

**OCTOBER 10, 2011 CITY COUNCIL ADDENDUM  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated October 10, 2011. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



\_\_\_\_\_  
Mary K. Suhm  
City Manager

10/06/11

\_\_\_\_\_  
Date



\_\_\_\_\_  
Edward Scott  
City Controller

10/06/11

\_\_\_\_\_  
Date



RECEIVED  
2011 OCT -6 PM 3:21  
CITY SECRETARY  
DALLAS, TEXAS

**ADDENDUM  
CITY COUNCIL MEETING  
MONDAY, OCTOBER 10, 2011  
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 - 34

**CONSENT ADDENDUM**

Items 1 - 3

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 35 - 39  
Addendum Item 4

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 40 - 50



**ADDENDUM  
CITY COUNCIL MEETING  
OCTOBER 10, 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.)

- Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O
- Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P
- Lavell Fairbanks v. Travis French et al., Cause No. 10-02144

CONSENT ADDENDUM

**Public Works Department**

**Greenville Avenue from Alta Avenue  
to Bell Avenue**

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

1. \* Authorize a service agreement with ONCOR Electric Delivery for relocation of the existing overhead electric distribution lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$100,000 - Financing: 2006 Bond Funds
2. \* Authorize a service agreement with Time Warner Cable for relocation of the existing overhead telecommunication lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$187,751 - Financing: 2006 Bond Funds

**Sustainable Development and Construction**

3. An ordinance amending Ordinance No. 28037, which abandoned a portion of Denley Drive and street easements located near the intersection of Ann Arbor and Denley Drive, to City Wide Community Development Corporation and The Urban League of Greater Dallas and North Central Texas, Inc., the abutting owners, to extend the final replat requirement from one year to 545 days and change the dedication from fee simple to dedication by easement thereby increasing the abandonment fee from \$5,400 to \$10,825 - Revenue: \$5,425 plus the \$20 ordinance publication fee

**ADDENDUM  
CITY COUNCIL MEETING  
OCTOBER 10, 2011**

ADDITIONS: (Continued)

ITEMS FOR INDIVIUDAL CONSIDERATION

**City Attorney's Office**

4. Authorize Supplemental Agreement No. 1 to the professional services contract with Cathy E. Bennett & Associates, Inc. for additional consulting services in the lawsuit styled Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O - Not to exceed \$75,000, from \$25,000 to \$100,000 - Financing: Current Funds

CORRECTION:

VOTING AGENDA

1. Approval of Minutes of the September 24, 2011 Special Called Meeting, the September 28, 2011 City Council Meeting, and the October 5, 2011 City Council Briefing Meeting

**ADDENDUM DATE October 10, 2011**

ITEM		IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
1			2, 14	C	PWT	\$100,000.00	NA	NA	Greenville Avenue from Alta Avenue to Bell Avenue: Authorize a service agreement with ONCOR Electric Delivery for relocation of the existing overhead electric distribution lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue	
2			2, 14	C	PWT	\$187,750.50	NA	NA	Greenville Avenue from Alta Avenue to Bell Avenue: Authorize a service agreement with Time Warner Cable for relocation of the existing overhead telecommunication lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue	
3			5	C	DEV	REV \$5,425	NA	NA	An ordinance amending Ordinance No. 28037, which abandoned a portion of Denley Drive and street easements, located near the intersection of Ann Arbor and Denley Drive, to City Wide Community Development Corporation and The Urban League of Greater Dallas and North Central Texas, Inc., the abutting owners, to extend the final replat requirement from one year to 545 days and change the dedication from fee simple to dedication by easement thereby increasing the abandonment fee from \$5,400 to \$10,825	
4			N/A	I	ATT	\$75,000.00	NA	NA	Authorize Supplemental Agreement No. 1 to the professional services contract with Cathy E. Bennett & Associates, Inc. for additional consulting services in the lawsuit styled Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O	

**TOTAL            \$362,750.50**





**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 10, 2011  
**COUNCIL DISTRICT(S):** 2, 14  
**DEPARTMENT:** Public Works Department  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 36T X

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**SUBJECT**

**Greenville Avenue from Alta Avenue to Bell Avenue**

- \* Authorize a service agreement with ONCOR Electric Delivery for relocation of the existing overhead electric distribution lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$100,000 - Financing: 2006 Bond Funds
- \* Authorize a service agreement with Time Warner Cable for relocation of the existing overhead telecommunication lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$187,751 - Financing: 2006 Bond Funds

**BACKGROUND**

On May 25, 2011, the City Council authorized a construction contract with Texas Standard Construction, Ltd. in the amount of \$1,350,537.30 for the construction of a complete street on Greenville Avenue between Alta Avenue to Bell Avenue. This will include reducing a 4-lane roadway to a 2-lane roadway with wide sidewalks, parallel on-street parking, street lights, landscaping, irrigation, street furniture, pedestrian crosswalks and other amenities as needed.

The City of Dallas requested ONCOR Electric Delivery, Time Warner Cable and AT&T Texas to relocate their overhead utility lines from Greenville Avenue between the limits of Alta Avenue and Bell Avenue. AT&T facilities are mostly underground and do not require relocation for this project. A relocation design was generated by ONCOR Electric Delivery to relocate its electrical facilities in the lower Greenville area, and Time Warner Cable will relocate aerial cables currently on power poles to an underground conduit.

**BACKGROUND** (Continued)

This action will authorize two individual service agreements with ONCOR Electric Delivery and Time Warner Cable and the funding necessary to relocate the existing overhead electric distribution and telecommunication lines from Greenville Avenue between Alta Avenue and Bell Avenue to the adjacent secondary streets.

**ESTIMATED SCHEDULE:**

Began Design	April 2009
Completed Design	January 2011
Began Construction	June 2011
Complete Construction	December 2011

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)**

Authorized a professional services contract for engineering services on June 25, 2008, by Resolution No. 08-1818.

Authorized Supplemental Agreement No. 1 to the contract with Urban Engineers Group on February 9, 2011, by Resolution No. 11-0444.

Authorized a construction contract with Texas Standard Construction, Ltd. on May 25, 2011, by Resolution No. 11-1382.

**FISCAL INFORMATION**

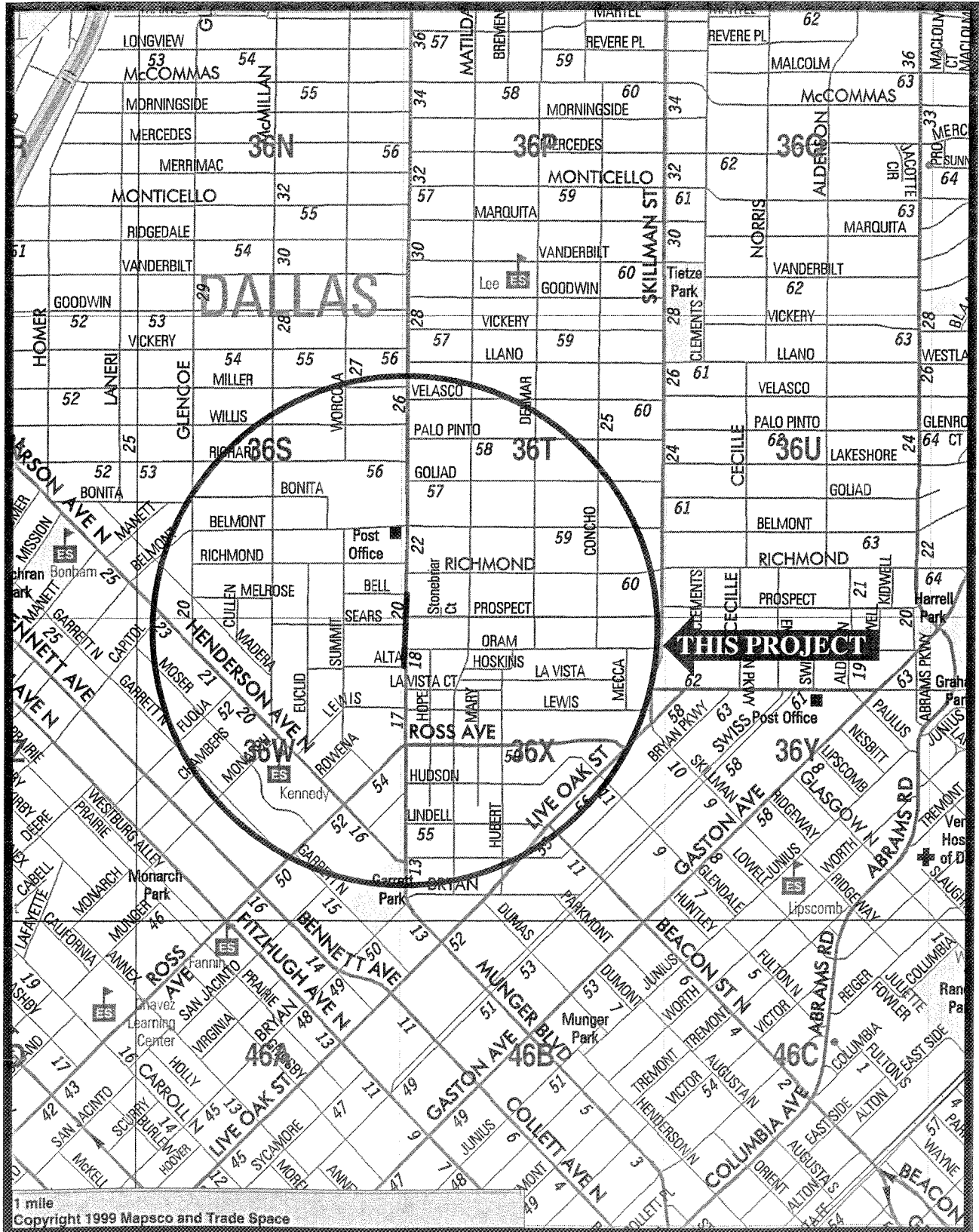
2006 Bond Funds - \$287,750.50

<b><u>Council District</u></b>	<b><u>Amount</u></b>
2	\$143,875.25
14	<u>\$143,875.25</u>
Total	\$287,750.50

**MAP**

Attached.

# STREET RECONSTRUCTION GREENVILLE AVENUE FROM ALTA AVENUE TO BELL AVENUE



MAPSCO 36T & 36X



October 10, 2011

**WHEREAS**, on June 25, 2008, Resolution No. 08-1818 authorized a professional services contract with Urban Engineers Group, Inc. for the engineering design of a streetscape/urban design project for Greenville Avenue from Belmont Avenue to Ross Avenue; and,

**WHEREAS**, on February 9, 2011, Resolution No. 11-0444 authorized Supplemental Agreement No. 1 with Urban Engineers Group, Inc. for additional engineering design services for Greenville Avenue from Belmont Avenue to Ross Avenue in the amount of \$121,158.42; and,

**WHEREAS**, on May 25, 2011, Resolution No. 11-1382 authorized a contract for the construction of paving, drainage, and streetscape/urban design improvements including sidewalks, curb and gutter, barrier free ramps, and water mains for Greenville Avenue from Alta Avenue to Bell Avenue; and,

**WHEREAS**, it is now necessary to authorize a service agreement with ONCOR Electric Delivery for relocation of the existing overhead electric distribution lines from the parkway along Greenville Avenue between Alta Avenue to Bell Avenue in an amount not to exceed \$100,000.

**Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the City Manager is hereby authorized to execute a service agreement with ONCOR Electric Delivery for relocation of the existing overhead electric distribution lines from the parkway along Greenville Avenue between Alta Avenue and Bell Avenue in an amount not to exceed \$100,000, after it has been approved as to form by the City Attorney.

**Section 2.** That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund	
Fund 7T22, Agency PBW, Unit U737, Act. SSUD	
Obj. 4154, Program #PB06U737, CT PBW06U737B1	
Vendor #399181, in an amount not to exceed	\$100,000

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.



October 10, 2011

**WHEREAS**, on June 25, 2008, Resolution No. 08-1818 authorized a professional services contract with Urban Engineers Group, Inc. for the engineering design of a streetscape/urban design project for Greenville Avenue from Belmont Avenue to Ross Avenue; and,

**WHEREAS**, on February 9, 2011, Resolution No. 11-0444 authorized Supplemental Agreement No. 1 with Urban Engineers Group, Inc. for additional engineering design services for Greenville Avenue from Belmont Avenue to Ross Avenue in the amount of \$121,158.42; and,

**WHEREAS**, on May 25, 2011, Resolution No. 11-1382 authorized a contract for the construction of paving, drainage, and streetscape/urban design improvements including sidewalks, curb and gutter, barrier free ramps, and water mains for Greenville Avenue from Alta Avenue to Bell Avenue; and,

**WHEREAS**, it is now necessary to authorize a service agreement with Time Warner Cable for relocation of the existing overhead telecommunication lines from the parkway along Greenville Avenue between Alta Avenue and Bell Avenue in an amount not to exceed \$187,750.50.

**Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the City Manager is hereby authorized to execute a service agreement with Time Warner Cable for relocation of the existing overhead telecommunication lines from the parkway along Greenville Avenue between Alta Avenue and Bell Avenue in an amount not to exceed \$187,750.50, after it has been approved as to form by the City Attorney.

**Section 2.** That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund	
Fund 7T22, Agency PBW, Unit U737, Act. SSUD	
Obj. 4154, Program #PB06U737, CT PBW06U737B2	
Vendor #VC0000001567, in an amount not to exceed	\$187,750.50

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.





**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** October 10, 2011  
**COUNCIL DISTRICT(S):** 5  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 670-3314  
**MAPSCO:** 65C

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**SUBJECT**

An ordinance amending Ordinance No. 28037, which abandoned a portion of Denley Drive and street easements located near the intersection of Ann Arbor and Denley Drive, to City Wide Community Development Corporation and The Urban League of Greater Dallas and North Central Texas, Inc., the abutting owners, to extend the final replat requirement from one year to 545 days and change the dedication from fee simple to dedication by easement thereby increasing the abandonment fee from \$5,400 to \$10,825 - Revenue: \$5,425 plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the amendment of Ordinance No. 28037, which abandoned a portion of Denley Drive and street easements to City Wide Community Development Corporation and The Urban League of Greater Dallas and North Central Texas, Inc., the abutting owners. This amendment will allow for the extension of the final replat from one year to 545 days and change the dedication from fee simple to dedication by easement, thereby increasing the abandonment fee from \$5,400 to \$10,825. The cost for this abandonment is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On October 13, 2010, City Council approved Ordinance No. 28037.

**FISCAL INFORMATION**

Revenue: \$5,425 plus the \$20 ordinance publication fee

**OWNERS**

**City Wide Development Corporation**

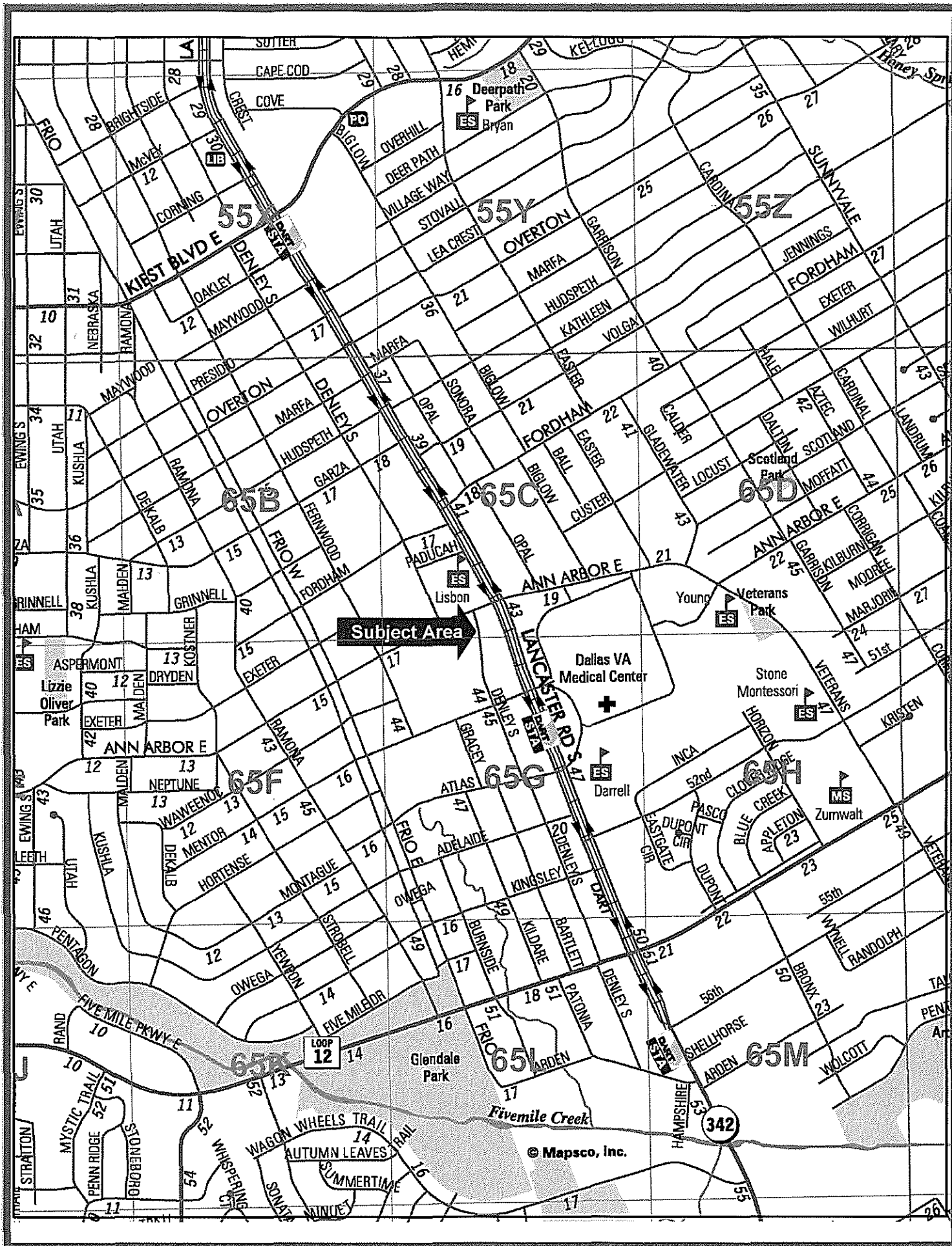
Sherman Roberts, President

**The Urban League of Greater Dallas and North Central Texas, Inc.**

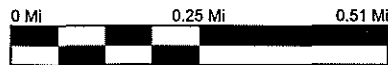
Beverly Mitchell-Brooks, PhD., President

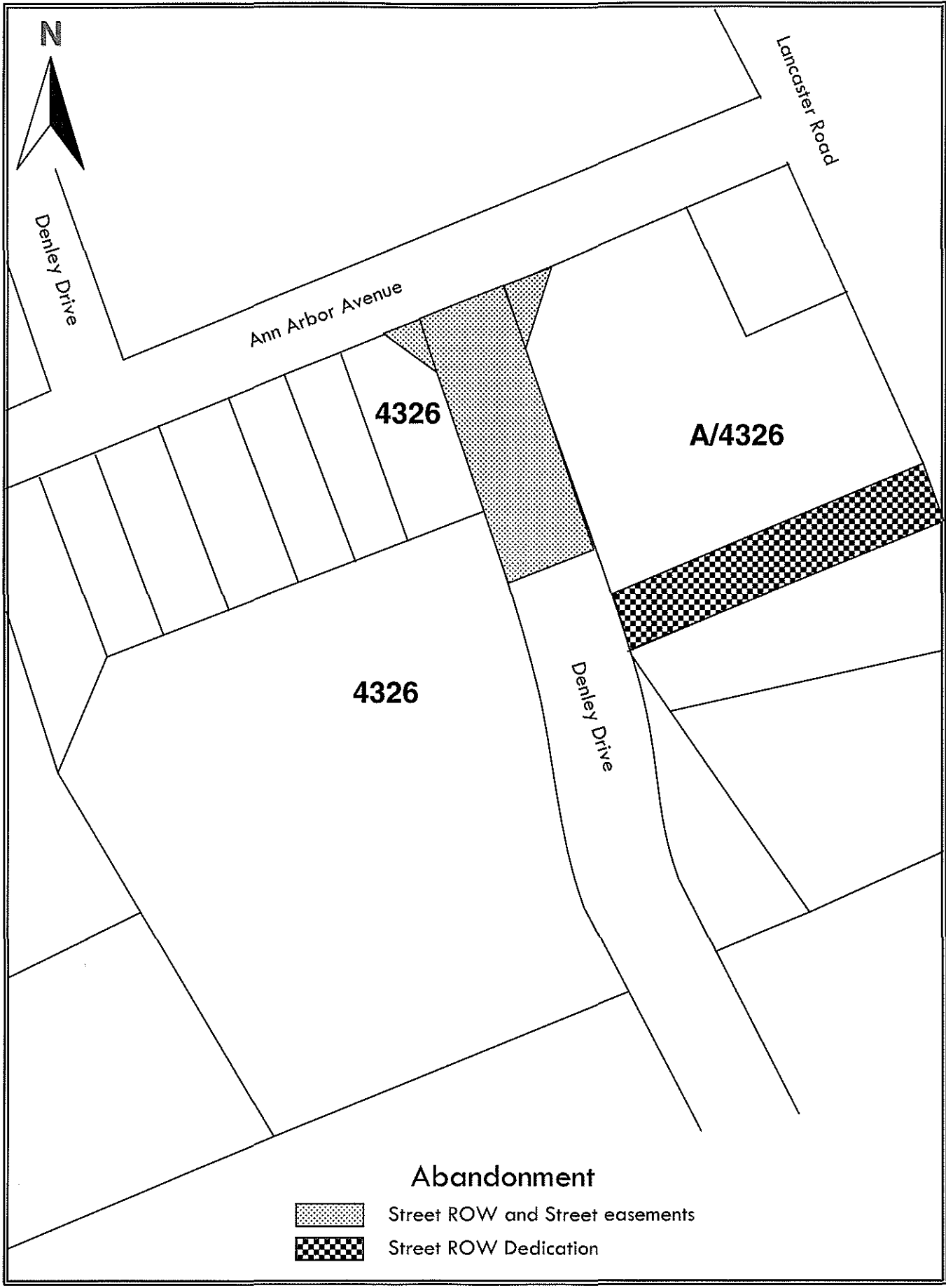
**MAPS**

Attached



**Subject Area** →





N

Lancaster Road

Denley Drive

Ann Arbor Avenue



4326

A/4326

4326

Denley Drive

### Abandonment

-  Street ROW and Street easements
-  Street ROW Dedication

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Ordinance No. 28037 by altering Sections 2 and 9 thereof; providing for payment of the publication fee; providing a saving clause; and providing an effective date.

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That Ordinance No. 28037 adopted by the City Council of the City of Dallas on October 13, 2010, be and the same is hereby amended by altering Sections 2 and 9 to read as follows:

**“SECTION 2.** That for and in monetary consideration of the sum of ~~[FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00)]~~ TEN THOUSAND EIGHT HUNDRED TWENTY-FIVE AND NO/100 (\$10,825.00) DOLLARS paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to those certain tracts or parcels of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.”

**“SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of the adjoining properties within ~~[one year]~~ 545 days of the effective date of this ordinance showing the ~~[fee simple]~~ dedication by easement of not less than 13,102 square feet of needed right-of-way in City Block A/4326. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE**.”

**SECTION 2.** That the terms and conditions of Ordinance No. 28037 shall remain in full force and effect except as amended hereby.

**SECTION 3.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Sustainable Development and Construction, or designee. Upon receipt of the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Sustainable Development and Construction or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one (1) year after its passage.

**SECTION 4.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:**  
**THOMAS P. PERKINS, JR.**  
City Attorney

BY

  
Assistant City Attorney

**THERESA O'DONNELL**  
Director of Sustainable Development  
and Construction

BY

  
Assistant Director

Passed \_\_\_\_\_.

**ADDENDUM ITEM # 4**

**KEY FOCUS AREA:** Make Government More Efficient, Effective and Economical

**AGENDA DATE:** October 10, 2011

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Attorney's Office

**CMO:** Thomas P. Perkins, Jr., 670-3491

**MAPSCO:** N/A

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**SUBJECT**

Authorize Supplemental Agreement No. 1 to the professional services contract with Cathy E. Bennett & Associates, Inc. for additional consulting services in the lawsuit styled Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O - Not to exceed \$75,000, from \$25,000 to \$100,000 - Financing: Current Funds

**BACKGROUND**

On April 06, 2011 pursuant to Administrative Action No. 11-1016, the City of Dallas entered into a professional services contract with Cathy E. Bennett & Associates, Inc. for jury and trial consultant services in the lawsuit styled Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Council is scheduled to be briefed in Closed Session on October 10, 2011.

**FISCAL INFORMATION**

Funding for this item is budgeted in the current fiscal year.

\$75,000.00 - Current Funds

**M/WBE INFORMATION**

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826, as amended.

## **ETHNIC COMPOSITION**

### **Cathy E. Bennett & Associates, Inc.**

Hispanic Female	0	Hispanic Male	0
Black Female	0	Black Male	0
Other Female	0	Other Male	0
White Female	5	White Male	1

## **OWNER**

### **Cathy E. Bennett & Associates, Inc.**

Robert B. Hirschhorn, President and CEO



October 10, 2011

**WHEREAS**, the City of Dallas is involved in a lawsuit styled Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O; and,

**WHEREAS**, on April 6, 2011, pursuant to Administrative Action No. 11-1016, the City of Dallas authorized a professional services contract with Cathy E. Bennett & Associates, Inc., in an amount not to exceed \$25,000.00 for jury and trial consultant services necessary in this matter; and,

**WHEREAS**, the consulting services of Cathy E. Bennett & Associates, Inc. continue to be necessary in this matter; **Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the consultant services contract with Cathy E. Bennett & Associates, Inc. for additional jury and trial consultant services in an amount not to exceed \$75,000.00, increasing the original contract amount from \$25,000.00 to \$100,000.00.

**Section 2.** That the City Controller is authorized to disburse, in periodic payments to Cathy E. Bennett & Associates, Inc. an amount not to exceed \$75,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389011G193, Vendor No. 399989.

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

