

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 25, 2004

04-0726

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 9:16 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 city council and the audience led the pledge of allegiance.

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 7:47 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.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 25, 2004

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 25, 2004

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0727

CITIZEN SPEAKERS

In accordance with the City Council Rules of Procedure, the city council provided "open microphone" opportunities for the following individuals to comment on matters that were scheduled on the city council voting agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda:

OPEN MICROPHONE - BEGINNING OF MEETING

SPEAKER: Albert Parker, 6319 Elam Rd.
SUBJECT: Good intentions with negativity

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

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Ronald Wright, 1341 Amity Ln. **DID NOT CALL NAME**
REPRESENTING: Pleasant Grove Community Initiative
SUBJECT: Police killings in Pleasant Grove

SPEAKER: Martha H. DuBois, 4938 Burnside Ave.
SUBJECT: Family violence, Mischief, Negligence of Police, Damaged my life

SPEAKER: Thomas Brown, 8823 County Rd., Terrell
SUBJECT: Market Street and Mockingbird Lane

OPEN MICROPHONE - – SPOKE IN THE LAST 30 DAYS

SPEAKER: William Hopkins, 2011 Leath St. **DID NOT CALL NAME**
SUBJECT: Corruption with the Mayor, Bank of America, KKK, Trinity River

SPEAKER: Ronald Weisfeld, 2909 San Jacinto St. **DID NOT CALL NAME**
SUBJECT: Homeless Intake Facility

SPEAKER: Jimmy Lee, 3017 Overton Rd.
SUBJECT: Jimmy Lee vs. City Council Districts 4, 5, 8, 13 and 15

SPEAKER: Jurline Hollins, 2832 Marjorie Ave. **DID NOT CALL NAME**
SUBJECT: Conflicts of interest between the City and Tax attorney

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0728

Item 1: Approval of Minutes of the February 11, 2004 City Council Meetings

Councilmember Oakley moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0729

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-43 and addendum addition consent agenda items, 1-12 was presented for consideration.

Councilmember Rasansky requested that consent agenda items 12, 15, 37, 39 and consent addendum addition 10 be considered as individual items. Mayor Miller stated that consent agenda items 12, 15, 37, 39 and consent addendum addition 10 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Griffith requested that consent agenda items 16 and 19 be considered as individual items. Mayor Miller stated that consent agenda items 16 and 19 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Griffith's request.

Councilmember Greyson requested that consent agenda items 24, 28 and consent addendum addition 9 be considered as individual items. Mayor Miller stated that consent agenda items 24, 28 and consent addendum addition 9 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Greyson's request.

The city secretary requested that consent agenda items 31 and 33 be considered as individual items to allow speakers to speak. Mayor Miller stated that consent agenda items 31 and 33 would be considered as individual items later in the meeting, there being no objection voiced to the city secretary's request.

Councilmember Finkelman 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 Finkelman's request.

Mayor Miller requested that consent agenda addendum addition items 10 and 11 be considered as individual items. Mayor Miller stated that consent agenda addendum addition items 10 and 11 would be considered as individual items later in the meeting, there being no objection voiced to her request.

Councilmember Finkelman moved to approve all items on the consent agenda with the exception of consent agenda items 12, 15, 16, 19, 24, 28, 31, 33, 36, 37 and 39 consent agenda addendum addition items 9, 10 and 11 would be considered later in the meeting.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0730

Item 2: Authorize a professional services contract with Mitchell Enterprises, Ltd., for the design/build services at Northwest Service Center, Phase II, located at 9801 Harry Hines Boulevard - \$1,168,049 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0731

Item 3: Authorize a professional services contract with Hayden Consultants, Inc. to provide boundary and topographic survey, schematic design, design development, construction documents, bidding and construction administration at Alta Mesa Park located at 2905 Alta Mesa - \$18,915 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0732

Item 4: Authorize a professional services contract with La Terra Studio, Inc. to provide topographic survey, conceptual/schematic design, design development, construction documents and Texas Department of Licensing and Regulation review process at Jones Playlot located at 1647 McManus and K.B. Polk Park located at 3800 Thedford - \$17,933 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0733

Item 5: Authorize a professional services contract with Charles Gojer and Associates, Inc. to provide civil and structural design services for drainage improvements on Hampton/Inwood Road from Canada Drive to Harry Hines Boulevard - \$25,320 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0734

Item 6: Authorize a professional services contract with Halff Associates, Inc. to provide engineering services for the design to replace water mains and rehabilitate or replace wastewater mains in various locations - \$1,281,170 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0735

Item 7: Authorize (1) a contract for paving, drainage and grading improvements including pedestrian bridges at Katy Trail, Phase II with Jeske Construction Company, lowest responsible bidder of five in the amount of \$1,953,891; and, (2) the establishment of appropriations in the amount of \$1,992,000 in the Capital Projects Reimbursement Fund - Total not to exceed \$1,953,891 - Financing: 1998 Bond Funds (\$237,559) and Capital Projects Reimbursement Funds (\$1,716,332 to be reimbursed from the Statewide Transportation Enhancement Program of the Transportation Equity Act for the 21st Century)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0736

Item 8: Authorize (1) a contract for the construction of water and wastewater infrastructure, alley paving, and streetscaping for State-Thomas XIV, Sundance Row at State-Thomas bounded by the south side of Clark Street between Thomas Avenue and State Street in Tax Increment Financing Reinvestment Zone Number One, City of Dallas, Texas (State-Thomas TIF District) with V.A. Construction, Inc., lowest responsible bidder of three, in an amount not to exceed \$433,922, (2) assignment of the construction contract to J.G. Moore & Co., Inc. for construction administration, and (3) payment to J.G. Moore & Co., Inc. in an amount not to exceed \$263,000 for design, construction administration, street lighting, testing and utility burial - Total not to exceed \$696,922 - Financing: Private Funds (advance from J. G. Moore & Co., Inc. to the State-Thomas TIF District Fund)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0737

Item 9: Authorize a contract for the construction of peak flow basin expansion improvements at the Southside Wastewater Treatment Plant - Cajun Constructors, Inc., lowest responsible bidder of six - \$10,889,500 - Financing: Water Utilities Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0738

Item 10: Authorize a contract for the relocation of existing wastewater mains at the McCommas Bluff Landfill - S. J. Louis Construction of Texas, Ltd., lowest responsible bidder of eight - \$4,963,073 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0739

Item 11: Authorize an increase in the contract with GC Carter Construction Company, LLC to provide additional trail and drainage improvements at Emerald Lake Park located at 6102 Mountain Creek Parkway - \$34,911, from \$139,644 to \$174,555 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0740

Item 12: Authorize an increase in the contract with Oscar Renda Contracting, Inc. for additional work associated with the basin complex and clarifier and mechanical aeration basin at the Southside Wastewater Treatment Plant - \$654,706, from \$13,779,557 to \$14,434,263 - Financing: Water Utilities Bond Funds (\$603,115) and Water Utilities Capital Construction Funds (\$51,591)

Councilmember Rasansky requested that consent agenda item 12 be considered as an individual item. Mayor Miller requested that consent agenda item 12 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 12 was brought up for consideration.

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Oakley.

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

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

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0741

Item 13: Authorize (1) street paving, storm drainage, water and wastewater main improvements for Street Group 03-438; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on April 14, 2004, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0742

Item 14: Authorize deposit of a Special Commissioners' Award for acquisition from Bernice Sorrells Caesar of a tract of land containing approximately 6,007 square feet located near the intersection of Hull Avenue and Linfield Road, needed for the South Central Addition improvements - \$19,500 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0743

Item 15: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Josephine Cisneroz of approximately 7,809 square feet of land improved with a two-story frame house, located near the intersection of Florence and Cantegral Streets, for the Latino Cultural Center Expansion project - \$190,000 - Financing: 1998 Bond Funds

Councilmember Rasansky requested that consent agenda item 15 be considered as an individual item. Mayor Miller requested that consent agenda item 15 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 15 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 Chaney moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0744

Item 16: Authorize the quitclaim of 16 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders - Revenue: \$355,848

Councilmember Griffith requested that consent agenda item 16 be considered as an individual item. Mayor Miller requested that consent agenda item 16 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 16 was brought up for consideration.

Councilmember Griffith moved to approve the item.

Motion seconded by Councilmember Garcia.

During discussion, Councilmember Griffith withdrew his motion.

Councilmember Garcia who seconded the original motion, withdrew her motion.

Councilmember Oakley moved to defer the item until the March 25, 2004 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0745

Item 17: Authorize a release of lien on real property located at 2515 S. Harwood with Darrell "Rocky" Smith dba Rocky Smith Productions - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0746

Item 18: An ordinance granting a revocable license to 7-Eleven, Inc. for the use of approximately 63 square feet of land to install and maintain an awning and sign over a portion of Elm Street right-of-way located near its intersection with Good Latimer Expressway - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25498.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0747

Item 19: Authorize the discharge of the secured, no-interest, forgivable note with South Dallas Health Access in the amount of \$75,000 and the release of lien on real property located at 1906 Peabody Avenue - Financing: No cost consideration to the City

Councilmember Griffith requested that consent agenda item 19 be considered as an individual item. Mayor Miller requested that consent agenda item 19 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 19 was brought up for consideration.

Councilmember Chaney moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0748

Item 20: Authorize a public hearing to be held on March 24, 2004, to receive citizens' comments on the proposed reclassification of 23,403 square feet of existing park land at Grauwylers Park located at 7500 Harry Hines Boulevard for library use and at the close of the public hearing, authorize Council action on March 24, 2004 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0749

Item 21: Authorize a first amendment to the lease agreement with Boys and Girls Clubs of Greater Dallas, Inc., to extend the lease of approximately 2,679 square feet of office space and eight secured designated parking spaces located at 4515 Maple Avenue for the Police Department's Neighborhood Assistance Center from May 1, 2004 through April 30, 2007 - \$56,412 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0750

Item 22: Authorize an Interlocal Agreement with the City of Irving to create a Cooperative Purchasing Program that allows the Cities of Dallas and Irving to purchase from each other's contracts for goods and services when economical -
Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0751

Item 23: Authorize (1) participation in an Interlocal Purchasing Agreement with the Texas Cooperative Purchasing Network, and (2) a sixty-month service contract with Texas Trane Company, through the Texas Cooperative Purchasing Network, for the heating, ventilation and air conditioning maintenance of the central plant and parking garage at Dallas Love Field - Not to exceed \$1,228,450 - Financing: Aviation Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0752

Item 24: Authorize a twenty-four-month service contract for leasing/marketing partner services for the Main Street District Retail Recruitment Initiative with the most advantageous proposer of two - Dallas Downtown Partnership, Inc. - Not to exceed \$247,500 - Financing: Public/Private Partnership Funds

Councilmember Greyson requested that consent agenda item 24 be considered as an individual item. Mayor Miller requested that consent agenda item 24 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, agenda item 24 was brought up for consideration.

The following individuals addressed the city council regarding the service contract:

Robert Stringer, 3425 Bryn Mawr, University Park, representing CPI Foods dba Hairston Stringer Partnership
Nancy Hormann, (no address given) executive director, Downtown Partnership

Councilmember Lill moved to approve the item, with the following change:

"If 15,000 square feet of retail space has not been leased within a twelve month period, the contract will be cancelled"

Motion seconded by Mayor Pro Tem Loza.

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

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

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0753

Item 25: Authorize a thirty-six-month price agreement for Waterous brand fire pump parts with the lowest responsible bidder of three - Fire Pump Specialty - Not to exceed \$95,611 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0754

Item 26: Authorize a twenty-four-month price agreement for hay with the lowest responsible bidders of two - Hermond Ragland and Caney Creek Ranch - Not to exceed \$167,883 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0755

Item 27: Authorize a forty-eight-month price agreement for ammunition with the lowest responsible bidders of four - Precision Delta Corporation, C & G Wholesale, G T Distributors, Inc., and TACnologies Ltd. - Not to exceed \$1,580,318 - Financing: Texas Higher Education Coordinating Board Funds (\$486,588), Current Funds (\$414,703), Confiscated Money Funds (\$368,042), and Law Enforcement Officers Standard Education Funds (\$310,985)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0756

Item 28: Authorize a thirty-six-month price agreement for Eagle cash key electronic parking meter mechanisms and parts with Duncan Parking Technologies, Inc. - Sole Source - Not to exceed \$242,199 - Financing: Current Funds

Councilmember Greyson requested that consent agenda item 28 be considered as an individual item. Mayor Miller requested that consent agenda item 28 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, agenda item 28 was brought up for consideration.

Councilmember Greyson moved to approve the item.

Motion seconded by Councilmember Finkelman.

Deputy Mayor Pro Tem Hill moved to substitute for Councilmember Greyson's motion a motion to reject the price agreement and direct the staff to re-bid; for a limited amount of time, service only those machines that are already in place and until a parking strategy is in place.

Motion seconded by Councilmember Fantroy.

Later in the meeting, Councilmember Greyson withdrew her motion.

Mayor Miller stated that Deputy Mayor Pro Tem Hills' substitute motion was the only motion on the table.

After discussion, Mayor Miller called for a vote on Deputy Mayor Pro Tem Hill's motion to reject the price agreement and direct the staff to re-bid; for a limited amount of time, service only those machines that are already in place and until a parking strategy is in place.

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0757

Item 29: Authorize a twenty-four-month price agreement for ferrous sulfate with the lowest responsible bidder of four - Pencco, Inc. - Not to exceed \$2,150,246 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0758

Item 30: Authorize replacement housing and moving expense payments and disbursement of funds from the Mortgage Assistance Program for six 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 \$208,000 - Financing: 2003 Bond Funds (\$149,100) and Multi-Family Housing Funds (\$58,900)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0759

Item 31: Authorize hardship relief for Pizza Hut Ltd. on property located at 3233 Ft. Worth Avenue 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

The city secretary requested that consent agenda item 31 be considered as an individual item to allow a speaker to speak. Mayor Miller stated that consent agenda item 31 would be considered as an individual item later in the meeting, there being no objection voiced to the city secretary's request.

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

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0760

Item 32: Authorize an excused absence for a member of the Landmark Commission for October 6, 2003, for a religious holiday observance in accordance with City Council policy and the provisions of Chapter 8 of the Dallas City Code - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0761

Item 33: 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 on the southwest corner of Lake Highlands Drive and Buckner Boulevard subject to a development plan, traffic management plan and conditions Z023-134(WE) - Financing: No cost consideration to the City

The city secretary requested that consent agenda item 33 be considered as an individual item to allow a speaker to speak. Mayor Miller stated that consent agenda item 33 would be considered as an individual item later in the meeting, there being no objection voiced to the city secretary's request.

Later in the meeting, agenda item 33 was brought up for consideration.

The following individual addressed the city council regarding the ordinance:

Peter Mondo, 9244 Peninsula Dr.

Councilmember Griffith 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 Blaydes, voting "No".

Assigned ORDINANCE NO. 25499.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0762

Item 34: Authorize a twelve-month contract, with two twelve-month renewal options, with The Bethlehem Foundation to provide a family stabilization program to address the problems of economically disadvantaged persons in the southern sector of Dallas for the period April 1, 2004 through March 30, 2005 - Not to exceed \$65,000 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0763

Item 35: Authorize the acceptance of grant funds from the Allstate Foundation for the development and implementation of a youth entrepreneur program for the period April 1, 2004 through September 30, 2004 - Not to exceed \$15,000 - Financing: Allstate Foundation Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0764

Item 36: Authorize an application review and monitoring process and application and monitoring review fees for housing finance applications to the Texas Department of Housing and Community Affairs that require prior approval from the City of Dallas - Estimated Revenue: \$8,000

Councilmember Finkelman 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 Finkelman's request.

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

Mayor Pro Tem Loza moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0765

Item 37: Authorize the reconstruction on-site of two homes in accordance with the Home Repair Program Statement requirements for the properties located at 2414 Macon Street and 1703 Bickers Street - Not to exceed \$55,000 each for a total not to exceed \$110,000 - Financing: 2003-04 Community Development Grant Funds

Councilmember Rasansky requested that consent agenda item 37 be considered as an individual item. Mayor Miller stated that consent agenda item 37 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 37 was brought up for consideration.

Councilmember Chaney moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0766

Item 38: Approval of the issuance of bonds not to exceed \$4,200,000 by the Heart of Texas Education Finance Corporation for the benefit of the A.W. Brown Fellowship Charter School (Borrower) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0767

Item 39: Authorize a public hearing to be held on March 24, 2004 to receive citizens' comments in preparation of the FY 2004-05 Operating, Capital, Grant, and Trust budgets - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 39 be considered as an individual item. Mayor Miller stated that consent agenda item 39 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 39 was brought up for consideration.

Councilmember Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0768

Item 40: An ordinance amending Chapter 2 of the Dallas City Code to create the Dallas Commission on Productivity and Innovation and repealing Resolution No. 93-4567, as amended, to terminate the Privatization Technical Subcommittee - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25501.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0769

Item 41: Authorize a ten-year maintenance agreement with the Belo Foundation for the maintenance of Lubben Plaza from August 8, 2003 through August 8, 2013 -
Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0770

Item 42: Authorize a five-year maintenance agreement, with one five-year renewal option, with the Meadows Foundation for the maintenance of Central Square Park located at 3000 Swiss Avenue from November 29, 2003 through November 29, 2008 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0771

Item 43: A resolution endorsing the continuation of the Dallas Police Department's "Police and Constables in Partnership Program" for increased traffic enforcement and crime reduction efforts to include Northwest Dallas (portions of City Council Districts 1, 2, 3, 6, and 14) with Dallas County Constable Precinct 5, and Southwest Dallas (portions of City Council District 3) with Dallas County Constable Precinct 4, Northeast Dallas (portions of City Council Districts 7, 9, 10, 11, 12, 13, and 14) with Dallas County Constable Precinct 3, and continuing the program in Southeast and Southwest Dallas (portions of City Council Districts 2, 3, 4, 5, 7, 8, and 14) with Dallas County Constable Precinct 1 for the period October 1, 2003 through September 30, 2004 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0772

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 44-48, was presented.

Agenda item 45 was removed from the consent zoning docket, to be considered as an individual hearing.

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

- Agenda item 44: Zoning Case Z034-109 (MJF)
- ~~Agenda item 45: Zoning Case Z034-122 (WE)~~ **[Considered individually]**
- Agenda item 46: Zoning Case Z034-122 (WE)
- Agenda item 47: Zoning Case Z034-129 (DW)
- Agenda item 48: Zoning Case Z034-130 (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:

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

William Hopkins, 2011 Leath St.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0773

Item 44: Zoning Case Z034-109 (MJF)

Zoning Case Z034-109 (MJF), an application for and an ordinance granting a CS Commercial Service District on property zoned a CR Community Retail District and CR-D Community Retail District with a Liquor Control Overlay located south of Bank Street and west of the R.L. Thornton Freeway 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. 25502.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0774

Item 45: Zoning Case Z034-121 (WE)

The consent zoning docket, consisting of agenda items, 44-48 was presented.

Theresa O'Donnell, director of development services, requested that zoning docket item addendum addition 13, be called as an hearing, because in accordance with subparagraph (c) (2) (B) of Sections 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 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 director of planning.

Councilmember Rasansky requested that consent zoning docket item 45 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 45 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Rasansky's request.

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

A public hearing was called on zoning case Z034-122 (WE), an application for and an ordinance granting a Specific Use Permit for a dance hall use on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest corner of Hawthorne Avenue and Maple Avenue.

(The city plan commission recommended approval, for a one-year period, subject to a site plan, and condition.)

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

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

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

Roger Albright, 3301 Elm St., representing the applicant.

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 Lill.

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

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

Assigned ORDINANCE NO. 25503.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0775

Item 46: Zoning Case Z034-122 (WE)

Zoning Case Z034-122 (WE), an application for and an ordinance granting renewal of Specific Use Permit No. 1465 for a community service center use on property zoned Planned Development District No. 67 for Single Family, Duplex and Neighborhood Services on the northwest corner of University Boulevard and Roper Street.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25504.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0776

Item 47: Zoning Case Z034-129 (DW)

Zoning Case Z034-129 (DW), an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned an RR Regional Retail District south of Camp Wisdom Road and west of Interstate 35.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25505.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0777

Item 48: Zoning Case Z0340-130 (DW)

Zoning Case Z034-130 (DW), an application for and an ordinance granting an amendment to Specific Use Permit No. 1393 for a private school on property zoned an R-7.5(A) Single Family District located north of Ledbetter Drive on the east side of Rugged Drive.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25506.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0778

Item 49: Public Hearing - Zoning Case Z034-132 (DW)

A public hearing was called on zoning case Z034-132 (DW), an application for and an ordinance granting an LI Light Industrial District on property zoned a CR Community Retail District and an NO(A) Neighborhood Office District, north of West Camp Wisdom Road and east of Highway 67 and a resolution accepting deed restrictions volunteered by the applicant.

(The city plan commission recommended approval, subject to deed restrictions volunteered by the applicant.)

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

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

Angela Washington, 901 Main St., representing the applicant
Joy Wallace, 901 Main St., representing the applicant

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

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

Assigned ORDINANCE NO. 25507.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0779

Item 50: Public Hearing - Zoning Case Z023-311 (RB)

Theresa O'Donnell, director of development services, requested that zoning docket item addendum addition 13, be called as an hearing, because in accordance with subparagraph (c) (2) (B) of Sections 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 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 director of planning.

A public hearing was called on zoning case Z023-311 (RB), an application for and an ordinance granting a Planned Development District for Single family uses, selected Institutional and community service uses, Transportation uses, and Utility and public service uses on property zoned an A(A) Agricultural District east of Lancaster Road, between Cedardale Road and Telephone Road.

(The city plan commission recommended approval, subject to a conceptual plan, internal roadway plan, and conditions.)

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

Jesse Majors, 3342 Telephone Rd.
James Polk, 8121 Glen Oaks Blvd.
Travis Dodd, 3595 Ray Rd.
James Dodd, (no address given)
Ester Davis, 2204 Millermore St.

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

Wallace Faggett, 5531 Singing Hills Blvd., representing Wilmer Hutchins
Independent School District
Nancy Moffitt, 3114 Mapleleaf Ln.
Karl Crawley, 500 S. Ervay St., representing the applicant

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

“To allow a limited number of J-Swing garages to have a reduced front yard setback of 5 feet, and will require all other garages to entered from the alley, and for the ordinance to come back at a later date”

Motion seconded by Councilmember Chaney and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0780

Item 51: Public Hearing - Zoning Case Z034-127 (DW)

A public hearing was called on zoning case Z034-127 (DW), an application for and an ordinance granting a GR General Retail Subdistrict on property zoned an MF-2 Multifamily Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, located southeast of Knight Street and southwest of Cedar Springs Road.

(The city plan commission recommended approval.)

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

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

Michael Northrup, 4210 Prescott Ave.
Art Rogers, 4523 Holand Ave., representing Oak Lawn Association
Cay Kolb, 4402 Rawlings St.
Alice Dykeman, 4926 Cedar Springs Rd.

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

Kirk Williams, 5400 Renaissance Tower, representing the applicant

Mayor Pro Tem Loza refer the application back to the city plan commission and to leave the public hearing open.

Motion seconded by Councilmember Lill and unanimously adopted. (Oakley abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0781

Item 52: Public Hearing - DEVELOPMENT CODE AMENDMENTS - CONSENT

A public hearing was called on consideration of amendments to Chapter 51P by codifying the regulations of Planned Development District Nos. 108 through 118, 120 through 158, 160 through 167, 169, 171 through 175, 177, 179 through 182, 184 and 185, 188 through 192, 194 through 200, 210, and 350 and an ordinance granting the amendments.

(The city plan commission recommended approval.)

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

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

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

Assigned ORDINANCE NO. 25508.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0782

Item 53: Public Hearing - DEVELOPMENT CODE AMENDMENTS – CONSENT

A public hearing was called on consideration of amendments to revise and extend the development incentives in Division 51A-11.100, “Neighborhood Revitalization and Historic Preservation Program”, of the Dallas Development Code and an ordinance granting the amendments.

(The city plan commission recommended approval.)

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

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

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

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

Assigned ORDINANCE NO. 25509.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0783

Item 54: 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 25, 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.

Deputy Mayor Pro Tem Hill moved to appoint Cranston Alkebulan, Knowledge and Expertise in Housing, to the South Dallas/Fair Park Trust Fund Board.

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

Deputy Mayor Pro Tem Hill 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 Councilmember Thornton Reese and unanimously adopted. (Fantroy, Finkelman absent when vote taken)

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

04-0826 CSX CIVIL SERVICE BOARD ADJUNCT MEMBERS
04-0827 PLA PERMIT AND LICENSE APPEAL BOARD
04-0828 SDF SOUTH DALLAS/FAIR PARK TRUST FUND BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0784

Item 55: Authorize a resolution in support of Texas Department of Housing and Community Affairs tax-exempt bond and low income housing tax credit financing for the new construction of the Sphinx at Delafield multifamily development to be located at 8200 Hoyle Avenue - Financing: No cost consideration to the City

Councilmember Thornton Reese moved to approve the resolution.

Motion seconded by Councilmember Salazar.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Greyson voting "No" (Fantroy, Finkelman absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0785

Item 56: Authorize a resolution in support of Texas Department of Housing and Community Affairs tax-exempt bond and low income housing tax credit financing for the new construction of the Churchill at Pinnacle Park multifamily development to be located at the 1400 block of N. Cockrell Hill Road - Financing: No cost consideration to the City

Councilmember Oakley moved to approve the resolution.

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 Greyson voting "No" (Fantroy, Finkelman absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0786

Item 57: An ordinance adopting Dallas-Fort Worth International Airport Board Resolution Nos. 2003-08-257, 2003-12-386, and 2003-12-396, to amend the Airport Board's Code of Rules and Regulations Appendix I, Chapter 3 and Chapter 5, to revise block numbers and speed limits for certain streets located on airport property; revise requirements and responsibilities for badge holders at the airport; and establish emission standards for courtesy vehicles - Financing: No cost consideration to the City

Councilmember Greyson moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25510.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0787

Item 58: Reconsideration of Addendum Item No. 18 from the February 11, 2004 City Council Agenda

- * Reconsideration of 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 - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the reconsideration:

Jaime Chapa, 647 Monssen St., representing Fire Safe Inc.
Ed Davis, 3114 Flameleaf St., Garland, representing Dallas Hispanic Firefighters Representative Alonzo (no address given)

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted.

If Item No. 58 is approved, the City Council shall consider Item No. 59.

- Item 59. * 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)

Councilmember Salazar moved to pass the ordinance.

Motion seconded by Mayor Pro Tem Loza.

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

Voting Yes: [8] Loza, Hill, Garcia, Thornton Reese, Salazar, Chaney,
Fantroy, Blaydes
Voting No: [7] Miller, Oakley, Griffith, Finkelman, Greyson, Rasansky,
Lill

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25511.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0788

Item 60: 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)

The following individuals addressed the city council regarding the USA Patriot Act:

Raymond Trapp, 4844 Holly Tree Dr.
Marcos Ronquillo, 8931 Clubcreek Cir.
Peter Johnson, 7405 Flameleaf Pl.
Victoria Neave, 18909 Lloyd Cir., representing LULAC
Luis Avila, 703 McKinney Ave., representing LULAC
Sydney Kay, 5718 Harvest Hill Rd.
Douglas Dow, 18383 Gallery Dr.
Jennifer Holmes, 646 Andover Ln., Coppell
Syed Hassan, 601 Engleside Dr., Arlington, representing American Muslim Alliance
Jana Zeeb, 5812 Charlemagne Dr., Plano
L. Charles Stovall, 7120 Indian Ridge Trl., representing United Organization for Justice

Councilmember Thornton Reese moved to approve the resolution.

Motion seconded by Councilmember Chaney.

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

Voting Yes: [9] Loza, Hill, Garcia, Thornton Reese, Oakley, Chaney,
Fantroy, Salazar, Greyson
Voting No: [6] Miller, Griffith, Blaydes, Finkelman, Rasansky, Lill

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0789

Closed Session

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

- City of Dallas v. Explorer Pipeline Co., et al., Cause No. 00-9678-H

A closed session was held as authorized by Chapter, 51, "OPEN MEETINGS," of the Texas Open Meetings Act) to discuss the following matters:

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

- City of Dallas v. Explorer Pipeline Co., et al., Cause No. 00-9678-H

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0790

Closed Session

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

- Manhattan Construction Company v. Austin Commercial, Inc., Cause No. 03-8212-H
- Cox, et al. v. City of Dallas, Cause No. 3-98-CV-1762, in the United States District Court for the Northern District of Texas

A closed session was held as authorized by Chapter, 51, "OPEN MEETINGS," of the Texas Open Meetings Act) to discuss the following matters:

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

- Manhattan Construction Company v. Austin Commercial, Inc., Cause No. 03-8212-H
- Cox, et al. v. City of Dallas, Cause No. 3-98-CV-1762, in the United States District Court for the Northern District of Texas

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0791

Addendum addition 1: Authorize (1) an increase in the contract with Nedderman and Associates for the facade improvements related to the Thompson Building at 1520-1522 Main Street in an amount not to exceed \$150,782, from \$1,698,900 to \$1,849,682, (2) assignment of the increase to Main Street Investors Joint Venture for construction management, and (3) an increase in payment to Main Street Investors Joint Venture in an amount not to exceed \$52,500 for reimbursables and construction management - Total not to exceed \$203,282 - Financing: City Center TIF District Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0792

Addendum addition 2: Authorize (1) Supplemental Agreement No. 8 to the contract with Austin Commercial, Inc. to provide funding for additional construction changes in the contract with Manhattan Construction Company, increasing the Guaranteed Maximum Price for the Dallas Convention Center Expansion & Renovation 2002 project in the amount of \$112,313, from \$111,101,521 to \$111,213,834 and the total contract amount from \$120,476,381 to \$120,588,694; and, (2) an increase in the contract with Manhattan Construction Company for construction changes related to structural, electrical, fire protection, mechanical, plumbing, architectural and obstruction allowance adjustment for the Dallas Convention Center Expansion & Renovation 2002 project, in the amount of \$112,313, from \$97,169,364 to \$97,281,677 within the Guaranteed Maximum Price - Total not to exceed \$112,313 - Financing: 1998 Convention Center Expansion Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0793

Addendum addition 3: Authorize an increase in the contract with Omega Contracting, Incorporated for additional archaeological investigation for the construction of the Trinity River boat ramp associated access road and parking area near Loop 12 at the Trinity River - \$53,181, from \$328,567 to \$381,748 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0794

Addendum addition 4: Declare approximately 6,004 square feet of undevelopable City-owned land located at 5006 Columbia Avenue near its intersection with Munger Street, unwanted and unneeded and authorize its sale to Dean Miller, the abutting property owner - Revenue: \$44,000

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25520.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0795

Addendum addition 5: An ordinance abandoning portions of Oak Grove Avenue, North Central Expressway Service Road and Lemmon Avenue rights-of-way to Blackburn Central Holdings, LP, the abutting owner, containing a total of approximately 3,982 square feet of land located near the intersections of North Central Expressway at Haskell-Blackburn Connection and Lemmon Avenue, providing for the dedication of approximately 3,982 square feet of land needed for street right-of-way and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25512.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0796

Addendum addition 6: An ordinance abandoning a portion of an alley to Jeffries Street Learning Center, the abutting owner, containing approximately 2,250 square feet of land located near the intersection of Meyers Street and Grand Avenue, providing for the dedication of approximately 2,250 square feet of land needed for alley right-of-way, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25513.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0797

Addendum addition 7: An ordinance abandoning a portion of an alley to Providence Christian School of Texas, the abutting owner, containing approximately 4,090 square feet of land located near the intersection of Lovers Lane and Caillet Street, and authorizing the quitclaim - Revenue: \$69,530 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25514.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0798

Addendum addition 8: Authorize an agreement with the Texas Department of Transportation - Aviation Division to act as the City's agent in applying for and accepting Federal Aviation Administration Airport Improvement Program Funds for capital improvement projects at Dallas Executive Airport - Not to exceed \$2,277,600 - Financing: Federal Aviation Administration Airport Improvement Program Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0799

Addendum addition 9: Authorize (1) application for and acceptance of the Violence Against Women Act Fund in the amount of \$250,000, to operate the City of Dallas' first Domestic Violence Community Court for the period of September 1, 2004 through August 31, 2005; (2) a cash match in the amount \$91,908 (which represents an amount more than the 25% match requirement of the grant) for twelve months; and (3) execution of the grant agreement - \$341,908 - Financing: Office of the Governor Criminal Justice Division State Grant Funds (\$250,000) and Current Funds (\$91,908) (subject to appropriations)

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

Councilmember Greyson moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0800

Addendum addition 10: Authorize an amendment to Resolution Nos. 03-1723 and 03-1724, previously approved on June 11, 2003 for the funding of environmental remediation, interior demolition, historic facade restoration, and related design costs for the redevelopment of 1530 Main Street (Dallas National Bank Building) to (1) add funding for environmental remediation, interior demolition, historic facade restoration, and related design costs, in an amount not to exceed \$2,050,000, increasing the TIF funding from \$2,950,000 to \$5,000,000 plus interest, (2) increase appropriations in the amount of \$2,050,000 in the City Center TIF District Fund, (3) execute the development agreement with 1530 Main Street Hotel Group LP and/or its affiliate, (4) increase the required private investment in the amount of \$3,000,000, from \$11,000,000 to \$14,000,000, including purchase price, by 1530 Main Street Hotel Group LP and/or their tenants; and (5) increase the intent to reimburse 1530 Main Street Hotel Group LP in the amount of \$2,050,000, from \$2,950,000 to \$5,000,000 - Total not to exceed \$2,050,000 - Financing: City Center TIF District Funds (to be advanced by a private developer and reimbursed from the City Center TIF District Fund)

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

Later in the meeting, addendum addition 10 was brought up for consideration.

Councilmember Lill moved to approve the resolution with the following change:

“That the TIF funding, not to exceed \$1,035,000 with a total TIF funding of \$4,300,000”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0801

Addendum addition 11: Authorize an amendment to Resolution No. 99-3439, previously approved on October 27, 1999, to allow the South Dallas/Fair Park Trust Fund Board to access unused and unencumbered funds from prior fiscal years for use in subsequent fiscal years for the purpose of supporting activities consistent with the South Dallas/Fair Park Trust Fund's approved programs - Financing: No cost consideration to the City

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

Later in the meeting, addendum addition 11 was brought up for consideration.

Councilmember Chaney moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0802

Addendum addition 12: Authorize a consulting services contract with MAXIMUS, Inc. for an organization and management review of the Building Inspection Division of the Department of Development Services - Not to exceed \$25,000 - Financing: Building Inspection Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0803

Addendum addition 13: Public Hearing – Zoning Case Z034-138 (RB)

Theresa O'Donnell, director of development services, requested that zoning docket item addendum addition 13, be called as an hearing, because in accordance with subparagraph (c) (2) (B) of Sections 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 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 director of planning.

A public hearing was called on zoning case Z034-138 (RB), an application for and an ordinance granting a Planned Development Subdistrict for a Public school and MF-2 Multiple Family Subdistrict Uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of the intersection of Gilbert Avenue and Herschel Avenue and an ordinance terminating Specific Use Permit No. 645 for an Institution for special education.

(The city plan commission recommended approval, subject to a development plan and conditions and approval of the termination of SUP No. 645.)

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.

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

Kirby Gosnell, 4411 Gilbert Ave., representing 4411 Gilbert Homeowners Association

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

William Cothrum, 500 S. Ervay St., representing the applicant

Councilmember Lill move to close the public hearing, accept the recommendation of the city plan commission and pass the ordinances.

Motion seconded by Councilmember Oakley and unanimously adopted. (Blaydes abstain; Fantroy, Finkelman absent when vote taken)

Assigned ORDINANCE NO. 25515.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0804

Addendum addition 14: Authorize Supplemental Agreement No. 1 to the professional services contract with The Carter Law Firm, P.C., to provide additional legal services in the lawsuit styled Sherrie C. Wilson v. The City of Dallas, Dallas Fire Department, and Chief, Dallas Fire Department, Civil Action No. 3:02-CV-1065-P, and any other proceedings relating to the subject matter of the lawsuit - Not to exceed \$10,000, from \$15,000 to \$25,000 - Financing: Current Funds

Councilmember Greyson moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0805

Addendum addition 15: Authorize a professional services contract with the law firm of Brown & Hofmeister, L.L.P. for legal services necessary for representation of the City of Dallas in the lawsuits styled Gilmore v. City of Dallas, Civil Action No. 3:03-CV-1243-R; Robert Jackson, et al. v. the City of Dallas, Texas, et al., Civil Action No. 3-00-CV-588-H, consolidated with Muncy, et al. v. the City of Dallas, Texas, et al., Civil Action No. 3:99-CV-2960-P; Lee Bush, Malik Aziz, Lloyd Brown, Preston Gilstrap, Desiree Webb, Terrance Rhodes, Marvin Johnson, Curtis McGruder, Rosalind Perry, Jacqueline Howard, Dexter Ingram, Vincent Lee, Quelanda Clark, C. U. Onyewuchi, Vincent Weddington, Gerry Westry, Debra Thomas, Michael Hunter, Joseph Childs, Connel Butler v. City of Dallas, Ted Benavides, Dallas City Manager, Individually and Officially, Terrell Bolton, Dallas Police Chief, Individually and Officially, and Booth Research Group, Inc., Civil Action No. 3:02-CV-1570-D; Kevin Ellis, Lee Bush, Tom Clayton, Shawn Wash, and Steve Fuentes v. Eddie Crawford, Randy Hampton, Terrell Bolton, Roseanna Renaud, June Kim Edwards, Joe Gunn, Rick Andrews, and Scott Gerdes, Civil Action No. 3:03-CV-2416-D, Cause No. 3:02-CV-0649-K - Not to exceed \$100,000 - Financing: Current Funds

Councilmember Greyson moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0806

Addendum addition 16: Authorize a professional services contract with the law firm of Brown & Hofmeister, L.L.P. for legal services necessary for representation of the City of Dallas in the lawsuits styled Erubiel Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K; Victor Alvarado DeLeon v. Mark DeLaPaz, et al., Cause No. 3:02-CV-1097-K; Jacinto Jesus Mejia v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0352-K; Loreno Escamilla v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0848-D; Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K; George Sifuentes v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0961-D; Yvonne Gywn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K; Thomas Wayne Williams v. Daniel Earl Maples, et al., Cause No. 3:02-CV-1662-H; Anthony Lynn Curlin v. Daniel Earl Maples, et al., Cause No. 3:02-CV-1997-H; Sonny Morris v. James Walker, et al., Cause No. 3:02-CV-2401-P; Keith B. Burkins v. Roger A. Rudloff, et at., Cause No. 3:00-CV-2377-M
- Not to exceed \$200,000 - Financing: Current Funds

Councilmember Greyson moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0807

Addendum addition 17: Authorize (1) application for and acceptance of the State Criminal Justice Planning (421) Fund grant in the amount of \$45,385, to improve compliance and environmental quality for the period October 1, 2004 through September 30, 2005; (2) a cash match in an amount not to exceed \$31,991 (42% of the total program cost); and (3) execution of the grant agreement - Total not to exceed \$77,376 - Financing: Office of the Governor Criminal Justice Division State Grant Funds (\$45,385) and Current Funds (\$31,991) (subject to annual appropriations) [04-0807]

Mayor Pro Tem Loza moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0808

Addendum addition 18: **City of Heath**

Note: Item Nos. 18 & 19 must
be considered collectively.

- * Authorize settlement of the lawsuit, styled City of Heath v. City of Dallas v. Travis Ranch Development, Ltd., No. 1-02-442, grant a limited waiver of immunity from suit and immunity from liability to the City of Heath (Heath) in connection with that settlement in exchange for Heath granting an identical waiver to the City, and authorize and direct the City Manager to sign an Interlocal Agreement leasing certain property owned by the City along the shoreline of Lake Ray Hubbard to Heath - Financing: No cost consideration to the City

Councilmember Griffith moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0809

Addendum addition 19: **City of Heath**

Note: Item Nos. 18 & 19 must
be considered collectively.

- * An ordinance waiving the City of Dallas' extraterritorial jurisdiction to a tract of land generally located in southern Rockwall County and northern Kaufman County in favor of the City of Heath under certain conditions - Financing: No cost consideration to the City

Councilmember Griffith moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25516.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0810

Addendum addition 20: **Creation of the Office of Environmental Quality**

Note: Item Nos. 20 & 21 must be considered collectively.

- * An ordinance amending Chapter 2 of the Dallas City Code to create an Office of Environmental Quality to serve as a resource to City departments by providing technical and regulatory assistance on environmental issues - Financing: No additional cost consideration to the City

Councilmember Oakley moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25517.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0811

Addendum addition 21: **Creation of the Office of Environmental Quality**

Note: Item Nos. 20 & 21 must be considered collectively.

- * Authorize (1) position and classification additions, transfers and changes associated with departmental restructuring, to the Office of Environmental Quality and the Department of Public Works and Transportation, effective April 1, 2004 and (2) the transfer of FY 2003-04 appropriations from various General Fund departments in the amount of \$441,140 to the Office of Environmental Quality and in the amount of \$445,395 to the Department of Public Works and Transportation - Financing: No additional cost consideration to the City

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0812

Addendum addition 22: Authorize a resolution in support of Texas Department of Housing and Community Affairs low income housing tax credit financing for the new construction of Primrose at Highland senior multifamily development to be located on Highland Road at the intersection of Valley Glen - Financing: No cost consideration to the City

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

“That the city’s approval of the project is subject to the project owner filing, in addition to the LURA, separate public deed restrictions limiting the use of the property on which the project is to be located to “senior housing” purposes (as defined in the TDHCA rules regarding qualified elderly developments). The public deed restrictions must be in a form acceptable to the city attorney, and filed in the county records, prior to the issuance of a City of Dallas building permits”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0813

Addendum addition 23: Authorize a resolution in support of Texas Department of Housing and Community Affairs low income housing tax credit financing for the new construction of Gateway Village, a multifamily development located at 4600 St. Francis Avenue - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the resolution:

Karen Ware, 3223 Basil Court, representing Family Gateway Affordable Housing
Dan O'Brien, 5029 Mill Run Rd., representing Family Gateway Affordable Housing
Jan Mitura, 1030 Clinton St., Carrollton, representing Family Gateway Affordable Housing
Dot Brown-LaSalle, 730 MacArthur Blvd., Grand Prairie, representing Family Gateway Affordable Housing

Councilmember Thornton Reese moved to deny the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0814

Addendum addition 24: Authorize a resolution in support of Texas Department of Housing and Community Affairs low income housing tax credit financing for the new construction of Cherrycrest Villas, a new senior multifamily development to be located at the north side of the 2500 block of John West Road - Financing: No cost consideration to the City

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

“That the city’s approval of the project is subject to the project owner filing, in addition to the LURA, separate public deed restrictions limiting the use of the property on which the project is to be located to “senior housing” purposes (as defined in the TDHCA rules regarding qualified elderly developments). The public deed restrictions must be in a form acceptable to the city attorney, and filed in the county records, prior to the issuance of a City of Dallas building permits”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0815

Addendum addition 25: Authorize a resolution in support of Texas Department of Housing and Community Affairs low income housing tax credit financing for the rehabilitation of the former Radisson Hotel located at 1893 Mockingbird Lane, into a senior multifamily development to be known as the Providence at UT Southwestern - Financing: No cost consideration to the City

Mayor Pro Tem Loza moved to approve the item with the following changes:

“Section 1. That the City of Dallas approves and supports the Providence at UT Southwestern project, proposed as rehabilitation of 80 multifamily housing units for seniors comprised of 161 bedroom units and 19 two bedroom units located at 1893 Mockingbird lane by Chicory Court – UT Southwestern, L.P. and further supports the award of 9% low income housing tax credits pursuant to §50.5(a)(7)(B) **and 50.6(f) acknowledges that this project will be within 1 mile of another senior tax credit project financed in last 3 years.**

Section 4. That the City Manager is authorized to convey a copy of this resolution to the applicant and the TDHCA with a written statement of support by the city council referencing §50.5(a)(7)(B) **and §50.6(f), 50.5(a)(8)(d)(n) of the Qualified Allocation Plan, subject to the conditions set forth herein.**

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0816

Addendum addition 26: Authorize a professional services contract with the architectural firm of Brown Reynolds Watford Architects, Inc. to provide expert services necessary in the lawsuit styled Harold Cox, et al., v. The City of Dallas, Civil Action No. 3:98-CV-1763-BH, and any other proceedings relating to the subject matter of the lawsuit - Not to exceed \$29,500 - Financing: Current Funds

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0817

Addendum addition 27: Authorize (1) continued development of the Trinity Interpretive Center concept, which includes interpretive exhibits (2) approval of the site selection for the Trinity Interpretive Center and the Trinity Equestrian Center (3) City Staff to continue design through schematic design phase of the Trinity Equestrian Center on a concurrent time schedule with the Trinity Interpretive Center (4) develop business plan for the Interpretive Center concept; and, (5) develop business plan for the Equestrian Center, including Phase I and full master plan - Financing: No cost consideration to the City

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0818

Addendum addition 28: Authorize a contract for the construction of closure and restoration activities at the Deepwood Loop 12 Landfill, Phase 2, including waste removal and relocation, landfill clay cap construction, landscaping, installation of active gas collection trench, earth backfill related work and enhanced landscaping - Rodman Excavation, Inc., lowest responsible bidder of three - \$9,461,839 - Financing: 2003 Certificates of Obligation

Mayor Pro Tem Loza moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0819

Addendum addition 29: Authorize annual adjustments to appropriations for the 2002-03 fiscal year for year-end close - Financing: No cost consideration to the City

Mayor Pro Tem Loza moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0820

Addendum addition 30: An ordinance authorizing the issuance and sale of \$7,500,000 City of Dallas, Texas Tax Increment Financing Reinvestment Zone Number Two (Cityplace) Tax Increment Bonds, Series 2004; accepting the bids and awarding the sale of the bonds; approving the Preliminary Official Statement; and enacting other provisions in connection therewith - Financing: No cost consideration to the City **(To be considered before 12:00 noon)**

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 authorizing the issuance and sale of \$7,500,000 City of Dallas, Texas Tax Increment Financing Reinvestment Zone Number Two (Cityplace) Tax Increment Bonds, Series 2004; accept the bids and awarding the sale of the bonds to CitiGroup Global Markets, Inc., being the lowest bidder.

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

Assigned ORDINANCE NO. 25500.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0821

Addendum addition 31: Authorize Supplemental Agreement No. 7 to the Master Interlocal Agreement with Dallas Area Rapid Transit establishing the process and funding participation for selecting the tunnel or spur for providing direct light rail access to Dallas Love Field, and determining the timing and payment of funding to Dallas Area Rapid Transit in order to enable Dallas Area Rapid Transit to design and construct light rail transit service to Dallas Love Field - Financing: This action has no cost consideration to the City

Councilmember Greyson moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0822

Addendum addition 32: Authorize a contract for asphaltic concrete street resurfacing, restoration and rehabilitation on various improved and unimproved streets - Austin Bridge and Road, LP, lowest responsible bidder of five - \$3,543,325 - Financing: Current Funds (\$3,326,020), 2003 Bond Funds (\$95,900), and Water Utilities Capital Construction Funds (\$121,405)

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Chaney.

Later in the meeting, Councilmember Rasansky withdrew his motion.

Councilmember Lill moved to declare Austin Bridge & Rd., L.P., non-responsive bidder, because it is affiliated with an entity Austin Commercial Inc., that has pending litigation and that its bid be rejected.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0823

Addendum addition 33: 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

Councilmember Thornton Reese moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25518.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0824

Addendum addition 34: 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

Mayor Pro Tem Loza moved to pass the ordinance.

Motion seconded by Councilmember Chaney and unanimously adopted. (Salazar, Fantroy, Finkelman absent when vote taken)

Assigned ORDINANCE NO. 25519.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0825

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 council member 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 list 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 25, 2004

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 25, 2004

04-0726

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

February 25, 2004

04-0778

Item 49: Public Hearing - Zoning Case Z034-132 (DW)

A public hearing was called on zoning case Z034-132 (DW), an application for and an ordinance granting an LI Light Industrial District on property zoned a CR Community Retail District and an NO(A) Neighborhood Office District, north of West Camp Wisdom Road and east of Highway 67 and a resolution accepting deed restrictions volunteered by the applicant.

(The city plan commission recommended approval, subject to deed restrictions volunteered by the applicant.)

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

Appearing in ~~opposition to~~ **favor of** the city plan commission's recommendation:

Angela Washington, 901 Main St., representing the applicant

Joy Wallace, 901 Main St., representing the applicant

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

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

Assigned ORDINANCE NO. 25507.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 25, 2004

04-0822

Addendum addition 32: Authorize a contract for asphaltic concrete street resurfacing, restoration and rehabilitation on various improved and unimproved streets - Austin Bridge and Road, LP, lowest responsible bidder of five - \$3,543,325 - Financing: Current Funds (\$3,326,020), 2003 Bond Funds (\$95,900), and Water Utilities Capital Construction Funds (\$121,405)

Councilmember Rasansky moved to ~~reject~~ **approve** the item.

Motion seconded by Councilmember Chaney.

Later in the meeting, Councilmember Rasansky withdrew his motion.

Councilmember Lill moved to ~~approve the item~~ **declare Austin Bridge & Road., L.P., a non-responsive bidder, because they are affiliated with an entity "Austin Commercial Inc.", that has pending litigations with the city and that their bid be rejected.**

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