

AGENDA
CITY COUNCIL MEETING
JANUARY 14, 2004
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Moment of Silence and Pledge of Allegiance (Council Chambers) **[04-0180]**

Agenda Item/Open Microphone Speakers **[04-0181]**

VOTING AGENDA

1. Approval of Minutes of the December 8, 2003 City Council Meeting **[04-0182; APPROVED AS CORRECTED]**

CONSENT AGENDA **[04-0183]**

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Engineering and Architectural Contracts

2. Authorize a professional services contract with Dimensions Architects BCLM for the design of the renovation and expansion of the South Dallas Cultural Center located at 3400 South Fitzhugh - \$152,000 - Financing: 2003 Bond Funds **[04-0184; APPROVED]**

CONSENT AGENDA (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Engineering and Architectural Contracts (Continued)

3. Authorize a professional services contract with GGOArchitects Corporation for Leadership in Energy and Environmental Design consulting and commissioning services at the Northwest Service Center located at 9801 Harry Hines Boulevard - \$137,500 - Financing: 2003 Bond Funds **[04-0185; APPROVED]**

Contract Amendments

4. Authorize a decrease in the contract with Remedial Construction Services, L.P., for the perimeter gas control system construction project at Deepwood Loop 12 Landfill and add additional tasks to the existing contract - (\$166,500), from \$2,744,500 to \$2,578,000 - Financing: 2003 Certificates of Obligation **[04-0186; APPROVED]**

LAND MISCELLANEOUS

5. An ordinance granting a revocable license to Pizza Hut, Ltd. for the use of approximately 24 square feet of land to install and maintain an awning/sign over a portion of Cedar Springs Road right-of-way located near its intersection with Wichita Street - Revenue: \$1,000 annually plus the \$20 ordinance publication fee **[04-0187; ORDINANCE 25468; APPROVED]**
6. Authorize a second amendment to the lease agreement with Communities Foundation of Texas, Inc., to extend the lease of approximately 3,400 square feet of office space located at 4543-45 Bryan Street for the Police Department's Neighborhood Assistance Center from February 1, 2004 through January 31, 2007 - Total not to exceed \$43,200 - Financing: Current Funds (subject to annual appropriations) **[04-0188; APPROVED]**

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

7. Authorize a thirty-six-month contract with Dallas/Fort Worth International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airports - \$62,300 annually - Total not to exceed \$186,900 - Financing: Current Funds (to be reimbursed by Aviation Current Funds subject to annual appropriations) **[04-0189; DELETED ON THE ADDENDUM]**

CONSENT AGENDA (Continued)

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES (Continued)

8. Authorize (1) the purchase of a capital project management information system, professional services, and warranty in the amount of \$1,593,906 (2) annual maintenance and support in the amount of \$485,798 (FY 2004-05 - \$108,667, FY 2005-06 - \$124,647, FY 2006-07 - \$126,242, FY 2007-08 - \$126,242); and, (3) an increase in appropriations in the amount of \$275,000 in the Capital Construction Fund - A + Integrated Solutions, most advantageous proposer of nine - Not to exceed \$2,079,704 - Financing: Water Utilities Capital Construction Funds (\$750,000), Aviation Capital Construction Funds (\$125,000), Capital Construction Funds (\$343,906), 1998 Bond Funds (\$375,000), Current Funds (\$485,798) (subject to annual appropriations) **[04-0190; APPROVED AS AN INDIVIDUAL ITEM]**
9. Authorize a forty-eight-month service contract to provide armed and unarmed security guard service at the Dallas Convention Center, Reunion Arena, Union Station and Farmers Market with the lowest responsible bidder of twelve - Stanley Smith Security, Inc. dba Initial Security - Not to exceed \$9,879,563 - Financing: Convention and Event Services Current Funds **[04-0191; APPROVED AS AN INDIVIDUAL ITEM]**
10. Authorize a sixty-month service contract to provide mail bar coding service for the Express Business Center at City Hall with the lowest responsible bidder of four - ASF & Sons dba Save On Mail Presort, Inc. - Not to exceed \$218,100 - Financing: Current Funds **[04-0192; APPROVED AS AN INDIVIDUAL ITEM]**
11. Authorize the purchase of furniture moving and storage equipment, for tables and chairs at the Dallas Convention Center, from the lowest responsible bidders of four - Clarin Inc. and Midwest Folding Products - Not to exceed \$326,298 - Financing: Convention and Event Services Current Funds **[04-0193; APPROVED]**
12. Authorize a thirty-six-month service contract for street sweeping with the lowest responsible bidder of six - Infrastructure Services, Inc. - Not to exceed \$1,694,040 - Financing: Current Funds **[04-0194; APPROVED]**
13. Authorize the purchase of leak detection and correlation equipment for Water Utilities, Water Distribution Division from Fluid Conservation Systems, Inc. - Sole Source - Not to exceed \$279,000 - Financing: Water Utilities Current Funds **[04-0195; APPROVED]**

MISCELLANEOUS

14. Authorized settlement of a claim filed by Alejandro Martinez, Claim No. 20031315 - \$9,300 - Financing: Current Funds **[04-0196; APPROVED]**

CONSENT AGENDA (Continued)

MISCELLANEOUS (Continued)

15. Authorize a professional services contract with the law firm of Joe C. Tooley, Attorneys and Counselors, for legal services necessary for representation of the City of Dallas in the lawsuit styled Victor Alvarado DeLeon v. Mark DeLaPaz, et al., Cause No. 3:02-CV-1097-K - Not to exceed \$50,000 - Financing: Current Funds **[04-0197; APPROVED]**
16. Authorize a release of lien on real property located on 1906 Peabody Avenue to South Dallas Health Access - Financing: No cost consideration to the City **[04-0198; APPROVED]**
17. An ordinance authorizing a correction to Ordinance No. 17281 that established Historic District No. 16 for the King Mansion on the west corner of the intersection of Turtle Creek Boulevard and Gillespie Avenue to correct the Historic District number (Z812-113/4827-N) - Financing: No cost consideration to the City **[04-0199; ORDINANCE 25469; APPROVED]**
18. An ordinance authorizing amendments to the conditions and plans for Specific Use Permit No. 1471 for a private school on property zoned an MU-3 Mixed Use District located on Merit Drive between Clodus Fields Drive and Churchill Way (Z023-276) - Financing: No cost consideration to the City **[04-0200; ORDINANCE 25470; APPROVED]**
19. Authorize (1) the application for and acceptance of grant funds in the amount of \$59,200 from the Office of the Governor, Criminal Justice Division, Victims of Crime Act/Crime Victim Assistance Program for the provision of services for elderly victims of abuse for the period July 1, 2004 through June 30, 2005, (2) a local match in the amount of \$15,887, and (3) execution of the grant agreement - Total not to exceed \$75,087 - Financing: Office of the Governor, Criminal Justice Division Grant Funds (\$59,200) and Current Funds (\$15,887) **[04-0201; APPROVED]**
20. Authorize approval and implementation of the Public Improvement Plan for Neighborhood Investment Target Areas - Not to exceed \$6,312,212 - Financing: 2003-04 Community Development Grant Funds (\$1,207,196); 2001-02 Community Development Grant Reprogramming Funds (\$489,204); Walker Trust Funds (\$172,400); 2003-04 Community Development Grant Reprogramming Funds (\$1,639,187) (subject to appropriations) and 2004-05 Community Development Grant Funds (\$2,804,225) (subject to appropriations) **[04-0202; APPROVED AS AN INDIVIDUAL ITEM]**
21. Authorize further modification to the loan terms of the \$4,000,000 Section 108 loan to 1122 Jackson Street Ltd. for the rehabilitation of the Santa Fe Lofts II releasing the deed restrictions upon full payment of the loan balance - Financing: No cost consideration to the City **[04-0203; APPROVED]**
22. Authorize the acceptance of the Loan Star Libraries Grant from the Texas State Library and Archives Commission for improving access to public library resources and services for Dallas residents - \$127,626 - Financing: Loan Star Libraries Grant Funds **[04-0204; APPROVED]**

CONSENT AGENDA (Continued)

MISCELLANEOUS (Continued)

23. Authorize application for fourth-year continuation of the Dallas Police Department Victim Services grant from the Office of the Governor, Criminal Justice Division to provide sufficient services to reach all eligible crime victims, for the period July 1, 2004 through June 30, 2005 - Total not to exceed \$32,974 (local match in an amount not to exceed \$13,751 will be required if awarded) - Financing: This action has no cost consideration to the City **[04-0205; APPROVED]**
24. An ordinance amending Chapter 28 of the Dallas City Code to expand boundaries for the Deep Ellum metered parking area; establish the Southside metered parking area; establish and revise parking rates for various streets and parking lots inside and outside the Central Business District; and delete a requirement restricting when the City Council may authorize the placement of excess parking meters within a defined metered parking area or the placement of any parking meter outside of a defined metered parking area (list attached) - Estimated Revenue: \$229,340 **[04-0206; REFERRED BACK TO THE BUSINESS & COMMERCE COMMITTEE]**

PUBLIC HEARINGS AND RELATED ACTIONS

ZONING CASES - CONSENT [04-0207]

25. An application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District on the west side of St. Augustine Road north of Elam Road
Recommendation of Staff and CPC: Approval for a five-year period with automatic renewals for additional five year periods subject to a site plan and conditions
Z023-306 (WE) [04-0208; ORDINANCE 25471; CPC RECOMMENDATION FOLLOWED]
26. An application for and an ordinance granting an R-7.5(A) Single Family District on property zoned an R-10(A) Single Family District located northwest of South Belt Line Road and northeast of Garden Grove Drive
Recommendation of Staff and CPC: Approval
Z034-101(DW) [04-0209; ORDINANCE 25472; CPC RECOMMENDATION FOLLOWED]
27. An application for and an ordinance granting an R-7.5(A) Single Family District on property located northeast of Garden Grove Drive between South Belt Line Road and Edd Road
Recommendation of Staff and CPC: Approval
Z034-102 (DW) [04-0210; ORDINANCE 25473; CPC RECOMMENDATION FOLLOWED]

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

ZONING CASES - INDIVIDUAL

28. An application for and an ordinance granting a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge or tavern and a Commercial Amusement (inside) use for a Class A Dance Hall on property zoned a CR-MD-1 Community Retail District with a Modified Delta Overlay District on Greenville Avenue and Sears Street, northwest corner
Recommendation of Staff and CPC: Approval, for a two-year period, subject to a site plan, and conditions
Z023-145 (WE) [04-0211; DELETED ON THE ADDENDUM]
29. 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 Community Retail District and 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) with the exception of 5900 and 6000 blocks of Marquita Avenue and an ordinance granting a Conservation District with the exception of 5900 and 6000 blocks of Marquita Avenue and approving a Conceptual Plan
Recommendation of Staff: Approval of a Conservation District and approval of a Conceptual Plan
Recommendation of CPC: Approval of a Conservation District with the exception of 5900 and 6000 blocks of Marquita Avenue and approval of a Conceptual Plan
Z023-147 (NB) [04-0212; ORDINANCE 25474; APPROVED AS AMENDED]

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

30. An application for and an ordinance granting a Planned Development District for CR Community Retail District uses and vehicle display, sales and service uses and an ordinance granting termination of Specific Use Permit No. 1356 for a Hotel or motel for that portion encompassing the site on property zoned a CR Community Retail District on the southeast corner of Lemmon Avenue and Lovers Lane
Recommendation of Staff and CPC: Approval, subject to a development plan/landscape plan and conditions and approval of the termination of Specific Use Permit No. 1356 for a Hotel or motel for that portion encompassing the site
Z023-304 (WE) [04-0213; ORDINANCES 25475 AND 25476; CPC RECOMMENDATION FOLLOWED]
Note: This item was considered by the City Council at a public hearing on December 8, 2003, and was taken under advisement until January 14, 2004, with the public hearing open.

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS

FY 2003-04 Consolidated Plan
Reprogramming Budget #3

Note: Item Nos. 31 & 32 must be considered collectively.

31. * A public hearing to receive citizens' comments on the proposed FY 2003-04 Consolidated Plan Reprogramming Budget #3 in the amount of \$1,980,796 - Financing: No cost consideration to the City **[04-0214; HEARING CLOSED]**
32. * Authorize final adoption of the FY 2003-04 Consolidated Plan Reprogramming Budget #3 in the amount of \$1,980,796 - Financing: No cost consideration to the City **[04-0214; APPROVED]**
33. A public hearing to receive citizens' comments regarding the establishment of approved basic service tier and equipment rates for cable television services provided by Comcast Cable of Dallas, Inc. - Financing: No cost consideration to the City **[04-0215; HEARING OPEN; STAFF DIRECTIONS]**

ITEMS FOR INDIVIDUAL CONSIDERATION

34. 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) **[04-0216; APPOINTMENTS MADE TO BOARDS]**
35. Authorize (1) the appointment of four Administrative Law Judges (ALJ), Frederick Ahrens, Willie Crowder, Kimberly Lonergan and William Messer, to hear employee appeals of terminations and demotions and (2) contracts with each ALJ in the amount of \$1,600 each - Total not to exceed \$6,400 - Financing: Current Funds (\$3,200 to be reimbursed by the appealing employees) **[04-0217; APPROVED]**
36. An ordinance appointing Elizabeth Davis-Frizell, John Boyle, Melodee Armstrong and Tiffany Lewis as Associate (part-time) Municipal Judges for the City of Dallas municipal court of record for a term ending May 31, 2004 - Financing: No cost consideration to the City **[04-0218; ORDINANCE 25477; APPROVED]**
37. A resolution expressing the commitment of the City of Dallas, Texas, to civil rights and liberties (Mayor Pro Tem Loza, Deputy Mayor Pro Tem Hill, Councilmembers Chaney, Salazar, and Thornton-Reese) **[04-0219; POSTPONED UNTIL 02/25/04]**

ITEMS FOR FURTHER CONSIDERATION

38. Authorize a twelve-month professional services contract, with four twelve-month renewal options, with The Pathfinder Group, best value bidder of eight, for a marketing income program to generate additional income for the City - The Pathfinder Group will receive 12% of the value of each negotiated marketing partnership - Estimated Revenue: \$2,300,000 **[04-0220; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

ITEMS FOR FURTHER CONSIDERATION (Continued)

39. Authorize (1) a contract for the demolition and public use improvements related to the redevelopment of 1717 Main Street (Bank One Center) with J. N. Kent Construction Co., Inc., only bidder, in an amount not to exceed \$352,108, (2) assignment of the construction contract to Main Street Partners Funding, L.P. for construction management, (3) payment to Main Street Partners Funding, L.P. in an amount not to exceed \$352,108 for design, construction management and construction, (4) receipt and deposit of funds in an amount not to exceed \$102,108 in the City Center TIF District Fund, and (5) an increase in appropriations in the amount of \$102,108 in the City Center TIF District Fund - Total not to exceed \$352,108 - Financing: City Center TIF District Funds (\$250,000), Private Funds (\$102,108 received from Main Street Partners Funding, L.P.) **[04-0221; POSTPONED UNTIL 01/28/04]**
40. An ordinance abandoning an alley to HPI/GSA-2B, L.P. the abutting owner, containing approximately 4,555 square feet of land located near the intersection of Akard and Wood Streets, and authorizing the quitclaim - Revenue: \$147,127 plus the \$20 ordinance publication fee **[04-0222; DELETED ON THE ADDENDUM]**
41. An ordinance granting renewal of a private license to F/P/D Fee Associates, L.P. for the use of approximately 1,277 square feet of land to maintain the existing pedestrian tunnel under Pacific Avenue right-of-way located near its intersection with St. Paul Avenue - Revenue: \$2,223 annually plus the \$20 ordinance publication fee **[04-0223; POSTPONED UNTIL 03/24/04]**

Closed Session **[04-0224; CLOSED SESSION HELD]**

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

- Performance Evaluation of City Manager Teodoro J. Benavides
- Performance Evaluation of City Attorney Madeleine B. Johnson
- Performance Evaluation of City Secretary Shirley Acy
- Performance Evaluation of City Auditor Thomas M. Taylor

ADDENDUM

ADDITIONS:

CONSENT ADDENDUM

MISCELLANEOUS

1. Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Bell, Nunnally & Martin LLP, to provide legal services in the lawsuits styled Jill Muncy, et al. v. City of Dallas, et al., Civil Action No. 3:99-CV-2960-P, consolidated with Robert Jackson, et al. v. City of Dallas, et al., Civil Action No. 3:00-CV-588-H, and any other proceedings relating to the subject matter of the lawsuits - Not to exceed \$40,000, from \$50,000 to \$90,000 - Financing: Current Funds **[04-0225; APPROVED]**
2. Authorize Supplemental Agreement No. 2 to the professional services contract with The Carter Law Firm, P.C., to provide additional legal services in the lawsuits styled James F. Hill, et al. v. City of Dallas, Cause No. 95-00975-J, Albert, et al. v. City of Dallas, Cause No. 199-697-94, Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99, Barber, et al. v. City of Dallas, Cause No. 199-624-95, Willis, et al. v. City of Dallas, Cause No. 199-200-95, Martin, et al. v. City of Dallas, Cause No. 1-95-506 and Saucedo-Falls, et al. v. City of Dallas, Cause No. 1-02-780, and any other proceedings relating to the subject matter of the lawsuits - Not to exceed \$20,000, from \$500,000 to \$520,000 - Financing: Current Funds **[04-0226; APPROVED]**
3. Authorize Supplemental Agreement No. 2 to the contract with Legacy Counseling Center, Inc., to extend the term of the contract through December 31, 2004 to complete renovations at 828 South Tyler Street - Financing: No cost consideration to the City **[04-0227; APPROVED]**
4. Authorize preparation of plans for issuance of \$7,500,000 City of Dallas, Texas Tax Increment Financing Reinvestment Zone Number Two (Cityplace TIF) Tax Increment Bonds, Series 2004 - Financing: This action has no cost consideration to the City **[04-0228; APPROVED]**

ADDENDUM

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

5. An ordinance amending Chapter 13 of the Dallas City Code to provide for the selection of associate and full-time municipal judges, including the selection of the administrative municipal judge - Financing: No cost consideration to the City **[04-0229; REFERRED BACK TO THE JUDICIAL NOMINATING COMMISSION; REPORT TO GOVERNMENTAL & MINORITY AFFAIRS COMMITTEE]**
6. An ordinance amending Chapter 2 of the Dallas City Code to reduce the minimum age requirement for members of the Senior Affairs Commission - Financing: No cost consideration to the City **[04-0230; ORDINANCE 25478; APPROVED]**
7. Authorize a twelve-month price agreement to provide an opening day collection of audio-visual materials for the new Arcadia Park Branch Library with the lowest responsible bidder of two - BWI - Not to exceed \$355,371 - Financing: 2003 Bond Funds **[04-0231; APPROVED]**

CORRECTION:

37. A resolution expressing the commitment of the City of Dallas, Texas, to civil rights and liberties and urging certain actions be taken with respect to the "USA Patriot Act" (Mayor Pro Tem Loza, Deputy Mayor Pro Tem Hill, Councilmembers Chaney, Salazar, and Thornton-Reese) **[04-0219]**

DELETIONS:

7. Authorize a thirty-six-month contract with Dallas/Fort Worth International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airports - \$62,300 annually - Total not to exceed \$186,900 - Financing: Current Funds (to be reimbursed by Aviation Current Funds subject to annual appropriations) **[04-0189]**
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Recommendation of Staff and CPC: Approval, for a two-year period, subject to a site plan, and conditions
Z023-145 (WE) **[04-0211]**

ADDENDUM

DELETIONS: (Continued)

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