

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 10, 1998

98-1700

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

PRESENT: [15] Kirk, Poss, Salazar, Loza, Miller, Duncan, Hicks, Mallory Caraway, Mayes,
Lipscomb, Walne, Finkelman, Greyson, Blumer, Forsythe Lill
ABSENT: [0]

The meeting was called to order at 9:30 a.m.

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

The invocation was given by the Rev. Douglas M. Dougherty, Kessler Community Church.

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 4:35 p.m.

Mayor

ATTEST:

Acting 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.

06/16/98 10:30
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 10, 1998

EXHIBIT A

06/16/98 10:30
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 10, 1998

EXHIBIT B

06/16/98 10:30
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1701

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: Elsie Risby, 2900 Dilido Rd.
SUBJECT: 72 City Attorneys/"What do they do?"

SPEAKER: M.L. Simmons, 2515 Lawrence St.
REPRESENTING: Vision In Community
SUBJECT: Code Enforcement/City funds/Audits/Discrimination and Fraud/Housing

SPEAKER: Frank Bodzin, 4816 Myerwood Ln.
SUBJECT: City affairs

OPEN MICROPHONE - END OF MEETING:

SPEAKER: Jewel Floyd, 3815 Myrtle St.
SUBJECT: Fraud in the Tax and Street Departments

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1702

Item 1: Approval of Minutes

The acting city secretary stated that the minutes of the voting agenda meeting of May 27, 1998, were not yet complete and would be distributed to the city council for approval at a future meeting.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1703

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-45, was presented for consideration.

The acting city secretary announced that her office had received written notice from Councilmember Loza that consent agenda item 15 had been deferred until the next voting agenda meeting of the city council and notice that the item had been deferred had been posted in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Finkelman requested that consent agenda item 44 be removed from the consent agenda to be considered as individual items. Mayor Kirk stated that consent agenda item 44 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Finkelman's request.

The following individual appeared to comment on consent agenda items:

- Pat McNeil, 501 N. Stemmons Frwy., concerning consent agenda item 41
- Shanequa Johnson, 501 N. Stemmons Frwy., concerning consent agenda item 41
- Christopher Morales, 501 N. Stemmons Frwy., concerning consent agenda item 41

Councilmember Mayes moved to approve all items on the consent agenda with the exception of agenda item 15 which had been deferred until the next voting agenda meeting of the city council at the request of members of the council and consent agenda items 41 and 44 which would be considered later in the meeting.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1704

Item 2: Authorize a professional services contract with Reed Fire Protection Engineering, LLC to provide design services for fire alarm systems at Old Mill Inn Restaurant, Information Center, Grand Place, Tower Building/Administration Offices, Embarcadero Building/Creative Arts, Pan American Arena, Maintenance Barn, New Pavilion and Bandshell stage area at Fair Park (\$24,700) and with Corgan Associates, Inc. for Americans with Disabilities Act renovations at various recreation centers and park facilities (\$75,300) - \$100,000 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1705

Item 3: Authorize a contract for the construction of roof replacement and asbestos abatement at Dallas City Hall - Castro Roofing of Texas, Inc., lowest responsible bidder of six - \$799,477 - Financing: 1995 Bond Funds (\$637,936), Capital Construction Funds (\$161,541)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1706

Item 4: Authorize a contract for the construction of partial renovation on the fifth floor, Business and Technology Division and the creation of the Nancy and Jake L. Hamon Oil and Gas Resource Center at the J. Erik Jonsson Central Library - IDG Services, Inc., lowest responsible bidder of three - \$327,300 - Financing: Capital Construction Funds (\$25,000), Nancy and Jake L. Hamon Trust Fund (\$302,300)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1707

Item 5: Authorize a contract for the construction of bridge and drainage improvements on Adelaide Street and Kingsley Street at Lisbon Branch, and erosion control improvements at 3419 Michigan Street on Alice Creek - Texas Tech Construction, Inc., lowest responsible bidder of two - \$592,205 - Financing: 1994-95 Community Development Grant Funds (\$185,233), 1995-96 Community Development Grant Funds (\$66,884), 1985 Bond Funds (\$340,088)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1708

Item 6: Authorize a contract for the replacement of water and wastewater mains in an area bounded by Fort Worth Avenue, Merrifield Road, Ledbetter Drive, and Buckner Boulevard and replacement of a water main in Walton Walker Boulevard from Johnson Way to Merrifield Road - Atkins Bros. Equipment Co., Inc., lowest responsible bidder of six - \$2,075,773 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1709

Item 7: Authorize an increase in the contract with Metalman, Inc. to provide additional stone retaining walls and columns, and miscellaneous sitework at City Park - \$21,777, from \$454,548 to \$476,325 - Financing: 1985 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1710

Item 8: Authorize an increase in the contract with Metro Masonry Construction, Inc. for epoxy repair to 36 limestone panels and replacement of additional shims, plates and anchors on the Dallas Museum of Art Barrel Vault Roof - \$51,069, from \$730,241 to \$781,310 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1711

Item 9: Authorize Supplemental Agreement No. 1 to the professional services contract with Huitt-Zollars, Inc. for the design of paving, drainage, water and wastewater improvements for the McKinney Avenue Trolley Extension project - \$117,400, from \$857,400 to \$974,800 - Financing: 1995 Bond Funds (\$40,870 to be reimbursed by the Texas Department of Transportation)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1712

Item 10: Authorize the rejection of one bid received for site development at Cummings (Phase II) and Fruitdale Parks and authorize readvertisement for new bids - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1713

Item 11: Authorize a three year renewal of the lease agreement with Dockside Threading, Inc. for approximately 3,383 square feet of office space at 1111 W. Ledbetter to be used as a Women, Infants, and Children office for the period August 1, 1998 through July 31, 2001- \$2,960 per month, for a total of \$35,521 annually - Financing: Texas Department of Health Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1714

Item 12: An ordinance granting a revocable license to Landry's Crab Shack, Inc., for the use of approximately 2,005 square feet of land, to construct and maintain a sidewalk cafe, elevated deck, stairs, rails, lighting, wheelchair ramp, signs and awnings on portions of North Market Street and Corbin Street rights-of-way - Revenue: \$7,137 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23527.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1715

Item 13: An ordinance granting a revocable license to Madison Pacific Development Company, for the use of approximately 12 square feet of land, to maintain an existing aerial sign in a portion of Commerce Street right-of-way near Oakland Avenue - Revenue: \$350 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23528.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1716

Item 14: An ordinance granting a private license to Texas Utilities Electric Company, for the use of approximately 1,694 square feet of land, to maintain an existing basement and sidewalk lift under portions of Lane Street and Commerce Street rights-of-way - Revenue: \$350 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23529.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1717

Item 15: An ordinance abandoning a portion of Pacific Avenue to Human Signs, Inc., David W. Crouch, JAS Real Estate and Development, Trustee, George M. Reeves, Barry Annino and Gig Reeves, the abutting owners, containing approximately 10,000 square feet of land, located between La France Street and East Side Avenue, and authorizing the quitclaim - Revenue: \$68,000 plus the \$20 ordinance publication fee

The acting city secretary announced that Councilmember Loza had deferred consideration of consent agenda item 15 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1718

Item 16: An ordinance abandoning a portion of Pacific Avenue and Benson Street to Pan American Capital Corp. 1996, the abutting owner, containing approximately 11,122 square feet of land, located near the intersection of Benson Street and Pacific Avenue, and authorizing the quitclaim - Revenue: \$75,630 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23530.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1719

Item 17: An ordinance abandoning a portion of Pacific Avenue to Pan American Capital Corp. 1996, the abutting owner, containing approximately 10,000 square feet of land, located near the intersection of Pacific Avenue and Benson Street, and authorizing the quitclaim
- Revenue: \$68,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23531.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1720

Item 18: Authorize a thirty-six month price agreement for printing and mailing of tax statements with the lowest responsible bidder of five - Myriad Systems, Inc. - Not to exceed \$219,436 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1721

Item 19: Authorize a twenty-four month multiple award price agreement for bicycle parts and repair with the lowest responsible bidder of two - B & B Bicycles - Not to exceed \$87,933 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1722

Item 20: Authorize settlement of a lawsuit, styled Barbara Love v. Benny Nulisch and City of Dallas, Cause No. CC-97-07121-A - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1723

Item 21: Authorize settlement of a lawsuit, styled Irene Rodriguez and Juaquin Rodriguez v. City of Dallas and Lawrence L. Prothro, Cause No. 97-06910-D - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1724

Item 22: Authorize a professional services contract with Jones & Boyd, Inc., for engineering services necessary in the lawsuit, styled Golden Harvest Company, Inc., N.H.T. Partnership, and Kaufman County Levee Improvement District #15 v. City of Dallas, Cause No. 42-765, and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed \$35,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1725

Item 23: Authorize Supplemental Agreement No. 1 to the professional services contract with Rimkus Consulting Group, Inc., for engineering services necessary in the lawsuit, styled James Jennings, et al. v. City of Dallas, Cause No. 95-11931-B, and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed \$10,000, increasing the original contract amount from \$22,500 to \$32,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1726

Item 24: Authorize Supplemental Agreement No. 1 to the professional services contract with DeHay & Elliston, L.L.P., for additional legal services in the lawsuit, styled Erik Williams v. City of Dallas, et al., Cause No. 3:97-CV-0296-D, and in the companion lawsuit, styled Michael Irvin v. City of Dallas, et al., Cause No. 3:97-CV-1327-D, and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed \$250,000, increasing the original contract amount from \$15,000 to \$265,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1727

Item 25: Authorize Supplemental Agreement No. 1 to the professional services contract with Matthews, Carlton, Stein, Shiels, Pearce, Dunn and Knott, L.L.P., for additional legal services in the lawsuit, styled Villasenor v. Westbrook, et al., Cause No. 97-00064-A, and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed \$30,000, increasing the original contract amount from \$15,000 to \$45,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1728

Item 26: Authorize Supplemental Agreement No. 1 to the professional services contract with Clark, West, Keller, Butler & Ellis, L.L.P., for additional legal services in the lawsuit, styled Deborah A. Branton v. City of Dallas, et al., Civil Action No. 3:97-CV-0245-P, in an amount not to exceed \$50,000, increasing the original contract amount from \$15,000 to \$65,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1729

Item 27: Authorize Supplemental Agreement No. 2 to the professional services contract with Ruhter & Reynolds, Inc., (formerly known as Sartain & Co., Inc.) for expert witness services necessary in the lawsuits, styled Albert, et al. v. City of Dallas, Cause No. 199-697-94; Hill, et al. v. City of Dallas, Cause No. 95-00975-F; Willis, et al. v. City of Dallas, Cause No. 199-200-95; Barber, et al. v. City of Dallas, Cause No. 199-624-95; Parker, et al. v. City of Dallas, Cause No. 1-95-107; and Martin, et al. v. City of Dallas, et al., Cause No. 1-95-506; and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed \$40,000, increasing the contract amount from \$50,000 to \$90,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1730

Item 28: Authorize Supplemental Agreement No. 1 to the professional services contract with the Malin Group for additional expert witness assistance in the lawsuit, styled Baby Dolls Topless Saloons, Inc., d/b/a Baby Dolls Topless Saloon-East, et al. v. City of Dallas, Civil Action No. 3:96-CV-1331-R, in an amount not to exceed \$50,000, increasing the original contract amount from \$15,000 to \$65,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1731

Item 29: Authorize Supplemental Agreement No. 1 to the professional services contract with Robert Reeves & Associates, Inc. for additional expert witness assistance in the lawsuit, styled Baby Dolls Topless Saloons, Inc. d/b/a Baby Dolls Topless Saloon-East, et al. v. City of Dallas, Civil Action No. 3:97-CV-1331-R, in an amount not to exceed \$50,000, increasing the original contract amount from \$15,000 to \$65,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1732

Item 30: Authorize Supplemental Agreement No. 1 to the professional services contract with Brian R. Arnold and Associates for additional legal services in the lawsuit, styled Granver Tolliver v. City of Dallas, et al., Civil Action No. 3:96-CV-2629-D, in an amount not to exceed \$50,000, increasing the original contract amount from \$15,000 to \$65,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1733

Item 31: Authorize Supplemental Agreement No. 1 to the professional services contract with Jordan Law Firm for additional legal services in the lawsuit, styled Michael Meshack v. Randy Sundquist, Marshall McLemore and Troy Klinglesmith, Cause No. 3:95-CV-1007-R, and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed \$7,500, increasing the original contract amount from \$15,000 to \$22,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1734

Item 32: Authorize Supplemental Agreement No. 1 to the professional services contract with Walker, Bright and Whittenton, P.C., for additional legal services in the lawsuit, styled Elizabeth A. Gates, et al. v. City of Dallas, et al., Civil Action No. 3:96-CV-2198-D, and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed \$65,000, increasing the original contract amount from \$15,000 to \$80,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1735

Item 33: Authorize approval of the bi-weekly tax action

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1736

Item 34: Authorize a public hearing to be held on June 24, 1998 to receive citizen comments on the Preliminary FY 1998-99 Consolidated Budget for U. S. Department of Housing and Urban Development grant funds, the Preliminary FY 1997-98 Community Development Block Grant Reprogramming Budget, and the Preliminary five-year Consolidated Plan for the period beginning October 1, 1998 - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1737

Item 35: An ordinance amending Ordinance No. 23466 which granted a telecommunications franchise to Faithnet Telecommunications, Inc., to allow an additional 90 days to provide a letter of acceptance and appropriate bond and insurance information to the City - Revenue: \$694,000 over 10 years

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23532.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1738

Item 36: Authorize an agreement with the Texas Department of Transportation 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 \$40,800 - Financing: Texas Department of Transportation Alternative Fuels Program Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1739

Item 37: Authorize **(1)** a public hearing to be held on June 24, 1998, to receive citizen comments concerning an application for a taxicab company operating authority for Kenneth Reven McClain d/b/a Dallas County Taxi; and **(2)** Council action regarding the application for an annual taxicab operating authority for Kenneth Reven McClain d/b/a Dallas County Taxi - Financing: No cost consideration to the City
Recommendation of Staff: Denial

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1740

Item 38: Authorize acceptance of grant funds and execution of the grant agreement with the U.S. Department of Housing and Urban Development to provide rental assistance for transitional housing for homeless single adults for the period June 11, 1998 through June 10, 2001 - \$749,670 - Financing: 1997-98 Supportive Housing Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1741

Item 39: Employee Benefits Programs

- * Authorize amendments to the City of Dallas 457 Plan and the Part-time, Seasonal, and Temporary Employee (PST) 457 Deferred Compensation Plan Documents in order to place the Plans in Trusts as required by State and Federal Law - Financing:
No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1742

Item 40: Employee Benefits Programs

- * Authorize exercise of the third twelve month renewal option to the contract with QRS Services for post-payment audits of hospital and other medical bills processed through the Employee and Retiree Health Benefits Plans for the period January 1, 1999 through December 31, 1999 - Not to exceed 31% of identified post audit savings per claim - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1743

Item 41: Authorize Supplemental Agreement No. 2 to the Master Grant Agreement with the Dallas Youth Services Corps, Inc. to provide minor and exterior home repairs for approximately 40 low-income, disabled, or elderly homeowners to be coordinated by the Housing Department's People Helping People Program and authorize an extension of the Agreement to September 30, 1999 - Not to exceed \$300,000 - Financing: 1997-98 Community Development Grant Funds (\$100,000), Section 108 Notes (\$200,000)

The following individual addressed the city council regarding the supplemental agreement:

- Pat McNiel, 501 N. Stemmons Frwy., representing the Dallas Youth Services Corp.
- Shanequa Johnson, 501 N. Stemmons Frwy., representing the Dallas Youth Services Corp.
- Christopher Morales, 501 N. Stemmons Frwy., representing the Dallas Youth Services Corp.

Councilmember Duncan moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1744

Item 42: Authorize an amendment to the contract with Bob Smith, Golf Professional at Tenison Golf Course, to add commission payments generated at the Samuell-Grand Park Driving Range/Teaching Facility in the amount of 15% from golf lessons, 10% from golf ball rentals and 15% from food and drink sales; and to decrease commission payments during the approximate 10-month renovation of the Tenison West Golf Course from 15% to 10% from beer sales, from 12.5% to 5% from golf cart rentals, from 15% to 10% from food and drink sales and from 10% to 5% from golf ball rentals - Estimated annual revenue: \$45,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1745

Item 43: Authorize application for a matching grant to the Texas Parks and Wildlife Department to develop new athletic fields in Elizabeth Patterson Kiest Memorial Park - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1746

Item 44: Authorize five-year agreements with Southwest Celtic Music Association, Streetball Partners, The Dallas Morning News; and a five-year agreement with two one-year renewal options with Dallas Wind Symphony, for the use of Fair Park facilities for festivals and/or shows - Estimated Revenue: \$62,015 annually

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Mayes and unanimously adopted. (Walne absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1747

Item 45: Authorize a public hearing to be held on June 24, 1998, to receive citizen comments on the sale of a portion of Pegasus Plaza to the developers of the Magnolia Building -
Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1748

Item 46: Miscellaneous Hearing - City Center TIF District

A public hearing was called to receive citizen comments concerning boundary amendments to Tax Increment Financing Reinvestment Zone Number Five, City of Dallas, Texas ("City Center TIF District") to include the Wilson Building located at the northwest corner of Main and Ervay Streets and to exclude the Kirby Garage located at 1500 and 1504 Elm Street and corresponding amendments to the City Center TIF District Project Plan and Reinvestment Zone Financing Plan - Financing: No cost consideration to the City.

The following individuals addressed the city council regarding the City Center TIF District:

- Jerry Sampson, 5030 Shadywood Ln., representing Neiman Marcus
- Catherine Horsey, 2922 Swiss Ave., representing Preservation Dallas
- Mary Souhan, 5750 Bryn Mawr
- Susan Mead, 1445 Ross Ave., representing Post Properties

Councilmember Loza moved to close the public hearing.

Motion seconded by Councilmember Forsythe Lill.

During discussion, Councilmember Loza called for the question.

The motion was not seconded. Councilmember Loza withdrew his motion to call for the question.

Mayor Kirk then called the vote on Councilmember Loza's motion to close the public hearing.

Mayor Kirk declared the motion unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1749

Item 47: Miscellaneous Hearing - City Center TIF District

- * Authorize an ordinance (1) amending the boundaries of Tax Increment Financing Reinvestment Zone Number Five, City of Dallas, Texas, ("City Center TIF District") to include the Wilson Building located at the northwest corner of Main and Ervay Streets and to exclude the Kirby Garage located at 1500 and 1504 Elm Street; and (2) amending the City Center TIF District Project Plan and Reinvestment Zone Financing Plan to allow for the acquisition, alteration, remodeling, repair or reconstruction of historic buildings, plan implementation and other text changes - Financing: No cost consideration to the City

The following individual addressed the city council regarding the Tax Increment Financing Reinvestment Zone Number Five:

-- Joe Martin, 3105 Gladiolus Ln.

Councilmember Loza moved passage of the ordinance.

Motion seconded by Councilmember Forsythe Lill.

After discussion, Mayor Kirk called the vote on the motion:

Voting Yes: [11] Kirk, Poss, Salazar, Loza, Duncan, Hicks, Mallory Caraway, Mayes,
Lipscomb, Greyson, Forsythe Lill
Voting No: [4] Miller, Walne, Finkelman, Blumer

Mayor Kirk declared the motion adopted.

Assigned ORDINANCE NO. 23533.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1750

Item 48: Miscellaneous Hearing - City Center TIF District

- * Authorize (1) a real property tax abatement agreement with Walt Hall Kirby Associates, Ltd. for the purpose of granting a ten-year abatement of taxes on 90% of the added value to the real property in relation to the development of a parking garage within an area of the City of Dallas Enterprise Zone Three, located at 1500-1504 Elm Street, Dallas, Texas; (2) a 100% development fee rebate to Walt Hall Kirby Associates, Ltd. in an amount not to exceed \$100,000 - Revenue: First year tax revenue estimated at \$195. Ten-year tax revenue estimated at \$1,950. (Estimated revenue foregone for ten-year abatement \$17,500) - Financing: Public/Private Partnership Funds

The following individual addressed the city council regarding the City Center TIF District:

-- Alice Murray, 750 N. St. Paul St., representing Hall Financial

Councilmember Loza moved approval of the real property tax abatement.

Motion seconded by Councilmember Mayes.

After discussion, Mayor Kirk called the vote on the motion:

Voting Yes: [14] Kirk, Poss, Salazar, Loza, Miller, Duncan, Hicks, Mallory Caraway,
Mayes, Lipscomb, Walne, Finkelman, Greyson, Forsythe Lill
Voting No: [1] Blumer

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1751

Item 49: Miscellaneous Hearing - City Center TIF District

- * Authorize a sale and lease-back agreement with Post Properties for the acquisition and lease of the historic Wilson Building located at 1623 Main Street in Tax Increment Financing Reinvestment Zone Number Five, City of Dallas, Texas (City Center TIF District) and establishment of appropriations - Financing: A principal amount of \$3,400,000 to be advanced by Post Properties and reimbursed with interest solely from the City Center Tax Increment Financing Fund

The following individuals addressed the city council regarding the City Center TIF District:

- John Allums, 4209 Shenadoah St., University Park, representing Post Properties
- Elsie Risby, 2900 Dilido Rd.

Councilmember Loza moved to authorize a sale and lease back agreement with Post Properties.

Motion seconded by Councilmember Mayes.

After discussion, Mayor Kirk called the vote on the motion:

- Voting Yes: [11] Kirk, Poss, Salazar, Loza, Duncan, Hicks, Mallory Caraway, Mayes,
Lipscomb, Greyson, Forsythe Lill
- Voting No: [4] Miller, Walne, Finkleman, Blumer

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1752

Item 50: Miscellaneous Hearing

A public hearing to receive citizen comments on the proposed use of Five Mile Creek Greenbelt from west of Walton Walker Boulevard to the confluence of the Trinity River for street right-of-way, utilities, floodway management, and other public facilities, and a resolution authorizing the terms and conditions of such use to serve adjacent development - Financing: No cost consideration to the City.

The following individual addressed the city council regarding the Five Mile Creek Greenbelt:

-- Joe Martin, 3105 Gladius Ln.

Councilmember Finkelman moved to close the public hearing and amend the resolution to approve the use of park property along Five Mile Creek to the specific use for utilities connections as advertised to support the purposed development of Columbia Luxar Addition along Five Mile Creek.

Motion seconded by Councilmember Mayes and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1753

Item 51: Miscellaneous Hearing

A public hearing to receive citizen comments and an ordinance readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain city-sponsored youth programs in compliance with State law - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the City Youth Program Standards of Care:

- Jewel Floyd, 3815 Myrtle St.
- Billy Jack Ludwig, 4953 Thunder Rd.

Councilmember Hicks moved to close the public hearing and pass the ordinance.

Motion seconded by Councilmember Mayes and unanimously adopted.

Assigned ORDINANCE NO. 23534.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1754

Item 52: Miscellaneous Hearing - Paving Design Manual

- * A public hearing to adopt the proposed revisions to the Paving Design Manual, and a resolution authorizing the revisions - Financing: No cost consideration to the City

A hearing was called to receive citizen comments to adopted the proposed revisions to the Paving Design Manual.

The following individual addressed the city council regarding the proposed revisions:

-- Billy Jack Ludwig, 4953 Thunder Rd.

Councilmember Lipscomb moved to close the public hearing and pass the resolution authorizing the revisions.

Motion seconded by Councilmember Mayes and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1755

Item 53: Miscellaneous Hearing - Paving Design Manual

- * Authorize an amendment to the Dallas Development Code Subsection (c) of Section 51A-8.604, Street Engineering Design and Construction to make the standards for minor streets chart consistent with the revised Paving Design Manual of the City of Dallas, and an ordinance implementing the change - Financing: No cost consideration to the City

A hearing was called to receive citizen comments on the Paving Design Manual.

No one addressed the city council regarding the Paving Design Manual.

Councilmember Mayes moved to close the public hearing, approve the resolution and pass the ordinance.

Motion seconded by Councilmember Lipscomb and unanimously adopted.

Assigned ORDINANCE NO. 23535.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1756

PUBLIC HEARING - ZONING CASES - CONSENT

The consent zoning docket, consisting of agenda items 54-63 was presented.

Agenda items 54, 59 and 61 were removed from the consent zoning docket, to be called as individual hearings.

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

- ~~Agenda item 54: Zoning Case Z978-153/8963-NE(KC)~~ [Considered individually]
- Agenda item 55: Zoning Case Z978-168/19521-NW(LS)
- Agenda item 56: Zoning Case Z978-187/1567-C(RB)
- Agenda item 57: Zoning Case Z978-198/10536-C(JA)
- Agenda item 58: Zoning Case Z978-199/10535-SW(JA)
- ~~Agenda item 59: Zoning Case Z978-202/10539-SW(ML)~~ [Considered individually]
- Agenda item 60: Zoning Case Z978-208/6480-SW(LS)
- ~~Agenda item 61: Zoning Case Z978-209/10553-NE(LS)~~ [Considered individually]
- Agenda item 62: Zoning Case Z978-216/10554-SE(LS)
- Agenda item 63: Zoning Case Z978-220/8029-SW(LS)

In all zoning cases on the consent zoning docket, the city plan commission recommended approval of the proposed changes in zoning.

The following individuals appeared to comment on cases on the consent zoning docket:

- Joe Martin, 3105 Gladiolus Ln., regarding zoning case Z978-168/19521-NW(LS)
- Tim Lott, 3939 N. Hampton Rd., regarding zoning case Z978-168/19521-NW(LS)
- Donald Jones, 3317 Toronto St., regarding zoning case Z978-168/19521-NW(LS)
- Andy Jacobs, 3330 Pluto St., regarding zoning case Z978-168/19521-NW(LS)

Councilmember Mallory Caraway moved to close the public hearing, accept the recommendation of the city plan commission in each consent zoning docket case and pass all ordinances and approve all resolutions presented as part of the consent zoning docket.

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

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

June 10, 1998

98-1757

Item 54: Zoning Case Z978-153/8963-NE(KC)

Mayor Pro Tem Poss requested that consent zoning docket item 54 be removed from the consent zoning docket to be called as an individual hearing. Mayor Kirk stated that consent zoning docket item 54 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Mayor Pro Tem Poss' request.

A public hearing was called on zoning case Z978-153/8963-NE(KC), an application for and an ordinance granting a Specific Use Permit for a Transit passenger station or transfer center and a Tower/antenna for cellular communication, an application for and an ordinance granting the termination of Specific Use Permit No. 54 for a Lodge, and an application for and an ordinance granting the termination of Specific Use Permit No. 1083 for a radio, television or microwave tower on property presently zoned a D(A) Duplex District, an R-7.5(A) Single Family District and a CR Community Retail District on the north side of East Northwest Highway, east of Walling Lane.

(The city plan commission recommended approval of a Specific Use Permit for a permanent time period, subject to a site/landscape plan and conditions, and approval of the termination of Specific Use Permit No. 54 for a Lodge and Specific Use Permit No. 1083 for a radio, television or microwave tower.

The following individual appeared to comment on the consent zoning item:

-- Ryan Ramo, 9108 Clayco Dr.

Mayor Pro Tem Poss moved to postpone consideration of the application until the June 24, 1998 voting agenda meeting of the city council, and to continue the public hearing at that time.

Motion seconded by Councilmember Loza and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1758

Item 55: Zoning Case Z978-168/10521-NW(LS)

Zoning Case Z978-168/10521-NW(LS), an application for and an ordinance granting a Planned Development District for CH Clustered Housing District Uses, MF-2(A) Multifamily District Uses, LO-1 Limited Office District Uses, MU-1 Mixed Use District Uses plus the additional uses of custom woodworking, furniture construction or repair, commercial cleaning or laundry plant, and machinery, heavy equipment or truck sales and service uses on property presently zoned an MF-2(A) Multifamily District, an NO(A) Neighborhood Office District, and an LO-1 Limited Office District on an area generally bounded by Hampton Road, Singleton Boulevard, Westmoreland Road, Old Trinity River, and Canada Drive.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23536.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1759

Item 56: Zoning Case Z978-187/1567-C(RB)

Zoning Case Z978-187/1567-C(RB), an application for and an ordinance granting a Specific Use Permit for a Group Residential Facility on property presently zoned as Planned Development District No. 362 on the northwest side of Gaston Avenue, northeast of Carroll Avenue.

(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.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23537.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1760

Item 57: Zoning Case Z978-198/10536-C(JA)

Zoning Case Z978-198/10536-C(JA), a Landmark Commission authorized hearing to consider the granting of an Historic Overlay District for the Davis Building on property presently zoned a CA1(A) Central Area District on the northwest side of Main Street, northeast of Field Street, and an ordinance implementing the proposal.

(The city plan commission recommended approval, subject to preservation criteria.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23538.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1761

Item 58: Zoning Case Z978-199/10535-SW(JA)

Zoning Case Z978-199/10535-SW(JA), an a Landmark Commission authorized hearing to consider the granting of an Historic Overlay District for the Albert A. Anderson house on property presently zoned as Planned Development District No. 316 at the southwest corner of Centre Street and Madison Avenue, and an ordinance implementing the proposal.

(The city plan commission recommended approval, subject to preservation criteria.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23539.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1762

Item 59: Zoning Case Z978-202/10539-SW(ML)

The consent zoning docket, consisting of agenda items 54-63, was presented.

Cherryl J. Peterman, director of planning, requested that consent zoning docket item 59 be removed from the consent zoning docket, to be called as an individual hearing because, in accordance with subparagraph (c)(2)(B) 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 a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of planning.

Mayor Kirk stated that consent zoning docket item 59 would be removed from the consent zoning docket, to be called as an individual hearing, there being no objection voiced to the request.

A public hearing was called on zoning case Z978-202/10539-SW(ML), an application for and an ordinance granting a Planned Development District for CR Community Retail District Uses and a Utility or Government Installation other than listed for an elevated water storage reservoir on property presently zoned a CR Community Retail District on the east side of Idaho Avenue, north of Saner 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 Mallory Caraway moved to close the public hearing, accept the recommendation of the city plan commission, with the following changes:

1. That the maximum structure height for the Government Installation Other Than Listed for an Elevated Water Storage Reservoir is 125 feet; and
2. That we accept the revised development plan which shows the relocation of the Elevated Water Storage Reservoir

and pass the ordinance with those changes.

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

Assigned ORDINANCE NO. 23540.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

June 10, 1998

98-1763

Item 60: Zoning Case Z978-208/6480-SW(LS)

Zoning Case Z978-208/6480-SW(LS), an application for and an ordinance granting an amendment to the development plan and conditions for Subarea F-6 of Planned Development District No.186 for a Cemetery or Mausoleum and Residential Uses to allow placement of additional classroom/meeting room structures for the existing church use on the north side of West Kiest Boulevard, west of Spur 408.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO 23541.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1764

Item 61: Zoning Case Z978-209/10553-NE(LS)

The consent zoning docket, consisting of agenda items 54-63, was presented.

Councilmember Walne requested that consent zoning docket item 61 be removed from the consent zoning docket to be called as an individual hearing. Mayor Kirk stated that consent zoning docket item 61 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Walne's request.

A public hearing was called on zoning case Z978-209/10553-NE(LS), an application for and an ordinance granting a Planned Development District for a Transit Passenger Station on property presently zoned an MU-3 Mixed Use District and an IR Industrial Research District on the south side of LBJ Freeway, east of Floyd Road.

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

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

Councilmember Walne moved to postpone consideration of the application until the June 24, 1998 voting agenda meeting of the city council, and to continue the public hearing at that time.

Motion seconded by Councilmember Mallory Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1765

Item 62: Zoning Case Z978-216/10554-SE(LS)

Zoning Case Z978-216/10554-SE(LS), an application for and an ordinance granting a CS Commercial Service District on property presently zoned an R-5(A) Single Family District at the southwest corner of Haskell Avenue at Owenwood Avenue.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23542.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1766

Item 63: Zoning Case Z978-220/8029-SW(LS)

Zoning Case Z978-220/8029-SW(LS), an application for and an ordinance granting an R-1/2ac(A) Single Family District on property presently zoned an A(A) Agricultural District on the west side of Kiwanis Road, south of Grady Niblo Road.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23543.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1767

Item 64: Public Hearing - Zoning Case Z978-172/10546-C(RB)

A public hearing was called zoning case Z978-172/10546-C(RB), an application for and an ordinance granting a Specific Use Permit for a Pedestrian Skybridge on property presently zoned a CA-1(A)-SP and a CA-1(A)-CP Central Area District on Federal Street between Olive Street and Harwood Street.

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

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

Councilmember Loza 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.

Assigned ORDINANCE NO. 23544.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1768

Item 65: Public Hearing - Zoning Case Z978-173/10529-NE(KC)

A public hearing was called on zoning case Z978-173/10529-NE(KC), a City Plan Commission authorized hearing to consider the granting of a Planned Development District for a Transit Passenger Station or Transfer Center (DART) on property presently zoned a CR Community Retail District and an R-10(A) Single Family District on the south side of Forest Lane, west of the former H.&T.C. Railroad Right-of-Way, and an ordinance implementing the proposal.

(The city plan commission recommended approval, subject to a development/landscape plan and conditions. This proposal was considered by the City Council at a public hearing on May 27, 1998, and was taken under advisement until June 10, 1998, with the public hearing open.)

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

Councilmember Walne moved to postpone consideration of the application until the June 24, 1998 voting agenda meeting of the city council, and to continue the public hearing at that time.

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1769

Item 66: Public Hearing - Zoning Case Z967-318/4297-SW(KC)

A public hearing was called on zoning case Z967-318/4297-SW(KC), consideration of a City Plan Commission authorized hearing to determine the proper zoning on property presently zoned as Planned Development District No. 101 for I-1 Industrial District Uses on the north side of Camp Wisdom Road between FM 1382 and Mountain Creek Parkway, and an ordinance implementing the City Plan Commission's recommendation.

(The city plan commission recommended retention of the existing Planned Development District with the deletion of the swine yard use. This proposal was considered by the City Council at a public hearing on May 27, 1998, and was taken under advisement until June 10, 1998, with the public hearing open.)

Appearing in opposition to the city plan commission recommendation:

- Philip Kendall, 5353 X Ray Ln.
- Marvin Bigelow, 922 W. Ninth St.
- Michael R. Coker, 6350 LBJ Frwy.

Appearing in favor of the city plan commission recommendation:

- Donald Summons, 5326 Prime Ln.

Councilmember Miller moved to close the public hearing, accept the recommendation of the city plan commission with the following change:

"to permit the auto painting or body rebuilding shop (inside) use and certain SC Shopping Center District uses subject to revised conditions as distributed to the city council members and moved that the ordinance implementing this motion be brought back for adoption on the June 24, 1998 voting agenda meeting of the city council."

and to defer the ordinance until June 24, 1998.

Motion seconded by Councilmember Lipscomb.

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After discussion, Mayor Kirk called the vote on the item:

Voting Yes: [15] Kirk, Poss, Salazar, Loza, Miller, Duncan, Hicks, Mallory Caraway,
Mayes, Lipscomb, Walne, Finkelman, Greyson, Blumer, Forsythe Lill

Voting No: [0]

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1770

Item 67: Public Hearing - Zoning Case Z967-329/10408-SW(RB)

A public hearing was called on zoning case Z967-329/10408-SW(RB), an application for a Planned Development District for R-7.5(A) Single Family District Uses, Animal Production, Commercial Stable, Nursery, Garden Shop or Plant Sales, and Outside Storage with visual screening on property presently zoned an R-7.5(A) Single Family District on the north side of Wheatland Road, east of South R.L. Thornton Freeway (IH-35), and an ordinance implementing the City Plan Commission's recommendation.

(The city plan commission recommended approval with the deletion of the animal production and commercial stable uses, subject to a development/landscape plan and conditions. This application was considered by the City Council at a public hearing on May 27, 1998, and was taken under advisement until June 10, 1998, with the public hearing open.)

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

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

Motion seconded by Councilmember Mayes.

After discussion, Mayor Kirk called the vote on the motion:

Voting Yes: [14] Kirk, Poss, Salazar, Loza, Miller, Duncan, Hicks, Mallory Caraway,
Mayes, Lipscomb, Walne, Finkelman, Blumer, Forsythe Lill
Voting No: [0]
Absent: [1] Greyson absent when vote taken

Mayor Kirk declared the motion adopted.

Assigned ORDINANCE NO. 23545.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1771

Item 68: Public Hearing - Zoning Case Z978-158/10499-SE(KC)

A public hearing was called on zoning case Z978-158/10499-SE(KC), an application for a Planned Development District for MH (A) Manufactured Home District Uses and a Warehouse Use on property presently zoned an A(A) Agricultural District on the southwest side of Lasater Road, northwest of Stark Road.

(The city plan commission recommended denial. This application was considered by the City Council on May 13, 1998, and was taken under advisement until June 10, 1998, with the public hearing open.)

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

Appearing in favor of the city plan commission recommendation:

-- Nancy Bingham, 3450 Jordan Valley Rd.

Councilmember Lipscomb moved to close the public hearing and deny the application without prejudice.

Motion seconded by Councilmember Mayes and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1772

Item 69: Public Hearing - Zoning Case Z978-176/10527-NW(KC)

A public hearing was called on zoning case Z978-176/10527-NW(KC), an application for a Specific Use Permit for an Alcoholic Beverage Establishment to be used as a Private-Club Bar on property presently zoned an IR Industrial Research District on the east side of Emerald Street, south of Crown Road.

(The city plan commission recommended denial. This application was considered by the City Council on May 13, 1998, and was taken under advisement until June 10, 1998, with the public hearing open.)

Appearing in opposition to the city plan commission recommendation:

-- Hans Yoo, 2560 Royal Ln., representing the applicant

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

Councilmember Mallory Caraway moved to postpone consideration of the application until the June 24, 1998 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

June 10, 1998

98-1773

Item 70: Public Hearing - FLOODPLAIN APPLICATION

A public hearing was called to receive citizen comments on an application for a fill permit and removal of the floodplain (FP) prefix from 0.40 acres of land currently in the 100-year floodplain of Buffalo Creek, a tributary to White Rock Creek. The property is located at the northeast corner of Forest Lane and Hillcrest Road in City Block 7462 and is zoned Planned Development 38 - Fill Permit 98-04 - Financing: No cost consideration to the City.

No one addressed the city council regarding the application.

Councilmember Finkelman moved to close the public hearing and approve the application.

Motion seconded by Councilmember Mayes and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1774

Item 71: Consideration of appointments to boards and commissions (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.)

The acting city secretary distributed a report showing board and commission nominations for the 1995-97 board term, updated through June 10, 1998.

The acting city secretary noted that the report indicated with the notation "OK" that a person nominated or renominated met all qualifications for service. The acting city secretary also noted that the term for each nominee would end August 31, 1999.

Councilmember Mayes moved to appoint nominees to "individual appointment" positions in the report who meet all qualifications for service to the boards and commissions of the city for the term ending August 31, 1999.

Motion seconded by Councilmember Loza and unanimously adopted. (Walne absent)

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

98-1788 CED CONSOLIDATED ECONOMIC DEVELOPMENT BOARD
98-1789 SDD SOUTHERN DALLAS DEVELOPMENT CORPORATION BOARD
98-1790 URS URBAN REHABILITATION STANDARDS BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1775

Item 72: Adoption of the Preliminary FY 1998-99 Consolidated Budget for U. S. Department of Housing and Urban Development grant funds in an estimated amount of \$31,264,057 for the following programs and estimated amounts: Community Development Block Grant (\$21,731,057), HOME Investment Partnerships Program (\$6,443,000), Housing Opportunities for Persons with AIDS (\$2,340,000), Emergency Shelter Grant (\$750,000); Preliminary FY 1997-98 CDBG Reprogramming Budget in the amount of \$1,723,946; and Preliminary five-year Consolidated Plan for the period beginning October 1, 1998 - Financing: U. S. Department of Housing and Urban Development Grant Funds

Councilmember Mayes moved to approve the item.

Motion seconded by Councilmember Lipscomb.

Councilmember asked Councilmember Mayes if she would accept a friendly amendment to her motion to submit the following amendments to the CDBG Budget for fiscal year 1998-99 as follows:

Deleted Honey Springs Cemetery from FY 197-98 Reprogramming	+35,000
Reduce Neighborhood Street Petition Program Reprogramming from \$77,795 to \$42,795	- 35,000
Delete Utica: Jim Miller/Reva Resurface	- 95,000
Increase Neighborhood Street Petition Program	+35,000
Increase Honey Springs Cemetery	<u>+60,000</u>
	0

Councilmember Mayes accepted the amendment as part of her motion.

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

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Councilmember Finkelman asked Councilmember Mayes if she would accept a friendly amendment to her motion to submit the following amendments to the CDBG Budget for fiscal year 1998-99 as follows:

After School Programs, increase amount to	13,130
City Geriatric and Crisis Intervention, increase amount to	3,452
City Office of Senior Affairs, increase amount to	4,491
Dedicated SAFE II Expansion Inspection Support-Police, increase amount to	<u>3,927</u>
	25,000
Homework Centers (Move to General Fund), decrease amount to	(25,000)

In order to restore recommended Public Services for After School Programs, City Geriatrics, City Office of Senior Affairs and Dedicated SAFE team for \$25,000 and eliminating Home Work Centers for \$25,000 from the General Fund.

Councilmember Mayes 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 Mayes' motion as modified by the friendly amendments.

Mayor Kirk declared the motion as modified by the friendly amendments, unanimously adopted.
(Walne absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1776

Item 73: A resolution reappointing full-time municipal court judges and associate judges, declining the reappointment of one full-time judge, designating the administrative municipal judge, appointing one associate judge and authorizing a ten per cent salary increase for municipal judges effective October 1, 1998 - \$98,577 - Financing: To be included in the FY 1998-1999 Budget

Councilmember Loza moved to adopt the resolution with the following amendment that the nomination of Judges Gus Gonzalez and Brenda Pruitt be referred back to the Municipal and Minority Affairs Committee for further discussion and consultation and to authorize a ten percent salary increase for municipal judges effective June 1, 1998.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1777

Item 74: Approval of the 1998 five-year Fair Housing Strategy and one-year Work Plan for the City of Dallas required by the U.S. Department of Housing and Urban Development for receipt of Community Development Grant Funds - Financing: No cost consideration to the City

Councilmember Mayes moved to approve the item.

Motion seconded by Councilmember Mallory Caraway and unanimously adopted. (Walne absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1778

Item 75: Authorize amendments to the Minor Home Repair Program and the Home Improvement Loan Program statements to allow repairs to 283 of 635 homes designated by HUD which received Upfront Cost Assistance Program assistance between October 1, 1993 through December 31, 1995 where the home does not meet Housing Quality Standards and Minimum Housing Codes - Financing: No cost consideration to the City

Councilmember Mayes moved to approve the item.

Motion seconded by Councilmember Mallory Caraway.

Councilmember Duncan moved to consider this item later in the meeting for clarification of amendments.

Motion seconded by Deputy Mayor Pro Tem Salazar.

After discussion, Mayor Kirk called the vote on Councilmember Duncan's motion to hold for amendment clarification.

Mayor Kirk declared the motion to reconsider this item later in the meeting approved.

Later in the meeting, Mayor Kirk asked Councilmember Duncan if amendments to agenda item 75 was ready for council approval.

Deputy Mayor Pro Tem Salazar moved to amend the resolution by adding 320 of 635 homes designated by HUD which received Upfront Cost Assistance Program assistance between October 1, 1993 through December 31, 1995 where the home does not meet Housing Quality Standards and Minimum Housing Codes to Section 1 and that Section 2 should state:

That the City Manager be authorized to expend an amount not to exceed \$400,000 for the purpose of complying with HUD 1995 monitoring corrective action plan authorized to remedy compliance issues associated with Housing Quality Standards inspection findings from the October 1, 1993 through December 31, 1995 Upfront Cost Assistance Program for 320 homes. In the event that there are any unexpected funds remaining after completion of the corrective action plan as proposed hereby, such remaining funds shall be submitted to the City Council for reprogramming for the Minor Home Repair Program.

Motion seconded by Councilmember Duncan.

Mayor Kirk declared the motion as amended, unanimously adopted. (Walne absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1779

CLOSED SESSION

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

- Debra Walker, et al v. HUD, et al.
- City of Fort Worth v. City of Dallas, et al., Cause No. 48-171109-97 (lawsuit regarding the Shelby Amendment to Wright Amendment)
- City of Dallas v. Department of Transportation, et al., Civil Action No. 4-97CV-939-A
- Continental Airlines, Inc. and Continental Express, Inc. v. City of Dallas, Texas and City of Fort Worth, Texas, 398-CV-1187-R

Personnel (Sec. 551.074 T.O.M.A.)

- Discussion and evaluation of internal candidates for appointment to the position of City Manager

The closed session was not held.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1780

BRIEFING

Discussion and consideration of the process, qualifications and criteria for selecting a new City Manager

The city council began discussion and consideration of the process, qualifications and criteria for selecting a new City Manager.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1781

Addendum addition 1: Authorize (1) a tangible personal property tax abatement agreement with Lazo Technologies Incorporated and its lessor Rainier Texas Properties, L.P. for the purpose of granting a ten-year abatement of 50% of the taxes on the tangible personal property new to the site in relation to the development of Lazo Technologies Incorporated manufacturing facility in City of Dallas Enterprise Zone One located at 611 Mockingbird Lane, Dallas, Texas; (2) a 100% development fee rebate to Lazo Technologies Incorporated in an amount not to exceed \$25,000; and (3) an economic development loan, a security agreement and note with Lazo Technologies Incorporated to purchase equipment for the start-up of its manufacturing facility - Not to exceed \$125,000 - Financing: Public/Private Partnership Funds - Revenue: First year tax revenue estimated at \$635. Ten-year tax revenue estimated at \$6,353. (Estimated revenue foregone for ten-year tangible personal property abatement \$6,353)

Councilmember Mallory Caraway moved to approve the item.

Motion seconded by Councilmember Loza and unanimously adopted. (Walne absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1782

Addendum addition 2: A resolution authorizing a major sports celebration in honor of the Dallas Stars between June 17 and 25, 1998, in accordance with Resolution 93-4570, "A Policy Statement for Major Sports Celebrations" and authorizing the establishment of appropriations, if necessary - Not to exceed \$100,000
- Financing: Contingency Funds

The acting city secretary announced that the city manager had deleted addendum addition 2 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1783

Addendum addition 3: Authorize the consent to the Assignment and Assumption Agreement of a Lease of Land and Facilities and Concession Contract, as amended and supplemented, (hereinafter the "Agreements") by and between Hayes Leasing Company, Inc., and Richard Knight Parking Company for the premises currently known as Shelter Park, an automobile valet parking and shuttle service at Dallas Love Field Airport - Revenue: \$545,120 annually

Councilmember Mayes moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1784

Addendum addition 4: Authorize (1) a contract with the National Council of Negro Women, Inc., or its Oak Cliff affiliate, to provide temporary residential housing for five college scholarship recipients, provide free school supplies and daily tutoring services to students of the Charles Rice Learning Center, and provide free food and clothing to persons in need; and (2) a 10-year lease agreement, with an option to extend for 5 additional years, for the former fire station located at 3303 W. Jefferson to be used with this program - Revenue: \$1

Councilmember Lipscomb moved to approve the item.

Motion seconded by Councilmember Mayes.

Deputy Mayor Pro Tem Salazar moved to defer the item until the June 24, 1998 voting agenda meeting of the city council.

Motion seconded by Councilmember Duncan and unanimously adopted. (Walne absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1785

Addendum addition 5: An ordinance granting a revocable license to Bryan Tower, L.P., for the use of approximately 1,065 square feet of space over Federal Street right-of-way to construct, utilize and maintain an aerial pedestrian bridge between the Bryan Tower Office Building and its parking garage near the intersection of Bryan Street and Harwood Street - Revenue: \$3,694 annually plus the \$20 ordinance publication fee

Councilmember Mayes moved to pass the ordinance.

Motion seconded by Councilmember Loza and unanimously adopted. (Walne absent)

Assigned ORDINANCE NO. 23553.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 10, 1998

98-1786

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, JUNE 10, 1998

EXHIBIT C

06/16/98 10:30
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS