

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 13, 2003

03-2090

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

PRESENT: [14] Miller, Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney,
Fantroy, Griffith, Blaydes, Finkelman, Greyson, Rasansky, Lill
ABSENT: [1] Loza absent on city business

The meeting was called to order at 10:06 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 3:45 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 13, 2003

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 13, 2003

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2091

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: Albert Parker, (address not given)
REPRESENTING: John Q. Public
SUBJECT: Dallas City Hall reign holder

SPEAKER: Enid Breakstone, 10356 Estacado Dr.
REPRESENTING: The Queenie Foundation.
SUBJECT: National Homeless Animal Day

SPEAKER: Casie Pierce, 6047 Parkdale Dr.
SUBJECT: Department of Development Services/Environmental Lawlessness

SPEAKER: Alan Propper, 4800 W. Lovers Ln.
SUBJECT: Urgently needed by Animal Control

SPEAKER: Sandra Lugo-Camacho, 3003 Knight St.
SUBJECT: Dallas Police

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Charlene Rushing, 641 Elwayne Ave. **CANCELED**
SUBJECT: Basic Constitutional Rights

SPEAKER: Chris Head, 9339 San Fernando Way **CANCELED**
REPRESENTING: Texas Public Workers Association
SUBJECT: Employee Health Care

SPEAKER: James Leaks, 1958 Yucca Dr.
REPRESENTING: Joann Karr Crime Watch Group
SUBJECT: Support for Chief of Police

SPEAKER: Robert Pitre, 2642 S. Harwood St.
SUBJECT: The main reason for crime in Dallas

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SPEAKER: Rhonda Reagan, 10859 N. Central Expy
SUBJECT: Black Americans' right to vote, 2007

SPEAKER: Kathy Watkins, 1914 Barlow Ave. **NO SHOW**
SUBJECT: Lien against property

SPEAKER: Wilma Avalos, 2318 Anson Rd. **NO SHOW**
SUBJECT: First Offenders Program

SPEAKER: James Dunn, 3635 Blue Ridge Blvd.
REPRESENTING: Kimball Area Homeowners
SUBJECT: Kimball area

SPEAKER: Edwin Hickson, 2932 Kiestmeadow Dr.
SUBJECT: The need for changes in the Dallas City Code in regards to development

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
SUBJECT: Payoff, Kick backs, Under the table deals, Plantation politics

SPEAKER: Lawrence Luther, 2703 Canary Cir., Mesquite
SUBJECT: Budget discrimination against civilian employees

SPEAKER: Kelli Ingram, 201 Eskota Dr., Mabank
SUBJECT: Rehire

SPEAKER: Morrie Pope, 404 Deer Creek Cir, DeSoto
SUBJECT: Chief of Police

Councilmember Thornton Reese moved to suspend the rule to allow Stephen Nash to speak at the beginning of the meeting.

Motion seconded by Deputy Mayor Pro Tem Hill.

Mayor Miller called the vote on the motion to suspend the rules.

Mayor Miller declared the rules suspended as two-thirds of the city council present had voted in the affirmative. (Loza absent on city business)

The following individual addressed the city council:

Stephen Nash, 217 Hollow Crest, Desoto

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
03-2091

Deputy Mayor Pro Tem Hill moved to suspend the rule to allow Rev. Christian to speak.

Motion seconded by Councilmember Chaney.

Mayor Miller called the vote on the motion to suspend the rules.

Mayor Miller declared the rules suspended as two-thirds of the city council present had voted in the affirmative. (Loza absent on city business)

The following individual addressed the city council:

Rev. Christian

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

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Racism: City of Dallas, KKK, Downtown Confederate Soldiers

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2092

Item 1: Approval of Minutes of the June 25, 2003 City Council Meetings

The following individuals addressed the city council regarding the approval of minutes of the June 25, 2003 city council meetings.

Marvin Crenshaw, 5134 Malcolm X Blvd.

Charlene Rushing, 641 Elwayne Ave.

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

(Did Not Speak)

Councilmember Finkelman moved to approve the minutes, as corrected. Councilmember Greyson stated that on zoning docket item 58, the applicant was in favor of the city plan commission's recommendation, on zoning docket item 65, there was a typographical error, instead of "3-", it should have been "30" in Councilmember Fantroy's motion and on zoning docket item 66, there was a typographical error instead of the word "and", the word should have been "any", and on addendum addition 36 Councilmember Finkelman voted "Yes" on the item .

Motion seconded by Councilmember Lill and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2093

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-82 and addendum addition consent agenda items 1-4, was presented for consideration.

The city secretary announced that the city manager had deleted consent agenda item 8 and addendum addition 4 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

The city secretary announced that Councilmember Garcia had deferred consideration of consent agenda item 60 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Lill requested that consent agenda items 10, 31, 40 and addendum addition 1 be considered as individual items. Mayor Miller stated that consent agenda items 10, 31 40 and addendum addition 1 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Lill's request.

Councilmember Greyson requested that consent agenda item 74 be considered as an individual item. Mayor Miller stated that consent agenda item 74 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Councilmember Oakley moved to approve all items on the consent agenda and addendum addition consent agenda items with the exception of consent agenda item 8 and addendum addition 4 which were deleted, and consent agenda item 60 which was deferred, and consent agenda items 10, 31, 40 and 74 and addendum addition item 1 which would be considered later in the meeting.

Motion seconded by Councilmember Lill and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2094

Item 2: Authorize a professional services contract with GSWW, Inc. to provide engineering services for the replacement of water and wastewater mains in various locations - \$1,392,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2095

Item 3: Authorize a professional services contract with Nathan D. Maier Consulting Engineers, Inc. for design of the Camp Wisdom Pump Station and a feasibility study in the Mountain Creek area - \$1,373,385 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2096

Item 4: Authorize (1) the acceptance of a grant in the amount of \$348,634 from the Texas Water Development Board for financial assistance in the development of a Reclaimed Water Implementation Plan; and (2) a professional services contract with Alan Plummer Associates, Inc. to provide engineering services for a Reclaimed Water Implementation Plan - \$1,009,479 - Financing: Water Utilities Capital Improvement Funds (\$348,634 to be reimbursed by the Texas Water Development Board)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2097

Item 5: Authorize a contract for the exterior masonry repairs at Marcus Recreation Center located at 3003 Northaven Road - North Texas Waterproofing and Restoration, Inc., lowest responsible bidder of nine - \$74,900 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2098

Item 6: Authorize a contract for site improvements including trail improvements, park identification signage and site furnishings at Five Mile Creek Trail - A S Con., Inc., lowest responsible bidder of three - \$60,550 - Financing: 1997-98 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2099

Item 7: Authorize a contract for structural repairs to the Dallas Convention Center Arena constructed in 1954 - Southwest Construction Services, Inc., lowest responsible bidder of six - \$286,985 - Financing: Convention and Event Services Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2100

Item 8: Authorize (1) a contract for selective demolition and Phase 1 construction of the 1600-1604 Elm Street Building with Nedderman and Associates, lowest responsible bidder of four in an amount not to exceed \$1,011,000, (2) a contract for abatement of asbestos and lead based paint at the 1600-1604 Elm Street Building with L. A. Environmental, Inc., lowest responsible bidder of five in an amount not to exceed \$81,650, (3) assignment of the construction and abatement contracts to 1600 Elm Street LTD for construction management, and (4) payment to 1600 Elm Street LTD in an amount not to exceed \$240,280 for design, reimbursables, and construction management - Total not to exceed \$1,332,930 - Financing: City Center TIF District Funds

The city secretary announced that the city manager had deleted agenda item 8 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2101

Item 9: Authorize Supplemental Agreement No. 3 to the contract with Newman, Jackson, Bieberstein, Inc., to provide design of the Cottonwood Creek trail from the Hamilton Park portion to White Rock Creek trail - \$116,180, from \$92,198 to \$208,378 - Financing: 2001-02 Community Development Reprogramming Grant Funds (\$104,000) and 2002-03 Community Development Grant Funds (\$12,180)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2102

Item 10: Authorize an increase in the contract with Tiseo Paving Company for the reconstruction of street paving, storm drainage, water and wastewater main improvements on Colorado Boulevard from Blaylock Drive to IH-35, to extend the proposed drainage system to connect with an existing system in Colorado Boulevard near the intersection of Lancaster Road - \$168,273, from \$2,442,018 to \$2,610,291 - Financing: 1995 Bond Funds

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

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

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2103

Item 11: Authorize (1) an increase in the contract with JRJ Paving, LP for the resurfacing of Runway 18/36 at Dallas Love Field Airport in an amount not to exceed \$107,250, from \$476,745 to \$583,995, and (2) an increase in appropriations in an amount not to exceed \$177,250 in the Federal Aviation Administration Airport Improvement Program Grant Fund - \$107,250 - Financing: Federal Aviation Administration Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2104

Item 12: Authorize Supplemental Agreement No. 8 to the contract with Hunt Construction Group, Inc. for the Love Field Parking Garage Expansion to release the remaining construction contingency funds in an amount not to exceed (\$4,542,071), reducing the Guaranteed Maximum Price from \$54,092,784 to \$49,550,713 and reducing the total construction manager's contract from \$55,246,949 to \$50,704,878 - (\$4,542,071) - Financing: Aviation Revenue Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2105

Item 13: Authorize a net decrease in the contract with All-Tex Paving, Inc., for a reduction of contract quantities to add 12-hour quick set concrete for concrete base repairs on Commerce Street from Sylvan to Hampton - Total net decrease (\$136), from \$71,424 to \$71,288 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2106

Item 14: Authorize (1) the rejection of the only bid received for the renovation of wooden windows, kitchen cabinets, floors and asbestos abatement for Fire Station No. 4 located at 816 S. Akard, and; (2) the re-advertisement for new bids - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2107

Item 15: Authorize (1) rescinding the contract with ICE Contractors, Inc., previously authorized on February 12, 2003 by Resolution No. 03-0658, for site improvements including playground replacement, site furnishings and landscaping at St. Francis Park, and (2) the re-advertisement for new bids - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2108

Item 16: Authorize a design-build delivery process for a Family Aquatics Center at Thurgood Marshall Park - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2109

Item 17: Authorize application for a grant in the amount of \$500,000 from the Texas Parks and Wildlife Department for development of a new athletic complex at Mountain Creek Park - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLSA CITY COUNCIL

August 13, 2003

03-2110

Item 18: Authorize payment to the Texas Department of Transportation for the City of Dallas' local share of construction costs on Northwest Highway from 200 feet west of Shiloh Road to 200 feet west of Interstate 635 - \$628,445 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2111

Item 19: Authorize (1) street paving, storm drainage, water and wastewater main improvements for Street Group 98-437 (list attached); provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on September 24, 2003, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2112

Item 20: **Southside Wastewater Treatment Plant Improvements**

- * Authorize a professional services contract with HDR Engineering, Inc. for the design review of Southside Wastewater Treatment Plant Phase IV - \$739,112
- Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2113

Item 21: **Southside Wastewater Treatment Plant Improvements**

- * Authorize a contract for the construction of anaerobic digesters at the Southside Wastewater Treatment Plant - Eagle Contracting, L.P., lowest responsible bidder of three - \$7,866,000 - Financing: Water Utilities Capital Construction Funds (\$140,000) and Water Utilities Capital Improvement Funds (\$7,726,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2114

Item 22: **Southside Wastewater Treatment Plant Improvements**

- * Authorize Supplemental Agreement No. 1 to the professional services contract with CH2M Hill, Inc. for the design of digester improvements at the Southside Wastewater Treatment Plant - \$716,100, from \$2,997,025 to \$3,713,125 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2115

Item 23: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Two C, Three C, Inc. of a tract of land containing approximately 54 acres of land located near the intersection of Dowdy Ferry Road and Interstate Highway 20 for the Trinity River Corridor project - \$88,500 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2116

Item 24: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Phillip Johnson of a tract of land containing approximately 90 acres of land located near the intersection of Linfield Road and Hull Avenue for the Trinity River Corridor project - \$144,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2117

Item 25: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 4 wastewater easements containing a total of approximately 11,689 square feet of land located near the intersection of Northwest Highway and Shady Trail for the Shady Trail Relief Interceptor project - \$25,218 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2118

Item 26: Authorize settlement in lieu of proceeding further with condemnation of Weingarten Realty Investors of a tract of land containing approximately 4,456 square feet for paving improvements on Northwest Highway near the intersection of Northwest Highway and Shiloh Road - \$38,220 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2119

Item 27: An ordinance abandoning a portion of a water easement to John M Welch Company and Child Education Development Group Inc., the abutting owners, containing approximately 2,250 square feet of land located near the intersection of Edgemere Road and Northwest Parkway, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25336.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2120

Item 28: An ordinance abandoning a portion of Akron Street to Charles V. Grahmann, Bishop of the Roman Catholic Diocese of Dallas, the abutting owner, containing approximately 5,390 square feet of land located near its intersection with Vilbig Road, and authorizing the quitclaim - Revenue: \$5,727 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25337.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2121

Item 29: Authorize acquisition by Dallas Area Rapid Transit, including the exercise of the right of eminent domain, if such becomes necessary, of a tract of land for the construction of its Bachman Light Rail Train Station Site in conjunction with the construction of the Northwest Line Section 2 located at the intersection of Denton and Community Drives - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2122

Item 30: Authorize acquisition by Dallas Area Rapid Transit, including the exercise of the right of eminent domain, if such becomes necessary, of 5 tracts of land for the construction of its Northwest Rail Operating Facility located near the intersection of Lombardy Lane and Abernathy Avenue - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2123

Item 31: An ordinance granting a revocable license to Tortilla Flats, Ltd. for the use of approximately 144 square feet of land to construct and maintain a sidewalk cafe, fence, awning and signs on and over portions of Main Street right-of-way located near its intersection with Field Street - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

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

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

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Loza absent on city business)

Assigned ORDINANCE NO. 25338.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2124

Item 32: An ordinance granting a private license to B. F. Avery & Sons, Ltd. for the use of approximately 884 square feet of land to install and maintain outdoor lighting, railing, awnings, bay windows, a sign and a sidewalk cafe on North Market Street and Pacific Avenue rights-of-way - Revenue: \$4,277 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25339.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2125

Item 33: Authorize the release of non-tax City liens against a privately held vacant property located at 1731 N. Fitzhugh Avenue using the Land Transfer Program, in exchange for East Dallas Community Organization paying all delinquent taxes, penalties and interest on the property and providing affordable housing on the property for low income households - Estimated revenue foregone: \$6,929

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2126

Item 34: Authorize a public hearing to be held on September 10, 2003, to receive citizens' comments on the proposed sale of park land located at 5006 Columbia Avenue consisting of approximately 5,834 square feet being part of the Columbia Avenue/Abrams Road Triangles - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2127

Item 35: Authorize the ratification of amendments to the lease with McCommas Landfill Partners LP to develop landfill gas at the McCommas Bluff Landfill and sublease with McCommas LFG Processing, LP, for operating the landfill gas collection and processing facility at the McCommas Bluff Landfill gas plant - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2128

Item 36: Authorize a twelve-month service contract, with one twelve-month renewal option for the printing of forms with the lowest responsible bidders of eight - Moore North America and Visual Communications - Not to exceed \$289,103 - Financing: Current Funds (\$216,728), Aviation Current Funds (\$14,250), Convention Center Current Funds (\$20,125), Water Utilities Current Funds (\$38,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2129

Item 37: Authorize (1) a professional services contract with MH Corporate Services to produce a market study, marketing materials, market strategy, and development profile for Hensley Field, the former Dallas Naval Air Station, and (2) the establishment of appropriations in the amount of \$332,500 in the Hensley Field Fund - Not to exceed \$332,500 - Financing: Hensley Field Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2130

Item 38: Authorize participation in a cooperative purchasing agreement with the State of Texas General Services Commission for a thirty-six-month price agreement for the rental and maintenance of Citywide copiers - Minolta Corporation, Xerox Corporation, Panasonic Copier Company, Imagistics, Danka Office Imaging and Oce USA Inc. - Not to exceed \$4,500,000 - Financing: Convention and Event Services Current Funds (\$66,081), Aviation Current Funds (\$71,136), Building Inspection Current Funds (\$236,171), Current Funds (\$4,126,612)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2131

Item 39: Authorize a twelve-month price agreement for truck bodies and trailers with the lowest responsible bidders of three - Industrial Disposal Supply Company, Inc. and Equipment Southwest, Inc. - Not to exceed \$694,169 - Financing: 2001 Equipment Acquisition Contractual Obligation Notes (\$74,750), Current Funds (\$369,619), 2002 Equipment Acquisition Contractual Obligation Notes (\$249,800)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2132

Item 40: Authorize a twelve-month service contract for Volunteer Coordination Services with the lowest responsible bidder of two - Volunteer Center of North Texas, Inc.
- Not to exceed \$52,520 - Financing: Current Funds

Councilmember Lill requested that consent agenda item 40 be considered as an individual item. Mayor Miller stated that consent agenda item 40 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, agenda item 40 was brought up for consideration.

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2133

Item 41: Authorize a forty-eight-month price agreement for field drug testing kits and accessories with the lowest responsible bidder of two - Vector Associates, Inc. dba ODV, Inc. - Not to exceed \$261,872 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2134

Item 42: Authorize (1) participation in an interlocal purchasing agreement with the Texas Local Government Purchasing Cooperative, and (2) the purchase of a backhoe loader with a sweeper attachment through the Texas Local Government Purchasing Cooperative for Dallas Water Utilities Central Wastewater Treatment Plant from RDO Equipment Co. - Not to exceed \$72,927 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2135

Item 43: Authorize a professional services contract with Robert W. Taylor, Attorney at Law, in negotiations with SBC Communications, Inc., regarding voice over internet protocol issues, and any other proceedings relating to the subject matter of this dispute - Not to exceed \$20,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2136

Item 44: Authorize settlement of a lawsuit styled Debbie Geter v. Ruben Reyes and City of Dallas, Cause No. 02-03670-L - \$6,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2137

Item 45: Authorize settlement of a lawsuit styled Richard Cook, Gary Grant and Rosetta Grant v. City of Dallas, and Henry Aguilera, Cause No. cc-02-04329-c - \$23,500 -
Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2138

Item 46: Authorize settlement of a lawsuit styled Thurman W. Wright v. Susan Millard and the City of Dallas, Cause No. cc-02-11171-c - \$7,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2139

Item 47: Authorize settlement of a lawsuit styled Edith Cano v. Agapito Nino, Jr., and the City of Dallas, Cause No. 02-06105-B - \$9,100 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2140

Item 48: Authorize Supplemental Agreement No. 1 to the professional services contract with Economists.com for additional professional services necessary in negotiations with SBC Communications, Inc., regarding voice over internet protocol issues - Not to exceed \$100,000, from \$54,000 to \$154,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2141

Item 49: Authorize Supplemental Agreement No. 1 to the professional services contract White & Wiggins, L.L.P., for additional legal services in the lawsuit styled Sandra Crenshaw v. James Fantroy, Shirley Acy, City Secretary, Cause No. 03-03239-H - Not to exceed \$15,000, from \$15,000 to \$30,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2142

Item 50: Authorize Supplemental Agreement No. 4 to the professional services contract with the law firm of Carrington Coleman Sloman & Blumenthall, L.L.P. for additional legal services and related expenses necessary in the lawsuit styled Harold Cox, Shirley Davidson, Robert Stubblefield, Cynthia Herring, Eloise Edwards, Betty Curley and Leo Easter v. City of Dallas, Jeffrey A. Saitas, in his capacity as Executive Director of the Texas Natural Resource Conservation Commission, Herman Nethery and Terry Van Sickle, Civil Action No. 3:98-CV-0291-H, and any other proceeding relating to the subject matter of this lawsuit - Not to exceed \$260,000, from \$590,000 to \$850,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2143

Item 51: Authorize application for and acceptance of Federal Aviation Administration Airport Improvement Program Grant Funds for eligible costs for capital improvement projects at Dallas Love Field - Not to exceed \$4,287,650 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2144

Item 52: Authorize an amendment to Resolution No. 01-3356 previously approved on November 14, 2001, to extend the deadline for obtaining a final certificate of occupancy from August 31, 2003 to May 31, 2004 for State/Worthington Townhomes (Block 575) bounded by State Street, Worthington Street, Clay Alley and Guillot Alley located in Tax Increment Financing Reinvestment Zone Number One (State-Thomas TIF District) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2145

Item 53: Authorize (1) a public hearing to be held on September 10, 2003, to receive citizens' comments on re-establishing the public improvement district, known as the Vickery Meadow Public Improvement District for the purposes of providing supplemental public services and improvements, to be funded by assessment on real property and real property improvements located in the Vickery Meadow Public Improvement District; and (2) at the close of the hearing, consideration of a resolution renewing and re-establishing the Vickery Meadow Public Improvement District - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2146

Item 54: An ordinance granting an amendment to Specific Use Permit No. 1466 for an Open Enrollment Charter School on the west side of Westmoreland Road, north of Camp Wisdom Road, for a three-year period subject to a site plan and conditions (Z023-189 WE) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25340.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2147

Item 55: An ordinance authorizing a correction to Ordinance No. 25159 for an RR Regional Retail District with retention of the D Liquor Control Overlay subject to deed restrictions volunteered by the applicant on Ledbetter Drive west of Hampton Road to correct the property description (Z023-102) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE 25341.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2148

Item 56: An ordinance authorizing a correction to Ordinance No. 25242 that amended Chapter 57 of the Dallas City Code to require fire protection in certain single-family dwellings correcting the ordinance effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25342.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2149

Item 57: An ordinance authorizing a correction to Ordinance No. 25262 for a Planned Development District for a public school other than an open enrollment charter school and R-7.5(A) Single Family District uses on the northeast corner of the intersection of Anson Road and Cortland Avenue to correct the property description (Z023-207) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25343.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2150

Item 58: Authorize a contract with the Martin Luther King, Jr. Family Clinic to provide pediatric health care services for the period October 1, 2003 through September 30, 2004 - Not to exceed \$67,100 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2151

Item 59: Authorize (1) the acceptance of grant funds in the amount of \$1,060,842 from the Texas Commission on Environmental Quality to provide air pollution control services for the period September 1, 2003 through August 31, 2005, (2) a local match in an amount not to exceed \$522,504 over the two-year term, and (3) execution of the grant agreement - Total not to exceed \$1,583,346 - Financing: Texas Commission on Environmental Quality Grant Funds (\$1,060,842) and Current Funds (\$522,504) (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2152

Item 60: Authorize an amendment to the no interest forgivable loan agreement previously approved on October 23, 2002 by Resolution No. 02-3045 to (1) change the address from 3224 South Westmoreland to 2801 South Edgefield Avenue for the facility to be purchased by Rebuilding Our Community, Inc. with Community Development funds and (2) change the contract period to begin upon execution and continue through February 12, 2004 (Agencies that renovate properties with Community Development Grant Funds are required to provide a public service to eligible persons for a minimum of five years) - Financing: No additional cost consideration to the City

The city secretary announced that Councilmember Garcia had deferred consideration of consent agenda item 60 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2153

Item 61: Authorize an Interlocal Agreement with Dallas County to provide a tenant-based rental assistance program for the homeless for the period November 1, 2003 through October 31, 2004 - Not to exceed \$300,000 - Financing: 2003-04 HOME Investment Partnerships Program Grant Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2154

Item 62: Authorize an Interlocal Agreement with the Dallas County Health and Human Services Department for the continuation of the AIDS Investigation Program for the period October 1, 2003 through September 30, 2004 - Not to exceed \$44,484 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2155

Item 63: Authorize Renewal Option No. 2 to the contract with AIDS Interfaith Network, Inc., to provide a citywide HIV/AIDS Education, Outreach and Prevention Program that will target high-risk African American and Hispanic populations within the city of Dallas for the period October 1, 2003 through September 30, 2004 - Not to exceed \$63,636 - Financing: Current Funds (\$37,564) (subject to appropriations); 2001-02 Community Development Grant Funds (\$4,391); 2002-03 Community Development Grant Funds (\$15,918) and 2003-04 Community Development Grant Funds (\$5,763) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2156

Item 64: Authorize Renewal Option No. 2 to the contract with Holmes Street Foundation, Inc. for the provision of residential substance abuse treatment services for adolescent males for the period October 1, 2003 through September 30, 2004 - Not to exceed \$76,560 - Financing: 2003-04 Community Development Grant Funds (\$65,000) (subject to appropriations) and Current Funds (\$11,560) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2157

Item 65: Authorize Renewal Option No. 2 to the contract with Human Services Network, Inc. to provide a citywide HIV/AIDS Education, Outreach and Prevention Program that will target the high-risk African-American population within the city of Dallas for the period October 1, 2003 through September 30, 2004 - Not to exceed \$69,237 - Financing: 2003-04 Community Development Grant Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2158

Item 66: Authorize two contracts with Dental Health Program, Inc. for the continuation of dental health services to eligible residents for the period October 1, 2003 through September 30, 2004 - Not to exceed \$825,000 - Financing: 2003-04 Community Development Grant Funds (\$200,000) (subject to appropriations) and Current Funds (\$625,000) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2159

Item 67: Authorize the acceptance of a grant from the U.S. Department of Homeland Security, Office of Domestic Preparedness for terrorism response equipment to be purchased by Texas Engineering Extension Service for the period August 13, 2003 through April 30, 2005 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2160

Item 68: Authorize an amendment to the contract with Lawson Associates, Inc., to terminate the portion of the annual hosting and maintenance contract relative to the services of the e-Recruiting application of the Human Resources Information System, and to reduce the contract amount by (\$102,000), from \$274,384 to \$172,384 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2161

Item 69: Authorize an increase in the contract with Hay Group, Inc. to provide actuarial and benefits consulting services for the 2003 benefit plan year - \$62,500, from \$250,000 to \$312,500 - Financing: Employee Benefits Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2162

Item 70: Authorize an amendment to the Land Assembly Proposal to extend the timeline for development of the property at 3615 Holmes Street by the St. Philip's Neighborhood Development Corporation and execution of a correction deed and amended Deed Restrictions - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2163

Item 71: Authorize the acceptance of a grant from the Texas State Library for the continuation of interlibrary loan services for the period September 1, 2003 through August 31, 2004 and execution of the grant agreement - \$424,836 - Financing: Texas State Library and Archives Commission Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2164

Item 72: Authorize a twelve-month agreement with the AMIGOS Bibliographic Council, Inc. for continued participation by the Dallas Public Library in the computerized data access program for bibliographic and consulting services from October 1, 2003 through September 30, 2004 - Not to exceed \$88,000 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2165

Item 73: Authorize a public hearing to be held on August 27, 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

August 13, 2003

03-2166

Item 74: Authorize a ten-year concession contract with one five-year renewal option, with Elm Fork Shooting Park Incorporated at the shooting range located at 10751 Luna Road for the period beginning November 1, 2003 through October 31, 2013 - Estimated Annual Revenue: \$25,000

Councilmember Greyson requested that consent agenda item 74 be considered as an individual item. Mayor Miller stated that consent agenda item 74 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, agenda item 74 was brought up for consideration.

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Blaydes.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Greyson voting "No". (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2167

Item 75: Authorize the acceptance of the Investigations of Violations of Emergency Protective Orders grant from the Office of the Governor, Criminal Justice Division in the amount of \$80,000 to investigate and respond to Emergency Protective Orders granted to victims of domestic violence, for the period September 1, 2003 through August 31, 2004, a local match in the amount of \$81,107, and execution of the grant agreement - \$161,107 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds (\$80,000) and Current Funds (\$81,107) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2168

Item 76: Authorize the acceptance of the Sexual Assault/Stalking/3 Training grant from the Office of the Governor, Criminal Justice Division in the amount of \$29,865, for the period September 1, 2003 through August 31, 2004, to provide specialized training to detectives who investigate sexual assault and stalking offenses, a local match in the amount of \$9,955, and execution of the grant agreement - \$39,820 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds (\$29,865) and Current Funds (\$9,955) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2169

Item 77: Authorize renewal of the contract between El Centro College of the Dallas County Community College District and the City of Dallas to place authorized Police Department training in the El Centro Community Service Program, including receipt of payment from El Centro in an amount not to exceed \$450,000 for the two year period of September 1, 2003 through August 31, 2005 - \$450,000 - Financing: Texas Higher Education Coordinating Board Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2170

Item 78: **2003 Omnibus Appropriations Local Law Enforcement Block Grant** **Note:** Item Nos. 78 and 79 must be considered collectively.

- * Authorize the City of Dallas to submit a consolidated application between the City of Dallas and Dallas County in the amount of \$3,042,376 for the 2003 Omnibus Appropriations Local Law Enforcement Block Grant from the U. S. Department of Justice, Bureau of Justice Assistance, for crime prevention and improved public safety activities - City's share: \$2,026,222 (local match in the amount of \$225,136 will be required if awarded) Dallas County's share: \$711,916 (cash match in the amount of \$79,102 will be required if awarded) - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2171

Item 79: **2003 Omnibus Appropriations Local Law Enforcement Block Grant** **Note:** Item Nos. 78 and 79 must be considered collectively.

- * Authorize a public hearing to be held on October 8, 2003, to receive citizens' comments on the 2003 Omnibus Appropriations Local Law Enforcement Block Grant - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2172

Item 80: Authorize an agreement with the North Central Texas Council of Governments for professional assistance to coordinate regional information and to provide assistance in regional program development for required storm water permit activities - \$32,200 - Financing: Current Funds (to be reimbursed from Storm Water Drainage Management Funds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2173

Item 81: Authorize a variance to the Corridor Development Certificate permit requirements for the proposed Frasier Dam Modifications project at the Elm Fork of the Trinity River - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2174

Item 82: Authorize thirty-year contracts with the City of Red Oak, Ellis County Water Control Improvement District and Rockett Special Utility District for wholesale treated water service for the period of October 1, 2003 through September 30, 2033 - October 1, 2006 through September 30, 2016 (\$1,374,706 annually); October 1, 2016 through September 30, 2021 (\$4,374,064 annually); October 1, 2021 through September 30, 2033 (\$6,348,643 annually) - Total Estimated Revenue: \$111,801,096

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2175

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 83-87, was presented.

Agenda item 87 was removed from the consent zoning docket, to be considered as an individual hearing.

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

Agenda item 83: Zoning Case Z023-130 (WE)

Agenda item 84: Zoning Case Z023-168 (MF)

Agenda item 85: Zoning Case Z023-182 (WE)

Agenda item 86: Zoning Case Z023-233 (MJF)

~~Agenda item 87: Zoning Case Z023-227 (MM)~~

[Considered individually]

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

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

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

Marvin Crenshaw, 5134 Malcolm X Blvd.

Joe Martin, 3105 Gladiolus Ln.

Councilmember Lill moved to close the public hearing, accept the recommendation of the city plan commission in each consent zoning docket case and pass all ordinances and approve all resolutions presented as part of the consent zoning docket.

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2176

Item 83: Zoning Case Z023-130 (WE)

Zoning Case Z023-130 (WE), an application for and an ordinance granting a Planned Development District for CR Community Retail District uses on property zoned Planned Development Districts No. 210 and No. 67, between Mabel Avenue and Webster Avenue, north of Thedford Avenue.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25344.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2177

Item 84: Zoning Case Z023-168 (MF)

Zoning Case Z023-168 (MF), a City Plan Commission authorized hearing to determine the proper zoning on property zoned Planned Development District No. 381 for Single Family, office and recreational uses with consideration being given to rezoning the subject property to an R-1/2 ac.(A) Single Family District on property north of Churchill Way and Grovedale Drive and an ordinance granting an R-1/2 ac.(A) Single Family District.

(The city plan commission recommended approval of an R-1/2 ac.(A) Single Family District.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25345.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2178

Item 85: Zoning Case Z023-182 (WE)

Zoning Case Z023-182 (WE) An application for and an ordinance granting an R-5(A) Single Family District on property zoned an MF-1(A) Multi-family District, an IR-D-1 Industrial Research District with a Dry Liquor Control Overlay, and an R-7.5(A) Single Family District, on Edd Road and Kleberg Road, southwest corner and a resolution accepting deed restrictions volunteered by the applicant.

(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. 25346.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2179

Item 86: Zoning Case Z023-233 (MJF)

Zoning Case Z023-233 (MJF), an application for and an ordinance granting a renewal of Specific Use Permit No. 1417 for a Community, Welfare, or Health Center and a Day Care Center on property zoned Planned Development District No. 98, the Buckner Park Area, for single family, duplex and apartment uses and Historic District No. 72, the Mill Creek Historic District, south of Peak Street, west of Worth Street, and east of Junius Street.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25347.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2180

Item 87: Zoning Case Z023-227 (MM)

The consent zoning docket, consisting of agenda items 83-87, was presented.

Councilmember Rasansky requested that consent zoning docket item 87 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 87 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Rasansky's request.

A public hearing was called on zoning case Z023-228 (MM), an application for and an ordinance granting an amendment to the sign regulations for a Mini-warehouse use in Planned Development District No. 580 on the southeast corner of the intersection of Central Expressway and Royal Lane, north of Manderville Lane.

(The city plan commission recommended approval.)

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

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

Kirk Williams, 5400 Renaissance Tower, representing the applicant
Fred Gans, 8325 Douglas Ave.

Councilmember Rasansky moved to close the public hearing, overrule the city plan commission's recommendation and deny the application without prejudice.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2181

Item 88: Public Hearing – Zoning Case Z023-121 (WE)

A public hearing was called on zoning case Z023-121 (WE), an application for a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge or tavern on property zoned a CR-D-1 Community Retail District with a Dry Liquor Control Overlay, on Haymarket Road and C.F. Hawn Freeway (175), southwest corner.

(The city plan commission recommended denial.)

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

Andy Seagal, 10914 E. F. Hawn Frwy., representing the applicant

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

Councilmember Fantroy moved to postpone the application until the August 27, 2003 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Lill and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2182

Item 89: Public Hearing - Zoning Case Z023-193 (NB)

A public hearing was called on a City Plan Commission authorized hearing to consider proper zoning on property zoned an MF-2(A) Multifamily District with consideration being given to R-7.5(A) Single Family District on an area bounded by Cresthaven Road, Midway Road, Lovers Lane and Lemmon Avenue and an ordinance granting an R-7.5(A) Single Family District.

(The city plan commission recommended approval of an R-7.5(A) Single Family District.)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2183

Item 90: Public Hearing – Zoning Case Z023-184 (NB)

A public hearing was called on zoning case Z023-184 (NB), a City Plan Commission authorized hearing to consider proper zoning on property zoned an MF-2(A) Multifamily District with consideration being given to R-7.5(A) Single Family District on an area bounded by Lovers Lane, Taos Road, Hopkins Street, Lemmon Avenue, and Bluffview Road and an ordinance granting an R-7.5(A) Single Family District.

(The city plan commission recommended approval of an R-7.5(A) Single Family District except for the property zoned SUP No. 713, the Traymore Nursing Home, which will remain an MF-2(A) Multifamily District.

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2184

Item 91: Public Hearing – Zoning Case Z023-231 (WE)

A public hearing was called on zoning case Z023-231 (WE), an application for a R-5(A) Single Family District on property zoned an R-7.5(A) Single Family District, at the southwest corner of Mockingbird Lane and Inwood Road.

(The city plan commission recommended denial.)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2185

Item 92: Public Hearing – Zoning Case Z023-197 (RB)

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

A public hearing was called on zoning case Z023-197 (RB), an application for a CR Community Retail District on property presently zoned an R-7.5(A) Single Family District on the northwest corner of Bluecrest Drive and Springfield Avenue.

(The city plan commission recommended denial.

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

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

Timothy Vaughn, 9424 Bluecrest Dr., the applicant

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

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2186

Item 93: Public Hearing – Zoning Case Z023-179 (MM)

A public hearing was called on 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, subject to a site plan. This item was considered by the City Council at public hearings on May 28 and June 25, 2003, and was taken under advisement until August 13, 2003, with the public hearing open.)

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

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

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

Bill Dhalstrom, 901 Main St., representing the applicant

Councilmember Salazar moved to postpone the application until the September 10, 2003 meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Blaydes abstain; Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2187

Item 94: Public Hearing – FLOODPLAIN APPLICATION

A public hearing was called on an application for a fill permit and removal of the flood plain (FP) prefix from 1.35 acres of land, zoned Industrial Retail (IR), currently in the 100-year flood plain of the Trinity River located on Sargent Road across from the Central Wastewater Treatment Plant - Fill Permit 03-02 - Financing: No cost consideration to the City

No one addressed the city council regarding the floodplain application.

Councilmember Chaney moved to close the public hearing and approve the application.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2188

Item 95: 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

August 13, 2003

03-2189

Item 96: A resolution reappointing the City Attorney for an additional two-year term, beginning October 24, 2003 - Financing: No cost consideration to the City

Councilmember Finkelman moved to approve the resolution.

Motion seconded by Councilmember Chaney and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2190

Item 97: Authorize a business personal property tax abatement agreement with Western Cabinets, Inc. for the purpose of granting a five-year abatement of 50 percent of the taxes on new business personal property from the development of a cabinet manufacturing facility to be located at 3444 Morse Drive within Enterprise Zone 2 - Revenue: First-year new business personal property tax revenue estimated at \$2,099; five-year new business personal property revenue estimated at \$15,941; (Estimated revenue foregone for five-year abatement is \$15,941) - Financing: No cost consideration to the City

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2191

Item 98: Authorize adoption of the Final FY 2003-04 Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds in the amount of \$37,514,870 and Final FY 2002-03 Reprogramming Budget in the amount of \$454,383 and authorization to apply for, accept, and take actions to implement FY 2003-04 HUD grant funds for the following programs and estimated amounts: Community Development Block Grant (\$24,001,176), HOME Investment Partnerships Program (\$8,971,694), Housing Opportunities for Persons with AIDS (\$3,869,000), and Emergency Shelter Grant (\$673,000) - Financing: U.S. Department of Housing and Urban Development Grant Funds

Councilmember Garcia moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2192

Item 99: An ordinance authorizing the issuance and sale of an amount not to exceed \$61,600,000 City of Dallas, Texas General Obligation Refunding Bonds, Series 2003A; establishing parameters regarding the sale of the Bonds; approving the execution of a bond purchase agreement and an escrow agreement; and all other matters related thereto - Not to exceed \$221,660 - Financing: Debt Service Funds

Councilmember Oakley moved to pass the ordinance.

Motion seconded by Councilmember Thornton Reese.

Councilmember Rasansky asked Councilmember Oakley if he would accept a friendly amendment to his motion to amend Article XII, Section 12.01 (a) (1) from 97% of the aggregate principal amount to 99.25% of the aggregate principal amount.

Councilmember Oakley accepted the amendment as part of his motion.

Councilmember Thornton Reese who, seconded the original motion, also accepted the amendment and unanimously adopted. (Loza absent on city business)

Assigned ORDINANCE NO. 25348.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2193

Item 100: Authorize a twenty-year contract with Fair Skate, a not-for-profit agency, for the renovation and operation of the Fair Park Coliseum located at 1438 Coliseum Circle as a public ice skating facility beginning August 1, 2003 through July 31, 2023 - Estimated Annual Revenue: \$10,000

Councilmember Chaney moved to approve the item.

Motion seconded by Councilmember Finkelman.

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

Voting Yes:	[12]	Miller, Garcia, Oakley, Thornton Reese, Salazar, Chaney, Fantroy, Griffith, Blaydes, Finkelman, Greyson, Lill
Voting No:	[1]	Rasansky
Absent on city business:	[1]	Loza
Absent when vote taken:	[1]	Hill

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2194

Addendum addition 1: An ordinance abandoning an alley to HPI/GSA-2B, L.P. the abutting owner, containing approximately 4,555 square feet of land located near the intersection of Akard and Wood Streets, and authorizing the quitclaim - Revenue: \$147,127 plus the \$20 ordinance publication fee

Councilmember Lill requested that addendum addition 1 be considered as an individual item. Mayor Miller stated that addendum addition 1 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, addendum addition 1 was brought up for consideration.

Councilmember Lill moved to defer addendum addition 1 until the August 27, 2003 voting agenda meeting of the city council.

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2195

Addendum addition 2: Authorize a professional services contract with International Center for Toxicology and Medicine, for the expert services of Ronald E. Gots, M.D., Ph.D., and related expenses necessary in the lawsuit styled Harold Cox, Shirley Davidson, Robert Stubblefield, Cynthia Herring, Eloise Edwards, Betty Curley and Leo Easter v. City of Dallas, Jeffrey A. Saitas, in his capacity as Executive Director of the Texas Natural Resource Conservation Commission, Herman Nethery and Terry Van Sickle, Civil Action No. 3:98-CV-1763-H, and any other proceedings relating to the subject matter of this lawsuit - Not to exceed \$33,745 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2196

Addendum addition 3: Authorize settlement of a lawsuit styled Chevious H. Portley v. City of Dallas, Civil Action No. 3:01-CV-1248-N - \$107,500 - Financing: Current Funds

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

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

Councilmember Greyson moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted. (Loza absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2197

Addendum addition 4: Authorize (1) a public hearing to be held on August 27, 2003 to receive citizens' comments on an amendment to the City Center Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan, to decrease the City Center TIF District Plan budget in the amount of (\$12,500,000), from \$108,900,943 to \$96,400,943 thereby releasing \$12,500,000 in City Center TIF District funds to the taxing jurisdictions currently participating in the TIF District; (2) corresponding modifications to the Plan and Ordinance Nos. 22802 and 23034 to implement such plan amendment for the City Center TIF District in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311); and (3) at the close of the public hearing, consideration of an ordinance amending Ordinance Nos. 22802 and 23034 to reflect all such Plan amendments - Financing: No cost consideration to the City

The city secretary announced that the city manager had deleted addendum addition 4 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2198

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, AUGUST 13, 2003

EXHIBIT C

8/27/03 2:49 PM
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 13, 2003

03-2090

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

PRESENT: [14] Miller, Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney,
Fantroy, Griffith, Blaydes, Finkelman, Greyson, Rasansky, Lill
ABSENT: [1] Loza absent on city business

CORRECTION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 13, 2003

03-2092

Item 1: Approval of Minutes of the June 25, 2003 City Council Meetings

The following individuals addressed the city council regarding the approval of minutes of the June 25, 2003 city council meetings.

Marvin Crenshaw, 5134 Malcolm X Blvd.

Charlene Rushing, 641 Elwayne Ave.

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

(Did Not Speak)

Councilmember Finkelman moved to approve the minutes, as corrected. Councilmember Greyson stated that on zoning docket item 58, the ~~individuals~~ **applicant** appeared in ~~opposition to the city plan commission's recommendation~~ were in favor of the city plan commission's recommendation, on zoning docket item 65, there was a typographical error, instead of "3-", it should have been "30" in Councilmember Fantroy's motion and on zoning docket item 66, there was a typographical error instead of the word "and", the word should have been "any", and on addendum addition 36 Councilmember Finkelman voted "Yes" on the item .

Motion seconded by Councilmember Lill and unanimously adopted. (Loza absent on city business)