

AGENDA
CITY COUNCIL MEETING
MAY 11, 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) [05-1450]

Agenda Item/Open Microphone Speakers [05-1451]

VOTING AGENDA

1. Approval of Minutes of the April 27, 2005 City Council Meeting [05-1452;
APPROVED]

CONSENT AGENDA [05-1453]

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Engineering and Architectural Contracts

2. Authorize a professional services contract with Halff Associates, Inc. to provide engineering design services for the replacement of water mains and the rehabilitation or replacement of wastewater mains at 17 various locations (list attached) - \$466,544 - Financing: Water Utilities Capital Improvement Funds [05-1454; **APPROVED]**

CONSENT AGENDA (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Authorization of Contracts

3. Authorize a contract for the construction of a security fence and removal of the existing fence at the Police Auto Pound located at 1955 Vilbig Road - United Fence Contractors, Inc. dba Richardson Bros. Fence Co., lowest responsible bidder of nine - Not to exceed \$296,539 - Financing: 1996 Omnibus Appropriation Local Law Enforcement Block Grant Funds **[05-1455; APPROVED]**
4. Authorize a contract for the construction of the new Timberglen Branch Library to be located near the corner of Timberglen Road and Midway Road - CME Builders & Engineers, Inc., lowest responsible bidder of two - \$3,637,000 - Financing: 2003 Bond Funds **[05-1456; APPROVED]**
5. Authorize a contract for the construction of meter and pump improvements at the Elm Fork Water Treatment Plant - Archer Western Contractors, Ltd., lowest responsible bidder of four - \$4,414,000 - Financing: Water Utilities Capital Improvement Funds **[05-1457; APPROVED]**

Contract Amendments

6. Authorize an increase in the contract with Alshall Construction Company for additional costs for utility work at the street, steel work at masonry fence, removal of tree stumps at steel fence, metal and wood framing, electrical work and credits for concrete piers, masonry fence and kiln hood at the Timberglen Recreation Center located at 3810 Timberglen Drive - Not to exceed \$63,925, from \$2,217,232 to \$2,281,157 - Financing: 1998 Bond Funds **[05-1458; APPROVED]**
7. Authorize an increase in the contract with Parks for Play, Inc. for a picnic shelter at South Central Park located at 4753 Fellows Lane - \$21,229, from \$139,720 to \$160,949 - Financing: 2002-03 Community Development Grant Funds **[05-1459; APPROVED]**
8. Authorize a decrease in the contract with Rebcon, Inc. for the South Central Improvements, Phase I, for additional paving and drainage quantities and deletion of the original Linfield Road bridge structure - (\$247,893), from \$3,885,744 to \$3,637,851 - Financing: 1998 Bond Funds **[05-1460; APPROVED]**

Construction Miscellaneous

9. Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements at the intersection of IH 20 at SH 342 (Lancaster Road) - \$37,464 - Financing: Texas Department of Transportation Grant Funds **[05-1461; APPROVED]**

CONSENT AGENDA (Continued)

LAND MISCELLANEOUS

10. Authorize an environmental deed restriction, proposed by Aviall Services, Inc., prohibiting the use of groundwater for residential, agricultural, recreational, industrial or commercial purposes without the express written pre-approval of the State of Texas under portions of (1) Shorecrest Drive near its intersection with Reeves and Weiss Streets, (2) Reeves Street near its intersection with Wylie and Love Field Drives and Putnam Street, (3) Wylie Drive near its intersection with Reeves and Weiss Streets, (4) Putnam Street near its intersection with Reeves Street, (5) Love Field Drive near its intersection with Reeves Street, and (6) Weiss Street near its intersection with Shorecrest and Wylie Drives - Revenue: \$154,244 **[05-1462; APPROVED]**
11. An ordinance abandoning Hobbs Avenue to Southern Foods Group, L.P., the abutting owner, containing approximately 22,939 square feet of land located near its intersection with Haskell Avenue, authorizing the quitclaim and providing for the dedication of approximately 4,557 square feet of land needed for street right-of-way - Revenue: \$31,250 plus the \$20 ordinance publication fee **[05-1463; ORDINANCE 25968; APPROVED]**
12. An ordinance granting a private license to Southwestern Bell Telephone, L.P. for a total of approximately 598 square feet of land to use and maintain existing transformer vault and basement areas in the Field Street right-of-way located near the intersection of Field and Wood Streets - Revenue: \$1,000 annually plus the \$20 ordinance publication fee **[05-1464; ORDINANCE 25969; APPROVED]**

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

13. Authorize a forty-eight-month service contract for utility vehicle rental with the lowest responsible bidder of two - Metro Golf Cars - Not to exceed \$716,441 - Financing: Current Funds (\$665,266), Golf Improvement Trust Funds (\$51,175) **[05-1465; APPROVED]**
14. Authorize a thirty-six-month service contract for court reporting services with the most favorable proposer of three - All-American Reporting - Not to exceed \$235,000 - Financing: Current Funds **[05-1466; APPROVED]**
15. Authorize the purchase of a replacement trailer tipper for use at the McCommas Bluff Landfill from the lowest responsible bidder of two - Phelps Industries - Not to exceed \$283,525 - Financing: 2003 Equipment Acquisition Contractual Obligation Notes **[05-1467; APPROVED]**
16. Authorize the purchase of one flusher truck for use at the McCommas Bluff Landfill from the lowest responsible bidder of three - Southwest International Trucks - Not to exceed \$85,741 - Financing: 2003 Equipment Acquisition Contractual Obligation Notes **[05-1468; APPROVED]**

CONSENT AGENDA (Continued)

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES (Continued)

17. Authorize a forty-eight-month price agreement for anthracite filter media to be used in the water purification process with the lowest responsible bidder of three - New Life Environmental, Inc. dba Spartan Filtration - Not to exceed \$669,089 - Financing: Water Utilities Current Funds **[05-1469; APPROVED]**
18. Authorize a thirty-six-month price agreement for anhydrous ammonia to be used in the water disinfecting process with the lowest responsible bidder of two - LaRoche Industries, Inc. - Not to exceed \$1,605,600 - Financing: Water Utilities Current Funds **[05-1470; APPROVED]**
19. Authorize a twenty-four-month price agreement for methanol to be used at the Southside Wastewater Treatment Plant with the lowest responsible bidder of three - Buckley Oil Company - Not to exceed \$994,400 - Financing: Current Funds **[05-1471; APPROVED]**
20. Authorize the purchase of various radio tower parts to improve the clarity of the WRR radio broadcast from the only bidder - Dielectric Communications - Not to exceed \$155,135 - Financing: WRR Capital Construction Funds **[05-1472; APPROVED]**

RATIFICATION OF EMERGENCY REPAIRS

21. Ratify emergency repairs to the 96-inch water main between the East Side Water Treatment Plant and the Jim Miller Pump Station and authorize an increase in the contract with John Burns Construction Company of Texas, Inc. for the repairs – \$486,851, from \$5,570,666 to \$6,057,517 - Financing: Water Utilities Capital Improvement Funds **[05-1473; APPROVED AS AN INDIVIDUAL ITEM]**

MISCELLANEOUS

22. Authorize a public hearing to be held on May 25, 2005 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 **[05-1474; APPROVED AS INDIVIDUAL ITEM]**
23. Authorize (1) a public hearing to be held on May 25, 2005 to receive citizens' comments on re-adopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with State law, and at the close of the public hearing, (2) consideration of the re-adoption of Chapter 12 of the Dallas City Code - Financing: No cost consideration to the City **[05-1475; APPROVED]**

CONSENT AGENDA (Continued)

MISCELLANEOUS (Continued)

24. Authorize application for the continuation of the Commercial Auto Theft Interdiction Squad grant in the amount of \$484,994 to provide a specialized proactive automobile theft program from the Texas Automobile Theft Prevention Authority, for the period September 1, 2005 through August 31, 2006 (local match in the amount of \$72,528, or 7.4% of all expenses, will be required if awarded and in-kind contributions in the amount of \$485,285 will be contributed by the Dallas Police Department) - Financing: This action has no cost consideration to the City **[05-1476; APPROVED]**
25. Authorize (1) the application for and acceptance of the "Click It or Ticket" Overtime Enforcement grant in the amount of \$77,000 from the Texas Department of Transportation for a seat belt enforcement initiative for the period of May 23, 2005 through June 5, 2005, (2) a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$21,729, and (3) execution of the grant agreement - Total not to exceed \$98,729 - Financing: Current Funds (\$21,729) and Texas Department of Transportation Grant Funds (\$77,000) **[05-1477; APPROVED]**

PUBLIC HEARINGS AND RELATED ACTIONS

ZONING CASES - CONSENT [05-1478]

26. An application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern on property zoned an IR Industrial Research District, on the east side of Emerald Lane, south of Crown Boulevard
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewal for additional two-year periods, subject to a site plan and conditions
Z034-290(RB) [05-1479; ORDINANCE 25970; CPC RECOMMENDATION FOLLOWED]
27. A City Plan Commission authorized hearing to determine proper zoning on property zoned an R-7.5(A) Single Family District, an R-5(A) Single Family District, an MF-2(A) Multifamily District, an MH(A) Manufactured Home District, a CR Community Retail District and Planned Development District No. 694 for a Community Center with consideration given to an R-5(A) Single Family District in an area bounded by Simpson Stuart Road, Lancaster Road, Givendale Road, Barbee Boulevard, Persimmon Road and Tracy Road and an ordinance granting an R-5(A) Single Family District on a portion on the property
Recommendation of Staff and CPC: Approval, of an R-5(A) Single Family District on that area described as being bounded by and including properties on either side of Kemrock Drive, Tracy Road and Kavasars Drive and the frontage on the north side of Simpson Stuart Road between Tracy Road and Blunter Street currently zoned an R-7.5(A) Single Family District exclusive of Planned Development District No. 694 for a Community Center with no change for the remainder of the area
Z034-319(MF) [05-1480; ORDINANCE 25971; CPC RECOMMENDATION FOLLOWED]

ZONING CASES - CONSENT (Continued)

28. An application for and an ordinance granting an amendment to, and an expansion of, Planned Development District No. 368 for a private school and child-care facility and an ordinance terminating Specific Use Permit No. 1061 for a private school and child-care facility on property zoned Planned Development District No. 368 and an R-16(A) Single Family District, on the south side of Churchill Way, east of Preston Road
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions and approval of the termination of SUP No. 1061
Z045-147(WE) [05-1481; **ORDINANCE 25972; CPC RECOMMENDATION FOLLOWED**]
29. An application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned a TH-3(A) Townhouse District, on the northwest side of Ryan Road, southwest of Garapan Drive
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions
Z045-186(DW) [05-1482; **ORDINANCE 25973; CPC RECOMMENDATION FOLLOWED**]
30. An application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple-family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, and a resolution terminating the existing deed restrictions, and a resolution accepting new deed restrictions volunteered by the applicant providing for access to the Katy Trail, on property zoned a P Parking Subdistrict within Planned Development District No. 193 located on the northwest side of Buena Vista Street, southwest of Fitzhugh Avenue with consideration given to an MF-2 Multiple-family Subdistrict in Planned Development District No. 193
Recommendation of Staff: Approval of an MF-2 Multiple-family Subdistrict subject to deed restrictions volunteered by the applicant in lieu of the requested Planned Development Subdistrict for MF-2 Multiple-family Uses
Recommendation of CPC: Approval, subject to a development plan, conditions, and new deed restrictions volunteered by the applicant and approval of the termination of existing deed restrictions
Z045-188(DW) [05-1483; **ORDINANCE 25974; CPC RECOMMENDATION FOLLOWED**]

ZONING CASES - INDIVIDUAL

31. A City Plan Commission authorized hearing to determine proper zoning on property zoned an MF-2(A) Multifamily District with consideration given to a Single Family District, on property northwest of Live Oak between Munger Avenue and Ross Avenue and an ordinance granting an R-7.5(A) Single Family District on a portion of the area
Recommendation of Staff: No change to existing zoning on lots west of Matilda Street and on lots fronting on the south side of Ross Avenue and the approval of an R-5(A) Single Family District on the remainder of the area, or consideration given to authorizing a public hearing to consider a D(A) Duplex District on this portion of the request area
Recommendation of CPC: No change to existing zoning for properties in the northwest portion of the area, and approval of an R-7.5(A) Single Family District for the remainder of the area
Z045-143(DW) [05-1484; HEARING CLOSED; DENIED]

ZONING CASES - DALLAS INDEPENDENT SCHOOL DISTRICT

32. An application for and an ordinance granting a Planned Development District for a public school other than an open-enrollment charter school and R-16(A) Single Family District uses on property zoned an R-16(A) Single Family District, on the east side of Hedgeway Drive between Killon Drive and Walnut Hill Lane
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z045-180(WE) [05-1485; ORDINANCE 25975; CPC RECOMMENDATION FOLLOWED]
33. An application for and an ordinance granting an RR Regional Retail District on property zoned Planned Development District No. 579 for a bus fueling station and light service facility, on the southeast corner of Lancaster Avenue and Ninth Street
Recommendation of Staff and CPC: Approval
Z045-182(WE) [05-1486; CONTINUED UNTIL 06/08/05; HEARING OPEN]

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

34. 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 Multiple 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 subject to new deed restrictions volunteered by the applicant and approval of the termination of existing deed restrictions
Z034-327(DW) [05-1487; ORDINANCE 25976; CPC RECOMMENDATION FOLLOWED]
Note: This item was considered by the City Council at public hearings on February 9 and 23, March 9, and April 13, 2005, where the public hearing was closed with instructions for the case to be readvertised for a public hearing on May 11, 2005.

DEVELOPMENT CODE AMENDMENTS

35. Consideration of and an ordinance granting an amendment to Chapters 51 and 51A of the Dallas Development Code to establish appropriate standards for single family accessory structures
Recommendation of Staff and CPC: Approval
DCA 045-005 [05-1488; ORDINANCE 25977; CPC RECOMMENDATION FOLLOWED]

FLOODPLAIN APPLICATION

36. A public hearing regarding the application for a fill permit and removal of the floodplain (FP) prefix from 1.66 acres of land, zoned R-16 for single family development, currently in the 100-year floodplain of White Rock Creek located at 6500 Spring Valley Road - Fill Permit 05-02 - Financing: No cost consideration to the City **[05-1489; HEARING CLOSED]**

MISCELLANEOUS HEARINGS

37. A public hearing to receive citizens' comments in preparation of the FY 2005-06 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City **[05-1490; HEARING CLOSED]**

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

Note: Item nos. 38 and 39

Private Sale of Unimproved Properties must be considered collectively.

38. * A public hearing to receive citizens' comments on the proposed private sale by quitclaim deed of 3 unimproved properties acquired by the taxing authorities from the Sheriff's Sale to The 2000 Roses Foundation, Inc. and Light Economic and Development, Inc., qualified non-profit organizations (list attached) - Financing: No cost consideration to the City **[05-1491; HEARING CLOSED]**
39. * Authorize the private sale, as provided for by Section 34.015 of the Texas Property Tax Code by quitclaim deed of 3 unimproved properties acquired by the taxing authorities from a Sheriff's Sale to qualified non-profit organizations (list attached) - Revenue: \$3,000 **[05-1491; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

40. 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) **[05-1492; APPOINTMENTS MADE TO BOARDS]**
41. Appointment of members to the DART Board (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A) (List of nominees is available in the City Secretary's Office) **[05-1493; NO APPOINTMENTS MADE]**
42. Authorize a new resolution in support of Texas Department of Housing and Community Affairs award of 4% Low Income Housing Tax Credits and tax-exempt bonds for the new construction of St. Augustine Estates senior multifamily development to be located at the northeast corner of Bruton Road and St. Augustine - Financing: No cost consideration to the City **[05-1494; APPROVED]**

ITEMS FOR FURTHER CONSIDERATION

43. Authorize (1) a public hearing to be held on June 8, 2005 to receive citizens' comments to consider the creation of a tax increment financing reinvestment zone for the Deep Ellum area (Deep Ellum TIF District) under the authority of 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 creating the Deep Ellum TIF District - Financing: No cost consideration to the City **[05-1495; POSTPONED UNTIL 06/08/05]**
44. Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with the Texas Department of Transportation for the construction of IH 20 frontage roads from Bonnie View Road to J.J. Lemmon Road - Financing: No cost consideration to the City **[05-1496; APPROVED]**

ADDENDUM

ADDITIONS:

1. Approval of Minutes of the April 13, 2005 City Council Meeting **[05-1497; APPROVED]**

Closed Session **[05-1498; CLOSED SESSION HELD]**

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

- Erubial Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- Yvonne Gwyn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K
- 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
- Legal issues related to James, et al. v. City of Dallas, Case No. 3:98-CV-00436 (N.D. Tex.); and Bell et al. v. City of Dallas, Consol. Case No. 3:95-CV-00383 (N.D. Tex.) and Appellate Case No. 4-10818 (5th Cir.), and related matters

CONSENT ADDENDUM

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

2. Authorize a twelve-month price agreement for the installation of full body auto decal sets for Police patrol cars with the lowest responsible bidder of three - Chroma-Tone, Inc. - Not to exceed \$75,984 - Financing: Current Funds **[05-1499; APPROVED AS AN INDIVIDUAL ITEM]**

RATIFICATION OF EMERGENCY PURCHASE

3. Ratify an emergency purchase of approximately 272 feet of 96-inch pipe to repair a water main located between the East Side Water Treatment Plant and the Jim Miller Pump Station - Hanson Pipe & Products - Not to exceed \$225,670 - Financing: Water Utilities Capital Improvement Funds **[05-1500; APPROVED]**

MISCELLANEOUS

4. Authorize the issuance of tax-exempt financing by the Manvel Cultural Educational Facilities Finance Corporation in an amount not to exceed \$7,250,000 for the acquisition of a 4.66 acre tract of land located at the northwestern corner of the intersection of Field Street and Woodall Rodgers Freeway for cultural facilities for the Dallas Museum of Natural History Association - Financing: No cost consideration to the City **[05-1501; APPROVED]**

ADDENDUM

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

ZONING CASES - CONSENT

5. An application for and an ordinance granting an R-5(A) Single Family district on property zoned Planned Development district No. 304 for a police training facility and water storage and utilities, generally located on the northwest corner of the intersection of Interstate Highway 20 and Interstate Highway 45, east of J. J. Lemmon Road
Recommendation of Staff and CPC: Approval
Z034-250(DC) [05-1502; ORDINANCE 25978; CPC RECOMMENDATION FOLLOWED]

ITEMS FOR INDIVIDUAL CONSIDERATION

6. Authorize payment to Design Professionals Insurance Company for the legal services of Capshaw, Goss, Bowers, L.L.P. related to the lawsuit styled Bencor Corporation of America Foundation Specialist, et al. v. Manhattan Construction Company, Inc. v. Austin Commercial, Inc., Cause No. 3:03-CV-2821-M involving a construction claim related to the Dallas Convention Center Expansion and Renovation 2002 Project - Not to exceed \$250,000 - Financing: Convention Center Revenue Contingency Funds [05-1503; APPROVED]
7. Authorize (1) settlement of the lawsuit styled Bencor Corporation of America Foundation Specialist, et al. v. Manhattan Construction Company, Inc. v. Austin Commercial, Inc., Cause No. 3:03-CV-2821-M involving a construction claim related to the Dallas Convention Center Expansion and Renovation 2002 Project; (2) payment to Manhattan Construction Company, Inc. for the city's contribution towards the settlement of this lawsuit in an amount not to exceed \$2,077,188; (3) release of the previously authorized remaining contract balance of \$858,976 to Manhattan Construction Company, Inc., pursuant to the terms of the settlement agreement; and (4) an increase in appropriations in an amount not to exceed \$2,077,188 in the Convention Center Revenue Contingency Funds - Total not to exceed \$2,077,188 - Financing: Convention Center Revenue Contingency Funds [05-1504; APPROVED]
8. An ordinance amending Chapter 18 of the Dallas City Code to lower the allowed height at which vegetation may project over sidewalks from 15 feet to 8 feet above the ground - Financing: No cost consideration to the City (via Mayor Miller) [05-1505; ORDINANCE 25979; APPROVED]