



**ADDENDUM**

**AGENDA**

**CITY COUNCIL MEETING**

**OCTOBER 27, 2004**

**CITY OF DALLAS**

**1500 MARILLA**

**COUNCIL CHAMBERS, CITY HALL**

**DALLAS, TEXAS 75201**

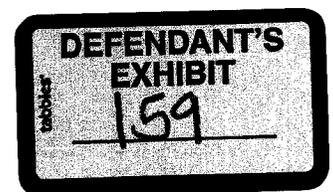
**9:00 A. M.**

Moment of Silence and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the October 13, 2004 City Council Meeting



## CONSENT AGENDA

### AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS

#### Authorization of Contracts

2. Authorize a contract for the repairs to the tower at the Tower Building at Fair Park - Phoenix I Restoration and Construction, Ltd., best value proposer of two - \$397,000 - Financing: 1998 Bond Funds

#### Contract Amendments

3. Authorize an increase in the professional services contracts with thirty-one firms for continuation of geotechnical investigation, materials testing, asbestos environmental and nonasbestos environmental testing services (list attached) - Not to exceed \$827,688, from \$6,621,500 to \$7,449,188 - Financing: Current Funds (\$229,625), 1998 Bond Funds (\$318,750), Water Utilities Capital Construction Funds (\$187,500), Capital Construction Funds (\$45,563), 1995 Bond Funds (\$18,750), Aviation Current Funds (\$15,000), Aviation Capital Construction Funds (\$12,500)
4. Authorize Supplemental Agreement No. 1 to the contract with Hayden Consultants, Inc. to provide surveying, design development and construction documents for the implementation of the Park Development Plan, Phase I at Alta Mesa Park located at 2905 Alta Mesa - \$14,874, from \$18,915 to \$33,789 - Financing: 2003 Bond Funds
5. Authorize an increase in the contract with SYB Construction Company, Inc. for additional street paving, driveway, and retaining wall on Blue Ridge Boulevard from Los Angeles Boulevard to Rio Grande Avenue - \$34,845, from \$616,052 to \$650,897 - Financing: 1998 Bond Funds

6. Authorize an increase in the contract with Tiseo Paving Company for the construction of two additional retaining walls, erosion control blanket, the removal of existing signal pole foundations and one street light foundation for the reconstruction of street paving, storm drainage, water and wastewater main improvements on Colorado Boulevard from Blaylock Drive to IH-35 - \$113,574, from \$2,617,791 to \$2,731,365 - Financing: 1995 Bond Funds

7. Authorize an increase in the contract with McMahon Contracting, L.P. for the construction of additional channel and gabion improvements on Highland Road from Ferguson Road to Jim Miller Road - \$79,103, from \$3,764,897 to \$3,844,000 - Financing: 1998 Bond Funds

8. Authorize Supplemental Agreement No. 1 to the professional services contract with GSWW, Inc. for additional design of 35,265 feet of wastewater mains, and 4,808 feet of water mains in the Ferris Branch Creek, Jackson Branch Creek and surrounding area (list attached) - \$469,576, from \$1,392,000 to \$1,861,576 - Financing: Water Utilities Capital Improvement Funds

9. Authorize Supplemental Agreement No. 2 to the contract with Westin Engineering, Inc. to provide additional professional and engineering design services, database development and computer configuration services for the process control system design improvements at the Southside Wastewater Treatment Plant - \$98,979, from \$3,262,340 to \$3,361,319 - Financing: Water Utilities Capital Improvement Funds

10. Authorize Supplemental Agreement No. 1 to the professional services contract with Chiang, Patel & Yerby, Inc. for additional engineering services for the design of the East Side Water Treatment Plant 540 million gallons per day expansion and construction management services for the Bachman Water Treatment Plant expansion - \$6,312,050, from \$10,082,073 to \$16,394,123 - Financing: Water Utilities Capital Improvement Funds

### **Construction Miscellaneous**

11. Authorize the City Manager to initiate a Request for Competitive Sealed Proposals project delivery method for the gorilla habitat and exhibit modifications at the Dallas Zoo located at 650 South R. L. Thornton Freeway - Financing: No cost consideration to the City

## LAND ACQUISITION

12. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Carbucks Valley View, L.P. of approximately 807 square feet of land located at the intersection of Alpha Road and Montfort Drive for the Alpha Road Improvements project - \$30,877 - Financing: 1998 Bond Funds

## LAND MISCELLANEOUS

13. A resolution authorizing conveyance of a drainage easement to the City of Garland containing approximately 4,359 square feet of land needed for the construction and maintenance of a storm water drainage facility across City-owned land at Lake Ray Hubbard located near the intersection of Locust Grove Road and Shoregate Drive - Revenue: \$1,744

14. An ordinance abandoning a portion of Holland Avenue to Jackie D. Caffey and Barbara Ann Caffey, the abutting owners, containing approximately 371 square feet of land located near its intersection with North Versailles Avenue, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

