

**AGENDA**  
**CITY COUNCIL MEETING**  
**MAY 10, 2006**  
**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) **[06-1360]**

Agenda Item/Open Microphone Speakers **[06-1361]**

VOTING AGENDA

1. Approval of Minutes of the April 26, 2006 City Council Meeting **[06-1362; APPROVED]**

CONSENT AGENDA **[06-1363]**

**AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS**

Engineering and Architectural Contracts

2. Authorize a professional services contract with Halff Associates, Inc. for the design of street improvements for Street Group 03-445 (list attached) - \$307,800 - Financing: 2003 Bond Funds (\$240,690), Water Utilities Capital Improvement Funds(\$67,110)**[06-1364; APPROVED]**

CONSENT AGENDA (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Engineering and Architectural Contracts (Continued)

3. Authorize a professional services contract with Hellmuth, Obata & Kassabaum, LP, for the consolidation of the approved Trinity Forest Trails Studies/Master Plans for the Trinity Forest trails and the development of design and construction documents for the Trinity Forest Trail through the Great Trinity Forest, Phase 1 - \$606,273 - Financing: 1998 Bond Funds **[06-1365; APPROVED]**

Authorization of Contracts

4. Authorize a contract for playground equipment, site furnishings and grading improvements at the recreation center at Mildred L. Dunn Park located at 3300 Carpenter - Henneberger Construction, Inc., lowest responsible bidder of two - \$164,827 - Financing: 2003 Bond Funds **[06-1366; APPROVED AS INDIVIDUAL ITEM]**
5. Authorize (1) a contract for the construction of street paving, storm drainage, water main improvements, landscape and streetscape improvements for Cityville at Southwestern Medical District, Phase I, with Davis Excavation, Inc., lowest responsible bidder of four, in an amount not to exceed \$1,376,917; (2) assignment of the construction contract to FirstWorthing or its affiliate Worthing at Motor, L.P. for construction administration; and, (3) payment to FirstWorthing or its affiliate Worthing at Motor, L.P. in an amount not to exceed \$63,083 for construction management, design, testing and street lighting - Total not to exceed \$1,440,000 - Financing: Private Funds (advance from FirstWorthing or its affiliate Worthing at Motor, L.P.) **[06-1367; APPROVED]**

Contract Amendments

6. Authorize Supplemental Agreement No. 1 to the contract with MESA Design Group for surveying, schematic design, design development, construction documents, bidding and construction administration services for the restoration and development at Reverchon Park located at 3505 Maple Avenue - \$257,267, from \$119,900 to \$377,167 - Financing: 1998 Bond Funds (\$17,121) and 2003 Bond Funds (\$240,146) **[06-1368; APPROVED]**
7. Authorize (1) an increase in the contract with AUI Contractors, L.P. for changes to the wastewater main due to unexpected field conditions in Flora Street for the Dallas Center for the Performing Arts, Phase I, Utility Infrastructure Project, in an amount not to exceed \$20,364, from \$1,989,887 to \$2,010,251; and, (2) an increase in appropriations in the amount of \$200,000 in the Performing Arts Theater Advance Fund - Total not to exceed \$200,000 - Financing: Private Funds (to be reimbursed from the proceeds of the sale of 2003 General Obligation Bonds) **[06-1369; APPROVED]**

CONSENT AGENDA (Continued)

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Contract Amendments (Continued)

8. Authorize Supplemental Agreement No. 2 to the contract with Carter and Burgess, Inc. to provide additional professional services for the revision of construction plans for Sump A dredging and culvert improvements - \$193,546, from \$1,442,161 to \$1,635,707 - Financing: Current Funds (to be reimbursed from Storm Water Drainage Management Funds) **[06-1370; APPROVED]**
9. Authorize Supplemental Agreement No. 1 to the professional services contract with Halff and Associates, Inc. for Federal Emergency Management Agency updates to provide for the development of updated hydrologic and hydraulic data and high water mark survey - \$735,500, from \$526,000 to \$1,261,500 - Financing: Current Funds (to be reimbursed from Storm Water Drainage Management Funds) **[06-1371; APPROVED]**
10. Authorize Supplemental Agreement No. 1 to the contract with Corgan Associates, Inc. for schematic design master planning services for the Dallas Center for the Performing Arts City Performance Hall - \$1,731,740, from \$491,600 to \$2,223,340 - Financing: 2003 Bond Funds **[06-1372; APPROVED]**
11. Authorize an amendment to the contract with Oscar Renda Contracting, Inc. for hydraulic construction changes and enhancements necessitated by work site changes resulting in some efficiencies at the Central Wastewater Treatment Plant - Financing: No cost consideration to the City **[06-1373; APPROVED]**

Construction Miscellaneous

12. Authorize (1) street paving, storm drainage, water and wastewater main improvements on Kirnwood Drive from east of Los Alamitos Drive to Indian Ridge Trail; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on June 14, 2006, to receive comments - Financing: This action has no cost consideration to the City **[06-1374; APPROVED]**

LAND ACQUISITION

13. Authorize the deposit of a Special Commissioners' Award for acquisition from John E. Wimberley of a tract of land containing approximately 74,216 square feet located near the intersection of Walnut Hill and Coppedge Lanes for the Fire Station No. 35 Replacement Project - \$705,000 - Financing: 2003 Bond Funds **[06-1375; APPROVED]**

CONSENT AGENDA (Continued)

LAND MISCELLANEOUS

14. A resolution authorizing the City to execute and file deed restrictions on behalf of Dallas/Fort Worth International Airport as part of the Response Action Plan required by Texas Commission on Environmental Quality - Financing: No cost consideration to the City **[06-1376; APPROVED]**
15. Authorize the quitclaim of 8 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$31,694 **[06-1377; APPROVED]**

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

16. Authorize an increase in the service contract with Texas Trane Company for the repair and replacement of electrical and heating, ventilation and air conditioning equipment at Dallas Love Field - Not to exceed \$1,000,000, from \$1,228,450 to \$2,228,450 - Financing: Aviation Current Funds (to be reimbursed from property insurance proceeds) **[06-1378; APPROVED]**
17. Authorize the purchase of three helicopters from the lowest responsible bidders of five - Bell Helicopter in the amount of \$3,752,805 and Edwards & Associates, Inc. in the amount of \$1,373,592 - Total not to exceed \$5,126,397 - Financing: Current Funds (\$326,397), 2005 Equipment Acquisition Contractual Obligation Notes (\$4,800,000) **[06-1379; APPROVED]**
18. Authorize a professional services contract to conduct a job analysis/test validation study for the Police Physical Abilities Test with the most advantageous proposer of two - Fitness Intervention Technologies - Not to exceed \$55,152 - Financing: Current Funds **[06-1380; DEFERRED UNTIL 05/24/06]**
19. Authorize a twelve-month master agreement for automobiles, heavy equipment and motorcycles with the lowest responsible bidders of six - Denton Harley Davidson in the amount of \$168,337, Sonic Lute Riley LP dba Lute Riley Honda in the amount of \$939,430, and Stewart & Stevenson in the amount of \$137,396 - Total not to exceed \$1,245,163 - Financing: 2004 Equipment Acquisition Contractual Obligation Notes (\$137,396), 2005 Equipment Acquisition Contractual Obligation Notes (\$1,081,023), Current Funds (\$26,744) **[06-1381; APPROVED AS INDIVIDUAL ITEM]**
20. Authorize a twenty-four-month master agreement for aggregates including sandy loam, crushed limestone for flexbase, calcium carbonate, sand, and gravel with the lowest responsible bidders of six - Eagle Express Truck Services, Inc. in the amount of \$3,069,831, Hanson Aggregates in the amount of \$2,580,763, Martin Marietta Materials Southwest, Ltd. in the amount of \$2,355,629, Earth Haulers, Inc. in the amount of \$1,189,624 and Estes, Inc. in the amount of \$182,185 - Total not to exceed \$9,378,032 - Financing: Current Funds (\$4,246,747), Water Utilities Current Funds (\$5,131,285) **[06-1382; DEFERRED UNTIL 05/24/06]**

CONSENT AGENDA (Continued)

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES (Continued)

21. Authorize the purchase of a replacement asphalt paver to be used for street paving, from the lowest responsible bidder of two - Romco Equipment Co. - Not to exceed \$248,092 - Financing: 2005 Equipment Acquisition Contractual Obligation Notes **[06-1383; APPROVED]**
22. Authorize a thirty-six-month master agreement for liquid oxygen and tanks with the lowest responsible bidder of two - Matheson Tri-Gas, Inc. - Not to exceed \$11,993,789 - Financing: Water Utilities Current Funds (\$7,702,000), Water Utilities Capital Construction Funds (\$4,291,789) **[06-1384; APPROVED]**

MISCELLANEOUS

23. Authorize Supplemental Agreement No. 2 to the professional services contract with The Carter Law Firm, P. C. for additional 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 \$75,000, from \$100,000 to \$175,000 - Financing: Current Funds **[06-1385; APPROVED]**
24. Authorize settlement of the lawsuit styled Rosalind M. Powell, Individually and As Next Friend of Dequante K. Jamison and Chelsey E. Jamison, Minors and Elizabeth Powell, Individually, and As Next Friend of Christopher Powell, a Minor v. City of Dallas, Cause No. CC-04-14974-A - Not to exceed \$18,000 - Financing: Current Funds **[06-1386; APPROVED]**
25. Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. for additional legal services necessary in the lawsuit styled Antonio Lamont Bradford v. City of Dallas, Dallas Police Department, John T. Nash, III and Boss, Inc., General Partner of Festigiamo, Ltd., The Bone, Civil Case No. 3:04-CV-2344-B - Not to exceed \$12,000, from \$25,000 to \$37,000 - Financing: Current Funds **[06-1387; APPROVED]**
26. An ordinance authorizing corrections to Ordinance No. 25423, previously approved on October 22, 2003, which amended Chapter 51P, Dallas Development Code: Planned Development District Regulations, of the Dallas City Code, as amended - Financing: No cost consideration to the City **[06-1388; ORDINANCE 26340; APPROVED]**
27. An ordinance authorizing a correction to Ordinance No. 25710, previously approved on August 25, 2004, which amended Chapter 51P, Dallas Development Code: Planned Development District Regulations, of the Dallas City Code, as amended - Financing: No cost consideration to the City **[06-1389; ORDINANCE 26341; APPROVED]**
28. Authorize an amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of local health services to non-Medicaid eligible clients through Title V - Not to exceed \$70,000, from \$65,363 to \$135,363 - Financing: Department of State Health Services Grant Funds **[06-1390; APPROVED]**

CONSENT AGENDA (Continued)

MISCELLANEOUS (Continued)

29. Authorize an amendment to Resolution No. 04-0764, previously approved on February 25, 2004 to delete Section 4 to allow application review fee for \$1,500 and the monitoring review fee for \$500, currently paid to the City of Dallas for multifamily development projects that apply to the Texas Department of Housing and Community Affairs, to be made payable directly to the Dallas Housing Finance Corporation effective October 1, 2006 - Estimated Revenue Loss: \$12,000 annually **[06-1391; APPROVED]**
30. Authorize an amendment to Resolution No. 05-1169, previously approved on April 13, 2005 to delete Section 3 to allow the fees paid by owners in the amount of \$1,500, currently paid to the City of Dallas for monitoring compliance on Dallas Housing Finance Corporation finance projects, to be payable directly to the Dallas Housing Finance Corporation effective October 1, 2006 - Estimated Revenue Loss: \$15,000 annually **[06-1392; APPROVED]**
31. Authorize the reconstruction on-site of a home in accordance with the Replacement Housing Program Statement requirements for the property located at 2712 Peabody Avenue - \$70,000 - Financing: 2005-06 Community Development Grant Funds **[06-1393; APPROVED]**
32. An ordinance adopting Dallas/Fort Worth International Board Resolution No. 2006-03-068, amending the Dallas/Fort Worth International Airport Construction and Fire Prevention Standards, to add Part Nine - Oil and Gas Exploration and Production and to make minor revisions to existing standards for clarification purposes - Financing: No cost consideration to the City **[06-1394; DELETED BY THE CITY MANAGER]**
33. Authorize an amendment to the list of employees who are authorized to conduct transactions for the investment of City funds in the Texas Local Government Investment Pool - Financing: No cost consideration to the City **[06-1395; APPROVED]**
34. An ordinance amending Chapter 31 of the Dallas City Code to regulate the possession of graffiti implements commonly used to deface and destroy public and private property - Financing: No cost consideration to the City **[06-1396; ORDINANCE 26342; APPROVED]**
35. Authorize application for fifth-year continuation of the Sexual Assault/Stalking Training grant from the Office of the Governor, Criminal Justice Division in the amount of \$45,000 for specialized training for victim assistance coordinators, investigators and crime scene detectives who have the responsibility to investigate sexual assault and stalking offenses in the various aspects of this type of criminal investigation for the period September 1, 2006 through August 30, 2007 (local match in an amount not to exceed \$15,000 will be required if awarded) - Financing: This action has no cost consideration to the City **[06-1397; APPROVED]**

## PUBLIC HEARINGS AND RELATED ACTIONS

### ZONING CASES - CONSENT

36. A City Plan Commission authorized hearing to determine proper zoning on property zoned an R-7.5(A) Single Family District located in the 6100 and 6200 blocks of Prospect Avenue between Alderson Street and Skillman Street, with consideration given to an ordinance adopting a conceptual plan and granting a conservation district  
Recommendation of Staff and CPC: Approval of a Conservation District and the conceptual plan Z045-172(NB) [06-1398; ORDINANCE 26343 CPC RECOMMENDATION FOLLOWED]

### ZONING CASES - INDIVIDUAL

37. 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, on property zoned an MF-2 Multiple Family Subdistrict and an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east side of McKinney Avenue, south of Hester Avenue  
Recommendation of CPC: Approval, subject to a site plan and conditions Z056-186(JH) [06-1399; ORDINANCE 26344; CPC RECOMMENDATION FOLLOWED]

### ZONING CASES - DALLAS INDEPENDENT SCHOOL DISTRICT

38. An application for and an ordinance granting a Planned Development District for a public school other than an open-enrollment charter school and R-10(A) Single Family District uses on property zoned an R-10(A) Single Family District, in an area bounded by Edgeworth Drive, Zurich Drive, Haymarket Road, and Turnbow Drive  
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions Z056-187(WE) [06-1400; ORDINANCE 26345; CPC RECOMMENDATION FOLLOWED]

### ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

39. An application for and an ordinance granting a Planned Development District for RR Regional Retail District uses plus multifamily uses on property zoned an MF-2(A) Multifamily District, on the north corner of Northwest Highway and Skillman Street  
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions Z056-135(DW)  
Note: This item was considered by the City Council at public hearings on March 8, and April 26, 2006, and was taken under advisement until May 10, 2006, with the public hearing open. [06-1401; ORDINANCE 26346; APPROVED AS AMENDED]

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARING

40. A public hearing to receive comments in preparation of the FY 2006-07 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City **[06-1402; HEARING CLOSED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

41. 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) **[06-1403; APPOINTMENT MADE TO BOARD]**
42. Authorize acceptance of a zoning application on property with delinquent taxes located at 2727 Kings Road - Financing: No cost consideration to the City **[06-1404; DELETED BY THE CITY MANAGER]**
43. Authorize a travel policy for City Councilmember travel related to furthering the economic development goals of the City of Dallas - Financing: No cost consideration to the City **[06-1405; APPROVED]**
44. An ordinance authorizing the issuance and sale of \$23,800,000 Homeless Assistance Facilities General Obligation Bonds, Series 2006; accepting the bids and awarding the sale of the bonds; approving the Preliminary Official Statement; and enacting other provisions in connection therewith - Not to exceed \$150,666 - Financing: 2006 Bond Funds - Interest Earnings **(To be considered before 12:00 noon) [06-1406; DELETED ON THE ADDEDUM]**
45. Authorize an increase in appropriations in the Office of Financial Services' budget to implement the Communication Plan for the City of Dallas - Not to exceed \$146,378, from \$12,251,251 to \$12,397,629 - Financing: Contingency Reserve Funds **[06-1407; APPROVED]**
46. Authorize an Interlocal Agreement with the Dallas/Fort Worth International Airport Board to purchase from each others contracts for goods and services when economical - Financing: No cost consideration to the City **[06-1408; APPROVED]**

ITEMS FOR FURTHER CONSIDERATION

47. Authorize the release of automatically extinguished code enforcement liens, as required by the title company on the pending real estate transaction, at 812 N. Marsalis Avenue impressed on the property between 1992 - 2002 - Financing: No cost consideration to the City **[06-1409; POSTPONED INDEFINITELY]**



**ADDENDUM  
CITY COUNCIL MEETING  
MAY 10, 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.) **[06-1410; CLOSED SESSION HELD]**

- City of Dallas v. Weir Brothers Partners, L.L.C. and Orange Crush Recyclers, Ltd., Cause No. 05-06517-J and related legal issues at 10801 Spangler Road
- Forrest Furgason, et al. v. City of Dallas, Cause No. cc-03-10069-b
- Legal issues associated with real properties at 4529 Linfield Road, 2120 Walnut Hill and 555 Ross Avenue

**CONSENT ADDENDUM**

**AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS**

**Engineering and Architectural Contracts**

1. Authorize a professional services contract with Group One/VAI Architects, LLP to provide design and the preparation of construction documents for the renovation of the Moorland Y.M.C.A. building located at 2700 Flora Street for the Dallas Black Dance Theatre - \$538,692 - Financing: 2003 Bond Funds **[06-1411; APPROVED]**

**MISCELLANEOUS**

2. Authorize a professional services contract with Benham Companies, L.L.C., for expert witness services and related litigation support necessary in the lawsuit styled Environmental Conservation Organization v. City of Dallas, Cause No. 3:03-CV-2951-M, and in the administrative proceeding initiated by the United States Environmental Protection Agency, styled Administrative Order Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-0907, issued February 6, 2004, and any other proceedings relating to the subject matter of this lawsuit and administrative proceeding - Not to exceed \$50,000 - Financing: Current Funds **[06-1412; APPROVED]**

**ADDENDUM  
CITY COUNCIL MEETING  
MAY 10, 2006**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

MISCELLANEOUS (Continued)

3. Authorize Supplemental Agreement No. 2 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 \$400,000, from \$400,000 to \$800,000 - Financing: Current Funds **[06-1413; APPROVED]**
4. Authorize settlement of an administrative proceeding initiated by the United States Environmental Protection Agency, styled Administrative Order Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-1907, issued on February 6, 2004, and any related lawsuit, by **(1)** paying the United States Government an amount of \$800,000, **(2)** agreeing to perform two Supplemental Environmental Projects, one involving the construction of wetlands in the Pavaho area of the Trinity River, to cost a minimum amount of \$675,000, and the other involving the construction of wetlands at the Dallas Zoo, to cost a minimum amount of \$525,000, and **(3)** implementing an Environmental Management System for various City facilities - Total not to exceed \$2,000,000 - Financing: Current Funds **[06-1414; APPROVED]**
5. An ordinance granting the renewal of Specific Use Permit No. 1496 for an open enrollment charter school on the southeast corner of Exchange Service Drive and Joseph Hardin Drive and a resolution accepting deed restrictions volunteered by the applicant on property to the west across Joseph Hardin Drive - Z056-122 - Financing: No cost consideration to the City **[06-1415; ORDINANCE 26347; APPROVED]**
6. A resolution opposing legislative efforts by the Texas Legislature to impose appraisal and revenue caps on local governments as an option for school finance - Financing: No cost consideration to the City **[06-1416; APPROVED]**
7. Authorize a professional services contract with The University of Texas at Arlington to implement an *ISO 9001* Quality Management System, Phase I - Not to exceed \$496,750 - Financing: Current Funds **[06-1417; APPROVED]**

**ADDENDUM  
CITY COUNCIL MEETING  
MAY 10, 2006**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

8. A resolution to approve an increase in the annual salary for Paul T. Garner, effective May 10, 2006, who has been designated to manage and supervise the daily operations of the Office of the City Auditor - \$15,385 - Financing: Current Funds **[06-1418; APPROVED]**
9. Authorize **(1)** a draft ballot proposition for the issuance of \$20,000,000 in General Obligation Bonds in the November 2006 Bond Election for economic development programs in the southern area of the city; **(2)** the initiation, if necessary to overcome objections of the State Attorney General's Office, of a validation lawsuit to seek confirmation for the proposed use of General Obligation Bond proceeds for the economic development purposes set forth in the draft ballot proposition, if approved by the voters; **(3)** the use of the professional services of Vinson & Elkins L.L.P., as counsel for the validation suit, if the suit is necessary - \$50,000 - Financing: Public/Private Partnership Funds (to be reimbursed from future bond proceeds, if authorized by voters) **[06-1419; DELETED BY THE CITY MANAGER]**
10. Authorize payments to TXU Electric Delivery for electric relocations at Bertrand Avenue at Scyene Road in the amount of \$9,668, Atmos Energy for gas relocations in the abandoned alley at Scyene Road and Bertrand Avenue in the amount of \$34,315, and Southwestern Bell for phone relocations at 3907 Bertrand Avenue in the amount of \$7,182 for the Hope Restoration Utility Project - Total not to exceed \$51,165 - Financing: 2003 Bond Funds **[06-1420; APPROVED]**

DELETION:

44. An ordinance authorizing the issuance and sale of \$23,800,000 Homeless Assistance Facilities General Obligation Bonds, Series 2006; accepting the bids and awarding the sale of the bonds; approving the Preliminary Official Statement; and enacting other provisions in connection therewith - Not to exceed \$150,666 - Financing: 2006 Bond Funds - Interest Earnings **(To be considered before 12:00 noon) [06-1406]**