

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 8, 2004

04-2530

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 9:31 a.m.

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

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

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

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

After all business properly brought before the city council had been considered the city council adjourned at 5:03 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 8, 2004

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 8, 2004

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2531

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: Alan Propper, 4845 Swiss Ave.
SUBJECT: Addressing the prostitution problem

SPEAKER: Ozumba Lnuk-x, 4106 Vineyard Dr.
SUBJECT: Corrupt police/Dangerous constraining procedures

SPEAKER: Johnny Rubio, Jr., 1414 Clearwood Dr.
REPRESENTING: Dealers of Farmers Market
SUBJECT: Farmers Market

SPEAKER: Howard Gray, 7322 Hunnicut Rd.
REPRESENTING: Farmers Market Vendors
SUBJECT: Farmers Market

SPEAKER: Faith Duff, 1100 Cadiz St.
SUBJECT: Homeless

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

None.

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Julieta Martinez, 7623 Jacobie Blvd. **CANCELED**
SUBJECT: Street conditions

SPEAKER: Kellie H. Hecht, 310 Nimitz Dr. **NO SHOW**
SUBJECT: Programs to help indiviudal homeless needs

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
SUBJECT: Corrupt elected officials

SPEAKER: Claud Yeldell, 1624 S. Corinth St. **DID NOT CALL NAME**
SUBJECT: Tearing down houses in South, Dallas, unnecessarily

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CITY OF DALLAS, TEXAS

SPEAKER: Sandra Crenshaw, 1431 Quarter Dr. **DID NOT CALL NAME**
SUBJECT: Code Compliance Officers

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

SPEAKER: Al Lipscomb, 830 Clearwood Dr. **CANCELED**
SUBJECT: Farmers Market

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: Citizens Organized for Representative Democracy
SUBJECT: Strong Mayor – Bill of Rights

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Racism: Against Mayor of Dallas, Director of Environmental Health, KKK, Dallas Police Department

SPEAKER: Charles Goodlow, Jr., 922 Wood River Rd. **NO SHOW**
SUBJECT: I feel a need for a black history channel, lack of assistance from North Texas Legal Aid, Cable a necessity or a luxury

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2532

Item 1: Approval of Minutes of the June 23, 2004 and August 25, 2004 City Council Meetings

Councilmember Finkelman moved to approve the June 23, 2004 minutes, as previously corrected. Councilmember Finkelman moved to approve the August 25, 2004 minutes with the following corrections. Councilmember Finkelman stated that on agenda item 39 to correct the spelling of Darrien Reagan's name by changing Darrien to Darren; correct the speaker's last name on agenda item 59 from Mary Frances Hasen to Mary Frances Hansen and to add to Mayor Pro Tem Loza's friendly motion on agenda item 61, an additional two-year economic development agreement for \$700,000 annually. Councilmember Greyson stated that on agenda item 48, to change the wording, accept to except.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2533

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-49 and addendum addition consent agenda items 1-7, were presented for consideration.

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

Councilmember Rasansky requested that consent agenda items 14, 32, 42, 45, and 49 and addendum addition items 1 and 7 be considered as individual items. Mayor Miller stated that consent agenda items 14, 32, 42, 45 and 49 and addendum addition items 1 and 7 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Griffith requested that consent agenda items 44 and 46 be considered as individual items. Mayor Miller stated that consent agenda items 44 and 46 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Griffith's request.

Councilmember Lill requested that consent agenda item 44 be considered as an individual item. Mayor Miller stated that consent agenda item 44 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Lill's request.

Councilmember Greyson requested that addendum addition 6 be considered as an individual item. Mayor Miller stated that addendum addition 6 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of addendum addition 8, which was deleted, consent agenda items 14, 32, 42, 44, 45, 46 and 49 and addendum addition items 1, 6, and 7 which would be considered later in the meeting.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2534

Item 2: Authorize a professional services contract with Linda Tycher and Associates, Inc. to provide conceptual design, surveying, preliminary design, design development and construction documents for a new playground and Americans with Disabilities Act compliance walks at Pagewood Park located at 7300 Pagewood - \$16,240 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2535

Item 3: Authorize a professional services contract with Kimley-Horn and Associates, Inc. to provide site development phase, schematic design, design development, construction documents, bidding and construction administration services for improvements at Campbell Green Park located at 16600 Hillcrest - \$98,500 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2536

Item 4: Authorize a professional services contract with Charles Gojer and Associates, Inc. for the design and preparation of construction documents for the removal and replacement of terminal apron areas at Dallas Love Field Airport - \$115,400 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

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September 8, 2004

04-2537

Item 5: Authorize a contract for the construction of a parking area, soccer field, sidewalk and portable toilet enclosure at Jaycee/Zaragoza Park located at 3114 Clymer - Austco, Inc., lowest responsible bidder of four - \$205,000 - Financing: 2002-03 Urban Development Action Grant Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

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September 8, 2004

04-2538

Item 6: Authorize (1) a contract for storm water quality improvements for the Woodlands Area, Otter Exhibit, The Hill, Primate Place and Material Storage Yard at the Dallas Zoo, Phase I, located at 1021 S. Ewing with Barson Utilities, Inc., lowest responsible bidder of three in the amount of \$610,990; and (2) the establishment of appropriations in the amount of \$1,200,000 in the Capital Projects Reimbursement Fund - Total not to exceed \$610,990 - Financing: Capital Projects Reimbursement Funds (to be reimbursed from the Storm Water Drainage Management Fund)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2539

Item 7: Authorize a contract for playground and site improvements at Cox Lane Park located at 3805 Royal Lane - Austco, Inc., lowest responsible bidder of five - \$145,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

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September 8, 2004

04-2540

Item 8: Authorize (1) a contract for selective demolition and historic facade improvements for the redevelopment of 1500 Jackson Street (Interurban Building) with Andres Construction Services, LLC, lowest responsible bidder of four, in an amount not to exceed \$5,129,431, (2) assignment of the construction contract to Barker-Nichols, LLC for construction management, (3) a 60-day extension of the property acquisition deadline, and (4) an increase in appropriations in an amount not to exceed \$129,431 in the City Center TIF District Fund - Total not to exceed \$5,129,431 - Financing: City Center TIF District Funds (\$5,000,000), Private Funds (\$129,431)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2541

Item 9: Authorize a contract for the construction of water and wastewater main replacement and rehabilitation at various locations - Atkins Bros. Equipment Co., Inc., lowest responsible bidder of three - \$4,965,008 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2542

Item 10: Authorize a contract for rough screens and pump header replacement at the Central Wastewater Treatment Plant - Archer-Western Contractors, Ltd., lowest responsible bidder of four - \$1,396,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2543

Item 11: Authorize a contract for mechanical and electrical improvements at the Central Wastewater Treatment Plant - Gracon Construction, Inc., lowest responsible bidder of three - \$3,106,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2544

Item 12: Authorize Supplemental Agreement No. 1 to the contract with Mitchell Enterprises, Ltd. for additional design/build services of underground storage tanks at the Northeast and Southeast Service Centers, Phase II - \$62,000, from \$1,168,049 to \$1,230,049 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

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September 8, 2004

04-2545

- Item 13: Authorize Supplemental Agreement No. 1 to the professional services contract with Arredondo, Zepeda & Brunz, Inc. to include engineering services for the replacement or rehabilitation of water and wastewater mains in an area bounded by Winnetka Avenue, Kings Highway, Winston Street and Tyler Street, and in an easement between Denton Drive and Cedar Springs from Inwood Road to Kimsey Drive - \$47,711, from \$529,956 to \$577,667 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2546

Item 14: Authorize Supplemental Agreement No. 1 to the professional services contract with Chiang, Patel and Yerby, Inc. to provide additional engineering services for the Bachman Water Treatment Plant improvements - \$5,420,500, from \$2,850,000 to \$8,270,500 - Financing: Water Utilities Capital Improvement Funds

