

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 9, 1997

97-1120

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

PRESENT: [14] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Duncan, Hicks, Mallory
Caraway, Lipscomb, Poss, Walne, Blumer, McDaniel
ABSENT: [1] Fielding

The meeting was called to order at 9:17 a.m.

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

The invocation was given by the Rev. David Sims, associate pastor, Oak Cliff Bible Fellowship.

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 3:13 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, APRIL 9, 1997

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 9, 1997

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1121

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: Robert Stubblefield, 553 Woodmont Dr.
SUBJECT: Illegal dumping

SPEAKER: Harold Cox, 7415 Ridgewick Dr.
SUBJECT: Illegal dumping

SPEAKER: Cynthia Herring, 417 Deepwood St.
SUBJECT: Illegal dumping

SPEAKER: Yolanda Nealy, 7341 Neuhoff Dr.
SUBJECT: Illegal dumping

OPEN MICROPHONE - END OF MEETING:

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Merrill Lynch/West Dallas Housing/Ministers Alliance

SPEAKER: Marvin Steakley, 6531 Ridgeview Cir.
SUBJECT: Election issues

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1122

Item 1: Approval of Minutes

The minutes of the voting agenda meeting of March 26, 1997, were presented for approval.

Councilmember Luna moved to approve the minutes.

Motion seconded by Councilmember Stimon and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1123

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-63, was presented for consideration.

The city secretary announced that his office had received written notice from members of the city council that consent agenda item 54 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.

Councilmember Luna requested that consent agenda item 56 be removed from the consent agenda to be considered as an individual item. Mayor Kirk stated that consent agenda item 56 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Luna's request.

Councilmember Walne requested that consent agenda item 61 be removed from the consent agenda to be considered as an individual item. Mayor Kirk stated that consent agenda item 61 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Walne's request.

Councilmember Blumer stated that had notified the city secretary in writing that she had deferred consent agenda item 54 until the next voting agenda meeting of the city council but that she wished to withdraw the deferral and consider the item as part of the consent agenda.

Deputy Mayor Pro Tem Mayes moved to suspend the rules of the city council in order to consider agenda item 54 as part of the consent agenda, and to approve all items on the consent agenda with the exception of items 56 and 61 which would be considered later in the meeting as individual items.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1124

Item 2: Authorize a professional services contract with PSA Engineering, Inc. to update existing and prepare additional airfield electrical distribution design documents to accommodate additional electrical improvements made since 1991 at Dallas Love Field Airport - Not to exceed \$163,780 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1125

Item 3: Authorize a contract for the construction of leisure trail, vehicular drop-off and replacement playground at Kidd Springs Park - American General Supplies, Inc., lowest responsible bidder of four - \$168,983 - Financing: 1995 Bond Funds (\$89,795) and 1995-96 Community Development Grant Funds (\$79,188)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1126

Item 4: Authorize a contract for the construction of playground replacement and landscaping at Cochran Park - Henneberger Construction, Inc., lowest responsible bidder of six - \$97,129 - Financing: 1995-96 Community Development Grant Funds (\$68,775) and 1995 Bond Funds (\$28,354)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1127

Item 5: Authorize a contract for the construction of Kittyhawk/Tamalpais drainage improvements - East Texas Construction Company, Inc., lowest responsible bidder of five - \$190,753 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1128

Item 6: Authorize a contract for the construction of street paving, storm drainage, water and wastewater main improvements on South Tyler Street from dead end south of Kiest Boulevard to Kiest Boulevard - Ed Bell Construction Co., lowest responsible bidder of eight - \$610,520 - Financing: 1985 Bond Funds (\$377,655), Water Utilities Capital Construction Funds (\$111,020), Water Utilities Bond Funds (\$121,845)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1129

Item 7: Authorize a contract for fill removal at 13919 Hillcrest Road on White Rock Creek - Jeske Construction Company, lowest responsible bidder of seven - \$539,844 - Financing: 1985 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1130

Item 8: Authorize a contract for the construction of street paving, storm drainage, water and wastewater main improvements on Weisenberger Drive from Leath Street north to dead end - McMahon Contracting, Inc., lowest responsible bidder of thirteen - \$770,096 - Financing: 1995 Bond Funds (\$563,833), Water Utilities Capital Construction Funds (\$114,220), Water Utilities Bond Funds (\$92,043)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1131

Item 9: Authorize a decrease in the contract with Matrix Environmental Contractors L.C. for the Garland Road enhancements and the Crape Myrtle Allee at the Dallas Arboretum - (\$15,500), from \$581,682 to \$566,182 - Financing: 1985 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1132

Item 10: Authorize an increase in the contract with Tejas Construction for modifications for playground replacement at Everglade, Fretz and Stevens Parks and partial construction of a concrete trail at Tommie M. Allen Park - \$29,893, from \$198,500 to \$228,393 - Financing: 1985 Bond Funds (\$2,456), and 1995 Bond Funds (\$27,437)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1133

Item 11: Authorize an increase in the contract with Tejas Construction for modifications to the construction of playgrounds at Peary and Winnetka Parks and partial construction of a concrete trail at Tommie M. Allen Park - \$18,676, from \$74,745 to \$93,421 - Financing: 1985 Bond Funds (\$6,683), 1995 Bond Funds (\$7,443) and 1994-95 Community Development Grant Funds (\$4,550)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1134

Item 12: Authorize an increase in the contract with Adams Nedderman, Inc. for miscellaneous modifications for construction of Larry Johnson Recreation Center - \$11,795, from \$1,339,300 to \$1,351,095 - Financing: Larry Johnson Recreation Center Fund

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1135

Item 13: Authorize an increase in the contract with Randall & Blake, Inc. for the construction of a sanitary sewer, water, irrigation system and marble walkway for Women's Council Garden at the Dallas Arboretum and Botanical Gardens - \$37,292, from \$1,565,484 to \$1,602,776 - Financing: 1985 Bond Funds (\$15,500) and Dallas Arboretum and Botanical Society Fund (\$21,792)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1136

Item 14: Authorize an increase in the contract with Precept Builders, Inc. to add acquisition and installation of 7 motion detector power assisted door openers and delete 6 hand operated power assisted door openers for the Convention Center - \$22,721, from \$487,321 to \$510,042 - Financing: Convention Center Expansion Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1137

Item 15: Authorize an increase in the contract with Dal-Ec, Inc. for replacement of Uninterrupted Power Supply and Emergency Generator System Modifications at Dallas 9-1-1/City Hall Project - \$81,259, from \$2,170,000 to \$2,251,259 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1138

Item 16: Authorize calling of a benefit assessments hearing to be held on May 28, 1997 for alley paving, storm drainage and wastewater main improvements on Alley Group 1106 -
Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1139

Item 17: Authorize calling of a benefit assessment hearing to be held on May 28, 1997 for alley paving, storm drainage, water and wastewater main improvements on Alley Group 1104 -
Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1140

Item 18: Authorize calling of a benefit assessment hearing to be held on June 11, 1997 for street paving, storm drainage and water and wastewater main improvements on Morocco Avenue from Davis Street to Goodman Street - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1141

Item 19: Authorize calling of a benefit assessment hearing to be held on June 11, 1997 for street paving, storm drainage, water and wastewater main improvements on Street Group 421
- Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1142

Item 20: Bond Avenue from Jefferson Boulevard to Davis Street

- * Authorize street paving, storm drainage, water and wastewater main improvements; provide for partial payment of construction cost by assessment of abutting property owners; and authorize an estimate of the cost of the improvements to be prepared as required by law

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1143

Item 21: Bond Avenue from Jefferson Boulevard to Davis Street

- * Authorize approval of specifications, estimate of cost and authorize advertisement for bids - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1144

Item 22: Ferguson Road from I.H. 30 to Highland Road

- * Authorize sidewalk paving improvements; provide for partial payment of construction cost by assessment of abutting property owners; and authorize an estimate of the cost of improvements to be prepared as required by law

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1145

Item 23: Ferguson Road from I.H. 30 to Highland Road

- * Authorize approval of specifications, estimate of cost and authorize advertisement for bids - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1146

Item 24: Kleberg Road from U.S. Highway 175 to Belt Line Road

- * Authorize sidewalk paving improvements; provide for partial payment of construction cost by assessment of abutting property owners; and authorize an estimate of the cost of improvements to be prepared as required by law

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1147

Item 25: Kleberg Road from U.S. Highway 175 to Belt Line Road

- * Authorize calling of a benefit assessment hearing to be held on May 28, 1997 for sidewalk paving improvements - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1148

Item 26: Walnut Street from AT&SF Railroad to Plano Road

- * Authorize sidewalk paving improvements; provide for partial payment of construction cost by assessment of abutting property owners; and authorize an estimate of the cost of improvements to be prepared as required by law

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1149

Item 27: Walnut Street from AT & SF Railroad to Plano Road

- * Authorize approval of specifications, estimate of cost and authorize advertisement for bids - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1150

Item 28: Wheatland Road from Mountain Creek Parkway to 490 feet west of County View Road
Phase II

- * Authorize street paving and storm drainage improvements; provide for partial payment of construction cost by assessment of abutting property owners; and authorize an estimate of the cost of the improvements to be prepared as required by law

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1151

Item 29: Wheatland Road from Mountain Creek Parkway to 490 feet west of County View Road
Phase II

- * Authorize approval of specifications, estimate of cost and authorize advertisement for bids - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1152

Item 30: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary from Ranger Land and Cattle Development Corporation, of approximately 8,643 square feet of land for a street easement, 464 square feet of land for a drainage easement and 13,816 square feet of land for a slope easement on Wagon Wheels Trail near Burnside Avenue for street and drainage improvements - \$800 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1153

Item 31: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Todd W. Cowle and Denise M. Cowle, of approximately 279 square feet of land for a drainage easement, and 2,958 square feet of land for a temporary working space easement, improved with a sandstone and wrought iron fence, stock pond and landscaping, located near the intersection of Preston Road and Aberdeen Avenue for the Aberdeen/Tulane Drainage Project - \$17,500 - Financing: 1985 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1154

Item 32: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from W. Ray Wallace, of approximately 1.1 acres of land for a water easement parallel to Walnut Hill Lane near Goodnight Lane - \$27,600 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1155

Item 33: Authorize a ten (10) year lease, with one five (5) year extension period, of approximately 8,363 square feet of terminal space with MultiRestaurants Management, Inc. (MMI) at Dallas Love Field - Revenue: \$47,670 in annual rental plus a one-time leasehold improvement of not less than \$100,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1156

Item 34: An ordinance abandoning Union Alley to the Meadows Foundation, Incorporated, the abutting owner, containing approximately 6,769 square feet of land, located between Texas Street and Liberty Street, and authorizing the quitclaim - Revenue: \$43,152 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23071.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1157

Item 35: An ordinance abandoning two wastewater easements to Albertson's , Inc., the abutting owner, containing approximately 3,251 square feet of land, located near the intersection of Lake June Road and North Masters Drive; authorizing the quitclaim and providing for the dedication of a new wastewater easement - Revenue: \$650 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23072.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1158

Item 36: An ordinance granting a revocable license to Carleton In-Town Housing Partners, Ltd., for approximately 33,081 square feet of land, in order to construct, use, install and maintain a temporary drive and landscaping on Haskell Avenue right-of-way near its intersection with Lemmon Avenue - Revenue: \$350 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1159

Item 37: An ordinance granting a private license to the Foley Family Trust for approximately 9,848 square feet of land, in order to use and maintain an existing parking area in Irving Boulevard right-of-way at its intersection with Top Line Drive - Revenue: \$4,018 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1160

Item 38: Authorize the termination of Ordinance No. 18398, which granted a revocable license to Bert Teddlie Properties, Inc. for the use of two parking spaces on Turtle Creek Boulevard right-of-way, near its intersection with Market Center Boulevard, in order to facilitate the Turtle Creek Boulevard Street Improvement Project - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1161

Item 39: Authorize the Private Sale by quitclaim deed of three properties acquired by the taxing authorities from a Sheriff's Sale to Innercity Community Development Corporation - Revenue: \$9,985

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1162

Item 40: Authorize the Private Sale by quitclaim deed of three properties acquired by the taxing authorities from a Sheriff's Sale to SouthFair Community Development Corporation - Revenue: \$34,962

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1163

Item 41: Authorize a sixty (60) month maintenance agreement to provide 24 hour/7 days a week service on mainframe computer terminals and printers to be used City-wide, including control units and peripheral equipment - Data Applications Corporation, lowest responsible bidder of two - Not to exceed \$1,371,000, at fixed prices over a five year period, subject to the availability of funding - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1164

Item 42: Authorize the rejection of bid received for 24 month maintenance agreement for security cardkey system - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1165

Item 43: Authorize a twelve month price agreement for water bill envelopes with the lowest responsible bidder of twelve - Westvaco Envelope Division - Not to exceed \$66,720 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1166

Item 44: Authorize a thirty-six month price agreement for the acquisition of microcomputer components, monitors and printers to be used within the Water Utilities Department - Part A (Internal Components) Monarch Systems, Inc., lowest responsible bidder of thirteen - Not to exceed \$381,957; Part B (Monitors) Mitsuba Texas, Inc., lowest responsible bidder of eleven - Not to exceed \$44,550; Part C (Printers) Business Enterprise Services, Inc., lowest responsible bidder of twelve - Not to exceed \$86,570 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1167

Item 45: Authorize an increase in the Heavy Equipment Price Agreement with DARR Equipment Co. for the rental of articulated dump trucks used for sludge transport and disposal at the Southside Wastewater Treatment Plant - \$162,946 from \$1,993,441 to \$2,156,387 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1168

Item 46: Authorize payment of a judgement in a lawsuit styled Mitchell Enterprises, Inc. vs. City of Dallas, Cause No. 93-08217-D - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1169

Item 47: Authorize settlement of a lawsuit styled Sue Swigart v. City of Dallas, Cause No. 3:96-CV-1111-P - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1170

Item 48: Authorize settlement of a lawsuit styled Millicent Jacobs v. City of Dallas, Cause No. 95-13377-A - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1171

Item 49: Authorize settlement of a lawsuit styled Melvin Hightower v. City of Dallas, Cause No. 95-03168-E - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1172

Item 50: Authorize a public hearing to be held on Wednesday, May 14, 1997, to receive citizen comments in preparation of the FY 1997-98 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1173

Item 51: Authorize a public hearing to be held on May 14, 1997, to receive citizen comments regarding the rate filing for the basic service tier, equipment and service rate for cable television services provided by TCI Cablevision of Dallas, Inc. - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1174

Item 52: Approve a resolution authorizing a major sports celebration in honor of the Dallas Stars on or following June 11, 1997, in accordance with Resolution 93-4570, "A Policy Statement for Major Sports Celebrations" - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1175

Item 53: Authorize a public hearing to be held on May 14, 1997, and a resolution authorizing the City Manager to work with applicant in regard to an application to close Waterside Court at Highland Road under provisions of the City's Residential Street Closure Policy - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1176

Item 54: Authorize a personal service contract with Barbara T. McCall for the provision of federal legislative information and office expenses for use by the City of Dallas from May 1, 1997 through September 30, 1998 - Not to exceed \$130,000 - Financing: Current Funds

The city secretary announced that Councilmember Blumer had deferred consideration of consent agenda item 54 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

After the Notice of Deferred Items had been posted, but before the consent agenda had been considered, Councilmember Blumer stated that she had notified the city secretary in writing that she had deferred consent agenda item 54 until the next voting agenda meeting, but that she wished to withdraw the deferral and consider the item as part of the consent agenda.

Mayor Kirk stated that consent agenda item 54 would be considered as part of the consent agenda, there being no objection voiced to Councilmember Blumer's request.

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1177

Item 55: Authorize a High Technology Procurement for a City-wide acquisition agreement for an Interactive Voice Response (IVR) System, and related services, including but not limited to installation, warranty, and training not to exceed \$180,000, and a seventy-two (72) month warranty and maintenance agreement, with the first year at no cost, and the remaining sixty (60) months at a cost not to exceed \$54,120, for a total not to exceed \$234,120. Plus, a sixty (60) month option, subject to funding, to acquire additional equipment, maintenance, and related services not to exceed \$800,000 - Periphonics Corporation - most advantageous proposer of five (5) - Not to exceed \$234,120 - Financing: Current Funds (\$54,120), 1992 Equipment Acquisition Contractual Obligation Funds (\$180,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1178

Item 56: Authorize under the contract with Southwest General Services, Inc. dba S. W. General Services, Inc. for the billing and collection of emergency ambulance fees, and further authorize the City Manager to exercise the second twelve-month renewal option if it is determined to be advantageous to the City - Revenue: \$6,200,000

At the time the consent agenda was presented for discussion Councilmember Luna requested that consent agenda item 56 be considered as an individual item. Mayor Kirk stated that consent agenda item 56 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Luna's request.

Later in the meeting agenda item 56 was brought up for consideration.

Mayor Pro Tem Wells moved to amend the draft resolution so as to authorize the first twelve month renewal option, but not to authorize the city manager to exercise the second twelve-month renewal option, and to approve the item with that change.

Motion seconded by Councilmember Luna and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1179

Item 57: Authorize an agreement with the Texas Department of Transportation (TxDOT) to provide reimbursement to the City of Dallas for the incremental cost incurred in the acquisition of alternative fueled vehicles in an amount not to exceed \$243,000 - Financing: Texas Department of Transportation Alternative Fuels Program Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1180

Item 58: Authorize a Preservation Incentives Tax Abatement for 2030 Main Street (Western Union Building) owned by Good Signature Properties, Inc. - Financing: First year tax revenue at \$6,797 (Estimated revenue foregone for 10-year abatement \$67,978)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1181

Item 59: Authorize acceptance of two \$5,000 grants from the Texas Historical Commission to total \$10,000 that will be matched with in-kind services by the City of Dallas, and authorize execution of the grant agreements for a survey of historic resources in and adjacent to the central business district - Financing: Texas Historical Commission Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1182

Item 60: An ordinance amending Chapter 16 of the Dallas City Code to provide sign, labeling and record keeping requirements for all sales of untreated wood shakes and wood shingles in the City - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23075.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1183

Item 61: An ordinance authorizing an amendment to and the expansion of Planned Development District No. 343 to expand the Tract 2 area to include property presently zoned an R-7.5(A) Single Family District to be developed with single family residential uses at the northwest corner of White Rock Trail and Goforth Road [Z956-195/5127-NE(CR)] - Financing: No cost consideration to the City

At the time the consent agenda was presented for discussion Councilmember Walne requested that consent agenda item 61 be considered as an individual item. Mayor Kirk stated that consent agenda item 61 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Walne's request.

Later in the meeting agenda item 61 was brought up for consideration.

Councilmember Walne moved to amend the draft ordinance so as to add an additional condition to provide that tree removal applications must be approved by the building official prior to the submission of an application for a building permit on the property, and to approve the ordinance with that change.

Motion seconded by Councilmember Poss and unanimously adopted. (Fielding absent)

Assigned ORDINANCE NO. 23076.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1184

Item 62: An ordinance authorizing an R-5(A) Single Family District on property presently zoned an MF-1(A) Multifamily District and a CR Community Retail District on the south side of Frankford Road, east of Kelly Boulevard [Z912-249/5183-N] - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23077.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1185

Item 63: An ordinance amending Sections 28-44, 28-50, and 28-60 of Chapter 28 of the Dallas City Code to adjust or establish new speed limits on one street; establish or adjust limits on school zones on five streets; and adjust direction designation on one street (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23078.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1186

Item 64: Public Hearing

A public hearing was called 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

April 9, 1997

97-1187

Public Hearing - Dallas Teen Curfew Ordinance

- Item 65: * A public hearing to receive citizen comments on the renewal of the Dallas Teen Curfew Ordinance - Financing: No cost consideration to the City
- Item 66: * An ordinance re-adopting, and continuing in effect the Dallas Teen Curfew Ordinance - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the ordinance:

- Alvin Hunt, 820 Kelso Dr., representing the Youth Commission
- Levar Thomas, 2407 Club Manor Dr., representing the Youth Commission

Councilmember Luna moved to close the public hearing.

Motion seconded by Councilmember Lipscomb.

Councilmember Lipscomb moved to re-adopt and continue in effect the Dallas Teen Curfew Ordinance.

Motion seconded by Deputy Mayor Pro Tem Mayes.

After discussion Mayor Kirk called the vote on the motions:

- Voting Yes: [14] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Duncan, Hicks, Mallory
Caraway, Lipscomb, Poss, Walne, Blumer
- Voting No: [0]
- Absent: [1] Fielding absent; McDaniel absent when vote taken

Mayor Kirk declared the motions adopted.

Assigned ORDINANCE NO. 23079.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1188

97-1189

97-1190

Item 67: A public hearing was called to receive citizen comments concerning the creation of a reinvestment zone for commercial-industrial tax abatement, to be known as City of Dallas Reinvestment Zone Number 37, consisting of approximately 9.3 acres located at 1535 W. Mockingbird Lane, City of Dallas, Texas, 75235, for the purpose of granting tax abatement on the new tangible personal property to Nextel of Texas and its lessor Oakbrook Plaza, Ltd. - Financing: No cost consideration to the City [97-1188]

Item 68: An ordinance designating property located at 1535 W. Mockingbird Lane, Dallas, Texas, 75235, consisting of approximately 9.3 acres, as City of Dallas Reinvestment Zone Number 37, for commercial-industrial tax abatement for the purpose of granting tangible personal property tax abatement to Nextel of Texas and its lessor Oakbrook Plaza, Ltd., establishing the boundaries thereof, and providing for an effective date - Financing: No cost consideration to the City [97-1189]

Item 69: Authorize a tangible personal property tax abatement agreement with Nextel of Texas and its lessor Oakbrook Plaza, Ltd. for abatement of taxes on new tangible personal property to the site in relation to the development of a switching facility on property located within City of Dallas Reinvestment Zone Number 37, consisting of approximately 9.3 acres located at 1535 W. Mockingbird Lane, Dallas, Texas, 75235 - Revenue: First year tax revenue at \$67,010. 10 year tax revenue estimated at \$670,100 (Estimated revenue foregone for 10-year abatement \$670,100) [97-1190]

The following individual addressed the city council regarding the creation of Reinvestment Zone Number 37:

-- Joe Martin, 3105 Gladiolus Ln.

Councilmember Mallory Caraway moved to close the public hearing, pass the ordinance and approve the tax abatement.

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

Assigned ORDINANCE NO. 23080.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1191

97-1192

97-1193

Item 70: A public hearing was called to receive citizen comments concerning the creation of a reinvestment zone for commercial-industrial tax abatement, to be known as City of Dallas Reinvestment Zone Number 38, consisting of approximately 8.85 acres located at the southwest corner of Dickson Drive and Stoneview Drive, City of Dallas, Texas, 75237, for the purpose of granting tax abatement on the added value to the real property to Medline Industries, Inc. - Financing: No cost consideration to the City [97-1191]

Item 71: An ordinance designating property at the southwest corner of Dickson Drive and Stoneview Drive, Dallas, Texas, 75237, consisting of approximately 8.85 acres, as City of Dallas Reinvestment Zone Number 38, for commercial-industrial tax abatement for the purpose of granting real property tax abatement to Medline Industries, Inc., establishing the boundaries thereof, and providing for an effective date - Financing: No cost consideration to the City [97-1192]

Item 72: Authorize a real property tax abatement agreement with Medline Industries, Inc. for abatement of taxes on the added value to the real property for the development of a warehousing and distribution facility on property located within City of Dallas Reinvestment Zone Number 38, consisting of approximately 8.85 acres located at the southwest corner of Dickson Drive and Stoneview Drive, Dallas, Texas, 75237 - Financing: No cost consideration to the City - Revenue: First year tax revenue estimated at \$2,680. Ten- year tax revenue estimated at \$26,804 (Estimated revenue foregone for 10-year abatement \$241,236) [97-1193]

No one addressed the city council regarding the creation of Reinvestment Zone Number 38.

Councilmember Lipscomb moved to close the public hearing, pass the ordinance and approve the tax abatement.

Motion seconded by Deputy Mayor Pro Tem Mayes and unanimously adopted. (Fielding absent; Hicks, McDaniel absent when vote taken)

Assigned ORDINANCE NO. 23081.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1194

PUBLIC HEARING - ZONING CASES - CONSENT

The consent zoning docket, consisting of agenda items 73-76 was presented.

A public hearing was called on zoning cases on the consent zoning docket, including:

Agenda item 73: Zoning Case Z967-165/10241-C(CR)	[Considered individually]
Agenda item 74: Zoning Case Z967-164/8938-SW(CR)	[Considered individually]
Agenda item 75: Zoning Case Z967-161/10167-C(DW)	[Considered individually]
Agenda item 76: Zoning Case Z967-151/10231-NC(RB)	Deleted on the addendum

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1195

Item 73: Zoning Case Z967-165/10421-C(CR)

The consent zoning docket, consisting of agenda items 73-76 was presented.

Councilmember McDaniel requested that consent zoning docket item 73 removed from the consent zoning docket, to be called as an individual hearing. Mayor Kirk stated that consent zoning docket item 73 would be removed from the consent zoning docket, to be called as an individual hearing, there being no objection to Councilmember McDaniel 's request.

Later in the meeting consent zoning docket item 73 was brought up for consideration.

A public hearing was called on zoning case Z967-165/10421-C(CR), an application for and an ordinance granting a Planned Development Subdistrict for certain GR General Retail Subdistrict and MF-3 Multiple Family Subdistrict Uses with retention of the Dry Overlay District on property presently zoned a GR General Retail Subdistrict and an MF-3-D Multiple Family-Dry Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, at the east corner of Oak Lawn Avenue and Gillespie Avenue.

(The city plan commission recommended approval, subject to a development/landscape plan and conditions.)

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

Councilmember McDaniel moved to close the public hearing, accept the recommendation of the city plan commission, and pass the ordinance.

Motion seconded by Councilmember Poss and unanimously adopted. (Fielding absent)

Assigned ORDINANCE NO. 23082.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1196

Item 74: Zoning Case Z967-164/8938-SW(CR)

The consent zoning docket, consisting of agenda items 73-76 was presented. Councilmember Hicks requested that consent zoning docket item 74 removed from the consent zoning docket, to be called as an individual hearing. Mayor Kirk stated that consent zoning docket item 74 would be removed from the consent zoning docket, to be called as an individual hearing, there being no objection to Councilmember Hick's request.

Later in the meeting consent zoning docket item 74 was brought up for consideration.

A public hearing zoning case Z967-164/8938-SW(CR), an application for and an ordinance granting a Specific Use Permit for a Tower/antenna for cellular communication on property presently zoned an RR Regional Retail District on the south side of Wheatland Road, east of Hampton Road.

(The city plan commission recommended approval for a permanent time period, subject to a site plan and conditions.)

Mayor Kirk announced that he had a conflict of interest in this issue and would abstain from voting or participating in any discussion. Mayor Kirk left the city council chamber.

Appearing in opposition to the recommendation of the city plan commission:

- Judy A. Scott, 2304 W. Wheatland Rd.
- Thelma Norman, 2628 Blackstone Dr.
- George I. Henry, 4930 Palo Duro Ln.
- Norma Pankey, 1515 Reynoldston Ln.

Appearing in favor of the recommendation of the city plan commission:

- Peter Kavanagh, 1620 Handley Dr., representing the applicant, Zone Systems, Inc.

Councilmember Hicks, stating that the requested use is not compatible with the surrounding neighborhood, as it will not contribute to, enhance or promote the welfare of the area of request or adjacent properties, and that there are other sites available for its location, moved to close the public hearing, reject the recommendation of the city plan commission, and deny the application without prejudice.

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Kirk abstaining; Fielding absent; Stimson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1197

Item 75: Zoning Case Z967-161/10167-C(DW)

The consent zoning docket, consisting of agenda items 73-76 was presented.

Councilmember Luna requested that consent zoning docket item 75 removed from the consent zoning docket, to be called as an individual hearing. Mayor Kirk stated that consent zoning docket item 75 would be removed from the consent zoning docket, to be called as an individual hearing, there being no objection to Councilmember Luna 's request.

Later in the meeting consent zoning docket item 75 was brought up for consideration.

A public hearing was called on zoning case Z967-161/10167-C(DW), an application for and an ordinance granting the removal of the Dry Overlay District on property presently zoned a CR-D Community Retail-Dry District and as Planned Development District No. 462-Dry, the Henderson Avenue Special Purpose District, at the southeast corner of Henderson Avenue and Willis Avenue, and a resolution authorizing acceptance of a deed restriction instrument submitted in conjunction with the change of zoning.

(The city plan commission recommended approval, subject to deed restrictions volunteered by the applicant.)

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

Appearing in favor of the recommendation of the city plan commission:

- Roger Albright, 3301 Elm St., representing the applicant, US Voter, Inc. Mr. Albright stated that the applicant was willing to volunteer deed restrictions to prohibit sexually oriented businesses from the property in addition to the other prohibited uses previously volunteered.

Councilmember Luna moved to close the public hearing, accept the recommendation of the city plan commission and approve the application with the additional deed restriction volunteered by the applicant, and bring the deed restriction instrument and the ordinance back to the city council for formal consideration at a later date.

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Fielding absent; Stimson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1198

Item 76: Zoning Case Z967-151/10231-NC(RB)

Zoning Case Z967-151/10231-NC(RB), an application for and an ordinance granting a Planned Development District for a Private School (Fairhill School) on property presently zoned an R-16(A) Single Family District and an NO(A) Neighborhood Office District on the east side of Preston Road, southeast of the St. Louis and Southwestern Railroad.

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1199

Item 77: Public Hearing - Zoning Case Z967-172/10240-SE(CR)

A public hearing was called on zoning called on zoning case Z967-172/1-240-SE(CR), an application for and an ordinance granting a Specific Use Permit for a Tower/antenna for cellular communication on property presently zoned a CR-D Community Retail-Dry District located north of Bruton Road and west of Prairie Creek Road.

(The city plan commission recommended approval for a permanent time period, subject to a site plan and conditions.)

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

Appearing in favor of the recommendation of the city plan commission:

-- William Cothrum, 500 S. Ervay St., Suite 121A, representing Masterplan, the applicant

Councilmember Duncan moved to close the public hearing, accept the recommendation of the city plan commission, and pass the ordinance.

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Fielding absent)

Assigned ORDINANCE NO. 23084.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1200

Item 78: Public Hearing - Zoning Case Z967-170/9858-NC(KC)

A public hearing was called on zoning case Z967-170/9858-NC(KC), an application for and an ordinance granting a Planned Development District for Parking on property presently zoned an R-1ac(A) Single Family District at the northeast corner of Northwest Highway and Douglas Avenue.

(The city plan commission recommended approval, subject to a development plan and conditions.)

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

Appearing in favor of the recommendation of the city plan commission:

- Robert Reeves, 500 S. Ervay St., Suite 426A, representing the applicant, Northwest Bible Church.

Councilmember Blumer moved to close the public hearing, accept the recommendation of the city plan commission, and pass the ordinance, subject to the revised site plan submitted by the applicant.

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Fielding absent; Stimson absent when vote taken)

Assigned ORDINANCE NO. 23085.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1201

Item 79: Public Hearing - Zoning Case Z967-163/10238-SW(DW)

A public hearing was called on zoning case Z 967-163/10238-SW(DW), an application for an RR Regional Retail District with the retention of the Dry Overlay District on property presently zoned a CR-D Community Retail -Dry District at the southwest corner of West Davis Street and Bond Avenue.

(The city plan commission recommended denial without prejudice.)

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.

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

Appearing in favor of the recommendation of the city plan commission:

-- Joe Martin, 3105 Gladiolus Ln.

Councilmember Stimson moved to close the public hearing, reject the recommendation of the city plan commission, and approve the application subject to deed restrictions volunteered by the applicant, with the ordinance granting the change of zoning and the resolution formally accepting the deed restriction instrument to be brought back to the city council for adoption at a later date.

Motion seconded by Councilmember Salazar.

After discussion Mayor Kirk called the vote on the motion.

Voting Yes: [13] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Duncan, Hicks, Mallory
Caraway, Lipscomb, Poss, Walne, Blumer

Voting No: [0]

Absent: [2] Fielding absent; McDaniel absent when vote taken

Mayor Kirk declared the motion was approved as three-fourths of all of the members of the city council had voted in the affirmative.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1202

Item 80: Public Hearing - Zoning Case Z967-156/380-C(RB)

A public hearing was called on zoning case Z967-156/380-C(RB), an application for and an ordinance granting an amendment to the site plan and conditions for Planned Development District No. 168 for Medical and Office Uses to permit the additional uses of a convalescent and nursing home, hospice care and related institutions, and further to convert the existing Planned Development District from Chapter 51 to Chapter 51A in the Dallas Development Code on property on the northwest side of Ross Avenue between Bennett Avenue and Garrett Avenue.

(The city plan commission recommended approval. This application was considered by the City Council on March 12, 1997 and was taken under advisement until April 9, 1997 with the public hearing open.)

Appearing in opposition to the recommendation of the city plan commission:

- Jay Fictner, no address given
- Allen Frances, 5000 Ross Ave.

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

Councilmember Luna moved to postpone consideration of the application until the May 14, 1997 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Poss and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1203

Public Hearing - BENEFIT ASSESSMENT HEARING

Crawford Street from Neely Street to Canty Street

Item 81: * Benefit assessment hearing for street paving improvements for the above listed street

Item 82: * Ordinance levying benefit assessments for street paving improvements for the above listed street - Financing: No cost consideration to the City

A public hearing was called to receive comments on a proposal to levy benefit assessment for street paving improvements for Crawford Street from Neely Street to Canty Street.

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

Councilmember Mallory Caraway moved to close the public hearing and pass the ordinance levying the assessments.

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

Assigned ORDINANCE NO. 23086.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1204

Public Hearing - BENEFIT ASSESSMENT HEARING

N. Jester Avenue from Davis Street to Overcrest Street

- Item 83: * Benefit assessment hearing for street paving, water and wastewater main improvements for the street listed above
- Item 84: * Ordinance levying benefit assessments for street paving, water and wastewater main improvements for the street listed above - Financing: No cost consideration to the City

A public hearing was called to receive comments on a proposal to levy benefit assessments for street paving, water and wastewater main improvements for N. Jester Avenue from Davis Street to Overcrest Street.

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

Councilmember Salazar moved to close the public hearing and pass the ordinance levying the assessments.

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

Assigned ORDINANCE NO. 23087.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1205

Public Hearing - BENEFIT ASSESSMENT HEARING

Ranchero Lane from O'Guinn Branch to Whispering Oaks Drive

- Item 85: * Benefit assessment hearing for construction of 870 feet of wastewater main for the street listed above
- Item 86: * Ordinance levying benefit assessments for construction of 870 feet of wastewater main for the street listed above
- Item 87: * Authorize a contract for the construction of a wastewater main in the street listed above - John Burns Construction Company of Texas, Inc., lowest responsible bidder of seven - \$118,517- Financing: Water Utilities Capital Construction Funds

A public hearing was called to receive comments on a proposal to levy benefit assessments for construction of 870 feet of wastewater for Ranchero Lane from O'Guinn Branch to Whispering Oaks Drive.

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

Councilmember Stimson moved to close the public hearing, pass the ordinance levying the assessments and approve the resolution authorizing the contract.

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

Assigned ORDINANCE NO. 23088.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1206

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

Item 89: * 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.

(This item was considered by the City Council on March 26, 1997 and was taken under advisement until April 9, 1997 with the public hearing open.)

Appearing in opposition to the proposed improvements or the assessments:

- Todd Welch, 5554 Vickery Blvd., regarding the alley between Bryan Parkway and Swiss Avenue from Skillman Street to La Vista Drive

Appearing in favor of the proposed improvements or the assessments:

- Beth Bradley, 5514 Vickery Blvd., regarding the alley between Bryan Parkway and Swiss Avenue from Skillman Street to La Vista Drive

Councilmember McDaniel moved to close the public hearing and pass the ordinance levying the assessments.

Motion seconded by Deputy Mayor Pro Tem Mayes and unanimously adopted. (Fielding absent)

Assigned ORDINANCE NO. 23089.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1207

Item 90: 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 April 8, 1997.

The city secretary noted that since the report was prepared additional information had been received updating the background review status for one nominee. The city secretary stated that the report should now show that Frances Sigrist meets all qualifications for appointment to the Board of Adjustment.

Councilmember Duncan moved to appoint Frances Sigrist to serve as a member of the Board of Adjustment for a term ending August 31, 1997.

Motion seconded by Councilmember Luna and unanimously adopted.

...

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

96-1236 BOA BOARD OF ADJUSTMENT

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1208

Item 91: Authorize approval of the bi-weekly tax action

Mayor Pro Tem Wells moved to approve the item.

Motion seconded by Councilmember Luna and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1209

Item 92: An ordinance amending Chapter 8 of the Dallas City Code to provide for the number of members that constitute a quorum of a city board or commission (Municipal and Minority Affairs Committee)

Councilmember Lipscomb moved to approve the ordinance.

Motion seconded by Councilmember Stimson.

After discussion Councilmember Lipscomb withdrew his motion to approve the ordinance and moved to refer the ordinance back to the Municipal and Minority Affairs Committee for further consideration.

Motion seconded by Councilmember Luna and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1210

Item 93: An ordinance amending Chapter 13 of the Dallas City Code to provide a waiver of interview requirements for a former or current full time judge who is applying for the office of an associate judge (Municipal and Minority Affairs Committee)

Councilmember Lipscomb moved to approve the ordinance.

Motion seconded by Councilmember Hicks.

After discussion Councilmember Lipscomb withdrew his motion to approve the ordinance.

Mayor Pro Tem Wells moved to refer the ordinance back to the Municipal and Minority Affairs Committee for further consideration.

Motion seconded by Councilmember Luna and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1211

Item 94: Authorize acceptance of a grant in the amount of \$106,834 from the Texas Natural Resource Conservation Commission for Combating Illegal Dumping, and execution of the grant agreement - Financing: Texas Natural Resource Conservation Commission Grant Funds

Councilmember Lipscomb moved to approve the item.

Motion seconded by Councilmember Hicks and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1212

Item 95: Authorize a six month extension from April 6, 1997 to October 5, 1997 and an increase in funding by \$660,000, from \$2,938,000 to \$3,598,000 to a multiple award price agreement for grounds maintenance with the lowest responsible bidders of eight - CAPO, Inc. and Forest Hills Lawn Service - Not to exceed \$660,000 - Financing: Current Funds

Deputy Mayor Pro Tem Mayes moved to approve the item.

Motion seconded by Mayor Pro Tem Wells and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1213

Item 96: Resolution directing the City Secretary to publish notice of the City's intention to issue \$54,000,000 Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 1997, including \$12,000,000 for commercial paper retirement and \$42,000,000 for water and wastewater system improvement projects, and authorizing preparation of plans for this issue

Mayor Pro Tem Wells moved to approve the resolution.

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1214

Item 97: Authorize the City Manager to negotiate a contract with the City of Irving for utilization of their Lake Chapman water - Financing: No cost consideration to the City

Councilmember Mallory Caraway moved to approve the item.

Motion seconded by Mayor Pro Tem Wells and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1215

Item 98: Authorize the rejection of four bids received for a thirty-six month price agreement for citywide security guard services - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the price agreement:

- Karen Carter, 756 Nolte Dr.
- Walt Roberts, 1826 Timbergrove Cir.
- Lisa Gibson, 2720 Rolinda Dr.
- Tom Lopez, 3130 S. Llewellyn Ave.
- Nancy Hanna, 7622 Maxwell Ave.

Councilmember Stimson moved to reject the city manager's recommendation and to award the bid to the apparent low bidder.

Motion seconded by Councilmember Salazar.

After conferring with the city attorney Mayor Pro Tem Wells ruled the motion out of order in that an award of the bid had not been posted for consideration.

Councilmember Duncan moved to approve the item.

Motion seconded by Councilmember Lipscomb.

After discussion Mayor Kirk called the vote on the motion:

Voting Yes:	[10]	Kirk, Wells, Mayes, Luna, Duncan, Hicks, Mallory Caraway, Lipscomb, Poss, Walne
Voting No:	[4]	Salazar, Stimson, Blumer, McDaniel
Absent:	[1]	Fielding

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1216

Item 99: 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

Councilmember Poss moved to approve the item.

Motion seconded by Councilmember Lipscomb.

Councilmember Duncan moved to substitute for Councilmember Poss' motion a motion to refer the resolution back to the city staff with direction for the staff to bring back to the city council recommendations regarding individual art projects that are an integral part of the overall project and to reprogram any remaining funds.

Motion seconded by Councilmember Blumer.

After discussion Councilmember Duncan withdrew his substitute motion.

Councilmember Luna asked Councilmember Poss if she would accept a friendly amendment to her motion to provide that the staff and the cultural affairs commission be requested to review the public arts program and to recommend any changes to the city council prior to the next bond program.

Councilmember Poss accepted the amendment as a part of her motion.

Councilmember Lipscomb, who seconded the original motion, also accepted the amendment.

After discussion Mayor Kirk called the vote on Councilmember Poss' motion as modified by the friendly amendment:

Voting Yes: [12] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Hicks, Mallory Caraway,
Lipscomb, Poss, Walne, McDaniel

Voting No: [2] Duncan, Blumer

Absent: [1] Fielding

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1217

Addendum addition 1: Authorize settlement of a lawsuit styled, Gweneria Latimer, as Administrator of the Estate of Vickie Latimer as Next Friend of Shamaria Latimer and Brandon Latimer, Minor Children v. City of Dallas, and Rita Richards, Nevora V. Echols, H.K. Giddings, Deatria J. Freney and Dwayne Giddings v. City of Dallas consolidated into one action, Cause No. 95-02775-A - Financing: Current Funds

Mayor Pro Tem Wells moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1218

Addendum addition 2: Authorize a professional services contract with Vidaud & Associates, Inc. for survey, design and construction administration services for the Americans With Disabilities Act (ADA) Implementation Program for City public buildings (list attached) - \$116,867 - Financing: 1985 Bond Funds

Councilmember Stimson moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1219

Addendum addition 3: Authorize a five-year contract with All American Football League, Inc. to play all home games at the Cotton Bowl Stadium in Fair Park beginning March 1, 1998 through September 30, 2002 with one five-year renewal option - Estimated Annual Revenue: \$106,467

Deputy Mayor Pro Tem Mayes moved to approve the item.

Motion seconded by Councilmember Lipscomb.

At the conclusion of debate Mayor Kirk called the vote on the motion.

Voting Yes: [13] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Hicks, Mallory Caraway,
Lipscomb, Poss, Walne, Blumer, McDaniel

Voting No: [0]

Absent: [2] Fielding absent; Duncan absent when vote taken

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1220

Addendum addition 4: Authorize a contract for the construction of erosion control improvements for Woody Branch, Phase IV-A, located at 2229, 2233, 2243, 2303, 2311 Elder Oaks Lane; 6828, 6834, 6840 Talbot Parkway; and 6780, 6808, 6816 Talbot Parkway - Larry H. Jackson Construction, Inc., lowest responsible bidder of four - \$389,389 - Financing: 1995 Bond Funds

Councilmember Hicks announced that he had a conflict of interest in this issue and would abstain from voting or participating in any discussion. Councilmember Hicks left the city council chamber.

Councilmember Lipscomb moved to approve the item.

Motion seconded by Councilmember Poss.

At the conclusion of debate Mayor Kirk called the vote on the motion.

Voting Yes: [13] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Duncan, Mallory Caraway,
Lipscomb, Poss, Walne, Blumer, McDaniel
Voting No: [0]
Absent: [2] Hicks abstaining; Fielding absent

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1221

Addendum addition 5: Authorize a contract for floor renovation in the Kalita Humphreys Theater of the Dallas Theater Center, located at 3636 Turtle Creek Boulevard - Coastal Construction Company, lowest responsible bidder of two - \$84,697 - Financing: Capital Construction Funds (\$9,724), 1995 Bond Funds (\$74,973)

Councilmember Stimson moved to approve the item.

Motion seconded by Councilmember Luna and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1222

Addendum addition 6: Authorize an increase to the license agreement with Dallas Computer Services, Inc. (DCS) for on-line computer access to database information provided by the Texas Department of Public Safety Drivers License in connection with the recovery of property taxes owed to the City of Dallas - \$55,000, from \$73,500 to \$128,500 - Financing: Current Funds

Councilmember Lipscomb moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Mayes and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1223

Addendum addition 7: An ordinance abandoning a portion of the Wichita Street Extension right-of-way to Broomfield, J.V., the abutting owner, containing approximately 30,081 square feet of land, located near the intersection of Broom and Laws Streets, and authorizing the quitclaim - Revenue: \$268,473 plus the \$20 ordinance publication fee

Mayor Pro Tem Wells announced that he had a conflict of interest in this issue and would abstain from voting or participating in any discussion. Mayor Pro Tem Wells left the city council chamber.

Councilmember Stimson moved to pass the ordinance.

Motion seconded by Councilmember Luna and unanimously adopted. (Wells abstaining; Fielding absent)

Assigned ORDINANCE NO. 23090.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1224

Addendum addition 8: An ordinance abandoning a portion of Carter Street right-of-way to Leis 'Ohana Hui Family Partnership, Ltd., the abutting owner, containing approximately 11,892 square feet of land, located near its intersection with Broom Street, and authorizing the quitclaim - Revenue: \$106,136 plus the \$20 ordinance publication fee

Councilmember Mallory Caraway moved to pass the ordinance.

Motion seconded by Councilmember Salazar and unanimously adopted. (Fielding absent)

Assigned ORDINANCE NO. 23091.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1225

Addendum addition 9: An ordinance approving the Cedars TIF District Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Four, City of Dallas, Texas (Cedars TIF District) - Financing: No cost consideration to the City

Councilmember Luna moved to pass the ordinance.

Motion seconded by Councilmember Stimson and unanimously adopted. (Fielding absent)

Assigned ORDINANCE NO. 23092.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1226

Addendum addition 10: An ordinance amending previously passed ordinances ordering the May 3, 1997 general election, charter amendment election, and Employees' Retirement Fund election in order to change some election-day and early voting locations and add an early voting location - Financing: This action has no cost consideration

Mayor Pro Tem Wells moved to pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Mayes and unanimously adopted. (Fielding absent)

Assigned ORDINANCE NO. 23093.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1227

Addendum addition 11: An ordinance amending the Dallas Development Code Section 51A-7.702 allowing relocation of a nonconforming sign under certain conditions for the construction of a rail transit line and other facilities necessary to its operation - Financing: No cost consideration to the City

Councilmember Poss moved to pass the ordinance.

Motion seconded by Councilmember Stimson.

After discussion Mayor Kirk called the vote on the motion and declared the motion adopted on a divided voice vote. (Fielding absent)

Assigned ORDINANCE NO. 23094.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1228

Addendum addition 12: An ordinance amending Chapter 7 of the Dallas City Code to create an offense for an owner, harborer, or other person having care, custody, or control of a dog or cat to allow the dog or cat to defecate on public property or on certain private property within the city, within certain defenses - (Councilmembers McDaniel, Duncan, Blumer, Mallory Caraway, Salazar via Mayor Kirk)

The following individual addressed the city council regarding the ordinance:

-- Lanny Perkins, 5706 Monticello Ave.

Councilmember McDaniel moved to amend the draft ordinance by making it clear that the animals that are exempt from the ordinance under the disability clause are animals that are trained to assist persons with disabilities, not simply animals that belong to a person with a disability; to change the maximum fine provision to reflect the same fee schedule that the city council adopted for the bicycle helmet ordinance; and to add language directing the city manager to determine the amount of fines collected during the previous fiscal year and to consider allocating those funds for the next fiscal year to city-owned or operated facilities and programs that are devoted to the care and shelter of animals; and to adopt the ordinance with those changes.

Motion seconded by Councilmember Mallory Caraway.

Councilmember Lipscomb asked Councilmember McDaniel if he would accept a friendly amendment to his motion to provide that animals involved in law enforcement activities be exempt from the provisions of the ordinance.

Councilmember McDaniel accepted the amendment as a part of his motion.

Councilmember Mallory Caraway, who seconded the original motion, also accepted the amendment.

Councilmember Salazar asked Councilmember McDaniel if he would accept a friendly amendment to his motion to provide that the ordinance would apply only to dogs, and not to cats.

Councilmember McDaniel accepted the amendment as a part of his motion.
Councilmember Mallory Caraway, who seconded the original motion, also accepted the amendment.

After discussion Mayor Kirk called the vote on Councilmember McDaniel's motion as modified by the friendly amendments.

Voting Yes: [7] Kirk, Salazar, Luna, Duncan, Mallory Caraway, Blumer, McDaniel
Voting No: [7] Wells, Mayes, Stimson, Hicks, Lipscomb, Poss, Walne,
Absent: [1] Fielding absent

Mayor Kirk declared the motion lost on a tie vote.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1229

Addendum addition 13: Authorize a (i) public hearing to be held on May 14, 1997, to receive citizen comments on the creation of a Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for a section of the Prestonwood Area to be called the Prestonwood Public Improvement District ("District") for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District, (ii) an ordinance creating the Prestonwood Public Improvement District on May 14, 1997 - Financing: No cost consideration to the City

Mayor Pro Tem Wells moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Mayes and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1230

97-1231

Addendum addition 14: AMENDMENT TO FLOODPLAIN MANAGEMENT PLAN: Amend the White Rock Creek and Tributaries Flood Plain Management Study performed by Halff Associates, Inc. to include an additional tract of land to the approved flood plain encroachment list. The tract to be included is 14.7 acres and is in the 100-year flood plain of White Rock Creek. The property is zoned Residential 1-acre (R-1ac(A)) and is located south of Keller Springs Road just west of Keller Springs Park - Financing: This action has no cost consideration [97-1230]

Addendum addition 15: FLOODPLAIN APPLICATION: Application for a fill permit and removal of the flood plain (FP) prefix from 0.64 acres of land currently in the 100-year flood plain of White Rock Creek. The property is zoned Residential 1-acre (R-1ac(A)) and is located in City Block 8215, south of Keller Springs Road, just west of Keller Springs Park. Fill Permit 96-07 - Financing: This action has no cost consideration [97-1231]

A public hearing was called to receive comments on a proposal to amend the White Rock Creek and Tributaries Flood Plain Management Study to include an additional tract of land to the approved flood plain encroachment list and to receive comments on an application for a fill permit and removal of the flood plain prefix from 0.64 acres of land currently in the 100-year flood plain of White Rock Creek located in City Block 8215, south of Keller Springs Road, just west of Keller Springs Park.

Appearing in opposition to the proposal to amend the study and the application for a fill permit:

-- Catherine Perrine, 1616 Royal Pl., representing Save Open Space

No one appeared in favor of the proposal to amend the study and the application for a fill permit.

Councilmember Blumer moved to close the public hearings, approve the amendment to the White Rock Creek and Tributaries Flood Plain Management Study and approve the application for a fill permit and removal of the flood plain prefix from 0.64 acres of land currently in the 100-year flood plain of White Rock Creek located in City Block 8215, south of Keller Springs Road, just west of Keller Springs Park.

Motion seconded by Councilmember Mallory Caraway and unanimously adopted. (Fielding absent; Mayes, Hicks absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1232

Addendum addition 16: Authorize the City Manager to execute a temporary easement agreement with The Stephens Group, L.P., landowner of the area known as the Gravel Pit site in South Dallas County, for discharge of the dredged material from White Rock Lake to their property - \$2,388,078 - Financing: 1995 Bond Funds

Councilmember Poss moved to approve the item.

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Fielding absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1233

Addendum addition 17: A resolution urging the City Council elected in May, 1997 to create a charter review committee/task force and recommending the composition and duties of such a committee/task force (Mayor Kirk, Mayor Pro Tem Wells, and Councilmembers Hicks, Poss, Walne, Luna, Stimson, and McDaniel)

Mayor Pro Tem Wells moved to approve the resolution.

Motion seconded by Councilmember Poss.

Councilmember Lipscomb asked Mayor Pro Tem Wells if he would accept a friendly amendment to his motion to provide that the committee include in its charge a review of whether the presiding officer of the city council should be allowed to vote only in case of a tie.

Mayor Pro Tem Wells accepted the amendment as a part of his motion.

Councilmember Poss, who seconded the original motion, also accepted the amendment.

Councilmember Luna asked Mayor Pro Tem Wells if he would accept a friendly amendment to his motion to provide that the last sentence of Section 1 of the draft resolution be changed to provide that the chair and vice-chair of the committee be appointed by the mayor and confirmed by the full city council.

Mayor Pro Tem Wells accepted the amendment as a part of his motion.

Councilmember Poss, who seconded the original motion, also accepted the amendment.

Councilmember Hicks asked Mayor Pro Tem Wells if he would accept a friendly amendment to his motion to provide that the draft resolution be changed to provide for four vice-chairs, one from each quadrant of the city.

Mayor Pro Tem Wells accepted the amendment as a part of his motion.

Councilmember Poss, who seconded the original motion, also accepted the amendment.

After discussion Mayor Kirk called the vote on Mayor Pro Tem Wells' motion as modified by the friendly amendments.

Voting Yes: [8] Kirk, Wells, Luna, Stimson, Hicks, Poss, Walne, McDaniel
Voting No: [5] Mayes, Salazar, Duncan, Mallory Caraway, Blumer
Absent: [2] Fielding absent; Lipscomb absent when vote taken

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1234

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

April 9, 1997

97-1235

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, APRIL 9, 1997

EXHIBIT C

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 9, 1997

97-1120

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

PRESENT: [14] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Duncan, Hicks, Mallory
Caraway, Lipscomb, Poss, Walne, Blumer, McDaniel

ABSENT: [1] Fielding

CORRECTIONS TO THE MINUTES

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1196

Item 74: Zoning Case Z967-164/8938-SW(CR)

The consent zoning docket, consisting of agenda items 73-76 was presented.

Councilmember Hicks requested that consent zoning docket item 74 removed from the consent zoning docket, to be called as an individual hearing. Mayor Kirk stated that consent zoning docket item 74 would be removed from the consent zoning docket, to be called as an individual hearing, there being no objection to Councilmember Hick's request.

Later in the meeting consent zoning docket item 74 was brought up for consideration.

A public hearing zoning case Z967-164/8938-SW(CR), an application for and an ordinance granting a Specific Use Permit for a Tower/antenna for cellular communication on property presently zoned an RR Regional Retail District on the south side of Wheatland Road, east of Hampton Road.

(The city plan commission recommended approval for a permanent time period, subject to a site plan and conditions.)

Mayor Kirk announced that he had a conflict of interest in this issue and would abstain from voting or participating in any discussion. Mayor Kirk left the city council chamber.

Appearing in opposition to the recommendation of the city plan commission:

- Judy A. Scott, 2304 W. Wheatland Rd.
- Thelma Norman, 2628 Blackstone Dr.
- George I. Henry, 4930 Palo Duro Ln.
- Norma Pankey, 1515 Reynoldston Ln.

Appearing in favor of the recommendation of the city plan commission:

- Peter Kavanagh, 1620 Handley Dr., representing the applicant, Zone Systems, Inc.

Councilmember Hicks, stating that the requested use is not compatible with the surrounding neighborhood, as it will not contribute to, enhance or promote the welfare of the area of request or adjacent properties, and that there are other sites available for its location, moved to close the public hearing, reject the recommendation of the city plan commission, and deny the application without prejudice.

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Kirk abstaining; Fielding absent; Stimson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1197

Item 75: Zoning Case Z967-161/10167-C(DW)

The consent zoning docket, consisting of agenda items 73-76 was presented.

Councilmember Luna requested that consent zoning docket item 75 removed from the consent zoning docket, to be called as an individual hearing. Mayor Kirk stated that consent zoning docket item 75 would be removed from the consent zoning docket, to be called as an individual hearing, there being no objection to Councilmember Luna 's request.

Later in the meeting consent zoning docket item 75 was brought up for consideration.

A public hearing was called on zoning case Z967-161/10167-C(DW), an application for and an ordinance granting the removal of the Dry Overlay District on property presently zoned a CR-D Community Retail-Dry District and as Planned Development District No. 462-Dry, the Henderson Avenue Special Purpose District, at the southeast corner of Henderson Avenue and Willis Avenue, and a resolution authorizing acceptance of a deed restriction instrument submitted in conjunction with the change of zoning.

(The city plan commission recommended approval, subject to deed restrictions volunteered by the applicant.)

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

Appearing in favor of the recommendation of the city plan commission:

- Roger Albright, 3301 Elm St., representing the applicant, US Voter, Inc. Mr. Albright stated that the applicant was willing to volunteer deed restrictions to prohibit sexually oriented businesses from the property in addition to the other prohibited uses previously volunteered.

Councilmember Luna moved to close the public hearing, accept the recommendation of the city plan commission and approve the application with the additional deed restriction volunteered by the applicant, and bring the deed restriction instrument and the ordinance back to the city council for formal consideration at a later date [pass the ordinance].

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Fielding absent; Stimson absent when vote taken)

[Assigned ORDINANCE NO. 23083.]

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1178

Item 56: Authorize under the contract with Southwest General Services, Inc. dba S. W. General Services, Inc. for the billing and collection of emergency ambulance fees, and further authorize the City Manager to exercise the second twelve-month renewal option if it is determined to be advantageous to the City - Revenue: \$6,200,000

At the time the consent agenda was presented for discussion Councilmember Luna requested that consent agenda item 56 be considered as an individual item. Mayor Kirk stated that consent agenda item 56 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Luna's request.

Later in the meeting agenda item 56 was brought up for consideration.

Mayor Pro Tem Wells moved to amend the draft resolution so as to authorize the first twelve month renewal option, but not to authorize the city manager to exercise the second twelve-month renewal option, and to approve the item with that change.

Motion seconded by Councilmember Luna and unanimously adopted. (Fielding absent)

**The resolution to support this agenda item was amended by the city council at the time it was considered. The amended version of the resolution had not been received in the city secretary's office as of: April 15, 1997 (10:39am)
Resolution received: April 18, 1997 (11:20am)**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1188

97-1189

97-1190

Item 67: A public hearing was called to receive citizen comments concerning the creation of a reinvestment zone for commercial-industrial tax abatement, to be known as City of Dallas Reinvestment Zone Number 37, consisting of approximately 9.3 acres located at 1535 W. Mockingbird Lane, City of Dallas, Texas, 75235, for the purpose of granting tax abatement on the new tangible personal property to Nextel of Texas and its lessor Oakbrook Plaza, Ltd. - Financing: No cost consideration to the City [97-1188]

Item 68: An ordinance designating property located at 1535 W. Mockingbird Lane, Dallas, Texas, 75235, consisting of approximately 9.3 acres, as City of Dallas Reinvestment Zone Number 37, for commercial-industrial tax abatement for the purpose of granting tangible personal property tax abatement to Nextel of Texas and its lessor Oakbrook Plaza, Ltd., establishing the boundaries thereof, and providing for an effective date - Financing: No cost consideration to the City [97-1189]

Item 69: Authorize a tangible personal property tax abatement agreement with Nextel of Texas and its lessor Oakbrook Plaza, Ltd. for abatement of taxes on new tangible personal property to the site in relation to the development of a switching facility on property located within City of Dallas Reinvestment Zone Number 37, consisting of approximately 9.3 acres located at 1535 W. Mockingbird Lane, Dallas, Texas, 75235 - Revenue: First year tax revenue at \$67,010. 10 year tax revenue estimated at \$670,100 (Estimated revenue foregone for 10-year abatement \$670,100) [97-1190]

The following individual addressed the city council regarding the creation of Reinvestment Zone Number 37:

-- Joe Martin, 3105 Gladiolus Ln.

Councilmember Mallory Caraway moved to close the public hearing, pass the ordinance and approve the tax abatement.

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

Assigned ORDINANCE NO. 23080.

The ordinance as filed with the city secretary had not been signed as "approved as to form" by the city attorney as of: April 15, 1997 (10:39am).

Ordinance signed April 16, 1997 (10:00am)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1191

97-1192

97-1193

Item 70: A public hearing was called to receive citizen comments concerning the creation of a reinvestment zone for commercial-industrial tax abatement, to be known as City of Dallas Reinvestment Zone Number 38, consisting of approximately 8.85 acres located at the southwest corner of Dickson Drive and Stoneview Drive, City of Dallas, Texas, 75237, for the purpose of granting tax abatement on the added value to the real property to Medline Industries, Inc. - Financing: No cost consideration to the City [97-1191]

Item 71: An ordinance designating property at the southwest corner of Dickson Drive and Stoneview Drive, Dallas, Texas, 75237, consisting of approximately 8.85 acres, as City of Dallas Reinvestment Zone Number 38, for commercial-industrial tax abatement for the purpose of granting real property tax abatement to Medline Industries, Inc., establishing the boundaries thereof, and providing for an effective date - Financing: No cost consideration to the City [97-1192]

Item 72: Authorize a real property tax abatement agreement with Medline Industries, Inc. for abatement of taxes on the added value to the real property for the development of a warehousing and distribution facility on property located within City of Dallas Reinvestment Zone Number 38, consisting of approximately 8.85 acres located at the southwest corner of Dickson Drive and Stoneview Drive, Dallas, Texas, 75237 - Financing: No cost consideration to the City - Revenue: First year tax revenue estimated at \$2,680. Ten- year tax revenue estimated at \$26,804 (Estimated revenue foregone for 10-year abatement \$241,236) [97-1193]

No one addressed the city council regarding the creation of Reinvestment Zone Number 38.

Councilmember Lipscomb moved to close the public hearing, pass the ordinance and approve the tax abatement.

Motion seconded by Deputy Mayor Pro Tem Mayes and unanimously adopted. (Fielding absent; Hicks, McDaniel absent when vote taken)

Assigned ORDINANCE NO. 23081.

The ordinance as filed with the city secretary had not been signed as "approved as to form" by the city attorney as of: April 15, 1997 (10:39am).

Ordinance signed April 16, 1997 (10:00am)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 1997

97-1225

Addendum addition 9: An ordinance approving the Cedars TIF District Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Four, City of Dallas, Texas (Cedars TIF District) - Financing: No cost consideration to the City

Councilmember Luna moved to pass the ordinance.

Motion seconded by Councilmember Stimson and unanimously adopted. (Fielding absent)

Assigned ORDINANCE NO. 23092.

**The ordinance as filed with the city secretary had not been signed as "approved as to form" by the city attorney as of: April 15, 1997 (10:39am).
Ordinance signed April 16, 1997 (10:00am)**

