

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 14, 2004

04-0180

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

PRESENT: [15] Miller, Loza, Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney,
Fantroy, Griffith, Blaydes, Finkelman, Greyson, Rasansky, Lill

ABSENT: [0]

The meeting was called to order at 9:17 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 5:51 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 14, 2004

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 14, 2004

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0181

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: P.D. Sterling, 4205 N. Hall St.
SUBJECT: Book review

SPEAKER: Albert Parker, P.O. Box 240
REPRESENTING: John Q. Public
SUBJECT: Helping Dallas is self-help

SPEAKER: Roy Williams, 5881 Preston View Blvd.
REPRESENTING: Dallas County Green Party
SUBJECT: Hypocrisy of the recall of the Mayor/Cadillac Heights

SPEAKER: Rachel Goldenberg, 1409 S. Lamar St.
SUBJECT: Civil Liberties Resolution

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: Citizens Organized for Representative Democracy
SUBJECT: 2004 – The year of the massess

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: John Settler, 11028 Ridgemoor Dr. **CANCELED**
SUBJECT: City Council's neighborhood communications

SPEAKER: Joe Martin, 3105 Gladiolus Ln. **NAME NOT CALLED**
SUBJECT: Rule of Law

SPEAKER: Lance Flores, 334 Pleasant Dr. **NAME NOT CALLED**
SUBJECT: Security and Freedom (Patriot's Act resolution)

SPEAKER: Michael Simmons, 2515 Lawrence St. **NAME NOT CALLED**
REPRESENTING: Simmons Custom Painting
SUBJECT: City of Dallas refused to release complete information regarding open records request on 311 S. Windomere and 2318 Ramsey.

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Jimmy Lee, 2915 Southland St. **NAME NOT CALLED**
SUBJECT: Continuation of the devil with the red dress on

SPEAKER: Al Lipscomb, 830 Clearwood Dr. **NAME NOT CALLED**
SUBJECT: Information

SPEAKER: Thelma Youngblood, 2406 Illinois Ave. **NAME NOT CALLED**
SUBJECT: Police Chief

SPEAKER: Irby Foster, 3515 James Dr. **NAME NOT CALLED**
SUBJECT: Street Lighting

SPEAKER: Charles Goodlow, Jr., 3880 S. Walton Walker Blvd.
SUBJECT: Complaint against the Legal Aid Service of North Service
NAME NOT CALLED

SPEAKER: Jurline Hollins, 2832 Marjorie Ave. **NAME NOT CALLED**
SUBJECT: Linebager, heard, Goggan, Graham, Pena and Sampson LLP

OPEN MICROPHONE -- SPOKE IN THE LAST 30 DAYS

SPEAKER: William Hopkins, 2011 Leath St. **DID NOT SPEAK**
SUBJECT: Civil rights violation against: Chief of Police, KKK, DISD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0182

Item 1: Approval of Minutes of the December 8, 2003 City Council Meetings

Councilmember Oakley moved to approve the minutes, as corrected by Councilmember Greyson. Councilmember Greyson stated that on agenda item 82, the city secretary needed to clarify whether the city plan commission's recommendation was denial or approval. The city plan commission's recommendation was to approve.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0183

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-24 and addendum addition consent agenda items, 1-4 was presented for consideration.

The city secretary announced that the city manager had deleted agenda item 7 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Rasansky requested that consent agenda items 8, 9, and 10 be considered as individual items. Mayor Miller stated that consent agenda items 8, 9, and 10 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

The city secretary requested that consent agenda item 20 be considered as an individual item to allow a speaker to speak. Mayor Miller stated that consent agenda item 20 would be considered as an individual item later in the meeting, to allow a speaker to speak, there being no objection voiced to the city secretary's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda items 7, 8, 9, 10 and 20, which would be considered later in the meeting.

Motion seconded by Councilmember Garcia and unanimously adopted.

Later in the meeting, Councilmember Steve Salazar moved to reconsider the consent agenda and requested that consent agenda item 24 be considered as an individual item to allow Councilmember Rasansky to abstain from voting.

Motion seconded by Councilmember Blaydes and unanimously adopted.

Councilmember Oakley moved to approve all item on the consent agenda with the exception of consent agenda items 7, 8, 9, 10, 20 and 24, which would be considered later in the meeting.

Motion seconded by Councilmember Lill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0184

Item 2: Authorize a professional services contract with Dimensions Architects BCLM for the design of the renovation and expansion of the South Dallas Cultural Center located at 3400 South Fitzhugh - \$152,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0185

Item 3: Authorize a professional services contract with GGOArchitects Corporation for Leadership in Energy and Environmental Design consulting and commissioning services at the Northwest Service Center located at 9801 Harry Hines Boulevard - \$137,500 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0186

Item 4: Authorize a decrease in the contract with Remedial Construction Services, L.P., for the perimeter gas control system construction project at Deepwood Loop 12 Landfill and add additional tasks to the existing contract - (\$166,500), from \$2,744,500 to \$2,578,000 - Financing: 2003 Certificates of Obligation

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0187

Item 5: An ordinance granting a revocable license to Pizza Hut, Ltd. for the use of approximately 24 square feet of land to install and maintain an awning/sign over a portion of Cedar Springs Road right-of-way located near its intersection with Wichita Street - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25468.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0188

Item 6: Authorize a second amendment to the lease agreement with Communities Foundation of Texas, Inc., to extend the lease of approximately 3,400 square feet of office space located at 4543-45 Bryan Street for the Police Department's Neighborhood Assistance Center from February 1, 2004 through January 31, 2007 - Total not to exceed \$43,200 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0189

Item 7: Authorize a thirty-six-month contract with Dallas/Fort Worth International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airports - \$62,300 annually - Total not to exceed \$186,900 - Financing: Current Funds (to be reimbursed by Aviation Current Funds subject to annual appropriations)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0190

Item 8: Authorize (1) the purchase of a capital project management information system, professional services, and warranty in the amount of \$1,593,906 (2) annual maintenance and support in the amount of \$485,798 (FY 2004-05 - \$108,667, FY 2005-06 - \$124,647, FY 2006-07 - \$126,242, FY 2007-08 - \$126,242); and, (3) an increase in appropriations in the amount of \$275,000 in the Capital Construction Fund - A + Integrated Solutions, most advantageous proposer of nine - Not to exceed \$2,079,704 - Financing: Water Utilities Capital Construction Funds (\$750,000), Aviation Capital Construction Funds (\$125,000), Capital Construction Funds (\$343,906), 1998 Bond Funds (\$375,000), Current Funds (\$485,798) (subject to annual appropriations)

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

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

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Garcia.

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

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

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0191

Item 9: Authorize a forty-eight-month service contract to provide armed and unarmed security guard service at the Dallas Convention Center, Reunion Arena, Union Station and Farmers Market with the lowest responsible bidder of twelve - Stanley Smith Security, Inc. dba Initial Security - Not to exceed \$9,879,563 - Financing: Convention and Event Services Current Funds

Councilmember Rasansky requested that consent agenda item 9 be considered as an individual item. Mayor Miller stated that consent agenda item 9 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 9 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Fantroy and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0192

Item 10: Authorize a sixty-month service contract to provide mail bar coding service for the Express Business Center at City Hall with the lowest responsible bidder of four - ASF & Sons dba Save On Mail Presort, Inc. - Not to exceed \$218,100 - Financing: Current Funds

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

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

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0193

Item 11: Authorize the purchase of furniture moving and storage equipment, for tables and chairs at the Dallas Convention Center, from the lowest responsible bidders of four - Clarin Inc. and Midwest Folding Products - Not to exceed \$326,298 - Financing: Convention and Event Services Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0194

Item 12: Authorize a thirty-six-month service contract for street sweeping with the lowest responsible bidder of six - Infrastructure Services, Inc. - Not to exceed \$1,694,040 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0195

Item 13: Authorize the purchase of leak detection and correlation equipment for Water Utilities, Water Distribution Division from Fluid Conservation Systems, Inc. Sole Source - Not to exceed \$279,000 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0196

Item 14: Authorized settlement of a claim filed by Alejandro Martinez, Claim No. 20031315 - \$9,300 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0197

Item 15: Authorize a professional services contract with the law firm of Joe C. Tooley, Attorneys and Counselors, for legal services necessary for representation of the City of Dallas in the lawsuit styled Victor Alvarado DeLeon v. Mark DeLaPaz, et al., Cause No. 3:02-CV-1097-K - Not to exceed \$50,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0198

Item 16: Authorize a release of lien on real property located on 1906 Peabody Avenue to South Dallas Health Access - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0199

Item 17: An ordinance authorizing a correction to Ordinance No. 17281 that established Historic District No. 16 for the King Mansion on the west corner of the intersection of Turtle Creek Boulevard and Gillespie Avenue to correct the Historic District number (Z812-113/4827-N) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25469.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0200

Item 18: An ordinance authorizing amendments to the conditions and plans for Specific Use Permit No. 1471 for a private school on property zoned an MU-3 Mixed Use District located on Merit Drive between Clodus Fields Drive and Churchill Way (Z023-276) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25470.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0201

Item 19: Authorize (1) the application for and acceptance of grant funds in the amount of \$59,200 from the Office of the Governor, Criminal Justice Division, Victims of Crime Act/Crime Victim Assistance Program for the provision of services for elderly victims of abuse for the period July 1, 2004 through June 30, 2005, (2) a local match in the amount of \$15,887, and (3) execution of the grant agreement - Total not to exceed \$75,087 - Financing: Office of the Governor, Criminal Justice Division Grant Funds (\$59,200) and Current Funds (\$15,887)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0202

Item 20: Authorize approval and implementation of the Public Improvement Plan for Neighborhood Investment Target Areas - Not to exceed \$6,312,212 - Financing: 2003-04 Community Development Grant Funds (\$1,207,196); 2001-02 Community Development Grant Reprogramming Funds (\$489,204); Walker Trust Funds (\$172,400); 2003-04 Community Development Grant Reprogramming Funds (\$1,639,187) (subject to appropriations) and 2004-05 Community Development Grant Funds (\$2,804,225) (subject to appropriations)

The city secretary requested that consent agenda item 20 be considered as an individual item to allow a speaker to speak. Mayor Miller stated that consent agenda item 20 would be considered as an individual item later in the meeting, to allow a speaker to speak, there being no objection voiced to her request.

Later in the meeting, agenda item 20 was brought up for consideration.

The following individual addressed the city council regarding the item:

Lorlee Bartos, 3211 Culver St.

Mayor Pro Tem Loza moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0203

Item 21: Authorize further modification to the loan terms of the \$4,000,000 Section 108 loan to 1122 Jackson Street Ltd. for the rehabilitation of the Santa Fe Lofts II releasing the deed restrictions upon full payment of the loan balance - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0204

Item 22: Authorize the acceptance of the Loan Star Libraries Grant from the Texas State Library and Archives Commission for improving access to public library resources and services for Dallas residents - \$127,626 - Financing: Loan Star Libraries Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0205

Item 23: Authorize application for fourth-year continuation of the Dallas Police Department Victim Services grant from the Office of the Governor, Criminal Justice Division to provide sufficient services to reach all eligible crime victims, for the period July 1, 2004 through June 30, 2005 - Total not to exceed \$32,974 (local match in an amount not to exceed \$13,751 will be required if awarded) - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0206

Item 24: An ordinance amending Chapter 28 of the Dallas City Code to expand boundaries for the Deep Ellum metered parking area; establish the Southside metered parking area; establish and revise parking rates for various streets and parking lots inside and outside the Central Business District; and delete a requirement restricting when the City Council may authorize the placement of excess parking meters within a defined metered parking area or the placement of any parking meter outside of a defined metered parking area - Estimated Revenue: \$229,340

Approved as part of the consent agenda.

Later in the meeting, Councilmember Salazar moved to unapproved item 24 as part of the consent agenda and requested consent agenda item 24 be considered as an individual item to allow Councilmember Rasansky to abstain from voting on the item.

Motion seconded by Councilmember Blaydes and unanimously adopted.

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 Blaydes moved to approve the item.

Motion seconded by Councilmember Salazar.

Councilmember Finkelman moved to substitute for Councilmember Blaydes' motion to send the item back to the Business and Commerce Committee for further study.

Motion seconded by Councilmember Lill.

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

Voting Yes:	[7]	Hill, Garcia, Oakley, Chaney, Griffith, Finkelman, Lill
Voting No:	[6]	Miller, Loza, Thornton Reese, Salazar, Blaydes, Greyson
Abstain:	[1]	Rasansky
Absent when vote taken:	[1]	Fantroy

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0207

The consent zoning docket consisting of agenda items 25-27, was presented.

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

Agenda item 25: Zoning Case Z023-306 (WE)
Agenda item 26: Zoning Case Z034-101 (DW)
Agenda item 27: Zoning Case Z034-102 (DW)

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

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

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

Motion seconded by Councilmember Lill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0208

Item 25: Zoning Case Z023-306 (WE)

Zoning Case Z023-306 (WE), an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District on the west side of St. Augustine Road north of Elam Road.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25471.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0209

Item 26: Zoning Case Z034-101 (DW)

Zoning Case Z034-101 (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 northwest of South Belt Line Road and northeast of Garden Grove Drive.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25472.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0210

Item 27: Zoning Case Z034-102 (DW)

Zoning Case Z034-102 (DW), an application for and an ordinance granting an R-7.5(A) Single Family District on property located northeast of Garden Grove Drive between South Belt Line Road and Edd Road.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25473.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0211

Item 28: Zoning Case Z023-145 (WE)

Zoning Case Z023-145 (WE), an application for and an ordinance granting a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge or tavern and a Commercial Amusement (inside) use for a Class A Dance Hall on property zoned a CR-MD-1 Community Retail District with a Modified Delta Overlay District on Greenville Avenue and Sears Street, northwest corner.

(The city plan commission recommended approval for a two-year period subject to a site plan and conditions.)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0212

Item 29: 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 Community Retail District and 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) with the exception of 5900 and 6000 blocks of Marquita Avenue and an ordinance granting a Conservation District with the exception of 5900 and 6000 blocks of Marquita Avenue and approving a Conceptual Plan.

(The city plan commission recommended approval of a Conservation District with the exception of 5900 and 6000 blocks of Marquita Avenue and approval of a Conceptual Plan.)

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

David Bryson, 6000 Marquita Ave.

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

Gaye Hopkins, 6030 Monticello Ave.
Angela Hunt, 5306 Mercedes Ave.
Campbell Read, 5839 Monticello Avenue
Patricia Gord, 5843 Vanderbilt Ave.
Lisa Gala, 5835 Morningside Ave.
Ronald Weisfeld, 2909 San Jacinto St.

The following individual addressed the city council regarding zoning case Z023-147 (NB):

William Hopkins, 2011 Leath St.

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

“Increase the number of required architectural features for new construction by one under each architectural style” and pass the ordinance.

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

Assigned ORDINANCE NO. 25474.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0213

Item 30: Public Hearing – **ZONING CASES – UNDER ADVISEMENT - INDIVIDUAL**

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. This item was considered by the City Council at public hearing on December 8, 2003 and was taken under advisement until January 14, 2004, with the public hearing open.)

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

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

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

Pat White, 4714 Wildwood Rd.
Joyce Lockely, 4718 Wateka Ave.

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

Motion seconded by Councilmember Fantroy and unanimously adopted. (Greyson abstain)

Assigned ORDINANCE NO. 25475 and ORDINANCE NO. 25476.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0214

MISCELLANEOUS HEARING

Item 31: A public hearing to receive citizens' comments on the proposed FY 2003-04 Consolidated Plan Reprogramming Budget #3 in the amount of \$1,980,796 - Financing: No cost consideration to the City

Item 32: Authorize final adoption of the FY 2003-04 Consolidated Plan Reprogramming Budget #3 in the amount of \$1,980,796 - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the FY 2003-04 Consolidated Plan Reprogramming Budget #3:

Linda Bates, 2011 Leath St.
Frank Ward, P.O. Box 50694

Mayor Pro Tem Loza moved to close the public hearing.

Motion seconded by Councilmember Finkelman and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0215

Item 33: **MISCELLANEOUS HEARING**

A public hearing 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

The following individuals addressed the city council regarding the cable television services provided by Comcast Cable of Dallas, Inc.

John Hammond, 13895 Brookgreen Dr.

Dirk Kirby, (no residence address) representing Comcast Cable of Dallas

Pat Bustos-Robinson, (no residence address) representing Comcast Cable of Dallas

Frank Forbe, (no residence address) representing Comcast Cable of Dallas

Councilmember Greyson moved to continue the public hearing.

Motion seconded by Councilmember Rasansky and unanimously adopted

Note: Councilmember Greyson requested staff to amend the franchise agreement with Comcast and to include agreements with all Public Utility Companies regarding placing boxes or anything on the property of the citizens of Dallas.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0216

Item 34: 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 January 14, 2004.

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.

Mayor Pro Tem Loza moved to reappoint Herschel Alan Weisfeld, Interested Citizen, as vice chair to the Cultural Affairs Commission.

Motion seconded by Councilmember Oakley and unanimously adopted.

Mayor Pro Tem Loza 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 Garcia and unanimously adopted.

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

04-0232 BOA BOARD OF ADJUSTMENT
04-0233 CAC CULTURAL AFFAIRS COMMISSION
04-0234 PLA PERMIT AND LICENSE APPEAL BOARD
04-0235 Board Officers

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0217

Item 35: Authorize (1) the appointment of four Administrative Law Judges (ALJ), Frederick Ahrens, Willie Crowder, Kimberly Lonergan and William Messer, to hear employee appeals of terminations and demotions and (2) contracts with each ALJ in the amount of \$1,600 each - Total not to exceed \$6,400 - Financing: Current Funds (\$3,200 to be reimbursed by the appealing employees)

Councilmember Thornton Reese moved to approve the item.

Motion seconded by Councilmember Greyson.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0218

Item 36: An ordinance appointing Elizabeth Davis-Frizell, John Boyle, Melodee Armstrong and Tiffany Lewis as Associate (part-time) Municipal Judges for the City of Dallas municipal court of record for a term ending May 31, 2004 - Financing: No cost consideration to the City

Councilmember Thornton Reese moved to pass the ordinance.

Motion seconded by Councilmember Finkelman.

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

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

Assigned ORDINANCE NO. 25477.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0219

Item 37: A resolution expressing the commitment of the City of Dallas, Texas, to civil rights and liberties and urging certain actions be taken with respect to the "USA Patriot Act" (Mayor Pro Tem Loza, Deputy Mayor Pro Tem Hill, Councilmembers Chaney, Salazar, and Thornton-Reese)

Mayor Pro Tem Loza moved to defer the resolution until the February 25, 2004 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0220

Item 38: Authorize a twelve-month professional services contract, with four twelve-month renewal options, with The Pathfinder Group, best value bidder of eight, for a marketing income program to generate additional income for the City - The Pathfinder Group will receive 12% of the value of each negotiated marketing partnership - Estimated Revenue: \$2,300,000

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Hill.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmembers Chaney and Finkelman voting "No". (Fantroy absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0221

Item 39: 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 moved to defer the item until the January 28, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Greyson and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0222

Item 40: An ordinance abandoning an alley to HPI/GSA-2B, L.P. the abutting owner, containing approximately 4,555 square feet of land located near the intersection of Akard and Wood Streets, and authorizing the quitclaim - Revenue: \$147,127 plus the \$20 ordinance publication fee

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0223

Item 41: An ordinance granting renewal of a private license to F/P/D Fee Associates, L.P. for the use of approximately 1,277 square feet of land to maintain the existing pedestrian tunnel under Pacific Avenue right-of-way located near its intersection with St. Paul Avenue - Revenue: \$2,223 annually plus the \$20 ordinance publication fee

Councilmember Lill moved to defer the ordinance until the March 24, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Rasansky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0224

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

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

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

- Performance Evaluation of City Attorney Madeleine B. Johnson

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0225

Addendum Addition 1: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Bell, Nunnally & Martin LLP, to provide legal services in the lawsuits styled Jill Muncy, et al. v. City of Dallas, et al., Civil Action No. 3:99-CV-2960-P, consolidated with Robert Jackson, et al. v. City of Dallas, et al., Civil Action No. 3:00-CV-588-H, and any other proceedings relating to the subject matter of the lawsuits - Not to exceed \$40,000, from \$50,000 to \$90,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0226

Addendum addition 2: Authorize Supplemental Agreement No. 2 to the professional services contract with The Carter Law Firm, P.C., to provide additional legal services in the lawsuits styled James F. Hill, et al. v. City of Dallas, Cause No. 95-00975-J, Albert, et al. v. City of Dallas, Cause No. 199-697-94, Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99, Barber, et al. v. City of Dallas, Cause No. 199-624-95, Willis, et al. v. City of Dallas, Cause No. 199-200-95, Martin, et al. v. City of Dallas, Cause No. 1-95-506 and Saucedo-Falls, et al. v. City of Dallas, Cause No. 1-02-780, and any other proceedings relating to the subject matter of the lawsuits - Not to exceed \$20,000, from \$500,000 to \$520,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0227

Addendum addition 3: Authorize Supplemental Agreement No. 2 to the contract with Legacy Counseling Center, Inc., to extend the term of the contract through December 31, 2004 to complete renovations at 828 South Tyler Street
- Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0228

Addendum addition 4: Authorize preparation of plans for issuance of \$7,500,000 City of Dallas, Texas Tax Increment Financing Reinvestment Zone Number Two (Cityplace TIF) Tax Increment Bonds, Series 2004 - Financing:
This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0229

Addendum addition 5: An ordinance amending Chapter 13 of the Dallas City Code to provide for the selection of associate and full-time municipal judges, including the selection of the administrative municipal judge - Financing: No cost consideration to the City

Mayor Pro Tem Loza moved to refer the ordinance to the Judicial Nominating Committee and a report to the Governmental and Minority Affairs Committee within thirty days. The Governmental and Minority Affairs Committee will meet on February 17, 2004.

Motion seconded by Councilmember Fantroy and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0230

Addendum addition 6: An ordinance amending Chapter 2 of the Dallas City Code to reduce the minimum age requirement for members of the Senior Affairs Commission - Financing: No cost consideration to the City

Councilmember Fantroy moved to pass the ordinance.

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

Later in the meeting, Councilmember Lill moved to reconsider the ordinance.

Motion seconded by Councilmember Griffith.

After discussion, Mayor Miller called the vote on Councilmember Lill's vote to reconsider:

Voting Yes:	[9]	Garcia, Oakley, Thornton Reese, Salazar, Griffith, Finkelman, Greyson, Rasansky, Lill
Voting No:	[4]	Miller, Chaney, Fantroy, Blaydes
Absent when vote taken:	[2]	Loza, Hill

Mayor Miller declared the motion adopted.

Councilmember Greyson moved to not reduce the age limit to 55 for members of the Senior Affairs Committee.

Motion seconded by Councilmember Lill.

Councilmember Chaney moved to substitute for Councilmember Greyson's motion to pass the ordinance as presented.

Motion seconded by Councilmember Fantroy.

After discussion, Mayor Miller called the vote on Councilmember Chaney's substitute motion:

Voting Yes:	[9]	Miller, Garcia, Oakley, Salazar, Chaney, Fantroy, Blaydes, Griffith, Finkelman
Voting No:	[4]	Thornton Reese, Greyson, Rasansky, Lill
Absent when vote taken:	[2]	Loza, Hill

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25478.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0231

Addendum addition 7: Authorize a twelve-month price agreement to provide an opening day collection of audio-visual materials for the new Arcadia Park Branch Library with the lowest responsible bidder of two - BWI - Not to exceed \$355,371 - Financing: 2003 Bond Funds

Councilmember Salazar moved to approve the item.

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 14, 2004

EXHIBIT C

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 14, 2004

04-0180

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

PRESENT: [15] Miller, Loza, Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney,
Fantroy, Griffith, Blaydes, Finkelman, Greyson, Rasansky, Lill

ABSENT: [0]

CORRECTIONS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 14, 2004

04-0202

Item 20: Authorize approval and implementation of the Public Improvement Plan for Neighborhood Investment Target Areas - Not to exceed \$6,312,212 - Financing: 2003-04 Community Development Grant Funds (\$1,207,196); 2001-02 Community Development Grant Reprogramming Funds (\$489,204); Walker Trust Funds (\$172,400); 2003-04 Community Development Grant Reprogramming Funds (\$1,639,187) (subject to appropriations) and 2004-05 Community Development Grant Funds (\$2,804,225) (subject to appropriations)

The city secretary requested that consent agenda item 20 be considered as an individual item to allow a speaker to speak. Mayor Miller stated that consent agenda item 20 would be considered as an individual item later in the meeting, to allow a speaker to speak, there being no objection voiced to her request.

Later in the meeting, agenda item 20 was brought up for consideration.

The following individual addressed the city council regarding the item:

Lorlee Bartos, 3211 Culver St.

Mayor Pro Tem Loza moved to approve the item.

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