

**APRIL 13, 2016 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated April 13, 2016. 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.



A.C. Gonzalez
City Manager



Date



Jeanne Chipperfield
Chief Financial Officer



Date

RECEIVED

2016 APR -8 PM 4: 03

CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, APRIL 13, 2016
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 - 53

CONSENT ADDENDUM

Items 1 - 2

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 54 - 62
Addendum Items 3 - 6

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 63 - 78

SUPPLEMENTAL NOTICE

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

**ADDENDUM
CITY COUNCIL MEETING
APRIL 13, 2016
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

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

- Discussion on the status of the hiring and selection of a candidate for the position of city attorney.

CONSENT ADDENDUM

Sustainable Development and Construction

1. Authorize **(1)** settlement of the condemnation lawsuit styled City of Dallas v. George F. Lucas Irrevocable Trust, et al., Cause No. CC-13-01704-D, in an amount not to exceed \$379,000, increased from \$826,000 (\$821,000 plus closing costs and title expenses not to exceed \$5,000) to \$1,205,000 (total settlement amount); and **(2)** revise Section 4 of Resolution No. 12-0483, approved on February 8, 2012, to amend the funding information in that section - Not to exceed \$379,000 - Financing: Water Utilities Capital Construction Funds

Trinity Watershed Management

2. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Bryan/Haskell, LTD, a Colorado limited partnership, et al., Cause No. CC-15-05434-B, pending in Dallas County Court at Law No. 2, to acquire a subsurface easement under approximately 12,070 square feet of land, located on Haskell Avenue at its intersection with Bryan Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$79,748 (\$77,248 being the amount of the award, plus closing costs and title expenses not to exceed \$2,500); an increase of \$32,589 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

**ADDENDUM
CITY COUNCIL MEETING
APRIL 13, 2016**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Attorney's Office

3. Authorize Supplemental Agreement No. 1 to the professional services contract with the Law Office of Scott D. Bergthold, P.L.L.C., for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event - Not to exceed \$20,000, from \$50,000 to \$70,000 - Financing: Current Funds

City Secretary's Office

4. A resolution designating absences by Councilmember Scott Griggs, Councilmember Casey Thomas, and Councilmember Tiffinni A. Young as being for "Official City Business" - Financing: No cost consideration to the City
5. Consideration of appointments of two (2) members to the Dallas Area Rapid Transit Board of Directors for Places 01 and 02 for the 2016-2018 term, with one of the appointments to fill the unexpired term for 2014-2016, Place 01 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (Names of nominees in the City Secretary's Office) - Financing: No cost consideration to the City

Mayor and City Council

6. Authorize an amendment to the 2016 City Calendar to change the City Council Agenda Meeting from June 8, 2016 to June 15, 2016 and the City Council Briefing Meeting from June 15, 2016 to June 8, 2016 - Financing: No cost consideration to the City

CORRECTIONS:

VOTING AGENDA

1. Approval of Minutes of the March 23, 2016 City Council Meeting and Amendment to the Minutes of the January 27, 2016 City Council Meeting

**ADDENDUM
CITY COUNCIL MEETING
APRIL 13, 2016**

CORRECTIONS: (Continued)

Park & Recreation

30. Authorize an amendment to the one-hundred-twenty-six-month concession contract with ~~Ira McGraw, dba~~ IAMJ Enterprises, Inc., to define roles, responsibilities and compensation as a result of the closure of the Cedar Crest Golf Course and Banquet Facility located at 1800 Southerland Avenue - Not to exceed \$239,925 - Financing: Golf Improvement Funds

City Attorney's Office

57. Authorize Supplemental Agreement No. 1 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C., for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell or attend such an event - Not to exceed \$125,000, from \$50,000 to \$175,000 - Financing: Current Funds

DELETION:

Housing/Community Services

25. Authorize an amendment to Resolution No. 16-0280, previously approved on February 10, 2016, which authorized a contract between the City and CitySquare to increase the contract amount to provide supportive services for up to 40 homeless individuals for the period January 1, 2016 to August 31, 2016 – Not to exceed \$50,000, from \$770,362 to \$820,362 - Financing: Texas Department of State Health Services Grant Funds

ADDENDUM DATE April 13, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			8	C	DEV, ATT, WTR	\$379,000.00	NA	NA	Authorize (1) settlement of the condemnation lawsuit styled City of Dallas v. George F. Lucas Irrevocable Trust, et al., Cause No. CC-13-01704-D, in an amount not to exceed \$379,000, increased from \$826,000 (\$821,000 plus closing costs and title expenses not to exceed \$5,000) to \$1,205,000 (total settlement amount); and (2) revise Section 4 of Resolution No. 12-0483, approved on February 8, 2012, to amend the funding information in that section - Not to exceed \$379,000 - Financing: Water Utilities Capital Construction Funds
2			14	C	TWM, ATT	\$32,589.00	NA	NA	Authorize the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Bryan/Haskell, LTD, a Colorado limited partnership, et al., Cause No. CC-15-05434-B, pending in Dallas County Court at Law No. 2, to acquire a subsurface easement under approximately 12,070 square feet of land, located on Haskell Avenue at its intersection with Bryan Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$79,748 (\$77,248 being the amount of the award, plus closing costs and title expenses not to exceed \$2,500); an increase of \$32,589 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds
3			N/A	I	ATT, CES	\$20,000.00	0.00%	0.00%	Authorize Supplemental Agreement No. 1 to the professional services contract with the Law Office of Scott D. Bergthold, P.L.L.C., for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event - Not to exceed \$20,000, from \$50,000 to \$70,000 - Financing: Current Funds
4			N/A	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Scott Griggs, Councilmember Casey Thomas, and Councilmember Tiffinni A. Young as being for "Official City Business" - Financing: No cost consideration to the City
5			N/A	I	SEC	NC	NA	NA	Consideration of appointments of two (2) members to the Dallas Area Rapid Transit Board of Directors for Places 01 and 02 for the 2016-2018 term, with one of the appointments to fill the unexpired term for 2014-2016, Place 01 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (Names of nominees in the City Secretary's Office) - Financing: No cost consideration to the City
6			N/A	I	MCC	NC	NA	NA	Authorize an amendment to the 2016 City Calendar to change the City Council Agenda Meeting from June 8, 2016 to June 15, 2016 and the City Council Briefing Meeting from June 15, 2016 to June 8, 2016 - Financing: No cost consideration to the City

TOTAL \$431,589.00

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 13, 2016

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction
City Attorney's Office
Water Utilities

CMO: Ryan S. Evans, 671-9837
Warren M.S. Ernst, 670-3491
Mark McDaniel, 670-3256

MAPSCO: 70A

SUBJECT

Authorize **(1)** settlement of the condemnation lawsuit styled City of Dallas v. George F. Lucas Irrevocable Trust, et al., Cause No. CC-13-01704-D, in an amount not to exceed \$379,000, increased from \$826,000 (\$821,000 plus closing costs and title expenses not to exceed \$5,000) to \$1,205,000 (total settlement amount); and **(2)** revise Section 4 of Resolution No. 12-0483, approved on February 8, 2012, to amend the funding information in that section - Not to exceed \$379,000 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the settlement of a lawsuit for the acquisition of the approximately 3.657 acre tract of land for the Southwest 120/96-inch Water Transmission Pipeline Project. A final offer of \$821,000 was made based on a written appraisal from an independent certified appraiser. The offer was not accepted by the owners and the City filed an eminent domain proceeding to acquire the land. The City's second appraiser attended the hearing and testified that the City owed \$600,238 for the property. The landowner did not attend the hearing. After the hearing, the Special Commissioners awarded the owner \$600,238, which the City deposited into the registry of the Court. The Landowner, through its attorney Eddie Vassallo, filed objections to the award of the Special Commissioners.

The City obtained a new appraisal as of the date of the taking, which opined that the City owed \$1,158,000 for the property. At mediation, parties agreed to the settlement of the lawsuit at \$1,205,000, subject to City Council approval. The settlement will require the payment of an additional \$379,000 to acquire the property.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized the acquisition of real property and condemnation on February 8, 2012, by Resolution No. 12-0483.

Council was briefed in Executive Session on April 6, 2016.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - \$379,000

Resolution No. 12-0483 (authorized)	\$ 826,000.00
Additional Amount (this action)	<u>\$ 379,000.00</u>
Total Settlement Amount	\$1,205,000.00

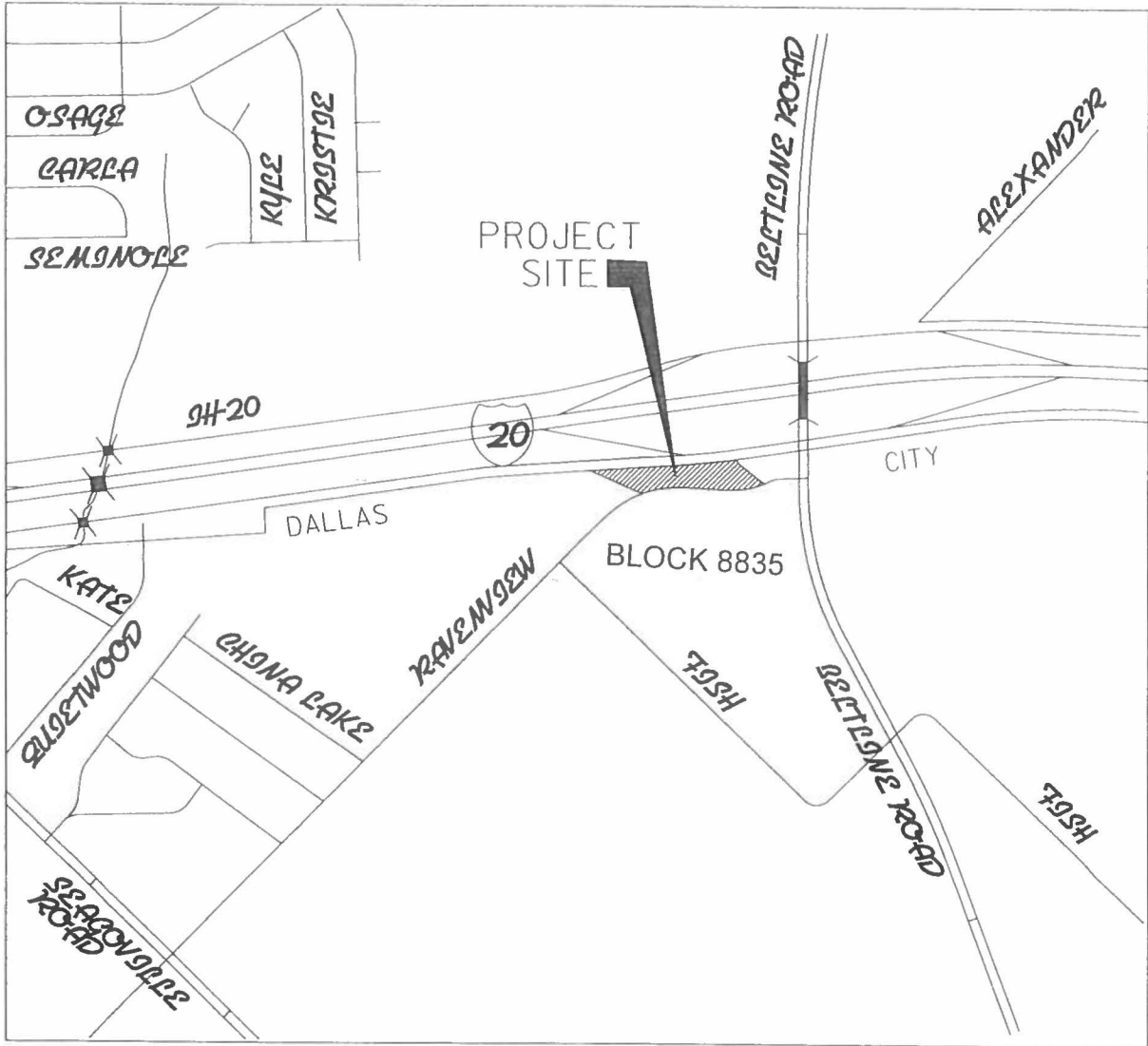
OWNER

George F. Lucas Irrevocable Trust

MAP

Attached

CITY OF DALLAS RIGHT-OF-WAY
3.657 ACRE TRACT
CITY OF DALLAS BLOCK NO. 8835,



April 13, 2016

A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION SUIT.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

CONDEMNATION SUIT: Cause No. CC-13-01704-D, in Dallas County Court at Law No. 4, and styled City of Dallas v. George F. Lucas Irrevocable Trust, et al. filed in accordance with City Council Resolution No. 12-0483.

PROPERTY: Approximately 3.657 acres of land located in Dallas County, as described in the CONDEMNATION SUIT.

PROJECT: Southwest 120/96-inch Water Transmission Pipeline Project

OFFER: \$821,000

COMMISSIONERS' AWARD: \$600,238

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$5,000

ORIGINAL AUTHORIZED AMOUNT: \$826,000

SETTLEMENT AMOUNT: \$1,205,000.00 which includes the ORIGINAL AUTHORIZED AMOUNT and the ADDITIONAL AMOUNT.

ADDITIONAL AMOUNT: \$379,000.00 which is the difference between the SETTLEMENT AMOUNT and the ORIGINAL AUTHORIZED AMOUNT.

TOTAL AUTHORIZED AMOUNT: \$1,205,000.00 which includes the SETTLEMENT AMOUNT and CLOSING COSTS AND TITLE EXPENSES.

WHEREAS, the City of Dallas issued a check payable to the registry of the Court in the amount of \$600,238, from the \$826,000 previously authorized on February 8, 2012, by Resolution No. 12-0483.

WHEREAS, Defendants have agreed to settle the CONDEMNATION SUIT for the SETTLEMENT AMOUNT; and

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION SUIT; **Now, Therefore**,

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

April 13, 2016

Section 1. That the City Attorney and the City Manager are authorized to settle the CONDEMNATION SUIT for the SETTLEMENT AMOUNT.

Section 2. That the funding information contained in Section 4 of Resolution No. 12-0483, approved on February 8, 2012, is hereby amended to read as follows:

\$600,238 from: Water Utilities Capital Improvement Funds
Fund 0115, Department DWU, Unit PW40,
Activity MPSA, Object 4210, Program 706623,
Encumbrance No. CT-DWU706623CPCL

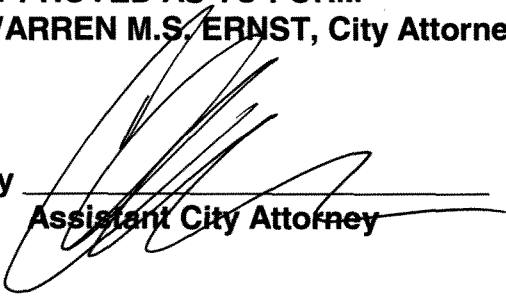
\$225,762 from: Water Utilities Capital Improvement Funds
Fund 3115, Department DWU, Unit PW40,
Activity MPSA, Object 4210, Program 706623,
Encumbrance No. CT-DWU706623CPCL

Section 3. That the Chief Financial Officer is hereby authorized and directed to pay the ADDITIONAL AMOUNT not to exceed \$379,000.00 from Water Utilities Capital Construction Funds, Fund 0102, Department DWU, Unit CW40, Activity MPSA, Object 4210, Program 706623, Encumbrance No. CT-DWU706623ENAP.

Section 4. That the Chief Financial Officer is hereby authorized and directed to issue a check in an amount not to exceed \$604,762.00 (\$225,762.00 from Water Utilities Capital Improvement Funds and \$379,000.00 from Water Utilities Capital Construction Funds), payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the Clerk.

Section 5. 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.

APPROVED AS TO FORM
WARREN M.S. ERNST, City Attorney

By 
Assistant City Attorney

ADDENDUM ITEM # 2

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 13, 2016

COUNCIL DISTRICT(S): 14

DEPARTMENT: Trinity Watershed Management
City Attorney's Office

CMO: Mark McDaniel, 670-3256
Warren M.S. Ernst, 670-3491

MAPSCO: 45H

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Bryan/Haskell, LTD, a Colorado limited partnership, et al., Cause No. CC-15-05434-B, pending in Dallas County Court at Law No. 2, to acquire a subsurface easement under approximately 12,070 square feet of land, located on Haskell Avenue at its intersection with Bryan Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$79,748 (\$77,248 being the amount of the award, plus closing costs and title expenses not to exceed \$2,500); an increase of \$32,589 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

BACKGROUND

This item is being placed on the addendum requesting Council approval prior to the deadline to file objections to the Award of the Special Commissioners.

On March 25, 2015, the City Council authorized the acquisition of this property, by Resolution No. 15-0563. The property owner was offered \$44,659, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. The appraisal was updated March 11, 2016, and the offer amount was revised to \$60,350. After a hearing before the Special Commissioners on March 29, 2016, the property owner was awarded \$77,248. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$32,589 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$2,500.

BACKGROUND (Continued)

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on March 25, 2015, by Resolution No. 15-0563.

Council was briefed by memorandum on April 8, 2016.

Information about this item will be provided to the Transportation and Trinity River Project Committee on April 11, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$79,748 (\$77,248 being the amount of the award, plus closing costs and title expenses not to exceed \$2,500)

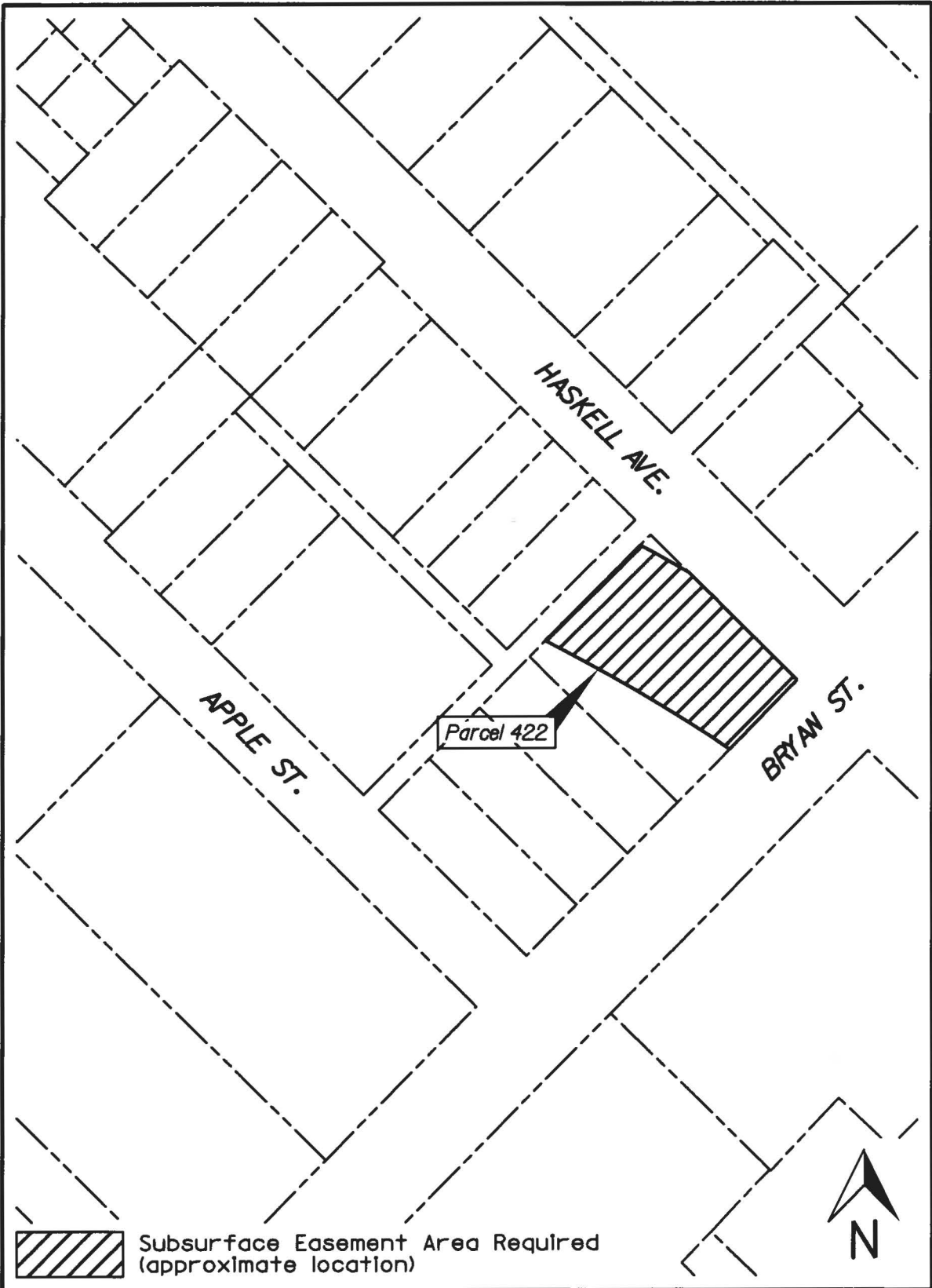
OWNER

Bryan/Haskell, LTD
SLJ Company, LLC, General Partner

Louis H. Lebowitz, President

MAP

Attached



Subsurface Easement Area Required
(approximate location)

N

April 13, 2016

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS' AWARD AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED, SETTLEMENT OF THE CONDEMNATION LAWSUIT FOR AN AMOUNT NOT TO EXCEED THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

AUTHORIZED AMOUNT: Not to exceed: \$79,748.00

AWARD: \$77,248.00

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$2,500.00

CONDEMNATION PROCEEDING: Cause No. CC-15-05434-B, in Dallas County Court at Law No. 2, and styled City of Dallas v. Bryan/Haskell, LTD, a Colorado limited partnership, et al., filed pursuant to City Council Resolution No. 15-0563.

DESIGNATED FUNDS: AWARD payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-TWM06T525H6, CLOSING COSTS AND TITLE EXPENSES payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525F28.

OFFICIAL OFFER: \$44,659.00

PROJECT: Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project

PROPERTY: Subsurface easement located under approximately 12,070 square feet of land in Dallas County, as described in the CONDEMNATION PROCEEDING.

WHEREAS, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and,

WHEREAS, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made the AWARD, which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and,

April 13, 2016

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD;

Now, Therefore,

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

SECTION 1. That the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the CLOSING COSTS AND TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 2. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

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.

APPROVED AS TO FORM

Warren M. S. Ernst

City Attorney

By: _____

Assistant City Attorney

A handwritten signature in blue ink, appearing to be 'W. M. S. Ernst', is written over a horizontal line. The signature is fluid and cursive.

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 13, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Convention and Event Services

CMO: Warren M.S. Ernst, 670-3491
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with the Law Office of Scott D. Bergthold, P.L.L.C., for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event - Not to exceed \$20,000, from \$50,000 to \$70,000 - Financing: Current Funds

BACKGROUND

Supplemental Agreement No. 1 will authorize the Law Office of Scott D. Bergthold, P.L.L.C. to continue providing legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event. This item is on the addendum due to legal deadlines.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on February 17, 2016, and March 2, 2016.

Council was briefed in Closed Session on April 6, 2016.

FISCAL INFORMATION

\$20,000 - 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 Resolution No. 08-2826, as amended.

OWNER

Law Office of Scott D. Bergthold, P.L.L.C.

Scott D. Bergthold, Owner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with the Law Office of Scott D. Bergthold, P.L.L.C., for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event - Not to exceed \$20,000, from \$50,000 to \$70,000 - Financing: Current Funds

Law Office of Scott D. Bergthold, P.L.L.C. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$20,000.00	100.00%
TOTAL THIS ACTION	\$20,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

April 13, 2016

WHEREAS, the City of Dallas is involved in a lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D; and,

WHEREAS, on February 23, 2016, pursuant to Administrative Action No. 16-5189, the City authorized a professional services contract with the Law Office of Scott D. Bergthold, P.L.L.C. in an amount not to exceed \$50,000.00, for legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event; and,

WHEREAS, the professional legal services of the Law Office of Scott D. Bergthold, P.L.L.C. continue to be necessary for this and related matters; **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 professional services contract with the Law Office of Scott D. Bergthold, P.L.L.C., for additional services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event in an amount not to exceed \$20,000.00, increasing the original contract amount from \$50,000.00 to \$70,000.00.

Section 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to the Law Office of Scott D. Bergthold, P.L.L.C., an amount not to exceed \$20,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3033, Encumbrance No. ATT389016E26, Vendor No. VC15298.

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: E-Gov
AGENDA DATE: April 13, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Secretary
CMO: Rosa A. Rios, 670-3738
MAPSCO: N/A

SUBJECT

A resolution designating absences by Councilmember Scott Griggs, Councilmember Casey Thomas, and Councilmember Tiffinni A. Young as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

BACKGROUND (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

April 13, 2016

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

WHEREAS, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) referenced above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Councilmember Scott Griggs, Councilmember Casey Thomas, and Councilmember Tiffinni A. Young participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted;

Now, Therefore,

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

April 13, 2016

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in **Exhibit A**, by Councilmember Scott Griggs, Councilmember Casey Thomas, and Councilmember Tiffinni A. Young because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence will not count against Councilmember Scott Griggs, Councilmember Casey Thomas, and Councilmember Tiffinni A. Young in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absences by Councilmember Scott Griggs, Councilmember Casey Thomas, and Councilmember Tiffinni A. Young as described in Exhibit A, were for "official city business," and no further city council action or approval of those minutes is required.

SECTION 4. 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.

EXHIBIT A
CITY COUNCIL MEMBER(S)
REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	MEETING DATE	<u>MEETING</u> EXEMPTION	PURPOSE/LOCATION	ABSENCE TYPE
Scott Griggs	3/21/2016	Arts, Culture & Libraries Committee	Worked on official city business related to a housing project Dallas, Texas	Absent
Casey Thomas	4/4/2016	Economic Development Committee	Worked on official city business related to a Workforce Development project in Colorado.	Absent
Casey Thomas	4/4/2016	Housing Committee	Worked on official city business related to a Workforce Development project in Colorado.	Absent
Tiffinni A. Young	3/21/2016	Housing Committee	Attended The American Israel Public Affairs Committee Policy Conference Washington, DC	Absent

KEY FOCUS AREA: E-Gov
AGENDA DATE: April 13, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Secretary
CMO: Rosa A. Rios, 670-3738
MAPSCO: N/A

SUBJECT

Consideration of appointments of two (2) members to the Dallas Area Rapid Transit Board of Directors for Places 01 and 02 for the 2016-2018 term, with one of the appointments to fill the unexpired term for 2014-2016, Place 01 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (Names of nominees in the City Secretary's Office) - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to provide time to incorporate actual activity at the Transportation and Trinity River Project Committee level as related to interviews.

The Dallas Area Rapid Transit (DART) board was structured by the Texas Legislature in 1993. Membership is allocated among member cities according to population, with recalculations after every U.S. census. Members of the DART board serve staggered terms of 2 years with 8 of the positions' terms beginning July 1 of odd-numbered years and seven positions' terms beginning July 1 of even numbered years. The initial members of the DART board drew lots to determine the "even/odd" status of their board terms of office. As a result of the drawing, the terms of 6 of the 8 Dallas positions expire July 1 of odd-numbered years (including the Dallas "shared" position). The enabling legislation provides that a member city may not rule by order or ordinance to limit the number of terms a member of the DART board may serve.

On August 23, 2011, the DART Board approved a reallocation of the Board based on the 2010 Census data. As a result, the City of Dallas lost one direct appointment to the Board previously shared with the cities of Cockrell Hill, Glen Heights and Plano. The City of Dallas is now entitled to 7 full members and 1 shared member with the City of Cockrell Hill. This now provides for the terms of 2 members to expire in even-numbered years and 6 to expire on odd-numbered years.

BACKGROUND (Continued)

This action will appoint one individual for a full 2 years in the 2016-2018 term and appoint another individual for a full 2 years in 2016-2018 as well as the 2014-2016 unexpired term. For the 2016-2018 term appointment, the city secretary will assign place numbers following appointment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 11, 2016, the Transportation and Trinity River Project Committee (TTRPC) will interview nominees and make subsequent recommendations for filling the two seats. The TTRPC will recommend nominees for appointment.

FISCAL INFORMATION

No cost consideration to the City.

April 13, 2016

WHEREAS, the City Council has, since 1993, appointed 8 members to the DART Board; and

WHEREAS, the City Council has, since 1993, appointed its additional shared member to the DART Board, in conjunction with the cities of Cockrell Hill, Glenn Heights, and Plano; and

WHEREAS, the seats on the DART Board were reallocated on August 23, 2011 as a result of the 2010 Census data in accordance with Section 457.577 of the Texas Transportation Code; and

WHEREAS, the 2011 reallocation decreased the number of members to be appointed by the City of Dallas; and

WHEREAS, the City Council, as of the 2011 reallocation, is responsible for appointing 7 full members and 1 shared member, with the City of Cockrell Hill, to the DART Board of Directors; and

WHEREAS, the members of the DART Board of Directors serve staggered two-year terms, commencing July 1, pursuant to Section 452.578 of the Texas Transportation Code; and

WHEREAS, Place 01 and Place 02 terms expire June 30, 2016; and

WHEREAS, a resignation was submitted for Place 01 to become effective as soon as a succession is duly appointed, whose term expires June 30, 2016; the member to be appointed will fill the unexpired term beginning April 13, 2016 and ending June 30, 2016;

Now, Therefore,

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

SECTION 1. That the following individuals are hereby (re)appointed to the DART Board for terms to begin July 1, 2016 and expire June 30, 2018, and that the City Secretary, following appointment, shall assign the place number to these individuals:

PLACE 01	
PLACE 02	

April 13, 2016

SECTION 2. That the following individual is hereby appointed to the DART Board to fill an unexpired term with service to begin April 13, 2016 and expire June 30, 2016, and that the City Secretary, following appointment, shall assign Place 01 to this individual:

PLACE 01	
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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: E-Gov
AGENDA DATE: April 13, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Mayor and City Council
CMO: A. C. Gonzalez, 670-3297
MAPSCO: N/A

SUBJECT

Authorize an amendment to the 2016 City Calendar to change the City Council Agenda Meeting from June 8, 2016 to June 15, 2016 and the City Council Briefing Meeting from June 15, 2016 to June 8, 2016 - Financing: No cost consideration to the City

BACKGROUND

This item was placed on the addendum and is moved forward at the request of the Mayor.

Resolution No. 89-3796 requires the City Council to adopt an annual calendar. Resolution No. 90-2673 establishes the annual July recess. The City Calendar includes all City Council briefing and agenda meetings, budget briefings and workshops, Council Committee meetings, and City holidays. The City Calendar is available on the City's website at www.dallascityhall.com and is made available in the Office of Financial Services to all citizens who request copies.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Council was briefed on October 7, 2015.

The 2016 City Calendar was approved by the City Council on October 14, 2015, by Resolution No. 15-1907.

FISCAL INFORMATION

No cost consideration to the City.

April 13, 2016

WHEREAS, the 2016 City Calendar should be changed to show the City Council Agenda Meeting scheduled on June 8, 2016 moved to June 15, 2016 and to show City Council Briefing Meeting scheduled on June 15, 2016 moved to June 8, 2016; and

WHEREAS, it has become necessary to revise the 2016 calendar for the year to reflect this change;

Now, Therefore,

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

Section 1. That the Dallas City Council authorizes the dates changed and authorizes an amendment to the 2016 City Calendar to reflect this change per Attachment A.

Section 2. 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.

June 2016						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Council Briefing 9:00am	2	3	4
5	6 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	7	8 Council Agenda <u>Council Briefing</u> 9:00am Budget workshop	9	10	11
12	13 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	14	15 Council Briefing <u>Council Agenda</u> 9:00am	16	17	18
19	20 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	21	22 Council Agenda 9:00am	23	24 U.S. Conference of Mayors Indianapolis, IN	25 U.S. Conference of Mayors Indianapolis, IN
26 U.S. Conference of Mayors Indianapolis, IN	27 Council Committees: 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project U.S. Conference of Mayors Indianapolis, IN	28	29 Fifth Wednesday – No City Council Meeting	30		

Note: Council Agenda meetings are held in the Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall.

REVISED AGENDA ITEM # 30

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: April 13, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize an amendment to the one-hundred-twenty-six-month concession contract with ~~Ira McGraw, dba~~ IAMJ Enterprises, Inc., to define roles, responsibilities and compensation as a result of the closure of the Cedar Crest Golf Course and Banquet Facility located at 1800 Southerland Avenue – Not to exceed \$239,925 – Financing: Golf Improvement Funds

BACKGROUND

Cedar Crest Golf Course opened for play in 1918 and has not been renovated since 2003. The renovation of the existing golf course includes, bunker replacement, greens contouring and replacement, soil preparation, grassing, landscape form, planting selections, and tee box improvements. Golf course renovations are necessary to retain a product that will generate attendance and revenues required to sustain the golf system through operations and capital improvements. The City has successfully renovated courses with golf revenues, which are consistently recognized throughout the metroplex as top quality golf destinations and top performers.

This action will amend the one-hundred-twenty-six-month concession contract with ~~Ira McGraw~~ IAMJ Enterprises, Inc. that was approved on June 11, 2008, by Resolution No. 08-1654 for the management of the pro shop operations. The City of Dallas golf course facility and grounds operations are managed through city forces and the business operations are managed by private contractors who are PGA Professionals. This public/private contractual partnership maximizes the revenue potential and return on investment for both the operator and the City of Dallas.

BACKGROUND (CONTINUED)

The golf course renovation will close the course during busy golfing season, during which time the golf pro will have no opportunity to generate revenue from the facilities but will continue to have financial responsibility for many aspects of the operation. During the period of the renovation, the golf pro will be preparing the marketing plan for the course re-opening and by providing professional input during the course construction regarding the final product including landscaping selection, greens, and tee box sculpting. The City proposes to compensate ~~Mr. McGraw~~ IAMJ Enterprises, Inc. for professional services compensation not to exceed \$51,047 during the period of closure for his professional oversight during construction. The proposed professional compensation is based on previous amendments to management agreements with pros at both Stevens Park Golf Course and Luna Vista Golf Course during golf course renovations.

Substantiated and validated expenses of approximately \$88,909 will be incurred by ~~Mr. McGraw~~ IAMJ Enterprises, Inc., against which he has no opportunity to generate revenue. During the period the course will be closed, expenses include maintaining the telephone lines, liquor license, insurance, pest control and golf shop security system. The costs for staff to close and re-open the pro shop and café, and losses for merchandise liquidation are also considered for compensation.

During the term of the renovation and seven months after re-opening the course, the City will assume all utility costs for the golf course, pro shop and cart barn, in an amount not to exceed \$8,591.

The City, through its Park and Recreation Department, agrees to compensate ~~Mr. McGraw~~ IAMJ Enterprises, Inc. a sum of \$91,378 for Concessionaires closure relief as a result of loss of revenue during closure of the golf course and to account for the time it will take to regenerate the customer base of Cedar Crest Golf Course which has dropped during the course of the last few seasons. Over the course of the last three years, the rounds at Cedar Crest have declined due to the continued decline in the condition of the greens. This decline has impacted the perception of the golfing public and by allocating these funds to ~~Mr. McGraw~~ IAMJ Enterprises, Inc., he will have the opportunity to create new golf programs, invest in staff and create additional opportunities to generate interest in Cedar Crest Golf Course and to rebuild the customer base.

The City's proposed compensation breaks down as follows:

Pro compensation	\$ 51,047
Fixed cost reimbursement	\$ 88,909
Forego seven months of utilities beginning October 2016	\$ 8,591
Commissions waiver (five months waived)	\$ 18,749
Customer Base Regeneration	<u>\$ 72,629</u>
Total Proposed Supplemental Agreement	\$239,925

ESTIMATED SCHEDULE OF PROJECT

Begin Renovation	May 2016
Complete Renovation	September 2016

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council authorized the concession agreement for management of Cedar Crest Golf Course on June 11, 2008, by Resolution No. 08-1654.

City Council authorized the banquet facility management agreement on August 27, 2008, by Resolution No. 08-2229.

The Park and Recreation Board authorized an amendment to the concession contract on March 10, 2016.

Information about this item will be provided to the Quality of Life & Environment Committee on April 11, 2016.

FISCAL INFORMATION

Golf Improvement Funds - \$239,925

OWNER

IAMJ Enterprises, Inc.

Ira McGraw, President

April 13, 2016

WHEREAS, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and

WHEREAS, the Park and Recreation Board has developed a golf pro shop management plan which provides for the operation of the golf pro shops at Cedar Crest, Luna Vista, Stevens Park, Tenison Park and Grover C. Keeton Golf Courses through professional managers as independent contractors; and

WHEREAS, the City Charter requires that the City Council approve any contract which exceeds one year in duration; and

WHEREAS, on June 11, 2008, Resolution No. 08-1654 authorized a concession contract for the operation of the golf prop shop that provides for the full service golf facility at Cedar Crest to the citizens including merchandise, golf carts, club repairs, club rentals, food and drink, beer, driving range, lessons, and building reservations through ~~Ira McGraw~~ IAMJ Enterprises, Inc., a professional manager, as an independent contractor and any and all assignees including IAMJ Enterprises, Inc. a Texas Corporation (IAMJ Enterprises, Inc.); and

WHEREAS, the City is preparing to conduct a renovation of Cedar Crest Golf Course beginning on or about May 1, 2016 and ending on or about September 30, 2016; and

WHEREAS, pursuant to Section 22 of the Contract, the City will close down Cedar Crest Golf Course during the renovation; and

WHEREAS, this action authorizes an amendment to the one-hundred-twenty-six-month concession contract with ~~Ira McGraw~~ IAMJ Enterprises, Inc. to define roles, responsibilities, compensation and reimbursement for professional services performed and costs incurred during the closure of the premises including presenting to the public on the golf course renovations; providing a marketing plan; and providing professional knowledge as to landscaping form and planting selections, green contouring and placement, bunkers and fairway sculpting and drainage which is consistent with previous amendments to management agreements with pros at both Stevens Park Golf Course and Luna Vista Golf Course.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

April 13, 2016

SECTION 1. That the City Manager is hereby authorized to enter into an amendment to the one-hundred-twenty-six-month concession contract with ~~Ira McGraw, dba~~ IAMJ Enterprises, Inc., to define roles, responsibilities and compensation as a result of the closure of the Cedar Crest Golf Course for renovation, in an amount not to exceed \$239,925.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a concession agreement with ~~Ira McGraw, dba~~ IAMJ Enterprises, Inc., after approval as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to pay compensation in an amount not to exceed \$239,925 during closure of the premises to IAMJ Enterprises, Inc. from Golf Improvement Funds (subject to appropriations), Fund 0332, Department PKR, Unit 9363, Object 3070, Activity PK19, Commodity 92500.

<u>AMOUNT</u>	<u>UNIT</u>	<u>ENCUMBRANCE</u>	<u>VENDOR NO.</u>	<u>VENDOR</u>
\$239,925	9363	PKR16F018	VS0000032011	IAMJ Enterprises, Inc.

SECTION 4. 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: April 13, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction
~~Public Works & Transportation~~
Public Works Department

CMO: Ryan S. Evans, 671-9837
Jill A. Jordan, P.E., 670-5299

MAPSCO: 55H

SUBJECT

Authorize moving expense and replacement housing payments for Francisco Torres and Dora Fernandez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 1019 Pontiac Avenue for the Cadillac Heights Phase II Project - Not to exceed \$67,550 - Financing: 2006 Bond Funds

BACKGROUND

Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and replacement housing payments for homeowners displaced by the City of Dallas in conjunction with its real property acquisition activities. On August 12, 2015, the City Council approved Resolution No. 15-1396 which authorized the acquisition of real property known as 1019 Pontiac Avenue for the Cadillac Heights Phase II Project. Francisco Torres and Dora Fernandez will be displaced as a direct result of this property acquisition. They have qualified for a moving expense payment of up to \$2,050 and a last resort calculated replacement housing payment of up to \$65,500 pursuant to City Code and will use the replacement housing payment to acquire a replacement property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 12, 2015, the City Council authorized the acquisition of single family homes in the Cadillac Heights neighborhood for the Cadillac Heights Phase II Project by Resolution No. 15-1396.

Information about this item will be provided to the Economic Development Committee on April 4, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$67,550

OWNERS

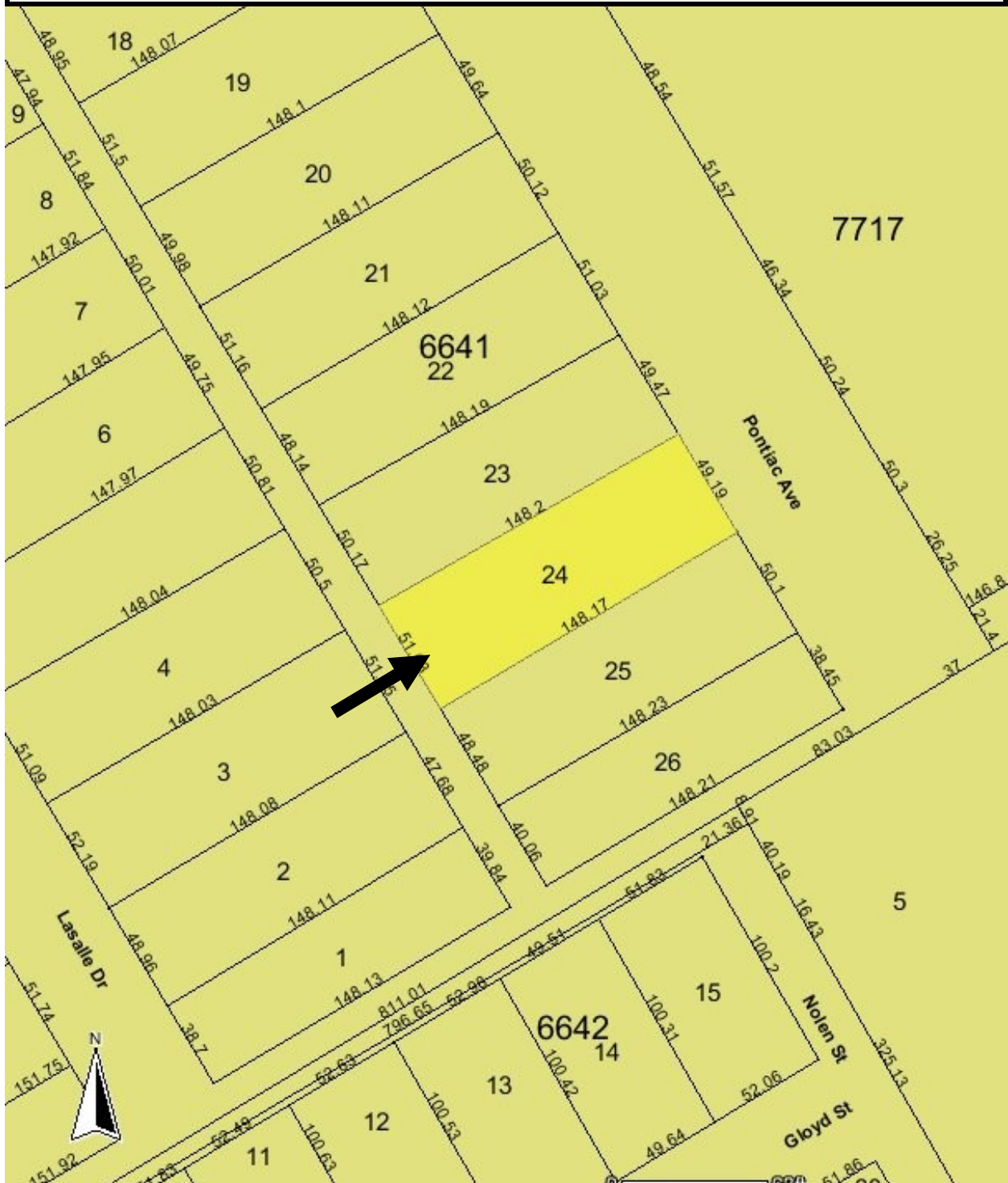
Francisco Torres

Dora Fernandez

MAP

Attached

CADILLAC HEIGHTS PHASE II PROJECT RELOCATION ASSISTANCE



Lot 24, Block 3/6641– 1019 Pontiac Avenue

April 13, 2016

WHEREAS, on November 7, 2006, Dallas voters approved the use of General Obligation Bonds to acquire property for Cadillac Heights Phase II Project; and

WHEREAS, Francisco Torres and Dora Fernandez will be displaced as a direct result of this property acquisition and will vacate the property; and

WHEREAS, Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and replacement housing payments for homeowners displaced by City of Dallas property acquisition activities; and

WHEREAS, on August 12, 2015, the City Council approved Resolution No. 15-1396 authorizing the acquisition of 1019 Pontiac Avenue located in the Cadillac Heights neighborhood, to be used in conjunction with the construction of Cadillac Heights Phase II Project;

Now, Therefore,

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

Section 1. That Francisco Torres and Dora Fernandez will be displaced in conjunction with the construction of the Cadillac Heights Phase II Project and are entitled to moving expense and replacement housing payments pursuant to Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas.

Section 2. That Francisco Torres and Dora Fernandez are eligible to receive a moving expense payment in an amount up to \$2,050 and a replacement housing payment in an amount up to \$65,500.

Section 3. That the Chief Financial Officer is authorized to draw warrants in favor of Francisco Torres and Dora Fernandez in an amount not to exceed \$67,550 for moving expense and replacement housing payments.

These warrants are to be paid as follows:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Obj</u>	<u>Act Code</u>	<u>Prog No</u>	<u>CT</u>	<u>Vendor No</u>	<u>Amount</u>
BT11	PBW	T825	4240	LAAQ	PB06T825	SUST825EP18	VS86897	\$65,500
BT11	PBW	T825	4240	LAAQ	PB06T825	SUST825EP19	VC14881	\$ 2,050

Section 4. 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: E-Gov
AGENDA DATE: April 13, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Attorney's Office
Convention and Event Services
CMO: Warren M.S. Ernst, 670-3491
Ryan S. Evans, 671-9837
MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C., for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event - Not to exceed \$125,000, from \$50,000 to \$175,000 - Financing: Current Funds

BACKGROUND

Supplemental Agreement No. 1 will authorize Fanning Harper Martinson Brandt & Kutchin, P.C., to continue providing legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on February 17, 2016, and March 2, 2016.

Council ~~will be~~ was briefed in Closed Session on April 6, 2016.

FISCAL INFORMATION

\$125,000 - 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 Resolution No. 08-2826, as amended.

OWNER

Fanning Harper Martinson Brandt & Kutchin, P.C.

Thomas P. Brandt, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C., for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event - Not to exceed \$125,000, from \$50,000 to \$175,000 - Financing: Current Funds

Fanning Harper Martinson Brandt & Kutchin, P.C. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$125,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$125,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

April 13, 2016

WHEREAS, the City of Dallas is involved in a lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D; and,

WHEREAS, on February 23, 2016, pursuant to Administrative Action No. 16-5190, the City authorized a professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C., in an amount not to exceed \$50,000.00 for legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event; and,

WHEREAS, the professional legal services of Fanning Harper Martinson Brandt & Kutchin, P.C., continue to be necessary for this ~~matter~~ and related matters; **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 professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C., for additional services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event in an amount not to exceed \$125,000.00, increasing the original contract amount from \$50,000.00 to \$175,000.00.

Section 2. That the Chief Financial Officer is authorized to disburse, in periodic payments to Fanning Harper Martinson Brandt & Kutchin, P.C., an amount not to exceed \$125,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3033, Encumbrance No. ATT389016E27, Vendor No. 399210.

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.