

AGENDA
CITY COUNCIL MEETING
APRIL 28, 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) [04-1400]

Agenda Item/Open Microphone Speakers [04-1401]

VOTING AGENDA

1. Approval of Minutes of the April 14, 2004 City Council Meeting [04-1402;
APPROVED AS CORRECTED]

CONSENT AGENDA [04-1403]

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Engineering and Architectural Contracts

2. Authorize a professional services contract with Johnson/McKibben Architects, Inc. to provide design, construction documents, bidding and construction administration services for improvements including complete replacement of low roof, repairs to high roof, refinish gymnasium floor, replace gymnasium bleachers, intercom, floor tile, ceiling tile and lights at multi-purpose rooms, relocate manager's office and staff toilets, convert existing multi-purpose room to fitness room and multi-purpose stage to storage room and Americans with Disabilities Act upgrades at Tommie M. Allen Recreation Center located at 7071 Bonnie View Road - \$31,590 - Financing: 2003 Bond Funds [04-1404; **APPROVED]**

CONSENT AGENDA (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Engineering and Architectural Contracts (Continued)

3. Authorize a professional services contract with APM & Associates, Inc. to provide surveying, schematic design, design development and construction documents for pedestrian bridge replacement and a new walking trail at Tipton Park located at 3607 Magdeline - \$33,840 - Financing: 2003 Bond Funds **[04-1405; APPROVED]**
4. Authorize a professional services contract with Dal-Tech Engineering, Inc. to provide topographic survey, schematic design, design development and construction documents for parking lot improvements, sidewalk, barrier free ramp, water fountain and bleacher pad improvements for the soccer/rugby field at Lake Highlands Park located at 9500 Lake Highland Drive - \$22,396 - Financing: 2003 Bond Funds **[04-1406; APPROVED]**
5. Authorize a professional services contract with Newman, Jackson, Bieberstein Landscape Architecture to provide a master plan including site analysis and programming at Buckner Park located at 4550 Worth Street - \$23,805 - Financing: 2003 Bond Funds **[04-1407; APPROVED]**

Authorization of Contracts

6. Authorize a contract for the roof replacement and asbestos abatement at Hensley Field, Building #1425 located at 8200 West Jefferson Boulevard - Castro Roofing of Texas, Inc., lowest responsible bidder of two - \$74,000 - Financing: Hensley Field Funds **[04-1408; APPROVED]**
7. Authorize a contract for citywide park identification signage at 52 park sites (list attached) - Artografx, Inc., lowest responsible bidder of three - \$247,728 - Financing: 2003 Bond Funds **[04-1409; APPROVED AS AN INDIVIDUAL ITEM]**
8. Authorize a contract for the construction of the Lancaster Kiest Branch Library located at 2008 E. Kiest Boulevard - Harrison Quality Construction, lowest responsible bidder of four - \$2,845,740 - Financing: 1998 Bond Funds **[04-1410; APPROVED]**

Contract Amendments

9. Authorize an increase in the contract with Kone, Inc., for additional work required for the modernization of the two escalators at the Bullington Street Plaza located at 1600 Bryan Street - \$310,354, from \$2,707,769 to \$3,018,123 - Financing: Capital Construction Funds (\$300,000) and Current Funds (\$10,354) **[04-1411; APPROVED]**

CONSENT AGENDA (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Contract Amendments (Continued)

10. Authorize an increase in the contract with Mart, Inc. to provide and install 13 pairs of window shutters, paint porch walls and ceiling, installation of synthetic polymer resin flooring in lieu of terrazzo flooring, replace Banquet Room ceiling, repair standing seam roof edge and provide additional termite treatment for Winfrey Point Building at White Rock Lake Park - \$13,982, from \$320,436 to \$334,418 - Financing: 1998 Bond Funds **[04-1412; APPROVED]**
11. Authorize an increase in the contract with R.E.C. Industries, Inc. for chilled water system improvements at the Dallas Convention Center - \$239,508, from \$1,980,011 to \$2,219,519 - Financing: Convention and Event Services Capital Construction Funds **[04-1413; APPROVED]**

Construction Miscellaneous

12. Authorize (1) street paving, storm drainage, water and wastewater main adjustments for Harlandale Avenue from E. Missouri Avenue to E. Ohio Avenue; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on June 9, 2004, to receive citizens' comments - Financing: No cost consideration to the City **[04-1414; APPROVED]**

LAND ACQUISITION

13. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Union Pacific Railroad, of approximately 6 acres of vacant land located near the intersection of Everman Drive and Bateman Street for the Trinity River Corridor project - \$9,600 - Financing: 1998 Bond Funds **[04-1415; APPROVED]**
14. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Weir Brothers Partnership, LLC, of approximately 61 acres of vacant land located near the intersection of Linfield Road and Hull Avenue for the Trinity River Corridor project - \$97,500 - Financing: 1998 Bond Funds **[04-1416; APPROVED]**
15. Authorize deposit of a Special Commissioners' Award for the acquisition from Carlyn Ann Ondrusek of approximately 13 acres of vacant land located near the intersection of Eleventh Street and Cedar Crest Boulevard for the Trinity River Corridor project - \$42,000 - Financing: 1998 Bond Funds **[04-1417; APPROVED]**

CONSENT AGENDA (Continued)

LAND ACQUISITION (Continued)

16. Authorize deposit of a Special Commissioners' Award for the acquisition from Marcelina Wilches and Vincent W. Ortez of approximately 2,550 square feet of land improved with a single family dwelling located at the intersection of Chestnut and Dawson Streets for the Central Service Center Expansion Project - \$28,000 - Financing: Capital Construction Funds **[04-1418; APPROVED]**

LAND MISCELLANEOUS

17. Authorize a thirty-year ground lease agreement, with two five-year renewal options with Roy Ranch Aircraft, LLC of approximately 10,000 square feet of unimproved land at Dallas Executive Airport - Estimated Annual Revenue: \$1,300 **[04-1419; DELETED ON THE ADDENDUM]**
18. Authorize a first amendment to the lease with J. C. Aviation Investments, Inc. to add approximately 21,967 square feet of unimproved land, increase the capital expenditure obligation by \$100,000, provide a twelve-month option to lease approximately 100,000 square feet of unimproved land located adjacent to the leased premises for an option fee of 10% of the prevailing unimproved ground rental rate, and authorize a new lease for this option land should J.C. Aviation exercise its option at Dallas Executive Airport - Revenue: \$4,156 annually **[04-1420; DEFERRED UNTIL 05/12/04]**
19. An ordinance abandoning a portion of a sanitary sewer easement to SBJV-Resland Partners, Ltd., the abutting owner, containing approximately 6,995 square feet of land located near the intersection of Camp Wisdom Road and Mountain Creek Parkway, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee **[04-1421; ORDINANCE 25566; APPROVED]**
20. An ordinance abandoning a portion of a utility easement to Homer J. Rader, Jr., the abutting owner, containing approximately 4,674 square feet of land located near the intersection of Forest Lane and Abrams Road, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee **[04-1422; ORDINANCE 25567; APPROVED]**
21. An ordinance abandoning a portion of a sanitary sewer easement to James D. Sibilsky d/b/a TAO Investments, the abutting owner, containing approximately 2,742 square feet of land located near the intersection of Webb Chapel Road and LBJ Freeway, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee **[04-1423; ORDINANCE 25568; APPROVED]**
22. An ordinance granting a license to A. M. Journal Express, LLC to install, operate and maintain self-service newsracks for the distribution of publications on street rights-of-way not open to vehicular traffic - Revenue: \$5 per rack annually plus the \$20 ordinance publication fee **[04-1424; ORDINANCE 25569; APPROVED AS AN INDIVIDUAL ITEM]**

CONSENT AGENDA (Continued)
LAND MISCELLANEOUS (Continued)

23. A resolution declaring approximately 774 square feet of undevelopable City-owned land located at 3533 Ladd Street near its intersection with Shaw Street, unwanted and unneeded and authorize its sale to Guillermo Giron and Gladis Hernandez, the abutting owners - Revenue: \$850 **[04-1425; APPROVED]**
24. A resolution declaring approximately 9,634 square feet of undevelopable City-owned land located near the intersection of Interstate Highway 30 and Sylvan Avenue, unwanted and unneeded and authorize its sale to Mahesh Kalia and LovKesh Kalia, the abutting owners - Revenue: \$17,800 **[04-1426; APPROVED]**
25. Authorize an eighty-four-month lease agreement with MacArthur Business Park L.P. for approximately 4,000 square feet of office space located in the MacArthur Business Park at 3626 MacArthur Boulevard, Suite 225, Irving, Texas, to be used as a Women, Infants and Children clinic for the period May 1, 2004 through April 30, 2011 - Total not to exceed \$336,000 - Financing: Texas Department of Health Grant Funds (subject to annual appropriations) **[04-1427; APPROVED]**
26. Authorize an amendment to the lease agreement with Bishop Street Partners, a joint venture, to extend the lease of approximately 1,350 square feet of office space located at 408 N. Bishop Avenue, Suite 103, near the intersection of N. Bishop Avenue and Eighth Street for the Police Department's Neighborhood Assistance Center from May 1, 2004 through April 30, 2007 - \$33,300 - Financing: Current Funds (subject to annual appropriations) **[04-1428; APPROVED]**

