

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 9, 2003

03-1120

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 9:31 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 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 5:28 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, APRIL 9, 2003

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 9, 2003

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1121

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 Sevrens, 101 N. Brookside Dr.
SUBJECT: Stop war in Iraq

SPEAKER: D. J. Young, 3600 Fairfax Ave.
REPRESENTING: Save the Trinity
SUBJECT: Trinity River

SPEAKER: Maxine Aaronson, 6028 Palo Pinto Ave.
REPRESENTING: Lower Greenville Neighborhood Association
SUBJECT: Cost shifting between commercial events and neighborhood residents

SPEAKER: David Gray, 9432 Viewside Dr.
SUBJECT: Trinity River Project

SPEAKER: John Stettler, 11028 Ridgemoor Dr.
REPRESENTING: Dallas Homeowners League
SUBJECT: Importance of not putting extra burdens on neighborhoods

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Sylvia Tercero, 8850 Ferguson Rd.
SUBJECT: Black Mold **CANCELED**

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

SPEAKER: Sandra Crenshaw, 1431 Quartet Dr. **CANCELED**
SUBJECT: City Council Code of Conduct

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Racism against: Park Department/KKK/Downtown Confederate soldiers

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
REPRESENTING: Candidate for Dallas Mayor Jurline Hollins
SUBJECT: Concerns regarding Election petitions

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1122

Item 1: Approval of Minutes of the February 26, 2003 and March 26, 2003 City Council Meeting

The city secretary stated that the city council received the March 26, 2003 city council minutes on Monday, April 7, 2003, and that they should be approved at a later date. Ms. Acy recommended that the February 26, 2003 minutes of the city council was ready for approval.

Deputy Mayor Pro Tem Loza moved to approve the February 26, 2003 minutes. The March 26, 2003 city council minutes will be approve at the next voting agenda meeting.

Motion seconded by Councilmember Walne and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1123

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-39 and addendum addition consent agenda items 1-15, was presented for consideration.

Councilmember Rasansky requested that consent agenda items 6, 11, 17, 19, 21, 23, 27 and 35 to be considered as individual items. Mayor Miller stated that consent agenda items 6, 11, 17, 19, 21, 23, 27, 35 and addendum addition items 6 and 8 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember 's request.

Councilmember Walne requested that consent agenda item 15 to 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 Walne's request.

Councilmember Finkelman requested that consent agenda items 30 and 35 to be considered as individual items. Mayor Miller stated that consent agenda items 30 and 35 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Finkelman's request.

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

Councilmember Walne moved to approve all items on the consent agenda items 6, 11, 15, 17, 19, 21, 23, 23, 27, 30, 35, addendum addition items 5, 6 and 8 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1124

Item 2: Authorize a professional services contract for the design and construction administration for the cooling tower replacement at the Morton H. Meyerson Symphony Center located at 2301 Flora - Williams-Russell and Johnson, Inc. - \$70,826
- Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1125

Item 3: Authorize a contract for replacement of the security camera and intercom at the Dallas Museum of Art parking garage located at 1717 North Harwood - Convergent Technologies, L.L.C., lowest responsible bidder of five - \$169,830 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1126

Item 4: Authorize a contract for expansion of the recreation center parking lot and construction of a playground at Jaycee/Zaragoza Park - Henneberger Construction, Inc., lowest responsible bidder of nine - \$152,671 - Financing: 2001-02 Community Development Grant Funds (\$124,291) and 2002-03 Urban Development Action Grant Funds (\$28,380)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1127

Item 5: Authorize a contract for construction of Phase II trail improvements at Hamilton Park
- A S Construction, lowest responsible bidder of seven - \$83,050 - Financing: 2002-
03 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1128

Item 6: Authorize a contract for fountain renovation at Ferris Plaza located at 400 South Houston - Sawyers Construction, Inc., lowest responsible bidder of five - \$285,932 - Financing: 1998 Bond Funds

Councilmember Rasansky requested that consent agenda item 6 be considered as an individual item. Mayor Miller stated that consent agenda item 6 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 6 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

April 9, 2003

03-1129

Item 7: Authorize a contract for site improvements including landscaping, erosion control, installation of soccer lights and portable goals, upgrade for concrete ramp for Americans with Disabilities Act compliance, site furnishings, modification of the tennis court fence and installation of a security fence at Umphress Park - A S Construction, lowest responsible bidder of four - \$227,478 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1130

Item 8: Authorize a contract for the construction of barrier free ramp improvements - P & E Contractors, Inc., lowest responsible bidder of ten - \$220,990 - Financing: Capital Assessments Funds (\$210,440), Water Utilities Capital Construction Funds (\$10,550)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1131

Item 9: Authorize (1) a contract for the resurfacing of Jefferson Boulevard from S.E. 14th Street to the bridge over Mountain Creek with Austin Bridge & Road, LP, lowest responsible bidder of four in an amount not to exceed \$1,102,898, and (2) receipt and deposit of funds in an amount not to exceed \$403,600 from the City of Grand Prairie - Total not to exceed \$1,102,898 - Financing: NASD Redevelopment Funds (\$1,099,738), Water Utilities Capital Construction Funds (\$3,160)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1132

Item 10: Authorize an increase in the contract with Cajun Constructors, Inc. for work associated with the Southside Wastewater Treatment Plant chemical handling facility - \$177,500, from \$3,364,000 to \$3,541,500 - Financing: Water Utilities Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1133

Item 11: Authorize Supplemental Agreement No. 2 to the professional services contract with HDR Engineering, Inc. for design of digesters and improvements at the Southside Wastewater Treatment Plant - \$285,048, from \$896,794 to \$1,181,842 - Financing: Water Utilities Capital Improvement Funds

Councilmember Rasansky requested that consent agenda item 11 be considered as an individual item. Mayor Miller stated that consent agenda item 11 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 11 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

April 9, 2003

03-1134

Item 12: Authorize Supplemental Agreement No. 1 to the professional services contract with Freese and Nichols, Inc. for additional process and hydraulic modeling for the Central Wastewater Treatment Plant mechanical improvements design - \$717,490, from \$2,150,000 to \$2,867,490 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1135

Item 13: Authorize a Project Specific Agreement with Dallas County for participation in design, right-of-way acquisition, and construction of paving, drainage, water and wastewater main improvements on Jim Miller Road from Loop 12 to Elam Road - City's share will not exceed \$1,525,900 and will be required in a future bond program - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1136

Item 14: Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with Dallas County for right-of-way acquisition and utility relocations on Hampton/Inwood Road from Canada Drive to Harry Hines Boulevard - \$88,500 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1137

Item 15: An ordinance abandoning a portion of Northwest Highway service road to MarketPlace L H Partners, L.P. and Krestena, Inc., the abutting owners, containing approximately 23,010 square feet of land located near the intersection of Northwest Highway and Jupiter Road, and authorizing the quitclaim - Revenue: \$195,585 plus the \$20 ordinance publication fee

Councilmember Walne 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 Rasansky's request.

Later in the meeting agenda item 15 was brought up for consideration.

Councilmember Walne moved to defer the item until the May 14, 2003 voting agenda meeting of the city council.

Motion seconded by Councilmember Poss and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1138

Item 16: An ordinance abandoning a portion of a utility easement to 75 & Goldmark LLC, the abutting owner, containing approximately 10,999 square feet of land located near the intersection of Goldmark Drive and Midpark Road, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25217.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1139

Item 17: Authorize (1) rescinding the thirty-six-month service contract for temporary industrial labor with The RidMok Group, previously authorized by Council Resolution No. 03-0773, on February 26, 2003, in the amount of \$3,859,929, and (2) a thirty-six-month service contract for temporary industrial labor with the lowest responsible bidders of thirteen - K.S.C. Services, Inc. (\$2,853,600) and Tolman Building Maintenance, Inc. (\$1,376,622) - Total not to exceed \$4,230,222 - Financing: Current Funds (\$3,770,682) and Water Utilities Current Funds (\$459,540)

Councilmember Rasansky requested that consent agenda item 17 be considered as an individual item. Mayor Miller stated that consent agenda item 17 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 17 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

April 9, 2003

03-1140

Item 18: Authorize a thirty-six-month service contract for grounds maintenance at seven Dallas Police Department locations with the lowest responsible bidders of three - Forest Hills Lawn Service and Premium Custom Cleaning and Services - Not to exceed \$173,005 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1141

Item 19: Authorize a professional services contract to provide review of Oncor/TXU Gas application for an increase in gas rates, with the most favorable of three proposers, Diversified Utility Consultants, Inc. - Not to exceed \$42,000 - Financing: Current Funds (to be fully reimbursed by Oncor/TXU Gas)

Councilmember Rasansky requested that consent agenda item 19 be considered as an individual item. Mayor Miller stated that consent agenda item 19 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 19 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

April 9, 2003

03-1142

Item 20: Authorize the City of Dallas to participate in the U.S. Communities Government Purchasing Alliance Administrative Agreement for twenty-four months for the purchase of office supplies through Office Depot, Business Services Division - Not to exceed \$4,500,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1143

Item 21: Authorize the purchase of (1) three water bill payment machines (kiosks), associated software and licensing in the amount of \$250,000, and (2) a sixty-month service and maintenance agreement in the amount of \$150,000, from the most advantageous proposer of three - Clarusys, Inc. - Total not to exceed \$400,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

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 Chaney moved to purchase one kiosks machine or return the item to the Municipal and Minority Affairs Commission for further study.

Motion seconded by Councilmember Fantroy.

Mayor Pro Tem Hill asked Councilmember Chaney if he would accept a friendly amendment to his motion to bring the item back to the full council on the May 14, 2003 meeting of the city council.

Councilmember Chaney accepted the amendment as part of his motion.

Councilmember Thornton Reese moved to substitute for Councilmember Chaney's motion to pass the item as presented.

Motion seconded by Councilmember Lill.

Later in the meeting, Councilmember Thornton Reese withdrew her motion.

Councilmember Chaney moved to amend his motion to refer the item back to the Municipal and Minority Affairs Commission and bring the item back to full council to be considered on the May 14, 2003 voting agenda meeting of the city council.

Motion seconded by Councilmember Fantroy and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1144

Item 22: Authorize a twelve-month service contract for security guard services with the lowest responsible bidder of ten - Stanley Smith Security dba Initial Security - Not to exceed \$1,571,982 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1145

Item 23: Authorize a twenty-four-month service contract for plumbing services with the lowest responsible bidder of three - Professional Preferred Maintenance - Not to exceed \$82,826 - Financing: Current Funds (\$75,065) and Water Utilities Current Funds (\$7,761)

Councilmember Rasansky 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 Rasansky's request.

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

Councilmember Thornton Reese moved to approve the item.

Motion seconded by Councilmember Finkelman.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1146

Item 24: Authorize an eighteen-month price agreement for emergency medical examination gloves with the lowest responsible bidder of twelve - Lone Star Safety & Supply, Inc.
- Not to exceed \$94,446 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1147

Item 25: Authorize a twenty-four-month price agreement for spray thermoplastics, glass traffic beads and concrete sealer with the lowest responsible bidders of seven - Susannah Dobbs Co., LC dba Dobco and Apollo Coating Technologies, Inc. - Not to exceed \$443,871 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1148

Item 26: Authorize a twenty-four-month software maintenance agreement contract for a facility management software system with Maximus, Inc. - \$41,600 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1149

Item 27: Authorize a thirty-six-month price agreement for pavement repairs in various location throughout the City of Dallas - Texas Standard Construction, Ltd., lowest responsible bidder of nine - \$9,997,500 - Financing: Water Utilities Current Funds

Councilmember Rasansky requested that consent agenda item 27 be considered as an individual item. Mayor Miller stated that consent agenda item 27 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 27 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Thornton Reese and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1150

Item 28: Authorize settlement of a claim filed by Juan Jose Reyes, Claim No. 20023433 - \$18,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1151

Item 29: Authorize the termination of the Declaration of Covenants, Conditions, and Restrictions on four tracts of land in City Blocks 8214 and A/8214 on the northwest corner of Preston Road and Keller Springs Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1152

Item 30: Authorize (1) rescinding Resolution No. 02-3045 previously authorized on October 23, 2002 for a secured, no-interest forgivable loan agreement with Rebuilding Our Community, Inc. for the acquisition and renovation of property located at 3224 South Westmoreland Road in an amount not to exceed \$150,000; and, (2) a secured, no-interest forgivable loan agreement with Rebuilding Our Community, Inc. in the amount of \$150,000 for the acquisition and renovation of a facility located at 5811 South R. L. Thornton for the period May 1, 2003 through April 30, 2004 (Agencies that acquire and renovate properties with Community Development Grant Funds are required to provide a public service to eligible persons for a minimum of five years after acquisition and renovation) - Financing: No additional cost consideration to the City

Councilmember Finkelman 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 Finkelman's request.

Later in the meeting agenda item 30 was brought up for consideration.

Councilmember Finkelman moved to defer the item until the May 14, 2003 voting agenda meeting of the city council.

Motion seconded by Councilmember Walne and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1153

Item 31: Authorize a public hearing to be held on May 14, 2003 to receive citizens' comments to consider amending and reallocating funds for Dallas County's Housing Opportunities for Persons with AIDS contracts for FY 2000-01, FY 2001-02 and FY 2002-03 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1154

Item 32: Authorize (1) the acceptance of a \$252,000 ExxonMobil Foundation Grant to provide funding for employment, training and basic education services to Dallas youth; (2) the implementation of the summer youth program from May 15, 2003 to August 15, 2003 for low to moderate income youth ages 16 and above, and certain costs for the students training, supplies and materials, wages, and professional development totaling \$227,000; and (3) an Interlocal Agreement with the Dallas County Community College District - El Centro College to operate the basic education component for \$25,000 - Total not to exceed \$252,000 - Financing: 2003 ExxonMobil Foundation Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1155

Item 33: Authorize the Dallas Public Library to reapply for membership in the Texas Library System - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1156

Item 34: Authorize an extension of the Bond Paying Agent/Registrar contract with Wachovia Bank, National Association (formerly named First Union National Bank) for a two-year period from May 1, 2003 through April 30, 2005 - Total not to exceed \$75,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1157

Item 35: Authorize a public hearing to be held on May 14, 2003 to receive citizens' comments regarding the establishment of approved basic service tier and equipment rates for cable television services provided by Comcast of Dallas, Inc., dba AT&T Broadband
- Financing: No cost consideration to the City

Councilmembers Finkelman and Rasansky requested that consent agenda item 35 be considered as an individual item. Mayor Miller stated that consent agenda item 35 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Finkelman and Rasansky's request.

Later in the meeting agenda item 35 was brought up for consideration.

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Thornton Reese and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1158

Item 36: Approval of the issuance of bonds in an amount not to exceed \$300,000,000 by the Tarrant County Health Facilities Development Corporation for the acquisition, construction, reconstruction, renovation, rehabilitation of land, buildings and equipment at Presbyterian Hospital of Dallas in Dallas, Texas - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1159

Item 37: Approval of the issuance of bonds in an amount not to exceed \$21,000,000 by the Richmond Higher Education Finance Corporation for certain educational facilities at the Dallas Theological Seminary in Dallas, Texas - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1160

Item 38: Authorize (1) the preparation of plans for the issuance of \$36,000,000 in Certificates of Obligation, Series 2003, and (2) the establishment of appropriations in an amount not to exceed \$36,134,950 in the Series 2003 Certificates of Obligation Fund - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1161

Item 39: Authorize application for a grant from the Getty Grant program for the Hall of State Building stone stair, plaza and light fixture conservation at Fair Park - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1162

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 40-50, was presented.

Agenda items 43, 44 and 49 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 40: Zoning Case Z012-232 (RB)
- Agenda item 41: Zoning Case Z012-294 (MF)
- Agenda item 42: Zoning Case Z023-127 (RB)
- ~~Agenda item 43: Zoning Case Z023-136 (RB)~~ [Considered individually]
- ~~Agenda item 44: Zoning Case Z023-137 (RB)~~ [Considered individually]
- Agenda item 45: Zoning Case Z023-138 (RB)
- Agenda item 46: Zoning Case Z023-142 (RB)
- Agenda item 47: Zoning Case Z023-144 (MM)
- Agenda item 48: Zoning Case Z023-150 (WE)
- ~~Agenda item 49: Zoning Case Z023-152 (WE)~~ [Considered individually]
- Agenda item 50: Zoning Case Z023-171 (MF)

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:

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

- William Hopkins, 2011 Leath St., regarding zoning case Z023-138 (RB), and zoning case Z023-150 (WE)
- W.T. Williams, 1206 S. Park Rd., Duncanville, regarding zoning case Z012-150 WE)

Councilmember Garcia 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 Lill and unanimously adopted. (Hill Loza, Poss, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1163

Item 40: Zoning Case Z012-232 (RB)

Zoning Case Z012-232 (RB), an application for and an ordinance granting a D(A) Duplex District on property zoned an R-7.5(A) Single Family District on the south corner of the intersection of Live Oak Street and Bryan Parkway.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25218.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1164

Item 41: Zoning Case Z012-294 (MF)

Zoning Case Z012-294 (MF), an application for and an ordinance granting an amendment to Tract III for R-5 Single Family District and Duplex District uses within Planned Development District No. 67 for Single Family, Duplex and Neighborhood Service District uses to allow off-site parking on property located on the west side of Victoria Street, south of Thedford Street.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25219.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1165

Item 42: Zoning Case Z023-127 (RB)

Zoning Case Z023-127 (RB), an application for and an ordinance granting a Specific Use Permit for a Radio, television, or microwave tower on property zoned an MU-3 Mixed Use District on the southeast corner of the intersection of Greenville Avenue and Blackwell Street.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25220.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1166

Item 43: Zoning Case Z023-136 (RB)

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

A public hearing was called on zoning case Z023-136 (RB), an application for a CS Commercial Service District on property zoned an MF-2(A) Multifamily District and an ordinance granting an NS(A) Neighborhood Service District on the south side of Illinois Avenue, between Fordham Road and Wilhurl Drive.

(The city plan commission recommended approval of an NS(A) Neighborhood Service District in lieu of the requested CS Commercial Service District.

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

Peter Kavanaugh, 1620 Handley Dr., representing the applicant.

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

The following individual addressed the city council regarding zoning case Z023-136 (RB):

Marvin Crenshaw, 5134 Malcolm X Blvd.

Councilmember Thornton Reese moved to postpone the application until the May 14, 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. (Hill, Loza, Poss, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1167

Item 44: Zoning Case Z023-137 (RB)

Councilmember Lill requested that consent zoning docket item 44 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 44 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Lill's request.

A public hearing was called on Zoning Case Z023-137 (RB), an application for and an ordinance granting a GR General Retail Subdistrict with retention of the D Liquor Control Overlay within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property zoned an O-2-D Office-Dry Subdistrict located on the west side of North Central Expressway, south of Fitzhugh Avenue.

(The city plan commission recommended approval with retention of the D Liquor Control Overlay.)

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

Roger Albright, 5400 Renaissance Tower, representing the applicant

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

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

“Approve a GR General Retail Subdistrict with retention of the D Liquor Control Overlay on the northern half of the request site but denial without prejudice of the request on the southern half of the request site known as part of Tract 17 in City Block 4/1518 with an assigned address of 4123 North Central Expressway” and pass the ordinance.

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

Assigned ORDINANCE NO. 25221.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1168

Item 45: Zoning Case Z023-138 (RB)

Zoning Case Z023-138 (RB), an application for and an ordinance granting a Specific Use Permit for a Commercial amusement (inside) use limited to a Class A Dance hall on property zoned a CS Commercial Service District on the south side of Ft. Worth Avenue, west of Sylvan Avenue.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25222.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1169

Item 46: Zoning Case Z023-142 (RB)

Zoning Case Z023-142 (RB), an application for and an ordinance granting an amendment to the conditions and rescindment of a development plan for Planned Development District No. 540 for IR Industrial/Research District Uses and a Processing use by Specific Use Permit, and an application for and an ordinance granting renewal of and an amendment to the site plan and conditions for Specific Use Permit No. 1382 for a Processing use on property located east of South Central Expressway and south of River Oaks Road.

(The city plan commission recommended approval of an amendment to the conditions and rescindment of the development plan for Planned Development District No. 540, and approval of the renewal of and an amendment to the site plan and conditions for Specific Use Permit No. 1382 for a Processing facility for a two-year period, with eligibility for automatic renewal for additional two-year periods, subject to a site plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25223 and ORDINANCE NO. 25224.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1170

Item 47: Zoning Case Z023-144 (MM)

Zoning Case Z023-144 (MM), an application for and an ordinance granting an NS(A)-D Neighborhood Service District with a Liquor Control Overlay on property zoned LO-1-D Limited Office District with a Liquor Control Overlay on the northwest corner of the intersection of Webb Chapel Road and Larga Drive.

(The city plan commission recommended approval with retention of the D Liquor Control Overlay.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25225.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1171

Item 48: Zoning Case Z023-150 (WE)

Zoning Case Z023-150 (WE), an application for and an ordinance granting a TH-2(A) Townhouse District on property zoned a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on the southwest corner of the intersection of Sorcey Road and Clark 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. 25226.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1172

Item 49: Zoning Case Z023-152 (WE)

Councilmember Lill 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 Lill's request.

A public hearing was called on zoning case Z023-152 (WE), an application for and an ordinance granting a renewal of Specific Use Permit No. 1380 for a vehicle auction and storage use on property within Planned Development District No. 37 for Industrial uses on the southwest corner of the intersection of Sheila Lane and Lakefield Boulevard.

(The city plan commission recommend approval of the renewal of Specific Use Permit No. 1380 for a five year time period, subject to a site plan, landscape plan, and conditions.)

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

Bill Dahlstrom, 901 Main St., representing the applicant
D. Chaplin, representing Dallas Can Academy

Councilmember Lill 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. (Hill, Loza, Poss, Greyson absent when vote taken)

Assigned ORDINANCE NO. 25227.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1173

Item 50: Zoning Case Z023-171 (MF)

Zoning Case Z023-171 (MF), a City Plan Commission authorized hearing to determine the proper zoning on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, with Specific Use Permit No. 1495 for an alcoholic beverage establishment use for a bar, lounge or tavern and a commercial amusement (inside) to be used as a Class C dance hall on the east corner of the intersection of Grand Avenue and Meadow Street and an ordinance granting an amendment to Specific Use Permit No. 1495.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25228.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1174

Item 51: Public Hearing - Zoning Case Z012-269 (RB)

A public hearing was called on zoning case Z012-269 (RB), an application for a CH Cluster Housing District on property zoned an R-7.5(A) Single Family District, on Oren Lane, South of Jim Street and West of Orbiter Park.

(The city plan commission recommended approval of an R-5(A) Single Family District in lieu of the requested CH Clustered Housing District.)

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

Joel Harris, 9044 Pinewood Dr.

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

The following individual addressed the city council regarding zoning case Z012-269 (RB):

William Hopkins, 2011 Leath St.

Councilmember Walne moved to postpone the application until the May 14, 2003 voting agenda meeting of the city council and to continue the public hearing at that time.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1175

Item 52: Public Hearing – Zoning Case Z023-143 (MM)

A public hearing was called on zoning case Z023-143 (MM), an application for and an ordinance granting a Planned Development District for a mixture of uses related to senior retirement housing on property zoned an R-7.5(A) Single Family District on Perryton Drive, west of Hampton Road, and south of Glenfield Avenue.

(The city plan commission recommended approval. Consideration of item #53 is contingent upon approval of item #52).

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1176

Item 53: Authorize the City of Dallas Housing Finance Corporation to issue a \$12,900,000 tax-exempt Multifamily Mortgage Revenue Bond, Series 2003, for the benefit of Escondido Housing, L.P. a Texas Limited Partnership whose General Partner will be an entity owned by Brian Potashnik, for the land acquisition and new construction of the 280-unit Oaks III Apartments housing development for low and moderate income seniors, located adjacent to 2999 S. Hampton Road at Perryton and behind the Dallas Southwest Medical Center , subject to the approval of zoning no later than May 14, 2003 - Financing: No cost consideration to the City

No one appeared in opposition to or in favor of the issuance of \$12,900,000 tax exempt Multifamily Mortgage Revenue Bond, Series 2003.

Councilmember Housewright moved to close the public hearing and authorize the issuance of \$12,900,000 tax exempt Multifamily Mortgage Revenue Bond, Series 2003.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1177

Item 54: Public Hearing – Zoning Case Z023-153 (RB)

A public hearing on zoning case Z012-153 (RB), an application for a Planned Development District for a Private school, Open enrollment charter school, and NO(A) Neighborhood Office District Uses on property zoned an MF-2(A) Multifamily District, an NO(A) Neighborhood Office District, and a P(A) Parking District on property bounded by Live Oak Street, Grigsby Avenue, Bryan Street, and Annex Avenue.

(The city plan commission recommended approval.)

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

Joyce Curtiss, 4529 Sycamore St.

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

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

The following individuals addressed the city council regarding zoning case Z023-153 (RB):

Marvin Crenshaw, 5134 Malcolm X Blvd.

William Hopkins, 2011 Leath St.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1178

Item 55: Public Hearing – Zoning Case Z012-155 (RB)

A public hearing was called on zoning case Z012-155 (RB), an application for a Specific Use Permit for placement of fill material on property zoned an IM Industrial Manufacturing District in the northeast quadrant of Chalk Hill Road and IH 30.

(The city plan commission recommended approval.)

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

Adam Conway, 3030 LBJ Frwy., representing the applicant

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY OCUNCIL

April 9, 2003

03-1179

Item 56: BENEFIT ASSESSMENT HEARING

A public hearing was called to receive citizens' comments on street paving, storm drainage, water and wastewater main improvements on Blue Ridge Boulevard from Los Angeles Boulevard to Rio Grande Avenue, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with SYB Construction Company, Inc., lowest responsible bidder of twelve - \$596,677 - Financing: 1998 Bond Funds (\$457,242), Water Utilities Capital Construction Funds (\$2,550), Water Utilities Bond Funds (\$136,885).

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

Councilmember Oakley moved to close the public hearing and pass the ordinance levying the assessments and approve the contract authorizing the contract.

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

Assigned ORDINANCE NO. 25229.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1180

MISCELLANEOUS HEARINGS

Note: Item Nos. 57 and 58
must be considered collectively.

City Center TIF District

- Item 57: * A public hearing to receive citizens' comments on amendments to the Project Plan and Reinvestment Zone Financing Plan (Plan) for Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311), to increase the budget category of Acquisition and Restoration of Historic Sites by \$190,000 and decrease the category of streetscapes by \$190,000 for the Davis Building development, to include 1704 and 1802 Main Street (Mercantile and Securities Buildings) in the City Center TIF District Boundaries, modifications to the Plan and modifications to Ordinance Nos. 22802 and 23034, which created the City Center TIF District and adopted the Plan for the City Center Tax Increment Financing District - Financing: No cost consideration to the City
- Item 58: * An ordinance amending Ordinance Nos. 22802 and 23034 to amend the Project Plan and Reinvestment Financing Plan for Tax Increment Financing Reinvestment Zone Number Five, (City Center TIF District) in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311), to increase the budget category of Acquisition and Restoration of Historic Sites by \$190,000 and decrease the category of streetscapes by \$190,000 for the Davis Building development, to include 1704 and 1802 Main Street (Mercantile and Securities Buildings) in the City Center TIF District Boundaries, modifications to the Plan and modifications to Ordinance Nos. 22802 and 23034, which created the City Center TIF District and adopted the Plan for the City Center Tax Increment Financing District - Financing: No cost consideration to the City

No one addressed the city council regarding City Center TIF District.

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

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

Assigned ORDINANCE NO. 25230.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1181

Item 59: Public Hearing

A public hearing to receive citizens' comments on the renewal of the Dallas juvenile curfew ordinance and, at the close of the hearing, consideration of an ordinance amending Chapter 31 of the Dallas City Code to re-adopt and continue in effect the Dallas juvenile curfew ordinance - Financing: No cost consideration to the City

No one addressed the city council regarding the Dallas juvenile curfew ordinance.

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

Motion seconded by Councilmember Chaney and unanimously adopted.

Assigned ORDINANCE NO. 25231.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1182

Item 60: 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 April 9, 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.

Mayor Pro Tem Hill moved to appoint Linda Sorrells, to the Ethics Advisory Commission.

Motion seconded by Councilmember Thornton Reese and unanimously adopted.

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

03-1212 EAC ETHICS ADVISORY COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1183

Item 61: Approval of the concurrent ordinance amending the cities of Dallas and Fort Worth's 1968 Regional Airport Concurrent Bond Ordinance, relating to bonds issued by the cities in connection with the Dallas/Fort Worth International Airport - Financing: No cost consideration to the City

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

Deputy Mayor Pro Tem Loza moved to pass the ordinance.

Motion seconded by Councilmember Walne and unanimously adopted. (Lill abstain)

Assigned ORDINANCE NO. 25232.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1184

Item 62: Approval of the Thirty-Eighth Supplemental Concurrent Bond Ordinance authorizing the issuance, sale and delivery of Dallas/Fort Worth International Airport Joint Revenue Auction Rate Bonds, Series 2003C, in a maximum aggregate principal amount of \$118,000,000, subject to certain parameters to pay a portion of the costs of the Airport relating to new security measures mandated by the federal government, to provide capitalized interest, to provide for funding the debt service reserve fund requirement and pay certain costs of issuance - Financing: No cost consideration to the City

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

Deputy Mayor Pro Tem Loza moved to pass the ordinance.

Motion seconded by Councilmember Walne and unanimously adopted. (Lill abstain)

Assigned ORDINANCE NO. 25236.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1185

Item 63: Approval of the Thirty-Seventh Supplemental Concurrent Bond Ordinance authorizing the issuance, sale and delivery of Dallas/Fort Worth International Airport Joint Revenue Improvement and Refunding Bonds in one or more series, in a maximum aggregate principal amount of \$1,600,000,000, subject to certain parameters to (1) provide the next financing tranche for the Capital Development Program (CDP), refund any outstanding bonds to the extent cost effective, refund outstanding Commercial Paper Notes, if any, provide funding for non-CDP capital projects, provide for funding the debt service reserve fund requirement and pay certain cost of issuance and (2) make certain amendments to the CDP - Financing: No cost consideration to the City

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

Deputy Mayor Pro Tem Loza moved to pass the ordinance.

Motion seconded by Councilmember Walne and unanimously adopted. (Lill abstain)

Assigned ORDINANCE NO. 25235.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1186

Item 64: Authorize the City of Dallas to participate with other area water purveyors to determine the feasibility of obtaining water from the Toledo Bend Reservoir - Not to exceed \$200,000 - Financing: Water Utilities Current Funds

Deputy Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Walne and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1187

Item 65: Authorize the restructuring of the minimum annual guarantee in the advertising concession contract with JCDecaux Airport (formerly Sky Sites) at Dallas Love Field to allow a decrease in the minimum annual guarantee at the same five-year term and adjustments in the number of advertising locations - Revenue: \$2,375,000, from \$7,500,000 to \$9,875,000

Deputy Mayor Pro Tem Loza moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1188

Item 66: Authorize economic development grant agreements with eight community-based nonprofit agencies to enhance the quality of life for the residents in the South Dallas/Fair Park Trust Fund target area to provide funding as follows: (1) The Family Place in an amount not to exceed \$34,500; (2) Head Start of Greater Dallas in an amount not to exceed \$25,000; (3) SouthFair Community Development Corporation in an amount not to exceed \$20,000; (4) Communities in Schools in an amount not to exceed \$30,000; (5) Stork's Nest in an amount not to exceed \$10,000; (6) Holmes Street Foundation in an amount not to exceed \$30,000; (7) Dallas Museum of Natural History in an amount not to exceed \$5,000; (8) St. Anthony Community Center in an amount not to exceed \$15,000 - Total not to exceed \$169,500 - Financing: South Dallas/Fair Park Trust Funds

Councilmember Chaney moved to defer the item until the May 28, 2003 voting agenda meeting of the city council.

Motion seconded by Councilmember Poss and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1189

Item 67: Authorize the City of Dallas Housing Finance Corporation to amend its Multifamily Program policy guidelines with respect to tax-exempt bond financing for multifamily housing projects requiring evidence of both neighborhood support for the project as well as on-going participation by the community in project planning and development oversight and a focus on multifamily housing projects involving: (1) rehabilitation or replacement; (2) new senior developments; (3) new construction in targeted distressed neighborhoods (as defined by the City Council from time to time); (4) Community Housing Development Organization initiated projects; and (5) new construction of affordable family housing outside of targeted areas where the developer receives tax-exempt bond financing under the State of Texas Private Activity Bond Cap - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Loza moved to defer the item indefinitely.

Motion seconded by Councilmember Walne and unanimously adopted.

[Deputy Mayor Pro Tem Loza stated that the Housing and Neighborhood Services Committee will do further study on City of Dallas Housing Finance Corporation Multifamily Program policy.]

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1190

Closed Session

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

- Wisetime Entertainment, L.L.C. v. City of Dallas, et al.,
Cause No. 03-02471-L

The posted closed session was not held.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1191

Addendum addition 1: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Trigger Gap, Inc., of approximately 40 acres of land located on the south side of Loop 12, east of the Trinity River, for environmental remediation and closure of the Deepwood and Loop 12 landfill sites - Not to exceed \$82,000 - Financing: Current Funds (to be reimbursed from proceeds of future tax exempt debt obligations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1192

Addendum addition 2: An ordinance (1) repealing and consolidating Ordinance Nos. 22982, 23153 and 23760, and (2) granting a private license to Daryl Richardson Gourmet Catering, Inc. for the use of approximately 13,079 square feet of land to maintain the existing sidewalk, curbing, landscaping, garden wall, signs and construct, install and maintain additional landscaping, benches, banners, lighting and an aviary and aerial walkway in and over portions of Corbin, Hord, North Griffin and Laws Streets right-of-way - Revenue: \$10,360 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25235.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1193

Addendum addition 3: Authorize the conveyance of a wastewater easement containing approximately 1,011 square feet of land to the City of Farmers Branch for the extension of an existing sewer line located near the intersection of Valwood Parkway and Stemmons Freeway - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1194

Addendum addition 4: Authorize a sixty-month lease agreement with Jefferson Tower, L.P. for approximately 5,870 square feet of office space located in the Jefferson Tower Building, 351 W. Jefferson Boulevard, Suite 300, to be used as a Women, Infants and Children clinic for the period May 1, 2003 through April 30, 2008 - Not to exceed \$90,985 annually with a total not to exceed \$454,925 - Financing: Texas Department of Health Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1195

Addendum addition 5: Authorize the discharge of the secured, no-interest, forgivable note with Phoenix Project, Inc. in the amount of \$50,000 and the release of lien on real property located at 201 South Tyler Street - Financing: No cost consideration to the City

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

Councilmember Housewright moved to approve the item.

Motion seconded by Councilmember Oakley and unanimously adopted. (Garcia abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1196

Addendum addition 6: Authorize (1) rescinding the thirty-six-month price agreement with Clarksville Oil and Gas Co. for fuel previously awarded on December 11, 2002, pursuant to Resolution No. 02-3591 and (2) a thirty-six-month price agreement for fuel with the lowest responsible bidder of five - Truman Arnold Companies - Not to exceed \$12,428,013 - Financing: Current Funds

Deputy Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Walne and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1197

Addendum addition 7: Authorize (1) the purchase of a food protection and permitting system in the amount of \$145,500, and (2) a sixty-month service and maintenance agreement in the amount of \$85,020, from the most advantageous proposer of seven - Decade Software Solutions, LLC - Total not to exceed \$230,520 - Financing: Current Funds (\$85,020 is subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1198

Addendum addition 8: Authorize (1) rescinding the thirty-six-month service contract previously awarded on February 26, 2003, by Resolution No. 03-0826, with Jackson's Lawn Service for grounds maintenance at various Park and Recreation and Library properties and (2) a thirty-six-month service contract for grounds maintenance at various Park and Recreation and Library properties with the lowest responsible bidder of ten - Professional Research & Referrals - Not to exceed \$1,648,769 - Financing: Current Funds

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

April 9, 2003

03-1199

Addendum addition 9: Authorize the acceptance of a donation from the Vickery Meadow Management Corporation to fund a Community Prosecutor serving the Vickery Meadow Public Improvement District for the period of January 1, 2003 through December 31, 2003 - Not to exceed \$75,000 - Financing: Private Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1200

Addendum addition 10: Authorize (1) the third renewal option to the contract with the Southern Dallas Development Corporation to administer the Southern Dallas Economic Development Revolving Loan Program, Professional and Technical Assistance Program, and the Demonstration Loan Program for the purpose of providing loans, job opportunities, community and economic development, and revitalization within sixty-two Southern Dallas census tracts approved by the U.S. Department of Housing and Urban Development, and (2) any unexpended balances of program income from prior approved contracts be retained and rolled over into the third renewal of the contract for providing and servicing loans, technical services, program delivery and administration - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1201

Addendum addition 11: Authorize (1) the acceptance of Shelter Plus Care Grant Funds from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for permanent housing for homeless persons with disabilities for the period of May 1, 2003 through April 30, 2004 and (2) execution of the grant agreement - Not to exceed \$431,880 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1202

Addendum addition 12: Authorize an amendment to the Public Works Public/Private development agreement previously authorized on June 28, 2000, by Resolution No. 00-2145 for The Villages of Runyon Springs, a residential development located between Lancaster and Houston School Roads near Simpson Stuart Road increasing the maximum City of Dallas participation - \$500,000, from \$1,000,000 to \$1,500,000 - Financing: Public/Private Partnership Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1203

Addendum addition 13: Authorize amendments to (1) Resolution No. 02-3086 previously authorized on October 23, 2002 and (2) the terms of the loan agreement with Parmer Villas Housing, L. P. to (a) allow the previously authorized reimbursement of up to \$1,100,000 for demolition, environmental remediation and related costs associated with a 408 unit apartment complex located at or near 4700 - 5000 Meadow Street and known as Meadow Grove Apartments or Emanuel Properties to be \$1,100,000 based upon a Schedule of Values in the demolition contract (b) provide for 288 replacement rental units, of which at least 230 must be affordable units, to be constructed in no more than two project phases, and (c) provide for the potential sale of the first phase to an ownership entity at closing of the tax credits therefor and a transfer of the second phase to an affiliate of Southwest Housing Development Company and Parmer Villas Housing L.P. with the same duties, obligations and liabilities - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1204

Addendum addition 14: Authorize a public hearing to be held on May 14, 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

April 9, 2003

03-1205

Addendum addition 15: Authorize (1) the application for and acceptance of the "Click It or Ticket" Overtime Enforcement grant from the Texas Department of Transportation for a seat belt enforcement initiative, for the period May 1, 2003 through December 31, 2003, (2) a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$24,551, and (3) execution of the grant agreement - Total not to exceed \$111,551 - Financing: Current Funds (\$24,551) and Texas Department of Transportation Grant Funds (\$87,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1206

PUBLIC HEARINGS AND RELATED ACTIONS

Note: Consideration of Addendum Item #16 is contingent upon approval of Agenda Items #57 and #58.

Addendum addition 16: Authorize an amendment to the provisions of the purchase and sale agreement for an historical facade easement on the Davis Building approved on April 28, 1999, pursuant to Resolution No. 99-1434, located in Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) increasing the amount of purchase for the facade easement from \$1,100,000 to \$1,290,000 - Financing: No additional cost consideration to the City

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1207

Addendum addition 17: Authorize payment of additional attorneys fees to Michael M. Daniel pursuant to Plaintiffs' Motion for Post-Judgment Attorney's Fees 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 - Not to exceed \$115,000, from \$167,390 to \$282,390 - Financing: Current Funds

Councilmember Finkelman moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1208

Addendum addition 18: An ordinance amending Chapter 12A of the Dallas City Code to (1) provide for the State's financial reporting forms to be used for filing financial disclosure reports required by the city, with a penalty not to exceed \$500 for violations; (2) clarify the confidentiality requirements of the ethics code complaint process; (3) require that all information provided to the Ethics Advisory Commission by a party to an ethics complaint be distributed to all parties to the complaint; and (4) provide requirements for giving notice of written decisions of the Ethics Advisory Commission - Financing: No cost consideration to the City (via Mayor Miller)

Councilmember Rasansky moved to pass amendments #2, #3, and #4 and amendment #3 to show that all ethics complaints be distributed to all parties within 10 days.

Motion seconded by Councilmember Housewright.

Mayor Pro Tem Hill moved to delay the item for thirty days.

Motion died for lack of second.

Deputy Mayor Pro Tem Loza moved to approve the state form to include the appointed officials and their assistants but not boards and commission members.

Motion seconded by Councilmember Rasansky.

Councilmember Lill moved to substitute for Deputy Mayor Pro Tem Loza's motion a motion to change the existing form to report block and street numbers of all property owned rather than the legal description and all income over \$250.00.

Motion seconded by Councilmember Walne.

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

Voting Yes: [8] Hill, Thornton Reese, Chaney, Fantroy, Poss, Walne, Finkelman, Lill

Voting No: [7] Miller, Loza, Garcia, Housewright, Oakley, Greyson, Rasansky

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25236.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1209

Addendum addition 19: Authorize an agreement with the North Texas Tollway Authority for services from the Dallas Zoo concerning endangered species, Interior Least Tern, *Sterna Antillarum* for the George Bush Turnpike, Segment IV, Turnpike Project from May 1, 2003 to September 30, 2003, May 1, 2004 to September 30, 2004, May 1, 2005 to September 30, 2005 and May 1, 2006 to September 30, 2006 - Estimated Annual Revenue: \$10,000

Councilmember Finkelman moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1210

Addendum addition 20: An ordinance amending Ordinance Nos. 25185 and 25186 ordering the May 3, 2003 general election and the May 3, 2003 special election for the purpose of authorizing general obligation bonds by the qualified voters of the City for funding permanent public improvements, in order to change some election-day and early voting locations - Financing: No cost consideration to the City

Councilmember Chaney moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25237.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1211

Non Agenda Item

Ken Zorn, president of the Dallas Independent School District Trustees and Hollis Brasher, trustee, presented the city council with a resolution supporting all 17 bond propositions.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 9, 2003

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 9, 2003

03-1120

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]

CORRECTIONS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1123

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-39 and addendum addition consent agenda items 1-15, was presented for consideration.

Councilmember Rasansky requested that consent agenda items 6, 11, 17, 19, 21, 23, 27 and 35 to be considered as individual items. Mayor Miller stated that consent agenda items 6, 11, 17, 19, 21, 23, 27, 35 and addendum addition items 6 and 8 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember 's request.

Councilmember Walne requested that consent agenda item 15 to 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 Walne's request.

Councilmember Finkelman requested that consent agenda items 30 and 35 to be considered as individual items. Mayor Miller stated that consent agenda items 30 and 35 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Finkelman's request.

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

Councilmember Walne moved to approve all items on the consent agenda **with the exception of consent agenda** items 6, 11, 15, 17, 19, 21, 23, 23, 27, 30, 35, addendum addition items 5, 6 and 8 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1137

Item 15: An ordinance abandoning a portion of Northwest Highway service road to MarketPlace L H Partners, L.P. and Krestena, Inc., the abutting owners, containing approximately 23,010 square feet of land located near the intersection of Northwest Highway and Jupiter Road, and authorizing the quitclaim - Revenue: \$195,585 plus the \$20 ordinance publication fee

Councilmember Walne 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 ~~Rasansky's~~ **Walne's** request.

Later in the meeting agenda item 15 was brought up for consideration.

Councilmember Walne moved to defer the item until the May 14, 2003 voting agenda meeting of the city council.

Motion seconded by Councilmember Poss and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1143

Item 21: Authorize the purchase of (1) three water bill payment machines (kiosks), associated software and licensing in the amount of \$250,000, and (2) a sixty-month service and maintenance agreement in the amount of \$150,000, from the most advantageous proposer of three - Clarusys, Inc. - Total not to exceed \$400,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

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 Chaney moved to purchase one ~~kiosks machine~~ **water bill payment machine (kiosk)** or return the item to the Municipal and Minority Affairs Commission for further study.

Motion seconded by Councilmember Fantroy.

Mayor Pro Tem Hill asked Councilmember Chaney if he would accept a friendly amendment to his motion to bring the item back to the full council on the May 14, 2003 meeting of the city council.

Councilmember Chaney accepted the amendment as part of his motion.

Councilmember Thornton Reese moved to substitute for Councilmember Chaney's motion to pass the item as presented.

Motion seconded by Councilmember Lill.

Later in the meeting, Councilmember Thornton Reese withdrew her motion.

Councilmember Chaney moved to amend his motion to refer the item back to the Municipal and Minority Affairs Commission and bring the item back to full council to be considered on the May 14, 2003 voting agenda meeting of the city council.

Motion seconded by Councilmember Fantroy and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 9, 2003

03-1208

Addendum addition 18: An ordinance amending Chapter 12A of the Dallas City Code to (1) provide for the State's financial reporting forms to be used for filing financial disclosure reports required by the city, with a penalty not to exceed \$500 for violations; (2) clarify the confidentiality requirements of the ethics code complaint process; (3) require that all information provided to the Ethics Advisory Commission by a party to an ethics complaint be distributed to all parties to the complaint; and (4) provide requirements for giving notice of written decisions of the Ethics Advisory Commission - Financing: No cost consideration to the City (via Mayor Miller)

Councilmember Rasansky moved to pass amendments #2, #3, and #4. ~~and amendment #3~~ **He further stated to amend #3** to show that all ethics complaints be distributed to all parties within 10 days.

Motion seconded by Councilmember Housewright.

Mayor Pro Tem Hill moved to delay the item for thirty days.

Motion died for lack of second.

Deputy Mayor Pro Tem Loza moved to approve the state form to include the appointed officials and their assistants but not boards and commission members.

Motion seconded by Councilmember Rasansky.

Councilmember Lill moved to substitute for Deputy Mayor Pro Tem Loza's motion a motion to change the existing form to report block and street numbers of all property owned rather than the legal description and all income over \$250.00.

Motion seconded by Councilmember Walne.

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

Voting Yes: [8] Hill, Thornton Reese, Chaney, Fantroy, Poss, Walne, Finkelman,
Lill

Voting No: [7] Miller, Loza, Garcia, Housewright, Oakley, Greyson, Rasansky

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25236.

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