

**REVISED**

**AGENDA  
CITY COUNCIL MEETING  
WEDNESDAY, DECEMBER 13, 2006  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TX 75201  
9:00 A.M.**

**REVISED ORDER OF BUSINESS**

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m.      **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

**OPEN MICROPHONE**

**MINUTES**

Item 1

**CONSENT AGENDA**

Items 2 - 62

**CONSENT ADDENDUM**

Items 1 - 26

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:30 a.m.

Items 86 - 87  
Addendum Items 29 - 35

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 63 - 85  
Addendum Items 27 - 28

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.

**ADDENDUM  
CITY COUNCIL MEETING  
DECEMBER 13, 2006  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A.M.**

ADDITIONS:

Closed Session

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

- City of Coppell, Texas v. CB Parkway Business Center VI, Ltd. and Trammell Crow Company No. 43, Ltd., Cause No. 05-15940-C; City of Coppell, Texas, Coppell Independent School District v. CB Parkway Business Center VI, Ltd and Trammell Crow Company No. 43, Ltd., Cause No. 06-05249-C; Coppell Independent School District v. CB Parkway Business Center VI, Ltd., Cause No. 05-15967-E; In re City of Coppell, Texas, Cause No. 05-06-01462-CV; City of Dallas v. Doug Stover; Tim Brancheau; Jayne Peters; Briana Hinijosa-Flores; Marsha Tunnel; Billy Faugh; Thom Suhy; and Bill York; each in their respective individual capacity and official capacity as a member of the City Council of the City of Coppell, Cause No. 06-04617-J; City of Dallas v. Kathie Gautille, Cindy Warner, Bennett Ratliff, Susie Kemp, David Apple; Mike Arthur; Scott Orr; each in their respective individual capacity and official capacity as a member of the Coppell Independent School District Board of Trustees, Cause No. 05-06-01504-CV; City of Coppell v. CB Parkway Business Center, et al., Cause No. 05-06-00711-CV
- Jason Webb v. City of Dallas, Texas, Appeal No. 05-05-01621-CV
- City of Dallas v. Margaret Thompson, Supreme Court of Texas No. 05-0787
- Terrell Bolton v. City of Dallas and Teodoro Benavides, Cause No. 05-11141
- Legal issues relating to a tract or parcel of land situated in the A.J. Mannin Survey, Abstract 948, and being a part of Block 5623, City of Dallas, Dallas County, Texas, improved with a two level parking garage commonly known as the Preston Center Parking Garage
- Legal issues involving police retention pay
- Legal issues concerning professional services contract with Spiegel and McDiarmid

**ADDENDUM  
CITY COUNCIL MEETING  
DECEMBER 13, 2006**

ADDITIONS: (Continued)

CONSENT ADDENDUM

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Engineering and Architectural Contracts

1. Authorize a professional services contract with Walter P. Moore and Associates, Inc. for the design of street improvements for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue - \$176,195 - Financing: 2003 Bond Funds (\$158,335); Water Utilities Capital Improvement Funds (\$17,860)

Contract Amendments

2. Authorize an increase in the contract with CORE Construction, Inc., to provide for the relocation of water and wastewater lines for the South Central Police Station - \$136,036, from \$10,316,949 to \$10,452,985 - Financing: 2003 Bond Funds
3. Authorize an increase in the contract with AUI Contractors, L.P. for the construction of pavement repair for the Dallas Center for the Performing Arts, utility infrastructure improvements, Phase 1 - Not to exceed \$217,375, from \$2,189,863 to \$2,407,238 - Financing: 2003 Bond Funds
4. Authorize **(1)** an increase in the contract with Satterfield & Pontikes Construction, Inc. for the construction of the baggage claim renovation at Dallas Love Field to provide additional epoxy terrazzo flooring, installation of isolation valves in the mechanical system, escalator pit modifications, steel beam in the cart drive area, additional sidewalk demolition, and new roof drains, in the amount of \$101,605, from \$8,725,588 to \$8,827,193; and, **(2)** an increase in appropriations in the amount of \$101,605 in the Federal Aviation Administration Airport Improvement Program Grant Funds - Total not to exceed \$101,605 - Financing: Aviation Capital Construction Funds (\$25,401), Federal Aviation Administration Airport Improvement Grant Funds (\$76,204)
5. Authorize Supplemental Agreement No. 1 to the development agreement with Top Dog - Oak Cliff, LP to increase the design and construction management reimbursables for the Lake Cliff Tower facility - Not to exceed \$392,381, from \$395,175 to \$787,556 - Financing: Oak Cliff Gateway TIF District Funds

**ADDENDUM  
CITY COUNCIL MEETING  
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ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Contract Amendments (Continued)

6. Authorize **(1)** an increase in the contract with Centex Construction, LLC for exterior restoration and shell construction at 1530 and 1524 Main Street in an amount not to exceed \$387,044, from \$7,405,802 to \$7,792,846; **(2)** assignment of the contract to Dunhill 1530 Main LP for construction management; **(3)** an increase in appropriations in the amount of \$184,648 in the City Center TIF District Fund; and **(4)** a decrease in the payment to TIF Hotel, Inc. in an amount not to exceed (\$202,396) for design, reimbursables and construction management - Total not to exceed \$184,648 - Financing: City Center TIF District Funds

Construction Miscellaneous

7. Authorize approval of the recommended plan for the proposed alignment of Routh Street from North Central Expressway (IH 345/US 75) to Ross Avenue, connecting the new Central Boulevard near Deep Ellum to the downtown Arts District - Financing: No cost consideration to the City

LAND ACQUISITION

8. Authorize the deposit of a Special Commissioners' Award for acquisition from Latour Partners, L.P. of approximately 45,656 square feet of land located near the intersection of Main and St. Paul Streets for the Main Street Gardens Project - \$5,022,160 - Financing: 2003 Bond Funds (\$2,796,000), Capital Gifts and Donation Funds (\$2,226,160)
9. Authorize the deposit of a Special Commissioners' Award for acquisition from D and D Tan Enterprises, Inc. of approximately 7,401 square feet of land located near the intersection of Main and Harwood Streets for the Main Street Gardens Project - \$1,750,000 - Financing: 2003 Bond Funds (\$437,968), 1998 Bond Funds (\$1,312,032)
10. Authorize settlement in lieu of proceeding with condemnation for acquisition from James Walker of approximately 5,000 square feet of land located near the intersection of Harwood and Main Streets for the Main Street Gardens Project - \$1,500,000 - Financing: 2003 Bond Funds

**ADDENDUM  
CITY COUNCIL MEETING  
DECEMBER 13, 2006**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

LAND ACQUISITION (Continued)

11. Authorize deposit of a Special Commissioners' Award for acquisition from Malouf Ranch and Livestock Company of a permanent water easement containing approximately 14 acres and a temporary construction easement containing approximately 9 acres located in Van Zandt County for the Lake Fork Water Pipeline Project - \$80,000 - Financing: Water Utilities Capital Construction Funds
12. Authorize settlement in lieu of proceeding with condemnation of TXU Electric Delivery Company for a tract of land containing approximately 100,056 square feet located near the intersection of St. Louis Street and Park Avenue for the proposed Homeless Assistance Center Project - \$50,000 - Financing: Homeless Assistance Facilities Bond Funds

LAND MISCELLANEOUS

13. An ordinance abandoning a portion of street right-of-way and abandoning and relinquishing portions of a water and sanitary sewer easement and two utility easements to Wal-Mart Stores Texas, LP, the abutting owner, containing a total of approximately 18,710 square feet of land located near the intersection of Forest Lane and Abrams Road, and authorizing the quitclaim - Revenue: \$21,617 plus the \$20 ordinance publication fee

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

14. Authorize a sixty-month service contract, with two twelve-month renewal options and minimum annual guarantee, for the collection of delinquent fines and fees for traffic, City ordinance and state law violations, excluding parking violations, with the highest responsible bidder of two - Linebarger Goggan Blair & Sampson, LLP - Estimated Revenue: \$48,001,926
15. Authorize a sixty-month concession contract, with two twenty-four-month renewal options, for operation of utility pay stations at the West Dallas Multipurpose Center and the Martin Luther King, Jr. Community Center with the only proposer - Cliff's Check Cashing Stores, Inc. - Estimated Revenue: \$13,139

**ADDENDUM  
CITY COUNCIL MEETING  
DECEMBER 13, 2006**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS

16. Authorize Supplemental Agreement No. 3 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, Civil Action 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, which resulted in the entry of a Consent Decree in a subsequent lawsuit styled United States of America and the State of Texas v. City of Dallas, Civil Action No. 3:06-CV-0845-B, and any other matters relating to the subject matter of these lawsuits and administrative proceeding - Not to exceed \$350,000, from \$800,000 to \$1,150,000 - Financing: Current Funds
17. Authorize final payment of additional attorney fees to Daniel & Beshara, P.C., in the amount of \$92,803 and additional expert fees to Dr. Robert K. Ham, Ph.D., in the amount of \$7,538 pursuant to a Court Order Granting Plaintiffs' Motion for Attorney Fees and Expert Fees dated November 27, 2006, in the lawsuit styled Harold Cox, et al. v. City of Dallas, et al., Civil Action No. 3:98-CV-0291-H - Not to exceed \$100,341 - Financing: Current Funds
18. Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Munsch Hardt Kopf & Harr, P.C. for additional legal services needed to prepare a second follow-up report on the City's independent investigation of the "fake drug cases" - Not to exceed \$41,000, from \$100,000 to \$141,000 - Financing: Current Funds
19. Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Spiegel & McDiarmid for additional legal advice and counsel concerning aviation law matters including the Wright Amendment and related matters - Not to exceed \$187,939, from \$150,000 to \$337,939 - Financing: Aviation Current Funds
20. Authorize rescinding Resolution No. 93-4570, previously approved on December 8, 1993, which established "A Policy Statement for Major Sports Celebrations" which requires in part that the City Council authorize **(1)** the planning of the Major Sports Celebration at least 45 days prior to the event; and **(2)** the plan for a Major Sports Celebration - Financing: No cost consideration to the City
21. Authorize an Interlocal Agreement with Denton County for the reimbursement of costs associated with ambulance and related services within Denton County for the period of October 1, 2006 through September 30, 2007 - Revenue: \$11,923

**ADDENDUM  
CITY COUNCIL MEETING  
DECEMBER 13, 2006**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

22. A resolution authorizing support of a pre-application waiver for Texas Department of Housing and Community Affairs's 9% low income housing tax credit financing for the acquisition and rehabilitation of the Carolina Chase Apartments, a 166-unit residential development located at 5351 Peterson Lane - Financing: No cost consideration to the City
23. A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs's 9% low income housing tax credit financing for the acquisition and new construction of the proposed Frazier Berean 150-unit residential development for seniors located at 3326 Mingo Street - Financing: No cost consideration to the City
24. A resolution authorizing support of a pre-application waiver for Texas Department of Housing and Community Affairs's 9% low income housing tax credit financing for the acquisition and new construction of the proposed 130-unit Fiji residential development for seniors located at 201 Fran Way - Financing: No cost consideration to the City
25. Authorize post-judgment settlement of a lawsuit styled City of Dallas v. Inn at Market Center, L.P., CBP Enterprises HH, Inc., Mohamed Haque and Hira Panna Investments, Inc., Cause No. 03-07668, concerning the collection of delinquent hotel occupancy taxes, by accepting a payment of \$175,053 from defendant, Hira Panna Investments, Inc., in exchange for the City foregoing post-judgment interest and releasing the judgment lien, including the permanent injunction against Hira Panna Investments, Inc. for the hotel located at 4500 Harry Hines Boulevard - Revenue: \$175,053
26. Authorize **(1)** Supplemental Agreement No. 1 to the professional services contract with KPMG LLP for audit services of the City's financial operations and grant activities for the fiscal year ending September 30, 2005 in the amount of \$257,525, from \$460,975 to \$718,500, and **(2)** a twelve-month professional services contract with KPMG LLP to provide audit services of the City's financial operations and grant activities for the fiscal year ending September 30, 2006 in the amount of \$950,000 - Total not to exceed \$1,207,525 - Financing: Current Funds

**ADDENDUM  
CITY COUNCIL MEETING  
DECEMBER 13, 2006**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

DEVELOPMENT CODE AMENDMENTS - CONSENT

27. Consideration of amendments to Chapter 51 and 51A, the Dallas Development Code, amending Section 51-1.104.1 to forward the application provisions to Chapter 51A, amending Section 51A-1.104.1 to exempt applications for Neighborhood Stabilization Overlays and Conservation Districts from the requirements of this section to provide proof there are no delinquent taxes, fees, fines or penalties on property within the area of request and amending Section 51A-1.105 to set the property owner notification area for applications for Neighborhood Stabilization Overlays or Conservation Districts to 200 feet and an ordinance adopting the amendments  
Recommendation of Staff: Approval  
DCA 067-002

MISCELLANEOUS HEARING

28. A public hearing to receive comments on the proposed closure and possible sale of the Southern Skates Skating Rink located at 2939 E. Ledbetter, which was financed by the Department of Housing and Urban Development's Community Development Block Grant and Section 108 Funds in the amount of \$1,000,000, with no alternative use for the facility at this time - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

29. Authorize a grant agreement with Jubilee Park and Community Center Corporation, a Texas non-profit corporation, for the purchase of seven surveillance cameras to be placed at certain locations within South Dallas/Fair Park targeted census tracts - \$96,000 - Financing: South Dallas/Fair Park Development Funds
30. An ordinance amending Chapter 40B of the Dallas City Code to **(1)** prohibit secondary metals recyclers from purchasing regulated metal property from intoxicated persons; **(2)** require proof of authority to sell certain items of regulated metal property; and **(3)** update references to State law - Financing: No cost consideration to the City



**ADDENDUM  
CITY COUNCIL MEETING  
DECEMBER 13, 2006**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

**Red Light Camera Enforcement System**

**Note:** Item Nos. 31 and 32 must be considered collectively.

- 31. \* Authorize a Municipal Maintenance Interlocal Agreement with the Texas Department of Transportation to formally define the duties of each agency related to all aspects of roadway maintenance on state highways within the city limits - Financing: No cost consideration to the City
- 32. \* Authorize an amendment to the Municipal Maintenance Interlocal Agreement with the Texas Department of Transportation to authorize the City to operate red light camera enforcement systems at signals located on state highways (list attached) - Financing: No cost consideration to the City

**Note:** Item Nos. 33 and 34 must be considered collectively.

**Fiji-Compton Project**

- 33. \* Authorize **(1)** an Interlocal Agreement with the North Central Texas Council of Governments for design, right-of-way acquisition, and construction in the amount of \$2,811,986, **(2)** the receipt and deposit of funds from the North Central Texas Council of Governments in an amount not to exceed \$2,811,986, and **(3)** an increase in appropriations in the amount of \$2,811,986 in the Capital Projects Reimbursement Fund - Total not to exceed \$2,811,986 - Financing: Capital Projects Reimbursement Funds
- 34. \* Authorize **(1)** a Participation Agreement with Sphinx Development Corporation for design, right-of-way acquisition, and construction in the amount of \$3,514,983, and **(2)** payment to Sphinx Development Corporation for design of paving and drainage related infrastructure improvements - \$300,000 - Financing: 2003 Bond Funds (\$60,000), Capital Projects Reimbursement Funds (\$240,000)
- 35. A resolution authorizing an extension of Stage 1 of the Drought Contingency Plan for 120 days from October 11, 2006 to February 7, 2007 - Financing: No cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
DECEMBER 13, 2006**

CORRECTIONS:

10. Authorize an economic development loan agreement with ~~Hailu Ejigu~~ Hai Tak Enterprises, Inc. for architectural and engineering drawings, predevelopment costs, demolition and partial development financing to facilitate the construction of a mixed-use building at 5203 Bexar Street, located within the Neighborhood Investment Program Bexar Street Redevelopment Project - \$305,000 - Financing: 2005-06 Community Development Grant Reprogramming Funds
  
87. Authorize (1) a 2-month holdover period through March 31, 2007; and (2) a third amendment to the lease agreement with Maher Properties Two, Ltd. to extend the lease for approximately 48,564 square feet of land for parking and approximately 10,300 square feet of medical office space located near Ewing Avenue and Eighth Street for the continued operation of the Oak Cliff Health Clinic for the period beginning upon the leasehold completion date through no later than ~~January~~ March 31, 2014 - Not to exceed \$484,795 - Financing: Current Funds (subject to annual appropriations)

DELETIONS:

25. An ordinance abandoning a portion of Cedar Springs Road to Crescent Tower Residences, L.P., the abutting owner, containing approximately 3,511 square feet of land located near the intersection of Cedar Springs Road and Pearl Street, and authorizing the quitclaim - Revenue: \$263,325 plus the \$20 ordinance publication fee
  
34. Authorize a thirty-six-month service contract for temporary information technology professionals with the best value bidder of six - CIBER, Inc. - Not to exceed \$6,822,000 - Financing: Current Funds (subject to annual appropriations)
  
60. Authorize a forty-year contract with TXU Generation Company, LP, for untreated water service for the period January 1, 2007 through December 31, 2046 - Estimated Annual Revenue: \$2,415,208

**ADDENDUM  
CITY COUNCIL MEETING  
DECEMBER 13, 2006**

DELETIONS: (Continued)

72. A City Plan Commission authorized hearing to determine proper zoning on property zoned an R-7.5(A) Single Family District and an R-7.5(A)-MD-1 Single Family District with a Modified Delta Overlay with consideration given to incorporating into Conservation District No. 15, the Vickery Place Conservation District, the following areas: the 5400 and 5500 blocks of Bonita Avenue; 5100, 5200, 5500, and 5600 blocks of Goodwin Avenue; 5200 block of Vickery Boulevard; 5200 block of Richard Avenue; 5200 and 5600 blocks of Miller Avenue; 5200, 5500, and 5600 blocks of Willis Avenue and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval, subject to an amended Exhibit A, an amended Appendix A of Exhibit C, and an amended Appendix B of Exhibit C with the exception of 2815 Greenville Avenue, 2901 Greenville Avenue, and 5627, 5631, 5635, and 5639 Goodwin Avenue

Z056-292 (TC)

**Red Light Camera Enforcement Systems Camera Locations**  
Addendum Items #31/32

<u>Street</u>	<u>Intersection</u>	<u>Mapsco</u>	<u>Council District</u>
Marsalis	R L Thornton	55E	1
Inwood	Stemmons	34W	2
Munger	R L Thornton	46G	2
Cockrell Hill	Davis	52D	3
Illinois	R L Thornton	54U	3
Bruton	Buckner	58C	5
Buckner	Lake June	58L	5
Hampton	Ledbetter	63H	5
Harry Hines	Northwest	23X	6
Harry Hines	Walnut Hill	23J	6
Irving	Mockingbird	33X	6
Northwest	Walton Walker	22Z	6
Bruton	Second	57B	7
Buckner	John West	48C	7
Lancaster	Ledbetter	65M	8
Abrams	Northwest	26Z	9
Garland	Northwest	28Z	9
Belt Line	Preston	15B	11
Coit	L B J	16T	11
L B J	Preston	15P	11
Preston	Royal	25F	11
Dallas N Tollway	Northwest	25S	13
Inwood	L B J	14R	13
L B J	Montfort	15N	13
Central	Commerce	45L	14
Central	Lemmon	45C	14
Central	Lovers	36A	14
Harwood	R L Thornton	45R	14
Lemmon	Northwest	23Z	14
Olive	Woodall Rodgers	45F	14