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

27. Authorize a five-year concession services contract for parking services at Dallas Love Field Airport with the most advantageous proposer of two - Parking Company of America - Dallas, Inc. - Estimated Annual Revenue: \$6,602,000 (minimum annual guarantee) **[04-1429; DEFERRED UNTIL 05/12/04]**
28. Authorize a twelve-month price agreement for surveyor stakes with the lowest responsible bidder of four - Craddock Lumber Company - Not to exceed \$66,304 - Financing: Current Funds (\$64,838), Water Utilities Current Funds (\$1,466) **[04-1430; APPROVED]**
29. Authorize a twenty-four-month price agreement for refuse bodies with the lowest responsible bidder of two - Heil of Texas - Not to exceed \$2,094,000 - Financing: Current Funds (\$975,090), 2003 Equipment Acquisition Contractual Obligation Notes (\$1,118,910) **[04-1431; APPROVED]**
30. Authorize a thirty-six-month price agreement for medical supplies with the lowest responsible bidders of six - Ecolab, Inc., Emergency Medical Products, Kentron Health Care, Ever Ready First Aid & Supply Corp. and Tri-Anim Health - Not to exceed \$130,362 - Financing: Current Funds **[04-1432; APPROVED]**

CONSENT AGENDA (Continued)

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES (Continued)

31. Authorize a sixty-month service contract for the billing, collection and reporting of emergency ambulance fees with the best value bidder of seven - Southwest General Services of Dallas, LLC - Estimated Net Annual Revenue: \$8,191,755
[04-1433; APPROVED]

RATIFICATION OF EMERGENCY REPAIRS

32. Ratify emergency repairs to a sixteen-inch vertical storm water pump housed at the Baker Pump Station located at 2255 Irving Boulevard - Flow Products, Inc., dba Johnston Pump Company - \$28,553 - Financing: Current Funds **[04-1434; APPROVED]**

Tawakoni Raw Water Transmission Main

33. * Ratify an emergency engineering services contract for repairs to the 84-inch Tawakoni raw water transmission main from the Iron Bridge Pump Station to the Dallas Interim Reservoir - Turner, Collie & Braden, Inc. - \$2,140,000 - Financing: Water Utilities Capital Improvement Funds **[04-1435; APPROVED]**
34. * Ratify emergency repairs to the 84-inch Tawakoni raw water main from the Iron Bridge Pump Station to the Dallas Interim Reservoir, Section 3 - Archer-Western Contractors, Ltd. - \$3,092,479 - Financing: Water Utilities Capital Improvement Funds **[04-1436; APPROVED]**
35. * Ratify emergency repairs to the 84-inch Tawakoni raw water transmission main from the Iron Bridge Pump Station to the Dallas Interim Reservoir, Section 2 - Bar Constructors, Inc. - \$3,896,958 - Financing: Water Utilities Capital Improvement Funds **[04-1437; APPROVED]**
36. * Ratify emergency repairs to replace existing yard piping and valves at the Iron Bridge Pump Station used to transport raw water from Lake Tawakoni to the East Side Water Treatment Plant - Cajun Constructors, Inc. - \$3,849,000 - Financing: Water Utilities Capital Improvement Funds **[04-1438; APPROVED]**
37. * Ratify emergency repairs to the 84-inch Tawakoni raw water transmission main from the Iron Bridge Pump Station to the Dallas Interim Reservoir, Section 1 - Oscar Renda Contracting, Inc. - \$4,657,688 - Financing: Water Utilities Capital Improvement Funds **[04-1439; APPROVED]**
38. * Ratify emergency services for testing investigation of the 72-inch and 84-inch Tawakoni raw water transmission mains between the Iron Bridge Pump Station and the East Side Water Treatment Plant - Pressure Pipe Inspection Company (USA), Inc. - \$540,748 - Financing: Water Utilities Capital Improvement Funds **[04-1440; APPROVED]**

CONSENT AGENDA (Continued)
MISCELLANEOUS

39. An ordinance amending Chapter 39A of the Dallas City Code to clarify the computation of rental replacement housing payments to displaced persons who were, for at least 90 days, tenants-occupants of the property from which they were relocated or tenants of a sleeping room from which they were relocated - Financing: No cost consideration to the City **[04-1441; ORDINANCE 25570; APPROVED]**
40. Authorize Supplemental Agreement No. 6 to the contract with the Dallas Convention and Visitors Bureau to defer the establishment of a reserve account in an amount not less than \$800,000 from September 30, 2006 to September 30, 2007 - Financing: This action has no cost consideration to the City **[04-1442; APPROVED AS AN INDIVIDUAL ITEM]**
41. Authorize an amendment to Ordinance No. 22802 previously approved on June 26, 1996 to (1) modify the By-Laws for Tax Increment Financing Reinvestment Zone Number Five, (City Center TIF District), (2) acknowledge Dallas County Hospital District's waiver of its appointee to the City Center TIF District Board of Directors, (3) increase the number of City Council appointed Board of Directors from ten to eleven, (4) redefine a quorum as a majority currently appointed to the Board of Directors, (5) remove the Design Review Committee, and (6) approve the corresponding changes to the By-Laws of the City Center TIF District Board of Directors as originally adopted by Resolution No. 98-1124 on April 8, 1998 - Financing: No cost consideration to the City **[04-1443; ORDINANCE 25571; APPROVED]**
42. An ordinance granting a Planned Development District for Single Family District uses, Institutional and Community Service uses, Transportation uses and Utility and Public Service uses on property located east of Lancaster Road, between Cedardale Road and Telephone Road, subject to a conceptual plan, internal roadway plan and conditions Z023-311(RB) - Financing: No cost consideration to the City **[04-1444; ORDINANCE 25572; APPROVED AS AMENDED]**

City Center TIF District

Note: Item Nos. 43 and 44 must be considered collectively.

43. * Authorize (1) a development agreement with Eureka Hotel Group II, LP, or its affiliates, to provide for the funding of environmental remediation, demolition, facade restoration, a fire access corridor, streetscape improvements, and other authorized improvements related to the redevelopment of 1524 Main Street in Tax Increment Financing Reinvestment Zone Five (City Center TIF District) in an amount not to exceed \$4,200,000 plus accrued interest compounded semi-annually; (2) the establishment of appropriations in the amount of \$4,200,000 plus accrued interest compounded semi-annually in the City Center TIF District Fund - Total not to exceed \$4,200,000 plus accrued interest compounded semi-annually - Financing: City Center TIF District Funds (to be advanced by a private developer and reimbursed from the City Center TIF District Fund and/or Tax Increment Bonds) **[04-1445; APPROVED]**

CONSENT AGENDA (Continued)
MISCELLANEOUS (Continued)

Note: Item Nos. 43 and 44 must be considered collectively.

City Center TIF District (Continued)

44. * A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Five, City of Dallas, Texas (City Center TIF District) to reimburse Eureka Hotel Group II, LP, or its affiliates, for funds advanced pursuant to a development agreement between the City and Eureka Hotel Group II, LP, or its affiliates, in an amount not to exceed \$4,200,000 plus accrued interest compounded semi-annually, for environmental remediation, demolition, facade restoration, a fire access corridor, streetscape improvements, and other authorized improvements related to the redevelopment of 1524 Main Street in the City Center TIF District - \$4,200,000 plus accrued interest compounded semi-annually - Financing: To be advanced by a private developer and reimbursed solely from the City Center TIF District Fund; accrued interest on private funds to be repaid solely from the City Center TIF District Fund and/or Tax Increment Bonds **[04-1446; APPROVED]**

Note: Item Nos. 45 and 46 must be considered collectively.

Farmers Market TIF District

45. * Authorize an amendment to Resolution Nos. 03-1844 and 03-1845, previously approved on June 25, 2003 for the funding of environmental remediation, interior and exterior demolition, and facade improvements related to the Harlan Building Redevelopment to (1) add additional TIF public improvement items for storm drain relocation and streetscape within the previously approved TIF budget in the Farmers Market TIF District Fund, (2) execute the development agreement with Cadiz Street Properties, Ltd., and/or its affiliate, and (3) extend the deadline for obtaining a final certificate of occupancy from December 31, 2004 to March 31, 2005 - Financing: No cost consideration to the City **[04-1447; APPROVED]**
46. * Authorize an amendment to Resolution No. 01-1450, previously approved on May 9, 2001 for the sale of the Harlan Building property and assignment of the current 99-year leasehold to Craig Melde for restoration and redevelopment in accordance with the objectives of the Farmers Market TIF District Project Plan to (1) extend the deadline for obtaining a certificate of occupancy from within two years of deed execution, May 2, 2004 to March 31, 2005, and (2) authorize the City Manager to execute a release of lien on the Harlan Building in the event the City is released from its obligation on the leasehold or to execute a subordination of the City's Lien to the construction lien lender upon issuance of a final certificate of occupancy for the Harlan Building Redevelopment - Financing: No cost consideration to the City **[04-1448; APPROVED]**
47. Authorize (1) an amendment to the Program Statement for the Residential Development Acquisition Loan Program, and (2) a contract with St. Philip's Neighborhood Development Corporation for the acquisition of 1320 Pennsylvania, a substandard fourteen unit apartment building - Not to exceed \$140,000 - Financing: 2002-03 Community Development Grant Funds **[04-1449; APPROVED]**

CONSENT AGENDA (Continued)

MISCELLANEOUS (Continued)

48. Authorize the construction on-site of four homes in accordance with the Replacement Housing Program Statement requirements for the properties located at 418 Du Bois Avenue, 1721 Dennison Street, 1956 Dennison Street, and 4018 Puget Street - Not to exceed \$55,000 each for a total not to exceed \$220,000 - Financing: 2003-04 HOME Funds (\$70,000), 2003-04 Community Development Grant Funds (\$150,000) **[04-1450; APPROVED]**
49. Authorize an amendment to the concession contract with Dallas Summer Musicals Management Group, Inc. to provide one five-year renewal option for additional City-approved improvements to the Majestic Theater and the Fair Park Music Hall - Revenue: \$100,000 annually **[04-1451; APPROVED]**
50. Authorize a renewal to the contract with the African American Museum to provide a cultural awareness program for low to moderate-income youth in the Southern Dallas area - \$50,000 - Financing: 2003-04 Community Development Grant Funds **[04-1452; APPROVED]**
51. Authorize a public hearing to be held on May 12, 2004 to receive citizens' comments in preparation of the FY 2004-05 Operating, Capital, Grant, and Trust budgets - Financing: No cost consideration to the City **[04-1453; APPROVED]**
52. Authorize a public hearing to be held on May 12, 2004 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 **[04-1454; DELETED ON THE ADDENDUM]**
53. Authorize Supplemental Agreement No. 2 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 \$75,000, from \$225,000 to \$300,000 - Financing: Current Funds (to be fully reimbursed by Oncor/TXU Gas) **[04-1455; APPROVED]**
54. Authorize (1) the application for and acceptance of the AClick It or Ticket@ Overtime Enforcement grant in the amount of \$57,963 from the Texas Department of Transportation for a seat belt enforcement initiative, for the period of May 24, 2004 through June 6, 2004, (2) a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$16,356, and (3) execution of the grant agreement - Total not to exceed \$74,319 - Financing: Current Funds (\$16,356) and Texas Department of Transportation Grant Funds (\$57,963) **[04-1456; APPROVED]**

CONSENT AGENDA (Continued)

MISCELLANEOUS (Continued)

55. Authorize an amendment to the Dallas Police Department's "Police and Constables in Partnership Program," previously approved on February 25, 2004, by Resolution No. 04-0771, to (1) add personnel assigned to each Precinct (2) add Operations Divisions by Precinct, and (3) change the Program's term from October 1, 2003 through September 30, 2004 to January 1, 2004 through December 31, 2004 - Financing: No cost consideration to the City **[04-1457; APPROVED]**

PUBLIC HEARINGS AND RELATED ACTIONS

ZONING CASES – CONSENT [04-1458]

56. An application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CR Community Retail District located on the west side of Westmoreland Road, south of Angelina Drive
Recommendation of Staff and CPC: Approval, for a ten-year period with automatic renewals for additional ten-year periods, subject to a site plan and conditions
Z034-156 (MJF) [04-1459; ORDINANCE 25573; CPC RECOMMENDATION FOLLOWED]

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

57. An application for and an ordinance granting an amendment to the Conceptual Plan and conditions for Planned Development District No. 174 for Retirement housing, Assisted living, Convalescent and nursing home, Multiple family, Hotel, Office, Game court center, Private recreation club, Private club, Medical clinic, Electrical substation, and those uses permitted as limited uses in an Office 2 District located on the west corner of Lemmon Avenue and Carlisle Street
Recommendation of Staff and CPC: Approval, subject to a conceptual plan, Phase I development plan, and conditions
Z034-120 (RB) [04-1460; CONTINUED UNTIL 05/12/04; HEARING OPEN]
Note: This item was considered by the City Council at a public hearing on March 24, 2004, and was held under advisement until April 28, 2004, with the public hearing open.

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

ZONING CASES - DALLAS INDEPENDENT SCHOOL DISTRICT

58. An application for and an ordinance granting a Planned Development District for a Public school other than an open-enrollment charter school and MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District, a P(A) Parking District and an LO-1-D Limited Office District with a Dry Overlay on the northeast corner of the intersection of Beckley Avenue and Ninth Street, including property on the east corner of Ninth Street and Storey Street and property north of Ninth Street and Crawford Street
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z034-139 (MM) **[04-1461; ORDINANCE 25574; APPROVED AS AMENDED]**
59. An application for and an ordinance granting a Planned Development District for a Public school other than an open-enrollment charter school and R-7.5(A) Single Family District Uses on property zoned an R-7.5(A) Single Family District on the northwest corner of Colorado Boulevard and Fullerton Drive with consideration being given to the granting of a Specific Use Permit for a Public school other than an open-enrollment charter school
Recommendation of Staff: Approval, of a Specific Use Permit for a Public school other than an open-enrollment charter school for a permanent time period, subject to a site plan and conditions, in lieu of the requested Planned Development District
Recommendation of CPC: Approval, subject to a development plan and conditions
Z034-174 (RB) **[04-1462; ORDINANCE 25575; CPC RECOMMENDATION FOLLOWED]**

BENEFIT ASSESSMENT HEARING

60. A benefit assessment hearing to receive citizens' comments regarding a correction and adjustment to the assessments for the cost of improvements against the abutting property owners at 1018 N. Bond Avenue, 1114 N. Bagley Street, 2914 W. Davis Street, and 404 S. Masters Drive; and at the close of the hearing, approval of an ordinance amending Ordinance No. 25017 previously approved on August 28, 2002, Ordinance No. 25074 previously approved on October 23, 2002, Ordinance No. 24174 previously approved on January 26, 2000, and Ordinance No. 25119 previously approved on November 13, 2002, to reflect these corrections and adjustments - Financing: No cost consideration to the City **[04-1463; ORDINANCE 25576; HEARING CLOSED; APPROVED]**

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARING

Time Extensions for 1725 Fitzhugh,
2709 Grand, 3000 South

Note: Item Nos. 61 and 62 must
be considered collectively.

61. * A public hearing to receive citizens' comments on amended proposals from East Dallas Community Organization and SouthFair Community Development Corporation, qualified non-profit organizations, to consider changes in the end uses and time extensions for the development of 3 unimproved properties obtained through the House Bill 110 process (list attached) - Financing: No cost consideration to the City **[04-1464; HEARING CLOSED]**
62. * Authorize (1) the acceptance of amended proposals from East Dallas Community Organization and SouthFair Community Development Corporation for the development of 3 unimproved properties obtained through the House Bill 110 process, and (2) a time extension for the development and execution of correction deeds and amended Deed Restrictions (list attached) - Financing: No cost consideration to the City **[04-1464; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

63. 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) **[04-1465; NO APPOINTMENTS MADE TO BOARDS]**
64. Authorize a real property tax abatement agreement with Focus Service Group, Inc. for the purpose of granting a ten-year abatement of taxes on 90 percent of the added value to the real property in relation to the development of a speculative warehousing and distribution facility within City of Dallas Enterprise Zone Two at 5858 West Kiest Boulevard - Revenue: First year tax revenue estimated at \$2,584 - Ten-year tax revenue estimated at \$25,844 (Estimated revenue foregone for ten-year real property abatement \$232,593) **[04-1466; APPROVED]**
65. Authorize hardship relief for property located at 3811/3815 Ross Avenue from the Ross Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties on Ross Avenue from Central Expressway to Fitzhugh Avenue - Financing: No cost consideration to the City **[04-1467; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

66. Authorize (1) position additions associated with restructuring the Development Services Department, Economic Development Division's personnel, (2) an increase in appropriations in the amount of \$345,000 in the General Fund revenue budget using Contingency Reserve Funds, and (3) an increase in appropriations in the amount of \$345,000 in the Development Services Department, Economic Development Division's budget to fund these positions and related costs - Not to exceed \$345,000 - Financing: Contingency Reserve Funds **[04-1468; APPROVED]**
67. Approval of the Thirty-Ninth Supplemental Concurrent Bond Ordinance authorizing Dallas/Fort Worth International Airport Joint Revenue Auction Rate Refunding Bonds, Series 2004A, in a maximum aggregate principal amount of \$130,000,000 for lawful purposes, providing the security therefore, providing for the sale, execution and delivery thereto subject to certain parameters; and providing other terms, provisions and covenants with respect thereto - Financing: No cost consideration to the City **[04-1469; ORDINANCE 25577; APPROVED]**
68. Approval of the Fortieth Supplemental Concurrent Bond Ordinance authorizing Dallas/Fort Worth International Airport Joint Revenue Improvement Bonds, Series 2004B in a maximum aggregate principal amount of \$207,000,000, for lawful purposes; providing the security therefore; providing for the sale, execution and delivery thereof subject to certain parameters; approving amendments to the Airport's Capital Development Program; and providing other terms, provisions and covenants with respect thereto - Financing: No cost consideration to the City **[04-1470; ORDINANCE 25578; APPROVED]**
69. Authorize a one-year Interlocal Agreement for services with the Dallas Independent School District effective July 1, 2004 through June 30, 2005, to provide Dallas Police school liaison services - Revenue: \$506,078 **[04-1471; APPROVED]**
70. Authorize (1) a contract for the reconstruction of alley paving, storm drainage and wastewater main improvements between La Bolsa Drive and Heathermore Drive from La Bolsa Drive to Meandering Way with P&E Contractors, Inc., lowest responsible bidder of ten in the amount of \$304,315, (2) the receipt and deposit of funds from the abutting property owners in an amount not to exceed \$16,299, and (3) an increase in appropriations in the amount of \$16,299 in the Capital Projects Reimbursement Fund - Financing: 1998 Bond Funds (\$174,091), Private Funds (\$16,299), Water Utilities Capital Improvement Funds (\$113,925) **[04-1472; APPROVED]**
71. Authorize the preparation of plans to increase the maximum principal amount at any one time outstanding of the City of Dallas Waterworks and Sewer System Commercial Paper Notes from \$200,000,000 to \$300,000,000 and to resolve other matters related to the issuance, sale, security and delivery of such short-term obligations - Financing: This action has no cost consideration to the City **[04-1473; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

ITEMS FOR FURTHER CONSIDERATION

72. Authorize hardship relief for property located at 510 W. Commerce Street 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 **[04-1474; APPROVED]**

ADDENDUM

ADDITIONS:

Closed Session **[04-1475; CLOSED SESSION HELD]**

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

- Anthony Lynn Curlin v. Daniel Earl Maples, et al., Cause No. 3:02-CV-1997-H
- Thomas Williams v. Daniel Earl Maples, et al., Cause No. 3:02-CV-1662-H
- Don Blanton, et al., v. City of Dallas, Cause No. 04-02922-K
- Interstate Contracting Corporation v. City of Dallas, Cause No. 03-0152

CONSENT ADDENDUM

MISCELLANEOUS

1. Authorize a professional services contract with the law firm of Guida, Slavich & Flores, P.C., to provide legal services in the lawsuit styled Environmental Conservation Organization v. City of Dallas, Cause No. 3:03-CV-2951-M and in the administrative proceeding styled Administrative Order Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-0907, issued on February 6, 2004, and any other matters relating to the subject matter of the referenced litigation and administrative proceeding - Not to exceed \$200,000 - Financing: Current Funds **[04-1476; APPROVED]**

2. Authorize Supplemental Agreement No. 4 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. f/k/a 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., f/k/a Clark Refining & Marketing, Inc., Citgo Petroleum Corporation, Mobil Corporation, Inc., BP Amoco Company f/k/a 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 \$905,000, from \$1,090,824 to \$1,995,824 - Financing: Current Funds **[04-1477; APPROVED]**

ADDENDUM

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

3. Authorize payment of a pre-suit settlement to Jovita Lozano, Raymond Lozano, Antonia Lozano, Ernest Lozano, Alda McDowell, Kevin Lozano, and Edward Stanley Lozano - \$12,500 - Financing: Current Funds **[04-1478; APPROVED]**
4. Authorize settlement of the lawsuit styled Gary Newberry v. City of Dallas, Cause No. 03-00423-I - \$175,000 - Financing: Current Funds **[04-1479; APPROVED AS AN INDIVIDUAL ITEM]**
5. Authorize settlement of the lawsuit styled Rubin A. Coleman v. Anthony R. Lewis and City of Dallas, Cause No. cc-03-12291-a - \$8,000 - Financing: Current Funds **[04-1480; APPROVED]**
6. An ordinance granting an RR Regional Retail District on property zoned an MU-3 Mixed Use District, south of Northwest Highway, east of Gardner Road and west of Walton Walker Boulevard and a resolution accepting deed restrictions volunteered by the applicant (Z034-141) - Financing: No cost consideration to the City **[04-1481; ORDINANCE 25579; APPROVED]**
7. Authorize **(1)** the acceptance of applications from two applicants for the purpose of developing the rules, procedures and fee structure for the City of Dallas Municipal Setting Designation Program, **(2)** collaboration with the Texas Commission on Environmental Quality on the development of the rules and procedures using these two applications as a model and **(3)** that no fee will be charged for the review and processing of these two applications - Financing: No cost consideration to the City **[04-1482; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

8. Authorize a resolution in support of Texas Department of Housing and Community Affairs low income housing tax credit financing for the acquisition and rehabilitation of Shiloh Village Apartments, an existing 168-unit multifamily development for families located at 8702 Shiloh Road between Gross Road and Oates Drive - Financing: No cost consideration to the City **[04-1483; APPROVED]**

ADDENDUM

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

Initiatives to Encourage Delinquent Case Resolution

Note: Item Nos. 9, 10, & 11 must
be considered collectively.

9. * Authorize Supplemental Agreement No. 2 to the collection services contract with Linebarger, Goggan, Blair, and Sampson, LLP for payment of delinquent fines for outstanding traffic, city ordinance and state law violations to amend the compensation provisions of the contract (Section 3.1(a) in accordance with the Code of Criminal Procedure Article 103.0031 Collection Contracts, whereby 30% would be added to the balance of the fines and fees for citations issued on or after June 18, 2003 to pay for the collection agency services on delinquent cases placed) and amend Section 3.06 of the request for bids document titled Collection Activity Requirements and addenda, to allow for the collection agency to extend to violators the City's options to make payments with a credit card or setup an extended payment plan with the City - FY 2003-04 Estimated Net Revenue: \$40,000 **[04-1484; APPROVED]**
10. * Authorize an intergovernmental agreement with the Department of Public Safety in accordance with the Transportation Code Chapter 706, Section 004-Denial of Renewal of Driver's License for those violators who have failed to appear and resolve their Class C misdemeanor offenses and add an administrative fee of \$30 per case in accordance with the Transportation Code - FY 2003-04 Estimated Net Revenue: \$41,342 **[04-1485; APPROVED]**
11. * Authorize an intergovernmental agreement with Dallas County and/or the Department of Transportation in accordance with the Transportation Code Chapter 702, Section 003 - Refusal to Register Vehicle for those traffic offenders who have failed to appear and resolve their Class C misdemeanor traffic citations or others as authorized by any amendments in the state law - FY 2005-06 Estimated Net Revenue: \$136,853 **[04-1486; APPROVED]**

ADDENDUM

DELETIONS:

Mayor's State of the City Address

17. Authorize a thirty-year ground lease agreement, with two five-year renewal options with Roy Ranch Aircraft, LLC of approximately 10,000 square feet of unimproved land at Dallas Executive Airport - Estimated Annual Revenue: \$1,300 **[04-1419]**

52. Authorize a public hearing to be held on May 12, 2004 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 **[04-1454]**

NON-AGENDA ITEM

Public Notice of Crime in the summer – Deputy Chief Ward, Dallas Police Department **[04-1487]**