

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 22, 2003

03-0350

VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR LAURA MILLER, PRESIDING

PRESENT: [15] Miller, Hill, Loza, Garcia, Housewright, Thornton Reese, Oakley, Chaney,
Fantroy, Poss, Walne, Finkelman, Greyson, Rasansky, Lill

ABSENT: [0]

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

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

Mayor Miller asked all members of the city council and the audience to stand and pray in silence.

The pledge of allegiance was led by Carolina DeLoza Rios, North Dallas High School.

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 7:16 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, JANUARY 22, 2003

EXHIBIT A

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MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 22, 2003

EXHIBIT B

3/6/03 8:54 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0351

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: Joyce Hall, 4330 Crowley Dr.
SUBJECT: Proposal of city resolution opposing war in Iraq

SPEAKER: Mac Hall, 4330 Crowley Dr.
SUBJECT: Proposal of city resolution opposing war in Iraq

SPEAKER: Micah Boswell, 3100 Main St. **NO SHOW**
SUBJECT: Against war in Iraq

SPEAKER: Elijah McGrew, 9524 Military Pkwy.
SUBJECT: Sex offenders near schools

SPEAKER: Ron Price, 3622 Jamaica St.
SUBJECT: Sex offenders near schools

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Al Lipscomb, 830 Clearwood Dr.
SUBJECT: Loyalty vs disingenuous

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Charles Hunter, 2329 Southwood Dr.
SUBJECT: Iraq issues

SPEAKER: Jewel Floyd, 3815 Myrtle St.
SUBJECT: Community issues in East Dallas

SPEAKER: Jim Neufeld, 1100 Cadiz St. **NO SHOW**
SUBJECT: Homeless stereotyping

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
SUBJECT: Mary Poss resign, Mayor Miller give money back, Conflict of interest

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

03-0351

Page 2

SPEAKER: Amelia Jenkins, 1775 Young St. **NO SHOW**
SUBJECT: Non-response of city councilmember

SPEAKER: Shalunda Mostella, 8905 E. Valley Ranch Pkwy, Irving
SUBJECT: City acts, Employment and housing acts, School Acts
NAME NOT CALLED

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

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Corruption with Dallas City Council, Dallas City Code 19-83:4

SPEAKER: Chuck Cole, 4831 McKinney Ave. **NAME NOT CALLED**
SUBJECT: Smoking

SPEAKER: Tracey Evers, 13140 Coit Rd. **NAME NOT CALLED**
REPRESENTING: Dallas Restaurant Association
SUBJECT: Smoking

SPEAKER: Penny Anderly, 8935 San Leandro Dr. **NAME NOT CALLED**
REPRESENTING: People for Personal Choice
SUBJECT: Smoking

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0352

Item 1: Approval of Minutes of the January 8, 2003 City Council Meeting

Deputy Mayor Pro Tem Loza moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0353

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-46 and addendum addition consent agenda items 1-6, was presented for consideration.

The city secretary announced that Councilmember Greyson had deferred consideration of consent agenda items 2, 3, and 11 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Rasansky requested that consent agenda items 5, 9, 10, 20, 21, 22, 25, 34 and 41 to be considered as individual items. Mayor Miller stated that consent agenda items 5, 9, 10, 20, 21, 22, 25, 34 and 41 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

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

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

Deputy Mayor Pro Tem Loza moved to approve all items on the consent agenda and addendum addition consent agenda items with the exception of consent agenda items 2, 3, and 11 which were deferred and consent agenda items 5, 19, 10, 18, 20, 21, 22, 23, 25, 34, 41 which would be considered later in the meeting.

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

Later in the meeting, Deputy Mayor Pro Tem Loza moved to reconsider addendum addition 6 to be considered as an individual item.

Motion seconded by Councilmember Rasansky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0354

03-0355

Frankford Road at Hillcrest Road

Note: Item Nos. 2 and 3
must be considered
collectively.

- Item 2: * Authorize a professional services contract with Dal-Tech Engineering, Inc. to provide engineering services for paving and drainage improvements to the intersection of Frankford Road at Hillcrest Road - \$95,640 - Financing: Capital Projects Reimbursement Funds (to be advanced by Collin County)
- Item 3: * Authorize (1) an Interlocal Agreement with Collin County for engineering services, right-of-way acquisition, and construction of paving and drainage improvements to the intersection of Frankford Road at Hillcrest Road, and (2) an increase in appropriations in the amount of \$260,000 in the Capital Projects Reimbursement Fund - Financing: No cost consideration to the City (\$520,000 to be advanced by Collin County for design, right-of-way acquisition, and construction)

The city secretary announced that Councilmember Greyson had deferred consideration of consent agenda items 2 and 3 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

January 22, 2003

03-0356

Item 4: Authorize a contract for restoration of the Poultry Building, restoration of the Arena exterior facade within the Pan American Complex and construction of a new non-historic entry vestibule at the Women's Museum at Fair Park - Big Sky Construction Company, Inc., lowest responsible bidder of four - \$2,049,800 - Financing: 1998 Bond Funds (\$8,000) and Fair Park Agrarian District Funds (Grantor, Texas Department of Agriculture Grant) (\$2,041,800)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0357

Item 5: Authorize a contract for the construction of a 108-inch water transmission line from Lake Fork to Lake Tawakoni Section Two - Rockdale Pipeline, Inc., lowest responsible bidder of five - \$29,972,461 - Financing: Water Utilities Capital Improvement Funds

Councilmember Rasansky requested that consent agenda item 5 be considered as an individual item. Mayor Miller stated that consent agenda item 5 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 5 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0358

Item 6: Authorize an increase in the contract with Tywell Construction Corporation for the interior renovation of the fourth floor at the J. Erik Jonsson Library to provide for the manufacture and installation of 333 bilingual informational signs - \$74,395, from \$1,111,554 to \$1,185,949 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0359

Item 7: Authorize an increase in the contract with Fargo Building Corporation to provide for a steel handrail at the entry bridge renovation at Dallas Zoo - \$62,953, from \$976,760 to \$1,039,713 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0360

Item 8: Authorize Supplemental Agreement No. 4 to the contract with Stephens & Associates Architects to provide design assessment and/or site inspection of new or altered Park and Recreation Department facilities for compliance with Texas Accessibility Standards - \$15,000, from \$30,400 to \$45,400 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0361

Item 9: Authorize an increase in the contract with Austin Commercial, LP for the Central Plant at Dallas Love Field Airport to provide a power extension to the waste disposal facility for aircraft operation; upgrade a water line, ceiling and light fixtures, and a boiler feed tank; installation of additional wiring and conduit, hazardous warning lights and barbed-wire outriggers, and concrete caps; upgrade the upper levels of the former control tower; concrete removal and fill in the North Concourse; and a deduction for damages - \$705,588, from \$14,791,510 to \$15,497,098 - Financing: Aviation Capital Construction Funds (\$324,961 to be reimbursed by Federal Aviation Administration Grant Funds)

Councilmember Rasansky requested that consent agenda item 9 be considered as an individual item. Mayor Miller stated that consent agenda item 9 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 9 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0362

Item 10: Authorize Supplemental Agreement No. 9 to the contract with Carter & Burgess, Inc. for additional design services for electrical power and controls to the gate at the waste disposal facility for aircraft operation, modifications to the North and East Concourse ramps; the replacement of existing de-aerator and boiler feed water pumps; and upgrades to the heating, ventilation and air conditioning system in the terminal building at Dallas Love Field Airport - \$47,188, from \$3,994,925 to \$4,042,113 - Financing: Aviation Capital Construction Funds (\$19,829 to be reimbursed by Federal Aviation Administration Grant Funds)

Councilmember Rasansky requested that consent agenda item 10 be considered as an individual item. Mayor Miller stated that consent agenda item 10 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 10 was brought up for consideration.

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Walne.

After discussion, Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Rasansky voting "No". (Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0363

Item 11: Authorize (1) an Interlocal Agreement with Collin County for engineering services and construction of paving improvements on Trinity Mills Road from Midway Road to Dallas North Tollway and (2) the establishment of appropriations in the amount of \$1,242,000 in the Capital Projects Reimbursement Fund - Financing: No cost consideration to the City (\$1,242,000 to be advanced by Collin County for design and construction)

The city secretary announced that Councilmember Greyson had deferred consideration of consent agenda item 11 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

January 22, 2003

03-0364

Item 12: Authorize a Local Project Advance Funding Agreement with the Texas Department of Transportation for the design and construction of the LBJ/Skillman Dallas Area Rapid Transit Station pedestrian bridge - \$1,800 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0365

Item 13: Authorize a Local Project Advance Funding Agreement with the Texas Department of Transportation for the design and construction of the Spring Valley/Coit pedestrian amenities - \$495 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0366

Item 14: Authorize a Local Project Advance Funding Agreement with the Texas Department of Transportation for design, right-of-way acquisition, utility relocations and construction of the East Dallas VeloWay, Phase I (Tenison Trail) from Winsted Drive to Glasgow Street - \$2,880 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0367

Item 15: Authorize implementation of the City of Dallas Green Building Program to promote consistent application of a sustainable green building philosophy and incorporate sustainable building design and construction practices into municipal building projects beginning with the facility projects included in the 2003 Bond Program - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0368

Item 16: Authorize Supplemental Agreement No. 1 to the agreement with the Texas Department of Transportation for the design and construction of bicycle/pedestrian improvements to the Santa Fe Trestle Trail - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0369

Item 17: Authorize an amendment to the settlement in lieu of proceeding further with condemnation of Robert Lee Beecham, Jr., et al, for approximately 3,570 square feet of land improved with a single family dwelling located near the intersection of Eighth Street and Rockefeller Boulevard for the Eighth Street Paving and Drainage Improvements Project - \$45,000 and eligible relocation benefits, not to exceed \$22,500 for owner-occupied property, plus reasonable moving expenses - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0370

Item 18: Authorize a relocation payment to Gilda Kessner resulting from the acquisition of a building located at 2525 Ross Avenue for the Performing Arts Center Project - Not to exceed \$20,000 - Financing: 1998 Bond Funds (\$15,000) and Performing Arts Complex Funds (\$5,000)

Councilmember Greyson requested that consent agenda item 18 be considered as an individual item. Mayor Miller stated that consent agenda item 18 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 18 was brought up for consideration.

Councilmember Greyson moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0371

Item 19: Authorize a relocation payment to TWG Advertising, Inc. resulting from the acquisition of a building located at 2525 Ross Avenue for the Performing Arts Center Project - Not to exceed \$14,407 - Financing: 1998 Bond Funds (\$10,805) Performing Arts Complex Funds (\$3,602)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0372

Item 20: Authorize a second amendment to the lease agreement with Homer J. Rader, Jr., d/b/a Rader Properties, to renew, extend and amend the lease at 901 S. Ervay for the Day Resource Center, for an additional thirty-six-month period of February 1, 2003 through January 31, 2006 - \$7,695 per month, for a total of \$92,340 annually - Financing: Current Funds (subject to annual appropriations)

Councilmember Rasansky requested that consent agenda item 20 be considered as an individual item. Mayor Miller stated that consent agenda item 20 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Finkelman moved to hold consent agenda item 20 until later in the day in order to review the item.

After all matters on the agenda were brought up for consideration, Mayor Miller called for a motion on consent agenda item 20.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0373

Item 21: Authorize the purchase of annual Dallas Area Rapid Transit A-Passes in support of the City's current clean air initiatives and to improve the City's mass transportation program - Not to exceed \$300 per Local A-Pass and \$600 per Premium A-Pass - Total estimated up-front cost not to exceed \$63,600 - Financing: Current Funds (to be fully reimbursed by participating employees)

Councilmember Rasansky requested that consent agenda item 21 be considered as an individual item. Mayor Miller stated that consent agenda item 21 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting agenda item 21 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0374

Item 22: Authorize a thirty-six-month service contract for carpet cleaning at Love Field Airport with the only bidder - Corporate Floors, Inc. - Not to exceed \$271,650 - Financing: Aviation Current Funds

Councilmember Rasansky requested that consent agenda item 22 be considered as an individual item. Mayor Miller stated that consent agenda item 22 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting agenda item 22 was brought up for consideration.

Deputy Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Finkelman.

