

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 28, 2003

03-1520

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

PRESENT: [14] Miller, Hill, Loza, Garcia, Housewright, Thornton Reese, Oakley, Chaney,
Fantroy, Poss, Walne, Finkelman, Rasansky, Lill
ABSENT: [1] Greyson

The meeting was called to order at 9:37 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 for a moment of 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 3:23 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 28, 2003

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 28, 2003

EXHIBIT B

6/11/03 9:54 AM
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1521

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: Susan Oakey, 444 Mayrant Dr.
SUBJECT: Police harassment

SPEAKER: Jill Natowitz, 5337 Belmont Ave.
SUBJECT: How the city handles special events

SPEAKER: Enid Breakstone, 10356 Estacado Dr.
SUBJECT: 1st Amendment

SPEAKER: LaVar Thomas, 2407 Club Manor Dr.
SUBJECT: Ethics

SPEAKER: Michael Simmons, 2515 Lawrence St. **CANCELLED**
SUBJECT: Theft of services by J.Avina/M. Berry / City of Dallas Housing Department

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Raymond Ibe, 3538 Singleton Blvd. **NO SHOW**
REPRESENTING: State Taxicab
SUBJECT: Taxicab Insurance

SPEAKER: Abdullahi Ayanle, 5555 Spring Valley Rd. **NO SHOW**
REPRESENTING: Ambassador Cab
SUBJECT: Taxicab Insurance

SPEAKER: Bruce Kline, 733 Cliffview Dr.
SUBJECT: 911 response

SPEAKER: Laurette Timms, 2800 Keller Springs Rd. **CANCELLED**
SUBJECT: Park system

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

03-1521

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SPEAKER: Lawrence Price, 2621 Nokomis Rd. **NO SHOW**
REPRESENTING: Riding Club for Christ
SUBJECT: Concerns about other riding groups that send negative message

SPEAKER: Frank Ward, P.O. Box 50694, **(Homeless)** (972-558-8811)
SUBJECT: City of Dallas Community

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

SPEAKER: Al Lipscomb, 830 Clearwood Dr. **CANCELLED**
SUBJECT: Respect - single member district

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Corruption: Mayor / State Representative / Trinity River Plan / EPA

SPEAKER: Penina Weiner, 11711 El-Hara Cir. **CANCELLED**
SUBJECT: WRR / Convention Center Hotel

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
SUBJECT: The on level track of Dallas Mayor's race

SPEAKER: Douglas Uchendu, 3109 W. Northgate Dr., **(Irving)**
REPRESENTING: Association of United Taxicab Operators
SUBJECT: Taxicab Insurance

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1522

Item 1: Approval of Minutes of the March 26, 2003 and April 9, 2003 City Council Meetings

The city secretary stated that the city council minutes were not ready and that they should be approved at a later date.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1523

CONSENT AGENDA

The following individual addressed the city council on all agenda item before the consent agenda was presented:

Roy Williams, 5881 Preston View Blvd., representing Dallas County Green Party

The consent agenda, consisting of agenda items 2-10 and addendum addition consent agenda items 1-8, was presented for consideration.

The city secretary announced that her office had received notice from the city manager requesting that consent addendum addition 6 be deleted from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedures.

Councilmember Walne moved to approve all items on the consent agenda and addendum addition consent agenda items with the exception of addendum addition consent agenda item 6, which would be deleted from the agenda.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1524

Item 2: Authorize a professional services contract with TAC Americas, Inc., to perform an energy audit and develop proposals for energy conservation related projects at seven facilities: City Hall at 1500 Marilla, Central Library at 1515 Young, Martin Luther King, Jr. Center at 2922 MLK Boulevard, Oak Cliff Municipal Center at 320 East Jefferson Boulevard, Arts District Parking Garage at 2301 Ross Avenue, Mountain Creek Branch Library at 6102 Mountain Creek Parkway and Levee Station Able at 600 South Industrial (Houston St. Viaduct) - \$164,148 - Financing: Capital Construction Funds (\$95,000) and General Capital Reserve Funds (\$69,148)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1525

Item 3: Authorize a contract for the construction of a 31-acre waste cell at the McCommas Bluff Landfill, including composite liner, leachate collection system and other infrastructure improvements - L. D. Kemp Excavating, Inc., lowest responsible bidder of five - Not to exceed \$3,190,986 - Financing: Capital Construction Funds (\$490,986) and Texas Utilities Reserve Funds (\$2,700,000) (Texas Utilities Reserve Funds to be reimbursed from FY 03-04 Current Funds, subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1526

Item 4: Authorize the purchase of grounds maintenance equipment from the lowest responsible bidders of six - Professional Turf Products, Inc., Austin Turf and Tractor, Jones Equipment and Turf, Inc. and Luber Brothers, Inc. - Not to exceed \$199,274 - Financing: Golf Improvement Trust Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1527

Item 5: An ordinance approving Dallas/Fort Worth International Airport Board Resolution No. 2002-11-328, which amends Chapter 6 of the Dallas/Fort Worth International Airport Board's Code of Rules and Regulations to provide wastewater pretreatment and discharge regulations and to endorse a wastewater pretreatment program as required by federal regulations - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25255.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1528

Item 6: Authorize an Interlocal Agreement with the Texas Department of Transportation for the temporary closure of the westbound lanes of Northwest Highway from North Central Expressway to Hillcrest Avenue for the Susan G. Komen Race for the Cure to be held on October 18, 2003 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1529

Item 7: Authorize a public hearing to be held on June 25, 2003 to receive citizens' comments on the proposed FY 2003-04 Consolidated Plan Budget for U. S. Department of Housing and Urban Development Grant Funds and the proposed FY 2002-03 Reprogramming Budget - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1530

Item 8: Authorize a ten-year use agreement, with two five-year renewal options, with the White Rock Boat Center, Inc. for the renovation, operation and maintenance of the White Rock Lake Boat House located at 3240 West Lawther Drive for the period beginning July 15, 2003 through July 15, 2013 - Estimated Revenue: \$8,250

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1531

Item 9: Authorize an amendment to the Interlocal Agreement with the Trinity River Authority of Texas, City of Houston, North Texas Municipal Water District and Tarrant Regional Water District to continue a study of water availability in the Trinity River Basin - \$42,000, from \$42,000 to \$84,000 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1532

Item 10: An ordinance amending Chapter 49, Articles I and IV, of the Dallas City Code to modify the City's Industrial Waste Pretreatment Program to further protect governmental entities which treat wastewater for the City - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25256.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1533

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 11-21, was presented.

Agenda items 11 and 20 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 11:	Zoning Case Z012-249 (AC)	[Considered individually]
Agenda item 12:	Zoning Case Z023-199 (MM)	
Agenda item 13:	Zoning Case Z023-200 (WE)	
Agenda item 14:	Zoning Case Z023-202 (MM)	
Agenda item 15:	Zoning Case Z023-204 (MM)	
Agenda item 16:	Zoning Case Z023-207 (WE)	
Agenda item 17:	Zoning Case Z023-208 (MM)	
Agenda item 18:	Zoning Case Z023-217 (MM)	
Agenda item 19:	Zoning Case Z012-164 (RB)	
Agenda item 20:	Zoning Case Z023-179 (MM)	[Considered individually]
Agenda item 21:	Zoning Case Z023-189 (WE)	

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 consent agenda

Councilmember Oakley 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 Housewright and unanimously adopted. (Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1534

Item 11: Zoning Case Z012-249 (AC)

Councilmember Chaney requested that consent zoning docket item 11 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 11 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Chaney's request.

Zoning Case Z012-249 (AC), an application for a Planned Development District for Community Commercial Subdistrict uses on property zoned an MF-2 (A) Multifamily District in Planned Development District No. 595, the South Dallas Fair Park Special Purpose District, located on Fourth Avenue, north of Martin Luther King, Jr. Boulevard, and an ordinance granting a Specific Use Permit for a transit passenger station or transfer center

(The city plan commission recommended denial without prejudice of a Planned Development District for Community Commercial Subdistrict uses; and approval of a Specific Use Permit for a transit passenger station or transfer center for a permanent time period, subject to a site/landscape plan and conditions.)

The following individuals addressed the city council regarding zoning case Z012-249 (AC)

- Al Lipscomb, 830 Clearwood Dr.
- Marvin Crenshaw, 5134 Malcolm X Blvd.
- Clara Watson, 3230 Trezevant St.

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

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

Assigned ORDINANCE NO. 25257.

Note: Councilmember Chaney stated that he is recommending the following street name changes:

**Hatcher Street would change to Elsie Faye Heggins Blvd.
Fourth Avenue would change to J. B. Jackson, Jr. Avenue
Hasting Street would change to Maurene F. Bailey Street**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1535

Item 12: Zoning Case Z023-199 (MM)

Zoning Case Z023-199 (MM), an application for and an ordinance granting a Planned Development District for a public school use and R-10 (A) Single Family District uses on property zoned an R-10(A) Single Family District, north of Northaven Road, between Dennis Road the Marcus Drive.

(The city plan commission recommended denial of the request for a Planned Development District and approval of a Specific Use Permit for a public school for a permanent time period, subject to a site plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25258.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1536

Item 13: Zoning Case Z023-200 (WE)

Zoning Case Z023-200 (WE), an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and public school uses on property zoned an R-7.5(A) Single Family District bounded by Northcliff Drive, Peavey Road, Waterview Road and Brookhurst Drive.

(The city plan commission recommended approval of the request for a Planned Development District for a public school and R-7.5(A) Single Family District uses subject to a development plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25259.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1537

Item 14: Zoning Case Z023-202 (MM)

Zoning Case Z023-202 (MM), an application for and an ordinance granting a Planned Development District for a public school use and for R-10(A) Single Family District uses on property zoned an R-10(A) Single Family District, on property bounded by Merrell Road, Dundee Drive, Altman Drive and Goodyear Drive.

(The city plan commission recommended approval of the request for a Planned Development District for a public school and R-10(A) Single Family District uses subject to a development plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25260.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1538

Item 15: Zoning Case Z023-204 (MM)

Zoning Case Z023-204 (MM), an application for and an ordinance granting a Planned Development District for a public school use, a public library use and R-7.5(A) Single Family District uses on property zoned an IR Industrial Research District on the northeast quadrant of the terminus of Justin Avenue, north of Goodman Street.

(The city plan commission recommended approval of the request subject to a development plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25261.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1539

Item 16: Zoning Case Z023-207 (WE)

Zoning Case Z023-207 (WE), an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and public school uses on property zoned an R-7.5(A) Single Family District Anson Road and Cortland Avenue, northeast corner.

(The city plan commission recommended approval of the request for a Planned Development District for a public school and R-7.5(A) Single Family District uses subject to a development plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25262.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1540

Item 17: Zoning Case Z023-208 (MM)

Zoning Case Z023-208 (MM), an application for and an ordinance granting a Planned Development District a public school use and R-7.5(A) Single Family District uses on property zoned an R-7.5(A) Single Family District bounded by Military Parkway, Jim Miller Road, Toland Street and Wilkes Avenue.

(The city plan commission recommended approval of the request for a Planned Development District for a public school and R-7.5(A) Single Family District uses subject to a development plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25263.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1541

Item 18: Zoning Case Z023-217 (MM)

Zoning Case Z023-217 (MM), an application for and an ordinance granting a Planned Development District for a public school use and R-7.5(A) Single Family District uses on property zoned an R-7.5(A) Single Family District on Royal Lane, east of Newkirk Street.

(The city plan commission recommended approval of the request for a Planned Development District for a public school and R-7.5(A) Single Family District uses subject to a development plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25264.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1542

Item 19: Zoning Case Z012-164 (RB)

Zoning Case Z012-164 (RB), an application for and an ordinance granting a Specific Use Permit for a Pedestrian skybridge on property zoned a CA-1(A) Central Area District on Corbin Street, between Griffin Street and Laws Street.

(The city plan commission recommended approval of a 40 year time period, subject to a site plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25265.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1543

Item 20: Zoning Case Z023-179 (MM)

Deputy Mayor Pro Tem Loza requested that consent zoning docket item 20 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 20 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Deputy Mayor Pro Tem Loza's request.

Zoning Case Z023-179 (MM), an application for and an ordinance granting the expansion of and amendment to Specific Use Permit No. 85 for a Cemetery on property zoned MF-2(A) Multifamily District with Specific Use Permit No. 85 on Lombardy Lane, west of Webb Chapel Road and east of Porter Street.

(The city plan commission recommended approval of the request subject to a site plan.)

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

Appearing in favor of the city commission's recommendation:

- Jonathan Vinson, 901 Main Street, representing the applicant

The following individual addressed the city council regarding zoning case Z023-179 (MM):

- William Hopkins, 2011 Leath Street

Deputy Mayor Pro Tem Loza moved to postpone the application until June 25, 2003 voting agenda meeting of the city council and to continue the public hearing at that time.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1544

Item 21: Zoning Case Z023-189 (WE)

Zoning Case Z023-189 (WE), an application for amendment to Specific Use Permit No. 1466 for an open-enrollment charter school on property zoned a CR Community Retail District, located on the west side of Westmoreland Road, north of Camp Wisdom Road.

(The city plan commission recommended approval of the request subject to a site plan and conditions.)

Approved as part of the consent zoning docket.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1545

Item 22: Public Hearing - Zoning Case Z023-156 (RB)

David Cossum, assistant director of zoning, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (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 member 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 Z023-156 (RB), an application for an amendment to the conditions for Planned Development District No. 498, the Harry Hines Special Purpose District, by creating a new Subdistrict 1 with two Tracts within the Subdistrict for a Home improvement center, lumber, brick or building materials sales yard and a Sand, gravel, or earth sales and storage use on Tract I located on the northwest corner of Joe Field Road and Denton Drive, and an Industrial (outside) use for a Concrete plant by Specific Use Permit and a sand, gravel, or earth sales and storage use by right on Tract II located on the southwest corner of Joe Field Road and Denton Drive.

(The city plan commission recommended approval of the creation of a Subdistrict 1 to provide for a Tract I and a Tract II and, approval of a Tract I to permit a Home improvement center, lumber, brick or building materials sales yard, subject to a development plan and conditions; approval of a Tract II to permit a Specific Use Permit for an Industrial (outside) use for a Concrete plant for a three-year period, with eligibility for automatic renewal for additional three-year periods, subject to a site plan and conditions; and denial of the Sand, gravel, or earth sales and storage use.)

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

Appearing in favor of the city commission's recommendation:

- Chris (last name not given), Dallas Creating Trade Association
- Jonathan Vinson, 901 Main Street, representing the applicant

Deputy Mayor Pro Tem Loza moved to postpone the application until June 25, 2003 voting agenda meeting of the city council and re-advertise to continue the public hearing at that time.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1546

Item 23: Public Hearing - Zoning Case Z023-170 (RB)

A public hearing was called on zoning case Z023-170 (RB), an application for a Planned Development District for Multifamily Uses and IR Industrial Research District Uses on property zoned an IR Industrial Research District on the west side of Cockrell Hill Road, south of IH 30.

(The city plan commission recommended approval of the request subject to a development plan and conditions.)

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1547

Item 24: Public Hearing – ZONING CASES – UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on a City Plan Commission authorized hearing to consider a proposed conceptual plan and to determine the proper zoning on property zoned an R-10(A) Single Family District and generally bounded by University Boulevard, North Dallas Tollway, Mockingbird Lane and Inwood Road and an ordinance granting a Conservation District and approving the conceptual plan.

(The city plan commission recommended approval of a Conservation District and of a conceptual plan. This item was considered by the City Council at a public hearing on May 14, 2003, and was taken under advisement until May 28, 2003, with the public hearing open.)

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

Appearing in favor of the city commission's recommendation:

- Boots Nowlin, 5400 Neola Dr.
- Carol Hogg, 5454 Wateka Dr.

Councilmember Lill moved to close the public hearing and approve the Greenway Park Conservation District with the following changes:

Definitions:

(1) FRONT FACADE means a main building façade facing a street other than a side street. If the side street is the only street frontage, the main building façade facing the side street will be treated as the front façade.

(6) Lot coverage. The maximum lot coverage is 45 percent.

(7) Floor area ratio. The intent of this subsection is to encourage the retention or original single family buildings. The maximum floor area ratio for lots containing original single family buildings is 0.55. The maximum floor area ratio for all other lots, including lots with new construction, is 0.50. The term "original single family building" means any single family main building that existed on May 28, 2003. An original single family building shall be considered "new construction" if an expansion results in more than 30 percent of the total exterior surface of the building being removed or obscured. The term "total exterior surface" includes all exterior walls but excludes the roof.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1548

Item 25: Public Hearing – ZONING CASES – UNDER ADVISEMENT- INDIVIDUAL

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 Wilhurt Drive.

(The city plan commission recommended approval of an NS(A) Neighborhood Services District in lieu of the requested CS Commercial Service District. This item was considered by the City Council at a public hearing on April 9, 2003, and May 14, 2003, and was taken under advisement until May 28, 2003, with the public hearing open.)

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

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

- Peter Kavanagh, 1620 Handley, representing the applicant

Mayor Pro Tem Hill moved to close the public hearing and approve a CS Commercial Service District with deed restrictions volunteered by the applicant that restrict the uses to those common between CS and NS districts and a general merchandise or food store greater than 3,500 square feet with the ordinance and resolution accepting the deed restrictions returning at a later date.

Motion seconded by Councilmember Walne.

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

Voting Yes:	[13]	Miller, Hill, Loza, Garcia, Housewright, Thornton Reese, Oakley, Chaney, Fantroy, Poss, Walne, Rasansky, Lill
Voting No:	[0]	
Absent:	[1]	Greyson
Absent when vote taken:	[1]	Finkelman

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1549

Item 26: Public Hearing – ZONING CASES – UNDER ADVISEMENT - INDIVIDUAL

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 Cluster Housing District. This item was considered by the City Council at a public hearing on April 9, 2003, and May 14, 2003, and was taken under advisement until May 28, 2003, with the public hearing open.)

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

- Doris Smith, 9315 Whittenburg

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

Councilmember Walne moved to close the public hearing, overrule the recommendation of the city plan commission and deny the application without prejudice.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1550

Item 27: Public Hearing – DEVELOPMENT CODE AMENDMENTS - CONSENT

A public hearing was called on consideration of amendments to Chapter 51P of the Dallas Development Code by Codifying Regulations of Planned Development District No. 193, the Oak Lawn Special Purpose District, and all PD Subdistricts and an ordinance implementing the proposal.

(The city plan commission recommended approval.)

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

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

Councilmember Lill 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. (Rasansky abstain; Greyson absent; Finkelman absent when vote taken)

Assigned ORDINANCE NO. 25267.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1551

Item 28: Public Hearing – DEVELOPMENT CODE AMENDMENTS - CONSENT

A public hearing was called on consideration of amendments to Section 51A-4.311 of the Dallas Development Code to clarify that the Board of Adjustment can grant a special exception for parking in a Planned Development District where the parking regulations are exactly the same as Chapter 51A and an ordinance implementing the proposal.

(The city plan commission recommended approval.)

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

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

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

Assigned ORDINANCE NO. 25268.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1552

Item 29: MISCELLANEOUS HEARING

A public hearing was called to receive citizens' comments, and an ordinance readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain city-sponsored youth programs in compliance with State law – Financing: No cost consideration to the City

No one addressed the city council regarding this item.

Councilmember Rasansky moved to close the public hearing and approve the ordinance.

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

Assigned ORDINANCE NO. 25269.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1553

Item 30: **Private Sale of Unimproved Properties** **Note:** Item Nos. 30 & 31 must be considered collectively.

- . * A public hearing to receive citizens' comments on the proposed private sale and conveyance by quitclaim deed of 2 unimproved properties acquired by the taxing authorities from the Sheriff's Sale to SouthFair Community Development Corporation, a qualified non-profit organization - Financing: No cost consideration to the City

Item 31: * Authorize the private sale as provided for by Section 253.010 of the Texas Local Government Code (Section 34.015 of the Texas Property Tax Code), and conveyance by quitclaim deed of 2 unimproved properties acquired by the taxing authorities from a Sheriff's Sale to a qualified non-profit organization (list attached) - Revenue: \$2,000

The following individuals addressed the city council regarding the Private Sale of Unimproved Properties:

- Jurline Hollins, 2832 Marjorie Ave.

Councilmember Oakley moved to close the public hearing and authorized the private sale of Parcel 2, 2717 Clarence and remove Parcel 1, 2707 Britton from consideration.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1554

Item 32: 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)

There were no consideration of appointments to boards and commissions.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1555

Item 33: Authorize a thirty-six-month price agreement for Whelen Engineering audio and visual warning system replacement parts with the lowest responsible bidders of two - Emergency Vehicle Equipment Company and GT Distributors, Inc. - Not to exceed \$75,011 - Financing: Current Funds **(Tie Bids)**

In accordance with Section 271.901 of the Texas Local Government Code, the successful bidder in each case would be selected by casting lots, in the form of a drawing.

The city secretary announced that the names of the tying bidders had been placed in a sealed envelope. Mayor for the day drew the name of the winning bidder from the names that had been placed in the sealed enveloped.

Mayor Miller announced the successful bidder, as determined in the drawing was:

Emergency Vehicle Equipment Company

Councilmember Finkelman moved to award the price agreement to Emergency Vehicle Equipment Company, the low bidder as determined from the proposals of the bidder and by the drawing to break the tie.

Motion seconded by Councilmember Walne and unanimously adopted. (Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1556

Item 34: 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 approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1557

Closed Session

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

- Debra Walker v. City of Dallas, Civil Action No. 3:85-CV-1210-R
- City of Dallas v. Ford Motor Company, et al., Cause No. 02-11969-B

A closed session was held as authorized by Chapter 551, "OPEN MEETINGS," of the (Texas Open Meetings Act) to discuss the following matters:

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

- Debra Walker v. City of Dallas, Civil Action No. 3:85-CV-1210-R
- City of Dallas v. Ford Motor Company, et al., Cause No. 02-11969-B

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1558

Addendum addition 1: Authorize Supplemental Agreement No. 3 to the professional services contract with Hellmuth, Obata + Kassabaum, Inc., to provide for the expansion of the North/South Linkages Project to include the Transit Mall to the south side of Ross Avenue - \$355,000, from \$1,584,354 to \$1,939,354 - Financing: City Center TIF District Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1559

Addendum addition 2: Authorize Supplemental Agreement No. 4 to the contract with Thos. S. Byrne, Inc. to provide for various construction needs and to extend the contract time for the Latino Cultural Center in an amount not to exceed \$205,000, increasing the Guaranteed Maximum Price from \$7,919,060 to \$8,124,060 and the total contract amount from \$7,994,060 to \$8,199,060 - \$205,000 - Financing: Latino Cultural Center Donation Funds (\$153,388), Capital Construction Funds (\$51,612)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1560

Addendum addition 3: Authorize the City Manager to initiate the process of selection for a design/build project delivery method for the construction of improvements to the existing Building #25 at the Naval Air Station located at 8120 West Jefferson Boulevard to replace the Inwood Road Operations Center facility - Financing: This action has no cost consideration to the City

Approved as part of consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1561

Addendum addition 4: Authorize settlement in lieu of proceeding further with condemnation of the Jo An Yee Trust for a tract of land containing approximately 509 square feet for the Eastridge Drive paving and drainage improvements project located near the intersection of Eastridge Drive and Ridgecrest Road by releasing the paving assessment in the amount of \$14,941 previously levied on January 12, 2000 by Ordinance No. 24164 and acceptance of the Commissioners' award in the amount of \$14,000 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1562

Addendum addition 5: An ordinance granting a private license to Easton I Limited Partnership for the use of approximately 3,919 square feet of land to construct, use, install and maintain landscaping, off-street parking and a portion of a sidewalk on Manett Street right-of-way located at its intersection with Henderson Avenue - Revenue: \$1,699 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25270.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1563

Addendum addition 6: Authorize **(1)** rescinding the professional services contract with Experio Solutions for an efficiency study of the Police and Fire departments, previously authorized by Resolution No. 03-1011, on March 26, 2003, in the amount of \$395,000; and **(2)** a professional services contract with Berkshire Advisors, Inc. for an efficiency study of the Police and Fire departments - Not to exceed \$395,000 - Financing: Current Funds

Deleted by the city manager.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1564

Addendum addition 7: Authorize **(1)** participation in the State of Texas' Qualified Information System Vendor program for high tech equipment, **(2)** a twelve-month service contract, with two one-year renewal options, for telecommunications services at Reunion Arena in an amount not to exceed \$150,000, and **(3)** a one-time payment not to exceed \$15,525 for telecommunications services received between February and April 2003 - XO One, Inc. - Total not to exceed \$165,525 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1565

Addendum addition 8: Authorize an increase in the service contract with TIBH Industries, Inc., to provide a continuation of janitorial services at the Dallas Convention Center - \$1,023,825, from \$4,095,300 to \$5,119,125 - Financing: Convention and Event Services Current Funds

Approved as part of consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1566

Addendum addition 9: Public Hearing – DEVELOPMENT CODE AMENDMENTS - CONSENT

A public hearing was called on consideration of amendments to Section 51A, Article XI, Development Incentives regarding the Historic Preservation Incentive Program and an ordinance implementing the proposal.

(The city plan commission recommended approval.)

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

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

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

Assigned ORDINANCE NO. 25271.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1567

Addendum addition 10: **Reconsideration of Agenda Item No. 61, as postponed, from the May 14, 2003 City Council Agenda**

A motion to reconsider the action previously taken by the City Council on May 14, 2003, to hold under advisement until August 13, 2003, zoning case Z023-151, a request for a Single Family District within Planned Development District No. 54 for Townhouse uses, an application for a Specific Use Permit for Private Streets and a resolution accepting deed restrictions volunteered by the applicant on the northwest corner of the intersection of Forney Road and Jim Miller Road - Financing: No cost consideration to the City

Councilmember Thornton Reese moved to reconsider the vote taken by the council on zoning case Z023-151 on May 14, 2003 city council agenda; a request for a Single Family District within Planned Development District No. 54 for Townhouse uses, an application for a Specific Use Permit for Private Streets and a resolution accepting deed restrictions volunteered by the applicant on the northwest corner of the intersection of Forney Road and Jim Miller Road. Councilmember Thornton Reese stated that she had voted with the majority on May 14, 2003.

Motion seconded by Councilmember Chaney and unanimously adopted. (Greyson absent)

If Addendum item #10 passes, Council will consider Addendum item #11.

Addendum addition 11: An application for and an ordinance granting an R-7.5(A) Single Family District on property within Planned Development District No. 54 for Townhouse uses, and an ordinance granting a Specific Use Permit for Private Streets and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, a TH-3(A) Townhouse District and PD No. 54, on the northwest corner of Forney Road and Jim Miller Road Z023-151 (WE) - Financing: No cost consideration to the City

Councilmember Thornton Reese moved to close the public hearing and approve the city plan commission's recommendation, subject to deed restrictions volunteered by the applicant and reviewed by staff.

Motion seconded by Councilmember Chaney and unanimously adopted. (Greyson absent)

Assigned ORDINANCE NOS. 25272 AND 25273.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 2003

03-1568

Addendum addition 12: An ordinance amending Chapter 28 of the Dallas City Code to prohibit cruising on portions of Clarendon Drive, Hampton Road, and Westmoreland Road at certain times to provide emergency access to businesses and residences - Financing: No cost consideration to the City

Councilmember Garcia moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25274.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 28, 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, MAY 28, 2003

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS