

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

04-3410

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

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

ABSENT: [0]

The meeting was called to order at 9:22 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 5:34 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

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

EXHIBIT A

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

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3411

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: Mayor Miller relentless pursuit

SPEAKER: Casey Gerald, 3601 S. Marsalis Ave.
REPRESENTING: South Oak High School
SUBJECT: Community

SPEAKER: Claudia Lopez, 201 E. Ninth St.
REPRESENTING: Adamson High School
SUBJECT: Community

SPEAKER: Erica Smart
REPRESENTING: Samuell High School
SUBJECT: Community

SPEAKER: Whitney Turner
REPRESENTING: Samuell High School
SUBJECT: Community

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Sara Teer, 901 Cadiz St. **DID NOT CALL NAME**
SUBJECT: Day Resource Center and homeless

SPEAKER: Charles Darden, 3811 Wendelkin St.
REPRESENTING: Fair market Coalition Group **DID NOT CALL NAME**
SUBJECT: Trinity River Cruiser as it ties into the corridor development

SPEAKER: Gary Smith, 1717 Gano St. **DID NOT CALL NAME**
REPRESENTING: Old City Park
SUBJECT: Development of the Cedars and homeless center being located in Cedars

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ALL AGENDA ITEMS:

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: Citizens Organized for a representative democracy

SPEAKER: Roy Williams, 5881 Preston View Blvd.

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Evelyn F. Daniel, 2826 Arizona Ave.
SUBJECT: The Oak Cliff “CC” Murder Case

SPEAKER: Bruce Spalding, 922 W. Ninth St.
SUBJECT: Mayor’s current policy toward homeless/Issues of more powerful Mayor

SPEAKER: Charles A. Goodson, Jr., 922 Wood River Rd. **NO SHOW**
SUBJECT: Illegal drug activity in South Dallas/Black talk radio station

SPEAKER: Gwain Wooten, 5111 Holland Ave. **DID NOT CALL NAME**
SUBJECT: Revelations, Chapter 1 verses 7-9

SPEAKER: Frank Ward, P.O. Box 50694 **DID NOT SPEAK**
REPRESENTING: Community at Large
SUBJECT: A word

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

SPEAKER: William Hopkins, 2011 Leath
SUBJECT: Racism/Mayor/KKK/Homeless

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3412

The following individuals addressed the city council on all agenda items before the agenda was presented:

Marvin Crenshaw, 5134 Malcolm X Blvd., representing Citizens Organized for a Representative Democracy
Roy Williams, 5881 Preston View Blvd.

Item 1: Approval of Minutes of the November 10, 2004 City Council Meeting

Councilmember Thornton Reese moved to approve the minutes.

Motion seconded by Councilmember Oakley and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3413

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-78 and addendum addition consent agenda items 1-11, were presented for consideration.

The city secretary announced that the city manager had deleted agenda item 23 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Rasansky requested that consent agenda items 2, 10, 27, 32, 34, 45 and 59 and consent addendum addition item 9 be considered as individual items. Mayor Miller stated that consent agenda items 2, 10, 27, 32, 34, 45 and 59 and consent addendum addition 9 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Thornton Reese requested that consent agenda item 8 be considered as an individual item. Mayor Miller stated that consent agenda item 8 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Thornton Reese's request.

The city secretary requested that consent agenda items 46 and 50 be considered as individual items to allow speakers to speak. Mayor Miller stated that consent agenda items 46 and 50 would be considered as individual items later in the meeting, there being no objection voiced to the city secretary's request.

Deputy Mayor Pro Tem Hill requested that consent agenda item 61 be considered as an individual item. Mayor Miller stated that consent agenda items 61 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Hill's request.

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

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda item 23 which was deleted, and consent agenda items 2, 8, 10, 27, 32, 34, 45, 46, 50, 59 and 61 and addendum addition items 2 and 9 which would be considered later in the meeting.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3414

Item 2: Authorize a professional services contract with Johnson Controls, Inc., to perform an energy audit and develop proposals for energy conservation related projects at the Dallas Convention Center located at 600 South Lamar and Reunion Arena located at 777 Sports Street - \$150,000 - Financing: Convention and Event Services Capital Construction Funds

Councilmember Rasansky requested that consent agenda item 2 be considered as an individual item. Mayor Miller stated that consent agenda item 2 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

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

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Chaney.

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

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

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3415

- Item 3: Authorize a professional services contract with Kimley-Horn and Associates, Inc. to provide for a site development plan, schematic design, design development, construction documents, bidding and construction administration phases for the improvements at Ridgewood Park located at 6818 Fisher Road - \$86,500 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3416

- Item 4: Authorize a professional services contract with APM and Associates, Inc. to provide engineering services for the design of replacement water mains and rehabilitation or replacement of wastewater mains in various locations - \$1,481,840 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3417

Item 5: Authorize a contract for roof replacement and asbestos abatement at the MLK Childcare Center Building located at 2922 MLK Boulevard - Roof Management Services, Inc., lowest responsible bidder of three - \$93,697 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3418

- Item 6: Authorize a contract for site improvements including concrete flatwork for a walking path, Americans with Disabilities Act accessible ramps and site furnishings at South Central Park located at 4753 Fellows Lane - Parks for Play, Inc., lowest responsible bidder of two - \$139,720 - Financing: 2000-01 Community Development Grant Funds (\$66,653), 2001-02 Community Development Grant Reprogramming Funds (\$65,522) and 2002-03 Community Development Grant Reprogramming Funds (\$7,545)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3419

Item 7: Authorize a contract for the construction of paving and drainage improvements on Coit Road from Kit Lane to Southview Lane and for the alley between Briaridge Road and Fallmeadow Lane from Carriage Lane to Spring Creek Road - P & E Contractors, Inc., lowest responsible bidder of four - \$261,546 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3420

Item 8: Authorize a contract for the construction of the Linfield Road bridge at the Union Pacific Railroad crossing that intersects Linfield Road approximately 86 feet west of Carbondale Street - Rebcon, Inc., lowest responsible bidder of five - \$1,384,176 - Financing: 1998 Bond Funds

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

Later in the meeting, agenda item 8 was brought up for consideration.

Councilmember Thornton Reese moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3421

Item 9: Authorize a contract for the construction of water and wastewater main replacements at various locations, Phase II - Atkins Bros. Equipment Co., Inc., lowest responsible bidder of five - \$4,597,356 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3422

Item 10: Authorize Supplemental Agreement No. 2 to the contract with Mitchell Enterprises, Ltd. to (1) establish a Guaranteed Maximum Price in the amount of \$15,235,000; and, (2) authorize the construction services portion of the design/build contract at the Northwest Service Center, Phase II, located at 9801 Harry Hines Boulevard, including new facilities for Equipment and Building Services, Street Services, and Sanitation Services Departments, and the installation of underground fuel storage tanks at the Northeast Service Center located at 8935 Adlora and at the Southwest Service Center located at 2411 Valleria, within the Guaranteed Maximum Price - Total not to exceed \$15,235,000 - Financing: 2003 Bond Funds

Councilmember Rasansky requested that consent agenda item 10 be considered as an individual item. Mayor Miller stated that consent agenda item 10 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 10 was brought up for consideration.

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3423

Item 11: Authorize an increase in the contract with Dean Electric, Inc. dba Dean Construction to provide miscellaneous improvements including the extension of a 12-foot wide hike and bike trail from Lily Bay Pad to Fisher Road, bridge and boardwalk handrail modifications, handicap accessibility improvements for the portable toilet at T.P. Hill and an additional 16 bald cypress trees for the West Lawther hike and bike trail at White Rock Lake Park located at 8300 Garland Road - \$121,979, from \$1,393,854 to \$1,515,833 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3424

- Item 12: Authorize an increase in the contract with Harrison Quality Construction, Inc. for miscellaneous improvements including code and Americans with Disabilities Act compliance issues and correction of structural problems in the existing building at Janie C. Turner Recreation Center at Pemberton Hill Park located at 6424 Elam Road - \$134,195, from \$857,107 to \$991,302 - Financing: 1995 Bond Funds (\$93,537), 1998 Bond Funds (\$39,257) and 1999-00 Community Development Grant Reprogramming Funds (\$1,400)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3425

Item 13: Authorize Supplemental Agreement No. 1 to the contract with MESA Design Group for additional design services needed to prepare construction documents including schematic drawings, site construction materials evaluation and other miscellaneous tasks for a structurally designed pavilion for the Great Trinity Forest - Moore Park Gateway - \$65,300, from \$236,805 to \$302,105 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3426

Item 14: Authorize (1) Supplemental Agreement No. 3 to the professional services contract with GRW Willis, Inc. for the design of a new terminal and associated improvements at Dallas Executive Airport, to provide design for an enlarged aircraft apron, aviation electronic design for the new air traffic control tower, and additional surveying in the amount of \$109,752, from \$575,313 to \$685,065; and, (2) an increase in appropriations in an amount not to exceed \$109,752 in the Texas Department of Transportation Airport Improvement Program Fund - Total not to exceed \$559,511 - Financing: Aviation Capital Construction Funds (\$17,230), Texas Department of Transportation Airport Improvement Program Funds (\$92,522)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3427

Item 15: Authorize Supplemental Agreement No. 3 to the engineering services contract with Malcolm Pirnie, Inc. for the evaluation and design of odor control related work at the Southside Wastewater Treatment Plant - \$233,614, from \$2,061,017 to \$2,294,631 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3428

Item 16: Authorize (1) a development agreement with the Rotary Club of Park Cities; and (2) reimbursement to the Rotary Club of Park Cities for the construction of a section of trail adjacent to the new playground at Bachman Lake Park located at 3500 Northwest Highway - Not to exceed \$18,880 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3429

- Item 17: Authorize (1) alley paving, water and wastewater main improvements for the alley between Dickason Avenue and Hartford Street from Wycliff Avenue to Douglas Avenue; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on February 9, 2005, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3430

Item 18: Authorize a Project Specific Agreement with Dallas County for the participation in design and construction of bicycle/pedestrian trail and bridge improvements south of Mockingbird Lane from West Lawther Drive to East Lawther Drive - \$1,553,035 - Financing: 1998 Bond Funds (\$279,694), 2003 Bond Funds (\$1,273,341)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3431

Item 19: Authorize a Project Specific Agreement with Dallas County for the participation in design, right-of-way acquisition, and construction of paving, drainage, water and wastewater main improvements on Singleton Boulevard from Chalk Hill Road to east of Peoria Avenue - \$250,002 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3432

Item 20: Authorize (1) sidewalk paving, storm drainage, water and wastewater adjustments on Churchill Way (south side of street) from Preston Road to Hillcrest Road; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on February 9, 2005, to receive citizens' comments - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3433

Item 21: Authorize (1) street paving, storm drainage, water and wastewater main improvements for Carbondale Street from Linfield Road to the Loop 12 east bound service road; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on February 9, 2005, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3434

Item 22: Authorize the deposit of a Special Commissioners' Award for acquisition from Pleasant Run/Lancaster Ltd. of approximately 1,351 square feet of land located at the intersection of Harry Hines Boulevard and Lovers Lane for Lovers Lane street improvements - \$50,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3435

Item 23: Authorize the private sale by quitclaim deed of an improved property located at 2643 Jeffries Street acquired by the taxing authorities from a Sheriff's Sale to Southfair Community Development Corporation - Revenue: \$18,199

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3436

Item 24: An ordinance abandoning portions of North Harwood and Payne Streets to Rolex Texas Realty (Delaware) Corporation, the abutting owner, containing approximately 257 square feet of land located near the intersection of North Harwood and Payne Streets, and authorizing the quitclaim - Revenue: \$11,565 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25810.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3437

Item 25: An ordinance abandoning portions of Chippewa Drive, Fannie, Ingersoll and Iroquois Streets and portions of various alleys to Builders of Hope Community Development Corporation, the abutting owner, containing approximately 75,340 square feet of land located near the intersection of Fannie Street and Chalk Hill Road, authorizing the quitclaim and providing for dedication of approximately 18,519 square feet of land needed for street right-of-way - Revenue: \$43,468 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25811.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3438

Item 26: Authorize the private sale by quitclaim deed of an improved property located at 4821 Owenwood Avenue acquired by the taxing authorities from a Sheriff's Sale to Shang's Garden, Inc. - Revenue: \$13,270

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3439

Item 27: Authorize the purchase of four fire pumpers, seventeen rescue units, four Battalion Chief vehicles, one aerial ladder truck, and one mobile air supply unit from Tyler Motor Co. Inc. and Metro Fire Apparatus Specialist and Lawrence Marshall Chevrolet through the Houston-Galveston Area Council of Governments - Not to exceed \$4,178,813 - Financing: 2004 Equipment Acquisition Contractual Obligation Notes (\$2,393,854), Current Funds (\$1,784,959)

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

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

Councilmember Garcia moved to approve the item.

Motion seconded by Councilmember Rasansky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3440

Item 28: Authorize exercise of the thirty-six-month renewal option to the professional services contract with Haston Associates for environmental monitoring and related services for McCommas Bluff Landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station from January 1, 2005 through December 31, 2007 - Not to exceed \$526,830 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3441

Item 29: Authorize a twelve-month price agreement for heavy equipment with the lowest responsible bidders of fourteen - Nations Rent of Texas in the amount of \$105,102, Crescent Machinery Co. in the amount of \$55,500, Conley Lott Nichols of Texas, Inc. in the amount of \$130,425, American Material Handling, Inc. in the amount of \$124,217, DCMM Rental One, Ltd. in the amount of \$134,960, Industrial Disposal Supply Co., LLC in the amount of \$119,500 - Total not to exceed \$669,704 - Financing: 2004 Equipment Acquisition Contractual Obligation Notes (\$651,204), Current Funds (\$18,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3442

Item 30: Authorize a thirty-six-month price agreement for heating, ventilation and air conditioning parts and supplies for various City-owned facilities with the lowest responsible bidder of four - Johnson Supply - Not to exceed \$794,626 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3443

Item 31: Authorize a forty-eight-month service contract to provide an Employee Assistance Program for employees and their family members with the most advantageous proposer of six - Alliance Work Partners, a Texas non-profit corporation - Not to exceed \$631,748 (\$0.98 per employee per month) - Financing: Employee Benefits Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3444

Item 32: Authorize a forty-eight-month professional services contract for an Insurance Broker of Record to provide consulting services to encompass all phases of risk management with the most advantageous proposer of three - Aon Risk Services of Texas, Inc. - Not to exceed \$400,000 - Financing: Current Funds (subject to annual appropriations)

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 moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3445

Item 33: Authorize the purchase and installation of electrically operated, multiple-tiered gymnasium bleachers at Harry Stone Recreation Center from the lowest responsible bidder of three - John F. Clark Company, Inc. - \$51,840 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3446

Item 34: Authorize a forty-eight-month concession contract for Automated Teller Machines at various City-owned facilities with the only bidder - Metro Games, Inc. - Estimated Revenue: \$74,000

Councilmember Rasansky requested that consent agenda item 34 be considered as an individual item. Mayor Miller stated that consent agenda item 34 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 34 was brought up for consideration.

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3447

Item 35: Authorize a forty-eight-month price agreement for Taser X26 non-lethal weapons and accessories with GT Distributors - Sole Source - Not to exceed \$620,401 - Financing: Current Funds (\$214,529), 2003 Omnibus Appropriation Local Law Enforcement Block Grant Funds (\$400,722), and Law Enforcement Officer Standards and Education Grant Funds (\$5,150)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3448

Item 36: Authorize a thirty-six-month price agreement for liquid ferric sulfate with the lowest responsible bidder of two - Fini Enterprises, Inc. dba FE3 Incorporated
- Not to exceed \$17,256,240 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3449

Item 37: Authorize a thirty-six-month price agreement for sewer grease liquefying agent with the lowest responsible bidders of three - FMW Distributors, Inc. in the amount of \$223,787, and Municipal Industries, Inc. in the amount of \$58,000 - Total not to exceed \$281,787 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3450

Item 38: Authorize a thirty-six-month price agreement for chemical root control with the lowest responsible bidder of two - Duke's Root Control, Inc. - Not to exceed \$683,500 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3451

Item 39: Authorize a thirty-six-month service contract for overhead and gantry crane inspection maintenance and repair with the lowest responsible bidder of two - C & C Professional Services, Inc. - Not to exceed \$68,200 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3452

Item 40: Authorize the purchase and installation of an emergency power generator for the facilities at 2821 and 2900 Municipal to provide backup power in the event of an electrical outage from the lowest responsible bidder of four - Entech Electronics - \$53,815 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3453

Item 41: Authorize settlement of the lawsuit styled Robert Reynolds v. City of Dallas, Texas, Cause No. 03-12757-G - \$70,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3454

Item 42: Authorize settlement of the lawsuit styled Alisa T. Hill v. Dallas City Zoo and City of Dallas, Cause No. 03-11387-L - \$5,276 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3455

Item 43: Authorize Supplement Agreement No. 1 with the law firm of Mounce, Green, Myers, Safi & Galatzan P.C., for legal services and representation in Matters Related to the Statement of Intent of TXU Gas Company (now Atmos Energy) to Change Rates in the Company's Statewide Gas Utility System, Railroad Commission of Texas Gas Utilities Docket No. 9400 and related dockets (consolidated) including appeals, collateral litigation, and case expense litigation - Not to exceed \$67,000, from \$203,250 to \$270,250 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3456

Item 44: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Bell, Nunnally & Martin LLP, to provide legal services in the lawsuits styled Jill Muncy, et al. v. City of Dallas, et al., Civil Action No. 3:99-CV-2960-P, consolidated with Robert Jackson, et al. v. City of Dallas, et al., Civil Action No. 3:00-CV-588-H, and any other proceedings relating to the subject matter of the lawsuits - Not to exceed \$60,000, from \$90,000 to \$150,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3457

Item 45: Authorize Supplemental Agreement No. 3 to the professional services contract with Economists.com for additional services necessary in negotiations with SBC Communications, Inc., regarding Voice Over Internet Protocol issues - Not to exceed \$50,000, from \$254,000 to \$304,000 - Financing: Current Funds

Councilmember Rasansky requested that consent agenda item 45 be considered as an individual item. Mayor Miller stated that consent agenda item 45 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 45 was brought up for consideration.

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

Councilmember Finkelman moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3458

Item 46: An ordinance amending Chapter 48A of the Dallas City Code to provide procedures, requirements and fees for conducting a non-consent tow fee study
- Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Joann Messina, 6234 La Cosa Dr., representing Southwest Auto Tow
Dan Messina, 6234 La Cosa Dr., representing Southwest Auto Tow

Councilmember Fantroy moved to pass the ordinance.

Motion seconded by Councilmember Oakley.

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

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

Assigned ORDINANCE NO. 25812.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3459

Item 47: Authorize the City Auditor's 2004-05 Annual Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3460

Item 48: Authorize a loan agreement with D.C. Lovelace, Inc. dba Platinum Pet located at 4907 Spring Avenue in the South Dallas/Fair Park Trust Fund service area to fund operational cost - Not to exceed \$50,000 - Financing: South Dallas/Fair Park Trust Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3461

Item 49: Authorize a loan agreement with The Verve Design Group located at 4949 Beeman in the South Dallas/Fair Park Trust Fund service area to fund operational cost and purchase of equipment - Not to exceed \$50,000 - Financing: South Dallas/Fair Park Trust Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3462

Item 50: Authorize re-adoption of the Public/Private Partnership Program Guidelines and Criteria for Non-Residential Projects, pursuant to the Property Redevelopment and Tax Abatement Act (V.T.C.A., Tax code, Chapter 312), governing tax abatement agreements and other city incentives intended to promote private investment, tax base growth and job creation - Financing: No cost consideration to the City

Councilmember Blaydes moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3463

Item 51: An ordinance amending Chapter 52 of the Dallas City Code providing a definition of building permit - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25813.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3464

Item 52: An ordinance correcting Ordinance No. 25786, which amended Article VII of the Dallas Development Code regarding detached premise sign regulations to correct the definition of setback to height slope - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25814.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3465

Item 53: An ordinance correcting Ordinance No. 24543, which amended the definition of Local Utilities in the Dallas Development Code and created a new communication exchange facility use - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25815.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3466

Item 54: An ordinance correcting Ordinance No. 24597, which amended Planned Development District No. 414 and 414D, for a college, university or seminary and mixed uses on Marvin D. Love Freeway, south of Kiest Boulevard Z001-121(RB) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25816.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3467

Item 55: **City Center TIF District**

Note: Item Nos. 63 & 64
Must be considered
collectively.

- * Authorize (1) a development agreement with LB 1200 Main LP to provide for the funding of environmental remediation, demolition, and other authorized improvements related to the redevelopment of 1200 Main Street in Tax Increment Financing Reinvestment Zone Five (City Center TIF District) in an amount not to exceed \$4,750,000; and (2) the establishment of appropriations in the amount of \$4,750,000 in the City Center TIF District Fund - Total not to exceed \$4,750,000 - Financing: City Center TIF District Funds (to be advanced by a private developer and reimbursed from the City Center TIF District Fund)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3468

Item 56: **City Center TIF District**

Note: Item Nos. 63 & 64
Must be considered
collectively.

- * A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) to reimburse LB 1200 Main LP for funds advanced pursuant to a development agreement between the City and LB 1200 Main LP or its affiliates in an amount not to exceed \$4,750,000, plus interest, for environmental remediation, demolition and other authorized improvements related to the redevelopment of 1200 Main Street in the City Center TIF District - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3469

Item 57: 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 and a resolution accepting deed restrictions volunteered by the applicant - Z034-278(MM) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25817.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3470

Item 58: Authorize the application for and acceptance of grant funds from the Department of State Health Services for the continuation of the City of Dallas Immunization Initiative Program for the period January 1, 2005 through December 31, 2005 - Not to exceed \$243,761 - Financing: Department of State Health Services

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3471

Item 59: Authorize an Interlocal Agreement with Denton County for reimbursement of costs associated with ambulance and related services within Denton County from October 1, 2004 through September 30, 2005 - Revenue: \$11,353

Councilmember Rasansky requested that consent agenda item 59 be considered as an individual item. Mayor Miller stated that consent agenda item 59 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 59 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3472

Item 60: Authorize adoption and implementation of the 2005-09 Affirmative Action Plan for 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

December 8, 2004

04-3473

Item 61: Authorize approval of amendments to the City of Dallas review criteria for multifamily project applications seeking City of Dallas approval for tax-exempt mortgage revenue bond and/or low income housing tax credits financing - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Hill requested that consent agenda item 61 be considered as an individual item. Mayor Miller stated that consent agenda item 61 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 61 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.

Deputy Mayor Pro Tem Hill moved to replace item d under #1 criteria with:

“where the proposed project is a mixed use development that includes a minimum of 10,000 square feet of retail space”.

Create item e with the former d: “New construction of housing for low and moderate income households”.

Motion seconded by Councilmember Chaney.

Councilmember Finkelman moved to substitute for Deputy Mayor Pro Tem Hill's motion a motion to pass the item and refer the changes requested by Deputy Mayor Pro Tem Hill to the Housing and Neighborhood Services Committee.

Motion seconded by Councilmember Lill.

During discussion, Deputy Mayor Pro Tem Hill withdrew his motion.

Councilmember Chaney withdrew his second.

Mayor Miller stated that Councilmember Finkelman's substitute motion was the only motion on the table.

After discussion, Mayor Miller called for a vote on Councilmember Finkelman's motion to refer the changes requested by Deputy Mayor Pro Tem Hill to the Housing and Neighborhood Services Committee.

Mayor Miller declared the motion adopted. (Fantroy abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3474

Item 62: Authorize the reconstruction on-site of three homes in accordance with the Replacement Housing Program Statement requirements for the properties located at 1910 Nomas Street, 3311 Culver Street, and 1422 Harlandale Avenue - Not to exceed \$70,000 each for a total not to exceed \$210,000 - Financing: 2004-05 HOME Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3475

Item 63: **Trinity River Project Legislative Services**

Note: Item Nos. 63 & 64
Must be considered
collectively.

- * Authorize a personal services contract with Hector Alcalde for legislative services regarding the Trinity River Project from December 13, 2004 through December 12, 2005 - Not to exceed \$60,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3476

Item 64: **Trinity River Project Legislative Services**

Note: Item Nos. 63 & 64
Must be considered
collectively.

- * Authorize a personal services contract with Paul Schlesinger for legislative services regarding the Trinity River Project from December 13, 2004 through December 12, 2005 - Not to exceed \$35,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3477

Item 65: Authorize the acceptance of a Loan Star Libraries Grant from the Texas State Library and Archives Commission for improving access to public library resources and services for Dallas residents - \$120,503 - Financing: Loan Star Libraries Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3478

Item 66: Authorize application for and acceptance of grant funds from the Texas Commission on the Arts for general operation and project support to arts and cultural organizations in the City of Dallas for the period September 1, 2004 through August 31, 2005, and execution of the grant agreement - \$60,106 - Financing: Texas Commission on the Arts Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3479

Item 67: Authorize a contract with David Newton to re-create and install two 1936 sculptures, "The Contralto" and "The Countertenor," located at the Fair Park Esplanade - Not to exceed \$165,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3480

Item 68: Authorize a twelve-month personal services contract with Uriah Elion, Jr. as Studio Manager of the South Dallas Cultural Center to coordinate all activities in the studio lab - Not to exceed \$30,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3481

Item 69: Authorize the issuance of tax-exempt financing by the Red River Education Facilities Corporation in the amount not to exceed \$4,000,000 for the benefit of Good Shepherd Episcopal School - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3482

Item 70: An ordinance amending Chapter 40A, "Retirement", of the Dallas City Code revising certain provisions of the Employees' Retirement Fund of the City of Dallas to comply with federal tax requirements related to qualified pension plans; providing a savings clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25818.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3483

Item 71: An ordinance amending Chapter 2 of the Dallas City Code to define terms; make City contracting procedures consistent with state law; and to provide for the sale of unclaimed and surplus property at the City Store - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25819.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3484

Item 72: Authorize application for a matching grant in the amount of \$2,000,000 from the Texas Parks and Wildlife Department for the development of the Trinity Interpretive Center - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3485

Item 73: Authorize (1) the application for and acceptance of the 2004-05 Helmet Enforcement and Documentation Selective Traffic Enforcement Program grant in the amount of \$78,000 for enforcing motorcyclist helmet use from the Texas Department of Transportation for the period of October 1, 2004 through September 30, 2005, (2) a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$22,012, and (3) execution of the grant agreement - Total not to exceed \$100,012 - Financing: Current Funds (\$22,012) and Texas Department of Transportation Grant Funds (\$78,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3486

Item 74: Authorize (1) the application for and acceptance of the 2004-05 Speed Selective Traffic Enforcement Program grant in the amount of \$517,950 for traffic related activities from the Texas Department of Transportation for the period of October 1, 2004 through September 30, 2005, (2) a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$145,290 and cash match in the amount of \$3,100, and (3) execution of the grant agreement - Total not to exceed \$666,340 - Financing: Texas Department of Transportation Grant Funds (\$517,950), Current Funds (\$148,390)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3487

Item 75: Authorize an agreement with the Dallas County District Attorney's Office to fund the Diversion and Expedited Rehabilitation and Treatment Program Court for providing the drug offender court program with a new case management system and eye scanner monitoring system to improve management efficiency - Not to exceed \$75,000 - Financing: U. S. Department of Justice Grant Funds, Local Law Enforcement Block Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3488

Item 76: Authorize an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville regarding the provisions of law enforcement services in geographical areas located within the cities of Dallas and Duncanville for the period February 3, 2005 through February 2, 2006 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3489

Item 77: Authorize an Interlocal Agreement with the North Central Texas Council of Governments to provide traffic engineering services to update traffic signal timings and signal progression at 266 locations - \$192,579 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3490

- Item 78. Authorize (1) an Interlocal Agreement with the Texas Department of Transportation for reimbursement of material and labor provided by the City for hardware upgrades at 19 signalized locations and signal timing improvements at 266 locations in an amount not to exceed \$371,872, and (2) a required local match in an amount not to exceed \$54,386 - Total not to exceed \$426,258 - Financing: Texas Department of Transportation (\$371,872), 1995 Bond Funds (\$54,386)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3491

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 79-87, were presented for consideration.

Agenda items 79, 80 and 81 were removed from the consent zoning docket, to be considered as an individual hearing.

Agenda item 79: Zoning Case Z034-152 (RB)	[Considered individually]
Agenda item 80: Zoning Case Z034-279 (RB)	[Considered individually]
Agenda item 81: Zoning Case Z034-286 (WE)	[Considered individually]
Agenda item 82: Zoning Case Z034-288 (RB)	
Agenda item 83: Zoning Case Z034-289 (DW)	
Agenda item 84: Zoning Case Z034-300 (WE)	
Agenda item 85: Zoning Case Z034-208 (DW)	
Agenda item 86: Zoning Case Z034-310 (RB)	
Agenda item 87: Zoning Case Z034-315 (MM)	

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.

Mayor Pro Tem Loza moved to close the public hearing, accept the recommendations of the city plan commission in the consent zoning cases and pass the ordinances and the resolutions subject to a development plan and conditions and deed restrictions submitted by the applicant as presented as part of the consent zoning docket.

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

Note: Councilmember Garcia submitted Deed Restrictions volunteered by the applicant to Zoning Case Z034-315(MM).

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3492

Item 79: Zoning Case Z034-152 (RB)

The consent zoning docket, consisting of agenda items 79-87, were presented.

Councilmember Blaydes requested that consent zoning docket item 79 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 79 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Blaydes' request.

Later in the meeting, zoning docket item 79 was brought up for consideration.

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.

A public hearing was called on zoning case Z034-152 (RB), an application for and an ordinance granting an amendment to the development and landscape plan for Planned Development District No. 611 for a Public school other than an open-enrollment charter school, a Utility or government installation other than listed and further limited to a maintenance facility for maintenance of public school facilities, and R-7.5(A) Single Family District Uses on property bounded by Fuller Drive, Hermosa Drive, Stevens Street, and Losa Drive.

(The city plan commission recommended approval.)

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

Councilmember Griffith 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. (Blaydes abstain; Loza, Hill, Lill absent when vote taken)

Assigned ORDINANCE NO. 25820.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3493

Item 80: Zoning Case Z034-279 (RB)

The consent zoning docket, consisting of agenda items 79-87, were presented.

Councilmember Finkelman requested that consent zoning docket item 80 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 80 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Finkelman's request.

Later in the meeting, zoning docket item 80 was brought up for consideration.

A public hearing was called on zoning case Z034-279 (RB), an application for and an ordinance granting an MU-3 Mixed Use District on property zoned a GO(A) General Office District on the west line of North Central Expressway north of Forest Lane.

(The city plan commission recommended approval.)

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

Councilmember Finkelman 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, Hill absent when vote taken)

Assigned ORDINANCE NO. 25821.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3494

Item 81: Zoning Case Z034-286 (WE)

The consent zoning docket, consisting of agenda items 79-87, were presented.

Councilmember Greyson requested that consent zoning docket item 81 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 81 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Greyson's request.

Later in the meeting, zoning docket item 81 was brought up for consideration.

A public hearing was called on zoning case Z034-286 (WE), an application for and an ordinance granting an amendment to create a new Subdistrict for a hospital, convalescent and nursing home, hospice uses, and related institutions and TH-1 (A) Townhouse District uses on property within Planned Development District No. 173, on the east side of Hillcrest Road, south of the President George Bush Freeway (SH 190) and a resolution accepting deed restrictions volunteered by the applicant.

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

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

Councilmember Greyson moved to close the public hearing and follow the city plan commission's recommendation for approval of a Planned Development Subdistrict and a resolution accepting deed restrictions volunteered by the applicant with the following changes to the ordinance:

- 1) Under main uses permitted, limit the convalescent and nursing homes, hospice care and related institutions to convalescent and nursing homes, and hospice care only, with related institutions prohibited.
- 2) Provide an additional provision in the height section that no portion of any structure may exceed 46 feet in height.
- 3) Require that all outdoor lighting located above 6 feet be directed onto the property and away from adjacent or surrounding properties, in addition to the existing provisions about lighting standards.

- 4) The maximum number of beds is 121, and not 116 as indicated in the staff write-up.
- 5) Add a provision to the parking section to require that at all times that construction of any structure is ongoing on the property, all construction workers must be provided with an all weather parking surface on the property, and the parking area must be on a compacted sub-grade and must consist of concrete paving, hot mix asphalt paving consisting of a binder and surface course, or a material which has equivalent characteristics and has the approval of the building official, and pass the ordinance.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

Assigned ORDINANCE NO. 25822.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3495

Item 82: Zoning Case Z034-288 (RB)

Zoning Case Z034-288 (RB), an application for and an ordinance granting a Specific Use Permit for an Open-enrollment charter school on Tract 1 on property zoned an RR Regional Retail District with H-90, Historic Overlay District No. 90 on a portion of the site and a Specific Use Permit for a Private recreation center, club, or area on Tract 2 on property zoned an MF-2(A) Multifamily District, on the northwest corner of Jefferson Boulevard and Marsalis Avenue.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25823.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3496

Item 83: Zoning Case Z034-289 (DW)

Zoning Case Z034-289 (DW), a City Plan Commission authorized hearing to determine proper zoning on property zoned an MF-1 Multiple-family Subdistrict, an MF-2 Multiple-family Subdistrict, an O-2 Office Subdistrict, and Planned Development Subdistrict No. 55 within Planned Development No. 193, the Oak Lawn Special Purpose District, located on property adjacent to Throckmorton Avenue between Avondale Avenue and Hawthorne Avenue and an ordinance granting a Planned Development Subdistrict for TH Townhouse Subdistrict and O-2 Office Subdistrict uses within Planned Development No. 193 and a resolution accepting deed restrictions volunteered by a property owner.

(The city plan commission recommended approval, subject to conditions and deed restrictions volunteered by a property owner.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25824.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3497

Item 84: Zoning Case Z034-300 (WE)

Zoning Case Z034-300 (WE), an application for and an ordinance granting an amendment to Planned Development No. 68 for a Medical/office facility on the east side of Preston Road, between Willow Lane and Churchill Way.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 24825.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3498

Item 85: Zoning Case Z034-308 (DW)

Zoning Case Z034-208 (DW), an application for and an ordinance granting a Planned Development District for a Church and R-16(A) Single Family District uses on property zoned an R-16(A) Single Family District, at the northwest corner of Hillcrest Road and Willow Lane.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25826.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3499

Item 86: Zoning Case Z034-310 (RB)

Zoning Case Z034-310 (RB), an application for and an ordinance granting an amendment to the Tract 1 and 1A portion of Planned Development District No. 260 to allow the following uses by Specific Use Permit: Medical clinic or ambulatory surgical center and an In-patient rehabilitation facility; and an ordinance granting a Specific Use Permit for a Medical clinic or ambulatory surgical center and an In-patient rehabilitation facility on the west side of North Central Expressway, north of Park Lane.

(The city plan commission approval of an amendment to Planned Development District No. 260, and approval of a Specific Use Permit for a fifty-year period, with eligibility for automatic renewal for additional fifty-year periods, subject to a site plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25827 and ORDINANCE NO. 25828.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3500

Item 87: Zoning Case Z034-315 (MM)

Zoning Case Z034-315 (MM), an application for and an ordinance granting a Planned Development District for CR Community Retail District uses on property zoned an LI Light Industrial District on the southeast corner of the intersection of West Illinois Avenue and Coombs Creek Drive with consideration given to a CR Community Retail District.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25829.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3501

Item 88: Public Hearing - Zoning Case Z034-314 (RB)

A public hearing was called on zoning case Z034-314 (RB), an application for and an ordinance granting an MU-1 Mixed Use District on property zoned an IR Industrial Research District on the east line of Memphis Street, northeast of Mississippi Avenue.

(The city plan commission recommended approval.)

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

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

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

Assigned ORDINANCE NO. 25830.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3502

Item 89: Public Hearing - Zoning Case Z034-301 (WE)

A public hearing was called on zoning case Z034-310 (WE), an application for and an ordinance granting the creation of a new Subdistrict for townhouse uses on property within Subarea A of Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, on the north side of Greenbriar Lane, west of Zang Boulevard.

(The city plan commission recommended approval, subject to a development plan and conditions.) This item was considered by the City Council at a public hearing on November 10, 2004, and was taken under advisement until December 8, 2004, with the public hearing open.)

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

Councilmember Oakley moved to postpone the application until the January 26, 2005 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3503

Item 90: Public Hearing - Zoning Case Z034-291 (DW)

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. This item was considered by the City Council at public hearings on October 27 and November 10, 2004, and was taken under advisement until December 8, 2004, with the public hearing open.)

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

Councilmember Rasansky moved to close the public hearing, overrule the city plan commission's recommendation and deny the application.

Motion seconded by Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3504

Item 91: Public Hearing - DEVELOPMENT CODE AMENDMENTS

A public hearing was called on zoning case DCA 034-11 (SR), a consideration of an amendment to Chapters 51 and 51A of the Dallas Development Code regarding the screening of garbage storage areas and an ordinance implementing the changes.

(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 close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

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

Assigned ORDINANCE NO. 25831.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3505

Item 92: Public Hearing - THOROUGHFARE PLAN AMENDMENTS

A public hearing to receive citizens' comments to amend the City of Dallas Thoroughfare Plan to change the dimensional classification of Motor Street from Harry Hines Boulevard to Cass Street to a four-lane divided roadway within 90 feet of right-of-way and Motor Street from Cass Street to Maple Avenue to a five-lane undivided roadway within 85 feet of right-of-way, 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 amendments.

Mayor Pro Tem Loza moved to close the public hearing and authorize the ordinance implementing the change.

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

Assigned ORDINANCE NO. 25832.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3506

MISCELLANEOUS HEARING

Note: Item Nos. 93 and 94
must be considered
collectively.

Unimproved Property at 2806 Troy

- Item 93: * A public hearing to receive citizens' comments on an amended proposal from South Dallas Fair Park Inncity Community Development Corporation, a qualified non-profit organization, to consider changes and time extension for the development of the unimproved property at 2806 Troy obtained through the House Bill 110 process - Financing: No cost consideration to the City
- Item 94: * Authorize (1) the acceptance of amended proposal from South Dallas Fair Park Inncity Community Development Corporation for the development of the unimproved property at 2806 Troy obtained through the House Bill 110 process, and (2) a time extension for the development and execution of a correction deed and amended deed restrictions - Financing: No cost consideration to the City

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

No one addressed the city council regarding the unimproved property.

Councilmember Fantroy moved to close the public hearing and authorize the acceptance of the amended proposal.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Chaney abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3507

Item 95: 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 December 8, 2004.

The city secretary noted that the report indicated no nominees and re-nominees for individual appointments were cleared for council action.

Councilmember Lill moved to appoint Robert B. Park, vice chair, to the Park and Recreation Board.

Motion seconded by Councilmember Thornton Reese and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3508

Item 96: Authorize (1) acceptance of the final report on Improving the City's Effectiveness in Code Compliance and Economic Development, developed by McKinsey & Company; and, (2) the Interim City Manager to review the final report and present an implementation plan to the Steering Committee - Financing: No cost consideration to the City

Councilmember Griffith moved to approve the item with the following changes:

Add Section 5: That an Implementation Committee, comprised of the Council Steering Committee, with McKinsey and Company, Director Chris Meyer as chair, will meet on a quarterly basis.

Motion seconded by Mayor Pro Tem Loza.

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

Voting Yes: [12] Miller, Loza, Hill, Garcia, Oakley, Salazar, Griffith, Blaydes,
Finkelman, Greyson, Rasansky, Lill
Voting No: [3] Thornton Reese, Chaney, Fantroy

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3509

Item 97: Authorize acceptance of a zoning application with delinquent taxes on property located at 3200 East Kiest Boulevard - Financing: No cost consideration to the City **(Requires a 2/3 vote of the City Council for approval)**

Councilmember Chaney moved to approve the item with the understanding that the property taxes be paid before a zoning ordinance is approved by council.

Motion seconded by Councilmember Fantroy.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Greyson voting "No". (Loza, Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3510

Item 98: Authorize hardship relief for property located at 1311 Ft. Worth Avenue No. 101 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 defer the item until the January 26, 2005 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3511

Item 99: Authorize hardship relief for property located at 1311 Ft. Worth Avenue No. 102 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 defer the item until the January 26, 2005 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3512

Item 100: Authorize hardship relief for property located at 1311 Ft. Worth Avenue No. 103 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 defer the item until the January 26, 2005 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3513

Item 101: Authorize hardship relief for property located at 1411 Ft. Worth Avenue No. 101 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 defer the item until the January 26, 2005 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3514

Item 102: Authorize hardship relief for property located at 1411 Ft. Worth Avenue No. 102 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 defer the item until the January 26, 2005 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3515

Item 103: Authorize hardship relief for property located at 201 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 Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3516

Item 104: Authorize hardship relief for property located at 2106 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 Oakley and unanimously adopted. (Loza, Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3517

Item 105: Authorize hardship relief for property located at 2121/2127 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 Oakley and unanimously adopted. (Loza, Hill absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3518

Item 106: Authorize hardship relief for property located at 2354 Hardwick 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 Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3519

Item 107: Authorize hardship relief for property located at 4512/4516 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 Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3520

Item 108: Authorize hardship relief for property located at 3237 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 deny the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3521

Item 109: Authorize hardship relief for property located at 3625 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 Blaydes and unanimously adopted. (Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3522

Item 110: Authorize hardship relief for property located at 3701 West Northwest Highway from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3523

Item 111: An ordinance amending Chapter 28 of the Dallas City Code designating school traffic zones and regulating the speed and direction of vehicles on certain streets, expressways, and freeways - Financing: No cost consideration to the City

Councilmember Greyson moved to pass the ordinance with the following changes:

“On page 2 of the ordinance the second Dallas Parkway should read:

Dallas Parkway 435 feet north of Arapaho Road to the north city limits

instead of Dallas Parkway 435 feet north of Arapaho Road to the Dallas North
Tollway

On page 6 of the ordinance under additions change:

State Highway 190 Frontage Roads to State Highway 190 Access Roads”

Motion seconded by Councilmember Thornton Reese and unanimously adopted.

Assigned ORDINANCE NO. 25833.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3524

Item 112: **Offices of Emergency Management
and Economic Development**

Note: Item Nos. 112 & 113
must be considered
collectively.

- * An ordinance amending Chapter 2 and 14B of the Dallas City Code to define terms; create the Office of Economic Development, to be a division of the City Manager's Office; transfer certain functions from the Department of Development Services to the Office of Economic Development; rename the Office of Emergency Preparedness as the Office of Emergency Management and make it a division of the City Manager's Office; revise the Emergency Management ordinance to comply with state law; and make certain nonsubstantive changes - Financing: No additional cost consideration to the City

Mayor Pro Tem Loza moved to pass the ordinance.

Motion seconded by Councilmember Griffith.

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

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

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25834.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3525

Item 113: **Offices of Emergency Management
and Economic Development**

Note: Item Nos. 112 & 113
must be considered
collectively.

- * Authorize (1) the transfer of positions from the Dallas Fire Department to the newly created Office of Emergency Management, (2) the transfer of positions from the Department of Development Services to the newly created Office of Economic Development, and (3) the transfer of FY 2004-05 appropriations in the amount of \$555,849 from the Dallas Fire Department to the Office of Emergency Management and \$2,102,592 from the Department of Development Services to the Office of Economic Development - Financing: No additional cost consideration to the City

Mayor Pro Tem Loza moved to pass the ordinance.

Motion seconded by Councilmember Griffith.

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

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

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3526

Item 114: An ordinance abandoning a portion of an alley to Ironwood Partners, Ltd., the abutting owner, containing approximately 904 square feet of land located near the intersection of Preston Road and State Highway 190, and authorizing the quitclaim - Revenue: \$13,300 plus the \$20 ordinance publication fee

Councilmember Greyson moved to pass the ordinance.

Motion seconded by Councilmember Finkelman and unanimously adopted.

Assigned ORDINANCE NO. 25835.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3527

Item 115: Authorize hardship relief for property located at 2942 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 deny the item.

Motion seconded by Councilmember Fantroy and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3528

Item 116: An ordinance amending Chapter 41A of the Dallas City Code to reduce the annual fee for a sexually oriented business license from \$4,800 to \$1,400 - Estimated Annual Revenue Loss: (\$130,000)

The city secretary announced that the city manager had deleted agenda item 116 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3529

Addendum addition 1: Authorize twenty-four-month professional services contracts with forty-two firms for geotechnical investigation, materials testing, asbestos environmental and nonasbestos environmental testing services - Not to exceed \$10,285,360 - Financing: Current Funds (\$4,145,360), Water Utilities Capital Construction Funds (\$3,000,000), 2003 Bond Funds (\$2,000,000), Aviation Current Funds (\$500,000), 2004-05 Community Development Grant Funds (\$400,000), 1995 Bond Funds (\$100,000), 1998 Bond Funds (\$75,000), Convention and Event Services Current Funds (\$40,000), Neighborhood Investment Program Funds (\$25,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3530

Addendum addition 2: Authorize (1) a contract for demolition and construction of the foundation and electrical vault at 1524 Main Street with Key Construction, lowest responsible bidder of two, in an amount not to exceed \$1,049,000, (2) assignment of the contract to Dunhill 1530 Main LP for construction management, (3) an increase in appropriations in the amount of \$99,000 in the City Center TIF District Fund, and (4) payment to Dunhill 1530 Main LP in an amount not to exceed \$250,000 for design, reimbursables and construction management - Total not to exceed \$1,299,000 - Financing: City Center TIF District Funds (\$1,200,000), Private Funds (\$99,000)

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

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

Councilmember Lill moved to reject the bids and rebid.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3531

Addendum addition 3: A resolution authorizing conveyance of a utility easement to Farmers Electric Cooperative, Inc., containing approximately 2,600 square feet of land for the construction and maintenance of electric and utility facilities across fee simple right-of-way located in Rains County - Revenue: \$1,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3532

Addendum addition 4: Authorize the release of non-tax City liens against 3 vacant properties located at 2415, 2419 and 2519 Meyers Street owned by SouthFair Community Development Corporation in exchange for SouthFair providing an unsecured promissory note in the amount of the non-tax liens, estimated to be \$66,104, and providing a 30-unit mixed-income single-family subdivision to be located in the 2800 block of Park Row Avenue and South Boulevard, of which a minimum of 10 units must be affordable for sale to low-income households - Estimated revenue foregone: \$66,104

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3533

Addendum addition 5: Authorize a sixty-month service contract for cafeteria and vending services at Dallas City Hall with the most advantageous proposer of four - The Swanson Corporation - Revenue: \$4,800 annually

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3534

Addendum addition 6: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Brown & Hofmeister, L.L.P. for legal services necessary for representation of the City of Dallas in the lawsuits styled Erubiel Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K; Victor Alvarado DeLeon v. Mark DeLaPaz, et al., Cause No. 3:02-CV-1097-K; Jacinto Jesus Mejia v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0352-K; Lorenzo Escamilla v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0848-D; Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K; George Sifuentez v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0961-D; Yvonne Gywn v. Mark DeLaPaz, et al., Cause No.3:03-CV-2121-K; Everett & Grogan v. David Larsen, et al., Cause No. 3:04-CV-0192-K; Chavez, et al. v. DeLaPaz, et al., Cause No. 3:04-CV-0510-K; Pineda v. City of Dallas, et al., Cause No. 3:04-CV-0071-K - Not to exceed \$200,000, from \$200,000 to \$400,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3535

Addendum addition 7: Authorize settlement of the lawsuit styled Gilbert Thorpe, Sr. v. City of Dallas and K.S. Morris, Cause No. 02-10066-H - \$7,500
- Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3536

Addendum addition 8: An ordinance amending Chapter 12A of the Dallas City Code to eliminate the expiration date for the City Code of Ethics -
Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25836.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3537

Addendum addition 9: Authorize an amendment to the 2005 Employee and Retiree Health Benefits Plan to limit the covered expense of bariatric surgery as a treatment for morbid obesity to \$5,000 annually - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition item 9 be considered as an individual item. Mayor Miller stated that addendum addition item 9 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 9 was brought up for consideration.

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Garcia.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Deputy Mayor Pro Tem Hill voting "No".

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3538

Addendum addition 10: Authorize an amendment to Resolution No. 04-1483, previously approved on April 28, 2004, to change the approved construction cost from \$3,700,000 to \$3,338,722 in support of Texas Department of Housing and Community Affairs low income housing tax credit financing for the acquisition and rehabilitation of Shiloh Village Apartments, an existing 168-unit multifamily development for families located at 8702 Shiloh Road and establish an annual monitoring fee in the amount of \$500 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3539

Addendum addition 11: Authorize designation of the Old Trinity Meanders property from Stemmons Freeway to Motor Street as a park subject to the primary use for storm water management purposes - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3540

Addendum addition 12: Authorize a moving expense payment for Phillip W. Johnson, et al., whose business, Linfield Road Corporation, was displaced as a direct result of the acquisition of a tract of land containing approximately 89.975 acres located near the intersection of Linfield Road and Hull Avenue in conjunction with the Trinity River Corridor Project - Not to exceed \$20,000 - Financing: 1998 Bond Funds

Councilmember Oakley moved to approve the item.

Motion seconded Councilmember Finkelman and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3541

Addendum addition 13: Authorize hardship relief for property located at 2505/2515 Willowbrook Road 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 Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3542

Addendum addition 14: Authorize hardship relief for property located at 2285 West Northwest Highway from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Rasansky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3543

Addendum addition 15: Authorize hardship relief for property located at 3113 Ross Avenue from the Ross Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties on Ross Avenue from Central Expressway to Fitzhugh Avenue - Financing: No cost consideration to the City

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

Councilmember Lill moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Rasansky abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3544

Addendum addition 16: A resolution declaring the City of Saratov, Russia as an official Sister City of the City of Dallas in accordance with the guidelines and criteria for selecting a new Sister City (Mayor Pro Tem Loza, Deputy Mayor Pro Tem Hill, and Councilmembers Thornton-Reese, Fantroy, Finkelman, Lill, Garcia, Salazar, Griffith, Greyson, Oakley, Chaney, Blaydes, and Rasansky via Mayor Miller)

Mayor Pro Tem Loza moved to approve the resolution.

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

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

EXHIBIT C

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

04-3410

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

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

ABSENT: [0]

CORRECTIONS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

04-3494

Page 2

- 4) The maximum number of beds is 121, and not 116 as ~~indicated~~ indicated in the staff write-up.
- 5) Add a provision to the parking section to require that at all times that construction of any structure is ongoing on the property, all construction workers must be provided with an all weather parking surface on the property, and the parking area must be on a compacted sub-grade and must consist of concrete paving, hot mix asphalt paving consisting of a binder and surface course, or a material which has equivalent characteristics and has the approval of the building official, and pass the ordinance.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

Assigned ORDINANCE NO. 25822.