

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, OCTOBER 13, 2004

04-2900

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

PRESENT: [13] Miller, Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney,  
Fantroy, Griffith, Blaydes, Greyson, Rasansky, Lill  
ABSENT: [2] Loza, Finkelman absent on city business

The meeting was called to order at 9:30 a.m.

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

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

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

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

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

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Mayor

ATTEST:

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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, OCTOBER 13, 2004

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, OCTOBER 13, 2004

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2901

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: Kay Wilde, 9312 Moss Trail  
REPRESENTING: Save Open Space  
SUBJECT: Open Space

SPEAKER: John T. Baker, 2910 Maryland Ave.  
SUBJECT: Environment

SPEAKER: Carol Carter, 5523 Pleasant Ridge  
SUBJECT: Schools

SPEAKER: Bruce Kline, 733 Cliffview Dr. **NO SHOW**  
SUBJECT: Police misconduct

SPEAKER: Roy Williams, 5881 Preston View Rd.  
REPRESENTING: Dallas County Green Party  
SUBJECT: 14-1 vs Strong Mayor

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

SPEAKER: John Thad Heimburger 1627 Hollywood Ave.  
SUBJECT: Land development – Grady Niblo Road

SPEAKER: Judy Richards, 407 N. Horne, Duncanville  
SUBJECT: Zoning Case Z034-273(DW) – Grady Niblo Road  
**DID NOT CALL NAME**

All agenda items:

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd. **CANCELED**  
REPRESENTING: Citizens Organized for a Representative Democracy

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CITY OF DALLAS, TEXAS

**OPEN MICROPHONE – END OF MEETING:**

SPEAKER: Frank Ward, P.O. Box 50694 **DID NOT CALL NAME**  
REPRESENTING: Community at large  
SUBJECT: Will call with Item #/Open Microphone

SPEAKER: Jacqueline Bilal, 7505 Fairport Rd. **DID NOT CALL NAME**  
SUBJECT: Justice for all

SPEAKER: Taylor Brannon, 327 Buttercup Ln. **DID NOT CALL NAME**  
REPRESENTING: The National Youth Political Action Coalition (NYPAC)  
SUBJECT: The youth vote 2004

**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: Jewel Floyd, 3815 Myrtle St. **DID NOT CALL NAME**  
SUBJECT: KKK – Why is police department ticketing the elderly and handicapped; harassing them/tickets to be mailed

SPEAKER: Sandra Crenshaw, (address not given) **DID NOT CALL NAME**  
SUBJECT: Violation of the public's trust by Fire Department

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2903

Item 1: Approval of Minutes of the September 22, 2004 City Council Meetings

Councilmember Garcia moved to approve the minutes.

Motion seconded by Councilmember Lill and unanimously adopted. (Loza, Finkelman absent on city business; Garcia, Oakley absent when vote taken)

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

# OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2904

## CONSENT AGENDA

The consent agenda, consisting of agenda items 2-35 and addendum addition consent agenda items 1-8, were presented for consideration.

Councilmember Rasansky requested that consent agenda items 17 and 31 and addendum addition item 3 to be considered as individual items. Mayor Miller stated that consent agenda items 17 and 31 and addendum addition item 3 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Fantroy requested that addendum addition items 4, 5, and 6, to be considered as individual items. Mayor Miller stated that addendum addition 4, 5, and 6, would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Fantroy's request.

Councilmember Rasansky moved to approve all items on the consent agenda with the exception of consent agenda items 17 and 31 and addendum addition items 3, 4, 5, and 6, which would be considered later in the meeting.

Motioned seconded by Councilmember Blaydes and unanimously adopted. (Loza, Finkelman absent on city business; Oakley, Greyson absent when vote taken)

Later in the meeting, Councilmember Chaney moved to reconsider the previous vote on Councilmember Rasansky's motion to approve the consent agenda items, including addendum addition 8, (Authorize approval of a tenant support services investment policy for multifamily projects financed with tax-exempt bonds issued by the City of Dallas Housing Finance Corporation and Low Income Housing Tax Credit projects for which the Texas Department of Housing and Community Affairs requires the approval of the City of Dallas). Councilmember Fantroy stated he had a conflict on addendum addition 8 and requested addendum addition 8 be considered as an individual item.

Motion seconded by Councilmember Rasansky.

Mayor Miller called the vote on Councilmember Chaney's motion to reconsider Councilmember Rasansky's motion to approve the consent agenda.

Mayor Miller declared the motion to reconsider was adopted, and that Councilmember Rasansky's motion to approve the consent agenda, including addendum addition item 8, was before the council for reconsideration.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

04-2904

Page 2

Councilmember Thornton Reese moved to approve the consent agenda, with the exception of 17, 31 and addendum addition items, 3, 4, 5, 6, and 8, which will be considered later in the meeting.

Motion seconded by Councilmember Chaney and unanimously adopted. (Loza, Finkelman absent on city business)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2905

Item 2: Authorize a professional services contract with David C. Baldwin, Inc. to provide topographic survey, conceptual and planning phase, design phase and construction documents at Ruthmeade Park located at 800 S. Van Buren - \$15,275 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2906

- Item 3: Authorize a professional services contract with HBC/Terracon to provide for project management services for the storm water quality improvements implementation at the Dallas Zoo located at 650 South R. L. Thornton Freeway - Total not to exceed \$96,500 - Financing: Capital Projects Reimbursement Funds (to be reimbursed from the Storm Water Drainage Management Fund)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2907

Item 4: Authorize (1) a contract for the repairs to the Poultry Building within the Pan American Complex, Phase III at Fair Park in the amount of \$1,502,790; and (2) the establishment of appropriations in the amount of \$400,000 in State Fair of Texas Capital Construction Funds - Phoenix I Restoration and Construction, Ltd., best value proposer of five - Total not to exceed \$1,502,790 - Financing: Fair Park Agrarian District Grant Funds (Grantor, Texas Department of Agriculture Grant) (\$703,787), 1998 Bond Funds (\$399,003) and State Fair of Texas Capital Construction Funds (\$400,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2908

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

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2909

Item 6: Authorize (1) Supplemental Agreement No. 2 to the contract with LopezGarcia Group (formerly Garcia & Associates Engineering, Inc.) to provide engineering services for modifications to paving and storm drainage improvements on Kelly Boulevard from Michaelangelo Drive to Rosemeade Parkway in the amount of \$26,664, from \$251,570 to \$278,234, and (2) an increase in appropriations in an amount not to exceed \$23,999 in the Capital Projects Reimbursement Fund - Total not to exceed \$26,664 - Financing: Texas Department of Transportation (\$21,332), City of Carrollton (\$2,667), 1998 Bond Funds (\$2,665)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2910

Item 7: Authorize reimbursement to the Dallas Zoological Society for site development cost including site clearing, tree protection and landscape, grading and paving, retaining walls, site utilities and fences for the Betty Moroney Norsworthy otter exhibit at the Dallas Zoo located at 650 South R. L. Thornton Freeway - Not to exceed \$188,573 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2911

Item 8: Authorize (1) the receipt and deposit of project cost sharing funds in an amount not to exceed \$22,200,000 in accordance with the Project Cooperation Agreement with the U.S. Army Corps of Engineers for the construction of the Dallas Floodway Extension project, and (2) the establishment of appropriations in the amount of \$7,000,000 in the Trinity River Corridor Project Cooperation Fund - Total not to exceed \$22,200,000 - Financing: U.S. Army Corps of Engineers Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2912

- Item 9: Authorize acquisition of 6 parcels of land, including the exercise of the right of eminent domain, if such becomes necessary, containing a total of approximately 8,395 square feet located near the intersection on Montfort Drive and Alpha Road for the Montfort Drive Improvements project (list attached) - \$176,741 - Financing: 1998 Bond Funds (\$141,393 to be reimbursed from the Texas Department of Transportation)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2913

Item 10: Authorize acquisition of 1 unimproved parcel (containing 2 lots) and 8 properties improved with commercial structures and single family homes along Bexar Street between Starks Avenue and C. F. Hawn Freeway for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program - \$280,000 - Financing: 2002-03 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2914

Item 11: A resolution authorizing conveyance of a drainage easement containing approximately 7,291 square feet of land to the City of Garland for the construction and maintenance of a storm water drainage facility across City-owned land at Lake Ray Hubbard located near the intersection of Wynn-Joyce Road and Bluffview Drive - Revenue: \$2,916

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2915

Item 12: A resolution authorizing conveyance of a drainage easement containing approximately 9,389 square feet of land to the City of Garland for the construction and maintenance of a storm water drainage facility across City-owned land at Lake Ray Hubbard located near the intersection of Candlestick Drive and Zion Road - Revenue: \$3,380

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2916

Item 13: An ordinance abandoning a portion of an alley to Egypt Chapel Baptist Church, the abutting owner, containing approximately 2,627 square feet of land located near the intersection of Hutchins Road and Gallatin Street, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25758.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2917

Item 14: Authorize the quitclaim of 2 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders - Revenue: \$16,010

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2918

Item 15: A resolution authorizing conveyance of an easement and right-of-way to TXU Gas Company containing approximately 4,069 square feet of land for a Natural Gas Metering Station on City-owned land at the Southside Wastewater Treatment Plant located near the intersection of Log Cabin Road and Belt Line Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2919

Item 16: Authorize an increase in the contract with Motorola, Inc. for the renewal of ongoing maintenance for the Citizen Request Management System - \$191,100, from \$5,110,098 to \$5,301,198 - Financing: Current Funds (\$5,300), Water Utilities Capital Construction Funds (\$185,800)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2920

Item 17: Authorize exercise of the final twelve-month renewal option to the service contract with SSP Consulting, L.C. previously authorized on October 11, 2000, by Resolution No. 00-3099 to provide Surety Support Program services for the period of November 1, 2004 through October 31, 2005 - Not to exceed \$298,650 - Financing: Capital Construction Funds (\$95,000), General Capital Reserve Funds (\$80,000), and Water Utilities Capital Construction Funds (\$123,650)

Councilmember Rasansky requested that consent agenda item 17 be considered as an individual item. Mayor Miller stated that consent agenda item 17 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky' request.

Later in the meeting, agenda item 17 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted. (Loza, Finkelman absent on city business; Oakley absent when vote taken)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2921

Item 18: Authorize a five-year service contract for food concession services at Fair Park with the most advantageous proposers of four - Fiesta Enterprises, Inc. in an estimated amount of \$32,000, La-Kam International in an estimated amount of \$5,000, Nevins Concessions in an estimated amount of \$1,000, and Velasquez Catering & Concessions, Inc. in an estimated amount of \$12,000 - Estimated Annual Net Revenue: \$50,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2922

Item 19: Authorize a twenty-four-month price agreement for plastic sewer couplings and lateral cleanouts with the lowest responsible bidders of two - Dal-Tex Specialty & Mfg. Co. dba Dallas Specialty and Mfg. Co. in the amount of \$147,906 and Romar Supply, Inc. in the amount of \$2,624 - Total not to exceed \$150,530 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2923

Item 20: Authorize (1) the rejection of the only responsible bid received for cleaning of digesters and storage tanks and (2) the readvertisement for new bids -  
Financing: No cost consideration to the City

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2924

Item 21: An ordinance authorizing a correction to Ordinance No. 24832 for an amendment to Planned Development District No. 256 for the Dallas Police Department auto auction and outside salvage and reclamation facility on the west side of Vilbig Road between West Commerce Street and Ft. Worth Avenue to clarify that the development/landscape plan approved on January 23, 2002 was a supplement to the existing plan - Z012-120(EB) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25759.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2925

Item 22: An ordinance authorizing a correction to Ordinance No. 25623 for Planned Development Subdistrict No. 55 for TH-1 Townhouse Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest corner of Throckmorton Street and Wycliff Avenue to correct the density regulation - Z034-192(WE) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2926

Item 23: Authorize a contract with the Martin Luther King, Jr. Family Clinic to provide pediatric health care services for the period October 1, 2004 through September 30, 2005 - Not to exceed \$62,000 - Financing: Current Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2927

Item 24: Authorize a professional services contract with Temporary Medical Staffing, Inc., to provide a phlebotomist to obtain blood specimens for lead screening for residents of the City of Dallas for the period January 1, 2005 through December 31, 2005 - Not to exceed \$36,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2928

Item 25: Authorize the payment of certification and testing fees to the Texas State Commission on Fire Protection for the appropriate certification levels of each uniformed Fire Department employee - Not to exceed \$38,050 - Financing: Current Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2929

Item 26: Authorize the first of two twelve-month renewal options to the professional services contract with The Enterprise Foundation, Inc. to provide financial services and administration of the Mortgage Assistance Program for FY 2004-05 - \$2,014,409 (\$1,464,409 program loan funds and \$550,000 administration funds) - Financing: 2004-05 Community Development Grant Funds (\$300,000), 2004-05 HOME Funds (\$550,000), and American Dream Downpayment Initiative Funds (\$1,164,409)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2930

Item 27: Authorize an amendment to the contract with the Dallas Housing Acquisition and Development Corporation to provide (1) FY 2004-05 operational funding for implementation of the Urban Land Bank Demonstration Program in an amount not to exceed \$201,980, from \$480,000 to \$681,980, and (2) disbursement of up to \$937,500 in 2003 General Obligation Bond proceeds for the acquisition of property by the land bank for affordable housing development - Total not to exceed \$1,139,480 - Financing: Current Funds (\$201,980) and 2003 Bond Funds (\$937,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2931

Item 28: Authorize the on-site reconstruction of one home in accordance with the Replacement Housing Program Statement requirements for the property located at 1319 Hudspeth Avenue - Not to exceed \$55,000 - Financing: 2000-01 HOME Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2932

Item 29: Authorize revisions to Program Statements for the Mortgage Assistance (MAP) and Basic Home Repair (BHR) Programs to modify loan terms and deed restriction requirements to reinstitute self-amortizing, forgivable loans with an eight-year term for MAP and a ten-year term for BHR - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2933

Item 30: Authorize the approval of the proposed Public Art Plan for the 2003 Bond Program as approved by the Cultural Affairs Commission, the Park and Recreation Board, and as recommended by the Arts, Education and Libraries committee, in compliance with the City's Public Art Ordinance (Dallas City Code, Chapter 2, Article X) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2934

Item 31: Authorize the preparation of plans for the issuance of \$172,335,000 General Obligation Bonds, Series 2004 - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 31 be considered as an individual item. Mayor Miller stated that consent agenda item 31 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky' request.

Later in the meeting, agenda item 31 was brought up for consideration.

Deputy Mayor Pro Tem Hill moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza, Finkelman absent on city business; Oakley absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2935

Item 32: Authorize the preparation of plans for the issuance of \$23,530,000 Equipment Acquisition Contractual Obligations, Series 2004 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2936

Item 33: Authorize the preparation of plans for the issuance of \$6,035,000 Combination Tax and Revenue Certificates of Obligation, Series 2004 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2937

- Item 34: Authorize (1) the acceptance of the Fair Housing Assistance Program grant from the U.S. Department of Housing and Urban Development to process, investigate and conciliate housing discrimination complaints and to provide fair housing education and outreach for the period October 1, 2004 through September 30, 2005; and (2) execution of the grant agreement - \$214,591 - Financing: U.S. Department of Housing and Urban Development, Fair Housing Assistance Program Comprehensive Funding Approach Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2938

Item 35: Authorize the renewal of the Interlocal Agreement with the Richardson Independent School District for campus-based school liaison services for the period October 1, 2004 through July 31, 2005 - Estimated Revenue: \$75,016

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2939

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 36-43, were presented for consideration.

Agenda items 36 and 40 were removed from the consent zoning docket, to be considered as individual hearings.

~~Agenda item 36: Zoning Case Z023-248 (MM)~~     **[Considered individually]**  
Agenda item 37: Zoning Case Z034-263 (WE)  
Agenda item 38: Zoning Case Z034-265 (WE)  
Agenda item 39: Zoning Case Z034-271 (RB)  
~~Agenda item 40: Zoning Case Z034-278 (MM)~~     **[Considered individually]**  
Agenda item 41: Zoning Case Z034-280 (MM)  
Agenda item 42: Zoning Case Z034-285 (WE)  
Agenda item 43: Zoning Case Z034-287 (RB)

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

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

William Hopkins, 2011 Leath St.

Councilmember Fantroy 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 Chaney and unanimously adopted. (Loza, Finkelman absent on city business; Hill, Salazar, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2940

Item 36: Zoning Case Z023-248 (MM)

The consent zoning docket, consisting of agenda items, 36-43, was presented.

Councilmember Fantroy requested that consent zoning docket item 36 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 36 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 36 was brought up for consideration.

A public hearing was called on zoning case Z023-248 (MM), an application for and an ordinance granting a CH Clustered Housing District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an MF-1(A) Multifamily District and a TH-3(A) Townhouse District on the south side of Camp Wisdom Road, east of R.L. Thornton Freeway.

(The city plan commission recommended approval, 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:

Karl Crawley, 500 S. Ervay St., representing the applicant

The following individual addressed the city council regarding zoning case Z023-248 (MM):

William Hopkins, 2011 Leath St.

Deputy Mayor Pro Tem Hill moved to postpone the application until the October 27, 2004 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Griffith and unanimously adopted. (Fantroy abstain; Loza, Finkelman absent on city business; Greyson absent when vote taken)

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2941

Item 37: Zoning Case Z034-263 (WE)

Zoning Case Z034-263 (WE), an application for a CR Community Retail District on property zoned a NO(A) Neighborhood Office District on the south side of LBJ Freeway, between Preston Road and Hughes Lane with consideration given to, and an ordinance granting, an MU-1 Mixed use district and a resolution accepting deed restrictions volunteered by the applicant.

(The city plan commission recommended approval of an MU-1 Mixed Use District, subject to deed restrictions volunteered by the applicant in lieu of a CR Community Retail District,)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25761.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2942

Item 38: Zoning Case Z034-265 (WE)

Zoning Case Z034-265 (WE), an application for and an ordinance granting an amendment to Specific Use Permit No. 1478 for a private school use on property zoned an RR Regional Retail District and an MF-2(A) Multifamily District on the south side of Ledbetter Drive, west of Hampton Road.

(The city plan commission recommended approval, for a time period ending on June 30, 2007, subject to a site plan/landscape plan and conditions.)

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25762.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2943

Item 39: Zoning Case Z034-271 (RB)

Zoning Case Z034-271 (RB), an application for and an ordinance granting a Specific Use Permit for a Utility or Government Installation other than listed for a vehicle or engine repair or maintenance use, a vehicle storage lot, auto salvage, auto auction, and office uses on property zoned an IR Industrial Research District, south of Jefferson Boulevard and southwest of Millennium Way.

(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. 25763.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2944

Item 40: Zoning Case Z034-278 (MM)

The consent zoning docket, consisting of agenda items, 36-43, was presented.

Councilmember Lill requested that consent zoning docket item 40 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 40 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, zoning docket item 40 was brought up for consideration.

A public hearing was called on zoning case Z034-278 (MM), an application for and an ordinance granting an MC-4 Multiple Commercial District on property zoned an MC-3 Multiple Commercial District on the northeast corner of the intersection of Dallas North Tollway and Bent Tree Forest Drive.

(The city plan commission recommended approval.)

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

Councilmember Lill moved to postpone the application until the October 27, 2004 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza, Finkelman absent on city business)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2945

Item 41: Zoning Case Z034-280 (MM)

Zoning Case Z034-280 (MM), an application for and an ordinance granting an MU-1 Mixed Use District on property zoned an NO(A) Neighborhood Office District and a resolution accepting deed restrictions volunteered by the applicant on the southeast corner of the intersection of Ferguson Road and Little Pocket Road with consideration given for a CR Community Retail District on the portion of the tract fronting Ferguson Road and an MF-2(A) Multifamily District on the rear portion of the tract.

(The cit plan commission recommended approval of an MU-1 Mixed Use District subject to deed restrictions volunteered by the applicant.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25764.

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CITY OF DALLAS, TEXAS

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October 13, 2004

04-2946

Item 42: Zoning Case Z034-285 (WE)

Zoning Case Z034-285 (WE), an application for and an ordinance granting an R-5(A) Single Family District on property zoned a NS(A) Neighborhood Service District on the northeast corner of Bernal Drive and Weisenberger Drive.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25765.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2947

Item 43: Zoning Case Z034-287 (RB)

Zoning Case Z034-287 (RB), an application for and an ordinance granting a Specific Use Permit for a Vehicle display, sales, and service use on property located within Subdistrict 2 of Planned Development District No. 535-D-1, the C. F. Hawn Special Purpose District with a D-1 Liquor Control Overlay on the south Line of C. F. Hawn Freeway, East of Beacon Hill Circle.

(The city plan commission recommended approval for a five-year period, subject to a site plan and conditions.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25766.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2948

Item 44: Public Hearing – Zoning Case Z023-230 (WE)

A public hearing was called on zoning case Z034-230 (WE), an application for and an ordinance granting an NS(A) Neighborhood Service District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District, on the north side of Bernal Drive, east of Palacios Street.

(The city plan commission recommended approval, 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 individual addressed the city council regarding zoning case Z034-230 (WE):

William Hopkins, 2011 Leath St.

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

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza, Finkelman absent on city business)

Assigned ORDINANCE NO. 25767.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2949

Item 45: Public Hearing – Zoning Case Z034-260 (WE)

A public hearing was called on zoning case Z034-260 (WE), an application for and an ordinance granting a Planned Development District for a private school use, MC-1 Multiple Commercial District uses, R-7.5(A) Single Family District uses, CR Community Retail District uses with retention of the Dry Liquor Control Overlay on a portion, and a P(A) Parking District and the termination of Specific Use Permit No. 1179 and Specific Use Permit No. 1538 on property zoned an MC-1 Multiple Commercial District with SUP No. 1538 on a portion, a CR Community Retail District, a CR-D Community Retail District with a Dry Liquor Control Overlay, an R-7.5(A) Single Family District with SUP No. 1179 on a portion, a D(A) Duplex District with SUP No 1179 on a portion, a P(A) Parking District on the south side of Lovers Lane between Morton Street and Linwood Avenue.

(The city plan commission recommended approval, subject to a development plan, traffic management plan and conditions with retention of the Dry Liquor Control Overlay on a portion of the site and termination of Specific Use Permit Nos. 1179 and 1538.

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2950

Item 46: Public Hearing – Zoning Case Z034-273 (DW)

A public hearing was called on zoning case Z034-273 (DW), an application for and an ordinance granting a Planned Development District for single family uses and a resolution accepting deed restrictions volunteered by the applicant on property zoned A(A) Agricultural District south of Grady Niblo Road, west of Kiwanis Road.

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

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

Sharon Wilkes, 5610 Pleasant Ridge Dr.  
Joe Briggs, 6300 Toney Rd.  
Frank Brackens, 5717 Kiwanis Rd.  
Michael Ashford, 1461 Alta Mesa Ct., Mesquite

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

Tom Juhn, 17090 Dallas Pkwy, representing Jones & Boyd, Inc.  
Barbara Niblo, 5429 Kiwanis Rd.  
Scott Ferguson, (no address given), representing Boy Scouts of America  
John Marlin, 13455 Noel Rd.  
William Cothrum, 500 S. Ervay St.

Councilmember Oakley moved to postpone the application until the November 10, 2004 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza, Finkelman absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2951

Item 47: Public Hearing – Zoning Case Z034-284 (WE)

A public hearing was called on zoning case Z034-284 (WE), an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses and a bank with a drive-in window service on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area bounded by Cedar Springs Road, Carlisle Road and Routh Street with consideration given to a Specific Use Permit for a bank with a drive-in window service.

(The city plan commission recommended approval Planned Development Subdistrict for GR General Retail Subdistrict uses and a bank with a drive-in window service subject to a development plan, landscape plan and conditions.)

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

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

Kirk Williams, 5400 Renaissance Tower, representing the applicant

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

Motion seconded by Councilmember Griffith and unanimously adopted. (Loza, Finkelman absent on city business)

Assigned ORDINANCE NO. 25768.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2952

Item 48: Public Hearing - DALLAS INDEPENDENT SCHOOL DISTRICT

A public hearing was called on zoning case Z034-269 (DW), an application for and an ordinance granting a Planned Development District for a public school other than open-enrollment charter school and R-7.5(A) Single Family District uses on property zoned an R-7.5(A) Single Family District on the southeast corner of Hillcrest Road and Lakehurst Avenue.

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

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

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

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

Motion seconded by Councilmember Griffith and unanimously adopted. (Blaydes abstain; Loza, Finkelman absent on city business)

Assigned ORDINANCE NO. 25769.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2953

Item 49: Public Hearing – Zoning Case Z034-272 (JA)

A public hearing was called on zoning case Z034-272 (JA), a Landmark Commission authorized hearing to consider the granting of an Historic Overlay District for the J.L. Long Middle School on property zoned Planned Development No. 543 for a public school and R-7.5(A) Single Family uses south of the intersection of Reiger Avenue and Paulus Avenue and an ordinance granting the Historic Overlay District.

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

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

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

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

Motion seconded by Councilmember Griffith and unanimously adopted. (Blaydes abstain; Loza, Finkelman absent on city business)

Assigned ORDINANCE NO. 25770.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2954

Item 50: Public Hearing - Zoning Case Z034-276 (DW) - DALLAS INDEPENDENT SCHOOL DISTRICT

A public hearing was called on zoning case Z034-276 (DW), an application for and an ordinance granting a Planned Development Subdistrict for a public school other than open-enrollment charter school and TH-3 Townhouse Subdistrict uses on property zoned a TH-3 Townhouse Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District in an area bounded by Inwood Road, Cedar Springs Road, Carlson Drive and Vandelia Street (Mapsco 34Q) (H-6) (CC Dist 2).

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

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

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

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

Motion seconded by Councilmember Griffith and unanimously adopted. (Blaydes abstain; Loza, Finkelman absent on city business)

Assigned ORDINANCE NO. 25771.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2955

Item 51: Public Hearing – Zoning Case Z034-231 (RB) – UNDER ADVISEMENT – INDIVIDUAL

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

(The city plan commission recommended approval, subject to deed restrictions volunteered by the applicant. This item was considered by the City Council at public hearings on August 11 and August 25, 2004, and was held under advisement until October 13, 2004, with the public hearing open.

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

Councilmember Thornton Reese moved to close the public hearing, overrule the recommendation of the city plan commission and deny the ordinance with prejudice.

Motion seconded by Councilmember Chaney and unanimously adopted. (Loza, Finkelman absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2956

Item 52: Public Hearing – Zoning Case Z034-245 (WE) – UNDER ADVISEMENT - INDIVIDUAL

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 This item was considered by the City Council at a public hearing on September 22, 2004, and was taken under advisement until October 13, 2004, with the public hearing open.)

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

Deputy Mayor Pro Tem Hill moved to postpone the application until the October 27, 2004 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Griffith and unanimously adopted. (Fantroy abstain; Loza, Finkelman absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2957

Item 53: Public Hearing - Zoning Case Z034-179 (MM) – UNDER ADVISEMENT – INDIVIDUAL

A public hearing was called on zoning case Z034-179 (MM), an application for and an ordinance granting the expansion of and amendment to Specific Use Permit No. 85 for a Cemetery on property zoned MF-2(A) Multifamily District with Specific Use Permit No. 85 on Lombardy Lane, west of Webb Chapel Road and east of Porter Street.

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

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

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

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

Jonathan Vinson, 901 Main St., representing the applicant  
William Cothrun, 500 S. Ervay St., representing DISD

Councilmember Salazar moved to postpone consideration of this item with the public hearing open until the voting agenda meeting of October 12, 2005, to seek answers to the following questions:

- (1) who is the current owner of this tract in view of DISD's deposit of the Special Commissioner's Award with the trial court in February 2004 and the courts' rulings since then;
- (2) whether human remains are buried on this tract;
- (3) whether a 1969 judgment still prohibits cemetery use of this tract in view of Calvary Hill Cemetery's dedication of this tract for cemetery use in 2003; and
- (4) who will ultimately prevail in the "right-to-take" issues in the lawsuit.

Motion seconded by Councilmember Garcia and unanimously adopted. (Blaydes abstain; Loza, Finkelman absent on city business)

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2958

Item 54: Public Hearing - DEVELOPMENT CODE AMENDMENT

A public hearing was called on an ordinance amending the Dallas Development Code, Article XI - Development Incentives, by adding a new Section 51A-11.109.1 granting an abatement of City of Dallas taxes to Recorded Texas Historic Landmarks and State Archeological Landmarks that are owned and operated by non-profits and are open to the public.

(The city plan commission recommended approval.)

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

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

Joanne Fay, 5500 Swiss Ave., representing Dallas County Medical Society Alliance Foundation

Beverly Ozanne, 5500 Swiss Ave., representing Dallas County Medical Society Alliance Foundation

Dwayne Jones, (no address given), representing Preservation Dallas

The following individual addressed the city council regarding the development code amendment:

Albert Parker, 6319 Elam Rd.

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

“Define the phrase “open to the public” to mean that the property is available to the general public for tours or use whether or not a fee is charged” and pass the ordinance.

Motion seconded by Councilmember Griffith.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

04-2958

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Councilmember Blaydes asked Councilmember Lill if she would accept a friendly amendment to her motion to delete “whether or not a fee charged” from her motion.

Councilmember Lill accepted the amendment as part of her motion.

Councilmember Griffith who seconded the original motion, also accepted the amendment.

Mayor Miller asked Councilmember Lill if she would accept a friendly amendment to her motion to add that a viable non profit that is operating ceases to operate or no longer is opened to the public will return to the tax roll.

Councilmember Lill accepted the amendment as part of her motion.

Councilmember Griffith who seconded the original motion, also accepted the amendment.

After discussion, Mayor Miller called the vote on Councilmember Lill’s motion as modified by the friendly amendments.

Mayor Miller declared the motion as modified by the friendly amendments adopted on a divided voice vote, with Councilmember Fantroy voting “No”. (Loza, Finkelman absent on city business)

Assigned ORDINANCE NO. 25772.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2959

Item 55: Public Hearing - FLOODPLAIN APPLICATIONS

A public hearing to receive citizens' comments regarding the application for a fill permit and removal of the floodplain (FP) prefix from 0.092 acres of land, zoned Residential 7.5 (R7.5), currently in the 100-year floodplain of Ash Creek located at 8119 Barbaree Boulevard - Fill Permit 04-02 - Financing: No cost consideration to the City

The following individual addressed the city council regarding the floodplain applications:

Mike Boyd, 8800 Park Ln.

Councilmember Chaney moved to close the public hearing.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2960

Item 56: Public Hearing - BENEFIT ASSESSMENT HEARINGS

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

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

Councilmember Chaney moved to close the public hearing and pass the ordinance canceling the assessments.

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Loza, Finkelman absent on city business; Hill, Greyson absent when vote taken)

Assigned ORDINANCE NO. 25773.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2961

MISCELLANEOUS HEARINGS

Private Sale of Unimproved Property

Note: Item Nos. 57 and 58 must  
be considered collectively.

- Item 57:       \*   A public hearing to receive citizens' comments on the proposed private sale and conveyance by quitclaim deed of an unimproved property located at 4311 Scurry acquired by the taxing authorities from the Sheriff's Sale to East Dallas Community Organization, a qualified non-profit organization - Financing: No cost consideration to the City
- Item 58:       \*   Authorize the private sale, as provided for by Section 253.010 of the Texas Local Government Code (Section 34.015 of the Texas Property Tax Code), and conveyance by quitclaim deed of an unimproved property located at 4311 Scurry acquired by the taxing authorities from a Sheriff's Sale to East Dallas Community Organization, a qualified non-profit organization - Revenue: \$ 1,032

No one addressed the city council regarding the private sale.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2962

MISCELLANEOUS HEARINGS

Urban Land Bank Demonstration  
Program

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

Item 59: \* A public hearing to receive citizens' comments on the proposed FY 2004-05 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City

Item 60: \* Authorize approval of the FY 2004-05 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City

No one addressed the city council regarding the Urban Land Bank Demonstration Program.

Councilmember Fantroy moved to close the public hearing and authorize the approval.

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Loza, Finkelman absent on city business; Hill, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2963

Item 61: A public hearing to receive citizens' comments on the 2004 Omnibus Appropriations Local Law Enforcement Block Grant - Financing: No cost consideration to the City

No one addressed the city council regarding the 2004 Omnibus Appropriations Local Law Enforcement Block Grant.

Councilmember Garcia moved to close the public hearing.

Motion seconded by Councilmember Griffith and unanimously adopted. (Loza, Finkelman absent on city business; Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2964

Item 62: 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 October 13, 2004.

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

Councilmember Lill 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 Councilmember Oakley and unanimously adopted. (Loza, Finkelman absent on city business)

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

**04-2991 CPI COMMISSION ON PRODUCTIVITY AND INNOVATION**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2965

Item 63: Authorize an extension of the moratorium on the acceptance of applications for building permits or certificates of occupancy for “non-residential” properties within 500 feet of the north or south right-of-way line of W. Northwest Highway, from Stemmons Freeway to Mixon Drive until February 18, 2005 - Financing: No cost consideration to the City (Requires a 3/4 vote of the full City Council for approval)

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Loza, Finkelman absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2966

Item 64: Authorize a grant agreement with Central Dallas Association in compliance with the City of Dallas Main Street District Initiative Loan and Grant Program pursuant to Chapter 380 of the Texas Local Governmental Code, to convert existing parking facilities in the downtown area to public, short-term parking rates through the purchase of new equipment, signage and marketing - Total not to exceed \$1,500,000 - Financing: Public/Private Partnership Funds

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza, Finkelman absent on city business)

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2967

Item 65: Authorize (1) a loan agreement with DLD Properties, LTD in compliance with the City of Dallas Main Street District Initiative Loan and Grant Program pursuant to Chapter 380 of the Texas Local Governmental Code, in an amount not to exceed \$8,500,000 for the construction of a mixed use development located at 1407 Main Street, and (2) disbursal of the loan and establishment of a loan receivable in an amount not to exceed \$8,500,000 in the Public/Private Partnership Fund - Total not to exceed \$8,500,000 - Financing: Public/Private Partnership Funds

Councilmember Lill moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Hill.

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

Voting Yes:	[10]	Miller, Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney, Griffith, Greyson, Lill
Voting No:	[2]	Blaydes, Rasansky
Absent on city business:	[2]	Loza, Finkelman
Absent when vote taken:	[1]	Fantroy

Mayor Miller declared the motion adopted.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2968

Item 66: Authorize approval of a tax deferral application prior to rezoning of two properties located at 4143 and 4149 Buena Vista Street - Financing: No cost consideration to the City (Requires a 2/3 vote of the full City Council for approval)

The following individual addressed the city council regarding the item:

William Cothrum, 500 S. Ervay St., representing Bill Munoz

Councilmember Lill moved to defer the item until the October 27, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Greyson and unanimously adopted. (Loza, Finkelman absent on city business; Fantroy absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2969

Item 67: Authorize hardship relief for property located at 1025 W. Commerce Street from the Ft. Worth Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 1,000 feet of the north or south right-of-way line of Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue - Financing: No cost consideration to the City

Councilmember Oakley moved to approve the item.

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

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2970

Item 68: Authorize hardship relief for property located at 4508 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 deny the item.

Motion seconded by Councilmember Garcia and unanimously adopted. (Rasansky abstain; Loza, Finkelman absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2971

Item 69: Authorize hardship relief for property located at 3021 Bachman Drive from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Loza, Finkelman absent on city business)

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2972

Item 70: Authorize a twelve-month Interlocal Agreement with the Dallas Independent School District's Pregnancy, Education, and Parenting Program to administer the City's Child Care Services Program for full time students who are pregnant or parenting and need child care assistance and other services to help remain in school for the period October 1, 2004 through September 30, 2005 - Not to exceed \$100,000 - Financing: 2004-05 Community Development Grant Funds

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

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted. (Blaydes abstain; Loza, Finkelman absent on city business)

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2973

Item 71: Authorize adoption of the 2005 City Calendar - Financing: No cost consideration to the City

Councilmember Garcia moved to approve the item.

Motion seconded by Councilmember Fantroy and unanimously adopted. (Loza, Finkelman absent on city business)

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2974

Item 72: Authorize a public hearing to be held on November 10, 2004 to receive citizens' comments on the proposed change of use and sale of approximately 1.76 acres of land, being part of Greiner Park located at 700 Montclair Avenue, in exchange for a cash payment or exchange of land based on fair market value as determined by an independent fee appraisal - Financing: This action has no cost consideration to the City

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

Councilmember Garcia moved to approve the item.

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

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2975

Item 73: Authorize a public hearing to be held on November 10, 2004, to receive citizens' comments on the proposed change of use and sale of approximately 1.81 acres of land, being all of Crockett Park located at 501 Carroll Avenue, in exchange for a cash payment or exchange of land based on fair market value as determined by an independent fee appraisal - Financing: This action has no cost consideration to the City

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

The following individual addressed the city council regarding the item:

Julian Peterson, 4203 Junius St., representing The Millcreek Homeowners Association

Councilmember Lill moved to defer the item until the October 27, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Garcia and unanimously adopted. (Blaydes abstain; Loza, Finkelman absent on city business; Oakley absent when vote taken)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2976

Item 74: Authorize a public hearing to held on November 10, 2004, to receive citizens' comments on the proposed change of use and sale of approximately 1.15 acres of land, being part of Buckner Park located at 4550 Worth Street, in exchange for a cash payment or exchange of land based on fair market value as determined by an independent fee appraisal - Financing: This action has no cost consideration to the City

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

Councilmember Lill moved to defer the item until the October 27, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Garcia and unanimously adopted. (Blaydes abstain; Loza, Finkelman absent on city business; Oakley absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2977

Item 75: Authorize a public hearing to be held on November 10, 2004, to receive citizens' comments on the proposed change of use and sale of approximately 1.56 acres of land, being part of Brownwood Park located at 3424 Walnut Hill Lane, in exchange for a cash payment or exchange of land based on fair market value as determined by an independent fee appraisal - Financing: This action has no cost consideration to the City

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

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Blaydes abstain; Loza, Finkelman absent on city business)

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2978

Closed Session

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

- S Legal issues involving appeal of trial board ruling of DPD Police Officer David Llewellyn
- S Legal issues regarding FLSA amendments
- S City of Dallas v. Greg Abbott, Attorney General of Texas, Cause No. GV4-01287
- S City of Dallas v. Charles Remy Tabor et al., Cause No. CC-02-09879-B
- S United States of America, on behalf of its agency, the General Services Administration v. Dynamic Cable Construction Company, Inc., a/k/a Dynamic Cable Holdings, Inc; REATA Construction Corp; City of Dallas, Cause No. 3:03-CV-01981-R
- S Dallas Independent School District v. Calvary Hill Cemetery, et al., No. CC-03-9682-d, Appeal No. 05-04-1323-CV
- S Jacinto Jesus Mejia v. City of Dallas, Cause No. 3:03-CV-0352-L

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 Legal issues involving appeal of trial board ruling of DPD Police Officer David Llewellyn
- S Legal issues regarding FLSA amendments
- S City of Dallas v. Greg Abbott, Attorney General of Texas, Cause No. GV4-01287
- S City of Dallas v. Charles Remy Tabor et al., Cause No. CC-02-09879-B
- S United States of America, on behalf of its agency, the General Services Administration v. Dynamic Cable Construction Company, Inc., a/k/a Dynamic Cable Holdings, Inc; REATA Construction Corp; City of Dallas, Cause No. 3:03-CV-01981-R
- S Dallas Independent School District v. Calvary Hill Cemetery, et al., No. CC-03-9682-d, Appeal No. 05-04-1323-CV
- S Jacinto Jesus Mejia v. City of Dallas, Cause No. 3:03-CV-0352-L

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2979

Addendum addition 1: Authorize (1) the acceptance of a \$750,000 donation from the Friends of the Dallas Public Library Inc., representing 50% of the total cost to renovate the fifth floor of the Central Library, and (2) a contract for the construction phase of the renovation of the fifth floor at the J. Erik Jonsson Central Library located at 1515 Young Street - TurJac Construction Ltd., lowest responsible bidder of seven - \$661,314 - Financing: 1998 Bond Funds (\$162,578) and Capital Construction Funds (\$498,736)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2980

Addendum addition 2: Authorize (1) a contract for selective demolition and environmental remediation related to the redevelopment of the Gulf States Building at 1415 Main Street with ARC Abatement I Ltd., lowest responsible bidder of five, in an amount not to exceed \$1,028,290, (2) assignment of the contract to G. S. Murray Development for construction management, (3) payment to G. S. Murray Development in an amount not to exceed \$50,000 for design, reimbursables and construction management, (4) a project deadline extension, and (5) an amendment to Resolution No. 03-1919 to clarify the number of units to be built from 69 units to 68 units - Total not to exceed \$1,078,000 - Financing: City Center TIF District Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2981

Addendum addition 3: An ordinance amending Chapter 27 of the Dallas City Code to allow a personal identification card number to be listed instead of a driver's license number on a crime prevention addendum to a lease or rental agreement for a multi-tenant property - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition 3 be considered as an individual item. Mayor Miller stated that addendum addition 3 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, addendum addition 3 was brought up for consideration.

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

Councilmember Fantroy moved to pass the ordinance.

Motion seconded by Councilmember Oakley and unanimously adopted. (Rasansky abstain; Loza, Finkelman absent on city business)

Assigned ORDINANCE NO. 25774.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2982

Addendum addition 4: An ordinance granting an amendment to Planned Development District No. 624 for mixed uses generally located on the north side of Wheatland Road and on the west side of Lancaster Road - Z034-198(DC) - Financing: No cost consideration to the City

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

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

Councilmember Fantroy moved to defer the ordinance until the October 27, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Loza, Finkelman absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2983

Addendum addition 5: An ordinance granting an amendment to Planned Development District No. 625 for mixed uses generally located on the west side of Lancaster Road between Crouch Road and Camp Wisdom Road - Z034-197(DC) - Financing: No cost consideration to the City

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

Later in the meeting, addendum addition 5 was brought up for consideration.

Councilmember Fantroy moved to defer the ordinance until the October 27, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Loza, Finkelman absent on city business)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2984

Addendum addition 6: An ordinance granting a Planned Development District for single family district uses subject to a conceptual plan 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 on the north side of Camp Wisdom Road, east of Firebird Lane - Z034-196(DC) - Financing: No cost consideration to the City

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

Later in the meeting, addendum addition 6 was brought up for consideration.

Councilmember Fantroy moved to defer the ordinance until the October 27, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Loza, Finkelman absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2985

Addendum addition 7: Authorize (1) adoption of the 2005 Employee and Retiree Health Benefits Plan, including the Flexible Benefits (Section 125) Plan; and (2) approval of the proposed health coverage premium rates - Financing: Employee Benefits Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2986

Addendum addition 8: Authorize approval of a tenant support services investment policy for multifamily projects financed with tax-exempt bonds issued by the City of Dallas Housing Finance Corporation and Low Income Housing Tax Credit projects for which the Texas Department of Housing and Community Affairs requires the approval of the City of Dallas - Financing: No cost consideration to the City

Councilmember Fantroy requested that addendum addition 8 be considered as an individual item. Mayor Miller stated that addendum addition 8 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Fantroy's request.

Later in the meeting, addendum addition 8 was brought up for consideration.

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.

Councilmember Chaney moved to approve the item.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Fantroy abstain; Loza, Finkelman absent on city business; Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2987

Addendum addition 9: Authorize hardship relief for property located at 3363 West Northwest Highway from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Loza, Finkelman absent on city business; Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2988

Addendum addition 10: Authorize approval of the guidelines for consideration of Private Activity Bond and Low Income Housing Tax Credit projects requiring City Council approval - Financing: No cost consideration to the City

Councilmember Griffith moved to defer the item until the October 27, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza, Finkelman absent on city business; Fantroy absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2989

Addendum addition 11: A resolution to (1) authorize staff to proceed with preparations to issue Pension Obligation Bonds, Series 2004; and, (2) approve the underwriting syndicate members and designate the co-senior managers - Financing: This action has no cost consideration to the City

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

Councilmember Thornton Reese moved to approve the resolution.

Motion seconded by Councilmember Fantroy.

After discussion, Deputy Mayor Pro Tem Hill called the vote on the motion:

Voting Yes:	[11]	Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney, Fantroy, Griffith, Blaydes, Greyson, Lill
Voting No:	[1]	Rasansky
Abstain:	[1]	Miller
Absent on city business:	[2]	Loza, Finkelman

Deputy Mayor Pro Tem Hill declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2990

Addendum addition 12: An ordinance amending Ordinance No. 25697 ordering the November 2, 2004 special election for the purpose of submitting to the qualified voters of the City proposed amendments to Chapter 40A, "Retirement, " of the Dallas City Code as approved by the City Council on August 11, 2004 - Financing: This action has no cost consideration to the City

Councilmember Garcia moved to pass the ordinance.

Motion seconded by Councilmember Griffith and unanimously adopted. (Loza, Finkelman absent on city business)

Assigned ORDINANCE NO. 25775.

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, OCTOBER 13, 2004

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS



MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, OCTOBER 13, 2004

04-2900

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

PRESENT: [13] Miller, Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney,  
Fantroy, Griffith, Blaydes, Greyson, Rasansky, Lill  
ABSENT: [2] Loza, Finkelman absent on city business

**CORRECTIONS**

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 13, 2004

04-2958

Item 54: Public Hearing - DEVELOPMENT CODE AMENDMENT

A public hearing was called on an ordinance amending the Dallas Development Code, Article XI - Development Incentives, by adding a new Section 51A-11.109.1 granting an abatement of City of Dallas taxes to Recorded Texas Historic Landmarks and State Archeological Landmarks that are owned and operated by non-profits and are open to the public.

(The city plan commission recommended approval.)

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

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

Joanne Fay, 5500 Swiss Ave., representing Dallas County Medical Society Alliance Foundation

Beverly Ozanne, 5500 Swiss Ave., representing Dallas County Medical Society Alliance Foundation

Dwayne Jones, (no address given), representing Preservation Dallas

The following individual addressed the city council regarding the development code amendment:

Albert Parker, 6319 Elam Rd.

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

“Define the phrase “open to the public” to mean that the property is available to the general public for tours or use whether or not a fee is charged” and pass the ordinance.

Motion seconded by Councilmember Griffith.

Councilmember Blaydes asked Councilmember Lill if she would accept a friendly amendment to her motion to delete “whether or not a fee charged” from her motion.

Councilmember Lill accepted the amendment as part of her motion.

Councilmember Griffith who seconded the original motion, also accepted the amendment.

Mayor Miller asked Councilmember Lill if she would accept a friendly amendment to her motion to add that a viable non profit that is operating ~~seizes~~ ceases to operate or no longer is opened to the public will return to the tax roll.

Councilmember Lill accepted the amendment as part of her motion.

Councilmember Griffith who seconded the original motion, also accepted the amendment.

After discussion, Mayor Miller called the vote on Councilmember Lill’s motion as modified by the friendly amendments.

Mayor Miller declared the motion as modified by the friendly amendments adopted on a divided voice vote, with Councilmember Fantroy voting “No”. (Loza, Finkelman absent on city business)

Assigned ORDINANCE NO. 25772.