

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

05-0900

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 9:25 a.m.

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

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

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

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

After all business properly brought before the city council had been considered the city council adjourned at 7:24 p.m.

Mayor

ATTEST:

Assistant City Secretary

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

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

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

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

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

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

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

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0901

CITIZEN SPEAKERS

In accordance with the City Council Rules of Procedure, the city council provided "open microphone" opportunities for the following individuals to comment on matters that were scheduled on the city council voting agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda:

OPEN MICROPHONE - BEGINNING OF MEETING:

SPEAKER: Albert T. Parker, 6319 Elam Rd.
SUBJECT: To Whom The Bell toll

SPEAKER: Carol Davis, 6032 Victor St.
SUBJECT: Animal Services Department

SPEAKER: Linda Behr, 5115 Quail Lake Dr. **CANCELED**
SUBJECT: Trash citations

SPEAKER: Ben Petrick, 522 S. Barnett Ave.
SUBJECT: Hazard on Hampton Road

SPEAKER: Steven Ireland, 922 Park Ave. **NO SHOW**
REPRESENTING: Homeless
SUBJECT: Day Resources Center concerns

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Jordan Mahilum, 607 Cherry St. Duncanville, TX
REPRESENTING: Duncanville Ninth Grade School
SUBJECT: Thanks, Deputy Mayor Pro Tem Donald Hill

OPEN MICROPHONE – END OF MEETING:

SPEAKER: James Goodman, 6205 Loett **NO SHOW**
SUBJECT: Thugs on the streets of Dallas

SPEAKER: Tim Lynch, 6445 Love Dr., Irving, TX
REPRESENTING: Christian Chamber **CANCELED**
SUBJECT: Forward Dallas Comprehensive Plan

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-0901

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SPEAKER: Artist Thornton, 736 Havenwood Dr.
REPRESENTING: Concerned Citizens for the Arts
SUBJECT: Name change of center in honor of resident

SPEAKER: Elaine Thornton, 736 Havenwood Dr.
REPRESENTING: Concerned Citizens for the Arts
SUBJECT: Appropriate honor for South Dallas citizen

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
SUBJECT: Linebarger, Heard, Blair, Pena and Sampson, L.L.P. (Law firm tax attorneys)

SPEAKER: Tim Lynch, 6445 Love Dr., Irving, TX
REPRESENTING: Christian Chamber **CANCELED**
SUBJECT: Forward Dallas Comprehensive Plan

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

SPEAKER: William Hopkins, 2011 Leath St. **NO SHOW**
SUBJECT: Civil rights violation against the Mayor, City Secretary and City Council

SPEAKER: Marvin Crenshaw, 5134 Malcolm X. Blvd.
REPRESENTING: Citizens Organized for a Representative Democracy
SUBJECT: Democratic Rights **NO SHOW**

SPEAKER: Frank Ward, P.O. Box 50694 **NO SHOW**
REPRESENTING: Community at large
SUBJECT: Whitewash

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0902

Item 1: Approval of Minutes of the February 23, 2005 City Council Meeting

The approval of the minutes of the February 23, 2005 city council meeting were postponed until April 13, 2005 voting agenda meeting of the city council.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0903

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-49 and addendum addition consent agenda items 1-16, were presented for consideration.

Councilmember Greyson requested that consent agenda items 25, 37, and 39 and addendum addition item 15 be considered as individual items. Mayor Miller stated that consent agenda items 25, 37, and 39 and addendum addition item 15 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Councilmember Rasansky requested that consent agenda items 27, 28, 37, 42, 43, 45, 48 and 49 be considered as individual items. Mayor Miller stated that consent agenda items 27, 28, 37, 42, 43, 45, 48 and 49 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Deputy Mayor Pro Tem Hill requested that consent agenda item 40 be considered as an individual item. Mayor Miller stated that consent agenda item 40 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Hill's request.

Mayor Miller requested that consent agenda item 48 be considered as an individual item. Mayor Miller stated that consent agenda item 48 would be considered as an individual item later in the meeting, there being no objection voiced to her request.

Councilmember Blaydes requested that addendum addition item 7 be considered as an individual item. Mayor Miller stated that addendum addition item 7 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Blaydes' request.

Councilmember Chaney requested that addendum addition item 12 be considered as an individual item. Mayor Miller stated that addendum addition item 12 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Chaney's request.

Councilmember Oakley moved to approve all items on the consent agenda items 25, 27, 28, 37, 39, 40, 42, 43, 45, 48, and 49 and addendum addition items 7, 12, and 15 which would be considered later in the meeting.

Motion seconded by Councilmember Garcia.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-0903

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Later in the meeting, Mayor Pro Tem Loza moved to reconsider the vote of approval of the consent agenda and the addendum consent agenda.

Motion seconded by Deputy Mayor Pro Tem Hill.

Councilmember Oakley moved to approve the consent agenda with the exception of agenda items 5, 25, 27, 28 37, 39, 40, 42, 43, 45, 48, 49 and addendum items 7, 12, 15, and 22.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0904

Item 2: Authorize a professional services contract with Good, Fulton & Farrell Architects to provide schematic design, design development, construction documents, bidding and construction administration for site improvements and pavilion replacement at Pecan Grove Park located at 3443 W. Kiest Blvd. - \$50,300 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0905

Item 3: Authorize a professional services contract with Carter & Burgess, Inc. to provide design of the West Lawther hike and bike trail improvements, Phase II at White Rock Lake Park located at 8300 Garland Road - \$155,445 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0906

Item 4: Authorize a professional services contract for master planning services with Freese and Nichols, Inc. for the Elm Fork Athletic Complex in the L.B. Houston Greenbelt located at 2200 Block of Walnut Hill Lane - \$184,803 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0907

Item 5: Authorize professional services contracts with 33 consulting firms for the engineering design of 16 alley reconstruction projects, 5 bridge repair projects, 6 flood management projects, 1 Neighborhood Investment Program project, 24 street reconstruction projects, 2 streetscape projects, and 2 thoroughfare projects - \$3,162,072 - Financing: 2003 Bond Funds (\$2,521,087), 2003-04 Community Development Grant Reprogramming Funds (\$139,660), Water Utilities Capital Improvement Funds (\$501,325

Councilmember Thornton Reese moved to approve the item as corrected on the addendum.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0908

Item 6: Authorize a contract for playground equipment, site furnishings and Americans with Disabilities Act accessible ramps at J.W. Ray Park located at 2010 N. Washington and Munger Park located at 5300 Junius Street - Austco, Inc., lowest responsible bidder of seven - \$134,950 - Financing: 2003 Bond Funds (\$76,353) and Cityplace TIF District Funds (\$58,597)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0909

Item 7: Authorize Supplemental Agreement No. 1 to the design/build contract with MetalMan Design/Build Corporation to establish the Guaranteed Maximum Price for the construction of the tamarin exhibit, fish quarantine building adjacent to the Betty M. Norsworthy Otter exhibit and the replacement of the playground surface at the Tot Lot of The Lacerte Family Children's Zoo at the Dallas Zoo located at 650 South R. L. Thornton Freeway - \$185,600, from \$333,208 to \$518,808 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0910

Item 8: Authorize Supplemental Agreement No. 1 to the Railroad Crossing Agreement with the Kansas City Southern Railway Company for payment of the balance of costs associated with improvements to the railroad crossing at Barnes Bridge Road to replace and relocate the railroad crossing gates, flashing lights, paving panels and maintain temporary flashers during construction - \$36,652, from \$297,129 to \$333,781 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0911

Item 9: Authorize Supplemental Agreement No. 8 to the professional services contract with Huitt-Zollars, Inc. for additional professional services for the Love Field Parking Garage Expansion to provide completion of construction administration, terminal roadway landscape improvements, condition assessment of the existing standpipe system in Garage A and revenue control system modifications - \$176,880, from \$5,385,712 to \$5,562,592 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0912

Item 10: Authorize an amendment to the contract with Renda Environmental, Inc. for the cleaning and rehabilitation of sludge lagoons A, B and C at the Elm Fork Water Treatment Plant - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0913

Item 11: Authorize an increase in the contract with Atkins Brothers Equipment Co., Inc. for additional work associated with the replacement of water and wastewater mains at various locations - \$735,858, from \$3,260,416 to \$3,996,274 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0914

Item 12: Authorize Supplemental Agreement No. 1 to the professional services contract with Vidaud + Associates, Inc. for the study and design of the maintenance facility at the Central Wastewater Treatment Plant - \$197,650, from \$619,717 to \$817,367 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0915

Item 13: Authorize Supplemental Agreement No. 5 to the professional services contract with Camp, Dresser & McKee, Inc. for design of the energy recovery facility at the Southside Wastewater Treatment Plant - \$1,470,379, from \$1,160,342 to \$2,630,721 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0916

Item 14: Authorize (1) alley paving, water and wastewater main improvements for alley between N. Bishop Avenue and Haines Avenue from Neely Street to Canty Street; 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 27, 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

March 9, 2005

05-0917

Item 15: Victory Sustainable Development Project Note: Item Nos. 15 and 16 must
be considered collectively.

- * Authorize a Local Project Advanced Funding Agreement with the Texas Department of Transportation for the design and construction of paving, drainage and amenity improvements for the Victory Sustainable Development Project - \$126,426 - Financing: Capital Projects Reimbursement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0918

Item 16: Victory Sustainable Development Project Note: Item Nos. 15 and 16 must be considered collectively.

- * Authorize (1) a Participation Agreement with Anland GP, L.P. for the design and construction of paving, drainage and amenity improvements for the Victory Sustainable Development Project, (2) the receipt and deposit of funds from Anland GP, L.P. in an amount not to exceed \$5,873,047, and (3) an increase in appropriations in the amount of \$5,873,047 in the Capital Projects Reimbursement Fund - Total not to exceed \$5,873,047 - Financing: Private Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0919

Item 17: Authorize an Advance Funding Agreement and joint contracts with the Texas Department of Transportation for water main improvements in Mountain Creek Parkway from the future Grady Niblo extension to Spur 408 - \$7,852,753 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0920

Item 18: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Michael Finley Robertson, Ann Clark Haffner, Anthony Clark, Laura Jane Davis O'Keefe and Orville Gaston Davis of approximately 40 acres of unimproved land located in the area bounded by Scyene Road, Jim Miller Road, Bruton Road and Dixon Street for the Trinity River Corridor project - \$35,100 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0921

Item 19: Authorize a first amendment to the lease with Holly Corporation at Dallas Love Field to add three additional five-year renewal options to extend the lease, exercise the third renewal option to extend the lease term to August 11, 2013, provide for \$50,000 in required remodeling and refurbishment cost to the leased premises, increase the rent by \$18,000 annually, and add an annual Consumer Price Index rental escalation in an amount not to exceed 4% per year - Revenue: \$18,000 annually

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0922

Item 20: Authorize a second amendment to the lease of land and improvements with Club Air, Inc. at Dallas Executive Airport to add an additional approximate 115,931 square feet of land to the lease in consideration of \$325,000 in new construction costs to the leased premises - Revenue: \$15,282 annually

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0923

Item 21: Authorize a three-year and four-month lease, plus four three-year renewal options, and one twelve-month renewal option to extend the lease with ExpressJet Airlines, Inc. for approximately 96,356 square feet of terminal space and aircraft ramp space at Dallas Love Field - Revenue: \$185,320 annually

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0924

Item 22: Authorize a thirty-year lease agreement, with two five-year renewal options, with Roy Ranch Aircraft, LLC, of approximately 100,000 square feet of unimproved land at Dallas Executive Airport - Estimated Revenue: \$13,000 annually

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0925

Item 23: Authorize a three-year lease of land and facilities, plus two two-year renewal options, with Airnet Systems, Inc. at Dallas Love Field, on approximately 49,289 square feet of land, including a hangar, office, automobile parking and aircraft ramp, and provide for annual rental rate escalations based on the Consumer Price Index or 1% annually, in an amount not to exceed 4% per year - Revenue: \$90,266 annually

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0926

Item 24: An ordinance abandoning an alley to 3452 Forest Lane Associates, L.P., the abutting owner, containing approximately 3,850 square feet of land located near the intersection of Forest Lane and Cromwell Drive, and authorizing the quitclaim - Revenue: \$30,800 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25912

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0927

Item 25: An ordinance abandoning easements to Sewell Village Cadillac Company, Inc., the abutting owner, containing approximately 7,649 square feet of land located near the intersection of Lovers Lane and Bluffview Boulevard, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Councilmember Greyson 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 Greyson's request.

Later in the meeting, agenda item 25 was brought up for consideration.

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

Councilmember Lill moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25913

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0928

Item 26: An ordinance abandoning a portion of Leonard Street to Federal Reserve Bank of Dallas, the abutting owner, containing approximately 8,373 square feet of land located near its intersections with Maple-Routh Connection and Colby Street, and authorizing the quitclaim - Revenue: \$427,023 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25914

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0929

Item 27: An ordinance abandoning 2 portions of old Wichita and Griffin Streets rights-of-way to Anland South, L.P., the abutting owner, containing a total of approximately 5,106 square feet of land located along North Houston Street between Wichita and Lamar Streets, authorizing the quitclaim and providing for the dedication of a total of approximately 5,562 square feet of land needed for street right-of-way - Revenue: \$5,000 plus the \$20 ordinance publication fee

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

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

Mayor Pro Tem Loza moved to pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Hill.

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

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

Assigned ORDINANCE NO. 25915

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0930

Item 28: Authorize the quitclaim of 25 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$148,083

Councilmember Rasansky requested that consent agenda item 28 be considered as an individual item. Mayor Miller stated that consent agenda item 28 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 28 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Oakley and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0931

Item 29: Authorize settlement of a judgment and release of a judgment lien against Ira A. Stroughter, E. C. Stroughter, and Sheila R. Brown dba Smitty's Gourmet Concessions, a catering business formerly located at 2605 Harwood Street - Revenue: \$12,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0932

Item 30: Authorize (1) a partial release of lien and the deed restrictions on property owned by the Resource Center of Dallas that was acquired pursuant to Resolution No. 00-3744, previously authorized on December 13, 2000, pending the construction by Alliance Communities, Inc. of a parking lot to be located at 2715 and 2717 Reagan Street adjacent to the Resource Center, and upon successful completion of the construction, (2) the City to acquire a lien and deed restriction on properties located at 2715 and 2717 Reagan Street for the duration of the public service requirement pursuant to Resolution No. 00-3744 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0933

Item 31: Authorize a service agreement for the certification of Aircraft Rescue Fire Fighting vehicles with Crash Rescue Equipment Services, Inc. - Sole Source - Not to exceed \$125,000 - Financing: Current Funds (to be reimbursed by Aviation Current Funds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0934

Item 32: Authorize a twelve-month service contract for animal registration services with the lowest responsible bidder of four - Business International - Not to exceed \$194,976 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0935

Item 33: Authorize (1) participation in an Interlocal Purchasing Agreement through the State of Texas, Catalog Information System Vendors Cooperative Purchasing Program, and (2) a thirty-six-month professional services contract for upgrading the fleet management software with Maximus, Inc. - Not to exceed \$453,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0936

Item 34: Authorize (1) participation in the Federal Supply Schedule of the General Services Administration, and (2) the purchase of armored vehicles through the General Services Administration from Lenco Industries - Not to exceed \$349,880 - Financing: 2004 Urban Area Security Initiative Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0937

Item 35: Authorize the purchase of tire deflation devices from Stop Tech, Ltd., through the City of Tyler Cooperative Purchasing Agreement - Not to exceed \$65,800 - Financing: 2003 Omnibus Appropriation Local Law Enforcement Block Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0938

Item 36: Authorize a twenty-four-month price agreement for compound water meters with the lowest responsible bidders of two - Badger Meter, Inc. in the amount of \$386,250 and Neptune Technology Group, Inc. in the amount of \$138,750 - Total not to exceed \$525,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0939

Item 37: Authorize a replacement housing payment for homeowner, Doak Wyatt, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$73,500 - Financing: 2004-05 Community Development Grant Funds

Councilmembers Greyson and Rasansky requested that consent agenda item 37 be considered as an individual item. Mayor Miller stated that consent agenda item 37 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, agenda item 37 was brought up for consideration.

Councilmember Thornton Reese moved to approve the item.

Motion seconded by Councilmember Salazar.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0940

Item 38: Authorize a replacement housing payment for homeowner, Earline Garvin, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$73,500 - Financing: 2004-05 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0941

Item 39: Authorize a replacement housing payment for homeowner, Arnett Williams, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$73,500 - Financing: 2004-05 Community Development Grant Funds

Councilmember Greyson requested that consent agenda item 39 be considered as an individual item. Mayor Miller stated that consent agenda item 39 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Later in the meeting, agenda item 39 was brought up for consideration.

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Salazar.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0942

Item 40: Authorize support of opportunities between the City of Dallas and Dallas Area Rapid Transit (DART) for joint development projects that promote mixed-use, transit-oriented developments on existing DART property inventory in the vicinity of transit stations, as well as during the acquisition of property for future transit stations - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Hill requested that consent agenda item 40 be considered as an individual item. Mayor Miller stated that consent agenda item 40 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Hill's request.

Later in the meeting, agenda item 40 was brought up for consideration.

Deputy Mayor Pro Tem Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0943

Item 41: Authorize an amendment to Resolution No. 98-1117, previously approved on April 8, 1998, to modify the By-Laws for Tax Increment Financing Reinvestment Zone Number One (State-Thomas TIF District) to redefine a quorum as a majority of the directors who are currently appointed to the Board of Directors - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0944

Item 42: **State Thomas TIF District** Note: Item Nos. 42 and 43 must
be considered collectively.

- * Authorize (1) a development agreement with J.G. Moore & Co., Inc. for the funding of design and construction of certain public improvements for the West Side at State-Thomas (Block 582) in Tax Increment Financing Reinvestment Zone Number One, (State-Thomas TIF District) in an amount not to exceed \$710,407; (2) funding for design and construction of a water line in an access easement adjacent to Greenwood Cemetery and partial funding for the paving of Hugo Street in an amount not to exceed \$101,461 from the State-Thomas TIF District Fund; and (3) the establishment of appropriations in an amount not to exceed \$811,868 in the State-Thomas TIF District Fund - Total not to exceed \$811,868 - Financing: State-Thomas TIF District Funds (\$710,407 to be advanced by a private developer and reimbursed from the State-Thomas TIF District Fund)

Councilmember Rasansky requested that consent agenda item 42 be considered as an individual item. Mayor Miller stated that consent agenda item 42 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 42 was brought up for consideration.

Councilmember Lill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0945

Item 43: **State Thomas TIF District** Note: Item Nos. 42 and 43 must
be considered collectively.

- * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number (State-Thomas TIF District) to reimburse J.G. Moore & Co., Inc., for funds advanced pursuant to the development agreement with J.G. Moore & Co., Inc., in an amount not to exceed \$710,407, plus interest, for certain public improvements related to the development of West Side at State-Thomas (Block 582) located in the State-Thomas TIF District - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 43 be considered as an individual item. Mayor Miller stated that consent agenda item 43 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 43 was brought up for consideration.

Councilmember Lill moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0946

Item 44: Authorize the acceptance of Dallas Housing Finance Corporation Grant Funds for land acquisition, relocation and demolition costs for the Neighborhood Investment Program Bexar Street Redevelopment Project - Total not to exceed \$283,100 - Financing: Dallas Housing Finance Corporation Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0947

Item 45: Authorize (1) an amendment to Resolution No. 04-2181, previously approved on June 23, 2004, to change the geographic boundary for projects within the Sports Arena Tax Increment Financing District potentially providing funding to the Dallas Urban Land Bank Demonstration Program; (2) establishment of appropriation of funds for land bank operations paid to the City for housing assistance relative to projects constructed in the Sports Arena Tax Increment Financing District in compliance with Resolution No. 04-2181; and (3) an amendment to the contract with the Dallas Housing Acquisition and Development Corporation to provide for use of Sports Arena Tax Increment Financing District affordable housing payments for land bank operations as set forth in Resolution No. 04-2181 - \$362,102 - Financing: Neighborhood Development Program Funds

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

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

Councilmember Fantroy moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0948

Item 46: Authorize a Residential Development Acquisition Loan Program loan to Fairway Townhomes, L.P. for the acquisition of the Fairway Crossing Apartments located at 7229 Ferguson Road, a substandard 310-unit apartment complex to be rehabilitated and developed as affordable housing for low- and moderate-income households - Not to exceed \$310,310 - Financing: 2002-03 Community Development Grant Funds (\$253,463); 2004-05 Community Development Grant Funds (\$56,847)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0949

Item 47: Authorize a three-year maintenance agreement with the Belo Foundation to maintain the grounds at the Juanita J. Craft House and Memorial Garden located at 2614 and 2618 Warren Street - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0950

Item 48: Authorize a twenty-year management agreement, with two five-year renewal options, with the National Audubon Society, Inc. for the Trinity Interpretive Center - Financing: 1985 Bond Funds (\$225,000) and Current Funds (\$355,000) (subject to annual appropriations)

Mayor Miller and Councilmember Rasansky requested that consent agenda item 48 be considered as an individual item. Mayor Miller stated that consent agenda item 48 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Miller and Councilmember Rasansky's request.

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

Councilmember Rasansky moved to approve the item with the following provision included in the agreement:

1. The non appropriation clause
2. The sever for cause provision
3. The City's ability to approve any contract extensions after twenty years
4. The City has to agree to any naming rights

Motion seconded by Councilmember Salazar and unanimously adopted. (Loza absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0951

Item 49: Authorize a professional services contract with Alan Plummer and Associates, Inc. for implementation of the first year of the Water Conservation Five-Year Strategic Plan - \$230,000 - Financing: Water Utilities Current Funds

Councilmember Rasansky requested that consent agenda item 49 be considered as an individual item. Mayor Miller stated that consent agenda item 49 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 49 was brought up for consideration.

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Lill.

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, Thornton Reese absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0952

Item 50: Public Hearing – Zoning Case Z034-305 (LS)

A public hearing was called on zoning case Z034-305 (LS), a City Plan Commission authorized hearing to determine proper zoning on property zoned a CA-1(A) Central Area District with consideration given to a Planned Development District to include Arts District zoning regulations similar to those contained in Planned Development District No. 145, the Arts District, on property generally bounded by Ross Avenue, Routh Street, Woodall Rodgers Expressway and Central Expressway and an ordinance granting a Planned Development District.

(The city plan commission recommended approval.)

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

John Leedom, 1107 Westmere Cir.

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

Art Anderson, 6615 Lupton
Lucy Billingsley, 6701 Turtle Creek
Bill Lively, 3423 Lovers Ln.
Reginald Smith, 7608 S. Lancaster Rd.

The following individual addressed the city council regarding zoning case Z034-305 (LS):

William Hopkins, 2011 Leath St.

Councilmember Lill moved to close the public hearing, accept the recommendation of the city plan commission for approval of a planned development district, with the following changes:

Loading. Add additional wording to revise Section 51P-708.104(l) to read, "Off-street loading and maneuvering areas must be screened in accordance with Section 51A-4.602(b). Vehicular ingress or egress to a loading facility is not permitted from Flora Street. Off-street loading is not permitted at ground level in any location that is adjacent to and visible from ~~on~~ Flora Street

Board of Adjustment. Strike portion of Section 51P.708.106 (a) which reads, “the Flora Street frontage area use requirements in Section 51P 708. 104(e), except that the board may not allow a use not permitted in Section 51P 708. 104 (b) or 51P 708.104(d)”.

The revised portion of the Section to read, “.... the Flora Street frontage area height restrictions in section 51P-708.104 (h), but only if the portion of the building exceeding the maximum height permitted in that section is occupied exclusively by multifamily uses.”.

Development Plan. Strike the Section, which reads, [The provisions of Section 51A-4.702 do not apply to the Dallas Arts District Extension Area.];

Applicability of Section 51A-4.702. Add Section 51P-708.107 to read, No development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.”

Development Standards. Insert additional wording to Section 51P-708.104(k) to read, “Parking. All permanent parking within Flora Street frontage area must be either underground or concealed within a building with a façade that is similar to appearance to the façade of non-parking building, except that at-grade (not underground or within a building) parking is permitted for up to maximum of 10 percent of the total parking provided on a building site if allocated by lease or specific signage for retail and personal services uses, handicapped parking, and visitor parking.”

Add additional working to Section 51P-708.104(k) to read, “.... Surface parking in other locations must be located to the rear of the main structure and screened in accordance with Section 51A-4.602, except that up to a maximum of 10 percent of the total parking may be located in the front of the main structure and unscreened if allocated by lease or signage for retail, personal service uses, handicapped parking, and visitor parking”; and any surface parking must be screened according to Chapter 51A-4.602(b)”, and pass the ordinance.

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

Assigned ORDINANCE NO. 25916.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0953

Item 51: Public Hearing – Zoning Case Z034-114 (MM)

A public hearing was called on zoning case Z034-114 (MM), an application for a CS Community Service District on property zoned an IR Industrial Research District on River Oaks Road, east of Central Expressway, south of Loop 12, and north of Stuart Simpson Road.

(The city plan commission recommended denial.)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0954

Item 52: Public Hearing – Zoning Case Z045-112 (DW)

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

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

Beverly Mendoza, 520 E. 5th St., representing Lake Cliff Neighborhood Association

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

Kirk Williams, 5400 Renaissance Tower

Peter Kavanaugh, 1620 Handley Dr., representing E. Kessler Park Neighborhood Association

John Barr, 203 E. Colorado Blvd.

Councilmember Oakley moved to close the public hearing, accept the recommendation of the city plan commission with the following changes:

Yard, Lot, and Space Regulation. Add additional wording to revise Section 51P-282.107 (a) (1)(2) to read, "**Setbacks.** (1) Minimum setback from all street frontages is 15 feet, except minimum setback from Colorado Boulevard is 20 feet for all buildings and parking garages built after March 9, 2005. No other setbacks are required except as provided in Section 51P-282.113.

Transportation Improvements and Dedications. **Greenbriar Lane access.** Add and delete additional wording to revise Section 51P-282.109 (b) to read, "No ingress or egress to or from the Property is permitted from Greenbriar Lane." ~~Only one curb cut is permitted for access to and from the Property along Greenbriar Lane. The exit lane(s) from this single access point to Greenbriar Lane must be an engineered right turn only lane, directing traffic to the intersection of Beckley Avenue and Greenbriar Lane."~~

Signs. Sign Setbacks. Add additional wording to revise Section 51P-282.113 (c) to read, "detached premise signs located along Colorado Boulevard minimum setback is 10 feet."

Development Plan. Add and deleted additional wording to revise Section 51P-282.104 (a) (b) to read, “(a) For a hospital, electronics service center, medical or scientific laboratory, medical clinic or ambulatory surgical center, office, ambulance service, commercial parking lot, or garage, dry cleaning or laundry store, general merchandise or food store 3,500 square feet or less, general merchandise or food store greater than 3,500 square feet, personal service use, restaurant without drive-in or drive through, surface parking ,theater, or helistop, development and use of the Property must comply with the development plan (Exhibit 282A). In the event of a conflict between the text of this Article and the development plan, the text of this article controls.

(b) For all other uses, a revised development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. ~~no development plans are required.~~

Yard, Lot, and Space Regulations. **Lot coverage.** Insert and delete wording to revise Section 51P-282.107(d) to read, “Maximum lot coverage is 80 percent. Aboveground Parking structures are included in lot coverage calculations; ~~and~~ surface parking lots and underground parking structures ~~areas~~ are not ~~included in lot coverage calculations.~~”

Off-Street Parking. **Rehabilitation Center.** Insert additional wording to revise Section 51P-282.108 to read, “For the rehabilitation center shown on the development plan as “existing fitness center,” parking must be provided at a ratio of one parking space for each 375 square feet of floor area” and pass the ordinance.

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

Assigned ORDINANCE NO. 25917.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0955

Item 53: Public Hearing – Zoning Case Z034-327 (DW)

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

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

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

Suzan Kedron, 901 Main St.

Deputy Mayor Pro Tem Hill moved to postpone the application until the April 13, 2005 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Salazar and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0956

Item 54: Public Hearing - SPECIAL PROVISION SIGN DISTRICT - UNDER ADVISEMENT

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

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

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

Motion seconded by Councilmember Lill and unanimously adopted.

Assigned ORDINANCE NO. 25918.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0957

Item 55: Public Hearing - STREET NAME CHANGE - INDIVIDUAL

A public hearing was called on an application for and an ordinance waiving certain street name change standards and changing the name of Boulder Drive, between Red Bird Lane and Camp Wisdom Road, to Pastor Bailey Drive.

(The city plan commission recommended approval.)

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

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

Bryan Carter, 1253 Primrose Ln., Desoto, TX, pastor, Concord Baptist Church
Shelia Bailey, 1358 Bar Harbor, representing Concord Baptist Church
Wright Lassiter, 1474 Bar Harbor, representing Concord Baptist Church
Edna Pemberton, 9438 Sophora Dr., representing Concord Baptist Church/Friends of Redbird Airport
Joe Lopez, 6736 Cedar Forest Tr., representing Concord Baptist Church
Linda Lopez, 6739 Cedar Forest Tr., representing Concord Baptist Church
Kevin Ross, 1358 Naples Dr., representing Oak Cliff Bible Fellowship

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

Motion seconded by Councilmember Chaney

After discussion, Mayor Pro Tem Loza called the vote on the motion:

Voting Yes: [13] Loza, Hill, Garcia, Oakley, Thornton Reese, Salazar,
Chaney, Griffith, Blaydes, Finkelman, Greyson, Rasansky,
Lill
Voting No: [0]
Absent when vote taken: [2] Miller, Fantroy

Mayor Pro Tem Loza declared the motion adopted.

Assigned ORDINANCE NO. 25919.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0958

Item 56: Public Hearing - DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

A public hearing was called on a City Plan Commission authorized hearing to consider an amendment to the development code to apply the sign standards contained in the Arts District Special Provision Sign District on property generally bounded by Ross Avenue, Routh Street, Woodall Rodgers Expressway and Central Expressway and an ordinance granting an expansion of 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 Lill moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Hill and unanimously adopted. (Miller, Thornton Reese absent when vote taken)

Assigned ORDINANCE NO. 25920.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0959

Item 57: Public Hearing - DEVELOPMENT CODE AMENDMENTS - UNDER ADVISEMENT

A public hearing was called on consideration of amendments to Article VII, "Sign Regulations," of Chapter 51A of the Dallas Development Code and Article II "Temporary Political Signs" of Chapter 15A, "Elections" of the Dallas City 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. This item was considered by the City Council at a public hearing on February 23, 2005, and was taken under advisement until March 9, 2005, with the public hearing open.)

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

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

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

Assigned ORDINANCE NO. 25921.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0960

Item 58: MISCELLANEOUS HEARINGS

A public hearing to receive citizens' comments in preparation of the FY 2005-06 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the FY 2005-06 Operating, Capital, Grant and Trust budgets:

Ernesto Lopez, 1630 Oak Knoll Tr., representing Municipal Library Board
Charles Griffith, 419 N. Windomere Ave., representing Dallas City Retired Employees Association
James M. Doster, 2400 Auburn Ave., representing Dallas City Retired Firefighters Association
Mary Frances Hasen, 4607 Timber Glen, representing Senior Affairs Commission
Virgil St. Clair, 9952 Vistadel, representing Senior Affairs Commission
Artie Giles, 1450 Sleepy Hollow Dr., representing Senior Affairs Commission
Beverly Mendoza, 520 E. 5th St., representing Lake Cliff Neighborhood Association
William Hopkins, 2011 Leath St.

Mayor Pro Tem Loza moved to close the public hearing.

Motion seconded by Councilmember Fantroy and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0961

05-0993

Item 59: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The assistant city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2003-2005 board term updated through March 9, 2005.

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

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

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

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

05-0994 CPC CITY PLAN AND ZONING COMMISSION

05-0995 CSB CIVIL SERVICE BOARD

05-0996 MLB MUNICIPAL LIBRARY BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0962

Item 60: A resolution appointing Thomas P. Perkins, Jr. as Interim City Attorney for the City of Dallas, effective at the close of business on April 1, 2005, to serve until the City Council selects and appoints a permanent City Attorney - Financing: No additional cost consideration to the City

Mayor Pro Tem Loza moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0963

Item 61: An ordinance abandoning a portion of Stevens Hills Lane and easements to Dallas Independent School District, the abutting owner, containing a total of approximately 63,295 square feet of land located near its intersection with Stevens Forest Drive, and authorizing the quitclaim - Revenue: \$54,200 plus the \$20 ordinance publication fee

Councilmember Garcia moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25922.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0964

Item 62: Authorize an extension of the moratorium on the acceptance of applications for building permits or certificates of occupancy for Ross Avenue, from Central Expressway to Fitzhugh Avenue until July 17, 2005 - Financing: No cost consideration to the City (Requires a 3/4 vote of the full City Council for approval)

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 Finkelman and unanimously adopted. (Rasansky abstain; Chaney, Griffith, Blaydes absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0965

Item 63: 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

Councilmember Thornton Reese moved to approve the item.

Motion seconded by Councilmember Salazar.

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 Greyson and Rasansky voting "No". (Chaney, Griffith, Blaydes absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0966

Item 64: 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 northeast quadrant of Cockrell Hill and West Kiest - Financing: No cost consideration to the City

Councilmember Oakley moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Hill.

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

Mayor Miller declared the motion adopted on a divided voice vote, with Mayor Miller and Councilmembers Garcia, Chaney and Greyson voting "No".

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0967

Item 65: 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 item until the April 13, 2005 voting agenda meeting of the city council.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0968

Closed Session

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

- Legal issues involving deliberation regarding Real Property (Sec. 551-072 T.O.M.A.) - Possible lease of city property adjoining Dallas Convention Center
- Legal issues regarding hotel taxes
- Benjamin Fira v. Michael Bryan, Civil Action No. 3:03-CV-0735-R
- Doyle A. Peterson v. City of Dallas, Texas, doing business as WRR Classical, 101.1 FM, a Political Subdivision, Appeal Number 04-11034, in the United States Court of Appeals for the Fifth Circuit

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

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

- Legal issues regarding hotel taxes
- Benjamin Fira v. Michael Bryan, Civil Action No. 3:03-CV-0735-R
- Doyle A. Peterson v. City of Dallas, Texas, doing business as WRR Classical, 101.1 FM, a Political Subdivision, Appeal Number 04-11034, in the United States Court of Appeals for the Fifth Circuit

The following items were made a part of the closed session:

- Consent agenda item 37
- Consent agenda item 39

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0969

Addendum addition 1: Authorize (1) a contract for the construction of Hensley Field Airfield Improvements with EAS Contracting, LP, lowest responsible bidder of four in an amount not to exceed \$4,433,969; and (2) an increase in appropriations in an amount not to exceed \$2,009,458 in the Hensley Field Funds - Total not to exceed \$4,433,969 - Financing: Hensley Field Funds (\$3,971,747); Texas Defense Economic Adjustment Assistance Grant Program Funds (\$462,222)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0970

Addendum addition 2: Authorize (1) Supplemental Agreement No. 2 to the contract with HNTB Corporation for the development of a fiscal and economic impact analysis of the Trinity Tollway combined-modified alignment option in the amount of \$92,454, from \$1,043,861 to \$1,136,315; and (2) an increase in appropriations in the amount of \$65,195 in the Trinity River Corridor Project Fund - Total not to exceed \$92,454 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0971

Addendum addition 3: Authorize a professional services contract to update the Geographic Information Systems street centerline file for the routing of City vehicles with Applied Technological Services, Inc., most advantageous proposer of two - Not to exceed \$149,100 - Financing: U.S. Department of Justice Community Oriented Policing Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0972

Addendum addition 4: An ordinance approving Resolution Nos. 2005-01-019 and 2005-02-049 adopted by the Dallas-Fort Worth International Airport Board, respectively, on January 6, 2005 and February 3, 2005, for the purpose of amending, respectively, Chapter 4 and Appendix 1 of the Airport Board's Code of Rules and Regulations deleting all references to shared-ride service to allow the Airport Board to enter into concession contracts with shared-ride service providers instead of regulating shared-ride service and revising block numbers and speed limits for certain streets located on airport property - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25923.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0973

Addendum addition 5: Authorize (1) application for and acceptance of the Violence Against Women Act Grant in the amount of \$80,000, to provide victim services to domestic violence victims through the Family Advocacy Unit for the period of September 1, 2005 through August 31, 2006; (2) a cash match not to exceed \$26,667 for twelve months; and, (3) execution of the grant agreement - Total not to exceed \$106,667 - Financing: Office of the Governor Criminal Justice Division State Grant Funds (\$80,000) and Current Funds (\$26,667) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0974

Addendum addition 6: Authorize (1) application for and acceptance of the State Criminal Justice Planning (421) Fund Grant to provide for an environmental inspector for the period of September 1, 2005 through August 31, 2006; and, (2) execution of the grant agreement - Total not to exceed \$73,639 - Financing: Office of the Governor Criminal Justice Division State Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0975

Addendum addition 7: Authorize (1) settlement of the lawsuit styled County of Dallas et al. v. Roman Catholic Diocese of Dallas, Cause No. 94-30312-T-1 and (2) the disbursement of funds from the account established by the 1994 escrow agreement with the Diocese - Financing: No cost consideration to the City

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

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Blaydes abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0976

Addendum addition 8: Authorize (1) application for and acceptance of the Violence Against Women Act Grant in the amount of \$80,000 to provide a prosecutor dedicated full-time to domestic violence cases and one victim advocate, for the period of September 1, 2005 through August 31, 2006; (2) a cash match in an amount not to exceed \$48,928, which represents the minimum required grant match of 25% of total program cost plus additional funds of \$22,261 in order to fully fund the two full-time employees; and, (3) execution of the grant agreement - Total not to exceed \$128,928 - Financing: Office of the Governor Criminal Justice Division State Grant Funds (\$80,000) and Current Funds (\$48,928) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0977

Addendum addition 9: Authorize Supplemental Agreement No. 1 to the professional services contract with the Washington, D.C. based law firm of Spiegel & McDiarmid for legal services and representation of the City in (1) completing the passenger facility charge application process before the Federal Aviation Administration (FAA) pertaining to the proposed Love Field light rail line station; and (2) preparing and filing the City's Airport Competition Plan update with the FAA and related legal matters - \$100,000, from \$15,000 to \$115,000 - Financing: Aviation Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0978

Addendum addition 10. Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Sayles Werbner for legal representation of the City in the lawsuits resulting from the City's "fake drug cases" - \$100,000, from \$25,000 to \$125,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0979

Addendum addition 11: Authorize the initial planning for a possible major sports celebration in honor of the Dallas Mavericks between June 5, and June 23, 2005 in accordance with the Policy Statement of Major Sports Celebrations previously approved on December 8, 1993 by Resolution No. 93-4570
- Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0980

Addendum addition 12: Zoning Case Z045-125 (WE)

Councilmember Chaney requested that zoning case Z045-125 (WE) be called as an individual hearing. Mayor Miller stated that zoning case Z045-125 (WE), be called as an individual hearing, there being no objection voiced to Councilmember Chaney's request.

Later in the meeting, zoning case Z045-125 (WE), was brought up for consideration.

A public hearing was called on zoning case Z045-125 (WE), 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 and a resolution accepting deed restrictions volunteered by the applicant - Z045-125(WE) - Financing: No cost consideration to the City.

(The city plan commission recommended approval.)

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

Councilmember Chaney moved to postpone the application until the April 13, 2005 voting agenda meeting of the city council and to continue the public hearing at that time.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0981

Addendum addition 13: A resolution abating show-cause and accepting distribution from TXU
Electric Delivery - Revenue: \$2,918,705

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0982

Addendum addition 14: Authorize a professional services contract with P&L Concepts, Inc. to provide assistance in reviewing TXU Gas Company's Gas Cost Review Pleading - \$45,000 - Financing: Current Funds (to be fully reimbursed by TXU Gas)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0983

Addendum addition 15: Authorize adoption of the Trinity River Corridor Comprehensive Land Use Plan and approval of the recommendations contained therein as a guide for future development, the boundaries of the study area span from Royal Lane in the north to I-20 in southern Dallas, and approximately one and one-half miles on either side of the Trinity River - Financing: No cost consideration to the City

Councilmember Greyson requested that addendum addition item 15 be considered as an individual item. Mayor Miller stated that addendum addition item 15 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Later in the meeting, addendum addition item 15 was brought up for consideration.

Councilmember Greyson moved to approve the item with the following change:

“Directs staff to supplement the urban design portion to add provision relating to premise and non-premise signage”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0984

Addendum addition 16: Authorize an agreement with TXU Electric Delivery for the installation of 52 historic-style street lights in the Wheatley Place City Landmark District - \$129,171 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0985

Addendum addition 17: Zoning Case Z045-146 (WE)

Councilmember Blaydes requested that zoning case addendum addition item 17 be called as an individual hearing. Mayor Miller stated that zoning case addendum addition item 17 be called as an individual hearing, there being no objection voiced to Councilmember Blaydes' request.

Later in the meeting, zoning docket item addendum addition item 17 was brought up for consideration.

The public hearing was called on zoning case Z045-146 (WE), an application for and an ordinance granting a Planned Development District for a public school other than an Open-enrollment Charter school and MF-1(A) Multifamily District uses and an ordinance granting the termination of Specific Use Permit No. 690 for a private recreation club on property zoned an MF-1(A) Multifamily District and Planned Development District No. 65, on the north line of the intersection of Park Lane, between Fair Oaks Avenue and Ridgecrest Road.

(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.

The following individual addressed the city council regarding zoning case Z045-146 (WE):

William Hopkins, 2011 Leath St.

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

Motion seconded by Councilmember Salazar and unanimously adopted. (Blaydes abstain)

Assigned ORDINANCE NO. 25924 and ORDINANCE NO. 25925.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0986

Addendum addition 18: DEVELOPMENT CODE AMENDEMENTS – CONSENT

A proposal to amend the kiosk provisions of the Downtown Special Provision Sign District and an ordinance adopting the proposed amendments in an area generally bounded by Woodall Rodgers Freeway to the north, Interstate 45/US 75 to the east, Interstate 30 to the south and Interstate 35 to the west, excluding those areas included in the West End, Arts District, and Farmers Market Special Provision Sign Districts

(The city plan commission recommended approval.)

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

Scott Reynolds, 3838 Oaklawn Ave.

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

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

Motion seconded by Councilmember Fantroy.

Councilmember Greyson asked Mayor Pro Tem Loza if he would accept a friendly amendment to his motion to require the map on the Kiosk be oriented toward the center point of the street intersection for maximum visibility.

Mayor Pro Tem Loza stated that he would not accept the amendment as part of his motion. Councilmember Fantroy who seconded the original motion, did not accept the amendment.

Councilmember Greyson moved to substitute for Mayor Pro Tem Loza's motion a motion to approve the city plan commission recommendation with an amendment that we use the staff recommendation, "that the way-finding map is clearly oriented to the center point of the street intersection for maximum visibility for pedestrians".

Motion seconded by Councilmember Blaydes.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-0986

Page 2

Later in the meeting, Councilmember Greyson revised the substitute motion to approve the city plan commission recommendation with an amendment to read, “that the way-finding map when located within 50 feet of a street intersection the message area identifying the map must be clearly oriented to the center point of the street intersection for maximum visibility. When located more than 50 feet from the street intersection the message area can be clearly oriented to be visible from a sidewalk in the public right-of-way”.

Motion seconded by Councilmember Blaydes.

After discussion, Mayor Miller called for the vote on Councilmember Greyson’s revised substitute motion:

| | | |
|-------------|-----|---|
| Voting Yes: | [7] | Miller, Salazar, Chaney, Blaydes, Finkelman, Greyson, Rasansky |
| Voting No: | [8] | Loza, Hill, Garcia, Oakley, Thornton Reese, Fantroy, Griffith, Lill |

Mayor Miller declared the revised substitute motion failed.

After discussion, Mayor Miller then called the vote on Mayor Pro Tem Loza’s main motion.

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Greyson voting “No”.

Assigned ORDINANCE NO. 25926.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0987

MISCELLANEOUS HEARINGS

Note: Item Nos. 19 and 20 must be considered collectively.

Private Sale of Unimproved Properties

- Addendum addition 19: * A public hearing 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 Builders of Hope Community Development Corporation, Dallas City Homes, Inc. and Foundation for Housing Resources, Inc., qualified non-profit organizations - Financing: No cost consideration to the City
- Addendum addition 20: * Authorize the private sale, as provided for by Section 34.015 of the Texas Property Tax Code, by quitclaim deed of 12 unimproved properties acquired by the taxing authorities from a Sheriff's Sale to qualified non-profit organizations - Revenue: \$17,512

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

Ruby Alexander, 4416 St. Francis Ave.
John Morgan, 4231 Shady Bend Dr.

Councilmember Thornton Reese moved to close the public hearing and authorize the private sale, with the following change:

“Place an enclosed garage on the property at 5411 Stratton St., instead of a carport, change the proposal given to the Housing Department and request the document to be recorded as an attachment to the quitclaim deed”

Motion seconded by Councilmember Chaney and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0988

Addendum addition 21: An ordinance amending Chapters 7A, 13, 18, and 27 of the Dallas City Code to (1) create an additional municipal court to hear property matters; (2) adopt an alternative administrative adjudication procedure for enforcing certain ordinances relating to property and premises violations as authorized by state law; (3) provide for hearing officers to conduct administrative hearings; (4) provide an appeal process to municipal court; (5) create the Dallas Tomorrow Fund and Citizen Advocate Program to provide financial assistance and other guidance to persons determined financially unable to repair or rehabilitate their property or premises in compliance with City ordinances; (6) provide for administrative penalties not to exceed \$2,000; and (7) provide for the disposition of administrative penalties, fees, and court costs - Financing: No cost consideration to City

Mayor Pro Tem Loza moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25927.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0989

Addendum addition 22: Authorize hardship relief for property located at 2616 Willowbrook Road from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0990

Addendum addition 23: 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

Councilmember Garcia moved to approve the resolution with the following change:

“Add to Section 2 a subsection to read, ... and (4) provision of a wheelchair accessible van to provide for off-site transportation for the residents.”

“Add to Section 3, a subsection to read,...and (2) present plans acceptable to the City of Dallas Housing Director providing for (a) an on-site community center, accessible for person with disabilities, containing in excess of 6,000 square feet and (b) perimeter fencing the development of a height to deter non-residents from accessing the development property.”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0991

Addendum addition 24: A resolution designating the Woodall Rodgers Extension Bridge across the Trinity River as the Margaret Hunt Hill Bridge and requesting official state designation on the state system from the Texas Legislature - Financing: No cost consideration to the City

Councilmember Lill moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 9, 2005

05-0992

Addendum addition 25: Authorize the City Manager to identify and submit proposed water supply strategies for the City of Dallas to the Region C Planning Group in accordance with state law for the state's 2007 Water Plan, and require Council approval prior to participation in recommended feasibility studies, and that studies with multiple phases would require approvals prior to every phase - Financing: This action has no cost consideration to the City

The following individuals addressed the city council regarding the item:

Jan Hart Black, 4563 Isabella Ln.

Louis Beecherly, Jr., 5950 Cedar Springs Rd.

Bill Madden, 4520 Belfort, Highland Park, TX

Beth Johnson, 3363 Darbyshire, representing Dallas Sierra Club and Texas Committee on Natural Resources

Molly Rooke, 6139 Stichter Ave.

Rita Beving, 14605 Dartmouth, Addison, TX

Max Shumake, Rt. 277A, DeKalb, TX

Jacqueline Dickerson, 8081 Marvin D. Love Frwy.

Councilmember Finkelman moved to approve the resolution with the following changes:

Add to fifth "WHEREAS", "which may be located in the area that is currently being studied by the U.S. Fish and Wildlife Service as possible wildlife refuge;"

Add a new sixth "WHEREAS" "Whereas, the City Council is interested in ensuring that staff continues to be flexible in evaluating other options including future studies to identify additional water conservation and additional water recycling, as well as pursuing water from existing water supply reservoirs, to include continued participation in the Toledo Bend study, and seeking additional water supplies from Lake Texoma, Wright Patman Lake, Lake O' the Pines, and other sources that may be identified in the future; and"

Add a new Section 3, "That the city manager be directed to take the necessary steps with respect to investigating various water supply strategies to include seeking City Council approval for a feasibility study on Fastrill Lake in April 2005 while working with the Upper Neches River Municipal Water Authority and the U.S. Fish and Wildlife Service to determine if the Fastrill project can meet the multiple objectives of water supply and wildlife preservation, seeking City Council approval in April 2005 to participate in the

Sulphur River Basin-wide study that will include studying the availability of water from Wright Patman Lake through flood pool reallocation to participate in future feasibility studies from obtaining water from the Toledo Bend reservoir, to initiate design studies for the implementation of the Recycled Water Project for FY 2006, to pursue additional water conservation measures, to initiate a water treatability study to address Texoma water quality issues and begin steps to obtain additional reallocation of Texoma water, initiate discussions with North East Texas Municipal Water District relative to purchasing a portion of their Lake O' the Pines water, and pursue other water sources that may be identified in the future.”

“Amend the second sentence in the letter to the Region C, Planning Group by adding “strategies, which included both recommended and alternative options” and add a new sentence, “The City of Dallas is pursuing a wide variety of water supply alternatives, and the City Council reserves the right to amend this list in the future”.

Under Strategy, Develop New Reservoirs, remove Marvin Nichols and add Wright Patman Lake-Flood Pool Reallocation.

Add Marvin Nichols Reservoir to the Alternative Supply Recommendations.

Motion seconded by Councilmember Oakley.

Mayor Pro Tem Loza moved to substitute for Councilmember Finkelman’s motion a motion with the following changes:

Delete the seventh “WHEREAS” paragraph.

Delete Section 3, under Be It Resolved by the City Council of the City of Dallas.....

Motion seconded by Councilmember Chaney.

Councilmember Blaydes asked Mayor Pro Tem Loza if he would accept a friendly amendment to his motion to:

Amend the fifth “WHEREAS” “striking the phrase, in the Sulphur River Basin, as well as a feasibility study”.

Reinstate the seventh “WHEREAS” striking the phrase, “the Sulphur River Basin study is scheduled to be completed in three phases and the”; and “each phase of this study, as well as Dallas’ participation in the Upper Neches Reservoir feasibility study”.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-0992

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Reinstate Section 3, as stated by Councilmember Finkelman, but strike the phrase, "seeking City Council approval in April 2005 to participate in the Sulphur River Basin-wide study that will include studying."

Mayor Pro Tem Loza accepted the friendly amendment as part of his motion.

Councilmember Chaney, who seconded the original motion, also accepted the friendly amendment.

After discussion, Mayor Miller called the vote on Mayor Pro Tem Loza's substitute motion as modified by the friendly amendment.

Voting Yes: [7] Miller, Loza, Salazar, Chaney, Fantroy, Greyson, Blaydes
Voting No: [8] Hill, Garcia, Oakley, Thornton Reese, Griffith, Finkelman, Lill, Rasansky

Mayor Miller declared the substitute motion as modified by the friendly amendment failed.

Councilmember Oakley moved the previous question.

Motion died due to lack of a second.

Mayor Pro Tem Loza moved to amend the motion on the floor to remove Marvin Nichols Reservoir from the Alternative Supply Recommendation.

Motion seconded by Councilmember Fantroy.

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

Voting Yes: [7] Miller, Loza, Salazar, Chaney, Fantroy, Greyson, Blaydes
Voting No: [8] Hill, Garcia, Oakley, Thornton Reese, Griffith, Finkelman, Lill, Rasansky

Mayor Miller declared Mayor Pro Tem Loza's motion failed.

Mayor Miller then called the vote on Councilmember Finkelman's original motion:

Voting Yes: [10] Hill, Garcia, Oakley, Thornton Reese, Salazar, Griffith, Blaydes, Finkelman, Rasansky, Lill
Voting No: [5] Miller, Loza, Chaney, Fantroy, Greyson

Mayor Miller declared the motion adopted.

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

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS