

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 9, 2005

05-0525

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

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

The meeting was called to order at 9:26 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 2:27 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, FEBRUARY 9, 2005

EXHIBIT A

2/23/2005 10:10 AM
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 9, 2005

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0526

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: Catherine Gibbons, (no address) **NO SHOW**
SUBJECT: Justice for the homeless and poor

SPEAKER: Nan Miller, 9410 Redondo Dr.
SUBJECT: Homeless Assistance Center

SPEAKER: Caroline Mall, 904 S. Ervay St.
REPRESENTING: Harper House
SUBJECT: Homeless Assistance Center

SPEAKER: David Wood, 10278 Casa View Ave. **CANCELED**
SUBJECT: Code Compliance

SPEAKER: Diane Ragsdale, 3611 Dunbar St. **NO SHOW**
REPRESENTING: Phyllis Wheatley Neighborhood Association
SUBJECT: Opposition to strong Mayor form of government

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Joe Tave, 3330 Shady Hollow Cr.
SUBJECT: Proposed Civil Service Changes

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Jack Harper, 904 S. Ervay St.
REPRESENTING: Harper House
SUBJECT: Homeless Assistance Center

SPEAKER: Elizabeth Taheri, 9039 Pinewood Dr.
SUBJECT: Buckner Park

SPEAKER: Beth Johnson, 3363 Darbyshire Dr. **CANCELED**
REPRESENTING: Dallas Group of Sierra Club
SUBJECT: Public participation in the Long Range Water Plan

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-0526

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SPEAKER: Jerry Blake, 2808 Bachman Dr. **NO SHOW**
SUBJECT: Bachman ICU

SPEAKER: Charles Goodlow, 922 Wood river Rd. **NO SHOW**
SUBJECT: Illegal drug activity/Black History Channel

SPEAKER: Robert Garcia, 7720 Portsmen Ave., Ft. Worth, TX
SUBJECT: Buckner Park

SPEAKER: Rita Beving, 14605 Dartmouth Ct., Addison, TX
REPRESENTING: The Sierra Club **CANCELED**
SUBJECT: Public participation in the Long Range Water Plan

SPEAKER: Ed Motley, 3312 Elkins Dr., Arlington TX **CANCELED**
REPRESENTING: Chiang, Patel and Yerby
SUBJECT: Dallas Long Range Water Supply Plan

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

SPEAKER: Roy Williams, 5881 Prestonview Blvd. **CANCELED**
REPRESENTING: Dallas County Green Party
SUBJECT: Accountability of the Dallas Police Department, Strong Mayor

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: Citizens Organized for a representative democracy
SUBJECT: In Honor of J.B. Jackson, Jr. **DID NOT CALL NAME**

SPEAKER: Jim De Petris, 9433 Dixie Ln. **NO SHOW**
SUBJECT: Homeless Shelter

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Corruption: Dallas City Council, Trinity River Plan, West Dallas Superfund

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0527

Item 1: Approval of Minutes of the January 12, 2005 and January 26, 2005 City Council Meetings

Councilmember Oakley moved to approve the minutes, as corrected. Councilmember Greyson stated that on the January 26, 2004 city council meeting, item 47 should have read that 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 Blaydes and unanimously adopted. (Garcia absent; Greyson absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0528

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-22 and addendum addition consent agenda items 1-4, were presented for consideration.

The city secretary announced that the city manager had deleted agenda item 13 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Lill requested that consent agenda items 2 and 8 be considered as individual items. Mayor Miller stated that consent agenda items 2 and 8 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Lill's request.

Councilmember Rasansky requested that consent agenda items 5, 14, 20 and addendum addition item 3 be considered as individual items. Mayor Miller stated that consent agenda items 5, 14, 20 and addendum addition item 3 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda item 13, which was deleted, consent agenda items 2, 5, 8, 14, and 20 and addendum addition item 3 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0529

Item 2: Authorize a professional services contract with Laguarda.Low Architects, LLC to provide schematic design, design development, construction documents, bidding, construction administration and surveying for the removal and replacement of a picnic pavilion, renovation of parking areas, replacement of drinking fountain and existing sidewalk at Hattie Rankin Moore Park located at 3212 N. Winnetka – \$20,100 - Financing: 2003 Bond Funds

Councilmember Lill 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 Lill's request.

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

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Garcia absent; Greyson absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0530

Item 3: Authorize a professional services contract with Laguarda.Low Architects, LLC to provide schematic design, design development, construction documents, bidding, construction administration and surveying for the removal and replacement of a picnic pavilion and parking area, and removal and redevelopment of the existing playground at St. Augustine Park located at 1500 N. St. Augustine - \$25,400 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0531

Item 4: Authorize a professional services contract with Lockwood, Andrews & Newnam, Inc. to provide alignment and preliminary design services for a pedestrian tunnel/connection under Dallas Area Rapid Transit's (DART) Trinity Railway Express and light rail lines and Stemmons Freeway connecting the Design District and DART's Victory Light Rail Transit Station - \$96,680 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0532

Item 5: Authorize a contract for roof replacement and asbestos abatement at Science Place I located at 1300 Ranger Circle - Castro Roofing of Texas, L.P., only bidder - \$349,000
- Financing: Capital Construction Funds

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

Later in the meeting, agenda item 5 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted. (Garcia absent; Greyson absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0533

Item 6: Authorize a contract for the roof replacement and asbestos abatement at the Juanita J. Craft Recreation Center located at 4500 Spring Avenue - Castro Roofing of Texas, LP, only bidder - \$187,180 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0534

Item 7: Authorize a contract for renovation of the Tommie M. Allen Recreation Center located at 7071 Bonnie View Road - J. N. Kent Construction Company, Inc., lowest responsible bidder of two - \$479,973 - Financing: 2003 Bond Funds (\$402,505) and 1998 Bond Funds (\$77,468)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0535

Item 8: Authorize a contract for athletic field improvements at Randall Park located at 100 S. Glasgow - SFCC, Inc., lowest responsible bidder of three - \$1,070,555 - Financing: 2003 Bond Funds (\$570,555) and Capital Gifts, Donation and Development Funds (\$500,000)

Councilmember Lill 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 Lill's request.

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

Councilmember Lill moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Garcia absent; Greyson absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0536

Item 9: Authorize payment to the Town of Highland Park for the City's share of cost associated with pavement improvements on Westside Drive from 140 feet north of Lorraine Avenue to Mockingbird Lane - \$1,535 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0537

Item 10: An ordinance abandoning portions of Oakenwald Street, Tilden Street, Stemmons Avenue and an alley to Methodist Hospitals of Dallas, Inc., the abutting owner, containing approximately 84,061 square feet of land located near their intersections with Colorado Boulevard, Beckley Avenue and Greenbriar Lane, and authorizing the quitclaim - Revenue: \$250,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25873.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0538

Item 11: An ordinance abandoning a portion of Gallant Fox Drive to Millennium Choice Homes, Inc., the abutting owner, containing approximately 72,569 square feet of land located near its intersection with Merrifield Road, and authorizing the quitclaim - Revenue: \$18,900 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25874.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0539

Item 12: An ordinance abandoning easements to WXIII/PWM Real Estate Limited Partnership, the abutting owner, located near the intersection of Belt Line Road and Montfort Drive, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25875.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0540

Item 13: Authorize (1) the purchase of up to twenty vacant lots by the Dallas Housing Acquisition and Development Corporation through the Residential Development Acquisition Loan Program; and (2) the resale of the properties to the Dallas Neighborhood Alliance for Habitat for development of affordable single-family housing for sale to low- and moderate-income households - Financing: No cost consideration to the City

The city secretary announced that the city manager had deleted agenda item 13 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0541

Item 14: Authorize a sixty-month professional services contract with SunGard Availability Services, LLP, through the State of Texas, Catalog Information System Vendors Cooperative Purchasing Program, to provide alternate recovery site equipment and services - Not to exceed \$1,184,400 - Financing: Current Funds (subject to annual appropriations)

Councilmember Rasansky requested that consent agenda item 14 be considered as an individual item. Mayor Miller stated that consent agenda item 14 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 14 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Garcia absent; Greyson absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0542

Item 15: Authorize a professional services contract for the preparation of a comprehensive retail market study with the most advantageous proposer of six - Channel Marketing Corporation - Not to exceed \$50,000 - Financing: 2003-04 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0543

Item 16: Ratify emergency services for testing and investigation of the 72-inch Tawakoni raw water pipeline from the Tawakoni Balancing Reservoir to the East Side Water Treatment Plant - Pressure Pipe Inspection Company (USA), Inc. - \$286,932 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0544

Item 17: Authorize the acceptance of grant funds from the Allstate Foundation to support the Youth Entrepreneur Program for the period April 1, 2005 through September 30, 2005 - Not to exceed \$22,000 - Financing: Allstate Foundation Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0545

Item 18: Authorize an amendment to the contract with the National Association of County and City Health Officials to extend the term of the contract through October 31, 2005 for the City's Food Protection and Education Program - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0546

Item 19: Authorize (1) an amendment to the contract with the Dallas Housing Acquisition and Development Corporation to (a) reimburse the Corporation for court costs paid by the Corporation to Dallas County for Urban Land Bank Demonstration Program tax lawsuits that are reimbursed by Dallas County to the City of Dallas and (b) conform the contract to the Program Statement, as amended, for the Residential Development Acquisition Loan Program; (2) an amendment to the Dallas Housing Acquisition and Development Corporation Bylaws providing for establishment of an Administrator position; and (3) an amendment to the Dallas Housing Acquisition and Development Corporation Articles of Incorporation clarifying the appointment of Board members - Estimated revenue foregone: \$72,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0547

Item 20: Authorize annual adjustments to appropriations for fiscal year 2003-04 for year-end close - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 20 be considered as an individual item. Mayor Miller stated that consent agenda item 20 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 20 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Garcia absent; Greyson absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0548

Item 21: A resolution extending the decision deadline for Atmos Energy Corp., Mid-Tex Division's proposed new Gas Reliability Infrastructure Program Rate Adjustment from February 15, 2005 to June 30, 2005 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0549

Item 22. Authorize a twelve-month time extension, as recommended by the Housing and Neighborhood Development Committee, for Community Development Block Grant projects which have not met the twelve-month obligation or twenty-four-month expenditure requirement - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0550

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 23-28, were presented for consideration.

Agenda item 24 was removed from the consent zoning docket, to be considered as an individual hearing.

Agenda item 23: Zoning Case Z034-333 (RB)
~~Agenda item 24: Zoning Case Z034-327 (DW)~~ **[Considered individually]**
Agenda item 25: Zoning Case Z045-109 (WE)
Agenda item 26: Zoning Case Z045-113 (DW)
Agenda item 27: Zoning Case Z045-117 (RB)
Agenda item 28: Zoning Case Z045-118 (RB)

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

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

Councilmember Chaney 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 Mayor Pro Tem Loza and unanimously adopted. (Hill absent when vote taken; Garcia absent; Greyson absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0551

Item 23: Zoning Case Z034-333 (RB)

Zoning Case Z034-333 (RB), an application for and an ordinance granting a CA-2 Central Area Subdistrict on property zoned an I-2 Industrial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and a resolution accepting deed restrictions volunteered by the applicant on the west corner of Field Street and Woodall Rogers Freeway.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25876.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0552

Item 24: Zoning Case Z034-327 (DW)

The consent zoning docket , consisting of agenda items 23-28, were presented.

Deputy Mayor Pro Tem Hill requested that consent zoning docket item 24 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 24 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Deputy Mayor Pro Tem Hill's request.

Later in the meeting, zoning docket item 24 was brought up for consideration.

A public hearing was called on zoning case Z034-327 (DW), an application for and an ordinance granting an MU-2 Mixed Use District with retention of the D-1 Liquor Control Overlay on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and an MC-1-D-1 Mixed Commercial District with a D-1 Liquor Control Overlay and a resolution accepting new deed restrictions volunteered by the applicant and a resolution terminating existing deed restrictions, north of Bruton Road, west of St. Augustine Road.

(The city plan commission recommended approval of an MU-2 Mixed Use District with retention of the D-1 Liquor Control Overlay with a resolution accepting new deed restrictions volunteered by the applicant and approval of a resolution terminating the existing deed restrictions.)

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.

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

Jerry Tolbert, 9470 Olde Town Rowe

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

Suzan Kedron, 901 Main St., representing the applicant

Councilmember Thornton Reese moved to postpone the application until the February 23, 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. (Fantroy abstain; Garcia absent, Greyson absent on city business; Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0553

Item 25: Zoning Case Z045-109 (WE)

An application for and an ordinance granting a Planned Development District for institutional uses and R-5(A) Single Family District uses on property zoned a CC Community Commercial Subdistrict and an R-5(A) Single Family Subdistrict, within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on both sides of Bertrand Street, north of Scyene Road.

(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. 26877.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0554

Item 26: Zoning Case Z045-113 (DW)

Zoning Case Z045-113 (DW), an application for and an ordinance granting an amendment to a portion of Planned Development District No. 260 to allow a medical clinic or ambulatory surgical services use by Specific Use Permit, and an ordinance granting a Specific Use Permit for a medical clinic or ambulatory surgical services, north of Park Lane and west of Central Expressway.

(The city plan commission recommended approval of an amendment to a portion of Planned Development District No. 260, and approval of a Specific Use Permit for a medical clinic or ambulatory surgical center for a 50-year period, subject to a site plan and conditions with retention of Specific Use Permit No 1414 for a Financial Institution with drive-through window service.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25878 and ORDINANCE NO. 25879.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0555

Item 27: Zoning Case Z045-117 (RB)

Zoning Case Z045-117 (RB), an application for and an ordinance granting an amendment to the site plan for Specific Use Permit No. 1228 for a Tower/antenna for cellular communication on property zoned an A(A) Agricultural District on the west line of Ledbetter Drive, southwest of Walton Walker Boulevard.)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25880.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0556

Item 28: Zoning Case Z045-118 (RB)

Zoning Case Z045-118 (RB), an application for and an ordinance granting an amendment to the site plan for Specific Use Permit No. 1169 for a Tower/antenna for cellular communication on property zoned a CR Community Retail District, south of Umphress Road, west of Buckner Boulevard.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25881.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0557

Item 29: Public Hearing – Zoning Case Z045-108 (WE)

A public hearing was called on zoning case Z045-108 (WE), an application for and an ordinance granting a Planned Development Subdistrict for O-1 Office Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, located on the southeast corner of Congress Avenue and Wycliff Avenue and a resolution accepting deed restrictions volunteered by the applicant.

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

R. J. Muszynski, 4032 Cedar Springs, the applicant

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

Motion seconded by Councilmember Lill and unanimously adopted. (Garcia absent; Greyson absent on city business)

Assigned ORDINANCE NO. 25882.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0558

Item 30: Public Hearing – Zoning Case Z034-329 (DW)

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. This item was considered by the City Council at a public hearing on January 26, 2005, and was taken under advisement until February 9, 2005, with the public hearing open.)

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

Councilmember Griffith moved to postpone the application until the February 23, 2005 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Garcia absent; Greyson absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0559

Item 31: Public Hearing – Zoning Case Z045-101 (MM)

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.) This item was considered by the City Council at a public hearing on January 26, 2005, and was taken under advisement until February 9, 2005, with the public hearing open.)

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

The following individual addressed the city council regarding zoning case Z045-101 (MM):

William Hopkins, 2011 Leath St.

Councilmember Griffith moved to postpone the application until the February 23, 2005 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Garcia absent; Greyson absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0560

Item 32: Public Hearing – Zoning Case Z034-320 (MM)

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. This item was considered by the City Council at a public hearing on January 26, 2005, and was taken under advisement until February 9, 2005, with the public hearing open.)

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

Councilmember Finkelman moved to close the public hearing and follow the city plan commission's recommendation for approval of termination of deed restrictions and approval of a planned development district, with the changes to the PD conditions to add additional design conditions and sign regulations for a mixed use project as shown on the revised sections of the ordinance distributed.

Motion seconded by Councilmember Lill and unanimously adopted. (Garcia absent; Greyson absent on city business)

Assigned ORDINANCE NO. 25883.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0561

Item 33: Public Hearing – Zoning Case Z045-122 (MM)

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. This item was considered by the City Council at a public hearing on January 26, 2005, and was taken under advisement until February 9, 2005, 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, accept the recommendation of the city plan commission and pass the ordinances.

Motion seconded by Councilmember Chaney and unanimously adopted. (Garcia absent; Greyson absent on city business)

Assigned ORDINANCE NO. 25884 and ORDINANCE NO. 25885.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0562

Item 34: Public Hearing - BENEFIT ASSESSMENT HEARINGS

A benefit assessment hearing to receive citizens' comments for alley paving improvements on the alley between Dickason Avenue and Hartford Street from Wycliff Avenue to Douglas Avenue, and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City

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

Mayor Pro Tem Loza moved to close the public hearing, and authorize the ordinance levying the benefit assessments.

Motion seconded by Councilmember Lill and unanimously adopted. (Garcia absent; Greyson absent on city business)

Assigned ORDINANCE NO. 25886.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0563

Item 35: Public Hearing - BENEFIT ASSESSMENT HEARINGS

A benefit assessment hearing to receive citizens' comments on street paving, storm drainage, water and wastewater main improvements on Carbondale Street from Linfield Road to Loop 12 east bound service road, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with McMahon Contracting, LP, lowest responsible bidder of eight - \$2,364,787 - Financing: 2003 Bond Funds (\$2,006,404), Water Utilities Capital Improvement Funds (\$345,083), and Water Utilities Capital Construction Funds (\$13,300)

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

Appearing in favor of the proposed improvements or the assessments:

Benny McGriff, (no address given)

Councilmember Thornton Reese moved to close the public hearing, and authorize the ordinance levying the benefit assessments.

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

Assigned ORDINANCE NO. 25887.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0564

Item 36: Public Hearing – BENEFIT ASSESSMENT HEARINGS

A benefit assessment hearing to receive citizens' comments on sidewalk, drainage improvements, and water and wastewater adjustments on the south side of Churchill Way from Preston Road to Hillcrest Road, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with P & E Contractors, Inc., lowest responsible bidder of six - \$98,443 - Financing: 2003 Bond Funds (\$94,293), and Water Utilities Capital Construction Funds (\$4,150)

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

Councilmember Finkelman moved to close the public hearing, and authorize the ordinance levying the benefit assessments.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Garcia absent; Greyson absent on city business)

Assigned ORDINANCE NO. 25888.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0565

Item 37: 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)

There were no consideration of appointments to boards and commissions.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0566

Item 38: Authorize hardship relief for property located at 2330 Langford 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. (Garcia absent; Greyson absent on city business; Miller, Thornton Reese, Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0567

Item 39: Authorize hardship relief for property located at 3814 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 Lill moved to defer the item until the February 23, 2005 voting agenda meeting of the city council.

Motion seconded by Councilmember Griffith and unanimously adopted. (Garcia absent; Greyson absent on city business; Thornton Reese absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0568

Item 40: Authorize an amendment to the nine-month contract with the Dallas Independent School District (DISD) to extend the contract to three years and increase funding to provide after-school and community recreation programs at up to ten DISD schools beginning October 1, 2004 through June 30, 2007 - Revenue: \$150,000 annually

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

Councilmember Lill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0569

Closed Session

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

- Thomas Wayne Williams v. City of Dallas, Daniel Earl Maples, Jr., Quentis Ray Roper, Civil Action No. 3:02-CV-1662-H
- Anthony Lynn Curlin v. Daniel Earl Maples, Jr., Quentis Ray Roper, Sean Moses and City of Dallas, Civil Action No. 3:02-CV-1997-H

The posted closed session was not held.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0570

Addendum addition 1: Authorize Supplemental Agreement No. 1 to the professional services contract with DMJM Aviation for engineering design services and preparation of construction documents for the Hensley Field Airfield improvements to provide construction administration services, materials testing, construction inspection, additional navigational aid design and a noise study - \$345,547, from \$328,335 to \$673,882 - Financing: Hensley Field Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0571

Addendum addition 2: Authorize a professional services contract for the development of a public awareness campaign on storm water pollution with Verve Communications Group, LLC., most advantageous proposer of three - Not to exceed \$550,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0572

Addendum addition 3: Authorize a thirty-six-month price agreement with Dell Marketing L.P., through the Department of Information Resources, State of Texas Cooperative contract, to lease computer hardware - Not to exceed \$3,937,000 - Financing: Current Funds (\$3,217,000), Water Utilities Current Funds (\$560,000), and Aviation Current Funds (\$160,000)

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

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

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

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted. (Miller, Rasansky abstain; Garcia absent; Greyson absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0573

Addendum addition 4: Authorize (1) a public hearing to be held on February 23, 2005 to receive citizens' comments on amendments to the City Center Tax Increment Financing (TIF) District Project Plan and Reinvestment Zone Financing Plan (Plan) to (a) shift funds among budget categories by decreasing parking in the amount of (\$17,511,405), increasing streetscapes in the amount of \$2,626,711, and increasing the environmental remediation/demolition/facade category in the amount of \$14,884,694, (b) allow for the sale of City-owned property at 1208 Main Street at fair market value to LB 1200 Main LP for the purpose of development and redevelopment of 1200 Main Street in accordance with the Plan, (c) make modifications to the Plan and Ordinance Nos. 22802 and 23034 to implement such plan amendments for the City Center TIF District in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311); and, at the close of the hearing, (2) consideration of an ordinance amending Ordinance Nos. 22802 and 23034 to reflect all such Plan amendments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0574

Addendum addition 5: Authorize an extension of the moratorium on the acceptance of applications for building permits or certificates of occupancy for “non-residential” properties within 500 feet of the north or south right-of-way line of W. Northwest Highway, from Stemmons Freeway to Mixon Drive until June 19, 2005 - Financing: No cost consideration to the City (Requires a 3/4 vote of the full City Council for approval)

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Chaney.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Mayor Pro Tem Loza voting “No”. (Garcia absent; Greyson absent on city business)

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 9, 2005

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 9, 2005

05-0525

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

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

CORRECTIONS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 9, 2005

05-0559

Item 31: Public Hearing – Zoning Case Z045-101 (MM)

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.) This item was considered by the City Council at a public hearing on January 26, 2005, and was taken under advisement until February 9, 2005, with the public hearing open.)

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

The following individual addressed the city council regarding zoning case Z045-101 (MM):

William Hopkins, 2011 Leath St.

Councilmember **Garcia Griffith** moved to postpone the application until the February 23, 2005 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Garcia absent; Greyson absent on city business)