15. An ordinance abandoning a water line easement to Amruddin Budri and Abdul Jaleel Zazay, the abutting owners, containing approximately 1,997 square feet of land located near the intersection of Jim Miller Road and Military Parkway, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

16. An ordinance abandoning a portion of Bakersfield Street to Nueva Vida/New Life Assembly, Inc., the abutting owner, containing approximately 3,002 square feet of land located near its intersection with Chalmers Street, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

17. An ordinance abandoning a portion of Orr Street to DJTK Joint Venture, Douglas W. Caudill and Mary S. Caudill, the abutting owners, containing approximately 4,729 square feet

of land located near its intersection with Sullivan Drive, and authorizing the quitclaim - Revenue: \$18,916 plus the \$20 ordinance publication fee

18. A resolution declaring a tract of City-owned land containing approximately 90,958 square feet located at 360 Gloria Road unneeded and unwanted and authorize its advertisement for sale by sealed bid at a minimum cash bid of \$318,353 or in exchange for land at Lake Ray Hubbard of comparable value - Financing: No cost consideration to the City

19. Authorize a twelve-month lease with MOKS, LLC for the continued use of an office and warehouse building containing approximately 7,975 square feet of space located at the intersection of Irving and Turtle Creek Boulevards to be used by the Sales and Auction Section of the Office of Business Development and Procurement Services Department for the period of November 1, 2004 through October 31, 2005 - Total not to exceed \$45,924 - Financing: Current Funds

#### **PURCHASING OF EQUIPMENT, SUPPLIES AND SERVICES**

20. Authorize an increase in the contract with A + Integrated Solutions for enhancements, professional services, and warranty for the capital project management information system - \$178,610, from \$2,093,504 to \$2,272,114 - Financing: Current Funds (\$61,700), Water Utilities Capital Construction Funds (\$116,910)

21. Authorize annual enrollment in a thirty-six-month Microsoft State and Local Government Enterprise Enrollment through Department of Information Services, State of Texas, representative, Software House International, Inc., for computer software products including MS Office, MS Windows, etc., support services, compliance with licensing requirements and support for 6,400 desktops and servers with Microsoft Corporation - Sole Source - Not to exceed \$4,156,179 - Financing: Current Funds (subject to annual appropriations)

22. Authorize a thirty-six-month extension to the software license agreement for computer mainframe maintenance and support with Computer Associates International, Inc. - Not to exceed \$441,534 - Financing: Current Funds (subject to annual appropriations)

23. Authorize a twelve-month price agreement for securing open and vacant structures that have been identified as a potential hazard with the lowest responsible bidder of three -

Darnell Simpson Fence Contractor - Not to exceed \$97,560 - Financing: Current Funds

24. Authorize an Interlocal Agreement with the City of Denton to create a Cooperative Purchasing Program that allows the Cities of Dallas and Denton to purchase from each other's contracts for goods and services when economical - Financing: No cost consideration to the City

25. Authorize an Interlocal Agreement with the City of Tyler to create a Cooperative Purchasing Program that allows the Cities of Dallas and Tyler to purchase from each other's contracts for goods and services when economical - Financing: No cost consideration to the City

31. Authorize settlement of a claim filed by Karim Nurali, Claim No. 20040016 - \$6,000 - Financing: Current Funds

32. Authorize an amendment to Resolution Nos. 04-2297 and 04-2298, previously approved on August 11, 2004 for the funding of public use infrastructure replacements and enhancements, and related design costs for the redevelopment of 1500, 1506, and 1510 McKee Street to **(1)** add funding for public use infrastructure replacements and enhancements, and related design costs, in an amount not to exceed \$43,400, from \$41,950 to \$85,350, plus interest, **(2)** increase appropriations in the amount of \$43,400 in the Cedars TIF District Fund, **(3)** execute the development agreement with Bennett Miller Town Homes LP and/or its affiliate, and **(4)** increase the intent to reimburse Bennett Miller Town Homes LP in the amount of \$43,400, from \$41,950 to \$85,350 - Total not to exceed \$43,400 - Financing: Cedars TIF District Funds (to be advanced by a private developer and reimbursed from the Cedars TIF District Fund)

33. Authorize a Historic Development program tax abatement for the Fidelity Union Life Towers located at 1507 Pacific, 1511 Bryan, and 318 Akard Streets for fifteen years on 90 percent of the added value of the structure (land not included) - Financing: No cost consideration to the City (Estimated revenue foregone over fifteen years is \$6,777,298)

34. An ordinance adopting a boundary adjustment agreement with the City of Mesquite on property owned by the Lawson Road Baptist Church along E. Lawson Road to allow all of the church property to be located within the corporate limits of the City of Dallas - Financing: No cost consideration to the City

35. Authorize an amendment to the contracts with the U.S. Department of Education, Academic Realities, Robert Hawley and Ernest Crosby to extend the term of the contracts through September 30, 2005 for the Martin Luther King Community Technology Center Program - Financing: No cost consideration to the City
36. Authorize adoption and implementation of the 2005-09 Affirmative Action Plan for the City of Dallas - Financing: No cost consideration for the City
37. Authorize contracts with cultural organizations for the provision of services to the City through the Cultural Organization Program (list attached) - Not to exceed \$4,472,313 - Financing: Current Funds (\$4,427,063), Texas Commission on the Arts Grant Funds (\$45,250)
38. Authorize a contract with Hank Black to design, fabricate and install an artwork or artworks incorporated into the fence and/or entrance facade of the main building in the water park at Thurgood Marshall Recreation Center located at 5150 Mark Trail Way - Not to exceed \$100,000 - Financing: 1998 Bond Funds (\$34,000); 2003 Bond Funds (\$66,000)
39. Authorize a contract with Susan Magilow to research, develop and implement a permanent artwork or artworks related to water utilities that will serve as an educational tool for the Water Utilities Department as it relates to the community - Not to exceed \$160,000 - Financing: Water Utilities Public Art Funds
40. Authorize renewal of the maintenance agreement with American Management Systems, Inc. for the support and maintenance of the City's automated financial system for the period October 1, 2004 through September 30, 2005 - Not to exceed \$179,146 - Financing: Current Funds
41. A resolution delegating authority to the City Manager to hear complaints from citizens pertaining to natural gas service and electric transmission and distribution service provided by franchised utilities within the City of Dallas - Financing: No cost consideration to the City
42. Authorize payment to the North Central Texas Regional Certification Agency for annual membership dues for the period of January 1, 2005 through December 31, 2005 - Not

to exceed \$32,890 - Financing: Current Funds

43. Authorize **(1)** the application for and acceptance of the 2004-05 Intersection Traffic Control Selective Traffic Enforcement Program grant in the amount of \$300,000 for traffic related activities from the Texas Department of Transportation for the period of October 1, 2004 through September 30, 2005, **(2)** a local match in the amount of \$86,907, and **(3)** execution of the grant agreement - Total not to exceed \$386,907 - Financing: Texas Department of Transportation Grant Funds (\$300,000) and Current Funds (\$86,907)

44. Authorize **(1)** the application for and acceptance of the 2004-05 Safe and Sober Selective Traffic Enforcement Program grant in the amount of \$616,050 for traffic related activities from the Texas Department of Transportation for the period of October 1, 2004 through September 30, 2005, **(2)** a local match in the amount of \$177,097, and **(3)** execution of the grant agreement - Total not to exceed \$793,147 - Financing: Texas Department of Transportation Grant Funds (\$616,050) and Current Funds (\$177,097)

45. Authorize a professional services contract with R. W. Beck, Inc. for conducting a landfill bioreactor study and permit modification for accelerated decomposition of waste at the McCommas Bluff Landfill - Not to exceed \$384,000 - Financing: Current Funds (\$352,795) and North Central Texas Council of Governments Solid Waste Grant Funds (\$31,205)

## **PUBLIC HEARINGS AND RELATED ACTIONS**

### **ZONING CASES - CONSENT**

46. An application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned an MU-2 Mixed Use District located south of LBJ Freeway, west of Preston Road

Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for ten-year periods, subject to a site plan, landscape plan and conditions.

Recommendation of CPC: Approval for a thirty-year period, with eligibility for automatic renewals for ten-year periods, subject to a site plan, landscape plan and conditions

Z034-291 (DW)

ZONING CASES - INDIVIDUAL

47. An application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District located on the north side of C.F. Hawn Freeway, south of Sunview Drive, and west of Edd Road and a resolution accepting deed restrictions volunteered by the applicant

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant

Z034-281 (MM)

48. An application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District located on the north side of C.F. Hawn Freeway, south of Sunview Drive, and west of Edd Road and a resolution accepting deed restrictions volunteered by the applicant

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant

Z034-282 (MM)

49. An application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District located on the north side of C.F. Hawn Freeway, south of Sunview Drive, and west of Edd Road and a resolution accepting deed restrictions volunteered by the applicant

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant

Z034-283 (MM)

## ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

50. An application for and an ordinance granting a CH Clustered Housing District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an MF-1 (A) Multifamily District and a TH-3(A) Townhouse District on the south side of Camp Wisdom Road, east of R.L. Thornton Freeway

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant

Z023-248 (MM)

Note: This item was considered by the City Council at a public hearing on October 13, 2004, and was taken under advisement until October 27, 2004, with the public hearing open.

51. An application for and an ordinance granting an MC-4 Multiple Commercial District on property zoned an MC-3 Multiple Commercial District on the northeast corner of the intersection of Dallas North Tollway and Bent Tree Forest Drive

Recommendation of Staff and CPC: Approval

Z034-278 (MM)

Note: This item was considered by the City Council at a public hearing on October 13, 2004, and was taken under advisement until October 27, 2004, with the public hearing open.

52. An application for a Planned Development District for mixed uses and the termination of a portion of SUP No. 187 for a cemetery and mortuary use and a private recreation club or area for a golf driving range on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 187 on the north side of Camp Wisdom Road, east of Manitoba Avenue with consideration given to an MF-1(A) Multifamily District

Recommendation of Staff: Denial

Recommendation of CPC: Approval of a Planned Development District for mixed uses, subject to a revised conceptual plan, development plan and revised conditions and approval of the termination of a portion of SUP No. 187

Z034-245 (WE)

Note: This item was considered by the City Council at public hearings on September 22, and

October 13, 2004, and was taken under advisement until October 27, 2004, with the public hearing open.

## **DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL**

53. Consideration of an amendment to the Dallas Development Code to determine the design standards and appropriate zoning districts for general merchandise and food store uses greater than 100,000 square feet and the design standards for furniture stores and home improvement stores greater than 100,000 square feet and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval

DCA 034-008

54. Consideration of an amendment to Article VII of the Dallas Development Code regarding detached premise sign regulations and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval

DCA 034-002

## **FLOODPLAIN APPLICATIONS**

55. A public hearing regarding the application for a fill permit and removal of the floodplain (FP) prefix from 0.248 acres of land, zoned Residential 7.5 (R7.5), currently in the 100-year floodplain of Stream 4C3, located at the Northwest corner of Warrior Drive and Long Grove Street - Fill Permit 04-04 - Financing: No cost consideration to the City

## **THOROUGHFARE PLAN AMENDMENTS**

56. A public hearing to receive citizens' comments to amend the City of Dallas Thoroughfare Plan to delete Unnamed SW2 between Clark Road and Wheatland Road, and at

the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

## **BENEFIT ASSESSMENT HEARINGS**

57. A benefit assessment hearing to receive citizens' comments on street paving, water and wastewater main improvements on Blue Ridge Boulevard from S. Cockrell Hill Road to Guadalupe Avenue, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with Texas Standard Construction, LTD., lowest responsible bidder of seven - \$390,204 - Financing: 2003 Bond Funds (\$303,379), Water Utilities Capital Improvement Funds (\$82,675), and Water Utilities Capital Construction Funds (\$4,150)

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

58. 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)

59. Authorize an extension of the moratorium on the acceptance of applications for building permits or certificates of occupancy for "general merchandise or food store uses" with a floor area of 100,000 square feet or more to be located north of Interstate Highway 30 until February 24, 2005 - Financing: No cost consideration to the City **(Requires a 3/4 vote of the full City Council for approval)**

60. Authorize hardship relief for property located at 1050 N. Westmoreland Road from the Ft. Worth Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 1,000 feet of the north or south right-of-way line of Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue - Financing: No cost consideration to the City

61. Authorize hardship relief for property located at 1711 McCoy Place from the Ross Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties on Ross Avenue from Central Expressway to

Fitzhugh Avenue - Financing: No cost consideration to the City

62. Authorize hardship relief for property located at 3130 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

63. Authorize hardship relief for properties located at 811 through 845; 901 through 915 and 919 Ft. Worth Avenue and 2001 through 2015 Sylvan Avenue from the Ft. Worth Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 1,000 feet of the north or south right-of-way line of Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue - Financing: No cost consideration to the City

#### ITEMS FOR FURTHER CONSIDERATION

64. An ordinance granting an amendment to Planned Development District No. 624 for mixed uses generally located on the north side of Wheatland Road and on the west side of Lancaster Road - Z034-198(DC) - Financing: No cost consideration to the City

65. An ordinance granting an amendment to Planned Development District No. 625 for mixed uses generally located on the west side of Lancaster Road between Crouch Road and Camp Wisdom Road - Z034-197(DC) - Financing: No cost consideration to the City

66. An ordinance granting a Planned Development District for single family district uses subject to a conceptual plan on property zoned Planned Development District No. 658 for single family residential uses, an R-5(A) Single Family District and an R-7.5(A) Single Family District on the north side of Camp Wisdom Road, east of Firebird Lane - Z034-196(DC) - Financing: No cost consideration to the City

67. Authorize approval of a tax deferral application prior to rezoning of two properties located at 4143 and 4149 Buena Vista Street - Financing: No cost consideration to the City **(Requires a 2/3 vote of the City Council for approval)**

68. Authorize a public hearing to be held on November 10, 2004, to receive citizens' comments on the proposed change of use and sale of approximately 1.81 acres of land, being all of Crockett Park located at 501 Carroll Avenue, in exchange for a cash payment or exchange of land based on fair market value as determined by an independent fee appraisal - Financing: This action has no cost consideration to the City

69. Authorize a public hearing to held on November 10, 2004, to receive citizens' comments on the proposed change of use and sale of approximately 1.15 acres of land, being part of Buckner Park located at 4550 Worth Street, in exchange for a cash payment or exchange of land based on fair market value as determined by an independent fee appraisal - Financing: This action has no cost consideration to the City

70. Authorize approval of the guidelines for consideration of Private Activity Bond and Low Income Housing Tax Credit projects requiring City Council approval - Financing: No cost consideration to the City

#### Dallas Housing Finance Corporation Projects

71. \* A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the new construction of 248 multifamily units for seniors to be known as the Cherrycrest Villas Apartments located at 2563 John West Road - Financing: No cost consideration to the City

Recommendation of Staff: Approval

72. \* A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the construction of 250 multifamily units for families, to be known as the Rosemont at Laureland Apartments located at 330 E. Camp Wisdom Road - Financing: No cost consideration to the City

Recommendation of Staff: Denial

73. \* A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the new construction of 250 multifamily units for families, to be known as

the Rosemont at Scyene Apartments located at 9901 Scyene Road - Financing: No cost consideration to the City

Recommendation of Staff: Denial

74. \* A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the new construction of 250 multifamily units for families, to be known as the Simpson Villas Apartments located at 3200 Simpson Stuart Road - Financing: No cost consideration to the City

Recommendation of Staff: Denial

Texas Department of Housing and Community Affairs Projects

75. \* A resolution supporting the Texas Department of Housing and Community Affairs tax-exempt bond and low income housing tax credit financing for the new construction of the Providence at Village Fair multifamily development to be located at 3600 South R.L. Thornton Freeway - Financing: No cost consideration to the City

Recommendation of Staff: Denial

76. \* A resolution supporting the Texas Department of Housing and Community Affairs tax-exempt bond and low income housing tax credit financing for the new construction of the Dallas West Villas multifamily development to be located at 9415 Bruton Road - Financing: No cost consideration to the City

Recommendation of Staff: Denial

77. \* A resolution supporting the Texas Department of Housing and Community Affairs tax-exempt bond and low income housing tax credit financing for the new construction of the Homes of Pecan Grove multifamily development to be located at 3111 Simpson Stuart Road - Financing: No cost consideration to the City

Recommendation of Staff: Denial

78. \* A resolution supporting the Texas Department of Housing and Community Affairs tax-exempt bond and low income housing tax credit financing for the new construction of the Memorial Park Townhomes multifamily development to be located at 515 E. Camp Wisdom Road - Financing: No cost consideration to the City

Recommendation of Staff: Denial

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## ADDENDUM

### ADDITIONS:

Closed Session

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

8212-H Manhattan Construction Company v. Austin Commercial, Inc., Cause No. 03-

Erubiel Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K

Victor Alvarado DeLeon v. City of Dallas, et al., Cause No. 3:02-CV-1097-K

Jacinto Jesus Mejia v. City of Dallas, Cause No. 3:03-CV-0352-K

Lorenzo Escamilla v. City of Dallas, et al., Cause No. 3:03-CV-0848-K

Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K

George Sifuentes v. City of Dallas, et al., Cause No. 3:03-CV-0961-K

Yvonne Gywn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K

Everett & Grogan v. David Larsen, et al., Cause No. 3:03-CV-0192-K

Chavez, et al v. DeLaPaz, et al., Cause No. 3:04-CV-0510-K

Pineda v. City of Dallas, et al., Cause No. 3:04-CV-0510-K

VRC, LLC v. City of Dallas, Cause No. 3:03-CV-2450-B

## **CONSENT ADDENDUM**

### **AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS**

#### Contract Amendments

1. Authorize Supplemental Agreement No. 4 to the contract with Workarchitecture, P.L.L.C., for additional design services to incorporate water conservation features into the new Animal Shelter facility located at Westmoreland Road and IH 30, add an adjacent City-owned tract of land to the project site and increase the allowance for reimbursable expenses - \$134,000, from \$1,509,746 to \$1,643,746 - Financing: 1998 Bond Funds

2. Authorize an increase in the contract with Rodman Excavation, Inc., for the construction of closure and restoration activities at the Deepwood Loop 12 Landfill for increased quantity of excavation/consolidation of waste and hauling of clean soil from borrow pits to the Deepwood site - \$1,437,500, from \$10,900,399 to \$12,337,899 - Financing: 2003 Certificates of Obligation

#### **LAND ACQUISITION**

#### **The Villages of Runyon Springs**

**Note:** Item Nos. 3 and 4 must be considered collectively.

3. \* Authorize the acceptance of five tracts of donated land and a quitclaim deed for right-of-way within the 278 acre residential development of The Villages of Runyon

Springs located between Lancaster and Houston School Roads near Simpson Stuart Road -  
Financing: No cost consideration to the City

4. \* Authorize the waiver of all paving assessment fees against the developer resulting from development and paving of a donated 1.15 acre Police substation right-of-way tract which abuts the developer's property - Financing: No cost consideration to the City (Estimated revenue foregone is \$72,000)

#### MISCELLANEOUS

5. Authorize **(1)** the City Manager to enter into a performance grant agreement with the Texas Department of Agriculture to access matching grant funds available through the GO TEXAN Partnership Program for marketing related activities at Dallas Farmers Market from September 27, 2004 to July 31, 2005, and **(2)** a local match in an amount not to exceed \$43,154 - Financing: Convention and Event Services Current Funds

6. Authorize an amendment to the Program Statement for the Residential Development Acquisition Loan Program providing for **(1)** the acquisition of unimproved and improved single-family lots city-wide for development of housing affordable to low- and moderate-income households, **(2)** demolition costs associated with the acquisition of improved single-family lots, and **(3)** relocation payments associated with such acquisition as may be required under Chapter 39A of the Dallas City Code or the Uniform Relocation Act - Financing: No cost consideration to the City

#### ITEMS FOR INDIVIDUAL CONSIDERATION

7. Authorize the acceptance of grant funds from the U.S. Department of Justice under the Community Oriented Policing Services Law Enforcement Technology Program to enhance the public safety Computer Aided Dispatch system - Not to exceed \$247,369 - Financing: U.S. Department of Justice Community Oriented Policing Services Grant Funds

8. Authorize a twelve-month personal services contract with Dick Grote for performance management design and training - Not to exceed \$33,000 - Financing: Current Funds

9. An ordinance amending Chapter 41 of the Dallas City Code to define terms and to allow smoking in bingo parlors (Deputy Mayor Pro Tem Hill, Councilmembers Greyson, Oakley, Thornton-Reese, Salazar, Fantroy, Griffith, Blaydes, and Rasansky)

10. An ordinance amending Chapter 41 of the Dallas City Code to allow smoking in enclosed meeting and assembly rooms in hotels and motels during private functions (Deputy Mayor Pro Tem Hill, Councilmembers Greyson, Oakley, Thornton-Reese, Salazar, Fantroy, Griffith, Blaydes, and Rasansky)

CORRECTIONS:

68. Authorize a public hearing to be held on ~~November 10, 2004~~ December 8, 2004, to receive citizens' comments on the proposed change of use and sale of approximately 1.81 acres of land, being all of Crockett Park located at 501 Carroll Avenue, in exchange for a cash payment or exchange of land based on fair market value as determined by an independent fee appraisal - Financing: This action has no cost consideration to the City

69. Authorize a public hearing to held on ~~November 10, 2004~~ December 8, 2004, to receive citizens' comments on the proposed change of use and sale of approximately 1.15 acres of land, being part of Buckner Park located at 4550 Worth Street, in exchange for a cash payment or exchange of land based on fair market value as determined by an independent fee appraisal - Financing: This action has no cost consideration to the City

DELETIONS:

36. Authorize adoption and implementation of the 2005-09 Affirmative Action Plan for the City of Dallas - Financing: No cost consideration for the City

59. Authorize an extension of the moratorium on the acceptance of applications for building permits or certificates of occupancy for "general merchandise or food store uses" with a floor area of 100,000 square feet or more to be located north of Interstate Highway 30 until February 24, 2005 - Financing: No cost consideration to the City **(Requires a 3/4 vote of the full City Council for approval)**

70. Authorize approval of the guidelines for consideration of Private Activity Bond and Low Income Housing Tax Credit projects requiring City Council approval - Financing: No cost consideration to the City

74. A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the new construction of 250 multifamily units for families, to be known as the Simpson Villas Apartments located at 3200 Simpson Stuart Road - Financing: No cost consideration to the City

Recommendation of Staff: Denial

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## **Professional Services Firms for Geotechnical, Materials Testing,**

### **Asbestos and Nonasbestos Testing**

Agenda Item #3

Afram International

Alliance Geotech Group

Alpha Testing, Inc.

Applied Earth Sciences, Inc.

ATC Associates, Inc.

Biggs & Mathews Environmental

Caldwell Engineering, Inc.

Cole-McDonald Environmental Consultants, Inc.

EA Engineering Science and Technology, Inc.

ETI Environmental Services

Fugro South, Inc.  
GEE Consultants, Inc.  
GME Consulting Services, Inc.  
Halff Associates  
HBC Engineering, Inc.  
Henley-Johnston and Associates, Inc.  
IT Corporation  
LCA Environmental  
Malcolm Pirnie, Inc.  
MAS-TEK Engineering and Associates, Inc.  
Maxim Technologies, Inc.  
PASS Associates, Inc.  
Patton, Burke and Thompson  
Professional Services Industries, Inc.  
Reed Engineering Group, Inc.  
Resource Environmental  
Rone Engineers, Inc.  
TEAM Consultants, Inc.  
Terra-Mar, Inc.  
The Araya Group, Inc.  
Trinity Engineering Testing Corporation

**Water and Wastewater Main Replacement Design in**

## **Ferris Branch Creek and Jackson Branch Creek**

### **Agenda Item #8**

#### **District 10**

-  
Forest Ln. from I.H. 635 to Oakshire Pl., south to Rockhaven Pl., north to Forest Ln.

Arbor Park Drive from I.H. 635 south to Royal Lane

Stone River Circle from Royal Lane to Skillman Street

Skillman Street from Stone River Road to Kingsley Road

Flintfalls Dr. and Rocky Branch Dr. from Whitehurst Dr. to Vista Oaks Dr.

Brittania Way from Coppertowne Lane south to Coppertowne Lane north

#### **District 11**

-  
Adjacent to Ferris Branch Creek from I.H. 635 north to Walnut Rd. (Richland College)

## **2004-05 Cultural Organization Program**

### **Agenda Item #37**

<b>Organization</b>	<b>OCA</b>	<b>TCA</b>
Museum of African American Life & Culture	\$207,544	\$1,000
American Indian Arts Council	\$18,761	\$1,000
Anita N. Martinez Ballet		
Folklorico, Inc.	\$56,424	\$1,000
Artreach-Dallas, Inc.	\$19,761	\$1,430
Arts District Friends	\$37,698	\$1,000
(Junior) Black Academy of Arts & Letters	\$193,112	\$1,200
Black Dallas Remembered, Inc	\$15,000	\$1,000
Cara Mia Theater	\$19,000	\$1,000
Children's Chorus of Greater Dallas	\$16,059	\$ 430
Dallas Black Dance Theater	\$175,983	\$1,300
Dallas Children's Museum	\$16,000	
Dallas Children's Theater	\$60,925	\$1,300
Dallas County Heritage Society	\$227,782	\$1,000
Dallas Dance Council	\$29,142	\$1,430
Dallas Historical Society	\$68,085	\$1,000
Dallas Museum of Art	\$1,081,875	\$1,200
Dallas Museum of Natural History	\$440,282	\$1,300
The Dallas Opera	\$165,644	\$1,000
Dallas Supporters of	\$29,610	\$1,200
Ft. Worth/Dallas Ballet		
Dallas Theater Center	\$38,461	\$1,000
Dallas Wind Symphony	\$14,625	\$1,000
Dallas Visual Arts Center, dba	\$16,000	
Dallas Center for Contemporary Art		
Daniel de Cordoba	\$18,092	\$1,000
Deep Ellum Theater Group/	\$26,730	\$1,000
Undermain Theater		
D/FW International	\$16,000	
Fine Arts Chamber	\$23,466	\$1,000
(Chamber Players of Dallas)		
Greater Dallas Youth Orchestra	\$27,470	\$1,000
Honoring of People Everywhere	\$15,130	\$ 870
Junior Players Guild	\$27,260	\$1,430
Kitchen Dog Theater	\$16,000	
Maharlika Dancers USA, Inc.	\$18,532	\$1,000
New Arts Six	\$22,927	\$1,000
North Texas Winds	\$19,290	\$1,300
(Texas Winds Musical Outreach, Inc.)		
Ollimpaxqui	\$29,450	\$1,000
Sammons Center for the Arts	\$63,370	\$1,000
Science Place	\$352,177	\$1,430
Shakespeare Festival of Dallas	\$81,943	\$1,000

SW Railroad Historical Society dba Age of Steam Museum	\$26,000	
Teatro Hispano de Dallas, Inc.	\$61,893	\$1,200
Texas International Theatrical Arts Society	\$62,773	\$1,000
Theater Three, Inc.	\$75,199	\$1,000
Turtle Creek Chorale, Inc.	\$63,831	\$1,200
U S A Film Festival, Inc.	\$33,237	\$1,300
Video Association	\$16,000	
Voices of Change	\$20,603	\$1,000
Writer's Garret	\$16,059	\$ 430
Women's Museum	\$117,075	\$1,000
Young Audiences of Greater Dallas, Inc.	\$218,783	\$1,300
<b>TOTAL</b>	<b>\$4,417,063</b>	<b>\$45,250</b>

Dallas City Council meeting minutes are prepared under the authority of the City Secretary,  
Deborah Watkins

Updated: October 18, 2004  
the **next meeting agenda** in the series,  
the **previous meeting agenda** in the series

Current agenda information: (214) 670-3100

Dallas City Council meeting minutes  
are prepared under the authority of  
the City Secretary, Deborah Watkins  
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**ADDENDUM  
CITY COUNCIL MEETING  
OCTOBER 27, 2004  
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.)

- Manhattan Construction Company v. Austin Commercial, Inc., Cause No. 03-8212-H
- Erubiel Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- Victor Alvarado DeLeon v. City of Dallas, et al., Cause No. 3:02-CV-1097-K
- Jacinto Jesus Mejia v. City of Dallas, Cause No. 3:03-CV-0352-K
- Lorenzo Escamilla v. City of Dallas, et al., Cause No. 3:03-CV-0848-K
- Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K
- George Sifuentez v. City of Dallas, et al., Cause No. 3:03-CV-0961-K
- Yvonne Gywn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K
- Everett & Grogan v. David Larsen, et al., Cause No. 3:03-CV-0192-K
- Chavez, et al v. DeLaPaz, et al., Cause No. 3:04-CV-0510-K
- Pineda v. City of Dallas, et al., Cause No. 3:04-CV-0510-K
- VRC, LLC v. City of Dallas, Cause No. 3:03-CV-2450-B

**CONSENT ADDENDUM**

**AUTHORIZATIONS RELATED TO CONSTRUCTION PROJECTS**

**Contract Amendments**

1. Authorize Supplemental Agreement No. 4 to the contract with Workarchitecture, P.L.L.C., for additional design services to incorporate water conservation features into the new Animal Shelter facility located at Westmoreland Road and IH 30, add an adjacent City-owned tract of land to the project site and increase the allowance for reimbursable expenses - \$134,000, from \$1,509,746 to \$1,643,746 - Financing: 1998 Bond Funds
2. Authorize an increase in the contract with Rodman Excavation, Inc., for the construction of closure and restoration activities at the Deepwood Loop 12 Landfill for increased quantity of excavation/consolidation of waste and hauling of clean soil from borrow pits to the Deepwood site - \$1,437,500, from \$10,900,399 to \$12,337,899 - Financing: 2003 Certificates of Obligation

**ADDENDUM  
CITY COUNCIL MEETING  
OCTOBER 27, 2004**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

LAND ACQUISITION

**The Villages of Runyon Springs**

**Note:** Item Nos. 3 and 4 must be considered collectively.

3. \* Authorize the acceptance of five tracts of donated land and a quitclaim deed for right-of-way within the 278 acre residential development of The Villages of Runyon Springs located between Lancaster and Houston School Roads near Simpson Stuart Road - Financing: No cost consideration to the City
4. \* Authorize the waiver of all paving assessment fees against the developer resulting from development and paving of a donated 1.15 acre Police substation right-of-way tract which abuts the developer's property - Financing: No cost consideration to the City (Estimated revenue foregone is \$72,000)

MISCELLANEOUS

5. Authorize **(1)** the City Manager to enter into a performance grant agreement with the Texas Department of Agriculture to access matching grant funds available through the GO TEXAN Partnership Program for marketing related activities at Dallas Farmers Market from September 27, 2004 to July 31, 2005, and **(2)** a local match in an amount not to exceed \$43,154 - Financing: Convention and Event Services Current Funds
6. Authorize an amendment to the Program Statement for the Residential Development Acquisition Loan Program providing for **(1)** the acquisition of unimproved and improved single-family lots city-wide for development of housing affordable to low- and moderate-income households, **(2)** demolition costs associated with the acquisition of improved single-family lots, and **(3)** relocation payments associated with such acquisition as may be required under Chapter 39A of the Dallas City Code or the Uniform Relocation Act - Financing: No cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
OCTOBER 27, 2004**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

7. Authorize the acceptance of grant funds from the U.S. Department of Justice under the Community Oriented Policing Services Law Enforcement Technology Program to enhance the public safety Computer Aided Dispatch system - Not to exceed \$247,369 - Financing: U.S. Department of Justice Community Oriented Policing Services Grant Funds
8. Authorize a twelve-month personal services contract with Dick Grote for performance management design and training - Not to exceed \$33,000 - Financing: Current Funds
9. An ordinance amending Chapter 41 of the Dallas City Code to define terms and to allow smoking in bingo parlors (Deputy Mayor Pro Tem Hill, Councilmembers Greyson, Oakley, Thornton-Reese, Salazar, Fantroy, Griffith, Blaydes, and Rasansky)
10. An ordinance amending Chapter 41 of the Dallas City Code to allow smoking in enclosed meeting and assembly rooms in hotels and motels during private functions (Deputy Mayor Pro Tem Hill, Councilmembers Greyson, Oakley, Thornton-Reese, Salazar, Fantroy, Griffith, Blaydes, and Rasansky)

CORRECTIONS:

68. Authorize a public hearing to be held on ~~November 10, 2004~~ December 8, 2004, to receive citizens' comments on the proposed change of use and sale of approximately 1.81 acres of land, being all of Crockett Park located at 501 Carroll Avenue, in exchange for a cash payment or exchange of land based on fair market value as determined by an independent fee appraisal - Financing: This action has no cost consideration to the City
69. Authorize a public hearing to held on ~~November 10, 2004~~ December 8, 2004, to receive citizens' comments on the proposed change of use and sale of approximately 1.15 acres of land, being part of Buckner Park located at 4550 Worth Street, in exchange for a cash payment or exchange of land based on fair market value as determined by an independent fee appraisal - Financing: This action has no cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
OCTOBER 27, 2004**

**DELETIONS:**

36. Authorize adoption and implementation of the 2005-09 Affirmative Action Plan for the City of Dallas - Financing: No cost consideration for the City
  
59. Authorize an extension of the moratorium on the acceptance of applications for building permits or certificates of occupancy for "general merchandise or food store uses" with a floor area of 100,000 square feet or more to be located north of Interstate Highway 30 until February 24, 2005 - Financing: No cost consideration to the City **(Requires a 3/4 vote of the full City Council for approval)**
  
70. Authorize approval of the guidelines for consideration of Private Activity Bond and Low Income Housing Tax Credit projects requiring City Council approval - Financing: No cost consideration to the City
  
74. A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the new construction of 250 multifamily units for families, to be known as the Simpson Villas Apartments located at 3200 Simpson Stuart Road - Financing: No cost consideration to the City  
Recommendation of Staff: Denial