

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

04-2400

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 9:19 a.m.

The city secretary announced that a quorum of the city council was present.

Mayor Miller asked all members of the city council and the audience to stand for a moment of silence.

The city council and the audience led the pledge of allegiance.

The meeting agenda, which was posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the city council had been considered the city council adjourned at 7:45 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

The meeting agenda is attached to the minutes of this meeting as EXHIBIT A.

The actions taken on each matter considered by the city council are attached to the minutes of this meeting as EXHIBIT B.

Ordinances, resolutions, reports and other records pertaining to matters considered by the city council, are filed with the city secretary as official public records and comprise EXHIBIT C to the minutes of this meeting.

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

EXHIBIT A

9/21/04 11:10 AM  
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

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

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2401

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:	Al Lipscomb, 830 Clearwood Dr.	<b>CANCELED</b>
SUBJECT:	Bait and Switch	
SPEAKER:	Manuel C. Trevino, 7120 Skillman St.	<b>NO SHOW</b>
SUBJECT:	Economic Development	
SPEAKER:	Maureen Jones, 1136 Woodlawn Ave.	
SUBJECT:	Library Budget	
SPEAKER:	Clarence S. Evans, 1710 Sunview Dr.	
SUBJECT:	Illegal Commercial Development – C.F. Hawn Freeway	
SPEAKER:	Se-Gwen Tyler, 1816 Prairie View Dr.	
REPRESENTING:	Arlington Park Neighborhood and Crime Watch Associations	
SUBJECT:	Manufactured Housing	

**ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:**

SPEAKER:	Darryl Killen, 2304 Meagan Way, Arlington	
REPRESENTING:	Hammerman & Gainer	
SUBJECT:	Third party Liability Sub-contract	
SPEAKER:	Billy Jack Ludwig,	
SUBJECT:	Running for Mayor 2007	

**OPEN MICROPHONE – END OF MEETING:**

SPEAKER:	Bruce Kline, 733 Cliffview Dr	<b>NO SHOW</b>
SUBJECT:	Police conduct	
SPEAKER:	Julieta Martinez, 7623 Jacobie Blvd.	<b>NO SHOW</b>
SUBJECT:	Street conditions	

SPEAKER: Gary Hurst, 8827 Southwestern Blvd.  
REPRESENTING: Consumer Council for Mental health Advocacy  
SUBJECT: Invitation

SPEAKER: Robert Marquees, 5804 Banting Way, **NO SHOW**  
SUBJECT: Domestic dispute

SPEAKER: Frank Ward, P.O. Box 50694 **NO SHOW**  
REPRESENTING: The Bottoms Community  
SUBJECT: Community update

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

SPEAKER: William Hopkins, 2011 Leath St. **NO SHOW**  
SUBJECT: Code violations against: Mayor/KKK/ Director of Environmental Services

SPEAKER: Marvin Crenshaw, 8134 Malcolm X Blvd.  
REPRESENTING: Organized for Representative Democracy  
SUBJECT: Strong mayor **DID NOT CALL NAME**

SPEAKER: Jewel Floyd, 3815 Myrtle St.  
SUBJECT: Councilmembers/Congresswomen/Unsupportive held that is given to the back community by Chief of Police

SPEAKER: Bruce Kline, 733 Cliff view Dr. **NO SHOW**  
SUBJECT: Police conduct

Councilmember . moved to suspend to allow the following citizen to speak at the end of the meeting.

Motion seconded by Councilmember . and unanimously adopted.

SPEAKER: Frieda Fiske, 1222 Commerce St.  
SUBJECT: Addendum Item #13 – Judicial appointments

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2402

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

Councilmember Rasansky moved to approve the minutes, as corrected by the city secretary. The city secretary stated that on the August 11, 2004 city council meeting that the meeting begin at 9:22 am and on addendum addition Deputy Mayor Pro Tem Hill moved to substitute for Councilmember Ransansky's motion to deny the moratorium and direct staff to bring the design criteria back at the October 27, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Garcia and unanimously adopted.

# OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2403

## CONSENT AGENDA

The consent agenda, consisting of agenda items 2-38 and addendum addition consent agenda items 1-12, were presented for consideration.

Councilmember Lill requested that consent agenda items 5 and 28 and addendum addition item 4 be considered as individual items. Mayor Miller stated that consent agenda items 5 and 28 and addendum addition 4 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Lill's request.

Councilmember Rasansky requested that consent agenda items 23 and 30 and addendum addition 3 be considered as individual items. Mayor Miller stated that consent agenda items 23 and 30 and addendum 3 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

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

Councilmember Thornton Reese requested that consent agenda item 30 be considered as an individual item. Mayor Miller stated that consent agenda item 30 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Thornton Reese's request.

Councilmember Greyson 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 Greyson's request.

Mayor Pro Tem Loza 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 Mayor Pro Tem Loza's request.

Deputy Mayor Pro Tem Hill requested that addendum addition 12 be considered as an individual item. Mayor Miller stated that addendum addition 12 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Hill's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda items, 5, 23, 27, 28, 30, 37, and addendum addition items 3, 4, and 12, 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

August 25, 2004

04-2404

Item 2: Authorize (1) a professional services contract with Applied Research Associates Inc. for the structural assessment phase of airfield pavement to determine structural capacity and estimated life expectancy at Dallas Love Field and at Dallas Executive Airports in an amount not to exceed \$86,239, and (2) the establishment of appropriations in an amount not to exceed \$86,239 in the Federal Aviation Administration Airport Improvement Program Grant Fund - Total not to exceed \$86,239 - Financing: Aviation Capital Construction Funds (\$21,560), Federal Aviation Administration Airport Improvement Program Grant Funds (\$64,679)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2405

Item 3: Authorize (1) an agreement with TXU Electric Delivery to participate in the Commercial and Industrial Standard Offer Program, (2) an application to TXU Electric Delivery, including required deposit in the amount of \$74,100, for the diffused aeration improvements at the Southside Wastewater Treatment Plant, and (3) the acceptance of funds in an amount not to exceed \$1,556,100 from TXU Delivery - Total not to exceed \$74,100 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2406

Item 4: Authorize a contract for the construction of diffused aeration and process improvements at the Southside Wastewater Treatment Plant - Archer-Western Contractors, Ltd., lowest responsible bidder of four - \$22,998,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2407

Item 5: Authorize a contract for the construction of water and wastewater main replacements, extensions and small service installations at various locations - Omega Contracting, Inc., lowest responsible bidder of two - \$11,985,547 - Financing: Water Utilities Capital Improvement Funds (\$8,687,922) and Water Utilities Capital Construction Funds (\$3,297,625)

Councilmember Lill requested that consent agenda item 5 be considered as an individual item. Mayor Miller stated that consent agenda item 5 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, agenda item 5 was brought up for consideration.

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2408

Item 6: Authorize a contract for the rehabilitation of existing wastewater mains and the construction of water and wastewater main replacements at various locations - John Burns Construction Company of Texas, Inc., lowest responsible bidder of three - \$5,570,666 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2409

Item 7: Authorize (1) an increase in the design-build contract with AUI Contractors, L.P. for the construction of an upgrade to the children's play structure at the Thurgood Marshall Family Aquatics Center located at 5150 Mark Trail Way in the amount of \$199,942, from \$5,090,000 to \$5,289,942, and (2) an increase in the Guaranteed Maximum Price in an amount not to exceed \$199,942, from \$5,090,000 to \$5,289,942 - Total not to exceed \$199,942 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2410

Item 8: Authorize (1) an increase 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 \$103,473, from \$2,564,158 to \$2,667,631; (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 \$64,029, from \$2,682,055 to \$2,746,084; (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 (\$167,502), from \$1,256,946 to \$1,089,444 for design, reimbursables and construction management - Financing: No cost consideration to the City [04-2410]

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2411

Item 9: Authorize an increase in the contract with Oscar Renda Contracting, Inc. for additional work associated with the hydraulic improvements at the Central Wastewater Treatment Plant - \$257,913, from \$4,537,000 to \$4,794,913 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2412

Item 10: Authorize an increase in the contract with Oscar Renda Contracting, Inc. for improvements to the raw water pipeline at the Bachman Water Treatment Plant - \$152,515, from \$6,884,280 to \$7,036,795 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2413

Item 11: Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements at the intersections of Inwood Road at the entrance to St. Paul Hospital, Medical Center Drive, IH 35E Northbound Frontage Road, IH 35E Southbound Frontage Road, Irving Boulevard, Lupo Drive and Conveyor Lane - \$195,819 - Financing: Texas Department of Transportation Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2414

Item 12: Authorize (1) street paving, storm drainage, water and wastewater main improvements on Bethpage Avenue from Elam Road to Jeane Street; 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 September 22, 2004, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2415

Item 13: Authorize (1) street paving, storm drainage, water and wastewater main improvements on San Jose Avenue from Morgan Drive to Plaza Boulevard; 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 September 22, 2004, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2416

Item 14: Authorize (1) street paving, storm drainage, water main and wastewater adjustments on La Barba Circle from Lawnview Avenue to Forney Road; 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 September 22, 2004, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2417

Item 15: **Merrifield Road from Grady Niblo Road to Kiest Boulevard** **Note:** Item Nos. 15 & 16 must be considered collectively

- \* Authorize a Project Specific Agreement with Dallas County for participation in the design, right-of-way acquisition, and construction of paving and storm drainage improvements on Merrifield Road from Grady Niblo Road to Kiest Boulevard - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2418

Item 16: **Merrifield Road from Grady Niblo Road to Kiest Boulevard** **Note:** Item Nos. 15 & 16 must be considered collectively

- \* Authorize a Development Participation Agreement with The Potter's House of Dallas, Inc. for the design, right-of-way acquisition, and construction of paving, storm drainage, water and wastewater improvements on Merrifield Road from Grady Niblo Road to Kiest Boulevard - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2419

Item 17: Authorize the quitclaim of 3 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$3,200

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2420

- Item 18: A resolution declaring 2 vacant City-owned lots unwanted and unneeded and authorize their private sale to Builders of Hope Community Development Corporation through the Land Transfer Program, a program for the sale of tax-foreclosed, seized and surplus property to qualified entities for the development of low and moderate income affordable housing (list attached) - Revenue: \$2,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2421

Item 19: An ordinance abandoning a portion of a sanitary sewer easement to Encino-Wisdom II, Ltd., the abutting owner, containing approximately 17,802 square feet of land located near the intersection of Chaucer Place and Kirnwood Drive and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25699.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2422

Item 20: An ordinance abandoning a portion of a floodway management area to Ronald J. Threadgill and C. Susan Threadgill, the abutting owners, containing approximately 4,331 square feet of land located near the intersection of Hillcrest Road and Crestland Avenue, and authorizing the quitclaim - Revenue: \$9,204 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25700.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2423

Item 21: Authorize a sixty-month service contract for maintenance of the fire alarm monitoring and control system at Dallas Love Field Airport - SimplexGrinnell  
- Sole Source - Not to exceed \$436,233 - Financing: Aviation Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2424

Item 22: Authorize an increase in the service contracts with K.S.C. Services, Inc. in the amount of \$713,385, from \$2,853,600 to \$3,566,985 and Tolman Building Maintenance in the amount of \$344,165, from \$1,376,622 to \$1,720,787 to provide continuation of temporary industrial labor - Total not to exceed \$1,057,550, from \$4,230,222 to \$5,287,772 - Financing: Current Funds (\$928,550) and Water Utilities Current Funds (\$129,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2425

Item 23: Authorize a thirty-six-month service contract to provide stagehand labor and set-up labor for the Dallas Convention Center with the lowest responsible bidders of nine - K.S.C. Services, Inc. in the amount of \$2,181,600 and Production and Rigging Resources, Inc. in the amount of \$390,300 - Total not to exceed \$2,571,900 - Financing: Convention and Event Services Current Funds

Councilmember Rasansky requested that consent agenda item 23 be considered as an individual item. Mayor Miller stated that consent agenda item 23 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 23 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2426

Item 24: Authorize a thirty-six-month service contract for inspection, recharging, repair and replacement of fire extinguishers, and inspection and repair of sprinkler systems with the lowest responsible bidder of three - Eagle Fire Extinguisher Company, Inc. - Not to exceed \$1,428,840 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2427

Item 25: Authorize the purchase of twelve months of access to an on-line, newspaper database service for Dallas Public Library patrons from NewsBank, Inc. - Sole Source - Not to exceed \$99,500 - Financing: Kahn Trust Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2428

Item 26: Authorize the purchase of E-Citation and Electronic Accident Report software for the Police Department from Custom Logic Design, Inc. - Sole Source - Not to exceed \$249,450 - Financing: COPS More Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2429

Item 27: Authorize the rejection of the only bid received for liquid ferric sulfate and the re-advertisement for new bids - Financing: No cost consideration to the City

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

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

The following individuals addressed the city council regarding the item:

Leon Aarts, 1205 Hidden Meadow Rd., McKinney, representing Fini Enterprises  
Lance Johnson, 3016 Southwestern Blvd., Park Cities, representing Fini Enterprises

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2430

Item 28: Ratify an emergency purchase of 1,500 roll carts for the solid waste demonstration program to provide testing of a proposed residential service of once per week garbage collection and single stream recycling from Toter Incorporated - \$30,000 - Financing: Current Funds

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

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

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Garcia.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2431

Item 29: Authorize a professional services contract with the law firm of Sayles Werbner for legal services and related expenses necessary in the lawsuit styled Kenneth E. Albert, et al. v. City of Dallas, Civil Action No. 199-00697-04, and any other proceeding relating to the subject matter of this lawsuit - Not to exceed \$200,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2432

Item 30: Authorize a three-year contract with West, a Thomson Company (an affiliate of Thomson West) for on-line legal research using Westlaw for the City Attorney's Office from October 1, 2004 until September 30, 2007 - Not to exceed \$286,336 - Financing: Current Funds (subject to annual appropriations)

Councilmembers Thornton Reese and Rasansky requested that consent agenda item 30 be considered as an individual item. Mayor Miller stated that consent agenda item 30 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmembers Thornton Reese and Rasansky's request.

Later in the meeting, agenda item 30 was brought up for consideration.

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Finkelman.

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

Voting Yes: [11] Miller, Loza, Hill, Garcia, Oakley, Griffith, Blaydes,  
Finkelman, Greyson, Rasansky, Lill  
Voting No: [4] Thornton Reese, Salazar, Chaney, Fantroy

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2433

Item 31: Authorize an Interlocal Agreement with the Texas Department of Transportation for the temporary closure of all lanes of Northwest Highway from North Central Expressway to Hillcrest Avenue for the Susan G. Komen Race for the Cure to be held on October 16, 2004, from 7:30 a.m. until 9:30 a.m. - 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

August 25, 2004

04-2434

Item 32: Authorize an amendment to the contract with Texas Commission on Environmental Quality to (1) accept additional grant funds to operate and maintain a continuous air monitoring station in Sunnyvale, Texas, and (2) extend the term of the contract through August 31, 2005 - Not to exceed \$50,000, from \$50,000 to \$100,000 - Financing: Texas Commission on Environmental Quality Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2435

Item 33: Authorize a contract renewal with The University of Texas Southwestern Medical Center at Dallas for in-service training, re-training, and evaluation of City of Dallas paramedic personnel for the period September 1, 2004 through August 31, 2005 - Not to exceed \$375,525 - Financing: Current Funds (\$344,231 subject to appropriations)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2436

Item 34: Authorize (1) an amendment to the Program Statement for the Residential Development Acquisition Loan Program providing for subordination of City loans to private lender loans for acquisition, interim construction and permanent financing; and, (2) the subordination of the City's loan to St. Philip's Neighborhood Development Corporation, previously authorized by Resolution No. 04-1449 on April 28, 2004, to a loan from Bank One, N.A., to provide interim construction financing and permanent financing of the project  
- Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2437

Item 35: Authorize the third amendment to the use agreement with the Dallas Symphony Association, Inc. (DSA) to (1) allow DSA'S participation in the selection of a third party manager for the Morton H. Meyerson Symphony Center under certain conditions, (2) clarify the proportionate utility payments by City and DSA, (3) update insurance requirements, and (4) extend the term of the agreement to August 31, 2019 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2438

Item 36: Authorize the acceptance of the Commercial Auto Theft Interdiction Squad/12 grant from the Texas Automobile Theft Prevention Authority in the amount of \$429,000 to provide a specialized proactive automobile theft program, for the period September 1, 2004 through August 31, 2005, a local match in the amount of \$66,459, In-Kind contributions in the amount of \$478,244, and execution of the grant agreement - Total not to exceed \$973,703 - Financing: Texas Automobile Theft Prevention Authority Grant Funds (\$429,000), In-Kind Contributions (\$478,244) and Current Funds (\$66,459) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2439

Item 37: Authorize a Cooperative Working Agreement with the Dallas County District Attorney's Office for the prosecution activities related to the Dallas Internet Crimes Against Children Task Force in response to the Internet related sexual exploitation of children, for the period July 1, 2003 through December 30, 2004 - Not to exceed \$207,666 - Financing: Internet Crimes Against Children Grant Funds

Councilmember Greyson 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 Greyson's request.

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

Councilmember Greyson moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2440

Item 38: Authorize a joint funding agreement between the City of Dallas and the United States Geological Survey for the operational costs of stream flow gages for White Rock Creek at Greenville Avenue and Prairie Creek at IH 175, from October 1, 2004 through September 30, 2005 - \$16,960 - Financing: Current Funds (to be reimbursed by Storm Water Drainage Management Funds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2441

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 39-44, were presented for consideration.

Agenda items 39, and 43 were removed from the consent zoning docket, to be considered as individual hearings.

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

~~Agenda item 39: Zoning Case Z034-229 (RB) [Considered individually]~~  
Agenda item 40: Zoning Case Z034-232(RB)  
Agenda item 41: Zoning Case Z034-252 (RB)  
Agenda item 42: Zoning Case Z034-253 (RB)  
~~Agenda item 43: Zoning Case Z034-259 (MM) [Considered individually]~~  
Agenda item 44: Zoning Case Z034-220 (MM)

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

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

Councilmember Oakley 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 Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2442

Item 39: Zoning Case Z034-229 (RB)

The consent zoning docket, consisting of agenda items, 39-44, was presented.

Councilmember Thornton Reese requested that consent zoning docket item 39 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 39 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Thornton Reese's request.

Later in the meeting, zoning docket item 39 was brought up for consideration.

A public hearing was called on zoning case Z034-229 (RB), an application for a Planned Development District for attached residential uses on property zoned an RR Regional Retail District on property north and west of the terminus of Village Fair Drive, northwest of Fairshop Drive.

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

Councilmember Fantroy announced that he had conflict of interest and would abstain from voting or participating in any discussion. Councilmember Fantroy 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:

Susan Kedron, 901 Main, St., representing the applicant

The following individual addressed the city council regarding zoning case Z034-229 (RB):

Darren Reagan, (no address given)

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2443

Item 40: Zoning Case Z034-232 (RB)

Zoning Case Z034-232 (RB), an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District and a D(A) Duplex District on the west line of Glover Pass between Christensen Street and Scyene Road.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25701.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2444

Item 41: Zoning Case Z034-252 (RB)

Zoning Case Z034-252 (RB), an application for and an ordinance granting an R-5(A) Single Family District on property zoned a P(A) Parking District on the southeast corner Skillman Street and Winton Street.

(The city plan commission recommended approval.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25702.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2445

Item 42: Zoning Case Z034-252 (RB)

Zoning Case Z034-252 (RB), an application for and an ordinance granting an LO-1 Limited Office District on property zoned an MF-2(A) Multifamily District and the termination of Specific Use Permit for No. 13 for a Telephone Company on the northeast line of Beachview Street, north of Garland Road.

(The city plan commission recommended approval of an LO-1 District and approval of the termination of Specific Use Permit No. 13 for a Telephone Company.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25703 and ORDINANCE NO. 25704.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2446

Item 43: Zoning Case Z034-259 (MM)

The consent zoning docket, consisting of agenda items 39-43, was presented.

Councilmember Greyson requested that consent zoning docket item 43 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 43 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Greyson's request.

A public hearing was called on zoning case Z034-259 (MM), an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a retirement housing community with related uses on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 764 for a College or University and related uses located at the southeast corner of Coit Road and Frankford Road.

(The city plan commission recommended approval, subject to a conceptual plan and conditions with retention of Specific Use Permit No. 764.

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

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

Kirk Williams, 5400 Renaissance Tower

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

1. deletes private stable, commercial amusement (inside), and mini-warehouse as limited uses, and deletes general waste incinerator as an accessory use;
2. prohibits a vehicular circulation driveway in the 100 foot buffer along Coit Road (a temporary driveway for a temporary marketing and sales office is still permitted), required large trees for every 50 feet of frontage on Coit, clarifies that a 30 foot setback is required from Frankford Road, and permits a six foot high fence in the landscape buffer zones;
3. requires a minimum three acre lake in the area shown on the conceptual plan; and
4. requires that the detached premise signs be provided as shown on the sign elevation.

and bring the ordinance back on the September 8, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Rasansky and unanimously adopted.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2447

Item 44: Zoning Case Z034-220 (MM)

Zoning Case z034-220 (MM), an application for and an ordinance granting an amendment to Planned Development District No. 485 for an assisted living facility on the northwest corner of the intersection of Hillcrest Road and LBJ Freeway.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25705.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2448

Item 45: Public Hearing – Zoning Case Z034-207 (RB)

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

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

(The city plan commission recommended denial.)

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

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

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

Derek Coker, 6350 LBJ Frwy., representing the applicant  
Charles Quaid, 5910 S. Central Expy., representing the applicant

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

The following individual addressed the city council regarding zoning case Z034-207 (RB):

William Hopkins, 2011 Leath St.

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

Motion seconded by Councilmember Rasansky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2449

Item 46: Public Hearing – Zoning Case Z034-227 (MJF)

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

A public hearing was called on zoning case Z034-227 (MJF), an application to amend Planned Development District No. 316, the Jefferson Area Special Purpose District, to allow the creation of a new Subarea for a restaurant with drive-in or drive-through service on the southwest corner of Jefferson Boulevard and Beckley Avenue.

(The city plan commission recommended denial.)

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

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

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2450

Item 47: Public Hearing – Zoning Case Z034-261 (MM)

A public hearing was called on zoning case Z034-261 (MM), an application for and an ordinance granting the creation of a new subdistrict within Planned Development District No. 100 for single family uses to allow three air conditioning units within the 15-foot side yard setback closer than 10 feet apart on the northwest corner of Willow Lane and Elysian Court.

(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:

Randy Daniels, 4320 N. Beltline, Irving, representing the applicant

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

Motion seconded by Councilmember Lill and unanimously adopted.

Assigned ORDINANCE NO. 25706.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2451

Item 48: Public Hearing – Zoning Case Z034-254 (DW)

A public hearing was called on zoning case Z034-254 (DW), an application for and an ordinance granting a Planned Development District for a public school other than an open-enrollment charter school and MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District with H/76 Historic District Overlay No. 76 on property bounded by Belmont Avenue, Carroll Avenue, Capitol Avenue and Peak Street.

(The city plan commission recommended approval, subject to a development/landscape plan and conditions with the retention of the H/76 Historic Overlay District No. 76.)

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 Z034-254 (DW):

Jewel Floyd, 3815 Myrtle St.

Mayor Pro Tem Loza moved to close the public hearing, accept the recommendation of the city plan commission with the following changes:

Amend Sections 51P-698.108 regarding Off-Street Parking and Loading:

- a. except as provided in the section, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.
- b. for a public school use off-street parking is allowed in the required yards
- c. for a public school use a hedge of evergreen plant materials (e.g. holly) are capable of reaching 3 feet in height within 3 years must be provided to screen parking adjacent to residential uses, and pass the ordinance.

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

Assigned ORDINANCE NO. 25707.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2452

Item 49: Public Hearing – Zoning Case Z034-255 (DW)

A public hearing was called on zoning case Z034-255 (DW), an application for and an ordinance granting a Planned Development District for a public school other than an open-enrollment charter school and D(A) Duplex District uses on property zoned a D(A) Duplex District bounded by Buckner Boulevard, Mercer Drive, Mariposa Drive and the Gulf Colorado & Santa Fe Railroad.

(The city plan commission recommended approval, subject to a development plan/landscape 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 Griffith move to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

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

Assigned ORDINANCE NO. 25708.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2453

Item 50: Public Hearing - DALLAS INDEPENDENT SCHOOL DISTRICT

Theresa O'Donnell, director of development services, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the council in that the application for a change in zoning had been recommended for approval by the city plan commission and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of development services.

A public hearing was called on zoning case Z0-340256 (DW), an application for and an ordinance granting a Planned Development District for a public school other than an open-enrollment charter school and R-16(A) Single Family District uses on property zoned an R-16(A) Single Family District on property bounded by Ridgeside Drive, Welch Road, Rickover Drive and Crestline Avenue.

(The city plan commission recommended approval, subject to a development/landscape 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 the city plan commission's recommendation.

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

William Cothrum, 500 S. Ervay St., representing Dallas Independent School District

Councilmember Rasansky moved to postpone the application until the September 8, 2004 voting agenda meeting of the city council and to continue the public hearing at that time.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2454

Item 51: Public Hearing - UNDER ADVISEMENT

A public hearing was called on zoning case Z034-231 (RB), an application for and an ordinance granting an NO(A) Neighborhood Office District on property zoned an R-7.5(A) Single Family District and a resolution accepting deed restrictions volunteered by the applicant on the east line of Jim Miller Road, north of Lovett Street.

(The city plan commission recommended approval, subject to deed restrictions volunteered by the applicant. This item was considered by the City Council at a public hearing on August 11, 2004, and was held under advisement until August 25, 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:

Ramon Aranda, 2608 Squire Place, Farmers Branch, representing the applicant

Councilmember Thornton Reese 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.

Motion seconded by Councilmember Chaney and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2455

Item 52: Public Hearing – Zoning Case Z034-240 (MM)

A public hearing was called on zoning case Z034-240 (MM), an application for and an ordinance granting a TH-3(A) Townhouse District on property zoned a CR-D-1 Community Retail District with Dry Liquor Control Overlay on the southwest corner of intersection of Military Parkway and Sam Houston Road.

(The city plan commission recommended approval. This item was considered by the City Council at a public hearing on August 11, 2004, and was held under advisement until August 25, 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:

Michael Beaty, 4516 Lovers Ln., representing the applicant

Deputy Mayor Pro Tem Hill moved to close the public hearing, accept the recommendation of the city plan commission with the following change:

Subject to deed restrictions volunteered by the applicant with the ordinance and deed restrictions to return on a future agenda.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2456

Item 53: Public Hearing – Zoning Case Z034-223 (WE)

A public hearing was called on zoning case Z034-223 (WE), an application for and an ordinance granting a Planned Development District for a public school other than an open-enrollment charter school and MF-1(A) Multifamily District uses on property zoned an MF-1(A) Multifamily District on the south side of Fair Oaks Avenue, east of Pineland Drive.

(The city plan commission recommended approval, subject to a development plan and conditions. This item was considered by the City Council at a public hearing on August 11, 2004, and was held under advisement until August 25, 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.

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

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

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

Assigned ORDINANCE NO. 25709.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2457

Item 54: Public Hearing - DEVELOPMENT CODE AMENDMENTS

A public hearing was called on an ordinance amending Chapter 51P by codifying the regulations of Planned Development District Nos. 201 through 208, 211 through 222, 224 through 236, 238 through 252, 254 through 259, 261 through 268, 270 through 286, 288 through 297, 299, and 300.

The city plan commission recommended approval.)

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

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

Motion seconded by Councilmember Greyson and unanimously adopted.

Assigned ORDINANCE NO. 25710.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2458

Item 55: Public Hearing - BENEFIT ASSESSMENT HEARINGS

A public hearing was called on a benefit assessment hearing to receive citizens' comments for sidewalk paving improvements on Lake June Road from St. Augustine Road to Masters Drive and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with VAS Engineering & Construction, lowest responsible bidder of ten - \$83,806 - Financing: 2003 Bond Funds (\$80,956), Water Utilities Capital Construction Funds (\$2,850).

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

The following individuals addressed the city council regarding the benefit assessment hearing:

Jewel Floyd, 3815 Myrtle St.  
William Hopkins, 2011 Leath St.

Deputy Mayor Pro Tem Hill moved to close the public hearing, pass the ordinance levying the assessments and approve the resolution authorizing the contract.

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

Assigned ORDINANCE NO. 25711.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2459

Item 56: Public Hearing - BENEFIT ASSESSMENT HEARINGS

A public hearing was called on a benefit assessment hearing to receive citizens' comments for sidewalk paving improvements for Sidewalk Group 03-124 and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: This action has no cost consideration to the City.

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

The following individuals addressed the city council regarding the benefit assessment hearings:

Jewel Floyd, 3815 Myrtle St.  
William Hopkins, 2011 Leath St.

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

Motion seconded by Councilmember Chaney and unanimously adopted.

Assigned ORDINANCE NO. 25712.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2460

MISCELLANEOUS HEARINGS

**Note:** Item Nos. 57 & 58  
must

Private Sale of 22 Unimproved Properties be considered collectively.

- Item 57: \* A public hearing to receive citizens' comments on the proposed private sale and conveyance by quitclaim deed of 22 unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization - Financing: No cost consideration to the City
- Item 58: \* Authorize the private sale, as provided for by Section 253.010 of the Texas Local Government Code (Section 34.015 of the Texas Property Tax Code), and conveyance by quitclaim deed of 22 unimproved properties acquired by the taxing authorities from a Sheriff's Sale to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization (list attached) - Revenue: \$23,482

The following individuals addressed the city council regarding the private sale:

Debra Brady, 13854 Birchlawn  
Donald Alexander, 4238 Hamilton

Councilmember Chaney moved to close the public hearing and authorize the private sale, for all properties except for 4326 Hamilton.

Motion seconded by Councilmember Fantroy and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2461

Item 59: Public Hearing

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

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

Mary Frances Hansen, 4607 Timberglen Rd., representing Senior Affairs Commission

Virgil St. Clair, 9952 Vistadale Dr., representing Senior Affairs Commission

James Cowgill, 11357 Earlywood Dr., representing Senior Affairs Commission

Sydney Kay, 5718 Harvest Hill Rd., representing Senior Affairs Commission

Kim Bihari, 465 Goodwin, Richardson, representing Lost Empire Trading Company

Beverly Tobian, 5843 Waggoner Dr.

Albert Parker, 6319 Elam Rd.

Marvin Crenshaw, 5134 Malcolm X Blvd.

William Hopkins, 2011 Leath St.

Jewel Floyd, 3815 Myrtle St.

Mayor Pro Tem Loza moved to close the public hearing.

Motion seconded by Councilmember Chaney and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2462

Item 60: 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 August 25, 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 Finkelman moved to appoint John Charles Taylor, vice chair, to the Youth Commission.

Motion seconded by Councilmember Griffith and unanimously adopted. (Miller absent when vote taken)

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

**04-2492            Board Officers**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2463

Item 61: Authorize a three-year economic development agreement with the Cotton Bowl Athletic Association to hold the Cotton Bowl Classic in the Cotton Bowl Stadium at Fair Park - \$450,000 annually - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

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 Finkelman moved to authorize a one-year economic development agreement for \$450,000.00.

Motion seconded by Councilmember Lill.

Mayor Pro Tem Loza asked Councilmember Finkelman if she would accept a friendly amendment to her motion an additional two-year economic development agreement for \$700,000.

Councilmember Finkelman accepted the amendment as part of her motion.

Councilmember Lill, who seconded the original motion, also accepted the friendly amendment.

After discussion, Mayor Miller called the vote on Councilmember Finkelman's motion as modified by the friendly amendment.

Mayor Miller declared the motion as modified by the friendly amendment unanimously adopted. (Rasansky abstain; Blaydes absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2464

Item 62: Authorize the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement by providing \$125,000 to each University as a "game fee" subject to the annual University of Texas versus University of Oklahoma football game being played at the Cotton Bowl each October for five years beginning in 2004 and ending in 2008 - \$250,000 annually - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

Councilmember Chaney moved to defer the item until the September 1, 2004 briefing agenda meeting of the city council in order to include the SWA Classic.

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 Miller and Rasansky voting "No".

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2465

Item 63: Authorize hardship relief for property located at 1965 Ft. Worth Avenue from the Ft. Worth Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 1,000 feet of the north or south right-of-way line of Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue - Financing: No cost consideration to the City

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2466

Item 64: Authorize hardship relief for property located at 2739 West Northwest Highway from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2467

Item 65: Authorize hardship relief for property located at 2905 Webb Chapel Extension from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2468

Item 66: Authorize hardship relief for property located at 3050 West Northwest Highway from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City

Councilmember Salazar moved to defer the item until the September 8, 2004 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2469

Item 67: Authorize approval of the 2004-05 Dallas-Fort Worth International Airport Board annual budget - Financing: No cost consideration to the City

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

Councilmember Garcia to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2470

Item 68: An ordinance adopting Dallas-Fort Worth International Airport Board Resolution No. 2004-03-68, amending Parts One, Two, and Three of the Dallas-Fort Worth International Airport Construction and Fire Prevention Standards to increase the size of the Airport's Board of Appeals by two seats to ensure diversity and provide technical amendments to the Airport's Building and Fire Codes - Financing: No cost consideration to the City

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

Councilmember Garcia moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25713.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2471

Item 69: An ordinance authorizing the issuance of City of Dallas, Texas Waterworks and Sewer System Series B short term obligations in an aggregate principal amount not to exceed \$200,000,000; an ordinance authorizing the issuance of City of Dallas, Texas Waterworks and Sewer System Series C short term obligations in an aggregate principal amount not to exceed \$100,000,000; authorizing such short term obligations to be issued, sold and delivered in various forms, including commercial paper notes and a bank note; making certain covenants and agreements in connection therewith; re-establishing the 10-year tenor of the program by extending the maturity date to September 30, 2014; resolving other matters related to the issuance, sale, security and delivery of such short term obligations, including (1) the re-appointment of U.S. Bank Trust National Association as the Issuing and Paying Agent and authorizing the execution of an Issuing and Paying Agent Agreement, (2) authorizing a Credit Agreement with Bank of America, N.A., and (3) the re-appointment of Bear Stearns & Co., Inc. and Siebert Brandford Shank & Co., L.L.C. as the co-dealers and authorizing the execution of a Dealer Agreement; approving the payment of issuance costs in connection with the issuance of the short term obligations; approving the use of an Offering Memorandum in connection with the sale of the short term obligations; and providing an effective date - Total program costs not to exceed \$4,103,040 - Financing: Water Utilities Current Funds (\$3,626,540), Water Utilities Capital Improvement Funds (\$476,500) (\$476,500 upfront closing costs plus annual fees of \$362,654 for a total 10-year cost of \$4,103,040)

Deputy Mayor Pro Tem Hill moved to pass the ordinances.

Motion seconded by Councilmember Oakley and unanimously adopted.

Assigned ORDINANCE NO. 25714 AND ORDINANCE NO. 25715.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2472

Item 70: An ordinance amending the Dallas Development Code, Section 5.102(a), Designation or Removal of FP Areas, to add the current effective map date of August 4, 2004, as a requirement of the Federal Emergency Management Agency - Financing: No cost consideration to the City

Councilmember Greyson moved to pass the ordinance.

Motion seconded by Councilmember Finkelman and unanimously adopted.

Assigned ORDINANCE NO. 25716.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2473

Item 71: Authorize a contract with TXU Electric Delivery Company to provide burial of overhead power lines adjacent to the new Animal Shelter site located at 1701 N. Westmoreland Road - \$110,060 - Financing: 1998 Bond Funds

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Oakley and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2474

Item 72: Authorize an Historic Development Program tax abatement for James Walker, owner of property located at 1924 Main Street (Estimated revenue foregone for a fifteen-year abatement is \$134,960) - Financing: No cost consideration to the City

Councilmember Lill moved to deny the item.

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2475

Item 73: An ordinance adopting Dallas-Fort Worth International Airport Board Resolution No. 2004-02-28, to amend Chapter 4 of the Airport Board's Code of Rules and Regulations to allow a holder of shared-ride operating authority at the airport to contract with a driver on an independent basis - Financing: No cost consideration to the City

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

Councilmember Greyson moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25717.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2476

Closed Session

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

- City of Dallas v. Redbird Development Corporation, et al.,  
Cause No. DV99-08817-K

The posted closed session was not held.

The following item was made a part of the closed session:

Consent Agenda Item 45

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2477

Addendum addition 1: Authorize (1) a contract for historical facade restoration of the building at 1530 Main Street (Dallas National Bank Building) with Key Construction, lowest responsible bidder of three, in an amount not to exceed \$2,451,000; (2) assignment of the contract to Dunhill 1530 Main LP for construction management; and (3) payment to Dunhill 1530 Main LP in an amount not to exceed \$299,000 for design, reimbursables and construction management - Total not to exceed \$2,750,000 - Financing: City Center TIF District Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2478

Addendum addition 2: Authorize (1) an increase in the contract with Meridian Commercial, L.P. for the construction of a new air traffic control tower, air terminal administration building and aircraft parking apron at Dallas Executive Airport to replace an existing private six-inch water line with a public eight-inch water line in an amount not to exceed \$79,305, from \$5,658,000 to \$5,737,305, and (2) an increase in appropriations in the amount of \$442,875 in the Airport Improvement Program Fund - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2479

Addendum addition 3: Authorize the purchase of additional services and equipment from SBC DataComm, Inc. through the Catalog Information Systems Vendor purchasing program in accordance with the eighty-four-month agreement for telecommunications service including voice (dial tone) and data network services, network management, monitoring, maintenance, perimeter security, and related services previously authorized on June 23, 2004 by Resolution No. 04-2155 - Financing: No additional cost consideration to the City

Councilmember Rasansky requested that consent agenda addendum addition 3 be considered as an individual item. Mayor Miller stated that consent agenda addendum addition 3 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 3 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; Finkelman absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2480

Addendum addition 4: An ordinance granting a Planned Development District for MF-2(A) Multifamily District uses, TH-3(A) Townhouse District uses, and certain retail uses with retention of the D Dry Liquor Control Overlay and the MD-1 Modified Delta Overlay on property bounded by Greenville Avenue, Alta Street, Summit Avenue and Lewis Street (Z034-147) - Financing: No cost consideration to the City

Mayor Pro Tem Loza and Councilmember Lill requested that consent agenda addendum addition 4 be considered as an individual item. Mayor Miller stated that consent agenda addendum addition 4 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Loza and Councilmember Lill's request.

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

Mayor Pro Tem Loza moved to defer the item until the September 8, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Lill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2481

Addendum addition 5: Authorize a contract with Holmes Street Foundation, Inc. for residential substance abuse treatment services for low-income and uninsured adolescents for a twelve-month period with two twelve-month renewal options - Not to exceed \$76,560 - Financing: 2004-05 Community Development Grant Funds (\$65,000) (subject to appropriations) and Current Funds (\$11,560) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2482

Addendum addition 6: Authorize (1) the application for and acceptance of grant funds from the Texas Commission on Environmental Quality to operate air samplers for Particulate Matter 2.5 and conduct air monitoring activities in Dallas for the period September 1, 2004 through August 31, 2006; and (2) execution of the grant agreement - Not to exceed \$124,000 - Financing: Texas Commission on Environmental Quality Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2483

Addendum addition 7: Authorize (1) the acceptance of Transitional Housing Grant Funds in the amount of \$250,598 from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for transitional housing for single homeless persons for the period October 1, 2004 through September 30, 2005, (2) a local match in an amount not to exceed \$15,866, and (3) execution of the grant agreement - Total not to exceed \$266,464 - Financing: U.S. Department of Housing and Urban Development Grant Funds (\$250,598) and Current Funds (\$15,866)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2484

Addendum addition 8: Authorize (1) the acceptance of Shelter Plus Care Grant Funds from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for permanent housing for homeless persons with disabilities for the period October 1, 2004 through September 30, 2005, and (2) execution of the grant agreement - Not to exceed \$836,760 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2485

Addendum addition 9: Authorize (1) the acceptance of Transitional Housing Grant Funds in the amount of \$149,913 from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for transitional housing for homeless families and/or single homeless persons for the period December 1, 2004 through November 30, 2005, (2) a local match in an amount not to exceed \$9,978, and (3) execution of the grant agreement - Total not to exceed \$159,891 - Financing: U.S. Department of Housing and Urban Development Grant Funds (\$149,913) and Current Funds (\$9,978)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2486

Addendum addition 10: Authorize (1) the application for and acceptance of grant funds from the Texas Commission on Environmental Quality to operate and maintain whole air samplers and conduct air monitoring activities in Dallas for the period September 1, 2004 through August 31, 2005; and (2) execution of the grant agreement - Not to exceed \$347,200 - Financing: Texas Commission on Environmental Quality Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2487

Addendum addition 11: Authorize three contracts with the Texas Department of Health for the continuation of local health services including; (1) maternal and child health in the amount of \$47,520, (2) community and rural health services in the amount of \$215,405, and (3) services to non-Medicaid eligible clients through Title V in the amount of \$65,388 for the period September 1, 2004 through August 31, 2005 - Total not to exceed \$328,313 - Financing: Texas Department of Health Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2488

Addendum addition 12: Authorize the second twelve-month renewal option to the contract with Ward North America Holding, Inc. for workers' compensation and third party liability claims service for the period of October 1, 2004 through September 30, 2005 - \$2,743,000 - Financing: Workers' Compensation Current Funds (subject to appropriations)

Deputy Mayor Pro Tem Hill requested that consent agenda addendum addition 12 be considered as an individual item. Mayor Miller stated that consent agenda addendum addition 12 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Hill's request.

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

Deputy Mayor Pro Tem Hill moved to require both Ward and Hammerman to fulfill the last year of the contract together as in previous years.

Motion seconded by Councilmember Fantroy.

Councilmember Chaney moved to substitute for Deputy Mayor Pro Tem Hill's motion a motion to reject the item, extend the current contract and direct staff to rebid.

Motion seconded by Councilmember Salazar.

After discussion, Mayor Miller called the vote on Councilmember Chaney's substitute motion:

Voting Yes:	[5]	Hill, Thornton Reese, Salazar, Chaney, Fantroy
Voting No:	[10]	Miller, Loza, Garcia, Oakley, Griffith, Blaydes, Finkelman, Greyson, Rasansky, Lill

Mayor Miller declared the motion failed.

Mayor Miller called the vote on the original motion:

Voting Yes:	[4]	Hill, Thornton Reese, Salazar, Fantroy
Voting No:	[11]	Miller, Loza, Garcia, Oakley, Chaney, Griffith, Blaydes, Finkelman, Greyson, Rasansky, Lill

Mayor Miller declared the motion failed.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Blaydes.

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

Voting Yes: [11]	Miller, Loza, Garcia, Oakley, Chaney, Griffith, Blaydes, Finkelman, Greyson, Rasansky, Lill
Voting No: [4]	Hill, Thornton Reese, Salazar, Fantroy

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2489

Addendum addition 13: An ordinance appointing 9 full-time municipal judges and 18 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2006; designating an administrative municipal judge for the City of Dallas municipal court of record for a two-year term ending May 31, 2006; and establishing the annual salary for the administrative municipal judge, full-time municipal judges, and associate municipal judges - Financing: No additional cost consideration to the City

Mayor Pro Tem Loza moved to suspend the rule to allow Frieda Fiske to address the city council.

Motion seconded by Councilmember Rasansky and unanimously adopted.

The following individual addressed the city council regarding the item:

Frieda Fiske, 1222 Commerce St.

Councilmember Oakley moved to appoint the following top nine nominees recommended by the Judicial Nominating Committee be appointed as full-time municipal judges for the City of Dallas Municipal Court of Record for a two-year term ending May 31, 2006:

Jay Robinson	Cheryl Williams
Daniel Solis	Victor Ortiz
Victor Lander	Phyllis Lister-Brown
Melodee Armstrong	Michael Acuna
Carrie Chavez.	

Motion seconded by Councilmember Rasansky.

During the discussion, Councilmember Oakley withdrew his motion to allow Councilmember Thornton Reese to make her motion first.

Councilmember Rasansky withdrew his second.

Mayor Miller stated that Councilmember Oakley's motion had been withdrawn, there being no objection voiced to Councilmember Oakley's request.

Councilmember Thornton Reese moved to vote by ballot for the top nine of the fourteen names submitted by the Judicial Nominating Committee for full-time municipal judges for the City of Dallas.

Motion seconded by Mayor Pro Tem Loza.

Councilmember Oakley moved to substitute for Councilmember Thornton Reese' motion a motion to appoint the following top nine nominees recommended by the Judicial Nominating Commission be appointed as full-time municipal judges for the City of Dallas Municipal Court of Record for a two-year term ending May 31, 2006:

Jay Robinson	Cheryl Williams	Daniel Solis
Victor Ortiz	Victor Lander	Phyllis Lister-Brown
Melodee Armstrong	Michael Acuna	Carrie Chavez

I further move that the following top 18 nominees recommended by the Judicial Nominating Commission be appointed as associate (part-time) municipal judges for the City of Dallas Municipal Court of Record for a two-year term ending May 31, 2006:

Don Chae	Elizabeth Davis-Frizell	Carl Hays
Patricia Hartline-Diaz	Jerry Bradford	John Boyle
Bonnie Goldstein	Ruth Catherine Logan	Staci Williams
Tim Gonzalez	Linda Hale	Aaron Kaufman
Tatia Randolph	Susan Marsh	Daniel McDonald
John McCully	Tiffany Lewis	Suzanne Bass

I also move that Jay Robinson be reappointed administrative municipal judge for the City of Dallas Municipal Court of Record for a two-year term ending May 31, 2006.

Motion seconded by Councilmember Rasansky.

During discussion, Councilmember Salazar moved to table the item.

Motion seconded by Councilmember Chaney.

Mayor Miller called the vote on Councilmember Salazar's motion to table:

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

Mayor Miller declared the motion to table failed.



After discussion, Mayor Miller called the vote on Councilmember Oakley's substitute motion:

Voting Yes: [9] Miller, Garcia, Oakley, Griffith, Blaydes, Finkelman, Greyson,  
Rasansky, Lill

Voting No: [6] Loza, Hill, Thornton Reese, Salazar, Chaney, Fantroy

Mayor Miller declared the substitute motion adopted.

Assigned ORDINANCE NO. 25718.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2490

Addendum addition 14: A resolution adopting the City Manager's Proposal For Decision (as recommended by the City Council's Transportation and Telecommunications Committee) in the matter of Gloria Foster vs. TXU Gas - Financing: No cost consideration to the City

Councilmember Greyson moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2491

Addendum addition 15: Authorize (1) preparation of plans for the issuance of Pension Obligation Bonds, Series 2004, approve criteria for selection of underwriting syndicate members and designation of a senior manager; and, (2) a revision to the City's Financial Management Performance Criteria to accommodate the pension obligation bonds - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Hill moved to approve the item.

Motion seconded by Councilmember Blaydes.

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".

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

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

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

04-2400

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

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

ABSENT: [0]

**CORRECTIONS**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2442

Item 39: Zoning Case Z034-229 (RB)

The consent zoning docket, consisting of agenda items, 39-44, was presented.

Councilmember Thornton Reese requested that consent zoning docket item 39 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 39 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Thornton Reese's request.

Later in the meeting, zoning docket item 39 was brought up for consideration.

A public hearing was called on zoning case Z034-229 (RB), an application for a Planned Development District for attached residential uses on property zoned an RR Regional Retail District on property north and west of the terminus of Village Fair Drive, northwest of Fairshop Drive.

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

Councilmember Fantroy announced that he had conflict of interest and would abstain from voting or participating in any discussion. Councilmember Fantroy 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:

Susan Kedron, 901 Main, St., representing the applicant

The following individual addressed the city council regarding zoning case Z034-229 (RB):

~~Darrien~~ **Darren** Reagan (no address given)

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2451

Item 48: Public Hearing – Zoning Case Z034-254 (DW)

A public hearing was called on zoning case Z034-254 (DW), an application for and an ordinance granting a Planned Development District for a public school other than an open-enrollment charter school and MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District with H/76 Historic District Overlay No. 76 on property bounded by Belmont Avenue, Carroll Avenue, Capitol Avenue and Peak Street.

(The city plan commission recommended approval, subject to a development/landscape plan and conditions with the retention of the H/76 Historic Overlay District No. 76.)

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 Z034-254 (DW):

Jewel Floyd, 3815 Myrtle St.

Mayor Pro Tem Loza moved to close the public hearing, accept the recommendation of the city plan commission with the following changes:

Amend Sections 51P-698.108 regarding Off-Street Parking and Loading:

- a. ~~accept~~**except** as provided in the section, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.
- b. for a public school use off-street parking is allowed in the required yards
- c. for a public school use a hedge of evergreen plant materials (e.g. holly) are capable of reaching 3 feet in height within 3 years must be provided to screen parking adjacent to residential uses, and pass the ordinance.

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

Assigned ORDINANCE NO. 25707.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2461

Item 59: Public Hearing

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

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

Mary Frances ~~Hasen~~, **Hansen** 4607 Timberglen Rd., representing Senior Affairs Commission

Virgil St. Clair, 9952 Vistadale Dr., representing Senior Affairs Commission

James Cowgill, 11357 Earlywood Dr., representing Senior Affairs Commission

Sydney Kay, 5718 Harvest Hill Rd., representing Senior Affairs Commission

Kim Bihari, 465 Goodwin, Richardson, representing Lost Empire Trading Company

Beverly Tobian, 5843 Waggoner Dr.

Albert Parker, 6319 Elam Rd.

Marvin Crenshaw, 5134 Malcolm X Blvd.

William Hopkins, 2011 Leath St.

Jewel Floyd, 3815 Myrtle St.

Mayor Pro Tem Loza moved to close the public hearing.

Motion seconded by Councilmember Chaney and unanimously adopted.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

August 25, 2004

04-2463

Item 61: Authorize a three-year economic development agreement with the Cotton Bowl Athletic Association to hold the Cotton Bowl Classic in the Cotton Bowl Stadium at Fair Park - \$450,000 annually - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

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 Finkelman moved to authorize a one-year economic development agreement for \$450,000.00.

Motion seconded by Councilmember Lill.

Mayor Pro Tem Loza asked Councilmember Finkelman if she would accept a friendly amendment to her motion **an additional** two-year economic development agreement for \$700,000.

Councilmember Finkelman accepted the amendment as part of her motion.

Councilmember Lill, who seconded the original motion, also accepted the friendly amendment.

After discussion, Mayor Miller called the vote on Councilmember Finkelman's motion as modified by the friendly amendment.

Mayor Miller declared the motion as modified by the friendly amendment unanimously adopted. (Rasansky abstain; Blaydes absent when vote taken)