

AGENDA
CITY COUNCIL MEETING
MAY 12, 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) [04-1600]

Agenda Item/Open Microphone Speakers [04-1602]

VOTING AGENDA

1. Approval of Minutes of the May 5, 2004 City Council Meeting [04-1603]

CONSENT AGENDA [04-1604]

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Authorization of Contracts

2. Authorize a contract for the construction of a 108-inch water transmission line from Lake Fork to Lake Tawakoni, Section 3 - Oscar Renda Contracting, Inc., lowest responsible bidder of five - \$30,875,684 - Financing: Water Utilities Capital Improvement Funds [04-1534; APPROVED]

CONSENT AGENDA (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Contract Amendments

3. Authorize Supplemental Agreement No. 4 to the contract with APM & Associates, Inc., for redesign of five bridge supporting structures necessary to accommodate the access roadway realignment over the at-grade Union Pacific Railroad crossing for the South Central Access Improvements, Phase I - \$44,952, from \$419,039 to \$463,991 - Financing: 1995 Bond Funds **[04-1535; APPROVED]**
4. Authorize Supplemental Agreement No. 1 to the professional services contract with Chiang, Patel & Yerby, Inc. to provide interim reliability improvements for the Cadiz Pump Station and the Central Wastewater Treatment Plant feasibility study - Financing: No cost consideration to the City **[04-1536; APPROVED]**

Construction Miscellaneous

5. Authorize (1) street paving and storm drainage improvements on Lillian Street from W. Eighth Street to W. Davis Street; 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 23, 2004, to receive citizens' comments - Financing: No cost consideration to the City **[04-1537; APPROVED]**
6. Authorize (1) street paving, storm drainage, water and wastewater main improvements for Street Group 03-439; 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 23, 2004, to receive citizens' comments (list attached) - Financing: No cost consideration to the City **[04-1538; APPROVED]**

LAND MISCELLANEOUS

7. An ordinance granting renewal of a private license to Homer J. Rader, Jr. and 1810 Commerce Street, L.P. for the use of approximately 706 square feet of land to maintain the existing pedestrian tunnel under Jackson Street right-of-way located near its intersection with Prather Street - Revenue: \$1,000 annually plus the \$20 ordinance publication fee **[04-1539; ORDINANCE 25580; APPROVED AS AN INDIVIDUAL ITEM]**
8. An ordinance abandoning a portion of Hord Drive to Federico Aviles Nolasco and Maria Bertha Nolasco, the abutting owners, containing approximately 5,452 square feet of land located near its intersection with Moler Street, and authorizing the quitclaim - Revenue: \$6,024 plus the \$20 ordinance publication fee **[04-1540; ORDINANCE 25581; APPROVED]**

CONSENT AGENDA (Continued)

LAND MISCELLANEOUS (Continued)

9. An ordinance abandoning a storm sewer easement to Worthing at Fitzhugh, L.P., the abutting owner, containing approximately 2,721 square feet of land located near the intersection of Fitzhugh Avenue and Alcott Street, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee **[04-1541; ORDINANCE 25582; APPROVED]**
10. An ordinance granting a license to Russell Publishing Group, Ltd. 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 **[04-1542; ORDINANCE 25583; APPROVED]**
11. An ordinance amending Ordinance No. 25479 to correct the elevation specified in the property description for a subsurface area abandoned to Dallas County Community College District located in the Main Street right-of-way near its intersection with Market Street - Financing: No cost consideration to the City **[04-1543; ORDINANCE 25584; APPROVED]**

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

12. Authorize the purchase of automotive equipment from the lowest responsible bidders of seven - Southwest International Trucks, Inc., Dallas Mack Sales, LP, Masters International Trucks, Inc., and Sam Pack's Five Star Ford - Not to exceed \$1,490,802 - Financing: 2003 Equipment Acquisition Contractual Obligation Notes **[04-1544; APPROVED]**
13. Authorize a thirty-six-month service contract for parking lot cleaning with the lowest responsible bidder of seven - H & W Cleaning Systems, Inc. - Not to exceed \$195,800 - Financing: Current Funds **[04-1545; APPROVED AS AN INDIVIDUAL ITEM]**
14. Authorize the purchase of various construction and street equipment from the lowest responsible bidders of nine - Nations Rent of Texas, LP, Romco Equipment Co., STM Equipment, Inc. - Not to exceed \$1,048,870 - Financing: Water Utilities Current Funds (\$426,610), 2003 Equipment Acquisition Contractual Obligation Notes (\$622,260) **[04-1546; APPROVED]**
15. Authorize a twenty-four-month price agreement for concrete products with the lowest responsible bidders of two - Custom Crete and Southern Star Concrete, Inc. - Not to exceed \$5,681,866 - Financing: Current Funds (\$4,501,866), Water Utilities Current Funds (\$1,180,000) **[04-1547; APPROVED AS AN INDIVIDUAL ITEM]**
16. Authorize a thirty-six-month price agreement for hydrofluosilicic acid to fluoridate drinking water with the lowest responsible bidder of four - DPC Industries, Inc. - Not to exceed \$772,900 - Financing: Water Utilities Current Funds **[04-1548; APPROVED]**
17. Authorize a twenty-four-month service contract for security guard services with the lowest responsible bidder of seventeen - Ruiz Protective Service, Inc. - Not to exceed \$4,209,531 - Financing: Water Utilities Current Funds **[04-1549; APPROVED AS AN INDIVIDUAL ITEM]**

CONSENT AGENDA (Continued)

MISCELLANEOUS

18. Authorize settlement of the lawsuit styled Maria DeLourdes Ipina v. City of Dallas, Cause No. 03-03197-H - \$13,000 - Financing: Current Funds **[04-1550; APPROVED]**
19. Authorize settlement in the lawsuit styled William Hurd v. Larry Joe Mitchell and the City of Dallas, Cause No. 02-14332-B - \$6,500 - Financing: Current Funds **[04-1551; APPROVED]**
20. Authorize a professional services contract with I. Richard Levy, P.C., for legal services necessary in negotiations and potential litigation with Hanover Insurance Company regarding bonds involving the cable television franchise with Western Integrated Networks - \$150,000 - Financing: Current Funds **[04-1552; APPROVED AS AMENDED]**
21. Authorize Supplemental Agreement No. 2 to the professional services contract with Economists.com for additional services necessary in negotiations with SBC Communications, Inc., regarding Voice Over Internet Protocol issues - Not to exceed \$100,000, from \$154,000 to \$254,000 - Financing: Current Funds **[04-1553; APPROVED AS AN INDIVIDUAL ITEM]**
22. Authorize Supplemental Agreement No. 2 to the professional services contract with Robert W. Taylor, Attorney at Law, for additional legal 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 \$70,000 to \$120,000 - Financing: Current Funds **[04-1554; APPROVED AS AN INDIVIDUAL ITEM]**
23. A resolution (1) expressing opposition to possible recoupment by TXU Gas of expenses related to "poly 1 pipe" in Railroad Commission of Texas Gas Utilities Docket 9400 consolidated rate case and (2) authorizing the City Manager to request that TXU Gas provide certain information concerning the "poly 1 pipe" and conduct studies concerning the safety of the "poly 1 pipe" - Financing: No cost consideration to the City **[04-1555; APPROVED]**
24. Authorize a thirty-six-month site lease agreement, with one thirty-six-month renewal option, with Texas Instruments, Incorporated for antenna space on an antenna tower and equipment shelter space beneath the tower located at 13542 North Central Expressway - Financing: No cost consideration to the City **[04-1556; APPROVED]**

CONSENT AGENDA (Continued)

MISCELLANEOUS (Continued)

Incentives for Lavoι Corporation dba EPI Breads

Note: Item Nos. 25 & 26 must be considered collectively.

25. * Authorize a public hearing to be held on May 26, 2004 to receive citizens' comments concerning the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code as revised effective September 1, 2003, and at the close of the public hearing consideration of (1) an ordinance authorizing the City's participation in the Texas Enterprise Zone Program, (2) revision to the Public Private Partnership Guidelines to add one new unique incentive for enterprise zone projects, (3) designation of a liaison for communication with interested parties, and (4) nomination of Lavoι Corporation dba EPI Breads at 4710 W. Ledbetter Drive as an Enterprise Zone Project - Financing: No cost consideration to the City **[04-1557; APPROVED]**
26. * Authorize a public hearing to be held on May 26, 2004 to receive citizens' comments concerning the creation of City of Dallas Reinvestment Zone No. 60 located at 4710 W. Ledbetter Drive; and at the close of the public hearing consideration of (1) an ordinance creating City of Dallas Reinvestment Zone No. 60 and (2) a business personal property tax abatement agreement with Lavoι Corporation dba EPI Breads - Financing: No cost consideration to the City **[04-1558; APPROVED]**
27. Authorize a modification to the loan documents between the Oak Cliff Foundation Inc. and the City of Dallas regarding the Texas Theatre project to extend the completion date to June 30, 2005, and provide for other matters relating thereto - Financing: No cost consideration to the City **[04-1559; APPROVED]**
28. Authorize payment to the North Central Texas Council of Governments for Dallas' participation in the second and final year development of a comprehensive drainage criteria and design manual for use in both municipal engineering and private development - \$54,606 - Financing: Current Funds (to be reimbursed from Storm Water Drainage Management Funds) **[04-1560; APPROVED]**

PUBLIC HEARINGS AND RELATED ACTIONS

ZONING CASES - CONSENT [04-1561]

29. An application for and an ordinance granting an MF-2(A) Multifamily District on property zoned an R-10(A) Single Family District, located on the east side of Marsh Lane, north of Forest Lane
Recommendation of Staff and CPC: Approval
Z034-182 (DW) [04-1562; ORDINANCE 25585; CPC RECOMMENDATION FOLLOWED]

ZONING CASES - CONSENT (Continued)

30. An application for and an ordinance granting a Specific Use Permit for an Open Enrollment Charter School on property zoned an IR Industrial Research District, located on the west side of Forestgate Drive, north of Forest Lane
Recommendation of Staff and CPC: Approval, for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z034-184 (MM) [04-1563; **ORDINANCE 25586; CPC RECOMMENDATION FOLLOWED**]
31. An application for and an ordinance granting a CR Community Retail District, with retention of the Liquor Control Overlay, on property zoned an NS(A)-D Neighborhood Service District with Liquor Control Overlay and a resolution accepting an amendment to the existing deed restrictions on the northeast corner of Jim Miller Road and Forney Road
Recommendation of Staff and CPC: Approval, subject to amended deed restrictions volunteered by the applicant, with retention of the D Liquor Control Overlay
Z034-125 (RB) [04-1564; **ORDINANCE 25587; CPC RECOMMENDATION FOLLOWED**]

ZONING CASES - INDIVIDUAL

32. An application for and an ordinance granting a Planned Development District for RR Regional Retail District uses with modifications to the sign regulations and termination of Specific Use Permit No. 98 for Quarrying and Mining operations on property zoned an IM Industrial Manufacturing District with Specific Use Permit No. 98 on the northeast corner of Cockrell Hill Road and Communication Drive
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan, landscape plan and conditions and Approval of the termination of Specific Use Permit No. 98 for quarrying and mining operations
Z034-168 (WE) [04-1565; **ORDINANCES 25588 AND 25589; APPROVED AS AMENDED**]
33. An application for and an ordinance granting an MU-1 Mixed Use District on property zoned an IR Industrial Research District located on the northwest side of Chemical Street, northeast of Farrington Street
Recommendation of Staff: Denial
Recommendation of CPC: Approval
Z034-177 (DW) [04-1566; **ORDINANCE 25590; CPC RECOMMENDATION FOLLOWED**]
34. An application for and an ordinance granting a Planned Development Subdistrict for O-2 Office Subdistrict uses on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, bounded by Pearl Street, Randall Street, McKinnon Street, and Wolf Street
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan and conditions
Z034-178 (MJF) [04-1567; **ORDINANCE 25591; CPC RECOMMENDATION FOLLOWED**]

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

ZONING CASES - INDIVIDUAL (Continued)

35. An application for and an ordinance granting a Planned Development Subdistrict for HC Heavy Commercial Subdistrict uses on property zoned an HC Heavy Commercial Subdistrict, within Planned Development District No. 193, the Oak Lawn Special Purpose District, with H/94 Historic Overlay No. 94, the St. Ann=s Historic Overlay, bounded by Moody Street, Harwood Street, Wichita Street and Harry Hines Boulevard
Recommendation of Staff: Approval, with the retention of Historic Overlay No. 94
Recommendation of CPC: Approval, subject to a conceptual plan and conditions with the retention of Historic Overlay No. 94
Z034-179 (MJF) [04-1568; ORDINANCE 25592; CPC RECOMMENDATION FOLLOWED]
36. An application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict and an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, located on the northeast side of Bookhout Street, southeast of Randall Street
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a conceptual plan and conditions
Z034-180 (MJF) [04-1569; ORDINANCE 25593; CPC RECOMMENDATION FOLLOWED]
37. An application for and a resolution accepting deed restrictions volunteered by the applicant on property zoned an I-2 Industrial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, located southwest of Harry Hines Boulevard on the southeast side of Payne Street and on either side of Caroline Street
Recommendation of Staff and CPC: Approval
Z034-181 (MJF) [04-1570; CPC RECOMMENDATION FOLLOWED]

ZONING CASES - DALLAS INDEPENDENT SCHOOL DISTRICT

38. An application for and an ordinance granting an amendment to Specific Use Permit No. 1008 for a public school on property zoned an R-7.5(A) Single Family District located on the east side of Jim Miller Road, south of Elam Road and north of State Highway Loop 12
Recommendation of Staff and CPC: Approval, subject to a site plan and conditions
Z034-183 (MJF) [04-1571; ORDINANCE 25594; CPC RECOMMENDATION FOLLOWED]

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

39. 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) [04-1572; DENIED WITHOUT PREJUDICE]
Note: This item was considered by the City Council at a public hearing on March 24 and April 28, 2004, and was held under advisement until May 12, 2004, with the public hearing open.
40. 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 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) [04-1573; CONTINUED UNTIL 06/23/04 WITH 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 May 12, 2004, with the public hearing open.

MISCELLANEOUS HEARING

41. A public hearing to receive citizens' comments in preparation of the FY 2004-05 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City **[04-1574; HEARING CLOSED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

42. 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) **[04-1575; APPOINTMENTS MADE TO BOARDS/04-1576; CODE OF ETHICS REPORT]**
43. Authorize hardship relief for property located at 1231 Stevens Ridge Drive 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 **[04-1577; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

44. An ordinance abandoning a portion of a water easement to Dallas Independent School District, the abutting owner, containing approximately 14,737 square feet of land located near the intersection of Polk Street and Hogan Drive, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee **[04-1578; ORDINANCE 25595; APPROVED]**
45. Authorize a resolution in support of the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the new construction of 144 multifamily units for families to be known as the Masters Road Apartments located at 1180 N. Masters Road at the intersection of Masters Road and Lake June on the east side of Masters and south side of Lake June Road - Financing: No cost consideration to the City **[04-1579; APPROVED AS AMENDED]**
46. Authorize a contract for furniture and fixtures for the Arcadia Park Branch Library located at 1302 N. Justin Avenue - Libra-Tech Corporation, lowest responsible bidder of two - \$196,185 - Financing: 2003 Bond Funds **[04-1580; APPROVED]**

ITEMS FOR FURTHER CONSIDERATION

47. 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 **[04-1581; APPROVED]**
48. 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) **[04-1582; APPROVED]**
49. 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 **[04-1583; ORDINANCE 25596; APPROVED]**
50. Authorize proposed Procedural Order No. 03-2-1-JR related to the posting of bail bonds by attorneys and the manner of taking a forfeiture of such bonds in the City of Dallas Municipal Court - Financing: No cost consideration to the City **[04-1584; APPROVED AS CORRECTED ON THE ADDENDUM]**

ADDENDUM

ADDITIONS:

Closed Session **[04-1585; CLOSED SESSION HELD]**

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

- Legal issues involving Dallas Love Field parking concession contract
- Legal issues involving the 84" pipeline rupture at White Rock Lake

CONSENT ADDENDUM

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

1. Authorize the purchase of one analog tube type transmitter and two solid-state digital transmitters to improve the clarity of the WRR radio broadcast coverage from the lowest responsible bidder of four - Harris Corporation - Not to exceed \$426,505 - Financing: WRR Capital Construction Funds **[04-1586; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

2. Authorize debt service payments to J. P. Morgan Chase Bank on a first lien mortgage secured by property on 2939 E. Ledbetter acquired from United Front of Dallas, Inc. by the City via foreclosure of its junior lien and a forbearance arrangement with the first lien holder, J.P. Morgan Chase Bank - Not to exceed \$407,000 - Financing: Current Funds (subject to annual appropriations) **[04-1587; APPROVED]**
3. A resolution suspending enforcement of Section 51A-4.602(b)(6) as applied to that side of a garbage storage area facing onto a parking lot of a multifamily use (Deputy Mayor Pro Tem Hill, Councilmembers Griffith, Blaydes, Chaney, Greyson, Rasansky, Finkelman, and Lill via Mayor Miller) **[04-1588; APPROVED]**

ADDENDUM

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

4. A resolution **(1)** supporting the recommendations in the May 5, 2004 report of the City of Dallas Employees= Retirement Fund Study Committee which include: **(a)** an increase in employee and employer contribution rates effective October 1, 2005 based upon the December 2004 Valuation Report, **(b)** automatic pro rata adjustments to future contribution rates beginning October 1, 2006 and every year thereafter if required by the Fund's actuarial valuation (subject to limitations included in the recommendations), **(c)** issuance of Pension Obligation Bonds in FY 2004-05 in an amount equal to the 2003 unfunded actuarial accrued liability, **(d)** expanding the number of members on the Employees= Retirement Fund Board of Directors from five to seven and **(e)** a city-wide election in FY 2004-05 to amend Chapter 40A of the Dallas City Code and **(2)** authorizing the City Manager to present the recommendations at the next meeting of the Texas Pension Review Board - \$14,600,000 in FY 2005-06 - Financing: Current Funds (subject to annual appropriations) **[04-1589; APPROVED AS AMENDED]**

ITEMS FOR FURTHER CONSIDERATION

5. Authorize a first amendment to the lease with Love Partners, Inc. to delete 475 square feet of improved land, add 7,500 square feet of improved land, provide a ten-year option to lease approximately 44,434 square feet of unimproved airside land located adjacent to the leased premises at 10% of the prevailing unimproved ground rental rate at Dallas Love Field, and assignment of the lease to Reeves Street, LLC - Revenue: \$4,653 annually including the option fee **[04-1590; APPROVED]**

CORRECTION:

50. Authorize **(1)** proposed Procedural Order No. 03-2-1-JR related to the posting of bail bonds by attorneys and the manner of taking a forfeiture of such bonds in the City of Dallas Municipal Court, **(2)** the addition of two positions to support the implementation of the program, **(3)** an increase in appropriations in the amount of \$87,531 in Court and Detention Services expenditure budget, and **(4)** an increase in appropriations in the amount of \$87,531 in Court and Detention Services revenue budget - Total not to exceed \$87,531 - Financing: ~~No cost consideration to the City~~ Current Funds (Estimated Revenue: \$87,531) **[04-1584]**