

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 28, 2004

04-1400

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, Greyson, Lill
ABSENT: [1] Rasansky

The meeting was called to order at 9:19 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.

Jessica Bezozo, Tiferet Israel, mayor of the day, 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 2:03 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, APRIL 28, 2004

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 28, 2004

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1401

CITIZEN SPEAKERS

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

OPEN MICROPHONE - BEGINNING OF MEETING

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

SPEAKER: Meredith Manning, 3910 Gaspar Dr. **CANCELED**
SUBJECT: Chapter 7 – Animal Control

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: Citizens Organized for Representative Democracy
SUBJECT: 14-1

SPEAKER: Sandra Crenshaw, 1431 Quartet St. **CANCELED**
SUBJECT: Public safety

SPEAKER: Al Lipscomb, 630 Clearwood Dr.
SUBJECT: Duplicity

SPEAKER: Laurie Flood, 3904 Gaspar Dr. **CANCELED**
SUBJECT: Chapter 7 – Animal Control

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Jamie Erschen, 3924 Gaspar Dr. **CANCELED**
SUBJECT: Chapter 7 – Animal Control

SPEAKER: Jeanette Prasifka, 10336 Estacado Dr. **CANCELED**
SUBJECT: Chapter 7 – Animal Control

OPEN MICROPHONE – END OF MEETING:

SPEAKER: James Dodd, 3573 Ray Rd. **NO SHOW**
SUBJECT: Opposing KB Homes – Case Z023-311 (RB)

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

04-1401

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SPEAKER: William Hopkins, 2011 Leath St. **NO SHOW**
SUBJECT: Environmental racism against: Dallas City Council, KKK, EPA

SPEAKER: L.T. Dodd, 3595 Ray Rd. **NO SHOW**
SUBJECT: Opposing KB Homes – Case Z023-311- (RB)

SPEAKER: Steven Weir, 3347 Latham Dr.
SUBJECT: City employment procedures

SPEAKER: Karl Crawley, 500 S. Ervay St. **CANCELED**
SUBJECT: In favor of ordinance granting zoning change

OPEN MICROPHONE - – SPOKE IN THE LAST 30 DAYS

SPEAKER: Jewel Floyd, 3815 Myrtle St. **NO SHOW**
SUBJECT: Taking the blacks land and giving it to the rich in East Dallas

SPEAKER: Frank Ward, P.O. Box 50694
SUBJECT: Reason for poor statistics in the City of Dallas/ Agenda Items 39, 47, 51 and 66

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 14, 2004

04-1402

Item 1: Approval of Minutes of the April 14, 2004 City Council Meetings

Councilmember Oakley moved to approve the minutes with the following change. Councilmember Greyson stated that on item 82 that Councilmember Finkelman moved to refer the ordinance back to the Council Transportation and Telecommunications Committee for further study.

Motion seconded by Garcia and unanimously adopted. (Rasansky absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 14, 2004

04-1403

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-55 and addendum addition consent agenda items, 1-7 was presented for consideration.

The city secretary announced that the city manager had deleted agenda items 17 and 52 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Greyson requested that consent agenda items 7 and 40 be considered as individual items. Mayor Miller stated that consent agenda items 7 and 40 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Councilmember Oakley requested that consent agenda item 18 be considered as individual items. Mayor Miller stated that consent agenda item 18 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Oakley's request.

Councilmember Finkelman requested that consent agenda item 22 be considered as individual items. Mayor Miller stated that consent agenda item 22 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Finkelman's request.

The city attorney requested that consent agenda item 27 and addendum addition 4 be considered as individual items. Mayor Miller stated that consent agenda item 27 and addendum addition 4 would be considered as individual items later in the meeting, there being no objection voiced to the city attorney's request.

Councilmember Fantroy requested that consent agenda item 42 be considered as individual items. Mayor Miller stated that consent agenda item 42 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Fantroy's request.

Mayor Pro Tem Loza moved to approve all items on the consent agenda with the exception of consent agenda items 17 and 52 which were deleted, and consent agenda items 7, 18, 22, 27, 40 and 42 and addendum addition 4 would be considered late in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1404

Item 2: Authorize a professional services contract with Johnson/McKibben Architects, Inc. to provide design, construction documents, bidding and construction administration services for improvements including complete replacement of low roof, repairs to high roof, refinish gymnasium floor, replace gymnasium bleachers, intercom, floor tile, ceiling tile and lights at multi-purpose rooms, relocate manager's office and staff toilets, convert existing multi-purpose room to fitness room and multi-purpose stage to storage room and Americans with Disabilities Act upgrades at Tommie M. Allen Recreation Center located at 7071 Bonnie View Road - \$31,590 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1405

Item 3: Authorize a professional services contract with APM & Associates, Inc. to provide surveying, schematic design, design development and construction documents for pedestrian bridge replacement and a new walking trail at Tipton Park located at 3607 Magdeline - \$33,840 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1406

Item 4: Authorize a professional services contract with Dal-Tech Engineering, Inc. to provide topographic survey, schematic design, design development and construction documents for parking lot improvements, sidewalk, barrier free ramp, water fountain and bleacher pad improvements for the soccer/rugby field at Lake Highlands Park located at 9500 Lake Highland Drive - \$22,396 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1407

Item 5: Authorize a professional services contract with Newman, Jackson, Bieberstein Landscape Architecture to provide a master plan including site analysis and programming at Buckner Park located at 4550 Worth Street - \$23,805 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1408

Item 6: Authorize a contract for the roof replacement and asbestos abatement at Hensley Field, Building #1425 located at 8200 West Jefferson Boulevard - Castro Roofing of Texas, Inc., lowest responsible bidder of two - \$74,000 - Financing: Hensley Field Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1409

Item 7: Authorize a contract for citywide park identification signage at 52 park sites - Artografx, Inc., lowest responsible bidder of three - \$247,728 - Financing: 2003 Bond Funds

Councilmember Greyson requested that consent agenda item 7 be considered as an individual item. Mayor Miller stated that consent agenda item 7 would be considered as an individual item late in the meeting, there being no objection voiced to Councilmember Greyson's request.

Later in the meeting, agenda item 7 was brought up for consideration.

Councilmember Greyson moved to approve the item.

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

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1410

Item 8: Authorize a contract for the construction of the Lancaster Kiest Branch Library located at 2008 E. Kiest Boulevard - Harrison Quality Construction, lowest responsible bidder of four - \$2,845,740 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1411

Item 9: Authorize an increase in the contract with Kone, Inc., for additional work required for the modernization of the two escalators at the Bullington Street Plaza located at 1600 Bryan Street - \$310,354, from \$2,707,769 to \$3,018,123 - Financing: Capital Construction Funds (\$300,000) and Current Funds (\$10,354)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1412

Item 10: Authorize an increase in the contract with Mart, Inc. to provide and install 13 pairs of window shutters, paint porch walls and ceiling, installation of synthetic polymer resin flooring in lieu of terrazzo flooring, replace Banquet Room ceiling, repair standing seam roof edge and provide additional termite treatment for Winfrey Point Building at White Rock Lake Park - \$13,982, from \$320,436 to \$334,418 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1413

Item 11: Authorize an increase in the contract with R.E.C. Industries, Inc. for chilled water system improvements at the Dallas Convention Center - \$239,508, from \$1,980,011 to \$2,219,519 - Financing: Convention and Event Services Capital Construction Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1414

Item 12: Authorize (1) street paving, storm drainage, water and wastewater main adjustments for Harlandale Avenue from E. Missouri Avenue to E. Ohio Avenue; 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 June 9, 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

April 28, 2004

04-1415

Item 13: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Union Pacific Railroad, of approximately 6 acres of vacant land located near the intersection of Everman Drive and Bateman Street for the Trinity River Corridor project - \$9,600 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1416

Item 14: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Weir Brothers Partnership, LLC, of approximately 61 acres of vacant land located near the intersection of Linfield Road and Hull Avenue for the Trinity River Corridor project - \$97,500 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1417

Item 15: Authorize deposit of a Special Commissioners= Award for the acquisition from Carlyn Ann Ondrusek of approximately 13 acres of vacant land located near the intersection of Eleventh Street and Cedar Crest Boulevard for the Trinity River Corridor project - \$42,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1418

Item 16: Authorize deposit of a Special Commissioners' Award for the acquisition from Marcelina Wilches and Vincent W. Ortez of approximately 2,550 square feet of land improved with a single family dwelling located at the intersection of Chestnut and Dawson Streets for the Central Service Center Expansion Project - \$28,000 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1419

Item 17: Authorize a thirty-year ground lease agreement, with two five-year renewal options with Roy Ranch Aircraft, LLC of approximately 10,000 square feet of unimproved land at Dallas Executive Airport - Estimated Annual Revenue: \$1,300

Deleted on the addendum to the agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1420

Item 18: Authorize a first amendment to the lease with J. C. Aviation Investments, Inc. to add approximately 21,967 square feet of unimproved land, increase the capital expenditure obligation by \$100,000, provide a twelve-month option to lease approximately 100,000 square feet of unimproved land located adjacent to the leased premises for an option fee of 10% of the prevailing unimproved ground rental rate, and authorize a new lease for this option land should J.C. Aviation exercise its option at Dallas Executive Airport - Revenue: \$4,156 annually

Councilmember Oakley requested that consent agenda item 18 be considered as an individual item. Mayor Miller stated that consent agenda item 18 would be considered as an individual item later in the meeting, there be objection voiced to Councilmember Oakley's request.

Later in the meeting, agenda item 18 was brought up for consideration.

The following individual addressed the city council regarding the item:

John Cox, 1033 N. Plymouth

Councilmember Fantroy moved to defer the item until the May 12, 2004 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1421

Item 19: An ordinance abandoning a portion of a sanitary sewer easement to SBJV-Resland Partners, Ltd., the abutting owner, containing approximately 6,995 square feet of land located near the intersection of Camp Wisdom Road and Mountain Creek Parkway, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25566.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1422

Item 20: An ordinance abandoning a portion of a utility easement to Homer J. Rader, Jr., the abutting owner, containing approximately 4,674 square feet of land located near the intersection of Forest Lane and Abrams Road, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25567.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1423

Item 21: An ordinance abandoning a portion of a sanitary sewer easement to James D. Sibilsky d/b/a TAO Investments, the abutting owner, containing approximately 2,742 square feet of land located near the intersection of Webb Chapel Road and LBJ Freeway, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25568.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1424

Item 22: An ordinance granting a license to A. M. Journal Express, LLC to install, operate and maintain self-service newsracks for the distribution of publications on street rights-of-way not open to vehicular traffic - Revenue: \$5 per rack annually plus the \$20 ordinance publication fee

Councilmember Finkelman requested that consent agenda item 22 be considered as an individual item. Mayor Miller stated that consent agenda item 22 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 22 was brought up for consideration.

Councilmember Finkelman moved to approve the item.

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

Assigned ORDINANCE NO. 25569.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1425

Item 23: A resolution declaring approximately 774 square feet of undevelopable City-owned land located at 3533 Ladd Street near its intersection with Shaw Street, unwanted and unneeded and authorize its sale to Guillermo Giron and Gladis Hernandez, the abutting owners - Revenue: \$850

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1426

Item 24: A resolution declaring approximately 9,634 square feet of undevelopable City-owned land located near the intersection of Interstate Highway 30 and Sylvan Avenue, unwanted and unneeded and authorize its sale to Mahesh Kalia and LovKesh Kalia, the abutting owners - Revenue: \$17,800

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1427

Item 25: Authorize an eighty-four-month lease agreement with MacArthur Business Park L.P. for approximately 4,000 square feet of office space located in the MacArthur Business Park at 3626 MacArthur Boulevard, Suite 225, Irving, Texas, to be used as a Women, Infants and Children clinic for the period May 1, 2004 through April 30, 2011 - Total not to exceed \$336,000 - Financing: Texas Department of Health Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1428

Item 26: Authorize an amendment to the lease agreement with Bishop Street Partners, a joint venture, to extend the lease of approximately 1,350 square feet of office space located at 408 N. Bishop Avenue, Suite 103, near the intersection of N. Bishop Avenue and Eighth Street for the Police Department's Neighborhood Assistance Center from May 1, 2004 through April 30, 2007 - \$33,300 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1429

Item 27: Authorize a five-year concession services contract for parking services at Dallas Love Field Airport with the most advantageous proposer of two - Parking Company of America - Dallas, Inc. - Estimated Annual Revenue: \$6,602,000 (minimum annual guarantee)

The city attorney requested that consent agenda item 27 be considered as an individual item. Mayor Miller stated that consent agenda item 27 would be considered as an individual item later in the meeting, there being no objection voiced to city attorney's request.

Later in the meeting, agenda item 27 was brought up for consideration.

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

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

Mayor Pro Tem Loza moved to defer the item until the May 12, 2004 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1430

Item 28: Authorize a twelve-month price agreement for surveyor stakes with the lowest responsible bidder of four - Craddock Lumber Company - Not to exceed \$66,304 - Financing: Current Funds (\$64,838), Water Utilities Current Funds (\$1,466)

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1431

Item 29: Authorize a twenty-four-month price agreement for refuse bodies with the lowest responsible bidder of two - Heil of Texas - Not to exceed \$2,094,000 - Financing: Current Funds (\$975,090), 2003 Equipment Acquisition Contractual Obligation Notes (\$1,118,910)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1432

Item 30: Authorize a thirty-six-month price agreement for medical supplies with the lowest responsible bidders of six - Ecolab, Inc., Emergency Medical Products, Kentron Health Care, Ever Ready First Aid & Supply Corp. and Tri-Anim Health - Not to exceed \$130,362 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1433

Item 31: Authorize a sixty-month service contract for the billing, collection and reporting of emergency ambulance fees with the best value bidder of seven - Southwest General Services of Dallas, LLC - Estimated Net Annual Revenue: \$8,191,755

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1434

Item 32: Ratify emergency repairs to a sixteen-inch vertical storm water pump housed at the Baker Pump Station located at 2255 Irving Boulevard - Flow Products, Inc., dba Johnston Pump Company - \$28,553 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1435

Item 33: Tawakoni Raw Water Transmission Main

- * Ratify an emergency engineering services contract for repairs to the 84-inch Tawakoni raw water transmission main from the Iron Bridge Pump Station to the Dallas Interim Reservoir - Turner, Collie & Braden, Inc. - \$2,140,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1436

Item 34: Tawakoni Raw Water Transmission Main

- * Ratify emergency repairs to the 84-inch Tawakoni raw water main from the Iron Bridge Pump Station to the Dallas Interim Reservoir, Section 3 - Archer-Western Contractors, Ltd. - \$3,092,479 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1437

Item 35: Tawakoni Raw Water Transmission Main

- * Ratify emergency repairs to the 84-inch Tawakoni raw water transmission main from the Iron Bridge Pump Station to the Dallas Interim Reservoir, Section 2 - Bar Constructors, Inc. - \$3,896,958 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1438

Item 36: Tawakoni Raw Water Transmission Main

- * Ratify emergency repairs to replace existing yard piping and valves at the Iron Bridge Pump Station used to transport raw water from Lake Tawakoni to the East Side Water Treatment Plant - Cajun Constructors, Inc. - \$3,849,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1439

Item 37: Tawakoni Raw Water Transmission Main

- * Ratify emergency repairs to the 84-inch Tawakoni raw water transmission main from the Iron Bridge Pump Station to the Dallas Interim Reservoir, Section 1 - Oscar Renda Contracting, Inc. - \$4,657,688 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1440

Item 38: Tawakoni Raw Water Transmission Main

- * Ratify emergency services for testing investigation of the 72-inch and 84-inch Tawakoni raw water transmission mains between the Iron Bridge Pump Station and the East Side Water Treatment Plant - Pressure Pipe Inspection Company (USA), Inc. - \$540,748 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1441

Item 39: An ordinance amending Chapter 39A of the Dallas City Code to clarify the computation of rental replacement housing payments to displaced persons who were, for at least 90 days, tenants-occupants of the property from which they were relocated or tenants of a sleeping room from which they were relocated - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25570.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1442

Item 40: Authorize Supplemental Agreement No. 6 to the contract with the Dallas Convention and Visitors Bureau to defer the establishment of a reserve account in an amount not less than \$800,000 from September 30, 2006 to September 30, 2007 - Financing: This action has no cost consideration to the City

Councilmember Greyson requested that consent agenda item 40 be considered as an individual item. Mayor Miller stated that consent agenda item 40 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 40 was brought up for consideration.

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted. (Rasansky absent; Hill, Thornton Reese, Griffith absent when vote taken)

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1443

Item 41: Authorize an amendment to Ordinance No. 22802 previously approved on June 26, 1996 to (1) modify the By-Laws for Tax Increment Financing Reinvestment Zone Number Five, (City Center TIF District), (2) acknowledge Dallas County Hospital District's waiver of its appointee to the City Center TIF District Board of Directors, (3) increase the number of City Council appointed Board of Directors from ten to eleven, (4) redefine a quorum as a majority currently appointed to the Board of Directors, (5) remove the Design Review Committee, and (6) approve the corresponding changes to the By-Laws of the City Center TIF District Board of Directors as originally adopted by Resolution No. 98-1124 on April 8, 1998 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25571.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1444

Item 42: An ordinance granting a Planned Development District for Single Family District uses, Institutional and Community Service uses, Transportation uses and Utility and Public Service uses on property located east of Lancaster Road, between Cedardale Road and Telephone Road, subject to a conceptual plan, internal roadway plan and conditions Z023-311(RB) - Financing: No cost consideration to the City

Councilmember Fantroy requested that consent agenda item 42 be considered as an individual item. Mayor Miller stated that consent agenda 42 would be considered as an individual later in the meeting, there being no objection voiced to Councilmember Fantroy's request.

Later in the meeting, agenda item 42 was brought up for consideration.

Councilmember Fantroy moved to pass the ordinance with the following change:

“Change to the conditions that allows Local Utilities as a use” and pass the ordinance.

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

Assigned ORDINANCE NO. 25572.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1445

Item 43: City Center TIF District

Note: Item Nos. 43 and 44 must
be considered collectively.

- * Authorize (1) a development agreement with Eureka Hotel Group II, LP, or its affiliates, to provide for the funding of environmental remediation, demolition, facade restoration, a fire access corridor, streetscape improvements, and other authorized improvements related to the redevelopment of 1524 Main Street in Tax Increment Financing Reinvestment Zone Five (City Center TIF District) in an amount not to exceed \$4,200,000 plus accrued interest compounded semi-annually; (2) the establishment of appropriations in the amount of \$4,200,000 plus accrued interest compounded semi-annually in the City Center TIF District Fund - Total not to exceed \$4,200,000 plus accrued interest compounded semi-annually - Financing: City Center TIF District Funds (to be advanced by a private developer and reimbursed from the City Center TIF District Fund and/or Tax Increment Bonds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1446

Item 44: City Center TIF District

Note: Item Nos. 43 and 44 must be considered collectively.

- * A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Five, City of Dallas, Texas (City Center TIF District) to reimburse Eureka Hotel Group II, LP, or its affiliates, for funds advanced pursuant to a development agreement between the City and Eureka Hotel Group II, LP, or its affiliates, in an amount not to exceed \$4,200,000 plus accrued interest compounded semi-annually, for environmental remediation, demolition, facade restoration, a fire access corridor, streetscape improvements, and other authorized improvements related to the redevelopment of 1524 Main Street in the City Center TIF District - \$4,200,000 plus accrued interest compounded semi-annually - Financing: To be advanced by a private developer and reimbursed solely from the City Center TIF District Fund; accrued interest on private funds to be repaid solely from the City Center TIF District Fund and/or Tax Increment Bonds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1447

Item 45: Farmers Market TIF District

Note: Item Nos. 45 and 46 must be considered collectively.

- * Authorize an amendment to Resolution Nos. 03-1844 and 03-1845, previously approved on June 25, 2003 for the funding of environmental remediation, interior and exterior demolition, and facade improvements related to the Harlan Building Redevelopment to (1) add additional TIF public improvement items for storm drain relocation and streetscape within the previously approved TIF budget in the Farmers Market TIF District Fund, (2) execute the development agreement with Cadiz Street Properties, Ltd., and/or its affiliate, and (3) extend the deadline for obtaining a final certificate of occupancy from December 31, 2004 to March 31, 2005 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1448

Item 46: Farmers Market TIF District

Note: Item Nos. 45 and 46 must be considered collectively.

- * Authorize an amendment to Resolution No. 01-1450, previously approved on May 9, 2001 for the sale of the Harlan Building property and assignment of the current 99-year leasehold to Craig Melde for restoration and redevelopment in accordance with the objectives of the Farmers Market TIF District Project Plan to (1) extend the deadline for obtaining a certificate of occupancy from within two years of deed execution, May 2, 2004 to March 31, 2005, and (2) authorize the City Manager to execute a release of lien on the Harlan Building in the event the City is released from its obligation on the leasehold or to execute a subordination of the City's Lien to the construction lien lender upon issuance of a final certificate of occupancy for the Harlan Building Redevelopment - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1449

Item 47: Authorize (1) an amendment to the Program Statement for the Residential Development Acquisition Loan Program, and (2) a contract with St. Philip's Neighborhood Development Corporation for the acquisition of 1320 Pennsylvania, a substandard fourteen unit apartment building - Not to exceed \$140,000 - Financing: 2002-03 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1450

Item 48: Authorize the construction on-site of four homes in accordance with the Replacement Housing Program Statement requirements for the properties located at 418 Du Bois Avenue, 1721 Dennison Street, 1956 Dennison Street, and 4018 Puget Street - Not to exceed \$55,000 each for a total not to exceed \$220,000 - Financing: 2003-04 HOME Funds (\$70,000), 2003-04 Community Development Grant Funds (\$150,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1451

Item 49: Authorize an amendment to the concession contract with Dallas Summer Musicals Management Group, Inc. to provide one five-year renewal option for additional City-approved improvements to the Majestic Theater and the Fair Park Music Hall - Revenue: \$100,000 annually

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1452

Item 50: Authorize a renewal to the contract with the African American Museum to provide a cultural awareness program for low to moderate-income youth in the Southern Dallas area - \$50,000 - Financing: 2003-04 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1453

Item 51: Authorize a public hearing to be held on May 12, 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

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1454

Item 52: Authorize a public hearing to be held on May 12, 2004 to receive citizens' comments regarding the establishment of approved basic service tier and equipment rates for cable television services provided by Comcast Cable of Dallas, Inc. - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1455

Item 53: Authorize Supplemental Agreement No. 2 to the professional services contract with Diversified Utility Consultants, Inc., for additional expert consulting services and testimony in matters related to the statement of intent of TXU Gas Company to change rates in the company's statewide gas utility system, Railroad Commission of Texas Gas Utilities Docket No. 9400 (consolidated) - Not to exceed \$75,000, from \$225,000 to \$300,000 - Financing: Current Funds (to be fully reimbursed by Oncor/TXU Gas)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1456

Item 54: Authorize (1) the application for and acceptance of the AClick It or Ticket@ Overtime Enforcement grant in the amount of \$57,963 from the Texas Department of Transportation for a seat belt enforcement initiative, for the period of May 24, 2004 through June 6, 2004, (2) a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$16,356, and (3) execution of the grant agreement - Total not to exceed \$74,319 - Financing: Current Funds (\$16,356) and Texas Department of Transportation Grant Funds (\$57,963)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1457

Item 55: Authorize an amendment to the Dallas Police Department's "Police and Constables in Partnership Program," previously approved on February 25, 2004, by Resolution No. 04-0771, to (1) add personnel assigned to each Precinct (2) add Operations Divisions by Precinct, and (3) change the Program's term from October 1, 2003 through September 30, 2004 to January 1, 2004 through December 31, 2004 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1458

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 56 was presented.

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

Agenda item 56: Zoning Case Z034-156 (MJF)

In the zoning case 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 Oakley 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 Garcia and unanimously adopted. (Rasansky absent; Hill, Salazar, Finkelman, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1459

Item 56: Zoning Case Z034-156 (MJF)

Zoning Case Z034-156 (MJF), an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CR Community Retail District located on the west side of Westmoreland Road, south of Angelina Drive.

(The city plan commission recommended approval, for a ten-year period with 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. 25573.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1460

Item 57: Public Hearing – Zoning Case Z034-120 (RB)

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. This item was considered by the City Council at a public hearing on March 24, 2004, and was held under advisement until April 28, 2004, with the public hearing open.)

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

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

Albert Parker, 6319 Elam Rd.

Councilmember Lill 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 Mayor Pro Tem Loza and unanimously adopted. (Rasansky absent; Hill, Salazar, Finkelman, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1461

Item 58: Public Hearing - ZONING CASES - DALLAS INDEPENDENT SCHOOL DISTRICT

A public hearing was called on zoning case Z034-139 (MM), an application for and an ordinance granting a Planned Development District for a Public school other than an open-enrollment charter school and MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District, a P(A) Parking District and an LO-1-D Limited Office District with a Dry Overlay on the northeast corner of the intersection of Beckley Avenue and Ninth Street, including property on the east corner of Ninth Street and Storey Street and property north of Ninth Street and Crawford Street..

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

“The retention of the Dry Liquor Control Overlay on a portion of the site and with the instruction to the Public Works/Transportation Department to install “No Parking” signs on the south side of Eight Street from the east side of Beckley Avenue to the west side of North Crawford Street” and pass the ordinance.

Motion seconded by Councilmember Salazar and unanimously adopted. (Blaydes abstain; Rasansky absent; Hill, Finkelman, Greyson absent when vote taken)

Assigned ORDINANCE NO. 25574.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1462

Item 59: Public Hearing - ZONING CASES - DALLAS INDEPENDENT SCHOOL DISTRICT

A public hearing was called on zoning case Z034-174 (RB), 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 Colorado Boulevard and Fullerton Drive with consideration being given to the granting of a Specific Use Permit for a Public school other than an open-enrollment charter school.

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

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

Assigned ORDINANCE NO. 25575.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1463

Item 60: BENEFIT ASSESSMENT HEARING

A public hearing was called to receive comments citizens' comments regarding a correction and adjustment to the assessments for the cost of improvements against the abutting property owners at 1018 N. Bond Avenue, 1114 N. Bagley Street, 2914 W. Davis Street, and 404 S. Masters Drive; and at the close of the hearing, approval 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

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

Councilmember Salazar moved to close the public hearing and pass the ordinance levying the assessments.

Motion seconded by Councilmember Fantroy and unanimously adopted.

Assigned ORDINANCE NO. 25576.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1464

Item 61: Time Extensions for 1725 Fitzhugh, 2709 Grand, 3000 South Note: Item Nos. 61 and 62 must be considered collectively.

- * A public hearing to receive citizens' comments on amended proposals from East Dallas Community Organization and SouthFair Community Development Corporation, qualified non-profit organizations, to consider changes in the end uses and time extensions for the development of 3 unimproved properties obtained through the House Bill 110 process - Financing: No cost consideration to the City

Item 62: * Authorize (1) the acceptance of amended proposals from East Dallas Community Organization and SouthFair Community Development Corporation for the development of 3 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 - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Hank Lawson,

Mayor Pro Tem Loza moved to close the public hearing and approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted. (Rasansky absent; Hill, Finkelman, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1465

Item 63. 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)

There were no consideration of appointments to boards and commissions.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1466

Item 64: Authorize a real property tax abatement agreement with Focus Service Group, Inc. for the purpose of granting a ten-year abatement of taxes on 90 percent of the added value to the real property in relation to the development of a speculative warehousing and distribution facility within City of Dallas Enterprise Zone Two at 5858 West Kiest Boulevard - Revenue: First year tax revenue estimated at \$2,584 - Ten-year tax revenue estimated at \$25,844 (Estimated revenue foregone for ten-year real property abatement \$232,593)

Councilmember Oakley moved to approve the item.

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

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1466

Item 65: Authorize hardship relief for property located at 3811/3815 Ross Avenue from the Ross Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties on Ross Avenue from Central Expressway to Fitzhugh Avenue - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

J.W. Calhoun, 3622 N. Fitzhugh Ave., representing Mary E. Lomonaco
Billy Hicks, 5044 Royal Creek Ln., Plano, representing Nationwide Insurance

Councilmember Lill moved to approve the item.

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

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1467

Item 66: Authorize (1) position additions associated with restructuring the Development Services Department, Economic Development Division's personnel, (2) an increase in appropriations in the amount of \$345,000 in the General Fund revenue budget using Contingency Reserve Funds, and (3) an increase in appropriations in the amount of \$345,000 in the Development Services Department, Economic Development Division's budget to fund these positions and related costs - Not to exceed \$345,000 - Financing: Contingency Reserve Funds

Councilmember Chaney moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1469

Item 67: Approval of the Thirty-Ninth Supplemental Concurrent Bond Ordinance authorizing Dallas/Fort Worth International Airport Joint Revenue Auction Rate Refunding Bonds, Series 2004A, in a maximum aggregate principal amount of \$130,000,000 for lawful purposes, providing the security therefore, providing for the sale, execution and delivery thereto subject to certain parameters; and providing other terms, provisions and covenants with respect thereto - Financing: No cost consideration to the City

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

Councilmember Mayor Pro Tem Loza moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25577.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1470

Item 68: Approval of the Fortieth Supplemental Concurrent Bond Ordinance authorizing Dallas/Fort Worth International Airport Joint Revenue Improvement Bonds, Series 2004B in a maximum aggregate principal amount of \$207,000,000, for lawful purposes; providing the security therefore; providing for the sale, execution and delivery thereof subject to certain parameters; approving amendments to the Airport's Capital Development Program; and providing other terms, provisions and covenants with respect thereto - Financing: No cost consideration to the City

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

Mayor Pro Tem Loza moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25578.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1471

Item 69: Authorize a one-year Interlocal Agreement for services with the Dallas Independent School District effective July 1, 2004 through June 30, 2005, to provide Dallas Police school liaison services - Revenue: \$506,078

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

Councilmember Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1472

Item 70: Authorize (1) a contract for the reconstruction of alley paving, storm drainage and wastewater main improvements between La Bolsa Drive and Heathermore Drive from La Bolsa Drive to Meandering Way with P&E Contractors, Inc., lowest responsible bidder of ten in the amount of \$304,315, (2) the receipt and deposit of funds from the abutting property owners in an amount not to exceed \$16,299, and (3) an increase in appropriations in the amount of \$16,299 in the Capital Projects Reimbursement Fund - Financing: 1998 Bond Funds (\$174,091), Private Funds (\$16,299), Water Utilities Capital Improvement Funds (\$113,925)

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

Councilmember Fantroy moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1473

Item 71: Authorize the preparation of plans to increase the maximum principal amount at any one time outstanding of the City of Dallas Waterworks and Sewer System Commercial Paper Notes from \$200,000,000 to \$300,000,000 and to resolve other matters related to the issuance, sale, security and delivery of such short-term obligations - Financing: This action has no cost consideration to the City

Deputy Mayor Pro Tem Hill moved to approve the item.

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

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1474

Item 72: Authorize hardship relief for property located at 510 W. Commerce 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

Councilmember Salazar moved to approve the item.

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

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1475

Closed Session

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

- Anthony Lynn Curlin v. Daniel Earl Maples, et al., Cause No. 3:02-CV-1997-H
- Thomas Williams v. Daniel Earl Maples, et al., Cause No. 3:02-CV-1662-H
- Don Blanton, et al., v. City of Dallas, Cause No. 04-02922-K
- Interstate Contracting Corporation v. City of Dallas, Cause No. 03-0152

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

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

- Anthony Lynn Curlin v. Daniel Earl Maples, et al., Cause No. 3:02-CV-1997-H
- Thomas Williams v. Daniel Earl Maples, et al., Cause No. 3:02-CV-1662-H
- Don Blanton, et al., v. City of Dallas, Cause No. 04-02922-K

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1476

Addendum addition 1: Authorize a professional services contract with the law firm of Guida, Slavich & Flores, P.C., to provide legal services in the lawsuit styled Environmental Conservation Organization v. City of Dallas, Cause No. 3:03-CV-2951-M and in the administrative proceeding styled Administrative Order Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-0907, issued on February 6, 2004, and any other matters relating to the subject matter of the referenced litigation and administrative proceeding - Not to exceed \$200,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1477

Addendum addition 2: Authorize Supplemental Agreement No. 4 to the professional services contract with the law firm of Ted B. Lyon & Associates, P.C., for additional legal services and related expenses necessary in the lawsuit styled City of Dallas v. Explorer Pipeline Company, Inc., Atofina Petrochemicals, Inc. f/k/a Fina Oil & Chemical Company, Exxon Mobil Corporation, Inc., Diamond Shamrock Refining & Marketing Company, Inc., Conoco, Inc., Phillips Petroleum Company, Inc., Chevron USA, Inc., Motiva Enterprises, LLC, Equilon Enterprises, LLC, The Premcor Refining Group, Inc., f/k/a Clark Refining & Marketing, Inc., Citgo Petroleum Corporation, Mobil Corporation, Inc., BP Amoco Company f/k/a Amoco Corporation and Does 1 through 100; Cause No. DV00-09678-H, and any other proceedings relating to the subject matter of this litigation - Not to exceed \$905,000, from \$1,090,824 to \$1,995,824 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1478

Addendum addition 3: Authorize payment of a pre-suit settlement to Jovita Lozano, Raymond Lozano, Antonia Lozano, Ernest Lozano, Alda McDowell, Kevin Lozano, and Edward Stanley Lozano - \$12,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALALS CITY COUNCIL

April 28, 2004

04-1478

Addendum addition 4: Authorize settlement of the lawsuit styled Gary Newberry v. City of Dallas, Cause No. 03-00423-I - \$175,000 - Financing: Current Funds

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

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

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

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

Mayor Pro Tem Loza moved to approve the item.

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

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE ALLAS CITY COUNCIL

April 28, 2004

04-1480

Addendum addition 5: Authorize settlement of the lawsuit styled Rubin A. Coleman v. Anthony R. Lewis and City of Dallas, Cause No. cc-03-12291-a - \$8,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1481

Addendum addition 6: 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 and a resolution accepting deed restrictions volunteered by the applicant (Z034-141) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25579.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1482

Addendum addition 7: Authorize (1) the acceptance of applications from two applicants for the purpose of developing the rules, procedures and fee structure for the City of Dallas Municipal Setting Designation Program, (2) collaboration with the Texas Commission on Environmental Quality on the development of the rules and procedures using these two applications as a model and (3) that no fee will be charged for the review and processing of these two applications - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1483

Addendum addition 8: Authorize a resolution in support of Texas Department of Housing and Community Affairs low income housing tax credit financing for the acquisition and rehabilitation of Shiloh Village Apartments, an existing 168-unit multifamily development for families located at 8702 Shiloh Road between Gross Road and Oates Drive - Financing: No cost consideration to the City

Councilmember Chaney moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1484

Addendum addition 9: **Initiatives to Encourage Delinquent Case Resolution**

Note: Item Nos. 9, 10, & 11 must be considered collectively.

- * Authorize Supplemental Agreement No. 2 to the collection services contract with Linebarger, Goggan, Blair, and Sampson, LLP for payment of delinquent fines for outstanding traffic, city ordinance and state law violations to amend the compensation provisions of the contract (Section 3.1(a) in accordance with the Code of Criminal Procedure Article 103.0031 Collection Contracts, whereby 30% would be added to the balance of the fines and fees for citations issued on or after June 18, 2003 to pay for the collection agency services on delinquent cases placed) and amend Section 3.06 of the request for bids document titled Collection Activity Requirements and addenda, to allow for the collection agency to extend to violators the City's options to make payments with a credit card or setup an extended payment plan with the City - FY 2003-04 Estimated Net Revenue: \$40,000

Deputy Mayor Pro Tem Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1485

Addendum addition 10: **Initiatives to Encourage Delinquent Case Resolution**

Note: Item Nos. 9, 10, & 11 must be considered collectively.

- * Authorize an intergovernmental Agreement with the Department of Public Safety in accordance with the Transportation Code Chapter 706, Section 004-Denial of Renewal of Driver's License for those violators who have failed to appear and resolve their Class C misdemeanor offenses and add an administrative fee of \$30 per case in accordance with the Transportation Code - FY 2003-04 Estimated Net Revenue: \$41,342

Deputy Mayor Pro Tem Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1486

Addendum addition 11: **Initiatives to Encourage Delinquent Case Resolution**

Note: Item Nos. 9, 10, & 11 must be considered collectively.

- * Authorize an intergovernmental agreement with Dallas County and/or the Department of Transportation in accordance with the Transportation Code Chapter 702, Section 003 - Refusal to Register Vehicle for those traffic offenders who have failed to appear and resolve their Class C misdemeanor traffic citations or others as authorized by any amendments in the state law - FY 2005-06 Estimated Net Revenue: \$136,853

Deputy Mayor Pro Tem Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 28, 2004

04-1487

Non-Agenda Item:

Public Notice of Crime in the summer – Deputy Chief Ward, Dallas Police Department

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 28, 2004

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS