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CITY OF DALLAS
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, DECEMBER 10, 2014
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

REVISED ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 48

CONSENT ADDENDUM

Items 1 - 18

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 49 - 58
Addendum Items 19 - 24

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 59 - 99
Addendum Items 25 - 27

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1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

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

- Discussion regarding the performance evaluation of City Attorney Warren M. S. Ernst.

CONSENT ADDENDUM

Aviation

Commemorative Air Force, Inc.

Note: Addendum Item Nos. 1 and 2
must be considered collectively.

1. * Authorize a thirty-nine year (39) year lease agreement with Commemorative Air Force, Inc. ("CAF") a Texas 501c(3) nonprofit corporation, at Dallas Executive Airport ("DEA"), the lease is for approximately 45 acres of improved and unimproved land, aircraft hangar, ramp and automobile parking ("the Lease") - Financing: Estimated Annual Revenue: \$1,000 annual rent
2. * Authorize a development agreement with Commemorative Air Force, Inc. ("CAF") to reimburse CAF a portion of the cost associated with the construction of lease-hold improvements (museum and hangar building) at Dallas Executive Airport (the "Development Agreement") (reimbursement from the City will only occur upon substantial completion of the work and approval of the certificate of occupancy on or before December 31, 2020) - Not to exceed \$2,000,000 - Financing: Aviation Capital Construction Funds

Business Development & Procurement Services

3. Authorize a five-year service contract for commercial storage, retrieval and reference services for City records - Recall Total Information Management, Inc., only responsive bidder of three - Not to exceed \$1,351,293 - Financing: Current Funds (subject to annual appropriations)
4. Authorize a seven-year concession contract, with two one-year renewal options, for advertising display services for the Dallas Aviation System - Corey S/W Joint Venture dba Corey Airport Services, highest responsible proposer of three - Estimated Revenue: Minimum Annual Average Guarantee of \$1,541,425 over the seven year primary term

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 10, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Business Development & Procurement Services (Continued)

5. Authorize the purchase of one bomb response vehicle for Fire-Rescue - LDV, Inc. through the U.S. General Services Administration - Not to exceed \$163,284 - Financing: 2013 Urban Area Security Initiative Grant Funds

City Attorney's Office

6. Authorize settlement of the lawsuit styled Big Hart Ministries Association Inc. et al v. City of Dallas, et al., Cause No. 3:07-CV-00216 - Not to exceed \$250,000 - Financing: Current Funds
7. Authorize payment of a settlement of an order for attorneys' fees in the lawsuit styled Paul Heller et al. v. City of Dallas, Civil Action No. 3:13-CV-4000-L - Not to exceed \$43,000 - Financing: Current Funds
8. Authorize Supplemental Agreement No. 1 to the professional services contract with Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., for additional services on matters relating to the pending disputes between the City of Dallas and the Sabine River Authority - Not to exceed \$250,000, from \$50,000 to \$300,000 - Financing: Water Utilities Current Funds (subject to appropriations)
9. Authorize Supplemental Agreement No. 6 to the professional services contract with the law firm of Webb & Webb for additional legal services in connection with related matters involving representation of the City of Dallas on water rights pending before the Texas Commission on Environmental Quality and for legal services related to other water rights matters - Not to exceed \$300,000, from \$1,700,000 to \$2,000,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)
10. An ordinance amending Section 17-1.6(5) of the Dallas City Code to revise the requirements for the defense to prosecution for persons providing food to the homeless - Financing: No cost consideration to the City

Housing/Community Services

11. Authorize **(1)** payment to Bridge Steps for unreimbursed operational costs from a prior year's contract with Dallas County Health and Human Services; and **(2)** an increase in appropriations in an amount not to exceed \$129,145, from \$11,498,827 to \$11,627,972 in the Housing/Community Services Department's budget - Not to exceed \$129,145 - Financing: Contingency Reserve Funds

**ADDENDUM
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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Human Resources

12. Authorize **(1)** a Master Plan Document that includes all of the separate health benefit plans for City employees and their families including the cafeteria plan, health plans, prescription drug plans, dental and vision plans; and **(2)** a Master Plan Document that includes all of the separate health benefit plans for retirees and their families including the self-insured health plans, insured Medicare Supplement Plans, Medicare Advantage Plans, prescription drug plans, dental and vision plans - Total cost is based on the number of employees/retiree participants in the plan - Financing: Employee Benefits Current Funds (subject to appropriations)

Police

13. Authorize **(1)** an application for and acceptance of the Impaired Driving Mobilization Selective Traffic Enforcement Program, Overtime Enforcement grant in the amount of \$79,943 from the Texas Department of Transportation for a statewide Driving While Intoxicated enforcement campaign to operate during various holiday periods for the period December 1, 2014 through September 30, 2015; **(2)** a required City match in the amount of \$21,984 for pension costs; and **(3)** execution of the grant agreement - Total not to exceed \$101,927 - Financing: Current Funds (\$21,984) and Texas Department of Transportation Grant Funds (\$79,943)

Sustainable Development and Construction

14. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Curl Floor Equipment and Supply, Inc., et al., Cause No. CC-13-05800-B, pending in Dallas County Court At Law No. 2, for acquisition from Curl Floor Equipment and Supply, Inc., of approximately 9,120 square feet of land located near the intersection of Royal and Goodnight Lanes for the Goodnight Lane Street Improvement Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the amount of the award - Not to exceed \$105,000, increased from the previously authorized \$285,000 (\$280,000, plus closing costs and title expenses not to exceed \$5,000) to \$390,000 (\$385,000, plus closing costs and title expenses not to exceed \$5,000) - Financing: General Obligation Commercial Paper Funds (\$105,000)

**ADDENDUM
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DECEMBER 10, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Sustainable Development and Construction (Continued)

15. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. DP Resources, LLC, et al., Cause No. CC-13-07113-E, pending in Dallas County Court at Law No. 5, to acquire approximately 122,319 square feet of land located adjacent to the south side of IH-20 and the original Trinity River Channel, Hutchins, Dallas County, Texas for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the amount of the award - Not to exceed \$12,228, increased from the previously authorized \$14,232 (\$12,232, plus closing costs and title expenses not to exceed \$2,000) to \$26,460 (\$24,465, plus closing costs and title expenses not to exceed \$1,995) - Financing: Water Utilities Capital Construction Funds (\$12,228)
16. Authorize a 14 year lease agreement with CW MF1 Land, Ltd. for approximately 2,500 square feet of office space located at 3015 Chapel Oaks Drive for a Fire and Rescue and Police station for the period December 15, 2014 through December 14, 2028 - Not to exceed \$4,254 - Financing: Current Funds (subject to annual appropriations)
17. A resolution declaring approximately 24 acres of City-owned land contained in Joey Georgusis Park, unwanted and unneeded, located near the intersection of Pinnacle Park Boulevard and Pinnacle Point Drive, and authorizing its advertisement for sale and/or exchange by sealed bid with a minimum bid requirement of \$517,967 - Financing: No cost consideration to the City
18. An ordinance abandoning a portion of Eastus Drive to 604 Fort Worth Ave Apartment Investors LLC, the abutting owner, containing approximately 26,763 square feet of land, located near the intersection of Eastus Drive and Fort Worth Avenue and providing for the dedication of approximately 5,876 square feet of land needed for public access, and providing for the dedication of approximately 1,541 square feet for a sidewalk easement, and authorizing the quitclaim - Revenue: \$308,083, plus the \$20 ordinance publication fee

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

19. A resolution designating absences by Councilmember Dwaine R. Caraway and Councilmember Carolyn R. Davis as being for "Official City Business" - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 10, 2014**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

Code Compliance

20. An ordinance adding a new Chapter 47A, "Transportation for Hire," to the Dallas City Code and repealing Chapter 10, "Buses and Shuttles," Chapter 10A, "Limousines," Chapter 10B, "Non-Motorized Passenger Transport Vehicles," and Chapter 45, "Taxicabs," of the Dallas City Code to: **(1)** provide uniform regulations for all transportation-for-hire services operating in the city; and **(2)** amending Chapter 5, "Aircraft and Airports," of the Dallas City Code to make conforming changes - Financing: No cost consideration to the City

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

Note: Addendum Item Nos. 21 and 22 must be considered collectively.

Prologis, L.P.

21. * Authorize **(1)** a real property tax abatement agreement with Prologis, L.P. for the purpose of granting a ten-year abatement of 90 percent of the taxes on added value to the real property for the development of a new distribution and warehouse facility located on the east side of the 4800 block of Mountain Creek Parkway, north of Merrifield Road in Dallas, Texas in accordance with the City's Public/Private Partnership Program; and **(2)** the rescission of Resolution No. 13-1130, previously approved on June 26, 2013, which authorized two prior real property tax abatement agreements in the amount of 90 percent for ten years with Mt. Creek Investments, Ltd. for a proposed speculative industrial development located on the same property - Revenue: First year revenue estimated at \$14,346; ten-year revenue estimated at \$143,460 (Estimated revenue forgone for the ten-year real property abatement estimated at \$1,291,140)
22. * Authorize an amendment to the City of Dallas Public/Private Partnership Program Guidelines and Criteria governing City incentives promoting local economic development and stimulating business and commercial activity approved on June 25, 2014, pursuant to Resolution No. 14-0993, to expand the Business Development Chapter 380 Grant/Loan Program to include economic development grants equal to a portion of sales taxes paid by a company's e-commerce customers to the City to encourage such companies to relocate, develop and operate e-commerce facilities within the City - Financing: No cost consideration to the City

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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

Prologis, L.P.

Note: Addendum Item Nos. 23 and 24 must be considered collectively.

23. * Authorize a Chapter 380 economic development grant agreement with Ulta Inc., a Delaware Corporation, for development of a new distribution and warehouse facility located on the east side of the 4800 block of Mountain Creek Parkway, north of Merrifield Road in Dallas, Texas in accordance with the City's Public/Private Partnership Program - Not to exceed \$1,000,000 - Financing: Public/Private Partnership Funds

24. * Authorize a Chapter 380 e-commerce sales tax grant agreement with Ulta Inc, a Delaware Corporation, to provide a 15-year e-commerce grant equal to 50 percent of the e-commerce sales taxes paid annually by Ulta Inc's customers to the City of Dallas for the ten year period beginning July 1, 2016 through June 30, 2026 and equal to 25 percent of e-commerce sales taxes paid annually by Ulta Inc's customers to the City of Dallas Texas for the five year period beginning July 1, 2026 through and June 30, 2031 from its proposed facility to be developed on the east side of the 4800 block of Mountain Creek Parkway, north of Merrifield Road in Dallas, in accordance with the City's Revised Public/Private Partnership Program - Revenue: First year revenue estimated at \$69,500; fifteen-year grant agreement revenue is not capped but is estimated to be approximately \$7,100,000 (the e-commerce grant payments are not capped but the fifteen-year grant agreement payments are estimated to be \$4,100,000) - Financing: Current Funds (subject to future appropriations)

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ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

25. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a restaurant without drive-in or drive-through service on property zoned Subdistrict B within Planned Development District No. 619 with Historic Overlay H/87, the Republic National Bank (Davis) Building, on the north side of Main Street, east of North Field Street
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions
Z134-335(OTH)

ZONING CASES - INDIVIDUAL

26. A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District on property zoned an LO-1 Limited Office District on the west side of Dilido Road, south of John West Road
Recommendation of Staff and CPC: Approval
Z134-326(AF)
27. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District and an ordinance granting a Specific Use Permit for an auto auction on property zoned an IR Industrial Research District, generally on the southwest line of John Carpenter Freeway, southeast of Metromedia Place
Recommendation of Staff and CPC: Approval of a CS Commercial Service District, and approval of a Specific Use Permit for a five-year period, subject to a site plan and conditions
Z145-102(CG)

**ADDENDUM
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CORRECTIONS:

Sustainable Development and Construction

40. An ordinance correcting Chapter 51A, Dallas Development Code: Ordinance No. 19455, of the Dallas City Code, as amended, by correcting Sections 51A-4.203, "Industrial Uses," 51A-7.308 "Digital Display on Certain Detached Non-Premise Signs, 51A-7.1601.1, "Designation of Sign Subdistricts," 51A-7.1608, "Special Provisions for the Market Center Sign Subdistrict," and 51A-12.204, "Operations" - Financing: No cost consideration to the City

41. An ordinance correcting Chapter 51P, Dallas Development Code: Planned Development District Regulations, of the Dallas City Code, as amended by correcting **(1)** Planned Development Subdistrict No. 71 within Planned Development District No. 193, the Oak Lawn Special Purpose District; **(2)** Planned Development District No. 269, the Deep Ellum/Near East Side District; **(3)** Planned Development 298, the Bryan Area Special Purpose District; **(4)** Planned Development District No. 878; **(5)** Planned Development District No. 914; ~~and~~ **(6)** Planned Development District No. 922; and (7) Planned Development District No. 888 - Financing: No cost consideration to the City

DELETIONS:

Code Compliance

50. An ordinance adding a new Chapter 47A, "Transportation for Hire," to the Dallas City Code and repealing Chapter 10, "Buses and Shuttles," Chapter 10A, "Limousines," Chapter 10B, "Non-Motorized Passenger Transport Vehicles," and Chapter 45, "Taxicabs," of the Dallas City Code to: **(1)** provide uniform regulations for all transportation-for-hire services operating in the city; and **(2)** amend Chapter 5, "Aircraft and Airports," of the Dallas City Code to make conforming changes - Financing: No cost consideration to the City