

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 24, 1998

98-1830

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 7:53 a.m.

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

The invocation was given by the Rev. Edsel Dureus, Dallas Theological Seminary.

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 6:45 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.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 24, 1998

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 24, 1998

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1831

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: Roy Williams, 5881 Preston View Blvd.
REPRESENTING: Forty Acres and a Mule
SUBJECT: Others peoples money

SPEAKER: Jacques Natanson, 9021 Forest Hills Blvd.
SUBJECT: Ethics in city government

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
SUBJECT: History of Dallas

SPEAKER: Joe Martin, 3105 Gladiolus Ln.
SUBJECT: 30 day speaking rule

OPEN MICROPHONE - END OF MEETING:

SPEAKER: Billy Jack Ludwig, 4953 Thunder Rd.
SUBJECT: Mayor's money

SPEAKER: Edna M. Elam, 622 N. Marsalis Ave.
SUBJECT: City Services

SPEAKER: Anthony Elam, 622 N. Marsalis Ave.
SUBJECT: City Services

SPEAKER: Harry Mitchell, 2907 N. Hampton Rd.
SUBJECT: Economic development in West Dallas

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

SPEAKER: Jewel Floyd, 3815 Myrtle St.
SUBJECT: Letter regarding the taking of property through eminent domain

SPEAKER: Elsie Risby, 2900 Dilido Rd.
SUBJECT: Letters

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1832

Item 1: Approval of Minutes

The minutes of the voting agenda meeting of June 10, 1998, were presented for approval.

Councilmember Mayes moved to approve the minutes.

Motion seconded by Councilmember Greyson and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1833

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 Blumer that consent agenda item 72 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 Blumer requested that consent agenda items 2, 23, 47, 57, 64, 76, 77 and 78 be removed from the consent agenda to be considered as individual items. Mayor Kirk stated that consent agenda items, 2, 23, 47, 57, 64, 76, 77 and 78 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Blumer 's request.

Councilmember Miller requested that consent agenda item 23 be removed from the consent agenda to be considered as individual items. Mayor Kirk stated that consent agenda item 23 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Miller 's request.

Councilmember Greyson requested that consent agenda item 45 be removed from the consent agenda to be considered as individual items. Mayor Kirk stated that consent agenda item 45 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Greyson 's request.

Councilmember Walne requested that consent agenda item 47 be removed from the consent agenda to be considered as individual items. Mayor Kirk stated that consent agenda item 47 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Walne 's request.

Councilmember Loza moved to approve all items on the consent agenda with the exception of agenda item 72 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 2, 23, 45, 47, 57, 64, 76, 77 and 78 which would be considered later in the meeting.

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1834

Item 2: Authorize a professional services contract with HDR Engineering, Inc. for the preparation of plans and specifications for Houston Street from Pacific Avenue to McKinney Avenue and Ross Avenue from Record Street to Houston Street - \$233,584 - Financing: 1995 Bond Funds (\$185,144), Water Utilities Capital Improvement Funds (\$48,440)

At the time the consent agenda was presented for discussion, Councilmember Blumer requested that consent agenda item 2 be considered as an individual item. Mayor Kirk stated that consent agenda item 2 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Blumer's request.

Later in the meeting, consent agenda item 2 was brought up for consideration.

Councilmember Miller moved to approve the item, but to include that no funds of the city, other than the funds and sources of funds specified in the Arena Master Agreement, be used in the design and construction of the Houston Street extension.

Motion seconded by Councilmember Duncan.

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

Voting Yes: [12] Kirk, Salazar, Loza, Miller, Duncan, Mallory Caraway, Mayes,
Lipscomb, Walne, Finkelman, Greyson, Forsythe Lill
Voting No: [1] Blumer
Absent: [2] Poss, Hicks absent when vote taken

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1835

Item 3: Authorize a professional services contract with Turner, Collie and Braden, Inc. to provide engineering services for improvements to the Greenville Pump Station facility - \$814,620 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1836

Item 4: Authorize (1) a professional services contract with HKS, Inc. for architectural and engineering services for the expansion and renovation of the Dallas Convention Center in the amount of \$10,515,900; (2) the procurement of the project professional liability insurance in the amount of \$459,000; and (3) the establishment of appropriations in the 1998 Convention Center Expansion Fund - \$10,974,900 - Financing: 1998 Convention Center Expansion Funds (\$10,874,900); Convention Center Asbestos Settlement Funds (\$100,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1837

Item 5: Authorize a professional services contract with Austin Commercial, Inc. for construction management services for the expansion and renovation of the Dallas Convention Center and the establishment of appropriations in the 1998 Convention Center Expansion Fund - \$578,000 - Financing: 1998 Convention Center Expansion Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1838

Item 6: Authorize a contract for the construction of a playground and multi-use court at Mountain Valley Park and for the redevelopment of the playground to comply with both the Americans with Disabilities Act and the U.S. Consumers Safety Commission's Guidelines for safety at Deerpath Park - Irri-Con, lowest responsible bidder of four - \$224,415 - Financing: 1985 Bond Funds (\$43,610), 1994-95 Community Development Grant Funds (\$121,805) and 1996-97 Community Development Grant Funds (\$59,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1839

Item 7: Authorize a contract for Asphaltic Concrete Street Rehabilitation for 1998 on miscellaneous streets - JRJ Paving, Inc., lowest responsible bidder of four - \$1,770,745 - Financing: Current Funds (\$1,644,695), Water Utilities Capital Construction Funds (\$126,050)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1840

Item 8: Authorize a contract for structural repairs at the Northwest Transfer Station located at 9500 Harry Hines Boulevard - Brazos Restoration and Waterproofing, Inc., lowest responsible bidder of three - \$54,290 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1841

Item 9: Authorize (1) a contract for the construction of street paving, storm drainage, water and wastewater main improvements for Blackburn Avenue realignment from Travis Street to U.S. 75 located in Tax Increment Reinvestment Financing Zone Number Two, City of Dallas, Texas (Cityplace TIF District) with Ed Bell Construction Company, lowest responsible bidder of five in an amount of \$1,559,981, (2) assignment of the construction contract to Oak Creek Partners, Ltd. for construction administration (3) the amount of \$254,000 for design, construction administration and testing services and (4) the establishment of appropriations - \$1,813,981 - Financing: Private Funds (Advance by Cityplace Company to be reimbursed at a later date from the Cityplace TIF District Tax Increment Fund or from bonds supported by TIF revenue)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1842

Item 10: Authorize a contract for grit removal and air line modifications at the Central Wastewater Treatment Plant - Archer-Western Contractors, Ltd., lowest responsible bidder of three - \$12,239,254 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1843

Item 11: Authorize a contract for the replacement of water and wastewater mains in an area bounded by I.H. 30, Central Expressway, Corinth Street, and Austin Street and in Manor Way - John Burns Construction Company of Texas, Inc., lowest responsible bidder of four - \$1,478,950 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1844

Item 12: Authorize an increase in the contract with Southcrest Corporation to provide additional structural repairs and restoration of the Tower Building Phase II in Fair Park - \$64,545, from \$2,064,777 to \$2,129,322 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1845

Item 13: Authorize an increase in the contract with Camino Construction, Inc. for additional work relating to the construction of storm drainage improvements for the Harbinger Drainage Outfall project - \$24,697, from \$139,116 to \$163,813 - Financing: 1985 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1846

Item 14: Authorize an increase in the contract with J. R. Ramon and Sons, Inc. to increase the units of work as bid for demolition services - \$155,875, from \$623,500 to \$779,375 - Financing: Demolition Reserve Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1847

Item 15: Authorize Supplemental Agreement No. 1 to the professional services contract with F & S Partners, Inc. for design, construction documents and construction administration for the second phase renovations at the Dallas Convention Center - \$223,341, from \$80,308 to \$303,649 - Financing: 1992 Convention Center Expansion Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1848

Item 16: Authorize an increase in the contract with Johnson Bros. Corporation for work associated with the failure of an 84-inch interceptor during the construction of the Central Wastewater Treatment Plant West Bank Junction Structure - Johnson Bros. Corporation - \$345,426, from \$2,975,000 to \$3,320,426 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1849

Item 17: Authorize an Interlocal Agreement with the Texas Department of Transportation for the design and construction of a southbound service road adjacent to Interstate 35E between Oak Lawn Avenue and Hi Line Drive for the Arena Project - 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 24, 1998

98-1850

Item 18: Authorize the rejection of one bid received for the replacement of the heating, ventilation and air conditioning system at the Casa View Branch Library and authorize re-advertisement 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 24, 1998

98-1851

Item 19: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from J. M. Wyrick, Roy Wyrick, Gale Wyrick and Clint Wyrick, of approximately 34,170 square feet of unimproved land, for the Carissa Storm Drainage Relief Project, located between Northwest Highway and Carissa Drive - \$68,340 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1852

Item 20: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from E.C.R.S. Corporation, of approximately 2.5 acres of land improved with an asphalt parking lot, for a neighborhood park in the Bachman area, located at the intersection of Community and Overlook Drives - \$380,000 - Financing: 1996-97 Community Development Grant Funds (\$247,072) and 1985 Bond Funds (\$132,928)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1853

Item 21: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 3 tracts of unimproved land containing approximately 14,304 square feet, 4 tracts of land improved with asphalt pavement, parking bumpers, fencing, sprinkler systems and landscaping, containing approximately 52,785 square feet for water easements and 1 tract of unimproved land containing approximately 20,460 square feet for a temporary working space easement located west of Garland Road, between Lochwood Boulevard and Barnes Bridge Road for the East High North Water Transmission Main Project - \$120,968 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1854

Item 22: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 5 properties containing approximately 7,334 square feet of unimproved land, for the widening and improvement of Flora Street, located between Fairmount Street and Routh Street - \$183,600 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1855

Item 23: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 2 tracts of unimproved land containing approximately .9 acres in City Block 927, and 3 tracts of land containing approximately 6.6 acres, improved with a grain elevator, 3 brick buildings, 1 portable metal building and various connecting corrugated tin buildings, in City Blocks C/374, 394, D/395, 927 and E/927 1/2, for the Dallas Sports Arena Project, located northeast of the intersection of Woodall Rodgers and Stemmons Freeways - \$4,183,000 - Financing: Funds provided by Hillwood Development Corporation

At the time the consent agenda was presented for discussion, Councilmember Blumer requested that consent agenda item 23 be considered as an individual item. Mayor Kirk stated that consent agenda item 23 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Blumer's request.

Later in the meeting consent agenda item 23 was brought up for consideration.

The following individual addressed the city council regarding the acquisition:

-- John Raphael

Councilmember Mallory Caraway moved to approve the item.

Motion seconded by Councilmember Mayes.

Councilmember Miller called for a substitute motion to defer the item.

Motion seconded by Councilmember Blumer.

After discussion, Mayor Kirk called the motion on Councilmember Miller's substitute motion to defer:

Voting Yes: [2] Miller, Blumer
Voting No: [13] Kirk, Salazar, Loza, Duncan, Mallory Caraway, Mayes, Lipscomb,
Walne, Finkelman, Greyson, Forsythe Lill
Absent: [2] Poss, Hicks absent when vote taken

Mayor Kirk declared the motion lost.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

After discussion, Mayor Kirk called the vote on the motion to approve the item:

Voting Yes: [11] Kirk, Salazar, Loza, Duncan, Mallory Caraway, Mayes, Lipscomb,
Walne, Finkelman, Greyson, Forsythe Lill
Voting No: [2] Miller, Blumer
Absent: [2] Poss, Hicks absent when vote taken)

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1856

Item 24: DFW International Airport

- * Authorize the acceptance of an individual avigation easement from Sammy F. and Mary P. Carollo over one single-family residential property located at 4032 Tacoma Street in the City of Irving, Texas in accordance with provisions of the Sales Guarantee Program associated with the D-FW International Airport noise mitigation program involving property owner sales to third-parties, or in the alternative, authorize acquisition of fee title to the property at 93% of the appraised value in the event no sale occurs and upon retaining the necessary avigation easement, authorize the property acquired to be advertised for sale by sealed bids - \$62,310 - Financing: D-FW International Airport Joint Revenue Bond Funds (no cost or revenue consideration to the City)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1857

Item 25: DFW International Airport

- * Authorize acquisition of individual avigation easements over 5 residential properties above approximately 6 acres of land located in the City of Irving, Texas for the D-FW International Airport Expansion project - \$125,125 (\$60,060 in easement acquisition payments and \$65,065 in noise mitigation payments) - Financing: D-FW International Airport Joint Revenue Bonds (no cost consideration to the City)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1858

Item 26: Authorize a five year renewal of the lease agreement with Carrollton Park II, L.P. for approximately 3,000 square feet of office space at 1235 South Josey Lane in Carrollton to be used as a Women, Infants, and Children office for the period August 1, 1998 through July 31, 2003 - \$2,400 per month, for a total of \$28,800 annually - Financing: Texas Department of Health Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1859

Item 27: Authorize a three year renewal of the lease agreement with Huntington Corporation for approximately 2,900 square feet of office space at 530 South Carrier Parkway in Grand Prairie to be used as a Women, Infants, and Children office for the period July 1, 1998 through June 30, 2001 - \$2,393 per month, for a total of \$28,716 annually - Financing: Texas Department of Health Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1860

Item 28: Authorize a six year extension of a lease agreement with Blanche M. Stanley, for approximately 51,779 square feet of building space at 1840 Chestnut Street, currently used by the Property Room of the Police Department - \$12,943 per month - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1861

Item 29: Authorize the sale of three tracts of unneeded City-owned land to the highest bidders -
Revenue: \$694,308

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1862

Item 30: Authorize the private sale by quitclaim deed of 3527 Parnell acquired by the taxing authorities from a Sheriff's Sale to Dallas Area Habitat for Humanity - Revenue: \$3,380

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1863

Item 31: An ordinance granting a revocable license to Chameleon Designs, Inc., dba Articles, for the use of approximately 1 square foot of land, to maintain an existing aerial sign in a portion of Elm Street right-of-way near Good Latimer - Revenue: \$350 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23547.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1864

Item 32: An ordinance granting renewal of a revocable license to Texaco Pipeline, Inc., for the use of approximately 18,519 square feet of land to maintain an existing subsurface eight-inch pipe, which extends from Dallas to Fort Worth to transport crude petroleum and oil products across Mountain Creek Diversion Channel near its intersection with Singleton Boulevard - Revenue: \$350 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23548.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1865

Item 33: An ordinance granting renewal of a private license to 1414 Elm, Limited, for the use of approximately 1,526 square feet of subsurface space under Elm Street and Akard Street rights-of-way to maintain an existing basement, cellar, areaway, light shaft, ventilating shaft, walkway and private parking area - Revenue: \$3,846 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23549.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1866

Item 34: Authorize an increase in appropriations by \$528,412 in the RAILTRAN Fund from \$4,050,680 to \$4,579,092; and authorize transfer of RAILTRAN funds in the custody of the City of Dallas to the City of Fort Worth for drainage improvements on the RAILTRAN Corridor just east of State Highway 360 in Fort Worth - \$528,412 - Financing: RAILTRAN Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1867

Item 35: Authorize a thirty-six month price agreement for water treatment chemicals needed for the heating, ventilation, and air conditioning system at Love Field Airport with the lowest responsible bidder of two - United Worth Hydrochem Corporation - Not to exceed \$108,405 - Financing: Aviation Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1868

Item 36: Authorize a twenty-four month multiple award price agreement for powered and non-powered hand tools with the lowest responsible bidders of seventeen - Big D Supply & Tool Center, Briggs Weaver, Inc., Ceco Sales Corp., Mico Industrial Corp., Sears Industrial Sales, and Texas Mill Metroplex Supply, Inc. - Not to exceed \$1,835,994 - Financing: Water Utilities Current Funds (\$866,108), Current Funds (\$938,194), Event Services Current Funds (\$18,522), Aviation Current Funds (\$13,170)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1869

Item 37: Authorize a twenty-four month price agreement for air conditioning parts and supplies with the lowest responsible bidder of three - Industrial & Refrigeration Thomas Lemon, Inc. - Not to exceed \$475,709 - Financing: Current Funds (\$319,881), Water Utilities Current Funds (\$25,764), Aviation Current Funds (\$60,000), Event Services Current Funds (\$70,064)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1870

Item 38: Authorize a thirty-six month price agreement for heavy equipment transmission and differential parts and labor with the lowest responsible bidder of three - Truck Parts Specialists - Not to exceed \$598,293 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1871

Item 39: Authorize a thirty-six month price agreement for janitorial services at eight Womens, Infants, and Children sites with the lowest responsible bidder of five - Integrity Electronics & Janitorial Services - Not to exceed \$68,400 - Financing: Texas Department of Health Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1872

Item 40: Authorize a thirty-six month price agreement for emergency medical examination gloves with the lowest responsible bidder of twenty-nine - Microflex Medical Corporation - Not to exceed \$189,300 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1873

Item 41: Authorize the purchase of 622 replacement fire hoses with the lowest responsible bidders of four - Casco Industries and Texas Rubber Supply, Inc. - Not to exceed \$123,438 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1874

Item 42: Authorize a thirty-six month price agreement for hazardous and non-hazardous material clean-up and disposal service with the lowest responsible bidders of five - Waste Control Services and Heat Energy Advanced Technology, Inc. - Not to exceed \$213,000 - Financing: 1997-98 Local Law Enforcement Block Grant Funds (\$100,000), Current Funds (\$113,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1875

Item 43: Authorize the purchase of a replacement Closed Circuit Television System for the Auto Pound with the lowest responsible bidder of two - Integrated Access Systems, LLC - Not to exceed \$119,132 - Financing: Confiscated Money Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1876

Item 44: Authorize the purchase of computer hardware, software, and peripherals for a Wide Area Network, a Poliview Integrated Enhancement System, Polilight device and Pawn Shop automation, to increase the efficiency of police operations with the lowest responsible bidders of twenty - Absolute Systems, AllStar Systems, Computer Land d/b/a Computer Resources, Fairview AFX, First World USA, Inc. d/b/a Terminal Exchange Systems, Intec Systems, Inc. d/b/a Computer Tech, MicroAge Computer Centers, PC Age, Inc., Southwestern Engineering & Equipment Co., Vanstar, WBD Enterprises - Not to exceed \$1,386,363 - Financing: 1996-97 Local Law Enforcement Block Grant Funds (\$1,261,597), Office of the Governor, Criminal Justice Division Grant Funds (\$64,276), Texas Higher Education Coordinating Board Funds (\$31,563), and Law Enforcement Officer Standards and Education Funds (\$28,927)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1877

Item 45: Authorize a twenty-four month multiple award price agreement for slurry seal and micro resurfacing with the lowest responsible bidders of two - Viking Construction, Inc. and Ballou Construction Co., Inc. - Not to exceed \$7,708,500 - Financing: Current Funds

At the time the consent agenda was presented for discussion, Councilmember Greyson requested that consent agenda item 45 be considered as an individual item. Mayor Kirk stated that consent agenda item 45 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Later in the meeting, consent agenda item 45 was brought up for consideration.

Mayor Pro Tem Poss moved to approve the item.

Motion seconded by Councilmember Loza adopted on a divided voice vote, with Councilmember Lipscomb voting "No." (Hicks absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1878

Item 46: Authorize the purchase of thirteen mobile traffic speed monitors with the lowest responsible bidder of four - Cardinal Highway Products Corp. - Not to exceed \$129,350 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1879

Item 47: Authorize a twenty-four month multiple award price agreement for grounds and median maintenance with the lowest responsible bidders of two - Capo, Inc. and Forest Hills Lawn Service, Inc. - Not to exceed \$1,949,504 - Financing: Current Funds

At the time the consent agenda was presented for discussion, Councilmembers Walne and Blumer requested that consent agenda item 47 be considered as an individual item. Mayor Kirk stated that consent agenda item 47 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmembers Walne and Blumer's request.

Later in the meeting, consent agenda item 47 was brought up for consideration.

Councilmember Finkelman requested that consent agenda item be considered at the end of the meeting when additional information was available. Mayor Pro Tem Poss stated that item 47 would be considered later in the meeting, there being no objection voiced to Councilmember Finkelman's request.

After all agenda items had been heard, consent agenda item 47 was brought up for consideration.

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Walne.

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

Voting Yes: [12] Kirk, Poss, Salazar, Miller, Hicks, Mallory Caraway, Mayes, Walne,
Finkelman, Greyson, Blumer, Forsythe Lill

Voting No: [3] Loza, Duncan, Lipscomb

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

June 24, 1998

98-1880

Item 48: Authorize a twelve month multiple award price agreement for water meters and detector check valves with the lowest responsible bidders of five and the rejection and readvertisement for bids received for line items 7, 11, 13-18, and 23-30 - ABB Water Meters, Inc., Schlumberger Industries, Inc., and Badger Meter, Inc. - Not to exceed \$762,793 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1881

Item 49: Authorize a twenty-four month price agreement for water bill envelopes with the lowest responsible bidder of ten - Westvaco Envelope Division - Not to exceed \$130,282 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1882

Item 50: Authorize a thirty-six month multiple award price agreement for liquid sulfur dioxide chemical and provide for the cleaning, inspection and testing of liquid sulfur dioxide pressurized chemical storage tanks with the lowest responsible bidders of three - Rhodia, Inc. and Eagle Construction Services - Not to exceed \$1,083,910 - Financing: Water Utilities Current Funds (\$939,780), Water Utilities Capital Construction Funds (\$144,130)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1883

Item 51: Authorize settlement of a claim filed by Allstate Insurance Company as Subrogee for Robert W. Bonisolli, Claim No. 95-101003971-001 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1884

Item 52: Authorize settlement of a claim filed by State Farm Insurance Company as Subrogee for Jerry Williams, Claim No. 95-101002892-002 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1885

Item 53: Authorize settlement of a claim filed by CNA Insurance Company as Subrogee for Jerry C. Lunsford, Claim No. 95-101002892-004 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1886

Item 54: Authorize payment of interim attorneys' fees in a lawsuit, styled Irving Thomas and Barbara Thomas v. City of Dallas, Darwin Gaines, Aquila Allen and Kenn Hornbeck, Civil Action No. 3:96-CV-0214-R - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1887

Item 55: Authorize a professional services contract with Freese-Nichols, 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 \$45,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1888

Item 56: Authorize Supplemental Agreement No. 1 to the professional services contract with Jack P. Friedman & Associates, LLC, for expert witness services necessary in the lawsuit, styled LJ&J Corp. d/b/a Streetz et al. v. City of Dallas, Cause Nos. 3:94-CV-2420-H and 3:95-CV-0554-H, and any other proceeding relating to the subject matter of this litigation, in an amount not to exceed \$15,884, increasing the original contract amount from \$15,000 to \$30,884 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1889

Item 57: Authorize Supplemental Agreement No. 8 to the professional services contract with McKool Smith, P.C., for legal services necessary in the lawsuit, styled Debra Walker, et al. v. HUD, et al., Civil Action No. 3:85-CV-1210-R, in an amount not to exceed \$350,000, increasing the original contract and Supplemental Agreement total from \$1,375,000 to \$1,725,000 - Financing: Current Funds

At the time the consent agenda was presented for discussion, Councilmember Blumer requested that consent agenda item 57 be considered as an individual item. Mayor Kirk stated that consent agenda item 57 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Blumer's request.

Later in the meeting, consent agenda item 57 was brought up for consideration.

Councilmember Mallory Caraway moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1890

Item 58: Authorize approval of the bi-weekly tax action

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1891

Item 59: An ordinance awarding a franchise for 10 years to American Local Telecommunications LLC dba ALT Communications, LLC, to provide local exchange telephone services - Revenue: \$88,000 over 10 years

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23550.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1892

Item 60: An ordinance awarding a franchise for 10 years to Logix Communications Corporation to provide local exchange telephone services - Revenue: \$1,200,000 over 10 years

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23551.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1893

Item 61: An ordinance awarding a franchise for 10 years to Nextlink Texas, Inc. to provide local exchange telephone services - Revenue: \$23,737,000 over 10 years

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23552.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1894

Item 62: An ordinance awarding a franchise for 10 years to Cable Plus Company, L. P. to provide local exchange telephone services - Revenue: \$1,200,000 over 10 years

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23553.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1895

Item 63: An ordinance awarding a franchise for 10 years to MultiTechnology Services, L.P. to provide local exchange telephone services - Revenue: \$1,200,000 over 10 years

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23554.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1896

Item 64: An ordinance amending Chapter 44 of the Dallas City Code to revise city procedures and requirements for a seven percent hotel occupancy tax to comply with Chapter 351 of the Texas Tax Code and to provide for the allocation of the seven percent hotel occupancy tax to designated purposes; to provide for the imposition of an additional two percent hotel occupancy tax pursuant to Chapter 334 of the Texas Local Government Code and to limit its use to financing the Dallas Sports Arena Project; to provide for certain exemptions to and refunds of both hotel occupancy taxes; to provide procedures and requirements for civil penalties, interest, and attorney's fees for failure to collect both hotel occupancy taxes and pay them to the city; to provide collection, reporting, payment, and recordkeeping requirements and procedures; to make certain nonsubstantive changes; to provide a criminal penalty not to exceed \$500; and to provide an effective date - Financing: No cost consideration to the City

At the time the consent agenda was presented for discussion, Councilmember Blumer requested that consent agenda item 64 be considered as an individual item. Mayor Kirk stated that consent agenda item 64 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Blumer's request.

Later in the meeting, consent agenda item 64 was brought up for consideration.

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

Councilmember Mallory Caraway moved to approve the item.

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

Assigned ORDINANCE NO. 23555.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1897

Item 65: Authorize a twenty-four month contract, with one twelve month renewal option, with GILA Corporation dba Municipal Services Bureau to continue the collection services for payment of delinquent fines for traffic, city ordinance and state law violations - City will pay 20.5% of net delinquent revenues collected - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1898

Item 66: Authorize payment to Dallas Area Rapid Transit for a light rail tunnel emergency communications system - Not to exceed \$307,399 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1899

Item 67: Authorize (1) a tangible personal property tax abatement agreement with TVMAX TELECOMMUNICATIONS, INC., d.b.a. OpTel for the purpose of granting a ten-year abatement of 90% of the taxes on the tangible personal property new to the site in relation to the development of TVMAX TELECOMMUNICATIONS, INC.'s switching facility to City of Dallas Enterprise Zone One located at 3228 Halifax Street, Dallas, Texas; and (2) a 100% development fee rebate to TVMAX TELECOMMUNICATIONS, INC. in an amount not to exceed \$25,000 - Revenue: First year tax revenue estimated at \$3,193. Ten-year tax revenue estimated at \$31,928. (Estimated revenue foregone for ten-year tangible personal property abatement \$287,356) - Financing: Public/Private Partnership Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1900

Item 68: A resolution authorizing an application to the Texas Department of Economic Development (formerly Texas Department of Commerce) nominating 3300 Hotel Property, L.P., located in City of Dallas Enterprise Zone One at 3300 W. Mockingbird Lane, Dallas, Texas, 75235, to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) - Not to exceed \$300 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1901

Item 69: Authorize an economic development grant agreement under the Enterprise Community Grant Program for the period of June 24, 1998 through December 31, 2004, with Annemie Development Company for facility construction and finish out of offices - Not exceed \$33,700 - Financing: Enterprise Community Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1902

Item 70: Authorize an economic development grant agreement under the Enterprise Community Grant Program for the period of June 24, 1998 through December 31, 2004, with Saint Martin's Place for working capital, development and finish out of the meeting facility, and for the expansion of business development in an under served area of the city - Not to exceed \$50,000 - Financing: Enterprise Community Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1903

Item 71: Authorize (1) a tangible personal property tax abatement agreement with Logix Communications Corporation and its lessor Infomart-Dallas, L.P. for the purpose of granting a ten-year abatement of 90% of the taxes on tangible personal property new to the site in relation to the development of a telecommunications services company in City of Dallas Enterprise Zone One located at 1950 Stemmons Freeway, Dallas, Texas; and (2) a 100% development fee rebate to Logix Communications Corporation in an amount not to exceed \$10,000 - Revenue: First year tax revenue estimated at \$7,819. Ten-year tax revenue estimated at \$78,192. (Estimated foregone for ten-year abatement \$703,728) - Financing: Public/Private Partnership Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1904

Item 72: Appointments to the Privatization Technical Subcommittee to fill four vacancies -
Financing: No cost consideration to the City

The acting city secretary announced that Councilmember Blumer had deferred consideration of consent agenda item 72 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1905

Item 73: Authorize (1) loan agreements in the total amount of \$1,000,000 and related documents with The United Front of Dallas, Inc. ("borrower") to construct a 23,000 square foot state-of-the-art indoor skating rink at 2923 E. Ledbetter, located inside Neighborhood Renaissance Partnership Area "B" and the Enterprise Community/Enterprise Zone; (2) a \$1,000,000 second lien on the borrower's property and release of the lien upon satisfactory completion of the five (5) year service term and full payment of the loan; and (3) a real property tax abatement agreement with The United Front of Dallas, Inc. for the purpose of granting a ten-year abatement of taxes on 90% of the added value to real property and development fee rebate not to exceed \$6,089 - Total not to exceed \$1,006,089 - Financing: 1996-97 Community Development Grant Funds (\$500,000), Section 108 Notes (\$500,000), Public/Private Partnership Funds (\$6,089) - Revenue: First year tax revenue at \$977. Ten-year tax revenue estimated at \$9,774 (Estimated revenue foregone for ten-year abatement \$87,966)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1906

Item 74: Authorize a professional services contract with ACCION Texas, Inc. to establish and operate a Micro-lending Program in the City of Dallas - \$50,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1907

Item 75: Authorize exercise of a twelve month renewal option to the contract with Tom's Foods, Inc. for the period of August 1, 1998 through July 31, 1999 for vending machine services to support the City Employee Benefit Funds - Estimated Revenue: \$100,000 annually

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1908

98-1909

98-1910

Item 76: Employee Benefits Programs

- * Authorize a three year contract with two one-year renewal options with Eckerd Health Services for prescription drug services as an integral part of the City's Employee Benefits Program and the Retiree Health Plan for the period January 1, 1999 to December 31, 2001 - Not to exceed \$23,579,000 - Financing: Employee Benefits Current Funds **[98-1908]**

Item 77: * Authorize a three year contract with two one-year renewal options with Safeguard Health Plans, Inc. to provide a fully insured optional vision program to support the Employee Benefits Program and the Retiree Health Plan for the period January 1, 1999 through December 31, 2001 to be funded by employee contributed premiums through payroll deductions - Financing: No cost consideration to the City **[98-1909]**

Item 78: * Authorize exercise of the final twelve month renewal option to the contracts for Health Maintenance Organizations (HMOs) with Kaiser Foundation Health Plan of Texas for a Staff Model HMO and NYLCare Health Plans of the Southwest, Inc. for an Individual Practice Association (IPA) Model HMO for the period of January 1, 1999 through December 31, 1999 - Not to exceed \$139.80 monthly per participant - Financing: Employee Benefits Current Funds **[98-1910]**

At the time the consent agenda was presented for discussion, Councilmember Blumer requested that consent agenda items 76, 77 and 78 be considered as individual items. Mayor Kirk stated that consent agenda items 76, 77 and 78 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Blumer's request.

Later in the meeting, consent agenda item 76, 77 and 78 were brought up for consideration.

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

Councilmember Duncan moved to approve the items.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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June 24, 1998

98-1911

Item 79: Authorize a five-year contract, with one five-year renewal option, with The Rescued Wildlife Rehabilitation Center to develop, construct and manage a wildlife rehabilitation operation at Samuell Farm - Estimated annual revenue: \$500

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1912

Item 80: Authorize application for and acceptance of the 1998-99 Weed and Seed grants from the U. S. Department of Justice, Bureau of Justice Assistance for the period August 1, 1998 through July 31, 1999, and execution of the grant agreements - \$275,000 - Financing: U. S. Department of Justice, Bureau of Justice Assistance Grant Funds (\$175,000) and U. S. Department of Justice, Asset Forfeiture Funds (\$100,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1913

Item 81: An ordinance amending Chapter 28 of the Dallas City Code to designate school traffic zones, regulate speed limits and the direction of vehicles on certain streets (list attached)
- Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23556.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1914

Item 82: Authorize an agreement with the North Central Texas Council of Governments for professional assistance to coordinate regional information; to continue the cooperative monitoring program with the United States Geological Survey; and to provide regional construction, development, and redevelopment assistance - \$78,408 - Financing: Storm Water Drainage Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1915

Item 83: Authorize a management services contract with the Central Dallas Association for management of the Downtown Transit Mall in an amount not to exceed \$30,000 -
Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1916

Item 84: Authorize Supplemental Agreement No. 2 to the wholesale wastewater contract with Dallas County Water Control and Improvement District No. 6 to participate in the construction of a wastewater outfall main in Hickory Creek and extend the contract term for 30 years - 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 24, 1998

98-1917

Item 85: Authorize a contract with Wynnewood Army LLC to provide interruptible untreated water from Lake Lewisville for five years with two extensions of five years each for irrigation of The Tribute golf course located in the City of The Colony - Revenue: \$16,005 in 1998-1999, \$21,149 in 1999-2000, \$17,215 annually thereafter

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1918

Item 86: Miscellaneous Hearing

A public hearing was called 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

The following individuals addressed the city council regarding the FY 1998-99 grant funds:

- Shallie Bey, 133 Tucker St., representing West Dallas Neighborhood Corporation
- Alfred Neal, 438 Avenue E., representing A.C.O.R.N.
- Monique Allen, 7017 Chipperton Dr., representing Dallas Affordable Housing Coalition
- Lee Stevens, 4213 Stanton Blvd., Plano, representing Dallas Affordable Housing Coalition
- Geraldine Brown, 1623 Pine St., representing A.C.O.R.N.
- Teddy Hawkins, 2610 Rochester Ave.
- Elsie Risby, 2900 Dilido Rd.
- Robert Lewis, 3710 Pueblo St., representing Westmoreland Heights Association
- Joe Martin, 3105 Gladiolus Ln.
- Jewel Floyd, 3815 Myrtle St.

Councilmember Mallory Caraway moved to close the public hearing.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1919

Miscellaneous Hearing

- Item 87: * A public hearing to receive citizen comments concerning an application for operating authority for Kenneth Reven McClain d/b/a Dallas County Taxi - Financing: No cost consideration to the City
- Item 88: * A resolution denying the application for an annual taxicab operating authority for Kenneth Reven McClain d/b/a Dallas County Taxi - Forfeiture of Potential Annual Revenue: \$6,250

A public hearing was called to receive citizen comments concerning an application for operating authority for Kenneth Reven McClain.

The following individual addressed the city council regarding the application:

-- Kenneth McClain, 7522 Campbell Rd.

Councilmember Mallory Caraway moved to close the public hearing and deny the application for an annual taxicab operating license.

Motion seconded by Councilmember Walne and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1920

Item 89: Miscellaneous Hearing

A public hearing was called to receive citizen comments on the proposed sale of a portion of Pegasus Plaza to the developers of the Magnolia Building - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the proposed sale:

- Tom Griswold, 2703 Raphael Ln., representing Dallas City Center Association
- Joe Martin, 3105 Gladiolus Ln.
- Susan Mead, 1445 Ross Ave., representing Holz Corporation
- Lee Hitz, 458 Copperstone Trl.
- Gail Thomas, 4637 Cherokee Trl.

Councilmember Loza moved to close the public hearing.

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1921

PUBLIC HEARING - ZONING CASES - CONSENT

The consent zoning docket, consisting of agenda items 90-103 was presented.

Agenda items 102 and 103 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 90: Zoning Case Z967-328/10407-NE(RB)
- Agenda item 91: Zoning Case Z978-221/10564-SW(KC)
- Agenda item 92: Zoning Case Z978-226/9883-NC(KC)
- Agenda item 93: Zoning Case Z978-227/8020-SE(KC)
- Agenda item 94: Zoning Case Z978-228/10565-SE(KC)
- Agenda item 95: Zoning Case Z978-231/9142-NW(ML)
- Agenda item 96: Zoning Case Z978-232/10566-NW(ML)
- Agenda item 97: Zoning Case Z978-233/10570-SE(ML)
- Agenda item 98: Zoning Case Z978-234/9830-NE(ML)
- Agenda item 99: Zoning Case Z978-237/10572-NE(RB)
- Agenda item 100: Zoning Case Z978-240/10574-SW(RB)
- Agenda item 101: Zoning Case Z978-241/10575-SW(RB)
- ~~Agenda item 102: Zoning Case Z978-241/10577-SW(KC)~~ [Considered individually]
- ~~Agenda item 103: Zoning Case Z978-189/6480-SW(ML)~~ [Considered individually]

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

Deputy Mayor Pro Tem Salazar 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 Councilmember Mayes and unanimously adopted. (Kirk absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

June 24, 1998

98-1922

Item 90: Zoning Case Z967-328/10407-NE(RB)

Zoning Case Z967-328/10407-NE(RB), an application for and an ordinance granting a CR Community Retail District on property presently zoned an NO(A) Neighborhood Office District and an MF-2(A) Multifamily District on the northeast side of LBJ Freeway, southeast of Greenville 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.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23557.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1923

Item 91: Zoning Case Z978-221/10564-SW(KC)

Zoning Case Z978-221/10564-SW(KC), an application for and an ordinance granting a Planned Development District for TH-2(A) Townhouse District Uses, Private Streets, Accessory Community Center, and Office Uses on property presently zoned a TH-2(A) Townhouse District on the north side of Kiest Boulevard, east of Cockrell Hill Road.

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

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23558.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1924

Item 92: Zoning Case Z978-226/9883-NC(KC)

Zoning Case Z978-226/9883-NC(KC), an application for and an ordinance granting an amendment to Planned Development District No. 423 for MU-3 Mixed Use District Uses to reduce setbacks and parking, eliminate tower spacing provisions, increase the allowable height adjacent to Noel Road and allow restaurant uses with a maximum floor area of 18,000 square feet on property at the northwest corner of Alpha Road and Noel Road.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23559.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1925

Item 93: Zoning Case Z978-227/8020-SE(KC)

Zoning Case Z978-227/8020-SE(KC), an application for and an ordinance granting a Planned Development District for a Public School (Seagoville Middle School and High School) and R-1/2Ac(A) Single Family District Uses, and an application for and an ordinance granting the termination of Specific Use Permit No. 961 for a Public School on property presently zoned an R-1/2Ac(A) Single Family District at the south corner of Seagoville Road and Woody Road.

(The city plan commission recommended approval of a Planned Development District for a Public School and R-1/2Ac(A) Single Family District Uses, subject to a development plan and conditions, and approval of the termination of Specific Use Permit No. 961.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23560 and ORDINANCE NO. 23561.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1926

Item 94: Zoning Case Z978-228/10565-SE(KC)

Zoning Case Z978-228/10565-SE(KC), an application for and an ordinance granting a Planned Development District for IM Industrial Manufacturing District Uses and Multifamily Uses on property presently zoned an IM Industrial Manufacturing District at the west corner of South Central Expressway and Coombs Street.

(The city plan commission recommended approval, subject to a conceptual plan for Tract 1 and a development/landscape plan for Tract 2 and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23562.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1927

Item 95: Zoning Case Z978-231/9142-NW(ML)

Zoning Case Z978-231/9142-NW(ML), an application for an MU-3 Mixed Use District on property presently zoned an IR Industrial Research District at the southeast corner of Technology Boulevard West and Connector Drive, and an ordinance granting an MU-3 (SAH) Mixed Use(Standard Affordable Housing) District and a resolution authorizing acceptance of a deed restriction instrument submitted in conjunction with the change of zoning.

(The city plan commission recommended approval of an MU-3 (SAH) Mixed Use(Standard Affordable Housing) District in lieu of the requested MU-3 Mixed Use District, subject to deed restrictions volunteered by the applicant.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23563.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1928

Item 96: Zoning Case Z978-232/10566-NW(ML)

Zoning Case Z978-232/10566-NW(ML), an application for and an ordinance granting an MU-3 Mixed Use District on property presently zoned an IR Industrial Research District on the southwest side of Harry Hines Boulevard, northwest of Mockingbird Lane, 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.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23564.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1929

Item 97: Zoning Case Z978-233/10570-SE(ML)

Zoning Case Z978-233/10570-SE(ML), an application for and an ordinance granting an MF-2(A) Multifamily District on property presently zoned a CR Community Retail District at the east corner of Grand Avenue and Meyers Street.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23565.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1930

Item 98: Zoning Case Z978-234/9830-NE(ML)

Zoning Case Z978-234/9830-NE(ML), an application for and an ordinance granting a CR Community Retail District on two tracts of land on property presently zoned a GO(A) General Office District located near the northeast corner of LBJ Freeway and Forest Lane, and a resolution authorizing acceptance of two deed restriction instruments submitted in conjunction with the change of zoning.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23566.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1931

Item 99: Zoning Case Z978-237/10572-NE(RB)

Zoning Case Z978-237/10572-NE(RB), an application for and an ordinance granting a Specific Use Permit for a Public School (Magnet Elementary School E99) on property presently zoned a TH-3(A) Townhouse District on the north side of Forest Lane, west of Audelia Road.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23567.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1932

Item 100: Zoning Case Z978-240/10574-SW(RB)

Zoning Case Z978-240/10574-SW(RB), an application for and an ordinance granting a CR Community Retail District on property presently zoned an LO-1 Limited Office District at the northwest corner of Jefferson Boulevard and Paisley Street.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23568.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1933

Item 101: Zoning Case Z978-241/10575-SW(RB)

Zoning Case Z978-241/10575-SW(RB), an application for and an ordinance granting an NO(A) Neighborhood Office District on property presently zoned an R-7.5(A) Single Family District at the southwest corner of Jefferson Boulevard and Hampton Road, 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.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23569.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1934

Item 102: Zoning Case Z978-243/10577-SW(KC)

The consent zoning docket, consisting of agenda items 90-103, was presented.

Councilmember Miller requested that consent zoning docket item 102 be removed from the consent zoning docket to be called as an individual hearing. Mayor Kirk stated that consent zoning docket item 102 be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Miller's request.

A public hearing was called on zoning case Z978-243/10577-SW(KC), an application for and an ordinance granting an MF-1(A) Multifamily District on property presently zoned an R-7.5(A) Single Family District on the south side of LaRue Street, east of Duncanville Road, 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 or in favor of the city plan commission recommendation.

Councilmember Miller moved to postpone consideration of the application until the August 12, 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 24, 1998

98-1935

Item 103: Zoning Case Z978-189/6480-SW(ML)

The consent zoning docket, consisting of agenda items 90-103, was presented.

Councilmember Miller requested that consent zoning docket item 103 be removed from the consent zoning docket to be called as an individual hearing. Mayor Kirk stated that consent zoning docket item 102 be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Miller's request.

A public hearing was called on zoning case Z978-189/6480-SW(ML), an application for and an ordinance granting an amendment to Planned Development District No. 187 to amend the development plan and conditions for Subarea B-11A and create two new Subareas B-11B and B-11C on property located east of Eagle Ford Drive and north of Mountain Creek Parkway.

(The city plan commission recommended approval.)

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

Councilmember Miller moved to close the public hearing, accept the recommendation of the city plan commission and approve the ordinance replacing the detailed development plan for Subarea B-11A and deny without prejudice the remainder of the application.

Motion seconded by Councilmember Lipscomb and unanimously adopted.

Assigned ORDINANCE NO. 23570.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1936

Item 104: Public Hearing - Zoning Case Z978-126/10469-C(LS)

A public hearing was called on zoning case Z978-126/10469-C(LS), an application for a CR-MD-1 Community Retail District with a Modified Delta Overlay District on property presently zoned an MF-2(A) -MD-1 Multifamily District with a Modified Delta Overlay District at the northwest corner of LaVista Drive and Hope Street.

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1937

Item 105: Public Hearing - Zoning Case Z978-205/10563-SW(ML)

A public hearing was called on zoning case Z978-205/10563-SW(ML), an application for and an ordinance granting an MF-2(A) Multifamily District on property presently zoned a TH-3(A) Townhouse District at the eastern terminus of LeHavre Drive, east of Westmoreland Road, 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.)

Appearing in opposition to the city plan commission recommendation:

-- Sergio de la Garza, 3021 Tangiers Dr.

Appearing in favor of the city plan commission recommendation:

-- Jack Potashnik, 2617 Bolton Boone Dr., DeSoto, representing the applicant

Councilmember Miller moved to postpone consideration of the application until the August 12, 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 24, 1998

98-1938

Item 106: Public Hearing - Zoning Case Z978-195/4123-C(KC)

A public hearing was called on zoning case Z978-195/4123-C(KC), an application for and an ordinance granting an amendment to and the expansion of Planned Development District No. 349 for Office, Art Gallery, Surface Parking and Warehouse Uses to include property presently zoned a D(A) Duplex District at the south corner of Columbia Avenue and Augusta Street.

(The city plan commission recommended approval, Subject to a development 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, approve the ordinance with the following amendment; that Condition #5 be amended to delete any changes to the parking requirements for Tracts 1 and 2, and to require that no fewer than one off-street parking space be provided on Tract 3, as shown on the attached development plan for Tract 3. The condition must further require that an additional 14 off-street parking spaces be provided within 300 feet from Tract 3 pursuant to a special parking agreement, and that the requirements contained in Division 51A-4.320, Special Parking Regulations, which limits the amount of special parking for a use to 50 percent of the use's parking requirement is waived

and pass the ordinance with that change.

Motion seconded by Councilmember Mayes and unanimously adopted. (Kirk, Duncan, Finkelman, Greyson absent when vote taken)

Assigned ORDINANCE NO. 23571.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1939

Item 107: Public Hearing - Zoning Case Z978-229/8018-C(KC)

A public hearing was called on zoning case Z978-229/8018-C(KC), an application for and an ordinance granting an amendment to the site plan for Specific Use Permit No. 1234 for a Mini-warehouse on property presently zoned as Planned Development District No. 305 and an MU-3 Mixed Use District on the east side of North Central Expressway, south of Watt Street.

(The city plan commission recommended approval.)

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

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

Motion seconded by Councilmember Mayes and unanimously adopted. (Kirk, Duncan, Finkelman absent when vote taken)

Assigned ORDINANCE NO. 23573.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1940

Item 108: Zoning Case Z978-230/8704-C(ML)

A public hearing was called on zoning case Z978-230/8704-C(ML), an application for and an ordinance granting an amendment to Planned Development District No. 305 to amend Subdistrict H to change the landscaping requirements on property at the south corner of North Central Expressway and Lemmon Avenue.

(The city plan commission recommended approval.)

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

Appearing in favor of the city plan commission recommendation:

-- Myron Dornick, 1445 Ross Ave., representing the applicant

Councilmember Forsythe Lill moved to close the public hearing, accept the recommendation of the city plan commission, with the following amendments, that condition F-1 regarding landscape site area designation to be revised to require in Subdistrict H of PD No 305:

- (1) at least 20% of a blot containing a residential use, including at least 50% of the required front yard to be designated by the property owner as landscape site area, and
- (2) at least 10% of a lot containing a non-residential use, including at least 60% of the front yard to be designated by the property owner as a landscape site area.

and pass the ordinance with those changes.

Motion seconded by Councilmember Hicks and unanimously adopted. (Kirk, Duncan, Finkelman absent when vote taken)

Assigned ORDINANCE NO. 23572.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1941

Item 109: Public Hearing - Zoning Case Z978-235/6480-SW(LS)

A public hearing was called on zoning case Z978-235/6480-SW(LS), an application for and an ordinance granting an amendment to a portion of Planned Development District No. 187 to create additional Subareas, modify the boundaries of some of the Subareas, amend the conditions to reduce the allowable floor area ratios, amend the landscaping requirements, and provide for the transfer of development rights among the Subareas on property on the north side of Interstate 20, east of Mountain Creek Parkway, and on the south side of Interstate 20, east of FM 1382.

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1942

Item 110: Public Hearing - Zoning Case Z978-239/10573-C(RB)

A public hearing was called on zoning case Z978-239/10573-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)CP Central Area District on Olive Street between Live Oak Street and Bryan Street (Mapsco 45L).

(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 Deputy Mayor Pro Tem Salazar and unanimously adopted. (Kirk absent when vote taken)

Assigned ORDINANCE NO. 23574.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1943

Item 111: Public Hearing - Zoning Case Z978-177/9670-SW(KC)

A public hearing was called on zoning case Z978-177/9670-SW(KC), an application for an amendment to Planned Development District No. 407 for Multifamily and TH-2(A) Townhouse District Uses and termination of Specific Use Permit No. 1221 for Multifamily Uses on the south side of Kiest Boulevard, east of Boulder Drive.

(The city plan commission recommended denial. This application was considered by the City Council at a public hearing on May 13, 1998, and again on May 27, 1998, and was taken under advisement until June 24, 1998, with the public hearing open.)

Cherryl J. Peterman, director of planning, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (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 the application for a change in zoning had been recommended for denial by the city plan commission, and 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.

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

Appearing in favor of the city plan commission recommendation:

- David Marquis, 3110 W. Kiest Blvd.
- Neoma Shafer, 2538 W. Kiest Blvd.

Councilmember Mallory Caraway moved to close the public hearing, modify the recommendation of the city plan commission and deny the application without prejudice.

Motion seconded by Councilmember Mayes and unanimously adopted. (Kirk absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1944

Item 112: Public Hearing - Zoning Case Z978-153/8963-NE(KC)

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. This application was considered by the City Council at a public hearing on June 10, 1998, and was taken under advisement until June 24, 1998, with the public hearing open.)

Appearing in opposition to the city plan commission recommendation:

- Janet Dolan, 7227 Wild Valley Dr.
- Sue Ann Jones, 7415 Walling Ln.
- John Haley, 6845 Walling Ln.
- Earl Fisher, 7222 Wild Valley Dr.
- Cynthia Ruyle, 7338 Walling Ln.

Appearing in favor of the city plan commission recommendation:

- William Cothrum, 500 S. Ervay St., representing DART
- Michael Miles, 1401 Pacific Ave., representing DART

Mayor Pro Tem Poss moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinances.

Motion seconded by Councilmember Mayes and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

Mayor Pro Tem Poss read into the record some of the achievements the neighborhood achieved through working with DART included: the art and design concept was incorporated into the DART White Rock Station; they agreed to move the design of the bus bays away from the residential area; it was agreed to redesign the bus circulation on the site and move it away from the neighborhood; it was agreed not to do construction during the weekend, agreed to a two-sided fence, instead of a single-sided fence, agreed to take the DART fence off property lines providing additional room for residents along Walling Lane to be able to back out of their garages; agreed to add stairway access on the east side of the platform for each pedestrian access and also access to White Rock Lake Park; agreed to allow the community to decide upon the pedestrian access which ultimately which they chose not to do from Walling Lane and involve the community on the betterment plan; DART held numerous meetings to work out design in the existing green space along the rail, and further pledged to work with the community during the construction to maximize the trees that will be saved. DART will save a 10' strip of wild vegetation that currently exists along the tracks behind the residents at Walling Lane and this includes saving both the trees and the underbrush with exceptions of diseased trees that are threatening to fall and any vine that is suffocating a tree. At the location of the DART access gates to the tracks, a 12' section of the wild vegetation must be cleared for gate access.

Assigned ORDINANCE NO. 23575, ORDINANCE NO. 23576 and ORDINANCE NO. 23577.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1945

Item 113: Public Hearing - Zoning Case Z978-209/10553-NE(LS)

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. This application was considered by the City Council at a public hearing on June 10, 1998, and was taken under advisement until June 24, 1998, with the public hearing open.)

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

Motion seconded by Mayor Pro Tem Poss and unanimously adopted.

Assigned ORDINANCE NO. 23578.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1946

Item 114: 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 again on June 10, 1998, and was taken under advisement until June 24, 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 close the public hearing, accept the recommendation of the city plan commission, and pass the ordinance.

Motion seconded by Councilmember Mayes and unanimously adopted.

Assigned ORDINANCE NO. 23579.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1947

Item 115: 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 again on June 10, 1998, and was taken under advisement until June 24, 1998, with the public hearing open.)

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

Appearing in opposition of the city plan commission recommendation.

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

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

Councilmember Mallory Caraway moved to overrule the city plan commission recommendation and grant the Specific Use Permit for an Alcoholic Beverage establishment for a two-year period.

Motion seconded by Councilmember Walne.

During debate on Councilmember Mallory Caraway's motion, Councilmember Hicks called the question to stop the debate.

Motion seconded by Councilmember Mayes.

Mayor Kirk called the vote on Councilmember Hicks' motion to end debate and proceed to an immediate vote on the pending question.

Voting Yes: [7] Poss, Salazar, Loza, Hicks, Mayes, Greyson, Forsythe Lill
Voting No: [7] Kirk, Miller, Duncan, Mallory Caraway, Walne, Finkelman, Blumer
Absent: [1] Lipscomb absent when vote taken

Mayor Kirk declared previous question was lost and debate could resume on Councilmember Mallory Caraway's motion as less than two-thirds of the city council members present had voted in the affirmative.

After discussion, Mayor Kirk called the vote on Councilmember Mallory Caraway's original motion:

Voting Yes: [13] Kirk, Poss, Salazar, Loza, Miller, Duncan, Hicks, Mallory Caraway, Mayes, Walne, Finkelman, Greyson, Forsythe Lill
Voting No: [1] Blumer
Absent: [1] Lipscomb absent when vote taken

Mayor Kirk declared the previous question was ordered as three-fourth of the city council members present had voted in the affirmative.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1948

Item 116: 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 24, 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 Blumer 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 Mayes and unanimously adopted.

Councilmember Duncan moved to appoint Eli Davis as vice-chair to the Human Services Commission.

Motion seconded by Councilmember Mayes and unanimously adopted.

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

98-1978 HSC HUMAN SERVICES COMMISSION
98-1979 Board Officers

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1949

Item 117: Authorize ordinances related to the Dallas Sports Arena Project Financing:

- * Approval of the Master Sports Arena Debt Ordinance providing for the issuance of certain indebtedness of the City of Dallas relating to the Dallas Sports Arena Project, establishing the security therefor, and prescribing other matters with respect thereto; and, **[ORDINANCE NO. 23580]**
- * Approval of the First Supplemental Sports Arena Debt Ordinance authorizing the issuance and sale of approximately \$105,845,000 City of Dallas, Texas Sports Arena Project Tax Exempt Special Tax Revenue Bonds, Series 1998A; accepting pricing from the bond underwriting syndicate; approving the Bond Purchase Agreement; approving the Official Statement; and enacting other provisions therewith; and, **[ORDINANCE NO. 23581]**
- * Approval of the Second Supplemental Sports Arena Debt Ordinance authorizing the issuance and sale of approximately \$35,385,000 City of Dallas, Texas Sports Arena Project Taxable Special Tax and Lease Revenue Bonds, Series 1998B; accepting pricing from the bond underwriting syndicate; approving the Bond Purchase Agreement; approving the Official Statement; and enacting other provisions in connection therewith. **[ORDINANCE NO. 23582]**

Councilmember Walne moved to pass the ordinances.

Motion seconded by Councilmember Lipscomb.

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

Mayor Kirk declared the motion adopted on a divided voice vote, with Councilmember Blumer voting "No." (Poss abstained; Hicks absent when vote taken)

Assigned ORDINANCE NO. 23580, ORDINANCE NO. 23581 and ORDINANCE NO. 23582.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1950

Item 118: A resolution authorizing sanctions, in accordance with the City's Good Faith Effort Plan, against V.A. Construction, Inc. to prohibit it from receiving any new City of Dallas contracts or participating as a subcontractor on any City of Dallas contract during the period of June 24, 1998 through June 23, 1999 - Financing: No cost consideration to the City

Councilmember Mayes moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1951

Item 119: 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

Councilmember Loza moved to pass the ordinance.

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

Assigned ORDINANCE NO. 23583.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1952

Item 120: 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 for this program - Revenue: \$1

Councilmember Lipscomb moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1953

Briefing

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1954

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

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

- Discussion and evaluation of candidates for appointment to the positions of City Manager, City Secretary and City Attorney
- Debra Walker, et al. v. HUD, et al
- City of Fort Worth, et al. 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
- Southwest Airlines Co. and the Texas Aeronautics Commission v. Texas International Airlines, Inc., Delta Airlines, Inc., American Airlines, Inc., Braniff Airlines, Inc., Frontier Airlines, Inc., Continental Airlines, Inc., Eastern Airlines, Inc., City of Fort Worth, Texas, City of Dallas, Texas, and Dallas-Fort Worth Regional Airport Board, Cause No. 3-75-0340-C
- Continental Airlines, Inc. and Continental Express, Inc. v. City of Dallas, Texas and City of Fort Worth, Texas, Cause No. 3-98-CV-1187-R
- American Airlines' request for Gates at Love Field Airport
- LJ&J Corp. d/b/a Streetz et al. v. City of Dallas, Cause Nos. 3:94-CV-2420-H and 3:95-CV-0554-H
- Debra Walker, et al. v. HUD, et al., Civil Action No. 3:85-CV-1210-R
- Golden Harvest Company, Inc., N.H.T. Partnership, and Kaufman County Levee Improvement District #15 v. City of Dallas, Cause No. 42-765
- Allstate Insurance Company as Subrogee for Robert W. Bonisolli, Claim No. 95-101003971-001
- State Farm Insurance Company as Subrogee for Jerry Williams, Claim No. 95-101002892-002
- CNA Insurance Company as Subrogee for Jerry C. Lunsford, Claim No. 95-101002892-004
- Irving Thomas and Barbara Thomas v. City of Dallas, Darwin Gaines, Aquila Allen and Kenn Hornbeck, Civil Action No. 3:96-CV-0214-R

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98-1954

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- AT&T Communications of the Southwest, Inc. v. City of Dallas, Cause No. 3-98-CV-0003-R; GTE Southwest Incorporated v. City of Dallas, Cause No. 3-98-CV-0662-R; Southwestern Bell Telephone Company v. City of Dallas, Cause No. 3-98-CV-0843-R; Teligent, Inc. v. City of Dallas, Cause No. 3-97-CV-3052-R

Real Estate (Sec. 551.072 T.O.M.A.)

- American Airlines' request for Gates at Love Field Airport

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

- Discussion and evaluation of candidates for appointment to the positions of City Manager, City Secretary and City Attorney

A closed session was held as authorized by Chapter 551, "OPEN MEETINGS," of the Texas Government Code (Texas Open Meetings Act) to discuss the following matters:

Councilmember Forsythe Lill announced that she had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Forsythe Lill left the city council chamber.

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

- Debra Walker, et al. v. HUD, et al
- City of Fort Worth, et al. 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
- Southwest Airlines Co. and the Texas Aeronautics Commission v. Texas International Airlines, Inc., Delta Airlines, Inc., American Airlines, Inc., Braniff Airlines, Inc., Frontier Airlines, Inc., Continental Airlines, Inc., Eastern Airlines, Inc., City of Fort Worth, Texas, City of Dallas, Texas, and Dallas-Fort Worth Regional Airport Board, Cause No. 3-75-0340-C
- Continental Airlines, Inc. and Continental Express, Inc. v. City of Dallas, Texas and City of Fort Worth, Texas, Cause No. 3-98-CV-1187-R
- American Airlines' request for Gates at Love Field Airport
- LJ&J Corp. d/b/a Streetz et al. v. City of Dallas, Cause Nos. 3:94-CV-2420-H and 3:95-CV-0554-H
- Debra Walker, et al. v. HUD, et al., Civil Action No. 3:85-CV-1210-R
- Golden Harvest Company, Inc., N.H.T. Partnership, and Kaufman County Levee Improvement District #15 v. City of Dallas, Cause No. 42-765
- Allstate Insurance Company as Subrogee for Robert W. Bonisolli, Claim No. 95-101003971-001
- State Farm Insurance Company as Subrogee for Jerry Williams, Claim No. 95-101002892-002
- CNA Insurance Company as Subrogee for Jerry C. Lunsford, Claim No. 95-101002892-004

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- Irving Thomas and Barbara Thomas v. City of Dallas, Darwin Gaines, Aquila Allen and Kenn Hornbeck, Civil Action No. 3:96-CV-0214-R
- AT&T Communications of the Southwest, Inc. v. City of Dallas, Cause No. 3-98-CV-0003-R; GTE Southwest Incorporated v. City of Dallas, Cause No. 3-98-CV-0662-R; Southwestern Bell Telephone Company v. City of Dallas, Cause No. 3-98-CV-0843-R; Teligent, Inc. v. City of Dallas, Cause No. 3-97-CV-3052-R
Real Estate (Sec. 551.072 T.O.M.A.)
- American Airlines' request for Gates at Love Field Airport

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1955

Addendum addition 1: Authorize the ratification of an emergency purchase for the repair of electric motors at the Elm Fork and Southcliff Pump Stations - Carl Pons Electric Motor Service, Inc. - Not to exceed \$50,348 - Financing: Water Utilities Current Funds

Councilmember Mayes moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1956

Addendum addition 2: An ordinance authorizing an amendment to Planned Development District No. 101 to permit the auto painting or body rebuilding shop (inside) use and certain SC Shopping Center District uses on property on the north side of Camp Wisdom Road b/t FM 1382 and Mountain Creek Parkway (Z967-318/4297-SW(KC) - Financing: No cost consideration to the City

Councilmember Miller moved to pass the ordinance.

Motion seconded by Councilmember Mayes and unanimously adopted. (Salazar, Hicks absent when vote taken)

Assigned ORDINANCE NO. 23584.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1957

Addendum addition 3: An ordinance abandoning a portion of Gaston Parkway to Luedke-Goldberg Realty Company, Tenet HealthSystem, Inc. and TCR White Rock Creek Limited Partnership, the abutting owners, containing approximately 22,916 square feet of land, located near the intersection of Gaston Parkway and Knob Oak Drive, providing for the reservation of approximately 22,916 square feet of land needed for a public access easement and authorizing the quitclaim - Revenue: \$63,305 plus the \$20 ordinance publication fee

Councilmember Mayes moved to pass the ordinance.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted. (Hicks absent when vote taken)

Assigned ORDINANCE NO. 23585.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1958

Addendum addition 4: An ordinance abandoning a portion of an alley to The Mutual Life Insurance Company of New York, the abutting owner, containing approximately 1,775 square feet of land, located near the intersection of Sale Street and Hall Street, providing for the dedication of approximately 5,266 square feet of land needed for an alley easement and authorizing the quitclaim - Revenue: \$650 plus the \$20 ordinance publication fee

Councilmember Mayes moved to pass the ordinance.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted. (Hicks absent when vote taken)

Assigned ORDINANCE NO. 23586.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1959

Addendum addition 5: Authorize conveyance of a drainage easement to the City of Rowlett containing approximately 13,520 square feet of land for the construction and maintenance of storm water drainage facilities on City-owned land at Lake Ray Hubbard located near Indian Trail - Financing: No cost consideration to the City

Mayor Pro Tem Poss moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1960

Addendum addition 6: Authorize a five year concessions contract with Dallas Summer Musicals Management Group, Inc. for the operation, management and maintenance of the following City performing arts facilities: the Majestic Theater and the Fair Park Music Hall - Revenue: \$100,000 annually

Councilmember Lipscomb moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1961

Addendum addition 7: A resolution reappointing Gustavo E. Gonzales and Brenda P. Prewitt as full-time municipal court judges - Financing: No cost consideration to the City

Councilmember Hicks requested that addendum addition 7 be held until later in the meeting.

Mayor Kirk stated that addendum addition 7 would be considered later in the meeting, there being no objection voiced to Councilmember Hicks' request.

Later in the meeting addendum addition 7 was brought up for consideration.

Councilmember Lipscomb moved to defer the resolution until the August 12, 1998 voting agenda meeting of the city council.

Motion seconded by Councilmember Loza.

Councilmember Loza asked Councilmember Lipscomb if he would accept a friendly amendment to his motion to schedule an executive session prior to the August 12, 1998 voting agenda meeting of the city council.

Councilmember Lipscomb accepted the amendment as part of his motion.

After discussion, Mayor Kirk called the vote on Councilmember Lipscomb's motion as modified by the friendly amendment.

Voting Yes: [13] Kirk, Poss, Salazar, Loza, Duncan, Hicks, Mallory Caraway, Mayes,
Lipscomb, Walne, Finkelman, Greyson, Forsythe Lill
Voting No: [2] Miller, Blumer

Mayor Kirk declared the motion adopted

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1962

Addendum addition 8: An ordinance abandoning an alley to Julia F. Aycock and Martha H. Branch, Allen S. Shiroma and Darline Shiroma, Francisco and Maria Ortiz, Burt Barr, Jr., Mary Christian Barr Trust, Rodney C. Moore, Rodney C. Moore, M.D., Associated, W.J. Bennett, Michael S. Harris, Jean R. Manning, John Barr, Gonzalo Venegas, M.D., P.A., and Myra Bowman Burns, the abutting owners, containing approximately 7,500 square feet of land, located near the intersection of North Beckley Avenue and Oakenwald Street, and authorizing the quitclaim - Revenue: \$25,500 plus the \$20 ordinance publication fee

Deputy Mayor Pro Tem Salazar moved to pass the ordinance.

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

Assigned ORDINANCE NO. 23587.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1963

Addendum addition 9: Authorize a contract for the construction of curb and gutters, sidewalks, drive approach replacement, water and wastewater adjustments at various locations in City of Dallas Walker Target Neighborhoods - Ed Bell Construction Company, lowest responsible bidder of two - \$2,349,116 - Financing: 1990-91 Walker Trust Fund Contingency Funds (\$29,348), 1991-92 Walker Trust Fund Contingency Funds (\$1,639), 1992-93 Walker Trust Fund Contingency Funds (\$19,224), 1993-94 Walker Trust Fund Contingency Funds (\$141,417), 1994-95 Walker Trust Fund Contingency Funds (\$451,169), 1995-96 Walker Trust Fund Contingency Funds (\$595,257), 1990-91 Community Development Grant Funds (\$134,000), 1991-92 Community Development Grant Funds (\$395,000), 1994-95 Community Development Grant Funds (\$32,946), 1985 Bond Funds (\$523,116), Water Utilities Capital Construction Funds (\$26,000)

Councilmember Mayes moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1964

Addendum addition 10: Authorize a twelve-month professional services contract with four one-year renewal options with the KPMG Peat Marwick LLP, (Dodd & Associates and Marilou Martinez-Stevens, CPA, subcontractors) for the audit of the City's financial operations and grant activities for the fiscal year ending September 30, 1998 - Not to exceed \$222,000 - Financing: Current Funds

Mayor Pro Tem Poss moved to approve the item.

Motions seconded by Councilmember Mayes and unanimously adopted. (Hicks absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1965

Addendum addition 11: An ordinance abandoning portions of Young Street, Cadiz Street, Genaro Street, Central Boulevard and an alley to Camden Property Trust and Camden Connection, Inc., the abutting owners, containing approximately 111,961 square feet of land, between Pearl Expressway and Good-Latimer Expressway, providing for the dedication of approximately 125,270 square feet of land needed for street and pedestrian rights-of-way, and authorizing the quitclaim - Revenue: \$650 plus the \$20 ordinance publication fee

Mayor Pro Tem Poss moved to pass the ordinance.

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

Assigned ORDINANCE NO. 23588.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1966

Addendum addition 12: An ordinance providing for the sale of unneeded, City-owned property and the abandonment of Watt Street and an alley to Oak Creek Partners, Ltd., the abutting owner, containing approximately 39,742 square feet of land, located near the intersection of Watt Street and Central Expressway, and authorizing the quitclaim - Revenue: \$310,614 plus the \$20 ordinance publication fee

Councilmember Mayes moved to pass the ordinance.

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

Assigned ORDINANCE NO. 23589.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1967

Addendum addition 13: Authorize (1) an agreement with the United States of America, acting through the United States Navy, modifying the existing lease for the Dallas Naval Air Station by releasing a hangar building containing approximately 36,340 square feet, a hangar building containing approximately 74,754 square feet, an office/warehouse building containing approximately 10,787 square feet and paved parking and certain unpaved area containing no more than approximately 8 acres at the Dallas Naval Air Station and (2) a ten-year lease with one ten-year renewal option, with Texas Utilities Electric Company for this property - Revenue: \$350,338 annually, less amortization of needed repairs and improvements not to exceed \$150,000 annually

Councilmember Mayes moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1968

Addendum addition 14: Authorize a professional services contract with Miller, Canfield, Paddock and Stone, P.L.C. in the lawsuits, styled AT&T Communications of the Southwest, Inc. v. City of Dallas, Cause No. 3-98-CV-0003-R; GTE Southwest Incorporated v. City of Dallas, Cause No. 3-98-CV-0662-R; Southwestern Bell Telephone Company v. City of Dallas, Cause No. 3-98-CV-0843-R; Teligent, Inc. v. City of Dallas, Cause No. 3-97-CV-3052-R and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed \$250,000 - Financing: Current Funds

Councilmember Mayes moved to approve the item.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted. (Hicks absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1969

Addendum addition 15: Authorize the advertisement for sale by sealed bid of City-owned land containing approximately 1.4 acres in City Block B/415, subject to an existing 100-year lease with 77 years remaining, located on Reunion Boulevard at Sports Street, at a minimum bid of \$2,000 - Financing: No cost consideration to the City

Councilmember Mayes moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1970

Addendum addition 16: A resolution directing the City Manager, or his designee, to initiate the process to obtain a qualified executive search firm to recommend candidates for the position of City Manager

Mayor Kirk moved to table consideration of addendum addition 16.

Motion seconded by Councilmember Lipscomb and unanimously adopted.

Councilmember Miller moved to reconsider the previous vote on Mayor Kirk's motion to table addendum addition 16.

Motion seconded by Councilmember Blumer and unanimously adopted.

Councilmember Miller moved to take addendum addition 16 under advisement until later in the meeting.

Motion seconded by Councilmember Blumer and unanimously adopted.

Later in the meeting addendum addition 16 was brought up for consideration.

Councilmember Finkelman moved to table the resolution.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1971

Addendum addition 17: Authorize an increase in the contract with Ed Bell Construction Company for adding an arbor canopy over the bridge at Kingbridge Street on the Kingbridge/Holystone Connector project to meet requirements of the Walker Consent Decree - \$58,000, from \$256,193 to \$314,193 - Financing: 1992 Risk Notes

Councilmember Mallory Caraway moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1972

Addendum addition 18: An ordinance abandoning a sanitary sewer easement to Wendy Anne Krispin, the abutting owner, containing approximately 500 square feet of land, located near the intersection of Welborn Street and Congress Avenue and authorizing the quitclaim - Revenue: \$650 plus the \$20 ordinance publication fee

Councilmember Forsythe Lill moved to pass the ordinance.

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

Assigned ORDINANCE NO. 23590.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1973

Addendum addition 19: Approval of a resolution to (1) continue policies and programs to improve conditions in the Dallas Housing Authority developments and surrounding neighborhoods, and to continue to affirmatively further fair housing; and (2) direct the City's attorneys to move the Court for dissolution of the Consent Decree in the lawsuit, styled Debra Walker, et al. v. United States Department of Housing and Urban Development, et al., Civil Action No. 3:85-CV-1210-R - Financing: No cost consideration to the City

Councilmember Mayes moved to approve the resolution.

Motion seconded by Councilmember Loza.

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

Mayor Kirk declared the motion adopted on a divided voice vote, with Councilmember Lipscomb voting "No." (Hicks absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1974

Addendum addition 20: Authorize a contract for paving at the interior courtyard area, a seating wall and the pedestal for the central sculptural element at Freedman's Cemetery Memorial, Phase II and authorize an increase in appropriations pursuant to Resolution No. 97-1559 which authorized the acceptance of grant funds from Intermodal Surface Transportation Efficiency Act and authorize acceptance of donated funds from Freedman's Foundation and establish appropriations for same - Henneberger Construction, Inc., lowest responsible bidder of three - \$206,800 - Financing: 1995 Bond Funds (\$26,610), Freedman's Memorial Cemetery Funds (\$106,971) and Capital Gifts and Donations Funds (\$73,219)

Councilmember Lipscomb moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1975

Addendum addition 21: Authorize the necessary appropriations and interim financing for the purchase contract for eight rotoboom cabs, eight rotoboom bodies, twenty-one brush tractors, twenty-one brush trailers, twenty-four automated truck cabs, and twenty-four automated truck bodies with - Southwest International Trucks, Volvo & GMC Trucks of Dallas, and Industrial Disposal Supply - Not to exceed \$4,322,390 - Financing: Aviation Development Reserve Funds (to be reimbursed upon issuance of future Equipment Acquisition Contractual Obligations)

Councilmember Greyson moved to approve the item.

Motion seconded by Councilmember Finkelman.

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

Mayor Kirk declared the motion adopted on a divided voice vote, with Councilmember Lipscomb voting "No." (Hicks absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1976

Addendum addition 22: Department of Code Compliance

- * An ordinance amending Chapter 2 of the Dallas City Code to establish the Department of Code Compliance and to rename the Department of Streets, Sanitation, and Code Enforcement Services as the Department of Streets and Sanitation Services; transferring the code enforcement responsibilities of the former Department of Streets, Sanitation and Code Enforcement Services to the new Department of Code Compliance; and transferring \$2,713,139 from the former Department of Streets, Sanitation, and Code Enforcement Services to the new Department of Code Compliance

Councilmember Finkelman moved to postpone the ordinance until the August 12, 1998 voting agenda meeting of the city council.

Motion seconded by Councilmember Miller.

Councilmember Duncan moved approval of the ordinance.

Motion seconded by Deputy Mayor Pro Tem Salazar.

Mayor Kirk announced that Councilmember Duncan's motion was a contrary motion and would be considered after the vote on Councilmember Finkelman's motion to defer.

Mayor Kirk requested that addendum addition 22 be held until later in the meeting, there being no objection voiced to his request.

Later in the meeting, addendum addition 22 was brought up for consideration.

After discussion, Mayor Kirk called the vote on Councilmember Finkelman's motion to defer:

Voting Yes: [13] Kirk, Poss, Salazar, Loza, Miller, Hicks, Mallory Caraway, Mayes,
Walne, Finkelman,
Greyson, Blumer,
Forstyhe Lill

Voting No: [2] Duncan, Lipscomb

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1977

Addendum addition 23: Department of Code Compliance

- * An ordinance authorizing appropriations for the Department of Code Compliance to provide funding for expenditures related to executive and support staff, employee safety, and the closure of open and vacant structures - \$328,375 - Financing: Contingency Reserve Funds

Mayor Kirk requested that addendum addition 23 be held until later in the meeting, there being no objection to his request.

Later in the meeting addendum addition 23 was brought up for consideration.

Councilmember Duncan moved to pass the ordinance with the exception of the \$96,000 which will be returned to the Department of Streets and Sanitation.

Motion seconded by Councilmember Mayes.

Councilmember Miller asked Councilmember Duncan if he would accept an amendment to his motion to accept a substitute motion to divide the question.

Councilmember Duncan accepted the amendment as a part of his motion if the division means to divide in two parts.

Councilmember Mayes, who seconded the original motion, also accepted the amendment for the division of two parts only.

After discussion, Mayor Kirk called the vote on Councilmember Miller's motion to divide the questions and vote on all five parts of the ordinance separately:

Voting Yes: [5] Kirk, Miller, Finkelman, Blumer, Forsythe Lill
Voting No: [10] Poss, Salazar, Loza, Duncan, Hicks, Mallory Caraway, Mayes, Lipscomb, Walne, Greyson

Mayor Kirk declared the motion lost.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
98-1977

June 24, 1998
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

After discussion, Mayor Kirk called the vote on Councilmember Duncan's original motion:

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.

Assigned ORDINANCE NO. 23591.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1978

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 24, 1998

EXHIBIT C

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1943

Item 111: Public Hearing - Zoning Case Z978-177/9670-SW(KC)

A public hearing was called on zoning case Z978-177/9670-SW(KC), an application for an amendment to Planned Development District No. 407 for Multifamily and TH-2(A) Townhouse District Uses and termination of Specific Use Permit No. 1221 for Multifamily Uses on the south side of Kiest Boulevard, east of Boulder Drive.

(The city plan commission recommended denial. This application was considered by the City Council at a public hearing on May 13, 1998, and again on May 27, 1998, and was taken under advisement until June 24, 1998, with the public hearing open.)

Cherryl J. Peterman, director of planning, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (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 the application for a change in zoning had been recommended for denial by the city plan commission, and 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.

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

Appearing in favor of the city plan commission recommendation:

- David Marquis, 3110 W. Kiest Blvd.
- Neoma Shafer, 2538 W. Kiest Blvd.

Councilmember Mallory Caraway moved to close the public hearing, modify the recommendation of the city plan commission and deny the application without prejudice.

Motion seconded by Councilmember Mayes and unanimously adopted. (Kirk absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1947

Item 115: 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 again on June 10, 1998, and was taken under advisement until June 24, 1998, with the public hearing open.)

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

Appearing in opposition of the city plan commission recommendation.

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

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

Councilmember Mallory Caraway moved to overrule the city plan commission recommendation and grant the Specific Use Permit for an Alcoholic Beverage establishment for a two-year period.

Motion seconded by Councilmember Walne.

During debate on Councilmember Mallory Caraway's motion, Councilmember Hicks called the question to stop the debate.

Motion seconded by Councilmember Mayes.

Mayor Kirk called the vote on Councilmember Hicks' motion to end debate and proceed to an immediate vote on the pending question.

Voting Yes:	[7]	Poss, Salazar, Loza, Hicks, Mayes, Greyson, Forsythe Lill
Voting No:	[7]	Kirk, Miller, Duncan, Mallory Caraway, Walne, Finkelman, Blumer
Absent:	[1]	Lipscomb absent when vote taken

~~[Mayor Kirk declared the previous question was ordered as three-fourth of the city council members present had voted in the affirmative.]~~

Mayor Kirk declared previous question was lost and debate could resume on Councilmember Mallory Caraway's motion as less than two-thirds of the city council members present had voted in the affirmative.

After discussion, Mayor Kirk called the vote on Councilmember Mallory Caraway's original motion:

Voting Yes:	[13]	Kirk, Poss, Salazar, Loza, Miller, Duncan, Hicks, Mallory Caraway, Mayes, Walne, Finkelman, Greyson, Forsythe Lill
Voting No:	[1]	Blumer
Absent:	[1]	Lipscomb absent when vote taken

~~[Mayor Kirk declared the motion adopted].~~

Mayor Kirk declared the previous question was ordered as three-fourth of the city council members present had voted in the affirmative.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1896

Item 64: An ordinance amending Chapter 44 of the Dallas City Code to revise city procedures and requirements for a seven percent hotel occupancy tax to comply with Chapter 351 of the Texas Tax Code and to provide for the allocation of the seven percent hotel occupancy tax to designated purposes; to provide for the imposition of an additional two percent hotel occupancy tax pursuant to Chapter 334 of the Texas Local Government Code and to limit its use to financing the Dallas Sports Arena Project; to provide for certain exemptions to and refunds of both hotel occupancy taxes; to provide procedures and requirements for civil penalties, interest, and attorney's fees for failure to collect both hotel occupancy taxes and pay them to the city; to provide collection, reporting, payment, and recordkeeping requirements and procedures; to make certain nonsubstantive changes; to provide a criminal penalty not to exceed \$500; and to provide an effective date - Financing: No cost consideration to the City

At the time the consent agenda was presented for discussion, Councilmember Blumer requested that consent agenda item 64 be considered as an individual item. Mayor Kirk stated that consent agenda item 64 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Blumer's request.

Later in the meeting, consent agenda item 64 was brought up for consideration.

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

Councilmember Mallory Caraway moved to approve the item.

~~[Motion seconded by Councilmember Mayes and unanimously adopted. (Poss abstaining; Hicks absent when vote taken)]~~

Motion seconded by Councilmember Mayes.

After discussion Mayor Kirk called the vote on the motion.

Mayor Kirk declared the motion adopted on a divided voice vote, with Councilmember Blumer voting "No." (Poss abstaining; Hicks absent when vote taken)

Assigned ORDINANCE NO. 23555.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 24, 1998

98-1896

Item 64: An ordinance amending Chapter 44 of the Dallas City Code to revise city procedures and requirements for a seven percent hotel occupancy tax to comply with Chapter 351 of the Texas Tax Code and to provide for the allocation of the seven percent hotel occupancy tax to designated purposes; to provide for the imposition of an additional two percent hotel occupancy tax pursuant to Chapter 334 of the Texas Local Government Code and to limit its use to financing the Dallas Sports Arena Project; to provide for certain exemptions to and refunds of both hotel occupancy taxes; to provide procedures and requirements for civil penalties, interest, and attorney's fees for failure to collect both hotel occupancy taxes and pay them to the city; to provide collection, reporting, payment, and recordkeeping requirements and procedures; to make certain nonsubstantive changes; to provide a criminal penalty not to exceed \$500; and to provide an effective date - Financing: No cost consideration to the City

At the time the consent agenda was presented for discussion, Councilmember Blumer requested that consent agenda item 64 be considered as an individual item. Mayor Kirk stated that consent agenda item 64 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Blumer's request.

Later in the meeting, consent agenda item 64 was brought up for consideration.

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

Councilmember Mallory Caraway moved to approve the item.

Motion seconded by Councilmember Mayes.

After discussion Mayor Kirk called the vote on the motion.

Mayor Kirk declared the motion adopted on a divided voice vote, with Councilmember Blumer voting "No." (Poss abstaining; Hicks absent when vote taken)

Assigned ORDINANCE NO. 23555.