

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, OCTOBER 27, 2004

04-3010

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

PRESENT: [14] Miller, Loza, Hill, Garcia, Thornton Reese, Salazar, Chaney, Fantroy,  
Griffith, Blaydes, Finkelman, Greyson, Rasansky, Lill  
ABSENT: [1] Oakley absent on city business

The meeting was called to order at 9:21 a.m.

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

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

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

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

After all business properly brought before the city council had been considered the city council adjourned at 7:11 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 27, 2004

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, OCTOBER 27, 2004

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3011

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: Albert Parker, 6319 Elam Rd.  
REPRESENTING: John Q. Public  
SUBJECT: City Manager Search Committee

SPEAKER: Rich Sheridan, 3022 Forest Ln.  
SUBJECT: Dallas' Sexual Oriented Business ordinance

SPEAKER: Cindy Young, 3130 King Bridge Crossing  
SUBJECT: Environmental racism against City of Dallas and EPA

SPEAKER: Judy Richards, 407 N. Horne St., Duncanville  
SUBJECT: School Bonds – Grady Niblo Road

**All Agenda Items:**

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

**OPEN MICROPHONE – END OF MEETING:**

SPEAKER: Frank Ward, P.O. Box 50694  
REPRESENTING: Community at Large  
SUBJECT: Open – Undecided **DID NOT CALL NAME**

SPEAKER: Ray Harlan, 9115 Branch Hollow Dr.  
SUBJECT: Sprinkler Systems

SPEAKER: Frank P. Hernandez, 716 Wayne St.  
REPRESENTING: Shed No 2. – Farmers Market  
SUBJECT: Shed No. 2 – Farmers Market **CANCELED**

SPEAKER: Gwain Wooten, 5111 Holland Ave.  
SUBJECT: Chief Bolton & drugs

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

04-3011

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SPEAKER: Darren Reagan, 5801 Marvin D. Love Frwy.  
SUBJECT: Mult-family tax credit **DID NOT CALL NAME**

SPEAKER: Allen McGill, 1445 Firebird Dr. **DID NOT CALL NAME**  
REPRESENTING: Coalition of African American Based Organizations  
SUBJECT: Multi-family tax credit

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

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

SPEAKER: Sanford Paul, 7308 Amy St.  
SUBJECT: Clarification of statement made on October 20<sup>th</sup> to City Council

SPEAKER: William Hopkins, 2011 Leath St. **DID NOT CALL NAME**  
SUBJECT: Corruption with giving away land for tax breaks

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3012

Item 1: Approval of Minutes of the October 13, 2004 City Council Meetings

Councilmember Greyson moved to approve the minutes, as corrected. Councilmember Greyson stated that on agenda item 54 the word seizes should be changed to ceases.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Oakley absent on city business)

# OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3013

## CONSENT AGENDA

The consent agenda, consisting of agenda items 2-45 and addendum addition consent agenda items 1-6, were presented for consideration.

The city secretary announced that the city manager had deleted agenda item 36 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Rasansky requested that consent agenda items 19, 32, 39, 40 and addendum addition items 2 and 5 to be considered as individual items. Mayor Miller stated that consent agenda items 19, 32, 39, 40 and addendum addition items 2 and 5 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Mayor Miller requested that consent agenda item 21 be considered as an individual item. Mayor Miller stated that consent agenda item 21 would be considered as an individual item later in the meeting, there being no objection voiced to her request.

Councilmember Finkelman 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 Finkelman's request.

Councilmember Lill requested that consent agenda item 33 be considered as an individual item. Mayor Miller stated that consent agenda item 33 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Lill's request.

Councilmember Chaney 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 Chaney's request.

The city attorney requested that addendum addition item 2 be considered as an individual item. Mayor Miller stated that addendum addition item 2 would be considered as an individual item later in the meeting, there being no objection voiced to the city attorney's request.

Mayor Pro Tem Loza moved to approve all items on the consent agenda with the exception of consent agenda item 36 which was deleted, and consent agenda items 19, 21, 23, 32, 33, 35, 39, and 40, and addendum addition items 2 and 5 which would be considered later in the meeting.

Motioned seconded by Councilmember Garcia and unanimously adopted. (Oakley absent on city business)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3014

Item 2: Authorize a contract for the repairs to the tower at the Tower Building at Fair Park - Phoenix I Restoration and Construction, Ltd., best value proposer of two - \$397,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3015

Item 3: Authorize an increase in the professional services contracts with thirty-one firms for continuation of geotechnical investigation, materials testing, asbestos environmental and nonasbestos environmental testing services - Not to exceed \$827,688, from \$6,621,500 to \$7,449,188 - Financing: Current Funds (\$229,625), 1998 Bond Funds (\$318,750), Water Utilities Capital Construction Funds (\$187,500), Capital Construction Funds (\$45,563), 1995 Bond Funds (\$18,750), Aviation Current Funds (\$15,000), Aviation Capital Construction Funds (\$12,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3016

Item 4: Authorize Supplemental Agreement No. 1 to the contract with Hayden Consultants, Inc. to provide surveying, design development and construction documents for the implementation of the Park Development Plan, Phase I at Alta Mesa Park located at 2905 Alta Mesa - \$14,874, from \$18,915 to \$33,789 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3017

Item 5: Authorize an increase in the contract with SYB Construction Company, Inc. for additional street paving, driveway, and retaining wall on Blue Ridge Boulevard from Los Angeles Boulevard to Rio Grande Avenue - \$34,845, from \$616,052 to \$650,897 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3018

- Item 6: Authorize an increase in the contract with Tiseo Paving Company for the construction of two additional retaining walls, erosion control blanket, the removal of existing signal pole foundations and one street light foundation for the reconstruction of street paving, storm drainage, water and wastewater main improvements on Colorado Boulevard from Blaylock Drive to IH-35 - \$113,574, from \$2,617,791 to \$2,731,365  
- Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3019

Item 7: Authorize an increase in the contract with McMahon Contracting, L.P. for the construction of additional channel and gabion improvements on Highland Road from Ferguson Road to Jim Miller Road - \$79,103, from \$3,764,897 to \$3,844,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3020

Item 8: Authorize Supplemental Agreement No. 1 to the professional services contract with GSWW, Inc. for additional design of 35,265 feet of wastewater mains, and 4,808 feet of water mains in the Ferris Branch Creek, Jackson Branch Creek and surrounding area - \$469,576, from \$1,392,000 to \$1,861,576 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3021

Item 9: Authorize Supplemental Agreement No. 2 to the contract with Westin Engineering, Inc. to provide additional professional and engineering design services, database development and computer configuration services for the process control system design improvements at the Southside Wastewater Treatment Plant - \$98,979, from \$3,262,340 to \$3,361,319 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3022

Item 10: Authorize Supplemental Agreement No. 1 to the professional services contract with Chiang, Patel & Yerby, Inc. for additional engineering services for the design of the East Side Water Treatment Plant 540 million gallons per day expansion and construction management services for the Bachman Water Treatment Plant expansion - \$6,312,050, from \$10,082,073 to \$16,394,123 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3023

Item 11: Authorize the City Manager to initiate a Request for Competitive Sealed Proposals project delivery method for the gorilla habitat and exhibit modifications 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.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3024

Item 12: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Carbucks Valley View, L.P. of approximately 807 square feet of land located at the intersection of Alpha Road and Montfort Drive for the Alpha Road Improvements project - \$30,877 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3025

Item 13: A resolution authorizing conveyance of a drainage easement to the City of Garland containing approximately 4,359 square feet of land needed for the construction and maintenance of a storm water drainage facility across City-owned land at Lake Ray Hubbard located near the intersection of Locust Grove Road and Shoregate Drive - Revenue: \$1,744

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3026

Item 14: An ordinance abandoning a portion of Holland Avenue to Jackie D. Caffey and Barbara Ann Caffey, the abutting owners, containing approximately 371 square feet of land located near its intersection with North Versailles Avenue, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25776.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3027

Item 15: An ordinance abandoning a water line easement to Amruddin Budri and Abdul Jaleel Zazay, the abutting owners, containing approximately 1,997 square feet of land located near the intersection of Jim Miller Road and Military Parkway, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25777.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3028

Item 16: An ordinance abandoning a portion of Bakersfield Street to Nueva Vida/New Life Assembly, Inc., the abutting owner, containing approximately 3,002 square feet of land located near its intersection with Chalmers Street, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25778.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3029

Item 17: An ordinance abandoning a portion of Orr Street to DJTK Joint Venture, Douglas W. Caudill and Mary S. Caudill, the abutting owners, containing approximately 4,729 square feet of land located near its intersection with Sullivan Drive, and authorizing the quitclaim - Revenue: \$18,916 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25779.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3030

Item 18: A resolution declaring a tract of City-owned land containing approximately 90,958 square feet located at 360 Gloria Road unneeded and unwanted and authorize its advertisement for sale by sealed bid at a minimum cash bid of \$318,353 or in exchange for land at Lake Ray Hubbard of comparable value - Financing: No cost consideration to the City

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3031

Item 19: Authorize a twelve-month lease with MOKS, LLC for the continued use of an office and warehouse building containing approximately 7,975 square feet of space located at the intersection of Irving and Turtle Creek Boulevards to be used by the Sales and Auction Section of the Office of Business Development and Procurement Services Department for the period of November 1, 2004 through October 31, 2005 - Total not to exceed \$45,924 - Financing: Current Funds

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.

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Chaney.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Rasansky voting "No". (Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3032

Item 20: Authorize an increase in the contract with A + Integrated Solutions for enhancements, professional services, and warranty for the capital project management information system - \$178,610, from \$2,093,504 to \$2,272,114 - Financing: Current Funds (\$61,700), Water Utilities Capital Construction Funds (\$116,910)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3033

Item 21: Authorize annual enrollment in a thirty-six-month Microsoft State and Local Government Enterprise Enrollment through Department of Information Services, State of Texas, representative, Software House International, Inc., for computer software products including MS Office, MS Windows, etc., support services, compliance with licensing requirements and support for 6,400 desktops and servers with Microsoft Corporation - Sole Source - Not to exceed \$4,156,179 - Financing: Current Funds (subject to annual appropriations)

Mayor Miller requested that consent agenda item 21 be considered as an individual item. Mayor Miller stated that consent agenda item 21 would be considered as an individual item later in the meeting, there being no objection voiced to her request.

Later in the meeting, agenda item 21 was brought up for consideration.

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 Lill moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted. (Miller abstain; Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3034

Item 22: Authorize a thirty-six-month extension to the software license agreement for computer mainframe maintenance and support with Computer Associates International, Inc. - Not to exceed \$441,534 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3035

Item 23: Authorize a twelve-month price agreement for securing open and vacant structures that have been identified as a potential hazard with the lowest responsible bidder of three - Darnell Simpson Fence Contractor - Not to exceed \$97,560 - Financing: Current Funds

Councilmember Finkelman 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 Finkelman's request.

Later in the meeting, agenda item 23 was brought up for consideration.

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Oakley absent on city business; Salazar absent on when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3036

Item 24: Authorize an Interlocal Agreement with the City of Denton to create a Cooperative Purchasing Program that allows the Cities of Dallas and Denton to purchase from each other's contracts for goods and services when economical - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3037

Item 25: Authorize an Interlocal Agreement with the City of Tyler to create a Cooperative Purchasing Program that allows the Cities of Dallas and Tyler to purchase from each other's contracts for goods and services when economical - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3038

Item 26: Authorize a thirty-six-month price agreement for Service Center and environmental supplies and equipment with the lowest responsible bidders of eleven - Midway Auto Supply in the amount of \$761,213, Arrow Magnolia International in the amount of \$87,450, O'Reilly Auto Parts in the amount of \$69,200, Installer Sales in the amount of \$54,065, Myers Tire Supply in the amount of \$48,180, McGee-Paris Rubber Supply in the amount of \$13,440, Wallace Wade Wholesale Tire in the amount of \$12,420, Eagle Brush & Chemical in the amount of \$11,520, Ceco Sales in the amount of \$6,299, Southwest International in the amount of \$1,800 and Cleaning Solutions in the amount of \$1,017 - Total not to exceed \$1,066,604 - Financing: Current Funds (\$959,000), Water Utilities Current Funds (\$102,804), and Aviation Current Funds (\$4,800)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3039

Item 27: Authorize an increase in the price agreement with Rehrig Pacific Company for continuation of providing roll carts for automated and semi-automated waste collection - Not to exceed \$134,138, from \$536,550 to \$670,688 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3040

Item 28: Authorize a thirty-six-month service contract for pump overhaul and repair of vertical and horizontal pumps for flood control with the best value bidder of four - Johnston Pump Company - Not to exceed \$1,311,343 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3041

Item 29: Ratify an increase in the Central Wastewater Treatment Plant hydraulic improvements contract with Oscar Renda Contracting, Inc. for emergency repairs to a 16-inch wastewater force main at the Southside Wastewater Treatment Plant - \$245,159, from \$4,794,913 to \$5,040,072 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3042

Item 30: Authorize a two-year contract with LexisNexis for on-line legal research for the City Attorney's Office from October 1, 2004 through September 30, 2006 - Not to exceed \$20,400 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3043

Item 31: Authorize settlement of a claim filed by Karim Nurali, Claim No. 20040016 - \$6,000  
- Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3044

Item 32: Authorize an amendment to Resolution Nos. 04-2297 and 04-2298, previously approved on August 11, 2004 for the funding of public use infrastructure replacements and enhancements, and related design costs for the redevelopment of 1500, 1506, and 1510 McKee Street to (1) add funding for public use infrastructure replacements and enhancements, and related design costs, in an amount not to exceed \$43,400, from \$41,950 to \$85,350, plus interest, (2) increase appropriations in the amount of \$43,400 in the Cedars TIF District Fund, (3) execute the development agreement with Bennett Miller Town Homes LP and/or its affiliate, and (4) increase the intent to reimburse Bennett Miller Town Homes LP in the amount of \$43,400, from \$41,950 to \$85,350 - Total not to exceed \$43,400 - Financing: Cedars TIF District Funds (to be advanced by a private developer and reimbursed from the Cedars TIF District Fund)

Councilmember Rasansky requested that consent agenda item 32 be considered as an individual item. Mayor Miller stated that consent agenda item 32 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 32 was brought up for consideration.

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

Councilmember Lill moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Rasansky abstain; Oakley absent on city business; Hill, Salazar, Griffith, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3045

Item 33: Authorize a Historic Development program tax abatement for the Fidelity Union Life Towers located at 1507 Pacific, 1511 Bryan, and 318 Akard Streets for fifteen years on 90 percent of the added value of the structure (land not included) - Financing: No cost consideration to the City (Estimated revenue foregone over fifteen years is \$6,777,298)

Councilmember Lill requested that consent agenda item 33 be considered as an individual item. Mayor Miller stated that consent agenda item 33 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 33 was brought up for consideration.

Councilmember Lill moved to defer the item until the November 10, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Garcia and unanimously adopted. (Oakley absent on city business; Hill, Salazar, Griffith, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3046

Item 34: An ordinance adopting a boundary adjustment agreement with the City of Mesquite on property owned by the Lawson Road Baptist Church along E. Lawson Road to allow all of the church property to be located within the corporate limits of the City of Dallas - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25780.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3047

Item 35: Authorize an amendment to the contracts with the U.S. Department of Education, Academic Realities, Robert Hawley and Ernest Crosby to extend the term of the contracts through September 30, 2005 for the Martin Luther King Community Technology Center Program - Financing: No cost consideration to the City

Councilmember Chaney 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 Chaney's request.

Later in the meeting, agenda item 35 was brought up for consideration.

Councilmember Chaney moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Oakley absent on city business; Salazar, Griffith absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3048

Item 36: Authorize adoption and implementation of the 2005-09 Affirmative Action Plan for the City of Dallas - Financing: No cost consideration for the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3049

Item 37: Authorize contracts with cultural organizations for the provision of services to the City through the Cultural Organization Program - Not to exceed \$4,472,313 - Financing: Current Funds (\$4,427,063), Texas Commission on the Arts Grant Funds (\$45,250)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3050

Item 38: Authorize a contract with Hank Black to design, fabricate and install an artwork or artworks incorporated into the fence and/or entrance facade of the main building in the water park at Thurgood Marshall Recreation Center located at 5150 Mark Trail Way - Not to exceed \$100,000 - Financing:1998 Bond Funds (\$34,000); 2003 Bond Funds (\$66,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3051

Item 39: Authorize a contract with Susan Magilow to research, develop and implement a permanent artwork or artworks related to water utilities that will serve as an educational tool for the Water Utilities Department as it relates to the community - Not to exceed \$160,000 - Financing: Water Utilities Public Art Funds

Councilmember Rasansky requested that consent agenda item 39 be considered as an individual item. Mayor Miller stated that consent agenda item 39 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 39 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, Thornton Reese, Salazar, Chaney, Fantroy, Griffith, Blaydes, Finkelman, Greyson, Lill |
| Voting No:               | [1]  | Rasansky  |
| Absent on city business: | [1]  | Oakley  |

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3052

Item 40: Authorize renewal of the maintenance agreement with American Management Systems, Inc. for the support and maintenance of the City's automated financial system for the period October 1, 2004 through September 30, 2005 - Not to exceed \$179,146 - Financing: Current Funds

Councilmember Rasansky requested that consent agenda item 40 be considered as an individual item. Mayor Miller stated that consent agenda item 40 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 40 was brought up for consideration.

Councilmember Garcia moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3053

Item 41: A resolution delegating authority to the City Manager to hear complaints from citizens pertaining to natural gas service and electric transmission and distribution service provided by franchised utilities within the City of Dallas - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3054

Item 42: Authorize payment to the North Central Texas Regional Certification Agency for annual membership dues for the period of January 1, 2005 through December 31, 2005 - Not to exceed \$32,890 - Financing: Current Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3055

Item 43: Authorize (1) the application for and acceptance of the 2004-05 Intersection Traffic Control Selective Traffic Enforcement Program grant in the amount of \$300,000 for traffic related activities from the Texas Department of Transportation for the period of October 1, 2004 through September 30, 2005, (2) a local match in the amount of \$86,907, and (3) execution of the grant agreement - Total not to exceed \$386,907 - Financing: Texas Department of Transportation Grant Funds (\$300,000) and Current Funds (\$86,907)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3056

Item 44: Authorize (1) the application for and acceptance of the 2004-05 Safe and Sober Selective Traffic Enforcement Program grant in the amount of \$616,050 for traffic related activities from the Texas Department of Transportation for the period of October 1, 2004 through September 30, 2005, (2) a local match in the amount of \$177,097, and (3) execution of the grant agreement - Total not to exceed \$793,147 - Financing: Texas Department of Transportation Grant Funds (\$616,050) and Current Funds (\$177,097)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3057

Item 45: Authorize a professional services contract with R. W. Beck, Inc. for conducting a landfill bioreactor study and permit modification for accelerated decomposition of waste at the McCommas Bluff Landfill - Not to exceed \$384,000 - Financing: Current Funds (\$352,795) and North Central Texas Council of Governments Solid Waste Grant Funds (\$31,205)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3058

CONSENT ZONING DOCKET

The consent zoning docket was not considered.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3059

Item 46: Zoning Case Z034-291 (DW)

The consent zoning docket, consisting of agenda item 46, was presented.

Councilmember Rasansky requested that consent zoning docket 46 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 46 would be removed from the consent zoning docket to be called a san individual hearing, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, zoning docket 46 was brought up for consideration.

A public hearing was called on zoning case Z034-291 (DW), an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned an MU-2 Mixed Use District located south of LBJ Freeway, west of Preston Road.

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

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

Greg Colchin, (no address given), representing Preston Valley Shopping

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

Robert Reeves, 500 S. Ervay St., representing the applicant

Councilmember Rasansky 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 Blaydes and unanimously adopted. (Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3060

Item 47: Public Hearing – Zoning Case Z034-281 (MM)

A public hearing was called on zoning case Z034-281 (MM), an application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District located on the north side of C.F. Hawn Freeway, south of Sunview Drive, and west of Edd Road and a resolution accepting deed restrictions volunteered by the applicant.

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

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

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

Clarence Steven Evans, 1710 Sunview Dr.,  
Richard Patten, 1075 Griffin St., West  
Tommy Garrett (no address given)

The following individual addressed the city council regarding zoning case Z034-281 (MM):

William Hopkins, 2011 Leath 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. (Oakley absent on city business)

Assigned ORDINANCE NO. 25781.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3061

Item 48: Public Hearing – Zoning Case Z034-282 (MM)

A public hearing was called on zoning case Z034-282 (MM), an application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District located on the north side of C.F. Hawn Freeway, south of Sunview Drive, and west of Edd Road and a resolution accepting deed restrictions volunteered by the applicant.

(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.

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. (Oakley absent on city business)

Assigned ORDINANCE NO. 25782.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3062

Item 49: Public Hearing – Zoning Case Z034-283 (MM)

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

A public hearing was called on zoning case Z034-283 (MM), an application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District located on the north side of C.F. Hawn Freeway, south of Sunview Drive, and west of Edd Road and a resolution accepting deed restrictions volunteered by the applicant.

(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.

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

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

Assigned ORDINANCE NO. 25783.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3063

Item 50: Public Hearing – Zoning Case – UNDER ADVISEMENT - INDIVIDUAL

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. This item was considered by the City Council at a public hearing on October 13, 2004, and was taken under advisement until October 27, 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 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 individuals addressed the city council regarding zoning case Z034-248 (MM):

Albert Parker, 6318 Elam Rd.  
Carol Brandon, 116 Halsey  
Allen McGill, 1445 Firebird Dr.  
Eugene Thomas, 5654 Winding Wood Trl.

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. (Fantroy abstain; Oakley absent on city business)

Assigned ORDINANCE NO. 25784.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3064

Item 51: Public Hearing – Zoning Case Z034-278 (MM) – UNDER ADVISEMENT - INDIVIDUAL

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. This item was considered by the City Council at a public hearing on October 13, 2004, and was taken under advisement until October 27, 2004, with the public hearing open.)

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

Councilmember Finkelman 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 Greyson and unanimously adopted. (Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3065

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 public hearings on September 22, and October 13, 2004, and was taken under advisement until October 27, 2004, with the public hearing open.

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

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

Suzan Kedron, 901 Main St., representing the applicant

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

Motion seconded by Councilmember Finkelman and unanimously adopted. (Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3066

Item 53: Public Hearing - DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

A public hearing was called on consideration of an amendment to the Dallas Development Code to determine the design standards and appropriate zoning districts for general merchandise and food store uses greater than 100,000 square feet and the design standards for furniture stores and home improvement stores greater than 100,000 square feet and an ordinance granting the amendments.

(The city plan commission recommended approval.)

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

Jeri Arbuckle, 4800 Victor St.  
Lucy Bellew, (no address given), representing North Dallas Alliance  
Nancy Carter, 6405 Bordeaux Ave.

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

Myron Dornie, 5026 Maple Springs Dr., representing Walmart Stores  
Kirk Williams, 5400 Renaissance Tower, representing Arcon Group

Councilmember Blaydes moved to close the public hearing and approve the ordinance as recommended by the City Plan Commission with the following changes:

Allow the general merchandise or food store use 100,000 square feet or more use by right only in RR and central area districts (delete the IR district). Retain the SUP requirement in Commercial Retail (CR), Urban Corridor (UC), Multiple Commercial (MC), Commercial Service (CS), Light Industrial (LI) and Industrial Research (IR) districts.

Motion seconded by Councilmember Fantroy.

Councilmember Lill asked Councilmember Blaydes if he would accept a friendly amendment to his motion to add in the CA-1 zoning district, a minimum of 75 percent of the primary facade wall must be set back no more than 15 feet and increase the width of the pedestrian pathways in parking lots from six feet to eight feet.

Councilmember Blaydes accepted the amendment as part of his motion.  
Councilmember Fantroy who seconded the original motion, also accepted the amendment.

Councilmember Salazar moved to substitute for Councilmember Blaydes' motion to pass the ordinance as presented by staff and include Councilmember Lill's friendly amendments.

Motion died for lack of a second.

Councilmember Finkelman asked Councilmember Blaydes if he would accept a friendly amendment to his motion to add the following requirements; if the general merchandise or food store uses 100,000 square feet or more use is within 300 feet of a residential zoning district or a district that allows residential uses:

- a. No external speakers.
- b. Staging, loading, or idling of commercial vehicles is prohibited between the hours of 10 p.m. and 7 a.m. Signs must be posted every 100 feet where residential adjacency exists next to service areas.
- c. An external lighting plan must be submitted demonstrating compliance with all city ordinances prior to building permit or certificate of occupancy being uses.

Councilmember Blaydes accepted the amendment as part of his motion.

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

After discussion, Mayor Miller asked Councilmember Blaydes to re-state his motion:

Councilmember Blaydes moved to close the public hearing and approve the ordinance as recommended by the City Plan Commission with the following changes:

Allow the general merchandise or food store use 100,000 square feet or more use by right only in RR and central area districts (delete the IR district). Retain the SUP requirement in Commercial Retail (CR), Urban Corridor (UC), Multiple Commercial (MC), Commercial Service (CS), Light Industrial (LI) and Industrial Research (IR) districts.

In the CA-1 zoning district, a minimum of 75 percent of the primary facade wall must be set back no more than 15 feet and increase the width of the pedestrian pathways in parking lots from six feet to eight feet.

Add the following requirements; if the general merchandise or food store uses 100,000 square feet or more use is within 300 feet of a residential zoning district or a district that allows residential uses:

- a. No external speakers.
- b. Staging, loading, or idling of commercial vehicles is prohibited between the hours of 10 p.m. and 7 a.m. Signs must be posted every 100 feet where residential adjacency exists next to service areas.
- c. An external lighting plan must be submitted demonstrating compliance with all city ordinances prior to building permit or certificate of occupancy being used, and pass the ordinance.

Mayor Miller then called the vote on Councilmember Blaydes' motion as modified by the friendly amendments.

Mayor Miller declared the motion as modified by the friendly amendments unanimously adopted. (Oakley absent on city business)

Assigned ORDINANCE NO. 25785.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3067

Item 54: Public Hearing - DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

A public hearing was called on consideration of an amendment to Article VII of the Dallas Development Code regarding detached premise sign regulations and an ordinance granting the amendments.

(The city plan commission recommended approval.)

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

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

Motion seconded by Councilmember Chaney and unanimously adopted.

Assigned ORDINANCE NO. 25786.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3068

Item 55: Public Hearing - FLOODPLAIN APPLICATIONS

A public hearing regarding the application for a fill permit and removal of the floodplain (FP) prefix from 0.248 acres of land, zoned Residential 7.5 (R7.5), currently in the 100-year floodplain of Stream 4C3, located at the Northwest corner of Warrior Drive and Long Grove Street - Fill Permit 04-04 - Financing: No cost consideration to the City

No one addressed the city council regarding the floodplain application.

Councilmember Fantroy moved to close the public hearing and approve the application.

Motion seconded by Deputy Mayor Pro Tem Hill and unanimously adopted. (Oakley absent on city business)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3069

Item 56: Public Hearing - THOROUGHFARE PLAN AMENDMENTS

A public hearing to receive citizens' comments to amend the City of Dallas Thoroughfare Plan to delete Unnamed SW2 between Clark Road and Wheatland Road, and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

No one addressed the city council regarding the thoroughfare plan amendment.

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

Motion seconded by Councilmember Griffith and unanimously adopted. (Oakley absent on city business)

Assigned ORDINANCE NO. 25787.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3070

Item 57: Public Hearing - BENEFIT ASSESSMENT HEARINGS

A benefit assessment hearing to receive citizens' comments on street paving, water and wastewater main improvements on Blue Ridge Boulevard from S. Cockrell Hill Road to Guadalupe Avenue, 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 - \$390,204 - Financing: 2003 Bond Funds (\$303,379), Water Utilities Capital Improvement Funds (\$82,675), and Water Utilities Capital Construction Funds (\$4,150)

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

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

Motion seconded by Councilmember Griffith and unanimously adopted. (Oakley absent on city business)

Assigned ORDINANCE NO. 25788.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3071

Item 58: 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 27, 2004.

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

Councilmember Garcia moved to appoint 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 Lill and unanimously adopted. (Oakley absent on city business)

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

**04-3103 PLA PERMIT AND LICENSE APPEAL BOARD**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3072

Item 59: Authorize an extension of the moratorium on the acceptance of applications for building permits or certificates of occupancy for “general merchandise or food store uses” with a floor area of 100,000 square feet or more to be located north of Interstate Highway 30 until February 24, 2005 - Financing: No cost consideration to the City **(Requires a 3/4 vote of the full City Council for approval)**

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3073

Item 60: Authorize hardship relief for property located at 1050 N. Westmoreland Road 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 Griffith and unanimously adopted. (Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3074

Item 61: Authorize hardship relief for property located at 1711 McCoy Place 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 Councilmember Greyson and unanimously adopted. (Rasansky abstain; Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3075

Item 62: Authorize hardship relief for property located at 3130 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 Chaney and unanimously adopted. (Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3076

Item 63: Authorize hardship relief for properties located at 811 through 845; 901 through 915 and 919 Ft. Worth Avenue and 2001 through 2015 Sylvan Avenue from the Ft. Worth Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 1,000 feet of the north or south right-of-way line of Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Oakley absent on city business)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3077

Item 64: 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 moved to pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Hill and unanimously adopted. (Oakley absent on city business)

Assigned ORDINANCE NO. 25789.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3078

Item 65: 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 moved to pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Hill and unanimously adopted. (Oakley absent on city business)

Assigned ORDINANCE NO. 25790.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3079

Item 66: 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 moved to pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Hill and unanimously adopted. (Oakley absent on city business)

Assigned ORDINANCE NO. 25791.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3080

Item 67: 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 City Council for approval)**

The following individual addressed the city council regarding the item:

Debbie Pounds, 3328 Miro Place, representing Parkwood Town Homes Homeowners Association

Councilmember Lill 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 Blaydes voting "No". (Oakley absent on city business; Thornton Reese absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3081

Item 68: Authorize a public hearing to be held on December 8, 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:

Jeri Arbuckle, 4800 Victor St., representing Dallas Homeowners League

Mayor Pro Tem Loza moved to defer the item until the January 12, 2005 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3082

Item 69: Authorize a public hearing to held on December 8, 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.

Mayor Pro Tem Loza moved to defer the item until the January 12, 2005 voting agenda meeting of the city council.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3083

Item 70: 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

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3084

Item 71: **Dallas Housing Finance Corporation Projects**

- \* A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the new construction of 248 multifamily units for seniors to be known as the Cherrycrest Villas Apartments located at 2563 John West Road - Financing: No cost consideration to the City  
Recommendation of Staff: Approval

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 resolution.

Motion seconded by Deputy Mayor Pro Tem Hill and unanimously adopted. (Fantroy abstain; Oakley absent on city business)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3085

Item 72: **Dallas Housing Finance Corporation Projects**

- \* A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the construction of 250 multifamily units for families, to be known as the Rosemont at Laureland Apartments located at 330 E. Camp Wisdom Road - Financing: No cost consideration to the City  
Recommendation of Staff: Denial

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.

Deputy Mayor Pro Tem Hill moved to approve the resolution.

Motion seconded by Councilmember Chaney and unanimously adopted. (Fantroy abstain; Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3086

Item 73: **Dallas Housing Finance Corporation Projects**

- \* A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the new construction of 250 multifamily units for families, to be known as the Rosemont at Scyene Apartments located at 9901 Scyene Road - Financing: No cost consideration to the City  
Recommendation of Staff: Denial

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.

Deputy Mayor Pro Tem Hill moved to approve the resolution.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Fantroy abstain; Oakley absent on city business; Finkelman absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3087

Item 74: **Dallas Housing Finance Corporation Projects**

- \* A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the new construction of 250 multifamily units for families, to be known as the Simpson Villas Apartments located at 3200 Simpson Stuart Road - Financing: No cost consideration to the City  
Recommendation of Staff: Denial

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3088

Item 75: **Texas Department of Housing and Community Affairs Projects**

- \* A resolution supporting the Texas Department of Housing and Community Affairs tax-exempt bond and low income housing tax credit financing for the new construction of the Providence at Village Fair multifamily development to be located at 3600 South R.L. Thornton Freeway - Financing: No cost consideration to the City  
Recommendation of Staff: Denial

Councilmember Thornton Reese moved to approve the resolution.

Motion seconded by Deputy Mayor Pro Tem Hill.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Mayor Miller voting "No". (Oakley absent on city business; Garcia, Fantroy, Finkelman absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3089

Item 76: **Texas Department of Housing and Community Affairs Projects**

- \* A resolution supporting the Texas Department of Housing and Community Affairs tax-exempt bond and low income housing tax credit financing for the new construction of the Dallas West Villas multifamily development to be located at 9415 Bruton Road - Financing: No cost consideration to the City  
Recommendation of Staff: Denial

Deputy Mayor Pro Tem Hill moved to deny the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3090

Item 77: **Texas Department of Housing and Community Affairs Projects**

- \* A resolution supporting the Texas Department of Housing and Community Affairs tax-exempt bond and low income housing tax credit financing for the new construction of the Homes of Pecan Grove multifamily development to be located at 3111 Simpson Stuart Road - Financing: No cost consideration to the City  
Recommendation of Staff: Denial

Deputy Mayor Pro Hill moved to approve the resolution.

Motion seconded by Councilmember Thornton Reese.

Mayor Pro Tem Loza moved to substitute for Deputy Mayor Pro Tem Hills' motion a motion to defer the resolution until the November 10, 2004 voting agenda meeting of the city council.

Motion seconded by Councilmember Garcia.

After discussion, Mayor Miller called the vote Mayor Pro Tem Loza's substitute motion:

|                          |     |   |
|--------------------------|-----|---|
| Voting Yes:              | [9] | Miller, Loza, Garcia, Griffith, Blaydes, Finkelman, Greyson, Rasansky, Lill |
| Voting No:               | [4] | Hill, Thornton Reese, Salazar, Chaney                                       |
| Absent on city business: | [1] | Oakley  |
| Absent when vote taken:  | [1] | Fantroy   |

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3091

Item 78: **Texas Department of Housing and Community Affairs Projects**

- \* A resolution supporting the Texas Department of Housing and Community Affairs tax-exempt bond and low income housing tax credit financing for the new construction of the Memorial Park Townhomes multifamily development to be located at 515 E. Camp Wisdom Road - Financing: No cost consideration to the City

Recommendation of Staff: Denial

Deputy Mayor Pro Tem Hill moved to deny the resolution.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3092

Closed Session

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

- S Manhattan Construction Company v. Austin Commercial, Inc., Cause No. 03-8212-H
- S Erubiel Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- S Victor Alvarado DeLeon v. City of Dallas, et al., Cause No. 3:02-CV-1097-K
- S Jacinto Jesus Mejia v. City of Dallas, Cause No. 3:03-CV-0352-K
- S Lorenzo Escamilla v. City of Dallas, et al., Cause No. 3:03-CV-0848-K
- S Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K
- S George Sifuentez v. City of Dallas, et al., Cause No. 3:03-CV-0961-K
- S Yvonne Gywn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K
- S Everett & Grogan v. David Larsen, et al., Cause No. 3:03-CV-0192-K
- S Chavez, et al v. DeLaPaz, et al., Cause No. 3:04-CV-0510-K
- S Pineda v. City of Dallas, et al., Cause No. 3:04-CV-0510-K
- S VRC, LLC v. City of Dallas, Cause No. 3:03-CV-2450-B

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 Manhattan Construction Company v. Austin Commercial, Inc., Cause No. 03-8212-H
- S Erubiel Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- S Victor Alvarado DeLeon v. City of Dallas, et al., Cause No. 3:02-CV-1097-K
- S Jacinto Jesus Mejia v. City of Dallas, Cause No. 3:03-CV-0352-K
- S Lorenzo Escamilla v. City of Dallas, et al., Cause No. 3:03-CV-0848-K
- S Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K
- S George Sifuentez v. City of Dallas, et al., Cause No. 3:03-CV-0961-K
- S Yvonne Gywn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K
- S Everett & Grogan v. David Larsen, et al., Cause No. 3:03-CV-0192-K
- S Chavez, et al v. DeLaPaz, et al., Cause No. 3:04-CV-0510-K
- S Pineda v. City of Dallas, et al., Cause No. 3:04-CV-0510-K
- S VRC, LLC v. City of Dallas, Cause No. 3:03-CV-2450-B

No other matters were discussed during the closed session.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3093

Addendum addition 1: Authorize Supplemental Agreement No. 4 to the contract with Workarchitecture, P.L.L.C., for additional design services to incorporate water conservation features into the new Animal Shelter facility located at Westmoreland Road and IH 30, add an adjacent City-owned tract of land to the project site and increase the allowance for reimbursable expenses - \$134,000, from \$1,509,746 to \$1,643,746  
- Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3094

Addendum addition 2: Authorize an increase in the contract with Rodman Excavation, Inc., for the construction of closure and restoration activities at the Deepwood Loop 12 Landfill for increased quantity of excavation/consolidation of waste and hauling of clean soil from borrow pits to the Deepwood site - \$1,437,500, from \$10,900,399 to \$12,337,899 - Financing: 2003 Certificates of Obligation

The city attorney and Councilmember Rasansky requested that addendum addition item 2 be considered as an individual item. Mayor Miller stated that addendum addition item 2 would be considered as an individual item later in the meeting, there being no objection voiced to the city attorney and Councilmember Rasansky's request.

Later in the meeting, addendum addition item 2 was brought up for consideration.

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

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

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted. (Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3095

Addendum addition 3: **The Villages of Runyon Springs** **Note:** Item Nos. 3 and 4 must be considered collectively.

\* Authorize the acceptance of five tracts of donated land and a quitclaim deed for right-of-way within the 278 acre residential development of The Villages of Runyon Springs located between Lancaster and Houston School Roads near Simpson Stuart Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3096

Addendum addition 4: **The Villages of Runyon Springs** **Note:** Item Nos. 3 and 4 must be considered collectively.

\* Authorize the waiver of all paving assessment fees against the developer resulting from development and paving of a donated 1.15 acre Police substation right-of-way tract which abuts the developer's property - Financing: No cost consideration to the City (Estimated revenue foregone is \$72,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3097

Addendum addition 5: Authorize (1) the City Manager to enter into a performance grant agreement with the Texas Department of Agriculture to access matching grant funds available through the GO TEXAN Partnership Program for marketing related activities at Dallas Farmers Market from September 27, 2004 to July 31, 2005, and (2) a local match in an amount not to exceed \$43,154 - Financing: Convention and Event Services Current Funds

Councilmember Rasansky requested that addendum addition item 5 be considered as an individual item. Mayor Miller stated that addendum addition item 5 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 item 5 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted. (Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3098

Addendum addition 6: Authorize an amendment to the Program Statement for the Residential Development Acquisition Loan Program providing for (1) the acquisition of unimproved and improved single-family lots city-wide for development of housing affordable to low- and moderate-income households, (2) demolition costs associated with the acquisition of improved single-family lots, and (3) relocation payments associated with such acquisition as may be required under Chapter 39A of the Dallas City Code or the Uniform Relocation Act - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3099

Addendum addition 7: Authorize the acceptance of grant funds from the U.S. Department of Justice under the Community Oriented Policing Services Law Enforcement Technology Program to enhance the public safety Computer Aided Dispatch system - Not to exceed \$247,369 - Financing: U.S. Department of Justice Community Oriented Policing Services Grant Funds

Councilmember Garcia moved to approve the item.

Motion seconded by Councilmember Fantroy and unanimously adopted. (Oakley absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3100

Addendum addition 8: Authorize a twelve-month personal services contract with Dick Grote for performance management design and training - Not to exceed \$33,000 - Financing: Current Funds

Councilmember Garcia moved to approve the item.

Motion seconded by Councilmember Griffith and unanimously adopted. (Oakley absent on city business)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3101

Addendum addition 9: An ordinance amending Chapter 41 of the Dallas City Code to define terms and to allow smoking in bingo parlors (Deputy Mayor Pro Tem Hill, Councilmembers Greyson, Oakley, Thornton-Reese, Salazar, Fantroy, Griffith, Blaydes, and Rasansky)

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

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

The following individuals addressed the city council regarding the ordinance:

Larry Whittington, 9248 Flickering Shadow Dr., representing Charity Bingo Halls  
Karen Potaszniak, 7626 Fisher Rd.  
Connie Kerr, 5403 Rome Court, Arlington, representing American Heart Association

Councilmember Greyson moved to pass the ordinance.

Motion seconded by Councilmember Blaydes.

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

|                         |     |  |
|-------------------------|-----|--|
| Voting Yes:             | [7] | Hill, Thornton Reese, Salazar, Fantroy, Griffith, Blaydes, Greyson |
| Voting No:              | [7] | Miller, Loza, Garcia, Chaney, Finkelman, Rasansky, Lill            |
| Absent when vote taken: | [1] | Oakley   |

Mayor Miller declared the motion failed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3102

Addendum addition 10: An ordinance amending Chapter 41 of the Dallas City Code to allow smoking in enclosed meeting and assembly rooms in hotels and motels during private functions (Deputy Mayor Pro Tem Hill, Councilmembers Greyson, Oakley, Thornton-Reese, Salazar, Fantroy, Griffith, Blaydes, and Rasansky)

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

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

The following individuals addressed the city council regarding the ordinance:

Steve Vissotzky, 7321 Roundrock Rd., representing Hunt Reunion  
Karen Potasznik, 7626 Fisher Rd.  
Sandi Bailey, 325 N. Paul St., representing the Hotel Association of Greater Dallas  
Frank Naboulsi, 1717 Akard St., representing the Fairmont Hotel  
Betty Moore, 6211 W. Northwest Hwy.  
Tom Garcia, 11465 Locust Dr., Frisco  
Connie Kerr, 5403 Rome Court, Arlington, representing American Heart Association

Councilmember Greyson moved to pass the ordinance.

Motion seconded by Councilmember Blaydes.

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

Voting Yes: [6] Hill, Thornton Reese, Salazar, Fantroy, Blaydes, Greyson  
Voting No: [8] Miller, Loza, Garcia, Chaney, Griffith, Finkelman,  
Rasansky, Lill  
Absent on city business: [1] Oakley

Mayor Miller declared the motion failed.

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, OCTOBER 27, 2004

EXHIBIT C