

AGENDA
CITY COUNCIL MEETING
MAY 25, 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) **[05-1550]**

Agenda Item/Open Microphone Speakers **[05-1551]**

VOTING AGENDA

1. Approval of Minutes of the May 11, 2005 City Council Meeting **[05-1552; NOT READY]**

CONSENT AGENDA **[05-1553]**

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Engineering and Architectural Contracts

2. Authorize a professional services contract with Leo A. Daly Company for architectural and engineering services for the design of the replacement Walnut Hill Branch Library located at the corner of Webb Chapel Road and El Centro Drive - \$435,796 - Financing: 2003 Bond Funds **[05-1554; APPROVED]**

CONSENT AGENDA (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Engineering and Architectural Contracts (Continued)

3. Authorize a professional services contract with Meyer Scherer & Rockcastle, Ltd. for architectural and engineering services for the design of the replacement Casa View Branch Library located at 11221 Lockwood Boulevard - \$453,138 - Financing: 2003 Bond Funds **[05-1555; APPROVED]**
4. Authorize a professional services contract with Camp Dresser & McKee, Inc. to provide engineering services and construction administration for filter expansion to the existing facilities at the Central Wastewater Treatment Plant - \$2,527,981 - Financing: Water Utilities Capital Improvement Funds **[05-1556; APPROVED]**

Authorization of Contracts

5. Authorize a contract with David Hickman to fabricate and install an exterior kinetic sculpture at the Timberglen Library located at 18505 Midway - Not to exceed \$40,926 - Financing: 2003 Bond Funds **[05-1557; APPROVED]**
6. Authorize a contract for alley paving, and water and wastewater main improvements on the alley between N. Bishop Avenue and Haines Avenue from Neely Street to Canty Street - Artco/Gotek Joint Venture, lowest responsible bidder of eight - \$54,175 - Financing: 2003 Bond Funds **[05-1558; APPROVED]**
7. Authorize a contract for the construction of water and wastewater mains and large water valve replacements at various locations (list attached) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of two - \$5,947,441 - Financing: Water Utilities Capital Improvement Funds **[05-1559; APPROVED]**

Construction Miscellaneous

8. Authorize approval for the use of Special Incentive Provisions to provide incentives for the use of low emission diesel fuel and the use of non-road diesel equipment utilizing engines meeting certification standards established by the Environmental Protection Agency, California Air Resources Board or Texas Commission on Environmental Quality on contracted City construction projects, to assist in attaining compliance with the Federal Clean Air Act - Financing: This action has no cost consideration to the City **[05-1560; APPROVED]**

LAND ACQUISITION

9. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 5 street easements containing a total of approximately 47,122 square feet of land located near Wheatland and Houston School Roads for the widening of Houston School Road (list attached) - \$93,588 - Financing: 2003 Bond Funds **[05-1561; APPROVED]**

CONSENT AGENDA (Continued)

LAND MISCELLANEOUS

10. A resolution declaring 3 tracts of City-owned land unwanted and unneeded and authorizing their sale by sealed bid (list attached) - Financing: No cost consideration to the City **[05-1562; APPROVED]**
11. A resolution authorizing the sale of approximately 7,307 square feet of unwanted and unneeded City-owned land located at the intersection of 6th Street and Jefferson Boulevard to the highest bidder, Marcer Investments, LLC - Revenue: \$25,000 **[05-1563; APPROVED]**
12. An ordinance abandoning a subsurface portion of Main Street to the County of Dallas, the abutting owner, containing approximately 2,864 square feet of land located near its intersection with North Market Street, and authorizing the quitclaim - Revenue: \$60,144 plus the \$20 ordinance publication fee **[05-1564; ORDINANCE 25981; APPROVED AS AN INDIVIDUAL ITEM]**
13. Authorize the quitclaim of 29 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$233,951 **[05-1565; APPROVED]**

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

14. Authorize a sixty-month price agreement for drug and alcohol testing, medical examinations and disability reviews of civilian and uniform employees and applicants with the lowest responsible bidders of ten - Med Alert Industrial Health in the amount of \$217,260 and Excel Occupational Clinics, LTD in the amount of \$881,250 - Total not to exceed \$1,098,510 - Financing: Current Funds **[05-1566; APPROVED]**
15. Authorize the purchase of police and fire dispatch communication consoles through the Federal Supply Schedule of the General Services Administration, Section 1122 of the FY 1994 National Defense Authorization Act from Bramic Creative Business - Not to exceed \$533,703 - Financing: 2003 Urban Area Security Initiative II Grant Funds **[05-1567; APPROVED]**
16. Authorize a twelve-month price agreement for steel and aluminum with the lowest responsible bidder of two - Garland Steel, Inc. - Not to exceed \$837,337 - Financing: Current Funds (\$484,238); Water Utilities Current Funds (\$353,099) **[05-1568; APPROVED]**
17. Authorize a forty-eight-month service contract for security guard services at Fair Park with the lowest responsible bidder of fifteen - Ameritex Guard Services - Not to exceed \$1,668,150 - Financing: Current Funds **[05-1569; APPROVED]**
18. Authorize a twenty-four-month price agreement for bulk cement to be used for street repairs with the lowest responsible bidders of two - Holcim (US) Inc. in the amount of \$419,297 and Concrete Accessories, Inc. in the amount of \$33,050 - Total not to exceed \$452,347 - Financing: Current Funds **[05-1570; APPROVED]**

CONSENT AGENDA (Continued)

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES (Continued)

19. Authorize a thirty-six-month price agreement for hot applied joint sealer with the lowest responsible bidder of three - Crafcot Texas, Inc. - Not to exceed \$79,407 - Financing: Current Funds **[05-1571; APPROVED]**
20. Authorize a twenty-four-month price agreement for the rental of heavy equipment for the Southside Wastewater Treatment Plant with the lowest responsible bidders of four - United Equipment Rentals Gulf, L.P. in the amount of \$1,657,128, Bane Machinery, Inc. in the amount of \$457,248, and Romco Equipment Co. in the amount of \$324,377 - Total not to exceed \$2,438,753 - Financing: Water Utilities Current Funds **[05-1572; APPROVED]**

MISCELLANEOUS

21. Authorize payment of legal fees to Tona Trollinger, Attorney at Law for legal services rendered in the lawsuit styled 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 - Total not to exceed \$28,000 - Financing: Current Funds **[05-1573; APPROVED]**
22. Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Guida, Slavich & Flores, P.C., for additional legal services necessary 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 February 6, 2004, and any other matters relating to the subject matter of this lawsuit and administrative proceeding - Not to exceed \$200,000, from \$200,000 to \$400,000 - Financing: Current Funds **[05-1574; APPROVED]**
23. Authorize settlement of the lawsuit styled Dana Brown v. Roman Diaz and City of Dallas, Cause No. 04-00895-L - \$40,000 - Financing: Current Funds **[05-1575; APPROVED]**
24. Authorize settlement of the lawsuit styled Jaqualyn Allen v. Tom Schwend, Jose Llanes and City of Dallas, et al., Civil Action No. 3:04-CV-1889-B - \$51,500 - Financing: Current Funds **[05-1576; APPROVED]**
25. Authorize a professional services contract with The Carter Law Firm, P. C. for legal services and related expenses necessary in the lawsuit styled Dora Saucedo-Falls v. David Kunkle, Randy Hampton, and City of Dallas, Civil Action No. 3:05-CV-0730-N and any other proceeding relating to the subject matter of this lawsuit - Not to exceed \$50,000 - Financing: Current Funds **[05-1577; APPROVED]**

CONSENT AGENDA (Continued)

MISCELLANEOUS (Continued)

26. An ordinance authorizing a correction to Ordinance No. 24655 for an amendment to Planned Development District No. 508 to create a new subdistrict for a community service center on the northeast corner of Toronto Street and Kingsbridge Street to correct the omission of the conceptual plan and the Exhibit A property description denoting the new tract - Z001-197 - Financing: No cost consideration to the City **[05-1578; ORDINANCE 25982; APPROVED]**

27. An ordinance waiving the extraterritorial jurisdiction of the City of Dallas in favor of the City of Grand Prairie on (1) 6.27 acres of the road right-of-way of southeast 14th Street and Hardy Road from Spur 303 to FM 1382; and, (2) 2.33 acres of the road right-of-way of Skyline Road from southeast 10th Street to southeast 14th Street - Financing: No cost consideration to the City **[05-1579; ORDINANCE 25983; APPROVED]**

28. Authorize (1) the application for and acceptance of a grant from the Federal Emergency Management Agency in the amount of \$245,000 to purchase heavy rescue apparatus; and, (2) the City's required 30% match of the total purchase in the amount of \$105,000 - Total not to exceed \$350,000 - Financing: Federal Emergency Management Agency Grant Funds (\$245,000) and Current Funds (\$105,000) **[05-1580; APPROVED]**

29. Authorize (1) the application for and acceptance of a grant from the Federal Emergency Management Agency in the amount of \$70,000 to purchase burglar bars; and, (2) the City's required 30% match of the total purchase in the amount of \$30,000 - Total not to exceed \$100,000 - Financing: Federal Emergency Management Agency Grant Funds (\$70,000) and Current Funds (\$30,000) **[05-1581; APPROVED AS AN INDIVIDUAL ITEM]**

30. Authorize the reconstruction on-site of one home in accordance with the Replacement Housing Program Statement requirements for the property located at 1502 Life Street - Not to exceed \$70,000 - Financing: 2004-05 HOME Funds **[05-1582; APPROVED]**

31. Ratify a Memorandum of Understanding between the City of Dallas, the Port of Houston Authority, and the United States Department of Transportation Maritime Administration, Intermodal Development Office to form the Agile Port System Task Force and support the development of a Dallas Agile Port System within the Dallas metropolitan region - Financing: No cost consideration to the City **[05-1583; APPROVED AS AN INDIVIDUAL ITEM]**

32. Authorize (1) the appointment of Nathan McClellan as City Treasurer; (2) the City Depository/City Treasurer's contract with Nathan McClellan, and his affiliated banking institution, Bank of America, N.A. for City depository and other banking services for a two-year period from July 1, 2005 through June 30, 2007 with an option to extend the term for an additional two years; (3) a tri-party agreement between the City, Bank of America, N.A., and The Bank of New York Trust Company, N.A. regarding collateral for City deposits; and (4) escrow/trust agreements with The Bank of New York Trust Company, N.A. - Not to exceed \$1,500,005 annually - Financing: Current Funds **[05-1584; DEFERRED UNTIL 06/08/05]**

CONSENT AGENDA (Continued)

MISCELLANEOUS (Continued)

33. Authorize a contract with U.S. Bank National Association for paying agent/registrars services for City of Dallas registered debt obligations issued between August 1, 2005 and April 30, 2008 with an option to extend the term for two years at the same rate - Not to exceed \$70,875 - Financing: Current Funds **[05-1585; APPROVED]**

PUBLIC HEARINGS AND RELATED ACTIONS

ZONING CASES - CONSENT **[05-1586]**

34. A City Plan Commission authorized hearing to determine proper zoning on property zoned an R-7.5(A) Single Family District and a small portion of Conservation District No. 1, the King's Highway Conservation District, in an area generally bounded by Interstate 30, Sylvan Avenue, Stewart Drive and Plymouth Road and an ordinance granting a Conservation District
Recommendation of Staff: Approval
Recommendation of CPC: Approval, except for the property east of Sylvan Avenue **Z034-176(NB) [05-1587; ORDINANCE 25984; APPROVED AS AMENDED]**
35. An application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an R-7.5(A) Single Family District, on the southwest corner of Skyline Drive and S.E. 14th Street and a resolution accepting deed restrictions volunteered by the applicant
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z045-123(MM) [05-1588; ORDINANCE 25985; CPC RECOMMENDATION FOLLOWED]
36. An application for and an ordinance granting a Specific Use Permit for the sale and service of alcoholic beverages in conjunction with a restaurant use on property zoned an RR-D-1 Regional Retail District with the D-1 Liquor Control Overlay, on the south line of R. L. Thornton Freeway, east of St. Francis Avenue
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions
Z045-133(RB) [05-1589; ORDINANCE 25986; CPC RECOMMENDATION FOLLOWED]
37. An application for and an ordinance granting a Planned Development District for TH-3(A) Townhouse District Uses on property zoned a CR Community Retail District, on the southeast corner of Belmont Avenue and Summit Avenue with consideration given to a TH-3(A) Townhouse District
Recommendation of Staff: Approval, of a TH-3(A) Townhouse District in lieu of the applicant's request
Recommendation of CPC: Approval, of a Planned Development District for TH-3(A) Townhouse District uses, subject to a development plan, landscape plan, and conditions
Z045-161(RB) [05-1590; ORDINANCE 25987; CPC RECOMMENDATION FOLLOWED]

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

ZONING CASES - CONSENT (Continued)

38. 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 Planned Development District No. 619 for mixed uses in an area bounded by Lane Street, Jackson Street, Browder Street and Commerce Street
Recommendation of Staff: Approval, for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and revised conditions
Recommendation of CPC: Approval, for a six-year period, subject to a site plan and conditions
Z045-184(WE) [05-1591; ORDINANCE 25988; CPC RECOMMENDATION FOLLOWED]
39. An application for and an ordinance granting a Specific Use Permit for an open enrollment charter school on property zoned an NS(A) Neighborhood Service District and an R-7.5(A) Single Family District, on the southwest corner of Ann Arbor Avenue and Fernwood Avenue
Recommendation of Staff and CPC: Approval for a three-year period, with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z045-189(MM) [05-1592; ORDINANCE 25989; CPC RECOMMENDATION FOLLOWED]
40. An application for and an ordinance granting a Specific Use Permit for the placement of fill material on property zoned Planned Development District No. 599 for MF-1(A) Multifamily District Uses, south of the south line of Clarkridge Drive, east of Clark Road
Recommendation of Staff and CPC: Approval, for a period ending one month after passage of the ordinance granting the use, subject to a site plan and conditions
Z045-193(RB) [05-1593; ORDINANCE 25990; CPC RECOMMENDATION FOLLOWED]
41. An application for and an ordinance granting a new subarea within the Area 2 portion of Planned Development District No. 316, the Jefferson Area Special Purpose District, to permit an open-enrollment charter school by Specific Use Permit, and an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school, on the north line of Twelfth Street, between Madison Avenue and Bishop Street
Recommendation of Staff and CPC: Approval of a new subarea within the Area 2 portion of Planned Development District No. 316, subject to conditions, and approval of a Specific Use Permit for an Open-enrollment charter school for a ten-year period, with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions
Z045-194(RB) [05-1594; ORDINANCES 25991 & 25992; CPC RECOMMENDATION FOLLOWED]

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

ZONING CASES - CONSENT (Continued)

42. An application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 1374 on property zoned Conservation District No. 6, the Hollywood/Santa Monica Conservation District, on the northeast corner of Tenison Memorial Road and Lindsley Drive with consideration given to amending the permitted use from a public school to an open-enrollment charter school or private school
Recommendation of Staff and CPC: Approval, subject to a site/landscape plan and conditions
Z045-151(RB) [05-1595; ORDINANCE 25993; CPC RECOMMENDATION FOLLOWED]
43. An application for an NO(A) Neighborhood Office District on property zoned an R-7.5(A) Single Family District on the southwest corner of Midway Road and Timberglen Road with consideration being given to a Planned Development District for R-7.5(A) Single Family District uses plus a library and an ordinance granting the Planned Development District
Recommendation of Staff and CPC: Approval, of a Planned Development District on a portion of the site subject to a development plan and conditions
Z045-166 (DW) [05-1596; ORDINANCE 25994; APPROVED AS AMENDED]

ZONING CASES - INDIVIDUAL

44. An application for and an ordinance granting a Specific Use Permit for a Refuse Transfer Station on property zoned an IM Industrial Manufacturing District, on the northwest side of Childs Street, northeast of Pontiac Street
Recommendation of Staff: Denial
Recommendation of CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z034-112(MF/DW) [05-1597; CONTINUED UNTIL 06/08/05; HEARING OPEN]
45. An application for a Planned Development District for TH-3(A) Townhouse District uses on property zoned a D(A) Duplex District, south of Winton Street, north of Ellsworth Avenue and west of McMillian Drive
Recommendation of Staff: Approval, subject to a conceptual plan and conditions
Recommendation of CPC: Denial
Z045-140(MM) [05-1598; DENIED WITHOUT PREJUDICE]
46. An application for a Planned Development Subdistrict for MF-3 Multiple-family Subdistrict uses on property zoned an MF-2 Multiple-family Subdistrict, within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west line of Cole Avenue, between Hester Avenue and Monticello Avenue
Recommendation of Staff and CPC: Denial
Z045-141(WE) [05-1599; DELETED ON THE ADDENDUM]

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

SIGN CODE AMENDMENTS - INDIVIDUAL

47. A proposal to consider amendments to the Downtown Special Provision Sign District to (1) renew and amend the "Supergraphic" provisions set to expire on September 12, 2005; (2) create additional categories of signs; and (3) consider additional amendments
Recommendation of Staff: Approval
Recommendation of CPC: Approval of renewal of, and amendments to, the supergraphic provisions of the Downtown Special Provision Sign District
SPSD 045-005 [05-1600; ORDINANCE 25995; APPROVED AS AMENDED]
48. A proposal to consider amendments to the Deep Ellum/Near East Side Special Provision Sign District to renew and amend the Wallscape Sign provisions, set to expire on July 1, 2005, which allow wallscape signs to be placed on buildings greater than 80 feet in height
Recommendation of Staff and CPC: Approval
SPSD 045-007 [05-1601; ORDINANCE 25996; CPC RECOMMENDATION FOLLOWED]

MISCELLANEOUS HEARINGS

Comcast of Dallas, L.P., dba Comcast

49. * A public hearing to receive citizens' comments regarding the establishment of approved basic service tier and equipment rates for cable television services provided by Comcast of Dallas, L.P., dba Comcast - Financing: No cost consideration to the City **[05-1602; HEARING CLOSED]**
50. * An ordinance establishing maximum rates to be charged by Comcast of Dallas, L.P., dba Comcast, for basic service tier, installation, and equipment - Financing: No cost consideration to the City **[05-1602; ORDINANCE 25997; APPROVED]**
51. A public hearing to receive citizens' comments, and an ordinance 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-sponsored youth programs in compliance with State law - Financing: No cost consideration to the City **[05-1603; ORDINANCE 25998; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

52. 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) **[05-1604; APPOINTMENTS MADE TO BOARDS]**
53. 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) **[05-1605; APPOINTMENT MADE TO DART BOARD]**

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

54. Authorize hardship relief for property located at 2445 West Northwest Highway from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City **[05-1606; DENIED]**
55. Authorize hardship relief for property located at 3027 West Northwest Highway from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City **[05-1607; DENIED]**

Southport Center

Note: Item Nos. 56 and 57 must be considered collectively.

56. * Authorize a real property tax abatement agreement with The Dallas Morning News, L.P. for the purpose of granting a ten-year abatement of 90 percent of the taxes on added value to the real property for the development of Phase I, a 110,000 square foot building, and Phase II, a 207,000 square foot building, at Southport Center in Enterprise Zone 3 - Revenue: First year tax revenue estimated at \$4,102; ten-year tax revenue estimated at \$283,345 (Estimated revenue forgone for ten-year abatement is \$2,550,113) **[05-1608; APPROVED]**
57. * Authorize an infrastructure cost participation agreement with The Dallas Morning News, L.P. for public infrastructure to support the development of Phase I, a 110,000 square foot building, and Phase II, a 207,000 square foot building, at Southport Center in Enterprise Zone 3, in an amount up to 50 percent for the public improvements which will be publicly bid - Not to exceed \$1,300,000 - Financing: 1998 Bond Funds **[05-1609; APPROVED]**
58. Authorize an amendment to Resolution No. 05-1225, previously approved on April 13, 2005, to change the affordability from 126 of the units at 50% and below Area Median Family Income (AMFI) and 125 of the units at 60% and below AMFI to 251 of the units at 60% and below AMFI, in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the rehabilitation of 155 units for seniors and the new construction of 96 units for families for a total of 251 units called the Providence at UT Southwestern (now known as Providence Mockingbird) multifamily development to be located at 1893 West Mockingbird Lane - Financing: No cost consideration to the City **[05-1610; APPROVED]**

ITEMS FOR FURTHER CONSIDERATION

59. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of a tract of land containing approximately 74,216 square feet of land located near the intersection of Walnut Hill and Coppedge Lanes from John E. Wimberley for Fire Station 35 Replacement project - \$480,000 - Financing: 2003 Bond Funds **[05-1611; APPROVED]**

ADDENDUM

ADDITIONS:

Closed Session **[05-1612; CLOSED SESSSION HELD]**

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

- Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K
- Erubiel Cruz, et al. V. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- Yvonne Gywn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K
- Victor Alvarado DeLeon v. City of Dallas, et al., Cause No. 3:02-CV-1097-K
- Jaime Chavez, et al. v. Mark DeLaPaz, et al., Cause No. 3:04-CV-0510-K
- Joy Everett & Patrick Grogan v. David Larsen, et al., Cause No. 3:04-CV-0192-K

Personnel (Section 551.074 T.O.M.A.)

- Discussion regarding the appointment, employment, duties and evaluation of Interim City Attorney, Thomas P. Perkins, Jr.

Briefing **[05-1613; BRIEFING NOT HELD]**

Discussion of City Attorney search and appointment

CONSENT ADDENDUM

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

1. Authorize a thirty-six-month price agreement for emergency lights, parts and audible warning devices for emergency response equipment with the lowest responsible bidders of eight, G.T. Distributors, Inc. in the amount of \$232,328, Wistol Supply, Inc. in the amount of \$145,388, Earl Owen Company, Inc. in the amount of \$57,600, Midway Auto Supply, Inc. in the amount of \$17,040, and Cop Stuff in the amount of \$49,820 - Total not to exceed \$502,176 - Financing: Current Funds **[05-1614; APPROVED]**

RATIFICATION OF EMERGENCY REPAIRS

2. Ratify emergency repairs to the electrical chiller starter in the Plant One mechanical room at the Dallas Convention Center - Alman Construction Services, L.P. - \$62,237 - Financing: Convention and Event Services Capital Construction Funds (\$31,119 to be reimbursed by CNA Insurance Company, Inc.) **[05-1615; APPROVED AS AN INDIVIDUAL ITEM]**

ADDENDUM

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS

3. Authorize the event plan for a possible major sports celebration in honor of the Dallas Mavericks, on or about June 20, 2005, in accordance with "A Policy Statement for Major Sports Celebrations" previously approved on December 8, 1993 by Resolution No. 93-4570 - Financing: No cost consideration to the City **[05-1616; DELETED]**
4. Authorize a three-fiscal-year settlement agreement for full payment of Emergency 9-1-1 Phase I and Phase II location implementation, maintenance fees, and release of further obligations by the City for future payment - Cingular Wireless, Inc. - \$2,999,878 - Financing: Current Funds (subject to annual appropriations) **[05-1617; REFER TO THE FINANCE & AUDIT COMMITTEE]**
5. An ordinance amending Chapter 30 of the Dallas City Code to **(1)** clarify and strengthen the City's noise regulations, **(2)** add regulations for automobile noise and vibrations, **(3)** regulate hours for construction activities; and, **(4)** create restrictions on the idling of commercial vehicles - Financing: No cost consideration to the City **[05-1618; DEFERRED UNTIL 06/08/05]**
6. An ordinance amending in its entirety Chapter 17 of the Dallas City Code to adopt the Texas Food Establishment Rules published by the Texas Department of State Health Services, with local amendments; and to repeal obsolete City regulations relating to codeine preparations - Financing: No cost consideration to the City **[05-1619; POSTPONE UNTIL 06/08/05]**
7. Authorize a task agreement that modifies the previously executed cooperative agreement with the United States Department of Interior National Park Service to assist communities impacted by brownfields and other derelict land issues to improve their quality of life and encourage economic regeneration through the development and stewardship of park land, recreation areas, nature reserves, trail systems and other environmental improvements - Financing: This action has no cost consideration to the City **[05-1620; APPROVED]**

ADDENDUM

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

ZONING CASES - INDIVIDUAL

8. An application for and an ordinance granting an amendment to Planned Development District No. 311 for a Nursing Home, Retirement Housing, Office, Medical Clinic and Convalescent and Nursing Home, Hospice Care and Related Institutions on property south of Northwest Highway, west of West Lawther Road, north of Mockingbird Lane, and east of Brentcove Circle
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan and conditions
Z034-316 (MM) [05-1621; ORDINANCE 25999; CPC RECOMMENDATION FOLLOWED]

ITEMS FOR INDIVIDUAL CONSIDERATION

9. A resolution appointing Mary K. Suhm as City Manager of the City of Dallas, and authorizing the City Manager's contract **[05-1622; APPROVED]**
10. An ordinance amending Chapters 51 and 51A of the Dallas City Code to encourage developers to dedicate the escarpment zone under their control to the City of Dallas as park land and to better define erosion control measures, and to clarify the roles of various departments with respect to development adjacent to the escarpment zoned areas - Financing: No cost consideration to the City **[05-1623; ORDINANCE 26000; APPROVED]**
11. An ordinance amending Chapters 51 and 51A of the Dallas City Code, providing for municipal setting designations to prohibit use of groundwater in areas designated as contaminated - Financing: No cost consideration to the City **[05-1624; ORDINANCE 26001; APPROVED]**
12. Authorize the City Manager to negotiate a comprehensive agreement with the Dallas Center for the Performing Arts Foundation for the development and operation of a first-class multi-venue performing arts complex consisting of the Winspear Opera House, the Wyly Theater, the Grand Plaza, a 600-space underground parking garage, Annette Strauss Artist Square and supporting infrastructure - Financing: No cost consideration to the City **[05-1625; APPROVED AS AMENDED]**
13. Authorize an amendment to the 2005 City Council Calendar to cancel Council Committee Meetings previously scheduled for June 20, 2005 and June 27, 2005 - Financing: No cost consideration to the City **[05-1626; APPROVED]**

ADDENDUM

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

One Arts Plaza

Note: Item Nos. 14, 15, & 16 must be considered collectively.

14. * Authorize a tax abatement with Billingsley Arts Partners, Ltd. and 7-Eleven, Inc. at One Arts Plaza downtown in the northeast corner of the expanded Arts District for the purpose of granting a ten-year abatement of 90 percent of the taxes on the value of commercial real property improvements - Revenue: First year tax revenue estimated at \$37,200; ten-year revenue estimated at \$372,000 (Estimated revenue foregone for ten-year abatement is \$3,352,000) **[05-1627; APPROVED]**
15. * Authorize an economic development grant agreement with Billingsley Arts Partners, Ltd. and 7-Eleven, Inc. in a total amount not to exceed \$1,450,000 pursuant to Public/Private Partnership Program guidelines and criteria - \$250,000 (first year) - Financing: Public/Private Partnership Funds (\$1,200,000 subject to future annual appropriations) **[05-1628; APPROVED]**
16. * Authorize a fifteen-year economic development grant agreement based on added value to real property located at One Arts Plaza with Billingsley Arts Partners, Ltd. and 7-Eleven, Inc. pursuant to Public/Private Partnership Program guidelines and criteria - \$200,000 (Estimated first year funding for Chapter 380 grant in 2008) - Financing: Public/Private Partnership Funds (subject to future annual appropriations) **[05-1629; APPROVED]**

DELETION:

46. An application for a Planned Development Subdistrict for MF-3 Multiple-family Subdistrict uses on property zoned an MF-2 Multiple-family Subdistrict, within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west line of Cole Avenue, between Hester Avenue and Monticello Avenue
Recommendation of Staff and CPC: Denial
Z045-141(WE) [05-1599]