

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, DECEMBER 8, 2003

03-3290

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

PRESENT: [14] Miller, Loza, Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney,  
Griffith, Blaydes, Finkelman, Greyson, Rasansky, Lill

ABSENT: [1] Fantroy

The meeting was called to order at 9:16 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 8:33 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.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, DECEMBER 8, 2003

EXHIBIT A

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, DECEMBER 8, 2003

EXHIBIT B

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3291

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: Rich Sheridan, 3022 Forest Ln.  
REPRESENTING: People and City of Dallas  
SUBJECT: Proposed Trinity River Tollway/Highway

SPEAKER: Chip Pitts, 11031 Cinderella Ln.  
REPRESENTING: Bill of Rights – Defense Committee  
SUBJECT: Bill of Rights

SPEAKER: Joe Martin, 3105 Gladiolus Ln.  
SUBJECT: Rule of Law

SPEAKER: P.D. Sterling, 4205 N. Hall St.  
SUBJECT: Fiscal responsibility

SPEAKER: L. Charles Stovall, 7120 Indian Ridge Trl.  
REPRESENTING: Unified Organization for Justice  
SUBJECT: Justice issue

**OPEN MICROPHONE – END OF MEETING:**

SPEAKER: Teresa Fivecoat, 1035 Glencliff Dr.  
SUBJECT: Erosion problems due to creek behind home

SPEAKER: Frank Ward, P.O. Box 50694 **DID NOT CALL NAME**  
REPRESENTING: Citizens Abroad  
SUBJECT: Community needs and fairness

SPEAKER: Bill Williams, 5612 Reiger Ave.  
SUBJECT: Funding for contract for out of foster care children

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

03-3291

Page 2

SPEAKER: Bruce Ackerman, 1116 Travis Cir.  
SUBJECT: City funding for contract for foster care children

SPEAKER: Susybelle Gosslee, 9511 Faircrest Dr.  
SUBJECT: Patriot's Act

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3292

Item 1: Approval of Minutes of the November 12, 2003 City Council Meetings

Councilmember Oakley moved to approve the minutes, as corrected by Councilmember Greyson. Councilmember Greyson stated that on agenda item 20 the following change was not stated and that on agenda item 40, Councilmember Greyson moved to separate the items, but a vote was needed on the motion.

Motion seconded by Councilmember Garcia and unanimously adopted. (Fantroy absent)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

# OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3293

## CONSENT AGENDA

The consent agenda, consisting of agenda items 2-70 and addendum addition consent agenda items, 1-26 was presented for consideration.

The city secretary announced that the city manager had deleted addendum addition 3 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Rasansky requested that consent agenda items 2, 3, 13, 35, 36, 45, 56 and consent addendum addition items 4 and 24 be considered as individual items. Mayor Miller stated that consent agenda items 2, 3, 13, 35, 36, 45, 56 and consent addendum addition items 4 and 24 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

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

Councilmember Lill requested that consent agenda items 8 and 11 be considered as individual items. Mayor Miller stated that consent agenda items 8 and 11 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Lill's request.

The city attorney requested that consent agenda item 29 and consent addendum addition 28 be considered as individual items. Mayor Miller stated that consent agenda item 29 and consent addendum addition 28 would be considered as individuals later in the meeting, there being no objection voiced to the city manger's request.

Councilmember Griffith requested that consent agenda item 32 be considered as an individual item. Mayor Miller stated that consent agenda item 32 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griffith's request.

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

03-3293

Page 2

The city secretary requested that consent agenda items 42 and 43 be considered as individual items to allow citizens to speak. Mayor Miller stated that consent agenda items 42 and 43 would be considered as individual items later in the meeting, there being no objection voiced to the city secretary's request.

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

Mayor Pro Tem Loza moved to approve all items on the consent agenda with the exception of consent agenda items 2, 3, 5, 8, 11, 13, 29, 32, 35, 36, 42, 43, 45, and 56 and consent addendum addition items 4, 5, 21, 24 and 28, which would be considered later in the meeting.

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

Later in the meeting, Councilmember Rasansky moved to reconsider the consent agenda.

Motion seconded by Mayor Pro Tem Loza.

Mayor Pro Tem Loza moved to delete consent agenda 23 and restore addendum addition 23.

Motion seconded by Councilmember Oakley.

Mayor Pro Tem Loza moved to approve all items on the consent agenda with the exception of consent agenda items 2, 3, 5, 8, 11, 13, 32, 35, 36, 42, 43, 45, and 56 and consent addendum addition items 4, 5, 21, 23, 24 and 28, which would be considered later in the meeting.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3294

Item 2: Authorize a professional services contract with Carter & Burgess, Inc. for Leadership in Environmental and Energy Design (LEED) consulting and commissioning services at the Hensley Field Operations Center, Building No. 25, located at 8200 West Jefferson Boulevard - \$80,000 - Financing: Hensley Field Funds

Councilmember Rasansky requested that consent agenda item 2 be considered as an individual item. Mayor Miller stated that consent agenda item 2 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 2 was brought up for consideration.

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Garcia.

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

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3295

Item 3: Authorize a professional services contract with Harrison, Walker and Harper, LP for design/build services at the Hensley Field Operations Center, Building No. 25 and Building No. 27, located at 8200 West Jefferson Boulevard - \$650,000 - Financing: Hensley Field Funds

Councilmember Rasansky requested that consent agenda item 3 be considered as an individual item. Mayor Miller stated that consent agenda item 3 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 3 was brought up for consideration.

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Garcia.

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

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3296

Item 4: Authorize (1) a professional services contract with Santiago Calatrava SA to provide engineering and design services to produce bridge layout and schematic design of the IH-30 signature bridge across the Trinity River in an amount not to exceed \$3,000,000, (2) the receipt and deposit of privately donated funds in an amount not to exceed \$3,000,000, and (3) the establishment of appropriations in the amount of \$3,000,000 in the IH-30 Bridge Donation Fund - \$3,000,000 - Financing: Private Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3297

Item 5: Authorize a contract for roof replacement and asbestos abatement at Anita Martinez Recreation Center located at 3212 North Winnetka - Rutherford Contractors, Inc., lowest responsible bidder of four - \$69,900 - Financing: General Capital Reserve Funds

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

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

Councilmember Garcia moved to approve the item.

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3298

Item 6: Authorize a contract for the restoration of the east and west memorial gates including new electrical and lighting fixture assemblies at Tenison Memorial Park Golf Course and Samuell-Grand Park - Phoenix I Restoration and Construction, Ltd., lowest responsible bidder of three - \$137,400 - Financing: 1998 Bond Funds (\$108,023) and W. W. Samuell Trust Funds (\$29,377)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3299

Item 7: Authorize a contract for the expansion and renovation of the Janie C. Turner Recreation Center at Pemberton Hill Park - Harrison Quality Construction, Inc., lowest responsible bidder of eleven - \$828,880 - Financing: 1999-00 Community Development Grant Reprogramming Funds (\$402,229) and 1998 Bond Funds (\$426,652)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3300

Item 8: Authorize (1) a contract for the demolition and public use improvements related to the redevelopment of 1717 Main Street (Bank One Center) with J. N. Kent Construction Co., Inc., only bidder, in an amount not to exceed \$352,108, (2) assignment of the construction contract to Main Street Partners Funding, L.P. for construction management, (3) payment to Main Street Partners Funding, L.P. in an amount not to exceed \$352,108 for design, construction management and construction, (4) receipt and deposit of funds in an amount not to exceed \$102,108 in the City Center TIF District Fund, and (5) an increase in appropriations in the amount of \$102,108 in the City Center TIF District Fund - Total not to exceed \$352,108 - Financing: City Center TIF District Funds (\$250,000), Private Funds (\$102,108 received from Main Street Partners Funding, L.P.)

Councilmember Lill requested that consent agenda item 8 be considered as an individual item. Mayor Miller stated that consent agenda item 8 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, agenda item 8 was brought up for consideration.

Councilmember Lill moved to defer the item until the January 14, 2004 voting agenda meeting of the city council.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Fantroy absent)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3301

Item 9: Authorize a contract for the construction of a new 48-inch water transmission main to the southern portions of Dallas and replacement of existing wastewater mains - John Burns Construction Co. of Texas, Inc., lowest responsible bidder of six - \$1,976,606 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3302

Item 10: Authorize a contract for the construction of water and wastewater main replacements at various locations within the Lower Five Mile Creek drainage area, Phase 3 (list attached) - Barson Utilities, Inc., lowest responsible bidder of four - \$3,530,795 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3303

Item 11: Authorize a contract for the rehabilitation of existing wastewater mains and construction of water and wastewater main replacements at Airline Drive and various locations - Atkins Bros. Equipment Co. Inc., lowest responsible bidder of six - \$3,831,289 - Financing: Water Utilities Capital Improvement Funds

Councilmember Lill requested that consent agenda item 11 be considered as an individual item. Mayor Miller stated that consent agenda item 11 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, agenda item 11 was brought up for consideration.

Councilmember Lill moved to approve the item.

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3304

Item 12: Authorize a contract for the rehabilitation of existing wastewater mains and construction of water and wastewater main replacements at Van Buren Avenue and various locations - Barson Utilities, Inc., lowest responsible bidder of six - \$5,209,109 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3305

Item 13: Authorize (1) the acceptance of two loans from the State of Texas Energy Conservation Office in the amounts of \$5,000,000 and \$4,468,570 to be repaid in ten annual payments of \$1,134,968, beginning in FY 2004-05, from electric and natural gas energy savings, (2) Supplemental Agreement No. 1 for Phase 2 of the energy services contract with TAC Americas, Inc. to perform design and construction of energy conservation related projects at the following six facilities: City Hall at 1500 Marilla, Central Library at 1515 Young Street, Oak Cliff Municipal Center at 320 East Jefferson Boulevard, Martin Luther King, Jr. Center at 2922 MLK Boulevard, Arts District Parking Garage at 2301 Ross Avenue, and Mountain Creek Branch Library at 6102 Mountain Creek Parkway, in an amount not to exceed \$9,468,570; and for performance assurance support services in the amount of \$147,866 annually, for ten years, for a total not to exceed \$1,478,660, to be paid from electric and natural gas savings; and (3) the establishment of appropriations in an amount not to exceed \$9,468,570 in the General Capital Reserve Fund - Financing: Loans from Texas State LoanStar Program (\$9,468,570); Current Funds (\$12,828,340)

Councilmember Rasansky requested that consent agenda item 13 be considered as an individual item. Mayor Miller stated that consent agenda item 13 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 13 was brought up for consideration.

Mayor Pro Tem Loza moved to approve the item as corrected on the addendum.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3306

Item 14: Authorize an increase in the contract with MetalMan, Inc. for the completion of the Dallas Zoo Restaurant and Main Entry Bridge construction - \$110,333, from \$448,691 to \$559,024 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3307

Item 15: Authorize Supplemental Agreement No. 2 to the contract with Johnson/McKibben Architects, Inc. to provide design services for the Gorilla Holding Building expansion and renovation at the Dallas Zoo - \$112,000, from \$28,200 to \$140,200 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3308

Item 16: Authorize (1) Supplemental Agreement No. 1 to the contract with Hargreaves Associates for the Fair Park Comprehensive Plan to provide conceptual and schematic design services for the Phase I implementation plan for the lagoon, pedestrian vehicular way-finding system and the Esplanade of State at Fair Park in the amount of \$227,326, and (2) a decrease in the contract in the amount of (\$4,611), from \$1,542,000 to \$1,764,716 - Total not to exceed \$222,716, from \$1,542,000 to \$1,764,716 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3309

Item 17: Authorize Supplemental Agreement No. 2 to the contract with Brown, Reynolds and Watford Architects, Inc. to provide additional services for the feasibility study and master plan for the Trinity Interpretive Center, Trinity Equestrian Center and Park Maintenance Facility - \$148,250, from \$515,000 to \$663,250 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3310

Item 18: Authorize (1) Supplemental Agreement No. 12 to the contract with Hunt Construction Group, Inc. to increase the Guaranteed Maximum Price for the Love Field Parking Garage project in an amount not to exceed \$3,298,232, from \$51,086,367 to \$54,384,599, increasing the total contract from \$52,240,532 to \$55,538,764, (2) a contract for the construction of Garage A structural repairs with North Texas Bomanite, Inc., lowest responsible bidder of eight in an amount not to exceed \$2,291,563, and (3) assignment of the construction contract to Hunt Construction Group, Inc. for construction management - Total not to exceed \$3,298,232 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3311

Item 19: Authorize an increase in the contract with Oscar Renda Contracting, Inc. for hydraulic improvements at the Bachman Water Treatment Plant, Phase 2 - \$708,503, from \$6,175,777 to \$6,884,280 - Financing: Water Utilities Capital Improvement Funds (\$571,591) and Water Utilities Capital Construction Funds (\$136,912 to be fully reimbursed from Park Cities Municipal Utility District)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3312

Item 20: Authorize a contract for design/build with AUI Contractors, L.P. for the design and construction of the Family Aquatics Center at Thurgood Marshall Park - \$342,500 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3313

Item 21: Authorize the City Manager to initiate a Request for Competitive Sealed Proposals project delivery method for the Esplanade fountain pylon restoration at Fair Park - Financing: No cost consideration to the City

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3314

Item 22: Authorize the City Manager to initiate a Request for Competitive Sealed Proposals project delivery method for the Vietnam Veterans Memorial restoration at Fair Park - Financing: No cost consideration to the City

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3315

Item 23: Authorize an Interlocal Agreement with the Texas Department of Transportation for right-of-way acquisition and utility relocation on the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard - \$2,950,000 - Financing: 1998 Bond Funds

Deleted on the addendum to the agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3316

Item 24: Authorize (1) an Interlocal Agreement with the Town of Highland Park for replacement of water and wastewater mains; and, (2) a joint contract with the Town of Highland Park for design of existing water and wastewater mains in Mockingbird Lane from Airline Drive to West Greenway Boulevard - \$386,682 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3317

Item 25: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Larry Koehler of approximately 35 acres of vacant land located near the intersection of Pemberton Hill and Lake June Roads, for the Trinity River Corridor project - \$85,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3318

Item 26: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Leon Skly of approximately 50 acres of vacant land located near the intersection of Second Avenue and Bruton Road, for the Trinity River Corridor project - \$87,500 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3319

Item 27: Authorize settlement in lieu of proceeding further with condemnation of Two C, Three C, Inc. of a tract of land containing approximately 54 acres for the Trinity River Corridor project located near the intersection of Interstate Highway 20 and Dowdy Ferry Road - \$99,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3320

Item 28: Authorize a settlement, in lieu of proceeding to a jury trial in an eminent domain case, for the acquisition from Shiu Fong Yeung and Edwina Tan Yeung of approximately 21,630 square feet of land improved with a one-story building located at the intersection of Ross and Leonard Streets needed for the Performing Arts Center project - \$1,499,950 (\$1,401,790 previously deposited with the County Clerk of Dallas County) - \$98,160 - Financing: 1998 Bond Funds (\$37,939), Performing Arts Complex Funds (\$12,647), and Interest Earnings from previous deposit (\$47,574)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3321

Item 29: Authorize acquisition of 26 properties improved with single family homes in the Cadillac Heights neighborhood near the intersection of Cedar Crest Boulevard and Morrell Street for the proposed Dallas Police Academy - \$1,340,500 - Financing: 2003 Bond Funds

The city attorney requested that consent agenda item 29 be considered as an individual item. Mayor Miller stated that consent agenda item 29 would be considered as an individual item later in the meeting, there being no objection voiced to the city manager's request.

Later in the meeting, agenda item 29 was brought up for consideration.

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.

The following individual addressed the city council regarding Cadillac Heights:

Roy Williams, 5881 Preston View Blvd.

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Griffith.

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

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3322

Item 30: Authorize deposit of a Special Commissioners' Award for the acquisition from Vincent W. Ortez of approximately 6,625 square feet of land improved with a single family dwelling located at the intersection of Baylor and Dawson Streets for the Central Service Center Expansion Project - \$55,000 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3323

Item 31: A resolution authorizing the City of Dallas to execute and file deed restrictions on behalf of Dallas/Fort Worth International Airport as part of the Response Action Plan required by State Environmental Regulatory Agencies - Financing: No cost consideration to the City

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3324

Item 32: Authorize a twelve-month lease agreement with HQ Global Workplaces, Inc. for approximately 142 feet of office space, located at 8616 Congress Avenue, Suite 1164, Austin, Texas, to be used by the Assistant City Attorney for State Legislative activities from January 1, 2004 through December 31, 2004 - \$1,476 per month for a total of \$17,712 - Financing: Current Funds

Councilmember Griffith requested that consent agenda item 32 be considered as an individual item. Mayor Miller stated that consent agenda item 32 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griffith's request.

Later in the meeting, agenda item 32 was brought up for consideration.

Deputy Mayor Pro Tem Hill moved to approve the item.

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3325

Item 33: Authorize the purchase of five fire pumpers, four battalion chief vehicles and two aerial ladder trucks, through the Interlocal Agreement with the Houston-Galveston Area Council of Governments - Not to exceed \$2,890,423 - Financing: 2003 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3326

Item 34: Authorize the purchase of sixteen rescue units through the Texas Local Government Purchasing Cooperative for the Dallas Fire Department from Wheeled Coach - Not to exceed \$1,569,055 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3327

Item 35: Authorize a service contract for fuel conversion of approximately 175 Ford Crown Victoria police interceptors from unleaded fuel to compressed natural gas with the lowest responsible bidder of three - Bachman AFV - Not to exceed \$1,890,000 - Financing: Texas Department of Transportation Clean Vehicle Program Grant Funds (\$1,512,000), Current Funds (\$378,000)

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

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

The following individual addressed the city council regarding the item:

Dylan Cave, 3210 Main St.

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Lill.

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

Voting Yes:	[10]	Miller, Hill, Garcia, Oakley, Thornton Reese, Chaney, Griffith, Finkelman, Greyson, Lill
Voting No:	[3]	Loza, Blaydes, Rasansky
Absent:	[1]	Fantroy
Absent when vote taken:	[1]	Salazar

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3328

Item 36: Authorize a forty-eight-month service contract for centrifugal chiller maintenance at the Dallas Convention Center and Reunion Arena with the lowest responsible bidder of seven - McQuay International - Not to exceed \$792,228 - Financing: Convention and Event Services Current Funds

Councilmember Rasansky requested that consent agenda item 36 be considered as an individual item. Mayor Miller stated that consent agenda item 36 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 36 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3329

Item 37: Authorize the purchase of a land management software system, professional services, hardware, and warranty from the most advantageous proposal of six - Computronix (Canada), Ltd. - Not to exceed \$4,826,597 - Financing: 2002 Equipment Acquisition Contractual Obligation Notes (\$2,472,904); 2003 Equipment Acquisition Contractual Obligation Notes (\$2,000,000); 2003-04 HOME Funds (\$118,500); 2003-04 Community Development Grant Funds (\$108,500); Current Funds (\$23,000); Building Inspection Current Funds (\$103,693)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3330

Item 38: Authorize a twelve-month price agreement for automobiles, light trucks, vans and utility trucks with the lowest responsible bidders of nineteen - Red McCombs Dodge, Texan Waste Equipment dba Heil of Texas, Rush Truck Centers of Texas, L.P., Equipment Southwest, Inc., Friendly Chevrolet LTD, Sam Pack's Five Star Ford of Carrollton, Metro Ford Sales, Inc., Metro Autocar, Inc., MHC Kenworth - Dallas dba Texas Kenworth Co., Village Auto Group, Sonic-Lute Riley, L.P. dba Lute Riley Honda, IDS - Industrial Disposal Supply Company, B & C Body Co. Div. of East Texas Mack Sales L.P., Fontaine Truck Equipment Company, S.D.W. Ent. Inc. dba Kawasaki City - Not to exceed \$12,236,888 - Financing: 2003 Equipment Acquisition Contractual Obligation Notes (\$9,034,030), Water Utilities Current Funds (\$1,128,201), Building Inspection Current Funds (\$284,670), and Current Funds (\$1,789,987)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3331

Item 39: Authorize a twelve-month price agreement for heavy equipment with the lowest responsible bidders of eleven - Continental Equipment Company, L.P., Crescent Machinery Co., Conley Lott Nichols of Texas, Inc., Romco Equipment Company, Tennant Sales and Service Company, Zimmerer Kubota & Equipment, Inc. - Not to exceed \$1,884,424 - Financing: 2003 Equipment Acquisition Contractual Obligation Notes (\$1,266,674), Water Utilities Current Funds (\$114,900), Current Funds (\$502,850)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3332

Item 40: Authorize a thirty-six-month price agreement for Carrier heating, ventilation and air conditioning equipment and parts for heating and cooling systems in City-owned and operated facilities with Carrier North Texas - Sole Source - Not to exceed \$291,904 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3333

Item 41: Authorize a thirty-six-month price agreement for Trane heating, ventilation and air conditioning equipment and parts for heating and cooling systems in City-owned and operated facilities with Texas Trane Company - Sole Source - Not to exceed \$133,700 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3334

Item 42: Authorize a thirty-six-month service contract for maintenance and repair of fuel pumps, dispensing equipment, lines and tanks with the lowest responsible bidder of two - Harper Maintenance Service, Inc. - Not to exceed \$400,290 - Financing: Current Funds

The City Secretary requested that consent agenda item 42 be considered as individual items to allow citizens to speak. Mayor Miller stated that consent agenda item 42 would be considered as individual items later in the meeting, there being no objection voiced to the city secretary's request.

Later in the meeting consent agenda item 43 was brought up for consideration.

The following individual addressed the city council regarding the item:

Christopher Smith, 1020 Meadow Breeze Ct., Burleson, representing Huffman Equipment

Councilmember Lill moved to reject the bids.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Fantroy absent; Hill absent when vote taken)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3335

Item 43: Authorize a thirty-six-month service contract for grounds maintenance at seven Fire Department properties with the lowest responsible bidder of twelve - Good Earth, Inc. - Not to exceed \$141,625 - Financing: Current Funds

The City Secretary requested that consent agenda item 43 be considered as individual items to allow citizens to speak. Mayor Miller stated that consent agenda item 43 would be considered as individual items later in the meeting, there being no objection voiced to the city secretary's request.

Later in the meeting consent agenda item 43 was brought up for consideration.

The following individual addressed the city council regarding the item:

Robert Ford, 10031 Milltrail Dr., representing Forest Hills Lawn Service

Deputy Mayor Pro Tem Hill moved to approve the item.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Fantroy absent; Loza, Thornton Reese absent when vote taken)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3336

Item 44: Authorize a forty-eight-month price agreement for mass market paperback books for Dallas Public Libraries with the lowest responsible bidder of two - Ingram Library Services, Inc. - Not to exceed \$340,000 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3337

Item 45: Authorize a thirty-six-month service contract for janitorial services at the Morton H. Meyerson Symphony Center, Latino Cultural Center and WRR Radio with TIBH Industries, Incorporated - Not to exceed \$1,485,409 - Financing: Current Funds (\$1,447,521), WRR Current Funds (\$37,888)

Councilmember Rasansky requested that consent agenda item 45 be considered as an individual item. Mayor Miller stated that consent agenda item 45 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 45 was brought up for consideration.

Councilmember Lill moved to approve the item.

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3338

Item 46: Authorize a seventy-two-month service contract to upgrade or replace current incandescent traffic signal heads with LED signal units with the lowest responsible bidder of four - Amtech Lighting Services - Not to exceed \$4,091,295 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3339

Item 47: Authorize (1) a thirty-six-month service contract for overhaul and repair of pumps at Water Utilities wastewater treatment plants and Flygt submersible pumps at Water Utilities wastewater treatment plants and Flood Control District with the lowest responsible bidders of three - Anytime Pump Service Co. dba CIE and ITT Flygt Corp., and (2) the rejection of bids received for overhaul and repair of Flood Control District pumps and the readvertisement of new bids - Not to exceed \$1,463,810 - Financing: Water Utilities Current Funds (\$1,316,343), Current Funds (\$147,467)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3340

Item 48: Authorize a twenty-four-month price agreement for all software and hardware upgrades to the Dallas Water Utilities' existing Supervisor Control and Data Acquisition system which monitors the flow of drinking water throughout the City - ModComp, Inc. - Sole Source - Not to exceed \$139,200 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3341

Item 49: Authorize a non-disclosure agreement with Motorola, Inc. to provide proprietary information concerning the design of the database for the Citizen Response Management System - Financing: No cost consideration to the City

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3342

Item 50: Authorize a replacement housing payment and disbursement of funds from the Home Repair Program for homeowners, Lossie Burlison and Bivon Williams, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$55,000 - Financing: 2001-02 Community Development Grant Funds (\$50,825) and 2003-04 Community Development Grant Funds (\$4,175)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3343

Item 51: Authorize a replacement housing payment and disbursement of funds from the Home Repair Program for homeowner, Carl Leroy Carter, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$55,000 - Financing: 2001-02 Community Development Grant Funds (\$32,500) and 2003-04 Community Development Grant Funds (\$22,500)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3344

Item 52: Authorize a replacement housing payment for homeowner, Paul Paden, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$67,500 - Financing: 2003-04 Community Development Grant Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3345

Item 53: Authorize a replacement housing payment and disbursement of funds from the Home Repair Program for homeowner, Marion M. Warren, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$55,000 - Financing: 2001-02 Community Development Grant Funds (\$32,500) and 2003-04 Community Development Grant Funds (\$22,500)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3346

Item 54: Authorize amendments to Resolution Nos. 03-1919 and 03-1921 previously approved on June 25, 2003, to change the name of the contracting party from GS Renaissance LTD to GS Murray Development, Inc. for the redevelopment of the Gulf States Building located at 1415 Main Street in Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3347

Item 55: An ordinance amending Chapter 51A of the Dallas Development Code regarding Towers/Antennas for Cellular Communication to allow microwave dishes or similar devices on the pole portion of a monopole cellular tower - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25440.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3348

Item 56: An ordinance authorizing a correction to Ordinance No. 22969 that created Planned Development District No. 462 for Mixed Residential, Retail, and Office uses with urban design guidelines on property on both sides of Henderson Avenue between Central Expressway and Ross Avenue to correct the property description for Subdistrict 1 (Z956-326 JP) - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 56 be considered as an individual item. Mayor Miller stated that consent agenda item 56 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 56 was brought up for consideration.

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.

Councilmember Lill moved to pass the ordinance.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Rasansky abstain; Fantroy absent)

Assigned ORDINANCE NO. 25441.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3349

Item 57: An ordinance authorizing a correction to Ordinance No. 24472 for an RR Regional Retail District on Goldmark Drive at North Central Expressway to correct the property description (Z990-259 FD) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25442

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3350

Item 58: **State-Thomas TIF District**

**Note:** Item Nos. 58 and 59 must be considered collectively.

- \* Authorize (1) a development agreement with Givens Records Development Ltd for the funding of design and construction of public improvements including paving, streetscape, and other improvements for The Metropolitan Club at Hotel Za Za condominium project located at the northwest corner of Thomas Avenue and Maple-Routh Connection with Thomas Avenue being in Tax Increment Financing Reinvestment Zone Number One (State-Thomas TIF District) in an amount not to exceed \$80,000; and (2) the establishment of appropriations in the amount of \$80,000 in the State-Thomas TIF District Fund - Total not to exceed \$80,000 - Financing: State-Thomas TIF District Funds (to be advanced by a private developer and reimbursed, with accrued interest, from State-Thomas TIF District Funds)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3351

Item 59: **State-Thomas TIF District**

**Note:** Item Nos. 58 and 59 must be considered collectively.

\* A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number One (State-Thomas TIF District) to reimburse Givens Records Development Ltd, for the funds advanced pursuant to a development agreement between the City of Dallas and Givens Records Development Ltd, in an amount not to exceed \$80,000 plus interest, for public improvements including paving, streetscape, and other improvements related to the development of The Metropolitan Club at Hotel Za Za condominium project located at the northwest corner of Thomas Avenue and Maple-Routh Connection with Thomas Avenue being 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.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3352

Item 60: Authorize the Clean Air Resolution and Clean Air Resolution Control Measures document adopted by the North Texas Clean Air Committee - Financing: No cost consideration to the City

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3353

Item 61: Authorize an extension of the time frame for continuation of the Ideal Homebuyer Assistance Program from December 31, 2003 to December 31, 2005 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3354

Item 62: **Land Transfer Program**

**Note:** Item Nos. 62, 63, and 64  
must be considered collectively.

\* An ordinance amending Chapter 2 of the Dallas City Code to authorize changes in and extend time lines under a nonprofit organization's proposal to develop affordable housing on land purchased through an alternate manner of sale of tax foreclosed and seized real property and to update references to applicable state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25443.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3355

Item 63: **Land Transfer Program**

**Note:** Item Nos. 62, 63, and 64  
must be considered collectively.

- \* Authorize an amendment to the Program Statement of the Land Transfer Program to: (1) prohibit the qualified entity from using the tax-foreclosed, seized and surplus real property as security for other loans; (2) prevent the entity from purchasing additional tax-foreclosed, seized and surplus real property if it owns other property under this program that is within twelve months of being in default; (3) require the entity to submit a business plan and interim construction lender financing letter when the entity proposes changes in the end use or development timelines for property; and (4) provide for pre-qualification of eligible homebuyers at the time of obtaining interim construction loan financing from lender - Financing: No cost consideration to the City

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3356

Item 64: **Land Transfer Program**

**Note:** Item Nos. 62, 63, and 64  
must be considered collectively.

- \* Authorize an amendment to the Land Transfer Program Proposals from St. Philip's Neighborhood Development Corporation to authorize changes in and extend the time lines for development of the properties at 3601 and 3609 Holmes Street and execution of correction deeds and amended Deed Restrictions - Financing: No cost consideration to the City

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3357

Item 65: Authorize a public hearing to be held on January 14, 2004 to receive citizens' comments regarding the establishment of approved basic service tier and equipment rates for cable television services provided by Comcast Cable of Dallas, Inc. - Financing: No cost consideration to the City

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3358

Item 66: Authorize a twelve-month contract with Dallas County Audubon Society, Inc., dba Audubon Dallas to provide services and programs within the City of Dallas for the period January 1, 2004 through December 31, 2004 - Not to exceed \$35,000 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3359

Item 67: Authorize a five-year lease agreement with two twenty-four month renewal options between the City of Dallas Park and Recreation Department and the Dallas Housing Authority to provide leisure services and programs at the Rhoads Terrace Residential Development located at 5712 Pilgrim Street - Not to exceed \$1.00 annually - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3360

Item 68: Authorize application for and acceptance of the Internet Crimes Against Children Task Force supplemental grant from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, for the continued response to the sexual abuse and exploitation of children which is facilitated by the use of computer technology, for the period July 1, 2003 through December 30, 2004 - \$600,000 - Financing: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Grant Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3361

Item 69: Authorize (1) the Dallas Police Department to expend funds for overtime, in the amount of \$500,000, to be reimbursed from various federal and state law enforcement agencies for FY 2003-04 in exchange for the participation of the Dallas Police Department in federal and state investigations (2) a City contribution of pension and Federal Insurance Contributions Act cost in the amount of \$141,100 - Not to exceed \$641,100 - Financing: Current Funds (\$141,100) and (\$500,000 to be reimbursed from various federal and state law enforcement agencies)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3362

Item 70: Authorize an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville regarding the provisions of law enforcement services in geographical areas located within the cities of Dallas and Duncanville for the period October 1, 2003 through September 30, 2004 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3363

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 71-79, was presented.

Agenda items 71 and 78 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:

<del>Agenda item 71: Zoning Case Z023-134 (WE)</del>	<b>[Considered individually]</b>
Agenda item 72: Zoning Case Z023-283 (DW)	
Agenda item 73: Zoning Case Zo23-284 (DW)	
Agenda item 74: Zoning Case Z023-298 (MM)	
Agenda item 75: Zoning Case Z023-300 (MM)	
Agenda item 76: Zoning Case Z023-301 (MM)	
Agenda item 77: Zoning Case Z023-302 (WE)	
<del>Agenda item 78: Zoning Case Z023-304 (WE)</del>	<b>[Considered individually]</b>
Agenda item 79: Zoning Case Z023-303 (WE)	

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

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

Peter Mondo, 9244 Peninsula Dr., regarding zoning case Z023-134 (WE)  
Michael May, 9310 Peninsula Dr., zoning case Z023-134 (WE)

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

Don Miller, (no address given), regarding zoning case Z023-134 (WE) and zoning case Z023-302 (WE)

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3364

Item 71: Zoning Case Z023-134 (WE)

Zoning Case Z023-134 (WE), an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 251 for R-7.5(A) Single Family District uses and a private school use on property zoned Planned Development District No. 251 and an R-7.5(A) Single Family District on the southwest corner of Lake Highlands Drive and Buckner Boulevard.

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

Approved as part of the consent zoning docket.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3365

Item 72: Zoning Case Z023-283 (DW)

Zoning Case Z023-283 (DW), an application for and an ordinance granting a Specific Use Permit for a Community Service Center on property zoned an R-5(A) Single Family District on the southwest corner of Dixon Avenue and Audrey Street.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25444.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3366

Item 73: Zoning Case Z023-284 (DW)

Zoning Case Z023-284 (DW), an application for and an ordinance granting a P(A) Parking District on property zoned an R-5(A) Single Family District located on the south side of Morris Street west of Westmoreland Road.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25445.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3367

Item 74: Zoning Case Z023-298 (MM)

Zoning Case Z023-298 (MM), an application for and an ordinance granting an amendment to the Tract 1 Development Plan/Tract 2 Conceptual Plan and conditions for Planned Development District No. 622 for Single family uses, Private streets, and an Accessory community center (private) located on the east line of Campbell Road, south of Summerside Drive.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25446.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3368

Item 75: Zoning Case Z023-300 (MM)

Zoning Case Z023-300 (MM), an application for and an ordinance granting an MU-2 Mixed Use District on property zoned an IM Industrial Manufacturing District on the northwest side of Stutz Drive between Maple Avenue and Forest Park Road and resolutions accepting deed restrictions volunteered by the applicant and an avigation easement, release, indemnification and disclosure agreement.

(The city plan commission recommended approval, subject to an avigation easement, release, indemnification and disclosure agreement and deed restrictions volunteered by the applicant.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25447.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3369

Item 76: Zoning Case Z023-301 (MM)

Zoning Case Z023-301 (MM), an application for and an ordinance granting an MU-2 Mixed Use District on property zoned an IM Industrial Manufacturing District on the southeast side of Stutz Drive between Maple Avenue and Forest Park Road and resolutions accepting deed restrictions volunteered by the applicant and an avigation easement, release, indemnification and disclosure agreement.

(The city plan commission recommended approval, subject to an avigation easement, release, indemnification and disclosure agreement and deed restrictions volunteered by the applicant.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25448.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3370

Item 77: Zoning Case Z023-302 (WE)

Zoning Case Z023-302 (WE), an application for and an ordinance granting a Specific Use Permit for a Convalescent and Nursing home, Hospice Care and Related Institutions on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, at the northwest corner of Martin Luther King Jr. Boulevard and Malcolm X Boulevard.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25449.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3371

Item 78: Zoning Case Z023-304 (WE)

The consent zoning docket, consisting of agenda items 71-79, was presented.

Councilmember Lill requested that consent zoning docket item 78 be removed from the consent zoning docket, to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 78 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, zoning docket item 78 was brought up for consideration.

A public hearing was called on zoning case Z023-304 (WE), an application for and an ordinance granting a Planned Development District for CR Community Retail District uses and vehicle display, sales and service uses and an ordinance granting termination of Specific Use Permit No. 1356 for a Hotel or motel for that portion encompassing the site on property zoned a CR Community Retail District on the southeast corner of Lemmon Avenue and Lovers Lane.

(The city plan commission recommended approval, subject to a development plan/landscape plan and conditions and approval of the termination of Specific Use Permit No. 1356 for a Hotel or motel for that portion encompassing the site.)

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

Councilmember Lill moved to postpone the application until the January 14, 2004 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Fantroy absent)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3372

Item 79: Zoning Case Z023-303 (WE)

Zoning Case Z023-303 (WE), an application for and an ordinance granting an RR Regional Retail District on property zoned an MC-4 Multiple Commercial District north of Northwest Highway and east of Jupiter Road 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. 25450.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3373

Item 80: Public Hearing – Zoning Case Z023-285 (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 Z023-285 (RB), an application for an IM Industrial Manufacturing District with consideration of deed restrictions volunteered by the applicant and an application for a Specific Use Permit for an Auto Auction on property zoned an IR Industrial Research District located on Northwest Highway, west of Spangler Road.

(The city plan commission recommended denial.)

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

Kirk Williams, 5400 Renaissance Tower, Watson Taylor Management Inc.

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

Myron Garnet, 5026 Maple Springs Rd., representing Wal-Mart  
E.L. Boss, Jr., 503 N. Windomere Ave.

Miguel Rodriquez, (no address given), representing Marcato Juarez

Dan Perez, (no address given), representing G.T. Management Inc.

Theo Pantes, P.O. Box 25

Councilmember Salazar moved to close the public hearing and send the application back to the city plan commission for further review.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Fantroy absent)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3374

Item 81: Public Hearing – Zoning Case Z023-147 (NB)

A public hearing was called on zoning case Z023-147 (NB), a City Plan Commission authorized hearing to determine the proper zoning on property zoned an R-7.5(A) Single Family District, an R-7.5(A)-MD-1 Single Family District with a Modified Delta Overlay, an MF-2(A) Multifamily District and a CR-MD-1 Community Retail District with a Modified Delta Overlay on property generally bounded by McCommas Boulevard, Greenville Avenue, Vanderbilt Avenue and Skillman Street and including both sides of McCommas Boulevard and Vanderbilt Avenue (the M Streets East neighborhood) and an ordinance granting a Conservation District.

(The city plan commission recommended approval, with exception of the 5900 and 6000 blocks of Marquita Avenue.

Deleted on the addendum to the agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3375

Item 82: Public Hearing – Zoning Case Z023-286 (DW)

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 approval by the city plan commission.

A public hearing was called on zoning case Z023-286 (DW), an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned an R-10(A) Single Family District located east of Seagoville Road, north of Woody Road and south of Beltline Road.

(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:

Tom Whatley, (no address given), representing Heritage Development Co.

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

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

Assigned ORDINANCE NO. 25451.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3376

Item 83: Public Hearing - **ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL**

A public hearing was called on zoning case Z023-264 (RB), an application for a Planned Development District for RS MU-E Regional Service Mixed Use (Enhanced) Uses on property zoned an RS-MU Regional Service Mixed Use Subdistrict and an RS-MU(E) Regional Service Mixed Use (Enhanced) Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on Third Avenue between R. L. Thornton Freeway and Ash Lane and an ordinance granting an RS-I(E) Regional Service Industrial (Enhanced) Subdistrict within Planned Development District No. 595 and a resolution accepting deed restrictions volunteered by the applicant.

(The city plan commission recommended approval of a Planned Development District subject to a development/landscape plan and conditions. This item was considered by the City Council at public hearings on October 22 and November 12, 2003, and was taken under advisement until December 8, 2003, with the public hearing open.)

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

The following individual addressed the city council regarding zoning case Z023-264 (RB):

William Hopkins, 2011 Leath St.

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

“Subject to deed restrictions volunteered by the applicant” and pass the ordinance.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Fantroy absent; Hill, Finkelman, Rasansky absent when vote taken)

Assigned ORDINANCE NO. 25452.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3377

Item 84: Public Hearing - **STREET NAME CHANGE - INDIVIDUAL**

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 NC023-001, an application for and an ordinance waiving certain street name change standards and changing the name of 4th Avenue to J.B. Jackson Avenue between Liberty Park and Oak Street.

(The city plan commission recommended approval of the change to J.B. Jackson, Jr. Boulevard between Liberty Park and Parry Avenue/Gunter Street, and denial of that portion between Parry Avenue/Gunter Street and Oak Street).

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

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

Marvin Crenshaw, 5134 Malcolm X Blvd., representing Citizens Organized for Representative Democracy  
Roy Williams, 5881 Preston View Blvd.

The following individual addressed the city council regarding zoning case NC023-001:

William Hopkins, 2011 Leath St.

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

Motion seconded by Mayor Pro Tem Loza.

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

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

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25453.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3378

Item 85: Public Hearing - **STREET NAME CHANGE - INDIVIDUAL**

Theresa O'Donnell, director of development services, reminded the city council that in accordance with subparagraph (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 members of the council in that the application for a change in zoning had been recommended for denial by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of planning.

A public hearing was called on zoning case NC023-002, an application for an ordinance waiving certain street name change standards and changing the name of Hastings Street to Maurine F. Bailey Way between Bexar St./Myrtle St. and Malcolm X Boulevard.

(The city plan commission recommended approval.)

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

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

Motion seconded by Councilmember Thornton Reese.

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

Voting Yes:	[12]	Miller, Loza, Garcia, Oakley, Thornton Reese, Chaney, Blaydes, Griffith, Finkelman, Greyson, Rasansky, Lill
Voting No:	[0]	
Absent:	[1]	Fantroy
Absent when vote taken:	[2]	Hill, Salazar

Mayor Pro Tem Loza declared the motion adopted.

Assigned ORDINANCE NO. 25454.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3379

Item 86: Public Hearing - DEVELOPMENT CODE AMENDMENTS - CONSENT

A public hearing was called on consideration of an amendment to Chapter 51 and 51A of the Dallas Development Code to amend the sign regulations to allow subdivision signs in the public right-of-way and an ordinance granting the amendment.

(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:

John Baker, 7330 Fieldgate Dr.

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

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

Assigned ORDINANCE NO. 25455.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3380

Item 87: Public Hearing - FLOODPLAIN APPLICATIONS

A public hearing was called on an application for a fill permit and removal of the floodplain (FP) prefix from 9.98 acres of land, zoned Industrial Retail (IR) and MC1, currently in the 100-year flood plain of Mountain Creek and Stream 8C1 located at 5850 West Davis Street and U.S. Hwy 80 (Loop 12) - Fill Permit 00-02 - Financing: No cost consideration to the City

No one addressed the city council regarding the application.

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

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3381

Item 88: Public Hearing - FLOODPLAIN APPLICATIONS

A public hearing was called on an application for a fill permit and removal of the floodplain (FP) prefix from 5.16 acres of land, zoned R7.5, currently in the 100-year floodplain of lower White Rock Creek and the Trinity River located at Lake June Road and Guard Drive - Fill Permit 02-02 - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the application:

Linda Pelon, 3015 Nutting Dr., representing Piedmont Scyene Homeowners Association  
Tim Dalbey, 2719 Santa Cruz Dr.  
Frank Hines, 4225 Office Parkway  
Mike Boyd, 8080 Park Lake  
Olden Long, (no address given), Celina, TX

Councilmember Thornton Reese moved to close the public hearing and approve the application.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Fantroy absent; Loza, Hill, Salazar absent when vote taken)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3382

Item 89: Public Hearing - BENEFIT ASSESSMENT HEARINGS

A benefit assessment hearing to receive citizens' comments on street paving and water main improvements on Howell Street from Fairmount Street to Allen Street/McKinney Avenue, and upon closure of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with SYB Construction Company, Inc., lowest responsible bidder of seven - \$787,546 - Financing: 1998 Bond Funds (\$423,753), 2003 Bond Funds (\$181,608), Water Utilities Capital Improvement Funds (\$180,585), Water Utilities Capital Construction Funds (\$1,600)

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

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

Motion seconded by Councilmember Garcia and unanimously adopted. (Fantroy absent: Loza, Hill, Salazar, Finkelman absent when vote taken)

Assigned ORDINANCE NO. 25456.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3383

Item 90: MISCELLANEOUS HEARING

A public hearing to receive citizens' comments on the proposed City of Dallas Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City

The following individual addressed the city council regarding the City of Dallas Urban Land Bank Demonstration Program Plan:

Albert Parker, P.O. Box 240

Councilmember Chaney moved to close the public hearing.

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3384

Item 91: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The city secretary distributed a report showing all nominations and re-nominations received for city board and commission appointments for the 2003-2005 board term updated through December 8, 2003.

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

Councilmember Lill moved to reappoint Rachel Dancer, Citizen-at-Large, to the Landmark Commission, appoint Angela Hunt, to the Cultural Affairs Commission, and appoint Jennifer L. Selzer, Citizen-at-Large, to the Urban Rehabilitation Standards Board.

Motion seconded by Councilmember Garcia and unanimously adopted. (Fantroy absent)

Councilmember Greyson moved to appoint all the nominees to "individual appointment" positions in the report who meet all qualifications for service to the boards and commissions of the city for the term ending August 31, 2005.

Motion seconded by Councilmember Lill and unanimously adopted. (Fantroy absent; Hill, Thornton Reese, Salazar absent when vote taken)

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

**03-3432 BOA BOARD OF ADJUSTMENT**  
**03-3433 CAC CULTURAL AFFAIRS COMMISSION**  
**03-3434 CSX CIVIL SERVICE BOARD ADJUNCT MEMBERS**  
**03-3435 LMC LANDMARK COMMISSION**  
**03-3436 URS URBAN REHABILITATION STANDARDS BOARD**

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3385

Item 92: **City Center TIF District**

**Note:** Item Nos. 92, 93, and 94  
must be considered collectively.

- \* Authorize (1) a development agreement with Ervay Residential Partner, Inc. to provide for the funding of facade, demolition, environmental remediation, and other authorized improvements related to the redevelopment of the Republic Center Tower I located at 300 Ervay Street in Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) in an amount not to exceed \$4,605,000; and (2) the establishment of appropriations in the amount of \$4,605,000 in the City Center TIF District Fund - Total not to exceed \$4,605,000 - Financing: City Center TIF District Funds (to be advanced by a private developer and reimbursed with accrued interest, from the City Center TIF District Fund)

The following individuals addressed the city council regarding City Center TIF District:

Tom Ackwell. (no address given)  
Barry Knight, 5400 Renaissance Tower

Councilmember Lill moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Fantroy absent; Thornton Reese absent when vote taken)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3386

Item 93: **City Center TIF District**

**Note:** Item Nos. 92, 93, and 94  
must be considered collectively.

- \* A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) to reimburse Ervay Residential Partner, Inc. for funds advanced pursuant to a development agreement between the City and Ervay Residential Partner, Inc. in an amount not to exceed \$4,605,000, plus interest, for facade improvements, demolition, environmental remediation, and other authorized improvements related to the redevelopment of the Republic Center Tower I located at 300 Ervay Street in the City Center TIF District - Financing: No cost consideration to the City

The following individuals addressed the city council regarding City Center TIF District:

Tom Ackwell, (no address given)  
Barry Knight, 5400 Renaissance Tower

Councilmember Lill moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Fantroy absent; Thornton Reese absent when vote taken)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3387

Item 94: **City Center TIF District**

**Note:** Item Nos. 92, 93, and 94  
must be considered collectively.

- \* Authorize a Neighborhood Revitalization and Historic Preservation program tax abatement for the Republic Center Tower 1, 325 N. St. Paul for nine years on the added value of the structure (land not included) - Financing: No cost consideration to the City (Estimated revenue foregone over nine years is \$1,438,194)

Councilmember Lill moved to approve the item.

Motion seconded by Mayor Pro Tem Loza.

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

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3388

Item 95: Authorize (1) adoption of the preliminary FY 2003-04 Consolidated Plan Reprogramming Budget #3 in the amount of \$1,980,796, (2) a public hearing to be held on January 14, 2004 to receive citizens' comments on the proposed use of funds and (3) at the close of the public hearing, consideration of final adoption of Reprogramming #3 - Financing: No cost consideration to the City

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Hill and unanimously adopted. (Fantroy absent)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3389

Item 96: Authorize (1) the acceptance of a partnership donation in the amount of \$500,000 from the Dallas Independent School District for a new soccer field, softball field, baseball field, concession and rest room structures and associated parking, (2) an Interlocal Agreement with Dallas Independent School District for a new soccer field, softball field, baseball field, concession and rest room structures and associated parking at Randall Park, (3) the establishment of appropriations in the amount of \$500,000 in the Capital Gift and Donation Improvements Fund, and (4) a professional services contract with Jones & Boyd, Inc. to provide design services for the construction of a new soccer field, softball field, baseball field, concession and rest room structures and associated parking at Randall Park - Total not to exceed \$181,500 - Financing: 2003 Bond Funds

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.

Councilmember Griffith moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted. (Blaydes abstain; Fantroy absent)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3390

Item 97: An ordinance amending Chapter 45 of the Dallas City Code (1) provide for appeals to the permit and license appeal board for actions taken on taxicab operating authority and taxicab driver's licenses; (2) provide standards for determining the number of taxicabs required for the public convenience and necessity; (3) provide for the reduction of taxicabs authorized to operate in the city; (4) strengthen requirements for taxicab driver discipline and training; (5) increase the required limits of liability for taxicab insurance to \$500,000 combined single limit; (6) provide flat rate fares from Love Field Airport and Dallas Fort Worth International Airport to the Dallas Market Center area, (7) allow discounted fares for taxicab service; (8) provide for the collection of fares by credit card; (9) repeal Resolution No. 03-2863 relating to the taxicab moratorium; and (10) make certain nonsubstantive changes- Estimated revenue reduction for FY 2003-04 (\$59,969) and for FY 2004-05 (\$42,937) - Total Estimated Revenue Loss: \$102,906

Deputy Mayor Pro Tem Hill announced that he had a conflict of interest and would abstain from voting or participating in any discussion. Deputy Mayor Pro Tem Hill left the city council chamber.

The following individuals addressed the city council regarding Chapter 45 of the Dallas City Code:

Tracy Evers, 8111 LBJ Frwy., representing Dallas Restaurants Association  
Jack Bewley, 2515 Irving Blvd., representing Yellow Cab  
Abbi Ali, 13740 Montfort Dr.  
John Bryant, 5915 Swiss Ave., representing DFW Taxicab Coalition  
Massoud Naseri, 1209 Brook Hill Ln., Arlington, representing Freedom Cab  
Harbi Hassan, 1240 N. Britain Rd., Irving, representing Association of United Taxicab Operators  
Douglas Uchendu, 3109 W. Northgate dr., Irving, representing Taxicab Association

Councilmember Greyson moved to pass the ordinance:

Motion seconded by Councilmember Rasansky.

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

Mayor Miller declared the motion on a divided voice vote, with Councilmember Chaney voting "No". (Hill abstain; Fantroy absent)

Assigned ORDINANCE NO. 25457.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3391

Item 98: Authorize acceptance of the “Balanced Vision Plan” for the Trinity River Corridor Project to be included as a supplement to the Master Implementation Plan to guide future planning of the project - Financing: No cost consideration to the City

Councilmember Oakley moved to approve the item with the following change:

“The goal to retain four lane design south of Continental through the year of 2025 expansion decision to be based on the criteria of the traffic capacity need and park design”

Motion seconded by Councilmember Finkelman.

Councilmember Greyson asked Councilmember Oakley if he would accept a friendly amendment to his motion for the \$13 million cost of getting the water flowing in the lakes for water falls moved into basic phase 1 instead of expanded phase 1.

Councilmember Oakley accepted the amendment as part of his motion.

Councilmember Finkelman who seconded the original motion, also accepted the amendment.

Councilmember Griffith asked Councilmember Oakley if he would accept a friendly amendment to his motion to focus on the reunion overlook.

Councilmember Oakley accepted the amendment as part of his motion.

Councilmember Finkelman who seconded the original motion, also accepted the amendment.

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

Voting Yes: [14] Miller, Loza, Hill, Garcia, Oakley, Thornton Reese, Salazar,  
Chaney, Blaydes, Griffith, Finkelman, Greyson, Rasansky, Lill  
Voting No: [0]  
Absent: [1] Fantroy

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3392

Item 99: Authorize an Interlocal Agreement with the Texas Transportation Institute to study the legibility of smaller letter heights on arterial dynamic message signs - \$55,000 - Financing: 1995 Bond Funds

Councilmember Greyson moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Fantroy)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3393

Item 100: Authorize the City of Dallas to participate with the Sulphur River Basin Authority and other area water purveyors to determine the feasibility of obtaining water from the proposed Marvin Nichols Reservoir - Not to exceed \$600,000 - Financing: Water Utilities Current Funds

Deleted on the addendum to the agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3394

Item 101: An ordinance abandoning air rights over a portion of Motor Street to Childrens' Medical Center of Dallas, the abutting owners, containing approximately 1,340 square feet of land located near its intersection with Medical Center Drive, and authorizing the quitclaim – Revenue \$9,439 plus the \$20 ordinance publication fee

Mayor Pro Tem Loza moved to pass the ordinance as corrected on the addendum.

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

Assigned ORDINANCE NO. 25458.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3395

Closed Session

Personnel Matters (Sec. 551.074 T.O.M.A.)

- Performance Evaluation of City Manager Teodoro J. Benavides
- Performance Evaluation of City Attorney Madeleine B. Johnson
- Performance Evaluation of City Secretary Shirley Acy
- Performance Evaluation of City Auditor Thomas M. Taylor

The posted closed session was not held.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3396

Closed Session

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

- Legal issues involving Chapter 2 Ordinance - Eminent Domain Proceedings for Personal Property
- City of Dallas, Texas et al. v. Doug Vanesko, et al., Appeal No. 05-03-00022-CV, Cause No. DV-00-01591-L
- Pedro A. Lopez, Lela Sims, Robert Sims, Luis Alfredo Sierra T., Yolanda C. Sierra, Homer Hinojosa, Lucinda Hinojosa, and Ilda Cisneros v. COD, Civil Action No. 3:03-CV-2223-L

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.)

- Legal issues involving Chapter 2 Ordinance - Eminent Domain Proceedings for Personal Property
- Pedro A. Lopez, Lela Sims, Robert Sims, Luis Alfredo Sierra T., Yolanda C. Sierra, Homer Hinojosa, Lucinda Hinojosa, and Ilda Cisneros v. COD, Civil Action No. 3:03-CV-2223-L

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3397

Addendum addition 1: Authorize (1) Supplemental Agreement No. 1 to the professional services contract with Carter & Burgess, Inc. to provide planning services for the Downtown Parks Master Plan to include physical planning and site programming for additional proposed urban park sites, and an economic and market analysis and (2) an increase in appropriations in the amount of \$35,374 in Capital Gifts, Donation and Development Funds - \$85,749, from \$365,000 to \$450,749 - Financing: Capital Gifts, Donation and Development Funds (\$35,374) and City Center TIF District Funds (\$50,375)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3398

Addendum addition 2: Authorize Supplemental Agreement No. 1 to the contract with Conley Design Group, Inc. to provide design services and construction administration for the revised scope of work for Phase III structural restoration of the Poultry Building within the Pan American Complex at Fair Park - \$69,310, from \$295,060 to \$364,370 - Financing: Fair Park Agrarian District Grant Funds (Grantor, Texas Department of Agriculture Grant)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3399

Addendum addition 3: Authorize an increase in the contract with Harrison Quality Construction, Inc. for the renovation and expansion of the existing Audelia Road Branch Library located at 10045 Audelia Road to provide an overflow parking lot - \$179,700, from \$1,594,151 to \$1,773,851 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3400

Addendum addition 4: Authorize Supplemental Agreement No. 2 to the contract with HBC/Terracon for additional environmental consulting and engineering services related to Deepwood and Loop 12 landfill sites near Loop 12 and Jim Miller Road - \$639,510, from \$1,399,099 to \$2,038,609 - Financing: 2003 Certificates of Obligation (\$330,910), 1998 Bond Funds (\$308,600)

Councilmember Rasansky requested that consent addendum addition 4 be considered as an individual item. Mayor Miller stated that consent addendum addition 4 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, addendum addition 4 was brought up for consideration.

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted. (Fantroy absent; Loza, Thornton Reese absent when vote taken)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3401

Addendum addition 5: Authorize assignment of the architectural contract for the new Animal Shelter from The Hillier Group to Workarchitecture, P.L.L.C. -  
Financing: No additional cost consideration to the City

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

Later in the meeting, addendum addition 5 was brought up for consideration.

Councilmember Garcia moved to approve the item.

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3402

Addendum addition 6: An ordinance abandoning a portion of Lynn Street and alleys to Southwest Airlines Co., the abutting owner, containing approximately 37,801 square feet of land located near the intersection of Love Field and Denton Drives, and authorizing the quitclaim - Revenue: \$273,112 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25459.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3403

Addendum addition 7: An ordinance abandoning portions of Meadow Street, Garden Lane, and Roberts Avenue to Parmer Villas Housing, L.P., the abutting owner, containing approximately 86,787 square feet of land located near the intersection of Hatcher and Meadow Streets, and authorizing the quitclaim - Revenue: \$73,769 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25460.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3404

Addendum addition 8: An ordinance abandoning a sanitary and storm sewer easement to Resland Development Corporation, the abutting owner, containing approximately 16,941 square feet of land located near the intersection of Saner and Pierce Streets, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25461.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3405

Addendum addition 9: An ordinance granting a revocable license to Southwest Airlines Company for the use of approximately 1,880 square feet of land to install and maintain concrete duct banks under portions of Denton Drive and Wyman Street rights-of-way - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25462.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3406

Addendum addition 10: An ordinance granting renewal of a private license to L L Property Partners, L.P., for the use of approximately 57,788 square feet of land maintaining an existing access drive, decorative steel fencing, security guard kiosk, parking and landscaping on City-owned property located at the intersection of Lemmon Avenue and Lovers Lane - Revenue: \$58,944 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25463.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3407

Addendum addition 11: Authorize a sixty-month lease agreement with Garland Development Group, L.P. for approximately 2,954 square feet of office space located in the Ridgewood Village Shopping Center at 3050 South First Street, Suite 207, Garland, Texas, to be used as a Women, Infants and Children clinic for the period January 1, 2004 through December 31, 2008 - Total not to exceed \$192,010 - Financing: Texas Department of Health Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3408

Addendum addition 12: Authorize a thirty-six-month price agreement for wireless phone and data services and communication equipment with the most advantageous proposer of five - Verizon Wireless - Not to exceed \$1,500,000 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3409

Addendum addition 13: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Webb & Webb, for additional legal services and representation of the City in Matters Related to the Statement of Intent of TXU Gas Company to Change Rates in the Company's Statewide Gas Utility System, Railroad Commission of Texas Gas Utilities Docket No. 9400 (consolidated) - Not to exceed \$117,250, from \$15,000 to \$132,250 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3410

Addendum addition 14: Authorize Supplemental Agreement No. 1 to the professional services contract with Robert W. Taylor, Attorney at Law, for additional services and related expenses necessary in the 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 \$50,000, from \$20,000 to \$70,000 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3411

Addendum addition 15: Authorize a professional services contract with the law firm of Mounce, Green, Myers, Safi & Galatzan P.C., for legal services and representation of the City in Matters Related to the Statement of Intent of TXU Gas Company to Change Rates in the Company's Statewide Gas Utility System, Railroad Commission of Texas Gas Utilities Docket No. 9400 (consolidated) - Not to exceed \$203,250 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3412

Addendum addition 16: Authorize a professional services contract with Biodynamic Research Corporation for the expert services of Richard Harding, MB BS, Ph.D., and related expenses necessary in the lawsuit styled Greenhaw, Danny v. City of Dallas, Cause No. DV02-08302-J, and any other proceedings relating to the subject matter of this lawsuit - Not to exceed \$23,900 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3413

Addendum addition 17: Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Stutzman, Bromberg, Esserman & Plifka, P.C., for additional legal services necessary in the lawsuit styled Ann Tenison Hereford Webb, et al., v. The City of Dallas, Texas, et al., Civil Action No. 3:00-CV-2558-R, and any other proceedings relating to the subject matter of this lawsuit - Not to exceed \$25,000, from \$300,000 to \$325,000 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3414

Addendum addition 18: Authorize Supplemental Agreement No. 1 to the professional services contract with Diversified Utility Consultants, Inc., for additional expert consulting services and testimony in Matters Related to the Statement of Intent of TXU Gas Company to Change Rates in the Company's Statewide Gas Utility System, Railroad Commission of Texas Gas Utilities Docket No. 9400 (consolidated) - Not to exceed \$183,000, from \$42,000 to \$225,000 - Financing: Current Funds (to be fully reimbursed by Oncor/TXU Gas)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3415

Addendum addition 19: Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Ted B. Lyon & Associates, P.C., for additional legal services and related expenses necessary in the lawsuit styled City of Dallas v. Explorer Pipeline Company, Inc., Atofina Petrochemicals, Inc. fka Fina Oil & Chemical Company, Exxon Mobil Corporation, Inc., Diamond Shamrock Refining & Marketing Company, Inc., Conoco, Inc., Phillips Petroleum Company, Inc., Chevron USA, Inc., Motiva Enterprises, LLC, Equilon Enterprises, LLC, The Premcor Refining Group, Inc., fka Clark Refining & Marketing, Inc., Citgo Petroleum Corporation, Mobil Corporation, Inc., BP Amoco Company fka Amoco Corporation and Does 1 through 100; Cause No. DV00-09678-H, and any other proceedings relating to the subject matter of this litigation - Not to exceed \$283,824, from \$807,000 to \$1,090,824 - Financing: Current Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3416

Addendum addition 20: Authorize the initial planning for a possible major sports celebration in honor of the Dallas Cowboys on or about February 3, 2004, in accordance with Resolution No. 93-4570, "A Policy Statement for Major Sports Celebrations" - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3417

Addendum addition 21: A resolution authorizing the dissolution of the Railtran Policy Committee, the Dallas Facilities Development Authority, Inc. and the Dallas Higher Education Authority, Inc. - Financing: No cost consideration to the City

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

Later in the meeting, addendum addition 21 was brought up for consideration.

Councilmember Oakley moved to approve the item.

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3418

Addendum addition 22: Authorize an amendment to the Interlocal Agreement with the Dallas County Health and Human Services Department to provide professional services of its Health Authority to the City for the period October 1, 2003 through September 30, 2005 - Not to exceed \$10,000, from \$10,000 to \$20,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3419

Addendum addition 23: Authorize the acceptance of grant funds from the U.S. Department of Homeland Security, Office of Domestic Preparedness to purchase terrorism response equipment for the period December 8, 2003 through April 30, 2005 - Not to exceed \$400,000 - Financing: U.S. Department of Homeland Security, Office of Domestic Preparedness Grant Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3420

Addendum addition 24: Authorize the (1) sale, assignment and transfer of the City's Intown Housing Section 108 loan for the Deep Ellum Lofts located at 3300 Main, to Henry S. Miller Investment Company for a sale price equal to 60% of loan value at the time of closing, or, should the sale to Henry S. Miller not close for any reason by January 7, 2004, (2) sale, assignment and transfer of the City's Intown Housing Section 108 loan for the Deep Ellum Lofts to Pan American Capital Corporation 1995, for a sale price equal to 60% of loan value at the time of closing, with closing to occur no later than February 23, 2004 - Estimated Revenue: \$1,800,000 (60% of loan value at the time of closing)

Councilmember Rasansky requested that addendum addition 24 be considered as an individual item. Mayor Miller stated that addendum addition 24 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, addendum addition 24 was brought up for consideration.

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted. (Fantroy absent; Hill, Thornton Reese absent when vote taken)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3421

Addendum addition 25: Authorize an amendment to the maintenance agreement with American Management Systems, Inc. to provide an assessment of the requirements to upgrade the City's automated financial system to Advantage Financial 3 by October 1, 2005 - Not to exceed \$138,180 - Financing: Current Funds

Approved as a part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3422

Addendum addition 26: Authorize (1) the receipt and deposit of funds from ONCOR for the installation of electricity meters at all City-owned non-metered signalized intersections throughout the City of Dallas, and (2) an increase in appropriations in the amount of \$550,000 in the Department of Public Works and Transportation budget - \$550,000 - Financing: Private Funds

Approved as part of the consent agenda.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3423

Addendum addition 27: Public Hearing - Zoning Case Z023-276 (WE)

A public hearing was called on zoning case Z023-276 (WE), an application for a Planned Development District for a private school and MU-3 Mixed Use District uses and termination of Specific Use Permit No. 1471 on property zoned an MU-3 Mixed Use District located on Merit Drive between Clodus Fields Drive and Churchill Way with consideration given to a Specific Use Permit for a private school use.

(The city plan commission recommended approval of a Specific Use Permit for a private school, subject to site plans (Phases 1-3), landscape plan, and conditions for a permanent time period in lieu of the requested Planned Development District.

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

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

Jonathan Vinson, 901 Main St.

Jeffery Smith (no address given), representing Romanski Architects

David Fine, 6210 Churchill Way, student, representing Akiba Yavneh Academy

Ariela Rosenberg, 6210 Churchill Way, student, representing Akiba Yavneh Academy

Janice Shultz, 6210 Churchill Way, representing Akiba Yavneh Academy

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

Motion seconded by Councilmember Rasansky.

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

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3424

Addendum addition 28: An ordinance amending Chapter 2 of the Dallas City Code to authorize eminent domain proceedings for personal property located inside or outside the city of Dallas and to provide for the measure of damages -  
Financing: No cost consideration to the City

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 Garcia moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25464.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3425

Addendum addition 29: An ordinance amending Chapter 6 of the Dallas City Code to (1) prohibit variances from the distance requirements for alcoholic beverage licenses and permits, or in the alternative, (2) establish procedures for granting variances from the distance requirements for alcoholic beverage licenses and permits - Financing: No cost consideration to the City

The following individuals addressed the city council regarding Chapter 6 of the Dallas City Code:

Angela Hunt, 5306 Mercedes Ave., representing Greenland Hill Neighborhood Association  
Jeri Arbuckle, 4800 Victor St., representing Dallas Homeowners League  
Charles Pankey, 1515 Reynoldston Ln.  
Tracy Evers, 8111 LBJ Frwy.  
Julian Peterson, 4203 Junius St., representing Mill Creek/Manger Place VIP  
Chuck Cole, 4831 McKinney Ave.

Mayor Pro Tem Loza moved to pass the ordinance.

Motion seconded by Councilmember Lill.

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

Voting Yes: [12] Miller, Loza, Hill, Garcia, Thornton Reese, Salazar, Chaney, Blaydes,  
Griffith, Finkelman, Rasansky, Lill  
Voting No: [2] Oakley, Greyson  
Absent: [1] Fantroy

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25465.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3426

Addendum addition 30: An ordinance abandoning Brogden Lane, Woodglen Street and Wardmont Avenue to Dallas Independent School District, the abutting owner, containing approximately 197,663 square feet of land located near the intersection of Polk Street and Danieldale Road, providing for the dedication of approximately 101,948 square feet of land needed for street right-of-way and authorizing the quitclaim - Revenue: \$18,712 plus the \$20 ordinance publication fee

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.

Councilmember Rasansky moved to pass the ordinance.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Blaydes abstain; Fantroy absent)

Assigned ORDINANCE NO. 25466.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3427

Addendum addition 31: Authorize (1) the acceptance of the only bid received for the sale or exchange of a surplus tract of land owned by the Cities of Dallas and Fort Worth, Texas, containing approximately 30 acres (Owner Tract) located within the boundaries of Dallas/Fort Worth International Airport (DFW) on the west side of State Highway 360, north of State Highway 183 in Euless, Texas, from Bear Creek Associates IV, L.P., (2) the acceptance of an unimproved tract of land containing approximately 46 acres located north of State Highway 183, east of State Highway 360 and adjacent to DFW, in exchange for the conveyance of the Owner Tract and (3) the conveyance of the Owner Tract to Bear Creek Associates IV, L.P. - Financing: No cost consideration to the City

Councilmember Rasansky moved to approve the item.

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3428

Addendum addition 32: Authorize a twelve-month price agreement to provide an opening day collection of books for the new Arcadia Park Branch Library with the lowest responsible bidder of four - Brodart Co. - Not to exceed \$433,580  
- Financing: 2003 Bond Funds

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.

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Blaydes abstain: Fantroy absent)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3429

Addendum addition 33: Authorize (1) the creation of six additional Inspector II positions in the Transportation Regulation Program for the purpose of effectively regulating the 275 taxicab, shuttle, private ambulance, vehicle tow service, emergency wrecker and non-motorized passenger vehicle companies and their 4,500 vehicles and drivers, and (2) an increase in appropriations in the amount of \$90,000 in the Public Works and Transportation budget to fund those positions - Not to exceed \$90,000 - Financing: Contingency Reserve Funds

Councilmember Rasansky moved to approve the item.

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

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3430

Addendum addition 34: Authorize a moratorium on the acceptance of applications for certificates of appropriateness or permits for kiosks in certain special provision sign districts beginning on the effective date of this resolution up to and including April 6, 2004 - Financing: No cost consideration to the City (via Mayor Miller)

Councilmember Greyson moved to refer the item to the Special Provision Sign Committee for criteria and return to the council in 60 days.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Fantroy absent; Blaydes absent when vote taken)

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3431

Non-Agenda Item:

The mayor read a proclamation for Margaret McDermott Day, presented by Mayor Miller and accepted by Margaret McDermott.

No briefing or action was taken on this item.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, DECEMBER 8, 2003

EXHIBIT C

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, DECEMBER 8, 2003

03-3290

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

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

**CORRECTIONS**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2003

03-3375

Item 82: Public Hearing – Zoning Case Z023-286 (DW)

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~~ approval by the city plan commission.

A public hearing was called on zoning case Z023-286 (DW), an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned an R-10(A) Single Family District located east of Seagoville Road, north of Woody Road and south of Beltline Road.

(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:

Tom Whatley, (no address given), representing Heritage Development Co.

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

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

Assigned ORDINANCE NO. 25451.

1/22/04 11:16 AM  
G:\2003MIN\CC120803.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS