

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

ADDITIONS:

Closed Session

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

- Legal issues involving City Auditor's audit of revenues from emergency ambulance fees in his audit plan for FY 2009

CONSENT ADDENDUM

Aviation

1. Authorize termination of the ground lease and grant agreement with Gulfstream Aerospace Services Corporation at Dallas Love Field - Financing: No cost consideration to the City

Business Development & Procurement Services

2. Authorize a contract amendment to: **(1)** extend the existing maintenance and support agreement for a period of three years in the amount of \$165,750; and **(2)** provide implementation services to upgrade and add software modules, as well as provide additional user licenses for the bank reconciliation software in the amount of \$68,000 - Accurate Software, Inc., Sole Source - Total not to exceed \$233,750 - Financing: Current Funds (subject to annual appropriations)
3. Authorize a five-year service contract for maintenance and technical support services of the Zclient mobile and desktop interface application - Custom Logic Design, Inc., Sole Source - Not to exceed \$344,000 - Financing: Current Funds (subject to annual appropriations)

City Attorney's Office

4. Authorize settlement of a claim filed by First United Methodist Church, Claim No. 09257254 - Not to exceed \$20,000 - Financing: Current Funds

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 9, 2009**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Economic Development

5. Authorize **(1)** an option contract to purchase a former JCPenney department store consisting of approximately 585,782 square feet of land and improved with a brick building located at 7202 South Westmoreland Road from Aspen Penny, LLC for an option fee not to exceed \$97,200; and **(2)** the exercise of such option and the closing on the purchase of the property for an amount not to exceed \$1,963,800 subject to completion of a due diligence investigation, including 2 appraisals and environmental review of the property plus \$50,000 for closing costs and due diligence - Total not to exceed \$2,111,000 - Financing: Public/Private Partnership Funds

Housing/Community Services

6. Authorize the fifth amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of the Special Supplemental Nutrition Program for the Women, Infants and Children Program for the period October 1, 2008 through September 30, 2009 - Not to exceed \$524,500, from \$15,323,163 to \$15,847,663 - Financing: Department of State Health Services Grant Funds
7. Authorize the Dallas Housing Acquisition and Development Corporation (the "Land Bank") to enter into a one-year contract commencing as of October 1, 2009, with five one-year renewal term options, with Republic Title of Texas, Inc. to provide title abstract services for up to 300 title reports during the one-year term of the contract - Not to exceed \$93,000 - Financing: 2003 Bond Funds
8. Authorize the Dallas Housing Acquisition and Development Corporation (the "Land Bank") to enter into a one-year contract commencing as of October 1, 2009, with five one-year renewal term options, with Linebarger Goggan Blair and Sampson, LLP to provide legal services for up to 300 lots acquired by the Land Bank during the one-year term of the contract - Not to exceed \$300,000 - Financing: 2003 Bond Funds

Office of Financial Services

9. Authorize an amendment to the 2009 City Calendar to cancel the City Council Briefing Meeting scheduled for December 16, 2009 - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 9, 2009**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Park & Recreation

10. Authorize **(1)** the acceptance of a grant from the Texas Parks and Wildlife Department in the amount of \$1,000,000 for the construction of the Five Mile Creek Trail from Glendale Park to College Park; construction of a pavilion and playground; and refurbishment of the athletic field at College Park; **(2)** the allocation of \$1,000,000 in 2003 and 2006 Bond Funds for the City's required match of the grant; **(3)** the receipt and deposit of funds in the amount of \$1,000,000 in the Texas Parks and Wildlife Grant Fund; **(4)** an increase in appropriations in the amount of \$1,000,000 in the Texas Parks and Wildlife Grant Fund; and **(5)** execution of the grant agreement - Total not to exceed \$2,000,000 - Financing: TPWD Urban Outdoor Grant Funds (\$1,000,000), 2003 Bond Funds (\$200,000) and 2006 Bond Funds (\$800,000)
11. Authorize **(1)** a development agreement with Belo Garden Development, LLC, a Texas limited liability company, for the design and construction of Belo Garden; and **(2)** an endowment agreement with Maureen H. and Robert W. Decherd, Belo Corp., A. H. Belo Corporation, Belo Garden Development, LLC and The Dallas Foundation, a Texas charitable foundation for certain capital repairs, improvements and enhancements to Belo Garden for a period of ninety-nine years - Financing: No cost consideration to the City
12. Authorize a contract for the interior renovation and expansion, heating, ventilation and air conditioning upgrades at Kleberg/Rylie Recreation Center located at 1515 Edd Road - J.C. Commercial, Inc., best value proposer of sixteen - \$894,677 - Financing: 2003 Bond Funds (\$339,521) and 2006 Bond Funds (\$555,156)
13. Authorize a professional services contract with JBI Partners, Inc. for schematic design through construction administration services for playground expansions and replacements at Cochran Park located at 2600 North Henderson Avenue, John C. Phelps Park located at 3000 Tips Boulevard, Moore Park located at 1900 East Eighth Street and Wonderview Park located at 2704 Wonderview Way - Not to exceed \$44,370 - Financing: 2006 Bond Funds
14. Authorize Supplemental Agreement No. 1 to the professional services contract with Hellmuth, Obata and Kassabaum, LP for a trail corridor analysis, conceptual plan, and public meetings for the Dallas North Veloway located between Royal Lane and the south shore of White Rock Lake - Not to exceed \$48,980, from \$44,030 to \$93,010 - Financing: 2006 Bond Funds

