

**ADDENDUM  
CITY COUNCIL MEETING  
DECEMBER 8, 2003  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A.M.**

ADDITIONS:

Closed Session

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

- Legal issues involving Chapter 2 Ordinance - Eminent Domain Proceedings for Personal Property
- City of Dallas, Texas et al. v. Doug Vanesko, et al., Appeal No. 05-03-00022-CV, Cause No. DV-00-01591-L
- Pedro A. Lopez, Lela Sims, Robert Sims, Luis Alfredo Sierra T., Yolanda C. Sierra, Homer Hinojosa, Lucinda Hinojosa, and Ilda Cisneros v. COD, Civil Action No. 3:03-CV-2223-L

CONSENT ADDENDUM

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Contract Amendments

1. Authorize **(1)** Supplemental Agreement No. 1 to the professional services contract with Carter & Burgess, Inc. to provide planning services for the Downtown Parks Master Plan to include physical planning and site programming for additional proposed urban park sites, and an economic and market analysis and **(2)** an increase in appropriations in the amount of \$35,374 in Capital Gifts, Donation and Development Funds - \$85,749, from \$365,000 to \$450,749 - Financing: Capital Gifts, Donation and Development Funds (\$35,374) and City Center TIF District Funds (\$50,375)
2. Authorize Supplemental Agreement No. 1 to the contract with Conley Design Group, Inc. to provide design services and construction administration for the revised scope of work for Phase III structural restoration of the Poultry Building within the Pan American Complex at Fair Park - \$69,310, from \$295,060 to \$364,370 - Financing: Fair Park Agrarian District Grant Funds (Grantor, Texas Department of Agriculture Grant)
3. Authorize an increase in the contract with Harrison Quality Construction, Inc. for the renovation and expansion of the existing Audelia Road Branch Library located at 10045 Audelia Road to provide an overflow parking lot - \$179,700, from \$1,594,151 to \$1,773,851 - Financing: 1998 Bond Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Contract Amendments (Continued)

4. Authorize Supplemental Agreement No. 2 to the contract with HBC/Terracon for additional environmental consulting and engineering services related to Deepwood and Loop 12 landfill sites near Loop 12 and Jim Miller Road - \$639,510, from \$1,399,099 to \$2,038,609 - Financing: 2003 Certificates of Obligation (\$330,910), 1998 Bond Funds (\$308,600)

Construction Miscellaneous

5. Authorize assignment of the architectural contract for the new Animal Shelter from The Hillier Group to Workarchitecture, P.L.L.C. - Financing: No additional cost consideration to the City

LAND MISCELLANEOUS

6. An ordinance abandoning a portion of Lynn Street and alleys to Southwest Airlines Co., the abutting owner, containing approximately 37,801 square feet of land located near the intersection of Love Field and Denton Drives, and authorizing the quitclaim - Revenue: \$273,112 plus the \$20 ordinance publication fee
7. An ordinance abandoning portions of Meadow Street, Garden Lane, and Roberts Avenue to Parmer Villas Housing, L.P., the abutting owner, containing approximately 86,787 square feet of land located near the intersection of Hatcher and Meadow Streets, and authorizing the quitclaim - Revenue: \$73,769 plus the \$20 ordinance publication fee
8. An ordinance abandoning a sanitary and storm sewer easement to Resland Development Corporation, the abutting owner, containing approximately 16,941 square feet of land located near the intersection of Saner and Pierce Streets, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee
9. An ordinance granting a revocable license to Southwest Airlines Company for the use of approximately 1,880 square feet of land to install and maintain concrete duct banks under portions of Denton Drive and Wyman Street rights-of-way - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

LAND MISCELLANEOUS (Continued)

10. An ordinance granting renewal of a private license to L L Property Partners, L.P., for the use of approximately 57,788 square feet of land maintaining an existing access drive, decorative steel fencing, security guard kiosk, parking and landscaping on City-owned property located at the intersection of Lemmon Avenue and Lovers Lane - Revenue: \$58,944 annually plus the \$20 ordinance publication fee
11. Authorize a sixty-month lease agreement with Garland Development Group, L.P. for approximately 2,954 square feet of office space located in the Ridgewood Village Shopping Center at 3050 South First Street, Suite 207, Garland, Texas, to be used as a Women, Infants and Children clinic for the period January 1, 2004 through December 31, 2008 - Total not to exceed \$192,010 - Financing: Texas Department of Health Grant Funds (subject to annual appropriations)

PURCHASING OF EQUIPMENT, SUPPLIES, AND SERVICES

12. Authorize a thirty-six-month price agreement for wireless phone and data services and communication equipment with the most advantageous proposer of five - Verizon Wireless - Not to exceed \$1,500,000 - Financing: Current Funds

MISCELLANEOUS

13. Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Webb & Webb, for additional legal services and representation of the City in Matters Related to the Statement of Intent of TXU Gas Company to Change Rates in the Company's Statewide Gas Utility System, Railroad Commission of Texas Gas Utilities Docket No. 9400 (consolidated) - Not to exceed \$117,250, from \$15,000 to \$132,250 - Financing: Current Funds
14. Authorize Supplemental Agreement No. 1 to the professional services contract with Robert W. Taylor, Attorney at Law, for additional services and related expenses necessary in the negotiations with SBC Communications, Inc., regarding Voice Over Internet Protocol issues, and any other proceedings relating to the subject matter of this dispute - Not to exceed \$50,000, from \$20,000 to \$70,000 - Financing: Current Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

15. Authorize a professional services contract with the law firm of Mounce, Green, Myers, Safi & Galatzan P.C., for legal services and representation of the City in Matters Related to the Statement of Intent of TXU Gas Company to Change Rates in the Company's Statewide Gas Utility System, Railroad Commission of Texas Gas Utilities Docket No. 9400 (consolidated) - Not to exceed \$203,250 - Financing: Current Funds
16. Authorize a professional services contract with Biodynamic Research Corporation for the expert services of Richard Harding, MB BS, Ph.D., and related expenses necessary in the lawsuit styled Greenhaw, Danny v. City of Dallas, Cause No. DV02-08302-J, and any other proceedings relating to the subject matter of this lawsuit - Not to exceed \$23,900 - Financing: Current Funds
17. Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Stutzman, Bromberg, Esserman & Plifka, P.C., for additional legal services necessary in the lawsuit styled Ann Tenison Hereford Webb, et al., v. The City of Dallas, Texas, et al., Civil Action No. 3:00-CV-2558-R, and any other proceedings relating to the subject matter of this lawsuit - Not to exceed \$25,000, from \$300,000 to \$325,000 - Financing: Current Funds
18. Authorize Supplemental Agreement No. 1 to the professional services contract with Diversified Utility Consultants, Inc., for additional expert consulting services and testimony in Matters Related to the Statement of Intent of TXU Gas Company to Change Rates in the Company's Statewide Gas Utility System, Railroad Commission of Texas Gas Utilities Docket No. 9400 (consolidated) - Not to exceed \$183,000, from \$42,000 to \$225,000 - Financing: Current Funds (to be fully reimbursed by Oncor/TXU Gas)

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

19. Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Ted B. Lyon & Associates, P.C., for additional legal services and related expenses necessary in the lawsuit styled City of Dallas v. Explorer Pipeline Company, Inc., Atofina Petrochemicals, Inc. fka Fina Oil & Chemical Company, Exxon Mobil Corporation, Inc., Diamond Shamrock Refining & Marketing Company, Inc., Conoco, Inc., Phillips Petroleum Company, Inc., Chevron USA, Inc., Motiva Enterprises, LLC, Equilon Enterprises, LLC, The Premcor Refining Group, Inc., fka Clark Refining & Marketing, Inc., Citgo Petroleum Corporation, Mobil Corporation, Inc., BP Amoco Company fka Amoco Corporation and Does 1 through 100; Cause No. DV00-09678-H, and any other proceedings relating to the subject matter of this litigation - Not to exceed \$283,824, from \$807,000 to \$1,090,824 - Financing: Current Funds
20. Authorize the initial planning for a possible major sports celebration in honor of the Dallas Cowboys on or about February 3, 2004, in accordance with Resolution No. 93-4570, "A Policy Statement for Major Sports Celebrations" - Financing: This action has no cost consideration to the City
21. A resolution authorizing the dissolution of the Railtran Policy Committee, the Dallas Facilities Development Authority, Inc. and the Dallas Higher Education Authority, Inc. - Financing: No cost consideration to the City
22. Authorize an amendment to the Interlocal Agreement with the Dallas County Health and Human Services Department to provide professional services of its Health Authority to the City for the period October 1, 2003 through September 30, 2005 - Not to exceed \$10,000, from \$10,000 to \$20,000 - Financing: Current Funds (subject to annual appropriations)
23. Authorize the acceptance of grant funds from the U.S. Department of Homeland Security, Office of Domestic Preparedness to purchase terrorism response equipment for the period December 8, 2003 through April 30, 2005 - Not to exceed \$400,000 - Financing: U.S. Department of Homeland Security, Office of Domestic Preparedness Grant Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

24. Authorize the **(1)** sale, assignment and transfer of the City's Intown Housing Section 108 loan for the Deep Ellum Lofts located at 3300 Main, to Henry S. Miller Investment Company for a sale price equal to 60% of loan value at the time of closing, or, should the sale to Henry S. Miller not close for any reason by January 7, 2004, **(2)** sale, assignment and transfer of the City's Intown Housing Section 108 loan for the Deep Ellum Lofts to Pan American Capital Corporation 1995, for a sale price equal to 60% of loan value at the time of closing, with closing to occur no later than February 23, 2004 - Estimated Revenue: \$1,800,000 (60% of loan value at the time of closing)
25. Authorize an amendment to the maintenance agreement with American Management Systems, Inc. to provide an assessment of the requirements to upgrade the City's automated financial system to Advantage Financial 3 by October 1, 2005 - Not to exceed \$138,180 - Financing: Current Funds
26. Authorize **(1)** the receipt and deposit of funds from ONCOR for the installation of electricity meters at all City-owned non-metered signalized intersections throughout the City of Dallas, and **(2)** an increase in appropriations in the amount of \$550,000 in the Department of Public Works and Transportation budget - \$550,000 - Financing: Private Funds

PUBLIC HEARINGS AND RELATED ACTIONS

ZONING CASES - INDIVIDUAL

27. An application for a Planned Development District for a private school and MU-3 Mixed Use District uses and termination of Specific Use Permit No. 1471 on property zoned an MU-3 Mixed Use District located on Merit Drive between Clodus Fields Drive and Churchill Way with consideration given to a Specific Use Permit for a private school use  
Recommendation of Staff: Approval of a Specific Use Permit for a private school, subject to site plans (Phases 1-3), landscape plan, and conditions for a 10-year period with eligibility for automatic renewal for additional 10 year periods in lieu of the requested Planned Development District  
Recommendation of CPC: Approval of a Specific Use Permit for a private school, subject to site plans (Phases 1-3), landscape plan, and conditions for a permanent time period in lieu of the requested Planned Development District  
Z023-276 (WE)

**ADDENDUM  
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ADDITIONS:

ITEMS FOR INDIVIDUAL CONSIDERATION

28. An ordinance amending Chapter 2 of the Dallas City Code to authorize eminent domain proceedings for personal property located inside or outside the city of Dallas and to provide for the measure of damages - Financing: No cost consideration to the City
29. An ordinance amending Chapter 6 of the Dallas City Code to **(1)** prohibit variances from the distance requirements for alcoholic beverage licenses and permits, or in the alternative, **(2)** establish procedures for granting variances from the distance requirements for alcoholic beverage licenses and permits - Financing: No cost consideration to the City
30. An ordinance abandoning Brogden Lane, Woodglen Street and Wardmont Avenue to Dallas Independent School District, the abutting owner, containing approximately 197,663 square feet of land located near the intersection of Polk Street and Danieldale Road, providing for the dedication of approximately 101,948 square feet of land needed for street right-of-way and authorizing the quitclaim - Revenue: \$18,712 plus the \$20 ordinance publication fee
31. Authorize **(1)** the acceptance of the only bid received for the sale or exchange of a surplus tract of land owned by the Cities of Dallas and Fort Worth, Texas, containing approximately 30 acres (Owner Tract) located within the boundaries of Dallas/Fort Worth International Airport (DFW) on the west side of State Highway 360, north of State Highway 183 in Euless, Texas, from Bear Creek Associates IV, L.P., **(2)** the acceptance of an unimproved tract of land containing approximately 46 acres located north of State Highway 183, east of State Highway 360 and adjacent to DFW, in exchange for the conveyance of the Owner Tract and **(3)** the conveyance of the Owner Tract to Bear Creek Associates IV, L.P. - Financing: No cost consideration to the City
32. Authorize a twelve-month price agreement to provide an opening day collection of books for the new Arcadia Park Branch Library with the lowest responsible bidder of four - Brodart Co. - Not to exceed \$433,580 - Financing: 2003 Bond Funds

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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

33. Authorize **(1)** the creation of six additional Inspector II positions in the Transportation Regulation Program for the purpose of effectively regulating the 275 taxicab, shuttle, private ambulance, vehicle tow service, emergency wrecker and non-motorized passenger vehicle companies and their 4,500 vehicles and drivers, and **(2)** an increase in appropriations in the amount of \$90,000 in the Public Works and Transportation budget to fund those positions - Not to exceed \$90,000 - Financing: Contingency Reserve Funds
34. Authorize a moratorium on the acceptance of applications for certificates of appropriateness or permits for kiosks in certain special provision sign districts beginning on the effective date of this resolution up to and including April 6, 2004 - Financing: No cost consideration to the City (via Mayor Miller)

CORRECTIONS:

13. Authorize **(1)** the acceptance of two loans from the State of Texas Energy Conservation Office in the amounts of \$5,000,000 and \$4,468,570 to be repaid in ten annual payments of \$1,134,968, beginning in FY 2004-05, from electric and natural gas energy savings, **(2)** Supplemental Agreement No. 1 for Phase 2 of the energy services contract with TAC Americas, Inc. to perform design and construction of energy conservation related projects at the following six facilities: City Hall at 1500 Marilla, Central Library at 1515 Young Street, Oak Cliff Municipal Center at 320 East Jefferson Boulevard, Martin Luther King, Jr. Center at 2922 MLK Boulevard, Arts District Parking Garage at 2301 Ross Avenue, and Mountain Creek Branch Library at 6102 Mountain Creek Parkway, in an amount not to exceed \$9,468,570; and for performance assurance support services in the amount of \$147,866 annually, for ten years, for a total not to exceed \$1,478,660, to be paid from electric and natural gas savings; and **(3)** the establishment of appropriations in an amount not to exceed \$9,468,570 in the General Capital Reserve Fund - Financing: Loans from Texas State LoanStar Program (\$9,468,570); Current Funds (\$12,828,340)



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CORRECTIONS: (Continued)

97. An ordinance amending Chapter 45 of the Dallas City Code to: ~~set standards for determining the number of taxicabs, strengthening driver requirements and discipline, allowing discount fares, creating a flat rate zone to and from Love Field Airport and D/FW International Airport to the Dallas Market Center area, requiring credit card acceptance and revising insurance liability requirements to match the D/FW Airport and the City of Fort Worth's requirement of \$500,000 combined single limit~~ **(1) provide for appeals to the permit and license appeal board for actions taken on taxicab operating authority and taxicab driver's licenses; (2) provide standards for determining the number of taxicabs required for the public convenience and necessity; (3) provide for the reduction of taxicabs authorized to operate in the city; (4) strengthen requirements for taxicab driver discipline and training; (5) increase the required limits of liability for taxicab insurance to \$500,000 combined single limit; (6) provide flat rate fares from Love Field Airport and Dallas Fort Worth International Airport to the Dallas Market Center area, (7) allow discounted fares for taxicab service; (8) provide for the collection of fares by credit card; (9) repeal Resolution No. 03-2863 relating to the taxicab moratorium; and (10) make certain nonsubstantive changes** - Estimated revenue reduction for FY 2003-04 (\$59,969) and for FY 2004-05 (\$42,937) - Total Estimated Revenue Loss: \$102,906
101. An ordinance ~~granting a private license abandoning air rights over a portion of Motor Street to Children's Medical Center of Dallas, the abutting owner, for the use of containing approximately 1,340 square feet of land to construct and maintain a pedestrian skybridge over a portion of Motor Street right-of-way located near its intersection with Amelia Court Medical Center Drive, and authorizing the quitclaim~~ - Revenue: ~~\$1,000~~ \$9,439 plus the \$20 ordinance publication fee

DELETIONS:

23. Authorize an Interlocal Agreement with the Texas Department of Transportation for right-of-way acquisition and utility relocation on the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard - \$2,950,000 - Financing: 1998 Bond Funds

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DELETIONS: (Continued)

81. A City Plan Commission authorized hearing to determine the proper zoning on property zoned an R-7.5(A) Single Family District, an R-7.5(A)-MD-1 Single Family District with a Modified Delta Overlay, an MF-2(A) Multifamily District and a CR-MD-1 Community Retail District with a Modified Delta Overlay on property generally bounded by McCommas Boulevard, Greenville Avenue, Vanderbilt Avenue and Skillman Street and including both sides of McCommas Boulevard and Vanderbilt Avenue (the M Streets East neighborhood) and an ordinance granting a Conservation District

Recommendation of Staff: Approval

Recommendation of CPC: Approval, with exception of the 5900 and 6000 blocks of Marquita Avenue

Z023-147 (NB)

100. Authorize the City of Dallas to participate with the Sulphur River Basin Authority and other area water purveyors to determine the feasibility of obtaining water from the proposed Marvin Nichols Reservoir - Not to exceed \$600,000 - Financing: Water Utilities Current Funds