

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 26, 1997

97-1000

VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR RON KIRK, PRESIDING

PRESENT: [15] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Duncan, Hicks, Mallory
Caraway, Lipscomb, Poss, Walne, Fielding, Blumer, McDaniel

ABSENT: [0]

The meeting was called to order at 9:15 a.m.

The city secretary announced that a quorum of the city council was present.

The invocation was given by the Rev. Larry James, pastor, Central Dallas Ministries.

The meeting agenda, which was posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the city council had been considered the city council adjourned at 2:41 p.m.

Mayor

ATTEST:

City Secretary

The meeting agenda is attached to the minutes of this meeting as EXHIBIT A.

The actions taken on each matter considered by the city council are attached to the minutes of this meeting as EXHIBIT B.

Ordinances, resolutions, reports and other records pertaining to matters considered by the city council, are filed with the city secretary as official public records and comprise EXHIBIT C to the minutes of this meeting.

MINUTES OF THE DALLAS CITY COUNCIL

WEDNESDAY, MARCH 26, 1997

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 26, 1997

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1001

CITIZEN SPEAKERS

In accordance with the City Council Rules of Procedure, the city council provided "open microphone" opportunities for the following individuals to comment on matters that were scheduled on the city council voting agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda:

OPEN MICROPHONE - BEGINNING OF MEETING:

SPEAKER: Alan Rubin, 7455 Malabar Ln.
REPRESENTING: Dallas City Packing Inc.
SUBJECT: Trinity Floodway Extension

SPEAKER: G. Lagbara, 2735 Meadow Dawn Ln.
SUBJECT: Taxes

SPEAKER: Cecil Hawkins, 4014 S. Denley Dr.
SUBJECT: Sexually oriented businesses

OPEN MICROPHONE - END OF MEETING:

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Personal matters

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1002

Item 1: Approval of Minutes

The minutes of the voting agenda meeting of March 12, 1997, were presented for approval.

Councilmember Poss moved to approve the minutes.

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Hicks absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1003

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-46, was presented for consideration.

The city secretary announced that his office had received written notice from members of the city council that consent agenda items 30 and 43 had been deferred until the next voting agenda meeting of the city council and notice that the items had been deferred had been posted in accordance with Subsection 7.11 of the City Council Rules of Procedure.

The following individual appeared to comment on consent agenda items:

- Theresa Lang, 17715 Median Dr., concerning consent agenda item 3

Councilmember Lipscomb moved to approve all items on the consent agenda with the exception of items 30 and 43 which had been deferred until the next voting agenda meeting of the city council at the request of members of the council.

Motion seconded by Councilmember Poss and unanimously adopted. (Hicks absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1004

Item 2: Authorize a professional services contract with Chiang, Patel & Yerby, Inc. to provide engineering services for improvements to the East Side Water Treatment Plant - \$2,513,600 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1005

Item 3: Authorize a contract for the construction of storm drainage improvements for the Harbinger Drainage Outfall project - Camino Construction, Inc. - lowest responsible bidder of seven - \$139,116 - Financing: 1985 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1006

Item 4: Authorize a contract for the construction of water and wastewater mains in the vicinity of Myrtle Springs Avenue, Mohawk Street, Latham Drive and Marsh Lane Place - Camino Construction, Inc., lowest responsible bidder of nine - \$1,429,794 - Financing: Water Utilities Bond Funds (\$1,172,891) and Water Utilities Capital Construction Funds (\$256,903)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1007

Item 5: Authorize an increase in the contract with Easter-Owens Integrated Systems, Inc. for one year of maintenance and the installation of additional security access control equipment at Dallas Love Field Airport - \$110,033 - from \$499,221 to \$609,254 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1008

Item 6: Authorize a twelve month multiple award price agreement for the construction of sidewalks, curb and gutter, drive approaches, water and wastewater appurtenance adjustments, and barrier free ramps as required under the Sidewalk Replacement Program and Neighborhood Renaissance Program - T.E.I. Construction and Engineering, Inc., Owens & Smith Construction, Inc., Solis & Solis Construction Company, North Texas Bomanite, Inc., and Tiseo Paving Company - lowest responsible bidders of nine - \$1,739,648 - Financing: 1985 Bond Funds (\$500,000), 1994-95 Community Development Grant Funds (\$398,275), 1995-96 Community Development Grant Funds (\$641,373), Water Utilities Capital Construction Funds (\$200,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1009

Item 7: Authorize adoption of amended 1997 SCHEDULE "B" Prevailing Wage Rates for public engineering (Highway/Heavy) construction for the City of Dallas as minimum acceptable on "public works" projects - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1010

Item 8: Authorize calling of a benefit assessment hearing to be held on May 14, 1997 for alley paving and storm drainage improvements on Alley East of Strawberry Trail from Silverhill Drive to Tioga Street including section between La Grange Drive and Olney Court and the section between Olney Court and Tioga Street - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1011

Item 9: Authorize calling of a benefit assessment hearing to be held on May 14, 1997 for alley paving, storm drainage, water and wastewater main improvements on Alley between Pentagon Parkway, Wolcott Drive and Talco Drive from Bronx Avenue to Veterans Drive
- Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1012

Item 10: Authorize calling of a benefit assessment hearing to be held on May 14, 1997 for street paving, storm drainage, water and wastewater main improvements on Fairview Avenue from East Grand Avenue to Lindsley Avenue - No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1013

Item 11: Authorize calling of a benefit assessment hearing to be held on May 14, 1997 for street paving, storm drainage, and water main improvements on Frankford Road from Renaissance Drive to Marsh Lane - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1014

Item 12: Authorize calling of a benefit assessment hearing to be held on May 28, 1997, for sidewalk paving and water main improvements on Sidewalk Group 9702 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1015

Item 13: D-FW International Airport Noise Mitigation

- * Authorize amendment to Resolution Numbers 952681 and 952820 to revise procedures and minimum bid requirements regarding the advertisement for sale of certain single-family residential properties acquired (for resale) in connection with the Dallas-Fort Worth International Airport's noise mitigation program for the runway expansion project - Financing: No cost or revenue consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1016

Item 14: D-FW International Airport Noise Mitigation

- * Authorize the acceptance of individual aviation easements over 79 single-family residential properties located in the City of Irving, Texas in accordance with provisions of the Sales Guarantee Program associated with the D-FW International Airport noise mitigation program involving property owner sales to third-parties, or in the alternative, authorize acquisition of fee title to each property at 93% of the appraised value in the event no sale occurs for a total consideration of up to \$7,767,825 and upon retaining the necessary aviation easements, authorize the properties to be advertised for sale by sealed bids at various minimum bid amounts - Financing: D-FW International Airport Joint Revenue Bond Funds (no cost or revenue consideration to the City)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1017

Item 15: D-FW International Airport Expansion

- * Authorize settlement in lieu of proceeding to a jury trial in condemnation for acquisition of a single-family residential property located at 4501 Mear Drive in Irving, Texas from Kingston Yong needed for the D-FW International Airport Expansion project - \$155,500 - Financing: D-FW International Airport Joint Revenue Bonds (no cost consideration to the City)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1018

Item 16: D-FW International Airport Expansion

- * Authorize settlement in lieu of proceeding to a jury trial in condemnation for acquisition of approximately 1.525 acres of land located near the intersection of Orion Drive and Stardust Drive in Irving, Texas from Harrington Development Corporation needed for the D-FW International Airport Expansion project - \$80,500 - Financing: D-FW International Airport Joint Revenue Bonds (no cost consideration to the City)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1019

Item 17: D-FW International Airport Expansion

- * Authorize acquisition of individual avigation easements over 32 residential properties above approximately 5 acres of land located in the City of Irving, Texas for D-FW International Airport Expansion project - \$866,875 (\$416,100 in easement acquisition payments and \$450,775 in noise mitigation payments) - Financing: D-FW International Airport Joint Revenue Bonds (no cost consideration to the City)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1020

Item 18: Declare approximately 2 acres of City-owned property, located on Ninth and Tenth Streets near the intersection with Denver Street, unneeded and unwanted and authorize the execution of a Sales Contract with the Community Development Assistance Corporation for the development and construction of affordable housing - Revenue: \$10

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1021

Item 19: An ordinance granting a revocable license to ML Texas Apartments, L.P., for the use of approximately 21,765 square feet of land, in order to install and maintain landscaping in Dallas North Tollway right-of-way, near its intersection with Haverwood Lane - Revenue: \$350 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

ORDINANCE NO. 23067.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1022

Item 20: Dallas Naval Air Station

- * Authorize an agreement with the United States of America, acting through the Department of the Navy, regarding the existing lease for the Dallas Naval Air Station, releasing an office/armory building, containing approximately 20,740 square feet, a hangar building, containing approximately 35,367 square feet, paved, automobile, aircraft and parking areas containing approximately 35 acres and approximately 71 acres of unimproved land - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1023

Item 21: Dallas Naval Air Station

- * Authorize a 25 year lease with ten year and five year renewal options, with the Texas National Guard Armory Board for an office/armory building, containing approximately 20,740 square feet, a hangar building, containing approximately 35,367 square feet, paved automobile and aircraft parking areas containing approximately 35 acres and approximately 71 acres of unimproved land at Dallas Naval Air Station - Revenue: \$315,159 annually (less amortization of needed repairs, not to exceed \$23,000 annually, for 15 years)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1024

Item 22: Dallas Naval Air Station

- * Authorize acceptance of Department of Defense funds for a third year to complete certain redevelopment planning activities for the conversion of Naval Air Station Dallas (NASD) in the amount of \$52,565; and authorizing the third year of a contract with KVG Gideon Toal, Inc., for twelve (12) months, for the period March 26, 1997 through March 30, 1998 - \$99,092 - Financing: U.S. Department of Defense Funds (\$52,565), and Current Funds (\$46,527) (70% or \$32,569 City of Dallas and 30% or \$13,958 City of Grand Prairie)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1025

Item 23: Authorize a twenty-four month price agreement for photographic film with the lowest responsible bidders of six - Focus Camera, Inc., HPI International , Inc., Unique Photo, Inc., and Wolf Camera and Video - Not to exceed \$470,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1026

Item 24: Authorize a thirty-six month price agreement for Leach Curbtender (automated trash pickup) vehicle parts and labor with the lowest responsible bidder of three - Industrial Disposal Supply - Not to exceed \$390,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1027

Item 25: Authorize a twenty-four month multiple award price agreement for heating and air conditioning equipment and parts with the lowest responsible bidders of three - Barsco, Cate and Company, and Climate Supply Company, Inc. - Not to exceed \$150,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1028

Item 26: Authorize participation in a cooperative purchasing agreement with the State of Texas General Services Commission and issuance of purchase orders for nine Geodimeter 610 servo driven survey total stations and one Geotracer GPS total station with all hardware and software required - Martin Instrument - GSC authorized vendor - \$238,000 - Financing: Current Funds (\$142,800), Water Utilities Current Funds (\$71,400), Aviation Current Funds (\$23,800)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1029

Item 27: Authorize a one year contract with Dallas/Fort Worth International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to Aircraft-Rescue Firefighters at Love Field and Red Bird Airport - Not to exceed \$89,900 - Financing: Aviation Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1030

Item 28: Authorize the refurbishment of ten belt filter presses located at Water Utilities Southside Wastewater Treatment Plant with the lowest responsible bidder of six - Andritz-Ruthner, Inc. - Not to exceed \$297,868 - Financing: Wastewater Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1031

Item 29: Authorize the rejection of three bids received for a thirty-six month price agreement for anhydrous ammonia - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1032

Item 30: Authorize the rejection of four bids received for a thirty-six month price agreement for

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The city secretary announced that Councilmember Stimson had deferred consideration of consent agenda item 30 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1033

Item 31: Authorize ratification of emergency purchase for 840 cases of road flares - Vehicle Maintenance Program, Inc. - \$29,862 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1034

Item 32: Authorize a professional services contract with Sartain & Co., Inc. to provide assistance in the preparation and trial of a lawsuit styled James S. Hill, et al. v. City of Dallas, Cause No. 95-00975-F - Not to exceed \$35,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1035

Item 33: Authorize settlement of a lawsuit styled Bank One, Texas N.A. vs. City of Dallas, Cause No. 96-CV-1454-J - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1036

Item 34: Authorize settlement of a lawsuit styled, Beatrice Mackey v. City of Dallas and Charles Nealy, Cause No. 95-06406-G - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1037

Item 35: Authorize settlement of a lawsuit styled, Tammy Steed v. City of Dallas, Cause No. 96-02200-I - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1038

Item 36: Authorize settlement of a lawsuit styled, Tressia Eskridge v. Walter G. Cooper and City of Dallas, Cause No. cc-96-3106-a - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1039

Item 37: Authorize settlement of a claim styled Lillie M. Dawkins and Mortgagee Metmor Financial Company vs. City of Dallas for demolition of house. Claim No.: 94-02200 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1040

Item 38: Authorize settlement of a claim styled Charlene Buchanan vs. City of Dallas for property damage. Claim No.: 95-101002065 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1041

Item 39: Authorize acceptance of \$58,296 offers tendered of certain City of Dallas, Texas Civic Center Convention Complex Junior Lien Revenue Bonds, Series 484 - Financing: Convention Center Junior Lien Debt Service Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1042

Item 40: Authorize a maintenance agreement with American Management Systems (AMS) Inc., for the eleventh, twelve month contract for support and maintenance of the City's automated financial system - Not to exceed \$74,325 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1043

Item 41: Authorize (1) a public hearing to be held on April 9, 1997, to receive citizen comments concerning the creation of City of Dallas Reinvestment Zone Number 37, consisting of approximately 9.3 acres located at 1535 W. Mockingbird Lane, City of Dallas, Texas, 75235, in order for the property to be eligible for commercial-industrial tax abatement, (2) consideration of an ordinance creating City of Dallas Reinvestment Zone Number 37 on April 9, 1997 and (3) consideration of a tangible personal property tax abatement agreement with Nextel of Texas and its lessor Oakbrook Plaza Ltd. on April 9, 1997 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1044

Item 42: Authorize (1) a public hearing to be held on April 9, 1997, to receive citizen comments concerning the creation of City of Dallas Reinvestment Zone Number 38, located at the southwest corner of Dickson and Stoneview Drives, City of Dallas, Texas in order for the property to be eligible for commercial-industrial tax abatement, (2) consideration of an ordinance creating City of Dallas Reinvestment Zone Number 38 on April 9, 1997 and (3) consideration of a real property tax abatement agreement with Medline Industries, Inc. on April 9, 1997 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1045

Item 43: Authorize the approval of the proposed Public Art Plan as approved by both the Cultural Affairs Commission and the Council Arts, Education and Libraries Committee, and as directed by the Public Art Ordinance (Dallas City Code, Chapter 2, Article X) - Financing: This action has no cost consideration to the City

The city secretary announced that Councilmembers Duncan and Fielding had deferred consideration of consent agenda item 43 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1046

Item 44: Authorize the acceptance of the second donation from the Friends of the Dallas Public Library, Inc. to satisfy their \$500,000 pledge for the renovation of the first floor of the J. Erik Jonsson Central Library - Not to exceed \$113,450 - Financing: Library Donations

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1047

Item 45: An ordinance authorizing a correction to the property description in Ordinance No. 22947 which established Specific Use Permit No. 1301 for a Tower/antenna for cellular communication on property located northeast of the north corner of Belt Line Road and Fish Road [Z956-302/10150-SE(KC)] - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23068.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1048

Item 46: Authorize a replacement contract to Oriental Building Services, Inc. for ratification of services performed as of February 12, 1997 as tendered by the defaulting contractor's surety company, Amwest Surety Insurance Company for the continuation of two janitorial services contracts at the District Group III, VI and VII buildings, and authorize the execution of a related settlement or tender agreement with Amwest Surety Insurance Company - \$84,557 - Financing: Current Funds \$624,440 (Total Contract \$708,997)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1049

Item 47: Public Hearing

A public hearing was called to receive citizen comments on the renewal of the Dallas Teen Curfew Ordinance - Financing: No cost consideration to the City

No one addressed the city council regarding the Dallas Teen Curfew Ordinance.

Councilmember Lipscomb moved to close the public hearing.

Motion seconded by Councilmember Walne and unanimously adopted. (Kirk, Wells, Salazar, Luna, Hicks, McDaniel absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1050

Item 48: Public Hearing

A public hearing to receive citizen comments on the proposed amendments to Chapters 14 and 41A of the Dallas City Code regarding sexually oriented businesses - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1051

Item 49: Public Hearing - Zoning Case Z967-153/10230-SE(DW)

A public hearing was called on zoning case Z967-153/10230-SE(DW), an application for a Specific Use Permit for a Community Service Center on property presently zoned a D(A) Duplex District at the north corner of South Harwood Street and Cooper Street.

(The city plan commission recommended denial.)

Cherryl J. Peterman, director of planning, reminded the city council that in accordance with subparagraph (c)(2)(A) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the council in that the application for a change in zoning had been recommended for denial by the city plan commission.

Appearing in opposition to the city plan commission recommendation:

- Mythe Kirven, 1906 Peabody Ave., representing the applicant, South Dallas Health Access, Inc.

No one appeared in favor of the city plan commission recommendation.

Deputy Mayor Pro Tem Mayes moved to close the public hearing and accept the recommendation of the city plan commission.

Motion seconded by Councilmember Mallory Caraway.

After discussion, Mayor Pro Tem Wells called the vote on the motion:

Voting Yes:	[12]	Wells, Mayes, Salazar, Stimson, Duncan, Hicks, Mallory Caraway, Poss, Walne, Fielding, Blumer, McDaniel
Voting No:	[2]	Luna, Lipscomb
Absent:	[1]	Kirk absent when vote taken

Mayor Pro Tem Wells declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1052

Item 50: Public Hearing - Zoning Case Z956-158/4123-C(CC/RB)

A public hearing was called on zoning case Z956-158/4123-C(CC/RB), a City Plan Commission authorized hearing to determine the proper zoning with consideration being given to amending Planned Development District No. 99 for Residential Uses to permit certain residential and nonresidential uses as well as establishing additional development standards, and expanding the Planned Development District to include property presently zoned a CR Community Retail District, and also to convert the Planned Development District from Chapter 51 to Chapter 51A of the Dallas Development Code on property on both sides of Gaston Avenue between Fitzhugh Avenue and Paulus Street, and an ordinance implementing the proposal. It is the intention of this proposal to recognize the historic, cultural and/or architectural importance and significance of this area.

(The city plan commission recommended approval of an amendment to the conditions for Planned Development District No. 99, with certain changes to the conditions recommended by the staff, approval of the expansion of the Planned Development District to include property presently zoned a CR Community Retail District, and approval of the conversion of Planned Development District No. 99 from Chapter 51 to Chapter 51A of the Dallas Development Code, and approval of the Planned Development District No. 99 Committee Report dated February 4, 1997, subject to certain revisions.)

Appearing in opposition to the city plan commission recommendation:

- James Williams, 7001 Lakeshore Dr.
- Thomas Moore, 5125 Swiss Ave., representing the Swiss Avenue Historic District
- Virginia McAlester, 5803 Swiss Ave.
- John Bayless, 12480 Abrams Rd.
- Richard Buck, no residence address given, Plano

Appearing in favor of the city plan commission recommendation:

- Carole Eade, 6127 Gaston Ave.
- Helen Switt, 4902 Tremont St., representing Old East Dallas Renaissance Coalition
- Omar Gonzales, 4933 Victor St., representing Munger Place Neighborhood Association
- Joan Snider, 723 Parkmont St., representing Junius Heights Neighborhood Association
- John Tomaso, 5422 Gaston Ave.
- John Spacek, 6203 Gaston Ave., representing PD 99 Rezoning Committee

Councilmember McDaniel moved to close the public hearing, modify the recommendation of the city plan commission so as to include the following additional conditions and revisions:

- (1) That maximum lot coverage for townhouse structures shall be 65 percent.
- (2) That minimum lot size for townhouse structures shall be 2,000 square feet.
- (3) That Section 51A-4.301(f)(1) of the Dallas Development code, regarding the screening of off-street parking for multifamily uses when the parking is contiguous to single family or duplex uses, becomes applicable to a lot when an application is made for a building permit for:
 - (A) construction work that within a 24-month period increases the number of stories, floor area ratio, or nonpermeable coverage on the lot; or
 - (B) remodeling work that within a 24-month period amounts to a cost in excess of 25 percent of the assessed value of the structure prior to remodeling.
- (4) That remodeling or alteration of an existing noncontributing structure within a 24-month period which exceeds a value of 60 percent of the replacement cost of the structure, or structures if more than one structure is located on the lot, must be in compliance with the designated architectural styles of the district; and providing a special exception at the Board of Adjustment.

and to pass the ordinance with those changes.

Motion seconded by Councilmember Luna.

After discussion Mayor Kirk called the vote on the motion:

Voting Yes: [13] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Duncan, Hicks, Lipscomb,
Poss, Walne, Blumer, McDaniel
Voting No: [1] Fielding
Absent: [1] Mallory Caraway absent when vote taken

Mayor Kirk declared the motion adopted.

Assigned ORDINANCE NO. 23069.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1053

Item 51: Public Hearing - Zoning Case Z967-145/6336-SE(KC)

A public hearing was called on zoning case Z967-145/6336-SE(KC), an application for and an ordinance granting a Specific Use Permit for a Metal Salvage Facility, Outside Salvage or Reclamation, and an Industrial (Inside) Potentially Incompatible Use for an Aluminum Sweat Furnace on property presently zoned an IM Industrial Manufacturing District located southwest of Lamar Street at its intersection with Hatcher Street.

(The city plan commission recommended approval for a five-year time period with eligibility for automatic renewal for additional five-year time periods, subject to a site plan and conditions. This item was considered by the City Council on March 12, 1997 and was taken under advisement until March 26, 1997 with the public hearing open.)

No one appeared in opposition to or in favor of the city plan commission recommendation.

Deputy Mayor Pro Tem Mayes moved to close the public hearing, accept the recommendation of the city plan commission, and pass the ordinance.

Motion seconded by Councilmember Fielding and unanimously adopted. (Luna, Stimson, Duncan, McDaniel absent when vote taken)

Assigned ORDINANCE NO. 23070.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1054

Item 52: Public Hearing - DEVELOPMENT CODE AMENDMENT UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on consideration of an amendment to the Dallas Development Code pertaining to the relocation of existing nonconforming signs located within a railroad right-of-way or on property owned by Dallas Area Rapid Transit.

(The city plan commission recommended denial. This item was considered by the City Council on March 12, 1997 and was taken under advisement until March 26, 1997 with the public hearing open.)

No one appeared in opposition to or in favor of the city plan commission recommendation.

Councilmember Poss moved to close the public hearing, reject the recommendation of the city plan commission, and amend the Dallas Development Code to provide that Subsection (f) of Sections 51-7.702 and 51A-7.702, "Removal of Certain Non-Conforming Signs," of Chapters 51 and 51A of the Dallas City Code, as amended, be amended to allow the relocation of a nonconforming sign that is removed for the construction of a rail transit line and facilities necessary to its operation provided it meets the conditions listed in that subsection with the following changes and additions: That Paragraph (2) be amended to read "the sign is relocated as close as possible to its original location, but no further than 500 feet from that location, unless the sign being relocated is in the railroad right-of-way and the relocation is to be within that same right-of-way;" that a new Paragraph (6) is added to prohibit the relocation of any sign in the Central Business District from being relocated into the Central Business District. The amending ordinance should be brought back to city council on the next scheduled council action meeting.

Motion seconded by Councilmember Stimson.

After discussion Deputy Mayor Pro Tem Mayes called the vote on the motion then declared the motion adopted on a divided voice vote. (Kirk, Luna, Hicks, Fielding absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1055

Public Hearing - BENEFIT ASSESSMENT HEARING

Alley Group 1107

Alley between Miller Avenue and Vickery Boulevard from McMillian Avenue to Worcola Street

Alley between Fairmount Street and Maple Avenue from Carlisle Street to Wolf Street

Alley between Bryan Parkway and Swiss Avenue from Skillman Street to La Vista Drive

Item 53: * Benefit assessment hearing for alley paving, storm drainage, water and wastewater main improvements for the alleys on the attached list

Item 54: * Ordinance levying benefit assessments for alley paving, storm drainage, water and wastewater main improvements for the alleys on the attached list - Financing: No cost consideration to the City

A public hearing was called to receive comments on a proposal to levy benefit assessments for alley paving, storm drainage, water and wastewater main improvements for Alley Group 1107.

Appearing in opposition to the proposed improvements or the assessments:

-- Shanna Welch, 5554 Vickery Blvd.

No one appeared in favor of the proposed improvements or the assessments.

Councilmember Fielding moved to postpone the consideration of the assessments until the April 9, 1997 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Lipscomb and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1056

Item 55: Consideration of appointments to boards and commissions (Executive Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.)

...

The city secretary distributed a report showing board and commission nominations for the 1995-97 board term, updated through March 25, 1997.

Councilmember Hicks moved to appoint Willard Stimpson to serve as a member of the Martin Luther King Jr. Community Center Board both for a term ending August 31, 1997.

Motion seconded by Councilmember Stimson and unanimously adopted.

...

[Information on each newly-appointed board member is located in the file shown next to the name of the board.]

96-1069 MLK MARTIN LUTHER KING JR COMMUNITY CENTER BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1057

Item 56: Authorize approval of the bi-weekly tax action

Mayor Pro Tem Wells moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Mayes and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1058

Item 57: Authorize acceptance of a grant in the amount of \$256,547 from the Texas Natural Resource Conservation Commission for Commercial Waste Stream Recovery of Recyclables, and execution of the grant agreement - Financing: Texas Natural Resource Conservation Commission Grant Funds

Councilmember Mallory Caraway moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Mayes and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1059

Item 58: Authorize acceptance of a grant in the amount of \$78,190 from the Texas Natural Resource Conservation Commission for the North Central Texas Council of Governments/City of Dallas/Greater Dallas Partnership for a six month Commercial Waste Reduction pilot program, and execution of the grant agreement - Financing: Texas Natural Resource Conservation Commission Grant Funds

Deputy Mayor Pro Tem Mayes moved to approve the item.

Motion seconded by Councilmember Stimson and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1060

Addendum addition 1: Authorize settlement of two attorneys' fees and expense orders in Debra Walker, et al. v. U.S. Department of HUD, et. al., Civil Action No. 3:85-CV-1210-R - Financing: Current Funds

Deputy Mayor Pro Tem Mayes moved to approve the item.

Motion seconded by Councilmember Mallory Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1061

Addendum addition 2: A resolution placing a moratorium on the acceptance of plat applications submitted for the purpose of developing a sexually oriented business, and applications for building permits, certificates of occupancy, and licenses that would authorize the creation, expansion, or operation of sexually oriented businesses within the city of Dallas, and directing city staff and the City Plan Commission to complete an updated analysis of the regulations governing sexually oriented businesses, call and conduct all necessary hearings, evaluate alternatives and prepare recommendations for the city council (Councilmember Stimson via Mayor Kirk)

The city secretary announced that Councilmember Duncan had deferred consideration of addendum addition 2 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Later in the meeting Councilmember Stimson moved to suspend the rules of the council in order to consider addendum addition 2 .

Motion seconded by Councilmember Lipscomb.

Mayor Kirk called the vote on the motion to suspend the rules.

Voting Yes: [11] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Hicks, Mallory Caraway,
Lipscomb, Walne, McDaniel
Voting No: [4] Duncan, Poss, Fielding, Blumer

Mayor Kirk declared the motion to suspend the rules was adopted as two-thirds of the city council members present had voted in the affirmative.

Mayor Kirk stated that addendum addition 2 was before the council for consideration.

Councilmember Stimson moved to approve the resolution.

Motion seconded by Councilmember Luna.

Councilmember Duncan moved to amend Councilmember Stimson's motion by substituting an ending date for the moratorium of April 9, 1997 instead of July 25, 1997 with the understanding that the city council could extend the moratorium at that time if necessary.

Motion seconded by Councilmember Blumer.

Councilmember Walne moved to amend Councilmember Stimson's motion by substituting an ending date for the moratorium of May 14, 1997 instead of July 25, 1997.

Motion seconded by Mayor Pro Tem Wells.

At the conclusion of debate Mayor Kirk called the vote on Councilmember Walne's amendment.

Voting Yes: [5] Kirk, Wells, Mayes, Poss, Walne
Voting No: [10] Salazar, Luna, Stimson, Duncan, Hicks, Mallory Caraway, Lipscomb, Fielding, Blumer, McDaniel

Mayor Kirk declared the amendment lost.

Mayor Kirk then called the vote on Councilmember Duncan's amendment.

Voting Yes: [5] Duncan, Poss, Walne, Fielding, Blumer
Voting No: [10] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Hicks, Mallory Caraway, Lipscomb, McDaniel

Mayor Kirk declared the amendment lost.

Mayor Kirk then called the vote on Councilmember Stimson's motion.

Voting Yes: [12] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Hicks, Mallory Caraway, Lipscomb, Poss, Fielding, McDaniel
Voting No: [3] Duncan, Walne, Blumer

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1062

Addendum addition 3: Authorize an infrastructure cost participation agreement with M and M Properties in an amount not to exceed 30% of the actual construction costs of certain public infrastructure improvements or \$325,000, whichever is less, in connection with the development of a new Walgreen facility to be located at the southeast corner of Zang Boulevard and Illinois Avenue, Dallas, Texas - Financing: Public/Private Partnership Funds (\$233,000) and 1995 Bond Funds (\$92,000)

Councilmember Stimson moved to approve the item.

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Duncan absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1063

Addendum addition 4: Authorize acceptance of \$91,596 in grant funds from the Office of the Governor, Criminal Justice Division, that will be matched with in-kind services by the City of Dallas, and execution of the grant agreement for the implementation of a juvenile delinquency prevention initiative for the period April 1, 1997 through March 31, 1998 - Financing: Office of the Governor, Criminal Justice Division Grant Funds

Councilmember Mallory Caraway moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Mayes and unanimously adopted. (Duncan absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1064

Addendum addition 5: Approval of the action agenda items for Dallas Plan implementation in 1997 and 1998 - Financing: No cost consideration to the City

Mayor Pro Tem Wells moved to approve the item.

Motion seconded by Councilmember Luna and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1065

97-1066

Addendum addition 6: Adopt the addition of the Lamar Street and Cadillac Heights Levee concept to the modified Chain of Wetlands concept, including the I-45 Channel Realignment requested by the Texas Department of Transportation, as the City's locally preferred plan for the Dallas Floodway Extension Project, as the second step of a two-step decision making process, with the first step having been the adoption of the Chain of Wetlands concept on August 28, 1996 - Financing: This action has no cost consideration to the City [97-1065]

Addendum addition 7: Adopt the Texas Parks and Wildlife Department Master Plan Concept for the Trinity River State Park, named Great Trinity Forest Park, to be integrated with the City's plans for the Trinity River Corridor; and authorize the City Manager to enter into negotiations with the Texas Parks and Wildlife Department and the Trust for Public Land for the possible acquisition of land for the Great Trinity Forest Park, not to exceed \$100,000 - Financing: This action has no cost consideration [97-1066]

The following individuals addressed the city council in opposition to the Cadillac Heights Levee Concept and the Master Plan Concept for the Trinity River State Park:

- Edward Fritz, 4144 Cochran Chapel Rd., representing the Texas Committee on Natural Resources
- Linda Pelon, 3015 Nutting Dr., representing the Parkdale Heights Neighborhood Association
- David Gray, 9432 Viewside Dr., representing the Sierra Club
- Charles Miller, 2723 Roberta St., representing the Cadillac Heights Neighborhood Association
- Anna George, 5807 Shadycrest Trl., representing the Cadillac Heights Neighborhood Association
- Walter Goodman, 5416 Neola Dr.

The following individuals addressed the city council in favor of the Cadillac Heights Levee Concept and the Master Plan Concept for the Trinity River State Park:

- Alister Crumbly, 2931 Valentine St.
- Leon Irvin, 4630 Fellows Ln.
- Elton Harwell, 14180 Dallas Pkwy., representing the Greater Dallas Planning Council
- Dale Tijerina, 1005 Forest Ave., representing the Faubion Company
- Gene Azzarello, 1000 Forest Ave., representing the Faubion Company

- John Medlock, 3301 S. Lamar St., representing Brockway Standard, Inc.
- Delveeta Thompson, 3229 Carpenter Ave.
- Jewel Floyd, no residence address given

Councilmember Duncan moved to approve both items.

Motion seconded by Deputy Mayor Pro Tem Mayes.

After discussion Mayor Kirk called the vote on the motion:

Voting Yes: [15] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Duncan, Hicks, Mallory
Caraway, Lipscomb, Poss, Walne, Fielding, Blumer, McDaniel

Voting No: [0]

Mayor Kirk declared the motion unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1067

EXECUTIVE SESSION

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

- Downtown Sports Development Project
- Alternative Site Acquisition Negotiations, and Negotiations between the City and Dallas Basketball, Limited and/or Dallas Stars, L.P.
- Status of Dallas Stars and Dallas Mavericks Long Term Reunion Arena Lease Agreements
- Debra Walker, et al v. HUD, et al.

Deliberations Regarding Real Property (Sec. 551.072 T.O.M.A.)

- Downtown Sports Development Project
- Alternative Site Acquisition Negotiations, and Negotiations between the City and Dallas Basketball, Limited and/or Dallas Stars, L.P.

The posted executive session was not held.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1068

NOTICE OF DEFERRED OR DELETED ITEMS

In accordance with Paragraph (d) of Section 7.11 of the City Council Rules of Procedure, the attached notices of deferred or deleted items were posted adjacent to each entrance to the city council chamber in Room 6 E North, City Hall.

7.11(d) No later than 5:30 p.m. of the Friday before each city council meeting, the city secretary shall post a list of all items appearing on the regular agenda that were deferred by a city council member or deleted by the city manager. No later than 5:30 p.m. of the day before each city council meeting, the city secretary shall post a list of all items appearing on the addendum to the agenda that were deferred by a city council member or deleted by the city manager. The lists must be posted adjacent to each entrance to the city council chamber in Room 6 E North. The city secretary shall not include on these lists any item described in Paragraph (a)(1), (2), (3), or (4).

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 26, 1997

EXHIBIT C

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 26, 1997

97-1000

VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR RON KIRK, PRESIDING

PRESENT: [15] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Duncan, Hicks, Mallory
Caraway, Lipscomb, Poss, Walne, Fielding, Blumer, McDaniel

ABSENT: [0]

CORRECTIONS TO THE MINUTES

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1051

Item 49: Public Hearing - Zoning Case Z967-153/10230-SE(DW)

A public hearing was called on zoning case Z967-153/10230-SE(DW), an application for a Specific Use Permit for a Community Service Center on property presently zoned a D(A) Duplex District at the north corner of South Harwood Street and Cooper Street.

(The city plan commission recommended denial.)

Cherryl J. Peterman, director of planning, reminded the city council that in accordance with subparagraph (c)(2)(A) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the council in that the application for a change in zoning had been recommended for denial by the city plan commission.

Appearing in opposition to the city plan commission recommendation:

- Mythe Kirven, 1906 Peabody Ave., representing the applicant, South Dallas Health Access, Inc.

No one appeared in favor of the city plan commission recommendation.

Deputy Mayor Pro Tem Mayes moved to close the public hearing and accept the recommendation of the city plan commission.

Motion seconded by Councilmember Mallory Caraway.

After discussion, Mayor Pro Tem Wells [~~Mayor Kirk~~] called the vote on the motion:

Voting Yes: [12][14] Wells, Mayes, Salazar, Stimson, Duncan, Hicks, Mallory
Caraway, Poss, Walne, Fielding, Blumer, McDaniel
Voting No: [2] Luna, Lipscomb
Absent: [1][2]Kirk[, ~~Blumer~~] absent when vote taken

Mayor Pro Tem Wells [~~Mayor Kirk~~] declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 26, 1997

97-1054

Item 52: Public Hearing - DEVELOPMENT CODE AMENDMENT UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on consideration of an amendment to the Dallas Development Code pertaining to the relocation of existing nonconforming signs located within a railroad right-of-way or on property owned by Dallas Area Rapid Transit.

(The city plan commission recommended denial. This item was considered by the City Council on March 12, 1997 and was taken under advisement until March 26, 1997 with the public hearing open.)

No one appeared in opposition to or in favor of the city plan commission recommendation.

Councilmember Poss moved to close the public hearing, reject the recommendation of the city plan commission, and amend the Dallas Development Code to provide that Subsection (f) of Sections 51-7.702 and 51A-7.702, "Removal of Certain Non-Conforming Signs," of Chapters 51 and 51A of the Dallas City Code, as amended, be amended to allow the relocation of a nonconforming sign that is removed for the construction of a rail transit line and facilities necessary to its operation provided it meets the conditions listed in that subsection with the following changes and additions: That Paragraph (2) be amended to read "the sign is relocated as close as possible to its original location, but no further than 500 feet from that location, unless the sign being relocated is in the railroad right-of-way and the relocation is to be within that same right-of-way;" that a new Paragraph (6) is added to prohibit the relocation of any sign in the Central Business District from being relocated into the Central Business District. The amending ordinance should be brought back to city council on the next scheduled council action meeting.

Motion seconded by Councilmember Stimson [~~and unanimously adopted~~].

After discussion Deputy Mayor Pro Tem Mayes called the vote on the motion then declared the motion adopted on a divided voice vote. (Kirk, Luna, Hicks, Fielding absent when vote taken)

