

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 26, 1999

99-1689

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

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

The meeting was called to order at 9:41 a.m.

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

The invocation was given by Rev. Gerald Britt Jr., pastor, New Mt. Moriah Baptist Church.

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

After all business properly brought before the city council had been considered the city council adjourned at 3:27 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 26, 1999

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 26, 1999

EXHIBIT B

May 27, 1999 7:40 a.m.
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1690

CITIZEN SPEAKERS

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

OPEN MICROPHONE - BEGINNING OF MEETING:

SPEAKER: Elsie Risby, 2900 Dilido Rd.
SUBJECT: Vicious circle

SPEAKER: Alice Rollins, 10640 Steppington Dr.
SUBJECT: Ceasar Chavez

SPEAKER: John Wash, 13319 Kempwood Ln.
SUBJECT: City contracts/Minority contracts

CANCELED

SPEAKER: Betty Svoboda, 3469 Townsend Dr.
REPRESENTING: Park and Recreation Board
SUBJECT: "Thank You"

SPEAKER: Gloria Rittenhouse, 1548 Waweenoc Ave.
SUBJECT: Mr. Mayor what will you say?

NO SHOW

OPEN MICROPHONE - END OF MEETING:

SPEAKER: Joe Martin, 3105 Gladiolus Ln.
SUBJECT: Rules of Procedures

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Racism against: Chief of Police/DISD/KKK/FBI

SPEAKER: Jimmy Lee, P.O. Box 4994
SUBJECT: Denied justice/URSB

NO SHOW

SPEAKER: Leonard Cain, 10025 Shoreview Rd.
SUBJECT: Gun laws/Sex laws

SPEAKER: Naomi Vandaveer, 726 N. Oak Cliff Blvd.
SUBJECT: Zoning issues

NO SHOW

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
SUBJECT: Harassment by City of Dallas to intimidate

SPEAKER: Martha Villanova, 3016 Oradell Ln.
REPRESENTING: Outside Taco Vendors
SUBJECT: Taco stands

NO SHOW

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1691

Item 1: Approval of Minutes

The minutes of the voting agenda meeting of May 12, 1999, were presented for approval.

Councilmember Mayes moved to approve the minutes.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1692

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-41, was presented for consideration.

The city secretary announced that her office has received written notice from members of the city council, that consent agenda item 20 had been deleted and that notice of that deferred or deleted items had been posted in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Greyson requested that consent agenda item 3 be removed from the consent agenda to be considered as an individual item. Mayor Kirk stated that consent agenda item 3 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Councilmember Hicks requested that consent agenda item 24 be removed from the consent agenda to be considered as an individual item. Mayor Kirk stated that consent agenda item 24 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hicks' request.

Councilmember Lipscomb moved to approve all items on the consent agenda with the exception of agenda item 20 which had been deleted, and agenda items 3 and 24 which would be considered later in the meeting.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1693

Item 2: Authorize a contract for community pool renovations at Glendale and Tommie M. Allen Parks - Nedderman & Associates, Inc., lowest responsible bidder of four - \$98,480 - Financing: 1985 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1694

Item 3: Authorize a contract for the reconstruction of street paving and drainage improvements on Zang Boulevard from Davis Street to Beckley Avenue - Camino Construction Inc., lowest responsible bidder of four - \$2,063,222 - Financing: 1995 Bond Funds (\$1,687,251), Water Utilities Capital Improvement Funds (\$362,690), Water Utilities Capital Construction Funds (\$13,281)

Councilmember Greyson requested that consent agenda item 3 be considered as an individual item. Mayor Kirk stated that consent agenda item 3 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, agenda item 3 was brought up for consideration.

Deputy Mayor Pro Tem Salazar moved to approve the item.

Motion seconded by Councilmember Mayes and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1695

Item 4: Authorize a contract for the construction of bridge and drainage improvements on Adelaide Drive and Kingsley Drive at Lisbon Branch, and erosion control improvements at 3419 Michigan Avenue on Alice Creek - Jeske Construction Co., lowest responsible bidder of two - \$749,324 - Financing: 1994-95 Community Development Grant Funds (\$185,234), 1995-96 Community Development Grant Funds (\$56,683), 1985 Bond Funds (\$507,407)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1696

Item 5: **Timberline Drive from Community Drive to Storey Lane**

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

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1697

Item 6: **Timberline Drive from Community Drive to Storey Lane**

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

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1698

Item 7: Authorize acquisition of individual avigation easements over 3 residential properties containing approximately 1 acre of land, located in the City of Irving for the D-FW International Airport Expansion project - \$70,625 (\$33,900 in easement acquisition payments and \$36,725 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

May 26, 1999

99-1699

Item 8: Authorize execution of the First Amendment to the Lease agreement with Buckner & I-30, Ltd. for approximately 3,400 square feet of office space located in Towne Market Shopping Center, 3312 N. Buckner Boulevard, to be used as a WIC (Women, Infants, Children) office to extend the lease for 3 years from June 1, 1999 through May 31, 2002 - \$3,400 per month, for a total of \$40,800 annually - Financing: Texas Department of Health Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1700

Item 9: An ordinance abandoning a portion of a utility easement to Shurgard Texas Limited Partnership, the abutting owner, containing approximately 1,513 square feet of land, located near the intersection of Office Parkway and North Haskell Avenue, and authorizing the quitclaim - Revenue: \$650 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23884.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1701

Item 10: An ordinance abandoning water easements to ITCR Park Central Limited Partnership, the abutting owner, containing approximately 5,494 square feet of land, located near the intersection of Coit Road and Forest Lane, and authorizing the quitclaim - Revenue: \$650 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANE NO. 23885.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1702

Item 11: Authorize the quitclaim of six tracts of unneeded City-owned land to the highest bidders
- Revenue: \$9,245

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1703

Item 12: An ordinance abandoning an alley to Las Lomas Associates, Ltd., the abutting owner, containing approximately 13,759 square feet of land, located near the intersection of Pemberton Hill Road and Loop 12, and authorizing the quitclaim - Revenue: \$11,695 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23886.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1704

Item 13: An ordinance closing and vacating portions of Oak and Nussbaumer Streets, containing approximately 14,966 square feet of land, located near their intersections with Malcolm X Boulevard and Junius Street, for the purpose of consolidating this area with the adjacent City-owned property - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23887.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1705

Item 14: Authorize conveyance of a gas transmission pipeline and access easement with a temporary construction and crossing easement, and a metering and measuring station easement, containing a total of approximately 255,356 square feet of land to Enserch Corporation, for the construction, installation, maintenance and use of a gas transmission pipeline on City-owned land at McCommas Bluff Landfill near the intersection of Simpson Stuart Road and Central Expressway - Revenue: \$10,665

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1706

Item 15: Authorize (1) the purchase of mainframe server, peripheral equipment, software, and supplies with a twelve month warranty - most advantageous proposers of five - Amdahl Corporation (\$732,514), Storage Technology Corporation (\$969,430), and EMC Corporation (\$209,055) - Not to exceed \$1,910,999; and (2) a sixty month maintenance contract with Amdahl Corporation (\$201,848), Storage Technology Corporation (\$470,640), and EMC Corporation (\$409,254) - Not to exceed \$1,081,742 - Total not to exceed \$2,992,741 - Financing: 1998 Equipment Acquisition Contractual Obligation Notes (\$1,910,999) and Current Funds (\$1,081,742)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1707

Item 16: Authorize the purchase of three replacement boom cranes with the only bidder - Vermeer Equipment of Texas, Inc. - Not to exceed \$124,770 - Financing: 1997 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1708

Item 17: Authorize a thirty-six month price agreement for police winter, mounted and raid jackets with the lowest responsible bidder of four - New York Clothiers & Loan, Inc. - Not to exceed \$381,295 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1709

Item 18: Authorize the purchase of an Interactive Voice Response System and related services with Periphonics Corporation, a vendor authorized to sell to multiple city departments under Resolution No. 97-1177 dated April 9, 1997, including but not limited to installation, warranty, and training, not to exceed \$220,309, and a twelve month warranty and maintenance agreement with the first two months at no cost, and the remaining ten months at a cost not to exceed \$21,780 - Total not to exceed \$242,089 - Financing: Building Inspection Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1710

Item 19: Authorize settlement of a lawsuit, styled Jose Martinez, II v. Edward Joseph Herbst, III, and City of Dallas, Cause No. 97-01177-H - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1711

Item 20: Authorize payment to the Employees' Retirement Fund of the City of Dallas of contributions on behalf of City of Dallas employee Judith J. Smith - Financing: Current Funds

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1712

Item 21: Authorize payment of a judgment in a lawsuit, styled Dreams, Inc., a Texas Corporation v. City of Dallas, et al., Cause No. 95-09950 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1713

Item 22: Authorize settlement of a lawsuit, styled C.L. Carroll v. City of Dallas, Cause No. 97-08845-G - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1714

Item 23: Authorize settlement of a lawsuit, styled Sherry Roberts v. City of Dallas and Dallas Police Department, Cause No. 3-98-CV-0107-H - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1715

Item 24: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Walker, Bright & Whittenton, P.C., for additional legal services necessary in the lawsuit, styled Charles Miller, et al. v. City of Dallas, Civil Action No. 3:98-CV-2955-D, and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed \$235,000, increasing the original contract and supplemental agreement total from \$15,000 to \$250,000 - Financing: Current Funds

Councilmember Hicks requested that consent agenda item 24 be considered as an individual item. Mayor Kirk stated that consent agenda item 24 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hicks' request.

Later in the meeting, agenda item 24 was brought up for consideration.

Councilmember Hicks moved to defer the item until the newly appointed city attorney is on board and to allow her ample time to appraise the contract.

Motion seconded by Councilmember Miller.

Councilmember Duncan asked Councilmember Hicks if he would accept a friendly amendment to his motion to approve the item in an amount not to exceed \$100,000 for the months of June and July.

Councilmember Hicks accepted the amendment as a part of his motion.
Councilmember Miller, who seconded the original motion, also accepted the amendment.

Councilmember Miller asked Councilmember Duncan if he would make an amendment to his motion, to decrease the amount from \$100,000 to \$80,000.

Councilmember Hicks and Duncan accepted the motion.

Deputy Mayor Pro Tem Salazar moved to substitute for Councilmember Hicks' motion a motion to approve the item in an amount not to exceed \$100,000 for the months of June and July giving the newly appointed city attorney time to appraise the contract.

Motion seconded by Councilmember Mayes.

After discussion, Mayor Kirk called the motion on Deputy Mayor Pro Tem Salazar's motion:

Voting Yes:	[11]	Kirk, Poss, Salazar, Loza, Duncan, Mayes, Lipscomb, Walne, Finkelman, Greyson, Forsythe Lill
Voting No:	[3]	Miller, Hicks, Blumer
Absent when vote taken:	[1]	Mallory Caraway

Mayor Kirk declared the motion adopted as amended.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1716

Item 25: Authorize a two-year extension of contracts with McCall, Parkhurst & Horton, L.L.P. and The Ronquillo Law Firm (Team A) and Vinson & Elkins, L.L.P. and Robinson, West & Gooden, P.C. (Team B) for bond counsel and co-bond counsel services to May 8, 2001 - Financing: Bond and co-bond counsel fees to be paid from bond proceeds and Water Utilities Current Funds, contingent upon completion of each bond sale; fees for additional services to be paid from Current Funds in an amount not to exceed \$50,000 annually

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1718

Item 26: Authorize amendments to the 1999 City Calendar to recognize Rosh Hashanah on September 11, 1999 (in addition to September 10, 1999 on the current calendar), recognize Yom Kippur on September 20, 1999 (in addition to September 19, 1999 on the current calendar), recognize the beginning of Hanukkah at sundown on December 3, 1999 and cancel four committee meetings previously scheduled for September 20, 1999 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1717

Item 27: Authorize approval of the bi-weekly tax action

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1719

Item 28: Authorize (1) a real property tax abatement agreement with Robert Young Associates, Inc. and its lessor, RYA Investment Company, LLC for the purpose of granting a five-year abatement of 50% of taxes on added value to the real property for a retail interior design and construction management facility at 2608 Inwood Road in City of Dallas Enterprise Zone One, Dallas, Texas; and (2) a 100% development fee rebate to Robert Young Associates, Inc. and its lessor, RYA Investment Company, LLC in an amount not to exceed \$12,500 - Revenue: First year tax revenue estimated at \$5,014. Five-year tax revenue estimated at \$25,071 (Estimated revenue foregone for five-year abatement \$25,071) - Financing: Public/Private Partnership Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1720

Item 29: Authorize Supplemental Agreement No. 1 to the contract with Southern Dallas Development Corporation for additional funding to subsidize the costs for acquisition and rehabilitation of a building located at 1401 E. Eighth Street - \$200,000 - Financing: 1998-99 Community Development Grant Funds (Walker Contingency Funds) (\$100,000); DHA (Walker) Trust Funds (\$100,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1721

Item 30: Authorize Contract Renewal No. 2 to the contract with Nexus Recovery Center, Inc. to provide substance abuse treatment in a residential setting for adult women for the period June 1, 1999, through May 31, 2000 - \$60,370 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1722

Item 31: Authorize Contract Renewal No. 2 to the contract with Turtle Creek Manor, Inc. to provide substance abuse treatment in a residential setting for adults for the period July 1, 1999 through June 30, 2000 - \$91,250 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1723

Item 32: Authorize acceptance of the 1999 Shelter Plus Care 1 Grant from the U.S. Department of Housing and Urban Development and execution of the grant agreement to provide rental assistance for permanent housing to homeless persons with chronic substance abuse and/or serious mental illness for a period of five years beginning November 1, 1999 through October 30, 2004, in an amount not to exceed \$3,480,960 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1724

Item 33: Authorize exercise of the final one year renewal option to the contract with United Way of Metropolitan Dallas, Inc. for administrative, marketing, collection, disbursement, and record keeping services for the City of Dallas' Charitable Solicitation of City Employees Program, for the period June 15, 1999 through June 14, 2000 - Not to exceed 10% annually of the funds collected from the City's annual employee charitable fund drive - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1725

Item 34: Authorize revisions to the Walker Distress Fund Program Statement to clarify the amount of assistance provided on behalf of eligible tenants, to expand potential beneficiaries to include eligible homeowners paying no more than 30% of their income on mortgage and utility costs, and authorize revisions to the program budget outlined in the interlocal agreement between the City of Dallas and Dallas County Department of Health and Human Services for the continued administration of the Walker Distress Fund Program - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1726

Item 35: Authorize an extension of the time frame for implementation of the Ideal Neighborhood pilot program to September 30, 2000 and revise the Ideal Homebuyer Assistance Program Statement to amend the boundaries for the pilot program - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1727

Item 36: Authorize a public hearing to be held on June 23, 1999, to receive citizen comments, and authorize Council action on June 23, 1999, on the proposed use of a portion of Arapaho Park by the Public Works and Transportation Department for construction of storm drainage improvements - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1728

Item 37: Authorize a public hearing to be held on June 23, 1999, to receive citizen comments, and authorize Council action on June 23, 1999, on the proposed use of a portion of Samuell-New Hope Park by the Town of Sunnyvale for construction of storm drainage and erosion control improvements - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1729

Item 38: Authorize a public hearing to be held on June 9, 1999, to receive citizen comments and authorize Council action on June 9, 1999, on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with State law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1730

Item 39: An ordinance adopting a boundary adjustment agreement with the City of Mesquite -
Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 23858.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1731

Item 40: **Ernst & Young, LLP and its lessor, RAK Main Place Associates LP**

- * Authorize (1) a tangible personal property tax abatement agreement with Ernst & Young, LLP and their lessor, RAK Main Place Associates L.P. for the purpose of granting a five-year abatement of 75% of the taxes on new business personal property for the expansion of their operations in City of Dallas Enterprise Zone One located at 1201 Main Street, Dallas, TX 75202; and (2) a 100% development fee rebate to Ernest & Young, LLP and their lessor, RAK Main Place Associates L.P. in an amount not to exceed \$25,000 - Revenue: First year tax revenue estimated at \$5,193. Five-year tax revenue estimated at \$25,965 (Estimated foregone for 5-year abatement \$77,892) - Financing: Public/Private Partnership Funds - \$25,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1732

Item 41: **Ernst & Young, LLP and its lessor, RAK Main Place Associates LP**

- * Authorize a resolution for an application to the Texas Department of Economic Development (formerly Texas Department of Commerce) nominating Ernst & Young, LLP, located in the City of Dallas Enterprise Zone One at 1201 Main Street, Dallas, Texas, 75202, to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1733

PUBLIC HEARING - ZONING CASES - CONSENT

The consent zoning docket, consisting of agenda items 42-51 was presented.

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

Agenda items 42, 43, 44, 45, 46, 47 and 48 were removed from the consent zoning docket, to be called as an individual hearings.

Agenda item 42: Zoning Case Z989-120/10736-SW(PN)	[Considered individually]
Agenda item 43: Zoning Case Z989-154/10773-SW(ML)	[Considered individually]
Agenda item 44: Zoning Case Z989-160/10786-SE(RB)	[Considered individually]
Agenda item 45: Zoning Case Z989-168/8018-C(SS)	[Considered individually]
Agenda item 46: Zoning Case Z989-169/8018-C(SS)	[Considered individually]
Agenda item 47: Zoning Case Z989-170/401-NE(PN/FD)	[Considered individually]
Agenda item 48: Zoning Case Z989-171/10802-NE(PN/FD)	[Considered individually]
Agenda item 49: Zoning Case Z989-194/10847-SE(MB)	
Agenda item 50: Zoning Case Z989-200/10861-SE(RB)	
Agenda item 51: Zoning Case Z989-176/10809-NE(BP)	

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

No one appeared to comment on cases on the consent zoning docket.

Councilmember Mayes 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 Finkelman and unanimously adopted. (Kirk, Salazar, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1734

Item 42: Zoning Case Z989-120/10736-SW(PN)

The consent zoning docket, consisting of agenda items 42-51, was presented.

Councilmember Miller requested that consent zoning docket item 42 be removed from the consent zoning docket to be called as an individual hearing. Mayor Pro Tem Poss stated that consent zoning docket item 42 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection to Councilmember Miller's request.

Later in the meeting zoning docket item 42 was brought up for consideration.

A public hearing was called on zoning case Z989-120/10736-SW(PN), an application for and an ordinance granting a Planned Development District for Mixed Uses on property presently zoned an A(A) Agricultural District on the west side of Merrifield Road, south of Kiest Boulevard.

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

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 June 23, 1999 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Blumer and unanimously adopted. (Kirk, Salazar, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1735

Item 43: Zoning Case Z989-154/10773-SW(ML)

The consent zoning docket, consisting of agenda items 42-51, was presented.

Councilmember Miller requested that consent zoning docket item 43 be removed from the consent zoning docket to be called as an individual hearing. Mayor Pro Tem Poss stated that consent zoning docket item 43 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection to Councilmember Miller's request.

Later in the meeting zoning docket item 43 was brought up for consideration.

A public hearing was called on zoning case Z989-154/10773-SW(ML), an application for and an ordinance granting an amendment to the development/landscape plan and conditions for Planned Development District No. 419 for a Public School on the west side of Hampton Road, south of Wright Street.

(The city plan commission recommended approval.)

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

The following individual addressed the city council regarding Zoning Case Z989-154/10773-SW(ML):

-- William Hopkins, 2011 Leath St.

Councilmember Miller 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, Salazar, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

Assigned ORDINANCE NO. 23888.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1736

Item 44: Zoning Case Z989-160/10786-SE(RB)

The consent zoning docket, consisting of agenda items 42-51, was presented.

Councilmember Mayes requested that consent zoning docket item 44 be removed from the consent zoning docket to be called as an individual hearing. Mayor Pro Tem Poss stated that consent zoning docket item 44 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection to Councilmember Mayes' request.

Later in the meeting zoning docket item 44 was brought up for consideration.

A public hearing was called on zoning case Z989-160/10786-SE(RB), an application for and an ordinance granting an LI Light Industrial District on property presently zoned an R-7.5(A) Single Family District, and approval of an application for and an ordinance granting the termination of Specific Use Permit No. 100 for a Children's home on the east side of Buckner Boulevard, north of Eastpoint Drive, 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, and approval the termination of Specific Use Permit No. 100.)

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

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

Motion seconded by Councilmember Walne and unanimously adopted. (Kirk, Salazar, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

Assigned ORDINANCE NO. 23889 and ORDINANCE NO.23890.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1737

Item 45: Zoning Case Z989-168/8018-C(SS)

The consent zoning docket, consisting of agenda items 42-51, was presented.

Councilmember Forsythe Lill requested that consent zoning docket item 45 be removed from the consent zoning docket to be called as an individual hearing. Mayor Pro tem Poss stated that consent zoning docket item 45 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection to Councilmember Forsythe Lill's request.

Later in the meeting zoning docket item 45 was brought up for consideration.

A public hearing was called on zoning case Z989-168/8018-C(SS), an application for and an ordinance granting an amendment to the conditions, deletion of the existing development plan, deletion of the existing landscape plan and approval of a conceptual plan for Planned Development District No. 375 for Retail, Office and Residential Uses on the west side of Central Expressway, north of Lemmon Avenue.

(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 and postpone consideration of the ordinance until the June 9, 1999 voting agenda meeting of the city council.

Motion seconded by Councilmember Mayes and unanimously adopted. (Kirk, Salazar, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1738

Item 46: Zoning Case Z989-169/8018-C(SS)

The consent zoning docket, consisting of agenda items 42-51, was presented.

Councilmember Forsythe Lill requested that consent zoning docket item 46 be removed from the consent zoning docket to be called as an individual hearing. Mayor Pro Tem Poss stated that consent zoning docket item 46 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection to Councilmember Forsythe Lill's request.

Later in the meeting zoning docket item 46 was brought up for consideration.

A public hearing was called on zoning case Z989-169/8018-C(SS), an application for an ordinance granting an amendment to the Subdistrict D portion of Planned Development District No. 305 for Mixed Uses on McKinney Avenue, northeast of Lemmon Avenue East.

(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, approve the request and postpone consideration of the ordinance until the June 9, 1999 voting agenda meeting of the city council.

Motion seconded by Councilmember Mayes and unanimously adopted. (Kirk, Salazar, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1739

Item 47: Zoning Case Z989-170/401-NE(PN/FD)

The consent zoning docket, consisting of agenda items 42-51, was presented.

Councilmember Walne requested that consent zoning docket item 47 be removed from the consent zoning docket to be called as an individual hearing. Mayor Pro Tem Poss stated that consent zoning docket item 47 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection to Councilmember Walne's request.

Later in the meeting zoning docket item 47 was brought up for consideration.

A public hearing was called on zoning case Z989-170/401-NE(PN/FD), an application for and an ordinance granting a Planned Development District for a Public School and R-7.5(A) Single Family District Uses on property presently zoned an R-7.5(A) Single Family District at the southwest corner of Church Road and Ravensway Drive.

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

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

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

- (1) That the maximum lot coverage for a public school and a radio, television, or microwave tower be changed from 37 percent to 20 percent.
- (2) That the maximum floor area for a public school be changed from 275,000 square feet to 70,575 square feet

and pass the ordinance with those changes.

Motion seconded Councilmember Mayes and unanimously adopted. (Kirk, Salazar, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

Assigned ORDINANCE NO. 23891.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 27, 1999 7:40 a.m.
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

May 26, 1999

99-1740

Item 48: Zoning Case Z989-171/10802-NE(PN/FD)

The consent zoning docket, consisting of agenda items 42-51, was presented.

Councilmember Walne requested that consent zoning docket item 48 be removed from the consent zoning docket to be called as an individual hearing. Mayor Pro Tem Poss stated that consent zoning docket item 48 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection to Councilmember Walne's request.

Later in the meeting zoning docket item 48 was brought up for consideration.

A public hearing was called on zoning case Z989-171/10802-NE(PN/FD), an application for and an ordinance granting a Planned Development District for a Public School and R-7.5(A) Single Family District Uses on property presently zoned an R-7.5(A) Single Family District at the northeast corner of Schroeder Road and Towns 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.

The following individual addressed the city council regarding Zoning Case Z989-171/10802-NE(PN/FD):

-- Joe Martin, 3105 Gladiolus Ln.

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

- (1) That the maximum lot coverage for a public school and a radio, television or microwave tower be changed from 37 percent to 15 percent.
- (2) That the maximum floor area for a public school be changed from 275,000 square feet to 89,160 square feet

and pass the ordinance with those changes.

Motion seconded by Councilmember Mayes and unanimously adopted. (Kirk, Salazar, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

Assigned ORDINANCE NO. 23892.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1741

Item 49: Zoning Case Z989-194/10847-SE(MB)

Zoning Case Z989-194/10847-SE(MB), an application for and an ordinance granting a CR Community Retail District on property presently zoned a D(A) Duplex District on the north side of Military Parkway, west of Tolbert Street, 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. 23893.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1742

Item 50: Zoning Case Z989-200/10861-SE(RB)

Zoning Case Z989-200/10861-SE(RB), an application for and an ordinance granting Planned Development District for R-7.5(A) Single Family District Uses, certain Recreation, Institutional and Community Service Uses, and a Special Institutional Use on property presently zoned an R-7.5(A) Single Family District, and an application for and an ordinance granting the termination of Specific Use Permit No. 100 for a Children's Home on the east side of Buckner Boulevard between Samuell Boulevard and Eastpoint Drive.

(The city plan commission recommended approval, subject to a conceptual plan and conditions, and approval of the termination of Specific Use Permit No. 100.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23894 and ORDINANCE NO. 23895.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1743

Item 51: Zoning Case Z989-176/10809-NE(BP)

Zoning Case Z989-176/10809-NE(BP), an application for and an ordinance granting an amendment to the site plan and conditions for Specific Use permit No. 363 for a Cemetery Use with consideration also being given to converting the Specific Use Permit from Chapter 51 to Chapter 51A Code provisions on property presently zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District at the southwest corner of Restland Road and Greenville Avenue.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 23896.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1744

Item 52: Public Hearing - Zoning Case Z989-188/8736-SW(SS)

A public hearing was called on zoning case Z989-188/8736-SW(SS), an application for a Planned Development District for RR Regional Retail District Uses and a Residential Hotel Use on property presently zoned an RR Regional Retail District at the southeast corner of Marsalis Avenue and Opera Street.

(The city plan commission recommended denial.)

Appearing in opposition to the city plan commission recommendation:

- William Cothrum, 500 S. Ervay, representing the applicant

Appearing in favor of the city plan commission recommendation:

- Beverly Mendoza, 520 E. 5th
- Joe Martin, 3105 Gladiolus Ln.

Councilmember Finkelman moved to postpone consideration of the application until the June 23, 1999 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Mayes and unanimously adopted. (Kirk, Salazar, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1745

Item 53: Public Hearing - DEVELOPMENT CODE AMENDMENTS - CONSENT

A public was called to receive citizen comments on consideration of an amendment to the Dallas Development Code amending Chapters 51 and 51A to revise the Handicapped Group Dwelling Unit use regulations to limit the number of residents to a maximum of six handicapped individuals and two supervisors and to revise the off-street parking requirements to be consistent with the requirements for single family uses, and an ordinance implementing the proposal.

(The city plan commission recommended approval.)

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

Councilmember Finkelman 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, Salazar, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

Assigned ORDINANCE NO. 23897.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1746

Item 54: Public Hearing - DEVELOPMENT CODE AMENDMENTS - CONSENT

A public hearing was called to receive citizen comments on consideration of an amendment to the Dallas Development Code amending Chapter 51 and 51A to revise Article VII to amend the non-business sign rules for GO(A), GO, MO(A), MO and O-2 zoning districts in order to allow detached signs to have a maximum effective area of 150 square feet, and an ordinance implementing the proposal.

(The city plan commission recommended approval.)

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

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

Motion seconded by Councilmember Duncan.

Councilmember Miller moved to postpone consideration of the amendment until the full council is briefed.

Motion seconded by Councilmember Blumer.

Later in the meeting, Councilmember Mayes withdrew her motion.

After discussion, Mayor Pro Tem Poss called the motion on Councilmember Miller's motion:

Voting Yes: [10] Poss, Salazar, Miller, Duncan, Mayes, Walne, Finkelman,
Greyson, Blumer, Forsythe Lill

Voting No: [0]

Absent when vote taken: [5] Kirk, Loza, Hicks, Mallory Caraway, Lipscomb

Mayor Pro Tem Poss declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1747

Item 55: Public Hearing - DEVELOPMENT CODE AMENDMENTS - CONSENT

A public hearing was called to receive citizen comments on consideration of an amendment to the Dallas Development Code amending Chapter 51A to allow the Landmark Commission to approve Certificates of Appropriateness for proposed work that is historically accurate and consistent with the spirit and intent of the preservation criteria, and that will not adversely affect the historic character of the property or the integrity of the historic district, and an ordinance implementing the proposal.

(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 Blumer and unanimously adopted. (Kirk, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

Assigned ORDINANCE NO. 23898.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1748

Public Hearing - BENEFIT ASSESSMENT HEARING

Modella Avenue from Dennis Road to Allister Street

- Item 56: * Benefit assessment hearing for street paving, storm drainage, water and wastewater main improvements for the street listed above
- Item 57: * Ordinance levying benefit assessments for street paving, storm drainage, water and wastewater main improvements for the street listed above - Financing: No cost consideration to the City

A public hearing was called to receive comments on a proposal to levy benefit assessments for street paving, storm drainage, water and wastewater main improvements for Modella Avenue from Dennis Road to Allister Street.

Appearing in opposition to the proposed the assessments:

-- William G. Mayes, 2963 Modella Ave.

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

Councilmember Blumer moved to postpone consideration of the assessment until the June 9, 1999 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Deputy Mayor Pro Tem Salazar and unanimously adopted. (Kirk, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1749

Public Hearing - BENEFIT ASSESSMENT HEARING

Mohawk Drive from Empire Central Drive to Lovedale Avenue

- Item 58: * Benefit assessment hearing for street paving and storm drainage improvements for the street listed above
- Item 59: * Ordinance levying benefit assessments for street paving and storm drainage, improvements for the street listed above - Financing: No cost consideration to the City

A public hearing was called to receive comments on a proposal to levy benefit assessments for street paving, storm drainage, water and wastewater main improvements for Mohawk Drive from Empire Central to Lovedale Avenue

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

Deputy Mayor Pro Tem Salazar moved to postpone consideration of the assessment until the June 9, 1999 voting agenda meeting of the city council and continue the public hearing at that time.

Motion seconded by Councilmember Duncan and unanimously adopted. (Kirk, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1750

Public Hearing - BENEFIT ASSESSMENT HEARING

Sawmill Road west of Hillcrest Road

Item 60: * Benefit assessment hearing for construction of 600 feet of wastewater main for the street listed above

Item 61: * Ordinance levying benefit assessments for construction of 600 feet of wastewater main for the street listed above

A public hearing was called to receive comments on a proposal to levy benefit assessments for construction of 600 feet of wastewater main for Sawmill Road west of Hillcrest Road.

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

Councilmember Greyson moved to close the public hearing and pass the ordinance levying the assessments on Sawmill Road west of Hillcrest Road by correcting the location of the project from Dallas County to Collins County.

Motion seconded by Deputy Mayor Pro Tem Salazar and unanimously adopted. (Kirk, Loza, Hicks, Mallory Caraway, Lipscomb absent when vote taken)

Assigned ORDINANCE NO. 23899.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1751

Item 62: Consideration of appointments to boards and commissions (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.)

The city secretary distributed a report showing boards and commissions nominations for the 1997-99 board term, updated through May 26, 1999.

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

Councilmember Walne 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 Mayor Pro Tem Poss and unanimously adopted.

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

99-1768 YAC YOUTH COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1752

Item 63: Appointment of members to the DART Board (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A)

There were no appointment of members to the DART Board.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1753

Item 64: Approval of the City Attorney contract with Madeleine Brinton Johnson

Councilmember Loza moved to approve the contract.

Motion seconded by Mayor Pro Tem Poss.

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

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

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1754

Item 65: **Public/Private Partnership Program**

- * Amend the City of Dallas *Public/Private Partnership Program* Guidelines & Criteria to provide (1) that tax abatement shall be offered for a percentage and duration “up to” the maximum allowable percentage and duration under the City's adopted Enterprise and Commercial Zones for projects meeting established minimum eligibility criteria; and (2) that tax abatement for existing companies considering a relocation outside of the city will be provided on a case by case basis with flexible terms - Financing: No cost consideration to the City

- * Amend the City of Dallas *Public/Private Partnership Program* Guidelines & Criteria to provide that the “but for” test be applicable in all areas of the city - Financing: No cost consideration to the City

The city attorney advised the city secretary that city council approval of the amendments would require the favorable vote of three-fourths of the members of the city council.

Councilmember Walne moved to approve the item.

Motion seconded by Councilmember Blumer.

Councilmember Lipscomb moved to substitute for Councilmember Walne's motion a motion to defer all three parts of the amendments until June 23, 1999.

Motion seconded by Councilmember Mallory Caraway.

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

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

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1755

Item 66: A resolution encouraging the Federal Aviation Administration to locate their new Engineering Center to Dallas/Fort Worth International Airport - Financing: No cost consideration to the City

Councilmember Forsythe Lill moved to approve the resolution.

Motion seconded by Councilmember Hicks and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1756

Item 67: An ordinance amending Chapter 17 of the Dallas City Code to provide permitting, operating, equipment, sanitation, and structural requirements and restriction for temporary food service establishments - Financing: No cost consideration to the City

Councilmember Finkelman moved to defer the ordinance until the June 23, 1999 voting agenda meeting of the city council.

Motion seconded by Councilmember Blumer and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1757

Item 68: Authorize a professional services contract with Charles Gojer and Associates, Inc. for the design and preparation of construction documents for the removal and replacement of seven existing blast fences at Dallas Love Field Airport - \$157,030 - Financing: Aviation Capital Construction Funds

Councilmember Forsythe Lill moved to approve the item.

Motion seconded by Councilmember Loza and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1758

Item 69: Authorize adoption of the West Dallas Comprehensive Land Use Study as a guide in the implementation of future development in the area generally bounded by the Trinity River Greenbelt to the east and north, Interstate-30 to the south, and the Dallas City limits to the west - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Salazar moved to approve the item.

Motion seconded by Councilmember Mallory Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1759

Item 70: Authorize the quitclaim of 4529, 4533, and 4539 Willow acquired by the taxing authorities from the Sheriff's Sale, to the highest bidder, Golden Group One Trust - Revenue: \$23,620

Councilmember Loza moved to defer the item until the June 23, 1999 voting agenda meeting of the city council.

Motion seconded by Councilmember Hicks and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1760

BRIEFING

Update on Texas Legislative Issues
(if necessary)

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:

Item 71: Discussion and statement of Dallas' position on various 1999 state legislative issues that could possibly affect the City of Dallas or its citizens - Financing: No cost consideration to the City

Larry Castos briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1761

Closed Session

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

- Debra Walker, et al v. HUD, et al.
- City of Fort Worth, Texas and American Airlines, Inc. v. City of Dallas, et al., Cause No. 48- 171109-97
- Continental Airlines, Inc. and Continental Express, Inc. v. City of Dallas, Texas and City of Fort Worth, Texas, et al., Cause No. 3:98-CV-1187-R (consolidated with City of Dallas, Texas v. Department of Transportation, et al., Cause No. 3:97-CV-1187-R)
- U.S. Department of Transportation Love Field Service Interpretation Proceeding, Docket No. OST-98-4363
- AT&T Communications of the Southwest, Inc. v. City of Dallas, Cause No. 3-98-CV-003-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.3-98-0843-R; Teligent, Inc. v. City of Dallas, Cause No. 3-97-CV-3052-R

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:

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

- AT&T Communications of the Southwest, Inc. v. City of Dallas, Cause No. 3-98-CV-003-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.3-98-0843-R; Teligent, Inc. v. City of Dallas, Cause No. 3-97-CV-3052-R

No other matters were during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1762

Addendum addition 1: Authorize an agreement with the United States of America, (1) to control and use approximately 14 acres of federal land at the southern end of the Naval Air Station, Dallas main runway, and (2) to control and use approximately 4 acres of federal land used for the northern aircraft approach lighting system of the north side of Jefferson Boulevard - Financing: No cost consideration to the City

Councilmember Miller moved to approve the item.

Motion seconded by Councilmember Walne and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1763

Addendum addition 2: An ordinance amending the Dallas Development Code Section 51A-5.101 of Chapter 51A to amend the Flood Plain Regulations to include changes and additions to meet federal criteria, new definitions, and an additional technical requirement - Financing: No cost consideration to the City

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1764

Addendum addition 3: A resolution authorizing a major sports celebration in honor of the Dallas Stars between June 10 and 24, 1999, in accordance with Resolution 93-4570, "A Policy Statement for Major Sports Celebrations" and authorizing the City of Dallas to appropriate, if necessary, an amount not to exceed \$116,300 - Financing: Contingency Reserve Funds

Councilmember Blumer moved to approve the item, deleting if necessary, in the amount not to exceed \$116,300.

Motion seconded by Councilmember Miller.

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

Voting Yes: [4] Miller, Walne Greyson, Blumer
Voting No: [8] Kirk, Poss, Salazar, Loza, Duncan, Hicks, Mallory Caraway,
Lipscomb, Forsythe Lill
Absent when vote taken: [2] Mayes, Finkelman

Mayor Kirk declared the motion lost.

Councilmember Lipscomb moved to approve the item.

Motion seconded by Councilmember Hicks.

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

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

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1765

Addendum addition 4: Authorize a development agreement with Dallas Civic Ventures (C.V.), Inc. For relocation and preservation of the two historic Pegasus panels; one panel to be relocated to the Dallas Convention Center and the other to Pegasus Plaza, which is located in Reinvestment Zone Number Five, City of Dallas, Texas (City Center TIF District) and establish appropriations - Not to exceed \$50,000 - Financing: City Center TIF District Funds (\$25,000); Convention Center Current Funds (\$25,000)

Councilmember Loza moved to approve the item.

Motion seconded by Councilmember Forsythe Lill.

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

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

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1766

Addendum addition 5: Authorize a moratorium on the acceptance of applications for detached non-premise sign permits citywide; and directing the City Manager and the City Plan Commission to perform appropriate analysis, call or conduct all necessary hearings, evaluate alternatives, and prepare recommendations for the City Council regarding appropriate revisions to the sign regulations governing detached, non-premise signs citywide - Financing: No cost consideration to the City

The city secretary announced that Councilmember Lipscomb had deferred consideration of addendum addition 5 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

May 26, 1999

99-1767

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, MAY 26, 1999

EXHIBIT C

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 26, 1999

99-1689

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]

CORRECTION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 26, 1999

99-1764

Addendum addition 3: A resolution authorizing a major sports celebration in honor of the Dallas Stars between June 10 and 24, 1999, in accordance with Resolution 93-4570, "A Policy Statement for Major Sports Celebrations" and authorizing the City of Dallas to appropriate, if necessary, an amount not to exceed \$116,300 - Financing: Contingency Reserve Funds

Councilmember Blumer moved ~~that the amount not to exceed \$116,300.~~ to approve the item, deleting, if necessary, in the amount not to exceed \$116,300.

Motion seconded by Councilmember Miller.

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

Voting Yes: [4] Miller, Walne Greyson, Blumer
Voting No: [8] Kirk, Poss, Salazar, Loza, Duncan, Hicks, Mallory Caraway,
Lipscomb, Forsythe Lill
Absent when vote taken: [2] Mayes, Finkelman

Mayor Kirk declared the motion lost.

Councilmember Lipscomb moved to approve the item.

Motion seconded by Councilmember Hicks.

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

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

Mayor Kirk declared the motion adopted.