

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 26, 2003

03-0750

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 9:50 a.m.

The assistant 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 the city council and the audience.

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

After all business properly brought before the city council had been considered the city council adjourned at 6:54 p.m.

Mayor

ATTEST:

Assistant 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 26, 2003

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 26, 2003

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0751

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: Richard Sevens, 101 N. Brookside Dr.
REPRESENTING: Green Party of Dallas County
SUBJECT: No war in Iraq

SPEAKER: Michael Machicek, 4415 Bowser Ave. **CANCELED**
SUBJECT: Peace on earth. Goodwill to all

SPEAKER: Sandra Crenshaw, 1431 Quartet Dr. **CANCELED**
SUBJECT: Fantroy state violations of campaign reporting

SPEAKER: Ted Barker, 9191 Garland Rd. **NO SHOW**
SUBJECT: Selective enforcement of building codes/Subtitle cover-up by city officials

SPEAKER: James Goodwin, 6205 Lovett Ave. **NO SHOW**
SUBJECT: Presenting Achievement Award to the City of Dallas

OPEN MICROPHONE – END OF MEETING:

None.

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

SPEAKER: William Hopkins, 2011 Leath St. **NO SHOW**
SUBJECT: Racism against: Mayor of Dallas/ Yellow Cab/ Convention Center

SPEAKER: Marvin Crenshaw, 534 Malcolm X Blvd.
SUBJECT: Who controls the council?

SPEAKER: Michael Simmons, 2515 Lawrence St.
SUBJECT: Theft of services by Madie Berry, Joseph Avina and City of Dallas Housing Department

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

03-0751

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SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
SUBJECT: For Whites Only, Black Codes, Long live Hitler

SPEAKER: Douglas Uchendu, 3109 West Northgate Dr., Irving
REPRESENTING: Association of United Taxicabs Operators **NO SHOW**
SUBJECT: In favor of Agenda item 64 and 65: An ordinance amending
Chapter 45

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0752

Item 1: Approval of Minutes of the February 12, 2003 City Council Meeting

Councilmember Greyson moved to approve the minutes, with the following correction. Councilmember Greyson stated that on zoning item 57, Mark Jagielski, was in opposition to the city plan commission's recommendation, instead of in favor of the city plan commission's recommendation.

Motion seconded by Councilmember Walne and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0753

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-47 and addendum addition consent agenda items 1-6, was presented for consideration.

The city secretary announced that Councilmember Walne had deferred consideration of addendum addition consent agenda item 10 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 4, 8, 13, 29, 30 and 42 to be considered as individual items. Mayor Miller stated that consent agenda items 4, 8, 13, 29, 30 and 42 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 items 15, 21, 28 and 39 to be considered as individual items. Mayor Miller stated that consent agenda items 15, 21, 28 and 39 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Councilmember Walne requested that consent agenda item 31 to be considered as an individual item. Mayor Miller stated that consent agenda item 31 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Walne'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 addendum addition consent agenda item 10 which was deferred and consent agenda items 4, 8, 13, 15, 21, 28, 29, 30, 31, 39 and 42 which would be considered later in the meeting.

Motion seconded by Councilmember Walne and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0754

Item 2: Authorize a professional services contract with Camp Dresser & McKee, Inc. for the diffused air and process improvements at the Southside Wastewater Treatment Plant - \$3,189,719 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0755

Item 3: Authorize a contract for carpet replacement in the Hiring Center and other reconfigured office spaces on the first and second floors at City Hall - Spectra Contract Flooring, lowest responsible bidder of eight - \$159,152 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0756

Item 4: Authorize a contract for heating, ventilation and air conditioning renovation at the Dallas Police Department's Property Building located at 1725 Baylor Street - John Cook and Associates, Inc., lowest responsible bidder of four - \$400,500 - Financing: Capital Construction Funds (\$140,657), General Capital Reserve Funds (\$259,843)

Councilmember Rasansky requested that consent agenda item 4 be considered as an individual item. Mayor Miller stated that consent agenda item 4 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 4 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0757

Item 5: Authorize a contract for construction of a basketball court and playground renovation at Randall Park - A S Construction, lowest responsible bidder of six - \$72,990 - Financing: 2000-01 Community Development Grant Funds (\$19,427), 2001-02 Community Development Reprogramming Grant Funds (\$52,500) and 1995 Bond Funds (\$1,063)

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0758

Item 6: Authorize a contract for the construction of storm drainage improvements at the Rush Creek crossings of Highgate Lane, Rockaway Drive and Santa Barbara Drive - P & E Contractors, Inc., lowest responsible bidder of five - \$564,728 - Financing: 1998 Bond Funds (\$552,403), Water Utilities Capital Construction Funds (\$12,325)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0759

Item 7: Authorize a contract for the construction of the Street Maintenance facility to be located at the Southeast Service Center at 2721 Municipal Street - Starling Richardson Construction, Inc., lowest responsible bidder of seven - \$3,165,000 - Financing: 1985 Bond Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0760

Item 8: Authorize a contract for asphaltic concrete street resurfacing, restoration and rehabilitation on various improved and unimproved streets - All-Tex Paving, Inc., lowest responsible bidder of five - \$3,210,634 - Financing: Current Funds (\$2,982,244), and Water Utilities Capital Construction Funds (\$228,390)

Councilmember Rasansky requested that consent agenda item 8 be considered as an individual item. Mayor Miller stated that consent agenda item 8 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 8 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

February 26, 2003

03-0761

Item 9: Authorize a contract for the construction of water and wastewater main replacements at various locations within the Lower White Rock Creek Drainage Area Phase 1 - Atkins Bros. Equipment Co., Inc., lowest responsible bidder of six - \$2,838,634 - Financing: Water Utilities Bond Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0762

Item 10: Authorize an increase in the contract with Mart, Inc. for installation of ball field lighting at Cummings Park - \$67,100, from \$681,148 to \$748,248 - Financing: 2001-02 Community Development Grant Funds (\$65,000) and 1995 Bond Funds (\$2,100)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0763

Item 11: Authorize (1) an increase in the contract with Dee Brown, Inc. to provide anchor bolts of sufficient length in order to provide additional shear capacity for the Latino Cultural Center project in an amount not to exceed \$30,417, from \$480,709 to \$511,126, within the Guaranteed Maximum Price (2) Supplemental Agreement No. 3 to the contract with Thos. S. Byrne, Inc. to increase the Guaranteed Maximum Price in an amount not to exceed \$83,932, from \$7,835,128 to \$7,919,060 and the total contract amount from \$7,910,128 to \$7,994,060, for relocation of existing overhead utility lines located along Good-Latimer Expressway and Live Oak Street, and (3) an increase in appropriations in the amount of \$83,932 in the Latino Cultural Center Donation Fund - Total not to exceed \$83,932 - Financing: Private Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0764

Item 12: Authorize an increase in the contract with Manhattan Construction Company for construction changes related to structural, electrical, fire protection, plumbing, architectural work and obstruction allowance adjustment for the Dallas Convention Center Expansion and Renovation 2002 project - \$64,322, from \$97,105,042 to \$97,169,364, within the Guaranteed Maximum Price - Financing: No additional cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0765

Item 13: Authorize Supplemental Agreement No. 12 to the contract with Phillips Swager Associates to provide additional architectural services required for completion of the Jack Evans Police Headquarters facility - \$465,420, from \$5,236,881 to \$5,702,301 - Financing: 1998 Bond Funds

Councilmember Rasansky requested that consent agenda item 13 be considered as an individual item. Mayor Miller stated that consent agenda item 13 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 13 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0766

Item 14: Authorize payment to the City of Plano for the City's share of design, construction, and construction management for paving and bridge improvements on Midway Road from the Kansas City Southern Railroad to International Parkway - \$23,119 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0767

Item 15: Authorize (1) rescinding the contract with Metro Landscaping & Irrigation previously approved on June 12, 2002 in the amount of \$99,786, pursuant to Resolution No. 02-1732 for the landscape for the Latino Cultural Center, and, (2) a contract for the construction of the landscape for the Latino Cultural Center - Jonmar Services, second lowest responsible bidder of seven - \$113,644, within the Guaranteed Maximum Price - Financing: No additional cost consideration to the City

Councilmember Greyson requested that consent agenda item 15 be considered as an individual item. Mayor Miller stated that consent agenda item 15 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 15 was brought up for consideration.

Councilmember Greyson moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0768

Item 16: Authorize (1) street paving, storm drainage, water and wastewater main improvements on Blue Ridge Boulevard from Los Angeles Boulevard to Rio Grande Avenue; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on April 9, 2003, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0769

Item 17: Authorize settlement in lieu of proceeding further with condemnation of ASI Texas LLC for a tract of land containing approximately 3,147 square feet for the Colorado Boulevard paving improvement project located near the intersection of Colorado and Jefferson Boulevards - \$45,000 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0770

Item 18: An ordinance granting a private license to WestVan Properties, Ltd. for the use of approximately 84,000 square feet of land to maintain existing landscaping on portions of Conveyor Lane right-of-way near its intersection with Inwood Road - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25190.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0771

Item 19: An ordinance granting a private license to Deep Ellum Warehouses, Ltd. for the use of approximately 749 square feet of land to construct and maintain a sidewalk cafe, platform with stairs, an awning and landscaping on and over portions of Canton Street right-of-way located near its intersection with Pacific Avenue - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25191.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0772

Item 20: Authorize a twenty-four-month price agreement for water bill envelopes and stock paper with the lowest responsible bidder of six - Berndt Business Forms, Inc. - Not to exceed \$320,403 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0773

Item 21: Authorize a thirty-six-month service contract for temporary industrial labor with the lowest responsible bidder of thirteen - The RidMok Group - Not to exceed \$3,859,929 - Financing: Current Funds (\$3,416,259), Water Utilities Current Funds (\$443,670)

Councilmember Greyson 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 Greyson's request.

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

Councilmember Chaney moved to approve the item.

Motion seconded by Councilmember Fantroy and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0774

Item 22: Authorize a twenty-four-month service contract for micro-surfacing and slurry seal treatments with the lowest responsible bidders of two - Viking Construction Inc. and Ballou Construction Co., Inc. - Not to exceed \$5,415,000 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0775

Item 23: Authorize (1) the rejection of bids received for clinical pathology testing services, and (2) the re-advertisement for new bids for clinical pathology testing services - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0776

Item 24: Authorize a thirty-six-month price agreement for industrial and medical gases with the lowest responsible bidder of five - Praxair Distribution, Inc. - Not to exceed \$208,791 - Financing: Water Utilities Current Funds (\$116,478), Current Funds (\$92,313)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0777

Item 25: Authorize a thirty-six-month service contract for farrier services with the only bidder - Pete Hyatt-Farrier - Not to exceed \$123,165 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0778

Item 26: Authorize settlement of a lawsuit, styled Jesus Zamora and Rebecca Serna v. Shirley Ruth Thomas and City of Dallas, Cause No. 01-10466-F - \$8,000 -
Financing: Current Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0779

Item 27: Authorize a real property tax abatement agreement with Robert K. Milligan and acting by and through its general partner, What's Hot! Fun World Ltd. for the purpose of granting a seven-year abatement of 90% of the taxes on new real property value resulting from the development of a roller skating/entertainment center to be located within City of Dallas Enterprise Zone Three at 400 S. Buckner Boulevard - Revenue: First year new real property tax revenue estimated at \$700; seven-year new real property tax revenue estimated at \$4,899; (Estimated revenue foregone for seven-year abatement is \$44,087) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0780

Item 28: Authorize a real property tax abatement agreement with Matthew Investments Southwest Inc., X and Libbie Schepps, LLC for the purpose of granting a five-year abatement of 50% of the taxes on new real property value resulting from the development of a Gilley's multi-themed entertainment facility to be located within the City of Dallas Enterprise Community at 1135 S. Lamar - Revenue: First year new real property tax revenue estimated at \$10,497; five-year new real property tax revenue estimated at \$136,461; (Estimated revenue foregone for five-year abatement is \$136,461) - Financing: No cost consideration to the City

Councilmember Greyson requested that consent agenda item 28 be considered as an individual item. Mayor Miller stated that consent agenda item 28 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 28 was brought up for consideration.

Deputy Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Poss.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0781

**Restoration of Dallas Power & Light Complex
(City Center TIF District)**

Note: Item Nos. 29 and 30
must be considered collectively.

Item 29: * Authorize (1) a development agreement with Hamilton DPL, LP to provide for the funding of facade, demolition, environmental remediation, and other authorized improvements related to the redevelopment of the Dallas Power and Light Buildings located at 1506 and 1512 Commerce Street in Tax Increment Financing Reinvestment Zone Five, City of Dallas, Texas (City Center TIF District) in an amount not to exceed \$6,500,000; and (2) the establishment of appropriations in the amount of \$6,500,000 in the City Center TIF District Fund - Total not to exceed \$6,500,000 - Financing: City Center TIF District Funds (to be advanced by a private developer and reimbursed from the City Center TIF District Fund)

Councilmember Rasansky requested that consent agenda item 29 be considered as an individual item. Mayor Miller stated that consent agenda item 29 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 29 was brought up for consideration.

Councilmember Lill moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Loza.

After discussion, Councilmember Lill moved to amend her motion to increase the amount of \$6,500,00 and not to exceed \$7,500,00.

Motion seconded by Deputy Mayor Pro Tem Loza.

Mayor Miller called the vote on Councilmember Lill's amended motion:

Voting Yes: [14] Miller, Hill, Loza, Garcia, Oakley, Thornton Reese,
Housewright, Chaney, Fantroy, Poss, Walne, Finkelman,
Greyson, Lill
Voting No: [1] Rasansky

Mayor Miller declared the motion adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0782

**Restoration of Dallas Power & Light Complex
(City Center TIF District)**

Note: Item Nos. 29 and 30
must be considered collectively.

Item 30: * A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Five, City of Dallas, Texas (City Center TIF District) to reimburse Hamilton DPL, LP for funds advanced pursuant to a development agreement between the City and Hamilton DPL, LP in an amount not to exceed \$6,500,000 plus interest, for facade improvements, demolition, environmental remediation, and other authorized improvements related to the redevelopment of the Dallas Power and Light Buildings located at 1506 and 1512 Commerce Street in the City Center TIF District - \$6,500,000 - Financing: To be advanced by a private developer and reimbursed solely from the City Center TIF District Fund; accrued interest on private funds to be repaid solely from the City Center TIF District Fund

Councilmember Rasansky requested that consent agenda item 30 be considered as an individual item. Mayor Miller stated that consent agenda item 30 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 30 was brought up for consideration.

Councilmember Lill moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Loza.

After discussion, Councilmember Lill moved to amend her motion to increase the amount not to exceed from \$6.5 million to \$7.5 million.

Motion seconded by Deputy Mayor Pro Tem Loza.

Mayor Miller called the vote on Councilmember Lill's amended motion:

Voting Yes: [14] Miller, Hill, Loza, Garcia, Oakley, Thornton Reese,
Housewright, Chaney, Fantroy, Poss, Walne, Finkelman,
Greyson, Lill

Voting No: [1] Rasansky

Mayor Miller declared the motion adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0783

Item 31: * Authorize a Neighborhood Revitalization and Historic Preservation program tax abatement for the Dallas Power and Light buildings located at 1506 and 1512 Commerce Street (Estimated revenue foregone for an abatement ending on December 31, 2011 is \$1,796,852) - Financing: No cost consideration to the City

Councilmember Walne requested that consent agenda item 31 be considered as an individual item. Mayor Miller stated that consent agenda item 31 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Walne's request.

Later in the meeting, agenda item 31 was brought up for consideration.

Councilmember Lill moved to amend on the amount not exceed \$7.5 million of total city participation for the Dallas Power & Light Neighborhood Revitalization and Historic Preservation tax abatement.

Motion seconded by Deputy Mayor Pro Tem Loza.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0784

Item 32: An ordinance authorizing a correction to Ordinance No. 25091 for a Specific Use Permit for a child care facility on Polk Street north of Kirnwood Drive to correct the property description (Z012-213(JC) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25192.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0785

Item 33: An ordinance ratifying and adopting a boundary adjustment agreement between the cities of Dallas, Garland and Mesquite adjusting their common boundary lines 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.

Assigned ORDINANCE NO. 25193.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0786

Item 34: Authorize (1) the acceptance of additional grant funds from the Texas Department of Health to increase funding for the enhancement of the City of Dallas' Immunization Initiative Program for the period of September 1, 2002 through August 31, 2003 and (2) an increase in appropriations in the amount of \$12,000, from \$254,524 to \$266,524 in the Immunization Initiative Fund - Not to exceed \$12,000, from \$254,524 to \$266,524 - Financing: Texas Department of Health Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0787

Item 35: Authorize an Interlocal Agreement with the Dallas County Department of Health and Human Services and the Dallas Area Agency on Aging for thirty-six months, with two twelve-month renewal options, to provide health, nutrition, recreation and social services activities for senior citizens at the Martin Luther King, Jr. Recreation Center and the West Dallas Multipurpose Center for the period from January 1, 2003 to December 31, 2005 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0788

Item 36: Authorize a professional services contract with Temporary Medical Staffing, Inc., to provide a phlebotomist to obtain blood specimens for lead screening for residents of the City of Dallas for the period January 1, 2003 through December 31, 2003 - Not to exceed \$36,000 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0789

Item 37: Authorize a Home Repair Program replacement housing loan for the reconstruction on-site of one home in accordance with the Home Repair Program Statement requirements for the property located at 3120 Carpenter Avenue - Not to exceed \$55,000 - Financing: 2000-01 HOME Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0790

Item 38: Authorize a secured, no interest, forgivable loan to TXS United Housing Program, Inc. for acquisition, renovation and completion of construction of the Mexicana Community Center located at 4718 and 4726 Mexicana Street, to provide neighborhood services and community development activities for a five year term - Not to exceed \$225,000 - Financing: 2002-03 Urban Development Action Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0791

Item 39: Authorize (1) the acceptance of a grant from the Downtown Improvement District in the amount of \$12,375 for an outdoor sound system to provide for programming on the Plaza of the J. Erik Jonsson Central Library, and execution of the grant agreement, and (2) the City's match in an amount not to exceed \$12,375 - Total not to exceed \$24,750 - Financing: Downtown Improvement District Funds (\$12,375) and Central Library Gifts and Donation Funds (\$12,375)

Councilmember Greyson requested that consent agenda item 39 be considered as an individual item. Mayor Miller stated that consent agenda item 39 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 39 was brought up for consideration.

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0792

Item 40: Authorize a public hearing to be held on March 26, 2003 to receive citizens' comments in preparation of the FY 2003-04 Operating, Capital, Grant, and Trust budgets - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0793

- Item 41: Authorize amendments to the City of Dallas 457 Deferred Compensation Plan for City Employees Restated Plan Document and to the City of Dallas 401(k) Retirement Savings Plan and Trust As Amended and Restated to change the frequency of regular elections of the elected members of the respective boards of trustees from two year to four year intervals and to provide for the replacement of elected trustees who resign before the expiration of their term - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0794

Item 42: Authorize (1) the City's participation with the Steering Committee of Texas Utilities Electric Service Area Cities in hearings before the Public Utilities Commission of Texas concerning electric restructuring and rates to be charged by TXU Electric, and (2) the establishment of appropriations in the amount of \$226,447 in the TXU Reserve Fund to pay the City's 2002 and 2003 assessments - Not to exceed \$226,447 - Financing: TXU Reserve Funds

Councilmember Rasansky requested that consent agenda item 42 be considered as an individual item. Mayor Miller stated that consent agenda item 42 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 42 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

February 26, 2003

03-0795

Item 43: Authorize an eighteen-month contract with Pierre Craig for management and operation of Samuell Grand Tennis Center located at 6200 East Grand Avenue for the period beginning March 1, 2003 through September 30, 2004 – Not to exceed \$19,000 – Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0796

