

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, MAY 25, 2005

05-1550

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

PRESENT: [15] Miller, Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney, Fantroy,  
Griffith, Blaydes, Finkelman, Greyson, Rasansky, Lill  
ABSENT: [0] Loza

The meeting was called to order at 9:27 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 6:53 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 25, 2005

EXHIBIT A

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MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, MAY 25, 2005

EXHIBIT B

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1551

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: Hannah Onassis, 7622 Maxwell Ave  
SUBJECT: Fund donations for nonprofit for Air 1 Fund

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd  
REPRESENTING: Concerned Citizens for a Representative Democracy  
SUBJECT: Blackwood II

**OPEN MICROPHONE - END OF MEETNG:**

SPEAKER: Michael Rodgers, 3511 Silver Hill Dr.  
SUBJECT: Things that happened around Dallas

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

SPEAKER: William Hopkins, 2011 Leath St.  
SUBJECT: Corruption with Trinity River Plan, EPA, West Dallas Super Fund  
**Spoke on May 18, 2005 PM speaker.**

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1552

The city secretary announced that the minutes of the voting agenda meeting of May 11, 2005 were not yet complete and would be distributed to the city council for approval at a future meeting.

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## OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1553

### CONSENT AGENDA

The consent agenda, consisting of agenda items 2-33 and addendum addition consent agenda items 1-7, were presented for consideration.

The city secretary announced that Deputy Mayor Pro Tem Hill had deferred consideration of consent agenda item 32 and Councilmember Finkelman had deferred consideration of addendum addition consent agenda item 5 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

The city secretary announced that her office had received written notice from the city manager requesting that addendum addition consent agenda item 3 be deleted from the agenda, but that the notice was filed after the deadline for filing the notice as provided in Subsection 7.11(c) of the City Council Rules of Procedure.

Councilmember Rasansky requested that consent agenda items 12 and 29 and addendum addition consent agenda items 2 and 4 be considered as an individual item. Mayor Miller stated that consent agenda items 12 and 29 and addendum addition consent agenda items 2 and 4 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Greyson requested that consent agenda item 31 be considered as individual item. Mayor Miller stated that consent agenda item 31 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Councilmember Finkelman requested that addendum addition consent agenda item 6 be considered as an individual item. Mayor Miller stated that addendum addition consent agenda item 6 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Finkelman's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda item 32 and addendum addition consent agenda item 5, which was deferred and addendum addition consent agenda item 3, which was deleted and consent agenda items 12, 29 and 31 and addendum addition consent agenda items 2, 4 and 6 which would be considered later in the meeting.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1554

Item 2: Authorize a professional services contract with Leo A. Daly Company for architectural and engineering services for the design of the replacement Walnut Hill Branch Library located at the corner of Webb Chapel Road and El Centro Drive - \$435,796 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1555

Item 3: Authorize a professional services contract with Meyer Scherer & Rockcastle, Ltd. for architectural and engineering services for the design of the replacement Casa View Branch Library located at 11221 Lockwood Boulevard - \$453,138 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1556

Item 4: Authorize a professional services contract with Camp Dresser & McKee, Inc. to provide engineering services and construction administration for filter expansion to the existing facilities at the Central Wastewater Treatment Plant - \$2,527,981 - 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 25, 2005

05-1557

Item 5: Authorize a contract with David Hickman to fabricate and install an exterior kinetic sculpture at the Timberglen Library located at 18505 Midway - Not to exceed \$40,926 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1558

Item 6: Authorize a contract for alley paving, and water and wastewater main improvements on the alley between N. Bishop Avenue and Haines Avenue from Neely Street to Canty Street - Artco/Goteck Joint Venture, lowest responsible bidder of eight - \$54,175 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1559

Item 7: Authorize a contract for the construction of water and wastewater mains and large water valve replacements at various locations (list attached) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of two - \$5,947,441 - 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 25, 2005

05-1560

Item 8: Authorize approval for the use of Special Incentive Provisions to provide incentives for the use of low emission diesel fuel and the use of non-road diesel equipment utilizing engines meeting certification standards established by the Environmental Protection Agency, California Air Resources Board or Texas Commission on Environmental Quality on contracted City construction projects, to assist in attaining compliance with the Federal Clean Air Act - 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 25, 2005

05-1561

Item 9: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 5 street easements containing a total of approximately 47,122 square feet of land located near Wheatland and Houston School Roads for the widening of Houston School Road (list attached) - \$93,588 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1562

Item 10: A resolution declaring 3 tracts of City-owned land unwanted and unneeded and authorizing their sale by sealed bid (list attached) - 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 25, 2005

05-1563

Item 11: A resolution authorizing the sale of approximately 7,307 square feet of unwanted and unneeded City-owned land located at the intersection of 6th Street and Jefferson Boulevard to the highest bidder, Marcer Investments, LLC - Revenue: \$25,000

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1564

Item 12: An ordinance abandoning a subsurface portion of Main Street to the County of Dallas, the abutting owner, containing approximately 2,864 square feet of land located near its intersection with North Market Street, and authorizing the quitclaim - Revenue: \$60,144 plus the \$20 ordinance publication fee

Councilmember Rasansky requested that consent agenda item 12 be considered as an individual item. Mayor Miller stated that consent agenda item 12 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 12 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

Assigned ORDINANCE NO. 25981.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1565

Item 13: Authorize the quitclaim of 29 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$233,951

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1566

Item 14: Authorize a sixty-month price agreement for drug and alcohol testing, medical examinations and disability reviews of civilian and uniform employees and applicants with the lowest responsible bidders of ten - Med Alert Industrial Health in the amount of \$217,260 and Excel Occupational Clinics, LTD in the amount of \$881,250 - Total not to exceed \$1,098,510 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1567

Item 15: Authorize the purchase of police and fire dispatch communication consoles through the Federal Supply Schedule of the General Services Administration, Section 1122 of the FY 1994 National Defense Authorization Act from Bramic Creative Business - Not to exceed \$533,703 - Financing: 2003 Urban Area Security Initiative II Grant Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1568

Item 16: Authorize a twelve-month price agreement for steel and aluminum with the lowest responsible bidder of two - Garland Steel, Inc. - Not to exceed \$837,337 - Financing: Current Funds (\$484,238); Water Utilities Current Funds (\$353,099)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1569

Item 17: Authorize a forty-eight-month service contract for security guard services at Fair Park with the lowest responsible bidder of fifteen - Ameritex Guard Services - Not to exceed \$1,668,150 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1570

Item 18: Authorize a twenty-four-month price agreement for bulk cement to be used for street repairs with the lowest responsible bidders of two - Holcim (US) Inc. in the amount of \$419,297 and Concrete Accessories, Inc. in the amount of \$33,050 - Total not to exceed \$452,347 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1571

Item 19: Authorize a thirty-six-month price agreement for hot applied joint sealer with the lowest responsible bidder of three - Crafcot Texas, Inc. - Not to exceed \$79,407 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1572

Item 20: Authorize a twenty-four-month price agreement for the rental of heavy equipment for the Southside Wastewater Treatment Plant with the lowest responsible bidders of four - United Equipment Rentals Gulf, L.P. in the amount of \$1,657,128, Bane Machinery, Inc. in the amount of \$457,248, and Romco Equipment Co. in the amount of \$324,377 - Total not to exceed \$2,438,753 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1573

Item 21: Authorize payment of legal fees to Tona Trollinger, Attorney at Law for legal services rendered in the lawsuit styled Anthony Lynn Curlin v. Daniel Earl Maples, Jr., Quentis Ray Roper, Sean Moses and City of Dallas, Civil Action No. 3:02-CV-1997-H - Total not to exceed \$28,000 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1574

Item 22: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Guida, Slavich & Flores, P.C., for additional legal services necessary in the lawsuit styled 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, issued February 6, 2004, and any other matters relating to the subject matter of this lawsuit and administrative proceeding - Not to exceed \$200,000, from \$200,000 to \$400,000 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1575

Item 23: Authorize settlement of the lawsuit styled Dana Brown v. Roman Diaz and City of Dallas, Cause No. 04-00895-L - \$40,000 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1576

Item 24: Authorize settlement of the lawsuit styled Jaqualyn Allen v. Tom Schwend, Jose Llanes and City of Dallas, et al., Civil Action No. 3:04-CV-1889-B - \$51,500 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1577

Item 25: Authorize a professional services contract with The Carter Law Firm, P. C. for legal services and related expenses necessary in the lawsuit styled Dora Saucedo-Falls v. David Kunkle, Randy Hampton, and City of Dallas, Civil Action No. 3:05-CV-0730-N and any other proceeding relating to the subject matter of this lawsuit - Not to exceed \$50,000 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1578

Item 26: An ordinance authorizing a correction to Ordinance No. 24655 for an amendment to Planned Development District No. 508 to create a new subdistrict for a community service center on the northeast corner of Toronto Street and Kingsbridge Street to correct the omission of the conceptual plan and the Exhibit A property description denoting the new tract - Z001-197 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25982

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1579

Item 27: An ordinance waiving the extraterritorial jurisdiction of the City of Dallas in favor of the City of Grand Prairie on (1) 6.27 acres of the road right-of-way of southeast 14th Street and Hardy Road from Spur 303 to FM 1382; and, (2) 2.33 acres of the road right-of-way of Skyline Road from southeast 10th Street to southeast 14th Street - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25983.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1580

Item 28: Authorize (1) the application for and acceptance of a grant from the Federal Emergency Management Agency in the amount of \$245,000 to purchase heavy rescue apparatus; and, (2) the City's required 30% match of the total purchase in the amount of \$105,000 - Total not to exceed \$350,000 - Financing: Federal Emergency Management Agency Grant Funds (\$245,000) and Current Funds (\$105,000)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1581

Item 29: Authorize (1) the application for and acceptance of a grant from the Federal Emergency Management Agency in the amount of \$70,000 to purchase burglar bars; and, (2) the City's required 30% match of the total purchase in the amount of \$30,000 - Total not to exceed \$100,000 - Financing: Federal Emergency Management Agency Grant Funds (\$70,000) and Current Funds (\$30,000)

Councilmember Rasansky requested that consent agenda item 29 be considered as an individual item. Mayor Miller stated that consent agenda item 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.

Councilmember Rasansky moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1582

Item 30: Authorize the reconstruction on-site of one home in accordance with the Replacement Housing Program Statement requirements for the property located at 1502 Life Street  
- Not to exceed \$70,000 - Financing: 2004-05 HOME Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1583

Item 31: Ratify a Memorandum of Understanding between the City of Dallas, the Port of Houston Authority, and the United States Department of Transportation Maritime Administration, Intermodal Development Office to form the Agile Port System Task Force and support the development of a Dallas Agile Port System within the Dallas metropolitan region - Financing: No cost consideration to the City

Councilmember Greyson requested that consent agenda item 31 be considered as an individual item. Mayor Miller stated that consent agenda item 31 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Later in the meeting, agenda item 31 was brought up for consideration.

Councilmember Greyson moved to approve the item.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Loza absent)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1584

Item 32: Authorize (1) the appointment of Nathan McClellan as City Treasurer; (2) the City Depository/City Treasurer's contract with Nathan McClellan, and his affiliated banking institution, Bank of America, N.A. for City depository and other banking services for a two-year period from July 1, 2005 through June 30, 2007 with an option to extend the term for an additional two years; (3) a tri-party agreement between the City, Bank of America, N.A., and The Bank of New York Trust Company, N.A. regarding collateral for City deposits; and (4) escrow/trust agreements with The Bank of New York Trust Company, N.A. - Not to exceed \$1,500,005 annually - Financing: Current Funds

The city secretary announced that Deputy Mayor Pro Tem Hill had deferred consideration of consent agenda item 32 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

May 25, 2005

05-1585

Item 33: Authorize a contract with U.S. Bank National Association for paying agent/registrar services for City of Dallas registered debt obligations issued between August 1, 2005 and April 30, 2008 with an option to extend the term for two years at the same rate - Not to exceed \$70,875 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1586

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 34-43, were presented for consideration.

<del>Agenda item 34: Zoning Case Z034-176(NB)</del>	<b>[Considered individually]</b>
Agenda item 35: Zoning Case Z045-123(MM)	
Agenda item 36: Zoning Case Z045-133(RB)	
Agenda item 37: Zoning Case Z045-161(RB)	
Agenda item 38: Zoning Case Z045-184(WE)	
Agenda item 39: Zoning Case Z045-189(MM)	
Agenda item 40: Zoning Case Z045-193(RB)	
Agenda item 41: Zoning Case Z045-194(RB)	
<del>Agenda item 42: Zoning Case Z045-151(RB)</del>	<b>[Considered individually]</b>
<del>Agenda item 43: Zoning Case Z045-166(DW)</del>	<b>[Considered individually]</b>

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.

Polita Fleming, 5840 Emrose Terrace, regarding zoning case Z045-133(RB)

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

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

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1587

Item 34: Zoning Case Z034-176(NB)

The consent zoning docket, consisting of agenda items 34-43, were presented.

Councilmember Oakley requested that consent zoning docket item 34 be removed from the consent zoning docket, to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 34 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Oakley's request.

Later in the meeting, consent zoning docket item 34 was brought up for consideration.

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

A public hearing was called on zoning case Z034-176(NB), a city plan commission authorized hearing to determine proper zoning on property zoned an R-7.5(A) Single Family District and a small portion of Conservation District No. 1, the King's Highway Conservation District, in an area generally bounded by Interstate 30, Sylvan Avenue, Stewart Drive and Plymouth Road and an ordinance granting a Conservation District

(The city plan commission recommended approval, except for the property east of Sylvan Avenue.)

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

Joyce Sellars, 1614 Nob Hill Rd.

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

Patrick LaRocco, 1001 N. Clinton Ave.

Karen Parks, 1220 Lausanne Ave.

Pete Peabody, 1024 Knott Pl.

Jerry Sanchez, 1218 N. Clinton Ave.

Jan Doherty, 1122 N. Edgefield Ave.

Susan Besser, 1114 N. Edgefield Ave.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-1587

Page 2

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

1. Delete "Mission" style as a contributing style from sub-area #2; and
2. Add in the "escarpment lot fencing" language to sub-area #3 to reflect the "escarpment lot fencing" language in sub-area #1"; and pass the ordinance.

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza absent; Miller abstain; Greyson absent when vote taken)

Assigned ORDINANCE NO. 25984.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1588

Item 35: Zoning Case Z045-123(MM)

An application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an R-7.5(A) Single Family District, on the southwest corner of Skyline Drive and S.E. 14th Street and a resolution accepting deed restrictions volunteered by the applicant

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25985.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1589

Item 36: Zoning Case Z045-133(RB)

An application for and an ordinance granting a Specific Use Permit for the sale and service of alcoholic beverages in conjunction with a restaurant use on property zoned an RR-D-1 Regional Retail District with the D-1 Liquor Control Overlay, on the south line of R. L. Thornton Freeway, east of St. Francis Avenue

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25986.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1590

Item 37: Zoning Case Z045-161(RB)

An application for and an ordinance granting a Planned Development District for TH-3(A) Townhouse District Uses on property zoned a CR Community Retail District, on the southeast corner of Belmont Avenue and Summit Avenue with consideration given to a TH-3(A) Townhouse District

The city plan commission recommended approval, of a Planned Development District for TH-3(A) Townhouse District uses, subject to a development plan, landscape plan, and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25987.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1591

Item 38: Zoning Case Z045-184(WE)

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 Planned Development District No. 619 for mixed uses in an area bounded by Lane Street, Jackson Street, Browder Street and Commerce Street

(The city plan commission recommended approval, for a six-year period, subject to a site plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25988.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1592

Item 39: Zoning Case Z045-189(MM)

An application for and an ordinance granting a Specific Use Permit for an open enrollment charter school on property zoned an NS(A) Neighborhood Service District and an R-7.5(A) Single Family District, on the southwest corner of Ann Arbor Avenue and Fernwood Avenue

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 15989.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1593

Item 40: Zoning Case Z045-193(RB)

An application for and an ordinance granting a Specific Use Permit for the placement of fill material on property zoned Planned Development District No. 599 for MF-1(A) Multifamily District Uses, south of the south line of Clarkridge Drive, east of Clark Road

(The city plan commission recommended approval, for a period ending one month after passage of the ordinance granting the use, subject to a site plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25990.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1594

Item 41: Zoning Case Z045-194(RB)

An application for and an ordinance granting a new subarea within the Area 2 portion of Planned Development District No. 316, the Jefferson Area Special Purpose District, to permit an open-enrollment charter school by Specific Use Permit, and an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school, on the north line of Twelfth Street, between Madison Avenue and Bishop Street

(The city plan commission recommended approval of a new subarea within the Area 2 portion of Planned Development District No. 316, subject to conditions, and approval of a Specific Use Permit for an Open-enrollment charter school for a ten-year period, with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NOS. 25991 & 25992.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1595

Item 42: Zoning Case Z045-151(RB)

The consent zoning docket, consisting of agenda items, 34-43, were presented.

Councilmember Lill requested that consent zoning docket item 42 be removed from the consent zoning docket, to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 42 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Lill's request.

Later in the meeting, zoning consent docket item 42 was brought up for consideration.

A public hearing was called on zoning case Z045-151(RB), an application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 1374 on property zoned Conservation District No. 6, the Hollywood/Santa Monica Conservation District, on the northeast corner of Tenison Memorial Road and Lindsley Drive with consideration given to amending the permitted use from a public school to an open-enrollment charter school or private school

(The city plan commission recommended approval, subject to a site/landscape 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 the consent zoning case Z045-151(RB):

William Hopkins, 2011 Leath St.

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

Under item #10 "Hours of operation", Section B., amend to read; "Proposed Tract" on the attached site/landscape plan may only take place between 7:00 a.m. and 6:00 p.m., Monday through Friday; and pass the ordinance.

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

Assigned ORDINANCE NO. 25993.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1596

Item 43: Zoning Case Z045-166(DW)

The consent zoning docket, consisting of agenda items, 34-43, were presented.

Councilmember Greyson requested that consent zoning docket item 43 be removed from the consent zoning docket, to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 43 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection to Councilmember Greyson's request.

Later in the meeting, consent zoning docket item 43 was brought up for consideration.

A public hearing was called on zoning case Z045-166(DW), an application for an NO(A) Neighborhood Office District on property zoned an R-7.5(A) Single Family District on the southwest corner of Midway Road and Timberglen Road with consideration being given to a Planned Development District for R-7.5(A) Single Family District uses plus a library and an ordinance granting the Planned Development District.

(The city plan commission recommended approval, of a Planned Development District on a portion of the site subject to a development plan and conditions.)

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, with the following changes:

1. SEC. 51P-726.104, "Development Plan," is changed to read as follows:  
"Development and use of the Property must comply with the development plan (Exhibit 726A). In the event of a conflict between the text of this article and the development plan, the text of this article controls."
2. Subsection (b) of SEC. 51P-726.110, "Screening," is changed to read as follows:  
"(b) For a public library use, a hedge consisting of evergreen plant materials capable of reaching three feet in height within three years of planting must be provided to screen street frontages and parking spaces along the southern boundary of the Property, as shown on the development plan"; and pass the ordinance.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-1596

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Motion seconded by Councilmember Blaydes and unanimously adopted. (Loza absent)

Assigned ORDINANCE NO. 25994.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1597

Item 44: Public Hearing - Z034-112(MF/DW)

A public hearing was called on zoning case Z034-112(MF/DW), an application for and an ordinance granting a Specific Use Permit for a Refuse Transfer Station on property zoned an IM Industrial Manufacturing District, on the northwest side of Childs Street, northeast of Pontiac Street.

(The city plan commission recommended approval for a five-year period with eligibility for automatic renewals for additional five-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.

Councilmember Lill moved to postpone consideration of the application 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 Garcia and unanimously adopted. (Loza absent; Greyson absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1598

Item 45: Public hearing - Z045-140(MM)

A public hearing was called on zoning case Z045-140(MM), an application for a Planned Development District for TH-3(A) Townhouse District uses on property zoned a D(A) Duplex District, south of Winton Street, north of Ellsworth Avenue and west of McMillian Drive.

(The city plan commission recommended denial.)

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

Brett Bruchmiller, 4809 Cole Ave.

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

Burt Zinser, 5502 Anita St.  
Joyce Vandermark, 5450 Anita St.  
Holly Kuper, 5522 Anita St.  
Sally Garcia, 5623 Anita St.  
Chelsea Brown, 5327 Ellsworth Ave.  
Joe Chatham, 5418 Ellsworth Ave.

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

“To deny without prejudice”.

Motion seconded by Councilmember Garcia and unanimously adopted. (Loza absent)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1599

Item 46: Public Hearing - Z045-141(WE)

A public hearing was called on zoning case Z045-141(WE), an application for a Planned Development Subdistrict for MF-3 Multiple-family Subdistrict uses on property zoned an MF-2 Multiple-family Subdistrict, within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west line of Cole Avenue, between Hester Avenue and Monticello Avenue.

(The city plan commission recommended denial.)

Deleted on the addendum.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1600

Item 47: Public Hearing – Sign Code Amendment SPSD 045-005

A public hearing was called on sign code amendment SPSD 045-005, a proposal to consider amendments to the Downtown Special Provision Sign District to (1) renew and amend the "Supergraphic" provisions set to expire on September 12, 2005; (2) create additional categories of signs; and (3) consider additional amendments

(The city plan commission recommended approval of renewal of, and amendments to, the supergraphic provisions of the Downtown Special Provision Sign District.)

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

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

Michael Anderson, 1200 Ross Ave.

Councilmember Finkelman moved to close the public hearing, accept the recommendation of the city plan commission for approval.

Motion seconded by Councilmember Garcia.

Councilmember Blaydes asked Councilmember Finkelman if she would accept a friendly amendment to her motion to extend the expiration date of three years instead of two years as stated in the Supergraphic ordinance.

Councilmember Finkelman accepted the friendly amendment as a part of her motion. Councilmember Garcia, who seconded the original motion, also accepted the amendment.

After discussion Mayor Miller called the vote on Councilmember Finkelman's motion as modified by the friendly amendment.

Mayor Miller declared the motion as modified by the friendly amendment, unanimously adopted. (Loza absent; Salazar, Chaney absent when vote taken)

Assigned ORDINANCE NO. 25995

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1601

Item 48: Public Hearing – Sign Code Amendment SPSD 045-007

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

A public hearing was called on sign code amendment SPSD 045-007, a proposal to consider amendments to the Deep Ellum/Near East Side Special Provision Sign District to renew and amend the Wallscape Sign provisions, set to expire on July 1, 2005, which allow wallscape signs to be placed on buildings greater than 80 feet in height

(The city plan commission recommended approval.)

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

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

Jim Rogers, 3208 Trevolle Pl.

Councilmember Greyson moved to close the public hearing, accept the recommendation of the city plan commission for approval.

Motion seconded by Councilmember Lill and unanimously adopted. (Miller, Rasansky abstain; Loza absent)

Assigned ORDINANCE NO. 25996

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1602

MISCELLANEOUS HEARING

Comcast of Dallas, L.P., dba Comcast

- Item 49. \* A public hearing to receive citizens' comments regarding the establishment of approved basic service tier and equipment rates for cable television services provided by Comcast of Dallas, L.P., dba Comcast - Financing: No cost consideration to the City
- Item 50. \* An ordinance establishing maximum rates to be charged by Comcast of Dallas, L.P., dba Comcast, for basic service tier, installation, and equipment - Financing: No cost consideration to the City

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 Greyson moved to close the public hearing and pass the ordinance.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Griffith abstain; Loza absent; Miller, Chaney absent when vote taken)

Assigned ORDINANCE NO. 25997.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1603

MISCELLANEOUS HEARING

Item 51. A public hearing to receive citizens' comments, and an ordinance 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-sponsored youth programs in compliance with State law - Financing: No cost consideration to the City

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

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

Assigned ORDINANCE NO. 25998.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1604

05-1631

Item 52: 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 25, 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 Salazar 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 Chaney and unanimously adopted. (Loza absent)

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

**05-1631 PLA PERMIT AND LICENSE APPEAL BOARD**

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1605

Item 53: 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 secretary distributed a report showing all nominations and re-nominations for the 2004-2006 board term to the DART Board.

Councilmember Thornton Reese moved to re-appoint Terri Adkisson, Beatrice Alba Martinez and Lafayette "Faye" Wilkins (Shared member with Cockrell Hill, Glenn Heights and Plano) to the DART Board for a term to expire July 1, 2006.

Motion seconded by Councilmember Oakley and unanimously adopted. (Loza absent)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1606

Item 54: Authorize hardship relief for property located at 2445 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 Rasansky and unanimously adopted. (Loza absent; Hill, Greyson absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1607

Item 55: Authorize hardship relief for property located at 3027 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 Blaydes and unanimously adopted. (Loza absent; Hill Greyson absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1608

Southport Center

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

- Item 56.       \*            Authorize a real property tax abatement agreement with The Dallas Morning News, L.P. for the purpose of granting a ten-year abatement of 90 percent of the taxes on added value to the real property for the development of Phase I, a 110,000 square foot building, and Phase II, a 207,000 square foot building, at Southport Center in Enterprise Zone 3 - Revenue: First year tax revenue estimated at \$4,102; ten-year tax revenue estimated at \$283,345 (Estimated revenue forgone for ten-year abatement is \$2,550,113)

Councilmember Fantroy moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1609

Southport Center

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

Item 57.       \*            Authorize an infrastructure cost participation agreement with The Dallas Morning News, L.P. for public infrastructure to support the development of Phase I, a 110,000 square foot building, and Phase II, a 207,000 square foot building, at Southport Center in Enterprise Zone 3, in an amount up to 50 percent for the public improvements which will be publicly bid - Not to exceed \$1,300,000 - Financing: 1998 Bond Funds

Councilmember Fantroy moved to approved the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1610

- Item 58. Authorize an amendment to Resolution No. 05-1225, previously approved on April 13, 2005, to change the affordability from 126 of the units at 50% and below Area Median Family Income (AMFI) and 125 of the units at 60% and below AMFI to 251 of the units at 60% and below AMFI, in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the rehabilitation of 155 units for seniors and the new construction of 96 units for families for a total of 251 units called the Providence at UT Southwestern (now known as Providence Mockingbird) multifamily development to be located at 1893 West Mockingbird Lane - Financing: No cost consideration to the City

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

Councilmember Lill moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1611

- Item 59. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 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 Fire Station 35 Replacement project - \$480,000 - Financing: 2003 Bond Funds

The following individuals addressed the city council regarding the item:

Ross Coulter, 3843 Echo Brook Ln.  
Sue Hooks, 10026 Coppedge Ln.  
Anita Martinez, 3866 Beutel Ct.  
Anthony Cardillo, 10017 Coppedge Ln.  
Jimmie Garcia, 10010 Betty Jane Ln.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Salazar.

Councilmember Lill substituted for Councilmember Rasansky's motion a motion to deny the item.

Motion seconded by Councilmember Oakley.

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

Voting Yes: [3] Oakley, Greyson, Lill  
Voting No: [11] Miller, Hill, Garcia, Thornton Reese, Salazar, Chaney, Fantroy, Griffith,  
Blaydes, Finkelman, Rasansky  
Absent: [1] Loza

Mayor Miller declared the motion failed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-1611

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Mayor Miller called the vote on the original motion to approve the item:

Voting Yes: [11] Miller, Hill, Garcia, Thornton Reese, Salazar, Chaney, Fantroy, Griffith,  
Blaydes, Finkelman, Rasansky  
Voting No: [3] Oakley, Greyson, Lill  
Absent: [1] Loza

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1612

Closed Session

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

- Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K
- Erubiel Cruz, et al. V. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- Yvonne Gywn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K
- Victor Alvarado DeLeon v. City of Dallas, et al., Cause No. 3:02-CV-1097-K
- Jaime Chavez, et al. v. Mark DeLaPaz, et al., Cause No. 3:04-CV-0510-K
- Joy Everett & Patrick Grogan v. David Larsen, et al., Cause No. 3:04-CV-0192-K

Personnel (Section 551.074 T.O.M.A.)

- Discussion regarding the appointment, employment, duties and evaluation of Interim City Attorney, Thomas P. Perkins, Jr.

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.)

- Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K
- Erubiel Cruz, et al. V. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- Yvonne Gywn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K
- Victor Alvarado DeLeon v. City of Dallas, et al., Cause No. 3:02-CV-1097-K
- Jaime Chavez, et al. v. Mark DeLaPaz, et al., Cause No. 3:04-CV-0510-K
- Joy Everett & Patrick Grogan v. David Larsen, et al., Cause No. 3:04-CV-0192-K

Personnel (Section 551.074 T.O.M.A.)

- Discussion regarding the appointment, employment, duties and evaluation of Interim City Attorney, Thomas P. Perkins, Jr.

No other matters were discussed during the closed session.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1613

Briefing

Discussion of City Attorney search and appointment

No briefing was held.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1614

Addendum addition 1: Authorize a thirty-six-month price agreement for emergency lights, parts and audible warning devices for emergency response equipment with the lowest responsible bidders of eight, G.T. Distributors, Inc. in the amount of \$232,328, Wistol Supply, Inc. in the amount of \$145,388, Earl Owen Company, Inc. in the amount of \$57,600, Midway Auto Supply, Inc. in the amount of \$17,040, and Cop Stuff in the amount of \$49,820 - Total not to exceed \$502,176 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1615

Addendum addition 2: Ratify emergency repairs to the electrical chiller starter in the Plant One mechanical room at the Dallas Convention Center - Alman Construction Services, L.P. - \$62,237 - Financing: Convention and Event Services Capital Construction Funds (\$31,119 to be reimbursed by CNA Insurance Company, Inc.)

Councilmember Rasansky 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 Rasansky's request.

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

Councilmember Rasansky moved to approve the item

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1616

Addendum addition 3: Authorize the event plan for a possible major sports celebration in honor of the Dallas Mavericks, on or about June 20, 2005, in accordance with "A Policy Statement for Major Sports Celebrations" previously approved on December 8, 1993 by Resolution No. 93-4570 - Financing: No cost consideration to the City

The city secretary announced that her office had received notice from the city manager requesting that addendum addition consent agenda item 3 be deleted from the agenda, but that the notice was received after the deadline for filing the notice as provided in Subsection 7.11 (c) of the City Council Rules of Procedure.

When the consent agenda was called up for consideration Councilmember Oakley moved, as part of the motion to approve the consent agenda, to take no action on addendum addition consent agenda item 3 at the request of the city manager.

The motion was seconded by Councilmember Salazar.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1617

Addendum addition 4: Authorize a three-fiscal-year settlement agreement for full payment of Emergency 9-1-1 Phase I and Phase II location implementation, maintenance fees, and release of further obligations by the City for future payment - Cingular Wireless, Inc. - \$2,999,878 - Financing: Current Funds (subject to annual appropriations)

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

Councilmember Rasansky moved to refer the item to the Finance and Audit Committee of the City Council.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1618

Addendum addition 5: An ordinance amending Chapter 30 of the Dallas City Code to **(1)** clarify and strengthen the City's noise regulations, **(2)** add regulations for automobile noise and vibrations, **(3)** regulate hours for construction activities; and, **(4)** create restrictions on the idling of commercial vehicles - Financing: No cost consideration to the City

The city secretary announced that Councilmember Finkelman 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

May 25, 2005

05-1619

Addendum addition 6: An ordinance amending in its entirety Chapter 17 of the Dallas City Code to adopt the Texas Food Establishment Rules published by the Texas Department of State Health Services, with local amendments; and to repeal obsolete City regulations relating to codeine preparations - Financing: No cost consideration to the City

Councilmember Finkelman requested that addendum addition consent agenda item 6 be considered as an individual item. Mayor Miller stated that addendum addition consent agenda item 6 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Finkelman's request.

Later in the meeting, addendum addition consent agenda item 6 was brought up for consideration.

Councilmember Finkelman moved to postpone the item until the June 8, 2005 voting agenda meeting of the city council.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1620

Addendum addition 7: Authorize a task agreement that modifies the previously executed cooperative agreement with the United States Department of Interior National Park Service to assist communities impacted by brownfields and other derelict land issues to improve their quality of life and encourage economic regeneration through the development and stewardship of park land, recreation areas, nature reserves, trail systems and other environmental improvements - 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 25, 2005

05-1621

Addendum addition 8: Public Hearing - Z034-316 (MM)

A public hearing was called on zoning case Z034-316 (MM) an application for and an ordinance granting an amendment to Planned Development District No. 311 for a Nursing Home, Retirement Housing, Office, Medical Clinic and Convalescent and Nursing Home, Hospice Care and Related Institutions on property south of Northwest Highway, west of West Lawther Road, north of Mockingbird Lane, and east of Brentcove Circle

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

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

Anne Carlson, 8318 Forest Hills Blvd.  
Michael Jung, 7143 Fisher Rd.  
Scott Sisnay, 7420 E. Northwest Hwy.

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

William Cothrum, 900 Jackson, representing the applicant.

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

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

Assigned ORDINANCE NO. 25999.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1622

Addendum addition 9:           A resolution appointing Mary K. Suhm as City Manager of the City of Dallas, and authorizing the City Manager's contract

Councilmember Thornton Reese moved to approve the appointment of Mary K. Suhm as City Manager.

Motion seconded by Councilmember Fantroy.

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

Voting Yes:   [11]   Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney, Fantroy, Blaydes, Finkelman, Greyson, Lill

Voting No:    [3]    Miller, Griffith, Rasansky

Absent:       [1]    Loza

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1623

Addendum addition 10:       An ordinance amending Chapters 51 and 51A of the Dallas City Code to encourage developers to dedicate the escarpment zone under their control to the City of Dallas as park land and to better define erosion control measures, and to clarify the roles of various departments with respect to development adjacent to the escarpment zoned areas - Financing: No cost consideration to the City

Councilmember Finkelman moved to approve the ordinance.

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

Assigned ORDINANCE NO.26000.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1624

Addendum addition 11: An ordinance amending Chapters 51 and 51A of the Dallas City Code, providing for municipal setting designations to prohibit use of groundwater in areas designated as contaminated - Financing: No cost consideration to the City

Councilmember Finkelman moved to approve the ordinance.

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

Assigned ORDINANCE NO.26001.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1625

Addendum addition 12: Authorize the City Manager to negotiate a comprehensive agreement with the Dallas Center for the Performing Arts Foundation for the development and operation of a first-class multi-venue performing arts complex consisting of the Winspear Opera House, the Wylie Theater, the Grand Plaza, a 600-space underground parking garage, Annette Strauss Artist Square and supporting infrastructure - Financing: No cost consideration to the City

Councilmember Lill moved to approve the item.

Motion seconded by Councilmember Garcia.

Councilmember Finkelman asked Councilmember Lill if she would accept a friendly amendment to her motion to amend paragraph 3A of the Term Sheet attached to and incorporated into the resolution (said paragraph appearing at page 3 of the resolution) to delete the general term "energy efficiency" appearing at the end of that paragraph, and replace it with the more specific requirement of "LEEDS Silver Certification."

Councilmember Lill accepted the amendment as part of her motion.

Councilmember Garcia who seconded the original motion, also accepted the amendment.

After discussion, Mayor Miller called the vote on Councilmember Lill's motion as modified by the friendly amendment.

Mayor Miller declared the motion as modified by the friendly amendment, unanimously adopted. (Loza absent; Hill, Greyson absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1626

Addendum addition 13: Authorize an amendment to the 2005 City Council Calendar to cancel Council Committee Meetings previously scheduled for June 20, 2005 and June 27, 2005 - Financing: No cost consideration to the City

Councilmember Garcia moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1627

**Note:** Item Nos. 14,15, & 16 must  
be considered collectively.

**One Arts Plaza**

- Addendum addition 14.       \*
- Authorize a tax abatement with Billingsley Arts Partners, Ltd. and 7-Eleven, Inc. at One Arts Plaza downtown in the northeast corner of the expanded Arts District for the purpose of granting a ten-year abatement of 90 percent of the taxes on the value of commercial real property improvements - Revenue: First year tax revenue estimated at \$37,200; ten-year revenue estimated at \$372,000 (Estimated revenue foregone for ten-year abatement is \$3,352,000)

Councilmember Lill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1628

**Note:** Item Nos. 14,15, & 16 must be considered collectively.

**One Arts Plaza**

- Addendum addition 15.      \*      Authorize an economic development grant agreement with Billingsley Arts Partners, Ltd. And 7-Eleven, Inc. in a total amount not to exceed \$1,450,000 pursuant to Public/Private Partnership Program guidelines and criteria - \$250,000 (first year) – Financing: Public/Private Partnership Funds (\$1,200,000 subject to future annual appropriations)

Councilmember Lill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 25, 2005

05-1629

**Note:** Item Nos. 14,15, & 16 must be considered collectively.

**One Arts Plaza**

Addendum Addition 16.

- \* Authorize a fifteen-year economic development grant agreement based on added value to real property located at One Arts Plaza with Billingsley Arts Partners, Ltd. and 7-Eleven, Inc. pursuant to Public/Private Partnership Program guidelines and criteria - \$200,000 (Estimated first year funding for Chapter 380 grant in 2008) - Financing: Public/Private Partnership Funds (subject to future annual appropriations)

Councilmember Lill moved to approve the item.

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

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MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, MAY 25, 2005

EXHIBIT C

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