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 9, 2009**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Police

15. Authorize **(1)** the application for and acceptance of the Impaired Driving Mobilization Selective Traffic Enforcement Program, Overtime Enforcement grant in the amount of \$99,984 from the Texas Department of Transportation for a statewide Driving While Intoxicated enforcement campaign to operate during various holiday intervals, for the period December 18, 2009 through September 6, 2010; **(2)** a match in the amount of \$45,256 for pension, Federal Insurance Contributions Act costs, and indirect costs; and **(3)** execution of the grant agreement - Total not to exceed \$145,240 - Financing: Current Funds (\$45,256) and Texas Department of Transportation Grant Funds (\$99,984)

Public Works & Transportation

16. Authorize a construction contract with Con-Real, LP for the construction finish out services for a restaurant at Dallas Executive Airport located at 5303 Challenger Road - Not to exceed \$534,862 - Financing: Aviation Capital Construction Funds

Sustainable Development and Construction

17. An ordinance amending Chapter 43 of the Dallas City Code to: **(1)** adjust the annual fees for licenses to use a public right-of-way; and **(2)** provide for special one-time fees for certain licenses to use a public right-of-way - Financing: No cost consideration to the City

Trinity Watershed Management

18. A resolution authorizing the sale of approximately 62,412 square feet of City-owned land located near the intersection of Sylvan Avenue and Morris Street to Oncor Electric Delivery Company - Estimated Revenue: \$600,000
19. Authorize the adoption of Integrated Storm Water Management (iSWM) Manual, as amended, for voluntary use as part of the Drainage Design Manual to: **(1)** to assess the effectiveness of the projects using iSWM practices; **(2)** draft local criteria to supplement the North Central Texas Council of Governments (NCTCOG) iSWM Manual, including incentives to promote the use of iSWM practices; and **(3)** make recommendation on the (NCTCOG) iSWM Manual and on any local criteria and incentives - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 9, 2009**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Trinity Watershed Management (Continued)

20. Authorize **(1)** a disbursement to Texas Department of Transportation, in accordance with the Local Project Advance Funding Agreement, for costs related to construction of the Margaret Hunt Hill Bridge for additional work including revisions to the bridge lighting and storm drainage system and minor channel modifications in the amount of \$249,169; and **(2)** an increase in appropriations in the amount of \$249,169 in the Trinity River Corridor Project Fund - Not to exceed \$249,169 - Financing: 1998 Bond Funds
21. Authorize **(1)** Supplemental Agreement No. 1 to the contract with Santiago Calatrava SA to provide engineering and design services for the Margaret Hunt Hill Signature Bridge across the Trinity River in an amount not to exceed \$456,795, from \$5,837,000 to \$6,293,795; and **(2)** an increase in appropriations in the amount of \$456,795 in the Trinity River Corridor Project Fund - Not to exceed \$456,795 - Financing: 1998 Bond Funds
22. Authorize Supplemental Agreement No. 3 to the professional services contract with HNTB Corporation for program management of major flood management and storm drainage projects authorized for the Dallas Floodway Project in the Water Resources Development Act of 2007 - Not to exceed \$4,020,900, from \$33,951,810 to \$37,972,710 - Financing: 2006 Bond Funds

Water Utilities

23. Authorize a 10-year lease agreement, with two five-year renewal options, with Time Warner NY Cable LLC dba Time Warner Cable for approximately 2,051 square feet of land on the Preston Forest Tank Elevated Site located at 5930 Forest Lane to build a one-story building and onsite generator for fiber optic distribution for the initial period of December 9, 2009 through December 8, 2019 - Estimated Annual Revenue: \$9,000
24. Ratify an increase in the contract with John Burns Construction Company of Texas, Inc. for emergency replacement of a wastewater main on the White Rock Creek Interceptor at U.S. Highway 75 (North Central Expressway) - Not to exceed \$274,500, from \$4,387,678 to \$4,662,178 - Financing: Water Utilities Capital Improvement Funds

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 9, 2009**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

25. At the direction of the city council, approval of designated absence of mayor and city council member to be deemed for "official city business" - Financing: No cost consideration to the City

Housing/Community Services

- *26. Authorize a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) Tax-exempt Bond and 4% tax credit financing pursuant to the Qualified Allocation Plan for the new construction of Turner Courts development project of 206 multifamily housing units located at 6601 Bexar Street - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - INDIVIDUAL

27. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a dance hall on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Wycliff Avenue and Brown Street
Recommendation of Staff: Approval for a two-year period, subject to a site plan and staff conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z090-106(RB)
28. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the installation of a non-premise district activity video board on property zoned Planned Development District 619 in an area generally bound by Field Street, Main Street, Akard Street and Commerce Street
Recommendation of Staff: Approval for a five-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a six-year period, subject to a site plan and conditions
Z089-263(KB)

* Designated Public Subsidy Matters requiring two seconds.

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 9, 2009**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS

Sustainable Development and Construction

29. A public hearing to receive comments regarding an application for and a resolution granting a variance to the alcohol spacing requirements from the Alex W. Spence Middle Learning Center & Talented/Gifted Academy required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a proposed general merchandise or food store greater than 50,000 square feet on property on the west corner of Peak Street and Capitol Avenue - Financing: No cost consideration to the City

ITEMS MOVED FOR INDIVIDUAL CONSIDERATION:

Economic Development

- *16. Authorize an amendment to the development agreement with Bellview Condo Associates I, Ltd., previously approved on August 9, 2006, by Resolution No. 06-2022, as amended, in Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) to: **(1)** extend the project deadline from March 31, 2009 to December 31, 2010; and **(2)** amend Exhibit A, the TIF Public Improvements Cost Estimates - Financing: No cost consideration to the City
- *17. Authorize an amendment to the development agreement with INCAP Master Development, LLC, previously approved on May 28, 2008, by Resolution No. 08-1585, in Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to: **(1)** add the completion date for the design of the median improvements component of December 31, 2010; **(2)** extend the completion deadline for the median improvements from July 15, 2010 to December 31, 2011; and **(3)** adjust the priority status of TIF reimbursement for the project to account for the additional time required to complete the median improvements on Davis Street between Hampton and Montclair Roads - Financing: No cost consideration to the City
- *18. Authorize an amendment to the economic development grant agreement with NEC Lake June & Masters, L.P., previously approved on June 25, 2008, by Resolution No. 08-1886, to: **(1)** extend the substantial completion date from December 31, 2009 to June 30, 2010; and **(2)** revise the job creation date from December 31, 2009 to June 30, 2010 with NEC Lake June & Masters, L.P. for the related improvements and redevelopment of the Lake June Plaza Shopping Center located at Lake June Road and Masters Drive - Financing: No cost consideration to the City
- * Designated Public Subsidy Matters requiring two seconds.

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 9, 2009**

ITEMS MOVED FOR INDIVIDUAL CONSIDERATION: (Continued)

Housing/Community Services

- *28. Authorize the reconstruction on-site of seven homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 4238 Carl Street in the amount of \$87,500, 3623 Palacios Avenue in the amount of \$87,500, 4618 Underwood Street in the amount of \$87,500, 3923 Sonora Avenue in the amount of \$87,500, 3622 Lovingood Drive in the amount of \$87,500, 6297 Denham Circle in the amount of \$87,500 and 2334 Pine Street in the amount of \$87,500 - Total not to exceed \$612,500 - Financing: 2007-08 Community Development Block Grant Reprogramming Funds
- *30. Authorize an amendment to the professional services contract with Building Community Workshop, whereby Building Community Workshop is providing research, recommendations, design and construction documents for the Reconstruction/SHARE Program, in order to provide for an extension of certain deadlines - Financing: No cost consideration to the City
- *31. Authorize **(1)** a public hearing to be held on January 13, 2010 to receive comments on the proposed City of Dallas submission of an application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant Section 108 Guarantee Loan Program loan in the amount of \$5,500,000 to fund a loan for Lang Partners, LLC for the acquisition of property at 1340 Plowman Avenue and to fund interest reserve, public infrastructure, demolition and site improvements for development of 260 apartment units with 52 apartment units deed restricted for 15 years for affordability to families with incomes at 80% or less of Area Median Family Income as established by HUD and retail and office space; and at the close of the public hearing, **(2)** consideration of submission of the application to HUD for a CDBG Section 108 Guarantee Loan Program loan for Lang Partners, LLC in an amount not to exceed \$5,500,000 - Financing: No cost consideration to the City
- *32. Authorize **(1)** a public hearing to be held on January 13, 2010 to receive comments on the proposed City of Dallas submission of an application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG) Section 108 Guarantee Loan Program loan in the amount of \$7,600,000 to fund a loan for FC Continental Complex, L.P., for the conversion of a vacant commercial building at 1810 Commerce Street into 199 apartment units with 40 units for individuals and families with incomes at 80% or less of Area Median Family Income as established by HUD and to fund an interest reserve; and at the close of the public hearing, **(2)** consideration of submission of an application to HUD for a CDBG Section 108 Guarantee Loan Program loan for FC Continental Complex, L.P., in an amount not to exceed \$7,600,000 - Financing: No cost consideration to the City
- * Designated Public Subsidy Matters requiring two seconds.

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 9, 2009**

ITEMS MOVED FOR INDIVIDUAL CONSIDERATION: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

- *78. A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned an LO-2 Limited Office District on the southeast corner of Interstate 635 (LBJ Freeway) and Audelia Road
Recommendation of Staff and CPC: Approval of the MU-3 District and approval of the Specific Use Permit for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions
Z089-216(MAW)

ZONING CASES - INDIVIDUAL

- *87. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for a General merchandise or food store greater than 3,500 square feet, limited to a food store, Surface parking, and R-7.5(A) Single Family District Uses on property zoned as Planned Development District No. 129, a P(A) Parking District, and an R-7.5(A) Single Family District on property generally bounded by University Boulevard, Inwood Road, Wateka Drive, both sides of Robin Road, and the northwest corner of University Boulevard and Inwood Road
Recommendation of Staff: Approval, subject to a development plan, landscape plan, and conditions
Recommendation of CPC: Denial
Z089-227(RB)

- *88. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 508 to add allowable uses on Tract 13 on the northwest corner of Singleton Boulevard and Fish Trap Road
Recommendation of Staff and CPC: Approval, subject to conditions
Z089-248(MAW)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

- *90. Authorize a historic preservation tax exemption for the Hickory Street Annex located at 501 2nd Avenue for a ten-year period on 100% of the land and structure value - Revenue: First year tax revenue foregone estimated at \$10,580 (Estimated revenue foregone for ten years is \$105,802)
- * Designated Public Subsidy Matters requiring two seconds.

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 9, 2009**

ITEMS MOVED FOR INDIVIDUAL CONSIDERATION: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS

Housing/Community Services

- *93. A public hearing to receive comments on the proposed City of Dallas submission of an application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant Section 108 Guarantee Loan Program loan in the amount of \$10,350,000 to fund a loan for Orleans at La Reunion, LLC for the acquisition of property at 2300 Fort Worth Avenue and to fund an interest reserve, tenant relocation costs and site improvements for mixed-use development of 220 apartment units with 44 apartment units deed restricted for 15 years for affordability to families with incomes at 80% or less of Area Median Family Income as established by HUD and retail and office space; and at the close of the public hearing, authorize **(1)** submission of the application to HUD for a CDBG Section 108 Guarantee Loan Program loan for Orleans at La Reunion, LLC in an amount not to exceed \$10,350,000; and **(2)** the City Manager to submit the application and take necessary actions in connection with the application submission - Financing: No cost consideration to the City
- *94. A public hearing to receive comments on amendments to the proposed City of Dallas application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG) Section 108 Guarantee Loan Program loan to increase the loan amount from \$5,100,000 to \$5,300,000 to fund a loan for Courtyards at La Reunion, LLC for the acquisition of land and building located at 2201 Fort Worth Avenue, change project scope of work from rehabilitation to demolition and construction of new apartment units, and increase number of apartment units from 64 to 95 with a decrease from 64 to 59 apartment units deed restricted for 15 years for affordability to families with incomes at 80% or less of Area Median Family Income as established by HUD; and at the close of the hearing, authorize **(1)** submission of the application as amended to HUD for a CDBG Section 108 Guarantee Loan Program loan for Courtyards at La Reunion, LLC in an amount not to exceed \$5,300,000; and **(2)** the City Manager to submit the application as amended and take necessary actions in connection with the application submission - Financing: No cost consideration to the City

* Designated Public Subsidy Matters requiring two seconds.

**ADDENDUM
CITY COUNCIL MEETING
DECEMBER 9, 2009**

ITEMS MOVED FOR INDIVIDUAL CONSIDERATION: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

Housing/Community Services (Continued)

- *95. A public hearing to receive comments on Substantial Amendment No. 4 to the Consolidated Plan; and at the close of the hearing, authorize final adoption of Substantial Amendment No. 4 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program to reduce the required acquisition discount from 15% to 1%, to allow for foreclosed unimproved property to be acquired, and to add MAPSCO pages 53, 69, and 69A to the defined Areas of Greatest Need - Financing: No cost consideration to the City

* Designated Public Subsidy Matters requiring two seconds.