Item 44: Authorize (1) public hearings to be held on March 26, 2003 and April 9, 2003 to receive citizens' comments on the renewal of the Dallas juvenile curfew ordinance, and (2) at the close of the public hearing on April 9, 2003, consideration of an ordinance amending Chapter 31 of the Dallas City Code to readopt and continue in effect the juvenile curfew ordinance – Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0797

Item 45: Authorize a public hearing to be held on March 26, 2003, to receive citizens' comments regarding an application to close Waterview Road at Buckner Boulevard under the provisions of the City's Residential Street Policy – Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0798

Item 46: Authorize a public hearing to be held on March 26, 2003, to receive citizens' comments regarding an application to close Leander Drive at Barberry Drive under the provisions of the City's Residential Street Policy – Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0799

Item 47: Authorize a contract with Gleneagles Country Club to provide interruptible untreated water from a diversion point located along White Rock Creek for five years, with two five-year extensions, for irrigation of the Gleneagles Country Club located in Plano, Texas – Estimated Annual Revenue: \$34,666

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0800

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 48-51, was presented.

Agenda items 49 and 51 were 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 48: Zoning Case Z023-129 (MF)	
Agenda item 49: Zoning Case Z023-132 (WE)	[Considered individually]
Agenda item 50: Zoning Case Z012-252 (RB)	[Deleted]
Agenda item 51: Zoning Case Z012-184 (FD)	[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 the city plan commission's recommendation:

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

Tim Baker, 702 SW 8th, Bentville, AK, representing Wal-Mart, regarding zoning case Z023-129 (MF)

The following individuals addressed the city council regarding zoning case:

Marvin Crenshaw, 5134 Malcolm X Blvd., regarding zoning case Z023-129 (MF)

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 Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0801

Item 48: Zoning Case Z023-129 (MF)

Zoning Case Z012-129 (MF), a application for and an ordinance granting an RR Regional Retail District on property zoned an A(A) Agriculture District on the north side of Wheatland Road, east of Old Hickory Trail and south of Interstate 20 .

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25194.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0802

Item 49: Zoning Case Z023-132 (WE)

The consent zoning docket, consisting of agenda items 48-51, was presented.

Sherell Cockrell, director of planning, requested that consent zoning docket item 49 be removed from the consent zoning docket, to be called a san individual hearing, because in accordance with subparagraph (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the council in that a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of planning.

A public hearing was called on zoning case Z012-132 (WE), an application for and ordinances granting a CR Community Retail District and a Specific Use Permit for a Mini-warehouse on property zoned a GO General Office District north of LBJ Freeway between Forest Lane and Abrams Road.

(The city plan commission recommended approval of a CR Community Retail District and a Specific Use Permit for a Mini-warehouse for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, landscape plan and conditions.)

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

Sebastian Stadler, (no address given)
Vincent Jarrod, 9526 Chiswell Rd.

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

The following individuals addressed the city council regarding zoning case Z023-132 (WE):

Marvin Crenshaw, 5134 Malcolm X Blvd.
William Hopkins, 2011 Leath St.

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

- “5. FLOOR AREA: The maximum floor for a mini-warehouse storage is 91,221 square feet, with an additional 13,530 square feet for office, in the location shown on the attached site plan.
7. PARKING: A minimum of 71 off-street parking spaces must be provided in the location shown on the attached site plan.
8. OUTSIDE STORAGE: Outside storage of vehicles, equipment, or any other materials, including rental trucks, trailers, and associated equipment, whether or not normally stored outside, is prohibited” and pass the ordinances.

Motion seconded by Councilmember Walne.

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

Voting Yes: [14] Hill, Loza, Garcia, Housewright, Thornton Reese, Oakley, Chaney, Fantroy, Poss, Walne, Finkelman, Greyson, Rasansky, Lill

Voting No: [0]

Absent when vote taken: [1] Miller

Mayor Pro Tem Hill declared the motion adopted.

Assigned ORDINANCE NO. 25195 and ORDINANCE NO. 25196.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0803

Item 50: Zoning Case Z012-252 (RB)

Zoning Case Z012-252 (RB), an application for an MU-3(SAH) Mixed Use (Standard Affordable Housing) District on property zoned as Planned Development District No. 55 for General Office Uses, a Motion Picture Theater, and Retail Uses and Planned Development District No. 92 for Retail Shopping and Office Uses on North Central Expressway between Park Lane and Blackwell Street.

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

Approved as part of the consent zoning docket.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0804

Item 51: Zoning Case Z012-184 (FD)

The consent zoning docket, consisting of agenda items 48-51, was presented.

Councilmember Garcia requested that consent zoning docket item 51 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 51 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.

A public hearing was called on zoning case Z012-184 (FD), an application for a CR Community Retail District and an ordinance granting a P(A) Parking District on property zoned an R-7.5(A) Single Family District on Westmoreland Road north of Davis Street.

(The city plan commission recommended denial of a CR Community Retail District and approval of a P(A) Parking District, subject to a site plan.)

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 Z012-184 (FD):

Marvin Crenshaw, 5134 Malcolm X Blvd.
William Hopkins, 2011 Leath St.

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

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

Assigned ORDINANCE NO. 25197.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0805

Item 52: Public Hearing – Zoning Case Z012-279 (RB)

A public hearing was called on zoning case Z012-279 (RB), an application for an IR Industrial Research District on property zoned a TH-3(A) Townhouse District on the north side of Seale Street between Vilbig Road and Navaro Street.

(The city plan commission recommended denial.)

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 Z012-279 (RB):

Marvin Crenshaw, 5134 Malcolm X Blvd.
William Hopkins, 2011 Leath St.

Councilmember Garcia moved to close the public hearing and accept the recommendation of the city plan commission and send the application back to the city plan commission.

Motion seconded by Councilmember Poss and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0806

Item 53: Public Hearing – Zoning Case Z012-300 (MF)

A public hearing was called on a city council authorized hearing to consider proper zoning with consideration being given to an amendment to Planned Development District No. 407 for Multifamily and TH-2(A) Townhouse District Uses to permit retirement housing by right on property located on Kiest Boulevard, east of Boulder Drive and an ordinance granting an amendment to Planned Development District No. 407.

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

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

Mike Coker, 6350 LBJ Frwy., representing the applicant

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

The following individuals addressed the city council regarding zoning case Z012-300 (MF):

Marvin Crenshaw, 5134 Malcolm X Blvd.
William Hopkins, 2011 Leath St.

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

Motion seconded by Councilmember Garcia and unanimously adopted.

Assigned ORDINANCE NO. 25197.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0807

Item 54: Public Hearing – Zoning Case Z012-300 (MF)

A public hearing was called on zoning case Z012-300 (MF), an application for an amendment to Subarea B, which is limited to duplex and single family uses, within Planned Development District No. 34 to allow a multifamily use on the north corner of the intersection of Ferguson Road and Graycliff Drive.

(The city plan commission recommended denial.)

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

Dan Martin, 3878 Oak Lawn Ave., representing the applicant

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

The following individuals addressed the city council regarding zoning case Z012-300 (MF):

Marvin Crenshaw, 5134 Malcolm X Blvd.

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 Fantroy and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0808

Item 55: Public Hearing – Zoning Case Z023-133 (WE)

Sherrell 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 Z012-133 (WE), an application for a Specific Use Permit for a Community Service Center use on property zoned an R-5(A) Single Family District on the southeast corner of the intersection of Luzon Street and Dutch Harbor Avenue.

(The city plan commission recommended denial without prejudice.)

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

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

Kathy Williams, 9412 Jill Ln., representing Kathy Sunshine Outreach Center
Danny Archie, 4800 W. Waco Dr., Waco

Councilmember Thornton Reese moved to close the public hearing, overrule the city plan commission, accept the recommendation of staff and bring the ordinance back at a later date.

Motion seconded by Mayor Pro Tem Hill.

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

Voting Yes: [13] Miller, Hill, Loza, Garcia, Housewright, Thornton
Reese, Oakley, Chaney, Fantroy, Walne,
Finkelman, Greyson, Rasansky

Voting No: [0]
Absent when vote taken: [2] Poss, Lill

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0809

Item 56: Public Hearing - Zoning Case Z023-139 (DC)

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. This item was considered by the City Council at a public hearing on January 22, 2003, and was taken under advisement until February 26, 2003, with the public hearing open.)

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 Z023-139 (DC):

Marvin Crenshaw, 5134 Malcolm X Blvd.
William Hopkins, 2011 Leath St.

Councilmember Garcia moved to close the public hearing, overrule the city plan commission and deny without prejudice.

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0810

Item 57: Public Hearing – Zoning Case Z023-116 (RB)

A public hearing was called on zoning case Z023-116(RB), an application for a Planned Development District for a Mini-warehouse and MC-1 Multiple Commercial District Uses on property zoned an MC-1 Multiple Commercial District on the south side of McCallum Boulevard southeast of Preston Road and an ordinance granting a Specific Use Permit for a Mini-warehouse use.

(The city plan commission recommended denial of a Planned Development District for a Mini-warehouse use and MC-1 Multiple Commercial District Uses, and approval of a Specific Use Permit for a Mini-warehouse use for a fifteen-year period with eligibility for automatic renewal for additional fifteen-year periods, subject to a site plan, landscape plan, elevation, and conditions. This item was considered by the City Council at a public hearing on February 12, 2003, and was taken under advisement until February 26, 2003, with the public hearing open.)

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 Z023-116 (RB):

Marvin Crenshaw, 5134 Malcolm X Blvd.
William Hopkins, 2011 Leath St.

Councilmember Greyson 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 Rasansky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0811

Item 58: 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 February 26, 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 Poss and unanimously adopted.

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

02-0834 URS URBAN REHABILITATION STANDARDS BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0812

Item 59: Authorize (1) the creation of three new positions (Court Specialist, Bailiff, and Prosecuting Attorney) and security personnel and equipment for the purpose of supporting the newly created Magistrate Court; and (2) an increase in appropriations in the amount of \$147,825 in the City Attorney's Office, Court and Detention Services, Judiciary and Equipment and Building Services budgets - Not to exceed \$147,825 - Financing: Contingency Reserve Funds

Councilmember Chaney moved to approve the item.

Motion by Councilmember Thornton Reese and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0813

Item 60: An ordinance amending Chapter 52 of the Dallas City Code to provide regulations for all grading or paving activity on a property in the city with certain requirements, procedures, penalties for violations, defenses and permit fees - Estimated Annual Revenue: \$5,000

Councilmember Finkelman moved to pass the ordinance.

Motion seconded by Councilmember Lill and unanimously adopted.

Assigned ORDINANCE NO. 25199.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0814

Item 61: Authorize (1) a Supplemental Agreement to the contract with Arthur J. Gallagher & Co.-Dallas for the purchase of terrorism risk insurance to be endorsed to the City's property insurance policies for the period of November 26, 2002 through October 1, 2003 - \$190,000, from \$3,095,015 to \$3,285,015; and (2) an increase in appropriations in the amount of \$105,657 in the Non-Departmental Budget - Total not to exceed \$190,000 - Financing: Contingency Reserve Funds (\$105,657), Aviation Current Funds (\$14,141), Convention and Event Services Current Funds (\$46,826), Water Utilities Current Funds (\$23,376)

Councilmember Lill moved to deny the item.

Motion seconded by Councilmember Fantroy.

After discussion, Councilmembers Lill requested that her motion be withdrawn. Councilmember Fantroy who seconded the motion also requested that his motion be withdrawn.

The city manager withdrew the item to investigate the matter of terrorism risk further.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0815

Item 62: Authorize Second Amended Proposed Procedural Order No. 02-11-1-JR creating a Dallas Municipal Court Juror Survey - Financing: No cost consideration to the City

Councilmember Thornton Reese moved to approve the item.

Motions seconded by Councilmember Chaney and unanimously adopted. (Lill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0816

Item 63: Authorize Procedural Order No. 02-12-1-JR modifying the Municipal Court Window Fine Schedule - Financing: No cost consideration to the City

Councilmember Chaney moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0817

Item 64: 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 February 26, 2003 - Financing: No cost consideration to the City

Councilmember Greyson moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25200.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0818

Item 65: Authorize a 120-day moratorium effective on February 26, 2003, freezing the current number of taxicab firms, vehicles, and drivers permitted in the city of Dallas - Financing: No cost consideration to the City

Councilmember Greyson moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0819

Item 66: Authorize a twenty-four-month price agreement for wood shavings for horse stalls with the lowest responsible bidder of four - Fleming Hardwoods - Not to exceed \$253,500 - Financing: Current Funds

Councilmember Finkelman moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0820

Item 67: Authorize a thirty-six-month price agreement for powdered activated carbon with the lowest responsible bidder of six - Thatcher Company of Arizona - Not to exceed \$2,592,000 - Financing: Water Utilities Current Funds

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Garcia.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Fantroy voting "No". (Lill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0821

Closed Session

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

- Ann Tenison Hereford Webb, Lizann Tenison Webb,
Bryon James Webb and Camille Elizabeth Webb Sewell v. City of Dallas, Civil
Action No. 3:00-CV-2558-R
 - Legal issues involving TXU US Holdings Company (Electric) and TXU Gas Company (Gas) Franchise Amendment proposal and related matters

The posted session was not held.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0822

Addendum addition 1: Authorize an increase in the contract with Meridian Commercial, Inc. for modifications for the construction of the Trammell Crow Visitor Education Pavilion at the Dallas Arboretum - \$105,152, from \$10,929,237 to \$11,034,389 - Financing: Dallas Arboretum and Botanical Society Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0823

Addendum addition 2: Authorize (1) the acceptance of a gift in the amount of \$170,000 from Schepps Dairy, Inc., to the Department of Street Services for the reconstruction of paving improvements in the 4800 block of Sapphire; (2) an increase in appropriations in the amount of \$170,000 in the Department of Street Services budget - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0824

Addendum addition 3: An ordinance abandoning a portion of Central Expressway to Camden Property Trust, the abutting owner, containing approximately 4,268 square feet of land located near its intersection with Marilla Street, and authorizing the quitclaim providing for the dedication of approximately 32,076 square feet of land needed for street right-of-way - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25201.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0825

Addendum addition 4: Authorize a twenty-one-month professional services contract with Haston Associates for environmental monitoring services for solid waste disposal facilities from March 1, 2003, through December 31, 2004 - Not to exceed \$230,498 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0826

Addendum addition 5: Authorize a thirty-six-month service contract for grounds maintenance at various Park and Recreation and Library properties with the lowest responsible bidder of ten - Jackson's Lawn Service - Not to exceed \$1,609,510 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0827

Addendum addition 6: Authorize a service contract for restoration and painting services at Martin Weiss and Pleasant Oaks swimming pools with the only bidder - Sunbelt Pools, Inc. - Not to exceed \$130,516 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0828

Addendum addition 7: An ordinance abandoning a portion of Dragon Street to Greyhound Lines, Inc., the abutting owner, containing approximately 29,116 square feet of land located near its intersection with Continental Avenue, authorizing the quitclaim and providing for the dedication of approximately 9,763 square feet of land needed for street right-of-way - Revenue: \$238,526 plus the \$20 ordinance publication fee

At 2:05 p.m. Councilmember Oakley moved to take addendum addition 7 out of order.

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

The following individuals addressed the city council regarding the abandonment:

OPPOSE

Gary Cunningham, 4404 Greenbrier Dr.
Jay Kline, 13907 Montford Dr.
Karen Goodchild, 11114 Wonderland Trl.
Carmen Massoud, 11112 Sesame St.
James Nairne, 1019 Dragon St.
C.H. Everett, 2837 Milton Ave., University Park
Chris Teesdale, 4420 Shenandoah St., University Park

FAVOR

Robert Reeves, 500 S. Ervay St., representing Greyhound Lines Inc.
William Cothrum, 500 S. Ervay St., representing Associates Ltd.
Bob Darrouzet, 4600 Beverly Dr.
Philip Maya, 1209 Slocum St.
John Orr, 1715 Market Center St.

The following individuals were in support of the abandonment but did not speak:

Nick Dixie, 6162 E. Mockingbird Ln.
Mike Kutner, 3352 Miron Dr.
Bill Mattox, 167 Payne St.
Edward Tomlin, 1415 Slocum St.
Pat Cox, 1411 Dragon St.
Diane Cheatham, 4310 Abbott Ave.
Dave, Zueger, 1611 Dragon St.
Chris Ensenberger, 1505 N. Carroll Ave., Southlake

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

03-0828

Page 2

Councilmember Oakley moved to pass the ordinance with Plan B.

Motion seconded by Councilmember Garcia.

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

Voting Yes:	[6]	Hill, Garcia, Thornton Reese, Oakley, Chaney, Fantroy
Voting No:	[9]	Miller, Loza, Housewright, Poss, Walne, Finkelman, Greyson, Rasansky, Lill

Mayor Miller declared the motion failed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0829

Addendum addition 8: Authorize (1) the rescission of Council Resolution No. 00-1699, adopted on May 24, 2000, providing an economic development grant to the City of Dallas Business Development Corporation for the development of public infrastructure improvements supporting an 18-hole golf course at Dallas Executive Airport f/k/a Redbird Airport; and (2) a loan agreement with Southwest Center Associates, LLC, a California Limited Liability Company, for costs associated with the redevelopment of the former J.C. Penney building at Southwest Center Mall in Southern Dallas for a Cinemark movie theater - Not to exceed \$500,000 - Financing: Public/Private Partnership Funds

Councilmember Fantroy moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0830

Addendum addition 9: Authorize approval of proposed Neighborhood Investment Program (NIP) selection criteria and designate five (census tracts), as NIP target areas for two years beginning October 1, 2003 - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Loza moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0831

Addendum addition 10: An ordinance amending Chapter 34 of the Dallas City Code to eliminate the lump sum payment of sick leave for all employees hired by the City on or after March 1, 2003 -
Financing: No cost consideration to the City

The city secretary announced that Councilmember Walne had deferred consideration of addendum addition 10 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0832

Addendum addition 11: An ordinance amending Chapter 12A of the Dallas City Code to allow City officials to lend their names and official City titles in connection with any election ordered by the City of Dallas on a measure or proposition (via Mayor Miller)

Deputy Mayor Pro Tem Loza moved to amend Section 12A-10A(1)(A) to include lending his or her name and official title in connection with any election for public office.

Motion seconded by Councilmember Chaney.

Councilmember Finkelman moved to substitute for Deputy Mayor Pro Tem Loza's motion a motion to approve the item as presented.

Motion seconded Councilmember Poss.

During debate on Councilmember Finkelman's motion, Councilmember Thornton Reese moved the previous question.

Motion seconded by Mayor Pro Tem Hill.

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

Voting Yes: [6] Hill, Thornton Reese, Chaney, Fantroy, Poss,
Rasansky
Voting No: [7] Miller, Loza, Housewright, Oakley, Walne,
Finkelman, Greyson
Absent when vote taken: [2] Garcia, Lill

Mayor Miller declared the motion failed.

Mayor Miller called the vote on Councilmember Finkelman's substitute motion:

Voting Yes: [6] Miller, Housewright, Poss, Walne, Greyson,
Finkelman
Voting No: [7] Hill, Loza, Thornton Reese, Oakley, Chaney, Fantroy,
Rasansky
Absent when vote taken: [2] Garcia, Lill

Mayor Miller declared the motion failed.

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Mayor Miller then called the vote on the original motion:

Voting Yes: [7] Hill, Loza, Thornton Reese, Oakley, Chaney, Fantroy,
Rasansky

Voting No: [6] Miller, Housewright, Poss, Walne, Finkelman, Greyson

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25202.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 2003

03-0833

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).

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 26, 2003

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS