

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 26, 2005

05-0320

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 9:18 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 4:11 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 26, 2005

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 26, 2005

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0321

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: Richard Sheridan, 3022 Forest Ln.
SUBJECT: No Corporate CEO running Dallas

SPEAKER: Albert Parker, 6819 Elam Rd.
SUBJECT: Strong Mayor or Richer Mayor

SPEAKER: DeWayne Dallas, 6266 St. Albans Dr.
SUBJECT: Mayor's profile

SPEAKER: Elijah McGrew, 2829 Fordham Rd.
SUBJECT: Violation of public trust-council integrity

CANCELED

SPEAKER: Robert Todd, 7640 Greenway Blvd.
SUBJECT: Homeless center

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Angela Fisher, 256 McCarley, McKinney, TX
REPRESENTING: Deaf Action Center
SUBJECT: Thank you! RE: American Sign Language Service

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Judith Sturrock, 1118 S. Akard St.
REPRESENTING: Philanthropy in Dallas
SUBJECT: Homeless Assistance Center

SPEAKER: Artist Thornton, 736 Havenwood Dr.
SUBJECT: Renaming the Southern Dallas Development Corporation (SDDC)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-0321

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SPEAKER: Ginger Ester, 1600 Churchill Dr., Denton, TX **NO SHOW**
SUBJECT: Sexuality Oriented Business Ordinance

SPEAKER: Angie Reno, 718 W. Redbird Ln., Duncanville, TX
SUBJECT: Air pollution **CANCELED**

SPEAKER: Kay Sheets, 613 Dickey Dr., Euless, TX
SUBJECT: Civil Service

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

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Corruption with Mayor of Dallas, City Council and Sexually Oriented Businesses

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: Citizens Organized for a Representative Democracy
SUBJECT: The truth must be told

SPEAKER: Frank Ward, P.O. Box 50694 **DID NOT CALL NAME**
REPRESENTING: Community at large
SUBJECT: Conspiracy: City of Dallas Elected Officials

SPEAKER: Al Lipscomb, 830 Clearwood Ave.
SUBJECT: Power vs Sharing **DID NOT CALL NAME**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

04-0322

Item 1: Approval of Minutes of the January 12, 2005 City Council Meeting

The city secretary stated that the minutes of the voting agenda meeting of January 12, 2005, were not yet complete and would be distributed to the city council for approval at a future meeting.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0323

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-42 and addendum addition consent agenda items 1-5, were presented for consideration.

Councilmember Griffith requested that consent agenda item 16 be considered as an individual item. Mayor Miller stated that consent agenda item 16 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griffith's request.

Councilmember Rasansky requested that consent agenda items 25 and 36 and addendum addition item 2 be considered as individual items. Mayor Miller stated that consent agenda items 25 and 36 and addendum addition 2 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Greyson requested that consent agenda item 41 be considered as an individual item. Mayor Miller stated that consent agenda item 41 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda items 16, 25, 36 and 41 and addendum addition item 2 which would be considered later in the meeting.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0324

Item 2: Authorize a contract for design/build with MetalMan Design/Build Corporation for the design services phase for a lion, African penguin, crocodile, iguana, and hornbill exhibits and other improvements at the Dallas Zoo located at 650 South R. L. Thornton Freeway - \$333,208 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0325

Item 3: Authorize a contract for the construction of drainage relief improvements for the Gilford/Roanoke area between Harry Hines Boulevard and Thurston Drive - P & E Contractors, Inc., lowest responsible bidder of four - \$1,876,246 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0326

- Item 4. Authorize contract for the construction of bridge repairs and improvements to the Marsalis Avenue Bridge over Cedar Creek - Gibson and Associates, Inc., lowest responsible bidder of three - \$1,262,308 - Financing: 1995 Bond Funds (\$252,318), 2003 Bond Funds (\$1,009,990)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0327

Item 5: Authorize a contract for the construction of the Maintenance and Process Control Facility at the Central Wastewater Treatment Plant - Satterfield & Pontikes Construction, Inc., lowest responsible bidder of five - \$5,171,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0328

Item 6: Authorize (1) Supplemental Agreement No. 2 to the design/build contract with Harrison, Walker & Harper, LP for roof replacement on Buildings #25 and #27, and additional reconstruction at the Dallas Naval Air Station/Hensley Field Operations Center located at 8200 West Jefferson Boulevard - \$500,000, from \$5,828,500 to \$6,328,500; and, (2) an increase in appropriations in the amount of \$500,000 in the Hensley Field Fund - Total not to exceed \$500,000 - Financing: Hensley Field Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0329

Item 7: Authorize (1) an increase in the contract with CST Environmental, Inc. for demolition and environmental remediation related to the redevelopment of the Dallas Power and Light Building at 1506-1512 Commerce Street in an amount not to exceed \$47,267, from \$2,667,631 to \$2,714,899; (2) an increase in the contract with Andres Construction Services, LLC for excavation for a future garage, replacement of windows, sills and exterior doors, and waterproofing related to the redevelopment of the Dallas Power and Light Building at 1506-1512 Commerce Street in an amount not to exceed \$25,398, from \$2,746,084 to \$2,771,482; (3) assignment of the contract to Hamilton DPL Development, Inc. for construction management; and (4) a decrease in the payment to Hamilton DPL Development, Inc. in an amount not to exceed (\$72,665), from \$1,089,444 to \$1,016,779 for design, reimbursables and construction management - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0330

Item 8: Authorize an increase in the contract with Phoenix I Restoration and Construction, Ltd. for work associated with water infiltration repairs and miscellaneous interior improvements at the Southside Wastewater Treatment Plant Administration Building - \$89,963, from \$1,597,000 to \$1,686,963 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0331

Item 9: Authorize payment to TXU Electric Delivery Company for the design and construction of a power line and ancillary equipment to be located at the Southside Wastewater Treatment Plant - \$655,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0332

Item 10: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jose A. Carbajal and Maria D. Carbajal of approximately 8,880 square feet of land located near the intersection of Griffith and Llewellyn Avenues for the Cedar Creek Floodway project - \$39,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0333

Item 11: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from the City of Carrollton of approximately 224 acres of unimproved land located in the area bounded by the Elm Fork Trinity River on the east, Sandy Lake Road to the south, Denton Creek to the west and the County line of Dallas to the north for the Elm Fork Water Treatment Plant Pre-Sedimentation Basin project - \$336,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0334

Item 12: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Horace Elam and Ella Elam, of approximately 83 acres of land located at the intersection of Dowdy Ferry and Rylie Roads for the Trinity River Corridor project - \$206,200 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0335

Item 13: Authorize acquisition of three street easements, including the exercise of the right of eminent domain, if such becomes necessary, from Stuart Margol, EF Properties One, L.P. and NAAN Properties, LLC containing a total of approximately 2,060 square feet located at the intersection of Hillcrest and Frankford Roads for the Hillcrest-Frankford Improvements project - \$23,186 - Financing: Capital Reimbursement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0336

Item 14: Authorize settlement in lieu of proceeding with condemnation of Helen C. Holmes for a tract of unimproved land containing approximately 135,913 square feet for the Elm Fork Soccer Complex project located on Walnut Hill Lane between Spangler Road and Goodnight Lane - \$345,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0337

Item 15: A resolution declaring approximately 7,307 square feet of City-owned land located at 1101 and 1107 Jefferson Boulevard near its intersection with Sixth Street unwanted and unneeded and authorizing its advertisement for sale by sealed bid with a minimum bid of \$16,806 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0338

Item 16: An ordinance abandoning a portion of an alley to Pony Properties, Inc., the abutting owner, containing approximately 982 square feet of land located near the intersection of Mockingbird Lane and North Central Expressway, and authorizing the quitclaim - Revenue: \$32,406 plus the \$20 ordinance publication fee

Councilmember Griffith requested that consent agenda item 16 be considered as an individual item. Mayor Miller stated that consent agenda item 16 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griffith's request.

Later in the meeting, agenda item 16 was brought up for consideration.

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

Councilmember Lill moved to pass the ordinance.

Motion seconded by Councilmember Oakley and unanimously adopted. (Griffith abstain; Hill, Fantroy, Finkelman absent when vote taken)

Assigned ORDINANCE NO. 25859.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0339

Item 17: An ordinance abandoning a portion of a sanitary sewer easement to Wildwood Development Company I, Ltd., the abutting owner, containing approximately 7,500 square feet of land located near the intersection of Clark Road and Clarkridge Drive, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25860.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0340

Item 18: An ordinance abandoning Elmer Drive to Meadow Wood Homes, Inc., the abutting owner, containing approximately 3,633 square feet of land located near the intersection of Scyene Road and Delafield Lane, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25861.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0341

Item 19: An ordinance abandoning a portion of Obenchain Street to Dilbeck Court Limited, the abutting owner, containing approximately 17,787 square feet of land located between Seale Street and Sylvan Avenue, and authorizing the quitclaim - Revenue: \$60,476 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25862.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0342

Item 20: Authorize the acceptance of the only bid received from the Canfield Land Company for the conveyance of approximately 90,958 square feet of City-owned land at Lake Ray Hubbard located at 360 Gloria Road in exchange for a tract of unimproved land containing approximately 90,958 square feet located at 368 Gloria Road from the Canfield Land Company - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0343

Item 21: Authorize a sixty-month service contract for pest control services at City facilities with the lowest responsible bidders of four - Terminix International Co. LP in the amount of \$465,315 and Prime Pest Management in the amount of \$29,100 - Total not to exceed \$494,415 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0344

Item 22: Authorize a thirty-six-month service contract for hydraulic cylinder, pump and valve repair for refuse collection vehicles and fire trucks with the lowest responsible bidders of two - Herco Equipment in the amount of \$2,107,792 and Hydraulic Power Services Inc. in the amount of \$28,344 - Total not to exceed \$2,136,136 - Financing: Current Funds (\$2,133,521) and Aviation Current Funds (\$2,615)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0345

Item 23: Authorize a thirty-six-month price agreement for Kawasaki motorcycle parts and labor with the lowest responsible bidder of two - S. D. W. Ent., Inc. dba Kawasaki City - Not to exceed \$164,700 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0346

Item 24: Authorize a twenty-four-month service contract for scrap tire removal with the lowest responsible bidders of three - Nathaniel Energy Corporation in the amount of \$122,300 and Recovery Technologies Group of Texas, Inc. in the amount of \$197,650 - Total not to exceed \$319,950 - Financing: Current Funds (\$316,600), Water Utilities Current Funds (\$3,350)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0347

Item 25: Authorize a seventy-two-month service contract for elevator and escalator maintenance and repair with the lowest responsible bidders of four - United Elevator Services in the amount of \$2,235,819 and Larry Evans Elevator Service, Inc. in the amount of \$217,728 - Total not to exceed \$2,453,547 - Financing: Current Funds (\$2,235,819) and Water Utilities Current Funds (\$217,728)

Councilmember Rasansky requested that consent agenda item 25 be considered as an individual item. Mayor Miller stated that consent agenda item 25 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 25 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0348

Item 26: Authorize (1) the rejection of proposals for operation of a Business Assistance Center in West Dallas; and, (2) the re-advertisement for new proposals - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0349

Item 27: Authorize a thirty-six-month price agreement for overhead door repair and maintenance, including parts and labor, with the lowest responsible bidder of three - Overhead Company of Dallas - Commercial - Not to exceed \$815,590 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0350

Item 28: Authorize a twenty-four-month price agreement for maintenance and support of the automated library system with SIRSI Corporation - Sole Source - Not to exceed \$191,673 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0351

Item 29: Authorize a thirty-six-month price agreement for periodical, magazine and newspaper subscriptions for use at the Dallas Public Libraries with the only bidder - EBSCO Information Services - Not to exceed \$2,394,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0352

Item 30: Authorize a twenty-four-month price agreement for selection and purchase of library materials for the West Love Field, Timberglen, and Hampton-Illinois Libraries with the lowest responsible bidders of four - Baker & Taylor, Incorporated in the amount of \$1,545,320 and BWI in the amount of \$692,000 - Total not to exceed \$2,237,320 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0353

Item 31: Authorize a thirty-six-month service contract to provide temporary industrial labor with the lowest responsible bidder of three - Recana Solutions - Not to exceed \$5,840,991 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0354

Item 32: Authorize a thirty-six-month service contract for sludge heater parts and labor for boilers at the Southside Wastewater Treatment Plant with the lowest responsible bidder of four - Page Boiler Works, Inc. - Not to exceed \$130,378 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0355

Item 33: Authorize City sponsorship of in-kind support to Promoter Line, Inc. for a special event, A Smooth Summer Night's Jam Jazz - \$15,000 - Financing: Convention and Event Services Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0356

Item 34: Authorize a loan agreement with Hogg Automotive Service, Inc. located at 2321 Martin Luther King, Jr. Blvd. for the South Dallas/Fair Park Trust Fund service area to fund relocation expenses, signage, leasehold improvements, inventory, and operating capital - 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

January 26, 2005

05-0357

Item 35: Authorize adoption of the Fort Worth Avenue Corridor Land Use and Urban Design Plan and approval of the recommendations contained therein as a guide in the implementation of future development along the West Commerce Street/Fort Worth Avenue Corridor from N. Beckley Avenue to Westmoreland Road, approximately 1/8 to 1/4 mile on either side of the freeway - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0358

Item 36: Authorize amendments to Resolution Nos. 03-2455 and 03-2456, previously approved on September 10, 2003, and Resolution No. 04-1714, previously approved on May 26, 2004, for environmental remediation, demolition, facade restoration, design and construction of certain public improvements related to a pedestrian access-way through 1608 Main Street, and other improvements related to the redevelopment of 1608 Main Street, to (1) increase funding in an amount not to exceed \$358,448, from \$1,555,512 to \$1,913,960 plus interest, (2) increase appropriations in the amount of \$263,328 in the City Center TIF District Fund, (3) increase the transfer of appropriations in the amount of \$95,120 in the City Center TIF District Fund, (4) increase the intent to reimburse Main Street Investors J.V. in the amount of \$263,328, from \$919,032 to \$1,182,360, (5) extend and add project deadlines, (6) correct the private investment, (7) include reimbursement in an amount not to exceed \$300,900 for environmental remediation, demolition, and related costs after completion, and (8) reflect related matters thereto - Total not to exceed \$358,448 - Financing: City Center TIF District Funds (\$263,328 to be advanced by a private developer and reimbursed from the City Center TIF District Fund)

Councilmember Rasansky requested that consent agenda item 36 be considered as an individual item. Mayor Miller stated that consent agenda item 36 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 36 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0359

Item 37: Authorize amendments to Resolution Nos. 04-0455 and 04-0456 previously approved on January 28, 2004, as amended, to change the name of the contracting party from Barker Nichols, LLC to BN-TIF, Inc. for the redevelopment of the Interurban Building located at 1500 Jackson Street located in Tax Increment Financing Reinvestment Zone Five (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

January 26, 2005

05-0360

Item 38: Authorize the reconstruction on-site of five homes in accordance with the Replacement Housing Program Statement requirements for the properties located at 1906 Homeland Street, 1915 Homeland Street, 3411 El Benito Street, 3524 Ladd Street, and 2415 Harding Street - Not to exceed \$70,000 each for a total not to exceed \$350,000 - Financing: 2004-05 HOME Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0361

Item 39: Authorize (1) an Interlocal Agreement with the Texas Department of State Health Services to receive and store CHEMPACK containers that hold medications, antidotes, and supplies to be used in the event of a bioterrorism or other mass casualty disaster or emergency; and (2) the acceptance of grant funds to upgrade storage sites to meet the requirements in the Interlocal Agreement that include temperature control, security controls, and alarm systems - \$21,000 - Financing: Texas Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0362

Item 40: Authorize an Environmental Policy to (1) commit the City of Dallas to environmental compliance, pollution prevention, and continual improvement; and, (2) raise City employee's awareness and sensitivity to environmental related issues - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0363

Item 41: Authorize an Interlocal Agreement with the Dallas County District Attorney's Office for reimbursement for the Dallas Police Department's participation in the Grants to Encourage Arrest Policies and Enforcement of Protective Orders Program for the period October 1, 2004 through September 30, 2006 - Not to exceed \$168,238 - Financing: U. S. Department of Justice Grant Funds (to be fully reimbursed from Dallas County)

Councilmember Greyson requested that consent agenda item 41 be considered as an individual item. Mayor Miller stated that consent agenda item 41 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Later in the meeting, agenda item 41 was brought up for consideration.

Councilmember Greyson moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0364

Item 42: Authorize a five-year contract, with two five-year renewal options, with Lakeside Village Home Owners Association in Rockwall County to provide untreated water from Lake Ray Hubbard - January 26, 2005 through January 25, 2006 (\$2,957); January 26, 2006 through January 25, 2020 (\$2,591 annually) - Total Estimated Revenue: \$39,231

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0365

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 43-54, were presented for consideration.

Agenda items 44, 48, 50, 51, 52, 53, and 54 were removed from the consent zoning docket, to be considered as an individual hearing.

Agenda item 43: Zoning Case Z023-290 (MJF)	
Agenda item 44: Zoning Case Z034-246 (MM)	[Considered individually]
Agenda item 45: Zoning Case Z034-326 (WE)	
Agenda item 46: Zoning Case Z034-329 (DW)	
Agenda item 47: Zoning Case Z045-101 (MM)	
Agenda item 48: Zoning Case Z034-331 (RB)	[Considered individually]
Agenda item 49: Zoning Case Z045-111 (WE)	
Agenda item 50: Zoning Case Z045-112 (DW)	[Deleted]
Agenda item 51: Zoning Case Z034-302 (WE)	[Considered individually]
Agenda item 52: Zoning Case Z034-320 (MM)	{Considered individually]
Agenda item 53: Zoning Case Z045-122 (MM)	[Considered individually]
Agenda item 54: Zoning Case Z045-124 (MM)	[Considered individually]

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

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0366

Item 43: Zoning Case Z034-290 (MJF)

Zoning Case Z034-290 (MJF), a City Plan Commission authorized hearing to determine proper zoning on property zoned an MF-2(A) Multifamily District with consideration being given for an R-5(A) Single Family District on an area bounded by Fifth Street, Elsbeth Street, El Dorado Street, and Ballard Avenue and an ordinance granting an R-5(A) Single Family District.

(The city plan commission recommended approval, of an R-5(A) Single Family District.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25863.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0367

Item 44: Zoning Case Z034-246 (MM)

The consent zoning docket, consisting of agenda items, 43-54 was presented.

Mayor Pro Tem Loza requested that consent zoning docket item 44 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 44 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Mayor Pro Tem Loza's request.

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

A public hearing was called on zoning case Z034-246 (MM), an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an LO-3-D Limited Office District with a Dry Liquor Control Overlay and a P(A) Parking District on property bounded by Junius Street, Hill Street, Worth Street and Washington Avenue, excluding the north corner of Worth Street and Washington Avenue with consideration being given to an MU-2 Mixed Use District.

(The city plan commission recommended approval, of an MU-2 Mixed Use District with retention of the Dry Overlay in lieu of the request for an MU-3 Mixed Use District.)

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

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

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

Mayor Pro Tem Loza moved to close the public hearing, accept the recommendation of the city plan commission for approval of an MU-2 Mixed Use District with retention of the D Liquor Control Overlay, in lieu of the applicant's request for an MU-2 Mixed Use District with retention of the D Liquor Control Overlay, with the following change:

1. The intersection of Gaston Avenue and Haskell Avenue is not required to be restriped because the Department of Public Works does not support the condition and has requested its removal and pass the ordinance.

Motion seconded by Councilmember Lill and unanimously adopted.

Assigned ORDINANCE NO. 25864.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0368

Item 45: Zoning Case Z034-326 (WE)

Zoning Case Z034-326 (WE). an application for and an ordinance granting a Planned Development District for UC-2 Urban Corridor District uses on property zoned an IR Industrial Research District on the east corner of Motor Street and Bengal Street.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25865.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0369

Item 46: Zoning Case Z034-329 (DW)

The consent zoning docket, consisting of agenda items, 43-54 was presented.

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

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

A public hearing was called on zoning case Z034-329 (DW), an application for and an ordinance granting a CS Commercial Service District on property zoned a CH Clustered Housing District north of McCallum Boulevard and west of Frank Jackson Drive and a resolution accepting deed restrictions volunteered by the applicant.

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

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

Councilmember Greyson moved to postpone the application until the February 8, 2005 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Chaney and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0370

Item 47: Zoning Case Z045-101 (MM)

The consent zoning docket, consisting of agenda items, 43-54 was presented.

Councilmember Greyson requested that consent zoning docket item 47 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 47 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 47 was brought up for consideration.

A public hearing was called on zoning case Z045-101 (MM), an application for and an ordinance granting a CS Commercial Service District on property zoned a CH Clustered Housing District at the western terminus of Ronnie Drive, west of Frank Jackson Drive and a resolution accepting deed restrictions volunteered by the applicant.

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

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

Councilmember Greyson moved to postpone the application until the February 9, 2005 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Chaney and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0371

Item 48: Zoning Case Z034-331 (RB)

The consent zoning docket, consisting of agenda items, 43-54 was presented.

Councilmember Garcia requested that consent zoning docket item 48 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 48 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Garcia's request.

Later in the meeting, zoning docket item 48 was brought up for consideration.

A public hearing was called on zoning case Z034-331 (RB), an application for and an ordinance granting an amendment to the Subdistrict D portion of Planned Development District No. 468 for Mixed Uses in the east quadrant of Colorado Boulevard and Zang Boulevard and the north quadrant of Zang Boulevard and Plowman Avenue.

(The city plan commission recommended approval, subject to a Tract 1 and 2 development plan/Tract 3 conceptual plan and conditions.)

Councilmember Garcia moved to close the public hearing, accept the recommendation of the city plan commission for approval of a planned development district, with the following clarification to the materials in the city council agenda:

1. Adult day care facility is permitted by SUP.
2. Handicapped group dwelling unit is permitted by an SUP is required if the spacing component of Section 51A-4.209 (3.1) is not met.
3. Utility or government installation other than listed is permitted by SUP and pass the ordinance.

Motion seconded by Councilmember Oakley and unanimously adopted.

Assigned ORDINANCE NO. 25866.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0372

Item 49: Zoning Case Z045-111 (WE)

Zoning Case Z045-111 (WE), an application for and an ordinance granting an amendment to Planned Development District No. 321 for MF-1(A) Multifamily District uses on the southeast corner of St. George Drive and Marvin D. Love Freeway (US Hwy. 67).

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25867.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0373

Item 50: Zoning Case Z045-112 (DW)

Zoning Case Z045-112 (DW), an application for and an ordinance granting an amendment to and the expansion of Planned Development District No. 282 for a hospital, office and related uses, on property zoned Planned Development District No. 282 and Planned Development District No. 468, on property bounded by Beckley Avenue, Colorado Boulevard, Haines Avenue and Greenbriar Lane.

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

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0374

Item 51: Zoning Case Z034-302 (WE)

The consent zoning docket, consisting of agenda items, 43-54 was presented.

Mayor Pro Tem Loza requested that consent zoning docket item 51 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 51 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Mayor Pro Tem Loza's request.

Later in the meeting, zoning docket item 51 was brought up for consideration.

A public hearing was called on zoning case Z034-302 (WE), an application for and an ordinance granting an amendment to, and an expansion of, Planned Development District No. 640 for an Open enrollment charter school on property zoned an MU-1 Mixed Use District, an MF-2(A) Multifamily District, and Planned Development District No. 640 on properties on all four corners at the intersection of Annex Avenue and Bryan Street.

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

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

Jackie Staley, 4704 Sycamore St.
Pat Reeder, 4526 Reiger Ave.
Joan Swalwell, 42088 Beverly Dr.
Byron Dunn, 4810 Sycamore St.
Robert Kam, 4403 Junius St.
Jo Blount, 4834 Worth St.

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

Steve Bourn, 5634 Swiss Ave.
Virginia mcalester, 5703 Swiss Ave.
Lee Peebles, 4626 Swiss Ave.
William Cothrum, 500 S. Ervay St.
Larry Goode, 2808 Fairmont St.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-0374

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Mayor Pro Tem Loza moved to close the public hearing, accept the recommendation of the city plan commission with the following changes:

1. Total enrollment is limited to 1,252 students
2. Total enrollment for grades 9 through 12 of the senior high school is limited to 400 students.
3. Parking will be required per the development code.
4. Outdoor athletic activities are prohibited between thr hours of 10 pm and 8 am
5. The use of outdoor loudspeakers is prohibited between the hours of 10 pm and 8 am
6. Outdoor marching band practice with music is prohibited.
7. No outdoor speakers from 5 pm to 12pm, expect 12 special events per year and pass the ordinance.

Motion seconded by Mayor Pro Tem Loza.

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

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

Assigned ORDINANCE NO. 25868.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0375

Item 52: Zoning Case Z034-320 (MM)

The consent zoning docket, consisting of agenda items, 43-54 was presented.

Councilmember Finkelman requested that consent zoning docket item 52 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 52 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 52 was brought up for consideration.

A public hearing was called on zoning case Z034-320 (MM), an application for and an ordinance granting a Planned Development District for uses allowed in an MU-2 Mixed Use District and a GO(A) General Office District, on property zoned a GO(A) General Office District and a resolution granting the termination of existing deed restrictions on the northeast corner of the intersection of Alpha Road and Noel Drive.

(The city plan commission recommended approval, subject to a conceptual plan and conditions and approval of the termination of the existing deed restrictions.)

Councilmember Finkelman moved to postpone the application until the February 9, 2005 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Rasansky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0376

Item 53: Zoning Case Z045-122 (MM)

The consent zoning docket, consisting of agenda items, 43-54 was presented.

Councilmember Rasansky requested that consent zoning docket item 53 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 53 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, zoning docket item 53 was brought up for consideration.

A public hearing was called on Zoning Case Z045-122 (MM), an application for and ordinances granting (1) two new subdistricts in Planned Development District No. 70 that allows alcoholic beverage consumption on site; (2) a D-1 Dry Liquor Control Overlay in place of the existing D Dry Liquor Control Overlay in subdistrict 1 and 2; and 3) a Specific Use Permit for restaurants with alcoholic beverage service in subdistrict 1 and 2 on the northeast corner of the intersection of Midway Road and Northwest Highway with consideration given to the removal of the D Dry Liquor Control Overlay in subdistrict 1 and 2.

(The city plan commission recommended approval, of (1) the creation of two new subdistricts in Planned Development District No. 70 that allows alcoholic beverage consumption on site, subject to a development plan and conditions; (2) the replacement of the D Dry Liquor Control Overlay with a D-1 Dry Liquor Control Overlay in subdistrict 1 and 2; and 3) a Specific Use Permit for restaurants with alcoholic beverage service in subdistrict 1 and 2, for a ten -year time period with eligibility of automatic renewal for additional ten-year time periods subject to a site plan and conditions)

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

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

Karl Crawley, 500 S. Ervay St., representing the applicant
Jim Young, 4302 Margate Dr.
David Watson, (no address given)

Councilmember Rasansky moved to postpone the application until the February 9, 2005 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Chaney and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0377

Item 54: Zoning Case Z045-124 (MM)

Theresa O'Donnell, director of development services, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c) (2) (B) of Section 51A.4-701 of the development code council approval of the application would require the favorable vote of three-fourths of all members of the council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of development services.

Later in the meeting, zoning docket item 54 was brought up for consideration.

A public hearing was called zoning case Z045-124 (MM), an application for and an ordinance granting an amendment to Planned Development District No. 370 for IR Industrial Research District uses, a Group Residential Facility and an Overnight General Purpose Shelter on the northwest corner of the intersection of Calvert Street and Irving Blvd.

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

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

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

Derrick Coker, 6350 LBJ Frwy., representing the applicant

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

Motion seconded by Councilmember Blaydes and unanimously adopted.

Assigned ORDINANCE NO. 25869.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0378

Item 55: Public Hearing – Zoning Case Z034-242 (MM)

A public hearing was called on zoning case Z034-242 (MM), an application for and an ordinance granting an RR-D Regional Retail District with retention of a Dry Liquor Control Overlay on property zoned a CR-D Community Retail District with a Dry Liquor Control Overlay, on the north side of Lake June Road between Oak Hill Road and Oak Ridge Drive and a resolution accepting deed restrictions volunteered by the applicant.

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

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

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

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

Assigned ORDINANCE NO. 25870.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0379

Item 56: Public Hearing – Zoning Case Z034-307 (DW)

A public hearing was called on zoning case Z034-307(DW), an application and an ordinance granting an RS-MU Regional Service Mixed Use Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, on the southwest side of Robert B. Cullum Boulevard, northwest of Birmingham Avenue and a resolution accepting the deed restrictions volunteered by the applicant.

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

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

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

Peter Kavanagh, 1620 Handley, representing the applicant

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

Motion seconded by Councilmember Salazar and unanimously adopted.

Assigned ORDINANCE NO. 25871.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0380

Item 57: Public Hearing – Zoning Case Z045-121 (MM)

A public hearing was called on zoning case Z045-121 (MM), an application for and an ordinance granting a CS Commercial Service District on property zoned an R-10(A) Single Family District north of the intersection of Seagoville Road and Belt Line Road and a resolution accepting deed restrictions volunteered by the applicant.

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

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

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

Darla House, 232 Ridge Oak Dr., representing the applicant

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

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

Assigned ORDINANCE NO. 25872.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0381

Item 58: Public Hearing – Zoning Case Z034-301 (WE)

A public hearing was called on zoning case Z034-301 (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 public hearings on November 10, and December 8, 2004, and was taken under advisement until January 26, 2005, with the public hearing open.)

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

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

Jason McMinn, 4214 Swiss Ave., representing the applicant

Councilmember Oakley moved to close the public hearing, accept the recommendation of the city plan commission; the ordinance and resolution with deed restrictions will come back at a later date.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0382

MISCELLANEOUS HEARINGS

Private Sale of Unimproved Properties

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

- * A public hearing to receive citizens' comments on the proposed private sale by quitclaim deed of 8 unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Foundation for Housing Resources, Inc. and Southfair Community Development Corporation, qualified non-profit organizations (list attached) - Financing: No cost consideration to the City
- * Authorize the private sale, as provided for by Section 34.015 of the Texas Property Tax Code, by quitclaim deed of 8 unimproved properties acquired by the taxing authorities from a Sheriff's Sale to qualified non-profit organizations - Revenue: \$10,201

The following individuals addressed the city council regarding the private sale:

William Hopkins, 2011 Leath St.
John Morgan, 3103 Greenwood

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0383

Item 61: 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 January 26, 2005.

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

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

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

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

05-0406 ASC ANIMAL SHELTER COMMISSION
05-0407 SAC SENIOR AFFAIRS COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0384

Item 62: Authorize an extension of the substantial completion date from December 31, 2003 to December 31, 2004 for the tax abatement agreement with Pinnacle Industrial Center, LP for the construction of Building 4 of the Pinnacle Industrial Center, pursuant to Resolution No. 98-3664, previously approved on December 16, 1998 - Financing: No cost consideration to the City

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0385

Item 63: Authorize hardship relief for property located at 1402 Ft. Worth Avenue from the Ft. Worth Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 1,000 feet of the north or south right-of-way line of Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue - Financing: No cost consideration to the City

Councilmember Salazar moved to deny the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0386

Item 64: Authorize hardship relief for property located at 2307 May 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 deny the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0387

Item 65: Authorize hardship relief for property located at 627 N. Westmoreland Road from the Ft. Worth Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 1,000 feet of the north or south right-of-way line of Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue - Financing: No cost consideration to the City

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0388

Item 66: Authorize (1) a real property tax abatement agreement with Pinnacle Industrial Center, LP. for the purpose of granting a ten-year abatement of 90 percent of the taxes on added value to the real property for Building E located within Enterprise Zone One in Pinnacle Park; and (2) rescinding Resolution No. 01-1440 previously approved on May 9, 2001 which authorized a tax abatement with Pinnacle Industrial Center, Inc. - Revenue: First-year tax revenue estimated at \$3,598; Ten-year revenue estimated at \$35,985; (Estimated revenue foregone for ten-year property abatement is \$323,865)

Councilmember Oakley 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 Councilmember Greyson voting "No". (Loza, Hill, Finkelman absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0389

Item 67: Authorize a real property tax abatement agreement with Jetro Holdings, Inc. for the purpose of granting a five-year abatement of 50 percent of the taxes on added value to the real property for its building located within Enterprise Zone One at 2151 Irving Boulevard - Revenue: First-year tax revenue estimated at \$14,394; Five-year revenue estimated at \$71,970; (Estimated revenue foregone for five-year property abatement is \$71,970)

Councilmember Oakley to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0390

Item 68: Authorize a thirty-six-month professional services contract with Burson-Marsteller for the continuance of the advertising campaign and media placement for the promotion and reinforcement of water conservation initiatives - \$1,160,000 annually for a total not to exceed \$3,480,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Councilmember Lill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0391

05-0392

Note: Item Nos. 69 and 70 must
be considered collectively.

Oak Cliff Gateway TIF District

- Item 69: * Authorize (1) a development agreement with Beckley Properties, LTD, for the funding of design, engineering and construction of public improvements for the renovation of buildings and structures to produce approximately 15,282 square feet of retail and office space, plus necessary parking located on the properties at 1101, 1111, 1115, 1119, 1121, 1129 N. Beckley Avenue and 1201-1207 El Dorado Street in Tax Increment Financing Reinvestment Zone Number Three, (Oak Cliff Gateway TIF District); and (2) the establishment of appropriations in an amount not to exceed \$450,000 in the Oak Cliff Gateway TIF District Fund - \$450,000 - Financing: To be advanced by a private developer and reimbursed with interest from the Oak Cliff Gateway TIF District Fund and/or Tax Increment Bonds; accrued interest on private funds to be repaid solely from the Oak Cliff Gateway TIF District Fund and/or Tax Increment Bonds
- Item 70: * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Three, City of Dallas, Texas (Oak Cliff Gateway TIF District) to reimburse Beckley Properties, LTD, for the funds advanced pursuant to a development agreement between the City of Dallas and Beckley Properties, LTD, in an amount not to exceed \$450,000 plus interest, for certain public improvements related to the renovation of buildings and structures to produce approximately 15,282 square feet of retail and office space, plus necessary parking located on the properties at 1101, 1111, 1115, 1119, 1121, 1129 N. Beckley Avenue and 1201-1207 El Dorado Street in Tax Increment Financing Reinvestment Zone Number Three, (Oak Cliff Gateway TIF District) - \$450,000 - Financing: To be advanced by a private developer and reimbursed from the Oak Cliff Gateway TIF District Fund and/or Tax Increment Bonds; accrued interest (compounded semiannually) on private funds to be repaid solely from the Oak Cliff Gateway TIF District Fund and/or Tax Increment Bonds

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.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-0391

05-0392

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No one addressed the city council regarding the Oak Cliff TIF District.

Councilmember Garcia to approve the resolution.

Motion seconded by Councilmember Oakley.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0393

Item 71: 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 deny the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0394

Item 72: 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 deny the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0395

Item 73: 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 deny the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0396

Item 74: 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 deny the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0397

Item 75: 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 deny the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0398

Closed Session

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

- Legal issues relating to City Council's Order to Show Cause to TXU Electric Delivery respecting electric rate justification
- Erubiel Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- Victor Alvarado DeLeon v. City of Dallas, et al., Cause No. 3:02-CV-1097-K
- Jacinto Jesus Mejia v. City of Dallas, Cause No. 3:03-CV-0352-K
- Lorenzo Escamilla v. City of Dallas, et al., Cause No. 3:03-CV-0848-K
- Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K
- George Sifuentez v. City of Dallas, et al., Cause No. 3:03-CV-0961-K
- 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

A closed session was held as authorized by Chapter 551, "OPEN MEETINGS," of the Texas Open Meetings Act) to discuss the following matters:

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

- Legal issues relating to City Council's Order to Show Cause to TXU Electric Delivery respecting electric rate justification
- Erubiel Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- Victor Alvarado DeLeon v. City of Dallas, et al., Cause No. 3:02-CV-1097-K
- Jacinto Jesus Mejia v. City of Dallas, Cause No. 3:03-CV-0352-K
- Lorenzo Escamilla v. City of Dallas, et al., Cause No. 3:03-CV-0848-K
- Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K
- George Sifuentez v. City of Dallas, et al., Cause No. 3:03-CV-0961-K
- 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

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0399

Addendum addition 1: Authorize (1) rescinding the contract with Mark North Erosion Systems, Ltd. for erosion control improvements in the 300 block of North Manus Drive, previously authorized on September 22, 2004 by Resolution No. 04-2758, in the amount of \$97,915; and, (2) a contract for the construction of erosion control improvements in the 300 block of North Manus Drive with the lowest responsible bidder of three - Texas Standard Construction, Ltd. - \$104,065 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0400

Addendum addition 2: Authorize a service contract for citizen survey and comparative data analysis services with International City/County Management Association to collect citizen opinions regarding City of Dallas services and comparing those services and citizen opinions of other major cities - Sole Source - Not to exceed \$45,790 - Financing: Current Funds

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0401

Addendum addition 3: Authorize the purchase of computer hardware and maintenance from Sigma Solutions, Inc., through the State of Texas, Catalog Information System Vendors Cooperative Purchasing Program, for a software upgrade to the financial and accounting system - Not to exceed \$347,876 - Financing: 2004 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0402

Addendum addition 4: Authorize settlement of the lawsuit styled Eva Hampton and James Rabb v. Anthony Garner and City of Dallas, Cause No. 03-05799-A - \$17,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0403

Addendum addition 5: Authorize settlement of the lawsuit styled Kimberly Goffney v. Rodney Bernard Williams, Cause No. CC-03-10094-D - \$130,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0404

Addendum addition 6: Authorize an extension of the moratorium on the acceptance of applications for permits or certificates of appropriateness for a kiosk or kiosk signs until June 4, 2005 - Financing: No cost consideration to the City (Requires a 3/4 vote of the full City Council for approval)

The city secretary announced that council approval of the moratorium required the favorable vote of three-fourths of the council.

Councilmember Greyson moved to approve the item with the following change, to extend the moratorium effective date from June 4, 2005 to May 28, 2005.

Motion seconded by Councilmember Lill.

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

Voting Yes: [10] Miller, Garcia, Oakley, Thornton Reese, Salazar, Fantroy, Griffith, Finkelman, Greyson, Lill

Voting No: [5] Loza, Hill, Chaney, Blaydes, Rasansky

Mayor Miller declared the motion failed.

Councilmember Greyson moved to extend the moratorium on the acceptance of applications for permits or certificates of appropriateness for a kiosk or kiosk signs until March 12, 2005.

Motion seconded by Councilmember Rasansky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

January 26, 2005

05-0405

Addendum addition 7: Authorize a twenty-year development agreement, with two five-year renewal options, with Texas! Music, a not-for-profit agency, to construct and operate a museum dedicated to the preservation of Texas music collections, memorabilia and music in the Hall of Religions Building at Fair Park located at 1111 First Avenue from January 21, 2005 through January 21, 2025 - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Chaney.

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 26, 2005

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 26, 2005

05-0320

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

January 26, 2005

05-0370

Item 47: Zoning Case Z045-101 (MM)

The consent zoning docket, consisting of agenda items, 43-54 was presented.

Councilmember Greyson requested that consent zoning docket item 47 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 47 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 47 was brought up for consideration.

A public hearing was called on zoning case Z045-101 (MM), an application for and an ordinance granting a CS Commercial Service District on property zoned a CH Clustered Housing District at the western terminus of Ronnie Drive, west of Frank Jackson Drive and a resolution accepting deed restrictions volunteered by the applicant.

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

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

Councilmember Greyson moved to postpone the application until the February 9, 2005 voting agenda meeting of the city council **and to continue the public hearing at that time.**

Motion seconded by Councilmember Chaney and unanimously adopted.