

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, MAY 11, 2005

05-1450

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 9:45 a.m.

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

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

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

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

After all business properly brought before the city council had been considered the city council adjourned at 5:27 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

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

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

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

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MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, MAY 11, 2005

EXHIBIT A

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MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, MAY 11, 2005

EXHIBIT B

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1451

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:

SPEAKER: DeWayne Dallas, 6266 St. Albans Dr.  
SUBJECT: Dallas Strong Mayor Proposition

SPEAKER: Lee Higginbotham, 10411 Marsh Ln.  
SUBJECT: Proposed Fire Station on Walnut Hill and Marsh

**ALL AGENDA ITEMS:**

SPEAKER: Roy Williams, 5881 Prestonview Blvd.  
REPRESENTING: 40 Acres and a mule  
**Spoke on April 13, 2005 on all agenda items**

**OPEN MICROPHONE - END OF MEETNG:**

SPEAKER: Charles A. Goodlow Jr., 922 Wood River Rd.,  
SUBJECT: Complaint against Dallas Metro Care of Dallas (MHMR)

SPEAKER: Russell Kerr, 8423 Midland Ln  
SUBJECT: Loud music

SPEAKER: Norma Minnis, 9729 Van Dyke Rd.  
SUBJECT: Elevation of Northwest Highway through White Rock Lake Park

SPEAKER: Jurline Hollins, 2832 Marjorie Ave., (Dist. 5)(214-374-8777  
SUBJECT: Conflicts of interest

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

SPEAKER: William Hopkins, 2011 Leath St.  
SUBJECT: Civil rights violation against DISD/DPD  
**Spoke on April 27, 2005 PM speaker.**

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.  
REPRESENTING: Citizens Organized for a Representative Democracy  
SUBJECT: Blackwood 2 “District 8”  
**Spoke on April 13, 2005 on all agenda items.**

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## OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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Councilmember Finkelman introduced the following students from Kramer Elementary School Student Council:

Valerie Morgan, President

Juan Look, Vice President

The students made a presentation to the Mayor and Councilmember Finkelman.

The city secretary announced that Roy Williams had signed up to speak on all items on the agenda; and in accordance to the City Council Rules and Procedures 6.3 (c ) (7) Mr. Williams is only allowed to speak at the end of the meeting because he spoke on April 13, 2005 at the beginning of the City Council meeting.

Mayor Pro Tem Loza moved to suspend the rules of the council to allow Mr. Williams to speak.

Motion seconded by Councilmember Chaney.

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

Roy Williams, 5881 Prestonview Blvd., representing, 40 Acres and a mule

Item 1: Approval of Minutes of the April 27, 2005 City Council Meeting

Councilmember Oakley moved to approve the minutes.

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

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## OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1453

### CONSENT AGENDA

The consent agenda, consisting of agenda items 2-25 and addendum addition consent agenda items 2-4, were presented for consideration.

Councilmember Rasansky requested that consent agenda items 21 be considered as an individual item. Mayor Miller stated that consent agenda would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Griffith requested that consent agenda item 22 be considered as an individual item. Mayor Miller stated that consent agenda item 22 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griffith's request.

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

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda items 21 and 22 and addendum addition consent agenda items 2 which would be considered later in the meeting.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1454

Item 2: Authorize a professional services contract with Halff Associates, Inc. to provide engineering design services for the replacement of water mains and the rehabilitation or replacement of wastewater mains at 17 various locations (list attached) - \$466,544  
- Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1455

Item 3: Authorize a contract for the construction of a security fence and removal of the existing fence at the Police Auto Pound located at 1955 Vilbig Road - United Fence Contractors, Inc. dba Richardson Bros. Fence Co., lowest responsible bidder of nine - Not to exceed \$296,539 - Financing: 1996 Omnibus Appropriation Local Law Enforcement Block Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1456

Item 4: Authorize a contract for the construction of the new Timberglen Branch Library to be located near the corner of Timberglen Road and Midway Road - CME Builders & Engineers, Inc., lowest responsible bidder of two - \$3,637,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1457

Item 5: Authorize a contract for the construction of meter and pump improvements at the Elm Fork Water Treatment Plant - Archer Western Contractors, Ltd., lowest responsible bidder of four - \$4,414,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1458

Item 6: Authorize an increase in the contract with Alshall Construction Company for additional costs for utility work at the street, steel work at masonry fence, removal of tree stumps at steel fence, metal and wood framing, electrical work and credits for concrete piers, masonry fence and kiln hood at the Timberglen Recreation Center located at 3810 Timberglen Drive - Not to exceed \$63,925, from \$2,217,232 to \$2,281,157 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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05-1459

Item 7: Authorize an increase in the contract with Parks for Play, Inc. for a picnic shelter at South Central Park located at 4753 Fellows Lane - \$21,229, from \$139,720 to \$160,949 - Financing: 2002-03 Community Development Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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05-1460

Item 8: Authorize a decrease in the contract with Rebcon, Inc. for the South Central Improvements, Phase I, for additional paving and drainage quantities and deletion of the original Linfield Road bridge structure - (\$247,893), from \$3,885,744 to \$3,637,851 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1461

Item 9: Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements at the intersection of IH 20 at SH 342 (Lancaster Road) - \$37,464 - Financing: Texas Department of Transportation Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1462

Item 10: Authorize an environmental deed restriction, proposed by Aviall Services, Inc., prohibiting the use of groundwater for residential, agricultural, recreational, industrial or commercial purposes without the express written pre-approval of the State of Texas under portions of (1) Shorecrest Drive near its intersection with Reeves and Weiss Streets, (2) Reeves Street near its intersection with Wylie and Love Field Drives and Putnam Street, (3) Wylie Drive near its intersection with Reeves and Weiss Streets, (4) Putnam Street near its intersection with Reeves Street, (5) Love Field Drive near its intersection with Reeves Street, and (6) Weiss Street near its intersection with Shorecrest and Wylie Drives - Revenue: \$154,244

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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05-1463

Item 11: An ordinance abandoning Hobbs Avenue to Southern Foods Group, L.P., the abutting owner, containing approximately 22,939 square feet of land located near its intersection with Haskell Avenue, authorizing the quitclaim and providing for the dedication of approximately 4,557 square feet of land needed for street right-of-way - Revenue: \$31,250 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1464

Item 12: An ordinance granting a private license to Southwestern Bell Telephone, L.P. for a total of approximately 598 square feet of land to use and maintain existing transformer vault and basement areas in the Field Street right-of-way located near the intersection of Field and Wood Streets - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25969.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1465

Item 13: Authorize a forty-eight-month service contract for utility vehicle rental with the lowest responsible bidder of two - Metro Golf Cars - Not to exceed \$716,441 - Financing: Current Funds (\$665,266), Golf Improvement Trust Funds (\$51,175)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1466

Item 14: Authorize a thirty-six-month service contract for court reporting services with the most favorable proposer of three - All-American Reporting - Not to exceed \$235,000  
- Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1467

Item 15: Authorize the purchase of a replacement trailer tipper for use at the McCommas Bluff Landfill from the lowest responsible bidder of two - Phelps Industries - Not to exceed \$283,525 - Financing: 2003 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1468

Item 16: Authorize the purchase of one flusher truck for use at the McCommas Bluff Landfill from the lowest responsible bidder of three - Southwest International Trucks - Not to exceed \$85,741 - Financing: 2003 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1469

Item 17: Authorize a forty-eight-month price agreement for anthracite filter media to be used in the water purification process with the lowest responsible bidder of three - New Life Environmental, Inc. dba Spartan Filtration - Not to exceed \$669,089 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1470

Item 18: Authorize a thirty-six-month price agreement for anhydrous ammonia to be used in the water disinfecting process with the lowest responsible bidder of two - LaRoche Industries, Inc. - Not to exceed \$1,605,600 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1471

Item 19: Authorize a twenty-four-month price agreement for methanol to be used at the Southside Wastewater Treatment Plant with the lowest responsible bidder of three - Buckley Oil Company - Not to exceed \$994,400 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1472

Item 20: Authorize the purchase of various radio tower parts to improve the clarity of the WRR radio broadcast from the only bidder - Dielectric Communications - Not to exceed \$155,135 - Financing: WRR Capital Construction Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1473

Item 21: Ratify emergency repairs to the 96-inch water main between the East Side Water Treatment Plant and the Jim Miller Pump Station and authorize an increase in the contract with John Burns Construction Company of Texas, Inc. for the repairs – \$486,851, from \$5,570,666 to \$6,057,517 - Financing: Water Utilities Capital Improvement Funds

Councilmember Rasansky requested that consent agenda item 21 be considered as an individual item. Mayor Miller stated that consent agenda item 21 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 21 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1474

Item 22: Authorize a public hearing to be held on May 25, 2005 to receive citizens' comments regarding the establishment of approved basic service tier and equipment rates for cable television services provided by Comcast Cable of Dallas, Inc. - Financing: No cost consideration to the City

Councilmember Griffith requested that consent agenda item 22 be considered as an individual item. Mayor Miller stated that consent agenda item 22 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griffith's request.

Later in the meeting, agenda item 22 was brought up for consideration.

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

Councilmember Garcia moved to approve the item.

Motion seconded by Councilmember Lill and unanimously adopted. (Griffith abstain; Hill, Greyson absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1475

Item 23: Authorize (1) a public hearing to be held on May 25, 2005 to receive citizens' comments on re-adopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with State law, and at the close of the public hearing, (2) consideration of the re-adoption of Chapter 12 of the Dallas City Code - 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

May 11, 2005

05-1476

Item 24: Authorize application for the continuation of the Commercial Auto Theft Interdiction Squad grant in the amount of \$484,994 to provide a specialized proactive automobile theft program from the Texas Automobile Theft Prevention Authority, for the period September 1, 2005 through August 31, 2006 (local match in the amount of \$72,528, or 7.4% of all expenses, will be required if awarded and in-kind contributions in the amount of \$485,285 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

May 11, 2005

05-1477

Item 25: Authorize (1) the application for and acceptance of the "Click It or Ticket" Overtime Enforcement grant in the amount of \$77,000 from the Texas Department of Transportation for a seat belt enforcement initiative for the period of May 23, 2005 through June 5, 2005, (2) a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$21,729, and (3) execution of the grant agreement - Total not to exceed \$98,729 - Financing: Current Funds (\$21,729) and Texas Department of Transportation Grant Funds (\$77,000)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1478

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 26-30, were presented for consideration.

- Agenda item 26: Zoning Case Z034-290(RB)
- Agenda item 27: Zoning Case Z034-319(MF)
- Agenda item 28: Zoning Case Z045-147(WE)
- Agenda item 29: Zoning Case Z045-186(DW)
- Agenda item 30: Zoning Case Z045-188(DW)

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

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

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

Guillermo Borda, 12340 Brittany Cir., regarding zoning case Z045-147(WE)

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

William Hopkins, 2011 Leath St.  
Brenda Blair, 3718 Happy Canyon, regarding zoning case Z045-147(WE)

Councilmember Finkelman 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 Councilmember Lill and unanimously adopted.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1479

Item 26: Zoning CaseZ034-290(RB)

An application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern on property zoned an IR Industrial Research District, on the east side of Emerald Lane, south of Crown Boulevard

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25970.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1480

Item 27: Zoning Case Z034-319(MF)

A City Plan Commission authorized hearing to determine proper zoning on property zoned an R-7.5(A) Single Family District, an R-5(A) Single Family District, an MF-2(A) Multifamily District, an MH(A) Manufactured Home District, a CR Community Retail District and Planned Development District No. 694 for a Community Center with consideration given to an R-5(A) Single Family District in an area bounded by Simpson Stuart Road, Lancaster Road, Givendale Road, Barbee Boulevard, Persimmon Road and Tracy Road and an ordinance granting an R-5(A) Single Family District on a portion on the property

(The city plan commission recommended approval, of an R-5(A) Single Family District on that area described as being bounded by and including properties on either side of Kemrock Drive, Tracy Road and Kavasari Drive and the frontage on the north side of Simpson Stuart Road between Tracy Road and Blunter Street currently zoned an R-7.5(A) Single Family District exclusive of Planned Development District No. 694 for a Community Center with no change for the remainder of the area.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25971.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1481

Item 28: Zoning Case Z045-147(WE)

An application for and an ordinance granting an amendment to, and an expansion of, Planned Development District No. 368 for a private school and child-care facility and an ordinance terminating Specific Use Permit No. 1061 for a private school and child-care facility on property zoned Planned Development District No. 368 and an R-16(A) Single Family District, on the south side of Churchill Way, east of Preston Road

(The city plan commission recommended approval, subject to a development plan and conditions and approval of the termination of SUP No. 1061.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25972.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1482

Item 29: Zoning Case Z045-186(DW)

An application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned a TH-3(A) Townhouse District, on the northwest side of Ryan Road, southwest of Garapan Drive

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25973.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1483

Item 30: Zoning Case Z045-188(DW)

An application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple-family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, and a resolution terminating the existing deed restrictions, and a resolution accepting new deed restrictions volunteered by the applicant providing for access to the Katy Trail, on property zoned a P Parking Subdistrict within Planned Development District No. 193 located on the northwest side of Buena Vista Street, southwest of Fitzhugh Avenue with consideration given to an MF-2 Multiple-family Subdistrict in Planned Development District No. 193

(The city plan commission recommended approval, subject to a development plan, conditions, and new deed restrictions volunteered by the applicant and approval of the termination of existing deed restrictions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25974.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1484

Item 31: Public Hearing – Zoning Case Z045-143(DW)

A public hearing was called on zoning case Z045-143(DW), a City Plan Commission authorized hearing to determine proper zoning on property zoned an MF-2(A) Multifamily District with consideration given to a Single Family District, on property northwest of Live Oak between Munger Avenue and Ross Avenue and an ordinance granting an R-7.5(A) Single Family District on a portion of the area

(The city plan commission recommended No change to existing zoning for properties in the northwest portion of the area, and approval of an R-7.5(A) Single Family District for the remainder of the area.)

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

Robert Reeves, 900 Jackson St., representing several property owners.  
Laurie Dotter, 5715 Hudson  
Russell Williams, 3832 Mockingbird  
Tim Delaughter, 5930 Ross Ave.  
Robert Russell, 5612 Hudson  
Brenda McDonald, 878 S. Denton Tap Rd., Coppell

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

Adam Hatton, 5924 Hudson St.  
Joseph Davisson, 5603 Hudson St.  
Virginia McAlester, 5703 Swiss Ave.  
Kathleen Hurley, 1612 Mary  
Rosetta Rios, 5612 Bryan Parkway  
Joan Bond, 6000 Hudson St.  
Michelle Love, 5919 Hudson St.  
Larry Offutt, 6201 Bryan Parkway

The following individual addressed the city council regarding zoning case Z045-143(DW).

Ronald Weisfeld, 2909 San Jacinto St.

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05-1484

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During the debate Mayor Miller called a recess of the meeting in order that the city council could meet in executive session under Section 551.071 of the Texas Government Code (Texas Open Meetings Act) to confer with the interim city attorney.

Following the executive session the city council reconvened in open session.

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

Change the zoning from MF2 to R-7.5 as shown on the map distributed to the council.

and pass the ordinance.

Motioned seconded by Councilmember Finkelman.

During the debate on Councilmember Lill's motion Councilmember Blaydes moved the previous question.

Motion seconded by Councilmember Chaney.

Mayor Miller stated that since no other Councilmember had requested to speak; she would accept Councilmember Blaydes motion to call the question and called the vote on Councilmember Lill's motion as amended.

Voting Yes: [7] Loza, Hill, Thornton Reese, Salazar, Finkelman, Greyson, Lill

Voting No: [8] Miller, Garcia, Oakley, Chaney, Fantroy, Griffith, Blaydes, Rasansky

Mayor Miller declared the motion failed.

Later in the meeting, Councilmember Griffith moved to reconsider his vote on the item.

Motion seconded by Councilmember Finkelman.

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

Voting Yes: [9] Miller, Loza, Hill, Garcia, Salazar, Fantroy, Griffith, Finkelman, Lill  
Voting No: [6] Oakley, Thornton Reese, Chaney, Blaydes, Greyson, Rasansky

Mayor Miller declared the motion to reconsider the item adopted.

Councilmember Lill moved to postpone the item until the May 25, 2005 voting agenda meeting and continue the public hearing at that time.

Motion seconded by Councilmember Griffith.

Councilmember Greyson moved to substitute for Councilmember Lill's motion to close the public hearing and overrule the city plan commission and deny the zoning change.

Motion seconded by Councilmember Rasansky.

After discussion, Mayor Miller called the vote on Councilmember Greyson's substitute motion.

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

Mayor Miller declared the substitute motion adopted.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1485

Item 32: Public Hearing – Zoning Case Z045-180(WE) – DALLAS INDEPENDENT SCHOOL DISTRICT

A public hearing was called on zoning case Z045-180(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-16(A) Single Family District uses on property zoned an R-16(A) Single Family District, on the east side of Hedgeway Drive between Killon Drive and Walnut Hill Lane

(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 the zoning case Z045-180(WE):

Marvin Crenshaw, 5134 Malcolm X Blvd.

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

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

Assigned ORDINANCE NO. 25975.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1486

Item 33: Public Hearing – Zoning Case Z045-182(WE) – DALLAS INDEPENDENT SCHOOL DISTRICT

A public hearing called on zoning case Z045-182(WE), an application for and an ordinance granting an RR Regional Retail District on property zoned Planned Development District No. 579 for a bus fueling station and light service facility, on the southeast corner of Lancaster Avenue and Ninth Street

(The city plan commission recommended approval.)

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

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

Councilmember Garcia moved to postpone consideration of the application until the June 8, 2005, voting agenda meeting, and to continue the public hearing at that time.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1487

Item 34: Public Hearing – Zoning Case Z034-327(DW) – UNDER ADVISEMENT – INDIVIDUAL

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 subject to new deed restrictions volunteered by the applicant and approval of the termination of existing deed restrictions.)

Note: This item was considered by the City Council at public hearings on February 9 and 23, March 9, and April 13, 2005, where the public hearing was closed with instructions for the case to be readvertised for a public hearing on May 11, 2005.

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 Mayor Pro Tem Loza and unanimously adopted.

Assigned ORDINANCE NO. 25976.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1488

Item 35: Public Hearing – Development Code DCA 045-005 – DEVELOPMENT CODE AMENDMENTS

A public hearing was called on development code amendment DCA 045-005, consideration of and an ordinance granting an amendment to Chapters 51 and 51A of the Dallas Development Code to establish appropriate standards for single family accessory structures

(The city plan commission recommended approval.)

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

Santos Martinez, 1111 Cordova St.

in favor of the city plan commission's recommendation.

Pam Conley, 901 N. Madison Ave.  
Kirk Williams, 5400 Renaissance Tower

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

Motion seconded by Councilmember Lill.

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

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

Voting No: [1] Thornton Reese

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 25977.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1489

Item 36: Public hearing – FLOOD PLAIN APPLICATION

A public hearing regarding the application for a fill permit and removal of the floodplain (FP) prefix from 1.66 acres of land, zoned R-16 for single family development, currently in the 100-year floodplain of White Rock Creek located at 6500 Spring Valley Road - Fill Permit 05-02 - Financing: No cost consideration to the City

No one appeared in opposition to or in favor of the flood plain application.

Councilmember Finkelman moved to close the public hearing.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1490

Item 37: Public Hearing – 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 individual addressed the city council regarding the FY 2005-06 Operating, Capital, Grant and Trust budgets:

Veronica Priest, 3521 Jordan Valley Rd.

Mayor Pro Tem Loza moved to close the public hearing.

Motion seconded by Councilmember Finkelman and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1491

MISCELLANEOUS HEARING

Private Sale of Unimproved Properties

Note: Item nos. 38 and 39  
must be considered collectively

- Item 38: \* A public hearing 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 and Development, Inc., qualified non-profit organizations (list attached) - Financing: No cost consideration to the City
- Item 39: \* Authorize the private sale, as provided for by Section 34.015 of the Texas Property Tax Code by quitclaim deed of 3 unimproved properties acquired by the taxing authorities from a Sheriff's Sale to qualified non-profit organizations (list attached) - Revenue: \$3,000

The following individuals addressed the city council regarding the Private Sale of Unimproved Properties:

Albert Parker, 6819 Elam Rd.  
Brad Hicks, 1407 S. Akard  
Vita Shaw no address given, representing Light Economic and Development, Inc.  
Frank Ward, P.O. Box 50694  
William Hopkins, 2011 Leath St.  
Jurline Hollins, 2832 Marjorie Ave.

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

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1492

Item 40: 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 May 11, 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 Thornton Reese move to reappoint Pamela Gates the Dallas-Fort Worth International Airport Board for a term to end January 31, 2007.

Motion seconded by Councilmember Chaney.

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

Voting Yes: [13] Miller, Loza, Garcia, Oakley, Thornton Reese, Salazar, Chaney, Fantroy, Griffith, Blaydes, Finkelman, Rasansky, Lill

Voting No: [0]

Absent when vote taken: [2] Hill, Greyson

Mayor Miller declared the motion adopted.

Later in the meeting Councilmember Greyson moved to appoint Robert Hsueh to the Dallas-Fort Worth International Airport Board to replace Max Wells effective July 19, 2005; for a term to end January 31, 2006. Mr. Wells resignation will become effective July 18, 2005.

Motion seconded by Deputy Mayor Pro Tem Hill and unanimously adopted.

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

**05-1493 DFW Dallas-Fort Worth International Airport Board**

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1493

Item 41: Appointment of members to the DART Board (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A) (List of nominees is available in the City Secretary's Office)

The city secretary announced that the DART Board was not ready for appointment.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1494

Item 42: Authorize a new resolution in support of Texas Department of Housing and Community Affairs award of 4% Low Income Housing Tax Credits and tax-exempt bonds for the new construction of St. Augustine Estates senior multifamily development to be located at the northeast corner of Bruton Road and St. Augustine - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Hill moved to approve the resolution.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1495

Item 43: Authorize (1) a public hearing to be held on June 8, 2005 to receive citizens' comments to consider the creation of a tax increment financing reinvestment zone for the Deep Ellum area (Deep Ellum TIF District) under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311); and at the close of the hearing, (2) consideration of an ordinance creating the Deep Ellum TIF District - Financing: No cost consideration to the City

Mayor Miller called a recess of the meeting in order that the city council could meet in executive session under Section 551.071 of the Texas Government Code (Texas Open Meetings Act) to confer with the interim city attorney.

Following the executive session the city council reconvened in open session.

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.

Mayor Pro Tem Loza moved to postpone the item until the June 8, 2005 voting agenda meeting.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1496

Item 44: 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

Councilmember Fantroy moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1497

Councilmember Finkelman introduced the following students from Kramer Elementary School Student Council:

Valerie Morgan, President

Juan Look, Vice President

The students made a presentation to the Mayor and Councilmember Finkelman.

The city secretary announced that Roy Williams had signed up to speak on all items on the agenda; and in accordance to the City Council Rules and Procedures 6.3 (c ) (7) Mr. Williams is only allowed to speak at the end of the meeting because he spoke on April 13, 2005 at the beginning of the City Council meeting.

Mayor Pro Tem Loza moved to suspend the rules of the council and allow Mr. Williams to speak.

Motion seconded by Councilmember Chaney.

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

Roy Williams, 5881 Prestonview Blvd., representing, 40 Acres and a mule

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

Councilmember Oakley moved to approve the minutes.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1498

Closed Session

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

- Erubial Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- Yvonne Gwyn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K
- Environmental Conservation Organization v. City of Dallas, Cause No. 3:03-CV-2951-M and in the administrative proceeding styled Administrative Order Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-0907
- Legal issues related to James, et al. v. City of Dallas, Case No. 3:98-CV-00436 (N.D. Tex.); and Bell et al. v. City of Dallas, Consol. Case No. 3:95-CV-00383 (N.D. Tex.) and Appellate Case No. 4-10818 (5<sup>th</sup> Cir.), and related matters

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.)

- Erubial Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- Yvonne Gwyn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K
- Environmental Conservation Organization v. City of Dallas, Cause No. 3:03-CV-2951-M and in the administrative proceeding styled Administrative Order Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-0907
- Legal issues related to James, et al. v. City of Dallas, Case No. 3:98-CV-00436 (N.D. Tex.); and Bell et al. v. City of Dallas, Consol. Case No. 3:95-CV-00383 (N.D. Tex.) and Appellate Case No. 4-10818 (5<sup>th</sup> Cir.), and related matters

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

Agenda items 31 and 43

No other matters were discussed during the closed session.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1499

Addendum addition 2: Authorize a twelve-month price agreement for the installation of full body auto decal sets for Police patrol cars with the lowest responsible bidder of three - Chroma-Tone, Inc. - Not to exceed \$75,984 - Financing: Current Funds

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

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

Councilmember Garcia moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1500

Addendum addition 3: Ratify an emergency purchase of approximately 272 feet of 96-inch pipe to repair a water main located between the East Side Water Treatment Plant and the Jim Miller Pump Station - Hanson Pipe & Products - Not to exceed \$225,670 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1501

Addendum addition 4: Authorize the issuance of tax-exempt financing by the Manvel Cultural Educational Facilities Finance Corporation in an amount not to exceed \$7,250,000 for the acquisition of a 4.66 acre tract of land located at the northwestern corner of the intersection of Field Street and Woodall Rodgers Freeway for cultural facilities for the Dallas Museum of Natural History Association - 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

May 11, 2005

05-1502

Addendum addition 5: Zoning Case Z034-250(DC)

A public hearing was called on zoning case Z034-250(DC), an application for and an ordinance granting an R-5(A) Single Family district on property zoned Planned Development district No. 304 for a police training facility and water storage and utilities, generally located on the northwest corner of the intersection of Interstate Highway 20 and Interstate Highway 45, east of J. J. Lemmon Road

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25978.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1503

Addendum addition 6: Authorize payment to Design Professionals Insurance Company for the legal services of Capshaw, Goss, Bowers, L.L.P. related to the lawsuit styled Bencor Corporation of America Foundation Specialist, et al. v. Manhattan Construction Company, Inc. v. Austin Commercial, Inc., Cause No. 3:03-CV-2821-M involving a construction claim related to the Dallas Convention Center Expansion and Renovation 2002 Project - Not to exceed \$250,000 - Financing: Convention Center Revenue Contingency Funds

Councilmember Garcia moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1504

Addendum addition 7: Authorize **(1)** settlement of the lawsuit styled Bencor Corporation of America Foundation Specialist, et al. v. Manhattan Construction Company, Inc. v. Austin Commercial, Inc., Cause No. 3:03-CV-2821-M involving a construction claim related to the Dallas Convention Center Expansion and Renovation 2002 Project; **(2)** payment to Manhattan Construction Company, Inc. for the city's contribution towards the settlement of this lawsuit in an amount not to exceed \$2,077,188; **(3)** release of the previously authorized remaining contract balance of \$858,976 to Manhattan Construction Company, Inc., pursuant to the terms of the settlement agreement; and **(4)** an increase in appropriations in an amount not to exceed \$2,077,188 in the Convention Center Revenue Contingency Funds - Total not to exceed \$2,077,188 - Financing: Convention Center Revenue Contingency Funds

Mayor Pro Tem Loza moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 11, 2005

05-1505

Addendum addition 8: An ordinance amending Chapter 18 of the Dallas City Code to lower the allowed height at which vegetation may project over sidewalks from 15 feet to 8 feet above the ground - Financing: No cost consideration to the City (via Mayor Miller)

Councilmember Finkelman moved to pass the ordinance.

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

Assigned ORDINANCE NO. 25979.

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MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, MAY 11, 2005

EXHIBIT C

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