

**ADDENDUM
CITY COUNCIL MEETING
AUGUST 11, 2004
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.)

- Anthony Lynn Curlin v. Daniel Earl Maples, Jr., et al., Cause No. 3:02-CV-1997-H

CONSENT ADDENDUM

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Construction Miscellaneous

1. An ordinance amending Chapter 43, Article VII, "Certain Uses of Public Right-of-Way", of the Dallas City Code, substituting the term "cash deposit" for the term "escrow fund"; and providing for waiver of the requirement for a performance bond, letters of credit, or cash deposits - Financing: No cost consideration to the City

LAND MISCELLANEOUS

2. An ordinance abandoning a portion of Armstrong Avenue to Powerhouse Partners, Ltd., the abutting owner, containing approximately 4,069 square feet of land located at its intersection with Buena Vista Street and authorizing the quitclaim - Revenue: \$96,842 plus the \$20 ordinance publication fee
3. Authorize a two-month extension to the lease agreement with 8035 East RLT, L.P. for approximately 7,439 square feet of office space located at 8035 East R. L. Thornton Freeway used by the Food Protection and Education program for the period August 1, 2004 through September 30, 2004 - Not to exceed \$18,598 - Financing: Current Funds

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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS

4. Authorize settlement of the lawsuit styled Patricia Terry v. Jack R. Bragg, Jr. and City of Dallas, Cause No. 03-02882-K - \$15,000 - Financing: Current Funds
5. Authorize a professional services contract with PartnerSource, Inc. to evaluate the City's occupational injury programs including Workers' Compensation, wage supplementation, modified duty, leave of absence and paid time off - Not to exceed \$85,000 - Financing: Current Funds
6. Authorize Supplemental Agreement No. 5 to the professional services contract with the law firm of Carrington Coleman Sloman & Blumenthall, L.L.P. for additional legal services and related expenses necessary in the lawsuit styled Harold Cox, Shirley Davidson, Robert Stubblefield, Cynthia Herring, Eloise Edwards, Betty Curley and Leo Easter v. City of Dallas, Jeffrey A. Saitas, in his capacity as Executive Director of the Texas Natural Resource Conservation Commission, Herman Nethery and Terry Van Sickle, Civil Action No. 3:98-CV-0291-H, and any other proceeding relating to the subject matter of this lawsuit - Not to exceed \$145,000, from \$850,000 to \$995,000 - Financing: Current Funds
7. Authorize payment of additional attorneys fees to Michael M. Daniel pursuant to Plaintiffs' Motion for Post-Judgment Attorney's Fees in the lawsuit styled Harold Cox, Shirley Davidson, Robert Stubblefield, Cynthia Herring, Eloise Edwards, Betty Curley and Leo Easter v. City of Dallas, Herman Nethery and Terry Van Sickle, Civil Action No. 3:98-CV-0291-H consolidated with Civil Action No. 3:98-CV-1763-H - Not to exceed \$75,000, from \$282,390 to \$357,390 - Financing: Current Funds
8. Authorize an Interlocal Agreement with Dallas County Health and Human Services to provide mosquito testing for West Nile Virus through October 31, 2004 - Not to exceed \$5,000 - Financing: Current Funds (subject to appropriations)
9. Authorize an Interlocal Agreement with the University of Texas Southwestern Medical Center at Dallas for an outreach program to facilitate access of persons with HIV/AIDS to medical and social services for the period October 1, 2004 through September 30, 2005 - Not to exceed \$80,000 - Financing: 2004-05 Housing Opportunities for Persons with AIDS Grant Funds (subject to appropriations)

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ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

10. An application for a Planned Development District for a CR-D-MD-1 Community Retail District with a Dry Liquor Control Overlay and a Modified Delta Overlay, an MF-2(A)-D-MD-1 Multifamily District with a Dry Liquor Control Overlay and a Modified Delta Overlay, an MC-D-MD-1 Multiple Commercial District with a Dry Liquor Control Overlay and a Modified Delta Overlay and UC-1 Urban Corridor District uses on property zoned a CR-MD-1 Community Retail District with a Modified Delta Overlay, an MF-2(A)-D-MD-1 Multifamily District with a Dry Liquor control overlay and a Modified Delta Overlay and an MC-D-MD-1 Multiple Commercial District with a Dry Liquor control overlay and a Modified Delta Overlay, bounded by Greenville Avenue, Alta Street, Summit Avenue and Lewis Street with consideration given to and an ordinance granting a Planned Development District for MF-2(A) Multifamily District uses, TH-2(A) Townhouse District uses, and certain retail uses with retention of the D Dry Liquor Control Overlay and the MD-1 Modified Delta Overlay and a CR-MD-1 Community Retail District with a Modified Delta Overlay, an MF-2(A)-MD-1 Multifamily District with a Modified Delta Overlay and an MC-MD-1 Multiple Commercial District with a Modified Delta Overlay
Recommendation of Staff: Approval, subject to a conceptual plan and conditions
Recommendation of CPC: Approval, subject to a conceptual plan and conditions
Z034-147 (WE)
Note: This item was considered by the City Council at a public hearing on June 23, 2004, and was remanded to the City Plan Commission for ordinance development prior to being considered by the City Council at a public hearing on August 11, 2004.

ITEMS FOR INDIVIDUAL CONSIDERATION

11. Authorize hardship relief for property located at 901 Ft. Worth Avenue from the Ft. Worth Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 1,000 feet of the north or south right-of-way line of Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue - Financing: No cost consideration to the City

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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

12. A resolution imposing a moratorium on building permits and certificates of occupancy for general merchandise or food store uses with a floor area of 100,000 square feet or more (Mayor Pro Tem Loza, Deputy Mayor Pro Tem Hill, Councilmembers Rasansky, Blaydes, Greyson, Salazar, Lill, Griffith, Finkelman, Chaney, Fantroy, Garcia, and Oakley via Mayor Miller)
13. An ordinance amending CHAPTER 40A, "RETIREMENT," of the Dallas City Code; defining terms; setting the rate of contribution to the City Employees' Retirement Fund to 6-1/2 percent for members and 11 percent for the City until October 1, 2005; providing authorization and procedures for the Employees' Retirement Fund Board to annually increase or decrease those contribution rates, beginning October 1, 2005, based on actuarial determinations and fixed formulas, without the need of any Council action, member vote, or citywide election; requiring notice to the City of the modified contribution rates and providing procedures by which the City may review and challenge those rates; codifying the Board's policies and procedures relating to the Fund's actuarial process; beginning March 1, 2005, increasing the size of the Employees' Retirement Fund Board from five members to seven members, increasing from three to four the number of Board members required to constitute a quorum and to approve actions, and extending the terms of the three employee-elected members of the Board from two years to three years; requiring City Council approval before the Board may grant temporary or permanent discretionary adjustments to retirement benefits over and beyond the regular cost-of-living increases; correcting section references to the term "qualified recipient"; and authorizing Chapter 40A to be amended by ordinance adopted by the City Council and approved by the Board and the voters of the City - Financing: No cost consideration to the City

November 2, 2004 Special Election

14. * An ordinance amending Ordinance No. 20231, as amended, adopting new and revised election precincts - Financing: This action has no cost consideration to the City
15. * An ordinance ordering a special election to be held in the City of Dallas on November 2, 2004, for the purpose of submitting to the qualified voters of the City proposed amendments to Chapter 40A, "Retirement," of the Dallas City Code - Financing: This action has no cost consideration to the City

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ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

November 2, 2004 Special Election (Continued)

16. * A resolution authorizing **(1)** a joint election agreement and election services contract between the City of Dallas and Dallas County, for the conduct of a joint election to be held on Tuesday, November 2, 2004 and **(2)** an increase in appropriations in the amount of \$650,000 in Elections' departmental budget - \$650,000 - Financing: Contingency Reserve Funds (to be reimbursed by the Employees' Retirement Fund)
17. * A resolution approving the appointment of citizens to serve as election judges for the November 2, 2004 joint election - Financing: This action has no cost consideration to the City
18. * A resolution authorizing the Mayor to appoint an ad hoc City Council canvassing committee to review the returns of the November 2, 2004, special election, and submit a canvass report to the full City Council on Wednesday, November 10, 2004 - Financing: This action has no cost consideration to the City

DELETIONS:

3. Authorize a professional services contract with BOKA Powell LLC for an economic development plan and an architectural analysis plan for the Dallas Farmers Market - \$131,500 - Financing: 2003 Bond Funds
82. Authorize the second twelve-month renewal option to the contract with Ward North America Holding, Inc. for workers' compensation and third party liability claims service for the period of October 1, 2004 through September 30, 2005 - \$2,743,000 - Financing: Workers' Compensation Current Funds (subject to appropriations)