

**AGENDA**  
**CITY COUNCIL MEETING**  
**JANUARY 24, 2007**  
**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) **[07-0290]**

Agenda Item/Open Microphone Speakers **[07-0291]**

VOTING AGENDA

1. Approval of Minutes of the January 10, 2007 City Council Meeting **[07-0292; APPROVED]**

CONSENT AGENDA [07-0293; APPROVED]

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Engineering and Architectural Contracts

2. Authorize a professional services contract with Halff Associates, Inc. to provide engineering services for the study, design, surveying, and construction administration support to replace water and wastewater mains at 48 locations (list attached) - \$1,573,995 - Financing: Water Utilities Capital Improvement Funds **[07-0294; APPROVED]**

CONSENT AGENDA (Continued)

## AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS (Continued)

Authorization Of Contracts

3. Authorize a contract for the reconstruction of street paving, drainage, water and wastewater main improvements for Street Reconstruction Group 03-607 (list attached) - Tiseo Paving Company, lowest responsible bidder of three - \$5,119,684 - Financing: 2003 Bond Funds (\$2,914,873), Water Utilities Capital Improvement Funds (\$2,095,327) and Water Utilities Capital Construction Funds (\$109,484) **[07-0295; APPROVED]**

Contract Amendments

4. Authorize an increase in the contract with V.A. Construction, Inc. for additional excavation and pavement quantities for the reconstruction of alley paving and storm drainage improvements for Alley Group 03-2012 (list attached) - \$30,985, from \$399,684 to \$430,669 - Financing: 2003 Bond Funds **[07-0296; APPROVED]**

Construction Miscellaneous

5. Authorize an Advanced Funding Agreement with the Texas Department of Transportation for water and wastewater main relocations in Northwest Highway from west of Lawther Drive to east of Goforth Drive - \$3,052,425 - Financing: Water Utilities Capital Improvement Funds **[07-0297; APPROVED]**
6. Authorize an Advanced Funding Agreement with the Texas Department of Transportation for a water main relocation and adjustments in Trinity Mills Road from Kelly Boulevard to Midway Road - \$72,265 - Financing: Water Utilities Capital Improvement Funds **[07-0298; APPROVED]**
7. Authorize an Advanced Funding Agreement with the Texas Department of Transportation for water and wastewater main replacements in Jupiter Road from Garland Road to Centerville Road - \$760,405 - Financing: Water Utilities Capital Improvement Funds **[07-0299; APPROVED]**

## LAND ACQUISITION

8. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from P.D. England, Ltd. of approximately 8,929 square feet of land located near the intersection of Tatum Avenue and Goodman Street for the Tatum Avenue street improvements - \$35,000 - Financing: 1998 Bond Funds **[07-0300; APPROVED]**
9. Authorize settlement in lieu of proceeding further with condemnation in the lawsuit styled City of Dallas v. Charles Remy Tabor, et al., Cause No. cc-02-09879-b, pending in the County Court at Law No. 2, for a tract of land containing approximately 266 acres located at South Loop 12 near State Highway 310 for the Trinity River Corridor Project - \$4,520,000 - Financing: 1998 Bond Funds **[07-0301; APPROVED]**

CONSENT AGENDA (Continued)  
LAND MISCELLANEOUS

10. An ordinance abandoning street easements to Amesbury-Skillman, L.P., the abutting owner, containing approximately 6,279 square feet of land located near the intersection of Skillman Street and Sandhurst Lane - Revenue: \$82,365 plus the \$20 ordinance publication fee **[07-0302; ORDINANCE 26553; APPROVED]**
11. An ordinance abandoning a portion of Newkirk Street to Hensley Industries, Inc., the abutting owner, containing approximately 1,396 square feet of land and providing for the dedication of not less than 5,000 square feet of needed right-of-way located near the intersection of Newkirk Street and Joe Field Road - Revenue: \$5,000 plus the \$20 ordinance publication fee **[07-0303; ORDINANCE 26554; APPROVED]**
12. A resolution declaring approximately 28,434 square feet of City-owned land, improved with a fire station, unwanted and unneeded located near the intersection of Shiloh and Centerville Roads and authorizing its advertisement for sale by sealed bid with a minimum bid requirement of \$85,302 - Financing: No cost consideration to the City **[07-0304; APPROVED]**
13. A resolution authorizing the conveyance of a rail line easement across City-owned land containing approximately 11,278 square feet to TXI Operations, LP located near the intersection of Manana Drive and Spangler Road - Revenue: \$31,578 **[07-0305; APPROVED]**
14. A resolution declaring 2 tracts of City-owned land unwanted and unneeded located near the intersection of Haskell Avenue and Bryan Street and authorizing their advertisement for sale by sealed bid (list attached) - Financing: No cost consideration to the City **[07-0306; APPROVED]**
15. Authorize **(1)** the discharge of the secured, no-interest, forgivable note with Boys & Girls Clubs of Greater Dallas, Inc. in the amount of \$100,000; and **(2)** the release of lien on real property located at 2907 Linfield Road - Financing: No cost consideration to the City **[07-0307; APPROVED]**

PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES

16. Authorize **(1)** the rejection of the only bid received for street construction barricading services; and, **(2)** the readvertisement for new bids - Financing: No cost consideration to the City **[07-0308; APPROVED]**
17. Authorize a professional services contract for the review of and making recommendations for amendments to the Dallas Development Code with the most advantageous proposer of four - Code Studio, Inc. - Not to exceed \$299,160 - Financing: Building Inspection Current Funds **[07-0309; APPROVED AS AN INDIVIDUAL ITEM]**
18. Authorize a twenty-four-month master agreement for genealogy materials for the Dallas Public Library with the only bidder - The Book House, Inc. - Not to exceed \$300,000 - Financing: Current Funds (\$100,000), Genealogy Funds (\$200,000) **[07-0310; APPROVED]**

CONSENT AGENDA (Continued)

## PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES (Continued)

19. Authorize an increase in the contract with ICE Contractors, Inc. to provide additional asbestos abatement removal services at the Black Dance Theater, Lochwood Branch Library, Fire Station #35, the Bexar Street Improvement Project site, and other various structures ordered demolished by the Urban Rehabilitation Standards Board - Not to exceed \$638,625, from \$2,554,500 to \$3,193,125 - Financing: Demolition Reserve Funds **[07-0311; APPROVED]**
20. Authorize an eighteen-month master agreement for plastic sewer couplings and lateral cleanouts with the lowest responsible bidders of two - Beeco, Inc. in the amount of \$105,003 and Mike Harms & Associates in the amount of \$59,929 - Total not to exceed \$164,932 - Financing: Water Utilities Current Funds **[07-0312; APPROVED]**
21. Authorize a twenty-four-month service contract for temporary industrial labor with the lowest responsible bidder of four - Tolman Building Maintenance, Inc. - Not to exceed \$2,720,409 - Financing: Current Funds (\$2,065,001), Water Utilities Current Funds (\$655,408) **[07-0313; APPROVED AS AN INDIVIDUAL ITEM]**

## MISCELLANEOUS

22. An ordinance authorizing a correction to Ordinance No. 26399 for a Planned Development Subdistrict for LC, Light Commercial Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northeast corner of McKinney Avenue and Fairmont Street to correct the exhibit labels - Z056-201(WE) - Financing: No cost consideration to the City **[07-0314; ORDINANCE 26555; APPROVED]**
23. Authorize **(1)** a development agreement with 2100 Downtown Condominiums, LLC to provide funding for the design, engineering, professional services, and construction of public improvements for the 2100 Downtown Town Homes Phase I project in Tax Increment Financing Reinvestment Zone Number Six (Farmers Market TIF District); and **(2)** the Farmers Market TIF District Board of Directors to dedicate up to \$271,000 from Farmers Market TIF revenues in accordance with the development agreement - \$271,000 - Financing: Farmers Market TIF District Funds **[07-0315; APPROVED AS AN INDIVIDUAL ITEM]**
24. An ordinance amending **(1)** the Project Plan and Reinvestment Financing Plan (Plan) for Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District); and **(2)** the ordinance creating the Downtown Connection TIF District in accordance with the Tax Increment Financing Act, (V.T.C.A. Tax Code, Chapter 311), to establish specific programs detailing how the affordable housing budget line item will be expended and to state that all Downtown Connection TIF District funded projects will be required to set aside 10 percent of the units as affordable, with for-sale developments having an option to pay a fee in lieu of providing the affordable units within the project - Financing: No cost consideration to the City **[07-0316; DEFERRED INDEFINITELY]**

CONSENT AGENDA (Continued)

## MISCELLANEOUS (Continued)

25. An ordinance amending Chapter 17 of the Dallas City Code to **(1)** adopt the March 15, 2006 Texas Food Establishment Rules, with local amendments; **(2)** define "food establishment" to include an establishment that sells frozen desserts; **(3)** exempt a temporary food service establishment from permitting requirements if it does not serve potentially hazardous food and its weekly gross income does not exceed \$100; **(4)** authorize the director to grant variances to the Texas Food Establishment Rules and Chapter 17; **(5)** provide for variances to allow dogs on outdoor patios of food establishments, under certain conditions and standards; and, **(6)** clarify defenses relating to homeless feeding - Financing: No cost consideration to the City **[07-0317; ORDINANCE 26556; APPROVED AS AN INDIVIDUAL ITEM]**

Quality Policy and Occupational Safety and Health Policy

**Note:** Item Nos. 26 and 27 must be considered collectively.

26. \* Authorize a Quality Policy to **(1)** pursue continual improvements in customer service delivery by efficiently utilizing all available resources to enhance the vitality and quality of life for the Dallas community; and **(2)** comply with *ISO* requirements for registration as specified by the University of Texas at Arlington/Texas Manufacturing Assistance Center and previously authorized on May 10, 2006, by Resolution No. 06-1417, to implement a quality management system based upon *ISO 9001* standards - Financing: No cost consideration to the City **[07-0318; APPROVED]**
27. \* Authorize an Occupational Safety and Health Policy to **(1)** demonstrate excellence in protecting people and property, and minimizing exposure to financial loss; and **(2)** comply with *ISO* requirements for registration as specified by the University of Texas at Arlington/Texas Manufacturing Assistance Center and previously authorized on May 10, 2006, by Resolution No. 06-1417, to implement a quality management system based upon *ISO 9001* standards - Financing: No cost consideration to the City **[07-0319; APPROVED]**
28. Authorize the reconstruction on-site of four homes in accordance with the Replacement Housing Program Statement requirements for the properties located at 3114 Borger Street in the amount of \$70,000, 3302 Topeka Avenue in the amount of \$70,000, 5139 Beeman Avenue in the amount of \$70,000, and 1835 Dennison Street in the amount of \$70,000 - Total not to exceed \$280,000 - Financing: 2006-07 Community Development Grant Funds **[07-0320; APPROVED]**
29. Authorize the acceptance of a social services block grant from the North Central Texas Council of Governments to provide housing and/or utility assistance for Hurricane Katrina evacuees - Not to exceed \$325,000 - Financing: North Central Texas Council of Governments Grant Funds **[07-0321; APPROVED]**

CONSENT AGENDA (Continued)

MISCELLANEOUS (Continued)

- 30. Authorize the acceptance of a social services block grant from the North Central Texas Council of Governments to provide continued social services for Hurricane Katrina evacuees for the period of November 1, 2006 through September 30, 2007 - Not to exceed \$529,782- Financing: North Central Texas Council of Governments Grant Funds **[07-0322; APPROVED]**
- 31. Authorize an agreement with the Texas Commission on Environmental Quality for the Sanitary Sewer Outreach Initiatives to address sanitary sewer overflows and encourage publicly-owned treatment works to develop and implement corrective action plans to protect public health and the environment - Financing: No cost consideration to the City **[07-0323; APPROVED]**

PUBLIC HEARINGS AND RELATED ACTIONS

ZONING CASES - CONSENT [07-0324]

- 32. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1505 for a private school within Tract F of Planned Development District No. 173 for Single Family, Office, Retail and Park uses on the north side of Frankford Road, east of Hillcrest Road  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions **[07-0325; CONTINUE UNTIL FEBRUARY 14, 2007; HEARING OPEN]**  
Z067-105(WE)
- 33. A public hearing to receive comments regarding an application for and an ordinance granting an MU-2 Mixed Use District on property zoned a GO(A) General Office District on the north side of Park Lane, east of Greenville Avenue **[07-0326; CONTINUE UNTIL FEBRUARY 14, 2007; HEARING OPEN]**  
Recommendation of Staff and CPC: Approval  
Z067-108(OTH)
- 34. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and an expansion of, Planned Development District No. 286 for a convalescent center and nursing home on property zoned a TH-2(A) Townhouse District and PDD No. 286 and an ordinance granting the termination of Specific Use Permit No. 553 for a private school and day nursery on the northwest corner of Greenville Avenue and Stults Road **[07-0327; ORDINANCE 26557 AND 26558; CPC RECOMMENDATION FOLLOWED]**  
Recommendation of Staff and CPC: Approval of the expansion of, and amendment to, Planned Development District No. 286, subject to a revised development plan, revised landscape plan and conditions and approval of the termination of Specific Use Permit No. 553  
Z056-337(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

- 35. An application for and an ordinance granting a Specific Use Permit for an Alcoholic Beverage Establishment for a bar, lounge, or tavern on property within Planned Development District No. 85 for Shopping Center, Office-2 and Multiple Family-3 uses on the northeast corner of Greenville Avenue and Pineland Drive **[07-0328; DENIED]**  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Z056-338(WE)  
Note: This item was considered by the City Council at a public hearing on January 10, 2007, and was taken under advisement until January 24, 2007, with the public hearing open.
  
- 36. An application for and an ordinance granting a Specific Use Permit for an open enrollment charter school on property zoned an R-7.5(A) Single Family District on the south line of Lynnacre Drive, west of Knoxville Drive **[07-0329; CONTINUE UNTIL FEBRUARY 28, 2007; HEARING OPEN]**  
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions  
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions  
Z056-320(WE)  
Note: This item was considered by the City Council at a public hearing on January 10, 2007, and was taken under advisement until January 24, 2007, with the public hearing open.

MISCELLANEOUS HEARINGS

**Municipal Setting Designation at Ambassador Row and Dividend Drive**

**Note:** Item Nos. 37 and 38 must be considered collectively.

- 37. \* A public hearing to receive comments on a proposed municipal setting designation to prohibit use of groundwater beneath property owned by Spirit Master Funding III, LLC located at the intersection of Ambassador Row and Dividend Drive and adjacent street rights-of-way - Financing: No cost consideration to the City **[07-0330; HEARING CLOSED]**
  
- 38. \* An ordinance authorizing support of the issuance of a municipal setting designation to Spirit Master Funding III, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City **[07-0330; ORDINANCE 26559; APPROVED]**  
Recommendation of Staff: Approval

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)  
MISCELLANEOUS HEARINGS (Continued)

**Municipal Setting Designation at  
Cedar Springs Road and Douglas Avenue**

**Note:** Item Nos. 39 and 40 must be considered collectively.

- 39. \* A public hearing to receive comments on a proposed municipal setting designation to prohibit use of groundwater beneath property owned by Redwood Cedar, LLC located at the intersection of Cedar Springs Road and Douglas Avenue and adjacent street rights-of-way - Financing: No cost consideration to the City **[07-0331; HEARING CLOSED]**
  
- 40. \* An ordinance authorizing support of the issuance of a municipal setting designation to Redwood Cedar, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City **[07-0331; ORDINANCE 26560; APPROVED]**  
Recommendation of Staff: Approval

**Municipal Setting Designation at  
Hampton Road and Singleton Boulevard**

**Note:** Item Nos. 41 and 42 must be considered collectively.

- 41. \* A public hearing to receive comments on a proposed municipal setting designation to prohibit use of groundwater beneath properties owned by Arbor Woods Housing, L.P. located near the intersection of Hampton Road and Singleton Boulevard and adjacent street rights-of-way - Financing: No cost consideration to the City **[07-0332; HEARING CLOSED]**
  
- 42. \* An ordinance authorizing support of the issuance of a municipal setting designation to Arbor Woods Housing, L.P. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City **[07-0332; ORDINANCE 26561; APPROVED]**  
Recommendation of Staff: Approval

**Municipal Setting Designation at  
Lemmon Avenue and Atwell Street**

**Note:** Item Nos. 43 and 44 must be considered collectively.

- 43. \* A public hearing to receive comments on a proposed municipal setting designation to prohibit use of groundwater beneath properties owned by Lowe's Home Centers, Inc. located near the intersection of Lemmon Avenue and Atwell Street and adjacent street rights-of-way - Financing: No cost consideration to the City **[07-0333; HEARING CLOSED]**
  
- 44. \* An ordinance authorizing support of the issuance of a municipal setting designation to Lowe's Home Centers, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City **[07-0333; ORDINANCE 26562; APPROVED]**  
Recommendation of Staff: Approval



PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

**Municipal Setting Designation at Preston and Belt Line Roads**

**Note:** Item Nos. 45 and 46 must be considered collectively.

- 45. \* A public hearing to receive comments on a proposed municipal setting designation to prohibit use of groundwater beneath properties owned by Prestonwood Market Square, Ltd. and HSM Pepper Square Partners, Ltd. located near the intersection of Preston and Belt Line Roads and adjacent street rights-of-way - Financing: No cost consideration to the City **[07-0334; HEARING CLOSED]**
- 46. \* An ordinance authorizing support of the issuance of a municipal setting designation to Prestonwood Market Square, Ltd. and HSM Pepper Square Partners, Ltd. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City **[07-0334; ORDINANCE 26563; APPROVED]**  
Recommendation of Staff: Approval

**Municipal Setting Designation at Singleton Boulevard and Borger Street**

**Note:** Item Nos. 47 and 48 must be considered collectively.

- 47. \* A public hearing to receive comments on a proposed municipal setting designation to prohibit use of groundwater beneath properties owned by Austin International Ventures, Inc. located near the intersection of Singleton Boulevard and Borger Street and adjacent street rights-of-way - Financing: No cost consideration to the City **[07-0335; HEARING CLOSED]**
- 48. \* An ordinance authorizing support of the issuance of a municipal setting designation to Austin International Ventures, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City **[07-0335; ORDINANCE 26564; APPROVED]**  
Recommendation of Staff: Approval

**Reinvestment Zone No. 67**

**Note:** Item Nos. 49, 50 and 51 must be considered collectively.

- 49. \* A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 67, incorporating property on the north side of Interstate 20 at Mountain Creek Parkway, for the purpose of granting a real property tax abatement to Building No. 4, Mountain Creek LP. - Financing: No cost consideration to the City **[07-0336; HEARING CLOSED]**
- 50. \* An ordinance designating property at Interstate 20 and Mountain Creek Parkway, as City of Dallas Reinvestment Zone No. 67, for the purpose of granting a real property tax abatement to Building No. 4, Mountain Creek LP. establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City **[07-0336; ORDINANCE 26565; APPROVED]**

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)  
MISCELLANEOUS HEARINGS (Continued)

**Note:** Item Nos. 49, 50 and 51 must be considered collectively.

**Reinvestment Zone No. 67** (Continued)

51. \* Authorize a 75 percent real property tax abatement agreement for 10 years with Building No. 4, Mountain Creek LP. located at the property north of Interstate 20 and west of Mountain Creek Parkway - Revenue: First year revenue estimated at \$22,788; ten-year revenue estimated at \$227,880 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$683,630) **[07-0337; APPROVED]**
52. A public hearing to receive comments regarding authorizing a hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District, CS Commercial Service District, MU-2 Mixed Use District within the Downtown Special Provision Sign District with SUP No. 1484 for a Commercial Amusement Inside use and generally bounded by Interstate 35 and Interstate 30 to the northwest, the Union Pacific Railroad right-of-way to the northeast, the DART Railroad right-of-way to the southeast, and the Trinity River levee to the southwest with consideration given to appropriate zoning for that area including use, development standards, parking, landscaping, sign, and other appropriate regulations - Financing: No cost consideration to the City **[07-0338; HEARING CLOSED; APPROVED]**
53. A public hearing to receive comments regarding authorizing a hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District, CS Commercial Service District, CA-2(A) Central Area District, MU-2(SAH) Mixed Use District, within the Downtown Special Provision Sign District with Specific Use Permit No. 432 for a Private Animal Pound and Specific Use Permit No. 1203 for a Government Installation Other Than Listed on property generally bounded by Continental Avenue to the north, Interstate 35 to the east and south, and the Trinity River levee to the west with consideration given to appropriate zoning for that area including use, development standards, parking, landscaping, sign, and other appropriate regulations - Financing: No cost consideration to the City **[07-0339; HEARING CLOSED; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

54. 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) **[07-0340; APPOINTMENTS MADE TO BOARD]**
55. An ordinance amending Chapter 43 of the Dallas City Code to **(1)** provide license requirements, procedures conditions, and fees for the operation of newsracks on public rights-of-way not open to vehicular traffic; **(2)** provide standards for the installation, operation, maintenance, location, design, and appearance of newsracks; **(3)** provide for the designation of multiple newsrack unit zones; **(4)** provide for enforcement of the newsrack regulations, including removal of newsracks in violation of the regulations and including fines of up to \$500 per violation; and **(5)** provide for appeals from orders and actions of the director - Financing: No cost consideration to the City **[07-0341; DELETED ON THE ADDENDUM]**

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

## ITEMS FOR FURTHER CONSIDERATION

56. A hearing for Comcast of Dallas, L.P. (Comcast) to show cause why it should not be issued notice of one or more events of default under its franchise with the City of Dallas for the ownership, operation, and maintenance of a cable TV system within the City and for other purposes (Ordinance No. 24361, passed on August 23, 2000, as amended and supplemented) (the Franchise) for failure to make available to the City all records reasonably necessary for the City to audit records reflecting Comcast's gross revenues relevant to the Franchise as required by section 9(e) of the Franchise, and other grounds, and why any such failure should not be determined by the City Council to be the fault of Comcast and within its control as provided in section 14(d) of the Franchise, and related issues - Financing: No cost consideration to the City **[07-0342; DEFERRED 60 DAYS]**
57. Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 5 tracts of land for the construction of the Northwest Corridor Line Section (NW-1B) located near the intersection of Denton and Kimsey Drives (list attached) - Financing: No cost consideration to the City **[07-0343; DEFERRED UNTIL FEBRUARY 14, 2007]**
58. Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 8 tracts of land for the construction of the Northwest Corridor Line Section (NW-2) located near the intersections of Manor Way and Owens Street, Harry Hines Boulevard and Cullum Lane and Denton Drive and Mockingbird Lane (list attached) - Financing: No cost consideration to the City **[07-0344; DEFERRED UNTIL FEBRUARY 14, 2007]**
59. Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 2 tracts of land for the construction of the Northwest Corridor Line Section (NW-1B) located near the intersection of Denton Drive and Sadler Circle (list attached) - Financing: No cost consideration to the City **[07-0345; DEFERRED UNTIL FEBRUARY 14, 2007]**
60. Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 7 tracts of land for the construction of the Northwest Corridor Line Section (NW-2) located near the intersections of Wyman Street and Denton Drive, Seelcco Street and Denton Drive, Love Field and Denton Drives and Community and Denton Drives (list attached) - Financing: No cost consideration to the City **[07-0346; DEFERRED UNTIL FEBRUARY 14, 2007]**
61. Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 8 tracts of land for the construction of the Northwest Corridor Line Section (NW-3) located near the intersections of Northwest Highway and Denton Drive, Nagle Street and Denton Drive, and Walnut Hill Lane and Denton Drive (list attached) - Financing: No cost consideration to the City **[07-0347; DEFERRED UNTIL FEBRUARY 14, 2007]**

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

ITEMS FOR FURTHER CONSIDERATION (Continued)

62. Authorize **(1)** an amendment to the lease agreement with TXI Aviation I, L.L.C. to extend the primary term of the existing lease from November 1, 2016 to ~~October 31, 2046~~, January 31, 2047 with a commitment of \$1,000,000 in capital improvements; and **(2)** a new forty-year lease agreement with TXI Aviation I, L.L.C. containing approximately 2.39 acres of unimproved land to run coterminous with the existing lease and provide capital improvements for an additional \$2,500,000, and increase the annual rental revenue for both leases in the estimated amount of \$40,430, from \$37,638 to \$78,068, increasing the estimated total revenue over the term of the leases in the amount of \$8,000,000, from \$2,500,000 to \$10,500,000 at Dallas Love Field - Estimated Annual Revenue: \$40,430 **[07-0348; DELETED ON THE ADDENDUM]**

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 24, 2007  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A.M.**

ADDITIONS:

Closed Session **[07-0349; HELD]**

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

- Dallas Police Association v. City of Dallas, Texas,  
Civil Action No. 3:06-CV-2018-M
- City of Dallas v. Ernest Manning; Cause Number 05-00422-B
- Hotel Development Texas, Ltd. v. City of Dallas; Cause No. 3:06-CV-2254-M
- City of Dallas v. Hotel Development Texas, Ltd. d/b/a Penthouse Key Club  
and 8550 North Stemmons Freeway, Dallas, Texas, in rem;  
Cause No. 06-12383-D
- Sergio Ramirez et al. v. City of Dallas, Cause No. 04-09839-L

CONSENT ADDENDUM

AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

Authorization of Contracts

1. Authorize a contract for the construction of the new Homeless Assistance Center to be located at 1818 Corsicana Street - Satterfield & Pontikes Construction, Inc., best value proposer of five - \$16,497,590 - Financing: 2005 Homeless Proposition Bond Funds **[07-0350; APPROVED]**

Construction Miscellaneous

2. Authorize **(1)** an amendment to the Interlocal Agreement with the Texas Department of Transportation for reimbursement of material and labor provided by the City for signal timing improvements at 432 additional locations (list attached) in an amount not to exceed \$659,005; and **(2)** a required local match in an amount not to exceed \$110,476 - Total not to exceed \$769,481, from \$426,258 to \$1,195,739 - Financing: Texas Department of Transportation Funds (\$659,005), Current Funds (\$110,476) **[07-0351; APPROVED]**
3. Authorize an amendment to the Interlocal Agreement with the North Central Texas Council of Governments to fund traffic engineering services to update traffic signal timings and signal progression at 75 additional locations (list attached) - \$63,720, from \$102,600 to \$166,320 - Financing: Current Funds **[07-0352; APPROVED]**

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 24, 2007**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

LAND ACQUISITION

4. Authorize **(1)** acquisition of approximately 698 square feet of land from The Trust for Public Land in the amount of \$58,667, **(2)** payment of earnest money in the amount of \$1,000, and **(3)** a purchase agreement providing for the potential acquisition of approximately 5,587 square feet of land both located near the intersection of Live Oak and St. Paul Streets for the proposed Pacific Plaza - Total not to exceed \$59,667 - Financing: 2003 Bond Funds **[07-0353; APPROVED]**

LAND MISCELLANEOUS

5. An ordinance granting a private license to West End Square, Ltd. for the use of approximately 5,000 square feet of land to install and maintain a sidewalk cafe, handicap lift, stairs and additional parking within Austin Street right-of-way near its intersection with Pacific Avenue - Revenue: \$16,270 annually plus the \$20 ordinance publication fee **[07-0354; ORDINANCE 26566; APPROVED]**

ITEMS FOR INDIVIDUAL CONSIDERATION

6. An ordinance appointing two of the following three persons - Melodee Armstrong, Daniel Clark, or Thomas Stanton - as associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2008, and establishing their salaries - Financing: No additional cost consideration to the City **[07-0355; ORDINANCE 26567; APPROVED]**
7. Authorize an eleven-month electric services contract with one of seven retail electric providers to provide energy for the City's Street Light Program - Direct Energy LP, Gexa Energy LP, Strategic Energy, SUEZ Energy Resources NA, Inc., Texas General Land Office, TXU Energy Retail Co., LP, or WPS Energy Services of Texas LP - Not to exceed \$17,521,514 - Financing: Current Funds **[07-0356; APPROVED]**

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 24, 2007**

DELETIONS:

55. An ordinance amending Chapter 43 of the Dallas City Code to **(1)** provide license requirements, procedures conditions, and fees for the operation of newsracks on public rights-of-way not open to vehicular traffic; **(2)** provide standards for the installation, operation, maintenance, location, design, and appearance of newsracks; **(3)** provide for the designation of multiple newsrack unit zones; **(4)** provide for enforcement of the newsrack regulations, including removal of newsracks in violation of the regulations and including fines of up to \$500 per violation; and **(5)** provide for appeals from orders and actions of the director - Financing: No cost consideration to the City **[07-0341]**
  
62. Authorize **(1)** an amendment to the lease agreement with TXI Aviation I, L.L.C. to extend the primary term of the existing lease from November 1, 2016 to ~~October 31, 2046~~, January 31, 2047 with a commitment of \$1,000,000 in capital improvements; and **(2)** a new forty-year lease agreement with TXI Aviation I, L.L.C. containing approximately 2.39 acres of unimproved land to run coterminous with the existing lease and provide capital improvements for an additional \$2,500,000, and increase the annual rental revenue for both leases in the estimated amount of \$40,430, from \$37,638 to \$78,068, increasing the estimated total revenue over the term of the leases in the amount of \$8,000,000, from \$2,500,000 to \$10,500,000 at Dallas Love Field - Estimated Annual Revenue: \$40,430 **[07-0348]**