

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 23, 2005

05-0640

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 9:19 a.m.

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

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

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

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

After all business properly brought before the city council had been considered the city council adjourned at 5:41 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.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 23, 2005

EXHIBIT A

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 23, 2005

EXHIBIT B

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0641

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: Roy Williams, 5881 Prestonview Blvd.
REPRESENTING: Dallas County Green Party
SUBJECT: 14-1 vs Strong Mayor

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

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: Citizens Organized for a Representative Government
SUBJECT: Give me liberty or give me death

SPEAKER: Richard Kinard, 3550 St. Francis **CANCELED**
SUBJECT: Discriminatory actions against the homeless by city employees

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Bruce Klien, 733 Cliffview **NO SHOW**
SUBJECT: Police Department

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

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Corruption with President of United States, EPA, Class Action Lawsuits

SPEAKER: Frank Ward, P.O. Box 50694 **NO SHOW**
REPRESENTING: Community At Large
SUBJECT: Community whitewash

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0642

Item 1: Approval of Minutes of the February 9, 2005 City Council Meeting

Councilmember Thornton Reese moved to approve the minutes, as corrected. Councilmember Greyson stated that on agenda 31, 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, instead of Councilmember Garcia.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0643

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-54 and addendum addition consent agenda items 1-8, were presented for consideration.

The city secretary announced that Councilmember Greyson had deferred consideration of consent agenda item 47 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Rasansky requested that consent agenda items 13, 25, 38 and 41 and addendum addition items 6 and 8 be considered as individual items. Mayor Miller stated that consent agenda items 13, 25, 38 and 41 and addendum addition items 6 and 8 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Mayor Miller requested that consent agenda items 46 and 50 be considered as individual items. Mayor Miller stated that consent agenda items 46 and 50 would be considered individual items later in the meeting, there being no objection voiced to her request.

Councilmember Greyson requested that addendum addition item 8 be considered as an individual item. Mayor Miller stated that addendum addition item 8 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 item 47 which was deferred, consent agenda items 13, 25, 38, 41, 46 and 50 and addendum addition items 6 and 8 which would be considered later in the meeting.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0644

Item 2: Authorize a professional services contract with Chiang, Patel & Yerby, Inc. for engineering consultant services for the development of a Spill Prevention, Control and Countermeasures Plan in compliance with federal regulations governing hazardous fuel containment for Dallas Love Field - Not to exceed \$44,517 - Financing: Aviation Capital Construction Funds (to be partially reimbursed by Federal Aviation Administration Airport Improvement Program Grant Funds)

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0645

Item 3: Authorize a professional services contract with Group One/VAI Architects, L.L.P. to provide schematic design, construction documents, bidding and construction administration for improvements at Kidd Springs Recreation Center located at 700 West Canty Street - \$32,320 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0646

Item 4: Authorize a professional services contract with Randall Scott Architects, Inc. to provide schematic design, design development, preparation of construction bid documents, bid evaluation and construction administration for Fire Station No. 40 located at Hampton Road and Kirnwood Drive - \$273,700 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0647

Item 5: Authorize a professional services contract with Malcolm Pirnie, Inc. for the dewatering facility improvements study and evaluation at the Southside Wastewater Treatment Plant - \$389,855 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0648

Item 6: Authorize a contract with Graphic Content, Inc. to complete an interior mural and graphic design artwork to be integrated into the West Love Field Branch Library located at 2446 Gilford - Not to exceed \$32,231 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0649

Item 7: Authorize a contract with Sandi Stein for the design, fabrication and installation of an original, site-specific artwork for the Jefferson Tyler Streetscape project to be located at the triangular median bound by Polk Street at the Tyler Street connection, and West Page Avenue - Not to exceed \$60,341 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0650

Item 8: Authorize a contract with Etty Horowitz to fabricate and install two abstract sculptures at Fire Station No. 38 located at 2839 Wilhurt Avenue - Not to exceed \$30,289 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0651

Item 9: Authorize a contract for the construction of the new West Love Field Branch Library to be located at 2146 Gilford Street - Harrison Quality Construction, lowest responsible bidder of three - \$2,810,664 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0652

Item 10: Authorize a contract for the construction of erosion control improvements at 5925 and 5929 Hunters View Lane and 1612 W. Five Mile Parkway - Craig Olden, Inc., lowest responsible bidder of two - \$528,395 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0653

Item 11: Authorize a contract for the construction of landscaping and irrigation improvements at Deepwood Loop 12 Landfill including landscaping and irrigation related work - C. Green Scaping, L.P., lowest responsible bidder of two - Not to exceed \$258,268 - Financing: 2003 Certificates of Obligation

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0654

Item 12: Authorize a contract for street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 03-603 (list attached) - SYB Construction Company, Inc., lowest responsible bidder of three - \$2,557,236 - Financing: 1995 Bond Funds (\$163,634), 1998 Bond Funds (\$358,567), 2003 Bond Funds (\$1,097,848), Water Utilities Capital Construction Funds (\$10,450), and Water Utilities Capital Improvement Funds (\$926,737)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0655

Item 13: Authorize (1) a contract for window replacement related to the redevelopment of the Republic Center Tower I located at 300 Ervay Street, with Jennings Glass Contractors, lowest responsible bidder of six, in an amount not to exceed \$1,297,000, (2) payment to Ervay Residential Partner, Inc. in an amount not to exceed \$1,872,813 for design, reimbursables and construction management, (3) assignment of the contract to Ervay Residential Partner, Inc. for construction management, and (4) extension of the completion date deadline - Total not to exceed \$3,169,813 - Financing: City Center TIF District Funds

Councilmember Rasansky requested that consent agenda item 13 be considered as an individual item. Mayor Miller stated that consent agenda item 13 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 13 was brought up for consideration.

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

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Oakley and unanimously adopted. (Rasansky abstain; Finkelman absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0656

Item 14: Authorize an increase in the contract with Eagle Contracting, L.P. for anaerobic digester improvements at the Southside Wastewater Treatment Plant - \$230,045, from \$7,866,000 to \$8,096,045 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0657

Item 15: Authorize Supplemental Agreement No. 2 to the professional services contract with Malcolm Pirnie, Inc. for engineering services to design and incorporate new security requirements into current water facility construction projects - \$124,500, from \$1,706,027 to \$1,830,527 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0658

Item 16: Authorize (1) the funding of design and construction of the Dallas County Courthouse Plaza, a place of public assembly located outside the City Center TIF District boundary, in an amount not to exceed \$2,625,000, to be paid over four years based on actual expenditures, in accordance with the terms of the Interlocal Agreement with Dallas County previously approved on October 23, 2002 by Resolution No. 02-3044, and (2) the establishment of appropriations in the amount of \$2,625,000 in the City Center TIF District Fund - Total not to exceed \$2,625,000 - Financing: City Center TIF District Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0659

Item 17: Authorize (1) alley paving for alley west of and parallel to Holcomb Road from Huttig Avenue to Belfast Avenue; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on April 13, 2005, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0660

Item 18: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from the Estate of Rudolph Vonaesch of approximately 47 acres of unimproved land located near the intersection of Long Acre Lane and Loop 12 for the Trinity River Corridor project - \$104,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0661

Item 19: Authorize a Residential Development Acquisition Loan Program loan to Kiest Blvd., LP, for the acquisition of a 37.1 acres of land located at 3200 E. Kiest - Not to exceed \$150,000 - Financing: 2002-03 Community Development Grant Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0662

Item 20: Authorize Supplemental Agreement No. 1 to the leases with the Federal Aviation Administration to delete the middle marker navigational facilities for Runway 31R and 31L at Dallas Love Field - Financing: No cost consideration to the City

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0663

Item 21: A resolution declaring approximately 10,101 square feet of City-owned land unwanted and unneeded located at the intersection of Starbuck Drive and Hillcrest Road and authorize its advertisement for sale by sealed bid with a minimum bid of \$6,566 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0664

Item 22: An ordinance abandoning portions of utility easements to Piedmont Montfort Partners, L.P., the abutting owner, containing a total of approximately 8,626 square feet of land 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. 25889.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0665

Item 23: An ordinance abandoning easements containing a total of approximately 11,213 square feet of land to The Enclave at Grove Hill, Ltd., the abutting owner, located near the intersection of Forney and Grove Hill Roads, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25890.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0666

Item 24: An ordinance granting a revocable license to McKinney/Pearl Restaurant Partners, L.P., for the use of approximately 296 square feet of land to install and maintain an awning over a portion of McKinney Avenue right-of-way located near its intersection with Pearl Street - Revenue: \$1,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25891.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0667

Item 25: Authorize (1) a public hearing to be held on March 9, 2005 to receive citizens' comments on the proposed private sale by quitclaim deed of 12 unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Foundation for Housing Resources, Inc. (8 properties), Builders of Hope CDC (1 property) and Dallas City Homes, Inc. (3 properties), qualified non-profit organizations; and, (2) at the close of the hearing, consideration of approval of the sale of these properties - Financing: This action has no cost consideration to the City

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 Salazar and unanimously adopted. (Finkelman absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0668

Item 26: Authorize (1) a public hearing to be held on April 13, 2005, to receive citizens' comments on the proposed reclassification of 2.52 acres of existing park land at Timberglen Park for library use; and, (2) at the close of the hearing, consideration of approval of the proposed reclassification - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0669

Item 27: Authorize a nine-month service contract for full service, support and enhancement of the Applicant Tracking System software for grading, managing and reporting civil service and other applicant information - Unified Data Systems, Inc. - Sole Source - \$38,557 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0670

Item 28: Authorize a thirty-six-month service contract for lawn irrigation maintenance service, parts and labor for the Maintenance and Training Center at 5000 Dolphin Road and fifteen fire stations with the lowest responsible bidder of three - Good Earth, Inc. - Not to exceed \$65,940 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0671

Item 29: Authorize a service contract for a duplicate vendor payment audit to identify and recover funds from payments, overcharges or sales tax and delivery charges during the period from October 1, 2001 through September 30, 2004 with the lowest responsible bidder of four - Horn & Associates, Inc. - City will pay 18% of funds recovered - Estimated Net Revenue: \$150,000

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0672

Item 30: Authorize a thirty-six-month price agreement for concrete and asphalt saw blades with the lowest responsible bidders of five - ProTech Diamond Tools in the amount of \$101,579, NationsRent Inc. in the amount of \$8,284 and Matthew Opperman Company, Inc. in the amount of \$6,480 - Total not to exceed \$116,343 - Financing: Current Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0673

Item 31: Authorize a twenty-four-month price agreement for micro-surfacing and slurry seal with the lowest responsible bidders of two - Viking Construction, Inc. in the amount of \$2,888,400 and Ballou Construction Co. Inc. in the amount of \$2,467,500 - Total not to exceed \$5,355,900 - Financing: Current Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0674

Item 32: Authorize the purchase of a replacement milling machine from Continental Equipment Company, through the Houston Galveston Area Council, a Texas local government cooperative purchasing program - Not to exceed \$418,722 - Financing: 2004 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0675

Item 33: Authorize a twenty-four-month price agreement for paint and sundries with the lowest responsible bidder of five - ICI Delux Paint Centers - Not to exceed \$303,964 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0676

Item 34: Authorize a thirty-six-month price agreement for welding machines and welding supplies with the lowest responsible bidders of three - Matheson Tri-Gas in the amount of \$128,573, Cronatron Welding Systems Inc. in the amount of \$82,653, and NationsRent Inc. in the amount of \$18,367 - Total not to exceed \$229,593 - Financing: Current Funds (\$95,843), Water Utilities Current Funds (\$133,750)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0677

Item 35: Authorize a thirty-six-month price agreement for access structures to be used as entry into the water and sewer systems with the lowest responsible bidders of three - L. F. Mfg., Inc. in the amount of \$114,030, Doug Meadows Co. in the amount of \$63,632, and PW Eagle in the amount of \$38,759 - Total not to exceed \$216,421 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0678

Item 36: Authorize a forty-eight-month service contract for non-destructive pipe analysis and internal leak surveying with Pressure Pipe Inspection Company (USA) Inc. - Sole Source - Not to exceed \$5,921,500 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0679

Item 37: Authorize a professional services contract with The University of Texas at Arlington Texas Manufacturing Assistant Center to provide consulting services including development of policies, procedures, work instructions, records and forms and follow-up audits to implement an *ISO 9000* Quality Management System - Not to exceed \$45,000 - Financing: Current Funds

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0680

Item 38: Authorize a professional services contract with Beer-Wells-Todd Real Property Analysts, Inc., for professional services necessary in the lawsuit styled Don Blanton, Deep Ellum I, Ltd., Deep Ellum II, Ltd., Deep Ellum III, Ltd., 2615-17 Commerce Street Partnership, Jernigan Realty Partners, LP, Robert Merrell and Karen L. Merrill, International Lion's Lairs, L.L.C., Wayne Bazzle, Cheryl Bazzle, Crystaline E. Wheeler, Linda L. Kluck, Sandra S. Coone, Sam W. Owen, J.R. Gilpin, Crugar S. Ragland, Trustee of the Ragland Property Trust, Henry J. Evans, Park-A-Lot, LP, Peter Fonberg, Trustee of the Jeannette Schwartz Trust, Peter Fonberg, Trustee of the Hymie Schwartz Trust and Caron Barrett v. City of Dallas, Cause No. DV-04-02922-K, and any other proceedings relating to the subject matter of this lawsuit - Not to exceed \$45,000 - Financing: Current Funds

Councilmember Rasansky requested that consent agenda item 38 be considered as an individual item. Mayor Miller stated that consent agenda item 38 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 38 was brought up for consideration.

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

Councilmember Garcia moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Rasansky abstain; Finkelman absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0681

Item 39: An ordinance authorizing a correction to Ordinance No. 25662 for a Planned Development District for a public elementary school other than an open enrollment charter school, R-7.5(A) Single Family District uses, and a private recreation center, club or area on the northwest corner of Mary Cliff Boulevard and Stevens Forest Drive to correct the property description Z034-236 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25892.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0682

Item 40: 2003-04 TIF Annual Reports

- * A resolution accepting the FY 2003-04 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number One, (State-Thomas TIF District), submitted by the State-Thomas TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to other taxing jurisdictions which participate in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0683

Item 41: 2003-04 TIF Annual Reports

- * A resolution accepting the FY 2003-04 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Two, (Cityplace Area TIF District), submitted by the Cityplace Area TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to other taxing jurisdictions which participate in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Councilmember Rasansky 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 Rasansky's request.

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0684

Item 42: 2003-04 TIF Annual Reports

- * A resolution accepting the FY 2003-04 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Three, (Oak Cliff Gateway TIF District), submitted by the Oak Cliff Gateway TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to other taxing jurisdictions which participate in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0685

Item 43: 2003-04 TIF Annual Reports

- * A resolution accepting the FY 2003-04 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Four, (Cedars TIF District), submitted by the Cedars TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to other taxing jurisdictions which participate in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0686

Item 44: 2003-04 TIF Annual Reports

- * A resolution accepting the FY 2003-04 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Five, (City Center TIF District), submitted by the City Center TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to other taxing jurisdictions which participate in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0687

Item 45: 2003-04 TIF Annual Reports

- * A resolution accepting the FY 2003-04 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Six, (Farmers Market TIF District), submitted by the Farmers Market TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the other taxing jurisdictions which participate in the District, and to the Attorney General, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0688

Item 46: 2003-04 TIF Annual Reports

- * A resolution accepting the FY 2003-04 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Seven, (Sports Arena TIF District), submitted by the Sports Arena TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to other taxing jurisdictions which participate in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Mayor Miller requested that consent agenda item 46 be considered as an individual item. Mayor Miller stated that consent agenda item 46 would be considered as an individual item later in the meeting, there being no objection voiced to her request.

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

Mayor Pro Tem Loza moved to defer the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0689

Item 47: Authorize the reconstruction on-site of two homes in accordance with the Replacement Housing Program Statement requirements for the properties located at 3523 Mingo Street and 2826 Marder Street - Not to exceed \$70,000 each for a total not to exceed \$140,000 - Financing: 2004-05 HOME Funds

The city secretary announced that Councilmember Greyson had deferred consideration of consent agenda item 47 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0690

Item 48: Authorize (1) the use of 2003 Bond Funds for four projects recommended by the Single-Family Infrastructure Review Committee, to provide subordinate bond financing for street infrastructure development costs of new mixed income single-family subdivisions pursuant to the Single-Family Housing Infrastructure Development Bond Program; and, (2) the execution of participation agreements, private development contracts, and deed restrictions in connection therewith - \$2,202,135 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0691

Item 49: Authorize an amendment to Resolution No. 02-0106, previously approved on January 9, 2002, for Operation Relief Center, Inc., (ORC) a City of Dallas Community Housing Development Organization, to (1) provide the terms and conditions of the City's HOME-funded loan to ORC in the amount of \$500,000, and (2) revise the unit mix and square footage of the units at The Pegasus Apartments located at 7200 Stemmons Freeway - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0692

Item 50: Authorize a public hearing to be held on March 9, 2005 to receive citizens' comments in preparation of the FY 2005-06 Operating, Capital, Grant, and Trust budgets - Financing: No cost consideration to the City

Mayor Miller requested that consent agenda item 50 be considered as an individual item. Mayor Miller stated that consent agenda item 50 would be considered as an individual item later in the meeting, there being no objection voiced to her request.

Later in the meeting, agenda item 50 was brought up for consideration.

Councilmember Garcia moved to approve the item.

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

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0693

Item 51: Authorize a concession contract with Marcus Whittington for management and operation of the Samuell-Grand Tennis Center located at 6200 East Grand Avenue for a four-year, seven-month period beginning March 1, 2005 through September 30, 2009 - Estimated Revenue: \$55,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0694

Item 52: Authorize application for a matching grant in the amount of \$450,000 from the National Park Service for the Save America's Treasures FY 2005 Historic Preservation Fund Grants for the mural protection at the Centennial and Food and Fiber Buildings at Fair Park located at 3629 Grand Avenue - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0695

Item 53: Authorize a ten-year use agreement, with two five-year renewal options, with Dolfín Swim School, Inc. for capital improvements and use of the swimming pool at Walnut Hill Park located at 4141 Walnut Hill Lane - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0696

Item 54: Authorize application for fifth-year continuation of the Dallas Police Department Victim Services grant from the Office of the Governor, Criminal Justice Division to provide sufficient services to reach all eligible crime victims, for the period July 1, 2005 through June 30, 2006 - Total not to exceed \$61,999 (local match in an amount not to exceed \$12,500 will be required if awarded) - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0697

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 55-59, and addendum addition item 9 were presented for consideration.

Agenda items 56, 57 and addendum addition 9 were removed from the consent zoning docket, to be considered as an individual hearing.

Agenda item 55:	Zoning Case Z034-313 (JA)	
Agenda item 56:	Zoning Case Z045-112 (DW)	[Considered individually]
Agenda item 57:	Zoning Case Z045-127 (WE)	[Considered individually]
Agenda item 58:	Zoning Case Z0-45-136 (MM)	
Agenda item 59:	Zoning Case Z034-332 (RB)	
Addendum addition 9:	Zoning Case ZZ045-125 (WE)	[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.

The following individual addressed the city council regarding zoning case Z034-313 (JA):

William Hopkins, 2011 Leath St.

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

Motion seconded by Councilmember Fantroy and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0698

Item 55: Zoning Case Z034-313 (JA)

Zoning Case Z034-313 (JA), an application for and an ordinance granting an Historic Overlay for the Dallas Power and Light complex on property zoned a CA-1(A) Central Area District on Commerce Street between Browder Street and Lane Street.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25893.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0699

Item 56: Zoning Case Z045-112 (DW)

The consent zoning docket, consisting of agenda items, 55-59 and addendum addition item 9, were presented.

Councilmember Oakley requested that consent zoning docket item 56 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 56 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Oakley's request.

Later in the meeting, zoning docket item 56 was brought up for consideration.

A public hearing was called on consent zoning docket item 56, zoning case Z045-112 (DW), an application for and an ordinance granting an amendment to and an 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.)

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

Katherine Homan, 1629 Handley Dr.
Patricia Maley, 957 Kessler Parkway
Larry Vanderwoude, 415 Allison
Donald E. Heitzman, Jr., 304 W. Greenbriar

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

Kirk Williams, 5400 Renaissance Tower, representing the applicant.

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

Motion seconded by Councilmember Garcia and unanimously adopted.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0700

Item 57: Zoning Case Z045-127 (WE)

The consent zoning docket, consisting of agenda items, 55-59 and addendum addition item 9, were presented.

Councilmember Blaydes requested that consent zoning docket item 57 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 57 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Oakley's request.

Later in the meeting, zoning docket item 57 was brought up for consideration.

A public hearing was called on consent zoning docket item 57, zoning case Z045-127 (WE), an application for and an ordinance granting a Planned Development District for Single Family uses and Private streets on property zoned an R-7.5(A) Single Family District and an R-10(A) Single Family District on Oren Street at Westrock Drive.

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

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

Doris Smith, 9315 Whittenburg Gate Ave.
Brad Gold, 9211 Orbiter Dr.
Richard Everett, 9430 Whittenburg Gate Ave.
Emanuel Burrell, 9411 Whittenburg Gate. Ave.
Ernell Smith, 9315 Whittenburg Gate Ave.

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

Robert McFissel, 3007 Maple Ave.
Diane Cheatham, 4310 Abbott Ave.
Catherine Horsey, 3216 Jacotte Cir.
Carl Crawley, 500 S. Ervay St.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-0700

Page 2

Councilmember Blaydes moved to close the public hearing and follow the city plan commission recommendation for approval of a planned development district, with two new conditions as shown in the modified conditions:

1. Consideration of this district as a high-density residential district in order to permit lots to extend into floodway easements.
2. Granting a private license to put landscaping, irrigation, and private drainage facilities in the right-of-way, and pass the ordinance.

Motion seconded by Councilmember Griffith and unanimously adopted.

Assigned ORDINANCE NO. 25894.

4/12/2005 2:52 PM

G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0701

Item 58: Zoning Case Z045-136 (MM)

Zoning Case Z045-136 (MM), an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned an R-10(A) Single Family District on the south side of Seagoville Road, between Ravenview Road and Edd Road.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25895.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0702

Item 59: Zoning Case Z034-332 (RB)

Zoning Case Z034-332 (RB), an application for and an ordinance granting a CR Community Retail District on property zoned an R-7.5(A) Single Family District in the northeast quadrant of C. F. Hawn Freeway and Woody 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.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25896.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0703

Item 60: Public Hearing - Zoning Case Z034-322 (WE)

A public hearing was called on zoning case Z034-322 (WE), an application for and an ordinance granting a Planned Development District for R-16(A) Single Family uses and a private street on property zoned an R-16(A) Single Family District with consideration given to a Planned Development District for single family uses and a private street on the north side of Forest Lane, west of Hillcrest Road.

(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:

Jerry Skibell, 7 Wooded Gate, the applicant

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

Motion seconded by Councilmember Garcia and unanimously adopted.

Assigned ORDINANCE NO. 25897.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0704

Item 61: Public Hearing – Zoning Case Z023-192 (CG)

A public hearing was called on zoning case Z023-192 (CG), a City Plan Commission authorized hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District, an IR Industrial Research District, a CR Community Retail District, a CS Commercial Service District, a CS-D Commercial Service District with a D Liquor Control Overlay, a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay D-1, an RR Regional Retail District, an MF-2(A) Multifamily District, an MF-4(A) Multifamily District, and Specific Use Permits No. 98, No. 537, No. 661 and No. 1508, with special consideration given to the granting of a Planned Development District for mixed-uses in an area along West Commerce Street and Fort Worth Avenue that commences at the intersection of Westmoreland Road at Fort Worth Avenue (western boundary) and ends at the intersection of North Beckley Avenue and West Commerce Street (eastern boundary), extending approximately 1/8 to 1/4 mile on either side of the West Commerce/Fort Worth Avenue street right-of-way and an ordinance granting the Planned Development District .

(The city plan commission recommended approval.)

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

Jack Punch, 1802 Ft. Worth Ave.

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

Joseph Hernandez, 504 Monssen Dr.

Randal White, 1935 Mayflower Ave.

Carol Twitmyer, 430 Monssen Dr.

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

Motion seconded by Councilmember Garcia and unanimously adopted.

Assigned ORDINANCE NO. 25898.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0705

Item 62: Public Hearing – Zoning Case SPSD 045-002 (CG)

A public hearing was called on zoning case SPSD 045-002 (CG), a City Plan Commission authorized hearing to consider a Special Provision Sign District to regulate signage along the West Commerce Street/Fort Worth Avenue Corridor in an area along West Commerce Street and Fort Worth Avenue that commences at the intersection of Westmoreland Road at Fort Worth Avenue and ends at the intersection of North Beckley Avenue and West Commerce Street, extending approximately 1/8 to 1/4 mile on either side of the West Commerce/Fort Worth Avenue street right-of-way and an ordinance granting the Special Provision Sign District.

(The city plan commission recommended approval.)

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

Councilmember Garcia 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. 25899.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0706

Item 63: Public Hearing – Zoning Case Z034-237 (DW)

A public hearing was called on zoning case Z034-237 (DW), an application for and an ordinance granting a Planned Development District for IR Industrial Research District uses plus an Industrial (outside) use not potentially incompatible on property zoned an IR Industrial Research District on the southeast corner of Singleton Boulevard and Westerfield Avenue.

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

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

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

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

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

Assigned ORDINANCE NO. 25900.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0707

Item 64: Public Hearing - Zoning Case Z045-126 (DW)

A public hearing was called on zoning case Z045-126 (DW), an application for and an ordinance granting an amendment to Planned Development District No. 568 to reduce the screening requirements and request approval of a development plan on the southwest corner of Perryton Drive and Hampton Road.

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

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

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

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

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

Assigned ORDINANCE NO. 25901.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0708

Item 65: Public Hearing – Zoning Case Z034-327 (DW) - UNDER ADVISEMENT - INDIVIDUAL

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.

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 Multiple 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. This item was considered by the City Council at a public hearing on February 9, 2005, and was taken under advisement until February 23, 2005, with the public hearing open.)

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

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

Jerry Tolbert, 9470 Old Towne Rd.

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

Suzan Kedron, 901 Main St.
Joe Conaghan, 9595 Olde Towne Rd.
Martha Conaghan, 9595 Olde Towne Rd.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-0708

Page 2

Councilmember Thornton Reese moved to postpone the application until the March 9, 2004 voting agenda meeting of the city council and to continue public hearing at that time.

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

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0709

Item 66: Public Hearing – Zoning Case Z034-329 (DW) – UNDER ADVISEMENT – INDIVIDUAL

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 public hearings on January 26, 2005, and February 9, 2005, and was taken under advisement until February 23, 2005, with the public hearing open.)

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

Councilmember Greyson moved to close the public hearing, accept the recommendation of the city plan commission, recommended for approval of a CS Commercial Service District and to bring the ordinance and the restrictions back to the March 2, 2005 voting agenda meeting of the city council with the following change:

“Acceptance of the deed restriction instrument labeled “Deed Restriction A” in lieu of the deed restriction instrument approved by the City Plan and Zoning Commission”.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0710

Item 67: 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 public hearings on January 26, 2005, and February 9, 2005, and was taken under advisement until February 23, 2005, with the public hearing open.)

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

Councilmember Greyson moved to close the public hearing, accept the recommendation of the city plan commission for approval of a CS Commercial Service District and to bring the ordinance and restrictions back to the March 2, 2005 voting agenda meeting of the city council with the following changes:

“Acceptance of the deed restriction instrument labeled “Deed Restriction B” in lieu of the deed restriction instrument approved by the City Plan and Zoning Commission and addition of the word “western” to the rear property line description.”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0711

Item 68: Public Hearing - THOROUGHFARE PLAN AMENDMENTS

A public hearing to receive citizens' comments to amend the City of Dallas Thoroughfare Plan to change the dimensional classification of Telephone Road from Dallas/Lancaster City Limit to Unnamed SE4 to a four-lane divided roadway (S-4-D) within 80 feet of right-of-way, and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

Councilmember Fantroy moved to close the public hearing and authorize an ordinance implementing the change.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

Assigned ORDINANCE NO. 25902.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0712

Item 69: Public Hearing – THROUGHFARE PLAN AMENDMENTS

A public hearing to receive citizens' comments to amend the City of Dallas Thoroughfare Plan to change the dimensional classification of Haskell Boulevard from Lemmon Avenue to Main Street to a three-lane eastbound roadway within 65 feet of right-of-way, and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City.

Deleted on the addendum to the agenda.

6OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0713

05-0714

BENEFIT ASSESSMENT HEARINGS

Note: Item Nos. 70 and 71
must
be considered collectively.

Street Group 98-430

Item 70: * A benefit assessment hearing to receive citizens' comments on street paving, storm drainage, water and wastewater main improvements for Street Group 98-430, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with Tiseo Paving Company, lowest responsible bidder of three - \$2,595,672 - Financing: 1998 Bond Funds (\$1,642,161), Water Utilities Capital Improvement Funds (\$949,691), and Water Utilities Capital Construction Funds (\$3,820)

Item 71: * Authorize a contract with TXU Electric Delivery Company to provide removal and replacement of overhead power lines from the south side to the north side of Mapleshade Lane - \$38,000 - Financing: 1998 Bond Funds

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

Councilmember Greyson moved to close the public hearing, pass the ordinance levying the assessments for infrastructure improvement for Street Group 98-430 and approve the resolution authorizing the contract, with the following change:

“The assessment for 19205 Windmill Lane shall be corrected to reflect residential use rather than commercial zoning thereby reducing the assessment from \$6,978 to \$1,194.”

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

Assigned ORDINANCE NO. 25903.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0715

MISCELLANEOUS HEARINGS

Note: Item Nos. 72 and 73 must
be considered collectively.

City Center TIF District

- Item 72: * A public hearing to receive citizens' comments on amendments to the City Center Tax Increment Financing (TIF) District Project Plan and Reinvestment Zone Financing Plan (Plan) for Tax Increment Financing Reinvestment Zone Number Five, City Center TIF District, in accordance with the Tax Increment Financing Act, as amended (V.T.C.A Tax Code, Chapter 311) 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, and (c) make modifications to the Plan and modifications of Ordinance Nos. 22802 and 23034, which created the City Center TIF District and adopted the Plan for the City Center Tax Increment Financing District - Financing: No cost consideration to the City
- Item 73: * An ordinance amending Ordinance Nos. 22802 and 23034 to amend the Project Plan and Reinvestment Zoning Financing Plan (Plan) for Tax Increment Financing Reinvestment Zone Number Five, City Center TIF District, in accordance with the Tax Increment Financing Act, as amended (V.T.C.A Tax Code, Chapter 311) 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, and (c) make modifications to the Plan and modifications of Ordinance Nos. 22802 and 23034, which created the City Center TIF District and adopted the Plan for the City Center Tax Increment Financing District - Financing: No cost consideration to the City

No one addressed the city council regarding City Center TIF District.

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

Motion seconded by Councilmember Salazar and unanimously adopted.

Assigned ORDINANCE NO. 25904.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0716

Item 74: A public hearing to receive citizens' comments on the reallocation of \$232,547 in Housing Opportunities for Persons with AIDS Grant Funds in the FY 1999-00 Consolidated Plan Budget, and at the close of the hearing, authorize acceptance of the reallocation of funds - Financing: No cost consideration to the City

Councilmember Blaydes moved to close the public hearing.

Motion seconded by Councilmember Thornton Reese and unanimously adopted.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0717

Item 75: 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 23, 2005

05-0718

Item 76: Authorize hardship relief for property located at 3203 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 approve the item.

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

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0719

Item 77: Authorize (1) a revision to the Public/Private Partnership Program and Guidelines to include a Business Development Grant Program pursuant to Chapter 380 of the Texas Local Government Code to provide economic development grants; (2) an economic development grant agreement with Dilbeck Court Limited for the Dilbeck Court Project in the amount of \$370,000 which is approximately equivalent to a 90 percent tax abatement for a 10-year period on the added value of real property improvements, development fees and a 25 percent portion of right-of-way abandonment fees; and (3) an infrastructure cost participation agreement with Dilbeck Court Limited for the Dilbeck Court Project in an amount not to exceed 50 percent of the total contract price for the public infrastructure improvements to Fort Worth Avenue and Sylvan Avenue - Total not to exceed \$729,995 - Financing: Public/Private Partnership Funds (\$370,000) and 2003 Bond Funds (\$359,995)

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0720

Item 78: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of St. Augustine Estates senior multifamily development to be located at the northeast corner of Bruton Road and St. Augustine - Financing: No cost consideration to the City

Councilmember Lill moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0721

Item 79: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of the Churchill at Clifford multifamily development located at the northwest quadrant of Justice Way and Storey Lane - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0722

Item 80: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of Residence at the Oaks Phase II senior multifamily development to be located at 2740 Duncanville Road - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0723

Item 81: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the rehabilitation of the Grove Village multifamily development located at 7209 South Loop 12 - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Hill moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0724

Item 82: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of Westridge Senior Apartments multifamily development to be located at 3900 South R.L. Thornton - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0725

Item 83: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of Cityparc at Runyon multifamily development to be located at the northwest corner of Camp Wisdom and Lancaster Road - Financing: No cost consideration to the City

The following individual addressed the city council regarding the resolution:

Ruth Steward, 7022 Balalaika Rd.

Councilmember Fantroy moved to approve the resolution.

Motion seconded by Deputy Mayor Pro Tem Hill.

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

Voting Yes:	[10]	Loza, Oakley, Thornton Reese, Salazar, Chaney, Fantroy, Blaydes, Finkelman, Rasansky, Lill
Voting No:	[4]	Miller, Garcia, Griffith, Greyson
Absent when vote taken:	[1]	Hill

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0726

Item 84: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the rehabilitation of Fairway Crossing multifamily development located at 7229 Ferguson - Financing: No cost consideration to the City

Councilmember Chaney moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0727

Item 85: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of Lake June Villas multifamily development to be located at 9621 Lake June Road - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0728

Item 86: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the rehabilitation of the Pleasant Village multifamily development located at 378 N. Jim Miller Road - Financing: No cost consideration to the City

Councilmember Thornton Reese moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0729

Item 87: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of Reese Court Villas multifamily development to be located at 1201 S. Ewing - Financing: No cost consideration to the City

Councilmember Thornton Reese moved to approve the resolution.

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 Miller and Councilmembers Garcia, Finkelman, Greyson voting "No". (Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0730

Item 88: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of Sphinx at Luxar multifamily development to be located at the northeast quadrant of Cockrell Hill and West Kiest - Financing: No cost consideration to the City

Councilmember Oakley moved to approve the resolution.

Motion seconded by Councilmember Chaney.

Later in the meeting, Councilmember Oakley withdrew his motion.

Councilmember Chaney, who seconded the motion, withdrew his second.

Councilmember Oakley moved to defer the resolution until the March 9, 2005 voting agenda of the city council.

Motion seconded by Councilmember Rasansky.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0731

Item 89: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of Wahoo Frazier Townhomes multifamily development to be located at 4700 - 4900 Hatcher - Financing: No cost consideration to the City

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

Mayor Pro Tem Loza moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0732

Item 90: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of the Churchill at Cedars multifamily development located in the 1800 block of Hickory - Financing: No cost consideration to the City

Mayor Pro Tem Loza moved to approve the resolution.

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 Miller and Councilmembers Garcia and Greyson voting "No". (Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0733

Item 91: Texas Department of Housing and Community Affairs Tax Credit Projects

- * Authorize a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the rehabilitation of 155 units for seniors and the new construction of 96 units for families for a total of 251 units called the Providence at UT Southwestern multifamily development to be located at 1893 West Mockingbird Lane - Financing: No cost consideration to the City

Mayor Pro Tem Loza moved to defer the resolution until the March 9, 2005 voting agenda meeting of the city council.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0734

Item 92: An ordinance authorizing the issuance and sale of \$235,805,000 in City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2005; accepting the bids and awarding the sale of the bonds; approving the Preliminary Official Statement; and enacting other provisions in connection therewith - Not to exceed \$548,436 - Financing: Water Utilities Bond Funds (To be considered before 12:00 noon)

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

Councilmember Blaydes moved to authorize the issuance and sale of \$235,805,000 in City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2005; accepting the bids and awarding the sale of the bonds; approving the Preliminary Official Statement; and enacting other provisions in connection therewith, to CitiGroup Global Markets, Inc. being the best bid.

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Miller, Griffith, Rasansky abstain; Hill absent when vote taken)

Assigned ORDINANCE NO. 25905.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0735

Item 93: Authorize adoption of the Mill Creek Master Drainage Plan for the Mill Creek drainage basin from Mockingbird Lane to the Trinity River - Financing: No cost consideration to the City

Councilmember Lill moved to approve the item.

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

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0736

Item 94: 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 approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0737

Closed Session

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

- Legal issues regarding federal litigation arising from and related to URSB orders, including James v. City of Dallas, Case No. 3:98-CV-0436-R (N.D. Tex.); and Bell et al. v. City of Dallas, Consol. Case No. 3:95-CV-0383-R (N.D. Tex.) and Appellate Case No. 04-10818 (5th Cir.), and related matters
- Legal issues involving collection of hotel taxes

The posted closed session was not held.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0738

Addendum addition 1: Authorize an eighty-four-month lease agreement with Cash Flow Management, Inc. for approximately 3,600 square feet of office space located in Santa Fe Place at 1110 South Santa Fe Trail in Duncanville, to be used as a Women, Infants and Children Clinic for the period April 1, 2005 through March 31, 2012 - Total not to exceed \$384,480 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0739

Addendum addition 2: Authorize exercise of the twelve-month renewal option to the professional services contract with The Pathfinder Group for a marketing income program to generate additional income for the City - The Pathfinder Group will receive 12% of the value of each negotiated marketing partnership - Estimated Revenue: \$2,500,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0740

Addendum addition 3: An ordinance amending Chapter 12A of the Dallas City Code to exclude from certain city financial disclosure requirements the municipal officers and City Council candidates who are required to file financial disclosure statements under Chapter 145 of the Texas Local Government Code - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25906.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0741

Addendum addition 4: Authorize settlement of the lawsuits styled (1) Erubiel Cruz et al. v. City of Dallas, Civil Action No. 3:02-CV-0649-K, (2) Lorenzo Escamilla v. City of Dallas, Civil Action No. 3:03-CV-0848-K, (3) Jacinto Jesus Mejia v. City of Dallas, Civil Action No. 3:03-CV-0352-K, (4) Isreal Pineda v. City of Dallas, Civil Action No. 3:04-CV-0071-K, (5) George Sifuentez v. City of Dallas, Civil Action No. 3:03-CV-0961-K
- Total not to exceed \$5,615,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0742

Addendum addition 5: Authorize payment of legal fees to (1) Brian O'Shea, Attorney at Law in the amount of \$20,212, the law firm of Sorrells and Udashen in the amount of \$29,155, and Tona Trollinger, Attorney at Law in the amount of \$41,759, for legal services rendered in the lawsuit styled Thomas Wayne Williams v. City of Dallas, Daniel Earl Maples, Jr., Quentis Ray Roper, Civil Action No. 3:02-CV-1662-H; and, (2) Brian O'Shea, Attorney at Law in the amount of \$58,743, the law firm of Sorrells and Udashen in the amount of \$26,175, and Tona Trollinger, Attorney at Law in the amount of \$52,047, for legal services rendered in the lawsuit styled 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 - Total not to exceed \$228,091 - Financing: Current Funds [05-0742]

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0743

Addendum addition 6: Authorize a membership agreement with Texas Conference of Urban Counties Aggregation Project, Incorporated d/b/a Public Power Pool (P3) to negotiate and procure electricity on behalf of the City for a third term from July 1, 2005 through December 31, 2006 - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition item 6 be considered as an individual item. Mayor Miller stated that addendum addition item 6 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 6 was brought up for consideration.

The following individual addressed the city council regarding the item:

Don Lee, 500 W. 13th St., Austin, TX

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Griffith.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0744

Addendum addition 7: Authorize amendments to the contract with Texas Commission on Environmental Quality to (1) change the effective dates from September 1, 2004 through August 31, 2005, to October 21, 2004 through December 31, 2005; and (2) include the statement that the City agrees to operate and maintain whole air samplers for the period September 1, 2004 through December 31, 2004 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0745

Addendum addition 8: Authorize the Criteria for Evaluating Proposed Tax Increment Financing Districts to expand economic development efforts to other areas of the City to stimulate redevelopment and increase the tax base - Financing: No cost consideration to the City

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

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

Mayor Pro Tem Loza moved to defer the item until the March 9, 2004 voting agenda meeting of the city council.

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

During debate, on Mayor Pro Tem Loza's motion, Councilmember Lill moved the previous question.

Motion seconded by Councilmember Chaney.

Mayor Miller called the vote on Councilmember Lill's motion to end debate and proceed to an immediate vote on the pending question.

Voting Yes:	[8]	Hill, Garcia, Oakley, Salazar, Chaney, Fantroy, Blaydes, Lill
Voting No:	[5]	Miller, Loza, Griffith, Greyson, Rasansky
Absent when vote taken:	[2]	Thornton Reese, Finkelman

Mayor Miller declared the motion adopted.

Councilmember Oakley moved to substitute for Mayor Pro Tem Loza's motion a motion to approve the item as presented.

Motion seconded by Councilmember Blaydes.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-0745

Page 2

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

Voting Yes:	[9]	Hill, Garcia, Oakley, Salazar, Chaney, Fantroy, Griffith, Blaydes, Lill
Voting No:	[4]	Miller, Loza, Greyson, Rasansky
Absent when vote taken:	[2]	Thornton Reese, Finkelman

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0746

Addendum addition 9: Zoning Case Z045-125 (WE)

The consent zoning docket, consisting of agenda items 55-59 and addendum addition item 9, was presented.

Councilmember Chaney requested that consent zoning docket addendum addition 9 be removed from the zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket addendum addition 9 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Chaney's request.

Later in the meeting, addendum addition 9 was brought up for consideration.

A public hearing was called on zoning case Z045-125 (WE), an application for and an ordinance granting a CR Community Retail District on property zoned an MF-1(A) Multifamily District, on the north line of Dixon Avenue at Wullschleger Lane.

(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 Chaney moved to bring the ordinance and restrictions back on the March 9, 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.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0747

Addendum addition 10: Zoning Case DCA-045-007 - DEVELOPMENT CODE
AMENDMENTS - CONSENT

A public hearing was called on consideration of amendments to Article VII, "Sign Regulations," of Chapter 51A, the Dallas Development Code, to revise the regulations regarding political signs to conform with current State law and an ordinance implementing the amendments.

(The city plan commission recommended approval.)

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

Mayor Pro Tem Loza moved to postpone the application until the March 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

February 23, 2005

05-0748

Addendum addition 11: SPECIAL PROVISION SIGN DISTRICT

An application for and an ordinance granting an amendment to, and expansion of, the Victory Special Provision Sign District generally located east of Stemmons Freeway and north of Woodall Rodgers Freeway.

(The city plan commission recommended approval.)

The following citizen addressed the city council on the item:

William Cothrum, 500 S. Ervay St.

Mayor Pro Tem Loza moved to postpone the ordinance until the March 9, 2005 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Greyson.

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".

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0749

Addendum addition 12: SPECIAL PROVISION SIGN DISTRICT

A resolution authorizing the sale of approximately 2,500 square feet of unneeded and unwanted City-owned land to LB 1200 Main, LP located near the intersection of Main and Field Streets - Revenue: \$181,000 .

Note: Addendum Item No. 12 must be considered after Agenda Item Nos. 72 and 73.

Councilmember Finkelman moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0750

Addendum addition 13: Authorize hardship relief for property located at 3101 West Northwest Highway from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0751

Addendum addition 14: Authorize adoption of the City's Federal Legislative Agenda for the 109th Congress as recommended by the Governmental and Minority Affairs Committee - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

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

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0752

Addendum addition 15: **May 7, 2005 Election Items**

- * An ordinance ordering a general election to be held in the City of Dallas on Saturday, May 7, 2005, for the purpose of electing 14 members of the City Council to represent Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 for the term beginning June 13, 2005 - Financing: This action has no cost consideration to the City

Councilmember Greyson moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25907.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0753

Addendum addition 16: **May 7, 2005 Election Items**

- * An ordinance ordering a special election to be held in the City of Dallas on Saturday, May 7, 2005, for the purpose of submitting to the qualified voters of the City proposed amendments to the Dallas City Charter - Financing: This action has no cost consideration to the City

Councilmember Greyson moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25908.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0754

Addendum addition 17: **May 7, 2005 Election Items**

- * A resolution authorizing (1) a joint election agreement and election services contract between the City of Dallas, Dallas County, and various other jurisdictions within Dallas, Collin, and Denton Counties, for the conduct of a joint election to be held on Saturday, May 7, 2005; and, (2) an extension of the agreement for a runoff election, if necessary, to be held on Saturday, June 4, 2005 - \$980,000
- Financing: Current Funds

Councilmember Greyson moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0755

Addendum addition 18: **May 7, 2005 Election Items**

- * A resolution approving the appointment of citizens to serve as election judges for the May 7, 2005, joint election and the June 4, 2005, runoff election, if necessary - Financing:
This action has no cost consideration to the City

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

Councilmember Greyson moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0756

Addendum addition 19: **May 7, 2005 Election Items**

- * A resolution authorizing the Mayor to appoint an Ad Hoc City Council Canvassing Committee to review the returns of the May 7, 2005, general and special election, and submit a canvass report to the full City Council on Sunday, May 15, 2005 - Financing: This action has no cost consideration to the City

Councilmember Greyson moved to approve the resolution authorizing the mayor to appoint an Ad Hoc City Council Canvassing Committee to review the returns of the May 7, 2005 general and special election, and submit a canvass report to the full City Council on Sunday, May 15, 2005.

The Ad Hoc City Council Canvassing Committee will consist of:

Mayor Pro Tem John Loza, chair
Councilmember Lois Finkelman
Councilmember Sandy Greyson
Councilmember Veletta Lill

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0757

Addendum addition 20: An ordinance amending Chapter 41A of the Dallas City Code to reduce the annual fee for a sexually oriented business license from \$4,800 to \$1,400 - Estimated Annual Revenue Loss: (\$130,000)

Councilmember Blaydes moved to pass the ordinance.

Motion seconded by Councilmember Fantroy.

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

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

Assigned ORDINANCE NO. 25909.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 23, 2005

EXHIBIT C

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 23, 2005

05-0640

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

February 23, 2005

05-0734

Item 92: An ordinance authorizing the issuance and sale of ~~\$245,000,000~~ **\$235,805,000** in City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2005; accepting the bids and awarding the sale of the bonds; approving the Preliminary Official Statement; and enacting other provisions in connection therewith - Not to exceed \$548,436 - Financing: Water Utilities Bond Funds (To be considered before 12:00 noon)

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

Councilmember Blaydes moved to authorize the issuance and sale of ~~\$245,000,000~~ **\$235,805,000** in City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2005; accepting the bids and awarding the sale of the bonds; approving the Preliminary Official Statement; and enacting other provisions in connection therewith, to CitiGroup Global Markets, Inc. being the best bid.

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Miller, Griffith, Rasansky abstain; Hill absent when vote taken)

Assigned ORDINANCE NO. 25905.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0643

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-54 and addendum addition consent agenda items 1-8, were presented for consideration.

The city secretary announced that Councilmember Greyson had deferred consideration of consent agenda item 47 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Rasansky requested that consent agenda items 13, 25, 38 and 41 and addendum addition items 6 and 8 be considered as individual items. Mayor Miller stated that consent agenda items 13, 25, 38 and 41 and addendum addition items 6 and 8 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Mayor Miller requested that consent agenda items 46 and 50 be considered as individual items. Mayor Miller stated that consent agenda items 46 and 50 would be considered individual items later in the meeting, there being no objection voiced to her request.

Councilmember Greyson requested that ~~consent agenda 8~~ **addendum addition item 8** be considered as an individual item. Mayor Miller stated that ~~consent agenda item 8~~ **addendum addition item 8** 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 item 47 which was deferred, consent agenda items ~~8~~, 13, 25, 38, 41, 46 and 50 and addendum addition items 6 and 8 which would be considered later in the meeting.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0710

Item 67: 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 public hearings on January 26, 2005, and February 9, 2005, and was taken under advisement until February 23, 2005, with the public hearing open.)

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

Councilmember Greyson moved to close the public hearing, accept the recommendation of the city plan commission for approval of a CS Commercial Service District and to bring the ordinance and restrictions back to the March 2, 2005 voting agenda meeting of the city council with the following changes:

“Acceptance of the deed restriction instrument labeled “Deed Restriction B” in lieu of the deed restriction instrument approved by the City Plan and Zoning Commission.”
and addition of the word “western” to the rear property line description.”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0745

Addendum addition 8: Authorize the Criteria for Evaluating Proposed Tax Increment Financing Districts to expand economic development efforts to other areas of the City to stimulate redevelopment and increase the tax base - Financing: No cost consideration to the City

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

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

Mayor Pro Tem Loza moved to defer the item until the March 9, 2004 voting agenda meeting of the city council.

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

During debate, on Mayor Pro Tem Loza's motion, Councilmember Lill moved the previous question.

Motion seconded by Councilmember Chaney.

Mayor Miller called the vote on Councilmember Lill's motion to end debate and proceed to an immediate vote on the pending question.

Voting Yes:	[8]	Hill, Garcia, Oakley, Salazar, Chaney, Fantroy, Blaydes, Lill
Voting No:	[5]	Miller, Loza, Griffith, Greyson, Rasansky
Absent when vote taken:	[2]	Thornton Reese, Finkelman

~~Mayor Miller declared the previous question was ordered as two-thirds of the city council members present had voted in the affirmative.~~

Mayor Miller declared the motion adopted.

Councilmember Oakley moved to substitute for Mayor Pro Tem Loza's motion a motion to approve the item as presented.

Motion seconded by Councilmember Blaydes.

4/12/2005 2:52 PM
G:\2005MIN\CC052305.doc