Councilmember Rasansky requested that consent agenda item 14 be considered as an individual item. Mayor Miller stated that consent agenda item 14 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 14 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2547

Item 15: Authorize approval of the recommended plan for the proposed alignment of Houston School Road from Wheatland Road to Camp Wisdom Road, from its current alignment to the proposed alignment of Houston School Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2548

- Item 16: Authorize a public hearing to be held on October 13, 2004, to receive citizens' comments to cancel the assessment for the cost of the improvements against the abutting property owner at 2740 Buckner Boulevard, and at the close of the hearing, consideration of a ordinance amending Ordinance No. 25075 previously approved on October 23, 2002, to reflect this cancellation - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2549

Item 17: Authorize the acceptance of grant funds from the U. S. Environmental Protection Agency for partial reimbursement of the rough screens and pump header replacement at the Central Wastewater Treatment Plant - Total not to exceed \$867,300 - Financing: U. S. Environmental Protection Agency Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2550

- Item 18: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Northway Baptist Church of approximately 52,602 square feet of vacant land located at the intersection of Walnut Hill and Coppedge Lanes for the replacement of Fire Station No. 35 - \$414,765 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2551

- Item 19: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Prime Hospitality Corp. of a street easement containing approximately 775 square feet of land for the Churchill Way Bridge project located at the intersection of Churchill Way and U.S. Highway 75 - \$11,463 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

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September 8, 2004

04-2552

Item 20: An ordinance abandoning a walkway to Nanette C. Lee, the abutting owner, containing approximately 1,679 square feet of land located near the intersection of Midway and Watauga Roads, and authorizing the quitclaim - Revenue: \$14,985 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25719.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2553

Item 21: An ordinance reauthorizing the abandonment of 2 utility easements, a drainage and sidewalk easement and Preston Trail Court to 5900 Keller Springs, L.P., the abutting owner, containing a total of approximately 23,107 square feet of land in exchange for the rededication of not less than 17,751 square feet of the abandoned street right-of-way as a private street located near the intersection of Keller Springs and Preston Roads, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25720.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2554

Item 22: Authorize the quitclaim of 4 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders - Revenue: \$41,315

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

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September 8, 2004

04-2555

Item 23: An ordinance abandoning a sanitary sewer and water easement to The Masters Apartments, L.P., the abutting owner, containing approximately 28,842 square feet of land located near the intersection of North Masters Drive and Budtime Lane, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25721.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2556

Item 24: An ordinance abandoning a portion of a utility easement to Baylor University Medical Center, the abutting owner, containing approximately 163 square feet of land located near the intersection of Gaston Avenue and Washington Avenue, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25722.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2557

Item 25: 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

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2558

Item 26: Authorize a twenty-four-month professional services contract for three annual audits of the Cityplace Tax Increment Financing District with the only proposer - Frazier Gills, P.C., Certified Public Accountants & Consultants - Not to exceed \$47,500 - Financing: Cityplace TIF District Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2559

Item 27: Authorize the purchase of landfill heavy equipment from the lowest responsible bidders of six - Continental Equipment Company, L.P. and Holt Texas, Ltd. dba Holt Cat - Not to exceed \$1,168,698 - Financing: 2003 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2560

Item 28: Ratify an emergency purchase of approximately 700 feet of 30-inch pipe to repair a wastewater main located in the 9100 block of Lake June - Ferguson Enterprises, Inc. - Not to exceed \$39,690 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2561

Item 29: Ratify additional emergency repairs to the 84-inch Tawakoni raw water transmission main from the Iron Bridge Pump Station to the Tawakoni Balancing Reservoir - Oscar Renda Contracting, Inc. - \$538,573, from \$4,657,688 to \$5,196,261 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2562

Item 30: Authorize settlement of a claim filed by Yolanda Matthews, Claim No. 20033731 - \$6,500 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2563

Item 31: Authorize (1) approval of the Deep Ellum Public Improvement District Service Plan for 2005; (2) a public hearing to be held on September 22, 2004 to receive citizens' comments concerning the annual assessment rate for the Deep Ellum Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Deep Ellum 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 (3) at the close of the hearing, consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements in the District, approving, adopting and filing with the City Secretary the assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2005; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2564

Item 32: Authorize (1) approval of the Dallas Downtown Improvement District Service Plan for 2005; (2) a public hearing to be held on September 22, 2004 to receive citizens' comments concerning the annual assessment rate for the Dallas Downtown Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Dallas Downtown 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 (3) at the close of the hearing, consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements in the District, approving, adopting and filing with the City Secretary the assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2005; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 32 be considered as an individual item. Mayor Miller stated that consent agenda item 32 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 32 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.

The following individual addressed the city council regarding the item:

Thomas Persch, 9517 Evans Dr., Plano, representing Downtown Improvement District

Councilmember Lill moved to approve the item.

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

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2565

Item 33: Authorize (1) approval of the Prestonwood Public Improvement District Service Plan for 2005; (2) a public hearing to be held on September 22, 2004 to receive citizens' comments concerning the annual assessment rate for 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 (3) at the close of the hearing, consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements in the District, approving, adopting and filing with the City Secretary the assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2005; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2566

- Item 34: Authorize (1) approval of the Uptown Public Improvement District Service Plan for 2005; (2) a public hearing to be held on September 22, 2004 to receive citizens' comments concerning the annual assessment rate for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Uptown Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and (3) at the close of the hearing, consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District; approving, adopting and filing with the City Secretary the assessment role; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2005; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2567

- Item 35: Authorize (1) approval of the Vickery Meadow Public Improvement District Service Plan for 2005; (2) a public hearing to be held on September 22, 2004 to receive citizens' comments concerning the annual assessment rate for the Vickery Meadow Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Vickery Meadow 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 (3) at the close of the hearing, consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements in the District, approving, adopting and filing with the City Secretary the assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2005; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2568

Item 36: An ordinance adopting a boundary adjustment agreement with the City of Mesquite on property owned by the Lawson Road Baptist Church along E. Lawson Road to allow all of the church property to be located within the corporate limits of the City of Dallas - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25723.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2569

Item 37: Authorize a Memorandum of Understanding with the U. S. Department of Commerce, Minority Development Agency to assist in adolescent health development, youth development and support of young adults pursuing the opportunity to establish a business for the period September 8, 2004 through September 8, 2009 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2570

Item 38: Authorize a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for Women, Infants, and Children for the period October 1, 2004 through September 30, 2005 - Not to exceed \$9,288,000 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2571

Item 39: Authorize a contract with the Department of State Health Services to continue the operation of a training center for the Special Supplemental Nutrition Program for Women, Infants, and Children for the period October 1, 2004 through September 30, 2005 - Not to exceed \$83,555 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2572

Item 40: Authorize an Interlocal Agreement with Dallas County to provide a tenant-based rental assistance program for the homeless for the period November 1, 2004 through October 31, 2005 - Not to exceed \$300,000 - Financing: 2004-05 HOME Investment Partnership Program Grant Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2573

Item 41: Authorize an Interlocal Agreement with the University of Texas Southwestern Medical Center at Dallas for the continuation of a Minority AIDS Outreach Program for the period January 1, 2005 through September 30, 2005 - Not to exceed \$43,875 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2574

Item 42: Authorize the Dallas Housing Finance Corporation's (DHFC) 2004 Single Family Bond Program plan of financing and issuance of one or more series of the City of Dallas Housing Finance Corporation Tax-Exempt Single Family Mortgage Revenue Bonds, Series 2004, including refunding bonds from the DHFC 2002 Single Family Bond Programs, in an aggregate principal amount not to exceed \$20,000,000 to provide home mortgages for low- to moderate-income homebuyers - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 42 be considered as an individual item. Mayor Miller stated that consent agenda item 42 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 42 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2575

Item 43: Authorize (1) a public hearing to be held on September 22, 2004 to receive citizens' comments on the proposed private sale by quitclaim deed of 3 unimproved properties located at 3723 Nomas, 1715 Pueblo, and 1960 Shaw acquired by the taxing authorities from the Sheriff's Sale to Builders of Hope CDC, a qualified non-profit organization and (2) at the close of the hearing, consideration of approval of the sale of these properties - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2576

Item 44: A resolution of support for the Housing Authority of the City of Dallas= adoption of revisions to the House Rules of behavior on Housing Authority properties to encourage a safe, secure environment and maintain an orderly appearance for its residents, as specified in the lease agreement - Financing: No cost consideration to the City

Councilmembers Griffith and Lill requested that consent agenda item 44 be considered as an individual item. Mayor Miller stated that consent agenda item 44 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmembers Griffith and Lill's request.

Later in the meeting, agenda item 44 was brought up for consideration.

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2577

Item 45: Authorize a personal services contract with David Dean of Dean International, Inc. to provide transportation and economic development consulting services from September 9, 2004 through September 8, 2005 - Not to exceed \$268,000 - Financing: Public/Private Partnership Funds (subject to appropriations)

Councilmember Rasansky requested that consent agenda item 45 be considered as an individual item. Mayor Miller stated that consent agenda item 45 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 45 was brought up for consideration.

Deputy Mayor Pro Tem Hill moved to approve the item.

Motion seconded by Councilmember Greyson.

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

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

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2578

Item 46: Authorize (1) the acceptance of the 2004 Omnibus Appropriations Local Law Enforcement Block Grant from the U. S. Department of Justice, Bureau of Justice Assistance to provide law enforcement activities and equipment in the amount of \$900,036 for the period October 2004 to October 2006, (2) a local match in the amount of \$100,004, and (3) execution of the grant agreement - Total not to exceed \$1,000,040 - Financing: U. S. Department of Justice, Bureau of Justice Assistance Grant Funds (\$900,036) and Current Funds (\$100,004) (subject to annual appropriations)

Councilmember Griffith 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 Griffith's request.

Later in the meeting, agenda item 46 was brought up for consideration.

Councilmember Griffith moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2579

- Item 47: Authorize Cooperative Working Agreements with the Office of the Attorney General, the Bexar County Sheriff's Office, the City of Austin, the City of Corpus Christi, and the City of Longview for the investigation, prosecution, education and counseling 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 \$150,000 - Financing: Internet Crimes Against Children Grant Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2580

Item 48: Authorize continuation of the contract with the United States Geological Survey for the operation of streamflow and water quality gauging stations in the Trinity River basin from October 1, 2004 through September 30, 2005 - \$70,295 - Financing: Water Utilities Current Funds (subject to appropriations)

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2581

Item 49: Authorize Supplemental Agreement No. 1 to the wholesale wastewater contract with the City of Seagoville for a proposed residential subdivision for the period of October 1, 2004 through September 30, 2032 - Total Estimated Revenue: \$1,050,280 (\$37,510 annually)

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.

Motion seconded by Councilmember Thornton Reese and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2582

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda item 50, was presented for consideration.

Agenda item 50: Zoning Case Z034-251 (RB)

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

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

Councilmember Lill moved to close the public hearing, accept the recommendations of the city plan commission in the consent zoning case and pass the ordinance and the resolution 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. (Miller, Hill, Thornton Reese, Chaney, Finkelman absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2583

Item 50: Zoning Case Z034-256 (DW)

Zoning Case Z034-256 (DW), an application for and an ordinance granting a Planned Development District for an Animal shelter or clinic with outside run and IR Industrial Research District Uses on property zoned an IR Industrial Research District on property at the terminus of Hawes Avenue, northeast of Collville Street.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25724.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2584

Item 51: Public Hearing – Zoning Case Z034-256 (DW)

Theresa O'Donnell, director of development services, requested that zoning docket item 51, because in accordance with subparagraph (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the council in that a written protest against the change in zoning had been signed by the owners of 20 percent 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 planning.

A public hearing was called on zoning case Z034-256 (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. This item was considered by the City Council at a public hearing on August 25, 2004, and was taken under advisement until September 8, 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 Deputy Mayor Pro Tem Loza and unanimously adopted. (Blaydes abstain; Chaney, Lill absent when vote taken)

Assigned ORDINANCE NO. 25725.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2585

Item 52: 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 September 8, 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 Thornton Reese moved to appoint Rachel Williams, senior, to the Youth Commission and Anita Keslo Edson, General Public, to the Animal Shelter Commission.

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

Mayor Pro Tem Loza 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 Salazar and unanimously adopted. (Chaney absent when vote taken.)

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

**04-2605 ASC ANIMAL SHELTER COMMISSION
04-2606 CPC CITY PLANNING COMMISSION
04-2607 YAC YOUTH COMMISSION**

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2586

Item 53: First reading of the appropriation ordinances for the proposed FY 2004-05 City of Dallas Operating, Grants and Trusts and Capital Budgets - Financing:
No cost consideration to the City

Councilmember Oakley moved to approve the item.

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

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2587

Item 54: Authorize hardship relief for property located at 2862 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 defer the item until the September 22, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Garcia and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2588

Item 55: Authorize hardship relief for property located at 3647 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 22, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Rasansky and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2589

Item 56: Authorize the sale by quitclaim deed of 4 unimproved properties acquired by the taxing authorities from a Sheriff's Sale to the Dallas Independent School District - Revenue: \$27,350

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 Thornton Reese moved to approve the item.

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

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2590

Item 57: Authorize a nine-month contract with the Dallas Independent School District (DISD) for the Park and Recreation Department to provide after-school and community recreation programs at five DISD Schools - Revenue: \$75,000

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 Fantroy moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2591

Item 58: Authorize a development agreement with the Dallas Independent School District for the design and construction of the replacement Hampton Illinois Branch Library, with provisions to include a combination auditorium / black box theater, to be located on the west side of Hampton Road at Perryton Drive adjacent to and constructed in conjunction with the new Jimmie Tyler Bradshear Elementary School, and at a future date, reimbursement will be made to the Dallas Independent School District for payment of the prorated development cost including design and construction of the library - 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; Chaney absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2592

Item 59: Authorize Supplemental Agreement No. 1 to the professional services contract with Chiang, Patel and Yerby, Inc. to provide engineering services to update the 2000 Dallas Long Range Water Supply Plan - \$341,530, from \$799,574 to \$1,141,104 - Financing: Water Utilities Capital Construction Funds

The following individual addressed the city council regarding the item:

Beth Johnson, 3363 Darbyshire Dr., representing Texas Committee on Natural Resources

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Garcia

Councilmember Greyson asked Councilmember Oakley if he would accept a friendly amendment to his motion that the study will include "high level" review of basic environmental information for each option.

Councilmember Oakley accepted the amendment as part of his motion.

Councilmember Garcia, who seconded the original motion, also accepted the amendment and the motion was unanimously adopted. (Miller, Chaney, Finkelman absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2593

Item 60: 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 approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2594

Item 61: 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

Councilmember Lill moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25726.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2595

Addendum addition 1: Authorize (1) a contract for environmental remediation related to the redevelopment of the Republic Center Tower I, located at 300 Ervay Street, with EPSCO, lowest responsible bidder of six, in an amount not to exceed \$88,987, and (2) assignment of the contract to Ervay Residential Partner, Inc. for construction management - Total not to exceed \$88,987 - Financing: City Center TIF District Funds

Councilmember Rasansky requested that addendum addition 1 be considered as an individual item. Mayor Miller stated that addendum addition 1 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 1 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 Lill moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2596

Addendum addition 2: Authorize an increase in the contract with Rodman Excavation, Inc., for the construction of closure and restoration activities at the Deepwood Loop 12 Landfill for modification to landfill gas collection system, increased quantity of waste excavation/consolidation and offsite disposal, and hauling of clean soil from borrow pits to the Deepwood site - Not to exceed \$1,326,000, from \$9,574,399 to \$10,900,399 - Financing: 2003 Certificates of Obligation

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2597

Addendum addition 3: Authorize an Interlocal Agreement with the Town of Addison for the replacement of a water valve, the adjustment of water main appurtenances and the lowering of a portion of a water main along the future improvement of Arapaho Road from Addison Road to Surveyor Boulevard - \$18,310 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2598

Addendum addition 4: An ordinance authorizing the acceptance of deed restrictions prohibiting the use of designated groundwater from beneath property located at 2306 Motor Street to facilitate a Municipal Setting Designation of said property by the Texas Commission on Environmental Quality pursuant to the Texas Solid Waste Disposal Act, Chapter 361, Subchapter W - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25727.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2599

Addendum addition 5: An ordinance authorizing the acceptance of deed restrictions prohibiting the use of designated groundwater from beneath property located at 2800 North Hampton Road to facilitate a Municipal Setting Designation of said property by the Texas Commission on Environmental Quality pursuant to the Texas Solid Waste Disposal Act, Chapter 361, Subchapter W - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25728.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2600

Addendum addition 6: 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 the southeast corner of Coit Road and Frankford Road subject to a conceptual plan and conditions with retention of Specific Use Permit No. 764 for a College or University and related uses - Z034-259(MM) - Financing: No cost consideration to the City

Councilmember Greyson requested that addendum addition 6 be considered as an individual item. Mayor Miller stated that addendum addition 6 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 6 was brought up for consideration.

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

“The minimum three acre lake must have a conservation pool of at least three surface acres of open water.”

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2601

Addendum addition 7: Authorize (1) the City's continued participation in the Steering Committee of Texas Utilities Electric Service Area Cities in hearings before the Public Utilities Commission of Texas concerning electric restructuring and rates to be charged by TXU Electric, and (2) the establishment of appropriations in the amount of \$121,147 in the TXU Reserve Fund to pay the City's 2004 assessment - Not to exceed \$121,147 - Financing: TXU Reserve Funds

Councilmember Rasansky requested that addendum addition 7 be considered as an individual item. Mayor Miller stated that addendum addition 7 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 7 was brought up for consideration.

Councilmember Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2602

Addendum addition 8: Authorize hardship relief for property located at 8282 Park Lane from the moratorium on the acceptance of applications for building permits and certificates of occupancy for a general merchandise and food store use with a floor area of 100,000 square feet or more, located north of Interstate Highway 30 - Financing: No cost consideration to the City

Councilmember Griffith moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2603

Addendum addition 9: Authorize a ten-year beverage services contract with the most advantageous proposer of three - Pepsi Cola Bottling Group - Estimated Net Revenue: \$9,163,769

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

The following individual addressed the city council regarding:

Rich Edgell, 5950 Sherry Ln., representing Dr. Pepper/Seven Up Bottling Group
Chris Anderson, (no address given), representing the Pepsi Group
Matt Wally, (no address given), representing Pepsi Bottling
Ed Augustine, (no address given), representing the Pathfinder Group

Deputy Mayor Pro Tem Hill moved to defer the item until the September 15, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Rasansky.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Griffith voting "No". (Finkelman abstain; Chaney absent when vote taken)

Note: [The deadline for the companies to re-bid will be Friday, September 10, 2004 at 3:00 p.m. Staff is directed to include in the bid package a statement for the companies to list all charitable contributions given in the City of Dallas and to whom.]

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 8, 2004

04-2604

Addendum addition 10: Council action and/or discussion concerning the creation of a Task Force empowered to facilitate discussions for a proposed stadium for the Dallas Cowboys in Fair Park (Deputy Mayor Pro Tem Hill, Councilmembers Garcia, Oakley, Thornton-Reese, Salazar, Chaney, Fantroy, Griffith, Blaydes, Finkelman, Greyson, and Lill via Mayor Miller)

The following individual addressed the city council regarding the item:

Elaine Agather, 2200 Ross Ave., representing Dallas Citizens Counsel

The city council discussed creating a Task Force for the purpose of improving Fair Park.

No official vote was taken on this item.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 8, 2004

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS