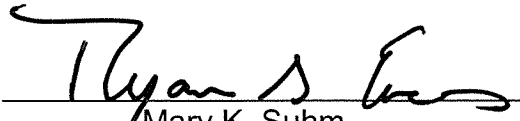


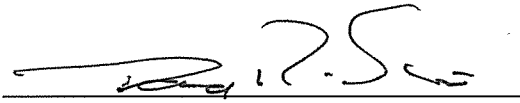
**APRIL 1, 2009 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated April 1, 2009. 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

3-27-09
Date



Edward Scott
City Controller

3/27/09
Date

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

April 1, 2009

DATE

(FOR GENERAL INFORMATION AND RULES OF COURTESY PLEASE SEE OPPOSITE SIDE.)
(LA INFORMACIÓN GENERAL Y REGLAS DE CORTESÍA QUE DEBEN OBSERVARSE
DURANTE LAS ASAMBLEAS DEL CONSEJO MUNICIPAL APARECEN EN EL LADO OPUESTO, FAVOR DE LEERLAS.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on AT&T CityCable Channel 6B. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 before 9:00 a.m. on the meeting date. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Informacion General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación AT&T CityCable Canal 6B. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 9 de la mañana del día de la asamblea. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesia

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, APRIL 1, 2009
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am Invocation and Pledge of Allegiance 6ES

Special Presentations

Open Microphone Speakers

VOTING AGENDA 6ES

1. Approval of Minutes of the March 4, 2009 City Council Meeting
2. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

Briefings 6ES

- A. 2009 Community Survey Findings Report
- B. Federal Economic Stimulus Package - Update and Recommended Action Plan
- C. African Savanna Development

ITEMS FOR INDIVIDUAL CONSIDERATION

Park & Recreation

3. Authorize Supplemental Agreement No. 1 to the design-build contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, to establish the Guaranteed Maximum Price No. 1 for the construction of earthwork; site utilities; limited concrete work; structure and building shells for the Elephant, Giraffe and Hoof Stock Holding Buildings, electrical service; filtration system; landscaping, irrigation, artificial rock-work, pools and exhibit features for three exhibit areas; and fencing for the African Savanna Development at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Not to exceed \$13,526,611, from \$3,181,869 to \$16,708,480 - Financing: 2006 Bond Funds

Lunch - *Dallas Center for the Performing Arts Construction Site Tour*

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, APRIL 1, 2009

Closed Session

6ES

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

- Florence W. Gray v. City of Dallas, Cause No. 08-05235-D
- Rodney Truttling v. City of Dallas, Cause No. 08-08604-D
- Victor Alvarado DeLeon v. City of Dallas, et al., Civil Action No. 3:02-CV-1097-K
- Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B
- City of Dallas v. Dora Saucedo-Falls, et al., No. 05-0973
- Virginia Aerospace, L.L.C., et al. v. City of Dallas, Cause No. 08-15110-E
- Legal issues regarding the W. W. Samuell Permanent Foundation, Samuell Trust Fund, park properties devised under the will of Dr. W. W. Samuell, and related matters

Open Microphone Speakers

6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

PUBLIC MEETINGS FOR APRIL 1 - APRIL 15, 2009

Thursday, April 2, 2009

Community Development Commission
6:00 p.m.
City Hall, Room 6ES

Tuesday, April 14, 2009

Civil Service Board
8:30 a.m.
City Hall, Suite 1C-South

AGENDA ITEM # 3

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: April 1, 2009

COUNCIL DISTRICT(S): 1, 4

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 54-H

SUBJECT

Authorize Supplemental Agreement No. 1 to the design-build contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, to establish the Guaranteed Maximum Price No. 1 for the construction of earthwork; site utilities; limited concrete work; structure and building shells for the Elephant, Giraffe and Hoof Stock Holding Buildings, electrical service; filtration system; landscaping, irrigation, artificial rock-work, pools and exhibit features for three exhibit areas; and fencing for the African Savanna Development at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Not to exceed \$13,526,611, from \$3,181,869 to \$16,708,480 - Financing: 2006 Bond Funds

BACKGROUND

On November 10, 2008, Resolution No. 08-3128, Council authorized the award of a design-build contract to Sedalco/MetalMan Design/Build Corporation, A Joint Venture, for the design and pre-construction services and an early-start allowance for landscaping and infrastructure for the African Savanna Development at the Dallas Zoo located at 650 South R.L. Thornton Freeway. This action included award of the improvements to the existing Wilds of Africa plaza area, in the amount of \$3,181,869.

Sedalco/MetalMan Design/Build Corporation, A Joint Venture has presented Guaranteed Maximum Price (GMP) No. 1 for the construction of earthwork; site utilities; limited concrete work; structure and building shells for the Elephant, Giraffe and Hoof Stock Holding Buildings, electrical service; filtration system; landscaping, irrigation, artificial rock-work, pools and exhibit features for three exhibit areas; and fencing for the African Savanna Development at the Dallas Zoo, in the amount of \$13,526,611. This action will authorize the award of Supplemental Agreement No. 1 to the design-build contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture; thereby, increasing the original design-build contract amount by \$13,526,611, from \$3,181,869 to \$16,708,480. This action includes general conditions costs, insurance, design-build fee, and payment and performance bonds.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction June 2009
Complete Construction February 2010

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized award of the design-build contract on November 6, 2008.

City Council authorized award of the design-build contract on November 10, 2008, by Resolution No. 08-3128.

The Park and Recreation Board authorized Guaranteed Maximum Price No. 1 on March 31, 2009.

FISCAL INFORMATION

2006 Bond Funds - \$13,526,611

| <u>Council District</u> | <u>Amount</u> |
|-------------------------|-----------------------|
| 1 | \$6,763,305.50 |
| 4 | <u>\$6,763,305.50</u> |
| Total | \$13,526,611.00 |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Sedalco/MetalMan Design/Build Corporation, A Joint Venture

| | | | |
|---------------|----|-----------------|----|
| White Male | 37 | White Female | 11 |
| Black Male | 1 | Black Female | 0 |
| Hispanic Male | 6 | Hispanic Female | 3 |
| Other Male | 0 | Other Female | 1 |

OWNERS

Sedalco/MetalMan Design/Build Corporation, A Joint Venture

Sedalco, LP

Tom Krader, President

MetalMan Design/Build Corporation

Tamara S. Crooks, President/Secretary/Treasurer

J.V. McLure, Vice President

Frank Argumaniz, Vice President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the design-build contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, to establish the Guaranteed Maximum Price No. 1 for the construction of earthwork; site utilities; limited concrete work; structure and building shells for the Elephant, Giraffe and Hoof Stock Holding Buildings, electrical service; filtration system; landscaping, irrigation, artificial rock-work, pools and exhibit features for three exhibit areas; and fencing for the African Savanna Development at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Not to exceed \$13,526,611, from \$3,181,869 to \$16,708,480 - Financing: 2006 Bond Funds

Sedalco/Metalman Design/Build Corporation, A Joint Venture is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

| | <u>Amount</u> | <u>Percent</u> |
|--------------------------|------------------------|----------------|
| Local contracts | \$4,318,447.00 | 31.93% |
| Non-local contracts | \$9,208,164.00 | 68.07% |
| TOTAL THIS ACTION | \$13,526,611.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|-----------------------|----------------|
| Echols & Sons, Inc. | BMDB39837Y0110 | \$279,491.00 | 6.47% |
| Environmental Standard, Inc. | BMDB38832N1009 | \$25,000.00 | 0.58% |
| Gentzler Electrical Services | HFWE17310110 | \$282,283.00 | 6.54% |
| Guido Construction | HMDB400870210 | \$89,000.00 | 2.06% |
| MetalMan Design/Build Corporation | PFDB39596Y1209 | \$2,343,894.00 | 54.28% |
| Texas Construction Supply | WFWB38198N809 | \$251,000.00 | 5.81% |
| Total Minority - Local | | \$3,270,668.00 | 75.74% |

Non-Local Contractors / Sub-Contractors

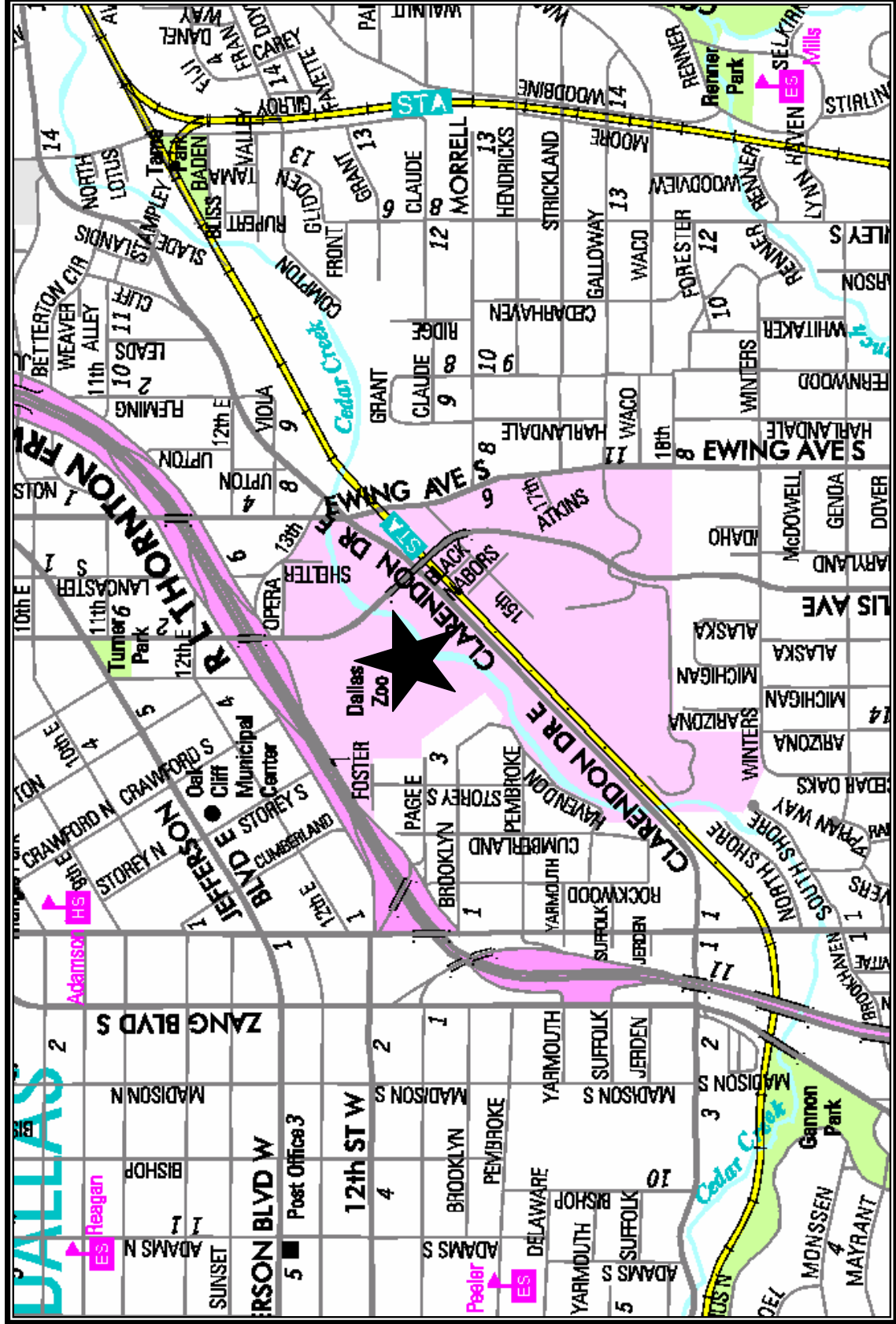
| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|---------------------|----------------|
| LKT & Associates | WFDB38858Y1009 | \$149,500.00 | 1.62% |
| Total Minority - Non-local | | \$149,500.00 | 1.62% |

TOTAL M/WBE PARTICIPATION

| | This Action | | Participation to Date | |
|-------------------|-----------------------|-----------------------|------------------------------|-----------------------|
| | <u>Amount</u> | <u>Percent</u> | <u>Amount</u> | <u>Percent</u> |
| African American | \$304,491.00 | 2.25% | \$304,491.00 | 1.82% |
| Hispanic American | \$371,283.00 | 2.74% | \$883,783.00 | 5.29% |
| Asian American | \$2,343,894.00 | 17.33% | \$2,485,126.00 | 14.87% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$400,500.00 | 2.96% | \$411,800.00 | 2.46% |
| Total | <u>\$3,420,168.00</u> | <u>25.28%</u> | <u>\$4,085,200.00</u> | <u>24.45%</u> |

Dallas Zoo

Council Districts 1 and 4



650 South R. L. Thornton Freeway

Mapsc0 # 54-H

April 1, 2009

WHEREAS, on November 10, 2008, Resolution No. 08-3128, Council authorized the award of the design-build contract to Sedalco/MetalMan Design/Build Corporation, A Joint Venture for the design and pre-construction services, an early-start allowance for landscaping and infrastructure, and improvements to the existing Wilds of Africa plaza area for the African Savanna Development at the Dallas Zoo located at 650 South R.L. Thornton Freeway, in the amount of \$3,181,869; and

WHEREAS, it is now desired to enter into a Supplemental Agreement No. 1 with Sedalco/MetalMan Design/Build Corporation, A Joint Venture to establish the Guaranteed Maximum Price No. 1 for the construction of earthwork; site utilities; limited concrete work; structure and building shells for the Elephant, Giraffe and Hoof Stock Holding Buildings, electrical service; filtration system; landscaping, irrigation, artificial rock-work, pools and exhibit features for three exhibit areas; and fencing for the African Savanna Development at the Dallas Zoo located at 650 South R.L. Thornton Freeway, in the amount of \$13,526,611, increasing the contract amount from \$3,181,869 to \$16,708,480.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the design-build contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture to establish Guaranteed Maximum Price No. 1 for the construction of earthwork; site utilities; limited concrete work; structure and building shells for the Elephant, Giraffe and Hoof Stock Holding Buildings, electrical service; filtration system; landscaping, irrigation, artificial rock-work, pools and exhibit features for three exhibit areas; and fencing for the African Savanna Development at the Dallas Zoo located at 650 South R.L. Thornton Freeway, in an amount not to exceed \$13,526,611, increasing the contract amount from \$3,181,869 to \$16,708,480.

SECTION 2. That the City Controller be and is hereby authorized to pay the amount of \$13,526,611 to Sedalco/MetalMan Design/Build Corporation, A Joint Venture from (2006) Park and Recreation Facilities Improvement Fund 8T00, Department PKR, Unit T061, Object 4599, Activity DZOO, Program PK06T061, CT-PKR09019019, Commodity 91200, Vendor VS0000037697.

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.



City of Dallas

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CITY SECRETARY
DALLAS, TEXAS

City Council Meeting
Dallas City Council
Wednesday, April 1, 2009
City of Dallas – 1500 Marilla
Dallas, TX 75201
Additional Executive (Closed) Session Item

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

- Legal issues regarding Corps of Engineers Periodic Inspection Report Dallas Floodway Project Report Number 9

Public Notice

090355

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DALLAS, TX



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CITY SECRETARY
DALLAS, TEXAS

City Council Meeting
Dallas City Council
Wednesday, April 1, 2009
City of Dallas – 1500 Marilla
Dallas, TX 75201

Addendum to Briefing Agenda

- Briefing regarding Corps of Engineers Periodic Inspection Report Dallas Floodway Project Report Number 9

Public Notice

090356

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