

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 27, 2005

05-1300

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 9:24 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 6:43 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

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MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 27, 2005

EXHIBIT A

5/12/2005 11:26 AM
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MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 27, 2005

EXHIBIT B

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1301

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: Lee Alcorn, 5801 Marvin D. Love Frwy., (Dist. 8)(214-232-5183)
REPRESENTING: Coalition for the Advancement of Civil Rights
SUBJECT: Mayor's remarks

SPEAKER: Mikey Pinderhughes, 2217 Allen St., (Dist. 4)(214-428-5003)
SUBJECT: Black Italian Government (BIG) **NO SHOW**

SPEAKER: Ronald Wright, 11308 Eric Dr., (Dist. 5)(214-923-1874)
REPRESENTING: Praise Him Ministries
SUBJECT: Mayor's remarks

SPEAKER: Anna Marie Bristow, 1322 Kessler Pkwy., (Dist. 3)(214-941 8871)
SUBJECT: Illegal dumping of tires.

SPEAKER: Betty Culbreath, 1636 Bar Harbor Dr., (Dist. 5)(214-372-7350)
SUBJECT: Neighbor Integrity

ALL AGENDA ITEMS:

SPEAKER: Kevin Felder, 8404 Capriola Ln., (Dist. 7)(214-559-6999)

OPEN MICROPHONE - END OF MEETING:

SPEAKER: Willie Mae Coleman, 3802 York St., (Dist. 7)(214-421-9788)
SUBJECT: Community issues – Furniture stores

SPEAKER: Jewel Floyd, 3815 Myrtle St., (Dist. 7)(214-565-9369)
SUBJECT: Ms. Mayor, May I have a meeting with you?

5/12/2005 11:26 AM
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OPEN MICROPHONE - END OF MEETNG:

SPEAKER: Karen Knowlton, 901 S. Ervay St., (Dist 2)(972-918-3010)
SUBJECT: Several Issues **NO SHOW**

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1302

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

Kevin Felder, 8404 Capriola Ln.

Item 1: Approval of Minutes of the April 13, 2005 City Council Meeting

The city secretary announced that the minutes of the voting agenda meeting of April 13, 2005 were not ready for the city council's approval.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1303

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-43 and addendum addition consent agenda items 1-4, were presented for consideration.

The city secretary announced that Councilmember Greyson had deferred consideration of consent agenda item 16 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Lill requested that consent agenda items 4 and 18 be considered as an individual item. Mayor Miller stated that consent agenda items 4 and 18 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Lill's request.

Councilmember Rasansky requested that consent agenda items 27, 29, and 33 and addendum addition consent agenda items 2 and 4 be considered as individual items. Mayor Miller stated that consent agenda 27, 29, and 33 and addendum addition consent agenda items 2 and 4 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 and Councilmember Thornton Reese 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 Deputy Mayor Pro Tem Hill and Councilmember Thornton Reese's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda item 16, which was deferred and consent agenda items 4, 18, 27, 29, 33 and 37 and addendum addition consent agenda items 2, and 4 which would be considered later in the meeting.

Motion seconded by Councilmember Garcia and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1304

Item 2: Authorize a professional services contract with Dikita Enterprise of Texas dba Dikita Engineering for topographic survey, schematic design, design development and construction documents for the site improvements at Arlington Park located at 1505 Record Crossing - \$25,948 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1305

Item 3: Authorize a professional services contract with Lim and Associates, Inc. for topographic survey, schematic design, design development and construction documents for the improvements at Fretz Park located at 6950 Belt Line Road - \$51,543 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1306

Item 4: Authorize a professional services contract with Johnson/McKibben Architects, Inc. to provide schematic design, design development, preparation of construction bid documents, bid evaluation and construction administration for Fire Station No. 35, located near the intersection of Walnut Hill and Coppedge Lanes - \$284,857 - Financing: 2003 Bond Funds

Councilmember Lill requested that consent agenda item 4 be considered as an individual item. Mayor Miller stated that consent agenda item 4 would be considered as an individual item late in the meeting, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, agenda item 4 was brought up for consideration.

Councilmember Lill moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1307

Item 5: Authorize a professional services contract with Brockett Davis Drake, Inc. for survey, design and construction administration services for storm water drainage modifications at 20 fire stations, Phase I (list attached) - \$176,710 - Financing: 2004 Certificates of Obligation

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1308

Item 6: Spring Valley/Coit Pedestrian Amenities Note: Agenda item Nos. 6, 7, and 8 must be considered collectively.

- * Authorize (1) a professional services contract with Huitt-Zollars, Inc. to provide engineering services for bicycle and pedestrian enhancements for the Spring Valley/Coit pedestrian amenities, (2) the receipt and deposit of funds from the Texas Department of Transportation in an amount not to exceed \$158,400, and (3) an increase in appropriations in the amount of \$158,400 in the Capital Projects Reimbursement Fund - Total not to exceed \$198,000 - Financing: 2003 Bond Funds (\$39,600), Texas Department of Transportation Funds (\$158,400)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1309

Item 7: Spring Valley/Coit Pedestrian Amenities Note: Agenda item Nos. 6, 7, and 8 must be considered collectively.

- * Authorize Supplemental Agreement No. 1 to the Local Project Advance Funding Agreement with the Texas Department of Transportation for the design and construction of the Spring Valley/Coit pedestrian amenities to amend project scope and limits - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1310

Item 8: Spring Valley/Coit Pedestrian Amenities Note: Agenda item Nos. 6, 7, and 8 must be considered collectively.

- * Authorize an Interlocal Agreement with the City of Richardson for the design, construction, and maintenance of the Spring Valley/Coit pedestrian amenities - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1311

Item 9: Authorize a professional services contract with GSWW, Inc. to provide engineering services for the replacement or rehabilitation of water and wastewater mains in an area bounded by North Central Expressway, Northwest Highway, R. L. Thornton Freeway and the eastern city limits of Dallas (list attached) - \$352,210 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1312

Item 10: Authorize a professional services contract with Alan Plummer Associates, Inc. to provide engineering design services for the replacement and rehabilitation of water and wastewater mains at 13 various locations (list attached) - \$297,482 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1313

Item 11: Authorize a contract for the construction of water main replacements and rehabilitation of wastewater mains at 22 various locations (list attached) - Atkins Bros. Equipment Co., Inc., lowest responsible bidder of two - \$7,768,680 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1314

Item 12: Authorize a contract for the rehabilitation and construction of water and wastewater mains at 54 various locations (list attached) - William J. Schultz, Inc. dba Circle "C" Construction Co., lowest responsible bidder of three - \$7,506,525 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1315

Item 13: Authorize (1) a contract for the construction of airfield shoulder and drainage improvements at Dallas Love Field Airport with Gibson & Associates, Inc., lowest responsible bidder of four, in an amount not to exceed \$3,457,531, and (2) the establishment of appropriations in an amount not to exceed \$4,471,111 in the Federal Aviation Administration Airport Improvement Program Grant Funds - Total not to exceed \$3,457,531 - Financing: Aviation Capital Construction Funds (\$864,383), Federal Aviation Administration Airport Improvement Program Grant Funds (\$2,593,148)

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1316

Item 14: Authorize Supplemental Agreement No. 1 to the contract with HNTB Corporation to provide construction management services for the airfield shoulder and drainage repairs at Dallas Love Field Airport - \$432,343, from \$384,151 to \$816,494 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1317

Item 15: Authorize Supplemental Agreement No. 1 to the professional services contract with Arredondo, Zepeda & Brunz, Inc. for additional engineering services for the replacement of water and wastewater main improvements to include study, design, surveying and construction administration at five locations (list attached) - \$338,520, from \$736,560 to \$1,075,080 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1318

Item 16: Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with the Texas Department of Transportation for the construction of IH 20 frontage roads from Bonnie View Road to J.J. Lemmon Road - Financing: No cost consideration to the City

The city secretary announced that Councilmember Greyson had deferred consideration of consent agenda item 16 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedures.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1319

Item 17: Authorize (1) sidewalk paving improvements, water and wastewater main adjustments on Elam Road from St. Augustine Road to Masters Drive; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on June 8, 2005, to receive citizens' comments - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1320

Item 18: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, for a tract of land containing approximately 74,216 square feet of land located near the intersection of Walnut Hill and Coppedge Lanes from John E. Wimberley for the replacement of Fire Station No. 35 - \$480,000 - Financing: 2003 Bond Funds

Councilmember Lill requested that consent agenda item 11 be considered as an individual item. Mayor Miller stated that consent agenda item 18 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, agenda item 18 was brought up for consideration.

The following individual addressed the city council regarding the item:

John Wimberley, 3039 Walnut Hill Ln.
Lee Higginbotham, 10417 Marsh Ln.

Councilmember Lill moved to reject the acquisition.

Motion seconded by Mayor Pro Tem Loza.

After discussion Councilmember Lill requested that her motion be withdrawn.

Mayor Miller stated that the motion was withdrawn, there being no objection raised to Councilmember Lill's request, and that the floor was open for debate.

Councilmember Rasansky moved to postpone the item until the May 25, 2005 voting agenda meeting.

Motion seconded by Councilmember Chaney and unanimously carried.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1321

Item 19: Authorize acquisition of 1 unimproved lot and 1 property improved with a commercial structure along Macon Street at its intersection with Bexar Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program (list attached) - \$40,500 - Financing: 2002-03 Community Development Grant Funds

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1322

Item 20: An ordinance abandoning a utility easement to Blanchard Homes, L.L.C., the abutting owner, containing approximately 1,402 square feet of land located near the intersection of Ellsworth Avenue and Cambria Boulevard, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25952

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1323

Item 21: Authorize conveyance to the State of Texas of approximately 2,247 square feet of land located near the intersection of Northwest Highway and Vanex Drive for the Interstate Highway 35 Improvement Project - Revenue: \$9,000

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1324

Item 22: Authorize a third amendment to the lease agreement with Buckner & I-30, Ltd. to extend and amend the lease at the Towne Market Shopping Center located at 3312 N. Buckner Boulevard, to be used for the Women, Infants, and Children Program and the Maternal Child Health Program for the period June 1, 2005 through May 31, 2010 (\$13,417 monthly for a total of \$805,020); June 1, 2010 through May 31, 2015 (\$14,854 monthly for a total of \$891,240) - Total not to exceed \$1,696,260 - Financing: Current Funds (\$501,510) (subject to annual appropriations) and Texas Department of State Health Services Grant Funds (\$1,194,750) (subject to annual appropriations)

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1325

Item 23: Authorize a thirty-six-month price agreement with for library continuations and standing orders for books for the Dallas Public Library with the lowest responsible bidder of two - Brodart Co. - Not to exceed \$834,600 - Financing: Current Funds

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1326

Item 24: Authorize a thirty-six-month price agreement for bedding plants with the lowest responsible bidders of three - Foster's Garden Center in the amount of \$113,004, Harry's Greenhouse, Inc. in the amount of \$24,840 and Southwest Landscape Nursery in the amount of \$5,205 - Total not to exceed \$143,049 - Financing: Current Funds (\$132,549), Aviation Current Funds (\$10,500)

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1327

Item 25: Authorize a twenty-four-month price agreement to provide medical supplies for women, infants, and children in the Women, Infants, and Children Program with the lowest responsible bidder of three - Products Unlimited, Inc. - Not to exceed \$308,535 - Financing: Texas Department of State Health Services Grant Funds

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1328

Item 26: Authorize a twenty-four-month price agreement to provide medical supplies for women, infants, and children in the Women, Infants, and Children Program with the lowest responsible bidder of three - Products Unlimited, Inc. - Not to exceed \$308,535 - Financing: Texas Department of State Health Services Grant Funds

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1329

Item 27: Authorize a thirty-six-month service contract for bird control service with the lowest responsible bidder of two - Prime Pest Management - Not to exceed \$83,500 - Financing: Current Funds

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

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

Councilmember Garcia moved to approve the item.

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

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1330

Item 28: Authorize a thirty-six-month price agreement for mulching materials with the lowest responsible bidders of three - Soil Express in the amount of \$83,210, Foster's Garden Center in the amount of \$35,031, and Southwest Landscape Nursery in the amount of \$32,239 - Total not to exceed \$150,480 - Financing: Current Funds (\$149,480), Aviation Current Funds (\$1,000)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1331

Item 29: Authorize a sixty-month professional services contract, with one sixty-month renewal option, for the meter operation and parking management information system with the most advantageous proposer of six - ACS State and Local Solutions, Inc. - Minimum Annual Revenue: \$5,900,000

Councilmember Rasansky requested that consent agenda item 29 be considered as an individual item. Mayor Miller stated that consent agenda 29 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 29 was brought up for consideration.

The following individuals addressed the city council regarding the item:

David Hirsh, 7927 forest Ln.
Jason Severns, 5604 Southwest Pkwy., Austin, TX

Councilmember Thornton Reese moved to approve the item.

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 Blaydes voting "No".

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1332

Item 30: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Ford Nassen & Baldwin for additional legal services and representation related to the claims of Manhattan Construction Company on the Dallas Convention Center project - \$125,000, from \$25,000 to \$150,000 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1333

Item 31: Authorize a revision to Rule XXIII and Rule XXIV of the Civil Service Code of Rules and Regulations to allow military experience to be used in lieu of college credit for Dallas Police Department and Dallas Fire Department applicants - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1334

Item 32: Authorize an amendment to Resolution No. 01-1451, previously approved on May 9, 2001, as amended, and Resolution Nos. 04-1447 and 04-1448, previously approved on April 28, 2004, for the funding of environmental remediation, interior and exterior demolition, facade improvements and additional storm drain and streetscape improvements related to the Cadiz Street Properties, Ltd. redevelopment of the Harlan Building to extend the deadline for obtaining a certificate of occupancy from March 31, 2005 to July 1, 2005 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1335

Item 33: Authorize an amendment to Resolution No. 98-1122, previously approved on April 8, 1998, to modify the By-Laws for Tax Increment Financing Reinvestment Zone Number Four (Cedars 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

Councilmember Rasansky requested that consent agenda item 33 be considered as an individual item. Mayor Miller stated that consent agenda item 58 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 33 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)

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1336

Item 34: Authorize an amendment to Resolution No. 98-1120, previously approved on April 8, 1998, to modify the By-Laws for Tax Increment Financing Reinvestment Zone Number Three (Oak Cliff Gateway 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.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1337

Item 35: Authorize (1) the acceptance of Shelter Plus Care Grant Funds from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for permanent housing for homeless persons with disabilities for the period May 1, 2005 through April 30, 2006; and (2) execution of the grant agreement - Not to exceed \$455,400 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1338

Item 36: Authorize an Interlocal Agreement with the Dallas County Health and Human Services Department to provide professional services of its Health Authority to the City for the period October 1, 2005 through September 30, 2007 - Not to exceed \$20,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1339

Item 37: Authorize the Dallas Housing Finance Corporation to amend its multifamily program policy by altering its low rent set aside requirements to correspond to the requirements of the Texas Department of Housing and Community Affairs and deleting the requirement for the low rent set aside of units to provide housing under the 1990 Walker Consent Decree - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Hill and Councilmember Thornton Reese 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 Deputy Mayor Pro Tem Hill and Councilmember Thornton Reese's request.

Later in the meeting, agenda item 37 was brought up for consideration.

Deputy Mayor Pro Tem Hill moved to approve the item.

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

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1340

Item 38: Authorize (1) a public hearing to be held on May 11, 2005 to receive citizens' comments on the proposed private sale by quitclaim deed of 3 unimproved properties acquired by the taxing authorities from the Sheriff's Sale to The 2000 Roses Foundation, Inc. and Light Economic Development, Inc., qualified non-profit organizations; and, at the close of the hearing, (2) consideration of approval of the sale of the properties (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1341

Item 39: Authorize a public hearing to be held on May 11, 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

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1342

Item 40: Authorize a contract with the Greater Dallas Asian American Chamber of Commerce to provide a Community Outreach Liaison Program for the period of April 1, 2005 through March 31, 2006 - Not to exceed \$37,674 - Financing: Current Funds

Approved as part of the consent agenda.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1343

Item 41: Authorize a contract with the Greater Dallas Hispanic Chamber of Commerce to provide a Community Outreach Liaison Program for the period of April 1, 2005 through March 31, 2006 - Not to exceed \$54,212 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1344

Item 42: Authorize a five-year Interlocal Agreement with Dallas County Transportation Services to transport participants to various programs and activities for the period of June 1, 2005 through May 31, 2010 - Not to exceed \$456,640 - Financing: Current Funds (\$296,220) (subject to annual appropriations); Walker Consent Decree Funds (\$27,920) (subject to annual appropriations); 2004-05 Community Development Grant Funds (\$26,500); 2005-06 Community Development Grant Funds (\$26,500) (subject to future appropriations), 2006-07 Community Development Grant Funds (\$26,500) (subject to future appropriations), 2007-08 Community Development Grant Funds (\$26,500) (subject to future appropriations), 2008-09 Community Development Grant Funds (\$26,500) (subject to future appropriations)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1345

Item 43: Authorize application for the Digital Evidence Extraction and Photography Grant in the amount of \$265,660 to provide Crime Lab/Forensics with digital photo equipment for extracting forensic evidence for solving crimes, from the Office of the Governor, Criminal Justice Division, for a total amount of \$506,867, for the period of September 1, 2005 through August 31, 2006 (local match in the amount of \$11,000, or 2% of all expenses, will be required if awarded and in-kind contributions in the amount of \$230,207 will be contributed by the Dallas Police Department) - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1346

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 44-49, were presented for consideration.

Agenda item 44: Zoning Case Z045-163(WE)	[Considered individually]
Agenda item 45: Zoning Case Z045-138(MM)	
Agenda item 46: Zoning Case Z045-174(JA)	
Agenda item 47: Zoning Case Z045-175(JA)	
Agenda item 48: Zoning Case Z045-176(RB)	
Agenda item 49: Zoning Case Z045-181(WE)	[Considered individually]

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

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

Gwain Wooten, 5111 Holland Ave, regarding zoning case Z045-174(JA)
Sherri Mixon, 2522 Starks Ave., regarding zoning case Z045-175(JA)

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

Ann Abernathy 1095 Crooked Creek, regarding zoning case Z045-174(JA)

The following individual addressed the city council regarding the consent zoning docket:

William Hopkins, 2011 Leath St.

Councilmember Lill 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 present as part of the consent zoning docket.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1347

Item 44: Zoning Case Z045-163(WE)

The consent zoning docket, consisting of agenda items, 44-49, were presented.

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

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

A public hearing was called on zoning case Z045-163(WE), an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school on property zoned a CS-D-1 Commercial Service District with a Dry Liquor Control Overlay, CR-D-1 Community Retail District with a Dry Liquor Control Overlay and a CR-D Community Retail District with a Dry Liquor Control Overlay, located on the south line of Lake June Road, west of Jim Miller Road.

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

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 with the following change:

“9. PARKING AND LOADING: A minimum of 59 off-street parking and loading spaces must be approved in the location shown on the attached site plan;” and pass the ordinance.

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

Assigned ORDINANCE NO. 25953.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1348

Item 45: Zoning Case Z045-138(MM)

Zoning Case Z045-138(MM), an application for and an ordinance granting a Planned Development Subdistrict for O-2 Office Subdistrict uses and a Retirement Housing Community within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, located south of the intersection of Cedar Springs/Bowen Street and Turtle Creek Blvd.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25954.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1349

Item 46: Zoning Case Z45-174(JA)

Zoning Case Z45-174(JA), a Landmark Commission authorized hearing for an Historic Overlay for the Kalita Humphries Theater located at 3636 Turtle Creek Boulevard between Blackburn Street and Lemmon Avenue on property zoned Planned Development District No. 127 for a performing arts center and related uses and an ordinance implementing the proposal.

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

Approved as part of the zoning consent docket.

Assigned ORDINANCE NO. 25955.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1350

Item 47: Zoning Case Z045-175(JA)

Zoning Case Z045-175(JA), a Landmark Commission authorized hearing for an Historic Overlay for the Christ Episcopal Church located at 534 Tenth Street, at the southwest corner of Tenth Street and Llewellyn Avenue, on property zoned an MF-2(A) Multifamily District and an ordinance implementing the proposal.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25956.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1351

Item 48: Zoning Case Z045-176(RB)

Zoning Case Z045-176(RB), an application for and an ordinance granting an R-16(A) Single Family District on property zoned an R-1ac(A) Single Family District south of the southeast radius of Masland Circle, west of Hillcrest Road.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25957.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1352

Item 49: Zoning Case Z045-181(WE)

The consent zoning docket, consisting of agenda items, 44-49, were presented.

Councilmember Blaydes requested that consent zoning docket item 49 be removed from the consent zoning docket, to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 49 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Blaydes' request.

Later in the meeting, zoning docket item 49 was brought up for consideration.

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

A public hearing was called on zoning case Z045-181(WE), an application for and an ordinance granting an NS(A) Neighborhood Service District on property zoned an MF-2(A) Multifamily District, located on the west line of Marsalis Avenue, between Eleventh Street and Twelfth Street.

(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 Oakley and unanimously adopted. (Blaydes abstain; Thornton Reese absent when vote taken)

Assigned ORDINANCE NO. 25958.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1353

Item 50: Public Hearing – Zoning Case Z023-245(RB)

A public hearing was called on zoning case Z023-245(RB), an application for and an ordinance granting a Planned Development District for Single family uses and Private streets on property zoned as part of Planned Development District No. 222 for SC Shopping Center District Uses and a GO(A) General Office District on property west of Preston Road, north of Frankford Road with consideration of the termination of existing deed restrictions.

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

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, with the following changes:

“The deed restrictions remain on the property;” and pass the ordinance.

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

Assigned ORDINANCE NO. 25959.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1354

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

Theresa O'Donnell, director of development services, reminded the city council that in accordance with subparagraph (c)(2)(A) 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 denial by the city plan commission.

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 and south of Loop 12.

(The city plan commission recommended denial.)

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 and accept the recommendation of the city plan commission.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1355

Item 52: Public Hearing – Zoning Case Z045-169(NB)

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

A public hearing was called on zoning case Z045-169(NB) a City Plan Commission authorized hearing to determine proper zoning on property zoned Planned Development District No. 298, the Bryan Area Special Purpose District, in an area generally bound by Roseland Avenue, Fitzhugh Avenue, Gaston Avenue and Good Latimer Expressway and Central Expressway and an ordinance amending the development standards and sub-district boundaries.

(The city plan commission recommended approval.)

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

Kassi Allen, 11015 Wyatt St., representing Allen Motor Co.
Kim O'Neal, 1404 Meadow Crest Ln., Mansfield, TX , representing Ross Ave. Used Cars
Gwain Wooten, 5111 Holland Ave.

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

Gary Mitchell, 908 Pavillion St., representing the Bryan Place Neighborhood Association.
Jim Rogers, 3208 Trevolle
Wayne Smith, 927 Liberty 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 changes shown in the modified Subarea map and conditions provided to the council at this hearing and with the following changes:

5/12/2005 11:26 AM
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Nonconforming Uses.

In Subarea 1, all nonconforming uses must be brought to conformance no later than April 26, 2008, except that those uses that became nonconforming as a result of city council action on April 27, 2005 must be brought to conformance no later than April 26, 2010. the owner of a nonconforming use in Subarea 1 may appeal to the board of adjustment for a later compliance date at any time up to the conformance date set forth in this subsection [~~April 26, 2008.~~] if the owner will not be able to recover his investment in the use (up to the date of nonconformance) by the conformance date set forth in this subsection. [~~April 26, 2008.~~] The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A.

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

Assigned ORDINANCE NO. 25960.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1356

Item 53: Public Hearing – Zoning Case Z045-135(RB)

A public hearing was called on zoning case Z045-135(RB), an application for and an ordinance granting an MF-3(A) Multifamily District on property zoned a CR Community Retail District, on the southeast corner of Turtle Creek Boulevard and Bandera Avenue and a resolution accepting deed restrictions volunteered by the applicant.

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

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

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

Jonathan Vincent, 901 Main St., representing the applicant

Councilmember Rasansky 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. 25961.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1357

Item 54: Public Hearing – Zoning Case Z045-160(WE) - DALLAS INDEPENDENT SCHOOL DISTRICT

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

A public hearing was called on zoning case Z045-160(WE), an application for and an ordinance granting a Planned Development District for a public school other than an open-enrollment charter school and R-7.5(A) Single Family District uses on property zoned an R-7.5(A) Single Family District, located on the northeast corner of Brandon Street and Ravinia Drive.

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

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 Z045-160(WE):

Marvin Crenshaw, 5134 Malcolm X Blvd.

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

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

Assigned ORDINANCE NO. 25962.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1357

Item 55: Public Hearing – BENEFIT ASSESSMENT HEARINGS

A public hearing was called on a benefit assessment hearing to receive citizens' comments for alley paving improvements on the alley between N. Bishop Avenue and Haines Avenue from Neely Street to Canty Street, and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: This action has no cost consideration to the City

The following individual address the city council regarding the proposed alley paving improvements:

Marvin Crenshaw, 5134 Malcolm X Blvd.

Councilmember Garcia moved to close the public hearing and pass the ordinance regarding the proposed alley paving improvements.

Motion seconded by Councilmember Griffith and unanimously adopted.

Assigned ORDINANCE NO. 25963.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1359

MISCELLANEOUS HEARING

Note: Item Nos. 56 and 57 must be considered collectively.

Design District TIF District

- Item 56: * A public hearing to receive citizens' comments concerning the creation of a tax increment financing reinvestment zone for the Design District area, (Design District TIF District), under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) – Financing: No cost consideration to the city
- Item 57: * An ordinance establishing Tax Increment Financing Reinvestment Zone Number Eight to be known as the Design District TIF District under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) – Financing: No cost consideration to the city

The following individuals addressed the city council regarding the Design District TIF District.

Bob Darrouzet, 4600 Beverly Dr., representing Trinity Association
Bud Melton, no address given, representing Friends of the Old Trinity Trail.
Mike Galvan, 4929 Ellensburg
Stan Armstrong, 3700 Ross Ave., representing DISD

Mayor Pro Tem Loza moved to postpone the hearing on the creation of a tax increment financing reinvestment zone for the Design District area until the June 8, 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.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1360

MISCELLANEOUS HEARING

Note: Item Nos. 58 and 59 must be considered collectively.

Vickery Meadow TIF District

- Item 58: * A public hearing to receive citizens' comments concerning the creation of a tax increment financing reinvestment zone for the Vickery Meadow area, (Vickery Meadow TIF District), under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) – Financing: No cost consideration to the city
- Item 59: * An ordinance establishing Tax Increment Financing Reinvestment Zone Number Nine to be known as the Vickery Meadow TIF District under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) – Financing: No cost consideration to the city

The following individuals addressed the city council regarding the Vickery Meadow TIF District:

Todd Ruble, 8214 Westchester Dr., representing Harvest Partners
Casie Pierce, 6251 Melody Ln., representing Vickery Meadow PID
Mark Wolf, 8340 Meadow Rd., representing AIA Dallas
Mark Stein, 3733 Shenandoah St., Highland Park, representing Harvest Partners
Stan Armstrong, 3700 Ross Ave., representing DISD

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

Motion seconded by Councilmember Chaney.

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

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

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25964.

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1361

MISCELLANEOUS HEARINGS

Southwestern Medical TIF District

Note: Item Nos. 60 and 61 must be considered collectively.

- Item 60: * A public hearing to receive citizens' comments concerning the creation of a tax increment financing reinvestment zone for the Southwestern Medical area, (Southwestern Medical TIF District), under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) – Financing: No cost consideration to the city
- Item 61: * An ordinance establishing Tax Increment Financing Reinvestment Zone Number Ten to be known as the Southwestern Medical TIF District under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) – Financing: No cost consideration to the city

The following individual addressed the city council regarding the Southwestern Medical TIF:

Stan Armstrong, 3700 Ross Ave., representing DISD

Mayor Pro Tem Loza moved to close the public hearing and pass the ordinance.

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 Greyson voting “No”.

Assigned ORDINANCE NO. 25965

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1362

05-1379

Item 62: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2003-2005 board term updated through April 27, 2005.

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

Motion seconded by Councilmember Garcia and unanimously adopted.

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

05-1379 YAC YOUTH COMMISSION

5/12/2005 11:26 AM
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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1363

Item 63: An ordinance declaring a tract of City-owned park land unwanted and unneeded containing approximately 76,911 square feet located near the intersection of Brooklyn and Montclair Avenues and authorizing the sale to the Dallas Independent School District – Revenue: \$211,505

Councilmember Blaydes 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 pass the ordinance.

Motion seconded by Councilmember Salazar and unanimously adopted. (Blaydes abstain; Loza, Hill, Thornton Reese absent when vote taken)

Assigned ORDINANCE NO. 25966.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1364

Item 64: Authorize hardship relief for property located at 3515 West Northwest Highway from the West Northwest highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive – Financing: No cost consideration to the City

Councilmember Salazar moved to deny the hardship application.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1365

Item 65: Authorize hardship relief for property located at 3407 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 hardship application.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1366

Item 66: A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds in the amount of \$14,000,000 and 4% tax credits for the new construction of 200 multifamily units for families to be known as the Mountain Creek Apartments located at 14th Street southeast and Skyline Road – Financing: No cost consideration to the City

Councilmember Oakley 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”. (Loza, Hill, Thornton Reese, Rasansky absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1367

Item 67: Authorize a twenty-four-month service contract for non-emergency wrecker services with the lowest responsible bidders of six – Taylor’s Wrecker Service in the amount of \$455,685, Recovery Systems, Inc., DBA/Pro-Tow in the amount of \$368,440, and Lindy Lott Wrecker Service, Inc. in the amount of \$19,500 – Total not to exceed \$843,625 – Financing: Current Funds (\$828,225) and Confiscated Monies Funds (\$15,400)

Councilmember Greyson moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1368

Item 68: Authorize ~~(1)~~ continued exclusive negotiations with the Woodbine Development Corporation for the development of a Convention Center Headquarters Hotel; and, ~~(2)~~ a professional services contract with Perkins Coie, LLP to provide legal services for negotiating a pre-development and definitive agreements with the Woodbine Development Corporation – \$100,000 – Financing: ~~Convention and Event Services Current Funds~~ No cost consideration to the City

Councilmember Oakley moved to approve the item as corrected on the addendum.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1369

Closed Session

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

- 2218 Bryan St. Limited v. City of Dallas, et al., Cause No. 05-04-0064-CV
- City of Dallas v. Attorney General of Texas, Cause No. GV4-01287
- Bencor Corporation of America Foundation Specialist, et al. v. Manhattan Construction Company, Inc. v. Austin Commercial, Inc., Cause No. 3:03-CV-2821-M
- City of Dallas v. Ford Motor Company, Village Lincoln Mercury of Dallas, Inc., et al., Cause No. 02-19967-B, and other legal issues regarding Crown Victoria police cruisers

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.)

- City of Dallas v. Attorney General of Texas, Cause No. GV4-01287
- Bencor Corporation of America Foundation Specialist, et al. v. Manhattan Construction Company, Inc. v. Austin Commercial, Inc., Cause No. 3:03-CV-2821-M
- City of Dallas v. Ford Motor Company, Village Lincoln Mercury of Dallas, Inc., et al., Cause No. 02-19967-B, and other legal issues regarding Crown Victoria police cruisers

No other matters were discussed during the closed session.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1370

Addendum addition 1: Authorize **(1)** a contract for selective demolition and window replacement at 1530 Main Street with Centex Construction, LLC, lowest responsible bidder of two, in an amount not to exceed \$740,000, **(2)** payment to TIF Hotel, Inc. in an amount not to exceed \$425,000 for design, reimbursables and construction management, and **(3)** assignment of the contract to Dunhill 1530 Main LP for construction management - Total not to exceed \$1,165,000 - Financing: City Center TIF District Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1371

Addendum addition 2: Authorize **(1)** a contract for selective demolition related to the redevelopment of the Republic Center Tower I located at 300 N. Ervay Street, with A & R Demolition, Inc., lowest responsible bidder of five, in an amount not to exceed \$705,000, **(2)** payment to Ervay Residential Partner, Inc. in an amount not to exceed \$219,588 for design, reimbursables and construction management, and **(3)** assignment of the contract to Ervay Residential Partner, Inc. for construction management - Total not to exceed \$924,588 - Financing: City Center TIF District Funds

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

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

Councilman 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; Loza, Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1372

Addendum addition 3: Authorize a twenty-four-month price agreement for Geographic Information System software, training, and consulting services with Environmental Systems Research Institute - Sole Source - Not to exceed \$956,000 - Financing: Current Funds (\$606,000) and Water Utilities Current Funds (\$350,000)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1373

Addendum addition 4: Authorize a sixty-month service contract to provide food and beverage services at the Morton H. Meyerson Symphony Center with the best value bidder of two - Culinaire International, Inc. - Estimated Net Revenue: \$805,070

Councilmember Rasansky requested that consent addendum addition item 4 be considered as an individual item. Mayor Miller stated that consent addendum addition item 4 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, consent addendum addition item 4 was brought up for consideration.

Councilmember Lill moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1374

Addendum addition 5: THOROUGHFARE PLAN AMENDMENT

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 chamber.

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

The following individuals addressed the city council regarding the thoroughfare plan amendment:

Joanna Hampton, 4924 Tremont
Harryette Earhardt, 5731 Swiss Ave.
Michael R. Coker, 2700 Swiss Ave.
Janice Mattox, 1111 Valencia
Wendy Quandt, 2016 Haskell Ave., representing Townhomes of City place
David Chandler, 4027 Main St.
John Tatum, 3800-A Main St.
Nathan Galbreath, no address given, representing Millcreek Homeowners
Robert Morris, 9508 Brentgate
John DeShazo, 330 Union Station, representing Greater Dallas Planning Council
Mark Wolf, 8340 Meadow Rd., representing Save Open Space
Rick Leggio, 4503 Reiger Ave.
Virginia McAlester, 5703 Swiss Ave.
David Chandler, 4027 Main St.
Virginia Arista, 722 Dumont
Brad Lapsley, 4001 Ross Ave.
Mike Turner, 2626 Cole St. Ste. 606
Mark Tommie, 620 N. Haskell
Tom Metcalf, 4625 Amber Court, Plano
Sandra Graham, 4204 Junius St., representing Grace united Methodist Church
Jo Jagoda, 601 N. Haskell
Jewel Floyd, 3815 Myrtle St.

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

Motioned seconded by Mayor Pro Tem Loza.

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

Voting Yes: [10] Miller, Loza, Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney,
Fantroy, Lill
Voting No: [4] Griffith, Blaydes, Finkelman, Greyson
Absent: [0]
Abstain: [1] Rasansky

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25967.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1375

Addendum addition 6: Authorize **(1)** moving expense and replacement housing payments for one homeowner and four tenants in the Cadillac Heights neighborhood as a result of official written offers of just compensation to purchase real property; and **(2)** an amendment to Resolution No. 04-0758 previously approved on February 25, 2004, to increase the replacement housing payment for displacee, Elisha Williams, owner-occupant of 2407 Cadillac Drive, in the amount of \$37,500, from \$40,900 to \$78,400, for the new Dallas Police Academy site (list attached) - Total not to exceed \$139,630 - Financing: 2004 Bond Funds

Councilmember Lill moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1376

Addendum addition 7: Authorize the City Manager to complete negotiations with the Billingsley Company and 7-Eleven, Inc. for the development of One Arts Plaza and the retention of the corporate headquarters of 7-Eleven, Inc. in Dallas - Financing: No cost consideration to the City

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Fantroy.

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

Voting Yes: [14] Miller, Loza, Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney, Fantroy, Griffith, Blaydes, Finkelman, Greyson, Lill

Voting No: [1] Rasansky

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

April 27, 2005

05-1377

Addendum addition 8: Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with the North Texas Tollway Authority (NTTA) and the Texas Department of Transportation to increase the escrow of City funds for disbursement to NTTA to continue with the next phase of work associated with the Trinity Parkway Environmental Impact Statement - \$2,000,000, from \$5,000,000 to \$7,000,000 - Financing: 1998 Bond Funds

Councilmember Oakley moved to approve the item.

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

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MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 27, 2005

EXHIBIT C

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