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

Voting Yes:	[11]	Miller, Loza, Garcia, Oakley, Thornton Reese, Fantroy, Poss, Walne, Finkelman, Greyson, Lill
Voting No:	[3]	Hill, Chaney, Rasansky
Absent when vote taken:	[1]	Housewright

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0375

Item 23: Authorize a twenty-four-month service contract for painting, gym floor refinishing and graffiti removal services at City-owned facilities with the lowest responsible bidder of seven - Immaculate Painting/Construction - Not to exceed \$304,905 - Financing: Current Funds

Councilmember Finkelman requested that consent agenda item 23 be considered as an individual item. Mayor Miller stated that consent agenda item 23 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 23 was brought up for consideration.

Councilmember Walne moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0376

Item 24: Authorize a thirty-six-month service contract for parking lot cleaning with the lowest responsible bidder of six - H & W Cleaning Systems, Inc. - Not to exceed \$65,800 -
Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0377

Item 25: Authorize (1) the rejection of bids received for temporary clerical help for the City of Dallas and (2) the readvertisement for new bids for temporary clerical help - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 25 be considered as an individual item. Mayor Miller stated that consent agenda item 25 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting agenda item 25 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0378

Item 26: Authorize an increase in the thirty-six-month price agreement for records preparation services for feature film videos and digital video discs for the Dallas Public Library with the lowest responsible bidder of two - Follett Audiovisual Resources - Not to exceed \$47,348, from \$505,200 to \$552,548 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0379

Item 27: Authorize a thirty-six-month price agreement for liquid oxygen with the lowest responsible bidders of three - MG Industries and Matheson Tri-Gas, Inc. - Not to exceed \$3,136,790 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0380

Item 28: Authorize settlement of a lawsuit styled Sentry Insurance, a Mutual Company v. The City of Dallas, Cause No. 02-06879-C - \$30,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0381

Item 29: Authorize settlement of a lawsuit styled Allis Luster and Frederick Gatson v. City of Dallas, Cause No. cc-02-01901-a - \$14,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0382

Item 30: Authorize payment of expert fees to Dr. Robert K. Ham, Ph.D., pursuant to an Agreed Order Appointing Plaintiffs' Expert dated November 27, 2002, in the lawsuit styled Harold Cox, Shirley Davidson, Robert Stubblefield, Cynthia Herring, Eloise Edwards, Betty Curley and Leo Easter v. City of Dallas, Herman Nethery and Terry Van Sickle, Civil Action No. 3:98-CV-0291-H consolidated with Civil Action No. 3:98-CV-1763-H - \$50,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0383

Item 31: Authorize a boundary adjustment agreement between the City of Dallas and the cities of Garland and Mesquite adjusting their common boundary by modifying the location of the ten-foot wide strip that connects Dallas to Lake Ray Hubbard northwest of the intersection of Interstate Highway 30 and Belt Line Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0384

Item 32: Authorize a twelve-month Interlocal Agreement with the Dallas Public Schools' Pregnancy, Education, and Parenting Program to administer the City's Child Care Services Program for students who are pregnant or parenting and need help to remain in school - Not to exceed \$100,000 - Financing: 2002-03 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0385

Item 33: Authorize the reconstruction on-site of three homes in accordance with the Home Repair Program Statement requirements for the properties located at 2923 Alaska Avenue, 7939 Trojan Street, and 819 Westport Avenue - Not to exceed \$55,000 each for a total not to exceed \$165,000 - Financing: 2000-01 HOME Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0386

Item 34: Authorize (1) adoption of the final FY 2002-03 Community Development Block Grant Reprogramming Budget #2 in the amount of \$1,200,000 and (2) the Program Statement for the Minor Home Repair Program - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 34 be considered as an individual item. Mayor Miller stated that consent agenda item 34 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting agenda item 34 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Walne and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0387

Item 35: Authorize Supplemental Agreement No. 12 to the Interlocal Agreement with the Dallas Housing Authority to extend the term from March 25, 2003 to March 24, 2004 and add funding for marketing and providing rental bonus payments to property owners leasing three and four bedroom units to participants in the Section 8 Bonus Incentive Program - \$75,000 - Financing: 2002-03 Community Development Grant Funds (\$67,500) and Current Funds (\$7,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0388

Item 36: Authorize a fifteen-year contract with The First Tee Dallas for the use of municipal golf courses to provide programs and capital improvements within the City of Dallas for the period of January 31, 2003 through December 31, 2018 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0389

Item 37: Authorize application for third-year continuation of the Dallas Police Department Victim Services grant from the Office of the Governor, Criminal Justice Division to provide sufficient services to reach all eligible crime victims, for the period July 1, 2003 through June 30, 2004, for a total amount of \$32,974 (local match in an amount not to exceed \$13,751 will be required if awarded) - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0390

Item 38: Authorize application for a new law enforcement-related grant, Old East Dallas Resolution Program, to utilize bilingual community residents to identify law enforcement/government service needs of the Asian and Hispanic immigrant population and to reduce/prevent victimization of the youth and elderly residents of the community, from the Office of the Governor, Criminal Justice Division, in the amount of \$55,752, for the period October 1, 2003 through September 30, 2004 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0391

Item 39: Authorize application for fifth-year continuation of the Public School Child Abuse Response Team grant from the Office of the Governor, Criminal Justice Division to provide a liaison with public school officials to respond to child abuse referrals, for the period October 1, 2003 through September 30, 2004, for a total amount of \$24,218 (local match in an amount not to exceed \$136,738 will be required if awarded) - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0392

Item 40: Authorize application for a new law enforcement-related grant, Homicide/Officer Involved Shootings/Cold Case Unit Training, to provide specialized training to detectives assigned to investigate Homicides and Officer Involved shooting incidents, from the Office of the Governor, Criminal Justice Division, in the amount of \$31,250, for the period September 1, 2003 through August 31, 2004 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0393

Item 41: Authorize application for third-year continuation of the Investigation of Violations of Emergency Protective Orders grant from the Office of the Governor, Criminal Justice Division to aggressively investigate, make arrests, and file cases for violators of Emergency Protective Orders, for the period September 1, 2003 through August 31, 2004, for a total amount of \$80,000 (local match in an amount not to exceed \$81,107 will be required if awarded) - Financing: This action has no cost consideration to the City

Councilmember Rasansky requested that consent agenda item 41 be considered as an individual item. Mayor Miller stated that consent agenda item 41 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting agenda item 41 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0394

- Item 42: Authorize application for third-year continuation of the Sexual Assault/Stalking Training grant from the Office of the Governor, Criminal Justice Division to provide specialized training to detectives who investigate sexual assault and stalking offenses, for the period September 1, 2003 through August 31, 2004, for a total amount of \$29,865 (local match in an amount not to exceed \$9,955 will be required if awarded)
- Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0395

Item 43: A resolution endorsing the continuation of the Dallas Police Department's "Police and Constables in Partnership Program" for increased traffic enforcement and crime reduction efforts to include Northwest Dallas (portions of City Council Districts 1, 2, 3, 6, and 14) with Dallas County Constable Precinct 5, Southwest Dallas (portions of City Council District 3) with Dallas County Constable Precinct 4, Northeast Dallas (portions of City Council Districts 7, 9, 10, 11, 12, 13, and 14) with Dallas County Constable Precinct 3-1, and Southwest Dallas (portions of City Council Districts 2, 3, 4, 5, 6, 7, 8, and 14) with Dallas County Constable Precinct 1 for the period October 1, 2002 through September 30, 2003 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0396

03-0397

03-0398

**Central Business District Wayfinding
and Signage Program**

Note: Item Nos. 44, 45, and 46
must be considered collectively.

- Item 44: * A resolution endorsing recommendations for the Dallas Central Business District Wayfinding and Signage Program as the system of wayfinding principles, signage types and graphic designs to be used for directing visitors to destinations in or immediately adjacent to the Central Business District and the Dallas Zoo and Fair Park - Financing: No cost consideration to the City
- Item 45: * Authorize **(1)** a Participation Agreement with the Downtown Improvement District for the design and construction of Phase 1 of the Central Business District Wayfinding and Signage Program, **(2)** the receipt and deposit of funds from the Downtown Improvement District in an amount not to exceed \$200,000, and **(3)** an increase in appropriations in the amount of \$200,000 in the Capital Projects Reimbursement Fund - \$200,000 - Financing: Private Funds
- Item 46: * Authorize an Interlocal Agreement with the Texas Department of Transportation for the design and construction of Phase 1 of the Central Business District Wayfinding and Signage Program - \$5,000 - Financing: Capital Projects Reimbursement Funds (advanced by the Downtown Improvement District)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0399

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 47-50, was presented.

Agenda item 49 was removed from the consent zoning docket, to be considered as individual hearings.

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

Agenda item 47: Zoning Case Z023-101 (WE)

Agenda item 48: Zoning Case Z023-115 (WE)

~~Agenda item 49: Zoning Case Z023-139 (DC)~~

[Considered individually]

Agenda item 50: Zoning Case Z023-102 (WE)

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

Appearing in favor to the city plan commission's recommendation, approval of an NS(A) Neighborhood Service District but oppose denial of a CR Community Retail District.

Calvin Brown, (no address given) regarding zoning case Z023-101 (WE)

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

The following individual addressed the city council regarding zoning case Z023-102 (WE):

William Hopkins, 2011 Leath St.

Councilmember Fantroy 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 Walne and unanimously adopted. (Miller, Hill, Greyson, Lill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0400

Item 47: Zoning Case Z023-101 (WE)

Zoning Case Z023-101 (WE), an application for a CR Community Retail District and an ordinance granting an NS(A) Neighborhood Service District on property zoned an R-7.5(A) Single Family District on the southeast corner of the intersection of Bluecrest Drive and Springfield Avenue.

(The city plan commission recommended denial of a CR Community Retail District and approval of an NS(A) Neighborhood Service District.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25157.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0401

Item 48: Zoning Case Z023-115 (WE)

Zoning Case Z012-115 (WE), an application for and an ordinance granting a CR Community Retail District on property zoned an R-5(A) Single Family District at the southwest corner of St. Augustine Road and Scyene Road.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25158.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0402

Item 49: Zoning Case Z023-139 (DC)

The consent zoning docket, consisting of agenda items 47-50, was presented.

Councilmember Garcia requested that consent zoning docket item 49 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 49 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Garcia's request.

Later in the meeting, zoning docket item 49 was brought up for consideration.

A public hearing was called on zoning case Z023-139 (DC), an application for and an ordinance granting a Specific Use Permit for a Government Installation Other Than Listed for a City operations center on property zoned an IM Industrial Manufacturing District on the south side of Singleton Boulevard, east and west of Weir Street.

(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's recommendation.

The following individuals addressed the city council regarding zoning case Z022-139 (DC):

William Hopkins, 2011 Leath St.
Jewel Floyd, 3815 Myrtle St.

Councilmember Garcia moved to postpone the application until the February 26, 2003 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Oakley and unanimously adopted. (Miller, Hill, Greyson, Lill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0403

Item 50: Zoning Case Z023-102 (WE)

Zoning Case Z023-102 (WE), an application for and an ordinance granting an RR Regional Retail District with retention of the D Dry Overlay and a resolution accepting deed restrictions volunteered by the applicant on property zoned LO-3-D Limited Office Dry District and RR-D Regional Retail Dry District north of Ledbetter Drive, east of Hampton Road.

(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. 25159.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0404

Item 51: Public Hearing - Zoning Case Z001-123 (PC)

A public hearing was called on a City Plan Commission authorized hearing to determine proper zoning on properties presently zoned Planned Development District No. 317, the Cedars Special Purpose District, and an ordinance granting amendments to PD No. 317 in the area bounded by R. L. Thornton Freeway (I-30) to the north, Julius Schepps Freeway (I-45) to the east, the G.C. & S.F. Railroad to the south, and the M. K. & T. Railroad to the west.

(The city plan commission recommended approval, with amendments.)

Appearing in opposition to the city plan commission's recommendation:

Betty McDonald, 814 Buckalew St.

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

The following individuals addressed the city council regarding zoning case Z001-123 (PC):

William Hopkins, 2011 Leath St.
Jewel Floyd, 3815 Myrtle St.

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

"Maximum structure height in Subdistrict 1 is 90 feet" and pass the ordinance.

Motion seconded by Councilmember Walne and unanimously adopted. (Miller, Poss, Greyson absent when vote taken)

Assigned ORDINANCE NO. 25160.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0405

Item 52: Public Hearing - Zoning Case Z012-301 (MF)

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

A public hearing was called on zoning case Z012-301 (MF), an application for an MF-1(A) Multifamily District on property zoned an LO-3 Limited Office District on the northeast side of Walton Walker Boulevard (Loop 12) northwest of Exchange Service Drive.

(The city plan commission recommended denial.)

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

Councilmember Oakley moved to postpone the application until the March 26, 2003 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Fantroy and unanimously adopted. (Miller, Hill, Poss, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0406

Item 53: Public Hearing - Zoning Case Z023-111 (RB)

Mayor Pro Tem Hill moved to suspend the rules in accordance with Section 10.1 of the City Council Rules of Procedure in order to consider zoning docket item 53.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Miller, Poss, Greyson absent when vote taken)

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

A public hearing was called on an application for a Specific Use Permit for a Mini-warehouse use on property zoned an RR-D-1 Regional Retail-Dry-1 District located on the north side of Samuell Boulevard, east of Hunnicut Road.

(The city plan commission recommended denial.)

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

Appearing in opposition to the city plan commission's recommendation:

Michael Russell, 1725 Arvana St., representing the applicant
Ed Burney, (no address given)
Bryant Owen, (no address given)

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

Gerald Thompson, (no address given), representing Bethesda Church
Francis James, (no address given)
Carolyn Johnson, 5311 Banting Way
David Aldridge, (no address given)

The following individual addressed the city council regarding zoning case Z023-111 (RB):

William Hopkins, 2011 Leath St.

Councilmember Chaney moved to close the public hearing and accept the recommendation of the city plan commission.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Thornton Reese abstain; Miller, Poss, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0407

Item 54: Public Hearing - ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on an application for and ordinances granting a Planned Development District for MU-3 Mixed Use District Uses and a Vehicle display, sales, and service use by Specific Use Permit only and a Specific Use Permit for a Vehicle display, sales, and service use on property zoned an MU-3 Mixed Use District on the east corner of North Central Expressway and Bonner Street.

(The city plan commission recommended approval of a Planned Development District for MU-3 Mixed Use District Uses and a Vehicle display, sales, and service use (SUP), and approval of a Specific Use Permit for a Vehicle display, sales, and service use for a three-year period, subject to a site plan and conditions. This item was considered by the City Council at a public hearing on January 8, 2003, and was taken under advisement until January 22, 2003, with the public hearing open.)

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

The following individual addressed the city council regarding zoning case Z012-274 (RB):

William Hopkins, 2011 Leath St.

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

“SEC. 51P-629-111 SIGNS.

- (a) Signs must comply with the provisions for business zoning districts in Article VII and with the further restriction to Article VII set forth in this section.
- (b) A maximum of one detached sign is permitted on the property.

Revised sign provisions for SUP:

The maximum height of the detached sign on the property is 56 feet above the ground at the base of the sign. The message area for the detached sign must not extend lower than 36 feet above the ground at the base of the sign, and must not be more than 50 feet wide. Exhibit A on the attached site plan shows the maximum boundaries of the message area for the detached sign” and pass the ordinances.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Miller, Poss, Greyson absent when vote taken)

Assigned ORDINANCE NO. 25161 and ORDINANCE NO. 25262.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0408

Item 55: Public Hearing - Zoning Case Z012-305 (MF)

Zoning Case Z012-305 (MF), an application for and a resolution accepting the termination of deed restrictions on property zoned an MU-3 Mixed Use District, an RR Regional Retail District and Planned Development District No. 607 for single family and retail uses generally bounded by Kirnwood Drive, Bainbridge Avenue and Interstate 20.

(The city plan commission recommended approval. This item was considered by the City Council at a public hearing on December 11, 2002, and was taken under advisement until January 22, 2003, with the public hearing open.)

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

Councilmember Fantroy moved to close the public hearing and accept the recommendation of the city plan commission.

Motion seconded by Councilmember Oakley and unanimously adopted. (Miller, Poss, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0409

Item 56: Public Hearing - DEVELOPMENT CODE AMENDMENTS - CONSENT

A public hearing was called on amendments to Chapter 51P by Codifying the Regulations of Planned Development District Nos. 536-547, 549-578, 581, 583-594, 596, 597, 599-605, and 608 and ordinances authorizing the amendments

(The city plan commission recommended approval.)

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

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

Motion seconded by Councilmember Rasansky and unanimously adopted. (Miller, Hill, Poss, Greyson absent when vote taken)

Assigned ORDINANCE NO. 25163.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0410

Item 57: Public Hearing - DEVELOPMENT CODE AMENDMENTS – CONSENT

A public hearing was called on amendments to Chapter 51P by Codifying the Regulations of Planned Development District Nos. 106, 168, 223, 253, 322, 366, 381, 475, 519, 520, 522 through 535, and 582 and ordinances authorizing the amendments.

(The city plan commission recommended approval.)

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

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

Motion seconded by Councilmember Rasansky and unanimously adopted. (Miller, Hill, Poss, Greyson absent when vote taken)

Assigned ORDINANCE NO. 25164.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0411

Item 58: Public Hearing - Zoning Case Z023-117 (MF)

A public hearing was called on zoning case Z023-117 (MF), an application for and an ordinance granting a Planned Development District for multifamily, retail/personal service and office uses on property zoned an MU-2 Mixed Use District and a GO(A) General Office District on the south west corner of Fitzhugh Avenue and Alcott Street.

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

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

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

Motion seconded by Councilmember Rasansky and unanimously adopted. (Miller, Hill, Poss, Greyson absent when vote taken)

Assigned ORDINANCE NO. 25165.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0412

Item 59: Public Hearing - THOROUGHFARE PLAN AMENDMENTS

A public hearing was called on to authorize an amendment to the Thoroughfare Plan to delete Acres Drive from Seagoville Road to Rylie Crest Drive and an ordinance implementing the change - Financing: No cost consideration to the City.

No one addressed the city council regarding the Thoroughfare Plan Amendments.

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

Motion seconded by Councilmember Walne and unanimously adopted. (Miller, Hill, Poss, Greyson absent when vote taken)

Assigned ORDINANCE NO. 25166.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0413

Item 60: MISCELLANEOUS HEARING

A public hearing to receive citizens' comments on the 2003 General Obligation Bond Program - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the 2003 General Obligation Bond Program:

Sidney Kay, 5718 Harvest Hill Rd.
Bill Lively, 30 St. Laurent Pl.
John Stettler, 11028 Ridgemoor Dr.
Glenda Owen, 8540 Van Pelt, representing Ferguson Road Initiative
Michelle Loftus, 9044 Mercer Place, representing Ferguson Road Initiative
Gary Lawler, 5620 Live Oak St., representing Ferguson Road Initiative
Pat Bowman, 7041 Tokalon Dr.
Ann Williams, 2040 Argyle Ave.
Marsha Fogarty, 943 Leatrice Dr., representing Friends of Dallas Public Library
David Neumann, 1009 Lausanne Ave., representing Stemmons Corridor Business Association
Clora Hogan, 5088 Matilida St.
Bonnie Mathias, 904 Lufkin St., representing ACORN
Shelia Bates, 1815 Greendale Dr., representing ACORN
Nicki Madison, 2228 Areba St., representing ACORN
Robert Stubblefield, 553 Woodmont Dr., representing ACORN
Arturo Violant, 4622 Maple Ave., representing Greater Dallas Chamber of Commerce
John Brown, 7583 County Rd., Terrell
Skip Trimble, 5936 Woodland Dr.
Sade Dorton, 9254 Forest Ln., representing Dallas Black Dance Theater
Garfield Lemonius, 5836 Birchbrook Dr., representing Dallas Black Dance Theater
Arbertha Herrod, 5151 Lauderdale Dr., representing Arden Terrance Neighborhood

Deputy Mayor Pro Tem Loza moved to close the public hearing.

Motion seconded by Mayor Pro Tem Hill and unanimously adopted. (Miller, Hill, Poss when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0414

Item 61: MISCELLANEOUS HEARING

A public hearing was called on to authorize an amendment to the CBD Streets and Vehicular Circulation Plan to reduce the proposed right-of-way of Elm Street from Lamar Street to Market Street from 80 feet to 79 feet and to reduce the proposed varying 86 feet to 100 feet right-of-way of Lamar Street from Elm Street to Main Street to 78 feet and an ordinance implementing the change - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the CBD Streets and Vehicular Circulation Plan:

William Hopkins, 2011 Leath St.
Jewel Floyd, 3815 Myrtle St.

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

Motion seconded by Councilmember Oakley and unanimously adopted. (Miller, Hill, Poss, Greyson absent when vote taken)

Assigned ORDINANCE NO. 25167.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0415

Item 62: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (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 2001-2003 board term updated through January 22, 2003.

The city secretary noted that the report indicated nominees and renominees for individual appointments cleared for council action that met all qualifications for service.

Councilmember Walne moved to appoint all the 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, 2003.

Motion seconded by Councilmember Finkelman and unanimously adopted.

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

02-0432 CPC CITY PLAN AND ZONING COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0416

Item 63: Authorize the modification of the Revolving Loan Fund Program loan made in 1991 to North Oak Cliff Community Development Corporation construction of the twenty multi-family unit Jeffrey Square Apartments scattered sites located at 522 W. 9th Street, 701-703 W. 10th Street, 117 and 119 N. Van Buren Street to: (1) require pay off of the Bank of America first lien loan balance to put the City of Dallas in first lien position (2) extend the term of the loan from November 1, 2021 to July 1, 2025, (3) require a funding of \$30,000 in operating and replacement reserves, (4) require maintenance of a minimum balance of \$30,000 in the reserve account during the term of the loan, and (5) require borrower to pay outside legal fees - Financing: No cost consideration to the City

Councilmember Garcia moved to approve the item.

Motion seconded by Councilmember Oakley and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0417

Item 64: An ordinance amending Chapter 41 of the Dallas City Code to define terms; to prohibit smoking in all eating establishments, and other public areas, with certain defenses; to provide signage requirements; and to make certain nonsubstantive changes (via Mayor Miller)

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

Mayor Miller called a recess of the meeting in order that the city council could meet in executive session under Section 51.071 of the Texas Government Code (Texas Open Meetings Act) to confer with the city attorney.

Following the executive session the city council reconvened in open session.

The following individuals addressed the city council regarding the ordinance:

FAVOR

Keith Pomykal, 4020 Holland Ave.
Karen Potasznik, 7626 Fisher Rd.
Betty Moore, 6211 W. Northwest Hwy.
Steven Holt, 5808 Gaston Ave.

OPPOSE

Rich Sheridan, 3022 Forest Ln.
Albert Parker, 9647 Oak Gate Ln., representing John Q. Public
Frank Seltzer, 6034 Palo Pinto Ave.
William Mede, 12101 Greenville Ave.
Larry Whittlington, 9248 Flickering Shadow Dr.
Bernard Weinstein, 7219 Cannongate Dr.
Pam Gibbs, 4246 Blackheath Dr.
Sandi Bailey, 325 N. St. Paul St., representing Hotel Association of Dallas
Martin Lombard, 3500 Fontaine St., Plano, representing The Tipperary Inn
Jim Eleisha, 1823 Greenspring, Garland, representing AMF Jupiter Lanes
Roy Kibbe, 5644 Hillsborough Dr., Plano, representing Clean Air Research and Environmental
Darryl Greer, 1420 w. McDermott, Allen, representing Nu Tek, International
Court Smith, 4108 E. Leigh Dr., Plano, representing Greater Dallas Restaurant Association

Councilmember Garcia moved to pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Loza.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

03-0417

Page 2

Councilmember Poss moved to substitute for Councilmember Garcia's motion a motion to accept the Environmental Health Commission's recommendation per request of five year phase in of separate ventilation systems and for major remodels or new construction would require immediate compliance and would require signage in the windows about the type of faults as was previously recommended.

Motion seconded by Councilmember Greyson.

Councilmember Finkelman asked Councilmember Garcia if she would accept a friendly amendment to her motion to amend the implementation date until March 1st as oppose to January 31st.

Councilmember Garcia accepted the amendment as part of her motion.

Deputy Mayor Pro Tem Loza who seconded the original motion, also accepted the amendment.

Mayor Miller asked Councilmember Garcia if she would accept a friendly amendment to amend Section 41-2(d) 4 a retail service or establishment that derives 90% or on a quarterly basis more of its gross revenue from tobacco, the sale of tobacco products, or smoking implements and does not open into any other establishments in which smoking is prohibited under this section.

Councilmember Garcia accepted the amendment as part of her motion.

Deputy Mayor Pro Tem Loza who seconded the original motion, also accepted the amendment.

After discussion, Mayor Miller called the vote on Councilmember Poss' substitute motion:

Voting Yes:	[5]	Hill, Thornton Reese, Walne, Poss, Greyson
Voting No:	[8]	Miller, Loza, Garcia, Housewright, Chaney, Fantroy, Finkelman, Lill
Absent when vote taken:	[2]	Oakley, Rasansky

Mayor Miller declared the motion failed.

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Mayor Pro Tem Hill asked Councilmember Garcia if she would accept a friendly amendment to: **Amendment B: Changing the Alcohol Sales Threshold for Bars to 51%.**

Over the years, the Texas alcoholic Beverage Code has changed the definition of a bar from a venue that receives 75 percent or more of its revenues from the sale of alcoholic beverages to a venue that receives 51 percent or more of its revenues from alcoholic beverages. The current Dallas ordinance, written in the late 1980s, used the old TABC threshold in defining a bar.

This proposed amendment would reduce the percentage figure on revenues obtained from alcohol sales to the same as state law (51%). This change would be made in the "bar" definition on page two of the proposed ordinance. The proposed change is underlined with the current figure (75%) struck through.

(2) BAR means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives ~~75~~51 percent or more of its gross revenue on a quarterly (three month) basis from the sale or service of alcoholic beverages, as defined in the Texas alcoholic Beverage Code, for a non-premise consumption. If an establishment is

located in a hotel or motel, the gross revenues of the particular establishment, rather than the gross revenues of an entire hotel or motel, will be used in calculating the percentage of revenues derived from the sale or service of alcoholic beverages.

This amendment will be important not only to restaurants that have bars, but other venues in Dallas as well that most people would consider a bar or bar-like venue (like a sports bar or billiard hall). For instance, a sports bar may sell 30% food; that would classify them as a restaurant under the proposed ordinance. For a billiard hall, they may sell only 5% food, but have 25% of their gross proceeds come from renting billiard equipment; they too would fall short of the 75% threshold and be considered an eating establishment under the proposed ordinance.

Amendment A: Allowing Restaurants Bars to Allow Smoking

The proposed ordinance allows smoking in stand-alone bars, but not restaurant bars that are attached to restaurants. Restaurant bars should have the same status as stand-alone bars if they meet the necessary alcohol sales threshold.

To establish this, this amendment would add language to the "bar" definition on page two of the proposed ordinance. The added language is underlined.

The bar definition with amendment as written on page two.

(2) BAR means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three month) basis from the sale or service of alcoholic beverages, as defined in the Texas alcoholic Beverage Code, for on-premise consumption. If an establishment is located in a hotel or motel or a restaurant, the gross revenues of the particular establishment, rather than the gross revenues of an entire hotel, motel or restaurant, will be used in calculating the percentage of revenues derived from the sale or service of alcoholic beverages.

Amendment C: Hotel Amendments

To change the provisions that essentially now ban smoking in all hotel areas, the following must be done.

First the words “hotel” and “motel” in the retail or service establishment definition should be deleted. That removes all hotel banquet rooms, private meeting rooms, lobby areas, and common areas from the ordinance.

Second, the ordinance needs to be amended to allow smoking in hotel bars separate from hotel restaurants. Specifically the section that says a bar is exempt unless it “opens into an eating establishment of if the bar opens into a hotel or motel” must be deleted.

This would also allow restaurant bars to allow smoking.

Amendment D: Bingo Halls and Bowling Alleys Amendment

To take bowling alley and bingo halls out of the ordinance, the words, “bowling alley” and bingo hall” need to be taken out of the “retail or service establishment” definition.

Amendment E: Laundromats, Barber Shops and Hair Salons Amendment

To take Laundromats, barber shops and hair salons out of the ordinance, the words “Laundromat”, and “hair salon” need to be taken out of the “retail or service establishment” definition.

Amendment G: Exemption Private Clubs

To exempt private clubs from regulation, the ordinance should be changed to provide an exemption to private restaurants and bars at venues where membership dues are required.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

03-0417

Page 5

After discussion, Mayor Miller called the vote on Mayor Pro Tem Hill's substitute motion:

Voting Yes:	[5]	Hill, Thornton Reese, Poss, Walne, Greyson
Voting No:	[8]	Miller, Loza, Garcia, Housewright, Chaney, Fantroy, Finkelman, Lill
Absent when vote taken:	[2]	Oakley, Rasansky

Mayor Miller declared the motion failed.

Mayor Miller then called the vote on the original motion as amended:

Voting Yes:	[10]	Miller, Hill, Loza, Garcia, Housewright, Thornton Reese, Chaney, Fantroy, Finkelman, Lill
Voting No:	[3]	Poss, Walne, Greyson
Absent when vote taken:	[2]	Oakley, Rasansky

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25168.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0418

Addendum addition 1: Authorize a professional services contract with Resource Environmental Consulting, Inc. for a thirty-six-month period for environmental consulting services at the former Dallas Naval Air Station at Hensley Field - Not to exceed \$135,000 - Financing: Hensley Field Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0419

Addendum addition 2: An ordinance abandoning a portion of a water easement and a portion of a wastewater easement to AGB Northtown, L.P., the abutting owner, containing a total of approximately 7,364 square feet of land located near the intersection of Forest Lane and Webb Chapel Road - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25169.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0420

Addendum addition 3: An ordinance abandoning 3 storm sewer easements to Jefferson at Kessler Heights, L.P., the abutting owner, containing approximately 1,130 square feet of land located near the intersection of Zang Boulevard and Greenbriar Lane, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25170.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0421

Addendum addition 4: An ordinance abandoning a sanitary sewer easement to The Enclave at Grove Hill, Ltd., the abutting owner, containing approximately 4,995 square feet of land located near the intersection of Grove Hill and Forney Roads, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25171.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0422

Addendum addition 5: An ordinance abandoning a portion of a floodway management area to C. Robert Umana and Elizabeth Umana, the abutting owners, containing approximately 4,373 square feet of land located near the intersection of Greenville Avenue and Stults Road, and authorizing the quitclaim - Revenue: \$18,585 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25172.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0423

Addendum addition 6: Authorize a professional services contract with Economists.com for professional services necessary in a billing and contract dispute between the City of Dallas and SBC - Not to exceed \$54,000 - Financing: Current Funds

Mayor Miller called a recess of the meeting in order that the city council could meet in executive session under Section 511.071 of the Texas Government Code (Texas Open Meetings Act) to confer with the city attorney.

Following the executive session the city council reconvened in open session.

Councilmember Lill moved to defer the item at the request of the city attorney's office.

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0424

Addendum addition 7: A public hearing to authorize a public hearing to consider amending Planned Development District No. 607 on property generally bound by Kirnwood Drive, Bainbridge Avenue, and Cliff Creek Crossing Drive to consider revisions to the conditions for Planned Development District No. 607 - Financing: No cost consideration to the City

Councilmember Fantroy moved to approve the item, with the following change:

“To determine the proper zoning on property presently zoned as Planned Development District No. 607 on an area bounded by Kirnwood Drive, Bainbridge Avenue and Cliff Creek Crossing Drive, with consideration being given to amending the conditions that govern Sub Area 1 with the defined area”.

Motion seconded by Councilmember Oakley and unanimously adopted. (Miller, Poss, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0425

Addendum addition 8: Authorize an amendment to the fourth year contract with KPMG LLP, for the audit of the City's financial operations and grant activities for the fiscal year ending September 30, 2002 for additional scope due to the implementation of the new reporting model required by the Governmental Accounting Standards Board (GASB 34) - Not to exceed \$25,000, from \$304,953 to \$329,953 - Financing: Current Funds

Councilmember Garcia moved to approve the item.

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Miller, Hill, Poss, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0426

Addendum addition 9: An ordinance amending Chapter 45 of the Dallas City Code to extend taxicab age limits by twelve months for all vehicles authorized as taxicabs on January 22, 2003 - Financing: No cost consideration to the City

Councilmember Greyson moved to send the ordinance back to the Council Transportation and Telecommunications Committee for further study.

Motion seconded Councilmember Fantroy and unanimously adopted. (Miller, Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0427

Addendum addition 10: Authorize a 120-day moratorium effective on January 22, 2003, freezing the current number of taxicab firms, taxicabs inspected and decals issued, and taxicab drivers permitted in the city of Dallas - Financing: No cost consideration to the City

Councilmember Greyson moved to send the item back to the Council Transportation and Telecommunications Committee for further study.

Motion seconded Councilmember Fantroy and unanimously adopted. (Miller, Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0428

Addendum addition 11: Authorize (1) a decrease in the contract with Valley Crest Landscape Development for landscaping and irrigation for the Nasher Sculpture Center - (\$68,307), from \$510,192 to \$441,885, and (2) an increase in the contract with Omega Contracting, Inc. for concrete work on the Nasher Sculpture Center - \$58,007, from \$415,290 to \$473,297, within the development agreement - Financing: No additional cost consideration to the City

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Miller, Hill, Poss, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0429

Addendum addition 12: Authorize (1) Supplemental Agreement No. 10 to the contract with Centex - 3D/I, a joint venture, for additional construction management services associated with Leadership in Energy and Environmental Design related upgrades for an in-house recycling program, increasing the Guaranteed Maximum Price for the Jack Evans Police Headquarters project in the amount of \$31,356, from \$53,898,909 to \$53,930,265 and the total contract amount from \$54,649,423 to \$54,680,779, (2) an increase in the contract with Interior Resources for procurement and installation of 1,362 containers for operation of an in-house recycling program in the amount of \$27,921, from \$593,673 to \$621,594, within the Guaranteed Maximum Price, and (3) an increase in the shell building contract with Satterfield & Pontikes, Inc. for construction changes at the Jack Evans Police Headquarters to lower ceiling height in corridors adjacent to several mechanical rooms to accommodate overhead ductwork in the amount of \$27,928, from \$23,353,222 to \$23,381,150, within the Guaranteed Maximum Price - Total not to exceed \$31,356 - Financing: 1998 Bond Funds

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Miller, Hill, Poss, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0430

Addendum addition 13: Authorize renewal of the professional services contract with Tuerff-Davis EnviroMedia, Inc. for furtherance of the advertising campaign promotion and media placement for reinforcement of water conservation initiatives previously approved by Ordinance No. 24745 on September 26, 2001 - \$1,100,000 - Financing: Water Utilities Current Funds

Councilmember Garcia moved to approve the item.

Motion seconded by Councilmember Lill.

After discussion, Deputy Mayor Pro Tem Loza called the vote on the motion.

Deputy Mayor Pro Tem Loza declared the motion adopted on a divided voice vote, with Councilmembers Walne and Rasansky voting "No". (Miller, Hill, Poss, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0431

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 councilmember 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).

3/6/03 8:54 AM
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 22, 2003

EXHIBIT C

3/6/03 8:54 AM
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 22, 2003

03-0350

VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR LAURA MILLER, PRESIDING

PRESENT: [15] Miller, Hill, Loza, Garcia, Housewright, Thornton Reese, Oakley,
Chaney, Fantroy, Poss, Walne, Finkelman, Greyson, Rasansky, Lill

ABSENT: [0]

CORRECTION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 22, 2003

03-0423

Addendum addition 6: Authorize a professional services contract with Economists.com for professional services necessary in a billing and contract dispute between the City of Dallas and SBC - Not to exceed \$54,000 - Financing: Current Funds

Mayor Miller called a recess of the meeting in order that the city council could meet in executive session under Section 551.071 of the Texas Government Code (Texas Open Meetings Act) to confer with the city attorney.

Following the executive session the city council reconvened in open session.

Councilmember Lill moved to defer the item at the request of the city attorney's office.

Motion seconded by Councilmember Finkelman and unanimously adopted.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS