

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 28, 2001

01-0730

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

PRESENT: [15] Kirk, Poss, Salazar, Loza, Miller, Thornton Reese, Hill, Mallory
Caraway, Chaney, Fantroy, Walne, Finkelman, Greyson, Blumer,
Forsythe Lill

ABSENT: [0]

The meeting was called to order at 9:38 a.m.

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

The invocation was given by Rev. Wesley Sims.

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

After all business properly brought before the city council had been considered the city council adjourned at 4:38 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.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 28, 2001

EXHIBIT A

3/28/01 10:13 AM
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 28, 2001

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0731

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: Luis Avina, 311 S. Windomere Ave.
SUBJECT: Historical preservation ordinance

SPEAKER: Jeri Arbuckle, 4800 Victor St.
REPRESENTING: Mill Creek Homeowners Association
SUBJECT: Historic preservation ordinance

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: City Secretary/Chief of Police/KKK

SPEAKER: Harold Cornish, 1415 Owega St.
SUBJECT: City Attorney's Office/Labor employment

SPEAKER: Timothy Grey, 4411 Vandervoort Dr. **NO SHOW**
SUBJECT: Discriminatory and disciplinary practices of the Dallas Police
Department

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Roy Williams, 4230 Mesa Glen. Ln. **CANCELED**
REPRESENTING: Forty Acres And A Mule
SUBJECT: Spirit of 14- 1/Re-hire Harold Cornish

SPEAKER: Virginia Bonifield, 5714 Swiss Ave. **NO SHOW**
SUBJECT: Historic preservation ordinance

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

01-0731

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SPEAKER: Jewel Floyd, 3815 Myrtle St. **NO SHOW**
SUBJECT: South Dallas moratorium/Black History Pearl C. Anderson

SPEAKER: Jurline Hollins, 2832 Marjorie Ave. **NO SHOW**
SUBJECT: City Secretary/Chief of Police

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Shelunda Mostella, 9450 Forest Spring Dr.
SUBJECT: City's standards

SPEAKER: Arch McColl, 405 Swiss Ave. **NO SHOW**
SUBJECT: Historic preservation

SPEAKER: Joey Salas, 921 S. Waverly Dr.
SUBJECT: Job proposal denied

SPEAKER: David Headge, 203 N. Rosemont Ave. **NO SHOW**
REPRESENTING: Winnetka Heights Neighborhood Association
SUBJECT: Historic preservation ordinance

SPEAKER: Harry Abramson, 4910 East Side Ave.
SUBJECT: Winslett Dr. (private property) being destroyed by City of Dallas

SPEAKER: Clara Patrick, 4901 Gaston Ave. **NO SHOW**
SUBJECT: Lack of sanitation

SPEAKER: Donnie Paul, 8081 Marvin D. Love Frwy.
SUBJECT: Retirement benefits

OPEN MICROPHONE – END OF MEETING – SPOKE IN THE LAST 30 DAYS:

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd. **CANCELED**
SUBJECT: Council pay

SPEAKER: Cheryl Parsa, 4946 Swiss Ave. **NO SHOW**
SUBJECT: Moratorium – Swiss Avenue District

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0732

Item 1: Approval of Minutes of the February 14, 2001 City Council Meeting

The minutes of February 14, 2001 city council meeting, were not approved.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0503

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-57 was presented for consideration.

Councilmember Miller requested that consent agenda items 16, 18, 38, 39 and 54 be considered as individual items. Mayor Kirk stated that consent agenda items 16, 18, 38, 39 and 54 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Miller 's request.

Councilmember Blumer requested that consent agenda items 21, 22 and 23 be considered as individual items. Mayor Kirk stated that consent agenda items 21, 22 and 23 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Blumer's request.

Councilmember Finkelman requested that consent agenda 52 be considered as an individual item. Mayor Kirk stated that consent agenda item 52 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Finkelman's request.

Councilmember Loza moved to approve all items on the consent agenda with the exception of consent agenda items 16, 18, 21, 22, 23, 38, 39, 52 and 54, which would be considered later in the meeting.

Motion seconded by Councilmember Walne and unanimously adopted. (Blumer absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0734

Item 2: Authorize a professional services contract with Jones & Boyd, Inc., to provide design services for athletic field improvements at Randall Park - \$26,800 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0735

Item 3: Authorize a professional services contract with David C. Baldwin, Inc., to provide design services for playground replacements at Harry Stone, Ridgewood and Old Renner Parks - \$27,840 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0736

Item 4: Authorize professional services contracts with four consulting firms for the engineering design of one drainage relief project, one erosion control project, one street reconstruction project and three thoroughfare projects - \$1,083,307 - Financing: 1998 Bond Funds (\$1,010,627), 1995 Bond Funds (\$47,040), Water Utilities Bond Funds (\$25,640)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0737

Item 5: Authorize a contract for limestone repairs at the Museum of Natural History located at 3535 Grand Avenue - Brazos Restoration and Waterproofing, Inc., lowest responsible bidder of nine - \$67,300 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0738

Item 6: Authorize a contract with TXU Electric to provide (1) funding for construction and installation of pedestrian street lighting for Phase VI on Worthington Street, Thomas Avenue, State Street and Boll Street in the State Thomas TIF District, in an amount not to exceed \$40,342; and (2) an increase in appropriations in the amount of \$40,342 in the State-Thomas TIF District Fund - Financing: State-Thomas TIF District Funds (Advance from The Belvedere Condominiums, LP)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0739

Item 7: Authorize a contract with TXU Electric to provide (1) funding for construction and installation of pedestrian street lighting for Blackburn Street on the west side of Central Expressway located in the Cityplace Area TIF District, in an amount not to exceed \$75,000; and (2) an increase in appropriations in the amount of \$75,000 in the Cityplace TIF Bond Funds - Financing: Cityplace TIF Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0740

Item 8: Authorize a contract for facility improvements including floor plan modifications and interior renovations, new canopy over existing walkway and new patio at Arcadia Park Recreation Center - Gilbert May, Inc., dba Phillips/May Corporation, lowest responsible bidder of four - \$298,867 - Financing: 1999-00 Community Development Grant Funds (\$140,810) and 1995 Bond Funds (\$158,057)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0741

Item 9: Authorize a contract for the construction of a new parking area and driveway at the recreation center and athletic field improvements including chain link fencing, benches, portable bleachers and accessible sidewalks at Martin Weiss Park - Randall & Blake, Inc., lowest responsible bidder of five - \$166,657 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0742

Item 10: Authorize a contract for site development including a new playground, sidewalks, lighting, park sign and drinking fountain at Twin Falls Park - R-Con, Inc., lowest responsible bidder of seven - \$169,865 - Financing: 1995 Bond Funds (\$44,700) and 1998 Bond Funds (\$125,165)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0743

Item 11: **Farmers Market TIF District**

- * Authorize (1) a contract for the construction of hardscape, planting and irrigation improvements on the west side of Good Latimer Expressway between Canton Street and Commerce Street in Tax Increment Financing Reinvestment Zone Number Six (Farmers Market TIF District), and; (2) an increase in appropriations in the amount of \$425,536 in the Farmers Market TIF District Fund - Gibson & Associates, Inc., lowest responsible bidder of six - \$425,536 - Financing: Farmers Market TIF District Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0744

Item 12: **Farmers Market TIF District**

- * A resolution declaring the intent of the City of Dallas to utilize tax increment proceeds to reimburse the Street System Improvement Fund for certain expenditures made under an agreement between Camden Property Trust and the City of Dallas, on behalf of the Farmers Market TIF District, for the purpose of public improvements located in Tax Increment Reinvestment Financing Zone Number Six (Farmers Market TIF District) - \$425,536 - Financing: To be transferred from City sources and reimbursed with interest from the Farmers Market TIF District Fund and accrued interest to be repaid solely from the Farmers Market TIF District Fund

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0745

- Item 13. Authorize a contract for Asphaltic Concrete Street Resurfacing Group 1 on various improved streets - Austin Bridge & Road, Inc., lowest responsible bidder of five - \$4,218,795 - Financing: 1998 Bond Funds (\$3,034,192), Current Funds (\$1,025,391), Water Utilities Capital Construction Funds (\$159,212)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0746

Item 14: Authorize a contract for Asphaltic Concrete Street Resurfacing Group 2 on various improved streets - Austin Bridge & Road, Inc., lowest responsible bidder of five - \$3,243,617 - Financing: 1998 Bond Funds (\$2,541,493), Current Funds (\$521,269), Water Utilities Capital Construction Funds (\$180,855)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0747

Item 15: Authorize a contract for the construction of sidewalks, curb, gutter, drive approaches, barrier free ramps, water and wastewater adjustments on Maryland Avenue from Woodin Boulevard to Illinois Avenue, Phase II, for Neighborhood Renaissance Partnership Program Area C - Driveway Maintenance, Inc., lowest responsible bidder of seven - \$75,856 - Financing: 1995-96 Community Development Grant Funds (\$39,491), Neighborhood Renaissance Partnership Section 108 Notes (\$31,500), Water Utilities Capital Construction Funds (\$4,865)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0748

Item 16: Authorize a contract for asphalt concrete street restoration and rehabilitation for 2001 on various unimproved streets - Austin Bridge & Road, Inc., lowest responsible bidder of five - \$1,797,610 - Financing: Current Funds (\$1,710,562), Water Utilities Capital Construction Funds (\$45,244), Wastewater Capital Construction Funds (\$41,804)

Councilmember Miller requested that consent agenda item 16 be considered as an individual item. Mayor Kirk stated that consent agenda item 16 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Miller's request.

Later in the meeting, agenda item 16 was brought up for consideration.

Councilmember Miller moved to approve the item.

Motion seconded by Councilmember Walne and unanimously adopted. (Blumer absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0749

Item 17: Authorize a contract for the reconstruction of aprons/continuous drains at Gates 41, 42 and 43 at Dallas Love Field Airport - Randall & Blake, Inc., lowest responsible bidder of six - \$198,797 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0750

Item 18: Authorize Supplemental Agreement No. 3 to the contract with Huitt-Zollars Inc. to provide additional design services for the new parking facility at Dallas Love Field Airport - \$260,170, from \$3,541,737 to \$3,801,907 - Financing: Aviation Capital Construction Funds

Councilmember Miller requested that consent agenda item 18 be considered as an individual item. Mayor Kirk stated that consent agenda item 18 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Miller's request.

Later in the meeting, agenda item 18 was brought up for consideration.

Councilmember Miller moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0751

Item 19: Authorize Supplemental Agreement No. 4 to the contract with Carter & Burgess, Inc. for the upgrades to the heating, ventilation and air conditioning system and the electrical system in the terminal building at Dallas Love Field Airport - \$1,580,898, from \$2,317,234 to \$3,898,132 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0752

Item 20: Authorize Supplemental Agreement No. 2 to the contract with Halff Associates, Inc. to provide additional engineering services for the design of a 48-inch water transmission main and system improvements in Meandering Way from La Bolsa Drive to Frankford Road - \$28,385, from \$422,361 to \$450,746 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0753

Item 21: **J. Erik Jonsson Central Library**

- * Authorize the acceptance of \$1,000,000 in donations from the Eugene McDermott Foundation and the Friends of the Dallas Public Library, Inc. for the renovation of the 8th floor of the J. Erik Jonsson Central Library - Financing: Friends of the Dallas Public Library Funds

Councilmember Blumer requested that consent agenda item 21 be considered as an individual item. Mayor Kirk stated that consent agenda item 21 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, agenda item 21 was brought up for consideration.

Mayor Pro Tem Poss moved to approve the item.

Motion seconded by Councilmember Walne and unanimously adopted. (Blumer absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0754

Item 22: **J. Erik Jonsson Central Library**

- * Authorize a contract for furniture, furnishings and equipment associated with the 8th floor renovation at the J. Erik Jonsson Central Library - Vance Hunt and Associates, Inc., dba L.B. Interiors, lowest responsible bidder of one on bid groups 2, 4, 5 and 6 and lowest responsible bidder of two on group 3 - \$568,722 - Financing: Capital Construction Funds (\$333,840) and Friends of the Dallas Public Library Funds (\$234,882)

Councilmember Blumer requested that consent agenda item 22 be considered as an individual item. Mayor Kirk stated that consent agenda item 22 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, agenda item 22 was brought up for consideration.

Mayor Pro Tem Poss moved to approve the item.

Motion seconded by Councilmember Walne and unanimously adopted. (Blumer absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0755

Item 23: **Erik Jonsson Central Library**

- * Authorize a contract for 8th floor interior renovation at the J. Erik Jonsson Central Library - Gilbert May, Inc., dba Phillips/May Corporation, lowest responsible bidder of three, \$1,085,316 - Financing: Capital Construction Funds (\$637,080) and Friends of the Dallas Public Library Funds (\$448,236)

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, agenda item 23 was brought up for consideration.

Mayor Pro Tem Poss moved to approve the item.

Motion seconded by Councilmember Walne and unanimously adopted. (Blumer absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0756

Item 24: Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements at twelve intersections affected by the Texas Department of Transportation's Interstate Highway 635/U. S. Highway 75 interchange reconstruction project - \$1,497,867 - Financing: Texas Department of Transportation Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0757

Item 25: **Sidewalk Group 98-110**

St. Augustine Road to San Leon Avenue to Lake June Road
East Grand Avenue to Sarasota Circle to Clermont Avenue
Santa Fe Avenue to Beacon Street to Glasgow Drive
Matilda Street University Boulevard across the medians

- * 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

February 28, 2001

01-0758

Item 26: **Sidewalk Group 98-110**

St. Augustine Road to San Leon Avenue to Lake June Road
East Grand Avenue to Sarasota Circle to Clermont Avenue
Santa Fe Avenue to Beacon Street to Glasgow Drive
Matilda Street University Boulevard across the medians

- * Authorize a benefit assessment hearing to be held on April 11, 2001, for sidewalk paving - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0759

Item 27: Authorize an agreement with the Texas Department of Transportation for the relocation of water and wastewater mains in U.S. State Highway 310 between Overton Road and Loop 12 - \$800,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0760

Item 28: Authorize acquisition of water main easements from TXU Electric Company (TXU) containing a total of approximately 647,900 square feet of unimproved land, located o within TXU's right-of-way, from La Bolsa to La Manga Drives and from the DART Railroad to Frankford Road, for the Meandering Way Transmission Water System project - \$141,590 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0761

Item 29: Authorize settlement in lieu of proceeding further in condemnation of Robert L. Weathersby, of a vacant tract of land containing approximately 10.24 acres, for the Prairie Creek Open Space Project located near the intersection of Dowdy Ferry Road and Interstate Highway 20 - \$27,800 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0762

Item 30: Authorize acquisition of a drainage easement by eminent domain from Fred W. Griffin, containing approximately 384 square feet of unimproved land located near the intersection of Dwight Avenue and Susan Street for the Susan Street Paving and Drainage Improvement Project - \$300 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0763

Item 31: An ordinance abandoning a fire lane easement and two utility easements to Brook Hollow Golf Club, the abutting owner, containing approximately 23,275 square feet of land located near the intersection of Anson Road and Brookhollow Drive, and authorizing the quitclaim - Revenue: \$1,500 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 24525.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0764

Item 32: Authorize the quitclaim of 22 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders - Revenue: \$131,912

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0765

Item 33: An ordinance abandoning a portion of Alamo Street containing approximately 27,965 square feet of land to Dallas Area Rapid Transit, the abutting owner, located near the intersection of Hi Line Drive and IH 35E, and authorizing the quitclaim - Revenue: \$291,806 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 24526.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0766

Item 34: Authorize a thirty-six-month price agreement for Detroit diesel parts with the lowest responsible bidder of two - Stewart & Stevenson Services - Not to exceed \$156,131 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0767

Item 35: Authorize an increase in the thirty-six-month price agreement with Quality Alarm Services to provide alarm monitoring and maintenance at City facilities through the existing contract - Not to exceed \$125,856, from \$54,432 to \$180,288 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0768

Item 36: Authorize a twenty-four-month price agreement to provide chemicals for swimming pools, fountains and water filter purification with the lowest responsible bidders of five - Sunbelt Pools, Inc., Harcros Chemicals, Inc., HCI Advance Chemical Distribution, Inc. and DCC, Inc. - Not to exceed \$299,961 - Financing: Current Funds (\$162,690) and Water Utilities Current Funds (\$137,271)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0769

Item 37: Authorize the purchase and installation of two stationary electric boom cranes with the only bidder - Con-Equipment, Inc. - Not to exceed \$224,650 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0770

Item 38: Authorize a thirty-six-month multiple award price agreement for median and right-of-way maintenance in the Northeast, and portions of the Southwest and Southeast Service Areas with the lowest responsible bidders of ten - Diamond J Custom Services and J & M Total Land Care - Not to exceed \$1,082,799 - Financing: Current Funds

Councilmember Miller requested that consent agenda item 38 be considered as an individual item. Mayor Kirk stated that consent agenda item 38 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Miller's request.

Later in the meeting, agenda item 38 was brought up for consideration.

The city manager announced that Diamond J. Custom Services withdrew their bid and recommended to council to proceed with awarding the contract to J & M Total Land Care for \$177,000.

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

Bob Ford, 10031 Milltrail Dr., representing Forest Hill Lawn Services, Inc.
Carol Podany, 434 E. Bluff Rd., Seagoville, TX

Councilmember Miller moved to defer the item.

Motion seconded by Councilmember Finkelman.

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

Voting Yes:	[6]	Loza, Miller, Walne, Finkelman, Greyson, Forsythe Lill
Voting No:	[8]	Kirk, Poss, Salazar, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy
Absent when vote taken:	[1]	Blumer

Mayor Kirk declared the motion failed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

01-0770

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Councilmember Mallory Caraway moved to award the contract to J & M Total Land Care for \$177,000.

Motion seconded by Deputy Mayor Pro Tem Salazar.

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

Mayor Kirk declared the motion adopted on a divided voice vote with Councilmember Miller voting "No."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0771

Item 39: Authorize a thirty-six-month price agreement for median and right-of-way maintenance in the Northwest, North Central, and portions of the Southwest and Southeast Service Areas with TIBH Industries, Incorporated, a non profit corporation - Not to exceed \$3,300,000 - Financing: Current Funds

Councilmember Miller requested that consent agenda 39 be considered as an individual item. Mayor Kirk stated that consent agenda item 39 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Miller's request.

Later in the meeting, agenda item 39 was brought up for consideration.

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

Bob Ford, 10031 Milltrail Dr., representing Forest Hill Lawn Service, Inc.
Carol Podany, 434 E. Bluff Rd., Seagoville, TX

Councilmember Miller moved to defer the item.

Motion seconded by Councilmember Finkelman.

Councilmember Mallory Caraway moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Salazar.

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

Voting Yes:	[10]	Kirk, Poss, Salazar, Loza, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy, Greyson
Voting No:	[4]	Miller, Walne, Finkelman, Forsythe Lill
Absent when vote taken:	[1]	Blumer

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0772

Item 40: Authorize a thirty-six-month price agreement for liquid ferric sulfate with the lowest responsible bidder of four - FINI Enterprises, Inc. dba Fe3 Incorporated - Not to exceed \$14,976,000 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0773

Item 41: Authorize the purchase of twelve remote terminal units to replace units which are 20 years old from the lowest responsible bidder of four - QEI, Inc. - Not to exceed \$137,704 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0774

Item 42: Authorize the purchase of five pump impellers for the Lake June Pump Station from the lowest responsible bidder of two - C.I.E., Inc. - Not to exceed \$109,230 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

3/28/01 10:13 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0775

Item 43: Authorize the ratification of an emergency purchase of an electric motor for the Southcliff Pump Station - Shermco Industries, Inc. - \$190,500 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

3/28/01 10:13 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0776

Item 44: Authorize settlement of a lawsuit, styled Michael Armstrong and Nina Armstrong v. City of Dallas, Cause No. DV00-00075-A - Financing: Current Funds

Approved as part of the consent agenda.

3/28/01 10:13 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0777

Item 45: Authorize settlement of a claim filed by Jovani Gonzalez, Claim No. 95-007270 - Financing: Current Funds

Approved as part of the consent agenda.

3/28/01 10:13 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0778

Item 46: Authorize Supplemental Agreement No. 1 to the professional services contract with Diversified Utility Consultants, Inc., for additional expert services related to TXU Gas Distribution's Petition for Review of Dallas' Rate Decision filed with the Railroad Commission, and any other proceedings relating to this appeal - Not to exceed \$75,000, from \$100,000 to \$175,000 - Financing: Current Funds (to be fully reimbursed by TXU Gas Company)

Approved as part of the consent agenda.

3/28/01 10:13 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0779

Item 47: Authorize renewal of membership in the Airports Council International - North America for 2001 - \$23,872 - Financing: Aviation Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0780

Item 48: Authorize a real property tax abatement agreement with 4645 W. Davis, LLC and lessee AVW Audio Visual, Inc. for the purpose of granting a ten-year abatement of 75% of the taxes on added value to the real property for their headquarters relocation located within City of Dallas Enterprise Zone One, at 4645 W. Davis - Revenue: First year tax revenue estimated at \$7,509; Ten-year tax revenue estimated at \$75,094; (Estimated revenue foregone for ten-year real property abatement \$225,281) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0781

Item 49: Authorize a public hearing to be held on March 28, 2001 to receive citizens= comments in preparation of the FY 2001-02 Operating, Capital, Grant, and Trust budgets - Financing: No cost consideration to the City

Approved as part of the consent agenda.

3/28/01 10:13 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0782

Item 50: Authorize approval of the bi-weekly tax action - \$2,172,709 - Financing: Tax Distribution Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0783

Item 51: Authorize the issuance of tax-exempt bonds by Housing Options, Inc., an agency created by the Dallas Housing Authority, for \$6,425,000 Housing Options, Inc. Multifamily Housing Mortgage Revenue Bonds (Roseland Fellowship, L.P. Project) Series 2001 to finance 101 residential units for senior citizens to be constructed on approximately 1.854 acres located in the 2000 block of Washington Avenue, Dallas, Texas 75204 to be owned by Roseland Fellowship, L.P. - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0784

Item 52: Authorize adoption of the DART LBJ East Station Area Plan and approval of the recommendations contained therein as a guide in the implementation of future development in the area bounded by and within one half mile of the DART LBJ East Station at IH-635 (LBJ Freeway) and Skillman Street - Financing: No cost consideration to the City

Councilmember Finkelman requested that consent agenda item 52 be considered as an individual item. Mayor Kirk stated that consent agenda item 52 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Finkelman's request.

Later in the meeting, agenda item 52 was brought up for consideration.

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Mallory Caraway and unanimously adopted. (Blumer absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0785

Item 53: Authorize adoption of the DART White Rock Station Area Plan and approval of the recommendations contained therein as a guide in the implementation of future development in the area bounded by and within one half mile of the White Rock Station at Northwest Highway and West Lawther - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0786

Item 54: Authorize a Preservation Incentives Tax Abatement for 2603 Fairmount Street - Financing: No cost consideration to the City (Estimated revenue foregone for ten-year abatement - \$62,130)

Councilmember Miller requested that consent agenda item 54 be considered as an individual item. Mayor Kirk stated that consent agenda item 54 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Miller's request.

Later in the meeting, agenda item 54 was brought up for consideration.

Councilmember Miller moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0787

Item 55: Authorize a Preservation Incentives Tax Abatement for 409 - 429 Second Avenue - Financing: No cost consideration to the City (Estimated revenue foregone for ten-year abatement - \$268,330)

Approved as part of the consent agenda.

3/28/01 10:13 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0788

Item 56: Authorize continued participation in the American Water Works Association Research Foundation Subscription Program to fund drinking water research for FY 2000-01 - \$244,712 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0789

Item 57: Authorize continued participation in the Water Environment Research Foundation Subscription Program to fund wastewater research for FY 2000-01 - \$64,272 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0790

Item 58: **Sale of Unimproved Property**

- * A public hearing to receive citizens' comments on the proposed private sale by quitclaim deed of 5 unimproved properties acquired by the taxing authorities from the Sheriff's Sale to qualified non-profit organizations - Financing: No cost consideration to the City

- Item 59: *
- Authorize the private sale, as provided for by Section 34.015 of the Texas Property Tax Code, by quitclaim deed of 5 unimproved properties acquired by the taxing authorities from a Sheriff's Sale to qualified non-profit organizations - Revenue: \$5,000

The following individuals addressed the city council regarding the sale of unimproved property:

Eric Johnson, 6402 Anita St.
William Hopkins, 2011 Leath St.

Councilmember Chaney moved to close the public hearing and authorize the private sale.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0791

The consent zoning docket, consisting of agenda items 60-68, was presented.

Agenda item 68 was removed from the consent zoning docket, to be considered as an individual hearing.

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

Agenda item 60: Zoning Case Z001-115/2978-SE(JC) **[Deleted]**
Agenda item 61: Zoning Case Z001-131/11341-SW(JC)
Agenda item 62: Zoning Case Z001-134/11337-C(TA)
Agenda item 63: Zoning Case Z001-135/9574-NE(FD)
Agenda item 64: Zoning Case Z001-138/1338-C(TA)
Agenda item 65: Zoning Case Z001-140/9032-NC(FD)
Agenda item 66: Zoning Case Z001-144/9697-NC(FD)
Agenda item 67: Zoning Case Z001-145/2828-NW(JC)
Agenda item 68: Zoning Case Z001-143/11344-NE(RB) **[Considered individually]**

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

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

The following individual addressed the city council regarding the consent zoning docket:

William Hopkins, 2011 Leath St., regarding Zoning Case Z001-143/11344-NE(RB)

Councilmember Chaney 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 Forsythe Lill and unanimously adopted. (Blumer absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0792

Item 60: Zoning Case Z001-115/2978-SE(JC)

Zoning Case Z001-115/2978-SE(JC), an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily Uses and a Private School and termination of Specific Use Permits No. 966 for a Private Elementary School and No. 1337 for a Child-care Facility on Pennsylvania Avenue between Holmes Street and Julius Schepps Freeway and presently zoned an MF-2(A) Multifamily District.

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

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0793

Item 61: Zoning Case Z001-131/11341-SW(JC)

Zoning Case Z001-131/11341-SW(JC), an application for and an ordinance granting a Planned Development District for MF-1(A) Multifamily District Uses, located on the east side of Clark Road at Clarkridge Drive, on property presently zoned an MF-1(A) Multifamily District.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 24527.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0794

Item 62: Zoning Case Z001-134/11137-C(TA)

Zoning Case Z001-134/11137-C(TA), an application for and an ordinance granting an Historic Overlay District for the former Dr. Pepper Dallas Bottling Plant, located at 409 - 429 Second Avenue on property presently zoned Planned Development No. 269, the Deep Ellum Special Purpose District.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 24528.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0795

Item 63: Zoning Case Z001-135/9574-NE(FD)

Zoning Case Z001-135/9574-NE(FD), an application for and an ordinance granting an expansion of Planned Development District No. 531 for a Community Service Center Use and MF-2(SAH) Multifamily Standard Affordable Housing District uses located on Ridgecrest Road west of Eastridge Drive and an amendment to the development/landscape plan and conditions.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 24529.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0796

Item 64: Zoning Case Z001-138/1338-C(TA)

Zoning Case Z001-138/1338-C(TA), an application for and an ordinance granting an Historic Overlay District for the G & J Manufacturing Company located at 3912 Willow Street and presently zoned Planned Development District No. 473.

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

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 24530.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0797

Item 65: Zoning Case Z001-140/9032-NC(FD)

Zoning Case Z001-140/9032-NC(FD), an application for and an ordinance granting a Specific Use Permit for a Tower/antenna for cellular communication located north of Alexis Drive southwest of Belt Line Road on property presently zoned a CR Community Retail District.

(The city plan commission recommended approval, for a ten year time period with eligibility for automatic renewal for additional ten year time periods, subject to a site plan and conditions.)

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 24531.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0798

Item 66: Zoning Case Z001-144/9697-NC(FD)

Zoning Case Z001-144/9697-NC(FD), an application for and an ordinance granting an RR Regional Retail District, located on Goldmark Drive, northwest of North Central Expressway, on property presently zoned an MU-3 Mixed Use 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, subject to deed restrictions volunteered by the applicant.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 24532.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0799

Item 67: Zoning Case Z001-145/2828-NW(JC)

Zoning Case Z001-145/2828-NW(JC), an application for and an ordinance granting an amendment to the site plan for Specific Use Permit No. 1238 for a Public School, located on Brockbank Drive, north of Storey Lane, on property presently zoned an MF-2(A) Multifamily District.

(The city plan commission recommended approval, subject to a site plan.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 24533.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0800

Item 68: Zoning Case Z001-143/11344-NE(RB)

The consent zoning docket, consisting of agenda items 60-68, was presented.

Councilmember Chaney requested that consent zoning docket item 68 be removed from the consent zoning docket to be called as an individual hearing. Mayor Kirk stated that consent zoning docket item 68 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Chaney's request.

A public hearing was called on zoning case Z001-143/11344-NE(RB), an application for and an ordinance granting a Specific Use Permit for a Child-care facility, located on the southeast corner of Highland Road and Hunnicut Road, on property presently zoned an MF-2(A) Multifamily District.

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

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

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

Condition No. 9 to read as follows: "A minimum of 14 off-street parking spaces must be provided and located as shown on the site plan", and pass the ordinance.

Motion seconded by Councilmember Fantroy and unanimously adopted. (Blumer absent when vote taken)

Assigned ORDINANCE NO. 24534.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0801

Item 69: Public Hearing – Zoning Case Z001-141/11343-NE(FD)

A public hearing was called on zoning case Z001-141/11343-NE(FD), an application for and an ordinance granting a CR Community Retail District located on Garland Road southwest of Easton Road on property presently zoned a CR-D Community Retail-Dry District.

(The city plan commission recommended approval.)

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

Mayor Pro Tem Poss moved to postpone the application until the March 28, 2001 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Walne and unanimously adopted. (Blumer absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0802

Item 70: Public Hearing – Zoning Case Z001-136/10512-NE(EB)

A public hearing was called on zoning case Z001-136/10512-NE(EB), an application for and an ordinance granting the removal of the Dry Overlay on property presently zoned an MU-2 Mixed Use-Standard Affordable Housing-Dry District located on Garland Road southwest of Buckner Boulevard.

(The city plan commission recommended approval.)

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

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

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

Assigned ORDINANCE NO. 24535.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0803

Item 71: Public Hearing – Zoning Case Z990-266/11290-C(JA)

A public hearing was called on zoning case Z990-266/11290-C(JA), an application for and an ordinance granting an Historic Overlay District for the Interurban Building, located at 1500 Jackson Street on property zoned CA-1(A) SP.

(The city plan commission recommended approval, subject to preservation criteria. This item was considered by the City Council at a public hearing on February 14, 2001, and was taken under advisement until February 28, 2001, with the public hearing open.)

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

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

Motion seconded by Councilmember Forsythe Lill and unanimously adopted. (Blumer absent when vote taken)

Assigned ORDINANCE NO. 24536.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0804

Item 72: Public Hearing – Zoning Case Z001-111/11314-C(JA)

A public hearing was called on zoning case Z001-111/11314-C(JA), an application for and an ordinance granting an Historic Overlay District for the Olive and Myers Building located at 2200 Young Street and presently zoned CA-1(A) Central Area District.

(The city plan commission recommended approval, subject to preservation criteria. This item was considered by the City Council at a public hearing on February 14, 2001, and was held under advisement until February 28, 2001, with the public hearing open.)

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

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

Motion seconded by Councilmember Forsythe Lill and unanimously adopted. (Blumer absent when vote taken)

Assigned ORDINANCE NO. 24537.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0805

01-0806

Item 73: Consideration of appointments to boards and commissions (List of nominees is available in the City Secretary's Office)

The city secretary distributed a report showing all nominations and renominations received for city board and commission appointments for the 1999-2001 board term updated through February 28, 2001.

Councilmember Loza moved to appoint Pamela Dunlop Gates to Place 01, and appoint Ricardo Medrano to Place 11.

Motion seconded by Councilmember Chaney and unanimously adopted. (Blumer absent when vote taken)

Later in the meeting, Mayor Kirk called the vote on Pedro Aguirre the two nominees for Place 5 on the DFW Board.

Mayor Kirk called the vote on Pedro Aguirre:

Voting Yes: [9] Kirk, Poss, Miller, Fantroy, Walne, Finkelman, Greyson,
Blumer, Forsythe Lill

Voting No: [6] Salazar, Loza, Thornton Reese, Hill, Mallory Caraway, Chaney

Mayor Kirk declared Pedro Aguirre as reappointed to the DFW Board.

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

01-0837 DFW DALLAS-FORT WORTH INTERNATIONAL BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0807

Item 74: An ordinance amending Chapter 40A of the Dallas City Code to: (a) increase the rate of contributions to the ERF to 6.5% for members and 11% for the City; (b) provide authorization and procedures for the ERF Board to increase or decrease, if necessary, the contribution rates proportionally every three years based upon an actuarially required contribution rate, without need of Council action or an employee election; (c) restrict when a person who has left City employment and returns may retire under the Rule of 78 and (d) define terms introduced in this amendment and to authorize the amendments be placed on the voter ballot May 4, 2002 - Financing: No cost consideration to the City

Councilmember Loza moved to pass the ordinance.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Blumer absent when vote taken)

Assigned ORDINANCE NO. 24538.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0808

Item 75: An ordinance amending Chapter 15B of the Dallas City Code to require beneficiaries of certain financial assistance from the City to pay living wages to covered employees at benefitted jobsites; to provide for the application, administration, implementation, and enforcement of the living wage requirement; to require applicants for financial assistance to file affidavits of compliance with the City; to provide recordkeeping requirements; and to provide civil and criminal penalties and remedies (Deputy Mayor Pro Tem Salazar and Councilmembers Chaney, Loza, Miller, Thornton-Reese, Hill, Mallory Caraway, and Fantroy)

The following individuals addressed the city council regarding Chapter 15B of the Dallas City Code:

Joe Roberts, 5200 Columbia Ave., representing Reform Party of Dallas County
Wesley Sims, 1403 Fernwood Ave., representing A.C.O.R.N.
Charles Schweiger, 4036 Northview Ln.

Councilmember Chaney moved to defer the ordinance until the full council has been briefed.

Motion seconded by Councilmember Fantroy and unanimously adopted. (Blumer absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0809

Item 76: Authorize hardship relief for Raymond Busby on property at 4310 Malcolm X Boulevard from the South Dallas moratorium on the acceptance of applications for building permits and certificates of occupancy for certain uses
- Financing: No cost consideration to the City

Councilmember Chaney moved to defer the item until the May 9, 2001 voting agenda meeting of the city council.

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

Later in the meeting, Councilmember Chaney moved to suspend the rules to reconsider agenda item 76.

Motion seconded by Mayor Pro Tem Poss.

Mayor Kirk called the vote on the motion to suspend the rules to reconsider:

Voting Yes:	[14]	Kirk, Poss, Loza, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy, Walne, Finkelman, Greyson, Forsythe Lill
Voting No:	[0]	
Absent when vote taken:	[1]	Blumer

Mayor Kirk declared the motion adopted.

Councilmember Chaney moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0810

Item 77: Authorize hardship relief for Earnestine Applewhite on property at 3612 Holmes Street from the South Dallas moratorium on the acceptance of applications for building permits and certificates of occupancy for certain uses
- Financing: No cost consideration to the City

Councilmember Chaney moved to defer the item until the May 9, 2001 voting agenda meeting of the city council.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0811

Item 78: A resolution approving the appointment of citizens to serve as election judges for the May 5, 2001, joint and special election and the June 2, 2001, runoff election, if necessary - Financing: This action has no cost consideration to the City

Councilmember Mallory Caraway moved to approve the resolution with the following changes:

Gloria Hogg be appointed as election judge at San Jacinto Elementary; Sam Jones be appointed as election judge at Edna Rowe Elementary; and Councilmembers Chaney and Thornton Reese requested that James Hogg be appointed as election judge at Julius C. Frazier.

Motion seconded by Councilmember Chaney and unanimously adopted. (Blumer absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0812

Item 79: Authorize hardship relief for Eddy J. Royal on property at 3100 Colonial Avenue from the South Dallas moratorium on the acceptance of applications for building permits and certificates of occupancy for certain uses - Financing: No cost consideration to the City

Councilmember Chaney moved to defer the item until the May 9, 2001 voting agenda meeting of the city council.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0813

Closed Session

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

- Robert Jackson, Willie Taylor, Marlin Price and John Holt v. The City of Dallas, Texas; Chief of Police Terrell Bolton, in his Individual and Official Capacities; City Manager Teodoro Benavides, in his Individual and Official Capacities; and Assistant City Manager Charles Daniels, in his Individual and Official Capacities; Civil Action No. 3:00-CV-588-H consolidated with Jill Muncy, Pamela Walt, Donald Whitten, and Douglas Kowalski v. City of Dallas, Texas, and Chief of Police Terrell Bolton, in his Individual and Official Capacities, Civil Action Number 3:99-CV-2960-P
- Chris Bryant v. City of Dallas, et al., Cause No. 3:98-CV-0192-R
- City of Dallas v. Explorer Pipeline Company, Inc., Atofina Petrochemicals, Inc. fka Fina Oil & Chemical Company, Exxon Mobile Corporation, Inc., Diamond Shamrock Refining & Marketing Company, Inc., Conoco, Inc., Phillips Petroleum Company, Inc., Chevron U.S.A., Inc., Motiva Enterprises, LLC, Equilon Enterprises, LLC, The Premcor Refining Group, Inc. fka Clark Refining & Marketing, Inc., Citgo Petroleum Corporation, Mobile Corporation, Inc., BP Amaco Company fka Amoco Corporation and Does 1 through 100; Cause No. DV00-09678-H
- Claim of June Mahone
Charles Freeman and Rosalyn Brown v. City of Dallas, United States Court of Appeal Fifth Circuit No. 97-10907

The posted closed session was not held.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0814

Addendum addition 1: Authorize preparation of plans for issuance of approximately \$59,000,000 in Airport System Revenue Bonds, Series 2001 - Financing: No cost consideration to the City

Mayor Pro Tem Poss moved to approve the item.

Motion seconded by Councilmember Walne and unanimously adopted. (Blumer absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0815

Addendum addition 2: Authorize adoption of the Airport Master Plan for Redbird Airport and approval of the recommendations contained therein as a guide in the implementation of future airport development to service forecasted operational demand - Financing: No cost consideration to the City

The following individual addressed the city council regarding the Airport Master Plan:

Dennis Sorber, 5305 Challenger Dr.

Councilmember Fantroy moved to approve the item.

Motion seconded by Councilmember Walne and unanimously adopted. (Blumer absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0816

Addendum addition 3: Authorize (1) a thirty-six-month lease agreement with Dell Financial Services, L. P. to lease or purchase computer hardware and (2) a thirty-six-month price agreement with Xerox Connect, Inc., for computer installation, maintenance, and support services - Not to exceed \$5,000,000 - Financing: Current Funds (\$3,298,065), 2000 Omnibus Appropriations Local Law Enforcement Block Grant Funds (\$748,146) and Juvenile Accountability Incentive Block Grant Funds (\$953,789)

Deputy Mayor Pro Tem Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0817

Addendum addition 4: Authorize (1) a three-year Interlocal Agreement with two twenty-four-month renewal options with the State of Texas, Department of Information Resources, to utilize the services of KPMG Consulting, LLC to develop a comprehensive citywide e-Government website to process electronic transactions through the Texas Electronic Framework and (2) negotiation of transaction fees with KPMG Consulting, LLC - Financing: To be determined based on negotiated fees

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Greyson and unanimously adopted. (Blumer absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0818

Addendum addition 5: An ordinance (1) approving Dallas-Fort Worth International Airport Board Resolution No. 2001-02-54, which amends Chapter 4 of the 1988 Revised Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board to establish rates of fare for limousine, shared-ride, and taxicab service at the airport and to establish fare collection procedures for taxicabs, and (2) amending Chapter 45 "Taxicabs" of the Dallas City Code to revise rates of fare for taxicab service at Dallas-Fort Worth International Airport - Financing: No cost consideration to the City

Councilmember Mallory Caraway moved to pass the ordinance.

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

Assigned ORDINANCE NO. 24539.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0819

Addendum addition 6: **City Center TIF District**

- * Authorize (1) a development agreement with Mercantile Complex, L.P., to provide for the funding of asbestos removal and demolition, facade restoration, engineering, testing and design services related to TIF funded improvements and construction of public infrastructure improvements related to the redevelopment of the Mercantile Block bounded by Main, St. Paul, Commerce and Ervay Streets in Tax Increment Financing Reinvestment Zone Number Five, City of Dallas, Texas (City Center TIF District); (2) acquisition of deed restrictions committing 340 parking spaces in the new garage to short-term, public parking (ATIF Parking Spaces) with an income interest on 100 of such spaces, (3) a management agreement for the 340 TIF Parking Spaces; and (4) the establishment of appropriations in the amount of \$6,100,000 in the City Center TIF District Fund - Financing: \$6,100,000 to be advanced by a private developer for asbestos abatement and demolition on the garage portion of the project and reimbursed with interest at a market rate from the City Center TIF District Fund at time of completion of 30,000 square feet of retail space in the Garage Building and a Certificate of Occupancy for the garage; and \$15,600,000 from the City Center TIF District Funds to be paid during redevelopment of the Mercantile Tower and upon completion of the garage

The following individuals were in support of City Center TIF District but did not speak:

Alice Murray, 1509 Main St., representing City Center TIF Board

Amie Richardson, 906 Allen St.

Larry Fonts, 3310 Blackburn St., representing Central Dallas Association

Susan Mead, 3141 Cochran Chapel Rd., representing Jenkins & Gilchrist

Roger Gault, 11311 N. Central Expwy., representing Onyx Property Company

Greg Elam, 7730 Chattington Dr., representing Convention and Visitors Bureau

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Wendy Blaas, 103 Ridgewood Dr., Coppell, representing Magnolia Hotel
Janet Cobb, 4455 Belfort St., Highland Park, representing Central Dallas Association
Retail Committee
Kirby White, 1314 Navajo Trl., Richardson, representing Crescent Real Estate
Equities
John Adams, 115 Central Park West, New York, NY, representing Mercantile
Complex, L.P.

Mayor Pro Tem Poss moved to approve the item.

Motion seconded by Councilmember Thornton Reese and unanimously adopted.
(Blumer absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0820

Addendum addition 7: **City Center TIF District**

- * A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Five, City of Dallas, Texas (City Center TIF District) to reimburse Mercantile Complex, L.P., for funds advanced or paid pursuant to a development agreement between the City and Mercantile Complex, L.P., in an amount not to exceed \$6,100,000, for certain eligible TIF expenditures and improvements related to the redevelopment of the Mercantile Complex, bounded by Main, St. Paul, Commerce and Ervay Streets in the City Center TIF District - Financing: \$6,100,000 to be advanced by a private developer and reimbursed plus interest at a market rate solely from the City Center TIF District Fund; accrued interest on private funds to be repaid solely from the City Center TIF District Fund

The following individuals were in support of City Center TIF District but did not speak:

Susan Mead, 3141 Cochran Chapel Rd., representing Jenkins & Gilchrist
Roger Gault, 11311 N. Central Expwy., representing Onyx Property Company
John Adams, 115 Central Park West, New York, NY, representing Mercantile Complex, L.P.

Mayor Pro Tem Poss moved to approve the resolution.

Motion seconded by Councilmember Thornton Reese and unanimously adopted.
(Blumer absent when vote taken)

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February 28, 2001

01-0821

Addendum addition 8: **City Center TIF District**

- * Authorize a loan agreement with Hamilton Davis LLP (or its successor, Western Morning News Properties, Ltd.) on property located at 1309 Main Street (Davis Building) for the loan of funds under the City of Dallas guidelines and U.S. Department of Housing and Urban Development (HUD) regulations pertaining to the Section 108 Intown Housing Program, contingent upon HUD's approval of this use of funds after publication of the proposed use of funds and opportunity for the public to comment - \$7,026,189 - Financing: Section 108 Intown Housing Notes

Mayor Pro Tem Poss moved to approve the item.

Motion seconded by Councilmember Thornton Reese and unanimously adopted.
(Blumer absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0822

Addendum addition 9: **Pinnacle Park**

- * Authorize an amendment to the real property tax abatement agreement with Hillwood Metro No. 8 L.L.C. authorized by City Council on December 13, 2000 pursuant to Resolution No. 00-3732 to: (1) modify the legal description of property contained in the current tax abatement agreement executed on December 13, 2000, (2) extend the required substantial completion date of improvements to the real property located within City of Dallas Enterprise Zone One at Pinnacle Park, Dallas, Texas, from December 31, 2001 to December 31, 2002, and (3) defer the start date for the tax abatement period from January 1, 2002 to January 1, 2003 - Financing: No cost consideration to the City

Councilmember Walne moved to approve the item.

Motion seconded by Councilmember Loza.

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

Voting Yes:	[10]	Kirk, Salazar, Loza, Thornton Reese, Hill, Mallory Caraway, Fantroy, Walne, Finkelman, Greyson
Voting No:	[1]	Miller
Absent when vote taken:	[4]	Poss, Chaney, Blumer, Forsythe Lill

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0823

Addendum addition 10: **Pinnacle Park**

- * Authorize a real property tax abatement agreement with Morning Park, Inc., and its subsequent owner, Panattoni Development Company, L.L.C., for the purpose of granting a ten-year abatement of 90% of the taxes on added value to the real property for the construction of two speculative warehouse/office facilities to be located within City of Dallas Enterprise Zone One at Pinnacle Park, Dallas, Texas - Revenue: First year tax revenue estimated at \$20,025; ten-year tax revenue estimated at \$189,236 (Estimated revenue foregone for ten-year abatement \$1,703,126)

Councilmember Walne moved to approve the item.

Motion seconded by Councilmember Loza.

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

Voting Yes:	[10]	Kirk, Salazar, Loza, Thornton Reese, Hill, Mallory Caraway, Fantroy, Walne, Finkelman, Greyson
Voting No:	[1]	Miller
Absent when vote taken:	[4]	Poss, Chaney, Blumer, Forsythe Lill

Mayor Kirk declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0824

Addendum addition 11: Adoption of the City's Federal Legislative Agenda as recommended by the Legislative Affairs Committee - Financing: No cost consideration to the City

Councilmember Greyson moved to approve the item.

Motion seconded by Councilmember Walne and unanimously adopted. (Blumer absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0825

Addendum addition 12: A concurrent resolution of the City Councils of the Cities of Dallas and Fort Worth consenting to the City of Irving's grant of a rebate incentive for Aviall Services, Inc., to relocate its corporate headquarters and central distribution facilities to D-FW Airport - Financing: No cost consideration to the City

Councilmember Mallory Caraway moved to approve the resolution.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0826

Addendum addition 13: Authorize the exercise of one five-year renewal option, subject to annual review by the City Manager, to the contract with Culinaire of Texas, Inc. for food and beverage services at the Morton H. Meyerson Symphony Center - Estimated Annual Revenue: \$100,000

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Mallory Caraway and unanimously adopted.
(Blumer absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0827

Addendum addition 14: Authorize approval of the final component of the Public Art Plan, (previously approved on November 8, 2000, Resolution # 003440), for Proposition 2, Park and Recreation Department, as outlined, as directed by the Public Art Ordinance (Dallas City Code, Chapter 2, Article X) - Financing: No cost consideration to the City

Councilmember Finkelman corrected the item by stating that Council District 11 is not a part of Fair Oaks Park.

Councilmember Mallory Caraway moved to approve the item.

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

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February 28, 2001

01-0828

Addendum addition 15: Authorize a contract with Anita Margrill for the design development, fabrication and installation of a site specific interior space treatment for the lobby of the new Dallas Police Headquarters facility to be constructed at 1400 South Lamar - Not to exceed \$200,000 - Financing: 1998 Bond Funds

Councilmember Loza moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Blumer absent when vote taken)

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01-0829

Addendum addition 16: Authorize an increase in the contract with Ed Bell Construction Company for the Houston Street Extension project, including related streets and infrastructure, to add the relocation and upgrade of an existing 24-inch transmission water line to a 42-inch transmission water line from 550 feet north of Hi Line Drive northward for a length of 1,400 feet - \$561,784, from \$15,035,799 to \$15,597,583 - Financing: Water Utilities Capital Construction Funds (\$291,806 advanced from Dallas Area Rapid Transit)

Councilmember Loza moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0830

Addendum addition 17: Authorize a fifteen-year lease agreement with Phoenix Houses of Texas, Inc. with an option to extend the lease term for one additional five-year term, for the building located at 2345 Reagan Street to provide substance abuse prevention and treatment services for adolescents for the period April 1, 2001 through March 31, 2016 - Revenue: \$15

Councilmember Mallory Caraway moved to approve the item.

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

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February 28, 2001

01-0831

Addendum addition 18: Authorize a professional services contract with the law firm of Tijerina & Kun, P.C., to provide legal services in the lawsuit, styled City of Dallas vs. Explorer Pipeline Company, Inc., Atofina Petrochemicals, Inc., fka Fina Oil & Chemical Company, Exxon Mobile Corporation, Inc., Diamond Shamrock Refining & Marketing Company, Inc., Conoco, Inc., Phillips Petroleum Company, Inc., Chevron USA, Inc., Motiva Enterprises, LLC, Equilon Enterprises, LLC, The Premcor Refining Group, Inc., fka Clark Refining & Marketing, Inc., Citgo Petroleum Corporation, Mobil Corporation, Inc., BP Amoco Company fka Amoco Corporation and Does 1 through 100; Cause No. DV00-09678-H, and any other proceedings relating to the subject matter of this litigation - Not to exceed \$100,000 - Financing: Current Funds

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

Councilmember Loza moved to approve the item.

Motion seconded by Councilmember Fantroy.

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

Voting Yes:	[7]	Poss, Salazar, Loza, Thornton Reese, Hill, Mallory Caraway, Fantroy,
Voting No:	[4]	Miller, Walne, Finkelman, Greyson
Abstain:	[1]	Kirk
Absent when vote taken:	[3]	Chaney, Blumer, Forsythe Lill

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0832

Addendum addition 19: An ordinance ordering a special election to be held in the City of Dallas on Saturday, May 5, 2001, for the purpose of submitting to the qualified voters of the City a proposed amendment to the Dallas City Charter - Financing: This action has no cost consideration to the City

The following individuals addressed the city council regarding the special election:

Joe Martin, 3105 Gladiolus Ln.

Marvin Crenshaw, 5134 Malcolm X Blvd., representing Malcolm X Community Council

Roy Williams, 4230 Mesa Glen Ln., representing Forty Acres And A Mule

Councilmember Miller moved to approve the item, but add that city council compensation be \$37,500 instead of \$40,000 and that the compensation for the mayor be \$60,000.

Motion seconded by Councilmember Chaney.

Councilmember Walne moved to substitute for Councilmember Miller's motion that city councilmembers receive \$500 per diem for up to 70 days per year, with \$35,000 being a cap, and that no councilmember benefits beyond the current charter provision would be allowed and that the mayor receive compensation of \$60,000 with further benefits to be determined by the city council.

Motion seconded by Mayor Pro Tem Poss.

Mayor Kirk asked Councilmembers Miller and Walne if their motions would not take effect until October 1, 2001. Councilmembers Miller and Walne both agreed.

Mayor Pro Tem Poss asked Councilmember Miller if she would accept a friendly amendment to her motion that benefits will not be included.

Councilmember Miller did not accept the friendly amendment.

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Mayor Pro Tem Poss withdrew her friendly amendment after Assistant City Attorney Lisa Christopherson explained that councilmembers could only get the compensation set forth in the charter and that the annual compensation did not give councilmembers status or benefits as a city employee.

Councilmember Loza asked Councilmember Miller if she would accept a friendly amendment to her motion that attendance be included the same as boards and commission.

Councilmember Miller stated that she would not accept the amendment as part of her motion.

Councilmember Finkelman offered an amendment to Councilmember Miller's motion that councilmembers who miss more than 10% of required council meetings or committee meetings aside from meetings missed because of city related business would have their salary reduced by a similar percentage over the course of a budget year.

Mayor Kirk ruled that Councilmember Finkelman's motion was out of order until Councilmember Walne's motion was voted on.

During debate on Councilmember Finkelman's motion, Deputy Mayor Pro Tem Salazar moved the previous question.

Motion seconded by Councilmember Chaney.

Mayor Kirk called the vote on Deputy Mayor Pro Tem Salazar's motion to end debate and proceed to an immediate vote on the pending question.

Voting Yes:	10]	Kirk, Poss, Salazar, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy, Forsythe Lill
Voting No:	[4]	Loza, Walne, Finkelman, Blumer
Absent when vote taken:	[1]	Greyson

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

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Mayor Kirk then called the vote on Councilmember Walne's motion:

Voting Yes:	[4]	Kirk, Poss, Walne, Finkelman
Voting No:	[10]	Salazar, Loza, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy, Blumer, Forsythe Lill
Absent when vote taken:	[1]	Greyson

The voting board malfunctioned. Mayor Kirk called the vote on Councilmember Walne's motion again:

Voting Yes:	[4]	Kirk, Poss, Walne, Finkelman
Voting No:	[11]	Salazar, Loza, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy, Greyson, Blumer, Forsythe Lill

Mayor Kirk declared the motion failed.

Councilmember Loza offered an amendment to Councilmember Miller's motion that if a councilmember is deemed to have missed 10% of regular scheduled council and committee meetings over a 12 month period; that councilmember's salary will be reduced proportionate to the percentage of meeting that he or she has missed within that 12 month period unless the councilmember was excused on official business.

During debate on Councilmember Loza's motion, Councilmember Miller moved the previous question.

Motion seconded by Councilmember Mallory Caraway.

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

Voting Yes:	[12]	Poss, Salazar, Loza, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy, Walne, Finkelman, Forsythe Lill
Voting No:	[2]	Kirk, Blumer
Absent when vote taken:	[1]	Greyson

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

01-0832

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Mayor Kirk called the vote on Councilmember Loza's motion:

Voting Yes:	[8]	Kirk, Poss, Loza, Chaney, Walne, Finkelman, Blumer, Forsythe Lill
Voting No:	[6]	Salazar, Miller, Thornton Reese, Hill, Mallory Caraway, Fantroy
Absent when vote taken:	[1]	Greyson

Mayor Kirk declared the motion adopted.

Mayor Kirk then called the vote on Councilmember Miller's motion:

Voting Yes:	[12]	Kirk, Poss, Salazar, Loza, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney, Fantroy, Finkelman, Forsythe Lill
Voting No:	[2]	Walne, Blumer
Absent when vote taken:	[1]	Greyson

Mayor Kirk declared the motion adopted.

Assigned ORDINANCE NO. 24540.

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February 28, 2001

01-0833

Addendum addition 20: A resolution amending Resolution Nos. 01-0577 and 01-0579 to include the special election to be held on May 5, 2001, for the purpose of submitting to the qualified voters of the City a proposed amendment to the City Charter - Financing: This action has no cost consideration to the City

Councilmember Chaney moved to approve the resolution.

Motion seconded by Councilmember Greyson and unanimously adopted. (Blumer absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28, 2001

01-0834

Public Hearing - **Proposed Amendments to Chapter 14 of the Dallas City Code**

Addendum addition 21: * A public hearing to receive citizens' comments on proposed amendments to Chapter 14 of the Dallas City Code relating to dance halls - Financing: No cost consideration to the City

Addendum addition 22: * An ordinance amending Chapter 14 of the Dallas City Code relating to the licensing and operation of dance halls - Financing: No cost consideration to the City

The following individuals addressed the city council regarding Chapter 14 of the Dallas City Code:

Barry Knight, 5400 Renaissance Tower, representing the applicant
Don Nedler, 8703 Allenbrook
Michael Young, 4300 Bank of America Plaza
Ken Benson, (did not get address)

Deputy Mayor Pro Tem Salazar moved to close the public hearing and pass the ordinance.

Motion seconded by Councilmember Blumer and unanimously adopted.

Assigned ORDINANCE NO. 24541.

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February 28, 2001

01-0835

Public Hearing- DEVELOPMENT CODE AMENDMENT - INDIVIDUAL

Addendum addition 23: A public hearing was called on consideration of a proposal for and an ordinance amending the Dallas Development Code concerning: (1) adoption of the Secretary of the Interior's Standards for Rehabilitation of Historic Properties, (2) notification to surrounding property owners of applications for certificates of appropriateness, (3) the role and operation of the Landmark Commission, and (4) the composition and operation of the Landmark Commission task forces.

(The city plan commission recommended approval.)

Appearing in opposition to the city plan commission recommendation:

Eula Bryant, 2510 South Blvd.
Art. 4930 Swiss Ave.
Gail Patterson, 3201 Wendover Rd.
Peggy Walker, 5107 Junius Ave.
Jeanette Wango, 2700 S. Buckner Blvd.

Appearing in favor of the city plan commission recommendation:

Mamie McKnight, 2411 Five Mile Pkwy.
Adlene Harrison, 5841 Burgundy Rd.
Diane Ragsdale, 3611 Dunbar St.
Rita Cox, 4934 Tremont St.
Mary Nobles, 2420 South Blvd.
Daniel Carey, 4063 Hildring Dr., Ft. Worth TX, representing National Trust for Historic Preservation
A.L. McAlister, 5703 Swiss Ave.
Ambrosio Villarreal, 540 Woolsey Dr.

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

That the proposed new Paragraph (4) of Subsection (1) of Section 51A-1.106 on page 3 of the CPC draft ordinance be changed to read as follows:

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“to the landmark commission for a certificate for demolition or removal.” And in lieu of codifying task force procedures, that we allow the Landmark Commission to hold additional public meetings and adopt new rules of procedure governing the composition and operation of its task forces - including requiring task force meetings to have a quorum of a simple majority; be subject to the Texas Open Meetings Act; designate someone to take written minutes, and that the City Manager be directed to brief the City Council Housing and Neighborhood Development Committee on a regular and continuing basis regarding the progress of those meetings and the substance of any new rules that are adopted, and pass the ordinance.

Motion seconded by Councilmember Loza.

Councilmember Chaney asked Councilmember Forsythe Lill if she would accept a friendly amendment to her motion to add the composition of the Landmark Commission Task Force in the South Blvd./ Park Row and Phyllis Wheatley Historic districts to come from the majority of the members living in the neighborhood.

Councilmember Forsythe Lill accepted the amendment as part of her motion.

Mayor Kirk declared the motion as modified by the friendly amendment unanimously adopted.

Assigned ORDINANCE NO. 24542.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 28,2001

01-0836

Public Hearing – DEVELOPMENT AMENDMENT - INDIVIDUAL

Addendum addition 24: A pubic hearing was called on consideration of a proposal for and an ordinance amending the Dallas Development Code concerning the process for appealing denials of certificates of appropriateness.

or, in the alternative;

Addendum addition 25: Authorize an extension of the moratorium on the acceptance of applications for certificates of appropriateness for additions or alterations to the front or side facades of residential structures within certain historic overlay districts - Financing: No cost consideration to the City **(Requires a 3/4 vote of the full City Council for approval)**

The city council took no action on this item.

(The city plan commission recommended approval of appeals being forwarded to the City Plan Commission.)

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

Appearing in favor of the city plan commission recommendation:

Robert Mesefesel, 600 Rainbow Dr.
David Hedge, 203 N. Rosemont Ave.
Michael Jung, 7143 Fisher Rd.

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

1. That appeals from decisions of the Landmark Commission shall go to the City Plan Commission;
2. That the city staff shall forward to the City Plan Commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the Landmark Commission;

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

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3. That the City Plan Commission shall hear and consider testimony and evidence concerning the previous recommendations and actions of the city staff and the Landmark Commission and its task forces;
4. That the City Plan Commission may hear new testimony and consider new evidence that was not available at the time of the hearing before the Landmark Commission;
5. That the City Plan Commission shall have the same authority as the Landmark Commission regarding the matter being appealed, and may reverse or affirm, in whole or in part, or modify the decision of the Landmark Commission; however, the City Plan Commission shall give deference to the decision of the Landmark Commission by considering the record made before the Landmark Commission; and;
6. That the City Plan Commission shall have the option to remand any case back to the Landmark Commission for further proceedings;
7. That the Chair of the Landmark Commission shall verbally inform the applicant of the right of appeal.

Motion seconded by Councilmember Loza.

Councilmember Greyson moved to substitute for Councilmember Forsythe Lill's motion to prepare a new draft ordinance providing:

1. That appeals from decisions of the Landmark Commission shall go to the City Plan Commission;
2. That the city staff shall forward to the City Plan Commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the Landmark Commission;
3. That the City Plan Commission may hear and consider testimony and evidence concerning the previous recommendations and actions of the city staff and the Landmark Commission and its task forces;

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4. That the City Plan Commission may hear and consider new testimony and evidence that was not presented to the Landmark Commission;
5. That the City Plan Commission shall have the same authority as the Landmark Commission regarding the matter being appealed, and may reverse or affirm, in whole or in part, or modify the decision of the Landmark Commission; and
6. That the City Plan Commission may, in its discretion, remand any case back to the Landmark Commission for further proceedings.

And to further move that the new draft ordinance establish a similar process for appealing the decision of the City Plan Commission to the City Council.

Motion seconded by Councilmember Loza.

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

Voting Yes: [7] Poss, Salazar, Thornton Reese, Hill, Mallory Caraway,
Fantroy, Greyson
Voting No: [8] Kirk, Loza, Miller, Chaney, Walne, Finkelman, Blumer,
Forsythe Lill

Mayor Kirk declared the motion failed.

Mayor Kirk then called the motion on Councilmember Lill's motion:

Voting Yes: [11] Kirk, Poss, Salazar, Miller, Mallory Caraway, Chaney, Walne,
Finkelman, Greyson, Blumer, Forsythe Lill
Voting No: [4] Thornton Reese, Hill, Fantroy, Greyson

Mayor Kirk declared the motion adopted.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 28, 2001

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS