

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 24, 2004

04-0950

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

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

The meeting was called to order at 9:14 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 5:30 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, MARCH 24, 2004

EXHIBIT A

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MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 24, 2004

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0951

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: Cesar Maxit, 902 Wayne St. **NO SHOW**
REPRESENTING: Mt. Auburn Neighborhood Association
SUBJECT: Speeding cars and death toll

SPEAKER: Randeep Walia, 902 Wayne St.
SUBJECT: Speed bumps on Lindsey Ave.

SPEAKER: Sandra Lugo-Camacho, 3003 Knight St.
SUBJECT: Massage therapy and legalize prostitution

SPEAKER: Roy Williams, 5881 Preston View Blvd.
REPRESENTING: Dallas County Green Party
SUBJECT: Cadillac Heights – complete voluntary buyout

SPEAKER: Harold Barker, 9191 Garland Rd. **CANCELED**
SUBJECT: Falsification of government records by Building Inspections

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Billy MacLeod, 5225 Fleetwood Oaks Dr. **CANCELED**
SUBJECT: Efforts to silence the generations x-masses/after hours facilities crack down

SPEAKER: Al Lipscomb, 830 Clearwod Dr. **CANCELED**
SUBJECT: Dallas Police

SPEAKER: Sharon Thomas, 11620 Audelia Rd. **NO SHOW**
REPRESENTING: Warren United Methodist Church
SUBJECT: Homeless

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Julieta Martinez, 7623 Jacobie Blvd. **NO SHOW**
SUBJECT: Neighbors' yards are dirty, street sewers are stopped up and streets need repair

SPEAKER: Rick Gonzales, 4263 S. Cresthaven Rd. **NO SHOW**
SUBJECT: Neighborhood concerns

SPEAKER: Ernestor Pena, 3321 McNeil **NO SHOW**
SUBJECT: Cell Phones

SPEAKER: Dexter Simpson, 1504 Aldridge Dr., Lancaster
SUBJECT: Code Enforcement **CANCELED**

SPEAKER: Richard Kinard, 2626 John West Hwy, Mesquite
SUBJECT: Homeless

SPEAKER: Carl Harrison, 944 Pleasant Dr. **NO SHOW**
SUBJECT: Hiring Policies of the City of Dallas

SPEAKER: Jurline Hollins, 2832 Marjorie Ave. **NO SHOW**
SUBJECT: City contract with tax attorneys/Conflict of interest

OPEN MICROPHONE -- SPOKE IN THE LAST 30 DAYS

SPEAKER: Jimmy Lee, 2915 Southland St. **NO SHOW**
REPRESENTING: Relief In the Community
SUBJECT: I do apologize sincerely – A citizen

SPEAKER: William Hopkins, 2011 Leath
SUBJECT: Civil rights violations against Dallas County Judges, KKK, DPD, DISD

SPEAKER: Thomas Brown, 8823 County Rd., 301 Terrell
SUBJECT: Market St. **NO SHOW**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0952

Item 1: Approval of Minutes of the February 25, 2004 City Council Meetings

Councilmember Oakley moved to approve the minutes as corrected by Councilmember Greyson. Councilmember Greyson stated that on item 49 that the citizens appearing in opposition to the city plan commission's recommendation were in favor of the city plan commission's recommendation. On addendum addition 32 Councilmember Rasansky did not move to reject the item, but to approve the item. Councilmember Lill did not move to approve the item, but declared Austin Bridge and 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 Garcia and unanimously adopted. (Greyson absent; Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0953

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-56 and addendum addition consent agenda items, 1-8 was presented for consideration.

The city secretary announced that the city manager had deleted agenda items 8 and 56 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Rasansky requested that consent agenda items 9, 11, 21 and 34 be considered as individual items. Mayor Miller stated that consent agenda items 9,11, 21 and 34 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember 's request.

The city secretary requested that consent agenda item 33 be considered as 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.

Mayor Miller requested that consent agenda item 38 be considered as an individual item. Mayor Miller stated that consent agenda item 38 would be considered as an individual item later in the meeting, there being no objection voiced to her request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda items 8 and 56 which were deleted, and consent agenda items 9, 11, 21, 33, 34 and 38 would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0954

Item 2: Authorize a professional services contract with Caye Cook & Associates for the development of a master plan including conceptual design for a dog park, boundary and topographic survey and environmental and cultural constraints survey at California Crossing Park located at 1400 California Crossing Road - \$35,424 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0955

Item 3: Authorize a professional services contract with Metropolitan Infrastructure to provide evaluation of current drainage studies, surveying, mapping, preliminary plans, construction documents and construction administration at Hamilton Park located at 12100 Willowdell - \$21,827 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0956

- Item 4: Authorize a professional services contract with Dunkin, Sims, Stoffels, Inc. to provide a limited topographic survey, conceptual design, schematic design, design development, construction documents, bidding and construction administration at B.B. Owen Park located at 10700 Kingsley Road - \$32,150 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0957

Item 5: Authorize a professional services contract with Caye Cook & Associates to provide topographic survey, conceptual design, schematic design, design development, construction documents, bidding and construction administration at Bickers Park located at 1400 Bickers - \$27,160 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0958

Item 6: Authorize a professional services contract with Carter & Burgess, Inc. to provide topographic survey, design development, construction documents, bidding and construction administration for parking lot at Kiest Park, Phase II located at 3080 S. Hampton Road - \$35,510 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0959

Item 7: Authorize a professional services contract with Halff Associates, Inc. to provide surveying, master planning, construction documents and construction administration at Teagarden Place Park located between Teagarden Road and Vine - \$22,988 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0960

Item 8: Authorize a professional services contract with Phillips Swager Associates for architectural and engineering services for the design of the Timberglenn Branch Library to be located near the corner of Timberglenn Road and Midway Road - \$465,865 - Financing: 2003 Bond Funds

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0961

Item 9: Authorize professional services contracts with 29 consulting firms for the engineering design of 12 alley reconstruction projects, 21 street reconstruction projects, 13 alley petitions projects, 4 thoroughfare projects, 1 bridge repair, 1 storm drainage project, 4 erosion control projects and 1 flood management project - \$2,589,021 - Financing: 2003 Bond Funds (\$1,994,496), Water Utilities Capital Improvement Funds (\$442,089), 2003-04 Community Development Grant Funds (\$152,436)

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

Later in the meeting, agenda item 9 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted. (Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0962

Item 10: Authorize a professional services contract with Dikita Engineering for the design of alley paving reconstruction and storm drainage improvements on the alley between Elkridge Drive and Ashbrook Road from Everglade Road to Enchanted Lane - \$31,885 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0963

Item 11: Authorize a professional services contract with ARS Engineers, Inc. for the design of paving, drainage, and water main improvements on Houston School Road from Wheatland Road to Camp Wisdom Road - \$487,155 - Financing: 2003 Bond Funds (\$446,905), Water Utilities Capital Improvement Funds (\$40,250)

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.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted. (Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0964

Item 12: Authorize a professional services contract with Freese & Nichols for contract administration, surveying, and quality control testing related to the landfill levee construction and wastewater line relocation at the McCommas Bluff Landfill - Not to exceed \$1,434,128 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0965

Item 13: Authorize a contract with Art Shirer to design, fabricate and install an artwork in the lobby of the new Timberglen Recreation Center located at 3810 Timberglen Street - Not to exceed \$36,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0966

Item 14: Authorize a contract for the restoration of the Esplanade fountain pylons at Fair Park - Phoenix 1 Restoration and Construction, Ltd., best value proposer of three - \$234,800 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0967

Item 15: Authorize a contract for the replacement of sidewalks, curb and gutter, drive approaches, water and wastewater adjustments for the Sidewalk Replacement Program Group 02-04 - V.A. Construction, Inc., lowest responsible bidder of ten - \$88,270 - Financing: Capital Assessment Funds (\$83,220), Water Utilities Capital Construction Funds (\$5,050)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0968

Item 16: Authorize (1) a contract for the construction of a new kennel, offices and training compound for the Canine Explosive Detection Unit at Dallas Love Field Airport with Furstenberg Construction Company, Inc., lowest responsible bidder of six in an amount not to exceed \$302,096 and (2) the establishment of appropriations in an amount not to exceed \$400,000 in the Federal Aviation Administration Airport Improvement Program Grant Fund - \$302,096 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds (\$226,572), Aviation Capital Construction Funds (\$75,524)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0969

- Item 17: Authorize (1) a contract for the construction of street paving, storm drainage, water and wastewater, utility burial and relocation and streetscaping for The Mondrian at Cityplace located at the northeast corner of McKinney Avenue and Blackburn Street in City Place Tax Increment Financing Reinvestment Zone Number Two, City of Dallas, Texas (Cityplace Area TIF District) with North Texas Contracting, Inc., lowest responsible bidder of five, in an amount not to exceed \$1,149,271, (2) assignment of the construction contract to ZOM Cityplace, L.P. for construction administration and (3) payment to ZOM Cityplace, L.P. in an amount not to exceed \$613,000 for design, construction administration, street lighting, testing and utility burial and relocation - Total not to exceed \$1,762,271 - Financing: Private Funds (advance from ZOM Cityplace, L.P. to the Cityplace Area TIF District Fund)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0970

Item 18: Authorize a contract for the construction of a landfill levee at the McCommas Bluff Landfill - C. Watts and Sons Construction Co., Inc., lowest responsible bidder of five - Not to exceed \$8,072,453 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0971

Item 19: Authorize a contract for the cleaning and rehabilitation of the Elm Fork Water Treatment Plant sludge lagoons A, B and C - Renda Environmental, Inc., lowest responsible bidder of four - \$4,671,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0972

Item 20: Authorize a contract for the rehabilitation of the reservoir, electrical improvements and construction of a new pump station at the Greenville Pump Station - Eagle Contracting, L.P., lowest responsible bidder of four - \$9,954,000 - Financing: Water Utilities Capital Improvement Funds (\$6,854,000) and Water Utilities Bond Funds (\$3,100,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0973

Item 21: Authorize (1) Supplemental Agreement No. 1 to the contract with Santiago Calatrava SA to provide engineering and design services to produce 30 percent construction documents for design of the IH-30 signature bridge across the Trinity River in an amount not to exceed \$3,000,000, from \$3,000,000 to \$6,000,000, (2) the receipt and deposit of privately donated funds in an amount not to exceed \$3,000,000, and (3) an increase in appropriations in the amount of \$3,000,000 in the IH-30 Bridge Donation Fund - Total not to exceed \$3,000,000 - Financing: Private Funds

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.

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Garcia.

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, Finkelman, Lill
Voting No:	[1]	Rasansky
Absent:	[1]	Greyson

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0974

Item 22: Authorize a decrease in the contract with L.D. Kemp Excavating, Inc. for the construction of Cell 5 at the McCommas Bluff Landfill for changes in minor contract elements - (\$14,993), from \$3,173,216 to \$3,158,223 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0975

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

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 14, 2004

04-0976

Item 24: Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements at the intersections of LBJ Freeway at Abrams Road, Forest Lane, and Skillman Road - \$156,233 - Financing: Texas Department of Transportation Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0977

Item 25: Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with the Texas Department of Transportation for the design and construction of rehabilitation improvements to the Houston Street Viaduct from Hotel Street to Marsalis Avenue - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0978

- Item 26: Authorize a public hearing to be held on April 28, 2004, to receive citizens' comments to correct and adjust the assessments for the cost of improvements against the abutting property owners at 1018 N. Bond Avenue, 1114 N. Bagley Street, 2914 Davis Street, and 404 S. Masters Drive, and at the close of the public hearing, consideration of an ordinance amending Ordinance No. 25017 previously approved on August 28, 2002, Ordinance No. 25074 previously approved on October 23, 2002, Ordinance No. 24174 previously approved on January 26, 2000, and Ordinance No. 25119 previously approved on November 13, 2002, to reflect these corrections and adjustments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0979

Item 27: An ordinance abandoning a portion of a drainage easement to Anford Pinnacle, L.P., the abutting owner, containing approximately 11,194 square feet of land located near the intersection of Cockrell Hill Road and Pinnacle Point Drive, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25523.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0980

Item 28: An ordinance abandoning a portion of an alley to IC Development XII, Ltd., the abutting owner, containing approximately 682 square feet of land located near the intersection of Payne and Caroline Streets, and authorizing the quitclaim - Revenue: \$43,478 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25524.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0981

Item 29: An ordinance abandoning a portion of a sanitary sewer easement to Hebron-Old Denton, Ltd., the abutting owner, containing approximately 3,464 square feet of land located near the intersection of Alpha and Coit Roads, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0982

Item 30: Authorize a public hearing to be held on April 14, 2004, to receive citizens' comments, and at the close of the public hearing, consideration of the proposed sale of 5,000 square feet of park land (floodplain) located at 3600 block of West Lawther Drive, being part of White Rock Lake Park - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0983

Item 31: Authorize an increase in the service contract with Herdez Trucking, Inc., for continuation of the removal and hauling of excavated materials from City facilities and worksites throughout the City - Not to exceed \$248,289, from \$993,153 to \$1,241,442 - Financing: 2003 Certificates of Obligation

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0984

Item 32: Authorize a thirty-six-month service contract for maintenance and repair of fuel pumps, dispensing equipment, lines and tanks with the lowest responsible bidder of three - McCon Building and Petroleum Services, Inc. - Not to exceed \$352,560 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0985

Item 33: Authorize a thirty-six-month price agreement for feature film videos and digital video discs for the Dallas Public Library with the lowest responsible bidder of four - BWI - Not to exceed \$2,569,342 - Financing: Current Funds

The following individual addressed the city council regarding the price agreement:

Marvin Crenshaw, 5134 Malcolm X Blvd., representing Citizens Organized for Representative Democracy

Councilmember Thornton Reese moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0986

Item 34: Authorize a thirty-six-month price agreement for solar powered school zone flashers and twenty-four hour warning flashers with the lowest responsible bidder of five - RTC Manufacturing, Inc. - Not to exceed \$1,026,767 - Financing: Current Funds

Councilmember Rasansky requested that consent agenda item 34 be considered as an individual item. Mayor Miller stated that consent agenda item 34 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 34 was brought up for consideration.

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

The following individual addressed the city council regarding the price agreement:

Marvin Crenshaw, 5134 Malcolm X Blvd., representing Citizens Organized for Representative Democracy

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Lill.

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

Voting Yes:	[11]	Miller, Loza, Hill, Garcia, Oakley, Salazar, Chaney, Fantroy, Griffith, Finkelman, Lill
Voting No:	[2]	Thornton Reese, Rasansky
Abstain:	[1]	Blaydes
Absent:	[1]	Greyson

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0987

Item 35: Authorize a thirty-six-month price agreement for school zone flasher timing devices with Consolidated Traffic Controls, Inc. - Sole Source - Not to exceed \$251,550 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0988

Item 36: Authorize the purchase of twenty-seven automatic flush valve units from the lowest responsible bidder of two - Moody Bros. Inc. - Not to exceed \$59,593 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0989

Item 37: Authorize (1) application for and acceptance of the Juvenile Justice and Delinquency Prevention Act grant to address Class C misdemeanor offenses committed by juveniles in the City of Dallas for the period September 1, 2004 through August 31, 2005 and (2) execution of the grant agreement - \$182,691 - 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

March 24, 2004

04-0990

Item 38: Authorize the initial planning for possible major sports celebration(s) in honor of the Dallas Mavericks and/or Dallas Stars between June 14, 2004 and June 22, 2004, in accordance with the Policy Statement for Major Sports Celebrations previously approved on December 8, 1993 by Resolution No. 93-4570 - Financing: This action has no cost consideration to the City

Mayor Miller requested that consent agenda item 38 be considered as an individual item. Mayor Miller stated that consent agenda item 38 would be considered as an individual item later in the meeting, there being no objection voiced to her request.

Later in the meeting, agenda item 38 was brought up for consideration.

Councilmember Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0991

Item 39: Authorize a replacement housing payment and disbursement of funds from the Home Repair Program for homeowner, Esterleon C. Johnson, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$55,000 - Financing: 2001-02 Community Development Grant Funds (\$32,500) and 2003-04 Community Development Grant Funds (\$22,500)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0992

Item 40: Authorize rescinding Resolution Nos. 02-3581 and 02-3582, previously approved on December 11, 2002, authorizing a development agreement and declaring the intent to reimburse 1600 Elm Street LTD for the funding of facade restoration and other improvements related to the redevelopment of 1600-1604 Elm Street (to be known as Blue Matrix) in an amount not to exceed \$1,500,000 and authorizing funding for a fire access corridor for 1600-1604 Elm Street in an amount not to exceed \$400,000, located 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

March 24, 2004

04-0993

Item 41: Authorize rescinding Resolution Nos. 02-3583 and 02-3584, previously approved on December 11, 2002, authorizing a development agreement and declaring the intent to reimburse Main Street Partners Funding L.P. for funding in an amount not to exceed \$250,000 for demolition and public use improvements related to the redevelopment of the 1717 Main Street (Bank One Center) in Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District), and rescind Resolution No. 03-1370, previously approved on May 14, 2003, extending the deadline for taking out building permits or funding TIF improvements for 1717 Main Street (Bank One Center) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0994

Item 42: Authorize (1) the application for and acceptance of grant funds from the Texas Commission on Alcohol and Drug Abuse in the amount of \$1,575,000 for the provision of substance abuse prevention activities for youth and families citywide for the period September 1, 2004 through August 31, 2009, (2) a local match in the amount of \$78,750 and (3) execution of the grant agreement - Total not to exceed \$1,653,750 - Financing: Texas Commission on Alcohol and Drug Abuse Grant Funds (\$1,575,000) and Current Funds (\$78,750)(subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0995

Item 43: Authorize an Interlocal Agreement with the University of North Texas, Texas Woman's University, El Centro College, and other state-funded universities to provide an opportunity for students enrolled in their Nursing Programs to gain practical work experience by assisting in the City of Dallas Health Clinics during the period April 1, 2004 through March 31, 2006 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0996

Item 44: Authorize Supplemental Agreement No. 2 to the Interlocal Agreement with Dallas County to reallocate funds from the Supportive Services category to the Emergency/Tenant Based Rental Assistance category under the 2002-03 Housing Opportunities for Persons with AIDS Grant - 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

March 24, 2004

04-0997

Item 45: Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with Dallas County for general administrative services provided under the 2003-04 Housing Opportunities for Persons with AIDS grant - Not to exceed \$30,000, from \$3,438,440 to \$3,468,440 - Financing: 2002-03 Housing Opportunities for Persons with AIDS Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0998

Item 46: Authorize a nine-month renewal option to the contract with Aon Risk Services of Texas, Inc., for Insurance Broker of Record services for the period April 1, 2004 through December 31, 2004 - Not to exceed \$100,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-0999

Item 47: Authorize (1) the acceptance of amended proposals from SouthFair Community Development Corporation for the development of 4 unimproved properties obtained through the House Bill 110 process, and (2) a time extension for the development and execution of correction deeds and amended Deed Restrictions (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1000

Item 48: Authorize (1) the acceptance of an ExxonMobil Foundation Grant in the amount of \$252,000 to provide funding for employment, training and basic education services to Dallas youth; (2) implementation of the summer youth program from May 17, 2004 to August 20, 2004 for low to moderate income youth ages 16 and above, and certain costs for the students training, supplies and materials, wages, and professional development in the amount of \$227,000; and (3) an Interlocal Agreement with the Dallas County Community College District - El Centro College to operate the basic education component in the amount of \$25,000 - Total not to exceed \$252,000 - Financing: 2004 ExxonMobil Foundation Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1001

Item 49: Authorize (1) a modification to the Correction Quitclaim Deed to change the number of single family structures from two structures of five structures to be built at 3615 Holmes Street by St. Philip=s Neighborhood Development Corporation and sold to low income households, and (2) an amendment to deed restrictions for the property - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1002

Item 50: Authorize (1) a public hearing to be held on April 14, 2004 to receive citizens' comments on the proposed private sale by quitclaim deed of 2 unimproved properties located at 3604 Parnell Street and 5418 Santa Fe Avenue acquired by the taxing authorities from the Sheriff's Sale to St. Philips Neighborhood Development Corporation and Central Dallas Community Development Corporation respectively, qualified non-profit organizations, and (2) at the close of the public hearing, consideration of approval of the sale of these properties - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1003

Item 51: Authorize the reconstruction on-site of four homes in accordance with the Replacement Housing Program Statement requirements for the properties located at 1706 Bickers, 1843 Bickers, 4007 Puget, and 531 Woodbine - Not to exceed \$55,000 each for a total not to exceed \$220,000 - Financing: 2003-04 HOME Funds (\$125,000), 2003-04 Community Development Grant Funds (\$95,000)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1004

Item 52: Authorize a grant to the Nasher Sculpture Center pursuant to Chapter 380 of the Texas Local Government Code for services to promote economic development and stimulate cultural tourism activity within the Downtown Arts District - Not to exceed \$60,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1005

Item 53: Authorize a contract with the Greater Dallas Asian American Chamber of Commerce to provide a Community Outreach Liaison Program for the period from April 1, 2004 through March 31, 2005 - Not to exceed \$50,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1006

Item 54: Authorize a contract with the Greater Dallas Hispanic Chamber of Commerce to provide a Community Outreach Liaison Program for the period from April 1, 2004 through March 31, 2005 - Not to exceed \$72,317 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1007

Item 55: Authorize a one-year extension to the Interlocal Agreement with Dallas County Schools Transportation Services to transport participants to various programs and activities from May 1, 2004 through April 30, 2005 - Not to exceed \$112,300 - Financing: Current Funds (\$79,650); Walker Consent Decree Funds (\$9,900); and 2003-04 Community Development Grant Funds (\$22,750)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1008

Item 56: Authorize (1) acceptance of funds from Dallas Area Rapid Transit for the reimbursement of costs associated with the installation of a traffic signal at the intersection of Lancaster Road and Shellhorse Drive (2) an increase in appropriations in the amount of \$150,000 in the Capital Projects Reimbursement Fund - \$150,000 - Financing: Private Funds

The city secretary announced that the city manager had deleted agenda item 56 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1009

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 57-60, was presented.

Agenda items 58, 59 and 60 were 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 57: Zoning Case Z034-144 (WE)	
Agenda item 58: Zoning Case Z034-120 (RB)	[Considered individually]
Agenda item 59: Zoning Case Z034-141 (MM)	[Considered individually]
Agenda item 60: Zoning Case Z034-143 (WE)	[Considered individually]

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

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

Councilmember Fantroy moved to close the public hearing, accept the recommendation of the city plan commission in the remaining consent zoning case and pass the ordinance and approve the resolution subject to revised development plans submitted by the applicant as presented as part of the consent zoning docket.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1010

Item 57: Zoning Case Z034-144 (WE)

Zoning Case Z034-144 (WE), an application for and an ordinance granting a CR Community Retail District on property zoned an R-7.5(A) Single Family District on the southwest corner of Prater Road and Rylie Road and a resolution accepting the 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. 25526.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1011

Item 58: Zoning Case Z034-120 (RB)

The consent zoning docket, consisting of agenda items 57-60, was presented.

Councilmember Lill requested that consent zoning docket item 58 be removed from the consent zoning docket to be called as an individual hearing. Mayor Pro Tem Loza stated that consent zoning docket item 58 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, zoning docket item 58 was brought up for consideration.

A public hearing was called on zoning case Z034-120 (RB), an application for and an ordinance granting an amendment to the Conceptual Plan and conditions for Planned Development District No. 174 for Retirement housing, Assisted living, Convalescent and nursing home, Multiple family, Hotel, Office, Game court center, Private recreation club, Private club, Medical clinic, Electrical substation, and those uses permitted as limited uses in an Office 2 District located on the west corner of Lemmon Avenue and Carlisle Street.

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

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

The following individual addressed the city council regarding zoning case Z034-120 (RB):

William Hopkins, 2011 Leath St.

Councilmember Lill moved to postpone the application until the April 28, 2004 voting agenda meeting of the city council and to continue the public hearing at that time.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1012

Item 59: Zoning Case Z034-141 (MM)

The consent zoning docket, consisting of agenda items 57-60, was presented.

Councilmember Salazar requested that consent zoning docket item 59 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 59 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Sazalar's request.

Later in the meeting, zoning docket item 59 was brought up for consideration.

A public hearing was called on zoning case Z023-141 (MM), an application for and an ordinance granting an RR Regional Retail District on property zoned an MU-3 Mixed Use District, south of Northwest Highway, east of Gardner Road and west of Walton Walker Boulevard (Loop 12).

(The city plan commission recommended approval.)

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

Art Anderson, 5400 Renaissance Tower, representing the applicant

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

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

Motion seconded by Councilmember Chaney and unanimously adopted. (Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1013

Item 60: Zoning Case Z034-143 (WE)

The consent zoning docket, consisting of agenda items 57-60, was presented.

Councilmember Lill requested that consent zoning docket item 60 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 60 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, zoning docket item 60 was brought up for consideration.

A public hearing was called on zoning case Z034-143 (WE), an application for and an ordinance granting a Specific Use Permit for a private school use on property zoned an MC-1 Multiple Commercial District located on the south side of Lovers Lane between Caillet Street and Morton Street.

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

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

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

Joyce Lockley, 4718 Wateka Dr.
Stuart Ray Gonzales, (no address given)
Kirk Williams, 5400 Renaissance Tower, representing the applicant

The following individual addressed the city council regarding zoning case Z034-143 (WE):

William Hopkins, 2011 Leath St.

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

- “
1. Right turn only directional signs to be installed by the city
 2. The exit sign on Caillet Street to be inserted in Section 4 of the ordinance known as egress and ingress and 2 years time period will end on June 1, 2006” and pass the ordinance.

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

Assigned ORDINANCE NO. 25527.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1014

Item 61: Public Hearing – Zoning Case Z023-312 (DW)

Theresa O'Donnell, director of development services requested that zoning docket item 61 be called as an individual hearing, because in accordance with subparagraph (c)(2) (B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the council in that a written protest against the change in zoning had been signed by the owners of 20 percent of more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of planning.

A public hearing was called on zoning case Z023-312 (DW), an application for and an ordinance granting a Specific Use Permit for an Open Enrollment Charter School on property zoned an R-7.5(A) Single Family District on the south side of Lynnacre Drive east of Reservoir Street and an ordinance terminating Specific Use Permit No. 414 for an Institution of a Charitable or Philanthropic Nature.

(The city plan commission recommended approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, landscape plan and conditions and termination of Specific Use Permit No. 414 for an Institution of a Charitable or Philanthropic Nature.

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

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

Eugene Thomas, 5654 Winding Wood Trl., representing the applicant

The following individual addressed the city council regarding zoning case Z023-312 (DW):

William Hopkins, 2011 Leath St.

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

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

Assigned ORDINANCE NO. 25528 and ORDINANCE NO.25529.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1015

Item 62: Public Hearing – Zoning Case Z023-174 (NB)

A public hearing was called on a City Plan Commission authorized hearing to determine the proper zoning on property zoned an R-7.5(A) Single Family District and an R-7.5(A)-MD-1 Single Family District with a Modified Delta Overlay with consideration being given to a Conservation District for an area generally bounded by Llano Avenue, Greenville Avenue, Belmont Avenue and Skillman Street and including both sides of Llano Avenue and Belmont Avenue (the Belmont Addition neighborhood) and an ordinance granting a Conservation District.

(The city plan commission recommended approval.)

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

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

Angela Hunt, 5306 Mercedes Ave.
Melissa Kingston, 5923 Velasco Ave.
Maxine Aaronson, 6028 Palo Pinto Ave.
Robert Talley, 5708 Goliad Ave.
Emmitt Sniderman, 5917 Palo Pinto Ave.
Brian Fish, 5838 Palo Pinto Ave.
Claudia Worm, 5923 Palo Pinto Ave.
Mary Strickland, 4719 Velasco Ave.
Pam Morrell, 5930 Palo Pinto Ave.

Councilmember Lill 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. (Greyson absent; Hill, Rasansky absent when vote taken)

Assigned ORDINANCE NO. 25530.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1016

Item 63: Public Hearing – Zoning Case Z034-131 (DW)

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

A public hearing was called on zoning case Z034-131 (DW), an application for a Specific Use Permit for a Dance Hall on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, located on the southeast side of McKinney Avenue and southwest of Clyde Lane.

(The city plan commission recommended denial.)

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

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

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

Paul Rich, 3702 Holland, representing the applicant

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

Angela Hunt, 5306 Mercedes Ave.
Marla McDonald, 3030 McKinney Ave.
Kellem Butts, 3030 McKinney Ave.
Beth Ann Blackwood, 3006 Woodside St.
Leslie Brosi, 3030 McKinney Ave.
Bob Spurgin, 5466 Northbrook, representing Greenwood Cemetery Association
Stan Armstrong, 4017 Kerr Cir, Farmers Branch
K.C. White, 4818 Will Court, Rowlett

Councilmember Lill moved to close the public hearing and overrule the city plan commission and approve the staff's recommendation of approval for a two-year period, subject to a site plan and conditions.

Motion seconded by Councilmember Salazar and unanimously adopted. (Greyson absent)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1017

Item 64: 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 on Greenville Avenue and Sears Street, northwest corner.

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

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

Mayor Pro Tem Loza moved to postpone the application until the May 12, 2004 voting agenda meeting of the city council and to continue the public hearing at that time.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1018

Item 65: Public Hearing – Zoning Case Z034-133 (MJF)

A public hearing was called on zoning case Z034-133 (MJF), an application for and an ordinance granting a Planned Development District for a Public school other than an open-enrollment charter school use and R-10(A) Single Family District uses on property zoned an R-10(A) Single Family District, bounded by Rosser Road, Calculus Drive, Haydale Drive and Boca Bay Drive with consideration being given to a Specific Use Permit for a public school other than an open-enrollment charter school use.

(The city plan commission recommended approval 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.

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

“Subject to revised development plans submitted by the applicant” and pass the ordinance.

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

Assigned ORDINANCE NO. 25531.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1019

Item 66: Public Hearing – Zoning Case Z034-134 (MM)

A public hearing was called on zoning case Z034-134 (MM), an application for and an ordinance granting a Planned Development District for a Public school other than an open-enrollment charter school and R-7.5(A) Single Family District uses on property zoned an R-7.5(A) Single Family District on the northwest corner of the intersection of Willoughby Boulevard and IH-20.

(The city plan commission recommended approval, 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.

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

Motion seconded by Councilmember Rasansky and unanimously adopted. (Blaydes abstain; Greyson absent)

Assigned ORDINANCE NO. 25532.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1020

Item 67: Public Hearing – Zoning Case Z034-135 (MJF)

A public hearing was called on zoning case Z034-135 (MJF), an application for and an ordinance granting a Planned Development District for a Public school other than an open-enrollment charter school use and R-7.5(A) Single Family District uses and an ordinance terminating Specific Use Permit No. 956 for a public elementary school on property zoned an R-7.5(A) Single Family District, bounded by Meadow Stone Lane, Bainbridge Avenue and Kirnwood Drive with consideration being given to a Specific Use Permit for a public school use other than an open-enrollment charter school.

(The city plan commission recommended approval subject to a development plan and conditions and the termination of Specific Use Permit No. 596 for a public elementary school.)

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.

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

Motion seconded by Councilmember Rasansky and unanimously adopted. (Blaydes abstain; Greyson absent)

Assigned ORDINANCE NO. 25533.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1021

Item 68: Public Hearing – Zoning Case Z034-136 (MJF)

A public hearing was called on zoning case Z023-136 (MJF), an application for and an ordinance granting a Planned Development District for a Public school other than an open-enrollment charter school use and R-7.5(A) Single Family District uses on property zoned an R-7.5(A) Single Family District, bounded by Lakeland Drive, John West Road, Greenmeadow Drive and Forestcliff Drive with consideration being given to a Specific Use Permit for a public school use.

(The city plan commission recommended approval, 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.

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

Motion seconded by Councilmember Rasansky and unanimously adopted. (Blaydes abstain; Greyson absent)

Assigned ORDINANCE NO. 25534.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1022

Item 69: Public Hearing – Zoning Case Z034-137 (MJF)

A public hearing was called on zoning case Z034-137 (MJF), an application for and an ordinance granting a Planned Development District for a Public school other than an open-enrollment charter school use and MF-1(A) Multifamily District uses and an ordinance amending Specific Use Permit No. 1277 for a public school and tower/antenna for cellular communication to delete the public school uses on property zoned an MF-1(A) Multifamily District and Planned Development No. 335 for mixed use development, bounded by Verde Valley Lane, Montfort Drive, Celestial Road and Noel Road.

(The city plan commission recommended approval, subject to a revised development plan and conditions and approval of an amendment to Specific Use Permit No. 1277 for a public elementary school and tower/antenna for cellular communication to delete the public school use.)

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.

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

“Section A: Landscaping must be provided in accordance with Article 10 and the Specific Use Permit granted on September 21, 1999. All development on the site must be brought into compliance with Article 10 within six months of the issue of the permit for additional construction” and pass the ordinance.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Blaydes abstain; Greyson absent)

Assigned ORDINANCE NO. 25535 and ORDINANCE NO. 25536.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1023

Item 70: Public Hearing – Zoning Case Z034-138 (MJF)

A public hearing was called on zoning case Z034-138 (MJF), an application for and an ordinance granting a Planned Development District for a Public school other than an open-enrollment charter school use and R-10(A) Single Family District uses on property zoned an R-16(A) Single Family District and an R-10(A) Single Family District on property bounded by Cox Lane, Crown Shore Drive, Cold Harbor Lane and Forest Lane, with consideration being given to a Specific Use Permit for a public school use.

(The city plan commission recommended approval, 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.

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

Motion seconded by Councilmember Rasansky and unanimously adopted. (Blaydes abstain; Greyson absent)

Assigned ORDINANCE NO. 25537.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1024

Item 71: Public Hearing - THOROUGHFARE PLAN AMENDMENTS

A public hearing was called to authorize an amendment to the Thoroughfare Plan to delete Woody Road from Seagoville Road to Skyfrost Drive and an ordinance implementing the change - Financing: No cost consideration to the City.

No one addressed the city council regarding the Thoroughfare Plan Amendments.

Councilmember Fantroy moved to close the public hearing and pass the ordinance.

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

Assigned ORDINANCE NO. 25538.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1025

MISCELLANEOUS HEARINGS

2003-04 Consolidated Plan Reprogramming Budget #4

- Item 72: * A public hearing to receive citizens' comments on a proposed changes to the 2003-04 Consolidated Plan Reprogramming Budget #4 for U.S. Department of Housing and Urban Development Grant Funds to allocate \$623,421 of HOME Program Income to be used in conjunction with Community Housing Development and Organization projects - Financing: No cost consideration to the City
- Item 73: * Authorize the final adoption of the 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 - Financing: No cost consideration to the City

No one addressed the city council regarding the 2003-04 consolidated Plan Reprogramming Budget #4.

Councilmember Thornton Reese moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1026

Item 74: PUBLIC HEARING

A public hearing to receive citizens' comments in preparation of the FY 2004-05 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the FY 2004-05 Operating, Capital, Grant and Trust budgets:

Sydney Kay, 5718 Harvest Hill Rd., representing Senior Affairs Commission
James Cowgill, 11357 Earlywood Dr., representing Senior Affairs Commission
Virgil St. Clari, 9952 Vistadale Dr., representing Senior Affairs Commission

Mayor Pro Tem Loza moved to close the public hearing.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1027

Item 75: PUBLIC HEARING

A public hearing to receive citizens' comments, and consideration of the proposed reclassification of 23,403 square feet of existing park land at Grauwyler Park located at 7500 Harry Hines Boulevard for library use - Financing: No cost consideration to the City

No one addressed the city council regarding the park land at Grauwyler Park.

Mayor Pro Tem Loza moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1028

Item 76: 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 March 24, 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 Garcia 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 Lill and unanimously adopted. (Greyson absent)

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

04-1050 CPC CITY PLAN AND ZONING COMMISSION
04-1051 CPR DALLAS CITIZENS POLICE REVIEW BOAD
04-1052 MLB MUNICIPAL LIBRARY BOARD
04-1053 MLK MARTIN LUTHER KING JR COMMUNITY CENTER BOARD
04-1054 YAC YOUTH COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1029

Item 77: An ordinance amending Chapter 43 of the Dallas City Code to (1) define terms; (2) establish one-time license fees and reduce the annual fees for certain uses of the public right-of-way for a designated time period for an annual estimated revenue loss of (\$100,000); (3) establish fees and requirements for licenses to use the public right-of-way for subdivision signs in residential neighborhoods and business parks for an annual estimated increase in revenue of \$10,000; and, (4) reduce the annual license fees for valet parking services conducted in the Central Business District for an annual estimated revenue loss of (\$10,000) - Total Estimated Annual Net Revenue Loss: (\$100,000)

Councilmember Lill moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25539.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1030

Item 78: Authorize an extension of the moratorium on the acceptance of applications for building permits or certificates of occupancy for Anon-residential@ properties within 1,000 feet of the north or south right-of-way line of Fort Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue until July 22, 2004 - Financing: No cost consideration to the City **(Requires a 3/4 vote of the full City Council for approval)**

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1031

Item 79: Authorize hardship relief for property located at 2317 Beaver 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

The following individual addressed the city council regarding the item:

Randy Williams, 3423 Banning St., representing Platinum Collision Repair

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1032

Item 80: Authorize hardship relief for property located at 2138 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

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1033

Item 81: Authorize renewal of the Good Faith Effort Program and adoption of the Good Faith Effort Plan - Financing: No cost consideration to the City

Councilmember Thornton Reese moved to approve the item.

Motion seconded by Councilmember Fantroy.

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

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

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1034

Item 82: Authorize a thirty-six-month price agreement for brass fittings with the lowest responsible bidders of six - The Ford Meter Box Company Inc., James Jones Company, Mueller Company, Stuart Hose & Pipe Co., Romar Supply, Inc., and 4-Star Air, Hydraulic and Industrial Hose & Supply Inc. - Not to exceed \$1,266,866 - Financing: Water Utilities Current Funds (\$1,217,610), Current Funds (\$49,256) (**Tie Bids**)

In accordance with Section 271.901 of the Texas Local Government Code, the successful bidder in each case would be selected by casting lots, in the form of a drawing.

The city secretary announced that the names of the tying bidders had been placed in a sealed envelope. Councilmember Thornton drew the name of the winning bidder from the two names that had been placed in the sealed envelope.

The city secretary announced the successful bidders, as determined in the drawing, was:

Line Item 135 and Line Item 188 Romar Supply, Inc.

Councilmember Garcia moved to award the price agreement to Romar Supply, Inc., the low bidder as determined from the proposals of the bidder and by the drawing to break the tie.

Motion seconded by Councilmember Thornton Reese and unanimously adopted.
(Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1035

Item 83: Authorize a professional services contract with Strategic Community Solutions to provide assistance in addressing additional implementation issues and details for the overall Trinity River Corridor Project - \$50,000 - Financing: 1998 Bond Funds

Councilmember Oakley moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1036

Item 84: Ratify an amendment to the service agreement with Holt Cat for heavy equipment rebuild work at the McCommas Bluff Landfill - Not to exceed \$157,686, from \$683,000 to \$840,686 - Financing: Current Funds

Councilmember Fantroy moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1037

Item 85: A resolution implementing a moratorium on the issuance of building permits and certificates of occupancy for Ross Avenue, from Central Expressway to Fitzhugh Avenue (Mayor Pro Tem Loza, Councilmembers Finkelman, Griffith, Lill, and Chaney via Mayor Miller)

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

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

“Section 1: That for a period beginning on the effective date of this resolution up to and including July 22, 2004, no application may be accepted for a building permit or a certificate of occupancy for any property on Ross Avenue. This moratorium does not apply to residential property on Ross Avenue. This moratorium does not apply to an application for or issuance of a certificate of occupancy related to a building permit for which a complete application was accepted by the city before the effective date of this resolution. If a series of permits is required for a project and a complete application for the first building permit in that series was accepted by the city before the effective date of this resolution, this moratorium does not apply to subsequent applications for the remaining permits in the series required for that project”

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Blaydes, Rasansky abstain; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1038

Item 86: Authorize the quitclaim of 16 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders - Revenue: \$355,848

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

Motion seconded by Councilmember Griffith and unanimously adopted. (Greyson absent)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1039

Item 87: An ordinance granting renewal of a private license to F/P/D Fee Associates, L.P. for the use of approximately 1,277 square feet of land to maintain the existing pedestrian tunnel under Pacific Avenue right-of-way located near its intersection with St. Paul Avenue - Revenue: \$2,223 annually plus the \$20 ordinance publication fee

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1040

Item 88: Authorize a Neighborhood Revitalization and Historic Preservation Program tax abatement for James Walker, owner of property located at 1924 Main Street (Estimated revenue foregone for a fifteen-year abatement is \$134,960) - Financing: No cost consideration to the City

Councilmember Lill moved to defer the item until the May 26, 2004 voting agenda meeting of the city council.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1041

Closed Session

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

- Manhattan Construction Company v. Austin Commercial, Inc.,
Cause No. 03-8212-H
- Terrell Bolton v. City of Dallas, City Manager Teodoro Benavides;
Cause No. 04-CV0501-R
- Legal issues contract with Ampco Parking Systems, Inc.

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
- Legal issues contract with Ampco Parking Systems, Inc.

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1042

Addendum addition 1: Authorize (1) a contract for demolition and environmental remediation related to the redevelopment of the Dallas Power and Light building at 1506-1512 Commerce Street with CST Environmental, Inc., lowest responsible bidder of two, in an amount not to exceed \$2,697,800, (2) a contract for excavation for a future garage, replacement of windows, sills and exterior doors, and waterproofing related to the redevelopment of the Dallas Power and Light building at 1506-1512 Commerce Street with Andres Construction Services, LLC, lowest responsible bidder of two, in an amount not to exceed \$2,472,121, (3) assignment of the construction contracts to Hamilton DPL Development, Inc. for construction management, (4) payment to Hamilton DPL Development, Inc. in an amount not to exceed \$1,333,238 for design, reimbursables and construction management, and (5) extension of the deadline to complete the project, within the development agreement - Total not to exceed \$6,503,159 - Financing: City Center TIF District Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1043

Addendum addition 2: An ordinance abandoning a portion of a sanitary sewer easement to Mary Kay, Inc., the abutting owner, containing approximately 1,797 square feet of land located near the intersection of Regal Row and Governors Row, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25540.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1044

Addendum addition 3: Authorize (1) the purchase of 775 Fire Panels to be installed on all of the City's fleet of Crown Victorias from Fire Panel LLC - Sole Source; and (2) an increase in appropriations in the amount of \$271,250 in the Non-Departmental budget (\$247,225) and installation (\$24,025) by Equipment and Building Services - Total not to exceed \$271,250 - Financing: Contingency Reserve Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1045

Addendum addition 4: A resolution pledging support of the Dallas Area Rapid Transit's federal funding request for the completion of the Southeast and Northwest Light Rail Transit Corridors and urging our federal elected representatives to work on our behalf to secure a Full Funding Grant Agreement for the expansion of Dallas Area Rapid Transit's light rail system - Financing:
This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1046

Addendum addition 5: Authorize payment of a judgment in a lawsuit styled Ronda Franklin, Individually, and As Next Friend of Lenice Page v. City of Dallas, Cause No. DV99-10053-F - \$28,654 - Financing: Current Funds

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted. (Greyson absent; Loza, Garcia, Salazar absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1047

Addendum addition 6: Authorize a professional services contract with the Law Offices of Deborah Hankinson PC, for legal services necessary in the lawsuit, styled City of Dallas v. Kenneth E. Albert, et al.; Case No. 05-03-01297-CV, and any other proceedings relating to the subject matter of this litigation - Not to exceed \$60,000 - Financing: Current Funds

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted. (Greyson absent; Loza, Garcia, Salazar absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1048

Addendum addition 7: Authorize a Supplemental Agreement to the equipment and service contract with SBC Global Services, Inc., and Ameritech Credit Corporation d/b/a SBC Capital Services, previously approved on November 15, 2000, for the period of April 1, 2004 through June 11, 2004, to finalize a restructured agreement - Financing: No additional cost consideration to the City

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 Deputy Mayor Pro Tem Hill and unanimously adopted. (Rasansky abstain; Greyson absent; Loza, Garcia, Salazar, Griffith absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 24, 2004

04-1049

Addendum addition 8: Authorize an amendment to Lake Vista Ranch Municipal Utility District No. 3, previously approved on February 13, 2002 by Resolution No. 02-0685 to amend district boundaries, in accordance with a Settlement Agreement entered into among the City of Dallas, City of Heath and Travis Ranch Development, L.P. - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Hill moved to approve the item.

Motion seconded by Councilmember Oakley and unanimously adopted. (Greyson absent; Loza, Garcia, Salazar, Griffith absent when vote taken)

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 24, 2004

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS