

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 22, 2004

04-2750

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 9:32 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 6:54 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 22, 2004

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 22, 2004

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2751

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: Doris Howard, 1514 Fordham Rd.
SUBJECT: Code compliance/Narcotics/Animals

SPEAKER: Jerry Dowdy, 14129 Kleberg Rd. **NO SHOW**
SUBJECT: Two buildings

SPEAKER: Michael Holland, 2359 Highland Rd. **NO SHOW**
SUBJECT: Weed lines on West Dallas property

SPEAKER: Rich Sheridan, 3022 Forest Ln.
SUBJECT: Budgetary consequences

SPEAKER: Albert Parker, 6319 Elam Rd.
REPRESENTING: John Q. Public
SUBJECT: Path of doom for Mayor

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Loretta Jones, 7201 Hedge Dr.
SUBJECT: A loan with the City of Dallas

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Bruce Kline, 733 Cliffview Dr.
SUBJECT: Police

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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SPEAKER: Sandra Crenshaw, (address not given)
SUBJECT: Misconduct of the City Attorney's Office

SPEAKER: Jackie Bilal, 7505 Fairport Rd. **DID NOT CALL NAME**
SUBJECT: Erroneous and inaccurate code reports

SPEAKER: Lee G. Bilal, 7505 Fairport Rd. **DID NOT CALL NAME**
SUBJECT: The City is killing me

SPEAKER: Gwain Wooten, 5111 Holland Ave. **NO SHOW**
SUBJECT: Lies, lies, lies; Stop lying

SPEAKER: Frank Ward, P.O. Box 50694 **NO SHOW**
REPRESENTING: Community at Large
SUBJECT: Community Update: Trinity River Bottoms

SPEAKER: Sanford Paul, 7308 Amy St **NO SHOW**
SUBJECT: My objection to preferential treatment of special interest groups

SPEAKER: Kay Sheets, 613 Dickery Dr., Grand Prairie, TX
REPRESENTING: Texas Public Workers Association
SUBJECT: Employee appeal hearings **NO SHOW**

SPEAKER: Lizo Reyes, 716 S. Deerfield Rd., Arlington
SUBJECT: Illegal towing **NO SHOW**

SPEAKER: Clyde Watts, 1701 Lancaster Rd. Lancaster
SUBJECT: Illegal towing **NO SHOW**

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

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Code violations/Mayor/Director of Environmental Health/Trinity River Plan

SPEAKER: Al Lipscomb, 830 Clearwood Dr. **CANCELED**
REPRESENTING: Vendors
SUBJECT: Ordinance amending various fees – Agenda item 96

SPEAKER: Howard Gray, 7322 Hunnicut Rd. **CANCELED**
REPRESENTING: Farmers Market Vendors
SUBJECT: Ordinance amending various fees – Agenda item 96

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SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: Citizens Organized for Representative Democracy
SUBJECT: Strong Mayor **DID NOT CALL NAME**

SPEAKER: Jewel Floyd, 3815 Myrtle St.
SUBJECT: Land issues

SPEAKER: Johnny Rubio, Jr. 1414 Clearbrook Dr., Lancaster
REPRESENTING: Dealers of Farmers Market **CANCELED**
SUBJECT: Ordinance amending various fees – Agenda item 96

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2752

Item 1: Approval of Minutes of the September 8, 2004 City Council Meetings

Councilmember Greyson moved to approve the minutes.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2753

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-62 and addendum addition consent agenda items 1-4, were presented for consideration.

The city secretary announced that the city manager had deleted agenda item 40 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Rasansky requested that consent agenda items 4, 15, 19, 23, 29, 30 and 35 and addendum addition item 2 to be considered as individual items. Mayor Miller stated that consent agenda items 4, 15, 19, 23, 29, 30 and 35 and addendum addition item 2 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Lill requested that consent agenda item 43 to be considered as an individual item. Mayor Miller stated that consent agenda item 43 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Lill's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda item 40, which was deleted, consent agenda items 4, 15, 19, 23, 29, 30 35, and 43 and addendum addition item 2 which would be considered later in the meeting.

Motioned seconded by Councilmember Garcia and unanimously adopted. (Hill absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2754

Item 2: Authorize a professional services contract with Turner Collie & Braden, Inc. for the design of paving, drainage, and water and wastewater main improvements for Bishop Area on Davis Street from Cedar Hill Road to Zang Boulevard and Madison Avenue from Davis Street to Eighth Street - \$189,531 - Financing: 2003 Bond Funds (\$146,899), Water Utilities Capital Improvement Funds (\$42,632)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2755

Item 3: Authorize a professional services contract with Lim and Associates, Inc. for land surveying and engineering design services for erosion control improvements at 3411 Cedarhurst Drive - \$24,170 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2756

Item 4: Authorize a professional services contract with BOKA Powell LLC for an economic development plan and an architectural analysis plan for the Dallas Farmers Market - \$131,500 - Financing: 2003 Bond Funds

Councilmember Rasansky requested that consent agenda item 4 be considered as an individual item. Mayor Miller stated that consent agenda item 4 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 4 was brought up for consideration.

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Finkelman.

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

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

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2757

Item 5: Authorize a contract for cooling tower replacement at the Morton H. Meyerson Symphony Center located at 2301 Flora Street - Site Enterprises, L.P., lowest responsible bidder of four - \$738,829 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2758

Item 6: Authorize a contract for the construction of erosion control improvements in the 300 block of North Manus Drive - Mark North Erosion Systems, Ltd., lowest responsible bidder of three - \$97,915 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2759

Item 7: Authorize a contract for the construction of erosion control improvements at 8545 Midpark Road north of Parkwood Creek Condominiums on Cottonwood Creek - Craig Olden, Inc., lowest responsible bidder of three - \$85,902 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2760

Item 8: Authorize Supplemental Agreement No. 3 to the contract with HBC / Terracon for additional environmental consulting and engineering services related to the Deepwood and Loop 12 Landfill sites - \$530,000, from \$2,038,609 to \$2,568,609 - Financing: 2003 Certificates of Obligation

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2761

Item 9: Authorize a design/build alternative delivery method for the lion, penguin, crocodile and iguana structures, Hornbill Aviary, Cat Row renovations and visitor shade structures at the Dallas Zoo located at 650 South R. L. Thornton Freeway - 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

September 22, 2004

04-2762

Item 10: Authorize payment to Dallas County for the City's share of the cost associated with paving, drainage, water and wastewater main improvements on Military Parkway from Jim Miller Road to Elva Avenue - \$3,740 - Financing: Water Utilities Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2763

- Item 11: Authorize (1) street paving, water and wastewater main improvements for Blue Ridge Boulevard from S. Cockrell Hill Road to Guadalupe Avenue; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on October 27, 2004, to receive citizens' comments - 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

September 22, 2004

04-2764

Item 12: **Rosemeade Parkway from Marsh Lane
to President George Bush Turnpike**

Note: Item Nos. 12 and 13 must be
considered collectively.

- * Authorize an Interlocal Agreement with the Texas Department of Transportation for the construction of water and wastewater main improvements on Rosemeade Parkway from Marsh Lane to President George Bush Turnpike - \$13,408 - Financing: Water Utilities Bond Funds (\$8,736), Water Utilities Capital Construction Funds (\$4,672)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2765

Item 13: **Rosemeade Parkway from Marsh Lane
to President George Bush Turnpike**

Note: Item Nos. 12 and 13 must be
considered collectively.

- * Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on Rosemeade Parkway from Marsh Lane to President George Bush Turnpike - \$8,000 - Financing: Texas Department of Transportation Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2766

Item 14: An ordinance closing and vacating a portion of Convent Street containing approximately 3,519 square feet of land located near its intersection with Adair Street for the purpose of consolidating this area with the adjacent City-owned park property
- Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25730.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2767

Item 15: An ordinance repealing and terminating Ordinance No. 25408 and granting a revocable license to Coconuts Restaurant Group, Inc. for the use of approximately 518 square feet of land to construct, install and maintain a masonry wall, sidewalk café, awning, and landscaping on and over portions of Greenville and Prospect Avenues rights-of-way located near their intersection - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Councilmember Rasansky requested that consent agenda item 15 be considered as an individual item. Mayor Miller stated that consent agenda item 15 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 15 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 Blaydes and unanimously adopted. (Rasansky abstain; Thornton Reese absent when vote taken)

Assigned ORDINANCE NO. 25731.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2768

Item 16: Authorize the release of lien on real property located at 4315 South Lancaster Road, Dallas Urban League, Inc. - 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

September 22, 2004

04-2769

Item 17: Authorize a five-year lease agreement, with two one-year renewal options, with Dallas Wind Symphony for use of the Fair Park Bandshell located at 1465 First Avenue for concerts, office space and temporary storage from October 1, 2004 through September 30, 2009 - Estimated Annual Revenue: \$400

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2770

Item 18: Authorize a thirty-six-month price agreement for tapping machines and parts with the lowest responsible bidder of two - Ferguson Enterprises - Not to exceed \$106,743 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2771

Item 19: Authorize the purchase of insurance policies from various insurance companies for the City's property, fine arts, boiler and machinery, and money and securities through the most advantageous proposer of three - Arthur J. Gallagher & Co. - Dallas - Not to exceed \$3,250,000 - Financing: Current Funds (subject to appropriations)

Councilmember Rasansky requested that consent agenda item 19 be considered as an individual item. Mayor Miller stated that consent agenda item 19 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 19 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Greyson and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2772

Item 20: Authorize a thirty-six-month price agreement for employee uniforms and safety shoes with the best value bidders of nine - Premium Impressions, L.L.C. in the amount of \$2,684,994, Iron Age Shoe Corporation in the amount of \$368,503, and Work Wear in the amount of \$552,754 - Total not to exceed \$3,606,251 - Financing: Current Funds (\$2,238,334), Aviation Current Funds (\$53,696), Convention and Event Services Current Funds (\$72,140), Water Utilities Current Funds (\$1,242,081) (subject to appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2773

Item 21: Authorize a thirty-six-month price agreement for lift equipment parts and repair with the lowest responsible bidders of four - Equipment Depot of Dallas, Inc. in the amount of \$167,092, and Stewart & Stevenson in the amount of \$30,437 - Total not to exceed \$197,529 - Financing: Current Funds (\$125,890), Water Utilities Current Funds (\$62,379), Convention and Event Services Center Current Funds (\$9,260) (subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2774

Item 22: Authorize the purchase of two floor scrubbers through the Texas Building and Procurement Commission State contract from Tennant Company - Not to exceed \$79,333 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2775

Item 23: Authorize an increase in the price agreement with Transtar Energy Company LP dba Clean Energy to provide a continuation of compressed natural gas for fleet vehicles - Sole Source - Not to exceed \$1,903,500, from \$1,623,300 to \$3,526,800 - Financing: Current Funds (subject to appropriations)

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 Garcia moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2776

Item 24: Authorize a thirty-six-month price agreement for heavy equipment parts and labor with the lowest responsible bidders of four - Conley Lott Nichols of Texas Inc. in the amount of \$833,281, Landmark Equipment Inc. in the amount of \$383,905, Hoss Equipment Company in the amount of \$236,550, and Industrial Disposal Supply Company LLC in the amount of \$50,760 - Total not to exceed \$1,504,496 - Financing: Current Funds (\$1,412,496) (subject to annual appropriations) and Water Utilities Current Funds (\$92,000) (subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2777

Item 25: Authorize a thirty-six-month service contract for janitorial services at eleven Women, Infants and Children sites and various Park and Recreation sites including recreation centers, multipurpose rental facilities, offices and maintenance facilities with the lowest responsible bidders of twelve - Cleaning Solutions Janitorial in the amount of \$198,900, and Oriental Building Services in the amount of \$268,236 - Total not to exceed \$467,136 - Financing: Current Funds (\$198,900) and Department of State Health Services Grant Funds (\$268,236) (subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2778

Item 26: Authorize a thirty-six-month price agreement for ArvinMeritor brake, driveline, axle, clutch and suspension parts with the lowest responsible bidders of three - Southwest International Trucks, Inc., Equipment Southwest, Inc. and U-Joints, Inc. dba Truck Parts Specialists - Not to exceed \$197,512 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2779

Item 27: Authorize a twelve-month contract, with three twelve-month renewal options to provide medical surveillance for firefighters assigned to the Hazardous Material Response Team and members assigned to the Dallas Medical Strike Team with the most advantageous proposer of two - Concentra Health Services, Inc. - Not to exceed \$48,555 annually - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2780

Item 28: Authorize (1) rescinding the thirty-six-month price agreement for emergency medical examination gloves with Lone Star Safety & Supply, Inc., previously authorized on June 23, 2004, in the amount of \$423,884 and (2) a thirty-six-month price agreement for emergency medical examination gloves with the lowest responsible bidder of fourteen - First Line, L.L.C. - Not to exceed \$483,595 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2781

Item 29: Authorize a twenty-four-month price agreement for training materials for City supervisory personnel with the lowest responsible bidder of four - Southwest Training Institute - Not to exceed \$160,050 - Financing: Current Funds

Councilmember Rasansky requested that consent agenda item 29 be considered as an individual item. Mayor Miller stated that consent agenda item 29 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 29 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2782

Item 30: Authorize a forty-eight-month professional services contract, with two twelve-month renewal options, for actuarial analysis and benefits consulting services with the most advantageous proposer of five - Deloitte Consulting LLP - Not to exceed \$900,268 - Financing: Employee Benefits Current Funds (subject to annual appropriations)

Councilmember 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 Councilmember Rasansky's request.

Later in the meeting, agenda item 30 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 22, 2004

04-2783

Item 31: Authorize a forty-eight-month contract, with two one-year renewal options, to provide voluntary benefits to employees and qualified retirees with the most advantageous proposer of fifteen – Marsh@WorkSolutions, a service of Seabury & Smith - Financing: No cost consideration to the City (to be funded by employee and retiree premiums through payroll deductions)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2784

Item 32: Authorize the purchase of a three-year insurance policy for Excess Workers' Compensation insurance from State National Insurance Company through the most advantageous proposer of two - McGriff, Seibels & Williams of Texas, Inc. - Not to exceed \$1,215,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2785

Item 33: Authorize a thirty-six-month price agreement for traffic cones, delineators and drums with the lowest responsible bidders of six - Nations Rent of Texas, LP in the amount of \$135,729, and Work Area Protection Corp. in the amount of \$18,856 - Total not to exceed \$154,585 - Financing: Water Utilities Current Funds (\$87,493), Current Funds (\$67,092) (subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2786

Item 34: Authorize a twenty-four-month price agreement for hoses, sewer hoses and accessories with the lowest responsible bidders of five - 4-Star Hose & Supply Inc. in the amount of \$32,015, and Kamco Hose & Pipe in the amount of \$100,467 - Total not to exceed \$132,482 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2787

Item 35: Authorize Supplemental Agreement No. 3 to the professional services contract with Robert W. Taylor, Attorney at Law, for additional legal services and related expenses necessary in the negotiations with SBC Communications, Inc., regarding Voice Over Internet Protocol issues, and any other proceedings relating to the subject matter of this dispute - Not to exceed \$85,000, from \$120,000 to \$205,000 - Financing: Current Funds

Councilmember Rasansky requested that consent agenda item 35 be considered as an individual item. Mayor Miller stated that consent agenda item 35 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 35 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 Garcia moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2788

Item 36: Authorize settlement of a claim filed by Terry Van Sickle, Sr., Claim No. 20031436 - \$18,414 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2789

Item 37: Authorize payment to Dallas County for processing and maintaining City prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County previously approved on June 11, 1997 by Resolution No. 97-1995, for the period October 1, 2004 through September 30, 2005 - \$6,353,010 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2790

Item 38: Authorize a non-monetary event sponsorship program of City services and the related criteria to be administered by the Office of Special Events - Not to exceed \$100,000 annually - Financing: Convention and Event Services Current Funds (reimbursement to City departments subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2791

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

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2792

Item 40: Authorize (1) moving expense and replacement housing payments for one homeowner and four tenants in the Cadillac Heights neighborhood as a result of official written offers of just compensation to purchase real property; (2) an amendment to Resolution No. 04-0758 previously approved on February 25, 2004, to increase the replacement housing payment for displacee, Elisha Williams, owner-occupant of 2407 Cadillac Drive, in the amount of \$37,500, from \$40,900 to \$78,400, for the new Dallas Police Academy site; and (3) establishment of appropriations in the amount of \$139,630 in the Police Facilities Fund (list attached) - Total not to exceed \$139,630 - Financing: General Capital Reserve Funds (to be reimbursed from future 2004 Bond Funds)

Deleted on the addendum to the agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2793

Item 41: Authorize Business Assistance Center (BAC) contracts with (1) Greater Dallas Hispanic Chamber of Commerce in an amount not to exceed \$30,000 to continue management and operation of BAC #1 located at 4622 Maple Avenue; (2) InnerCity Community Development Corporation in an amount not to exceed \$80,000 to continue management and operation of BAC #2 located at 4907 Spring Avenue; (3) Greater Dallas Hispanic Chamber of Commerce in amount not to exceed \$67,500 to continue management and operation of BAC #4 located at 351 W. Jefferson Blvd.; (4) MBA Consultants, Inc. in an amount not to exceed \$30,000 for BAC #5 located at 1201 W. Camp Wisdom; (5) Greater Dallas Asian American Chamber of Commerce Multi-Ethnic Education and Economic Development Center in an amount not to exceed \$80,000 to continue management and operation of BAC #6 located at 1327 N. Peak Street; and (6) Dallas Fashion Incubator, Inc. in amount not to exceed \$80,000 to establish and operate BAC #7 located at 1409 S. Lamar (business office) - Total not to exceed \$367,500 - Financing: 2003-04 Community Development Grant Funds (\$147,500) and 2004-05 Community Development Grant Funds (\$220,000)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2794

Item 42: Authorize Supplemental Agreement No. 2 exercising the second and final twelve-month renewal option to the contract with SER Child Development Center to continue the implementation of the Proyecto Training Apprenticeship Program, a three-year pilot job training program for low to moderate income persons already working in the child care industry to provide the opportunity to seek further training, career advancement, better wages, and to address those needs related to early child development and education for young children from November 1, 2004 through October 31, 2005 - Not to exceed \$120,000 - Financing: 2004-05 Community Development Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2795

Item 43: An ordinance amending Chapter 52 of the Dallas City Code; authorizing the building inspection advisory, examining and appeals board to suspend permit privileges; establishing procedures for the suspension of permit privileges; establishing a fee for the reinstatement of permit privileges that have been suspended; providing expiration dates for applications for permits and/or certificates of occupancy and for the permits and certificates of occupancy themselves; and amending the procedures for suspending or revoking a permit or certificate of occupancy - Financing: No cost consideration to the City

Councilmember Lill requested that consent agenda item 43 be considered as an individual item. Mayor Miller stated that consent agenda item 43 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 43 was brought up for consideration.

The following individual addressed the city council regarding Chapter 52 of the Dallas City Code:

Barbara Barbee, 303 N. Barnett Ave., representing Beverly Hills Neighborhood Association

Councilmember Lill moved to pass the ordinance.

Motion seconded by Councilmember Garcia and unanimously adopted.

Assigned ORDINANCE NO. 25732.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2796

Item 44: Authorize (1) a contract, with two one-year renewal options, with Resource Center of Dallas, Inc. to provide a citywide HIV/AIDS education, outreach and prevention program targeting primarily high-risk Hispanic populations for the period January 1, 2005 through September 30, 2005; and (2) an amendment to the contract with Resource Center of Dallas, Inc. previously approved on October 8, 2003 by Resolution No. 03-2723, to change the contract term to February 1, 2004 through December 31, 2004 - Not to exceed \$59,452 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2797

Item 45: Authorize two contracts with Community Dental Care for the continuation of dental health services to low income residents of Dallas for the period October 1, 2004 through September 30, 2005 - Not to exceed \$825,000 - Financing: 2004-05 Community Development Grant Funds (\$200,000) and Current Funds (\$625,000) (subject to appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2798

Item 46: Authorize (1) the first of two twenty-four-month renewals to the contract with Parkland Memorial Hospital for Biomedical On-Line Supervision and (2) Interlocal Agreements with participating local governmental entities - Not to exceed \$751,019 annually for a total not to exceed \$1,502,038 - Financing: Current Funds (subject to annual appropriations) (\$600,816 to be received from participating cities over the first twenty-four-month period)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2799

Item 47: Authorize a contract renewal with the University of Texas Southwestern Medical Center at Dallas for the required services of a Medical Director - Not to exceed \$126,935 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2800

Item 48: Authorize payment to the Dallas County Community College District and the University of Texas Southwestern Medical Center at Dallas for mandatory emergency medical services training of Emergency Medical Technicians and Paramedics for the period October 1, 2004 through September 30, 2005 - Not to exceed \$175,380 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2801

Item 49: Authorize an increase in the contract with Deloitte & Touche, LLP to develop and implement annual enrollment modifications to the Human Resources Information System for the 2005 Employee Health Plan year - Not to exceed \$43,000, increasing the contract from \$9,870,533 to \$9,913,533 - Financing: Employee Benefits Current Funds (subject to appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2802

Item 50: Authorize an amendment to the Participation Agreement with Edd Road Partners, Kleberg Villas dated June 15, 2004, to increase the award amount previously approved on February 11, 2004, by Resolution No. 04-0562 for the 2003 General Obligation Infrastructure Development Bond Project - \$81,948, from \$488,109 to \$570,057 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2803

Item 51: Authorize (1) a public hearing to be held on October 13, 2004 to receive citizens' comments on the proposed private sale by quitclaim deed of 1 unimproved property located at 4311 Scurry Street acquired by the taxing authorities from the Sheriff's Sale to East Dallas Community Organization, a qualified non-profit organization, and (2) at the close of the hearing, consideration of approval of the sale of the property - 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

September 22, 2004

04-2804

Item 52: Authorize the acceptance of grant funds from the U.S. Department of Homeland Security, through its agent, Texas Engineering Extension Service, under the Law Enforcement Terrorism Prevention Program to purchase terrorism prevention equipment, for the period December 1, 2003 through November 30, 2005 - Not to exceed \$255,071 - Financing: U.S. Department of Homeland Security, Texas Engineering Extension Service Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2805

Item 53: Authorize the acceptance of grant funds from the U.S. Department of Homeland Security, through its agent, Texas Engineering Extension Service, under the FY 2003 Urban Area Security Initiative II to establish interoperable communications in the region and City of Dallas, for the period August 1, 2003 through July 21, 2005 - Not to exceed \$3,079,696 - Financing: U.S. Department of Homeland Security, Texas Engineering Extension Service Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2806

Item 54: Authorize the acceptance of grant funds from the U.S. Department of Homeland Security, through its agent, Texas Engineering Extension Service, under the FY 2004 Urban Area Security Initiative to establish interoperable communications in the region and City of Dallas for the period December 1, 2004 through November 30, 2005 - Not to exceed \$3,918,495 - Financing: U.S. Department of Homeland Security, Texas Engineering Extension Service Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2807

Item 55: Authorize the acceptance of grant funds from the U.S. Department of Homeland Security, Office of Domestic Preparedness to purchase terrorism response equipment for the period December 1, 2003 through November 30, 2005 - Not to exceed \$502,081 - Financing: U.S. Department of Homeland Security, Office of Domestic Preparedness Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2808

Item 56: Authorize concession contracts for management and operation of municipal tennis centers at Fair Oaks Tennis Center located at 7501 Merriman Parkway (Donny Rains dba Rains Tennis Works, Inc.); Fretz Park Tennis Center located at 14700 Hillcrest Road (Raymond Major); L.B. Houston Tennis Center located at 11225 Luna Road (Andrea Rains); and Kiest Tennis Center located at 2324 W. Kiest Boulevard (Dallas Tennis Association) for a five-year period beginning October 1, 2004 through September 30, 2009 - Estimated Net Annual Revenue: \$60,325

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2809

Item 57: Authorize (1) the Dallas Police Department to expend funds for overtime, in the amount of \$500,000, to be reimbursed from various federal and state law enforcement agencies for FY 2004-05 in exchange for the participation of the Dallas Police Department in federal and state investigations, and (2) a City contribution of pension and Federal Insurance Contributions Act cost in the amount of \$141,100 - Total not to exceed \$641,100 - Financing: Current Funds (\$500,000 to be reimbursed from various federal and state law enforcement agencies) (subject to appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2810

Item 58: Authorize an Interlocal Agreement with the North Central Texas Council of Governments for Phase II development of a Comprehensive Transportation Plan for the Dallas Central Business District - \$20,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2811

Item 59: **New Parking Meter Installations**

Note: Item Nos. 59 and 60 must be considered collectively.

- * Authorize the installation of 59 parking meters in the Victory/Uptown area between the West End and the American Airlines Center - Estimated Revenue: \$25,000

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2812

Item 60: **New Parking Meter Installations**

Note: Item Nos. 59 and 60 must be considered collectively.

- * Authorize the installation of 60 parking meters in the Deep Ellum area -
Estimated Revenue: \$40,000

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2813

Item 61: Authorize a thirty-six-month renewal of the Interlocal Agreement with Dallas County for participation in the Household Hazardous Waste collection program for the period October 1, 2004 through September 30, 2007 - Not to exceed \$1,696,675 - Financing: Current Funds (to be reimbursed from Storm Water Drainage Management Funds) (subject to annual appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2814

Item 62: Authorize a one-year microfilm services contract with the United States National Archives and Records Administration (NARA) - Fort Worth Branch to microfilm essential and permanent city records in accordance with permanent preservation standards established by state law - Not to exceed \$69,000 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2815

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 63-73, were presented for consideration.

Agenda items 64, 65, 66, 67 and 73 were removed from the consent zoning docket, to be considered as individual hearings.

Agenda item 63: Zoning Case Z034-186 (RB)	
Agenda item 64: Zoning Case Z034-196 (DC)	[Considered individually]
Agenda item 65: Zoning Case Z034-197 (DC)	[Considered individually]
Agenda item 66: Zoning Case Z034-198 (DC)	[Considered individually]
Agenda item 67: Zoning Case Z034-249 (WE)	[Considered individually]
Agenda item 68: Zoning Case Z034-257 (DW)	
Agenda item 69: Zoning Case Z034-266 (RB)	
Agenda item 70: Zoning Case Z034-268 (RB)	
Agenda item 71: Zoning Case Z034-270 (RB)	
Agenda item 72: Zoning Case Z9340274 (DW)	
Agenda item 73: Zoning Case Z034-277 (WE)	[Considered individually]

In 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 the city plan commission's recommendation.

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

Lula Pope, 2533 Cedar Crest, regarding zoning case Z034-186 (RB)

The following individuals addressed the city council regarding the consent zoning docket:

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

Mayor Pro Tem Loza moved to close the public hearing, accept the recommendations of the city plan commission in the consent zoning cases and pass the ordinances 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 Fantroy and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2816

Item 63: Zoning Case Z034-186 (RB)

Zoning Case Z034-186 (RB), an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned a TH-3(A) Townhouse District on the southeast corner of Areba Avenue and Brotherton Street.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25733.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2817

Item 64: Zoning Case Z034-196 (DC)

The consent zoning docket, consisting of agenda items, 63-73, were presented.

Councilmember Fantroy requested that consent zoning docket item 64 be removed from the consent zoning docket, to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 64 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Fantroy's request.

Later in the meeting, zoning docket item 64 was brought up for consideration.

A public hearing was called on zoning case Z034-196 (DC), a City Plan Commission authorized hearing to determine proper zoning on property zoned Planned Development District No. 658 for single family residential uses, an R-5(A) Single Family District, and an R-7.5(A) Single Family District generally located on the north side of Camp Wisdom Road, east of Firebird Lane, and an ordinance granting a Planned Development District for single-family uses.

(The city plan commission recommended approval of a Planned Development District for single-family uses subject to a conceptual plan.)

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

The following individuals addressed the city council regarding zoning case Z034-196 (DC):

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

Councilmember Fantroy moved to close the public hearing, accept the recommendation of the city plan commission and bring the ordinance back to the October 13, 2004 voting agenda meeting of the city council.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2818

Item 65: Zoning Case Z034-197 (DC)

The consent zoning docket, consisting of agenda items, 63-73, were presented.

Councilmember Fantroy requested that consent zoning docket item 65 be removed from the consent zoning docket, to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 65 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Fantroy's request.

Later in the meeting, zoning docket item 65 was brought up for consideration.

A public hearing was called on zoning case Z034-197 (DC), a City Plan Commission authorized hearing to determine proper zoning on property zoned Planned Development District No. 625 for mixed uses generally located on the west side of Lancaster Road between Crouch Road and Camp Wisdom Road and an ordinance granting an amendment to Planned Development District No. 625.

(The city plan commission recommended approval of amendments to Planned Development District No. 625.)

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

The following individuals addressed the city council regarding zoning case Z034-196 (DC):

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

Councilmember Fantroy moved to close the public hearing, accept the recommendation of the city plan commission and bring the ordinance back to the October 13, 2004 voting agenda meeting of the city council.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2819

Item 66: Zoning Case Z034-198 (DC)

The consent zoning docket, consisting of agenda items, 63-73, were presented.

Councilmember Fantroy requested that consent zoning docket item 66 be removed from the consent zoning docket, to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 66 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Fantroy's request.

Later in the meeting, zoning docket item 66 was brought up for consideration.

A public hearing was called on zoning case Z034-198 (DC), a City Plan Commission authorized hearing to determine proper zoning on property zoned Planned Development No. 624 for mixed uses generally located on the north side of Wheatland Road and on the west side of Lancaster Road and an ordinance granting an amendment to Planned Development District No. 624.

(The city plan commission recommended approval of amendments to Planned Development District No. 624.)

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

The following individuals addressed the city council regarding zoning case Z034-196 (DC):

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

Councilmember Fantroy moved to close the public hearing, accept the recommendation of the city plan commission and bring the ordinance back to the October 13, 2004 voting agenda meeting of the city council.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2820

Item 67: Zoning Case Z034-249 (WE)

The consent zoning docket, consisting of agenda items 63-73, were presented.

Theresa O'Donnell, director of development services, requested that consent zoning docket item 67 be removed from the consent zoning docket, to be called as an individual hearing, because in accordance with subparagraph (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the council in that a written protest against the change in zoning had been signed by the owners of 20 percent of more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of development services.

Mayor Miller stated that consent zoning docket item 67 would be removed from the consent zoning docket, to be called as an individual hearing, there being no objection voiced to the request.

A public hearing was called on zoning case Z034-249 (WE), an application for an MF-2 Multiple Family Subdistrict on property zoned an O-1 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east side of McKinney Avenue, between Elizabeth Street and Fitzhugh Street with consideration given to and an ordinance granting an O-2 Office Subdistrict and a resolution accepting deed restrictions volunteered by the applicant.

(The city plan commission recommended approval, of an O-2 Office Subdistrict, subject to deed restrictions volunteered by the applicant.)

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

The following individuals addressed the city council regarding zoning case Z034-249 (WE):

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

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

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

Assigned ORDINANCE NO. 25734.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2821

Item 68: Zoning Case Z034-257 (DW)

Zoning Case Z034-257 (DW), an application for and an ordinance granting an MF-2(A)-D-1 Multifamily District with Dry-1 Liquor Control Overlay on property zoned a CR-D-1 Community Retail District with Dry-1 Liquor Control Overlay on the north side of Bruton Road, east of St. Augustine Road.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25735.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2822

Item 69: Zoning Case Z034-266 (RB)

Zoning Case Z034-266 (RB), an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned an LI-D-1 Light Industrial District with the D-1 Liquor Control Overlay on property located approximately 400 feet east of the intersection of Hoyle Avenue and Delafield Lane.

(The city plan commission recommended approval with retention of the D-1 Liquor Control Overlay.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25736.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2823

Item 70: Zoning Case Z034-268 (RB)

Zoning Case Z034-268 (RB), an application for and an ordinance granting a Specific Use Permit for a Library, art gallery, or museum on property zoned an R-7.5(A) Single Family District on the south corner of Gilford Street and Huron Drive.

(The city plan commission recommended approval for a permanent time period, subject to a site plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25737.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2824

Item 71: Zoning Case Z034-270 (RB)

Zoning Case Z034-270 (RB), an application for and an ordinance granting an IR Industrial Research District on property zoned an MU-3 Mixed Use District on the east line of Reeder Road, north of Crown Road.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25738.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2825

Item 72: Zoning Case Z034-274 (DW)

Zoning Case Z034-274 (DW), an application for and an ordinance granting a Specific Use Permit for an open enrollment charter school on property zoned an RR-D-1 Regional Retail District with Dry-1 Liquor Control Overlay on the south side of Antoinette Street, west of C.F. Hawn Freeway.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25739.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2826

Item 73: Zoning Case Z034-277 (WE)

The consent zoning docket, consisting of agenda items 63-73, were presented.

Councilmember Chaney requested that consent zoning docket item 73 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 73 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Chaney's request.

Later in the meeting, zoning docket item 73 was brought up for consideration.

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

A public hearing was called on zoning case Z034-277 (WE), an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an MF-1(A) Multifamily Subdistrict in Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the southwest corner of Troy Street and Hatcher Street.

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

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

The following individuals addressed the city council regarding zoning case Z034-277 (WE):

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

Councilmember Fantroy 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 Hill and unanimously adopted. (Chaney abstain; Finkelman absent when vote taken)

Assigned ORDINANCE NO. 25740.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2827

Item 74: Public Hearing - Zoning Case Z034-221 (WE)

A public hearing was called on zoning case Z034-221 (WE), an application for and an ordinance granting a Specific Use Permit for vehicle display, sales and service; vehicle or engine repair and maintenance; and auto service center uses on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District, on the north side of C.F. Hawn Freeway southeast of Lake June Road.

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

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

The following individuals addressed the city council regarding zoning case Z034-221 (WE):

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

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

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

Assigned ORDINANCE NO. 25741.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2828

Item 75: Public Hearing - Zoning Case Z034-244 (WE)

A public hearing was called on zoning case Z034-244 (WE), an application for and an ordinance granting a Planned Development District for MU-1 Mixed Use District uses on property zoned an R-7.5(A) Single Family District on the north side of Simpson Stuart Road, west of Bonnie View Road and a resolution accepting deed restrictions volunteered by the applicant with consideration given to an MF-1(A) Multifamily District and an NS(A) Neighborhood Service District.

(The city plan commission recommended approval of a Planned Development District for MU-1 Mixed Use District uses, subject to a development plan and conditions, subject to deed restrictions volunteered by the applicant.)

Councilmember Fantroy announced that he had a 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:

Suzan Kedron, 901 Main St.
Maurice Dake, (no address given)

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

Motion seconded by Mayor Pro Tem Loza.

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

Voting Yes: [11] Loza, Hill, Oakley, Thornton Reese, Salazar, Chaney, Griffith,
Blaydes, Finkelman, Rasansky, Lill
Voting No: [3] Miller, Garcia, Greyson
Abstain: [1] Fantroy

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25742.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2829

Item 76: Public Hearing - Zoning Case Z034-245 (WE)

A public hearing was called on zoning case Z034-245 (WE), an application for a Planned Development District for mixed uses and the termination of a portion of SUP No. 187 for a cemetery and mortuary use and a private recreation club or area for a golf driving range on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 187 on the north side of Camp Wisdom Road, east of Manitoba Avenue with consideration given to an MF-1(A) Multifamily District.

(The city plan commission recommended approval of a Planned Development District for mixed uses, subject to a revised conceptual plan, development plan and revised conditions and approval of the termination of a portion of SUP No. 187.

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

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

Suzan Kedron, 901 Main St.

Deputy Mayor Pro Tem Hill 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 Finkelman and unanimously adopted. (Thornton Reese, Fantroy absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2830

Item 77: Public Hearing - Zoning Case Z034-264 (WE)

A public hearing was called on zoning case Z034-264 (WE), an application for a Specific Use Permit for a Tower/antenna for cellular communication on property zoned a CR-D-1 Community Retail District with a Liquor Control Overlay on the north side of Bruton Road, east of St. Augustine Road.

(The city plan commission recommended denial without prejudice.)

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

Ryan Ivey, 8601 Desert Dunes Trail, McKinney

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

Deputy Mayor Pro Tem Hill moved to close the public hearing and accept the recommendation of the city plan commission.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2831

Item 78: Public Hearing - BENEFIT ASSESSMENT HEARINGS

A benefit assessment hearing to receive citizens' comments on street paving, storm drainage, water and wastewater main improvements on Bethpage Avenue from Elam Road to Jeane Street, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for construction with Camino Construction, LP, lowest responsible bidder of eight - \$1,445,367 - Financing: 2003 Bond Funds (\$1,008,339), Water Utilities Capital Improvement Funds (\$426,328), and Water Utilities Capital Construction Funds (\$10,700)

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

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

Assigned ORDINANCE NO. 25743.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2832

Item 79: Public Hearing - BENEFIT ASSESSMENT HEARINGS

A benefit assessment hearing to receive citizens' comments on street paving, storm drainage, water and wastewater main improvements on La Barba Circle from Lawnview Avenue to Forney Road, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with Texas Standard Construction, LTD, lowest responsible bidder of seven - \$437,798 - Financing: 2003 Bond Funds (\$368,193), Water Utilities Capital Improvement Funds (\$66,015), and Water Utilities Capital Construction Funds (\$3,590)

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

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

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

Assigned ORDINANCE NO. 25744.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2833

Item 80: Public Hearing - BENEFIT ASSESSMENT HEARINGS

A benefit assessment hearing to receive citizens' comments on street paving, storm drainage, water and wastewater main improvements on San Jose Avenue from Morgan Drive to Plaza Boulevard, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for construction with Texas Standard Construction, LTD, lowest responsible bidder of seven - \$637,265 - Financing: 2003 Bond Funds (\$406,075), Water Utilities Capital Improvement Funds (\$222,990), and Water Utilities Capital Construction Funds (\$8,200)

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

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

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

Assigned ORDINANCE NO. 25745.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2834

MISCELLANEOUS HEARING

Note: Item Nos. 81 and 82 must be considered collectively.

Deep Ellum Public Improvement District

- Item 81: * A public hearing to receive citizens' comments regarding the annual assessment rate for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 82: * 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 Deep Ellum Public Improvement District (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 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.

No one addressed the city council regarding Deep Ellum Public Improvement District.

Mayor Pro Tem Loza moved to close the public hearing and pass the ordinance.

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

Assigned ORDINANCE NO. 25746.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2835

MISCELLANEOUS HEARING

Note: Item Nos. 83 and 84 must be considered collectively.

Dallas Downtown Improvement District

- Item 83: * A public hearing to receive citizens' comments regarding the annual assessment rate for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 84: * 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 Dallas Downtown Improvement 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 - \$180,000 - Financing: Current Funds (subject to annual appropriations)

No one addressed the city council regarding Dallas Downtown Improvement District.

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

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

Assigned ORDINANCE NO. 25747.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2836

MISCELLANEOUS HEARING

Note: Item Nos. 85 and 86 must be considered collectively.

Prestonwood Public Improvement District

- Item 85: * A public hearing to receive citizens' comments regarding the annual assessment rate for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 86: * 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 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

No one addressed the city council regarding Prestonwood Public Improvement District.

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

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

Assigned ORDINANCE NO. 25748.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2837

MISCELLANEOUS HEARING

Note: Item Nos. 87 and 88 must be considered collectively.

Uptown Public Improvement District

- Item 87: * A public hearing 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 District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 88: * 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 Uptown Public Improvement 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

No one addressed the city council regarding Uptown Public Improvement District.

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

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

Assigned ORDINANCE NO. 25749.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2838

MISCELLANEOUS HEARING

Note: Item Nos. 89 and 90 must be considered collectively.

Vickery Meadow Public Improvement District

- Item 89: * A public hearing to receive citizens' comments concerning the annual assessment rate for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 90: * 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 Vickery Meadow Public Improvement 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

No one addressed the city council regarding Vickery Meadow Public Improvement District.

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

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

Assigned ORDINANCE NO. 25750.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2839

MISCELLANEOUS HEARING

Note: Item Nos. 91 and 92 must be considered collectively.

Private Sale of Unimproved Properties

- Item 91: * A public hearing to receive citizens' comments on the proposed private sale and conveyance by quitclaim deed of 3 unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Builders of Hope Community Development Corporation, a qualified non-profit organization - Financing: No cost consideration to the City
- Item 92: * 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 3 unimproved properties acquired by the taxing authorities from a Sheriff's Sale to Builders of Hope Community Development Corporation, a qualified non-profit organization - Revenue: \$3,200

No one addressed the city council regarding the private sale of unimproved properties.

Councilmember Oakley moved to close the public hearing and authorize the private sale.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2840

Item 93: 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 22, 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.

The following individual addressed the city council regarding the consideration of appointments to boards and commissions:

Betty Culbreath, 1636 Bar Harbor Dr.

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

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

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

04-2863 CPR DALLAS CITIZENS POLICE REVIEW BOARD

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2841

Item 94: **FY 2004-05 Budget Items**

- * Final reading and adoption of appropriation ordinances for the proposed FY 2004-05 City of Dallas Operating, Grants, & Trusts and Capital Budgets - Financing: No cost consideration to the City

Councilmember Lill moved to add the following amendments to the FY 2004-05 proposed budget:

#1 – Source of Funds

- Reduce transfer from General Fund to Capital Construction by \$93,545.

#1 – Use of Funds

- Add 2 homeless outreach workers and \$93,545 (on-going cost) to Environmental and Health Services.

#2 – Source of Funds

- Reduce Express Business Center's proposed FY 2004-05 ending fund balance by \$233,545 (one-time source of funds). This will still leave the fund with 30-day working capital as required by the FMPC.

#2 – Use of Funds

- Add \$93,545 transfer to Capital Construction using one-time source of funds. This will restore the funding level for major maintenance to \$4.2 million as agreed to in our straw vote process on September 13.
- Add \$140,000 for traffic markings and signs using one-time source of funds.

During the debate, Mayor Miller stated that the vote on Councilmember Lill's amendments would be divided by voting on amendments # 1 and # 2 separately.

Councilmember Lill moved to add the following amendment to the FY 2004-05 proposed budget.

#1 – Source of Funds

- Reduce transfer from General Fund to Capital Construction by \$93,545.

#1 – Use of Funds

- Add 2 homeless outreach workers and \$93,545 (on-going cost) to Environmental and Health Services.

Motion seconded by Councilmember Finkelman.

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After discussion, Mayor Miller called the vote on amendment #1.

Mayor Miller declared the motion unanimously adopted. (Hill absent when vote taken)

Councilmember Lill moved to add the following amendment to the FY 2004-05 proposed budget.

#2 – Source of Funds

- Reduce Express Business Center’s proposed FY 2004-05 ending fund balance by \$233,545 (one-time source of funds). This will still leave the fund with 30-day working capital as required by the FMPC.

#2 – Use of Funds

- Add \$93,545 transfer to Capital Construction using one-time source of funds. This will restore the funding level for major maintenance to \$4.2 million as agreed to in our straw vote process on September 13.
- Add \$140,000 for traffic markings and signs using one-time source of funds.

Motion seconded by Councilmember Finkelman.

After discussion, Mayor Miller called the vote on amendment #2.

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

Councilmember Salazar moved to add the following amendment to the FY 2004-05 proposed budget:

Amendment # 1

<u>Source of funds:</u>	\$528,451
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Delete Crown Site Improvements for FY 2006-07

Use of funds:

Add Bachman Site Development for FY 2006-07	\$100,000
Add J.C. Zaragoza Site Development for FY 2004-05	\$350,000
Add Anita Martinez Site Development for FY 2006-07	<u>78,451</u>

Total	\$528,451
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Motion seconded by Councilmember Fantroy.

After discussion, Mayor Miller called the vote on Councilmember Salazar's motion.

Mayor Miller declared the motion adopted on a divided voice vote, with Mayor Miller and Councilmember Oakley voting "No".

Councilmember Fantroy moved to add the following amendment to the FY 2004-05 proposed budget as presented by Councilmember Thornton Reese.

Source of Funds

- Reduce the May 1st civilian merit pay increase from an average 2% (0% to 4%) to an average 1% (0% to 2%).

Use of Funds

- Add May 1st civilian across-the-board pay increase by 1%. This will add to the 2% across the board on January 1st and provide civilians with a total 3% across-the-board pay increase. The across-the-board pay increase for civilians will be provided in two phases January 1st and May 1st).

Motion seconded by Councilmember Chaney.

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

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

Mayor Miller declared the motion failed.

Councilmember Lill moved to pass the ordinances, as amended.

Motion seconded by Mayor Pro Tem Loza.

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". (Hill, Finkelman absent when vote taken)

Assigned ORDINANCE NO. 25751 and ORDINANCE NO. 25752.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2842

Item 95: **FY 2004-05 Budget Items**

- * An ordinance setting the tax rate for FY 2004-05 at 71.97¢ per \$100 valuation and levying ad valorem taxes for the City of Dallas, Texas for FY 2004-05 - Financing: No cost consideration to the City

Councilmember Oakley moved to pass the ordinance.

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 Rasansky voting "No".

Assigned ORDINANCE NO. 25753.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2843

Item 96: **FY 2004-05 Budget Items**

- * An ordinance amending Chapters 2, 7, 17, 18, 24, 29 and 42A of the Dallas City Code to revise and establish various fees for City services - Estimated Revenue: \$7981,834 - General Fund (\$2,637,469), Convention and Event Services Current Funds (\$222,275), Storm Water Drainage Management Funds (\$5,122,090)

Councilmember Oakley moved to pass the ordinance, as corrected on the addendum.

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

Assigned ORDINANCE NO. 25754.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2844

Item 97: **FY 2004-05 Budget Items**

- * An ordinance amending Chapter 49 of the Dallas City Code to adjust rates for water and wastewater services for Dallas and customer cities, effective October 1, 2004 - Estimated Revenue: \$26,050,000

Councilmember Lill moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25755.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2845

Item 98: **FY 2004-05 Budget Items**

- * Authorize (1) position changes; (2) a five percent across-the-board pay increase for uniformed employees effective October 1, 2004; and (3) a two percent across-the-board pay increase for civilian employees effective January 1, 2005

Councilmember Garcia moved to approve the item.

Motion seconded by Mayor Pro Tem Loza.

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".

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2846

Item 99: **FY 2004-05 Budget Items**

- * Authorize (1) termination of the contract with Eckerd Health Services effective December 31, 2004; and (2) an amendment to the contract with Humana Inc. to integrate the prescription drug program, at an average dispensing fee cost of \$1.83 per prescription, for the period January 1, 2005 through December 31, 2007 - \$1.83 per prescription average cost for net savings of \$374,000 - Financing: Employee Benefits Current Funds (subject to annual appropriations)

Councilmember Thornton Reese moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2847

Item 100: Authorize settlement of a judgment in the lawsuit styled City of Dallas v. Redbird Development Corporation, Cause No. DV-99-08817 - \$3,000,000 - Financing: Current Funds (subject to appropriations)

Councilmember Thornton Reese moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2848

Item 101: Authorize hardship relief for property located at 2819 Ft. Worth Avenue from the Ft. Worth Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 1,000 feet of the north or south right-of-way line of Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue - Financing: No cost consideration to the City

Councilmember Garcia moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2849

Item 102: Authorize hardship relief for property located at 3305 Ross Avenue from the Ross Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties on Ross Avenue from Central Expressway to Fitzhugh Avenue - Financing: No cost consideration to the City

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 Mayor Pro Tem Loza and unanimously adopted. (Rasansky abstain; Loza, Hill, Blaydes absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2850

Item 103: Authorize hardship relief for property located at 4621 Ross Avenue from the Ross Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties on Ross Avenue from Central Expressway to Fitzhugh Avenue - Financing: No cost consideration to the City

Mayor Pro Tem Loza 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 22, 2004

04-2851

Item 104: Authorize an extension of the moratorium on the acceptance of applications for permits or certificates of appropriateness for a kiosk or kiosk signs to be located in the city until February 4, 2005 - Financing: No cost consideration to the City
(Requires a 3/4 vote of the full City Council for approval)

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Oakley.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Mayor Pro Tem Loza voting "No". (Finkelman absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2852

Item 105: Authorize adoption of the City of Dallas' State Legislative Agenda for the 79th Session of the Texas Legislature - Financing: No cost consideration to the City

Councilmember Thornton Reese moved to approve the item.

Motion seconded by Councilmember Fantroy.

Councilmember Lill asked Councilmember Thornton Reese if she would accept a friendly amendment to her motion to re-prioritize the legislative package by removing Discount Hotel Rooms and adding Burglary of Motor Vehicle to the legislature priority package.

Councilmember Thornton Reese accepted the amendment as part of her motion.

Councilmember Fantroy who seconded the original motion also accepted the amendment and unanimously adopted. (Oakley, Finkelman absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2853

Item 106: An ordinance amending Chapter 28 of the Dallas City Code to expand boundaries for the Deep Ellum metered parking area; establish the Cedars metered parking area; establish and revise parking rates for various streets and parking lots inside and outside the Central Business District; and delete a requirement restricting when the City Council may authorize the placement of excess parking meters within a defined metered parking area or the placement of any parking meter outside of a defined metered parking area - Estimated Revenue: \$396,000

Mayor Pro Tem Loza moved to pass the ordinance, as corrected on the addendum.

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

Assigned ORDINANCE NO. 25756.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2854

Item 107: 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 approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2855

Item 108: 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 approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2856

Closed Session

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

- S Anthony Lynn Curlin v. Daniel Earl Maples, Jr., Quentis Ray Roper, Sean Moses & City of Dallas, Cause No. 3:02-CV-1997-H
- S Legal issues involving legislative proposal on discounted hotel rooms
- S Legal issues involving Contract for Golf Pro Services at Cedar Crest and L.B. Houston Golf Courses

A closed session was held as authorized by Chapter 51, "OPEN MEETINGS," of the Texas Open Meetings Act) to discuss the following matters:

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

- S Anthony Lynn Curlin v. Daniel Earl Maples, Jr., Quentis Ray Roper, Sean Moses & City of Dallas, Cause No. 3:02-CV-1997-H
- S Legal issues involving legislative proposal on discounted hotel rooms
- S Legal issues involving Contract for Golf Pro Services at Cedar Crest and L.B. Houston Golf Courses

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2857

Addendum addition 1: Authorize the City Manager to initiate a Request for Competitive Sealed Proposals project delivery method for the new interactive bird exhibit at the Dallas Zoo located at 650 South R. L. Thornton Freeway
- 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

September 22, 2004

04-2858

Addendum addition 2: Authorize (1) the third year of the contract with Deloitte Consulting Outsourcing, LLC, formerly known as Deloitte & Touche, LLP in association with Lawson Software, Kronos Incorporated and Business Software Inc., to provide for the annual hosting and maintenance fees for the Human Resources Information System in the amount of \$952,744; (2) Supplemental Agreement No. 8 to the contract with Deloitte Consulting Outsourcing LLC, formerly known as Deloitte & Touche, LLP for the purchase of an additional 136GB of database disk storage space and programming to support the recently activated Human Resources Information System Enterprise Reporting functionality in the amount of \$71,000, from \$744,000 to \$815,000; and (3) Supplemental Agreement No. 2 to the contract with Kronos Incorporated for continuous maintenance for additional Kronos time clock licenses in the amount of \$18,773, from \$60,700 to \$79,473 - Total not to exceed \$1,042,517 - Financing: Current Funds [04-2858]

Councilmember Rasansky requested that addendum addition 2 be considered as an individual item. Mayor Miller stated that addendum addition 2 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 2 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2859

Addendum addition 3: An ordinance granting a TH-3(A) Townhouse District, subject to deed restrictions volunteered by the applicant, on the southwest corner of the intersection of Military Parkway and Sam Houston Road - Z034-240(MM) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25757.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2860

Addendum addition 4: Authorize (1) the acceptance of grant funds from the Texas Workforce Commission in the amount of \$194,448 to provide child care subsidies for low to moderate income parents for the period October 1, 2004 through September 30, 2005, (2) a local match in an amount not to exceed \$100,000, and (3) execution of the grant agreement - Total not to exceed \$294,448 - Financing: Texas Workforce Commission Grant Funds (\$194,448) and 2004-05 Community Development Grant Funds (\$100,000)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2861

Addendum addition 5: Authorize hardship relief for property located at 2530 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. (Finkelman absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 22, 2004

04-2862

Addendum addition 6: Authorize a three-month extension of the 1999-2003 Affirmative Action Plan for the period of October 1, 2004 to December 31, 2004, to complete a professional services contract to address and complete the work required for implementation of the new five-year Affirmative Action Plan - Financing: No cost consideration to the City

Mayor Pro Tem Loza moved to approve the item.

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

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MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 22, 2004

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS