

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 23, 2004

04-2020

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

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

ABSENT: [0]

The meeting was called to order at 9:38 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 9:17 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, JUNE 23, 2004

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 23, 2004

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2021

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: Yolanda Lara, 518 S. Storey
REPRESENTING: Civilian Employees
SUBJECT: Cost of Living Adjustment

SPEAKER: Mary Hasan, 3425 Hacienda Dr.
SUBJECT: Civilian Employees

SPEAKER: Se-Gwen Tyler, 1816 Prairie View Dr.
REPRESENTING: Arlington Park Neighborhood Crime Watch
SUBJECT: Arlington Park Community

SPEAKER: Sandra Crenshaw, 1431 Quartet Dr. **CANCELED**
SUBJECT: City of Dallas killing our seniors

SPEAKER: Eva Minor, 2333 Eugene St. **NO SHOW**
SUBJECT: Water Utilities

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Robert Pitre, 2310 Bonnie View.
SUBJECT: E. Wheatland Road – Trash problems

SPEAKER: R.C. Bunger, 7146 Clearhaven Dr.
SUBJECT: Dallas Police website pictures

SPEAKER: Michelle Frey, 1220 Senate Pl, DeSoto **DID NOT CALL NAME**
REPRESENTING: Steel Workers
SUBJECT: Employee concerns

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Ernestine Taylor, 9730 Shepherd Rd. **NO SHOW**
SUBJECT: Homeless Issues

SPEAKER: Thelma Youngblood, 2406 E. Illinois Ave. **CANCELED**
SUBJECT: Changes within the City government

SPEAKER: Iman Hassan Karriem, 2324 Village Way Dr.
SUBJECT: Lee G. Bilal

SPEAKER: Shirley Daniels, 720 Botany Bay. **NO SHOW**
SUBJECT: Lee. G. Bilal

SPEAKER: Doris J. Buckley, 6916 Ruby Dr. **NO SHOW**
SUBJECT: Umbrella Neighborhood Association – Lee G. Bilal

SPEAKER: Kenneth Avery, 706 Calcutta Dr.
SUBJECT: Concerned Citizen

SPEAKER: Anthony Buckley, 6916 Ruby Dr. **NO SHOW**
SUBJECT: City Code Enforcement Department – Lee G. Bilal

SPEAKER: Keary Miller, 701 W. Mitchell Cir., Arlington **NO SHOW**
SUBJECT: Police Brutality

SPEAKER: Dorothy Dean, 1504 Russell Glen Ln. **NO SHOW**
SUBJECT: Dallas Police Department response to call

SPEAKER: Tom Gibbons, 7947 Cliffbrook Dr. **NO SHOW**
SUBJECT: Police officers not allowing citizens to petition

SPEAKER: Sandra Crenshaw, 1431 Quartet Dr.
SUBJECT: City of Dallas killing our seniors

SPEAKER: Abner Aaron, 762 S. Manus St.
REPRESENTING: Neighborhood Improvement Association
SUBJECT: Stress/Code Enforcement

SPEAKER: Ruby Cosby, 1427 Quartet Dr.
REPRESENTING: Neighborhood Improvement Association
SUBJECT: Preservation of the Bilal building

SPEAKER: Deborah Dunn, 3220 Rose Hill Rd. **CANCELED**
SUBJECT: Concerns of a City employees

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

04-2021

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Councilmember Garcia moved to suspend the rule to allow the following citizen to speak in the evening session.

Motion seconded by Councilmember Griffith and unanimously adopted.

SPEAKER: Geraldine McDaniel
SUBJECT: Senior Citizens

OPEN MICROPHONE – END OF MEETING - SPOKE IN THE LAST 30 DAYS:

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Corruption with the Mayor, Merrill Lynch, Former State Representative and West Dallas lead Settlement

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2022

Item 1: Approval of Minutes of the June 9, 2004 City Council Meeting

Councilmember Oakley moved to approve the minutes.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2023

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-84 and addendum addition consent agenda items 1-28, were presented for consideration.

The city secretary announced that the city manager had deleted consent agenda item 53 and addendum addition 14 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Rasansky requested that consent agenda items 9, 18, 37, 46, 49, 52, 65 and addendum addition 11 be considered as individual items. Mayor Miller stated that consent agenda items 9, 18, 37, 46, 49, 52, 65 and addendum addition 11 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Greyson requested that consent agenda items 34, 36, 66 and addendum addition 4 be considered as individual items. Mayor Miller stated that consent agenda items 34, 36, 66 and addendum addition 4 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Councilmember Finkelman requested that consent agenda items 64, 73, 74 and addendum addition 15 be considered as individual items. Mayor Miller stated that consent agenda items 64, 73, 74 and addendum addition 15 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Finkelman's request.

Councilmember Blaydes requested that addendum addition 9 be considered as an individual item. Mayor Miller stated that addendum addition 9 would be considered as an individual item later in the meeting, there being no objection to Councilmember Blaydes' request.

Mayor Pro Tem Loza requested that addendum addition 21 be considered as an individual item. Mayor Miller stated that addendum addition 21 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Loza's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda items 53 and addendum addition 14 which were deleted, consent agenda items 9, 18, 34, 36, 37, 46, 49, 52, 64, 65, 66, 73, and 74, and addendum addition items 4, 9, 11, 15 and 21 which would be considered later in the meeting.

Motioned seconded by Councilmember Lill and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2024

- Item 2: Authorize a professional services contract with Elliott and Associates Architects to provide platting, survey, storm water pollution prevention plan, schematic design, design development, construction documents, bidding and construction administration for a new pavilion, stage and amphitheater, parking, park benches, walk of fame, landscaping, and security lighting at Opportunity Park located at 3105 Pine Street - \$123,150 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2025

- Item 3: Authorize a professional services contract with Camargo Copeland Architects, LLP to provide scope identification, document preparation, design development, construction documents, bidding and construction administration for structural renovations at Kleberg Recreation Center located at 1515 Edd Road - \$76,250 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2026

- Item 4: Authorize a professional services contract with Conley Group to provide surveying, construction services, schematic design, design development, construction documents, bidding and construction administration for repairs and improvements to the River Exhibit within the Wilds of Africa at Dallas Zoo located at 1021 S. Ewing - \$153,900 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2027

- Item 5: Authorize a professional services contract with Halff Associates, Inc. to provide topographic survey, master planning, conceptual design, public meetings, schematic design and construction documents for realignment of trail, relocation of playground, relocation of baseball field, new trail extension, minor erosion control, new pedestrian bridge, identify location of a new pavilion, site furnishings, drinking fountain, minor landscaping and irrigation at Valley View Park located at 7000 Valley View Road - \$60,123 - Financing: 1998 Bond Funds (\$39,250) and 2003 Bond Funds (\$20,873)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2028

- Item 6: Authorize a professional services contract with Sharon Odum Architect to provide topographic survey, schematic design, design development, construction documents, bidding and construction administration for removal and replacement of picnic pavilion, replacement of drinking fountain with Americans with Disabilities Act compliance, security lights, removal and replacement of playground, regrading and reseeding soccer and softball fields and sandlot at Casa View Park located at 11000 Itasca - \$49,700 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2029

Item 7: Authorize a professional services contract with Gary Cunningham Architects and Planners, Inc. to provide schematic design, design development, construction documents, bidding and construction administration for connection of sprayground to sanitary sewer, redevelop and re-pave parking area, lighting, removal of picnic pavilion and replace with a medium pavilion at Danieldale Park located at 500 W. Wheatland Road - \$60,050 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2030

Item 8: Authorize a professional services contract with MESA Design Group to provide a preservation master plan at Reverchon Park located at 3505 Maple Avenue - \$119,900 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2031

Item 9: Authorize a professional services contract with Legorreta + Legorreta A.C. to provide architectural programming and schematic design for Phase II of the Latino Cultural Center located at 2600 Live Oak Street - \$150,500 - Financing: 1998 Bond Funds

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

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

Councilmember Rasansky 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 Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2032

Item 10: **Inwood Road from Forest Park Road
to Lemmon Avenue**

Note: Item Nos. 10, 11, & 12 must
be considered collectively.

- * Authorize (1) a professional services contract with HNTB Corporation to provide engineering services for paving, storm drainage, water and wastewater main improvements on Inwood Road from Forest Park Road to Lemmon Avenue, (2) the receipt and deposit of funds from the Texas Department of Transportation and Dallas County in an amount not to exceed \$552,223, and (3) an increase in appropriations in the amount of \$552,223 in the Capital Projects Reimbursement Fund - Total not to exceed \$669,924 - Financing: 2003 Bond Funds (\$28,967), Texas Department of Transportation Funds (\$441,704), Dallas County Funds (\$110,519), and Water Utilities Capital Improvement Funds (\$88,734)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2033

Item 11: **Inwood Road from Forest Park Road
to Lemmon Avenue**

Note: Item Nos. 10, 11, & 12 must
be considered collectively.

- * Authorize (1) an Interlocal Agreement with the Texas Department of Transportation for design review and construction administration of paving, storm drainage, water and wastewater improvements on Inwood Road from Forest Park Road to Lemmon Avenue, (2) the receipt and deposit of funds from Dallas County in an amount not to exceed \$8,707, and (3) an increase in appropriations in the amount of \$8,707 in the Capital Projects Reimbursement Fund - Total not to exceed \$10,989 - Financing: 2003 Bond Funds (\$2,282), Dallas County Funds (\$8,707)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2034

Item 12: **Inwood Road from Forest Park Road
to Lemmon Avenue**

Note: Item Nos. 10, 11, & 12 must
be considered collectively.

- Authorize a Project Specific Agreement with Dallas County for participation in cost of the design and construction of paving, storm drainage, water and wastewater main improvements on Inwood Road from Forest Park Road to Lemmon 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

June 23, 2004

04-2035

Item 13: Authorize a contract for erosion control and trail improvements at Five Mile Creek Greenbelt (Kiest Valley) - Texas Standard Construction, Ltd., lowest responsible bidder of seven - \$188,940 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2036

Item 14: Authorize (1) a contract for paving improvements at Robert E. Lee Park located at 3400 Turtle Creek Boulevard - Henneberger Construction, Inc., lowest responsible bidder of six; and (2) assignment of the contract to Lee Park Arlington Hall Conservancy - \$55,495 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2037

Item 15: Authorize a contract for the interior finish-out of the Jack Evans Police Headquarters Facility - Harrison Quality Construction, Inc., lowest responsible bidder of two - \$486,299 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2038

Item 16: Authorize (1) a contract for the fabrication and installation of signs for the Central Business District Wayfinding and Signage Program, Phase I with Bunting Graphics, Inc., lowest responsible bidder of seven, in the amount of \$553,886, (2) the receipt and deposit of funds from the Texas Department of Transportation in an amount not to exceed \$443,109, and (3) an increase in appropriations in the amount of \$443,109 in the Capital Projects Reimbursement Fund - Total not to exceed \$553,886 - Financing: Texas Department of Transportation Funds (\$443,109), Private Funds (\$110,777)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2039

Item 17: Authorize (1) a contract for the construction of sidewalk with brick pavers, streetscape and street lighting on Thomas Avenue from Maple-Routh Connection to Fairmount Street in Tax Increment Financing Reinvestment Zone Number One, (State-Thomas TIF District) with Texas Standard Construction, LTD., lowest responsible bidder of four, in an amount not to exceed \$48,026, (2) assignment of the contract to Givens Records Development, LTD. for construction administration, and (3) payment to Givens Records Development, LTD. in an amount not to exceed \$13,947 for design, construction administration, street lighting and testing - Total not to exceed \$61,973 - Financing: Private Funds (advance from Givens Records Development, LTD. to the State-Thomas TIF District Fund)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2040

Item 18: Authorize (1) a contract for selective demolition and exterior restoration related to the redevelopment of the Harlan Building located at 2018 Cadiz Street with Nedderman and Associates, Inc., lowest responsible bidder of two, in an amount not to exceed \$650,000; (2) assignment of the construction contract to Cadiz Street Properties, Ltd. for construction management; and (3) an increase in appropriations in the amount of \$2,496 in the Farmers Market TIF District Fund - Total not to exceed \$650,000 - Financing: Farmers Market TIF District Funds (\$647,504), Private Funds (\$2,496)

Councilmember Rasansky 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 being no objection voiced to Councilmember Rasansky's request.

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

Councilmember Lill moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2041

Item 19: Authorize a contract for the construction of the Southside Wastewater Treatment Plant Process Control System Expansion - WHF Electrical Contractors, Inc., lowest responsible bidder of four - \$7,335,000 - Financing: Water Utilities Capital Improvement Funds (\$6,835,000), Water Utilities Capital Construction Funds (\$500,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2042

Item 20: Authorize (1) an increase in the contract with Meridian Commercial, Inc. to provide for site work, masonry, structural steel, storm drainage, mechanical, electrical, utility reimbursement, plumbing and miscellaneous interior work for the construction of the Trammell Crow Visitor Education Pavilion at the Dallas Arboretum located at 8525 Garland Road, in the amount of \$54,712, from \$11,057,789 to \$11,112,501; and (2) an increase in appropriations in the amount of \$128,982 in the Dallas Arboretum and Botanical Society Fund - \$54,712, from \$11,057,789 to \$11,112,501 - Financing: Dallas Arboretum and Botanical Society Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2043

Item 21: Authorize Supplemental Agreement No. 2 to the contract with Hargreaves Associates to provide for design development for the Fair Park Comprehensive Development Plan Phase I implementation and a feasibility study for the Aquarium at Fair Park - \$205,669, from \$1,764,716 to \$1,970,385 - Financing: 1998 Bond Funds (\$78,922) and 2003 Bond Funds (\$126,747)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2044

Item 22: Authorize an increase in the contract with Starling Richardson Construction, Inc. to provide stormceptors at the north and south parking lots and repave the north parking facility for the Street Maintenance Facility located at the Southeast Service Center at 2721 Municipal Street - \$373,698, from \$3,198,241 to \$3,571,939 - Financing: 1985 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2045

Item 23: Authorize an increase in the contract with Integrated Roadway Services, Inc. to provide for revisions to streetscape traffic signals used in the downtown area and redesign of the traffic signal bases and other miscellaneous items on Market Street from Young Street to Elm Street - \$87,690, from \$1,121,488 to \$1,209,178 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2046

Item 24: Authorize an increase in the contract with Rebcon, Inc., for the construction of approximately 600 linear feet of retaining wall along the north side of Linfield Road access road - \$155,222, from \$3,730,521 to \$3,885,743 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2047

Item 25: Authorize Supplemental Agreement No. 13 to the contract with Phillips Swager Associates to provide additional architectural services for the interior finish-out of the Jack Evans Police Headquarters Facility - \$374,796, from \$5,702,301 to \$6,077,097 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2048

Item 26: Authorize Supplemental Agreement No. 5 to the contract with APM & Associates, Inc., for the preparation of plans and specifications for water and wastewater improvements on Carbondale Street from Linfield Road to Loop 12 and preparation of plans for the intersecting street transition for the South Central Addition improvements - \$71,876, from \$463,991 to \$535,867 - Financing: 1995 Bond Funds (\$34,876), Water Utilities Bond Funds (\$37,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2049

Item 27: Authorize an increase in the contract with Rodman Excavation, Inc., for additional work related to the construction of closure and restoration activities at the Deepwood Loop 12 Landfill - \$112,560, from \$9,461,839 to \$9,574,399 - Financing: 2003 Certificates of Obligation

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2050

Item 28: Authorize an increase in the contract with Remedial Construction Services, L.P., for the perimeter gas control system for the Deepwood Loop 12 Landfill Project - \$631,235, from \$2,578,000 to \$3,209,235 - Financing: 2003 Certificates of Obligation

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2051

Item 29: Authorize Supplemental Agreement No. 1 to the professional services contract with Alan Plummer Associates, Inc. to provide additional engineering services for the Reclaimed Water Implementation Plan - \$472,728, from \$1,009,479 to \$1,482,207 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2052

Item 30: Authorize the City Manager to initiate a Request for Competitive Sealed Proposals project delivery method for repairs to the Poultry Building within the Pan American Complex at Fair Park - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2053

Item 31: Authorize the City Manager to initiate a Request for Competitive Sealed Proposals project delivery method for the mural protection at the Centennial, Food and Fiber and Embarcadero Buildings at Fair Park - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2054

Item 32: Authorize Supplemental Agreement No. 1 to the Master Interlocal Agreement with the Texas Department of Transportation for design, right-of-way acquisition, utility relocation, and construction of paving, bridge, water and wastewater improvements on Churchill Way from Coit Road to the northbound U.S. 75 service road - \$945,605, from \$348,000 to \$1,293,605 - Financing: 2003 Bond Funds (\$767,418), Water Utilities Capital Improvement Funds (\$178,187)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2055

Item 33: Authorize (1) sidewalk paving improvements on Lake June Road from St. Augustine Road to Masters Drive; 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 August 25, 2004, to receive citizens' comments - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2056

Item 34: Authorize (1) sidewalk paving improvements for Sidewalk Group 03-124; 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 August 25, 2004, to receive citizens' comments - Financing: This action has no cost consideration to the City

Councilmember Greyson 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 Greyson's request.

Later in the meeting, agenda item 34 was brought up for consideration.

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Greyson and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2057

Item 35: Authorize (1) acceptance of funds from Dallas Area Rapid Transit in the amount of \$150,000 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 - Total not to exceed \$150,000 - Financing: Private Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2058

Item 36: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit (DART) of 15 tracts of land for the construction of DART's Southeast Corridor Line Section (SE1) of its Light Rail System located near the intersections of Gunter Avenue at J. B. Jackson, Jr. (Fourth Street) and Hatcher Street at Kenilworth Avenue (list attached) - Financing: No cost consideration to the City

Councilmember Greyson requested that consent agenda item 36 be considered as an individual item. Mayor Miller stated that consent agenda item 36 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

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

The following individuals addressed the city council regarding the item:

John Alan Lummus, 18935 Westwood Pl., representing John Lummus Company
Marsha T. DiMarco, 3220 Grand Ave., representing Selma Investments
John Radovich, 800 Jaquar Ln.

Councilmember Chaney moved to approve the item.

Motion seconded by Councilmember Fantroy.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2059

Item 37: Authorize acquisition, including the exercise of the right of eminent domain, if such become necessary, by Dallas Area Rapid Transit (DART) of 6 tracts of land for the construction of DART's Northwest Corridor Line Section (NW1-B) of its Light Rail System located near the intersections of Inwood Road at Denton Drive and Wycliff Avenue at Rosewood Avenue (list attached) - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 37 be considered as an individual item. Mayor Miller stated that consent agenda item 37 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 37 was brought up for consideration.

Councilmember 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 Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2060

Item 38: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit (DART) of a tract of land for the construction of DART's Northwest Corridor Line Section (NW3) of its Light Rail System located near the intersection of Northwest Highway and Denton Drive - 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

June 23, 2004

04-2061

Item 39: A resolution declaring approximately 12,851 square feet of City-owned land located at 1101 and 1107 Jefferson Boulevard near its intersection with Sixth Street unwanted and unneeded and authorizing its advertisement for sale by sealed bids with a minimum bid of \$29,577 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2062

Item 40: An ordinance granting a license to Revista Communications, Inc. 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

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25631.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2063

Item 41: An ordinance granting a license to Want Ads of Dallas County, Inc. 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

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25632.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2064

Item 42: An ordinance abandoning a portion of a sanitary sewer easement to KB Home Lone Star LP, the abutting owner, containing approximately 1,797 square feet of land located near the intersection of Simpson Stuart and Bonnie View Roads, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25633.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2065

Item 43: An ordinance reauthorizing the sale of approximately 6,004 square feet of undevelopable City-owned park land located at 5006 Columbia Avenue near its intersection with Munger Street to Dean Miller, the abutting owner - Revenue: \$44,000

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25634.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2066

Item 44: A resolution declaring 2 tracts of City-owned land improved with former fire stations located at 4607 Lancaster Road and 8003 Lake June Road unwanted and unneeded and authorize their advertisement for sale by sealed bids with a minimum bid of \$50,000 for the Lancaster Road site and \$160,000 for the Lake June Road site - 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

June 23, 2004

04-2067

Item 45: A resolution consenting to the City of Irving=s grant of a Freeport Exemption for Dallas Cowboys Merchandising, Ltd., to relocate its new warehouse/distribution facility to Dallas/Fort Worth International Airport - 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

June 23, 2004

04-2068

Item 46: Authorize an amendment to the lease agreement with Pan Coastal Limited Partnership for an additional 12,967 square feet of office space located at 2121 Main Street for approximately two years and extend the lease for 33,967 square feet for three additional years from April 23, 2006 to April 23, 2009 - \$1,570,923 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Councilmember Rasansky requested that consent agenda item 46 be considered as an individual item. Mayor Miller stated that consent agenda item 46 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 46 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2069

Item 47: Authorize (1) modification of the contract with Motorola, Inc. for additional system support and services for the Citizen Request Management System; (2) the purchase of hardware, software licenses, maintenance and support from Sun Microsystems, Inc.; and, (3) the purchase of additional ORACLE database licenses and support from Mythics, Inc. - Not to exceed \$446,823 - Financing: Current Funds (\$246,823), 2000 Equipment Acquisition Contractual Obligation Notes (\$200,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2070

Item 48: Authorize the purchase of school supply packets for the Mayor's 2004 Back-to-School Fair from the only bidder - Educational Products, Inc. - Not to exceed \$121,196 - Financing: Gift and Donations Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2071

Item 49: Authorize (1) designation of The Dallas Morning News as the official newspaper of the City for a twenty-four-month period; and (2) a twenty-four-month service contract for the publishing of official notices and City advertising - The Dallas Morning News - Sole Source - Not to exceed \$1,540,000 - Financing: Current Funds (\$1,454,000), Water Utilities Current Funds (\$50,000), Aviation Current Funds (\$20,000), 2003-04 Community Development Grant Funds (\$11,000), Convention and Event Services Current Funds (\$5,000)

Councilmember Rasansky requested that consent agenda item 49 be considered as an individual item. Mayor Miller stated that consent agenda item 49 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 49 was brought up for consideration.

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

“A twelve month service contract instead of a twenty-four month service contract”

Motion seconded by Councilmember Salazar and unanimously adopted.

The revised resolution to support this agenda item was received in the City Secretary's Office on:

Tuesday, August 24, 2004 12:09 PM

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2072

Item 50: Authorize a thirty-six-month service contract to provide transportation starter services at Dallas Love Field with the lowest responsible bidder of five - Tolman Building Maintenance, Inc. - Not to exceed \$608,400 - Financing: Aviation Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2073

Item 51: Authorize a twenty-four-month service contract for plumbing services with the lowest responsible bidder of four - Concept Facility Services, LLC. - Not to exceed \$162,322 - Financing: Convention and Event Services Current Funds (\$100,163), Current Funds (\$52,396), Water Utilities Current Funds (\$9,763)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2074

Item 52: Authorize a thirty-six-month service contract with Verizon Network Integration Corp., through the State of Texas, Qualified Information System Vendors Cooperative Purchasing Program, to provide internet access and firewall security services - Not to exceed \$713,088 - Financing: Current Funds

Councilmember Rasansky requested that consent agenda item 52 be considered as an individual item. Mayor Miller stated that consent agenda item 52 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 52 was brought up for consideration.

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

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2075

Item 53: Authorize the purchase and installation of an enterprise storage, backup, and recovery system and backup mainframe with the most advantageous proposer of four - ViON Corporation - Not to exceed \$2,800,000 - Financing: 2001 Equipment Acquisition Contractual Obligation Notes

The city secretary announced that the city manager had deleted agenda item 53 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

June 23, 2004

04-2076

Item 54: Authorize a thirty-six-month service contract for heating, ventilation and air conditioning repair and maintenance with the lowest responsible bidder of five - Toromont Process Systems, Inc. - Not to exceed \$246,754 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2077

Item 55: Authorize a thirty-six-month price agreement for ice with the lowest responsible bidder of two - Arctic Ice House, Inc. - Not to exceed \$307,128 - Financing: Water Utilities Current Funds (\$156,856), Current Funds (\$146,429), Convention and Event Services Current Funds (\$3,600), Aviation Current Funds (\$243)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2078

Item 56: Authorize a thirty-six-month price agreement for emergency medical exam gloves with the lowest responsible bidder of fourteen - Lone Star Safety & Supply, Inc. - Not to exceed \$423,884 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2079

Item 57: Authorize a twenty-four-month service contract, with one twelve-month renewal option, for title and loan closing services for the City's Home Repair Program with five proposers - All America Title Services, Inc., Luis A. Galindo, PLLC, Fee Office for North American Title, Metroplex Title, Inc., Fidelity National Title, and Best Title Services Corporation - Not to exceed \$248,000 - Financing: 2003-04 Community Development Grant Funds

Approved as corrected on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2080

Item 58: Authorize a twelve-month price agreement for signs, sign posts and sign installation hardware with the lowest responsible bidders of seventeen - Allied Tube & Conduit Corp., Custom Products Corp., Dyna Engineering, Ltd., Harveys Southwestern Materials, Inc. dba Southwestern Materials, Hydra-Shield Manufacturing, Inc., Roadrunner Traffic Supply, Inc., Rocal, Inc., Safeway Sign Co. and Ultimate Highway Products, Inc. - Not to exceed \$124,292 - Financing: Current Funds (\$94,149) and Water Utilities Current Funds (\$30,143)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2081

Item 59: Authorize a thirty-six-month price agreement for herbicide treatment of drainage channels within the Trinity River Levee System with the lowest responsible bidder of three - Spray Max, Inc. - Not to exceed \$377,172 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2082

Item 60: Authorize the purchase of an atomic absorption spectrophotometer for the East Side Water Treatment Plant from the only bidder - PerkinElmer LAS, Inc. - Not to exceed \$73,400 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2083

Item 61: Authorize a twenty-four-month price agreement for cast iron fittings with the lowest responsible bidders of two - National Waterworks, Inc. and Hughes Supply, Inc. - Not to exceed \$216,000 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2084

Item 62: An ordinance amending Chapters 18 and 19 of the Dallas City Code to (1) define terms; (2) provide requirements, procedures and fees for licensing used tire businesses and permitting mobile tire repair units, with certain exceptions; (3) require transporters of scrap tires to purchase and display scrap tire transporter decals, with certain defenses; (4) provide for the impoundment and forfeiture of vehicles illegally transporting scrap tires; and (5) require tires accumulated on premises to be secured under roofed structures - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25635.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2085

Item 63: Authorize settlement of the lawsuit styled Felsia E. Robison v. Claude H. Adams and City of Dallas, Cause No. cc-03-09624-e - \$6,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2086

Item 64: Authorize naming the new Dallas Love Field Airport Flag Plaza the "Danny L. Bruce Flag Plaza" in honor of Danny L. Bruce, former Director of Aviation at Dallas Love Field - Financing: No cost consideration to the City

Councilmember Finkelman requested that consent agenda item 64 be considered as an individual item. Mayor Miller stated that consent agenda item 64 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 64 was brought up for consideration.

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2087

Item 65: Authorize an amendment to Resolution No. 04-1448, previously approved on April 28, 2004, for the sale of the Harlan Building property and assignment of the current 99-year leasehold to Craig Melde to (1) reflect the subordination of the City's performance Deed of Trust to the construction lien lender, and (2) execute a subordinated debt agreement with Legacy Bank of Texas, the interim construction lender, for the restoration and redevelopment of the Harlan Building property in accordance with the objectives of the Farmers Market TIF District Project Plan - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 65 be considered as an individual item. Mayor Miller stated that consent agenda item 65 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 65 was brought up for consideration.

Councilmember Lill moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2088

Item 66: Authorize (1) a public hearing to be held on August 11, 2004 to receive citizens' comments concerning the renewal of the Prestonwood Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Prestonwood Public Improvement District (District) for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District, and at the close of the hearing, consideration of a resolution renewing the Prestonwood Public Improvement District for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and providing an effective date; and (2) approval of the Prestonwood Public Improvement District Service Plan for 2005-2011 - Financing: No cost consideration to the City

Councilmember Greyson requested that consent agenda item 66 be considered as an individual item. Mayor Miller stated that consent agenda item 66 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 66 was brought up for consideration.

Councilmember Greyson moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2089

Item 67: An ordinance authorizing a change of zoning from an R-7.5(A) Single Family District to an R-5(A) Single Family District on property located on the south line of Catskill Street, west of Cheyenne Road Z023-287/11996(RB) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25636.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2090

Item 68: **Cityplace Area TIF District**

Note: Item Nos. 68, 69, & 70 must be considered collectively.

- * Authorize rescinding Resolution No. 03-3088, previously approved on November 12, 2003, which authorized a development agreement with Oak Creek Partners, LTD., (1) funding of design and construction of the initial phase of public improvements for Unity Plaza in Cityplace Area TIF District; and (2) the establishment of appropriations in an amount not to exceed \$530,000 in the Cityplace Area TIF District Funds - \$530,000 - Financing: To be advanced by a private developer and reimbursed with interest from the Cityplace TIF District Funds and/or Tax Increment Bonds; accrued interest on private funds to be repaid solely from the Cityplace Area TIF District Funds and/or Tax Increment Bonds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2091

Item 69: **Cityplace Area TIF District**

Note: Item Nos. 68, 69, & 70 must be considered collectively.

- * Authorize rescinding Resolution No. 03-3088, previously approved on November 12, 2003, which declared the intent of Tax Increment Financing District Reinvestment Zone Number Two, (Cityplace Area TIF District) to reimburse Oak Creek Partners, LTD., for the funds advanced pursuant to a development agreement between the City of Dallas and Oak Creek Partners, LTD., in an amount not to exceed \$530,000 plus interest, for the initial phase of certain public improvements related to the development of Unity Plaza and reimbursed from the Cityplace Area TIF District Funds and/or Tax Increment Bonds; accrued interest (compounded semiannually) on private funds to be repaid solely from the Cityplace Area TIF District Fund and/or Tax Increment Bonds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2092

Item 70: **Cityplace Area TIF District**

Note: Item Nos. 68, 69, & 70 must be considered collectively.

- * Authorize the use of Series 2004 Cityplace Tax Increment Bond proceeds for payment of project costs associated with the design, engineering, construction management, and construction of the public improvements for Unity Plaza, Phase I as the link for the Cityplace DART Light Rail Station and the McKinney Avenue Trolley at the intersection of Central Expressway and Cityplace West Boulevard in Tax Increment Financing Reinvestment Zone Number Two, (Cityplace Area TIF District); and the establishment of appropriations in an amount not to exceed \$530,000 in the Cityplace Area TIF District Funds - \$530,000 - Financing: To be paid with the proceeds of Series 2004 Cityplace Tax Increment Bonds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2093

Item 71: Authorize (1) a third amendment to the contract with Texas Commission on Environmental Quality to accept additional grant funds to operate whole air samplers as part of the PM 2.5 air monitoring activities in Dallas, and; (2) execution of the grant agreement - Not to exceed \$347,200, from \$508,131 to \$855,331 - Financing: Texas Commission on Environmental Quality Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2094

Item 72: Authorize a public hearing to be held on August 11, 2004 to receive citizens' comments on the reallocation of Housing Opportunities for Persons with AIDS funds contracted to Dallas County under the FY 2003-04 Consolidated Plan Budget - 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

June 23, 2004

04-2095

Item 73: Authorize Renewal Option No. 1 to the contract with Turtle Creek Manor to provide residential substance abuse treatment for low income and uninsured adults for the period August 1, 2004 through July 31, 2005 - Not to exceed \$116,838 - Financing: Current Funds

Councilmember Finkelman requested that consent agenda item 73 be considered as an individual item. Mayor Miller stated that consent agenda item 73 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 73 was brought up for consideration.

Councilmember Finkelman moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2096

Item 74: Authorize Renewal Option No. 1 to the contract with Nexus Recovery Center, Inc. to provide residential substance abuse treatment for low and moderate income, uninsured adult females for the period August 1, 2004 through July 31, 2005 - Not to exceed \$60,600 - Financing: Current Funds

Councilmember Finkelman requested that consent agenda item 74 be considered as an individual item. Mayor Miller stated that consent agenda item 74 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 74 was brought up for consideration.

Councilmember Finkelman moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2097

Item 75: Authorize an amendment to the Replacement Housing/SHARE Program Statement to further define loan terms relating to the value of the existing home prior to a replacement housing loan - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2098

Item 76: Authorize (1) a public hearing to be held on August 11, 2004 to receive citizens' comments on the proposed private sale by quitclaim deed of 3 unimproved properties located at 1818 Ebbtide, 551 Elkhart and 4803 Frio acquired by the taxing authorities from the Sheriff's Sale to Foundation for Housing Resources, Inc., a qualified non-profit organization 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

June 23, 2004

04-2099

Item 77: Authorize the reconstruction on-site of one home in accordance with the Replacement Housing Program Statement requirements for the property located at 1941 Gallagher Street - Not to exceed \$55,000 - Financing: 2003-04 Community Development Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2100

Item 78: Authorize the first of two one-year renewal options to the contract with KPMG LLP, for the audit of the City's financial operations and grant activities for the fiscal year ending September 30, 2004 - Not to exceed \$440,500 - Financing: Current Funds (\$409,500) and Bond Funds Interest Earnings (\$31,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2101

Item 79: Authorize a resolution to change the list of employees allowed to conduct transactions for the investment of City funds in the Texas Local Government Investment Pool -
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

June 23, 2004

04-2102

- Item 80: Authorize an amendment to the twenty-year management agreement with Fair Skate, a Texas non-profit corporation, to allow specific repair and renovation of the existing equipment at the Fair Park Coliseum at the sole cost of Fair Skate, and allow Fair Skate to manage the operation of the Fair Park Coliseum as an ice skating facility beginning in November 2004 until either the existing coliseum is closed or the City determines that the Dallas Cowboys will not relocate to Fair Park - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2103

Item 81: Authorize a development agreement with Texas Discovery Gardens for conversion of the Tropical Conservatory into the Rosine Smith Sammons Butterfly House and insectarium and the necessary building renovations to the Texas Discovery Gardens at Fair Park intersection of Martin Luther King, Jr., Boulevard and 2nd Street - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2104

Item 82: Authorize application to the National Park Service for a grant in the amount of \$1,200,000 for the restoration of architectural elements and fountains, replacement of plaza paving, lighting at architectural elements and associated electrical work for Dealey Plaza (local match in the amount of \$600,000 will be required if awarded) - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2105

Item 83: Authorize (1) the application for and acceptance of the Impaired Driving Mobilization Selective Traffic Enforcement Program, Overtime Enforcement grant in the amount of \$50,000 from the Texas Department of Transportation for a statewide Driving While Intoxicated enforcement campaign, for the period June 28, 2004 through September 30, 2004, (2) a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$14,110, and (3) execution of the grant agreement - Total not to exceed \$64,110 - Financing: Current Funds (\$14,110) and Texas Department of Transportation Grant Funds (\$50,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2106

Item 84: Authorize an amendment to the Road Hump Policy and Installation Procedures to provide an appeal process to the City Plan Commission and City Council for streets with measured speeds from 31 to 34 miles per hour - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2107

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 85-88, and addendum addition consent agenda items 29-31, were presented for consideration.

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

Agenda item 85:	Zoning Case Z034-201 (JA)
Agenda item 86:	Zoning Case Z034-205 (JA)
Agenda item 87:	Zoning Case Z034-217 (MM)
Agenda item 88:	Zoning Case Z034-206 (RB)

Addendum addition 30 was removed from the consent zoning docket, to be considered as an individual hearing.

Addendum addition item 29: Zoning Case Z034-233 (WE)
~~Addendum addition item 30: Zoning Case Z034-103 (DC)~~ **[Considered individually]**
Addendum addition item 31: Zoning Case Z034-288 (RB)

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

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

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

Marcel Quimby, 3200 Main St., regarding zoning case Z034-201 (JA)

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

William Hopkins, 2011 Leath St.

Councilmember Finkelman moved to close the public hearing, accept the recommendations of the city plan commission in the remaining consent zoning cases and pass the ordinance and the resolutions subject to a development plan and conditions and deed restrictions submitted by the applicant as presented as part of the consent zoning docket.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2108

Item 85: Zoning Case Z034-201 (JA)

Zoning Case Z034-201 (JA),an application for and an ordinance granting an Historic Overlay District for the Bromberg House located on property zoned an R-7.5(A) Single Family District on Wendover Road, north of Meadow Lake Avenue.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25637.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2109

Item 86: Zoning Case Z034-205 (JA)

Zoning Case Z034-205 (JA), an application for and an ordinance granting an Historic Overlay District for the Zion Hill Missionary Baptist Church on property zoned a TH-3(A) Townhouse District on the northwest corner of Morrell Avenue and Fernwood Avenue.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25638.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2110

Item 87: Zoning Case Z034-217 (MM)

Zoning Case Z034-218 (MM), an application for and an ordinance granting a CR Community Retail District on property zoned a P(A) Parking District, on the east side of Eastern Avenue, south of Lovers Lane and west of the Dallas North Tollway and a resolution accepting deed restrictions volunteered by the applicant.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25639.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2111

Item 88: Zoning Case Z034-206 (RB)

Zoning Case Z034-206 (RB), an application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an R-7.5(A) Single Family District and a CR Community Retail District on the south line of Simpson Stuart Road, east of Lancaster Road and a resolution accepting deed restrictions volunteered by the applicant.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25640.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2112

Item 89: Public Hearing – Zoning Case Z034-219 (MM)

A public hearing was called on zoning case Z034-219 (MM), an application for and an ordinance granting a P(A) Parking District on property zoned an R-5(A) Single Family District, located on the northwest corner of the intersection of Sylvan Street and McBroom Street.

(The city plan commission recommended approval, subject to a site plan.)

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

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

Rene Mata, 3401 Anson Rd.

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

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

Assigned ORDINANCE NO. 25641.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2113

Item 90: Public Hearing – Zoning Case Z023-265 (RB)

A public hearing was called on zoning case Z023-265 (RB), an application for and an ordinance granting a Planned Development District for a Mini-warehouse and RR Regional Retail District Uses on property zoned an LO-1 Limited Office District, an LO-3 Limited Office District, a CR Community Retail District, and an RR Regional Retail District on the north line of Beckleymeade Avenue, west of Willoughby Boulevard.

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

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 and pass the ordinance.

Motion seconded by Councilmember Chaney and unanimously adopted.

Assigned ORDINANCE NO. 25642.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2114

Item 91: Public Hearing – Zoning Case Z034-127 (DW)

A public hearing was called on zoning case Z034-127 (DW), an application for a Planned Development Subdistrict for GR General Retail uses on property zoned an MF-2 Multiple-family Subdistrict and a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, located southeast of Knight Street and southwest of Cedar Springs Road, and an ordinance granting a Planned Development Subdistrict for GR General Retail uses on Tract A and MF-2 Multiple-family uses plus bank without drive-through window service on Tract B.

(The city plan commission recommended approval of a Planned Development Subdistrict for GR General Retail uses on Tract A and MF-2 Multiple-family uses plus bank without drive-through window service on Tract B, subject to a development plan, landscape plan and conditions.

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

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

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

Art Rogers, 4523 Holland Ave., representing Oak Lawn Association
Cay Kolb, 4402 Rawlings St.
Judy Smith-Hearst, 2512 Thomas Ave.
Mike Northrup, 4210 Prescott Dr.
Kirk Williams, 5400 Renaissance Tower, representing the applicant

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

Motion seconded by Councilmember Salazar and unanimously adopted. (Oakley, Blaydes abstain)

Assigned ORDINANCE NO. 25643.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2115

Item 92: Public Hearing – Zoning Case Z034-171 (WE)

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 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 Z034-171 (WE), an application for a Medium Commercial/Office Plus Subdistrict on property zoned a Medium Commercial/Office Subdistrict within Planned Development District No. 631, the West Davis Special Purpose District, and a Specific Use Permit for a commercial bus station and terminal use on the north side of Davis Street, west of Westmoreland Road.

(The city plan commission recommended denial.)

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

Councilmember Oakley moved to close the public hearing and overrule the recommendation of the city plan commission and deny the item with prejudice.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2116

Item 93: Public Hearing – Zoning Case Z034-207 (RB)

A public hearing was called on zoning case Z034-207 (RB), an application for an expansion of Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on property zoned an IR Industrial Research District on the west line of Anaheim Drive, south of Forest Lane and the termination of a portion of Specific Use Permit No. 97 for an Airport that encompasses the site.

(The city plan commission recommended denial.)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2117

Item 94: Public Hearing – Zoning Case Z034-147 (WE)

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 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 Z034-147 (WE), an application for a Planned Development District for a CR-MD-1 Community Retail District with a Modified Delta Overlay, an MF-2(A)-MD-1 Multifamily District with a Modified Delta Overlay, an MC-MD-1 Multiple Commercial District with a Modified Delta Overlay and UC-1 Urban Corridor District uses on property zoned a CR-MD-1 Community Retail District with a Modified Delta Overlay, an MF-2(A)-MD-1 Multifamily District with a Modified Delta Overlay and an MC-MD-1 Multiple Commercial District with a Modified Delta Overlay, bounded by Greenville Avenue, Alta Street, Summit Avenue and Lewis Street.

(The city plan commission recommended denial.)

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

Jonathan Vinson, 901 Main St., representing the applicant
Maxine Aaronson, 3131 McKinney Ave., representing lower Greenville

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

Mayor Pro Tem Loza moved to close the public hearing, send the item back to the city plan commission with the following changes:

“Density Tracts 1 and 2: 128 dwelling units, 15000 square feet of retail and required parking for same.

Density Tract 3: 12 townhomes, separately platted, 3 buildings of 4 units each.

Maximum height: Tract 1: 40 feet to the midpoint of the roof.
3 story maximum, non-residential uses limited to ground floor.

Tract 2: 37 feet to the midpoint of the roof. Maximum permitted height at apex of the building on parking garage is 40 feet. Parking garage will be screened within the height envelope for the multi-family structure and not be visible above the apartments.

3 story maximum on multifamily

Tract 3: 30 feet to the midpoint of the roof
2 story maximum

Parking Issues:

Apartments parked 1 to 500 as per code

Retail parked 1 to 200 as per code

Restaurant parked 1 to 100 as per code

No urban corridor designation

Secured separate parking for multifamily

6 spaces to be provided in tract 3 between buildings

Private gated street for access to rear entry garages for townhomes on Tract 3

No parking may be used to meet code requirements for off site uses (e.g., not in Tracts 1, 2 or 3)

Non-required parking may be entered on long or short term basis, but no charging for required parking.

Maximum levels of parking is 3 above grade.

Permitted uses Tract 1:

- Adult day care facility.
- Animal shelter or clinic without outside run.
- Child-care facility.
- Church.
- Custom business services
- Household equipment and appliance repair.
- Liquor store.
- Library, art gallery, or museum.
- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.
- Duplex.

- Multifamily.
- Single family.
- Dry cleaning or laundry store.
- Furniture.
- General merchandise or food store 3,500 square feet or less.
- Nursery, garden shop, or plant sales.
- Personal service uses (with Salazar restrictions).
- Surface parking.
- Swap or buy shop.
- Taxidermist.
- one restaurant as an accessory use to another permitted use subject to the following conditions:

Not to exceed 750 square feet or 25% of square footage of the main use whichever is less.

No separate entrance

Applicant to offer public and private deed restriction on tracts 1, 2, and 3 against on premise consumption of alcohol.

Hours of operation to between 5:00 am and 11:00 pm

- One restaurant not to exceed 3000 square feet, hours of operation to be 5:00 am to 4:00 pm, subject to public and private deed restrictions against on premise consumption of alcohol on tracts 1, 2, and 3.
- No drive thoughts of any kind

Permitted uses Tract 2:

Multifamily and parking garage for tracts 1 and 2

Permitted uses Tract 3:

Townhouse
Single Family

Additional points:

PD is designated a residential PD

Landscaping and setbacks to Code for MF-2 on tracts 1 & 2, except 30 feet on Greenville

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

04-2117

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Zoning is conditional on final approval by the City Plan Commission of a detailed development plan within 18 months of the date of final approval of the ordinance. If plan not approved, tracts 1, 2, and 3 reverts to previous zoning, bring the item back to the August 11, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Lill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2118

Item 95: Public Hearing – Zoning Case NCO12-103 - STREET NAME CHANGE – INDIVIDUAL

A public hearing was called on zoning case NCO102-103, an application for and an ordinance granting a street name change, changing the name of Coalson Avenue to C. L. Veasey Boulevard from Ann Arbor Avenue to southwest of Marjorie Avenue.

(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:

R.L. Washington Sr., 900 Plantation Dr., DeSoto
Mildred Fisher, 522 Misty Trail

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

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

Assigned ORDINANCE NO. 25644.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2119

Item 96: Public Hearing – Zoning Case Z034-209 (MJF) - DALLAS INDEPENDENT SCHOOL DISTRICT

A public hearing was called on zoning case Z034-209 (MJF), an application for and an ordinance granting a Planned Development District for a public school use 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, bounded by Blossom Lane, Pritchard Lane, Hume Drive and Piedmont Drive.

(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.

The following individual addressed the city council regarding zoning case Z034-209 (MJF):

William Hopkins, 2011 Leath St.

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

Motion seconded by Councilmember Chaney and unanimously adopted. (Blaydes abstain; Hill absent when vote taken)

Assigned ORDINANCE NO.25645.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2120

Item 97: Public Hearing – Zoning Case Z034-209 (MJF)

A public hearing was called on zoning case Z034-209 (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-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District, located on the northeast corner of Denton Drive and Inwood Road.

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

Motion seconded by Councilmember Chaney and unanimously adopted. (Blaydes abstain; Hill absent when vote taken)

Assigned ORDINANCE NO. 25646.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2121

Item 98: Public Hearing – Zoning Case Z034-173 (RB)

A public hearing was called on zoning case Z034-183 (RB), an application for and an ordinance granting an amendment to the Phase I development plan and conditions for Planned Development District No. 114 for Retail, Hotel, Office, Multiple Family, and Entertainment and Recreational Uses, on the northeast corner of Belt Line Road and Prestonwood Boulevard.

(The city plan commission recommended approval, subject to a Phase I development plan and conditions.) This item was considered by the City Council at a public hearing on June 9, 2004, and was taken under advisement until June 23, 2004, with the public hearing open.)

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

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

Robert Reeves, 500 S. Ervay St.

The following individual addressed the city council regarding zoning case Z034-173 (RB):

William Hopkins, 2011 Leath St.

Councilmember Finkelman 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.

Assigned ORDINANCE NO. 25647.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2122

Item 99: Public Hearing - Zoning Case Z034-116 (MM)

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 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 Z034-116 (MM), an application for a Specific Use Permit for a Hotel or Motel use on property zoned an HC Heavy Commercial Subdistrict in Planned Development District No. 193, the Oak Lawn Special Purpose District on the north corner of Maple Avenue and Mahon Street.

(The city plan commission recommended denial. This item was considered by the City Council at a public hearing on June 9, 2004, and was taken under advisement until June 23, 2004, with the public hearing open.)

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

David Bell, 8350 Meadow Rd.
Robert Reeves, 500 S. Ervay St.

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

Councilmember Lill moved to close the public hearing and overrule the recommendation of the city plan commission with the following changes:

“Amend Condition No. 3 to provide a two-year non-renewable time period, and amend Condition No. 8, regarding parking, to require that an additional 15 on-site or off-site parking spaces be provided by a contractual agreement or other binding arrangement” and pass the ordinance.

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

Assigned ORDINANCE NO. 25648.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2123

Item 100: 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.) This item was considered by the City Council at public hearings on March 24 and May 12, 2004, and was held under advisement until June 23, 2004, with the public hearing open.)

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

Maxine Aaronson, 3131 McKinney Ave.

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

Mayor Pro Tem Loza moved to close the public hearing, overrule the recommendation of the city plan commission and deny the ordinance without prejudice.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2124

Item 101: Public Hearing – Zoning Case Z023-179 (MM)

A public hearing was called on zoning case Z023-179 (MM), an application for and an ordinance granting the expansion of and amendment to Specific Use Permit No. 85 for a Cemetery on property zoned MF-2(A) Multifamily District with Specific Use Permit No. 85 on Lombardy Lane, west of Webb Chapel Road and east of Porter Street.

(The city plan commission recommended approval. This item was considered by the City Council at public hearings on May 28, June 25, August 13, September 10, and November 12, 2003, and was taken under advisement until June 23, 2004, with the public hearing open.)

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.

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 city attorney.

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

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

William Cothrum, 500 S. Ervay St., representing DISD

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

Jonathan Vinson, 901 Main St., representing Calvary Hill

Councilmember Salazar moved to postpone the application until the October 13, 2004 voting agenda meeting of the city council and to continue the public hearing at that time, to seek answers to the following questions:

- (1) who is the current owner of this tract in view of DISD's deposit of the Special Commissioner's award with the Court in February 2004;
- (2) whether human remains are buried on this tract;
- (3) whether a 1969 judgment still prohibits cemetery use of this tract in view of Calvary Hill Cemetery's dedication of this tract for cemetery use in 2003; and
- (4) who will prevail in the "right-to-take-trail scheduled on September 20, 2004.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2125

Item 102: Public Hearing - BENEFIT ASSESSMENT HEARINGS

A public hearing was on a benefit assessment hearing to receive citizens' comments for street paving, storm drainage, water and wastewater main improvements for Street Group 03-439, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with SYB Construction Company, Inc., lowest responsible bidder of seven - \$467,953 - Financing: 2003 Bond Funds (\$314,777), Water Utilities Capital Improvement Funds (\$145,226), Water Utilities Capital Construction Funds (\$7,950).

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

Councilmember Thornton Reese moved to close the public hearing, pass the ordinance levying the assessments and approve the resolution authorizing the contract.

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

Assigned ORDINANCE NO. 25649.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2126

Item 103: Public Hearing – BENEFIT ASSESSEMENT HEARING

A public hearing was called on a benefit assessment hearing to receive citizens' comments for street paving and storm drainage improvements and water and wastewater adjustments on Lillian Street from W. Eighth Street to W. Davis Street; and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with P & E Contractors, Inc., lowest responsible bidder of seven - \$137,048 - Financing: 2003 Bond Funds.

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

The following individual addressed the city council regarding the benefit assessment:

William Hopkins, 2011 Leath St.

Councilmember Garcia moved to close the hearing, pass the ordinance levying the assessments and approve the resolution authorizing the contract.

Motion seconded by Councilmember Oakley and unanimously adopted.

Assigned ORDINANCE NO. 25650.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2127

Dixon Branch

Note: Item Nos. 104 & 105 must be considered collectively.

Item 104: * Application for a fill permit and removal of the floodplain (FP) prefix from 5.07 acres of land zoned Industrial Retail (IR), currently in the 100-year floodplain of Dixon Branch, located at 10214 East Plano Road, north of LBJ Freeway and the KCS Railroad - Fill Permit 04-01 - Financing: No cost consideration to the City

Item 105: * Authorize an amendment to the 1984 Floodplain Management Report for Dixon Branch and Tributaries to eliminate the requirement for a detention basin located upstream and north of LBJ Freeway and the KCS Railroad - Financing: No cost consideration to the City

No one addressed the city council regarding the floodplain application.

Councilmember Blaydes moved to close the public hearing and authorize the amendment.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2128

Item 106: MISCELLANEOUS HEARINGS

A public hearing to receive citizens' comments on the proposed FY 2004-05 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds and the proposed FY 2003-04 Reprogramming Budget - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the FY 2004-05 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds:

William Hopkins, 2011 Leath St.
Albert Parker, 6319 Elam Rd.

Mayor Pro Tem Loza moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2129

04-2130

Item 107: 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 boards and commissions appointments for the 2003-2005 board term updated through June 23, 2004.

The city secretary noted that the report indicated nominees and re-nominees for individual appointments cleared for council action that met all qualifications for service.

Councilmember Garcia moved to appoint Casey Gerald, junior, South Oak Cliff High School, to the Youth Commission.

Motion seconded by Councilmember Oakley and unanimously adopted.

Councilmember Garcia moved to appoint all the nominees to "individual appointment" positions in the report who meet all qualifications for service to the boards and commissions of the city for the term ending August 31, 2005.

Motion seconded by Councilmember Oakley and unanimously adopted.

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

04-2189 EAC ETHICS ADVISORY COMMISSION

04-2190 MLK MARTIN LUTHER KING JR. COMMUNITY CENTER BOARD

04-2191 YAC YOUTH COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2131

Item 108: Authorize an Historic Development Program tax abatement for the Bromberg/Patterson House located at 3201 Wendover Road for ten years on the added value of the land and structure (Estimated revenue foregone for a ten-year abatement is \$64,339) - Financing: No cost consideration to the City

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

The following individual addressed the city council regarding the item:

Marcel Quimby, 3200 Main St.

Councilmember Griffith moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2132

Item 109: Authorize the sale by quitclaim deed of all or portions of 11 unimproved properties acquired by the taxing authorities from three Sheriff's Sales to the Dallas Independent School District - Revenue: \$416,282

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.

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2133

Item 110: 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 Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue until November 19, 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 Garcia and unanimously adopted. (Salazar absent when vote taken)

Later in the meeting, Councilmember Oakley moved to reconsider the item.

Motion seconded by Councilmember Chaney.

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

“Authorize an extension of the moratorium on the acceptance of applications for building permits or certificates of occupancy for “non-residential” properties excluding public school properties” other than open enrollment charter schools 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 until November 19, 2004”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2134

Item 111: Authorize an extension of the moratorium on the acceptance of applications for building permits or certificates of occupancy for Ross Avenue, from Central Expressway to Fitzhugh Avenue until November 19, 2004 - Financing: No cost consideration to the City **(Requires a 3/4 vote of the full City Council for approval)**

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

Councilmember Lill moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Rasansky abstain); Salazar absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2135

Item 112: Authorize a real property tax abatement agreement with Building No. 3, Mountain Creek, L.P. for the purpose of granting a ten-year abatement of 90 percent of the taxes on added value to the real property for its new building located within Enterprise Zone Two on vacant land at Mountain Creek Parkway in Mountain Creek Business Park - Revenue: First-year tax revenue estimated at \$3,639; Ten-year revenue estimated at \$36,390; (Estimated revenue foregone for ten-year property abatement is \$327,506) - Financing: No cost consideration to the City

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2136

Item 113: Authorize hardship relief for property located at 2121 West Colorado Boulevard 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.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2137

Item 114: Authorize hardship relief for property located at 1645 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 deny the item.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2138

Item 115: Authorize hardship relief for property located at 1808 Sylvan 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.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2139

Item 116: Authorize hardship relief for property located at 500 West Main 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 Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2140

Item 117: An ordinance amending Chapter 2 of the Dallas City Code to (1) redefine the date of valuation for abandonments; (2) authorize the use of Dallas Central Appraisal District values for abandonments under \$20,000; (3) require independent appraisals for abandonments over \$20,000; (4) authorize discounting of abandonment fees by appraisers for property rights retained by the City; and (5) establish a fee for abandonment of easements originally purchased by the City pursuant to recommendations from the Real Estate Task Force - Financing: No cost consideration to the City

Councilmember Finkelman moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25651.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2141

Item 118: A resolution declaring approximately 8 acres of vacant City-owned land located near the intersections of Iroquois and Fannie Streets and Ingersoll Street and Chippewa Drive unwanted and unneeded and authorize the private sale through the Land Transfer Program to Builders of Hope Community Development Corporation, a qualified non-profit organization, for the development of low and moderate income affordable housing - Revenue: \$10

Councilmember Oakley moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2142

Item 119: Authorize (1) amendments to the Program Statement for the Single-Family Housing Infrastructure Development Bond Program and (2) issuance of a Request for Applications soliciting funding requests for infrastructure development for new mixed income single-family subdivisions, contingent on the availability of future bond proceeds - Financing: No cost consideration to the City

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

“To increase the percentage of the homes in the subdivision that can be less than 1400 square feet but no less than 1125 square feet from 10% to 15%”.

Motion seconded by Councilmember Thornton Reese.

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

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

Mayor Miller declared the motion failed.

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Fantroy.

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

Mayor Miller declared the motion adopted on a divided voice vote with Councilmember Rasansky voting “No.”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2143

Item 120: Authorize hardship relief for property located at 2819 Ft. Worth Avenue from the Ft. Worth Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 1,000 feet of the north or south right-of-way line of Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Kathryn Sifferlen, 2819 Fort Worth Ave.

Councilmember Oakley moved to deny the item.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2144

Closed Session

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

- Jacinto Jesus Mejia v. City of Dallas, et al., Cause No. 3:03-CV-0352-L
- Lorenzo Escamilla v. City of Dallas, et al., Cause No. 3:03-CV-0848-K
- George Sifuentez v. City of Dallas, et al., Cause No. 3:03-CV-0961-K
- Israel Pineda v. City of Dallas, et al., Cause No. 3:04-CV-0071-K
- Cruz et al. v. City of Dallas, et al., Cause No. 3:02-CV-0649-K
- Betty Jenkins v. City of Dallas, et al., Cause No. 3:03-CV-0810-K
- Everett and Grogan v. City of Dallas, et al., Cause No. 3:04-CV-0192-K
- Yvonne Gwyn v. City of Dallas, et al., Cause No. 3:02-CV-2121-K
- Victor Alvarado DeLeon v. City of Dallas, et al., Cause No. 3:02-CV-1097-K
- Jaime Chavez et al. v. City of Dallas, et al., Cause No. 3:04-CV-0510-K
- Ninfa Juarez, et al. v. Honorable Laura Miller, et al., Cause No. 02-11545-A
- Anthony Lynn Curlin v. Daniel Earl Maples, Jr., et al., Cause No. 3:02-CV-1997-H

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

Closed Session

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

- Jacinto Jesus Mejia v. City of Dallas, et al., Cause No. 3:03-CV-0352-L
- Ninfa Juarez, et al. v. Honorable Laura Miller, et al., Cause No. 02-11545-A
- Anthony Lynn Curlin v. Daniel Earl Maples, Jr., et al., Cause No. 3:02-CV-1997-H

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2145

Addendum addition 1: Authorize (1) a professional services contract with Schrickel, Rollins and Associates, Inc. to develop a master plan for the Trinity River Whitewater Park; and (2) assignment of the contract to the Park and Recreation Department to manage - \$61,974 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2146

Addendum addition 2: Authorize a professional services contract with Halff Associates, Inc. for design, preparation of construction documents, and construction management for the Great Trinity Forest - Santa Fe Trestle Trail, including the rehabilitation of the old historic steel truss structure, removing wooden trestles, removing earthen embankment and installing a new bridge structure across the Trinity River - \$1,116,282 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2147

Addendum addition 3: Authorize a professional services contract with HNTB Corporation for the design and preparation of construction documents for the reconstruction of new runway and taxiway shoulders, drainage improvements, erosion control, taxiway centerline lights, and security fence relocation at Dallas Love Field Airport - \$384,151 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2148

Addendum addition 4: Authorize Supplemental Agreement No. 4 to the contract with Brown, Reynolds and Watford Architects, Inc. to provide schematic design through construction administration for the Trinity Interpretive Center, Trinity Equestrian Center and Trails - \$2,812,000, from \$676,250 to \$3,488,250 - Financing: 1998 Bond Funds

Councilmember Greyson 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 Councilmember Greyson's request.

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

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Lill.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2149

Addendum addition 5: Authorize an increase in the contract with JRJ Paving, LP for additional resurfacing improvements on the 8400, 8500, 8600 and 8700 blocks of Ambassador Row in the Asphaltic Concrete Street Resurfacing Group 2 for 2004 - \$45,385, from \$4,582,912 to \$4,628,297 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2150

Addendum addition 6: Authorize (1) a decrease in the contract with CST Environmental, Inc. for demolition and environmental remediation related to the redevelopment of the Dallas Power and Light building at 1506-1512 Commerce Street, in an amount not to exceed (\$133,642), from \$2,697,800 to \$2,564,158, (2) an increase in the contract with Andres Construction Services, LLC 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 in an amount not to exceed \$209,934, from \$2,472,121 to \$2,682,055, (3) assignment of the contract to Hamilton DPL Development, Inc. for construction management, and (4) a decrease in the payment to Hamilton DPL Development, Inc. in an amount not to exceed (\$76,292), from \$1,333,238 to \$1,256,946 for design, reimbursables and construction management - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2151

Addendum addition 7: Authorize a first amendment to the lease agreement with 8035 East RLT, LP to renew and extend the lease for approximately 7,439 square feet of office space located at 8035 East RL Thornton Freeway to be used by the Food Protection and Education program for the period July 1, 2004 through June 30, 2011 - Not to exceed \$852,510 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2152

Addendum addition 8: An ordinance abandoning easements containing a total of approximately 13,031 square feet of land, an alley, a portion of an alley and portions of Lakemont and Wilada Drives containing a total of approximately 30,626 square feet of land to Montclair Partners, L.P., the abutting owner, located near the intersection of Lakemont Drive and Cortez Drive in exchange for the dedication of approximately 51,410 square feet of land for private streets and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25652.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2153

Addendum addition 9: An ordinance abandoning a portion of Military Parkway to Military Parkway U-Stor, LLC, the abutting owner, containing approximately 27,982 square feet of land located near its intersection with Parkdale Drive, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

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

Later in the meeting, addendum addition 9 was brought up for consideration.

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.

Councilmember Chaney moved to pass the ordinance.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Blaydes abstain)

Assigned ORDINANCE NO. 25653.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2154

Addendum addition 10: An ordinance reauthorizing the abandonment of an alley to La Calle Diez Community Development Corporation, the abutting owner, containing approximately 8,812 square feet of land located near the intersection of Denver and Tenth Streets in exchange for the dedication of approximately 8,812 square feet of land needed for street and alley rights-of-way and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25654.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2155

Addendum addition 11: Authorize (1) settlement of existing disputes respecting the telecommunications agreement with SBC Global Services, Inc. dated November 20, 2000, and telecommunications equipment lease with Ameritech Credit Corporation d/b/a SBC Capital Services (SBC Capital) dated September 29, 2000; and (2) an eighty-four-month agreement with SBC DataComm, Inc. for telecommunications service including voice (dial tone) and data network services, network management, monitoring, maintenance, perimeter security, and related services and an eighty-four-month equipment lease with SBC Capital Services for telecommunications equipment for the City - Not to exceed \$59,984,714 - Financing: Current Funds (subject to annual appropriations)

Councilmember Rasansky requested that addendum addition 11 be considered as an individual item. Mayor Miller stated that addendum addition 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, addendum addition 11 was brought up for consideration.

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

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.

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

“Section 5. Upon approval of the City Attorney as to form, the City Manager is authorized to execute an amendment to the Supplemental Agreement with SBC Global Services, Inc. to (a) extend the same to expire on August 25, 2004; and (b) to increase the authorized monthly equipment lease payments there under to not to exceed \$210,918.62 per month (from \$181,817.72 per month) during the term of the extension”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2156

Addendum addition 12: A resolution confirming the sale of one 1998 John Deere 710D backhoe loader, equipment number 989008 to Tommy Patrick Clark in the amount of \$26,000, two 1996 CAT 436 C backhoe loaders, equipment numbers 969043 and 969044, and one 1991 International 4900 Fuel Transport truck, equipment number 913036 to Tim's Truck and Equipment in the amount of \$66,500, sold at public auction on June 8, 2004 - Revenue: \$92,500

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2157

Addendum addition 13: Authorize a thirty-six-month service contract for removal and hauling of excavated materials with the lowest responsible bidder of two - Herdez Trucking, Inc. - Not to exceed \$5,313,300 - Financing: 2003 Certificates of Obligation (\$3,287,500), Water Utilities Current Funds (\$1,576,300), Current Funds (\$449,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2158

Addendum addition 14: Authorize a thirty-six-month service contract to (1) investigate and provide solutions for increasing billable revenues for Dallas Water Utilities and (2) repair and replace defective water meters with the only proposer - Utility Revenue Management Company, Inc. - Estimated Annual Net Revenue: \$940,000

The city secretary announced that the city manager had deleted addendum addition 14 from the agenda in accordance with Subsection 7.11 of the City Council Rules.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2159

Addendum addition 15: An ordinance amending Chapter 13 of the Dallas City Code to require all associate and full-time municipal judges including the administrative municipal judge, to reside in the City of Dallas - Financing: No cost consideration to the City

Councilmember Finkelman requested that addendum addition 15 be considered as an individual item. Mayor Miller stated that addendum addition 15 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, addendum addition 15 was brought up for consideration.

Councilmember Thornton Reese moved to approve the item.

Motion seconded by Councilmember Garcia.

Councilmember Finkelman moved to substitute for Councilmember Thornton Reese's motion a motion for all associate and full-time municipal judge candidates who do not live in Dallas to move into the City of Dallas six months after their appointment.

Motion seconded by Councilmember Lill.

After discussion, Mayor Miller called for Councilmember Finkelman's substitute motion:

Voting Yes:	[5]	Miller, Oakley, Finkelman, Rasansky, Lill
Voting No:	[9]	Loza, Garcia, Thornton Reese, Salazar, Chaney, Fantroy, Griffith, Blaydes, Greyson
Absent when vote taken:	[1]	Hill

Mayor Miller declared the motion failed.

Mayor Miller called the vote on the original motion:

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

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25655.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2160

Addendum addition 16: Authorize Supplemental Agreement No. 3 to the professional services contract with The Carter Law Firm, P.C., to provide additional legal services in the lawsuits styled James F. Hill, et al. v. City of Dallas, Cause No. 95-00975-J, Albert, et al. v. City of Dallas, Cause No. 199-697-94, Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99, Barber, et al. v. City of Dallas, Cause No. 199-624-95, Willis, et al. v. City of Dallas, Cause No. 199-200-95, Martin, et al. v. City of Dallas, Cause No. 1-95-506 and Saucedo-Falls, et al. v. City of Dallas, Cause No. 1-02-780 and any other proceedings relating to the subject matter of these lawsuits - Not to exceed \$200,000, from \$520,000 to \$720,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2161

Addendum addition 17: Authorize a professional services contract with the law firm of Joe C. Tooley, Attorneys and Counselors ("law firm") that will (1) consolidate four professional services contracts with the law firm totaling \$95,000, involving the following lawsuits: Jacinto Jesus Mejia v. City of Dallas, et al., Civil Action No. 3:03-CV-0352-L; Escamilla v. City of Dallas, et al., Civil Action No. 3:03-CV-0848-K; Betty Jenkins v. City of Dallas, et al., Civil Action No. 3:03-CV-0649-K; and George Sifuentes v. City of Dallas, et al., Civil Action No. 3:03-CV-0961-K, (2) authorize the law firm to represent the City of Dallas in two additional lawsuits styled Chavez et al. v. City of Dallas, et al., Civil Action No. 3:04-CV-0510-K and Pineda v. City of Dallas, et al., Civil Action No. 3:03-CV-0071-D and any other proceedings related to the subject matter of these lawsuits and (3) increase the professional services contract amount with the law firm for additional legal services related to the subject matter of these lawsuits - Total not to exceed \$155,000, from \$95,000 to \$250,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2162

Addendum addition 18: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Webb & Webb, for additional legal services and representation of the City 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 \$12,000, from \$132,250 to \$144,250 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2163

Addendum addition 19: Authorize settlement of the lawsuit styled William Bates, Jr. v. Edward Lewis Parker, Officer, Dallas Police Department, Badge #7566, and Henry Blaine Dickens, Dallas Police Department, Badge #7285, Case No. 3:00-CV-1918-P - \$37,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2164

Addendum addition 20: Authorize settlement of a claim involving former City employee Towana Jones - \$8,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2165

Addendum addition 21: Authorize (1) the rejection of a counter-proposal from Downtown Renaissance, LP, for a no-interest loan for the construction of the Davis Lot Garage which was conditionally approved by the City Council on October 22, 2003; (2) withdrawal of such conditional approval of the loan by the City Council on October 22, 2003, by Resolution No. 03-2886; and (3) City staff to release a Request for Proposal for a public parking facility in the downtown core area - Financing: No cost consideration to the City

Mayor Pro Tem Loza requested that addendum addition 21 be considered as an individual item. Mayor Miller stated that addendum addition 21 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Loza's request.

Later in the meeting, addendum addition 21 was brought up for consideration.

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2166

Addendum addition 22: An ordinance authorizing a correction to Ordinance No. 22278 for Planned Development District No. 114 for Retail, Hotel, Office, Multiple Family, and Entertainment and Recreational Uses as codified as Article 114 of Chapter 51P of the Dallas Development Code, on the northeast corner of Belt Line Road and Prestonwood Boulevard to correct the list of permitted uses Z956-127/196-N - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25656.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2167

Addendum addition 23: Authorize the acceptance of grant funds from the Texas Department of Health for the enhancement of the City of Dallas Childhood Lead Poisoning Prevention Program for the period July 1, 2004 through June 30, 2005 and execution of the grant agreement - Not to exceed \$60,000 - Financing: Texas Department of Health Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2168

Addendum addition 24: Authorize the acceptance of the Dallas Ten-Year Plan to End Chronic Homelessness - 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

June 23, 2004

04-2169

Addendum addition 25: An ordinance establishing maximum rates to be charged by Comcast of Dallas, L.P., dba Comcast, for basic service tier and installation and equipment - Financing: No cost consideration to the City ‘

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25657.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2170

Addendum addition 26: Authorize the appointment of Steve Greimann of the Lutheran High School of Dallas, or his designee, as the designated hearing officer for the purpose of publishing a notice of public hearing and holding such hearing, and authorizing the Mayor to approve, following such hearing, the issuance of bonds by the Health and Educational Facilities Authority of the State of Missouri for the benefit of the Lutheran Secondary Association of Dallas, Inc. - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2171

Addendum addition 27: Authorize the issuance of tax-exempt financing by the City of Ames Higher Education Facilities Corporation in an amount not to exceed \$10,000,000 for the benefit of The Episcopal School of Dallas, Inc. - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2172

Addendum addition 28: Authorize approval of the master plan for the Trinity Interpretive Center, Trinity Equestrian Center and Trails - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2173

Addendum addition 29: Zoning Case Z034-233 (WE)

Zoning Case Z034-233 (WE), a City Plan Commission authorized hearing to determine proper zoning on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 311 for an Institution of a Charitable Nature and Specific Use Permit No. 1502 for private streets with consideration of an amendment to, and an expansion of, Specific Use Permit No. 1502 for private streets and the termination of SUP No. 311 for an Institution of a Charitable Nature on the northeast corner of Grove Hill Road and Forney Road and an ordinance implementing the proposal.

(The city plan commission recommended approval for a permanent time period, subject to a site plan and conditions and approval of the termination of SUP No. 311 for an Institution of a Charitable Nature.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25658 and ORDINANCE NO. 25659.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2174

Addendum addition 30: Zoning Case Z034-103 (DC)

The consent zoning docket, consisting of agenda items, 85-88 and addendum addition consent agenda items 29-31, were presented for consideration.

Councilmember Oakley requested that consent zoning docket addendum addition 30 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket addendum addition 30 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Oakley's request.

Later in the meeting, zoning docket addendum addition 30 was brought up for consideration.

A public hearing was called on zoning case Z034-103 (DC), a City Plan Commission authorized hearing to determine proper zoning on property zoned Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, with consideration of amendments to development standards and permitted uses in an area generally bounded by Continental Avenue to the south, Stemmons Freeway to the east, the old Trinity meanders to the north, Wycliff Avenue to the west and the Trinity River levee to the southwest and an ordinance adopting the proposed amendments.

(The city plan commission recommended approval of an amendment to Planned Development District No. 621.)

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

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

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

Assigned ORDINANCE NO. 25660.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2175

Addendum addition 31: Zoning Case Z034-228 (RB)

Zoning Case Z034-228 (RB), an application for and an ordinance granting a Specific Use Permit for a Government Installation other than listed for an Animal Shelter with outside runs on property zoned an IR Industrial Research District located on the northeast corner of IH 30 and Westmoreland Road.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25661.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2176

Addendum addition 32: Public Hearing - **ZONING CASES - DALLAS INDEPENDENT SCHOOL DISTRICT**

A public hearing was called on zoning case Z034-236 (MJF), an application for and an ordinance granting a Planned Development District for a public school other than an open enrollment charter school use; a Private Recreation Center, Club or Area; and R-7.5(A) Single Family District uses on property zoned Planned Development No. 341, located on the northwest corner of Mary Cliff Boulevard and Stevens Forest Drive.

(The city plan commission recommended approval, subject to a development plan for Subarea I, conceptual 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 the city plan commission's recommendation.

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

John McCalib, 1807 Timbergrove Cir., representing Timbergrove Neighborhood Association

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

Motion seconded by Councilmember Chaney and unanimously adopted. (Blaydes abstain; Hill absent when vote taken)

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

Motion seconded by Councilmember Finkelman.

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

“Section 51P-690-109 (2) (strike the wording) For a residential use, garage doors may not face the street adjacent to the front yard” and pass the ordinance.

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

Assigned ORDINANCE NO. 25662.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2177

Addendum addition 33: Authorize (1) moving expense and replacement housing payments (RHP) for three homeowners in the Cadillac Heights neighborhood and use of the Mortgage Assistance Program money to fund part of the RHP for one homeowner as a result of official written offers of just compensation to purchase real property; (2) an amendment to Resolution No. 03-3321 previously approved on December 8, 2003, to increase the offer amount for 2415 Cadillac Drive in the amount of \$1,000, from \$50,000 to \$51,000, and 2426 Cadillac Drive in the amount of \$2,000, from \$53,000 to \$55,000, for the new Dallas Police Academy site; and (3) the establishment of appropriations in the amount of \$97,950 in the Police Facilities Fund - Total not to exceed \$111,450 - Financing: Aviation Capital Construction Funds (to be reimbursed from future 2004 General Obligation Bond Funds) (\$97,950) and Multi-Family Housing Funds (\$13,500)

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Fantroy

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

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Rasansky voting "No". (Thornton Reese, Salazar absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2178

Addendum addition 34: Authorize (1) a professional services contract with Gresham Smith and Partners for engineering and architectural consultant services for the Terminal Area Redevelopment Program Study at Dallas Love Field in an amount not to exceed \$912,000, and (2) the establishment of appropriations in an amount not to exceed \$912,000 in the Federal Aviation Administration Airport Improvement Program Grant Fund - Total not to exceed \$912,000 - Financing: Aviation Capital Construction Funds (\$228,000), Federal Aviation Administration Airport Improvement Program Grant Funds (\$684,000)

Councilmember Lill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2179

Addendum addition 35: Authorize a professional services contract with Fregonese Calthorpe Associates to prepare a Comprehensive Land Use Plan for the City of Dallas - \$1,420,000 - Financing: Current Funds (\$568,000), Building Inspection Current Funds (\$852,000) (subject to annual appropriations)

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Finkelman.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Rasansky voting "No. (Salazar absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2180

Addendum addition 36: An ordinance amending Chapter 34 of the Dallas City Code, to provide for the retrieval of continuous full-time service by persons previously employed by the City for at least 10 years who are reappointed within 25 years after terminating the previous City employment - Financing: No cost consideration to the City

Councilmember Garcia moved to pass the ordinance.

Motion seconded by Councilmember Griffith.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmembers Thornton Reese and Greyson voting "No". (Salazar absent when vote taken)

Assigned ORDINANCE NO. 25663.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2181

Addendum addition 37: Authorize (1) the necessary agreement documents to allow property owners in the Sports Arena Tax Increment Financing District the option to fulfill their affordable housing obligation by (a) paying the City \$10,346 per affordable housing unit, with a 3% annual escalator, through June 23, 2009, in exchange for releasing the owners from the requirement to provide the affordable units on site or (b) following the Sports Arena TIF District affordability criteria and (2) appropriation of payment received, if any, from the first two multi-family projects proposed for construction with 35 affordable units in the F block of the Sports Arena TIF District for the Dallas Urban Land Bank Demonstration Program - Estimated Revenue: \$362,103

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

“To increase the annual escalator percentage from 3% to a 5% annual escalator”

Motion seconded by Councilmember Chaney.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Rasansky voting “No”. (Salazar absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2182

Addendum addition 38: A resolution implementing a moratorium on the issuance of building permits and certificates of occupancy for West Northwest Highway, from I-35E to Mixon Drive (Councilmembers Salazar, Chaney, Rasansky, Finkelman, and Blaydes via Mayor Miller)

Councilmember Salazar moved to approve the resolution.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2183

Addendum addition 39: A resolution imposing a moratorium on building permits and certificates of occupancy on property bounded by Walnut Hill Lane on the north, Central Expressway on the west, Northwest Highway on the south, and lots fronting on the west and east side of Greenville Avenue on the east (Mayor Miller)

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.

The following individuals addressed the city council regarding the moratorium:

Kirk Williams, 17318 Club Hill Dr., representing property owner
Scott Dennis, 6030 Norway Rd., representing Harvest Partners
Eliot Barnett, 6107 Prestonshire Ln., representing Harvest Partners
Tod Ruble, 249 Country Club Dr., Heath, representing Harvest Partners

Councilmember Rasansky moved to deny the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2184

Addendum addition 40: Authorize an Interlocal Agreement with the Dallas Independent School District for joint redevelopment, operation and maintenance of the Fair Oaks Park athletic complex located at 7600 Fair Oaks - Financing: This action has no cost consideration to the City

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.

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2185

Addendum addition 41: Authorize the rejection of bids for historical restoration of the facade of 1530 Main Street (Dallas National Bank) and the re-advertisement for new bids - Financing: No cost consideration to the City

Councilmember Lill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2186

Addendum addition 42: Authorize (1) the implementation of a solid waste demonstration program for the purpose of testing a proposed residential service of once per week garbage collection and single stream recycling, (2) temporary service changes for areas included in the program as established for the purpose of the demonstration, and (3) an increase in appropriations in the amount of \$150,000 in Sanitation Services' departmental budget - Total not to exceed \$150,000 - Financing: Contingency Reserve Funds

Councilmember Finkelman moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2187

Addendum addition 43: Authorize the implementation of a temporary rain and freeze sensor rebate program to encourage the reduction of water waste during rain and freeze events and to enforce water conservation initiatives previously approved by Ordinance No. 24745 on September 26, 2001 - Not to exceed \$25,000 - Financing: Water Utilities Current Funds

Councilmember Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

June 23, 2004

04-2188

Addendum addition 44: Authorize a grant agreement with Davis Building Master Tenant LLP pursuant to the City of Dallas Main Street District Initiative Chapter 380 Loan and Grant Program for tenant improvements in the amount of \$200,000 and rent subsidy for twenty-four months in the amount \$200,000 for Kül Creative LLC dba Kül Design Studios - Total not to exceed \$400,000 - Financing: Public/Private Partnership Funds

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Finkelman.

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

Mayor Miller declared the motion on a divided voice vote, with Councilmember Thornton Reese voting "No". (Salazar absent when vote taken)

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 23, 2004

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS