

AGENDA
CITY COUNCIL MEETING
FEBRUARY 9, 2005
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) **[05-0525]**

Agenda Item/Open Microphone Speakers **[05-0526]**

VOTING AGENDA

1. Approval of Minutes of the January 12, and January 26, 2005 City Council Meetings **[05-0527; APPROVED AS CORRECTED]**

CONSENT AGENDA **[05-0528]**

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Engineering and Architectural Contracts

2. Authorize a professional services contract with Laguarda.Low Architects, LLC to provide schematic design, design development, construction documents, bidding, construction administration and surveying for the removal and replacement of a picnic pavilion, renovation of parking areas, replacement of drinking fountain and existing sidewalk at Hattie Rankin Moore Park located at 3212 N. Winnetka - \$20,100 - Financing: 2003 Bond Funds **[05-0529; APPROVED AS AN INDIVIDUAL ITEM]**

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Engineering and Architectural Contracts (Continued)

3. Authorize a professional services contract with Laguarda.Low Architects, LLC to provide schematic design, design development, construction documents, bidding, construction administration and surveying for the removal and replacement of a picnic pavilion and parking area, and removal and redevelopment of the existing playground at St. Augustine Park located at 1500 N. St. Augustine - \$25,400 - Financing: 2003 Bond Funds **[05-0530; APPROVED]**
4. Authorize a professional services contract with Lockwood, Andrews & Newnam, Inc. to provide alignment and preliminary design services for a pedestrian tunnel/connection under Dallas Area Rapid Transit's (DART) Trinity Railway Express and light rail lines and Stemmons Freeway connecting the Design District and DART's Victory Light Rail Transit Station - \$96,680 - Financing: 2003 Bond Funds **[05-0531; APPROVED]**

Authorization of Contracts

5. Authorize a contract for roof replacement and asbestos abatement at Science Place I located at 1300 Ranger Circle - Castro Roofing of Texas, L.P., only bidder - \$349,000 - Financing: Capital Construction Funds **[05-0532; APPROVED AS AN INDIVIDUAL ITEM]**
6. Authorize a contract for the roof replacement and asbestos abatement at the Juanita J. Craft Recreation Center located at 4500 Spring Avenue - Castro Roofing of Texas, LP, only bidder - \$187,180 - Financing: Capital Construction Funds **[05-0533; APPROVED]**
7. Authorize a contract for renovation of the Tommie M. Allen Recreation Center located at 7071 Bonnie View Road - J. N. Kent Construction Company, Inc., lowest responsible bidder of two - \$479,973 - Financing: 2003 Bond Funds (\$402,505) and 1998 Bond Funds (\$77,468) **[05-0534; APPROVED]**
8. Authorize a contract for athletic field improvements at Randall Park located at 100 S. Glasgow - SFCC, Inc., lowest responsible bidder of three - \$1,070,555 - Financing: 2003 Bond Funds (\$570,555) and Capital Gifts, Donation and Development Funds (\$500,000) **[05-0535; APPROVED AS AN INDIVIDUAL ITEM]**

Construction Miscellaneous

9. Authorize payment to the Town of Highland Park for the City's share of cost associated with pavement improvements on Westside Drive from 140 feet north of Lorraine Avenue to Mockingbird Lane - \$1,535 - Financing: Current Funds **[05-0536; APPROVED]**

LAND MISCELLANEOUS

10. An ordinance abandoning portions of Oakenwald Street, Tilden Street, Stemmons Avenue and an alley to Methodist Hospitals of Dallas, Inc., the abutting owner, containing approximately 84,061 square feet of land located near their intersections with Colorado Boulevard, Beckley Avenue and Greenbriar Lane, and authorizing the quitclaim - Revenue: \$250,000 plus the \$20 ordinance publication fee **[05-0537; ORDINANCE 25873; APPROVED]**
11. An ordinance abandoning a portion of Gallant Fox Drive to Millennium Choice Homes, Inc., the abutting owner, containing approximately 72,569 square feet of land located near its intersection with Merrifield Road, and authorizing the quitclaim - Revenue: \$18,900 plus the \$20 ordinance publication fee **[05-0538; ORDINANCE 25874; APPROVED]**
12. An ordinance abandoning easements to WXIII/PWM Real Estate Limited Partnership, the abutting owner, located near the intersection of Belt Line Road and Montfort Drive, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee **[05-0539; ORDINANCE 25875; APPROVED]**
13. Authorize (1) the purchase of up to twenty vacant lots by the Dallas Housing Acquisition and Development Corporation through the Residential Development Acquisition Loan Program; and (2) the resale of the properties to the Dallas Neighborhood Alliance for Habitat for development of affordable single-family housing for sale to low- and moderate-income households (list attached) - Financing: No cost consideration to the City **[05-0540; DELETED]**

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

14. Authorize a sixty-month professional services contract with SunGard Availability Services, LLP, through the State of Texas, Catalog Information System Vendors Cooperative Purchasing Program, to provide alternate recovery site equipment and services - Not to exceed \$1,184,400 - Financing: Current Funds (subject to annual appropriations) **[05-0541; APPROVED AS AN INDIVIDUAL ITEM]**
15. Authorize a professional services contract for the preparation of a comprehensive retail market study with the most advantageous proposer of six - Channel Marketing Corporation - Not to exceed \$50,000 - Financing: 2003-04 Community Development Grant Funds **[05-0542; APPROVED]**

RATIFICATION OF EMERGENCY REPAIRS

16. Ratify emergency services for testing and investigation of the 72-inch Tawakoni raw water pipeline from the Tawakoni Balancing Reservoir to the East Side Water Treatment Plant - Pressure Pipe Inspection Company (USA), Inc. - \$286,932 - Financing: Water Utilities Current Funds **[05-0543; APPROVED]**

CONSENT AGENDA (Continued)

MISCELLANEOUS

17. Authorize the acceptance of grant funds from the Allstate Foundation to support the Youth Entrepreneur Program for the period April 1, 2005 through September 30, 2005 - Not to exceed \$22,000 - Financing: Allstate Foundation Grant Funds **[05-0544; APPROVED]**
18. Authorize an amendment to the contract with the National Association of County and City Health Officials to extend the term of the contract through October 31, 2005 for the City's Food Protection and Education Program - Financing: No cost consideration to the City **[05-0545; APPROVED]**
19. Authorize (1) an amendment to the contract with the Dallas Housing Acquisition and Development Corporation to (a) reimburse the Corporation for court costs paid by the Corporation to Dallas County for Urban Land Bank Demonstration Program tax lawsuits that are reimbursed by Dallas County to the City of Dallas and (b) conform the contract to the Program Statement, as amended, for the Residential Development Acquisition Loan Program; (2) an amendment to the Dallas Housing Acquisition and Development Corporation Bylaws providing for establishment of an Administrator position; and (3) an amendment to the Dallas Housing Acquisition and Development Corporation Articles of Incorporation clarifying the appointment of Board members - Estimated revenue foregone: \$72,000 **[05-0546; APPROVED]**
20. Authorize annual adjustments to appropriations for fiscal year 2003-04 for year-end close - Financing: No cost consideration to the City **[05-0547; APPROVED AS AN INDIVIDUAL ITEM]**
21. A resolution extending the decision deadline for Atmos Energy Corp., Mid-Tex Division's proposed new Gas Reliability Infrastructure Program Rate Adjustment from February 15, 2005 to June 30, 2005 - Financing: No cost consideration to the City **[05-0548; APPROVED]**
22. Authorize a twelve-month time extension, as recommended by the Housing and Neighborhood Development Committee, for Community Development Block Grant projects which have not met the twelve-month obligation or twenty-four-month expenditure requirement - Financing: No cost consideration to the City **[05-0549; APPROVED]**

PUBLIC HEARINGS AND RELATED ACTIONS

ZONING CASES - CONSENT [05-0550]

23. An application for and an ordinance granting a CA-2 Central Area Subdistrict on property zoned an I-2 Industrial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and a resolution accepting deed restrictions volunteered by the applicant on the west corner of Field Street and Woodall Rogers Freeway
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z034-333(RB) [05-0551; ORDINANCE 25876; CPC RECOMMENDATION FOLLOWED]

ZONING CASES - CONSENT (Continued)

24. An application for and an ordinance granting an MU-2 Mixed Use District with retention of the D-1 Liquor Control Overlay on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and an MC-1-D-1 Mixed Commercial District with a D-1 Liquor Control Overlay and a resolution accepting new deed restrictions volunteered by the applicant and a resolution terminating existing deed restrictions, north of Bruton Road, west of St. Augustine Road
Recommendation of Staff and CPC: Approval of an MU-2 Mixed Use District with retention of the D-1 Liquor Control Overlay with a resolution accepting new deed restrictions volunteered by the applicant and approval of a resolution terminating the existing deed restrictions
Z034-327(DW) [05-0552; CONTINUED UNTIL 02/23/05; HEARING OPEN]
25. An application for and an ordinance granting a Planned Development District for institutional uses and R-5(A) Single Family District uses on property zoned a CC Community Commercial Subdistrict and an R-5(A) Single Family Subdistrict, within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on both sides of Bertrand Street, north of Scyene Road
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions
Z045-109(WE) [05-0553; ORDINANCE 25877; CPC RECOMMENDATION FOLLOWED]
26. An application for and an ordinance granting an amendment to a portion of Planned Development District No. 260 to allow a medical clinic or ambulatory surgical services use by Specific Use Permit, and an ordinance granting a Specific Use Permit for a medical clinic or ambulatory surgical services, north of Park Lane and west of Central Expressway
Recommendation of Staff and CPC: Approval of an amendment to a portion of Planned Development District No. 260, and approval of a Specific Use Permit for a medical clinic or ambulatory surgical center for a 50-year period, subject to a site plan and conditions with retention of Specific Use Permit No 1414 for a Financial Institution with drive-through window service
Z045-113(DW) [05-0554; ORDINANCE 25878; CPC RECOMMENDATION FOLLOWED]
27. An application for and an ordinance granting an amendment to the site plan for Specific Use Permit No. 1228 for a Tower/antenna for cellular communication on property zoned an A(A) Agricultural District on the west line of Ledbetter Drive, southwest of Walton Walker Boulevard
Recommendation of Staff and CPC: Approval, subject to a site plan
Z045-117(RB) [05-0555; ORDINANCES 25879 AND 25880; CPC RECOMMENDATION FOLLOWED]
28. An application for and an ordinance granting an amendment to the site plan for Specific Use Permit No. 1169 for a Tower/antenna for cellular communication on property zoned a CR Community Retail District, south of Umphress Road, west of Buckner Boulevard
Recommendation of Staff and CPC: Approval, subject to a site plan
Z045-118(RB) [05-0556; ORDINANCE 25881; CPC RECOMMENDATION FOLLOWED]

ZONING CASES - INDIVIDUAL

29. An application for and an ordinance granting a Planned Development Subdistrict for O-1 Office Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, located on the southeast corner of Congress Avenue and Wycliff Avenue and a resolution accepting deed restrictions volunteered by the applicant
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan, landscape plan and conditions and deed restrictions volunteered by the applicant
Z045-108(WE) [05-0557; ORDINANCE 25882; CPC RECOMMENDATION FOLLOWED]

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

30. An application for and an ordinance granting a CS Commercial Service District on property zoned a CH Clustered Housing District north of McCallum Boulevard and west of Frank Jackson Drive and a resolution accepting deed restrictions volunteered by the applicant
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z034-329(DW) [05-0558; CONTINUED UNTIL 02/23/05; HEARING OPEN]
Note: This item was considered by the City Council at a public hearing on January 26, 2005, and was taken under advisement until February 9, 2005, with the public hearing open.
31. An application for and an ordinance granting a CS Commercial Service District on property zoned a CH Clustered Housing District at the western terminus of Ronnie Drive, west of Frank Jackson Drive and a resolution accepting deed restrictions volunteered by the applicant
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z045-101(MM) [05-0559; CONTINUED UNTIL 02/23/05; HEARING OPEN]
Note: This item was considered by the City Council at a public hearing on January 26, 2005, and was taken under advisement until February 9, 2005, with the public hearing open.

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL (Continued)

32. An application for and an ordinance granting a Planned Development District for uses allowed in an MU-2 Mixed Use District and a GO(A) General Office District, on property zoned a GO(A) General Office District and a resolution granting the termination of existing deed restrictions on the northeast corner of the intersection of Alpha Road and Noel Drive
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions and approval of the termination of the existing deed restrictions
Z034-320(MM) **[05-0560; ORDINANCE 25883; APPROVED AS AMENDED]**
Note: This item was considered by the City Council at a public hearing on January 26, 2005, and was taken under advisement until February 9, 2005, with the public hearing open.
33. An application for and ordinances granting 1) two new subdistricts in Planned Development District No. 70 that allows alcoholic beverage consumption on site; 2) a D-1 Dry Liquor Control Overlay in place of the existing D Dry Liquor Control Overlay in subdistrict 1 and 2; and 3) a Specific Use Permit for restaurants with alcoholic beverage service in subdistrict 1 and 2 on the northeast corner of the intersection of Midway Road and Northwest Highway with consideration given to the removal of the D Dry Liquor Control Overlay in subdistrict 1 and 2
Recommendation of Staff and CPC: Approval, of 1) the creation of two new subdistricts in Planned Development District No. 70 that allows alcoholic beverage consumption on site, subject to a development plan and conditions; 2) the replacement of the D Dry Liquor Control Overlay with a D-1 Dry Liquor Control Overlay in subdistrict 1 and 2; and 3) a Specific Use Permit for restaurants with alcoholic beverage service in subdistrict 1 and 2, for a ten -year time period with eligibility of automatic renewal for additional ten-year time periods subject to a site plan and conditions
Z045-122(MM) **[05-0561; ORDINANCES 25884 AND 25885; CPC RECOMMENDATION FOLLOWED]**
Note: This item was considered by the City Council at a public hearing on January 26, 2005, and was taken under advisement until February 9, 2005, with the public hearing open.

BENEFIT ASSESSMENT HEARINGS

34. A benefit assessment hearing to receive citizens' comments for alley paving improvements on the alley between Dickason Avenue and Hartford Street from Wycliff Avenue to Douglas Avenue, and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City
[05-0562; ORDINANCE 25886; HERING CLOSED; APPROVED]

BENEFIT ASSESSMENT HEARINGS (Continued)

35. A benefit assessment hearing to receive citizens' comments on street paving, storm drainage, water and wastewater main improvements on Carbondale Street from Linfield Road to Loop 12 east bound service road, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with McMahon Contracting, LP, lowest responsible bidder of eight - \$2,364,787 - Financing: 2003 Bond Funds (\$2,006,404), Water Utilities Capital Improvement Funds (\$345,083), and Water Utilities Capital Construction Funds (\$13,300) **[05-0563; ORDINANCE 25887; HEARING CLOSED; APPROVED]**

36. A benefit assessment hearing to receive citizens' comments on sidewalk, drainage improvements, and water and wastewater adjustments on the south side of Churchill Way from Preston Road to Hillcrest Road, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with P & E Contractors, Inc., lowest responsible bidder of six - \$98,443 - Financing: 2003 Bond Funds (\$94,293), and Water Utilities Capital Construction Funds (\$4,150) **[05-0564; ORDINANCE 25888; HEARING CLOSED; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

37. 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) **[05-0565; NO APPOINTMENTS MADE TO BOARDS]**

38. Authorize hardship relief for property located at 2330 Langford 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 **[05-0566; APPROVED]**

39. Authorize hardship relief for property located at 3814 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 **[05-0567; POSTPONED UNTIL 02/23/05]**

40. Authorize an amendment to the nine-month contract with the Dallas Independent School District (DISD) to extend the contract to three years and increase funding to provide after-school and community recreation programs at up to ten DISD schools beginning October 1, 2004 through June 30, 2007 - Revenue: \$150,000 annually **[05-0568; APPROVED]**

ADDENDUM

ADDITIONS:

Closed Session **[05-0569; NO CLOSED SESSION HELD]**

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

- Thomas Wayne Williams v. City of Dallas, Daniel Earl Maples, Jr., Quentis Ray Roper, Civil Action No. 3:02-CV-1662-H
- Anthony Lynn Curlin v. Daniel Earl Maples, Jr., Quentis Ray Roper, Sean Moses and City of Dallas, Civil Action No. 3:02-CV-1997-H

CONSENT ADDENDUM

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Contract Amendments

1. Authorize Supplemental Agreement No. 1 to the professional services contract with DMJM Aviation for engineering design services and preparation of construction documents for the Hensley Field Airfield improvements to provide construction administration services, materials testing, construction inspection, additional navigational aid design and a noise study - \$345,547, from \$328,335 to \$673,882 - Financing: Hensley Field Funds **[05-0570; APPROVED]**

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

2. Authorize a professional services contract for the development of a public awareness campaign on storm water pollution with Verve Communications Group, LLC., most advantageous proposer of three - Not to exceed \$550,000 - Financing: Current Funds **[05-0571; APPROVED]**
3. Authorize a thirty-six-month price agreement with Dell Marketing L.P., through the Department of Information Resources, State of Texas Cooperative contract, to lease computer hardware - Not to exceed \$3,937,000 - Financing: Current Funds (\$3,217,000), Water Utilities Current Funds (\$560,000), and Aviation Current Funds (\$160,000) **[05-0572; APPROVED AS AN INDIVIDUAL ITEM]**

ADDENDUM

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS

4. Authorize **(1)** a public hearing to be held on February 23, 2005 to receive citizens' comments on amendments to the City Center Tax Increment Financing (TIF) District Project Plan and Reinvestment Zone Financing Plan (Plan) to (a) shift funds among budget categories by decreasing parking in the amount of (\$17,511,405), increasing streetscapes in the amount of \$2,626,711, and increasing the environmental remediation/demolition/facade category in the amount of \$14,884,694, (b) allow for the sale of City-owned property at 1208 Main Street at fair market value to LB 1200 Main LP for the purpose of development and redevelopment of 1200 Main Street in accordance with the Plan, (c) make modifications to the Plan and Ordinance Nos. 22802 and 23034 to implement such plan amendments for the City Center TIF District in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311); and, at the close of the hearing, **(2)** consideration of an ordinance amending Ordinance Nos. 22802 and 23034 to reflect all such Plan amendments - Financing: No cost consideration to the City **[05-0573; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

5. Authorize an extension of the moratorium on the acceptance of applications for building permits or certificates of occupancy for "non-residential" properties within 500 feet of the north or south right-of-way line of W. Northwest Highway, from Stemmons Freeway to Mixon Drive until June 19, 2005 - Financing: No cost consideration to the City **(Requires a 3/4 vote of the full City Council for approval [05-0574; APPROVED])**