

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 11, 2004

04-0505

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 2:47 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, FEBRUARY 11, 2004

EXHIBIT A

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MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 11, 2004

EXHIBIT B

4/14/04 2:37 PM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0506

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:	Darrin Reed, 404 Jim Miller Rd.	
SUBJECT:	Police brutality in Pleasant Grove	
SPEAKER:	Bonnie M. Hurd, 9215 Bruton Rd.	
SUBJECT:	How dirty and cruel can you be?	
SPEAKER:	Michael Paulson, 15636 El Estado Dr.	CANCELED
SUBJECT:	Police Department and City Officials	
SPEAKER:	Al Lipscomb, 830 Clearwood Dr.	CANCELED
SUBJECT:	Farmers Market and Policymakers	
SPEAKER:	Felecia Nelson, 877 Stanford Dr., Lancaster	NO SHOW
SUBJECT:	Complaint against Police Department	

OPEN MICROPHONE – END OF MEETING:

SPEAKER:	Thomas Brown, 8823 County Rd., Terrell	CANCELED
SUBJECT:	Market St. from Young St. to Elm St.	
SPEAKER:	Jurline Hollins, 2832 Marjorie Ave.	DID NOT CALL NAME
SUBJECT:	Conflict of interest between the City and Tax attorney	
SPEAKER:	Ronald Weisfeld, 2909 San Jacinto St.	NO SHOW
SUBJECT:	Revitalization of Downtown Dallas	

OPEN MICROPHONE - -- SPOKE IN THE LAST 30 DAYS

SPEAKER: P.D. Sterling, 4205 N. Hall St. **NO SHOW**
SUBJECT: Word origins

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd. **NO SHOW**
REPRESENTING: Citizens Organized for a Representative Democracy
SUBJECT: Dogs and cats fourteen million, Asian Americans zero

SPEAKER: Ozumba Lnuke-x 4102 Vineyard Dr.
SUBJECT: Code Compliance Inspectors

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Civil rights violation against: Chief of Police, KKK, the southwest Station, DISD

SPEAKER: Jimmy Lee, 2915 Southland St. **NO SHOW**
SUBJECT: Jimmy Lee versus City of Dallas, URSB and City Attorney

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0507

Item 1: Approval of Minutes of the January 28, 2004 City Council Meetings

Mayor Pro Tem Loza moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0508

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-30 and addendum addition consent agenda items, 1-9 was presented for consideration.

The city secretary announced that the city manager had deleted agenda items 27 and 29 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Rasansky requested that consent agenda items 10, 11, 21, and 26 and consent agenda addendum addition 4 be considered as individual items. Mayor Miller stated that consent agenda items 10, 11, 21, and 26 and consent agenda addendum addition 4 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Salazar requested that consent agenda item 28 be considered as an individual item. Mayor Miller stated that consent agenda item 28 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Salazar's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda items 27 and 29, which were deleted, and consent agenda items 10, 11, 21 and 26 and consent agenda addendum addition 4, would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0509

Item 2: Authorize a contract for the construction of compressed natural gas stations at the Central Service Center located at 1616 Baylor Street and Dallas Love Field located at 8010 Denton Drive - Modern Contractors, Inc., lowest responsible bidder of two - \$465,000 - Financing: Texas Department of Transportation Alternative Fuels Program Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0510

Item 3: Authorize a contract with Robert W. Ellison to design, fabricate, and install an interactive informational kiosk in the lobby area of the Dallas Convention Center located at 2200 North Lamar Street - Not to exceed \$110,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0511

Item 4: Authorize a decrease in the contract with Charlotte Lindsey, to collaborate with the architect to design, fabricate and install an artwork for the new Dallas Executive Airport Terminal - (\$28,500), from \$54,500 to \$26,000 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0512

Item 5: Authorize (1) an increase in the shell building contract with Satterfield & Pontikes, Inc. for the installation of tapered roof insulation at the Jack Evans Police Headquarters in an amount not to exceed \$55,535, from \$23,566,258 to \$23,621,793, within the Guaranteed Maximum Price, and (2) Supplemental Agreement No. 12 to the contract with Centex - 3D/I, a joint venture, for reconciliation of the contract for construction management services associated with the Jack Evans Police Headquarters project, decreasing the Guaranteed Maximum Price in an amount not to exceed (\$263,206), from \$52,430,265 to \$52,167,059 and the total contract amount from \$53,180,779 to \$52,917,573 - Total not to exceed (\$263,206) - Financing: 2000 Certificates of Obligation (-\$209,622), 1998 Bond Funds (-\$53,584)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0513

Item 6: Authorize rescinding the contract with TDC Specialty Services Contracting, Inc. previously authorized on October 22, 2003 by Resolution No. 03-2805 for the renovation of Fire Station No. 4 located at 816 South Akard Street and ACK Construction, Inc. previously authorized on August 27, 2003 by Resolution No. 03-2284 for the renovation of Fire Station No. 31 located at 9365 Garland Road and authorize the re-advertisement for bids for both projects - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0514

Item 7: Authorize an agreement with the Texas Department of Transportation for lowering a 36-inch water main in State Highway 121 west of Kine Pac Road - \$235,000 - Financing: Water Utilities Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0515

Item 8: An ordinance abandoning a portion of an alley to New Horizon Bible Believers Full Gospel Church, Inc., the abutting owner, containing approximately 1,860 square feet of land located near the intersection of South Beckley and Suffolk Avenues, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25489.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0516

Item 9: An ordinance abandoning a portion of an alley to Dallas Academy, the abutting owner, containing approximately 4,848 square feet of land located near the intersection of Lake Highlands Drive and Buckner Boulevard, and authorizing the quitclaim - Revenue: \$28,846 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25490.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0517

Item 10: Ratify emergency services for testing investigation of the 84-inch Tawakoni raw water pipeline from Iron Bridge Pump Station to the Dallas interim reservoir - Pressure Pipe Inspection Company (USA), Inc. - \$290,036 - Financing: Water Utilities Capital Construction 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 Mayor Pro Tem Loza and unanimously adopted. (Fantroy absent; Hill, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0518

Item 11: Authorize replacement housing and moving expense payments and disbursement of funds from the Mortgage Assistance Program for eight homeowners in the Cadillac Heights neighborhood as a result of official written offers of just compensation to purchase real property for the new Dallas Police Academy - Not to exceed \$250,100 - Financing: 2003 Bond Funds (\$190,400) and Multi-Family Housing Funds (\$59,700)

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

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

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Lill.

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, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0519

Item 12: Authorize the acceptance of a grant from the Ivor O'Connor Morgan Trust and the establishment of appropriations in the amount of \$100,000 in the Ivor O'Connor Morgan Trust Funds for the acquisition of new equipment, personnel and improvements to the Ivor O'Connor Morgan Home for Strayed Dogs located at the Forney Road Animal Shelter - Not to exceed \$100,000 - Financing: Ivor O'Connor Morgan Trust Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0520

Item 13: Authorize hardship relief for International Equipment Machine Sales Company on property located at 2333 Beatrice Street from the Ft. Worth Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 1,000 feet of the north or south right-of-way line of Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0521

Item 14: Authorize rescinding Resolution Nos. 02-0823 and 02-0824, previously approved on February 27, 2002, authorizing a development agreement and declaring the intent to reimburse State Thomas Apartments, LP, for the funding of design and construction of public improvements in an amount not to exceed \$730,000 for the Marquis at State Thomas (Block 547) project in Tax Increment Financing Reinvestment Zone Number One (State-Thomas TIF District) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0522

Item 15: Authorize rescinding Resolution Nos. 03-1725 and 03-1726, previously approved on June 11, 2003, authorizing a development agreement and declaring the intent to reimburse 1907 Elm, LLC to provide for the funding of demolition, environmental remediation, historic facade restoration, and other improvements in an amount not to exceed \$4,600,000 related to the redevelopment of 1907 Elm and 1900 Pacific Streets (Tower Petroleum and 1900 Pacific Buildings) in Tax Increment Financing Reinvestment Zone Five (City Center TIF District) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0523

Item 16: Authorize rescinding Resolution Nos. 03-0170 and 03-0171, previously approved on January 8, 2003, authorizing a development agreement and declaring the intent to reimburse 1414 Elm, LTD for the funding of demolition, facade improvements and construction of public infrastructure improvements in an amount not to exceed \$1,073,280 related to the redevelopment of the Residences at 1414 Elm Street in Tax Increment Financing Reinvestment Zone Five (City Center TIF District) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0524

Item 17: FY 2002-03 TIF Annual Reports

- * A resolution accepting the FY 2002-03 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number One, (State-Thomas TIF District), submitted by the State-Thomas TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to other taxing jurisdictions which participate in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0525

Item 18: FY 2002-03 TIF Annual Reports

- * A resolution accepting the FY 2002-03 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Two, (Cityplace Area TIF District), submitted by the Cityplace Area TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the other taxing jurisdictions which participate in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0526

Item 19: FY 2002-03 TIF Annual Reports

- * A resolution accepting the FY 2002-03 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Three, (Oak Cliff Gateway TIF District), submitted by the Oak Cliff Gateway TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to other taxing jurisdictions which participate in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0527

Item 20: FY 2002-03 TIF Annual Reports

- * A resolution accepting the FY 2002-03 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Four, (Cedars TIF District), submitted by the Cedars TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to other taxing jurisdictions, which participate in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0528

Item 21: FY 2002-03 TIF Annual Reports

- * A resolution accepting the FY 2002-03 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Five, (City Center TIF District), submitted by the City Center TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to other taxing units which participate in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

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

Later in the meeting, agenda item 21 was brought up for consideration.

Mayor Pro Tem Loza moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0529

Item 22: FY 2002-03 TIF Annual Reports

- * A resolution accepting the FY 2002-03 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Six, (Farmers Market TIF District), submitted by the Farmers Market TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the other taxing jurisdictions that participate in the District, and to the Attorney General, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0530

Item 23: FY 2002-03 TIF Annual Reports

- * A resolution accepting the FY 2002-03 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Seven, (Sports Arena TIF District), submitted by the Sports Arena TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to other taxing jurisdictions which participate in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0531

Item 24: Authorize a seven-month Interlocal Agreement with the University of Texas Southwestern Medical Center at Dallas for an outreach program to facilitate access of persons with HIV/AIDS to medical and social services from March 1, 2004 through September 30, 2004 - Not to exceed \$66,000 - Financing: 2003-04 Housing Opportunities for Persons with AIDS Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0532

Item 25: Authorize (1) preliminary adoption of the FY 2003-04 Consolidated Plan Reprogramming Budget #4 for U.S. Department of Housing and Urban Development Grant Funds to appropriate \$623,421 of HOME Grant Program Income to Community Housing Development Organization projects; and (2) a public hearing to be held on March 24, 2004 to receive citizens' comments on the proposed changes to the FY 2003-04 Consolidated Plan Budget for U. S. Department of Housing and Urban Development HOME Grant Funds - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0533

Item 26: Authorize (1) the proposed private resale and conveyance by quitclaim deed of the unimproved property located at 2626 Rochester Street from Dallas City Homes, Inc. to Operation Relief Center, Inc., (2) the acceptance of the Land Transfer Proposal from Operation Relief Center, Inc. for the property, and (3) an amendment to deed restrictions for the property - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 26 be considered as an individual item. Mayor Miller stated that consent agenda item 26 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 26 was brought up for consideration.

Councilmember Chaney moved to approve the item.

Motion seconded by Councilmember Thornton Reese.

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)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0534

Item 27: Authorize (1) a public hearing to be held on February 25, 2004 to receive citizens' comments on the proposed private sale by quitclaim deed of the unimproved property located at 3604 Parnell Street acquired by the taxing authorities from the Sheriff's Sale to St. Philip's Neighborhood Development Corporation, a qualified non-profit organization and (2) at the close of the public hearing, consideration of approval of the sale of this property - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0535

Item 28: Authorize a twelve-month time extension (as recommended by the City Council's Housing and Neighborhood Development Committee) for Community Development Block Grant projects which have not met the City's twelve-month obligation or twenty-four-month expenditure requirement (list attached) - Financing: No cost consideration to the City

Councilmember Salazar requested that consent agenda item 28 be considered as an individual item. Mayor Miller stated that consent agenda item 28 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Salazar's request.

Later in the meeting, agenda item 28 was brought up for consideration.

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

“Extend project #37 (Bishop Flores Soccer Fields in the amount of \$10,522) by moving it from Attachment B to Attachment A”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0536

Item 29: Authorize a five-year lease agreement, with one two-year renewal option, with Southwest Celtic Music Association (Irish Fest) at Fair Park for the use of Fair Park facilities for festivals and/or shows - October 1, 2003 through September 30, 2004 (\$50,000); October 1, 2004 through September 30, 2005 (\$52,500); October 1, 2005 through September 30, 2006 (\$55,000); October 1, 2006 through September 30, 2007 (\$60,000); October 1, 2007 through September 30, 2008 (\$65,000) - Total Estimated Revenue: \$282,500

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0537

Item 30: Authorize an Interlocal Agreement with the Dallas County Sheriff's Department for film processing in its Regional Color Lab for the Dallas Police and Fire Departments for the period February 23, 2004 through February 22, 2006 - \$90,996 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0538

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 31-34, was presented.

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

~~Agenda item 31: Zoning Case Z023-305 (JA)~~ **[Deleted]**
Agenda item 32: Zoning Case Z034-106 (DW)
Agenda item 33: Zoning Case Z023-310 (RB)
Agenda item 34: Zoning Case Z034-123 (RB)

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:

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

Joe Martin, 3105 Gladiolus Ln.
William Hopkins, 2011 Leath St.

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 Thornton Reese and unanimously adopted. (Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0539

Item 31: Zoning Case Z023-305 (JA)

Zoning Case Z023-305 (JA), an application for and an ordinance granting an Historic Overlay District on property zoned a CA-1(A)-CP Central Area District Core Pedestrian Precinct for the Republic Bank Tower located on the northeast side of North Ervay Street between Bryan Street and Pacific Avenue.

(The city plan commission recommended approval, subject to preservation criteria.)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0540

Item 32: Zoning Case Z034-106 (DW)

Zoning Case Z023-106 (DW), an application for and an ordinance granting a renewal and expansion of Specific Use Permit No. 1285 for a Childcare facility on property zoned an R-7.5(A) Single Family District on the south side of Forney Road between Jim Miller Road and Buckner Boulevard.

(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 plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25491.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0541

Item 33: Zoning Case Z023-310 (RB)

Zoning Case Z023-310 (RB), an application for and an ordinance granting a Planned Development District for certain CR Community Retail District Uses on property zoned a CR Community Retail District and a resolution accepting the termination of existing deed restrictions on the east corner of Belt Line Road and Ravenview Road.

(The city plan commission recommended approval, subject to a development plan, detached sign elevation, and conditions, and approval of the termination of the existing deed restrictions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25492.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0542

Item 34: Zoning Case Z034-123 (RB)

Zoning Case Z023-123 (RB), an application for and an ordinance granting an amendment to and the renewal of Specific Use Permit No. 1469 for an Open-enrollment charter school on property zoned an R-7.5(A) Single Family District on the northeast corner of Bruton Road and Pleasant Drive.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25493.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0543

Item 35: Public Hearing - Zoning Case Z023-145 (WE)

A public hearing was called on 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 the northwest corner of Greenville Avenue and Sears Street.

(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

February 11, 2004

04-0544

Item 36: Public Hearing – Zoning Case Z023-119(WE), DALLAS INDEPENDENT SCHOOL DISTRICT

A public hearing was called on zoning case Z023-119 (WE), an application for and an ordinance granting a Subdistrict within Planned Development District No. 465 for a public school use on property zoned Planned Development District No. 465, the Arlington Park Special Purpose District, on the east side of Wayside Drive, south of Chattanooga Street.

(The city plan commission recommended approval of a Subdistrict for a public school use within Planned Development District No. 465, subject to a development plan and conditions.)

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

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

The following individual addressed the city council regarding zoning case Z023-118 (WE):

William Hopkins, 2011 Leath St.

Mayor Pro Tem Loza moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

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

Assigned ORDINANCE NO. 25494.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0545

Item 37: 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 February 11, 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.

Councilmember Oakley moved to appoint all the nominees to "individual" 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 Mayor Pro Tem Loza and unanimously adopted. (Fantroy absent)

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

04-0568 CDC COMMUNITY DEVELOPMENT COMMISSION
04-0569 YAC YOUTH COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0546

Item 38: Authorize settlement of the lawsuit styled Jeffery Luna v. City of Dallas, Cause No. cc-03-2752-e - \$6,000 - Financing: Current Funds

Councilmember Greyson moved to approve the item,

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0547

Item 39: Authorize a resolution in support of Texas Department of Housing and Community Affairs low income housing tax credit financing for construction of the Frazier Fellowship housing development to be located at the west side of the 4700-4900 blocks of Hatcher Street - Financing: No cost consideration to the City

Councilmember Chaney moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0548

Item 40: Authorize (1) the creation of one municipal court witness coordinator position in the City Attorney's Office for the purpose of helping ensure civilian witnesses appear in court and reduce the number of cases being dismissed, (2) an increase in appropriations in the amount of \$35,857 in the City Attorney's Office budget to fund this position and related costs, and (3) an increase in appropriations in the amount of \$35,857 in the Court and Detention Services revenue budget - Not to exceed \$35,857
- Financing: Current Funds (Estimated Revenue: \$35,857)

Mayor Pro Tem Loza moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0549

Closed Session

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

- Legal issues to City's Storm Water Program
- Legal issues involving sign kiosks in the Central Business District SPSD
- Legal issues related to Savage & Assoc., P.C. v. Tax Partners (In re Teligent Services Inc.), Adv. Pro. No. 03-03395 (Bankr. S.D.N.Y)
- City of Dallas v. Explorer Pipeline Co., et al., Cause No. 00-9678-H
- Charlie Sylvie v. City of Dallas, Cause No. 3:01-CV-1549-P in the US District Court; City of Dallas v. Charlie Sylvie, et al., Cause No. 01-9464
- City of Dallas v. Kenneth E. Albert, and related cases in Fifth District Court of Appeals, Cause No. 05-03-01297-CV; Cause No. 05-03-01298-CV; Cause No. 05-03-01299-CV; Cause No. 05-03-01300-CV; Cause No. 05-03-01310-CV; Cause No. 05-03-01334-CV\

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 to City's Storm Water Program
- Legal issues involving sign kiosks in the Central Business District SPSD
- City of Dallas v. Explorer Pipeline Co., et al., Cause No. 00-9678-H
- Charlie Sylvie v. City of Dallas, Cause No. 3:01-CV-1549-P in the US District Court; City of Dallas v. Charlie Sylvie, et al., Cause No. 01-9464
- City of Dallas v. Kenneth E. Albert, and related cases in Fifth District Court of Appeals, Cause No. 05-03-01297-CV; Cause No. 05-03-01298-CV; Cause No. 05-03-01299-CV; Cause No. 05-03-01300-CV; Cause No. 05-03-01310-CV; Cause No. 05-03-01334-CV\

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0550

Addendum addition 1: Authorize a contract for demolition services for structures ordered demolished by the Urban Rehabilitation Standards Board, court orders, the emergency demolition of unsafe buildings due to fire damage, and the demolition of City-owned buildings as required - F. Hall Mowing Company, lowest responsible bidder of four - \$1,000,000 - Financing: Demolition Reserve Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0551

Addendum addition 2: Authorize a contract for the construction of an access road to the new control tower at Dallas Executive Airport - Tiseo Paving Company, lowest responsible bidder of nine - \$1,697,279 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0552

Addendum addition 3: Authorize (1) an increase in the contract with Dee Brown, Inc. for the construction of stonework at the Nasher Sculpture Center in an amount not to exceed \$37,787, from \$197,970 to \$235,757, and (2) an increase in the contract with Omega Contracting Co., Inc. for the construction of concrete work in an amount not to exceed \$45,498, from \$473,297 to \$518,795, within the development agreement - Financing: No additional cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0553

Addendum addition 4: Authorize (1) Supplemental Agreement No. 13 to the contract with Hunt Construction Group, Inc. for the Love Field Parking Garage, to increase the Guaranteed Maximum Price in an amount not to exceed \$1,749,847, from \$54,384,599 to \$56,134,446, increasing the total contract from \$55,538,764 to \$57,288,611, (2) a contract for the construction of Garage A architectural repairs with Azteca Enterprises, Inc., lowest responsible bidder of three in an amount not to exceed \$1,502,990, within the Guaranteed Maximum Price, (3) an increase in the contract with Ascom Transport Systems to install revenue system equipment delayed by repairs to Garage A in an amount not to exceed \$39,431, from \$1,859,511 to \$1,898,942, within the Guaranteed Maximum Price, and (4) assignment of the construction contract to Hunt Construction Group, Inc. for construction management - Total not to exceed \$1,749,847 - Financing: Aviation Capital Construction Funds

Councilmember Rasansky requested that consent agenda addendum addition 4 be considered as an individual item. Mayor Miller stated that consent agenda 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, consent agenda addendum addition 4 was brought up for consideration.

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0554

Addendum addition 5: Authorize a thirty-six-month service contract for median and right-of-way maintenance with the lowest responsible bidders of ten - Good Earth, Corp. and Toledo Landscaping and Development, LLC - Not to exceed \$4,544,643 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0555

Addendum addition 6: Authorize (1) application for and acceptance of the Violence Against Women Act Fund Grant in the amount of \$80,000, to provide victim services to domestic violence victims through the Family Advocacy Unit for the period of September 1, 2004 through August 31, 2005; (2) a cash match in the amount of \$48,049 (which represents an amount more than the required 25% grant match) for twelve months and; (3) execution of the grant agreement - Total not to exceed \$128,049 - Financing: Office of the Governor Criminal Justice Division State Grant Funds (\$80,000) and Current Funds (\$48,049) (subject to appropriations) [04-0555]

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0556

Addendum addition 7: Authorize (1) application for and acceptance of the State Criminal Justice Planning (421) Fund grant to enhance the Dallas Environmental Enforcement Program to improve compliance and environmental quality for the period October 1, 2004 through September 30, 2005; and (2) execution of the grant agreement - \$49,812 - Financing: Office of the Governor Criminal Justice Division State Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0557

Addendum addition 8: An ordinance amending Chapter 2, Section 2-17.2, of the Dallas City Code, regarding the Selection of City Auditor Nominating Commission to provide an optional procedure for the Mayor and City Council to re-appoint the City Auditor without creating a nominating commission - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25495.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0558

Addendum addition 9: Authorize (1) establishment of the Nuisance Abatement Fund for the deposit of revenue from injunctive relief and civil penalties awarded to the City from criminal abatement cases under Chapter 125 of the Texas Civil Practice and Remedies Code and code enforcement cases under Chapter 54 and Section 211 of the Texas Local Government Code and (2) establishment of appropriations in an amount not to exceed \$70,000 in the Nuisance Abatement Fund - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0559

Addendum addition 10: Authorize the establishment of the City of Dallas International Business Development Program pursuant to Chapter 380 of the Texas Local Governmental Code to be administered by the City of Dallas to promote economic development and to stimulate business and commercial activity in the City of Dallas - Financing: No cost consideration to the City

Councilmember Greyson moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0560

Addendum addition 11: Authorize a three-year grant agreement with the World Affairs Council of Greater Dallas pursuant to the International Business Development Program for the period March 1, 2004 through February 28, 2007 - Not to exceed \$210,767 for the period from March 1, 2004 through February 28, 2005 - Financing: Current Funds (subject to annual appropriations for the period March 1, 2005 through February 28, 2007)

Councilmember Greyson moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0561

Addendum addition 12: Authorize a moratorium on the acceptance of applications for, or issuance of, permits or certificates of appropriateness for kiosks - 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 attorney.

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

The following individuals addressed the city council regarding the moratorium:

Scott Reynolds, 3838 Oak Lawn Ave., representing Reynolds Outdoor
Kirk Williams, 5400 Renaissance Tower, representing Reynolds Outdoor
William Cothrum, 500 S. Ervay St., representing Reynolds Outdoor

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

- “1. Delete the last phrase in Section 1 that reads” and no permits or certificates of appropriateness may be issued for kiosks or kiosk signs to be located in any special provision sign district.”
2. Delete Section 2
3. Change the numbering of Sections 3, 4, and 5, so that they become Sections 2, 3, and 4”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0562

Addendum addition 13: Authorize (1) the use of \$1,913,486 in 2003 Bond Funds for four projects recommended by the Single-Family Infrastructure Review Committee, to provide subordinate bond financing for street infrastructure development costs of new mixed income single-family subdivisions pursuant to the Single-Family Housing Infrastructure Development Bond Program and (2) the execution of participation agreements, private development contracts and deed restrictions in connection therewith - \$1,913,486 - Financing: 2003 Bond Funds

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 Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0563

Addendum addition 14: Authorize a contract with Carleton Residential Properties for the sale of the Intown Housing Section 108 loan for Treymore at Cityplace located at 2101 Haskell - Estimated Revenue: \$657,877 (60% of loan value at the time of closing)

Mayor Pro Tem Loza moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0564

Addendum addition 15: Authorize a contract with Search Financial Services, L.P. or an affiliate, for the sale of the Intown Housing Section 108 loan for the Kirby Building located at 1509 Main - Estimated Revenue: \$3,247,162 (60% of loan value at the time of closing)

Mayor Pro Tem Loza moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0565

Addendum addition 16: An ordinance amending Chapter 13 of the Dallas City Code to create a new municipal court of record designated as the Community Court; to provide where the Community Court will conduct business; and to eliminate City Truancy Courts - Financing: No cost consideration to the City

Councilmember Chaney moved to pass the ordinance.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0566

Addendum addition 17: Authorize a post-judgment settlement agreement in an attempt to collect on the City's judgment for civil penalties and demolition costs against WAK/TPRO, L.P. and WAK/TPRO Holdings, Inc. concerning the property located at 2630 52nd Street - Financing: No cost consideration to the City

Councilmember Finkelman moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0567

Addendum addition 18: An ordinance amending Chapter 2 of the Dallas City Code to authorize, in accordance with state law, the donation of outdated or surplus firefighting equipment, supplies, and materials to underdeveloped countries or to the Texas Forest Service for use by rural volunteer fire departments (Mayor Pro Tem Loza, Deputy Mayor Pro Tem Hill, and Councilmembers Salazar, Garcia, Chaney, Oakley, Griffith, Rasansky, and Blaydes)

Mayor Pro Tem Loza moved to pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Hill.

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

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

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25497.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 11, 2004

04-0568

NOTICE OF DEFERRED OR DELETED ITEMS

In accordance with Paragraph (d) of Section 7.11 of the City Council Rules of Procedure, the attached notices of deferred or deleted items were posted adjacent to each entrance to the city council chamber in Room 6 E North, City Hall.

7.11(d) No later than 5:30 p.m. of the Friday before each city council meeting, the city secretary shall post a list of all items appearing on the regular agenda that were deferred by a city councilmember or deleted by the city manager. No later than 5:30 p.m. of the day before each city council meeting, the city secretary shall post a list of all items appearing on the addendum to the agenda that were deferred by a city council member or deleted by the city manager. The lists must be posted adjacent to each entrance to the city council chamber in Room 6 E North. The city secretary shall not include on these lists any item described in Paragraph (a)(1), (2), (3), or (4).

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 11, 2004

EXHIBIT C

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