Homeland Security Grant Funds
[12-2662; APPROVED]

Park & Recreation

11. Authorize **(1)** the Second Amendment to the thirty-five year Management Agreement for the Dallas Zoo between the City of Dallas and the Dallas Zoological Society and the Dallas Zoo Management, Inc., modifying the FY 2012-13 Management Fee obligation of \$13,800,000 to the Dallas Zoo Management, Inc., from \$13,800,000, all payable from the City's Current Funds, to a payment of \$12,800,000 from the City's Current Funds and \$1,000,000 toward the construction of a new Zoo warehouse facility, funded from the City's Capital Funds; **(2)** the receipt and deposit of funds in the amount of \$93,502 in the Capital Gifts, Donation and Development Fund; **(3)** the establishment of appropriations in the amount of \$93,502 in the Capital Gifts, Donation and Development Fund; and **(4)** Supplemental Agreement No. 5 in the amount of \$1,093,502 to the design-build contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, to establish the Guaranteed Maximum Price No. 5 to construct a 21,000 square feet metal warehouse building at 1021 South Ewing Avenue as a replacement facility for the existing warehouse building and provide utility and site work around the warehouse to correct stormwater management for the African Savanna Exhibit at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Not to exceed \$1,093,502, from \$28,166,072 to \$29,259,574 - Financing: 2006 Bond Funds (\$1,000,000) and Capital Gifts, Donation and Development Funds (\$93,502)
[12-2663; APPROVED]

Police

12. Authorize **(1)** the Dallas Police Department to expend funds for overtime in the amount of \$600,000 to be reimbursed from various federal and state law enforcement agencies for FY 2012-13 (list attached); **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$173,700; and **(3)** execution of the grant agreements - Total not to exceed \$773,700 - Financing: Current Funds (\$600,000 to be reimbursed by various federal and state law enforcement agencies)
[12-2664; APPROVED]

CONSENT AGENDA (Continued)

Public Works Department

13. Authorize a design/build contract with Texas Roof Management, Inc. for Phase I design services for the repair/replacement of roofing on seventeen City-owned facilities (list attached) - Not to exceed \$387,648 - Financing: 2006 Bond Funds
[12-2665; APPROVED]
14. Authorize a contract with Omega Contracting, Inc., lowest responsible bidder of six, for the reconstruction of street paving, storm drainage, water and wastewater mains and streetscape improvements for Elm Street from Good Latimer Expressway to Exposition Avenue - Not to exceed \$5,934,257 - Financing: 2006 Bond Funds (\$4,777,858), Water Utilities Capital Construction Funds (\$52,950) and Water Utilities Capital Improvement Funds (\$1,103,449)
[12-2666; APPROVED]

Sustainable Development and Construction

15. A resolution authorizing the sale of approximately 9,576 square feet of City-owned land located near the intersection of Interstate Highway 35 and the Jefferson Viaduct to the Texas Department of Transportation - Revenue: \$803,986
[12-2667; APPROVED]
16. A resolution authorizing the sale of approximately 54,604 square feet of City-owned land located near the intersection of Interstate Highway 35 and the Jefferson Viaduct to the Texas Department of Transportation - Revenue: \$4,447,616
[12-2668; APPROVED]
17. An ordinance abandoning two sanitary sewer easements to Hampton Fort Worth Avenue, Ltd., the abutting owner, containing a total of approximately 1,750 square feet of land located near the intersection of Centerville and Shiloh Roads - Revenue: \$5,400 plus the \$20 ordinance publication fee
[12-2669; APPROVED; ORDINANCE 28824]

Trinity Watershed Management

18. Authorize personal services contracts with: **(1)** Larry Beasley with Beasley and Associates, Planning Inc. to serve as the Urban Design Special Advisor for the Dallas CityDesign Center for the period October 1, 2012 through September 30, 2013 in an amount not to exceed \$45,000; and **(2)** Brent Brown with buildingcommunity Workshop to serve as Studio Director for the Dallas City Design Studio for the period October 1, 2012 through September 30, 2013 in an amount not to exceed \$85,000 - Total not to exceed \$130,000 - Financing: Private Funds
[12-2670; APPROVED]

CONSENT AGENDA (Continued)

Water Utilities

19. Authorize an Interlocal Agreement with the City of Cockrell Hill for the joint design and construction, and betterment costs of a 16-inch water main in Kernack Street from Phinney Avenue to Burns Avenue in conjunction with the City of Cockrell Hill's proposed additional treated water supply connection to the City of Dallas water distribution system - Not to exceed \$163,760 - Financing: Water Utilities Capital Improvement Funds
[12-2671; APPROVED]
20. Authorize an increase in the contract with Archer Western Construction, LLC for additional work associated with the improvements at Forney Dam (Lake Ray Hubbard) - Not to exceed \$240,390, from \$4,581,532 to \$4,821,922 - Financing: Water Utilities Capital Improvement Funds
[12-2672; APPROVED]
21. Authorize Supplemental Agreement No. 2 to the professional services contract with Black & Veatch Corporation for additional engineering design, bid phase, and construction phase services for water quality improvements at the Eastside Water Treatment Plant - Not to exceed \$4,175,570, from \$6,042,315 to \$10,217,885 - Financing: Water Utilities Capital Improvement Funds
[12-2673; APPROVED AS AN INDIVIDUAL ITEM]

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

22. 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)
[12-2674; INDIVIDUAL; APPOINTMENTS MADE TO BOARDS AND COMMISSIONS]

Business Development & Procurement Services

23. Execute the casting of lots to identify the recommended vendor resulting from tie bids on lines 5, 12, 18, 27, 30, 49 and 54, for bid BL1220, for a two-year master agreement for the purchase of pesticides and herbicides - Winfield Solutions, LLC and BWI Companies, Inc. in the amount of \$118,034 - Financing: This action has no cost consideration to the City
[12-2675; APPROVED]

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

Sustainable Development and Construction

24. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Douglas M. Lawrence and Morgan L. Lawrence of a total of approximately 5,536 square feet of land for a wastewater easement and a temporary working space easement located near the intersection of C. F. Hawn Freeway and Sunview Road for the Hickory Creek Wastewater Main Replacement Project - Not to exceed \$2,438 (\$1,038 plus closing costs and title expenses not to exceed \$1,400) - Financing: Water Utilities Capital Construction Funds
[12-2676; APPROVED]

25. Authorize acquisition of, including the exercise of the right of eminent domain, if such becomes necessary, from Dorothy Jones Blair and Donald L. Blair, Sr. of two tracts of land containing a total of approximately 6,800 square feet located near the intersection of Peabody Avenue and Kimble Street for the replacement of Fire Station No. 6 - Not to exceed \$12,000 (\$10,500 plus closing costs and title expenses not to exceed \$1,500) - Financing: 2006 Bond Funds
[12-2677; APPROVED]

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

26. Authorize an amendment to the development agreement with SLF III - The Canyon in Oak Cliff, L.P., previously approved on November 9, 2009, by Resolution No. 09-2763-01, in Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to extend the deadline to June 30, 2013, for the engineering and design for Phase 1 of a new eastbound frontage road for I-30 located between Cockrell Hill Road and Westmoreland Road - Financing: No cost consideration to the City
[12-2678; APPROVED]

27. Authorize an amendment to Resolution No. 11-1794, previously approved on June 22, 2011, in Tax Increment Financing Reinvestment Zone Four (Cedars TIF District) to extend the 1400 Belleview project's deadlines by 12 months and modify the minimum requirements for the project's use of space - Financing: No cost consideration to the City
[12-2679; APPROVED]

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

[12-2680; APPROVED]

28. A public hearing to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned Planned Development District No. 842 for CR Community Retail District Uses with Modified Delta Overlay District No. 1 with consideration given to zoning to permit Townhouse District uses and standards on the south side of Belmont Avenue, west of Greenville Avenue and an ordinance granting a new tract within Planned Development District No. 725
Recommendation of Staff and CPC: Approval of a new tract within Planned Development District No. 725, subject to a conceptual plan and conditions
Z090-243(DM)
[12-2681; HEARING CLOSED; CPC RECOMMENDATION FOLLOWED; ORDINANCE 28825]
29. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1687 for an alcoholic beverage establishment use for a bar, lounge, or tavern and an inside commercial amusement for a Class A dance hall within Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south side of Commerce Street, west of Henry Street
Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions
Z112-285(JH)
[12-2682; HEARING CLOSED; CPC RECOMMENDATION FOLLOWED; ORDINANCE 28826]

ZONING CASES - INDIVIDUAL

30. A public hearing to receive comments regarding an application for an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned a D(A) Duplex District on the south side of Ellsworth Avenue, west of McMillan Avenue
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z112-289(MW)
[12-2683; HEARING OPEN; HOLD UNDER ADVISEMENT UNTIL NOVEMBER 14, 2012]

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

31. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an Industrial (outside) not potentially incompatible use for a concrete batch plant on property zoned an IR Industrial Research District on the south side of Crystal Lake Boulevard, west of Dan Morton Drive
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z112-260(MW)
Note: This item was considered by the City Council at a public hearing on October 10, 2012, and was taken under advisement until October 24, 2012, with the public hearing open.
[12-2684; HEARING CLOSED; APPROVED AS AMENDED; ORDINANCE 28827]

32. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 91 for Multiple Family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west corner of Cedar Springs Road and Herschel Avenue
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z112-266(WE)
Note: This item was considered by the City Council at public hearings on September 26, 2012 and October 10, 2012, and was taken under advisement until October 24, 2012, with the public hearing open.
[12-2685; HEARING CLOSED; CPC RECOMMENDATION FOLLOWED; ORDINANCE 28828]

33. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1771 for a vehicle display, sales and service use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 on the north side of C.F. Hawn Freeway, west of Jim Miller Road
Recommendation of Staff: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a three-year period, subject to a site plan and conditions
Z112-275(MW)
Note: This item was considered by the City Council at a public hearing on September 26, 2012, and was taken under advisement until October 24, 2012, with the public hearing open.
[12-2686; HEARING CLOSED; CPC RECOMMENDATION FOLLOWED; ORDINANCE 28829]

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

DESIGNATED ZONING CASES - INDIVIDUAL

34. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for multifamily uses on property zoned an MF-1(A) Multifamily District on the southwest corner of Skillman Street and Sandhurst Lane and both sides of Amesbury Drive
Recommendation of Staff and CPC: Approval, subject to a conceptual plan, street sections and conditions
Z112-225(JH)
[12-2687; DELETED ON THE ADDENDUM]
35. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract 1 of Planned Development Subdistrict No. 50 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast corner of Cedar Springs Road and North Harwood Street
Recommendation of Staff and CPC: Approval, subject to a development/landscape plan and conditions
Z112-126(JH)
[12-2688; DELETED ON THE ADDENDUM]
36. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-3(A) Multifamily District uses on property zoned a CR Community Retail District on the south side of Bandera Avenue, between Turtle Creek Boulevard and Hillcrest Road
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z112-233(WE)
[12-2689; HEARING CLOSED; CPC RECOMMENDATION FOLLOWED; ORDINANCE 28830]

**ADDENDUM
CITY COUNCIL MEETING
OCTOBER 24, 2012
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201**

ADDITIONS:

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize **(1)** an acquisition contract for the purchase and implementation of software and hardware for a new court case management system for Court & Detention Services, Police and the City Attorney's Office in the amount of \$2,766,308; **(2)** a five-year service contract for maintenance and support of the court case management system in the amount of \$2,001,225; and **(3)** a five-year master agreement for additional hardware, software and professional services for future expansion of the court case management system in the amount of \$514,862 - Tyler Technologies, Inc., most advantageous proposer of seven - Total not to exceed \$5,282,395 - Financing: Current Funds (\$2,516,087) (subject to annual appropriations) and 2010 Equipment Acquisition Notes (\$2,766,308)
[12-2690; APPROVED]

2. Authorize **(1)** a five-year service contract for citywide non-residential recycling collection services with Progressive Waste Solutions of TX, Inc., formerly IESI Corp, lowest responsible bidder of four in the amount of \$1,362,680; and **(2)** a ratification for three months of citywide non-residential recycling collection services with Progressive Waste Solutions of TX, Inc., formerly IESI Corp, in the amount of \$69,279 - Total not to exceed \$1,431,959 - Financing: Current Funds (subject to annual appropriations)
[12-2691; APPROVED]

Police

3. An ordinance amending Chapter 28 of the Dallas City Code to: **(1)** establish a metered parking area and an hourly parking rate for Klyde Warren Park; and **(2)** establish an hourly parking rate for certain portions of the Woodall Rodgers Freeway Service Roads - Estimated Annual Revenue: \$150,000
[12-2692; APPROVED; ORDINANCE 28831]

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Sustainable Development and Construction

4. A resolution authorizing the rejection of the bid received from Larry Christian for approximately 73,311 square feet of City-owned land improved with an industrial building located near the intersection of Westmoreland Road and Platinum Way - Financing: No cost consideration to the City
[12-2693; APPROVED]
5. A resolution authorizing the sale and acceptance of the highest bid received on approximately 18,250 square feet of unwanted and unneeded City-owned land located near the intersection of Lancaster Avenue and Fifth Street to Pierrot Associates, Ltd. - Revenue: \$9,500
[12-2694; APPROVED]
6. An ordinance providing for the closure and vacation of a portion of Love Field Drive, containing approximately 35,599 square feet of land, located near the intersection of Denton and Love Field Drives - Not to exceed \$95 - Financing: Aviation Capital Construction Funds
[12-2695; APPROVED; ORDINANCE 28832]

Aviation

7. Authorize an eighth amendment to the headquarters lease with Southwest Airlines Co. to add approximately 35,599 square feet of land at Dallas Love Field - Financing: No cost consideration to the City
[12-2696; APPROVED]

Trinity Watershed Management

8. Authorize **(1)** the rejection of bids for the Bridge Repair of Hampton Road between Commerce Street and Singleton Boulevard; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City
[12-2697; APPROVED]
9. A resolution authorizing the sale of approximately 348 square feet of City-owned land located at the intersection of Red Oak Street and IH-35E to the Texas Department of Transportation - Revenue: \$2,088
[12-2698; APPROVED]

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Trinity Watershed Management (Continued)

10. A resolution authorizing the sale of approximately 435 square feet of City-owned land located near the intersection of Dodd Street and IH-35E to the Texas Department of Transportation - Revenue: \$3,117
[12-2699; APPROVED]
11. A resolution authorizing the sale of approximately 522 square feet of City-owned land located near the intersection of Red Oak Street and IH-35E to the Texas Department of Transportation - Revenue: \$3,132
[12-2700; APPROVED]
12. A resolution authorizing the sale of approximately 915 square feet of City-owned land located at the intersection of Dodd Street and IH-35E to the Texas Department of Transportation - Revenue: \$6,542
[12-2701; APPROVED]
13. A resolution authorizing the sale of approximately 2,919 square feet of City-owned land located at the intersection of Dodd Street and IH-35E to the Texas Department of Transportation - Revenue: \$20,871
[12-2702; APPROVED]
14. A resolution authorizing the sale of approximately 8,799 square feet of City-owned land located at the intersection of Comal Street and IH-35E to the Texas Department of Transportation - Revenue: \$72,459
[12-2703; APPROVED]
15. A resolution authorizing the sale of approximately 40,948 square feet of City-owned land located near the intersection of Riverfront Boulevard and Old Zang Road to the Texas Department of Transportation - Revenue: \$1,682,170
[12-2704; APPROVED]

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

16. A resolution designating absences by Councilmember Scott Griggs, Councilmember Dwaine Caraway and Councilmember Angela Hunt as being for "official city business" - Financing: No cost consideration to the City
[12-2705; APPROVED]

ADDITIONS: (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS

Housing/Community Services

17. Authorize a housing development loan in the amount of \$400,000 to 2122 Highland LLC for the development of 24 affordable housing units for veterans to be located at 2122 Highland Road - Not to exceed \$400,000 - Financing: 2010-11 HOME Investment Partnership Program Grant Funds
[12-2706; APPROVED]

CORRECTION:

VOTING AGENDA

1. Approval of Minutes of the October 10, 2012 City Council Meeting and the Corrected Minutes of the September 26, 2012 City Council Meeting
[12-2652]

DELETIONS:

Sustainable Development and Construction

34. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for multifamily uses on property zoned an MF-1(A) Multifamily District on the southwest corner of Skillman Street and Sandhurst Lane and both sides of Amesbury Drive
Recommendation of Staff and CPC: Approval, subject to a conceptual plan, street sections and conditions
Z112-225(JH)
[12-2687]
35. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract 1 of Planned Development Subdistrict No. 50 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast corner of Cedar Springs Road and North Harwood Street
Recommendation of Staff and CPC: Approval, subject to a development/landscape plan and conditions
Z112-126(JH)
[12-2688]